

MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 18th April 2006
7.30pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 19th April 2006

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1.0 DECLARATION OF OPENING

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

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Manager Customer Service	-	B Parker
Executive Director Works & Services	-	L Hewer
Manager Development Services	-	R Fenn
Minute Secretary	-	S Day
Approximately 55 members of the public		
2 media representatives		

Apologies / Leave of Absence: - D Wiseman

3.0 OPENING PRAYER

Mayor Goode read the opening prayer

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

***W Marshall**

Mr Marshall addressed Council in regards to Item 11.1.2 and addressed several concerns including car parking and the use as a function centre. He asked Council not to support this proposal.

***J Jones**

Mr Jones addressed Council in regards to Item 12.2.4 and asked Council to support the application for a memorial to be established. Mr Jones outlined and addressed previously raised issues.

***G Blancowe**

Mr Blancowe addressed Council in regards to Item 11.1.2 and queried the term use not listed and its use in this application. He asked Council not to support the application.

***D Price**

Mrs Price addressed Council in regards to a statement made by Councillors within the Albany Advertiser.

***N Evans**

Ms Evans addressed Council in regards to Item 11.1.2 and addressed several issues raised in regards to parking and hosting of functions at the Rocks. She asked Council to approve the application.

THAT open forum is extended by 15 minutes.

MOTION CARRIED 14-0

***D Skipper**

Mrs Skipper addressed Council in regards to Item 11.1.2 and asked that Council not support the application.

***N Ayton**

Mr Ayton addressed Council in regards to Item 11.3.5 and asked that Council support the rezoning of this land.

***N Houghton**

Mr Houghton addressed Council in regards to item 11.3.2 and asked Council to approve the guidelines.

***W Richards**

Mr Richards addressed Council in regards to item 11.3.2 and asked Council to adopt the policy.

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 21st March 2006;
as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

THAT the following minutes:

- Ordinary Council meeting held on 21st March 2006;
as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Her Worship the Mayor and Councillor Waterman applied for leave of absence from the May OCM.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Mayor Goode and Councillor Waterman be granted leave of absence from the May OCM.

MOTION CARRIED 14-0

8.0 DECLARATIONS OF FINANCIAL INTEREST

Councillor Waterman – Items 11.1.3 and 11.1.4

Councillor Williams – Item 11.1.2

Councillor Lionetti – Items 11.1.2 and 11.3.4

Councillor Paver – Item 11.1.2

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

Development Services

REPORTS

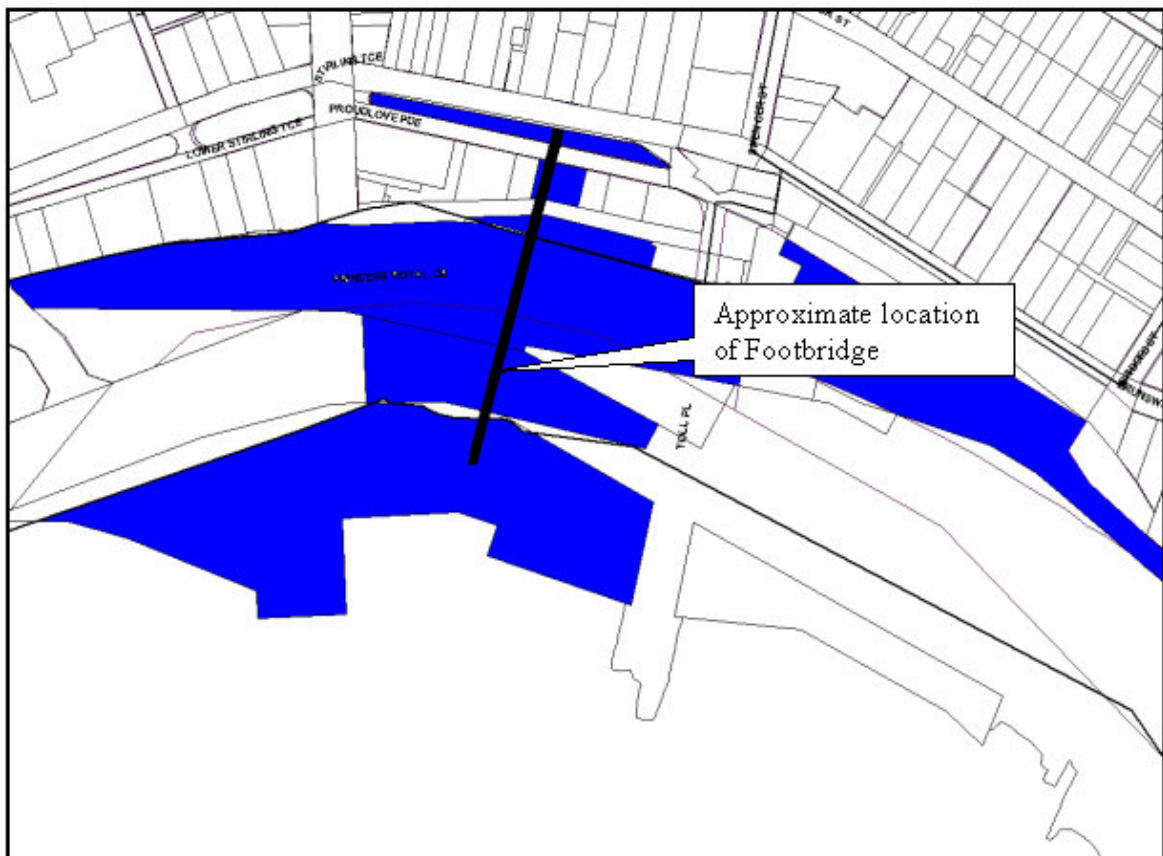
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application – Albany Waterfront Footbridge

File/Ward	:	A140202, A140298, A140315, A157609, A175122 (Fredrickstown Ward)
Proposal/Issue	:	Albany Waterfront Footbridge
Subject Land/Locality	:	Stirling Terrace to the Albany Waterfront Development
Proponent	:	Landcorp
Owner(s)	:	City of Albany
Reporting Officer(s)	:	Senior Planning Officer (J Devereux)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/03/06 - Item 11.3.2
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received from Landcorp for the construction of a footbridge linking Stirling Terrace to the proposed Albany Waterfront Development.
2. The Stirling Terrace end of the footbridge is proposed next to the existing Rotunda, coming off at the existing footpath level, which will enable disabled access. From the Albany Visitor Centre, the bridge will be able to be accessed by stairs. The bridge will finish at the proposed square/piazza adjoining the Albany Entertainment Centre, with both stairs and a ramp access. A site and elevation plan is attached to the end of the report.
3. There will be pedestrian shelters at regular intervals along the footbridge, which will provide weather protection. The footbridge will be illuminated during the hours of darkness and panels will be created along the footbridge for artwork to be displayed.
4. Under the City of Albany's Development Services Directorate, Development Guidelines for Scheme No 1A, the proposal is required to be determined by Council as the value of the development exceeds \$1 million.

STATUTORY REQUIREMENTS

5. The proposed footbridge is to be constructed over a number of various reserved and zoned land under Town Planning Scheme No. 1A (Scheme).
6. All development on reserved land under the Scheme is required to get the approval of Council.
7. The proposed footbridge is recognised in the draft 'Albany Waterfront – Structure Plan'.

POLICY IMPLICATIONS

8. The subject land is affected by the draft 'Albany Waterfront Structure Plan'.

FINANCIAL IMPLICATIONS

9. Once constructed, the footbridge will become the responsibility of Council to maintain.

STRATEGIC IMPLICATIONS

10. Within the Lower Great Southern Strategy, the draft Albany Local Planning Strategy and the City's 3D Strategy, the development of the Albany Waterfront Project is identified as a major regional initiative.

COMMENT/DISCUSSION

11. The proponents are currently undertaking a design and construct tender, which will close on the 26 April 2006. Following this time, detailed plans will be submitted to Council for a building licence. It is intended that the footbridge will be completed in October 2006.
12. The proponents have forwarded a copy of the proposal to Main Roads WA, WestNet Rail and the Public Transport Authority, Department for Planning and Infrastructure and the Albany Port Authority. At the time when this report was written their comments had not been received.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

13. The proposal has been referred to the Heritage Council of Western Australia for comment, as it will be located next to the Queens Park Rotunda that is registered on the WA State Register of Heritage Places. No comments have been received to date.
14. There is a section of the bridge, over Princess Royal Drive, which will be able to be removed at a time when an “over height” item is required to be transported to or from the port.

RECOMMENDATION

THAT;

- i) Council resolves to support the issuing of a conditional Planning Scheme Consent for Public Infrastructure (Pedestrian Bridge) subject to, but not limited to, the following conditions;
- i) the detailed design, including colour and materials, being submitted for approval prior to issue of building licence;
- ii) an agreement put in place with regard to the removal of the removable section of the footbridge when required; and

Voting Requirement Simple Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

THAT Council resolves to support the issuing of a conditional Planning Scheme Consent for Public Infrastructure (Pedestrian Bridge) subject to, but not limited to, the following conditions;

- a) the detailed design, including colour and materials, being submitted for approval prior to issue of building licence;
- b) an agreement put in place with regard to the removal of the removable section of the footbridge when required; and

MOTION CARRIED 13-1

For the Motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Evans, Jamieson, Wolfe, Walker, West and Lionetti.

Against the Motion: Councillor Paver

- ii) pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A Council delegate to the Manager Planning & Ranger Services authority to issue Conditional Planning Scheme Consent for the Public Infrastructure (Pedestrian Bridge).

Voting Requirement Absolute Majority

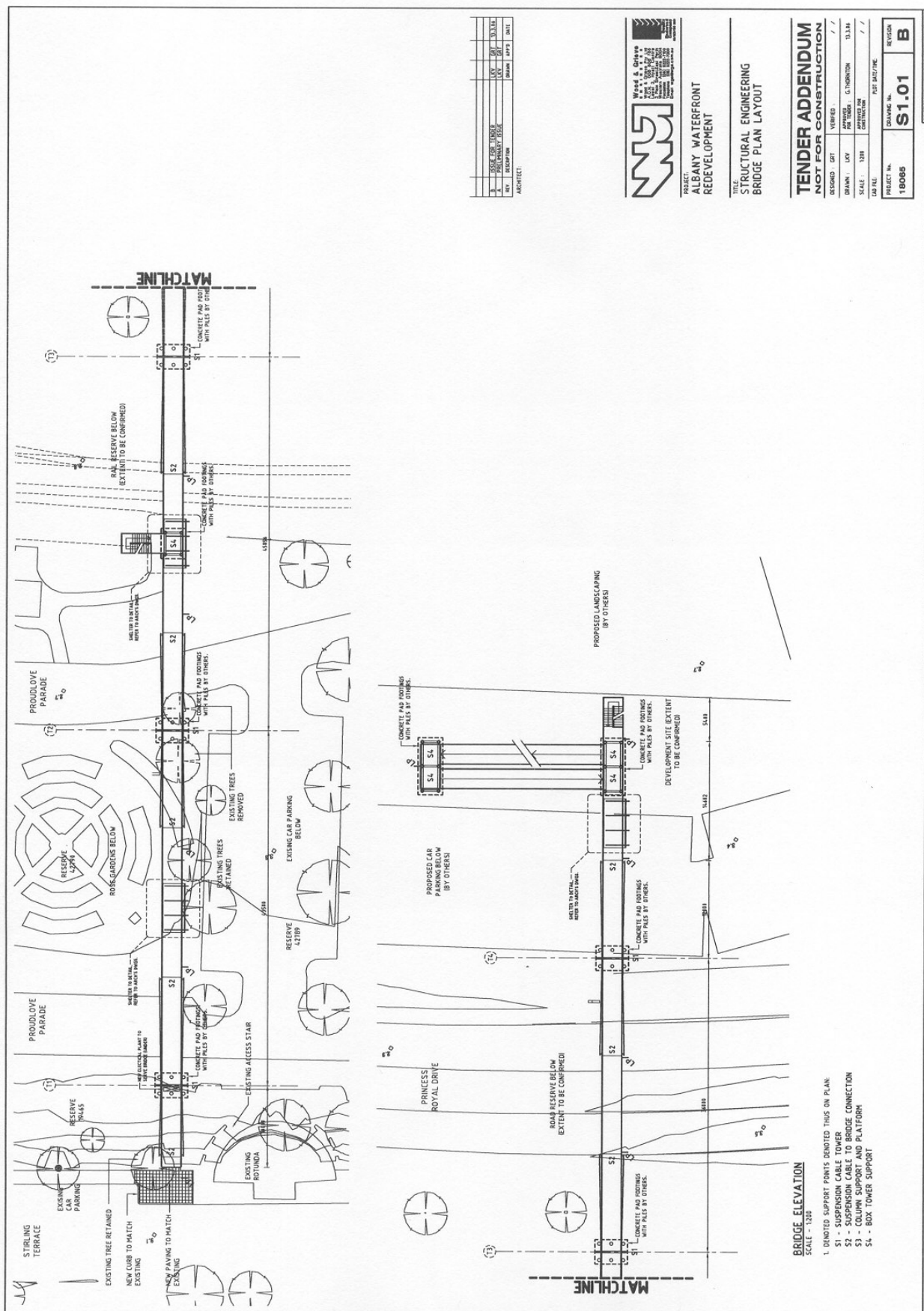
**COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

THAT Council pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A Council delegate to the Manager Planning & Ranger Services authority to issue Conditional Planning Scheme Consent for the Public Infrastructure (Pedestrian Bridge).

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

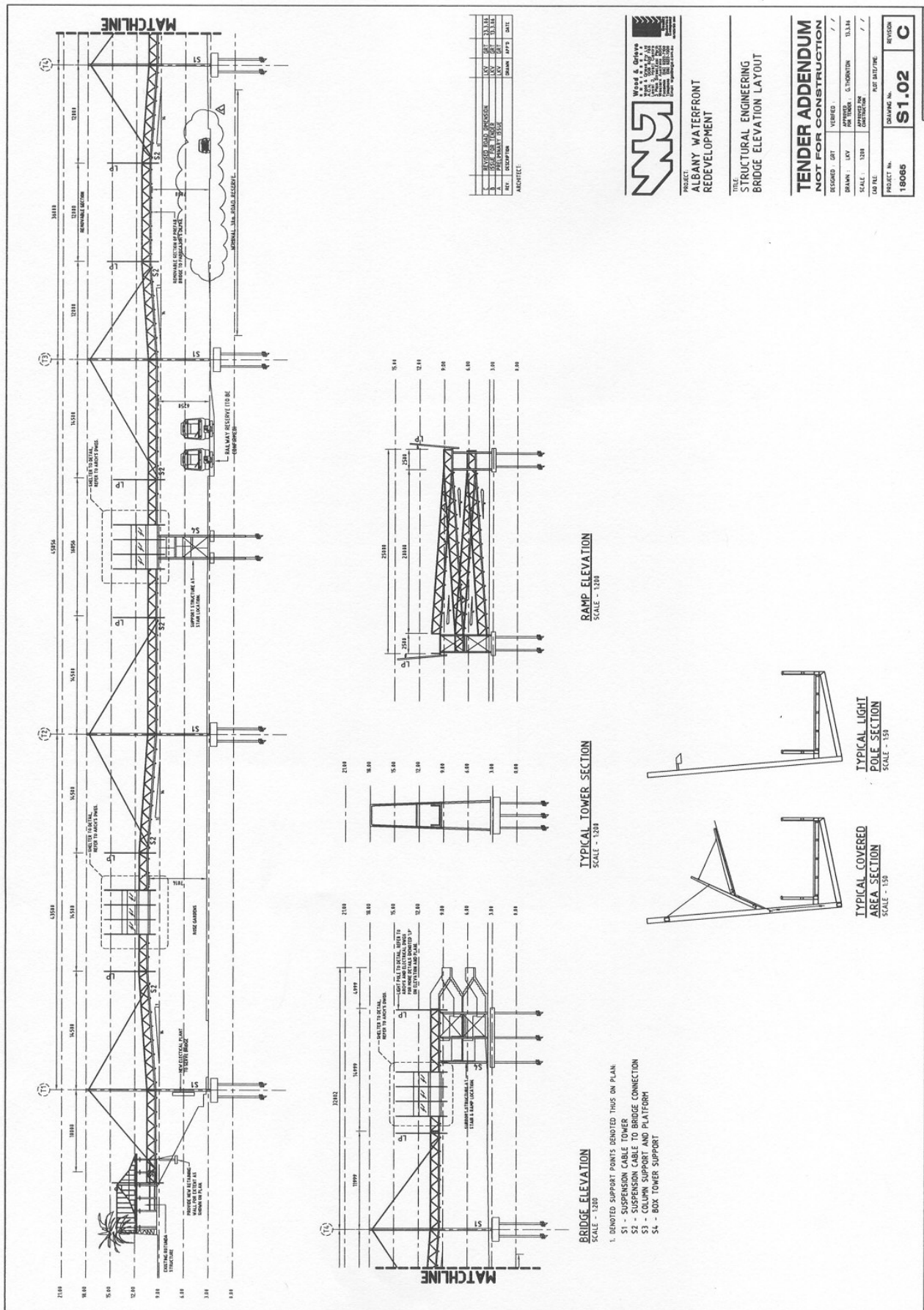
DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Ancillary Use (Function Centre) - 182-188 Grey Street, Albany

File/Ward	: A103917 (Fredrickstown Ward)
Proposal/Issue	: Function Centre
Subject Land/Locality	: 182-188 Grey Street, Albany
Proponent	: Noelene Evans
Owner	: The Rocks Holdings
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Council support the application for a 'Function Centre'
Bulletin Attachment	: Application dated 23 March 2006 and public submissions.
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. Staff at the City were advised by surrounding residents that the property at 182 - 188 Grey Street, Albany, commonly known as “The Rocks”, was being used on occasions as a facility to accommodate funerals, weddings and business functions. This is in conjunction with an already approved use for a ‘residential building’ (guest house).
2. The proponent was requested to cease using the property for the functions prescribed until such time as an application for planning approval was considered.
3. The application was referred to neighbouring properties and advertised in the local newspaper for three consecutive weeks. During the consultation period, a meeting was held with several local residents to clarify and understand their concerns. Officers at the City also conducted a visit to the property to inspect its facilities.
4. At the close of advertising, 29 submissions were received.
5. The reasons for non support included:
 - Excessive noise;
 - Lack of car parking; and
 - The positioning of a commercial centre amongst a predominantly residential area.
6. The reasons for support included:
 - Promoting tourism;
 - Promoting heritage;
 - Providing employment; and the
 - Lack of venues in Albany for functions.
7. The proponent provided further written clarification for the following:
 - Only one function will be held at any one time;
 - The maximum number of persons accommodated on the property (including the live in guests) is to be 80 standing and 48 seated.
 - The frequency of functions will vary depending on demand;
 - The applicant wishes to keep available the opportunity to have functions on Sunday evenings;
 - 36 vehicles are capable of being accommodated onsite;
 - The number of bookings at the property already made is 7 (ending December 2006); and
 - Catering is sourced off this site.
8. The proponent also advised staff that a wedding ceremony was held in the gardens on Saturday the 18 March at 2.30pm. In addition to the sealed areas set aside for car parking, 20 cars were parked on a lawn area within the grounds with a small overflow of cars parked immediately in front of ‘The Rocks’ on Grey Street. No cars were parked on View Street. The celebrant used a microphone and 3 songs were played on a stereo during the service.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

STATUTORY REQUIREMENTS

9. 'The Rocks' (built in 1882) is recognised as a heritage building in the City's Municipal Inventory at the highest level (A+). As the building is included on the State Register of Heritage Places, the application has been referred to the Heritage Council of WA. The Heritage Council confirmed in writing that the proposed use of the property as a 'function centre' will not impact on the heritage significance of the place and is therefore supported.
10. The property is zoned 'Residential' in Town Planning Scheme 1A (TPS1A). The uses proposed by this application are not listed in the use class table of the TPS1A.
11. The TPS1A (clause 3.6) states:

"If a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes such use or purpose shall, unless it is permitted by any other provisions of the Scheme, be deemed to be prohibited, provided that the Council may in its discretion permit such use or purpose to be carried out in any zone it considers appropriate and in granting such permission the Council may impose such conditions as it thinks necessary for the orderly and proper planning of the locality and the preservation of its amenities".
12. If the proponent is unsuccessful in their application, Council may use the provision of Section 10 of the Town Planning and Development Act to prevent the use occurring on the land.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

"Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects:

Nil".

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

COMMENT/DISCUSSION

Suitability

16. During the early 1900's, the building and its grounds served a useful purpose to the community as a convalescent home for wounded servicemen, a centre for vice regal visits, a school, a hostel and a maternity hospital.
17. Since this era, the population and building density around the property have increased along with vehicular use and community values for privacy and noise.
18. There is now an expectation that residential land uses will minimise any impacts on the surrounding residents.

Noise

19. Noise can disrupt people's lives, causing loss of sleep, interference to activities and emotional stress. The City of Albany deals with numerous complaints about neighbourhood noise each year.
20. The proposed land use has the potential to impact on the surrounding residents and increase the number of noise complaints to the Council. Therefore, controls need to be placed on the location and time of any approved activity to comply with requirements made by the *Environmental Protection (Noise) Regulations 1997*.
21. Assigned levels (as per the regulations) for noise-sensitive premises vary depending on the time of day, as follows:
 - Lowest levels at night (10pm to 7am any day or to 9am Sundays and Public Holidays);
 - Higher levels during the evenings (7pm to 10pm) and on Sundays and Public Holidays (9am to 7pm); and
 - Highest levels during the day (7am to 7pm Monday to Saturday).

Car Parking

22. The applicant has 11 bays already sealed and marked out to accommodate guests, staff and disabled persons.
23. Because the use proposed is not listed in the scheme, no standards exist for car parking at a 'function centre'. The closest matching use is a restaurant, which requires 1 car park for every 4 seats (1:4). This means that 20 car bays would be required for the maximum 80 persons proposed, leaving a shortfall of 9 car-parking bays.
24. As proposed by the application, the 'main entrance' and 'grassed' areas on the property have been set aside to accommodate an additional 25 cars, bringing the total on site to 36, which is a more realistic ratio of 1:2.2.
25. The additional car parking areas provided are not ideal considering the nature of the surface, restricted turning circles and the fact that the vehicles in front will have to wait for the vehicles behind before they can leave a function. To comply with design and access arrangements, only 13 bays would be reasonably credited to the site and the grassed surface is likely to become non-trafficable during winter months.
26. The proponent highlights that any demand for overflow car parking that may be expected can be accommodated on Grey Street. View Street is too narrow and therefore cannot be used for on-street parking.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

27. A management plan and surface upgrade needs to be considered by the applicant and Heritage Council to address usage of the grass car parking area.

Building Requirements

28. In order to accommodate the existing residential uses and also the spaces for functions, the Building Code of Australia, requires a 'change of classification' from Class 3 (Residential) to Class 9b (Commercial) with additional provisions for:

- Fire separation between Class 3 and Class 9b areas;
- A maximum of 70 persons occupying area '5';
- An additional disabled toilet; and
- Structural certification for the stability of standing and seated floor areas.

29. If the planning application is supported, the proponent will need to apply to the City for the 'change of classification' under the Building Code and complete any necessary modification prior to the approvals becoming operative.

Conclusion

30. A 'function centre' in a predominantly residential area has the potential to create noise in excess of the *Environmental Protection (Noise) Regulations 1997*, an overflow of car parking onto Grey street and a loss of privacy to the surrounding residents. These issues have been raised by neighbours as justification to refuse the application.
31. The heritage appeal of the building, the previous use of the property as a public entity, its large and well-landscaped surrounds, the generous outlook over the town and harbour and the obvious demand for the use of the property, provide reasons to consider supporting the application.
32. All things considered, with building modifications, staff believe that the property can accommodate the proposed function centre; and as long as controls are put in place to minimise the impacts on the surrounding residents, the application should be supported.
33. If the application is not supported, the proponent will need to be advised that the functions already booked are to be cancelled.

RECOMMENDATION

THAT

- i) Council resolves to support the issuing of a Notice of Planning Scheme Consent for the use of an "Ancillary Use (Function Centre)" at Lot 1475, 182-188 Grey Street, Albany subject to, but not limited to, the following conditions:
- a) the maximum number of guests/function attendees is not to exceed 80 persons at any one time, with no more than 70 persons being accommodated in the main conference room (area 5);
 - b) outside functions are to be restricted between the hours of 7am and 7pm Monday to Sunday;
 - c) inside functions are to be restricted between the hours of 7am and 11.30pm Monday to Saturday and 9am and 10.00pm on Sundays;
 - d) noise Levels emitted from the property are not to exceed the levels assigned within the *Environmental Protection Noise Regulations 1997*;

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- e) all vehicular parking, manoeuvring and circulation areas indicated on the approved plan being upgraded to the satisfaction of Council, prior to the occupation of the use; and
- f) the building is to satisfactorily meet with the disabled access and fire safety provisions of the Building Code of Australia prior to the occupancy of the function centre; and
- ii) pursuant to Clause 7.22 of the City of Albany Town Planning Scheme No 1 A, Council delegate to the Manager Planning & Ranger Services authority to issue Conditional Planning Scheme Consent for the use of an “Ancillary Use (Function Centre)” at 182 – 188 Grey Street, Albany

Voting Requirement Simple Majority

Councillors Lionetti, Paver and Williams declared an interest in this item and left the Chambers at 8.25pm.

The nature of Councillor Lionetti interest is that he is part owner of a function centre. The nature of Councillor Paver interest is that he supplies tourism services to the proponent.

The nature of Councillor Williams interest, is that she is a marriage celebrant and occasionally conducts weddings on this site.

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR EVANS**

THAT Council resolves to defer consideration of the application for Planning Scheme Consent for the use of an “Ancillary Use (Function Centre)” at Lot 1475, 182-188 Grey Street, Albany for one month to allow Staff to fully brief Council on the following issues:

- i) noise implications and regulations;
- ii) adequacy of on-site and off-site parking along with effective traffic management and the policing and enforcement of any infringements;
- iii) heritage & Historical Aspects of the building;
- iv) tourism implications;
- v) potential for future rezoning;
- vi) clarification and Definition of the Use Not Listed scheme provisions; and
- vii) effective Waste management on the site.

MOTION LOST 4-7

Reason:

- A comprehensive briefing from staff is required so that all aspects of the application, as listed above, combined with the neighbouring residents concerns can be fully considered by Council prior to making a decision.
- This will ensure that an effective and manageable outcome is arrived at quickly for all parties obtained.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR WELLINGTON
MOTION LAPSED THROUGH WANT OF A SECONDER**

THAT;

- i) Council resolves to support the issuing of a Notice of Planning Scheme Consent for the use of an “Ancillary Use (Function Centre)” at Lot 1475, 182-188 Grey Street, Albany subject to, but not limited to, the following conditions:
 - a) the maximum number of guests/function attendees is not to exceed 80 persons at any one time, with no more that 70 persons being accommodated in the main conference room (area 5);
 - b) outside functions are to be restricted between the hours of 7am and 7pm Monday to Sunday;
 - c) inside functions are to be restricted between the hours of 7am and 11.30pm Monday to Saturday and 9am and 10.00pm on Sundays;
 - d) noise Levels emitted from the property are not to exceed the levels assigned within the *Environmental Protection Noise Regulations 1997*;
 - e) all vehicular parking, manoeuvring and circulation areas indicated on the approved plan being upgraded to the satisfaction of Council, prior to the occupation of the use;
 - f) the building is to satisfactorily meet with the disabled access and fire safety provisions of the Building Code of Australia prior to the occupancy of the function centre;
 - g) No amplified noise being emitted from all areas external to the building.
 - h) No funeral services being conducted on the site; and
 - i) The View Street entrance car park is to be closed, by a suitable barrier, by the proprietor once full and signage is to be erected on the barrier advising patrons that on-site parking is available from the Grey Street entrance; and
- ii) pursuant to Clause 7.22 of the City of Albany Town Planning Scheme No 1 A, Council delegate to the Manager Planning & Ranger Services authority to issue Conditional Planning Scheme Consent for the use of an “Ancillary Use (Function Centre)” at 182 – 188 Grey Street, Albany.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

THAT this item lay on the table for one month.

MOTION CARRIED 11-0

Councillors Lionetti, Paver and Williams returned to the Chambers at 8.37pm.

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Multiple Dwelling & Office – 51–59 Aberdeen Street, Albany

File/Ward	:	A143951 (Fredrickstown Ward)
Proposal/Issue	:	Multiple Dwellings & Office Development Approval
Subject Land/Locality	:	51-59 Aberdeen Street, Albany
Proponent	:	Michael Roberts
Owner(s)	:	Powerhigh Pty Ltd ATF Aberdeen Property Trust
Reporting Officer(s)	:	Senior Planning Officer (J Devereux)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Documentation from Proponents
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received for a multiple storey residential and commercial development at 51-59 Aberdeen Street, Albany.
2. The proposal is for 13 residential multiple dwelling units (between 110sqm and 144sqm in floor area), two commercial units (between 121sqm and 125sqm in floor area), underground parking (34 bays) and a central landscaped courtyard. The site plan, floor plans and elevations are included at the end of this report.
3. The subject site is zoned 'Central Area', with a residential density coding of R160. The properties on either side and to the rear are within the same zone. Aberdeen Street provides a buffer between the 'Central Area' zone and the 'Residential' zone across the road. The 'Residential' zoned land over the road from the subject lot has additional commercial uses allowable.
4. The proponents have designed the development in accordance with Council's draft 'Central Albany Urban Design Policy' (the Policy). Included in the Elected Members Report/Information Bulletin is documentation from the proponents of how they have meet requirements of this policy.
5. Under the City of Albany's Development Services Directorate, Development Guidelines for Scheme No 1A, the proposal requires Council determination as the value of the development exceeds \$1 million.

STATUTORY REQUIREMENTS

6. The lot is zoned 'Central Area' in the City of Albany Town Planning Scheme No.1A (Scheme). A residential density coding of R160 is applicable to the subject land, which allows a density of one multiple dwelling unit for every 62.5m² of land area.
7. The Scheme, at Clause 4.12 states, "*Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.*"
8. 'Multiple Dwellings' are a discretionary land use in the Central Area zone. As the development complies with Council's draft 'Central Albany Urban Design Policy' which has been advertised and received a majority of support from the community it was not seen as being necessary to refer it to all surrounding landowners. It was necessary however, to refer the application to the adjoining landowners to the north for setback and overlooking relaxations in accordance with the Residential Design Codes of WA (R-Codes).

POLICY IMPLICATIONS

9. The subject land is within the draft 'Central Albany Urban Design Policy' area. The intent of this policy is to encourage development which meets the following objectives:

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- **Vitality:** to promote the economic vitality of the city centre.
- **Townscape:** to ensure that new development makes a positive contribution to the unique townscape of central Albany.
- **Streetscapes:** to promote developments which respond to the scale and articulation of existing streets, and which enhance the public domain.
- **Existing buildings:** to encourage the conservation of heritage buildings, and the adaptive reuse of existing buildings, which contribute to the urban character of the locality.
- **Sustainability:** to ensure that development is based on sound environmental principles and responds to the natural attributes of the site, the locality and the climate.
- **Design:** to encourage high quality and innovative contemporary design.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *providing sound governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. The proposed development will be surrounded by compatible uses. On both sides of the development are office uses, with a car park towards the rear. On the other side of Aberdeen Street are a dental surgery, an office and a vehicle sales car yard.
13. The number of proposed multiple dwelling units comply with the residential density of the area and the overall plot ratio of the development complies with stated 1.5 plot ratio under the Scheme.
14. The development complies with the required amount of car parking required to be provided onsite, being the 34 provided for in the basement level. Off-site car parking is also available along Aberdeen Street and to the rear of the property in the car parking area of the adjoining businesses.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

15. With reference to the open space provisions of the R-Codes, the development does not meet the acceptable development criteria for minimal total area of available open space. However, the Policy has two criteria that have to be met for the relaxation of this provision. The first criteria being, private open space being provided for each individual unit, which can be in the form of balconies. The development complies with this criteria and with the acceptable development provision for balconies of multiple dwellings under the R-Codes.
16. The second criteria that the development must meet is the provision of an area of mature trees to provide landscaped relief within the built environment. The development complies with this criteria by providing a central courtyard that will be landscaped to a high level of finish with water features, seats and mature trees in purpose built planters. The maintenance of the area will be the responsibility of the body corporate.
17. Individual storage rooms, for each unit, have been provided for on the basement level.
18. The rubbish bin storage area is located to the rear of the basement level. The location of this area will allow rubbish removal from outside the building. The proponents have consulted with Cleanaway, and have designed the area to meet that company's requirements.
19. The development requires relaxation to be given for the acceptable development criteria, of the R-Codes, for side setbacks. The Policy however encourages buildings being built boundary to the boundary. The development generally complies with the performance criteria of the R-Codes and affected adjoining landowners to the north have been consulted with.
20. The proponent has sought assessment against the performance criteria for building heights of the R-Codes and the development complies, as it is in accordance with a draft local planing policy.
21. The development does not meet the acceptable development criteria of the R-Codes for visual privacy; however, it does meet the performance criteria. As the development will be overlooking the roofs of the adjoining commercial properties it is deemed to comply with the performance criteria. The affected adjoining landowners have been presented with copies of the plans to make them aware of this situation.
22. The building has been designed to ensure sun will penetrate into the central courtyard and into the living areas of the residential units. Please refer the cross section, on page SK05, of the drawings attached to the end of this report.
23. Prior to the issue of a building licence the proponents will be required to provide proof of their legal right to use the Right of Way adjoining the property, which they intend to use to gain access to the development.
24. Approval will need to be obtained from the Western Australian Planning Commission for the encroachment over the road reserve of the balcony, on the first floor, and the awning across the front of the building. If this approval is not gained, the development may require some minor modification.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

25. The subject site is currently used every Saturday morning for the farmers markets. For the rest of the time, the site remains vacant. Alternative locations for the farmers markets are being investigated.

Addendum to Report - New Paragraphs (relating to neighbour's comments received).

26. Comments have now been received from G & L Steer and W Roth, which have been attached to the rear of this addendum report.
27. Mr and Mrs Steer have objected to the proposal on the basis that they are concerned with the height of the parapet wall (and associated structural implications on their building) and that the bulk and scale of the building is out of character with the surrounding buildings. In relation to the parapet wall on the boundary, the draft Central Albany Urban Design Policy advocates boundary to boundary development to ensure there is no break in the façade of buildings (a common main street objective). The concern relating to structural impacts can be addressed at the building licence stage.
28. In relation to the bulk and scale issue, the development is consistent with the draft Central Albany Urban Design Policy, and staff are supportive of the height of the building.
29. Mr Roth has raised no objection to the proposal.

RECOMMENDATION

THAT;

- i) Council resolves to support the issuing of a conditional Planning Scheme Consent for multiple dwellings and offices at 51 – 59 Aberdeen Street, Albany subject to, but not limited to, requirements that;
- a) demonstration that proponent has legal right of use the adjoining Right of Way;
 - b) site and off site traffic issues can be resolved and managed during construction period;
 - c) a minimum height clearance of 2.3m can be maintained to all undercover car parking areas and access ways;
 - d) the landscaping of the internal open space being designed and detailed;
 - e) service infrastructure attached to the roof is to be limited; and
 - f) a schedule of building finishes be supplied.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

Councillor Waterman declared an interest in this item and left the Chambers at 8.37pm. The nature of her interest is that she has an interest in the adjoining land.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EVANS**

THAT Council resolves to support the issuing of a conditional Planning Scheme Consent for multiple dwellings and offices at 51 – 59 Aberdeen Street, Albany subject to, but not limited to, requirements that;

- a) demonstration that proponent has legal right of use the adjoining Right of Way;
- b) site and off site traffic issues can be resolved and managed during construction period;
- c) a minimum height clearance of 2.3m can be maintained to all undercover car parking areas and access ways;
- d) the landscaping of the internal open space being designed and detailed;
- e) service infrastructure attached to the roof is to be limited; and
- f) a schedule of building finishes be supplied.

MOTION CARRIED 13-0

- ii) pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A to delegate to the Manager Planning & Rangers authority to issue a Conditional Planning Scheme Consent for multiple dwellings and offices at 51 – 59 Aberdeen Street, Albany and that the delegation not be exercised until Department for Planning and Infrastructure approval can be obtained for the proposed development.

Voting Requirement Absolute Majority

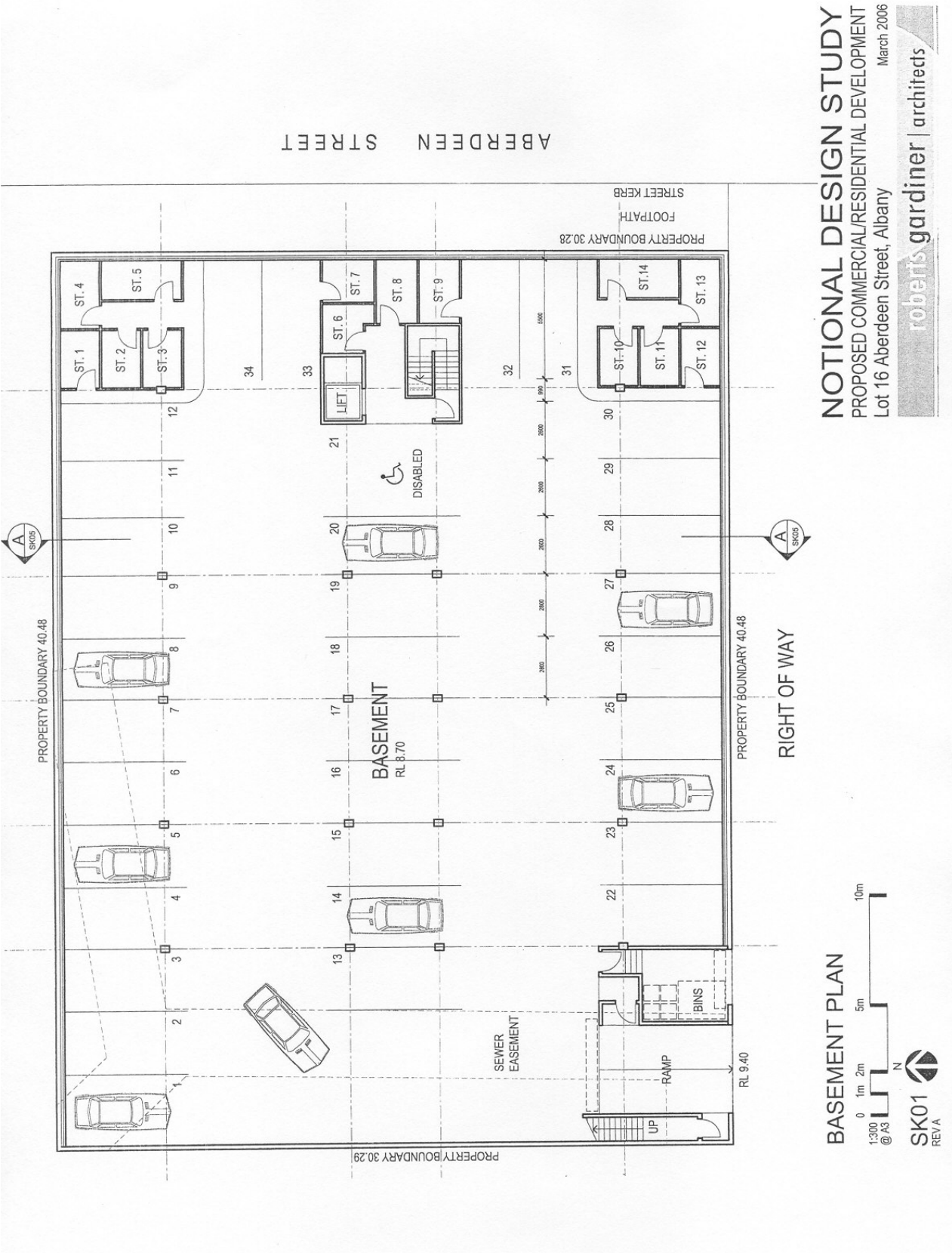
**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR PAVER**

THAT pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A to delegate to the Manager Planning & Rangers authority to issue a Conditional Planning Scheme Consent for multiple dwellings and offices at 51 – 59 Aberdeen Street, Albany and that the delegation not be exercised until Department for Planning and Infrastructure approval can be obtained for the proposed development.

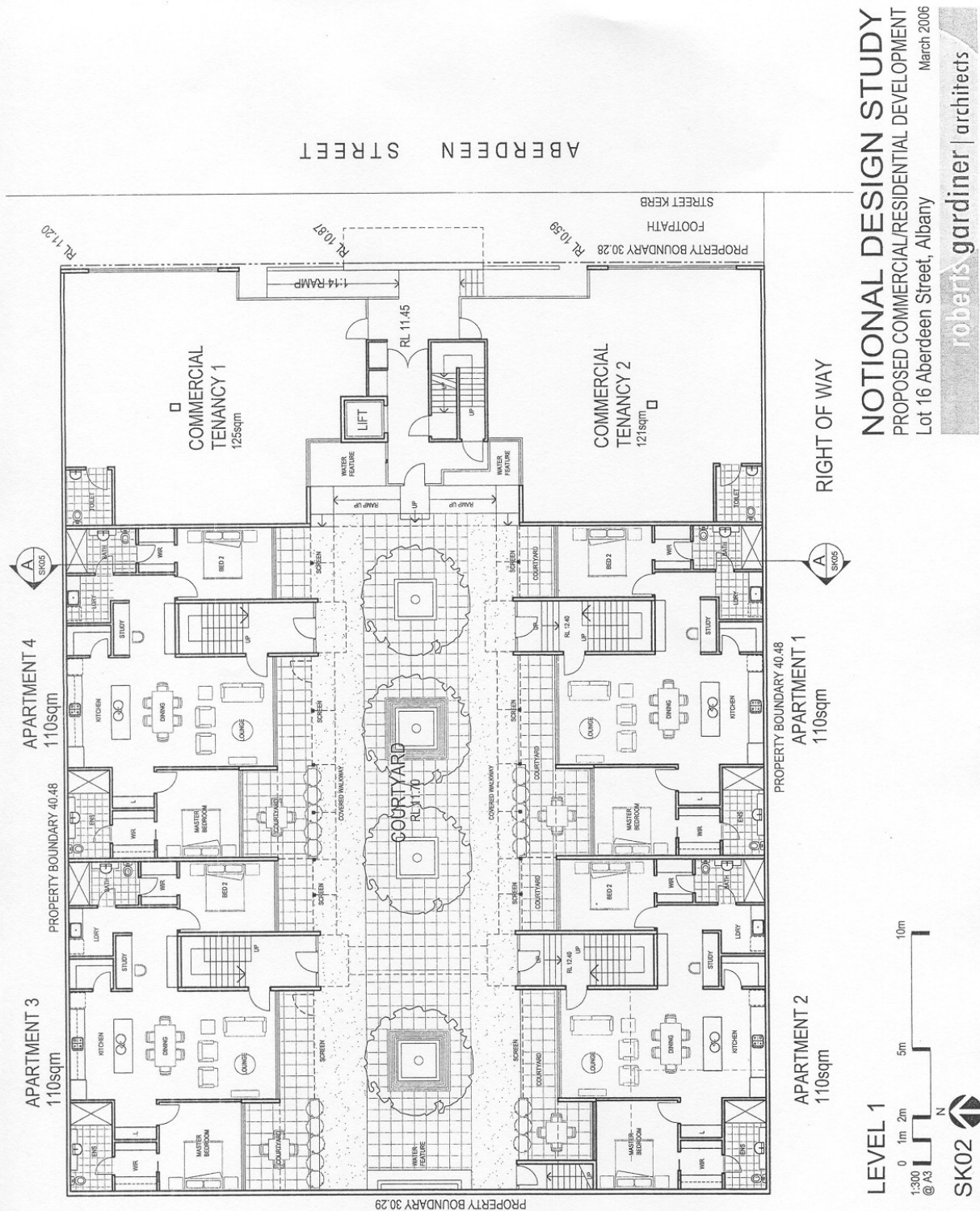
**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

Councillor Waterman remained absent from the Chambers, as she declared an interest in the next item.

Item 11.1.3 continued



Item 11.1.3 continued



NOTIONAL DESIGN STUDY

PROPOSED COMMERCIAL/RESIDENTIAL DEVELOPMENT
Lot 16 Aberdeen Street, Albany
March 2006

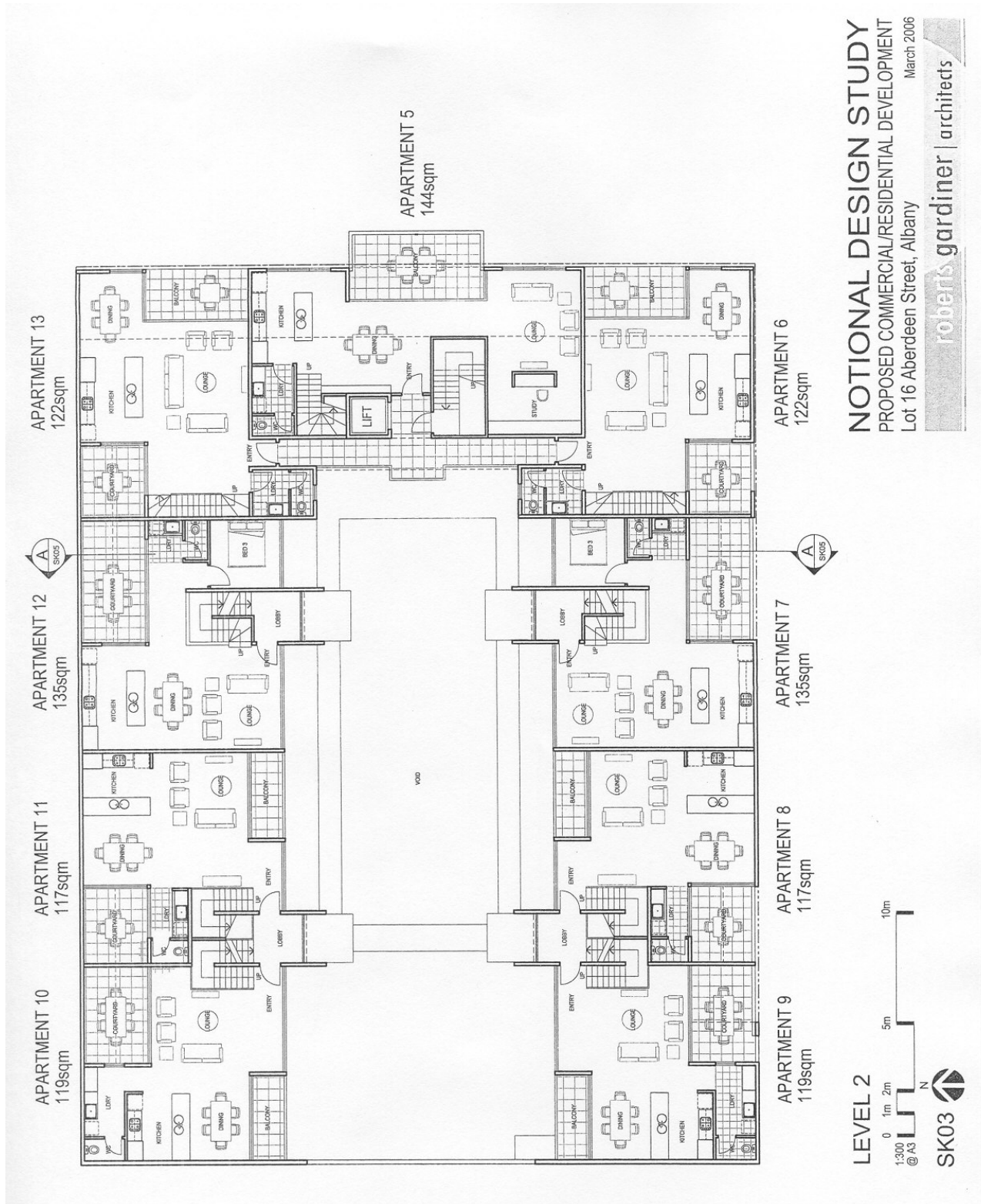
roberts gardiner architects

LEVEL 1

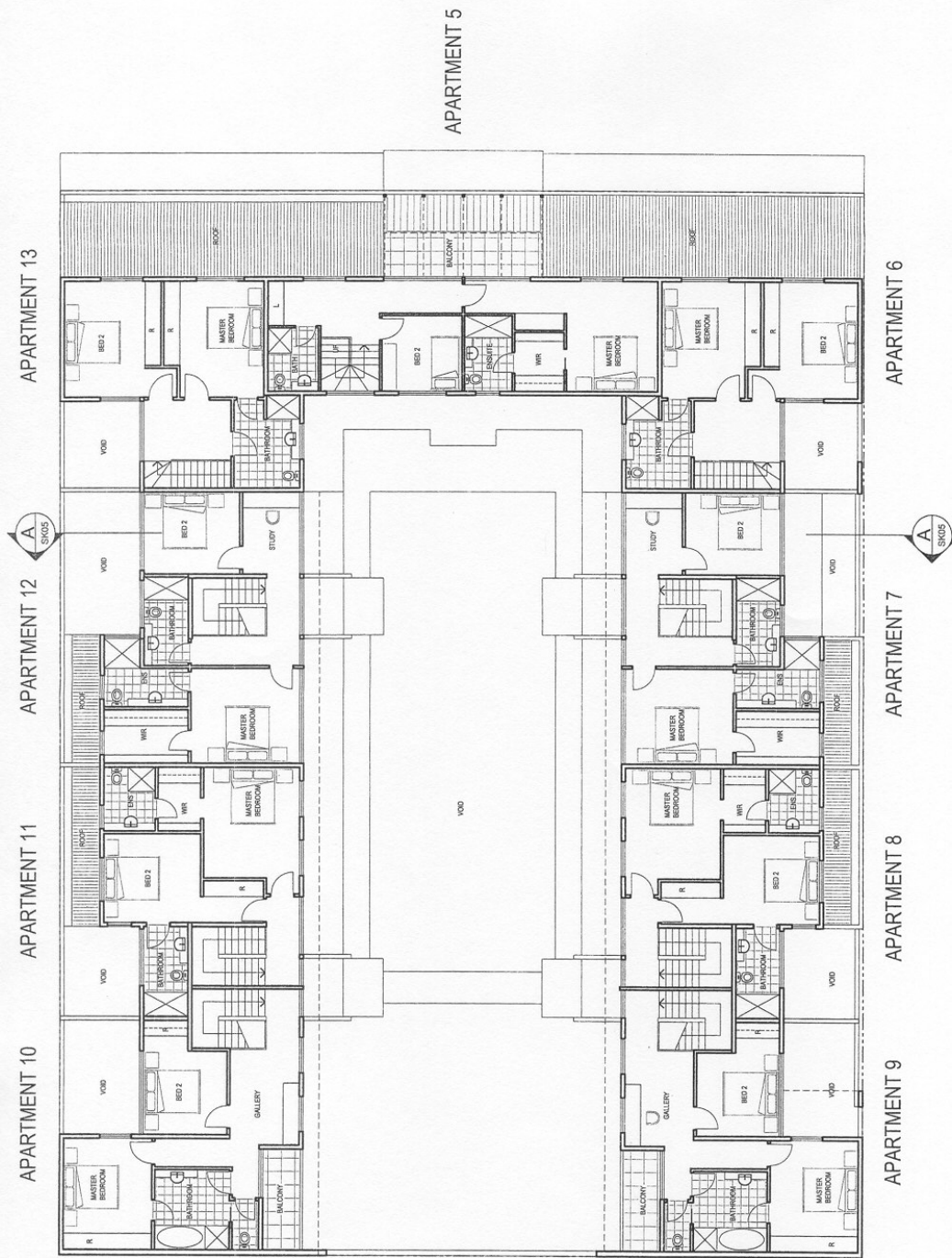
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SK02

Item 11.1.3 continued



Item 11.1.3 continued



LEVEL 3

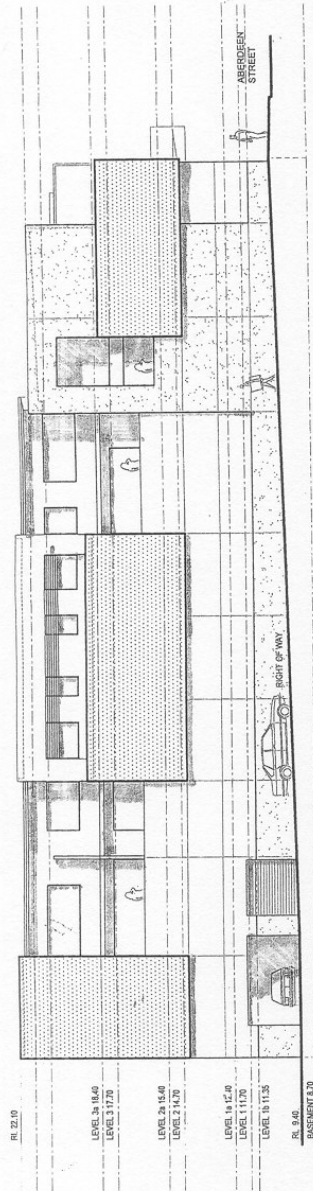
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SK04

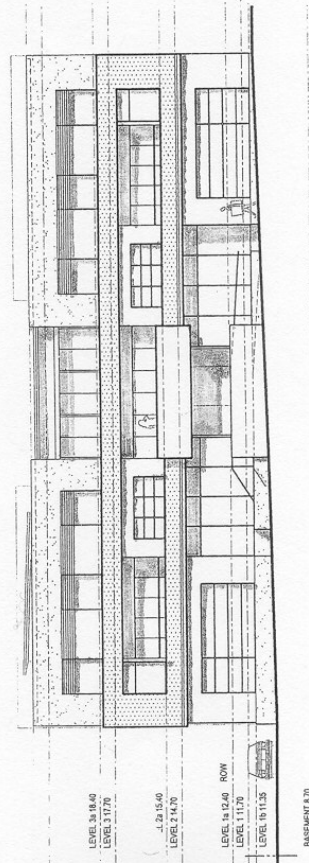
NOTIONAL DESIGN STUDY
PROPOSED COMMERCIAL/RESIDENTIAL DEVELOPMENT
Lot 16 Aberdeen Street, Albany
March 2006

robertis gardiner | architects

Item 11.1.3 continued

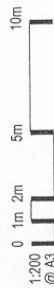


SOUTH ELEVATION - RIGHT OF WAY

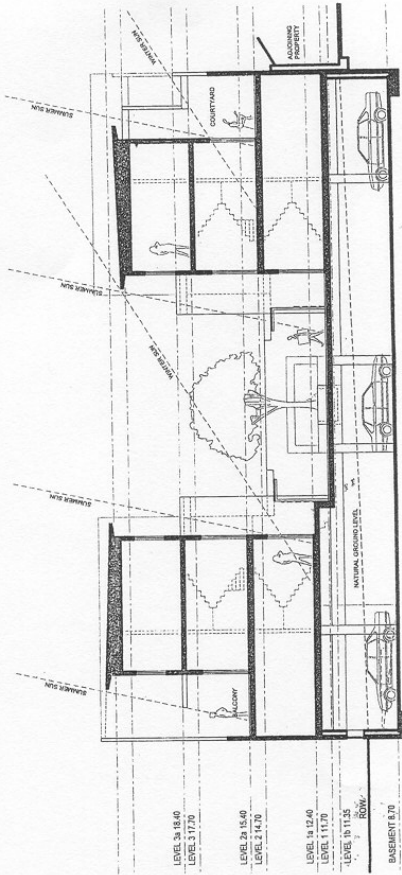


EAST ELEVATION - ABERDEEN STREET

ELEVATIONS



SK05



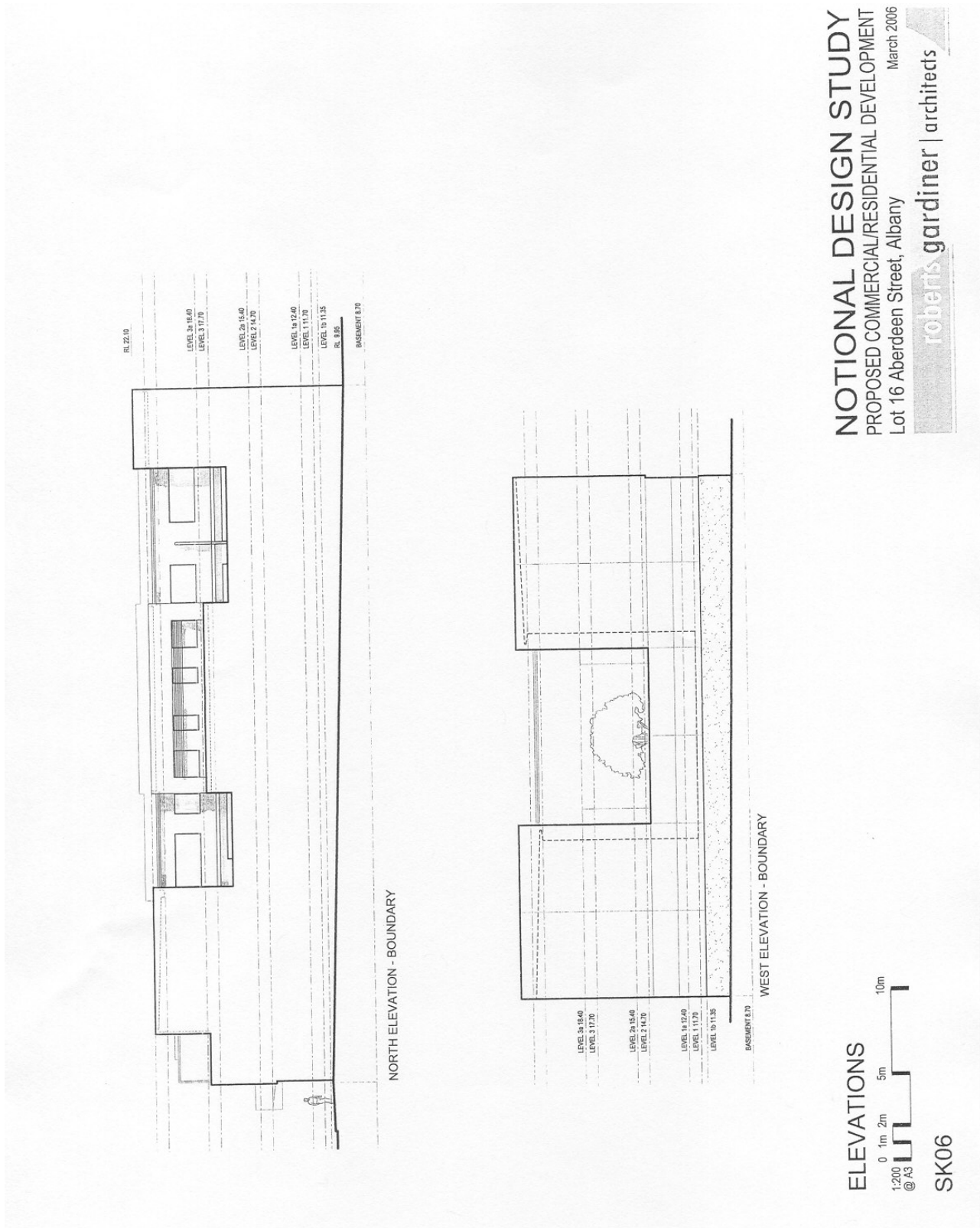
CROSS SECTION

NOTIONAL DESIGN STUDY
PROPOSED COMMERCIAL/RESIDENTIAL DEVELOPMENT
Lot 16 Aberdeen Street, Albany
March 2006

roberts gardiner | architects

ORDINARY COUNCIL MEETING MINUTES – 18/04/06
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

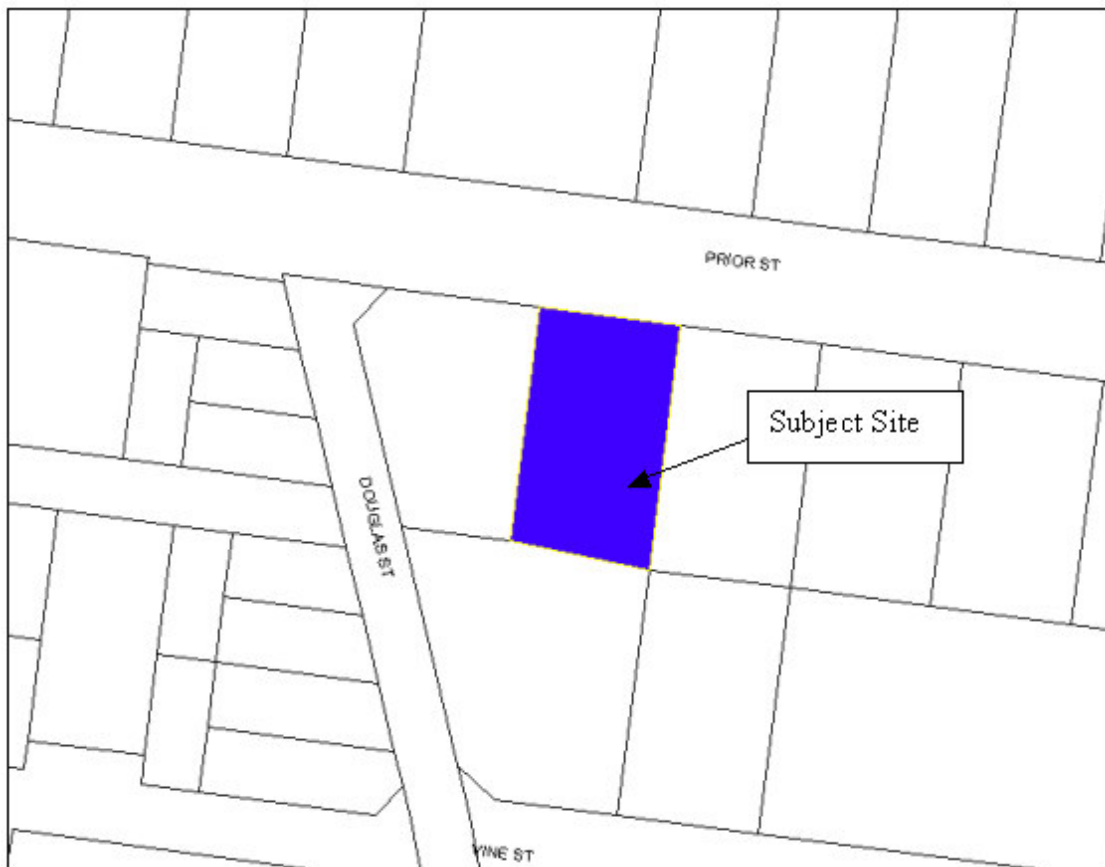
Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

11.1.4 Development Application – Mixed Use - 19 Prior Street, Centennial Park

File/Ward	: A170695 (Fredrickstown Ward)
Proposal/Issue	: Change of use application to Mixed Use - Manufacturing, Storage, Wholesale, Retail and Training)
Subject Land/Locality	: 19 Prior Street, Centennial
Proponent	: E Powell
Owner(s)	: T Hulkes
Reporting Officer(s)	: Senior Planning Officer (J Devereux)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/02/06 - Item 11.1.2
Summary Recommendation	: Issue a Notice of Approval, subject to conditions.
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. At it's meeting dated 21 February 2006 Council resolved:

"THAT Council lay this item on the table for a period of one month to provide the opportunity for owners of Scrapbook Designs to meet with City of Albany staff and evaluate the types of activities conducted within the premises and update the information contained within the officers report submitted to Council on this matter."
2. Subsequent to this resolution, Council Staff met onsite with the proponents. Two solutions were discussed that would help to make the proposed use compatible with the zoning. The first being, that the retail floor space be reduced so that it was a "minor component" of the overall floor space, that comprised of uses compatible with the zone. The other being that the retail floor space is reduced to comply with the use as a 'Warehouse Sales Outlet', which allows a 10% of floor space for retail sales.
3. The standard that has been suggested to the proponent, being the amount of retail floor space in a 'Bulky Goods Outlet', should not exceed 30% of the overall floor space.
4. In the previous Council Minutes relating to this matter, it was reported that the proponents had an area equivalent to 48% of the floor space being used for retail sales. In correspondence received from the proponents, attached to the end of this report, they have stated that they are prepared to reduce the amount of retail sales area down to 38% of the overall floor space.

STATUTORY REQUIREMENTS

5. The property is zoned 'Industry' under Town Planning Scheme No.1A (Scheme).
6. If the amount of floor space is reduced to be a "minor component", then staff believe the application can be assessed as 'Mixed Use', which is a Use Not Listed under the Scheme. Besides the retail sales, the other uses being applied for are acceptable uses in the zone and there is no dominant use which to assess it against.
7. When Council is considering a 'Use Not Listed' under the Scheme, it must consider it appropriate and may impose such conditions as it thinks necessary for the orderly and proper planning of the locality and the preservation of its amenities.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

11. It is felt by staff that the floor space for retail sales should be kept to a maximum of 30% of the overall floor space. This will make the retail use a “minor component” of the overall floor space, which will make the proposal less consistent with the use ‘Shop’ and more compatible with the zoning of the property.
12. As stated in the proponent’s correspondence, they have offered to reduce the retail floor space from 48% to 38% initially. It is recommended that Council give the proponents 90 days, from the time of approval, to reduce the retail floor space to 30% of the total site.
13. Revised floor plans will need to be submitted by the proponents setting out the area that will be available to the public for retail sales.
14. The land use “Shop” retail is a Prohibited land use in the Industry zone and Council does not have the approval powers to allow a land use activity, which is primarily Shop retail in character. The current floor space is 48% Shop retail and it would be impractical to police infringements of the approval where the original margin for compliance is agreed at 2% or even 12%.

RECOMMENDATION

THAT;

- i) Council resolves to support the issuing of a conditional Planning Scheme Consent for Use Not Listed – Mixed Use (Manufacturing, Storage, Wholesale, Retail and Training) at 19 Prior Street, Centennial Park subject to, but not limited to, the following conditions;
 - a) a maximum of 30% of the floor area to be made available to the public for (Shop) retail sales;
 - b) a revised floor plan be received setting out the area to be made available to the public for retail sales; and
 - c) the proponents have 90 days to comply with condition 1; and

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WALKER**

THAT Council resolves to support the issuing of a conditional Planning Scheme Consent for Use Not Listed – Mixed Use (Manufacturing, Storage, Wholesale, Retail and Training) at 19 Prior Street, Centennial Park subject to, but not limited to, the following conditions;

- a) a maximum of 38% of the floor area to be made available to the public for (Shop) retail sales;
- b) a revised floor plan be received setting out the area to be made available to the public for retail sales; and
- c) the proponents have 90 days to comply with condition (a).

MOTION CARRIED 11-2

- ii) pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A to delegate to the Manager Planning & Rangers authority to issue a Conditional Planning Scheme Consent for Use Not Listed – Mixed Use (Manufacturing, Storage, Wholesale, Retail and Training) at 19 Prior Street, Centennial Park

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR JAMIESON**

THAT Council pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A to delegate to the Manager Planning & Rangers authority to issue a Conditional Planning Scheme Consent for Use Not Listed – Mixed Use (Manufacturing, Storage, Wholesale, Retail and Training) at 19 Prior Street, Centennial Park

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

Councillors Waterman returned to the Chambers at 8.47pm.

Reason:

- 38% floor space is a more reasonable and realistic solution to the problem facing the proprietors.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



27 March 2006

City of Albany

Attention: John Devereux

Dear John,

After much consideration given to the guidelines presented at the meeting with Robert Fenn and yourself on 28/2/06, Scrapbook Designs would like to propose the following in an attempt to resolve this issue:

- Presently it has been documented that 48% of our total floor area is attributed to retail shop space. In the meeting on the 28/2/06, yourself and Robert mentioned that the reduction of floor space could possibly be up to 30%. We propose that we initially reduce our retail floor space from 48% to 38%.

Our decision has been based on the fact that in fiscal terms, only 30% of our income is derived from our retail operation through walk in traffic to our Prior Street premises.

The way the "retail space" is currently presented, in conjunction with product demonstrations, workshop & class facilities and other services suited to clients needs, such as meeting wedding and corporate clients, designing and making stationery on-site for such clients, would not be viable in a warehouse style situation as proposed by Robert Fenn.

Not allowing clients access to the "retail space" would without doubt, damage the business to a point of closure.

We have had onsite meetings with some Councillors who have, contrary to Robert Fenns advice at our meeting on the 28/2/06, indicated that Councillors do and will have discretion to vote not necessarily in accordance with the planning departments report on this issue.

**19 Prior Street
Ph: (08) 9842 5714**

**ALBANY WA 6330
Fax: (08) 9842 5711**

PO Box 1254 ALBANY WA 6331 Email: scrapbookdesigns@westnet.com.au



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

As you have put it yourself John, we **are** a "unique case" . We have spent 7 years building a business not only successful in its industry but also for Albany. We have been exemplary ambassadors for Albany and attract visitors from all over the State for our well known workshops. These patrons while attending our workshops in turn spend money with Albany restaurateurs, accommodation owners and retailers.

Our client base services many people outside of the immediate region and we have spent years promoting not only Scrapbook Designs, but Albany as a destination.

I believe we have been incorrectly labeled a "shop" when our services and operations are so much more complex than first assumed when stepping inside the premises.

Our vision from the start with moving into 19 Prior Street was to expand over time our wholesale operations and start light manufacturing. This is one of the prominent reasons we took these premises on. I do not think that Prior Street at present would be suitable for an "all" retail business necessarily and if Scrapbook Designs was in fact "all" retail, we would have chosen a more appropriate premise within the heart of the CBD or shopping precinct.

Our business has been "put on hold" for the last 8 months. We have found it hard with many future decisions based on the fact that we do not know if we in fact, have a future. Changes or relocation would not be viable and our vision of expansion in other areas have not been addressed until this Council issue has been resolved.

This matter has caused much trauma for myself and staff at Scrapbook Designs and we feel our proposal to be adequate given the circumstances.

I implore Council planning and/or Councillors of Albany to give consideration to attribute a special use planning approval for 19 Prior Street and let Scrapbook Designs continue to contribute to the growth, economy and vibrant business culture of Albany.

Thank you
Yours sincerely

Elaine Powell
Proprietor

**19 Prior Street
Ph: (08) 9842 5714**

**ALBANY WA 6330
Fax: (08) 9842 5711**

PO Box 1254 ALBANY WA 6331 Email: scrapbookdesigns@westnet.com.au



DEVELOPMENT SERVICES REPORTS

11.1.5 Development Application – 19 Grouped Dwelling Units – Lot 1342 Stead Road, Centennial Park

File/Ward	: A88264 (Fredrickstown Ward)
Proposal/Issue	: Proposal for 19 grouped dwellings.
Subject Land/Locality	: Lot 1342 (69-77) Stead Road, Centennial Park
Proponent	: Howard & Associates
Owner(s)	: City of Albany
Reporting Officer(s)	: Manager Planning & Rangers (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Issue Notice of Planning Scheme Consent
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. An application has been received from Howard & Associates for nineteen (19) grouped dwellings on Lot 1342 (69-77) Stead Road, Centennial Park. The units are to be two and three bedroom two-storey townhouses (refer site plan and elevations attached to the rear of this report).
2. The subject land was formerly the play oval for the Albany Primary School, and is currently 8839m² in size.
3. The proposed development is to be situated on a 5730m² portion of the property (to be known as Lot 202). A subdivision approval has recently been issued by the Western Australian Planning Commission to subdivide the subject land into two lots.
4. The subject land was rezoned to Special Site (No.37) after the Education Department WA decided to relocate the Albany Primary School. The current zoning allows the land to be used for office development, residential, consulting rooms and a restaurant.
5. As a requirement of the rezoning proposal, a development guide plan was prepared for the subject land and adopted as a local planning policy under Town Planning Scheme No. 1A. The guide plan proposed a mixture of commercial and residential development, with office development fronting Stead Road, and residential town houses at the rear.
6. The proponent has proposed to pursue residential development only under the R-40 density coding applicable to the site. As this represents a departure from the existing development guide plan, and the development is in excess of \$1 million, the application has been referred to Council for consideration.

STATUTORY REQUIREMENTS

7. The subject land is zoned “Special Site No. 37” under Council’s Town Planning Scheme No. 1A, whereby the following controls apply:

CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
37	Portion Location 1342 Stead Road, Centennial Park. (Reserve 34020) and Lot 38 and part Lot 39 Hymus Street, Centennial Park	Residential	Consulting Rooms; Office; Restaurant.	<p>Despite anything else in the Scheme a Development Guide Plan is to be prepared by the proponent and approved by the Local Government before any subdivision or development. The development Guide Plan is to address:</p> <ul style="list-style-type: none"> • The management of traffic impacts generated by the proposed use of the land on Stead Road; • Provision for the mixed land uses that are compatible with uses on adjoining land and land on the opposite side of Stead Road; • Preparation of design guidelines for the frontage to Stead Road to require buildings with a residential scale. • If more than 200m² Net Leaseable Area of office space is proposed across the whole Special Site, incorporation of an impact assessment in accordance with Section 11.5 of the Albany Commercial Centres Strategy of January 1994 (these impacts will be considered in the assessment of the DGP and modification to the DGP may be required as a result); • Proposed subdivision (if any) of the site; and • Such other matters considered appropriate by Council.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued.

8. The residential density coding applying to the subject land is R40, which allows one unit for every 220m² in site area.

POLICY IMPLICATIONS

9. The subject land is affected by the policy titled 'Development Guide Plan for Lot 1342 (69 - 77) Stead Road, Centennial Park.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. Assessment of the proposed development against the criteria outlined in the Scheme for Special Site No. 37 follows:

Traffic Management

13. A traffic management study was prepared by BSD Consultants based on a mix of commercial and residential land uses as per the adopted Development Guide Plan for the site. The traffic assessment included the following findings:
 - An entry only is to be provided via Hymus Street into the site.
 - A shared crossover with reciprocal rights of access is to be provided centrally along Stead Road to cater for access and egress.
 - The percentage increase of traffic along Stead Road was estimated to be 10%, and at Moir/Hymus Streets 4%, which was not a substantial increase in traffic movements.
14. As the proposal does not contain any office development, the increase in traffic movements generated by the development will be significantly less than those reported in the traffic management study. A one-way entry from Hymus Street and a shared access arrangement from Stead Road is identified under the development proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

Provision of mixed uses that are compatible to surrounding uses

15. As Stead Road is primarily a residential street and traffic flows are comparatively low to other commercial areas, the proponent has requested Council consider supporting residential development over the whole site.
16. From a land use perspective, staff are supportive of high density residential development within close proximity to the CBD, as inner city living supports the viability of inner city retailers, increases passive surveillance of inner city streets and attracts more investment for service and entertainment orientated uses.

Residential Scale to Stead Road

17. The proposed two-storey residential development is in keeping with the residential area on the opposite side of the road and complies with the acceptable height criteria of the Residential Design Codes. The fencing proposed along the frontage of Stead Road will be predominantly open to promote visual surveillance onto the street and allow the built form to be viewed.

Economic Impact Assessment

18. As there is no commercial floor space proposed under the development an economic impact statement is not required.

Proposed Subdivision

19. A subdivision approval for two lots has been granted by the Western Australian Planning Commission. The proponent has advised that they have accepted an offer by The Activ Foundation to develop an administrative centre and residential accommodation on proposed Lot 201 (3109m²) on the western portion of the land. As part of the subdivision process, staff have ensured that reciprocal rights of access has been provided to control access in and out of the site.

Other Issues

20. Internal access around the site will be a combination of two-way and one-way vehicle movement. Although the adjacent land is not subject to this application, it is important from a traffic management perspective that vehicles entering the site from Hymus Street (via the right of way) and Lots 1513 and 1514 are integrated in a legible and safe manner with this development. For this reason staff recommend that a detailed intersection design be submitted by a qualified engineer to Council's satisfaction.
21. The existing ROW is to be upgraded under the proposal to allow in-only access from Hymus Street. A pedestrian access through the ROW to Hymus Street will need to be provided from the site to link future residents with shopping facilities in Lockyer Avenue and Moir Street.

Residential Design Codes

22. In relation to development's compliance with the Residential Design Codes the following Table of Assessment has been prepared:

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

R-Codes Requirement	Development
Density Coding = 1 unit per 220m ²	At 5730m ² divided by 220m ² a total of 26 units could be permitted. The proponent has proposed 19 units and therefore complies.
Front Setbacks = 4 metres	Units are setback 5 metres from Stead Road.
Setbacks to internal access ways = 2.5 metres	2.5 metre setbacks have been proposed along the main access route running east west across the site. Seven (7) units at the rear of Stead Road have carports at 2 metres, however given the structures will be partially open and the traffic flow will not be significant in this location a relaxation of 500mm is supported.
Open Space = minimum 45% of site	Approximately 3000m ² of open space is provided which represents 52% of the site.
Courtyards = minimum 20m ² per unit	All courtyards are around 24m ² .
Side Setbacks (for units adjacent to Lot 10 and Lot 41) = 2.1 metre setback	2.1 metre setback provided. All other side setbacks comply with R-Codes.
Storage Areas = minimum 4 metres with minimum dimension of 1.5 metres	Storage areas are only 3m ² , and have a minimum dimension of 1 metre, and therefore do not comply.
Visitor Parking = minimum of 1 space per 4 units	At 19 units a total of 5 visitor bays are required. The proponent has provided 6 visitor bays.
Surveillance	There is good surveillance proposed over Stead Road with open slat fencing along frontage. Several units overlook the proposed communal open space.

23. Staff are supportive of the proposed development, subject to the placement of several conditions which would need to be met by the proponent.

RECOMMENDATION**THAT;**

- i) Council resolves to support the issuing of a conditional Planning Scheme Consent for 19 Grouped Dwellings at Lot 1342 Stead Road, Centennial Park, subject to, but not limited to, the following conditions:
- a) pedestrian access being provided within the site with a connection through to Hymus Street;
 - b) the ROW being upgraded to the satisfaction of Council;
 - c) a contribution being made to the construction of a footpath along Hymus Street;
 - d) storage areas being enlarged to meet the requirements of the Residential Design Codes; and
 - e) a detailed engineering solution being developed by a qualified engineer for the intersection between the internal access way, the ROW accessed via Hymus Street and the reciprocal rights of access in favour of Lots 1513 and 1514, to the satisfaction of Council; and

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR LIONETTI**

THAT Council resolves to support the issuing of a conditional Planning Scheme Consent for 19 Grouped Dwellings at Lot 1342 Stead Road, Centennial Park, subject to, but not limited to, the following conditions:

- a) pedestrian access being provided within the site with a connection through to Hymus Street;
- b) the ROW being upgraded to the satisfaction of Council;
- c) a contribution being made to the construction of a footpath along Hymus Street;
- d) storage areas being enlarged to meet the requirements of the Residential Design Codes; and
- e) a detailed engineering solution being developed by a qualified engineer for the intersection between the internal access way, the ROW accessed via Hymus Street and the reciprocal rights of access in favour of Lots 1513 and 1514, to the satisfaction of Council; and

MOTION CARRIED 14-0

- ii) pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A to delegate to the Manager Planning & Rangers authority to issue a Conditional Planning Scheme Consent for 'Grouped Dwellings' at Lot 1342 Stead Road, Centennial Park.

Voting Requirement Absolute Majority

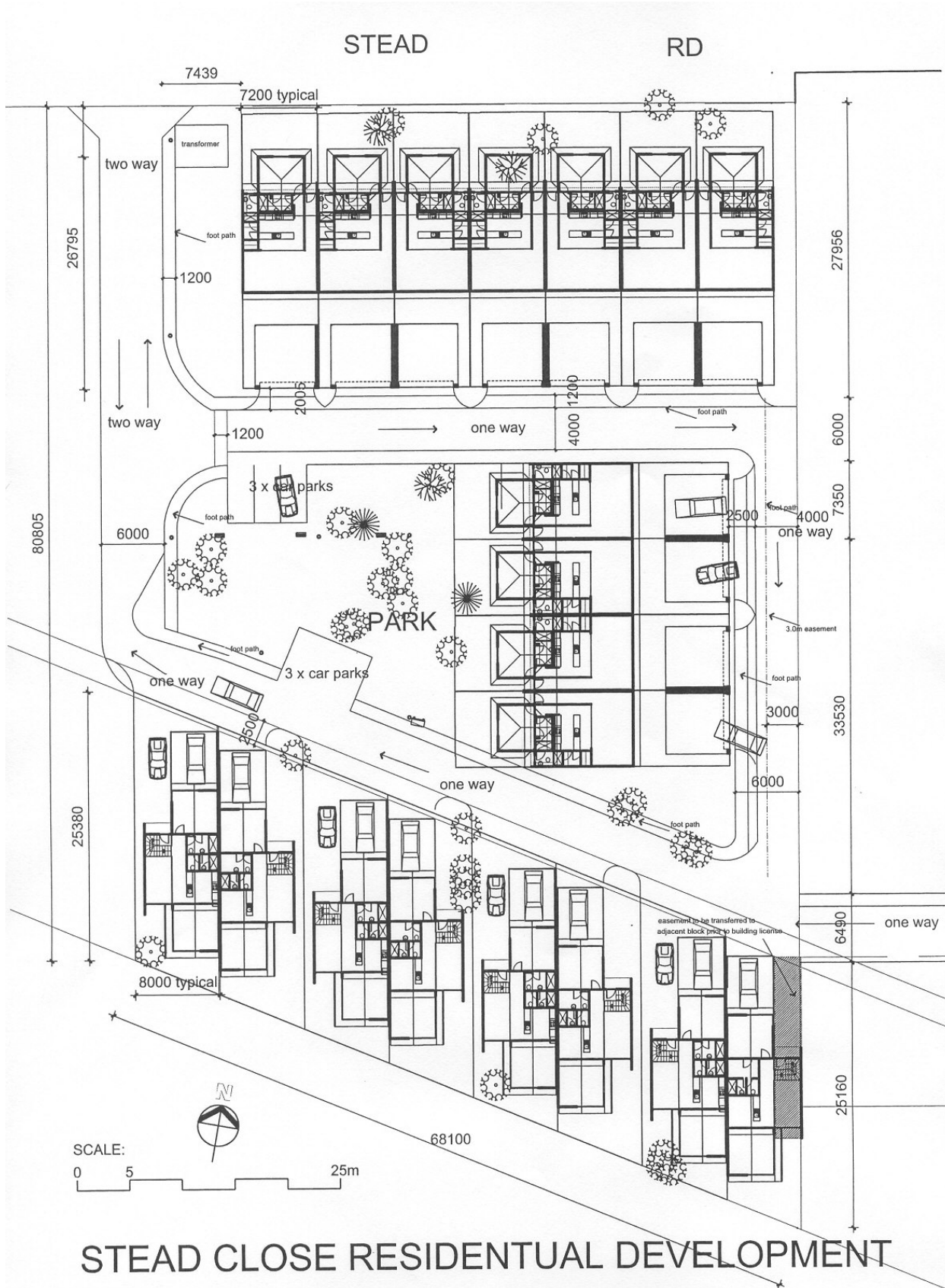
**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Council pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A to delegate to the Manager Planning & Rangers authority to issue a Conditional Planning Scheme Consent for 'Grouped Dwellings' at Lot 1342 Stead Road, Centennial Park.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

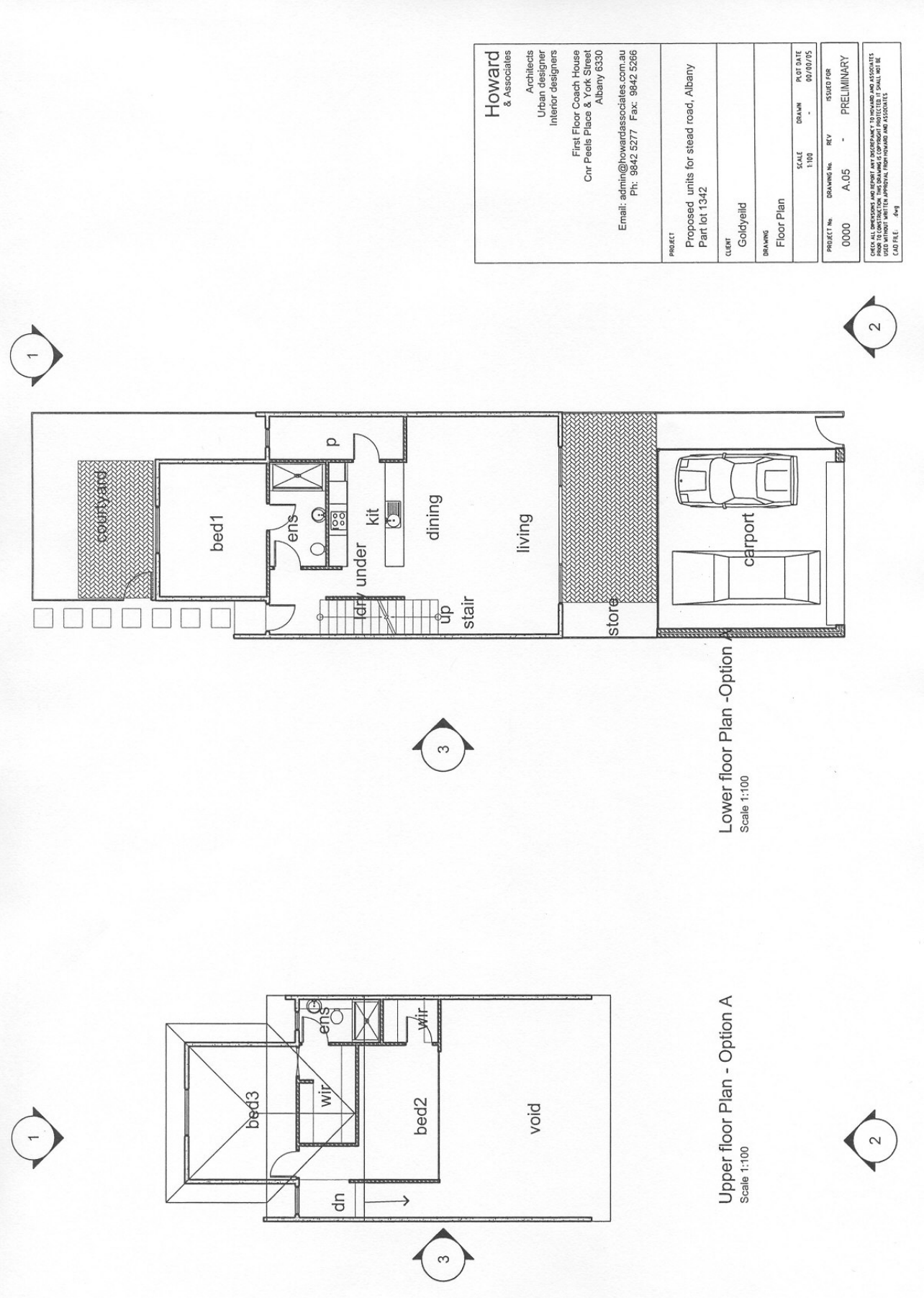


STEAD CLOSE RESIDENTIAL DEVELOPMENT

HOWARD AND ASSOCIATES, ARCHITECTS

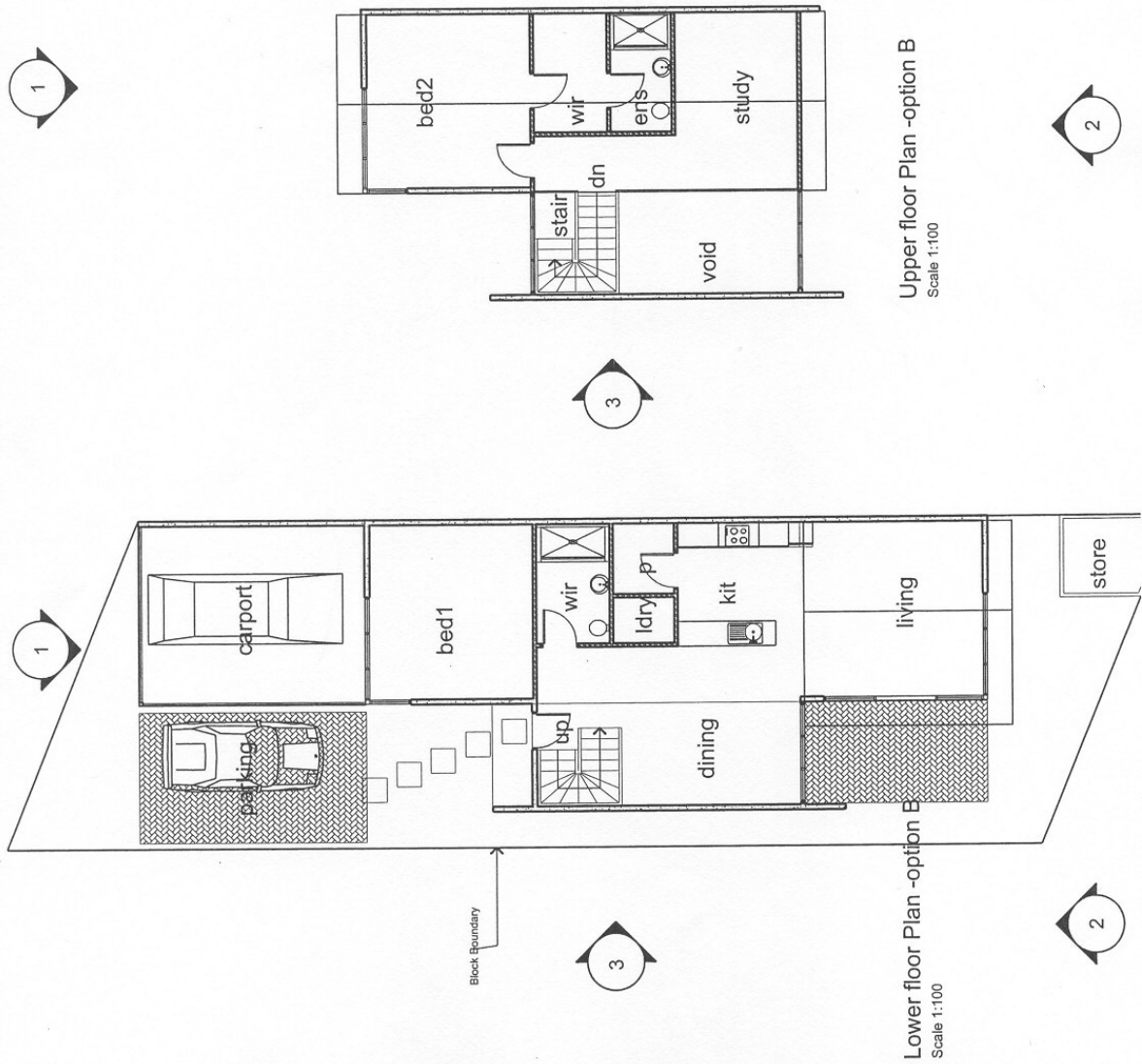
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Item 11.1.5 continued



ORDINARY COUNCIL MEETING MINUTES – 18/04/06
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued



Howard & Associates Architects Urban designer Interior designers First Floor Coach House Cnr Peels Place & York Street Albany 6330 Email: admin@howardassociates.com.au Ph: 9842 5277 Fax: 9842 5266	
PROJECT	Proposed units for stead road, Albany Part lot 1342
CLIENT	Goldyeld
DRAWING	Floor Plan option B
SCALE	1:100
DRAWN	-
PLT DATE	09/09/05
PROJECT No.	0000
DRAWING No.	A.02
REV	-
ISSUED FOR	PRELIMINARY
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DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Local Law - Adoption of Signs Local Law 2006

File/Ward	:	MAN 049 (All Wards)
Proposal/Issue	:	To make new Signs Local Law 2006
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21.03.06 - Item 11.3.1
Summary Recommendation:		To make the Signs Local Law 2006
Bulletin Attachment	:	Draft Signs Local Law
Locality Plan	:	N/A

BACKGROUND

1. At its 21 March 2006 meeting, Council resolved to:
 - “iii) *direct staff to prepare a new Signage Local Law to replace the existing Town and Shire of Albany Signage Local Laws, to be presented at a future Ordinary Council Meeting for consideration*”.
2. Traditionally, the regulation of advertising signs in the City has been achieved through the use of local laws adopted under the provisions of the Local Government Act. The objective of these local laws has been to ensure the structural integrity of signs and to deal with issues of amenity and character.
3. The general consensus in local government is that many current Local Laws relating to Signs, including the City's Local Laws, are a duplication of existing legislation in that structural integrity is controlled by the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989. Likewise, issues of amenity and character in a particular area are planning matters and should be dealt with under a Town Planning Scheme and supporting policy.
4. While the enforcement provisions of the Town Planning Scheme have greater power and higher penalties than the Local Government Act 1995, infringement penalties, which is the most effective method of enforcement, cannot be imposed under the Town Planning Act 1928. To overcome this drawback and provide the City with an effective and efficient method of enforcement there is a need to adopt a Signs Local Law made under the Local Government Act.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

5. A review of the City's current Signs Local Laws has resulted in the preparation of a draft Local Law relating to Signs, which embraces administrative issues only. Topics included in the draft local law are:
 - Licence requirements and exemptions;
 - Restrictions on the placement and maintenance of advertising signs;
 - Removal of signs for breach of local law;
 - Public liability insurance; and
 - Penalties.
6. The standards that apply to different types of advertising devices, such as pylon signs, horizontal signs etc, have been incorporated into a planning policy document, which was adopted for public comment by Council at its Ordinary Meeting in March 2006.
7. By using a local planning policy for setting standards applicable to a particular category of advertisement, Council will be afforded considerable flexibility in the changing of standards through the process of amending the local planning policy.
8. A draft of the Signs Local Law 2006 has been prepared for Council consideration and is included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

9. Section 3.12 of the Local Government Act states:-

"3.12 Procedure for Making Local Laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to -*
 - a) give Statewide public notice stating that -*
 - i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute Majority Required.*

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice -
 - a) *stating the title of the local law;*
 - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *advising that copies of the local law may be inspected or obtained from the local government's office.**
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*

POLICY IMPLICATIONS

10. The proposed local law will provide administrative support to the draft policy titled "Local Planning policy – Signs, Hoardings and Billposting" adopted by Council for public comment at its Ordinary Meeting held in March 2006.

FINANCIAL IMPLICATIONS

11. There will be statutory advertising costs which will be funded from the 2005/2006 budget.

STRATEGIC IMPLICATIONS

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

"Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing Sound Governance.*

Priority Projects:

Nil."

COMMENT/DISCUSSION

13. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. A local public notice of the adoption of the Local Law is then to occur.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

14. In addition, the procedure for making Local Laws requires the person presiding at a Council meeting to give notice to the Council meeting of the purpose and effect of the proposed Local Law.

Purpose and Effect

15. The purpose of this local law is to provide for the regulation, control and management of signs within the district, in support of the town planning scheme sign provisions.
16. The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district must comply and the means of enforcing those requirements.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the Signs Local Law 2006 (as detailed in the Elected Members' Report/Information Bulletin).

Voting Requirement Absolute Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR PAVER**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the Signs Local Law 2006 (as detailed in the Elected Members' Report/Information Bulletin).

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

11.3 DEVELOPMENT POLICY

File/Ward	:	MAN 168 (Frederickstown Ward)
Proposal/Issue	:	Adoption of Structure Plan
Subject Land/Locality	:	Albany Waterfront Precinct
Proponent	:	Landcorp
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/03/06 - Item 11.3.2
Summary Recommendation	:	Adopt Structure Plan
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. Hames Sharley, on behalf of Landcorp, has prepared a draft Structure Plan for the Albany Waterfront Precinct to guide the future development of the area in accordance with the requirements of Scheme 1A. Council adopted that draft for advertising purposes at its meeting in March 2006.
2. Copies of the draft Structure Plan, together with a draft traffic report (copy distributed independently to Councillors), have been on public display at the City's administration building and the library for a period of 21 days and the submission period concluded on the 13th April 2006, preventing staff from including details on the submissions in this report. A supplement to the officer's report will be provided prior to the Council meeting.

STATUTORY REQUIREMENTS

3. The City of Albany Town Planning Scheme 1A requires that Council adopt both a Structure Plan and Precinct Plans for the proposed development before any development is undertaken within the Albany Foreshore Development zone.
4. The preparation of the Precinct Plans will follow shortly behind the adoption of the Structure Plan; the Precinct Plans will set out the urban design requirements within the zone, detail the subdivisional requirements and provide the necessary development control mechanisms to regulate new developments.

POLICY IMPLICATIONS

5. Elsewhere in the agenda is a report on the adoption of guidelines for developments on the southern slopes of Mounts Clarence and Melville. Those guidelines may impact upon the development potential of future lots within the Albany Foreshore Development zone area.

FINANCIAL IMPLICATIONS

6. The State Government announced the Albany Waterfront Project as part of the last election campaign and has committed the finances needed to undertake the development. The City will be provided a site within the project for the development of the Albany Entertainment Centre.

STRATEGIC IMPLICATIONS

7. Within the Lower Great Southern Strategy, the draft Albany local Planning Strategy and the City's 3D Strategy, the development of the Albany Waterfront Project is identified as a major regional initiative.

COMMENT/DISCUSSION

8. At the March meeting it was highlighted that the Structure Plan arrived just prior to the agenda being prepared and Staff were unable to undertake a detailed evaluation of the Plan. That has now occurred and the consultant has been made aware of a number of inaccuracies in the document, of conflicting information and the lack of detail in some areas. Those issues do not materially affect the principles of the Structure Plan but require attention as part of the final approval process.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

9. Prior to the draft Structure Plan being advertised, two issues arose and were not further detailed in the draft plan. Those issues were building heights within the structure plan area and the provisions of dedicated access (referred to as “priority access” in the memorandum of agreement) to the Albany Port.
10. In his policy document, Patric DeVilliers nominated building heights in the Foreshore Policy area as follows:

“In the western zone buildings will generally be a maximum of four storeys high. However, the hotel may be five storeys high subject to the articulation of the built form of this development.

Height of Storeys

The maximum height of four storey structures shall be 17 metres.

The maximum height of five storey structures shall be 20 metres.

Fly Tower

The fly tower on the Entertainment Centre shall have maximum footprint of 320m² and a maximum height of 20 metres.

In the eastern zone buildings shall be three and four storeys high. A maximum of 50% of the building footprint may be four storeys in this zone subject to articulation of built form of developments in the zone.

Height of Storeys

The maximum height of three storey structures shall be 14 metres.

The maximum height of four storey structures shall be 17 metres.”

11. The DeVilliers’ policy was drafted when the Entertainment Centre and Hotel were both planned to be placed on the western side of the Town Jetty access road. The Structure Plan now proposes to place the hotel within the “eastern zone” and the following building heights are included in the draft document:

*“Entertainment Precinct – Mixed use commercial and retail – 2 storeys with potential to use roof volume.
Albany Entertainment Centre – variable with fly tower maximum height equivalent to 7 storeys.*

*Accommodation Precinct - Hotel – 5 to 6 storeys
Short Stay / Serviced Apartments- 3 to 4 storeys.*

Commercial Precinct - Mixed use Commercial and retail – 2 storeys with potential to use roof volume.

*Town Jetty Precinct - Retail – 1 storey with potential to use roof volume
Concession offices – 1 storey*

Harbour Precinct - Duyfken Workshop – 1 storey (existing)”

12. The scale of buildings to the west of the town jetty road will be two storey going up to the 7 storey fly tower. The Structure Plan (2 storey with 7 storey fly tower) is less prescriptive than DeVilliers on the scale of the entertainment centre (generally a maximum of 17 metres with the fly tower of 320m² at 20 metres).

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

13. Similarly the Structure Plan proposes a 5 to 6 storey hotel alongside 3 to 4 storey apartments, alongside 2 storey mixed use buildings and the single storey Dyfken Shed. DeVilliers proposed buildings of a scale of 3 storeys (14 metres) with 50% capable of going to 4 storeys (17 metres).
14. The traffic assessment prepared by Jonathon Riley details the predicted traffic volumes on various sections of the road network, in close proximity to the Albany Waterfront Project. The draft Structure Plan shows a road network comprising a four lane split carriageway (divided roads with two lanes in each direction) and staggered intersection treatments. Under this scenario, all port traffic will share the carriageways with vehicles entering the waterfront project and turning pockets have been provided to accommodate vehicles exiting Princess Royal Drive.
15. To develop a dedicated traffic lane for port related traffic, major changes would be required to the York Street / Princess Royal Drive intersection and traffic lights would need to be installed to regulate vehicle movements. A reduction in the land area available for the Albany Peace Park projects is also anticipated, to allow for the design requirements associated with providing adequate stacking spaces for vehicles entering Princess Royal Drive from a Waterfront service road; the greatest periods of conflict with port related traffic are likely to arise immediately prior to a major performance in the Entertainment Centre when patrons seek access to parking arrangements.
16. The proponent has indicated that detailed discussions will be held with major port user groups to “work through” traffic solutions and the outcomes of those discussions will be reported back to Council.
17. Staff are suggesting that the Precinct Plan be altered to reflect a maximum height alongside the number of storeys identified for individual components, that the general corrections previously advised be made to the document and that the dedicated road access arrangements to the Albany Port be reflected on the Structure Plan.

ADDENDUM TO REPORT – New paragraphs relating to comments received.

18. During the public consultation period, a total of 15 submissions were received and they have been distributed to Councillors. An examination of those submissions by staff has indicated both general support and opposition to development components contained in the Structure Plan, with no “universal community opposition” to the principle(s) in the Plan.
19. Staff requested that major adjustments be made to the draft document to ensure the Structure Plan adequately sets out the planning philosophy and principles covering the site of the Albany Waterfront Project. An amended document has now been produced which meets those requirements and is tabled for Council’s consideration.
20. To date, the City has received a “draft traffic assessment” for the project from the proponent and has not been supplied with a final traffic report outlining how conflict between port related traffic and users of the AWF site will be resolved. That solution may require changes to the layout of the AWF site and the provision of entry points to the site; the suggestion in the amended AWF Structure Plan that the traffic issues be resolved at the Precinct Planning stage ignores the function of the Structure Plan (to provide the development principles and objectives that the Precinct Plans deliver).

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

21. Council agreed to advertise the Structure Plan on the understanding that an agreed stakeholder position on Port access would be reached prior to the meeting. That has not been achieved.

RECOMMENDATION

THAT subject to the changes outlined in the Officer's Report being undertaken, Council resolves to adopt the Albany Waterfront Structure Plan for the purpose of guiding future development in the Albany Foreshore Development Zone pursuant to clause 4.39 of the City of Albany Town Planning Scheme 1A.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT Council lay on the table the Albany Waterfront Structure Plan for a period of one month to allow the proponent to provide details on how a dedicated lane for Port traffic can be achieved.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council lay on the table the Albany Waterfront Structure Plan for a period of one month to allow the proponent to provide details on how a dedicated lane for Port traffic can be achieved.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Approval to Policy – Central Albany Urban Design Policy

File/Ward	: STR 128 (Frederickstown Ward)
Proposal/Issue	: Final Adoption of Policy
Subject Land/Locality	: Land on the Southern Slopes of Mounts Melville and Clarence, including the Central Business District
Proponent	: City of Albany
Owner	: Various
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/11/2005 Item 11.3.1
Summary Recommendation	: Final Adoption of Policy Document
Bulletin Attachment	: Responses from DeVilliers
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. At the Council meeting on the 15 November 2005, Council resolved to adopt the “Central Albany Urban Design Policy” prepared by Patric DeVilliers for advertising purposes and advertised the policy for an eight week period. That period concluded on the 3 February 2006, with approximately 80 submissions received during the specified period. Council also conducted a breakfast forum (attended by approximately 60 people) and an evening forum (attended by approximately 20 people) in December 2005 where Mr DeVilliers explained his policy document and responded to questions from the audience.
2. The submissions have been made available to Councillors and Mr DeVillier’s response to those submissions is included in the (see Attachment 1) Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

3. Section 7.21 of the City of Albany Town Planning Scheme states:

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

POLICY IMPLICATIONS

4. The adoption of a policy to regulate built form within the Central Business District will reduce confusion for developers and allow staff to easily communicate Council’s requirements for new projects.
5. Within residential areas, the policy will define the “desired future character” and provide guidance to designers on how the performance standards of the Residential Design Codes will be interpreted.

FINANCIAL IMPLICATIONS

6. The development of the policy has cost the City approximately \$25,000.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STRATEGIC IMPLICATIONS

7. The development of the southern slopes of the City's mounts, particularly within the Central Business District, is a major initiative for the Albany local Planning Strategy and the Lower Great Southern Strategy.

COMMENT/DISCUSSION

8. Some additional points of clarification were sought by City staff following the advertising period and the consultant's response forms Attachment 2 in the Elected Members Report / Information Bulletin.
9. Prior to the draft policy being advertised, City staff sought feedback from Mr DeVilliers on the interpretation of the policy and suggested editing changes to improve the readability of the policy. That response forms Attachment 3 in the Elected Members Report / Information Bulletin.
10. Within the "Residential" policy area, the complying provisions (Category B) of the Residential Design Codes have been maintained, with improved definition of height measurement, additional height provisions incorporated for the larger residential lots and greater definition of built form requirements.
11. Council officers have analysed the implementation of the proposed policy and noted that a large residential building planned for Earl Street in 2000 on a 2400m² lot was subjected to considerable community opposition. That building was to have a wall height approximately six metres above street level with a roof level approximately nine metres above the footpath. The majority of residences on the lower side of the street are set well below street level and the projection of the residence above street level was considered unacceptable. Under the draft policy, the earlier development proposal, subject to some design modifications would be compliant with the policy.
12. At the public forums conducted during the advertising period, concerns were raised over the lack of identified sites for higher buildings within Albany's urban landscape. Mr DeVilliers' brief called upon him to only examine the slopes on the southern slopes of the City mounts and no detailed assessment has been made of sites capable of accommodating "taller buildings". Mr DeVilliers has responded to the principle of providing additional building height in the CBD by stating "*the intention of the draft policy is not to provide a regimented response over the CBD. It is essential to recognize that no policy should override the principle that any proposed development should be rigorously assessed on its merits and within the context of the particular site on which it is proposed.*" and "*the alternative of seeking to provide a much more complex and prescriptive regulatory regime, while it may simplify the assessment process, is unlikely to provide a robust or defensible framework over time as circumstances change. It is likely to simply generate ongoing pressure for amendments to the policy in response to individual developments.*"
13. The principles behind the Central Albany Urban Design Policy have been well explained and documented by Mr DeVilliers. That initial analysis and documentation has now been supported by a detailed examination of the public submissions received. Upon the adoption of the policy, there will be an expectation by developers that Council will be committed to the principles in the policy and the approvals process will be streamlined. The role that residents take in projects such as the Earl Street private residence (2000) then becomes paramount to the decision on the content and the principles contained in the policy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

14. If Council adopts this policy, the appropriateness of the Residential density coding over the CBD, and on 'near CBD' lots should be revisited.

RECOMMENDATION

THAT;

- i) Council, pursuant to clause 7.21.2(b) of the City of Albany Town Planning Scheme, resolves to grant final approval to the Central Albany Urban Design Policy subject to the modifications suggested by Mr DeVilliers being made to the document; and
- ii) a comprehensive report be submitted to Council at the earliest opportunity on the potential to adjust the Residential Density Coding over the CBD and near CBD areas.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR LIONETTI**

THAT Council suspend Standing Order 6.5.

MOTION CARRIED 13-1

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT Council resume Standing Order 6.5.

MOTION CARRIED 14-0

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

THAT Council lay this item on the table until the July ordinary meeting of Council.

MOTION LOST 5-9

Reason:

- Council is sending a delegation of Councillors and Staff to the Eastern Seaboard in early June, 2006 to undertake a study tour and to attend the 7th International Cities, Town Centres and Communities Conference. Finalisation of this policy should be held in abeyance until members of the delegation report their findings.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT;

- i) Council, pursuant to clause 7.21.2(b) of the City of Albany Town Planning Scheme, resolves to grant final approval to the Central Albany Urban Design Policy subject to the modifications suggested by Mr DeVilliers being made to the document; and**
- ii) a comprehensive report be submitted to Council at the earliest opportunity on the potential to adjust the Residential Density Coding over the CBD and near CBD areas.**

MOTION CARRIED 9-5

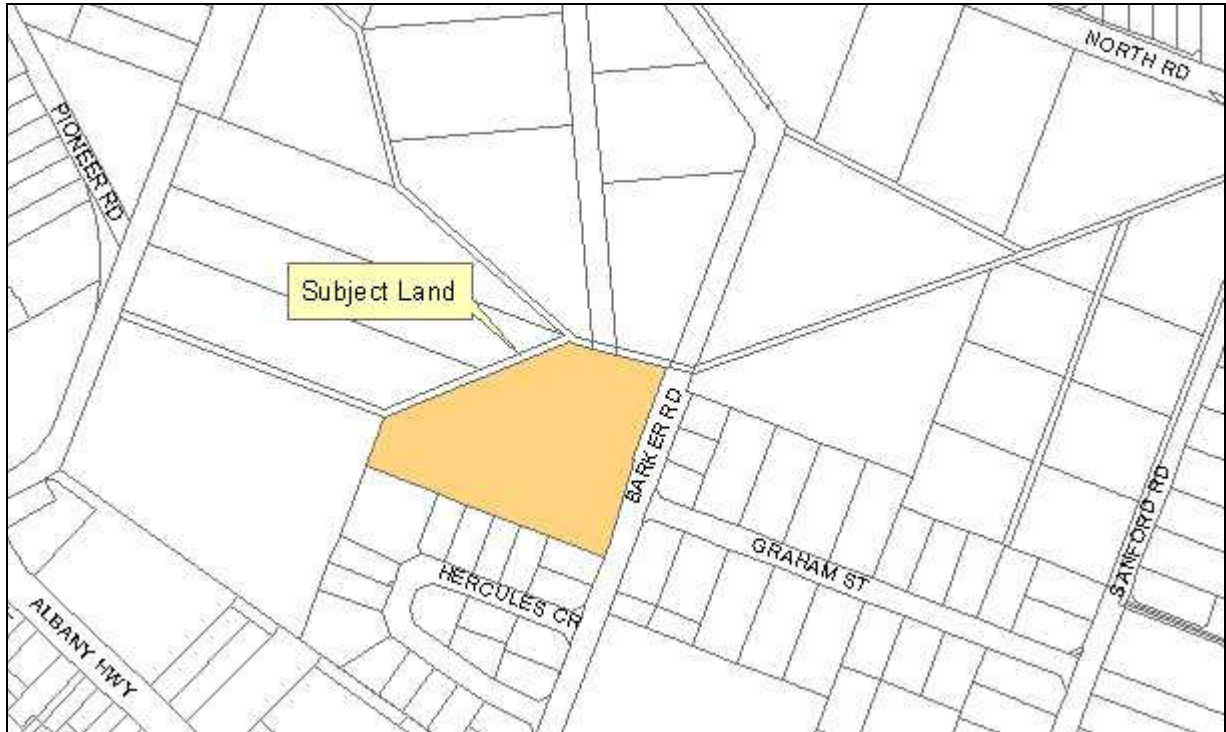
For the Motion: Mayor Goode, Councillors Marshall, Paver, Wellington, Waterman, Evans, Walker, West & Lionetti

Against the Motion: Councillors Bojcun, Emery, Williams, Jamieson & Wolfe.

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment Request - Lot 734 Barker Road, Centennial Park

File/Ward	: SAR 087 (Fredrickstown Ward)
Proposal/Issue	: Rezoning land from 'Clubs and Institutions' zone and 'Parks and Recreation' reserve to 'Tourist Residential' zone.
Subject Land/Locality	: Lot 734 Barker Road, Centennial Park
Proponent	: Koltaz Smith Development Consultants
Owner	: Portstyle Enterprises Pty Ltd
Reporting Officer(s)	: Planning Officer (T Sounness)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Support the proposal
Bulletin Attachment	: Scheme Amendment Request Submission
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) has been lodged by Koltaz Smith Planning Consultants seeking Council's preliminary support to rezone Lot 734 Baker Street, Centennial Park from the 'Clubs and Institutions' zone and 'Parks and Recreation' reserve to the 'Tourist Residential' zone.
2. The subject land is 2.7173 ha in area and currently accommodates the Albany Indoor Sports Centre. The Albany Leisure and Aquatic Centre and the North Road Sports Centre are located to the north of the property.
3. The land to the south and to the east is zoned "Industry" and is occupied by a range of industrial activities such as panel beaters, wood and metal goods fabrication, transport depots, roof truss fabricators, building material depots and other associated trades. The land to the west is occupied by a caravan park and a proposed park home park.
4. The submission outlines the intention to develop the land for the following purposes
 - a portion of the land is to be developed to a R-40 density for grouped dwelling purposes
 - a portion is to be developed to tourist accommodation or lifestyle village purposes
 - the balance to remain, in the short term, private recreation, and eventually to be redeveloped to residential purposes
5. The SAR was referred to the Department for Planning and Infrastructure and Department of Environment for comment.

STATUTORY REQUIREMENTS

6. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
7. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to these proposals. They include:
 - The WAPC's adopted State Planning Strategy
 - The WAPC's adopted Statements of Planning Policy, (SPP's) including :
 - SPP No 1 - State Planning Framework Policy (Variation No. 1)
 - SPP No 4.1 –State Industrial Policy
 - The WAPC's adopted Albany Regional Strategy.
 - The Environmental Protection Authority's Guidance Statement for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses - Statement No 3. (June, 2005)

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

9. There are also a number of draft statements and policies under consideration that have relevance to this proposal. These include
- City's Draft Albany Local Planning Strategy (ALPS) (2005)
 - WAPC's Draft Lower Great Southern Strategy (2005).
 - The WAPC's adopted Draft Statements of Planning Policy (SPP's) including:
 - i) SPP No. 3.4 - Draft Natural Hazards and Disasters
 - ii) SPP No 4.1 – Draft State Industrial Policy
 - EPA's Draft Guidance Statement no 33 - Environmental Guidance of Planning and Development. (2005)
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

12. The subject land is identified in Council's draft Albany Local Planning Strategy (ALPS) as being suitable for consideration of either 'Residential' land uses and/or 'Central Area' land uses over the next 20 years.

COMMENT/DISCUSSION

13. Advice received from the Department of Planning and Infrastructure and the Department of Environment have raised concerns with the suitability of a residential zoning within close proximity to industrial activities. More specifically the concerns include:
- the residential component is a land use that is in conflict with the industrial uses on the east side of Barker Road;
 - the road network is more suited to industrial activities than residential ones;
 - it is more appropriate to rezone the land to an Industrial zone with similar policy controls as per the Barker Road Industrial Policy Area;
 - The land's current zoning provides a buffer from industrial uses and existing residential uses (the Melville Caravan Park and the recently approved Park Home Park on Wellington Street);
 - There is no established buffer area for the industrial uses taking place in Barker Road and Graham Street. The introduction of residential uses may result in noise, vibration, dust, grit, smoke, odour and/or risk issues which may require buffers of up to 1 kilometre from the point of activity.
14. The concerns raised by the DOE and the DPI in relation to the suitability of the site for residential uses could be addressed with suitable acoustic and environmental assessments being provided in any future amendment documents to Council's satisfaction. Such an assessment could recognise particular treatments required to be imposed on any resulting dwellings or any particular buffer distances that will be required to be maintained while certain industrial activities are being carried out

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

15. Staff have concerns in relation to the site's suitability to accommodate residential development due to the land's low lying nature, the possible existence of acid sulphate soils and the potential for flooding during significant storm events. In order to address this issue, a detailed flooding and drainage assessment would need to be included in any Amendment Report.
16. In addition, the report will need to address impacts from the nearby Albany Leisure and Aquatic Centre's operations including the car park and the flood lit outdoor playing services.
17. The success of an application to rezone the land may also require particular scheme controls to be imposed under a special site zone. A 'Special Site' zone allows Council to place more specific development controls on the land and to prohibit certain land uses which may be undesirable.
18. Another option is to zone the land to the 'Industry' zone and modify the existing Barker Road Industrial Policy area to include the subject land.
19. The argument for placing "Tourist Residential" needs to be further substantiated against the zones of 'Industry', 'Other Commercial' or 'Special Site' with additional uses such as 'Caravan Park', 'Holiday Accommodation', 'Aged Accommodation' or 'Grouped Dwelling' subject to certain criteria being met.
20. The land is inappropriately zoned at present. It adjoins land zoned "Industry" and "Tourist Residential" and changing the zoning for either of those purposes is problematic. It is equally problematic to expect the landowner to rezone the land for recreational purposes, given the status of the current activity on the land.
21. Council can decide to not support an amendment in which case the land remains largely undevelopable. Alternatively it can support an amendment and the issue remains what zone should the land be converted into. The preliminary advice indicates that decision may need to be left unresolved until the proponent has completed the necessary site analysis and determined what land is capable of being developed.

RECOMMENDATION

THAT, subject, but not limited to, the following matters being addressed Council advise the proponent that it is prepared to entertain the submission of a formal application for rezoning this land from the 'Parks and Recreation' reserve and 'Clubs and Institutions' zone to a more suitable zone;

- i) industrial buffer requirements from nearby industrial activities;
- ii) flooding and drainage assessment;
- iii) Acid Sulphate Soils Assessment;
- iv) a strategic analysis of the suitability of the "Tourist Residential" zone versus other zonings including "Industry", "Other Commercial" and "Special Site" with specific development controls and land use restrictions;
- v) acceptable acoustic treatments to future land uses and building forms;
- vi) adoption of specific Scheme controls for the land;
- vii) modifications (if any required) to the existing Barker Road Industrial Policy; and
- viii) traffic report addressing traffic types and suitability.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILLIAMS**

THAT, subject, but not limited to, the following matters being addressed Council advise the proponent that it is prepared to entertain the submission of a formal application for rezoning this land from the ‘Parks and Recreation’ reserve and ‘Clubs and Institutions’ zone to a more suitable zone;

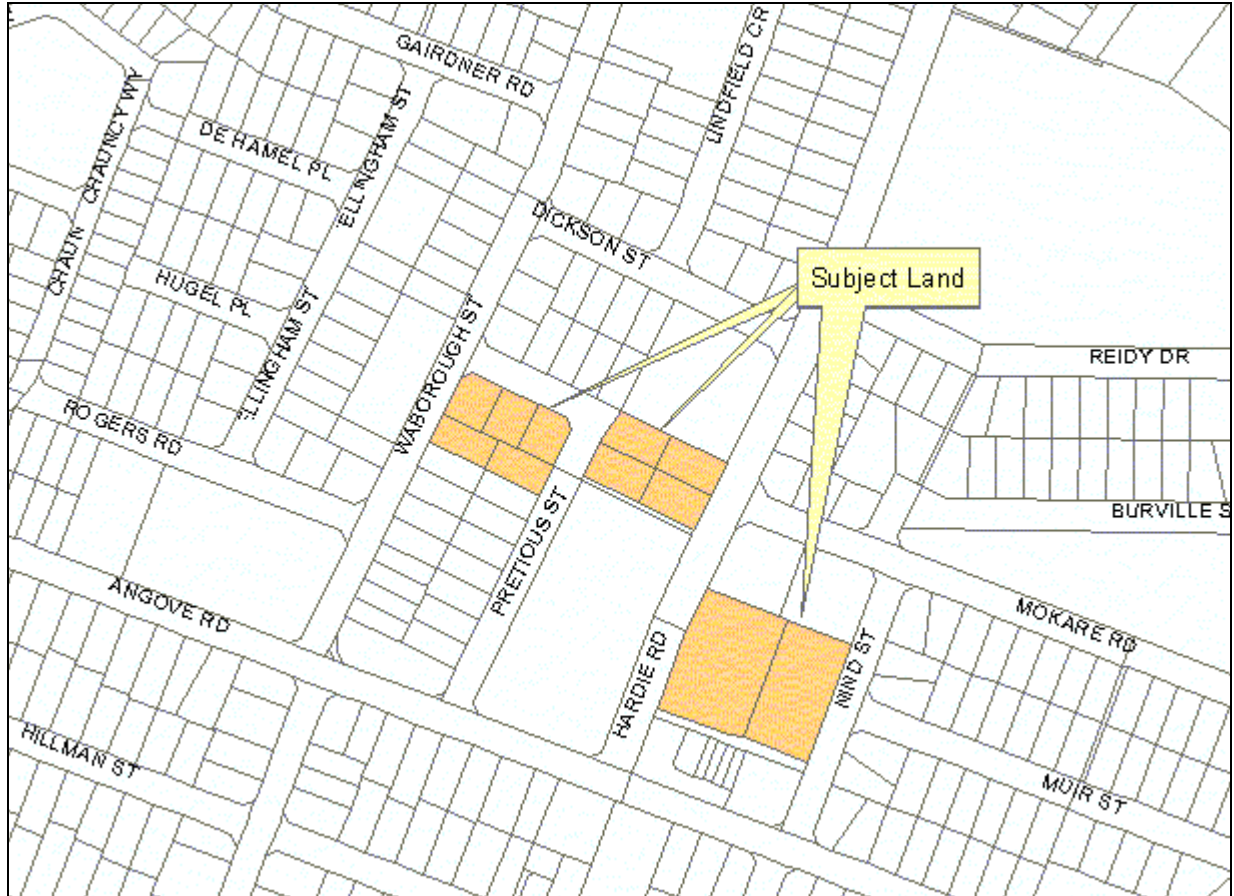
- a) industrial buffer requirements from nearby industrial activities;**
- b) flooding and drainage assessment;**
- c) Acid Sulphate Soils Assessment;**
- d) a strategic analysis of the suitability of the “Tourist Residential” zone versus other zonings including “Industry”, “Other Commercial” and “Special Site” with specific development controls and land use restrictions;**
- e) acceptable acoustic treatments to future land uses and building forms;**
- f) adoption of specific Scheme controls for the land;**
- g) modifications (if any required) to the existing Barker Road Industrial Policy; and**
- h) traffic report addressing traffic types and suitability.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Amendment – Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street And Lot 8 Wansborough Street, Spencer Park

File/Ward	:	AMD 154 (Breaksea Ward)
Proposal/Issue	:	Recode land from R 20 to R 40
Subject Land/Locality	:	Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street & Lot 8 Wansborough Street, Spencer Park
Proponent	:	Harley Survey Group
Owner	:	Department of Housing & Works
Reporting Officer(s)	:	Planning Officer (T Sounness)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Initiate the Amendment without modifications
Bulletin Attachment	:	Amendment Report
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. An application has been received from Harley Survey Group to rezone Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street & Lot 8 Wansborough Street, Spencer Park from 'Residential R20' to 'Residential R40'.
2. The subject land totals approximately 16 877m² in area and is located within 200m of the Spencer Park Shopping Centre. Some land is presently vacant with the buildings on them having been demolished, and other land is presently occupied with either flats or dwellings.
3. The proposal to increase density is requested to provide additional housing development types for the Department of Housing and Works and to provide a variety of housing options to the community.

STATUTORY REQUIREMENTS

4. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.
5. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
6. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
7. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to these proposals. They include;
 - The WAPC's adopted State Planning Strategy
 - The WAPC's adopted Statements of Planning Policy (SPP)
 - SPP No 1 - State Planning Framework Policy (Variation No 2) (2006)
 - SPP No. 3 – Urban Growth and Settlement (2006)
 - SPP No. 3.1 - Residential Planning Codes of Western Australia (2002)
 - The WAPC's adopted Albany Regional Strategy.
 - Councils Adopted Local Housing Strategy.
9. There are also a number of draft statements and policies under consideration that have relevance to this proposal. These include;

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- City's Draft Albany Local Planning Strategy (ALPS) (2005)
 - WAPC's Draft Lower Great Southern Strategy (2005).
 - The WAPC's adopted Draft Statements of Planning Policy (SPP)
 - Draft SPP No. 3.1 - Residential Planning Codes of Western Australia (2006)
 - The WAPC's Liveable Neighbourhood Draft Operational Policy (2004)
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

12. This item is consistent with the Draft Albany Local Planning Strategy as the proposal meets key policy requirements and goals for section 6, as follows

"Encourage a diversity of housing choices to match our changing population needs".

COMMENT/DISCUSSION

13. The proposal represents an increase of residential density around an existing shopping precinct and, on redevelopment of the sites, would provide a range of housing forms and choices to the community. The close location of the land to Spencer Park Shopping Centre means that the walkable population catchment for the shops would increase, and the state's sustainability requirements for reducing vehicle movements between dwellings and retail centres would also be met.
14. The proposal is considered satisfactory and supportable.

RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) recoding Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park from R20 to R40; and
- ii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

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Councillor Lionetti declared an interest in this item and left the Chambers at 9.20pm. The nature of his interest is that he owns adjoining land.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR PAVER**

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 1A by:

- i) recoding Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park from R20 to R40; and**
- ii) amending the Scheme Maps accordingly.**

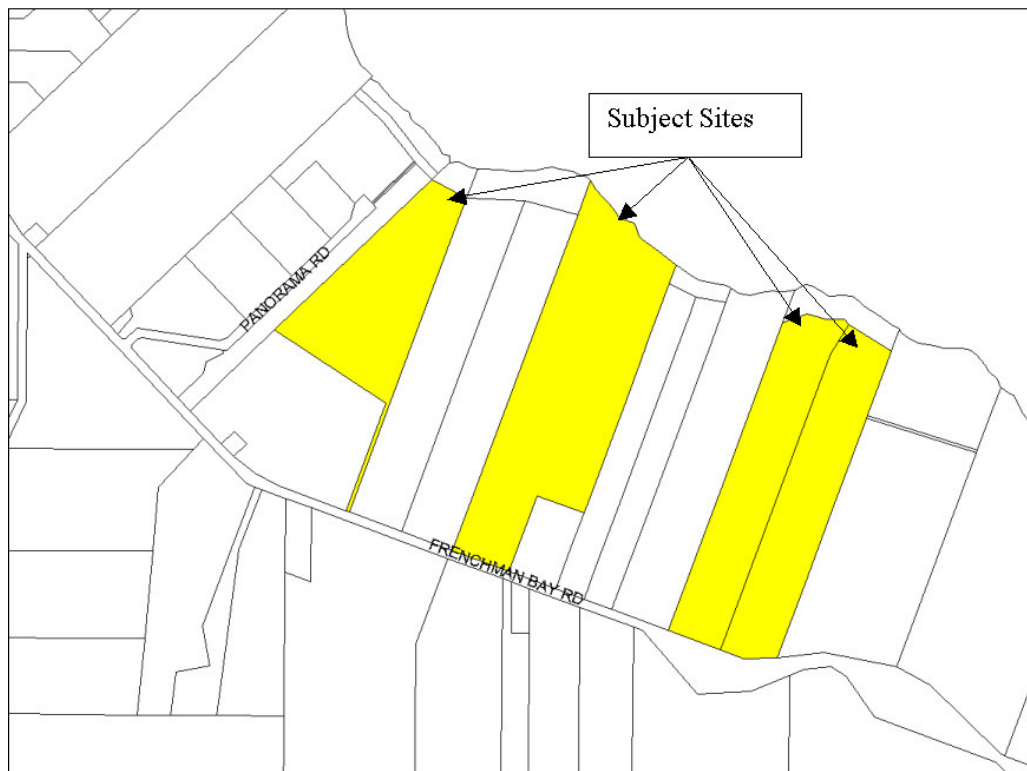
MOTION CARRIED 13-0

Councillor Lionetti returned to the Chambers at 9.22pm.

DEVELOPMENT SERVICES REPORTS

11.3.5 Final Approval Not Granted - Amendment No. 232 – Lots 1, 2, 16 and Pt Lot 109 Frenchman Bay Road, Big Grove

File/Ward	: A36459A (Vancouver Ward)
Proposal/Issue	: Final Approval for Scheme Amendment to rezone Lots 1,2, 16 & Pt Lot 109 Frenchman Bay Road from 'Rural' to 'Special Rural' not granted by Hon Minister for Planning and Infrastructure
Subject Land/Locality	: Lots 1, 2, 16 & Pt Lot 109 Frenchman Bay Road, Big Grove
Proponent	: Ayton Taylor Burrell
Owners	: Various
Reporting Officer(s)	: Planning Officer (T Sounness)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/05/03 – Item 11.3.2 OCM 20/01/04 – Item 11.3.2
Summary Recommendation	: Note Advice and participate in discussions
Bulletin Attachment	: Scheme Amendment Document & Submissions
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. At its meeting of the 21 July 2005 Council resolved:

“THAT;

- i) in the amending document ‘Special Use Zone No. 15’ be replaced with ‘Special Rural Zone No. 33’;*
- ii) Council seek final approval to City of Albany Town Planning Scheme No. 3 - Amendment 232 to rezone Lots 1, 2, 16 and Pt Lot 109 Frenchman Bay Road, Big Grove subject to the modifications detailed in the Schedule of Submissions;*
- iii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and*
- iv) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.”*

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

4. There are no new relevant policy implications related to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. This land is identified in the draft Albany Local Planning Strategy as being ‘Long Term Residential (to be secured)’ recognising that the long term expectation for this land is conventional residential density development, however the expected timeframe under ALPS for the orderly development of Albany to require the conversion of this land to such a land use is approximately 20 years or more away.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

COMMENT/DISCUSSION

7. Following Council's recommendation of 21 June 2005, the proposal was forwarded to the local office of the Department of Planning and Infrastructure for processing in accordance with the Town Planning and Development Act and Regulations.
8. On presentation to the Hon Minister for Planning and infrastructure, the Hon Minister decided not to approve the Scheme Amendment. A letter received from the Hon Minister dated 21 February 2006 is attached to this item.
9. The landowner and consultant has been notified of this decision and a copy of the letter from the Hon Minister has been forwarded to them for their reference.
10. The proposal as presented did not, in the opinion of the Hon Minister for Planning and Infrastructure, represent a satisfactory way to convert land identified for residential purposes in long term strategic documents. This decision by the Hon. Minister for Planning and Infrastructure supports the development of the land to residential purposes, and recommends that the conversion of the land to a sewered form of residential development take place earlier than envisioned in current strategic documents.
11. In her advice, the Hon. Minister for Planning and Infrastructure has recommended that the draft version of ALPS be amended to identify the subject land and surrounds as 'Future Residential' instead of 'Long Term Residential'; to recognise a shorter time frame for development. Staff believe such a change is not necessary given ALPS currently states the following:

"However any development that 'leapfrogs' the existing fully serviced urban front may be considered on the basis that the developer will have to pay the full development costs"

RECOMMENDATION

THAT Council;

- i) note the Hon Minister for Planning and Infrastructure's decision to refuse Amendment No 232; and
- ii) inform the proponent and landowner of the capacity of the Draft Albany Local Planning Strategy and the Town Planning Scheme Review process to guide the orderly development of this land to fully serviced residential land in a manner consistent with the advice of the Hon Minister.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EMERY**

THAT Council;

- i) note the Hon Minister for Planning and Infrastructure’s decision to refuse Amendment No 232;**
- ii) inform the proponent and landowner of the capacity of the Draft Albany Local Planning Strategy and the Town Planning Scheme Review process to guide the orderly development of this land to fully serviced residential land in a manner consistent with the advice of the Hon Minister; and**
- iii) advise the proponent that subject to the landowners meeting all costs, Council would be prepared to consider a Scheme Amendment Request to rezone the land for “fully serviced residential” purposes.**

MOTION CARRIED 14-0

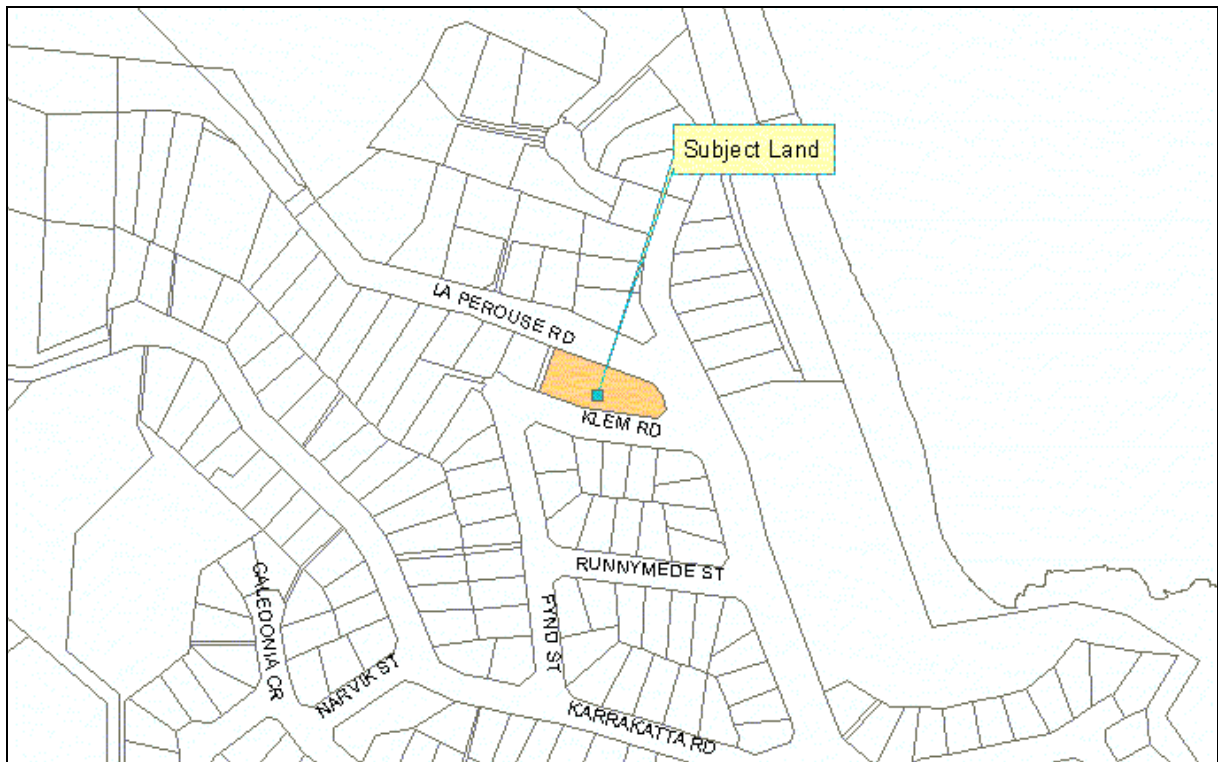
Reason:

- The proponent is prepared to commence work on progressing an amendment to Scheme 3 that will accommodate the future conversion of the land to fully serviced residential lots but requires some indication of Council support for that action. Whilst Council cannot provide an undertaking that it would approve such a request, it can confirm its preparedness to receive the documentation and to highlight that all the costs involved in preparing the detailed structure plan is to be borne by the landowners.

DEVELOPMENT SERVICES REPORTS

11.3.6 Final Approval For Scheme Amendment – Pt Lot 376 La Perouse Road, Goode Beach

File/Ward	: AMD 250 (Vancouver Ward)
Proposal/Issue	: Initiate Amendment to change the Additional Use's from 'Residential R10' and 'Shop' to 'Residential R12.5'.
Subject Land/Locality	: Pt Lot 376 (37) La Perouse Road, Goode Beach
Proponent	: City of Albany
Owner(s)	: EA Harley & MA & CA Stephenson
Reporting Officer(s)	: Planning Officer (T Sounness)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/08/2003 - Item 11.1.2 OCM 16/09/2003 - Item 11.3.4 OCM 20/04/2004 - Item 11.3.8 OCM 20/09/2004 - Item 11.3.13 OCM 18/10/2005 - Item 11.3.4
Summary Recommendation	: Recommend final approval
Bulletin Attachment	: Submissions
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. Pt Lot 376 (37) La Perouse Road, Goode Beach has an area of 2608m² and is currently zoned 'Residential' with additional uses prescribed within Schedule II of Town Planning Scheme No 3 of 'Residential R10' and 'Shop'.
2. On 20 September 2005 Council resolved as follows

"THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme 3 by:

- i) deleting the additional use and conditions for 'Schedule II – Additional Use Sites Code No 11';*
- ii) rezoning Pt Lot 376 La Perouse Road, Goode Beach to "Residential";*
- iii) incorporating the following into Table 3 as follows;*

<i>Part Lot 376 La Perouse Road, Goode Beach</i>	<i>R12.5</i>
--	--------------

- iv) amending the Scheme Maps accordingly."*
3. Following the proposal receiving consent to advertise from the Environmental Protection Authority, the matter was on Public Advertising from 12 January 2006 to 23 February 2006 resulting in 16 submissions being received.
4. The land was previously subject to Town Planning Scheme No 3 Amendment No 228 where the Hon Minister for Planning and Infrastructure resolved to rezone this land from 'Local Shopping' to 'Residential' with special site status granting a density of R-10 and a use of 'shop'.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

7. There are various policies and strategies that have relevance to these proposals. They include:

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

- The State Planning Strategy
 - The Western Australian Planning Commission (WAPC) Statement of Planning Policy No. 1 Variation No 2 (SPP 1) (2006).
 - The WAPC SPP No 3 - Urban Growth and Settlement (Draft) (SPP 3)
 - The Draft Albany Local Planning Strategy (ALPS) (Adopted in 2005)
 - The Lower Great Southern Strategy (LGSS) (2005)
8. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
9. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. Under the Draft Albany Local Planning Strategy, the Goode Beach locality is outside of identified urban growth areas, and is not included in any identified 'rural villages'. The proposed rezoning to delete commercial shop uses from this locality is consistent with this strategic document as shops and similar services should be provided in identified urban areas, rural settlements or rural villages, where the need for such services is apparent.

COMMENT/DISCUSSION

12. The advice from the Health Department is not supportive of the proposal for reasons relating to non-compliance with their draft Country Sewerage Policy.
13. Council is not bound by this policy, but should have regard to the intent of the policy and to the merits of the site.
14. Council's Senior Health Officer is supportive of proposal as the site, having deep draining sands, has suitable capability for safe septic waste disposal.
15. The land is proposed to be rezoned from R10 (an average of one lot per 1000 square metres) to R12.5 (an average of one lot per 800 square metres). An analysis of Goode Beach residential lot sizes shows that approximately 45% of the existing 'Residential' lots have already been created at a lot size consistent with the R12.5 zoning. Therefore the proposed lot density is consistent with the existing lots in the area.
16. Attached is a copy of the Schedule of Submissions on the scheme amendment. That schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council's consideration.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

RECOMMENDATION

THAT;

- i) Council grant final approval, without modifications to Amendment 250 to the City of Albany Town Planning Scheme No. 3 to Rezone Pt Lot 376 La Perouse Road, Goode Beach;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT;

- i) **Council grant final approval, without modifications to Amendment 250 to the City of Albany Town Planning Scheme No. 3 to Rezone Pt Lot 376 La Perouse Road, Goode Beach;**
- ii) **the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) **the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 250

No.	Submitter	Submission	Officer Comment	Council Recommendation	Commissions Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	a) Scheme not assessed - Advice Given (No Appeals)	a) Noted	a) Noted	
2.	Len Wignall C/- Water Corporation PO Box 12 ALBANY, WA, 6331	a) No objection	a) Noted	a) Noted	
3.	Western Power Business & Customer Services Branch Network Customer Service 85 Prinsep Road Jandakot, WA, 6164	a) No Objection	a) Noted	a) Noted	
4.	Doug Barrett 37 Karakatta Road Grenchmans Bay, WA, 6330	a) Supports increased density as proposed and supports the deletion of shop use	a) Noted	a) Noted	
5.	Laurence Edmund Fraser 3 Klem Road Frenchmans Bay, WA, 6330	a) No Objection	a) Noted	a) Noted	

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation	Commissions Recommendation
6.	Nola Fosephine Fraser 3 Klerm Road, Frenchmans Bay, WA, 3330	a) No Objection	a) Noted	a) Noted	
7.	Mrs Diana Barrett 37 Karakatta Road Frenchman Bay Road	a) Same as 4. above	a) Same as 4. above.	a) Noted	
8.	Lucy E. Tremayne Peter W. Tremayne	a) Same as 4. above	a) Same as 4. above.	a) Noted	
9.	Jane Van Rooyen PO Box 1026, Albany, 6331	a) Same as 4. above	a) Same as 4. above.	a) Noted	
10.	Eric Allan Harley PO Box 5414 Albany, WA, 6332	a) Same as 4. above	a) Same as 4. above.	a) Noted	
11.	Bill Windberg PO Box 1094 Albany, WA, 6331	a) Same as 4. above	a) Same as 4. above.	a) Noted	
12.	Barbara Windberg PO Box 1094 Albany, WA, 6331	a) Same as 4. above.	a) Same as 4. above.	a) Noted	
13.	Winsome Harley PO Box 5414 Albany, WA, 6332	a) Same as 4. above.	a) Same as 4. above.	a) Noted	
14.	Christine Anne Stephenson PO Box 5414	a) Same as 4. above.	a) Same as 4. above.	a) Noted	

DEVELOPMENT SERVICES REPORTS

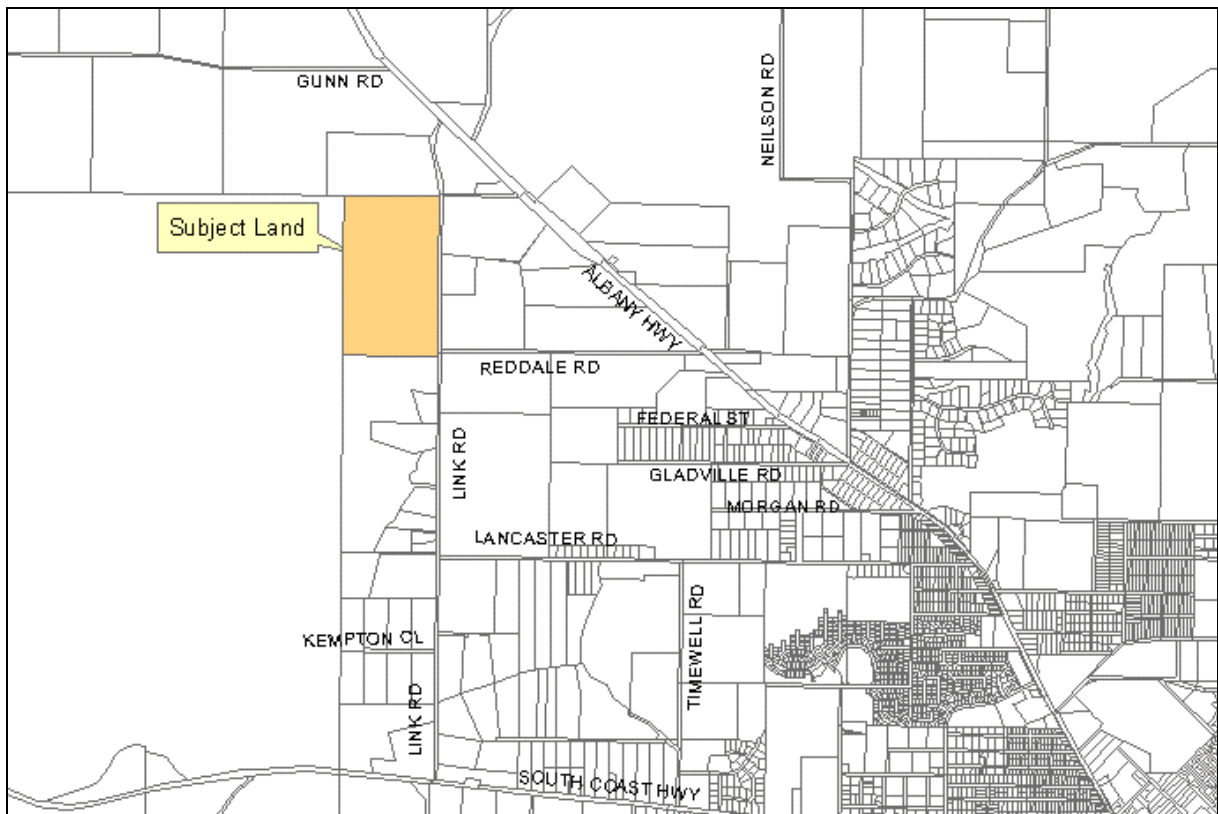
Item 11.3.6 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation	Commissions Recommendation
15.	Mark Andrew Stephenson PO Box 5414 Albany, WA, 6332	a) Same as 4. above.	a) Same as 4. above.	a) Noted	
16.	Department of Health Stubbs Terrace SHENTON PARK WA 6008	<p>a) Objects to proposal as lot size does not comply with the 'small infill' criterion of the draft Country Sewerage Policy, and</p> <p>b) the lots created would be contrary to the subdivisional pattern in the vicinity, and</p> <p>c) would be contrary to the R10 density that is permitted by the policy in an unsewered town.</p>	<p>a) Noted. The Department of Health's Draft policy provides guidance in this matter and the non-compliance to this draft policy of the Department's is noted.</p> <p>b) Dismissed. Other lots of similar size are in the vicinity, and are of a size that is similar to that created under a R12.5 density coding.</p> <p>c) Noted. Refer 16. a) above, in addition the Council's Environmental Health Officer is of the opinion that the land has suitable soils to accommodate satisfactory on-site effluent disposal.</p>	<p>a) Noted</p> <p>b) Dismissed</p> <p>c) Noted</p>	

DEVELOPMENT SERVICES REPORTS

11.3.7 Final Approval For Scheme Amendment – Lot 50 & 51 Link Road, Marbellup

File/Ward	: A5258A (West Ward)
Proposal/Issue	: Assess final approval of proposal to rezone land from 'Rural' to 'Special Rural' zone.
Subject Land/Locality	: Lots 50 & 51 Link Road, Marbellup
Proponent	: Ayton, Taylor & Burrell
Owner(s)	: Knotts Group Pty Ltd
Reporting Officer(s)	: Manager Planning & Rangers (G Bride) Planning Officer (T Sounness)
Disclosure of Interest	: Nil
Previous Reference	: OCM 12/03/98 - Item 13.3.1 OCM 19/07/05 - Item 11.3.4
Summary Recommendation	: Recommend final approval subject to modifications
Bulletin Attachment	: Submissions Amending Documents
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. Lot 50 & 51 Link Road, Marbellup (formerly lot 7 of Location 5118, Link Road) comprises around 62 hectares and is presently zoned Rural. The heavy haulage bypass route (Albany Ring Road) is proposed to be developed by Main Roads on a similar alignment to Link Road along the eastern boundary of the subject land. The land is within two precincts of the Local Rural Strategy, being 'Oyster Harbour 6' and 'Torbay 8', where potential for additional development was identified.
2. At it's meeting dated 12 March 1998 Council considered the initiation of Amendment No. 179, to rezone Lot 7 Link Road (now known as Lots 50 & 51) from "Rural" to "Special Rural" and resolved as follows:

"That Council, Pursuant to Section 7 of the Town Planning and Development Act, 1928 (as amended); amend Town Planning Scheme No. 3 by rezoning lot 7 of location 5118, Link Road, Drome from the "Rural" zone to the "Special Rural" zone, and include special provisions in Schedule 1 of the Scheme text."

3. Following the proposal receiving consent to advertise from the Environmental Protection Authority on 26 June 1998, the matter was subjected to preliminary advertising. This identified a range of issues that were of concern relating to the development of Link Road. Following this, the proposal was held in abeyance until such time as the alignment of the Albany Ring Road had been satisfactorily finalised.
4. Following confirmation of the alignment of the Ring Road, consent was granted by the Minister for Planning and Infrastructure to commence public advertising subject to the Subdivision Guide Plan being modified to reflect the confirmed alignment of Link Road.
5. At it's meeting dated 19 July 2005 Council considered the connectivity of roads servicing the Special Rural area adjacent to the new alignment of Link Road. At this meeting Council resolved as follows:

"THAT Council:

- i) adopt the Preferred Long-Term Development Option (Plan 04-67-16.ATB) as the basis for consideration of road planning and subdivision design of the affected lots within this area;*
- ii) include within Amendment No. 179:*
 - a) a new subdivision guide plan for Special Rural Area No. 27 (Lots 50 & 51) Link Road; and*
 - b) a replacement for the existing subdivision guide plan for Special Rural Area No. 13 (Lot 1000) Link Road**based on the Preferred Long-Term Development Option (Plan 04-67-16.ATB) for the Ring Road;*
- iii) include within Amendment No. 208 a replacement of the existing subdivision guide plan for Special Rural Area No. 13 (Lot 24) Link Road based on the Preferred Long-Term Development Option (Plan 04-67-16.ATB) for the Ring Road; and*
- iv) refer the redesign and new subdivision guide plans to the Environmental Protection Authority/Department of Environment for environmental assessment."*

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

6. With the alignment for the Ring Road being confirmed, and the adoption of the Long Term Development Option Plan being developed to control access onto the Ring Road, the amendment was advertised from 15 December 2005 to 26 January 2006, with 5 submissions being received.
7. Amendment No. 208, which involved the rezoning of Lot 24 Link Road, had already been advertised prior to Council's 19 July 2005 resolution. In granting final approval to Amendment No. 208, staff requested that the Preferred Long-Term Development Option (Option Plan) for access onto Link Road be inserted into the scheme documents. The Department of Planning & Infrastructure has advised that as this plan was not originally included within Amendment No. 208, and has not been subjected to assessment by the Environmental Protection Authority under Section 48A of the Environmental Protection Act 1986, the inclusion of this plan as a modification could not proceed.
8. Similarly as the EPA has assessed Amendment No. 179 in 1998, without the Option Plan forming part of that document, the Western Australian Planning Commission may require re-referral to this agency should Council wish to include this plan within Amendment No. 179. Due to officer error, the Option Plan and revised Subdivision Guide Plan for Lot 1000 was not included within Amendment No. 179 during public advertising, and therefore the WAPC has indicated that the amendment would need to be readvertised if these additional documents are to be included within the amendment. A reduced 28 day advertising period can be undertaken with the approval of the WAPC.
9. The Department of Environment has previously given in-principle support for the Option Plan, which was developed by Council in conjunction with Main Roads WA. The only area of concern identified was the future road crossing of a creek line at the boundary of Lot 24 Link Road and Lot 1000. This area is approximately 1 kilometre south of the subject land.
10. The proponent has requested that the Option Plan not be included within this Amendment, as considerable delays relating to re-advertising, and re-referral to the EPA, could result. The proponent has advised that the subdivision guide plan for Lots 50 and 51 Link Road is in accordance with the interim development option plan and believes that Council should not hold up the development of this land, to facilitate further subdivision of Lot 1000. This issue will be discussed further in the Comment Section of the officer's report.

STATUTORY REQUIREMENTS

11. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

12. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council's recommendation or he can require his own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if he considers Council's decision is not consistent with orderly planning.

POLICY IMPLICATIONS

13. There are various policies and strategies that have relevance to these proposals. They include:
 - The State Planning Strategy
 - The Western Australian Planning Commission (WAPC) Statement of Planning Policy No. 1 (Variation No 2) (SPP 1) (2006).
 - The WAPC SPP No 3 - Urban Growth and Settlement (Draft) (SPP 3)
 - The WAPC SPP No 2.5 - Agriculture and Rural Land Use Planning (2002)
 - The WAPC SPP No 4.1 - State Industrial Buffer Policy (1999)
 - The Draft Albany Local Planning Strategy (ALPS) (Adopted in 2005)
 - The Lower Great Southern Strategy (LGSS) (2005)
 - The City of Albany Local Rural Strategy (1996)
14. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
15. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

16. There are no financial implications relating to this proposal.

STRATEGIC IMPLICATIONS

17. Under the Draft Albany Local Planning Strategy, the land is shown within an area identified for 'rural small lot holdings' land uses. The proposed Scheme Amendment is consistent with the requirements of the Draft Albany Local Planning Strategy.

COMMENT/DISCUSSION

18. Attached is a copy of the Schedule of Submissions on the scheme amendment. That schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council's consideration.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

19. The owner of Lot 1000 Link Road (Mr Barry Gomm) has requested that the Long Term Development Option Plan be included within the amendment documentation for Amendment No. 179. As the Option Plan designates a greater lot yield over Lot 1000 than the current subdivision guide plan for Special Rural Area No. 13, Mr Gomm wishes to further subdivide his land in accordance with the Option Plan. By including the Option Plan within Amendment No. 179, Mr Gomm will not need to pursue a scheme amendment to modify the subdivision guide plan for Special Rural No. 13; a process which can take up to 18 months to complete.
20. Although the inclusion of the Option Plan may delay the rezoning of Lot 50 & 51 Link Road in it's initial stage, Council staff and officers from the DPI have advised the proponent that any lost time incurred, due to readvertising and re-referral to the EPA, will be regained by making the amendment a priority once these steps have been finalised. The inclusion of the Option Plan within Amendment No. 179 will promote a subdivision pattern within the locality that complements the objectives of the Albany Ring Road.
21. In accordance with Council's previous resolution of 19 July 2005, it is recommended that Council request the WAPC to permit modifications to the Scheme Amendment to include the Long Term Development Option Plan, and a revised subdivision guide plan for Special Rural Area No. 13 in accordance with the Option Plan, within the documents.
22. It is recommended that Council grant final approval to the amendment, notwithstanding that the WAPC may require Amendment No. 179 to be readvertised and re-referred to the EPA for comment. As the Long Term Development Option Plan has been developed in consultation with a number of government agencies and affected landowners, and the Department of Environment have given it's support to the Long Term Development Option it is requested that the WAPC accept the proposed modifications.

RECOMMENDATION**THAT;**

- i) Council grant final approval to Amendment 179 to Town Planning Scheme No. 3 for the rezoning of Lot 50 and 51, Link Road, Marbelup to from the 'Rural' Zone to the 'Special Rural' zone and to include relevant Special Provisions In Schedule 1 of the Scheme text;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;
- iii) Council recommend to the Western Australian Planning Commission that the documents be modified in accordance within the attached schedule of modifications, however should Amendment 179 need to be readvertised, a reduced advertising period of 28 days is requested; and
- iv) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for consent to modify.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR LIONETTI**

THAT;

- i) Council grant final approval, without modification, to Amendment No 179 to Town Planning Scheme No 3 to rezone Lots 50 and 51 Link Road, Marbellup from the 'Rural' zone to the 'Special Rural' zone and to include relevant Special Provisions in Schedule 1 of the Scheme text;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained there in be either noted, upheld or dismissed as detailed with the exception of submission 4 (DOE) which is to be dismissed and Submission 5 (Harley Survey Group) which is to be dismissed; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and be forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

MOTION CARRIED 13-1

Reason:

- Submission 4 (Department of Environment) is to be dismissed as there are existing provisions proposed for the zone (Provisions 7.2 and 7.3) which Council has assessed to adequately provide for revegetation / planting at the sub-division and development stage.
- Submission 5 (Harley Survey Group) is to be dismissed and the submitter advised that it is more appropriate that a separate application should be made to modify the Subdivision Guide Plan for the adjoining Special Rural Area No.13 (Lot 24) and that Council would welcome such an application.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

**Schedule of Modifications
Amendment 179 to Town Planning Scheme No 3**

1. Replacement of the objectives of the zone in clause 2.0 to read as follows:

“To create a composite farmlet and rural residential retreat with emphasis on the protection of rural landscape, visual enhancement and safe environmental management”
2. Replacement of clause 7.3 with the following:

7.3 Additional tree, shrub and understorey planting may be requested at the time of subdivision, in association with a 3 year management plan, to ensure that successful re-vegetation of the land shall take place with native indigenous species. Council may request that the developer enter into private agreements with landowners on the sale of the land to ensure the maintenance of this revegetation.”
3. Include within Amendment No. 179 a replacement of the existing subdivision guide plan for Special Rural Area No. 13 (Lot 24) Link Road based on the Preferred Long-Term Development Option (Plan 04-67-16.ATB) for the Ring Road.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 179
SCHEDULE OF SUBMISSIONS TO REZONE LOTS 50 & 51 LINK ROAD, MARBELLUP FROM 'RURAL' ZONE TO 'SPECIAL RURAL' ZONE

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	Scheme not assessed - Advice Given. a) Buffers b) Land use conflicts may take place as kennels are in near vicinity and Albany Air Port is located to the north. Recommended buffer distances are 500m for kennels and the air port should be subject to an ANEC assessment to ensure that no houses are developed within the 25 ANEC contour.	a) Link Road buffers are provided for in the document and the scheme provisions. The location of the speedway is subject to an advisory noise impact buffer which was adopted by Council. The operation of the Air Port has been assessed and ANEC contours were developed and adopted as a policy of Council. The land subject to this amendment is not affected by the ANEC contours. Recommend that advice be noted. b) Refer 1. a) above.	a) Noted. b) Noted.
2.	Water Corporation Lower Stirling Terrace PO Box 915 ALBANY WA 6331	a) No objection to proposal. b) Applicant to discuss with landowner provision of an adequate reticulated water supply.	a) Noted. b) Noted.	a) Noted. b) Noted.
3.	Main Roads WA Chester Pass Road ALBANY WA 6330	a) No objection to the proposal subject to conditions. b) No access from the created lots to Link Road (Ring Road) and all property access is to be by internal road infrastructure only. c) No direct vehicular access to the proposed northern crossover point onto the Ring Road alignment as from the commencement of the construction of the Ring Road. d) All ingress – egress from this northern crossover shall be via Link Road to Albany Highway only. The alignment of the proposed Ring Road will have no connection to the northern	a) Noted. b) Council has adopted a preferred ring road alignment concept plan and this plan meets this requirement. The replaced subdivision guide plan provides for this requirement, subject to the lots affected by the Link Road development complying with the requirement to develop and install a road network conforming with these development requirements. In addition, conditions of subdivision approval can address these concerns if they are not provided for in the submission of an application for subdivision. It is recommended that this point be noted. c) Refer 3. b) above. d) This matter is better addressed through subdivision conditions or, should development of the link road take place before subdivision is applied for, then through an application to Council to close sections of the existing road network with the assistance of Main Roads Western Australia to meet this traffic	a) Noted. b) Noted. c) Noted. d) Dismissed. e) Dismissed. f) Noted and Dismissed.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 179
SCHEDULE OF SUBMISSIONS TO REZONE LOTS 50 & 51 LINK ROAD, MARBELLUP FROM 'RURAL' ZONE TO 'SPECIAL RURAL' ZONE

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>e) section of the Link Road.</p> <p>All storm water to the retained on site by approved measures and no storm water is to be disposed of into the Link Road Drainage System.</p> <p>f) All lots fronting Link Road should allow for a 40 metre setback to accommodate a noise attenuation buffer.</p>	<p>management requirement. It is recommended that this advice be dismissed.</p> <p>This matter is best addressed at the Subdivision stage where subdivisional conditions can be placed on any application by the Western Australian Planning Commission. Council or Main Roads Western Australia may then request to be the clearing agency. It is recommended that this advice be dismissed.</p> <p>The modified subdivision guide plan has been drawn to show the indicative alignment of the Ring Road, and from this a 50 metre acoustic setback zone has been imposed. Development of buildings, outbuildings, dwellings and ancillary accommodation would not be permitted within this zone. As these forms of development are discretionary under the Scheme, Planning Scheme Consent approval would be required prior to the development of any dwelling on these lots and assessment against the scheme provisions would then allow this requirement to be met. It is therefore recommended that this comment be noted and dismissed.</p>	
4.	Department of Environment 5 Bevan Street Albany, WA, 6330	<p>a) No objection to proposal however comments are made.</p> <p>b) Refer 1. b) above.</p> <p>c) Dog Kennel Noise and Odour Buffer issues need to be addressed as the kennel operates in close proximity to the development and EPA guidelines recommend a buffer around such activities. Modelling of such a requirement should be taken into account in this document, and it is appropriate to consider a buffer of around 500m to 1000m to address noise impact issues.</p>	<p>a) Noted</p> <p>b) Refer 1. b) above.</p> <p>c) While these issues are noted, it is suggested that the kennel presents issues for buffer distances for residential development, whereas the proposed rezoning would create lots zoned for 'special rural' purposes where rural character elements are to be provided for. Such elements includes livestock and other elements in close proximity that are of rural nature. Kennels are an activity that is only able to be considered on land zoned 'rural' under the scheme, and is a land use that would reasonably be expected to take place on such land. While this cannot take place under the proposed scheme provisions for the subject land, the location of such activities in close proximity to the land is not one that requires specific policy controls or scheme controls. However, should</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) Dismissed.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Town Planning & Development Act 1928
Town Planning Scheme No. 3 - Amendment No. 179
SCHEDULE OF SUBMISSIONS TO REZONE LOTS 50 & 51 LINK ROAD, MARBELLUP FROM 'RURAL' ZONE TO 'SPECIAL RURAL' ZONE

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>d) There is no land capability information provided to demonstrate that the proposed lot sizes are suitable and that the land can accommodate sewerage disposal systems. Such information is relevant as there is a creek system to the north of the subject land.</p> <p>e) Revegetation issues are recommended under the City of Albany Local Rural Strategy for both the Special Rural Precincts that the subject land falls into. This is poorly shown within the Amending Documents, and it is recommended that a detailed revegetation plan for the land be either required as part of the Amending Documents or inserted as a scheme provision requiring the submission and implementation of a revegetation plan during the subdivision process.</p>	<p>d) the land be rezoned to a residential style zone in the future, where residential amenity may be expected to be provided, then appropriate controls on this land use or warnings of it's impacts by way of policies or land title restrictions may be appropriate. It is therefore recommended that this comment be dismissed.</p> <p>d) The lack of land capability is noted, however the age of the Amendment is such that details of this assessment were not required to be provided. While these concerns are relevant and suitable, it is recommended that the proposal not be held up awaiting this additional information to be sought and provided. It is therefore recommended that clauses 9.1, 9.2 and 9.3 of the proposed scheme provisions be closely adhered to, to ensure that lots that require the use of an ATU will be aware of this requirement. It is recommended that this comment be noted.</p> <p>e) It is recommended that provision 7.3 be reworded as follows: "Additional tree, shrub and understorey planting may be requested at the time of subdivision, in association with a 3 year management plan, to ensure that successful re-vegetation of the land shall take place with native indigenous species. Council may request that the developer enter into private agreements with landowners on the sale of the land to ensure the maintenance of this revegetation."</p>	<p>d) Noted.</p> <p>e) Uphold.</p>
5.	Harley Survey Group (Craig Pursey) PO Box 5207, WA, 6332	a) Requests the inclusion of the Long Term Development Option Plan, and amended subdivision guide plan for Special Rural Area No. 13 within the amendment documents to meet the requirements of Council's resolution of 19 July 2005.	<p>a) The processing of Amendment 179 failed to result in the inclusion of the Long Term Development Option Plan during the initial advertising period. The inclusion of this Option Plan as an overall precinct plan will give statutory weight to the Plan, when processing subdivision applications over land in the locality. A modified subdivision guide plan for Special Rural Area No. 13 in accordance with the Option Plan, will allow Lot 1000 to be further subdivided without the need to lodge a separate amendment application.</p>	<p>a) Uphold.</p> <p>i) Include the Long Term Development Option Plan for Link Road within the Amendment Documentation.</p> <p>ii) Include a replacement Subdivision Guide Plan for Special Rural Area No. 13 within the amendment document that is consistent with the Long Term Development Option Plan for Link Road (Plan 04-67.ATB).</p>

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Surrender of Management Order – Reserve 35165 – Medcalf Street, Emu Point

File/Ward	: A152401 (Breaksea Ward)
Proposal/Issue	: Surrender of Management Order for Reserve
Subject Land/Locality	: Albany Lot 1316 (Reserve 35165) Medcalf Street, Emu Point
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 18/10/05 - Item 11.4.3 OCM 21/06/05 - Item 11.4.2 OCM 19/10/04 - Item 12.2.1
Summary Recommendation	: Seek meeting with Minister
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. At the 18 October 2005 meeting, Council resolved to support the excision of approximately 9,000 m² of reserved land, fronting Medcalf Street, to provide a freehold title for the current lessee of the Emu Point Motel. Council then recommended that the balance of Reserve 35165 be surrendered to Landcorp for redevelopment for residential purposes. The Albany Waterfront Project Agreement proposes the subdivision of the adjoining Crown reserves towards Griffith Street; to improve the site's appeal to tourism operators, a tourism site within the new Landcorp development was being promoted by Council.
2. The Department of Planning and Infrastructure has recently advised that the Minister has not approved the proposal to convert the lease into a freehold title, citing the findings of the Ministerial Taskforce Report on Tourist Accommodation as the reason for the refusal. That report *"recognises that government managed land has an important role in the retention of a range of tourist accommodation facilities and where land is held in freehold title, the landowner usually seeks the highest and best use for the land (usually luxury residential units)"*.

STATUTORY REQUIREMENTS

3. Reserve 35165 is set aside for the purpose of "Motel" and the Management Order has been issued to the City of Albany with the capacity to lease the reserve for a period of 99 years. The 3.23 ha. Reserve is currently leased by Council for the maximum period and the lease agreement is due to expire in 2063; the lessee cannot assign or sub-lease the land without Council's approval and the lease states that the only activity permissible upon the Reserve is motel units and laundry facilities for that motel.

POLICY IMPLICATIONS

4. Council recently produced a policy promoting some residential activity within tourism sites to support contemporary financing arrangements, the extent of the residential units conditional upon the iconic status of the sites. Coastal sites would be expected to have less residential units (as an overall percentage) than sites located away from the coast.

FINANCIAL IMPLICATIONS

5. The Minister's decision reduces the capacity of the lessee to secure any future investment in building improvements upon the lease and reduces the redevelopment options available to the lessee. Council will continue to maintain the management order for a site that could potentially remain under-developed for another five or six decades.

STRATEGIC IMPLICATIONS

6. The majority of the sites for tourism related development, fronting King George Sound, are contained in an enclave at Emu Point. The "mix" of product is also restricted through the leasing arrangements and purposes assigned to the available reserves.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

COMMENT/DISCUSSION

7. In agreeing to support the conversion of the Emu Point Motel's current lease to a freehold title, Council recommended the title area be reduced to approximately 9,000m² to reduce the capacity for the new owner to gain a "commercial windfall" from the process. Had the Crown accepted the "entire package", there would have been several winners, given an alternately positioned tourism site would have greater investor appeal than the current site, the current lessee would have the incentive to upgrade the existing product, Council would not remain "the middle man" and be responsible for regulating site investment and the consumers would have greater product choice.
8. The Ministerial Taskforce Report on Tourist Accommodation acknowledges the complex dilemma faced in securing tourism sites (with very few new projects built across the State each year) for the future, of the high costs to landowners to retain those sites and of the difficulty in determining the capacity of the developer to deliver appropriate quality. The retention of Crown land for tourism development has often allowed local authorities to "filter" projects and only lease land where a greater community benefit is perceived; most projects on Crown land have been for caravan parks and small chalet developments. Surprisingly, the Minister is promoting a freehold title for the hotel site within the Albany Waterfront Project to attract a developer and to overcome this very dilemma.
9. The Minister's decision is likely to promote a "status quo" position on Reserve 35165 for the life of the current lease. With Landcorp undertaking detailed structure planning on the adjoining reserves in the near future, it is timely to review the planning over the entire area bounded by Medcalf and Griffith Streets, Emu Point Drive and King George Sound.

RECOMMENDATION

THAT Council seek an urgent audience with the Minister for Planning and Infrastructure to discuss the structure planning of the area bounded by Medcalf and Griffith Streets, Emu Point Drive and King George Sound and the integration of existing and new tourism opportunities within that structure plan area.

Voting Requirement Simple Majority

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MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR MARSHALL

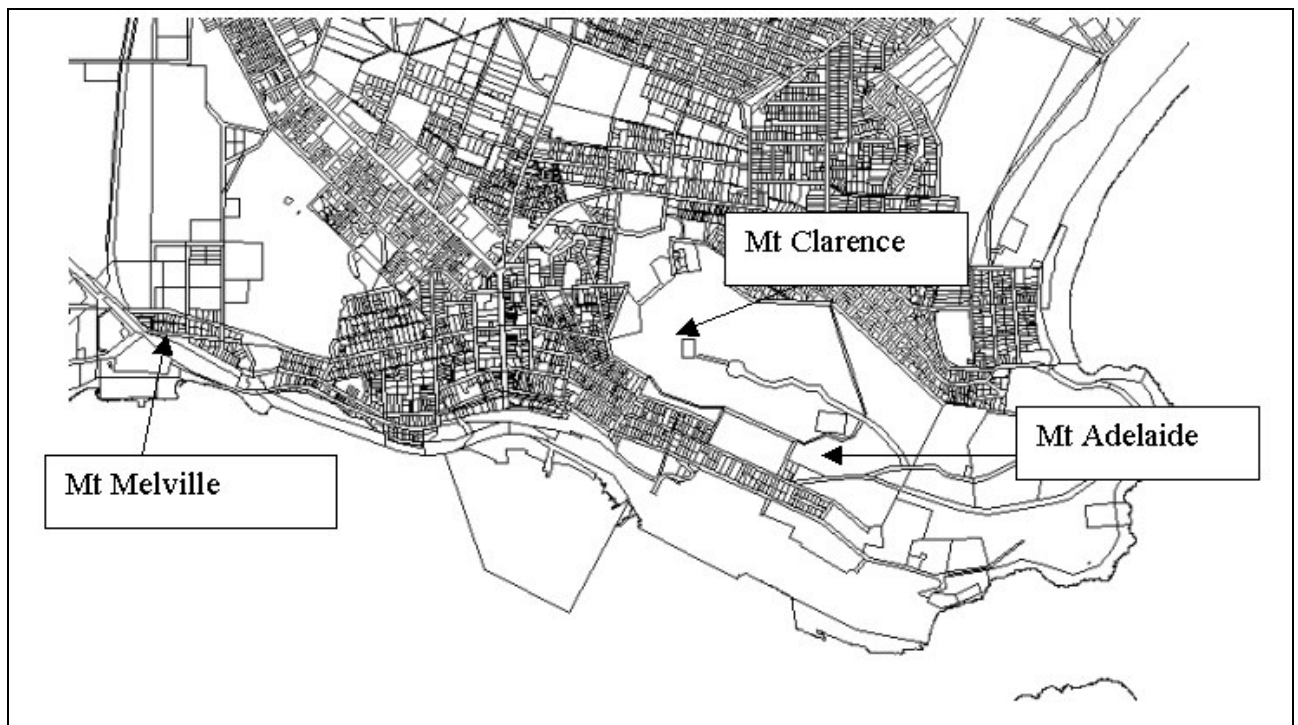
THAT Council seek an urgent audience with the Minister for Planning and Infrastructure to discuss the structure planning of the area bounded by Medcalf and Griffith Streets, Emu Point Drive and King George Sound and the integration of existing and new tourism opportunities within that structure plan area.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.4.2 City Mounts Management Plan – Final Approval

File/Ward	: STR 173 (Frederickstown Ward)
Proposal/Issue	: Final Adoption of City Mounts Management Plan
Subject Land/Locality	: Mounts Melville, Clarence and Adelaide and Bluff Rock Reserve
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Executive Director Development Services (R Fenn) Landscape Design / Reserves Officer (S Deering)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/11/05 - Item 11.4.1
Summary Recommendation	: Adopt Management Plan with Modifications
Bulletin Attachment	: Schedule of Submissions.
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. Council adopted the draft City Mounts Management Plan for advertising at its meeting at its 15 November 2005 meeting. Following public consultation, a total of 23 submissions were received. Copies of the submissions will be distributed independently to Councillors and a schedule of the submissions, with a draft comment and recommendation, is included in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

2. There is no statutory framework to follow to complete and adopt reserve management plans.

POLICY IMPLICATIONS

3. The preparation of reserve management plans provides a policy framework to guide decision-making and investment into the future.

FINANCIAL IMPLICATIONS

4. To implement the management plan, resources will be committed over time to adjust the fire management regimes, to reduce weed invasion, to develop car parks, modify access arrangements, improve visitor facilities and the like. Better utilisation of resources will also occur through the development of a master plan to co-ordinate the actions of City employees and volunteer groups.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. Of the 23 submissions received, it is interesting to note that community opinion is largely centred on the magnitude of the actions promoted in the plan. The City Mounts Management Plan seeks to strike a balance between the competing recreational, conservation, heritage, financial, legislative and management conflicts that impact upon the most prominent reserves located within the City's urban area. Needless to say, the management plan will fail to meet the expectations of a person with a strong conservation agenda to the same level as it would fail to meet those expectations of a person promoting a strong recreational, heritage or fire management agenda. The stakeholders involved in the preparation of the draft plan were conscious of the need to develop a plan capable of being implemented.
7. The substantive issues raised by the community are:
 - The joint use of a walking trail as a mountain bike track.
 - The prominence provided to aboriginal heritage matters on Mount Melville and the joint naming of the reserves.
 - The adjustment to some of the walking trails upon the Mounts.
 - The safety aspects and potential development of the Mount Melville quarry site by commercial interests.
 - The linkage of the mounts by micro corridors through existing urban areas.
 - The inadequate levels of feral animal control on the mounts.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

- The use of alternate signage solutions throughout the mounts. and
 - The most appropriate weed management solutions.
8. Draft officer comments and recommendations are contained in the schedule of submissions included in the Elected Members Report / Information Bulletin. Staff consider the draft City Mounts Management Plan is robust enough to resolve many of the concerns raised and it reflects broader community aspirations and expectations. Implementation of the adopted Plan will require day to day interpretation of the stated principles in the Plan.

RECOMMENDATION

THAT Council, subject to the changes outlined in the Schedule of Submissions, adopt the City Mounts Management Plan and seek to implement the Plan through grant funding, future Council budgets and with the assistance of volunteer support.

Voting Requirement Simple Majority

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Officers have met with concerned residents over the operational arrangements created by walkers and mountain bike riders using common trails. Those discussions have allowed a better understanding to be developed of the issues and highlighted the need for users to be involved in the development of the solutions.

AMENDED RECOMMENDATION:

THAT Council;

- i) modify the comment on submission 23 and adjust clause 6.7 of the City Mounts Management Plan, at paragraph 3, to read *“Conflict between trail cyclists and walkers has been identified as an issue in need of resolution. The current level of interaction is considered low and a stakeholder group will be formed to resolve current and future management and construction arrangements. The number of cyclists is expected to increase and trailhead signage should include a ‘code of conduct’ for trail users”*; and
- ii) subject to the changes mentioned above and outlined in the Schedule of Submissions, adopt the City Mounts Management Plan and seek to implement the Plan through grant funding, future Council budgets and with the assistance of volunteer support.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WALKER**

THAT Council;

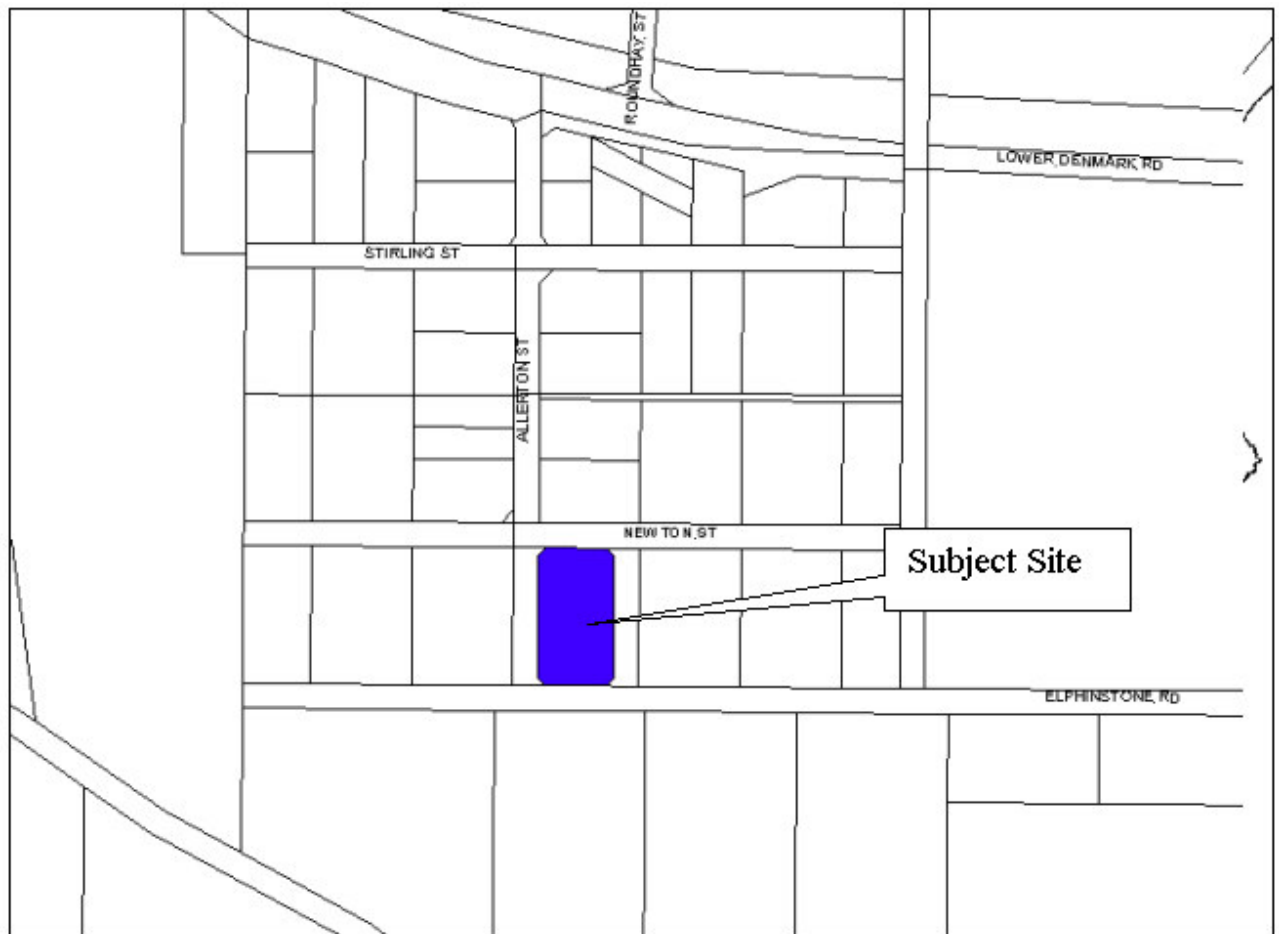
- i) modify the comment on submission 23 and adjust clause 6.7 of the City Mounts Management Plan, at paragraph 3, to read *“Conflict between trail cyclists and walkers has been identified as an issue in need of resolution. The current level of interaction is considered low and a stakeholder group will be formed to resolve current and future management and construction arrangements. The number of cyclists is expected to increase and trailhead signage should include a ‘code of conduct’ for trail users”*; and
- ii) subject to the changes mentioned above and outlined in the Schedule of Submissions, adopt the City Mounts Management Plan and seek to implement the Plan through grant funding, future Council budgets and with the assistance of volunteer support.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.4.3 Revesting of Reserve 5209 - Lot 128 Allerton Street, Gledhow

File/Ward	: SER 088 (Vancouver Ward)
Proposal/Issue	: Request to revest Reserve 5209
Subject Land/Locality	: Lot 128 Allerton Street, Gledhow
Proponent	: Water Corporation
Owner	: Crown
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Council support the revesting of the reserve
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.4.3 continued

BACKGROUND

1. The Water Corporation made a written request asking the Council to support the revesting of Lot 128, Reserve 5209, Allerton Road, Gledhow to the Water Corporation for the purpose of a Sewerage Pump Station.
2. The property is 6583m², zoned 'General Industry', owned by the Crown and vested with the City of Albany for the purpose of drainage.
3. Although the reserve is designated for drainage purposes, there is no drainage infrastructure within the reserve and there are no plans to utilise for this purpose.

STATUTORY REQUIREMENTS

4. In accordance with Section 46 of the Land Administration Act 1997:

"The Minister may by order place with any one person or jointly with any two or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown Land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Council will no longer have the management responsibility for the reserve.

STRATEGIC IMPLICATIONS

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

"Community Vision:

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

- *Excellent community infrastructure and services;*

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil."

DEVELOPMENT SERVICES REPORTS

Item 11.4.3 continued

COMMENT/DISCUSSION

8. The reserve is totally vegetated and does not serve any purpose to the City. Land within the vicinity is zoned and used for 'General Industry' and 'Rural' type purposes. A sewerage pump station is therefore not expected to impact on the current use of the land or the amenity of the area, and will enable the locality to be further developed.

RECOMMENDATION

THAT Council supports the revesting request submitted by the Water Corporation for Reserve 5209 Allerton Road, Gledhow and directs staff to advise the Department of Planning & Infrastructure of such support.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council supports the revesting request submitted by the Water Corporation for Reserve 5209 Allerton Road, Gledhow and directs staff to advise the Department of Planning & Infrastructure of such support.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.4.4 Road Closure – O’Connell Street (North), Little Grove

File/Ward	: SER 088 (Vancouver Ward)
Proposal/Issue	: Request to close a section of road
Subject Land/Locality	: O’Connell Street (North), Little Grove
Proponent	: Water Corporation
Owner	: Crown
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Council support the closure of the section of road
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.4.4 continued

BACKGROUND

1. The Water Corporation made a written request asking the Council to support the closure of a portion of O'Connell Street (North) to be vested in the Water Corporation for the purpose of a drainage reserve.
2. O'Connell Street (North) is partly vegetated and partly cleared for a two-wheel track and a navigation beacon. There is an easement over the land for the purpose of a power supply line to the beacon.

STATUTORY REQUIREMENTS

3. Under Section 58 of the Land Administration Act 1997, Council must advertise its intention to close a road in the local newspaper and in writing to affected landowners and public utilities requesting comments be made within 35 days. Council is then required to consider any objections regarding the request to close the road, and resolve to either close the road or make no changes.

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 City of Albany 3D Corporate Plan:

“Community Vision:

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

- *Excellent community infrastructure and services;*

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. The proposed drainage reserve is to be used for a sewer pump station to facilitate a reticulated sewerage service to the locality of Little Grove. The Water Corporation intend on developing a sealed section of roadway in order to gain suitable access to the proposed 'reserve' area. Storage tanks will also be constructed under the roadway in order to accommodate any 'overflow'.

DEVELOPMENT SERVICES REPORTS

Item 11.4.4 continued

8. As constructed plans and a building licence will be required prior to any development.
9. Once the process for advertisement is over, staff will make another recommendation to Council pursuant to *Section 58 of the Land Administration Act 1997*.

RECOMMENDATION

THAT Council resolves to advertise its intention to close a portion of O'Connell Street pursuant to *Section 58 of the Land Administration Act 1997*.

Voting Requirement Simple Majority

.....

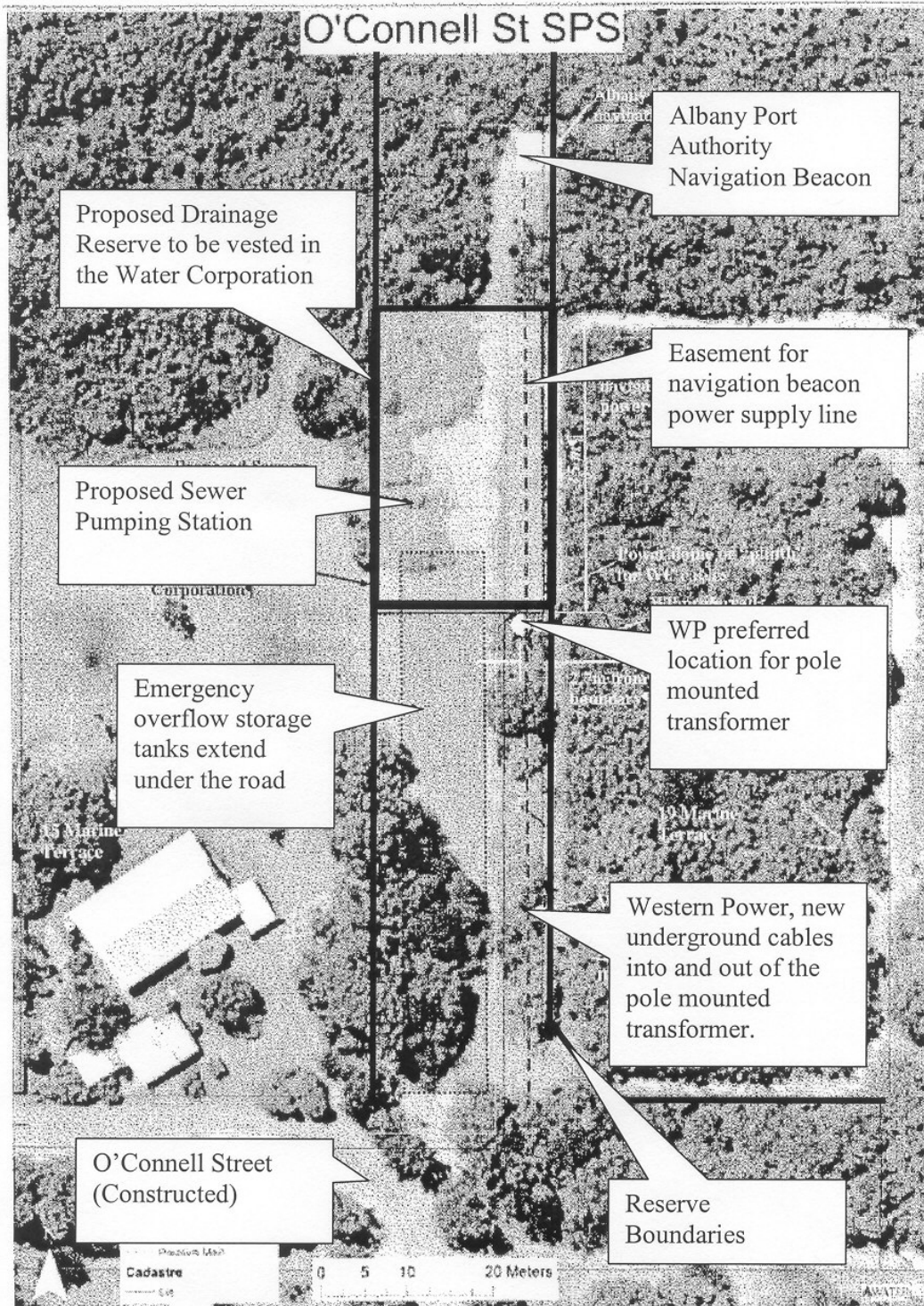
**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WELLINGTON**

THAT Council resolves to advertise its intention to close a portion of O'Connell Street pursuant to *Section 58 of the Land Administration Act 1997*.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.4.4 continued



Western Power transformer location and power supply layout agreed on site with Ray Potter 11 November 2005.

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

Nil.

Corporate & Community Services

REPORTS

- R E P O R T S -**12.1 FINANCE****12.1.1 List of Accounts for Payment**

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

COMMENTS / DISCUSSION

- The list of account for payment for the City of Albany is included within the Elected Members Report & Information Bulletin and contains the following:-
Municipal Fund

Cheques	Totalling	290,470.46
Electronic Fund transfer	Totalling	1,453,180.18
Credit Cards	Totalling	11,490.95
Payroll	totalling	1,118,048.04
Total		<u>\$2,873,189.63</u>
- As at 31st March 2006, the total outstanding creditors, stands at \$282,040.83.

RECOMMENDATION

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

Municipal Fund	Totalling	<u>\$2,873,189.63</u>
----------------	-----------	------------------------------

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

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

Municipal Fund	Totalling	<u>\$2,873,189.63</u>
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MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Financial Activity Report

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

COMMENT/DISCUSSION

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

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 12.1.2 continued.

COMMENT/DISCUSSION

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

RECOMMENDATION

THAT Council note the attached Financial Activity Statement.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EVANS**

THAT Council note the attached Financial Activity Statement.

MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

Explanation of Variances on Financial Activity Statement – March YTD 2006

Major variances from previous reports adjusted in 2nd Quarter Review adopted by Council at the February Meeting

OPERATING INCOME

Other Revenue / Income

BCITF Fees up – offset by payment to State Government (\$102,744)

OPERATING EXPENDITURE

Contracts & Materials

Airport ILS Maintenance (\$65,000)- 2nd half invoice not yet received

Golf Club Demolition (\$61,773) Timing only

Dev Mgt Projects (\$40,000) . Timing only

Fire Risk Mgt Project (\$33,000) Delayed

CAPITAL EXPENDITURE

Other Capital

Administration Building (\$230,000) Waiting on Contractor invoice

CORPORATE & COMMUNITY SERVICES REPORTS

FINANCIAL ACTIVITY STATEMENT

Mar-06

	Actual Year to Date 31-Mar-06	Current Budget Year to Date 31-Mar-06	Budget Variance
OPERATING INCOME			
Rates	15,445,745	15,436,409	9,336
Grants & Subsidies	2,524,306	2,570,912	(46,606)
Contributions. Reimb & Donations	243,050	230,365	12,685
Fees & Charges	5,857,042	5,539,946	317,096
Interest Earned	679,076	650,756	28,320
Other Revenue / Income	720,541	603,245	117,296
Net Controlled Trust Revenue	158,353	109,273	
	25,628,112	25,140,906	438,126
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(7,376,173)	(7,706,623)	330,450
Utilities	(652,166)	(658,298)	6,132
Interest Expenses	(495,879)	(544,174)	48,295
Contracts & materials	(3,924,810)	(4,359,985)	435,175
Insurance expenses	(369,559)	(379,320)	9,761
Other Expenses	(3,063,680)	(3,157,983)	94,303
	(15,882,268)	(16,806,383)	924,115
CAPITAL INCOME			
Grants & Subsidies	399,598	380,299	19,299
Contributions. Reimb & Donations, Other	245,501	238,000	7,501
Proceeds from sale of assets	1,294,311	1,342,893	(48,582)
	1,939,411	1,961,192	(21,781)
CAPITAL EXPENDITURE			
Asset Masterplans	(2,877,383)	(2,957,859)	80,476
ALAC Redevelopment	(57,547)	(410,000)	352,453
Plant Replacement	(1,644,400)	(1,712,111)	67,711
Developers Subdivisions	0	0	-
Other Capital	(1,009,676)	(1,260,590)	250,914
	(5,589,005)	(6,340,560)	751,555
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(297,861)	(299,819)	1,958
Proceeds from Self Supporting Loans	15,963	22,052	(6,089)
Proceeds from new loans	0	0	-
	(281,898)	(277,767)	(4,131)
OTHER BALANCE SHEET ITEMS			
Change in stock position	263,290		
Change in Debtors	874,999		
Change in Creditors	(111,904)		
	1,026,385		
NET CASH FLOW	6,840,737		
Opening Cash balance	13,045,744		
NET CASH AT BALANCE DATE	19,886,480		
Cash summary			
Municipal Account	9,981,369		
Reserve Account	7,208,202		
Trust Account	2,696,909		
Total Bank / Investments	19,886,480		

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.3 Regulation Reduction Incentive Fund

File/Ward	: INF 040 (All Wards)
Proposal/Issue	: Approval to accept and expend grant funds - RRIF Regulation Reduction Incentive Fund.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 20/09/05 – Item 12.2.2
Summary Recommendation	: That Council approve the acceptance and expenditure of RRIF grant funds.
Bulletin Attachment	: Nil
Locality Plan	: Nil.

BACKGROUND

1. As part of the 2004 election commitment, *Promoting an Enterprise Culture*, the Australian Government undertook to establish a \$50 million *Regulation Reduction Incentive Fund*, which will provide Local Government Authorities will incentives to press ahead with regulatory reforms that will benefit small business, in particular home based businesses, for example through a reduction in the impact of regulation and associated compliance costs.
2. The City of Albany, Shire of Broome, City of Geraldton, City of Kalgoorlie-Boulder and IT Vision formed a consortium and submitted an application for funding under the Regional Reduction Incentive Fund program.
3. The application for funding was successful and a grant of \$ 417,000 was approved

STATUTORY REQUIREMENTS

4. Under the Local Government Act, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a. is incurred in a financial year before the adoption of the annual budget by the local government;
 - b. is authorised in advance by a resolution (absolute majority required); or
 - c. is authorised in advance by the mayor in an emergency.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The program is fully funded and there are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Excellent community infrastructure and services.

Mission Statement:

Delivering excellent community services

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. With the success of the application for funding the project, Council is now requested to authorise receipt of the funds and expenditure against those funds. There is no Council contribution required.

RECOMMENDATION

THAT Council authorise the acceptance of the \$417,000 Regulation Reduction Incentive Fund grant and approve the establishment of a \$417,000 budget for the expenditure of the grant funds.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

THAT Council authorise the acceptance of the \$417,000 Regulation Reduction Incentive Fund grant and approve the establishment of a \$417,000 budget for the expenditure of the grant funds.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS**12.2 ADMINISTRATION****12.2.1 Appointment of Project Manager - Yakamia Subdivision Project**

File/Ward	: C06001
Proposal/Issue	: Tenders received for provision of Project Management services for the Yakamia Subdivision Project
Subject Land/Locality	: Pt Lot 4743 North Road Yakamia
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (P Madigan) Manager – Finance (S Goodman)
Disclosure of Interest	: N/A
Previous Reference	: OCM 19/04/05 - Item 12.7.3
Summary Recommendation	: Appointment of the recommended Tenderer-Project Management Services
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. Council's Five Year Business Plan includes the development of the 14 ha property adjacent to the North Road Administration Building. Net proceeds of the subdivision will be used to retire short term debt which was used to fund the Administration Building, and fund masterplan expenditure.
2. Council has authorised the appointment of a Project Manager with the required skills and experience to establish a project team from external service providers, co-ordinate the work of the team, and provide liaison with the City where necessary

STATUTORY REQUIREMENTS

3. Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more than \$50,000.
4. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

5. Regulation 19 requires Council to advise each tenderer in writing the result of the Council's decision.

POLICY IMPLICATIONS

6. The City of Albany Regional Price Preference Policy is applicable to this item, and was claimed by, John Matthew/Harley Survey Group Joint Venture, and Ray White, Albany.

FINANCIAL IMPLICATIONS

7. The 05/06 cost component of the project management contract is covered under the Yakamia Subdivision Job 8500. Subsequent costs will be allowed for in the business plan for the subdivision. Net surplus from the development will be used to retire short term loans taken out to fund the North Road Administration building and future masterplan expenditure.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

City of Albany Mission Statement

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

COMMENT/DISCUSSION

9. The Tender was advertised in the West Australian on Wednesday 1st February 2006, in the Albany Advertiser on Thursday 2nd February 2006, and in the Albany Extra on Friday 3rd February 2006. A total of 15 specifications were issued and 8 submissions were received (including two alternative tenders) by the closing date. All submissions were deemed to be conforming.
10. Tenders were received from the following organisations:

Tenderer	
APP Corporation Pty Limited	West Perth
John Matthew/Harley Survey Group Joint Venture	Mandurah / Albany
John Matthew/Harley Survey Group Joint Venture-Alternative Tender	Mandurah / Albany
Voran Holdings Pty Ltd	West Perth
Clifton Coney Group Pty Ltd	Subiaco
Ray White Albany	Albany
Ray White Albany Alternative Tender	Albany
Ardross Group of Companies	Perth

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

11. Tenders for Contract C06001 were evaluated by a panel consisting of the City of Albany Executive Director for Corporate and Community Services, Manager-Finance, Manager City Services, and the ALAC Project Liaison Officer.
12. Tenders received were evaluated according to the following criteria:

Description of Qualitative Criteria	Weighting
(a) Relevant experience.	20%
(b) Technical capacity	10%
(c) Project personnel	20%
(d) Methodology	10%
(d) Price	40%
TOTAL	100%

13. The Tender Evaluation Committee conducted an initial review of all tenders and undertook a preliminary evaluation based on the criteria and available information. The short list included APP Corporation, John Matthew/ Harley Survey, Clifton Coney, and Ray White. These tenderers were interviewed by three members of the Committee.
14. The tender prices as received were:

Tenderer	Base Price	Buy Local Policy Claimed?
APP Corporation Pty Limited West Perth	\$ 383,266	
John Matthew/Harley Survey Group Joint Venture Mandurah / Albany	\$ 390,000	Yes – 65%
John Matthew/Harley Survey Group Joint Venture-Alternative Tender Mandurah / Albany	\$ 400,000	Yes – 65%
Voran Holdings Pty Ltd West Perth	\$ 924,000	
Clifton Coney Group Pty Ltd Subiaco	\$ 264,000	
Ray White Albany Albany	\$ 539,000	Yes
Ray White Albany Alternative Tender Albany	\$ 515,000	Yes
Ardross Group of Companies Perth	\$1,155,000	

15. Previous financial estimates for the project management component of the Yakamia subdivision used an industry guideline of 3% of project revenue. Based on possible revenue of \$12 million to \$16 million, a project management fee in the range of \$360,000 to \$480,000 would be expected.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

- 16 All tenders were of a very high standard, with two in particular standing out - those of the APP Group of Companies and the Clifton Coney Group. Both APP and Clifton Coney have considerable experience in managing major projects. Clifton Coney's recent emphasis has been in large commercial/infrastructure projects such as the Subiaco re-development. APP have successfully managed many major residential projects such as Ellenbrook (for Mt Lawley Pty Ltd) and the Akimos Coastal Village (for Landcorp and private developers).
17. Submissions were assessed against the qualitative criteria utilising the weighted attribute method with the following results:

Rank	Tenderer	Weighted Attribute Score
1	Clifton Coney Group Pty Ltd	872
2	APP Corporation Pty limited	853
3	John Matthew/Harley Survey Group Joint Venture	620
4	John Matthew/Harley Survey Group Joint Venture-Alternative Tender	613
5	Ray White Albany Alternative Tender	559
6	Ray White Albany	543
7	Voran Holdings Pty Ltd	387
8	Ardross Group of Companies	274

18. The Clifton Coney price of \$264,000 was lower than expected and was carefully reviewed by the Committee. At the request of the City, Clifton Coney have provided a letter explaining the assumptions behind their tender, and the possible extraordinary circumstances in which they would seek a contract variation.
- 19 The two highest rating tenderers' references were checked and confirmed to be satisfactory.

RECOMMENDATION

THAT the City of Albany accepts the tender of Clifton Coney Group Pty Limited as project manager of the Yakamia Subdivision Project and enters into a contract for the specified services.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

THAT the City of Albany accepts the tender of Clifton Coney Group Pty Limited as project manager of the Yakamia Subdivision Project and enters into a contract for the specified services.

MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 Request to review Berthing Fees: Blueback Marine Industries, Albany Town Jetty

File/Ward	: PRO 109 (All Wards)
Proposal/Issue	: Review of the Town Jetty Berthage Fees
Subject Land/Locality	: Albany Town Jetty
Proponent	: N/A
Owner	: City of Albany
Reporting Officer(s)	: Recreation Development and Marine Services Officer (M Weller)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 19/07/05 – Item 12.2.1 OCM 18/10/05 - Item 12.2.3
Summary Recommendation	: That Council consider the options for commercial pen fees.
Bulletin Attachment	: Letter
Locality Plan	: Nil.

BACKGROUND

1. At the request of Paul Guest, Silver Star Cruises, for Council to review the fees charged in relation to pen fees at the Albany Town Jetty an item was submitted to council (OCM 18/10/05 Item 12.2.3) and the following alternate recommendation adopted:

“THAT Council institute a \$1500 per annum pen fee plus fuel wharfage for the Albany Town Jetty.”
2. Mr Guests request was based on the fact that in around 1993 Silver Star Cruises provided the infrastructure at the jetty that is currently being utilised.
3. Given the context item OCM18/10/05 12.2.3, the adopted alternate motion was interpreted by senior staff as being applicable only to the pen leased by Silver Star
4. The reason recorded for councils alternate motion is also noted:
“The current standard of the facility and its exposure to strong prevailing winds is not to a standard that other coastal facilities enjoy and certainly not of a standard that is deserving of full market rental. This proposal will have minimal impact on Council revenues given the imminent construction of the new boat harbour to be owned and managed by D.P.I.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

5. At OCM 21/02/06 it was moved that:-
“Council delegate authority to the Chief Executive Officer to relinquish the licence for the Town Jetty at a time that integrates with the commencement of construction of the Albany Waterfront Marina...”
6. A letter was received from Blueback Marine industries, 28th February 2006, seeking reimbursement of \$898 from an amount of \$2,316 paid for berthage fees in for the 2005/06 financial year.
7. In the letter it was implied that councils decision in relation to Silver star applied to all pens at the Jetty.
8. The letter also cites that *“the standard of the facility, in particular it’s exposure to strong prevailing winds, is not to a standard enjoyed by other coastal facilities ad therefore not deserving of full market rental”*

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Should Council agree to the request, there will be a reduction in the level of income to be derived from the Town Jetty.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Maritime Services Plan.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

COMMENT/DISCUSSION

9. Following the item 05/06 fees applicable to commercial vessels at the Town jetty are:

Silver Star	\$ 1500.00
Albany Dive and Whale Charters	\$ 1688.15
Sail-Away	\$ 2310.80
Blueback Marine Industries	\$ 2316.36

Visiting vessels

Daily Fee	\$6.10 per meter
Annual Fee less than 20m	\$212.71 per meter
Annual Fee over 20m	\$217.39 per meter

Monthly Fee	20% of annual fee
Quarterly Fee	10% of annual fee

10. The fees charged at other mooring facilities / pen systems, have been compared and the fee levied by the City is at the lower end of these charged:-

Esperance	\$210.32pm
Albany	\$212.71pm
Fremantle Fishing Boat Harbour	\$217.80pm
Geraldton	\$225.28pm
Bunbury	\$236.54pm

11. These facilities all provide similar services; single phase power, water and lighting.
12. Blueback Marine industries did not construct their own infrastructure and have a more secure mooring than Silver Star as they are along side a finger jetty.
13. Blueback Marine industries also pay a separate fee for land based infrastructure.
14. It is noted that the Town jetty is budgeted to operate at a \$42,000 loss, subsidised through general revenue and that as well as providing for commercial vessels the town jetty is used by recreation vessels and by the public for recreational fishing.
15. Following the analysis, the apparent inequity in current fees could be seen as being balanced by the fact that Silver Star constructed their own infrastructure.
16. Alternately council could choose to bring all fees for annually leased commercial pens into line with the new fees adopted for Silver star. This option would not differentiate fees based on vessel size for those leases.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

RECOMMENDATION

THAT Council either:

- i) maintain the 05/06 fee structure for commercial vessels at the town jetty at:

Silver Star	\$1,500.00
Albany Dive and Whale Charters	\$1,688.15
Sail-Away	\$2,310.80
Blueback Marine Industries	\$2,316.36

Visiting vessels

Daily Fee	\$ 6.10 per meter
Annual Fee less than 20m	\$212.71 per meter
Annual Fee over 20m	\$217.39 per meter

Monthly Fee	20% of annual fee
Quarterly Fee	10% of annual fee

Plus fuel berthage, power and water charges adopted in the 05/06 budget - fees and charges;

OR

- ii) reduce the fees to:

Silver Star	\$1,500.00
Albany Dive and Whale Charters	\$1,500.00
Sail-Away	\$1,500.00
Blueback Marine Industries	\$1,500.00

Visiting vessels

Daily Fee	\$ 6.10 per meter
Annual Fee less than 20m	\$212.71 per meter
Annual Fee over 20m	\$217.39 per meter

Monthly Fee	20% of annual fee
Quarterly Fee	10% of annual fee

Plus fuel berthage, power and water charges adopted in the 05/06 budget - fees and charges

Voting Requirement Absolute Majority

.....

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR WELLINGTON

THAT Council maintain the 05/06 fee structure for commercial vessels at the town jetty at:

Silver Star	\$1,500.00
Albany Dive and Whale Charters	\$1,688.15
Sail-Away	\$2,310.80
Blueback Marine Industries	\$2,316.36

Visiting vessels

Daily Fee	\$ 6.10 per meter
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Annual Fee over 20m	\$217.39 per meter

Monthly Fee	20% of annual fee
Quarterly Fee	10% of annual fee

Plus fuel berthage, power and water charges adopted in the 05/06 budget - fees and charges;

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS**12.2.3 Annual Review of Council Delegations – Local Government Delegations**

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	Annual review of Council delegations
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Customer Service (B Parker)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/11/01 - Item 12.2.2 OCM 20/08/02 - Item 12.2.7 OCM 20/01/04 - Item 12.2.2 OCM19/04/05 - Item 12.2.4
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer's and Council committees' various delegations
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committee's of Council to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.

STATUTORY REQUIREMENTS:

3. Section 5.42 of the Local Government Act 1995 enables the delegation of some powers and duties to the Chief Executive Officer:
 - "1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.
 - 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation."

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

4. Section 5.16 and 5.17 of the Local Government Act enables the delegation of some powers and duties to a committee:
 - “1) *Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;*
 - 2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”*
5. Under the provisions of section 5.46 (2) of the Local Government Act, delegations must be reviewed by the delegator at least once every financial year.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany will always be renowned for... our customer focus and our high-performance system of governance.

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. To comply with section 5.46(2) of the Local Government Act, the City of Albany has completed an internal review of its current delegations. In order to continue to provide a high level of service to the Community, it was established that a majority of the City's delegations should continue. From a staff perspective, a few delegations can be removed from the register as their usefulness has expired.
10. As a result of the internal review, the City has established a new delegations register, which clearly indicates how each delegation relates back to the Local Government Act in an effort to improve compliance as an organisation.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

RECOMMENDATION

THAT Council:

- i) In accordance with the provisions of Section 5.42 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:
 - a) Review of City of Albany's Gross Rental Valuation (GRV) Rating Area.
*Local Government Act, Section 6.28
Report Requirement FILE*
 - b) Contracts – Power to Accept Contracts for the Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (excluding GST), subject to the said matter:
 - i) Being detailed in Council's annual budget, and
 - ii) Complying with any relevant Council policy.
*Local Government Act, Section 5.43(b)
Report Requirement FILE*
 - c) To attach the common seal to all documents.
*Local Government Act, Section 5.43 and 9.49
Report Requirement BULLETIN*
 - d) The authority to appoint "authorised persons" under the City of Albany's local laws.
*Local Government Act Section 5.42 and 9.10
Report Requirement FILE*
 - e) To execute Grant and Service Agreements arranged with the Bushfire Services of WA.
*Local Government Act, Section 5.42
Report Requirement FILE*
 - f) To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.
*Local Government Act, Schedule 9.1, Section 2
Report Requirement FILE*
 - g) The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997.
*Local Government Act, section 6.10 and Financial Management Regulations
Report Requirement FILE*
 - h) To obtain drainage easements for Council's drainage needs subject to the following criteria:
 - All alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;

CORPORATE & COMMUNITY SERVICES REPORTS

- Easement location be based on sound engineering knowledge taking into account existing and future drainage systems;
- Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;
- No payment of compensation is to be paid until the easement has been registered with the Titles Office;
- Easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);
- Location of easement is agreed to by the affected land owner;
- Agreement has been obtained from the affected landowner for the grant of easement.

*Local Government Act, Schedules 3.2
Report Requirement: File*

- i) To implement the provisions of the policy –“Payments to Employees in Addition to Contract or Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

*Local Government Act, Section 5.50
Report Requirement: Bulletin*

- j) To approve sundry donations to the value of \$200.00 in accordance with the Community Financial Assistance Policy.

*Local Government Act Section 5.42
Report Requirement to Council Records*

- k) To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

*Local Government Act, Section 6.12
Report Requirement to Council Records*

- l) The power to deal with objections to the rate record.

*Local Government Act, Section 6.76
Report Requirement to Council Records*

- m) To undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:

- Process requests related to Leases
- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
- Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
- Application for a sublease to be processed, where there is a current lease in place.

*Land Administration Act, Section 18 and
Local Government Act, Section 3.58
Report Requirement BULLETIN*

CORPORATE & COMMUNITY SERVICES REPORTS

- n) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council's "Development Area and Street Names" Policy.

Land Administration Act, Section 56

Local Government Act Section 5.42

Report Requirement FILE

- o) Process requests related to Crown Reserves

- Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
- Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme
- Creation of a Crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.

Local Government Act Section 5.43 and 9.49

Report Requirement BULLETIN

- p) The power to exercise the functions provided by the Strata Titles Act in the following areas: -

- Authority to sign certificates issued;
- The ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
- The ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.

Strata Titles Act, Sections 6, 23(5), 42

Local Government Act 5.42

Report Requirement FILE

- a. Gives the Chief Executive Officer the power to offer residents within the Willyung area a full kerbside collection service including domestic household waste, domestic recyclables and green waste service, as per the provisions of the Waste Minimisation Contract.

Local Government Act Section 3.18

Report Requirement to Council Records

- r) Gives the Chief Executive Officer the power to administer the Landfill Subsidy Scheme, in accordance with provisions of Delegated Authority as contained in the draft policy.

Local Government Act Section 6.16 and 6.38

Report Requirement to Council Records

- s) The power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:

- The power to approve and refuse the issue of building and demolition licences;
- The power to serve a stop work order upon a builder;
- To grant approval for a building which encroaches over a public place or street; and

CORPORATE & COMMUNITY SERVICES REPORTS

- To require in-completed buildings completed or removed.
*Local Government (Miscellaneous Provisions) Act
Report requirement bulletin*

- t) Write off any amount of money, including rate debts where the cost of recovering the debt will be greater than the actual debt (maximum \$2,000).

*Local Government Act Section 6.12(c)
Report requirement to Council Records*

- u) In accordance with the provisions of section 5.42 of the Local Government Act, the Chief Executive Officer delegates the power to grant permission of the local government to allow blasting within a townsite, as provided by the Explosives and Dangerous Goods Act 1961, subject to Council's guidelines.

*Local Government Act Section 5.42
Report requirement to Council Records*

- v) To obtain road widenings for Council's road infrastructure improvement, subject to the following criteria:

- All alternative routes with regard to road construction or re-construction shall be investigated as part of the design process
- Road widening location to be based on sound engineering principles taking into account existing and future road systems
- Should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50,000.00
- Agreement has been obtained from the affected land owners for the land to be resumed
- No payment of compensation is to be paid until the road widening has been registered with the Titles Office.

*Local Government Act Section 5.42
Report Requirement File*

- w) The authority to make decisions on programming of performances up to a value of \$4,000 (performance fee)

1. The delegated authority only being used where a response is required by the company prior to the next scheduled meeting of the Advisory Committee;
2. The performance can be funded from within the Theatre's current operating budget for shows;
3. The performance is likely to be supported due to demonstrated past sales data for the artist or the type of performance;
4. There is an indicated interest in the performance as demonstrated in the previous year's customer and public surveys;

And

5. Theatre Advisory Committee meets on a bi-monthly basis, however the CEO can call monthly meetings as required.

*Local Government Act Section 5.16, 5.17(c), 5.9(2) (c)
Report requirement to Council Records*

CORPORATE & COMMUNITY SERVICES REPORTS

- ii) In accordance with the provisions of Section 5.16 and 5.17 of the Local Government Act 1995, agree to delegate to Committee's of Council, the power to exercise the following powers or duties:

- a) In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations, in accordance with the Community Financial Assistance Policy.

*Local Government Act Section 5.16 and 5.17
Report requirement to Council Records*

- b) In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Town Hall Theatre Advisory Committee the authority to make decisions on programming of performances, provided the performance can be funded from within the Theatre's current operating budget for shows.

*Local Government Act Section 5.16 and 5.17
Report requirement to Council Records*

Voting requirement Absolute Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT Council:

- i) In accordance with the provisions of Section 5.42 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:

- a) Review of City of Albany's Gross Rental Valuation (GRV) Rating Area.

*Local Government Act, Section 6.28
Report Requirement FILE*

- b) Contracts – Power to Accept Contracts for the Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (excluding GST), subject to the said matter:

- i) Being detailed in Council's annual budget, and
ii) Complying with any relevant Council policy.

*Local Government Act, Section 5.43(b)
Report Requirement FILE*

- c) To attach the common seal to all documents.

*Local Government Act, Section 5.43 and 9.49
Report Requirement BULLETIN*

- d) The authority to appoint "authorised persons" under the City of Albany's local laws.

*Local Government Act Section 5.42 and 9.10
Report Requirement FILE*

- e) To execute Grant and Service Agreements arranged with the Bushfire Services of WA.

Local Government Act, Section 5.42

Report Requirement FILE

- f) To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.

Local Government Act, Schedule 9.1, Section 2

Report Requirement FILE

- g) The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997.

Local Government Act, section 6.10 and Financial Management Regulations

Report Requirement FILE

- h) To obtain drainage easements for Council's drainage needs subject to the following criteria:

- All alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;
- Easement location be based on sound engineering knowledge taking into account existing and future drainage systems;
- Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;
- No payment of compensation is to be paid until the easement has been registered with the Titles Office;
- Easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);
- Location of easement is agreed to by the affected land owner;
- Agreement has been obtained from the affected landowner for the grant of easement.

Local Government Act, Schedules 3.2

Report Requirement: File

- i) To implement the provisions of the policy –“Payments to Employees in Addition to Contract or Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

Local Government Act, Section 5.50

Report Requirement: Bulletin

- j) To approve sundry donations to the value of \$200.00 in accordance with the Community Financial Assistance Policy.

Local Government Act Section 5.42

Report Requirement to Council Records

- k) To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

***Local Government Act, Section 6.12
Report Requirement to Council Records***

- l) The power to deal with objections to the rate record.

***Local Government Act, Section 6.76
Report Requirement to Council Records***

- m) To undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:

- Process requests related to Leases
- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
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- Application for a sublease to be processed, where there is a current lease in place.

***Land Administration Act, Section 18 and
Local Government Act, Section 3.58
Report Requirement BULLETIN***

- n) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council's "Development Area and Street Names" Policy.

***Land Administration Act, Section 56
Local Government Act Section 5.42
Report Requirement FILE***

- o) Process requests related to Crown Reserves

- Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
- Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme
- Creation of a Crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.

***Local Government Act Section 5.43 and 9.49
Report Requirement BULLETIN***

- p) The power to exercise the functions provided by the Strata Titles Act in the following areas: -

- Authority to sign certificates issued;
- The ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
- The ability to require a strata company to make a by-law that includes a management statement detailing such matters as the

control, management, use and maintenance of the property.

Strata Titles Act, Sections 6, 23(5), 42

Local Government Act 5.42

Report Requirement FILE

q) Gives the Chief Executive Officer the power to offer residents within the Willyung area a full kerbside collection service including domestic household waste, domestic recyclables and green waste service, as per the provisions of the Waste Minimisation Contract.

Local Government Act Section 3.18

Report Requirement to Council Records

r) Gives the Chief Executive Officer the power to administer the Landfill Subsidy Scheme, in accordance with provisions of Delegated Authority as contained in the draft policy.

Local Government Act Section 6.16 and 6.38

Report Requirement to Council Records

s) The power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:

- The power to approve and refuse the issue of building and demolition licences;**
- The power to serve a stop work order upon a builder;**
- To grant approval for a building which encroaches over a public place or street; and**
- To require in-completed buildings completed or removed.**

Local Government (Miscellaneous Provisions) Act

Report requirement bulletin

t) Write off any amount of money, including rate debts where the cost of recovering the debt will be greater than the actual debt (maximum \$2,000).

Local Government Act Section 6.12(c)

Report requirement to Council Records

u) In accordance with the provisions of section 5.42 of the Local Government Act, the Chief Executive Officer delegates the power to grant permission of the local government to allow blasting within a townsite, as provided by the Explosives and Dangerous Goods Act 1961, subject to Council's guidelines.

Local Government Act Section 5.42

Report requirement to Council Records

v) To obtain road widenings for Council's road infrastructure improvement, subject to the following criteria:

- All alternative routes with regard to road construction or re-construction shall be investigated as part of the design process**
- Road widening location to be based on sound engineering principles taking into account existing and future road systems**
- Should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be**

paid to a maximum of \$50,000.00

- **Agreement has been obtained from the affected land owners for the land to be resumed**
- **No payment of compensation is to be paid until the road widening has been registered with the Titles Office.**

***Local Government Act Section 5.42
Report Requirement File***

w) The authority to make decisions on programming of performances up to a value of \$4,000 (performance fee)

- 1. The delegated authority only being used where a response is required by the company prior to the next scheduled meeting of the Advisory Committee;**
- 2. The performance can be funded from within the Theatre's current operating budget for shows;**
- 3. The performance is likely to be supported due to demonstrated past sales data for the artist or the type of performance;**
- 4. There is an indicated interest in the performance as demonstrated in the previous year's customer and public surveys; and**
- 5. Theatre Advisory Committee meets on a bi-monthly basis, however the CEO can call monthly meetings as required.**

***Local Government Act Section 5.16, 5.17(c), 5.9(2) (c)
Report requirement to Council Records***

ii) In accordance with the provisions of Section 5.16 and 5.17 of the Local Government Act 1995, agree to delegate to Committee's of Council, the power to exercise the following powers or duties:

a) In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations, in accordance with the Community Financial Assistance Policy.

***Local Government Act Section 5.16 and 5.17
Report requirement to Council Records***

b) In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Town Hall Theatre Advisory Committee the authority to make decisions on programming of performances, provided the performance can be funded from within the Theatre's current operating budget for shows.

***Local Government Act Section 5.16 and 5.17
Report requirement to Council Records***

**MOTION CARRIED 14-0
ASBOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.4 Emu Point Boat Harbour - Memorial / Public Art

File/Ward	: SER 187 (Breaksea Ward)
Proposal/Issue	: Memorial/ Public Art 'Sam' the Seal
Subject Land/Locality	: Emu Point Boat Harbour
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: N/A
Previous Reference	: Nil
Summary Recommendation	: That council approve the construction of a 'public art sculpture' at Emu point
Bulletin Attachment	: Application for a memorial/ seat, and Letters of objection
Locality Plan	: N/A

BACKGROUND

1. A New Zealand fur seal which had been periodically resident at Emu Point for over 8 years, was recently killed. The seal was known to the public as 'Sam' or 'Sammy'
2. The killing was publicised in local, state and National media.
3. A public ceremony to scatter the ashes was hosted by City of Albany Mayor Alison Goode. The ceremony was attended by between 150 and 250 people
4. Mr Jonathan Jones, proprietor of Kalgan Queen tours, operating out of the Emu Point boat harbour, has conducted a public appeal to raise money for a 'memorial' for Sam, to be located adjacent to the fish cleaning station where 'Sam' was most often seen by the public.
5. Mr Jones has submitted an application for a memorial (bulletin attachment).
6. The application requests the contribution of 'Sam the Seal' to the Albany community as being:
"Sam was a great tourist attraction to both visitors and locals alike and people will visit his favourite spot at the boat pens for many years to come. Whilst the memorial/ artwork wont bring him back it will be to Albany as Red Dog is to the North and Tuckerbox"
7. The application lists the wording to appear on the plaque as:
"Sam the seal, now a legend, who befriended all people, to be betrayed by one 1980's – 11th February 2006"

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

8. The application further notes in reference to the memorial policy:
"The three years does not apply as 'Sam' was not a person. The monument will most definitely be considered a work of art."
9. Six letters were received on the 24th February objecting to the 'erection of a memorial for a seal' to be placed at Emu point with the following reasons given:
 1. *Although the death of Sam was very upsetting I don't think that a memorial for him at emu point would be appropriate*
 2. *I believe that there are many people who have given much more to the community than a seal*
 3. *I do not agree that this is the right way to remember "Sam"; although it is a sad event that has taken place in Albany, I am sure there is a much better place for this memorial*
 4. *I don't think that a memorial to a murdered seal is the type of advertisement that Albany needs in a place popular to tourists*
10. The letters further recommend *"the boardwalk or the lookout overlooking the sound may be a more appropriate place."*
10. Following the request by Mr Jones, Council were briefed on the issues and an onsite meeting held with Mr Jones and City staff
11. Mr Jones indicated that he was willing to work with staff to achieve a design that would be perceived by the community as worthwhile public art.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

13. The memorial / seal guidelines is applicable to this item

FINANCIAL IMPLICATIONS

14. The applicant has undertaken to meet the full cost of the construction of the structure.
15. The City of Albany would be responsible for any ongoing maintenance

STRATEGIC IMPLICATIONS

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

"Community Vision:
Albany's community will enjoy economic growth and outstanding opportunities....excellent community infrastructure and services.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

Mission Statement:

The City of Albany is committed to...sustainably managing Albany's municipal assets. -

Priority Projects:

Nil."

COMMENT/DISCUSSION

17. The memorial policy states that

"The City of Albany will consider applications for the installation of a memorial or memorial seat where:-

- *Such memorial or memorial seat recognises residents who have made a 'significant' contribution to the Albany community.*
- *The person being recognised has been deceased for a period of at least 3 years; and*
- *The location sought for the placement of the memorial... does not compromise existing council policies or development plans for the long-term maintenance or upgrading of the reserve."*

18. Assessing the application against the policy presents difficulty as the 1st point is open to a value judgment in relation to significance.

19. Mr Jones argues that through attracting tourism 'Sam' the seal contributed to the Albany community.

20. It could be argued that in relation to suitability for erection of a memorial this contribution is not as significant compared to that of an Albany statesman or war hero.

21. In relation to the 2nd point in the policy, 'Sam' was an animal not a person. However the request would be interpreted as contrary to the policy as 'Sam' has not been deceased for at least 3 years.

22. This provision is intended to assist assessment of the contribution by measuring whether or not the subject of the memorial application is still thought of as being deserving of a memorial some time after their death and to ensure that memorials are not erected before a persons death.

23. It is proposed that the application for a memorial be rejected based on failure to meet the criteria of the City of Albany Memorial guidelines

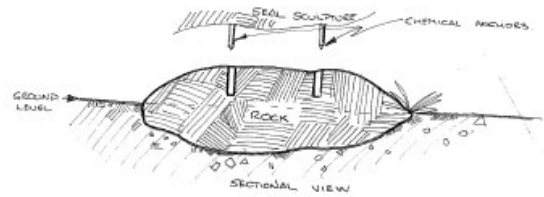
24. On balance however the proposal to erect an externally funded sculpture of a seal on a rock at the Emu point boat harbour, as public art, has merit.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

24. The location and amenity for public art has been assessed by the City of Albany Landscape Design and Reserves officer with the following drawings and comment:

“The sculpture should be ‘grounded’ in the landscape by perhaps sunning on an indigenous rock. Any wording could be on a plaque on another grounded rock in close proximity or on the sculpture rock itself. The sculpture should be firmly anchored by chemical anchoring to the rock or other proven means”



25. It is recommended that the final location, size and amenity is detailed by the City of Albany landscape design and reserves officer to ensure that the sculpture is perceived as public art, adding to and in keeping with the amenity of the area.
26. The proposed wording of the plaque contained in the application could not be seen as anything other than that of a memorial, and as such would need to be modified or omitted for the sculpture to be solely public art.
27. It is noted that potential exists for a precedent to be set where members of the public currently or in future considering requesting memorials, amend their request to ‘public art’ to circumvent the memorial policy provision of being “deceased for a period of three years”

RECOMMENDATION

THAT Council approve the erection of a seal on rock sculpture at the Emu point boat harbour subject to the full construction costs of the sculpture being funded externally and the Chief Executive Officer being satisfied that:

- The design scale, material and construction method is sound and limits ongoing maintenance
- The design is in keeping with the amenity of the area
- The design and wording of any plaque on the sculpture is conducive to a public artwork, not a memorial

Voting Requirement Simple Majority

.....

Item 12.2.4 continued.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILOR WELLINGTON**

THAT Council approve of the placement of a seal on rock sculpture at the Emu Point Boat Harbour subject to:

- i) the costs of the sculpture being funded externally;**
- ii) the design, scale, material and construction method is sound and limits ongoing maintenance;**
- iii) the design and wording on any plaque is conducive to public art and not a memorial; and**
- iv) the final design, wording on the plaque and location of sculpture is brought back to Council for final approval.**

MOTION LOST 2-12

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council approve the erection of a seal on rock sculpture at the Emu point boat harbour subject to the full construction costs of the sculpture being funded externally and the Chief Executive Officer being satisfied that:

- The design scale, material and construction method is sound and limits ongoing maintenance**
- The design is in keeping with the amenity of the area**

MOTION CARRIED 12-2

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

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Finance Strategy Advisory Committee meeting minutes – 29th March 2006

File/Ward	:	FIN 066 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Finance Strategy Advisory Committee held on 29 th March 2006 be adopted.

RECOMMENDATION

THAT the minutes of Finance Strategy Advisory Committee held on 29th March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

5.0 Policy on Surplus Land Sales / Land Development

THAT;

1. the 'Disposal of Council Land' policy be adopted.

Voting Requirement Simple Majority

2. when properties fail to sell at public auction or by public tender, the Chief Executive Officer be granted delegated authority to engage an auctioneer, real estate agent and settlement agent to represent the City, and to negotiate the sale of the property so long as that sale price is no less than the value determined by a licensed professional valuer.

Voting Requirement Absolute Majority

3. the Chief Executive Officer be granted delegated authority to sell a property which is valued at less than \$5,000 and is not capable of being independently developed.

Voting Requirement Absolute Majority

4. the 'Land Development (Subdivision)' policy be adopted.

Voting Requirement Simple Majority

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued.

5. the following properties be offered for sale by public auction in accordance with the 'Disposal of Council Land' policy.
- 54 Katoomba Street, Orana
 - 40 Katoomba Street, Orana
 - 38 Katoomba Street, Orana
 - 66-70 Carbine Street, Orana
 - 70 McKail Street, Orana
 - 49, 51, 55, 57, 69 Minor Road, Orana

Voting Requirement Simple Majority

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Finance Strategy Advisory Committee held on 29th March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

5.0 Policy on Surplus Land Sales / Land Development

THAT;

- 1. the 'Disposal of Council Land' policy be adopted.**
- 2. when properties fail to sell at public auction or by public tender, the Chief Executive Officer be granted delegated authority to engage an auctioneer, real estate agent and settlement agent to represent the City, and to negotiate the sale of the property so long as that sale price is no less than the value determined by a licensed professional valuer.**
- 3. the Chief Executive Officer be granted delegated authority to sell a property which is valued at less than \$5,000 and is not capable of being independently developed.**
- 4. the 'Land Development (Subdivision)' policy be adopted.**
- 5. the following properties be offered for sale by public auction in accordance with the 'Disposal of Council Land' policy.**
 - 54 Katoomba Street, Orana
 - 40 Katoomba Street, Orana
 - 38 Katoomba Street, Orana
 - 66-70 Carbine Street, Orana
 - 70 McKail Street, Orana
 - 49, 51, 55, 57, 69 Minor Road, Orana

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.7.2 Albany Arts Advisory Committee meeting minutes – 8th March 2006

File/Ward	: MAN 116 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration.
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	: That the Minutes of Albany Arts Advisory Committee held on 8 th March 2006 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 8th March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted:-

Voting Requirement Simple Majority

5.4 Committee Membership

THAT Geoff Waldeck to appointed as a member of the Albany Arts Advisory Committee.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LIONETTI**

THAT the minutes of Albany Arts Advisory Committee held on 8th March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted:-

5.4 Committee Membership

THAT Geoff Waldeck to appointed as a member of the Albany Arts Advisory Committee.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.7.3 Albany Town Hall Theatre Advisory Committee meeting minutes – 1st March 2006

File/Ward	: SER 047 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration.
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	: That the Minutes of Albany Town Hall Theatre Advisory Committee held on 1 st March 2006 be adopted.

RECOMMENDATION

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 1st March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 1st March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 14-0

12.8 COUNCIL REPRESENTATION

Nil.

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

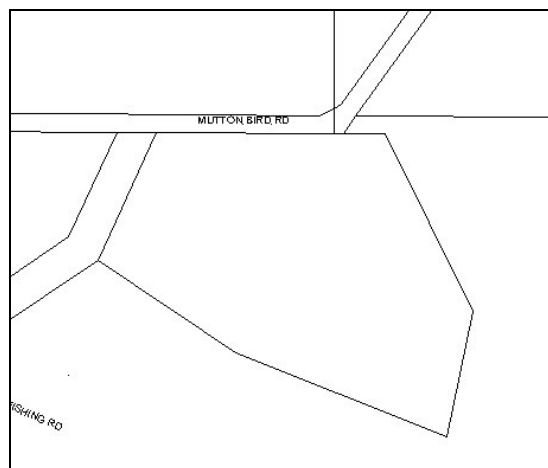
Nil.

WORKS & SERVICES REPORTS

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Erection of Caretakers Cottage – Reserve 33103 Torbay Road

File/Ward	: PRO208 (West Ward)
Proposal/Issue	: Variation to Lease for Albany Sporting Shooters Association Inc to allow for the building of a Caretakers Cottage
Subject Land/Locality	: Crown Reserve 33103
Proponent	: Albany Branch of The Sporting Shooters Association of Australia Inc
Owner	: Crown Land
Reporting Officer(s)	: Property Officer (H Tasker)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT Council grant conditional permission to the Albany Sporting Shooters Association for the building of a caretakers cottage on Crown Reserve 33103.
Bulletin Attachment	: Nil
Locality Plan	:



Reserve 33103

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

BACKGROUND

1. Crown Reserve 33103, an area of 9.0942 hectares is gazetted for Recreation Small Arms Range and currently vested in the City of Albany with power to lease for up to 21 years. This Reserve is currently under lease to the Albany Branch of the Sporting Shooters Association of Australia Inc. with the termination date being 30th June 2021.
2. The Albany Sporting Shooters Association Inc approached Council for advice on the possibility of erecting the caretakers cottage on site, due to ongoing issues of unauthorised use of the Reserve during periods of non use by the Association. The Reserve, located in an area surrounded by farmlands, close to Torbay Inlet, on Torbay Road is targeted by non members who take advantage of the lack of supervision of the area. Most club activities and meetings are held during weekends, therefore the area is left unattended for lengthy periods.

STATUTORY REQUIREMENTS

3. As this is Crown Land, vested in the City of Albany for the purpose of 'Recreation Small Arms Range', approval will be required from the Department of Land Information for permission to erect a Caretakers Residence.

POLICY IMPLICATIONS

4. There are no policies associated with this Item

FINANCIAL IMPLICATIONS

5. The Albany Branch of the Sporting Shooters Association of Australia Inc will be responsible for all costs associated with this project.

STRATEGIC IMPLICATIONS

6. 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 healthy, fulfilling lifestyles, and a flourishing natural environment through diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to...

- *sustainably managing Albany's municipal assets;*
- *at all times we will respect the community's aspirations and resources;*

Priority Projects:

Nil”

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

COMMENT/DISCUSSION

7. A caretakers cottage located on Reserve 33103 will provide much needed security for the Reserve and the Associations infrastructure.
8. As the Reserve is Crown Land, vested in the City, steps will be required to gain approval from the Crown for the building and the vesting altered to allow for the construction of a permanent residence on the site.
9. If approved by the Crown, normal planning and building approvals and requirements are to be met and a variation of the existing lease prepared. The Association is currently paying the equivalent of Minimum Land Rates per annum as their rental fee, however should this project reach completion, the rental would need to be altered to the equivalent of the Gross Rental Value rating for that property.

RECOMMENDATION

THAT Council:

- i) to approve the Albany Branch of the Sporting Shooters Association of Australia's request to build a caretakers cottage on Reserve 33103 subject to approval from the Department of Land Information, all necessary planning and building approvals.
- ii) to apply to the Department of Land Information to alter the vesting of Reserve 33103 to allow for the building of a Caretakers Cottage.
- iii) to allow City of Albany staff to prepare a variation to the lease to incorporate the Caretakers Cottage building into the lease document, ensuring that:
- iv) all costs associated with this project are to be borne by the applicant;
- v) rental per annum for the remainder of the lease term to remain at the current negotiated rental, with the addition of any service fees applicable to Council (ie Rural Waste Charges, Emergency Services Levy etc)

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

Item 13.4.1 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

THAT Council;

- i) to approve the Albany Branch of the Sporting Shooters Association of Australia's request to build a caretakers cottage on Reserve 33103 subject to approval from the Department of Land Information, all necessary planning and building approvals;**
- ii) to apply to the Department of Land Information to alter the vesting of Reserve 33103 to allow for the building of a Caretakers Cottage;**
- iii) to allow City of Albany staff to prepare a variation to the lease to incorporate the Caretakers Cottage building into the lease document, ensuring that:
 - a) all costs associated with this project are to be borne by the applicant;**
 - b) rental per annum for the remainder of the lease term to remain at the current negotiated rental, with the addition of any service fees applicable to Council (ie Rural Waste Charges, Emergency Services Levy etc)****

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.5 CITY WORKS – CAPITAL WORKS

Nil.

13.6 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.7 WORKS & SERVICES COMMITTEES

13.7.1 Streetscape Committee meeting minutes – 23rd March 2006

File/Ward	: MAN 161 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration
Reporting Officer(s)	: Executive Director Works & Services (L Hewer)
Summary Recommendation	: That the minutes of the Streetscape Committee held on the 23 rd March 2006, be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Committee held on the 23rd March 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

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Councillor Paver thanked the Committee for their efforts and congratulated the Works and Services Department on their efforts.

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Albany Streetscape Committee held on the 23rd March 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 14-0

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 City of Albany Crest

File/Ward	: MAN 005 (All Wards)
Proposal/Issue	: Adoption of City Crest
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Public Relations Officer (S Pontin)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15.02.2005 – Item 14.4.1 OCM 15.11.2005 – Item 14.2.1 OCM 20.12.2005 – item 14.2.1
Summary Recommendation	: That Council adopt the design of the City Crest
Bulletin Attachment	: City Crest design in mono, greyscale and colour versions
Locality Plan	: Nil

BACKGROUND

1. At its 15 February 2005 meeting Council made the following resolution:

“THAT the minutes of Mayoral Regalia and Crest Committee held on 7th February 2005 be received and that the Crest recommended by the Committee be adopted.”

STATUTORY REQUIREMENTS

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

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 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...

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

- Dynamic promotion and marketing of Albany's advantages and opportunities.

Mission Statement:

"Making the difference for Albany"

Priority Projects:

City Communication Strategy

- Develop a Communications Strategy and supporting Policy & Procedure Manual that will include guidelines for Advertising, Media Relations, Corporate Brand & Image, City Brochures and Community Consultation.

COMMENT/DISCUSSION

6. Staff attempted to use the adopted City Crest for the production of commemorative shields and found the design was too complex and the colours inappropriate for the intended use. Expert graphical design consultants were commissioned to refine the design and colours to create a usable Crest while retaining the essential elements of the original. The design is in the Elected Members Report/Information Bulletin.

RECOMMENDATION

THAT Council adopt the design of the City Crest as per the attached graphical representation.

Voting Requirement Simple Majority

.....

The Chief Executive Officer advised that this item had been withdrawn.

GENERAL MANAGEMENT SERVICES REPORTS

14.2.2 Wards and Representation Review

File/Ward	: MAN 002 (All Wards)
Proposal/Issue	: Ward Boundary Review
Subject Land/Locality	: Not Applicable
Proponent	: City of Albany
Owner	: Not Applicable
Reporting Officer(s)	: Project Administration Officer (T Kirkland)
Disclosure of Interest	: Nil
Previous Reference	: OCM 16/08/2005 – Item 14.2.1 OCM 20/12/2005 – Item 14.2.2
Summary Recommendation	: That Council endorses the recommendation to the Local Government Advisory Board (LGAB) for three orders to be made.
Bulletin Attachment	: Ward and Representation Review Officers Report , including copies of public submissions, copies of public consultation material, and ward system option maps.
Locality Plan	: Not Applicable

BACKGROUND

1. Council received notification from the Chairperson of the Local Government Advisory Board requesting a report be submitted on the ward and representation review by 30 June 2006.
2. Council resolved at the Ordinary Council Meeting held 16 August 2005 to carry out a review of its ward boundaries and number of officers of Council of each ward subject to the exclusion of any proposal that abolishes the ward system.
3. Council received a briefing from the Chairperson of the Local Government Advisory Board about the review process on 30 August 2005.
4. The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. The options need to consider the following:
 - a. the ratio of councillors to electors in the various wards;
 - b. community of interest;
 - c. physical and topographical features;
 - d. demographic trends;
 - e. economic factors;
 - f. the number of offices of councillor for each ward and the district; and
 - g. ward names.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

5. Council received a briefing on suggested ward and representation options for public consultation on 29 November 2005.
6. Council resolved at the Ordinary Council Meeting held 20 December 2005 to endorse 5 alternative ward systems for the public consultation process.
7. Statutory advertising commenced on 10 January 2006, with public submissions accepted until 5pm on 2 March 2006.
8. Council received a briefing on public submissions and the assessment of ward system options on 28 March 2006.

STATUTORY REQUIREMENTS

9. Schedule 2.2 Clause 6 provides that a review of Ward Boundaries and the number of offices for councillor of each ward shall be undertaken at least once every eight years.
10. Section 2.2 of the Local Government Act 1995 – “Districts may be divided into wards” states that
 - (2) The Governor, on the recommendation of the Minister, may make an order -
 - (a) dividing a district into wards;
 - (b) creating new wards in a district that is already divided into wards;
 - (c) changing the boundaries of a ward;
 - (d) abolishing any or all of the wards into which a district is divided; or
 - (e) as to a combination of any of those matters.
 - (3) For the purposes of this Act –
 - (a) An order that divides a district into wards is to be regarded as establishing a ward system for the district; and
 - (b) An order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.
 - (4) Schedule 2.2 (which deals with wards and representation) has effect.
 - (5) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.
11. Section 2.3 of the Local Government Act 1995 – “Names of districts and wards” states that
 - (2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.
 - (3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

- (4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.
12. Section 2.18 of the Local Government Act 1995 – “Fixing and changing the number of councillors” states that
 - (2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.
 - (3) The Governor, on recommendation of the Minister, may make an order –
 - (a) changing the number of officers of councillor on a council;
 - (b) specifying or changing the number of offices of councillor for a ward; or
 - (c) as to a combination of those matters.
 - (4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

14. Final electronic mapping and printing costs will be accommodated in the project facilitation budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance*

At all times we will ...

- *Demonstrate integrity, leadership and teamwork*

Priority Projects:

Major Review Project No. 10, to “undertake review of boundaries and ward systems as required by the Local Government Act”.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

COMMENT/DISCUSSION

16. In assessing ward systems options and public submissions against consideration factors 1 to 6, all prescribed matters have been considered in some detail in the Officer's Report (in Bulletin Attachment) for Council consideration.
17. For the purpose of determining which option is the best option for Albany, consideration has been given to factor 2 – community of interest and factor 6 – councillor numbers. However, factor 1 – ratio of councillors to electors – has primary relevance. It is expected by the LGAB and Minister that the review will produce similar ratios of electors to councillors across the wards of its district. Deviation to the mean councillor/elector ratio must be less than 10%.
18. The following table shows that five of the seven wards are currently outside the plus or minus 10% tolerance for the councillor/elector ratio.

CURRENT COUNCILLOR ELECTOR RATIOS				
Ward	Number of Electors	Number of Councillors	Councillor Elector Ratio	% Ratio Deviation
Breaksea	3847	2	1 1924	24.21%
Frederickstown	3689	2	1 1845	19.11%
Hassell	315	2	1 158	-89.80%
Kalgan	3100	2	1 1550	0.06%
Vancouver	3874	2	1 1937	25.05%
West	3198	2	1 1599	3.23%
Yakamia	3668	2	1 1834	18.40%
	21691	14	1 1549	
* Based on data supplied on 26 October 2005 by the AEC, current at 18 March 2005 (cut off for May 2005 election)				

19. The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio of 1:1549 for the whole of the City and the councillor/elector ratio for each ward.
20. It can be seen that there is a significant imbalance in representation across the City with Breaksea, Frederickstown, Yakamia, and Vancouver being under-represented and Hassell being significantly over-represented.
21. The community identity is driven primarily by a sense of belonging within the context of historical and social infrastructure associated with rural areas, urban areas, and localities. However with increasing urban development extending northeast to Bayonet Head and Lower King, west to McKail and Gledhow, north to Yakamia, and South along the Vancouver Peninsula, it is becoming increasingly difficult to categorise areas as purely urban or purely rural.
22. The City currently has 14 councillors (2 from each ward) and it is generally accepted that this provides adequate representation for the district. The councillor budget for 14 Councillors is currently set at \$153,600 per annum (exclusive of the councillor conference budget).

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

23. We received 45 public submission, 2 submission offered alternate ward systems and these have been assessed along with the 5 options Council released for the community consultation process (refer to the Officer's Report contained in the Bulletin Attachment).
24. All 45 submissions express a preference for a particular option, as tallied below:
- 1 submission supporting Option 1 – (4/8)
 - 1 submissions supporting Option 2 – (5/10)
 - 15 submissions supporting Option 3 – (6/9)
 - 0 submissions supporting Option 4 – (6/12)
 - 28 submissions supporting Option 5 – (6/12A)
25. A comparative assessment of Council options and public submission models against the 6 factors to be considered reveals:
26. The following ward systems comprehensively consider 4 of the 6 factors:
- Option 1 – (4/8)
 - Option 2 – (5/10)
 - Option 3 – (6/9)
 - Option 4 – (6/12)
27. The following ward systems comprehensively consider 3 of the 6 factors:
- Option 5 – (6/12A)
 - Submission Model 1 - (3/12)
 - Submission Model 2 - (3/9)
28. This can be seen in the comparative assessment of factors table below:

Ward System	1. C:E Ratio	2. Community of Interest	3. Physical and Topographic Features	4. Demographic Trends	5. Economic Factors	6. Councillor Numbers
Submission Model 2 – (3/9)	Yes	No	No	Yes	No	Yes
Submission Model 1 – (3/12)	Yes	No	No	Yes	No	Yes
Option 5 – (6/12A)	Yes	Yes	No	No	No	Yes
Option 4 – (6/12)	Yes	Yes	No	Yes	No	Yes
Option 3 – (6/9)	Yes	Yes	No	Yes	No	Yes
Option 2 – (5/10)	Yes	Yes	No	Yes	No	Yes
Option 1 – (4/8)	Yes	Yes	No	Yes	No	Yes

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

29. In assessing the Council options and public submissions, to determine which alternate ward system is the best for Albany, primary consideration has been given to the following factors:

- 1 – ratio of councillors to electors,
- 2 – community of interest, and
- 6 – councillor numbers.

Ward System	1. C:E Ratio	2. Community of Interest	6. Councillor Numbers
Submission Model 2 – (3/9)	Yes	No	Yes
Submission Model 1 – (3/12)	Yes	No	Yes
Option 5 – (6/12A)	Yes	Yes	Yes
Option 4 – (6/12)	Yes	Yes	Yes
Option 3 – (6/9)	Yes	Yes	Yes
Option 2 – (5/10)	Yes	Yes	Yes
Option 1 – (4/8)	Yes	Yes	Yes

30. The primary consideration factors table, above, shows that Submission Model 1 – (3/12) and Model 2 – (6/9) do not comprehensively consider factor 2 – community of interest. Therefore, it is recommended that both Submission Models be rejected.
31. The following ward system options comprehensively consider 3 of the 3 primary consideration factors:
- Option 1 – (4/8)
 - Option 2 – (5/10)
 - Option 3 – (6/9)
 - Option 4 – (6/12)
 - Option 5 – (6/12A)
32. Considering these remaining options against the primary consideration factors in more detail, allows a comparative analysis of C:E ratio, Community of interest, and Councillor numbers.

Ward System	1. C:E Ratio	2. Community of Interest	6. Councillor Numbers		
			Total	Rural	Urban
Option 5 – (6/12A)	1:1808	Rural / Urban	12	1/3	2/3
Option 4 – (6/12)	1:1808	Rural / Urban	12	1/4	3/4
Option 3 – (6/9)	1:2410	Rural / Urban	9	1/3	2/3
Option 2 – (5/10)	1:2169	Grouped Localities	10	1/5	4/5
Option 1 – (4/8)	1:2711	Grouped Localities	8	1/4	3/4

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

33. This comparative table shows that Option 5 – (6/12A) is the best option since it provides the strong representation with a councillor to elector ratio of 1:1808 and groups communities of interest into rural and urban categories that provide the greatest rural representation of 1/3 in terms of councillor numbers.
34. In this regard, Option 5 – (6/12A) strikes a balance between efficient decision making, by reducing councillor numbers from 14 to 12, and the provision of adequate representation for both rural and urban categorised communities of interest, with a 1/3 rural and 2/3 urban representation.
35. This option is also supported by public submissions, with 28 of the 45 submission expressing Option 5 – (6/12A) as their preference. Of these 28 submissions, 5 point out that this option has the added advantage of 2 councillors in each ward, which provides for:
- effective working partnerships between councillors,
 - ward representation during councillor's leave of absence, and
 - a sharing of councillor workload.
36. It is recommended the ward names remain the same as the current ward system, with the amalgamated wards of Kalgan and Hassell being named Kalgan Ward reflecting the significant landmark of the "Kalgan River".

Option 5 – (6/12A) - Recommended Ward System					
Wards		Number of Electors	Number of Councillors	Councillor Elector Ratio	% Ratio Deviation
A	Breaksea	3847	2	1 1924	6.42%
B	Frederickstown	3689	2	1 1845	2.05%
C	Kalgan	3415	2	1 1708	-5.53%
D	Vancouver	3415	2	1 1708	-5.53%
E	West	3657	2	1 1829	1.16%
F	Yakamia	3668	2	1 1834	1.44%
		21691	12	1 1808	
* Based on data supplied on 26 October 2005 by the AEC , current at 18 March 2005 (cut off for May 2005 election)					

37. This options results in Vancouver and Kalgan wards being slightly under represented, whilst Frederickstown, Breaksea, West, and Yakamia wards are slightly over represented. No significant areas of population decline have been identified. However, significant areas of population growth have been identified in all wards.
38. Breaksea, at +6.42% ratio variance, will sustain an increase in population growth, staying within the 10% variance for councillor/elector ratios required at the October 2007 election.
39. It is recommended that changes come into effect at the October 2007 elections by way of a full spill of wards. A full spill is recommended given that the physical size and form of 3 of the 6 proposed wards will be affected by the review.
40. The other option available to Council is to conduct elections for 2 councillors in the 3 affected wards and normal 1 councillor elections in the unaffected wards–Breaksea Frederickstown, and Yakamia.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

RECOMMENDATION

THAT Council endorses the following suggested recommendation to the Local Government Advisory Board for orders to be made.

In accordance with Schedule 2.2 (9) of the Local Government Act 1995, it is recommended to the Local Government Advisory Board that

- i) an order be made under s 2.2. (1) to abolish the existing ward boundaries and divide the district into six new wards with boundaries as detailed in the map (ref: Officers Report to Council dated 4 April 2006 (in the Bulletin), Appendix 1, map “*Option 5 - (6/12A)- Recommended Option*”);
- ii) an order be made under s 2.3 to name the six wards Breaksea, Frederickstown, Kalgan, Vancouver, West, and Yakamia;
- iii) an order be made under s 2.18 to designate the following number of offices of council for each ward: Breaksea (2), Frederickstown (2), Kalgan (2), Vancouver (2), West (2), and Yakamia (2); and
- iv) at the October 2007 elections, a full spill occurs and an election for 2 councillors per 6 wards be undertaken.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EVANS**

THAT Council endorses the following suggested recommendation to the Local Government Advisory Board for orders to be made.

In accordance with Schedule 2.2 (9) of the Local Government Act 1995, it is recommended to the Local Government Advisory Board that

- i) an order be made under s 2.2. (1) to abolish the existing ward boundaries and divide the district into six new wards with boundaries as detailed in the map (ref: Officers Report to Council dated 4 April 2006 (in the Bulletin), Appendix 1, map “*Option 5 - (6/12A)- Recommended Option*”);**
- ii) an order be made under s 2.3 to name the six wards Breaksea, Frederickstown, Kalgan, Vancouver, West, and Yakamia;**
- iii) an order be made under s 2.18 to designate the following number of offices of council for each ward: Breaksea (2), Frederickstown (2), Kalgan (2), Vancouver (2), West (2), and Yakamia (2); and**
- iv) at the October 2007 elections, a full spill occurs and an election for 2 councillors per 6 wards be undertaken.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 City of Albany Sanford Road Community Centre Steering Committee Minutes – 16 March 2006

File/Ward	: MAN 182 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration
Reporting Officer(s)	: Project Administration Officer (T Kirkland)
Summary Recommendation	: That the minutes of the City of Albany Sanford Road Community Centre Steering Committee held on 16 March 2006 be received.

RECOMMENDATION

THAT the minutes of the City of Albany Sanford Road Community Centre Steering Committee held on 16 March 2006 be received (copy of minutes are included in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WEST**

THAT the minutes of the City of Albany Sanford Road Community Centre Steering Committee held on 16 March 2006 be received (copy of minutes are included in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Albany Entertainment Centre Steering Committee Minutes – 29 March 2006

File/Ward	: MAN 076 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration.
Reporting Officer(s)	: Manager Economic Development (J Berry)
Summary Recommendation	: That the Minutes of the Albany Entertainment Centre Steering Committee Meeting held on 29 March 2006 be received and recommendations adopted.

RECOMMENDATION

THAT the Minutes of the Albany Entertainment Centre Steering Committee meeting held on 29 March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

ITEM 5.1 Proposed Project Delivery Strategy

RECOMMENDATION

THAT Council appoint the Department of Housing and Works to provide the City of Albany with project technical advice including scope of works, detailed brief, project management schedule, revised budget and documentation services for the tender process; and that \$45,000 be transferred from the Concert/Cultural reserve at 3rd Quarter Budget review.

Voting Requirement Absolute Majority

ITEM 5.2 Expressions of Interest for Architectural Design Competition

RECOMMENDATION

THAT Council selects the following Expressions of Interest received for the architectural design competition, as acceptable tenderers:-

- Cox Howlett & Bailey Woodland/Roberts Gardiner Architects JV
- Hassell Ltd
- Hames Sharley (WA) Pty Ltd
- James Christou /Denton Corker Marshall JV

and invites them to submit a tender in response to Request for Proposal documentation, (including the preparation of an esquisse design), subject to the completion of a Project Definition Plan⁺

⁺ A Project Definition Plan includes project objectives; functional requirements schedule, critical time plan and implications, accommodation schedule, site certification, risk assessment and updated cost plan.

Voting Requirement Simple Majority

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LIONETTI**

THAT the Minutes of the Albany Entertainment Centre Steering Committee meeting held on 29 March 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

ITEM 5.1 Proposed Project Delivery Strategy

RECOMMENDATION

THAT Council appoint the Department of Housing and Works to provide the City of Albany with project technical advice including scope of works, detailed brief, project management schedule, revised budget and documentation services for the tender process; and that \$45,000 be transferred from the Concert/Cultural reserve at 3rd Quarter Budget review.

ITEM 5.2 Expressions of Interest for Architectural Design Competition

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THAT Council selects the following Expressions of Interest received for the architectural design competition, as acceptable tenderers:-

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- **Hassell Ltd**
- **Hames Sharley (WA) Pty Ltd**
- **James Christou /Denton Corker Marshall JV**

and invites them to submit a tender in response to Request for Proposal documentation, (including the preparation of an esquisse design), subject to the completion of a Project Definition Plan*

**** A Project Definition Plan includes project objectives; functional requirements schedule, critical time plan and implications, accommodation schedule, site certification, risk assessment and updated cost plan.***

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

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

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

"Fellow Councillors:

You may have seen and heard RAAF jets training over Albany skies during the last three weeks of March. These planes were being operated by the skilled pilots of the RAAF No 2 Flying Training School and the elite 79 Squadron. Albany is a very popular training destination for the RAAF, and over the years the City has formed a close association with 2FTS, who make regular visits for training deployments. Civic Receptions were held for 2FTS on Wednesday 22nd March and 79 Squadron on the 29th March. As well, a small Civic Afternoon Tea was held for the Commanding Officer and Senior Officers of HMAS Sydney on Friday 31st March, to acknowledge their brief visit to Albany.

On 28th March I joined The Hon Alannah MacTiernan MLA and Local Member, Peter Watson MLA, for the Sod Turning Ceremony to mark the commencement of construction of Stage One of the Albany Ring Road. This project has spent a long time on the drawing board and it is good to see it finally underway.

Our up and coming local athletes were well represented and acknowledged at the Smarter than Smoking Scholarship presentation on Wednesday 5th April and again at the City of Albany Sportsperson of the Year Awards on Thursday 6th April. I would like to thank Deputy Mayor Dennis Wellington for officiating at the Sportsperson of the Year Awards, due to my prior commitment to the Albany Art Prize. It seems that every year the level of success being achieved by our local sportsmen and women increases on the local, state, national and even international level. I congratulate all of the winners and nominees of this year's Sportsperson of the Year awards for their success.

The City of Albany Art Prize, now in its 44th year, has established a reputation as being a significant, cultural event on the art calendar. This year there were a record number of entries ~ a total of 387 art pieces created by 257 artists. The bringing together of so many contemporary and traditional art pieces made for quite a spectacular exhibition for local art lovers. I congratulate Annette Grant, and the volunteers who assist with the coordination of the event annually, for their tireless work again this year.

Over the month I was invited to speak to Year 10 students of the Great Southern Grammar School about the role of Local Government, the election of Mayor and Councillors and how Local Government differs from State and Federal Government. It is always such a delight to talk to the younger members of this community, many of whom will one day be our future leaders.

I also had the pleasure of officially launching the 2006 YouthFocus, "Ride for Youth". This annual ride from Albany to Perth, which raises funds for YouthFocus to continue its valuable work in the crusade against youth suicide, depression and deliberate self-harm in young people between the ages of 12 and 18, is an initiative I am always very proud to support.

Thank you.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EVANS**

THAT the Mayor's report be received.

MOTION CARRIED 14-0

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

19.0 CLOSED DOORS
Nil.

20.0 NEXT ORDINARY MEETING DATE
Tuesday 16th May 2006, 7.30pm

21.0 CLOSURE OF MEETING
There being no further business, the meeting closed at 10.14pm. .

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Councillor Paver	11.1.2	Supplier of tourism marketing service to supplier
Councillor Williams	11.1.2	Marriage Celebrant – conducts weddings at venue
Councillor Lionetti	11.1.2	Part owner of function centre
	11.3.4	Owns adjoining land
Councillor Waterman	11.1.3	Owns lands within the vicinity
	11.1.4	Tenancy agreement with staff members

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1 refers]
[COUNCIL – 16th April 2006]

SUMMARY OF ACCOUNTS

Municipal Fund		
Cheques	Totalling	290,470.46
Electronic Fund transfer	Totalling	1,453,180.18
Credit Cards	Totalling	11,490.95
Payroll	totalling	1,118,048.04
Total		<u>\$2,873,189.63</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,873,189.63 which was submitted to each member of the Council on 16th April 2006 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.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$2,873,189.63 which was submitted to the Council on 16th April 2006 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)