

# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 19<sup>th</sup> July 2005  
7.30pm  
City of Albany Council Chambers**

## City of Albany

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Signed \_\_\_\_\_

**Andrew Hammond**  
Chief Executive Officer

Date: 21<sup>st</sup> July 2005

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ORDINARY COUNCIL MEETING MINUTES –19/07/05  
\*\*REFER DISCLAIMER\*\*

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**1.0 DECLARATION OF OPENING**

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

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

- |   |   |               |
|---|---|---------------|
| Mayor   | - | A Goode, JP   |
| Councillors                                       | - | DW Wellington |
|   | - | MJ Evans, JP  |
|   | - | P Lionetti    |
|   | - | SM Bojcun     |
|   | - | JD Williams   |
|   | - | RH Emery      |
|   | - | J Waterman    |
|   | - | S Marshall    |
|   | - | J Walker      |
|   | - | D Wiseman     |
|   | - | R Paver       |
|   | - | J Jamieson    |
|   | - | I West        |
| Chief Executive Officer                           | - | AC Hammond    |
| Executive Director Corporate & Community Services | - | WP Madigan    |
| Executive Director Works & Services               | - | L Hewer       |
| Manager Development Services                      | - | R Fenn        |
| Minute Secretary                                  | - | S Day         |
| Approximately 90 members of the public            |   |               |
| 6 media representatives                           |   |               |
| <u>Apologies / Leave of Absence:</u>              | - | DJ Wolfe      |

**3.0 OPENING PRAYER**

Mayor Goode read the opening prayer

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

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

Nil.

**5.0 PUBLIC QUESTION TIME**

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 Her 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.

**\*T Demarteau**

Mr Demarteau addressed Council in regards to three items.

*“Now the North Rd Administration building is complete, and the majority of the retirement village is complete, can Mr Fenn please advise of what the status of Yakamia Drive is, when is construction expected to start, and how far will the road go.”*

Executive Director Development Services responded.

Mr Demarteau asked Council to consider the surrounding residence in regards to the proposed Earl Street development.

Mr Demarteau congratulated those involved with the implementation of the Reserve Plans and asked Council to support these plans.

**\* R O’Rourke**

Mr O’Rourke addressed Council in regards to Item 11.1.4 and believes that all the criteria have been met and asked Council to approve the development.

**\* D Price**

Mrs Price addressed Council in regards to Item 11.1.4 and asked Council to reject the application.

**\*I Linal**

Mr Linal addressed Council in regards to Item 11.3.3 and asked Council to delay the decision to allow further consideration.

**\* L Marchesani**

Mr Marchesani addressed Council in regards to Item 11.1.4 and asked that Council support the proposal.

**\*A Brandenburg**

Mrs Brandenburg addressed Council in regards to item 11.3.3 and asked Council to consider this item further.

**\*N Handson**

Mr Handson addressed Council in regards to Item 11.1.4 and asked that Council consider the sort of development for this area.

**\*P Guest**

Mr Guest addressed Council in regards to Item 12.2.1 and asked Council to re-consider the fees imposed on his business.

**THAT Council extend Open Forum by 15 minutes.**

**MOTION CARRIED 14-0**

**\*N Smithson**

Mr Smithson addressed Council in regards to Item 11.3.4 and asked questions in regards to the traffic movement.

Executive Director Development Services responded.

**\*W Richards**

Mr Richards addressed Council in regards to Item 11.1.4 and asked Council to reject this proposal.

**\*T Webb**

Mrs Webb addressed Council in regards to Item 11.1.4 and asked Council to consider the type of development that would enhance Albany.

**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 21<sup>st</sup> June 2005; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR BOJCUN**

**THAT the following minutes:**

- **Ordinary Council meeting held on 21<sup>st</sup> June 2005; as previously distributed be confirmed as a true and accurate record of proceedings, and that the following amended be recorded:-**

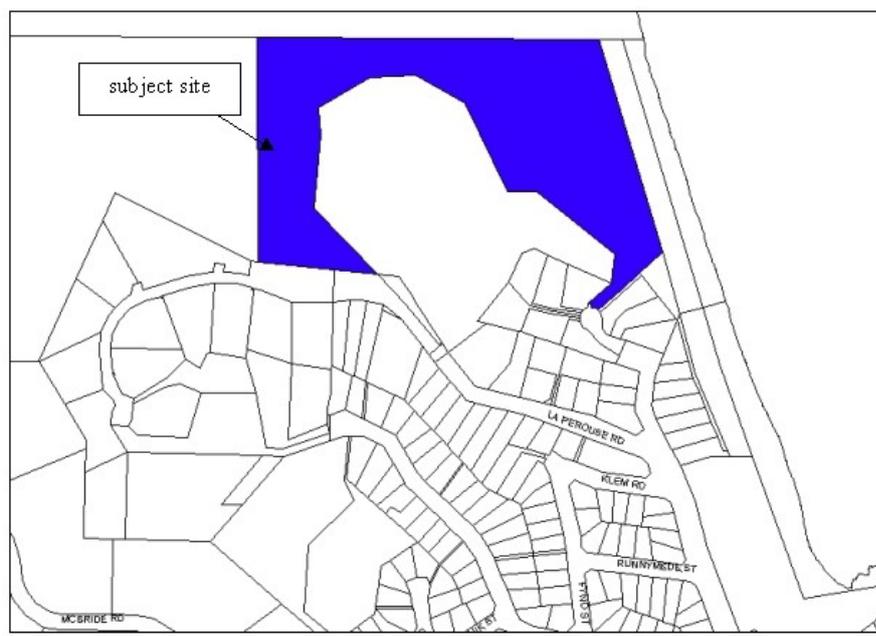
**Item 11.3.7**

**THAT the following map replaces the map included within the minutes as circulated.**

**Item 19.1 – Motion 3.**

**THAT Councillor Paver and Councillor Bojcun moved and seconded this Motion.**

**MOTION CARRIED 14-0**



**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Waterman applied for leave of absence from the August 2005 OCM.

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR MARSHALL**

**THAT Councillor Waterman be granted Leave of Absence from the August 2005  
Ordinary Meeting of Council.**

**MOTION CARRIED 14-0**

**8.0 DECLARATIONS OF FINANCIAL INTEREST**

Councillor Lionetti – Item 14.2.1

Councillor Wellington – Item 11.1.4

Councillor Williams – Item 14.2.1

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

Nil.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

# **Development Services**

## **REPORTS**

**DEVELOPMENT SERVICES REPORTS**

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

**11.1 DEVELOPMENT**

**11.1.1 Road Names – Corrections to Current Nomenclature**

<b>File/Ward</b>	:	SER 079 (All Wards)
<b>Proposal/Issue</b>	:	Road Names in need of Corrections Following Introduction of Rural Street Numbering
<b>Subject Land/Locality</b>	:	Various Roads Throughout City
<b>Proponent</b>	:	Department of Land Information
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 18/01/05 - Item 11.1.2 OCM 15/03/05 - Item 11.1.1
<b>Summary Recommendation</b>	:	Geographic Names Committee be Requested to Apply Suitable Names to Roads
<b>Bulletin Attachment</b>	:	Plans Identifying Relevant Road Section
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. In 2002, the Minister for Lands introduced locality names throughout the rural areas of the City and, for the first time, the rural residents of the District had the capacity to attach an official name to the area in which they lived. In July 2004, the Department of Land Information added to the locality names an official rural street number for all houses in the rural area and that Department notified residents of their new address, advising that the roadside mail box (RMB) used by Australia Post would be phased out and replaced by the new numbers and localities.
2. Staff at both the City and the Department of Land Information (DLI) were inundated with inquiries from rural landowners raising concerns over the street and locality names. With a few exceptions, residents have accepted the rural street numbering once the changes were explained.
3. The information flowing from the DLI highlighted a number of anomalies with the names of roads and a report was submitted to the January and March Council meetings, to bring those anomalies forward for discussion and resolution. The anomalies fitted into three broad categories, the official records do not match the signage on the road or the “common used name”, the road does not have an official name and lastly, the property access arrangements needed resolution.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**STATUTORY REQUIREMENTS**

4. The Geographic Names Committee (GNC) applies official road names throughout Western Australia under delegated authority from the Minister for Lands. That Committee seeks instruction from Local Authorities on road names and their origin before applying a name.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. There are no financial implications for the City. The affected landowners are inconvenienced by the requirement to change all their official records, notify friends and others of changes in property address and alter their business registrations details and stationary.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

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

***Mission Statement:***

*The City of Albany is committed to ...*

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

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

8. This report seeks to finalise anomalies with road names only and the list is divided into the three broad categories detailed above.

**Simple Corrections**

9. The Geographic Names Committee has confirmed that the following corrections have been made to the register of official road names, relative to the City of Albany;
  - **Old School Road**, Elleker has replaced the official name of “*School Road*”.
  - **Gidley Farm Road**, Millbrook has replaced “*Gidley Farm Grove*”.
  - **Bramwell Road**, Robinson has replaced “*Bramwall Road*”.
  - **North Road**, Elleker has replaced “*Torbay Road*”.
  - **Sims Road**, Manypeaks has been recognised.

## DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- **Burns Road**, Redmond has been recognised.
- **Affleck Road**, Kalgan has been recognised.
- **Wolfes Pump Road**, Youngs Siding has been applied to the section of *Lake Saide Road* located between Brownes Road and Lake Saide Road North.
- **Hassell Street** has been applied to the section of *Muir Road*, Elleker which forms the north/south section of the road reserve constructed as an extension of Hassell Road.
- **Gledhow Road West**, Robinson has replaced *Gledhow Road*.
- **Gledhow Road East**, Robinson has replaced *Gledhow Road*.
- **Pony Club Road**, King River has been recognised.
- **Tennessee Road North**, Youngs Siding has been extended to include the western end of *Vine Road*.
- **Barrass Road**, Little Grove has been extended to include the western portion of *Opal Street*.

Roads Requiring Name

10. Landowners were contacted where they had property adjacent to un-named roads and the following responses were received;
- Landowner support has been received to rename the southern section of *Howell Road*, (see plan 11 in Elected Members Report / Information Bulletin) as **Howell Road South Road** and to officially recognise the name **Reddin Road**.
  - Landowners have not objected to the naming of the un-named road, Napier shown on plan 08 in the Elected Members Report / Information Bulletin as **Woods Road**.
  - Landowners have supported the concept of applying an independent name to the western portion *Hooper Road*, Walmsley (see plan 13 in the Elected Members Report / Information Bulletin) and of the choice of **Terry Road** as a name. The landowners also advised that they would not object to the name being extended to Paul Terry Road however Geographic Names policy seeks to avoid the use of “given and surname combinations”.
  - Landowners have objected strongly to renaming the western end **Mason Road**, Lange to overcome any short term street addressing confusion (see plan 15 in the Elected Members Report / Information Bulletin) resulting from the construction of two sections of the road, with the middle section of road remaining undeveloped.
  - Landowners have not objected to the naming of the un-named road, Kalgan shown on plan 16 in the Elected Members Report / Information Bulletin as **Kalgonak Lane**.
  - Landowners have not objected to the naming of the un-named road, Cuthbert shown on plan 17 in the Elected Members Report / Information Bulletin as **Melaleuca Lane**.
  - Landowners have not objected to the naming of the un-named road, Youngs Siding shown on plan 18 in the Elected Members Report / Information Bulletin as **Tudor Road** and for **Dawson Road** to be extended to its full extent.
  - Landowners have fully supported the naming of the un-named road, Napier shown on plan 19 in the Elected Members Report / Information Bulletin as **Harris Road**. Prior to the request being forwarded to the Geographic Names Committee, the name needs also to be adopted by the Shire of Plantagenet.
  - Landowners do not object to the identification of **Allerton and Elphinstone Roads**, Robinson as depicted on plan 20 in the Elected Members Report / Information Bulletin.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- Landowners have not objected to the naming of the un-named road, Lockyer shown on plan 23 in the Elected Members Report / Information Bulletin as **Mai Street**.
- Landowners have not objected to the naming of the northern extension of *Hassell Street*, Elleker shown on plan 24 in the Elected Members Report / Information Bulletin as **Shirley Court**.
- Landowners have not objected to the naming of the un-named road, Youngs Siding shown on plan 26 in the Elected Members Report / Information Bulletin as **Nenanup Road**.
- Landowners have not objected to the naming of the western end of *Thompson Road*, South Stirling shown on plan 25 in the Elected Members Report / Information Bulletin as a portion of **South Stirling Road**.

Complex Road Issues

11. Staff contacted the owners of Locations 6161 and 6162, located on the northern extremity of the Elleker townsite and fronting *Millar Street*, Elleker (see plan 21 in the Elected Members Report / Information Bulletin). The relationship between constructed roads and official property boundaries is confusing on-site. Physical access to these properties has been inadvertently constructed over the adjoining Crown reserve and the Executive Director Works and Services proposes to relocate the existing pavement onto the official road. Landowners also know the road by the name **Millar Road** and that name is being promoted to the Geographic Names Committee.

Other

12. In addition to the corrections previously considered by Council, there is also concern raised by the Turnor family at Wellstead that the road providing access to their property (off Basil Road) has been officially recorded as **Turner Road**. They request that the spelling be corrected during this process (see plan 27 in the Elected Members Report / Information Bulletin).

RECOMMENDATION

THAT Council

- i) acknowledge the following official changes in road names:
- a) Old School Road, Elleker has replaced “*School Road*”;
  - b) Gidley Farm Road, Millbrook has replaced “*Gidley Farm Grove*”;
  - c) Bramwell Road, Robinson has replaced “*Bramwall Road*”;
  - d) North Road, Elleker has replaced “*Torbay Road*”;
  - e) Sims Road, Manypeaks has been recognised;
  - f) Burns Road, Redmond has been recognised;
  - g) Affleck Road, Kalgan has been recognised;
  - h) Woods Road, Takenup has been recognised;
  - i) Wolfes Pump Road, Youngs Siding has been applied to the section of Lake Saide Road located between Brownes Road and Lake Saide Road North;
  - j) Hassell Road has been applied to the section of Muir Road, Elleker which forms the north/south section of the road reserve constructed as an extension of Hassell Road;
  - k) Gledhow Road West, Robinson has replaced Gledhow Road;
  - l) Gledhow Road East, Robinson has replaced Gledhow Road;
  - m) Pony Club Road, King River has been recognised;

**DEVELOPMENT SERVICES REPORTS**

- n) Tennessee Road North, Youngs Siding has been extended to include the western end of Vine Road; and
  - o) Barrass Road, Little Grove has been extended to include the western portion of Opal Street;
- ii) seek the approval of the Geographic Names Committee to apply the following road names:
- a) “Howell Road South” to the section of Howell Road, Marbelup, located to the south of South Coast Highway, and apply the road name “Reddin Road” to the road reserve which intersects that road;
  - b) “Terry Road” to the western section of Hooper Road, Walmsley, off Chester Pass Road;
  - c) “Kalgonak Lane” to the un-named road off Nanarup Road, Kalgan (on western bank of the Kalgan River);
  - d) “Melaleuca Lane” to the un-named road off Prescottvale Road, Cuthbert;
  - e) “Tudor Road” to the un-named road off Dawson Road, Youngs Siding and extend “Dawson Road” to the northern extremity of the road reservation;
  - f) “Harris Road” to the un-named road off Yungarup Road, Napier following the joint adoption of that name by the Shire of Plantagenet;
  - g) “Millar Road”, to recognise the local and long standing use of that name in lieu of Millar Street, Elleker;
  - h) “Mai Street”, to the un-named road off Cuming Road, Lockyer;
  - i) “Shirley Court” to the northern portion of Hassell Street, Elleker;
  - j) “Nenanup Road” to the un-named road off Eden Road, Youngs Siding;
  - k) “South Stirling Road” to the section of Thompson Road, South Stirling located within the townsite; and
  - l) “Turnor Road” to correct the current spelling of Turner Road, Wellstead;
- iii) take no further action to modify or change the naming of sections of Mason Road, Lange; and
- iv) confer with the Geographic Names Committee on the application of Elphinstone and Allerton Road names within the Allerton Industrial Estate and modify the road name plates to remove any uncertainty over road names.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR MARSHALL**

**THAT Council**

- i) acknowledge the following official changes in road names:**
  - a) **Old School Road, Elleker has replaced “*School Road*”;**
  - b) **Gidley Farm Road, Millbrook has replaced “*Gidley Farm Grove*”;**
  - c) **Bramwell Road, Robinson has replaced “*Bramwall Road*”;**
  - d) **North Road, Elleker has replaced “*Torbay Road*”;**
  - e) **Sims Road, Manypeaks has been recognised;**
  - f) **Burns Road, Redmond has been recognised;**
  - g) **Affleck Road, Kalgan has been recognised;**
  - h) **Woods Road, Takenup has been recognised;**

DEVELOPMENT SERVICES REPORTS

- i) **Wolfes Pump Road, Youngs Siding has been applied to the section of Lake Saide Road located between Brownes Road and Lake Saide Road North;**
  - j) **Hassell Road has been applied to the section of Muir Road, Elleker which forms the north/south section of the road reserve constructed as an extension of Hassell Road;**
  - k) **Gledhow Road West, Robinson has replaced Gledhow Road;**
  - l) **Gledhow Road East, Robinson has replaced Gledhow Road;**
  - m) **Pony Club Road, King River has been recognised;**
  - n) **Tennessee Road North, Youngs Siding has been extended to include the western end of Vine Road; and**
  - o) **Barrass Road, Little Grove has been extended to include the western portion of Opal Street;**
- ii) **seek the approval of the Geographic Names Committee to apply the following road names:**
- a) **“Howell Road South” to the section of Howell Road, Marbelup, located to the south of South Coast Highway, and apply the road name “Reddin Road” to the road reserve which intersects that road;**
  - b) **“Terry Road” to the western section of Hooper Road, Walmsley, off Chester Pass Road;**
  - c) **“Kalgonak Lane” to the un-named road off Nanarup Road, Kalgan (on western bank of the Kalgan River);**
  - d) **“Melaleuca Lane” to the un-named road off Prescottvale Road, Cuthbert;**
  - e) **“Tudor Road” to the un-named road off Dawson Road, Youngs Siding and extend “Dawson Road” to the northern extremity of the road reservation;**
  - f) **“Harris Road” to the un-named road off Yungarup Road, Napier following the joint adoption of that name by the Shire of Plantagenet;**
  - g) **“Millar Road”, to recognise the local and long standing use of that name in lieu of Millar Street, Elleker;**
  - h) **“Mai Street”, to the un-named road off Cuming Road, Lockyer;**
  - i) **“Shirley Court” to the northern portion of Hassell Street, Elleker;**
  - j) **“Nenanup Road” to the un-named road off Eden Road, Youngs Siding;**
  - k) **“South Stirling Road” to the section of Thompson Road, South Stirling located within the townsite; and**
  - l) **“Turnor Road” to correct the current spelling of Turner Road, Wellstead;**
- iii) **take no further action to modify or change the naming of sections of Mason Road, Lange; and**
- iv) **confer with the Geographic Names Committee on the application of Elphinstone and Allerton Road names within the Allerton Industrial Estate and modify the road name plates to remove any uncertainty over road names.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Locality Boundary Review - Mettler**

<b>File/Ward</b>	: SER 079 (Hassell Ward)
<b>Proposal/Issue</b>	: Request to Change Existing Localities to Create Locality of Mettler
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: Various Landowners
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 15/03/05 - Item 11.1.2
<b>Summary Recommendation</b>	: Decline Request to Advocate for the Creation of the Mettler Locality.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. Prior to 2001, no official locality names existed in the City's rural area. Landowners, service and postal authorities, government agencies and other groups were at liberty to attach any label they thought appropriate to a property. There were instances where properties had multiple descriptors and inconsistencies existed in describing properties in close proximity to each other.
2. In 2001, after receiving advice from the City of Albany, the Department of Land Administration (now Department of Planning and Infrastructure) put in place official names and boundaries for localities (see plan following report). The official announcement of those localities was delayed until rural street numbers could also be allocated to each property. In October 2004, each rural household was notified by the Department of their official address (number, street, locality).
3. Mr Barry Smith, and several of his neighbours along Venns Road, wrote to Council in 2004 objecting strongly to the locality boundaries applied in the Venns Road area and more particularly with "the loss" of the name "Mettler" from official records. At the March meeting Council resolved;

*"THAT Council defer its consideration of a request to rename portions of the localities of Green Range, Wellstead and Cape Riche to Mettler to provide adequate time for the affected landowners to adequately document the requirements outlined by the Geographic Names Committee and to establish an appropriate boundary for the proposed locality."*

4. The Executive Director Development Services met with a delegation of landowners on a Venns Road property in the week following the meeting and that delegation defined the boundary of the proposed locality (see plan following this report). Letters were then sent to all affected landowners (32 in total) to obtain their feedback on the proposal. A total of 21 submissions were received of which 13 supported the change and eight are in opposition. Copies of the submissions will be forwarded separately to Councillors.

**STATUTORY REQUIREMENTS**

5. Section 26 (2) (b) of the Land Administration Act 1997 states *"The Minister (for Lands) may by order define and redefine the boundaries of, name, rename and cancel the names of, and subject to this section, abolish land districts and townsites."*
6. Section 295 (3) (c) of the Local Government (Miscellaneous Provisions) Act 1960 also states *"a person shall not; (i) assign a name to an area or street, unless the name is first approved by the Minister for Lands or (ii) alter or change a name that has been so assigned, whether initially or from time to time, to the area or street unless the Minister of Lands first approves of the alteration or change of that name."*

**POLICY IMPLICATIONS**

7. The Geographic Names Committee of the Department of Planning and Infrastructure has produced guidelines to facilitate the approval and processing of nomenclature applications.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**FINANCIAL IMPLICATIONS**

8. There are no direct costs to Council to pursue a review of locality boundaries. Staff time has been incurred in advocating on behalf of the landowners and additional time will be required to adjust Council's records to reflect a boundary change.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

- *Excellent community infrastructure and services*

***Mission Statement:***

*The City of Albany is committed to ...*

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

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

10. The affected landowners have properties in the general area where the newly created locality boundaries of Green Range, Cape Riche and Wellstead meet. Like many other landowners in the District, a landowner in Venns Road could have their consolidated holding within one or more localities.
11. According to the Department's guidelines, it is possible to rename a locality *“provided there are sound reasons for a change”* and should have some of the following typical requirements (list reduced to only those items relevant to the current discussion);
- *The proposal has strong local government support.*
  - *The proposed name has some long-standing association with the locality.*
  - *The proposal is supported by a broad-based community survey indicating very strong community support for the name change.*
12. The guidelines then proceed to state that renaming proposals are unlikely to proceed if;
- *The proposed name has no relationship to the area or is a made up name.*
  - *The proposed name is duplicated or similar in spelling or sound to an existing Western Australian town or locality name.*
  - *Petitions presented in support only present one point of view.*
  - *The proposal is not supported by Local Government.*
13. Council has the capacity to advocate on behalf of the landowners along Venns Road to excise a new locality of “Mettler” from the existing localities of Green Range, Wellstead and Cape Riche. The ultimate decision to excise the locality will rest with the Minister for Lands. If Council decides to take no action, then the request is unlikely to succeed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

- 14. The responses from the landowners do portray a compelling argument to remove the locality of Cape Riche. Of the eight landowners who did respond from Cape Riche, most felt they were part of Wellstead.
- 15. Similarly, seven landowners in Wellstead responded and six agreed to identify themselves as part of Mettler. Unfortunately, the landholdings are not contiguous and it is unclear whether the intervening lots are for or against a change in name.
- 16. Of the four respondents currently within the locality of Green Range, three support being included in a locality of Mettler, but they are also non-contiguous land parcels.
- 17. It could be argued that the lack of response from the “intervening properties” is a direct consequence of the land usage on those lots (tree farms). Landowners are less likely to be concerned about the description applied to their land if they do not reside on the land and they have no affinity or daily association with the history of the locality. It could also be equally argued that the transition to tree farming in this region dilutes the importance of the locality name, due to fewer people needing an address for daily property identification purposes.
- 18. From the survey conducted, it would be difficult to meet the primary criteria set by the Geographic Names Committee that *“the proposal is supported by a broad-based community survey indicating very strong community support for the name change”*. There appears to be greater support for the deletion of the locality of Cape Riche and its incorporation into Wellstead, than is evident for the creation of a locality of Mettler. If a boundary was to be drawn, it would appear that at least half of the properties inside that boundary would not be “very strongly” in support of the change.

**RECOMMENDATION**

THAT Council decline the request to advocate for the renaming of portions of the localities of Green Range, Wellstead and Cape Riche to create a locality called Mettler.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WALKER  
 SECONDED COUNCILLOR JAMIESON**

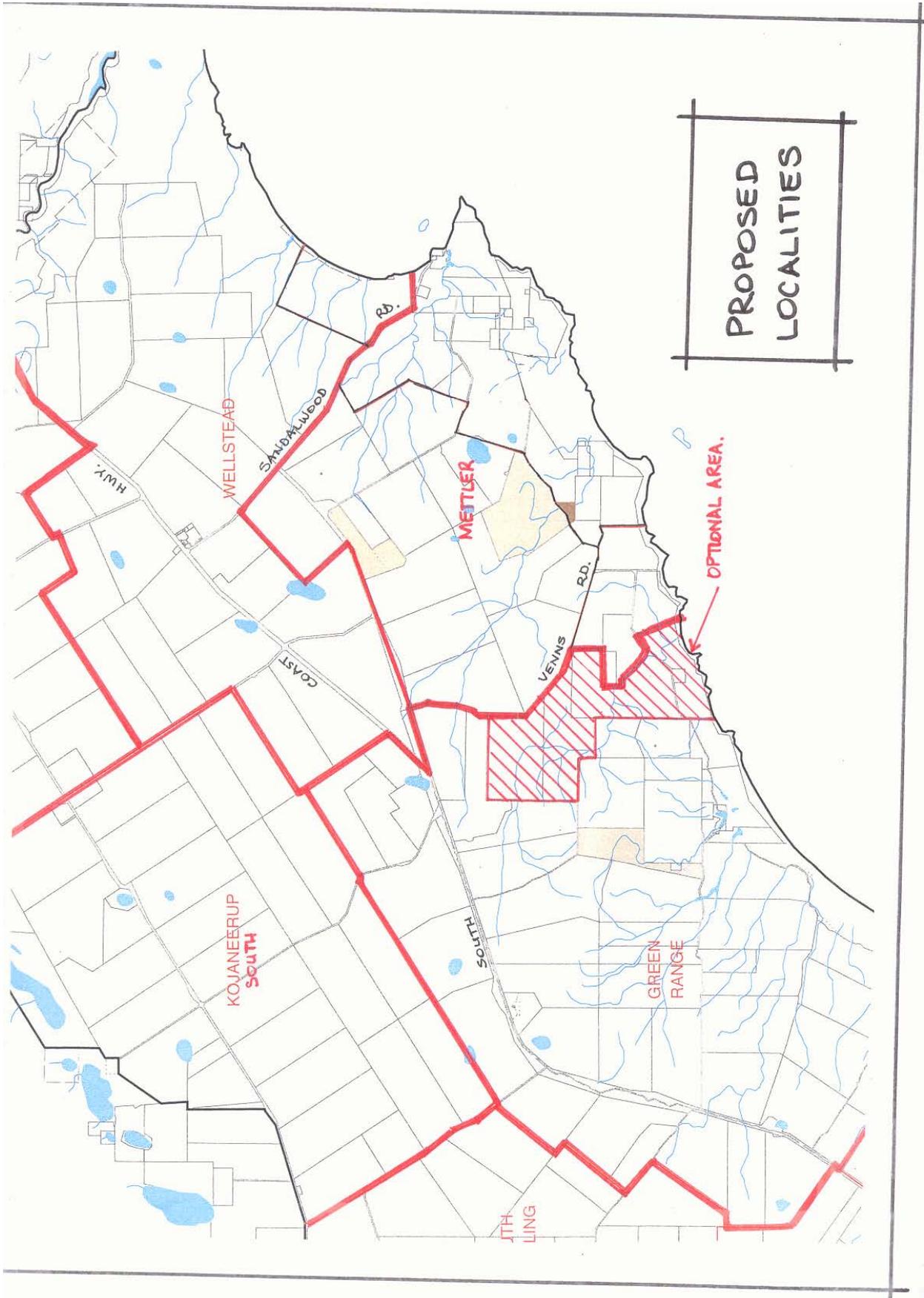
**THAT Council defer consideration of this matter until such time as all survey responses have been received.**

**MOTION CARRIED 14-0**

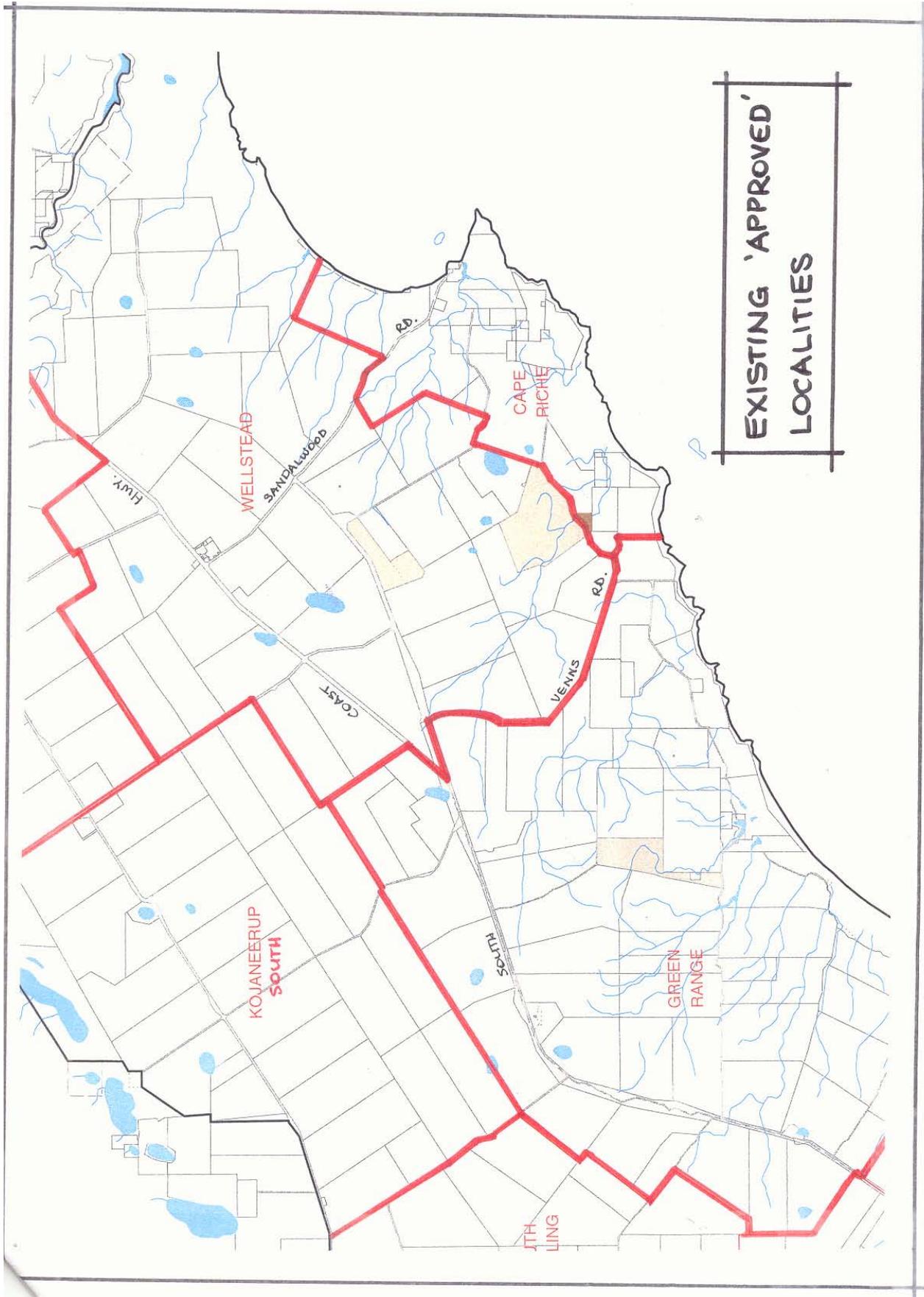
Reason:

A local resident has advised that landowners that did not respond to the survey are in favour of the Mettler proposal. Council should therefore only consider the situation when all responses have been received.

Item 11.1.2 continued



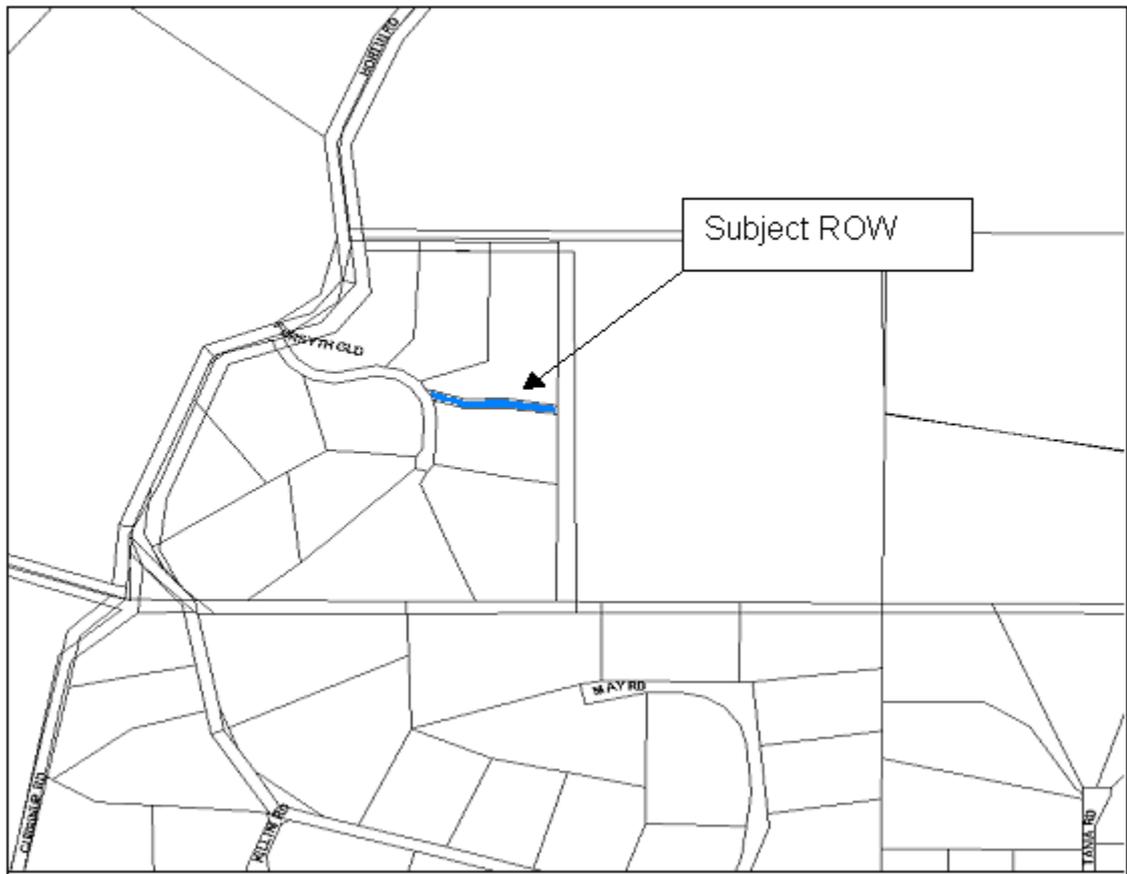
Item 11.1.2 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Road Dedication – Conversion of Right of Way to Public Road – Torbay**

<b>File/Ward</b>	: A54657S (West Ward)
<b>Proposal/Issue</b>	: Request to dedicate existing ROW as a public road
<b>Subject Land/Locality</b>	: Forsythe Glade, Torbay
<b>Proponent</b>	: 35 Degrees South
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: To support the request
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. Council has received a request from 35 Degrees South to dedicate an existing right of way (ROW) at the end of Forsythe Glade as a public road. The change in the reserve status will formalise vehicular access into a new Special Rural subdivision known as 'Cosy Corner Estate'.
2. The Western Australian Planning Commission granted subdivision approval for the 19 lot subdivision on 19 September 2003 (plan shown attached). The plan shows a new cul-de-sac being created from the end of an existing ROW, which connects onto Forsythe Glade. This connection has now been constructed to Council's requirements.
3. The proponent has advised that prior to creating titles for the lots fronting the new cul-de-sac, the Department of Planning and Infrastructure requires Council's support (via a Council resolution) to change the dedication of the ROW to a public road.

**STATUTORY REQUIREMENTS**

4. Under Section 56 of the Land Administration Act 1997, a resolution of Council supporting the dedication is required prior to the land being dedicated as a public road.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

- *Excellent community infrastructure and services.*

***Mission Statement:***

*The City of Albany is committed to...*

- *sustainably managing Albany's municipal assets.*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

8. The ROW is currently owned by Council, and now that a through road has been constructed to Council's specifications, the proposed dedication would be in keeping with the purpose of the land, which is unrestricted vehicle access.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

RECOMMENDATION

THAT Council resolves to:

- i) support the dedication of the existing Right of Way as a 'Public Road' pursuant to Section 56 of the Land Administration Act 1997; and
- ii) advise the proponent and the Department of Planning & Infrastructure of Council's resolution.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR PAVER**

**THAT Council resolves to:**

- i) support the dedication of the existing Right of Way as a 'Public Road' pursuant to Section 56 of the Land Administration Act 1997; and**
- ii) advise the proponent and the Department of Planning & Infrastructure of Council's resolution.**

**MOTION CARRIED 14-0**



**DEVELOPMENT SERVICES REPORTS**

**11.1.4 Development Application – Multiple Dwellings – Lots 9 & 12 Earl Street, Albany**

<b>File/Ward</b>	:	A140658 (Fredrickstown Ward)
<b>Proposal/Issue</b>	:	Development Application for Multiple Storey Apartment Block.
<b>Subject Land/Locality</b>	:	Lots 9 & 12 Earl Street, Albany
<b>Proponent</b>	:	Lou Marchesani
<b>Owner</b>	:	Ridgecity Holding
<b>Reporting Officer(s)</b>	:	Senior Planning Officer (J Devereux) Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Issue Notice of Planning Scheme Consent Refusal and forward offer to assist redesign of project.
<b>Bulletin Attachment</b>	:	Proponent's Report, Site Plan and Building Elevations.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. Council has received a development application from Ridgecity Holdings to construct an Apartment Building, containing 46 multiple dwelling units, upon Lots 9 & 12 Earl Street, Albany. The development incorporates 16 two bedroom apartments (88m<sup>2</sup> in area) and 30 three bedroom apartments (ranging in area from 106m<sup>2</sup> to 201m<sup>2</sup>). A copy of the proponent's report, site plan and elevations is included in the Elected Members Report / Information Bulletin.
2. Lot 9 has an area of 1389 m<sup>2</sup> and has been developed for retail purpose (Retravisio store). Lot 12 has an area of 1539m<sup>2</sup>, is vacant and is used for "overflow" parking by adjoining businesses. The eastern boundary of lot 12 is the border of the 'Central Area' zone; the land adjacent to Lot 12 is zoned "Residential", with a Residential Density Coding of R30 under the Residential Planning Codes of W.A. (the Codes).
3. The proposal was made available for public comment for a period of 21 days. Advice letters were sent to both the surrounding property owners and others in the general locality, a town planning notice sign was placed on-site and an advert placed in the newspaper, inviting comments before the close of business on the 24 June 2005. During this period a total of 271 letters were received. Copies of those letters have been distributed independently to Councillors and they will be tabled at the meeting.
4. Staff have also met with the proponent and the landowner and raised concerns over functional components of the proposed development. Amendments to the proposed development have been foreshadowed and they were not available when this report was drafted. The plans submitted allow the project to be constructed in stages with each stage occupying the entire area of the current lots.
5. This report addresses the application lodged with Council and displayed for public comment. Should amended plans be submitted before Council debates this report, an addendum will be provided.

**STATUTORY REQUIREMENTS**

6. The two lots are zoned 'Central Area' in the City of Albany Town Planning Scheme No.1A (the Scheme). A residential density coding of R160 applies to the majority of the lots within the Central Area zone. The maximum number of units available under the Coding is being sought and each dwelling would occupy an equivalent site area of 62.5m<sup>2</sup>.
7. The Scheme, at Clause 4.12 states, "*Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.*"
8. The proposed development is to be used exclusively for residential purposes and it is automatically required to comply with the 'Multiple Dwelling' provisions of the Codes.
9. 'Multiple Dwellings' are a discretionary land use in the Central Area zone and Staff, under delegated authority of Council, advertised the application for public comment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

10. In determining this application, Council needs to take into account the matters listed under Clause 7.8A of the Scheme. That clause outlines the 'Matters to be Considered by Council'. Those 'matters' are not reproduced here but are highlighted and discussed in the Comments section, under the context they were raised by the public submissions. In summary, Clause 7.8A requires Council to give consideration to the:-
- provisions of the Scheme;
  - Residential Design Codes of Western Australia;
  - public comments received;
  - policies adopted by Council under the Scheme;
  - requirements for orderly and proper planning;
  - the compatibility of a development with its setting;
  - amenity of the locality; and
  - traffic impacts and servicing availability.

**POLICY IMPLICATIONS**

11. The subject land is within the 'Urban Design & Streetscape Guidelines for Infill Development' (the Guidelines) policy area. The Guidelines set objectives for infill development and the approach that should be taken when designing a new building. The Guidelines complement the Albany Design Guidelines, which focus on the redevelopment of existing buildings within the same geographic area.

**FINANCIAL IMPLICATIONS**

12. There are no direct financial implications relating to the determination of this application.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

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

***Mission Statement:***

*The City of Albany is committed to ...*

- *providing sound governance*

***Priority Projects:***

- *Nil.”*

**COMMENT/DISCUSSION**

14. Due to the complexity and scale of the proposed development, Officer comments are grouped under the various policy and legislative mechanisms. The policy framework relating to this matter is not comprehensive, and Council must rely upon broad planning principles and policy objectives to guide its decision-making.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

Town Planning Scheme No.1A

15. The zoning and the density coding applied to the land, and its immediate environment, allows for a higher density of development than currently exists on the ground. The Scheme identifies isolated 'local' heritage sites in close proximity to the subject land but does not recognise the street as a heritage precinct. The Scheme also provides for residential development opportunities in close proximity to the CBD, as well as commercial and apartment living within the city centre. The benefits of inner and near city living has been advocated by Council for over a decade and the vitality that inner city living brings to the community is well documented. Staff have not provided a commentary on those benefits in this report.
16. The development complies with the zoning and density specified in the Scheme, but is at variance with the plot ratio requirements of 1.5 specified for the 'Central Area' zone; the Scheme allows for 4392m<sup>2</sup> of floorspace to be developed on the 2928m<sup>2</sup> land parcel. If Council was to revert to the plot ratio provisions of the Codes, the landowners could develop 5856m<sup>2</sup> of floor space and the current proposal seeks to provide 4809m<sup>2</sup>. Clause 4.12 of the Scheme, mentioned above, allows the plot ratio requirement of the Codes to override the Scheme provisions.
17. The matters of the development that have been questioned by staff, which no written response has been received, at the time of writing this report, include: -
  - Gaining legal access through the property to the rear of the proposal;
  - Proof from the Water Corporation of the ability of the existing reticulated sewerage being able to cope with the extra loading; and
  - How rubbish trucks are going to enter and leave the site in a forward motion.
18. The minimum amount of visitor car parking has been indicated by the proponent will be provided in the secured undercover parking. When a visitor approaches the entrance to the undercover parking they will need to lean out of a car, push the appropriate apartment number and speak into an intercom; the gate will then be opened and the visitor will then be able to enter the car parking area. The attraction for the visitors would be just to park on the street, to avoid the need of waiting to be allowed in. There is limited on-street parking available along Earl Street and at present is used most of the time day and night. The design of the development should be able to provide the minimum amount of visitor bays in an easily accessible area.
19. The other scheme matters to be considered by Council, which will be discussed later in the report, include amenity, streetscape and built form.

Residential Design Codes of Western Australia

20. There are ten design elements of the Codes and the development generally complies with those elements. There are three elements that need specific attention by Council;

Building Heights

21. The plans show that the ground floor of the building is positioned 0.8m above street level at the eastern boundary of the land and approximately 2.8m above street level at the western boundary (the floor level of the upper car park being just below street level). The wall height, relative to the adjacent street, at the eastern boundary is approximately 15m and it is approximately 17m at the western boundary. The land falls away from the street and the height of the building, relative to the adjoining land at the southern boundary increases to approximately 19m.

**DEVELOPMENT SERVICES REPORTS**

## Item 11.1.4 continued

22. The objective of 'Element 7 – Building Height' is *“to ensure the height of buildings is consistent with the desired scale in a given locality”*. Council has no scheme policy to regulate building heights and developers have the option of satisfying the “acceptable development” or the “performance criteria” in the Codes. The acceptable development provisions, under section 3.7 of the Codes, limit building heights, from natural ground level, to not exceed:
- 6m wall height (roof above).
  - 7m wall height (concealed roof).
  - 9m to the top of the roof pitch
23. The proposed building, near the southern boundary, is around 19m above natural ground level, which exceeds the acceptable development standard of the Codes by twice the required value.
24. Council has the capacity to judge the application in accordance with “performance criteria”, which state:-
- “Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:*
- *adequate direct sun to buildings and appurtenant open spaces;*
  - *adequate daylight to major openings to habitable rooms; and*
  - *access to views of significance.”*
25. The height of the proposed building is far in excess of the height of any other building in the immediate locality. Nonetheless, this proposal is the first of its kind in Albany and there is no predetermined policy framework against which the height of the building can be judged. To the west, the zoning provides for commercial buildings in the Central Area zone and most of the existing commercial buildings are between 5 and 10m in height. The properties to the east and north are limited to residential developments and heights are likely to remain below 10m, due primarily to the exceptional streetscape and heritage values of the existing buildings. The subject land is the boundary between the two zones and the proponent has provided no justification for the building height being sought. The required density of development can be achieved on-site by increasing the footprint of building activity. Modifying the built form can dramatically reduce the overall height of the structure, particularly adjacent to the eastern property boundary and to the street.
26. The amenity of adjoining properties will also be compromised to varying degrees by a reduction of solar access (the residential property to the east during the afternoon, and to the commercial properties to the west and south during the morning and at midday respectively). Access to views of significance from adjoining properties on the northern side of the development will also be modified, depending upon the location of the affected property to the subject land. The quantum of those impacts needs to be tempered with the knowledge that an “acceptable development” or a commercial building constructed on the land would have also reduced solar access and the views from adjoining properties.
- Streetscape
27. Under Element 2 – Streetscape, the development is required *“to contribute towards attractive streetscapes and security for occupants and passerbys, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings”*. The development’s compliance with the Guidelines and the Codes will be discussed later in the report.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

Boundary Setback

28. Under 'Element 3 – Boundary Setbacks' the proponent is required "*to ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.*" The acceptable development criteria of the Codes require the building, as it is currently designed, to be set back from the side boundary: -
- First floor – 3.5m
  - Second floor - 5.0m
  - Third floor - 6.4m
  - Fourth floor - 7.8m
  - Fifth floor - 9.5m
29. At the rear of the eastern and western boundary, the development is set back 2 metres, which extends to about 5.5 metres setback closer to the front boundary.
30. If Council wishes to consider the project under the performance criteria of Element 3, consideration can be given to measures to ameliorate the impacts of building bulk on adjoining properties.
31. The Scheme prescribes a 'nil' side or rear boundary setbacks for the Central Area zone. It would be acceptable for a commercial development on this lot to be built up to the boundary, provided access servicing and parking arrangements can be satisfied.
32. The opportunity to use the subject land for Residential purposes is not being disputed by officers or by the public. Under the Central Area zoning, a residential use of the land is a discretionary activity. The vacant land could have been developed for commercial purposes (shop is listed as a 'permitted' land use and an office is a 'discretionary' land use activity) and that form of development would have introduced a certain built form, not dissimilar to the existing Retravision store.
33. The property immediately to the east of the subject land has been zoned for residential purposes (a wall height of 6m and a roof height of 9m is 'acceptable development' on that land under the Codes) and any development upon Lots 9 and 12 will form the transition between the regional commercial centre and the oldest residential area in Albany. That transition has been achieved by the reuse of residential buildings for commercial purposes along Aberdeen Street and by the space created by the street itself. On the subject land, the space available to achieve a similar transition is substantially reduced.
34. If the proposal were to be constructed in its current form, there would be a harsh border created between the two zones due to the building's height, bulk and the minimal 2.0 m setbacks.

Public Comment

35. A total of 271 letters, faxes and emails were received during the 21 day advertising period. The majority of the respondents objected to the proposal and their comments can be summarised under the following headings; height, appearance, loss of views, issues of heritage and precedence.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

Height

36. Concern over height was reflected in the majority of the submissions. Residents felt that the proposal was out of character with the surrounding area, it would impact on the skyline and it would restrict access to sunlight for surrounding properties. Many letters suggested that a three storey height limit should be imposed over the Central Area.
37. A three storey building in the CBD could range in height from 12m to 18m depending on the desired ceiling heights, the method of construction, the roof form and the relationship of floor levels to the adjoining street. The Masonic Lodge and the Town Hall are both double storey buildings of similar height to the subject development and both enrich the urban character of the City. The ridge of the subject building will be positioned at a lower level in the built environment than both the Masonic Lodge and the Town Hall.

Appearance

38. Many of the submissions regarded the design, bulk and scale of the development to be inappropriate. There were numerous letters “supporting in principle” the proposal, but the individual(s) had great concern over the design, and its inconsistency with the character of the area.

Loss of Views

39. Landowners to the north raised concerns regarding the loss of views. This is a valid concern that can be considered under the performance criteria for building height relaxations under the Codes. If the development was for a commercial project, some loss of views would result and no regard would be given to the diminishing of those views. A residential project with 9.0 m roof heights could be developed on the land under the “acceptable development” provisions of the Codes and it is difficult to quantify the impact of the additional height on views from individual properties (in most instances some component of the view would be lost but not the entire view).

Issues of Heritage

40. Concern was raised with the design, height, scale and bulk of the development and how it fits in with the heritage values of the area. These concerns will be discussed later in this report in the context of the Guidelines.
41. The development is across the road from a car yard, next to that is a 1970's unit development, a single house, and then the ‘Earl of Spencer’ which is listed on the ‘Municipal Heritage Inventory’ (MHI). On the same side of the street is a single house, followed by three cottages, the site, then a cottage and on the corner another cottage (occupied by a Chiropractor) which is listed on the MHI. The subject site in the context of the buildings along this section of road would not be considered as being part of a heritage precinct.
42. For the sake of completeness, the application was referred to the Heritage Council of Western Australia for their comments. At the time of writing this report no comments have been received.
43. Residents within the urban design policy area were required to comply with the ‘Albany Design Guidelines’ when they undertook building modifications and additions, resulting in substantial extra costs being incurred. They are concerned that the proposed development does not consider these requirements.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

Precedence

44. Many residents were concerned about Council setting a precedence that will impact on the assessment of future proposals. There is concern that this development would open the door for similar proposals and Albany would end up looking like Perth or the Gold Coast.
45. Council is currently considering two documents, 'Defining Central Albany Strategy' and 'the Housing Strategy', which will address the built form of this locality in more detail. The Tribunal and planning practice requires that each application be assessed on the merits of the application against the policy framework in place at the time.

Urban Design & Streetscape Guidelines for Infill Development

46. The objectives of the policy guidelines are: -
- *To encourage development that is in harmony with the existing character and appearance of traditional and highly scenic residential precincts of Albany; and*
  - *To ensure that new infill development harmonises with and enhances the existing dwelling up on the lot where it is erected and also the locality.*
47. New buildings and infill development should not attempt to reproduce an historic style. Rather, it should be simple in design and reflect the form, shape and proportions established by the earlier surrounding buildings. The proposed structure is required under the guidelines to blend and harmonise with surrounding structures, in terms of:-
- Basic shape, scale and mass; and
  - Street presentation and alignment.
48. The proposed building is repetitive in its vertical form and it does not appear to have addressed the objectives of the guidelines. The proposed development would dwarf the two single storey residential cottages on either side. There has been no attempt made to provide a transition of built form between the existing buildings, the street and the proposed structure.
49. The scale of the building is larger than any of the surrounding properties (both commercial and residential) and the design elements appear to maximise views from the proposed units, minimise construction costs and simplify the design, rather than address the urban design and streetscape requirements of the policy.

Conclusion

50. Council is required to assess this project against the principles of proper and orderly planning. The land is located within the Central Area zone of the Scheme and it could be developed for commercial purposes under the "Permitted" clauses of the Scheme. If that development option had been pursued, the community would be presented with a different built form to that being proposed. The open spaces that currently exist between buildings would be eroded (with resultant loss of views at street level to the harbour) and larger buildings would front the street.
51. The applicant seeks Council approval to develop Multiple Dwelling Units on the subject lots, which is a discretionary land use (cannot be developed without the approval of Council) in the zone. At paragraph 10 is a summary of the matters to be considered by Council as part of the decision-making process.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

52. There appears from the submissions to be general acceptance by the community that inner and near city living is both desirable and an acceptable land use in this locality. Conversion of some inner city floor space to “shop top housing’ has also been advocated by Council in the past. The density coding allows up to 46 units to be developed on the subject land and it is the built form being promoted by the proponent that raises concerns. Whilst the horseshoe shaped building maximises views to Princess Royal Harbour for the future tenants, it is Staff’s opinion that it fails to meet the setback requirements of the Residential Design Codes, it produces a built form that is inconsistent with the requirements of the ‘Urban Design and Streetscape Guidelines for Infill Development’ policy, the access arrangements to the site are less than desirable and the development provides an inappropriate transition from the “Central Area” zone to the adjoining “Residential” area.
53. With 4 metres of fall on the land from the north east to the south west corner, it is possible to introduce a number of buildings on the land at various heights which would be more sympathetic to the current built form, the streetscape and yet still achieve the required development yield. As a minimum, Staff suggest that the current development be set lower in the landscape (a reduction of 1.5m can be achieved without compromising access arrangements) and that consideration be given to reducing the number of stories on the eastern side of the building.
54. Council has the option of determining the application at this meeting or seeking to further negotiate a development outcome with the proponents. If the proponents are unwilling to compromise or negotiate on a more acceptable design outcome, then the decision-making process is simply delayed and the proponents will be unable to exercise their appeal rights until the matter can be brought back before Council.
55. Based upon the current design, Staff recommend a refusal be issued to the proposed development.

**RECOMMENDATION**

THAT Council resolve to grant a Notice of Refusal of Planning Scheme Consent, pursuant to Section 7.9 of the City of Albany Town Planning Scheme 1A, for the application lodged by Ridgecity Holding to construct 46 Multiple Dwelling Units at 9 & 12 Earl Street, Albany due to the following reasons:

- i) the proposed development does not comply with the Acceptable Development requirements of Elements 2, 3 and 7 of the Residential Design Codes of Western Australia;
- ii) the form, scale and mass of the proposed development does not comply with the objectives of the ‘Urban Design and Streetscapes Guidelines for Infill Development in Albany’;
- iii) the proposed development does not comply with the principles of proper and orderly planning;
- iv) the development is not compatible with its setting or the preservation of the amenity of the locality; and
- v) insufficient information has been provided to justify that suitable access arrangements can be provided to the proposed development.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

AND

THAT Ridgcity Holdings be advised that Council supports the principle of a Multiple Dwelling Unit development on Lots 9 and 12 Earl Street, Albany and that Council would welcome the opportunity to discuss alternate design options for the site.

*Voting Requirement Simple Majority*

.....  
**ADDENDUM TO OFFICERS REPORT**

**COMMENT/DISCUSSION**

56. On the 5 July 2005 the proponent provided Council with an amended design for the proposed Apartment Block. That design has gone some way towards responding to the concerns outlined in the Officer Report and in the submissions received from residents in the locality.
57. Paragraph 1 of the report should now read “Council has received a development application from Ridgcity Holdings to construct an Apartment Building, containing 42 multiple dwelling units, upon Lots 9 & 12 Earl Street, Albany. The development incorporates 16 two bedroom apartments (88m<sup>2</sup> in area) and 26 three bedroom apartments (ranging in area from 106m<sup>2</sup> to 201m<sup>2</sup>).”
58. The amended plan has not been subjected to an additional advertising period or been referred to those persons who lodged submissions on the proposal.
59. This addendum provides the additional information mentioned at paragraph 5 of the report. In assessing the amended plans Staff were concerned that the information transmitted verbally to Councillors and Staff is not appropriately documented and inconsistencies exist in the information contained on the plans.
60. At paragraph 12 of the report it is stated that there are no direct financial implications relating to this item. It has been noted however that the Proponent has advised that the anticipated cost of the development is \$4.14mil and the planning fee has been calculated on the basis of that anticipated cost. The estimated cost appears to be inadequate to construct the 4580m<sup>2</sup> of apartments and 3380m<sup>2</sup> of car parking floor space (approx. \$520 per m<sup>2</sup> for construction).
61. At paragraph 15 it is emphasised that the land to the west (existing cottage) and south (Frederick House) is included in the Central Area zone where the R160 Coding applies and the land to the east (cottage) and north (Albany City Holden) is in the Residential zone with an R30 Coding in place. The 229m<sup>2</sup> reduction in floor space (refer to paragraph 16) allows the plot ratio to remain within the Codes guidelines, but still be in excess of the Scheme by 188m<sup>2</sup>.
62. The Proponent has sought to modify the western portion of the building, at the car park levels, to allow a driveway to be constructed down the western property boundary. At paragraph 17, concern was raised over the capacity to remove refuse from the site. The amended plans are still unclear as to how the driveway will impact upon the built form and retain adequate width and height to accommodate the “drive through” movement of the refuse truck; the current design requires tenants in the easternmost unit to move their bins approximately 50 metres to the

**DEVELOPMENT SERVICES REPORTS**

collection point and there is no storage space available at that position for the anticipated 40 bins awaiting collection.

63. The Proponent has responded to community concerns over the height of the building by dropping the entire structure by 1.13m. Paragraph 21 should now read “The supplementary plan provided by the Proponent indicates that the ground floor of the building is to be positioned 0.2m below street level at the centre of the land and approximately 1.7m above street level at the western boundary (the floor level of the upper car park now being 1.2m below street level). The wall height, relative to the adjacent street, at the eastern boundary is approximately 11.6m and it is approximately 15.8m at the western boundary. The land falls away from the street and the height of the building, relative to the adjoining land at the southern boundary increases to approximately 17.8m” paragraph 23 also needs amending to reflect the changed position. Unfortunately, the sectional plan provided with the amended documentation still reflects the earlier building levels and the documentation will require amendment to ensure clarity of intent.
64. By reducing the height of the eastern half of the building by approximately 3.9 metres, the structure would have a roof height comparable with a three storey, pitched roof residential development on the adjacent lot, if that lot was allowed to be developed for that purpose, assisting in the transition between zones mentioned at paragraphs 25, 33 and 48. The reduction in solar access for that lot (a concern raised in paragraph 26) will be marginally reduced, but not eliminated. Similarly, the setback distances required from the side boundaries (paragraphs 28 and 29) is reduced slightly, but not to a level where the current proposal complies.
65. The fundamental concerns with the building’s bulk and its form still remain largely unresolved in the amended plans. An attempt has been made to articulate the building through the introduction of alternate building materials on the street facade, however the impact it will have on the streetscape will remain largely unchanged. By repeating floor layouts over several stories, building bulk is increased and the capacity to articulate and break up the built form is removed.
66. The Proponent has requested that Council consider the development application at the July meeting and Staff are concerned that the documentation provided is inconsistent and some key information on site management remains outstanding.

**AMENDED RECOMMENDATION**

THAT Council resolve to grant a Notice of Refusal of Planning Scheme Consent, pursuant to Section 7.9 of the City of Albany Town Planning Scheme 1A, for the application lodged by Ridgcity Holding to construct 46 Multiple Dwelling Units at 9 & 12 Earl Street, Albany due to the following reasons:

- vi)** the proposed development does not comply with the Acceptable Development requirements of Elements 2, 3 and 7 of the Residential Design Codes of Western Australia;
- vii)** the form, scale and mass of the proposed development does not comply with the objectives of the ‘Urban Design and Streetscapes Guidelines for Infill Development in Albany’;
- viii)** the proposed development does not comply with the principles of proper and orderly planning;
- ix)** the development is not compatible with its setting or the preservation of the amenity of the locality; and

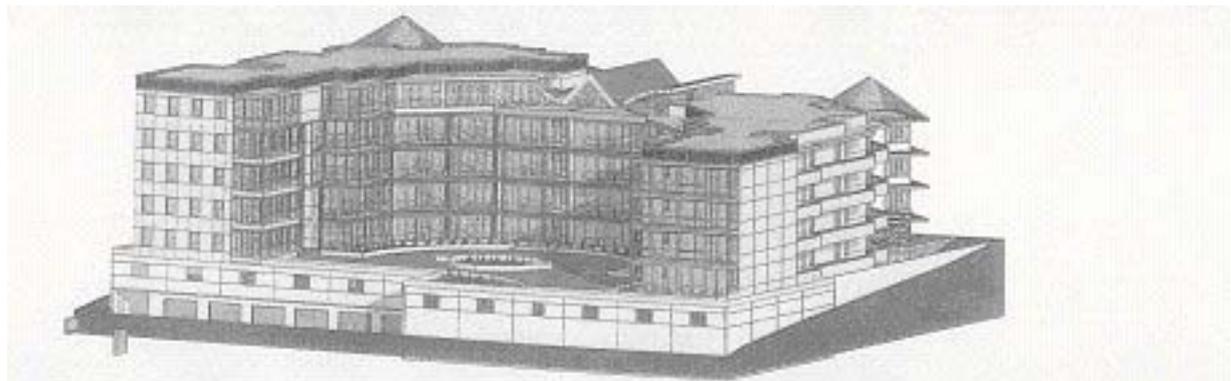
**DEVELOPMENT SERVICES REPORTS**

- x) insufficient information has been provided to justify that suitable access arrangements can be provided to the proposed development.

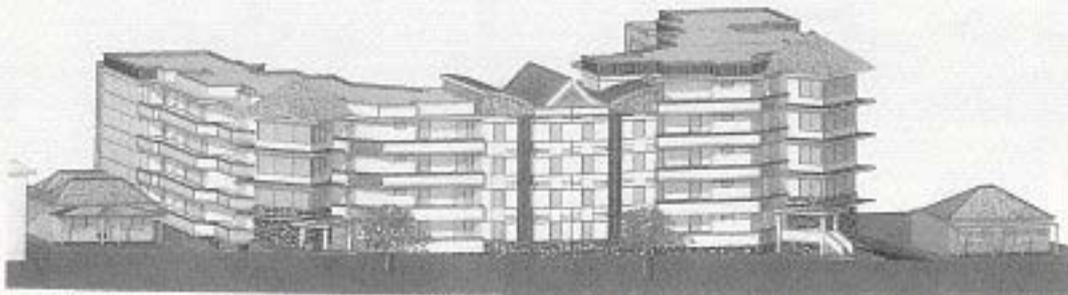


NORTH PERSPECTIVE

PROPOSED APARTMENTS ON LOTS 86 & 87 EARL STREET ALBANY FOR REDDIFTY HOLDINGS PTY LTD	L.MARCHESANI & ASSOCIATES DESIGNERS & DRAFTSMEN 175 BARR STREET OSBORNE PARK TEL: 9344 9822	DATE: 20/12/04 SCALE: AS SHOWN DRAWN: E.CALLAGHAN
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SOUTH PERSPECTIVE



NORTH PERSPECTIVE

PROPOSED APARTMENTS ON LOTS 86 & 87 EARL STREET ALBANY FOR REDDIFTY HOLDINGS PTY LTD	L.MARCHESANI & ASSOCIATES DESIGNERS & DRAFTSMEN 175 BARR STREET OSBORNE PARK TEL: 9344 9822	 L.MARCHESANI & ASSOCIATES DATE: 20/12/04 SCALE: AS SHOWN DRAWN: E.CALLAGHAN
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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued.

Councillor Wellington declared an interest in this item and left the Chambers at 8.13pm. The nature of his interest is that he is part owner of the adjoining land.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WISEMAN**

**THAT this item lay on the table.**

**MOTION CARRIED 13-0**

Amendment

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR BOJCUN**

**THAT this item lay on the table to allow public consultation on the amended plans as presented at the Ordinary Meeting of Council held on 19<sup>th</sup> July 2005.**

**AMENDMENT CARRIED 13-0**

Amendment become motion and motion carried 13-0.

Councillor Wellington returned to the Chambers at 8.17pm.

**DEVELOPMENT SERVICES REPORTS**

**11.2 HEALTH, BUILDING & RANGERS**

**11.2.1 Local Law – Burning Rubbish, Refuse or Other Material**

<b>File/Ward</b>	:	REL 084 (All Wards)
<b>Proposal/Issue</b>	:	Local Law pertaining to Burning Rubbish, Refuse or Other Material
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Bush Fire Officer (S Gray)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Create Local Law Banning the Burning of Rubbish, Refuse or Other Material
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Over several years, complaints have been received by Council staff and Councillors regarding the burning of windrows resulting from land development. Those windrows are often left to smoulder for days on end. A recent example was on North Road Yakamia. Complaints have not just been restricted to this type of open air burning, but also to residents burning household rubbish, green and dry garden refuse in the yards of residential lots.
2. The removal of green waste on small residential and semi rural lots has historically happened by setting fire to raked heaps of vegetation. Developers have also used fires to remove any windrowed timber they cleared from the land. The incidence of asthma and other respiratory ailments amongst the populus has risen in Western Australia, and for some individuals, smoke and pollen can trigger severe (in some instances life threatening) attacks.

**STATUTORY REQUIREMENTS**

3. In 2001, Council passed the City of Albany Health Local Laws (2001), which contains the following sections that directly relate to this issue:

Interpretation

*“4.2.1 In this division, unless the context otherwise requires -  
“rubbish or refuse” includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;*

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

Burning Rubbish or Refuse

- 4.2.10 (1) *A person shall not -*
- (a) *without the approval of the Council; and*
  - (b) *except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either*
    - (i) *in any incinerator; or*
    - (ii) *on the ground.*
- (2) *Subject to subsection (3), an approval of the Council is issued subject to the following conditions -*
- (a) *the material to be burnt –*
    - (i) *does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and*
    - (ii) *is of such quantity, or of such a nature, as to be unsuitable for removal by the Council's refuse collection service;*
  - (b) *there is no other appropriate means of disposal;*
  - (c) *burning shall not take place -*
    - (i) *during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or*
    - (ii) *where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;*
  - (d) *an incinerator must meet the standards specified by Council; and*
  - (e) *an incinerator unit used for fire must be located -*
    - (i) *at least 2 metres from a fence, building or inflammable matter; and*
    - (ii) *in such a position so as not to create a nuisance or be offensive to other persons.*
- (3) *Subject to the provisions of the Bush Fires Act, the Council may grant approval to clear by burning fire breaks or vacant blocks of grass, straw, hay undergrowth, herbage and other similar vegetation."*

Escape of Smoke etc

- "5.1.3 (1) *Subject to subsection (2), an owner or occupier shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such nature as to cause or to be a nuisance.*
- (2) *Subsection (1) does not apply to smoke from the chimney of a private dwelling house."*

4. The Local Government Act 1995 at Section 3.5 provides that a Local Authority may make Local Laws and the Act sets out the matters to which a Local Law may apply.

**POLICY IMPLICATIONS**

5. There are no policy implications relating to this item

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**FINANCIAL IMPLICATIONS**

6. The introduction of subordinate legislation brings with it an obligation to police breaches of that legislation. The lighting of fires in back yards often occurs during the evening or on weekends when Council does not have Staff on call out, other than for emergency purposes. Substantial costs may be incurred if the enforcement of illegal back yard burning is to take place.
7. Concern by residents over their inability to dispose of leaf matter and cuttings by burning may result in demands for additional green waste collection services to be supplied. The Executive Director Works and Services is examining the frequency of those services at present.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

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

***Mission Statement:***

*The City of Albany is committed to ...*

- *Providing sound governance; and*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

9. The Health Local Law seeks to control and regulate public health matters. Prosecuting a landowner for open air burning is problematic and proving a smoke incident is linked to health issues can be difficult. Use of the Health Local Law is therefore not considered a practical solution to regulating inappropriate burning practices.
10. Under Section 24G of the Bush Fires Act, Council has issued a notice that states: *“All land owners and/or occupiers are advised that pursuant to Section 24G(2) of the Bush Fires Act 1954 the City of Albany prohibits the burning of all garden refuse in the South West Sector and the Gazetted Fire District during the restricted burning period, except with a permit, and the prohibited burning period”.*
11. This section covers the prohibited and restricted burning times (9 November to 30 April) and only applies to the burning of ‘garden refuse’. The Bush Fires Act does not provide an effective solution to regulating burning during the wetter months of the year.
12. The only practical solution available is to create a separate Local Law similar to one prepared by the City of Cockburn. The main components of their Local Law are reproduced in the Officer’s Recommendation.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**RECOMMENDATION**

THAT Council staff prepare a Local Law similar to the City of Cockburn dealing with Setting Fire to Rubbish, Refuse or Other Material which requires that;

- i)** a person shall not on any land which is zoned “Residential” or “Urban” under the town planning scheme, and contained within the ‘defined area’ set fire to or cause to be set on fire any rubbish, refuse or other material;
- ii)** on land greater than 2032m<sup>2</sup> in area a person may set fire to rubbish, refuse or other material provided they have obtained approval from an authorised person. This approval will be subject to-
  - a)** successfully demonstrating that reasonable alternatives do not exist and the potential for pollution is low;
  - b)** the material not including any plastic, rubber, food scraps or other material which may cause the generation of smoke or odour in such quantity as to cause nuisance to other persons;
  - c)** a haze alert not being issued by the Bureau of Meteorology during the time burning is to take place; and
  - d)** compliance with the bush Fires Act 1954 and any conditions as determined by an authorised person;
- iii)** barbeques, solid fuel water heaters, space heaters and ovens fired with dry paper, wood, synthetic char or charcoal type fuel will be exempted from the Local Law unless otherwise prescribed by the Bush Fires Act 1954;
- iv)** legitimate hazard reduction burning conducted by City of Albany employees, Fire and Emergency Services Authority staff, Department of Conservation and Land Management, Volunteer Fire and Rescue brigades and registered Volunteer Bush Fire Brigades will be exempted from the Local Law unless otherwise prescribed by the Bush Fires Act 1954; and
- v)** the Local Law to apply to the following area and localities within the City of Albany;
  - a)** FESA Gazetted Fire District; and
  - b)** defined localities of Lower King, Bayonet Head, Warrenup, Lange, McKail, Kalgan Heights and Gledhow.

AND

THAT as a matter of urgency, the Executive Director Works and Services further investigate options for landowners to remove green waste other than by burning and that a report be tabled no later than at September meeting of Council.

*Voting Requirement Simple Majority*

.....

Item 11.2.1 continued.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR JAMIESON**

**THAT Council staff prepare a Local Law similar to the City of Cockburn dealing with Setting Fire to Rubbish, Refuse or Other Material which requires that;**

- i) a person shall not on any land which is zoned “Residential” or “Urban” under the town planning scheme, and contained within the ‘defined area’ set fire to or cause to be set on fire any rubbish, refuse or other material;**
- ii) on land greater than 2032m<sup>2</sup> in area a person may set fire to rubbish, refuse or other material provided they have obtained approval from an authorised person. This approval will be subject to-**
  - a) successfully demonstrating that reasonable alternatives do not exist and the potential for pollution is low;**
  - b) the material not including any plastic, rubber, food scraps or other material which may cause the generation of smoke or odour in such quantity as to cause nuisance to other persons;**
  - c) a haze alert not being issued by the Bureau of Meteorology during the time burning is to take place; and**
  - d) compliance with the Bush Fires Act 1954 and any conditions as determined by an authorised person;**
- iii) barbeques, solid fuel water heaters, space heaters and ovens fired with dry paper, wood, synthetic char or charcoal type fuel will be exempted from the Local Law unless otherwise prescribed by the Bush Fires Act 1954;**
- iv) legitimate hazard reduction burning conducted by City of Albany employees, Fire and Emergency Services Authority staff, Department of Conservation and Land Management, Volunteer Fire and Rescue brigades and registered Volunteer Bush Fire Brigades will be exempted from the Local Law unless otherwise prescribed by the Bush Fires Act 1954; and**
- v) the Local Law to apply to the following area and localities within the City of Albany;**
  - a) FESA Gazetted Fire District; and**
  - b) defined localities of Lower King, Bayonet Head, Warrenup, Lange, McKail, Kalgan Heights and Gledhow.**

**AND**

**THAT, as a matter of urgency;**

- i) the Executive Director Works and Services further investigate options for landowners to remove green waste other than by burning and that a report be tabled no later than at September meeting of Council;**
- ii) a press release be issued advising urban lot owners of the appropriate methods of disposing of stockpiled materials and green waste, other than by burning; and**
- iii) the City’s inspection regime be altered so that cleared urban land is identified at the earliest opportunity and the landowners are contacted in writing to make them aware of the consequences of burning stockpiled materials.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued.

Reason:

- To avoid the problems experienced in the recent past, a more proactive approach needs to be taken to educate and inform developers of their obligations to the broader community.

**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Scheme Policy – Adopt for Advertising – Draft Outbuildings Policy**

<b>File/Ward</b>	:	STR 018 & STR 046 (All Wards)
<b>Proposal/Issue</b>	:	Review of Outbuildings Policy
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Planning Officer (T Sounness) Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 18/02/03 - Item 11.3.1 OCM 09/11/02 - Item 11.3.1 OCM 21/06/05 - Item 11.3.4
<b>Summary Recommendation</b>	:	Adopt for advertising Draft Outbuildings Policy.
<b>Bulletin Attachment</b>	:	Existing Outbuildings Policy
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Council resolved at it's meeting dated 21 June 2005 as follows:

*“THAT Council resolves to;*

- i) conduct a workshop with staff to explore the issues associated with the existing outbuildings policy with a view of identifying any opportunities to improve the existing Policy; and*
- ii) consider a review of it's Outbuilding Policy at it's next ordinary Council meeting (July).”*

2. On 28 June 2005 a workshop was conducted with staff and the issues were presented to Council for their consideration.

**STATUTORY REQUIREMENTS**

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

*“(a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

- (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
4. Clause 7.21.3 of Town Planning Scheme No. 1A requires the following procedure to be undertaken when altering or rescinding a Town Planning Scheme Policy.
- “(a) *Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
- (b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.”*
5. Clauses 6.9.2 and 6.9.3 of Town Planning Scheme No. 3 requires the same procedure as Clause 7.21.2 and 7.21.3 of Town Planning Scheme No. 1A to be undertaken to make a policy operative.

**POLICY IMPLICATIONS**

6. Any alterations to the City of Albany – Outbuilding Policy would be an amended Town Planning Scheme policy to be adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.

**FINANCIAL IMPLICATIONS**

7. Council is required to advertise the adoption of the policy in the local newspaper at it’s own cost for two consecutive weeks.

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

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

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

**Mission Statement:**

*The City of Albany is committed to ...*

- *Providing sound governance; and*

**Priority Projects:**

*Nil.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**COMMENT/DISCUSSION**

9. Applications for domestic outbuildings are processed against Council's existing 'Outbuildings Policy', which has been operational since it's adoption in February 2003.
10. As the previous agenda item outlined, there is concern that the existing policy is not meeting the requirements or expectations of landowners who legitimately wish to store items such as caravans, boats or other equipment or machinery.
11. Whilst the floor area requirements of Council's existing policy have rarely been challenged, the wall heights within the "Special Residential" and "Special Rural" zones have represented the major area of concern for some residents.
12. Staff believe that, as "Special Residential" and "Special Rural" lots are typically 4000m<sup>2</sup> to 2 hectares in size, the impact of a taller outbuilding in the landscape, when compared to residential areas, is lessened. The use of appropriate colorbond cladding and positioning of landscaping can also work to reduce the visual dominance of such structures.
13. The existing controls for the "Residential" areas of Albany appear to be appropriate and it is recommended that these provisions be maintained. By maintaining a 3 metre wall height limit this may preclude the storage of the larger caravans in this zone.
14. In the "Yakamia Creek" and "Conservation" zones it is recommended that the provisions applicable to the "Special Residential" zone be applied to fill the policy void.
15. In summary, it is recommended that the existing policy be modified in the following manner:
  - The wall heights for outbuildings in the "Special Residential" and "Special Rural" zones be increased from 3 and 3.3 metres respectively to 3.5 metres.
  - New provisions being inserted for the "Conservation" and "Yakamia Creek" zones, whereby a maximum floor area of 120m<sup>2</sup> and a maximum wall height of 3.5 metres would apply.
  - The performance based criteria within the existing policy be replaced by a special requirement section which provides clarity on what treatments are required to be made to the outbuilding once certain heights and areas are exceeded.
16. A copy of the proposed policy follows this report.

**RECOMMENDATION**

THAT Council adopt the draft Outbuilding Policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR LIONETTI**

**THAT Council adopt the draft Outbuilding Policy as a draft policy, subject to the wall height for Outbuildings in Special Residential and Special Rural areas being increased to 4.2 metres, and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.**

**MOTION CARRIED 12-2**

Reason:

- An increase in the wall height of outbuildings on larger lots is less problematic due to the capacity of landowners to screen the structures in the long term and it provides more acceptable storage space for vehicles on those lots.

# DRAFT CITY OF ALBANY - OUTBUILDINGS POLICY

**Applies to: Outbuildings in Residential, Residential Development, Future Urban, Special Residential, Special Rural, Yakamia Creek, Conservation and Rural zones.**

## 1.0 Background

Outbuildings are Class 10a buildings under the Building Code of Australia (1996) which are not substantially connected to a dwelling. The City of Albany knows that families have varying needs for outbuilding space (areas and heights) for garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc. As a general rule people expect to be able to have larger outbuildings on larger lots.

The City is also aware that in some instances outbuildings may result in problems including:

- Use of outbuildings for illegal commercial or industrial purposes which may result in adverse noise, traffic and visual impacts for neighbours and the locality. With the exception of those used for commercial farming purposes on rural lots, or approved home businesses, outbuildings may only be used for domestic purposes.
- Illegal use of outbuildings as residences, which often incorporate inadequate health and building standards for human habitation.
- Unlike most dwellings, outbuildings are usually very bland metal clad structures devoid of architectural features such as windows, verandas, etc. Construction of large and/or high sheds may have adverse impacts on visual character of streets and neighbourhoods, neighbours and scenic rural or coastal landscapes.
- When outbuildings incorporate reflective materials such as zincalume and are sited in visually prominent locations there is greater potential for adverse impacts on the landscape, and in some instances reflection can cause a serious nuisance for surrounding/nearby residents.

## 2.0 Aim

The **aim** of the City of Albany's Outbuildings Policy is:

***To achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, or the City as a whole.***

## 3.0 Specific Policy Requirements

The specific policy objectives and requirements for the different zones are set out in Table 1.

## 4.0 Application Details

Applications for outbuildings must include the following:

- (a) completed Building Licence or Planning Scheme Consent application form (refer tables 1-4);
- (b) Details of intended uses of the outbuilding;
- (c) Scale site plan showing contours, existing buildings, area of outbuilding and setbacks; and
- (d) Plans and elevations detailing the area, wall and ridge heights and the cladding materials and colours to be used.

**DEVELOPMENT SERVICES REPORTS****5.0 Definitions**

**“Outbuilding”** - for the purpose of this policy “outbuilding” means any Class 10a building under the Building Code of Australia (1996) Volume 2 which is not substantially connected to a dwelling.

**“Reflective materials”** - include factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white and smooth cream.

**6.0 Interpretations**

**“Height”** – the height of the outbuilding is to be measured vertically from the natural ground level, as per the measuring criteria stipulated in the Residential Design Codes (2002), and not the proposed finished floor level of the outbuilding.

**TABLE ONE – OUTBUILDING REQUIREMENTS**

<b>Zoning</b>	<b>Max. Wall Height</b>	<b>Max. Ridge Height</b>	<b>Max. Floor Area (combined floor area of all outbuildings on lot)</b>	<b>Special Requirements</b>
Residential / Future Urban / Residential Development Zone	3 metres	4.2 metres	100m <sup>2</sup>	<ul style="list-style-type: none"> <li>If floor area of outbuildings is to exceed 60m<sup>2</sup> the use of non-reflective materials is required.</li> </ul>
Yakamia Creek Zone	3.5 metres	4.5 metres	120m <sup>2</sup>	<ul style="list-style-type: none"> <li>If floor area exceeds 100m<sup>2</sup> the use of non-reflective materials is required.</li> </ul>
Conservation Zone	3.5 metres	4.5 metres	120m <sup>2</sup>	<ul style="list-style-type: none"> <li>Refer relevant planning scheme requirements for siting and materials.</li> </ul>
Special Residential Zone	3.5 metres	4.5 metres	120m <sup>2</sup>	<ul style="list-style-type: none"> <li>Refer relevant planning scheme requirements for siting and materials.</li> </ul>
Special Rural Zone	3.5 metres	4.5 metres	150m <sup>2</sup>	<ul style="list-style-type: none"> <li>Refer relevant planning scheme requirements for siting and materials.</li> </ul>
Rural Zone				<ul style="list-style-type: none"> <li>The siting of the outbuilding away from less obtrusive locations.</li> <li>If rural lot is less than 2 hectares the provisions of the ‘Special Rural’ zone as stipulated above apply.</li> </ul>

**7.0 Planning Scheme Consent**

Planning Scheme Consent of the City will be required where the above criteria cannot be achieved, and unless substantial justification can be provided, the application will not be permitted

**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Local Planning Policy – Adopt for Advertising – Draft Defining Central Albany**

<b>File/Ward</b>	: STR 128 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Draft Local Planning Policy for Defining Central Albany
<b>Subject Land/Locality</b>	: Various
<b>Proponent</b>	: Taylor Burrell Barnett
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: OCM 15/03/05 - Item 11.3.1 OCM 19/04/05 - Item 11.1.4
<b>Summary Recommendation</b>	: Adopt draft for public advertising purposes
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. Council at its March and April 2005 meetings considered the draft Defining Central Albany (DCA) Report and resolved as follows:

*“THAT Council lay this item on the table until the Retail Development Strategy has been received and considered by Council.”*

2. A decision on the draft Retail Development Strategy (RDS) was taken at the June meeting and that document will now be forwarded to the WAPC and advertised for public comment. To assist in the development of the planning framework for the Albany Local Planning Strategy, progression of the RDS and DCA are both essential.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

4. This report will become a policy document to assist Council in making decisions on Central Area applications. The DCA contains many of the urban design principles that will guide future decision making and assist in developing the physical form of the City's District Centre.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**FINANCIAL IMPLICATIONS**

5. The Defining Central Albany project is subject to a contract requiring the consultant to complete the requirements of the project brief. The DCA report has numerous recommendations that promote an alternate urban form in Central Albany. Public expenditure on streetscapes and infrastructure would be required in the future if the streetscape and park improvements indicated in the DCA are actioned.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision***

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

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

***Mission Statement***

*The City of Albany is committed to ...*

- *Providing sound governance*

***Priority Projects***

2. *Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism)”*

**COMMENT/DISCUSSION**

7. The recommendations from the Defining Central Albany Policy when adopted by Council will be incorporated into the Albany Local Planning Strategy and Community Planning Scheme for implementation.
8. It was stated in previous reports that the purpose and recommendations for each project would be different, Defining Central Albany having a CBD area urban design focus and the Retail Development Strategy having a whole of City area, commercial/retail needs analysis focus. As a result of this, some divergence of opinion arose between the two consultants, mainly centred on the timing of developments. Those divergences were previously analysed and recommendations were made by Staff to resolve a common position. Those comments have not been repeated in this report.
9. Subject to a relevant comments being recorded/noted, and the outcomes defined in the recommendation being supported, Staff promote the adoption and release of the Draft Defining Central Albany Report for public consultation purposes.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**RECOMMENDATION**

THAT Council:

- i)** receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett;
- ii)** note the officer comments and recommendations on the draft Defining Central Albany Report;
- iii)** record the following position on the prioritisation of the points of conflict between the draft Defining Central Albany and Retail Development Strategy and advise the public of that position as part of the consultation process:
  - a)** within Precinct 4D of the Defining Central Albany Report:
    - i.** the area nominated for service commercial adjacent to Lockyer Avenue be made available for mixed business uses in accordance with the Retail Development Strategy's recommendation;
    - ii.** the area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategy's recommendation; and
    - iii.** the urban design outcomes from the Defining Central Albany Report be retained and incorporated into development guidelines for the precinct.
  - b)** within the affected parts of Precincts 1C, 2A, 4A and 4C of the Defining Central Albany Report:
    - i.** the recommendation regarding places nominated for local heritage and character precincts in the Defining Central Albany Report shall take priority over any other recommendation from the Retail Development Strategy;
    - ii.** the areas outside of a) above, nominated for residential use along Albany Highway in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategy's recommendation;
    - iii.** that Council commit to the moratorium and the monitoring and evaluation process recommended in the Retail Development Strategy before allowing new developments (other than the proposed Action Supermarket and Albany Primary School redevelopment proposals and any other current approvals); and
    - iv.** the urban design from the Defining Central Albany Report be retained and incorporated into development guidelines for the precincts.
  - c)** the Defining Central Albany recommendations for parking be given priority over the Retail Development Strategy recommendation and they be incorporated within the new City of Albany Community Planning Scheme.

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Item 11.3.2 continued

- iv) undertake a 21-day advertising period for public consultation on the draft report, inclusive of a schedule outlining the position on points of perceived conflict; and
- v) consider any submissions received following completion of the advertising period.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR EVANS**

**THAT Council:**

- i) receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett, subject to the wording in clause 7.3.5 being altered to read;  
*“Pending the formulation and adoption of precinct specific policies on building heights, which should be done as soon as possible, a maximum height limit of three stories should be adopted through the study area and in accordance with the LPS, and reinforced by a Scheme Provision and Local Planning Policy which outlines:*
  - *how height is to be assessed, ie based on Residential Design Code criteria for consistency; and;*
  - *variations to height, i.e. for specific architectural elements.”*
- ii) note the officer comments and recommendations on the draft Defining Central Albany Report;
- iii) record the following position on the prioritisation of the points of conflict between the draft Defining Central Albany and Retail Development Strategy and advise the public of that position as part of the consultation process:
  - a) within Precinct 4D of the Defining Central Albany Report:
    - i. the area nominated for service commercial adjacent to Lockyer Avenue be made available for mixed business uses in accordance with the Retail Development Strategy’s recommendation;
    - ii. the area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategy’s recommendation; and
    - iii. the urban design outcomes from the Defining Central Albany Report be retained and incorporated into development guidelines for the precinct.
  - b) within the affected parts of Precincts 1C, 2A, 4A and 4C of the Defining Central Albany Report:
    - i. the recommendation regarding places nominated for local heritage and character precincts in the Defining Central Albany Report shall take priority over any other recommendation from the Retail Development Strategy;
    - ii. the areas outside of a) above, nominated for residential use along Albany Highway in the Defining Central Albany Report be made available for mixed business uses/retail

DEVELOPMENT SERVICES REPORTS

- core uses in accordance with the Retail Development Strategy's recommendation;
- iii. the urban design from the Defining Central Albany Report be retained and incorporated into development guidelines for the precincts.
- c) the Defining Central Albany recommendations for parking be given priority over the Retail Development Strategy recommendation and they be incorporated within the new City of Albany Community Planning Scheme.
- iv) undertake a 21-day advertising period for public consultation on the draft report, inclusive of a schedule outlining the position on points of perceived conflict; and
- v) consider any submissions received following completion of the advertising period.
- MOTION LOST 5-9**

**For the Motion:** Councillors Marshall, Paver, Evans, Jamieson & Mayor Goode.

**Against the Motion:** Councillor Bojcun, Emery, Wellington, Waterman, Williams, Walker, West, Lionetti & Wiseman

Reason:

- The alternate wording is contained in part i) of the motion. The current wording of clause 7.3.5 of Defining Central Albany provides for a blanket height restriction across the CBD of four stories, which is not considered appropriate in the landscape. The amended motion seeks to introduce a three storey height limit and highlights that this is an interim measure until more precinct specific controls are introduced.

Councillor Bojcun foreshadows the following motion.

Councillor Lionetti left the Chambers at 9.10pm.

Councillor Lionetti returned to the Chambers at 9.12pm.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR LIONETTI**

**THAT Council:**

- i) receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett, subject to the wording in clause 7.3.5 being altered to read;
- “Council shall formulate and adopt of precinct specific policies on building heights, which should be done as soon as possible, and reinforced by a Scheme Provision and Local Planning Policy which outlines:*
- *how height is to be assessed, ie based on Residential Design Code criteria for consistency; and;*
  - *variations to height, i.e. for specific architectural elements.”*
- ii) note the officer comments and recommendations on the draft Defining Central Albany Report;
- iii) record the following position on the prioritisation of the points of conflict between the draft Defining Central Albany and Retail

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**Development Strategy and advise the public of that position as part of the consultation process:**

- c) within Precinct 4D of the Defining Central Albany Report:**
  - i. the area nominated for service commercial adjacent to Lockyer Avenue be made available for mixed business uses in accordance with the Retail Development Strategy's recommendation;**
  - ii. the area nominated for residential use bordered by Middleton Road/Douglas Street/Stead Road/Young Street in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategy's recommendation; and**
  - iii. the urban design outcomes from the Defining Central Albany Report be retained and incorporated into development guidelines for the precinct.**
  
- d) within the affected parts of Precincts 1C, 2A, 4A and 4C of the Defining Central Albany Report:**
  - i. the recommendation regarding places nominated for local heritage and character precincts in the Defining Central Albany Report shall take priority over any other recommendation from the Retail Development Strategy;**
  - ii. the areas outside of a) above, nominated for residential use along Albany Highway in the Defining Central Albany Report be made available for mixed business uses/retail core uses in accordance with the Retail Development Strategy's recommendation;**
  - iii. the urban design from the Defining Central Albany Report be retained and incorporated into development guidelines for the precincts.**
  
- c) the Defining Central Albany recommendations for parking be given priority over the Retail Development Strategy recommendation and they be incorporated within the new City of Albany Community Planning Scheme.**
- vi) undertake a 21-day advertising period for public consultation on the draft report, inclusive of a schedule outlining the position on points of perceived conflict; and**
- vii) consider any submissions received following completion of the advertising period.**

**MOTION CARRIED 8-6**

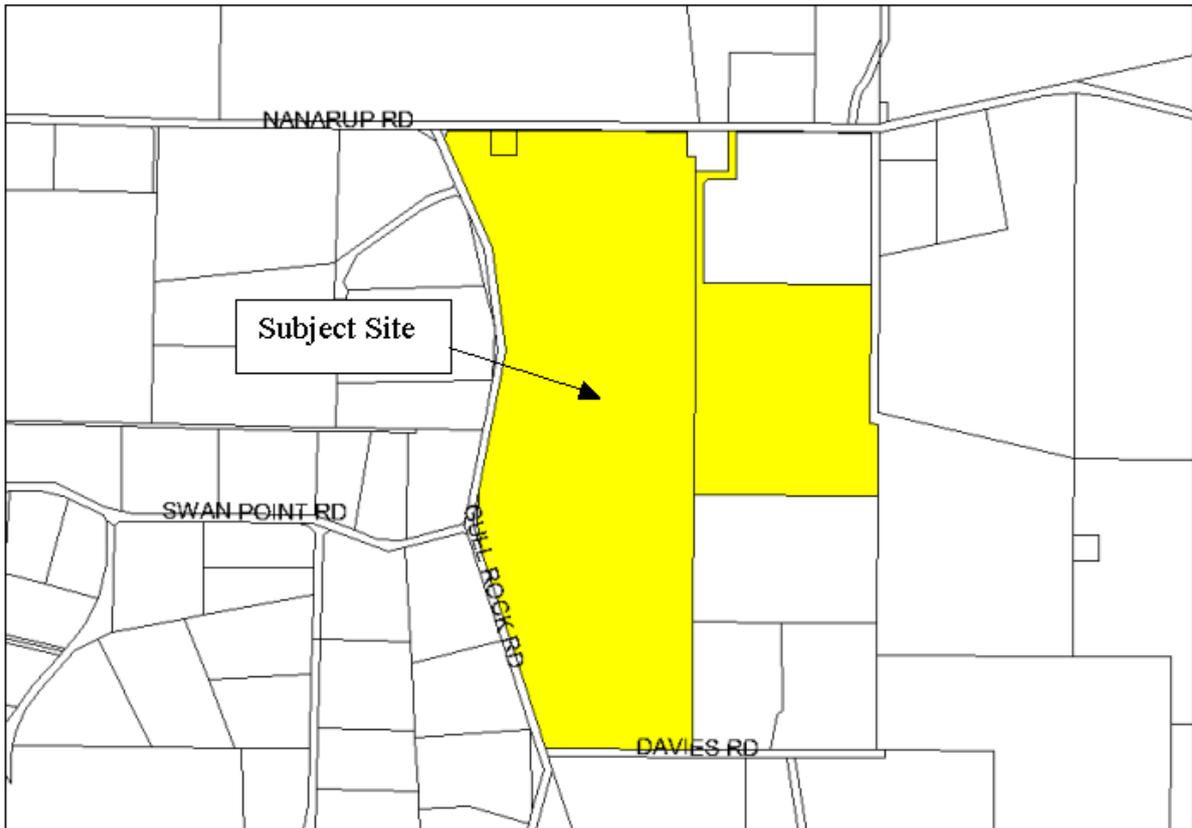
**For the Motion:** Councillor Bojcun, Emery, Wellington, Waterman, Williams, West, Lionetti & Wiseman.

**Against the Motion:** Councillor Marshall, Paver, Evans, Jamieson, Walker & Mayor Goode.

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Policy – Final Adoption – Lots 11, 300 and 1301 Nanarup Road and Gull Rock Road, Kalgan**

<b>File/Ward</b>	: STR 127 (Kalgan Ward)
<b>Proposal/Issue</b>	: To Consider Rescinding Previous Council Decision
<b>Subject Land/Locality</b>	: Lots 11, 300 and 1301 Nanarup/Gull Rock Road, Kalgan
<b>Proponent</b>	: Ayton, Taylor Burrell
<b>Owner</b>	: Erujin Pty Ltd & Melrob Pty Ltd
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 15/02/05 - Item 11.3.1 OCM 20/06/05 - Item 11.3.2
<b>Summary Recommendation</b>	: Rescind Previous Motion
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. On the 30 June 2005, Councillors Wellington, Waterman, Wiseman, Lionetti and Emery submitted a request that the lost motion of Council relating to agenda item 11.3.2 from the meeting on the 21 June 2005 be brought back to Council for reconsideration and rescission. Councillor Waterman has presented a motion that reads;

*“THAT Council;*

- i) resolves to finally adopt the policy ‘Revised Subdivision Guide Plan for Special Rural Area 9’, shown as ‘Plan B’ attached, subject to the following amendments being undertaken to the policy:*

- a) inserting the following clauses:*

- i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;*
- ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);*
- iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;*
- iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;*
- v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;*
- vi. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;*
- vii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and*
- viii. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.*

- b) making the following modifications to ‘Plan B’ as attached:*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

- i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;*
  - ii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;*
  - iii. the cul-de-sac relocated to utilise existing stock crossing;*
  - iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;*
  - v. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;*
  - vi. only 1 building envelope is to be provided for Lot 2;*
  - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope; and*
  - vii. a footnote be placed on the plan; “at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall”.*
- ii) resolves to notify all respondents of its resolution; and*
- iii) resolves to place an advertisement in the local paper advising that the policy is now operational once the policy has been amended as per Council’s requirements”.*

**STATUTORY REQUIREMENTS**

2. Regulation 10(1) of the Local Government (Administration) Regulations 1996 states;
- “If a decision has been made at a council or a committee meeting then the motion to revoke or change the decision must be supported –*
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee.*
- inclusive of the mover.”*

**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. There are no strategic implications resulting from the rescission motion.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**COMMENT/DISCUSSION**

6. Council must determine the rescission motion before debate can commence on the substantive motion put by Councillor Waterman.

**RECOMMENDATION**

THAT Council consider the request from Councillors Wellington, Waterman, Wiseman, Lionetti and Emery to rescind the decision taken at the Ordinary Council meeting on the 21 June 2005, at item 11.3.2.

*Voting Requirement Absolute Majority*

**RECOMMENDATION**

THAT Council;

- i) resolves to finally adopt the policy 'Revised Subdivision Guide Plan for Special Rural Area 9', shown as 'Plan B' attached, subject to the following amendments being undertaken to the policy:
  - a) inserting the following clauses:
    - i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;
    - ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);
    - iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;
    - iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;
    - v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;
    - vi. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;
    - vii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

- viii. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.
- b) making the following modifications to 'Plan B' as attached:
  - i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;
  - iii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;
  - iii. the cul-de-sac relocated to utilise existing stock crossing;
  - iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;
  - viii. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;
  - ix. only 1 building envelope is to be provided for Lot 2;
  - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope; and
  - x. a footnote be placed on the plan; "at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall".
- ii) resolves to notify all respondents of its resolution; and
- ii) resolves to place an advertisement in the local paper advising that the policy is now operational once the policy has been amended as per Council's requirements.

*Voting Requirement Simple Majority*

**- ADDENDUM TO AGENDA ITEM 11.3.3-**

(replaced pages 48 & 49 of Agenda)

**COMMENT/DISCUSSION**

- 6. The motion to rescind is supported by Councillors Waterman, Wellington, Wiseman, Lionetti and Emery.

**COUNCILLORS MOTION**

THAT Council rescind the decision taken at the Ordinary Council meeting on the 21 June 2005, at item 11.3.2.

*Voting Requirement Absolute Majority*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**CLLR WATERMANS ALTERNATE MOTION FROM JUNE MEETING**

THAT Council;

- i) resolves to finally adopt the policy 'Revised Subdivision Guide Plan for Special Rural Area 9', shown as 'Plan B' attached, subject to the following amendments being undertaken to the policy:
  - a) inserting the following clauses:
    - i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;
    - ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);
    - iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;
    - iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;
    - v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;
    - vi. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;
    - vii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and
    - viii. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.
  - b) making the following modifications to 'Plan B' as attached:
    - i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;
    - ii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;
    - iii. the cul-de-sac relocated to utilise existing stock crossing;

**DEVELOPMENT SERVICES REPORTS**

- iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;
  - xi. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;
  - xii. only 1 building envelope is to be provided for Lot 2;
  - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope; and
  - viii. a footnote be placed on the plan; “at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall”.
- ii) resolves to notify all respondents of its resolution; and
- iii) resolves to place an advertisement in the local paper advising that the policy is now operational once the policy has been amended as per Council’s requirements.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR LIONETTI**

**THAT Council rescind the decision taken at the Ordinary Council meeting on the 21 June 2005, at item 11.3.2.**

**MOTION CARRIED 8-6  
ABSOLUTE MAJORITY**

**For the Motion:** Councillors Emery, Wellington, Waterman, Williams, Walker, West, Lionetti & Wiseman.

**Against the Motion:** Councillor Marshall, Paver, Bojcun, Evans, Jamieson & Mayor Goode.

Councillor Wiseman left the Chambers at 9.30pm.

Councillor Wiseman returned to the Chambers at 9.31pm.

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR EMERY**

**THAT Council;**

- i) resolves to finally adopt the policy ‘Revised Subdivision Guide Plan for Special Rural Area 9’, shown as ‘Plan B’ attached, subject to the following amendments being undertaken to the policy:
  - a) inserting the following clauses:
    - i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;
    - ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);

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- iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;
  - iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;
  - v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;
  - vi. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;
  - vii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and
  - viii. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.
- b) making the following modifications to 'Plan B' as attached:
- i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;
  - iii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;
  - iii. the cul-de-sac relocated to utilise existing stock crossing;
  - iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;
  - v. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;
  - vi. only 1 building envelope is to be provided for Lot 2;
  - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope; and
  - viii. a footnote be placed on the plan; "at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall".

**DEVELOPMENT SERVICES REPORTS**

- ii) resolves to notify all respondents of its resolution; and**
- iii) resolves to place an advertisement in the local paper advising that the policy is now operational once the policy has been amended as per Council's requirements.**

**MOTION CARRIED 8-6**

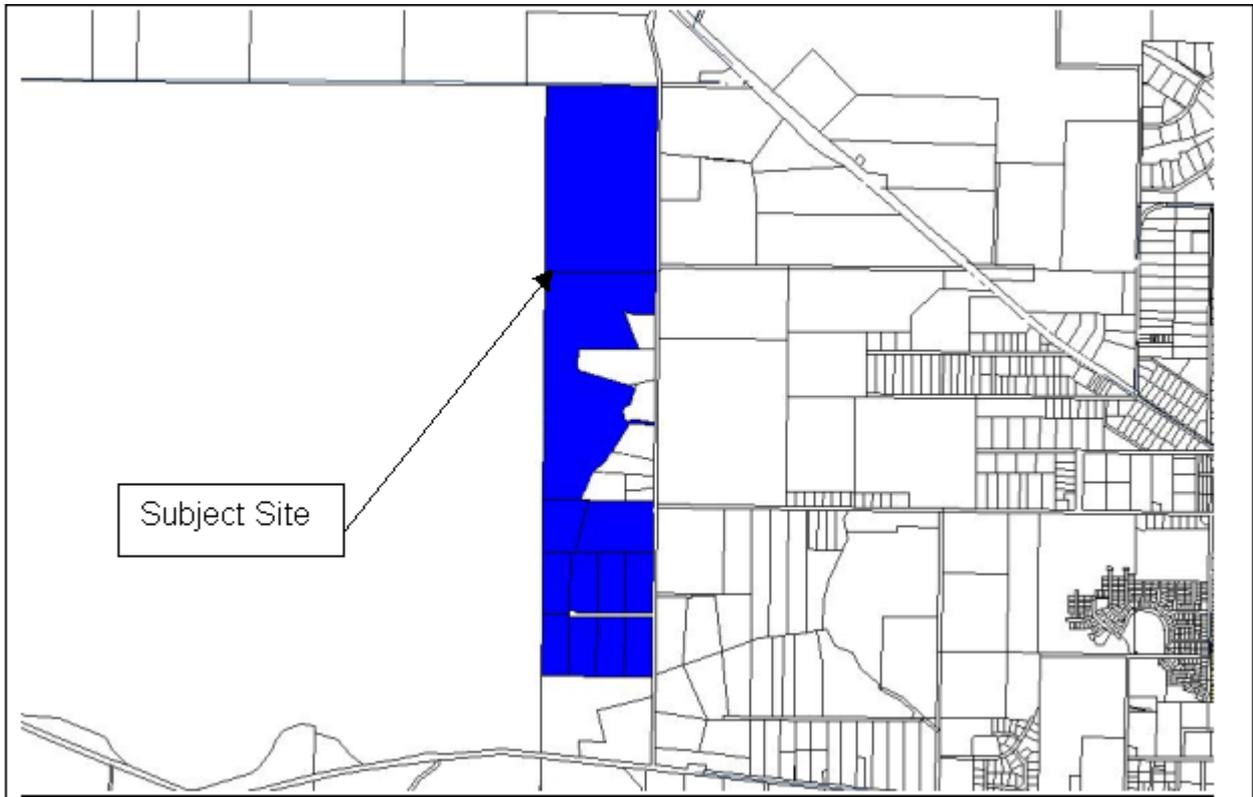
**For the Motion:** Councillors Emery, Wellington, Waterman, Williams, Walker, West, Lionetti & Wiseman.

**Against the Motion:** Councillors Marshall, Paver, Bojcun, Evans, Jamieson & Mayor Goode.

**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Scheme Policy - Link Road Route - Subdivision Guide Plans**

<b>File/Ward</b>	: Various (West Ward)
<b>Proposal/Issue</b>	: Changes to existing Subdivision Guide Plans due to Link Road alignment
<b>Subject Land/Locality</b>	: Knott, Gomme, Vermeulen, Leece and others
<b>Proponent</b>	: City of Albany/Main Roads WA
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Strategic Planning Officer (P Shephard)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: To adopt modified subdivision guide plans
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. In consultation with Main Roads WA and Department for Planning and Infrastructure officers, staff have completed the planning of internal subdivisional road design and connections when Link Road becomes part of the Ring Road. The construction of the Ring Road will necessitate the removal of various intersection and crossover points due for safety requirements. Providing alternative access arrangements to properties is necessary and early planning for those changes will minimise future costs and inconvenience.

**STATUTORY REQUIREMENTS**

2. The provision of the long-term road network requires changes to subdivision guide plans that form part of existing scheme amendment proposals initiated by Council.

**POLICY IMPLICATIONS**

3. There are various policies and strategies that have relevance to this proposal. They include:
  - State Planning Strategy;
  - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP1);
  - Albany Regional Plan (1994);
  - Local Rural Strategy (1996); and
  - Interim draft Transport Network Strategy (adopted October 2003)
4. The purpose of SPP1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
5. The proposed redesign of the subject properties achieves the objectives and recommendations of the Region Plan, Local Rural Strategy and draft Transport Network Strategy by ensuring that dedicated priority access is provided to the port.

**FINANCIAL IMPLICATIONS**

6. The redesign was undertaken by local firm Ayton, Taylor Burrell within the 1994/95 planning budget.
7. The City and or Main Roads WA will be required to fund any additional roads that are not provided by subdivisions in the area. This will include some minor roadworks/drainage to provide connection between proposed ROW's in the future.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

***A Thriving City***

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**Mission Statement:**

*The City of Albany is committed to...*

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

**Priority Projects:**

*No. 2 - Albany Local Planning Strategy and Town Planning Scheme.”*

**COMMENT/DISCUSSION**

9. The redesign has achieved:
  - an interim solution to property access/egress and intersection points until the reconstruction of Link Road as part of the Albany Ring Road project; and
  - a long-term solution that provides for the closing of existing property access/egress and intersection points by providing an internal road network to service the local area with restricted intersections onto Link Road to the satisfaction of Main Roads WA.
10. The new subdivision guide plan reflects the 1 hectare minimum lot size permitted in the existing scheme provisions and some properties have achieved a greater lot yield as a result.
11. To formalize the changes and ensure the WA Planning Commission use them as the basis to determine subdivision applications, the redesign needs to be incorporated within the affected scheme amendments to replace the existing subdivision guide plans. These amendments are:

<b>TPS 3 Scheme Amendment No</b>	<b>Property</b>	<b>Owner</b>
179	Lots 50 & 51 Link Road	Knotts Group Pty Ltd
208	Lot 24 Link Road	JP & M Vermeulen

12. Amendment No. 179 has yet to be advertised for public inspection and the redesign and new subdivision guide plan can be included within the documents prior to this commencing.
13. Amendment 208 has commenced advertising for public inspection and the new subdivision guide plan can be incorporated within the amendment documents when Council considers the submissions following the public inspection period.
14. Lot 1000 is not the subject of a scheme amendment, however the existing subdivision guide plan also requires replacement due to the redesign. Staff recommend that the replacement be formalized within Amendment No. 179.
15. The other affected properties will have the redesign included within amendments required to be subsequently undertaken to facilitate the subdivision of the land. The completion of the subdivision of this area represents the western extent of the Residential/Special Rural uses in this area of the City.
16. The new subdivision guide plan will be referred to the Environmental Protection Authority for environmental assessment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**RECOMMENDATION**

THAT Council:

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

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR LIONETTI  
SECONDED COUNCILLOR WATERMAN**

**THAT Council:**

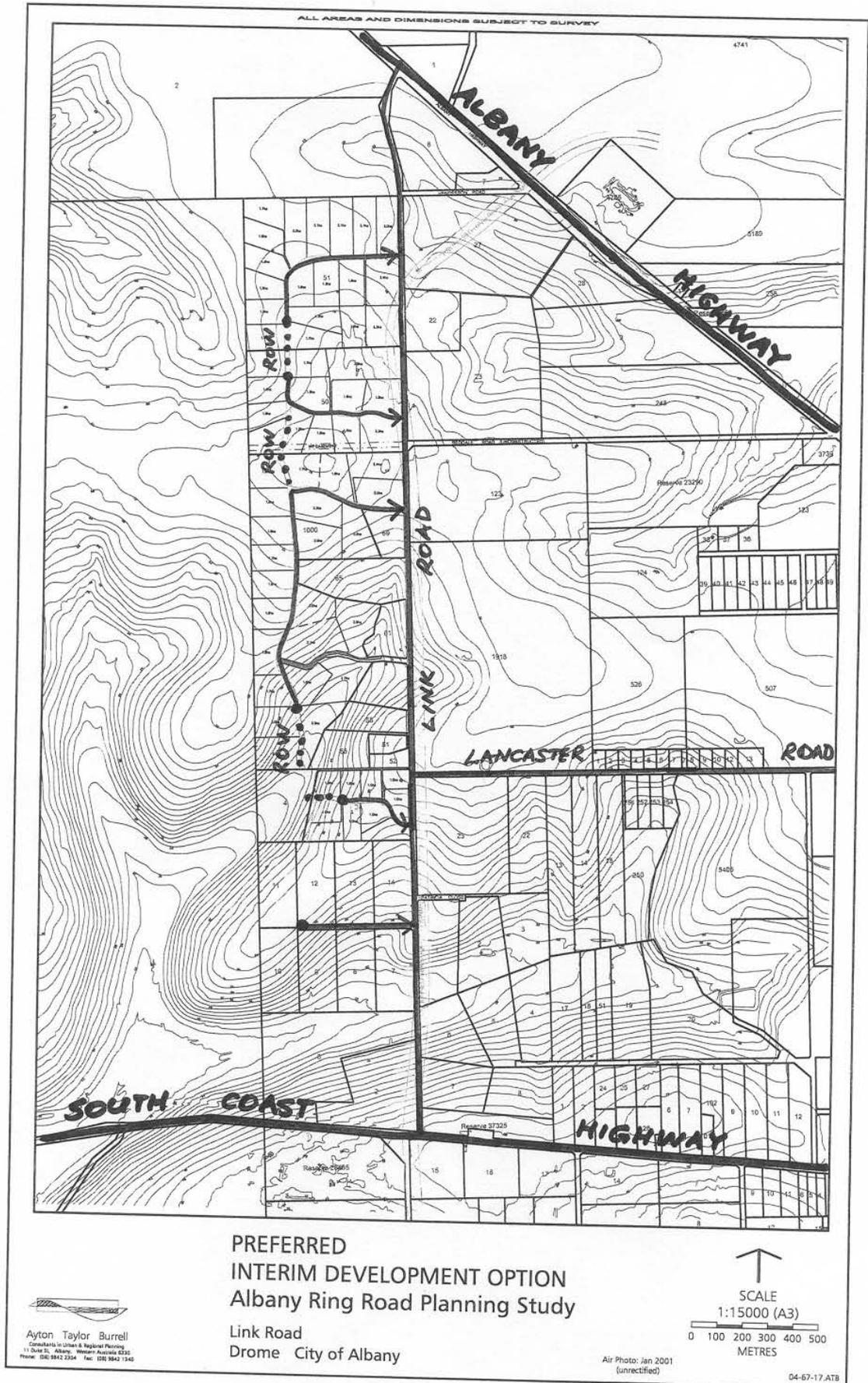
- i) adopt the Preferred Long-Term Development Option (Plan 04-67-16.ATB) as the basis for consideration of road planning and subdivision design of the affected lots within this area;**
- ii) include within Amendment No. 179:**
  - a) a new subdivision guide plan for Special Rural Area No. 27 (Lots 50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

**MOTION CARRIED 14-0**

Councillor Paver left the Chambers at 9.43pm.

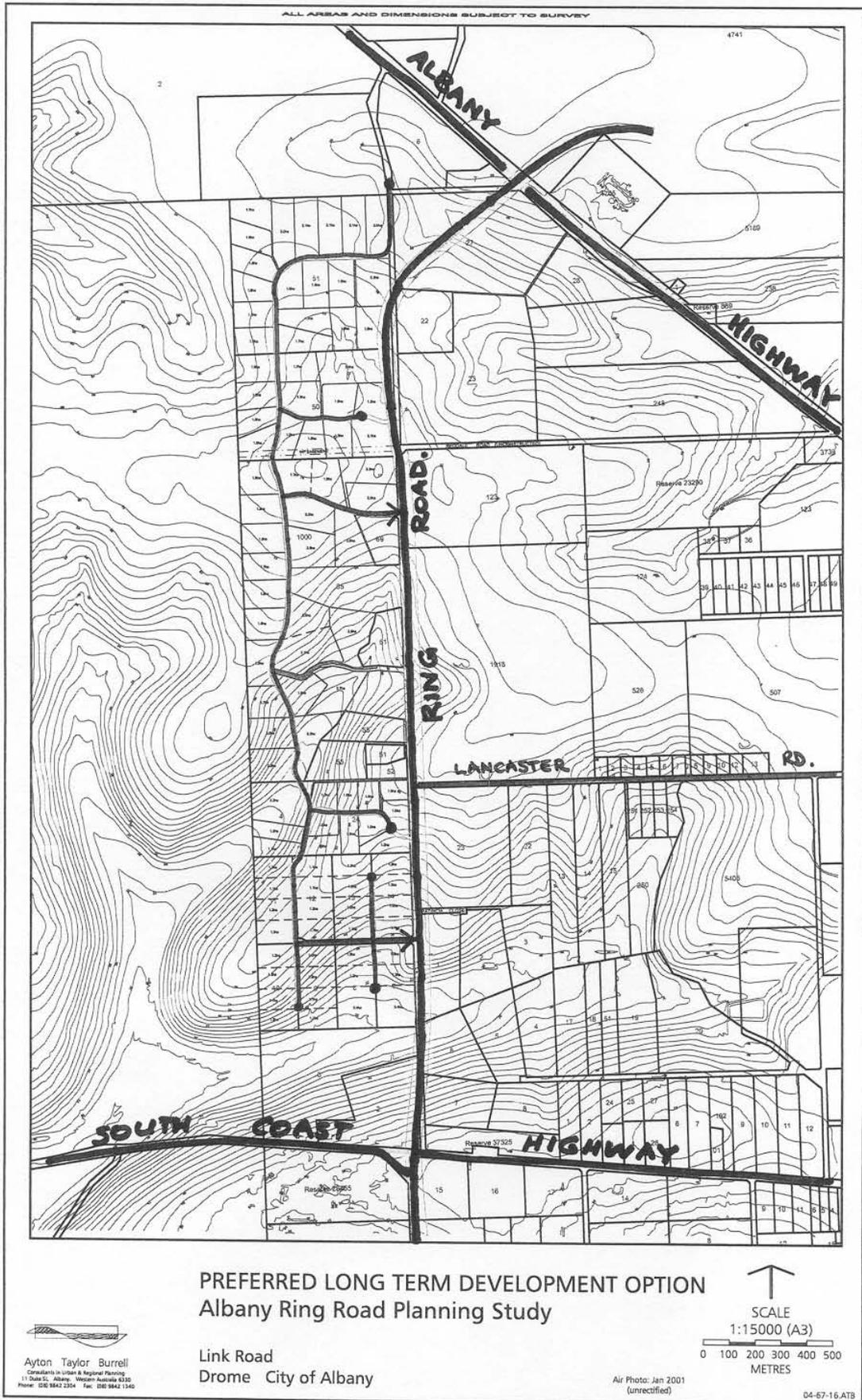
ORDINARY COUNCIL MEETING MINUTES – 19/07/05  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued



ORDINARY COUNCIL MEETING MINUTES – 19/07/05  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued



**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Scheme Amendment Request – Public Use Reserve to Rural - Lots 19 & 20 Bottlebrush Road and Lots 8, 10 & 87 Moortown Road, Gledhow**

- File/Ward** : A55433A (West Ward)
- Proposal/Issue** : To change the zoning from Public Use Reserve to Rural
- Subject Land/Locality** : Lots 19 & 20 Bottlebrush Road and Lots 8, 10 & 87 Moortown Road, Gledhow
- Proponent** : Ayton, Taylor & Burrell
- Owner** : Crown
- Reporting Officer(s)** : Manager Planning & Ranger Services (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To support the scheme amendment request
- Bulletin Attachment** : Copy of Scheme Amendment Request document
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**BACKGROUND**

1. A scheme amendment request (SAR) has been received from Ayton, Taylor & Burell (proponent) seeking Council's preliminary support to rezone Lots 19 and 20 Bottlebrush Road and Lots 8, 10 and 87 Moortown Road, Gledhow from 'Public Use Reserve' to 'Rural'.
2. The subject lots are owned by the Crown, and have been deemed by the State Government as surplus to requirements.
3. The subject lots are around 4 hectares in size, have no buildings constructed upon them, and contain a mix of cleared and vegetated areas. All lots have frontage to gravel roads.
4. The majority of the surrounding lots are zoned 'Rural', however there is a small 'Special Residential' subdivision to the north-west of Lot 9.
5. The SAR was referred to the Department of Planning and Infrastructure (DPI) and the Department of Environment (DOE) for comment.
6. The proponent's justification of this proposal is set out in the Scheme Amendment Request document in the Elected Members Report / Information Bulletin.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

9. There are various policies and strategies that have relevance to this proposal. They include:
  - The State Planning Strategy;
  - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
  - The Albany Regional Strategy (1994);
  - The Albany Residential Expansion Strategy (1994); and
  - The Local Rural Strategy (1996).
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
11. The subject site is located within Princess Royal Harbour Policy Area 1 of the City's Local Rural Strategy. The policy statement for this precinct indicates, amongst other matters, "*that Council will rezone the area to rural residential or special residential in accordance with existing lot sizes and incorporate appropriate zoning provisions based on the constraints and land management needs identified below.*"

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**FINANCIAL IMPLICATIONS**

12. Once the land has been rezoned and sold to a private purchaser Council will be able to levy rates from the lots.

**STRATEGIC IMPLICATIONS**

13. Within the City of Albany Rural Strategy the subject land is included in Princess Royal Harbour Policy Area 1. The strategy recommends the rezoning of the area for 'Special Residential' or 'Special Rural' purposes.
14. Whilst the long term zoning of the area is likely to be 'Residential' or 'Special Residential', subject to the availability of services, the proponent has proposed a 'Rural' zoning to be in keeping with the predominant zoning existing in the area.
15. It is likely that a structure plan will need to be prepared over the subject lots and surrounding land in the medium to long term, however the proponent is seeking Council's support for the 'Rural' zoning in the interim. The proponent has stated that structure planning at this stage would be premature, and that it would be unreasonable that the landowner of this proposal meet the financial burden for such planning.

**COMMENT/DISCUSSION**

16. The proponent has assessed a number of zoning options for the land including 'Special Residential', 'Special Rural' and 'Residential' development, however all of these options would involve a considerable upgrade to the existing infrastructure and involve the preparation of an overall structure plan.
17. The consulted State Government agencies have provided the following comments in relation to the proposed zoning:
  - The proposed 'Rural' zoning is compatible with the surrounding zoning.
  - Should a 'Special Residential' or 'Special Rural' zoning be proposed the following issues would need to be considered:
    - The requirement for overall structure planning in the locality.
    - Whether the long term strategic direction for the locality includes fully serviced residential development.
    - Reticulated water would need to be provided should any of lots be further subdivided.
    - The potential conflict between protection of vegetation and clearing to meet fire safety requirements.
18. Staff believe that the proposed rezoning to 'Rural' is appropriate given it is in keeping with the surrounding zoning. As the proposal does not intend to intensify development in the area, it is considered that the preparation of a structure plan over the whole locality is not required at this stage.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**RECOMMENDATION**

THAT Council advise Ayton, Taylor & Burrell that it would be prepared to receive amending documents for Lots 19 and 20 Bottlebrush Road and Lots 8, 10 and 87 Moortown Road, Gledhow to rezone the land from “Public Use Reserve” to “Rural” and the amending documents will need to address the quality of the vegetation on the lots and the soil suitability to accommodate effluent disposal.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR LIONETTI**

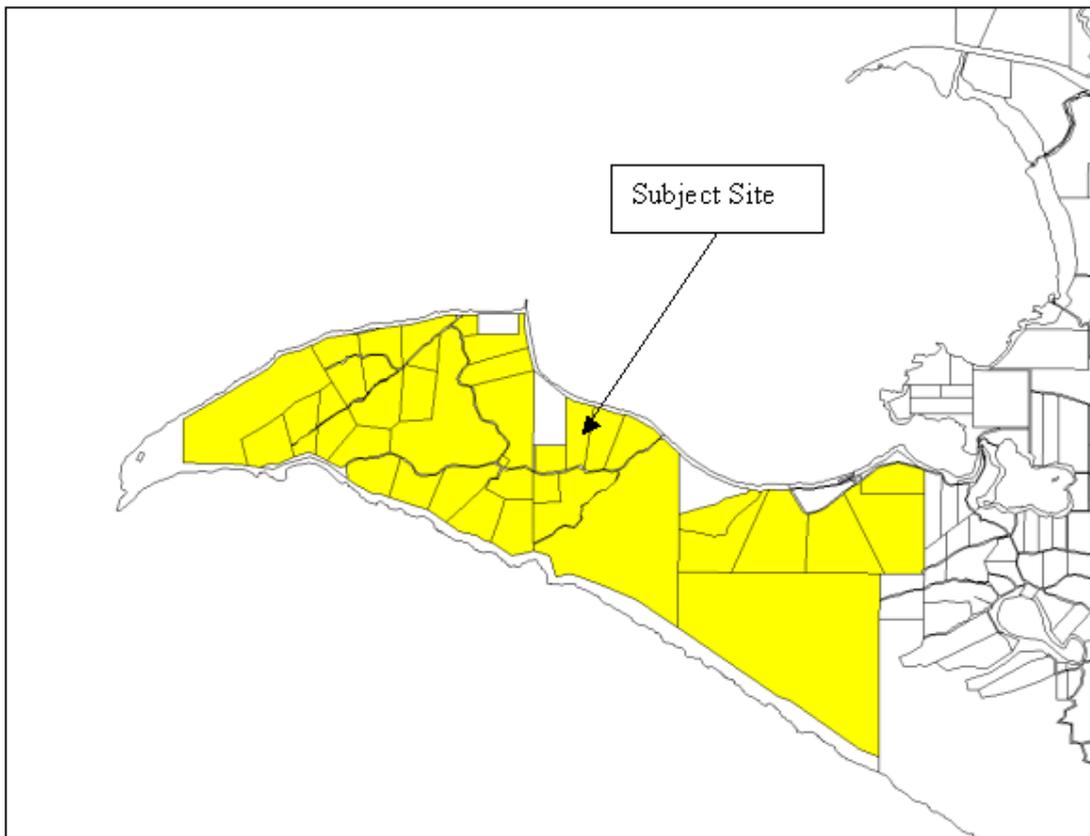
**THAT Council advise Ayton, Taylor & Burrell that it would be prepared to receive amending documents for Lots 19 and 20 Bottlebrush Road and Lots 8, 10 and 87 Moortown Road, Gledhow to rezone the land from “Public Use Reserve” to “Rural” and the amending documents will need to address the quality of the vegetation on the lots and the soil suitability to accommodate effluent disposal.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.6 Initiate Scheme Amendment – Conservation Zone – Nullaki Peninsula**

<b>File/Ward</b>	:	A7333A (West Ward)
<b>Proposal/Issue</b>	:	Formal request to modify the Subdivision Guide Plan for Conservation Zone Area No. 1, and introduce new scheme provisions
<b>Subject Land/Locality</b>	:	Conservation Zone (Area No. 1) - Nullaki Peninsula
<b>Proponent</b>	:	Ayton, Taylor & Burrell
<b>Owner</b>	:	G J Robertson & S Dzwonnik (main landowners) and various landowners
<b>Reporting Officer(s)</b>	:	Manager Planning & Rangers (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/12/04 - Item 11.3.2
<b>Summary Recommendation</b>	:	Initiate the amendment
<b>Bulletin Attachment</b>	:	Amendment documentation
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

**BACKGROUND**

1. At its ordinary meeting dated 21 December 2004 Council considered a scheme amendment request to modify the subdivision guide plan and scheme provisions associated with the Nullaki Estate, and resolved:

*“THAT Council;*

- i) advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to modify the Subdivision Guide Plan and text associated with Conservation Zone Area No. 1, including:*
- a) the provision of one caretakers dwelling on each lot, subject to the caretakers dwelling being no greater than 300 metres from the main residence, and has visual surveillance of the main residence;*
  - b) the removal of broad coastal and inlet development setbacks, given the existing foreshore reserves cater for the minimum setback requirements specified by recently gazetted State Government policy;*
  - c) the requirement to lodge a planning scheme consent for a development area;*
  - d) the removal of the designated development exclusion area, and replacement with visual amenity provisions which focuses on protecting views from Anvil Beach; and*
  - e) the realignment of Nullaki Drive;*
- ii) advise the applicant that the following concerns and issues are to be addressed prior to lodging formal amendment documentation with Council:*
- a) proposed Clause 4.8 being modified to include the following:  
“Notwithstanding the minimum setback specified in Clause 6.3, Council may request a greater setback where in its opinion a dwelling would dominate the view from Anvil Beach, or other local vantage point”;*
  - b) clause 7.4 being modified to include the following:  
“...rammed earth and/or timber (where such timber can meet the requirements of AS 3959)”;*
  - c) clause 11.3 being modified to state:  
“Building Protection Zones in accordance with the Planning for Bushfire Protection report are to be provided around dwellings, and shall be maintained in a low fuel condition by individual landowners”;*
  - d) an additional Clause being inserted under 11.0 Fire Protection, stating the following:  
“Prior to Council approving a development area, or residential dwelling on a proposed lot, a fire audit is to be submitted detailing the following:*
    - Assessment of site and whether proposed building envelope will cater for recommended bushfire protection zones around the proposed building.*
    - A determination of fire threat classification (either low, medium, high or extreme) in accordance with Australian Standard 3959 – Buildings in Bushfire Prone Areas”;*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

- e) *an additional Clause being inserted under 11.0 Fire Protection, stating the following:*

*“Applications for the approval of a development shall be accompanied by a sprinkler system plan, which provides details on water supply, sprinkler coverage, materials to be used and the type of generator to be used which shall be independent of the mains power supply”; and*

- f) *the loop road in the south-east area of the estate being retained as per the existing Subdivision Guide Plan.”*

2. The proponent has prepared amendment documents, which have incorporated the above requirements, and is now seeking Council’s support to initiate the amendment.
3. Since the scheme amendment request (SAR) was considered in December 2004, the proponent has also included a revision of the clause relating to aboriginal site assessments.
4. The proposed amendment essentially seeks to:
  - Replace the development exclusion area over the coastal portions of the Nullaki Estate with provisions that focus on the protection of views from Anvil Beach.
  - Remove broad coastal and inlet setback requirements, which are in excess of the recommended distances specified in the State Coastal Planning Policy.
  - Introduce provisions to allow a caretaker’s dwelling on each lot, subject to siting and access restrictions.
  - Introduce the ability for Council to issue a Planning Scheme Consent for a proposed development area.
  - Revisit fire control measures, with the need to provide a fire consultant’s report in certain areas of the Nullaki Estate.
  - Realign some roads and private access legs within the Nullaki Estate to less environmentally sensitive locations.
  - Clarify the requirements associated with aboriginal assessments of proposed development areas.
5. A copy of the amending document is contained in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

6. Council’s resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the Scheme.
7. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
8. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

9. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval would be granted to that amendment.

**POLICY IMPLICATIONS**

10. There are various policies and strategies that have relevance to this proposal. They include:
- The Local Rural Strategy (1996).
  - Statement of Planning Policy (SPP) No. 2.6 – State Coastal Planning Policy.
11. The Policy Statement associated with Wilson Inlet Precinct No. 4 of the Local Rural Strategy, which provided the basis for the original rezoning of the Nullaki Peninsula, states the following:
- “a) *Council will consult with landowners with a view to rezoning the area to environmental protection (landscape, flora and fauna) and utilising associated provisions which:-*
- *Allow all existing legal land uses to continue.*
  - *Provide for protection of the landscape, flora and fauna.*
  - *Allow for the establishment of a dwelling house on each lot and possibly tourist and other uses which could be established without undue detriment to the landscape, flora and fauna or conflict with intensive agricultural uses within the area.*
  - *Address the constraints and land management needs of the area.”*
12. The objectives of SPP No. 2.6 are to:
- *protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance.*
  - *provide for public foreshore areas and access to these on the coast.*
  - *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities.*
  - *ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.*

**FINANCIAL IMPLICATIONS**

13. Whilst there are no direct financial implications relating to this item, the removal of the development exclusion area and replacement with Scheme provisions focusing on protecting views from Anvil Beach, may reduce the number of appeals, which would represent a cost saving and resource to Council.

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

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

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued

**Mission Statement:**

*The City of Albany is committed to ...*

- *Respect the community's aspirations and resources*

**Priority Projects:**

*Review approval processes and compliance effectiveness within Development Team."*

**COMMENT/DISCUSSION**

15. The amendment documentation has incorporated Council's previous requirements as resolved at it's ordinary meeting dated 21 December 2004.
16. The proponent has also suggested that the clause relating to aboriginal site assessments be modified to specifically include the requirement for a landowner to engage an archaeologist or anthropologist to ensure that any dwellings or driveways do not impact on any aboriginal sites. The proposed clause, in comparison to the existing clause, is contained below:

Existing Clause	Proposed Clause
<p><i>"4.4 Prior to the issue of development approval, Council shall require landowners to submit a comprehensive professional assessment of the selected Development Area and proposed access way/driveway to determine the presence of rare, endangered and/or threatened flora or fauna species and the presence of any aboriginal sites. Should such sites be identified, Council shall require the selection of an alternative Development Area or modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species."</i></p>	<p>4.4 Prior to the issue of development approval, Council shall require landowners to submit a comprehensive professional assessment of the selected Development Area and proposed access way/driveway to determine the presence of rare, endangered and/or threatened flora or fauna species as well as an archaeological assessment for the presence of potential aboriginal sites. Should such sites be identified, Council shall require the selection of an alternative Development Area or modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species.</p>

**RECOMMENDATION**

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 3 by amending the Subdivision Guide Plan and various provisions associated with Development Exclusion Areas, Caretakers Dwellings, Development Approval and road alignments.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR JAMIESON**

**THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 3 by amending the Subdivision Guide Plan and various provisions associated with Development Exclusion Areas, Caretakers Dwellings, Development Approval and road alignments.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.7 Final Approval on Scheme Amendment - Omnibus Amendment**

<b>File/Ward</b>	:	STR 202 (All Wards except Breaksea and Frederickstown)
<b>Proposal/Issue</b>	:	Request for Final Approval to change the permissibility of a 'single house' in the 'Rural' zone, remove conflicting advertising provisions for 'AA' uses and modify the advertising procedure for unlisted uses.
<b>Subject Land/Locality</b>	:	Various
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Various
<b>Reporting Officer(s)</b>	:	Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Grant Final Approval
<b>Bulletin Attachment</b>	:	Scheme Amendment Documents
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

- At its meeting dated January 2005, Council resolved to initiate a town planning scheme amendment to:
  - modify the advertising requirements for a use not listed;
  - remove additional advertising provisions for 'AA' uses;
  - amend the permissibility of a 'Single House' in the 'Rural zone from 'P' to 'A';
  - modify the permitted development provisions to require an application for a 'Single House' in the 'Rural' zone; and
  - modify the permitted development provisions by excluding the height limit.
- The Environmental Protection Authority (EPA) have assessed the application as required by the Environmental Protection Act, and have deemed that the proposal has no major environmental implications.
- The amendment was also advertised in the local newspaper for 42 days up till the 15th June 2005 with no submissions being received during that period.
- Council is now required to consider whether it wishes to grant final approval to amend the Town Planning Scheme or reject the amendment.
- A copy of the amending documents is included in the Elected Members' Report/Information Bulletin.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

9. The scheme amendment is required to be advertised in local newspapers and the government gazette at Council's cost.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

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

***Mission Statement:***

*The City of Albany is committed to ...*

- *providing sound governance.*

***Priority Projects:***

*Albany Local Planning Strategy and Town Planning Scheme.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**COMMENT/DISCUSSION**

11. The omnibus amendment will result in the following benefits being achieved:
- Enabling Council to take into account the requirements of buffer areas from industries and rural activities when considering applications for single dwellings in the rural zone;
  - Removing inconsistencies within Town Planning Scheme No.3 in relation to the advertising of planning applications for 'AA' uses, so that it is consistent with the approach taken in Town Planning Scheme No.1A;
  - Removing the requirement for a planning application where a building is higher than 7 metres given the Residential Design Codes sets a maximum height of 9 metres without the need for planning approval;
  - Providing additional options in the way a 'use not listed' is assessed and advertised so that the relationship of the use to the objectives of the zone determines permissibility.
12. Staff recommends that the scheme amendment be granted final approval as the modified provisions represent a stream-lining of processes, whilst also allowing a more considered decision to be made on applications for a single dwelling in the rural zone.

**RECOMMENDATION**

THAT;

- i) Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to grant final approval to amend the City of Albany's Town Planning Scheme No. 3 by:
- a) modify the advertising requirements for a use not listed;
  - b) removing additional advertising provisions for 'AA' uses;
  - c) amending the permissibility of a 'Single House' in the 'Rural zone' from 'P' to 'A';
  - d) modify the permitted development provisions to require an application for a 'Single House' in the 'Rural' zone; and
  - e) modify the permitted development provisions by excluding the height limit; and
- ii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR BOJCUN SECONDED COUNCILLOR WILLIAMS</b></p> <p><b>THAT;</b></p> <p><b>i) Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to grant final approval to amend the City of Albany's Town Planning Scheme No. 3 by:</b></p> <ul style="list-style-type: none"><li><b>a) modify the advertising requirements for a use not listed;</b></li><li><b>b) removing additional advertising provisions for 'AA' uses;</b></li><li><b>c) amending the permissibility of a 'Single House' in the 'Rural zone</b></li></ul>
---

**DEVELOPMENT SERVICES REPORTS**

- from 'P' to 'A';
- d) modify the permitted development provisions to require an application for a 'Single House' in the 'Rural' zone; and
  - e) modify the permitted development provisions by excluding the height limit; and
- ii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

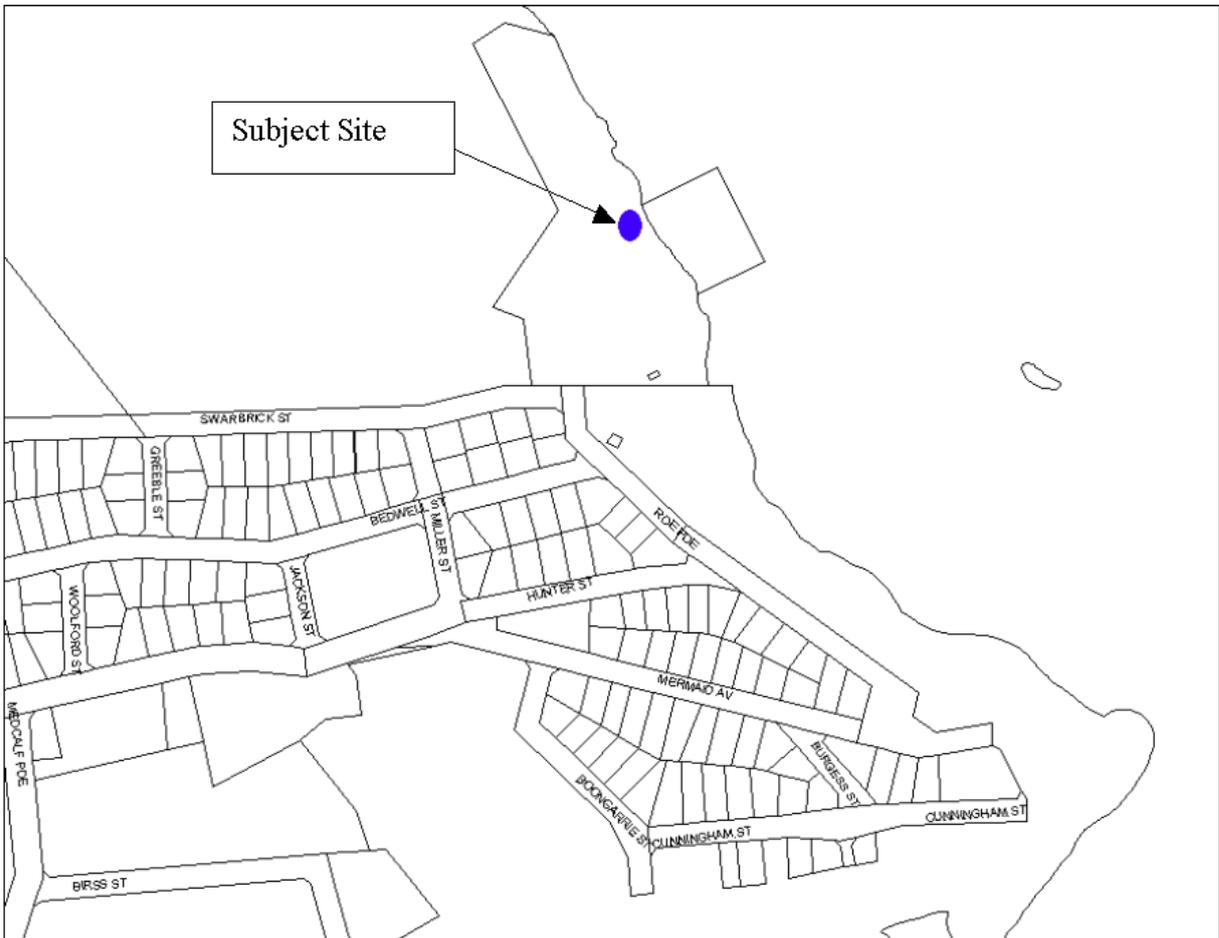
**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.4 RESERVES PLANNING**

**11.4.1 Naming of Reserve – Emu Point Boat Pens**

<b>File/Ward</b>	: MAN 103 (Breaksea Ward)
<b>Proposal/Issue</b>	: Request to Name Reserve
<b>Subject Land/Locality</b>	: Portion of Reserve 42964 Swarbrick Street, Emu Point
<b>Proponent</b>	: Mr S Clements
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 18/05/04 - Item 12.2.6
<b>Summary Recommendation</b>	: Request be Denied
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

**BACKGROUND**

1. Mr Clements has written to Council, and spoken directly to the Mayor, seeking support to name the small foreshore area in front of the Emu Point boat pens (the grassed area containing the gazebo and fish cleaning station) after Mr James (Jim) McIlvenie.

**STATUTORY REQUIREMENTS**

2. The Geographic Names Committee's Principles, Policies and Procedures document states "*Names of living individuals should be used only in exceptional circumstances*". The Committee gives preference to the naming of the park or reserve after the adjacent street or feature to maximise the identification of that park or reserve, broad community support should be demonstrated, names that commemorate living persons will not be considered for parks over one hectare in area and the service provided by the individual must have been voluntary and demonstrated.
3. The criteria for naming parks under one hectare is less stringent, but the same principles are encouraged to be applied.

**POLICY IMPLICATIONS**

4. At the May 2004 meeting of Council, a policy was introduced to deal with memorial seats and that policy was amended by Council to require that the person being honoured was to be deceased for a period of three years before the application could be considered under delegated authority. Where a shorter period was being pursued, the application was to be considered by Council.

**FINANCIAL IMPLICATIONS**

5. Identification of a name of a reserve or park is usually achieved through some form of plaque or signage on-site. No other costs should be incurred.

**STRATEGIC IMPLICATIONS**

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

***Community Vision:***

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

- *Excellent community infrastructure and services; and*

***Mission Statement:***

*The City of Albany is committed to ...*

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

***Priority Projects:***

*Nil."*

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

**COMMENT/DISCUSSION**

7. Mr McIlvenie has been instrumental in promoting the development of the reserve, in getting Albany a merchant sailor’s memorial, he has been an active member of the Albany Sea Rescue and has a comprehensive war record serving in the United States merchant marine service.
8. A number of names have been submitted to Council for recognition and those names have been filed for future use or rejected on the basis that the individual is still an active person within the community. Council’s policy on memorial seats provides a period post mortem for names to be submitted and considered; the process has been introduced to allow informed debate to take place on the commemoration of individuals within the public domain. Once a park is allocated a name, the process to change or revoke that name is arduous and often charged with emotion.
9. Council does not have an independent policy on the naming of minor parks and reserves.

**RECOMMENDATION**

THAT Council decline the request, at this time, to allocate a name to the small foreshore area in front of the Emu Point boat pens.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR MARSHALL SECONDED COUNCILLOR WILLIAMS</b></p> <p><b>THAT Council decline the request, at this time, to allocate a name to the small foreshore area in front of the Emu Point boat pens.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 12-1</b></p>
---

**DEVELOPMENT SERVICES REPORTS**

**11.4.2 Reserve Planning – Mills Park Enhancement Plan and Milpara Park Enhancement Plan**

- File/Ward** : STR 203 (Vancouver Ward)
- Proposal/Issue** : Council adoption of Mills Park Enhancement Plan and Milpara Park Enhancement Plan
- Subject Land/Locality** : Mills Park, Little Grove & Milpara Park, Milpara
- Proponent** : City of Albany
- Owner** : Crown reserves vested to the City of Albany.
- Reporting Officer(s)** : Parks and Reserves Planner (B Green)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Council adopt Mills Park Enhancement Plan and Milpara Park Enhancement Plan.
- Bulletin Attachment** : Enhancement Plans
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

**BACKGROUND**

1. Mills Park consists of one reserve R33454. Milpara Park consists of one reserve R41317.
2. The Parks are recognised as Suburban Parks. Suburban parks are reserves utilised for the delivery of infrastructure and attributes that encourage local neighbourhood activity and meeting. These reserves will be serviced by minor play equipment and may have a combination of open space and vegetation.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Mills Park Enhancement Plan and Milpara Park Enhancement Plan will be costed and placed within the Reserves Master Plan for implementation as priorities and allocations allow.
6. Council has allocated \$25,000 for play equipment upgrade within Mills Park and \$20,000 for Milpara Park in 2005/6.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*A Healthy City; Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...*

- *Diverse and affordable cultural, recreational and sporting opportunities;*
- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

***Mission Statement:***

*The City of Albany is committed to ...*

- *Respect the community’s aspirations and resources*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

8. The Friends of Mills Park has been formed as a result of this plan. This community group is seeking external funding opportunities to assist with implementation of the draft plan.
9. City of Albany held a workshop with Little Grove residents in June 2004 to discuss planning for the park.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued

10. City of Albany placed an advertisement in local papers to encourage community input into planning for Milpara Park in December 2004 and January 2005.
11. The Enhancement Plans have been developed in consultation with all relevant officers within the City of Albany.

**RECOMMENDATION**

THAT Council adopt Mills Park Enhancement Plan and Milpara Park Enhancement Plan.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR MARSHALL</b></p> <p><b>THAT Council adopt Mills Park Enhancement Plan and Milpara Park Enhancement Plan.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 13-0</b></p>
---

**DEVELOPMENT SERVICES REPORTS**

**11.4.3 Reserve Planning – Weerlara Lake Family Park Enhancement Plan**

<b>File/Ward</b>	:	STR 204 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Council adoption of Weerlara Lake Family Park Enhancement Plan
<b>Subject Land/Locality</b>	:	Weerlara Lake, Lockyer
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Crown reserve vested to the City of Albany.
<b>Reporting Officer(s)</b>	:	Parks and Reserves Planner (B Green)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Council adopt the Weerlara Lake Family Park Enhancement Plan.
<b>Bulletin Attachment</b>	:	Enhancement Plan
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued

**BACKGROUND**

1. Weerlara Lake Family Park encompasses two reserves:
  - R25382 (3.5ha)
  - R25385 (0.5ha)
2. Weerlara Lake is a registered Aboriginal Heritage Site and is protected under the Aboriginal Heritage Act 1972. No work can be undertaken in the park without Aboriginal approval via a Section 18 application.
3. The park has been selected as one of eight Family Parks to be developed within the City of Albany. A Family Park is a reserve utilised for the delivery of infrastructure and attributes that encourage whole of family activity and meeting. These reserves will be serviced by play equipment, toilets, lighting, barbecues and a car park and may have a combination of open space and vegetation.

**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. Weerlara Lake Family Park Enhancement Plan will be costed and placed within the Reserves Master Plan for implementation as priorities and allocations allow.
7. State Government has committed \$75,000 toward introduction of play equipment to the park in 2005. Council has met this contribution with an allocation of \$50,000.

**STRATEGIC IMPLICATIONS**

8. City of Albany 3D Corporate Plan:

***“Community Vision:***

*A Healthy City; Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...*

- *Diverse and affordable cultural, recreational and sporting opportunities;*
- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

***Mission Statement:***

*The City of Albany is committed to ...*

- *Respect the community’s aspirations and resources*

***Priority Projects:***

*Nil.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued

**COMMENT/DISCUSSION**

9. The Aboriginal community has been consulted in regard to its aspirations for the park and has been involved in all aspects of planning through the Albany Aboriginal Heritage Reference Group.
10. City of Albany placed an advertisement in local papers encouraging wider community input into planning for the park in December/January 2004/5.
11. The Enhancement Plan has been developed in consultation with all relevant officers within the City of Albany.

**RECOMMENDATION**

THAT Council adopt Weerlara Lake Family Park Enhancement Plan.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WISEMAN**

**THAT Council adopt Weerlara Lake Family Park Enhancement Plan.**

**MOTION CARRIED 13-0**

**DEVELOPMENT SERVICES REPORTS**

**11.4.4 Reserve Planning – ‘Wagul Park’ Enhancement Plan**

<b>File/Ward</b>	:	STR 203 (Breaksea Ward)
<b>Proposal/Issue</b>	:	Council adoption of ‘Wagul Park’ Enhancement Plan
<b>Subject Land/Locality</b>	:	‘Wagul Park, Wansborough St, Spencer Park
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Crown reserves vested to the City of Albany.
<b>Reporting Officer(s)</b>	:	Parks and Reserves Planner (B Green)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Council adopt ‘Wagul Park’ Enhancement Plan.
<b>Bulletin Attachment</b>	:	Enhancement Plan
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.4 continued

**BACKGROUND**

1. 'Wagul Park' consists of one reserve R32558.
2. The Parks are recognised as Suburban Parks. Suburban parks are reserves utilised for the delivery of infrastructure and attributes that encourage local neighbourhood activity and meeting. These reserves will be serviced by minor play equipment and may have a combination of open space and vegetation.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Mills Park Enhancement Plan and Milpara Park Enhancement Plan will be costed and placed within the Reserves Master Plan for implementation as priorities and allocations allow.
6. Council has allocated \$30,000 for play equipment upgrade within 'Wagul Park' in 2005/6.

**STRATEGIC IMPLICATIONS**

7. City of Albany 3D Corporate Plan...

***“Community Vision:***

*A Healthy City; Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...*

- *Diverse and affordable cultural, recreational and sporting opportunities;*
- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

***Mission Statement:***

*The City of Albany is committed to ...*

- *Respect the community’s aspirations and resources*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

8. City of Albany placed an advertisement in local papers to encourage community input into planning for 'Wagul Park' in December/January 2004/5.
9. The theme and name of the park were discussed with the Albany Aboriginal Heritage Reference Group.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.4 continued

10. The Enhancement Plans have been developed in consultation with all relevant officers within the City of Albany

**RECOMMENDATION**

THAT Council adopt 'Wagul Park' Enhancement Plan.

*Voting Requirement Simple Majority*

.....

Councillor Paver returned to the Chambers at 9.49pm.

**MOVED COUNCILLOR WISEMAN  
SECONDED COUNCILLOR JAMIESON**

**THAT Council adopt 'Wagul Park' Enhancement Plan.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.5 DEVELOPMENT SERVICE COMMITTEES**

**11.5.1 Bushfire Management Committee meeting minutes – 8 June 2005**

- File/Ward** : MAN 089 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Summary Recommendation** : That the minutes of the Bushfire Management Committee held on 8 June 2005 be adopted.

**RECOMMENDATION**

THAT the minutes of the Bushfire Management Committee held on 8 June 2005 be received (copy of minutes are in the Elected Members' Report / Information Bulletin) and the following motions be adopted: -

**Item 9.1**

THAT Item 4.1 in the February BFAC Minutes, be amended to read:

- v) The owner/occupier/employee must have a serviceable fire unit located within the brigade area, with a capacity of not less than 400 litres and a 5hp fire pump. The fire unit must also have at least 15 metres of 19mm hose, a reel fitted with suitable fire nozzles and all equipment must be mounted on a vehicle, trailer or skid mounted unit. (This clause not applicable in the Kalgan Brigade area only for 2005/06).

**Item 9.2**

THAT upon appointment the CBFCO, DCBFCOs and SFCOs be authorised under Section 16 of the Bush Fires Regulations to issue a permit to burn clover as per Section 24 of the Bush Fires Act.

**Item 9.3**

THAT upon appointment the following officers be authorised under Section 38 of the Bush Fires Act:

- i) the CBFCO be authorised as Chief Fire Weather Officer; and
- ii) the DCBFCOs and SFCOs be authorised as Deputy Fire Weather Officers for their respective sectors.

**Item 9.5**

THAT Council endorse the office bearers elected at the Bush Fire Advisory Committee meeting.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WALKER**

**THAT the minutes of the Bushfire Management Committee held on 8 June 2005 be received (copy of minutes are in the Elected Members' Report / Information Bulletin) and the following motions be adopted: -**

**Item 9.1**  
**THAT Item 4.1 in the February BFAC Minutes, be amended to read:**

- v) The owner/occupier/employee must have a serviceable fire unit located**

**DEVELOPMENT SERVICES REPORTS**

**within the brigade area, with a capacity of not less than 400 litres and a 5hp fire pump. The fire unit must also have at least 15 metres of 19mm hose, a reel fitted with suitable fire nozzles and all equipment must be mounted on a vehicle, trailer or skid mounted unit. (This clause not applicable in the Kalgan Brigade area only for 2005/06).**

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**THAT upon appointment the CBFCO, DCBFCOs and SFCOs be authorised under Section 16 of the Bush Fires Regulations to issue a permit to burn clover as per Section 24 of the Bush Fires Act.**

**Item 9.3**

**THAT upon appointment the following officers be authorised under Section 38 of the Bush Fires Act:**

- i) the CBFCO be authorised as Chief Fire Weather Officer; and**
- ii) the DCBFCOs and SFCOs be authorised as Deputy Fire Weather Officers for their respective sectors.**

**Item 9.5**

**THAT Council endorse the office bearers elected at the Bush Fire Advisory Committee meeting.**

**MOTION CARRIED 14-0**

# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

#### 12.1.1 List of Accounts for Payment – City of Albany

<b>File/Ward</b>	: FIN 040 (All Wards)
<b>Proposal/Issue</b>	: N/A
<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>	: Approve accounts for payment
<b>Bulletin Attachment</b>	: Summary of Accounts
<b>Locality Plan</b>	: N/A

#### COMMENT/DISCUSSION

- The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

Municipal Fund		
Cheques	totalling	181,425.25
Electronic Fund Transfer	totalling	1,912,807.28
Payroll	totalling	663,169.02
Credit Card	totalling	7,444.14
<b>TOTAL</b>		<b>2,764,845.69</b>

- As at 4<sup>th</sup> July 2005, the total outstanding creditors, stands at \$351,866.82.

#### RECOMMENDATION

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

Municipal Fund	totalling	\$2,764,845.69
Total		<b>\$2,764,845.69</b>

*Voting Requirement Simple Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 19/07/05  
\*\* REFER DISCLAIMER \*\*  
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR MARSHALL**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$2,764,845.69</b>
	<b>Total</b>	<b><u>\$2,764,845.69</u></b>

**MOTION CARRIED 14-0**

**CORPORATE & COMMUNITY SERVICES REPORTS****12.1.2 Financial Regulation Changes**

<b>File/Ward</b>	:	FIN 065 (All Wards)
<b>Proposal/Issue</b>	:	Change Reporting Formats
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Senior Accounting Officer (D Evers)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That the suggested reporting formats be adopted.
<b>Bulletin Attachment</b>	:	None
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The Local Government (Financial Management) Regulations were amended as of 31 March to require council to adopt a percentage or value to be used in statements of financial activity for reporting material variances. In a July 2005 Gazette, Councils will no longer be required to have a list of accounts presented and included in the Council minutes.

**STATUTORY REQUIREMENTS*****Financial Activity Statement Report***

2. Section 6.4(5) of the Local Government Act 1995 now requires that “each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.”

***List of Accounts***

3. Regulation 13 (3a) is a new subregulation which provides that the list of accounts does not have to be presented to Council and included in the minutes if Council has authorised that the list be made available for inspection free of charge by members of the public.

**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 & COMMUNITY SERVICES REPORTS**

Item 12.1.2 continued.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision***

Nil.

***Mission Statement***

The City of Albany is committed to....sustainably managing Albany’s municipal assets, delivering excellent community services and providing sound governance.

***Priority City Projects***

All projects will be reported on.”

**COMMENT/DISCUSSION**

**Reporting Material Variances**

- 7. The new format reports are required to provide operating statement information plus capital expenditure and changes in balance sheet items such as loans, reserve transfers, debtors and creditors. The new format report will provide Council with a better overview including a reconciliation to the cash balances. The regulations require reporting of material variations against the adopted budget for the year. It is proposed that the materiality level based on guidance from accounting standard AAS 5 be 10%. This would allow for significant variations to be highlighted and explanations provided.

**Lists of Accounts**

- 8. The review of reporting requirements by the Department indicated that many Councils were concerned at the burden on Councillors of being required to review and sign off on a large list of payments made each month, and the waste of paper. Under section 13(3a)f the Local Government Act 1995, it is proposed that Councils be given the option of making such lists available to the Councillors and the general public, but Council not be required to approve the lists each month. It is proposed that the lists be made available in a appropriate file in the Councillors’ lounge, and the front foyer of the North Road Office.

**RECOMMENDATION**

THAT Council

- i) adopt a percentage of 10% for reporting material variances in the monthly accounts; and
- ii) authorise the monthly list of accounts paid to be made available for inspection free of charge to the public, and no longer included in the monthly Council agendas.

*Voting Requirement Absolute Majority*

.....

Item 12.1.2 continued.

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WALKER**

**THAT Council**

- i) adopt a percentage of 10% for reporting material variances in the monthly accounts; and**
- ii) authorise the monthly list of accounts paid to be made available for inspection free of charge to the public, and no longer included in the monthly Council agendas.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

## **12.2 ADMINISTRATION**

### **12.2.1 Request to review Berthing Fees: Silver Star Cruises, Albany Town Jetty**

<b>File/Ward</b>	: PRO 109 (All Wards)
<b>Proposal/Issue</b>	: Review of the Town Jetty Berthage Fees
<b>Subject Land/Locality</b>	: Albany Town Jetty
<b>Proponent</b>	: N/A
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: That Council decline the review of Fees
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	: Nil.

#### **BACKGROUND**

1. The City has received a request from Paul Guest, Silver Star Cruises, for Council to review the fees charged in relation to pen fees at the Albany Town Jetty.
2. Mr Guest has stated that in around 1993 Silver Star Cruises provided the infrastructure that is currently being utilised.
3. Up to the present time Silver Star Cruises has been charged a jetty licence by the DPI of \$430 per year, but has not been required to pay a pen fee.
4. Mr Guest is seeking a reduction in fees to incorporate a fee equivalent to the jetty licence, the cost of power and water consumed and the fuel berthage fee.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

***Mission Statement:***

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

***Priority Projects:***

*Maritime Services Plan.”*

**COMMENT/DISCUSSION**

- 9. This is the first time the City has been able to charge fees for its facilities at the Town Jetty, as the DPI has only recently finalised the leasing agreements.
- 10. The basis for the Council fee is as a pen fee and is based on the length of the vessel. This is the same basis as the fees charged for Dive.com, Sailaway, Blueback Charters, Albany Reef Explorer & McKenzie Cruises. Mr Guest has pointed out that Blueback Charters did not construct its infrastructure. Albany Reef Explorer and McKenzie Cruises has relocated to other areas outside Albany.
- 11. The fees charged at other mooring facilities / pen systems, have been compared and the fee levied by the City is at the lower end of these charged:-

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

- 12. These facilities all provide similar services; single phase power, water and lighting. Mr Guest however maintains that the Albany Town Jetty does not provide a safe anchorage.
- 13. With the exception of Blueback Charters, the Council does not levy any lease area fees for the land backed area occupied.
- 14. Following the analysis, the fees as levied appear to be fair and equitable.

**RECOMMENDATION**

THAT given the particular circumstances and the need for consistency, Council decline the request.

*Voting Requirement Simple Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 19/07/05  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

Councillor Paver declared an interest in this item and left the Chambers at 9.53pm. The nature of his interest is that Paul Guest is a client of Aussi Draw Cards.

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR EVANS**

**THAT this item lay on the table for one month to allow further consideration.**

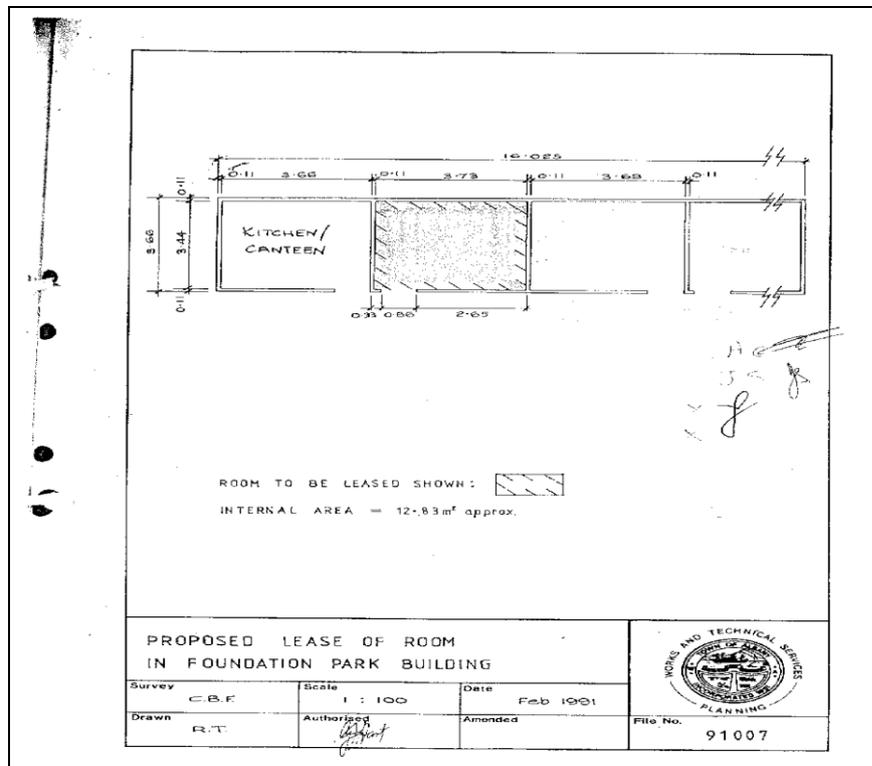
**MOTION CARRIED 12-1**

Councillor Paver returned to the Chambers at 9.55pm.

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.2.2 Variation of Lease for the Albany All Breeds Dog Club**

<b>File/Ward</b>	:	PRO 026 (Fredrickstown Ward)
<b>Proposal/Issue</b>	:	Variation of Lease
<b>Subject Land/Locality</b>	:	Foundation Park – Albany Town Lots 174, 176, 177, 178, 203, 204, 205 and 206
<b>Proponent</b>	:	Albany All Breeds Dog Club Inc
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Corporate Services Officer (S Foy)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	That Council approve a variation of lease to include an additional area for Albany All Breeds Dog Club Inc.
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	



Item 12.2.2 continued.

**BACKGROUND**

1. The Albany All Breeds Dog Club currently lease a room at Foundation Park, Albany Lots 174, 176, 177, 178, 203, 204, 205 and 206. The Foundation Park facility currently has an additional two rooms available for lease after it was recently vacated by the City's Parks and Reserves Department.
2. The Albany All Breeds Dog Club has expressed an interest in leasing the additional rooms previously utilised by the City's Parks and Reserves Department. These additional rooms would be used to store equipment required for agility classes and gain access to the kitchen and canteen facilities.
3. The Club's current lease is for a term of five years, which commenced on 1 November 2001.
4. The City's Parks and Reserves coordinator supports the Albany All Breeds Dog Club's request to lease the additional rooms, as the City no longer requires this space.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. The City of Albany only charges a minimal land rate for the room already leased by the Albany All Breeds Dog Club. Any additional rooms leased will only incur minimal land rate charges. The minimal land rate is set by Council each year.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

Nil

***Mission Statement:***

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

***Priority Projects:***

Nil”

Item 12.2.2 continued.

**COMMENT/DISCUSSION**

- 9. The City has received a written request from the Albany All Breeds Dog Club to lease the additional rooms that adjoin the room already used by the club. The current lease only covers one room so an additional two rooms will need to be incorporated into the current lease.
- 10. The additional room would be used for the storage of equipment and access to both the kitchen and canteen facilities.

**RECOMMENDATION**

THAT Council agree to modify the Albany All Breeds Dog Club's current lease to incorporate an additional two rooms at Foundation Park, Albany Lots 174, 176, 177, 178, 203, 204, 205 and 206.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR BOJCUN SECONDED COUNCILLOR WATERMAN</b></p> <p><b>THAT Council agree to modify the Albany All Breeds Dog Club's current lease to incorporate an additional two rooms at Foundation Park, Albany Lots 174, 176, 177, 178, 203, 204, 205 and 206.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 14-0</b></p>
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**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.2.3 Aboriginal Flag – City of Albany Administration Building and Civic Centre**

<b>File/Ward</b>	: GOV 059 (All Wards)
<b>Proposal/Issue</b>	: Aboriginal Flag
<b>Subject Land/Locality</b>	: City of Albany Administration Building and Civic Centre – Lot 4743 North Road Yakamia
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Manager Customer Services (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council supports the community's aspirations to display the Aboriginal Flag at the City's North Road Administration Building and Civic Centre.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. During Reconciliation Week, the City of Albany raised the Aboriginal Flag daily adjacent to both the State and National Flags. During Reconciliation Week, the Aboriginal Flag replaced the City's Corporate Flag.
2. Since Reconciliation Week, the City has received numerous phone calls and e-mails requesting that the City installs a fourth flag pole to display the Aboriginal Flag on a daily basis in addition to the City's Corporate Flag, the State and National Flag.
3. From the feedback received, it appears that by displaying the Aboriginal Flag permanently, reflects the City's commitment to the implementation of the Aboriginal Accord/Action Plan and also provides a welcoming statement to both local and visiting Aboriginal People.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.3 continued.

**FINANCIAL IMPLICATIONS**

- 6. The cost of purchasing and installing a fourth flagpole is approximately \$2,000. This item has not been included into the 2005/2006 Budget. This item will be reallocated at the first quarter review.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*A Healthy City – Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through diverse and affordable cultural, recreational and sporting opportunities.*

***Mission Statement:***

*At all times we will respect the Community’s aspirations and resources”*

**COMMENT/DISCUSSION**

- 8. The Education Department building in Collie Street flies the Aboriginal Flag on a daily basis.
- 9. In terms of positioning, according to the Australian Governments protocols, the Aboriginal Flag would be flown to the right (facing the Administration Building from North Road) of the City’s Corporate Flag.

**RECOMMENDATION**

THAT Council;

- i) support the community’s aspirations through purchasing and installing a fourth flag pole at the City of Albany’s Administration Building and Civic Centre for the purpose of flying the Aboriginal Flag on a daily basis.
- ii) agree to allocate \$2,000 for the purchase and installation of a fourth flagpole from the excess revenue received from General Purpose Grants over and above the 05/06 budget allowance.

*Voting Requirement Absolute Majority*

Chief Executive Officer left the Chambers at 9.59pm.

Chief Executive Officer returned to the Chambers at 10.01pm.

Item 12.2.3 continued.

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR BOJCUN**

**THAT Council;**

- i) support the community's aspirations through purchasing and installing a fourth flag pole at the City of Albany's Administration Building and Civic Centre for the purpose of flying the Aboriginal Flag on a daily basis.**
- ii) agree to allocate \$2,000 for the purchase and installation of a fourth flagpole from the excess revenue received from General Purpose Grants over and above the 05/06 budget allowance.**

**MOTION CARRIED 12-2  
ABSOLUTE MAJORITY**

**12.2.4 Local Law – Removal of Disallowed Section – City of Albany Jetties, Bridges and Boat Pens Local Law**

<b>File/Ward</b>	: MAN 048 (All Wards)
<b>Proposal/Issue</b>	: Ensuring Local Law is Compliant with Local Government Act
<b>Subject Land/Locality</b>	: Various
<b>Proponent</b>	: Joint Standing Committee on Delegated Legislation
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Corporate Services Officer (J Twaddle)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 16/11/04 - Item 12.2.4 OCM 19/10/04 - Item 12.2.4 OCM 20/07/04 - Item 12.2.4
<b>Summary Recommendation</b>	: Delete Clause from Local Law
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. On the 16<sup>th</sup> November 2004 the Council adopted the Jetties, Bridges and Boat Pens Local Law 2004. This local law was developed to 'regulate the care, control and management of Jetties, Bridges and Boat Pens under the care, control or management of the City of Albany'. This Local Law was submitted to the Joint Standing Committee on Delegated Legislation concurrently with its gazettal.
2. The Joint Standing Committee has advised that Clause 3.4(a) of the Local Law is likely to be disallowed by Parliament as it believes it is beyond the powers available under the Local Government Act 1995.
3. In the opinion of the Joint Standing Committee the City's Local Law authorises entry onto a property in circumstances not covered by the Local Government Act.
4. The Joint Standing Committee has recommended that the City should repeal clause 3.4(a) of the City of Albany Jetties, Bridges and Boat Pens Local Law 2004 and not enforce this clause in the meantime.
5. Although Council's solicitor maintains the clause is not ultravires of the Local Government Act, if the City refuses to modify clause 3.4(a) the Committee will maintain its notice of motion for disallowance of clause 3.4 of the Local Law. Although it is possible that the Parliament will not accept the Committee's recommendation that clause 3.4 should be disallowed, our solicitor has suggested that this is unlikely to occur.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.4 continued.

6. The Committee has not requested that the City delete clauses 3.4(c) and (d) which empower an authorised person to refit or cause to be refitted mooring lines in the case of an emergency or where a written direction has not been complied with.
7. With the Committee insisting that the entirety of clause 3.4(a) be deleted, it is our solicitors view that an authorised person may still 'inspect or adjust mooring lines' under clauses 3.4(b), (c) and (d) of the Local Law.

**STATUTORY IMPLICATIONS**

8. Clause 3.4(a) of the current City of Albany Jetties, Bridges and Boat Pens Local Law, provides the power for Council to board any vessel at any time to inspect or adjust any mooring lines.
9. A Local Law cannot exceed the powers contained in the Local Government Act 1995 and cannot result in unfairness in its operation thereby breaching established rights and liberties.
10. Section 3.12 of the Local Government Act 1995 sets out the procedure for making a Local Law and for making changes to a Local Law. Council needs to follow this procedure to repeal the offending clause and provide an undertaking that it will not seek to use Clause 3.4(a) of the Local Law.

**POLICY IMPLICATIONS**

11. There are no Council policies in place relating to this item.

**FINANCIAL IMPLICATIONS**

12. There is a requirement to gazette the repealed clause and a subsequent cost for that action.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*A Healthy City:* Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through... diverse and affordable cultural, recreational and sporting opportunities.

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

The City of Albany will always be renowned for... Our high-performance system of governance.

***Priority Projects:***

Major Review Project No. 14, namely the proposal to set business rules for the Emu Point Boat Pens and Town Jetty operations.”

Item 12.2.4 continued.

**COMMENT/DISCUSSION**

14. Since the Local Law was gazetted, Council has not sought to use the powers provided under clause 3.4(a) of the Local Law and a commitment has been given to the Joint Standing Committee that the clause will not be utilised in the interim. The clause reads:

“3.4 *An authorised person may:*

(a) *board any vessel at any time to inspect or adjust any mooring lines;”.*

**RECOMMENDATION**

THAT Council resolves, pursuant to section 3.12 of the *Local Government Act 1995* to repeal clause 3.4(a) of the City of Albany Jetties, Bridges and Boat Pens Local Law gazetted by the City of Albany on the 31<sup>st</sup> January 2005, and that notice to that effect be published in the Government Gazette.

*Voting Requirement Absolute Majority*

.....

Executive Director Works and Services left the Chambers at 10.04pm.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR JAMIESON**

**THAT Council resolves, pursuant to section 3.12 of the *Local Government Act 1995* to repeal clause 3.4(a) of the City of Albany Jetties, Bridges and Boat Pens Local Law gazetted by the City of Albany on the 31<sup>st</sup> January 2005, and that notice to that effect be published in the Government Gazette.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**CORPORATE & COMMUNITY SERVICES REPORTS****12.6 ALBANY LEISURE AND AQUATIC CENTRE****12.6.1 Purchase & Installation of Portable Spa**

<b>File/Ward</b>	: MAN 169 (Fredrickstown Ward)
<b>Proposal/Issue</b>	: Purchase and installation of portable spa for the Albany Leisure and Aquatic Centre
<b>Subject Land/Locality</b>	: Albany Leisure and Aquatic Centre, Barker Rd, Albany.
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Manager, Albany Leisure and Aquatic Centre (D Schober)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Approve purchase and installation of a portable spa.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. On April 1<sup>st</sup> 2005 the Albany Leisure and Aquatic Centre sustained severe flooding. This resulted in the Centre experiencing damage to number of areas of the facility. The most severe damage was sustained in the spa and sauna area where the foundations of this section the building have been completely eroded away. These areas remain closed to the general public until repairs can be made.
2. The structural engineer engaged by the City's Insurers has now prepared a detailed report on the matter. He summarizes that inadequate broken storm water pipes were unable to cope with the pressures exerted due to the heavy rainfall. This in turn caused a series or breaks and thus eroded the foundations under certain sections of the building.
3. The engineer has provided three options for the City of Albany to consider before rebuilding of these areas can occur. All of these proposed options will take an estimated minimum of 3 months to repair.
4. Currently the City of Albany is negotiating with loss adjusters and the insurance company to bring about a timely resolution to the rebuilding of affected areas and compensation for the flood damage.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.1 continued.

8. At present the Albany Leisure and Aquatic Centre is the only commercial spa available to the community of Albany and the Great Southern region. Many people of the community have relied upon the sauna and spa for therapeutic, recreational and teaching purposes. The absence of these facilities have caused significant angst among the patrons of the centre and community user groups.
9. Preliminary costings have identified that purchase of a large 8 person stand alone spa together with the salvage of existing plant and equipment could re-build a portable spa for approximately \$19,500. This would include all contractor and set-up costs.
10. Investigating potential salvage costs by way of sale of the 8 person spa when the existing facility is re-built or when the proposed redevelopment is completed has estimated a return of \$2,500 to \$4,000 depending upon usage length.
11. All estimations have included compliance with Royal Life Saving Society guidelines and policy in respect to safe operations of an aquatic facility.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. The purchase and installation of a portable spa that would comply with all Royal Life Saving Society and OSH requirements would total \$19,500.
11. Salvage costs / resale value is estimated at \$2,500 to \$4,000.

**STRATEGIC IMPLICATIONS**

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

**“Community vision:** a Healthy City, Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- Diverse and affordable cultural, recreational and sporting opportunities.

**Mission Statement**

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

**Priority projects:**

N/A.”

Item 12.6.1 continued.

**COMMENT / DISCUSSION**

13. There is no comment / discussion relating to this item.

**RECOMMENDATION**

THAT Council approves the purchase and installation of a portable spa for the Albany Leisure and Aquatic Centre which may be sold once either a) the current spa is operational or 2) the Centre's redevelopment has been completed.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WEST**

**THAT Council approves the purchase and installation of a portable spa for the Albany Leisure and Aquatic Centre which may be sold once either a) the current spa is operational or 2) the Centre's redevelopment has been completed.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.7.1 Albany Arts Advisory Committee meeting – 8<sup>th</sup> June 2005**

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 8<sup>th</sup> June 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 8<sup>th</sup> June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted;

Item 6.2 – Community Culture & Arts Feasibility Fund

RECOMMENDATION

THAT the application from New Arts requesting funding for a ‘Regional Gallery Feasibility Study’ be recognised as an area of priority and listed as the first priority for this round of funding.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR MARSHALL**

**THAT the minutes of Albany Arts Advisory Committee held on 8<sup>th</sup> June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted;**

**Item 6.2 – Community Culture & Arts Feasibility Fund**

**RECOMMENDATION**  
**THAT the application from New Arts requesting funding for a ‘Regional Gallery Feasibility Study’ be recognised as an area of priority and listed as the first priority for this round of funding.**

**MOTION CARRIED 14-0**

**CORPORATE & COMMUNITY SERVICES REPORTS****12.8 COUNCIL REPRESENTATION****12.8.1 Council External Committee Representation**

<b>File/Ward</b>	: MAN 098 & MAN 095 & MAN 146 (All Wards)
<b>Proposal/Issue</b>	: Request for Council representation on Committee.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: OCM 15/02/05 – Item 14.2.1 SCM 10/05/05 – Item 6.1.11
<b>Summary Recommendation</b>	: That Council decline representation on two Committee and elect a Councillor to the Community Financial Assistance Committee.
<b>Bulletin Attachment</b>	: Copy of correspondence relating to the request.
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. In making recommendations on external Committee representation, Council has adopted the following criteria.
  - The regional context of the committee and the relevance to development of the region or its essential infrastructure;
  - The affiliation with the WA Local Government Association;
  - The activity (or otherwise) of the committee and its relevance to Local Government operations; and
  - The previously conducted survey results demonstrating that the committee response and majority of Councillors desired representation to continue.
2. Using this criteria, the Council has decided to:
  - Maintain representation due to a regional context;
  - Maintain representation due to WALGA affiliations;
  - Cease representation on other committees but a staff member or Councillor will attend meetings on an as needed basis when City of Albany issues are listed on the agenda for discussion;
  - Treat nominations for all statutory appointments to Ministerial Advisory Committees on their merits when received from time to time; and
  - Encourage individual Councillors to apply for and sit on committees with Statewide WALGA affiliation.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.9.1 continued.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. This item directly relates to sound governance under the City of Albany 3D Corporate Plan.

**COMMENT/DISCUSSION**

7. The following requests have been received and copies are included within the Elected Members Report / Information Bulletin.
- Senior Citizens Centre of Meals on Wheels (Albany); and
  - Oyster Harbour Catchment Group Inc.
8. Nominations were called for members on the Community Financial Assistance Committee at the Special Meeting of Council held on 10<sup>th</sup> May 2005.
9. The Community Financial Assistance Committee policy stipulates that five (5) Councillors sit on this Committee. At the Special Meeting of Council, only 4 Councillors were nominated.

**RECOMMENDATION**

THAT Council;

- i) not be represented on the Senior Citizens Centre of Meal on Wheels Management Committee;
- ii) not be represented on the Oyster Harbour Catchment Group Inc; and
- iii) call for nominations for the Community Financial Assistance Committee and appoint Councillor \_\_\_\_\_ to the Committee.

*Voting Requirement Simple Majority*

.....

Item 12.9.1 continued.

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR PAVER**

**THAT Council;**

- i) not be represented on the Senior Citizens Centre of Meal on Wheels Management Committee;**
- ii) not be represented on the Oyster Harbour Catchment Group Inc; and**
- iii) call for nominations for the Community Financial Assistance Committee and appoint Councillor Evans to the Committee.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

Executive Director Works & Services returned to the Chambers 10.06pm.

# **Works & Services**

## **REPORTS**

**WORKS & SERVICES REPORTS**

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

**13.1 WASTE MANAGEMENT**

Nil.

**13.2 ASSET MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

**13.3.1 Contract C05010 – Supply & Delivery of Training Services**

<b>File/Ward</b>	:	STA 006 (All Wards)
<b>Proposal/Issue</b>	:	Supply of Training Services to the City of Albany by Public Tender
<b>Subject Land/Locality</b>	:	Nil
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Manager, Executives Service (C Grogan) Executive Director Works & Services (L Hewer)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council award the tender to Hortus Australia.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. Over the last two years Council staff have been developing a strategy to implement nationally recognised training for up to 58 staff in the Works & Services Civil Construction & Maintenance, Parks, Gardens and Bushcare teams.
2. The strategy has been finalised and the necessary preparations have been made in order to commence training in the 2005/2006 Budget year.
3. Council originally designed the strategy to carry out a great deal of the training in-house using qualified staff. This would have created significant cost savings to Council.
4. Recently, Council became aware of existing employee traineeships funding package for Certificate III in Rural Operations, which provides the opportunity to use professional training services at no cost to Council.
5. As the overall cost of carrying out these works will be in excess of \$50,000 it was decided to Tender the service.

**STATUTORY REQUIREMENTS**

6. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

7. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
8. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. There are no financial implications for Council as all costs are reimbursed through Government funding. The Department of Education and Training have granted 400 Existing Worker Traineeships for WA specifically for Certificate III Rural Operations training.
11. Through the National Apprenticeship Centre the City of Albany have already requested 58 places to support this initiative.
12. All costs associated with this training are reimbursed by the Existing Employee Traineeships subsidy of \$5500 per participant which is paid in two instalments; the first is paid part way through the training program and the final instalment on completion of the training program.
13. As the majority of the training takes place 'on the job' there is little impact on labour costs. The adopted 2005/06 Budget provides a sufficient allocation to cover the labour costs associated with any 'off the job' training that is required.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision***

*A healthy City: Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.*

***City of Albany Mission Statement***

*The City of Albany is committed to sustainably managing Albany's municipal assets: and at all times we will respect the Community's aspirations and resources.*

***Priority Projects”***

*Operational Improvement Project Number 45 – accredited training for Works staff.*

**COMMENT/DISCUSSION**

15. A request for tenders was published in the West Australian on 8th June 2005 and the Albany Advertiser on 9th June 2005 for Contract No C0510, Supply of Training Services. Tenders closed on 22nd June 2005.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

16. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	10
Relevant Skills & Experience	55
Reliability of Contractor	25
Accreditation & Support Material	10
<b>TOTAL</b>	<b>100%</b>

17. A total of four specifications were issued with two tender submissions received by the close of the tender period. The following table summarizes those rates and charges (including GST) submitted by Great Southern TAFE and Hortus Australia.

<b>DESCRIPTION</b>	<b>HORTUS</b>	<b>TAFE</b>
Program delivery inc travel, administration, materials and facilitator expenses.	\$4500 per participant (up to \$261,000 in total)	\$4250 per participant (up to \$246,500 in total)
Existing Employee Traineeship Funding	\$5500 per participant (up to \$319,000 in total)	\$5500 per participant (up to \$319,000 in total)
Net credit to City of Albany	\$1000 per participant (up to \$58,000 in total)	\$1250 per participant (up to \$72,500 in total)
Evaluation Score	4.1	2.35

18. Both submissions offered a full package to the Council to supply training for the Certificate III Rural Operations customised to meet the specific operational requirements of the specific work teams.
19. The submission from Hortus Australia was the preferred option as they have extensive experience in delivering Certificate III Rural Operations training across all the nominated work areas.
20. Hortus Australia is currently delivering this training program at 32 Councils throughout regional Western Australia.
21. Great Southern TAFE demonstrate more limited experience in delivering Certificate II Rural Operations Training and would need to develop the Certificate III program and materials to meet the City of Albany specific requirements.

**RECOMMENDATION**

THAT Council award tender number CO5010 to Hortus Australia for the Supply of Training Services at a cost of up to \$4500 per participant, subject to securing Existing Employee Traineeship funding of \$5500 per participant inclusive of GST.

*Voting Requirement Simple Majority*

.....

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued.

Councillor Evans left the Chambers at 10.08pm.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WEST**

**THAT Council award tender number CO5010 to Hortus Australia for the Supply of Training Services at a cost of up to \$4500 per participant, subject to securing Existing Employee Traineeship funding of \$5500 per participant inclusive of GST.**

**MOTION CARRIED 13-0**

**WORKS & SERVICES REPORTS**

**13.4 AIRPORT MANAGEMENT**

Nil.

**13.5 RESERVES PLANNING & MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.6 WORKS & SERVICES COMMITTEES**

**13.6.1 Albany Streetscape Committee Minutes – 9<sup>th</sup> June 2005**

- File/Ward** : MAN 161 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Executive Director Works & Services (L Hewer)
- Summary Recommendation** : That the Minutes of the Albany Streetscape Committee held on the 9<sup>th</sup> June 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Committee held on 9<sup>th</sup> June 2005 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EMERY**

**THAT the minutes of the Albany Streetscape Committee held on 9<sup>th</sup> June 2005 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).**

**MOTION CARRIED 13-0**

# **General Management Services**

## **REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

Nil.

**GENERAL MANAGEMENT SERVICES REPORTS****14.2 ORGANISATIONAL DEVELOPMENT****14.2.1 Contract C05009 – Provision of Catering Biennial 2005/07**

<b>File/Ward</b>	:	C05009 (All Wards)
<b>Proposal/Issue</b>	:	Provision of Catering Biennial 2005/07
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Mayoral Liaison Administration Officer (V Dayman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accept the tender C05009 from Lisa Scanlon (Carlyles) for Catering
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. This catering tender is applicable to all functions and events held at the North Road Administration and Civic Centre for which catering is required. As such it is wider than previous catering contracts, which previously only serviced Council dinners.

**STATUTORY REQUIREMENTS**

2. 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.
3. Regulation 19 requires Council to advise each tender applicant in writing the results of Council's decision.

**POLICY IMPLICATIONS**

4. The City of Albany's Regional Price Preference Policy is not applicable to this item as all those who submitted tenders are Albany based.

**FINANCIAL IMPLICATIONS**

5. The adopted 2005/06 Budget provides sufficient resources to cover catering related costs for 2005/06. As this is a tender contract for 2 years, next year's budget deliberations will be required to accommodate 2006/07 related costs.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:****Nil****Mission Statement:****Nil****Priority Projects****Nil”.***COMMENT/DISCUSSION**

7. A request for tenders was published in the West Australian on Saturday 21<sup>st</sup> and Wednesday 25<sup>th</sup> May 2005 and the Albany Advertiser on Thursday 26<sup>th</sup> and Friday 27<sup>th</sup> May 2005. A total of eight tenders were issued with five submissions received at the close of tenders.

8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost/Menus	50
Relevant Skills & Experience	25
Reliability of Tenderer	15
Quality Accreditation	10
<b>Total</b>	<b>100</b>

9. The following table summarizes the analysis of prospective tender applicants for the supply of services.
10. A total tender price on this contract cannot be calculated as it is not possible to determine the exact number of events and functions that will be held over the two year period, nor the number of people attending each event or function. Instead caterers have been assessed on their ability to provide menus within the price ranges stipulated.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued

<b>TENDER PRICES – PROVISION OF CATERING SERVICES</b>					
<b>Contract - C05009</b>					
	Contractor	Contractor	Contractor	Contractor	Contractor
	<b>IAN S. HAINES</b>	<b>TEMPTATIONS CATERING</b>	<b>KOOKA'S CATERING</b>	<b>MONET'S A BALNEAIRE</b>	<b>LISA SCANLON (CARYLYES)</b>
Ability to provide a variety of menus at prices stipulated.	Yes	Yes	Could not provide menus for the lower end price scale	Yes	Yes
Evaluation Score (total combined score of 5 panel members)	331	370.5	309	365.5	380
Average Score (against 100% weighting)	<b>66.2%</b>	<b>74.1%</b>	<b>61.8%</b>	<b>73.1%</b>	<b>76%</b>

10. Lisa Scanlon (Carlyles) recorded the highest score with a total combined score from the 5 member judging panel of 380, converting to an average score of 76% against the 100% weighting criteria.

Temptations Catering were the second choice (average score of 74.1%) and Monet's A Balneaire were the third choice (average score of 73.1%).

11. Ian Haines does not comply with the tender requirements due to being unavailable for certain periods of the year when he is on annual leave. He has explained that he does not have the staff or the capacity for anyone else to take over his business during periods of absence.

12. Kooka's Catering does not comply with the tender requirements due to being unable to provide menus at the lower end of the requested price scale. They would also be unable to fulfil the contract in circumstances of illness or injury.

**RECOMMENDATION**

THAT Council accept the tender C05009 from Lisa Scanlon (Carlyles) for provision of Catering Services biennial 2005/07 for the two year period.

*Voting Requirement Simple Majority*

.....

Councillor Walker left the Chambers at 10.08pm.

Councillor Lionetti & Williams declared an interest in this item and left the Chambers at 10.09pm.

The nature of Councillor Lionetti interest is that he supplies goods to all parties. The nature of Councillor Williams interest is that she has a business relationship with one of the proponents.

Councillor Evans and Walker returned to the Chambers at 10.10pm.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued

The Mayor queried why Councillor Lionetti sat on the Contract evaluation Committee, but declared an interest in this item during the course of the Ordinary Meeting of Council.

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR BOJCUN**

**THAT Council accept the tender C5009 from Monets a Belneaire for provision of biennial catering services for the 2005/06 and 2006/07 financial years.**

**MOTION LOST 3-9**

Reason:

The tender from Monets provides Council with a better all round value for money outcome particularly given the range of services that are required.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR EVANS**

**THAT Council accept the tender C05009 from Lisa Scanlon (Carlyles) for provision of Catering Services biennial 2005/07 for the two year period.**

**MOTION CARRIED 10-2**

Councillors Lionetti and Williams returned to the Chambers at 10.21pm.

**GENERAL MANAGEMENT SERVICES REPORTS****14.3 ECONOMIC DEVELOPMENT****14.3.1 Disposal of Motor Vehicle (Purchased by Council on behalf of the Albany Waterfront project)**

<b>File/Ward</b>	:	MAN 168 (All Wards)
<b>Proposal/Issue</b>	:	Transfer of motor vehicle to the Great Southern Development Commission.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Manager – Economic Development (J Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council transfer ownership of Motor Vehicle (License A51210 – Holden Berlina) to the Great Southern Development Commission
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. In 2002/03, the City of Albany purchased a Holden Berlina for use by the Project Manager of the Albany Waterfront project. The City was fully reimbursed for the purchase cost of the vehicle by the Great Southern Development Commission (GSDC), immediately following the purchase.
2. The rationale behind the City purchasing the vehicle was to secure a private plated vehicle for unrestricted use by the Project Manager that was negotiated under his contract. A privately plated vehicle could not be procured through the auspices of the GSDC, who hold the employment contract for the Project Manager and pay all salaries and other on-costs.
3. As the City of Albany was a strategic partner in recruitment and selection for the position it agreed to partner the GSDC to achieve a mutually beneficial outcome

**STATUTORY REQUIREMENTS:**

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council dispose of property to the highest bidder at public auction, or by public tender to the person making the most acceptable tender, or by some other method after giving Statewide public notice of the proposed disposition.

**POLICY IMPLICATIONS**

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

Item 14.3.1 continued.

**FINANCIAL IMPLICATIONS**

- 6. There are no financial implications of transferring ownership of the vehicle. The original cost of the vehicle and all operating costs have been covered by the GSDC.

**STRATEGIC IMPLICATIONS**

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

***Community Vision:***

Nil.

***Mission Statement:***

Nil.

***Priority Projects:***

Nil.”

**COMMENT/DISCUSSION**

- 8. The Holden Berlina Station Wagon was effectively purchased by the GSDC as Council was fully reimbursed for the vehicle. It is now proposed that the depreciated asset be transferred from the City of Albany to the GSDC.

**RECOMMENDATION**

THAT Council;

- i) authorize the transfer of motor vehicle A51210 -Holden Berlina Station Wagon to the Great Southern Development Commission; and
- ii) advertise statewide its intention to transfer the vehicle to Great Southern Development Commission.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR PAVER**

**THAT Council;**

- i) authorize the transfer of motor vehicle A51210 -Holden Berlina Station Wagon to the Great Southern Development Commission; and**
- ii) advertise statewide its intention to transfer the vehicle to Great Southern Development Commission.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**GENERAL MANAGEMENT SERVICES REPORTS****14.3.2 2005/06 Community Events Financial Assistance Program**

<b>File/Ward</b>	: FIN 061 (All Wards)
<b>Proposal/Issue</b>	: Recommendations for funding under the 2005/06 Community Events Financial Assistance Program
<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>	: Nil
<b>Previous Reference</b>	: OCM 15/07/03 - Item 14.3.2 OCM 20/07/04 - Item 14.3.1
<b>Summary Recommendation</b>	: Council adopt the recommendations for funding under the 2005/06 Community Events Financial Assistance Program
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. The Community Events Financial Assistance Program is a competitive grants program of the City of Albany. The scheme is conducted in one round each year, with applications being invited in April and closing at the end of May. Council advertised its intention to consider applications for financial assistance under this scheme in local newspapers with all applications to be submitted by 31 May 2005.
2. Council provides a specific budget allocation for community event grants and in 2005/06, it is \$60,000. Funding for community event grants is provided on a dollar for dollar matching basis, with the community organisation being required to contribute the equivalent in cash or in-kind. The applicant must demonstrate that other funding opportunities have been investigated and that attempts to source other external funds have been or are being made.
3. Organisations that are funded by a parent organisation that is Government, quasi government, professional or commercial in its foundation, or that is primarily funded by Government, quasi government, professional or commercial sources is not eligible for funding, other than in exceptional circumstances. Funding is not provided for paid professional services, consultancies or the employment of personnel.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

**STATUTORY REQUIREMENTS**

4. Financial regulations require that funding of Community Financial Assistance applications is subject to prior budget approval and budgeted expenditure limitation.

**POLICY IMPLICATIONS**

5. Council adopted a Community Events Policy on 17 June 2003. The policy is outlined below:-

**“Objective:**

*To increase the economic yield from tourism by sponsoring and developing significant events that become annual tourist drawcards.*

*To assist community based organisations and committees in conducting and managing events.*

**Strategic Alignment:**

Professional Excellence

*Community Events:*

*To promote Albany and facilitate the celebration of events and achievements of significance to the Albany Community.*

Social Cultural and Economic Development

*To encourage a vibrant community where all are encouraged to participate and contribute*

Tourism Development

*To lead key tourism groups in establishing an integrated approach to visitor servicing district and area promotion and product development.*

**Grant Types:**

Icon Events

*Events of State or Regional significance that can demonstrate on past performance that they will generate significant tourism activity, stimulate large scale community interest and involvement and are conducted annually at the same time of the year*

Community Events

*Events of local or regional significance that stimulate community involvement and interest.*

Sporting Events

*Significant, and preferably the major event on a sporting organisations annual program.*

**Eligibility:**

*Not for profit organisations that are incorporated and can demonstrate the financial and human resources necessary to conduct the event applied for. Organisations qualifying for funding from State or Federal agencies must demonstrate assistance from those agencies in the funding application where practical.*

**Funding Round:**

*Applications close on the 31st of May each year.*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

***Funding Pool:***

*The funding pool for Icon, Community and Sporting Events will be allocated via the annual budget process. Council may grant up to three years funding approval for Icon events.*

***Administration:***

*The Manager, Economic Development will make recommendations to Council on the allocation of events grants.*

***Delegation Of Authority:***

*Nil."*

**FINANCIAL IMPLICATIONS**

5. Adoption of recommended funding approvals is subject to the expenditure limitation provided within the budget. In 2005/06, the limit is \$60,000 for the Community Event Financial Assistance Program.

**STRATEGIC IMPLICATIONS**

6. Community Events Objective  
To promote Albany and facilitate the celebration of events & achievements of significance to the Albany Community

Overall Performance Measure

Level of community support & participation.

Approach

- Recognise events and achievements through a program of appropriate events, for the benefit of the general community.
- Promote Albany by supporting suitable community events.

**COMMENT/DISCUSSION**

7. Applications for the Community Events Financial Assistance Program closed on 31 May 2005. There were 16 applications seeking a total of \$112,422.00 financial assistance from Council.
8. There was a high diversity of applications including major regional festivals, theatre productions, visiting recreational activities, heritage events, sporting and multi-cultural activities.
9. The funding recommendations presented are based on assessment against multiple criteria outlined in the Community Events Policy adopted in June 2003. Maintaining support for the diverse community-based activities which meet the Council's social equity and cultural development objectives have also been recommended.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.2 continued

**RECOMMENDATION**

THAT Council adopt the recommended funding allocations for the 2005/06 Community Event Financial Assistance Program being:

<u>Applicant</u>	<u>Officer Recommendation</u>
Albany Agricultural Society Inc	\$8,000
Albany Aussi Masters Swimming Club	\$1,100
Albany Classic Motor Event	\$8,000
Campervan and Motorhome Club	\$5,000
Albany Eisteddfod (Inc)	\$2,000
Albany Racing Club Inc	\$2,000
Albany Choral Society Inc Inc	\$2,000
Albany Vintage & Classic Motorcycle	\$2,000
Rotary International	\$5,000
Great Southern Marketing Association Inc	\$5,000
Bicycle Victoria	\$4,000
Great Southern Olive Growers	\$2,130
Perth International Arts Festival	\$10,000
Albany Sinfonia Inc	\$770
The Major Lockyer Proclamation Soc	\$1,000
Viewpoint Inc	\$2,000
Total	\$60,000

and provide Icon Status\* to the annual Agricultural Show and Trade Exhibition managed by the Albany Agricultural Society Inc.

*\* Events currently provided 'Icon' status include the Albany Motor Classic and the Perth International Arts Festival (Great Southern Program)*

*Voting Requirement Simple Majority*

.....

*note:- The table to follow outlines the 2005/06 event applications and recommended funding allocations*

The Chief Executive Officer advised of a correction on page 118 of the Agenda (paragraph 7). The total cost received from applications should be \$83,407.50.

<b>MOVED COUNCILLOR EVANS</b>	
<b>SECONDED COUNCILLOR WATERMAN</b>	
<b>THAT Council adopt the recommended funding allocations for the 2005/06 Community Event Financial Assistance Program being:</b>	
<u>Applicant</u>	<u>Officer Recommendation</u>
<b>Albany Agricultural Society Inc</b>	<b>\$8,000</b>
<b>Albany Aussi Masters Swimming Club</b>	<b>\$1,100</b>
<b>Albany Classic Motor Event</b>	<b>\$8,000</b>
<b>Campervan and Motorhome Club</b>	<b>\$5,000</b>
<b>Albany Eisteddfod (Inc)</b>	<b>\$2,000</b>
<b>Albany Racing Club Inc</b>	<b>\$2,000</b>
<b>Albany Choral Society Inc Inc</b>	<b>\$2,000</b>
<b>Albany Vintage &amp; Classic Motorcycle</b>	<b>\$2,000</b>
<b>Rotary International</b>	<b>\$5,000</b>
<b>Great Southern Marketing Association Inc</b>	<b>\$5,000</b>

**GENERAL MANAGEMENT SERVICES REPORTS**

<b>Bicycle Victoria</b>	<b>\$4,000</b>
<b>Great Southern Olive Growers</b>	<b>\$2,130</b>
<b>Perth International Arts Festival</b>	<b>\$10,000</b>
<b>Albany Sinfonia Inc</b>	<b>\$770</b>
<b>The Major Lockyer Proclamation Soc</b>	<b>\$1,000</b>
<b>Viewpoint Inc</b>	<b>\$2,000</b>
<b>Total</b>	<b>\$60,000</b>

and provide Icon Status\* to the annual Agricultural Show and Trade Exhibition managed by the Albany Agricultural Society Inc.

*\* Events currently provided 'Icon' status include the Albany Motor Classic and the Perth International Arts Festival (Great Southern Program)*

**MOTION CARRIED 14-0**

## GENERAL MANAGEMENT SERVICES REPORTS

2005/06 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Albany Agricultural Society Inc	2005 Albany Agricultural Show and Trade Exhibition (11-12 November 2005)	\$10,000	\$84,400	Business Sponsors (pending)	\$8,000	Tourism benefit includes intra-regional and Perth. Has an excellent record it now being in its 110 <sup>th</sup> year. A service agreement has been prepared and agreed between the City and AAS Inc and funds are used for a combination of city services and sponsorship. <u>Recommendation: Support with part-funding and classify as an Icon Event until 2007</u>	Icon Recommended
Albany Aussi Masters Swimming Club	Annual Open Swimming Race Across Princess Royal Harbour from the Town Jetty to the Yacht Club. (15 April 2006)	\$1,500	\$5,760	Business Sponsors (Healthway – pending)	\$1,100	Growing tourism benefit as numbers increasing. Competitors and families travel to Albany with good economic spin-off Naming rights given to City of Albany. <u>Recommendation: Support with part-funding</u>	S
Albany Classic Motor Event Organising Committee	Albany Classic Motor Event (4 <sup>th</sup> June 2006)	\$10,000	\$67,900	Healthway and corporate sponsors	\$8,000	This has been an annual event since 1991 bringing a significant number of visitors to Albany and has previously been categorised as an Icon event. <u>Recommendation:- Continue support as an Icon Event until 2007</u>	Icon
Campervan and Motorhome Club (Rainbow Ramblers Chapter)	CMCA Motor Home Rally (29 September to 3 October 2006)	\$5,000	\$12,000	Business sponsorship	\$5,000	150 motor homes attending with 300 people, Economic spin-offs in fuel, catering, tourist parks, promotion of Albany. Will choose Albany (centennial Oval hire) rather than Denmark if sponsorship is approved <u>Recommendation: Support with full-funding</u>	
Albany Eisteddfod (Inc)	Albany Music Eisteddfod 23-26 May 2006	\$2,000	\$2,000	Healthway	\$2,000	Well supported, good track record. Brings people from the metro area. Major cultural activity. Grant pays for contribution to cost of hiring the Town Hall <u>Recommendation: Support with full-funding</u>	C
Albany Racing Club Inc	City of Albany Handicap (26 December 2005)	\$5,000	\$58,550	Business sponsors (pending)	\$2,000	Medium tourism benefit. Major and regular regional sporting event. Major PR opportunity for the City of Albany <u>Recommendation:- Support with part funding</u>	S

## GENERAL MANAGEMENT SERVICES REPORTS

2005/06 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Albany Choral Society Inc Inc	Albany Proms 2005 (29-30 Oct 2005)	\$2,000	\$4,870	Nil (entry fees)	\$2,000	Low tourism benefit, however has strong local support and cultural benefits and is the 50 <sup>th</sup> year event. Funding used for hire of Albany Sports Centre venue <u>Recommendation:- Support full funding</u>	C
Albany Vintage & Classic Motorcycle Club Inc	Albany Vintage and Classic Motorcycle Hill Climb (5-6 November 2005)	\$3,000	\$24,515	Local business sponsorships	\$2,000	Growing tourism event with 116 entrants for the 2005 event – the twentieth year. Two thirds of entrants travel to Albany with their families to participate. <u>Recommendation:- Support with part funding</u>	S
Rotary International	District 9460 24 <sup>th</sup> Annual Conference (10, 11, 12 March 2006)	\$10,000	\$192,778		\$5,000	Between 600-800 delegates with families with the event to be held at ALAC. A major event for Albany which will likely result in repeat visitation <u>Recommendation:- Support with part funding</u>	C
Great Southern Marketing Association Inc	Taste Great Southern – A celebration of food and wine	\$10,000	\$45,350	\$14,350 in Sponsorship	\$5,000	Taste Great Southern is a major food and wine event which attracts significant visitation from the Perth market. Recommend part funding and utilisation of brand Albany (when developed) in the pre-event marketing program. Review success in 2006 to assess categorising as Icon Event <u>Recommendation:- Support with part funding</u>	C
Bicycle Victoria	Great Western Australian Bike Ride 19 March – 1 April 2006 – (Albany is the pre-event site from 14 March)	\$4,000	\$200,000 – promotion budget \$70,000 PR	Healthway, Eventscorp, CALM, Main Roads WA	\$4,000	Major tourist event with significant promotion interstate and in South Africa. Albany is the starting point of the touring event with research showing 67% of participants return to the area. Expected participants are:- <ul style="list-style-type: none"> <li>• 2000 from eastern states</li> <li>• 600 from WA</li> <li>• 500 from South Africa</li> </ul> <u>Recommendation:- Support with full funding</u>	C

## GENERAL MANAGEMENT SERVICES REPORTS

2005/06 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Great Southern Olive Growers Association	'Olive Festival' 24 September 2005	\$2,130	\$6,380	Businesses and door sales	\$2,130	Olive industry is a growth sector and this event will assist profile the Albany region as a major supplier and provide an interest to visitors <u>Recommendation: Support with full funding</u>	C
Perth International Arts Festival	Perth International Arts Festival – Great Southern Programme (10 February to 10 March 2006)	\$10,000		GSDC Regional Initiative Scheme Timbercorp Water Corp Business	\$10,000	2006 focus on Albany and the Great Southern Attracts world class acts to Albany. Town Hall takings were \$7,700 in 2005. High tourism value with significant economic multiplier. Supports cultural development <u>Recommendation:- Support as Icon Event to 2007</u>	Icon
Albany Sinfonia Inc	'One Night only' Performance (18 June 2005)	\$777.50	\$1,555	Nil – income from door sales	\$770.00	Funds to be used for hire of Town Hall – a city asset <u>Recommendation:- Support with full funding</u>	
The Major Lockyer Proclamation Soc. Inc	Re-enactment of the official proclamation by Major Edmund Lockyer (21 January 2006).	\$1,000	\$2,287	WA Govt	\$1,000	Added cultural experience for tourists in Albany and locals. Has significant heritage values that require City support . High level of volunteer support and adds colour and vibrancy to CBD. <u>Recommendation:- Support with full funding</u>	C
Viewpoint Inc	Viewpoint Fine Craft Exhibition (8-18 February 2006)	\$7,000	\$33,950	Country Arts, Healthways and regional LGA's (Pending)	\$2,000	Mostly of interest to local residents however does generate tourist interest once they have arrived. Good track record in past. Grant used for Town Hall Hire and promotions <u>Recommendation:- Support with part funding</u>	C
<b>TOTAL FUNDING ALLOCATION FOR 2005/06</b>					<b>\$60,000.00</b>		

**Funds available for allocation this (single round) \$60,000**

**Grant Types**

**(refer Community Events Council Policy adopted 17 June 2003)**

I = Icon (provides security of funding for three years from date of Council classification – subject to confirmation of annual event continuance)

C= Community

S = Sporting

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEE**

**14.4.1 Albany Tourism Marketing Advisory Committee Minutes – 8<sup>th</sup> June 2005**

- File/Ward** : STR 208 (All Wards)
- Proposal/Issue** : That Council receive the Albany Tourism Marketing Advisory Committee minutes.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of Albany Tourism Marketing Advisory Committee held on 8<sup>th</sup> June 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Tourism Marketing Advisory Committee held on 8<sup>th</sup> June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR MARSHALL**

**THAT the minutes of Albany Tourism Marketing Advisory Committee held on 8<sup>th</sup> June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 14-0**



**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.2 continued

- Albany Historical Society
  - Tourism Western Australia
  - City Manager for Economic Development
2. The City's Tourism Development Officer and Aboriginal Liaison Officer will assist and participate on the Committee with ex-officio status.
  3. The terms of reference of the Committee are to lead integrated master planning for revitalization of the Amity and surrounding heritage precinct to improve tourism appeal.

**STATUTORY REQUIREMENTS**

4. The Committee is established as a Committee of Council without delegated authority and is constituted under the Local Government Act 1995. The Committee makes recommendations to full Council.

**POLICY IMPLICATIONS**

5. The project and Committee is included in the City of Albany Tourism Strategy adopted by Council on 15/03/05

**FINANCIAL IMPLICATIONS**

6. Council has allocated \$10,000 in the 2005/06 budget and is seeking additional resources of \$20,000 from the Great Southern Development Commission (\$10,000) and LotteryWest (\$10,000). An additional \$50,000 has been committed to the Albany Visitor Centre (AVC) in 2005/06 for assistance with enhancements to the Brig Amity. Negotiations have commenced with the GSDC to have this funding granted to the City of Albany in view of recent structural changes to the AVC.

**STRATEGIC IMPLICATIONS**

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

***Community Vision:***

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

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

***Mission Statement:***

The City of Albany is committed to...

- sustainably managing Albany's municipal assets;
- delivering excellent community services;
- providing sound governance; and
- promoting our Community's vision for the future.

***Priority Projects:***

Nil."

8. Planning Projects (no 4) – Economic Development Strategy. Included in action plan on tourism development (Attractions Development)

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.2 continued

**COMMENT/DISCUSSION**

9. Since the February Council meeting, the City of Albany has written seeking nominations to the Committee. Nominations have been received as follows:-
- WA Museum (Ms Rachael Wilsher-Saa)
  - Albany Historical Society (Ms Margaret Williams – President)
  - Tourism Western Australia (Mr Neil Augustson – Regional Manager)
10. The Great Southern Development Commission did not wish to nominate a staff member and due to restructuring of the Albany Visitor Centre no board nominations were received.

**RECOMMENDATION**

THAT Council appoint the following community members to the Amity Heritage Precinct Enhancement Committee:

- Ms Rachael Wilsher-Saa;
- Ms Margaret Williams;
- Mr Neil Augustson;

with the terms of reference of the Committee to lead integrated master planning of the Brig Amity and surrounding heritage precinct to improve visitor appeal.

*Voting Requirement Absolute Majority*

.....

<p><b>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR EVANS</b></p> <p><b>THAT Council appoint the following community members to the Amity Heritage Precinct Enhancement Committee:</b></p> <ul style="list-style-type: none"><li>• <b>Ms Rachael Wilsher-Saa;</b></li><li>• <b>Ms Margaret Williams;</b></li><li>• <b>Mr Neil Augustson; and</b></li><li>• <b>Ms Vernice Gillies</b></li></ul> <p><b>with the terms of reference of the Committee to lead integrated master planning of the Brig Amity and surrounding heritage precinct to improve visitor appeal.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 14-0 ABSOLUTE MAJORITY</b></p>
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Reason:

- The addition of Vernice Gillies as a member will provide a heightened level of input on issues and opportunities regarding Aboriginal heritage and is consistent with the City of Albany Aboriginal Accord

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

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WILLIAMS**

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

**MOTION CARRIED 14-0**

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

Nil.

**17.0 MAYORS REPORT**

"Fellow Councillors:

On the 23<sup>rd</sup> June the City of Albany hosted members of the Library Board of Western Australia on one of its rare visits to regional WA. The 14 member committee, which includes Councillor Milton Evans, held their Board Meeting in the City's Civic Centre during the morning, after which they toured the Albany Public Library. The members were very impressed with the Library facilities here in Albany and were particularly interested in the services the library provides to the Albany community and how highly those services are valued by the community. In the afternoon, the Board members were given a tour of Albany landmarks, which they very much enjoyed despite the wet and cold conditions on the day. A Civic Function was held in the evening at which the CEO of the State Library, Margaret Allen, gave a brief presentation to Councillors on 'Trends and Best Practice in Public Libraries'.

I was extremely proud to represent the City of Albany at the Official Opening of the new Albany Youth Recreation Venue, "77 on Sanford", on the 24<sup>th</sup> June. The Hon Michelle Roberts, Minister for Police and Karl O'Callaghan, Commissioner of Police, conducted the official opening, heading up an impressive list of high profile dignitaries who attended the event. Unanimous praise was expressed for the purpose built venue, which will be a valuable asset to this community and to future generations of young people.

Also in June, Andrew Hammond and myself represented the City at the naming of the "City of Albany – Skywest Plane". The name "City of Albany" has been sign-written on the nose of the plane and a small plaque with the City's name and logo has been placed inside the cabin of the aircraft. Five Skywest planes will be similarly named after City's the planes travels to.

On 2<sup>nd</sup> July the City co-sponsored a Reception, in conjunction with the Albany District Office of Police, to acknowledge the service to this community of retiring Police Superintendent John Watson. John Watson arrived in Albany to officially take up the position of District Superintendent on 27<sup>th</sup> May 2003 and immediately embraced this community as his own. John's aggressive and outspoken style of policing undoubtedly made a difference in regards to crime and anti-social offences, with achievements being the best on record for the district over the two years he held the position. John was a popular and highly respected member of this community who will be greatly missed and we wish him, and his wife Lorraine, the very best for their retirement.

Visiting delegates attending the annual Australian Mammal Society Conference, were welcomed at a Civic Function hosted by the City on Monday 4<sup>th</sup> July. 120 delegates travelled from as far away as the United States of America, the Eastern States of Australia and from other parts of Western Australia to attend the week long conference, which is one of the major forums in Australia for people working on mammals to get together to share their experiences and the results of their year’s work. The conference this year had a particular focus on our local potoroo.

On Tuesday 12<sup>th</sup> July I had an informal meeting with the Indonesian Consul, Dr Aloysius Madja and Vice Consul, Elinda Sutendri, who were in Albany for the day meeting with various agencies and Indonesian community members to establish cultural understanding. The Consul made available the services of his office should the City require assistance on Indonesian matters in the future.

Thank you.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WALKER**

**THAT the Mayor’s report be received.**

**MOTION CARRIED 14-0**

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

**19.0 CLOSED DOORS**  
Nil.

**20.0 NEXT ORDINARY MEETING DATE**  
Tuesday 16<sup>th</sup> August 2005, 7.30pm

**21.0 CLOSURE OF MEETING**  
There being no further business, the meeting closed at 10.30pm

Confirmed as a true and correct record of proceedings.

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**A Goode, JP**  
**Mayor**

**APPENDIX A**  
**WRITTEN NOTICE OF DISCLOSURES OF INTEREST**

Name	Item	Nature of Interest
Cllr Williams	14.2.1	Business relationship with the proponents
Cllr Wellington	11.1.4	Part owners of adjoining land
Cllr Lionetti	14.2.1	Supplies goods to all parties.

**APPENDIX B**  
**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING**

Nil.

**INTERESTS DISCLOSED BY OFFICERS**

Nil.



**[Agenda Item 12.1.1 refers]**  
**[COUNCIL – 19<sup>th</sup> July 2005]**

### SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	totalling		181,425.25
Electronic Fund Transfer	totalling		1,912,807.28
Payroll	totalling		663,169.02
Credit Card	totalling		7,444.14
<b>TOTAL</b>			<b><u>2,764,845.69</u></b>

### CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,764,845.69 which was submitted to each member of the Council on 19<sup>th</sup> July 2005 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 \$2,764,845.69 which was submitted to the Council on 19<sup>th</sup> July 2005 and that the amounts are recommended to the Council for payment.

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**MAYOR**  
**(A Goode JP)**