



MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 16th September 2008
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Peter Madigan

Acting Chief Executive Officer

Date: 19th September 2008

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(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.	
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1.0 DECLARATION OF OPENING

The Deputy Mayor, Councillor Wolfe, declared the meeting open at 7.00pm.

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

Deputy Mayor -	D Wolfe
Councillors -	NE Williams
	R Paver
	EK Stanton
	G Kidman
	D Price
	CA Morris
	R Buegge
	D Wiseman
	J Matla
	WP Madigan
Acting Chief Executive Officer (Executive Director Corporate & Community Services)	
Acting Executive Director Works & Services	P Brown
Manager Planning and Ranger Services	G Bride
Corporate Governance Coordinator (Minutes)	S Jamieson

Approximately 20 members of the public were in attendance and 2 media representatives.

Apologies/Leave of Absence:

Mayor	MJ Evans, JP
Councillor	J Bostock
Councillor	J Walker
Executive Director Development Services	R Fenn

3.0 OPENING PRAYER

The Deputy Mayor asked all to be upstanding and requested Councillor Wiseman to 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.

- **Allan Smallwood, Littlegrove**

Mr Smallwood addressed Council in regards to Item 12.8.2 - Recommendation 3 – Community Supporting and Recreation Facilities Fund (CSRFF) Applications.

Mr Smallwood spoke against the recommendation of the committee detailed at part 2 subparagraph ii) of Recommendation 3 as it doesn't fully support the long term goals of the Sharks Football Club.

Mr Smallwood requested that the City build a facility at Collingwood Park for the Sharks Football Club that they could utilise for the next three years; and then facilitate the relocation to a proposed facility in the recreational area to the north of ALAC building.

Item 5.0 continued

- **Mr Tony Demarteau**

Mr Demarteau addressed Council in regards to Item 14.4.1 – Nominations and Appointment of Elected Members to Committees carrying vacancies and the establishment of a Sister City relationship with the City of Peronne, France.

The following details Mr Demarteau's submitted document and address:

Mayor and Councillors, my name is Tony Demarteau, and I live at 24 Lorenzo Way Albany.

I wish to ask questions in relation to Item 14.4.1 Nominations and Appointment of Elected Members to Committees Carrying Vacancies, and also wish to comment on the proposal to send a delegation to the City of Perone.

I note that item 14.4.1 refers to Councillor Williams resigning as the elected representative on the five committee's detailed. Are the electors and ratepayers able to be advised as to the reasons for Councillor Williams resigning from these committees, or is that matter confidential, as I note that no reason is given in the agenda item? Also are the sitting fees of \$7,000.00 per year paid to each councillor reduced or maintained if they step back from committees?

In relation to the proposal to consider sending a delegation to Perone for the 90th Anniversary of Armistice Day to sign a Friendship Agreement, I encourage all councillors to give their full support to sending at least the Mayor of Albany to Peronne.

At your council meeting of 15th July 2008 a motion was passed that read:

THAT the Mayor writes to the Mayor of Peronne, France to express an interest in establishing a Sister City Relationship based on military heritage.

To honour this commitment set down at the meeting of the 15th July the Mayor of Albany should attend Peronne, as invited by the Mayor of Peronne, for the establishment of a formal Civic Affiliation. This major step will be good for Peronne, and will be exceptional for Albany. It is things like this that help tremendously in the promotion of our wonderful city to the world. This can only be nothing but good for our tourism industry, and will further our recognition in the whole story of ANZAC.

Thank you

Tony Demarteau

The Deputy Mayor replied: Personal reasons and Councillor fees are still maintained.

Item 5.0 continued

- **Mr Tony Harrison, Little Grove**

Mr Harrison addressed Council on the dumping of dredging soil by the Albany Port Authority. The following details Mr Harrison's submitted address:

COUNCILLORS & EXECUTIVE OFFICERS

Earlier this year the City of Albany voted 8 – 4 for an independent assessment on the proposal of the Port of Albany to dump dredging spoil (sand) at its two proposed dump sites: just off Bald Head or at the entrance to King George Sound.

The Port of Albany has only come up with two options for the sand dumping. I feel this is not good enough for a number of reasons. As I have said in my submissions to the EPA, DPI, COA, POA and Grange, there is too much to lose environmentally and financially for the COA and the businesses that operate in and around King George Sound and the Southern Ocean.

When I spoke to the Minister for the Environment and Climate Change earlier this I presented to him a number of options. These are:

- 1 Take the sand further out to sea, which can be done. The POA will argue that it will be too dangerous for a fully loaded dredge to go out in the ocean when a big swell is running. The simple solution is to reduce the load to suit the swell conditions. If it takes longer, too bad. At least King George Sound will be protected from sand moving, and our underwater eco systems will be protected.
- 2 Stockpile the sand at a land base site or sites. The estimated volume is 250 hectares by 5 metres high, or 125 hectares by 10 metres high. Dump sites can be found.
- 3 Repair Emu Point, put back our beach and remove the breakwater and groyne. It can be done and it will work. The amount of sand for this option is only a small portion of what will be dredged, the rest can be used in off shore disposal or landfill.

As I said to the Environmental Minister, this option may sound a bit far-fetched and thinking to the future, but we have to do it eventually and there's no time like the present, especially when we have the opportunity with equipment and material.

The Minister and Council are aware that climate change is happening. We need to be prepared for sea levels to rise with predicted storm surges, high tides, etc. These will cause problems for low-lying areas such as Oyster Harbour and Princess Royal Harbour.

As the City of Albany is allowing or proposing more development around Princess Royal Harbour, you should be aware that this development is only just above sea level at high tides now. It's not going to take much more for the water to flood Robinson, Little Grove and Big Grove, and areas of Oyster Harbour.

Therefore a 1.5m to 2m high sand dune and a small beach should be constructed on all the low-lying shorelines of Princess Royal Harbour and Oyster Harbour. These sand dunes will not block out any views if built properly, and coastal vegetation will stabilise the sand. Designing the beach properly will stop any erosion from the sand dunes during storm surges and high tides.

The City of Mandurah is already in the process of designing a plan for weather change or flooding for its many canal subdivisions, which are all in low-lying old wetland areas.

Item 5.0 continued

- 4 The building of the woodchip berth, and in future the Grange Resources development, has been detrimental to the flushing of Princess Royal Harbour. The water flushing dynamics of Princess Royal Harbour has been changed. This has caused the harbour to get shallower in the western and eastern ends. There will be problems around the new marina inside and out. There is also sand accumulating at Ellen Cove. The Port of Albany should be held accountable for these changes.

Islands should be constructed around the western end of Princess Royal Harbour creating sanctuaries for the wild life. These islands only need to be approximately 1.5m high with internal wetlands or tidal lakes for the birds, etc. This can be done, and can be designed to protect the foreshore from Robinson round to the Yacht Club from any wave deflection that will occur if the Port of Albany builds the new port for Grange.

Dredging spoil can be used to create these islands. It may cost more now, but think how much money it will save in the future. If development was done properly at Whale World, Emu Point and many other developments around our coast we wouldn't be wasting millions of dollars on band aid attempts to fix erosion problems.

If the new Government and Albany Council are aware of climate change and serious about doing the right thing, then let's see some positive proposals and action. It must be done now for future and benefit of Albany's people, environment and wildlife.

Tony Harrison



16-9-08.

The Deputy Mayor moved from the Chair to address Item 19.1 immediately after Public Question Time.

Council agreed unanimously.

19.0 CLOSED DOORS

ITEM 19.0 – CLOSED DOORS

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR MATLA

THAT Council meet behind closed doors to consider CONFIDENTIAL item 19.1 - Chief Executive Officer Performance Appraisal Committee Meeting Minutes – 2nd September 2008 in accordance with 5.23 (2)(a)(b)(c) of the Local Government Act 1995; being:

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

MOTION CARRIED 9-1

Members of the public gallery and media vacated the Council Chamber at 6.20pm.

The Executive Directors Corporate and Community Services (EDDCS), Mr Peter Madigan, declared a Financial Interest in Item 19.1. and left the Chamber.

The Nature of Mr Madigan's interest is that he is a potential applicant.

Item 19.1 was considered behind closed doors.

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR STANTON

THAT Council open the meeting to the public.

MOTION CARRIED 10-0

The meeting was reopened to the public at 7.30pm.

EDCCS, Mr Madigan, returned to the Chamber at 7.31pm.

The Deputy Mayor, Councillor Wolfe, read the decision of the Council made behind closed doors.

ITEM 19.1 – RECOMMENDATION 1

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

THAT the minutes of Chief Executive Appraisal Committee meeting held on the 2nd September 2008 be received, and the following recommendation be adopted:

Item 4.1 – Appointment & Remuneration of Acting CEO

THAT Council:

- i) APPOINT Peter Madigan, Executive Director Corporate & Community Services to the position of Acting Chief Executive Officer from Monday 15/09/08 until a new Chief Executive Officer commences employment; and**
- ii) AUTHORISE a remuneration package for the Acting CEO comprising the same level of salary and superannuation as the current CEO, namely 12.5% superannuation and \$184,786 pro rata for the duration of the acting position only.**

MOTION CARRIED 10-0

ITEM 19.2 – RECOMMENDATION 2

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

Item 4.2 – Amendments to Chief Executive Officer Position Description

THAT Council APPROVE amendments to the position description for the Chief Executive Officer role such that:

- i) The position objectives be expanded to include the additional objective “to build and maintain effective relationships with key stakeholders to achieve Council objectives”;**
- ii) The key responsibilities include the additional requirement “to lead the growth and development of employees and ensure effective succession planning is undertaken”, and that the requirements relating to the website and motivation of staff be deleted; and**
- iii) The key requirements of the job to include:**
 - a) Strong strategic management skills with demonstrated ability to design, develop and implement strategies to achieve successful outcomes,**
 - b) Demonstrated computer literacy including working knowledge of PC networks operation and MS suite of software, particularly MS Word, MS Outlook and MS Excel; and**
 - c) Demonstrated ability to build and maintain relationships with key stakeholders to achieve organisational outcomes.**

MOTION CARRIED 10-0

ITEM 19.1 – RECOMMENDATION 3

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR PRICE**

Item 4.3 – Selection Criteria

THAT Council APPROVE the following selection criteria for the recruitment of Chief Executive Officer Role:

Essential:

- i) Extensive experience in a senior management role within Local Government or, as a senior executive in the commercial or public sector.**
- ii) Extensive strategic corporate planning, policy formulation and change management experience.**
- iii) Strong understanding of sustainable land use planning and effective environmental management.**
- iv) Extensive involvement in the management of human and financial resources.**
- v) Highly developed communication, negotiation, presentation and interpersonal skills with a demonstrated ability to build and maintain effective relationships with key stakeholders to achieve organizational outcomes.**
- vi) Strong team building and leadership skills with a high commitment to the attainment of corporate objectives.**
- vii) Awareness and understanding of the political processes and legislation, that impacts on the public sector, including Local Government and Administrative law and meeting procedures.**
- viii) Sound knowledge of customer service and “best practice” strategies.**
- ix) High levels of integrity, accountability, confidentiality and commitment.**
- x) A tertiary qualification that compliments and recognises the demands of the role.**

Desirable:

- xi) An ability to initiate and promote innovative and flexible actions and processes within a rapidly changing social, economic and political environment.**

Experience and Knowledge:

- xii) Considerable experience in Local Government, Government or Business Management, in a Finance, Corporate Services or Administration area that has encompassed extensive financial management experience.**
- xiii) Extensive management and leadership experience in a senior role.**
- xiv) Strong experience in strategic planning, town planning and land use, policy development that includes implementation.**
- xv) Developed experience in HR management including recruitment and selection, training and development and industrial relations.**

Qualifications:

- xvi) Relevant tertiary qualifications and post graduate studies in Business, Commerce, and/or Administration.**

MOTION CARRIED 10-0

ITEM 19.1 – RECOMMENDATION 4

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR MORRIS

Item 4.4 CEO Contract and Salary Package

THAT Council AUTHORISE that:

- i) A five year contract of employment for the new Chief Executive Officer be offered; and**
- ii) A remuneration package totalling \$250,000, inclusive of superannuation, vehicle and cash components be negotiated with the successful candidate.**

MOTION CARRIED 10-0

ITEM 19.1 – RECOMMENDATION 5

MOVED COUNCILLOR MORRIS

SECONDED COUNCILLOR PRICE

Item 4.5 Scope of Advertising

THAT Council AUTHORISE:

- i) Recruitment advertisements for the position of Chief Executive Officer be placed in the following publications in one edition only...**
 - a. West Australian Newspaper (Professional Appointments section) at a cost of \$3770 inc GST;**
 - b. Brisbane Courier Mail at a cost of \$5400 inc GST;**
 - c. Melbourne Age at a cost of \$4175 inc GST;**
 - d. The Local Government Jobs Directory at a cost of \$1331 inc GST; and**
- ii) The vacancy be listed on the following websites for two weeks for the total cost of \$500 plus GST.**
 - a. Seek Executive,**
 - b. Career one,**
 - c. My Career,**
 - d. Link Me, and**
 - e. CPA Australia websites**

MOTION CARRIED 9-1

ITEM 19.1 – RECOMMENDATION 6

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PAVER**

Item 4.6 Recruitment Process Timelines

THAT Council APPROVE that:

- i) The recruitment advertising process commence on the 20th September 2008; and**
- ii) The deadline for receipt of applications close at 5pm on Friday 3rd October 2008.**

MOTION CARRIED 10-0

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council Meeting held on the 19th August 2008**
as previously distributed be confirmed as a true and accurate record of proceedings.

ITEM 6.1

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR STANTON**

THAT the following minutes:

- Ordinary Council Meeting held on the 19th August 2008**

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

MOTION CARRIED 10-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE**ITEM 7.0**

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR PRICE**

THAT Council GRANT Councillor Price leave of absence for the 21st October 2008, Ordinary Council Meeting.

MOTION CARRIED 10-0

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item Number	Nature of Interest
Councillor D Wiseman	12.7.1	<u>Financial</u> . Councillor has a financial relationship with Albany Inbound as they manage Councillor's investment property. Councillor left the Chamber and did not participate in the debate or vote on this item.
Executive Director Corporate and Community Services – Peter Madigan	19.1	<u>Financial</u> . Officer is a potential applicant. Officer left the Chamber.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Note: Item 19.1 was dealt with immediately following Item 5.0 Public Question Time

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 14-]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

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

13.0 REPORTS – WORKS & SERVICES

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

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

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

Development Services

REPORTS

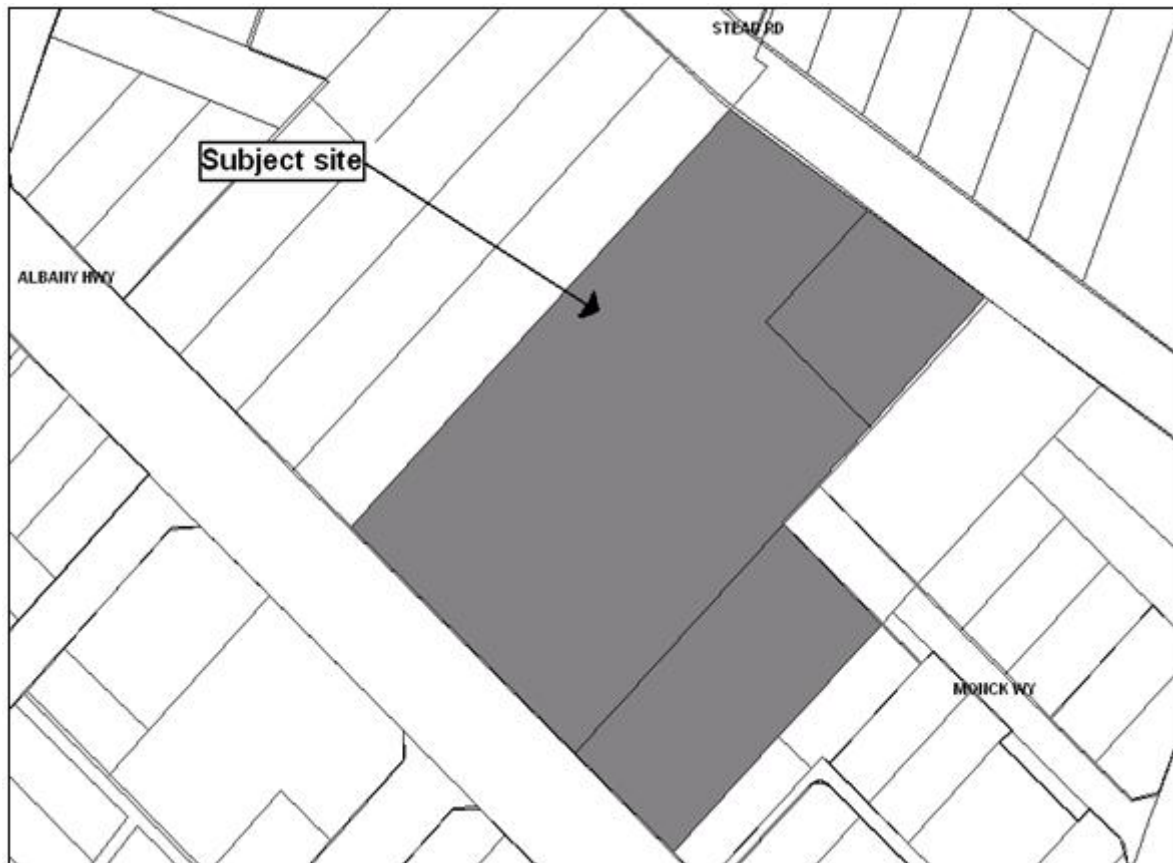
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application – Extensions to Bulky Goods Outlet / Warehouse 158-166 Albany Highway, Centennial Park

File/Ward	: A131108 (Frederickstown)
Proposal/Issue	: Bulky Goods Outlet / Warehouse – extensions
Subject Land/Locality	: 158-166 Albany Highway, Centennial Park
Proponent	: J Prestipino
Owner	: Stead Road Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (I Humphrey)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/03/07 – Item 11.1.6
Summary Recommendation	: Issue Planning Scheme Consent
Bulletin Attachment	: Site plans and statement from proponent
Locality Plan	:



DEVELOPMENT SERVICES REPORTS**BACKGROUND**

1. At its meeting dated 20 March 2007 Council considered an application for a Bulky Goods Outlet and Warehouse on 158-166 Albany Highway, Centennial Park and resolved:

“That Council supports the issuing of a Planning Scheme Consent for a ”Bulky Goods Outlet and Warehouse” at 160-166 Albany Highway, Centennial Park subject to acceptable revised plans being received and subject to, but not limited to, the following conditions being addressed in the revised plans or through conditions of approval:
A1 The satisfactory receipt of revised building plans and elevations showing:
 - a. *a setback of the south-eastern boundary wall of the 1st floor of Tenancy B2 back in line with the lower ground building wall.*
 - b. *Compliance with the plot ratio for the zone.”*
2. As per Condition A1 above, Council required that the development was to comply with the plot ratio for the zone, which is 0.5.
3. A new application has been received by the proponents for a ground floor extension to the two storey element accessed from Stead Road. The area, identified on the previously approved plans as informal outside storage/access way, is proposed to be partially enclosed, which will increase the floor area by 665sqm and thus the plot ratio to 0.534; which is over and above the maximum plot ratio of 0.5. There are also some minor changes to the previously approved plans relating to internal vehicular movements, provision of car parking and landscaping which are discussed within this report.

STATUTORY REQUIREMENTS

4. Under the City of Albany Town Planning Scheme No 1A (TPS1A) the use “Bulky Goods” and “Warehouse” is a “P” use within the “Other Commercial” zone in which this proposal is located.
5. The development standards for the zone are:

ZONES	MINIMUM LOT AREA (sq. metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAX PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MIN CAR PARKING SPACES	MIN LAND SCAPING (% of site)
				FRONT metres	REAR metres	SIDES metres		
OTHER COMMERCIAL	1000	20	0.5	9.0	7.5 where boundary abuts any Residential Zone	5 on one side	1 per 100m ² gross floor area or display area - minimum of 3	20

6. The new application does not meet the above criteria in relation to plot ratio (0.534 rather than 0.5) and landscaping provision (13.47% rather than 20%) and therefore the proposal was advertised in accordance with Clause 4.10 (Variations to site and development standards and requirements) of TPS1A, and at the close of advertising no comments were received.

DEVELOPMENT SERVICES REPORTS

POLICY IMPLICATIONS

7. The site does fall within the 'Central Albany Urban Design Policy' (April 2006) area, however the site is located within the Residential Policy Precinct, and therefore does not provide any specific guidance for commercial developments.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Priority Goals and Objectives:

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 1.5: Development...

- *responds to our unique historical and environmental values;*
- *embraces environmentally responsible approaches to energy and water consumption; and*
- *incorporates healthy lifestyle activities and access to green space.”*

City of Albany Mission Statement:

Nil.”

COMMENT/DISCUSSION

10. The new application proposes the following amendments to the plan originally approved by Council:
- Revised internal vehicular movements based on efficiency and safety purposes;
 - An increase in parking bays;
 - A slight reduction in the area of landscaping from 3027m² to 2626m² (15.53% to 13.47% of the site); and
 - The plot ratio being increased from 0.5 to 0.534, an addition of 665m².
11. The modifications above have resulted in an increase in the overall number of parking bays on the site (from 196 bays to 211 bays), which is sufficient for the additional floor space of 665m². The revised access-way will still accommodate suitable loading and unloading at the rear of the building.
12. The altered landscaping design will accommodate a 5 metre wide landscaped strip fronting Albany Highway and a 5-15 metre wide strip along Stead Road which will assist in breaking up the building bulk and provide for an attractive vista when viewed from these roads. The level of landscaping proposed would be superior in quality and quantity to the provision provided on other similarly zoned sites, and is therefore supported.

DEVELOPMENT SERVICES REPORTS

13. In relation to a relaxation of plot ratio, via the enclosing of the rear portion of the building, this area is essentially an undercroft within the existing footprint of the building. The proposal represents an overall 7% increase in gross floor space and is supported on the following basis:
- The extension will not be visible from the public domain;
 - It does not add to the bulk and scale associated with the existing built form; and
 - The number of car parking bays required under the Scheme are provided on site.
14. Should Council not wish to support the relaxations under the Scheme, the proponents would need to meet their existing conditions under Planning Scheme Consent 265596, and leave the undercroft area unenclosed and provide the equivalent amount of landscaping as approved. The minor modifications relating to internal vehicular access can be accommodated via the existing approval.

RECOMMENDATION

THAT Council issue a Notice of Planning Scheme Consent for extensions to the Bulky Goods Outlet and Warehouse at 158-166 Albany Highway, Centennial Park subject to the following condition:

- i) all runoff from impervious surfaces being contained within the property and disposed of, via a trapped sump within the property, by connection to the existing drainage system.

Voting Requirement Simple Majority

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ITEM 11.1.1

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR STANTON**

THAT Council issue a Notice of Planning Scheme Consent for extensions to the Bulky Goods Outlet and Warehouse at 158-166 Albany Highway, Centennial Park subject to the following condition:

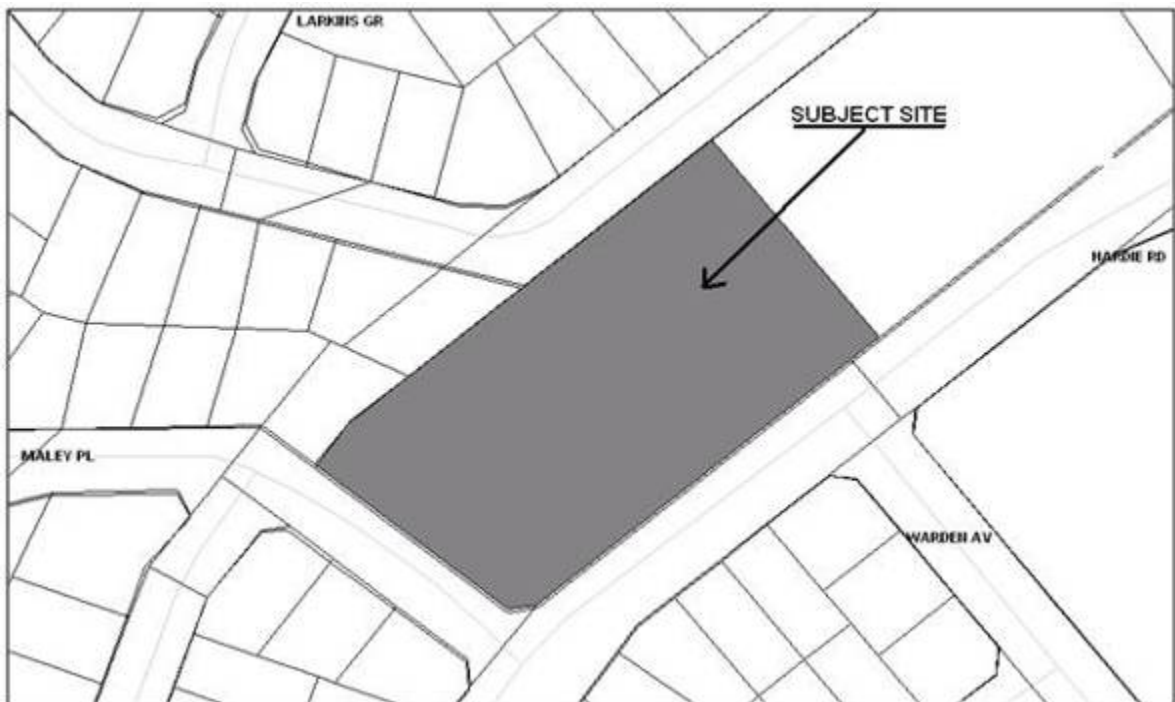
- i) all runoff from impervious surfaces being contained within the property and disposed of, via a trapped sump within the property, by connection to the existing drainage system.

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Nursing Home (Extensions) – 55 Hardie Road, Spencer Park

File/Ward	: A167002 (Breaksea Ward)
Proposal/Issue	: Extensions to existing Nursing home
Subject Land/Locality	: 55 Hardie Road, Spencer Park
Proponent	: TPG Town Planning and Urban Design
Owner	: Danvero Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (I Humphrey)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Approve, subject to conditions
Bulletin Attachment	: Site plans, elevations, neighbours comments and proponent's statement
Locality Plan	:



BACKGROUND

1. An application has been received for three separate extensions to an existing nursing home on Lots 1500 and 1499 (53-55) Hardie Road, Spencer Park known as the Clarence Estate. The Clarence Estate is currently a single storey aged care facility that caters for 86 residents including 32 extra service places. The existing facility sits on approximately 1.2ha of land and was constructed in 1999.

DEVELOPMENT SERVICES REPORTS

2. There are three main areas where extensions are proposed:
 - A "Multi-function Space" centrally located and to the north of the site with 18 additional car parking bays;
 - An additional nine bedrooms (12 beds) and twelve parking bays to the west of the site; and
 - An additional 23 beds to the north east of the existing structure.
3. The application is referred to Council for two reasons; being that the cost of construction exceeds the \$1.5 million permitted under Officer's delegation and minor relaxations to setbacks are proposed which are less than that prescribed in the Scheme. A detailed planning report was submitted with the application and is included in the Elected Member's Report / Information Bulletin.
4. The required setbacks under the Scheme are 11m (front) and 7.5m (rear) whereas the development proposes setbacks of 9.5m (front) and 4.6 to 7.3m (rear).

STATUTORY REQUIREMENTS

5. The site is zoned "Clubs and Institutions", of which a nursing home is an "AA" use, under Town Planning Scheme 1A (TPS1A). The development standards for the zone as set out by the scheme under Appendix III are as follows:

ZONE	MINIMUM LOT AREA (sq. mtrs)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAX PLOT	MINIMUM BOUNDARY SETBACKS			MINIMUM CARPARKING SPACES	MINIMUM LANDSCAPING (% of site)
				FRONT metres	REAR metres	SIDES metres		
CLUBS & INSTITUTIONS	2000	20	0.5	11.0	7.5	2 per	1 per 40m ² GFA	25

6. The use "Nursing and Convalescent Homes", is listed within Appendix IV of TPS1A, which provides more specific guidance on car parking rates being 1 bay per 4 beds, and that the proposal be connected to reticulated sewer.
7. The application requires a front and rear boundary setback, which has been advertised in accordance with 4.10 (Variations to site and development standards and requirements) of TPS1A, with one response being received.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The site is within an "Existing Urban" area and is adjacent to a "Major Public Purpose" area under the Albany Local Planning Strategy (ALPS).

DEVELOPMENT SERVICES REPORTS

11. Section 6.4.5 (Health) of ALPS states:
“To provide and promote health care facilities to cater for community needs and be located within or near major centres and connected to a major public transport system”
12. The ALPS states that health care areas such as aged and specialist care need strengthening, and suggests that a network of private clinics and health facilities should be encouraged across Albany to improve general access to health care providers.

COMMENT/DISCUSSION

13. This application was referred to the neighbouring properties, and an advertisement was placed in the newspaper, in line with the relaxations requested as part of the application. One letter of response was received from a neighbouring property, and a copy of their response is attached in the Elected Member's Report/Information Bulletin. The concerns raised by the neighbour, the response provided by the proponent and the recommendation of staff are contained in the below mentioned table:

Issue No.	Neighbour Concern	Proponent Response	Staff Recommendation
1	The intended height of the building in relation to privacy.	That they agree to increase the boundary screening to the North Eastern Elevation, to alleviate the overlooking and privacy issues raised by the neighbouring property.	The proponent's response is supported and can be controlled via a condition placed on the Planning Scheme Consent.
2	The ability of the current sewerage infrastructure to cope with the additional demand and the containment of water run-off and the current ability of stormwater infrastructure.	The containment of sewer and stormwater is a standard development requirement and will be controlled by conditions, requiring stormwater details and connection of the extension to sewer.	The proponent's response is supported, as both stormwater and connection to sewer will be requested as a condition of Planning Scheme Consent. The proponent would then need to ensure Council's requirements for stormwater, and the Water Corporations requirements for sewer, are met.
3	The verge should be cleared of native vegetation.	Clearing of vegetation in the road reserve is the responsibility of the City.	It is recommended that no clearing of vegetation in the verge be supported as part of this application. This issue is separate to the proposal at hand and can be negotiated with Council staff separately.
4	Access to the public should be restricted.	Owner is willing to provide a visually permeable fence that may provide a greater deterrence to children to use the site as a short-cut.	The proponent's response is supported and can be controlled via a condition placed on the Planning Scheme Consent.
5	Maintenance of vegetation.	Owner is willing to establish a maintenance regime in negotiation with neighbour.	No action is necessary and is an issue for both neighbours to negotiate on.

14. The proposal with the amendments, to satisfy the adjoining neighbouring property is considered acceptable by staff. Sufficient car parking, landscaping and open space has been provided within the application, and the reduced setbacks will have little impact on the character of the street-scene.

DEVELOPMENT SERVICES REPORTS

RECOMMENDATION

THAT Council issue a Notice of Planning Scheme Consent for “Nursing Home extensions” at 55 Hardie Road, Spencer Park subject to, but not limited to, the following conditions:

- i) details of the boundary and associated screening to the North elevation being submitted and approved by Council, prior to the issuing of a building licence;
- ii) the extensions are to be connected to reticulated sewer;
- iii) adequate fencing to the satisfaction of Council being provided to the area of landscaping shown in the North-East of the site adjacent to the proposed new N/W bedrooms;
- iv) 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 and be designed and certified by a practicing civil engineer; and
- v) the Lounge/Dining room window shown on the Northern Elevation of the proposed new N/W bedrooms being fixed closed and obscure glazed.

Voting Requirement Simple Majority

AMENDED OFFICER RECOMMENDATION

THAT Council issue a Notice of Planning Scheme Consent for “Nursing Home extensions” at 55 Hardie Road, Spencer Park subject to, but not limited to, the following conditions:

- i) Details of the boundary and associated screening to the North elevation being submitted and approved by Council, prior to the issuing of a building licence.
- ii) The extensions are to be connected to reticulated sewer.
- iii) Adequate fencing to the satisfaction of Council being provided to the area of landscaping shown in the North-West of the site adjacent to the proposed new N/W bedrooms.
- iv) 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 and be designed and certified by a practicing civil engineer.
- v) The Lounge/Dining room window shown on the Northern Elevation of the proposed new N/W bedrooms being fixed closed and obscure glazed.

Voting Requirement Simple Majority

ITEM 11.1.2 AMENDED OFFICER RECOMMENDATION

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

THAT Council issue a Notice of Planning Scheme Consent for “Nursing Home extensions” at 55 Hardie Road, Spencer Park subject to, but not limited to, the following conditions:

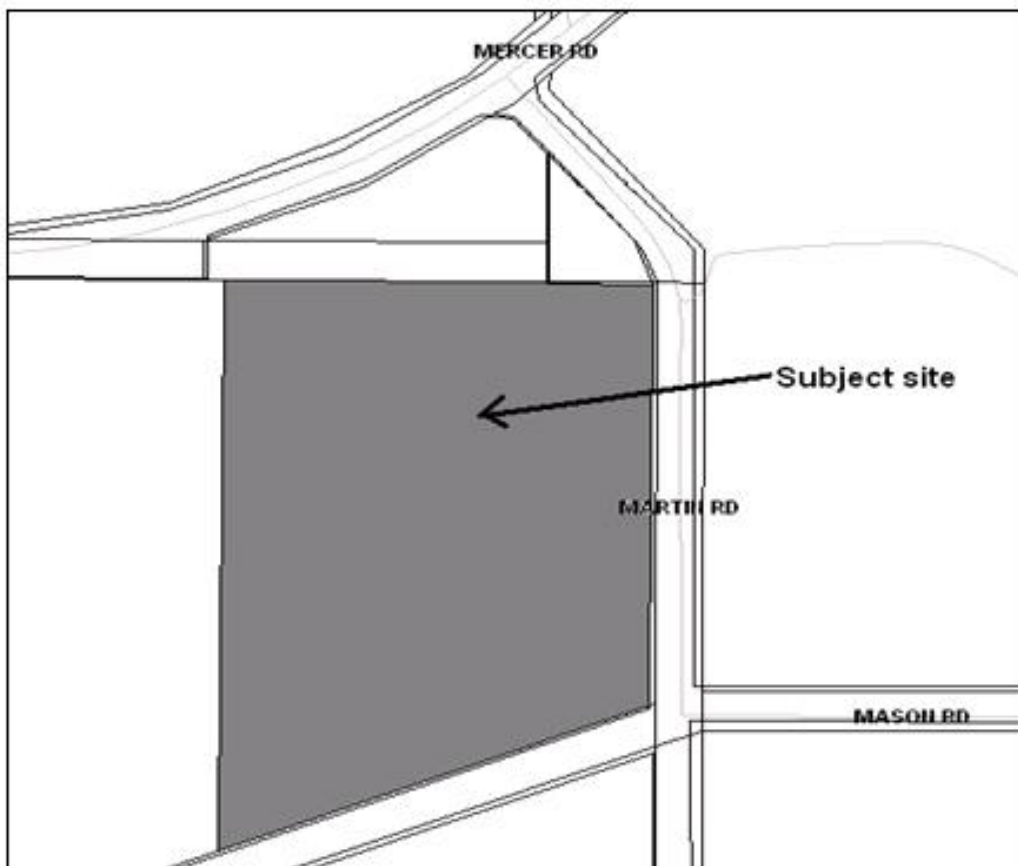
- i) Details of the boundary and associated screening to the North elevation being submitted and approved by Council, prior to the issuing of a building licence.**
- ii) The extensions are to be connected to reticulated sewer.**
- iii) Adequate fencing to the satisfaction of Council being provided to the area of landscaping shown in the North-West of the site adjacent to the proposed new N/W bedrooms.**
- iv) 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 and be designed and certified by a practicing civil engineer.**
- v) The Lounge/Dining room window shown on the Northern Elevation of the proposed new N/W bedrooms being fixed closed and obscure glazed.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Public Worship – Lot 2 (224) Mercer Road, Lange

File/Ward	: A44088 (Yakamia Ward)
Proposal/Issue	: Development of Public Worship (Church)
Subject Land/Locality	: Lot 2 (224) Mercer Road, Lange
Proponent	: Church of Christ
Owner	: WJ Stead and DL Hartmann
Reporting Officer(s)	: Senior Planning Officer (I Humphrey) & Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Approve with conditions
Bulletin Attachment	: Site plan and elevations Application
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. An application has been received to develop a Church for up to 240 people including children's ministry facilities and office space on Lot 2 (224) Mercer Road, Lange. A copy of the application can be found in the Elected Member's Report / Information Bulletin. The development is presented to Council due to the cost of construction exceeding \$1.5 million.
2. The proposed building is to be modelled on an existing structure recently completed in Northam, with elevations and floor plan included in the Elected Member's Report / Information Bulletin. The proposed building is to be approximately 30m by 35m in floor area and 9.5m high.

STATUTORY REQUIREMENTS

3. Under the City of Albany Town Planning Scheme No 3 (TPS3) the land use "Public Worship" means:

"Premises used for religious activities such as a church, chapel, mosque, synagogue or temple;"
4. The land use is a "P" permitted use within the "Rural" zone. Permitted is defined within TPS3 as:

"A use that is permitted under this scheme;"
5. As such Council cannot refuse the application and must approve the proposal subject to conditions as it sees fit in accordance with relevant scheme requirements which are discussed below in the Comments/Discussion section below.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The Albany Local Planning Strategy (ALPS) shows the land within the "Future Urban" growth area through Yakamia and Lange. The ALPS does not specifically address these types of community infrastructure/facilities.
9. The subject land is located north of the boundary associated with the Yakamia District Local Structure Plan (Cells A & B).

COMMENT/DISCUSSION

10. Given that the subject land and adjacent land is zoned "Rural" and there is presently no residential development adjoining or nearby the proposed site, staff requested additional information from the proponents regarding the reasons for selecting the site and its long-term suitability for their purposes and they have responded as outlined in their correspondence.

DEVELOPMENT SERVICES REPORTS

11. Clearly the Church sees the location as a long-term opportunity to relocate within the proposed Yakamia/Lange “Future Residential” area and acknowledge that all users of the facility will be required to travel to and from the premises. The Church also sees the building being able to be used by other organisations as the need may arise.
12. The proposal has been subject to internal referral and conditions relating to environmental health (sanitation, ventilation, ablutions, food preparation, public buildings, effluent disposal etc.) and engineering (sealing of Martin Road, stormwater disposal, access/egress point, parking and circulation and crossover etc.) have been recommended for inclusion on the approval.
13. The recommendation includes the conditions to be placed upon the approval.

RECOMMENDATION

THAT Council issues a Notice of Planning Scheme Consent for the use “Public Worship” at Lot 2 (244) Mercer Road Lange subject to the following conditions:

- i) the intersection treatment of Martin and Mercer Road being upgraded to the satisfaction of Council;
- ii) the upgrading and sealing of Martin Road to the property access/egress point;
- iii) the relocation of the access/egress point to provide acceptable vehicular sight lines.
- iv) the development shall be constructed of materials which blend with the natural landscape. Please note that unpainted zincalume, white and off white colours are not permitted;
- v) the crossover to be designed and constructed to the City’s requirements;
- vi) all runoff from impervious surfaces being contained within the property and disposed of to Council’s satisfaction;
- vii) 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;
- viii) all stormwater to be disposed of on-site and the collection and disposal system to be designed by a practising Civil Engineer to ensure no direct discharge and protection of the adjoining Yakamia Creek;
- ix) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair thereafter;
- x) a 60 bay on-site car parking area designed and constructed to the City’s requirements being provided on site to the satisfaction of Council;
- xi) the parking areas being illuminated to the reasonable satisfaction of Council during the hours of darkness when they are in use or might be sought to be used by patrons;
- xii) any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;
- xiii) 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; ;
- xiv) all land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter; and
- xv) the proponents providing written acknowledgement that the church activities will be undertaken in a rural area where existing rural land uses and activities may result in land use conflicts from these activities from time to time such as cropping/harvesting, spraying, burning etc.

Voting Requirement Simple Majority

ITEM 11.1.3

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR BUEGGE**

THAT Council issues a Notice of Planning Scheme Consent for the use “Public Worship” at Lot 2 (244) Mercer Road Lange subject to the following conditions:

- i) the intersection treatment of Martin and Mercer Road being upgraded to the satisfaction of Council;**
- ii) the upgrading and sealing of Martin Road to the property access/egress point;**
- iii) the relocation of the access/egress point to provide acceptable vehicular sight lines.**
- iv) the development shall be constructed of materials which blend with the natural landscape. Please note that unpainted zincalume, white and off white colours are not permitted;**
- v) the crossover to be designed and constructed to the City’s requirements;**
- vi) all runoff from impervious surfaces being contained within the property and disposed of to Council’s satisfaction;**
- vii) 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;**
- viii) all stormwater to be disposed of on-site and the collection and disposal system to be designed by a practising Civil Engineer to ensure no direct discharge and protection of the adjoining Yakamia Creek;**
- ix) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair thereafter;**
- x) a 60 bay on-site car parking area designed and constructed to the City’s requirements being provided on site to the satisfaction of Council;**
- xi) the parking areas being illuminated to the reasonable satisfaction of Council during the hours of darkness when they are in use or might be sought to be used by patrons;**
- xii) any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;**
- xiii) 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; ;**
- xiv) all land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter; and**
- xv) the proponents providing written acknowledgement that the church activities will be undertaken in a rural area where existing rural land uses and activities may result in land use conflicts from these activities from time to time such as cropping/harvesting, spraying, burning etc.**

MOTION CARRIED 9-1

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

Nil

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Amendment to Sloping Land Policy – Lots 1-6 Hillman Street, Spencer Park

File/Ward	: 243-07 (Breaksea Ward)
Proposal/Issue	: Applying the Sloping Land Policy controls to the subject land
Subject Land/Locality	: Lots 1 – 6 Hillman Street, Spencer Park
Proponent	: JAA Thompson
Owner	: JAA Thompson
Reporting Officer(s)	: Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Apply the Sloping Land Policy to the subject land
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. Council has received a written request from the landowner/subdivider requesting Council amend the existing Town Planning Scheme Policy for 'Sloping Land' by including the subject lots.
2. The inclusion of the lots within the Policy will complete two conditions of subdivision and will assist Council to control future residential development on the land.

STATUTORY REQUIREMENTS

3. Clause 7.21 of Town Planning Scheme No. 1A, gives Council the power to make a Town Planning Scheme Policy as follows:

"A Town Planning Scheme policy shall become operative only after the following procedures have been completed:

- (A) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (B) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (C) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours."*

4. The same procedure is required to amend the Policy. In this case, Council is required to advertise for public comment the proposed amendment to the Policy to include the subject lots within Schedule 1.

POLICY IMPLICATIONS

5. The Policy will be amended and adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme No. 1A.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. The Albany Local Planning Strategy (ALPS) supports the application of controls, guidelines and policies that result in '...good urban design outcomes.'

DEVELOPMENT SERVICES REPORTS**COMMENT/DISCUSSION**

8. The inclusion of the lots within the 'Sloping Land' Policy (following advertising for public comment and consideration of any submissions) will satisfy the City's requirements of the subdivision conditions for the land and reinforce the controls available under the Residential Design Codes.

RECOMMENDATION

THAT Council adopts for the purposes of advertising the revised Sloping Land Policy, to include Lots 1-6 Hillman Street, Spencer Park within Schedule 1 as detailed below, in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

Schedule 1

No	Locality	Lots
2	Spencer Park	Lots 1 – 6 Hillman Street as shown on Survey-Strata Plan 55029 (as per WAPC Survey-Strata Application 243-07)

Voting Requirement Simple Majority

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ITEM 11.3.1

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

THAT Council adopts for the purposes of advertising the revised Sloping Land Policy, to include Lots 1-6 Hillman Street, Spencer Park within Schedule 1 as detailed below, in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

Schedule 1

No	Locality	Lots
2	Spencer Park	Lots 1 – 6 Hillman Street as shown on Survey-Strata Plan 55029 (as per WAPC Survey-Strata Application 243-07)

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

ITEM 11.3.2 WAS WITHDRAWN FROM THE AGENDA BY THE APPLICANT.

**11.3.2 Final Approval of Town Planning Scheme Policy – Hawthorndene Design Guidelines
Lots 67, 68 & 69 Seymour Street, Mira Mar**

File/Ward	: 133330 (Breaksea Ward)
Proposal/Issue	: Design Guidelines for Hawthorndene House
Subject Land/Locality	: Lots 67, 68 & 69 Seymour Street, Mira Mar
Proponent	: Harley Survey Group
Owner	: JP & JA Raudino
Reporting Officer(s)	: Senior Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/5/2008 – Item 11.3.1
Summary Recommendation	: Adopt Final Town Planning Scheme Policy
Bulletin Attachment	: Submission Design Guidelines
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. Council at its 20 May 2008 meeting resolved to adopt a draft town scheme policy imposing Design Guidelines to protect the heritage listed 'Hawthorndene' house and seek comment from adjoining/nearby landowners and the public in accordance with scheme requirements.
2. At the conclusion of the comment period, 1 submission from the proponent on behalf of the landowner was received for consideration. The submission (copy included in the Elected Member's Report / Information Bulletin) is discussed in the Comment/Discussion section below.

STATUTORY REQUIREMENTS

3. Clause 7.21.1 of Town Planning Scheme No. 1A, gives Council the power to make a Town Planning Scheme Policy as follows:

"In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development."

4. Clause 7.21.2 of Town Planning Scheme No. 1A requires the procedure to be undertaken to make a Town Planning Scheme Policy operative:

"A Town Planning Scheme policy shall become operative only after the following procedures have been completed:

- (A) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (B) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (C) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours."*

Council has completed part (A) and now must proceed to part (B) and consider the submission received and then decide whether to finally adopt the draft etc.

POLICY IMPLICATIONS

5. The Policy will be a new Town Planning Scheme Policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme No. 1A.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

STRATEGIC IMPLICATIONS

7. The Albany Local Planning Scheme (ALPS) comments that *"It is important that heritage places are retained and future developments within the locality compliment these heritage features, as they add considerable value to the unique character of Albany and give residents a sense of community, which is recognised, by regional residents and tourists alike."* The ALPS supports the adoption of Design Guidelines to assist the City to preserve and protect an important part of Albany's built heritage. The ALPS also encourages the use of urban stormwater solutions that maximise natural drainage and manage surface run-off.
8. The Lower Great Southern Strategy (LGSS) has been prepared by the WAPC in conjunction with Local Governments to guide the development of the Albany region. The proposed Design Guidelines implement part of the recommendations by ensuring that the development protects and manages the built heritage values on the site.

COMMENT/DISCUSSION

9. Hawthorndene is recognised on the City's Municipal Heritage Inventory and also on the Heritage Council of WA State Register of Heritage Places and by the National Trust as a place of significant cultural heritage value. The Design Guidelines have been assessed and supported by the Heritage Council of WA to encourage sympathetic built development to occur within the vicinity of Hawthorndene. These will reinforce the Heritage Council's existing controls under the *Heritage of Western Australia Act 1990*.
10. The final adoption of the Design Guidelines is also required to satisfy a condition of subdivision for the above properties and will be used by Council to control planning of future developments on and adjacent to this heritage asset.
11. The submission contains a detailed history of previous subdivision applications for the property and advises of 2 previous unsuccessful negotiations to resolve connection to the City's stormwater drainage infrastructure in the surrounding streets. The proponents do not believe they can resolve the provision of a private easement to provide connection to the drainage infrastructure and request that Council include certain drainage provisions and measures including permeable paving, rainwater harvesting and reuse, use of 'rain gardens' and stormwater management plans for new houses to satisfy the subdivision condition.
12. Whilst the proposed drainage measures outlined in the submission are laudable and staff agrees that they can be included within the Design Guidelines, they are not considered adequate to satisfy the unresolved drainage connection subdivision condition (Condition 6 of WAPC Reference 133330).
13. The submission does not contain any data or analysis to show what the impacts or savings on stormwater flows from these measures would be to show that connection to the drainage infrastructure is not warranted. As a simple example, the following table shows the expected amount of run-off from the roof areas given rainfall of 800mm x 80% runoff x roof area. Hawthorndene is approximately 270m² and 120m² is the largest outbuilding permitted under Council's adopted Policy.

DEVELOPMENT SERVICES REPORTS

Roof Area of Dwelling/Outbuilding	Expected Run-off (kL/yr)
175m ² Dwelling & 50m ² Outbuilding	144
200m ² Dwelling & 60m ² Outbuilding	166
200m ² Dwelling & 80m ² Outbuilding	179
250m ² Dwelling & 100m ² Outbuilding	224
250m ² Dwelling & 120m ² Outbuilding	237
300m ² Dwelling & 120m ² Outbuilding	268
350m ² Dwelling & 120m ² Outbuilding	300

14. Clearly we do not catch and store an entire year's rain run-off in any one event or at any one time. In terms of re-use potential, if an average household of 4 persons used 150l of water per day from the run-off collected (for garden, bathroom, toilet, laundry, kitchen and drinking uses) this could consume some 219 kL/yr of the run-off collected in the ideal situation. The above figures do not take into account other run-off on the site and as it is considered to have very poor stormwater retention capabilities (supported by the fact that the City's Engineering Services have required a drainage connection condition on the subdivision), staff does not believe that these measures on their own will be adequate to achieve the desired outcomes expected over the long-term. Whilst some retention (via re-use) of roof run-off may be possible, and this may reduce the requirement for attenuation (storage volume), a piped connection to the City's stormwater system is still required due to the wet, silty nature of the site and its unsuitability for infiltration.
15. Whilst staff appreciates the previous unsuccessful efforts pursued by the proponents and landowner to negotiate a private easement at considerable expense as outlined in the submission, the resolution of a connection to the stormwater drainage system needs to be completed through the subdivision process. Staff does not believe the proposed measures are sufficient nor appropriate to transfer this condition or requirement onto the purchasers of these lots or subsequent building licences.

RECOMMENDATION**THAT Council:**

- i) uphold the submission in part and include the proposed '5.1.14 Drainage Measures' from the submission within the final Policy;
- ii) adopt as a final Town Planning Scheme Policy the Design Guidelines 'Hawthorndene' for Existing Lots 24, 25 and 26 (Proposed Lots 67, 68 & 69) Seymour Street, Mira Mar in accordance with Clause 7.21 of Town Planning Scheme No. 1A and advertise it accordingly; and
- iii) advise the proponents that the inclusion of the Drainage Measures within the final Policy would not satisfy Condition 6 of the subdivision (WAPC Reference 133330) requiring connection of the land to the district drainage system.

Voting Requirement Simple Majority

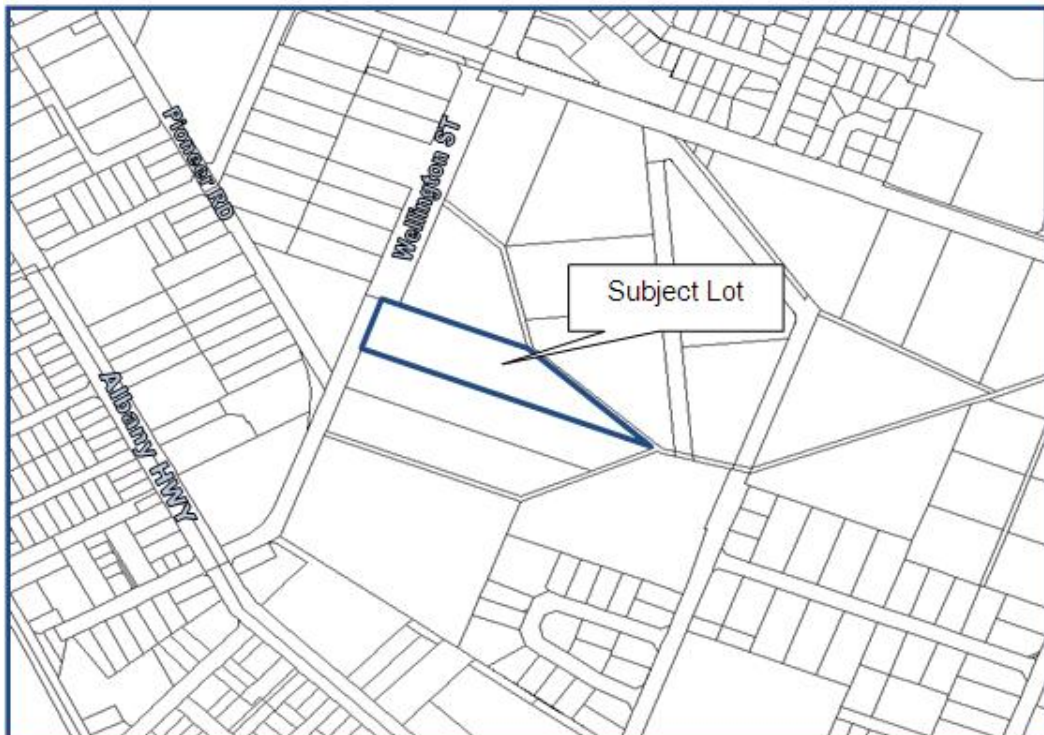
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ITEM 11.3.2 WAS WITHDRAWN FROM THE AGENDA BY THE APPLICANT.

DEVELOPMENT SERVICES REPORTS

11.3.3 Initiation of Scheme Amendment – Lot 731 Wellington Street, Centennial Park

File/Ward	: AMD 168 (Frederickstown Ward)
Proposal/Issue	: Formal request to rezone Lot 731 Wellington Street, Centennial Park from “Clubs and Institutions” to “Residential R60” and allow “Lifestyle Village” as an additional use
Subject Land/Locality	: Lot 731 Wellington Street, Centennial Park
Proponent	: Harley Survey Group
Owners	: Antimony Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (J Van Der Mescht) and Gray & Lewis Land Use Planners
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/05/07 - Item 11.3.1
Summary Recommendation	: Initiate Amendment (with modifications)
Bulletin Attachment	: Amendment Document
Locality Plan	:



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BACKGROUND

1. A Scheme Amendment Request (SAR 113) was considered by Council on 15 May 2007.
2. At this meeting Council advised that it was prepared to entertain the submission of a formal application for rezoning Lot 731 from “Clubs and Institutions” to “Residential R40” subject to, but not limited to, the following matters being addressed to the satisfaction of Council:
 - i. *A detailed Land Capability Assessment;*
 - ii. *Identification of servicing needs and infrastructure requirements to accommodate future subdivision;*
 - iii. *An Integrated Water Management Plan to ensure that Water Sensitive design principles are adhered to;*
 - iv. *Detailed flooding and drainage assessment prepared in consultation with Department of Water;*
 - v. *An acid sulphate soils site assessment be prepared in accordance with Guidance Statement A1.*
 - vi. *The nearby vegetation contained within the adjacent Public Open Space to the north is adequately protected from possible damage during any future development of the site.*
3. The matters raised by Council as part of the SAR process have generally been addressed by the applicant.
4. The amendment varies from the original SAR request, as it proposes a higher density of ‘Residential R60’ and includes ‘lifestyle village’ as an ‘additional use’.
5. It is recommended that Council adopt the amendment for the purpose of initiating advertising.

STATUTORY REQUIREMENTS

6. The statutory requirements for Amendments are controlled by the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*. Only the Council can initiate an Amendment, final approval is granted by the Minister for Planning and Infrastructure having regard to advice from the Western Australian Planning Commission.

POLICY IMPLICATIONS

7. The subject land is contained within the City of Albany Residential Design Code Policy. The land is within the Centennial Park Precinct (Clause 4.3), which states the following:

Objectives:

- *To provide a mechanism to manage the orderly transition of land use within the locality.*
- *To rationalize the use of, and improve the quality of, open space and sporting facilities in the city.*
- *To broaden the range of housing available within close proximity to the town centre.*
- *To encourage mixed use and adaptable buildings along Lockyer Avenue, Sanford Road and Campbell Road.*
- *To assist urban consolidation in close proximity to the city centre.*

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Land Use Aspirations:

- *To provide an incentive for the relocation of any remaining heavy industrial uses to more appropriate locations within the city.*
- *To encourage the provision of housing near the city centre which can benefit from the amenity provided by the North Road/Centennial Park recreational areas.*
- *To provide for the expansion of commercial uses along Lockyer Avenue, Sanford Road and Campbell Road.*

4.3.1 Building Heights

- *Generally development will be limited to three stories. Facing onto Centennial Park*
- *four storey development may be considered, subject to compliance with the provision of solar access to adjoining sites as set out in Clause 3.9.1 of the Residential Design Codes.*
- *The permitted height of buildings shall be calculated as set out below:*
Three (3) Storeys: As per Category C of Clause 3.7.1 of the Residential Design Codes.
Four (4) Storeys:
Top of External Wall (roof above) – 12 metres
Top of External Wall (roof concealed) - 13 metres
Top of Pitched Roof - 15 metres.

8. The WAPC Statements of Planning Policy 1 & 3 establish the general principles for planning in Western Australia. Their primary aim is to provide for the sustainable use and development of land by reducing energy consumption.
9. If residential development is supported, the most sustainable form would be medium density.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The Albany Local Planning Strategy promotes urban consolidation, a smaller development footprint and provision of a variety of housing types for Albany.

COMMENT/DISCUSSION

Site Description

12. The subject land has an area of 17,756m² and is located in close proximity to community, recreational and commercial facilities.

Proposed Amendment

13. There are two parts to the amendment:
 - To rezone Lot 731 Wellington Street, Centennial Park from “Clubs and Institutions” to “Residential R60”.
 - To list Lot 731 Wellington Street, Centennial Park in the additional use schedule allowing for “Lifestyle Village” and introduce specific landuse conditions.

Matters to be addressed by the applicant (identified in SAR)

14. The SAR required the applicant to address a number of matters as summarised in the table below.

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Item identified in SAR	Summary of applicant response	Officer Comment
A detailed Land Capability Assessment.	Has been completed and forms part of amendment document.	Complies.
Identification of servicing needs and infrastructure requirements to accommodate future subdivision.	Information on services included in amendment text.	Complies
An Integrated Water Management Plan to ensure that Water Sensitive design principles are adhered to.	The proponent has advised that this has not been addressed as it is premature to give an undertaking to complete a Water Management Plan given that the design stage is yet to occur. The proponent indicates that Department of Water understands this, and agreed to withdraw a similar requirement for amendment 262(3).	As the amendment as written includes a 'lifestyle village' as an additional use, special conditions of development are proposed in Appendix II – 'Schedule of Special Sites'. The conditions include; 1. A setback to Yakamia Drain to be determined by the local government in consultation with the Department of Water. 2. Setbacks to take into consideration any flooding of Yakamia Drain and future flood mitigation works. 3. The application of water sensitive urban design principles. The proposed conditions are supported and are recommended for retention, even if the 'lifestyle village' is not supported. This will be discussed in more detail in the body of the report.
Detailed flooding and drainage assessment prepared in consultation with Department of Water;	As per above.	As per above.
An acid sulphate soils site assessment be prepared in accordance with Guidance Statement A1.	Completed. A Preliminary Investigation has been conducted and found acid sulphate soils that exceed the Department of Environment and Conservation (DEC) Guidelines.	Conditionally Complies. In addition to lodging the preliminary investigation report, the proponent proposes to include special conditions in the Scheme allowing the WA Planning Commission (WAPC) to impose a condition for preparation and implementation of an acid sulphate soil management plan. This is supported however due to the findings of acid sulphate soils it may be more desirable for a detailed assessment up front, as is required in the WAPC Acid Sulphate Soils Self Assessment Form which has to be lodged with any subdivision application. More flexibility in the wording is recommended to allow the WAPC to require the information to form part of

DEVELOPMENT SERVICES REPORTS

Item identified in SAR	Summary of applicant response	Officer Comment
		any subdivision application. If initiated, the amendment will be referred to the EPA who will advise whether they require further reports up front or will agree to reports prior to development / subdivision.
The nearby vegetation contained within the adjacent Public Open Space to the north is adequately protected from possible damage during any future development of the site.	Not addressed by proponent.	The Proponent has not commented on this in the amendment however it would be a normal condition imposed on any development or subdivision to ensure that any site works do not damage any land outside of the property boundary. A specific condition to that affect can be included in the Scheme.

Assessment

15. Whilst the original SAR proposed an R40 density, the proposed R60 density is supported based on the following;
 - The subject land is close to excellent community and shopping services including Centennial Park, and the North Road Shopping Centre.
 - It maximises use of existing infrastructure and will provide increased surveillance and security to Centennial Park.
 - It is consistent with the zoning proposed for land owned by the City of Albany to the immediate North West, which was reserved for drainage and is being rezoned to 'Residential R60'.
 - It is consistent with the objectives of the Residential Design Code Policy.
16. The amendment proposes to also include 'lifestyle village' as an additional use which was not included in the original SAR.
17. The applicant has advised that;
 - The Mount Melville Caravan Park has recently developed a park home village on Lot 733 Wellington Street to the south.
 - It is proposed to include the 'lifestyle village' as an additional use to provide greater flexibility for the development of the site.
 - It is likely that any lifestyle village would be temporary until such time as the City has sufficiently grown to a size to allow a multiple dwelling complex for up to 105 units.
 - The inclusion of the ability to accommodate a lifestyle village on the property should not be construed as this being the preferred manner of development. This is due to the single storey nature of park home developments meaning that any density of development would be about half of that permitted under the R60 density.
18. The inclusion of 'lifestyle village' as an additional use which would allow for a park home development is not supported for the following reasons;
 - The park home village on Lot 733 is not adjacent to Centennial Park and does not set a precedent for similar developments to continue to be supported on nearby lots. It is not agreed that this form of development would be appropriate adjacent to a major recreation area and there is no guarantee that any such landuse would be temporary.

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- Any residential development or subdivision can be staged, and therefore the argument that a park home development can be an interim use until it is feasible to pursue residential development is not sustained.
- Support for an R60 density is contingent on the development being of a high quality. A park home development would not achieve as high a quality dwellings as permanent purpose built residential development.
- Minimal justification for the park home development has been lodged in terms of quality, concept plans, suitability of the site or demand for park home developments.
- The R60 density is supported as it is consistent with that proposed to the north west. It is recognised that it will allow for greater housing choice, however there is no evidence that a park home development is an appropriate use for this visually prominent site.

Recommended Modifications to the Amendment

19. It is recommended that the Amendment be supported without inclusion of 'lifestyle village' as an additional use. Further modifications are also recommended as follows;
- (i) Whilst the additional use for 'lifestyle village' is not supported, it is desirable to retain conditions in the Scheme for future subdivision and development relating to environmental issues such as acid sulphate soils, water sensitive urban design and setbacks to Yakamia Drain.
 - (ii) Whilst an R60 density is supported, it is contingent on achieving a high quality development outcome. To ensure this occurs detailed design guidelines will be required prior to any development and /or subdivision commencing on the site.
20. The modified provisions are included in the recommendation.

RECOMMENDATION

THAT Council;

- i) Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 168 to the City of Albany Town Planning Scheme No. 1A (with modifications) for the purposes of:
 - a) rezoning Lot 731 Wellington Street, Centennial Park from 'Clubs and Institutions' to 'Residential R60';
 - b) designating Lot 731 (52) Wellington Street, Centennial Park as 'Special Site S45'; and
 - c) amending Appendix II – 'Schedule of Special Sites' as follows:

	code no.	particulars of land	base zone	additional use	conditions
S4 5	S45	Lot 731 Wellington Street, Centennial Park	Residential R60	nil	<p>1. A development setback from the boundary to the Yakamia Drain (Reserve 34381, Lot 1262) will apply to all buildings.</p> <p>The distance of this setback is to be determined by the local government in consultation with the Department of Water at the time of subdivision and/or development and is to take into account:</p> <ul style="list-style-type: none"> • The potential for flooding of the Yakamia Drain; • Any future drainage or flood mitigation works undertaken or planned on the site or in the locality; and

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	code no.	particulars of land	base zone	additional use	conditions
					<ul style="list-style-type: none"> • The application of water sensitive urban design principles to maintain adequate storm water quality prior to it entering Yakamia Creek. <p>2. The Commission may impose a condition at the time of subdivision, or the local government may impose a condition at the time of development requiring the developer to provide drainage and landscaping details that detail the:</p> <ul style="list-style-type: none"> • Need for any treatment or upgrade of the open drain as a result of the development; • Proposed interface between the creek and the private land; and • Manner and responsibility for any works to be undertaken by the developer, the local government or other parties. <p>3. The Commission may require a detailed site assessment for acid sulphate soils in accordance with Department of Environment and Conservation (DEC) Guidelines to be lodged with any 'Acid Sulphate Soils Self Assessment Form' to accompany any application for subdivision, and/or may after consultation with the DEC impose a condition at the time of development, for the preparation and implementation of an Acid Sulphate Soil Management Plan.</p> <p>4. The City of Albany may require a detailed site assessment for acid sulphate soils in accordance with Department of Environment and Conservation (DEC) Guidelines to be lodged with any development application and/or may after consultation with the DEC impose a condition at the time of development, for the preparation and implementation of an Acid Sulphate Soil Management Plan.</p> <p>5. The local government may request the Commission to impose a condition at the time of subdivision, or the local government may impose a condition at the time of development, for the removal of surface soils and replacement with compacted clean sand and sub-surface</p>

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	code no.	particulars of land	base zone	additional use	conditions
					<p>drainage to the satisfaction of the local government.</p> <p>6. The local government may impose a condition at the time of development requiring noise attenuation measures and/or the preparation and implementation of a noise management plan.</p> <p>7. Prior to the development and or subdivision of the land the proponent is required to prepare design guidelines for the site to the satisfaction of Council and such guidelines shall address matters including (but not limited to):</p> <ul style="list-style-type: none"> • Building construction, including glazing, door treatments, roof form, walls, ceilings, construction and use of fixed openings; • House design, including the siting of outdoor entertaining areas as well as less noise sensitive internal rooms; • the Design interface of Yakamia Creek and Centennial Park recreation area which shall accommodate passive surveillance principles; • Boundary fencing details • Access and parking requirements; • Landscaping, including the use of water sensitive urban design techniques; and • 'Quiet house' design

and amending the Scheme Maps accordingly;

- ii) advise the applicant that modified amendment documents are required to be submitted prior to the Amendment being referred to the Environmental Protection Authority; and
- iii) on receipt of correspondence from the Environmental Protection Authority, refer the amendment to surrounding land owners for comment and relevant servicing authorities including but not limited to the Department of Water, Department of Health, Water Corporation, Western Power, Department for Environment and Conservation and Telstra.

Voting Requirement Simple Majority

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ITEM 11.3.3

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE**

THAT Council;

- i) Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 168 to the City of Albany Town Planning Scheme No. 1A (with modifications) for the purposes of:**
- a) rezoning Lot 731 Wellington Street, Centennial Park from ‘Clubs and Institutions’ to ‘Residential R60’;**
- b) designating Lot 731 (52) Wellington Street, Centennial Park as ‘Special Site S45’; and**
- c) amending Appendix II – ‘Schedule of Special Sites’ as follows:**
s45 Code No: s45 Particulars of Land: Lot 731 Wellington Street, Centennial Park Base Zone: Residential R60: Additional Use: Nil Conditions:

- 1. A development setback from the boundary to the Yakamia Drain (Reserve 34381, Lot 1262) will apply to all buildings.**

The distance of this setback is to be determined by the local government in consultation with the Department of Water at the time of subdivision and/or development and is to take into account:

- The potential for flooding of the Yakamia Drain;**
 - Any future drainage or flood mitigation works undertaken or planned on the site or in the locality; and**
 - The application of water sensitive urban design principles to maintain adequate storm water quality prior to it entering Yakamia Creek.**
- 2. The Commission may impose a condition at the time of subdivision, or the local government may impose a condition at the time of development requiring the developer to provide drainage and landscaping details that detail the:**
- Need for any treatment or upgrade of the open drain as a result of the development;**
 - Proposed interface between the creek and the private land; and**
 - Manner and responsibility for any works to be undertaken by the developer, the local government or other parties.**
- 3. The Commission may require a detailed site assessment for acid sulphate soils in accordance with Department of Environment and Conservation (DEC) Guidelines to be lodged with any ‘Acid Sulphate Soils Self Assessment Form’ to accompany any application for subdivision, and/or may after consultation with the DEC impose a condition at the time of development, for the preparation and implementation of an Acid Sulphate Soil Management Plan.**
- 4. The City of Albany may require a detailed site assessment for acid sulphate soils in accordance with Department of Environment and Conservation (DEC) Guidelines to be lodged with any development application and/or may after consultation with the DEC impose a condition at the time of development, for the preparation and implementation of an Acid Sulphate Soil Management Plan.**

ITEM 11.3.3 CONTINUED

- 5. The local government may request the Commission to impose a condition at the time of subdivision, or the local government may impose a condition at the time of development, for the removal of surface soils and replacement with compacted clean sand and sub-surface drainage to the satisfaction of the local government.**
- 6. The local government may impose a condition at the time of development requiring noise attenuation measures and/or the preparation and implementation of a noise management plan.**
- 7. Prior to the development and or subdivision of the land the proponent is required to prepare design guidelines for the site to the satisfaction of Council and such guidelines shall address matters including (but not limited to):**
 - Building construction, including glazing, door treatments, roof form, walls, ceilings, construction and use of fixed openings;**
 - House design, including the siting of outdoor entertaining areas as well as less noise sensitive internal rooms;**
 - the Design interface of Yakamia Creek and Centennial Park recreation area which shall accommodate passive surveillance principles;**
 - Boundary fencing details**
 - Access and parking requirements;**
 - Landscaping, including the use of water sensitive urban design techniques; and**
 - 'Quiet house' design**

and amending the Scheme Maps accordingly;

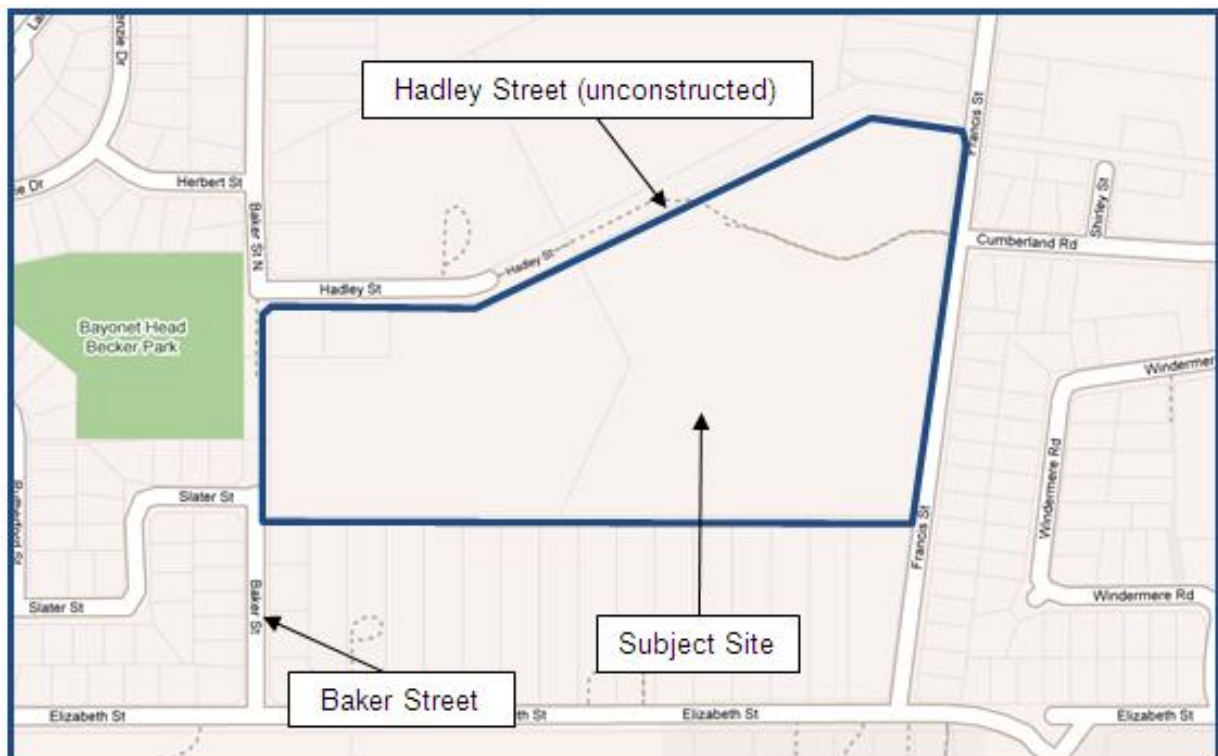
- ii) advise the applicant that modified amendment documents are required to be submitted prior to the Amendment being referred to the Environmental Protection Authority; and**
- iii) on receipt of correspondence from the Environmental Protection Authority, refer the amendment to surrounding land owners for comment and relevant servicing authorities including but not limited to the Department of Water, Department of Health, Water Corporation, Western Power, Department for Environment and Conservation and Telstra.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.3.4 Final Approval of Scheme Amendment – Lot 107 Francis Street and Lot 120 Hadley Road, Lower King

File/Ward	:	AMD 276 (Kalgan Ward)
Proposal/Issue	:	Rezoning Lots 107 Francis Street and Lot 120 Hadley Road from the “Rural” to “Residential” Zone
Subject Land/Locality	:	Lot 107 Francis Street and Lot 120 Hadley Road, Lower King
Proponent	:	Planning Solutions
Owner	:	Anchorage Park Pty Ltd
Reporting Officer(s)	:	Senior Planning Officer (J Van Der Mescht) and Planning Officer (P Shephard)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/03/08 – Item 11.3.5
Summary Recommendation	:	Determine submissions and adopt amendment for final approval
Bulletin Attachment	:	Submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. At its meeting on 18 March 2008, Council resolved:

“That Council, in pursuance with Section 75 of the Planning and Development Act resolves to initiate Amendment 276 to Town Planning Scheme No. 3 to rezone a portion of Lot 120 (18) Hadley Road and Lot 107 (41) Francis Street Lower King from “Rural” to “Residential” with an applicable density code of “R20”.’
2. The scheme amendment documents were referred as required by the *Planning and Development Act* to the Environmental Protection Authority (EPA) for environmental assessment. The EPA has advised that the amendment has been assessed and does not require formal assessment and provided advice and recommendations as outlined in the attached schedule of submissions.
3. The amendment was then advertised as required by the *Planning and Development Act* and at the conclusion of the submission period a total of 10 submissions were received. The submissions are discussed in the attached schedule of submissions with a recommendation for each submission.

STATUTORY REQUIREMENTS

4. All scheme amendments are subject to the statutory processes outlined in the *Planning and Development Act* and *Regulations*. At this stage, Council is now required to determine the submissions and provide a recommendation whether to seek final approval or not to the Minister for Planning and Infrastructure.
5. Council's decision including the schedule of submissions, submissions and amendment document will then be referred to the WA Planning Commission (WAPC) for their consideration and reporting to the Minister.

POLICY IMPLICATIONS

6. Council is required to have regard to any WAPC Statements of Planning Policy (SPP's) that apply to the proposal. (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.

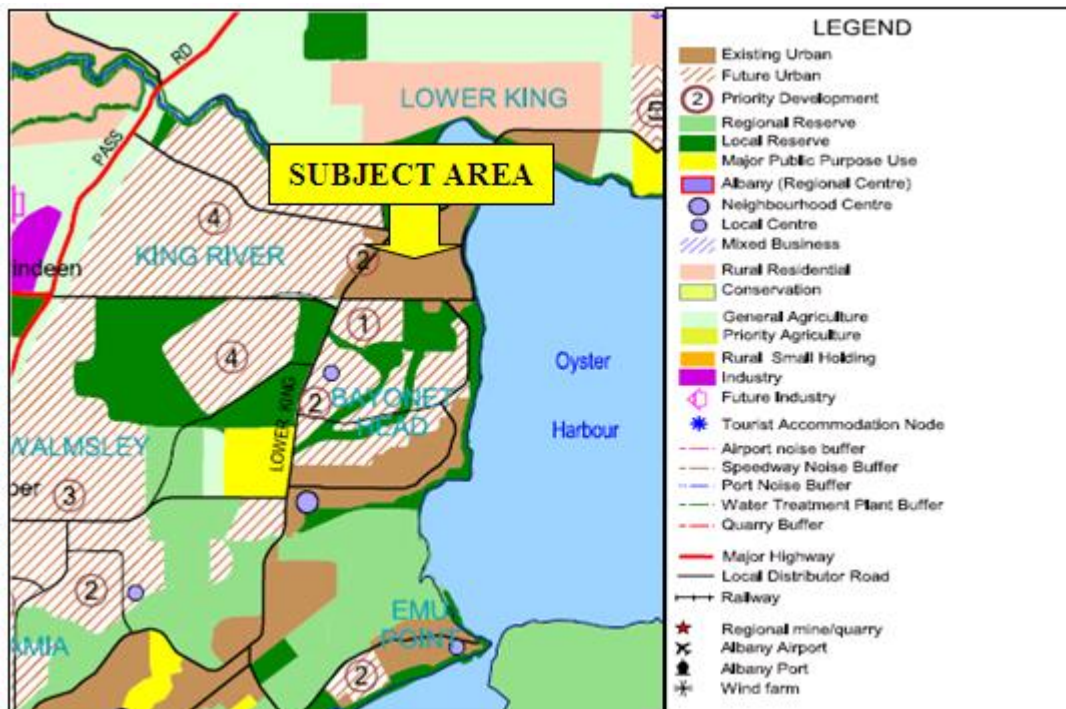
FINANCIAL IMPLICATIONS

7. The proposed future residential development will place pressure on the need to improve supporting infrastructure (e.g. public open space, roads and drainage) within the local area. The cost of providing or extending this infrastructure will be borne by subdividers of the land.

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STRATEGIC IMPLICATIONS

8. The subject site is identified within the Albany Local Planning Strategy (ALPS) as “Existing Urban” and the amendment proposal will assist Council achieve the objectives set out in the ALPS for land use planning in the Lower King area.
9. The ALPS requires that planning and development of the area is undertaken in an efficient and coordinated manner. It is considered to be a logical extension of the existing residential developments in the area. The subdividers will be required to provide adequate infrastructure to service the proposed increase in population.



Albany Local Planning Strategy Map 9B

10. The proposal is consistent with the Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) which identifies the importance of sustainable land uses, community development and the consolidation of settlements and also the State Planning Strategy recommendation that local government pursue consolidation of existing housing stock and provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

11. Council received 10 submissions during the public advertising period from adjoining/nearby landowners and relevant State Government agencies (including Environmental Protection Authority, Westnet Energy, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education and Training and Main Roads).
12. The scheme amendment was not opposed by any submitter, although several issues were raised as follows:
 - Vegetation clearing;
 - Servicing infrastructure;
 - Drainage management and stormwater disposal; and
 - Acid Sulphate Soils.

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13. The Subdivision Concept Plan that has been included within the amendment document is non-statutory and is provided to generally show the proposed pattern of subdivision for the area in the future.
14. The amendment document contained no land capability or engineering assessment. The submissions highlighted the concerns and requirements for stormwater drainage to include the natural watercourse and waterbody within the subdivision design. Although staff agrees with the proponents that these issues can be addressed at the subdivision stage, they need to be advised of these requirements now to enable them to commence work on them as part of the subdivision process.
15. It is also clear from the submissions that the waterbody/artificial lake will need to be retained and enhanced as part of a combined public open space and drainage reserve.
16. The submissions do not require any modifications to the amendment document as advertised.

RECOMMENDATION

THAT Council;

- i) in pursuance of section 75 of the *Planning and Development Act* resolves to adopt without modification, Amendment 276 to Town Planning Scheme No. 3 to rezone Lot 107 Francis Street and Lot 120 Hadley Road Lower King from the “Rural” to “Residential” Zone with a density code of R20; 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.

Voting Requirement Simple Majority

ITEM 11.3.4

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR PRICE**

THAT Council;

- i) in pursuance of section 75 of the *Planning and Development Act* resolves to adopt without modification, Amendment 276 to Town Planning Scheme No. 3 to rezone Lot 107 Francis Street and Lot 120 Hadley Road Lower King from the “Rural” to “Residential” Zone with a density code of R20; 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.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 276 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	The Environmental Protection Authority (EPA) have determined that the scheme amendment is not required to be formally assessed and provides the following advice and recommendations on the amendment: <u>Remnant Vegetation</u> The Authority advises that clearing is prohibited unless a clearing permit is obtained from the Department or it is exempt from such approval as prescribed in the <i>Environmental Protection Act</i> .	The EPA's advice on the requirement for clearing to be authorised will be provided to the proponent's for their action.	The submission is noted.
2	WestNet Energy PO Box 8491 PERTH BC WA 6849	Advise no assets or infrastructure is affected by the amendment.	Nil.	The submission is noted.
3	Telstra Corporation Ltd Locked Bag 2525 PERTH WA 6001	No comment to make.	Nil.	The submission is noted.
4	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	No objection to the amendment. Advises the proponents will be required to service the development with reticulated water and wastewater (deep sewer) services and this will include engaging a consulting engineer to satisfy the Corporation's requirements.	The proponents have committed to providing a 'fully serviced' development including drainage, water and deep sewer connections to the lots.	The submission is noted.
5	Main Roads WA (Great Southern Region) Chester Pass Road ALBANY WA 6330	No objection to the proposal.	Nil.	The submission is noted.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 276 SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
6	C & L Mather Lot 78 Elizabeth Street LOWER KING WA 6330 (Nearby/landowner)	Advise that a natural watercourse crosses the subject land and is responsible for draining the local area including their property. Are concerned that any works to the watercourse particularly filling would result in flooding onto their land.	<p>The watercourse is a significant part of the natural drainage system in the local area which includes the waterbody.</p> <p>The proponents have committed to retaining the waterbody as a feature of any future subdivision for drainage and landscape functions. The subdivision of the land will require the proponents provide engineering details on the stormwater collection and disposal for assessment and approval by the City.</p> <p>These will include geotechnical assessment to determine the site's suitability and catchment calculations and design outcomes to cater for the existing and projected stormwater flows. The designs will need to include the existing drainage systems in the area, waterbody and utilise water sensitive urban design principles.</p>	The submission is upheld and the proponents be advised that geotechnical assessment and stormwater drainage design incorporating water sensitive urban design principles to cater for the existing and projected stormwater flows will be required by the City in consultation with DoW at the subdivision stage.
7	Department of Environment Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330	<p>No native vegetation issues of concern and no objection to the amendment.</p> <p>Advise the area is on the boundary of with moderate to high risk of acid sulphate soils and developments will require assessment of risk in accordance with Department's guidelines.</p>	<p>Initial comments advise no significant vegetation on site which may allay the EPA's concerns.</p> <p>The amendment document contains no information on the incidence or risk of acid sulphate soils in the area. The assessment of the acid sulphate soils risk will be required by the City and</p>	The submission is upheld and the proponents be advised that the assessment of the acid sulphate soils risk will be required by the City and DEC at the subdivision stage.

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CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 276 SCHEDULE OF SUBMISSIONS				
No.	Name/Address Submitter	Summary of Submission	Officer Comment	Council Recommendation
8	PN Lee & S Graham 57 Elizabeth Street LOWER KING WA 6330 (Nearby landowner)	<p>Advise that a natural watercourse crosses the subject land and is responsible for draining the local area. Are concerned that any works to the watercourse particularly filling and/or draining would result in loss of wetland and/or flooding onto their land.</p> <p>Do not support filling of the land along their common boundary which would also create flooding problems.</p>	<p>DEC at the subdivision stage.</p> <p>See Submission 6 and 7 comments above.</p>	The submission is noted.
9	Department of Water (South Coast Region) 5 Bevan Street ALBANY WA 6330	<p>The Department provides the following advice: <u>Wetland Protection and Maintenance of Water Quality</u> Advises whilst the artificial lake has no particular environmental significance, it is an important part of the local hydrology and performs a link function with Oyster Harbour. Recommend that the proponents prepare a Wetland Management Plan in consultation with the Department and be integrated with the Urban Water Management Plan discussed below. <u>Stormwater Management</u> Support use of artificial lake for drainage purpose subject to the proponents preparing a detailed Urban Water Management Plan utilising water sensitive urban design principles to address stormwater infiltration, landscaping, treatment of stormwater etc.</p>	<p>The preparation of a Wetland Management Plan to be integrated with an Urban Water Management Plan by the proponents in consultation with the City and DoW will be required at the subdivision stage.</p>	The submission is upheld and the proponents be advised that the preparation of a Wetland Management Plan to be integrated with an Urban Water Management Plan will be required by the City in consultation with the DoW at the subdivision stage.

DEVELOPMENT SERVICES REPORTS

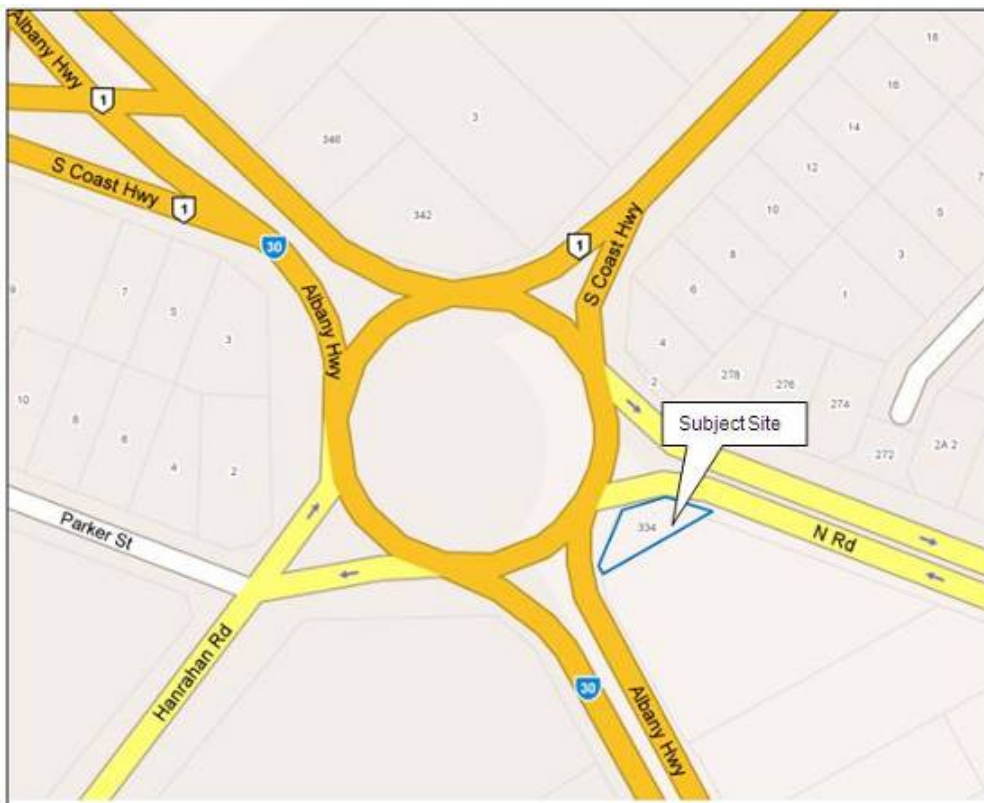
CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 276 SCHEDULE OF SUBMISSIONS				
No.	Name/Address Submitter	of	Summary of Submission	Officer Comment
10	Western Power Locked Bag 2511 PERTH WA 6001		No objection.	Nil.
				Council Recommendation
				The submission is noted.

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Dedication of Unallocated Crown Land as Public Road – Lot 989 (334) Albany Highway, Centennial Park

File/Ward	: SER 141 and A128830 (Frederickstown Ward)
Proposal/Issue	: Dedicate unallocated crown land as public road
Subject Land/Locality	: Lot 989 (334) Albany Highway, Centennial Park
Proponent	: Department for Planning and Infrastructure
Owner	: Crown
Reporting Officer(s)	: Planning Assistant (D Delury)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/05/08 - Item 11.3.6
Summary Recommendation	: That Council support dedication of unallocated crown land as a public road
Bulletin Attachment	: Nil
Locality Plan	:



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BACKGROUND

1. The subject land is unallocated Crown land that is located within the “Clubs and Institutions” zone. The adjacent lots are the subject of an Amendment to rezone from “Clubs and Institutions” to “Other Commercial”. Comment was received from Main Roads WA during the amendment process advising that this lot should not be included in the rezoning and should be retained for future development of the round-a-bout.
2. Council subsequently received notice from the Department of Planning and Infrastructure (DPI), referring to the rezoning and requesting comment on the dedication of this lot as a road. The DPI advised that it appeared the original intention of this lot was for road widening and that the processes begun in the 1960’s and 1970’s to achieve that purpose had not been completed.

STATUTORY REQUIREMENTS

3. Section 56 of the *Land Administration Act 1997* allows the Local Government to request the Minister to dedicate crown land as a road.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The cost of establishment and maintenance of any future road widening/maintenance will be the financial responsibility of Council.

STRATEGIC IMPLICATIONS

6. 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.”

COMMENT/DISCUSSION

7. The dedication of this unallocated Crown land as a public road will formalise a purpose that the DPI have advised is seen to be the original intention of the land. They also advised that a resolution would be required for them to proceed with the dedication.

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8. In their response to Council's request for comment regarding the rezoning of Lot 989 and the adjacent lots from "Clubs and Institutions" to "Other Commercial", Main Roads WA have also advised this land should be retained for future development of the round-a-bout.

RECOMMENDATION

THAT Council resolve to request the Minister for Lands to dedicate Lot 989 Albany Highway, Centennial Park as a public road, in accordance with Section 56 of the *Land Administration Act 1997*.

Voting Requirement Simple Majority

.....

ITEM 11.4.1

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE**

THAT Council resolve to request the Minister for Lands to dedicate Lot 989 Albany Highway, Centennial Park as a public road, in accordance with Section 56 of the *Land Administration Act 1997*.

MOTION CARRIED 10-0

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11.5 EMERGENCY MANAGEMENT

Nil.

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11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Planning and Environment Strategy and Policy Committee Meeting – 27th August 2008

File/Ward	: MAN 235 (All Wards)
Proposal/Issue	: Committee Item for Council Consideration
Reporting Officer(s)	: Manager Planning and Ranger Services (G Bride)
Summary Recommendation	: That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 27 August 2008 be adopted

RECOMMENDATION 1

- i) THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 27 August 2008 be received (A copy of the minutes follows this report).

Voting Requirement Simple Majority

.....

11.6.1 – RECOMMENDATION 1

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR BUEGGE**

- i) THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 27 August 2008 be received (A copy of the minutes follows this report).

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.6.1 - RECOMMENDATION 2

ii) Item 6 Tourism Accommodation Strategy

THAT Council:

- a) adopts for the purposes of advertising the Draft Tourism Accommodation Planning Strategy for a period of sixty (60) days; and
- b) refers the strategy to the Department of Planning and Infrastructure and Tourism Western Australia inviting comments.

Voting Requirement Simple Majority

.....

ITEM 11.6.1 - RECOMMENDATION 2

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

ii) Item 6 Tourism Accommodation Strategy

THAT Council:

- a) **adopts for the purposes of advertising the Draft Tourism Accommodation Planning Strategy for a period of sixty (60) days; and**
- b) **refers the strategy to the Department of Planning and Infrastructure and Tourism Western Australia inviting comments.**

MOTION CARRIED 10-0

RECOMMENDATION 3

iii) Item 7 Albany Local Planning Strategy

THAT Council:

- a) Receives the Schedule of Modifications from the Western Australian Planning Commission;
- b) Supports the staff recommendation contained within the attached Schedule of Submissions;
- c) Requests the Western Australian Planning Commission reconsider modifications 8, 11(a), 11(b) and 11(d); and
- d) In the event that the Western Australian Planning Commission accepts Council's position in relation to Point 3 above, agrees to re-advertise the revised Albany Local Planning Strategy for a period of 42 days.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

ITEM 11.6.1 - RECOMMENDATION 3

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE**

iii) Item 7 Albany Local Planning Strategy

THAT Council:

- a) Receives the Schedule of Modifications from the Western Australian Planning Commission;**
- b) Supports the staff recommendation contained within the attached Schedule of Submissions;**
- c) Requests the Western Australian Planning Commission reconsider modifications 8, 11(a), 11(b) and 11(d); and**
- d) In the event that the Western Australian Planning Commission accepts Council's position in relation to Point 3 above, agrees to re-advertise the revised Albany Local Planning Strategy for a period of 42 days.**

MOTION CARRIED 10-0

RECOMMENDATION 4

iv) Item 8 Final adoption of outline development plan – Silver Street/Costigan Street/Le Grande Avenue & Junction Street, McKail

THAT Council defer consideration of the proposal until the following issues are further addressed by the proponent:

- a) the ability to accommodate a single consolidated area of Public Open Space;**
- b) the location of the stormwater drainage basin is investigated as to the most practical location;**
- c) dual use paths are shown on the ODP and comments on linkages to wider path network provided; and**
- d) advice is received on the safety of the Costigan Street and Le Grande Avenue intersection.**

Voting Requirement Simple Majority

11.6.1 RECOMMENDATION 4

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR BUEGGE**

iv) Item 8 Final adoption of outline development plan – Silver Street/Costigan Street/Le Grande Avenue & Junction Street, McKail

THAT Council defer consideration of the proposal until the following issues are further addressed by the proponent:

- a) the ability to accommodate a single consolidated area of Public Open Space;**
- b) the location of the stormwater drainage basin is investigated as to the most practical location;**
- c) dual use paths are shown on the ODP and comments on linkages to wider path network provided; and**
- d) advice is received on the safety of the Costigan Street and Le Grande Avenue intersection.**

MOTION CARRIED 10-0

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RECOMMENDATION 5

v) Item 11 Draft Itinerant Vendors Policy

THAT the policy on itinerant vendors be renamed “Trading in Public Places” and include:

- a) Itinerant vendors not being permitted to trade within 150 metres of an existing retail premises selling the same class of goods if that outlet is open for business;
- b) a requirement for community groups operating stalls to obtain a licence;
- c) community groups being exempt from a licence fee to operate stalls;
- d) stalls on footpaths not being permitted:
 - i) within 15 metres of an existing retail premises selling the same class of goods, except where the stall is associated with the permanent retail premises adjacent to the site and selling the same class of goods;
 - ii) where a minimum 2 metre access way free of any obstruction cannot be maintained or the stall would obstruct pedestrian or vehicular access.

Voting Requirement Simple Majority

ITEM 11.6.1 - RECOMMENDATION 5

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR MORRIS**

v) Item 11 Draft Itinerant Vendors Policy

THAT the policy on itinerant vendors be renamed “Trading in Public Places” and include:

- a) Itinerant vendors not being permitted to trade within 150 metres of an existing retail premises selling the same class of goods if that outlet is open for business;**
- b) a requirement for community groups operating stalls to obtain a licence;**
- c) community groups being exempt from a licence fee to operate stalls;**
- d) stalls on footpaths not being permitted:**
 - i) within 15 metres of an existing retail premises selling the same class of goods, except where the stall is associated with the permanent retail premises adjacent to the site and selling the same class of goods;**
 - ii) where a minimum 2 metre access way free of any obstruction cannot be maintained or the stall would obstruct pedestrian or vehicular access.**

MOTION CARRIED 10-0

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RECOMMENDATION 6

vi) Item 13 Clearing of Vegetation (after planning scheme consent granted)

THAT Council adopts for advertising purposes the following amendment to Development Guidelines 1A and 3 as per Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

“Clearing of Vegetation (after Planning Scheme Consent granted)

Where remnant vegetation is to be cleared as part of a development proposal, Council will require as a condition of Planning Scheme Consent that such vegetation will not be removed until such time as a building licence has been issued.”

Voting Requirement Simple Majority

ITEM 11.6.1 RECOMMENDATION 6

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

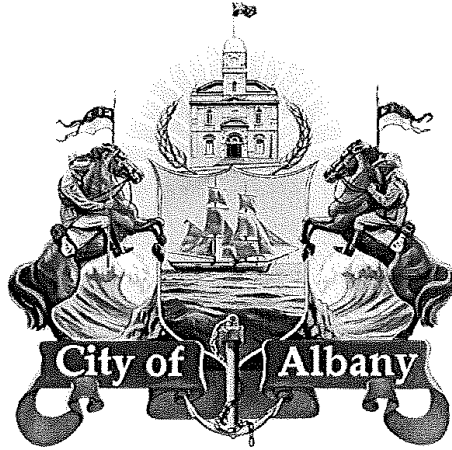
vi) Item 13 Clearing of Vegetation (after planning scheme consent granted)

THAT Council adopts for advertising purposes the following amendment to Development Guidelines 1A and 3 as per Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

“Clearing of Vegetation (after Planning Scheme Consent granted)

Where remnant vegetation is to be cleared as part of a development proposal, Council will require as a condition of Planning Scheme Consent that such vegetation will not be removed until such time as a building licence has been issued.”

MOTION CARRIED 10-0



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

**Held on
Wednesday, 27 August 2008
4.30 pm**

City of Albany Civic Chambers

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DECLARATION OF OPENING

The Deputy Chairperson, Councillor Stanton, declared the meeting open at 4.48pm.

1.0 ATTENDANCES

Attendances:

Mayor -

Councillors -

Manager Planning & Ranger Services

Manager Building & Health Services

Strategic Planning Officer

Planning Officer (Casual)

Senior Planning Officer

MJ Evans, JP

K Stanton (Deputy Chairperson)

R Buegge

C Morris

G Bride

K Barnett

A Nicoll

P Shephard

I Humphrey

Observers:

Nil

2.0 APOLOGIES

Apologies were received from Councillors J Matla and J Bostock and R Fenn.

3.0 DECLARATION OF INTEREST

Nil

4.0 CONFIRMATION OF MINUTES OF MEETING 16 JULY 2008

The minutes were confirmed as an accurate record of the meeting.

Moved: M Evans

Seconded: C Morris

THAT the minutes of the meeting of 16 July 2008 be confirmed as an accurate record of the meeting.

Carried 4/0

5.0 INFORMATION SESSION

Ian Humphrey (Senior Planning Officer) presented a power point presentation on the outcome of a recent best practice tour of development in Perth. Issues discussed included mixed use development, rear laneways, cottage lots and retaining walls.

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6.0 TOURISM ACCOMMODATION STRATEGY

Proposal To adopt for the purposes of advertising the draft Tourism Accommodation Planning Strategy

Previous Reference PESPC 21/05/08 Item 6.1

Attachments NIL

Background

The Draft Tourism Planning Strategy was circulated to Committee Members at the 16th July 2008 Committee Meeting.

The strategy has been prepared in accordance with the recommendations in the Western Australian Planning Commission Planning Bulletin 83 to meet the tourism demands to 2020.

Comment

The strategy provides a demand and supply analysis, a model to evaluate sites and an evaluation of specific sites for strategic action. The recommendations contained within the Strategy, if adopted by Council, will be included within the new Community Planning Scheme to ensure sites of tourism value are protected.

MOVED: Mayor Evans

SECONDED: Councillor Morris

THAT Council:

1. Adopts for the purposes of advertising the Draft Tourism Accommodation Planning Strategy for a period of sixty (60) days; and
2. Refers the strategy to the Department of Planning and Infrastructure and Tourism Western Australia inviting comments.

Carried 4/0

7.0 ALBANY LOCAL PLANNING STRATEGY

Proposal To consider the modifications to ALPS as requested by WAPC

Previous Reference OCM 21/8/07 Item 11.3.1

Attachments 1 Schedule of Modifications from WAPC
2 Schedule of Submissions

Background

The Albany Local Planning Strategy was adopted by Council on the 21st August 2007. The document was then referred to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible in compliance with regulation 12B(3) of the Town Planning Regulations.

MAN 235 (AM806307)

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The Western Australian Planning Commission has reviewed the document and requested Council to undertake some modifications to the document. The Schedule of Modifications requested by the WAPC was tabled at the 16th of July 2008 PESPC meeting for review.

Comment

In summary, the modifications requested by WAPC include:

1. Editing of the document to make it consistent;
2. Modifying text for commercial to support a mixture of uses around the central area;
3. Modifying map 9A to show additional areas of priority agriculture;
4. Modify map 9B to reflect alternative land uses;
5. Include maps to show growth boundaries for townsites;
6. Delete support for rural residential in townsites;
7. Add text to reflect non support for satellite settlements;
8. Add text to support small scale holiday accommodation in rural areas;
9. Indicate the land (1km) east of the ring road as rural residential;
10. Further clarifying the over supply issues associated with special rural and special residential separately rather than collectively;
11. Add text to clarify the need for structure planning where intensification is requested in rural residential areas;
12. Modified figure 8 to show Farm Fresh Brooks Garden as "Existing Neighbourhood Centre"
13. Clarify intentions for the protection of vegetation; and
14. Clarify intentions for the industrial CSBP site at Hanrahan Road.

Staff have prepared a detailed response and recommendation to each requested modification as outlined in the attached Schedule of Submissions.

Staff believe the request to show a 1 kilometre wide special rural area on the eastern side of the Albany Ring Road should be challenged. The reason being, the text within the strategy makes the case that the City has an oversupply of land zoned for rural living purposes. The responsive designation of the land would therefore be for 'Future Urban' in which various types of land uses and lot sizes can be accommodated through a rezoning and structure planning process at the most appropriate time.

Staff also do not support the request to indicate land north of King River and at Cuthbert for rural residential purposes and to redefine the 'future urban' boundary at Candyup.

Committee Discussion

At the meeting the Strategic Planning Officer (SPO) went through each modification requested by the Western Australian Planning Commission. An alternate staff recommendation was presented to the Committee which specifically identified the modifications which weren't supported, and included the requirement to readvertise the amended ALPS.

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MOVED: Mayor Evans

SECONDED: Councillor Buegge

THAT Council:

1. **Receives the Schedule of Modifications from the Western Australian Planning Commission;**
2. **Supports the staff recommendation contained within the attached Schedule of Submissions;**
3. **Requests the Western Australian Planning Commission reconsider modifications 8, 11(a), 11(b) and 11(d); and**
4. **In the event that the Western Australian Planning Commission accepts Council's position in relation to Point 3 above, agrees to re-advertise the revised Albany Local Planning Strategy for a period of 42 days.**

Carried 4/0

8.0 FINAL ADOPTION OF OUTLINE DEVELOPMENT PLAN – SILVER STREET/COSTIGAN STREET/LE GRANDE AVENUE & JUNCTION STREET, MCKAIL

Proposal Finally Adopt Structure Plan

Attachments

1	Combined Structure Plans Map
2	Structure Plan Document
3	Copy of Submissions

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 (please refer attached 'Combined Structure Plans which shows the context of the land with surrounding land parcels).

The draft ODP area contains 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 for public comment and referred to affected and adjoining/nearby landowners and relevant government agencies for assessment and comment for a period of 35 days.

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 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

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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:

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

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	McKail Primary School.	
Western Power	No objections.	Nil.
Department of Water	<p>The Department provides the following comments:</p> <ul style="list-style-type: none"> • 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. • 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. • The foreshore reserve areas to be revegetated. • The retention basins need to be designed to accommodate stormwater from the Southern McKail Structure Plan also. • 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. 	Noted. The ODP should be modified to include reference to the Department's requirements for the drainage and POS areas.
Water Corporation	No objections. Advise that the development will be required to connect to the reticulated sewer and water infrastructure networks.	Nil.
Landcorp	Support the proposal.	Nil.
Department for Planning and Infrastructure	<p>No major objections. Request the following recommendations be considered:</p> <ul style="list-style-type: none"> • Consider setting a maximum and minimum front setback to better maintain streetscape consistency. • Text on road widths needs to be consistent (Part 7.3.6 states 15m width but Figure 8 shows 14.2m width). • Show footpaths and dual use paths on ODP. • Prefer that southern/northern ends of Costigan Street be included in POS areas. • Request the ODP include a condition to ensure the proposed grouped dwelling site includes the 'sustainable 	<p>The following comments on the DPI's recommendations are:</p> <ul style="list-style-type: none"> • 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. • The report clearly states that all road reserves shall be a minimum of 15m and Figure 8 should be modified accordingly. • The footpaths and dual use paths should be shown on the ODP. • The southern/northern ends of Costigan Street should be

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	<p>development principles' mentioned in Part 7.3.12.</p> <ul style="list-style-type: none"> • 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. • Recommend liaison with Main Roads WA regarding the function and impacts of the additional traffic. 	<p>included in the POS. This does not affect the construction of paths through the reserve areas.</p> <ul style="list-style-type: none"> • 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. • The Detailed Area Plan (DAP) should be modified as requested. • Liaison with Main Roads WA regarding the function and impacts of the additional traffic has been completed (see their submission elsewhere).
G & K Herbert (Adjoining landowner)	<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 fits 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>
N & J Sargeant (Affected landowner)	<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</p>	Noted.

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	<p>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>	
Telstra	No objections.	Nil.
J Shanahun (Affected landowner)	<p>Opposed to the present ODP for the following reasons:</p> <ul style="list-style-type: none"> • 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. • Disagree with consultants' drainage proposals as it appears they are attempting to run water uphill. • Advise of intentions to stage future subdivision over many years at one lot every couple of years. • The drainage sump should be located on Lot 36 Junction Street in combination with the POS and their land should be shown as POS. • The drainage sump costs should be shared between Lot 36 Junction Street and Lot 33 Costigan Street as they have the water problems. 	Objection noted.
Main Roads WA	<p>No objection in principle and provide the following comments:</p> <ul style="list-style-type: none"> • The ODP does not reflect the overall land available for development in this area and therefore the potential traffic impacts on local road networks. • 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. 	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.

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The existing Residential Development zone highlights the future intention for this land to be developed for fully serviced urban development including deep sewer, underground power, kerbed/sealed roads etc.

The ODP has been prepared to set 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 recommends that the ODP be finalised subject to the modifications requested in the above Table.

Committee Discussion

At the Committee concerns were raised about the appropriateness of the stormwater basin location, the small pockets of open space which represent maintenance issues, the connection of dual use paths on this site and in the wider locality and the safety of the Costigan Street / Le Grande Avenue intersection. It was decided that these issues needed to be further clarified by the proponent.

MOVED: Councillor Morris

SECONDED: Councillor Buegge

THAT Council defer consideration of the proposal until the following issues are further addressed by the proponent:

1. The ability to accommodate a single consolidated area of Public Open Space;
2. The location of the stormwater drainage basin is investigated as to the most practical location;
3. Dual use paths are shown on the ODP and comments on linkages to wider path network provided; and
4. Advice is received on the safety of the Costigan Street and Le Grande Avenue intersection.

Carried 4/0

9.0 SOUTH LOCKYER STRUCTURE PLAN (SLSP)

Proposal To consider modifications to the 'South Lockyer Structure Plan'

Previous Reference OCM 19/12/06 Item 11.3.2

Attachments South Lockyer Structure Plan

Background

The 'Conceptual South Lockyer Structure Plan' was adopted as a policy by the Council on the 19 December 2006.

The preparation of the South Lockyer Conceptual Structure Plan was undertaken as a high priority action to progress the construction of a link road between South Coast Highway and Hanrahan Road (Mueller Street and Cull Road) and to

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respond to land owner subdivision proposals, including the subdivision application (#134933) for Lot 247 Cull Road.

The subdivision application #134933 was supported by the West Australian Planning Commission (WAPC) subject to, changing the South Lockyer Conceptual Structure Plan to make the location and density of land uses similar to what is being proposed in the subdivision application (#134933).

Comment

The conceptual structure plan has now been modified to take into account the approved subdivision application (#134933) over Lot 247 Cull Road, and to further clarify objectives and requirements for development within the area.

The modifications are substantial and therefore it is envisaged that a consultation process will be required prior to final adoption.

The structure plan is hereby submitted to the Planning and Environmental Strategy and Policy committee for review.

MOVED: Councillor Buegge

SECONDED: Mayor Evans

THAT the draft South Lockyer Structure Plan be tabled for review, and brought back to the Committee at its 17 September 2008 meeting for consideration.

Carried 4/0

10. BAYONET HEAD DETAILED AREA PLAN

At the time of writing this agenda item the amended Bayonet Head Detailed Area Plans associated with Stage 2 of the Oyster Harbour subdivision have not been submitted by the proponent, and therefore the item will be placed on the agenda for the September Committee Meeting.

11. DRAFT ITINERANT VENDORS POLICY

At the Committee meeting in June 2008, it was moved that a policy be developed to provide direction for City staff in the processing of applications for itinerant vendors. To assist in the preparation of the policy several issues require input.

Initially, the policy was to cover mobile food vans and itinerant traders. However, the scope of the policy needs to be extended to include:

- Itinerant vendors;
- Stall holders;
- Alfresco dining;
- Fixed location vendors:
 - Food vans;
 - Non-food merchandise; and

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**** REFER DISCLAIMER ****

- Market stallholders.

While the licensing requirements for most of the activities listed above are found in the City's local laws, there is no guidance for officers on issues pertaining to the operation of the businesses. For example, should a van travelling around the district selling ready-to-eat food be permitted to stop their van next to a food outlet shop selling the same goods?

Food stalls are often set-up by community groups (e.g. sausage sizzles) to raise funds to finance their activities. Currently, the City do not require an application for this type of activity, however there is a potential health risk to the community from this type of outlet and consideration should be given to introducing a licensing system for all temporary food stalls.

Stalls selling craft and package foodstuffs (e.g. jams, pickles) are often set-up on the York Street footpath. Currently, there are no guidelines as to where they can set-up:

- How close to an outlet selling similar goods should a stall be permitted?
- Should the footpath be a minimum width before a stall can be permitted?
- Should these stalls be licensed?
- If a licensing system is required should a fee be imposed?

MOVED: Councillor Buegge

SECONDED: Councillor Morris

THAT the policy on Itinerant vendors be renamed "Trading in Public Places" and include:

- a) Itinerant vendors not being permitted to trade within 150 metres of an existing retail premises selling the same class of goods if that outlet is open for business;**
- b) a requirement for community groups operating stalls to obtain a licence;**
- c) community groups being exempt from a licence fee to operate stalls;**
- d) stalls on footpaths not being permitted:**
 - i) within 15 metres of an existing retail premises selling the same class of goods, except where the stall is associated with the permanent retail premises adjacent to the site and selling the same class of goods; and**
 - ii) where a minimum 2 metre access way free of any obstruction cannot be maintained or the stall would obstruct pedestrian or vehicular access.**

Carried 4/0

12. LIGHTING EXTERNAL TO BUSINESSES (NEW DEVELOPMENT)

At the previous Committee Meeting dated 16 July 2008, a concern was expressed as to whether there is scope to require businesses in the CBD to install lighting on the external façade of a building through a planning mechanism. If Council were to adopt a policy requiring lighting be placed on an

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external façade it could not be retrospectively applied, and given the rate of redevelopment currently within the CBD a new policy is likely to have little effect. There is also the issue that although lighting could be requested, whether the lights are turned on over night (based on increased electricity costs and vandalism) would be a different issue. It is recommended that improved lighting in the CBD be considered as part of the City's Crime Prevention Strategy, which may include initiatives to promote strategic lighting.

13. CLEARING OF VEGETATION (AFTER PLANNING CONSENT GRANTED)

Once a Local Government grants planning approval for a development, the clearing of vegetation is exempt from requiring approval under the Environmental Protection Act 1986. This had led to instances where landowners have received planning approval, then cleared the vegetation without progressing a building licence to commence construction. This has led to issues of sand drift (particularly over the summer months) and resulted in an unkempt property when it could have been maintained in its natural state until construction on the project commences.

In order to ensure vegetation is conserved until building commences it is recommended that the Development Guidelines be amended to include a policy statement on this issue. The costs involved in preparing building licence plans are quite substantial as all structural, mechanical, electrical plans etc are required to be prepared and therefore through a condition of planning scheme consent clearing can be tied to the issuing of a building licence.

The draft policy statement is as follows:

Where remnant vegetation is to be cleared as part of a development proposal, Council may require as a condition of Planning Scheme Consent that such vegetation not be removed until such time as a building licence has been issued.

MOVED: Councillor Morris
SECONDED: Councillor Stanton

THAT Council adopts for advertising purposes the following amendment to Development Guidelines 1A and 3 as per Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

“Clearing of Vegetation (after Planning Scheme Consent granted)

Where remnant vegetation is to be cleared as part of a development proposal, Council will require as a condition of Planning Scheme Consent that such vegetation not be removed until such time as a building licence has been issued.”

Carried 4/0

14. MATTERS FOR CONSIDERATION AT NEXT MEETING

- Amendments to Development Guidelines

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** REFER DISCLAIMER **

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- Bayonet Head Detailed Area Plans (Stage 2 – Oyster Harbour)
- South Lockyer Structure Plan
- POS Policy (3 to 5 lots)

15. CLOSURE OF MEETING

The meeting was declared closed at 7.10pm.

Corporate & Community Services

REPORTS

CORPORATE & COMMUNITY SERVICES REPORTS**12.1 FINANCE****12.1.1 List of Accounts for Payment**

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

STATUTORY REQUIREMENTS

1. 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.
2. The Chief Executive Officer has delegated authority to authorise payments.
3. 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.

COMMENTS / DISCUSSION

4. The list of accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.
5. A summary of payments is as follows:

Municipal Fund			
Cheques	Totalling		\$77,361.51
Electronic Fund transfer	Totalling		\$1,485,277.45
Credit Cards	Totalling		\$15,257.77
Payroll	Totalling		\$755,881.00
Total			<u>\$2,333,777.73</u>

6. As at the 31st August 2008, the total outstanding creditors, stands at \$119,260.73.
7. Cancelled cheques – 24490.

CORPORATE & COMMUNITY SERVICES REPORTS

RECOMMENDATION

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

Voting Requirement Simple Majority

.....

ITEM 12.1.1

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR PRICE

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

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Financial Activity Statement – Month Ending (31 August 2008)

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	Financial Activity Statement
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	The Financial Activity Statement be received and materiality limit set.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The monthly Financial Activity Statement has been prepared, and forms part of this item.

STATUTORY REQUIREMENTS

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

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- d) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. 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 Be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

Nil”

COMMENT/DISCUSSION

6. It is an annual requirement under the Local Government (Financial Management) Regulations 1996 for the Council to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variance. Information is considered material if its omission, mis-statement or non-disclosure has the potential to adversely affect decisions by users of the report or affect the discharge of accountability by management or Council. It is proposed that the materiality limit remain at 10%.

7. The following major variances from the current budget have been identified:

Operating Income

\$301,254 (over budget)

Fees and Charges are higher than budget. The monthly budget split is under review.

Interest earnings are higher than budget due to the inclusion of Reserves interest which will be offset against any future reduction in the fair value of investments.

Operating Expenditure

\$654,516 (under budget)

Materials and Contracts costs are under budget due partly to waste removal costs (invoice not received) - \$120k, and budget timing issues which are under review.

Interest Expense varies from budget due to a 07/08 accrual reversal.

Other Expenditure is over budget due to reduced winter plant recoveries (\$59k) and various timing issues.

Capital Expenditure

\$286,993 (under budget)

Capital Expenditure is under budget due to the early year emphasis on operating.

CORPORATE & COMMUNITY SERVICES REPORTS

RECOMMENDATION

THAT;

- i) a variance between year to date actual and budget of 10% or greater is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2008/09; and
- ii) the Financial Activity Statement for the month ending 31 August 2008 be received.

Voting Requirement Simple Majority

.....

ITEM 12.1.2

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR MATLA

THAT;

- i) a variance between year to date actual and budget of 10% or greater is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2008/09; and
- ii) the Financial Activity Statement for the month ending 31 August 2008 be received.

MOTION CARRIED 9-1

CORPORATE & COMMUNITY SERVICES REPORTS

STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 AUGUST 2008

Budget Full Year 08/09	Function / Activity	Actual Year to Date 31-Aug-08	Current Budget Year to Date 31-Aug-08	Current Budget vs Actual Variance
	REVENUE			
3,597,831	Operating Grants, Subsidies and Contributions	855,429	819,066	36,363
7,095,514	Fees and Charges	1,039,674	835,554	204,120
2,649,000	Service Charges	2,668,340	2,649,000	19,340
608,000	Interest Earnings	86,387	67,500	18,887
324,500	Other Revenue	151,612	129,068	22,544
14,274,845		4,801,442	4,500,188	301,254
	EXPENDITURE			
13,853,782	Employee Costs	2,226,129	2,433,603	(207,474)
12,263,994	Materials and Contracts	923,790	1,476,780	(552,990)
755,110	Utility Charges	160,421	150,240	10,181
1,332,219	Interest Expenses	(47,137)	0	(47,137)
483,839	Insurance Expenses	290,378	299,839	(9,461)
(321,579)	Other Expenditure	266,994	137,747	129,247
10,653,000	Depreciation	1,807,477	1,775,359	32,118
39,020,365		5,628,052	6,273,568	(645,516)
	Adjustment for Non-cash Revenue and Expenditure:			
(10,653,000)	Depreciation	(1,807,477)	(1,775,359)	(32,118)
	CAPITAL REVENUE			
9,527,112	Non-Operating Grants, Subsidies and Contributions	733,530	762,066	(28,536)
6,285,116	Proceeds from asset disposals	152,909	160,000	(7,091)
5,100,000	Proceeds from New Loans	0	0	0
46,230	Self-Supporting Loan Principal Revenue	2,750	2,750	0
7,459,666	Transfers from Reserves (Restricted Assets)	3,121,398	3,561,215	(439,817)
28,418,124		4,010,587	4,486,031	(475,444)
	CAPITAL EXPENDITURE			
26,586,266	Purchase Plant, Equipment and Infrastructure	434,544	751,899	(317,355)
2,523,215	Repayment of Loans	12,369	15,000	(2,631)
2,146,413	Transfers to Reserves (Restricted Assets)	57,393	24,400	32,993
31,255,894		504,306	791,299	(286,993)
2,200,000	Estimated Surplus B/fwd			
	ADD Net Current Assets July 1 B/fwd	1	n/a	n/a
	LESS Net Current Assets Year to Date	1	n/a	n/a
19,130,290	Amount Raised from Rates	(19,224,908)	(19,012,165)	(212,743)

CORPORATE & COMMUNITY SERVICES REPORTS

STATEMENT OF FINANCIAL ACTIVITY – NOTES
AS AT 31 AUGUST 2008

NET CURRENT ASSETS**Composition of Net Current Asset Position****CURRENT ASSETS**

Cash	8,012,806	574,704
Restricted Cash (Trust)	1,864,202	1,824,396
Reserve Funds - Other	3,840,271	6,904,276
Reserve Funds - Financial Assets (at market)	4,246,363	4,246,363
Trade and Other Receivables	16,887,575	1,865,213
Less Self Supporting Loans	(43,490)	(46,240)
Investment Land	46,400	46,400
Stock on Hand	793,015	799,624

As At
31-Aug-08

Brought Forward
01-Jul-08

LESS : CURRENT LIABILITIES

Borrowings	1,010,845	1,023,215
Creditors Provision - Annual Leave and LSL	1,683,947	1,692,860
Trust Liabilities	1,817,930	1,778,124
Creditors Provision and Accruals	2,115,979	3,362,517

Net Current Assets

Less: Restricted Assets

Restricted Cash (Trust)

Reserve Funds - Other

Reserve Funds - Financial Assets (at market)

Less: Borrowings**Less: Trust Liabilities****Less: Committed Assets (Unspent Capital Grants)****NET CURRENT ASSET POSITION**

35,647,142

16,214,736

1,010,845

1,023,215

1,683,947

1,692,860

1,817,930

1,778,124

2,115,979

3,362,517

6,628,701

7,856,716

29,018,441

8,358,020

(1,864,202)

(1,824,396)

(3,840,271)

(6,904,276)

(4,246,363)

(4,246,363)

1,010,845

1,023,215

1,817,930

1,778,124

21,896,381

(1,815,676)

Year to Date
31-Aug-08

Budget Full Year
08/09

Purchase Plant, Equipment and Infrastructure

Asset Masterplan Capital

Peace Park

Entertainment Centre

Plant Replacement

Subdivisions - Developers

Major Subdivisions

Other

104,486

4,982,725

36,754

2,358,500

-

2,000,000

136,415

3,077,043

-

4,676,300

27,039

6,250,000

129,850

3,866,698

434,544

27,211,266

CORPORATE & COMMUNITY SERVICES REPORTS

CITY OF ALBANY – BALANCE SHEET
AS AT 31 AUGUST 2008

CURRENT ASSETS

Cash - Municipal	8,012,806	1,853,283	574,704
Restricted cash (Trust)	1,864,202	1,778,000	1,824,396
Reserve Funds - Financial Assets (at market)	4,246,363	2,700,000	4,246,363
Reserve Funds - Other	3,840,271	951,095	6,904,276
Receivables & Other	16,887,575	1,753,371	1,865,213
Investment Land	46,400	160,000	46,400
Stock on hand	793,015	720,000	799,624

	35,690,632	9,915,749	16,260,976
--	-------------------	------------------	-------------------

CURRENT LIABILITIES

Borrowings	1,010,845	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,683,947	2,230,000	1,692,860
Trust Liabilities	1,817,930	1,748,000	1,778,124
Creditors prov & accruals	2,115,979	2,877,047	3,362,517

	6,628,701	8,118,047	7,856,716
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NET CURRENT ASSETS

	29,061,931	1,797,702	8,404,260
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NON CURRENT ASSETS

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	63,081,581	263,020,245	63,312,024
Infrastructure Assets	181,785,637		183,067,893
Local Govt House Shares	19,501	19,501	19,501

	247,455,529	265,415,165	248,968,228
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NON CURRENT LIABILITIES

Borrowings	23,384,572	25,721,573	23,384,572
Creditors & Provisions	217,433	150,000	217,433

	23,602,006	25,871,573	23,602,006
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NET ASSETS

	252,915,454	241,341,294	233,770,483
--	--------------------	--------------------	--------------------

EQUITY

Accumulated Surplus	224,580,255	218,415,565	202,313,885
Reserves	9,560,565	4,151,095	12,681,963
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634

	252,915,454	241,341,294	233,770,483
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CORPORATE & COMMUNITY SERVICES REPORTS

INCOME STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2008

NATURE / TYPE	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
INCOME			
Rates	19,224,908	19,130,290	17,915,530
Grants & Subsidies	784,898	3,278,000	3,071,233
Contributions. Reimb & Donations	70,532	319,831	452,799
Fees & Charges	1,039,674	7,095,514	5,100,832
Service Charges	2,668,340	2,649,000	2,517,352
Interest Earned	86,387	608,000	739,330
Other Revenue / Income	151,612	324,500	920,121
	24,026,351	33,405,135	30,717,198
EXPENDITURE			
Employee Costs	2,041,129	13,853,782	12,212,590
Utilities	160,421	755,110	748,982
Interest Expenses	(47,137)	1,332,219	1,169,598
Depreciation on non current assets	1,807,477	10,653,000	9,672,516
Contracts & materials	1,108,790	12,263,994	9,681,306
Insurance expenses	290,378	483,839	443,417
Other Expenses	266,994	(321,579)	487,688
	5,628,052	39,020,365	34,416,097
Change in net assets from operations	18,398,299	(5,615,230)	(3,698,900)
Grants and Subsidies - non-operating	652,170	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	81,360	5,006,300	10,734,755
Profit/Loss on Asset Disposals	13,143	4,291,116	804,688
Reduction in Fair Value - Investments			(1,531,324)
	19,144,972	8,202,998	10,571,775

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** REFER DISCLAIMER **

CORPORATE & COMMUNITY SERVICES REPORTS

Portfolio Valuation - Market Value

Aug 2008

Security	Credit Rating S & P	Maturity Date	Volume Held	Market Value Jun-08	Market Value Jul-08	Market Value Aug-08	Latest Monthly Variation	Income Earned 08/09
MUNICIPAL ACCOUNT								
Bendigo						3,000,000		
Bankwest						2,000,000		
CBA						1,500,000		
TOTAL MUNICIPAL ACCOUNT				0		6,500,000		27,501
RESERVES ACCOUNT								
BANK - TERM DEPOSITS								
Bendigo bank - Term Deposit	A2	19/05/2008		1,118,642	1,118,642	1,118,642	n/a	
Bankwest	A1	8/08/2008			2,000,000	2,000,000	n/a	
				1,118,642	3,118,642	3,118,642		0
COMMERCIAL SECURITIES								
SUN0910 Suncorp Metway FRN	A	22/06/2018	500,000	484,665	487,230	Not Yet Avail	(2,565)	
SUN0611 Suncorp Metway Sub Debt	A	22/06/2018	800,000	761,733	767,205	Not Yet Avail	(5,471)	
SGB0711 St George Bank Sub Debt	A+	26/07/2016	500,000	484,208	478,784	Not Yet Avail	5,424	10,118
MBL0512 Macquarie Bank Sub Debt	A	15/09/2014	500,000	454,057	442,266	Not Yet Avail	11,790	
ANZ PPYCN ANZ Principal Protected Yield Curve	AA	17/07/2017	200,000	175,725	170,833	Not Yet Avail	4,892	4,114
SAPH0811 Saphir (Endeavour) AAA	AAA	4/08/2011	400,000	357,505	354,821	Not Yet Avail	2,683	
MAGN0309 Magnolia (Flinders AA)	AA	20/03/2012	170,000	129,634	134,380	Not Yet Avail	(4,746)	
ZIRC0613A Zircon (Merimbula AA)	AA	20/06/2013	500,000	212,965	202,732	Not Yet Avail	10,233	
ZIRC0311A Zircon (Coolangatta AA)	AA-	20/09/2014	1,000,000	368,999	420,744	Not Yet Avail	(51,746)	
STRT1210 Start (Blue Gum AA-)	AA-	22/06/2013	275,000	151,847	153,565	Not Yet Avail	(1,718)	
CORS1209 Corsair (Kakadu AA)	B+	20/03/2014	275,000	128,952	129,555	Not Yet Avail	(603)	
HELI0609 Helium (C=Scarborough AA)	BBB-	23/06/2014	600,000	335,612	354,189	Not Yet Avail	(18,578)	
BERY0310 Beryl (AAAGlobal Bank Note)	AAA	20/09/2014	200,000	163,561	163,432	Not Yet Avail	130	
				4,209,463	4,259,736		(50,273)	14,232
SUB PRIME MORTGAGES								
SRC0510A SPRC (Federation AAA)	CCC	10/02/2047	500,000	36,900	32,133	Not Yet Avail	4,767	
				36,900	32,133		4,767	0
Other Reserves income								
								6,107
TOTAL RESERVE ACCOUNT				5,365,005	7,410,510		(45,506)	20,338
PORTFOLIO TOTAL				5,365,005	7,410,510		(45,506)	47,839

12.2 ADMINISTRATION

Nil

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Councillor Wiseman declared a financial interest in Agenda Item 12.7.1 and left the chamber at 7.55pm.

The nature of Councillor Wiseman's interest is Albany Inbound manage Councillor's investment property.

12.7 VISITORS CENTRE**12.7.1 Extension and amendment to Contract C05026 – Accommodation and Tour Bookings Service**

File/Ward	: C05026 (All Wards)
Proposal/Issue	: Bookings Service Contract
Subject Land/Locality	: Albany Visitors Centre, Proudlove Parade, Albany
Proponent	: Albany Inbound Pty Ltd (R and L Hammond)
Owner	: City of Albany
Reporting Officer(s)	: Manager of Community Development (M Weller)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19.04.2005 – Item 14.3.2 OCM 21.06.2005 – Item 14.3.1 OCM 20.12.2005 – Item 14.3.1 OCM 20.03.2007 – item 12.7.1 OCM 17.07.2007 – item 12.7.1
Summary Recommendation	: Extend the term of C05026 for 36 months with amendments as detailed.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. On 1st February 2006 the City entered into contract with Tayson Pty Ltd (now Albany Inbound Pty Ltd) for the provision of accommodation and tour bookings services, based at the Albany Visitor Centre.
2. The initial term for the agreement was set at thirty-six (36) months, expiring the 31st January 2009.
3. The agreement contained the following extension clauses:

"2.3 Term... b) the City may, with agreement of the Contractor, extend the term of this Contract beyond the initial Term for a period that is:

- i) Not shorter than three (3) months; and*
- ii) Not longer than thirty six (36) months,*

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From the expiration of the initial term:

iii) The City shall give the Contractor notice of its intention to extend the Initial Term no less than three (3) months prior to the expiration of the Initial Term”

STATUTORY REQUIREMENTS

4. Any amendments and extension of contract must be agreed to by both parties in writing.
5. In the event the contract is extended, at the expiration of the extended term the contract would cease. If council wished to enter into further contract for the services, a new tender would be required.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The City receives an estimated net income of \$40,000 per year from commissions for the provision of bookings services. This is utilised to offset part of the cost of providing the free visitor information service.
8. The proposed booking amendment, cancellation fees and operator setup/ installation fees would be recouped by the contractor to offset economic loss as a result of these transactions. The City would not receive commission on these fees.
9. The removal of the obligation on the operator to pay commission to the City on fees levied by credit card companies represents an estimated potential reduction in income to the City of \$600-\$1200 per year.

STRATEGIC IMPLICATIONS

10. This item relates to the following element of the City of Albany insight 2020 Corporate Plan...

“The City of Albany Will...

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

COMMENT/DISCUSSION

11. During the term of the contract the City agreed to several contract amendments, the nature of the major amendments were:
 - the introduction and acceptance of commission revenue from an additional service, ‘stay now’, introduced from the premises by the contractor; and
 - the allowance of the operator to charge fees between 15.1%-20%, at the contractors discretion, on a case by case basis, reflecting the different marketing intensity of promotional arrangements with operators utilising the ‘stay now’ service
12. In the opinion of staff the terms and conditions of the contract have been met to date.

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13. The contractor has indicated their intention to extend the agreement and requested a number of amendments as set out in recommendation iii). In the opinion of staff these amendments are reasonable and in keeping with the operation and practices of a number of other major Western Australian Visitor Centres.
14. Specifically in relation to recommendation iii) e): the City currently receives commission on fees levied by credit card companies as part of the City's total commission. An example of the application of this is (say): if a credit card company charged 1.5% on a \$100 transaction for a booking for an accommodation provider in Albany, the Contractor would pay the credit card company \$1.50 and the City would receive (in addition to 2% on the \$100 transaction) 2% of this \$1.50 (\$0.03) from the contractor.
15. It is understood that while the terms of the agreement result in the obligation of the contractor to pay commission on credit card fees, this was not the intention when the agreement was drafted that a percentage of these additional charges would pass to the City.
16. As well as financial performance, customer service is valued highly by the City of Albany. The contract currently contains provision obliging the contractor to comply with the City's Customer Service Charter.
17. Recommendation iv) is intended to:
 - measure performance of the bookings service under section 3.1(c) of the contract;
 - measure performance of the free visitor information service; and
 - allow the identification of customer service improvement opportunities by both services.
18. It is intended by both parties that the commitment to excellence in customer service will form part of the 'spirit' of the agreement.

RECOMMENDATIONS

THAT:

- i) Council extends contract C05026 from the 1st Feb 2009 expiration, for a further thirty Six (36) months;
- ii) incorporates all agreed contract amendments to date in the contract;
- iii) makes the following further amendments applicable from the 1st October 2008:
 - a) allows Albany inbound to implement a \$50 (ex GST) bookings cancellation fee, \$25.50 (ex GST) major amendment fee and \$9.50 (ex GST) minor amendment fee to be implemented where applicable, at the discretion of the contractor;
 - b) allows the introduction of an operator 'connection, setup + training fee' of \$200 (ex GST) and a 'connection and set-up only' fee of \$150 (ex GST);
 - c) allows the CPI indexed increase of these fees in section a) and b), 12 months after the date of their implementation and then again on each 12 month anniversary until the expiration of the contract;
 - d) While maintaining all other operating hours provisions, amends the required trading hours to allow changes to Sunday trading requirements for the contractor in the months of March , April, May and October (only) from 9.00am to 5.00pm (current) to 10.00am to 4.00pm;
 - e) Removes the obligation of the contractor to pay commission to the City on transaction fees levied by credit card companies. This does not remove obligation to pay any fees applicable under the contract with the 'Bookeasy' provider;

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- iv) as part of the City's continued commitment to excellence in customer service and ensuring the service standards within the City's customer service charter are upheld, the customer service operation of whole centre will be subject to periodic evaluation by the City, including but not limited to measures such as 'mystery shopping'; and
- v) the results of these will be utilised to:
 - measure performance of the bookings service under section 3.1(c) of the contract;
 - measure performance of the free visitor information service; and
 - allow the identification of customer service improvement opportunities by both services.

It will be recognised by both parties that the commitment to excellence in customer service will form part of the 'spirit' of the agreement.

Voting Requirement Simple Majority

ITEM 12.7.1**MOVED COUNCILLOR MATLA****SECONDED COUNCILLOR PRICE****THAT:**

- i) Council extends contract C05026 from the 1st Feb 2009 expiration, for a further thirty Six (36) months;
- ii) incorporates all agreed contract amendments to date in the contract;
- iii) makes the following further amendments applicable from the 1st October 2008:
 - a) allows Albany inbound to implement a \$50 (ex GST) bookings cancellation fee, \$25.50 (ex GST) major amendment fee and \$9.50 (ex GST) minor amendment fee to be implemented where applicable, at the discretion of the contractor;
 - b) allows the introduction of an operator 'connection, setup + training fee' of \$200 (ex GST) and a 'connection and set-up only' fee of \$150 (ex GST);
 - c) allows the CPI indexed increase of these fees in section a) and b), 12 months after the date of their implementation and then again on each 12 month anniversary until the expiration of the contract;
 - d) While maintaining all other operating hours provisions, amends the required trading hours to allow changes to Sunday trading requirements for the contractor in the months of March , April, May and October (only) from 9.00am to 5.00pm (current) to 10.00am to 4.00pm;
 - e) Removes the obligation of the contractor to pay commission to the City on transaction fees levied by credit card companies. This does not remove obligation to pay any fees applicable under the contract with the 'Bookeasy' provider;
- iv) as part of the City's continued commitment to excellence in customer service and ensuring the service standards within the City's customer service charter are upheld, the customer service operation of whole centre will be subject to periodic evaluation by the City, including but not limited to measures such as 'mystery shopping'; and
- v) the results of these will be utilised to:
 - measure performance of the bookings service under section 3.1(c) of the contract;
 - measure performance of the free visitor information service; and
 - allow the identification of customer service improvement opportunities by both services.

It will be recognised by both parties that the commitment to excellence in customer service will form part of the 'spirit' of the agreement.

MOTION CARRIED 8-1

Councillor Wiseman returned to the chamber at 7.56pm.

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Senior Advisory Committee meeting minutes – 21st August 2008

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Community Development Officer – Senior (G Martin)
Summary Recommendation	:	That the Minutes of Albany Senior Advisory Committee held on 21 st August 2008 be received.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 21st August 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

ITEM 12.8.1

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

THAT the minutes of Albany Senior Advisory Committee meeting of 21st August 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Community and Economic Development Strategy and Policy Committee Meeting Minutes – 20 August 2008

File/Ward	:	MAN 233 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate and Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Community and Economic Development Strategy and Policy Committee meeting held on 20 August 2008 be received.

RECOMMENDATION 1

THAT the minutes of the Community and Economic Development Strategy and Policy Committee held on Wednesday 20 August 2008 be received (copy attached to the rear of this report)

Voting Requirement Simple Majority

ITEM 12.8.2 – RECOMMENDATION 1

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee held on Wednesday 20 August 2008 be received (copy attached to the rear of this report)

MOTION CARRIED 10-0

RECOMMENDATION 2

Item 5.1 – Forts Strategic Plan

- a) That Council adopt the Fort's Strategic Plan.

Voting Requirement Simple Majority

ITEM 12.8.2 RECOMMENDATION 2

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR STANTON**

Item 5.1 – Forts Strategic Plan

- a) That Council adopt the Fort's Strategic Plan.**

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM 12.8.2 – RECOMMENDATION 3 – OFFICERS RECOMMENDATION

Item 5.4 - Community Sporting and Recreation Facilities Fund (CSRFF) Applications

1. i) That Council support the submission of a September 2008 CSRFF application by the Junior Football Association, Senior Cricket and Junior cricket for a joint facility north of ALAC subject to:
 - The scope of the facility is kitchen/ servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.
 - There be no licensed bar at the facility.
 - There be no major meeting/function space at the facility as there is adequate provision for these uses at other facilities within the precinct.
 - The acceptance of a lease for the site including a clause that there be no senior football side located at the facility on its construction or into the future.
 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy.
 - The proponent comply with planning consent and building licence requirements.
- ii) Council supports the location of junior football competition at the oval North East (adjacent) of ALAC and area known as 'Turfs West' subject to:
 - The availability and booking of grounds and payment of all grounds hire fees.
 - While options for increasing the quality of these grounds will be considered as part of the recreation master plan process, completion of major works on these grounds will be subject to prioritisation within Councils financial plan.
 - There will be no senior football games played on these grounds.
- 2) i) That Council include in the 'recreation planning strategy' that the location of Senior Australian Rules Football Club facilities shall be:
 - A co-located facility and major oval for two senior clubs at centennial oval;
 - A co-located facility and major oval for two senior clubs at North Albany; and
 - Associated secondary training grounds located where possible in proximity to the above.
- ii) That Council supports the submission of a September 2008 CSRFF application by the 'Sharks' and 'North Albany' clubs for a co-located facility Collingwood Park subject to:
 - The main scope of the facility upgrade is the construction of additional change rooms, toilets, office, coaches/ umpire room and storage.
 - Facilities are designed to be constructed adjacent to the existing clubrooms and extend and share function, kitchen and bar space as common facilities (resulting in a construction saving and operational efficiency).
 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy
 - The proponent comply with planning consent and building licence requirements.
 - Any amendments being made to the lease for the site to accommodate the facility and the two clubs.
- 3) The proponents be informed that recommendations of the Community and Economic Development Strategy and Policy Committee are subject to adoption at the next Council meeting.

Voting Requirement Simple Majority

ITEM 12.8.2 – RECOMMENDATION 3 – OFFICERS RECOMMENDATION

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR STANTON

Item 5.4 - Community Sporting and Recreation Facilities Fund (CSRFF) Applications

1. i) That Council support the submission of a September 2008 CSRFF application by the Junior Football Association, Senior Cricket and Junior cricket for a joint facility north of ALAC subject to:
 - The scope of the facility is kitchen/ servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.
 - There be no licensed bar at the facility.
 - There be no major meeting/function space at the facility as there is adequate provision for these uses at other facilities within the precinct.
 - The acceptance of a lease for the site including a clause that there be no senior football side located at the facility on its construction or into the future.
 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy.
 - The proponent comply with planning consent and building licence requirements.
- ii) Council supports the location of junior football competition at the oval North East (adjacent) of ALAC and area known as 'Turfs West' subject to:
 - The availability and booking of grounds and payment of all grounds hire fees.
 - While options for increasing the quality of these grounds will be considered as part of the recreation master plan process, completion of major works on these grounds will be subject to prioritisation within Councils financial plan.
 - There will be no senior football games played on these grounds.
- 2) i) That Council include in the 'recreation planning strategy' that the location of Senior Australian Rules Football Club facilities shall be:
 - A co-located facility and major oval for two senior clubs at centennial oval;
 - A co-located facility and major oval for two senior clubs at North Albany; and
 - Associated secondary training grounds located where possible in proximity to the above.
- ii) That Council supports the submission of a September 2008 CSRFF application by the 'Sharks' and 'North Albany' clubs for a co-located facility Collingwood Park subject to:
 - The main scope of the facility upgrade is the construction of additional change rooms, toilets, office, coaches/ umpire room and storage.
 - Facilities are designed to be constructed adjacent to the existing clubrooms and extend and share function, kitchen and bar space as common facilities (resulting in a construction saving and operational efficiency).
 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy
 - The proponent comply with planning consent and building licence requirements.
 - Any amendments being made to the lease for the site to accommodate the facility and the two clubs.
- 3) The proponents be informed that recommendations of the Community and Economic Development Strategy and Policy Committee are subject to adoption at the next Council meeting.

MOTION LOST 3-7

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM 12.8.2 – RECOMMENDATION 3 - COUNCILLOR WISEMAN FORESHADOWED MOTION

THAT Council SUPPORT the officers recommendation, pending Item 5.4 Community Sporting and Recreation Facilities Fund (CSRFF) Application, paragraph 1 sub-paragraph i), point 2 “There be no licensed bar at the facility”, being amended to READ:

THAT future consideration maybe given to pursue a licensed bar at the facility.

Reason:

It is not the role of the City of Albany to approve or not approve liquor applications.

ITEM 12.8.2 – RECOMMENDATION 3 - COUNCILLOR WISEMAN FORESHADOWED MOTION

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR BUEGGE**

THAT Council SUPPORT the officers recommendation, pending Item 5.4 Community Sporting and Recreation Facilities Fund (CSRFF) Application, paragraph 1 sub-paragraph i), point 2 “There be no licensed bar at the facility”, being amended to READ:

THAT future consideration maybe given to pursue a licensed bar at the facility.

MOTION LOST 4-6

ITEM 12.8.2 – RECOMMENDATION 3 - COUNCILLOR WILLIAM'S ALTERNATE MOTION

THAT Council defer item 12.8.2 – Recommendation 3 to a special council meeting to be conducted before the 25th September 2008.

Reason:

To address the claims made by the Sharks Football club representative during public question time and ensure that due diligence and governance is conducted.

ITEM 12.8.2 – RECOMMENDATION 3 - COUNCILLOR WILLIAMS ALTERNATE MOTION

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR PAVER**

THAT Council defer item 12.8.2 – Recommendation 3 to a special council meeting to be conducted before the 25th September 2008.

MOTION LOST 3-7

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM 12.8.2 – RECOMMENDATION 3 - COUNCILLOR BUEGGE'S ALTERNATE MOTION

THAT Council adopt the Officer's Recommendation, pending the deletion of paragraph 1, sub paragraph ii).

Reason:

To enable the application for CSRFF funding to be progressed.

ITEM 12.8.2 – RECOMMENDATION 3 - COUNCILLOR BUEGGE'S ALTERNATE MOTION

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WOLFE**

THAT Council adopt the Officer's Recommendation, pending the deletion of paragraph 1, sub paragraph ii).

MOTION LOST 4-6

ITEM 12.8.2 – RECOMMENDATION 3 – RESCIND MOTION ONE BY COUNCILLOR PRICE

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WISEMAN**

THAT Council RESCIND MOTION ONE (ITEM 12.8.2 – RECOMMENDATION 3 – OFFICERS RECOMMENDATION) in order to move the officers recommendation.

Reason:

To enable the application for CSRFF funding to be progressed.

ITEM 12.8.2 – RECOMMENDATION 3 – RESCIND MOTION

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WISEMAN**

THAT Council RESCIND MOTION ONE (ITEM 12.8.2 – RECOMMENDATION 3 – OFFICERS RECOMMENDATION) in order to move the officers recommendation.

**MOTION CARRIED 7-3
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM 12.8.2 – RECOMMENDATION 3 – ORIGINAL OFFICERS RECOMMENDATION

Item 5.4 - Community Sporting and Recreation Facilities Fund (CSRFF) Applications

- 1)
 - i) That Council support the submission of a September 2008 CSRFF application by the Junior Football Association, Senior Cricket and Junior cricket for a joint facility north of ALAC subject to:
 - The scope of the facility is kitchen/ servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.
 - There be no licensed bar at the facility.
 - There be no major meeting/function space at the facility as there is adequate provision for these uses at other facilities within the precinct.
 - The acceptance of a lease for the site including a clause that there be no senior football side located at the facility on its construction or into the future.
 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy.
 - The proponent comply with planning consent and building licence requirements.
 - ii) Council supports the location of junior football competition at the oval North East (adjacent) of ALAC and area known as 'Turfs West' subject to:
 - The availability and booking of grounds and payment of all grounds hire fees.
 - While options for increasing the quality of these grounds will be considered as part of the recreation master plan process, completion of major works on these grounds will be subject to prioritisation within Councils financial plan.
 - There will be no senior football games played on these grounds.
- 2)
 - i) That Council include in the 'recreation planning strategy' that the location of Senior Australian Rules Football Club facilities shall be:
 - A co-located facility and major oval for two senior clubs at centennial oval;
 - A co-located facility and major oval for two senior clubs at North Albany; and
 - Associated secondary training grounds located where possible in proximity to the above.
 - ii) That Council supports the submission of a September 2008 CSRFF application by the 'Sharks' and 'North Albany' clubs for a co-located facility Collingwood Park subject to:
 - The main scope of the facility upgrade is the construction of additional change rooms, toilets, office, coaches/ umpire room and storage.
 - Facilities are designed to be constructed adjacent to the existing clubrooms and extend and share function, kitchen and bar space as common facilities (resulting in a construction saving and operational efficiency).
 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy
 - The proponent comply with planning consent and building licence requirements.
 - Any amendments being made to the lease for the site to accommodate the facility and the two clubs.
- 3) The proponents be informed that recommendations of the Community and Economic Development Strategy and Policy Committee are subject to adoption at the next Council meeting.

Reason:

To progress the CSRFF funding application.

ITEM 12.8.2 – RECOMMENDATION 3 – ORIGINAL OFFICERS RECOMMENDATION

MOVED COUNCILLOR WISEMAN

SECONDED COUNCILLOR STANTON

Item 5.4 - Community Sporting and Recreation Facilities Fund (CSRFF) Applications

- 1) i) That Council support the submission of a September 2008 CSRFF application by the Junior Football Association, Senior Cricket and Junior cricket for a joint facility north of ALAC subject to:
 - The scope of the facility is kitchen/ servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.
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 - The acceptance of a lease for the site including a clause that there be no senior football side located at the facility on its construction or into the future.
 - The proponents sourcing sufficient funding to construct and maintain the facility.
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 - The proponent comply with planning consent and building licence requirements.
- ii) Council supports the location of junior football competition at the oval North East (adjacent) of ALAC and area known as 'Turfs West' subject to:
 - The availability and booking of grounds and payment of all grounds hire fees.
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- 2) i) That Council include in the 'recreation planning strategy' that the location of Senior Australian Rules Football Club facilities shall be:
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- ii) That Council supports the submission of a September 2008 CSRFF application by the 'Sharks' and 'North Albany' clubs for a co-located facility Collingwood Park subject to:
 - The main scope of the facility upgrade is the construction of additional change rooms, toilets, office, coaches/ umpire room and storage.
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 - The proponents sourcing sufficient funding to construct and maintain the facility.
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy
 - The proponent comply with planning consent and building licence requirements.
 - Any amendments being made to the lease for the site to accommodate the facility and the two clubs.
- 3) The proponents be informed that recommendations of the Community and Economic Development Strategy and Policy Committee are subject to adoption at the next Council meeting.

MOTION CARRIED 6-4

Record of Vote:

For: Councillor Kidman, Matla, Stanton, Buegge, Price, and Wiseman.

Against: Councillor Morris, Paver, Williams, and Wolfe.

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM 12.8.2 - RECOMMENDATION 4

Item 5.3 - Albany Cultural Development Committee Meeting Minutes

That the minutes of the Albany Cultural Development Committee Meeting of 7 August 2008 be received and the following recommendations adopted;

- a) That the appointment of Annette Grant, Katie Thamo, Joan May Campbell and Beth Kirkland to the Artwork Acquisition Panel be endorsed.
- b) That the Indigenous Liaison Officer, (Cheryle James-Wallace) be appointed to the Albany Cultural Development Committee.

Voting Requirement Absolute Majority

.....

ITEM 12.8.2 - RECOMMENDATION 4

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

Item 5.3 - Albany Cultural Development Committee Meeting Minutes

That the minutes of the Albany Cultural Development Committee Meeting of 7 August 2008 be received and the following recommendations adopted;

- a) That the appointment of Annette Grant, Katie Thamo, Joan May Campbell and Beth Kirkland to the Artwork Acquisition Panel be endorsed.**
- b) That the Indigenous Liaison Officer, (Cheryle James-Wallace) be appointed to the Albany Cultural Development Committee.**

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**



MINUTES

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

**Held on
Wednesday, 20 August 2008
3.00pm**

Margaret Coates Boardroom

City of Albany

**** Disclaimer ****

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the City of Albany during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Albany. The City of Albany warns that anyone who has an application lodged with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

Signed _____



Andrew Hammond
Chief Executive Officer

Date: 20 August 2008

ORDINARY COUNCIL MEETING MINUTES – 16/09/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 20/08/2008
** REFER DISCLAIMER **

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ORDINARY COUNCIL MEETING MINUTES – 16/09/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 20/08/2008
** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

Councillor Walker declared the meeting open at 3.04pm.

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

Attendances:

Chairperson

Mayor

Councillors

J Walker

MJ Evans, JP

D Price

R Paver

Executive Director Corporate and Community Services

Manager Customer Services – Minutes

Manager Community Development

P Madigan

B Parker

M Weller

Observers:

Councillor

EK Stanton

Apologies/Leave of Absence:

Councillor

D Wiseman

G Kidman

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

**MOVED MAYOR EVANS
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 16 July 2008 were a true and accurate record of proceedings.

VOTE 4-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

ORDINARY COUNCIL MEETING MINUTES – 16/09/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 20/08/2008
** REFER DISCLAIMER **

5.0 ITEMS FOR DISCUSSION

5.1 Forts Strategic Plan

The City's Manager Community Development, Mark Weller attended the meeting and presented the Forts Strategic Plan. This document will guide the strategic direction of the Princess Royal Fortress for the period 2008 to 2013.

Mr Weller elaborated on the major projects to be facilitated during the identified period of the strategy including a modern army display, an indigenous component, volunteer resources, staff, maintenance, preservation and curatorial services. Of major importance was the development of a modern interpretation plan that provided linkages to the various elements on display at the Forts.

Councillor Price thanked the staff for the excellent work completed to date and suggested some minor changes. These changes were provided to Mr Weller for inclusion before being presented to full council.

The group discussed rebuilding facilities and the implications from a heritage and cost perspective.

The group requested that Mr Weller attach a map to the strategy before presenting it to Council outlining the various buildings at the Forts and the proposed location of displays under the proposed modern interpretation plan.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT Council adopt the Forts Strategic Plan

VOTE 4-0

5.2 Art Forms in the Public Domain

The Executive Director Corporate and Community Services, Peter Madigan attended the meeting and explained that under the new corporate plan, he had been assigned the task to provide consistent themes from a public art perspective throughout the City. Mr Madigan explained how the public art on Lockyer Avenue provided a consistent theme representing the elements of wind, fire and water and how thematic representation would be the objective throughout the City.

Mr Madigan explained that the linking of themes would be included in the Public Art Guidelines that will be created to support the Public Art Policy created under the Town Planning Schemes 1A and 3.

**MOVED COUNCILLOR PRICE
SECONDED MAYOR EVANS**

THAT this information be received.

VOTE 4-0

5.3 Albany Cultural Development Committee Meeting Minutes

Mr Madigan explained to the committee that it was his preference for the Albany Cultural Development Committee Meeting Minutes to be received through this committee.

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 20/08/2008

** REFER DISCLAIMER **

Councillor Price requested clarification on a few items from the minutes including Council representation on the committee and the pending discussion on the future use of the Town Hall. Mr Madigan confirmed that the Albany Cultural Development Committee was a Committee of Council and that Mayor Evans was the Council representative. Mr Madigan confirmed that the discussion on the future use of the Town Hall was the Committee's review of the York Street Master Plan.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Albany Cultural Development Committee Meeting of 7 August 2008 be received and the following recommendations adopted:

- a. That the appointment of Annette Grant, Katie Thamo, Joan May Campbell and Beth Kirkland to the Artwork Acquisition Panel be endorsed.
- b. **THAT** the Indigenous Liaison Officer, (Cheryle James-Wallace) be appointed to the Albany Cultural Development Committee.

VOTE 4-0

5.4 Community Sporting and Recreation Facilities Fund (CSRFF) Applications

Mr Weller addressed the Committee in relation to the City's role in processing CSRFF Applications on behalf of the Department of Sport and Recreation.

Mr Weller had received information that a number of sporting groups in Albany had planned to submit applications by the 25 September 2008 deadline.

In order for Mr Weller to perform the function of processing these applications, he required strategic direction from the Committee with relation to the co-location of a number of sporting organisations at specified locations.

**MOVED COUNCILLOR PRICE
SECONDED MAYOR EVANS**

1. i) That Council support the submission of a September 2008 CSRFF application by the Junior Football Association, Senior Cricket and Junior cricket for a joint facility north of ALAC subject to:
 - The scope of the facility is kitchen/ servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.
 - There be no licensed bar at the facility
 - There be no major meeting/function space at the facility as there is adequate provision for these uses at other facilities within the precinct
 - The acceptance of a lease for the site including a clause that there be no senior football side located at the facility on its construction or into the future
 - The proponents sourcing sufficient funding to construct and maintain the facility
 - Any potential contribution by Council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy
 - The proponent comply with planning consent and building licence requirements

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 20/08/2008

** REFER DISCLAIMER **

- ii) Council supports the location of junior football competition at the oval North East (adjacent) of ALAC and area known as 'Turfs West' subject to:
 - The availability and booking of grounds and payment of all grounds hire fees
 - While options for increasing the quality of these grounds will be considered as part of the recreation masterplan process, completion of major works on these grounds will be subject to prioritisation within councils financial plan
 - There will be no senior football games played on these grounds
- 2) i) That council include in the 'recreation planning strategy' that the location of Senior Australian Rules Football Club facilities shall be:
 - A co-located facility and major oval for two senior clubs at centennial oval;
 - A co-located facility and major oval for two senior clubs at North Albany; and
 - Associated secondary training grounds located where possible in proximity to the above
- ii) That council supports the submission of a September 2008 CSRFF application by the 'Sharks' and 'North Albany' clubs for a co-located facility Collingwood Park subject to:
 - The main scope of the facility upgrade is the construction of additional change rooms, toilets, office, coaches/ umpire room and storage
 - Facilities are designed to be constructed adjacent to the existing clubrooms and extend and share function, kitchen and bar space as common facilities (resulting in a construction saving and operational efficiency)
 - The proponents sourcing sufficient funding to construct and maintain the facility
 - Any potential contribution by council towards the construction of the above facilities will be subject to application in accordance with the 'Community Financial Assistance Fund' policy
 - The proponent comply with planning consent and building licence requirements
 - Any amendments being made to the lease for the site to accommodate the facility and the two clubs
- 3) The proponents be informed that recommendations of the Community and Economic Development Strategy and Policy Committee are subject to adoption at the next council meeting

VOTE 4-0

6.0 TIME AND DATE OF NEXT MEETING

Next meeting is scheduled for Wednesday, 17 September 2008 at 3.00pm.

7.0 CLOSURE OF MEETING

The meeting closed at 4:35pm

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil.

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil.

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Contract C08005 – Construction of Concrete Kerbing

File/Ward	:	C08005 (All Wards)
Proposal/Issue	:	Construction of Concrete Kerbing at various locations
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Project Engineer (M Bracknell); Supervisor Small Projects (D McGlade) and Procurement Officer (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender from Gordon Walmsley Pty Ltd to supply and install concrete kerbing at various locations around the City.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The 2008/2009 budget provided a Capital Works Program to be completed with assistance of external construction contractors. The Contractors are to be sourced through a public tender process for the supply of labour, plant and materials to lay concrete kerbing.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is expected to exceed \$100,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires the CEO to advise each Tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

5. The City of Albany's Regional Price Preference Policy applies to this Item.

FINANCIAL IMPLICATIONS

6. Sufficient funding for this work is allowed for in the construction budget and will be costed against each job.

WORKS & SERVICES REPORTS**STRATEGIC IMPLICATIONS**

7. 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.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 23rd July 2008, the Albany Advertiser on 24th July 2008 and the Albany Extra on 25th July 2008.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	50
Technical Compliance & Experience	20
Reliability	15
Safety Management	15
TOTAL	100%

10. Tender documents were issued to eight Tenderer's, only one tender submission was received by the close of the tender period. The submission received claimed against the Regional Price Preference Policy.
11. The tender documents included a schedule of rates for various types of kerbing used throughout the City's streets. The estimated scope of kerbing per annum was then used in the cost evaluation process.
12. Gordon Walmsley Pty Ltd has provided this service to the City over the past two (2) years and the cost and service delivery has been acceptable for the operations team.
13. Tenders were assessed overall against weighted criteria and the following scores resulted:

Tenderer	Price	Total Weighted Score
Gordon Walmsley Pty Ltd	\$155,040.00	540

WORKS & SERVICES REPORTS

RECOMMENDATION

THAT Council accepts the tender from Gordon Walmsley Pty Ltd for the construction of concrete kerbing as per the Schedule of Rates submitted.

Voting Requirement Simple Majority

.....

ITEM 13.4.1 - AMENDED OFFICER RECOMMENDATION

THAT Council accepts the tender from Gordon Walmsley Pty Ltd for the construction of concrete kerbing and award Contract C08005 as per the Schedule of Rates submitted at an evaluated price of \$155,040.00 per annum.

Voting Requirement Simple Majority

.....

ITEM 13.4.1 - AMENDED OFFICER RECOMMENDATION

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE**

THAT Council accepts the tender from Gordon Walmsley Pty Ltd for the construction of concrete kerbing and award Contract C08005 as per the Schedule of Rates submitted at an evaluated price of \$155,040.00 per annum.

MOTION CARRIED 10-0

WORKS & SERVICES REPORTS

13.4.2 Contract C08018 – Supply and Delivery of Concrete Drainage Products

File/Ward:	C08018 (All Wards)
Proposal/Issue:	Supply and Delivery of Concrete Drainage Products
Subject Land/Locality:	N/A
Proponent:	N/A
Owner:	N/A
Reporting Officer(s):	Manager City Works (M Richardson), Depot Services Administrator (J Harbach) and Procurement Officer (W Male)
Disclosure of Interest:	Nil
Previous Reference:	Nil
Summary Recommendation:	That Council accepts the tender for supply and delivery of concrete drainage products from MJB Industries Pty Ltd.
Locality Plan:	N/A

BACKGROUND

1. The supply and delivery of concrete drainage products for the next 12 months will exceed \$100,000. In order for Council to maintain the current level of commitment for these works, Council is required to tender this service.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is expected to exceed more than \$100,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires Council to advise each Tenderer in writing the result of Council's decision

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

WORKS & SERVICES REPORTS**STRATEGIC IMPLICATIONS**

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

“Community Vision:

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

Mission Statement:

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

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on Saturday 26th July 2008 and Albany Advertiser on Tuesday 29th July 2008.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	50
Technical Compliance & Experience	35
Quality Accreditation	15
TOTAL	100%

10. Tender documents were issued to seven possible Tenderer’s, with three tender submissions received. Two submissions received were from local suppliers, who claimed against the Regional Price Preference Policy.
11. A complete list of concrete drainage products were supplied in 12 product categories these include pipes, culverts, slabs, bases, headwalls, cylinders, soakwells, grates, and covers. Tenderer’s were required to submit a schedule of rates costing each item, the projected total amount for each product was then calculated to give a lump sum total for assessment.
12. Tenders were assessed overall against weighted criteria and the following scores resulted, the recommended tender score is in bold type.

Tenders Submitted	Evaluated Price	Total Weighted Score
MJB Industries Pty Ltd	\$19,093.85	514
Ball Concrete Pipes & Products	\$21,742.17	475.5
Agcrete	\$16,401.73	385.5

13. The tender required evidence of quality accreditation. Agcrete were approached by the evaluation team to provide this evidence. The Manager of Agcrete has quality accreditation of products made by other businesses, but failed to provide evidence of quality assurance for products manufactured by his business. The evaluation team deemed that no quality accreditation was of high risk to Council and assessed Agcrete accordingly. Both Ball Concrete Pipes & Products and MJB Industries provided sound evidence of quality accreditation, technical compliance and experience.

WORKS & SERVICES REPORTS

14. MJB Industries Pty Ltd has provided concrete drainage products to Council in the past and to date the quality and delivery timeframes have been satisfactory.

RECOMMENDATION

THAT Council award the tender C08018 for Supply and Delivery of Concrete Drainage Products to MJB Industries Pty Ltd.

Voting Requirement Simple Majority

.....

ITEM 13.4.2 – AMENDED OFFICER RECOMMENDATION

THAT Council accepts the tender from MJB Industries Pty Ltd for Supply and Delivery of Concrete Drainage Products and award Contract C08018 as per the Schedule of Rates at the evaluated price of \$19,093.85.

Voting Requirement Simple Majority

.....

ITEM 13.4.2 – AMENDED OFFICER RECOMMENDATION

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR BUEGGE

THAT Council accepts the tender from MJB Industries Pty Ltd for Supply and Delivery of Concrete Drainage Products and award Contract C08018 as per the Schedule of Rates at the evaluated price of \$19,093.85.

MOTION CARRIED 10-0

Councillor Wiseman left the Chamber at 8.45pm.

WORKS & SERVICES REPORTS

Councillor Wiseman returned to the Chamber at 8.46pm.

13.5 CITY SERVICES – PROPERTY MANAGEMENT**13.5.1 New Lease - Albany Surf Life Saving Club**

File/Ward	: PRO 040 (Fredrickstown Ward)
Proposal/Issue	: Surrender of existing lease and enter into a new lease to the Albany Surf Life Saving Club which will extend the area of its current lease and include a licence for a portion of the beach area.
Subject Land/Locality	: Middleton Beach Foreshore (Reserve 14789)
Proponent	: Albany Surf Life Saving Club
Owner	: Crown Land
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council approves the surrender of the existing lease and issue a new lease for land on the Middleton Beach foreshore incorporating a licence for part of the beach area be issued to the Albany Surf Life Saving Club for a period of 21 years
Bulletin Attachment	: Letter Albany Surf Life Saving Club dated 1 st July 2008
Locality Plan	: End of this document

BACKGROUND

1. The Albany Surf Life Saving Club (ASLSC) has been in existence since 1954 and currently holds a lease for Council owned premises on this reserve.
2. The Club wishes to extend its facilities and has requested an extension to its current leased area to incorporate the proposed new building. It has also requested a licence for the use of a portion of the beach abutting the new leased area.

STATUTORY REQUIREMENTS

3. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
4. As this is Crown Land, vested in the City of Albany for the purpose of Recreation, Ministerial approval will be required.
5. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.

WORKS & SERVICES REPORTS

6. The Surf Life Saving Club is a not for profit sporting body and is therefore exempt from the provisions of Section 3.58.
7. The clubrooms are situated on Crown Reserve 14789 at the Middleton Beach foreshore which is under management order to the City with the power to lease for up to 21 years.

POLICY IMPLICATIONS

8. The recommendation is consistent with Council's Property Policy – Leases.

FINANCIAL IMPLICATIONS

9. All costs associated with the new lease will be at a cost to the lessee. Annual rent will remain as Minimum Land Rate, currently \$533.00 plus GST.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Priority Goals and Objectives:

Goal 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.”

COMMENT/DISCUSSION

11. The Albany Surf Life Saving Club's (ASLSC) current lease was granted in September 1994 for a period of 21 years. The area leased was essentially the “footprint” occupied by the current building. Public toilets are incorporated into the building and are serviced and maintained by the City.
12. The Club has increased membership and states that its current premises are inadequate for its current and future use; it now has 330 members with significant growth in its junior membership. It has developed concept plans for an extension and requires tenure on additional land to incorporate the concept plan and apply for funding.
13. It has also requested that a licence be granted to it for a 5 metre strip of beach adjacent to the requested lease boundary. This will give the Club the ability to locate equipment on the beach, a licence grants a non exclusive right to use the land and therefore the public can still use this area when not required by the Club. This area incorporates the Club's current ramps to the beach and the area in between.
14. The proposed extension to the leased area still allows access to public toilets.

WORKS & SERVICES REPORTS

15. The request has merit as it reflects an expanding club offering a service to the community, and the area has been leased for this purpose since 1994. The licence reflects current operations and would have no impact on the public.
16. The recommended approval is for the lease and licence only and any development on the land will be subject to all necessary regulations and approvals. If development does not occur on the site within a reasonable amount of time it is felt that the lease should revert back to the current lease area. This will allow the current public access between the beach and the Club to continue.
17. Therefore it is recommended that a clause be inserted into the lease that states that if substantial completion of any development has not occurred in five years the City can request that the lease be applied to the current lease boundary. The proposed licence area can remain as this reflects current operations.
18. The rent will continue to be set at minimum land rate and the term will be 21 years, this is in line with Council's Property Policy – Leases and is the maximum tenure allowed under the management order for the land.
19. If the Council agrees to the new lease the Club will surrender its current lease.

RECOMMENDATION

THAT subject to Ministerial approval, Council approves a new lease for portion of reserve no 14789 to the Albany Surf Life Saving Incorporated, the terms and conditions of the lease in line with Council's Property Policy – Leases and

- i) the current lease being surrendered;
- ii) the lease to incorporate a licence for a five metre width of sand abutting the approved lease area;
- iii) the lease term being 21 years;
- iv) the rental being set at minimum land rate and subject to GST;
- v) all costs associated with the preparation and implementation of the lease be met by Albany Surf Life Saving Club; and
- vi) the new lease area being awarded subject to substantial completion of the proposed development within five years of the commencement of the lease, if substantial completion is not achieved in this time the City reserves the right to have the lease revert to its current boundary.

Voting Requirement Simple Majority

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ITEM 13.5.1

MOVED COUNCILLOR PRICE

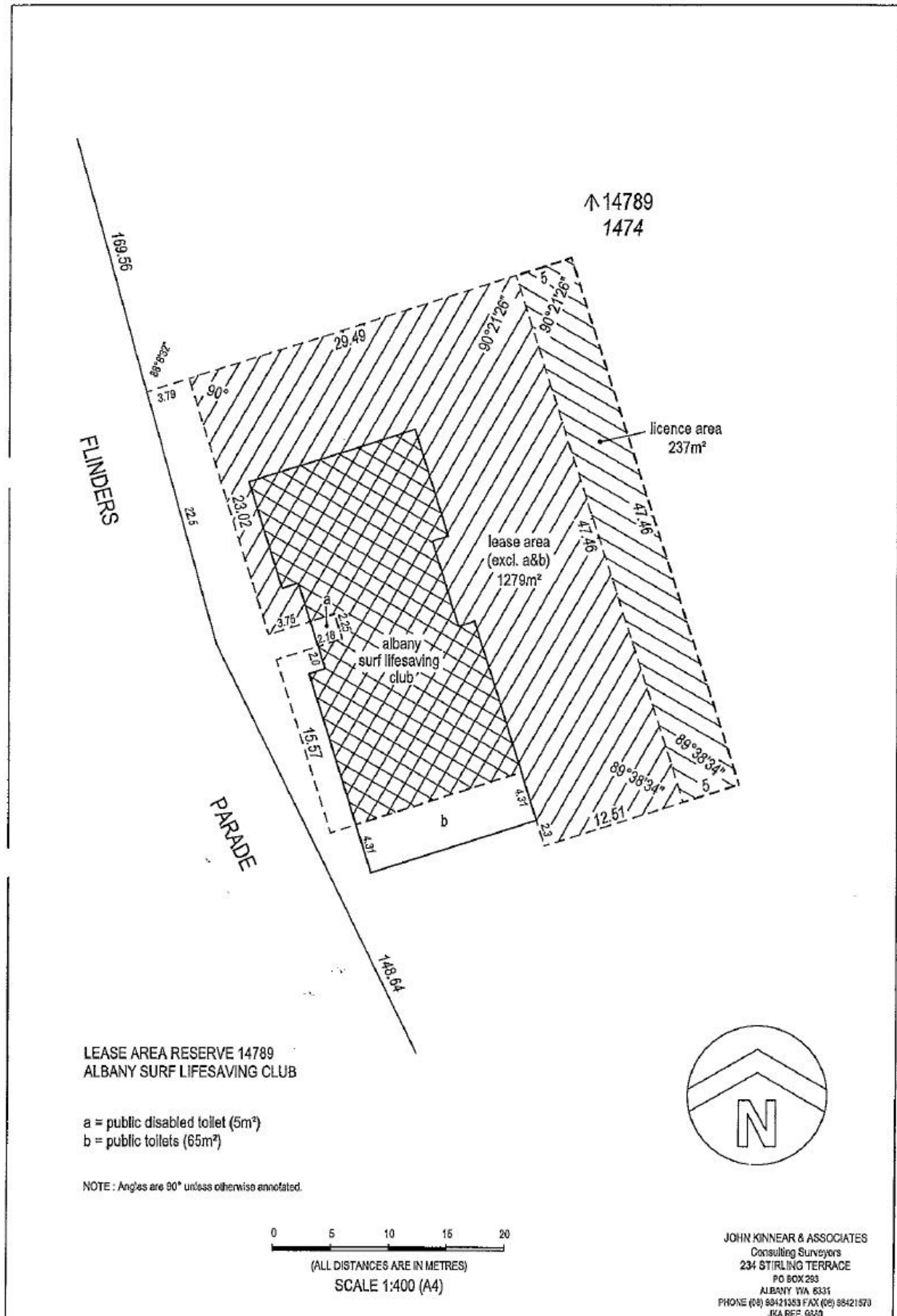
SECONDED COUNCILLOR MATLA

THAT subject to Ministerial approval, Council approves a new lease for portion of reserve no 14789 to the Albany Surf Life Saving Incorporated, the terms and conditions of the lease in line with Council's Property Policy – Leases and

- i) the current lease being surrendered;**
- ii) the lease to incorporate a licence for a five metre width of sand abutting the approved lease area;**
- iii) the lease term being 21 years;**
- iv) the rental being set at minimum land rate and subject to GST;**
- v) all costs associated with the preparation and implementation of the lease be met by Albany Surf Life Saving Club; and**
- vi) the new lease area being awarded subject to substantial completion of the proposed development within five years of the commencement of the lease, if substantial completion is not achieved in this time the City reserves the right to have the lease revert to its current boundary.**

MOTION CARRIED 10-0

WORKS & SERVICES REPORTS



WORKS & SERVICES REPORTS

13.6 CITY WORKS – CAPITAL WORKS

Nil.

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

13.8 WORKS & SERVICES COMMITTEES

Nil.

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

- R E P O R T S -

14.1 STRATEGIC DEVELOPMENT

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT**14.3.1 Wave Energy Feasibility**

File/Ward	:	STR 257 (West Ward)
Proposal/Issue	:	Wave Energy Feasibility
Subject Land/Locality	:	Sand Patch Reserve (Crown Reserve 13773)
Proponent	:	Carnegie Corporation Ltd
Owner	:	N/A
Reporting Officer(s)	:	Andrew Hammond, Chief Executive Officer
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/04/08 – Item 18.2
Summary Recommendation	:	THAT Council replace the decision made at the Ordinary Council Meeting of 15/04/08, Item 18.2 with this new recommendation.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. At the April Council Meeting council resolved:

“THAT Council enter into an exclusive option agreement with Carnegie Corporation Ltd for a period of three (3) years at a fee of \$1.00 per year to enable the conduct of a Feasibility Study on the establishment of a wave energy power generation facility on Crown Reserve 13773 subject to:

- i) The Minister for Lands agreeing to an appropriate change to the purpose of the reserve and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd.*
- ii) The disposition provisions of Section 3.58(3) of the Local Government act 1995 being implemented and submissions being considered by Council before final agreement.*
- iii) Any proposal to lease at the finalisation of the feasibility study or end of option term being subject to:*
 - a. The lease being of a term to accommodate the commercial life of the project.*
 - b. Sufficient land being made available to reasonably accommodate land based functions of the project.*
 - c. The proponents obtaining all statutory approvals including, but not limited to:*
 - 1. A planning scheme consent pursuant to the Town Planning and Development Act 2005.*
 - 2. Environmental approvals pursuant to the Environmental Protection Act 1986.*
 - 3. Authority to use the seabed by way of license or other instrument.*

GENERAL MANAGEMENT SERVICES REPORTS

- iv) *The payment of commercial lease rentals in line with Council Policy on Property management (Leases).*
- v) *Carnegie Corporation Ltd acknowledging the City of Albany's function as a planning authority pursuant to the Town Planning and Development Act 2005 and its role in considering an application for planning scheme consent on the basis of the principles of sound and orderly planning independent of any decision made past, present or future of the disposition of the subject land.*
- vi) *Carnegie Corporation Ltd being responsible for the costs associated with the preparation of documentation.*

MOTION CARRIED 10-0

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- 2. The proposal was advertised in line with the disposition provisions of the Local Government Act 1995 and no submissions were received. A valuation of the consideration for the disposition was also obtained.

STATUTORY REQUIREMENTS

- 3. The disposition provisions of section 3.58 of the Local Government Act 1995 are relevant to this request and any final decision by council would be subject to further advertising and the receipt of another valuation reflecting the changes requested.

POLICY IMPLICATIONS

- 4. Council policy on property management (leases) provides that “commercial leases” will be offered at a rental determined by an independent valuer taking into account the current value of the business and the rental structure in a way which provides maximum return to Council.

FINANCIAL IMPLICATIONS

- 5. The valuation of the current proposal is a nominal \$1.00 per annum. Revenues from the lease of the land would be reviewed if the proponents decide to proceed with the project.

STRATEGIC IMPLICATIONS

- 6. Albany Insight Beyond 2020 provides that Albany will be a City where:
 - i) Development embraces environmentally responsible approaches to water and energy consumption.
 - ii) Renewable energy completely powers the region.

COMMENT/DISCUSSION

- 7. Subsequent correspondence from Carnegie has been received requesting changes to the original terms of the approval:
 - i) Increase in option period from 3 to 5 years.
 - ii) Widening the purpose of the reserve to include desalination as well as wave energy.
 - iii) Extending the City's power to lease to 60 years (30 year lease plus 30 year option).
 - iv) The right to nominate another corporation as a lessee.

GENERAL MANAGEMENT SERVICES REPORTS

8. The increase in option period, inclusion of desalination and capacity to nominate other corporations as ultimate lessees are supported given that these factors will assist in establishing the viability of the project.
9. The proposal of a possible 60 year term is not supported as initial advice is that the estimated life of the project is between 20 and 25 years. It is considered more appropriate to limit the term to the estimated project life, however an increase to 30 years would not be unreasonable if it could be demonstrated by the proponents that 30 years was the anticipated life.
10. Recent announcements by the Premier regarding significant funding opportunities for renewable energy research along with the granting of seabed leases to Carnegie for research auger well for the establishment of a wave energy facility.

RECOMMENDATION

THAT Council replace the decision made at the Ordinary Council Meeting of 15/04/08, Item 18.2 with the following:

THAT Council enter into an exclusive option agreement with Carnegie Corporation Ltd for a period of five (5) years at a fee of \$1.00 per year to enable the conduct of a Feasibility Study on the establishment of a wave energy power generation and desalination facility on Crown Reserve 13773 subject to:

- i) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.
- ii) The disposition provisions of Section 3.58(3) of the Local Government act 1995 being implemented and submissions being considered by Council before final agreement.
- iii) Any proposal to lease at the finalisation of the feasibility study or end of option term being subject to:
 - a. The lease being of a term to accommodate the commercial life of the project to a maximum of 30 years.
 - b. Sufficient land being made available to reasonably accommodate land based functions of the project.
 - c. The proponents obtaining all statutory approvals including, but not limited to:
 1. A planning scheme consent pursuant to the Town Planning and Development Act 2005.
 2. Environmental approvals pursuant to the Environmental Protection Act 1986.
 3. Authority to use the seabed by way of license or other instrument.
- iv) The payment of commercial lease rentals in line with Council Policy on Property management (Leases).
- v) Carnegie Corporation Ltd acknowledging the City of Albany's function as a planning authority pursuant to the Town Planning and Development Act 2005 and its role in considering an application for planning scheme consent on the basis of the principles of sound and orderly planning independent of any decision made past, present or future of the disposition of the subject land.
- vi) Carnegie Corporation Ltd being responsible for the costs associated with the preparation of documentation.

Voting Requirement Simple Majority

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ITEM 14.3.1

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

THAT Council replace the decision made at the Ordinary Council Meeting of 15/04/08, Item 18.2 with the following:

THAT Council enter into an exclusive option agreement with Carnegie Corporation Ltd for a period of five (5) years at a fee of \$1.00 per year to enable the conduct of a Feasibility Study on the establishment of a wave energy power generation and desalination facility on Crown Reserve 13773 subject to:

- i) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.**
- ii) The disposition provisions of Section 3.58(3) of the Local Government act 1995 being implemented and submissions being considered by Council before final agreement.**
- iii) Any proposal to lease at the finalisation of the feasibility study or end of option term being subject to:**
 - a. The lease being of a term to accommodate the commercial life of the project to a maximum of 30 years.**
 - b. Sufficient land being made available to reasonably accommodate land based functions of the project.**
 - c. The proponents obtaining all statutory approvals including, but not limited to:**
 - 1. A planning scheme consent pursuant to the Town Planning and Development Act 2005.**
 - 2. Environmental approvals pursuant to the Environmental Protection Act 1986.**
 - 3. Authority to use the seabed by way of license or other instrument.**
- iv) The payment of commercial lease rentals in line with Council Policy on Property management (Leases).**
- v) Carnegie Corporation Ltd acknowledging the City of Albany’s function as a planning authority pursuant to the Town Planning and Development Act 2005 and its role in considering an application for planning scheme consent on the basis of the principles of sound and orderly planning independent of any decision made past, present or future of the disposition of the subject land.**
- vi) Carnegie Corporation Ltd being responsible for the costs associated with the preparation of documentation.**

GENERAL MANAGEMENT SERVICES REPORTS

ITEM 14.3.1 – AMENDMENT BY COUNCILLOR PAVER

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR WILLIAMS

THAT paragraph:

- i) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.

Is AMENDED to read:

- i) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy together with desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30

Reason:

To ensure clarity in the motion

ITEM 14.3.1 - AMENDMENT BY COUNCILLOR PAVER

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR WILLIAMS

THAT paragraph:

- ii) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.**

Is AMENDED to read:

- ii) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy together with desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30.**

AMENDMENT LOST 2-8

GENERAL MANAGEMENT SERVICES REPORTS

ITEM 14.3.1 - AMENDMENT BY COUNCILLOR BUEGGE

THAT paragraph:

- i) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.

Is AMENDED to read:

- i) The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and wave powered desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.

Reason:

To ensure that if a desalination facility is progressed, that is powered by wave energy.

ITEM 14.3.1 - AMENDMENT BY COUNCILLOR BUEGGE

MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR PAVER

THAT paragraph:

- i) **The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.**

Is AMENDED to read:

- i) **The Minister for Lands agreeing to change to the purpose of the reserve to include “wave energy and wave powered desalination” and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd for a lease term to a maximum of 30 years.**

**AMENDMENT CARRIED 6-4
AMENDMENT BECOMES MOTION
MOTION PUT AND CARRIED 9-1**

GENERAL MANAGEMENT SERVICES REPORTS

14.4 CORPORATE GOVERNANCE

14.4.1 Nominations and Appointment of Elected Members to Committees Carrying Vacancies

File/Ward	: GOV 059 (All Wards)
Proposal/Issue	: Councillor Williams's resignation from committees.
Reporting Officer(s)	: Corporate Governance Coordinator (S Jamieson)
Disclosure of Interest	: Nil
Previous Reference	: SCM 06/11/07 Items 6.1.5, 6.19, 6.2.9, OCM 15/01/08 Item 14.3.1 OCM 15/04/08 Item 12.8.1
Summary Recommendation	: THAT COUNCIL APPOINT an elected member to the following committees: <ul style="list-style-type: none"> • Albany Entertainment Centre Interior Design Committee • Australia Day Citizen of the Year Committee (Renamed: Premiers Australia Day Active Citizenship Awards) • Community Financial Assistance Committee • Sportsperson of the Year Judging Panel • Amity Heritage Precinct Management Group
Bulletin Attachment	: Nil

BACKGROUND

1. Councillor Williams has resigned as the elected representative on the following committees:
 - a. Albany Entertainment Centre Interior Design Committee;
 - b. Australia Day Citizen of the Year Committee (Renamed: Premiers Australia Day Active Citizenship Awards);
 - c. Community Financial Assistance Committee;
 - d. Sportsperson of the Year Judging Panel; and
 - e. Amity Heritage Precinct Management Group.
2. As a result Council is required to appoint replacements.

STATUTORY REQUIREMENTS

3. The Local Government Act 1995, Part 5, Division 2 provides that:

"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."*

GENERAL MANAGEMENT SERVICES REPORTS

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Priority Goals and Objectives

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

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

City of Albany Mission Statement:

At the City of Albany we respect community needs and encourage our people to meet the community's service expectations.”

COMMENT/DISCUSSION

7. **Albany Entertainment Centre Interior Design Committee.**

Five Councillors

Staff Contact: Manager Economic Development

Meeting Frequency: On an as required basis

Terms of Reference: Ordinary Council Meeting 15/01/08 Item 14.3.1

The Committee of Elected members was 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) .Albany Entertainment Centre Interior Design Committee that consists of the Mayor and five Councillors.

Current membership (4). Councillors Morris, Buegge, Matla and Stanton.

8. **Australia Day Citizen of the Year Committee (Renamed: Premiers Australia Day Active Citizenship Awards)**

Three Councillors

Staff Contact: Manager Community Development and Community Develop Officer Youth

Meeting Frequency: One or two meetings per annum (as required). Early December each year

Terms of Reference: Special Council Meeting 6/11/07 Item 6.1.5

GENERAL MANAGEMENT SERVICES REPORTS

To consider nominations for the Australia Day Citizen, Young Citizen and Community Event/Organisation of the Year Awards and to select award winners.

Current membership (2): Mayor Evans and Councillor Buegge.

9. Community Financial Assistance Committee

Five Councillors

Staff Contact: Executive Director Corporate & Community Services

Meeting Frequency: Round 1 – May, Round 2 – Nov, on an as required basis

Terms of Reference: Special Council Meeting 6/11/07 Item 6.1.9

To administer the provisions of the community financial assistance program.

Current membership (4): Mayor Evans, Councillors Wolfe, Buegge, and Matla.

10. Sportsperson of the Year Judging Panel

One Elected Member

Staff Contact: Executive Director Corporate & Community Services and Community Development Officer Youth

Meeting Frequency: Monthly as advised by the Department of Sport and Recreation (DSR), through the Albany Advertiser, Collie Street.

[Terms of Reference: Special Council Meeting 06/11/07 Item 6.2.9]

Member of the judging panel for the Albany Sport Person of the year award.

Current membership - VACANT

11. Amity Heritage Precinct Management Group

Four Elected Members

Staff Contact: Manager Economic Development

Terms of Reference: Ordinary Council Meeting 15/04/08 Item 12.8.1

[Meeting Frequency: On an as required basis]

To progress the City of Albany's involvement with the site Master Plan and progress the Amity Heritage Plan.

Current membership (3): Councillors Paver, Price and Bostock.

GENERAL MANAGEMENT SERVICES REPORTS

RECOMMENDATION

THAT COUNCIL:

- i) APPOINT Councillor_____ to the Albany Entertainment Centre Interior Design Committee;
- ii) APPOINT Councillor_____to the Premiers Australia Day Active Citizenship Awards;
- iii) APPOINT Councillor_____to the Community Financial Assistance Committee;
- iv) APPOINT Councillor_____ to the Sportsperson of the Year Judging Panel; and
- v) APPOINT Councillor_____ to the Amity Heritage Precinct Management Group.

Voting Requirement Absolute Majority

.....
Executive Director Corporate and Community Services, called for nominations for the listed committees:

No nominees were received for the Entertainment Centre Design Committee

Councillor Wolfe was the only nominee for the Australia Day Active Citizenship Awards

Councillor Price was the only nominee for the Community Financial Assistance Committee

Two nominations were received for the Sportsperson of the Year Judging Panel; being: Councillors Matla and Wiseman.

A secret ballot was conducted with the following results: Councillor Wiseman 6 votes, Councillor Matla 4 votes.

Councillor Wiseman was then presented as the nominee for the Sportsperson of the Year Judging Panel.

Councillor Stanton was the only nominee for the Amity Heritage Precinct Management Group.

ITEM 14.4.1

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR PAVER**

THAT Council:

- i) **APPOINT Councillor Wolfe to the Premiers Australia Day Active Citizenship Awards;**
- ii) **APPOINT Councillor Price to the Community Financial Assistance Committee;**
- iii) **APPOINT Councillor Wiseman to the Sportsperson of the Year Judging Panel; and**
- iv) **APPOINT Councillor Stanton to the Amity Heritage Precinct Management Group.**

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes for the 21st and 28th August 2008.

File/Ward	: MAN 234 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration.
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Summary Recommendation	: THAT Council receives the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meetings held on the 21 st & 28 th August 08.
Bulletin Attachments	: Draft City of Albany – Standing Orders Local Law (Review Document) as at 28 th August 2008. (This consolidates the amendments made at the 21 st and 28 th August 08 meetings)

RECOMMENDATION

- i) THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meetings held on the :
 - a. 21st August 2008; and
 - b. 28th August 2008.

be received and the following recommendation be adopted:

Item 5.1 – Minor Change to the HR Professional Benefits Policy (Committee Meeting Minutes dated 28th August 2008)

- ii) THAT the Human Resources Operational Policy be AMENDED so as Contract employees within the similar salary range as level 6-9 Officers qualify for the Professional Rewards Program.

Voting Requirement Simple Majority

Note: The committee recommendation was changed from:

*“THAT the Human Resources Operational Policy be AMENDED so as Contract employees within the **same** salary range as level 6-9 Officers qualify for the Professional Rewards Program.”*

To read:

*““THAT the Human Resources Operational Policy be AMENDED so as Contract employees within the **similar** salary range as level 6-9 Officers qualify for the Professional Rewards Program.”*

GENERAL MANAGEMENT SERVICES REPORTS

ITEM 14.5.1

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

- i) **THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meetings held on the :**
- a. **21st August 2008; and**
 - b. **28th August 2008.**
 - c.

be received and the following recommendation be adopted:

Item 5.1 – Minor Change to the HR Professional Benefits Policy (Committee Meeting Minutes dated 28th August 2008)

- ii) **THAT the Human Resources Operational Policy be AMENDED so as Contract employees within the similar salary range as level 6-9 Officers qualify for the Professional Rewards Program.**

MOTION CARRIED 10-0



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/AM806040)

Held on
Thursday, 21st August 2008
4.30pm

City of Albany Margaret Coates Boardroom

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 21/08/08
MAN234

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CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 21/08/08
MAN234

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 4.30pm.

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

Attendance:

Mayor M Evans, JP
Councillor D Price (Chair)
Councillor R Buegge (arrived at 4.47pm)
Councillor K Stanton (Proxy full voting rights)
Councillor G Kidman (Proxy full voting rights)
A Hammond (Chief Executive Officer)
C Grogan (Manager Executive Services)
S Jamieson (Corporate Governance Coordinator – Minutes)

Apologies/Leave of Absence:

Councillor J Matla
Councillor J Bostock
Councillor Wolfe
Councillor R Paver

3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

MOVED MAYOR EVANS

SECONDED COUNCILLOR STANTON

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 24th July 08 , as previously distributed, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 4-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

5.0 ITEMS FOR DISCUSSION

Councillor Stanton has full voting rights as the proxy for Councillor Paver
Councillor Kidman has full voting rights as the proxy for Councillor Matla

Councillor Buegge entered the meeting at 4.47pm.

5.1 Minor Operational Policy Issues

Nil

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 21/08/08
MAN234

5.2 Role of the Council, Mayor and Councillors

The Chair requested that the role of the Mayor and Councillors is discussed as a preamble to finalising drafts of the Standing Orders and Code of Conduct.

The role of the Mayor and Councillors was presented by the CEO.

Extract from the Local Government Act 1995, Part 2 — Constitution of local government, Division 2 — Local governments and councils of local governments:

“2.7. The role of the council

(1) The council —

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*
- (2) Without limiting subsection (1), the council is to —*
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.*

2.8. The role of the mayor or president

(1) The mayor or president —

- (a) presides at meetings in accordance with this Act;*
- (b) provides leadership and guidance to the community in the district;*
- (c) carries out civic and ceremonial duties on behalf of the local government;*
- (d) speaks on behalf of the local government;*
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.*
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;*
- (b) provides leadership and guidance to the community in the district;*
- (c) facilitates communication between the community and the council;*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.”*

5.2 Review of the City of Albany Standing Orders Local Law

The review of the City of Albany Standing Orders Local Law – Draft commenced at 5.05pm. The committee agreed that they would take a consensus approach to the review process, and would only proceed to voting on elements where there were areas of disagreement.

Pages 10 to 20 of the Draft document were reviewed.

Page 10 – Order of Business, paragraph 14 (1)(i) - Announcements by the presiding person without discussion & (j) – Announcements by Elected Members without discussion would be combined and renamed: (i) - Announcements of the Mayor and Councillors without discussion.

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 21/08/08
MAN234

Item 5.2 continued

Page 10 – Order of Business paragraph 14 (1) (s) – Mayors report, to be deleted.

Definition: A definition of NO Debate be included in the document.

Page 11 – paragraph 14(2) (f) - Announcements by the presiding person without discussion & (g) - Announcements by Elected Members without discussion would be combined and be renamed "Announcements of the Mayor and Councillor without discussion".

Page 12 – paragraph 15. Public Question time is to be renamed: Public Question and Statement Time.

Page 12. paragraph 15, sub paragraph (4) – A question may be taken on notice by the Council or Committee for later response, to be deleted as it is not required.

Page 13 – paragraph 16. Public statement time is to be combined into Public Question time and deleted as a separate item.

Page 13 – add an additional clause from the current CoA Standing Orders (2.7 Urgent business approved by the Mayor or by the Decision of Council) and insert as a new paragraph 16.

Amend the paragraph to read:

"16. Urgent business approved by the Mayor or by the decision of The Council

In cases of extreme urgency or other specific circumstances, any matter may, with the consent of the Mayor, or by decision of the members present, be raised without notice and decided by the meeting. However NO items of Quasi-judicial natures shall be allowed as urgent business, such as Planning Development Applications, Scheme Amendments or Scheme Consents."

Page 15. paragraph 19. Announcements by presiding person without discussion is amended to read:

"19. Announcements by Elected Members without discussion"

At any meeting of the Council or committee Elected Members may announce or raise any matter of interest or affecting the City and there is not to be any discussion on the matter.

A time limit of 2 minutes applies to each announcement"

Page 17. Action required: In regards to LGA 1995, section 5.65(1)(a). Council needs to resolve what is SIGNIFICANT.

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 21/08/08
MAN234

Item 5.2 continued

Page 22. Delete the following:

- paragraph 23(1). Any person or person wishing to be received as a deputation by a committee must in the first instance, give a request in writing to the CEO setting out in concise terms the matter to be raised by the deputation.
- paragraph 24. Identification of matters for which the meeting may sit behind closed doors For the convenience of members of the public, the Council may by resolution identify those matters on the agenda that are to be discussed behind closed doors and defer those matters to be considered as the last reports at the meeting.

Page 22. Comments. The comments on page 22 [s17,s18] will be addressed by the Agenda and Minutes review.

Page 23. paragraph 25 (4) is amended to read:

"Where a committee makes a recommendation for consideration by the Council, the CEO shall ensure that the recommendation is submitted to Council for consideration.

Page 23, paragraph 26 (7) - A motion of which previous notice has been given is to relate to the good government of persons in the district" to be deleted.

Page 23 Comments S20 to be included in the section that addresses Alternate Motions.

It was agreed that the draft document would be updated with all agreed changes and circulated to the members of the committee.

5.3 Review of Code of Conduct

Due to time constraints, the review of the Code of Conduct lapsed; however to be placed on the 18th September 2008 Agenda.

6.0 NEW BUSINESS

Nil

7.0 TIME AND DATE OF NEXT MEETING

Next committee meetings are to be held at 4.30pm on:

- a. Thursday 28th August 2008; and
- b. Thursday 18th September 2008.

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 21/08/08
MAN234

8.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

8.1 Minor Operational Policy Issues

8.1.1 Minor Change to the HR Professional Benefits Policy

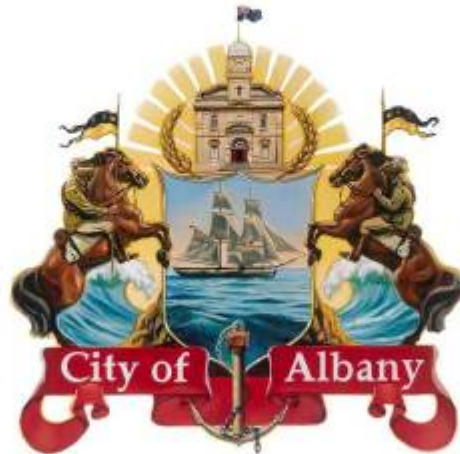
8.2 Review of the City of Albany Standing Orders Local Law

9.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 6pm.

Appendix:

- A. Draft City of Albany – Standing Orders Local Law (Review Document) as at 24th July 2008 – Reviewed pages 10 – 23.



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/AM806260)

Held on
Thursday, 28th August 2008
4.30pm

City of Albany Margaret Coates Boardroom

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 28/08/08
MAN234

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GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 28/08/08
MAN234

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 4.35pm.

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

Attendance:

Mayor M Evans, JP
Councillor D Price (Chair)
Councillor D Wolfe
Councillor R Buegge (arrived at 4.48pm)
Councillor K Stanton (Proxy full voting rights)
Councillor G Kidman (Proxy full voting rights)
A Hammond (Chief Executive Officer)
S Jamieson (Corporate Governance Coordinator – Minutes)

Apologies/Leave of Absence:

Councillor J Matla
Councillor J Bostock
Councillor R Paver
C Grogan (Manager Executive Services)

3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

**MOVED MAYOR EVANS
SECONDED COUNCILLOR STANTON**

**THAT the minutes of the Corporate Strategy and Governance Strategy and
Policy Committee meeting held on 21st August 2008 , as previously
distributed, be confirmed as a true and accurate record of proceedings.**

MOTION CARRIED 5-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

5.0 ITEMS FOR DISCUSSION

Councillor Buegge entered the meeting at 4.48pm.

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 28/08/08
MAN234

5.1 Minor Operational Policy Issues

5.1.1 Minor Change to the HR Professional Benefits Policy

OFFICER RECOMMENDATION

THAT the Human Resources Operational Policy be **AMENDED** so as Contract employees within the same salary range as Level 6-9 Officers qualify for the Professionals rewards program.

**MOVED MAYOR EVANS
SECONDED COUNCILLOR STANTON**

THAT the Human Resources Operational Policy be AMENDED so as Contract employees within the same salary range as Level 6-9 Officers qualify for the Professionals Rewards Program.

MOTION CARRIED 6-0

5.2 Review of the City of Albany Standing Orders Local Law

The review of the City of Albany Standing Orders Local Law – Draft commenced at 4.50 pm. The committee agreed that they would take a consensus approach to the review process, and would only proceed to voting on elements where there were areas of disagreement or significant change.

Page 13, and pages 23 to 30 of the Draft document were reviewed.

Page 13, paragraph 16. Urgent business approved by the Mayor or by the decision of Council to be amended to read:

"16. Urgent Business

In cases of extreme urgency or other specific circumstances, a matter may, by an absolute majority decision, other than the determination of a matter or exercise of a discretion under the Town Planning Scheme, be raised without notice and decided by the meeting. The determination of a matter or exercise of a discretion under the Town Planning Scheme is not permitted to be dealt with as urgent business."

Page 23, paragraph 26. Amend paragraph 26. Motion of which previous notice has been given to read:

"26. Motions of which previous notice has been given.

1) A member may give notice of a motion for consideration by the Council that shall be considered at the next convened ordinary Council meeting.

2) The notice of motion is to be in written form and signed by the member prior to the commencement of the meeting at which the notice is given.

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 28/08/08
MAN234

Item 5.2 continued

3) A notice of motion lapses unless the member who gave the notice or another member authorised in writing by the member who gave the notice moves the motion at the meeting at which it is to be considered.

4) The Council may by absolute majority dispense with the notice requirements of sub clause (1) where the Council is satisfied that:

a) The motion is a matter of urgency and the motion could not reasonably be dealt with at the next ordinary meeting of Council and;

b) The motion does not involve the determination of a matter or exercise of a discretion under the Town Planning Scheme."

Page 23, insert a new paragraph after paragraph 26.

"27. Alternate Motions

1) A member may submit an alternate motion for consideration by the Council that serves to change an officer's recommendation or a committee recommendation contained within the agenda.

2) A request for an alternate motion must be received by the Chief Executive Officer or delegate no later than 12noon on the day following the Agenda Briefing.

3) The Council may by absolute majority dispense with the requirement of sub clause (2) where the Council is satisfied that:

a) The alternate motion does not reflect a significant change to the intent of the recommendation and;

b) The alternate motion does not involve the determination of a matter or exercise of a discretion under the Town Planning Scheme."

**MOVED COUNCILLOR PRICE
SECONDED MAYOR EVANS**

THAT paragraph 16, Urgent business, paragraph 26 Motion of which previous notice has been give and paragraph 27 Alternate Motions replace the current content detailed in Draft Standing Order Local Law.

MOTION CARRIED 6-0

Page 25, paragraph 33, sub paragraph (a) is amended to read: A member shall not (a) make any noise of disturbance or converse whilst any other member is addressing a meeting

Page 25, delete paragraph 34. Insert a new paragraph 34.

"34. Movement within the Chamber

Elected members are to seek acknowledgement by the presiding member prior to leaving the Chamber."

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 28/08/08
MAN234

Item 5.2 continued

Page 26, paragraph 37 sub para (2) is amended to read:

'37(2) No member of the Council, committee or member of the public gallery is to use objectionable expression in reference to any member, employee of the Council or any other person.'

Page 26. Add a clause titled "Public Gallery".

Page 29. The following paragraphs are to be inserted between paragraph 46 and 47.

"Record of Proceedings.

No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the prior resolution of the Council.

Members to Rise

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the Mayor to speak, members are to rise and address the Council through the Mayor, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking.

Re-Opening Discussion on Decisions

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed."

It was agreed that the draft document would be updated with all changes and circulated to the members of the committee.

5.2 Review of Code of Conduct

Due to time constraints, the review of the Code of Conduct lapsed; however to be placed on the 18th September 2008 Agenda.

6.0 NEW BUSINESS

Nil

7.0 TIME AND DATE OF NEXT MEETING

Next committee meetings are to be held at 4.30pm on:

- a. Tuesday 2nd September 2008; and
- b. Thursday 18th September 2008.

GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 28/08/08
MAN234

8.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

8.1 Review of the City of Albany Standing Orders Local Law

9.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 6.05pm.

Appendix:

- A. Draft City of Albany – Standing Orders Local Law (Review Document) as at 28th August 2008 – Reviewed page 13, page 23 to 29.

GENERAL MANAGEMENT SERVICES REPORTS

14.5.2 Minutes of Albany Tourism Marketing Advisory Committee – 26th August 2008

File/Ward	:	STR 208 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Tourism Development Officer (K Guille)
Summary Recommendation	:	That the Minutes of Albany Tourism Marketing Advisory Committee held on Tuesday 26 th August 2008 be received and the recommendations adopted.

RECOMMENDATION

- i) THAT COUNCIL RECEIVE the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 26th August 2008 (a copy of the minutes is detailed in the Elected Members Report/Information Bulletin) and ADOPT the following recommendations:

Item 5.1 - Appointment of Members to the Albany Tourism Marketing Advisory Committee (ATMAC)
- ii) THAT COUNCIL APPROVE the increase of committee industry membership from four to five representatives.
- iii) THAT COUNCIL APPOINTS the following nominees to the Albany Tourism Marketing Advisory Committee:
 - a) Pam Lincoln – Oranje Tractor Wines
 - b) Annette Davis – Arts & Heritage Consultant
 - c) Graham Harvey – Albany Chamber of Commerce and Industry

Voting Requirement Absolute Majority

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The Deputy Mayor, Councillor Wolfe, directed that each recommendation is to be voted on separately.

ALTERNATE MOTION BY COUNCILLOR PRICE -- Appointment of Members to the Albany Tourism Marketing Advisory Committee (ATMAC)).-

THAT Council retain the number of industry members of the Albany Tourism Marketing Advisory Committee (ATMAC) to four and that Council undertake a ballot for the two vacancies using the names of the three candidates short-listed by the ATMAC.

Reason:

There is no justification for increasing the size of the Committee other than having more candidates than vacancies which is not an appropriate or valid justification.

Officers Report – Manager Economic Development (J. Berry)

Statutory Requirements: Appointment of members to Committees is made by the Council in accordance with Section 5.10 of the Local Government Act 1995

GENERAL MANAGEMENT SERVICES REPORTS

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: 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.

Comment:

The Albany Tourism Marketing Advisory Committee (ATMAC) works with staff and industry to prepare and review the City's tourism marketing activities. On the 15TH January 2008 Ordinary Meeting, Council resolved to appoint four industry members to ATMAC however two members have since resigned.

Committee membership is currently made up of three (3) elected members (Councillors Morris, Kidman and Walker) and four (4) industry representatives (Ms Gaynor Clarke and Mr Simon Shuttleworth). The Committee currently has two industry representative vacancies.

On the 19th June 2008, Council advertised for nominations to the Committee in the Albany Advertiser and Albany Extra.

Nominees were requested to demonstrate their experience, skills and knowledge in tourism marketing or other professional background related to media and public relations. They were also asked to provide an outline of the contribution they could make to boost the level of marketing and promotion of Albany. Nominee details were reviewed by the Albany Tourism Marketing Advisory Committee and short-listed for Council consideration.

Nine nominations were received being:

- a. Pam Lincoln – Oranje Tractor Wines (Go Taste Albany & Albany Bike Users Group)
- b. Keith Bales – International Industry experience (currently Perth based)
- c. Joanna Hands – Albany's Bayview Backpackers
- d. Annette Davis – Arts and Heritage Consultant
- e. Elise Van Gorp – Great Southern Region Marketing Association Coordinator (nomination withdrawn)
- f. Noelene Evans - The Rocks, Albany
- g. Jonathan Jones – Kalgan Queen Scenic Cruises
- h. Graham Harvey – Albany Chamber of Commerce and Industry
- i. Murray Gomm - Oranje Tractor Wines (Go Taste Albany & Albany Bike Users Group)

On the 26 August 2008 the ATMAC Committee met and recommended Council consider increasing membership from four members to five members so as to broaden specific skills, knowledge and experience in tourism marketing across a range of tourism industry sectors. The Committee also reviewed the applicants and unanimously short-listed the following nominees:

- (1) Pam Lincoln – Oranje Tractor Wines
- (2) Annette Davis – Arts & Heritage Consultant
- (3) Graham Harvey – Albany Chamber of Commerce and Industry Inc

GENERAL MANAGEMENT SERVICES REPORTS

ITEM 14.5.2 – ALTERNATE MOTION 1

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WILLIAMS**

THAT Council RETAIN the number of industry members of the Albany Tourism Marketing Advisory Committee (ATMAC) to FOUR and that Council undertake a ballot for the two vacancies using the names of the three candidates short-listed by the ATMAC.

**MOTION CARRIED 6-5
DEPUTY MAYOR EXERCISED CASTING VOTE**

A secret ballot was conducted from the following short listed nominees:

Pam Lincoln – Oranje Tractor Wines
Annette Davis – Arts & Heritage Consultant
Graham Harvey – Albany Chamber of Commerce and Industry

Result of ballot:

Pam Lincoln – 9 votes
Annette Davis – 6 votes
Graham Harvey – 5 votes

ITEM 14.5.2 – ALTERNATE MOTION 2

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT Council APPOINT the nominees Pam Lincoln and Annette Davis to the Albany Tourism Marketing Advisory Committee (ATMAC).

**MOTION LOST 6-4
DID NOT ACHIEVE ABSOLUTE MAJORITY**

ITEM 14.5.2 – MOTION 3

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE**

THAT COUNCIL RECEIVE the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 26th August 2008 (a copy of the minutes is detailed in the Elected Members Report/Information Bulletin).

MOTION CARRIED 10-0

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Elected Members' Report/Information Bulletin

DRAFT MOTION

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

ITEM 15.0

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE**

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

MOTION CARRIED 10-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The Deputy Mayor, Councillor Wolfe advised Council that the following Motion will be presented at the 21 October 2008 Ordinary Council Meeting:

Reference: File MAN006, MM806463

THAT Council CONSIDER the appointment of additional Elected Members to sit on the Council Strategy and Policy committees as deputies in the event that the allocated proxy is not available.

Reason:

The reason for this proposed motion is to ensure committee meetings achieve quorum.

Councillor Paver left the Chamber at 9.43pm.

17.0 MAYORS REPORT

The Deputy Mayor advised that the Mayors report would not be presented this month and would be included in the Ordinary Council meeting to be held on the 21st October 2008.

Councillor Paver returned to the Chamber at 9.46pm.

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

Councillor Williams moved a motion to admit Item 18.1 as a late item.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR BUEGGE**

THAT Item 18.1 be admitted as a late item.

MOTION CARRIED 10-0

18.1 Committee Meeting Times

File/Ward	:	MAN147
Proposal/Issue	:	Change starting times for Council Committee Meetings
Subject Land/Locality	:	Nil
Proponent	:	Cr Buegge
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Attachments	:	Nil

BACKGROUND

1. Councillor Buegge has requested that the starting times for all Council Committee meetings on or after 6.00pm.

STATUTORY REQUIREMENTS

2. There are no provisions contained within the Local Government Act 1995 that relate to the commencement time of committee meetings.

POLICY IMPLICATIONS

3. The Governance and Meeting Framework Policy provides that committees currently determine their own meeting times and dates.

FINANCIAL IMPLICATIONS

4. Nil.

STRATEGIC IMPLICATIONS

5. Nil

COMMENT/DISCUSSION

6. The intent of the current policy is to allow for some flexibility and discretion when committees determine their meeting times and dates. It was thought that this flexibility would assist in accommodating the various workloads of the committees and personal time allocation for committee members.
7. Whilst this arrangement has benefited some members, others have found that due to work and family commitments, attendance of meetings prior to 6.00pm has been difficult, if not impossible.

COUNCILLOR BUEGGE'S NOTICE OF MOTION

THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm and that Governance and Meeting Framework Council Policy be amended accordingly.

Voting Requirement Simple Majority

.....
...

ITEM 18.1 – COUNCILLOR BUEGGE'S NOTICE OF MOTION

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WISEMAN**

THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm and that Governance and Meeting Framework Council Policy be amended accordingly.

MOTION CARRIED 6-4

18.2 Proposed Civic Affiliation between the City of Albany and the City of Peronne (France)

File/Ward	: REL 035 (All Wards)
Proposal/Issue	: Council consideration of an invitation from the City of Peronne (France) to establish a formal Civic Affiliation with the City of Albany
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager, Economic Development (J Berry)
Disclosure of Interest	: N/A
Previous Reference	: OCM 12.8.2 - Item 5.4
Summary Recommendation	: THAT Council accepts the invitation from the Mayor of Peronne to enter a civic affiliation and authorises the Mayor of Albany to visit Peronne for the 90 th Anniversary of Armistice Day (11 November 2008) to sign a Friendship Agreement Declaration
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Albany has a significant association with Australia's ANZAC heritage, which is building into a unique regional value in terms of tourism and cultural preservation.
2. Albany was the location of the first official ANZAC Dawn Service and it was the point of assemblage and departure for a fleet of 40 transport ships and five naval escort vessels along with some 30,000 men departing Albany on 1 November 1914 bound for Egypt, Gallipoli and the Western front (France). Thousands of those men touched Australian soil in Albany for the last time.
3. During WW1, after the Gallipoli campaign, Australian troops (*many who departed Australia through Albany in 1914*) entered the trenches of France and Belgium. In 1918, Australian Troops recaptured the Villages of Villers-Bretonneux and nearby Peronne, and forced a German withdrawal. (*The major Australian Memorial is at Villers-Bretonneux which has a sister-city agreement with Melbourne*). The Victoria School in Villers-Bretonneux carries the sign in English "Do Not Forget Australia".

In 2008, an ANZAC Day Dawn Service was held for the first time at Villers-Bretonneux and was very well supported by the Australian public and is now coined '*Our Other Anzac Day*' as it is growing as the quintessential place for Australians to commemorate Anzac Day (along with Gallipoli, which the Council already has a Friendship Agreement).

4. Following the commemorations for ANZAC Day 2008, the City of Albany was approached by Member for the South West of Western Australia, the Hon. Matt Benson MLC, suggesting a formal friendship agreement be established between the municipalities. A newspaper article from '*The Australian*' is in the Elected Members' Bulletin and provides further background to the source of this proposal.
5. Council initially considered this matter at its 15th of July 2008 meeting and resolved to formally write to the Mayor of Peronne to express interest in establishing a civic affiliation based on the military heritage shared by the two municipalities and seeking further information on the proposed terms of an Agreement before making a final determination.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

7. Council adopted a Civic Affiliations Policy on 19 September 2006. Section 4.2 of the Policy states the criteria for establishment of new civic affiliations as:-

There must be tangible and sustainable benefits demonstrated in order for Council to commit to a new civic affiliation. These should include but not be limited to:

- Trade links between the two countries; preference being given to cities in countries where Australia has a free trade agreement or a proven trade record
- Cultural links between the two countries; preference being given to cities in countries where Council determines that the City would benefit from a greater awareness and appreciation of that country's traditions and customs
- Sporting links between the two countries; preference being given to cities in countries where Australia has existing sporting links through national sporting federations
- Tourism links between the two countries; preference being given to cities in countries who are major sources of visitors to Australia or who provide a potential market for local tourism operators
- Education links between the two countries; preference being given to cities in countries that have existing educational exchange programmes or who provide a potential market for local educational institutions

This proposal predominantly relates to the criterion 'cultural links' in the context of the first World War military heritage shared between Albany and Peronne (Western Front).

Section 4.1 of the Policy outlines the level of involvement of Council in Civic Affiliations and states that Council will foster its affiliations in the following ways:-

- One visit to each endorsed affiliate in every four year Mayoral term provided that the relationship is active and reciprocal
- The composition of the delegation is subject to Council approval upon recommendation of the Mayor, however it will be lead by the Mayor. Partners of delegates must travel at their own expense.
- Visiting officials of affiliated cities will be afforded reciprocal hospitality including accommodation, civic events and receptions and district tours and visits.

FINANCIAL IMPLICATIONS

8. The estimated cost of a delegation to France is \$4,000 per person, which includes air and land travel, accommodation and insurance. Council has allocated \$13,000 for Sister City visits in 2008/09. There are no other commitments for these resources at this time other than to host a visit of the Mayor of Gallipoli for Anzac Day 2009.

STRATEGIC IMPLICATIONS

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

“Community Vision:

By 2025 Albany will be... “Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty”.

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”

COMMENT/DISCUSSION

10. The Mayor of Albany has received an expression of interest from the Mayor of Peronne inviting a visit to Peronne on the 90th Anniversary of Armistice Day* (11 November 2008). The Mayor of Peronne proposes an official ceremony be held in Peronne where a Friendship Agreement Declaration be signed on behalf of the two municipalities. The draft text for the declaration has been offered by the Mayor of Peronne and a copy is in the Elected Members’ Information Bulletin

**Armistice Day is the anniversary of the symbolic end of World War I on 11 November 1918. It commemorates the armistice signed between the Allies and Germany at Compiègne, France, for the cessation of hostilities on the Western Front, which took effect at eleven o'clock in the morning - the "eleventh hour of the eleventh day of the eleventh month)*

11. The expected benefits of establishing a friendship agreement with Peronne are:
 - a. the strengthening of Albany's reputation and brand identity as a place of military/cultural heritage commemorating its links to the ANZAC story (building on the existing Friendship Agreement with Gallipoli);
 - b. Increased cultural heritage tourism;
 - c. The formation of cultural relationships between Albany residents (including school visits) and the citizens of Peronne, and;
 - d. Opportunities to better position Albany to achieve recognition, including State and Federal funding in the lead up to 2014/15 ANZAC centenary commemorations
12. Further correspondence from the Mayor of Peronne was received on 30 August 2008 acknowledging Council's decision to formally consider the proposal and providing draft text for the declaration. The Peronne Council will formally consider the matter at its 30 September 2008 meeting.

RECOMMENDATION

THAT Council:

Enters a formal civic affiliation with the City of Peronne and approves the Mayor of Albany to visit Peronne for the 90th Anniversary of Armistice Day (11 November 2008) to sign a Friendship Agreement Declaration on its behalf.

Voting Requirement Simple Majority

.....

ITEM 18.2

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR MATLA**

THAT Council:

Enters a formal civic affiliation with the City of Peronne and approves the Mayor of Albany to visit Peronne for the 90th Anniversary of Armistice Day (11 November 2008) to sign a Friendship Agreement Declaration on its behalf.

MOTION CARRIED 8-2



PÉRONNE le 24 juillet 2008

Valérie KUMM
Conseillère régionale
Maire de la ville de Péronne

À

Mayor Milton Evans
City of Albany
PO Box 484
ALBANY
WA 66331

Dear Mayor,

We acknowledge receipt of your correspondence received in my office on the 24th of July 2008, informing us of the Council of the City of Albany's decision to consider the establishment of a friendship agreement between our municipalities, and I wish to express here, on behalf of my Council, our joy and gratitude about such news.

You will find, enclosed with this letter, a first draft of a Friendship Declaration which the Albany City Council can consider. It marks the first step towards, I hope, a formal agreement between our cities. Our own City Council will consider it next time it meets, on the 30th of September 2008.

Yours sincerely,

Le maire

Valérie KUMM

Between the City of Péronne, represented by its Mayor, on the one hand,
And the City of Albany, represented by its Mayor, on the other hand,
Is decided what follows:

PREAMBLE

In the name of the Franco-Australian friendship, and under the auspices of the historical friendship bonds which are rooted in the blood shed during the Battle of the Somme, and were reinforced by the Battle of Mont-Saint-Quentin in August 1918, when the Australian Army freed Péronne from occupation, the cities of Péronne and Albany make the wish of keeping friendly relationships through meetings of their inhabitants and of their official representatives.

ARTICLE 1

The historical bonds forged during the First World War will, from now on, serve as the basis to the development of friendship between our communities. The municipalities of Péronne and Albany commonly agree on keeping alive the memory of the blood shed by Australian soldiers for the freedom of the Western World, through commemorations and demonstrations meant to perpetuate the memory duty.

ARTICLE 2

Persuaded that mankind's history must now evolve in a more brotherly world, and that we will not go further without really knowing one another, the municipalities of Péronne and Albany will organize regular meetings between their representatives to decide of common actions, and evaluate them.

ARTICLE 3

Convinced that a partnership between our cities will last only if it is at the service of our citizens, the municipalities of Péronne and Albany will develop and reinforce the links between their inhabitants. Through these exchanges, citizens will have the opportunity to know, understand, and respect each other and, beyond this, to promote exchanges on cultural, economic, social, sportive and educational levels, between the person or groups of persons willing to take part in them, thus opening the path to a complete understanding between peoples.



PÉRONNE le 27 mars 2008

Valérie KUMM
Conseillère régionale
Maire de la ville de PÉRONNE

A

Mister Milton EVANS
PO Box 484
ALBANY
WA 66331
AUSTRALIE



City of Albany Records
Doc No: ICR0060891
File: REL035

Date: 11 JUL 2008
Officer: EACE04/MLAO

Dear Sir,

Attach:

On the occasion of the commemorations for the ANZAC Day 2008, we had the great pleasure of welcoming around 800 Australian citizens here in PÉRONNE. This was a wonderful occasion for our citizens to remember the crucial role your army played in the liberation of our city in 1918, and to forge new bonds with Australian people.

PÉRONNE is a city of around 8,300 residents situated on the First World War frontline, 40 km. east of VILLERS-BRETONNEUX. Being situated in one of FRANCE's most agricultural regions, our industry is mostly based on agriculture (mainly cereals and sugar beet), but tourism and government services are other important components of our local economy. Our history was deeply marked by the Great War, we are an important tourist destination for people willing to learn more about it, and are home to the Historial of the Great War, internationally recognized as one of the best museums on the subject.

Yet, I have always been surprised that, despite all that we owe to your country, PÉRONNE has never had a sister city in AUSTRALIA, and I had the occasion of discussing it with Mr Geoff HAND, who had the kindness of offering his help in setting up this project between PÉRONNE and an Australian city. We are delighted to hear from you and your will to set up a partnership between our cities.

We are currently working on the commemorations which will be held on the occasion of the 90th anniversary of Armistice Day, and I think this would be a great moment for a first official contact between our cities. We would be delighted to have you as our guests here in PÉRONNE if a delegation of representatives from ALBANY decided to fly over to FRANCE on this occasion. We could start discussing the terms of a formal agreement between our cities.



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Schoolchildren in PÉRONNE and in our other twinned cities are working on a "Walk of Peace", making artworks which will be displayed around the Historial of the Great War on the occasion of the 90th anniversary of Armistice Day. We would be delighted if schoolchildren in ALBANY could take part in this project.

During the reception given in honor of the 800 Australian citizens who had travelled here to PÉRONNE, I have also invited Australian schools to join us in writing the Declaration of PÉRONNE, a declaration of peace for the future generations. This would be an immense happiness for us if schoolchildren of ALBANY decided to write it along with us.

We look forward to hearing from you in due course.

Yours sincerely,

Valérie KUMM,

Mayor of PÉRONNE

THE AUSTRALIAN

July 07, 2008 12:23am AEST

French town says thank you to Anzacs

Mark Day | July 07, 2008

NINETY years ago next month, Australian soldiers stormed a German stronghold at Mont St Quentin and after three days of bitter fighting that lead to the award of eight VCs, liberated the French market town of Peronne.

Today, the people of Peronne are saying thank you by establishing a sister-city relationship with the West Australian city of Albany. It is a relationship rich in Anzac history.

Albany was the first stop for thousands of Australian troops destined to fight in Gallipoli and the Western front of France.

In 1914, the first troop ships heading for the war zone stopped in Albany's harbour, King George Sound, to form a convoy to cross the Indian Ocean. Ships coming from Brisbane, Sydney and New Zealand had been delayed by the suspected presence of a German raider, and Albany played host to troops and horses while they waited.

When the convoy of 30,000 men and 10,000 horses departed on November 1, 1914, Albany provided the final sight of Australia seen by the men. Tens of thousands did not return.

The battle of Mont St Quentin was the last major battle for Australian troops in 1918. The heavily fortified hill on the outskirts of Peronne was the last major German defensive position on the Somme river. When that was lost, they fell back rapidly until the armistice was signed 10 weeks later.

Albany was also the site of the first Anzac dawn service, now a tradition around the world. Thousands of tourists now flock to dawn services at Gallipoli and, from this year, Villers-Bretonneux, 40km from Peronne.

A young Anglican chaplain, Arthur White, who was gassed on the Western front, held a service for the battle dead in Albany in 1918, and in 1930 held a dawn eucharist at St John's church, Albany, on April 25, followed by the laying of a wreath at a nearby war memorial. White is reported to have said: "As the sun riseth and goeth down, we will remember them."

Today's ode, familiar to millions of Australians, says: "At the going down of the sun, and in the morning, we shall remember them."

Negotiations between civic authorities in Peronne and Albany began during The Australian's Our Other Anzac Day tour to the Western front in April.

In a speech welcoming the 750 tour participants, Peronne Mayor Valerie Kumm said she was keen to develop ties with Australia. "We consider Australians as our brothers. The memory of the price which Australian soldiers paid for our freedom is still vivid here," she said.

Following discussions with local MP Matt Benson and council officers, Ms Kumm last week wrote to her Albany counterpart, Mayor Milton Evans, inviting him and a delegation from Australia to Peronne's Armistice Day 90th anniversary commemorations in November, when the relationship is expected to be formally signed.

"This is a relationship built on blood. It goes beyond mere symbolism and has many cultural and social benefits, including tourism," Mr Benson said.

Mr Evans did not have to be convinced about establishing the relationship. His grandfather served on the Somme with the British army before migrating to WA in the 1920s. "As I kid, I can remember being fascinated by the piece of shrapnel still stuck in his ear," he said.

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19.0 CLOSED DOORS

Item 19.1 was dealt with after Item 5.0 Public Question Time.

19.1 Chief Executive Officer Performance Appraisal Committee Meeting Minutes – 2nd September 2008

Item 19.1 is a CONFIDENTIAL item in accordance with 5.23 (2) (a)(b)(c) of the Local Government Act 1995; being:

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

Item 19.1 was dealt with after Item 5.0 Public Question Time.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 21st October 2008, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, The Deputy Mayor, Councillor Wolfe, declared the meeting closed at 10.04pm.

Confirmed as a true and correct record of proceedings.

D Wolfe
DEPUTY MAYOR

APPENDIX A

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Councillor D Wiseman	12.7.1	<u>Financial</u> . Councillor has a financial relationship with Albany Inbound as they manage Councillor's investment property. Councillor left the Chamber and did not participate in the debate or vote on this item.

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTEREST DISCLOSED BY OFFICERS

Executive Director Corporate and Community Services – Peter Madigan	19.1	<u>Financial</u> . Officer is a potential applicant. Officer left the Chamber.
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[Agenda Item 12.1 refers]

SUMMARY OF ACCOUNTS

Municipal Fund

Cheques	Totalling	\$77,361.51
Electronic Fund transfer	Totalling	\$1,485,277.45
Credit Cards	Totalling	\$15,257.77
Payroll	Totalling	\$755,881.00
	Total	<u>\$2,333,777.73</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$2,333,777.73** which was submitted to each member of the Council, dated **31st August 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.

Peter Madigan
ACTING CHIEF EXECUTIVE OFFICER

DEPUTY MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$2,333,777.73**, dated **31st August 2008**, was submitted to the Council, and that the amounts are recommended to the Council for payment.

D. Wolfe
DEPUTY MAYOR