

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 19th September 2006
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 22nd September 2006

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.00pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	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	-	JR Byrne
Approximately 45 members of the public		
2 media representatives		
<u>Apologies / Leave of Absence:</u>	-	J Walker

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

***Janet Austin**

Ms Austin addressed the Council in regard to Item 11.1.2 and spoke against the recommendation.

***Don Phillips**

Mr Phillips addressed the Council in regard to Item 11.1.2 and spoke against the recommendation.

Mr Phillips addressed the Council in regard to Item 16.1 and spoke against the Notice of Motion.

***Mr Ian Skalko**

Mr Skalko addressed the Council in regard to the Albany Leisure and Aquatic Centre redevelopment, and maintenance of existing City assets and infrastructure.

***Marie Austin**

Mrs Austin addressed the Council in regard to Item 11.1.2 and spoke against the recommendation.

***Emily Elsasser**

Ms Elsasser addressed the Council in regard to Item 11.1.5 and spoke against the recommendation.

***Dot Price**

Ms Price addressed the Council in regard to Item 16.1 and spoke against the Notice of Motion.

***T Demarteau**

Mr Demarteau addressed the Council in regard to Item 13.8.1 and asked, with reference to the Streetscape Committee meeting held on 20th July 2006, and in particular in reference to section 7.2 of the minutes of that meeting, has a decision been made in relation to the Pine Trees in the Chester Pass Roundabout?

Mr Les Hewer, Executive Director Works and Services responded by advising that no decision has been made regarding the retention or removal of the pine trees in the Chester Pass Road roundabout. He further explained that the current concept drawings show the pine trees.

Councillor Bojcun left the meeting at 7.26pm and returned at 7.29pm.

By a show of hands, the Council resolved to extend public question time for a further 15 minutes.

***Michael Pemberton**

Mr Pemberton addressed the Council in regard to Item 16.1 and spoke against the Notice of Motion.

***Kim Stanton, President Albany Ratepayers & Residents Association**

Ms Stanton addressed the Council in regard to Item 11.1.5 and spoke against the recommendation.

Ms Stanton also addressed the Council in regard to Item 16.1 and spoke against the Notice of Motion.

Ms Stanton also addressed the Council in regard to Item 13.8.1 and requested retention of the pine trees within the Chester Pass Road roundabout.

Ms Stanton also addressed the Council in regard to Item 11.1.2 and spoke against the recommendation.

***Kaye Stehn, Member Bushcarer's Advisory Committee**

Ms Stehn addressed the Council in regard to Item 11.1.3 and spoke against the recommendation.

***Don Dufty**

Mr Dufty addressed the Council in regard to Item 13.4.5 and spoke against the recommendation.

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 15th August 2006;
as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MARSHALL**

THAT the following minutes:

- **Ordinary Council meeting held on 15th August 2006;
as previously distributed be confirmed as a true and accurate record of proceedings.**

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DECLARATIONS OF FINANCIAL INTEREST

Councillor Lionetti – Item 11.3.6, Item 12.2.1

Councillor Waterman – Item 12.2.1

Councillor Wellington – Item 12.2.1, Item 13.5.2

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms Janet Austin presented a list of 501 names of persons that stated, 'No to high rise buildings and yes to parkland west of the jetty'.

Development Services

REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Consultancy Services – Residential Design Code Policy

File/Ward	:	STR239 (Various Wards)
Proposal/Issue	:	Preparation of Residential Design Code Policy
Subject Land/Locality	:	Albany's Urban Area
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Appoint consultant to prepare policy
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The City has recently called for tenders from suitably qualified and experienced consultants to prepare a policy pursuant to the Residential Design Codes to identify an appropriate built form and the desirable building heights for residential developments, with particular emphasis given in that policy to identifying appropriate locations for multi-storey buildings within existing urban areas within the City.
2. Submissions closed on 8 September 2006.

STATUTORY REQUIREMENTS

3. Section 3.57 of the Local Government Act 1995 and Regulations 11-24 of the Local Government (Functions and General) Regulations 1996 govern the tender process.

POLICY IMPLICATIONS

4. The R Codes provide a default position for residential development based upon "Acceptable Development" standards. Those standards allow for developments up to two storeys to occur on most residential lots.
5. The Codes then allow for a landowner to apply to Council to construct a building exceeding the Acceptable Development standards, using "Performance Criteria". The Codes state that Council may adopt a local policy to define the desired future character of developments that individual projects should aspire to. This consultancy is intended to produce such a policy.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

FINANCIAL IMPLICATIONS

6. The budget provided to undertake this consultancy is \$20,000.

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. At the time the agenda was prepared, submissions from consultants had not been submitted. Councillors will be provided information on the response to the tender proposal prior to the meeting, together with an evaluation of the tender submissions.
9. The criteria to be applied to the assessment are; understanding of the brief (10%), technical capability (25%), method of approach to prepare study (25%), experience of similar projects (15%), value for money (20%) and required input from City of Albany Staff (5%).

RECOMMENDATION

THAT Council appoint _____ to undertake the consultancy service to prepare the Residential Design Code Policy for built form and building height.

Voting Requirement Simple Majority

.....

ADDENDUM TO OFFICERS REPORT

10. Five companies sought copies of the brief with the intention of lodging expressions of interest to undertake the consultancy service to prepare a policy on building heights under the Residential Planning Codes. Only one submission was received and that was from Urbanizma (Patric DeVilliers) for a lump sum price of \$18,400 (excluding GST). This price is within the City’s budget for this project.

DEVELOPMENT SERVICES REPORTS

AMENDED RECOMMENDATION

THAT Council appoint Urbanizma to undertake the consultancy service to prepare the Residential Design Code Policy for built form and building height for the price of \$18,400 excluding GST.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council appoint Urbanizma to undertake the consultancy service to prepare the Residential Design Code Policy for built form and building height for the price of \$18,400 excluding GST.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. At the May meeting of Council, the Structure Plan for the Albany Waterfront Project (AWF) was adopted. The Structure Plan sets out the planned vision for, and the development objectives to be achieved within the AWF site.
2. The Proponent prepared a draft Precinct Plan for the Albany Waterfront Project, to provide Council with the development control mechanisms needed to regulate and control individual developments within the Structure Plan area. The draft Precinct Plan was considered by Council at its June meeting and the document was released for public comment for a period of five (5) weeks. During the public consultation period, a total of 148 submissions were received and those submissions have been made available for Councillors to view.
3. To adequately respond to the comments contained in the submissions, it is appropriate for Council to be reminded of the steps taken and timelines involved in reaching this point. In summary, they are;
 - 1985 – Labour Party announced the Albany Tomorrow programme including a commitment to develop the foreshore.
 - 1986 – Government relocated rail yards at cost of \$5.85 million.
 - 1989 – Two development options released for public comment.
 - 1990 – Town and Shire expressed support for foreshore project on behalf of Albany community.
 - 1990 – Further \$3 million committed by Government to relocate Westrail infrastructure and commence Station Precinct.
 - 1992 – Landcorp appointed to undertake foreshore project.
 - 1995 – Draft Structure Plan and Precinct Plans put on display for land based development.
 - 1996 – Scheme amendment completed, Scheme policies adopted, subdivisional approvals granted and environmental clearances issued for project.
 - 1997 – work completed on Town Jetty upgrade and public boat ramp built near tug harbour.
 - 1998 – Government withdraws its financial support for the foreshore development.
 - 2000 – Council provided framework for development of foreshore, based upon feedback from a community reference group.
 - 2004 – Minister announces government support to progress the project and a new concept submitted incorporating marina and clustering of development near marina.
 - 2005 – Minister lobbied by representative of Albany Urban Design Forum to review connectivity of built form within plan to existing CBD.
 - 2006 – Minister arranged peer review of design and provided alternate design solution.

STATUTORY REQUIREMENTS

4. The Albany Waterfront Project is located within the Albany Foreshore Development zone and Town Planning Scheme 1A states;

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- “4.43 No person shall carry out any development within the Foreshore Development Zone unless such development is in accordance with a Precinct Plan which has first been adopted by the Council.
- 4.44 A Precinct Plan may be prepared by the Council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.
- 4.45 The Council shall neither approve nor adopt a Precinct Plan unless it complies with, or is substantially in accordance with, the Structure Plan.
- 4.46 The Council shall neither approve nor adopt a Precinct Plan unless the Precinct Plan shows or otherwise clearly describes the following:
- (a) the proposed use of all land within the Precinct, including both public and privately owned land;
 - (b) the location and dimensions of any roads, pedestrian and cycle paths, car parking areas, public open spaces and other reserves;
 - (c) the number of cars which any car parking areas are designed to accommodate;
 - (d) the boundaries and approximate dimensions of any lots to be created through the subdivision of land within the Precinct; and
 - (e) the planned disposition of buildings in terms of height and setbacks from lot or reserve boundaries.
- 4.47 The Council may also require that a Precinct Plan show or otherwise described the following:
- (a) the type and colour of the paving materials which are proposed to be used in the construction of roads, paths and public open spaces;
 - (b) indicative designs of any buildings to be constructed;
 - (c) the location and form of outdoor furniture or any other artefact proposed to be placed within any public space;
 - (d) the location, quantities and species of any plants which are to be used for landscaping the Precinct; and
 - (e) any other detail which the Council, at its discretion, considers necessary or desirable for the Precinct Plan to show or describe.
- 4.48 The Council shall not adopt a Precinct Plan until after the following procedures have been completed:
- (a) The Council, having first approved the Precinct Plan, shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the Precinct Plan may be inspected, and in what form and during what period submissions may be made.
 - (b) The Council shall review the Precinct Plan in the light of any submissions received and shall then resolve either to formally adopt the Precinct Plan with or without modification, or not to adopt the Precinct Plan.
 - (c) Following final adoption of a Precinct Plan, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

POLICY IMPLICATIONS

5. The Precinct Plan, once adopted, would replace the “Waterfront Precinct” provisions of the Central Albany Urban Design Guidelines (the DeVilliers’ policy) to avoid confusion over the relevance of the two documents. The draft Precinct Plan took guidance from the work undertaken by Mr DeVilliers to ensure that any development in the Albany Waterfront Project integrates with current and future buildings within the CBD.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. The Albany Waterfront project is recognised in the draft Lower Great Southern Strategy and the draft Albany Local Planning Strategy as a strategic project for Albany.

COMMENT/DISCUSSION

8. The issues raised by the public can generally be grouped under 13 headings and a report containing a summary of the concerns raised follows this report.
9. The adoption of the AWF Structure Plan by Council, at its meeting in May 2006, provided a strategic framework for the future development of the AWF. The purpose of the Precinct Plan is to provide the development control mechanisms within the previously agreed Structure planning framework. Many of the submissions received address issues that could have been better addressed when Council was developing the Structure Plan for the AWF site.
10. Many of the submissions are seeking to have the merits of developing the AWF site reviewed. The following report addresses the comments made, notwithstanding that they do not relate to the Precinct Plan. It is this document that must be considered by Council and was the subject of the advertising process.

Built Form

11. Patric DeVilliers, in his draft report to Council, promoted development on the western side of the Town Jetty at four storeys (17.0m) with limited potential for five storeys (20% of site at 20.5m). On the eastern side of the Town Jetty, development was suggested to be three (14.0 m) to four storeys (17.0m) in height, with the articulation of those buildings.
12. Patric raised his concerns, at that time, over the co-location of the Albany Entertainment Centre (AEC) and a hotel complex on the western side of the Town Jetty and the impact that the resultant built form would have on the views to the harbour from the Stirling Terrace rotunda. Similar concerns were expressed by members of the Albany Urban Design Forum (UDF); the Minister responded to a deputation from the UDF by repositioning the hotel complex further east and by transferring commercial buildings, of a smaller scale, to the west of the AEC.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

13. Community expectation, that the built form will remain at two storeys, would effectively preclude the AEC and a hotel development from being constructed within the AWF. Council has previously accepted those developments as an integral part of the AWF project and the following comments are predicated upon that position remaining unchanged.
14. The Precinct Plan proposes that developments on lot 1 (within the Entertainment Precinct) be two storey and that the AEC have variable heights, the fly tower being the tallest component at a maximum of 24.0m. The hotel facing Toll Place is to be five storeys and the adjacent serviced apartments can be four storeys. The Commercial Precinct to the east would contain buildings two storeys in height and the structures on the Town Jetty would remain single storey.
15. As a point of reference, the Port Theatre building is 12.1m in height, the Cold Store building (within the Port) is 10.9m in height and the CBH grain shed (not silos) is 25.0m in height. Buildings generally in and around a working port are larger in height and form and the built form being promoted through the Structure Plan and Precinct Plan would not be inconsistent with the character or scale of the existing built form adjacent to Princess Royal Drive in this locality.
16. The impact that results from the scale and bulk of a building is measured by the setting into which that building is placed. That comparison is best demonstrated by comparing Vancouver Flats (Vancouver Street) with the Esplanade Hotel, or ALAC, or Albany Plaza. Each of these buildings is of a similar height, but their impact is exaggerated or mitigated by what is built alongside them, by the ability to view them from afar as well as up close, and by the architectural merits of the built form. A five storey building, located amongst single storey cottages and in an elevated position will be a dominant structure. The same building viewed from above and constructed alongside three and four storey structures would have less impact.
17. The “tiering” of the built form either side of Toll Place minimises the potential for loss of views to the harbour from residential properties located above Brunswick Road, whilst maintaining the visual connection between the UWA building and the Town Jetty. Council may wish to strengthen the Precinct Plan by allocating a measurement to define the height of the allocated number of storeys.
18. The request to include local granite and weatherboard on buildings (clause 1.0) is a reasonable request and the existing Precinct Plan provisions do not preclude these materials. The Precinct Plan requires that roof colours relate to wall colours (clause 16.2) and only a limited number of roofing colours are precluded. Similarly, the Precinct Plan highlights the need for building materials to respond to the environment into which they are to be placed (clause 1.7).

Traffic

19. The State Government made a conscious decision to relocate infrastructure below Stirling Terrace in 1990 to create a development site adjacent to Princess Royal Harbour. The 1996 Structure Plan proposed a totally land based development covering the land from the Dyfken Shed to an area opposite the Residency Museum. The current proposal integrates a marina development with land based entertainment, commercial and marine industrial activity. The western portion of the site is to be excised from the AWF project for Council to develop the Anzac Peace Park.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

20. The primary planning principle underlying all the plans prepared for the site has been the retention of 24hr. road and rail access to the Albany Port, seven days per week. A detailed traffic report accompanies the Structure Plan and that report's findings are incorporated into the Precinct Plan.
21. The developer will be responsible for the construction of the required traffic treatments, car parking bays and roads within the AWF site as part of the lot creation process.
22. Within the current City budget, funding has been allocated to extend the network of paths to the site and also to integrate the AWF with the planned Albany Peace Park development on the adjoining site.

Visual Amenity

23. A photo impression has been generated showing the potential impact of the built form, based upon the heights incorporated in the Precinct Plan, when viewed from the Town Jetty. That image indicates that elements of Stirling Terrace would still be visible if the guidelines are utilised. The impact of the potential development perceived by an individual will vary, depending upon the location where the view is taken from and upon the perceptions of the individual.
24. Whilst some residents will not accept any change in the character of the current AWF site, others are seeking an appropriate form of commercial development to link the CBD to the harbour and to add interest and vitality to the site. The planning for the site has generated several development outcomes over the past two decades and there will remain a divergence of opinions on the preferred development option for the AWF.

Structure Planning

25. Council has received, and subsequently adopted a Structure Plan to provide clear objectives on how the AWF site is to be developed.
26. Community opinion is divided on what components of the development should be located where, and a number of the submissions are requesting that no development occur to the west of the Town Jetty. The Structure Plan places those activities that are associated with the marina to the east of Toll Place (road leading to the Town Jetty) and then links the marina to the existing CBD with spaces for the AEC and commercial activity; to remove those components from the plan would leave the resultant development as a marina based commercial enclave.
27. Council must have regard to the Coastal Setback Policy and a 30.0m setback would normally be sought on development facing a protected water body, like Princess Royal Harbour. The creation of a marina to the east of Toll Place creates an aberration for that part of the site and it is reasonable that the development to its west should be set back an equal distance to the new shore line. The development is designed to accommodate the impacts of storm surge and rising sea levels. The harbour / land interface is also armoured and a paved Foreshore Reserve is to be created between the proposed development and the harbour. The project meets the objectives set by the policy.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Entertainment Centre

28. The Precinct Plan is a development control tool to establish the design parameters for the AEC. The actual form, finish and character of the AEC will be subject to a separate design process and decision-making regime. Project viability and material durability will form part of that separate process.

Environment / Marina

29. The Proponent is preparing a detailed Environmental Management Plan (EMP) for the construction of the marina and that document will be submitted to the Environmental Protection Authority for approval. A Remediation Action Plan has been submitted to the EPA for approval to remove soil contamination from the site and to undertake the required reclamation. For the lots on the western side of Toll Place appropriate EPA approvals have already been granted.

30. A decision on the level of assessment given to the EMP by the EPA is outstanding. The issues raised in the submissions are likely to be addressed through that process; decisions on the final design and the issuing of the approval to construct the marina will not be made by the City of Albany.

31. The concern expressed on the potential for buildings to place shadow on the waterfront promenade is acknowledged. The promenade is on the southern side of the buildings where winter sun penetration would be minimal. The Precinct Plan also requires that the promenade have cantilevered awnings protrude from buildings (clause 10). This requirement will result in the promenade also being in shade during the summer months and it will guarantee weather protection in the summer months (a trade off is provided). All buildings are required to also have a north facing courtyard to allow patrons to experience winter solar access, protected from the prevailing weather.

Pedestrian Movements

32. Community concerns over the suitability and aesthetic qualities of the footbridge are noted. Council may wish to consider those concerns within a separate process, however they do not affect the content of the Precinct Plan.

Economics

33. The viability of the AEC and the AWF project is not a matter to be addressed through the Precinct Planning process. The development of commercial buildings on the AWF will be market / demand driven and there will be a need to create additional shops in the CBD in the future (the AWF is designed to be an extension of the CBD). In the short term, there may not be a demand for AWF lots and they will remain undeveloped in a similar manner to the lots in the Station Precinct.

Open Space

34. Useable public open space is seen as an important requirement to the community. The AWF and the Anzac Peace Park projects will provide a diverse range of passive recreational infrastructure for the Albany community. In addition to a waterside promenade, the two projects propose to deliver public toilets (with disabled access), open parkland, an Anzac interpretive trail, linkages to the City's pathway network, fishing platforms and communal meeting spaces with public art, etc.

35. The abovementioned infrastructure will surpass the current amenity values provided by the open space on the AWF site. To maintain a large grassed area, which the community can "spill onto" on a few occasions each year, would seriously diminish the recreational opportunities that the space could provide.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Community Consultation

36. As mentioned earlier, there is a considerable divergence of opinion within the community on how the AWF site should be developed. The State Government has reviewed the planning for this site on numerous occasions over the past 25 years and responded to recent community concerns by;
- Removing permanent residential activity from the site;
 - Allocating the Anzac Peace Park site to the City;
 - Incorporating a marina;
 - Providing additional lanes to secure truck access to the port;
 - Contracting the design and construction of a footbridge;
 - Reducing the extent of reclamation within Princess Royal Harbour; and
 - Repositioning buildings to improve linkages with the CBD.
37. The City of Albany entered into a memorandum of understanding with the State Government and the Albany Port Authority to undertake the Albany Waterfront project and the writer assumes that commitment is still in place. Whilst it remains in place, Council will be unable to accede to the wishes of those members of the community who want the site left untouched or the development “scaled down”.

Conclusion

38. Assuming Council does not wish to withdraw its support for an AWF project, most of the concerns expressed by the community are either adequately covered within the existing Structure and Precinct Plan, they relate to matters beyond the area being planned or they relate to the planning process not the detail in the Precinct Plan. The request to increase the palette of colours and building materials referred to at paragraph 18 is a reasonable request, as is the suggestion at paragraph 17 that the building heights in the Precinct Plan be supplemented with a measurable outcome.

RECOMMENDATION

1. THAT Council, pursuant to clause 4.48 of the City of Albany Town Planning Scheme 1A resolves to formally adopt the Albany Waterfront Precinct Plan subject to the modifications detailed below;
 - i) Clause 1.3 being altered to include “local granite and weatherboard” as suitable finishes; and
 - ii) within the Precinct tables (pages 56 to 60) a physical height shall be placed alongside the number of storeys when referring to building height.
2. THAT Council pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme 1A revoke those clauses contained within the Central Albany Urban Design Policy dealing with development control within the Albany Waterfront Precinct Plan.

ADDENDUM TO OFFICERS REPORT

39. To further clarify the intent of the original Officer’s Recommendation, the heights proposed for buildings within the various Precincts are now specified, to amplify the intentions of clauses 11.1 to 11.9 of the Precinct Plan. Those clauses promote ground floor heights between 3.0m and 3.5m, and floor to floor levels no greater than 3.5m (3.0m in the accommodation precinct).

DEVELOPMENT SERVICES REPORTS

40. The Albany Urban Design Policy recommends a ground floor height of 4.5m (retail), a second floor height of 3.5m (office), a third storey of 3.0m (residential) and a roof space of 3.0m producing a height of 14.0m for a three storey construction. The following recommendation acknowledges the height requirements for the intended land uses.

AMENDED RECOMMENDATION:

1. THAT Council, pursuant to clause 4.48 of the City of Albany Town Planning Scheme 1A resolves to formally adopt the Albany Waterfront Precinct Plan subject to the modifications detailed below;
 - i) Clause 1.3 being altered to include “local granite and weatherboard” as suitable finishes; and
 - ii) within the Precinct tables (pages 56 to 60) the following wording shall replace the detail shown in “building height”;
 - Entertainment Precinct
 - a) On Lot 1 to be 2 storeys with potential to use roof space (maximum overall height not to exceed 10.0m).
 - b) Albany Entertainment Centre will generally be less than 10.0m (inclusive of roof) in height, with the main auditorium increasing to 17.0m (inclusive of roof) and the fly tower will be the tallest component and will not exceed 24.0m.
 - Accommodation Precinct
 - c) The building height facing Toll Place to be 5 storeys (19.5m inclusive of roof) with potential to use roof volume on the north-south running sections.
 - d) The adjacent service apartment building to be 4 storeys (16.0m inclusive of roof) with potential to use roof volume on the north-south running sections. The roof associated with the east-west running section will be minimum pitch.
 - Commercial Precinct
 - e) 2 storey (11.0m inclusive of roof) with potential to use roof volume on the north-south running sections. The roof on the east west running section will be minimum pitch. Refer also to clause 11.5.
 - Town Jetty Precinct
 - f) Lots 6 and 7 to be single storey (7.5m inclusive of roof) with potential to use roof volume.
 - g) Concession offices associated with charter boats to be single storey (6.0m inclusive of roof).
 - Harbour Precinct
 - h) All buildings in this precinct to be single storey (7.5m inclusive of roof).

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- 2. THAT Council pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme 1A revoke those clauses contained within the Central Albany Urban Design Policy dealing with development control within the Albany Waterfront Precinct Plan.

Voting Requirement Simple Majority

.....

ALTERNATE MOTIONS

- 1. THAT Council lay on the table the process to finally adopt the Albany Waterfront Precinct Plan.

Voting Requirement Simple Majority

- 2. THAT an appropriate budget allocation be made during the next quarterly review and that Council;
 - i) arrange immediately for an independent consultant to prepare a minimum of five photomontage images showing a “worst case” building scenario within the Albany Waterfront site using the height parameters identified in the draft Precinct Plan;
 - ii) upon receipt of those photomontages, release the images for public comment for a period of 30 days; and
 - iii) bring the Precinct Plan back before Council at the conclusion of the advertising period.

Voting Requirement Absolute Majority

.....

Reason:

- The level of information, on the impact that the buildings in the AWF may have on views from surrounding areas, particularly from Stirling Terrace, is insufficient to make an informed decision. Council is in a position to “fine tune” the draft Precinct Plan, in response to public comments, consistent with the statutory provisions of Town Planning Scheme 1A.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR PAVER**

THAT Council lay on the table the process to finally adopt the Albany Waterfront Precinct Plan.

MOTION LOST 4-10

RECORD OF VOTE

For the motion: Mayor Goode, Councillors Paver, Bojcun and Evans.

Against the motion: Councillors Marshall, Emery, Wellington, Waterman, Williams, Jamieson, Wolfe, West, Lionetti and Wiseman.

DEVELOPMENT SERVICES REPORTS

MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR JAMIESON

1. THAT Council, pursuant to clause 4.48 of the City of Albany Town Planning Scheme 1A resolves to formally adopt the Albany Waterfront Precinct Plan subject to the modifications detailed below;
 - i) Clause 1.3 being altered to include “local granite and weatherboard” as suitable finishes; and
 - ii) within the Precinct tables (pages 56 to 60) the following wording shall replace the detail shown in “building height”;
 - Entertainment Precinct
 - a) On Lot 1 to be 2 storeys with potential to use roof space (maximum overall height not to exceed 10.0m).
 - b) Albany Entertainment Centre will generally be less than 10.0m (inclusive of roof) in height, with the main auditorium increasing to 17.0m (inclusive of roof) and the fly tower will be the tallest component and will not exceed 24.0m.
 - Accommodation Precinct
 - c) The building height facing Toll Place to be 5 storeys (19.5m inclusive of roof) with potential to use roof volume on the north-south running sections.
 - d) The adjacent service apartment building to be 4 storeys (16.0m inclusive of roof) with potential to use roof volume on the north-south running sections. The roof associated with the east-west running section will be minimum pitch.
 - Commercial Precinct
 - e) 2 storey (11.0m inclusive of roof) with potential to use roof volume on the north-south running sections. The roof on the east west running section will be minimum pitch. Refer also to clause 11.5.
 - Town Jetty Precinct
 - f) Lots 6 and 7 to be single storey (7.5m inclusive of roof) with potential to use roof volume.
 - g) Concession offices associated with charter boats to be single storey (6.0m inclusive of roof).
 - Harbour Precinct
 - h) All buildings in this precinct to be single storey (7.5m inclusive of roof).
2. THAT Council pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme 1A revoke those clauses contained within the Central Albany Urban Design Policy dealing with development control within the Albany Waterfront Precinct Plan.

DEVELOPMENT SERVICES REPORTS

FORESHADOWED MOTION

Councillor Paver foreshadowed the following motion:

That Council, pursuant to clause 4.48 of the City of Albany Town Planning Scheme 1A resolves to formally adopt the Albany Waterfront Precinct Plan, on the condition that Lot 1 is removed from the Entertainment Precinct.

Reason:

It was never intended that the land west of the Town Jetty (Lot 1) would be built on, but would be developed as foreshore reserve / parkland.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR PAVER**

THAT Standing Order Clause 6.5 – Order of Call in Debate be suspended to enable substantial debate of the issue.

MOTION LOST 2-12

The substantive motion was then put.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR JAMIESON**

1. THAT Council, pursuant to clause 4.48 of the City of Albany Town Planning Scheme 1A resolves to formally adopt the Albany Waterfront Precinct Plan subject to the modifications detailed below;

- i) Clause 1.3 being altered to include “local granite and weatherboard” as suitable finishes; and**
- ii) within the Precinct tables (pages 56 to 60) the following wording shall replace the detail shown in “building height”;**

Entertainment Precinct

- a) On Lot 1 to be 2 storeys with potential to use roof space (maximum overall height not to exceed 10.0m).**
- b) Albany Entertainment Centre will generally be less than 10.0m (inclusive of roof) in height, with the main auditorium increasing to 17.0m (inclusive of roof) and the fly tower will be the tallest component and will not exceed 24.0m.**

Accommodation Precinct

- c) The building height facing Toll Place to be 5 storeys (19.5m inclusive of roof) with potential to use roof volume on the north-south running sections.**
- d) The adjacent service apartment building to be 4 storeys (16.0m inclusive of roof) with potential to use roof volume on the north-south running sections. The roof associated with the east-west running section will be minimum pitch.**

DEVELOPMENT SERVICES REPORTS

- Commercial Precinct**
e) **2 storey (11.0m inclusive of roof) with potential to use roof volume on the north-south running sections. The roof on the east west running section will be minimum pitch. Refer also to clause 11.5.**

- Town Jetty Precinct**
f) **Lots 6 and 7 to be single storey (7.5m inclusive of roof) with potential to use roof volume.**

- g) **Concession offices associated with charter boats to be single storey (6.0m inclusive of roof).**

- Harbour Precinct**
h) **All buildings in this precinct to be single storey (7.5m inclusive of roof).**

- 2. THAT Council pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme 1A revoke those clauses contained within the Central Albany Urban Design Policy dealing with development control within the Albany Waterfront Precinct Plan.**

MOTION CARRIED 10-4

RECORD OF VOTE

For the motion: Councillors Marshall, Emery, Wellington, Waterman, Williams, Jamieson, Wolfe, West, Lionetti and Wiseman.

Against the motion: Mayor Goode, Councillors Paver, Bojcun and Evans.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**Issues Raised in Submissions
Albany Waterfront Precinct Plans
148 Submissions Received**

Matters against draft Precinct Plan:

Built Form;

- B1. Building heights should be restricted to a maximum of 2 or 3 storeys.
- B2. Remove fly tower from entertainment centre.
- B3. Building heights not consistent with DeVillier's policy and SAT determination.
- B4. Local granite and weatherboard should be added to palette of acceptable materials.
- B5. Building covenants should be detailed (eg. no tilt up).
- B6. Design guidelines determines a style and form that prevents any creativity.
- B7. Introduce various colours on the rooves of buildings, not simply zincalume.
- B8. How will noise transmission and vibration be resolved in building design.
- B9. Impact of sea spray and sea rise on buildings, particularly those in the entertainment precinct.

Traffic;

- T1. Princess Royal Drive splits AWF from CBD creating potential problems for port related traffic and pedestrian safety.
- T2. Concerns over the adequacy of car parking and access during peak periods.
- T3. Reduce the level of car parking to reduce conflict on adjoining roads and encourage alternate transport modes.
- T4. Remove vehicles from town jetty and too much space devoted to parking, rather than nature strips, parks, etc.
- T5. Traffic lights should be placed on southern end of York Street from outset.
- T6. Place Princess Royal Drive underground to segregate port and other traffic.
- T7. To make traffic management work in AWF a CAT bus services needs to operate between the AWF and Albany Highway.

Visual Amenity;

- V1. Built form will block views of Stirling Terrace from town jetty and harbour.
- V2. Loss of views not accepted.
- V3. Locate buildings further to east to improve views and reduce building heights.
- V4. Development will detract from natural beauty of Princess Royal Harbour.
- V5. Development will detract from views of port berths when viewed from York Street.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- V6. Object to creation of viewing corridors.

Structure Planning;

- S1. No hotel or other forms of residential should be included in AWF.
- S2. Restrict AWF development to a local park only.
- S3. Move entertainment precinct to other side of accommodation precinct.
- S4. No commercial or retail activity within AWF.
- S5. No entertainment centre within AWF.
- S6. Remove all development west of town jetty and replace with park.
- S7. Minimal space allocated for accommodation and opportunity exists to place accommodation on groynes.
- S8. Buildings should be pulled back from shore line and parking placed along foreshore.
- S9. Reduce development to a marina with a few cafes, restaurants and chandlers.
- S10. Building setback should be 30m to meet coastal setback policy.

General;

- G1. Need to ensure quality of development and “world class development”.
- G2. Precinct Plan contradicts itself in many areas.

Comments (not directly relating to Precinct Plan):

Entertainment Centre;

- E1. Get a good architect to design entertainment centre.
- E2. Size and long term viability of entertainment centre questioned, particularly on the chosen site.

Environment;

- ENV1. No detail on environmental matters (contamination, filling, dredging)
- ENV2. Use endemic trees for landscaping areas.
- ENV3. Solar access to waterside promenade interrupted by built form.
- ENV4. How much of harbour to be reclaimed.
- ENV5. Stormwater Lakes need to have filter sedges, etc and drain naturally into harbour.

Pedestrian;

- P1. Design and aesthetics of pedestrian bridge questioned.
- P2. Proposed footbridge is huge mistake and impost on nurses garden and visual character of area.
- P3. Need to provide pedestrian network linking ANZAC Peace Park and Amity heritage precinct to other areas and storage facilities for cyclists.
- P4. Access to pedestrian bridge near Visitor Centre needs to incorporate disabled requirements.
- P5. Appropriate pedestrian facilities needed at southern end of York Street to complement pedestrian bridge.
- P6. Pedestrian bridge required to be positioned away from rotunda.
- P7. Move pedestrian bridge to east towards the Old Post Office buildings.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Economic;

- EC1. Placing buildings in a marine environment is costly to build and maintain.
- EC2. No detailed cost benefit analysis undertaken.
- EC3. Viability of additional shops questioned, when vacant shops exist in CBD.
- EC4. AWF development will produce a non-viable development that will cripple City financially for years to come.

Marina;

- M1. AWF documents do not address water circulation in marina.
- M2. Increase the width for the entrance to the marina and alter its alignment to provide still water within marina.
- M3. Adequate facilities required in marina for commercial fishing boats and vessels of the size of the Leeuwin.
- M4. As much of historic town jetty as possible to be preserved and boating should be able to use both sides.
- M5. Boat pens should face east/west, not north/south, and be floating berths.
- M6. Inadequate space provided for charter boats for future.
- M7. Adequate flushing of marina is essential.
- M8. Go whole hog and make provision for the berthing of passenger ships.
- M9. Who is going to use the marina berths

Open Space;

- O1. Area for ANZAC Peace Park is too restricted.
- O2. Essential that planned POS areas are not infringed upon or eroded.
- O3. Need for weather protection is imperative.
- O4. Access to public toilets and for wheelchairs (including to marina).
- O5. Access to a public beach / swim area is desirable.
- O6. Development will remove only current public access point from northern shore of Princess Royal Harbour for windsurfers.
- O7. Foreshore provides space close to CBD to walk dogs for apartment dwellers.
- O8. Loss of community access to area for recreation and fishing.

Community Consultation;

- C1. Previous views and desires of community are being ignored.
- C2. Leave area alone. No development. Area is tourist attraction.
- C3. Lack of initial public input to design process.
- C4. Council allowing state government to have too much control over what happens in Albany.
- C5. Reserved land should not be converted to freehold by “big brother” against the wishes of the public. The wishes of the majority are being denied.

Information Available;

- I1. Concerns that the predicted traffic volumes are understated.
- I2. Essential for Council to thoroughly scrutinise potential development plans for entertainment centre and hotel if height restrictions retained.

Matters Raised supporting draft Precinct Plan;

- F1. Looks good, get on with it.
- F2. Project is several decades overdue.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- F3. Support marina.
- F4. Marina should be made larger to cater for future growth.
- F5. Support the operation of commercial fishermen from marina.
- F6. Congratulations on the design in general.
- F7. Support introduction of dedicated truck lanes.
- F8. Provides tourist facilities and businesses.
- F9. Increase the groyne size to allow vehicle access to the extremity and facilities for picnicking and fishing.
- F10. Commend new design for building orientation and marina design.
- F11. Support but suggest the marina size be increased.
- F12. Support linking of foreshore to CBD by pedestrian links.
- F12. Supports provision of promenades and cafes.
- F13. Support linkages between AWF and ANZAC Peace Park
- F14. Support creation of fishing platforms.
- F15. Pleas small beach retained on west side of town jetty.

DEVELOPMENT SERVICES REPORTS

11.1.3 Landswap Proposal – Portion of Sub Lot 388 and Portion of Reserve 37440, Wright Street & Lake Seppings Drive, Seppings

- File/Ward** : A148717 (Breaksea Ward)
- Proposal/Issue** : Proposal to swap Crown Land (zoned “Parks & Reserves”) with privately owned land (currently zoned “Parks & Reserves”)
- Subject Land/Locality** : Portion of Sub Lot 388 and Portion of Reserve 37440, Wright Street & Lake Seppings Drive, Seppings
- Proponent** : City of Albany
- Owner** : Crown & Walker Paddon Real Estate Pty Ltd & Blacktora Pty Ltd & Firststar Holdings Pty Ltd
- Reporting Officer(s)** : Manager Planning & Ranger Services (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/10/05 – Item 11.4.1
OCM 15/08/06 – Item 11.1.3
- Summary Recommendation** : Support Proposed Land Swap
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. At its meeting dated 15 August 2006, Council considered a request to swap a portion of Reserve 37440 (Crown Land) with a portion of Lot 388 Wright Street and resolved as follows:

“THAT Council lay on the table for a period of one month the landswap proposal to allow an opportunity for discussions to occur on the potential to purchase Sub Lot 388 Wright Street for inclusion into the Lake Seppings reserve network.”

2. Staff met with the owners of Lot 388 Wright Street who have advised that they would be willing to entertain the sale of the land subject to the purchase price being based on a valuation reflecting the current commercial climate for developable land; this would equate to an acquisition price in excess of \$0.5 million.
3. The advice of the former Department of Environment has indicated that the land has no, or limited, potential to be utilised for residential purposes and a valuation report is likely to produce a substantially lower figure.

STATUTORY REQUIREMENTS

4. As the Crown Land is currently vested in the City of Albany for Public Recreation Purpose, Council’s resolution is required under Section 27(1) of the *Land Administration Act 1997*, in order for the Department for Planning and Infrastructure to proceed with the land swap process.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There are substantial financial implications relating to this item if Council resolves to negotiate to purchase lot 388. If the land swap is progressed, there are no financial implications.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Excellent community infrastructure and services;*

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

COMMENT/DISCUSSION

8. Given an 'agreed' purchase price is unlikely to be attained, based on preliminary negotiations, the proponents own other land in the locality and are seeking an adequate land bank to distribute the costs associated with providing new infrastructure upon the subdivision of the land.
9. Council is now required to advise the DPI whether it supports or opposes the land swap.
10. As per the reasons outlined in the previous Council report (18 August 2006), staff are supportive of the proposed land swap on environmental and reserve management grounds. By agreeing to the land swap, Council is not being asked to endorse the rezoning or subdivision of the new lot.

RECOMMENDATION

THAT Council advises the Department of Planning & Infrastructure that it supports the proposed land swap affecting portions of Reserve 37440 and Lot 388 Wright Street, Seppings and requests that arrangements be made to finalise the land swap process.

Voting Requirement Simple Majority

.....

Councillor Wiseman left the meeting at 8.11pm during consideration of Item 11.1.3 and returned at 8.13pm.

ALTERNATE MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR EVANS**

THAT Council lay this item on the table for a further month so that staff can investigate and report back on whether the privately owned land at Lake Seppings can be compulsorily purchased, by whom and at what price.

MOTION CARRIED 11-3

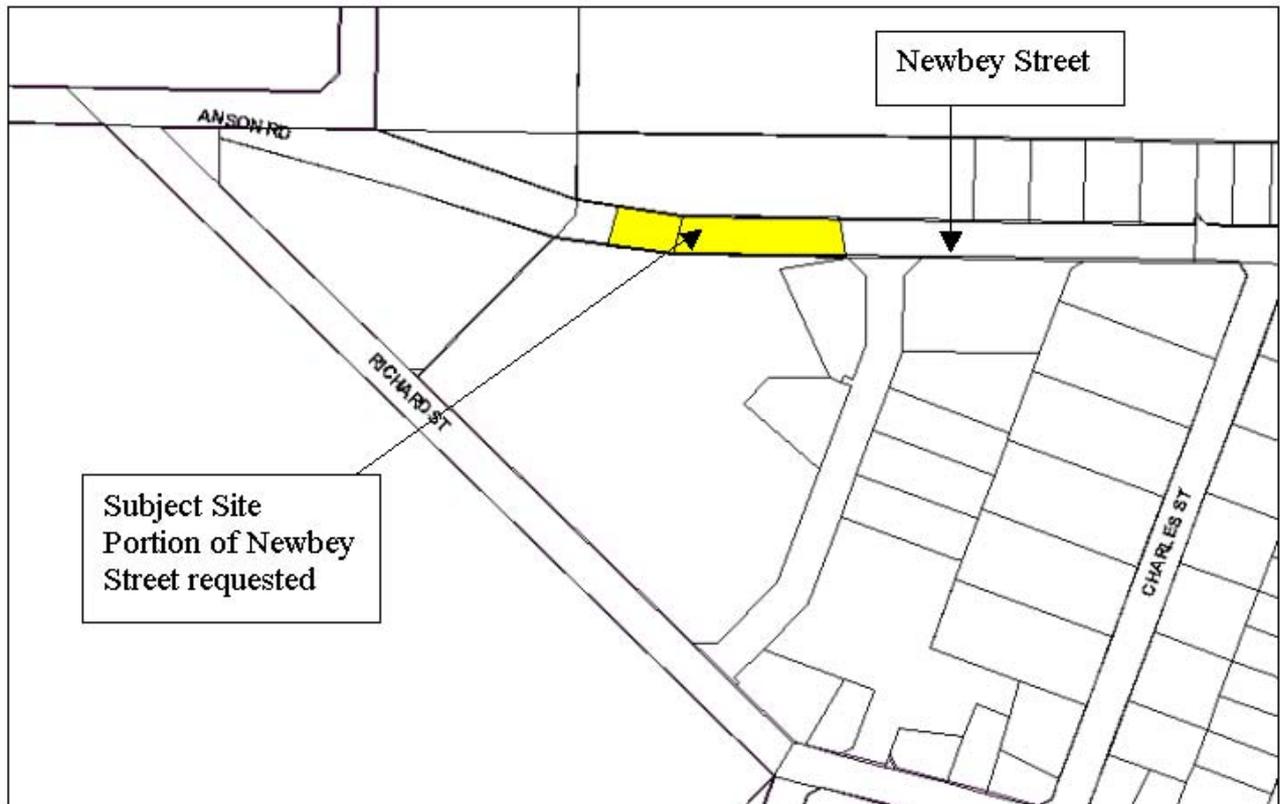
Reason:

- Before Council debates this matter it requires all of the available information and options to be placed before it.

DEVELOPMENT SERVICES REPORTS

11.1.4 Road Closure – Newbey Street, Milpara

File/Ward	: A190293 (Kalgan Ward)
Proposal/Issue	: Closure of Portion of Newbey Street and Incorporation of Road into Industrial Lots.
Subject Land/Locality	: Newbey Street
Proponent	: Harley Survey Group
Owner	: R & H Hedderwick and E & W Harley
Reporting Officer(s)	: Planning Officer (L Brown)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Advertise Closure
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. Anson Road has previously been identified as an important east-west link between Albany Highway and Chester Pass Road in the Anson Road Structure Plan, which was adopted by Council in 1997. With the expanding educational establishments (North Albany Senior High School and Great Southern Regional College) and Milpara Industrial Area, an urban traffic network capable of catering for a higher traffic flow was needed in the long term.
2. The Anson Road Structure Plan incorporated an indicative road layout plan, which proposed the re-alignment of Anson Road so that it would intersect with Newbey Street at the eastern edge of the Milpara Industrial Area.
3. Application has been received from the landowners seeking closure of the portion of Newbey Street and in return will concede the portion of land required to implement the re-aligned Anson Road and Newbey Street intersection. A copy of the proposed road closure plan is attached at the rear of this report.

STATUTORY REQUIREMENTS

4. Section 58 of the Land Administration Act 1997 requires that the Local Authority must resolve to close a road reserve only after it has been subjected to a 35 day public advertising process and Council has considered any submissions received during that period.

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; 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.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

COMMENT/DISCUSSION

8. A traffic study conducted by Wood & Grieve Engineers, as a component of the Anson Road Structure Plan, encourages the creation of a three-way intersection as a mechanism of integrating school-orientated traffic with commercial and industrial traffic in a safer and more functional manner than existed at that time. The closure of a portion of Richard Street will precipitate this intended outcome however that closure will be instigated at a later date.
9. The proposed road closure is consistent with the proposed road layout as per the Anson Road Structure Plan previously adopted by Council.
10. Subject to gaining support from the Department of Planning and Infrastructure, the portion of closed road will be integrated into the adjoining lots in exchange for the ceding of the land required to re-align Anson Roads and Newbey Streets.
11. The road closure will only be finalised when the road works for the subdivision have been completed.

RECOMMENDATION

THAT Council, in accordance with Section 58 of the Land Administration Act 1997, advertise its intention to permanently close portion of Newbey Street, Milpara, as per the plan submitted (Plan 09196-12C, dated 26/8/06) by Harley Survey Group.

Voting Requirement Simple Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

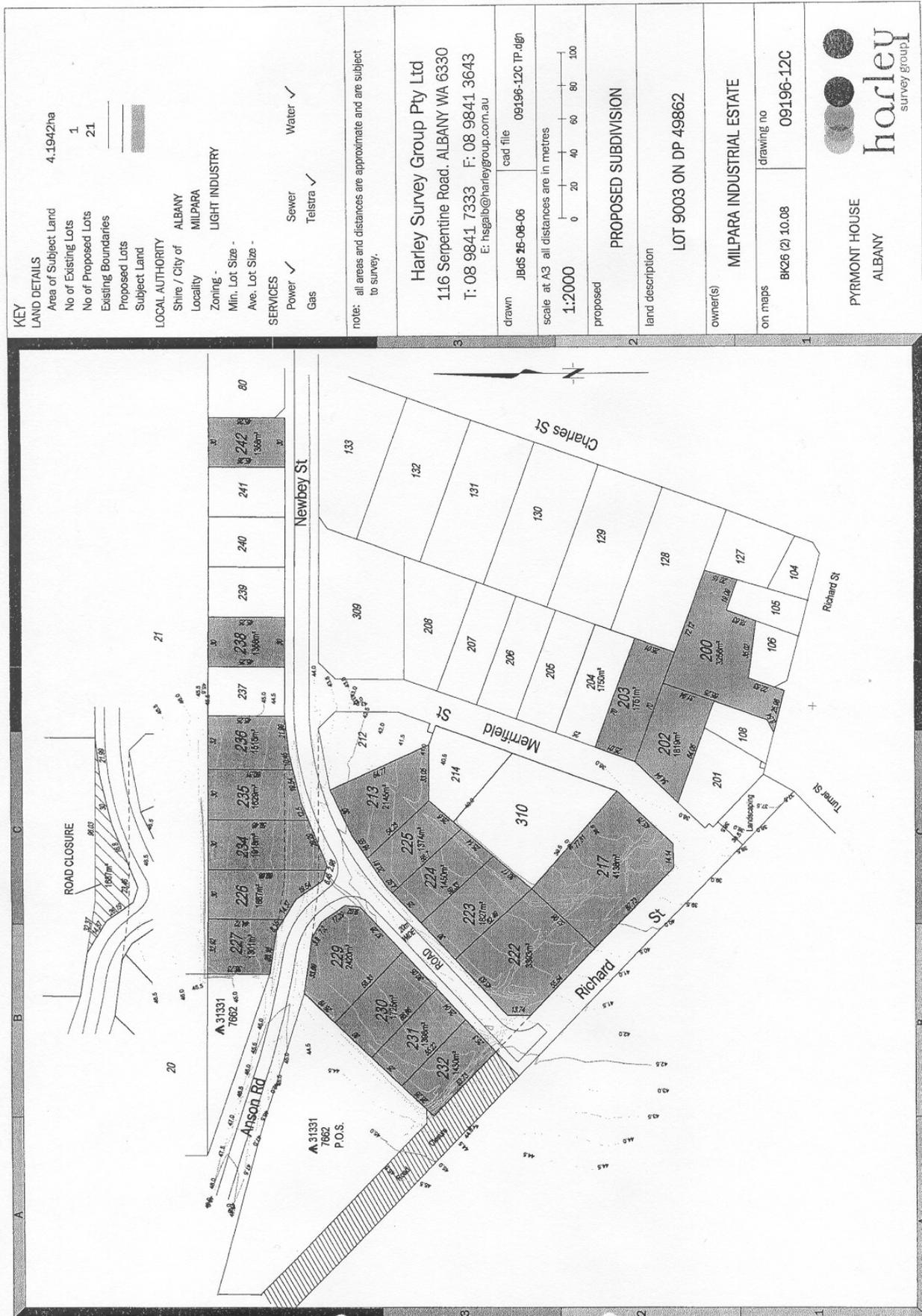
THAT Council, in accordance with Section 58 of the Land Administration Act 1997, advertise its intention to permanently close portion of Newbey Street, Milpara, as per the plan submitted (Plan 09196-12C, dated 26/8/06) by Harley Survey Group.

MOTION CARRIED 14-0

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



KEY

LAND DETAILS

- Area of Subject Land 4.1942ha
- No of Existing Lots 1
- No of Proposed Lots 21
- Existing Boundaries
- Proposed Lots
- Subject Land

LOCAL AUTHORITY

- Shire / City of ALBANY
- Locality MILPARA

Zoning -

LIGHT INDUSTRY

Min. Lot Size -

Ave. Lot Size -

SERVICES

- Power ✓
- Gas
- Sewer ✓
- Telstra ✓
- Water ✓

note: all areas and distances are approximate and are subject to survey.

Harley Survey Group Pty Ltd
 116 Serpentine Road, ALBANY WA 6330
 T: 08 9841 7333 F: 08 9841 3643
 E: hsgalb@harleygroup.com.au

drawn Jbds 26-08-06 cad file 09196-12C TP.dgn
 scale at A3 all distances are in metres
1:2000

proposed **PROPOSED SUBDIVISION**

land description **LOT 9003 ON DP 49862**

owner(s) **MILPARA INDUSTRIAL ESTATE**

on maps BK26 (2) 10.08 drawing no 09196-12C

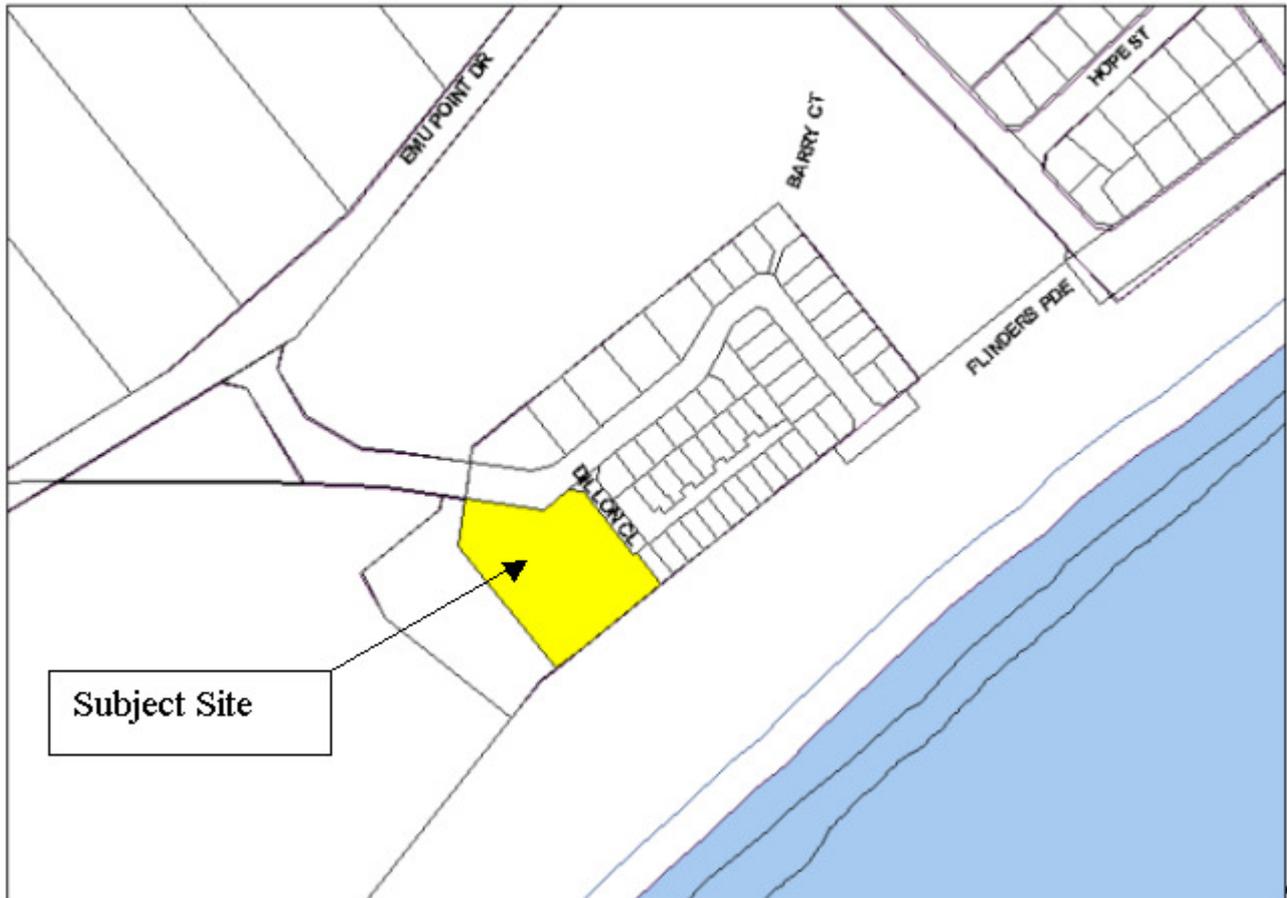


pyrmont house
ALBANY

DEVELOPMENT SERVICES REPORTS

11.1.5 Development Application – Multiple Dwellings – 4 Barry Court, Collingwood Park

File/Ward	: A179283 (Breaksea Ward)
Proposal/Issue	: Proposal to construct 30 units (apartments)
Subject Land/Locality	: Lot 140, 4 Barry Court, Collingwood Park
Proponent	: Roberts Gardiner Architects
Owner	: Walker Paddon Real Estate Pty Ltd SR & NC Reynolds Pty Ltd Keycentral Pty Ltd
Reporting Officer(s)	: Planning Officer (L Brown)
Disclosure of Interest	: Nil
Previous Reference	: OCM 10/12/96 - 7.40.2
Summary Recommendation	: Support Issuing Planning Scheme Consent
Bulletin Attachment	: Submissions
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. An application has been received for thirty (30) residential units (multiple dwellings) on Lot 140 Barry Court, Collingwood Park. A site plan and unit elevations are attached to the rear of this report.
2. The 6108m² land parcel is a portion of the original 3.1 hectare land parcel that has been zoned “Tourist Residential” within Town Planning Scheme 1A since 1990.
3. The applicant has requested that Council issue planning approval for the multiple dwelling units, but that the strata owners can also use all apartments within the complex for holiday accommodation purposes. The proposed use has been defined as ‘multiple dwelling’.
4. The development application proposes thirty (30) self-contained apartments between 120m² to 134m² in floor area, ample car parking and communal facilities such as a barbecue area and tennis court.
5. The proposed development is up to 5 storeys inclusive of a basement parking level below natural ground level. The maximum height of the structure from natural ground level to roof pitch is 14.5m.

STATUTORY REQUIREMENTS

6. The land use ‘Multiple Dwellings’ is an ‘SA’ (discretionary) use in the Tourist Residential zone as per the TPS1A zoning table and it’s planning merit can be considered by Council. Clause 7.5 of the Scheme also requires a planning application for a use marked ‘SA’ to undergo an advertising process.
7. Following advertising, a total of five (5) submissions were received and they are included in the Elected Members Report / Information Bulletin.
8. Clause 7.8 (c) and (e) of the Scheme also requires Council to have consideration for:

“any approved Statement of Planning Policy of the Commission” and “any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State”.
9. The Draft Statement of Planning Policy No. 2.6 – “*State Coastal Planning*” and the Development Control Policy No. 6.1 – “*Country Coastal Planning Policy*” must be given consideration in relation to the assessment of this proposal. The latter of these two documents requires the application to be approved by the State Planning Commission as it is setback less than 500m from the coast and exceeds 12 metres in height.
10. The proposed development is valued at \$7.5 million, exceeding staff’s delegated authority. The item has been submitted to Council for deliberation.

POLICY IMPLICATIONS

11. Under Clause 7.8A (f) - Matters to be considered by Council, Council shall have due regard for “*any Town Planning Scheme Policy adopted by Council under Clause 7.21, and any other plan or guideline adopted by the Council under the Scheme.*”

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

Clause 7.21.4 of Town Planning Scheme 1A states:

A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”

12. The Barry Court Design Guidelines adopted by Council in February 1997 set aside the subject land as a ‘resort hotel’ site. The guidelines elaborated on desirable requirements for any future development on this site inclusive of height, colour, plot ratio, revegetation, landscaping and the location of permanent residential units and tourist accommodation.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

14. The locality is identified in the Albany Local Planning Strategy as a Tourist Accommodation Node.

COMMENT/DISCUSSION

15. The application proposes to develop multiple dwellings on the site. This activity is a discretionary land use and the development standards applying to the lot have been met by the submitted design.
16. The provisions of the Barry Court Design Guidelines have also been complied with, other than the requirement that this site be used for a “resort development”. A resort development would require that each unit only be occupied by a person for a period of 3 months in any 12 month period. Each of the 30 units would be able to be occupied permanently if the application is approved.
17. Height and Visual Impact
The Barry Court Design Guidelines nominate a height limitation of up to four storeys as acceptable on the main tourist site with the intent that the structure should be a ‘land mark building providing a focal point of interest’. The proposed design is five storeys inclusive of a storey below natural ground level for basement parking.
18. The WAPC Policy DC 6.1 requires that any development within a 500m setback from the coast that exceeds 12 metres in height shall be referred to the WAPC for approval. The maximum height of the development is 14.5 metres. Council recognised in its adopted policy “Coastal Development – Building Height Restrictions” that this statewide policy was inappropriate for development along Middleton Beach. The application has been referred to WAPC and no response had been received at the time the agenda was prepared.
19. The applicant has demonstrated that, whilst the habitable rooms on the top floor are visible from the beach, the occupants of these apartments are not able to view people on the beach at the high water mark. Staff are satisfied that the proposed height is consistent with the objectives intended for the resort site as per the Barry Court Design Guidelines.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

Car Parking and Traffic Movements

20. The proposal provides the minimum two (2) car parking spaces per residence as recommended by the Barry Court Design Guidelines. An additional six (6) visitor parking bays are provided off Dillon Close at the entrance to the site and a further four (4) bays are provided prior to vehicular traffic exiting the site. The provision of parking is ample and the one-way entry and exit points provide safe access through the site. Appropriate signage of parking areas on-site is recommended.

Building Design and Materials

21. The variety of levels, roof pitches, materials, colours, architectural features and balconies effectively break up the perception of building bulk and height. The proposed building design provides for strong articulation and layering of vertical elements to reduce the visual mass of the development, as demonstrated in the artists' impressions provided by the applicant.

Landscaping and Revegetation

22. The applicant has advised that revegetation will be carried out with native species and the replacement of topsoil will occur wherever possible as per the Barry Court Design Guidelines. The revegetation will assist in softening the appearance of the development and in screening.

Permanent Residents and Tourists

23. A decade has passed since the adoption of the Barry Court Design Guidelines. Considerable changes have occurred in financing tourism products and the type of facilities built over that time.
24. The Barry Court Design Guidelines recognised the fact that the identified resort site (Lot 140) may be too small to sustain a resort development alone, and suggested the amalgamation of the site with adjoining lots if more land was required. The adjoining land parcels have been developed and are not available for amalgamation.
25. Notwithstanding the development being approved as a multiple dwelling, each apartment could be used for holiday accommodation, should individual owners want to use their apartment in this manner. The mixing of permanent occupation with holiday accommodation would need to be managed through the strata body, using clear guidelines. The applicant advises that issues of noise, use of parking areas, rubbish collection and the general functioning of the complex can be controlled by a strata agreement that clearly sets out the expectations for owners of an apartment, of which owners will be made aware of and acknowledge in writing prior to purchase of an apartment. All units offered for holiday accommodation purposes are to be managed through a centralised booking agency and management entity appointed by the strata body.
26. The application complies with all planning aspects of the Barry Court Design Guidelines including plot ratio, overlooking, overshadowing, car parking, beach access, building design, landscaping and the additional practical components (north facing communal areas, refuse disposal and vehicular movements) and the only area of contention is the period of time that the units can be occupied. A more comprehensive report on that issue has been provided by the proponent and distributed separately to Councillors.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

27. Clause 7.8A of Scheme 1A. requires that Council, in considering the application for planning scheme consent, "...have regard for any Town Planning Scheme Policy adopted by the Council...". The multiple dwelling is fully compliant with the policy other than the complex is not a resort.

RECOMMENDATIONS

1. THAT Council support the issuing of a Notice of Planning Scheme Consent, upon receipt of approval from the Western Australian Planning Commission, for the development of 30 Multiple Dwellings at Lot 140, (4) Barry Court, Collingwood Park,

Voting Requirement Simple Majority

2. THAT Council delegate to the Manager Planning and Ranger Services authority to issue a conditional Planning Scheme Consent for the development of thirty (30) Multiple Dwellings on Lot 140, (4) Barry Court, Collingwood Park.

Voting Requirement Absolute Majority

The Chief Executive Officer left the meeting at 8.28pm during consideration of Item 11.1.5 and returned at 8.30pm.

ALTERNATE MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR EVANS**

THAT Council:

- i) Declines to issue planning scheme consent in this matter on the grounds that the proposal is inconsistent with Council's 'Coastal Development – Building Height Restrictions' Policy; and**
- ii) Invites the proponents to resubmit their application once Urbanizma has completed the work it has been engaged to do under Item 11.1.1 of this meeting.**

MOTION LOST 5-9

RECORD OF VOTE

For the motion: Mayor Goode, Councillors Marshall, Paver, Evans and Jamieson.

Against the motion: Councillors Bojcun, Emery, Wellington, Waterman, Williams, Wolfe, West, Lionetti and Wiseman.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WISEMAN**

THAT Council support the issuing of a Notice of Planning Scheme Consent, upon receipt of approval from the Western Australian Planning Commission, for the development of 30 Multiple Dwellings at Lot 140, (4) Barry Court, Collingwood Park.

MOTION CARRIED 9-5

RECORD OF VOTE

For the motion: Councillors Bojcun, Emery, Wellington, Waterman, Williams, Wolfe, West, Lionetti and Wiseman.

Against the motion: Mayor Goode, Councillors Marshall, Paver, Evans and Jamieson.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILLIAMS**

THAT Council delegate to the Manager Planning and Ranger Services authority to issue a conditional Planning Scheme Consent, upon receipt of approval from the Western Australian Planning Commission, for the development of thirty (30) Multiple Dwellings on Lot 140, (4) Barry Court, Collingwood Park.

**MOTION CARRIED 9-5
ABSOLUTE MAJORITY**

RECORD OF VOTE

For the motion: Councillors Bojcun, Emery, Wellington, Waterman, Williams, Wolfe, West, Lionetti and Wiseman.

Against the motion: Mayor Goode, Councillors Marshall, Paver, Evans and Jamieson.

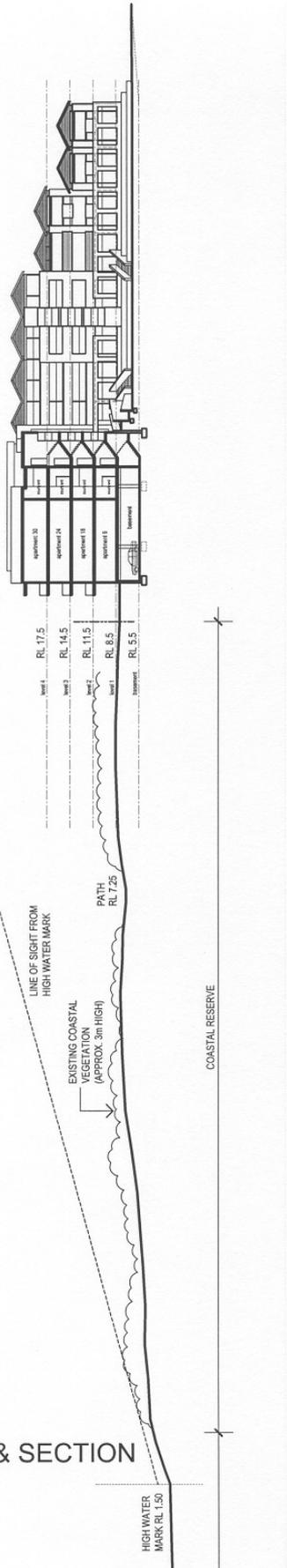
Reason:

The conditional planning scheme consent can only be issued upon receipt of approval from the Western Australian Planning Commission.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

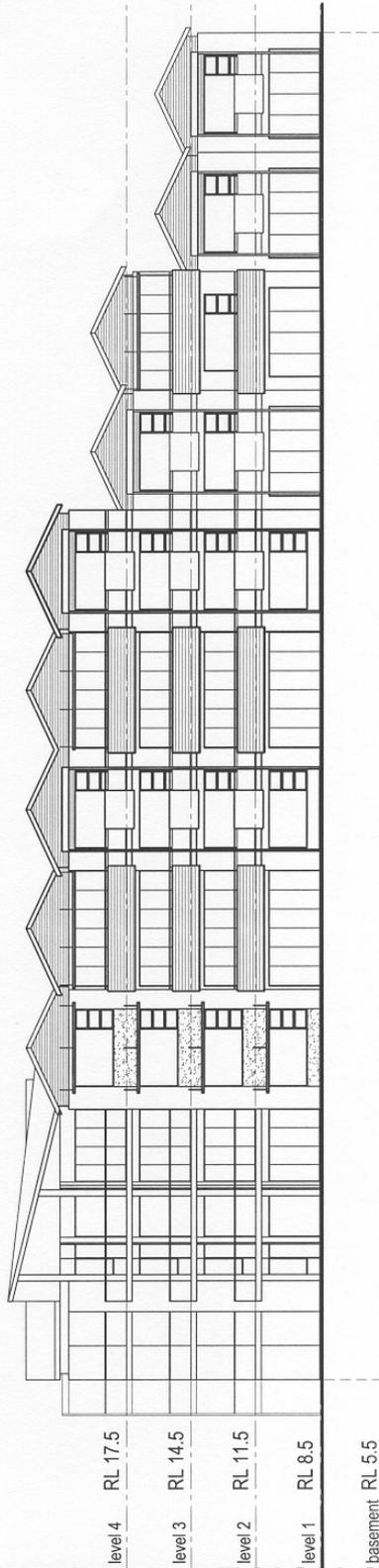
ELEVATIONS & SECTION
SK08



NOTIONAL DESIGN STUDY
PROPOSED TOURIST/RESIDENTIAL DEVELOPMENT
Lot 150 Barry Court, Albany

June 2006

roberts gardiner | architects



NOTIONAL SOUTH ELEVATION

Plan 2 - View of Proposed
Development from Bathing
Area.

ORDINARY COUNCIL MEETING MINUTES – 19/09/06
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

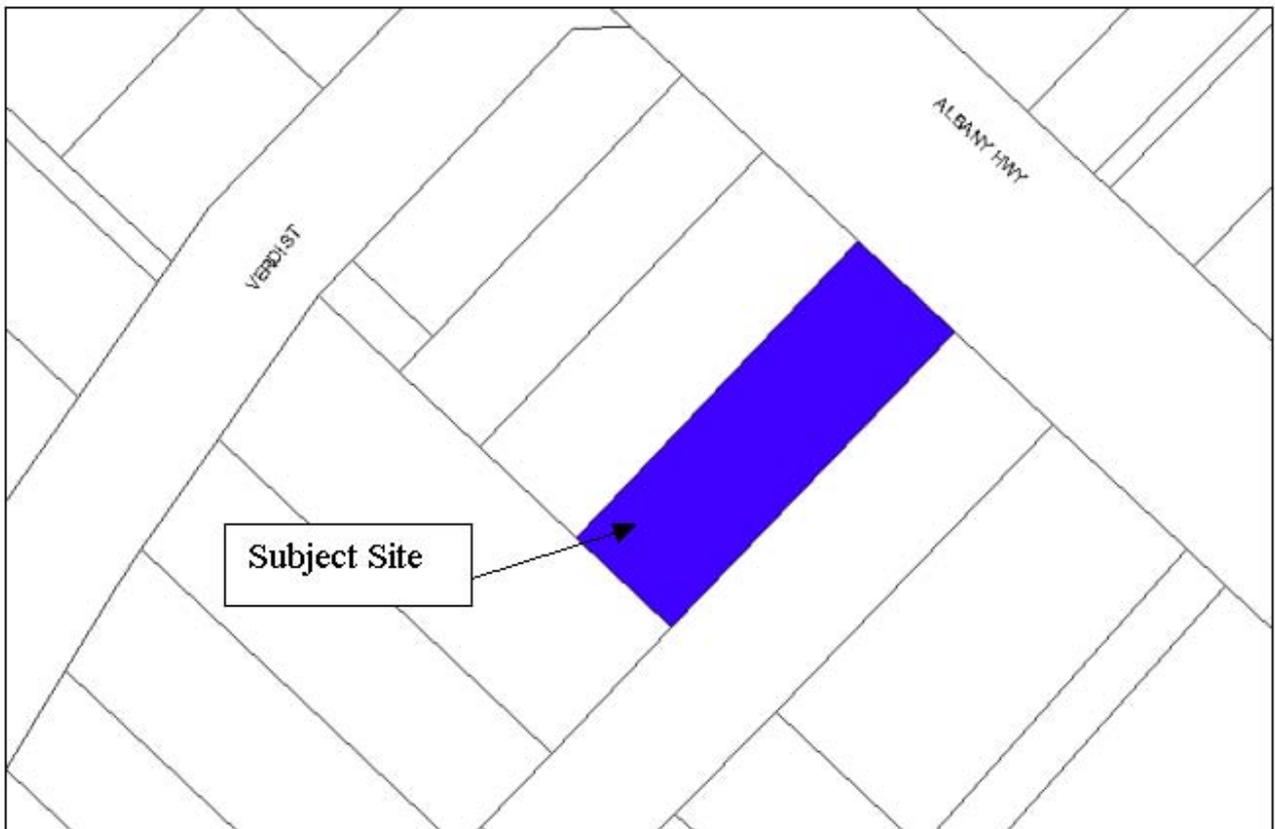
Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

11.1.6 Planning Compliance – Lot 19 (151) Albany Highway, Mt Melville

File/Ward	:	A85862 (Frederickstown Ward)
Proposal/Issue	:	Illegal Land Use
Subject Land/Locality	:	Lot 19 Albany Highway, Mt Melville
Proponent	:	G Gliosca
Owner	:	G Gliosca
Reporting Officer(s)	:	Manager Planning and Rangers (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Refuse Application Commence prosecution proceedings for breach of Scheme
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

BACKGROUND

1. An application for Planning Scheme Consent was lodged on 15 August 2006 for an office (Jet Set Travel) at Lot 19 (151) Albany Highway, Mt Melville. A copy of the application is attached at the rear of this report.
2. Until recently the building on Lot 19 was used a camping and fishing store which was approved by the Town of Albany as a 'Showroom' in 1981.
3. Jet Set Travel has occupied the premises without prior Planning Scheme Consent. This is despite Council staff advising the owner, prior to the relocation, that the proposed use was a prohibited use and could not be approved.
4. The land is zoned "Special Site", with a base zoning of Residential and an additional use right of Showroom. An office use is a prohibited land use within this zone.

STATUTORY REQUIREMENTS

5. An 'Office' is described in Town Planning Scheme No. 1A as:

"means premises used for the administration, clerical, technical, professional or other like business activities."
6. The use 'Office' is a prohibited ('X') land use within the Special Site zoning applicable to the subject land. There is no legal basis for Council to relax this scheme requirement and issue Planning Scheme Consent.
7. Where a breach of Town Planning Scheme No. 1A occurs the following Scheme clause applies:

"7.14 Twenty eight days' written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act before the Council exercises the powers conferred by that Section:
 - a. to remove, pull down or alter any building or other work in the Scheme Area, which has been commenced or continued after the gazettal date and which is such as to contravene the Scheme, or in the erection or carrying out of which any provision of the Scheme has not been complied with;*
 - b. to execute any work which it is the duty of any person to execute under the Scheme, in any case where it appears to the Council that delay in the execution of the work would prejudice the efficient operation of the Scheme;**and any expenses incurred by the Council under that section may be recovered from the person in default in a court of competent jurisdiction."*
8. Section 10 of the Town Planning & Development Act (TPD) Act as referred to in Clause 7.14 of the Scheme is no longer applicable, as the TPD Act was repealed in 2005. The replacement Act, the Planning and Development Act 2005, includes similar enforcement provisions under Section 214.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. If Council issues a Section 214 Notice under the Planning and Development Act 2005, and the owner does not comply with that notice, legal costs to enforce the notice would be incurred.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. There is no legal capacity to approve the application for planning scheme consent lodged by the owner. Council must now decide whether it wishes to serve a notice on the owner, under Section 214 of the Planning and Development Act, for breaching the Scheme.
13. Staff are concerned that allowing an office development on a property designated for a showroom use would set a precedent for other breaches to occur and undermine the viability of Albany’s CBD. The owner was made aware of the Scheme provisions relating to this development proposal prior to the change in land use.
14. It is recommended that Council refuse the application and delegate to staff the authority to enforce the breach of the Scheme.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

RECOMMENDATIONS

1. THAT Council Issue a Notice of Planning Scheme Consent Refusal for the application to develop an ‘Office’ at Lot 19 Albany Highway, Mt Melville as the application is a prohibited use on the subject land.

Voting Requirement Simple Majority

.....

2. THAT Council delegate authority to the Chief Executive Officer, with the power to sub-delegate, to enforce the breach of the Scheme and require the office use to be vacated from Lot 19 Albany Highway, Mt Melville.

Voting Requirement Absolute Majority

.....

ALTERNATE MOTIONS

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR LIONETTI**

1. **THAT Council Issue a Notice of Planning Scheme Consent Refusal for the application to develop an ‘Office’ at Lot 19 Albany Highway, Mt Melville as the application is a prohibited use on the subject land.**
2. **THAT Council resolve to take no immediate action against the owner of Lot 19 Albany Highway, Mt Melville for allowing the premises to be used for the purpose of an “Office” contrary to the provisions of Town Planning Scheme 1A and that the issue of enforcement be reviewed once the draft Community Planning Scheme has been further advanced.**

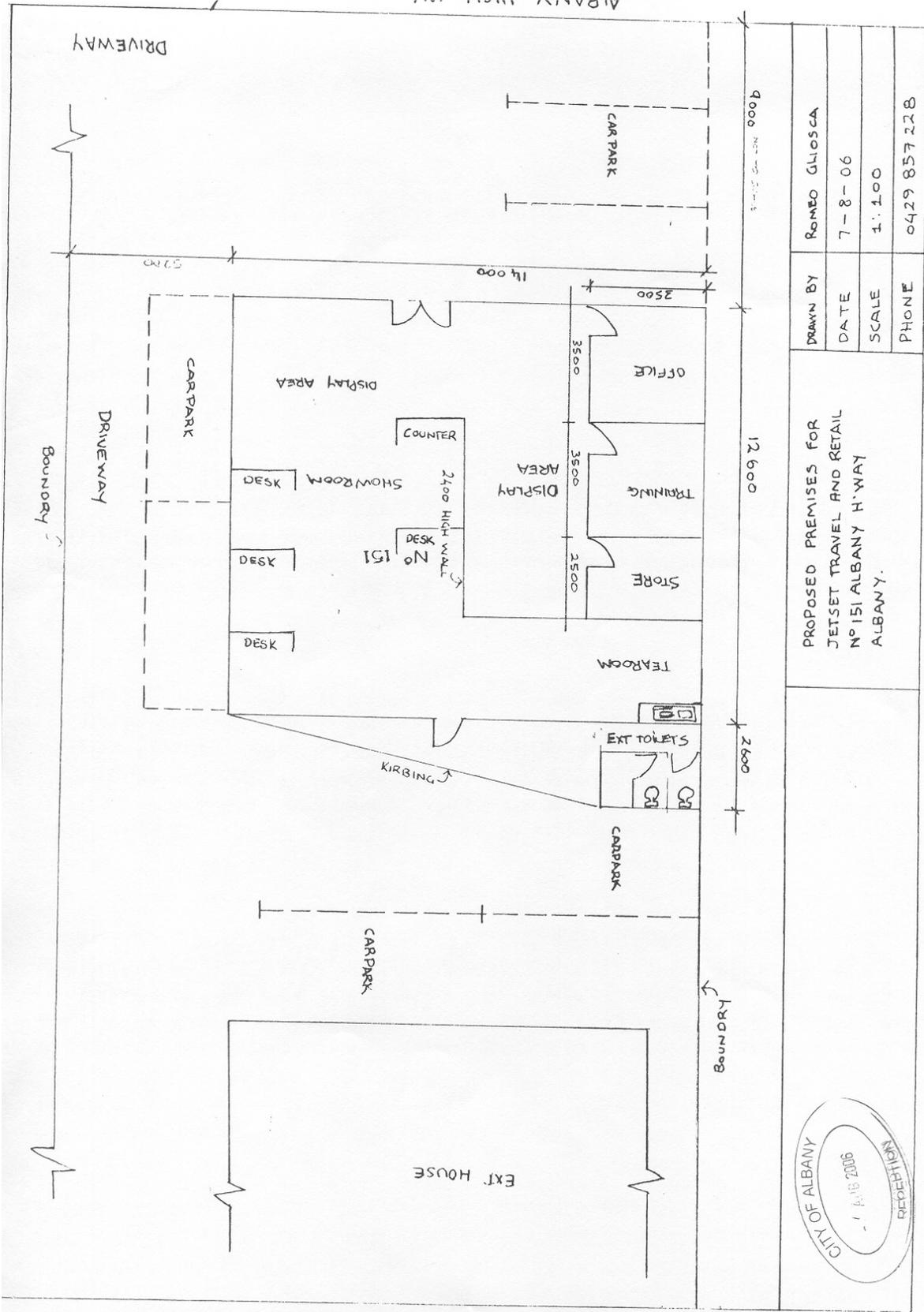
MOTION CARRIED 11-3

Reason:

- The zoning and the development control provisions relating to the subject land are about to be altered and it is inappropriate that Council commence legal action for a development that ultimately may be a permitted use on the land. If the new scheme continues to support the prohibition, then action can be taken at that time.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued



DRAWN BY	ROMEO GLIOSCA
DATE	7-8-06
SCALE	1:100
PHONE	0429 857 228

PROPOSED PREMISES FOR
JETSET TRAVEL AND RETAIL
NO 151 ALBANY H'WAY
ALBANY.



DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Local Law – Adoption of Signs Local Law 2006

File/Ward	:	MAN049 (All Wards)
Proposal/Issue	:	To make the City of Albany Signs Local Law 2006
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:	:	That Council make the City of Albany Signs Local Law 2006.
Bulletin Attachment	:	Draft Signs Local Law 2006
Locality Plan	:	N/A

BACKGROUND

1. At its 18 April 2006 meeting, Council commenced the process to make the Signs Local Law 2006 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and provide a copy of it to the Minister for Local Government. Local public notice of the adoption is then to occur.

STATUTORY REQUIREMENTS

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

"3.12 Procedure for Making Local Laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to -*
 - a) give Statewide public notice stating that -*
 - i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

- iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute Majority Required.*

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

POLICY IMPLICATIONS

- 4. The proposed local law will provide administrative support to the policy titled "*Local Planning policy – Signs, Hoardings and Billposting*" which was adopted by Council at its Ordinary Meeting held on 18 July 2006.

FINANCIAL IMPLICATIONS

- 5. There will be statutory advertising costs, which will be funded from the 2006/2007 budget.

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 ...

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

Mission Statement:

The City of Albany is committed to ...

- *Providing Sound Governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. Council advertised, both statewide and locally, for public comment, the draft Signs Local Law 2006, and at the closing date for submissions, 30 June 2006, had only one submission.
8. A submission on behalf of the Minister for Local Government & Regional Development provided the following feedback, which has been incorporated into the draft local law:
 - minor formatting changes to reflect current drafting conventions;
 - minor changes to refine the definitions for “advertisement” and “advertising device”; and
 - a recommendation to remove a clause dealing with the removal of signs from private property. The *Planning and Development Act 2005* is a more powerful Act for this purpose.
9. As the amended draft local law is not significantly different from what was originally proposed, Council can continue the process of adopting the local law.
10. The purpose of this local law is to provide for the regulation, control and management of signs within the district, in support of the town planning scheme sign provisions.
11. The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district must comply and the means of enforcing those requirements.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the City of Albany Signs Local Law 2006 (as detailed in the Elected Members’ Report/Information Bulletin) which is not significantly different to what was originally proposed.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the City of Albany Signs Local Law 2006 (as detailed in the Elected Members’ Report/Information Bulletin) which is not significantly different to what was originally proposed.

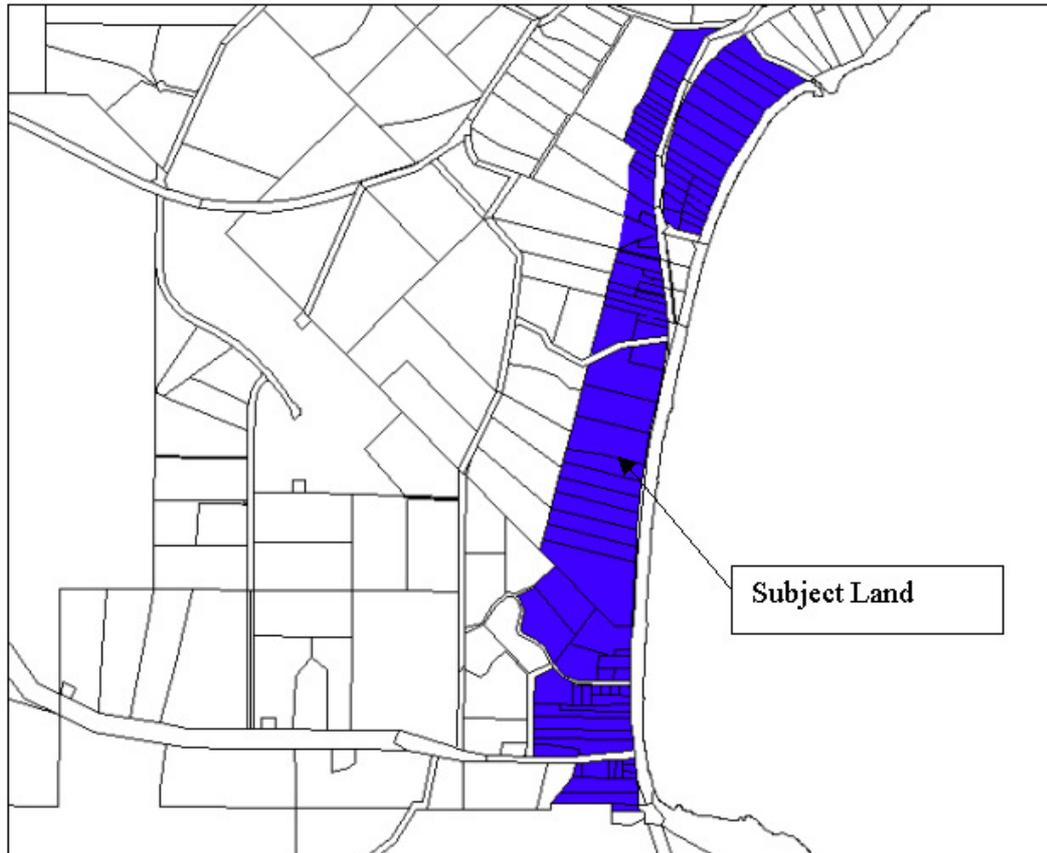
**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Draft Scheme Policy – Frenchman Bay Residential Development Zone – Subdivision Guidelines

File/Ward	:	STR 127 (Vancouver Ward)
Proposal/Issue	:	Define Subdivisional Opportunities for Lots Zoned Residential Development Fronting Frenchman Bay Road.
Subject Land/Locality	:	Various Lots
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Manager Planning and Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/05/06 - Item 11.3.4
Summary Recommendation	:	Adopt Policy
Bulletin Attachment	:	Schedule of Submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. At its meeting dated 16 May 2006 Council resolved as follows:

“THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt for the purposes of advertising the draft policy entitled “Subdivision and Development – Frenchman Bay Road”.

2. The policy was advertised for 21 days in accordance with Town Planning Scheme No. 3.
3. At the close of the public submission period eight (8) submissions were received on the policy.

STATUTORY REQUIREMENTS

4. Scheme 3 states at clause 5.2 that;

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

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

POLICY IMPLICATIONS

5. The City of Albany Town Planning Scheme 3 states that the broad objective for the Residential Development zone is *“to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multiple ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development.”*

FINANCIAL IMPLICATIONS

6. To prepare a scheme amendment to rezone the lots “Special Residential” or “Special Rural” would require a similar level of research and documentation to that involved in the preparation of a detailed structure plan over the area. The commitment of those resources cannot be justified at present.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A schedule of submissions, detailing the comments received and staff’s recommendation in relation to each comment is attached in the Elected Members Report / Information Bulletin.
9. A copy of the amended policy (in light of the submissions received) is attached to the rear of this report.
10. It is recommended that the amended policy be finally adopted in order to allow limited subdivision in the interim period, until structure planning and servicing constraints for residential development can be resolved.

RECOMMENDATION

THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme No. 3, resolves to finally adopt the policy entitled “Subdivision and Development – Frenchman Bay Road”.

Voting Requirement Simple Majority

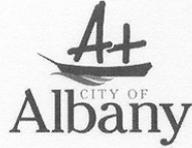
.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WATERMAN**

THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme No. 3, resolves to finally adopt the policy entitled “Subdivision and Development – Frenchman Bay Road”.

MOTION CARRIED 14-0

Item 11.3.1 continued



COUNCIL POLICY

Subdivision & Development – Frenchman Bay Road

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

Page 1 of 5

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

1. Objective

This policy area includes all land within the Residential Development Zone along Frenchman Bay Road.

The zoning of this area does not permit subdivision or development to occur until a structure plan has been undertaken. As there is no likelihood that reticulated sewer will be provided to the area in the short to medium term, the Policy has been prepared to provide guidance on subdivision, sizes of outbuildings and positioning of future dwellings.

The Policy will specifically resolve the following issues:

- (a) Ensure that any new dwellings are constructed at a level where the dwelling is not prone to flooding or influenced by the high ground water table.
- (b) Allow increased outbuilding sizes in areas where there is limited potential for further subdivision.
- (c) Postponing subdivision in areas where subdivision is desirable, but only at such time that structure plans have been adopted and the appropriate infrastructure and services are implemented and/or available.

2. Scope

The Policy Area has been divided into three (3) precinct areas, being Precincts A, B and C.

Precinct A contains a mixture of higher land above the 2.64 metre contour line (particularly west of Frenchman Bay Road and immediately north of Harding Road), and lower lying land that is not suitable for closer subdivision. As the pocket of higher land has limited constraints and could support closer subdivision a conceptual structure plan is needed to guide a legible subdivision pattern in this area.

Precinct B between Harding Road and Bramwell will allow limited subdivision so long as the resultant lot can accommodate a dwelling above the 2.64m AHD line.

Precinct C is low lying land which is not recommended for closer subdivision, however larger outbuilding sizes are recommended.

3. Definitions

“Structure Plan” – A framework for the future use and development of land within a designated area.

“Outbuilding” – Any class 10a building under the Building Code of Australia (1996) Volume 2, which is not substantially connected to a connected to a dwelling.

“AHD” (Australian Height Datum) - is the datum (adopted by the National Mapping Council of Australia) to which all vertical control for mapping is to be referred.

4. Policy Statement

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

The Precinct boundaries are set out on the attached map.

4.1 Subdivision

4.1.1 Precinct A

(a) Land Above 2.64m AHD

No subdivision proposals will be supported until such time as a conceptual local structure plan has been prepared for that area of land above 2.64m AHD to ensure that the subdivision pattern of the locality is undertaken in an orderly and efficient manner.

Council will require that the resultant lots utilise alternative effluent disposal systems, such as approved amended soil and/or aerobic systems.

(b) Land Below 2.64m AHD

No subdivision proposals will be supported on the balance of Precinct A until infrastructure services are extended to the Precinct.

4.1.2 Precinct B

Within Precinct B each existing lot as of the 1st May 2006, can be considered for subdivision to create one additional lot. The subdivision proposals will only be supported by Council where the proposed lot has the ability to accommodate a single dwelling and associated outbuildings in a building curtilage located above the 2.64m AHD line as shown on the attached map.

The subdivider will need to demonstrate that the proposed new lot will be able to comply with the Draft Country Sewerage Policy (as amended 2003), specifically in relation to minimum lot sizes and the required clearance between the water table and the effluent disposal systems. Council shall require the use of alternative effluent disposal systems, such as approved amended soil and/or aerobic systems.

In order to accommodate a legible road network should Precinct B be identified for closer subdivision in the future, where a lot is to be serviced by a battle-axe leg, the location and width of that leg shall be in accordance with Figure 1.

4.1.3 Precinct C

No subdivision shall be supported within Precinct C.

4.2 Dwellings

4.2.1 Precinct A

With the exception of a single house, no additional dwellings are permitted until such time as a structure plan has been endorsed and subdivision has taken place.

4.2.2 Precinct B

Within Precinct B new dwellings are to be located above the 2.64m AHD line.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

4.2.3 Precinct C
With the exception of a single house, no additional dwellings are permitted.

4.3 Outbuildings

4.3.1 Precinct A and B
Within Precinct A and B outbuildings will be permitted in accordance with the **Residential** Zone Requirements of Council's outbuilding policy.

4.3.2 Precinct C
Within Precinct C, outbuildings can be constructed in accordance with the **Special Residential** Zone Requirements of Council's Outbuilding Policy.

5. Legislative and Strategic Context

Not Applicable.

6. Review Position & Date

Executive Director Development Services to review on or before 30/09/2009.

7. Associated Documents

- Council's Outbuildings Policy.

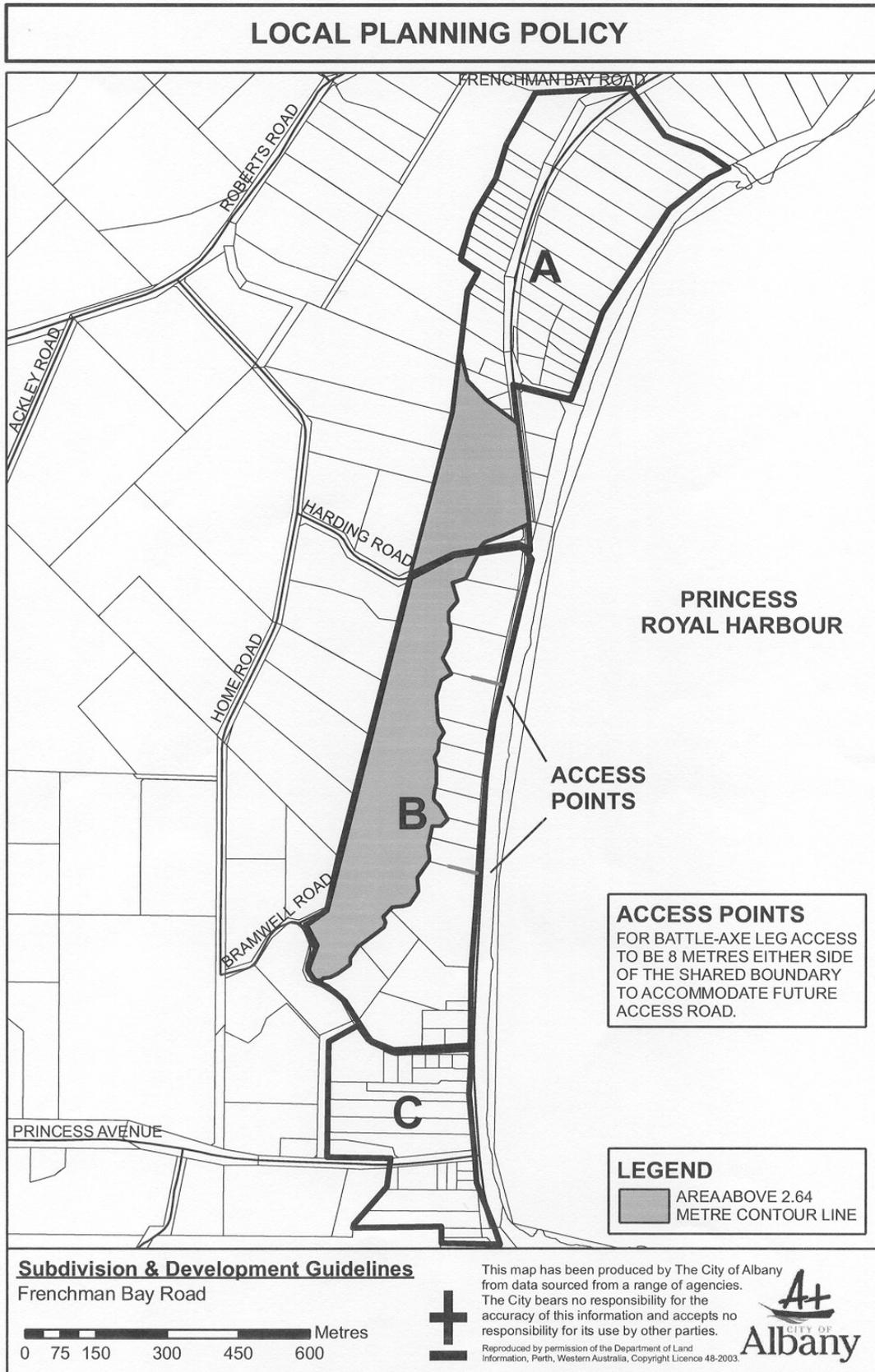
CEO Authorisation: _____ Date: ___ / ___ / _____

Notwithstanding anything else in this policy, all subdivision proposals are still subject to the relevant planning, environmental and health assessment criteria and processes.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued



DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request - Lot 114 Frenchman Bay Road, Albany

File/Ward	:	SAR098 (Vancouver Ward)
Proposal/Issue	:	Request to rezone Lot 114 Frenchman Bay Road from a split zoning ('Rural' and 'Residential Development') to the 'Residential Development' zone.
Subject Land/Locality	:	Lot 114 Frenchman Bay Road, Albany
Proponent	:	Harley Survey Group
Owners	:	M Price
Reporting Officer(s)	:	Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the proposal to rezone to 'Fully Serviced' 'Residential Development'
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

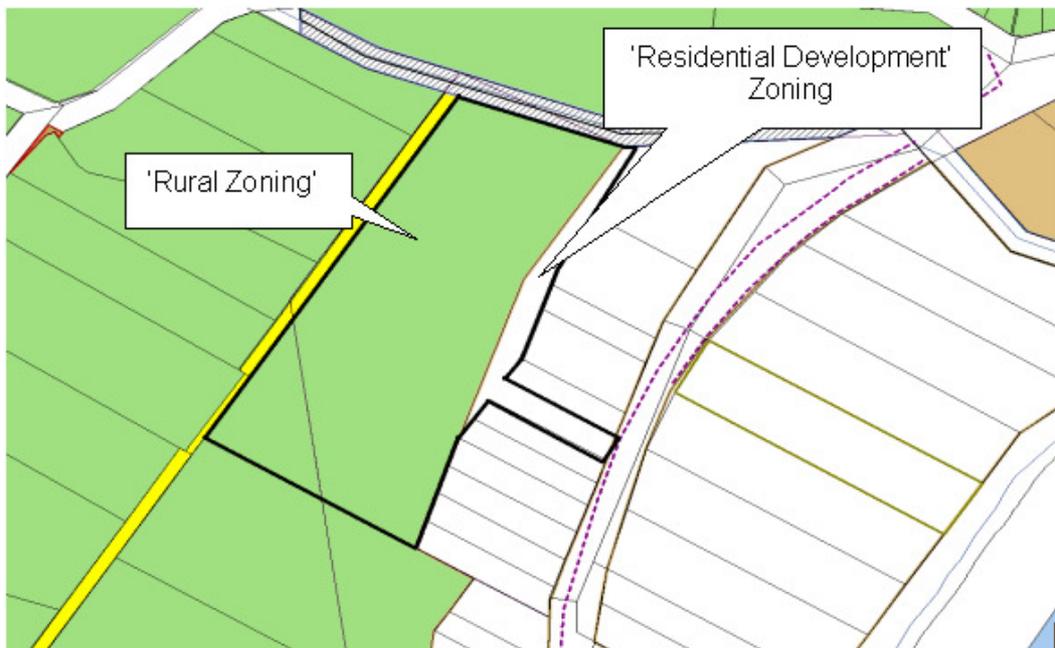
Item 11.3.2 continued

BACKGROUND

1. The application received is a 'Scheme Amendment Request' (SAR) to rezone Lot 114 Frenchman Bay Road from a split zoning ('rural' and 'residential development') to the 'residential development' zone.
2. The subject land is 5.78 ha in area, is cleared, and is currently used for the agistment of horses.
3. The properties adjoining to the east are zoned 'residential development' and the properties to the west and south are zoned 'Rural'. The land uses within the vicinity are for horse grazing, market gardening and residential living.
4. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Environment and the Water Corporation.
5. The Departments are not supportive of the interim creation of 2000m² unsewered lots, however, would be supportive of fully serviced (sewered) residential development, subject to the appropriate management of acid sulphate soils and drainage.

STATUTORY REQUIREMENTS

6. The majority of the lot is zoned 'Rural' with a portion fronting Frenchman Bay Road zoned 'Residential Development' as defined in Town Planning Scheme 3 (TPS3).



7. The objective of the 'rural' zone as described in TPS3 is:

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

15. The subject site is identified within Council's (Draft) Albany Local Planning Strategy (ALPS) as being suitable for 'Rural Residential'. As described in the ALPS document, 'rural residential' areas are mainly located on the fringe of the proposed urban area ('Future' and 'Long Term Residential') and mainly reflect existing 'rural residential' and 'special rural' zones and commitments to long-term development options.
16. This property is located in-between special rural development (Special Rural Area No 10) and residential development and therefore may have the potential to be rezoned to one or the other. Subject to the demand for smaller lot development, the environmental sensitivity and thinking more long term, it may be more appropriate to rezone the site to residential development.

COMMENT/DISCUSSION

Amendment Report

17. The proposal is to rezone the rural portion of Lot 114 to 'Residential Development', with a view to developing a structure plan with a lot density of 2000m².
18. The 2000m² lot density has been considered based on the fact that the site is not connected to the Minister's sewerage main and would be unable to be developed with lot sizes less than 2000m².

Positives

19. The site is level, cleared of all vegetation and within 3.5 kilometres of the town centre. A rezoning to 'Residential Development' is in keeping with the portion of the lot already zoned 'Residential Development' and the land adjacent to the east, which is also zoned residential development.

Negatives

20. The site is close to environmentally sensitive areas (Princess Royal Harbour and Ground Water Protection Areas), it is subject to inundation during and after heavy rainfall and the soil type suggests a low capability of supporting onsite effluent disposal.

Conclusion

21. There is a demand for smaller lot development close to the urban centre. To better utilise land resources (sustainability) it would be preferable to commit to the long term and therefore plan with the intent to connect the site to the Minister's sewerage mains. Sewer is currently not available to this locality.
22. Staff therefore recommend that the Council support a rezoning on the basis it is converted for fully serviced (sewered) 'residential development'.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

RECOMMENDATION

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

- i) a land capability assessment;
- ii) a conceptual structure plan taking into consideration visual management; and
- iii) an identification of servicing needs and infrastructure requirements to accommodate future subdivision,

Council advises that it is prepared to entertain the submission of a formal application for rezoning lot 114, Frenchman Bay Road from the split zoning ('rural' and 'residential development') to a fully serviced (sewered) 'residential development' zone.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

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

- i) a land capability assessment;**
- ii) a conceptual structure plan taking into consideration visual management; and**
- iii) an identification of servicing needs and infrastructure requirements to accommodate future subdivision,**

Council advises that it is prepared to entertain the submission of a formal application for rezoning lot 114, Frenchman Bay Road from the split zoning ('rural' and 'residential development') to a fully serviced (sewered) 'residential development' zone.

MOTION CARRIED 13-1

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment Request - Lot 271 Chester Pass Road, Warrenup

File/Ward	:	SAR099 (Kalgan Ward)
Proposal/Issue	:	Request to rezone Lot 271 Chester Pass Road from 'Rural' to 'Residential'
Subject Land/Locality	:	Lot 271 Chester Pass Road, Warrenup.
Proponent	:	The Planning Group
Owners	:	A D'Addario
Reporting Officer(s)	:	Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the proposal to fully serviced (sewered) 'Residential Development'
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. The application received is a 'Scheme Amendment Request' (SAR) to rezone Lot 271 Chester Pass Road from the current 'Rural' zone to 'Residential'. A copy of the request is included in the Elected Members Report/Information Bulletin.
2. The subject land is 23.9ha in area with views to the King River and located 6km north of the Albany town centre. The site is surrounded by 'Rural' zoned lots ranging in size from 4 to 20ha (predominantly used for agriculture) with connection to all services except the Minister's deep sewer main.
3. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Environment, Main Roads, the Department of Health and the Water Corporation. The Main Roads Department and the Department of Environment have not responded.
4. The Departments supported the development for 'Residential' subject to conceptual planning, connection to the Ministers sewer and a detailed assessment of the ability to provide service infrastructure to the lot; sewer is currently not available to the area and water mains would need to be upgraded to accommodate residential development.

STATUTORY REQUIREMENTS

5. Lot 271 is zoned 'Rural' as defined in Town Planning Scheme 3 (TPS3). The objective of the rural zoning in TPS3 identified under clause 3.1.13 is:

"To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas."
6. The area is not identified or used for 'high quality agriculture', therefore, a rezoning to "Residential" is not expected to conflict with farming interests.
7. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. 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. The WAPC Statements of Planning Policy No's 1 and 3 establish the general principles for planning in Western Australia. They're primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
10. If residential development was considered acceptable, the most sustainable form would be at fully serviced residential (R20) rather than unsewered residential lots.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

11. The Local Rural Strategy (adopted under the scheme as a policy) identified the site within 'Precinct Area No.4'. The Policy Statement for the Oyster Harbour 4 area confirms that "following consultation with land owners Council will rezone the area to Future Urban and utilise associated zoning provisions to preclude interim uses which would prejudice the use of the land for future urban development".

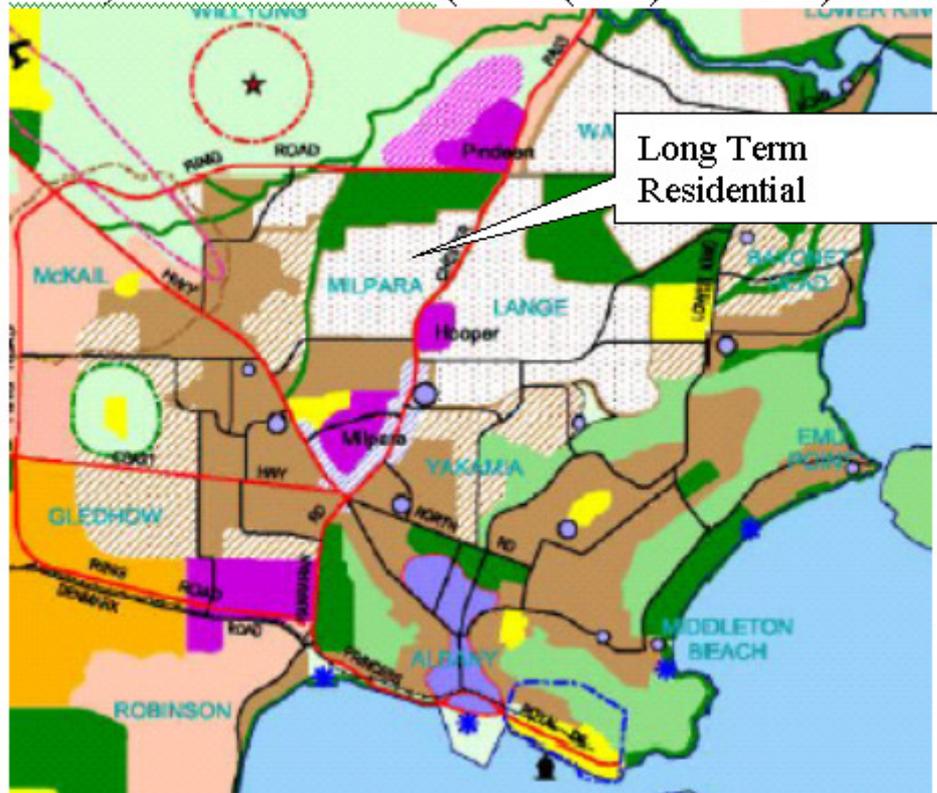
FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

13. The (Draft) Albany Local Planning Strategy document requires planning and development of these areas in an efficient and coordinated manner as logical extensions of existing settlements that have retail, service and community infrastructure. The subject site is identified within the document as being suitable for 'Long Term Residential'. 'Long term' meaning fully serviced (sewered) residential development.

Twenty Year Indicative Plan (ALPS (Draft) document)



14. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses and buffering of Chester Pass Road.
15. Main Roads' recommendations for Chester Pass Road include road upgrading, land acquisitions (10m) for road widening and limited access points and turning movements.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

16. The State Planning Strategy recommends the consolidation of existing housing stock and the provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

Proposal

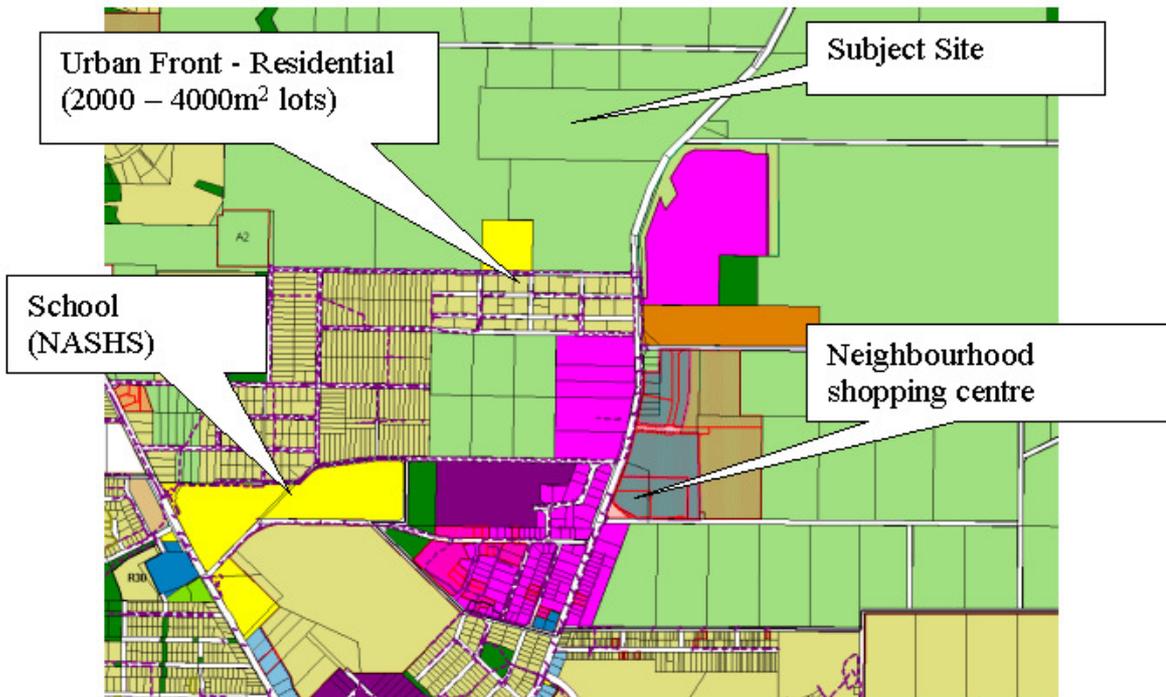
17. The intent is to provide a range of lot sizes with density ranging from R20 to R30/40 and strategically placed to take advantage of the services and facilities to be provided.

Positives

18. The request complies with the policy and strategic planning for the area ('Long Term Residential'). The site is level and predominantly cleared. A rezoning to 'Residential Development' is not expected to impact on the visual amenity or environmental constraints of the area. The site is only 1.5km away from the Catalina neighbourhood shopping centre and 2.8km away from the nearest school (NASHS).

Negatives

19. The area is not connected to the Minister's sewerage mains, the water service requires upgrading and regional recreational facilities are not within walking distance.
20. The area 'leapfrogs' the developed urban front as depicted by the strategic plan below. It may be beneficial to include the lots to the south as part of this rezoning application. That way, structure planning (as required) will indicate how the development of the site will link up with the urban front.



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Conclusion

21. It may be construed that the application to rezone the land for more intensive purposes pre dates its time, especially considering the lack of suitable infrastructure and services beyond the existing urban front.
22. Due to the compatibility of the application with the strategic intent for the area, staff support the application to rezone the site to fully serviced (sewered) 'Residential Development' and not 'Residential' as requested.
23. The Town Planning Scheme requires the preparation of a structure plan for land zoned 'Residential development'. The objective of the plan being, to illustrate the density of development, the provision of community and service infrastructure (sewer required) and the linkages (eg. roads and open space) to the surrounding areas.

RECOMMENDATION

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

- i) a clearly defined zoning boundary (inclusive of the lots linking to the urban front) being adopted and justified;
- ii) a land capability assessment;
- iii) a conceptual district structure plan showing the land's connection to the existing urban front, access onto Chester Pass Road and appropriate buffering to Chester Pass Road; and
- iv) identification of servicing needs and infrastructure requirements to accommodate future subdivision,

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the 'Rural' zone to the fully serviced (sewered) 'Residential Development' zone.

Voting Requirement Simple Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR LIONETTI**

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

- i) a clearly defined zoning boundary (inclusive of the lots linking to the urban front) being adopted and justified;**
- ii) a land capability assessment;**
- iii) a conceptual district structure plan showing the land's connection to the existing urban front, access onto Chester Pass Road and appropriate buffering to Chester Pass Road; and**
- iv) identification of servicing needs and infrastructure requirements to accommodate future subdivision,**

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the 'Rural' zone to the fully serviced (sewered) 'Residential Development' zone.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Scheme Amendment – Lot 126 (134) Lowanna Drive, Marbellup

- File/Ward** : AMD 255 (West Ward)
- Proposal/Issue** : Request to initiate rezoning of land from 'Rural' zone to 'Special Residential' zone.
- Subject Land/Locality** : Lot 128 (134) Lowanna Drive, Marbellup
- Proponent** : Ayton Taylor & Burrell
- Owner** : Ridgecity Pty Ltd
Goldmap Corporation Pty Ltd
- Reporting Officer(s)** : Planning Officer (A Nicoll)
Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 12/08/98 - Item 12.1.3
OCM 28/04/99 - Item 12.1.3
OCM 24/08/99 - Item 12.1.10
OCM 26/10/99 - Item 12.1.5
OCM 18/11/03 - Item 11.3.7
OCM 21/02/06 - Item 11.3.4 (Withdrawn)
OCM 15/08/06 - Item 11.3.4 (Withdrawn)
- Summary Recommendation** : Support Scheme Amendment
- Bulletin Attachment** : Proposed Scheme Amendment Report
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. In August 2005 an application was submitted to the City to rezone Lot 126 (134) Lowanna Drive, Marbellup from the “Rural” zone to “Special Rural”. The application was submitted in light of the principles defined in the Local Rural Strategy, which supported the development of the area for rural-residential living.
2. A report item was written and placed on the February 2006 Council agenda with a recommendation of no support due to “the lack of current amending documents to adequately address the planning and environmental issues affecting the subject land”. The applicant withdrew the amendment in order to make changes to the document to address the planning and environmental issues.
3. The application was resubmitted in August 2006 with a land capability assessment proving that the site is capable of development, however, the document failed to prove its compliance with the visionary intent or principles defined in the newly adopted Albany Local Planning Strategy (Draft, 2005). The applicant withdrew the amendment for a second time and has since made changes to the document to fully address the strategic framework governing the area.

STATUTORY REQUIREMENTS

4. Council’s resolution under the Planning & Development Act (2005) is required to amend the Scheme.
5. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
6. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
7. A resolution to amend a Town Planning Scheme should not be construed to mean the final approval will be granted to that amendment.

POLICY IMPLICATIONS

8. The West Australian Statement of Planning Policy No.11 “Agriculture and Rural Land Use Planning” states that: ‘in the identification and planning of areas for rural settlement, local governments should address the following:

“Rural-residential areas should be located where they are accessible to urban services and employment opportunities such as townsites or service centres in nodal or clustered estates”.
9. The area in question is not located within a townsite or service centre and is predominantly used for ‘general agriculture’ and ‘rural smallholdings’ (4 – 40 hectares).

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

10. The WAPC Statements of Planning Policy No's 1 and 3 establish the general principles for planning in Western Australia. They're primary aim being to provide for the sustainable use and development of land by reducing energy consumption. This can be achieved by supporting developments as logical extensions of existing settlements that have retail, service and community infrastructure. The site in question is clearly not a logical extension to existing settlements that have retail, service and community infrastructure close by.
11. The Local Rural Strategy was adopted as a policy document under Scheme 3 in 1996. This strategy included this land within the 'Torbay 8' policy area wherein *'subject to the proponents of developments being able to demonstrate that the constraints and land management needs identified below would be overcome/met, Council may support proposals for rural residential development'*.

FINANCIAL IMPLICATIONS

12. If this site was developed, Council may be petitioned by the future landowners to upgrade the gravel road (Cumming Road) to a suitable standard, in order to establish a more direct access route to Lower Denmark Road and the urban centre. This is in light of future access difficulties that may arise via Lowanna Drive due to the Albany Ring Road.

STRATEGIC IMPLICATIONS

13. In December 2005, Council adopted the draft Albany Local Planning Strategy (ALPS) to create a holistic approach to land use decisions. Within the ALPS, the locality is shown as an interface area between "Rural Small Lot Holdings" (essentially small and medium sized existing lots used primarily for farming activities and earmarked to remain in that state) and the agricultural land beyond. The ALPS does not promote lifestyle lots (used primarily for residential purposes, rather than for agriculture) to "bleed" towards the west in this locality.
14. The Lower Great Southern Strategy also reflects this area's highest and best use for farming activities, not lower density residential developments.

COMMENT/DISCUSSION

15. This application needs to be examined taking into consideration a number of land use planning matters;
- Strategic Assessment
16. The Albany Local Planning Strategy (Draft) document was adopted by the Council in December 2005 and the West Australian Planning Commission in August 2006. Since its adoption by the Council, the document has been used on numerous occasions as the basis for strategic decision-making.
 17. The Local Rural Strategy (1996) document is a reference document for the ALPS and has been "phased out" as the strategic decision making tool on rural living developments. The principles used in ALPS are based on a change in community structure (smaller families) and demand (smaller blocks) and the need to use our resources as efficiently as possible (sustainability). ALPS is also an holistic document, rather than being single issue based.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

18. The ALPS document seeks to protect this area for general agriculture and rural smallholdings, which is in keeping with the existing character of the area. The ALPS does not support the development of rural-residential within this area and instead seeks to cluster rural-residential living on the western urban front (in the Link Road area) and within Robinson. Where this amendment is proposing 1.0 ha land parcels, existing lots on its southern and eastern boundary are generally 4.0 ha in area and the rural properties to the south and west are in excess of 60.0 ha.

Amendment Document

19. The amendment document acknowledges the principles defined in ALPS such as *'locating development in areas near existing settlements that have available services and facilities and minimising the potential for generating land use conflicts'*. However, the document makes the point that the 'Local Rural Strategy is the most relevant document as the ALPS document has not been advertised and any decision making based on the ALPS document is therefore premature'.
20. The report concludes that the area is capable of rural residential development, as areas of the subject land can sustain onsite effluent disposal and maintain foundation stability, while protecting remnant vegetation. Access has been provided to the road network and fire management issues addressed. Power and water can also be extended.
21. The amendment document states, *"Land outside the ring road can confidently be designated for low density development and possibly other uses such as industry without impacting on future development options for the City"* and that it is *"only eight (8) kilometres from the city centre and is consequently only a short drive from all the major commercial, employment, community, health educational and recreational services and amenities"*. The ALPS (Draft) document promotes nodal development in close proximity to services and facilities.
22. The amending report, copy included in the Elected Members Report / Information Bulletin states, *"there is an increasing preference for smaller lots, down to 1 hectare"*. The ALPS (Draft) indicates a general trend away from lots greater than 5000m² due to changes in lifestyle requirements (the time and resources required to maintain their outlook) and distances from services and facilities.

Timing

23. The Proponent approached City staff in mid 2005 regarding the strategic planning framework over the land. At that time it was the Local Rural Strategy that was adopted Council policy and the amending documents were prepared accordingly. The first draft was submitted to Council in November 2005, one month before Council adopted the ALPS. The reports to Council in February 2006 and August 2006 highlighted technical and strategic deficiencies respectively in the amending documents. In both instances staff recommended against the amendment.
24. The Department for Planning and Infrastructure has indicated its preparedness to accept this amendment with the Local Rural Strategy acknowledged as the strategic framework for decision-making. This position acknowledges that the amendment has progressed over the transitional period between the phasing out of the Local Rural Strategy and the implementation of the ALPS.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

Conclusion

25. Sustainable land use planning promotes the minimisation of the development footprint and the consolidation of development to maximise the use of existing land and infrastructure. This proposal contradicts that principle by extending the rural residential development footprint (as defined in ALPS) in a westerly direction into existing general agriculture land with no rationale to restrict the future extent of rural residential land.
26. Staff consistently recommended against rezoning and development proposals where they do not reflect current Council policy. In this case, that policy is ALPS. The question that Council needs to address is whether it is appropriate to amend the ALPS to provide strategic acknowledgement for the development of the subject land. It is the opinion of City staff that the planning strategy now put in place for this locality is sound and is no previous justification to alter the ALPS (Draft) as it relates to this land.
27. As detailed earlier, the proponent is concerned that the work undertaken, and the costs incurred by the landowners was done in good faith and based upon the planning in place in 2005. Due to the draft nature of the ALPS, he has been unable to gain a complete copy of the draft strategy until recently (the WAPC has only recently approved the document for advertising and only then after outlining the required modifications). The lack of access to the ALPS has limited his capacity to modify the amending documents and provide the analysis of the strategic position requested by staff. The amendment now before Council provides that commentary on the relationship between the Local Rural Strategy and ALPS.
28. Council's consideration of this proposal needs to acknowledge the planning issues, as well as provide procedural justice to the proponent. The technical and strategic requirements for an amendment have now been fully met. For the reasons outlined above, staff have recommended against current Council policy and for the adoption of this amendment.

RECOMMENDATION

THAT Council, pursuant to Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

- i) rezoning Lot 126 Lowanna Drive from Rural to Special Rural;
- ii) modifying 'Schedule 1 – Special Rural Zones,' by incorporating Lot 126 Lowanna Drive within Area 22 and inserting new special provisions relating to building envelopes and foreshore management;
- iii) adopting the Subdivision Guide Plan for Lot 126 Lowanna Drive; and
- iv) amending the scheme map accordingly.

Voting Requirement Simple Majority

.....
The Executive Director Works and Services left the meeting at 8.55pm during consideration of Item 11.3.4 and returned at 8.57pm.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

ALTERNATE MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council lay this item on the table until the conclusion of the public consultation process on the Albany Local Planning Strategy.

MOTION LOST 2-12

RECORD OF VOTE

For the motion: Councillors Paver and Evans.

Against the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Jamieson, Wolfe, West, Lionetti and Wiseman.

Reason:

- The proposed amendment would be undertaken contrary to the most current strategic planning position adopted by Council. The delay in decision-making will allow the proponent to lodge a submission on the ALPS, for that submission to be adequately processed and for the ALPS to be reviewed if found appropriate.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council, pursuant to Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

- rezoning Lot 126 Lowanna Drive from Rural to Special Rural;**
- modifying 'Schedule 1 – Special Rural Zones,' by incorporating Lot 126 Lowanna Drive within Area 22 and inserting new special provisions relating to building envelopes and foreshore management;**
- adopting the Subdivision Guide Plan for Lot 126 Lowanna Drive; and**
- amending the scheme map accordingly.**

MOTION CARRIED 12-2

RECORD OF VOTE

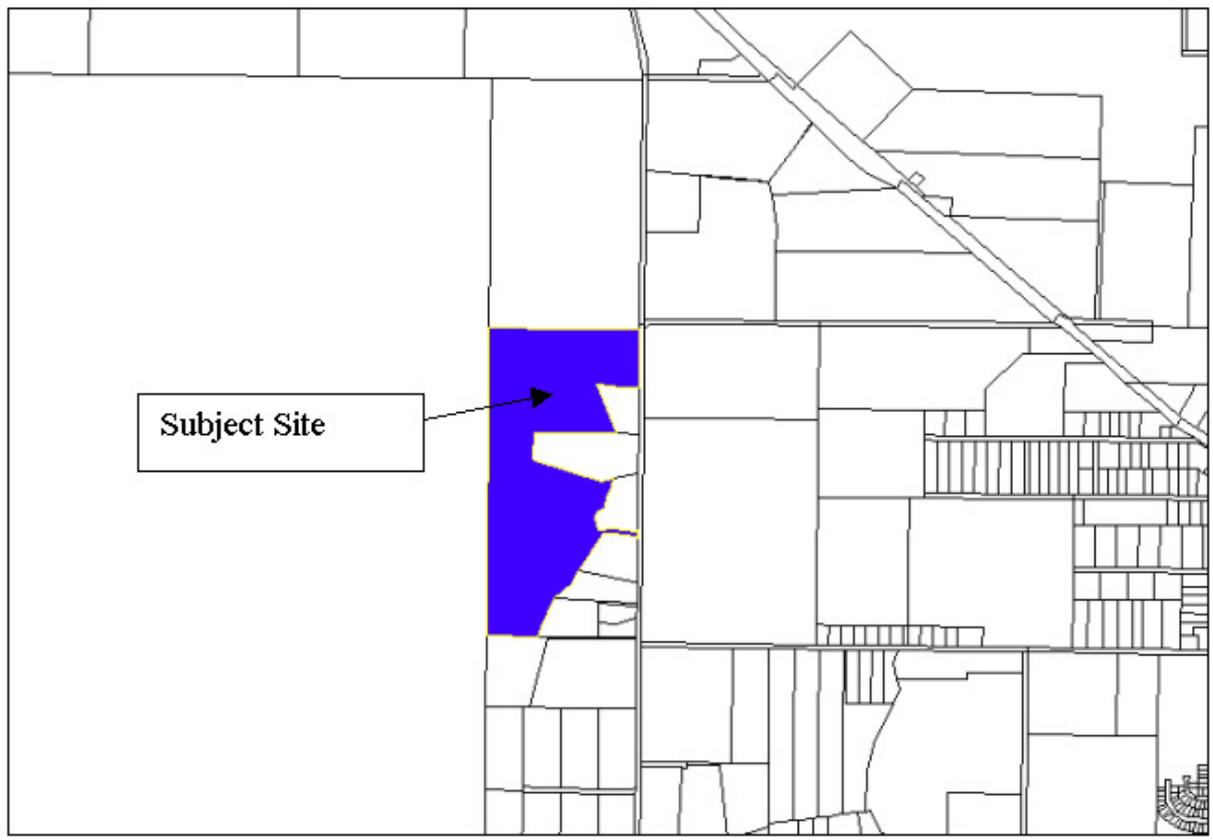
For the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Jamieson, Wolfe, West, Lionetti and Wiseman.

Against the motion: Councillors Paver and Evans.

DEVELOPMENT SERVICES REPORTS

11.3.5 Final Approval for Scheme Amendment - Lot 9002 Link Road, Drome

File/Ward	:	AMD257 (West Ward)
Proposal/Issue	:	Request to modify the subdivision guide plan for the Special Rural Area No.13
Subject Land/Locality	:	Lot 9002 Link Road, Drome
Proponent	:	City Of Albany
Owners	:	B Gomm
Reporting Officer(s)	:	Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/05/06 - Item 11.3.6
Summary Recommendation	:	Grant final approval
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. The application to initiate the amendment to modify the subdivision guide plan was previously supported by the Council on 16 May 2006.
2. The proposal was assessed by the Environmental Protection Authority and then advertised in accordance with the Planning and Development Act 2005.
3. The proposal was referred to the Department for Planning and Infrastructure, the Department of Environment and Main Roads WA. Refer to the schedule of submissions located at the end of this report for the recording of submissions.

STATUTORY REQUIREMENTS

4. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
5. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The modification to the Long Term Development Option Plan was undertaken on behalf of the City by local firm Ayton, Taylor Burrell within the 1994/95 planning budget. The City and/or Main Roads WA will be required to fund any additional roads that are not provided by subdivisions in the area when stage 2 of the Albany Ring Road is constructed. This will include some minor roadwork's/drainage to provide connection between proposed ROW's in the future.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. The 'Long Term Development Option Plan' will achieve a solution that provides for the closing of existing property access/egress and intersection points on to Link Road by providing an internal road network to service the local area.
10. The plan has already been supported in principle by the Department for Planning and Infrastructure and Main Roads WA.
11. The plan reflects the 1-hectare minimum lot size permitted in the existing scheme provisions.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) modifying the subdivision guide plan for the 'Special Rural' area No.13;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and
- iii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) modifying the subdivision guide plan for the 'Special Rural' area No.13;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) amending the Scheme Maps accordingly.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

Planning & Development Act 2005
 Town Planning Scheme No. 3- Amendment No. 257
 Schedule of Submissions for modifying the subdivision guide plan for special rural area 13.

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	a) No objection	a) Nil	a) Noted.
2.	Main Roads Western Australia	a) No objection	a) Nil	a) Noted.

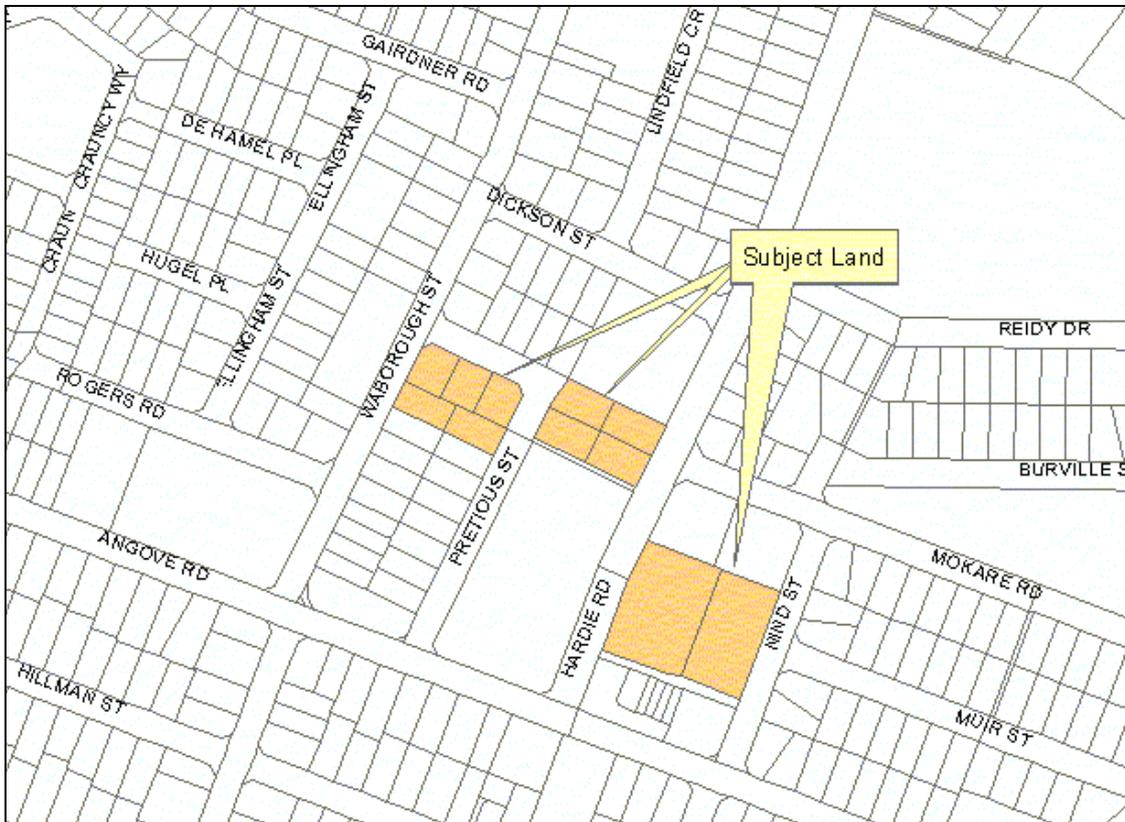
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 CHIEF EXECUTIVE OFFICER

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 DATE

DEVELOPMENT SERVICES REPORTS

11.3.6 Final Approval for Scheme Amendment – Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park

- File/Ward** : AMD154 (Breaksea Ward)
- Proposal/Issue** : Recode land from R20 to R40
- Subject Land/Locality** : Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street & Lot 8 Wansborough Street, Spencer Park.
- Proponent** : Harley Survey Group
- Owner** : Department of Housing & Works
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/04/06 - Item 11.3.4
- Summary Recommendation:** Grant Final Approval
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. Council previously supported the notion to recode the subject land parcels from a density of 20 dwellings per hectare (R20) to 40 dwellings per hectare (R40).
2. The proposal to increase the density is requested to provide additional housing development options to the landowner and to provide a variety of housing options to the community.
3. The application was referred to the Environmental Protection Authority and advertised in accordance with the Planning and Development Act 2005.
4. The only concern arising from the referral and advertising process came about from the Department of Health, who made comment about the close location of the fuel station to lots 68 and 69 and therefore the exposure to volatile fumes.

STATUTORY REQUIREMENTS

5. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
6. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

7. Council previously had regard to the relevant Statements of Planning Policy in preparing this Scheme Amendment and has resolved (OCM 18/4/06 Item 11.3.4) that no inconsistency exists.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

11. The Department of Health (DOH) does not support the proposal on the basis that Lots 68 and 69 cannot achieve the minimum set back distance of 50m to the service station as required by the EPA guidelines and the health risks associated with exposure to volatile fumes from fuel to new residents in proximity.
12. Staff have dismissed these comments on the grounds that:
 - the EPA has supported the application;
 - residential development within 50m of the service station already exists;
 - to date, no recordings have been made as to any health problems relating to the exposure to fumes from service stations; and
 - the potential risk to the health of residents within 50m of the service station is considered to be low.

RECOMMENDATION

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

- i) recoding Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park from R20 to R40;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and
- iii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

.....
Councillor Lionetti declared an interest and left the Chambers at 8.59pm.
The nature of Councillor Lionetti's interest is that the subject land is in close proximity to land he owns.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR PAVER**

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

- i) recoding Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street and Lot 8 Wansborough Street, Spencer Park from R20 to R40;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) amending the Scheme Maps accordingly.**

MOTION CARRIED 13-0

Councillor Lionetti returned to the Chambers at 9.00pm.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Planning & Development Act 2005
 Town Planning Scheme No. 1A- Amendment No. 154
 Schedule of Submissions for recoding Lots 9, 10, 11, 12, 29 & 30 Pretious Street, Lots 27, 28 & 68 Hardie Road, Lot 69 Nind Street & Lot 8 Wansborough Street, Spencer Park.

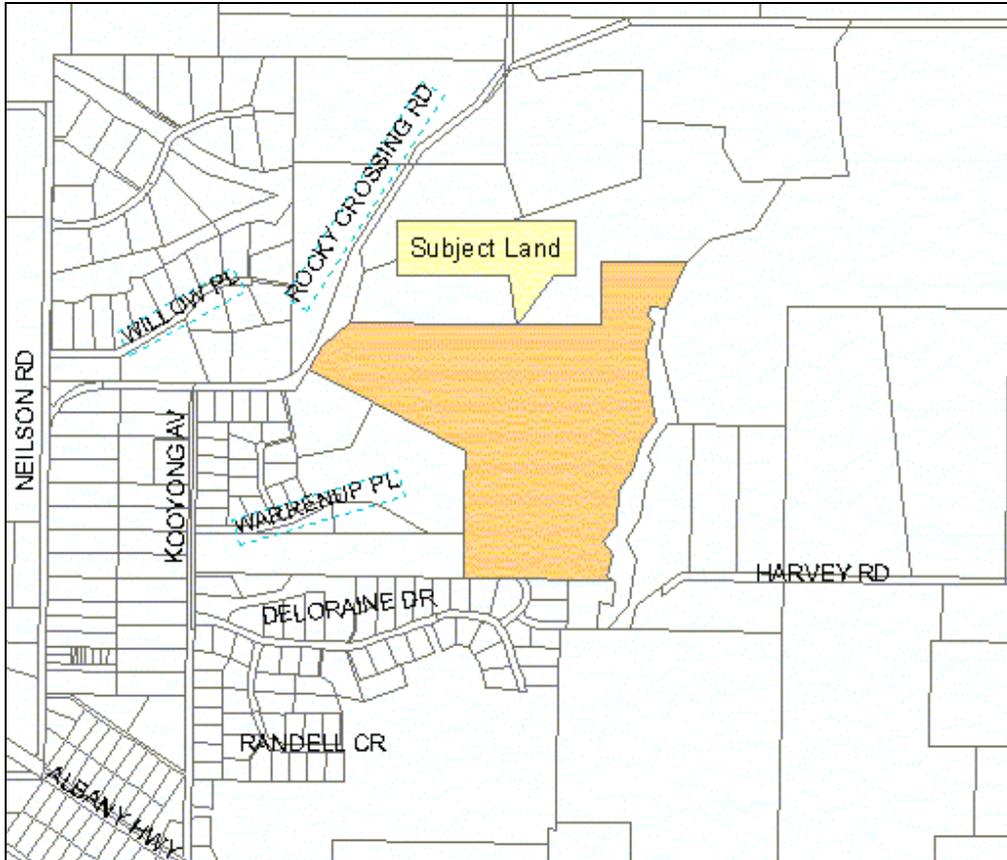
No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority. Westralia Square 141 St Georges Terrace, Perth, Western Australia	a) No objections	a) Nil	a) Noted
2.	Department of Environment 5 Bevan Street ALBANY 6330	a) No objections	a) Nil	a) Noted
3.	Western Power 85 Prinsep Road JANDAKOT 6164	a) No objections	a) Nil	a) Noted
4.	Water Corporation PO Box 915 ALBANY 6330	a) No objections	a) Nil	b) Noted
5.	Department of Health PO Box 8172 Perth 6008	a) The Country Sewerage Policy requires R40 developments to be connected to sewer. b) The Department of Health (DOE) does not support the proposal given that: Lots 68 and 69 cannot achieve the minimum set back distance of 50m to a service station as required by the EPA guidelines; and the concern about the health risks associated with exposure to volatile fumes from fuel to new residents in proximity.	a) The site is capable of being connected to sewer. b) The EPA has supported the application. Residential development within 50m of the service station already exists. To date, no recordings have been made as to any health problems relating to the exposure to fumes from the service station. The potential risk to the health of residents within 50m of the service station is considered to be low.	a) Noted. b) Dismiss:

..... CHIEF EXECUTIVE OFFICER
 DATE

DEVELOPMENT SERVICES REPORTS

11.3.7 Final Approval for Scheme Amendment – Lot 5 Rocky Crossing Road, Warrenup

File/Ward	: A66905A (Kalgan Ward)
Proposal/Issue	: Rezone Lot 5 Rocky Crossing Road, Warrenup from Rural to Special Residential
Subject Land/Locality	: Lot 5 Rocky Crossing Road, Warrenup
Proponent	: Ayton Taylor & Burrell
Owner	: W. Noble
Reporting Officer(s)	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: OCM 26/09/00 - Item 11.1.5 OCM 21/02/06 - Item 11.3.8 OCM 21/03/06 - Item 11.3.3
Summary Recommendation	: Grant final approval
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. The application to rezone Lot 5 Rocky Crossing Road, Warrenup from 'Rural' to 'Special Residential' was previously supported by Council on the 21 March 2006, subject to:

“the Amendment documents being modified to the satisfaction of the Executive Director Development Services to reflect the following;
 - a) *introduce suitable scheme provisions to ensure the remediation of the former extractive industry and uncontrolled landfill site, road upgrading, drainage functions and upgrading of Public Open Space;*
 - b) *modify the report to address minor irregularities and clarify development requirements; and*
 - c) *alter the subdivision guide plan for Special Residential Area No 12 to acknowledge lot 5, but exclude those lots where appropriate on-site effluent solutions cannot be achieved.”*
2. Suitable provisions have now been added, the report has been modified and the subdivision guide plan has been changed as requested at the March 2006 Council meeting.
3. The application was then assessed by the Environmental Protection Authority (EPA) and referred to the Department of Health, the Water Corporation, Western Power and the public. A number of comments were received, which have been tabled in the schedule of submissions at the end of this report.

STATUTORY REQUIREMENTS

4. The amendment was initiated under Section 7 of the Town Planning and Development Act 1928. That Act has since been repealed and replaced with the Planning and Development Act 2005.
5. Council is required under section 75 of the Planning and Development Act to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

STRATEGIC IMPLICATIONS

8. The Albany Local Planning Strategy (Draft) (ALPS) and the Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region), review the importance to plan taking into consideration the most sustainable use of land. As indicated by the ALPS indicative plan, this area is to be set-aside for 'future residential'. The ALPS does not differentiate between low density and higher density residential developments. Given the proposal represents an extension to the existing Special Residential zone to the south, and there is no sewer available in the immediate area, the current proposal represents the highest and best residential use of the land.

COMMENT/DISCUSSION

9. The amendment report proposes the rezoning of Lot 5 Rocky Crossing Road, Warrenup from 'Rural' to 'Special Residential'. Land capability assessments have been completed for the site by suitably qualified practitioners to confirm the capability of the site for development.
10. The lots adjacent to the foreshore area (Willyung Creek) have been strategically positioned to allow for a development area within the recommended limit of waste water disposal and moist low lying soils. All the lots in the lower portions of the site are to have nutrient absorbing wastewater treatment systems.
11. The land to the south (adjacent) is zoned Special Residential area No.12, the provisions of which are to be applied to this area. Due to the environmental sensitivity of the area, additional provisions for site remediation and stormwater management were added. In order to reflect principles of sustainability and demand of lot sizes, an additional provision was also included to allow for a minimum lot size of 3000m². The smaller 3000m² lots proposed within the development are large enough to enable adequate setbacks, buffers and visual management to development.
12. The foreshore area adjacent to the Willyung Creek has been set aside as a reserve for parks and recreation and will enhance the amenity of the area, filter stormwater runoff and enable fauna to move throughout. Vegetation planting will be required at the time of subdivision, which will help to improve filtration and the Kangaroo habitat.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) rezoning Lot 5 Rocky Crossing Road, Albany from 'Rural' zone to 'Special Residential and 'Parks and Recreation Reserve';
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed;
- iii) incorporating Lot 5 within Schedule IV – Special Residential Area 12;
- iv) adopting additional provisions for Special Residential Area 12; and
- v) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

.....

ALTERNATE MOTION

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EMERY**

THAT the matter of granting final approval for Scheme Amendment – Lot 5 Rocky Crossing Road, Warrenup lay on the table until such time as information is presented to Councillors outlining the impacts of the Willyung Creek Floodplain Study and proposed reduction of lot sizes on the Willyung Creek Floodplain.

MOTION CARRIED 14-0

Reason:

- A significant portion of the area and a number of the proposed lots are located within the Willyung Creek Floodplain and the plans shows 60% of the proposed lot sizes have been reduced from 4,000m² to 3,000m².

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Planning & Development Act 2005
 Town Planning Scheme No. 3- Amendment No. 218
 Schedule of Submissions for rezoning Lot 5 Rocky Crossing Road, Albany
 from 'Rural' zone to 'Special Residential and 'Parks and Recreation Reserve'

Submitter	Submission	Officer Comment	Council Recommendation
<p>1. Environmental Protection Authority. Westralia Square 141 St Georges Terrace Perth, Western Australia</p>	<p>a) The redetermination of the POS in the vicinity of Lot 43 is required because much of the area is subject to inundation and is unsuitable for development.</p> <p>b) A scheme provision being included to require the preparation of a 'Foreshore Management Plan' prior to development/subdivision.</p> <p>c) All stormwater is to be designed in accordance with principles of best management. Refer to the Department of Water manual 'Managing Urban Stormwater Quality in Western Australia'.</p>	<p>a) The soil analysis conducted by Wood and Grieve Engineers indicates that this lot is capable in areas of handling nutrient absorbing waste water disposal systems. The land capability assessment conducted by 'Landform Research' indicates areas large enough to cater for development, which are outside of the 'limit of moist low lying soils'.</p> <p>b) Provision 7.4 of the special residential zone already provides the opportunity for the Local Government to make a requirement for a foreshore management plan to cover tree shrub planting, access, fencing and invasion weed control in the foreshore areas.</p> <p>c) Provision 12.2 of the special residential area makes a requirement for the preparation at the time of subdivision of a Stormwater Management Plan utilising water sensitive design principles. The 'Manual for Managing Urban Stormwater Quality in Western Australia' is a Water and Rivers Commission policy document. The Water and Rivers Commission/Department of Environment/Department of Water have the opportunity to provide comment to the West Australian Planning Commission at the time of subdivision requiring the design of drainage in accordance with their policy document.</p>	<p>a) Dismiss</p> <p>b) Dismiss</p> <p>c) Dismissed</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

		<p>d) Prospective purchasers should be advised that all dwellings constructed on the proposed lots are to be connected to alternative on site effluent disposal systems.</p> <p>e) Prior to any sand excavation and landfill, a Contamination Report is to be submitted to the satisfaction of the Department of Environment and Conservation.</p>	<p>d) Prospective purchasers are to be given a copy of the provisions prior to entering into an agreement to acquire any property. On receiving a copy, notwithstanding provision 9.3, as required by provision 9.2, all the lots shall utilize effluent disposal systems that retain nutrients.</p> <p>e) Provision 12.1 already makes the requirement for a geotechnical site investigation to determine site remediation measures prior to the clearance of the subdivision.</p>	<p>d) Dismiss</p> <p>e) Dismiss</p>
<p>2.</p>	<p>Water Corporation Great Southern Regional Office ALBANY WA 6330</p>	<p>a) No objection</p>	<p>a) Nil</p>	<p>a) Noted</p>
<p>3.</p>	<p>J & M Plug 59 Deloraine Drive WARRENUP WA 6330</p>	<p>a) The proposed 3000m² lots proposed will affect the amenity of the area.</p> <p>b) The lots close to the water course should be preserved as public open space.</p>	<p>a) The smaller 3000m² lots are large enough to enable adequate setbacks, buffers and visual management.</p> <p>b) The reporting conducted by suitably qualified engineers indicates that the lots adjacent to the foreshore reserve are all capable of handling development and effluent disposal. The winter wet waterlogging areas have already been set aside for public open space.</p>	<p>a) Dismiss</p> <p>b) Dismiss</p>
<p>4.</p>	<p>G Heffernan 71 Deloraine Dive WARRENUP WA 6330</p>	<p>a) Effluent disposal has the potential to contaminate the Willyung Creek.</p> <p>b) An independent study of the water course is required.</p>	<p>a) All the lots in the lower portions of the site are to have nutrient absorbing waste water treatment systems.</p> <p>b) 'Landform Research' (environmental management consultants) conducted an independent study of the area to confirm its suitability for development.</p>	<p>a) Dismiss</p> <p>b) Dismiss</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

		<p>c) The habitat of a large colony of Grey Kangaroos will be lost.</p> <p>d) The character of the subdivision will be diminished due to the development of lots less than 4000m².</p> <p>e) Some of the lots are subject to flooding.</p>	<p>c) Large areas have been set aside as reserve for parks and recreation. These areas are set-aside as corridors enabling fauna to move throughout. Vegetation planting will be required at the time of subdivision, which will help to improve the Kangaroo habitat.</p> <p>d) Same as 'officer comment 3(a).</p> <p>e) Small areas within lots 28-30, 43 and 51-54 are below the 'limit of moist low lying soil', however, there are large enough areas (above the 'limit of moist low lying soil') within each of these lots capable of handling development and effluent disposal.</p>	<p>c) Noted</p> <p>d) Dismiss</p> <p>e) Noted</p>
<p>5.</p>	<p>L Wallis and D Edwards 79 Deloraine Drive WARRENUP WA 6330</p>	<p>a) The proposal to allow minimum lot sizes of 3000m² will alter the character and degrade the amenity of the area.</p> <p>b) The lots adjacent to the Wilyung Creek are subject to flooding. Further investigation should be carried out before this proposal proceeds</p>	<p>a) Same as 'officer comment 3(a).</p> <p>b) Small areas within lots 28-30, 43 and 51-54 are below the 'limit of moist low lying soil', however, there are large enough areas (above the 'limit of moist low lying soil') within each of these lots capable of handling development and effluent disposal. Investigation has already been conducted and included in the amendment report to prove the capability of development on the proposed lots.</p>	<p>a) Dismiss</p> <p>b) Dismiss</p>
<p>6.</p>	<p>P & V Webster PO Box 989 ALBANY WA 6330</p>	<p>a) Some of the lots proposed are located in flood prone areas.</p>	<p>a) Small areas within lots 28-30, 43 and 51-54 are below the 'limit of moist low lying soil', however, there are large enough areas (above the 'limit of moist low lying soil') within each of these lots capable of handling development and effluent disposal.</p>	<p>a) Dismiss</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

7.	G and A van der Wal 89 Deloraine Drive WARRENUP WA 6330	b) The 3000m ² lot size proposed will impact on the character of the area and set a precedent for other smaller lot development. a) The lots adjacent to the foreshore reserve are at risk from water damage after heavy rainfall. b) There is an obvious hazard in the waiting due to sewerage disposal. c) Further development will detract from the character of the area at present.	Same as 'officer comment 3(a).	b) Dismiss a) Noted b) Dismiss c) Dismiss
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..... CHIEF EXECUTIVE OFFICER

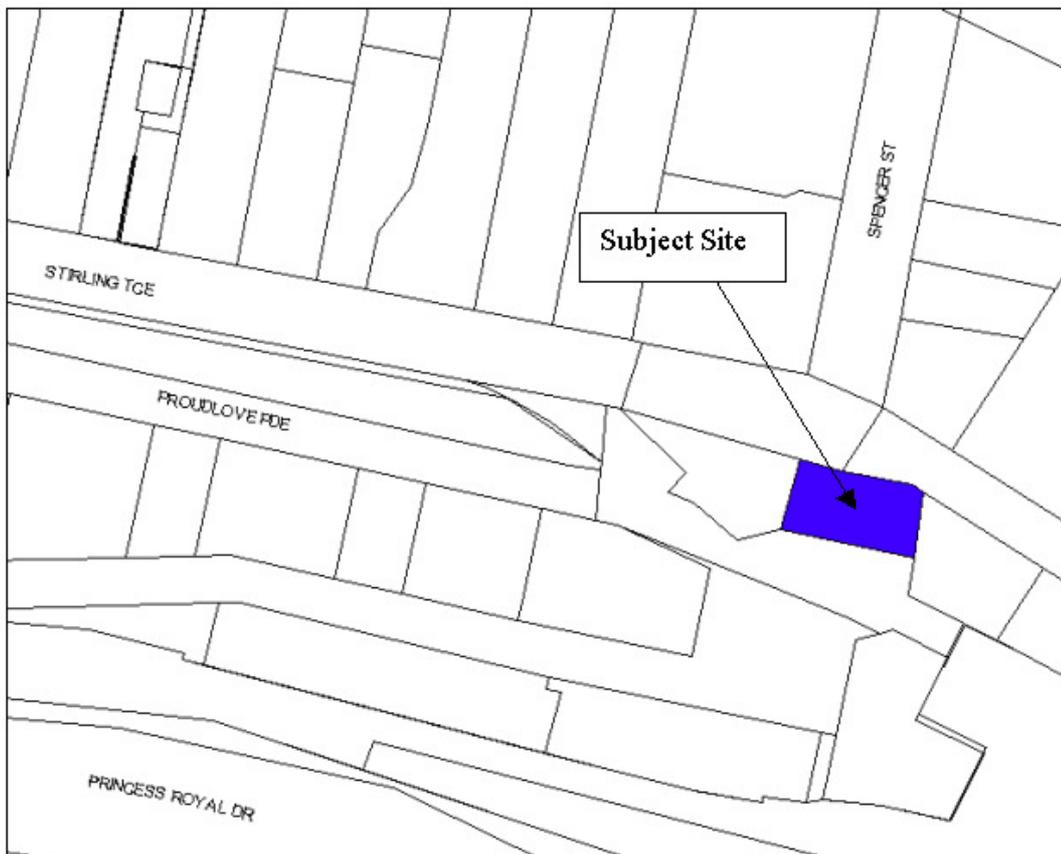
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DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Change of Reserve Purpose – Reserve 8765 Stirling Terrace, Albany

File/Ward	:	A181595 (Frederickstown Ward)
Proposal/Issue	:	Request to change Reserve purpose and obtain power to lease.
Subject Land/Locality	:	Albany Town Lot B45, Reserve 8765 Stirling Terrace, Albany
Proponent	:	University of Western Australia
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Request
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. The University of Western Australia is seeking to expand its campus in Albany and is requesting that Council apply to the Department for Planning and Infrastructure to change the purpose of Reserve 8765 Stirling Terrace to allow it to then be leased to the university for their building purposes. A copy of the letter from the UWA follows this report.

STATUTORY REQUIREMENTS

2. The Department of Planning and Infrastructure has the delegated authority of the Minister for Lands to change the purpose for a “C” class reserve and to provide the power to lease the property.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. The City will be required to assume the management order for the reserve. Once the management order is created, a lease agreement will need to be entered into between the City and the University of WA; the costs incurred in the preparation of that agreement will be borne by the UWA.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

A Learning City: Albany will be western Australia’s premier Learning City, through....

- *Recognition of education, research and training as economic development driver*
- *Strong Links with knowledge based organisations*

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

- 6. Reserve 8765 has a total area of 598m², a depth of approximately 21.0m and a frontage of 36.0m to Stirling Terrace. The Stirling Terrace frontage of the lot is approximately 7.0m higher than the rear boundary and the majority of that fall occurs in the southern half of the lot. The Reserve was created around the turn of the century and set aside for 'Railway Water Supply' purposes. With the demise of steam locomotives, the reserve was declared to be surplus to the requirements of the WA Government Railways and it was subsequently classified as Unallocated Crown Land.
- 7. The UWA has prepared preliminary plans showing how a three storey building can be accommodated on the land, with the uppermost storey being at a level commensurate with Stirling Terrace and its roof not protruding above the canopy of the existing trees near the Stirling Terrace frontage of the land. The preliminary design prepared by the UWA demonstrates that a building can be placed on the reserve without materially affecting the views of the two residential properties located opposite the land, in Stirling Terrace.

RECOMMENDATION

THAT Council seek the approval of the Department for Planning and Infrastructure to change the purpose of Reserve 8765 from "Railway Water Supply" to "Educational Establishment" and obtain the power to lease the reserve for a period up to 50 years.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION:

THAT Council seek the approval of the Department for Planning and Infrastructure to change the management order and the purpose of Reserve 48531 (formerly Reserve 8765) from "Parks and Garden" to "Educational Establishment" and obtain the power to lease the reserve for a period up to 50 years.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR MARSHALL**

THAT Council seek the approval of the Department for Planning and Infrastructure to change the management order and the purpose of Reserve 48531 (formerly Reserve 8765) from "Parks and Garden" to "Educational Establishment" and obtain the power to lease the reserve for a period up to 50 years.

MOTION CARRIED 12-2

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued



THE UNIVERSITY OF
WESTERN AUSTRALIA

UWA Albany Centre

PO Box 5771
35 Stirling Terrace
Albany, Western Australia 6332
Telephone: 08 9842 0888
Facsimile: 08 9842 0877
Email: Albany.Centre@uwa.edu.au

17 July 2006

Andrew Hammond
CEO, City of Albany
PO Box 484
ALBANY WA 6331

A181595
EDDS

Dear Andrew

Request to use Lot 8765, Stirling Terrace

As part of the long-term plans of The University of Western Australia to continue to develop and strengthen its operations in Albany and partnership with the City of Albany, we ask that the Council grant a 50-year lease on land adjacent to our current premises at the Old Post Office. We understand that the Council will need to apply to the Minister for Planning and Infrastructure to change the purpose of the land. We would also like to foreshadow that we will request that our current lease on the Old Post Office (20 years) be extended to align with the proposed lease on the land.

There are several sections of The University of Western Australia operating in Albany:

- o The UWA Albany Centre: undergraduate education
- o The Centre of Excellence in Natural Resource Management (CENRM): postgraduate education and research
- o The Institute for Regional Development (IRD): postgraduate education and research
- o The Rural Clinical School (RCS): undergraduate education in medicine.

I have enclosed a report for 2005 that provides a summary of our operations.

The UWA Albany Centre and staff and students from all the other centres currently use the Old Post Office building. The RCS leases premises in Frederick Street. CENRM has staff at the Department of Agriculture and Food and, from July 2006, in premises on Proudlove Parade, recently purchased by the University. The UWA Albany library collection is housed in the Albany Public Library, which was jointly redeveloped by the City and UWA.

With increasing staff and students in Albany it is necessary for the University to consider where it could consolidate some of its operations. Lot 8765, adjacent to the Old Post Office, is vested with the City of Albany for the purpose of 'reserves'. The location of this lot is ideal for the construction of a building that could accommodate, in the medium term, the increased operations of UWA in Albany.

We plan to apply this year to the Commonwealth Department of Education, Science and Training for funds to construct additional facilities in Albany. We would like to build on our existing collaboration with the City of Albany and construct these premises on Lot 8765.

We have enclosed sample sketches of the type of building that could be constructed on the site with minimal site costs and with reduced impact on neighbouring properties. The construction of such a building on this site would complement the existing infrastructure of UWA in the area and the planned development of the waterfront area. The proposed building would include office and teaching spaces, but not residential student accommodation.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

Unfortunately the Federal Department no longer provides funds for student accommodation and considers that it should be provided by the private sector.

Randall Jasper, Development Manager, is available to discuss this proposal with any of your councillors or council officers.

I hope that you and the Council will be able to give this proposal favourable consideration.

Yours sincerely



Barbara Black

Director

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

Nil.

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

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

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques	Totalling		\$ 98,163.15
Electronic Fund transfer	Totalling		\$1,159,320.79
Credit Cards	Totalling		\$7,472.80
Payroll	Totalling		\$751,207.95
Total			<u>\$2,016,164.69</u>

- As at 28th August 2006, the total outstanding creditors, stands at \$473,321.42.

RECOMMENDATION

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

Municipal Fund	Totalling	<u>\$2,016,164.69</u>
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Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 19/09/06
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

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

Municipal Fund	Totalling	<u>\$2,016,164.69</u>
-----------------------	------------------	------------------------------

MOTION CARRIED 14-0

12.1.2 Financial Activity Statement – August 2006

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

COMMENT/DISCUSSION

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

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this item. The Financial Activity Statement is a report only.

STRATEGIC IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

COMMENT/DISCUSSION

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

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month of August 2006.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT Council note the attached Financial Activity Statement for the month of August 2006.

MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT - Aug 06

	Actual Year to Date 30-Aug-06	Current Budget Year to Date 30-Aug-06	Budget Variance
OPERATING INCOME			
Rates	16,737,917.69	16,467,661	270,257
Grants & Subsidies	780,644.94	755,606	25,039
Contributions. Reimb & Donations	74,703.76	42,015	32,689
Fees & Charges	3,138,831.60	3,104,635	34,197
Interest Earned	118,920.23	112,460	6,460
Other Revenue / Income	49,169.53	130,376	(81,206)
Net Controlled Trust Revenue	20,727.27	109,273	
	20,920,915.02	20,722,026	287,435
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(2,016,540.67)	(1,854,994)	(161,547)
Utilities	(111,179.27)	(116,387)	5,208
Interest Expenses	46,487.92	0	46,488
Contracts & materials	(908,926.95)	(1,046,035)	137,108
Insurance expenses	(284,403.57)	(312,793)	28,389
Other Expenses	(315,112.80)	(317,794)	2,681
	(3,589,675.34)	(3,648,003)	58,328
CAPITAL INCOME			
Grants & Subsidies	174,491.82	248,812	(74,320)
Contributions. Reimb & Donations, Other	(32,500.00)	0	(32,500)
Proceeds from sale of assets	207,775.26	205,000	2,775
	349,767.08	453,812	(104,045)
CAPITAL EXPENDITURE			
Asset Masterplans	(123,631.97)	(132,000)	8,368
ALAC Redevelopment	(18,720.35)	(20,000)	1,280
Plant Replacement	(305,818.19)	(295,000)	(10,818)
Developers Subdivisions	0.00	0	-
Other Capital	(22,154.07)	(22,046)	(108)
	(470,324.58)	(469,046)	(1,279)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(10,808.40)	0	(10,808)
Proceeds from Self Supporting Loans	2,750.00	2,750	-
Proceeds from new loans	0.00	0	-
	(8,058.40)	2,750	(10,808)
OTHER BALANCE SHEET ITEMS			
Change in stock position	73,196.61		
Change in Debtors	(11,997,805.11)		
Change in Creditors	(649,552.53)		
	(12,574,161.03)		
NET CASH FLOW	4,628,462.75		
Opening Cash balance	15,968,783.53		
NET CASH AT BALANCE DATE	20,597,246.28		

Cash Summary

Municipal Account	5,360,105.12
Reserve Account	12,271,921.18
Trust Account	2,965,219.98
Total Bank / Investments	20,597,246.28

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

Explanation of Variances on Financial Activity Statement – August YTD 2006

OPERATING INCOME

Contributions. Reimb & Donations

Received Workers Compensation Rebate (\$30,375)....Prior years

Other Revenue/Income

05/06 Accrual reversals: Receipts forthcoming

Sale of Scrap Metal (\$48,936)

Emergency Management Aus (\$26,000)

OPERATING EXPENDITURE

Interest Expense:

05/06 Accrual reversals: -Timing only

City of Albany loans (\$46,488)

Contracts & Materials

05/06 Accrual reversal: -Timing only

Cleanaway Contract Rise & Fall (\$86,680) – Approved August Meeting

CAPITAL INCOME

Grants & Subsidies

05/06 Accrual reversal: Receipt forthcoming

DPI Grant for Lake Weelar (\$75,000)

Contributions. Reimb & Donations, Other

05/06 Accrual reversal: Receipt forthcoming

Nullakai Finger Jetty Grant (\$32,500)

CASH FLOWS FROM FINANCING ACTIVITIES

Loan Principal Repayment

05/06 Accrual reversal: Timing only

RSJV- Loan Principal (\$10,808)

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.3 Budget Review – First Quarter 2006/07

File/Ward	: FIN 047 (All Wards)
Proposal/Issue	: Council requested to adopt a Budget Review
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Finance (S Goodman)
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: That Council adopt the 2006/2007 first quarter Budget Review
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. Council officers have reviewed projects for their areas and determined required carryovers.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications. Carryovers for 2005/06 have been transferred to reserves and 2006/07 expenditure is funded from those reserve transfers.

Item 12.1.3 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 6. The budget review is necessary to incorporate carryovers into the 2006/07 budget. Most of the carryovers result from projects which were not complete at the end of the 2005/06 financial year. Some projects are deferred to 2006/07 due to funding delays. There is no net impact on the balanced budget for 2006/07.
- 7. A comprehensive list of the proposed reallocations is attached.

RECOMMENDATION

THAT Council adopt the 2006/07 first quarter Budget Review as per the attached schedule.

Voting Requirement Absolute Majority

.....

<p>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR WILLIAMS</p> <p>THAT Council adopt the 2006/07 first quarter Budget Review as per the attached schedule.</p> <p style="text-align: right;">MOTION CARRIED 14-0 ABSOLUTE MAJORITY</p>

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

COA	Job	Description	Budget Adjustment
6764	7830	Peace Park	\$9,700.00
	8328	Cape Riche Hot Water System	\$10,000.00
	7992	Mt Clarence Desert Corps Memorial	\$15,000.00
	7947	Gregory Drive	\$15,000.00
	7942	State Black Spot-Ulster Rd - Martin	\$8,907.00
	8187	Black Spot - Lower King Rd/Bayonet Hd	\$9,476.00
	7939	State Black Spot-Frederick St - Spencer	\$10,407.00
	8326	Bond Store	\$28,976.00
	8197	Bus Shelters	\$49,831.00
	8329	Depot Modifications	\$71,038.00
5699		T/F Ex Reserve- Edws Other	-\$174,845.00
129		Tfr Ex Reserves	-\$43,780.00
5429		T/F Ex Res	-\$9,710.00
3622	4003	City Of Albany Town Planning Scheme	-\$2,300.00
0664	4022	Purchase Of Pc'S	\$2,300.00
3092	7454	Training/Dev - Specified	\$2,727.00
5679		T/F Ex Reserve - Town Hall	-\$2,727.00
6419		T/F Ex Joint Use Res	-\$2,200.00
	4018	Library Building - Stage 1	\$2,200.00
	7807	Library - Finding My Place	\$2,762.00
6889		T/F Ex Reserve - Library	-\$3,762.00
6502	7809	Library Events	\$1,000.00
5212	7266	Ca - Sprung - Writers Festival	\$5,000.00
5639		C.A. Projects - T/F Ex Res	-\$5,000.00
3099		T/F Ex Reserve-Parks Development	-\$14,000.00
	8195	Fish Cleaning Station - Cheynes Beach	\$14,000.00
2712		Community Financial Assistance	\$32,500.00
8699		T/F Ex Res-Fin Asst	-\$32,500.00
3867		Dev Mgt - Retail Strategy	\$12,000.00
5469		T/F Ex Res- Dev Mgt	-\$24,909.00
	4006	Yakamia Structure Plan	\$12,909.00
5439		Forts Carryovers	-\$14,518.00
8922		Forts Projects	\$5,000.00
5082	2020	Magazine Refurb (Work For Dole)	\$9,518.00
0272	8101	Web Site Maintenance	\$5,000.00
0664	4032	Software Licences	\$6,500.00
0664	3497	System Development	\$8,000.00
0664	4024	Servers-18Gb Drives,Memory Upgrade Etc	\$28,000.00
7729		T/F Ex Reserve- It Capital	-\$47,500.00
6892		Albany Entertainment Centre	\$78,742.00
0009		T/F Ex Res - Town Planning Review	-\$78,742.00

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

COA	Job	Description	Budget Adjustment
	8005	Cape Riche Road - TIRES c/o	\$135,000.00
4984	7761	Frenchman Bay Road - RRG c/o	\$74,000.00
7259		Other Roads - T/F Ex Res	-\$114,500.00
4125		Road Funding - Tires	-\$94,500.00
8929		T/F Ex Reserves - Res Mp	-\$37,972.00
5184	8073	Lake Weelara - Carryover	\$37,972.00
3677		Tourism Marketing- ROI Calc	\$116,689.00
0019		T/F Ex Res - Tourism	-\$116,689.00
8419		T/F Ex Reserve - It	-\$99,860.00
3412		Rrif Carryover - Project Expenditure	\$79,660.00
0272	8100	Web Site Development	\$20,200.00
8382		Traffic Management Plan	\$9,244.00
1092	0129	Drainage Management Plan	\$90,041.00
4392	CA000	Pre Construction Design Budget	\$76,049.00
8392		Asset Preservation Modelling	\$12,461.00
5589		T/F Ex Res -Asset Services	-\$187,795.00
0014	1462	Clydesdale Road	\$40,000.00
0014	1427	Traffic Management Plans	-\$40,000.00
	7937	Middleton Road (Federal Black Spot)	\$51,000.00
4435		Middleton Road (Federal Black Spot Revenue)	-\$51,000.00
		Masterplan Carryovers	
	7770	John & Bronte Safety Upgrade	\$90,000.00
	8055	Green Island Cresc	\$70,000.00
	7927	Grey St West path	\$17,500.00
	7909	Lower king path	\$17,500.00
	8006	Footpath/Kerbing - Collie ST/Stirling tce to Duke	\$8,100.00
	8340	Seal Rural Intersections	\$50,000.00
5689		T/f ex masterplan funding Reserve	-\$43,100.00
7259		T/f ex masterplan funding Reserve	-\$386,011.00
	7760	Lower Denmark Road	\$279,678.00
4105		Lower Denmark Road - RtR Claim	-\$103,667.00
		TOTAL	<u><u>Nil</u></u>

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.4 Management of Emu Point Boat Pens

File/Ward	:	SER 187 (Breaksea Ward)
Proposal/Issue	:	Management of Emu Point Recreational Boat Pens
Subject Land/Locality	:	Emu Point Boat Harbour
Proponent	:	Emu Point Boat Pen Holder's Group
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director of Corporate and Community Services (WP Madigan) Recreation Development Officer and Marine Services (M Weller)
Disclosure of Interest	:	Nil.
Previous Reference	:	OCM 18/05/04 – Item 12.2.3 OCM 20/06/06 – Item 12.6.1 OCM 18/07/06 – Item 12.1.3
Summary Recommendation	:	THAT Council confirm its intention to manage the Emu point boat pens in accordance with the business plan and adopted recommendations
Bulletin Attachment	:	Nil.
Locality Plan	:	Nil.

BACKGROUND

1. At it Ordinary Council Meeting of the 18th July 2006, Item 12.1.3 Council resolved:

“THAT the officers recommendation is adopted as it concerns the management of the pens in the interim period before any change may be made in relation to the management body for the pen system:

- i) from the 1st July 2006 the Boat Pens and Leases/ Other sections of the Emu Point Business Unit be split for budgeting purposes;*
- ii) the return on investment requirement is altered to \$28,511 per annum for the boat pens, based on 10.5% on \$262,692 spent on Pens Refurbishment in 97/98 and \$8,845 spent on lighting in 2002;*
- iii) the leases/ other elements of the business unit retain a return on investment requirement of \$11,789 per annum based on 10.5% of \$112,463 invested in their infrastructure;*
- iv) that given predicted price sensitivity the fee increases are phased in over a greater period than adopted in the Emu Point Business Plan, as per the financial section of this item;*
- v) the 2006/2007 fees and charges and budget are amended as per the financial implications section of this item and presented to council for adoption with the 2006/2007 budget;*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.4 continued

- vi) *the boat pens are to continue to be operated in line with councils adopted business rules, including the requirement to cover all outgoings, return on investment (for two years), admin/ compliance and transfer to reserve for future replacement;*
- vii) *The return on investment for boat pens (\$28,511) be discontinued after two (2) years and contributed to maintenance and pens replacement; and*
- viii) *An updated estimate of replacement costs is obtained for the purpose of calculating funds contributed to reserve in years 2008/09 & onwards”.*

“THAT the City of Albany write to each individual pen holder outlining the basis by which the City intends to manage the marina and request pen holders respond as to whether they would prefer the City of Albany to manage the Marina on this basis or for the management of the marina to be undertaken by the Department of Planning and infrastructure”.

- 2. Both recommendations were implemented following the meeting.
- 3. In fulfilment of the second recommendation 54 pen-holders were written to and requested to tick one of the following choices, sign and return the given form:

Please tick either:

I support the City of Albany continuing to operate the Emu Point Boat Pens in accordance with the provisions of the adopted motion 12.1.3 of Ordinary Council Meeting 18/07/06 and the City of Albany’s Business Plan.

I do not support the City of Albany continuing to operate the Emu Point Boat Pens following the expiry of its current lease agreement in August 2007.

- 4. Of the 23 responses received, twenty two (22) supported the City of Albany continuing to manage the marina and one (1) supported the management of the facility reverting to the Department of Planning and Infrastructure.
- 5. One response included written comment requesting that in the event that the City of Albany transfers management of the pens to another body in the future, moneys held in reserve for future replacement are also handed over.

STATUTORY REQUIREMENTS

- 7. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.4 continued

FINANCIAL IMPLICATIONS

- 9. Should Council choose to continue to operate the pens, it will be responsible in the event there is insufficient funds set aside for the replacement of the facility at the end of its useful life.

STRATEGIC IMPLICATIONS

- 10. 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

- 11. Given that 95% of respondents were in support of the City of Albany continuing to manage the pens in accordance with the business plan, this is reflected in the officers recommendation.

RECOMMENDATIONS

- 1. THAT Council confirms its intention to enter into negotiations with the Department of Planning and Infrastructure, prior to the expiry of the current lease for the facility, with the aim of the continued management of the Emu Point Recreational Boat Pen facility by the City of Albany, given the 95% positive response of pen holders supporting the City of Albany continuing to operate the Emu Point Boat Pens in accordance with the provisions of the adopted motion 12.1.3 of Ordinary Council Meeting 18/07/06 and the City of Albany’s Business Plan.

Voting Requirement Simple Majority

.....

- 2. THAT Council continue to manage the Emu Point Recreational Boat pen facility in accordance with its 2006/07 adopted budget and the provisions adopted in the Ordinary Council Meeting of the 18th July 2006 Item 12.1.3 (first of the two adopted motions).

Voting Requirement Simple Majority

.....

Item 12.1.4 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR PAVER**

1. **THAT Council confirms its intention to enter into negotiations with the Department of Planning and Infrastructure, prior to the expiry of the current lease for the facility, with the aim of the continued management of the Emu Point Recreational Boat Pen facility by the City of Albany, given the 95% positive response of pen holders supporting the City of Albany continuing to operate the Emu Point Boat Pens in accordance with the provisions of the adopted motion 12.1.3 of Ordinary Council Meeting 18/07/06 and the City of Albany's Business Plan.**

MOTION CARRIED 14-0

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WELLINGTON**

2. **THAT Council continue to manage the Emu Point Recreational Boat pen facility in accordance with its 2006/07 adopted budget and the provisions adopted in the Ordinary Council Meeting of the 18th July 2006 Item 12.1.3 (first of the two adopted motions).**

MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Extended Trading Hours Within the City of Albany

File/Ward	:	LEG 005 (All Wards)
Proposal/Issue	:	Extended Trading Hours for the Christmas shopping period
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Corporate Services Officer (S Foy)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	THAT Council extend retail trading hours for the Christmas shopping period in line with the Perth metropolitan area.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. On 19 July 2006, the Hon Michelle Roberts MLA, Minister for Consumer and Employment Protection, announced trading hours extensions for the Perth metropolitan area over the 2006/07 Christmas and New Year period.
2. In accordance with established policy, the Christmas trading package is made available to regional localities without the need for further action by Local Government Authorities.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

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...Being the regional retailing and services hub.

Mission Statement:

Nil.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

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

Sunday 10 December 2006	10.00am – 5.00pm
Sunday 17 December 2006	10.00am – 5.00pm
Wednesday 20 December 2006	8.00am – 9.00pm
Thursday 21 December 2006	8.00am – 9.00pm
Friday 22 December 2006	8.00am – 9.00pm
Sunday 24 December 2006	10.00am – 5.00pm
Wednesday 27 December 2006	8.00am – 6.00pm

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

RECOMMENDATION

THAT Council extend the retail trading hours for the Christmas shopping period in line with Perth metropolitan area as follows:

Sunday 10 December 2006	10.00am – 5.00pm
Sunday 17 December 2006	10.00am – 5.00pm
Wednesday 20 December 2006	8.00am – 9.00pm
Thursday 21 December 2006	8.00am – 9.00pm
Friday 22 December 2006	8.00am – 9.00pm
Sunday 24 December 2006	10.00am – 5.00pm
Wednesday 27 December 2006	8.00am – 6.00pm

Voting Requirement Simple Majority

.....

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

Councillor Lionetti declared an interest and left the Chambers at 9.17pm.
The nature of Councillor Lionetti's interest is that he is a retailer.

Councillor Waterman declared an interest and left the Chambers at 9.17pm.
The nature of Councillor Waterman's interest is that she is a retailer.

Councillor Wellington declared an interest and left the Chambers at 9.17pm.
The nature of Councillor Wellington's interest is that he is a retailer.

MOVED COUNCILLOR EVANS

SECONDED COUNCILLOR JAMIESON

THAT Council extend the retail trading hours for the Christmas shopping period in line with Perth metropolitan area as follows:

Sunday 10 December 2006	10.00am – 5.00pm
Sunday 17 December 2006	10.00am – 5.00pm
Wednesday 20 December 2006	8.00am – 9.00pm
Thursday 21 December 2006	8.00am – 9.00pm
Friday 22 December 2006	8.00am – 9.00pm
Sunday 24 December 2006	10.00am – 5.00pm
Wednesday 27 December 2006	8.00am – 6.00pm

MOTION CARRIED 11-0

Councillors Lionetti, Waterman and Wellington returned to the meeting at 9.18pm.

CORPORATE & COMMUNITY SERVICES REPORTS

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 RECREATION SERVICES

Nil.

CORPORATE & COMMUNITY SERVICES REPORTS

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Arts Advisory Committee meeting minutes – 9th August 2006

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 9th August 2006 be adopted.

RECOMMENDATION

THAT

- i) the minutes of Albany Arts Advisory Committee held on 9th August 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following room hire and gallery charges be adopted:

Room Hire Charges

	Regular Users Community	Regular Users Commercial	Occasional Users Community	Occasional Users Commercial
Room 4 – Small gallery	\$11.00 Per session	\$20.00 Per Session	\$18.70 Per session	\$30.80 Per session
Veranda	\$14.00 Per session	\$23.00 Per session	\$21.70 Per session	\$33.80 Per session
Weaving Room	\$328.75 Per quarter			
Pottery Shed	\$362.00 Per quarter			
Spinners Storage	\$131.00 Per year			

Gallery Charges

Veranda Gallery = \$10.00 per day (\$90 – 9 day minimum hire)

Small Gallery = \$15 per day (\$135 – 9 day minimum hire)

- ii) the new charges be advertised locally in accordance with section 6.19 of the Local Government Act 1995.

Voting Requirement Absolute Majority

Item 12.7.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT

- i) the minutes of Albany Arts Advisory Committee held on 9th August 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following room hire and gallery charges be adopted:

Room Hire Charges

	Regular Users Community	Regular Users Commercial	Occasional Users Community	Occasional Users Commercial
Room 4 – Small gallery	\$11.00 Per session	\$20.00 Per Session	\$18.70 Per session	\$30.80 Per session
Veranda	\$14.00 Per session	\$23.00 Per session	\$21.70 Per session	\$33.80 Per session
Weaving Room	\$328.75 Per quarter			
Pottery Shed	\$362.00 Per quarter			
Spinners Storage	\$131.00 Per year			

Gallery Charges

Veranda Gallery = \$10.00 per day (\$90 – 9 day minimum hire)

Small Gallery = \$15 per day (\$135 – 9 day minimum hire)

- ii) the new charges be advertised locally in accordance with section 6.19 of the Local Government Act 1995.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.7.2 Albany Town Hall Theatre Advisory Committee meeting minutes – 2nd August 2006

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on 2nd August 2006 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on 2nd August 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on 2nd August 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.8 COUNCIL REPRESENTATION****12.8.1 Cultural Plan Steering Committee Representation**

File/Ward	:	MAN196 (All Wards)
Proposal/Issue	:	Proposed Appointments to Committee
Subject Land/Locality	:	N/A
Proponent	:	Executive Director Corporate & Community Services (WP Madigan)
Owner	:	Nil
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	THAT Council appoint members to the Cultural Plan Steering Committee
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. In the initial stages of planning and developing a funding application towards the preparation of a cultural plan for the City, a workshop meeting was organised, and included:
 - Bruce Manning, GSDC
 - Matt Benson, MLA
 - Graham McBeth
 - David Heaver, Heritage Architect
 - Stewart Gartland, Town Hall Manager
 - Peter Madigan, EDCCS
2. All of these parties indicated they would be keen to be part of the Steering Committee to guide the project.
3. In addition to these nominations, an invitation has been extended for two community representatives to sit on this committee. These nominations close on the 14th September 2006, and will be submitted to Council for consideration.
4. It is also proposed to invite an elected member to sit on the committee.
5. At this point, Sandra Krempl, formerly from CANWA Cultural Planning, has been appointed to undertake the project, and is keen to conduct a teleconference with the key players to help develop the format and objectives of her visits to Albany.

Item 12.8.1 continued

STATUTORY REQUIREMENTS:

6. Section 5.9 of the Local Government Act provides -

“A committee is to comprise –

- a) Council members only;
- b) Council members and employees;
- c) Council members, employees and other persons;
- d) Council members and other persons;
- e) Employees and other persons; or
- f) Other persons only.”

Section 5.10 (Appointment of committee members) sets out –

“A committee is to have as its members –

- a) Persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- b) Persons who are appointed to be members of the committee under subsection (4) or (5).”

* Absolute majority required

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Council has allocated \$11,700 in its 2006/07 Budget for the Cultural Mapping Project, and has been successful in attracting funding of \$7,000 from CANWA towards the project.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Mission Statement:

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

Priority Projects:

Nil.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

COMMENT/DISCUSSION

- 10. Cultural mapping is the identification and recording of the cultural resources and activities of a community or region.
- 11. The timeline for this project is September to 30 November 2006.

RECOMMENDATIONS

1. THAT Council appoint –

- Bruce Manning, GSDC
- Matt Benson, MLA
- Graham McBeth
- David Heaver, Heritage Architect
- Stewart Gartland, Town Hall Manager
- Peter Madigan, EDCCS

as members of the Cultural Plan Steering Committee.

Voting Requirement Absolute Majority

2. THAT Council appoint Councillor _____ as a member of the Cultural Plan Steering Committee

Voting Requirement Absolute Majority

3. THAT Council appoint the following additional community representatives

_____, _____ as members of the Cultural Plan Steering Committee.

Voting Requirement Absolute Majority

ADDENDUM TO OFFICERS REPORT

12. At the closing time for community nominations to the Committee, the following five nominations had been received. Copies of the submissions are attached:

- Crispin Travers - BA (History)
- B Social Work
- Senior Social Worker (DCD)
- Sally Malone - Urban and Landscape Designer
- Convenor of the Albany Design Forum
- Advocate for the strengthening of a “sense of place” in the community
- Masters (Philosophy) in Urban Studies

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

- Severin Crisp - B Sc, Ph D
 - Secretary/Treasurer of NewArts Inc, which is working to promote an interest and consciousness in the arts and the need for art facilities and events.

- Sue Codee - B Fine Arts
 - Community Cultural Development arts professional
 - Worked nationally and internationally with diverse range of committees in the area of community and cultural development
 - Member Albany Arts Advisory Committee, Board member of Country Arts and Arts WA panel member

- Lawrence Cuthbert - B Sc (Sustainable Development)
 - Particularly studied the economic and social benefits derived from investment and organisation of the creative arts economy.

13. Given the exceptional quality of the nominations received, it is considered the community representation be expanded to three, with EDCCS now undertaking an Executive Officer function for the Committee.

14. With their diverse base of experience, it is recommended that Sally Malone, Sue Codee and Lawrence Cuthbert be appointed to the Committee.

AMENDED RECOMMENDATIONS

1. THAT Council appoint –

- Bruce Manning, GSDC
- Matt Benson, MLA
- Graham McBeth
- David Heaver, Heritage Architect
- Stewart Gartland, Town Hall Manager

as members of the Cultural Plan Steering Committee.

Voting Requirement Absolute Majority

.....

2. THAT Council appoint Councillor _____ as a member of the Cultural Plan Steering Committee

Voting Requirement Absolute Majority

.....

3. THAT Council appoint the following additional community representatives Sue Codee, Lawrence Cuthbert and Sally Malone as members of the Cultural Plan Steering Committee.

Voting Requirement Absolute Majority

.....

Item 12.8.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR JAMIESON**

1. THAT Council appoint –

- **Bruce Manning, GSDC**
- **Matt Benson, MLA**
- **Graham McBeth**
- **David Heaver, Heritage Architect**
- **Stewart Gartland, Town Hall Manager**

as members of the Cultural Plan Steering Committee.

2. THAT Council appoint Councillor Evans as a member of the Cultural Plan Steering Committee

3. THAT Council appoint the following additional community representatives Sue Codee, Lawrence Cuthbert and Sally Malone as members of the Cultural Plan Steering Committee.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

12.8.2 Albany Surf Life Saving Club – Approval to Change Purpose of Grant

File/Ward	:	FIN022 (All Wards)
Proposal/Issue	:	Request to change purpose of Minor Emergency Grant Funding
Subject Land/Locality	:	N/A
Proponent	:	Albany Surf Life Saving Club
Owner	:	Albany Surf Life Saving Club
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Item 12.8.3 OCM 15/08/06
Summary Recommendation	:	THAT Council approve the change of purpose of the grant to Albany Surf Life Saving Club.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The Albany Surf Life Saving Club has requested approval to change the purpose of the grant allocated by the Community Financial Assistance Committee under the category of Minor Emergency Grant.
2. The Community Financial Assistance Committee approved a grant to the Albany Surf Life Saving Club of \$10,000 towards the provision of a Gator emergency towing vehicle, estimated to cost between \$15,400 - \$16,516, to enable quicker response to emergencies and patrolling.
3. The Albany Surf Life Saving Club has advised that it has reassessed its requirements, and now considers a 4WD vehicle would be more appropriate to its needs, and has asked for a change in purpose of the funding granted.
4. Details of the proposed second hand 4WD vehicle are:
 - Make : to be determined and what the club can afford
 - Model: to be determined and what the club can afford
 - Type: 4WD crew cab utility (something in the order of a Holden Rodeo, Toyota Hilux, etc.)
 - Towing Capacity: within the limits of the vehicle but able to tow either a rescue jet ski on trailer or inflatable rescue boat and motor on trailer
 - Cost: Approximately \$15,000 to \$20,000

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.2 continued

STATUTORY REQUIREMENTS:

5. Nil.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Thriving City – Albany’s community will enjoy excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to delivering excellent community services.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The ASLSC has just recently taken possession of a rescue jet ski from Surf Life Saving W.A. It is intended that the ASLSC will offer a more intensive rescue service to the community of Albany than in the past. With specialised training the ASLSC will be in a position to assist the Police with marine rescue services.
10. This however will require in certain circumstances the towing of the jet ski to various locations to launch.
11. The club will need a vehicle that has 4WD capabilities and is licensed to travel on the road. It cannot license the Gator for this purpose and the Gator is not suitable to perform as a vehicle that can tow the jet ski at speed, carry spare fuel, equipment and personnel to remote locations.
12. The ASLSC has requested the purpose of the grant be changed at this point, in preference to:
- withdrawing the current application, and resubmitting in November; or
 - continuing with the purchase of the Gator.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.2 continued

RECOMMENDATION

THAT Council agree to change of purpose of the Minor Emergency Grant Funding of \$10,000 approved for the Albany Surf Life Saving Club from the purchase of a Gator emergency vehicle, to the purchase of a 4WD vehicle as specified above.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT Council agree to change of purpose of the Minor Emergency Grant Funding of \$10,000 approved for the Albany Surf Life Saving Club from the purchase of a Gator emergency vehicle, to the purchase of a 4WD vehicle as specified above.

MOTION CARRIED 14-0

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil.

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil.

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Contract C06036 – Construction of Kerbing

File/Ward	:	C06036 (All Wards)
Proposal/Issue	:	Construction of Concrete Kerbing at various locations
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Works (W Butler) City Works Coordinator (M Bracknell) and Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender from Gordon Walmsley Pty Ltd to lay concrete kerbing at various locations around the City
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The 2006/2007 Budget provided a Capital Works Program to be completed with use of external construction contractors. These works are to be undertaken by a public tender process for the supply of labour, plant and materials to lay concrete kerbing.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 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.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. The local government is to decide which of the acceptable tenders is the most advantageous to it. It may also decline to accept any tender.
4. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.4.1 continued

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 dynamic promotion and marketing of Albany’s advantages and opportunities.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 12th July 2006, the Albany Advertiser on 13th July 2006 with a copy in the Albany Extra on 14th July 2006.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	50
Relevant Skills & Experience	20
Reliability of Tender	15
Safety Management	5
Quality Accreditation	5
Other Considerations	5
TOTAL	100%

10. A total of five documents were issued with four tender submissions received by the close of the tender period. All submissions received, claimed against the Regional Price Preference Policy.
11. A Schedule of Rates detailing estimated quantities; distances and types of kerbing required for a twelve-month period were supplied as part of the tender. Tenderers were required to submit a schedule of rates; the projected total amount for each item was then calculated to give a lump sum total for assessment.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

12. Tenders were assessed overall against weighted criteria and the following scores resulted:

Tenderer	Price	Total Weighted Score
Gordon Walmsley Pty Ltd	\$146,610.00	641.5
Campbell Contractors	\$185,890.00	494.5
R & L Bitumen Repair Service	\$206,514.00	456
Albany Industrial Services	\$314,380.00	268

13. Gordon Walmsley Pty Ltd is the current provider for construction of concrete kerbing for Council. The company to date has provided a satisfactory service to the Council.

RECOMMENDATION

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

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

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

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.4.2 Contract C06005 – Survey and Design Services for Roads, Pathways and Drainage

File/Ward	:	C06005 (All Wards)
Proposal/Issue	:	Survey and Design Services for Roads, Pathways and Drainage
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Assets (D Morgan), Engineering Technical Officer (M Eastough) and Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender from Opus International for Survey and Design Services for Roads, Pathways and Drainage.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The Council has a requirement for the delivery of survey and design for roads, pathways, reserve, car park, building, and drainage development projects. Projects also include drainage, traffic management, pathways and other strategic studies guiding future development.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. A local government is to decide which of the acceptable tenders is the most advantageous to it. It may also decline to accept any tender.
4. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.4.2 continued

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 dynamic promotion and marketing of Albany’s advantages and opportunities.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on Wednesday 21st June and Saturday 24th June 2006, the Albany Advertiser on 22nd June 2006 with a copy in the Albany Extra on 23rd June 2006.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Local Representation	20
Methodology	10
Organisational Experience	20
Project Personnel	15
Management Systems	15
Price	20
TOTAL	100%

10. A total of ten documents were issued with two tender submissions received by the close of the tender period. Both submissions received, claimed against the Regional Price Preference Policy.
11. Tenderers were advised that Council estimated \$250,000.00 per annum of work would be required under this contract. Tenders were requested to provide a Schedule of Rates for resources needed to provide this service. Both tenders were evaluated on 31 rates, of which Opus submitted a lower rate in 25 areas. The Tenderers scores are as follows:

Tenderer	Score
Opus International	646.35
Thompson McRobert Edgeloe	461.15

WORKS & SERVICES REPORTS

Item 13.4.2 continued

12. Opus International is the current provider of Survey and Design Services for Roads, Pathways and Drainage for Council. To date Opus International has provided a good service and the competitive rates submitted displays a strong desire by the company to continue this service for Council.

RECOMMENDATION

THAT Council accepts the tender from Opus International for provision of Survey and Design Services for Roads, Pathways and Drainage, as per the Schedule of Rates submitted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WEST**

THAT Council accepts the tender from Opus International for provision of Survey and Design Services for Roads, Pathways and Drainage, as per the Schedule of Rates submitted.

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.4.3 Contract C06021 – Verge Pruning

File/Ward	:	C06021 (All Wards)
Proposal/Issue	:	Verge Pruning
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Works (W Butler), City Works Coordinator (M Bracknell) and Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the Tender C06021 from Jack the Chipper for the supply of plant and labour for pruning of road verges.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The 2006/2007 budget provides a Capital Works and Road Maintenance Program that requires the use of external contractors. Where applicable these works are to be undertaken by a public Tender process for the supply of labour, plant and materials to prune existing road verges of vegetation.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. A local government is to decide which of the acceptable tenders is the most advantageous to it. It may also decline to accept any tender.
4. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.4.3 continued

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 dynamic promotion and marketing of Albany’s advantages and opportunities.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 12th July 2006, the Albany Advertiser on 13th July 2006 with a copy in the Albany Extra on 14th July 2006.
8. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	35
Relevant Skills & Experience	25
Reliability of Tenderer	20
Safety Management	20
Total	100

9. A total of five documents were issued with two tender submissions received at the close of tenders. Both tenderers claimed against the Regional Price Preference Policy.
10. Tenders were assessed overall against weighted criteria and the following scores resulted:

Tenderer	Lump Sum Price	Score
Jack the Chipper	\$73,353.00	553.2
Albany Travel Tower	\$78,660.00	549.3

11. Jack the Chipper has carried out previous works with the Council and to date has performed well and delivered a satisfactory service on time.

WORKS & SERVICES REPORTS

Item 13.4.3 continued

RECOMMENDATION

That Council accepts the Tender C06021 from Jack the Chipper for the supply of plant and labour for pruning of road verges at various sites around the City.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR JAMIESON**

That Council accepts the Tender C06021 from Jack the Chipper for the supply of plant and labour for pruning of road verges at various sites around the City.

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.4.4 Contract C06023 – Road Stabilisation

File/Ward	:	C06023 (All Wards)
Proposal/Issue	:	Road Stabilisation
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Works (W Butler), City Works Coordinator (M Bracknell) and Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender from Western Stabilisers in accordance with the Schedule of Rates submitted.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council does not have an annual contract for Road Stabilisation. The works to be executed under this contract consist of pavement rehabilitation work involving insitu stabilisation and overlay treatments to existing road pavements.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions & General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. A local government is to decide which of the acceptable tenders is the most advantageous to it. It may also decline to accept any tender.
4. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.4.4 continued

FINANCIAL IMPLICATIONS

6. The following are the financial implications for stabilising each road;
- i) Palmdale Road – fully funded TIRES project (Timber Industry Road Evaluation Strategy); and
 - ii) Frenchman Bay Road – 2/3 funded by Regional Road Group, 1/3 funded by the City of Albany.

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 dynamic promotion and marketing of Albany’s advantages and opportunities.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 19th July 2006, the Albany Advertiser on 20th July 2006 with a copy in the Albany Extra on 21st July 2006.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	Weight
Cost	40
Relevant Skills & Experience	35
Safety Management	10
Reliability of Tenderer	10
Quality Accreditation	5
Total	100

10. A total of three tender documents were issued, with one tender submission received by the close of the tender period.
11. A Schedule of Rates detailing estimated distance and types of road stabilising binding required for a twelve-month period were supplied as part of the tender. Tenderers were required to submit a schedule of rates for Palmdale and Frenchman Bay Roads.

WORKS & SERVICES REPORTS

Item 13.4.4 continued

12. The Tender was assessed overall against weighted criteria and the following score resulted:

Tenderer	Total Weighted Score
Western Stabilisers	627.5

13. Western Stabilisers has provided road stabilisation service to Council in the past. The company has extensive experience and delivered this service to the City of Albany, on time, to a very high standard. The cost is in line with industry standards.

RECOMMENDATION

THAT Council accepts the tender from Western Stabilisers, for the supply and delivery of road stabilisation as per the Schedule of Rates submitted.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WOLFE**

THAT Council accepts the tender from Western Stabilisers, for the supply and delivery of road stabilisation as per the Schedule of Rates submitted.

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.4.5 Contract C06029 – Demolition of York Street Administration Building

File/Ward	:	C06029 (Fredrickstown)
Proposal/Issue	:	Demolition of York Street Administration Building
Subject Land/Locality	:	221-227 York Street being Lot S111
Proponent	:	Nil
Owner	:	City of Albany
Reporting Officer(s)	:	Depot Services Coordinator (J Harbach), Trades and Building Coordinator (P Owen) and Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accept the tender from Project Management Australia Pty Ltd for the demolition of the York Street Administration Building and reinstatement of the site.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The York Street Administration Building was vacated by the City of Albany approximately 18 months ago. The building is unsightly in relation to York Street, may become subject to vandalism and its removal will maximise the potential for the areas redevelopment.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. A local government is to decide which of the acceptable tenders is the most advantageous to it. It may also decline to accept any tender.
4. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.4.5 continued

FINANCIAL IMPLICATIONS

6. There is a budget allocation directly 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 innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 19th July 2006, the Albany Advertiser on 20th July 2006 with a copy in the Albany Extra on 21st July 2006.
9. Tender documents included 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 tenderer. The criteria used for this is documented below.

Criteria	Weight
Cost	50
Relevant Skills & Experience	20
Safety Management	20
Reliability of Tenderer	10
Total	100

10. A total of six tender documents were issued with four received at the close of tender. Tenders were required to submit a total lump sum, including a 10% contingency sum. Three of the four tenders claimed fully against the Regional Price Preference Policy.
11. The following table outlines tenderers' responses, their submitted prices and final scores, the highest score being the most advantageous to Council:

Tenderer	Lump Sum Price	Score
Project Management Australia Pty Ltd	\$184,823.00	737.5
Albany Demolition	\$200,656.00	729.5
Brajkovich Demolition Pty Ltd	\$363,000.00	499
AD Contractors Pty Ltd	\$490,658.00	365

WORKS & SERVICES REPORTS

Item 13.4.5 continued

12. Project Management Australia Pty Ltd has completed similar types of projects both in Albany and surrounding areas. The company intends to utilise the services of local sub-contractors to complete the demolition and reinstate the area to an acceptable standard. The price offered by Project Management Australia Pty Ltd is within budget.

RECOMMENDATION

THAT Council accept the tender from Project Management Australia Pty Ltd for the demolition of the York Street Administration Building and reinstatement of the site.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT Council accept the tender from Project Management Australia Pty Ltd for the demolition of the York Street Administration Building and reinstatement of the site.

MOTION CARRIED 13-1

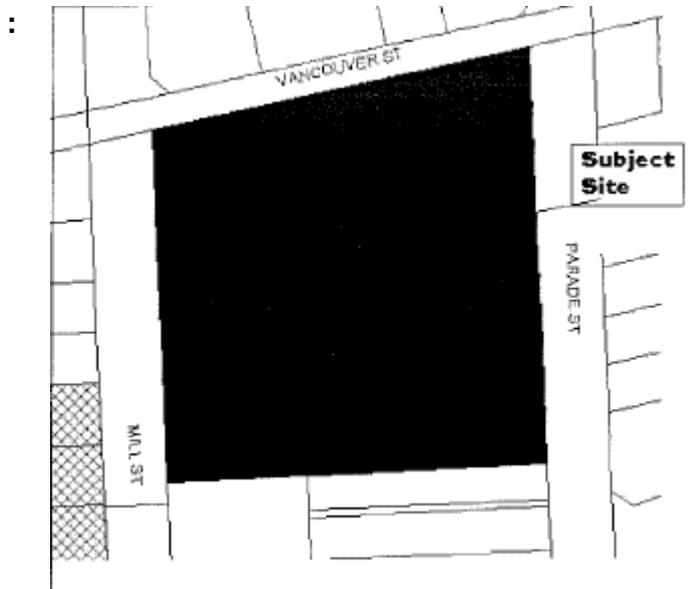
WORKS & SERVICES REPORTS

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 New Lease – Foundation Park – Albany Town Lots 174 176 177 178 203 204 205 & 206

- File/Ward** : PRO026 (Fredrickstown Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Foundation Park – Albany Town Lots 174, 176, 177, 178, 203, 204, 205 and 206
- Proponent** : Albany All Breeds Dog Club
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (H Tasker)
- Disclosure of Interest** : N/A
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve a new lease with the Albany All Breeds Dog Club for a period of ten years commencing on 1st November 2006 with further ten-year option.
- Bulletin Attachment** : N/A

Locality Plan



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. Foundation Park is situated on the corners of Vancouver, Parade and Mill Streets in Albany and is owned by the City of Albany.
2. This park has been leased by the Albany All Breeds Dog Club Inc using a series of lease agreements for the past 15 years for the training and showing of dogs. The current 5-year lease is due to expire on 31st October 2006.
3. Two of the five rooms of the building on the site were leased to the club exclusively, for canteen and storage purposes, with a further third room being allocated to the Club in 2005. The grassed area of the park was included in the lease for the purpose of training and showing dogs. The grassed area was available to the public when not in use by the Club.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act deals with the 'disposing of property' (includes leasing) and requires Council to either dispose of property at auction or by public tender to the person who, in the opinion of Council, makes the most acceptable tender.
5. Council is, however, able to dispose of property by other means, provided that it gives statewide public notice (2 weeks) of the disposition and invites submissions on the proposal.
6. Clause 30 of the Local Government (Functions & General) Regulations 96 provides an exemption to Council under Section 3.58 of the Act if the land is being disposed of to a body, whether incorporated or not if the object of which is of a charitable, benevolent, cultural, educational, recreational, sporting or other like nature.
7. The Albany All Breeds Dog Club Inc is clearly a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. Council at present leases Foundation Park to this sporting group for an annual rental equivalent to Council's minimum land rate. It is recommended that the current rental provisions remain in the proposed new lease, in common with rentals for other sporting groups.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

STRATEGIC IMPLICATIONS

10. 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:

Nil.”

COMMENT/DISCUSSION

11. An application has been received from the Albany All Breeds Dog Club for a new lease for portion of the building located at Foundation Park along with use of the “Common Area”, for the training & showing of dogs.
12. Council staff reviewed the request and found no reason why this Club should not continue with use of this site. As the Club’s activities are of benefit to the community, providing training and education for dog owners, it is recommended that a new lease term be increased from 5 to 10 years.
13. The Club has, during previous tenure, built an agility course at its own cost for the purpose of obedience training and hosted significant competitive events attracting participants from other localities.
14. Since the development of the original lease with the Albany All Breeds Dog Club, an area formerly classified as “common use”, in particular Lots 174 and part of Lot 206, were allocated to the Albany Bridge Club for its exclusive use. Also a fenced children’s playground has been erected for community use on part of Lot 205.
15. Any new lease developed with the Albany All Breeds Dog Club would be required to reflect the changes with Lot numbers and the change of use of various sections of the Park. A clause needs to be included to indicate the Club has non-exclusive use of the area when club activities are not in progress, also that the children’s playground does not form any part of the leased area and is to be available for community use at all times.
16. The Club has indicated it would have a use for the two rooms of the building currently not forming part of their lease and, as City staff have determined that these rooms are available, it is recommended they be included as part of the new lease area.
17. Previous rentals for this lease were determined as the equivalent of GRV Minimum Land Rate per annum. It is proposed that this rental determination remain the same for a future lease.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

RECOMMENDATION

THAT Council;

- i) grant a lease for a period of 10 years commencing on 1 November 2006 to the Albany All Breeds Dog Club Inc for the whole of the Foundation Park building, along with use of the “Common Area” i.e. Lots 176,177,178,203,204 and part Lot 205 for the purpose of training and showing of dogs; and
- ii) all fees and costs associated with the preparation of the lease be borne by the Albany All Breeds Dog Club Inc; and
- iii) the rental for the term of this lease be determined annually by an amount equivalent to the GRV minimum land rate adopted by Council for each financial year plus GST; and
- iv) the Common Seal of the City of Albany be affixed to the lease documentation.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

THAT Council;

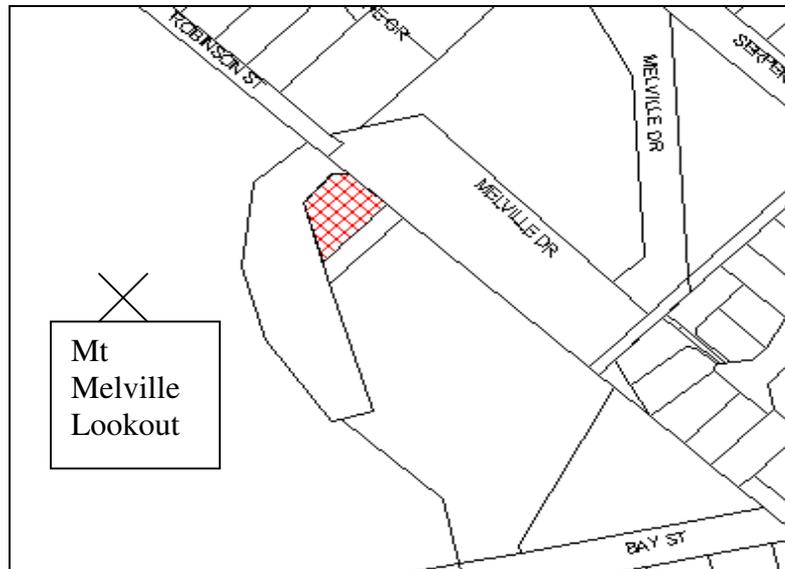
- i) grant a lease for a period of 10 years commencing on 1 November 2006 to the Albany All Breeds Dog Club Inc for the whole of the Foundation Park building, along with use of the “Common Area” i.e. Lots 176,177,178,203,204 and part Lot 205 for the purpose of training and showing of dogs; and**
- ii) all fees and costs associated with the preparation of the lease be borne by the Albany All Breeds Dog Club Inc; and**
- iii) the rental for the term of this lease be determined annually by an amount equivalent to the GRV minimum land rate adopted by Council for each financial year plus GST; and**
- iv) the Common Seal of the City of Albany be affixed to the lease documentation.**

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.5.2 New Licence – Tarossa Pty Ltd

File/Ward	:	PRO100 (Fredrickstown Ward)
Proposal/Issue	:	New Licence
Subject Land/Locality	:	Reserve 2681
Proponent	:	Tarossa Pty Ltd
Owner	:	Crown Land (Managed by the City of Albany)
Reporting Officer(s)	:	Manager City Services (I Neil)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve a new licence for Tarossa Pty Ltd for a 5 year term effective from 1 June 2006
Bulletin Attachment	:	Nil
Locality Plan	:	See map below



BACKGROUND

1. The licence for Tarossa Pty Ltd is located at the “JA Barnesby Memorial Lookout” at Mt Melville, on Reserve 2681.
2. The City of Albany has a Management Order for the purpose of “Public Park” with power to lease/licence not exceeding 21 years.
3. Tarossa Pty Ltd has held a licence for a portion of this Reserve for the past 10 years, ceasing on 31st May 2006. Council has received a request from Tarossa Pty Ltd to renew its licence for a further 5 years to May 2011.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a licence over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
5. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
6. Section 3.58 further requires that the reasons for a Council’s decision be recorded in the minutes of the meeting at which a decision to issue a licence is made.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. In accordance with Section 3.58 of the Local Government Act 1995, an independent sworn valuation has been carried out and an annual rental has been determined at \$1,000.00 per annum and being subject to GST.
9. All costs associated with this proposed new licence are to be borne by the applicant including both legal and advertising fees.

STRATEGIC IMPLICATIONS

10. 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 and infrastructure and services.

Mission Statement:

The City of Albany will always be renowned for our customer focus.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

11. Tarossa Pty Ltd is willing to enter into a licence for a term of 5 years effective from 1st June 2006, under the same terms and conditions as its previous licence. The old licence is continuing on a month-by-month basis until the proposed new licence is in effect.
12. Tarossa Pty Ltd currently licences a 0.36m² portion of the lookout on the reserve for the purpose of a ‘Paging Satellite Receiving System’.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

13. As this facility is in full operation, we recommend that a new licence be issued for a term of 5 years with the rental being set in accordance with the independent sworn valuation, with the inclusion of GST, all other terms and conditions remaining the same as the previous licence agreement.

RECOMMENDATION

1. THAT Council, in accordance with Section 3.58 of the Local Government Act 1995, advertise its intention to enter into a new licence with Tarossa Pty Ltd for a term of 5 years commencing retrospectively on 1 June 2006.
2. That Council enter into a new licence with Tarossa Pty Ltd for a term of 5 years commencing retrospectively on 1st June 2006, subject to:
 - i) There being no submissions received as a result of advertising;
 - ii) The Minister of Lands issuing approval;
 - iii) The rental being set in accordance with the independent sworn valuation, being \$1000.00 per annum and being subject to GST;
 - iv) The terms and conditions of the previous licence be maintained for the proposed licence;
 - v) All costs associated with the preparation of licence be borne by the applicant; and
 - vi) The Common Seal of the City of Albany be attached to all relevant documentation.

Voting Requirement Simple Majority

.....

Councillor Wellington declared an interest and left the Chambers at 9.26pm. The nature of Councillor Wellington's interest is that the proponent is his business partner.

<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR JAMIESON</p> <ol style="list-style-type: none">1. THAT Council, in accordance with Section 3.58 of the Local Government Act 1995, advertise its intention to enter into a new licence with Tarossa Pty Ltd for a term of 5 years commencing retrospectively on 1 June 2006.2. That Council enter into a new licence with Tarossa Pty Ltd for a term of 5 years commencing retrospectively on 1st June 2006, subject to:<ol style="list-style-type: none">i) There being no submissions received as a result of advertising;ii) The Minister of Land issuing approvaliii) The rental being set in accordance with the independent sworn valuation, being \$1000.00 per annum and being subject to GST;iv) The terms and conditions of the previous licence be maintained for the proposed licence;

WORKS & SERVICES REPORTS

Item 13.5.2 continued

- v) All costs associated with the preparation of licence be borne by the applicant; and**
- vi) The Common Seal of the City of Albany be attached to all relevant documentation.**

MOTION CARRIED 13-0

Councillor Wellington returned to the meeting at 9.27pm.

13.6 CITY WORKS – CAPITAL WORKS

Nil.

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil.

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Streetscape Committee special meeting minutes – 1st August 2006

File/Ward	:	MAN 161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	THAT the minutes of the Streetscape Committee Special Meeting held on the 1 August 2006, be adopted. THAT Council approve the developing and implementation of the Albany CBD Streetscape Masterplan

RECOMMENDATION

1. THAT the minutes of the Albany Streetscape Committee held on the 1 August 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin); and
2. THAT Council approve the developing and implementation of the Albany CBD Streetscape Masterplan taking into account that;
 - i) the plan is to incorporate that area of Albany Highway and York Street from Sanford Road to Grey Street West and including the surrounding roads;
 - ii) the plan is to cover urban design aspects such as aesthetics, pedestrian facilities, traffic flows for both internal CBD and peripheral access, and car parking designs detailing recommended bays within the CBD precinct;
 - iii) the plan being presented to the Streetscape Committee for endorsement and recommendation to the Council, ready for implementation in the 2007/2008 financial year;
 - iv) all costs associated with the development of the plan are submitted to the finance committee for approval.

Voting Requirement Absolute Majority

.....

Item 13.8.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

- 1. THAT the minutes of the Albany Streetscape Committee held on the 1 August 2006 be received (copy of minutes are in the Elected Members' Report/Information Bulletin); and**
- 2. THAT Council approve the developing and implementation of the Albany CBD Streetscape Masterplan taking into account that;**
 - i) the plan is to incorporate that area of Albany Highway and York Street from Sanford Road to Grey Street West and including the surrounding roads;**
 - ii) the plan is to cover urban design aspects such as aesthetics, pedestrian facilities, traffic flows for both internal CBD and peripheral access, and car parking designs detailing recommended bays within the CBD precinct;**
 - iii) the plan being presented to the Streetscape Committee for endorsement and recommendation to the Council, ready for implementation in the 2007/2008 financial year;**
 - iv) all costs associated with the development of the plan are submitted to the finance committee for approval.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS**14.2 ORGANISATIONAL DEVELOPMENT****14.2.1 Appointment of Public Interest Disclosure Officer**

File/Ward	: MAN 188 (All Wards)
Proposal/Issue	: Appointment of Public Interest Disclosure Officer for the City of Albany.
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Corporate Governance Coordinator (JR Byrne)
Disclosure of Interest	: N/A
Previous Reference	: OCM 16/9/2003 – Item 14.2.1
Summary Recommendation	: That the Corporate Governance Coordinator be appointed as the City of Albany's Public Interest Disclosure Officer.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The Public Interest Disclosure Act 2003 (PID Act) became effective as of 1 July 2003. The Act aims to facilitate and encourage the disclosure of public interest information and to provide protection for those who make disclosures and for those about whom disclosures are made.
2. The PID Act is a significant step toward reducing and eliminating corrupt conduct and maladministration. The PID Act provides a system for any matters disclosed to be investigated and for appropriate action to be taken.
3. In addition to these internal procedures, the PID Act requires that every public authority designate a person as the Public Interest Disclosure Officer. This person is responsible for receiving disclosures under the PID Act.
4. At the Ordinary Council Meeting held on 16 September 2003, the Council resolved to appoint the Chief Executive Officer as the City of Albany's Public Interest Disclosure Officer.
5. Subsequent to the creation of the role of Corporate Governance Coordinator, it is considered appropriate to appoint the incumbent person of that role as the Public Interest Disclosure Officer for the City of Albany.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

STATUTORY REQUIREMENTS

6. Section 23(1)(a) of the Public Interest Disclosure Act 2003 requires that the principal executive officer of a public authority must designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Mission Statement:

The City of Albany is committed to providing sound governance.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. It is considered that the duties of a Public Interest Disclosure Officer are best aligned to the role of the Corporate Governance Coordinator. It is therefore recommended that the Corporate Governance Coordinator be appointed as the City of Albany’s Public Interest Disclosure Officer pursuant to the Public Interest Disclosure Act 2003.

RECOMMENDATION

THAT Council appoints the Corporate Governance Coordinator as the City of Albany’s Public Interest Disclosure Officer pursuant to the Public Interest Disclosure Act 2003.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council appoints the Corporate Governance Coordinator as the City of Albany's Public Interest Disclosure Officer pursuant to the Public Interest Disclosure Act 2003.

MOTION CARRIED 14-0

GENERAL MANAGEMENT SERVICES REPORTS**14.2.2 Policy – Elected Member Attendance at Conferences**

File/Ward	: MAN197 (All Wards)
Proposal/Issue	: Policy governing elected members attendance at conferences
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Corporate Governance Coordinator (JR Byrne)
Disclosure of Interest	: N/A
Previous Reference	: N/A
Summary Recommendation	: That Council adopt the Policy ‘Elected Member Attendance at Conferences’
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. Currently there are a basic set of principles that provide for the attendance of elected members at conferences and seminars. However, to date there has been no policy to provide consistency in determining who will attend what conference, or how often.
2. Generally, all Councillors have been permitted to attend Local Government Week, Councillor Training Workshops and other special interest conferences in WA upon request, providing that budgeted funds are available and no more than 4 Councillors attend.
3. Local Government Week attendance is available to all Councillors. Interstate conference attendance is limited to Chairpersons of special purpose committees ie finance, tourism, airport or as resolved by the Council ie International Cities, Town Centres and Communities (ICTC) Conference.
4. The adoption of the recommended policy will enable elected members to attend conferences that are of relevance to the City of Albany and will aid in their professional development. This policy framework will enable elected members to:
 - identify forthcoming conferences that are of strategic importance and can be budgeted for;
 - identify which conferences are automatically approved and what expenses / allowances are approved;
 - attend conferences of special interest that have been prepared in urgent response to an industry issue;

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued

- ensure they remain abreast of contemporary practices and issues in both the local government industry and specific industries that impact upon the delivery of services provided by the City.

5. A copy of the draft policy is attached.

STATUTORY REQUIREMENTS

6. The draft policy has been prepared in accordance with the Local Government Act 1995, Local Government (Administration) Regulations 1996, and refers to the Public Service Award 1992.

POLICY IMPLICATIONS

7. This policy has been prepared in accordance with the 'Corporate Documents Policy' and if adopted, will result in a new policy, 'Elected Member Attendance at Conferences'.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Community Vision:

Albany will be Western Australia's premier Learning City, through...

- *Recognition of education, research and training as an economic development driver.*

Mission Statement:

At all times we will...

- *Actively keep abreast of best practice;*
- *Value and develop our people; and*
- *Seek innovative approaches.*

The City of Albany will always be renowned for...

- *Our commitment to training and development.*

Priority Projects:

Nil."

COMMENT/DISCUSSION

10. The recommended policy has been modelled against the current principles / expectations in regard to elected member conference attendances, with further scope added to increase the strategic focus of elected member attendance at key conferences.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued

11. The policy identifies the parameters of attendance, expected outcomes, what reasonable expenses can be met and the extent of those expenses in accordance with various statutes and Awards.
12. Accordingly, the policy is prescriptive in what is permitted without seeking the further approval of the Council. Any conference that is outside the scope of the draft policy that an elected member would like to attend must be the subject of a separate report seeking the Council’s approval.

RECOMMENDATION

THAT Council adopt the “Elected Member Attendance at Conferences” policy.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR EVANS SECONDED COUNCILLOR WILLIAMS</p> <p>THAT Council adopt the “Elected Member Attendance at Conferences” policy.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>
--

Item 14.2.2 continued



Council Policy

Elected Member Attendance at Conferences

© City of Albany, 2006

Adoption Date:
Adoption Reference:
Review Date: 30 June 2009
Maintained By: Chief Executive Officer
Document Reference: NP06698

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued

1. Objective

To facilitate the attendance of elected members at conferences and seminars that are of relevance to the City of Albany and will aid in their professional development.

2. Scope

The registration and attendance at any conference or seminar by the Mayor or Councillors of the City of Albany, including all related travel and expenses.

3. Definitions

Act		The Local Government Act 1995, as amended.
Advisory Standing Committee	or	A Committee of the City of Albany established pursuant to Section 5.8 of the Local Government Act 1995 (as amended).
Award		Public Service Award 1992, as amended.
Conference		Any conference, convention, forum, information session, meeting, study tour, training session or workshop, or similar activity as determined by the Chief Executive Officer.
Elected Member		All Councillors and the Mayor.
Partner		Either spouse or defacto partner.
Regulations		The Local Government (Administration) Regulations 1996, as amended.
South West Land Division		Refers to the general south-west corner of WA between Geraldton and Esperance.
WALGA		Western Australian Local Government Association

4. Policy Statement

Attendance at conferences by elected members is critical in ensuring that they remain abreast of contemporary practices in local government and special interest areas ie economic development, civil construction and town planning, that impact upon the delivery of services provided by the City.

It is recognised that often registration lead times to attend such conferences are limited and prevent attendance where the Council's prior approval may be required. This policy seeks to ensure that elected members can register and attend conferences that are of relevance to the strategic direction of the City and within existing budget allocations.

Adoption Date:
Adoption Reference:
Review Date: 30 June 2009
Maintained By: Chief Executive Officer
Document Reference: NP06698

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued

The Mayor is entitled to attend any conference within Australia that he or she determines is appropriate, in consultation with the Chief Executive Officer;

The Chairman of each Advisory or Standing Committee is entitled to attend one (1) annual or major conference within Australia each year that is relevant to the purpose of the Advisory or Standing Committee;

Each Councillor is entitled to attend the WALGA 'Local Government Week' conference annually;

Each Councillor is entitled to attend conferences, held within the South West Land Division, subject to no more than four (4) Councillors attending at any one time;

Each Councillor is entitled to attend two (2) conferences outside of the South West Land Division in each 4-year term, that are of relevance to the City's strategic objectives. This entitlement is not cumulative and is re-established at the commencement of each term;

All of the above entitlements are mutually exclusive of one another;

Any conference not within the scope of the above entitlements is to be the subject of a request seeking the approval of the Council.

All expenses are to be administered as follows:

Expense Type	Extent of expense payable by City of Albany	Comments
Accommodation, meals, refreshments and direct expenses	All reasonable expenses.	All arrangements and purchase orders to be made by the Administration. All reasonable expenses will be reimbursed upon provision of receipts or credit card statements.
Travel Expenses	100%	All arrangements and purchase orders to be made by the Administration. All reasonable expenses will be reimbursed upon provision of receipts or credit card statements.
Partner Expenses	Attendance at conference dinner	All registrations and purchase orders to be made by the Administration. Elected members to provide declaration of partner expenses, for subsequent invoicing.
Accommodation Allowance	In accordance with Schedule I, Clause 9 of the Award	Where elected members choose to not stay in hotel / motel accommodation.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued

5. Legislative and Strategic Context

Local Government Act 1995

Local Government (Administration) Regulations 1996

Public Service Award 1992

Mission Statement:

The City of Albany will always be renowned for...our commitment to training and development.

At all times we will...

- Actively keep abreast of best practice;
- Value and develop our people; and
- Seek innovative approaches.

6. Review Position and Date

Chief Executive Officer to review on or before 30/6/2009

7. Associated Documents

Nil.

CEO Authorisation: _____

Date: ___/___/___

GENERAL MANAGEMENT SERVICES REPORTS**14.3 ECONOMIC DEVELOPMENT****14.3.1 Civic Affiliations Policy**

File/Ward	: REL035 (All Wards)
Proposal/Issue	: Civic affiliations such as sister cities and friendship agreements.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Economic Development (J.Berry)
Disclosure of Interest	: N/A
Previous Reference	: OCM 17/09/02
Summary Recommendation	: THAT Council adopt the Civic Affiliations Policy and decline an invitation to establish a sister city relationship with Shijiazhuang City in China.
Bulletin Attachment	: Draft Civic Affiliations Policy Overview of Shijiazhuang City in China
Locality Plan	: N/A

BACKGROUND

1. Sister City programs enable citizens to become directly involved in international relations in a unique and meaningful way, bringing long-term benefits to the local community and its partners' abroad. Such programs allow communities to exchange ideas, gain an international perspective and increase their understanding of global issues. In addition to encouraging international peace and goodwill, many affiliations go much further leading to economic growth, increased tourism, and reliable business contacts.
2. The Australian Sister Cities Association lists 490 sister city agreements between Australian cities.
3. Council currently has three active affiliations to which it is a signatory however it does not have a formal policy on the establishment and operation of sister city relationships. Current active agreements include:-
 - Nichinan (Japan) - A '*Synergetic Agreement*' based on the export of blue gum plantation woodchips was signed in 1999 with a reciprocal visit to Nichinan in 2000. The City of Albany, Albany Port Authority and Albany Chamber of Commerce and Industry are signatories to this agreement.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

- Tomioka (Japan) – A ‘*Friendship Agreement*’ based on a strong and continuing school student exchange program was signed in Albany on 1 February 2001 with a reciprocal visit by the Mayor, Deputy Mayor and CEO in 2004.
- Gallipoli (Turkey) – A ‘*Friendship Agreement*’ based on Albany’s Anzac military heritage was signed in Albany on 25 April 2003 and reciprocated in Gallipoli on 25 April 2005.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. This policy has been prepared in accordance with the ‘Corporate Documents Policy’ and if adopted, will result in a new policy, ‘Civic Affiliations Policy’.

FINANCIAL IMPLICATIONS

6. Appropriate provisions will be made in annual budgets and quarterly reviews to cover reasonable travel, accommodation and sundry expenses associated with both inbound and outbound delegations approved by Council.
7. The draft policy allows for partners to travel with delegates at their own cost.

STRATEGIC IMPLICATIONS

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

“Community Vision

This item relates to the community’s vision of a vibrant, learning, and culturally diverse City.

Mission Statement:

It is Council’s responsibility to promote our community’s vision for the future.

Priority Projects:

No 4 Economic Development Strategy Establish clear direction on Council’s involvement in Economic Development activities. Includes the development of action plans on Major Public Infrastructure, Tourism, Learning City, Investment and Employment Attraction”.

COMMENT/DISCUSSION

9. It is recommended Council adopt a formal policy that describes the objectives and procedures for forming and operating civic affiliations such as friendship agreements and sister cities.
10. The purpose of establishing international agreements is to:-

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

- promote Albany and to assist in fostering economic development, tourism and trade relations
 - seek a wider understanding of other nations, their traditions, customs, education and cultures and similarly to promote to other nations the traditions, customs, education and cultures of Australia
 - foster international peace and goodwill.
11. The draft policy supports Council committing resources to fostering a small number of civic affiliations that are based on trade, cultural, educational, tourism and sporting exchanges. The policy also supports resources being allocated to one official visit (lead by the Mayor) to each affiliate city during a Mayoral term and hosting of affiliate officials in Albany for reciprocal visits.
12. The City of Albany has received a request to establish a sister city relationship with the Chinese City of Shijiazhuang City. (refer www.sjz.gov.cn) Shijiazhuang is the capital of Hebei Province and is located 268 kilometres south of Beijing. Covering an area of 15,800 km², it has a total population of 9.24 million. The urban area is 455km² where 2.18 million people live. An overview of the city's industry and economy is included in the Elected Members Information Bulletin.
13. In accordance with the draft policy the proposal does not meet the criteria for establishing a civic affiliation in that there are no existing educational exchanges, economic linkages, or cultural heritage factors that warrant the allocation of Council resources into the proposed affiliation.

RECOMMENDATION

THAT Council:

- i) adopt the Civic Affiliations Policy to guide the establishment and operation of sister city and friendship agreements.
- ii) decline the invitation to establish a sister city relationship with Shijiazhuang City in China.

Voting Requirement Simple Majority

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WELLINGTON**

THAT Council:

- i) adopt the Civic Affiliations Policy to guide the establishment and operation of sister city and friendship agreements.**
- ii) decline the invitation to establish a sister city relationship with Shijiazhuang City in China.**

MOTION CARRIED 13-1

GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Minutes of Amity Heritage Precinct Enhancement Committee – 22 August 2006

File/Ward	:	STR206 / (Frederickstown Ward)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Manager Economic Development (J Berry)
Summary Recommendation	:	That the Minutes of the Amity Heritage Precinct Enhancement Committee held on 22 August 2006 be received and recommendations adopted.

RECOMMENDATIONS

1. THAT the minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 22 August 2006 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

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2. THAT the final draft Amity Heritage Precinct Master Plan (copy in the Elected Members Report/Information Bulletin) and report (previously circulated under separate cover) be received.
3. THAT Council seek formal comment on the final draft Amity Heritage Precinct Master Plan from:
 - the Minister for Culture and the Arts, Tourism and Indigenous Affairs;
 - Albany Aboriginal Heritage Reference Group;
 - WA Museum; and
 - Albany Historical Society Inc.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR LIONETTI**

- 1. THAT the minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 22 August 2006 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).**
- 2. THAT the final draft Amity Heritage Precinct Master Plan (copy in the Elected Members Report/Information Bulletin) and report (previously circulated under separate cover) be received.**
- 3. THAT Council seek formal comment on the final draft Amity Heritage Precinct Master Plan from:**
 - the Minister for Culture and the Arts, Tourism and Indigenous Affairs;**
 - Albany Aboriginal Heritage Reference Group;**
 - WA Museum; and**
 - Albany Historical Society Inc.**

MOTION CARRIED 14-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Monthly Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

**THAT the Elected Member's Monthly 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

16.1 Albany Chamber of Commerce and Industry (ACCI) – Membership and Business Directory

File/Ward	:	REL058 (All Wards)
Proposal/Issue	:	Membership Subscription and Business Directory Advertising – ACCI
Subject Land/Locality	:	N/A
Proponent	:	Councillor Paul Lionetti
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	THAT Council discontinue / continue membership of the ACCI and to advertise through the ACCI Community Directory.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Councillor Lionetti has submitted the following motion for consideration by Council:

“THAT Council not renew their membership of Albany Chamber of Commerce and no longer support financially their business directory.”
2. Councillor Lionetti has provided the following reason for the proposed motion:

“Council can use funds for more appropriate community needs.”

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Membership to the ACCI (incl. GST) is \$250 p.a. and has been paid for the year ending 31 December 2006.

Item 16.1 continued

6. Costs of advertising in the Chamber Directory amount to approximately \$6,000 (which includes the 15% membership discount) and have been paid for the 2007 edition.

STRATEGIC IMPLICATIONS

7. The Chamber Directory 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 . . .

- *Dynamic promotion and marketing of Albany’s advantages and opportunities”*

Mission Statement:

The City of Albany is committed to...

- *Promoting our Community’s vision for the future.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. As a member of the ACCI, the City receives a discount of 15% on the costs of advertising in the Chamber Directory.
9. For the 2007 edition, this discount amounts to just over \$1,000.
10. The Directory has a distribution of 23,000 copies, and is seen as a valuable conduit for the dissemination of information on Council services and facilities.
11. Therefore, from an information and advertising perspective, the officer recommendation is to continue to take advantage of the services offered through the ACCI Directory, at a discounted fee, through membership to the ACCI.

RECOMMENDATION

THAT Council either

- i) not renew its membership of the Albany Chamber of Commerce and no longer financially support the ACCI Business Directory.

OR

- ii) for the time being, continue to take advantage of the services offered through the ACCI Directory, at a discounted fee, through membership to the ACCI.

Voting Requirement Simple Majority

.....

Item 16.1 continued

MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WISEMAN

THAT Council not renew its membership of the Albany Chamber of Commerce and no longer financially support the ACCI Business Directory.

FORESHADOWED MOTION

MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL

THAT Council, for the time being, continue to take advantage of the services offered through the ACCI Directory, at a discounted fee, through membership to the ACCI.

The substantive motion was then put.

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WISEMAN**

THAT Council not renew its membership of the Albany Chamber of Commerce and no longer financially support the ACCI Business Directory.

MOTION LOST 5-9

RECORD OF VOTE

For the motion: Councillors Emery, Wellington, West, Lionetti and Wiseman.

Against the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Waterman, Williams, Evans, Jamieson and Wolfe.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council, for the time being, continue to take advantage of the services offered through the ACCI Directory, at a discounted fee, through membership to the ACCI.

MOTION CARRIED 9-5

RECORD OF VOTE

For the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Waterman, Williams, Evans, Jamieson and Wolfe.

Against the motion: Councillors Emery, Wellington, West, Lionetti and Wiseman.

17.0 MAYORS REPORT

Fellow Councillors:

Last week the Chief Executive Officer, Manager Economic Development and myself attended meetings in Perth and Canberra relating to funding for the Anzac Peace Park and the Albany Entertainment Centre projects. Meetings were conducted with the Hon Bruce Billson MHR, Minister for Veterans Affairs, Western Australian Senators Ross Lightfoot, Judith Adams and Alan Eggleston, local MLA Wilson Tuckey, and senior bureaucrats from the Department of Veterans Affairs and Department of Transport and Regional Services and the Prime Minister's senior policy advisors on Regional Matters and Veterans Affairs.

We gave a detailed explanation and briefing of both projects at all meetings. I'm very pleased to say that our proposals have been very enthusiastically received and I am confident that our requests for funding will meet with success. The final word of course will come from the Federal Government in due course, however it is critical that we receive some advice on funding from both the Federal and State governments as a matter of priority so as escalation in building prices does not put the projects in jeopardy.

I must recognise the very considerable amount of work that has gone into these proposals by the Manager Economic Development, Jon Berry. I am now happy that the City has done as much as it possibly can to advocate and foster support for funding these very important projects.

In community related events over this month, I had the pleasure of speaking with Year 10 students at the Great Southern Grammar School about the role of Local Government. As always, I was impressed by the maturity and intelligence of the students in the questions they asked and their interest in the subject. I am endlessly heartened by the fine young citizens I encounter through such events and the potential that exists amongst them to carry this community forward into the future.

Also over the month I laid wreaths on behalf of the City of Albany at the Vietnam Veterans and Battle for Australia, RSL Memorial Services and attended the annual Mayor's Prayer Breakfast which is coordinated each year by the Albany Committee of the Christian Businessmen and supported by the Churches of Albany.

I extend my appreciation to Deputy Mayor Dennis Wellington for representing the City to welcome participants of the Caravan Safari Trails to Albany last week. The Caravan Safari initiative has received \$250,000 funding from Tourism Australia. This particular safari is one of three pilots being undertaken across Australia, with the aim of enhancing rural and regional tourism, as well as offering unique experiences for caravan and motorhome enthusiasts. I understand that 40 people in 21 vehicles will enjoy the sights of the Goldfields, the south coast and south west regions over their 30 day safari, with approximately half of the participants being from Western Australia and the remainder from other parts of Australia, 2 from New Zealand and 2 from Tasmania.

Finally, on the subject of Tourism, I congratulate the City's Tourism Development team for their entry in this year's GWN Top Tourism Town Awards. It was announced yesterday that Albany has been selected as one of 6 finalists from a record 21 entries received for this year's award. Albany will compete against Broome, Bunbury, Busselton, Dunsborough and Geraldton for the title "2006 Top Tourism Town". The winner will be announced in November.

Item 17.0 continued

Thank you.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR LIONETTI**

THAT the Mayor's Report dated 19 September 2006 be received.

MOTION CARRIED 14-0

18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING**18.1 Bush Fire Management Committee meeting minutes – 5 September 2006**

- File/Ward** : MAN 089 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Emergency Management Coordinator (S Gray)
- Summary Recommendation** : i) That the minutes of the Bush Fire Management Committee held on 5 September 2006 be received.
 ii) That Council endorses the appointment of Chair and Deputy Chair to the Bush Fire Advisory Committee.
 iii) That Council appoints Bush Fire Control Officers, including Chief and Deputy.

COMMENT / DISCUSSION

In regard to the appointment of the Bush Fire Control Officers and specifically, the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer, the recommendations of the Bush Fire Management Committee seek the Council's endorsement of the appointment of these officers. However, it is a requirement of section 38 of the Bush Fires Act 1954 that the local government make such appointments.

Recommendation 3 is therefore slightly amended in wording when compared to the recommendation of the Bush Fire Management Committee (Item 9.3), without changing the intent.

RECOMMENDATIONS

1. THAT the minutes of the Bush Fire Management Committee held on 5 September 2006 be received.
2. THAT Council endorses the appointment of Mr Derek Jones and Mr Martin Vandongen as Chairperson and Deputy Chairperson, respectively, of the Bush Fire Advisory Committee. (Item 9.1)
3. THAT Council appoints City of Albany Bush Fire Control Officers for the 2006/2007 fire season as follows: (Item 9.3)

Chief Bush Fire Control Officer/Chief Fire Weather Officer/Clover Burning Officer	Charlie Butcher
Deputy Chief Bush Fire Control Officer (North East)/Deputy Fire Weather Officer/ Clover Burning Officer	John Hood
Deputy Chief Bush Fire Control Officer (South West)/ Deputy Fire Weather Officer/ Clover Burning Officer	Ken Johnson
Senior Fire Control Officer (North East)/ Deputy Fire Weather Officer/ Clover Burning Officer	Chris Gilmour

ORDINARY COUNCIL MEETING MINUTES – 19/09/06

** REFER DISCLAIMER **

Item 18.1 continued

BRIGADE	FCO	DFCO
BORNHOLM	Gerry Gregson	Paul Wolfe
ELLEKER	Dale Ferguson	Karen Wellstead
GNOWELLEN	Peter Moir	Morgan Souness
GREENRANGE	Ian Smith	Ken Tagliaferri
HIGHWAY	Martin Vandongen	Chris Norton
KALGAN	John Bocian	John Powis
KING RIVER	Brian Davis	Alan Hawley
KOJANEERUP	Terry Bradshaw	Tony Slattery
MANYPEAKS	Alan Lubke	Alan Marsh
NAPIER	Tom Collins	Brett Smoker
REDMOND	Graham Briggs	Lance Flett
SOUTH COAST	Derek Jones	Colin Daubert
SOUTH STIRLINGS	Graeme Pyle	Steve Fullarton
TORBAY	Andrew Marshall	Phillip Marshall
WELLSTEAD	Chris Gilmour	Rob Fenwick
YOUNGS SIDING	Kevin Martin	Kirk Bourne
CITY OF ALBANY	Robert Fenn	
	Graeme Bride	
	Steve Gray	
	Garry Turner	
	Phil Dunkley	
	Gerry Monkhurst	
	Deborah Walker	

Voting Requirement Simple Majority

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Item 18.1 continued

MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WOLFE		
1. THAT Council endorses the appointment of Mr Derek Jones and Mr Martin Vandongen as Chairperson and Deputy Chairperson, respectively, of the Bush Fire Advisory Committee. (Item 9.1)		
2. THAT Council appoints City of Albany Bush Fire Control Officers for the 2006/2007 fire season as follows: (Item 9.3)		
Chief Bush Fire Control Officer/Chief Fire Weather Officer/Clover Burning Officer		Charlie Butcher
Deputy Chief Bush Fire Control Officer (North East)/Deputy Fire Weather Officer/ Clover Burning Officer		John Hood
Deputy Chief Bush Fire Control Officer (South West)/ Deputy Fire Weather Officer/ Clover Burning Officer		Ken Johnson
Senior Fire Control Officer (North East)/ Deputy Fire Weather Officer/ Clover Burning Officer		Chris Gilmour
BRIGADE	FCO	DFCO
BORNHOLM	Gerry Gregson	Paul Wolfe
ELLEKER	Dale Ferguson	Karen Wellstead
GNOWELLEN	Peter Moir	Morgan Souness
GREENRANGE	Ian Smith	Ken Tagliaferri
HIGHWAY	Martin Vandongen	Chris Norton
KALGAN	John Bocian	John Powis
KING RIVER	Brian Davis	Alan Hawley
KOJANEERUP	Terry Bradshaw	Tony Slattery
MANYPEAKS	Alan Lubke	Alan Marsh
NAPIER	Tom Collins	Brett Smoker
REDMOND	Graham Briggs	Lance Flett
SOUTH COAST	Derek Jones	Colin Daubert
SOUTH STIRLINGS	Graeme Pyle	Steve Fullarton
TORBAY	Andrew Marshall	Phillip Marshall
WELLSTEAD	Chris Gilmour	Rob Fenwick
YOUNGS SIDING	Kevin Martin	Kirk Bourne
CITY OF ALBANY	Robert Fenn	
	Graeme Bride	
	Steve Gray	
	Garry Turner	
	Phil Dunkley	
	Gerry Monkhurst	
	Deborah Walker	
MOTION CARRIED 14-0		

Reason:

A copy of the minutes of the Bush Fire Management Committee held on 5 September 2006 had not been provided, so Council could not receive the minutes.

19.0 CLOSED DOORS

Nil.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 17 October 2006, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.53pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Councillor Lionetti	11.3.6	Owns land close by to the proposal
Councillor Lionetti	12.2.1	Retailer
Councillor Waterman	12.1.1	Retailer
Councillor Wellington	12.2.1	Retailer
Councillor Wellington	13.5.2	Business partner is a Director of the proponent company, Tarossa Pty Ltd

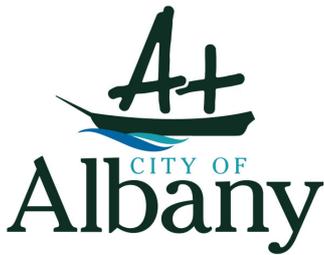
APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1 refers]
[COUNCIL – 19th September 2006]

SUMMARY OF ACCOUNTS

Municipal Fund			
	Cheques	Totalling	\$ 98,163.15
	Electronic Fund transfer	Totalling	\$1,159,320.79
	Credit Cards	Totalling	\$7,472.80
	Payroll	Totalling	\$751,207.95
Total			<u>\$2,016,164.69</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,016,164.69 which was submitted to each member of the Council on 19 September 2006 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$2,016,164.69 which was submitted to the Council on 19 September 2006 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)