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# MINUTES

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## ORDINARY MEETING OF COUNCIL

Held on  
Tuesday, 20<sup>th</sup> July 2010  
7.00pm  
City of Albany Council Chambers

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## **SWEARING IN OF COUNCILLOR ELECT JIM SWANN**

### **7.03 PM**

Mayor Milton John Evans, JP called upon Mr Jim Swann in accordance with section 2.29 of the Local Government Act 1995, to make the following declaration:

**Form 7. Declaration by elected member of council [r. 13(1)(c)]**  
Local Government Act 1995  
Local Government (Constitution) Regulations 1998  
**Declaration by Elected Member**

**I, JAMES FRANCIS SWANN OF 13 BORONIA AVENUE, COLLINGWOOD HEIGHTS,** having been elected to the office of councillor of the **FREDERICKSTOWN Ward** declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Albany** on **20 July 2010**.

## **1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Mayor declared the meeting open at 7.05pm.

### **ITEM 1.0 - MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR SUTTON**

**THAT Council Suspend Standing Order 3.1, to allow recording of proceedings.**

**MOTION CARRIED 10-0  
ABSOLUTE MAJORITY**

## **2.0 OPENING PRAYER**

**CEO J Bonker 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.”*

### **3.0 ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION**

**[:06:26 PM](#) MAYORS REPORT-The Mayor's Tabled Report is Detailed below.**

16,17 & 18 July 2010.

I attended the third Australian Council of Local Government in Canberra and joined five hundred mayors and presidents from every State and Territory in the nation.

Among the many local government issues there is a growing federal initiative for greater constitutional recognition for local government.

I also attended a WA Regional Cities Alliance Meeting which was convened in Canberra. The alliance is a collaborative framework between WA's four major regional cities: Albany, Bunbury, Kalgoorlie and Geraldton/Greenough, to provide engagement with the State and Commonwealth government and to secure better economic, social and population outcomes and achieve future sustainable development in WA.

We had meetings with Minister Tony Burke who has the Sustainable Population portfolio, and Minister Greg Combet (Minister for Defence) and discussed issues associated with population growth, homelessness, climate change and energy efficiency, a subject close to my heart and an opportunity, I believe, for the Albany City council to take the lead in energy efficiency, especially with our administration building and 'power hungry' Leisure and Aquatic Centre.

Friday 2 July 2010.

An invitation was extended by Dr Kenneth S Chern, Consul General of the United States of America, to attend the US Independence Day celebrations breakfast.

Several hundred dignitaries and press were also in attendance. In the Consul General's speech, Dr Chern made particular mention of his visits to Albany, the hospitality and lasting friendships that have ensued.

Dr Chern's speech was a significant recognition of Albany and the United States of America's long and lasting maritime history. The occasion was an excellent promotion of Albany.

3 July 2010.

I attended the Royal Western Australian Regiment 50<sup>th</sup> Anniversary Parade at Kings Park War Memorial, a magnificent and moving occasion, followed by a luncheon at the Irwin Barracks where I met with Federal Senators and members of State Parliament.

Other Mayoral Engagements since the June Ordinary Council Meeting include:

- Student Certificate Presentation for NASHS's involvement in the ANZAC Peace Park tree planting
- Lions Club AGM Dinner
- Citizenship Ceremony for 11 new citizens-thank you to Cr Jill Bostock for assisting
- Judging panel for the NAIDOC Excellence Awards, followed by the NAIDOC Week and Excellence Awards dinner

Item 3.0 continued.

- The CEO and I met with Mediator, Graham Castledine in Perth
- Along with other staff and councillors, I attended the presentation 'Great Southern, Great City'

**ITEM 3.0 - MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR DUFTY**

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

**MOTION CARRIED 10-0**

[:16:40 PM](#) **Councillor J Bostock**

Councillor J Bostock's tabled address is detailed below.

OCM 20 July 2010

Item 3 Announcements by the Mayor and Councillors without discussion.

Elected members and public officers are entrusted with discretion and authority and must therefore hold higher levels of integrity and ethical behaviour than the general public. It is our public duty to safeguard the inherent risk of bad practice that can so easily become established within an organisation. It is a matter of developing and promoting good practice and combating a culture of indifference or acceptance of anything less.

When things go wrong as they inevitably will, alarm bells ring and signal the demand for scrutiny. It is not to be feared but offers the opportunity to check, adjust and maintain the high standards required of public authorities. Mistakes are a part of life, how we manage them is the important and significant factor.

We have just experienced a crisis that has shocked us all and recognition of the resultant damage and loss of confidence is essential. Our electors have called for an inquiry, whether that is forthcoming or not it is our duty to provide the facts and demonstrate that their legitimate concerns are being addressed.

The explanation given for the CEOs departure detailed in the chamber, on the radio and in the press is alarming. The suggestion is that Mr. Richards was an asset to the organisation but a few Councillors were responsible for the termination of his contract and the huge financial loss to the ratepayer. It has generally been accepted that the Councillors responsible were those subject to complaints to the Standards Panel by Paul Richards and reinforced by Councillor Wellingtons "recalcitrant" motion.

Item 3.0 continued.

*No evidence has been produced to support Councillor Wellington's statement and every single Complaint made by Mr Richards was unfounded and has been formally dismissed by the standards Panel,*

There remains a clear duty to set the record straight and in accordance with proper ethical leadership, public apology made for any associated injustice.

An examination of the circumstances surrounding this crisis is the honorable and essential direction, if we are, in our Prime Ministers words to responsibly "move forward".

Councillor Jill Bostock.

**:19:49 PM Councillor R Hammond**

Councillor Hammond said that in the relatively short time he had served on this council, he had drawn various conclusions about the way the chamber currently operates. There were several disquieting aspects that challenged him at every personal level. Councillor Hammond said that never in his working life experienced a management environment quite like the one within the chamber, and this concerned him immensely. Councillor Hammond said that there was a minority view within the council chamber that was unwilling to accept the majority view, which was quite unfortunate because what that does is undermine the collective and corporate responsibility of council.

Councillor Hammond said that council must move on. For council to keep reflecting and carping on about decisions made in the past, particularly when those decisions were made in good faith, was vexing. Councillor Hammond said that there was a committee appointed to investigate and evaluate the former CEO's termination. It was thwarted at every opportunity, and it was compromised, nonetheless it arrived at a conclusion which was supported by the council. In the process many tens of thousands of dollars were spent, and interestingly enough the legal counsel came to no different conclusion than the committee formed in its very short life to deal with this very issue.

Councillor Hammond said that the success of any council was the cohesive, responsible approach, and acceptance of the collective responsibility of the council.

**:22:42 PM Councillor J Swann**

Councillor Swann thanked the electors of Frederickstown Ward for placing their faith and confidence in him; he had been elected on the view of requiring that there be a balance between competing and conflicting interests.

Councillor Swann said that he was not a great believer in looking at what had happened in the past, he was a great believer in looking forward, learning from mistakes, having no regrets and moving forward, addressing what needed to be addressed and finding the positives.

Item 3.0 continued.

Councillor Swann said that it was interesting to talk about corporate governance, majority rule, but in these situations such as council was faced with now, he thought the Westminster system is the best way to look at any type of governing role. The Westminster system essentially says that the elected officials make the policy and determine the overall guidelines for the people who work for them. In this case the CEO is employed by council, and when there are mistakes in his organisation, the CEO disciplines staff. Council places great faith in the CEO similarly, he then places faith in staff.

[:24:38 PM](#) **Councillor D Wellington**

Councillor Wellington welcomed Councillor Swann to council. Councillor Wellington said that it was always interesting, and he hoped that Councillor Swann would enjoy his time on the council.

[:25:06 PM](#) **Councillor R Paver**

Councillor Paver said that on Friday 6<sup>th</sup> November 2009, Deputy Mayor Wellington in a notice of motion, declared to the world that the behaviour of some elected members was inappropriate, recalcitrant and threatening to staff, and he called on the Minister to enquire into it.

A few days later on the 10<sup>th</sup> of November 2009, the former CEO lodged with the Standards Panel, as both complainant and a complaints officer eighteen complaints against three elected members alleging some 45 breaches of the rules of conduct regulations. Councillor Paver said that in the former CEO's covering letter he deliberately drew the Panel's attention to the Deputy Mayor's notice of motion. Both the notice of motion and lodgement of complaints were immediately drawn to the attention of the press, the latter in contravention of the statutory requirements of confidentiality.

Councillor Paver said that the press reports encouraged the public to associate the two matters, in the same way that the former CEO did in his letter to the Standards Panel. Majority councillors certainly did so. At the December OCM 2009, the majority of council adopted the Deputy Mayor's notice of motion, not because he substantiated his statement with any evidence, but because they assumed the credibility of the former CEO's complaints.

Councillor Paver said that the scene was now set for the former CEO's end game, and we all knew how this proceeded. Despite repeated exhortations by minority councillors not to do so, council terminated the former CEO's contract at a cost of \$250,000 to the ratepayers, and publicly and falsely laid the blame for this on "unscrupulous" minority councillors.

Councillor Paver said that it was time the public knew what the City had known for the past month, the Standards Panel has dismissed all the former CEO's complaints. Minority councillors have been vindicated but the injustice to which they have been subjected by the majority remains. Councillor Paver said that he would like to know what the Mayor and the majority proposed to do about it.

Item 3.0 continued.

**:27:00 PM Councillor D Bostock**

Councillor Bostock said that perhaps global warming was not all that it was cracked up to be, but this is nevertheless a serious issue. Whether it was true or false, this concept, which has gained the credibility of a religion, is being used by governments all over the world to frighten or terrify their electors into paying ever more tax.

Councillor Bostock said that the hypocrisy of our own government is just unbelievable. On the one hand they are talking about bringing in a carbon tax which will increase all our daily costs of living very significantly, yet on the other they are exhorting the miners to dig up iron ore and coal as fast as is humanly possible, and selling it to the Chinese.

Councillor Bostock said that when you realise of maybe a billion tonnes of iron ore and coal were exported last year, that for every tonne of iron that is made 2 tonnes of CO<sub>2</sub> are produced, one has to realise that Australia is absolutely dependent on pollution to earn its crust. Councillor Bostock said that it was about time that our government recognised this and admitted that the amount of CO<sub>2</sub> that we produce domestically is tiny and completely insignificant compared with the amount of CO<sub>2</sub> that we export to other countries.

**:29:16 PM Councillor Dufty**

Councillor Dufty welcomed Councillor Swann. Councillor Dufty said he attended the committee for Albany meeting that was held recently and found it interesting. He was not one hundred percent sure whether another committee with no real connection to the council was going to be good or bad, but we would see where it goes.

Councillor Dufty expressed his condolences over the death of Ian West, and reminisced over the time spent with Mr West during their shared time on council.

**:31:04 PM Councillor Sutton**

Councillor Sutton expressed his condolences to the Smit and West families on their loss. He also welcomed Councillor Swann to council.

Councillor Sutton said there had been a large number of signatures on a petition supporting Big W in Albany. There was also a Facebook site with three hundred names on a petition supporting Big W. As an elected member he had to listen to popular comment, and this subject was overwhelmingly to the fore at the moment.

Councillor Sutton said that the Shrapnel report was outdated and incorrect. There had been no future predictions of the Wellstead mine and Hopetoun mine in the report. He thought that council should have an open mind and consult with Woolworths over the development of a discount department store. Councillor Sutton questioned whether it was council's role to determine whether a discount department store would be viable, or stymie competition.

#### **4.0 RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME**

Questions tabled by the following Elected Member and members of the public have been responded to in writing:

- Councillor J Bostock (SME 13/05/2010)
- Mr Neil Smithson (SME 13/05/2010)
- Ms Sarah Bowles (SME 13/05/2010)
- Mr Gary Knewstubb (OCM 18/05/2010)

#### **5.0 PUBLIC QUESTION AND STATEMENT TIME**

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

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

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

#### **:37:53 PM Mr Phillip Mellon, Torbay Catchment Group**

Mr Mellon's tabled address and attached information is detailed in Appendix C on page 200. Mr Mellon addressed council regarding the "Water Forever" plan, and said that the City of Albany should refer issues to the EPA.

#### **:43:11 PM Mr Blamey Murphy**

Mr Murphy addressed council regarding Item 13.2.2. The climate change report commissioned by the South Coast Natural Resource Management said that a non linear relationship had been found between stream flow and rainfall, that is a ten to twenty percent reduction in rainfall has been shown to cause thirty to forty percent reduction in stream flow.

Mr Murphy said that this does not look good for any south west stream as a potential water source. Drawing water from our rivers for an increasing population is short sighted. Mr Murphy said that Water Corporation have desalination on the cards, and that this was a better option for this region. The desalination plant required for Albany at this stage would only require the power generated by one of the current or a new wind turbine. Mr Murphy said that a payback on capital costs was possible, and ongoing energy costs would be a fraction of base load costs.

Item 5.0 continued.

Mr Murphy said that river and surface water would be better retained in a system for the environment and for the production of food for the population. Also, mandatory rainwater tanks in urban areas would assist in several ways including less flash flooding of watercourses caused by the urban environment and less water required to be piped to people.

Mr Murphy said Water Corp had stated 50% of scheme water is used on gardens in Albany, there are certainly major avenues for improvement. Imagine double the population with the same infrastructure as we have now. Mr Murphy said that all the waste water that is used on low value blue gums at the sewerage tree farm is a source of nutrients to Seven Mile Creek and Lake Powell.

Mr Murphy said that on the one hand Water Corp wanted to remove good quality water from Marbelup Brook and on the other hand polluting water ways with nutrient runoff. The local population do not think that Marbelup Brook is a sustainable solution for future water use and would like it removed from the Water Forever process as a water source.

[:47:23 PM](#) **Mr Tony Stanton, Little Grove**

Mr Tony Stanton's tabled address is detailed in Appendix C on page 207.

Mr Stanton spoke in support of the ALAC café, as it promotes healthy eating and provides a quality service.

[:51:42 PM](#) **Mr Tony Demarteau, 24 Lorenzo Way**

Mr Demarteau said that an independent review was required to determine the timeliness of a discount department store at Brooks Garden. Mr Demarteau said that it was a great pity that Mayor Evans Alternate Motion at the OCM 15 June 2010, calling for an independent review was defeated.

Mr Demarteau said that community support for a discount department store was very evident, and that Brooks Garden was the preferred site. Even if the review was done right now and approved, by the time planning issues were resolved, approvals issues and the final building of the facility, it would be three years before the doors of a discount department store were opened.

Mr Demarteau said that delaying the outcome for another five years would mean we would be looking at 2018 before the doors opened. The discount department store would bring several hundred jobs to the region and would encourage people to buy local.

Mr Demarteau encouraged council to rethink the situation, conduct an independent review and be guided by the outcome of the review. Mr Demarteau asked that the following question be taken on notice:

“What is the situation of conflicts of interest with councillors with retail interest, as many of people on Facebook have raised this issue”.

Item 5.0 continued.

[:55:32 PM](#) **Mr Neil Smithson, Smithson Planning**

Mr Smithson's tabled address is detailed in Appendix C on page 209.

[:00:00 PM](#) **Mr Anthony Wood, 5 Cordillera Street, McKail**

Mr Wood addressed council regarding Item 16.4.1. Mr Wood said that he had no objection to the City of Albany trying to recoup money spent on the Cull Road development as he was a ratepayer financing these projects. Mr Wood said that he had some major concerns relating to the alignment of Mueller Street/Cull Road in Stage 1a. Currently this road butts straight into Lot 75 Cull Road, and if these blocks are to be sold the City has no intention of realigning this road, and therefore forcing their way through Lot 75.

Mr Wood said that the City had known well before this development started that the owners of Lot 75 did not want to sell. The City of Albany has no legal right to place this road on private freehold land when they have 12.3 hectares to put this road on. Mr Wood said this his advice was that the City of Albany be very careful in these proceedings with bullying tactics, as the ratepayers of the City would be very unhappy with the consequences that could evolve from this action.

Mr Wood said that also if Stage 1a were finished, there is obviously no intention to resolve the storm water problems, currently after less than 10mm of rain the development retention basins overflow and this water flows onto Lot 75. This lot is freehold title with no easements or named water courses on it. Mr Wood said that if someone on a housing block discharges all their storm water to their neighbour, there would be someone from the City of Albany enforcing them to retain or divert their water, and asked how come the City of Albany don't care in this matter regarding their development.

Mr Wood suggested the City of Albany sorts out this mess urgently, before any sales occur. He urged councillors to delay this matter, and asked how much had been spent on this development so far, not just the contracts but the whole including Western Power, Water Authority, land acquisition etc. Mr Wood said that this information needed to be available openly and honestly to all ratepayers.

[:02:46 PM](#) **Ms Vera Torr, Sussex Street**

Ms Torr addressed council regarding a petition she submitted regarding the sale of land on York Street. Ms Torr said that she had received no response from council regarding this petition. Ms Torr said that with regard to councillors who put before the Standards Panel, they were given no opportunity within the last nine months to defend themselves. An apology is very much in order, and a public apology particularly for the sitting members is very much in order.

Ms Torr said to turn the book to your own self, and she thought that Cr Hammond would have a different opinion if it was him that was being castigated.

Item 5.0 continued.

**:04:40 PM Mr Don Phillips, Frenchman Bay Road**

Mr Phillips welcomed Councillor Swann. Mr Phillips said that the discount department store was apparently welcome in the planning scheme in the city centre, but that the parking congestion would be unbearable, and asked that the town planning scheme be changed.

Mr Phillips asked how many solar panels were on the Leisure and Aquatic Centre in light of the \$200,000 power bill for the facility.

Mr Phillips asked the following questions:

- Are we any closer to the inquiry into the City of Albany?
- Do the staff vehicles have leather upholstery?
- What is the interest bill per month on Cull Road?
- Has the CEO claim been fully settled?
- What is the name of the insurance company which covers council?
- Can the Mayor please give us an explanation of why the former CEO;s contract was terminated

Mr Phillips requested that these questions be taken on notice.

**:08:38 PM Ms Rebecca Dow, 59 Parker Street**

Ms Dow said that she felt wronged by council's decision against a discount department store in the near future at Brooks Garden.

Ms Dow said she was a single mother with four children, and the cost of living in today's economy is becoming harder and harder to bear. Therefore she would have liked a Big W, which would also provide jobs in the community. Ms Dow said that she had written to council expressing concern.

Ms Dow said that she found it hard to believe that high end fashion retailers, cafes and restaurants would be affected by a discount department store. Ms Dow strongly urged council consider a public response to this issue.

**:11:25 PM The Mayor declared the Public Question and Statement time closed.**

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

**Mayor**

M J Evans JP

**Councillors:**

|                     |              |
|---------------------|--------------|
| Breaksea Ward       | R Hammond    |
| Breaksea Ward       | J Bostock    |
| Frederickstown Ward | D Wellington |
| Frederickstown Ward | J Swann      |
| West Ward           | D Dufty      |
| West Ward           | D Wolfe      |
| Yakamia Ward        | R Sutton     |
| Vancouver Ward      | R Paver      |
| Vancouver Ward      | D Bostock    |

**Staff:**

|   |              |
|---|--------------|
| Chief Executive Officer                   | J Bonker     |
| E/Director Corporate & Community Services | WP Madigan   |
| Executive Director Works & Services       | K Ketterer   |
| Executive Director Development Services   | G Bride      |
| Executive Manager Business Governance     | S Jamieson   |
| Assistant Business Governance Officer     | J Williamson |

**Public Gallery and Media:**

**Apologies/Leave of Absence:**

|              |             |
|--------------|-------------|
| Kalgan Ward  | M Leavesley |
| Yakamia Ward | J Matla     |
| Kalgan Ward  | C Holden    |

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## 8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### ITEM 8.0 MOTION 1

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT Council carry motions 1 & 2 en bloc.**

**MOTION CARRIED 8-2**

### ITEM 8.1 – MOTION 1

**THAT the minutes of the Ordinary Council Meeting held on 15 June 2010, as previously distributed be confirmed as a true and accurate record of proceedings**

**MOTION CARRIED EN BLOC**

### ITEM 8.1 – MOTION 2

**THAT the minutes of the Special Council Meeting held on 29 June 2010, as previously distributed, be confirmed as a true and accurate record of proceedings.**

**MOTION CARRIED EN BLOC**

### Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington,  
J Swann, D Bostock, D Wolfe and D Dufty.

Against the Motion: Councillors R Paver and R Sutton.

**9.0 DECLARATIONS OF INTEREST**

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

| <b>Name</b>             | <b>Item Number</b> | <b>Nature of Interest</b>  |
|-------------------------|--------------------|--|
| Councillor R Paver      | 13.2.1             | <b>Impartiality.</b> The nature of the interest being that Cr Paver is a director of a company that provides marketing services to the tourism industry.                                   |
| Councillor R Hammond    | 13.2.1             | <b>Financial.</b> The nature of the interest being that Cr Hammond is the proprietor of Albany Regional Booking Service and “Stay Now” holiday accommodation manager and service provider. |
| Councillor D Wellington | 13.2.1             | <b>Impartiality.</b> The nature of the interest being that the owner of the land contributed to Cr Wellington’s 2007 mayoral campaign.   |
| Councillor D Wolfe      | 13.2.2             | <b>Financial.</b> The nature of the interest being that Cr Wolfe is a landholder in the Marbelup Brook catchment.  |
| Councillor R Hammond    | 13.2.4             | <b>Financial.</b> The nature of the interest being that Cr Hammond is the proprietor of Albany Regional Booking Service and “Stay Now” booking for accommodation of this nature.           |
| EDCCS WP Madigan        | 14.1.2             | <b>Impartiality.</b> The nature of the interest being that Mr Madigan’s wife is an executive committee member of Southern Districts Dressage Club.   |
| Councillor R Paver      | 14.12.2            | <b>Financial.</b> The nature of the interest being that Cr Paver provides marketing services to the City of Albany.  |
| Councillor J Swann      | 15.2.6             | <b>Proximity.</b> The nature of the interest being that Cr Swann is a representative on the board of St Josephs which may receive compensation.  |

**10.0 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

In accordance with Section 5.23 (2) (c), a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting. The following items will be dealt with while the meeting is closed to members of the public.

**11.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

**12.0 ADOPTION OF RECOMMENDATIONS EN BLOC**

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# DEVELOPMENT SERVICES Reports

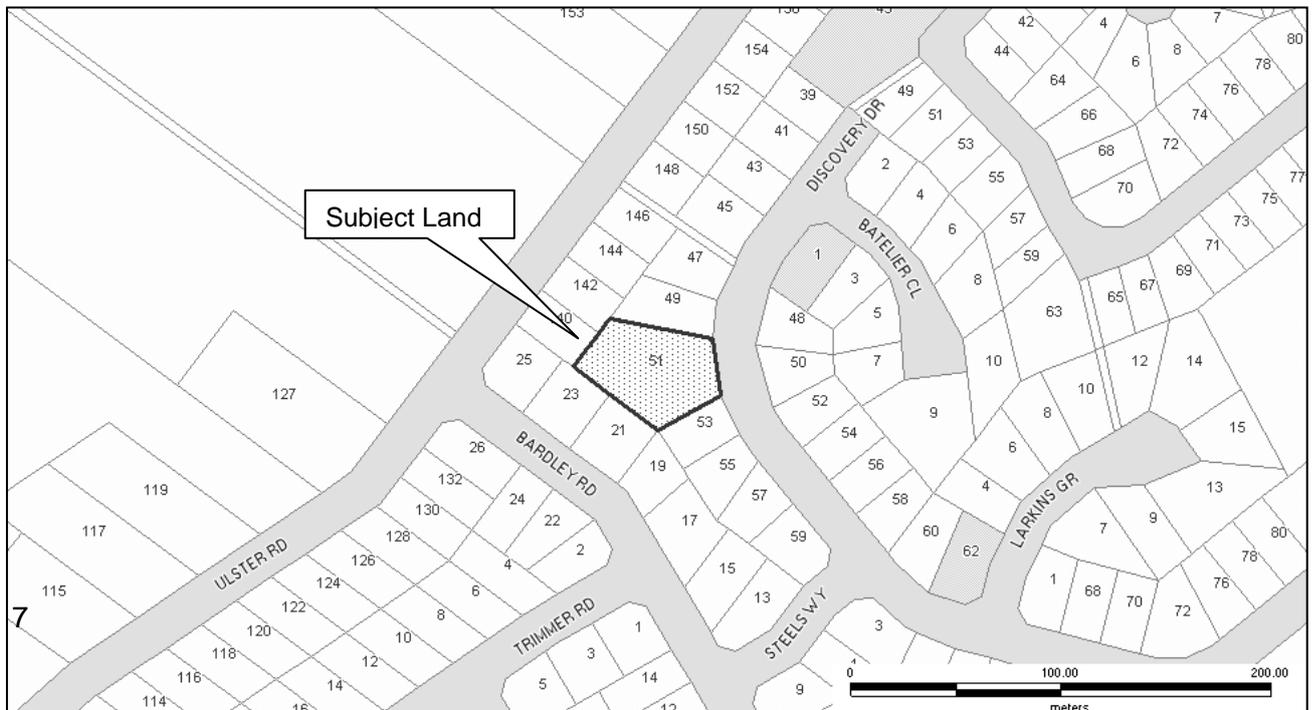
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**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 13.1.1  
**ITEM TITLE:** **DEVELOPMENT APPLICATION – USE NOT LISTED – 51B  
DISCOVERY DRIVE, SPENCER PARK**

- File Number or Name of Ward** : A117778 (Breaksea Ward)  
**Summary of Key Issues** : Consider an application for a Use Not Listed (Live-in job placement program for homeless)  
**Land Description** : 51B Discovery Drive, Spencer Park  
**Proponent** : K Carter & C Probert  
**Owner** : Housing Authority  
**Reporting Officer(s)** : Assistant Planning Officer (T Gunn) & Executive Director Development Services (G Bride)  
**Disclosure of Interest** : Nil  
**Business Entity Name** : N/A  
**Previous Reference** : OCM 15/06/10 Item 13.1.7  
**Bulletin Attachment(s)** : Management Plan (Ref A1\_01)  
: Minutes of residents meeting and tabled address from resident  
: Copy of power point presentation (St Vincent de Paul)  
**Consulted References** : Town Planning Scheme No.1A  
**Councillors Lounge** : Copies of submissions and Application for Planning Scheme Consent (15/06/10 OCM – Bulletin Attachment b1.1.7\_a\_13.1.7)

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 13.1.1 continued

**BACKGROUND**

1. At its meeting dated 15 June 2010 Council considered this proposal and resolved:  
  
*“THAT Council defers consideration of this proposal until such time as a public forum is conducted allowing the proponent and the affected community to share with Council their views and concerns.”*
2. In accordance with this resolution a Public Forum was held at the City of Albany on Monday 28 June 2010, with representatives of the community and the proponent providing a briefing to Council.
3. The application involves the utilisation of an existing dwelling at 51B Discovery Drive, Spencer Park as training and accommodation for the homeless, which has been referred to as “Prospect House”. The site itself has two existing dwellings on the property; this application involves changing the use only for unit 51B Discovery Drive, the other unit is proposed to remain purely as residential.
4. The site is 2363m<sup>2</sup> in area and is zoned “Residential” under Town Planning Scheme No. 1A (TPS 1A).
5. In accordance with the requirements of TPS 1A the application was designated as a Use not Listed and was advertised for public comment. A total of 34 nearby landowners to the site were notified, a site notice was placed at the front of the property and an advertisement was placed in the Albany Advertiser on 23 February 2010. The advertising period closed on the 16 March 2010 and a total of thirty-six (36) public submissions, and two (2) petitions (one for and the other against) were received. In terms of the submissions, sixteen (16) were opposed to the application, and nineteen (19) were in support of the application with one (1) submission from Main Roads stating they have no objection to the development.
6. The application has been referred to Council for consideration, due to the substantive comments received following the advertising period. This is in accordance with the requirements of Council’s recently adopted guidelines “Processing Planning Applications”.

**DISCUSSION**

7. The application strictly involves a change of use of an existing dwelling and it should be noted that it does not involve any structural changes. The dwelling itself is of contemporary design and was built in 2005. The dwelling consists of five bedrooms, a living and dining room and two bathrooms. The dwelling also has a single carport attached to the southern face of the dwelling and also has one visitor parking bay.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.1 continued

8. As the dwelling has five bedrooms, the maximum number of residents will be four with the extra room being used for the manager. The house will be fully furnished, and a section of the living room will be utilised as a training room, with internet and printers and other office equipment etc provided for the residents.
9. Whilst the development has been classified as a 'Use not Listed', a car parking ratio of 1 bay per bedroom is applicable under the scheme for the land use of 'Residential Building' (which caters for accommodation such as lodging houses and backpackers). Using this land use as a guide the development is potentially deficient by 3 parking bays. Although the clientele are less likely to own cars, it is recommended that an additional 2 car parking bays be provided to bring the overall parking provision to 4 bays. There is sufficient area to accommodate the additional bays to the east of the existing reversing bay.
10. The proponent has informed Council the intended plan (in summary) for the "Prospect House" is to;
  - a) Set up the residence as a residential training unit, the training will include resume writing, motivational skills and general workplace and lifestyle skills to suit each client's needs.
  - b) Employ a part time proven case worker to run and manage the programme.
  - c) Using a rigorous selection and allocation process, invite homeless clients who are willing to "have a go" to participate in a three-month intensive job placement programme.
  - d) Facilitate and co-ordinate the clients exit from the house into transitional housing.
  - e) Along with other agencies who have pledged their support, continue mentoring until a stable job and housing situation have been realised.
11. The proponent has advised that if Council deemed the application acceptable, the project will be managed by a partnership between Community First International and the St Vincent de Paul Society of Albany. An advisory group is also intended to be setup consisting of other agencies such as Salvation Army, Department of Housing and Men's Resource Centre etc, with the majority of these agencies also lodging a submission in support of the development.
12. Included in Information Bulletin is a copy of the management plan (Ref A1\_01) for 'Prospect House' which compiles the commitments given by the proponent based on the business plan and terms of reference provided in the planning application. It is intended to tie the proponent to the commitments identified in the management plan via a planning condition.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.1 continued

**PUBLIC CONSULTATION / ENGAGEMENT**

13. As previously stated a total of thirty-six (36) public submissions were received during the advertising period, sixteen (16) were opposed to the application, and nineteen (19) were in support. The other submission was received from Main Roads stating they have no objection to the application. Whilst a full copy of their submissions is included in the Information Bulletin (of the Ordinary Council Meeting held on 15/06/10), below is a summary of the submissions:

- Doubts that the site will remain as a “residential training unit” if proposal is approved, as it would not be economically viable for the applicant and agencies involved, (based on the “Men’s Crisis Accommodation in the Lower Great Southern Feasibility Study: Final Report”, dated December 2008).
- Similar schemes in the past have not succeeded due to lack of funding, client dynamics, damage to properties and anti-social behaviour.
- Concerns raised regarding the wording in the summary letter of the application where it states “heavy substance abuse, serious mental health difficulties or major behavioural problems would *probably* disqualify an applicant”, no guarantees that people with these problems will be excluded from the program.
- The majority of residents along Discovery Drive are elderly and it is considered the area is a quiet, peaceful neighbourhood that the use is inappropriately located. Why not in an area closer to shops, town, hospital and public transport.
- Approving an application of this nature could set an unwanted precedent for similar developments.
- The application will result in the decrease of property values within the area.
- Will rates go down in the area to compensate the loss of property values.
- Unfair on the residents of the area being put a situation with homeless living in the area.
- Is the house adequate for the proposed “Prospect house”, will only 1 bathroom and toilet be adequate for 5 adults? Is there sufficient space for a training room within a 5 bedroom unit which is intended to be used for 5 persons?
- Concerns raised about the project officer living on site for an “initial” time as per the wording in the summary letter, there should be a project officer on site 24/7.
- Supportive housing may bring crime and drugs into the area.
- The high turnover of tenants increases the neighbourhood’s exposure and risk that one or more of the tenants will become socially un-acceptable.
- With up to 5 residents and supporting staff, traffic (including taxis) the application will generate additional vehicle movements along Discovery Drive, which could result in on street parking, which due to the shape and location of the block could be dangerous.
- Too many tenants in one house could result in conflicts between the tenants.

Item 13.1.1 continued

**DEVELOPMENT SERVICES REPORTS**

- Supportive housing such as this could encourage loitering.
- Concerns regarding the possible expansion of the project onto the unit 51A Discovery Drive.
- Problems associated with similar projects, such as Young House in Albany, which proves the amount of disturbance supportive housing can bring to a community, neighbours of the house report theft and inappropriate behaviour by residents attending the facility.

Supporting

- A service for the homeless is greatly needed within the City of Albany.
  - The programme would be effectively managed and operated by the proponents, and is based on a previous model which has received national awards.
  - The perception that homeless people are drug addicts, alcoholics and criminals is a myth.
  - Discovery Drive, Spencer Park is an appropriate location for the “Prospect House”.
  - The “Prospect House” would be a safer and more controlled house than the risk of someone renting next door to you with undesirable and anti social problems.
  - A similar accommodation arrangement for men was previously operated at Sinclair Street, Lockyer, no complaints from nearby or distant residents were received whilst the facility was running.
14. In addition to the submissions, two petitions (one in support and the other opposing) were also received after the closing of the advertising period. The petition in support of the application was signed by a total of 278 persons, and the petition opposing the application was signed by 47 persons. It should be noted that the petition against the application was signed by residents in close proximity to the subject site (Discovery Drive, Steels Way, Batelier Close, Bardley Road and Ulster Road) whilst the other was signed by members of the wider community.
15. The proponent has submitted a document that indicates that they have undertaken further neighbourhood consultation by means of a “doorknock”, a copy of this document is including in the Information Bulletin.
16. Through correspondence received from the proponent they have recognised the main concerns that neighbours have regarding the application and have tried to address the main points as follows;

Unruly/antisocial behaviour of the residents - Clients will be assessed for eligibility and those with severe mental health, behavioural or substance abuse issues will not be accepted into the programme. There will be an on-site manager and residents will forfeit their place if they behave anti-socially.

Item 13.1.1 continued

**DEVELOPMENT SERVICES REPORTS**

The proposal will greatly increase the vehicle traffic within the area – The maximum number of residents will be four plus the manager with no street parking. There will be no “walk in” traffic; all assessments will be completed off-site.

There is no transport or facilities (shops etc) nearby - The following facilities are in walking distance from the unit;

- A bus stop approximately 400m away;
- A shopping centre approximately 750m away; and
- A hospital and medical facilities approximately 600m away.

Nearby residents don't want the street becoming a centre for long term homeless people – “Prospect House” is a jobs-focused programme with a maximum stay of three months. The aim is to get the clients into a job and out of the unit as quickly as possible.

There must be other locations better suited for the project, why here? – The house has been provided by the Department of Housing on the basis of a normal residential situation. It is an ordinary house in a normal neighbourhood so that the residents have a stable secure environment from which to get back into the workforce.

17. The proponent has also advised that there also other safeguards to ensure good neighbourly behaviour such as:

- Initial assessment criteria. e.g. sexual deviancy disqualifies an applicant.
- A live-in part-time case manager who works with the residents every day and will be able to identify early warning signs such as depression or anxiety.
- Duress alarm to summon police help immediately if required.
- Team ethic. This is a key factor in getting the residents “job ready” and results in a change from a house of individuals into a group who have a vested interest in preserving a sound track record and looking out for their mates.
- 24/7 assistance at call. Both the manager and the lead agency (St Vincent de Paul) will be on call at all times.

18. At the Public Forum held on 28 June 2010, community representatives tabled the minutes of a residents meeting held on 27 June 2010, in addition to an address from Mr Hoekstra (a local resident). A copy of these documents are located in the Information Bulletin.

**GOVERNMENT CONSULTATION**

19. No government consultation was required.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.1 continued

**STATUTORY IMPLICATIONS**

20. Clause 3.6 of TPS 1A states;

*“If a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes such use or purposes shall, unless it is permitted by any other provision of the Scheme, be deemed to be prohibited, provided that the Council may in its discretion permit such use or purpose to be carried out in any zone it considers appropriate and in granting such permission the Council may impose such conditions as it thinks necessary for the orderly and proper planning of the locality and the preservation of its amenities”.*

21. Where a ‘Use not Listed’ is proposed it is standard practice to advertise the proposal in accordance with clause 7.5 of the scheme to seek the views of the community (ie. sign on site, advertisement in a local newspaper and referral to neighbours).

22. Clause 7.9(c) of TPS 1A states:

*“The Council may limit the time for which planning scheme consent remains valid.”*

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

26. Council could refuse the application and the proponent would then be entitled to seek a review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.1 continued

**SUMMARY CONCLUSION**

27. The proposed change of use will not result in an increase in the number of persons utilising the building. The proponent has advised that no more than 5 persons will reside in the unit overnight and this restriction can be accommodated as a condition of planning consent.
28. In relation to parking availability staff believe an additional 2 parking bays should be provided to cater for the residents to ensure that there is no on-street parking or congestion within the driveway.
29. The proponent has advised that an on-site manager will be employed to ensure that any anti-social behaviour will be curtailed. The proponent has also advised that the program will be carefully managed, with potential residents going through a background selection process, and their time at the property being restricted to a 3 month period only to allow that individual to gain the necessary skills to seek employment.
30. It is appreciated that there is considerable opposition to the proposal; the majority of concerns relate to the perception that homeless people are unruly and antisocial, and that resident behaviour will negatively affect the amenity of the existing residential area. Given the opposition received it is recommended that any approval be restricted to a period of 12 months, as allowed for under Clause 7.9(c) of the Scheme to review the operation of the use.
31. From a planning perspective, the existing dwelling lends itself to the use proposed on the basis that it is:
  - a large 5 bedroom residence situated on a 2364m<sup>2</sup> lot (one of 2 dwellings on the property);
  - setback some 25 metres from the front boundary and at least 10 metres from existing residences to the south; and
  - within close proximity to public transport, the Albany Regional Hospital and the local neighbourhood shopping centre.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.1 continued

32. As part of the minutes tabled at the Public Forum the following questions were posed to Council:
- Will we have a say on the conditions that should be in place?
  - Will community safety be one of the conditions?
  - How will these be enforced?
  - Who records the failures – what is your criteria for failure?
  - What are the conditions on the site for the site to be rezoned back to residential?
  - How long will the process take to get the residential rezoning back if the house proposal does not work?
  - Will the residents have a say in the rezoning when the site is reconsidered?
  - What rebuke will the residents have if there is anti-social behaviour. Is there someone we can ring or write to?
33. In response to these questions staff advise the following:
- The conditions proposed are contained in the officer recommendation. It should be noted that two additional conditions have been included in response to the community's concerns which involve tying the proponent to the commitments contained in the management plan (refer Information Bulletin) and ensuring that the approval is restricted to this proponent.
  - Community safety is a police issue, however the fact that a caretaker will be required to reside on the property, contact details will be made available to surrounding residents and the proponent has outlined an application process for potential occupants, should mitigate safety concerns.
  - Should any of the conditions contained in the officer's recommendation be breached, Council can undertake enforcement action. It should also be noted that staff's recommendation is for a 12 month approval only and should breaches or issues arise, Council can take these matters into account when considering/granting a new planning scheme consent at this time.
  - Staff will investigate the breach of any planning conditions and options exist to issue infringements or serve a notice which requires compliance under the Planning and Development Act 2005.
  - To convert the dwelling back to residential use, a simple planning application will be required and will be dealt with under delegated authority (without referral to neighbours).
34. In conclusion, staff believe the use is appropriate for the purposes of Clause 3.6 of the Scheme and should be supported.

Item 13.1.1 continued

**ITEM 13.1.1 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT:SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR SUTTON**

**THAT Council deems the proposal is appropriate for the purposes of Clause 3.6 of Town Planning Scheme no 1A, and resolves to ISSUE a Notice of Planning Scheme Consent for a Use Not Listed (Live in job placement program for the homeless) at 51B Discovery Drive, Spencer Park, subject to the following conditions:**

- A. An additional 2 car parking spaces are to be provided on site prior to operation of the use.**
- B. No more than 5 people shall be accommodated within the building between the hours of 7pm and 7am.**
- C. No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.**
- D. A caretaker/manager is to reside at the property.**
- E. Suitable arrangements being made with the City of Albany and nearby residents to ensure that an emergency contact number is available, in the event that any antisocial or unruly behaviour occurs.**
- F. The consent is valid for a period of 12 months only, after which an application for renewal will need to be lodged with Council. In making its decision to grant renewal Council will take into account the operation of the business and any complaints received.**
- G. Approval for the Use Not Listed (Live in job placement program for the homeless) is granted exclusively to the applicant and is not transferable to a third party or to an alternate site.**
- H. Except where amended by the above conditions, the operation of the proposal shall be in accordance with the submitted management plan (Ref A1\_01).**

**ADVICE NOTE**

**The proponent is advised that a building licence application will need to be lodged for a change of classification under the Building Code of Australia from a Class 1A to a Class 1B.**

**MOTION CARRIED 8-2**

**Record of Vote**

For the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, R Paver, D Wolfe, D Dufty and R Sutton.

Against the Motion: Councillors D Bostock and J Bostock.



**DEVELOPMENT SERVICES REPORTS**

Item 13.1.2 continued

**BACKGROUND**

1. An application has been received for a 'Monolith' sign at 25 Newby, Street Milpara.
2. The City of Albany Local Planning Policy – Signs, Hoardings and Billposting sets the objectives and scope of control over advertisements. This policy defines a *Monolith sign* as an advertisement sign which is not attached to a building or any other structure and with its largest dimension being vertical. The policy restricts the height of a Monolith sign to 6 metres.
3. The application has been referred to Council for consideration, as the proposed sign (7.5m high) does not comply with the policy's maximum height requirement.



**DISCUSSION**

4. Any signage that does not comply with the acceptable specifications and requirements contained in the policy, needs to be considered in terms of acceptable deviation as defined in the policy;

*“The local government may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely affect of the location, height, bulk, scale, orientation and appearance of the advertisement will not:*

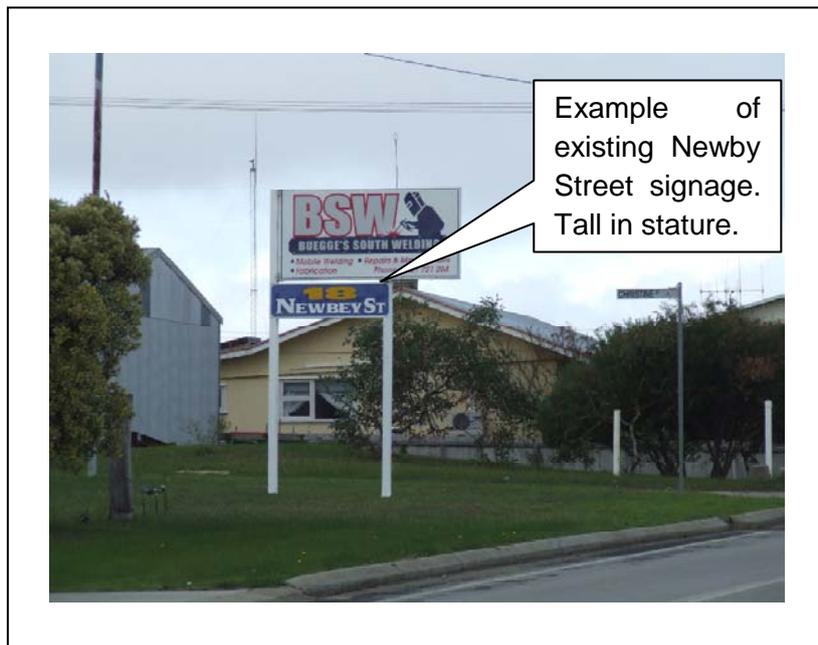
- (a) Conflict with or detrimentally affect the amenity of the locality;*
- (b) Interfere with traffic safety”.*

5. The proponent has explained that a relaxation to the policy should be granted on the following basis;
  - a) The natural ground level where the sign is proposed is approximately 1m below the ground level of the road and 1.5m below the ground level on the opposite side of the road where tall pylon signs define the streetscape.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.2 continued

b) The signage would be consistent with other signage within the immediate vicinity.



**PUBLIC CONSULTATION / ENGAGEMENT**

6. No public consultation was required

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.2 continued

**GOVERNMENT CONSULTATION**

7. No government consultation was required.

**STATUTORY IMPLICATIONS**

8. The Signs, Hoardings and Billposting policy allows some flexibility of the general principles through the 'Acceptable Deviation' that an applicant can apply for a relaxation under. This clause requires the applicant to demonstrate that the likely impacts are acceptable.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

**POLICY IMPLICATIONS**

11. The City of Albany, Local Planning Policy – Signs Hoardings and Billposting details the permitted/acceptable criteria for signage within the City's municipal boundary. As previously stated, the policy allows the local government to exercise its discretion to approve an application beyond the permitted/acceptable requirements.
12. Staff consider that a decision on such a request would not necessarily set an adverse precedent, as any future applications will be assessed on their individual merits against the requirements of the policy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

13. Council could refuse the application and the applicant would then be entitled to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

**SUMMARY CONCLUSION**

14. The signage policy restricts a Monolith sign to a maximum height of 6m. The application proposes a Monolith sign at 7.5m in height, 1.5m greater than the acceptable standard.

**DEVELOPMENT SERVICES REPORTS**

Item 13.1.2 continued

15. Although the proposed signage exceeds the maximum height permitted under the policy, given that the ground level where the sign is proposed for development is lower than the road level and the sign will be visually consistent with existing signs in Newby Street, approval is recommended.

**ITEM 13.1.2 – OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED:COUNCILLOR WOLFE**

**SECONDED:COUNCILLOR WELLINGTON**

**THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for an Overheight 'Monolith' sign at 25 Newby Street, Milpara, subject to the following conditions:**

- A. The monolith sign hereby approved shall be maintained in good condition to the reasonable satisfaction of Council;**
- B. The monolith sign hereby approved shall be maintained in a safe condition.**

**MOTION CARRIED 7-3**

**Record of Vote**

For the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, D Wolfe, D Dufty and R Sutton.

Against the Motion: Councillors D Bostock, J Bostock and R Paver

DEVELOPMENT SERVICES REPORTS

**ITEM NUMBER:** 13.2.1  
**ITEM TITLE:** ADOPTION OF CITY OF ALBANY TOURIST ACCOMMODATION PLANNING STRATEGY

[:36:40 PM](#) COUNCILLOR HAMMOND LEFT THE CHAMBER AFTER DECLARING A FINANCIAL INTEREST IN THIS ITEM.

**File Number or Name of Ward** : STR103 (All Wards)  
**Summary of Key Issues** : Consider the adoption of the Tourist Accommodation Planning Strategy  
**Land Description** : N/A  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Reporting Officer(s)** : Senior Project Planner (A Nicoll)  
Executive Director Development Services (G Bride)  
**Disclosure of Interest** : Nil  
**Business Entity Name** : N/A  
**Previous Reference** : OCM 16/09/2008 Item 11.6.1  
OCM 16/03/2010 Item 13.5.1  
**Bulletin Attachment Reference** : Tourist Accommodation Planning Strategy (Draft 2)  
: Copy of Submissions  
: Modification Plan for Emu Beach Holiday Park  
**Consulted Reference** : WAPC Planning Bulletin No. 83  
Tourism Taskforce Planning Report (Tourism WA)  
**Councillor Lounge** : Nil

**BACKGROUND**

1. At its meeting dated 16 March 2010 Council considered Draft 2 of the City of Albany Tourist Accommodation Planning Strategy and resolved:

*“THAT:*

- 1) *This item be referred back to Committee to ensure adequate time is provided for the caravan park industry to provide comment on the second draft of the City of Albany Tourism Accommodation Planning Strategy (January 2010); and*
- 2) *Dykstra Planning be advised that Council does not support any modifications being made to the City of Albany Tourism Accommodation Planning Strategy (January 2010) which would remove the “Local Strategic Site” classification from site 9 (the former Frenchman Bay Caravan Park site) or the modification of the strategy to provide for a residential component to be incorporated into a future development on that site.”*

## DEVELOPMENT SERVICES REPORTS

## Item 13.2.1 continued

2. The item was listed on the agenda for the Planning and Environment Strategy and Policy Committee, however the Committee system has been disbanded and that agenda item was not discussed. In accordance with point 1 of the above motion on the 20 April 2010 staff wrote to local caravan park owners, the Emu Point and Frenchman Bay associations and those persons / organisations that had previously provided comment advising that additional submissions on draft 2 could be lodged with Council up until 5 May 2010. Four additional submissions (which added further information to previously lodged submissions) were received from Dykstra Planning, Kalgan River Chalets, Planning Southwest and the Albany Holiday Park (Ed Nelson).
3. In total, including those submissions that had been received as part of the original advertising process conducted in January 2010, Eleven (11) submissions were received, and are discussed in the Schedule of Submissions immediately following this report.
4. The following time table denotes the history of the Tourist Accommodation Planning Strategy to date:

| Date           | Event  | Relevant Issues / Actions  |
|----------------|--|--|
| September 2008 | The first draft of the Tourist Accommodation Planning Strategy was released for comment.   | Caravan Park operators raised concerns in relation to the restrictions/percentages on the permanent residential component and accommodation types.   |
| June 2009      | A workshop was held with caravan park operators and their industry representative (Simon Hall – Planning South West) where concerns were discussed.                                    | Staff agreed to prepare a second draft which would not contain restrictions on accommodation types (ie. tent sites, units, caravan bays) and seek to maintain the existing level/amount of tourist accommodation.  |
| January 2010   | The second draft of the Strategy was advertised.   | Comments on the second draft included a number of textual modifications from Tourism WA (reinforcing their submission on Draft 1), a request to include 25% permanent residential at the Frenchman Bay tourist site and a range of comments from caravan park operators who considered the second draft addressed most of their original concerns. |
| March 2010     | Council advised that it did not support a residential component at Frenchman Bay, and requested that local caravan park operators be given extra time to make comment on the Strategy. | Additional time given to caravan park operators to make comment.   |

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued

**DISCUSSION**

5. A major influence on the project is the Tourism Taskforce Planning Report which was endorsed by State Cabinet in 2006. The report included a range of policy recommendations including:

*“The preparation and approval of local tourism planning strategies or specific tourism components within local planning strategies by local government as a framework for decision-making on tourism proposals. The tourism planning strategy will need to identify strategic tourism sites and /or locations to provide for the retention and future development of a range of tourist accommodation in that locality, and sites suitable for tourism development with a residential component.<sup>1</sup>”*

6. The major objectives of the Tourist Accommodation Planning Strategy are:

- *The development of a dynamic accommodation supply and demand model that enables the City of Albany to predict the future demand for specific categories of accommodation relative to market trends and to identify gaps in the accommodation market to be addressed by the local tourism planning strategy. This work was undertaken by Pracsys, in consultation with major stakeholders;*
- *Develop a site assessment methodology that will provide a transparent, internally consistent framework for assessing the relative tourism value of identified sites and the preferred development options for each;*
- *Apply the site assessment methodology to a shortlist of sites to arrive at a determination of the priority tourism development sites in the City of Albany and refer the analysis and findings back to the supply and demand analysis; and*
- *Review the City of Albany’s planning policy and strategy environment with a view to providing recommendations on changes to the Albany Local Planning Strategy to enable the optimal protection and planning guidance for prospective tourism sites in the city.*

7. A number of submissions identified a vast improvement associated with the second draft of the Strategy when compared to the original proposal. The representative for the caravan park industry and some caravan park operators, whilst being more supportive of the revised strategy, have raised concerns in the following areas:

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<sup>1</sup> Tourism Taskforce Planning Report (pg 64), January 2006. Government of Western Australia

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued

A. The zoning classification

Some operators have objected to the proposed zoning of 'Caravan Park and Camping' being applied to their sites as part of Council's new Local Planning Scheme No.1, as they believe the terminology will reduce the value of their land and their ability to access funds from banking institutions to further develop their sites.

It's important to note that existing caravan parks in the City have a variety of zoning's, depending on the Scheme they are located in and whether they were created after the former Shire introduced the Special Site zone and Additional Use Table into it's Scheme. The mix of zoning's include Tourist Residential, Special Site (Caravan Park), Additional Use, Reserve for Recreation and Special Use. It is recommended that the new Local Planning Scheme No. 1 rationalises these zoning variations and introduce a 'Caravan Park and Camping' zone where the use is clearly operating as a caravan park.

B. Percentage / Location of Permanent Residential

A site by site assessment of each caravan park has been undertaken by staff which included discussions with caravan park operators. Most operators have supported the percentages (where recommended) or the allocated areas where permanent residential can be accommodated into the future on their sites (the objective being to maintain the current tourism component whilst accommodating options for permanent accommodation on vacant or underdeveloped portions).

The operator of Albany Holiday Park (Ed Nelson) whilst supportive of the breakdown for his park, has questioned that the 50% allocation of permanents may not be reasonable into the future. Staff have tried to find a compromise solution and believe that in the case of Albany Holiday Park, should additional permanents be considered into the future the zoning of the property could be reviewed by Council.

In the case of Kalgan River Chalets caravan park no restrictions on the percentage of permanents has been recommended, whereas the Middleton Beach Holiday Park which has high tourism value (based on the assessment criteria contained within the Strategy), has been identified to be maintained exclusively for tourist accommodation.

8. Tourism WA have identified a number of textual changes in relation to the strategy, which add value and have predominantly been supported by staff. One exception is the recommendation of Tourism WA to remove the Tourist Residential zoning from Council's new Local Planning Scheme No. 1, and either identify a property as being within the 'Tourist' zone or 'Residential' zone depending on it's current use. Staff recommend that the Tourist Residential zoning be maintained with appropriate controls encouraging residents to develop small scale tourist uses through density bonuses. The zone has been applied in Middleton Beach for two decades and the community understand that a mix of holiday and permanent accommodation can be

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued

accommodated within this precinct. It's important to note that most sites currently zoned Tourist Residential in Council's existing Town Planning Scheme No. 1A, such as the old Esplanade Hotel site and the various Motels (such as those fronting Albany Highway), have been taken out of this generic zoning in proposed Local Planning Scheme No. 1 and identified as 'Hotel/Motel' zones giving them a higher level of protection.

**PUBLIC CONSULTATION / ENGAGEMENT**

9. Eleven (11) submissions have been received on the 2<sup>nd</sup> Draft of the Tourist Accommodation Planning Strategy. Staff's response to the issues raised in these submissions are contained in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

10. Tourism WA and the Department of Planning were consulted through the advertising process. No submission was received by the Department of Planning, however this Department will consider the strategy (should it be adopted by Council) and provide advice to the Western Australian Planning Commission as per Planning Bulletin No. 83.
11. Tourism WA have provided a long list of recommended textual changes to the Strategy, in accordance with the Tourism Taskforce Planning Report, which are discussed in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

12. Future land use planning for tourism accommodation is required to have regard to WAPC Bulletin No. 83 and the Tourism Taskforce Planning Report which was endorsed by State Cabinet in 2006.

**FINANCIAL IMPLICATIONS**

13. There are no financial implications related to this item. The strategy has been prepared in-house using staff resources within budget parameters.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

14. The recommendations contained within the final endorsed Tourist Strategy will be included in the draft Local Planning Scheme No. 1 to control land use and development on the subject tourism sites.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued

**POLICY IMPLICATIONS**

15. Council has adopted a Local Planning Policy titled 'Tourism Philosophy' which restricts the amount of permanent accommodation in tourist precincts to 10%. This philosophy contradicts the Draft Tourism Strategy which outlines different restrictions on the amount of permanent accommodation dependent on particular site characteristics (each site is judged on its merit).
16. A draft tourist accommodation policy has been included in the City's draft Local Planning Policy Manual which will defer to the adopted Strategy to give guidance on the percentage and/or location of permanent accommodation on each defined tourism site identified in the Strategy. It is recommended that the Tourism Philosophy policy be rescinded on the introduction of this replacement policy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. The Council can support, not support, defer or modify the draft strategy.

**SUMMARY / CONCLUSION**

18. The strategy has been developed in consultation with Tourism WA and tourist operators within the City, and whilst there are still areas of conflict, the strategy has attempted to accommodate the future expansion and diversity of the tourism product within the City.
19. It is recommended that the strategy be adopted subject to the modifications identified in the Schedule of Submissions.

**ITEM 13.2.1 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council;

- 1) ADOPTS the Tourist Accommodation Planning Strategy subject to the modifications recommended by staff contained with the attached Schedule of Submissions.
- 2) FORWARDS the modified Strategy to the Western Australian Planning Commission seeking endorsement as per Planning Bulletin No. 83.
- 3) REVIEWS its 'Tourist Philosophy' Policy in line with the recommendations contained within the Tourism Accommodation Planning Strategy as part of its upcoming Policy review.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

**ITEM 13.2.1 – AMENDED OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council;

- 4) ADOPTS the Tourist Accommodation Planning Strategy subject to the modifications recommended by staff contained with the attached Schedule of Submissions, in addition to modifying the following:
  - A. *Page 50 - 1 Esplanade Hotel Site (Flinders Parade)*

***Strategic Action: Site is a “Local Strategic Site” tourist site. Rezone site by applying a dual zoning of ‘Hotel/Motel’ zone and ‘Tourist Residential’ zone in the City’s Community Planning Scheme, consistent with the site evaluation map above (pg 48 of Strategy). The portion zoned Hotel/Motel zone will be protected from indiscriminate subdivision or from any non-tourism development whilst that portion zoned Tourist Residential could accommodate a permanent residential development.***
  - B. *Page 23 – Figure 10 being modified to show Kalgan/King River Caravan Parks as ‘Suitable’ rather than ‘Prime’ consistent with their individual evaluations.*
  - C. *Page 119 – The title being changed from ‘King River Chalets and Caravan Park’ to ‘Kalgan River Chalets and Caravan Park’.*
  - D. *Pages 128-131 – Delete Pages and replace with the attached site assessment sheet for Former Spinning Mills site (site 27).*
  - E. *Pages 110-112 – Delete Pages and replace with the attached site assessment sheet for Albany Highway Motel Precinct (site 21).*
  - F. *Page 121-24 Kalgan River Chalets and Caravan Park*

***Strategic Action: this is a ‘Suitable Site’ for a caravan park. Zone ~~entire portion of this~~ site ‘Caravan Park’ (with no restrictions on the amount of permanents on the designated site) ~~with the remaining vacant portion being identified as ‘General Agriculture’~~ in the city’s Community Planning Scheme.***
- 5) FORWARDS the modified Strategy to the Western Australian Planning Commission seeking endorsement as per Planning Bulletin No. 83.
- 6) REVIEWS its ‘Tourist Philosophy’ Policy in line with the recommendations contained within the Tourist Accommodation Planning Strategy, with consideration **of the adoption of the revised Policy** being considered at the next Ordinary Meeting of Council

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued.

**Staff Reason (G Bride):**

The amended recommendation ensures that the evaluation for the Esplanade Hotel is consistent with the site evaluation map on Page 48 of the Strategy and with the planning approvals Council has previously issued over the site (ie. approximately 2/3 of the site has been approved as a Hotel, with the rear 1/3 being supported for permanent residential accommodation). The Hotel/Motel zone will be applied over 2/3 of the site, which will provide a greater level of protection from residential development, with the Tourist Residential zoning located at the rear 1/3 to provide flexibility for either a holiday accommodation or permanent accommodation.

Modifications B and C are anomalies which will be corrected under this amended staff recommendation.

Modifications D and E reflects the correct assessment sheet within Draft 1 of the Strategy for sites 21 and 27, but due to an administrative error were not carried through in Draft 2.

Modification F reinforces that only that portion occupied by the caravan park would be zoned 'Caravan and Camping' with the balance to be zoned 'General Agriculture'.

Point 3 has been amended to bring the policy review for tourism accommodation to the next ordinary Council meeting given the importance of the policy position in protecting tourism sites within the City of Albany.

Addendum to Officer's Report follows.

Item 13.2.1 continued.

## 27 Former Spinning Mill Site



Site evaluation based upon tourism development for a "Hotel / Apartment project".

### **Local Planning Context:**

***Current site zoning:-*** Residential R30 (Special Site 38) - allowing for holiday accommodation and restaurant.

***Current site area:-*** 1.7452ha

***Services and infrastructure:-*** The site has access from three sealed roads, it is connected to reticulated water and sewer mains, it has access to reticulated gas mains, telecommunication infrastructure and power supply.

***Potential policy implications:-*** The built form on the site is restricted to two storeys with a maximum roof height of 9.0m, unless specific planning controls are put in place to the contrary.

***Environmental / other constraints:-*** The EPA will require the site to be analysed for potential contaminants following its former use as an industrial site. The remaining portions of building on the site are of heritage significance and should be incorporated into the fabric of a new development.

***Will current zoning guarantee potential use:-*** The site does allow for a mix of uses including a restaurant and holiday accommodation, but not specifically a hotel.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued.

**Is the site subject to competition from other land uses (eg residential):-** Yes, the owner is seeking to maximize the development potential of the site by providing for a range of development options.

**Are alternate zoned sites available for tourism development comparable to this site:-** There are alternate sites in close proximity to the CBD which could be developed as a hotel / apartment complex which enjoy a superior relationship to the CBD. This site has extensive views of Princess Royal Harbour and is a more appropriate site for potential development.

**Planning Context of Site:** The site is currently appropriately zoned, except that the use Hotel does not form part of the existing additional uses. The site is ideally located and serviced to provide for a hotel or holiday apartments.

**Development Opportunity:**

**Does the Site have a degree of uniqueness or special attributes for intended use:-** The site is located in close proximity to the CBD, it provides extensive views to Princess Royal Harbour and has a range of lot frontages and access options. It is generally flat, it is surrounded by residential development and the natural features of the site lend themselves to the intended development.

**Are there alternate sites in competition for intended development:-** Yes there are other sites that have the capacity to be developed with a hotel / apartment project.

**Is the site easily accessible for end users:-** Yes, it has good accessibility and it is within a short walking distance of the CBD and the services the CBD provides.

**Does the site have a special setting:-** Yes it is elevated and overlooks Princess Royal Harbour. The site has an industrial history and its heritage significance can be reflected in a potential design, together with the showcasing of the granite features that exist on the site.

**Are there amenities or activities in the locality to complement intended development:-** A local store is located close to the site and the site is within close walking distance of the CBD. Depending upon the size of the intended development, some additional on-site facilities may be required.

**Potential facilities to be provided to address constraints imposed by site:-** Nil, unless facilities are part of a marketing advantage for the project developer.

**Competitive Advantage of Site:** The site is one of a number of potential sites that are capable of being developed in close proximity to the CBD for a hotel / apartment project. It has extensive views to Princess Royal Harbour and has an industrial history which could be incorporated into the built fabric of a potential development. The site is currently vacant and can be developed in the near future, upon completion of a rezoning process.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

**COMMUNITY BENEFIT:**

***Can development of the site provide services or benefits for broader community:-***

Yes, the remnants of the heritage fabric of the former industrial complex on the site can be appropriately interpreted and included into a built form. The existing vacant site will also be developed at a scale and with a building form that would be consistent with the adjoining residential area.

***Does development of the site have the potential to adversely impact upon adjoining community:-***

Yes, if the scale of the proposed development exceeds the built form of the buildings in the adjoining residential area. The location of site access arrangements may also impact upon individual landowners.

***Will new infrastructure be provided to assist locality:-*** No

***Importance of developing site:*** The site is currently vacant, except for a portion of the original industrial complex that existed on the site. A possible hotel / apartment complex on the site would generate considerable community benefit, if the built fabric is sensitive to the site and the adjacent residential area.

**COMMENT:**

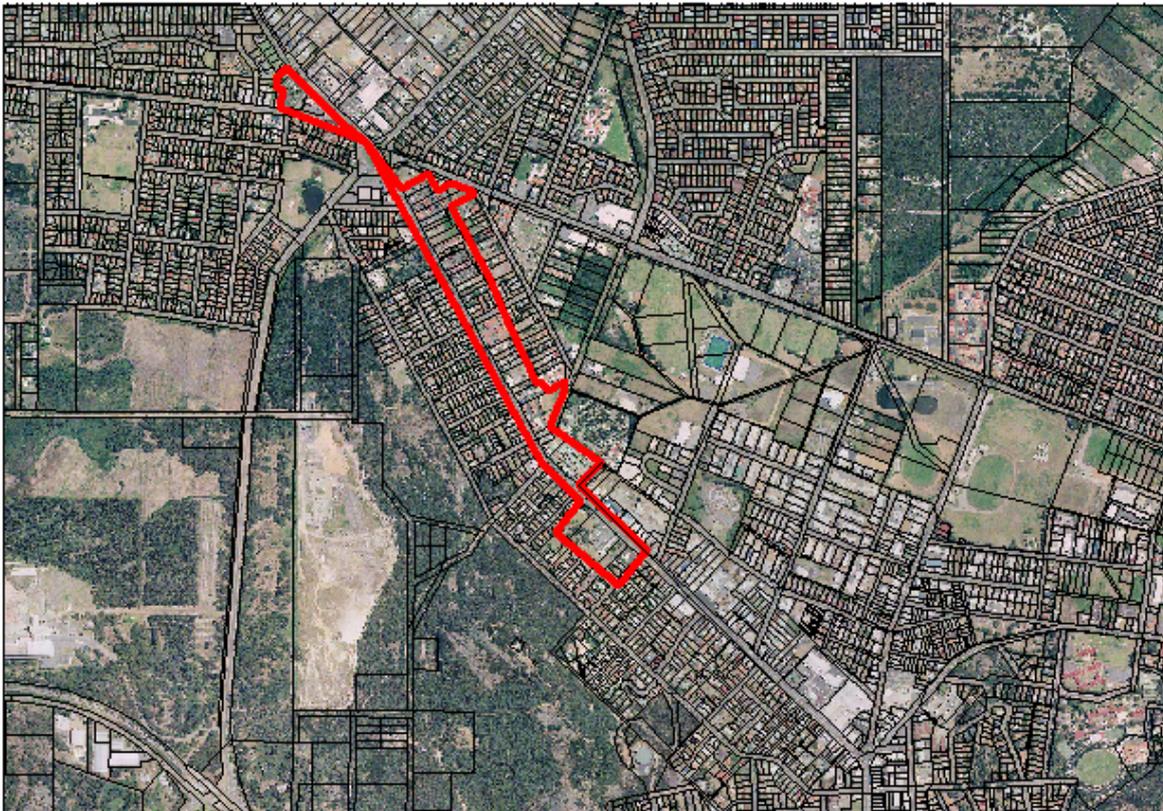
The site is appropriately zoned, however whilst holiday accommodation and restaurant are uses that have been identified, the use Hotel should also be included. It is ideally located and serviced to provide for a hotel / self contained apartment project, but it is one of a number of potential sites that are capable of being developed in close proximity to the CBD for that purpose. It has extensive views to Princess Royal Harbour and has an industrial history which could be incorporated into the built fabric of a potential development. Every attempt should be made to promote a tourism based development on this site.

***Strategic Action: Site is a “Prime” tourism site. It is recommended that the site is incorporated into the Additional Use Schedule of Community Planning Scheme No. 1, with the use ‘Hotel’ being added to the additional uses already applying to the land under the current zoning. Reconciling potential environmental and heritage constraints with the built form will also be essential.***

13.2.1 continued.

## 21 Albany Highway Motel Precinct

(comprising Comfort Inn, Banksia Gardens Resort, Amity Motor Inn, Metro Inn, Ace Motor Inn, Country Manor and Motel Le Grande)



**Potential policy implications:-** The Country Manor and Motel Le Grande front sections of Albany Highway under the care and management of Main Roads WA. A 9.0m maximum roof height restriction also applies to all the sites.

Site evaluation based upon tourism development for a "Motel Project".

### Local Planning Context:

**Current site zonings:-** Tourist Residential

**Current site areas:-** Range from 0.7916ha to 1.5058ha

**Services and infrastructure:-** The sites are serviced by reticulated sewer and water mains, they have direct access to sealed, kerbed and drained roads, there is telecommunications and power infrastructure in place and gas is reticulated to the sites.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued.

**Environmental / other constraints:-** Nil

**Will current zoning guarantee potential uses:-** The zoning has allowed the current developments to be undertaken and it will allow for the developments to be expanded and/or reconstructed on the sites. It equally allows for the sites to be redeveloped for a range of residential purposes.

**Are the sites subject to competition from other land uses (eg residential):-** Yes, although the level of competition will remain low whilst it remains profitable to reinvest in the built form and the current businesses remain viable.

**Planning Context of Site:** The current zoning for each of the sites does not preclude its redevelopment as a hotel or motel. Each site is removed from the CBD but retains good exposure to potential customers, being on the main entry road into the city. They are well located to the range of services that are provided throughout the city. Each site will continue to retain some significance for tourism development, given its location, access arrangements and lot configuration. Each of the sites has the potential to be developed for an alternate, non tourist use and the loss of any site is likely to cause a deficiency in motel accommodation as no suitable alternate or replacement sites are currently being planned.

**Are alternate zoned sites available for tourism development comparable to these sites:-** Each of the motels is in competition with the others listed. No additional sites are currently being planned specifically for development as Motel sites within the various Structure Plans before Council.

**Development Opportunity:**

**Do the Sites have a degree of uniqueness or special attributes for intended use:-** The sites are located on the primary access route into the city and are well located for the motoring public. They are distributed over 6km of road and each has an association with facilities in the immediate vicinity of the site. Equally, each site has adequate land available for the provision of car parking for cars and buses attending the site.

**Are there alternate sites in competition for intended development:-** Each of the motels is in competition with the others listed.

**Are the sites easily accessible for end users:-** Yes

**Do the sites have a special setting:-** Yes, they are located with direct frontage to Albany Highway.

**Are there amenities or activities in the locality to complement intended developments:-** Accessible by foot are a range of local shopping facilities. Each site is also accessible by car to most city facilities within a 5 minute drive.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.1 continued.

**Potential facilities to be provided to address constraints imposed by sites:-** Nil

**Competitive Advantage of Site:** Each site is well located to service the travelling public and to provide a range of services for the general community in the vicinity of the site. The size of each site is adequate to not only accommodate passenger vehicles, but also provide for the needs of packaged tour groups, contractors and tradespersons visiting Albany.

**COMMUNITY BENEFIT:**

**Can development of the sites provide services or benefits for broader community:-** Each motel currently provides a restaurant and a small conference facility which is available for the general community as well as for guests.

**Does development of the sites have the potential to adversely impact upon adjoining community:-** The sites are currently developed and adjoin a range of residential and commercial land uses. No development exceeds two storeys in height which is consistent with adjoining land uses.

**Will new infrastructure be provided to assist locality:-** No.

**Importance of developing site:** The sites are currently developed and they provide a range of services for the benefit of the broader community as well as their guests.

**COMMENT:**

The current zoning applied to each of the sites in the precinct does not preclude its redevelopment as a hotel or motel, or for other non-tourism related uses. Whilst the precinct is removed from the CBD, it provides several lots which are large enough to support motel development with good exposure to potential customers, being on the main entry road into the city. Should the viability of a motel be reduced, each site is capable within the current zoning to be quickly converted into a residential development. The precinct is significant for the City's tourism development, given its location, access arrangements, lot configuration and capacity to provide conventional motel accommodation in the 3 to 4 star market. The loss of any site would result in a loss of tourism product that would be difficult to replace under the current zoning and development regime.

**Strategic Action: Each Site within the precinct is a "Prime" tourism site and each has the potential to be redeveloped to accommodate changes in the tourism market and motel requirements over time. A change to the zoning of each site to "Hotel / Motel" is recommended to ensure the services and facilities that each site provides are not lost to tourism or the community in the future. No provision for permanent residential activity on the identified sites within the precinct is also encouraged.**

Item 13.2.1 continued.

**ITEM 13.2.1 – AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PAVER**

**SECONDED: COUNCILLOR J BOSTOCK**

**THAT Council:**

- 1) **ADOPTS** the Tourist Accommodation Planning Strategy subject to the modifications recommended by staff contained with the attached Schedule of Submissions, in addition to modifying the following:

**A. Page 50 – 1 Esplanade Hotel Site (Flinders Parade)**

*Strategic Action: Site is a “Local Strategic Site” tourist site. Rezone site by applying a dual zoning of ‘Hotel/Motel’ zone and ‘Tourist Residential’ zone in the City’s Community Planning Scheme, consistent with the site evaluation map above (page 48 of the Strategy). The portion zoned ‘Hotel/Motel’ zone will be protected from indiscriminate subdivision or from any non tourism development whilst that portion zoned ‘Tourist Residential’ could accommodate a permanent residential development.*

- B. Page 23 – Figure 10 being modified to show Kalgan/King River Caravan Parks as ‘Suitable’ rather than ‘Prime’ consistent with their individual evaluations.**

- C. Page 119 – The title being changed from ‘King River Chalets and Caravan Park’ to ‘Kalgan River Chalets and Caravan Park’.**

- D. Pages 128-131 – Delete pages and replace with the attached site assessment sheet for ‘Former Spinning Mills site’ (site 27).**

- E. Pages 110-112 – Delete pages and replace with the attached site assessment sheet for Albany Highway Motel Precinct (site 21).**

**Pages 121-124 – Kalgan River Chalets and Caravan Park. Strategic Action: this is a ‘Suitable Site’ for a caravan park. Zone ~~entire portion of this~~ site ‘Caravan Park’ (with no restrictions on the amount of permanents on the designated site) ~~with the remaining vacant portion being identified as ‘General Agriculture’~~ in the city’s Community Planning Scheme.**

- 2) **FORWARDS** the modified Strategy to the Western Australian Planning Commission seeking endorsement as per Planning Bulletin No. 83.

- 3) **REVIEWS** its ‘Tourist Philosophy’ Policy in line with the recommendations contained within the Tourist Accommodation Planning Strategy, with consideration **of the adoption of the revised Policy** being considered at the next Ordinary Meeting of Council.

**MOTION CARRIED 9-0**

## DEVELOPMENT SERVICES REPORTS

## TOURISM ACCOMMODATION PLANNING STRATEGY (DRAFT 2) – SCHEDULE OF SUBMISSIONS

| Submission   | Details of Submission   | Staff Comment  | Staff Recommendation |
|--|---|--|----------------------|
| <b>1. Tourism WA</b><br><i>NB: In responding to Draft 2, Tourism WA requested their comments on Draft 1 be implemented / considered – the following comments are based on Draft 1.</i> | 1. Commitment from Council that it will apply a maximum of 25% of permanent residential within any tourism site (other than for a caravan park site). | 1. Rather than applying a 25% maximum across the board, the Strategy looks to assess each site on its individual merits and characteristics. However where there is not a percentage specified in the Strategy, a general statement stating the following is supported:<br><br><i>“Other than for Caravan Parks, or local strategic sites, where a specific percentage or area for permanent residential has not been indicated the maximum percentage of permanent residential shall be restricted to 25%.”</i> | 1. Uphold.           |
|  | 2. Modify text within the report from ‘Tourism Taskforce Planning Report’ to ‘Tourism Planning Taskforce Report’.                                     | 2. Correct pronunciation.  | 2. Uphold.           |
|  | 3. Reference to State Appeals tribunal should be State Administrative Tribunal  | 3. Correct authority.  | 3. Uphold.           |
|  | 4. Rename Strategy to ‘Tourist Accommodation Planning Strategy’   | 4. Legible pronunciation.  | 4. Uphold.           |
|  | 5. More legible map of the tourism sites should be provided.  | 5. Maps included for each site have been improved and made more legible (refer Appendix 2 of   | 5. Uphold.           |

**DEVELOPMENT SERVICES REPORTS**

|  |  |  |             |
|--|--|--|-------------|
|  |  | Strategy). It is acknowledged however that Plan 1 is 'too busy' and needs to be made more legible – change supported.  |             |
|  | 6. Add a column to Table 10 to clarify which of the tourism sites are currently used for tourism purposes.   | 6. Installation of additional column describing existing tourist use is supported.   | 6. Uphold.  |
|  | 7. The Tourist Residential zone to be removed and replaced with a straight 'Tourist' zone.   | 7. The Tourist Residential Zone is predominantly found with Middleton Beach, whereby residential can be considered. A split density code gives density bonuses should a landowner wish to create holiday accommodation. To do an audit of each property in this area and zone each property on an individual basis would create an unworkable zoning scenario – the prime sites such as the Esplanade and the highway motels will be taken out of this zoning, and placed in a specific zoning, and therefore it is recommended that the Tourist Residential zoning be maintained. | 7. Dismiss. |
|  | 8. Change the heading of 7.4 (pg36) to 'COA response to the State Government tourism planning framework' and correctly highlight initiatives identified in Taskforce Report (recommendations 17-20). | 8. More appropriately reflects content of Taskforce Report.  | 8. Uphold.  |
|  | 9. Section 7.8 should be changed to read: <i>Local strategic tourism sites should be protected for their identified preferred tourist use through zoning and policy.</i>                             | 9. More clearly worded, and represents a slight change to wording.   | 9. Uphold.  |

**DEVELOPMENT SERVICES REPORTS**

|  |  |  |            |
|--|--|--|------------|
|  | <i>The City will not support the development of the site for permanent residential uses.</i>   |  |            |
|  | 10. Section 6.9 (prime sites) should restrict permanent accommodation by up to 25%.  | 10. Change supported, also Section 6.9 should be changed to 7.9 (numbering anomaly).   | 10.Uphold. |
|  | 11. Reference made to 'residential' in figures 13, 14 and 15 should be changed to 'permanent' to clarify the use.  | 11. Change involves adding the word "permanent" before the word residential.   | 11.Uphold. |
|  | 12. Frederickstown Motel should be classified as a 'Prime Site' however it's recognised change in zoning should only be considered if supported by landowner.          | 12. Support change of classification to a 'Prime Site' with no change in zoning.   | 12.Uphold. |
|  | 13. Change the heading of 'Conclusion' (Section 8) to 'Recommendations'.   | 13. Change in title supported (better terminology).  | 13.Uphold. |
|  | 14. Appendix 1 holds little relevance to the implementation of the strategy and therefore its inclusion is questioned.   | 14. Appendix 1 helps to provide an action/implementation plan for future, and it is recommended that it be maintained.   | 14.Noted.  |
|  | 15. For the Albany Highway Motel Precinct and the Dog Rock Motel Site, include the following in the recommendation 'Permanent residential development is discouraged'. | 15. Although not binding, it does send message that Council would prefer purely tourist development on these sites, reflective of current use.   | 15.Uphold. |
|  | 16. Confusion with the Emu Beach sites as the explanation describes them as having a Tourist Residential zoning and a Reservation (Sites 16 and 26).                   | 16. The sites are currently zoned "Tourist Residential", however the land is a reserve vested in Council for the purposes of Holiday Chalets for example. Agreed that wording should be changed to the following:<br><i>"The site is currently zoned</i> | 16.Uphold. |

**DEVELOPMENT SERVICES REPORTS**

|  |   |  |                    |
|--|---|--|--------------------|
|  |   | <i>Tourist Residential and is located on a Reserve vested in Council for the purposes of Holiday Chalets”.</i>   |                    |
|  | 17. Strategy should recommend a change in the scheme(s) to clarify the difference in land use between existing residential and existing holiday accommodation (ie Middleton Beach). Tourist Residential zoned areas that are used for residential should be changed to ‘Residential’ and holiday accommodation areas changed to ‘Tourist Zone’.   | 17. Refer to 7 above.  | 17.Dismiss.        |
|  | 18. In appendix 3: remove the tourist residential zone; change hotel/motel to more generic name which encourages other tourist accommodation than just hotel/motel; rather than using the words protect in the objectives, change to, <i>‘to provide for the development of appropriate tourist accommodation to suit the location and the needs of the region’</i> ; and in relation to caravan and camping, change ‘prevent’ to ‘restrict’ and remove the word ‘residential’. | 18. Tourist Residential Zone should be maintained, as Strategy does highlight those areas/sites which require a specific zone. Planning incentives to give greater density bonuses to tourism projects can be used in the Scheme to encourage tourism development. The proposed Hotel/Motel zone reflects the desire for such accommodation however the zone will also cater for self contained holiday accommodation (as assumed by Tourism WA). The wording changes however are supported. | 18.Uphold in part. |

**DEVELOPMENT SERVICES REPORTS**

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|  | <p>19. Definitions should be consistent with those specified in recommendation 14 of the Tourism Planning Taskforce Report. The term 'holiday accommodation' should be amended to 'short stay accommodation/tourism development with the definition from the taskforce report.</p>                            | <p>19. Supported - consistent approach.</p>   | <p>19.Uphold.</p> |
|  | <p>20. The approach taken for caravan parks should be based on the merits of each caravan park (comments more relevant to Draft 1).</p>   | <p>20. The characteristics of each caravan park are different and therefore outcomes may be different. This has been catered for in Draft 2.</p>  | <p>20.Uphold.</p> |
| <p><b>2. Planning South West (2 submissions)</b></p> | <p>1. Request that reference to maximum percentages be removed and greater emphasis be placed on the need for appropriate design and management of parks that may seek long stay residents. Believes the percentages of permanent residential should be considered through master planning for each site.</p> | <p>1. An analysis of the merits of each park has been undertaken to determine a minimum viable/suitable area for short stay and a maximum area for permanent stay. In relation to master planning, staff have liaised with caravan park operators to identify future development mix and flexibility to promote improved security and direction (refer mapping identified in Appendix 2) for planning on their sites.</p> | <p>1. Dismiss</p> |
|  | <p>2. Request that current zonings be retained.</p>   | <p>2. The current zoning's in place for caravan parks within the City differ depending on the scheme. The zoning classification should better reflect the predominant use and intent of the site(s). Council is required to amalgamate it's two schemes into one, and these zoning differences need to be</p>   | <p>2. Dismiss</p> |

**DEVELOPMENT SERVICES REPORTS**

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|                                     |   | rationalised.   |                    |
| <b>3. Ed Nelson (2 submissions)</b> | 1. Request further discussion on the 50% maximum applied for permanent accommodation.   | 1. It was agreed in principle that the holiday component at Mr Nelson's site ('Albany Holiday Park') is sustainable at around 50%. A reduction in the area utilised for holiday makers may undermine the holiday atmosphere. It was suggested that a change away from the holiday use may inherit a need for a new zoning to reflect the new predominant use, which could be considered in the future via a rezoning request.           | 1. Noted           |
|                                     | 2. Object to zoning our land 'Caravan Park' because of a potential effect on the land valuation and the ability to borrow further.  | 2. The site is used as a caravan park with permanent and non permanent occupation. Zoning should reflect the use being conducted on the site.   | 2. Dismiss         |
| <b>4. Emu Beach Holiday Park</b>    | 1. The amount of permanents within the caravan park should be flexible to help make the business viable. Owner has requested minor adjustment to boundary of permanent residential (refer Information Bulletin for revised plan). | 1. This site is identified as 'Prime Tourism' meaning that the site is in high demand by tourists and therefore the majority of the site should be protected for holiday accommodation. An area has been identified for permanent residential in Draft 2 (Appendix 2 – site 20), and the owner has supported this approach subject to a minor modification to the plan affecting the residential component which is supported by staff. | 1. Uphold in Part. |
|                                     | 2. Support separating permanents and non-permanent accommodation. Where a mixture exists, suitable time should be given for separation to occur.  | 2. The strategy recommends a separation between permanents and non-permanents.  | 2. Noted.          |
|                                     | 3. More and more tourists are   | 3. The strategy does not seek to  | 3. Noted           |

**DEVELOPMENT SERVICES REPORTS**

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|   | requesting chalets for accommodation.   | manage the type and amount of accommodation facilities (eg tent site, caravan site, chalet). The strategy is only concerned with the occupation of accommodation (permanent or non-permanent).   |           |
|   | 4. The tenure of the park should be for at least 30 years in order to develop and secure investments.   | 4. This is a lease arrangement not part of the strategy.   | 4. Noted  |
|   | 5. The City should not provide tourist accommodation that competes with caravan parks.  | 5. Council cannot take into account competition when considering tourist proposals.  | 5. Noted  |
|   | 6. The type of building (eg park home, cabin) should not dictate the type of occupation (permanent or non-permanent).   | 6. The strategy does not seek to manage the type and amount of accommodation facilities (eg tent site, caravan site, chalet). The strategy is only concerned with the occupation of accommodation (permanent or non-permanent).  | 6. Uphold |
| <b>5. Kalgan River Chalets and Caravan Park (2 submissions)</b> | 1. Object to a zoning of Caravan Park as this will devalue our land. Any consideration for zoning should not impact on the land valuation and the potential for future development. | 1. Portion of the site is used as a caravan park, and it is only this portion in addition to an area for expansion that should be identified as 'Caravan Park and Camping' Zone. The balance of the site will be zoned 'General Agriculture'. There are no restrictions on the permanent residential component for this site allowing the owner to further develop and expand with such a component to increase viability. | 1. Noted. |
| <b>6. Cheynes Beach Caravan Park</b>                            | 1. The figure illustrating the preferred location for permanents and non-permanents contradicts the text which makes a restriction of 10%.  | 1. Remove reference to 10% in comment section for this site and maintain area identified for permanent accommodation on plan for this site.  | 1. Uphold |

**DEVELOPMENT SERVICES REPORTS**

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| <p><b>7. Dykstra Planning (2 submissions; 1 letter (04/05/10) &amp; 1 Council Presentation 18/02/10)</b></p> | <p>1. The Frenchman Bay Caravan Park site does not meet the required criteria for 'Local Strategic'.</p>   | <p>1. There are no other sites in the locality of a large size, majority cleared of vegetation, at a suitable height that provides panoramic views, that fronts a pristine foreshore and with a northerly aspect. These characteristics are therefore in high demand and considering a lack of tourist accommodation in Albany and the locality, it is in the best interest of Albany as a whole to protect the site purely for holiday accommodation.</p> | <p>1. Dismiss</p> |
|  | <p>2. The site ought to be reclassified as 'Prime' tourism site or a combination of 'Prime' and 'Local Strategic' (<i>Local Strategic for the larger eastern portion</i>).</p>                                 | <p>2. Refer to 7(1).</p>   | <p>2. Dismiss</p> |
|  | <p>3. 25% of the site (20-30 units) should be supported for permanent accommodation. It is proposed to integrate the permanent accommodation with the holiday accommodation and not as a separate enclave.</p> | <p>3. The strategy classifies the site as a Local Strategic site (highest protection order). There is no permanent residential in the vicinity of the site (1.2km away). It is suggested that permanent residential will downgrade the unique isolated characteristic of the site.</p>   | <p>3. Dismiss</p> |
|  | <p>4. Short stay accommodation is not viable because of 20min travel to the CBD.</p>   | <p>4. Not proven. It may be argued that a demand exists for a high quality isolated holiday accommodation.</p>   | <p>4. Noted</p>   |
|  | <p>5. The site cannot function vibrantly all year round without a variety of accommodation types and resort facilities that are also open to the public.</p>   | <p>5. There is a substantial residential development located 1.2km from the site with limited services. Residents from this development area will be able to utilise the facilities.</p>   | <p>5. Noted</p>   |
|  | <p>6. Albany already has a well</p>  | <p>6. Refer to 7(1).</p>   | <p>6. Dismiss</p> |

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|  | established tourism industry and the Frenchman bay Resort site is not critical to the sustainability of the industry.                 |  |              |
|  | 7. Albany urgently needs 4-5 star holiday accommodation.  | 7. Nil   | 7. Noted.    |
|  | 8. For reason of viability, support for permanent accommodation will help to provide an incentive to attract development.             | 8. Refer to 7(5)   | 8. Dismiss.  |
|  | 9. With a permanent residential population, on site facilities will be more viable and able to remain open all year.                  | 9. Refer to 7(5)   | 9. Dismiss.  |
|  | 10. The site is not sustainable without a proportion of the site used for permanent accommodation.                                    | 10. Not proven. If the site is developed relative to demand, the site will be sustainable. | 10. Dismiss. |
|  | 11. Updated letter expresses disappointment with Council's decision at it's March OCM, and requests Council reconsider it's position. | 11. No comment.  | 11. Noted.   |

**DEVELOPMENT SERVICES REPORTS**

**ITEM NUMBER:** 13.2.2  
**ITEM TITLE:** **CONSIDERATION OF WATER FOREVER STRATEGY AND WATER RESOURCE DEVELOPMENT STRATEGY – LOWER GREAT SOUTHERN**

**:43:52 PM** **COUNCILLOR WOLFE LEFT THE CHAMBER AFTER DECLARING A FINANCIAL INTEREST IN THIS ITEM.**

**File Number or Name of Ward** : STR047 (All Wards)  
**Summary of Key Points** : Provide submission to the Water Corporation and the Department of Water on their strategic documents to ensure a future water resource for the City  
**Land Description** : N/A  
**Proponent** : Water Corporation and Department of Water  
**Owner** : N/A  
**Reporting Officer(s)** : Executive Director Development Services (G Bride)  
**Disclosure of Interest** : Nil  
**Business Entity Name** : Water Corporation / Department of Water  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Water Forever – Lower Great Southern  
: Water Resource Development Strategy – Lower Great Southern  
**Consulted References** : Nil  
**Councillor Lounge** : Nil

**BACKGROUND**

1. The Water Corporation has released its strategic plan titled 'Water Forever – Lower Great Southern' identifying it's approach and recommended options to secure long term water supplies for the City of Albany and wider Lower Great Southern Region. The Water Corporation is seeking submissions up until Friday 23 July 2010.
2. The Department of Water, in consultation with the Water Corporation, has at the same time released its strategy on developing water resources. The Department of Water is the State's primary water manager and will be advising Government on the appropriateness of future potable water sources.
3. The Water Forever document recommends that the two main sources of water to serve the Albany community into the future will be the construction of a desalination plant in addition to the diversion and storage of winter flows from Marbelup Brook (via a small pipe head weir) to the underground aquifer at the South Coast bore field 10 kilometres to the south-east.
4. It's important to note that no site has been chosen to accommodate a desalination plant and the Corporation have advised that in relation to Marbelup Brook provision will be made to ensure that the water needed by the Marbelup Brook ecosystem

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.2 continued

remains available. The Department of Water will be responsible for assessing the proposed water extraction from Marbelup Brook.

**DISCUSSION**

5. According to the Water Forever strategy the Albany/Mt Barker communities (Mt Barker receives its water from Albany) will require almost three times the amount of water that is currently used by 2050, and it is anticipated that the current Scheme will need to be further supplemented by 2017 to meet demand.
6. The Water Corporation in liaison with the Department of Water have reviewed a number of potable water sources within the City of Albany, with many being ruled out on environmental, limited capacity and water quality grounds.
7. From the information supplied by the Water Corporation a desalination plant, with sufficient treatment capacity, will represent the best long term solution for potable water supply for the City, supplemented by the existing South Coast bore field (which could be recharged by water from Marbelup Brook). The Water Corporation is also intending as part of it's strategy to offer financial incentives to landowners who install rainwater tanks plumbed into the dwelling.
8. The only comment or reservation from staff would be that:
  - a) The Water Corporation liaises with the City in relation to the siting of a desalination plant with a view that such a plant should, wherever possible, be sited in a location that is not visually prominent from significant public vantage points and has a minimal impact on the marine and terrestrial environment.
  - b) The Department of Water's sustainable approach to assessing future potable water supplies is supported and the Department is encouraged to continue to investigate and determine water extraction limits and management strategies associated with the use of Marbelup Brook as a potential water supply without detriment to the Marbelup Brook ecosystem.
  - c) The proposal to introduce additional financial incentives for landowners to install rainwater tanks that are plumbed into their dwelling is strongly supported and it is recommended that effective marketing of these arrangements be undertaken.

**PUBLIC CONSULTATION/ENGAGEMENT**

9. The Water Forever Strategy is currently on advertising up until 23 July 2010, and any individual or group can lodge a submission.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.2 continued

**STATUTORY IMPLICATIONS**

10. The Marbelup Brook Water Reserve was proclaimed in 1986 under the *Country Areas Water Supply (CAWS) Act 1947*. The Department of Water has prepared the 'Marbelup Brook Catchment Area Drinking Water Source Protection Plan' in 2007 defining the extent of the Catchment Area and identifying Priority 1, 2 and 3 areas and relevant land use restrictions. The protection plan recognises that existing rural activities (such as horticulture) will not be affected except that the Department of Water will work with such industries within the catchment to improve management practices to reduce/limit any contamination.
11. Council as part of its draft Local Planning Scheme No. 1 has identified the Marbelup Brook Catchment area as a special control area, whereby future land uses that have the potential to pollute the water resource will be restricted on advice from the Department of Water.

**FINANCIAL IMPLICATIONS**

12. The securing of water supplies into the future will support the ongoing growth of the City.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

13. In order to achieve the vision identified in the draft Albany Local Planning Strategy (ALPS) a secure long term water supply is needed.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council has the following options in relation to this item, which are:
  - To support the position of the Water Corporation and the Department of Water with or without caveats;
  - To object to the water source options as presented; or
  - Not lodge a submission on the strategies.

**SUMMARY CONCLUSION**

15. Subject to the statements identified in Paragraph 8 of the officer's report, it is recommended that Council provide support for the Water Forever Strategy and the Water Resource Development Strategy via a submission.

Item 13.2.2 continued

**ITEM 13.2.2 – OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR SWANN**

**THAT Council makes a submission on the Water Forever Strategy prepared by the Water Corporation and the Water Resource Development Strategy prepared by the Department of Water advising that it supports the identification of long term water source options for the Albany community subject to the following being taken into account:**

- A. The Water Corporation liaises with the City in relation to the siting of a desalination plant with a view that such a plant should wherever possible be sited in a location that is not visually prominent from significant public vantage points and has a minimal impact on the marine and terrestrial environment.**
- B. The Department of Water’s approach to assessing future potable water supplies is supported and the Department is encouraged to continue to investigate and determine extraction and management strategies associated with the use of Marbelup Brook as a potential water supply without detriment to the Marbelup Brook ecosystem.**
- C. The proposal by the Water Corporation to introduce financial incentives for landowners to install rainwater tanks that are plumbed into dwellings is strongly supported and it is recommended that effective marketing of these arrangements are undertaken.**

**MOTION CARRIED 7-2**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, J Swann,  
D Wellington, R Paver and D Bostock

Against the Motion: Councillors D Dufty and R Sutton.

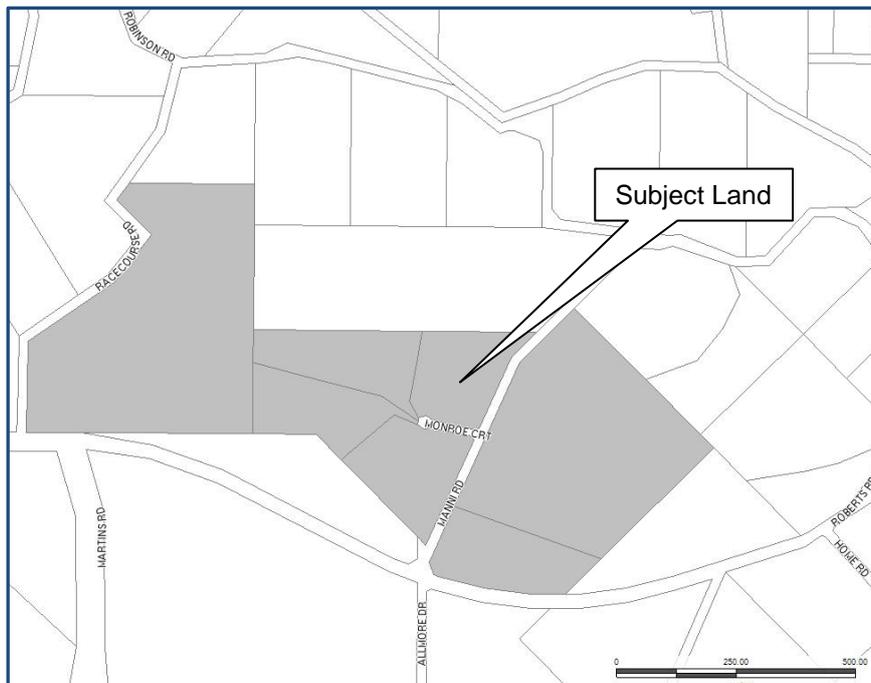
DEVELOPMENT SERVICES REPORTS

**ITEM NUMBER:** 13.2.3  
**ITEM TITLE:** FINAL APPROVAL OF SCHEME AMENDMENT – LOTS 45, 111 & 118 MANNI ROAD, LOTS 115-117 MONROE COURT AND LOT 33 ROBERTS ROAD, ROBINSON

[:48:25 PM](#) **COUNCILLOR WOLFE RETURNED TO THE CHAMBER.**

- File Number or Name of Ward** : AMD 282 (Vancouver Ward)  
**Summary of Key Points** : Consider the submissions received from the public consultation period and determine whether to grant final approval to the amendment to modify a portion of the Subdivision Guide Plan for Special Rural Area No. 29.
- Land Description** : Lots 45, 111 & 118 Manni Road, Lots 115-117 Monroe Court and Lot 33 Roberts Road, Robinson
- Proponent** : Burgess Design Group  
**Owner** : DV & BE Atkinson, DLB & ME Williams, MT & LJ Brand, DA & JM Hislop, LC Knight, AJ Timperly
- Reporting Officer(s)** : Planning Officer (C McMurtrie)  
**Disclosure of Interest** : Nil  
**Business Entity Name** : N/A  
**Previous Reference** : OCM 15/07/2008 - Item 11.3.3  
**Bulletin Attachment(s)** : Amendment Documents  
: Copy of Submissions  
: Alternate Subdivision Guide Plan
- Consulted References** : Albany Local Planning Strategy  
WAPC DC 3.4 – Subdivision of Rural Land
- Councillor Lounge** : Copy of OCM 15/07/08 – Item 11.3.3

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 13.2.3 continued

**BACKGROUND**

1. Amendment 282 proposes to modify a portion of the Subdivision Guide Plan for Special Rural Area No. 29 under Town Planning Scheme (TPS) No.3.
2. Special Rural Area No. 29 was originally rezoned from 'Rural' to 'Special Rural' in 2001 by Town Planning Scheme Amendment No. 211. As part of this rezoning, a Subdivision Guide Plan (SGP) for Lots 3, 32 and 33 Manni Road, Robinson was adopted by Council and is identified in Schedule 1 of TPS No. 3.
3. Amendment No. 282 was submitted with the appropriate supporting information and initiated by Council at the Ordinary Meeting held on 15 July 2008.
4. The successful completion of this Amendment will facilitate further subdivision of the subject land, while still achieving the objectives of the Special Rural zoning, as defined in TPS No. 3, *Schedule 1 – Special Rural Zones*.

**DISCUSSION**

5. The subject lots cover a total area of 54.15 hectares and are located approximately 4.7km west-south-west of the Albany central area. The land is relatively flat, with the exceptions of a slight ridge running along a north-east/south-west axis on the eastern portion of Lot 33 Roberts Road, small hillocks on the southern edges of Lots 118 Manni Road and Lot 115 Monroe Court and areas of higher land to the north of Lot 33 Roberts Road and the north-east of Lot 45 Manni Road. There are stands of remnant native vegetation across the subject land, most notably on the higher ground. Any remnant vegetation in the lower lying areas has been parkland cleared. Each lot has one existing house and associated outbuildings.
6. The subject lots form approximately two-thirds of Special Rural Area No. 29 in TPS 3. The scheme amendment under consideration seeks to revise the SGP that applies to these lots in order to facilitate further subdivision of the subject land, whilst still achieving the objectives of the Special Rural zoning, which is defined in TPS 3, *Schedule 1 – Special Rural Zones* as follows:  
  
*“Within the Special Rural Zone Area No. 29 the objective is to provide ‘Rural Retreat’ living opportunities with the focus on land use being sensitive to the area’s landform, vegetation, groundwater priority coding and allow for low intensity rural pursuits.”*
7. The scheme amendment has generally been supported by government agencies. However, the Water Corporation and Department of Water (DoW) raised objections during the advertising period in relation to the lot sizes proposed over a Priority 2 (P2) area within the South Coast Water Reserve. This was due to the proposal identifying

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Item 13.2.3 continued

a potential 39 lots across the subject land, at an average size of 1.34ha, with 1ha lots identified within the 300m Well Head Protection Zone (WHPZ).

8. Since these initial comments were received, the proponent has liaised with the DoW to devise an alternate Subdivision Guide Plan, reducing the lot yield to 25 lots (23 new lots and two existing) and increasing both the average lot size, from 1.34ha to 2.34ha, and the minimum lot size wholly within the WHPZ, from a minimum 1.01ha to a minimum 2ha. This alternate Subdivision Guide Plan can be found in the Information Bulletin. Both this issue and the other matters raised can be effectively addressed through modifications to the amending document and Subdivision Guide Plan, as listed and discussed in the Schedule of Submissions.
9. One landowner has objected to the amendment on the basis that the proposal would result in a loss of amenity, potential noise and air pollution and potential road safety hazards due to inadequate roads infrastructure. The significant reduction in lot yield as identified above will mitigate the issues raised in this submission.
10. The draft Albany Local Planning Strategy (ALPS) identifies the subject land as being suitable for 'Rural Residential' development and the proposal is considered to be consistent with this aim.
11. Overall, staff would recommend granting final approval of the proposed Scheme Amendment, subject to appropriate modifications, as discussed in the Schedule of Submissions.

**PUBLIC CONSULTATION/ENGAGEMENT**

12. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 October 2009 to 26 November 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
13. A total of twelve (12) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

14. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal assessment.

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15. The Amendment was also referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training, Fire and Emergency Services Authority (FESA) and Albany Police for assessment and comment. Responses were received from WestNet Energy, Telstra, Water Corporation, Department of Water, Department of Environment and Conservation, Department of Education and Training and FESA and are summarised in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

16. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

**FINANCIAL IMPLICATIONS**

17. There are no financial implications related to this item.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

18. Council's decision on the Scheme Amendment should be consistent with the objectives of the draft Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
19. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.
- Minimising the development footprint on the landscape to help protect biodiversity and the environment.
- Promoting energy conservation.
- Providing greater housing choice.
- Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.
- Reducing government expenditure on servicing current and future populations.

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20. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

*“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”*

*The draft ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 4, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

21. Overall, the proposal is considered to be consistent with the various Strategic Objectives and aims set out in the draft ALPS.

**POLICY IMPLICATIONS**

22. The Western Australian Planning Commission (WAPC) *Development Control Policy 3.4 – Subdivision of Rural Land* (DC 3.4) should be taken into consideration. Of particular relevance is a change to this policy that was introduced in February 2008 resulting in the provision of a reticulated water supply only where it is practicable and reasonable, where previously it was mandatory for lots ranging from 1ha to 4ha. Alternative water supplies can now be considered where they are reliable and more cost effective than the provision of a reticulated supply.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

23. Council has the following options in relation to this item, which are:

- To seek final approval to the scheme amendment without modification;
- To seek final approval to the scheme amendment with modifications; or
- To not seek final approval to the scheme amendment.

24. Council’s decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.3 continued

**SUMMARY CONCLUSION**

25. Staff recommend that the proposed Scheme Amendment be adopted by Council with modifications, on the basis that the alternate Subdivision Guide Plan will allow for further subdivision and thereby more effective use of available land, while maintaining the objectives of the Special Rural Area No. 29 and consistency with the aims of the draft ALPS.

[:48:49 PM](#) **COUNCILLOR DUFTY LEFT THE CHAMBER.**

**ITEM 13.2.3 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR HAMMOND**

1. **THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* and Regulation 25(1)© of the *Town Planning Regulations 1967* resolves to ADOPT WITH MODIFICATIONS Amendment No. 282 to Town Planning Scheme No. 3 by:**
- i. **Replacing the current Subdivision Guide Plan for Special Rural Area Zone No. 29.**
  - ii. **Amending the special provisions relating to Special Rural Area Zone No. 29.**
  - iii. **Including Lots 45, 111 & 118 Manni Road, Lots 115-117 Monroe Court and Lot 33 Roberts Road within Special Rural Zone No. 29.**

**AND**

2. **THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**

**MOTION CARRIED 7-2**

**Record of Vote**

For the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, R Paver, D Wolfe, and R Sutton.

Against the Motion: Councillors J Bostock and D Bostock.

ORDINARY COUNCIL MEETING MINUTES – 20/07/10  
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Item 13.2.3 continued

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 282**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter   | Summary of Submission   | Officer Comment                    | Staff Recommendation              |
|-----|---|---|------------------------------------|-----------------------------------|
| 1   | Environmental Protection Authority<br>Locked Bag 33<br>Cloisters Square<br>PERTH WA 6850  | The Environmental Protection Authority (EPA) has determined that the scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act) and that it is not necessary to provide any advice or recommendations. | Nil.                               | The submission is noted.          |
| 2   | WestNet Energy<br>PO Box 8491<br>PERTH BC 6849  | No objections.  | Nil.                               | The submission is noted.          |
| 3   | Telstra – Forecasting & Area Planning – South Western Access<br>Team Manager – Forecasting Network & Technology<br>Locked Bag 2525<br>PERTH WA 6001 | No objections.  | Nil.                               | The submission is noted.          |
| 4   | Water Corporation   | The land adjacent to Amendment No. 282 is   | In response to this submission and | The submission is upheld in part. |

ORDINARY COUNCIL MEETING MINUTES – 20/07/10  
 \*\*REFER DISCLAIMER\*\*  
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**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 282**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter  | Summary of Submission  | Officer Comment  | Staff Recommendation  |
|-----|--|--|--|---|
|     | Great Southern Regional Office<br>215 Lower Stirling Terrace<br>ALBANY WA 6330 | <p>located within the South Coast Water Reserve (the reserve), the primary source of drinking water for Albany and surrounding towns.</p> <p>To ensure that the quality of drinking water taken from the reserve is maintained, the Water Corporation endorses Department of Water policy on protecting public drinking water sources. The land is located in an area of the reserve classified as Priority 2 (P2) under the relevant Water Source Protection Plan.</p> <p>The acceptability of subdivision proposals under this classification is outlined in the Department's guideline <i>Land Use Compatibility in Public Drinking Water Source Areas</i>. The guideline recommends that the minimum lot size of subdivisions in such areas should be 2ha. The proposed amendment creates a number of lots below this size with an average lot size of 1.34ha.</p> | <p>the concerns of the Department of Water (DoW) the proponent has liaised with these government agencies to address their concerns.</p> <p>The DoW advised that it was prepared to accept an average lot size of 2ha over the subject land and a minimum lot size of 1.5ha, rather than the originally prescribed minimum lot size of 2ha. However, the Department further stipulated that all lots entirely within the Well Head Protection Zone (WHPZ) should have a minimum lot size of 2ha and that ATU's must be used for effluent disposal on lots within these areas.</p> <p>The proponent has supplied an alternate Subdivision Guide Plan, taking into account the minimum and average lot sizes prescribed by the</p> | <p><u>Modifications Required:</u></p> <p>The Subdivision Guide Plan shall be modified in accord with the minimum and average lot size requirements prescribed by the DoW, as identified on the alternate Subdivision Guide Plan (i.e. 2ha average lot size with a minimum size of 2ha lots wholly within WHPZ and 1.5 hectares outside of the WHPZ).</p> <p>The Special provisions shall be amended by:</p> <ul style="list-style-type: none"> <li>- Reinforcing minimum lots size as per the DoW and Water Corporation requirements.</li> <li>- Reinforcing that land is located within the South Coast Water Resource Public Drinking Area</li> </ul> |

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| No. | Name/Address of Submitter | Summary of Submission   | Officer Comment   | Staff Recommendation   |
|-----|---------------------------|---|---|--|
|     |                           | <p>The Water Corporation therefore objects to the amendment on the grounds that it represents an unacceptable risk to underlying groundwater quality.</p> | <p>DoW, which addresses their concerns. An average lot size of 2.3ha has been achieved. A copy of this plan has been included for information in the attached Bulletin.</p> | <p>and that any proposals which may have an impact on ground water quality must be referred to DoW.</p> <ul style="list-style-type: none"> <li>- Reinforcing a minimum storage capacity for water tanks of 92,000 litres per dwelling.</li> <li>- Reinforcing that the location of buildings and structures shall be outside of 100m bore buffer and 300m well head buffer (except for those lots located entirely within the WHPZ as agreed to by DoW).</li> <li>- Including a provision that an ATU effluent disposal system is required within the 300m WHPZ, and that ATU systems shall be located outside of the 300m WHPZ on those lots that straddle the 300m buffer with the exception of Lot 11.</li> </ul> |

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| No. | Name/Address of Submitter                           | Summary of Submission  | Officer Comment  | Staff Recommendation  |
|-----|---|--|--|---|
| 5   | Department of Water<br>PO Box 525<br>ALBANY WA 6331 | <p>The subject site is located within a Priority (P2) area within the South Coast Water Reserve, a proclaimed public drinking water source area. The WAPC Statement of Planning Policy 2.7 – <i>Public Drinking Water Source Policy</i>, sets out the level of protection for these areas.</p> <p>The DoW has developed policies and guidelines to protect public drinking water source areas with regard to WAPC SPP 2.7. The guideline – <i>Water Quality Protection Note: Land Use Compatibility in Public Drinking Water Source Areas</i> – recommends that a minimum lot size within a P2 area should be 2ha. Given that this amendment will create lots with an average lot size of 1.34ha, the DoW cannot support the amendment, due to the increased risk to the drinking water source from the intensification of the land.</p> | <p>See submission 4 above.</p> <p>Furthermore, the Department has also requested that controls be placed on the keeping of animal houses within the WHPZ. The current scheme provisions for Special Rural Area No. 29 require Council approval, in consultation with the DoW, to be obtained for any livestock to be kept on the site.</p> | <p>The submission is upheld in part.</p> <p><u>Modifications required:</u></p> <p>The special provisions shall be amended by:</p> <ul style="list-style-type: none"> <li>- Including an additional provision that no animal houses (e.g. pens, stables, cow-shed, pig-sty, fowl house, chook sheds, etc) shall be located within the WHPZ.</li> </ul> |

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| No. | Name/Address of Submitter  | Summary of Submission   | Officer Comment  | Staff Recommendation   |
|-----|--|---|--|--|
| 6   | Department of Environment and Conservation<br>120 Albany Highway<br>ALBANY WA 6330 | <p>The documentation would have benefitted from a section addressing the protection and re-establishment of native vegetation. However, it is pleasing to see proposed retention of most existing vegetation as indicated in the Subdivision Guide Plan No. ATK ALB-2-01i. This vegetation will be important, not only for residential amenity and wind shelter, but also for native fauna. In some areas lot boundaries are shown crossing through vegetation, in particular for Lots 10 and 11, for lots 15, 17, 18 and for lots 33, 32 and 29. In such cases it would be preferable:</p> <ul style="list-style-type: none"> <li>• To have strategic firebreaks around the vegetation nodes (as for Lots 29 and 30),</li> <li>• To have these areas of vegetation fenced (especially that on Lots 10 and 11) to protect them from stock; and</li> <li>• To have lot boundaries within the fenced areas marked by bollards so as to minimize additional removal of native vegetation.</li> </ul> | <p>If the Subdivision Guide Plan is further modified in respect of the submissions received from the Water Corporation and Department of Water, the issues raised by the Department of Environment and Conservation would be lessened. The alternate subdivision guide plan is more sensitive to existing vegetation on site and reduces the number of boundaries bisecting vegetation. The requirement for bollards to be used where vegetation is bisected (Lots 11 and 16 and Lots 8, 9 and 10) is supported.</p> <p>The special provisions already deal with the requirement that all significant vegetated areas are to be protected with stock proof fencing at the time of subdivision.</p> <p>Extensive revegetation of boundary</p> | <p>The submission is upheld in part.</p> <p><u>Modifications required:</u></p> <p>The Special Provisions shall be amended by:</p> <ul style="list-style-type: none"> <li>- Introducing a provision requiring bollards to be utilised to demarcate boundaries where they bisect areas of vegetation.</li> </ul> |

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| No. | Name/Address of Submitter   | Summary of Submission   | Officer Comment  | Staff Recommendation   |
|-----|---|---|--|--|
|     |   |   | lines has also been catered for under the proposal.  |  |
| 7   | Department of Education and Training<br>151 Royal Street<br>EAST PERTH WA 6004                        | No objections.  | Nil.   | The submission is noted.   |
| 8   | Fire & Emergency Services Authority<br>Great Southern Region<br>5 Hercules Crescent<br>ALBANY WA 6330 | <p>Bush fire risk must be considered in planning decisions to avoid increasing the risk through inappropriately located or designed land use and development.</p> <p>The planning for Bush Fire Protection document and WAPC Policy DC 3.7 cover the requirements for subdivisions to address on ground fire protection issues. Australian Standard 3959 covers the Standard for Construction of Buildings in Bushfire-Prone Areas. The requirements of all 3 documents need to be considered in total when dealing with any subdivision development.</p> | <p>The Special Provisions recognise the need for maintenance of appropriate fire breaks and low fuel buffers around buildings.</p> <p>However, it is agreed that they should incorporate a requirement for habitable buildings to achieve hazard separation distances as per the <i>Planning for Bush Fire Protection Guidelines Edition 2</i>, May 2010, or any document superseding it.</p> <p>It would also be appropriate to include a Special Condition requiring a water supply for fire fighting purposes to be</p> | <p>The submission is upheld in part.</p> <p><u>Modifications required:</u></p> <p>Modify the Subdivision Guide Plan to identify location of water tank and hydrant or standpipe facility.</p> <p>The Special Provisions shall be amended by:</p> <ul style="list-style-type: none"> <li>- Introducing a provision that states that as reticulated water will not be available to the subdivided lots, the provision of an appropriate water tank with a</li> </ul> |

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|-----|---------------------------|---|---|---|
|     |                           | <p>As a bare minimum, I recommend that the following issues need to be included as part of the approval for any development as a result of the proposed rezoning:</p> <p><b>1. Access</b><br/> <i>Planning for Bush Fire Protection sect 3.4</i><br/>           Safe access and egress for both residents and fire services from both the subdivision and individual houses,</p> <p><b>2. Dedicated Fire Fighting Water Supplies</b><br/> <i>Planning for Bush Fire Protection sect 3.5</i><br/>           Fire Hydrants installed every 100m for industrial areas, 200m for residential areas, 400m or water tanks for fire fighting water supplies in rural areas.</p> <p><b>3. Hazard Separation</b><br/> <i>Planning for Bush Fire Protection sect 3.6</i><br/>           There must be a physical separation between development and any extreme</p> | <p>provided as per the <i>Planning for Bush Fire Protection Guidelines Edition 2, May 2010</i>, or any document superseding it.</p> | <p>hydrant or standpipe shall be provided in accordance with the requirements set out in the <i>Planning for Bushfire Protection Guidelines Edition 2, May 2010</i>, or any document superseding it.</p> <p>- Introducing a provision that requires appropriate low fuel zones shall be maintained around all habitable buildings in accordance with the <i>Planning for Bush Fire Protection Guidelines Edition 2, May 2010</i>, or any document superseding it.</p> |

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|-----|---|--|--------------------------------------|------------------------------|
|     |   | <p>bush fire hazards as well as low fuel areas around any buildings.</p> <p>There may be a need to include additional requirements on a case by case basis.</p>  |                                      |                              |
| 9   | <p>Mr D Atkinson<br/>           PO Box 1274<br/>           MIDLAND WA 6936</p>  | <p>I am fully supportive of the change, as I believe it will be beneficial for the area.</p> <p>It will increase the amount of semi-rural land available close to Albany, in addition to increasing the awareness of the Albany Racing Club and the Albany Pony Club.</p> <p>The amendment will make good use of land that use not really suitable for full-time agriculture and give residents the opportunity to live in a semi-rural setting.</p> | Nil                                  | The submission is noted.     |
| 10  | <p>Mrs B Atkinson<br/>           PO Box 1274<br/>           MIDLAND WA 6936</p> | I fully support the amendment, as it will give a wider choice of lifestyles within the town of Albany.   | Nil.                                 | The submission is noted.     |
| 11  | Mr & Mrs AH Davis   | We strongly object for the following reasons:  | The issue of minimum and average lot | The submission is dismissed. |

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| No. | Name/Address of Submitter             | Summary of Submission  | Officer Comment  | Staff Recommendation |
|-----|---------------------------------------|--|--|----------------------|
|     | 379 Robinson Road<br>ROBINSON WA 6330 | <ul style="list-style-type: none"> <li>• The proposed block sizes are (in most cases) clearly well below the minimum 2 hectare size the Department of Water has for ground water extraction for town water usage. It is our opinion that it would not be desirable to have higher density housing over ground water extraction areas.</li> <li>• At this time the area has minimum housing in a unique rural atmosphere. Furthermore, high density housing in a designated equine activity precinct (Albany Race Club and Albany Equestrian Centre including the Stidwell Bridle Trails) and currently the Albany Motocross Club, will cause significant conflicts of interest such as increased vehicle traffic in the future.</li> <li>• Sets a precedent – if this town planning scheme is amended and</li> </ul> | <p>sizes has been resolved to the satisfaction of the DoW.</p> <p>The proposal will not lead to the creation of what would generally be defined as ‘high density’ housing. In addition, while equine pursuits are a prominent fixture of the area, it has not been specifically designated for that purpose. It seems unlikely that further subdivision of the existing Special Rural Area would lead to further conflicts of interest, with increases in traffic volume, for example, being minimal.</p> <p>Each planning application is assessed on its individual merits and referred to the relevant Government agencies for comment as necessary. Therefore it should not be assumed that support for this proposal will automatically set a precedent.</p> |                      |

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| No. | Name/Address of Submitter  | Summary of Submission   | Officer Comment | Staff Recommendation     |
|-----|--|---|-----------------|--------------------------|
|     |  | <p>the proposed subdivision goes ahead, this will set a precedent that the council will be obligated to approve other subdivisions to nearby landowners applying to do the same. It is our opinion that this will be detrimental to this unique area.</p>   |                 |                          |
| 12  | <p>Mr R Tait<br/>           For Burgess Design Group<br/>           PO Box 374<br/>           NORTHBRIDGE WA<br/>           6330</p> | <p>BDG represents the landowners of all but one of the lots included within Special Rural Area No. 29, including Lot 33 Racecourse Road (D and B Atkinson); Lots 45 (D and M Williams), 111 (L and M Brand) and 118 (L Knight) Manni Road; Lots 115 (A Timperley) and 116 (L Knight) Monroe Court, Robinson. The excluded lot is Lot 117 Monroe Court, Robinson, which was recently transferred from the ownership of S and J Grace whom we previously represented.</p> <p>On behalf of these represented landowners, we take this opportunity to express their universal support for the Amendment and</p> | Nil.            | The submission is noted. |

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|-----|---------------------------|--|-----------------|----------------------|
|     |                           | <p>proposed modified Subdivision Guide Plan,</p> <p>In substantiating this support, we advise the following:</p> <p>The subject land is located in a high rainfall area where even a modest roof catchment area is capable of generating sufficient water supply for residential needs;</p> <p>On-site soils are free draining and adequate for on-site effluent disposal and (dwelling) construction;</p> <p>The Subdivisional Guide Plan has been designed to ensure lots are so located such that they can accommodate residential development and effluent disposal in areas outside and clear of Well Head Protection Zones, and with an average lot size of 1.34 hectares;</p> <p>The site is in close proximity to the Albany Townsite and adjacent urban areas, but at a reasonable distance so as not to compromise any future expansion of the</p> |                 |                      |

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|-----|---------------------------|---|-----------------|----------------------|
|     |                           | <p>existing urban area;<br/>           As established in the Amendment Report, the proposed SGP and related provisions are consistent with the City and State planning framework for the area;<br/>           Provisions have been carefully prepared to ensure the proposed subdivision pattern and development outcomes are sufficiently responsive to the land's environmental setting.</p> <p>Our view remains that the proposal facilitates the highest and best use of the land. As such, we believe the development outcome of the proposal would be consistent with the orderly and proper planning of and responsive to environmental initiatives appropriate to the locality.</p> |                 |                      |

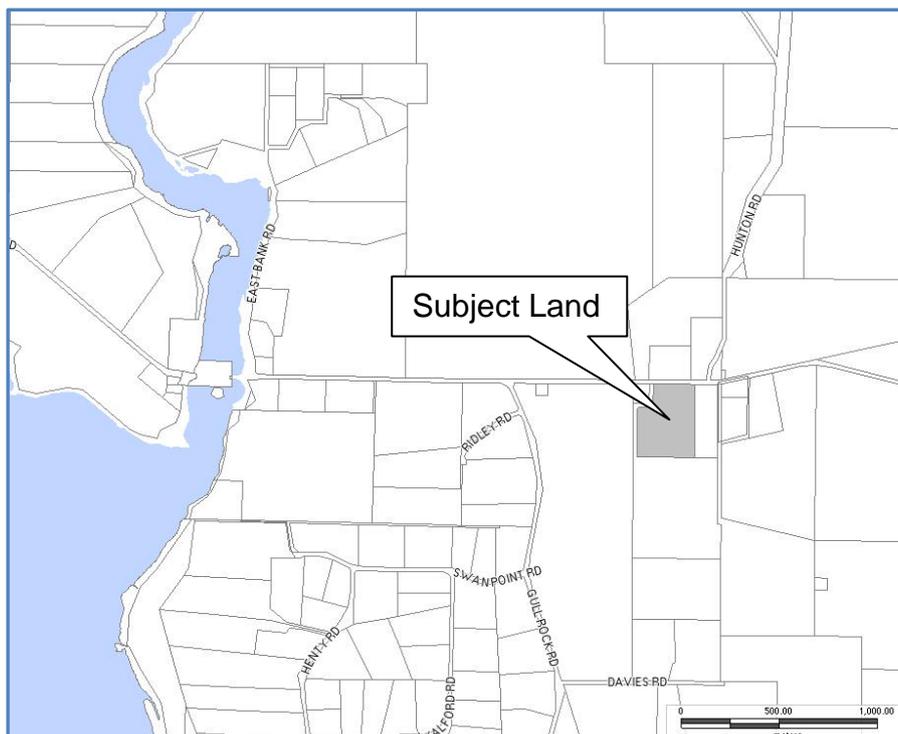
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**ITEM NUMBER:** 13.2.4  
**ITEM TITLE:** FINAL APPROVAL OF SCHEME AMENDMENT – REZONING OF LOT 30 NANARUP ROAD, KALGAN

**:51:59 PM** COUNCILLOR HAMMOND LEFT THE CHAMBER AFTER DECLARING A FINANCIAL INTEREST IN THIS ITEM

- File Number or Name of Ward** : AMD 301 (Kalgan Ward)
- Summary of Key Issues** : Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to rezone Lot 30 (522) Nanarup Road from ‘Special Site – Caravan Park’ to ‘Special Rural’ and ‘Special Use’.
- Land Description** : Lot 30 Nanarup Road, Kalgan
- Proponent** : Harley Survey Group
- Owner** : Mr & Mrs J Eyre
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Disclosure of Interest** : Nil
- Business Entity Name** : Country Cottages
- Previous Reference** : OCM 17/11/09 – Item 13.2.1 (SAR 144)  
OCM 19/01/10 – Item 13.2.2
- Bulletin Attachment(s)** : 1. Scheme Amendment document  
2. Copy of submissions
- Consulted References** : Albany Local Planning Strategy
- Councillor Lounge** : Copy of OCM 17/11/09 – Item 13.2.1 (SAR 144)  
Copy of OCM 19/01/10 – Item 13.2.2

**Maps and Diagrams:**



**DEVELOPMENT SERVICES REPORTS**

Item 13.2.4 continued

**BACKGROUND**

1. Amendment 301 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lot 30 Nanarup Road, Kalgan from 'Special Site – Caravan Park' to 'Special Rural' and 'Special Use'. This would incorporate the portion of the lot around the existing dwelling with Special Rural Area No. 9, which would allow the provisions set out in Schedule I relating to this zone to appropriately control subdivision, development and use of this portion of the lot.
2. The remainder of the subject lot, which is currently zoned as 'Special Site – Caravan Park' and developed with a well-established holiday accommodation business, would be rezoned to 'Special Use', allowing its redevelopment for up to six (6) holiday accommodation units and a new caretakers' house/office building.
3. A Scheme Amendment Request (SAR 144) was reported to the Ordinary Council Meeting held on 17 November 2009. Council resolved to:

*ADVISE the proponent that it is prepared to entertain the submission of a formal Scheme Amendment to rezone Lot 30 Nanarup Road from 'Special Site – Caravan Park' to 'Special Site – Holiday Accommodation' subject to the following matters being addressed:*

- i) the Development Guide Plan being modified to relocate the proposed boundary between Sections 'A' and 'B' to the east in order to protect remnant native vegetation;*
- ii) a detailed land capability report being prepared; and*
- iii) the Subdivision Guide Plan for Special Rural Zone No. 9 being modified to include a portion of Lot 522 and to address the following access issues:*
  - The status of the access leg to adjoining lot 11; and*
  - The suitability or otherwise of the existing point designated for access/egress onto Gull Road.*
4. The matters outlined above were all broadly addressed in the amending document, while a land capability report had been prepared by Landform Research and assessed and adopted in 2003 as part of the site's rezoning to 'Special Site – Caravan Park'. Following a review of the document and a site inspection, the proponent provided a summary of the land capability findings in the amending document.
5. The proposed Scheme Amendment was subsequently initiated at the Ordinary Meeting of Council on 19 January 2010.

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.4 continued

**DISCUSSION**

6. The lot covers an area of 10.1ha and lies to the south of Nanarup Road, approximately 2km east of the Kalgan River. The land slopes upward to the south-east, gradually getting steeper as it reaches the southern lot boundary. Although much of the land has been cleared, a substantial stand of remnant native vegetation extends across the lot from the mid-point on the western boundary to the east and south, spreading across the lot at its southern end.
7. A dwelling stands at the south-western corner of the lot, with four associated holiday cottages scattered loosely across the lot towards the north-east. An access leg that forms part of Lot 11, leaves Nanarup Road between Lot 30 and Lot 9 (Lower Kalgan Hall) and carries a right of carriageway providing access to the subject lot at two separate points.
8. The land to the west and south of the subject lot forms part of Special Rural Area No. 9, while the land to the north and east is zoned 'Rural'. The area has been identified as being suitable for 'Rural Residential' development in the draft Albany Local Planning Strategy (ALPS). The proposed amendment would create a small addition to Special Rural Area No. 9 and a Special Site for holiday accommodation, which would be in keeping with the objectives of Section 8.3.4 of the ALPS.
9. No negative comments were received during the public consultation period and the proposal is considered to be consistent with both State Planning Policy and the strategic planning direction set by the draft ALPS.
10. In response to the submissions from the Fire and Emergency Services Authority (FESA) and Tourism WA, staff have recommended that two modifications be made to the amendment document involving additional special provisions:
  - a) Modification of Special Condition 3.4 to read as follows:  
*"appropriate low fuel zones shall be maintained around all habitable buildings in accordance with the Planning for Bush Fire Protection Guidelines Edition 2, May 2010, or any document superseding it."*
  - b) Inclusion of a Special Condition 1.3 to read as follows:  
*"no person shall occupy a holiday accommodation unit for more than a total of three months in any 12 month period."*

**PUBLIC CONSULTATION/ENGAGEMENT**

11. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 April 2010 to 27 May 2010 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.

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Item 13.2.4 continued

12. A total of seven (7) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

**GOVERNMENT CONSULTATION**

13. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal assessment. However, additional advice and recommendations were provided, as outlined in the attached Schedule of Submissions.
14. The Amendment was also referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Health, Department of Environment and Conservation, Fire and Emergency Services Authority (FESA) and Tourism WA for assessment and comment. Responses were received from Water Corporation, Western Power, Department of Health, Department of Environment and Conservation, FESA and Tourism WA and are summarised in the attached Schedule of Submissions.

**STATUTORY IMPLICATIONS**

15. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

17. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.

18. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

**DEVELOPMENT SERVICES REPORTS**

Item 13.2.4 continued

- Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.
- Minimising the development footprint on the landscape to help protect biodiversity and the environment.
- Promoting energy conservation.
- Providing greater housing choice.
- Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.
- Reducing government expenditure on servicing current and future populations.

19. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

The draft ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:

- Discourage the creation of additional rural townsites for living purposes.
- Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.
- Avoid the development of Rural Living areas on future and potential long-term urban areas.
- Provide compact growth of selected existing rural townsites in accordance with Table 4, based on land capability and available services and facilities.
- Minimise potential for generating land-use conflicts.

20. Overall, the proposal is considered to be consistent with the various Strategic Objectives and aims set out in the draft ALPS.

**POLICY IMPLICATIONS**

21. There are policy implications related to this item.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

22. Council has the following options in relation to this item, which are:

- To seek final approval to the scheme amendment without modification;
- To seek final approval to the scheme amendment with modifications; or
- To not seek final approval to the scheme amendment.

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Item 13.2.4 continued

23. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

**SUMMARY CONCLUSION**

24. The proposal seeks to create a small addition to Special Rural Area No. 9 and a Special Site for holiday accommodation, which would be in keeping with the objectives of Section 8.3.4 of the ALPS.
25. Overall, the proposal is considered to be consistent with State Planning Policy and the strategic planning direction set by the draft ALPS. Staff would therefore recommend that the Scheme Amendment be adopted with modifications.

Item 13.2.4 continued.

**ITEM 13.2.4 – OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON**

**1. THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25 (1)© of the Town Planning Regulations 1967 resolves to ADOPT WITH MODIFICATIONS Amendment No. 301 to Town Planning Scheme No. 3 for the purposes of:**

- i. Rezoning of Portion of Lot 30 Nanarup Road, Kalgan from ‘Special Site-Caravan Park’ to ‘Special Rural’ zone and amending the Scheme Maps accordingly;**
- ii. Including Portion of Lot 30 Nanarup Road, Kalgan in ‘Special Rural’ Area no. 9, Schedule 1-Special Rural Zones-Provisions Relating to Specified Areas;**
- iii. Modifying Schedule 1-Special Rural Zones-Provisions Relating to Specified Areas, ‘Special Rural’ Area No. 9;**
- iv. Rezoning Portion of Lot 30 Nanarup Road, Kalgan from ‘Special Site-Caravan Park’ to ‘Special Use’;**
- v. Inserting Land Particulars, Permitted Uses and Special Conditions into Schedule 3 of the Scheme; and**
- vi. Amending the Scheme Maps accordingly.**

**AND**

**2. THAT Council RECEIVE the Schedule of Submissions and ADOPTS the Officer’s Recommendation to either dismiss, uphold or note each individual submission as contained in the Schedule of Submissions.**

**MOTION CARRIED 6-2**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Swann, D Wellington,  
R Paver, D Wolfe, and R Sutton.

Against the Motion: Councillors D Bostock and J Bostock

[:54:31 PM](#)

**COUNCILLOR HAMMOND RETURNED TO THE CHAMBER.**

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Item 13.2.4 continued

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 301**  
**SCHEDULE OF SUBMISSIONS**

| <b>No.</b> | <b>Name/Address of Submitter</b>   | <b>Summary of Submission</b>   | <b>Officer Comment</b> | <b>Staff Recommendation</b> |
|------------|--|--|------------------------|-----------------------------|
| 1          | Environmental Protection Authority<br>Locked Bag 33<br>Cloisters Square<br>PERTH WA 6850 | <p>The Environmental Protection Authority (EPA) has determined that the scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act), but nevertheless provides the following advice and recommendations:</p> <p>1. Environmental Issues</p> <ul style="list-style-type: none"> <li>• Native Vegetation</li> <li>• Surface Water Quality and Quantity</li> </ul> <p>2. Advice and recommendations regarding Environmental Issues</p> <p><u>Native Vegetation</u></p> <p>The Department of Environment and Conservation (DEC) has previously provided comment to the City of Albany on this as a Scheme Amendment Request (SAR No. 144) on 9 September 2009.</p> | Nil.                   | The submission is noted.    |

ORDINARY COUNCIL MEETING MINUTES – 20/07/10  
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 DEVELOPMENT SERVICES REPORTS

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 301**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter | Summary of Submission   | Officer Comment | Staff Recommendation |
|-----|---------------------------|---|-----------------|----------------------|
|     |                           | <p>The advice involved moving the boundary between the two lots east by 25 metres to minimise the impact upon native vegetation due to firebreaks or fence lines. The advice also included minor adjustments to the location of Chalet 4 and the rear driveway to the existing Chalet 5.</p> <p>The EPA acknowledges that this advice has been endorsed and incorporated into this amendment and that the changes will minimise the impact on the native vegetation by reducing the truncation of this vegetation from approximately 195 metres to 35 metres.</p> <p><u>Surface Water Quality and Quantity</u><br/>           The amendment documentation refers to an <i>“ill defined ‘drainage line’ running north down the slope to the southernmost dam. This is likely to be the overland flow path for major storm events”</i>.</p> <p>Although no new buildings are proposed</p> |                 |                      |

## DEVELOPMENT SERVICES REPORTS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 301

## SCHEDULE OF SUBMISSIONS

| No. | Name/Address of Submitter                         | Summary of Submission  | Officer Comment | Staff Recommendation     |
|-----|---|--|-----------------|--------------------------|
|     |   | near this drainage line, it is expected by the EPA that all stormwater drainage within the development is to be designed in accordance with the principles of Best Management Practice as outlined in the Department of Water (DoW) Stormwater Management Manual for Western Australia (2004-2007).  |                 |                          |
| 2   | Water Corporation<br>PO Box 915<br>ALBANY WA 6331 | <p>No objections.</p> <p>A 20mm water service is already installed on Lot 30 and one additional water service could be provided to the new lot on payment of a Standard Headworks Contribution subject to the owner entering into a Special Agreement that covers limitations on water pressure, flow and continuity of supply.</p> <p>Further development or subdivision of this property will require connection to the existing reticulation network that currently terminates on the western side of the Kalgan River bridge. The landowner should</p> | Nil.            | The submission is noted. |

ORDINARY COUNCIL MEETING MINUTES – 20/07/10  
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**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 301**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter  | Summary of Submission  | Officer Comment | Staff Recommendation     |
|-----|--|--|-----------------|--------------------------|
|     |  | be advised to engage a consulting engineer to discuss with the Corporation, future servicing of the land with reticulated water.   |                 |                          |
| 3   | Western Power<br>Locked Bag 2520<br>PERTH WA 6001                                  | No objections.   | Nil.            | The submission is noted. |
| 4   | Department of Health<br>PO Box 8172<br>PERTH BC WA 6849                            | No objections.   | Nil.            | The submission is noted. |
| 5   | Department of Environment and Conservation<br>120 Albany Highway<br>ALBANY WA 6330 | No objections.<br><br>The proposal document appears to be very thorough and, overall, presents a sound case for the proposed zoning and forward planning changes.<br><br>It is pleasing to note that the proponents, and City, have supported the minor change of internal boundary slightly eastwards to minimise the impact upon native vegetation, as recommended to you in our letter of 9 | Nil.            | The submission is noted. |

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**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 301**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter   | Summary of Submission  | Officer Comment   | Staff Recommendation  |
|-----|---|--|---|---|
|     |   | September 2009. The Environmental Protection Authority has also endorsed this request.   |   |   |
| 6   | Fire & Emergency Services Authority<br>Great Southern Region<br>5 Hercules Crescent<br>ALBANY WA 6330 | <p>Bush fire risk must be considered in planning decisions to avoid increasing the risk through inappropriately located or designed land use and development.</p> <p>The <i>Planning for Bush Fire Protection</i> document and WAPC Policy DC 3.7 cover the requirements for subdivisions to address on ground fire protection issues. Australian Standard 3959 covers the Standard for Construction of Buildings in Bushfire-Prone Areas. The requirements of all 3 documents need to be considered in total when dealing with any subdivision development.</p> <p>As a bare minimum, I recommend that the following issues need to be included as part of the approval for any development as a result of the proposed rezoning:</p> | <p>The Special Conditions recognise the need for maintenance of appropriate fire breaks and low fuel buffers around buildings.</p> <p>However, it is agreed that they should incorporate a requirement for habitable buildings to achieve hazard separation distances as per the <i>Planning for Bush Fire Protection Guidelines Edition 2, May 2010</i>, or any document superseding it.</p> <p>In terms of a dedicated fire fighting water supply, the furthest extent of the subject lot is within approximately 400m of the nearest hydrant, which is located by the volunteer Bushfire Brigade shed on the adjacent block.</p> | <p>The submission is upheld in part.</p> <p><u>Modifications required:</u></p> <ul style="list-style-type: none"> <li>- Modification of Special Condition 3.4 to read as follows:</li> </ul> <p><i>“Appropriate low fuel zones shall be maintained around all habitable buildings in accordance with the Planning for Bush Fire Protection Guidelines Edition 2, May 2010, or any document superseding it”.</i></p> |

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**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 301**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter   | Summary of Submission   | Officer Comment  | Staff Recommendation      |
|-----|-----------------------------|---|--|---------------------------|
|     |                             | <p>4. Access<br/> <i>Planning for Bush Fire Protection sect 3.4</i><br/>           Safe access and egress for both residents and fire services from both the subdivision and individual houses.</p> <p>5. Dedicated Fire Fighting Water Supplies<br/> <i>Planning for Bush Fire Protection sect 3.5</i><br/>           Fire Hydrants installed every 100m for industrial areas, 200m for residential areas, 400m or water tanks for fire fighting water supplies in rural areas.</p> <p>6. Hazard Separation<br/> <i>Planning for Bush Fire Protection sect 3.6</i><br/>           There must be a physical separation between development and any extreme bush fire hazards as well as low fuel areas around any buildings.</p> <p>There may be a need to include additional requirements on a case by case basis.</p> |  |                           |
| 7   | Tourism WA<br>GPO Box X2261 | No objections. However, it is recommended that the following statement is included  | It is agreed that it would be appropriate to include a Special | The submission is upheld. |

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**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**AMENDMENT No. 301**  
**SCHEDULE OF SUBMISSIONS**

| No. | Name/Address of Submitter | Summary of Submission  | Officer Comment   | Staff Recommendation  |
|-----|---------------------------|--|---|---|
|     | PERTH WA 6847             | within the Special Conditions relating to Special Use Zone No. 20:<br><br><i>“No person shall occupy a holiday accommodation unit for more than a total of three months in any 12 month period”.</i> | Condition restricting the occupancy of the holiday accommodation units on the site to no more than three months in any calendar year. | <u>Modification required:</u><br><br>- Inclusion of a Special Condition 1.3 to read as follows:<br><br><i>“No person shall occupy a holiday accommodation unit for more than a total of three months in any 12 month period”.</i> |

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# **CORPORATE & COMMUNITY SERVICES Reports**

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**CORPORATE & COMMUNITY SERVICES REPORTS**

**ITEM NUMBER:** 14.1.1  
**ITEM TITLE:** LIST OF ACCOUNTS FOR PAYMENT

**File Number or Name of Ward** : FIN 040 (All Wards)  
**Reporting Officer(s)** : Finance Manager (P Wignall)  
**Disclosure of Interest** : Nil  
**Previous Reference** : N/A  
**Agenda Attachment(s)** : List of Accounts for Payment

**BACKGROUND**

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund during the month of June 2010. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

**Municipal Fund**

|                          |              |                              |
|--------------------------|--------------|------------------------------|
| Trust                    | Totalling    | \$32,600.35                  |
| Cheques                  | Totalling    | \$153,141.45                 |
| Electronic Fund Transfer | Totalling    | \$2,320,356.94               |
| Credit Cards             | Totalling    | \$4,650.87                   |
| Payroll                  | Totalling    | \$1,148,320.29               |
|                          | <b>TOTAL</b> | <b><u>\$3,659,069.90</u></b> |

3. As at the 30<sup>th</sup> June 2010, the total outstanding creditors, stands at \$969,813.99
4. Cancelled cheques – 25581, 25587, 25793, 25837, 25948, 26074, 26417, 26495, 26499, 26506 & 26521

**PUBLIC CONSULTATION /ENGAGEMENT**

5. Nil

**GOVERNMENT CONSULTATION**

6. Nil

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.1.1 continued

**STATUTORY IMPLICATIONS**

7. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
8. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund. This delegation was last reviewed in December 2007 – Item 14.4.1.
9. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

**FINANCIAL IMPLICATIONS**

10. Expenditure for the period to 30 June 2010 has been incurred in accordance with the 2009/10 budget parameters.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

***Community Vision:***

*Nil*

***Priority Goals and Objectives:***

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

*Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.*

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

*At the City of Albany we apply Council funds carefully.*

**POLICY IMPLICATIONS**

12. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2009/10 budget parameters, it is recommended that the list of accounts for payment be received.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

13. Nil

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.1.1 continued

**SUMMARY CONCLUSION**

14. That list of accounts have been authorised for payment under delegated authority.

**ITEM 14.1.1 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 30 June 2010 totalling \$3,659,069.90.**

**MOTION CARRIED 9-0**

[8:55:03 PM](#) **COUNCILLOR DUFTY RETURNED TO THE CHAMBER**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**ITEM NUMBER:** 14.1.2

**ITEM TITLE:** 2010/2011 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM

|                                   |   |
|-----------------------------------|---|
| <b>File Number (Name of Ward)</b> | : FIN061 (All Wards)  |
| <b>Summary of Key Points</b>      | : Recommendations for funding under the 2010/2011 Community Events Financial Assistance Program   |
| <b>Land Description</b>           | : N/A   |
| <b>Proponent</b>                  | : N/A   |
| <b>Owner</b>                      | : N/A   |
| <b>Reporting Officer(s)</b>       | : Executive Manager Community Services (David Schober)  |
| <b>Disclosure of Interest</b>     | : Executive Director Corporate & Community Services (W P Madigan). Nature: Wife is an executive member of Southern Districts Dressage Club. |
| <b>Business Entity Name</b>       | : N/A   |
| <b>Previous Reference</b>         | : N/A   |
| <b>Agenda Attachment(s)</b>       | : Summary of 2010/2011 Community Events Financial Assistance Program assessments  |
| <b>Consulted References</b>       | : N/A   |
| <b>Maps and Diagrams</b>          | : N/A   |

**BACKGROUND**

1. The Community Events Financial Assistance Program is a competitive grants program of the City of Albany. The scheme is conducted in one round each year, with applications being invited in April and closing at the end of May.
2. Council has provided a specific budget allocation for community event grants of \$80,000 (subject to budget adoption). Funding for community event grants is provided on a matching basis, with the community organisation being required to contribute the equivalent in cash or in-kind. The applicant must demonstrate that other funding opportunities have been investigated and that attempts to source other external funds have been or are being made.

**DISCUSSION**

3. Applications for the 2010/2011 Community Events Financial Assistance Program closed on 31<sup>st</sup> May 2010 with 16 applications seeking a total of \$88,460 in financial assistance from Council. The Council budget for community events grants in 2010/11 is \$80,000.
4. There was a high diversity of applications including major regional festivals, music productions, recreational activities, heritage events, sporting and multi-cultural activities.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.1.2 continued

5. The funding recommendations presented are based on assessment against multiple criteria outlined in the Community Events Policy adopted at the OCM 19 May 2009 Item 12.12.2. Maintaining support for the diverse community-based activities which meet the Council's social equity and cultural development objectives have also been recommended.
6. Council has previously resolved to nominate 'Icon Status' to the following events giving them certainty that they will be funded over a three year period (subject to a submission being received each year):
  - The Albany Classic Motor Event (2010, 2011, 2012)
  - Perth International Arts Festival (Great Southern Program) (2010, 2011, 2012) – currently expires in 2009.
  - Albany Agricultural Show (2008, 2009, 2010).
  - Anzac Day (2009, 2010, 2011).
7. A full list summarising applications and recommendations is in the Information Bulletin.

**PUBLIC CONSULTATION /ENGAGEMENT**

8. Nil

**GOVERNMENT CONSULTATION**

9. Nil

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

11. In accordance with the total budget allocation of \$80,000.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

***Community Vision:***

*diverse community driven by a spirit of generosity.*

***Priority Goals and Objectives:***

*Goal 1: Lifestyle and Environment ... (a City) ... offering a diverse range of healthy and active lifestyle opportunities.*

*Objective 1.4: Our cultural and artistic communities are valued, celebrated and supported.*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.1.2 continued

*Objective 3.2: (City Centre will be) a vibrant cultural hub stimulated by attractive inner city residential and tourism accommodation.*

**City of Albany Mission Statement:**

- *At the City of Albany we provide best value in applying council and community resources.*
- *We foster community involvement in decision making.*
- *We apply council funds carefully.*

**POLICY IMPLICATIONS**

13. Council adopted a Community Events Policy at the OCM 19 May 2009 Item 12.12.2. The policy is outlined below:

**Objective:**

*To provide an equitable approach to the provision of financial assistance to not-for-profit community organisations to host events that benefit the organisation and/or the Albany community.*

**Grant Types:**

Icon Events

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

Community Events

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

Sporting Events

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

**Eligibility:**

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

**Single Annual Funding Round:**

*Applications close on the 31<sup>st</sup> May each year.*

Funding Pool

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.1.2 continued

Administration

*The Executive Manager Community Services will make recommendations to Council on the allocation of grants.*

Delegation of Authority

*Nil.*

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Nil.

**SUMMARY CONCLUSION**

15. That the recommendations contained in the summary be adopted.

**CORPORATE & COMMUNITY SERVICES REPORTS**

## ITEM 14.1.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- i) ADOPT the recommended funding allocations for the 2010/2011 Community Events Financial Assistance Program being:

| APPLICANT   | DESCRIPTION  | AMOUNT   |
|---|--|----------|
| Creative Albany Inc                                     | Welcome to visiting Cruise Ships - 2010 Program  | \$5,000  |
| Albany Vintage & Classic Motorcycle Club                | Vintage motorcycle weekend including bike display on Saturday and annual hillclimb on Sunday   | \$1,000  |
| Albany Racing Club Inc                                  | Thoroughbred Horse Race, "City of Albany Handicap"   | \$2,000  |
| Albany City Wind Ensemble Inc                           | To present to the Albany community two performances of musical entertainment in the Albany Town Hall Theatre on the 24 <sup>th</sup> and 25 <sup>th</sup> July 2010              | \$1,500  |
| Albany Agricultural Society (Icon Event)                | 2010 Albany Agricultural Show and Trade Exhibition   | \$8,000  |
| Albany Horsemen's Assoc Inc                             | A showjumping weekend with State qualifiers at Centennial Oval   | \$1,500  |
| Southern Districts Dressage Club Inc                    | The Southern Solstice Dressage Championships is a two day dressage competition attracting a large number of competitors from a range of age groups and grades from throughout WA | \$1,500  |
| ArtsouthWA Inc  | 2010 Southern Art & Craft Trail of more than 60 exhibitions throughout the Great Southern  | \$3,000  |
| RSL Albany Sub Branch (Icon Event)                      | ANZAC Day 2011   | \$10,000 |
| NewArts (Inc)   | Paperartzi 011   | \$7,000  |
| Lower Great Southern Family Support Assoc Inc           | International Day for People with a Disability   | \$1,000  |
| Perth International Arts Festival (PIAF) – (Icon Event) | 2011 Festival Great Southern Program   | \$15,000 |
| Princess Royal Sailing Club                             | 2011 Mirror World Championship   | \$5,000  |
| Major Lockyer Proclamation Day Society Inc              | Re-enactment of Major Lockyer's Proclamation   | \$1,500  |
| Classic Motor Event (Icon Event)                        | 2010 Albany Classic Motor Event  | \$15,000 |
| City Events   |  | \$2,000  |
|   | TOTAL  | \$80,000 |

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.1.2 continued.

ALTERNATE MOTION BY COUNCILLOR WOLFE

**ITEM 14.1.2 ALTERNATE MOTION COUNCILLOR WOLFE  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR J BOSTOCK**

**THAT this item lay on the table for a period of one month to allow the Community Financial Assistance Committee to review the recommendations.**

**MOTION CARRIED 10-0**

**Councillor's Reason**

Council has a committee to review and make recommendations for the Community Financial Assistance and Events Funding. This Committee has not met, and Councillor Wolfe believes it should do so to review the applications. Some of the events appear to be events which would normally be funded from the Community Financial Assistance Fund that has been suspended for the next two years. It would be worthy to review the decisions as the committee has not yet been placed in recess.

**CORPORATE & COMMUNITY SERVICES REPORTS**

**14.6 – RECREATION SERVICES**

**ITEM NUMBER: 14.6.1**

**ITEM TITLE: LEASE OF ALBANY LEISURE AND AQUATIC CENTRE CAFE**

|                                    |   |
|------------------------------------|---|
| <b>File Number or Name of Ward</b> | : MAN205 (All Wards)  |
| <b>Summary of Key Points</b>       | : Operation of the Albany Leisure and Aquatic Centre Café                           |
| <b>Land Description</b>            | : Albany Leisure and Aquatic Centre, Barker Rd, Albany.                             |
| <b>Proponent</b>                   | : City of Albany  |
| <b>Owner</b>                       | : City of Albany  |
| <b>Reporting Officer(s)</b>        | : Executive Manager, Community Services (David Schober)                             |
| <b>Disclosure of Interest</b>      | : Nil   |
| <b>Previous Reference</b>          | : OCM 19/02/08 Item 12.6.1<br>OCM 21/07/09 Item 14.12.2<br>OCM 19/01/10 Item 14.6.1 |
| <b>Agenda Attachments (s)</b>      | : Survey of WA Local Government Operated Leisure and Aquatic Centres                |
| <b>Bulletin Attachment(s)</b>      | : 2009 CERM PI National Benchmarking Survey for Aquatic Centre by Facility Size     |
| <b>Consulted References</b>        | : CERM benchmark performance indicators   |

**BACKGROUND**

1. The Albany Leisure and Aquatic Centre caters for 750,000 visitations per annum offering a wide range of facilities and services.
2. Historically the City of Albany has operated and managed the Café service at the centre until February 2001 when it was leased to a commercial entity.
3. The lease for the Café returned \$3,300 per annum from February 2001 until December 2006 when the lease holder decided to terminate the lease.
4. No cafeteria service was provided during the period of the centre's redevelopment.
5. At OCM 19/02/08 Item 12.6.1 Council resolved to operate the ALAC Café from the re-opening of the Centre until June 30th, 2009 utilising Centre staff.
6. At OCM 21/07/09 Item 14.12.2 Council resolved to approve ALAC to continue to operate the Café for a further period of 12 months. This period is to conclude in June 2010.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.6.1 continued.

**DISCUSSION**

7. The initial business plan developed for the Café projected a small financial return to the Centre while ensuring customer service levels remained high.
8. Due predominantly to the high cost of staff wages the Café has been unable to operate at a profit and is predicted to show a deficit of \$30,315 in the 2010/11 financial year.
9. The Cafe uses only casual staff due to the 12 month commitment by Council in order to minimise risk if it were to be out-sourced at a later date. Casual staff currently attract a loading of 20% in lieu of holiday and sick pay. This loading is expected to increase to 21 - 25% for all casual staff with the City's new Enterprise Bargaining Agreement in line with a recent ruling by Fair Work Australia.
10. The Cafe could employ staff on a permanent part time basis if it received some certainty of tenure. If ALAC is to continue operation of the Cafe, for a specified fixed term, a combination of permanent part time and casual staff would be employed to realise these cost savings. The nature of the business, being 40 weeks of school terms and 12 weeks of school holidays, would suggest a mix of permanent part time, full time and casual staff would provide the most cost effective form of staffing.
11. The Cafe deficit for 2009/10 financial year is expected to be \$50,000. The difference from 2010/11 (\$30,315) to 2009/10 (\$50,000) is due largely to the cold pool and boiler breakdown where patronage has fallen significantly.
12. The ALAC Cafe currently provides catering services to the City of Albany. This includes Council dinners, Civic receptions and scheduled meetings. In the 2009/10 financial year the catering expense to the City is \$34,000. This has resulted in a net saving of \$28,000 back to the City. (\$62,000 expense in 2008/09 and \$61,000 expense in 2007/08).
  - Note 2008/09 was a combination of external and internal catering and is excluded from the comparison provided.
13. A survey of 24 Local Government operated Leisure centres has been undertaken. The sample of 24 centres included 13 metropolitan and 11 regional sites. The following provides a summary of these findings:
  - a. 17 Local Governments operated cafe facilities
  - b. 6 Local Governments leased cafe facilities
  - c. 1 (Goldfields Oasis) currently advertising for a leasee
  - d. 2 (Katanning and Broome) reported cancelling leases due to issues arising over quality control.
  - A full copy of this research is available in the bulletin.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.6.1 continued.

14. The consideration for Council is the comparative cost of operating the service measured against customer service levels.
15. The Centre for Environmental and Recreation Management (CERM) bench mark performance indicators across the recreation industry. The 2009 survey report from a sample size of 41 like facilities across Australia indicate the following relating to Café facilities:

Secondary spend per visit

Other income (Café and Sports store) / total annual visits

National average = \$0.51

ALAC = \$0.62 (\$465,000 / 750,000 visits)

This indicates ALAC receives significantly higher secondary spend returns from patrons compared to the National benchmarked average.

- A full copy of this data source is available in the bulletin.

**PUBLIC CONSULTATION / ENGAGEMENT**

16. Nil

**GOVERNMENT CONSULTATION**

17. Nil

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

19. Option One. ALAC management model.

The Albany Leisure and Aquatic Centre continues to operate the Cafe at a deficit of \$30,000 per annum (but deliver a saving of \$28,000 for catering supplies back to the City) and Council recognise that it is a community service and ancillary to the operation.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.6.1 continued.

20. Option Two. Lease cafe.

Based on previous valuations the facility could be leased for approximately \$10,450\* per annum. There will be an initial expense of approximately \$5,000 to install power, water and gas metres and a further cost of \$5,000 to cover advertising and legal services. It is expected that there will be a cost to manage the lease operationally and Council have previously set this fee at \$5,000 per annum.

If this option is exercised there could be an additional cost in relation to Council catering services.

- Note: Annual rent is derived from the Café Business Plan tabled OCM Bulletin, February 2008, where Albany Valuation Services derived a “fair market value” for this amount as at October 2007.

21. Option Three. Close cafe

ALAC closes the Cafe service and redevelops the space.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

**Lifestyle and Environment:**

1.3 *Recreation facilities provide a diverse range of sporting and exercise opportunities.*

**Governance:**

4.2 *Manage our municipal assets to ensure they are capable of supporting our growing community*

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

**POLICY IMPLICATIONS**

23. Nil

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

24. Option one (1). Continue to operate the Cafe utilising Centre staff on current wage levels defined by the Local Government Award and collective agreements for City Staff.

25. Option two (2). Advertise for expressions of interest, seeking a lease fee to operate the service.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.6.1 continued.

26. Option Three (3). Not operate a Cafe facility at the ALAC and close the Cafe.
27. Legal Implications. Should Council seek expressions of interest for leasing the Café, legal services will need to be engaged to determine legally binding:
  - a. trading hours;
  - b. price control;
  - c. customer service charter; and
  - d. asset maintenance.

**SUMMARY CONCLUSION**

28. The cost to Council to operate the ALAC cafe is budgeted at \$30,000 per annum for 2010/11 financial year, although this is largely off-set by the saving back to Council of \$28,000 per annum.
29. Council would need to contribute approximately \$5,000 to install power, water and gas meters in order to pass these metered expenses on to the lease holder.
30. Council would also need to contribute approximately \$5,000 in legal and advertising fees associated with lease documentation.
31. Irrespective of the outcome ALAC will continue to progress its remedial actions to reduce expenses by reviewing operating times, catering charges and refining processes.
32. Whilst the City may advertise for expressions of interest, the amount of interest or commercial capacity to operate within agreed parameters is unknown.
33. Based on the method applied previously by Council the lease fee set at \$10,450 plus a \$5,000 management fee and utility charges may also inhibit commercial interest.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.6.1 continued.

**ITEM: 14.6.1 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR J BOSTOCK**

THAT Council continue to operate the Albany Leisure and Aquatic Centre (ALAC) Café with City of Albany staff as a community service, and continue to utilise café services in the provision of catering services across the organisation.

**MOTION CARRIED 6-4**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, R Paver, D Bostock, D Wolfe and D Dufty

Against the Motion: Councillors R Hammond, J Swann, D Wellington and R Sutton

COUNCILLOR D BOSTOCK MOVED AN AMENDMENT TO BE INCLUDED IN THE ORIGINAL OFFICER RECOMMENDATION.

And THAT in the interim the administration investigate further options which would make the café more sustainable in line with commercial operations. A report is to be prepared for Council review over a twelve month period from 1 July 2010 to 30 June 2011.

**ITEM 14.6.1 – AMENDED MOTION BY COUNCILLOR D BOSTOCK**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR D BOSTOCK**

**SECONDED: MAYOR EVANS**

**THAT Council continue to operate the Albany Leisure and Aquatic Centre (ALAC) Café with City of Albany staff as a community service, and continue to utilise café services in the provision of catering services across the organisation; and in the interim the administration investigate further options which would make the café more sustainable in line with commercial operations. A report is to be prepared for Council review over a twelve month period from 1 July 2010 to 30 June 2011.**

**MOTION CARRIED 6-4**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, R Paver, D Bostock, D Wolfe and D Dufty

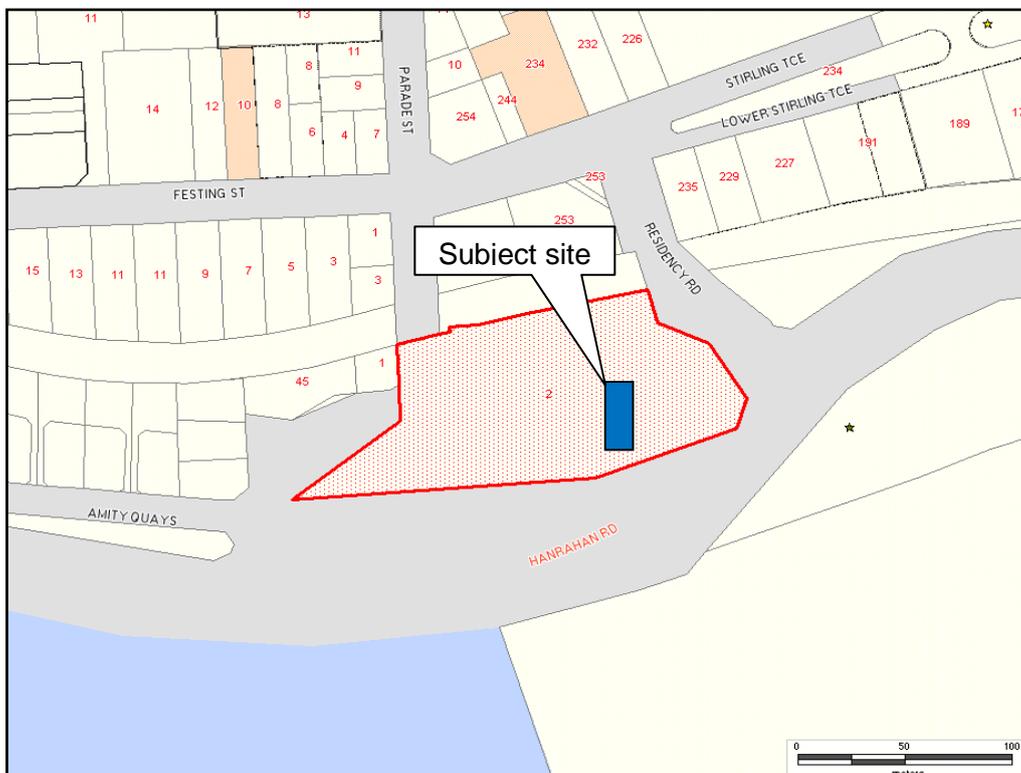
Against the Motion: Councillors R Hammond, J Swann, D Wellington and R Sutton

**14.11 PROPERTY MANAGEMENT**

**ITEM NUMBER:** 14.11.1

**ITEM TITLE:** NEW LEASE AND DESIGN APPROVAL TO WESTERN AUSTRALIAN MUSEUM FOR WELCOME WALLS

- File Number or Name of Ward** : PRO377/A96366 (Frederickstown Ward)
- Summary of Key Points** : Consider request for a new lease and design approval to Western Australian Museum on Part of Lot B41 on portion of Reserve 4156 for the purpose of Welcome Walls for a term of 21 years commencing 1 August 2010
- Land Description** : Part of Lot B41 on Plan 213192 on portion of Reserve 4156 Albany
- Proponent** : Western Australian Museum
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (T Catherall)  
Executive Manager, Community Services (D Schober)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16.02.2010 Item 14.12.2
- Agenda Attachment(s)** : Welcome Wall Designs
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council's Policy – Property Management – Leases  
Amity Heritage Precinct Master Plan
- Maps and Diagrams** :



**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.11.1 continued.

**BACKGROUND**

1. Reserve 4156 is under a Management Order H603418 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of Museum and Park for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Lot B41 on portion of Reserve 4156 is located at street address 2 Parade Street, Albany within the Amity Heritage Precinct.
3. In April 1992 the former Town of Albany approved a lease to Western Australian Museum for a term of 21 years commencing 14 April 1992 and expiring 13 April 2013 on Lot B41 and 878 on portion of Reserve 4156 for Museum purposes. This lease returns a nominal rental of \$10.00 plus GST per annum.
4. The proposed new lease area for the Albany Welcome Walls is adjacent the existing Western Australian Museum Leased Premises.
5. The Albany Welcome Walls project began in 2006 when the Government of the day announced a tribute to those people who migrated to Australia by sea, and whose first footfall was in Albany. This project would be similar to the Welcome Walls in Fremantle located adjacent to the Maritime Museum on Victoria Quay.
6. The Albany Welcome Walls project group formed in 2006 consisted of Museum and City of Albany members and local stakeholders including Albany Historical Society, Heritage Council of WA and Tourism WA. The group facilitated public consultation to determine the preferred location for the Welcome Walls.
7. Of the 2 proposed locations, Amity Heritage Precinct, adjacent to the Museum and the Albany Waterfront redevelopment area, 85% were in favour of the Amity Heritage Precinct location.
8. Due to a number of unforeseen delays, including budget restraints and necessary design changes the project was delayed. With these issues now resolved Western Australian Museum has indicated it is committed to completing the Albany Welcome Walls project by the end of this year.
9. At Ordinary Council Meeting of 16 March 2010 Item 14.12.2, Council resolved to support the Amity Heritage Precinct site adjacent the Museum Leased Premises as the preferred location for the Welcome Walls subject to a lease, to ensure that all requirements in relation to the Walls are the responsibility of Western Australian Museum.
10. This site would be maintained by Western Australian Museum with the final design to be approval by Council prior to construction.
11. A written request has been received from Western Australian Museum for a new lease over an area of approximately 97 square metres adjacent the existing Museum Leased Premises within Reserve 4156 for a term of 21 years for the purpose of Welcome Walls.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.11.1 continued.

**DISCUSSION**

12. The proposed lease site for the Welcome Walls adjacent the existing Museum Leased Premises was chosen as this location represented many advantages to ensure the projects successful completion.
13. This location would be simpler for the Museum to maintain, the tribute would be adjacent the Residency building stories which tell of migration and arrivals and can be built immediately once designs are finalised.
14. The Amity Heritage Precinct is a major tourist attraction and community facility. The annual visitation of 93,000 to the precinct is expected to grow with redevelopment. It is anticipated the location of the Welcomes Walls within the Precinct will further enhance the tourism experience with the potential to increase visitor numbers to Albany.
15. The planned capacity of the Albany Welcome Walls is 500 inscriptions. Currently 480 inscriptions have been committed representing over 1,000 migrants.
16. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases for this category of lease.
17. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent.

**PUBLIC CONSULTATION / ENGAGEMENT**

18. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
19. This Section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
20. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b & c) states that Section 3.58 of the Act is exempt if:
  - (b) *The land is disposed of to a body, whether incorporated or not –*
    - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
    - (ii) *the members of which are not entitled or permitted to receive any pecuniary from the body's transactions;*
  - (c) (ii) *a department, agency, or instrumentality of the Crown in right of State or the Commonwealth; or*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.11.1 continued.

21. The Western Australian Museum is a State Government organisation and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995.

**GOVERNMENT CONSULTATION**

22. As this is Crown land, Ministerial approval is required.

**STATUTORY IMPLICATIONS**

23. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
24. As this is Crown land, under a Management Order H603418 issued to the City of Albany for the purpose of Museum and Park, Ministerial approval will be required.
25. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.

**FINANCIAL IMPLICATIONS**

26. The new lease rental will be \$725.00 plus GST per annum being the equivalent to Minimum Land Rate as determined by Council per annum in line with Council's Policy - Property Management - Leases for this category of lease.
27. The new lease income will be directed to COA 140530 Income – Miscellaneous Commercial.
28. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

***“Community Vision***

*Nil.*

***Priority Goals and Objectives***

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

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 14.11.1 continued.

***City of Albany Mission Statement***

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

**POLICY IMPLICATIONS**

30. Council adopted a Property Management - Leases Policy in 2007. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
31. The recommendation is consistent with Council's Policy – Property Management – Leases.
32. The recommendation is consistent with Council's Planning and Building approval processes.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

33. Council has the following options in relation to this item, which are:
  - a. Approve the request for a new lease subject to design approval , or
  - b. Decline the request.
34. Should Council not approve the request, Western Australian Museum would be required to consider an alternate location and/or design should they wish to continue the Albany Welcome Walls project.

**SUMMARY CONCLUSION**

35. As Council has previously resolved to support the Albany Welcome Walls project within the Amity Heritage Precinct adjacent the Museum Leased Premises and the enhanced tourism experience with potential to increase in visitor numbers at no cost to Council, the proposed new lease to Western Australia Museum for a term of 21 years is recommended.

Item 14.11.1 continued.

**ITEM 14.11.1 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR WELLINGTON**

**THAT Council:**

- (i) subject to section 3.58 of the Local Government Act 1995 and section 18 of the Land Administration Act 1997 **APPROVES** the request for a new lease to Western Australia Museum for a term of 21 years on Lot B41 portion of Reserve 4156 for the purpose of Welcome Walls.

The lease being in compliance with Council's Policy – Property Management – Leases, with the following conditions:

- The lease term being 21 years commencing 1 August 2010;
- The lease rental be \$725.00 plus GST per annum being the equivalent to Minimum Land Rate as determined by Council per annum;
- All design approvals to be obtained prior to commencing construction;
- All costs associated with the construction, maintenance and operations of the Leased Premises to be payable by the proponent; and
- All costs associated with the development, execution and completion of the lease to be payable by the proponent.

- (ii) approve the design of the Welcome Walls project subject to Heritage Council of WA approval and attainment of City of Albany Planning and Building licence approvals.

**MOTION CARRIED 10-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**14.12 – CORPORATE & COMMUNITY SERVICES COMMITTEE**

**ITEM NUMBER: 14.12.1**

**ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 17 JUNE 2010**

**File Number or Name of Ward** : MAN 131 (All Wards)  
**Summary of Key Points** : Receive the minutes of the Seniors Advisory Committee.  
**Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)  
**Disclosure of Interest** : Nil  
**Agenda Attachment(s)** : Committee meeting minutes – 17 June 2010  
: Action Plan  
: EF1012467 – Seniors community issues and responses  
**Bulletin Attachment(s)** : Stay On Your Feet Week – Event Planner Booklet  
: Draft - Asset Management Plan Reserves (Developed)  
: Commonwealth Respite and Carelink Centre – EOI – Mental Health Training, 28 – 30 June 2010  
: Draft - North Road Safety Survey June 2010  
: Copy of letter to Australia Post re: Relocation of ACROD parking bay located at Sanford Rd site

**ITEM 14.12.1 - COMMITTEE RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR WOLFE**

**THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 17 June 2010 be RECEIVED.**

**MOTION CARRIED 10-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**ITEM NUMBER: 14.12.2**

**ITEM TITLE: ALBANY TOURISM MARKETING ADVISORY COMMITTEE MEETING MINUTES**

**File Number or Name of Ward** : STR 208 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration  
**Reporting Officer(s)** : Executive Director Corporate and Community Services  
**Disclosure of Interest** : Nil  
**Previous Reference** : N/A  
**Agenda Attachment(s)** : Committee Meeting Minutes – 9 June 2010  
**Bulletin Attachment(s)** : Nil

[9:22:37 PM](#) **COUNCILLOR PAVER LEFT THE CHAMBER AFTER DECLARING A FINANCIAL INTEREST.**

**ITEM: 14.12 - COMMITTEE RECOMMENDATION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**  
**SECONDED: COUNCILLOR SUTTON**

**THAT the UNCONFIRMED minutes of the Albany Tourism Marketing Advisory Committee meeting held on 9 June 2010 be received.**

**MOTION CARRIED 9-0**

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# **WORKS & SERVICES Reports**

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**WORKS & SERVICES REPORTS**

**ITEM NUMBER: 15.2.1A**

**ITEM TITLE: REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – ROUND THREE FUNDING (RLCIP)**

|                                    |   |
|------------------------------------|---|
| <b>File Number or Name of Ward</b> | : STR 004 (All Wards)   |
| <b>Summary of Key Points</b>       | : Approve allocations for the Federal Government RLCIP grant funding application. |
| <b>Land Description</b>            | : N/A   |
| <b>Proponent</b>                   | : City of Albany  |
| <b>Owner</b>                       | : N/A   |
| <b>Reporting Officer(s)</b>        | : Manager City Projects (S Pepper)  |
| <b>Disclosure of Interest</b>      | : Nil   |
| <b>Previous Reference</b>          | : Nil   |
| <b>Bulletin Attachment(s)</b>      | : Nil   |
| <b>Maps &amp; Diagrams</b>         | : Nil   |

**BACKGROUND**

1. The Regional and Local Community Infrastructure Program was announced by the Prime Minister at the Australian Council of Local Government inaugural meeting on 18 November 2008 as part of the Nation Building Economic Stimulus Plan. Since its inception, the Regional and Local Community Infrastructure Program has made more than \$1 billion available to local government authorities to build and modernise community infrastructure.
2. On 18 June 2010, the Prime Minister announced that additional funding of \$100 million for the Regional and Local Community Infrastructure Program (RLCIP) would be made available in 2010-11.
3. This funding will assist councils to build and modernise community facilities, including town halls, libraries, community centres, sports grounds and environmental infrastructure and is aimed at strengthening our communities during the economic recovery by supporting local jobs and provide long-term benefits to communities by renewing and upgrading local infrastructure.
4. City of Albany has been allocated \$276,000. To obtain this funding, applications must be submitted by **30 July 2010**, projects must be ready to proceed, begin construction within six months of signing the funding agreement, and the projects must be completed and expend all funding by 31 December 2011.

**DISCUSSION**

5. The purpose of this report is for Council to consider approving a range of non budgeted projects to proceed from the allocated \$276,000.

**WORKS & SERVICES REPORTS**

Item 15.2.1A continued.

6. Staff have identified the following projects are available for this funding opportunity and provide appropriate comments-
- **South Stirlings Transfer Station** – this is the only rural landfill site that has not been developed as a transfer station. In Council’s Strategic Waste Management Plan adopted in 2009, the South Stirlings site was identified as requiring a transfer station, to address environmental and recycling issues.
  - **Centennial Park Drainage** - The Centennial Park Recreation Precinct Master Plan identifies that Council will mitigate flood impacts by developing a comprehensive drainage network and arrange for an increase of water capture and supply (water harvesting) features in areas that were previously unusable.
  - **Wellington St Detention Basins**- with recent extreme weather conditions, flooding has been an issue at the Albany Leisure Centre (flood damage on two occasions), and these basins can be upgraded to assist in the protection of an increasingly important asset. In the Flood Management Strategy adopted in April 2010, the Yakamia Creek catchment has been identified as a drainage area requiring substantial works.
  - **Central Area Civic Precinct and Streetscape Project** – before any works can be commenced, a public consultation period will be required. The timelines for this work have the potential to overrun the funding deadlines. The Albany Central Area Masterplan 2010 was adopted in June 2010 and provides direction for this project.
  - **Mt Clarence ANZAC Infrastructure Project** – funding will become available through the Federal Government Centenary 2014-18 program.
  - **Peace Park Lone Pine** - funding will become available through the Federal Government Centenary 2014-18 program.
7. It should be noted, that as all suggested projects are located on Crown reserves, vested in the City of Albany, and that the completed works will remain as a community infrastructure asset of the City.

**PUBLIC CONSULTATION/ENGAGEMENT**

8. Public consultation has occurred with the development of the Centennial Park Recreation Precinct Master Plan, Central Area Civic Precinct and Streetscape Project, Mt Clarence ANZAC Infrastructure Project, and Peace Park - Lone Pine.

**GOVERNMENT CONSULTATION**

9. No Government consultation is required regarding this matter.

**STATUTORY IMPLICATIONS**

10. In accordance with the provisions of the Local Government Act 1995, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.

Item 15.2.1A continued.

**FINANCIAL IMPLICATIONS**

11. External funding for large infrastructure projects will enhance the local economy and social well being of its residents.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

12. This item discusses funding of a broad range of projects and relates to all major elements of the Albany Insight – Beyond 2020 Corporate Plan:

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. There are no legal obligations with this item.

**SUMMARY CONCLUSION**

15. The suggested projects are community based items, which will provide long term benefits to the Albany community.
16. It is recommended that should the actual costs of any project vary from the above estimates, the CEO be authorised to administer the expenditure amounts within the total budget of \$276,000.

**WORKS & SERVICES REPORTS**

Item 15.2.1A continued.

**ITEM 15.2.1A - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVE the ready to proceed project list for RLCIP grant funding:

1. Ready to proceed projects:

| Priority | Group                            | Project                          | Revised Estimate |
|----------|----------------------------------|----------------------------------|------------------|
| 1        | South Stirlings Transfer Station | Construction of transfer station | \$195,000        |
| 2        | Centennial Park drainage         | drainage, ground improvements    | \$ 81,000        |
| Total    |                                  |                                  | \$276,000        |

AND

2. That should one of the preferred projects not be able to proceed, Council APPROVE the following reserve project:

Reserve Projects

| Priority | Group                          | Project              | Amount    |
|----------|--------------------------------|----------------------|-----------|
| 1        | Wellington St Detention Basins | Drainage improvement | \$100,000 |

AND

3. That should the actual costs of any project vary from the above estimates, the CEO be authorised, to administer the expenditure amounts within the total budget of \$276,000.

Item 15.2.1A continued.

[:25:45 PM](#)     **COUNCILLOR PAVER RETURNED TO THE CHAMBER.**

ALTERNATE MOTION BY COUNCILLOR J BOSTOCK

THAT Council APPROVE the ready to proceed project list for RLCIP grant funding:

1. Ready to proceed projects:

| Priority | Group                          | Project                       | Revised Estimate |
|----------|--------------------------------|-------------------------------|------------------|
| 1        | Wellington St Detention Basins | Drainage improvement          | \$100,000        |
| 2        | Centennial Park drainage       | drainage, ground improvements | \$ 81,000        |
| Total    |                                |                               | \$181,000        |

AND

2. That should one of the preferred projects not be able to proceed, Council APPROVE the following reserve project:

Reserve Projects

| Priority | Group                            | Project                          | Amount    |
|----------|----------------------------------|----------------------------------|-----------|
| 1        | South Stirlings Transfer Station | Construction of transfer station | \$195,000 |

AND

3. That should the actual costs of any project vary from the above estimates, the CEO be authorised, to administer the expenditure amounts within the total budget of \$276,000.

**Councillor’s Reason**

Council’s financial position is not strong, and the expenditure of this grant funding on the South Stirling Transfer Station results in additional ongoing annual financial burden to the ratepayer. This is an additional operating cost of \$23,000 per year. Whilst this may be a worthy cause, the world is full of worthy causes, but we cannot afford them all.

It is time to examine any and every expenditure and unless absolutely necessary, that is we cannot survive without it, we must say no. It is the only way to get our finances under control. We must change the way we operate and question all outgoings. It is time to tighten our belt, and we must do it convincingly and consistently. You have already heard the expression ‘look after the pennies and the pounds will look after themselves’, well it is time save every penny.

We have already been made very aware of the flooding problems and the expenditure in this area is wholly appropriate and will not engender further costs. In the interests of our finances I ask you to support this amendment.

Item 15.2.1 continued.

**ITEM 15.2.1 ALTERNATE MOTION COUNCILLOR J BOSTOCK  
 VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR J BOSTOCK  
 SECONDED: COUNCILLOR D BOSTOCK**

**THAT Council APPROVE the ready to proceed project list for RLCIP grant funding:**

**1. Ready to proceed projects:**

| Priority     | Group                          | Project                       | Revised Estimate |
|--------------|--------------------------------|-------------------------------|------------------|
| 1            | Wellington Detention Basins St | Drainage improvement          | \$100,000        |
| 2            | Centennial drainage Park       | drainage, ground improvements | \$ 81,000        |
| <b>Total</b> |                                |                               | <b>\$181,000</b> |

**AND**

**2. That should one of the preferred projects not be able to proceed, Council APPROVE the following reserve project:**

**Reserve Projects**

| Priority | Group                            | Project                          | Amount    |
|----------|----------------------------------|----------------------------------|-----------|
| 1        | South Stirlings Transfer Station | Construction of transfer station | \$195,000 |

**AND**

**3. That should the actual costs of any project vary from the above estimates, the CEO be authorised, to administer the expenditure amounts within the total budget of \$276,000.**

**MOTION LOST 3-7**

**Record of Vote**

For the Motion: Councillors J Bostock, D Bostock and R Paver

Against the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, D Wolfe, D Dufty and R Sutton

[:35:00 PM](#) **COUNCILLOR HAMMOND LEFT THE CHAMBER.**

Item 15.2.1A continued.

**ITEM 15.2.1A - OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR DUFTY**

**THAT Council APPROVE the ready to proceed project list for RLCIP grant funding:**

**4. Ready to proceed projects:**

| Priority     | Group                            | Project                          | Revised Estimate |
|--------------|----------------------------------|----------------------------------|------------------|
| 1            | South Stirlings Transfer Station | Construction of transfer station | \$195,000        |
| 2            | Centennial Park                  | drainage, ground improvements    | \$ 81,000        |
| <b>Total</b> |                                  |                                  | <b>\$276,000</b> |

**AND**

**5. That should one of the preferred projects not be able to proceed, Council APPROVE the following reserve project:**

**Reserve Projects**

| Priority | Group                          | Project              | Amount    |
|----------|--------------------------------|----------------------|-----------|
| 1        | Wellington St Detention Basins | Drainage improvement | \$100,000 |

**AND**

**6. That should the actual costs of any project vary from the above estimates, the CEO be authorised, to administer the expenditure amounts within the total budget of \$276,000.**

**MOTION CARRIED 7-2**  
**ABSOLUTE MAJORITY**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, J Swann, D Wellington, D Wolfe, D Dufty and R Sutton

Against the Motion: Councillors D Bostock and R Paver

**WORKS & SERVICES REPORTS**

**15.3 RESERVES, PLANNING AND MANAGEMENT**  
**ITEM NUMBER: 15.3.1**  
**ITEM TITLE: FINAL ADOPTION OF THE ASSET MANAGEMENT PLAN – RESERVES (NATURAL)**

|                                    |  |
|------------------------------------|--|
| <b>File Number or Name of Ward</b> | : All Wards  |
| <b>Summary of Key Points</b>       | : Final Adoption of Asset Management Plan – Reserves (Natural)     |
| <b>Land Description</b>            | : City of Albany Municipality                                      |
| <b>Proponent</b>                   | : N/A  |
| <b>Owner</b>                       | : N/A  |
| <b>Reporting Officer(s)</b>        | : Manager City Assets (P Brown)                                    |
| <b>Disclosure of Interest</b>      | : Nil  |
| <b>Previous Reference</b>          | : OCM Item 15.3.1 (18/5/2010)                                      |
| <b>Bulletin Attachment(s)</b>      | : Asset Management Plan – Reserves (Natural)<br>Councillors Lounge |
| <b>Consulted References</b>        | : Nil  |
| <b>Maps and Diagrams</b>           | : Nil  |

**BACKGROUND**

1. At the February 2008 Ordinary Council meeting, an item was adopted by Council to support the introduction of the WA Asset Management Improvement Program (WAAMI) for the City's asset management infrastructure.
2. The Western Australian Improvement Programme (WAAMI) represents a Western Australian initiative to improve asset management activities at a local government level and is being supported by the Western Australian Local Government Association (WALGA), Department of Local Government and Regional Development (DLGRD), Local Government Manager's Association (LGMA) and the Institute of Public Works Engineers Australia (IPWEA).
3. Council resolved on 19<sup>th</sup> February 2008 to participate in the Western Australian Asset Management Improvement Program (WAAMI). The Asset Management Plan – Reserves (Natural) is the fourth in a series of new asset management plans being developed using the tools developed by the two (2) year programme.
4. At the May 2010 Ordinary Council Meeting the draft Asset Management Plan – Reserves (Natural) was received with the following resolution;  
*‘THAT Council:*
  - 1) *Adopt the Draft Asset Management Plan – Reserves (Natural)*
  - 2) *Advertise for a period of 21 days; and*
  - 3) *Include funding in the 2010/11 draft budget funds for consideration*

**WORKS & SERVICES REPORTS**

Item 15.3.1 continued.

5. The plan was advertised on the 27<sup>th</sup> May 2010 and circulated to key stakeholders and the public. City of Albany staff was also encouraged to provide input. Following a twenty one (21) day public consultation period, a total of two (2) submissions were received.

**DISCUSSION**

6. This new Asset Management Plan – Reserves (Natural) takes into account the changes in population, demographics and the City development. It also provides an overall picture of the City's liabilities in relation to new reserve requirements, renewal and maintenance activities over a five (5) year period.

**PUBLIC CONSULTATION / ENGAGEMENT**

7. One response was received from the Manager of City Works. The content of the response was questioning whether the criteria proposed to be used to prioritise the reserves had been trialled to determine its success. Whilst every effort has been made to incorporate all elements important within the natural reserve system, it has also been acknowledged in the plan that the criteria parameters will be continually reassessed throughout the field assessment stages and refined if necessary.

**GOVERNMENT CONSULTATION**

8. One response was received from the Heritage Council of Western Australia. The content of the response was to remind the City of its obligations under the Heritage of Western Australia Act 1990 to refer any proposed development on a reserve that will affect a registered place. The plan has been amended to include a description of the Heritage of Western Australia Act 1990 in table 2 and the inclusion of the Heritage Council as a key stakeholder. The City has an existing working relationship with the Regional Heritage Advisor and will engage her for natural reserves if necessary.

**STATUTORY IMPLICATIONS**

9. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

**FINANCIAL IMPLICATIONS**

10. The cost of the initiatives highlighted in the Asset Management Plan – Reserves (Natural) will be presented annually for budget deliberations.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

11. The Asset Management Plan – Reserves (Natural) aligns with Albany Insight – Beyond 2020. The City plans to operate and maintain its reserve network to achieve the following strategic objective:

*“Item 4 Governance*

*4.2 Manage our municipal assets to ensure they are capable of supporting our growing community.”*

Item 15.3.1 continued.

**POLICY IMPLICATIONS**

12. This document complies with the Council adopted Asset Management Policy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

13. There are no alternatives or legal implications associated with this item.

**SUMMARY CONCLUSION**

14. The adoption of the Asset Management Plan – Reserves (Natural) will provide the City with a strategic direction for the management of this asset over a five (5) year period. The plan will be reviewed annually and revisions will include the ultimate 15 year plan.

**ITEM 15.3.1 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE  
SECONDED: COUNCILLOR WELLINGTON**

**THAT Council ADOPT the Asset Management Plan – Reserves (Natural)**

**MOTION CARRIED 9-0**

**ITEM NUMBER: 15.3.2**

**ITEM TITLE: FINAL ADOPTION OF THE ASSET MANAGEMENT PLAN – RESERVES (DEVELOPED)**

|                                    |  |
|------------------------------------|--|
| <b>File Number or Name of Ward</b> | : All wards  |
| <b>Summary of Key Points</b>       | : Final adoption of the Asset Management Plan – Reserves (Developed) |
| <b>Land Description</b>            | : City of Albany Municipality  |
| <b>Proponent</b>                   | : N/A  |
| <b>Owner</b>                       | : N/A  |
| <b>Reporting Officer(s)</b>        | : Manager City Assets (P Brown)                                      |
| <b>Disclosure of Interest</b>      | : Nil  |
| <b>Previous Reference</b>          | : OCM Item 15.3.2 (18/5/2010)  |
| <b>Agenda Attachment(s)</b>        | : Asset Management Plan – Reserves (Developed)<br>Councillors Lounge |
| <b>Consulted References</b>        | : Nil  |
| <b>Maps and Diagrams</b>           | : Nil  |

## **BACKGROUND**

1. At the February 2008 Ordinary Council meeting, an item was adopted by Council to support the introduction of the WA Asset Management Improvement Program (WAAMI) for the City's asset management infrastructure.
2. The Western Australian Improvement Programme (WAAMI) represents a Western Australian initiative to improve asset management activities at a local government level and is being supported by the Western Australian Local Government Association (WALGA), Department of Local Government and Regional Development (DLGRD), Local Government Manager's Association (LGMA) and the Institute of Public Works Engineers Australia (IPWEA).
3. Council resolved on 19<sup>th</sup> February 2008 to participate in the Western Australian Asset Management Improvement Program (WAAMI). The Asset Management Plan – Reserves (Developed) is the forth in a series of new asset management plans being developed using the tools developed by the two (2) year programme.

**WORKS & SERVICES REPORTS**

Item 15.3.2 continued.

4. At the May 2010 Ordinary Council Meeting the draft Asset Management Plan – Reserves (Developed) was received with the following resolution;  
*'THAT Council:*
  - 1) *Adopt the Draft Asset Management Plan – Reserves (Developed)*
  - 2) *Advertise for a period of 21 days; and*
  - 3) *Include funding in the 2010/11 draft budget funds for consideration'*
5. The plan was advertised on the 27<sup>th</sup> May 2010 and circulated to key stakeholders and the public. City of Albany staff were also encouraged to provide input. Following a twenty one (21) day public consultation period, a total of eight (8) submissions were received.

**DISCUSSION**

6. This new Asset Management Plan – Reserves (Developed) takes into account the changes in population, demographics and the City development. It also provides an overall picture of the City's liabilities in relation to new reserve requirements, renewal and maintenance activities over a five (5) year period.

**PUBLIC CONSULTATION / ENGAGEMENT**

7. The public consultation / engagement involved advertising and circulation to key stakeholders with the feedback noted and addressed.

**GOVERNMENT CONSULTATION**

9. The government consultation involved the circulation of the document to key stakeholders.

**STATUTORY IMPLICATIONS**

10. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

**FINANCIAL IMPLICATIONS**

11. The cost of the initiatives highlighted in the Asset Management Plan – Reserves (Developed) will be presented annually for budget deliberations.

Item 15.3.2 continued.

### **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

12. The Asset Management Plan – Reserves (Developed) aligns with Albany Insight – Beyond 2020. The City plans to operate and maintain its reserve network to achieve the following strategic objective:

*“Item 4 Governance*

*4.2 Manage our municipal assets to ensure they are capable of supporting our growing community.”*

### **POLICY IMPLICATIONS**

13. This document complies with the Council adopted Asset Management Policy.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. There are no alternatives or legal implications associated with this item.

### **SUMMARY CONCLUSION**

4. The adoption of the Asset Management Plan – Reserves (Developed) will provide the City with a strategic direction for the management of this asset over a five (5) year period. The plan will be reviewed annually and revisions will be included in the ultimate 15 year plan.

[:37:20 PM](#) **COUNCILLOR HAMMOND RETURNED TO THE CHAMBER.**

**ITEM: 15.3.2 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE  
SECONDED: COUNCILLOR WELLINGTON**

**THAT Council ADOPT the Asset Management Plan – Reserves (Developed).**

**MOTION CARRIED 10-0**

## **15.2B CAPITAL WORKS**

**ITEM NUMBER:** 15.2.1  
**ITEM TITLE:** ACCEPT TENDER FOR MOWING SERVICES

**File Number or Name of Ward** : C10007  
**Summary of Key Points** : Accept the tender from Edenborn Pty. Ltd for Mowing Services Biennial 2010/12  
**Land Description** : All Wards  
**Proponent** : Nil  
**Owner** : Nil  
**Reporting Officer(s)** : Parks & Trades Co-ordinator (David Hatelie) and Parks Supervisor (Stuart Dyson)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Nil

### **BACKGROUND**

1. Council's current contract for mowing services expired on 30<sup>th</sup> June 2010. In order for Council to maintain the current level of commitment for these works, Council was required to re-tender this service.

### **DISCUSSION**

2. The Tender was advertised in the local media. A total of twenty seven tenders were downloaded and three received at the close of the tender period. They are as follow:
  - a. Edenborn Pty Ltd
  - b. Activ Property Care
  - c. Robert Field
3. All tenders submitted complied with the Regional Price Preference Policy.

## WORKS &amp; SERVICES REPORTS

Item 15.2.1B continued

4. All tenders submitted were checked for conformance with the evaluation criteria.

| Criteria                                       | Edenborn Pty Ltd | Activ Property Care | Robert Field |
|--|------------------|---------------------|--------------|
| Schedule of rates                              | ✓                | ✓                   | ✓            |
| Demonstrated experience with similar works     | ✓                | ✓                   | ✓            |
| Demonstrated appropriate resource capabilities | ✓                | ✓                   | ×            |
| Ability to deliver on time                     | ✓                | ✓                   | ✓            |
| Safety Management Management                   | ✓                | ✓                   | ✓            |
| Reference checks                               | ✓                | ✓                   | ✓            |

5. The tender documentation stated that the following criteria and weightings would be used to evaluate the submissions.

| Criteria             | % Weighting |
|----------------------|-------------|
| Cost                 | 30          |
| Experience           | 20          |
| Reliability          | 20          |
| Technical Compliance | 20          |
| Safety Management    | 10          |
| <b>Total</b>         | <b>100</b>  |

6. The following table summarize those submissions received by the close of the tender period.

| COMPANY                    | TOTAL PRICE (2010/2012) | WEIGHTING     |
|----------------------------|-------------------------|---------------|
| <b>EDENBORN PTY LTD</b>    | <i>\$134,038.50</i>     | <i>595.05</i> |
| <b>ACTIV PROPERTY CARE</b> | <i>\$178,200.00</i>     | <i>460.05</i> |
| <b>ROBERT FIELD</b>        | <i>\$129,154.72</i>     | <i>454.90</i> |

**WORKS & SERVICES REPORTS**

Item 15.2.1B continued

7. The majority of the contract submissions were deemed acceptable to Council and have the appropriate skills, experience and resources to undertake the works except for Robert Field who does not have any equipment.
8. Council's staff undertakes the majority of mowing within Council managed areas. The mowing service contract supplements these operations by mowing the verges and median strips of the three principal roads into the CBD as well as Middleton Road.
9. These areas are difficult to mow due to their proximity to traffic and the narrow width of grassed areas. This particular service has been contracted out since 2001 and has enabled Council staff to maintain a consistent level of service within its parks and gardens as well as providing neat presentation of major roads without increasing Council's own resources.
10. Activ Property Care's tender submission was well documented and compliant with tender specifications, however, concerns were raised over the length of time required by this company to complete each mowing cycle.
11. Robert Field's tender submission was well documented, however concerns were raised regarding his capacity to undertake the scope of works given that he has limited experience and does not have the mechanical resources to provide this service. The company would be required to purchase all the necessary equipment if his tender had been successful.
12. Edenborn Pty Ltd is Council's current contractor. The company has consistently demonstrated their reliability and their commitment to carrying out these works. Edenborn Pty Ltd has also indicated their ongoing commitment to OS&H management.

**PUBLIC CONSULTATION / ENGAGEMENT**

13. A request for tenders was published in the West Australian on 5<sup>th</sup> May 2010, the Albany Advertiser on 6<sup>th</sup> May 2010 and Albany Extra on 7<sup>th</sup> May 2010.

**GOVERNMENT CONSULTATION**

14. Nil

**STATUTORY IMPLICATIONS**

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

Item 15.2.1B continued

**FINANCIAL IMPLICATIONS**

18. Funds for this service are budgeted each year from within the Works and Services Operating accounts. The costs for this service are consistent with budget forecasts and within budget parameters.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*Priority Goals and Objectives:*

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

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

*City of Albany Mission Statement:*

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

**POLICY IMPLICATIONS**

20. Councils Policy “Regional Price Preference Policy – Buy Local” is applicable to this item.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

21. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.

**SUMMARY CONCLUSION**

22. The City has undergone a competitive process in line with the relevant legislation and established policies. The tender submission from Edenborn Pty Ltd scored the highest total weighting for all of the required evaluation criteria.

**ITEM 15.2.1B – OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR DUFTY**

**THAT Council ACCEPT the tender for Mowing Services Biennial (2010/11) C10007 from Edenborn Pty Ltd at the tendered rates.**

**MOTION CARRIED 10-0**

**WORKS & SERVICES REPORTS**

**ITEM NUMBER: 15.2.2B**  
**ITEM TITLE: ACCEPT TENDER FOR TRADES & BUILDING SERVICES**

**File Number or Name of Ward** : C10006  
**Summary of Key Points** : Accept the tender from Havoc Builders for Trades & Building Services Biennial 2010/12  
**Land Description** : All wards  
**Proponent** : Nil  
**Owner** : Nil  
**Reporting Officer(s)** : Parks & Trades Co-ordinator (David Hatelie) and Trades Supervisor (John Mitchell)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Nil

**BACKGROUND**

1. Council's current contract for Trades & Building Services expired on 30<sup>th</sup> June 2010. In order for Council to maintain the current level of commitment for these works, Council was required to re-tender this service.
2. The Building & Trades Services contract provides for minor works to Council Infrastructure thus allowing Council's Trades staff to concentrate their efforts on core activities.

**DISCUSSION**

3. The Tender was advertised in the local media. A total of twenty one tenders were downloaded and three received at the close of the tender period. They are as follows:
  - a. Robinson Buildtech
  - b. Havoc Builders
  - c. Building & Maintenance Services
4. All tenders submitted complied with the Regional Price Preference Policy.

**WORKS & SERVICES REPORTS**

Item 15.2.2B continued

5. All tenders submitted were checked for conformance with the evaluation criteria.

| <b>Criteria</b>                                | <b>Robinson Buildtech</b> | <b>Havoc Builders</b> | <b>Building &amp; Maintenance Services</b> |
|--|---------------------------|-----------------------|--|
| Schedule of rates                              | ✓                         | ✓                     | ✓  |
| Demonstrated experience with similar works     | ✓                         | ✓                     | ✓  |
| Demonstrated appropriate resource capabilities | ✓                         | ✓                     | ✓  |
| Ability to deliver on time                     | ✓                         | ✓                     | ✓  |
| Safety Management                              | ✓                         | ✓                     | ✓  |
| Reference checks                               | ✓                         | ✓                     | ✓  |

6. The tender documentation stated that the following criteria and weightings would be used to evaluate the submissions.

| <b>Criteria</b>                     | <b>% Weighting</b> |
|-------------------------------------|--------------------|
| Cost                                | 50                 |
| Technical compliance and Experience | 30                 |
| Reliability                         | 10                 |
| Safety and Quality Management       | 10                 |
| <b>Total</b>                        | <b>100</b>         |

7. The following tables summarize those submissions received by the close of the tender period.

**Form 1A – Trades & Building Services**

| <b>COMPANY</b>                             | <b>WEIGHTING</b> |
|--|------------------|
| <b>HAVOC BUILDERS</b>                      | <i>675</i>       |
| <b>BUILDING &amp; MAINTENANCE SERVICES</b> | <i>576.25</i>    |
| <b>ROBINSON BUILDTECH</b>                  | <i>383.75</i>    |

**WORKS & SERVICES REPORTS**

Item 15.2.2B continued

**Form 1B – Waste Sites**

| <b>COMPANY</b>                             | <b>WEIGHTING</b> |
|--|------------------|
| <b>HAVOC BUILDERS</b>                      | <b>716.67</b>    |
| <b>BUILDING &amp; MAINTENANCE SERVICES</b> | <b>628.33</b>    |
| <b>ROBINSON BUILDTECH</b>                  | <b>290</b>       |

8. All of the contract submissions were deemed acceptable to Council and have the appropriate skills, experience and resources to undertake the works tender.
9. Robinson Buildtech is relatively new to Albany with back up from its Perth based company. However the cost variance on their submission for the two areas was significantly higher than the other tender submissions.
10. Building & Maintenance Services Pty Ltd tender submission was well documented and compliant with tender specifications. The parent company presently is contracted to provide plumbing services to the City of Albany and has demonstrated reliability and commitment in carrying out this service. Their submission was a good offer but again was significantly higher than the lowest priced tender.
11. Havoc Building is Council's current contractor. This company has consistently demonstrated their reliability and their commitment to carrying out these works. Havoc Building's submission is based on a flat rate with "no after hours" charge and considered the most advantageous offer to Council.

**PUBLIC CONSULTATION / ENGAGEMENT**

12. A request for tenders was published in the West Australian on 5<sup>th</sup> May 2010, the Albany Advertiser on 6<sup>th</sup> May 2010 and Albany Extra on 7<sup>th</sup> May 2010.

**GOVERNMENT CONSULTATION**

13. Nil

**STATUTORY IMPLICATIONS**

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.

**WORKS & SERVICES REPORTS**

Item 15.2.2B continued.

15. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
16. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

**FINANCIAL IMPLICATIONS**

17. Funds for these services are budgeted each year from within the Works and Services Operating accounts. The costs for this service are consistent with budget forecasts and within budget parameters.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*Priority Goals and Objectives:*

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

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

*City of Albany Mission Statement:*

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

**POLICY IMPLICATIONS**

19. Councils Policy "Regional Price Preference Policy – Buy Local" is applicable to this item.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

20. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.

**SUMMARY CONCLUSION**

21. The city has undergone a competitive process in line with the relevant legislation and established policies. The tender submission from Havoc Building scored the highest total weighting for all the required evaluation criteria.

**WORKS & SERVICES REPORTS**

Item 15.2.2B continued.

**ITEM 15.2.2 – OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR DUFTY**

**THAT Council ACCEPT the tender for Trades and Building Services Biennial (2010/11)  
C10006 from Havoc Building at the tendered rates.**

**MOTION CARRIED 10-0**

**WORKS & SERVICES REPORTS**

**ITEM NUMBER: 15.2.3**  
**ITEM TITLE: REALLOACTION OF ROAD MAINTENANCE FUNDS FOR THE CONSTRUCTION OF A SHELTER FOR DEPOT GRAVEL BUNKER.**

**ITEM WITHDRAWN**

**File Number or Name of Ward** : All Wards  
**Summary of Key Points** : That Council approves the reallocation of funds for the construction the gravel bunker shelter  
**Proponent** : City of Albany  
**Owner** :  
**Reporting Officer(s)** : Manager City Works (M Richardson)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Nil  
**Consulted References** : Nil  
**Maps and Diagrams** : Nil

**BACKGROUND**

1. Council's allocation of funds for road maintenance is adopted through the annual budgetary process. Funds are used for scheduled and unscheduled maintenance across the City's road network.
2. Funds from the Roads Maintenance budget have been used to erect a shelter over the gravel bunker at the Mercer Road depot to keep its gravel dry over the winter months.
3. Council approval is required to reallocate the necessary funds from the 2009/10 roads maintenance budget and create a capital budget item to reflect the capital nature of the work.

**DISCUSSION**

4. Gravel is an important material used in road maintenance due to the binding and compaction properties that it achieves from the balance of its primary components of clay, various sized aggregates and moisture. If this balance is disrupted by, for example, too much water then the gravel turns to a muddy consistency and can't be used for road repairs.
5. Wet gravel has been an ongoing problem for road maintenance teams for many years and has hampered the quality of road repairs during wet periods of the year.
6. Building a shelter over the existing gravel storage bunker at the Mercer Road depot will allow for a stockpile of dry gravel to be managed through the winter months for the purpose of road maintenance.

Item 15.2.3 continued

**PUBLIC CONSULTATION / ENGAGEMENT**

7. Not applicable

**GOVERNMENT CONSULTATION**

8. Not applicable

**STATUTORY IMPLICATIONS**

9. 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.

**FINANCIAL IMPLICATIONS**

10. The cost of the gravel bunker shelter has been funded from the 2009/10 Road Maintenance budget.
11. Budget Line Number: 132220

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

**Community Vision:**

Nil

**Priority Goals and Objectives:**

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

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

**City of Albany Mission Statement:** At the City of Albany we are results driven and accountable. We provide best value in applying council and community resources, and we apply Council funds carefully.

Item 15.2.3 continued

**POLICY IMPLICATIONS**

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

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council has the following options in relation to the proposal
- a) To approve the re-allocation and allow City Works maintenance teams access to dry gravel during winter, or
  - b) Decline the request and have limited access to dry gravel during the year.

**SUMMARY CONCLUSION**

15. The City can improve its response time and the quality of its winter road repairs by constructing a shelter over its existing depot gravel bunker.

**ITEM WITHDRAWN**

ITEM 15.2.3 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY.

THAT COUNCIL APPROVES the reallocation of \$45,000 from its 2009/10 Road Maintenance budget to construct a shelter over the depot gravel bunker.

**WORKS & SERVICES REPORTS**

**ITEM NUMBER: 15.2.4**  
**ITEM TITLE: REGIONAL FUNDING ALLOCATIONS – PROGRESS REPORT**

**File Number** : REL088 Great Southern District  
**Summary of Key Points** : Regional Road Group Funding Allocations  
**Reporting Officer(s)** : Executive Director, Works & Services – Kevin Ketterer  
**Disclosure of Interest** : Great Southern District  
**Previous Reference** : Asset Management Policy and Strategy Committee Meeting Minutes – 19 February 2010;  
OCM 16 March 2010  
OCM 18 May 2010  
**Bulletin Attachment(s)** : Letter from Minister Grylls  
**Consulted References** : Nil  
**Maps and Diagrams** : Nil

**BACKGROUND**

1. The City has long been unsatisfied with the allocations received from regional bodies tasked with the distribution of state allocated funds to regions. A report in this regard was considered by Council at the March 2010 Ordinary Council meeting and resolved as follows:
  - *“That Council enter into discussions with the State Department for the reallocation of unspent Royalties for Regions funds from local authorities who do not have the capacity to implement projects.*
  - *That Council request that the second grant of Royalties for Regions funding be made available as soon as possible in order for the City of Albany to deliver on State and City undertakings.*
  - *That Council request that the GSRRG rescind the resolution of 22 October 2002 to implement the capping system for funding allocations.*
  - *That Council request that the GSRRG apply the allocation of funds in terms of the original guidelines as issued by the State funding body.*
  - *That Council request that the GSRRG revisit the 2010/11 funding allocations in line with the above recommendations.*
  - *That Council request that the TIRES committee revisit its allocation criteria and apply these consistently across all participating local authorities.*
  - *That a delegation be formed to represent the City of Albany Council to meet with the Minister of Transport, Simon O’Brien as a matter of urgency to seek redress in terms of the capping arrangement relating to the allocation of funding by the Regional Road Group.*
  - *That the delegation consists of the Mayor, Councillor Leavesley, Councillor Wolfe and Executive Director Works and Services, Kevin Ketterer.”*

**WORKS & SERVICES REPORTS**

Item 15.2.4 continued

**DISCUSSION**

2. Following the adoption of the above resolutions, the actions required as detailed under paragraphs 2 – 9 (excluding action 7) have been completed, and were reported to Council at the May 2010 meeting.
3. Action 7 relating to the TIRES funding allocations was actioned in June 2010.
4. The City submitted an item to the June 2010 TIRES meeting requesting them to note the City's concerns and to place on record that the City, after the recent TIRES funding allocations, was satisfied that the TIRES Committee was applying the allocation criteria in a satisfactory manner.
5. The City of Albany was allocated \$450 000 for the rehabilitation of Down Road from TIRES funding for the 10/11 Financial Year. This was reported verbally to Council at the June OCM by the Council representative, Councillor Wolfe.

**ITEM 15.2.4 – OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE  
SECONDED: MAYOR EVANS**

**THAT Council NOTE the actions taken in response to the Council resolutions**

**MOTION CARRIED 10-0**

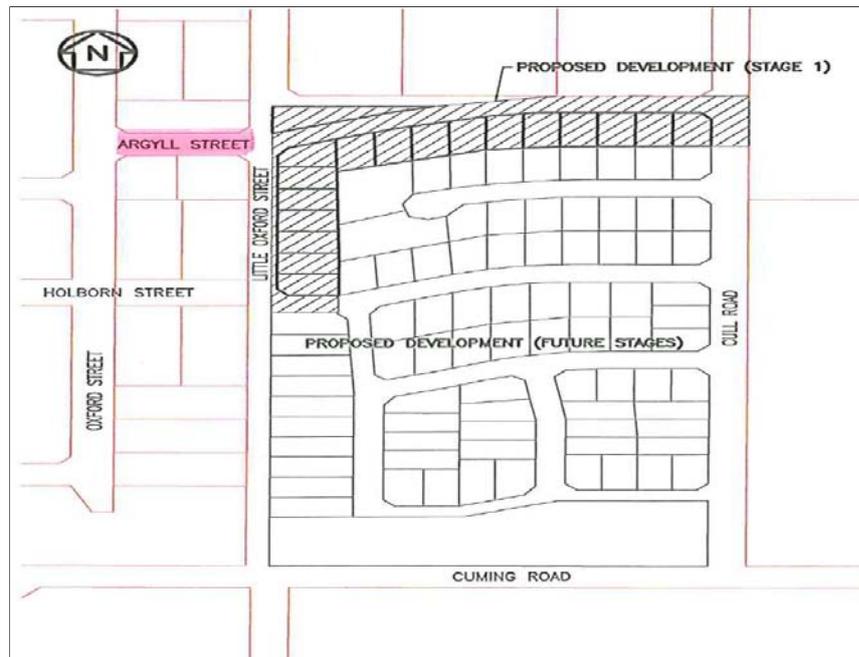
**WORKS & SERVICES REPORTS**

**ITEM NUMBER:** 15.2.5  
**ITEM TITLE:** **CONTINGENT LIABILITY – DEVELOPMENT OF LOT 260 ARGYLL STREET- EXTENSION CONTRIBUTION**

**File Number** : STR238 Lot 260, Argyll Street Extension  
**Summary of Key Points** : Development of Lot 260, Argyll Street Extension Contribution.  
**Reporting Officer(s)** : Executive Director, Works & Services – Kevin Ketterer  
**Disclosure of Interest** : Argyll Street  
**Previous Reference** : OCM 18/05/2010 Item 15.2.1  
**Bulletin Attachment(s)** : Copy of Kelly & Atwell Invoice  
**Consulted References** : Nil  
**Maps and Diagrams** : Refer below

**BACKGROUND**

1. Lot 260 Cull Road was approved by the WAPC in 2007 for the development of residential blocks. Part of the development entailed a requirement by officers of Council for the extension of Argyll Street, beyond the boundaries of the development, in order to improve connectivity to the adjoining areas.



**WORKS & SERVICES REPORTS**

Item 15.2.5 continued

2. At the 18 May 2010 Ordinary Council Meeting, Council resolved:

*“That Council consider the contribution of \$34,137 towards construction of the Argyll Street extension in the 2010/11 budget”.*

**DISCUSSION**

3. An error was made in the calculation of the contribution. The correct amount should be \$34,670 which excludes GST. Please refer to the Information Bulletin for a copy of correspondence pertaining to this item.

**FINANCIAL IMPLICATIONS**

4. An amount of \$34,137 has been already been included in the 2010/2011 budget adopted on 29 June 2010. An extra \$533 needs to be added to correct this administrative oversight.

**ALTERNATE OPTIONS**

5. That Council proceed amend the contribution amount from \$34,137 to \$34,670.

ITEM 15.2.5 – OFFICER RECOMMENDATION 1

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council RESCIND the resolution made at the OCM 18/05/2010.

ITEM 15.2.5 - OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

1. THAT Council CONSIDER the contribution of \$34,137 towards construction of the Argyll Street extension in the 2010/11 budget

AND

2. THAT Council APPROVE the re-allocation of \$533 for the Argyll Street extension contribution

**WORKS & SERVICES REPORTS**

Item 15.2.5 continued.

**ITEM 15.2.5 – AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVE the reallocation of \$533 from 'Other Road Construction' to Job No 2912 for the Argyll Street extension contribution, due to an administrative error by the developer.

**Officer's Comment (K Ketterer)**

At the 18/05/2010 OCM, Council resolved "***THAT Council consider the contribution of \$34,137 towards construction of the Argyll Street extension in the 2010/11 budget.***"

Subsequently, at the SCM held 29 June 2010, the contribution amount of \$34,137 was included in the 2010/11 budget, which was adopted by Council.

The developers have since brought to staff attention that an administrative error by the developers has identified a shortfall of \$533, which is now being requested.

**ITEM 15.2.5 – AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED:COUNCILLOR WELLINGTON**

**SECONDED:COUNCILLOR DUFTY**

**THAT Council APPROVE the reallocation of \$533 from 'Other Road Construction' to Job No 2912 for the Argyll Street extension contribution, due to an administrative error by the developer.**

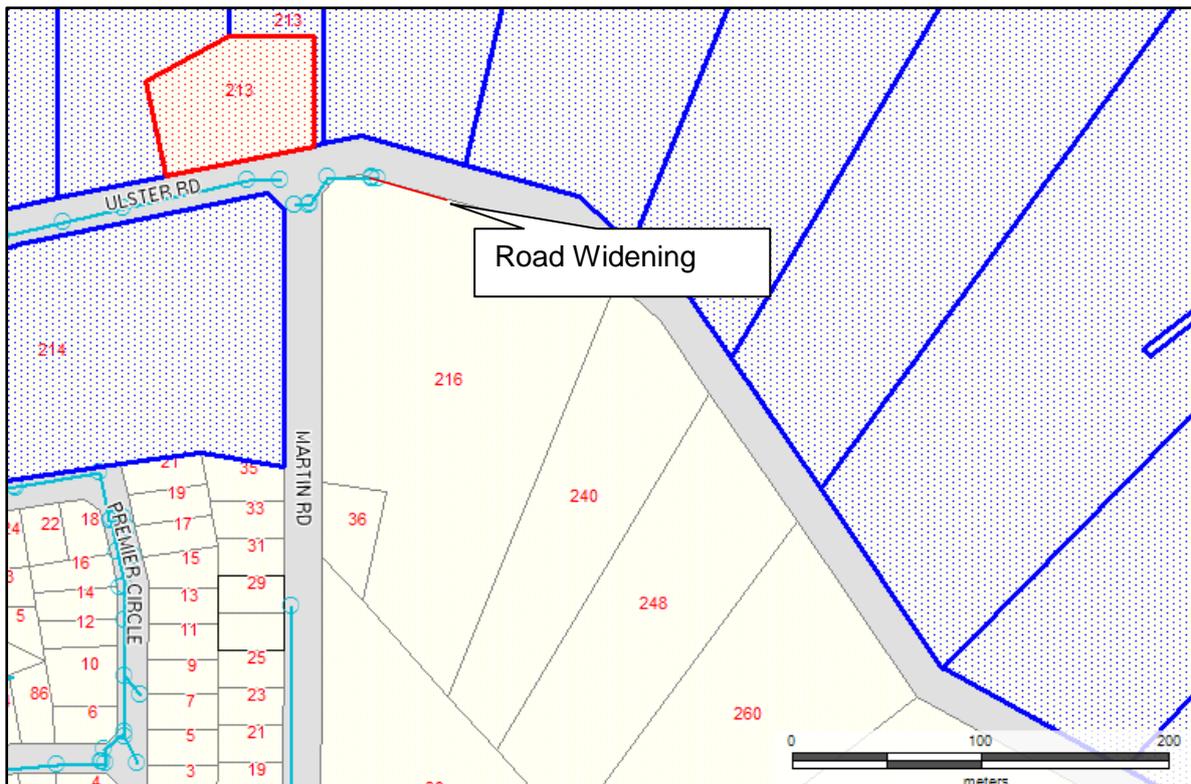
**MOTION CARRIED 10-0**

**WORKS & SERVICES REPORTS**

**ITEM NUMBER:** 15.2.6  
**ITEM TITLE:** REQUEST FOR APPROVAL TO OBTAIN ROAD WIDENING – PORTION OF LOT 2 ULSTER ROAD AND APPROVAL TO PAY COMPENSATION

[:41:19 PM](#) **COUNCILLOR SWANN LEFT THE CHAMBER AFTER DECLARING A PROXIMITY INTEREST**

- |                                    |   |
|------------------------------------|---|
| <b>File Number or Name of Ward</b> | : SER095 (Breaksea Ward)  |
| <b>Summary of Key Points</b>       | : Request for approval to obtain a road widening from portion of lot 2 of Ulster Road, and approval to pay compensation |
| <b>Land Description</b>            | : Lot 2 Ulster Road   |
| <b>Proponent</b>                   | : City of Albany  |
| <b>Owner</b>                       | : Catholic Church – formally the Community in WA of St Joseph of the Apparition   |
| <b>Reporting Officer(s)</b>        | : Manager City Projects (S Pepper)  |
| <b>Disclosure of Interest</b>      | : Nil   |
| <b>Business Entity Name</b>        | : N/a   |
| <b>Previous Reference</b>          | : OCM 17.06.08 Item 13.6.1  |
| <b>Bulletin Attachment(s)</b>      | : Nil   |
| <b>Consulted References</b>        | : Nil   |
| <b>Maps and Diagrams</b>           | : Refer below   |



**WORKS & SERVICES REPORTS**

Item 15.2.6 continued

**BACKGROUND**

1. In 2004/05, Council was successful in obtaining funds under the Regional Road Group's Black Spot Program, to address safety issues at the intersection of Ulster and Martin Roads.
2. Part of the road works improvements included a requirement to resume portion of lot 2 Ulster Road. The Land Administration Act requires a local authority to follow certain steps to complete the legal requirements for a road widening.

**DISCUSSION**

3. Approval for the resumption was obtained from affected landowners, subject to appropriate compensation being paid (in accordance with the Land Administration Act 1997), and the necessary works were completed. With staff changes occurring in 2004/05, the legislative administrative processes were not completed by referring the matter to Council, while the physical works were finalized.
4. The Community in WA of St Joseph of the Apparition, owners of Lot 2 Ulster Road, contacted Council in early May 2008, to seek payment of the compensation, as per their 2 December 2004 agreement. They have since sold the land, with the sale being subject to the compensation matter being resolved.
5. An item was presented to the June 2008 Council meeting, but Council resolved that the matter lay on the table, until the compensation claim had been completed. Unfortunately, this matter has been delayed, as negotiations had stalled.
6. As the legislative procedures were not addressed, staff are now seeking approval to finalise the road widening process for lot 2 Ulster Road and authorize a compensation payment.
7. The affected landowners, the Community in WA of St Joseph of the Apparition, are requesting finalization of compensation claim, and as the current delegation to obtain road widening/s is capped at \$50,000, this part of the process is also referred to Council for approval.
8. A valuation has been obtained for portion of lot 2 Ulster Road, identifying the current open market valuation at \$74,000, and this formed the basis of negotiations. The Executive Director Works and Services, Kevin Ketterer has completed negotiations with the applicant's solicitor, who also obtained an independent valuation, and the agreed payment, subject to Council approval is \$82,000.

**PUBLIC CONSULTATION / ENGAGEMENT**

9. The landowners were consulted, approval gained for the works to commence prior to the formalities of the road widening being completed, and agreement for compensation completed.

Item 15.2.6 continued

### **GOVERNMENT CONSULTATION**

10. The Department of Lands will be consulted, in accordance with the provisions of the Land Administration Act.

### **STATUTORY IMPLICATIONS**

11. Under the Land Administration Act 1997, section 56, Dedication of Roads –

*(1) If in the district of a local authority –*

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;*
- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
  - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or*
  - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
- or*
- (c) land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

12. The administrative steps include –

- Identify the need for a road widening
- Negotiate with the affected landowners, attending to compensation claims, if requested
- Item to Council for approval to request Minister's consideration of road widening for dedication
- Supply Minister with written confirmation of details of Council resolution for request, plan of survey, and indemnify the Minister from any claims for compensation

NB: To ensure transparency when negotiating for any land acquisition, Council would seek an independent sworn valuation of the said land.

Item 15.2.6 continued

### **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“4. Governance.....*

*4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

### **POLICY IMPLICATIONS**

14. There are no policy implications related to this item.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

15. Council has the following options in relation to the proposal:

- Complete the administrative processes relating to the road widening of portion of lot 2 Ulster Road;
- Indemnify the Minister from any claims for compensation: and
- Approve \$82,000 funds the compensation required for the road dedication.

### **SUMMARY CONCLUSION**

16. In accordance with the Land Administration Act, Council approve the legislative completion of the road widening action for lot 2 Ulster Road and approve the payment of the negotiated compensation amount totalling \$82,000.

#### **ITEM 15.2.6 - OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR WOLFE**

**That Council in accordance with Section 56 of the Land Administration Act 1997 –**

- 1. Complete the administrative processes relating to the road widening of portion of Lot 2 Ulster Road;**
- 2. Indemnify the Minister from any claims for compensation; and**
- 3. Approve \$82,000 funds the compensation required for the road dedication from the current budget, Roads –Land Acquisition account.**

**MOTION CARRIED 9-0**

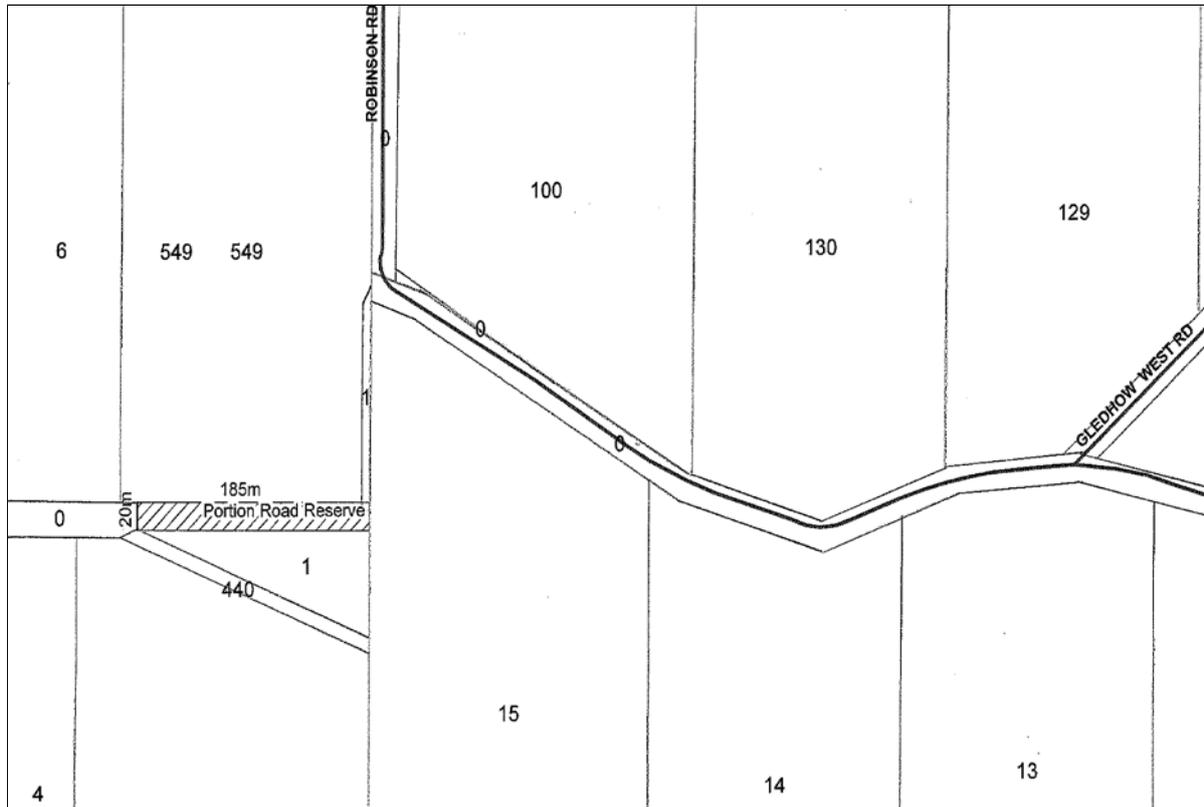
[:42:01 PM](#) **COUNCILLOR SWANN RETURNED TO THE CHAMBER.**

**WORKS & SERVICES REPORTS**

**ITEM NUMBER: 15.2.7**

**ITEM TITLE: PROPOSAL TO CLOSE PORTION OF TREBOR ROAD, CUTHBERT**

|                                   |  |
|-----------------------------------|--|
| <b>File Number (Name of Ward)</b> | : SER088 (West Ward)                               |
| <b>Summary of Key Points</b>      | : Proposal to close portion of Trebor Rd, Cuthbert |
| <b>Land Description</b>           | : Portion Trebor Road                              |
| <b>Proponent</b>                  | : W and J Looker                                   |
| <b>Owner</b>                      | : Crown  |
| <b>Reporting Officer(s)</b>       | : City Projects Finance Officer – J Ferry          |
| <b>Disclosure of Interest</b>     | : NIL  |
| <b>Business Entity Name</b>       | : N/A  |
| <b>Previous Reference</b>         | : NIL  |
| <b>Bulletin Attachment(s)</b>     | : NIL  |
| <b>Consulted References</b>       | : NIL  |
| <b>Councillor Lounge</b>          | : N/A  |
| <b>Maps and Diagrams</b>          | : Refer below                                      |



**WORKS & SERVICES REPORTS**

Ite15.2.7 continued.

**BACKGROUND**

1. A request has been received from Mr and Mrs Looker to seek closure of portion of Trebor Road Cuthbert and its subsequent sale, as the land in question is not used and has been maintained by the landowner.

**DISCUSSION**

2. Staff have investigated the request, and have identified the portion of land is an extension of a road reserve which is not required for future development.
3. A portion of Trebor Road abuts Mr and Mrs Looker's property (521 Robinson Road) and is unused road reserve.

**PUBLIC CONSULTATION / ENGAGEMENT**

4. The request for the closure of portion of Trebor Road has been proposed by an abutting landowner, and should Council agree to the request, other affected landowners would be consulted, in accordance with legislative requirements of the Land Administration Act.

**GOVERNMENT CONSULTATION**

5. In accordance with the provisions of section 58 of the Land Administration Act, all public utilities would be consulted and their comments included in any assessment of the proposal.

**STATUTORY IMPLICATIONS**

Section 58 of the Land Administration Act, 1997, - Closure of Roads -

- “(1). When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local authority must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

**WORKS & SERVICES REPORTS**

Item 15.2.7 continued.

- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –*
  - a. *By order grant the request;*
  - b. *Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction;*  
*or*
  - c. *Refuse the request.*
- (5) *If the Minister grants a request under subsection (4) –*
  - a. *The road concerned is closed on and from the day on which the relevant order is registered; and*
  - b. *Any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road –*
  - a. *Becomes unallocated Crown land; or*
  - b. *If a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.”*

**FINANCIAL IMPLICATIONS**

- 6. There are no financial implications for Council, as the subsequent sale of the road reserve would be via the Crown and abutting landowners.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“4. Governance.....*

*4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

**POLICY IMPLICATIONS**

- 8. Not Applicable.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

- 9. Council has the following options in relation to the proposal:
  - a) Seek approval for the closure of portion of Trebor Road, Cuthbert, or
  - b) Decline the request and leave the land as road reserve.

Item 15.2.7 continued.

### **SUMMARY CONCLUSION**

10. Should the Council agree to the closure of portion of Trebor Road, Cuthbert the ongoing maintenance of the land would become the responsibility of the landowners.

### **RECOMMENDATION**

11. It is recommended, that portion of Trebor Road be closed in accordance with the provisions of the Land Administration Act, as it has been identified that the road reserve is not required for future development.

#### **ITEM 15.2.7 - OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- i) In accordance with the provisions of section 58 of the Land Administration Act, agrees to the closure of portion of Trebor Road, Cuthbert (3,648m<sup>2</sup>); and
- ii) Should there be no objections to the closure, staff proceed with the administrative requirements.

#### **ITEM 15.2.7 – AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. APPROVES the initiation of the administrative actions under Section 58 of the Land Administration Act 1997 to close portion of Trebor Road, Cuthbert (3648m<sup>2</sup>), in accordance with the following subsections;
  - (1). *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
  - (7) *When a local government resolves to make a request under subsection (1), the local authority must in accordance with the regulations prepare and deliver the request to the Minister.*
  - (8) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

AND

2. Should there be no objections to the closure staff PROCEED with the request to the Minister of Lands to formalise the closure.

Item 15.2.7 continued.

**Officer's Comment (J Ferry)**

In accordance with Section 58 of the Land Administration Act a Local Authority who wishes to permanently close a road, or portion of a road, in its district subject to subsection 3 of Section 58, may request the Minister to close the road.

*(a) "A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice."*

For staff to initiate this action a council resolution is required to progress the public advertising of the proposed road closure. After 35 days advertising, which includes consultation with public utilities, and should there be any objections, staff are required by legislation to report to the council for its direction.

Council may support or decline the request for closure and should Council support the request, the Minister will then be notified to seek his approval.

**ITEM 15.2.7 – AMENDED OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY  
SECONDED: COUNCILLOR WOLFE**

**THAT Council:**

- 1. APPROVES the initiation of the administrative actions under Section 58 of the Land Administration Act 1997 to close portion of Trebor Road, Cuthbert (3648m2), in accordance with the following subsections;**
  - (1).When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
  - (9) When a local government resolves to make a request under subsection (1), the local authority must in accordance with the regulations prepare and deliver the request to the Minister.*
  - (10)A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

**AND**

- 2. Should there be no objections to the closure staff PROCEED with the request to the Minister of Lands to formalise the closure.**

**MOTION CARRIED 10-0**

**WORKS & SERVICES REPORTS**

**ITEM NUMBER:** 15.2.8

**ITEM TITLE:** PROPOSAL TO CLOSE PORTION OF GILL ROAD, MILPARA

|                                   |   |
|-----------------------------------|---|
| <b>File Number (Name of Ward)</b> | : SER088 (Kalgan Ward)                            |
| <b>Summary of Key Points</b>      | : Proposal to close portion of Gill Road, Milpara |
| <b>Land Description</b>           | : Portion Gill Road                               |
| <b>Proponent</b>                  | : G and O Parnell                                 |
| <b>Owner</b>                      | : Crown   |
| <b>Reporting Officer(s)</b>       | : City Projects Finance Officer – J Ferry         |
| <b>Disclosure of Interest</b>     | : NIL   |
| <b>Business Entity Name</b>       | : N/A   |
| <b>Previous Reference</b>         | : OCM 14 April 2010 – Item 15.2.2                 |
| <b>Bulletin Attachment(s)</b>     | : NIL   |
| <b>Consulted References</b>       | : NIL   |
| <b>Councillor Lounge</b>          | : N/A   |
| <b>Maps and Diagrams</b>          | : Refer below                                     |



**WORKS & SERVICES REPORTS**

Item 15.2.8 continued.

**BACKGROUND**

3. An application has been received from Mr and Mrs Parnell to seek closure of portion of Gill Road Milpara and its subsequent sale, as the land in question, is not used and has been maintained by the landowner.
4. An item was put to Council in April 2010 recommending the closure and the seeking of public comment.

**DISCUSSION**

5. Staff have investigated the request, and have identified the portion of land is an extension of a road reserve which is not required for future development.
6. A portion of Gill Road runs adjacent to Mr and Mrs Parnell's properties (12 Morris Street and 217 Chester Pass Road) and is unused road reserve.
7. The portion of road reserve under consideration abuts Mr and Mrs Parnell's properties and is covered in remnant bush.
8. Subsequent to the original Council item it has been established that there is a fenceline on the road reserve between Mr and Mrs Parnell's properties and the abutting Landowners, Lot 151 Woollahra and Lot 24 Mary Street. All parties maintain their side of the fenceline.

**PUBLIC CONSULTATION / ENGAGEMENT**

9. The public consultation required under the Land Administration Act has been undertaken. Letters were sent to 26 surrounding landowners and advertisements were placed in the Albany Advertiser on 29<sup>th</sup> April 2010 and the Albany Extra on 30<sup>th</sup> April 2010 with a 35 day public comment period.
10. Two responses were received from the public. Both opposed the closure. The reasons for objecting were:
  - a. that all abutting landowners look after their side of the fenceline that run through the road reserve.
  - b. that landowners believed the proposed closure of the road reserve could affect any future development.
11. The City of Albany Planning department have advised that any future development would not be affected by the closure of the road reserve.

**GOVERNMENT CONSULTATION**

12. In accordance with the provisions of section 58 of the Land Administration Act, all public utilities were informed. No objections were received.

**WORKS & SERVICES REPORTS**

Item 15.2.8 continued.

**STATUTORY IMPLICATIONS**

13. Section 58 of the Land Administration Act, 1997, - Closure of Roads -

*“(1). When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

*(11) When a local government resolves to make a request under subsection (1), the local authority must in accordance with the regulations prepare and deliver the request to the Minister.*

*(12) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

*(13) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –*

- a. By order grant the request;*
- b. Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction;*  
*or*
- c. Refuse the request.*

*(14) If the Minister grants a request under subsection (4) –*

- a. The road concerned is closed on and from the day on which the relevant order is registered; and*
- b. Any rights suspended under section 55(3)(a) cease to be so suspended.*

*(15) When a road is closed under this section, the land comprising the former road –*

- a. Becomes unallocated Crown land; or*
- b. If a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.”*

**FINANCIAL IMPLICATIONS**

14. There are no financial implications for Council, as the subsequent sale of the road reserve would be via the Crown and abutting landowners.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“4. Governance.....*

*4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

Item 15.2.8 continued.

### **POLICY IMPLICATIONS**

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

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. Council has the following options in relation to the proposal:

- a. Seek approval for the closure of portion of Gill Road, Milpara, or
- b. Decline the request and leave the land as road reserve.

### **SUMMARY CONCLUSION**

18. It is recommended, that Council support the road closure and seek approval from the Minister of Lands in accordance with the provisions of the Land Administration Act as there is no future development for that portion of Gill road reserve.

#### **ITEM 15.2.8 - OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council SUPPORT the closure of portion of Gill Road, Milpara and seek approval from the Minister of Lands.

#### **ITEM 15.2.8 – AMENDED OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. NOTE The Submissions To The Proposed Road Closure As Detailed In The Report;  
AND;
2. In Accordance With The Provisions Of Section 58 Of The Local Government Act  
SUPPORT The Closure Of Portion Of Gill Road, Milpara And Seek Approval From  
The Minister Of Lands

#### **Officer's Comment (J Ferry)**

In accordance with Section 58 of the Land Administration Act, a Local Authority who wishes to permanently close a road, or portion of a road, in its district subject to subsection 3 of Section 58, requests the Minister to close the road.

*(a) "A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice."*

**WORKS & SERVICES REPORTS**

Item 15.2.8 continued.

For staff to initiate this action a council resolution is required (OCM 14/042010, Item 15.2.2) to progress the public advertising of the proposed road closure. After 35 days advertising, which includes consultation with public utilities, should there be any objections, staff are required by legislation to report back to Council for its direction.

Staff have received submissions objecting to the proposal and therefore seek instruction from Council as to its preferred direction.

Council may support or decline the request for closure. Should Council support the request, the Minister will then be notified to seek his approval.

**ITEM 15.2.8 – AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: MAYOR EVANS**

**THAT Council:**

- 1. NOTE the submissions to the proposed road closure as detailed in the report; and**
- 2. In accordance with the provisions of Section 58 of the Local Government Act SUPPORT the closure of portion of Gill Road, Milpara and seek approval from the Minister of Lands**

**MOTION CARRIED 7-3**

**Record of Vote**

For the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, D Wolfe, D Dufty and R Sutton

Against the Motion: Councillors J Bostock, D Bostock and R Paver

#### 15.4 WORKS AND SERVICES COMMITTEES

**ITEM:** 15.4.1  
**ITEM TITLE:** BUSHCARERS ADVISORY COMMITTEE MEETING – 26<sup>TH</sup> MAY 2010

**File Number or Name of Ward** : MAN 235 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Reserves (Bush & Coastal) Officer (S Maciejewski)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : Minutes of the Bushcarers Advisory Committee Meeting held on 26<sup>th</sup> May 2010.  
**Councillors Lounge** : Nil.

**ITEM 15.4.1 – COMMITTEE RECOMMENDATION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR DUFTY**

**THAT the UNCONFIRMED minutes of the Bushcarers Advisory Committee meeting held on Wednesday 26<sup>th</sup> May 2010, be RECEIVED (copy of the minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 9-1**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, J Swann, D Wellington, R Paver, D Wolfe, D Dufty and R Sutton

Against the Motion: Councillor D Bostock

**ITEM 15.4.1 – COMMITTEE RECOMMENDATION 2**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR DUFTY**

**THAT Kim Stanton be appointed as the new community representative on the Bushcarers Advisory Committee.**

**MOTION CARRIED 8-2**  
**ABSOLUTE MAJORITY**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, J Swann, D Wellington, D Wolfe, D Dufty and R Sutton

Against the Motion: Councillors D Bostock and R Paver

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**GENERAL MANAGEMENT  
SERVICES  
Reports**

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## GENERAL MANAGEMENT SERVICES REPORTS

## 16.4 CORPORATE GOVERNANCE

ITEM NUMBER: 16.4.1

ITEM TITLE: CULL ROAD SUBDIVISION – STAGE 1A &amp; FUTURE DIRECTION

|                                   |   |   |
|-----------------------------------|---|---|
| <b>File Number (Name of Ward)</b> | : | PRO 357, STR238 (Vancouver Ward)  |
| <b>Summary of Key Points</b>      | : | Consideration of options for the balance of Lot 247 Cull Road, Lockyer<br>Resolve to progress the sale of Stage 1A blocks.  |
| <b>Land Description</b>           | : | Cull Road Subdivision, Lot 247, 34 – 36 Cull Road, Lockyer  |
| <b>Proponent</b>                  | : | City of Albany  |
| <b>Owner</b>                      | : | City of Albany  |
| <b>Reporting Officer(s)</b>       | : | Executive Directors Corporate & Community Services (WP Madigan)   |
| <b>Disclosure of Interest</b>     | : | Nil   |
| <b>Business Entity Name</b>       | : | City of Albany  |
| <b>Previous Reference</b>         | : | SCM 29/06/10 – Budget      OCM 19/01/10 Item 19.1<br>OCM 15/12/09 Item 14.2.1    OCM 21/10/08 Item 12.2.2<br>OCM 18/08/09 Item 22.2      OCM 16/01/07 Item 13.7.1<br>OCM 21/04/09 Item 19.1      OCM 21/11/06 Item 12.2.1<br>OCM 18/11/08 Item 11.6.1    OCM 15/08/06 Item 12.7.1 |
| <b>Agenda Attachment(s)</b>       | : | Cull Rd Major Land Transaction Business Plan<br>Market/Sale Appraisal   |
| <b>Consulted References</b>       | : | Local Government Act 1995 (Act)<br>Local Government (Functions and General) Regulations 1996<br>Council Policy – Land Development (Subdivision)<br>Council Policy – Disposal of Council Land April 2006   |
| <b>Councillor Lounge</b>          | : | Cull Road Subdivision Project – Feasibility Review and Report dated April 2009.<br>Cull Road Subdivision – Internal Review Valuer Report  |
| <b>Maps and Diagrams</b>          | : | Detailed in the Agenda attachment.  |

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.1 continued.

**BACKGROUND**

1. A major land transaction business plan for the subdivision of the property located at 34-36 Cull Road, Lockyer, was developed, advertised and adopted by Council on 21/11/06.
2. The primary purpose of the “*Major Land Transaction Business Plan for the Subdivision of the property located at 34-66 Cull Road, Lockyer*” (Business Plan) was to provide the necessary funding for redevelopment of the Albany Leisure and Aquatic Centre (ALAC), with any additional funds to be used to retire debt.
3. In accordance with the intent of the Business Plan, the Annual Budget 2010-11 was developed. The adopted budget stated:

*“Stage 1A of the Cull Road sub-division development is complete and, subject to Council resolution will be available for sale. The success or otherwise of the sale will impact upon the City’s ability to reduce debt. The City will be seeking Council resolution in relation to completion of the sub-division...”*

*Principal loan repayments in 2010 – 2011 total \$2.5m, including a loan due for repayment. The loan becoming due for repayment in 2010 – 2011 amounts to \$1.5m. It is proposed that the repayment will be funded from Cull Rd sales (subject to Council approval for the release of the lots for sale)”*

4. Council adopted the annual budget 2010-11 on 29/06/10.
5. In accordance with Council resolution dated 21/04/09:
  - **Only Stage 1A Completed**
    - Cull Road subdivision has only been completed to Stage 1A.
    - All tasks associated with the completion of Stage 1A have been completed.
  - **Formal agreements not entered into**
    - Executive has not entered into any formal agreements concerning the sale of the whole or any part of the Cull Road subdivision.
  - **Business Plan**
    - The Business Plan titled ‘*Major Land Transaction, Business Plan for The Subdivision of the property located at 34-66 Cull Road, Lockyer*’ dated September 2006 and adopted 21/11/06, is still current for this proposed course of action.
  - **Valuation Sought**
    - A licensed valuer was engaged by staff and a copy of the report with valuations has been provided under confidential cover. Even though this valuation is not current, it was conducted during a period of unfavourable market conditions and is complimented by a current market appraisal conducted on the 02/06/10. An up to date evaluation will be conducted by the marketing/selling agent prior to auction.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.1 continued.

- **Legal Advice Sought**
  - Legal advice was sought to ascertain the extent of any contractual obligations from HHG Legal Group Ltd. There are no contractual obligations outstanding.

6. **Development options considered.** A number of options were considered in relations to this project over an 18 month period, and these options were last presented to Council on 21/04/09:

- **Option A** Continue with the project as planned;
- **Option B** Defer the project until market conditions improve;
- **Option C** Determine the construction contract and seek to liquidate the asset in its current form;
- **Option D** Complete only Stage 1A of the project and defer Stage 1B;
- **Option E** Seek an expression of interest for a joint venture arrangement to develop the balance of Lot 247 Cull Rd;
- **Option F** Develop Stage 1A and 1B and selling the balance of Lot 247 (Stage 2);

Option D was approved by Council.

**DISCUSSION**

7. In accordance with the Annual 2010-11 adopted budget Council needs to resolve to proceed with the marketing and selling of Stage 1A.
8. The options to determine the future of the remaining stages of the development requires further Council deliberation and guidance is sought.

**RECOMMENDED COURSE OF ACTION – DISPOSAL OF STAGE 1A**

9. The following steps should be conducted:
  - **Step One (1). Tenders are called to appoint selling/marketing agents.** This is recommended as the staff feel that we do not have the requisite skills in-house to undertake this activity.
  - **Step Two (2). Council reviews and APPROVES reserve prices recommended by agent.** In accordance with 5.23 of the Act, the minutes will only document the reasons why the reserves are set at a particular level and not the prices themselves. The prices are to be ratified by Council and certified by the CEO/Mayor.
  - **Step Three (3). Delegated authority.** Council grant delegated authority to administer all aspects of the sale of land at Cull Rd, Stage 1A to the CEO. Please refer to suggested Terms of Reference (TOR) detailed in the recommendation. Parameters of delegations to be determined at a subsequent meeting of Council in accordance with section 5.43 of the Act in order to enable the CEO to accept bids that didn't necessarily meet the reserve price.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.1 continued.

- **Step Four (4). Unsold lots.** Any unsold lots are to be listed for sale via private treaty at the reserve price through the marketing/selling agent.

**PUBLIC CONSULTATION / ENGAGEMENT**

10. If Council determines to progress the remaining stages (1B & 2), land acquisition and additional road traffic treatments would need to be progressed (i.e. the extension of Mueller St).
11. It is recommended that additional community consultation is progressed to ensure that all affected parties (i.e. Mr & Mrs Wood, Lot 75 Cull Rd) are actively engaged and the necessary land acquired.
12. It is recommended that if Council wants to progress or dispose of the remaining stages that the business plan is revised. Please note that a revised or new business plan would be subject to a 6 week advertising period to allow the community to provide comment.

**GOVERNMENT CONSULTATION**

13. A review of the Cull Road Subdivision was submitted to the Department of Local Government for external review on the 30 July 2009. No formal feedback has been received; however verbal feedback has indicated that the Department was satisfied with the City's in house review.

**STATUTORY IMPLICATIONS**

14. **Business Plan.** The intent to retire debt as stated in the Business Plan adopted on 21/11/06 is satisfied by this proposal.
15. **Disposal of Property.** It is proposed to dispose of the subdivision lots by a tender process in accordance with Section 3.58(2)(b) of the Act and in accordance with the adopted Business Plan.
16. **Delegated Authority.** Sections 5.42 and 5.43 apply. A local government cannot delegate to a CEO a power or a duty – acquiring or disposing of any property value at an amount exceeding an amount determined by the local government.

**FINANCIAL IMPLICATIONS**

17. If Council does not progress with the selling of Stage 1A refinancing of existing loans would be required and targeted debt levels would not be achieved.
18. The City's adopted budget (29 Jun 2010) states:

*"Loans. The City commenced the 2009-10 year with a Gross Debt to Revenue Ratio of 63.2%.*

*The projected Gross Debt to Revenue Ratio at the commencement of 2010-11 is 58.2%. Subject to Council approval, the successful sale of Stage 1A lots in the Cull Road Subdivision is projected to enable further debt reduction in 2010-11.*

*The projected Gross Debt to Revenue Ratio at the end of 2010-11 is 45.2%.*

*This would mean the City would reach the targeted debt levels a year earlier than anticipated in last year's Budget document.*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.1 continued.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

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

*Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.”*

**POLICY IMPLICATIONS**

20. **Disposal of Land Policy.** A sale levy of 10 percent from the net profit arising from the sale of Stage 1A does not apply if the subdivision proceeds are used to retire incurred debt from previously committed infrastructure projects.

**ALTERNATE OPTIONS**

21. Council can defer the decision and investigate a potential joint venture partner to develop the entire project. However, at this point in time Council is not in a position to take on further debt.

**SUMMARY CONCLUSION**

22. The recommended course of action is to sell Stage 1A, is in line with the intent of Council’s adopted budget and Business Plan to generate finances in order to reduce debt.

ITEM 16.4.1 - OFFICER RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council APPROVES the selling of Stage 1A of the subdivision of the property located at 34-66 Cull Road, Lockyer, “The Ridge”, in accordance with Council’s adopted Annual Budget 2010-11

ITEM 16.4.1 - OFFICER RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council AUTHORISE the call for Tenders for the appointment of a Marketing and Selling agent for the sale of Stage 1A of the subdivision of the property located at 34-66 Cull Road, Lockyer, “The Ridge”.

ITEM 16.4.1 – OFFICER RECOMMENDATION 3  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council DELEGATE authority to the Chief Executive Officer (Interim) to:

- ACCEPT or DECLINE auction bids based on Council approved reserve prices and established parameters; and
- Accept or decline subsequent offers that meet or exceed established reserve prices pursuant to regulation 30(2a)(a) of the Local Government (Functions & General) Regulations 1996 in the event of lots being passed in or having no bid registered.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.1 continued.

**RECOMMENDATION**

[10:03:57 PM](#) **Councillor Paver foreshadowed the following motion in the event the substantive motion did not pass.**

ITEM 16.4.1 FORESHADOWED MOTION BY COUNCILLOR PAVER  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council lay this item on the table for a period of one month.

**Councillor's Reason:**

To lay the item on the table for one month will allow Council to hold a meeting to resolve the issues concerning Mr and Mrs Woods.

ITEM 16.4.1 - OFFICER RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR WELLINGTON  
SECONDED: COUNCILLOR HAMMOND**

**THAT Council APPROVES the selling of Stage 1A of the subdivision of the property located at 34-66 Cull Road, Lockyer, "The Ridge", in accordance with Council's adopted Annual Budget 2010-11.**

**MOTION CARRIED 6-4**

**Record of Vote**

For the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, D Wolfe and D Dufty

Against the Motion: Councillors J Bostock, R Paver, D Bostock and R Sutton

[10:08:32 PM](#) **COUNCILLOR SWANN LEFT THE CHAMBER**

[10:10:57 PM](#) **COUNCILLOR SWANN RETURNED TO THE CHAMBER**

ITEM 16.4.1 - OFFICER RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR WELLINGTON  
SECONDED: COUNCILLOR HAMMOND**

**THAT Council AUTHORISE the call for Tenders for the appointment of a Marketing and Selling agent for the sale of Stage 1A of the subdivision of the property located at 34-66 Cull Road, Lockyer, "The Ridge".**

**MOTION CARRIED 7-3**

**Record of Vote**

For the Motion: Mayor Evans, Councillors R Hammond, J Swann, D Wellington, D Wolfe, D Dufty and R Sutton

Against the Motion: Councillors J Bostock, R Paver and D Bostock

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.1 continued.

ITEM 16.4.1 - OFFICER RECOMMENDATION 3  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council DELEGATE authority to the Chief Executive Officer (Interim) to:

- ACCEPT or DECLINE auction bids based on Council approved reserve prices and established parameters; and
- Accept or decline subsequent offers that meet or exceed established reserve prices pursuant to regulation 30(2a)(a) of the Local Government (Functions & General) Regulations 1996 in the event of lots being passed in or having no bid registered.

ITEM 16.4.1-RECOMMENDATION 3 – PROCEDURAL MOTION BY COUNCILLOR J BOSTOCK  
VOTING REQUIREMENT:SIMPLE MAJORITY

THAT Council defer Recommendation 3.

**Councillor's Reason:**

Deferring this recommendation will not affect the issuing of titles to the land or the tendering for a marketing or selling agent. It will allow Council time for further deliberation regarding the pricing of these blocks.

**ITEM 16.4.1-RECOMMENDATION 3 – MOTION BY COUNCILLOR J BOSTOCK  
VOTING REQUIREMENT:SIMPLE MAJORITY**

**MOVED: COUNCILLOR J BOSTOCK  
SECONDED: MAYOR EVANS**

**THAT Council defer Recommendation 3.**

**MOTION CARRIED 7-3**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, J Swann, R Paver, D Bostock,  
D Wolfe and D Dufty.

Against the Motion: Councillors R Sutton, D Wellington and R Hammond.

**GENERAL MANAGEMENT SERVICES REPORTS**

**ITEM NUMBER: 16.4.2**

**ITEM TITLE: ELECTED MEMBER COMMUNICATION PROTOCOL – OPENING OF MAIL**

|                                    |   |  |
|------------------------------------|---|--|
| <b>File Number or Name of Ward</b> | : |  |
| <b>Summary of Key Points</b>       | : | Reaffirm the current Communication Protocol for opening of Councillor Mail or amend the policy.  |
| <b>Reporting Officer(s)</b>        | : | Executive Manager Business Governance (S Jamieson)   |
| <b>Disclosure of Interest</b>      | : | Nil  |
| <b>Previous Reference</b>          | : | OCM 16/06/09 Item 14.2.1   |
| <b>Agenda Attachment(s)</b>        | : | Elected Member Communication Protocols Policy<br>State Records Commission (WA) Correspondence  |
| <b>Consulted References</b>        | : | Postal Services Act 1975 Section 93<br>State Records Act 2000 (WA)<br>Privacy Act 1988<br>State Records Office of Western Australia: Local Government Elected Members' Records Information Sheet |

**BACKGROUND**

1. The City of Albany adopted an *“Elected Member Communication Protocols Policy”* on 16 June 2009.
2. All letters addressed to elected member and staff (except those marked private or confidential) are opened and recorded by staff in accordance with that policy.
3. Councillors have raised concern in regards to this activity.

**DISCUSSION**

4. The State Records Office has reviewed the City of Albany's procedures and policies regarding mail opening.
5. The Policy is wholly consistent with State Records Commission Policy for Elected members and best practice records management.
6. The State Records Commission's policy for recordkeeping requirements for local government elected members is as follows:

*“In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.*

*This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.2 continued.

*Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members' records up to and including the decision making processes of Council. "*

7. It should be noted that this policy applies regardless of record's format or where it was received.
8. It is noted that the access to Councillors' mail may create negative elected member and public perception in regards to interference. Correspondence addressed to an official title and address such as "Mayor or Councillor" is viewed as official communication to the organisation and therefore should be recorded.
9. It is suggested that the following practical steps may assist in resolving councillors' concerns:
  - a. Provide disclosure on the City's website that correspondence addressed to councillors and not marked as "Confidential" will be processed by the City's administrative staff and entered on the City's records system.
  - b. Councillors establish personal postal addresses if they are concerned by the City's access to their correspondence. Such personal contact information can be provided on the City's website. It is requested that Councillors who do not require personal postal addresses consent to the records management policy.
  - c. For those councillors who do not opt for separate postal addresses, they may also be given the option to instruct the City that mail is not opened by City staff, but is forwarded to them directly.

**PUBLIC CONSULTATION / ENGAGEMENT**

10. Nil

**GOVERNMENT CONSULTATION**

11. State Records Office has reviewed the Council Policy: "*Elected member Communication Protocols Policy*" and the Council Procedure: "*Records Management Procedure (Records Team)*".
12. Additional information in relation to privacy requirements and the collection of information by local government is available from the following sources:
  - a. State Records Commission ([www.sro.wa.gov.au/src/policies.asp](http://www.sro.wa.gov.au/src/policies.asp)), in respect of recommended mail collection policies;
  - b. Office of Privacy Commissioner ([www.privacy.gov.au/](http://www.privacy.gov.au/)), in respect of compliance obligations under the Privacy Principles.

**STATUTORY IMPLICATIONS**

13. Nil

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.2 continued.

**FINANCIAL IMPLICATIONS**

14. Nil

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“**Priority Goals and Objectives: Goal 4: Governance ...** The City of Albany will be an industry leader in good governance and service delivery. Objective 4.2 The City of Albany will manage our municipal assets to ensure they are capable of supporting our growing community.”*

**POLICY IMPLICATIONS**

16. The current policy states:

*“**Opening Mail.** All letters addressed to elected members and staff (except those marked private or confidential) will be opened and recorded by Records.”*

17. If Council chose not to retain this clause in the policy, it is recommended that the following clauses are used:

*“**Opening Mail.***

***Elected members.** All letters addressed to elected members will not be opened and recorded by Records. It is the elected members’ responsibility to ensure that communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business are forwarded to Records in accordance with the State Records Office (WA) policy.*

***Staff.** All letters addressed to staff (except those marked private or confidential) will be opened and recorded by Records.”*

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

18. If the elected group chose to take on the full responsibility for their mail, that is their prerogative; however, this must be done with the full knowledge of the State Records Commission Policy which states:

*“Elected members must create and keep records of communications or transactions, which convey information relating to local government business or functions. These records should be forwarded to the local government administration for capture into the official recordkeeping system.”*

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 16.4.2 continued.

**RECOMMENDATION**

ITEM 16.4.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Council REAFFIRMS the “Elected Member Communication Protocols Policy” adopted 16/06/09. (Detailed in the Agenda Attachments section).

THAT the title of the policy is amended to read “Elected Member and Staff Communications Policy”.

ITEM 16.4.2 – ALTERNATE MOTION BY COUNCILLOR LEAVESLEY

VOTING REQUIREMENT: SIMPLE MAJORITY

- i) THAT the Council ADOPTS the “Elected Member Communication Protocols Policy” adopted 16/06/09. (Detailed in the Agenda Attachments section), pending the following amendments:

*“Opening Mail.*

*Elected members. All letters addressed to elected members will not be opened and recorded by Records. It is the elected members’ responsibility to ensure that correspondence addressed to elected members, which constitute evidence affecting the accountability of the Council and the discharge of its business, are forwarded to Records in accordance with the State Records Office (WA) policy.*

*Elected members on an individual basis can elect to have letters addressed to elected members (except those marked private or confidential) opened and recorded by Records.*

*Staff. All letters addressed to staff (except those marked private or confidential) will be opened and recorded by Records.”*

- ii) THAT the title of the policy is amended to read “Elected Member and Staff Communications Policy”.

**Reason:**

A number of councillors at the agenda briefing session indicated concern for the current practice of Records staff opening and recording elected member mail. Access to Councillors’ mail may create negative elected member and public perception in regards to interference.

If Councillors want to manage their own risk, it should be up to the individual Councillor to determine how they would like to administer their affairs.

Item 16.4.2 continued.

**ITEM 16.4.2 – ALTERNATE MOTION BY COUNCILLOR LEAVESLEY**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR J BOSTOCK**

**SECONDED: COUNCILLOR D BOSTOCK**

- i) THAT the Council ADOPTS the “Elected Member Communication Protocols Policy” adopted 16/06/09. (Detailed in the Agenda Attachments section), pending the following amendments:

*“Opening Mail.*

*Elected members. All letters addressed to elected members will not be opened and recorded by Records. It is the elected members’ responsibility to ensure that correspondence addressed to elected members, which constitute evidence affecting the accountability of the Council and the discharge of its business, are forwarded to Records in accordance with the State Records Office (WA) policy.*

*Elected members on an individual basis can elect to have letters addressed to elected members (except those marked private or confidential) opened and recorded by Records.*

*Staff. All letters addressed to staff (except those marked private or confidential) will be opened and recorded by Records.”*

- ii) THAT the title of the policy is amended to read “Elected Member and Staff Communications Policy”.

**MOTION LOST 5-5  
MAYOR EXERCISED CASTING VOTE  
MOTION LOST 5-6**

**Record of Vote**

For the Motion: Councillors J Bostock, D Bostock, R Paver, J Swann and D Wellington.

Against the Motion: Mayor Evans, Councillors R Hammond, D Wolfe, D Dufty and R Sutton.

THE ORIGINAL OFFICER RECOMMENDATION WAS NOT VOTED ON, THEREFORE THE ITEM LAPSES AND THE POLICY REMAINS IN FORCE.

Item 16.4.2 continued.



**INFORMATION SHEET**

**State Records Office of Western Australia**

**Local Government Elected Members’ Records:  
Which records to capture?**

The State Records Commission policy regarding the records of local government elected members requires the creation and retention of records of the:

*“...communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.”*

This policy applies regardless of a record’s format or where it was received.

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government business or functions**. These records should be forwarded to the local government administration for **capture into the official recordkeeping system**.

**Which records should be captured?**

| YES – forward to your local government administration  | NO – do not need to be forwarded to your local government   |
|--|---|
| <p><b>Communications from ratepayers</b>, such as:</p> <ul style="list-style-type: none"> <li>• complaints &amp; compliments;</li> <li>• correspondence concerning corporate matters;</li> <li>• submissions, petitions &amp; lobbying;</li> <li>• information for Council’s interest relating to local government business activity &amp; functions.</li> </ul> | <p><b>Duplicate copies</b> – of Council meeting agenda, minutes &amp; papers.</p>   |
| <p><b>Telephone, meetings &amp; other verbal conversations</b> – between an elected member and another party, regarding local government projects or business activities.</p>  | <p><b>Draft documents or working papers</b> – which are already captured at the local government.</p>   |
| <p><b>Work diaries</b> – containing information that may be significant to the conduct of the elected member on behalf of the local government.</p>  | <p><b>Publications</b> – such as newsletters, circulars and journals.</p>   |
| <p><b>Presentations and speeches</b> – delivered as part of an elected member’s official duties.</p>   | <p><b>Invitations</b> – to community events where an elected member is <i>not</i> representing Council or the local government.</p>   |
|  | <p><b>Telephone, meetings &amp; other verbal conversations</b> which:</p> <ul style="list-style-type: none"> <li>• convey routine information only;</li> <li><b>or</b></li> <li>• do not relate to local government business or functions.</li> </ul> |
|  | <p><b>Electioneering</b> – or party political information.</p>  |
|  | <p><b>Personal records</b> – not related to an elected member’s official duties.</p>  |

**Destruction of records:** return all records to the local government for authorized and legal destruction.

**More information:** contact your local government administration or  
State Records Office of Western Australia  
Tel: 9427 3360 or Email: [sro@spro.wa.gov.au](mailto:sro@spro.wa.gov.au)

March 2010

**GENERAL MANAGEMENT SERVICES REPORTS**

**16.5 GENERAL MANAGEMENT SERVICES COMMITTEES**

**ITEM NUMBER: 16.5.1**  
**ITEM TITLE: REGIONAL ALLIANCE MEETING MINUTES 29 MARCH 2010**

**File Number (Name of Ward) :** GOV108  
**Summary of Key Points :** WA Regional Cities Alliance Committee Meeting Minutes  
**Reporting Officer(s) :** Executive Manager Business Governance  
(S Jamieson)  
**Disclosure of Interest :** Nil  
**Bulletin Attachment(s) :** Committee Meeting Minutes-29 March 2010  
**Consulted References :** Nil.

**ITEM 16.5.1- COMMITTEE RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR WOLFE**

**THAT Council RECEIVE the minutes of the WA Regional Cities Alliance Committee Meeting held on 29 March 2010.**

**MOTION CARRIED 10-0**

**Please note:** A copy of the minutes of the WA Regional Cities Alliance Committee Meeting held on 29 March 2010 was included in 15/06/10 Information Bulletin. However, was not formally received by Council.

**17.0 ADOPTION OF THE INFORMATION BULLETIN**

**ITEM 17.0 – MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR SUTTON**

**THAT the Information Bulletin as circulated, be received and the contents noted.**

**MOTION CARRIED 10-0**

**18.0 MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**

**ITEM NUMBER: 18.1**

**ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR HAMMOND TO RESCIND A PREVIOUS RESOLUTION OF COUNCIL – BAY MERCHANTS**

**WITHDRAWN BY COUNCILLOR HAMMOND**

ITEM: 18.1- NOTICE OF MOTION BY COUNCILLOR HAMMOND

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the motion of the Council meeting of the 16 March 2010, Item 13.1.3, which states:

*“THAT Council ADVISES the applicant that it is SUPPORTIVE of their application for a TAVERN LICENCE to be issued at Bay Merchants, 18 Adelaide Crescent, subject to the following conditions:*

- *The sale and supply of liquor for consumption on the premises shall be limited to ancillary to a meal to a patron seated at a dining table and purchasing food to be consumed on the premises;*
- *The type of liquor available shall be limited to local wines and some beers, spirits and Champagne as per existing stocked lines. Pre-mixed spirits and ‘Alcopops’ (RTD’s) shall not be served.*
- *Service of Liquor shall not be available outside of the hours of 6am to 8pm, 7 days per week.”*

Be RESCINDED.

**Councillor’s Reason:**

The proponent of Bay Merchants has lodged a request to amend Condition 1 as per Council’s resolution of 16 March 2010. The reason for this request is that after discussions with the Department of Racing, Gaming and Liquor the proponent has identified compliance concerns with Condition 1, as every person at a table would need to purchase food with alcohol. If one patron at a table does not have food and is drinking the licensee would be breaching the terms of the liquor licence. The replacement condition seeks to replace Condition 1 with a requirement that food be available at all times during operating hours.

Item 18.1 continued.

**ITEM 18.1 – NOTICE OF MOTION 2 BY COUNCILLOR HAMMOND  
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council for the purposes of Section 40 of the Liquor Control Act 1988 issues an amended Section 40 Certificate for a Tavern Licence at Bay Merchants, 18 Adelaide Crescent, subject to the following conditions:

- Food being available at all times during operating hours.
- The type of liquor available shall be limited to local wines and some beers, spirits and Champagne as per existing stocked lines. Pre-mixed spirits and 'Alcopops' (RTD's) shall not be served.
- Service of liquor shall not be available outside the hours of 6am to 8pm, 7 days per week.

**Officer's Report (G Bride)**

It is advised that the proponent has since lodged an amended Section 40 Certificate over a different part of the Bay Merchants building, formerly approved as a 'Shop' and 'Bed and Breakfast'. Prior to Council considering the new Section 40 Certificate application, the proponent has been advised that planning scheme consent will need to be received from Council for a 'Tavern'. The proponent will make application shortly. For the above reasons the rescission motion is no longer necessary.

**ITEM WITHDRAWN BY COUNCILLOR HAMMOND**

**ITEM NUMBER: 18.2**  
**ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR PAVER-REVIEW OF LICENSED PREMISES GUIDELINES**

**ITEM WITHDRAWN BY COUNCILLOR PAVER**

ITEM: 18.2- NOTICE OF MOTION BY COUNCILLOR PAVER  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. REVIEW it's 'Licensed Premises-Guidelines' to make it clear that it will not entertain requests for support from a proponent in relation to liquor licensing applications to the Department of Racing, Gaming and Liquor, with Councils role being restricted to its obligations under Section 40 of the Liquor Licensing Act 1988; that it determine whether a liquor licensing application is consistent with planning/laws approvals that are in place on the subject land; and
2. REQUIRE the review to be presented to the July meeting for consideration.

***Due to Councillor Paver's absence from the OCM 15 June 2010, this motion lapsed. At Councillor Paver's request, the motion is represented at this meeting.***

**Councillors Reason:**

Council have received requests for support from proponents in relation to their liquor licence application, which has not yet been subject to consultation with surrounding property owners. Rather than expressing support or otherwise for an application which will be lodged with the Department of Racing, Gaming and Liquor, which may be misconstrued as community support for the application (based on Council being representative of the community), the issue should be confined to whether the liquor licence proposal is consistent with any planning approvals in place on the subject land and whether conditions should be imposed on the Section 40 Certificate.

Excerpt from Liquor Licensing Act 1988:

***"40. Certificate of local planning authority***

*(1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.*

*(2) A certificate referred to in subsection (1) shall state that the proposed use of the premises —*  
*(a) will comply with the requirements of the written laws relating to planning specified;*  
*(b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or*  
*(c) will not comply with the requirements specified for the reasons specified.*

*(3) In this section — **specified** means specified in the planning certificate*

Item 18.2 continued.

*(4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1)."*

## **OFFICER'S REPORT (Acting Executive Director Development Services G Bride)**

### **BACKGROUND**

1. Under the Liquor Control Act 1988, Local Government's role in relation to the liquor licensing process is to issue a Section 40 Certificate with or without conditions, which states that the liquor licence application being proposed is either consistent or inconsistent with a planning approval issued on the site.
2. At its meeting dated 18 August 2009 Council adopted the following resolution:

*"THAT the following GUIDELINES BE USED by City of Albany staff, when dealing with proposals within or affecting licensed premises:*

- i. Consider applications for gaming permits for social clubs and community associations be considered on their merits, with a preference that those applications be supported;*
- ii. Refer applications for private gaming permits for private individuals to Council for consideration;*
- iii. Support applications for restaurants to use small bar licenses provided the licence area does not extend onto or incorporate public land (eg alfresco areas), the premises are not located adjacent to locations which have a high potential to be frequented by children (beaches, public parks, etc) and the licensed premises can be adequately demarcated;*
- iv. Unless expressly approved by Council, applications to secure a liquor licence for hostels, bed and breakfast accommodation units and private hotels be opposed;*
- v. Only support occasional licenses and extended trading permit applications for a licensed premise where the permit application is to operate on a Crown reserve and the permit is required for a major community event (eg cruise ship visit, adopted City iconic activity).*
- vi. Not support occasional licenses and extended trading permit applications for a licensed premise where the permit application is to operate on a Crown reserve and the permit is required for a private celebration (eg 21<sup>st</sup> birthday party), a corporate promotion, or similar event or activity.*
- vii. Oppose any modification to Sunday trading hours for bottle shops within the CBD or suburban shopping centres.*
- viii. Unless the premises have appropriate acoustical treatments that will ensure compliance with the Environmental Protection (Noise) Regulations, the provision of live entertainment within the premises, and beer gardens associated with the premises, be opposed."*

### **DISCUSSION**

3. The proposed motion seeks to amend the above guidelines to make it clear that Council will not entertain applications for support for liquor applications and that Council will only be fulfilling it's obligations in relation to Section 40 of the Liquor Control Act.

Item 18.2 continued.

4. Proponents will always seek Council's support to issue a Section 40 Certificate, and therefore the ability for staff to enforce the motion would be difficult to communicate or interpret. All recent requests seeking Council's support for a liquor licence application, included a request for Council to issue a Section 40 Certificate (ie. no request for support was made in isolation without a formal request for a Section 40 certificate).
5. The real issue appears to be the way in which staff recommendations to Council have been drafted in respect to these applications. A review of recently prepared reports relating to Section 40 Certificate proposals does contain the words 'support' in the recommendation.
6. Despite the use of the word 'support' in these staff recommendations, the decision of Council is communicated via a standard Section 40 Certificate which all Council's use throughout the state.
7. In the body of the Council reports for these types of applications, staff will be required to express a view on how the liquor licence application complies with the planning approvals in place for the site. There also may be situations, as in the case of Calamari's, where a proponent is seeking Council's support as the landlord as well as the planning authority for a Section 40 Certificate.
8. When drafting recommendations for future Section 40 Certificate requests that are determined at Council, the use of the words 'support' can be omitted and replaced with a recommendation such as:
 

*“THAT Council for the purposes of Section 40 of the Liquor Control Act 1988 determines that the application for a \_\_\_\_\_ licence at \_\_\_\_\_ is consistent with the planning approvals in place on the subject site and requests the Department of Racing, Gaming and Liquor incorporate the following conditions should a liquor licence be issued:”*
9. Staff are always looking at improving the way reports are prepared and the way recommendations are drafted. The wording above would represent an improvement to previous motions, although the intent, relevance and purpose of those previous motions achieved the same result and were legally sound; albeit in the view of Councillor Paver the words 'support' may be misconceived.
10. Whilst staff can ensure as a matter of practice improvement that it's recommendations for these issues be standardised as above in Paragraph 7, should Council wish to pass a motion it is recommended that the below amended officer's recommendation be considered instead of the motion presented.

## **PUBLIC CONSULTATION**

11. Not applicable.

## **GOVERNMENT CONSULTATION**

12. Not applicable.

Item 18.2 continued.

### STATUTORY IMPLICATIONS

13. As stated above Council's role is defined under Section 40 of the Liquor Control Act 1988.

### STRATEGIC IMPLICATIONS

14. There are no strategic implications.

### POLICY IMPLICATIONS

15. Council does not have a specific Alcohol Policy, however it has provided direction to staff through its Licensed Premises Guidelines.

ITEM 18.2 AMENDED OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADD the following guideline to its Licensed Premises Guidelines:

*ix. when preparing recommendations for Council relating to Section 40 Certificate Requests, that staff utilise the following recommendation as a guide:*

*“THAT Council for the purposes of Section 40 of the Liquor Control Act 1988 determines that the application for a \_\_\_\_\_ licence at \_\_\_\_\_ is consistent with the planning approval/s in place on the subject site and requests the Department of Racing, Gaming and Liquor incorporate the following conditions should a liquor licence be issued:”*

**ITEM WITHDRAWN BY COUNCILLOR PAVER**

**ITEM NUMBER: 18.3**  
**ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR PAVER-REVIEW STANDING ORDERS LOCAL LAW 2009**

ITEM 18.3 - NOTICE OF MOTION BY COUNCILLOR PAVER  
 VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council REVIEW the Standing Orders Local Law 2009 before the December 2010 Council meeting.

**Councillor's Reason:**

The current Standing Orders, clause 5.2 Alternate Motions and other clauses has proved to be problematic in regards to interpretation and application and it is considered appropriate that this clause is reviewed.

**OFFICERS REPORT**

**Author:** Executive Manager Business Governance (S Jamieson)

**STATUTORY IMPLICATIONS**

Section 3.5(1) of the Local Government Act 1995 (WA) (LG Act) grants local governments a broad legislative power:

*' A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.'*

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** The cost of reviewing the standing orders is based on previous cost:

|                                      |                |
|--------------------------------------|----------------|
| Publishing in the Government Gazette | \$1 600        |
| Legal Review (If required)           | \$ 2 500       |
| Advertising                          | \$ 160         |
| <b>Total</b>                         | <b>\$4 260</b> |

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

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

Item 18.3 continued.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

- Option One. Conduct a full review of the Standing Orders Local Law 2009; or
- Option Two. Review only the elements that are deemed by Council to be problematic.

### **COMMENT:**

It is anticipated that the review will be facilitated by a series of workshops, lead by the elected group and supported by an administration officer.

**ITEM 18.3 – NOTICE OF MOTION BY COUNCILLOR R PAVER  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PAVER  
SECONDED: COUNCILLOR J BOSTOCK**

**THAT Council REVIEW the Standing Orders Local Law 2009 before the December 2010 Council Meeting.**

**MOTION TIED 5-5  
THE MAYOR EXERCISED HIS CASTING VOTE  
MOTION CARRIED 6-5**

### **Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, D Bostock, R Paver and R Sutton.  
Against the Motion: Councillors R Hammond, J Swann, D Wellington, D Wolfe and D Duffy.

**19.0 URGENT BUSINESS APPROVED BY DECISION OF THE MEETING****ITEM NUMBER: 19.1****ITEM TITLE: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ALBANY AND THE RSL ALBANY SUB BRANCH – ANZAC CENTENARY ALLIANCE**

|                                   |   |   |
|-----------------------------------|---|---|
| <b>File Number (Name of Ward)</b> | : | All Wards   |
| <b>Summary of Key Points</b>      | : | Receive and approve the proposed Memorandum Of Agreement (MOU) between the City of Albany and RSL Albany Sub Branch |
| <b>Reporting Officer(s)</b>       | : | Executive Manager Business Governance (S Jamieson)  |
| <b>Disclosure of Interest</b>     | : | Nil   |
| <b>Business Entity Name</b>       | : | City of Albany and RSL Albany Sub-branch  |
| <b>Previous Reference</b>         | : | OCM 18/05/10 Item 14.12.2   |
| <b>Bulletin Attachment(s)</b>     | : | Nil   |
| <b>Consulted References</b>       | : | Local Government Act 1995   |
| <b>Councillor Lounge</b>          | : | Nil   |

**ITEM 19.1 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR WELLINGTON**

**That Council ACCEPT 19.1 as a late item.**

**MOTION CARRIED 10-0**  
**ABSOLUTE MAJORITY**

**Reason (S Jamieson):**

It is deemed appropriate that the MOU is endorsed by the City of Albany at the earliest opportunity in line with Council's previous directive being: "*The partnership is to select a suitable name and develop a Memorandum of Understanding at the earliest opportunity.*"

**BACKGROUND**

1. The 2014/15 ANZAC Centenary Strategy Committee undertook a final de-brief meeting post the ANZAC Weekend and Opening of the ANZAC Peace Park.
2. A new structure was endorsed at the May OCM 2010 to create a new alliance with the RSL.
3. Council approved in principle to the establishment of an organisational structure to plan and implement commemorative activities associated with the Centenary of ANZAC, by resolving:

Item 19.1 continued.

*“THAT Council ENDORSE the formation of a partnership with the RSL for the purposes of the organisation and implementation of commemorations to mark the Centenary of ANZAC 2014/18 and;*

*i) The partnership to consist of three members from the RSL and three members from the City of Albany, and one “prominent” community person (to be chosen by the partnership) to give a total of seven*

*ii) The representatives from the City of Albany to be the Mayor, the CEO and one Councillor to be nominated by Council, namely Councillor Wolfe*

*iii) The partnership is to select a suitable name and develop a Memorandum of Understanding at the earliest opportunity.”*

## **DISCUSSION**

4. In accordance with Council resolution the board selected a suitable name and developed a Memorandum of Understanding (MOU) at the earliest opportunity.
5. The name of the Board is the Albany Centenary of ANZAC Alliance.
6. A copy of the MOU follows this report.
7. Through the Alliance the City and RSL, expect to:
  - a. Develop an enhanced platform of cooperation in the management of the Albany Centenary Events.
  - b. Share expertise and experience to strengthen strategic planning and operational procedures.
  - c. Conduct ceremonies, activities and events with expected standards and protocols now and into the future.

## **PUBLIC CONSULTATION / ENGAGEMENT**

8. Consultation has been conducted with all board members.

## **GOVERNMENT CONSULTATION**

9. Nil.

## **STATUTORY IMPLICATIONS**

10. The City has formed an alliance; a business partnership has not been entered into and is reiterated in the Memorandum of understanding (MOU).

## **FINANCIAL IMPLICATIONS**

11. The Alliance cannot commit funds of any kind without the approval of Council.
12. The Alliance does not have delegated authority to commit the RSL or City resources.

Item 19.1 continued.

### **POLICY IMPLICATIONS**

13. Nil

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council can chose not to enter into a MOU with the RSL; however this would detract from the credibility of the alliance when submitting proposals to seek state and federal funding for ANZAC related activities.
15. The elected members and staff representing Council have no delegated authority; they simply act as a communication medium between the ANZAC Centenary Alliance Board and Council.
16. This MOU does not create any partnership at law between the parties and neither party is liable for the actions or omissions of the other.

### **SUMMARY CONCLUSION**

17. It is recommended that the City of Albany receive and endorse the Memorandum of understanding (MOU) as it clearly articulates why the alliance has been formed and formalises a terms of reference for the board.

### **RECOMMENDATIONS**

#### **ITEM 19.1 – MOTION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: MAYOR EVANS**

**THAT Officer Recommendations 1 and 2 be moved en bloc.**

**MOTION CARRIED 10-0**

#### **ITEM 19.1 - OFFICER RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ENDORSES the name given to the board that represents the alliance between the City of Albany and the RSL Albany Sub-Branch, being: “Albany Centenary of ANZAC Alliance”.**

**CARRIED EN BLOC**

Item 19.1 continued.

**ITEM 19.1 - OFFICER RECOMMENDATION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE and ENDORSE the Centenary of ANZAC Alliance Memorandum of Understanding 2010-2018 between the City of Albany (City) and The Returned & Services League of Australia, WA Branch Incorporated (RSL), as detailed in the report.**

**CARRIED EN BLOC**

Item 19.1 continued.



## CENTENARY OF ANZAC

### ALLIANCE

### MEMORANDUM OF UNDERSTANDING

### 2010 – 2018

Memorandum of Understanding between the City of Albany (City) and The Returned & Services League of Australia, WA Branch Incorporated (RSL) and its delegated authorities with respect to the infrastructure preparation, organisation and conduct of events, activities and ceremonies held in Albany that are attributed to the *Centenary of ANZAC* commemorations (called the Albany Centenary Events).

#### **Aims and Objectives**

The aim of this Memorandum of Understanding (MOU) is to establish an alliance between the above two Parties (the Alliance) to ensure that the Albany Centenary Events are held in accordance with expected standards and protocols now, leading up to, and into the future for present and future generations of Australians.

This MOU acknowledges that the City has control of, the following existing sites and infrastructure:

- Mount Adelaide and Mount Clarence Reserves, including Princess Royal Fortress and the Desert Mounted Corp Memorial; and
- The area known as the ANZAC Peace Park.

The City is responsible for the improvement, development and maintenance requirements of the sites as well as the management of vandalism and graffiti and the programmed maintenance and repair of any structural or incidental damage to the sites or improvements provided they are in accordance with the appropriate conservation plan.

Item 19.1 continued.

### **Background**

The City and the RSL in establishing the strategic Alliance agree to work together, wherever possible and practical, in the areas outlined in this MOU and the parties further agree to share information regarding activities associated with the Albany Centenary Events.

### **Specific Areas of Joint Activity**

This MOU records the intent of the City and the RSL, as of the date of signature, and delineates the activities regarding which the parties expect to develop specific collaborative plans in connection with the Albany Centenary Events.

The terms of the MOU outline many areas of strategic importance for the parties and provide a manageable framework within which to develop future collaborative efforts.

### **The Role and appointment of the Board**

The Parties agree to the formation of the Alliance overseen by a Board.

The RSL and the City shall nominate annually their respective representatives on the Board.

The Parties to the Alliance agree that the Board is to:

- Ensure probity in accordance with each organisations' governance requirements;
- Sustain the Alliance;
- Generate a supportive environment for the parties subordinate entities and provide appropriate liaison at State Strategic (SS) and National Strategic (NS) levels; and
- Ensure that the Albany Centenary Events have SS and NS credibility.

The Board will determine the lead party in the application for and administration of any grant to be used for the promotion of the objects of the Alliance.

**Board Meeting Functions.** The Board will in connection with the Albany Centenary Events meet for the purposes of:

- Providing strategic guidance;
- Mobilising organisational power;
- Managing critical actions;
- Monitoring action and effect;
- Monitoring strategy implementation;
- Monitoring intelligence;
- Managing strategic communications;
- Linking to similar State Strategic (SS) and National Strategic (NS) entities for the purpose of strategic stakeholder management;
- Maintaining alliances and partnerships; and
- Setting rules of business conduct.

Item 19.1 continued.

### **Appointment of the Chair**

- The Chair is elected by a simple majority vote of the Board;
- The tenure is for a period of 1 year with extensions available upon the approval of the Board ; and,
- The role of Chair is to conduct Board meetings and be the local spokesperson for the Alliance.

### **Spokespersons**

The parties agree:

- The Chair speaks for the Alliance;
- To appoint a media point of contact to deal with general media enquiries.
- The Mayor or his appointee speaks for the City on **City matters** pertinent to the Alliance;
- The Albany RSL President speaks on **local RSL matters** pertinent to the Alliance;
- The RSL-WA President speaks on **State and National RSL** matters; and,
- The Consultant speaks on **Project matters** if the media POC is not available.

### **The Board will recommend funding initiatives for infrastructure and commemorative activities as follows:**

- The Alliance does not have delegated authority to commit the RSL's or the City's resources,
- The City will be the party to secure funding for infrastructure improvements.
- ANZAC Day and specific commemorative activities will be the responsibility of the RSL.

### **Application of Funds for Infrastructure and Conduct of Activities**

- As the Reserves of land on which these events take place are vested in the City, the City will administer funds obtained for the purposes of capital works including but not limited to permanent fixtures or changes to the Reserves of land for the purposes of establishing fixed infrastructure.
- The City is to approve organised community activities taking place at Albany to ensure compliance with Council Local Laws. All bookings are to be made through the designated City of Albany booking officer.
- The RSL will be responsible for the organisation of commemorative activities associated with the Albany Centenary Events.
- Meetings will be held as required between the City's administrative staff and the RSL's representatives to discuss any relevant matters involving the management of ceremonies and events attributed to Albany Centenary Events and related commemorations;

Item 19.1 continued.

**Community Involvement;**

- The Alliance will encourage community involvement with the following limitations.
- In the case of the City, all requests for support are to be channelled through the CEO or Working Group Lead Director.
- In the case of the RSL, all requests for support are to be channelled through the President of the Albany Sub-Branch.
- The Alliance may call upon the RSL or City for logistic support needed at various ceremonies, events or activities. Support will be determined by available resourcing consistent with budget allocations.
- Requests for support must be endorsed by the Chair of the Board and not delegated to any other party.

**Liabilities**

This MOU does not create any partnership at law between the parties and neither party is liable for the actions or omissions of the other.

**Insurance**

Each party shall arrange their own appropriate insurance cover for their members, staff, activities for which they are responsible and or engage in and their respective liabilities.

**Through the Alliance the City and RSL, expect to:**

- Develop an enhanced platform of cooperation in the management of the Albany Centenary Events.
- Share expertise and experience to strengthen strategic planning and operational procedures.
- Conduct ceremonies, activities and events with expected standards and protocols now and into the future.

**Endorsed at the City of Albany meeting on the      day of      2010.**

For **City of Albany**:.....

Witness:.....

**For The Returned & Services League of Australia WA Branch Incorporated:**

.....

Witness:.....

**ITEM NUMBER: 19.2**  
**ITEM TITLE: CONCERNS NOTICE RECEIVED FROM MR ANDREW HAMMOND IN RELATION TO THE AEC BUSINESS PLAN**

**File Number or Name of Ward** : LEG 003 (All Wards)  
**Summary of Key Points** : Requested correction to report 19.2, Ordinary Council Meeting dated 16 Feb 10 and Special Council meeting minutes dated 16 Feb 10.  
**Reporting Officer(s)** : Chief Executive Officer (Interim) – (J Bonker)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Ordinary Council Meeting 16/02/10  
Special Council Meeting 17/02/10  
**Bulletin Attachment(s)** : Nil  
**Consulted References** : Local Government Act 1995 (Act)  
**Maps and Diagrams** : N/A

Confidential item dealt within behind closed doors at 22.0.

**20.0 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION**

Nil

**21.0 ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING**

Nil

**22.0 ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**

*In accordance with Section 5.23 (2)(b), being: the personal affairs of a person item 19.2 Concerns Notice Received from Mr Andrew Hammond in relation to AEC Business Plan, was dealt with while the meeting was closed to the public.*

**ITEM 19.2 – OFFICER RECOMMENDATION 1**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council ACCEPT Item 19.2 as an urgent item.**

**MOTION CARRIED 10-0**  
**ABSOLUTE MAJORITY**

[:57:16 PM](#)

**ITEM 22.0 MOTION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council meet behind closed doors to consider Confidential Item 22.1 - Concerns Notice Received from Mr Andrew Hammond in Relation to AEC Business Plan.**

**MOTION CARRIED 10-0**

Members of the public and media vacated the Council Chambers.

Item 22.0 continued.

[:02:10 PM](#)

**ITEM 22.0 MOTION 2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR DUFTY**

**THAT Council SUSPEND Standing Order Clause 5.7-Order of Call in Debate-to allow discussion.**

**MOTION CARRIED 10-0**

[:09:19 PM](#) Councillor Sutton left the chamber.

[:13:43 PM](#) Councillor Sutton returned to the chamber.

**ITEM 22.0 MOTION 3**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED:COUNCILLOR SUTTON**

**SECONDED:COUNCILLOR DUFTY**

**THAT Council RESUME Standing Order 5.7-Order of Call in Debate.**

**MOTION CARRIED 10-0**

Item 22.0 continued.

**ITEM 19.2 – AMENDED RECOMMENDATION BY COUNCILLOR J SWANN  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SWANN  
SECONDED: COUNCILLOR HAMMOND**

**THAT *subject to a deed of release that would preclude any further subsequent claims against the City of Albany* the Council APPROVE the publication of the following correction:**

***“In the agenda for an Ordinary Meeting of Council on 16 February 2010, it was noted that the City of Albany’s former Chief Executive Officer, Mr Andrew Hammond, had prepared and approved a business case for the development of the Albany Entertainment Centre which did not contain operating budgets or forecasts. This statement was subsequently found to be incorrect. The business case prepared and approved by Mr Hammond and ultimately submitted to the State Treasurer contained financial projections for the operation of the Albany Entertainment Centre until 2021.”***

**as per Mr Hammond’s request, being:**

- **Publication in the minutes of an ordinary council meeting (ie. Not a closed meeting);**
- **Publication in the Albany Advertiser; and**
- **Publication in the Albany Weekender.**

**MOTION CARRIED 9-1**

**Record of Vote**

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, J Swann, R Paver, D Bostock, D Wolfe, D Dufty and R Sutton

Against the Motion: Councillor D Wellington

**ITEM 22.0 MOTION 4  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE  
SECONDED: COUNCILLOR DUFTY**

**THAT the meeting is re opened to the public.**

**MOTION CARRIED 10-0**

**No members of the public or media returned to the chamber.**

**23.0 NEXT ORDINARY MEETING DATE**

Tuesday 17<sup>th</sup> August 2010, 7.00pm

[:20:43 PM](#)

**ITEM: 23.0 - MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED:COUNCILLOR SUTTON**

**SECONDED:COUNCILLOR WELLINGTON**

**THAT Council resume Standing Order 3.1 - Recording of Proceedings, to stop recording of proceedings.**

**MOTION CARRIED 10-0  
ABSOLUTE MAJORITY**

**24.0 CLOSURE OF MEETING**

There being no further business the Mayor declared the meeting closed at [:20:49 PM](#)

Confirmed as a true and accurate record of proceedings.

*(Unconfirmed Minutes)*

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Mayor M J Evans, JP  
**MAYOR**

## APPENDIX A

**STATUS REPORT ON DEFERRED ITEMS  
FROM PREVIOUS MEETINGS**

| <b>Meeting Date</b> | <b>Item Number</b> | <b>Details/Status</b>  |
|---------------------|--------------------|--|
| 16/03/2010          | 16.3.1             | Albany Entertainment Centre (AEC) Business Planning Advisory Committee. Laid on the table for a period of one month. <b>PENDING. Originally to be reconsidered at July 2010 OCM; however no response received to date from GSDC.</b> |
| 19/01/2010          | 14.6.1             | Lease of Albany Leisure and Aquatic Centre Cafe. <b>PENDING.</b> New business plan to be formulated and referred back to Council in 12 months.   |
| 18/05/2010          | 15.3.4             | Dedication of Unallocated Crown Land as a Reserve-Portion of Princess Royal Drive Foreshore. <b>PENDING. Laid on the table to allow further council deliberation. Negotiations still ongoing.</b>                                    |
| 15/06/2010          | 18.1               | Notice of Motion by Councillor Paver - Review of Licensed Premises Guidelines. <b>WITHDRAWN. Item withdrawn by Councillor Paver.</b>   |
| 15/06/2010          | 13.2.3             | Final Approval of Scheme Amendment - Pt Lot 1 and 2 Frenchman Bay Road, Frenchman Bay. <b>PENDING. Item withdrawn from June OCM, waiting on WAPC, expect to be represented at Sep 10 OCM.</b>  |
| 15/06/2010          | 15.2.3             | Lot 5 Rufus Street-Compensation for Subdivision Design Changes. <b>PENDING. Awaiting response from City of Albany insurer.</b>   |

## APPENDIX B

## NOTICES OF DISCLOSURE

| Name                    | Item Number | Nature of Interest   |
|-------------------------|-------------|--|
| Councillor R Paver      | 13.2.1      | <b>Impartiality.</b> The nature of the interest being that Cr Paver is a director of a company which provides marketing services to the tourism industry.<br>Cr Paver remained in the chamber and participated in the discussion and vote.                                   |
| Councillor R Hammond    | 13.2.1      | <b>Financial.</b> The nature of the interest being that Cr Hammond is the proprietor of Albany Regional Booking Service and “Stay Now” holiday accommodation manager and service provider.<br>Cr Hammond left the chamber and did not participate in the discussion or vote. |
| Councillor D Wellington | 13.2.1      | <b>Impartiality.</b> The nature of the interest being that the owner of the land involved in the Strategy contributed to Cr Wellington’s mayoral campaign in 2007.<br>Cr Wellington remained in the chamber and participated in the discussion and vote.                     |
| Councillor D Wolfe      | 13.2.2      | <b>Financial.</b> The nature of the interest being that Cr Wolfe is a landholder in the Marbelup Brook catchment.<br>Cr Wolfe left the chamber and did not participate in the discussion or vote.  |
| Councillor R Hammond    | 13.2.4      | <b>Financial.</b> The nature of the interest being that Cr Hammond is the proprietor of Albany Regional Booking Service and “Stay Now” booking for accommodation of this nature.<br>Cr Hammond left the chamber and did not participate in the discussion or vote.           |
| EDCCS WP Madigan        | 14.1.2      | <b>Impartiality.</b> The nature of the interest being that Mr Madigan’s wife is an executive committee member of Southern Districts Dressage Club.   |
| Councillor R Paver      | 14.12.2     | <b>Financial.</b> The nature of the interest being that Cr Paver provides marketing services to the City of Albany.<br>Cr Paver left the chamber and did not participate in the discussion or vote.  |
| Councillor J Swann      | 15.2.6      | <b>Proximity.</b> The nature of the interest being that Cr Swann is a representative on the board of St Josephs which may receive compensation.<br>Cr Swann left the chamber and did not participate in the discussion or vote.  |

**APPENDIX C**

**TABLED DOCUMENTS**

| <b>Document Tabled By</b> | <b>Subject</b>   | <b>Page No</b> |
|---------------------------|--|----------------|
| Phillip Mellon            | Tabled Address re: Item 13.2.2                                     | 200            |
| Tony Stanton              | Tabled Address re: Item 14.6.1                                     | 207            |
| Neil Smithson             | Tabled Address re: Item 4.0 of OCM 15 June 2010                    | 209            |
| Vera Torr                 | Tabled Petition re: 221-259 York Street (Inclusive) Central Albany | 212            |

**ELECTED MEMBER TABLED DOCUMENTS**

| <b>Document Tabled By</b> | <b>Subject</b>                 | <b>Page No</b> |
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| Mayor Evans               | Mayors Report                  |                |
| Cr J Bostock              | Tabled Address re: Item 3.0    | 220            |
| Cr J Bostock              | Tabled Address re: Item 13.1.1 | 221            |
| Cr J Bostock              | Tabled Address re: Item 13.2.1 | 223            |

**STAFF TABLED DOCUMENTS**

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|---------------------------|----------------|----------------|
|                           | Nil            |                |

Tabled Address by Mr Phillip Mellon re: Item 13.2.2

APPENDIX C



Chairman  
Secretary  
Catchment Coordinator

: Des Wolfe - 98429717  
:Pauline Irving - 98446006  
: Lesley Hart – 98410119

WATERSHED *Torbay* ACTION

Torbay Catchment Group  
PO Box 1900  
ALBANY WA 6330

City Council Meeting  
20 July 2010

TO

The City Of Albany  
Attention: M.Evans  
North Road  
Albany Western Australia 6330

Item 13.2.2,

Thank you for the opportunity to put our concerns on the table.

Hi I am Philip Mellon Representing the Torbay Catchment group. Of which I have been on the exec for 9 years.

The TCG is committed to a plan with all assigned stakeholders ,COA included.(Alison Goode 2005).

**WITH A VISION FOR THE CATCHMENT TO HAVE ENVIRONMENTALLY CLEAN, BALANCED ECOLOGY SUPPORTING A PROSPEROUS COMMUNITY IN WHICH PEOPLE RESPECT EACH OTHER'S USE OF THE CATCHMENT AND IT'S WATERWAYS.**

Among which is Water Quality and Quantity. ( Torbay Catchment Plan)

We would like council to comment to the Water Corporation's DRAFT 'WATER FOREVER : LOWER GREAT SOUTHERN' 'With A firm **NO** to the option '15' Marbellup Aquifer Storage and Recovery ( Surface water) and option '17' Marbellup Ground water (bore water) and have them both removed from the next phase (Phase 2) of their strategy. (as out lined by DOW)

WE ask that the council take the following Points of consideration into account in their determination.

They are and not limited to the following

Draft Points

- \$100 million** - Better spent on Reuse Efficiency +Desalination  
- Sustainability+ Education
- 100% RECYCLE** - ?? This water is not 100% = "reuse": maybe? it is definitely "Downcycled"  
- Not used to full potential "Upcycled" Purified/Industry/Worms
- Harvesting** - The Water Corporation call it 'HARVESTING' We all Know it is 'MINING' and all the connotations that go with it

MARBELLUP Points

- Quantity** - How much is really available in Marbellup (study date 1995-2005)
- Social** - Less opening of Bar ( Time open for flushing)  
- Surfing sand bars affected  
- Migration of fish in and out (Timing)spawning

**The Torbay Catchment Group's Vision**

*"An environmentally clean, balanced ecology supporting a prosperous community in which people respect each other's use of the catchment and waterways"*

- Inundation times and depth changes
- Less depth for recreational

**Climate Change** - All and sundry figures change / stresses

- Land use**
- Downstream affected more by nutrient from other inputs (Tree farm)
  - P& N increases (less dilution) (Tree farm)
  - Upstream Farm practices changes/limited/restricted
  - Inundation
  - Land values Devaluations
  - Land acquisitions /possible
  - Marron/ Banned
  - There are now ten Blue gum plantations in Sub C/ment Since study figures( Water req)

**Cultural** - Local indigenous people the Noongars have advised against these options in their Cultural Values Study of Water Resource Study , Histories

**Environmental** - Nobody speaks for the land / Marbellup catchment and its inhabitants are asked to keep the quantity and quality up to a standard for the users else ware with no returns to it by way of an improved strategy to sustainability or improvement via compensation or what have you.

Other Issues

- Credibility of W/C in this period**
- Effluent Releases
  - Same Minister for both? DOW/WC 'Climate Sceptic'
  - Figures Iffy On today's averages?
  - Housekeeping IE Tree farm Weeds Site
  - Blatant lying Water release permission (DEC Dir General)
  - Public consultations (sub par) Albany People not directly Consulted, Misleading, Guided
  - Promises of close and open relationships NIL
  - No targets Nil
  - Proposals to reduce or Educate NIL

To the City

1) Marbellup Brook Catchment Area Drinking Water Source protection Plan Which shows!

COA-

- A requirement to check for leaching from the old tip site adjacent to the proposed water removal site, We would like to know it's progress.

And we think

- COA should refer these issue and the Water Corporation's DRAFT 'WATER FOREVER : LOWER GREAT SOUTHERN' to the EPA for ASSESMENT on the grounds of Enviromental Health /Biodiversity of not only the Marbellup sub catchment but also the downstream effects.

*- WE ARE A VOLUNTEER GROUP & YOU MUST UNDERSTAND BE ABANDONED. TORBAY CATCHMENT GROUP ASK AGAIN FOR THE CITY'S SUPPORT IN SAYING NO TO TAKING THEM. 15/17.*

~~As a volunteer group~~  
Thank you

Sincerely



Philip MELLON  
Vice Chair  
Torbay Catchment Group



Department of Water  
Government of Western Australia

# Marbellup Brook Catchment Area Drinking Water Source Protection Plan

Lower Great Southern Town Water Supply Scheme

Department of Water

Water Resource Protection Series

Report No. 67

April 2007

## 5 Land use and contamination risk

### 5.1 Potential water quality risks

The risks to water quality associated with activities in catchments include contamination from pathogens, turbidity, pesticides, chemicals, hydrocarbons and nutrients. Pathogens pose the most significant risk to public health.

Pathogen contamination of a drinking water source is influenced by the existence of pathogen carriers (ie humans and domestic animals, such as dogs or cattle) and opportunity for their subsequent transfer to the water source, the ability of the pathogen to survive in the water source and the concentration required to cause illness.

Pathogens may enter a surface water source through activities involving the direct contact of human and domestic animals with the water body or tributaries (ie illegal fishing, swimming), primarily through the transfer of faecal material, or indirectly through the presence of humans or domestic animals near the water body and its tributaries (ie runoff transferring faecal material).

There are a number of pathogens that are commonly known to contaminate water supplies worldwide. These include bacteria (eg *Salmonella*, *Escherichia coli* and *Cholera*), parasites (eg *Cryptosporidium*, *Giardia*) and viruses. The percentage of humans in the world that carry various pathogens varies. For example, it is estimated that between 0.6 to 4.3 per cent of people are infected with *Cryptosporidium* worldwide, and 7.4 per cent with *Giardia* (Geldreich, 1996).

The ability of pathogens to survive in surface water differs between species. For example, *Salmonella* may be viable for two to three months, *Giardia* may still infect after one month in the natural environment (Geldreich, 1996) and *Cryptosporidium* oocysts (cells containing reproductive spores) may survive weeks to months in freshwater (NHMRC & ARMCANZ, 2004).

The effects of pathogen contamination in drinking water varies significantly ranging from illness to death. Preventing the introduction of pathogens into the water source is the most effective barrier in avoiding this public health risk.

Land use activities within the catchment can directly influence the effectiveness of water treatment. For example, off-road driving on unauthorised tracks contributes to erosion and the uprooting of vegetation. Erosion results in the mobilisation of soil particles, which are released into the air and tributaries and increase the turbidity within the water body. Pathogens adsorb onto these soil particles and may be shielded from the effects of disinfection. Increased turbidity also impacts upon other environmental constituents, ie smothering riparian vegetation and reducing light transfer within the water column which affects plant growth.

Pesticides are toxic and some are potentially carcinogenic. Nutrients (such as nitrates) from fertiliser are toxic to humans at high levels, with infants less than 3 months old being most susceptible. Hydrocarbons (fuels, oils, solvents) and other chemicals are potentially toxic and carcinogenic, and harmful by-products may be formed when they are combined with chlorine.

## 5.2 Existing land uses

Land use is illustrated in Figure 4 and photos in Appendix 3.

Land use in the Marbellup Brook catchment includes:

- general farming activities;
- native vegetation;
- nature reserves;
- gravel pits;
- old land fill sites;
- railway line;
- the townsite of Redmond;
- a wood chip mill and timber precinct, and
- plantations.

About 60 per cent of the catchment is used for agriculture, most of which was cleared before 1979 (MacNish, 2004), leaving approximately 33 per cent of the catchment in native vegetation and the remainder in plantations and urban area.

Farming activities on private land are typically pasture with sheep and cattle grazing, with several properties converted to silviculture in recent years. Other activities include a piggery, a dairy, horticulture and hobby farms. Current farming activities provide varying risks to water quality through application of fertilisers, pesticides, and pathogens from the presence of domestic animals and from septic tanks. Stock have access to many parts of the Brook. A foreshore assessment has been completed and has identified sections which remain unfenced (see Figure 5). Unfenced areas pose an increased risk of pathogen contamination from animal faecal matter, as stock are allowed access to waterways which transport pathogens into the proposed drinking water source. Pathogen risk is greatest during winter when there tends to be fresher water, greater runoff from pastures, high base flows, greater turbidity and less sunlight (Toze & Hanna, 2002).

There are two Nature Reserves within the catchment, which are managed by the Department of Environment and Conservation. These are the Down Road Nature Reserve and the Marbellup Nature Reserve. These Reserves are predominantly native bushland and therefore pose little risk to water quality in the catchment.

| Action | Activity                      | Priority | Recommended Protection Strategy  | Responsible Stakeholders                           | Timeframe | Main Funding Source                                |
|--------|-------------------------------|----------|--|--|-----------|--|
| 54     | Gravel and Sand Pits          | Low      | Draft and implement an effective management plan in conjunction with the City of Albany to ensure gravel and sand extraction does not represent an unnecessary risk to surface water in the area.                              | Landowner<br>Department of Water<br>City of Albany | 2010      | Landowner<br>Department of Water<br>City of Albany |
| 55     | Gravel and Sand Pits          | Low      | Ensure City of Albany access tracks to old pits have sufficient barriers to prevent access for illegal rubbish dumping and recreation use.   | City of Albany                                     | 2010      | City of Albany                                     |
| 56     | Old Rubbish disposal sites    | Medium   | Investigate leaching potential from old rubbish disposal site on Reserve 801 adjacent to Marbellup Brook through monitoring.   | City of Albany                                     | 2008      | Yet to be determined                               |
| 57     | Fire Management and wildfires | Low      | Liaise closely with DEC and CoA to ensure this protection plan is included in their Fire Operations Manual and Plans and that protocols are put in place for effective communications between agencies managing the catchment. | DEC<br>City of Albany                              | 2009      | N/A  |
| 58     | Fire Management and wildfires | Low      | Establish specific points for accessing watercourses and the river for fire-fighting purposes.   | DEC<br>City of Albany                              | 2009      | DEC  |
| 59     | Fire Management and wildfires | Low      | Establish the degree of usage of fire retardants and firefighting foam, and restrict its use close to the water supply.  | DEC<br>City of Albany                              | 2009      | DEC  |
| 60     | Nature Reserves               | Low      | Continue to liaise with DEC regarding the inclusion of Reserve 801 in the Marbellup Nature Reserve, considering the possibility of this area being used for water supply purposes.   | Department of Water<br>DEC                         | ONGOING   | N/A  |
| 61     | Nature Reserves               | Medium   | Ensure that the management plans for nature reserves recognise water quality protection objectives.  | DEC  | ONGOING   | DEC  |
| 62     | Nature Reserves               | Medium   | Pesticide use should be in accordance with <i>Statewide Policy No.2 Pesticide use in Public Drinking Water Source Areas, 2000</i> and <i>Department of Health PSC88 -</i>  | DEC<br>Department of Health                        | ONGOING   | N/A  |

## Marbellup Brook Status Report FINAL DRAFT 25 June 2010

A BREIF WORD ABOUT THE AVAILIBLE WATER from this report by DOW

The calculation of EWRs for Marbellup as shown in an appendix of this doc seems little more than numbers. Somehow "" "" "" it has been designated that between 60 and 70% of water should remain in this system. Interestingly the figures used allow less water for the environment in dry years nearer 60%. DoW have stated that water would only be drawn off in winter, this is when the waterway system requires maximum water to flush the already nutrient rich sediments from the system. And how do they arrive at a figure of 4.8GL when 5.2GL is the max 'excess' water in the brook (all year round) , 2.5GL is the min and 3.6GL is the average water in the winter months? Surely taking their figures at face value would indicate that only 3.6GL is available. Interestingly their doc supports 5.2GL annually of extra water in the system ('75-'05) BUT verbally at a recent general TCG meeting presentation by DoW they categorically stated that they (DoW the regulators) would not allow the amount Water Corp was bandying around (4.8GL) to be drawn from the brook , qualifying that by saying that it is up to the minister in the end. At a meeting with the TCG and Water Corp last week they stated that they shouldn't have used the figure of 4.8GL as it is too much. WE Have issues with these figures as 1) Percentages of water in system-- IE 60% of 100gigaliters = 60 gigaliters and 60% of 60gigaliters = 40 gig they do not show a constant for the EWR's there is a 20 gig diferential.2)they do not consider the vast Tree plantation activities in this catchment 3) they are from the 1975 to 2005 periods and do not reflect current trends with climate change.

The climate change report commissioned by South Coast NRM states that a non-linear relationship has been found between streamflow and rainfall. That is a 10-20% reduction in rainfall has been shown to cause 30-40% reduction in streamflow. This does not bode well for any south-west stream as a potential water source. Drawing water from our rivers for an increasing population is short-sighted. Water Corp do have desal on the cards and this is by far a better option with the wave action in this region that would rapidly dissipate hyper saline discharge. The size desal plant required for Albany at this stage would only require the power generated by one of the current or a new wind turbine (a payback on capital costs is possible and ongoing energy costs would be a miniscule fraction of base load costs). River and surface water would be better retained in the system for the environment AND for the production of food for the population. ALSO mandatory rainwater tanks in urban areas would assist in several ways, less flash flooding of watercourses caused by the urban environment and less water required to be piped to people. Water saving through efficiencies is vital. Consider- Water Corp stated 50% of scheme water is used on gardens in Albany there are certainly major avenues for improvement,, IMAGINE THAT,, DOUBLE THE POPULATION WITH THE SAME INFRASTRUCTURE . Lets not forget REUSE all the waste water that is used on low value blue gums at present at the sewage tree farm. I add that this site is the headwaters of seven mile creek and a source of nutrients to the Lake Powell, Torbay Inlet system (The same Catchment). On the one hand removing supposed good quality water (Marbellup) from the waterway and on the other hand putting nutrients in. These two issues are unfortunately linked with the result being at the mouth of the catchment TORBAY itself.

Personally

Along with the myriad of ecological reasons that water is critical to this sytem. I would like just to mention the species risk analysis matrix for Marbellup, please note the significant cultural values of both Marbellup Brook and the lower lakes systems. These areas are very important. And there are significant social values held in these areas by other members of society as well. This area is ONLY 7-12km from the outskirts of Albany, currently the Torbay Muttonbird district (Fed by this Catchment) is the only allowable recreational BEACH area and with an increasing population will become even more important both socially and recreationally in future years. **With all these and earlier considerations the local population ( And onlookers) do not think Marbellup is a sustainable conclusion and would like it removed from the Water Forever Process as a WATER source.**

**Tabled Address by Mr Tony Stanton re: Item 14.6.1.**

Address to Council  
20<sup>th</sup> July 2010  
ALAC Café

I address Item 14.6.1 leasing or staffing the ALAC Café.

I am aware some Councillors want to lease the café on the grounds it takes away opportunities for private industry & apparently does not make a profit.

ALAC is the City's largest investment designed to help our community by teaching our children to swim, catering for various water sports, and providing exercise & rehabilitation facilities for the aged & disabled in a 1<sup>st</sup> class amenity.

A Community Service Obligation.

ALAC has 750 thousand visits annually or about 22 visits per head of population.

I ask Councillors how many times you use the facility as individuals. Are you aware 1<sup>st</sup> hand of the troubles it has experienced since it was upgraded? Cold water boiler problems, the pool deck covering lifting & "tiger stripe" stainless steel. These things have detracted from attendances & popularity. These cannot be blamed on the café & it is unfair to out-source it, because attendances have fallen.

The café provides catering for City functions which give a net return to the City. On top of this ALAC has a higher secondary spend per visit than the average Australian pool thus showing good patronage. The many parents & grandparents who sit through swimming lessons are able to get a decent coffee & something healthy to eat. When the kids have finished, a visit to the café is a reward & it is on the spot. No one packs up their kids & then drops into a café in town.

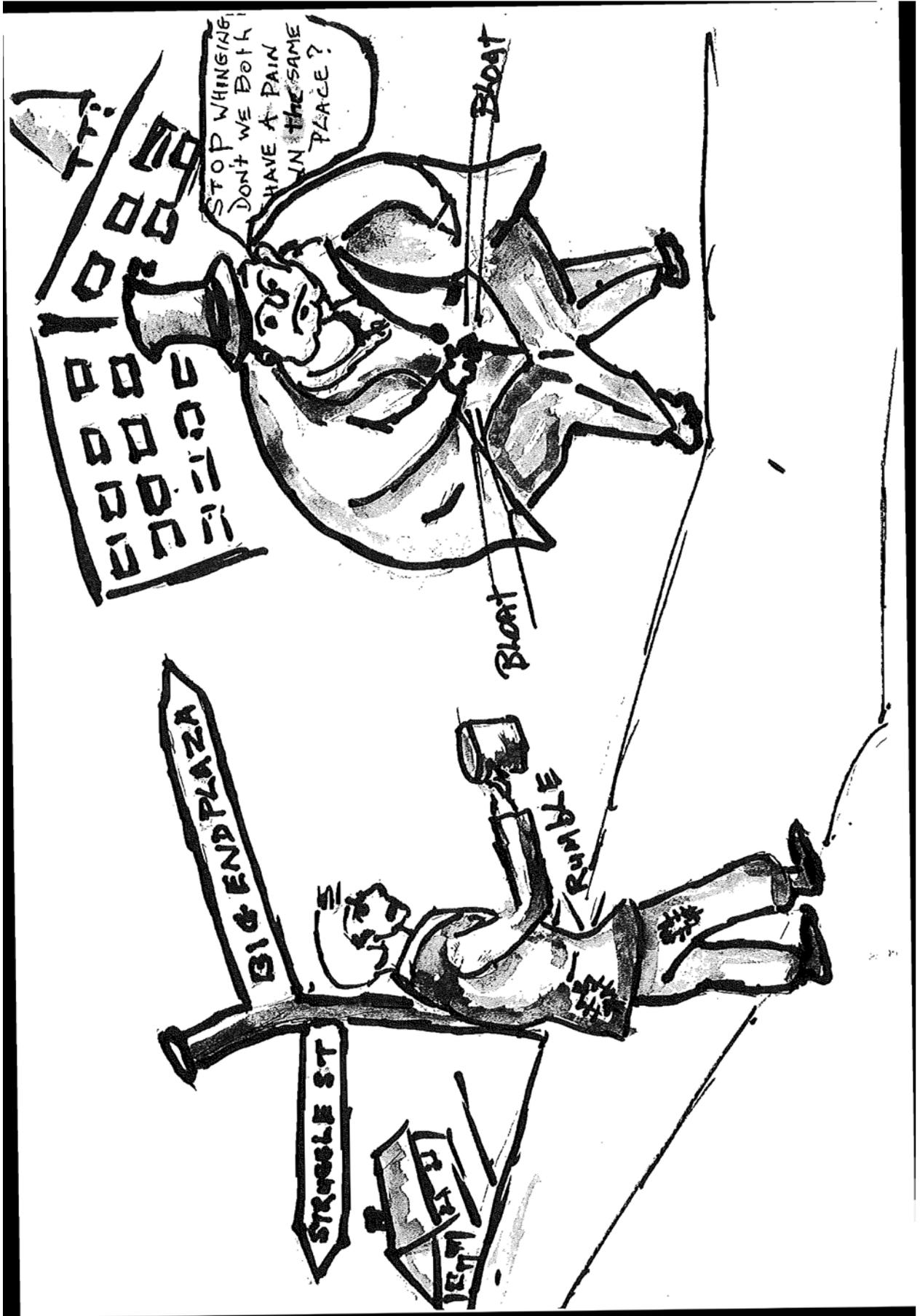
Since it opened, the café staff has had the sword of Damocles over their heads because of an annual "lease out" review. How would you work under these circumstances? At least Councillors get a 4 year period knowing they can pursue their goals. Since the re-opening in 2008, ALAC is on its 5<sup>th</sup> café supervisor & currently has one with the necessary expertise & experience. In the City's 6 monthly "Organisational Climate Survey", café staff have been asked to rate how they feel about their work contribution. Questions- Organisational Direction - In my team; we feel that organisational goals are clearly defined. Probable answer, yes, we can be thrown out. Recognition – in my team we are recognised for our good work & our achievements. Probable answer, No, we can be thrown out. Respect across Council – people respect the contribution that is made by others in the organisation. No, we can be thrown out. Café staff will be having a sleepless night tonight because tomorrow, if you lease the café, yes, they'll know they've been thrown out.

I have swum in many pools around Australia. You can easily pick the café that is leased. It sells mainly items that make the biggest margins, instant coffee, soft drink, lollies, & chips. Once leased, a café quickly downgrades to this. Katanning & Broome are cancelling leases over quality control.

Nursery rhymes are currently being updated to reflect our modern world; Jack & Jill went down to town, to get some chips & sweets, Jack can't keep his heart rate down, & Jill's got diabetes.

The City should not lease & see quality downgraded. Its duty is to provide healthy food & has the staff to do so as well as staff to correct the building situation. Help them turn ALAC into a smart ALAC.

Tony Stanton  
20<sup>th</sup> July 2010



## APPENDIX C

### **Tabled Address by Mr Neil Smithson.**

Thank you Mister Mayor / Councillors

Neil Smithson of Smithson Planning, 364 Middleton Loop, Albany

#### Item 4.1 – Answers to Question on Notice

Thank you Mister Mayor for your letter on behalf of the Council dated 28 June 2010 – a copy of that letter can be downloaded from the Smithson Planning website.

I note with interest that you have chosen not to answer any of our questions, and while you recommend referring matters to the Corruption & Crime Commission, that body determined (after two separate referrals) in 2004 that it was not in the public interest to investigate the City of Albany – and you can download the Commission's letter from our website as well.

#### Grange Resources – Foreshore Slurry Pipeline Easement

With reference to my further questions of 18 May 2010, the Hon. Graham Jacobs MLA, Minister for Water was good enough to advise that the WA Water Corporation has not undertaken any works for the purposes of a slurry pipeline along Albany's waterfront, and I am awaiting the advice of the Hon. Brendon Grylls MLA, Minister for Lands (LandCorp) in that same regard.

So far, the Hon. Simon O'Brien MLC, Minister for Transport has declined to address our question :

Has the Minister for Transport or the Department of Transport entered into agreement with Grange Resources Pty Ltd for the purposes of conveying mine slurry via an easement within crown lands to the Port of Albany?

If there is no such agreement in place, the question then becomes 'Will the State enter into such an agreement?' – and if not, then 'Has the State subjected the proponents of the Grange Resources project to a \$40 million / 4 year environmental / planning assessment process premised on a fatal flaw being that access to the Port of Albany along the waterfront was assured?'

Council's own report of 18 May 2010 indicates that Main Roads WA and the Australian Rail Group are opposed to using crown land for a pipeline easement – slurry, gas or otherwise – so it will be interesting to see how this evolves.

I support the Grange Resources project, but would venture to suggest that 1,000 new families in Albany's peripheral suburbs will pose a significant challenge for traffic management at both the big roundabout and Princess Royal Drive, as well as supporting valuable retail and commercial services investment.

**APPENDIX C**

I am sure you Councillors will appreciate the impact on existing road / rail freight operators to the Port of Albany, and I believe we both know the current opinion of industry groups (other than APEC) as to the value of the Albany Ring Road, and the prospect of rail augmentation along the Albany waterfront.

If that is a fatal flaw for the Grange Project, it is also a fatal flaw for the Council's Draft Local Planning Scheme No.1, adopted in February 2009 as you pointed out Mister Mayor, and still awaiting approval for advertising from the WA Planning Commission.

Of course, if the Port of Albany and region do nothing, then with the advent of Albany Anzac 2014-18 and then Albany Bicentennial 2026-27 – well suffice to say it will be a restricted trading future – and then add to that the impact of Peak Oil affecting the region's ability to respond to that change.

It's not as if the WA Farmers Federation is a lone voice calling repeatedly for better transport. I won't politicise the recent series of accidents and fatalities on Great Southern roads – but the longer you leave this problem, the worse it will get.

I note with interest the recent statements of LandCorp pertaining to foreshore development published in the Albany Advertiser last Thursday – an ominous sign – a building caveat precluding development from 2011 for three years, and then maybe commercial mixed development after 2016?

I question the commitment of the State government to the Albany Anzac 2014-18 celebrations, and the 2013 State election will be interesting if the Government fails to prepare for Albany Anzac 2014 – and this is definitely a strategy designed to prevent Albany's growth and development.

I also question whether we shall see any hotel development at the Waterfront, the Esplanade or the Woolstores sites before 2014, noting the recent tourism dialogue highlights the need for 5 star accommodation & a significant airport upgrade.

Finally, some people have queried my suggestion for a State Government of Manypeaks. As a federal candidate for O'Connor, this is a quintessential proposition – as the first western settlement of Australia, was Albany ever capable of thinking and acting like a capital city of a vibrant new State, because the future of Australia is surely regional development.

**APPENDIX C**

The question remains – What will Albany do? Thank you for your time this evening.

Yours faithfully  
SMITHSON PLANNING

***Neil R. Smithson***

***Neil R. Smithson***

Managing Director  
PIA<sup>CPP</sup>, EIANZ, NELA, LGPA, AAPC, NTWA, FDI, CSC 2003

**Tabled Petition from Ms Vera Torr: PETITION 221-259 YORK STREET (Inclusive)- CENTRAL ALBANY.**

**PÉTITION 221-259 YORK STREET (Inclusive)– CENTRAL ALBANY**

**To His Worship the Mayor and Councillors of the City of Albany**

We, the undersigned, all being electors of the City of Albany, do respectfully ask that Council request the City of Albany to provide to Council effective planning controls for Council approval that reflect the community view that no residential component be allowable in the future development of the above sites - being the designated Civic Centre of the City of Albany - and that the said freehold land must remain the property of the people and not be sold.

These measures would effectively ensure:

- a) The full integrity of Alison Hartman Gardens is not compromised
- b) The retention of public ownership of all said land
- c) The prevention of residential development on the said land.

Albany is a growing City and has a long future. It is seen as essential that this civic land is kept in public ownership for the benefit of the wider community and future generations - as it was intended.

The names and addresses of your petitioners are as follows-

| NAME             | ADDRESS                     | SIGNATURE     |
|------------------|-----------------------------|---------------|
| Annette Beasley  | Viscount Hgts. L. King      | A. Beasley    |
| David Beasley    | Viscount Hgts               | D. Beasley    |
| Martin Hoop      | Albany                      | M. Hoop       |
| LES PARSONS      | ALBANY                      | L. Parsons    |
| LEIGH SHELTON    | DENMARK                     | Leigh Sheldon |
| LIZ COSEY        | Albany                      | L. Cosey      |
| John J. FISHER   | Albany                      | J. Fisher     |
| Len FISHER       | ALBANY                      | L. Fisher     |
| Caron O'Shaherty | 17 Eclipse dr Collingwood   | C. O'Shaherty |
| Margaret Whittle | 9/16 Perry St. Denmark 6333 | M. Whittle    |

Correspondence in respect of this petition should be addressed to-  
 Mrs Vera Anne Torr PO Box 1126 Albany WA 6331 (18 Sussex St Albany )  
 Tel 98 422420 e-mail mussop@westnet.com.au

(9)

8 sheets 66 signatures

**PETITION 221-259 YORK STREET (Inclusive)– CENTRAL ALBANY**

**To His Worship the Mayor and Councillors of the City of Albany**

We, the undersigned, all being electors of the City of Albany, do respectfully ask that Council request the City of Albany to provide to Council effective planning controls for Council approval that reflect the community view that no residential component be allowable in the future development of the above sites - being the designated Civic Centre of the City of Albany - and that the said freehold land must remain the property of the people and not be sold.

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The names and addresses of your petitioners are as follows

| NAME            | ADDRESS                          | SIGNATURE |
|-----------------|----------------------------------|-----------|
| Julie Ivy       | 21 Maudsey Cres Collingwood H/15 |           |
| PSYCHEA BARRATT | 80 Campbell Rd Albany            |           |
| Ross GAY        | -                                |           |
| J. McALLISTER   | 8/36 King William St. Baywalk    |           |
| D. OBAEMSKA     | 112 Neelakipara ALBANY           |           |
| W. VAN DALS     | 45 ELLIPSE DR.                   |           |
| JUNE LESTER     | 88 Wylie Cres Albany             |           |
| BET DITCHBURN   | 26A M'LEOD ST ALBANY             |           |
|                 |                                  |           |
|                 |                                  |           |

Correspondence in respect of this petition should be addressed to-  
 Mrs Vera Anne Toll PO Box 1126 Albany WA 6331 (16 Sussex St Albany )  
 Tel 96 422420 e-mail mussop@westnet.com.au

8

**PETITION 221-259 YORK STREET (Inclusive)– CENTRAL ALBANY**

**To His Worship the Mayor and Councillors of the City of Albany**

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These measures would effectively ensure:

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- b) The retention of public ownership of all said land
- c) The prevention of residential development on the said land.

Albany is a growing City and has a long future. It is seen as essential that this civic land is kept in public ownership for the benefit of the wider community and future generations - as it was intended.

The names and addresses of your petitioners are as follows-

| NAME                  | ADDRESS                  | SIGNATURE   |
|-----------------------|--------------------------|-------------|
| LYNSAY                | CHESTER PASS RD          | R Wall      |
| Regi Connacher        | George St. Little Brows. | RCC         |
| Belinda Blanson       | 50 PARKER ST ALBANY.     | B. Blanson  |
| Wally Brown           | 50 Parker St Albany      | W. Brown    |
| ALL COUNCIL           | PO. BOX 5636 ALBANY 6332 | [Signature] |
| <del>CAROL TARA</del> |                          |             |
|                       |                          |             |
|                       |                          |             |
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|                       |                          |             |

Correspondence in respect of this petition should be addressed to-  
 Mrs Vera Anne Torr PO Box 1126 Albany WA 6331 (18 Sussex St Albany )  
 Tel 98 422420 e-mail mussop@westnet.com.au

(5)

**PETITION 221-259 YORK STREET (Inclusive)– CENTRAL ALBANY**

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| NAME          | ADDRESS                     | SIGNATURE     |
|---------------|-----------------------------|---------------|
| J R Castle    | Arross Cres Albany          | J R Castle    |
| J B Main      | 52 North Rd                 | J B Main      |
| A.C. Brampton | 44B Coltingerwood Rd Albany | A.C. Brampton |
| N.A. PINE     | 6/165 Middlebar Rd Albany   | N.A. PINE     |
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| NAME             | ADDRESS                     | SIGNATURE           |
|------------------|-----------------------------|---------------------|
| 55 LANGLAN       | 6 WILSON ST                 | [Signature]         |
| Mitchell J Torr. | 8 Ashkey Blvd.              | [Signature]         |
| Judy Bennett     | 10 Deardon Crest Albany     | J.E. B. [Signature] |
| Patricia Jones   | 45 Garden St M/bean         | [Signature]         |
| COWELL RODRIG    | 17 COLLINGWOOD A            | RIA [Signature]     |
| BRAO HITCHCOCK   | 22 SCORPIO DVE MCKAIL       | [Signature]         |
| CRANK DIGHT      | 118 COLLINGWOOD ROAD ALBANY | [Signature]         |
| AMAZA SMITH      | BENNETT RD NARRIER          | [Signature]         |
| ANDREW SMITH     | BENNETT RD NARRIER          | [Signature]         |
| CHRIS HARRISON   | GLEDHOL                     | [Signature]         |

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(10)

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The names and addresses of your petitioners are as follows-

| NAME            | ADDRESS                   | SIGNATURE         |
|-----------------|---------------------------|-------------------|
| Sharon Lee      | 3 Lower King Road         | <i>SL</i>         |
| Choon Pae Ng    | "                         | <i>CP Ng</i>      |
| Quinn Wilson    | 89 Melrose St.            | <i>Q Wilson</i>   |
| Chris Palfrey   | 6 Hamble Lane             | <i>CP Palfrey</i> |
| G.P. Brown      | P.O. Box 1544 Albany 6331 | <i>G.P. Brown</i> |
| R. W. Booth     | P.O. Box 5555 Albany 6332 | <i>R.W. Booth</i> |
| Julia Marsh     | 23 Ruddy Dye Spencer Park | <i>J Marsh</i>    |
| Mark Anderson   | 47 KARRAKATA RD, ALBANY   | <i>M Anderson</i> |
| HELEN ANDERSON. | 47 KARRAKATA RD, ALBANY   | <i>H Anderson</i> |
| MARIE COMBES    | 13 MELROSE ST ALBANY      | <i>M. Combes</i>  |

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 Tel 98 422420 e-mail mussop@westnet.com.au

*kp*

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The names and addresses of your petitioners are as follows-

| NAME                      | ADDRESS                              | SIGNATURE                      |
|---------------------------|--------------------------------------|--------------------------------|
| <i>[Handwritten Name]</i> | 30 Sierra Cres                       | <i>[Handwritten Signature]</i> |
| AGNES ROBERTS             | 2th of Glen West Rd Albany           | <i>[Handwritten Signature]</i> |
| MARSHALL GRANT            | 215 Berry Ln Albany                  | <i>[Handwritten Signature]</i> |
| J. D. HATHENS             | Unit 15 The Centre 165 Albany Rd     | <i>[Handwritten Signature]</i> |
| Jack KENBEEN              | 14 BUCKTON PL AUSTRALIA              | <i>[Handwritten Signature]</i> |
| Don PAULYS                | 314 FRENCHMAN BAY RD                 | <i>[Handwritten Signature]</i> |
| KAREN SAARE               | 314 FRENCHMAN BAY RD                 | <i>[Handwritten Signature]</i> |
| EVAN. HOBLEY              | 12. STIRLING TCE. ALBANY             | <i>[Handwritten Signature]</i> |
| Cynthia Cordingley        | Unit 7, Vancouver Views, Albany 6332 | <i>[Handwritten Signature]</i> |
| Alma Macaulay             | 29 Burt Street                       | <i>[Handwritten Signature]</i> |

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 Tel 98 422420 e-mail mussop@westnet.com.au

(10)

(kept)

**Tabled Address by Councillor J Bostock re: Item 3.0**

OCM 20 July 2010

Item 3 Announcements by the Mayor and Councillors without discussion.

Elected members and public officers are entrusted with discretion and authority and must therefore hold higher levels of integrity and ethical behaviour than the general public. It is our public duty to safeguard the inherent risk of bad practice that can so easily become established within an organisation. It is a matter of developing and promoting good practice and combating a culture of indifference or acceptance of anything less.

When things go wrong as they inevitably will, alarm bells ring and signal the demand for scrutiny. It is not to be feared but offers the opportunity to check, adjust and maintain the high standards required of public authorities. Mistakes are a part of life, how we manage them is the important and significant factor.

We have just experienced a crisis that has shocked us all and recognition of the resultant damage and loss of confidence is essential. Our electors have called for an inquiry, whether that is forthcoming or not it is our duty to provide the facts and demonstrate that their legitimate concerns are being addressed.

The explanation given for the CEOs departure detailed in the chamber, on the radio and in the press is alarming. The suggestion is that Mr. Richards was an asset to the organisation but a few Councillors were responsible for the termination of his contract and the huge financial loss to the ratepayer. It has generally been accepted that the Councillors responsible were those subject to complaints to the Standards Panel by Paul Richards and reinforced by Councillor Wellingtons “recalcitrant” motion.

*No evidence has been produced to support Councillor Wellington’s statement and every single complaint made by Mr. Richards was unfounded and has been formally dismissed by the standards Panel.*

There remains a clear duty to set the record straight and in accordance with proper ethical leadership, public apology made for any associated injustice.

An examination of the circumstances surrounding this crisis is the honourable and essential direction, if we are, in our Prime Ministers words to responsibly “move forward”.

Councillor Jill Bostock.

**Tabled Address by Councillor J Bostock re: Item 13.1.1**

OCM 20 July 2010

Item 13.1.1 Development Application Use not Listed “Prospect House” Discovery Drive.

It is disappointing that this matter has been allowed to escalate and result in the strong opposition evident today. This may have been avoided with a little more care by involving the neighbouring community earlier. The indications established in the media that the project was a fait accompli inevitably leads to anger, distrust and opposition.

This has been a difficult decision, as many of you are aware I come from a Social Work background and am acutely aware of the need for understanding and protection of those most disadvantaged in our society and a project such as this demonstrates a commendable effort to meet a need.

However I am here to exercise a decision under the authority of the Planning Act and our Town Planning Scheme. The purpose of planning is to ensure efficient land use and the avoidance of land use conflicts. This facility is a use that is prohibited in a residential zone, unless permitted under the discretion of Council after 21 days advertising.

We must examine the purpose of advertising, which can only be to ascertain the level of support or conflict with regard to the proposed use. We received 36 submissions, which at first glance indicated more in support, than opposed but on closer inspection those that will actually be affected by the proposal that is, those living in the vicinity are 100% opposed.

Other matters under our planning scheme to be considered by council, is the compatibility of the use with its setting, social issues that may effect the preservation of the amenity of the locality and whether public transport services are necessary and whether they are available and adequate for the proposal. The most pertinent of these is the transport issue; I have reservations about the suitability of this site being so far from the CBD which would compound the difficulties already facing residents.

Another factor that I have taken into consideration is that this housing commission 5 bed roomed property represents an important and limited resource and its use for this proposal is taking away a much needed facility from a family on the state housing waiting list. It is in my view undesirable that one disadvantaged group should be sacrificed for another.

I am mindful of the time and effort that has been afforded to this project and appreciate the difficulty in finding premises, establishing funding and managing the obstacles and I must commend the proponents for their recent efforts in attempting to meet the concerns of the neighbours.

I would like to see this project facilitated on a more suitable site, closer to the CBD in accommodation that is not in conflict with other disadvantaged groups. It is probable that the proponents would ideally favour the same and have had to proceed with an available option.

I am therefore disappointed that I cannot support the current proposal, but my vote is predicated on the requirement to give credence to our planning scheme and the concerns of the neighbouring residence. There is little point in advertising if we disregard the voice of those affected. It is incumbent on Council to heed this strong opposition and represent the interests of established residents; it is most unfortunate that the distrust has not been overcome.

Councillor Jill Bostock

**Tabled Address by Councillor J Bostock re: Item 13.2.1.**

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OCM 20 July 2010

Item 13.2.1 Adoption of City of Albany Tourist Accommodation Planning Strategy.

I do have some outstanding concerns with this strategy, but I appreciate that a lot of work has been done to improve on the original draft and rectify some of the inconsistencies and problems. I acknowledge the difficulty in getting everything correct and entirely satisfactory but believe that it is in everyone's interest to get something in place as soon as possible.

The biggest difficulty in planning in Albany is the fact that so much is in flux, developers, planners and decision makers need confirmed documents from which to work. I understand that this is a strategy and not in itself a definitive or legislative imperative, but the sooner we can have things in place the sooner we can line up our scheme and policies. Our problem has been too many changes simultaneously, a decision makers nightmare, the need to examine not only those documents in force but also all the seriously considered options. The sooner our new Local Planning Scheme and ALPS are fully operational the better.

I support this motion and look forward to a simplified regime as the necessary scheme; strategies and policies are adjusted to be consistent with one another and properly endorsed.

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Councillor Jill Bostock