

# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

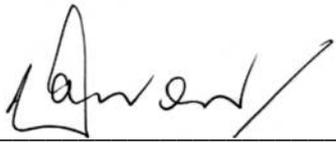
**Held on  
Tuesday, 19<sup>th</sup> August 2008  
7.00pm  
City of Albany Council Chambers**

# City of Albany

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Signed   
**Andrew Hammond**  
Chief Executive Officer

Date: 20<sup>th</sup> August 2008

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ORDINARY COUNCIL MEETING MINUTES – 19/08/08  
\*\* REFER DISCLAIMER \*\*

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**1.0 DECLARATION OF OPENING**

The Mayor declared the meeting open at 7.00pm.

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

Mayor -	MJ Evans, JP
Councillors -	JM Walker
	NE Williams
	R Paver
	EK Stanton
	G Kidman
	D Price
	CA Morris
	R Buegge
Chief Executive Officer	A Hammond
Acting Executive Director Works & Services	P Brown
Manager Planning and Ranger Services	G Bride
Executive Director Corporate & Community Services	WP Madigan
Corporate Governance Coordinator	S Jamieson
Manager Executive Services	C Grogan

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

Apologies/Leave of Absence:

Councillor	J Bostock
Councillor	DR Wiseman
Councillor	DJ Wolfe
Councillor	J Matla
Executive Director Development Services	R Fenn

**3.0 OPENING PRAYER**

The Mayor 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**

**QUESTIONS RAISED AT 15 JULY 2008 COUNCIL MEETING**

**\*Vera Torr, Sussex Street**

Dear Vera

I refer to your questions relating to the Emu Point landholding (now known as Lot 3000) raised prior to the Council Meeting dated 15 July 2008.

I offer you the following information in relation to your questions:

Question 1

“What is that separate town planning process that will involve a re-zoning and will Lot 1512 be re-zoned?”

Item 4.0 continued

Lot 1512 (now known as Lot 3000) is already zoned “Future Urban” under Town Planning Scheme No. 1A, and therefore a further rezoning to allow residential subdivision is not required. A structure plan is required to be prepared for the site and Landcorp is currently working on this document, which should be lodged with Council shortly.

Question 2

“If the aforesaid land (Lot 1512 and Lot 1523 now known as Lot 3000 I believe) is not to be re-zoned, what were the processes used to allow the current land use proposals?”

The land uses and the residential density coding’s for Lot 3000 will need to be designated on the structure plan. Should Council and the Western Australian Planning Commission endorse the structure plan, development and subdivision will need to be in accordance with this document.

Question 3

“What is Lot 3000 currently zoned and what are the permitted uses?”

Lot 3000 is zoned “Future Urban”. Under the Future Urban zone the uses of single dwelling, grouped dwelling and multiple dwelling, home business and home occupation are all uses that can be considered under this zone.

Yours sincerely

Graeme Bride  
Manager Planning And Ranger Services

## 5.0 PUBLIC QUESTION TIME

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

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

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

### **Ms Margaret Valley, 8a Rowley St**

Ms Valley addressed Council in regards to Item 13.7.3 - Repairs to Right of Way off Rowley Street. Ms Valley said she was pleased with the Council Officer’s summary recommendations and requested that Council vote for this motion to ensure the City of Albany provides for it’s duty of care.

### **Ms Shirley Tonkin, Secretary, Frenchman Bay Association**

Ms Tonkin addressed Council in regards to Item 11.6.1- Planning and Environment Strategy and Policy Committee Meeting Minutes - 16 July 2008, Recommendation 9.4 – Reflective Roofing Policy.

Ms Tonkin submitted four photo’s for review by the Councillors and requested Council to support the Alternate Motion submitted by Councillor Paver. The following details Ms Tonkin’s submitted address:

Item 5.0 continued

**REFLECTIVE ROOFING POLICY**

*to use new  
codes*

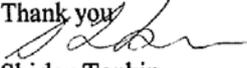
Your Worship the Mayor and fellow Councillors, I am Shirley Tonkin ratepayer and resident of 10 Karrakatta Road, Goode Beach.

This evening I represent Mr & Mrs Sealy, long term residents of Goode Beach, whose aged frailty precludes their attendance at this meeting tonight.

In the absence of any Council policy on the issue Mr & Mrs Sealy now find their daily lives have been spoiled by the construction of a dwelling with highly reflective roofing directly below their dwelling on Austin Road Goode Beach. I now wish to read a letter from Mr Richard Sealy.

“Letter attached”

Given the Sealy’s experience, it behoves Council to ensure that this experience is not repeated elsewhere throughout Goode Beach and ideally the rest of the City. To that end, I would urge Councillors to reject the recommendation by the Planning and Environment Strategy and Policy Committee of taking “no action” on the preparation of a policy on reflective roofs as requested by the Frenchman Bay Association but instead support the motion for the development of a reflective roofing policy in the Goode Beach area.

Thank you  
  
Shirley Tonkin  
Secretary  
Frenchman Bay Association

12<sup>th</sup>. August 2008

The four accompanying photographs, were taken, in 2006, from different windows at the front of my house at No 8 Austin Road, Goode Beach – graphic examples of the impact of highly-reflective roof surfaces on the quiet enjoyment of the view from many houses in the vicinity.

In this latitude, there is no logical reason to have a roof of such high reflectivity and it is not conducive to good neighbourly relations.

To people with normal vision, it is a constant and completely unnecessary irritant and there is no valid reason why, in our local climate, no local government restriction currently exists to prohibit it.

I suffer from macular degeneration ( an eye defect not uncommon amongst people of 50 years and more ) and experience considerable discomfort from such reflections.

Shortly after this particular roof had been put in place, I spoke to the owner about it and amongst other things, he volunteered the information that his architect had recommended a **silver roof**.

Perhaps to put some local government icing on the cake, the owner of this house had been allowed to vary the setback from the rear boundary thus bringing his white roof even closer to my house !

I was under the impression that every citizen under commonlaw was considered to have a Duty of Care; but perhaps there are exceptions !

Richard Sealy

Item 5.0 continued

**Ms Delma Baesjou**

Ms Baesjou addressed Council in regards to item 13.7.4. Ms Baesjou requested Council support the Alternate Motion by Councillor Williams to approve the application to utilise the Lower Denmark Road and Bornholm South Road Reserve for the purpose of installing irrigation pipe, in accordance with Section 144 of the Land Administration Act.

**Mr Roy Machin, 12 Rossiter Rd, Goode Beach**

Mr Machin addressed Council in regards to drainage issues at Lot 113 Rossiter Road, Goode Beach.

Mr Machin submitted photographs and copies of correspondence raising his concern and requested Council to review the measures that have been taken on Lot 113 to ensure that no water discharges onto his property at 12 Rossiter Road.

Mr Machin requested Council to:

- (1) Review the Drainage problem to be reviewed.
- (2) Develop a Course of Action to resolve this situation, before it is 'Signed Off' by The City of Albany's Development Services.

**Mr Colin Ayres, 57 Mountain Road East, Bornholm**

Mr Ayres, the applicant, requested Council to support Councillor Williams alternate motion supporting his application to use the Lower Denmark Road Reserve for the installation of an irrigation pipe.

Mr Ayres explained to Council that point four of the Officer Report; being:

*“The applicant has an alternative method of piping water for irrigation, by seeking easements from the adjoining landowners to the proposed new property. The option of seeking easements across private property would minimise disruption to public roads, should there be any works/ maintenance required on pipes.”*

is not an option, as he has been unable to secure support or approval from all adjoining landowners.

Item 5.0 continued

**Mr Tony Stanton, Littlegrove**

Mr Stanton addressed Council in relation to recent Media Reports in regards to the Operation of the Albany Leisure and Aquatic Centre (ALAC) gymnasium.

The following details Mr Stanton's submitted address:

If the English Band Dire Straits came to Albany they would change their signature tune from "The Sultans of Swing" to the "Doctors of Spin" to match ex Cr Wellington & the ACCI's media "spin" to restrict or shut ALAC's gym.

Before the construction contract was let, to avoid prior advice to the community, Cr Wellington moved for its closure with an unexpected Alternate Motion. He "spun" that a gym would expose the City to "enormous commercial risk". Council voted to delete it. The public outcry ensured reinstatement one month later. The contract variation cost the City thousands of dollars. The "enormous commercial risk" must have been the contract variation orchestrated by him.

Through the media both Cr Wellington & ACCI indicate that ALAC gym is too successful claiming: -

Other Gyms are loosing customers "left, right & centre" "in one instance a 50% drop off" - Spin. ALAC's gym was closed for 17 months from January 2007 to May 2008. People went to other gyms increasing their numbers. One gym offered a Govt assisted Live Stronger, Live Longer fitness program. It dropped it before ALAC reopened. Those who joined for it, left. What did private operators do to keep these new customers? Since ALAC has reopened, people have come back. Hardly a true "loss" to the industry.

Claim - Council should not compete with the private sector. Spin. Councils do in many areas. Local Government has Community Service Obligations to meet things the private sector would not touch. Those disadvantaged financially & physically use ALAC's gym. The City is obliged to provide a pool for general public use & kids to learn to swim. A pool is a loss making investment which must be offset. 40 of WA's Council pools have gyms to offset costs.

Claim - Breaches National Policy Guidelines with Dennis Wellington claiming "I'm not reinventing the wheel here". Spin. I reckon he is trying to get the tyre & hubcap as well. The Council's Consultant's report indicates no breach. It recommended full competition to "Grow the Market". The City has not undertaken this. The old gym had been going 20 years without this claim being made.

Claim - ALAC has no rents or rates & is paid for by the ratepayers. Spin. Ex Cr Wellington voted for the ratepayers to pay any operating shortfall by not approving a fully competitive gym. ALAC is the City's biggest asset & has to be maintained to proper standards.

Claim - ALAC said it would not staff its gym. Spin. All operators know that a gym must legally have appropriate safety supervision.

Claim - ALAC has engaged in "heavily marketing the gym". Spin. Would an electrical retailer adopt ALAC's marketing? One "Reopening" advertisement & a Product & Price pamphlet available at the desk. A "heavily marketing" retailer constantly encourages people to buy "NOW".

Item 5.0 continued

A man asked to see Heaven & Hell. Hell was a banquet hall with tables laden with food. The people had long wooden spoons strapped to their arms from the shoulders so they couldn't bend them. They were trying to feed themselves by taking the food from the person opposite, throwing it up to catch it in their mouths. Turmoil. In Heaven the arrangements were exactly the same, except everyone fed the person opposite. Can't ACCI see the balance required between its two clients & the need to assist the disadvantaged?

At the Last Supper it was said, "All those that want to be in the picture, round this side of the table". Can't ACCI get both clients to the same side of the table? Both are their members. Treat them fairly. Find compromise. That is your job. Don't engage in public slanging matches using Spin.

If you can't, maybe I can offer my services – for 30 pieces of silver, of course.

Bless you All & may your spin doctor go with you.

### **Ms Barbara Bassan, Stirling Terrace**

Ms Bassan addressed Council on three matters. The following details Ms Bassan's submitted address:

*Mayor & Councillors*

*I have 3 matters*

*At the March Council meeting I suggested a sign be put at the Stirling Terrace entrance to the footbridge advising the elderly, the disabled and those with heavy luggage that they might not be able to access the Visitor Centre from the footbridge steps. At the time I witnessed an elderly person having to walk back when realizing she could not manage the steps with her bags. Since then there have been other instances of the same happening. As a tourist town should we not be looking after our visitors? A sign would be very helpful.*

*Also at the Stirling Tce entrance one of the supports for the chains is standing at an angle, I'm guessing after a car has reversed into it, hence the chain is hanging quite low. This is dangerous as one could trip over it. This was witnessed first hand – fortunately I wasn't hurt.*

*With reference to item 13.4.1 – Supply and delivery of granite rocks for the seawall at ANZAC Peace Park.*

*The rocks are good for trapping seaweed which causes quite a stench after a while and if any of you have visited the foreshore of late you will know what I mean. This is not attractive for our visitors.*

*Number 3, Stat requirements, reads "It (Council) may also decline to accept any tender." Therefore, I implore all councillors to decline accepting any tenders and ask of them to let common sense prevail and push for a retaining wall such as the likes of Mandurah for our foreshore.*

Item 5.0 continued

**Mr John Tonkin, Karrakatta Rd, Goode Beach**

Mr Tonkin addressed Council in relation to the Residential Design Codes 2008 – Reflective Roofing Policy. The following details Mr Tonkin's submitted address:

Your Worship Lord Mayor Evans and fellow Councillors, I am John Tonkin resident and ratepayer of 10 Karrakatta Rd Goode Beach. This evening I represent the Frenchman Bay Association and wish to raise with you the matter of reflective roofing which you will be called upon to consider at Agenda Item 9.4 later on this evening.

The recommendation made to Council by the Planning and Environment Strategy and Policy Committee is a "no action" recommendation and based on some erroneous information.

The minutes of the Planning and Environment Strategy and Policy Committee of the 16<sup>th</sup> July 2008 reveal that the decision was in part made on the assumption that quote: "it was felt that the majority of Goode Beach had already been developed and that a restriction on roof materials would affect only a small number of lots that are vacant" unquote. This statement is erroneous on a number of counts including:

- Highly reflective roofing on just one new house can affect multiple adjoining residents and numerous up slope residents; and
- The majority of new building yet to be built in Goode Beach will be on the whole to the down slope and north of existing residences which is the worst possible aspect for reflectance problems.

Please also consider that the Explanatory Notes for the Residential Design Codes 2008 includes the following provisions:

*'Reflective roofs are useful and effective in reducing the heat absorbed by a dwelling. However, very highly reflective roofs such as zincalume metal roofing, may sometimes cause glare and discomfort to neighbours. In some situations it may be desirable or necessary to use a material or finish, such as colourbond in a light but less reflective colour.'*

With respect to Regional exceptions: *'The codes are designed to apply state wide. However, it is recognised that local councils may wish to prepare a local planning policy to vary a particular aspect of any one of the 10 design elements in recognition of a regional circumstance. Regional circumstances may present themselves in the form of climate extremes, topographical variations or physical landform and geomorphologic differences.....'*

*'Local planning policies may be prepared to building design that provide alternative requirements for the:*

- *Design of carports and garages;*
- *Colour scale, materials and roof pitch of buildings including outbuildings; and*
- *Extent to which the upper levels of buildings as viewed from the street should be limited.'*

Item 5.0 continued

When one considers Albany and its cooler climate and topography I think you will all agree that we are different to Perth in many respects. Indeed rather than needing highly reflective roofing for hot summers, we would accrue more energy savings and efficiencies by selecting roofing materials in darker shades so as to absorb heat during our winter.

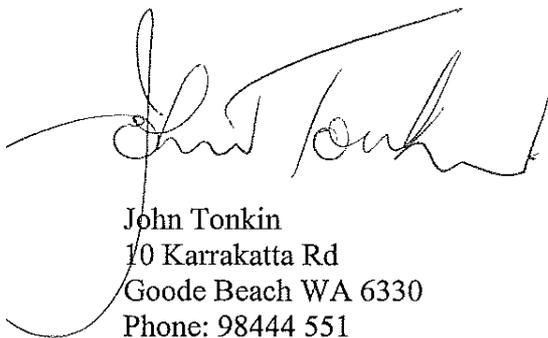
Of course the matter of roofing material reflectance cannot ignore the need for solar panels to achieve the benefits of solar power. However, as you will all no doubt be aware, solar panels are best oriented towards the north to avail them of the winter sun. In such an orientation they then pose little reflectance problems.

Your Council Officer's written response to the FBA on this matter cited that Goode Beach was not on its own in respect to reflective roofing problems, indeed he wrote quote: "*The situation you describe in Goode Beach equally applies on the slopes of Mount Clarence and Mount Melville and within the suburbs of Mira Mar, Collingwood Heights, Yakamia, Bayonet Head and Lower King*" unquote.

It should also be noted that other Councils within the State have policies on reflective roofing materials...so why not ours?

In view of the above, the Frenchman Bay Association requests Council to carefully consider the matter of reflective roofing materials before it, and instead of the Committee recommendation, opt to develop a policy which requires any new dwellings within the locality of Goode Beach to have roofing materials with a solar reflectance value of 50% or less. It is considered that such a policy may have benefits throughout the City as a whole as it will definitely:

- Reduce neighbourly conflict on such issues;
- Increase household thermal efficiency in tune with our climate; and
- Preserve the visual amenity of this wonderful place in which we all live.



John Tonkin  
10 Karrakatta Rd  
Goode Beach WA 6330  
Phone: 98444 551

19<sup>th</sup> August 2008

**Mr Don Dufty, Lunar Rise**

Mr Dufty raised the issue of parking problems in the City centre and requested a longer time period is allocated to seek feedback on the Central Business Plan.

Mr Dufty thanked the CEO Andrew Hammond, for his contribution to the City of Albany and wished him all the best in his future endeavours.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council Meeting held on the 15<sup>th</sup> July 2008; and
- Special Council Meeting held on the 4<sup>th</sup> August 2008.

as previously distributed be confirmed as a true and accurate record of proceedings, noting:

THAT Councillor Paver's tabled document for Item 19.1 (page 194A) forms part of the Ordinary Council Minutes held on the 17<sup>th</sup> June 2008.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR STANTON**

**THAT the following minutes:**

- **Ordinary Council Meeting held on the 15<sup>th</sup> July 2008; and**
- **Special Council Meeting held on the 4<sup>th</sup> August 2008.**

**as previously distributed be confirmed as a true and accurate record of proceedings, noting:**

**THAT Councillor Paver's tabled document for Item 19.1 (page 194A) forms part of the Ordinary Council Minutes held on the 17<sup>th</sup> June 2008.**

**MOTION CARRIED 9-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR MORRIS**

**THAT Council grant leave of absence for the 16<sup>th</sup> September 2008, Ordinary Council Meeting, for Councillors Walkers and Paver.**

**MOTION CARRIED 9-0**

**8.0 DISCLOSURE OF FINANCIAL INTERESTS**

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

Name	Item Number	Nature of Interest
Councillor N Williams	13.7.1	<u>Impartiality.</u> Councillor's husband operates a cartage business which accesses the Port.  Councillor remained in the Chamber and participated in the debate and vote.
Councillor D Price	13.7.3	<u>Impartiality.</u> Councillor has close friends that own property adjoining subject right of way. Councillor has acted as an agent for owners by forwarding email correspondence to the City of Albany, whilst they have been overseas.  Councillor left the Chamber.
Chief Executive Officer – Andrew Hammond	19.1	<u>Impartiality.</u> Officer has had HR dealings with one of the proponents.  Officer left the Chamber.
Executive Director Corporate and Community Services – Peter Madigan	19.1	<u>Impartiality.</u> Officer is a potential applicant.  Officer left the Chamber.

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

19.1 – Urgent Business approved by the Mayor – Appointment of CEO recruitment consultant is a CONFIDENTIAL item in accordance with 5.23 (2) (a)(b)(c) of the Local Government Act 1995; being:

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

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**11.0 REPORTS – DEVELOPMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 14-91]

**12.0 REPORTS – CORPORATE & COMMUNITY SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 92-121]

**13.0 REPORTS – WORKS & SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 122-169]

**14.0 REPORTS – GENERAL MANAGEMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 170-184]

# **Development Services**

## **REPORTS**

**- R E P O R T S -**

**11.1 DEVELOPMENT**

Nil.

**11.2 HEALTH, BUILDING & RANGERS**

Nil.

**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Scheme Amendment Request – Lot 14 Rocky Crossing Road, Warrenup**

- File/Ward** : SAR 136 (Kalgan Ward)
- Proposal/Issue** : Request to rezone land from “Special Rural” to “Special Residential” zone
- Subject Land/Locality** : Rocky Crossing Road, Warrenup
- Proponent** : Ayton Taylor Burrell
- Owner** : SK Gillett & RJ Hunter
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht); and Planning Officer (P Shepherd)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council support the Request
- Bulletin Attachment** : Scheme Amendment Request  
Original Subdivision Guide Plan  
Copy of responses from agencies
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. Council has received a Scheme Amendment Request (SAR) to rezone Lot 14 Rocky Crossing Road from the “Special Rural” to “Special Residential” zone. A copy of the SAR document is included in the Elected Members Report/Information Bulletin.
2. The subject site is situated along Rocky Crossing Road approximately 2.0 km north of Albany Highway. The site has an area of 7.69 ha and contains mainly remnant vegetation apart from the cleared/developed areas around the existing dwelling.
3. The SAR was referred to the Department of Environment and Conservation (DEC), Department for Planning and Infrastructure (DPI), Environmental Protection Authority (EPA), Water Corporation (WC), Alinta Gas (AG), Fire and Emergency Services Authority of WA (FESA), Telstra and Western Power (WP) for consideration and comment. The responses and staff comments are discussed within the Comment/Discussion section of this report.

**STATUTORY REQUIREMENTS**

4. The subject site is zoned “Special Rural” under Town Planning Scheme No. 3 and was approved by the Minister for Planning and Infrastructure in November 2001 from “Rural”. The site became Special Rural Zone Area No. 19 and the objectives for this zone included:
  - Provide for rural-residential living;
  - Conserve remnant vegetation; and
  - Manage all development so as to minimize any nutrient export from the land.
5. A Subdivision Guide Plan (copy attached) was prepared as part of the amendment for the property that indicated 2 lots (3.8 ha each) would be developed with access off Rocky Crossing Road and the remnant vegetation areas were to be protected within a Development Exclusion Zone.

**POLICY IMPLICATIONS**

6. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

8. The Albany Local Planning Strategy (ALPS) identifies the subject site as “Future Urban” and it is shown in the Category ‘2’ for Priority Development (Note: Categories are shown from 1 (High) – 5 (Low)). As such there is no immediate need to secure this land to satisfy the objectives of ALPS.
9. The proposal is consistent with the Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) which identifies the importance of sustainable land uses, community development and the consolidation of settlements.

**DEVELOPMENT SERVICES REPORTS****COMMENT/DISCUSSION**

10. The government agencies comments/responses are summarised and discussed in the Table below:

<b>AGENCY</b>	<b>SUMMARY</b>	<b>STAFF RESPONSE</b>
Environmental Protection Authority	Unable to provide comment due to lack of detail on future plans to subdivide and subsequently develop the property.  They are concerned that the proponent's objective to protect remnant vegetation is not supported by any details within the document and therefore cannot be substantiated.	Agreed. It is difficult to see how the remnant vegetation will be protected by the proposed change in zoning. It is also clear that the clearing of the remnant vegetation may not be supported by the Authority.
Telstra	No objection as long as development extends from adjoining special residential developments south of this lot.	Nil.
Water Corporation	No objection. The proponents will be required to design and construct extensions for a reticulated water supply to the lot.	Nil.
Department for Planning and Infrastructure	Advise land is shown as long term residential not future urban as indicated within the SAR. Consider that rezoning to special residential would be premature at this stage.  Comments on the largely vegetated nature of the site and advises that lots of less than 4,000m <sup>2</sup> would not be supported.	The Department's comment that the land is shown as long term residential is incorrect and the land is shown as future urban.  The land is shown as Category 2 and is an extension of the existing special residential areas south of this property that is shown as Category 1 areas.
Western Power	No objections.	Nil.

11. The proposal complies with the State Planning Strategy recommendation that local government pursue consolidation of existing housing stock and provision for a variety of housing available to residents in the City.
12. The surrounding uses include mainly small-scale limited "Rural" pursuits, "Special Rural" and "Special Residential" uses. Within the local area is also the quarry and Port Bypass (Menang Road).
13. The proposal lacks any detail on the proposed subdivision/development that would result from the possible rezoning to "Special Residential" and its impacts on the existing remnant vegetation on the site. This is particularly relevant given the proponent's comments that:

*"A special feature of the property is the area of remnant vegetation on the property which can be protected by confining development to the cleared portions of the property" and "Remnant vegetation can be protected on the property and development located within cleared areas".*

**DEVELOPMENT SERVICES REPORTS**

14. Staff do not object to the SAR as it would enable the potential for consolidation with the other “Special Residential” zones south of the subject land. In saying that, staff do not support the creation of any additional lots or development that would require the removal of any remnant vegetation on the site. This is consistent with Council’s and the proponent’s original views and decisions for the land that supported the initial rezoning to “Special Rural”.
15. The formal scheme amendment (if proceeded with) would be required to address the following matters:
- Assessment and protection of remnant vegetation;
  - Land capability assessment for housing/road construction and on-site effluent disposal;
  - Land suitability assessment;
  - Servicing requirements;
  - Impacts from surrounding land uses/buffers;
  - Fire protection requirements; and
  - Any proposed development controls.

**RECOMMENDATION**

THAT Council advise the proponents that whilst it is prepared to support the rezoning of Lot 14 Rocky Crossing Road, Warrenup to the Special Residential zone it does not support any additional subdivision/development that would require the removal of any additional remnant vegetation on the site and that any application for a formal scheme amendment will require the following matters to be addressed:

- (i) assessment and protection of remnant vegetation;
- (ii) land capability assessment for housing/road construction and on-site effluent disposal;
- (iii) land suitability assessment;
- (iv) servicing requirements;
- (v) impacts from surrounding land uses/buffers;
- (vi) fire protection requirements; and
- (vii) any special planning controls recommended for inclusion within the Scheme.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR PAVER**

**THAT Council advise the proponents that whilst it is prepared to support the rezoning of Lot 14 Rocky Crossing Road, Warrenup to the Special Residential zone it does not support any additional subdivision/development that would require the removal of any additional remnant vegetation on the site and that any application for a formal scheme amendment will require the following matters to be addressed:**

- (i) assessment and protection of remnant vegetation;**
- (ii) land capability assessment for housing/road construction and on-site effluent disposal;**
- (iii) land suitability assessment;**
- (iv) servicing requirements;**
- (v) impacts from surrounding land uses/buffers;**
- (vi) fire protection requirements; and**
- (vii) any special planning controls recommended for inclusion within the Scheme.**

**MOTION CARRIED 9-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Scheme Amendment Request – Lot 93 Millar Street, Elleker**

- File/Ward** : SAR 134 (West Ward)
- Proposal/Issue** : Request to rezone land from “Rural” to “Residential”
- Subject Land/Locality** : Lot 93 (No. 9) Millar Street, Elleker
- Proponent** : Ayton Taylor Burrell
- Owner** : AJ Ciprian & T Bolt
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht); and  
Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council support the request
- Bulletin Attachment** : 1 Scheme Amendment Request  
2 Copy of responses from agencies
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. Council has received a Scheme Amendment Request (SAR) to rezone Lot 93 Millar Street, Elleker from the present “Rural” zone to “Residential” zone to facilitate the future subdivision and development of the land for residential purposes. A copy of the SAR document is included in the Elected Members Report/Information Bulletin.
2. The subject land is 1.6466ha in area and has frontage to Millar Street (sealed) to the east and Wright Street to the south. The site is relatively flat and low-lying. The local area drains towards nearby Lake Powell. The property is largely cleared and pastured with some scattered remnant and planted vegetation along the boundaries.
3. The surrounding uses include mainly small-scale limited rural pursuits and residential uses.
4. The SAR was referred to the Environmental Protection Authority (EPA), Department of Planning and Infrastructure (DPI), Alinta Gas (AG), Telstra, Water Corporation (WC), Western Power (WP), Department of Water (DoW) and Fire and Emergency Services Authority (FESA) for comment. The responses are discussed in the Comment/Discussion section below.

**STATUTORY REQUIREMENTS**

5. Lot 93 Millar Street is zoned “Rural” under Town Planning Scheme No. 3 (TPS3). The broad objectives for the “Rural” zone are to:
  - Ensure that high quality agricultural land is retained for primary production.
  - Regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests.
  - Preserve rural land within easy reach of urban areas.
6. The broad objective of the proposed “Residential” zone is to provide a pleasant, healthy and convenient living environment incorporating the requisite facilities for all sections of the community from pre-school to senior citizens. To take advantage of the natural features of the various areas to be developed and to preserve an open aspect with ready access to natural bushland, rural areas and places of outdoor recreation.

**POLICY IMPLICATIONS**

7. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

9. The Lower Great Southern Strategy (2007) prepared by the WA Planning Commission supports the limited expansion and development of rural villages such as Elleker subject to the City preparing townsite expansion plans or similar to guide their development and ensure appropriate levels of infrastructure servicing is provided.

**DEVELOPMENT SERVICES REPORTS**

10. The City's Albany Local Planning Strategy (ALPS) recognises that the growth of rural villages, such as Elleker is desirable as the rural villages provide community focus and services for the surrounding rural countryside. In the case of Elleker the amount of development is considered limited given the constraints that exist to increasing development of the town i.e. lack of water/sewerage and low-lying nature of the land generally.

**COMMENT/DISCUSSION**

11. The agency comments received are summarised and discussed in the following Table:

<b>AGENCY</b>	<b>SUMMARY</b>	<b>STAFF RESPONSE</b>
Environmental Protection Authority	Preliminary assessment undertaken which is not a formal response.  Comment on the need to address acid sulphate soils (ASS's) and land capability for effluent disposal.	The issue of acid sulphate soil and land capability needs to be undertaken to assist in determining the density and design of the subdivision. This needs to be completed and included within the formal scheme amendment documents.
Department of Water	Detailed site assessment required to determine whether the subdivision can achieve the requirements of the Country Sewerage Policy prior to amendment.	See above.
Water Corporation	No objection. The property is outside of the operating license areas and the Corporation cannot provide reticulated water or sewer to the site.	The future development of this land will require the proponents prove that they can achieve an adequate potable water supply and system of on-site effluent disposal. This investigation will need to be undertaken as part of the amendment.
Department for Planning and Infrastructure	Recommend detailed site assessment to determine whether the subdivision can achieve the requirements of the Country Sewerage Policy prior to amendment.  Also comment about potential for ASS's on the property.	See above.
Western Power	No objections.	Nil.
Fire and Emergency Services	Proposal needs to comply with 'Planning for Bushfire Protection' Guidelines and WA Planning Commission Policy DC 3.7.	Will need to be addressed within the scheme amendment documents
WestNet Energy	No objection.	Nil.

12. The proposal will assist Council in delivering the outcomes of ALPS. All of the matters raised in the agency comments represent issues that need to be addressed during the subsequent scheme amendment stage.

**DEVELOPMENT SERVICES REPORTS**

RECOMMENDATION

THAT Council advise the proponents that it is prepared to entertain the submission of a formal scheme amendment for the rezoning of Lot 93 Millar Street, Elleker from “Rural” to “Residential” subject to the scheme amendment document specifically incorporating:

- (i) a land capability assessment and geotechnical analysis to address draining/filling of the lot, on-site effluent disposal, Acid Sulphate Soils and impacts on local drainage networks to support the proposal;
- (ii) bushfire protection and management plan;
- (iii) a plan of Subdivision;
- (iv) proof that an adequate potable water supply can be achieved on each lot; and
- (v) any special planning controls recommended for inclusion within the scheme.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR STANTON  
SECONDED COUNCILLOR WALKER**

**THAT Council advise the proponents that it is prepared to entertain the submission of a formal scheme amendment for the rezoning of Lot 93 Millar Street, Elleker from “Rural” to “Residential” subject to the scheme amendment document specifically incorporating:**

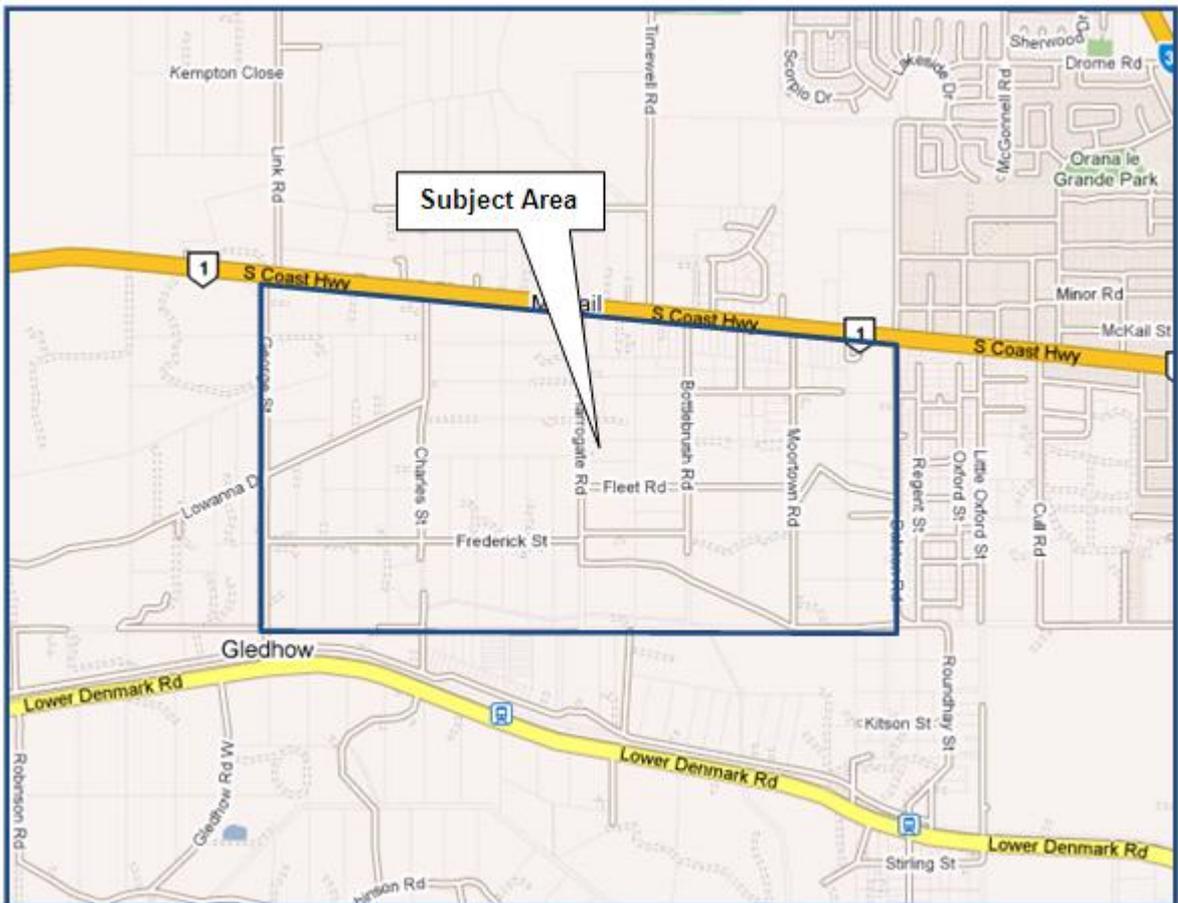
- (i) a land capability assessment and geotechnical analysis to address draining/filling of the lot, on-site effluent disposal, Acid Sulphate Soils and impacts on local drainage networks to support the proposal;**
- (ii) bushfire protection and management plan;**
- (iii) a plan of Subdivision;**
- (iv) proof that an adequate potable water supply can be achieved on each lot; and**
- (v) any special planning controls recommended for inclusion within the scheme.**

**MOTION CARRIED 9-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Amendment Request – Various Lots in Gledhow Area**

- File/Ward** : SAR 135 (West Ward)
- Proposal/Issue** : Request to rezone land from “Rural” to “Residential Development” zone
- Subject Land/Locality** : Various Lots within Gledhow Locality
- Proponent** : Ayton Taylor Burrell
- Owner** : Various Private and Crown Land
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht); and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council partially support the request
- Bulletin Attachment** : Scheme Amendment Request
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. Council has received a Scheme Amendment Request (SAR) to consider the rezoning of various lots within the Gledhow locality from the Rural to Residential Development zone. A copy of the SAR document is included in the Elected Members Report/Information Bulletin.
2. The subject area lies south of South Coast Highway and north of Cumming Road and bounded by George Street to the west and Balston Road to the east. The midpoint of the land is approximately 6.0km west of the CBD. The total area covered by the SAR is approximately 350ha contained within approximately 132 lots (124 privately owned and 8 crown lots). The landform slopes generally to the south and contains some substantial areas of remnant vegetation with well-defined drainage lines evident.
3. The SAR was referred to the Department of Environment and Conservation (DEC), Department for Planning and Infrastructure (DPI), Environmental Protection Authority (EPA), Water Corporation (WC), Alinta Gas (AG), Telstra, Department of Agriculture and Food (DAF), Department of Health (DoH), Main Roads WA (MRWA), Public Transport Authority (PTA), Westnet Rail (WNR) and Western Power (WP) for consideration and comment. The responses and staff comments are discussed within the Comment/Discussion section of this report.

**STATUTORY REQUIREMENTS**

4. The subject land is predominantly zoned “Rural” under Town Planning Scheme No. 3, although it includes pockets of land zoned “Special Residential”, “Special Rural” and “Public Purposes Reserve”.

**POLICY IMPLICATIONS**

5. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

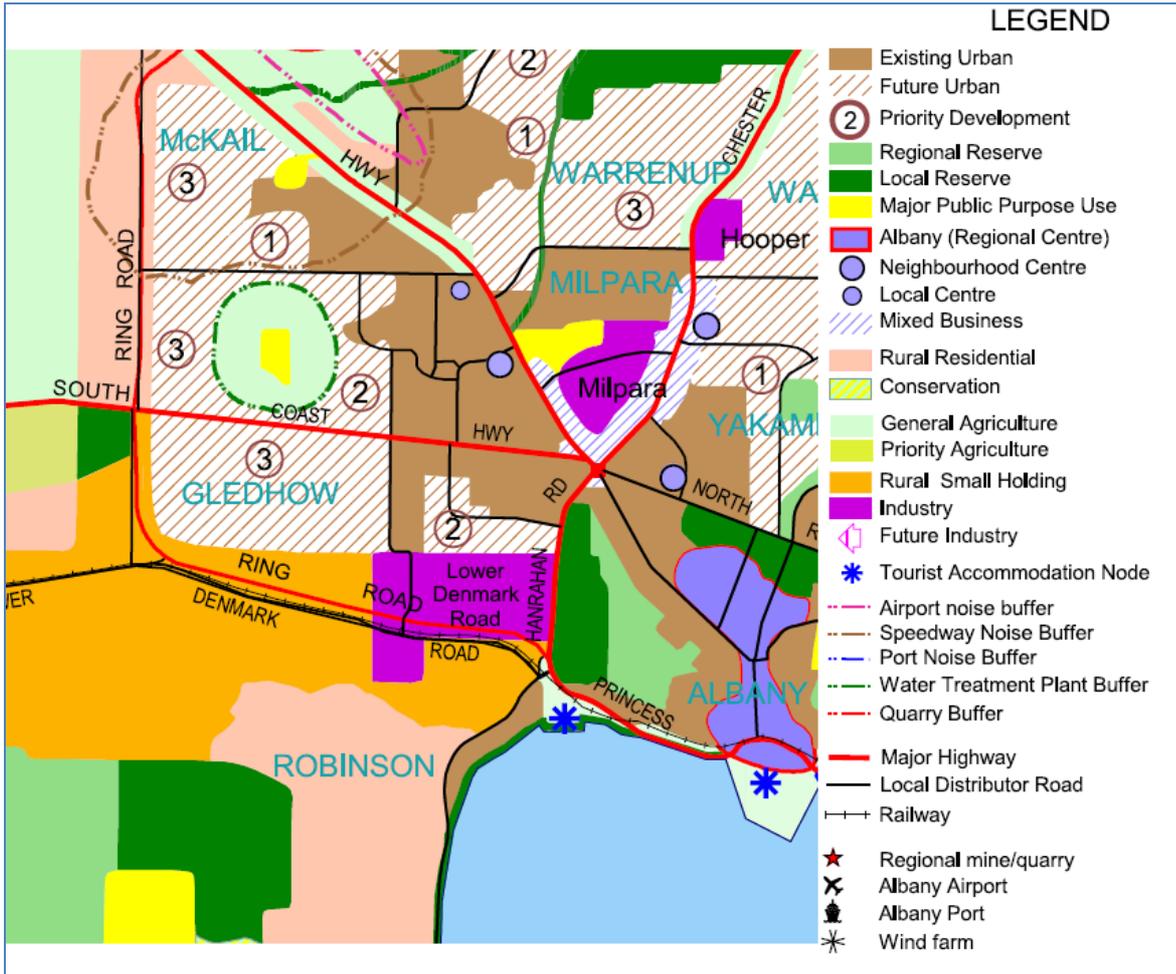
**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

7. The ALPS document identifies the majority of the subject area as “Future Urban” (copy of map below) and it is shown in the Category ‘3’ for Priority Development (Note: Categories are shown from 1 (High) – 5 (Low)). In simple terms, Priority 1 projects are proceeding now (1 - 4 years), Priority 2 projects will commence next (4- 8 years) etc. As such there is no immediate need to secure this land to satisfy the objectives of ALPS.

**DEVELOPMENT SERVICES REPORTS**



**Albany Local Planning Strategy Map**

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

**COMMENT/DISCUSSION**

9. The government agencies comments/responses received are summarised and discussed in the Table below:

AGENCY	SUMMARY	STAFF RESPONSE
Environmental Protection Authority	<p>Provide preliminary comments only and should not be treated as assessed.</p> <ul style="list-style-type: none"> <li>There is a priority threatened fauna occurrence within the subject area and the SAR area needs to be subject to a spring survey field investigation to identify any other threatened species. If any are located the Authority expects that they will be protected in accordance with an accepted management strategy.</li> <li>The area should be subject to land</li> </ul>	<p>The future use of the land for urban is consistent with the strategic direction promoted in Albany Local Planning Strategy (ALPS).</p> <p>Should the proposal proceed (either as a scheme amendment or structure plan exercise), staff recommend that it should be based upon an overall constraints/opportunity mapping exercise undertaken for the whole of the proposed area. It shall include information and recommendations relating to flora/fauna surveys/identifying</p>

**DEVELOPMENT SERVICES REPORTS**

<b>AGENCY</b>	<b>SUMMARY</b>	<b>STAFF RESPONSE</b>
	capability assessment including local hydrology, definition of local waterbodies, acid sulphate soils etc.	remnant vegetation areas/qualities, drainage lines, acid sulphate soils, soil types and capabilities, sewer catchments, view assessment, port road restrictions, servicing infrastructure requirements etc as a precursor to support the future design and subdivision outcomes.
Telstra	No objection. Advise that existing telecommunications infrastructure is inadequate to cope with proposed R30 density increases and will need to be upgraded. Support structure planning in a series to enable integrated approach to the provision of new services.	Noted.
WestNet Energy	Any upgrading requirements will be at the developer's expense.	Noted.
Water Corporation	No objection. Advise the proponents will be required to design and construct upgrading and extensions to supply reticulated sewer and water to all the lots, including provision of land for pump stations, buffers, pressure mains etc.	Noted.
Department for Planning and Infrastructure	<p>Advise in accordance with recommendations on draft ALPS that land within 800m – 1km along Port Access Road should be retained as special rural or similar.</p> <p>Suggest that the existing developments at South Lockyer provide an ample supply of lots in this sector of the City for the present 5 year horizon.</p> <p>Believe it more appropriate to retain the present rural zoning to avoid an expectation towards the land being developed in the present timeframe.</p> <p>Recommends that if Council is inclined to support some development it should be limited to that land contained within the present sewer catchment area.</p>	<p>The Department's recommendation on the buffer around the Port Access Road is not yet finalised. Staff would urge Council to not accept the Department's recommendation and show all of the land through Gledhow to the Port Access as future urban. This is clearly the most appropriate use over the long-term.</p> <p>The actual density of housing allowed needs to be determined taking on board the Department's and Main Roads advice and should graduate in size from urban residential (500m<sup>2</sup> - 700m<sup>2</sup> outside the affected area) through to 1 – 2ha larger lots (within the affected area) with larger setbacks/memorials on title/'quiet house' guidelines etc for those lots adjoining/nearby the corridor.</p> <p>Staff supports the suggestion that initially the land to be rezoned is limited to that contained within the existing sewer catchment area.</p>
Department of Environment and Conservation	<p>Not opposed subject to the following advice/recommendations:</p> <ul style="list-style-type: none"> <li>Some good areas of remnant vegetation exist and recommend further flora and fauna studies be undertaken to identify any other threatened species. If any are located the Department expects that they will be protected in accordance with an accepted</li> </ul>	See comments in Submission 1 above.

**DEVELOPMENT SERVICES REPORTS**

AGENCY	SUMMARY	STAFF RESPONSE
	<p>management strategy.</p> <ul style="list-style-type: none"> <li>• The southern area lies within an area showing high risk of acid sulphate soils. Any future developments will be required to provide a more detailed assessment in accordance with Department guidelines.</li> <li>• Clearing permits would be required for the removal of native vegetation outside of any proposed dwellings.</li> </ul>	
Main Roads WA	<p>Do not support the amendment. Concerned that the residential development proposed will increase the local traffic use of the Ring Road so that it is unable to fulfil “ .. its intended primary function as an uninterrupted heavy transport route to the Port of Albany; instead becoming a congested urban distributor.”</p> <p>State if it proceeds this “ .. would inevitably bring into question the merit from a State perspective of constructing the balance of the Albany Ring Road at all.”</p>	<p>Main Roads WA needs to ensure that the planning they undertake for the Ring Road preserves its primary function by progressively closing access points to the Ring Road if the issue eventuates.</p> <p>Staff are not aware of the outcomes of the Main Roads WA report and welcome an opportunity to consider the report and findings. The report and in particular its assumptions need to be verified by the City to ensure that they have arrived at the correct interpretation of ALPS.</p>

10. The existing uses include mainly small-scale rural pursuits and hobby farms with some limited ‘Special Rural’ and ‘Special Residential’ uses. The western end of the SAR area adjoins the Port Ring Road and Cumming Road light/general industrial uses to the south and Balston Road which is the western extent of residential zonings in this area.
11. Staff and DPI believe that the whole area proposed within the SAR is too large to proceed to rezoning at this stage as there is sufficient land planned for release within Gledhow, Orana, McKail and Lockyer to meet demand. The future residential development of the Gledhow area out to the Port Ring Road is supported by ALPS over the medium term. In simple terms, at the densities promoted the SAR area (350ha – 30% (POS/Roads/Infrastructure requirements/commercial uses) = 245ha) could produce between 4,900 – 7,000 dwelling units/lots. This level of development combined with the current fragmented ownership of the land will require substantial coordination and cooperation to occur between the parties for the development to be successfully achieved.
12. Although there a number of objectives listed by the consultants within the SAR document as responses to environmental, social and economic factors resulting from the proposed development, these are discussed in very broad terms and do not include how they will be actioned other than to warrant Council’s attention. As such, the proposal, even at this draft stage, lacks sufficient details on the proposed subdivision/development that would result and its impacts on the local area. As an example, Liveable Neighbourhoods requires the average of 1 primary school per 1,500 lots and the SAR document should have contained a commitment to deliver this and other infrastructure necessary to support the proposal.
13. Staff does not object to a portion of the SAR area proceeding to rezoning and would suggest that this is logically the land area contained within the existing sewer catchment boundary (which extends west to Moortown Road). This should be preceded by the mapping or structure planning exercise referred to above, perhaps in a simplified version, which would then guide the design and densities to be promoted through the subsequent rezoning. The consultants advise that the proposed rezoning is supported by

**DEVELOPMENT SERVICES REPORTS**

approximately 30 of the landowners which represents approximately 21% of the assessments in the whole SAR area. Within the proposed rezoning area recommended by staff and DPI, approximately 40% of the assessments support the proposed rezoning.

14. The detailed structure planning work for the balance of the SAR area proposed by the proponent will need to take into account the issues and concerns expressed by the government agencies, with particular reference to those matters raised by DPI and Main Roads WA in relation to an urban development buffer of up to 1 kilometre applying from the Ring Road.
15. Whilst the use of a Project Team as suggested is supported it needs to be coordinated by the consultants as they are the proponents. City staff can provide assistance to the consultants by attending meetings, identifying stakeholders, providing input on draft report/designs etc. Staff would then progress the public consultation and adoption phases of the final report/design.
16. Should Council wish to proceed with the rezoning (in part or full), the formal scheme amendment would be required to address the following matters:
  - Preparation of a structure plan to guide the design and densities to be promoted
  - Assessment and protection of remnant vegetation
  - Land capability assessment for housing/road construction
  - Land suitability assessment
  - Servicing requirements (including provision of deep sewerage to the lots)
  - Impacts from surrounding land uses/buffers
  - Fire protection requirements
  - Cost sharing arrangements
  - Any special planning controls recommended for inclusion within the Scheme.

**RECOMMENDATION**

THAT Council advise the proponents:

- (i) in accordance with ALPS, Council supports the completion of the proposed comprehensive structure plan for the development area and will provide assistance to the consultants as indicated in the report;
- (ii) that whilst ALPS shows all of Gledhow as “Future Urban” uses over the medium-term, it will only support the proposed rezoning of the land east of Moortown Road which is within the existing Water Corporation deep sewerage catchment to the “Residential Development” zone at this stage; and
- (iii) that any application for a formal scheme amendment will require the following matters to be addressed:
  - preparation of a structure plan to guide the design and densities to be promoted;
  - assessment and protection of remnant vegetation;
  - land capability assessment for housing/road construction;
  - land suitability assessment;
  - servicing requirements (including provision of deep sewerage to the lots);
  - impacts from surrounding land uses/buffers;
  - fire protection requirements;
  - cost sharing arrangements; and
  - any special planning controls recommended for inclusion within the Scheme.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR BUEGGE  
SECONDED COUNCILLOR STANTON**

**THAT Council advise the proponents:**

- (i) in accordance with ALPS, Council supports the completion of the proposed comprehensive structure plan for the development area and will provide assistance to the consultants as indicated in the report;**
- (ii) that whilst ALPS shows all of Gledhow as “Future Urban” uses over the medium-term, it will only support the proposed rezoning of the land east of Moortown Road which is within the existing Water Corporation deep sewerage catchment to the “Residential Development” zone at this stage; and**
- (iii) that any application for a formal scheme amendment will require the following matters to be addressed:**
  - preparation of a structure plan to guide the design and densities to be promoted;**
  - assessment and protection of remnant vegetation;**
  - land capability assessment for housing/road construction;**
  - land suitability assessment;**
  - servicing requirements (including provision of deep sewerage to the lots);**
  - impacts from surrounding land uses/buffers;**
  - fire protection requirements;**
  - cost sharing arrangements; and**
  - any special planning controls recommended for inclusion within the Scheme.**
  -

**MOTION CARRIED 8-1**

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 was withdrawn from the Agenda.

**11.3.4 Scheme Amendment Request – Lots 44, 19 and Pt. 800 Lower Denmark Road, Cuthbert**

- File/Ward** : SAR 123 (West Ward)
- Proposal/Issue** : Request to rezone land from “Rural” to “Special Rural”
- Subject Land/Locality** : Lots 44, 19 and Pt. 800 Lower Denmark Road
- Proponent** : Whelans Planning Consultants
- Owner** : Grande Terra Land Developments Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht); and  
Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 28/04/99 – Item 12.1.3  
OCM 24/08/99 – Item 12.1.10  
OCM 26/10/99 – Item 12.1.5  
OCM 18/11/03 – Item 11.3.7
- Summary Recommendation** : Council not support the request
- Bulletin Attachment** : 1 Scheme Amendment Request  
2 Copy of responses from government agencies
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. Council has received a Scheme Amendment Request (SAR) to rezone the subject land from the present “Rural” zone to the “Special Rural” zone to facilitate the future subdivision and development of the land. A copy of the SAR document is included in the Elected Members Report/Information Bulletin.
2. The SAR was referred to the Department of Planning and Infrastructure (DPI), Water Corporation (WC), Department of Agriculture and Food (DAFWA), Department of Water (DoW), Department of Environment and Conservation (DEC) and Main Roads WA (MRWA) for comment. The responses are discussed in the Comment/Discussion section below.
3. This area has a considerable history dating back to April 1999 when Council initiated a scheme amendment to rezone parts of this and adjoining land to “Special Rural”. The public advertising of the proposal led to a number of issues being identified (including Ring Road alignment considerations, wetland management, land capability, effluent disposal and reserve land management) and Council resolved in October 2003 to not proceed with the amendment. This was supported by the WA Planning Commission and the amendment was deferred pending resolution of some issues.
4. When the scheme amendment was reactivated in October 2003, the amendment was modified by excluding in addition to other land, the land now the subject of this SAR. That amendment was subsequently finalised and the subject land was left zoned “Rural”. The amendment document included reference to the future subdivision of the subject land albeit into 4 – 10 hectare lots.

**STATUTORY REQUIREMENTS**

5. The lots are zoned “Rural” under Town Planning Scheme No. 3 (TPS3). The broad objectives for the Rural zone are to:
  - Ensure that high quality agricultural land is retained for primary production.
  - Regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests.
  - Preserve rural land within easy reach of urban areas.
6. The broad objective for the proposed “Special Rural” zone under TPS No. 3 is to provide areas where members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in ‘Schedule 1’ to this scheme), which might include hobby farming, horse breeding, rural residential retreats and intensive agriculture, if it considered that such use is consistent with the preservation of the rural landscape and amenity.

**POLICY IMPLICATIONS**

7. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

**FINANCIAL IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

**STRATEGIC IMPLICATIONS**

9. The subject land is included within Council’s Local Rural Strategy (LRS) for “Special Rural” purposes subject to satisfying certain planning criteria. Council has adopted the Albany Local Planning Strategy (ALPS) which is a more considered document and effectively replaces the precinct recommendations contained within the LRS. Under the ALPS the land is not identified for “Special Rural” purposes.
10. The ALPS identifies the subject land for “Priority Agriculture” and the proposed “Special Rural” use is not considered compatible with this designation. The ALPS also strongly recommends that existing “Rural Living” areas be fully developed prior to new ones being created as in this case. There are more than 350 Special Rural lots within the City which have received subdivision approval and have not been developed and ultimately placed on the market.

**COMMENT/DISCUSSION**

11. The proposal is to create “Special Rural” lots ranging from 1.05ha – 4.48ha as shown in the SAR proposal. It also includes a larger 28.5ha lot shown for “Future Chalet Resort and Rural Lots”. The subject land is located north of the Railway reserve and south of the existing ‘Albany Green’ Special Rural subdivision (see Locality Plan).
12. The site slopes essentially southwards with a broad valley in the central portion of the site. The property is largely cleared and has been developed for grazing purposes with some areas of remnant vegetation. Agricultural drains have been constructed on the land to reduce seasonal waterlogging and improve productivity. The property forms part of the local drainage district and feeds into Cuthbert Drain and Lake Powell to the west.
13. The surrounding uses include “Special Rural” to the north, railway reserve to the south and other mainly limited rural pursuits including extractive industries and agricultural uses.
14. The agencies comments are summarised and discussed in the Table below:

<b>AGENCY</b>	<b>SUMMARY</b>	<b>STAFF RESPONSE</b>
<b>Department of Water</b>	Do not support the proposal as follows: <ul style="list-style-type: none"> <li>• Any land use intensification is likely to create a negative impact on Lake Powell.</li> <li>• The land is identified as priority agricultural land and should be protected from subdivision and urban development.</li> </ul>	There is no specific evidence provided on how these issues will occur directly as a result of this proposal.  Should the proposal proceed, these matters need to be discussed and resolved within the scheme amendment document.
<b>Department of Health</b>	Not prepared to support the amendment until late winter soil testing/geotechnical report has been completed.	The land capability assessment completed shows that the land may be able to sustain the proposed special rural development although it is agreed that additional details are required to confirm the site’s capability particularly in relation to house and road construction and on-site effluent disposal.  Should the proposal proceed, these matters need to be discussed and resolved within the scheme amendment document.

**DEVELOPMENT SERVICES REPORTS**

<b>AGENCY</b>	<b>SUMMARY</b>	<b>STAFF RESPONSE</b>
<b>Water Corporation</b>	No objection. Advise that the lots could be supplied with reticulated water subject to the upgrading of the infrastructure and amendment to the licensed operating area. Deep sewer cannot be provided.	Whilst it not considered crucial at this stage, the SAR included no specific information to indicate how it is intended to ensure the ability of the lots to provide adequate supplies of potable water to residences.  The special rural subdivision north of this proposal was not required to provide reticulated water to the development.  Should the proposal proceed the proponents will be required to prove that an adequate potable water supply can be achieved on each lot
<b>Department for Planning and Infrastructure</b>	Does not support the proposed rezoning as it not consistent with draft ALPS and will potentially create conflict with the future railway operations and noise impacts to future residences.  Advise if Council proceeds, the following matters be addressed: <ul style="list-style-type: none"> <li>• Noise levels for Lots 1 – 7 and 33 – 45.</li> <li>• Consultation with Public Transport Authority regarding crossing point.</li> <li>• Additional late winter site testing should be undertaken to confirm suitability and determine flood paths through the property.</li> </ul>	Agree. Should the proposal proceed, these matters need to be discussed and resolved within the scheme amendment document.
<b>Main Roads WA</b>	No objection and advise that the existing intersection with South Coast Highway will be required to be upgraded at the developer's cost.	Should the proposal proceed, this condition needs to be reflected within the scheme amendment document.
<b>WestNet Rail</b>	Any noise abatement measures deemed necessary will be at the developer's cost and those lots closest to the rail corridor shall have a memorial placed on the title accordingly.	Agreed. Should the proposal proceed, these matters need to be discussed and resolved within the scheme amendment document.
<b>Public Transport Authority</b>	No objection. Request that conditions relating to upgrading of the rail crossing apply to the development including designation as public road, drainage controls and upgrading, level crossing and fencing.	Agreed. These conditions need to be reflected within the scheme amendment document.

15. There is mixed support for the SAR proposal from government agencies. The main issue for Council to resolve is the weighting to apply to the strategies that affect this proposal. On the one hand is the City's existing (but outdated) LRS which supports the proposal and on the other hand is the new ALPS which does not support the proposal (and is considered to provide the new strategic outlook for land use and zonings in Albany). Staff recommends that Council utilise the ALPS and reject the proposal.

**DEVELOPMENT SERVICES REPORTS**

16. The ALPS removed this land from the “Rural Residential” category largely due to the slow progress of the initial rezoning and subdivision/development of the land in Stage 1 (due to reasons identified in the background of this report) and the limited planning work done on this, the subsequent Stage 2. There was also a desire to restrict the spread of “Special Rural” allotments west of Link Road/George Street from encroaching into the rural hinterland. If Council was inclined to support the SAR proposal, it can really only be on the basis of its inclusion in the original LRS. If Council is to reject the recommendations of the existing LRS, then the proposal would need to be refused in accordance with the recommendations of the ALPS.
17. It is clear that the land may be able to sustain the proposed “Special Rural” development although additional details are required to confirm the site’s capability particularly in relation to house and road construction and on-site effluent disposal. The question remains why the more capable land was developed in Stage 1 into 2ha lots, whilst this area that has greater environmental/planning constraints is planned for a greater density and 1ha lots. The proponents have provided additional land capability details to address this matter.
18. The proposal for the 28.5ha balance of title lot for ‘Future Chalet Resort and Rural Lots’ is not supported by staff and if the proposal proceeds this area needs to be planned with the ultimate subdivision/development of the land into “Special Rural” lots.
19. Many of the matters raised in the agency comments (e.g. railway corridor and crossing upgrading, fencing, noise abatement studies, land capability/suitability etc.) represent significant planning issues that need to be resolved initially as they are expected to alter the existing proposed subdivision design markedly when buffers etc. are introduced.

**RECOMMENDATION**

THAT Council advise the proponents that whilst it acknowledges that the lots are included within the LRS, it is not prepared to entertain the submission of a formal scheme amendment for rezoning of Lots 44, 19 & Pt. 800 Lower Denmark Road, Albany from “Rural” to “Special Rural” as the proposal is inconsistent with the strategic direction in the ALPS.

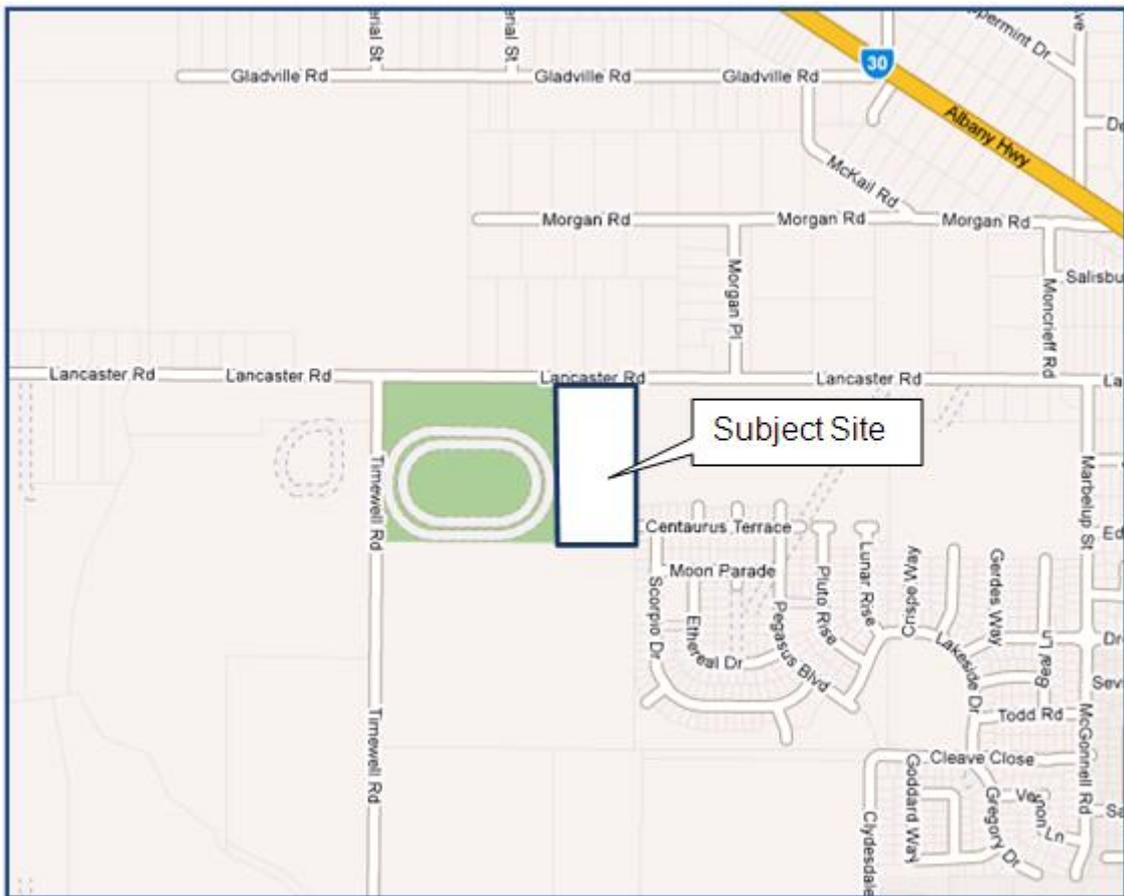
*Voting Requirement Simple Majority*

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Item 11.3.4 was withdrawn from the Agenda.

**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Initiation of Amendment – Lot 55 Lancaster Road, McKail**

- File/Ward** : AMD 271 (West Ward)
- Proposal/Issue** : To rezone Lot 55 Lancaster Road, McKail from “Rural” to “Residential Development”
- Subject Land/Locality** : Lot 55 Lancaster Road, McKail
- Proponent** : Ayton Taylor Burrell
- Owner** : Albany Drainage & Construction Pty Ltd
- Reporting Officer(s)** : Gray & Lewis Land Use Planners; and Senior Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/06/07 - Item 11.3.8
- Summary Recommendation** : Initiate the Amendment
- Bulletin Attachment** : Amendment document
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. The Amendment proposes to rezone Lot 55, Lancaster Road, McKail from “Rural” to “Residential Development” under Town Planning Scheme No. 3.
2. Under SAR 119 the proponent proposed a rezoning of the subject land to “Residential Development” and “Special Residential”. The latter zoning was required due to the noise impact from the Harness Racing Club.
3. Council considered SAR 119 at its meeting dated 17 June 2007 and resolved the following:

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

- i) A clearly defined zoning boundary being adopted and justified;*
- ii) A land capability assessment;*
- iii) A constraints and opportunities plan, which needs to include possible surrounding land use conflicts;*
- iv) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;*
- v) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to;*
- vi) The remnant vegetation being retained where possible; and*
- vii) A drainage management plan (including nutrient export).*

*Council advises that it is prepared to entertain the submission of a formal application for rezoning Lot 55 Lancaster Road, McKail from the “Rural” to fully serviced (sewered) “Residential Development” and the area shown as “Special Residential” being retained as “Rural”.*

**STATUTORY REQUIREMENTS**

4. The subject lot is zoned “Rural” in Town Planning Scheme No. 3. The objective of the “Rural” zoning in TPS 3 identified under Clause 3.1.13 is:

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

5. All Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* including referral to the Environmental Protection Authority, 42 day public advertising, and endorsement by the Western Australian Planning Commission (WAPC) and the Minister for Planning and Infrastructure.
6. On completion of advertising, the amendment will be referred back to Council to consider final adoption, with or without modification.
7. Town Planning Scheme 3 requires the development of an Outline Development Plan (ODP) in areas zoned “Residential Development”. An ODP would need to be approved by Council and the WAPC.

**POLICY IMPLICATIONS**

8. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

**DEVELOPMENT SERVICES REPORTS**

**FINANCIAL IMPLICATIONS**

9. Residential Development will place pressure on the need to improve supporting infrastructure (e.g. roads and drainage) within the vicinity. The identification and planning of that infrastructure will occur at the Outline Development Plan stage.

**STRATEGIC IMPLICATIONS**

10. The Lower Great Southern Strategy (2007) identifies the importance of encouraging development around existing nodal settlements and provision of adequate and appropriate infrastructure to support development.
11. The Albany Local Planning Strategy (ALPS) designates the subject land as “Future Urban” with a short term development priority coding. A buffer around the Timewell Road Water Treatment Plant is indicated outside the subject land, extending at the nearest point up to 70.0 metres from the south west corner. The site is also noted as being potentially affected by requirements for a noise buffer around the harness racing track, on adjoining Lot 1 of Location 490 Lancaster Road.
12. The ALPS calls for noise monitoring to be undertaken at the harness racing track should urban development be considered around the activity. This has been completed and is used to identify suitable controls and development boundaries.

**COMMENT/DISCUSSION**

Site Description

13. The subject land is a 5.5726 hectare site located in the McKail district around 6.0 kilometres from the central area of Albany. It is currently under pasture with a few scattered trees, and a dwelling and shed is located in the north western portion of the site.

Site Description

14. The purpose of the amendment is to rezone the subject land to allow for the progressive subdivision and development of fully serviced “Residential” lots.
15. Council’s resolution at its June Council Meeting (under SAR 119) advised that the land affected by the noise spill from the harness racing track should remain within the “Rural” zone, pending the future opportunity for development and use. Staff have reviewed this direction, and believe comprehensive planning is best achieved via the “Residential Development” zone being applied to the entire site. The preparation of an Outline Development Plan has the ability to address all issues relevant to the site and restrict development to those areas affected by noise concerns.
16. An assessment of noise impacts to the property resulting from the Albany Harness Racing Track was undertaken by Lloyd Acoustics. Based on results of the study, a 75.0m noise buffer was identified.
17. An Outline Development Plan forms part of the Amendment document and shows how the land could potentially be subdivided into 52 lots with an average lot size of 664m<sup>2</sup> including an area of public open space of 6,562m<sup>2</sup>. It also identifies the 75.0m noise buffer. Outside of this buffer area the first stage of development will deliver 24 lots. No development will be permitted within identified noise buffer in the foreseeable future, however road connections and lot layout have been identified within this area should the track relocate, modify its activities (race meetings, personal address systems) or additional noise attenuation measures are introduced.

**DEVELOPMENT SERVICES REPORTS**

18. Two road reserve connections are provided on the eastern boundary of the site via the Sanctuary Estate and links through to Lancaster Road.
19. Other services such as underground power, telecommunications and potable water will become available or will be extended to the site at the time of subdivision to meet all current servicing standards.
20. Social and community services are planned for in the McKail Local Structure Plan.

Matters to be addressed by the applicant

21. The applicant was requested to address a number of matters as part of the original SAR and these are summarised in the following Table.

<b>Item identified in SAR</b>	<b>Applicant's Response/Comment</b>
A clearly defined zoning boundary being adopted and justified.	Clearly defined zoning boundaries are adopted and justified.
A land capability assessment.	The amendment document provides an assessment on site characteristics, landform, soil and construction issues. Construction issues will be reviewed by site specific assessment to meet civil engineering and earthworks requirements to provide for site development.
A constraints and opportunity plan which shows possible surrounding land use conflicts.	A Context, Opportunities and Constraints plan is included in the amendment document under Figure 3. It shows the noise buffer, drainage and road connection opportunities.
Identification of servicing needs and infrastructure requirements to accommodate future subdivision.	Servicing and infrastructure requirement needs are identified in the amendment document.
An Integrated Water Management Plan being prepared across the site prior to subdivision to ensure that water sensitive design principles are adhered to.	A Stormwater Management Plan will be prepared at the time of subdivision. The use of water sensitive design methods and the integration of Public Open Space and drainage will be a central objective.
The remnant vegetation being retained where possible.	Remnant vegetation is retained within the buffer zone and proposed POS shown on the ODP.
A drainage management plan (including nutrient export).	See above discussion on Stormwater Management Plan.

Assessment

22. The proposal is in accordance with strategic direction for the locality as promoted by the ALPS and McKail Structure Plan.
23. The proposal is a logical extension to the residential development front. The land can be effectively serviced and integrated with existing development.
24. The preliminary ODP shows a noise buffer to the harness racing track within which development can only occur should the harness racing activity be discontinued or modified such that the noise spill externality no longer constrains the interim buffer area.

**DEVELOPMENT SERVICES REPORTS**

RECOMMENDATION

THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to initiate Amendment 271 to the City of Albany Town Planning Scheme No. 3 by rezoning Lot 55 Lancaster Road, McKail from “Rural” to the “Residential Development” zone.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR STANTON  
SECONDED COUNCILLOR WALKER**

**THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to initiate Amendment 271 to the City of Albany Town Planning Scheme No. 3 by rezoning Lot 55 Lancaster Road, McKail from “Rural” to the “Residential Development” zone.**

**MOTION CARRIED 6-3**

**DEVELOPMENT SERVICES REPORTS**

**11.3.6 Initiation of Scheme Amendment – Lot 201 (Pt. Location 6849) Sandalwood Road, Wellstead**

- File/Ward** : AMD 278 (Kalgan Ward)
- Proposal/Issue** : To rezone Lots 50 & 201 (Pt. Location 6849) Sandalwood Road, Wellstead from “Rural” to “Special Rural”
- Subject Land/Locality** : Lots 50 & 201 (Pt. Location 6849) Sandalwood Road, Wellstead
- Proponent** : Ayton Taylor Burrell
- Owner** : Grange Resources Ltd (Lot 50)  
SJ & JE Hall (Lot 201)
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht); and  
Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/09/01 – Item 11.3.3  
OCM 21/11/06 – Item 11.3.3
- Summary Recommendation** : Initiate the Amendment subject to modifications
- Bulletin Attachment** : Amendment document
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. Amendment No. 278 proposes to rezone Lot 201 (Pt. Location 6849) Sandalwood Road, Wellstead from “Rural” to “Special Rural” to facilitate the subdivision and development of the subject land. The Subdivision Guide Plan also shows the future subdivision of adjoining Lot 50 Sandalwood Road.
2. The subject land is approximately 51.5ha’s in area and located adjacent to the rural townsite of Wellstead. It is cleared agricultural land with an area of plantation forest (5.5ha’s) planted as a shelterbelt (due to wind erosion concerns) upon the crest in the south west area of the lot. A tree screen has been established east of the dwelling on Lot 50.
3. The subject land fronts Sandalwood Road (unsealed) which connects the coast to South Coast Highway
4. The amendment is consistent with Council’s decision in November 2006 to support the previous Scheme Amendment Request (SAR 101) to rezone the land to “Special Rural” in accordance with the City’s adopted Wellstead Townsite Strategy (2001).
5. The proposal has been modified from the original 2001 proposal for 17 lots at 2ha’s to the present proposal for 40 lots at 1ha as shown on the proposed Subdivision Guide Plan in the amendment document.

**STATUTORY REQUIREMENTS**

6. The process of completing a scheme amendment is governed by the requirements of the *Planning and Development Act* and *Town Planning Regulations*.
7. The subject lots are presently zoned “Rural” in Town Planning Scheme 3. It is proposed to rezone the lots to “Special Rural” which has the following broad objectives in Town Planning Scheme No. 3 (Clause 3.1.14):

*“To provide areas where members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in Schedule 1 to this scheme), which might include hobby farming, horse breeding, rural residential retreats and intensive agriculture if it is considered that such use is consistent with the preservation of the rural landscape and amenity.”*

**POLICY IMPLICATIONS**

8. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

**FINANCIAL IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

**STRATEGIC IMPLICATIONS**

10. The Lower Great Southern Strategy (2007) prepared by the WA Planning Commission supports the expansion and development of rural villages such as Wellstead subject to the City preparing townsite expansion plans or similar to guide their development and ensure appropriate levels of infrastructure servicing is provided. This task has been completed through ALPS and the Wellstead Townsite Strategy adopted by the City in 2001. The development of additional residential land in Wellstead has long been pursued by the local residents and City.
11. ALPS recognises that the growth of rural villages, such as Wellstead, is desirable as the rural villages provide community focus and services for the surrounding rural countryside. In the case of Wellstead, the development of the associated Grange mining projects has provided an increased impetus for the creation of these lots.

**COMMENT/DISCUSSION**

12. Given that it is intended to provide for the future subdivision of Lot 50 through the Subdivision Guide Plan (SGP), this land should also form part of the scheme amendment and be zoned special rural and be subject to the same planning controls as the larger parcel.
13. The City's November 2006 support for the SAR was subject to a number of matters being addressed which are discussed below:

Land Capability Assessment

14. The land capability assessment shows that the land is capable of sustaining the proposed 40 "Special Rural" lots and land uses although there are limitations relating to on-site effluent disposal and wind erosion. The following recommendations are provided:
  - The SGP be modified to show the local drainage flow paths that need to be protected from built structures.
  - The land capability units GS2 and SC being shown on the SGP as areas requiring the use of inverted leach drains or ATU's (aerobic treatment units) to service residential development due to its limited capacities.
  - Building envelopes with a maximum area of 60% of the lot size be provided for all wind erosion affected lots.

Bush Fire Management Plans

15. The proponents advise they have addressed the City's request and designed the subdivision in accordance with the relevant planning guidelines, which incorporates a 60.0m wide hazard separation zone from the adjoining bushland and a 20.0m wide building protection low fuel buffer around all buildings. The proposal also allows for the staging of the fire requirements if necessary.
16. The proponents advise that there is sufficient water available from the existing fire fighting bore and standpipe to service this development.

Subdivision Guide Plan (SGP)

17. The SGP that forms part of the amendment shows a total yield of 40 "Special Rural" lots ranging between 9,550m<sup>2</sup> to 2.5ha gaining access either directly from Sandalwood Road or from the proposed internal subdivisional road that loops round off Sandalwood Road. The existing dwelling on Lot 50 is retained along with some ancillary outbuildings on a 9,569m<sup>2</sup> lot. It is recommended that the SGP be modified so that all lots achieve a minimum area of 1ha.

**DEVELOPMENT SERVICES REPORTS**

18. The SGP is suitable for the proposal, subject to the minor modifications requested elsewhere in the report. It will form part of the amendment and shows the number and pattern of lots to be developed and indicate other planning matters relevant to the subdivision and development of the land into special rural lots.
19. Council could consider the imposition of a buffer of treeplanting along the eastern and southern boundaries to the rural land if this would improve compatibility between the different zones.

Scheme Provisions

20. The City required the proponents prepare scheme provisions consistent with WA Planning Commission policies. The provisions submitted by the proponents reflect similar controls from other special rural zones in the City. Staff recommends the following modifications to the provisions:
  - Both lots are included (Lot 50 and 201).
  - All references are to a “Special Rural” zone.
  - The SGP be referenced within the provisions.
  - Introduce an additional zone objective relating to on-site water and effluent disposal and modify the provisions to ensure adequate servicing standards as the Water Corporation are not be able to provide connection to the reticulated water network for the proposed development.
  - Include standard “Special Rural” zone land uses (dwelling, home business, home office, home occupation, cottage industry, bed and breakfast) as permitted uses with other land uses at Council’s discretion subject to compliance with the zone objectives.
  - The setbacks be (front: 20.0m, side: 10.0m and rear: 30.0m when adjoining rural land, 60m when adjoining crown land and 20m when adjoining other “Special Rural” lots) except for Lots 19, 39 & 40.
  - Removal of provisions relating to commercial and industrial uses.
  - Prospective purchasers to be advised in writing of the existence of rural pursuits and farming operations on the adjoining land including traditional farming practices.
21. There are also a number of minor typographical and consistency corrections required to the amendment document that have been identified.
22. Of note, the proponents are proposing unsealed roads and open roadside drains to service the development. The standard of subdivisional road requires assessment and determination by engineering during the subdivision process. The City’s adopted standard would normally require the subdivisional road to be sealed as well as the upgrading of Sandalwood Road to a sealed standard and possibly improvement works to the intersection at the Highway to Main Roads standards.
23. The townsite of Wellstead is located in close proximity to the proposed Southdown Magnetite Project and is therefore well positioned to take advantage of the development, if it proceeds. Rezoning of this land will deliver opportunity for the establishment of special rural uses which will support the town and its community.

**RECOMMENDATION**

THAT Council, subject to the recommended modifications contained within the Officer’s Report being completed by the proponent, resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment 278 to the City of Albany Town Planning Scheme No. 3 for the purpose of rezoning Lots 50 and 201 Sandalwood Road, Wellstead from “Rural” Zone to “Special Rural” Zone.

*Voting Requirement Simple Majority*

**DEVELOPMENT SERVICES REPORTS**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BUEGGE**

**THAT Council, subject to the recommended modifications contained within the Officer's Report being completed by the proponent, resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment 278 to the City of Albany Town Planning Scheme No. 3 for the purpose of rezoning Lots 50 and 201 Sandalwood Road, Wellstead from "Rural" Zone to "Special Rural" Zone.**

**MOTION CARRIED 7-2**

**DEVELOPMENT SERVICES REPORTS**

**11.3.7 Final Approval for Amendment – Change of Residential Density Codes in Central Area Zone and surrounding residential areas**

- File/Ward** : AMD 161 (Frederickstown Ward)
- Proposal/Issue** : Final adoption of Amendment 161 to TPS 1A to change the density of land in the Central Area and adjacent areas from R160 and R30 to R40, R60 and R-IC
- Subject Land/Locality** : Central Area of Albany and adjacent areas
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Gray & Lewis Land Use Planners; and Senior Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/06/07 - Item 11.3.9
- Summary Recommendation** : That Council adopt Amendment 161 for final approval (with modification)
- Bulletin Attachment** : 1 Schedule of Submissions  
2 Copy of Submissions
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. At its Ordinary Meeting held on 19 June 2007, Council resolved to initiate Amendment 161 to Town Planning Scheme 1A to change the residential density codes in and adjacent to the Albany central area.
2. The amendment was initiated by Council as a result of the State Administrative Tribunal's (SAT) review (June 2006) of the decision of the City of Albany to refuse a proposed development application in relation to Lots 9 and 12 Earl Street, Albany. SAT made reference to the undesirability of the R160 coding and adjoining R30 coding which was considered to give rise to significant planning difficulties. The proposed amendment was generally supported by key stakeholders in a workshop conducted by the City in September 2007.
3. A detailed description of the amendment (as advertised) is as follows:
  - a. recoding the Albany Central Area adjacent to York Street, Stirling Terrace and the "top roundabout" from R160 to R-IC;
  - b. recoding lots adjacent to Middleton Road, Aberdeen Street and north of Serpentine Road from R30 to R40;
  - c. recoding lots adjacent to Aberdeen Street, Serpentine Road, Spencer Street and Frederick Street from R30 to R60;
  - d. recoding lots adjacent to Frederick Street, Spencer Street and Stirling Terrace from R160 to R60;
  - e. recoding lots adjacent to Collie Street, Duke Street, Parade Street and Serpentine Road from R30 to R40; and
  - f. recoding lots adjacent to Stirling Terrace, Duke Street and Parade Street from R160 to R60.
4. The Density Coding of R-IC sets down a density of 1 unit per 110m<sup>2</sup> for multiple dwellings (dwellings on top of one another), which compares to R160 which sets down a density of 1 unit per 62.5m<sup>2</sup>.
5. The amendment was advertised from 30 January 2008 to 6 March 2008 for public comment. A copy of the schedule of submissions and copies of individual submissions are included in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

6. All Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005*. If Council grants final approval the amendment also requires endorsement by the WAPC and approval of the Honourable Minister for Planning and Infrastructure.

**POLICY IMPLICATIONS**

7. The State Planning Policies (SPP) relevant to this amendment are SPP No. 3 – Urban Growth and Settlement and SPP 3.1 – Residential Design Codes.
8. SPP 3 provides key requirements to create sustainable communities. Of relevance to this amendment are:
  - *"making the most efficient use of land in existing urban areas through .... and higher densities where these can be achieved without detriment to neighbourhood character and heritage values;*
  - *Supporting higher residential densities in the most accessible locations, such as, in and around town and neighbourhood centres."*

**DEVELOPMENT SERVICES REPORTS**

9. The Residential Design Codes ensure that the inner-city (R-IC) development, occurs in ways that:
- are consistent with the density and built form for the predominant development of the locality;
  - contribute positively to the streetscape and street activity of which they are part;
  - are consistent with general car-parking provisions and transport policies for the locality;
  - provide high standards of amenity and on-site facilities for residents;
  - encourage the conversion of existing buildings to residential use;
  - encourage sustainable design principles; and
  - encourage the conservation of heritage buildings and places.
10. The Central Albany Urban Design Guidelines (2007) and the Albany Design Guidelines (1996) provide the main parameters as to the acceptable built form and scale relevant to the subject land. Whilst the amendment will reduce the density coding from R160 to R-IC in areas zoned “Central Area”, the amendment proposes to increase density’s within adjacent residential areas. The following provisions (deemed most relevant to the proposal) for new and infill residential development, would need to be adhered too, despite increases in density:

Central Albany Urban Design Guidelines (2007)**“8.0 Residential Areas****8.2.2 Roof Forms**

*Roofs shall be articulated to ensure that the scale of individual roof elements is comparable with the scale of existing roofs in the locality.*

**8.3.2 Bulk and Scale**

*New residences to be articulated to break down their perceived bulk and establish a scale appropriate to existing residences in the locality when seen from the street.*

*Council may require the submission of streetscape drawings indicating the new residence in the context of existing residences in the street.*

**8.3.4 Open Streetscapes**

*Buildings to interact with the public domain and blank walls, heavy planting, screen walls, or garages and carports (unless the topography of the site makes this impractical) in the front setback area are to be avoided.*

**8.3.5 Street Setbacks**

*Subject to compliance with Clause 9.3.1 of the Residential Design Codes, the Council may relax the front setback provisions of the Residential Design Codes to match the average setback of existing residences on the same side of the street.*

**8.5.1 Building Height – Number of Storeys**

*Building heights in residential areas shall generally be two storey’s as set out in Category B of Table 3 of the Residential Design Codes measured from the datum levels set out below.*

**8.4.3 Additions and Alterations**

*Additions to existing residences should be sympathetic to the character and integrity of the original residence in terms of scale, and form. Additions should generally not attempt to reproduce historic styles but represent a contemporary solution which is considerate of the existing building. The Albany Urban Design Guidelines provide guidance on alterations and additions to architecturally significant residential buildings.*

**9.5 Development Adjoining Properties of Heritage Significance**

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*The design of new buildings on sites adjoining properties of heritage significance shall pay particular attention to the relationship to the built character of the heritage building in terms of scale, form, materials and external finishes.”*

Albany Design Guidelines (1996)

**“NEW BUILDINGS AND INFILL DEVELOPMENT**

*New buildings in a heritage town should not attempt to reproduce an historic style. They should be simple in design and reflect the form, shape and proportions established by the earlier surrounding buildings.*

*The existing structures and/or any surrounding structures and the proposed structure should generally blend and harmonise with one another in terms of:*

- 1) *Basic shape, scale and mass;*
- 2) *Street presentation and alignment;*
- 3) *Vertical door and window elements;*
- 4) *Harmonious wall finishes most common to the rest of the streetscape;*
- 5) *Car parking that does not intrude into and detract from the streetscape.*

*The Albany Design Guide explains each of these areas in detail for heritage areas and the attached diagrams give a graphical presentation of these elements.”*

11. Council’s Municipal Heritage Inventory identifies a range of commercial and residential properties which have heritage significance, and includes recommendations on conservation and protection measures based on the property’s heritage rating (with Category A+ being most important, through to Category D). There are approximately 230 properties within the Central Area and immediate surrounds that are listed in the Municipal Heritage Inventory. It is important to note that the Inventory is not a statutory document, but provides a basis from which a heritage list can be prepared which can be linked to Council’s Town Planning Scheme. There are currently 67 places of heritage value identified in the Scheme.
12. The Stirling Terrace Conservation Plan contains site specific development controls for properties fronting a section of Stirling Terrace only (although this plan relates primarily to those areas containing existing commercial buildings).

**FINANCIAL IMPLICATIONS**

13. A number of submissions have raised the need for Council to prepare character precinct guidelines for those areas affected by the proposed density increases, and more broadly across all inner city residential areas. There are no funds identified in the 2008/09 budget to engage a consultant to undertake guidelines for these areas.

**STRATEGIC IMPLICATIONS**

14. The Defining Central Albany Strategy (2004) was adopted by Council as a position paper to aid in the preparation of the Albany Local Planning Strategy and the Town Planning Scheme Review. The Strategy included the identification of eighteen (18) sub-precincts within the central area with associated analysis and recommendations for each precinct. Some of the relevant recommendations contained within the Strategy included:
  - The retention of the R160 density code;
  - The review and expansion of the Albany Design Guidelines to provide improved guidance and streetscape protection;
  - The adoption of a Local Planning Policy to deal with local heritage areas and character precincts. It recommended character precincts be adopted for Hill Street,

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Finlay Street, Melville Street, Earl Street, Bridges Street, Albany Highway, Earl Lane, Hotchin Avenue/View Street/Cliff Street and Mill Street.

15. Since the Strategy was prepared Council has adopted the Central Albany Urban Design Guidelines and has identified through this document and the SAT appeal that an R160 coding is not compatible with the desired built form.
16. With the exception of a portion of Earl Street, the identified character precincts will not be affected by the increased density.

**COMMENT/DISCUSSION**

Description of the amendment

17. The purpose of the amendment is to recode the Albany Central Area and adjacent areas from R30 and R160 to R40, R60 and R-IC to achieve compatible building design throughout.
18. R40 and R60 are considered to be medium density codings, and have been chosen to act as a transition from the higher density (R-IC) in the core area to the abutting lower density (R30) residential areas.
19. The proposed R40 areas have been located in the more elevated and visually prominent parts of the Central Area, whilst R60 has been allocated to the lower less exposed lots.

Public Consultation/Advertising

20. The amendment was advertised from 30 January 2008 to 6 March 2008. Eighteen (18) submissions were received and are summarised as per the schedule of submissions.
21. Generally, submissions were in favour of the amendment and considered the modifications to densities would facilitate an improved planning outcome for the Central Area.
22. Concerns expressed in the submissions are summarised as follows:
  - The location of the proposed R40 and R60 coding along the centre of streets was considered inappropriate by numerous submissions. A reason stated was that the Residential Design Codes (P8) specifies that the rear property boundary is the preferred dividing line and that, for consistency of streetscape, the same code should apply along both sides of the street.
  - The recoding of residential land, adjacent to the Regional Centre zone, to R40 and R60 was considered to pose a serious threat to the historic fabric and streetscape character. This was considered to be further exacerbated by the fact that the City lacks a strong set of policies and guidelines to protect the character of these neighbourhoods and that only a few of the residential houses are protected under the Municipal Inventory and State Heritage Inventory. Many of the submissions argue that the amendment should not proceed until 'Character Precinct Guidelines' are in place and further consideration (analysis) is given to the boundaries between the R40 and R60 coding.
  - WestNet Rail and the Albany Port Authority raised concern regarding increased density adjacent to the rail corridor. There is a predicted significant increase in rail use over the next 5 years and its operations should be protected by appropriate measures such as noise attenuation, memorial on titles and a commitment from Council to rail delivery to the port reflected in planning policy decisions.
  - Down coding of land which results in a reduction of the current development potential and the associated drop in the value of the land.

Response to major concerns raised in submissions

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23. Two major concerns raised in the submissions require further discussion i.e. protection of streetscape character and historic fabric and boundaries for R40 and R60 densities.

*Protection of streetscape character and historic fabric:*

24. The residential areas earmarked for higher density (R40/R60) under the amendment accommodate some of Albany's oldest buildings. The only protection from demolition and redevelopment currently afforded to these buildings is via Council's Scheme (if listed as a place of heritage value), or via the Heritage Council's State Heritage Inventory. Few buildings however are listed in these registers, and it is appreciated that groups of buildings within a street have their own combined character that is worthy of protection. The Central Albany Urban Design Guidelines (2007) and the Albany Design Guidelines (1996) do provide statutory controls for new and infill development based on a combination of broad heritage conservation principles and specific development standards, however these policies have been applied to R30 residential areas only, where extensions rather than redevelopment has been the norm.
25. The proposed amendment will introduce an R40 and R60 coding making the redevelopment potential of these properties considerably more attractive (especially in the case of R60). The amendment in its current form does not offer sufficient protection to the unique characteristics of these residential areas. This is contrary to SPP3 which identifies, as a key requirement for creating sustainable communities, that the most efficient use of land should be made in existing urban areas through higher densities where these can be achieved *without detriment to neighbourhood character and heritage values*.
26. An improved level of protection can be achieved through dual coding (i.e. changing R40 to R30/R40 and R60 to R30/60) wherein development will only be permitted to the higher code where the existing house is retained and/or upgraded. This would ensure that where there is sufficient space to locate an additional dwelling at the rear of an existing property (subject to the development complying with the existing policy framework), a higher density could be achieved without compromising streetscape. The existing house would need to be upgraded to match the quality of the new development promoting its future longevity within the street.
27. Staff believe character precinct guidelines as requested in the submissions is not a necessity to ensure future development (in the identified transitional areas) will be sympathetic to existing development. The dual coding of R30/40 and R30/60 will promote the retention of dwellings, and the Central Albany Urban Design Guidelines and Albany Design Guidelines will ensure development and extensions are built to an appropriate scale and form.

*Boundaries for R40 and R60 densities:*

28. Where R40 density boundaries are proposed along the centre of streets and opposite existing R30 areas, the impact on streetscape character is considered minimal. The reason for this is that there are small differences in site areas between these two densities (the average site area per dwelling under R30 is 300m<sup>2</sup> and under R40 is 220m<sup>2</sup>). Development at the R40 density will therefore not result in a significant change in streetscape character in comparison to development at the R30 density.
29. Where R60 density boundaries are proposed along the centre of streets and opposite existing R30 areas, the impact on streetscape character can be managed via dual coding designed to encourage the upgrade and retention of existing dwellings. The use of rear property boundary lines as density code boundaries between R30 and R60 is not favoured in this instance as the slope between Spencer Street and Aberdeen Street has the potential to amplify overlooking and overshadowing issues.

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30. It is also considered appropriate to use street boundaries to define code boundaries where rear lot boundaries are varying in lot sizes and dimensions as the blocks in question (i.e. Parade, Grey, Aberdeen and Spencer Streets).

Proposed Recommendations

31. It is proposed that the following new Clause 4.23 be inserted into the Scheme Text:

*“Within the area zoned Residential R30/40 and Residential R30/60 on the Scheme Map the base code of R30 will apply and may at the discretion of Council be increased to a higher code up to a maximum of R40 and R60 respectively where the development in the opinion of Council:*

- a) *Retains an existing house which has historic character, is worthy of retention and positively contributes to the existing streetscape; and*
- b) *The new dwelling units have architectural elements which complement the existing historic / character dwelling creating an integrated design; or*
- c) *Retains an existing house which is worthy of retention, positively contributes to the existing streetscape, and is of excellent quality with a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling) and;*
- d) *The new dwelling units and existing dwelling have common architectural elements creating an integrated design.*
- e) *Has a high level of compliance with any relevant Local Planning Policy or Character Precinct Guidelines adopted by Council.”*

32. The above clause allows for the higher density to be at the discretion of Council and recognises that:

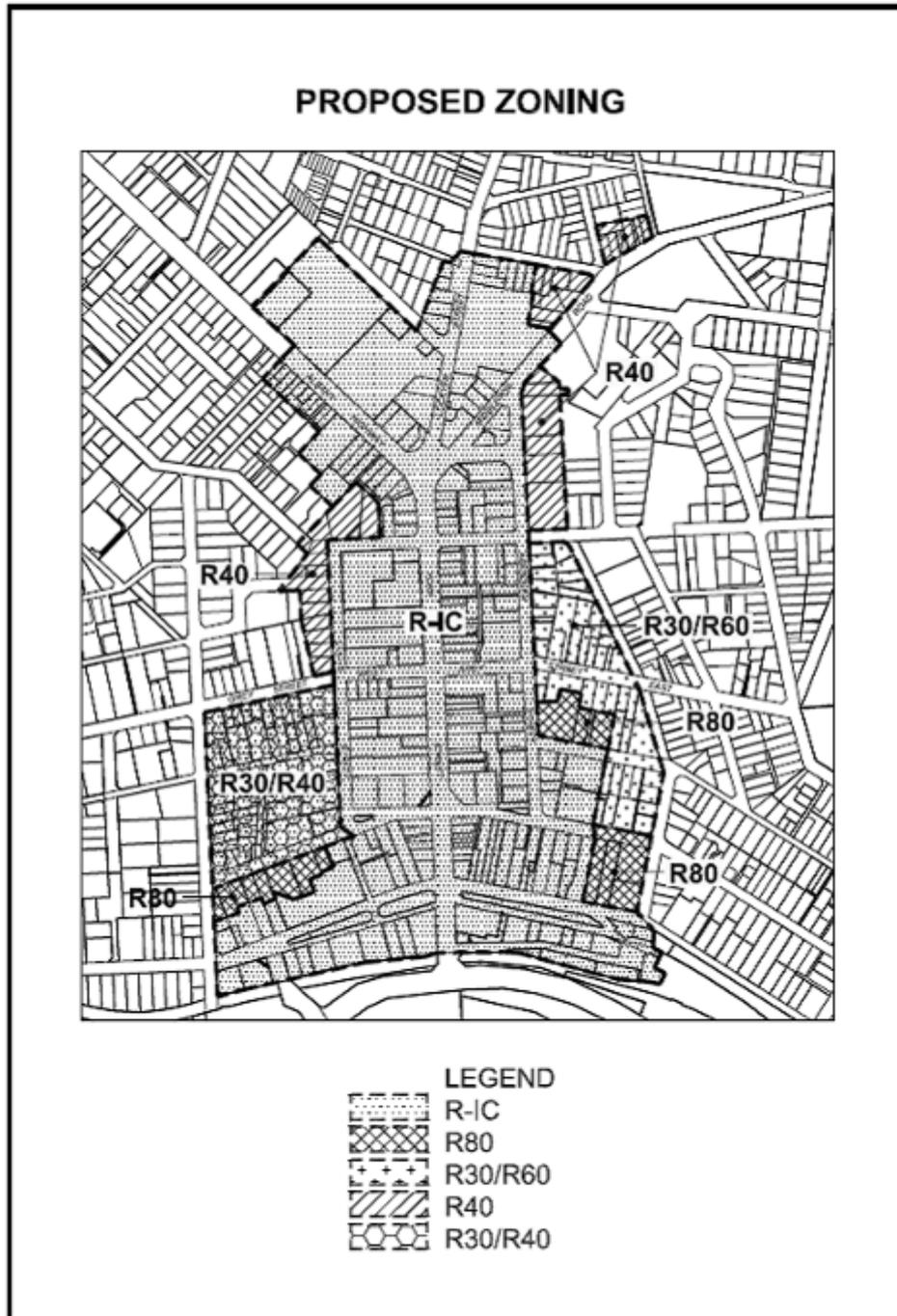
- a. The house to be retained has to contribute to the streetscape whether it is historic or modern.
- b. Where the house is historic then the new dwellings have to complement the house;
- c. If it is a modern house, then the units and house have to be integrated in design; and
- d. It requires the existing modern house to be of an equal standard to the new house.

33. Further changes to the Scheme Map are proposed and relate to recoding areas along Stirling Terrace and land bounded by Frederick, Aberdeen and Earl Street to R-IC. The map on the next page identifies the recommended codings in response to the submissions raised. Other more detailed changes to the amendment are described within the attached Schedule of Submissions.

34. The introduction of the R30/R40 and R30/R60 codes will serve as a transition area between the higher density under the R-IC code and the existing adjacent residential areas which have a lower density code of R30. Small packets of R80 density in strategic locations have been supported to promote mixed used development (where the underlining Central Area Zoning applies) and/or redevelopment as in the case of the car sales yard.

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35. The amendment with modifications as proposed will facilitate an improved planning outcome for the Albany central area and adjacent residential areas.



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RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005, resolves to adopt Amendment No. 161 of the City of Albany’s Town Planning Scheme No. 1A by:

(i) Inserting into the Scheme Clause 4.23 as follows:

*“Within the area zoned Residential R30/40 and Residential R30/60 on the Scheme Map the base code of R30 will apply and may at the discretion of Council be increased to a higher code up to a maximum of R40 and R60 respectively where the development in the opinion of Council:*

- a) retains an existing house which has historic character, is worthy of retention and positively contributes to the existing streetscape; and*
- b) the new dwelling units have architectural elements which complement the existing historic / character dwelling creating an integrated design; or*
- c) retains an existing house which is worthy of retention, positively contributes to the existing streetscape, and is of excellent quality with a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling);*
- d) the new dwelling units and existing dwelling have common architectural elements creating an integrated design; and*
- e) has a high level of compliance with any relevant Local Planning Policy or Character Precinct Guidelines adopted by Council.”*

(ii) Amending the Scheme Maps by:

- a) recoding the Albany Central Area adjacent to York Street, Stirling Terrace and the “top roundabout” from R160 to R-IC;
- b) recoding lots adjacent to Aberdeen Street, Serpentine Road, Middleton Road, Hotchin Avenue, Tasman Street, Grey Street West, Young Street and Collie Street inclusive of Lots 39 Hotchin Avenue, Lot 10 Grey Street West, Lot 148 Tasman Street, Lots 9, 100, 101, 30, 29 and 28 Collie Street, Lots 8, 5, 52, 53, 54, 49, 501, 51 and 4 Middleton Road, Lots 1, 2 and 3 Young Street, Lots 1, 2, 2 and 47 Serpentine Road and Lots 29, 28, 27, pt 66, 60 and 17 Aberdeen Street from R30 to R40;
- c) recoding lots bordered by Serpentine Road, Aberdeen Street, Spencer Street and Frederick Street (up to the western boundary of Lot 102 Earl Street and Lot 1447 Frederick Street) and excluding the land identified in point d below, from R30 to R30/R60;
- d) recoding of lots adjacent to Frederick Street, Earl Street , Stirling Terrace, Duke Street and Parade Street inclusive of Lots 19, 123 and 41 Stirling Terrace, Lot 40 Frederick Street, Lot S50 Parade Street, Lots 17, 10, S47, S46, 18, 15 and portion Reserve 29419 Duke Street and Lots 142, 201, 7 and 200 Earl Street from R160 and R30 to R80; and
- e) recoding lots bordered by Collie Street, Duke Street, Parade Street and Grey Street West from R30 to R30/R40.

AND

THAT Council receive the Schedule of Submissions and adopts the officer’s recommendation to dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR PAVER**

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005, resolves to adopt Amendment No. 161 of the City of Albany's Town Planning Scheme No. 1A by:

(i) Inserting into the Scheme Clause 4.23 as follows:

*“Within the area zoned Residential R30/40 and Residential R30/60 on the Scheme Map the base code of R30 will apply and may at the discretion of Council be increased to a higher code up to a maximum of R40 and R60 respectively where the development in the opinion of Council:*

- a) *retains an existing house which has historic character, is worthy of retention and positively contributes to the existing streetscape; and*
- b) *the new dwelling units have architectural elements which complement the existing historic / character dwelling creating an integrated design; or*
- c) *retains an existing house which is worthy of retention, positively contributes to the existing streetscape, and is of excellent quality with a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling);*
- d) *the new dwelling units and existing dwelling have common architectural elements creating an integrated design; and*
- e) *has a high level of compliance with any relevant Local Planning Policy or Character Precinct Guidelines adopted by Council.”*

(ii) Amending the Scheme Maps by:

- a) recoding the Albany Central Area adjacent to York Street, Stirling Terrace and the “top roundabout” from R160 to R-IC;
- b) recoding lots adjacent to Aberdeen Street, Serpentine Road, Middleton Road, Hotchin Avenue, Tasman Street, Grey Street West, Young Street and Collie Street inclusive of Lots 39 Hotchin Avenue, Lot 10 Grey Street West, Lot 148 Tasman Street, Lots 9, 100, 101, 30, 29 and 28 Collie Street, Lots 8, 5, 52, 53, 54, 49, 501, 51 and 4 Middleton Road, Lots 1, 2 and 3 Young Street, Lots 1, 2, 2 and 47 Serpentine Road and Lots 29, 28, 27, pt 66, 60 and 17 Aberdeen Street from R30 to R40;
- c) recoding lots bordered by Serpentine Road, Aberdeen Street, Spencer Street and Frederick Street (up to the western boundary of Lot 102 Earl Street and Lot 1447 Frederick Street) and excluding the land identified in point d below, from R30 to R30/R60;
- d) recoding of lots adjacent to Frederick Street, Earl Street, Stirling Terrace, Duke Street and Parade Street inclusive of Lots 19, 123 and 41 Stirling Terrace, Lot 40 Frederick Street, Lot S50 Parade Street, Lots 17, 10, S47, S46, 18, 15 and portion Reserve 29419 Duke Street and Lots 142, 201, 7 and 200 Earl Street from R160 and R30 to R80; and
- e) recoding lots bordered by Collie Street, Duke Street, Parade Street and Grey Street West from R30 to R30/R40.

**AND**

THAT Council receive the Schedule of Submissions and adopts the officer's recommendation to dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.

**MOTION CARRIED 8-1**

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**11.4 RESERVES PLANNING**

Nil.

**11.5 EMERGENCY MANAGEMENT**

Nil.

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**11.6 DEVELOPMENT SERVICE COMMITTEES**

**11.6.1 Planning and Environment Strategy and Policy Committee Meeting – 16 July 2008**

<b>File/Ward</b>	:	MAN 235 (All Wards)
<b>Proposal/Issue</b>	:	Committee Item for Council Consideration
<b>Reporting Officer(s)</b>	:	Manager Planning and Ranger Services (G Bride)
<b>Summary Recommendation</b>	:	That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 16 July 2008 be adopted

**COMMENT**

The Manager of Planning and Ranger Services advises that in addition to those items identified in the minutes for consideration at the next meeting (20 August 2008) the Bayonet Head Detailed Area Plan will also be discussed.

**RECOMMENDATION**

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 16 July 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

- i. Item 6.3 Little Grove Structure Plan  
THAT Council:
  - a) Accepts the Schedule of Modifications from the Department for Planning and Infrastructure; and
  - b) Adopts for the purposes of advertising the draft Little Grove Structure Plan.
  
- ii. Item 6.4 Outline Development Plan – Le Grande Avenue, Flemington Street and Boundary Street, McKail  
THAT Council adopts for the purposes of advertising the Outline Development Plan for Lots 113, 114 and 118 Boundary Street, Lot 51 Le Grande Avenue and Lots 115, 116 and 117 Flemington Street, McKail.
  
- iii. Item 7.0 Car Parking  
That Council set the following objectives for the work to be undertaken by the Planning and Environment Strategy and Policy Committee, to review the car parking arrangements within Albany's Central Business District:
  - a) Prior to determining the required car parking arrangements for individual lots or classes of land use, a master plan be prepared for the Central Business District to define the built form that Council wishes to achieve, together with the access arrangements throughout the city centre.
  
  - b) In considering the long term development options for the Central Business District the following principles be established:
    - i. Albany's Central Business District will retain the fine grained built form that currently exists;
    - ii. Planned development solutions shall not be so onerous as to prevent additional buildings being constructed within the CBD on existing vacant lots;

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- iii. The cost burden for the provision of car parking to meet any existing parking shortfall shall be borne equally by all lots within the CBD;
  - iv. Options for all day car parking for shop owners and staff working in the CBD be investigated;
  - v. Car parking at the rear of CBD businesses should be maximised by the removal of artificial levels between lots, the construction of integrated car parking across lots and the rationalisation of access driveways into rear of lot car parking areas;
  - vi. Where the car parking burden is unreasonably placed upon a single landowner, appropriate density/plot ratio bonuses should be considered to offset any community benefits that are provided, conditionally that the Central Albany Urban Design Policy is not compromised;
  - vii. Any car parking solution will be based upon a reduced reliance of the private motor vehicle as the primary mode of transport to work for individuals; and
  - viii. Consideration be given to an alternate method of securing car parking from developers than the current car parking provisions of Town Planning Scheme 1A.
- c) That key stakeholders be included into future forums to discuss and resolve the master planning of the CBD and car parking solutions.
- d) Potential sites for a future multi-storey car parking station and the options /mechanisms to fund such a station be investigated by staff and brought back to the Committee for further deliberation.

*Note: In relation to Item 8.0 (Delegations of Council to the Committee to Advertise Structure Plans and Planning Policies) since the meeting was held, the Chief Executive Officer has suggested that wording in the resolution needs to be modified to specifically delegate the power to advertise local planning policies to an authorised officer which is allowable under both Planning Schemes (i.e. the Executive Director Development Services), conditional upon clear direction being provided by the Committee supporting the advertising of a policy. The proposed modifications as delineated below do not change the intention of the Committee's resolution.*

iv) Item 8.0 Delegation of Council to the Committee to Advertise Structure Plans and Planning Policies

THAT Council:

- a) In accordance with Clause 7.22 of Town Planning Scheme No. 1A and Clause 6.10.1 of Town Planning Scheme No. 3 delegates to the Executive Director Development Services, and the Manager Planning and Ranger Services when the Executive Director Development Services is on leave, delegated authority in relation to Clause 7.21.2(a) of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme No. 3 to advertise draft Local Planning Policies where the Planning and Environment Strategy Committee has supported the advertising, on the understanding that the policy can only be considered for final adoption by full Council after advertising has been finalised.
- b) Endorses the advertising of structure plans/outline development plans where the Planning and Environment Strategy and Policy Committee adopts a recommendation to advertise the Proposed Plan on the understanding that the structure plan can only be considered for final adoption by full Council after advertising has been finalised.

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v) Item 9.1 Bulky Goods Outlets

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in the assessment of Bulky Goods Outlets on the basis of the following principles:

- a) The retailing of smaller items in Bulky Goods Outlets shall only be considered where they are not specifically precluded in the definition of 'Bulky Goods Outlets'.
- b) The floor space associated with smaller items in Bulky Goods Outlets shall be incidental to the sale of bulky goods and be limited to a small percentage of the overall floor space of such a store.
- c) Bulky Goods Outlets shall be restricted in industrial zones to areas with direct lot frontage to a local distributor road and/or within close proximity to Albany's CBD (i.e. Centennial Park locality) to ensure sufficient industrial land is retained for traditional industrial uses and to maintain the status of the Other Commercial zone as the primary location for such development.

vi) Item 9.2 Consulting Rooms and Places of Public Worship in Residential Areas

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 policy which clarifies Council's position in the assessment of Consulting Rooms and Places of Public Worship on the basis of the following principles:

- a) Any development should be of a scale and character which allows it to blend in with surrounding residences.
- b) The building should be setback from the street at a similar distance to surrounding houses to reduce the impact on the streetscape.
- c) The majority of car parking shall be located behind the building to reduce the impact on the streetscape.
- d) The road servicing the development shall be a local distributor road that is capable of supporting the additional traffic generated by the development.
- e) Preference shall be given to development which is located on a corner lot to allow for improved traffic distribution, provide a buffer to surrounding residences and to reduce the impact on the streetscape.

vii) Item 9.3 Treatment of Building Facades in Industrial Areas

That Council support the preparation of an amendment to the Development Guidelines 1A and 3 policy to modify and clarify Council's position in regard to the treatment of industrial building facades on the basis of the following principle:

- a) The front facade of an industrial building shall add to the streetscape and may use a combination of materials, except that the facade should not be dominated by metal sheeting.

**DEVELOPMENT SERVICES REPORTS**

viii) Item 9.4 Variation to the Residential Design Codes

**CARPORTS**

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in regard to the setback of carports from the front boundary to include a minimum setback of 3 metres.

**SITE WORKS**

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which introduces height and amenity controls for retaining walls adjacent to reserves (inclusive of road reserves on the secondary street setback).

**REFLECTIVE ROOFS**

That Council takes no action on the preparation of a policy on reflective roofs as requested by the Frenchman Bay Association maintaining the status quo in relation to allowable roof materials in residential zones.

ix) Item 9.5 Discrepancies between Development Guidelines 1A and 3

That Council:

- a) agrees to the preparation of an amendment to the Development Guidelines 1A to incorporate the provisions relating to bed and breakfast establishments existing in Development Guidelines 3; and
- b) acknowledges that where there are minor discrepancies in wording between the two policies, staff will correct the anomalies and bring them to the attention of the Planning and Environment Strategy and Policy Committee prior to adoption of the policy.

x) Item 9.6 Expiry of Planning Consent

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 using the current approach that an approved development shall be substantially commenced within a 2 year period, which is also to include guidance as to what stage of development the project meets the requirement of being substantially commenced.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

*Councillor Paver moved the following procedural motion to address the Committee Meeting Recommendations separately.*

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR PRICE**

**THAT Council address the following Committee Meeting Recommendations separately:**

- **(viii) - Item 9.4 – Variation to the Residential Design Codes ;**
- **(iii) - Item 7.0 – Car Parking;**
- **(iv) - Item 8.0 - Delegation of Council to the Committee to Advertise Structure Plans and Planning Policies**

**MOTION CARRIED 9-0**

**ALTERNATE MOTION BY COUNCILLOR PAVER**

**ITEM:** Item 11.6.1 - (Recommendation 9.4 Variation to the Residential Design Codes)

**SUBJECT:** Reflective Roof Policy in locality of Goode Beach

**ALTERNATE MOTION:**

**CARPORTS**

THAT Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in regard to the setback of carports from the front boundary to include a minimum setback of 3 metres.

**SITE WORKS**

THAT Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which introduces height and amenity controls for retaining walls adjacent to reserves (inclusive of road reserves on the secondary street setback).

**REFLECTIVE ROOFS**

THAT Council directs staff to prepare a reflective building materials policy for the locality of Goode Beach based on the Shire of Busselton's 'Use of Reflective Building Materials' policy with the purpose being to ensure negative impacts on amenity, namely visual detracting and sunlight reflection and glare, from highly reflective materials are avoided.

**COUNCILLOR'S REASON:**

The locality of Goode Beach is characterised by sloping terrain which is predominantly orientated to the north, and in many parts affords residents spectacular views to the Albany CBD and/or eastwards towards King George Sound. Many residences have been designed to take advantage of these views, with large glazed areas from living areas and balconies being strategically placed. The reflection and glare associated with highly reflectivity materials has the potential to impact on the amenity of residents in these situations.

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OFFICERS REPORT

AUTHOR: Manager Planning & Ranger Services (G Bride)

STATUTORY REQUIREMENTS:

The issue of material reflectivity is not specifically addressed within the Residential Planning Codes, except that the recent review of the Codes introduced new provisions for solar collectors (Section 6.10.2 – External Fixtures), which includes solar roofs (using new Photovoltaic cell technology) stating that the location of solar collectors are permitted as of right as primacy must be given to maximising the efficiency of these units. Any amenity considerations relating to solar collectors cannot therefore be taken into account.

The Residential Design Codes do allow Council to introduce a local policy where *“buildings need to be designed to enhance an existing desired streetscape, where the Council has identified the need for design control”*. Where a local policy is prepared, all future buildings would be required to comply with the provisions of a local planning policy made under the Scheme in respect of *“the design of carports and garages the colour, scale, materials and roof pitch of buildings including outbuildings, the form and materials retaining walls and the extent to which the upper levels of buildings as viewed from the street should be limited”*.

If motion is supported, staff would prepare a draft policy for Council's consideration based on the Shire of Busselton's Policy, which is attached.

POLICY IMPLICATIONS:

The policy would only apply to the locality of Goode Beach.

FINANCIAL IMPLICATIONS:

There would be minimal costs incurred to advertise the policy in the newspaper as required under the Scheme.

STRATEGIC IMPLICATIONS:

No additional comments.

COMMENT:

The Shire of Busselton Policy specifically precludes zincalume and surf mist (or off white as it was previously known in the colorbond range), which are materials with a solar reflectivity rating greater than 50%, unless a proponent can meet a range of assessment criteria. Two of the assessment criteria listed are reasonably subjective. The first is the requirement for an application to be referred to landowners that 'circumscribe' the subject lot; from staff's view this could be problematic as to which landowners should be requested to comment. The second, which bears close relevance to the first, requires the proponent to prove that the reflective material will not be overlooked from existing or future dwellings on adjoining land.

The policy also identifies that whilst new zincalume sheeting has a solar reflectivity rating of 76%, within 18 months in a rural environment this would reduce to 61% as the metal oxidises and dulls. In a marine location, such as Goode Beach, it is expected that this figure would be reduced further.

**DEVELOPMENT SERVICES REPORTS**

It is an accepted position that highly reflected materials, such as Zinalume© and surf mist COLORBOND © (lightest colorbond colour available) do have good thermal properties during summer periods with lower heat absorption rates (heat absorbance rates for zinalume are at 0.35 versus dark grey colorbond at 0.9, *source: Building Code of Australia*). Whilst energy efficiency requirements of the Building Code, inclusive of a higher standard of ceiling and wall insulation do negate the benefits to some degree, a reduction in heat within the roof space combined with insulation relevant to Albany's climatic zone (Zone 6 in Building Code of Australia) may reduce the reliance on air conditioning use in summer. Surfmist in particular is a material favoured by many architects when designing new buildings due to its modern appearance and favourable thermal qualities.

Around 80 percent of Goode Beach has already been developed and therefore the policy would only apply to a small number of vacant lots, or in circumstances where redevelopment was proposed (i.e. replacing an old roof as a result of a building renovation or due to maintenance issues).

In relation to the issue of topography and lot orientation (to the north) as found in Goode Beach, which can aggravate solar reflectivity issues, these same conditions can be found on the slopes of Mount Clarence and Mount Melville and within suburbs of Mira Mar, Collingwood Heights, Yakamia, Bayonet Head and Lower King. In many of these localities zinalume and surfmist colorbond have been used extensively.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WALKER**

**THAT Council makes the following variations to Residential Design Codes for locality of Goode Beach:**

**CARPORTS**

**THAT Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in regard to the setback of carports from the front boundary to include a minimum setback of 3 metres.**

**SITE WORKS**

**THAT Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which introduces height and amenity controls for retaining walls adjacent to reserves (inclusive of road reserves on the secondary street setback).**

**REFLECTIVE ROOFS**

**THAT Council directs staff to prepare a reflective building materials policy for the locality of Goode Beach based on the Shire of Busselton's 'Use of Reflective Building Materials' policy with the purpose being to ensure negative impacts on amenity, namely visual detracting and sunlight reflection and glare, from highly reflective materials are avoided.**

**DEVELOPMENT SERVICES REPORTS**

**AMENDMENT**

**MOVED COUNCILLOR MORRIS  
SECONDED COUNCILLOR BUEGGE**

**THAT the Variation to the Residential Design Codes applies to all localities in the City of Albany, not just Goode Beach.**

**AMENDMENT CARRIED 6-3  
AMENDMENT BECOMES MOTION  
MOTION PUT AND CARRIED 8-1**

*Committee Recommendation iii) Item 7.0 Car Parking lapsed through want of a seconder.*

**MOVED COUNCILLOR BUEGGE**

**iii) Item 7.0 Car Parking**

**That Council set the following objectives for the work to be undertaken by the Planning and Environment Strategy and Policy Committee, to review the car parking arrangements within Albany's Central Business District:**

- a) Prior to determining the required car parking arrangements for individual lots or classes of land use, a master plan be prepared for the Central Business District to define the built form that Council wishes to achieve, together with the access arrangements throughout the city centre.**
- b) In considering the long term development options for the Central Business District the following principles be established:
  - i. Albany's Central Business District will retain the fine grained built form that currently exists;**
  - ii. Planned development solutions shall not be so onerous as to prevent additional buildings being constructed within the CBD on existing vacant lots;**
  - iii. The cost burden for the provision of car parking to meet any existing parking shortfall shall be borne equally by all lots within the CBD;**
  - iv. Options for all day car parking for shop owners and staff working in the CBD be investigated;**
  - v. Car parking at the rear of CBD businesses should be maximised by the removal of artificial levels between lots, the construction of integrated car parking across lots and the rationalisation of access driveways into rear of lot car parking areas;**
  - vi. Where the car parking burden is unreasonably placed upon a single landowner, appropriate density/plot ratio bonuses should be considered to offset any community benefits that are provided, conditionally that the Central Albany Urban Design Policy is not compromised;**
  - vii. Any car parking solution will be based upon a reduced reliance of the private motor vehicle as the primary mode of transport to work for individuals; and**
  - viii. Consideration be given to an alternate method of securing car parking from developers than the current car parking provisions of Town Planning Scheme 1A.****
- c) That key stakeholders be included into future forums to discuss and resolve the master planning of the CBD and car parking solutions.**
- d) Potential sites for a future multi-storey car parking station and the options /mechanisms to fund such a station be investigated by staff and brought back to the Committee for further deliberation.**

**MOTION LAPSED  
NO SECONDER**

**DEVELOPMENT SERVICES REPORTS**

*Committee Recommendation iv) Item 8.0 Delegation of Council to the Committee to Advise Structure Plans and Planning Policies lapsed.*

iv) Item 8.0 Delegation of Council to the Committee to Advise Structure Plans and Planning Policies

THAT Council:

- a) In accordance with Clause 7.22 of Town Planning Scheme No. 1A and Clause 6.10.1 of Town Planning Scheme No. 3 delegates to the Executive Director Development Services, and the Manager Planning and Ranger Services when the Executive Director Development Services is on leave, delegated authority in relation to Clause 7.21.2(a) of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme No. 3 to advertise draft Local Planning Policies where the Planning and Environment Strategy Committee has supported the advertising, on the understanding that the policy can only be considered for final adoption by full Council after advertising has been finalised.
- b) Endorses the advertising of structure plans/outline development plans where the Planning and Environment Strategy and Policy Committee adopts a recommendation to advertise the Proposed Plan on the understanding that the structure plan can only be considered for final adoption by full Council after advertising has been finalised.

MOTION LAPSED  
NO MOVER

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR PRICE**

**THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 16 July 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:**

i) Item 6.3 Little Grove Structure Plan

THAT Council:

- a) **Accepts the Schedule of Modifications from the Department for Planning and Infrastructure; and**
- b) **Adopts for the purposes of advertising the draft Little Grove Structure Plan.**

ii) Item 6.4 Outline Development Plan – Le Grande Avenue, Flemington Street and Boundary Street, McKail

**THAT Council adopts for the purposes of advertising the Outline Development Plan for Lots 113, 114 and 118 Boundary Street, Lot 51 Le Grande Avenue and Lots 115, 116 and 117 Flemington Street, McKail.**

v) **Item 9.1 Bulky Goods Outlets**

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in the assessment of Bulky Goods Outlets on the basis of the following principles:

- a) The retailing of smaller items in Bulky Goods Outlets shall only be considered where they are not specifically precluded in the definition of 'Bulky Goods Outlets'.
- b) The floor space associated with smaller items in Bulky Goods Outlets shall be incidental to the sale of bulky goods and be limited to a small percentage of the overall floor space of such a store.
- c) Bulky Goods Outlets shall be restricted in industrial zones to areas with direct lot frontage to a local distributor road and/or within close proximity to Albany's CBD (i.e. Centennial Park locality) to ensure sufficient industrial land is retained for traditional industrial uses and to maintain the status of the Other Commercial zone as the primary location for such development.

vi) **Item 9.2 Consulting Rooms and Places of Public Worship in Residential Areas**

That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 policy which clarifies Council's position in the assessment of Consulting Rooms and Places of Public Worship on the basis of the following principles:

- a) Any development should be of a scale and character which allows it to blend in with surrounding residences.
- b) The building should be setback from the street at a similar distance to surrounding houses to reduce the impact on the streetscape.
- c) The majority of car parking shall be located behind the building to reduce the impact on the streetscape.
- d) The road servicing the development shall be a local distributor road that is capable of supporting the additional traffic generated by the development.
- e) Preference shall be given to development which is located on a corner lot to allow for improved traffic distribution, provide a buffer to surrounding residences and to reduce the impact on the streetscape.

vii) **Item 9.3 Treatment of Building Facades in Industrial Areas**

That Council support the preparation of an amendment to the Development Guidelines 1A and 3 policy to modify and clarify Council's position in regard to the treatment of industrial building facades on the basis of the following principle:

- a) The front facade of an industrial building shall add to the streetscape and may use a combination of materials, except that the facade should not be dominated by metal sheeting.

DEVELOPMENT SERVICES REPORTS

ix) **Item 9.5 Discrepancies between Development Guidelines 1A and 3**

That Council:

- a) **agrees to the preparation of an amendment to the Development Guidelines 1A to incorporate the provisions relating to bed and breakfast establishments existing in Development Guidelines 3; and**
- b) **acknowledges that where there are minor discrepancies in wording between the two policies, staff will correct the anomalies and bring them to the attention of the Planning and Environment Strategy and Policy Committee prior to adoption of the policy.**

x) **Item 9.6 Expiry of Planning Consent**

**That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 using the current approach that an approved development shall be substantially commenced within a 2 year period, which is also to include guidance as to what stage of development the project meets the requirement of being substantially commenced.**

**MOTION CARRIED 8-1**

*Footnote:*

*“Item 6.3 of the Minutes of the Planning and Environment Strategy and Policy Committee Meeting of 16 July 2008, page 7, Committee Discussion:*

**Committee Discussion:**

The Strategic Planning Officer (SPO) talked through the plan and considerable debate occurred on issues such as the provision of Public Open Space (POS), lot sizes and the protection of the character existing in Little Grove. Councillor Stanton advised that the area designated for POS in the Structure Plan was cleared and reasonably flat and was the obvious place for a large area of open space to serve the community. The SPO explained that contributions from landowners as part of the subdivision process will allow the owner affected by the POS designation to be financially compensated. There was also some discussion as to whether landowners could continue to run horses or keep other animals with residential growth occurring around them. The Manager of Building and Health Services (MBHS) advised that Council's Animal Local Law currently applies to this area and should complaints be received in the future each complaint would be looked at on its merits. In relation to lot sizes the SPO and MPRS explained that in order to protect the ridgelines and areas of vegetation, whilst ensuring a reasonable lot yield to offset infrastructure costs, smaller lots down to 300m<sup>2</sup> could be considered on land that was generally flat and cleared of vegetation so long as an average lot size of 500m<sup>2</sup> over the land parcel was maintained.

*Amended to read:*

*The Strategic Planning Officer (SPO) talked through the plan and considerable debate occurred on issues such as the provision of Public Open Space (POS), lots sizes and the protection of the character existing in Little Grove. **Councillor Stanton advised that the area designated for POS in the Structure Plan was cleared and reasonable flat and was unfortunately the only place for a large area of open space to serve the community.** The SPO explained that contributions from landowners as part of the subdivision process will allow the owner affected by the POS designation to be financially compensated.*

**DEVELOPMENT SERVICES REPORTS**

*Shire of Busselton  
Use of Reflective Building Materials Policy*

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**REFLECTIVE BUILDING MATERIALS POLICY**

Adopted by Council: 14 April, 1993  
Reviewed and Adopted by Council: 9 June, 2003

Council considers that ZINCALUME®, off-white COLORBOND® and other building materials of highly reflective qualities create potential amenity problems in terms of their visual detraction and nuisance arising from sunlight reflection and glare.

This policy attempts to balance these potential problems in the context of objective assessment that examines the relative impacts in the particular circumstance and the broader community perception of reflective building materials.

**1. OBJECTIVES**

- 1.1 To preserve the amenity of urban areas from the potential visual detraction and nuisance of highly reflective building materials.
- 1.2 To preserve the visual amenity and rural / scenic character of areas of landscape value from the potential visual detraction of highly reflective building materials.
- 1.3 To ensure that highly reflective building materials are used only where an assessment has been undertaken in relation to the potential visual detraction and nuisance arising from sunlight reflection and glare.
- 1.4 To acknowledge the thermal energy efficiency of highly reflective building materials, however only permit use of such materials where the relative visual impact can be mitigated.

**2. DEFINITIONS**

“Low reflective building material” means any building material that has a solar reflectance value of 50% or less.

“Highly reflective building material” means any building material that has a solar reflectance value greater than 50%.

“Solar reflectance value” represents the percentage of the total solar radiative energy falling onto a surface that is re-radiated. For the purpose of this policy the values are those provided by BHP Steel Ltd that are shown in Appendix 1 and which have been adopted by Council.

**DEVELOPMENT SERVICES REPORTS**

*Shire of Busselton  
Use of Reflective Building Materials Policy*

**3. POLICY**

3.1 This policy shall apply to the following areas:

- Land included in a 'Landscape Value' Area or urban / residential zone (i.e. including, for the purposes of this policy, the 'Tourist', 'Business', 'Restricted Business', 'Industrial', 'Special Purpose', 'Residential' and 'Rural Residential' Zones) pursuant to the Shire of Busselton District Town Planning Scheme No. 20 ("the Scheme") and any succeeding town planning scheme.
- Land within 400m of any road identified as a 'Travel Route Corridor' pursuant to Statement of Planning Policy No. 7: Leeuwin-Naturaliste Ridge Policy, including:
  - \* Metricup Road
  - \* Metricup Yelverton Road
  - \* Wildwood Road
  - \* Vasse Yallingup Siding Road
  - \* Commonage Road
  - \* Chain Avenue

*(Please note that the policy already applies where travel route corridors are included in a 'Landscape Value' Area pursuant to the Scheme. The above travel route corridors are listed as examples as they are wholly or partly excluded from this area designation).*

- Land within 200m of Bussell Highway (where outside the area of Statement of Planning Policy No. 7: Leeuwin-Naturaliste Ridge Policy), Busselton Bypass or Vasse Highway.

The inclusion of land within 400m of a road identified as a travel route corridor is based on the scaled width of these corridors on the Landscape Classes Map pursuant to Statement of Planning Policy No. 7 – Leeuwin Naturaliste Ridge.

The inclusion of land within 200m of an important regional highway is half that applied to identified travel route corridors given that these are general rural character areas only.

3.2 The use of highly reflective building materials will not be supported in the areas to which this policy applies, however may be permitted (subject to submission of a formal development application) only where it is demonstrated by the applicant that the particular proposal satisfies all of the assessment criteria relevant to the specific areas below:

**DEVELOPMENT SERVICES REPORTS**

*Shire of Busselton  
Use of Reflective Building Materials Policy*

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In urban / residential zones:

- The owners of those adjoining / surrounding lots that circumscribe the subject lot do not object to the use of the reflective material.

*(Where the comments of adjoining / surrounding landowners are not provided by the applicant, Council shall refer the application to such persons for a minimum period of 14 days. Any objections must be based on valid amenity grounds and supported by written explanation).*

- The reflective material will not be overlooked from existing or future dwellings on adjoining land.
- The reflective material will not be visually prominent from a main road or public place.
- The reflective material will not create nuisance or hazard.
- There is sufficient vegetation to screen the reflective material, so that it is obscured from view and will not be inconsistent with the above assessment criteria.

In a 'Landscape Value' Areas, 'Travel Route Corridor' or area adjoining an important highway:

- The owner of any surrounding / adjoining lot that may be affected by the use of reflective material does not object to the proposal.

*(Where the comments of a potentially affected landowner are not provided by the applicant, Council shall refer the application to the landowners for a minimum period of 14 days. Any objections must be based on valid amenity grounds and supported by written explanation).*

- The use of the reflective material will not detrimentally affect the landscape value, visual amenity or rural / scenic character of the area.
- The use of reflective material will not detrimentally affect, or be visually prominent from, the rural / scenic view-scapes of a travel route corridor or major highway.
- There is sufficient vegetation to screen the reflective material, so that it is obscured from view and will not be inconsistent with the above assessment criteria.

Notwithstanding the above, when applying for the use of highly reflective building materials an applicant will be required to demonstrate why low reflective building materials are not appropriate in the circumstance.

**DEVELOPMENT SERVICES REPORTS**

*Shire of Busselton  
Use of Reflective Building Materials Policy*

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3.3 Council may use its discretion to permit the use of highly reflective building materials on buildings of State and local heritage significance (i.e. buildings listed on the State Heritage Register or Shire of Busselton Municipal Inventory of Heritage Places), or otherwise where there is a need to maintain the architectural integrity of existing buildings that incorporate such materials.

**4. APPLICATION REQUIREMENTS**

Applicants seeking to use highly reflective materials should support their application with a site plan, photographs from within the site and local view-scapes, architectural details and any other information necessary to address assessment criteria outlined in this policy.

Applicants should note that it is their responsibility to justify use of highly reflective building materials in the circumstances of their particular case. Failure to submit supporting information may lead to automatic refusal of the application.

**DEVELOPMENT SERVICES REPORTS**

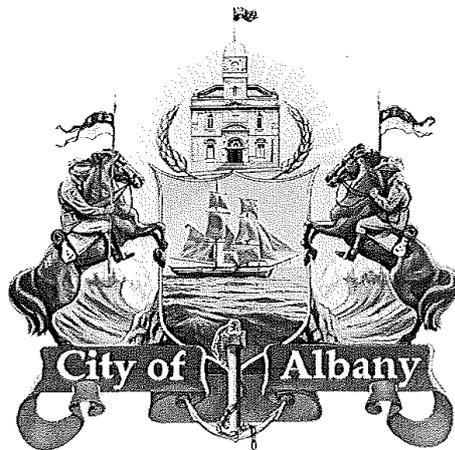
*Shire of Busselton  
Use of Reflective Building Materials Policy*

**APPENDIX 1****SOLAR REFLECTANCE VALUES**

The table below was supplied by the makers of BHP Steel Ltd in 1989 and is reproduced by Council as a guide to the reflective values of materials and colours.

COLOUR	CONDITION	SOLAR REFLECTANCE VALUE
ZINCALUME®	New	76%
Off White COLORBOND®	New	65%
ZINCALUME®	Weathered 1.5 years in a rural site	61%
Off White COLORBOND®	Weathered 1.5 years in a mild marine site	59%
Gull Grey COLORBOND®	New	41%
Beige COLORBOND®	New	29%
Mist Green COLORBOND®	New	22%
Decramastic Tiles	Weathered	12%

The above solar reflectance values are calculated on flat panels and it would be expected that a profiled shape would tend to mitigate these reflectivity values on a roof. While weathering of ZINCALUME® and COLORBOND® surfaces reduces their reflectivity values, especially at the higher end of the range, no further technical data on weathering is available at present, due to the vast range of variables (e.g. colour, roof pitch and the environment).



# **MINUTES**

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

**Held on  
Wednesday, 16 July 2008  
12.00 pm**

**City of Albany Margaret Coates Boardroom**

**DEVELOPMENT SERVICES REPORTS**

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**DEVELOPMENT SERVICES REPORTS**

COMMITTEE MEETING AGENDA– 16/07/08

\*\* REFER DISCLAIMER \*\*

**DECLARATION OF OPENING**

The Chairperson, Councillor Matla, declared the meeting open at 12.05pm.

**1.0 ATTENDANCES**

Attendances:

Mayor -	MJ Evans, JP
Councillors -	J Matla (Chairperson)
	K Stanton
	J Bostock
	D Wolfe
Manager Planning & Ranger Services	G Bride
Manager Building & Health Services	K Barnett
Strategic Planning Officer	A Nicoll
Personal Assistant to EDDS	M Bosworth

Observers: Nil

**2.0 APOLOGIES**

Apologies were received from Councillors Williams, Buegge, Price and R Fenn.

**3.0 DECLARATION OF INTEREST**

Nil

**4.0 CONFIRMATION OF MINUTES OF MEETING 18 JUNE 2008**

The minutes were confirmed as an accurate record of the meeting. It was noted that Council at its meeting dated 15 July 2008 extended the advertising period for the York Street Master Plan from 30 to 60 days.

Mayor Evans entered the meeting at 12.12pm

**5.0 APPOINTMENT OF DEPUTY CHAIRPERSON**

Councillor Wolfe nominated Councillor Stanton to the position of Deputy Chairperson. No other nominations were received, and Councillor Stanton was elected unopposed.

**6.0 DETAILED AREA PLANS**

**6.1 Kalgan Townsite Expansion**

The Manager Planning and Ranger Services (MPRS) tabled a plan showing the concept for the Kalgan Townsite Expansion. The Kalgan townsite is identified in the Albany Local Planning Strategy (ALPS) as suitable for expansion, and therefore the draft structure plan prepared by Ayton Taylor Burrell is consistent with the ALPS. The proponent is currently in discussions with the Department of Planning & Infrastructure (DPI) and City staff and is looking at lodging the structure plan along with a proposed scheme amendment request (SAR) within the coming month. Feedback received so far indicates the community is generally happy with the revised plan, but the plan will need to be advertised and better feedback will be gained at that time. There was also discussion on the potential for Councillors to undertake a site visit to the Kalgan when the plan is being considered for advertising in the near future.

**DEVELOPMENT SERVICES REPORTS**

COMMITTEE MEETING AGENDA– 16/07/08

\*\* REFER DISCLAIMER \*\*

**6.2 Bayonet Head**

The MPRS informed the Committee that along with other staff members he had recently undertaken a best practice visit to Perth and had discussed the Bayonet Head Detailed Area Plan with the consultants. The MPRS will be able to provide a photo presentation associated with the visit at the Committee's next meeting, concentrating on mixed use development and cottage lots (small lots with rear lane ways).

Mayor Evans asked for an update on the vegetation mapping work for this area and queried whether Allison Parade will connect through to Elizabeth Street. The MPRS informed the meeting that the environmental work associated with Bayonet Head had been done, however the environmental consultants needed to gain the Environmental Protection Authority's support to accept the work and recommendations therein, prior to the preparation of a revised Outline Development Plan which addressed the approved environment outcomes. It was advised that the current Outline Development Plan proposes to connect Allison Parade through to Elizabeth Street.

**6.3 Little Grove Conceptual Structure Plan**

**Proposal** Advertise the Little Grove Conceptual Structure Plan

**Previous reference** OCM 21/08/07 - Item 11.3.2  
OCM 20/03/07 - Item 11.3.2  
OCM 18/09/07 – Item 11.3.2

**Attachments** Little Grove Structure Plan  
Department for Planning and Infrastructure - schedule of modifications.

**Background**

In March 2007, Council resolved to adopt for the purposes of advertising the draft document entitled "Little Grove Conceptual Structure Plan" (LGCSP).

The plan was then referred to relevant government departments and advertised to the public for a period of 28 days. A public meeting was also held at the South Coast Progress Association meeting room.

After the advertising period was completed, Council resolved (September 2007 meeting) the following;

- i) *Subject to the changes identified in part ii), the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, adopted or rejected as detailed;*
- ii) *The comments and recommendations on submissions 2(a), 2(b), 2(d), 3(a), 7(a), 7(b), 7(c), 8(a), 10(c), 12(c), 13(a), 16, 17(c), 18(c), 19(a), 20, 21(a), 22(a), 22(d), 23(d) and 24 be adjusted to acknowledge relevant changes in the body and text of the Little Grove Conceptual Structure Plan which;*
  - (a) *preclude any further subdivision of lots in Cell 3;*
  - (b) *support the subdivision and development of lots in Cell 1 to a Residential R20 standard;*
  - (c) *introduce an R5/R10/R20 density coding over lots in cell 2 and incorporate subdivision and development control provisions that;*

**DEVELOPMENT SERVICES REPORTS**

COMMITTEE MEETING AGENDA– 16/07/08

\*\* REFER DISCLAIMER \*\*

- a. *require new development, that is not connected to reticulated sewer mains, to be undertaken in accordance with the R5 provisions of the R Codes and generally no further subdivision of the existing lots would be supported;*
  - b. *allow for the subdivision of land to the minimum standards prescribed under the R10 Coding (i.e 875m<sup>2</sup>) where the subdivisional lots are capable of being connected to reticulated sewer. (acknowledging that the proposed lots may be visually exposed to the surrounding locality or the subdivision may result in the removal of on-site vegetation);*
  - c. *requires, where land contains a “non development area” as shown on the LGCSP, that portion of the land may be retained in private ownership provided either;*
    - i. *the non development area is retained in a single title following any subdivision process and no additional development of structures will occur on that single title; or*
    - ii. *it is designated as common property where the non development area forms part of a strata development undertaken in accordance with part (d) below ; and*
  - d. *support a clustered development which is undertaken to a density consistent with the R20 provisions of the R Codes, provided the development area is located in a visually enclosed portion of the LGCSP area, the development is connected to reticulated sewer mains and the development does not encroach upon a designated “non development area”.*
- iii) *Council, pursuant to Clause 4.1 of the Department of Planning and Infrastructure’s “Guidelines for the preparation of Local Plans for Urban Release Areas” resolves to adopt the modified final draft of the “Little Grove Conceptual Structure Plan” and refer the document and submissions to the WA Planning Commission for its support.*

The reason given regarding the decision of Council was as follows:

*The visual amenity of Little Grove is seen as an important issue for the residents of the locality, as demonstrated in the submissions received, and that amenity will be irreversibly altered if Cell 2 was allowed to be subdivided to the minimum standards prescribed under the R20 provisions of the Residential Design Codes, or strata titled group housing was undertaken on visually exposed lots.*

After the necessary changes (as recommended) were made, the document was referred to the Department for Planning and Infrastructure (DPI) for review in line with their policy and principles.

Contrary to what Council previously supported, the DPI officers recommended that a number of modifications be made to the LGCSP. Attached is a copy of comments made by the Department for Planning and Infrastructure.

Staff at the City forwarded a memo to the Councillors indicating the following fundamental changes recommended by the DPI:

- all development (including a single house) and subdivision is to be connected to the Water Corporations sewerage infrastructure;
- support a density of R20/30/40 subject to the protection of the vegetation on ridgelines and the vegetation adjacent to the existing roadways;
- clarify how the provision of Public Open Space is to be achieved; and
- add principles (eg. drainage, road design) to guide development and subdivision.

**DEVELOPMENT SERVICES REPORTS**

COMMITTEE MEETING AGENDA– 16/07/08

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Concern was expressed by the Councillors as to the ability for all the lots to be able to connect to the Water Corporations Sewerage Infrastructure without the need for additional private pump stations. Staff met with delegates from the Water Corporation who expressed that 'all the lots within precincts 1 and 2 were capable of connecting into the Water Corporations Sewer infrastructure without the need for additional pump stations'.

Staff renamed the document the 'Little Grove Structure Plan' and amended the document in line with the recommendations made by the Department for Planning and Infrastructure and keeping in mind the need to protect the character of the area (vegetation and topography). The amended document was then given to the Planning and Environmental Strategy and Policy committee for reading.

**Statutory Requirements**

West Australian Planning Commission "Guidelines for the preparation of Local Plans for Urban Release Areas" sets out the procedure for the adoption of a Structure Plan. Clause 4.1 of these guidelines set out the "Procedural Requirements" and states:

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

Scheme 3 states at Clause 5.2 that;

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

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

**Comment/Discussion**

Considering the current 'Residential Development' zoning of the area and the recently developed deep sewerage infrastructure, redevelopment to urban densities of the rural/residential area is certain. New urban residential sized lots will need to provide for an acceptable standard of development with suitable access, car parking, set-backs, solar penetration and private open space within the environmental parameters and character of the site, and its locality.

Keeping in mind the acceptable planning requirements and the need to protect the character of the area (vegetation and topography) staff have made changes to the document, including the following:

- A new name for the plan being 'Little Grove Structure Plan';

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- All development (other than for a single house proposed to be developed on an existing lot) and subdivision is to be connected to the Water Corporations sewerage infrastructure;
- All land within Precincts 1 and 2 being subdivided into lot sizes not less than 300m<sup>2</sup> with a min average of 500m<sup>2</sup>;
- Vegetation which is within road reserves, within 5 metres of lot boundaries facing a road reserve, and on ridgelines is to be protected. Mechanisms to ensure protection include dedication to the Crown free of cost as public open space, incorporation into Common Property in a strata titled subdivision, or via a Section 70A notice on the title;
- Where necessary revegetation in the road reserve verge or the land within 5 metres of the lot boundary may be required;
- Clearing of road side vegetation shall be limited and is only supported as a means to of access to lots. Lots may be required to share crossovers and to locate building envelopes in cleared areas or areas with relatively sparse vegetation as a means to protect existing vegetation;
- An area of 6000m<sup>2</sup> at Lot 17, #44 Grove Street West is to be ceded to the Crown as Public Open Space;
- A cash contribution (based on 10% of gross subdivisional area) for the purpose of acquiring the area of POS (Lot 17, #44 Grove Street West) is to come into effect where 3 or more lots or Group Dwellings are approved and are located within the area as illustrated below.

**Committee Discussion:**

The Strategic Planning Officer (SPO) talked through the plan and considerable debate occurred on issues such as the provision of Public Open Space (POS), lot sizes and the protection of the character existing in Little Grove. Councillor Stanton advised that the area designated for POS in the Structure Plan was cleared and reasonably flat and was the obvious place for a large area of open space to serve the community. The SPO explained that contributions from landowners as part of the subdivision process will allow the owner affected by the POS designation to be financially compensated. There was also some discussion as to whether landowners could continue to run horses or keep other animals with residential growth occurring around them. The Manager of Building and Health Services (MBHS) advised that Council's Animal Local Law currently applies to this area and should complaints be received in the future each complaint would be looked at on it's merits. In relation to lot sizes the SPO and MPRS explained that in order to protect the ridgelines and areas of vegetation, whilst ensuring a reasonable lot yield to offset infrastructure costs, smaller lots down to 300m<sup>2</sup> could be considered on land that was generally flat and cleared of vegetation so long as an average lot size of 500m<sup>2</sup> over the land parcel was maintained.

**MOVED:** Mayor Evans  
**SECONDED:** Councillor Stanton

**THAT Council:**

1. **Accepts the Schedule of Modifications from the Department for Planning and Infrastructure; and**
2. **Adopts for the purposes of advertising the draft Little Grove Structure Plan.**

**Carried 5/0**

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**6.4 Outline Development Plan – Le Grande Avenue, Flemington Street and Boundary Street, McKail**

**Proposal:** Advertise Outline Development Plan (ODP)

**Attachments:** McKail Structure Plan  
Proposed ODP for subject land

**Background**

Council received an application to review a portion of the McKail Structure Plan that was adopted in 1999. The area involved was not comprehensively addressed under the McKail structure plan, and was always subject to more detailed structure planning work.

The area being reviewed contains Lot 118, 114 and 113 Boundary Street, Lot 51 Le Grande Avenue and Lots 115, 116 and 117 Flemington St, McKail.

An Outline Development Plan (ODP) was received in support of the proposed review, and provides additional detail in respect of lot layout, infrastructure and servicing requirements.

**Statutory Requirements**

West Australian Planning Commission “*Guidelines for the preparation of Local Plans for Urban Release Areas*” sets out the procedure for the adoption of a Structure Plan. Clause 4.1 of these guidelines set out the “Procedural Requirements” and states:

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

Scheme 3 states at Clause 5.2 that;

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

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

**Comment/Discussion**

The ODP document submitted addresses the information required for an ODP as listed in Liveable Neighbourhoods 2007(LN).

The proposed design adequately addresses the various elements of LN inclusive of Community design, movement network, lot layout, public parkland, urban water management, utilities.

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The proposed development will be focused/structured around a linear park that will act as a recreation area, movement corridor and serve a drainage function.

The proposed development will be walkable and cycle-able, with regular lot shapes and a residential mixture between R20 and R30 (medium density)

Medium density residential development will be encouraged around the POS area and will be planned in accordance with the recommendations and provisions of Liveable neighbourhoods. Detailed Area Plans (DAP) will be required for all medium density sites (R30) and the lots adjacent to public open space (POS).

The ODP adequately details preliminary future servicing requirements for reticulated water supply, power, telecommunications, reticulated sewer, drainage and access.

The width of roads, dual use and pedestrian paths should be confirmed as part of Detail Area Plans and at the time of subdivision.

A 28 day advertising period, which involves the referral of the proposal to surrounding land owners and government agencies, will be commenced should council adopt the recommendation. After the advertising period staff will bring the structure plan and the relevant submissions received back to the Committee for further discussion and deliberation.

**Committee Discussion:**

The MPRS talked through the plan and considerable debate occurred on the drainage line (which currently runs east-west through the structure plan area), the mix in lot sizes adjacent to the POS and road connections through the area. The MPRS advised that the drain would be an open swale (rather than a piped drain) which would run through the POS becoming a feature.

The MPRS explained the importance of getting the Gregory Drive link from the existing McKail subdivision through to Le Grande Avenue to improve traffic distribution and flows in the growing McKail area.

**MOVED:** Councillor Wolfe  
**SECONDED:** Councillor Bostock

**THAT Council adopts for the purposes of advertising the Outline Development Plan for Lots 113, 114 and 118 Boundary Street, Lot 51 Le Grande Avenue and Lots 115, 116 and 117 Flemington Street, McKail.**

Carried 5/0

**7.0 CAR PARKING**

At its previous Committee Meeting dated 18 June 2008, the following was resolved:

*“THAT Staff*

- i) Distribute the 1997 Car Parking Strategy to all Elected Members;*
- ii) Set up and make available at the next Planning and Environment Strategy and Policy Committee a set of objectives to be achieved;*
- iii) Establish an independent meeting to discuss the parking issue and encourage Councillors to attend; and*

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- iv) *Explore opportunities to involve the public in a future meeting to gain an understanding of community issues."*

A copy of the 1997 Car Parking Strategy, the Defining Central Albany Strategy and the Central Albany Urban Design Policy have been circulated to Committee Members. In relation to Point (ii) above, a list of guiding principles have been prepared for the Committee's consideration, as outlined in the below mentioned recommendation.

Should the Committee adopt the below recommendation consideration may need to be given as to whether an external consultant should be engaged to prepare the master plan, based on the principles mentioned below (in Point 2).

**Committee Discussion:**

The MPRS tabled correspondence which identified a list of statements and recommendations contained within the Central Albany Urban Design Policy, Defining Central Albany Strategy, Albany Central Area Parking Study that related to car parking.

The MPRS raised the issue that within York Street there has been very little infill or new development over the past 10 years, and subsequently it could be said that Albany does not have a general parking problem. The MPRS advised that due to the high cash-in-lieu rates at around \$75,000 per bay, coupled with the difficulty and cost in accommodating parking on site, current parking requirements represented a major obstacle to redevelopment.

The MPRS advised that redevelopment should be encouraged in the CBD to ensure it remains a vibrant and attractive space, and can compete with more modern shopping areas outside the CBD. The MPRS pointed out that there was a real need to ensure that access links within private car parks were secured via access agreements with Council, so that access across lot boundaries and onto public streets could be maintained in perpetuity. The MPRS believed a strategy which looked at plot ratio and car parking bonuses to encourage redevelopment, and to secure access arrangements for the benefit of the community was a realistic alternative to expensive and protracted land acquisition processes which would involve considerable expenditure to compensate landowners.

Councillor Bostock expressed concern as to whether a reduction in parking standards would work given there is currently a limited public transport system in Albany, and that until such a system was improved Council would need to cater for private transport; specifically all day workers who needed to be close to their place of employment.

There was a general consensus that redevelopment needs to be encouraged, except that a long term strategy to deal with a parking shortage into the future should be explored, inclusive of the identification of potential sites for a potential multi-storey car park station and associated funding mechanisms.

**MOVED:** Mayor Evans  
**SECONDED:** Councillor Stanton

**That Council set the following objectives for the work to be undertaken by the Planning and Environment Strategy and Policy Committee, to review the car parking arrangements within Albany's Central Business District:**

1. **Prior to determining the required car parking arrangements for individual lots or classes of land use, a master plan be prepared for the Central Business District to**

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define the built form that Council wishes to achieve, together with the access arrangements throughout the city centre.

2. In considering the long term development options for the Central Business District the following principles be established:
  - (a) Albany's Central Business District will retain the fine grained built form that currently exists;
  - (b) Planned development solutions shall not be so onerous as to prevent additional buildings being constructed within the CBD on existing vacant lots;
  - (c) The cost burden for the provision of car parking to meet any existing parking shortfall shall be borne equally by all lots within the CBD;
  - (d) Options for all day car parking for shop owners and staff working in the CBD be investigated;
  - (e) Car parking at the rear of CBD businesses should be maximised by the removal of artificial levels between lots, the construction of integrated car parking across lots and the rationalisation of access driveways into rear of lot car parking areas;
  - (f) Where the car parking burden is unreasonably placed upon a single landowner, appropriate density/plot ratio bonuses should be considered to offset any community benefits that are provided, conditionally that the Central Albany Urban Design Policy is not compromised;
  - (g) Any car parking solution will be based upon a reduced reliance of the private motor vehicle as the primary mode of transport to work for individuals; and
  - (h) Consideration be given to an alternate method of securing car parking from developers than the current car parking provisions of Town Planning Scheme 1A.
3. That key stakeholders be included into future forums to discuss and resolve the master planning of the CBD and car parking solutions.
4. Potential sites for a future multi-storey car parking station and the options /mechanisms to fund such a station be investigated by staff and brought back to the Committee for further deliberation.

Carried 4/1

**8.0 DELEGATION OF COUNCIL TO THE COMMITTEE TO ADVERTISE STRUCTURE PLANS AND PLANNING POLICIES**

Under Clause 7.22 of Town Planning Scheme No. 1A and Clause 6.10.1 of Town Planning Scheme No. 3, Council can delegate powers or duties to Committees. The relevant clauses of the Scheme are attached to the Committee Agenda.

The purpose of this report is to discuss the opportunities to pursue delegation for the Committee, from Council, to advertise Local Planning Policies and Structure Plans once they have been supported through the Committee process. The delegation would only allow the Committee to place policies and structure plans on public exhibition once the Committee was satisfied with the content of the document. Final adoption of the proposal, after public submissions have been submitted, would still require formal Council approval.

Under Town Planning No. 1A and 3, a resolution is still required to adopt a local planning policy for the purposes of advertising.

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A structure plan does not need the prior approval of Council to be advertised, however the Committee has recently resolved that all structure plans will be assessed through the Committee process.

Presently, staff have been taking planning policies to the Committee in the following manner:

Month 1 – Staff present issues which may require the preparation of a policy and the Committee decides whether it would like staff to prepare a draft policy position. The objectives (outcome) of the policy are defined at this meeting.

Month 2 – Staff prepare a draft policy for the Committee’s perusal and discuss the merits and potential implications associated with the draft policy. If supportive of the Policy, the Committee would recommend to Council that the Policy be advertised.

Month 3 – The policy is referred to the Council Meeting being held three weeks after the Committee Meeting.

Month 4 – The policy is advertised for the 21 day period.

Month 5 – The submissions and policy are referred back to Committee

Month 6 – Council considers the recommendation of the committee to adopt the policy.

On the basis of efficiency, it is recommended that the Committee seek delegation from Council under the Town Planning Schemes to advertise local planning policies. Although not required by the Scheme, it is recommended that the Committee also support the advertising of structure plans without Council endorsement. If supported, the processing time for a policy can be reduced by one month.

**MOVED: Mayor Evans**

**SECONDED: Councillor Wolfe**

**THAT Council**

1. In accordance with Clause 7.22 of Town Planning Scheme No. 1A and Clause 6.10.1 of Town Planning Scheme No. 3 delegates to the Planning and Environment Strategy and Policy Committee delegated authority in relation to Clause 7.21.2(a) of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme No. 3 to advertise the draft Local Planning Policies on the understanding that the policy can only be considered for final adoption by full Council after advertising has been finalised.
2. Endorses the advertising of structure plans/outline development plans where the Planning and Environment Strategy and Policy Committee adopts a recommendation to advertise the Proposed Plan, on the understanding that the structure plan can only be considered for final adoption by full Council after advertising has been finalised.

Carried 5/0

**9.0 POTENTIAL AMENDMENTS TO COUNCIL’S DEVELOPMENT GUIDELINES POLICY**

The Development Guidelines Policy provides a broad ranging policy framework, complementing Town Planning Schemes 1A and 3.

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Staff believe that further clarification and direction is required in the Development Guidelines Policy, regarding the following issues:

1. The location and floor space breakdown of Bulky Goods Outlets;
2. The location and appearance of Consulting Rooms and Places of Public Worship in residential areas;
3. Treatment of building facades in industrial areas;
4. Variations to the Residential Design Codes;
5. Removal of discrepancies between Development Guidelines 1A and 3; and
6. Expiry of planning consent.

**9.1 Bulky Goods Outlets**

Bulky Goods Outlets are defined in both Town Planning Schemes 1A and 3 as –

*“means any building or part of building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature which require a large area for handling, storage or display or easy and direct vehicular access to enable the goods to be collected by customers after sale, but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware or items of personal adornment”*

Examples of Bulky Goods Outlets include Harvey Norman, Bed Shed, Auto One, Bunnings and Mitre 10.

Throughout Australia, and indeed the world, Bulky Goods Outlets are an expanding retail sector which are popular with the public. Due to the floor area needed to trade in bulky items it is common practice for local governments to consider such developments in 'Highway Commercial' (equivalent to 'Other Commercial' zone in City of Albany) or 'Industry' zones. It is considered acceptable that such retailing does not require close proximity to public transport on the basis that items purchased are generally not able to be carried on such transport.

The two main issues facing the assessment of Bulky Goods Outlets by local government include:

- a) the difficulty being faced in determining whether a development is a 'shop' or 'bulky goods outlet' and whether a small portion of a premises should be allowed to retail smaller, non-bulky items, as long as the balance of the store retail bulky goods; and
- b) whether the proliferation of Bulky Goods Outlets in industrial zones, has a negative impact on traditional industrial activities, who have to compete for floor space, and whether the highway commercial areas are being undermined by such outlets moving into industrial areas.

When assessing Bulky Goods Outlets it is not uncommon to find that whilst the majority of items to be sold are bulky in nature, there may be some incidental smaller items also offered for sale. It is suggested that Council form a position as to whether such smaller items should be able to be sold, and if so what proportion of the floor space should be allocated to such items. It is important to note that Council is not able to allow items to be sold in a Bulky Goods Outlet which are specifically precluded in the definition of Bulky Goods Outlets (i.e. the selling of foodstuffs, clothing, paper products, etc cannot be sold in any form or manner within such an outlet). A recent State Administrative Tribunal (SAT) ruling relating to an application for an 'Office Works' store in the City of Rockingham is attached which makes this clear.

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A prime example of the smaller items that could be sold in say a Harvey Norman store may be batteries, cameras, or computer games, as these items are not specifically precluded in the definition.

Staff believe that a policy position on the location and floor space allocation of Bulky Goods Outlets can be prepared that will provide further clarification and direction for staff and the retail industry.

**MOVED:** Councillor Stanton

**SECONDED:** Councillor Wolfe

**That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in the assessment of Bulky Goods Outlets on the basis of the following principles:**

- (a) The retailing of smaller items in Bulky Goods Outlets shall only be considered where they are not specifically precluded in the definition of 'Bulky Goods Outlets'.
- (b) The floor space associated with smaller items in Bulky Goods Outlets shall be incidental to the sale of bulky goods and be limited to a small percentage of the overall floor space of such a store.
- (c) Bulky Goods Outlets shall be restricted in industrial zones to areas with direct lot frontage to a local distributor road and/or within close proximity to Albany's CBD (i.e. Centennial Park locality) to ensure sufficient industrial land is retained for traditional industrial uses and to maintain the status of the Other Commercial zone as the primary location for such development.

Carried 5/0

**9.2 Consulting Rooms and Places of Public Worship in Residential Areas**

Consulting Rooms (Doctors, Physiotherapists etc) and Places of Public Worship (Churches) are both land uses that can be considered within residential areas. They have the ability to generate a significant amount of traffic, have large bitumen car parking areas and depending on their scale can be out of character with the surrounding built form. In order to control any negative impacts of such development it is recommended that controls be inserted in the Development Guidelines Policy for Scheme 1A and 3.

**MOVED:** Mayor Evans

**SECONDED:** Councillor Wolfe

**That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 policy which clarifies Council's position in the assessment of Consulting Rooms and Places of Public Worship on the basis of the following principles:**

- (a) Any development should be of a scale and character which allows it to blend in with surrounding residences.
- (b) The building should be setback from the street at a similar distance to surrounding houses to reduce the impact on the streetscape.
- (c) The majority of car parking shall be located behind the building to reduce the impact on the streetscape.
- (d) The road servicing the development shall be a local distributor road that is capable of supporting the additional traffic generated by the development.

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- (e) Preference shall be given to development which is located on a corner lot to allow for improved traffic distribution, provide a buffer to surrounding residences and to reduce the impact on the streetscape.

Carried 5/0

**9.3 Treatment of Building Facades in Industrial Areas**

The Development Guidelines already have a requirement that the frontage of an industrial building shall be constructed of brick, stone or concrete or other similar material (refer to the existing wording of the policy). The objective of the policy was to ensure industrial areas were constructed to an attractive standard. Over the past few years staff have been receiving innovative designs which include a combination of glass and colorbond which are visually pleasing and achieve the stated objective (refer to the attached photograph of the Barefoot Clothing building). Staff believe the existing policy should be modified to allow more variety in materials, including some metal sheeting, except that a facade should not be dominated by metal sheeting.

**MOVED: Councillor Stanton**

**SECONDED: Councillor Wolfe**

**That Council support the preparation of an amendment to the Development Guidelines 1A and 3 policy to modify and clarify Council's position in regard to the treatment of industrial building facades on the basis of the following principle:**

- (a) **The front facade of an industrial building shall add to the streetscape and may use a combination of materials, except that the facade should not be dominated by metal sheeting.**

Carried 5/0

**9.4 Variation to the Residential Design Codes**

The Residential Design Codes (R-Codes) apply to all land zoned "Residential" in Western Australia. The R-Codes allows Local Governments to vary the R-Code provisions by adding additional acceptable standard criteria, or augmenting provisions associated with the performance based criteria. This is because different residential environments/topography etc exist across local governments. The two areas staff believe modifications are required relate to the setback of carports and the height and positioning of retaining walls adjacent to reserves.

The R-Codes allow carports to be constructed within the street setback area (the land between the house and the front boundary) so that a carport can be constructed on the boundary (i.e. a nil setback). In many residential areas of Albany, there is a defined setback that has been maintained, which adds to the streetscape, and Staff are concerned that nil setbacks of these structure would have a detrimental impact. Garages (enclosed structures accommodating vehicles) are allowed to be setback 4.5 metres in residential areas. It is acknowledged that carports are more open in nature and a lesser setback of 3 metres would be appropriate from staff's perspective.

In relation to site works, and more specifically retaining walls, staff have concerns with the height of retaining walls abutting roads (on the secondary street setback alignment) and other reserves. Whilst the R-Codes control retaining walls within the front setback by ensuring that the natural ground level associated with the first 3 metres of a lot is not cut or filled by more than 500mm, there is no direction in relation to retaining walls which abut road reserves (corner

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lots for example) or recreation areas. It is therefore considered appropriate that additional acceptable standard and performance standard criteria are proposed.

Committee members have also received a copy of a letter from the Frenchman Bay Association and the staff response. It is recommended that the preparation of a reflective roof policy not be undertaken.

**Committee Discussion:**

Councillor Stanton further explained the concerns of residents at Goode Beach in relation to glare from reflective roofs. She was particularly concerned with the white roofs which maintained their reflectivity over many years.

Considerable debate occurred and it was felt that the majority of Goode Beach had already been developed and that a restriction on roof materials would affect only a small number of lots that are vacant.

**MOVED:** Mayor Evans  
**SECONDED:** Councillor Wolfe

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**That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which clarifies Council's position in regard to the setback of carports from the front boundary to include a minimum setback of 3 metres.**

**SITE WORKS**

**That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 Policy which introduces height and amenity controls for retaining walls adjacent to reserves (inclusive of road reserves on the secondary street setback).**

**REFLECTIVE ROOFS**

**That Council takes no action on the preparation of a policy on reflective roofs as requested by the Frenchman Bay Association maintaining the status quo in relation to allowable roof materials in residential zones.**

**Carried 5/0**

**9.5 Discrepancies between Development Guidelines 1A and 3**

Within the Development Guidelines 3 policy there is a policy position on bed and breakfast establishments. The policy includes requirements for car parking (1 bay per room), access standard, the zoning provisions where such establishments can be considered and the advertising and consultation procedures that Council should undertake. Staff can see no reason why these provisions cannot also form part of the Development Guidelines 1A policy, to guide applications received in the former Town of Albany area.

There are other more minor discrepancies between the two policies, and it is also suggested that, staff should bring these matters to the attention of the Committee and recommend appropriate adjustments before the policy is adopted.

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**MOVED: Councillor Wolfe**

**SECONDED: Mayor Evans**

**That Council:**

- 1) agrees to the preparation of an amendment to the Development Guidelines 1A to incorporate the provisions relating to bed and breakfast establishments existing in Development Guidelines 3; and
- 2) acknowledges that where there are minor discrepancies in wording between the two policies, staff will correct the anomalies and bring them to the attention of the Planning and Environment Strategy and Policy Committee prior to adoption of the policy.

**Carried 5/0**

**9.6 Expiry of Planning Consent**

Under the Town of Albany Planning Scheme No.1A (Appendix vi), it states that unless development is completed within the timeframe specified (which is left blank) a new approval is required. The Shire of Albany Planning Scheme No. 3 does not specify a standard timeframe for the expiry of planning consent.

Council's current practice when issuing Planning Scheme Consent is to require that the development is to be substantially commenced within 2 years, otherwise a new approval is required.

It is recommended that the current practice be formally adopted through the Committee, and a policy position be prepared detailing Council's requirements as to what substantially commenced means (i.e. is it when the building commences, when the concrete slab is poured or when the walls of the building are constructed?).

**MOVED: Mayor Evans**

**SECONDED: Councillor Stanton**

**That Council agrees to the preparation of an amendment to the Development Guidelines 1A and 3 using the current approach that an approved development shall be substantially commenced within a 2 year period, which is also to include guidance as to what stage of development the project meets the requirement of being substantially commenced.**

**Carried 5/0**

**10. MATTERS FOR CONSIDERATION AT NEXT COMMITTEE MEETING**

**10.1 Tourism Strategy**

**10.2 Albany Local Planning Strategy**

**10.3 Public Open Space Policy (3 to 5 lots)**

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**10.4 Presentation on best practice tour (mixed use and cottage lot development)**

**10.5 Draft Itinerant Vendors Policy**

**10.6 Amendments to Development Guidelines**

**10.7 Lighting external to businesses (new development)**

**10.8 Clearing of vegetation (after planning consent granted)**

**11. CLOSURE OF MEETING**

The meeting was declared closed at 2.52pm.

# **Corporate & Community Services**

## **REPORTS**

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## 12.1 FINANCE

## 12.1.1 List of Accounts for Payment

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

## STATUTORY REQUIREMENTS

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

## COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques	Totalling		\$144,979.52
Electronic Fund transfer	Totalling		\$3,232,605.25
Credit Cards	Totalling		\$4,021.58
Payroll	Totalling		\$1,149,456.00
<b>Total</b>			<b><u>\$4,531,062.35</u></b>

6. As at the 31<sup>st</sup> July 2008, the total outstanding creditors, stands at \$112,811.62.
7. Cancelled cheques – 24412, 24387, 24405 and 24440.

**CORPORATE & COMMUNITY SERVICES REPORTS**

RECOMMENDATION

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

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WALKER**

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

**MOTION CARRIED 9-0**

**12.1.2 Financial Activity Statement – Month Ending (31 July 2008)**

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

**BACKGROUND**

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

**STATUTORY REQUIREMENTS**

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

*Nil*

**Priority Goals and Objectives:**

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

*Objective 4.1 Be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.*

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

*Nil”*

**COMMENT/DISCUSSION**

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

**Income**

Timing of Grants received and Income in advance	399,216 (increase)
--	--------------------

**Capital Revenue**

Reserve transfers not yet required	1,110,210 (reduction)
------------------------------------	-----------------------

**Capital Expenditure**

Timing – Capital expenditure and Transfers to reserves	323,928 (reduction)
---	---------------------

**RECOMMENDATION**

THAT the Financial Activity Statement for the month ending 31 July 2008 be received.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR STANTON**

**THAT the Financial Activity Statement for the month ending 31 July 2008 be received.**

**MOTION CARRIED 9-0**

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 JULY 08

Budget Full Year 08/09	Function / Activity	Actual Year to Date 31-Jul-08	Current Budget Year to Date 31-Jul-08	Current Budget vs Actual Variance
	<b>REVENUE</b>			
3,597,831	Operating Grants, Subsidies and Contributions	107,638	51,868	55,770
7,095,514	Fees and Charges	592,953	301,136	291,817
2,649,000	Service Charges	2,668,448	2,649,000	19,448
608,000	Interest Earnings	2,649	22,500	(19,851)
324,500	Other Revenue	58,298	6,266	52,032
<b>14,274,845</b>		<b>3,429,986</b>	<b>3,030,770</b>	<b>399,216</b>
	<b>EXPENDITURE</b>			
13,853,782	Employee Costs	1,034,614	1,318,236	(283,622)
12,263,994	Materials and Contracts	407,548	490,715	(83,167)
755,110	Utility Charges	104,837	33,943	70,894
1,332,219	Interest Expenses	(47,137)	0	(47,137)
483,839	Insurance Expenses	290,247	85,539	204,708
(321,579)	Other Expenditure	13,050	(39,632)	52,682
10,653,000	Depreciation	825,631	887,734	(62,103)
<b>39,020,365</b>		<b>2,628,790</b>	<b>2,776,535</b>	<b>(147,745)</b>
	<b>Adjustment for Non-cash Revenue and Expenditure:</b>			
(10,653,000)	Depreciation	(825,631)	(887,734)	62,103
	<b>CAPITAL REVENUE</b>			
9,527,112	Non-Operating Grants, Subsidies and Contributions	465,170	0	465,170
6,285,116	Proceeds from asset disposals	0	0	0
5,100,000	Proceeds from New Loans	0	0	0
46,230	Self-Supporting Loan Principal Revenue	2,750	2,750	0
7,459,666	Transfers from Reserves (Restricted Assets)	3,121,398	4,696,769	(1,575,371)
<b>28,418,124</b>		<b>3,589,318</b>	<b>4,699,519</b>	<b>(1,110,201)</b>
	<b>CAPITAL EXPENDITURE</b>			
26,586,266	Purchase Plant, Equipment and Infrastructure	101,147	202,126	(100,979)
2,523,215	Repayment of Loans	12,369	0	12,369
2,146,413	Transfers to Reserves (Restricted Assets)	14,232	249,550	(235,318)
<b>31,255,894</b>		<b>127,748</b>	<b>451,676</b>	<b>(323,928)</b>
2,200,000	Estimated Surplus B/fwd			
	ADD Net Current Assets July 1 B/fwd	(2,063,235)	n/a	n/a
	LESS Net Current Assets Year to Date	22,369,413	n/a	n/a
<b>19,130,290</b>	Amount Raised from Rates	<b>(19,344,251)</b>	<b>(19,259,756)</b>	<b>(84,495)</b>

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

**STATEMENT OF FINANCIAL ACTIVITY – NOTES  
AS AT 31 JULY 2008**

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

	<b>As At 31-Jul-08</b>	<b>B/Forward 01-Jul-08</b>
Cash	604,342	521,335
Restricted Cash (Trust)	1,839,268	1,824,396
Reserve Funds - Other	3,850,479	6,957,646
Reserve Funds - Financial Assets (at market)	4,246,363	4,246,363
Trade and Other Receivables	25,119,672	1,859,450
add : self supporting loans	(43,490)	(46,240)
Investment Land	46,000	46,000
Stock on Hand	809,269	810,235

**LESS : CURRENT LIABILITIES**

Borrowings	1,010,845	1,023,215
Creditors Provision - Annual Leave and LSL	1,689,870	1,692,860
Trust Liabilities	1,792,996	1,778,124
Provisions - Other	214,507	217,433
Creditors Provision and Accruals	1,934,746	3,325,924

Net Current Assets

29,828,937

8,181,628

**Less: Restricted Assets**

Restricted Cash (Trust)	(1,839,268)	(1,824,396)
Reserve Funds - Other	(3,850,479)	(6,957,646)
Reserve Funds - Financial Assets (at market)	(4,246,363)	(4,246,363)

**Less: Borrowings**

1,010,845

1,023,215

**Less: Trust Liabilities**

1,792,996

1,778,124

**Less: Committed Assets (Unspent Capital Grants)**

0

0

**NET CURRENT ASSET POSITION**

22,696,668

(2,045,438)

**Purchase Plant, Equipment and Infrastructure**

	<b>Year to Date 31-Jul-08</b>	<b>Budget Full Year 08/09</b>
Asset Masterplan Capital	30,314	4,982,725
Peace Park	(32,738)	2,358,500
Entertainment Centre	-	2,000,000
Plant Replacement	-	3,077,043
Subdivisions - Developers	-	4,676,300
Major Subdivisions	17,657	6,250,000
Other	85,914	3,866,698
	101,147	27,211,266

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## CITY OF ALBANY - BALANCE SHEET

	Actual 31-Jul-08	Budget 30-Jun-09	31-Jul-08 Estimated 30-Jun-08
<b>CURRENT ASSETS</b>			
Cash - Municipal	584,531	1,853,283	501,524
Restricted cash (Trust)	1,839,268	1,778,000	1,824,396
Reserve Funds - Financial Assets (at market)	4,246,363	2,700,000	4,246,363
Reserve Funds - Other	3,870,290	951,095	6,977,456
Receivables & Other	25,128,509	1,753,371	1,868,670
Investment Land	46,000	160,000	46,000
Stock on hand	808,727	720,000	810,235
	<b>36,523,688</b>	<b>9,915,749</b>	<b>16,274,643</b>
<b>CURRENT LIABILITIES</b>			
Borrowings	1,010,845	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,689,870	2,230,000	1,692,860
Trust Liabilities	1,792,996	1,748,000	1,778,124
Creditors prov & accruals	2,250,487	2,877,047	3,333,130
	<b>6,744,198</b>	<b>8,118,047</b>	<b>7,827,328</b>
<b>NET CURRENT ASSETS</b>	<b>29,779,490</b>	<b>1,797,702</b>	<b>8,447,315</b>
<b>NON CURRENT ASSETS</b>			
Receivables	152,855	106,549	152,855
Pensioners Deferred Rates	265,945	263,870	265,945
Investment Land	2,165,000	2,005,000	2,165,000
Property, Plant & Equip	245,750,063	263,020,245	246,474,547
Infrastructure Assets			
Local Govt House Shares	19,501	19,501	19,501
	<b>248,353,364</b>	<b>265,415,165</b>	<b>249,077,848</b>
<b>NON CURRENT LIABILITIES</b>			
Borrowings	23,384,572	25,721,573	23,384,572
Creditors & Provisions	214,507	150,000	217,433
	<b>23,599,080</b>	<b>25,871,573</b>	<b>23,602,006</b>
<b>NET ASSETS</b>	<b>254,533,774</b>	<b>241,341,294</b>	<b>233,923,158</b>
<b>EQUITY</b>			
Accumulated Surplus	226,163,403	218,415,565	202,431,388
Reserves	9,595,738	4,151,095	12,717,136
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	<b>254,533,774</b>	<b>241,341,294</b>	<b>233,923,158</b>

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

Nature / Type	YTD Actual 2008/09	Budget-Total 2008/09	Estimated 2007/2008
<b>INCOME</b>			
Rates	19,344,251	19,130,290	17,916,380
Grants & Subsidies	8,000	3,278,000	3,071,233
Contributions. Reimb & Donations	13,214	319,831	363,571
Fees & Charges	592,953	7,095,514	5,036,370
Service Charges	2,668,448	2,649,000	2,517,352
Interest Earned	2,649	608,000	716,421
Other Revenue / Income	144,722	324,500	1,053,704
	<b>22,774,237</b>	<b>33,405,135</b>	<b>30,675,032</b>
<b>EXPENDITURE</b>			
Employee Costs	1,022,648	13,853,782	12,159,408
Utilities	104,837	755,110	748,982
Interest Expenses	(47,137)	1,332,219	1,169,598
Depreciation on non current assets	825,631	10,653,000	9,551,903
Contracts & materials	401,198	12,263,994	9,669,517
Insurance expenses	290,247	483,839	443,417
Other Expenses	31,366	(321,579)	543,020
	<b>2,628,791</b>	<b>39,020,365</b>	<b>34,287,184</b>
<b>Change in net assets from operations</b>	<b>20,145,447</b>	<b>(5,615,230)</b>	<b>(3,612,153)</b>
Grants and Subsidies - non-operating	465,170	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	0	5,006,300	10,734,755
Profit/Loss on Asset Disposals	0	4,291,116	832,608
Reduction in Fair Value of Investments			(1,493,317)
	<b>20,610,617</b>	<b>8,202,998</b>	<b>10,724,450</b>

July 2008

Security	Credit Rating S & P	Maturity Date	Volume Held	Security Cost (incl accrued Int)	Current Interest %	Market Value					Latest Monthly Variation		
						Apr-08	May-08	Jun-08	Jul-08	Market Value Jul-08			
<b>MUNICIPAL ACCOUNT</b>													
Other - including bank balances													
TOTAL MUNICIPAL ACCOUNT						0	0	0	0	0	0	27,501	27,501
<b>RESERVES ACCOUNT</b>													
<b>BANK - TERM DEPOSITS</b>													
Bendigo bank - Term Deposit						1,078,731	1,118,642	1,118,642	1,118,642	1,118,642	1,118,642	n/a	n/a
Bankwest						2,000,000					2,000,000		
						<b>3,078,731</b>	<b>1,118,642</b>	<b>1,118,642</b>	<b>1,118,642</b>	<b>1,118,642</b>	<b>3,118,642</b>		0
<b>COMMERCIAL SECURITIES</b>													
Suncorp Melway FRN						503,090	495,555	494,255	484,665	484,665	Not yet avail.	9,591	9,591
Suncorp Melway Sub Debt						802,272	775,989	780,869	761,733	761,733	Not yet avail.	19,136	19,136
St George Bank Sub Debt						508,660	476,790	493,690	484,208	484,208	Not yet avail.	9,482	9,482
Macquarie Bank Sub Debt						503,325	456,172	455,613	454,057	454,057	Not yet avail.	1,558	1,558
ANZ Principal Protected Yield Curve						200,000	177,989	180,329	175,725	175,725	Not yet avail.	4,604	4,604
Saphir (Endeavour) AAA						413,160	377,874	333,127	357,505	357,505	Not yet avail.	(24,377)	(24,377)
Magnolia (Flinders) AA						171,994	147,612	145,912	129,634	129,634	Not yet avail.	16,278	16,278
Zircon (Merimbula) AA						502,450	267,803	234,803	212,965	212,965	Not yet avail.	81,838	81,838
Zircon (Coolangubella) AA						1,002,080	523,067	537,667	368,999	368,999	Not yet avail.	168,669	168,669
Start (Blue Gum) AA-						275,000	182,394	191,057	151,847	151,847	Not yet avail.	39,209	39,209
Coraair (Kakadu) AA						273,710	136,303	150,073	128,952	128,952	Not yet avail.	21,121	21,121
Helium (C=Scarborough) AA						602,244	363,980	407,990	336,612	336,612	Not yet avail.	72,369	72,369
Beryl (AAAGlobal Bank Note)						200,376	178,836	174,796	163,561	163,561	Not yet avail.	11,235	11,235
						<b>5,958,049</b>	<b>4,585,366</b>	<b>4,640,173</b>	<b>4,209,463</b>	<b>4,209,463</b>	<b>4,209,463</b>	<b>430,710</b>	<b>14,232</b>
<b>SUB PRIME MORTGAGES</b>													
SPRC (Federation AAA)						505,230	49,065	32,715	36,900	36,900	Not yet avail.	(4,185)	(4,185)
						<b>505,230</b>	<b>49,065</b>	<b>32,715</b>	<b>36,900</b>	<b>36,900</b>	<b>36,900</b>	<b>(4,185)</b>	<b>0</b>
Other Reserves Income													
TOTAL RESERVE ACCOUNT						5,713,161	5,791,530	5,791,530	5,365,005	5,365,005	5,365,005	426,525	426,525
PORTFOLIO TOTAL						5,713,161	5,791,530	5,791,530	5,365,005	5,365,005	5,365,005	426,525	426,525

Income Earned 08/09
27,501
27,501
0
10,118
4,114
14,232
0
6,107
20,338
47,839

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.2 ADMINISTRATION**

**12.2.1 Extended Trading Hours within the City Of Albany**

<b>File/Ward</b>	: LEG 005 (All Wards)
<b>Proposal/Issue</b>	: Extended Trading Hours for the Christmas shopping period
<b>Subject Land/Locality</b>	: City of Albany Municipality
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Customer Service Manager (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 19/09/06 – Item 12.2.1 OCM 21/08/07 – Item 12.2.1
<b>Summary Recommendation</b>	: THAT Council extends the retail trading hours for the 2008 Christmas shopping period in line with the Perth metropolitan area.
<b>Bulletin Attachment</b>	: Letter DOCEP 8 July 2008
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. On 7 April 2008, the Hon Sheila McHale MLA, Minister for Consumer Protection, announced a package of retail trading extensions for the Perth metropolitan area for the 2008/2009 Christmas and New Year period.
2. In accordance with established policy, the Christmas trading package is made available to regional localities without the need for further action by Local Government Authorities.

**STATUTORY REQUIREMENTS**

3. Under the Retail Trading Hours Act 1987, Section 15 empowers the Minister to vary trading hours.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## STRATEGIC IMPLICATIONS

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

**Community Vision:**

Nil

**Priority Goals and Objectives:**

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

*Objective 3.3 A unique and accessible retail experience.*

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

Nil

## COMMENT/DISCUSSION

7. The Minister for Consumer and Employment Protection has approved the following times for the Perth metropolitan area:

Sunday 7 December 2008	10.00am to 5.00pm
Sunday 14 December 2008	10.00am to 5.00pm
Friday 19 December 2008	8.00am to 9.00pm
Sunday 21 December 2008	10.00am to 5.00pm
Monday 22 December 2008	8:00am to 9:00pm
Tuesday 23 December 2008	8:00am to 9:00pm
Wednesday 24 December 2008	8:00am to 6:00pm
Sunday 28 December 2008	10.00am to 5.00pm
Monday 29 December 2008	8.00am to 9.00pm
Tuesday 30 December 2008	8.00am to 9.00pm
Wednesday 31 December 2008	8:00am to 6:00pm

8. The Minister can extend varied Metropolitan hours to the Municipality of Albany upon approval.
9. If no variation or exemption is sought by the City of Albany, then the Metropolitan hours will be applied.
10. This proposal would affect all retailers within the Municipality of Albany, however it will not be compulsory to trade on these days.

**CORPORATE & COMMUNITY SERVICES REPORTS**

## RECOMMENDATION

THAT Council extends the retail trading hours for the 2008/09 Christmas and New Year shopping periods in line with Perth metropolitan area as follows:

Sunday 7 December 2008	10.00am to 5.00pm
Sunday 14 December 2008	10.00am to 5.00pm
Friday 19 December 2008	8.00am to 9:00pm
Sunday 21 December 2008	10.00am to 5:00pm
Monday 22 December 2008	8:00am to 9:00pm
Tuesday 23 December 2008	8:00am to 9:00pm
Wednesday 24 December 2008	8:00am to 6:00pm
Sunday 28 December 2008	10.00am to 5.00pm
Monday 29 December 2008	8.00am to 9.00pm
Tuesday 30 December 2008	8.00am to 9.00pm
Wednesday 31 December 2008	8:00am to 6:00pm

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR MORRIS  
SECONDED COUNCILLOR WALKER**

THAT Council extends the retail trading hours for the 2008/09 Christmas and New Year shopping periods in line with Perth metropolitan area as follows:

<b>Sunday 7 December 2008</b>	<b>10.00am to 5.00pm</b>
<b>Sunday 14 December 2008</b>	<b>10.00am to 5.00pm</b>
<b>Friday 19 December 2008</b>	<b>8.00am to 9:00pm</b>
<b>Sunday 21 December 2008</b>	<b>10.00am to 5:00pm</b>
<b>Monday 22 December 2008</b>	<b>8:00am to 9:00pm</b>
<b>Tuesday 23 December 2008</b>	<b>8:00am to 9:00pm</b>
<b>Wednesday 24 December 2008</b>	<b>8:00am to 6:00pm</b>
<b>Sunday 28 December 2008</b>	<b>10.00am to 5.00pm</b>
<b>Monday 29 December 2008</b>	<b>8.00am to 9.00pm</b>
<b>Tuesday 30 December 2008</b>	<b>8.00am to 9.00pm</b>
<b>Wednesday 31 December 2008</b>	<b>8:00am to 6:00pm</b>

**MOTION CARRIED 9-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.3 LIBRARY SERVICES**

Nil

**12.4 DAY CARE CENTRE**

Nil

**12.5 TOWN HALL**

Nil

**12.6 RECREATION SERVICES**

Nil

**12.7 VISITORS CENTRE**

Nil

**CORPORATE & COMMUNITY SERVICES REPORTS****12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE****12.8.1 Community and Economic Development Strategy and Policy Committee Minutes – 16<sup>th</sup> July 2008**

<b>File/Ward</b>	:	MAN 233 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer(s)</b>	:	Executive Director Corporate and Community Services (WP Madigan)
<b>Summary Recommendation</b>	:	That the Minutes of the Community and Economic Development Strategy and Policy Committee meeting held on 16 July 2008 be received, and the recommendations adopted.
<b>Bulletin Attachment</b>	:	Community Financial Assistance Program Policy

**RECOMMENDATION**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting held on 16 July 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

Item 5.1 Financial Assistance Policy

THAT the Community Financial Assistance Policy be amended to reflect the decision of Council at the July 2007 OCM (Item 12.8.2) to increase the funding allocation available for Youth Crisis Services to \$30,000 in 2008/09.

Item 5.2 Recreation Strategy

Recreation Planning Strategy and Master Plan & Facility Development and Operation

1. That a draft strategy for the City's involvement in recreation planning be developed and presented to the Community and Economic Development Strategy and Policy Committee for further discussion/ adoption. The scope of the strategy will include:
  - a) Setting strategic goals for Council's involvement in the planning process for major recreation facilities.
  - b) Excluding recreation program delivery, paths, parks, bush and coastal reserves as these are already addressed in other strategies and plans.
2. That a recreation master plan be developed, where possible in parallel with the development of the strategy to ensure timeliness; and in accordance with the line items in councils adopted 2008/09 budget. The master planning process to involve consultation with key community, government and industry stakeholders.
3. The recreation planning strategy identifies a model which encourages co-location on an affordable and sustainable smaller scale, rather than 'super facilities', while taking into account the relevant location, management and club and facility lifecycle considerations.
4. That council not pursue the current proposal for a \$25 million centennial multi-sport redevelopment.
5. That the recreation planning strategy and master-plan identifies the location of facilities and parameters for their development. Parameters could include (but not be limited to);
  - a) Department of Sport and Recreation needs assessment, feasibility and management processes.
  - b) Lifecycle cost and environmental sustainability.

**CORPORATE & COMMUNITY SERVICES REPORTS**

- c) Staging of facilities with each stage having integrity in its own right (i.e. transportable buildings or buildings which are planned to be knocked down in the medium term are not allowed. Buildings which can be added onto for future stages are encouraged).
  - d) A focus on what can be achieved in the short term while maintaining the integrity of long term planning.
6. That the Recreation Strategy and Master Planning process involves analysis and makes recommendations in relation to which facilities should be developed and operated by the City, which should be developed and operated by Clubs and equity in relation to grounds maintenance.
  7. That where clubs lease facilities, provisions are made to ensure that they are maintained to an acceptable standard (ref property policy).

Sanford Road BMX Facility

1. That Council undertake works at the BMX facility on Sanford Road to make the area safe and open and operate the track as a 'freeform facility' for public use for a trial period of up to 12 months.
2. That a budget allocation of \$10,000 for safety works and ongoing maintenance be sourced from an appropriate works budget.

Co-located facilities

1. That the need and location of a facility for the Sharks Football Club be assessed as part of the Recreation Planning Strategy and Recreation Masterplan process
2. That the need and location of a motorsport facility be assessed as part of the Recreation Planning Strategy and Recreation Master plan process.
3. That once further appraised of the need for a motorsport facility, council consider whether to undertake this proposal as a 'city project; support the clubs as they undertake the planning , design and construction process or not approve its continuation.
4. That the City undertake a motor education and training complex feasibility study.

Albany Agricultural Society

1. That Council indicate it is prepared to enter into a further 21 year licence with the Agricultural Society at Centennial Oval on the expiration of the current licence and discuss landscaping and building improvement/location options with the society.

High Performance Sports Training Facility & Other Issues

1. That upon successful completion of a needs assessment and feasibility plan, Council endorse Albany Senior High School's CSRFF application for a High Performance Sports Training Facility.
2. That the need and location of the following proposals are assessed as part of the Recreation Planning Strategy and Recreation Master plan process:
  - a) The next generation of sporting facilities (major sporting precinct) required as the population grows at Bayonet Head.
  - b) An indoor 50m swimming facility.
  - c) A shared facility for administration of small recreation and community groups (similar to lotteries house).

Item 5.3 Community Safety and Crime Prevention

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

2. The Committee write to the Minister for Community Safety indicating that the Community and Economic Development Strategy and Policy Committee recommends entering into a Community Safety and Crime Prevention Partnership with the State Government.

*Note reference made to Minister for Local Government and Regional Development within the committee meeting minutes has been changed to Minister for Community Safety to accurately reflect the correct ministerial portfolio.*

Item 5.5 Public Art Policy

1. THAT pursuant to Sections 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, Council amend the Development Control Guidelines by introducing the following;

Guideline 8 – Public Art

Private Developments commercial, non-residential and or mixed residential/commercial developments over the value of \$1,500,000 are required to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity.

2. That Council develop a procedural document that facilitates the selection of artists, approval process and the maintenance and ownership of public art within the municipality.

*Voting Requirement Simple Majority*

.....

The Mayor directed that the following items are to be voted on individually.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR PAVER**

**THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting held on 16 July 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR STANTON**

Item 5.1 Financial Assistance Policy

**THAT the Community Financial Assistance Policy be amended to reflect the decision of Council at the July 2007 OCM (Item 12.8.2) to increase the funding allocation available for Youth Crisis Services to \$30,000 in 2008/09.**

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR STANTON  
SECONDED COUNCILLOR PAVER**

**Item 5.2 Recreation Strategy -**

**Recreation Planning Strategy and Master Plan & Facility Development and Operation**

1. That a draft strategy for the City's involvement in recreation planning be developed and presented to the Community and Economic Development Strategy and Policy Committee for further discussion/ adoption. The scope of the strategy will include:
  - a) Setting strategic goals for Council's involvement in the planning process for major recreation facilities.
  - b) Excluding recreation program delivery, paths, parks, bush and coastal reserves as these are already addressed in other strategies and plans.
2. That a recreation master plan be developed, where possible in parallel with the development of the strategy to ensure timeliness; and in accordance with the line items in councils adopted 2008/09 budget. The master planning process to involve consultation with key community, government and industry stakeholders.
3. The recreation planning strategy identifies a model which encourages co-location on an affordable and sustainable smaller scale, rather than 'super facilities', while taking into account the relevant location, management and club and facility lifecycle considerations.
4. That council not pursue the current proposal for a \$25 million centennial multi-sport redevelopment.
5. That the recreation planning strategy and master-plan identifies the location of facilities and parameters for their development. Parameters could include (but not be limited to);
  - a) Department of Sport and Recreation needs assessment, feasibility and management processes.
  - b) Lifecycle cost and environmental sustainability.
  - c) Staging of facilities with each stage having integrity in its own right (i.e. transportable buildings or buildings which are planned to be knocked down in the medium term are not allowed. Buildings which can be added onto for future stages are encouraged).
  - d) A focus on what can be achieved in the short term while maintaining the integrity of long term planning.
6. That the Recreation Strategy and Master Planning process involves analysis and makes recommendations in relation to which facilities should be developed and operated by the City, which should be developed and operated by Clubs and equity in relation to grounds maintenance.
7. That where clubs lease facilities, provisions are made to ensure that they are maintained to an acceptable standard (ref property policy).

**Sanford Road BMX Facility**

1. That Council undertake works at the BMX facility on Sanford Road to make the area safe and open and operate the track as a 'freeform facility' for public use for a trial period of up to 12 months.
2. That a budget allocation of \$10,000 for safety works and ongoing maintenance be sourced from an appropriate works budget.

**Co-located facilities**

1. That the need and location of a facility for the Sharks Football Club be assessed as part of the Recreation Planning Strategy and Recreation Masterplan process
2. That the need and location of a motor sport facility be assessed as part of the Recreation Planning Strategy and Recreation Master Plan process.
3. That once further appraised of the need for a motor sport facility, council consider whether to undertake this proposal as a 'city project; support the clubs as they undertake the planning , design and construction process or not approve its continuation.
4. That the City undertake a motor education and training complex feasibility study.

**Albany Agricultural Society**

1. That Council indicate it is prepared to enter into a further 21 year licence with the Agricultural Society at Centennial Oval on the expiration of the current licence and discuss landscaping and building improvement/location options with the society.

**High Performance Sports Training Facility & Other Issues**

1. That upon successful completion of a needs assessment and feasibility plan, Council endorse Albany Senior High School's CSRFF application for a High Performance Sports Training Facility.
2. That the need and location of the following proposals are assessed as part of the Recreation Planning Strategy and Recreation Master plan process:
  - a) The next generation of sporting facilities (major sporting precinct) required as the population grows at Bayonet Head.
  - b) An indoor 50m swimming facility.
  - c) A shared facility for administration of small recreation and community groups (similar to lotteries house).

**MOTION CARRIED 8-1**

**MOVED COUNCILLOR PRICE**

**SECONDED COUNCILLOR WALKER**

**Item 5.3 Community Safety and Crime Prevention**

1. Council support 'in-principle' the preparation of a Local Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia and invites the Office of Crime Prevention to a future meeting of the Community and Economic Development Strategy and Policy Committee to discuss a mutually acceptable framework for the Agreement and a subsequent action plan.
2. The Committee write to the Minister for Community Safety indicating that the Community and Economic Development Strategy and Policy Committee recommends entering into a Community Safety and Crime Prevention Partnership with the State Government.

**MOTION CARRIED 9-0**

The CEO left the Chamber at 8.34pm.

The CEO returned to the Chamber at 8.39pm

**MOVED COUNCILLOR STANTON  
SECONDED COUNCILLOR PRICE**

**Item 5.5 Public Art Policy**

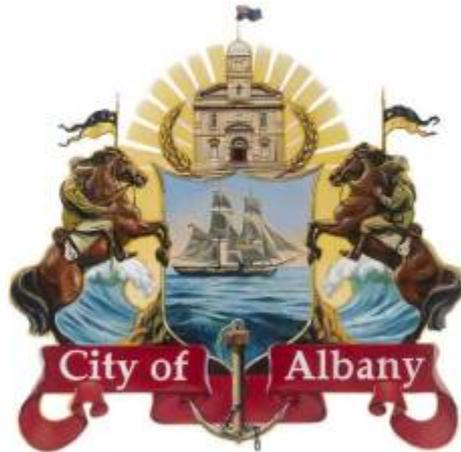
1. **THAT pursuant to Sections 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, Council amend the Development Control Guidelines by introducing the following:**

**Guideline 8 – Public Art**

**Private Developments commercial, non-residential and or mixed residential/commercial developments over the value of \$1,500,000 are required to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity.**

2. **That Council develop a procedural document that facilitates the selection of artists, approval process and the maintenance and ownership of public art within the municipality.**

**MOTION CARRIED 5-4**



# MINUTES

## COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

Held on  
Wednesday, 16 July 2008  
3.00pm

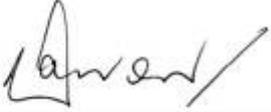
Margaret Coates Boardroom

## City of Albany

### \*\* Disclaimer \*\*

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Signed   
\_\_\_\_\_  
*Andrew Hammond*  
Chief Executive Officer

Date: 16 July 2008

ORDINARY COUNCIL MEETING MINUTES – 19/08/08  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 16/07/2008  
\*\* REFER DISCLAIMER \*\*

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ORDINARY COUNCIL MEETING MINUTES – 19/08/08  
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**CORPORATE & COMMUNITY SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 16/07/2008  
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**1.0 DECLARATION OF OPENING**

Councillor Walker declared the meeting open at 3.10pm.

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

Attendances:

Chairperson	J Walker
Mayor	MJ Evans, JP
Councillors	EK Stanton
	D Wiseman
	J Matia
	D Wolfe

Executive Director Corporate and Community Services	P Madigan
Manager Customer Services – Minutes	B Parker
Manager Economic Development	J Berry
Manager Community Development	M Weller

Observers:

Councillor	J Bostock
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Apologies/Leave of Absence:

Councillor	N Williams
	D Price
	R Paver
	G Kidman

**3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WALKER**

**THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 18 June 2008 were a true and accurate record of proceedings.**

**VOTE 6-0**

**4.0 DISCLOSURE OF FINANCIAL INTEREST**

Nil

**CORPORATE & COMMUNITY SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 16/07/2008

\*\* REFER DISCLAIMER \*\*

**5.0 ITEMS FOR DISCUSSION**

**5.1 Financial Assistance Policy**

Executive Director Corporate and Community Services, Peter Madigan explained that a resolution was passed by Council at the July 2007 Ordinary Council Meeting to increase the funding allocation available to Youth Crisis Services.

Mr Madigan indicated that the Community Financial Assistance Policy had been amended to reflect this decision, however the policy now needed to be endorsed by the committee.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR STANTON**

**THAT the Community Financial Assistance Policy be amended to reflect the decision of Council at the July 2007 OCM (Item 12.8.2) to increase the funding allocation available for Youth Crisis Services to \$30,000 in 2008/09.**

**VOTE 6-0**

**5.2 Recreation Strategy**

Manager Community Development, Mark Weller provided the committee with a background paper (tabled) providing an environmental analysis and various recommendations for consideration by the committee.

Mr Weller outlined that the concept of a \$25m Multi Sport Complex was unrealistic given the current political environment and competition with other State/Federal Government funded projects such as the hospital. Mr Weller indicated that a number of smaller scale infrastructure projects were more achievable.

**Recreation Planning Strategy and Master Plan  
Facility Development and Operation**

**MOVED COUNCILLOR MATLA  
SECONDED COUNCILLOR WISEMAN**

1. That a draft strategy for the City's involvement in recreation planning be developed and presented to the Community and Economic Development Strategy and Policy Committee for further discussion/ adoption. The scope of the strategy will include:
  - a) Setting strategic goals for Council's involvement in the planning process for major recreation facilities.
  - b) Excluding recreation program delivery, paths, parks, bush and coastal reserves as these are already addressed in other strategies and plans.
2. That a recreation masterplan be developed, where possible in parallel with the development of the strategy to ensure timeliness; and in accordance with the line items in councils adopted 2008/09 budget. The master planning process to involve consultation with key community, government and industry stakeholders.
3. The recreation planning strategy identifies a model which encourages co-location on an affordable and sustainable smaller scale, rather than 'super facilities', while taking into account the relevant location, management and club and facility lifecycle considerations.

**CORPORATE & COMMUNITY SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 16/07/2008

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4. That council not pursue the current proposal for a \$25 million centennial multi-sport redevelopment.
5. That the recreation planning strategy and master-plan identifies the location of facilities and parameters for their development. Parameters could include (but not be limited to);
  - a) Department of Sport and Recreation needs assessment, feasibility and management processes.
  - b) Lifecycle cost and environmental sustainability.
  - c) Staging of facilities with each stage having integrity in its own right (i.e. transportable buildings or buildings which are planned to be knocked down in the medium term are not allowed. Buildings which can be added onto for future stages are encouraged).
  - d) A focus on what can be achieved in the short term while maintaining the integrity of long term planning.
6. That the Recreation Strategy and Master Planning process involves analysis and makes recommendations in relation to which facilities should be developed and operated by the City, which should be developed and operated by Clubs and equity in relation to grounds maintenance.
7. That where clubs lease facilities, provisions are made to ensure that they are maintained to an acceptable standard (ref property policy).

VOTE 6-0

**Sanford Road BMX Facility**

**MOVED COUNCILLOR MATLA**

**SECONDED COUNCILLOR WOLFE**

1. That Council undertake works at the BMX facility on Sanford Road to make the area safe and open and operate the track as a 'freeform facility' for public use for a trial period of up to 12 months.
2. That a budget allocation of \$10,000 for safety works and ongoing maintenance be sourced from an appropriate works budget.

VOTE 6-0

Councillor Matla left the meeting at 4:05pm

Councillor Matla returned to the meeting at 4:06pm

**Co-located facilities**

**MOVED COUNCILLOR WALKER**

**SECONDED COUNCILLOR EVANS**

1. That the need and location of a facility for the Sharks Football Club be assessed as part of the Recreation Planning Strategy and Recreation Masterplan process
2. That the need and location of a motorsport facility be assessed as part of the Recreation Planning Strategy and Recreation Master plan process.
3. That once further appraised of the need for a motorsport facility, council consider whether to undertake this proposal as a 'city project; support the clubs as they undertake the planning , design and construction process or not approve its continuation.
4. That the City undertake a motor education and training complex feasibility study.

VOTE 6-0

**CORPORATE & COMMUNITY SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 16/07/2008

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**Albany Agricultural Society**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WOLFE**

That Council indicate it is prepared to enter into a further 21 year licence with the Agricultural Society at Centennial Oval on the expiration of the current licence and discuss landscaping and building improvement/location options with the society.

**VOTE 5-1**

**High Performance Sports Training Facility  
Other Issues**

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR STANTON**

1. That upon successful completion of a needs assessment and feasibility plan, Council endorse Albany Senior High School's CSRFF application for a High Performance Sports Training Facility.
2. That the need and location of the following proposals are assessed as part of the Recreation Planning Strategy and Recreation Master plan process:
  - a. The next generation of sporting facilities (major sporting precinct) required as the population grows at Bayonet Head.
  - b. An indoor 50m swimming facility.
  - c. A shared facility for administration of small recreation and community groups (similar to lotteries house).

**VOTE 6-0**

**5.3 Community Safety and Crime Prevention**

Mayor Evans presented a recommendation to enter into an 'in principle' partnership with the State Government to establish a Community Safety and Crime Prevention Agreement.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WALKER**

**THAT**

1. Council support 'in-principle' the preparation of a Local Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia and invites the Office of Crime Prevention to a future meeting of the Community and Economic Development Strategy and Policy Committee to discuss a mutually acceptable framework for the Agreement and a subsequent action plan.
2. The Committee write to the Minister for Local Government and Regional Development indicating that the Community and Economic Development Strategy and Policy Committee recommends entering into a Community Safety and Crime Prevention Partnership with the State Government.

**MOTION CARRIED 6-0**

ORDINARY COUNCIL MEETING MINUTES – 19/08/08  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 16/07/2008  
\*\* REFER DISCLAIMER \*\*

**5.4 Welcome Wall Proposal**

The City received two items of correspondence from the WA Museum providing an update date on the Welcome Wall Project.

**MOVED COUNCILLOR STANTON  
SECONDED COUNCILLOR EVANS**

**THAT** this information be received.

**VOTE 6-0**

**5.5 Public Art Policy**

Mr Madigan indicated that the current Public Art Policy was not enforceable and that by creating a guideline under the Town Planning Schemes from a public art perspective, the City could enforce the installation of public art within developments that meet the policy objectives.

Councillor Wiseman left the meeting at 4:55pm  
Councillor Bostock deputised for Councillor.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR STANTON**

1. **THAT** pursuant to Sections 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, Council amend the Development Control Guidelines by introducing the following;

**Guideline 8 – Public Art**

Private Developments commercial, non-residential and or mixed residential/commercial developments over the value of \$1,500,000 are required to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity.

2. That Council develop a procedural document that facilitates the selection of artists, approval process and the maintenance and ownership of public art within the municipality.

**VOTE 5-1**

**6.0 TIME AND DATE OF NEXT MEETING**

Next meeting is scheduled for Wednesday, 20 August 2008 at 3.00pm.

**7.0 CLOSURE OF MEETING**

The meeting closed at 5:00pm

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.8.2 Albany Senior Advisory Committee meeting minutes – 17<sup>th</sup> July 2008**

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Community Development Officer – Senior (G Martin)
- Summary Recommendation** : That the Minutes of Albany Senior Advisory Committee held on 17<sup>th</sup> July 2008 be received.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 17<sup>th</sup> July 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....  
**MOVED COUNCILLOR PRICE**  
**SECONDED COUNCILLOR BUEGGE**

**THAT the minutes of Albany Senior Advisory Committee meeting of 17<sup>th</sup> July 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 9-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.8.3 Albany Town Hall Theatre Advisory Committee meeting minutes – 9<sup>th</sup> July 2008**

- 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 the 9<sup>th</sup> July 2008 be received.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 9<sup>th</sup> July 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....  
**MOVED COUNCILLOR PRICE**  
**SECONDED COUNCILLOR WALKER**

**THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 9<sup>th</sup> July 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 9-0**

# **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.

**WORKS & SERVICES REPORTS**

**13.3 CITY SERVICES – AIRPORT MANAGEMENT**

**13.3.1 Lease tenure – Airport Hangars**

<b>File/Ward</b>	:	SER 105 (Kalgan Ward)
<b>Proposal/Issue</b>	:	To define lease terms for hangar sites at the airport
<b>Subject Land/Locality</b>	:	Albany Regional Airport
<b>Proponent</b>	:	NA
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Manager City Services (I Neil)
<b>Disclosure of Interest</b>	:	NA
<b>Previous Reference</b>	:	NA
<b>Summary Recommendation</b>	:	That, in line with relevant legislation, the term for all existing hangar leases at the Albany Regional Airport be set at a maximum of twenty years including any options.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. There are currently 28 hangar sites at the Albany Airport, a number of the older leases (20) have the term of the lease set at twenty years *“renewable thereafter for further periods of twenty years...”*
2. The City has requested a legal opinion on the status of that clause and the advice has stated that *“The offending definition of term can be severed from the rest of the definition and therefore the Lease has a term of twenty years...”*
3. The effect of implementing the above advice is that those leases that contain the offending clause will have the term limited to the initial term of twenty years.

**STATUTORY REQUIREMENTS**

4. The power to lease is governed by Section 3.58 of the Local Government Act relating to the Disposition of Property.
5. The Town Planning & Development Act 1928 and the Planning and Development Act 2005 places restrictions on the tenure of these types of leases without approval of the Commission.

**POLICY IMPLICATIONS**

6. The recommendation is consistent with Council Policy – Property Management – Leases.

**WORKS & SERVICES REPORTS**

**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 Albany Insight – Beyond 2020 Corporate Plan:

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

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

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

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

**COMMENT/DISCUSSION**

9. The Albany Regional Airport has 28 hangar leases on site, the oldest of the current leases commenced in 1990. The leases are for land only and the lessee at their own expense erect hangars for the purpose of aircraft hangarage only.
10. For some time now there has been some concern expressed by staff that the term contained in the older leases could be interpreted to give the lessee permanent occupation of the site at the airport. As a result of some confusion in the processing of some hangar assignments it was decided to obtain a legal opinion on the issue.
11. The lease condition in question states that the term is:
- “twenty (20) years commencing on (date) renewable thereafter for further periods of twenty(20) years until determined in accordance with clause 5.3 of this document (the Lease)”*
12. Clause 5.3 of the lease states that within the current term of the lease the City can give notice of termination of the lease but is required to relocate the lessee at the City’s expense to a new site for the balance of the term.
13. Haynes Robinson, Barristers and Solicitors have advised that the *“ lease is illegal and void to the extent that the term of the lease is defined to include multiple option periods of twenty years until termination”* and that *“The offending definition of term can be severed from the rest of the definition...”*
14. The basis of this determination is that pursuant to section 20(1) (a) of the Town Planning and Development Act 1928 and section 136 of the Planning and Development Act 2005 if the lease is for a vacant land or for a whole or portion of the building, the written lease cannot have a term of more than ten years or twenty–one years respectively including any renewal or extension of term, without the prior approval of the Western Australian Planning Commission.

**WORKS & SERVICES REPORTS**

- 15. The Act includes these provisions to ensure that in situations where there are a number of leases in the one area that a quasi subdivision does not take place without proper approval.
- 16. There is an option to apply for Ministerial consent to allow a further term for these leases however to do so would conflict with the intent of the City’s Policy and associated guidelines in relation to aircraft hangar leases which sets the term at ten years with a further term of ten years.
- 17. The matter has been discussed with the Planning Department and it has advised that from its perspective there are no planning issues with the operation of hangars at the site. To allow longer term flexibility it would like to see a finite term in the leases.
- 18. It is recommended where a lease contains the offending clause relating to term it be severed from the rest of the lease and the term be defined as the initial twenty year term of the lease with no option to renew. This will mean that at the expiration of the current term the lease will lapse and if the current tenant wishes to continue the occupation of that site, a new lease will have to be applied for, all terms and conditions will be negotiated in line with Council Policy.
- 19. This matter was raised and discussed in some detail at the Airport User Group meeting held in July. Some hangar lessees expressed a concern that their tenure at the airport was being reduced, they were advised of Council policy and that the matter would be reported to Council. It was agreed that all hangar lessees be informed of the resolution of Council and how it will affect their leases individually.

**RECOMMENDATION**

THAT Council limit hangar leases to a maximum 20 years.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BUEGGE**

**THAT Council limit hangar leases to a maximum 20 years.**

**MOTION CARRIED 8-1**

**WORKS & SERVICES REPORTS**

**13.4 CITY SERVICES – CONTRACT MANAGEMENT**

**13.4.1 Contract C08016 – Supply and Delivery of Armour Class-1 Granite Rocks**

<b>File/Ward</b>	:	C08012
<b>Proposal/Issue</b>	:	Construction of a seawall at ANZAC Peace Park
<b>Subject Land/Locality</b>	:	ANZAC Peace Park
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Procurement Officer (W Male); Works Coordinator (M Swarbrick); and Project Engineer (M Bracknell)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the tender from AD Contractors Pty Ltd for the supply and delivery of 6,300 tonnes of Armour Class-1 Granite Rocks.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. The City of Albany as part of the construction of the Albany Peace Park sourced tenders to supply and deliver Armour Class-1 Granite Rock. Approximately 6,300 tonnes of granite rock is required to complete the seawall.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS****FINANCIAL IMPLICATIONS**

6. The cost of the supply and delivery of this material will be funded from the 2008/09 Anzac Peace Park project. The amount tendered is within budget expectations for this component of the works.

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

*Nil.*

**Priority Goals and Objectives:**

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

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

**City of Albany Mission Statement:**

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

**COMMENT/DISCUSSION**

8. A request for tenders was published in the West Australian on 2<sup>nd</sup> July 2008, the Albany Advertiser on 3<sup>rd</sup> July 2008 and Albany Extra on 4<sup>th</sup> July 2008.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weight their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

<b>Criteria</b>	<b>% Weighting</b>
Cost	60
Relevant Skills & Experience	20
Reliability	20
<b>Total</b>	<b>100</b>

10. A total seven tenders were downloaded from the City of Albany website with two received at the close of tenders. Both companies have claimed 100% against the Regional Price Preference Policy.
11. The following table summarises the tenders received:

<b>Tenderer</b>	<b>Price Per Tonne</b>	<b>Total Cost</b>	<b>Score</b>
AD Contractors Pty Ltd	\$37.00	\$233,100.00	<b>766</b>
Cemex Australia Pty Ltd	\$63.00	\$396,900.00	<b>464</b>

12. AD Contractors has previously worked on and provided materials for the Emu Point seawall and have a good knowledge of the proposed contract. The company has a stockpile of approximately 3,000 tonnes of rocks and has the capacity to source the additional material in a timeframe compatible with the construction programme.

**WORKS & SERVICES REPORTS**

RECOMMENDATION

THAT Council accepts the tender from AD Contractors Pty Ltd for the supply and delivery of 6,300 tonnes of Armour Class-1 Granite Rocks at a price of \$233,100.00, for construction of the ANZAC Peace Park seawall.

*Voting Requirement Simple Majority*

.....  
**MOVED COUNCILLOR BUEGGE  
SECONDED COUNCILLOR PRICE**

**THAT Council accepts the tender from AD Contractors Pty Ltd for the supply and delivery of 6,300 tonnes of Armour Class-1 Granite Rocks at a price of \$233,100.00, for construction of the ANZAC Peace Park seawall.**

**MOTION CARRIED 9-0**

**WORKS & SERVICES REPORTS**

**13.5 CITY SERVICES – PROPERTY MANAGEMENT**

**13.5.1 New Licence - Telecommunications Tower – Mt Melville**

- File/Ward** : PRO 368 (Frederickstown Ward)
- Proposal/Issue** : Issue a licence to the Fire and Emergency Services Authority to use the Mt Melville Telecommunications Tower
- Subject Land/Locality** : JA Barnesby Lookout (Portion of Reserve 2681 Mt Melville)
- Proponent** : Fire and Emergency Services Authority (FESA)
- Owner** : Crown Land
- Reporting Officer(s)** : Manager City Services (I Neil)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That a licence for five years with a further term of five years be approved for the Fire and Emergency Services Authority to use the Mount Melville telecommunications tower for the purpose of its emergency radio network
- Bulletin Attachment** : Nil
- Locality Plan** :



**WORKS & SERVICES REPORTS**

**BACKGROUND**

1. The Fire and Emergency Services Authority of Western Australia (FESA) has requested approval from Council to upgrade its infrastructure at the Mt Melville telecommunications tower. In investigating the request, officers ascertained that the current infrastructure on the tower is not subject to an agreement.
2. This report recommends that the current infrastructure be given approval as well as the proposed upgraded equipment

**STATUTORY REQUIREMENTS**

3. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
4. As this is Crown Land, vested in the City of Albany for the purpose of Recreation, Ministerial approval will be required.
5. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
6. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section (2) (b) states that Section 3.58 of the Act is exempt if:
  - (b) *The land is disposed of to a body, whether incorporated or not –*
    - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;*
7. The Fire and Emergency Services Authority is a government instrumentality and therefore exempt from the advertising requirements of Section 3.58.

**POLICY IMPLICATIONS**

8. The recommendation is consistent with Council Policy – Property Management – Leases adopted 2007.

**FINANCIAL IMPLICATIONS**

9. All costs associated with the preparation of the licence will be at a cost to the lessee.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

**WORKS & SERVICES REPORTS**

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

**City of Albany Mission Statement:**

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

**COMMENT/DISCUSSION**

11. FESA has requested approval to establish a new communications service at Mt Melville on the J.A. Barnesby Memorial Lookout. The request included the ongoing use of existing services already at the site for the City of Albany operations within the State Emergency and the Fire and Rescue Service.
12. Although the existing infrastructure has been operating on the site for some time it has never been subject to a formal agreement. Due to the emergency nature of the equipment permission has been given to the authority to continue operations from the site pending the development of a formal licence document.
13. The current equipment at the site consists of
  - 1 X VHF midband repeater with associated diplexer, antenna and batteries, and
  - 1 X UHF repeater with associated diplexer, antenna and batteries
14. The proposed new equipment is
  - 1 X VHF HiBand repeater with associated diplexer, antenna and batteries
15. The two VHF systems will run together until the new system is established, at this stage the old VHF system will be removed
16. The licence is for a portion of the mast and some room in the bunker at the base of the tower. All work will be undertaken by FESA qualified staff in line with Australian Standards.
17. A five year term with a mutually agreed further term of five years is considered appropriate and an annual rental of \$10.00 plus GST is in line with Council Policy for these types of leases.

**RECOMMENDATION**

THAT Council, subject to Ministerial approval enter into a licence with the Fire and Emergency Services Authority to use a portion of the Mount Melville telecommunications tower for the purpose of its emergency radio network, the licence to include terms and conditions being in line with Council's Property Policy – Leases, and;

- (i) a term five years with a further term of five years;
- (ii) all costs associated with the preparation of the licence be borne by FESA; and
- (iii) the rental being \$10.00 per annum plus GST.

*Voting Requirement Simple Majority*

.....

**WORKS & SERVICES REPORTS**

**MOVED COUNCILLOR MORRIS  
SECONDED COUNCILLOR WALKER**

**THAT Council, subject to Ministerial approval enter into a licence with the Fire and Emergency Services Authority to use a portion of the Mount Melville telecommunications tower for the purpose of its emergency radio network, the licence to include terms and conditions being in line with Council’s Property Policy – Leases, and;**

- (i) a term five years with a further term of five years;**
- (ii) all costs associated with the preparation of the licence be borne by FESA; and**
- (iii) the rental being \$10.00 per annum plus GST.**

**MOTION CARRIED 9-0**

**WORKS & SERVICES REPORTS**

**13.5.2 New lease - Albany Sea Rescue Squad Inc.**

- File/Ward** : PRO 038 (Breaksea Ward)
- Proposal/Issue** : New lease for Albany Sea Rescue Squad Inc.
- Subject Land/Locality** : Emu Point Marina – Portion of Reserve 42964 Lot 1423
- Proponent** : Albany Sea Rescue Squad Inc.
- Owner** : Crown Land
- Reporting Officer(s)** : Manager City Services (I Neil)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approves a new lease for Albany Sea Rescue Squad Inc. for a term of 21 years commencing 1 November 2008.
- Bulletin Attachment** : Letter Albany Sea Rescue Squad (Inc) 18 July 2008
- Locality Plan** :



**WORKS & SERVICES REPORTS**

**BACKGROUND**

1. A written request has been received from the Albany Sea Rescue Squad Inc. for a new lease over the area it currently occupies.
2. The Sea Rescue Squad Inc. was formed in 1974 by members of the Albany boating fraternity. This group is committed to providing the Albany community with an emergency sea search and rescue service.
3. The Albany Sea Rescue Squad Inc. current lease is for a term of 21 years, which commenced on 1 November 1987 and expires on 31 October 2008.

**STATUTORY REQUIREMENTS**

4. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
5. As this is Crown Land, vested in the City of Albany for the purpose of 'Marine and Associated Purposes.', Ministerial approval will be required.
6. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
7. This Section requires there to be statewide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

9. All costs associated with the new lease will be at a cost to the lessee.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

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

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

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

**WORKS & SERVICES REPORTS**

**COMMENT/DISCUSSION**

11. In accordance with the Albany Sea Rescue Squad Incorporated constitution the group advise and assist State and Federal authorities, provide volunteer crew, craft, equipment and communication facilities for sea search and rescue operations.
12. The group provides training for crews, radio operators and all other persons concerned in search and rescue operations.
13. Additionally, the group promote the education of the boating public in the principles of safe boating and survival at sea.
14. Membership of the squad is voluntary with members being on call 24 hours a day 7 days a week providing radio coverage from Two Peoples Bay to Denmark. Albany Sea Rescue operates three dedicated rescue craft.
15. The Sea Rescue Squad Inc. is a not for profit organisation providing a service that benefits the community.
16. The proposed leased area requested by the Squad is a smaller area than currently leased. The area requested reflects current fence lines.
17. Subject to the proposed lease being approved by Council and the Minister, the Sea Rescue Squad Inc. have indicated its intention to submit a request for a sub lease to the Squid Shack be permitted on a portion of the proposed lease area. The Squid Shack is currently operating from this location on a month to month basis.

**RECOMMENDATION**

THAT should no submissions be received as a result of advertising, and subject to Ministerial approval, Council approves the Sea Rescue Squad Inc. request for a new lease for portion of Lot 1423 Reserve 42964 Emu Point, the terms and conditions of the lease be in line with Council's Property Policy – Leases, and;

- i) the lease term being 21 years commencing 1 November 2008 with no further term;
- ii) the rental being \$10.00 per annum and subject to GST; and
- iii) all costs associated with the preparation and implementation of the lease be met by Albany Sea Rescue Squad Inc.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BUEGGE  
SECONDED COUNCILLOR WALKER**

**THAT should no submissions be received as a result of advertising, and subject to Ministerial approval, Council approves the Sea Rescue Squad Inc. request for a new lease for portion of Lot 1423 Reserve 42964 Emu Point, the terms and conditions of the lease be in line with Council's Property Policy – Leases, and;**

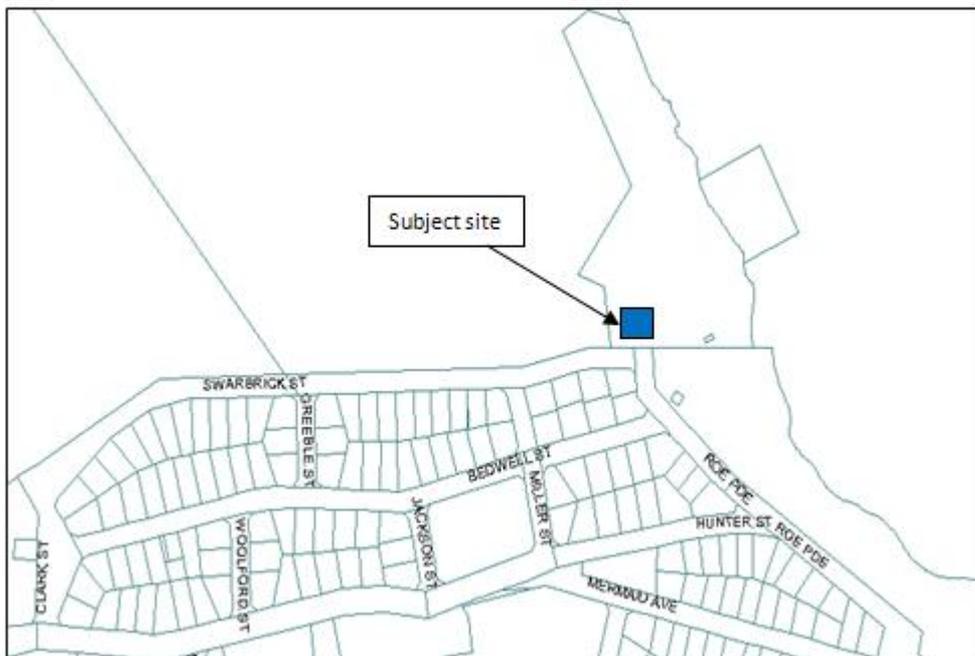
- i) the lease term being 21 years commencing 1 November 2008 with no further term;**
- ii) the rental being \$10.00 per annum and subject to GST; and**
- iii) all costs associated with the preparation and implementation of the lease be met by Albany Sea Rescue Squad Inc.**

**MOTION CARRIED 9-0**

**WORKS & SERVICES REPORTS**

**13.5.3 Surrender of Lease and New Lease - Albany Boating and Offshore Fishing Club Inc.**

- File/Ward** : PRO 296 (Breaksea Ward)
- Proposal/Issue** : Surrender of existing lease and replace with a new lease for Albany Boating and Offshore Fishing Club Inc.
- Subject Land/Locality** : Emu Point Marina – Portion of Lot 1423 Reserve 42964
- Proponent** : Albany Boating and Offshore Fishing Club Inc.
- Owner** : Crown Land
- Reporting Officer(s)** : Manager City Services (I Neil)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approves the surrender of existing lease and enters into a new lease agreement with Albany Boating and Offshore Fishing Club Inc. to allow for a realignment of its boundaries.
- Bulletin Attachment** : Letter Albany Boating & Offshore Fishing Club (Inc) undated.
- Locality Plan** :



**WORKS & SERVICES REPORTS**

**BACKGROUND**

1. In December 2001 Council approved the granting of a new lease to Albany Boating and Offshore Fishing Club Inc. for a portion of Lot 1423 Crown Reserve 42964 Emu Point for constructing a building to use as their club premises.
2. The Club's current lease is for a 21 year term expiring 31 December 2023 with annual rental equivalent to the Minimum Land Rate as set by Council.
3. A request has been received from the Albany Boating and Offshore Fishing Club Inc. to vary the lease boundary to incorporate its recently constructed club premises. Due to an initial setting out error a portion of the building was constructed outside the lease boundary.

**STATUTORY REQUIREMENTS**

4. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
5. As this is Crown Land, vested in the City of Albany for the purpose of 'Marine and Associated Purposes.', Ministerial approval will be required.
6. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
7. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section (2) (b) states that Section 3.58 of the Act is exempt if:
  - (b) *The land is disposed of to a body, whether incorporated or not –*
    - (ii) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;*
8. The Albany Boating and Offshore Fishing Club Inc. fits into the recreational category and therefore exempt from advertising requirements of Section 3.58.

**POLICY IMPLICATIONS**

9. The recommendation is consistent with Council Policy – Property Management – Leases.

**FINANCIAL IMPLICATIONS**

10. All costs associated with the surrender and new lease will be at a cost to the Lessee.

**WORKS & SERVICES REPORTS**

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

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

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

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

**COMMENT/DISCUSSION**

12. The Albany Boating and Offshore Fishing Club Inc. advised the City in April 2008 that after surveying the lease area to install a fence it was found that a portion of the building was not inside the lease boundary.
13. Following an onsite meeting with City Officers and Club President a request was received to surrender the existing lease and replace with a new lease to include a new area boundary to incorporate the entire building. It is proposed to move the lease boundary 3-6 meters north west of the current area. This will move the existing lease boundary away from Swarbrick Street.
14. The Club has provided a survey plan (a copy of the survey plan follows this report) prepared by a registered licensed surveyor detailing the proposed new boundaries. The boundary variation will decrease the total lease area from existing 1027m<sup>2</sup> to 1023m<sup>2</sup> and incorporate the entire building within this area.
15. The Club advises there will be no clearing required for this proposed new lease area.
16. The redefined boundary does not conflict with any other leases in the area.

**RECOMMENDATION**

THAT Council, subject to Ministerial approval, approves the Albany Boating and Offshore Fishing Club Inc. request to surrender the existing lease and enters into a new lease in line with the submitted diagram survey for portion of Lot 1423 Crown Reserve 42964 Emu Point, the terms and conditions of the lease be in line with Council’s Property Policy – Leases;

- i) the lease term being 21 years commencing 20 August 2008;
- ii) the rental being annual equivalent to the Minimum Land Rate as set by Council per annum; and
- iii) all costs associated with the preparation and implementation of the lease be met by Albany Boating and Offshore Fishing Club Inc.

*Voting Requirement Simple Majority*

.....

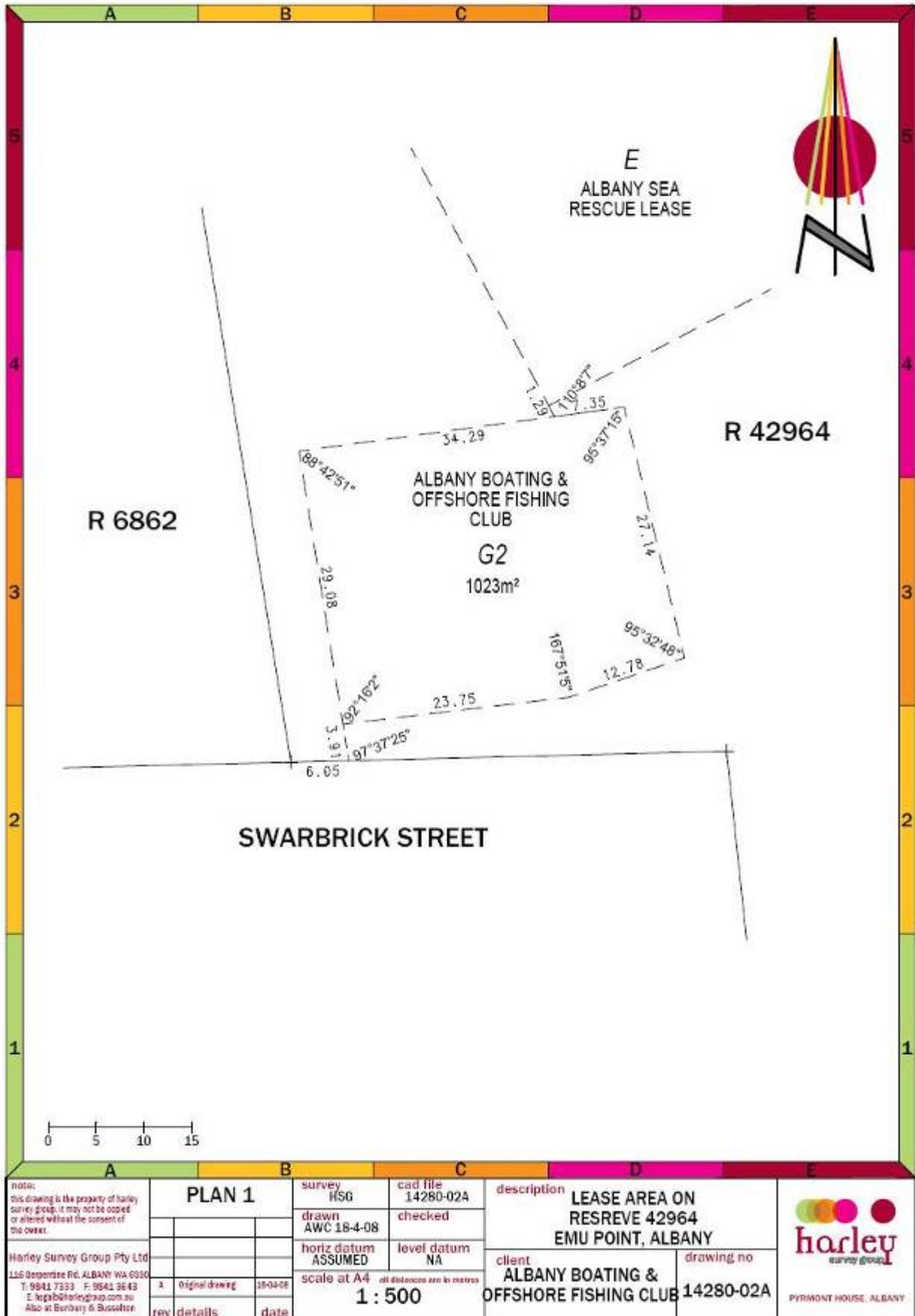
**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR PAVER**

**THAT Council, subject to Ministerial approval, approves the Albany Boating and Offshore Fishing Club Inc. request to surrender the existing lease and enters into a new lease in line with the submitted diagram survey for portion of Lot 1423 Crown Reserve 42964 Emu Point, the terms and conditions of the lease be in line with Council's Property Policy – Leases;**

- i) the lease term being 21 years commencing 20 August 2008;**
- ii) the rental being annual equivalent to the Minimum Land Rate as set by Council per annum; and**
- iii) all costs associated with the preparation and implementation of the lease be met by Albany Boating and Offshore Fishing Club Inc.**

**MOTION CARRIED 9-0**

**WORKS & SERVICES REPORTS**



**WORKS & SERVICES REPORTS**

**13.5.4 Surrender of Lease and New Lease - Rotary Club of Albany Port Inc.**

- File/Ward** : PRO 211 (Vancouver Ward)
- Proposal/Issue** : Surrender existing lease and replace with a new lease for the Rotary Club of Albany Port Inc.
- Subject Land/Locality** : Reserve 930, Big Grove
- Proponent** : The Rotary Club of Albany Port Inc.
- Owner** : Crown Land
- Reporting Officer(s)** : Manager City Services (I Neil)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approves the surrender of existing lease and enters into a new lease agreement with the Rotary Club of Albany Port Inc. for a term of 21 years commencing 20 August 2008.
- Bulletin Attachment** : Letter Albany Rotary Club of Albany Port WA (Inc) 9 June 2008.
- Locality Plan** :



**WORKS & SERVICES REPORTS**

**BACKGROUND**

1. The Rotary Club of Albany Port Inc. is situated on Crown Reserve 930 under a Management Order to the City of Albany with power to lease for up to 21 years.
2. The Clubs existing lease is for a term of 21 years expiring 30 June 2010 with a fixed annual rental of \$10.00 per annum.
3. A written request has been received from the club for Council to consider a surrender of the existing lease and replace with a new lease for a term of 21 years commencing 20 August 2008.

**STATUTORY REQUIREMENTS**

4. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
5. As this is Crown Land, vested in the City of Albany for the purpose of 'Recreation', Ministerial approval will be required.
6. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
7. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section (2) (b) states that Section 3.58 of the Act is exempt if:  
*(b) The land is disposed of to a body, whether incorporated or not –*  
*(iii) the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;*
8. The Rotary Club of Albany Port Inc. fits into the benevolent category and therefore exempt from advertising requirements of Section 3.58.

**POLICY IMPLICATIONS**

9. The recommendation is consistent with Council Policy – Property Management – Leases.

**FINANCIAL IMPLICATIONS**

10. All costs associated with the surrender and new lease will be at a cost to the lessee.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***  
*Nil.*

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

**WORKS & SERVICES REPORTS**

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

**City of Albany Mission Statement:**

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

**COMMENT/DISCUSSION**

12. The Rotary Club of Albany Port Inc. has a current lease which was granted in July 1989 for the purpose of operating a youth camp.
13. The camp provides affordable dormitory style accommodation and facilities for youth and community groups.
14. The club is currently developing a business plan for the youth camp in line with the current use This will incorporate an upgrade of the current amenity facilities, proposed caretaker residence and a refurbishment of current facilities.
15. The club has requested a surrender of the existing lease in favour of a new long term lease as they seek security of tenure before undertaking the proposed improvements at the youth camp.

**RECOMMENDATION**

THAT subject to Ministerial approval, Council approves the Rotary Club of Albany Port Inc. request to surrender existing lease and issue a new lease, the terms and conditions of the lease be in line with Council’s Property Policy – Leases, and;

- i) the lease term being 21 years commencing 20 August 2008 with no further term;
- ii) the rental being \$10.00 per annum and subject to GST; and
- iii) all costs associated with the preparation and implementation of the lease be met by the Rotary Club of Albany Port Inc.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR PRICE**

**THAT subject to Ministerial approval, Council approves the Rotary Club of Albany Port Inc. request to surrender existing lease and issue a new lease, the terms and conditions of the lease be in line with Council’s Property Policy – Leases, and;**

- i) the lease term being 21 years commencing 20 August 2008 with no further term;**
- ii) the rental being \$10.00 per annum and subject to GST; and**
- iii) all costs associated with the preparation and implementation of the lease be met by the Rotary Club of Albany Port Inc.**

**MOTION CARRIED 9-0**

**WORKS & SERVICES REPORTS**

**13.6 CITY WORKS – CAPITAL WORKS**

Nil.

**WORKS & SERVICES REPORTS****13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT**

*Councillors Williams and Kidman declared an impartiality interest for item 13.7.1. Councillor Williams remained in the Chamber for the debate and vote. Councillor Kidman left the Chamber at 9.03pm.*

*The nature of Councillor William’s interest is that her husband operates a cartage business which accesses the Port.*

*The nature of Councillor Kidman’s interest is that he is an employee of a business that accesses the Port.*

**13.7.1 Change of Proclamation – Princess Royal Drive – Albany Port Authority**

<b>File/Ward</b>	: GOV 005 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Change of Status for Princess Royal Drive within Albany Port Authority area.
<b>Subject Land/Locality</b>	: Princess Royal Drive
<b>Proponent</b>	: Albany Port Authority
<b>Owner</b>	: Main Roads WA
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Support change of proclamation.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: End of this document.

**BACKGROUND**

1. Princess Royal Drive is proclaimed as a “highway” (H40) for its entire length and the road is under the care and control of Main Roads Western Australia (MRWA).
2. The Albany Port Authority (APA) manages the port related activities on the land that is located on either side of Princess Royal Drive, to the east of the Bolt Terrace intersection, and at the eastern end of Princess Royal Drive a railway crosses the road. The APA proposes to realign Princess Royal Drive to facilitate the use of longer wood chip trains and they have approached Council to obtain support for a change in the status of that section of Princess Royal Drive located within land under the APA’s control, see attached plan.

**STATUTORY REQUIREMENTS**

3. The designation of a road as a highway is the responsibility of the Department of Planning and Infrastructure (Roads and Reserves Section). Once designated as a highway, a road then automatically comes under the care and control of MRWA.

**WORKS & SERVICES REPORTS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

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

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

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

**COMMENT/DISCUSSION**

7. The section of Princess Royal Drive that is located within the area controlled by the APA provides a number of functions:
- It is the only form of physical access to several privately owned lots fronting Brunswick Road (oil storage sites, former depot site, Vital Foods);
  - It is the accessway to a parking area that is located at the western end of the “boardwalk” dual use path and used constantly by Albany residents; and
  - It allows residents and visitors to Albany the opportunity to enter the port and observe close at hand the activity and operations of the port.
8. The road also generates a number of “problems” for the operations of the port, namely:
- The capacity to operate longer trains at the woodchip stockpile is curtailed due to trains blocking the road;
  - Vehicles working within the port are crossing a public road and are subject to operating restrictions, etc;
  - The road is poorly aligned and dangerous for those tourists who drive into the APA area with a caravan attached and seek to turn around;
  - Road trains entering the port are confronted with tourists travelling at low speeds; and
  - The boardwalk car park entrance is poorly located and poses a threat to fuel tankers climbing the steep incline at the junction of Brunswick Road and Princess Royal Drive.
9. The design requirements for railway improvement within the port has prompted a review of the status of Princess Royal Drive by the APA and a meeting was held with staff from the City of Albany and MRWA to define the issues associated with the “privatisation” of the road within the port.

**WORKS & SERVICES REPORTS**

10. The APA acknowledges that the privatisation of Princess Royal Drive can only be achieved if the APA provides an undertaking that those lots in Brunswick Road, which currently rely upon Princess Royal Drive for access, shall be given unrestricted on-going access consistent with the current arrangements. City of Albany staff were opposed to the opening of access to those lots along Brunswick Road (east), and the requirement for petrol tankers, grain trucks, etc to access to lots within the curtilage of the port through a residential area.
11. Subject to funding, the City intends to extend the boardwalk dual use path down Brunswick Road into Stirling Terrace and across the footbridge to the Princess Royal Harbour foreshore. The current car parking area at the western end of the dual use path is located on land under the care and management of the APA and it is located in an area where there is no potential for passive surveillance of the car park. The Brunswick Road cul-de sac only has residences on one side of the street and the potential exists for dual use path users to park on the southern verge of the road; this side also needs to accommodate the future dual use path (once it is funded) and the verge “falls away” sharply from the shoulder of the road.
12. Once Princess Royal Drive is de-proclaimed as a highway, it can either be reverted back to the City of Albany to be maintained, or the APA can apply to have it included within the boundary of the APA land. This latter option is being promoted by the APA and a “port entry statement” and suitable signage would be placed at Bolt Terrace advising that traffic on Princess Royal Drive beyond that point would be restricted to vehicles on port related business.
13. The segregation of port related traffic from general traffic is logical and the proposal submitted by the APA would result in the port boundary being effectively set up at the Bolt Terrace intersection with Princess Royal Drive. Tourist and local traffic would then be directed onto Brunswick Road or Marine Drive to gain access to the dual use path network or to observe activities taking place within the port.

**RECOMMENDATION**

THAT Council advise the Albany Port Authority and Main Roads WA that it supports the request to remove the “highway” classification from that section of Princess Royal Drive that is located to the east of Bolt Terrace subject to:

- (i) the Albany Port Authority providing a non-revokable and legally binding undertaking that those lots in Brunswick Road which currently rely upon Princess Royal Drive for access, shall be given unrestricted on-going access to their land through the Albany port, consistent with or to a similar standard to the current arrangements;
- (ii) the Albany Port Authority agreeing to undertake a comprehensive community information program, advising of the changing access arrangements within the Albany Port and the Albany Port Authority accepting all costs associated with the placement of signage to notify users of the dual use path of the altered parking arrangements; and
- (iii) the care and maintenance of that section of Princess Royal Drive, following the removal of the classification, not revert to the City of Albany.

*Voting Requirement Simple Majority*

.....

**WORKS & SERVICES REPORTS**

**ALTERNATE MOTION BY MAYOR EVANS**

THAT this matter be laid on the table pending elected members being provided with a site inspection and briefing from the Albany Port Authority and staff.

**REASON:**

The issue is very complex and could have major ramifications for public access, particularly the board walk extension, into the future. A briefing and site inspection is vital to ensure Councillors are aware of all issues surrounding this matter.

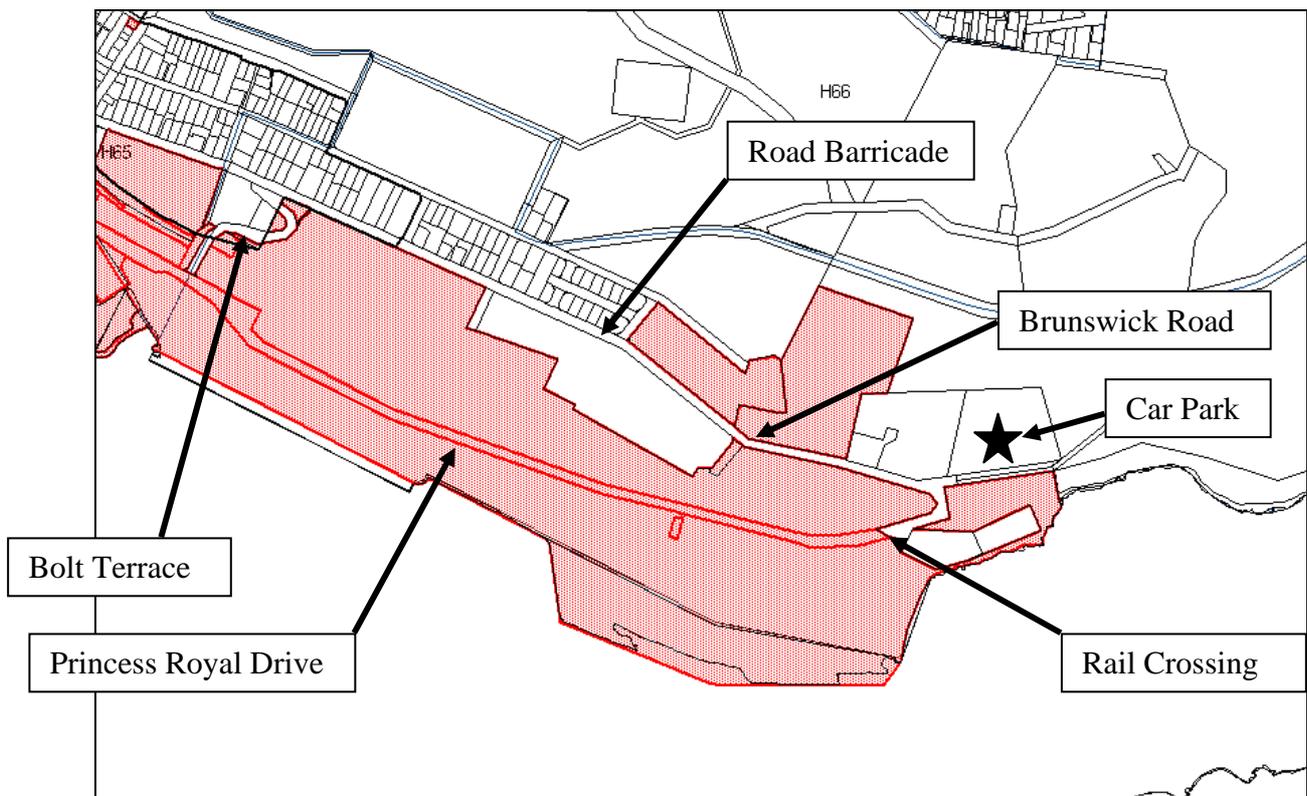
**OFFICERS REPORT:**

Nil.

**MOVED MAYOR EVANS  
SECONDED COUNCILLOR MORRIS**

**THAT this matter be laid on the table pending elected members being provided with a site inspection and briefing from the Albany Port Authority and staff.**

**MOTION CARRIED 8-0**



Councillor Kidman returned to the Chamber at 9.05pm.

*Councillor Morris moved the following procedural motion for Council to have a 5 minutes break.*

**MOVED COUNCILLOR MORRIS  
SECONDED COUNCILLOR WALKER**

**THAT Council suspend the meeting for a 5 min rest break.**

**MOTION CARRIED 9-0**

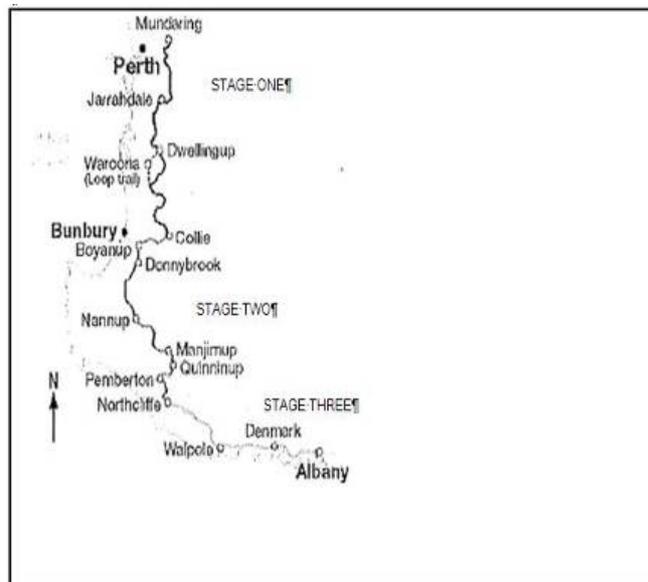
*The Council retired at 9.06pm*

*Council reconvened at 9.13pm*

*Councillor Williams returned at 9.14pm.*

**13.7.2 Munda Biddi Trail – Memorandum of Understanding**

- File/Ward** : SER 084 (All Wards)
- Proposal/Issue** : South West Tourism Project – Munda Biddi Trail Memorandum of Understanding
- Subject Land/Locality** : Crown Reserve (To be advised)
- Proponent** : Munda Biddi Trail Foundation Inc.
- Owner** : N/A
- Reporting Officer(s)** : Acting Executive Director Works & Services (P Brown)
- Disclosure of Interest** : N/A
- Previous Reference** : N/A
- Summary Recommendation** : That Council enter into the Memorandum of Understanding for the purpose of completion of the Munda Biddi Trail.
- Bulletin Attachment** : Copy of Memorandum of Understanding
- Locality Plan** :



**WORKS & SERVICES REPORTS**

**BACKGROUND**

1. The Mundi Biddi Trail Foundation Inc. (MBTF) has approached the City to sign a Memorandum of Understanding (MOU) regarding the construction of the proposed Stage 3 section of the Mundi Biddi Trail from Northcliffe to Albany via Walpole and Denmark.
2. The Trail is planned to link Perth to Albany via the south west with Stage1 completed and Stage 2 partially complete to Nannup.
3. The exact location of the route into Albany is yet to be confirmed and will be subject to consultation however, it is envisaged that the majority of the route into Albany will be via Department of Environment and Conservation (DEC) and rail reserve land.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. The Munda Biddi trail will be constructed and maintained by the Foundation with no cost to the City.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

*Goal 1: Lifestyle & Environment Albany will be Western Australia’s regional City of first choice offering a diverse range of healthy and active lifestyle opportunities.*

*Objective 1.3 Albany will be a City where recreation facilities provide a diverse range of sporting and exercise opportunities.*

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

*At the City of Albany we provide best value in applying council and community resources and act as a custodian with respect to Council assets.”*

**COMMENT/DISCUSSION**

8. The Munda Biddi trail is being built under a partnership between the Department of Conservation and Land Management (CALM) and a number of other State Government departments, local government, businesses and the community. The trail will be constructed in stages, with completion to Albany expected in a few years.
9. The Memorandum of Understanding clarifies the understandings of shared purpose between the parties for the purpose of completion of the trail (Perth to Albany). It recognises the trail as Western Australia’s premier long distance off-road cycling trail and its role as a major recreation and icon tourism facility.

**WORKS & SERVICES REPORTS**

RECOMMENDATION

THAT Council enter into the Memorandum of Understanding (MOU) with the Munda Bididi Trail Foundation Inc for the completion of the Munda Bididi Trail.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BUEGGE  
SECONDED COUNCILLOR STANTON**

**THAT Council enter into the Memorandum of Understanding (MOU) with the Munda Bididi Trail Foundation Inc for the completion of the Munda Bididi Trail.**

**MOTION CARRIED 9-0**

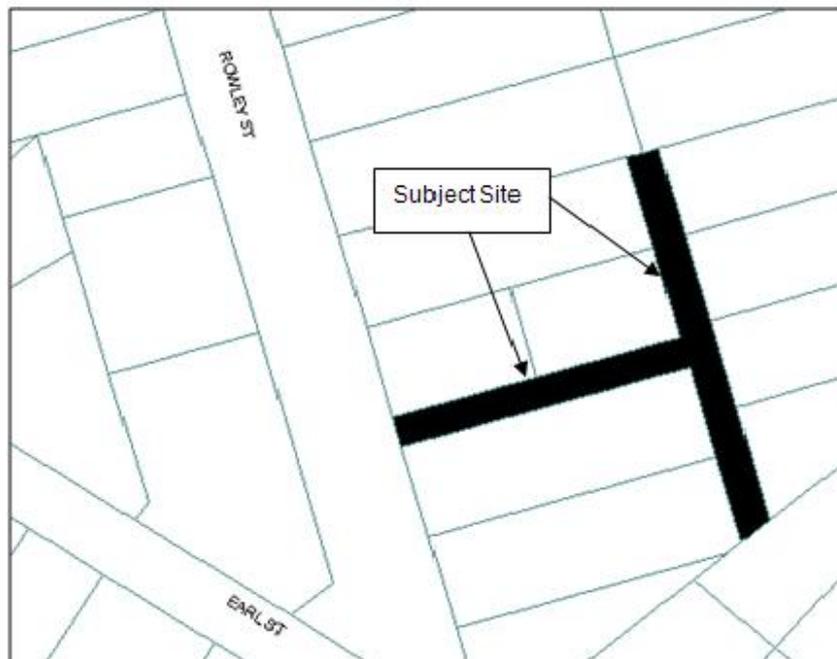
**WORKS & SERVICES REPORTS**

*Councillor Priced declared an Impartiality Interest for item 13.7.3 and left the Chamber at 9.14pm.*

*The nature of Councillor Price’s interest is that she has close friends that own property adjoining subject right of way. Councillor has acted as an agent for owners by forwarding email correspondence to the City of Albany, whilst they have been overseas.*

**13.7.3 Repairs to Right of Way off Rowley Street**

- File/Ward** : SER 141 (Frederickstown Ward)
- Proposal/Issue** : Dedicate as a public right of way, the private Right of Way off Rowley Street
- Subject Land/Locality** : Right of Way off Rowley Street
- Proponent** : N/a
- Owner** : Various
- Reporting Officer(s)** : Executive Support Officer Grant Funding and Finance (S Pepper)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council, under section 56 of the Land Administration Act 1997, seek Ministerial approval to dedicate Rowley St right of way as a public right of way.
- Bulletin Attachment** : Nil
- Locality Plan** :



**WORKS & SERVICES REPORTS**

**BACKGROUND**

1. Council has received numerous complaints from landowners that use an existing private right of way (ROW) off Rowley Street. The complaints have related to the degraded condition of the asset and associated drainage issues that are exacerbated by the steep topography.
2. This private right of way (ROW) is the sole means of access to a number of private lots that exist and have been developed with constructed single dwellings over the years without addressing the issue of private land ownership over this right of way (ROW).
3. The certificate of title indicates that the owner of this ROW is a Mr. Edward S P Troode who purchased the land on 12 September 1884. It is assumed that Mr. Troode had previously owned a large plot of land in this area and subsequent subdivisions have left this remnant section of land in his name.

**STATUTORY REQUIREMENTS**

4. Under the Land Administration Act 1997, section 56, Dedication of Roads –
  - (1) *If in the district of a local authority –*
    - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;*
    - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
      - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
      - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
  - or
  - (c) *land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years,*

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. The cost of the works has been assessed at \$30,000.00 and would be sourced from the 2008/09 road maintenance budget, subject to completion of the dedication of the ROW by the Department of Planning and Infrastructure.
7. The cost of acquiring the land is not being considered at this stage due to the fact that the City has not been able to identify any interested parties and Mr Troode is deceased.

**WORKS & SERVICES REPORTS**

**STRATEGIC IMPLICATIONS**

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

***“Community Vision***

*Nil*

***Priority Goals and Objectives:***

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

*Objective 4.2 Manage our municipal assts to ensure they are capable of supporting our growing community.*

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

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

**COMMENT/DISCUSSION**

- 9. Rowley Street is a priority issue for resolution under the City’s Right of Way (ROW) Strategy.
- 10. The lots in the Rowley Street area were created in the early 20<sup>th</sup> century when rear of lot laneways were held in private ownership and there was no provision made for constructing and maintaining the laneway.
- 11. Drainage and erosion problems have arisen over the years that not only affect access to the ROW, but also encourage congested roadside parking along Rowley Street creating a potential safety issue.
- 12. While maintenance of a private ROW is the legal responsibility of the adjacent landowners utilizing the laneway, it is recommended in this instance that Council assist in this matter by seeking Ministerial approval to dedicate the land as a public ROW and subsequently, upgrade the ROW surface.
- 13. Adjacent landowners and Council would benefit from this dedication, as access would be improved, annual drainage issues onto Rowley St would be addressed and the availability of on-street parking would be improved.
- 14. The planned works comprise of repairing the existing sealed section and re constructing the unsealed section followed by an asphalt overlay over the entire section.

**RECOMMENDATION**

THAT Council, under section 56 of the Land Administration Act 1997, seek Ministerial approval to dedicate Rowley St right of way as a public right of way.

*Voting Requirement Simple Majority*

.....

**WORKS & SERVICES REPORTS**

ALTERNATE MOTION BY COUNCILLOR PAVER

MOTION:

THAT this matter be laid on the table pending further research and analysis by staff and the matter be given consideration at the September meeting of Council.

*Voting Requirement Simple Majority*

REASON:

.....  
This item should be laid on the table to afford City staff the opportunity to undertake more research and give consideration to the opportunity to reach a multipartite agreement with the benefiting adjoining landowners, under which each will share the cost of the City’s acquisition and repair of this right of way, and if that fails, to explore the option of levying a differential rate on their properties to meet these costs and report back to Council at the September meeting accordingly.

OFFICERS REPORT:

Nil.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WALKER**

**THAT this matter be laid on the table pending further research and analysis by staff and the matter be given consideration at the September meeting of Council.**

**MOTION CARRIED 5-3**

Councillor Price returned to the Chamber at 9.30pm.

**WORKS & SERVICES REPORTS****13.7.4 Request to use road reserve – Lower Denmark Road and Bornholm South Road**

<b>File/Ward</b>	:	SER 100 (West Ward)
<b>Proposal/Issue</b>	:	Use of the road reserve along the southern side of Lower Denmark Road and Bornholm South Road, to install an irrigation pipe for private use
<b>Subject Land/Locality</b>	:	Road reserve along Lower Denmark Road and Bornholm South Road
<b>Proponent</b>	:	G P Ayres and Sons
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Executive Support Officer Grant Funding and Finance (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 17.06.08 - Item 13.7.1
<b>Summary Recommendation</b>	:	That Council declines the request to utilise the road reserve along the southern side of Lower Denmark Road and Bornholm South Road, to install an irrigation pipe for private use.
<b>Bulletin Attachment</b>	:	Correspondence from Department of Planning & Infrastructure (DPI).
<b>Locality Plan</b>	:	Follows this report

**BACKGROUND**

1. Correspondence received 16 April 2008, outlined a request from GP Ayres and Sons for use of the Lower Denmark Road Reserve for the installation of an irrigation pipe. The pipe is planned to be run from an existing property owned by GP Ayres and Sons to a property that is being considered for purchase by GP Ayres and Sons (Lot 5 Piggot Martin Road a distance of approximately 3.76 kilometres west along Lower Denmark Road.
2. This request was initially refused by City staff however, the proponent requested that the matter be presented to Council for consideration.
3. An item was prepared and presented to Council at its 17<sup>th</sup> June 2008 meeting. Council resolved to lay the matter on the table and requested that further information be gathered regarding the legalities with regards to Council's and the proponent's liabilities in the event of a burst pipe.
4. The City does not own road reserve land however, has management responsibilities under the Local Government Act and the Land Administration Act. Therefore, any lease or easement arrangement entered into would be between the Crown and the proponent. The Crown will seek comment and support for the proposal from Council and also a range of other government agencies and service providers that may be affected by the proposal.

**WORKS & SERVICES REPORTS**

5. The proponent has contacted the Department of Planning and Infrastructure (DPI) and the DPI has provided advice (a copy of this correspondence is in the Elected Members' Report/Information Bulletin). Based on the advice provided, the City has provided a range of conditions on the proposal that would ensure the City is protected from any issues relating to the installation and management of this proposed private water main.

**STATUTORY REQUIREMENTS**

6. Under the Land Administration Act, Section 144, Minister may grant easements –
- (1) *Subject to this section, the Minister may –*
    - (a) *With the consent of every management body of the relevant Crown land and of every person having any interest, right, title or power in respect of that land, grant to any person an easement, in on ,over, through or under that Crown land for a specified purpose or any other purpose the Minister thinks fit; and*
    - (b) *In that grant express that easement to be subject to specified conditions and the payment of specified consideration.*
  - (2) *The grantee of an easement may, with the consent of any management body or lessee of the relevant Crown land, apply to the Minister for the easement to be varied or cancelled.*
  - (2a) *An easement may be granted under this section despite the fact that the characteristics of the easement do not satisfy all of the characteristics that must be satisfied for an easement to be created under the common law.*
  - (3) *The Minister may, on receiving an application under subsection (2) –*
    - (a) *By order or other instrument vary or cancel the relevant easement; or*
    - (b) *Refuse the application.*
  - (4) *In this section –*  
*“specified purpose” means for –*
    - (a) *The provision of pipes, conduits, cables, transmission lines, and other services;*
    - (b) *The provision of any structure, plant, or equipment;*
    - (c) *The provision of access for carrying out of any works and the performance of any maintenance that is necessary for, or ancillary or incidental to, giving effect to any of the purposes referred to in paragraph (a) or (b);*
    - (d) *A prescribed purpose.*
7. Under the Local Government Act 1995, Local Government (Uniform Local Provisions) Regulations 1996 Schedule 9.1, clause 8, section 17 - Private works on, over, or under public places –
- (1) *A person who constructs anything on, over, or under a public thoroughfare or other public place that is local government property without first obtaining written permission from the local government commits an offence.*
  - (2) *A local government may –*
    - (a) *grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property; and*
    - (b) *impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.*

**WORKS & SERVICES REPORTS**

(3) *It is a condition of the permission that the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed.*

(4) *A person who fails to comply with a condition of the permission commits an offence.*

(5) *A person who constructs anything in accordance with permission under this section is required to –*

(a) *maintain it; and*

(b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*

(6) *A person who fails to comply with sub regulation (5) commits an offence.*

(7) *The penalty for an offence under sub regulation (1), (4), or (6) is \$1,000.*

8. Under the City of Albany's Activities in Thoroughfares and Public Places and Trading Local Law 2001, a permit is required to allow the installation and maintenance of a pipe on a verge, and various conditions applied, to protect Council's interests.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. Should Council support the proposal, the City will incur minor administration costs associated with supervising and recording the installation.
11. If in the event of a failure in the pipe system and damage being incurred to the road and/ or drainage infrastructure that requires immediate rectification, the City would be responsible for the works and seek reimbursement from the proponent.
12. Should an easement be granted by the Crown, the legal costs, establishment costs (survey, etc) and any such rental fees determined by the Crown, would be payable by the proponent in favour of the Crown.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*Nil.*

***Priority Goals and Objectives:***

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

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

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

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

**WORKS & SERVICES REPORTS**

**COMMENT/DISCUSSION**

14. The Department of Planning and Infrastructure have indicated that they would enter into an easement arrangement with the proponent and will set conditions upon receipt of advice from the City and affected service providers.
15. Staff have recommended to the proponent the alternative method of piping water for irrigation, by seeking easements from the adjoining landowners to the proposed new property. The option of seeking easements across private property would minimise disruption to public roads, should there be any works/maintenance required on pipes. Where the pipe crosses under a road, Council approval would be sought under the Local Government Act. This option better protects the City interests and management responsibilities over the road reserve land.
16. Discussions with the Department for Planning and Infrastructure regarding the type of conditions it may apply to a proposed easement are as follows (this information has been relayed to the applicant) –
  - An Aboriginal heritage assessment;
  - Flora investigation;
  - Clearing requirements assessed;
  - Public utility approvals sought;
  - Applicant to pay all survey costs;
  - Crown to apply its various conditions;
  - Crown seeks local authority conditions;
  - Details of pipe condition, usage patterns, etc
  - Minimum of \$10 million public liability cover by an approved insurer;
  - Indemnification of the Crown, local authority, and public utilities from any claims relating to the provision and operation of the private irrigation pipe;
  - Rental assessment determined by the Department for Planning and Infrastructure's Valuation Services section;
  - All legal costs paid by the applicant; and
  - Caveat registered on property/ies to protect Crown interests.
17. Should Council support the request, the type of conditions recommended for referral to the Crown for an easement are –
  - Pipe to be installed at a depth of 750mm on road reserve;
  - Pipe alignment to be 1.5metres from property boundaries;
  - Appropriate signage along the length of the road reserve affected by the pipe installation, advising of the private pipe location;
  - Re-instate the site where to pipe is laid, to Council's satisfaction;
  - Applicant is responsible for any road reserve damage related to the irrigation pipe installation, operation or mal-function; and
  - A caveat be lodged on both properties to protect Council's interests.
18. For the project to proceed, GP Ayres and Sons will require an easement with the Crown for the road reserve, a legal agreement with Council to cross under the road, and a permit for use of the road reserve.

**RECOMMENDATION**

THAT Council declines the request to utilise the road reserve along the southern side of Lower Denmark road and Bornholm South Road, to install an irrigation pipe for private use.

*Voting Requirement Simple Majority*

**WORKS & SERVICES REPORTS**

ALTERNATE MOTION BY COUNCILLOR WILLIAMS

THAT Council:

- 1) in accordance with Section 144 of the Land Administration Act, support the request for an easement to utilise a portion of the Lower Denmark Road road, reserve, Bornholm South road reserve and reserve no 18079 for the installation of an irrigation pipe with the following Council conditions:
  - Pipe to be installed at a depth of 750mm on road reserve;
  - Pipe alignment to be 1.5metres from property boundaries;
  - Appropriate signage along the length of the road reserve affected by the pipe installation, advising of the private pipe location;
  - Re-instate the site where pipe is laid, to Council's satisfaction;
  - Applicant is responsible for any road reserve damage related to the irrigation pipe installation, operation or mal-function,
  - A caveat be lodged on both properties to protect Council's interests
  - That written support is obtained from the tenant of reserve 18079 (Bornholm Kronkup Country Club incorporated),
- 2) subject to the above easement being granted
  - a. Enter into an agreement, pursuant to the Local Government Act 1995, Local Government (Uniform Local Provisions) Regulations 1996, with the applicant to construct an irrigation pipe under a thoroughfare such agreement to ensure that the existence of the pipeline does not conflict with any use of the reserves by statutory authorities and
  - b. A permit for the installation and maintenance of the irrigation pipe is granted inline with the City of Albany's Activities in Thoroughfares and Public Places and Trading Local Law 2001

COUNCILLOR'S REASON:

1. GP Ayres & Sons are a long established, successful family entity growing high quality certified seed potatoes. They are wishing to expand their business by the purchase of neighbouring land which is highly suitable, currently available and would compliment their existing operation well. The irrigation of this new land acquisition would need to occur through the pumping of water from their current property along Lower Denmark Road to the new land on the corner of Piggot Martin Road.
2. Utilising the road reserve is of no obstruction and all costs would be borne by the applicant.

OFFICERS REPORT

AUTHOR: Executive Support Officer Grant Funding and Finance (S. Pepper)

STATUTORY REQUIREMENTS:

No further comment.

POLICY IMPLICATIONS:

No further comment.

FINANCIAL IMPLICATIONS

No further comment.

**WORKS & SERVICES REPORTS**

STRATEGIC IMPLICATIONS

No further comment.

COMMENT:

1. Investigations have revealed that a section of the proposed easement crosses crown land vested in the City (Reserve 18079) and leased to the Bornholm Kronkup Country Club, this section of the easement can be dealt with under Section 144 of the Land Administration Act, however the consent of the tenant needs to be obtained.
2. The proposed easement commences on the road reserve associated with Bornholm South Road, as a consequence this reserve needs to be referred to in the recommendation.
3. The existence of private works in a road reserve has the potential to conflict with any future infrastructure works associated with services provided by statutory authorities, agreements must ensure that conflict does not occur.
4. The applicant has an alternative method of piping water for irrigation, by seeking easements from the adjoining landowners to the proposed new property. The option of seeking easements across private property would minimise disruption to public roads, should there be any works/ maintenance required on pipes.
5. The Officer's recommendation is the preferred option as it does not set a precedent in relation to the installation of irrigation pipe for private use on easements dedicated for road reserves.

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR BUEGGE**

**THAT Council:**

- 1) **in accordance with Section 144 of the Land Administration Act, support the request for an easement to utilise a portion of the Lower Denmark Road road, reserve, Bornholm South road reserve and reserve no 18079 for the installation of an irrigation pipe with the following Council conditions:**
  - **Pipe to be installed at a depth of 750mm on road reserve;**
  - **Pipe alignment to be 1.5metres from property boundaries;**
  - **Appropriate signage along the length of the road reserve affected by the pipe installation, advising of the private pipe location;**
  - **Re-instate the site where pipe is laid, to Council's satisfaction;**
  - **Applicant is responsible for any road reserve damage related to the irrigation pipe installation, operation or mal-function,**
  - **A caveat be lodged on both properties to protect Council's interests**
  - **That written support is obtained from the tenant of reserve 18079 (Bornholm Kronkup Country Club incorporated),**
- 2) **subject to the above easement being granted**
  - a. **Enter into an agreement, pursuant to the Local Government Act 1995, Local Government (Uniform Local Provisions) Regulations 1996, with the applicant to construct an irrigation pipe under a thoroughfare such agreement to ensure that the existence of the pipeline does not conflict with any use of the reserves by statutory authorities and**
  - b. **A permit for the installation and maintenance of the irrigation pipe is granted inline with the City of Albany's Activities in Thoroughfares and Public Places and Trading Local Law 2001**

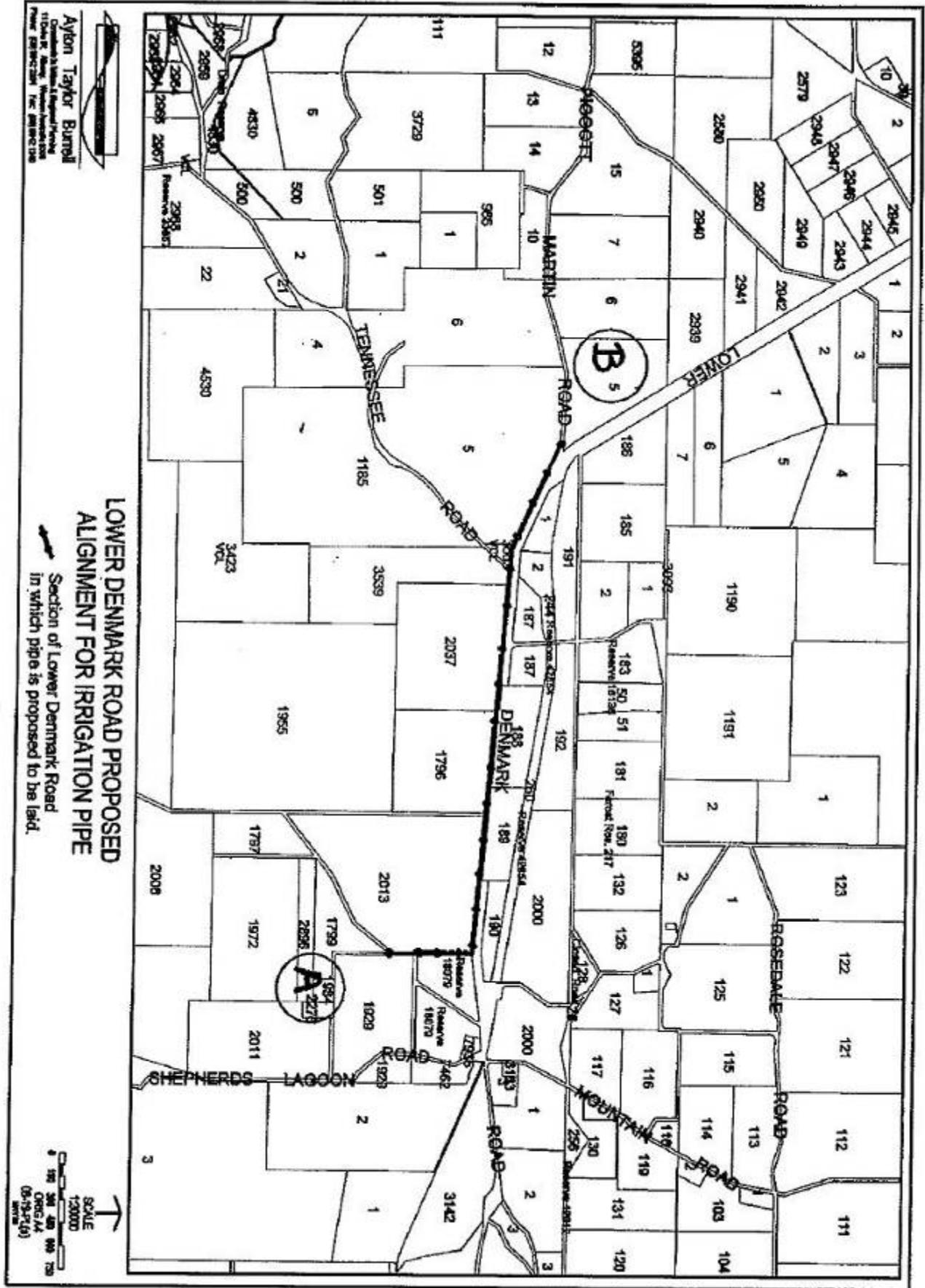
**MOTION CARRIED 6-3**

Record of Vote:

For: Councillors Kidman, Williams, Paver, Buegge, Walker, and Morris.

Against: Mayor Evans, Councillors Price and Stanton.

ORDINARY COUNCIL MEETING AGENDA –19/08/08  
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 WORKS & SERVICES REPORTS



**WORKS & SERVICES REPORTS**

**13.8 WORKS & SERVICES COMMITTEES**

**13.8.1 Asset Management & City Services Strategy & Policy Committee – 3<sup>rd</sup> July 2008**

<b>File/Ward</b>	:	MAN 236 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer(s)</b>	:	Acting Executive Director Works & Services (P Brown)
<b>Summary Recommendation</b>	:	That the minutes of the Asset Management & City Services Strategy & Policy Committee Meeting held on 3 <sup>rd</sup> July 2008, be received.
<b>Bulletin Attachment</b>	:	Right of Way Strategy and Schedule

**RECOMMENDATION**

THAT the Minutes of the Asset Management & City Services Strategy & Policy Committee meeting held on 3<sup>rd</sup> July 2008 be received (a copy of the minutes follows this report) and the following recommendation be adopted:

Item 6.5 Right of Way Strategy

- i) THAT Council adopt the Right of Way Strategy.

*Voting Requirement Simple Majority*

**ALTERNATE MOTION BY COUNCILLOR PAVER**

That Council lay Item 6.5 Right of Way Strategy on the table.

Reason:

The Strategy needs more work and review by the Asset Management & City Services Strategy & Policy Committee prior to final adoption.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WALKER**

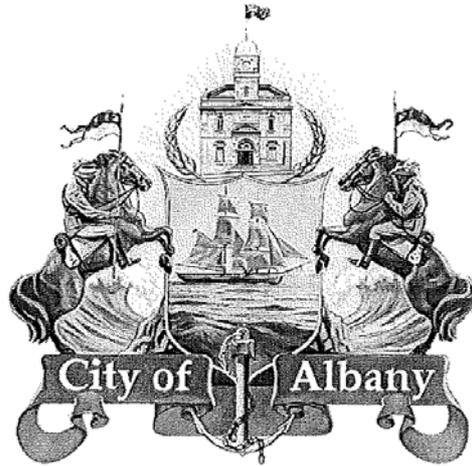
**That Council lay Item 6.5 Right of Way Strategy on the table.**

**MOTION CARRIED 7-2**

**MOVED COUNCILLOR MORRIS  
SECONDED COUNCILLOR WALKER**

**THAT the Minutes of the Asset Management & City Services Strategy & Policy Committee meeting held on 3<sup>rd</sup> July 2008 be received (a copy of the minutes follows this report).**

**MOTION CARRIED 8-1**



# **MINUTES**

## **ASSET MANAGEMENT AND CITY SERVICES STRATEGY AND POLICY COMMITTEE MAN236/AM805755**

**Held on  
Thursday 3<sup>rd</sup> July 2008  
4.00pm**

**Mercer Road Depot**

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**WORKS & SERVICES REPORTS**

**1.0 DECLARATION OF OPENING**

The Chairperson Councillor Des Wolfe declared the meeting open at 4.30pm

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

Attendances:

Chairperson -  
Councillors -

D. Wolfe  
K. Stanton  
J. Walker  
C. Morris  
G. Kidman

Acting Executive Director of Works & Services

P Brown

Apologies/Leave of Absence:

Mayor  
Councillor  
Chief Executive Officer  
Manager City Services

M.J. Evans JP  
D. Wiseman  
A. Hammond  
I. Neil

**3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**MOVED: COUNCILLOR WALKER  
SECONDED: COUNCILLOR MORRIS**

**THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee Meeting of 12 June 2008 as previously distributed be confirmed as a true and accurate record of proceedings.**

**MOTION CARRIED 5-0**

**4.0 DISCLOSURE OF INTEREST**

Nil.

**5.0 INFORMATION SESSION - TOUR OF MERCER ROAD DEPOT SITE**

Committee Councillors were given a tour of the Mercer Road Depot Site by the Manager of City Works Mike Richardson, who presented an overview to the Committee of the depot site and the various teams and their specific roles. The Committee all agreed that the Mercer Road tour was very interesting and that the area is well organised, neat, tidy and a credit to the teams.

**6.0 ITEMS FOR DISCUSSION**

**6.1 Draft WAAMI Policy document – (Interim Strategy)**

Acting Executive Director of Works & Services (AEDWS) Peter Brown advised the document will be presented to the 15<sup>th</sup> July 2008 Ordinary Council Meeting. The adoption of the interim strategy represented the first step in the improvement programme being supported by the WAAMI initiative.

**WORKS & SERVICES REPORTS**

**MOVED: COUNCILLOR STANTON  
SECONDED: COUNCILLOR MORRIS**

**THAT Council accept the Council Interim Strategy on Asset Management.**

**MOTION CARRIED 5-0**

**6.2 Pathways Strategy & Five Year Plan**

The Acting Executive Director of Works & Services Peter Brown provided a map of the proposed 5 year plan of all pathways, he advised that development plans would be based upon the West Australian Asset Management Improvement Program framework. General Committee discussion ensued with comments made regarding the pathway links between Middleton Beach boardwalk and the City centre and various other locations around the CBD.

Acting EDWS advised that the Strategy will be in draft form for discussion at the next meeting.

**6.4 Vehicle Fleet – Carbon Reduction Initiative (Policy on light fleet vehicles attached)**

Acting Executive Director of Works & Services Peter Brown tabled the Policy on Light Fleet Vehicles has been developed in response to the challenge of carbon emission reduction and higher fuel prices.

**MOVED: COUNCILLOR WALKER  
SECONDED: COUNCILLOR WOLFE**

**THAT Council accept the Policy on Passenger Vehicle Fleet.**

**MOTION CARRIED 5 - 0**

**6.5 Right of Way Strategy**

Acting Executive Director of Works & Services Peter Brown advised the Committee that the Right of Ways will be progressively resolved in accordance with the Strategy.

**MOVED: COUNCILLOR MORRIS  
SECONDED: COUNCILLOR KIDMAN**

**THAT the Committee accept the draft Strategy on Right of Ways and request the EDWS to bring the matter to the 19 August 2008 Ordinary Council Meeting.**

**MOTION CARRIED 5 - 0**

**WORKS & SERVICES REPORTS**

COMMITTEE MEETING MINUTES – 03/07/2008

\*\* REFER DISCLAIMER \*\*

**7.0 AGENDA ITEMS FOR NEXT MEETING**

- 7.1 Draft Pathways Strategy – Five Year Plan Progress Update
- 7.2 WAAMI – Improvement Strategy
- 7.3 Invite Tracy Blaszkow and Kim Buttfield to the next meeting.

**8.0 TIME AND DATE OF NEXT MEETING**

The next meeting of the Committee is scheduled for **2.30pm Thursday 7<sup>th</sup> August 2008** at the **Albany Leisure Centre**.

Manager of Albany Leisure & Aquatic Centre (ALAC) David Schober will be invited to provide an overview to the Committee on ALAC.

**9.0 CLOSURE OF MEETING**

The meeting closed at 5.15pm.

# **General Management Services**

## **REPORTS**

**- R E P O R T S -**

**14.1 STRATEGIC DEVELOPMENT**

Nil.

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil.

## GENERAL MANAGEMENT SERVICES REPORTS

**14.3 ECONOMIC DEVELOPMENT**

*Item 14.3.1 was withdrawn from the Agenda.*

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

<b>File/Ward</b>	:	REL 035 (All Wards)
<b>Proposal/Issue</b>	:	Council consideration of an invitation from the City of Peronne (France) to establish a formal Civic Affiliation with the City of Albany
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager, Economic Development (J Berry)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	OCM 12.8.2 - Item 5.4
<b>Summary Recommendation</b>	:	THAT Council accepts the invitation from the Mayor of Peronne to enter a civic affiliation and leads a delegation to Peronne for the 90 <sup>th</sup> Anniversary of Armistice Day (11 November 2008) to sign a Friendship Agreement Declaration between Albany and Peronne
<b>Bulletin Attachment</b>	:	<ul style="list-style-type: none"> <li>• Article in 'The Australian Newspaper' 7 July 2008</li> <li>• Council's Civic Affiliations Policy</li> <li>• Letter from Mayor Peronne expressing interest</li> </ul>
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Albany has a significant association with Australia's ANZAC heritage, which is building into a unique regional value in terms of tourism and cultural preservation.
2. Albany was the location of the first ANZAC Dawn Service and it was the point of assemblage and departure for a fleet of 40 transport ships and five naval escort vessels along with some 30,000 men departing Albany on 1 November 1914 bound for Egypt, Gallipoli and the Western front (France). Thousands of those men touched Australian soil in Albany for the last time.
3. Following the commemorations for ANZAC Day 2008 in Peronne, the City of Albany was approached by the Member for the South West of Western Australia, the Hon. Matt Benson MLC, suggesting a formal friendship agreement be established between the municipalities. A newspaper article from *'The Australian'* is in the Elected Members' Bulletin and provides further background to the source of this proposal.

**GENERAL MANAGEMENT SERVICES REPORTS**

4. Council initially considered this matter at its 15th of July 2008 meeting and resolved to formally write to the Mayor of Peronne to express interest in establishing a civic affiliation based on the military heritage shared by the two municipalities.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

6. Council adopted a Civic Affiliations Policy on 19 September 2006 (a copy of the Policy is in the Elected Members' Bulletin)

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***Community Vision:***

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

***Priority Goals and Objectives:***

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

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

**COMMENT/DISCUSSION**

9. The City of Albany has received an expression of interest from the Mayor of Peronne inviting an Albany delegation to visit Peronne on the 90<sup>th</sup> anniversary of Armistice Day (11 November 2008) to commence discussions on the terms of a formal agreement between Albany and Peronne. (*Armistice Day is the anniversary of the symbolic end of World War I on 11 November 1918. It commemorates the armistice signed between the Allies and Germany at Compiègne, France, for the cessation of hostilities on the Western Front, which took effect at eleven o'clock in the morning - the "eleventh hour of the eleventh day of the eleventh month)*
10. On 18 July 2008, the Mayor of Albany wrote back to the Mayor of Peronne (Ms Valerie Kumm) acknowledging her letter and formally expressing interest in a Friendship Agreement (in accordance with Council resolution 15/03/08), indicating the matter was subject to a formal decision of Council after receipt of a formal statement of intent by Peronne and consideration of draft terms for the proposed Declaration.

**GENERAL MANAGEMENT SERVICES REPORTS**

11. The expected benefits of establishing a friendship agreement with Peronne are:
- a. the strengthening of Albany’s reputation and brand identity as a place to commemorate ANZAC Day, leading to increased military heritage tourism.
  - b. The formation of cultural relationships between Albany residents (including school visits) and the citizens of Peronne.
  - c. Opportunities to better position Albany to achieve recognition, including State and Federal funding in the lead up to 2014/15 centenary commemorations

**RECOMMENDATION**

THAT Council:

- i) accepts the invitation from the Mayor of Peronne to enter a civic affiliation and leads a delegation to Peronne for the 90th Anniversary of Armistice Day (11 November 2008) to sign a Friendship Agreement Declaration between Albany and Peronne; and
- ii) approves the composition of the Albany delegation to consist of the Mayor and Chief Executive Officer (or his nominated representative).

*Voting Requirement Simple Majority*

.....

*Item 14.3.1 was withdrawn from the Agenda*

**14.4 CORPORATE GOVERNANCE**

Nil

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.5 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.5.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – 24<sup>th</sup> July 2008**

- File/Ward** : MAN 234 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : THAT Council receives the minutes of the Corporate Strategy and Governance Strategy and Policy Committee held on the 24<sup>th</sup> July 2008.
- Bulletin Attachments** : Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – 24<sup>th</sup> July 2008 Appendices:
- A. Operational Human Resource Policy.
  - B. Information Technology (IT) Security and Information Management Policy Report.
  - C. Councillor Bostock’s Comment on Draft Standing Orders Local Law
  - D. Draft City of Albany – Standing Orders Local Law (Review Document) as at 24<sup>th</sup> July 2008 – Reviewed pages 1 to 11.

**RECOMMENDATION**

i) THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 24<sup>th</sup> July 2008 (copy of minutes are in the Elected Members Report/Information Bulletin), be received and the following recommendations be adopted:

3.0 Confirmation of Minutes of the Previous Meeting

ii) THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 26<sup>th</sup> June 2008, as previously distributed, be confirmed as a true and accurate record of proceedings, pending the correction of motion 6.2 to read:

*“Moved Councillor Price  
Seconded Councillor Bostock*

*THAT the Corporate Strategy and Governance Strategy and Policy Committee meet on the 3<sup>rd</sup> and 4<sup>th</sup> Thursday of Each month at 4.30pm.”*

5.1 Operational Human Resources Policy

iii) THAT Council adopt the reviewed Operational Human Resources Policy.

5.2 IT Security and Information Management Policy

iv) THAT Council support the development and adoption of the IT Security and Information Management Policy.

*Voting Requirement Simple Majority*

.....

GENERAL MANAGEMENT SERVICES REPORTS

*The Mayor directed that the Recommendations be dealt with individually.*

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WILLIAMS**

- i) **THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 24<sup>th</sup> July 2008 (copy of minutes are in the Elected Members Report/Information Bulletin), be received.**

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WALKER**

- ii) **3.0 Confirmation of Minutes of the Previous Meeting**  
**THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 26<sup>th</sup> June 2008, as previously distributed, be confirmed as a true and accurate record of proceedings, pending the correction of motion 6.2 to read:**

*“Moved Councillor Price  
Secoded Councillor Bostock*

*THAT the Corporate Strategy and Governance Strategy and Policy Committee meet on the 3<sup>rd</sup> and 4<sup>th</sup> Thursday of Each month at 4.30pm.”*

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR BUEGGE**

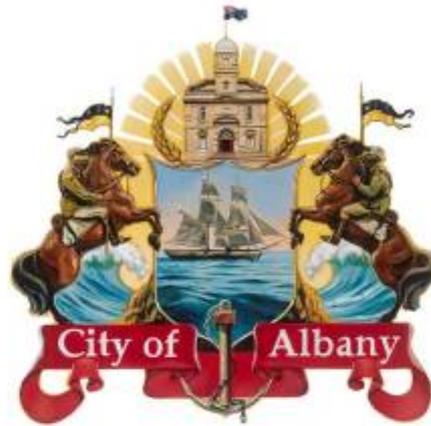
- iii) **5.1 Operational Human Resources Policy**  
**THAT Council adopt the reviewed Operational Human Resources Policy.**

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR STANTON**

- iv) **5.2 IT Security and Information Management Policy**  
**THAT Council support the development and adoption of the IT Security and Information Management Policy.**

**MOTION CARRIED 9-0**



## **MINUTES**

### **CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/AM805965)**

Held on  
Thursday, 24<sup>th</sup> July 2008  
4.30pm

**City of Albany Margaret Coates Boardroom**

**GENERAL MANAGEMENT SERVICES REPORTS**

CORPORATE STRATEGY AND GOVERNANCE STRATEGY  
AND POLICY COMMITTEE MINUTES – 24/07/08  
MAN234

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**GENERAL MANAGEMENT SERVICES REPORTS**

CORPORATE STRATEGY AND GOVERNANCE STRATEGY  
AND POLICY COMMITTEE MINUTES – 24/07/08  
MAN234

**1.0 DECLARATION OF OPENING**

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

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

Attendance:

Mayor M Evans, JP  
Councillor D Price (Chair)  
Councillor J Bostock  
Councillor R Buegge (arrived at 4.45pm)  
Councillor D Wolfe  
Councillor R Paver  
A Hammond (Chief Executive Officer)  
C Grogan (Manager Executive Services)  
S Jamieson (Corporate Governance Coordinator – Minutes)

Observers:

Councillor K Stanton (arrived at 4.40pm)

Apologies/Leave of Absence:

Councillor J Matla  
Councillor N Williams

**3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

<p><b>MOVED COUNCILLOR PRICE SECONDED COUNCILLOR WOLFE</b></p> <p><b>THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 26<sup>th</sup> June 2008, as previously distributed, be confirmed as a true and accurate record of proceedings, pending the correction of motion 6.2 to read:</b></p> <p><b>Moved Councillor Price Seconded Councillor Bostock</b></p> <p><b>THAT the Corporate Strategy and Governance Strategy and Policy Committee meet on the 3<sup>rd</sup> and 4<sup>th</sup> Thursday of Each month at 4.30pm.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 5-0</b></p>
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**4.0 DISCLOSURE OF FINANCIAL INTEREST**

Nil

**5.0 ITEMS FOR DISCUSSION**

The Chair reminded the committee that the Committee has allocated 10 minutes for the adoption of minor policy changes at the start of committee meetings.

**GENERAL MANAGEMENT SERVICES REPORTS**

CORPORATE STRATEGY AND GOVERNANCE STRATEGY  
AND POLICY COMMITTEE MINUTES – 24/07/08  
MAN234

Councillor Stanton entered the meeting, as an observer at 4.40pm and apologised for her lateness.

**5.1 Operational Human Resources Policy**

Councillor Price moved the following motion:

THAT the Operational Human Resources Policy be presented to Council for adoption.

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WOLFE**

**THAT the Operational Human Resources Policy be presented to Council for adoption.**

**MOTION CARRIED 5-0**

Councillor Buegge arrived at 4.45pm.

**5.2 IT Security and Information Management Policy**

The Manager Customer Services, Bill Parker, provided a brief overview of the proposed structure of the policy and requested feedback from the Committee.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WOLFE**

**THAT Council support the development and adoption of the IT Security and Information Management Policy.**

**MOTION CARRIED 6-0**

**5.3 Review of the City of Albany Standing Orders Local Law**

The review of the City of Albany Standing Orders Local Law – Draft commenced at 5pm. The group agreed that they would take a consensus approach to the review process, and would only proceed to voting on elements where there were areas of disagreement.

The working document based on the City of Joondalup Standing Orders Local Law was amended by consensus of the committee as follows:

*Page 3 – Definitions. The definitions would be completed when the document is finalised.*

*Page 4 – Part 2 – Meeting of Council and Committee, paragraph 7, Notice of meeting and notice of adjournment.*

*(insert) (2) – At least seven days notice shall be given for any meeting to decide a planning or development application.*

**GENERAL MANAGEMENT SERVICES REPORTS**

CORPORATE STRATEGY AND GOVERNANCE STRATEGY  
AND POLICY COMMITTEE MINUTES – 24/07/08  
MAN234

Item 5.3 continued

*Page 5 - Giving documents to persons*

*(Insert) (3) – Documents distributed to Councillor via the Councillor Pigeon holes are to be stamped with the delivery date and time.*

*Page 6 – Confidentiality of Information Withheld*

*(Insert) – Inserted in full from the current City of Albany Standing Orders Local Law (clause 9A)*

*Page 8 – Voting*

*(Insert) – (3) For each motion and amendment, the minutes of the meeting are to record the names of members voting in the affirmative and the names of members voting in the negative.*

*Page 9 – Part 3 – Business At Meetings*

*(Insert) – 3.1 Recording of Proceedings. No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the prior resolution of the Council. (taken from CoA Standing Orders, 4.3).*

*(Insert) 3.2 Business to be Specified on Notice Paper. No business is to be transacted at any ordinary meeting of Council other than that specified in the agenda without decision of the Council.... (taken from CoA Standing Order 2.1)*

*(Insert) – 3.3 Agenda Briefing. The purpose of the Agenda Briefing session is to provide an opportunity for elected members and the public to ask question on the content of the proposed agenda.*

*(Insert) - Additional Information Request. Council Officers have 48 hours to provide additional information requested by Elected Members. If the information is unable to be sourced and presented within the allocated time period, Council may resolve to defer the item to the next Ordinary Council Meeting.*

**GENERAL MANAGEMENT SERVICES REPORTS**

CORPORATE STRATEGY AND GOVERNANCE STRATEGY  
AND POLICY COMMITTEE MINUTES – 24/07/08  
MAN234

Item 5.3 continued

*Page 10 – 14 (1) Order of Business.*

*(Amended) to read:*

- (a) Declaration of opening/announcements of Visitors*
- (b) Opening Prayer*
- (c) Response to previous questions without notice*
- (d) Open Public Forum*
- (e) Record of attendance, apologies, leave of absence (previously approved)*
- (f) Application for leave of absence*
- (g) Confirmation of minutes of previous meeting*
- (h) Declarations of Interest*
- (i) Announcements by the presiding person without discussion*
- (j) Announcements by Elected Members without discussion*
- (k) Identification of matters for which the meeting may sit behind closed doors*
- (l) Petitions, deputations and presentations*
- (m) Reports*
- (n) Report/information bulletin*
- (o) Motions of which previous notice has been given*
- (p) Urgent business approved by decision or declaration of the meeting*
- (q) Requests for reports for future consideration;*
- (r) Announcement of Notices of Motion to be reported on at next meeting*
- (s) Mayors report*
- (t) Behind closed doors*
- (u) Next ordinary meeting date*
- (v) Closure*

*Page 110 – 14 (1) Order of Business for Committees*

*(Amended) to read:*

- (a) Declaration of opening/announcements of Visitors*
- (b) Open Public Forum*
- (c) Record of attendance, apologies, leave of absence (previously approved)*
- (d) Confirmation of minutes of previous meeting*
- (e) Declarations of interests*
- (f) Announcements by the presiding person without discussion*
- (g) Announcements by Elected members without discussion*
- (h) Identification of matters for which the meeting may sit behind closed doors*
- (i) Petitions and deputations and presentations*
- (j) Reports*
- (k) Motions of which previous notice has been given*
- (l) Urgent business approved by decision or declaration of the meeting*
- (m) Requests for reports for future consideration;*
- (n) Announcement of Notices of Motion to be reported on at next meeting; and*
- (o) Closure*

**GENERAL MANAGEMENT SERVICES REPORTS**

CORPORATE STRATEGY AND GOVERNANCE STRATEGY  
AND POLICY COMMITTEE MINUTES – 24/07/08  
MAN234

Item 5.3 continued

The following changes were voted on:

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WOLFE**

**THAT for each motion and amendment, the minutes of the meeting are to record the names of members voting in the affirmative and the name of members voting in the negative.**

**MOTION CARRIED 5-1**

It was acknowledged that it may take one or more meetings to complete this document review exercise and that at the end of each meeting the draft document would be updated with all agreed changes and circulated to the members of the committee along with the Minutes of the meeting.

**5.4 Review of Code of Conduct**

Due to time constraints, the review of the Code of Conduct lapsed; however to remain on the Agenda.

**6.0 NEW BUSINESS**

Nil

**7.0 TIME AND DATE OF NEXT MEETING**

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

- a. Thursday 21<sup>st</sup> August 2008; and
- b. Thursday 28<sup>th</sup> August 2008.

**8.0 ITEMS TO BE DISCUSSED AT NEXT MEETING**

- 8.1 Minor Operational Policy Issues;**
- 8.2 Review of the City of Albany Standing Orders Local Law; and**
- 8.3 Review of City of Albany Code of Conduct.**

**9.0 CLOSURE OF MEETING**

There being no further business, the meeting closed at 6.30pm.

Appendices:

- A. Operational Human Resource Policy.
- B. Information Technology (IT) Security and Information Management Policy Report.
- C. Councillor Bostock's Comment on Draft Standing Orders Local Law
- D. Draft City of Albany – Standing Orders Local Law (Review Document) as at 24<sup>th</sup> July 2008 – Reviewed pages 1 to 11.

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

Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WILLIAMS**

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

**MOTION CARRIED 9-0**

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

**16.1 Proposed Albany Welcome Walls Project (WA Museum) by Councillor Paver**

- File/Ward** : MAN 208 (Frederickstown Ward)
- Proposal/Issue** : Albany Welcome Walls
- Subject Land/Locality** : Crown Land (Res No. 4156) Vested in the City of Albany and leased to WA Museum until 2013
- Proponent** : WA Museum
- Owner** : N/A
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/04/07
- Summary Recommendation** : Nil
- Bulletin Attachment** : Welcome Wall and Amity Heritage Precinct Correspondence.
- Locality Plan** :



Location of Proposed Welcome

## BACKGROUND

1. During 2006/07, the City of Albany lead the development of a master plan for the Amity Heritage Precinct. The master plan was intended to guide relevant stakeholder organisations to consider a systematic upgrade program for the precinct which includes the Old Gaol, Brig Amity and WA Museum facilities.
2. On 17 April 2007 Council resolved to:
  - (i) Receive stakeholder comment on the draft Amity Heritage Precinct Master Plan report dated September 2006:
  - (ii) Receive the consultants report and recommendations as a working document to guide enhancement of the precinct as a visitor destination, noting the following:
    - a. A preference by the WA Museum and Albany Historical Society Inc for new public ablution facilities to be located on the North side of the railway line.
    - b. The recommendation to relocate the Albany Visitor Centre to the precinct is not supported.
    - c. The draft integrated parking option prepared by City staff and shown in Figure 10 of the report be further assessed at the time detailed design of the Anzac Peace Park commences.
    - d. A preference by the WA Museum to locate the proposed Welcome Wall within the precinct.
    - e. The theme of 'Arrival' should not be used as the principal interpretation theme.
  - (iii) Uses relevant sections of the report to guide resource allocation and advocacy efforts to relevant State and Australian Government funding programs and undertakes ongoing consultation with the WA Museum and Albany Historical Society Inc in the implementation of works;
  - (iv) Commences negotiations with the State Government and Albany Historical Society Inc on development of a Memorandum of Understanding, which will guide resource allocation for a staged implementation plan that is consistent with WA Museums strategic plan (work in progress);
  - (v) Disbands the Amity Heritage Precinct Enhancement Committee and thanks members of the Committee for their contribution;
  - (vi) Supports participation of City Staff (as directed by the Chief Executive Officer) on the recommended Precinct Management Committee\* (refer Section 9.9.1 of the report) and nominates Councillor Walker to participate on the Committee

\* *The Precinct Management Committee would not be a Committee of Council under the Local Government Act 1995, rather a stakeholder co-ordination group with its own legal structure (if required)*
3. The City has used its master plan to support successful funding applications to the Great Southern Development Commission, Lotterywest and the Australian Government's Australian Tourism Development program to enhance the visitor experience on the Brig Amity, which it has direct control over. Minor upgrades to the landscaping and signage in the precinct is also underway.
4. Substantial implementation of the master plan will require public investment by the State Government. The City has previously been advised that no commitment will be made by the WA Museum until its own master planning processes were complete and that they would consider the City's strategy document in preparing their master plan. Advice was received early in 2008 that the plan be available for stakeholder comment in June 2008. The City wrote to the Minister for Tourism and Culture and the Arts (the Hon Sheila McHale MLA) on 20 March 2008 in an effort to ensure she is briefed on Council's aspirations for the precinct; however no reply had been received at 24 July 2008.

5. During the course of the City developing the Amity Heritage Precinct Master Plan, the WA Museum commenced planning a Welcome Wall within the precinct that would commemorate migrants that arrived into Western Australia through Albany port. The location of the wall was selected by the WA Museum after a range of community input measures (see letter from WA Museum attached which describes community consultation processes).
6. The City's Manager Economic Development has been invited to several meetings about the Welcome Wall project and has encouraged Councillor Briefings, resulting in former WA Museum CEO Dawn Casey presenting the proposal (without designs) to Councillors on 1 May 2007. Council has not yet received a formal request to endorse the location of the Welcome Walls or for its approval to build a structure within the precinct (which is a condition of the lease of land on which they are proposed to be located).
7. At no stage (including the present) has the WA Museum been willing to disclose the Welcome Walls design to Councillors or the community. Notwithstanding this, they have proposed to consult with the Council on the design of the structure after approval of the design from the Premier has been granted. (refer letter from WA Museum attached)

### **STATUTORY REQUIREMENTS**

8. The proposed location of the Welcome Wall is on Crown Land vested in the City of Albany and leased to the WA Museum until 2013. Under the terms of the lease the WA Museum is required to receive approval by Council for any new built structures. The consent of the Heritage Council of WA is also required for development within the Precinct.

### **POLICY IMPLICATIONS**

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

### **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 Albany Insight ~ Beyond 2020 Corporate Plan;

***Community Vision:***

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

***Priority Goals and Objectives:***

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

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

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

*At the City of Albany we are:-*

- *results driven and accountable*
- *we foster leadership*
- *we foster community involvement in decision making*

**COMMENT/DISCUSSION**

12. The WA Museum communicated the status of the Welcome Walls project to stakeholders on 6 July 2008 (*copy of email attached*). It is understood that over 250 names have hitherto been registered to be included on the Albany Welcome Walls project. The most recent website information is at [www.museum.wa.gov.au](http://www.museum.wa.gov.au) and is attached for Councillor perusal.

**COUNCILLOR BUEGGE'S NOTICE OF MOTION**

THAT Council write to the Department of Premier and Cabinet and the WA Museum making it perfectly clear that the City will not give any consideration to the construction of the proposed Welcome Walls in the Amity Precinct until such time as the Minister for Culture and the Arts and Tourism and the Director of the WA Museum have met with representatives of the Amity Heritage Committee and the City of Albany and have:

- i) considered the objectives of the Committee for the Precinct;
- ii) indicated the extent to which they are prepared to support and contribute to the fulfilment of those objectives; and
- iii) committed themselves to a time line for their fulfilment.

*Voting Requirement: Simple Majority*

.....

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR PRICE**

**THAT Council write to the Department of Premier and Cabinet and the WA Museum making it perfectly clear that the City will not give any consideration to the construction of the proposed Welcome Walls in the Amity Precinct until such time as the Minister for Culture and the Arts and Tourism and the Director of the WA Museum have met with representatives of the Amity Heritage Committee and the City of Albany and have:**

- i) considered the objectives of the Committee for the Precinct;**
- ii) indicated the extent to which they are prepared to support and contribute to the fulfilment of those objectives; and**
- iii) committed themselves to a time line for their fulfilment.**

**MOTION CARRIED 9-0**

## 16.2 Petition Australian Premier of Western Australia – Alan Carpenter MLA, for New Albany Hospital

<b>File/Ward</b>	:	GOV 059 (All Wards)
<b>Proposal/Issue</b>	:	New Albany Hospital
<b>Subject Land/Locality</b>	:	Albany Hospital Site
<b>Proponent</b>	:	Councillor Buegge
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Chief Executive Officer (A Hammond)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/08/2007 - Mayors Report
<b>Summary Recommendation</b>	:	THAT Council advise the Hon Carpenter MLA, Premier of Western Australia that it considers a new hospital is required to be constructed on the existing site as a matter of urgency.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. Councillor Buegge requested that the following motion is presented to Council for consideration requesting a new Albany Hospital.

### 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 Albany Insight ~ Beyond 2020 Corporate Plan...

***“Community Vision:***  
*Nil*

**Priority Goals and Objectives**

*Albany will be a City where ...*

*Goal 1.1 Our health services are significantly improved in order to accommodate the real needs of the region.*

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

**City of Albany Mission Statement:**

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

**COMMENT/DISCUSSION**

6. Council's recently completed strategic planning process clearly identified the delivery of effective health services to the region as a critical issue.
7. Strong feedback has been received from the community that a new hospital is vital in securing this objective.
8. A coordinated approach from all stakeholders involved with this issue lead by the Council is seen as an appropriate way of having the State Government move from its hospital redevelopment policy towards a position of a totally new facility.

**COUNCILLOR BUEGGE'S NOTICE OF MOTION**

THAT Council advise the Hon Carpenter MLA, Premier of Western Australia that it considers:

- i) the renovation of existing hospital facilities will not provide for effective delivery of health services to the Great Southern Region either now or into the future;
- ii) a new hospital is required to be constructed on the existing site as a matter of urgency; and
- iii) the new hospital should be of a size and level of appointment that can provide for delivery of all essential and specialist services currently provided to the Great Southern Region and expandable to meet demand created by forecast population growth.

Further that Council coordinates support for a new facility from local health professionals, stakeholder organisations, the Great Southern Zone of the WA Local Government Association, and members of the community and delivers this unified message to the State and Federal Governments.

*Voting Requirement: Simple Majority*

.....

**MOVED COUNCILLOR BUEGGE  
SECONDED COUNCILLOR WALKER**

**THAT Council advise the Hon Carpenter MLA, Premier of Western Australia that it considers:**

- i) the renovation of existing hospital facilities will not provide for effective delivery of health services to the Great Southern Region either now or into the future;**
- ii) a new hospital is required to be constructed on the existing site as a matter of urgency; and**
- iii) the new hospital should be of a size and level of appointment that can provide for delivery of all essential and specialist services currently provided to the Great Southern Region and expandable to meet demand created by forecast population growth.**

**Further that Council coordinates support for a new facility from local health professionals, stakeholder organisations, the Great Southern Zone of the WA Local Government Association, and members of the community and delivers this unified message to the State and Federal Governments.**

**AMENDMENT**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR PAVER**

**That the Motion be amended to remove the name of the Premier.**

**AMENDMENT CARRIED 7-2  
AMENDMENT BECOMES MOTION  
MOTION PUT AND CARRIED 9-0**

## **17.0 MAYORS REPORT FOR ORDINARY COUNCIL MEETING – 19<sup>TH</sup> AUGUST 2008**

### **Fellow Councillors:**

The focus of my report this month is on outgoing Chief Executive Officer, Andrew Hammond. This will be Andrew's last Council Meeting with the City of Albany.

Andrew has made a huge contribution to Council and to the community of Albany over the past nine years.

Andrew has etched an important place in local history as the first CEO of the newly amalgamated City of Albany. His role in bringing together the two cultures of the Town and Shire of Albany into one cohesive business unit and guiding the development of the City of Albany over its first decade into a vibrant and progressive municipality, is commendable indeed.

Andrew's integrity and leadership have been of the utmost importance in laying the foundation of a strong City, with high standards of openness and accountability.

During his nine years as the CEO of the City of Albany, Andrew has established systems, strategies and an organisational culture that now serve the community of Albany extremely well.

In recent years he has helped the Council achieve major milestones, including the redevelopment of the Albany Leisure and Aquatic Centre and a commitment of State Government funding towards the Albany Entertainment Centre.

Andrew has lobbied strongly for a new hospital for Albany to improve the medical services and facilities available to the citizens of this community and the broader region.

He has actively supported and guided the objectives of the City's Corporate Plan to direct Albany towards a 'learning city', a 'healthy city' and a 'thriving city'.

Andrew, as a result of your energy, enthusiasm and excellent leadership, the City of Albany is well placed to build on the strong foundation that has been created over the nine years you have been at the helm as the CEO. You leave the City in a good position to move forward into our second decade.

On behalf of the Councillors, staff and the community I thank you for your excellent work at the City of Albany and wish you every success for the future.

Thank you and good luck.

### **DRAFT MOTION**

**THAT the Mayor's Report dated 19<sup>th</sup> August 2008 be received.**

*The CEO thanked the Mayor for his good wishes.*

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR WALKER**

**THAT the Mayor's Report dated 19<sup>th</sup> August 2008 be received.**

**MOTION CARRIED 9-0**

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

*Councillor Paver moved a procedural motion to have 18.1 accepted as a late item.*

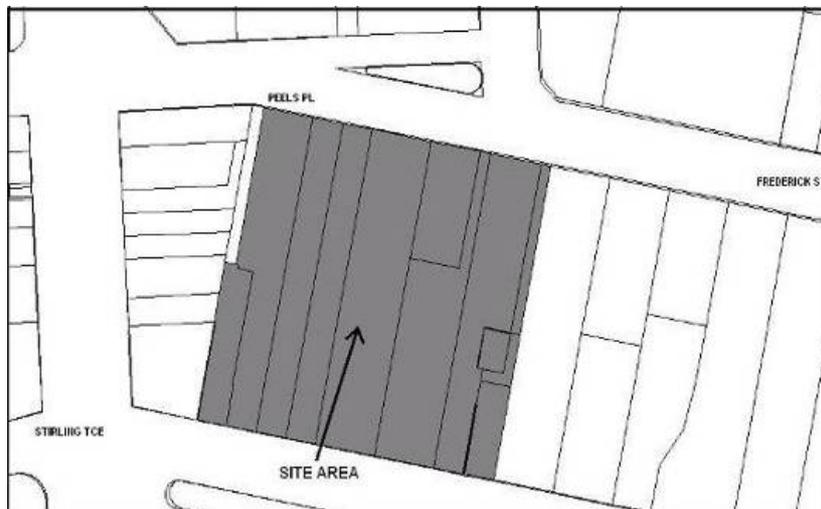
**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR PRICE**

**THAT Item 18.1 - Motion to Accept Cash-in-Lieu for Parking Shortfall - Alterations/Additions (Stage 1) - 112-140 Stirling Terrace, Albany be admitted as a late item.**

**MOTION CARRIED 5-4**

**18.1 Motion to Accept Cash-in-Lieu for Parking Shortfall - Alterations/Additions (Stage 1) - 112-140 Stirling Terrace, Albany**

<b>File/Ward</b>	:	A74057 (Frederickstown)
<b>Proposal/Issue</b>	:	Acceptance of cash-in-lieu payment for parking shortfall in relation to Planning Scheme Consent No. P275402
<b>Subject Land/Locality</b>	:	112-140 Stirling Terrace, Albany
<b>Proponent</b>	:	Councillor Paver
<b>Owner</b>	:	Primeking Pty Ltd
<b>Reporting Officer(s)</b>	:	Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Nil
<b>Bulletin Attachment</b>	:	Planning Scheme Consent P275402
<b>Locality Plan</b>	:	



## BACKGROUND

1. Councillor Paver has requested that a motion be presented to Council to clarify Council's position in relation to cash-in-lieu and the thirteen (13) bay parking shortfall associated with Planning Scheme Consent No. P275402.
2. At Ordinary Council meeting dated 18 March 08, Council resolved the following:

### *MOTION 1:*

*THAT pursuant to Clause 4.10 of the City of Albany Town Planning Scheme 1A, consideration of the car parking requirements for stage 1 of the proposed development at 112 - 140 Stirling Terrace, Albany be calculated using the Net Lettable Area (NLA) floor space of the proposed development.*

### *MOTION 2:*

*THAT Council resolves to delay a decision on the parking shortfall for the development of 112 - 140 Stirling Terrace until the development application for stage 2 of the site redevelopment has been lodged, thereby allowing the extent of any potential car parking deficiency to be accurately calculated, and Council has had the opportunity to establish a policy position on car parking within the CBD.*

### *MOTION 3*

*THAT Council supports the issuing of a Notice of Planning Scheme Consent for Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany, subject to, but not limited to, the following requirements being incorporated into the approval:*

- (i) Vehicular parking, manoeuvring and circulation areas indicated on the plans being appropriately constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.*
- (ii) The area shown as "secure storage" on drawing number sk1 dated Nov07, shall be reserved as an area set aside for the provision of facilities or services to the land and such facilities are not for the exclusive use of occupiers of individual tenants upon the land.*
- (iii) A traffic management/impact study being submitted and agreed in writing by Council prior to the issue of a building licence.*
- (iv) An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.*
- (v) Final details of the roof form of the new buildings shall comply with the Central Albany Urban Design Policy.*
- (vi) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.*
- (vii) No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.*
- (viii) The design, materials and colours of the new development harmonising with those of the immediate vicinity. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence.*

**MOTION 4:**

*THAT, subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany and empowers the Manager to incorporate any further conditions that he considers necessary.”*

3. The development application showed 141 car parking bays for Stage 1 based on Nett Lettable Area (NLA), whereas using the NLA calculation a total of 154 bays were required to fulfil the requirements of Motion 1. Motion 2 involved the deferment of the 13 bay parking shortfall.
4. In order to ensure Motion 2 was able to be fulfilled the planning scheme consent issued under delegation required the owner to provide the full 154 parking bays prior to the occupancy of the new building (Condition B6). If this wasn't done there would be no legal obligation for the owner to provide the 13 bay shortfall as part of Stage 2; Council can only request the relevant car parking bays for that application. The advice note accompanying the application stated the following:

*“Council has agreed to calculate the car parking requirements for Stage 1 using the total NLA for the site, and has also agreed that the thirteen (13) bay car parking shortfall for Stage 1 can be met in Stage 2 of the development, or a cash in lieu payment made at that time.”*

5. In order to meet Condition B6 the owner could either provide all 154 bays within Stage 1 (through a modification to the parking layout), provide cash-in-lieu for the shortfall, or commence construction of Stage 2 and incorporate the shortfall into this stage.

**STATUTORY REQUIREMENTS**

6. No delegation currently applies to Staff to accept proposals for cash-in-lieu from developers for parking shortfalls.

**POLICY IMPLICATIONS**

7. The Development Guidelines Scheme 1A policy, provides details on how cash-in-lieu rates are calculated in the “Central Area” zone:

Parking (6.5)

*Each development in the Central Area zone shall provide the required number of car parking bays, consistent with the proposed use as part of the development. Where it is not practical to provide the additional car parking, Council may accept a cash payment or the transfer of land (free of cost) for car parking to be provided on the site provided:*

- (a) *cash in lieu rates are calculated on the basis of 26 sq.m. per parking bay and include the cost of land within the development site, asphalt paving on a suitable base course, drainage, line making, landscaping and, where applicable, lighting:  
and*
- (b) *the additional site coverage will not preclude the integration of access and car parking across lot boundaries.*

**FINANCIAL IMPLICATIONS**

- 8. Should cash-in-lieu be paid by the owner it would be paid in accordance with the Development Guidelines Scheme 1A Policy (Clause 6.5).

**STRATEGIC IMPLICATIONS**

- 9. There are no strategic implications relating to this item.

**COMMENT/DISCUSSION**

- 10. As identified in the background to this report there are a number of ways the owner could comply with Condition B6. Should the proponent be unable to physically accommodate the required bays on site the following motion will allow staff to accept a cash-in-lieu payment to meet the identified parking shortfall and comply with Condition B6.
- 11. The motion will provide the developers with more surety as to how the parking issue is to be dealt with and obviate the need to have to deal with this matter during or after the construction of Stage 1 of the development should Stage 2 for whatever reason not proceed.

**COUNCILLOR PAVER’S NOTICE OF MOTION**

That, in relation to the development of 112-140 Stirling Terrace, Albany, in the event that the thirteen (13) car parking bay shortfall identified in Stage 1 of the development is not accommodated in an approved Stage 2 of the development prior to the completion of Stage 1, Council will require a cash in lieu payment for the shortfall, prior to occupancy of Stage 1, in accordance with Clause 6.5 of Council's Development Guidelines Scheme 1A Policy.

*Voting requirement Simple Majority*

.....

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR PRICE**

**That, in relation to the development of 112-140 Stirling Terrace, Albany, in the event that the thirteen (13) car parking bay shortfall identified in Stage 1 of the development is not accommodated in an approved Stage 2 of the development prior to the completion of Stage 1, Council will require a cash in lieu payment for the shortfall, prior to occupancy of Stage 1, in accordance with Clause 6.5 of Council's Development Guidelines Scheme 1A Policy**

**MOTION CARRIED 9-0**



**TOWN PLANNING SCHEME 1A - DISTRICT SCHEME**

**GRANT OF PLANNING CONSENT**

**File Ref:** A74057                      **Application No:** P275402  
**Corro No:** PA23685                      **Date:** 3 April 2008

**Owner of Land:** Primeking Pty Ltd & Oceanview Nominees  
Steven Lionetti Realty  
Po Box 455  
Albany Wa 6331

**Applicant:** Roberts Gardiner Architects  
Po Box 1502  
Albany Wa 6330

Planning consent is hereby GRANTED for:

(Lot) 27 Property) 112-140 Stirling Terrace, Albany.

for the purpose of: **Shop - Alterations/Additions, (Stage 1 of 2 Stage Project).**

and carry out development in accordance with the approved plans dated 3 April 2008 subject to the Schedule of Conditions specified on page(s) two (2) and three (3) of this Consent.

If development is not substantially commenced within two years, a fresh approval must be obtained before commencing or continuing development.

**It should be noted that this is a planning consent only and is not a building licence.** You are advised that before commencing any construction a building licence must be obtained, and before occupancy of the building the conditions of your planning consent must be complied with.

- 2 -

**SCHEDULE OF CONDITIONS:**

**A. Conditions to be complied with prior to issue of a Building Licence:**

- A1 A traffic management/impact study (including detailed plans of the parking and circulation areas) being submitted and agreed in writing by Council prior to the issue of a building licence.
- A2 An appropriate method of storm water disposal being submitted to Council for approval prior to the issue of a building licence.
- A3 The final roof form of the new buildings shall comply with the Central Albany Urban Design Policy, and be submitted to Council for approval prior to the issue of a building licence.
- A4 Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- A5 The design, materials and colours of the new development harmonising with those of the immediate vicinity. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence.

**B. Conditions to be complied with prior to occupancy of use:**

- B1 Vehicular parking, manoeuvring and circulation areas indicated on the plans being appropriately constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.
- B2 The modifications to Peel Place as identified in the traffic study, inclusive of the proposed crossover/access to the site South of the existing roundabout at the intersection of Peels Place and Aberdeen Street, being constructed to Councils satisfaction.
- B3 Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge reinstated.
- B4 The parking areas being illuminated to the reasonable satisfaction of Council during the hours of darkness when they are in use or might be sought to be used by patrons.
- B5 Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
- B6 The owner shall provide 154 car parking bays on the site as part of the development.

- 3 -

**Before occupying the development the owner must contact the Senior Planning Officer on 9841 9223 and demonstrate that conditions B1 – B6 have been complied with.**

**C. Conditions of an ongoing nature:**

- C1** The area shown as "secure storage" on drawing number sk1 dated Nov07, shall be reserved as an area set aside for the provision of facilities or services to the land and such facilities are not for the exclusive use of occupiers of individual tenants upon the land.
- C2** No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
- C3** No goods or materials are to be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or service courts, where provided.
- C4** The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- C5** No processes are to be conducted in the approved structure or machinery, installed, that may cause a detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

**ADVICE TO THE APPLICANT:**

**Council has agreed to calculate the car parking requirements for Stage 1 using the total NLA for the site, and has also agreed that the thirteen (13) bay car parking shortfall for Stage 1 can be met in Stage 2 of the development, or a cash in lieu payment made at that time.**

All development is required to comply with the Building Regulations and the Building Code of Australia.

Development is required to comply with all relevant Health regulations.

Amalgamation of the lots will need to be finalised on a Deposited Plan prior to the issue of a building licence.

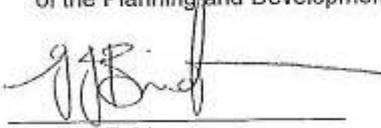
Provision being made for disabled access and facilities in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428.

Detailed plans and specifications of the proposed method of stormwater disposal need to be submitted for approval by Council prior to the issue of a building licence, such plans should identify invert levels, cover levels and pipe size and grade. The stormwater disposal system needs to be designed and certified by a practicing civil engineer.

**NOTES:**

This Planning Scheme Consent contains the following number of conditions: **15**

You may appeal against any condition contained in this consent provided it is lodged within twenty-eight (28) days of the date of issue. The Planning Section of the Development Services Team can provide further information regarding this, or alternatively, refer to [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au), with reference to section 250 (1) of the Planning and Development Act (2005) (as amended).



**Graeme Bride**  
Manager of Planning and Ranger Services.

## 19.0 CLOSED DOORS

**MOVED COUNCILLOR MORRIS  
SECONDED COUNCILLOR BUEGGE**

**THAT Council meet behind closed doors to consider CONFIDENTIAL item 19.1 – Appointment of CEO recruitment consultant in accordance with 5.23 (2) (a)(b)(c) of the Local Government Act 1995; being:**

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

**MOTION CARRIED 9-0**

Members of the public and media vacated the Council Chamber at 10.45pm.

The CEO, Mr Hammond, and Executive Director Corporate and Community Services, Mr Madigan, declared an impartiality and financial interest respectively and left the chamber at 10.45pm.

The nature of Mr Hammond's Interest is that he has had previous Human Resource dealings with one of the proponents.

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

Item 19.1 was considered behind closed doors.

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR MORRIS**

**THAT Council open the meeting to the public.**

**MOTION CARRIED 9-0**

The meeting was reopened to the public at 11.03 pm and approximately 5 members of the public returned to the Chamber.

The CEO and EDDS returned to the Chamber at 11.04pm.

*The Mayor read the decision of the Council made behind closed doors:*

**19.1 – Appointment of CEO recruitment consultant**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR MORRIS**

**THAT the recommendations of the CEO Performance Review Committee (Distributed Under Separate Confidential Cover) be received and the following recommendation adopted:**

- i) THAT Council establish the following five Key Performance Indicators for the Chief Executive Officer for the twelve month period commencing at the start of the employment contract...**
- 1. Albany Insight 3.....City Centre**  
Develop a comprehensive Master Plan for the York Street / CBD precinct that incorporates previous planning studies i.e. the Burrell and deVilliers reports (and others) that delivers a realistic and workable planning framework, with action plan, time frame and funding sources encompassing:
    - The built form
    - Future land uses i.e. tourism/retail/residential/civic purpose
    - Traffic design
    - Civic Space design
    - Provision of public parking
    - Public transport services
    - Pedestrian Friendliness
    - Strategic coordination of existing fragmented private parking
  - 2. Albany Insight 4.2 Governance / Asset management**  
Continue with WAAMI asset management development to establish maintenance, reinstate and replacement programs for all municipal infrastructure linked to the 15 year financial plan
  - 3. Albany Insight 4.2 Governance / Asset management**  
Continue with the strategic land acquisition and disposal program with short term priority action to be the subdivision and sale of Cull Road and Yakamia subdivisions to reduce debt levels created by the ALAC
  - 4. Albany Insight 4.1 Governance / Report writing / Agenda and Minute preparation**  
Undertake a thorough review of all agenda and minute preparation in order to improve statutory compliance, functionality, accuracy and quality of information deliver to elected members and the community.
  - 5. Albany Insight 1.6 Climate Change**
    - a) Develop climate change impact strategy on reducing organisational carbon footprint and raising public awareness of the impacts of climate change; and**
    - b) Undertake immediate audit of entire statutory and strategic planning framework to ensure accommodation, mitigation or amelioration of climate change short medium and long term effects.**

**MOTION CARRIED 8-1**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR MORRIS**

**THAT Council Appoint Nicholas Crawley from Beilby as the recruitment consultant for the selection and appointment of Chief Executive Officer for the fee of \$19,800 (inc GST), plus advertising costs and out of pocket facilitator expenses.**

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR MORRIS**

**THAT Council Direct the consultant as a first task to meet with full Council to discuss the process and receive feedback from all elected members as to their expectations and understanding of the entire recruitment process.**

**MOTION CARRIED 9-0**

**MOVED COUNCILLOR PRICE  
SECONDED COUNCILLOR MORRIS**

**THAT Council Appoint Councillors Williams, Buegge and Morris to deputise for Councillors Matla, Walker, and Price on the Chief Executive Officer Appraisal Committee.**

**MOTION CARRIED 9-0  
ABSOLUTE MAJORITY**

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 16<sup>th</sup> September 2008, 7.00pm

**21.0 CLOSURE OF MEETING**

There being no further business, the meeting closed at 11.05pm.

Confirmed as a true and correct record of proceedings.

---

MJ Evans, JP  
**MAYOR**

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURE**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Councillor N Williams	13.7.1	<u>Impartiality.</u> Councillor's husband operates a cartage business which accesses the Port.  Councillor remained in the Chamber and participated in the debate and vote.
Councillor D Price	13.7.3	<u>Impartiality.</u> Councillor <i>has close friends that own property adjoining subject right of way. Councillor has acted as an agent for owners by forwarding email correspondence to the City of Albany, whilst they have been overseas.</i>  Councillor left the Chamber.

**APPENDIX B**

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

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Councillor G Kidman	13.7.1	<u>Impartiality.</u> Councillor is an employee of a business that accesses the Port  Councillor left the Chamber.

**INTEREST DISCLOSED BY OFFICERS**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Chief Executive Officer – Andrew Hammond	19.1	<u>Impartiality.</u> Officer has had HR dealings with one of the proponents.  Officer left the Chamber.
Executive Director Corporate and Community Services – Peter Madigan	19.1	<u>Impartiality.</u> Officer is a potential applicant.  <u>Officer left the Chamber.</u>

[Agenda Item 12.1 refers]  
[Council – 19<sup>th</sup> August 2008]

**SUMMARY OF ACCOUNTS**

**Municipal Fund**

Cheques	Totalling	\$144,979.52
Electronic Fund transfer	Totalling	\$3,232,605.25
Credit Cards	Totalling	\$4,021.58
Payroll	Totalling	\$1,149,456.00
	<b>Total</b>	<b><u>\$4,531,062.35</u></b>

**CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER**

This schedule of accounts to be passed for payment totalling **\$4,531,062.35** which was submitted to each member of the Council, dated 31<sup>st</sup> July 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

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CHIEF EXECUTIVE OFFICER  
(A Hammond)

**MAYOR**

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$4,586,308.97**, dated 30<sup>th</sup> April 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.

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MAYOR  
(M Evans, JP)