

MINUTES

ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 20th October 2009
7.00pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 6:58:39 PM

2.0 OPENING PRAYER

Mayor Evans 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

7:00:35 PM Cr J Bostock

Cr Jill Bostock welcomed the newly elected members of council.

We are all uncertain under changed conditions and the stressful nature of change is well recognised. But change also represents an opportunity for growth an ability to surge forward and bring renewed vigour. So I travel in hope that a changed composition of Council will deliver a new positive self directing approach to the governance of this City. With the right organisation in place, recognition of the strengths offered by our individuality, and an understanding of the necessity for us to work together, we can be an effective body. This is essentially a talking job, we must facilitate discussion. We must speak with many voices, but we must govern with one. Welcome to you all, to the responsible job of governance. Thankyou.

7:01:53 PM Cr Hammond

I would like to express my gratitude to the electors that expressed their confidence and provided me with the opportunity to be part of a dynamic Council. I believe that I have a lot to contribute and time will tell. Thankyou.

7:02:23PM Cr Price

Cr Price extended a welcome and congratulations to the newly elected members of Council. I look forward to active participation by all members in all aspects of Council; to: representative attendance at meetings and Committees. To robust but courteous debate, to respect one another's opinions and to the unity of City of Albany Council, and look forward to working with everybody.

7:03:12 PM Cr Wellington

To the electors of the Frederickstown Ward, thankyou for your faith in returning me to this place, I have been here before and have enjoyed it in the past and am quiet sure I will enjoy it this time as well.

Item 3.0 continued.

I look forward as Councillor Price said, to some robust debate; I certainly hope it is robust and keen, but never personal.

I think we can say what we think, we don't have to agree, and the only thing we have to agree on, is what we do is for the betterment of this City. So I look forward to that time.

7:04:04 PM Cr Leavesley

Firstly I would like to thank the voters of Kalgan for the confidence you have shown in me, you can be assured that I will do my utmost to represent your views. In conjunction with my fellow Councillors to provide good governance at the City of Albany. Can I pay tribute to our Mayor and Councillors Wolfe and Dufty who are all great advocates for the institution of Local Government.

The encouragement you gave me was instrumental in my decision to stand for Kalgan.

I'm really looking forward to getting to know my fellow Councillors and working with you in a co-operative manner to the benefit of our wonderful City.

Finally a big thankyou to my family and friends for their help and support during the election campaign and in particular my wife Suzanne.

7:04:54 PM Cr Paver

I would like to offer a warm welcome to the new Councillors, but I would like to talk on the Weekender article on September 3 entitled "*11 Million Plans for CBD scrapped*".

This article quotes the views of Mr Lionetti who it reports regards Council as a circus with a negative attitude towards development that discourages investment within the City generally and is to be blamed for his decision to pull out of his plans for the vacant land between Peels Place and Stirling Terrace.

The article sets out deliberately it seems to me to create a very unfavourable impression on Council and it achieved it's apparent purpose as you know Mr Mayor one reader has written to Councillors saying „I just read about the Paul Lionetti fiasco as individuals you may be nice people, but collectively as a Council you are a disgrace. We the people of Albany are heartily sick and tired of you all'.

Mr Mayor I cannot accept this lying down far from being negative towards Mr Lionetti's development application, Council was so anxious to assist him that it varied the parking bay standard for the CBD without regard for the mandatory procedural requirements of the scheme and thereby effectively granted him a parking bay concession worth, according to the CEO at the time, over \$1.5 million. I would have thought that this was proof positive that Councillors we prepared to go above and beyond the call of duty to encourage Mr Lionetti to develop his Stirling Terrace site.

Item 3.0 continued.

But what irks me more that half truth is untruth. The article states the agreement was reversed when Councillor Roland Paver led 5 Councillors to rescind the decision due to its (unlawfulness).

Now there was no agreement, only a resolution, this resolution was unquestionably unlawful; my rescission motion set out to remedy the unlawfulness, but it was not supported.

So no agreement, so called, was ever reversed by Council.

Mr Lionetti was free to proceed unimpeded with his development. So Mr Mayor, I support the concept of freedom of press, but I do not accept that this entitles it to be licentious with the truth. I ask that the journalists concerned to put the record straight at the next available opportunity.

7:07:08 PM Cr D Bostock

Your Worship the Mayor, electors and fellow Councillors. I would like to spend my two minutes talking about democracy which comes in two very different forms. The first which is almost universally adopted throughout western civilizations involves candidates making all sorts of rash promises which they immediately forget once elected and believe they are appointed because of their superior intellect, as of the brain of the people, to think for them, tell them what they read and force their ideas through even when told repeatedly that the voters think that their ideas are rubbish.

That is not democracy but an elected dictatorship and the reason why politics is generally held in such low esteem throughout western countries. True representative democracy which recognises that the function of the elected member is to discover what the people want and to do their best to provide it, is far less popular with the political classes for obvious reasons. So they always use the old and fallacious argument that it is not possible to ascertain what the majority want because when people are asked only a small number reply so that the silent majority cannot be represented. It is however, remarkable how the view of the silent majority always seems to coincide with that of the proponent of any scheme, when it is, in fact, it carries as much weight in decision making as the view of the Easter Bunny, because neither view can be ascertained, to ascertain a clue in what they may be thinking.

The correct procedure is that when public opinion is sought the Council must take notice of the result and decide accordingly, even if that only involves a small number of people. It is certain that once the electorate become aware that their opinion will be listened to, voter participation will increase exponentially.

That is the mandate on which I was elected and one I have promised the people of Vancouver to stick to at all times. Thankyou.

Item 3.0 continued.

7:09:26 PM Cr Wolfe

I would like to take this opportunity to welcome our new Councillors amongst us, and hope they enjoy their time on Council and I look forward to working with you, welcome to you all.

7:09:43 PM Cr Dufty

Thank the electors of West Ward for electing me unopposed. It was quiet a surprise, I hope it wasn't that everyone was too lazy to have a go, I hope it wasn't that. I notice in today's paper that I have been in deep freeze for the last 7 years, and I got a bit of page two if you haven't read it, I thought it was quiet humorous and took it in that vane.

But I am pleased to be back on Council, because I have always been interested in governance and Council and all that type of thing and I think I have had a fair bit of experience in my 78 years, I pride myself as being 78 years young. I live a day at a time and don't have any vested interests, I don't have to leave the room.

If you can remember when I was on last time, I wore a track between my seat and the door, I had that much involvement that I couldn't take part in all the debates, but now I can and I'm going to enjoy the next two years and I say that specifically because all though I have been elected for 4 years, I do recognise that I am getting on years and I think if in two years my health won't stand another 2 years, I will resign at election time to save to Council having to have a bi-election. So welcome to the new Councillors, I'm pleased to see the Councillors arrive here and look forward to some good debate and a lot of progress for Albany in the next few years.

7:11:39 PM Cr Matla

I would like to reiterate what all the other Councillors have said, I would like to welcome all the new Councillors and would like to believe that we can't be all things to all people at all times. We will disagree, we won't all speak to the same people, but we will come our decisions the way we feel we should.

And on a positive note I would like to thank all the people involved in the Sportsfest over the weekend, I think it was a fantastic time and anyone who attended enjoyed it.

7:12:09 PM Cr Sutton

Thankyou Mayor and all the welcome comments from the Councillors and the few that haven't been on Council before, I'm one of them. A little bit daunting initially but one of the conditions a lot of people told me to become a Councillor is have a thick skin, I have a head like a rhino and skin to match. I'm quiet happy to get in vigorous debate, but I will accept the umpire's decision. And I will do my very best for the good people of Yakamia that voted me in. Thankyou.

Item 3.0 continued.

7:13:00 PM Mayor Evans

Congratulations and welcome to the newly elected Councillors, being: Cr David Bostock, Cr Ray Hammond, Cr Mervyn Leavesley, Cr Robert Sutton; and Cr Dennis Wellington.

Farewell to outgoing Councillor Kim Stanton, who served her role extremely well over a two year period representing Vancouver Ward and I know, for one, will be missed terribly.

To Councillor Vera Torr, who represented the Frederickstown Ward for six months, interesting comments, great work, it was lovely to have you here.

I thank them both for their contribution and dedication in performing their role as a Councillor.

I would now like to update you on the functions and other commitments additional to standing Council & Committee related activities for the month leading up to the October 2009 Ordinary Council Meeting:

- ACCI Business After Hours, host at Battery World;
- Hosted luncheon for the Captain and Executive Officer of HMAS Farncombe on their visit to Albany. Their programme did not allow time for a Reception;
- Farewell function to the Great Southern Area Consultative Committee and presentation of certificates to major contributors. This same occasion also acknowledged the newly formed Regional Development Australia Network;
- Mayor's Prayer Breakfast – welcome speech. The keynote speaker was Deputy Commissioner of Police Chris Dawson APM on the topic, "Courage";
- Spencer Park Primary School 50th Anniversary;
- Citizenship Ceremony for 11 new citizens and also private ceremony for the Richards family;
- Little Grove Primary School Musical Garden Opening and was a delightful morning to see those young children and their mums to;
- Rotary Club of Albany Port Dinner – I was asked to deliver a talk on Albany - present and future from the Mayor's perspective;
- Development Assessment Panel information briefing at DPI office in Albany.
- Albany Advertiser luncheon to meet the CEO of West Australian Newspapers. It gave me an opportunity to state my case on behalf of this Council in regards to the level and quality of reporting that we are experiencing in this town;
- The City hosted a Civic Reception in recognition of the Lions Clubs District Convention and the following morning I delivered an address on Albany "The Regional City" at the Opening Ceremony.
- The opening and address at the last Local Art & Craft Exhibition by Edith Verin held at the Town Hall., which she has conducted over a number of years and has done so well;
- Arts Trail Exhibition at Orange Tractor Wines;
- Police Remembrance Day;
- State Library Board – Perth;
- Opening of the Gosnells Amherst Village City Centre. A site to behold, wonderful work done by those people;
- Regional Councils Alliance meeting – cities of Geraldton-Greenough, Kalgoorlie-Boulder, Bunbury and Albany in Perth recently;

Item 3.0 continued.

- City of Albany Seniors Expo. A bi-annual event and was well attended and appreciated;
- Opening of the Telstra Next G Albany East Tower on Mercer Road;
- Annual General Meeting of Regional Counselling and Mentoring Services Inc. I came away from this meeting impressed with the breadth and depth of their activities. They are quite literally “making a difference in people’s lives”. One such example is the Men’s Night Shelter which opened for winter on 24th June. This service is dependant on community donations and volunteers giving up their nights. Already 275 beds have been slept in and unfortunately the shelter will close for summer. Its future is dependent upon ongoing commitment from government; and
- The City of Albany Sports Fest activities.

Finally I would like to acknowledge and thank all volunteers involved in fighting the Elleker Fire on Saturday 17th October, in particular Mr Derek Zeck and Mr Malcolm Parsons who were caught in a flame “flash over” which resulted in the men receiving burns and the Elleker light tanker sustaining fire damage. Thankfully Derek and Malcolm were able to remove themselves from the fire front and we wish them a full and speedy recovery.

On behalf of the City I would also like to extend my gratitude to the Fire and Emergency Services Authority of Western Australia (FESA) who acted quickly and have already provided a replacement fire tender for Elleker.

ITEM 3.0 DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR PRICE

THAT the Mayor’s report be received.

MOTION CARRIED 12-0

3.1 ELECTION OF DEPUTY MAYOR 2009-2011

7:20:39 PM

The Mayor called for nominations for the Office of Deputy Mayor for the 2009-2011 period, in accordance with the Local Government Act, Schedule 2.3 – When and how mayor, presidents, deputy mayors and deputy presidents are elected by the council, being:

“7. When the council elects the deputy mayor or deputy president
(1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
(a) at the first meeting of the council after ... an ordinary elections day; “

Two nominations were received from Councillors Wellington and Wolfe.

A secret ballot was conducted, facilitated by the Acting CEO.

Record of Vote:

Cr Wellington - 7 votes

Cr Wolfe - 5 votes

Mayor Evans declared Cr Wellington the Deputy Mayor for the period 2009 – 2011.

DECLARATION

The newly elected Deputy Mayor, Councillor Wellington, made the declaration of office in accordance with Section 2.29 of the Local Government Act 1995, which was duly signed by the Deputy Mayor and the Mayor.

3.2 RECORDING OF PROCEEDINGS

7:28:04 PM

In accordance with clause 3.1, City of Albany Standing Orders Local Law 2009: no person is to use any electronic visual or audio recording device or instrument to record the proceedings at any meeting without prior permission by resolution of the Council.

ITEM 3.2 - DRAFT MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR WOLFE

THAT Council Suspend Standing Order 3.1 – Recording of Proceedings.

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

4.0 RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME

Questions taken on notice at the September 2009 Ordinary Meeting of Council, detailed at appendix C.

Mr M Pemberton	LT8028692
Mr J O'Dea	LT8028872

5.0 PUBLIC QUESTION AND STATEMENT TIME

7:30:04 PM

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.

Item 5.0 continued.

Mr Peter Aspinall, 37 Osprey Heights, Lower Kalgan. 7:31:22 PM

Mr Aspinall addressed Council in regards to item 14.11.2, concerning the lease of airport land to Air BP. A copy of the speech is included within appendix D of the minutes.

Mr. Mayor and Councillors, I am Peter Aspinall of 37 Osprey Hts, Lower Kalgan. I wish to speak to Item 14.11.2 concerning the lease of airport land to BP. I do so as President of the Albany Aero Club and in that capacity represent over 90% of the General and Recreational Aviation aircraft owners and operators who hangar or park their aircraft on Albany Regional Airport or are located in other parts of the Albany region.

Item 14.11.2, if approved, will terminate AirBP's current lease and grant AirBP a 10+10 lease thereby giving the company security of tenure with which they will commence an upgrade to the aircraft refuelling facility at our airport. I believe the benefits of this circumstance to be self evident however, I do wish to highlight the impact of a negative decision should this, regrettably, occur.

The current refuelling facility services both General Aviation aircraft, that is piston engine aircraft, and turbine aircraft, pure jet and prop jet aircraft that operate into and out of Albany. The gasoline bowsers for piston engine aircraft, currently pumps around 250,000 litres pa, predominantly to local operators. While I don't have an annual figure for turbine fuel, it is not insignificant.

If this Item is not carried it is my understanding that AirBP will not only not upgrade the facility, they will close the facility as of 30 Nov 09 and decommission it! In such an event it would be a supreme optimist who would believe AirBP, or any other oil company, would consider recommissioning it. A successful business case would be near impossible to mount.

Closure of the facility would mean that Manjimup would be the closest airfield at which local aircraft operators could refuel. For a GA aircraft that is some 45 – 60 minutes flying time away from Albany or an operation of some 2 - 2.5 hours duration, not to mention the fuel, consumed each way in unproductive flying, costing around \$100 - \$150 ! Just to refuel their aircraft !

Should AirBP not get their tenure and close the Albany facility there will be a significant number of current hangar leasees who will move to relocate their aircraft to strips and airfields in the immediate Albany region. Because the terms of hangar contracts have been written to disallow fuel to be stored in or near their hangars aircraft owners would face a refuelling crisis that relocation would relieve. I am aware that a number of aircraft owners have been seriously considering syndicating to purchase land on which to establish their own airfield, possibly outside the City of Albany boundaries, and relinquish any requirement to use Albany airport. As they could establish a refuelling capacity appropriate to their own needs, the loss of the Albany airport refuelling facility would become a major factor in their decision to relocate. The potential syndicate includes commercial operators, not just recreational aircraft owners.

Item 5.0 continued.

An exodus, over time, from hangars at Albany airport would be accompanied by a decrease in the demand for hangar leases by future aircraft owners as they would want to gravitate to where the disaffected owners had relocated. A reducing number of hangar leases and a diminishing demand would not be a welcome situation as it would adversely affect airport revenues to the City.

Put simply, no fuel equals no flying activity equals no City revenue from the GA sector. And, I might add, not only the GA sector.

I am aware that Skywest occasionally refuels in Albany as does the RFDS and other corporate jet aircraft. Presumably for Skywest and the RFDS the inability to refuel in Albany would be more an inconvenience than a major problem.

However, while obviously I cannot speak for the Royal Australian Air Force, I would assume that the lack of supply of jet fuel in Albany would become a major consideration when deciding whether to continue the annual deployments to Albany by No.2 Flying Training School and the fighter lead-in training jets from No. 79 Squadron. They usually deploy for a duration of 2 weeks and require accommodation and catering for up to 30 pilots and ground crew. In addition there is a miscellany of purchases made on local businesses in support of their aircraft operations and maintenance. I would suggest it would be a very significant loss to Albany should, because of the closure of the refuelling facility, the RAAF decided to deploy elsewhere in the State.

I am confident that you will approve Item 14.11.2 and that Albany Regional Airport, with new management and upgraded refuelling facilities, will enter a period of significant growth through the City's support of its GA sector and other aviation activities.

Thank for your attention tonight.

7:35:26 PM

Mr Neil Smithson – Smithson Planning, Middleton Loop, Albany

Firstly, congratulations to our newly elected members. I would like to address Council this evening relating to two items.

The first item 13.1.2 – implementing Planning Assessment Panels. The Australian Development Assessment forum program was initiated by the Federal Government and has now been implemented by the State Government as development assessment panels. From 1990-94 I was the City development officer at Melville and Perth and during that time as a council with a development assessment unit we doubled the number of applications received, halved the process and time taken and took annual investment from \$80 to \$150 million per annum and we ranked number 1 Local Government Authority in Perth region. Unless there is some multi passing agreement between Council and other Local Governments to present a unified opposition to the legislative reform agenda, I would argue that the officers recommendation is entirely the wrong strategic message to deliver at this time.

Item 5.0 continued.

Item 14.12.3 – Anzac Centenary Strategy Committee. \$70,000 in the bank and \$10,000 per year is a nice gesture, but the 1998 budget for the Albany Anzac 2000 event was in the order of \$50 million dollars. You may care to review the program and budgets for the Battle of Trafalgar, the cry men in charge of the light brigade, last years great white fleet re-enactment and the forth coming battle of Jacklands. This means Council will have to press both Perth and Canberra for as much support as possible, not to diminish the role of private and institutional sectors. This is why Smithson Planning has been pursuing an Anzac 2014-18 National Celebration Strategy which both State and Commonwealth Governments. Most recently Smithson Planning and me have travelled extensively around the world and briefed several different governments at all levels. I congratulate Council's resolution but it must include the UK, and preferably should also include Turkey, France, Germany, India, Nepal and Canada as Anzac participants at Gallipoli. The odd one out, relevant to that event is the United States but I know the background of US interest in Albany and they eventually were clearly participants in WW1 and I would concur with their participation. It is discretion as to whether you include Russia and Singapore as former head of military ships in Indian Pacific theatre during WW1 supporting allied activities and both may essential future trade relationships with Albany, WA. Couched and the widest possible terms the original Albany Anzac 2000 Celebration proposed in 1997 was to promote world peace and invite the widest international participation as possible. Accordingly I would offer an alternative recommendation that Council commence formal planning and liaison with diplomatic officials from Australia, New Zealand, UK, Japan, Turkey, France, Germany, India, Nepal, Russia, Canada, US and Singapore for participation in a symbolic re-enactment of the assembly and departure of the convoys from King George Sound on 1st November 2014 – 31st December 2014.

I would also add a little note that this resolution should not preclude the participation of other nations or entities like the European union or the UN. In our opinion Anzac is the number one cultural heritage event in Australia, and both the City of Albany and State Government have recognised that through the grant of Icon Heritage status. I believe the Council should be lobbying all Federal candidates for O'Connor and the Western Australian senators, Liberal, Labour and Green for recognition and matched Commonwealth funding. The Mount Clarence dawn service 2014-15 in my opinion should be catering for at least 10,000 participants and the waterfront Peace Park should be looking at 100-150,000 people. Not all Australian's will be able to make it to Gallipoli. Finally the initial commitment in 1914 translates to about 14 million Australian's now in terms of legacy and that is a formidable electoral consideration, as pointed out both the PM and Leader of the Opposition. I thank you for you time this evening and bear in mind that there is a lot of strategic work to prepare for the Albany Bi-Centennial of 2026-27, but that event is only 8 years after Anzac 2018 and less than 20 years away now. With the turn of centenary we can now considerably in the biggest development phase in Albany's history.

7:39:41 PM

Item 5.0 continued.

Executive Director Development Services, Mr Robert Fenn response:

In terms of the Development Assessment Panels, for Mr Smithson's benefit, in fact we have been extensively liaising with all councils along the South Coast, so everyone from Esperance through to Denmark and as far in land as Kojonup, all the Planners have been jointly co-operating and exchanging information. In terms of the Great Southern, there would in fact be a co-ordinated response and this evening I have also tabled with the Councillors a paper prepared by Dennis McLeod, which will also look at the value of the Development Assessment Panels. A bit of back ground research as well as for the broader Community input to the submission that Council are considering tonight.

Mr Smithson's response:

I re-iterate Mr Mayor and Councillors that Council needs to carefully consider its relationship with both State and Federal Government.

7:40:39 PM

Mayor Evans response:

The ANZAC Committee meets fortnightly and much of what you have suggested is all ready been actioned. Your suggestions will be tabled for consideration at the next Committee meeting.

We are well aware that \$70,000 is only a drop in the ocean.

7:41:23 PM

Mrs Wendy Wood – Cull Road

Mrs Wood addressed Council in regards to the Cull Road Development. A copy of the speech is included within appendix D of the minutes.

To the CEO and all Councillors,

On reading the "Information Bulletin" dated 20th October 2009. section, "General Management Services" We found on page 296. Item 4.7,

This is what it says,

Cull Rd. Mr + Mrs Wood(s) Update on action taken to mitigate water and silt run off to lot 75 Cull Rd. from the City of Albany, Cull Rd. subdivision.

Item 5.0 continued.

CEO advised the committee that the EMBG and the CEO were invited to meet with Mr and Mrs Wood(s) and in simple terms stated they were not happy as they did not want to sell their land.

The CEO advised Councillors that APH contractors are scheduled to meet with Mr and Mrs Wood(s) to ascertain what actions can be taken to mitigate any damages to their property as a resulting from the Cull Rd. subdivision.

The CEO advised Councillors that rather than duplicate the work being undertaken by the Department, who is conducting a "review of Cull Rd, subdivision", therefore any issues or queries will be referred straight on.

Action Required. CEO to advise Mr and Mrs Wood(s) of point of contact at the Department of Local Government responsible for reviewing the Cull Rd subdivision.

The CEO visited us on the morning of 10th September then attended the above meeting in the afternoon.

Why we were not informed of this "Action required".

This meeting happened over one month ago, where this resolution was made.

If we hadn't read the "Information Bulletin" for today's meeting, we would not have known the CEO was to inform us.

When will we be informed of the point of contact? and in what Department of Local Government?

7:43:11 PM

Acting CEO, Mr Peter Madigan's response:

The Chief Executive Officer will be back in the office on Thursday and will make that one of his first points of business when he resumes.

7:43:30 PM

Mr Tony Harrison, Little Grove - Gravel Extraction – Millbrook Road

I would like to address Council in regard to the Gravel Extraction proposal at Millbrook Road. Is this still going ahead? Is it still in proposal stage at the moment or you still planning?

7:43:53 PM

Item 5.0 continued.

Executive Director Works & Services, Mr Kevin Ketterer's response:

It is on the agenda tonight, a recommended course of action has been made through the Bushcarers meeting.

Council has permission to do a fauna study on the Cockatoos and pending the result of that study a decision is yet to be taken on that.

Mr Harrison's response:

I would like to advise that I have made an official complaint, to the Minister for the Environment, Minister for Agriculture, sent a copy to Dr Jill St John from Wild Life Foundation and she will be sending a copy over Dr Nick Dunlop from the ACF because I feel that to clear this bush is criminal.

The animals don't have a voice and all the Council is thinking about is the money side of things and that is just not good enough.

I cant see a logic as to how it is going to be cheaper to take gravel from natural bush block where you have to clear it, maintain it, rehabilitate it over 10 years or something, as you were saying, we all know that its cheaper to get gravel from farm land, clear the top soil off, take the gravel, put the top soil back and pay the farmer.

I still cannot see the logic in your way of thinking, how it is better to get gravel from natural bush.

We need the bush, as I said to you before; global warming wasn't an issue back when that land was zoned for gravel extraction which was something like 1954 or even earlier than that. I'm still pushing to save that block and I hope that the new Councillors take this on notice, because the City of Albany Environmental footprint is growing every week when we clear a bit more trees here and there and someone has to try and save it and I'm just doing my best. Thankyou.

7:46:35 PM

Mrs Kim Stanton – 15.4.2 Bushcarers Minutes

Mrs Stanton addressed Council in regards to item 15.4.2. A copy of the speech is included within appendix D of the minutes.

I refer to Item # 15.4.2 Bushcarers Advisory Committee Minutes, Recommendation 2 on Page 91.

The Reserve number is wrongly noted in the Agenda. It is # 15605.

Item 5.0 continued.

For the benefit of new councillors the following is an overview of the value of this Millbrook Rd. Reserve and why Recommendation 2 should be totally supported.

This Reserve was only used for gravel extraction by the Shire, not by the City.

Unfortunately when new gravel contracts were approved last April for various sites, a series of errors and misinformation about this City Reserve occurred, both by the City of Albany and the Perth DEC, who issued the clearing permit to the City. The nature of these mistakes is not important now, as the real issue for Councillors here tonight is about deciding on the importance of this Reserve into the future, and that is being vested for Conservation of flora and fauna NOT for gravel extraction.

The CEO did inform us, that we have approx. 10 years of stock-piled gravel and plenty of areas to extract it from, so this Reserve is not really necessary for that use.

The Council at last September Meeting passed Motions that stopped this Reserve being part of the original gravel contracts issued last April, and gave the CEO authority to mitigate costs in regards of this contract with the tenderer and that NO gravel extraction was to occur until the DEC had reviewed the clearing contract. This was due to DEC Perth being informed later about the red-tailed Black Cockatoo that was constantly feeding and possibly breeding in this Reserve. This bird is #48 on the Wildlife Conservation Notice 2008 for rare and endangered fauna.

These birds were sighted by City of Albany staff and Albany DEC etc..

Under Federal and State Environment Acts it is an offence to remove Habitat (ie. nesting hollows and food sources) that support endangered fauna.

It is not only about these endangered birds, it is also about the importance of this reserve being kept into the future for its excellent conservation values and wildlife corridor.

The City received many submissions of support for this Reserve to stay as Conservation. The Bushcarers Group and Green skills letters pointed out the significance of this Reserve as a Seed Bank source, due to the excellent condition of the bush, with very little dieback or weeds (only in the old gravel pit areas) and there is a Priority 4 plant *Banksia serra*, growing there in abundance, that will be used. The City's Reserve staff also reported on the excellent habitat for fauna, eg tree hollows, dense understorey, and diversity of plants and birds. They were also concerned if gravel extraction occurred that dieback would spread out of control.

As a result of these letters and investigations and the significance of this Reserve, we decided at the last Bushcarers Advisory Meeting (I chaired that committee), a Recommendation be passed to forward to the full council, that the vesting of Reserve #15605 be changed from gravel to Conservation for Flora and Fauna.

Item 5.0 continued.

This is not a light weight committee, it includes City of Albany staff and Reserve officer Sandra, 1 councillor as Chair, 2 community members (one usually from Bushcarers Group), 2 Rep's from Dept of Agriculture and Food, one Rep' from DEC and one from South Coast NRM.

The recommendation we passed was based on well researched information.

DEC have informed me that because this Reserve is vested in the City of Albany it is our decision what we want as the vesting, and due to its importance recommend it be vested as Conservation for Flora and Fauna and that any clearing permit issued whether rightly or wrongly, could just lapse. It is not necessary to wait for the cockatoos to start nesting or get a survey done to reconsider the validity of a permit, we the City of Albany have the right to change the vesting and make sure this important reserve is protected into the future.

Libby Sandiford is doing the Albany Vegetation Survey with the support of DEC, and funded by South coast NRM and the City of Albany. This survey is nearly complete and will be used as an important planning tool by all Govt Agencies and City of Albany to protect our significant biodiversity. This Millbrook Reserve I have been told, is part of the survey.

Please support this Recommendation.

7:50:44 PM

Mr Tony Demarteau – 24 Lorenzo Way, Albany

Congratulations to the new Councillors and welcome. All the best for the next 2-4 years. Commiserations Des, you've done a job well done over the past 2 years and congratulations to Dennis Wellington.

I would like to pass on some accolades to Council, in particular the first one I would like to address is the soccer fields, if anyone has been up and down North Road recently, they would have seen that the new field has been developed there. I believe that to be an A Class type reserve with proper drainage of it, and as a person who is very actively Soccer for many years, well done and thankyou.

The other three accolades I would like to give to council and particular Mr Ketterer and his working staff. The three footpaths that have been developed in Albany at the moment. Le Grande Ave, Emu Point and Ulster Road, they have been dear to my heart for a long long time, and have finally come about. Thankyou and well done.

7:51:57 PM

Item 5.0 continued.

Ms Delma Baesjou – Ayton Baesjou Planning

Ms Baesjou addressed Council in regards to item 13.2.2. A copy of the speech is included within appendix D of the minutes.

Good evening Mr Mayor, Cllrs Item 13.2.2, Amdt 290, Proposed Ka1gan Rural Village zone.

On behalf of more than a dozen local landowners/ratepayers in Kalgan This project has had a long history, since the first round of community meetings back in 2003.

The concept of a Rural Village at Kalgan is not new, in fact the townsite was gazetted in 1837 (covered an area of 518ha, which is more than double the existing townsite).

Considerable research, liaison and consultation has been undertaken for this project. (through two (2) Scheme Amendment Requests (SAR), submission on Albany Local Planning Strategy (ALPS) and the draft Structure Plan, draft Fire Management Plan and detailed environmental Capability & Assessment).

Importantly, the key planning and environmental issues have been addressed.

- The Plan has evolved to be consistent with ALPS and contemporary State Policies and Strategies, Notably State Planning Policy - 3 (SPP 3) 'Urban Growth and Settlement'
- Objectives include:
 - build on existing communities
 - invest in infrastructure to improve quality of life
 - Provide choice and affordability of housing
 - Create an identifiable sense of place
- Kalgan achieves these, and more.
- No substantial town planning objections in the submissions.
- The development Will be complemented by a comprehensive structure plan, equals (=) next stage of the process.
- Kalgan has a rich cultural heritage. The area offers opportunities for tourism.
- This rezoning has important social, economic, environmental benefits.

I ask that you support the officer recommendation on pg 33 of the Agenda to adopt Amendment 290 for final approval.

7:54:48 PM

Item 5.0 continued.

Ms Vera Torr – Sussex Street, Albany

Ms Torr addressed Council in regards to several issues. A copy of the speech is detailed at appendix D of the minutes.

To be tabled and included in the public record of Minutes of this OCM 21 October 2009

As a former Councillor I was recently advised that being a Councillor did not give me license to be a private investigator. That it was not my business. To ring a colleague to wish them the best for their future is my business. I honoured the source of my first hand information as being reliable and authenticated.

My further response to those comments is: Being a Councillor is charged with accountability and the process of 'due diligence' and if in that process of due diligence, an error is discovered, then that is not being a private investigator: it is being a conscientious Councillor who has found an error.

The role of Council is to direct and govern. Councillors must elevate their position to a board room status and take responsibility for their rightful role of providing strategic direction and governance through the Mayor, to the CEO, for his implementation. In saying this the Councillors are the elected representatives of all the ratepayers and must consider the overall objectives for the future of Albany.

I would ask that you all consider the merits and flaws of the current Committee meeting system. I have found that it divides and undermines the full Councils' role.

a) Information is not easily shared equally and recommendations are sometimes made by as little as three Councillors. There is an expectation that if it is passed through Committee then it will be supported at Council. Such is the expectation that action on the recommendation is sometimes commenced but the motion is lost at full Council. This creates tension and ambiguity in decision making.

I have attached further comments.

Council agreed to extend the public forum by a show of hands, 12-0

8:00:04 PM

Item 5.0 continued.

Ms Natalie Reeves – South Coast Highway, Kalgan

I would like to address Council in regards to Item 13.2.2 to follow up some comments made by Ms Baesjou previously. My husband and I submitted a submission, which is numbered 19 in the information bulleting (pg 132-133) I would like to note that we disagree with the officer recommendation and we would like Councillors to change the recommendation to include our land within the re-zoning. The officer comments show that our property is of substantial size and has the potential to accommodate the subdivision. I would like to note subsequent comments made by the officer that our lot is serviced by minor dedicated access road, this road is an unmade road and it doesn't not just service our properties, it services two properties behind their properties and has significant traffic for many decades and has never been an issue before. I am aware there a lot of issues with this re-zoning application that would need to be resolved with Main roads and I believe that any issue with road access for our inclusion within the re-zoning would also be a resolution. The other comments made by the officer is that lot 111 does not adjoin any of the land, which would be re-zoned, I consider this comment is not completely accurate, in Agenda item on pg 25, there is a finger of land to the north west of South Coast Highway, that land is on the lot that is adjacent to our property and with the detail of the structure plan there could be ways for our property to be linked through this finger of land, so that the structure plan would be very cohesive and allow access through to Church Lane to try and reduce any transport issues. I implore Councillors to reconsider the officer's comment and include lot 111 in the re-zoning and support the re-zoning. Thankyou.

8:00:53 PM Mr Ketterer left the chambers

8:02:49 PM Mr Ketterer returned.

8:03:02 PM

Mr Tony Vaughn – 111 Rufus Street, Albany

I would like to address Council in regards to item 13.2.1 – final approval for John Street. I am actually for the proposal; I am not against the proposal at all. The issue that comes up is that on the plan Rufus Street is shown as coming straight into an industrial area, it would be a straight access from the new industrial park straight through to Albany Highway, which would see a residential road turning into a major thoroughfare. Obviously as I live there that would affect me greatly, along with the other people in the street. The buffer zone is only gazetted at 30m, I currently have a workshop in town with a house behind it and at 70m I still get complaints from them about the noise out of my workshop. So I believe that the buffer zone is to small from the houses that adjoin the new development and that the road area should be accessed off the main industrial arteries, which would be John Street and Chesterpass Road, there is a provision through the industrial lots that are being developed to have those accesses only and not have a exit straight through a residential street directly onto Albany Highway.

8:04:49 PM

Item 5.0 continued.

Mr Craig Pursey – Harley Survey Group, Serpentine Road, Albany

Mr Pursey addressed Council in regards to item 13.2.1 and the last comments just made.

I received a phone call from an owner at the end of Rufus Street during the advertising period for this amendment and we subsequently amended the plan and removed the link into Rufus Street so the latest version of the plan no longer has a road coming straight out of the Industrial area onto Rufus Street. We are requesting that traffic be directed back onto John Street.

8:05:30 PM

Public Question Time and Statement Time closed.

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

Mayor

M Evans, JP

Councillors:

Breaksea Ward	J Bostock
Breaksea Ward	R Hammond
Frederickstown Ward	D Wellington
Frederickstown Ward	D Price
Kalgan Ward	M Leavesley
Vancouver Ward	D Bostock
Vancouver Ward	R Paver
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	R Sutton
Yakamia Ward	J Matla

Staff:

A/CEO, Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Executive Manager Planning Services	G Bride
Executive Manager Business Governance	S Jamieson
Executive Manager Corporate Services	D Schober
Minutes Secretary	K Evans & S Smith

Public Gallery and Media:

2 members of the media were present.

Approximately 40 members of public gallery were present.

Apologies/Leave of Absence:

Chief Executive Officer	P Richards
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7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

8:07:09 PM Councillor Leavesley requested a point of clarification from the Mayor, being: If we were not present at the meeting, how can we confirm if the record is a true and accurate record of the proceedings.

8:07:19 PM Through the Mayor, Acting CEO, responded:

It is a requirement to vote on the motion. If you are not comfortable with the content of the minutes, I would recommend that you vote in the negative.

The Mayor called the Council to vote:

**ITEM 8.1 – DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR MATLA**

THAT the following minutes:

- **Ordinary Council Meeting held on the 15th September 2009;**
- **Special Meeting of Council held on the 13th October 2009;**

as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 8-4

Record of Vote:

For the Motion: Mayor Evans, Councillors: Wellington, Dufty, Hammond, Matla, Price, Sutton and Wolfe.

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

9.0 DECLARATIONS OF INTEREST

8:08:08 PM

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

Name	Item Number	Nature of Interest
Councillor Hammond	13.1.1	Financial. The nature of interest being that Cr Hammond provides business services to the applicant through his companies various websites. Councillor Hammond left the chamber and did not participate in the debate or vote.

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

Nil

11.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

12.0 ADOPTION OF RECOMMENDATIONS EN BLOC

Nil

DEVELOPMENT SERVICES

Reports

DEVELOPMENT SERVICES REPORTS

13.0 DEVELOPMENT SERVICES

13.1 DEVELOPMENT

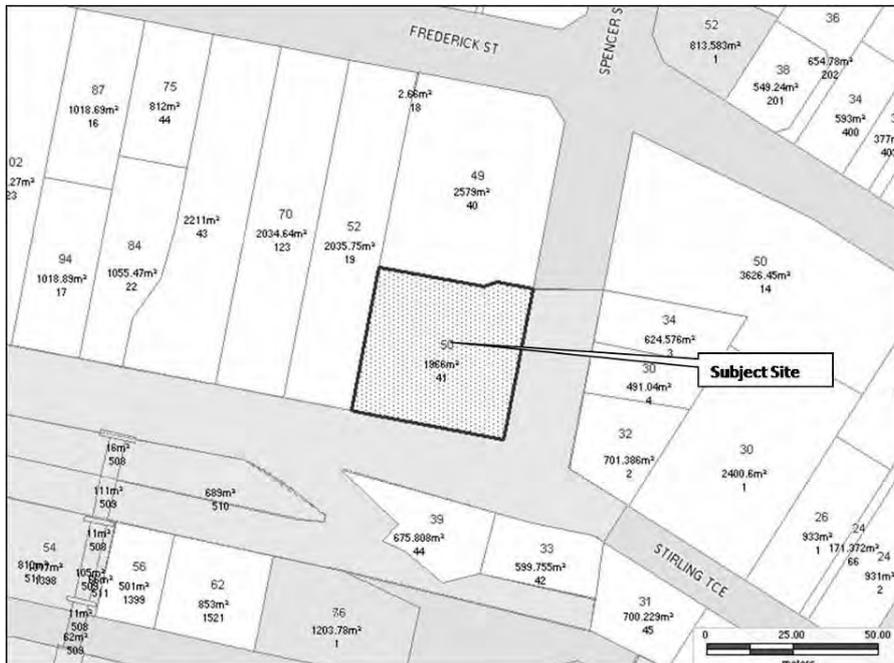
ITEM NUMBER: 13.1.1
ITEM TITLE: REQUEST FOR SUPPORT FOR A SPECIAL FACILITY LIQUOR LICENCE – ALBANY BACKPACKERS – 34 STIRLING TERRACE, ALBANY

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A158601 (Frederickstown Ward)
- Summary of Key Issues** : Request for support for a Special Facility liquor licence for a Bed & Breakfast facility to supply liquor to guests only
- Land Description** : 34 Stirling Terrace (on the corner of Stirling Terrace and Spencer Street), Albany
- Proponent** : C Lembo
- Owner** : C Lembo
- Reporting Officer(s)** : Planning Officer (T Wenbourne)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment Reference** : Section 40 Application and covering letter including Floor Plans
- Consulted References** : City of Albany Town Planning Scheme No.1A (TPS 1A) Liquor Act 1988 (as amended)

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

BACKGROUND

1. The operators of the Albany Backpackers have requested that Council support their application to the Department of Racing, Gaming and Liquor (DRGL) for a special facility licence to allow the sale of liquor to guests staying at the facility.
2. The property has been used as a backpackers or similar facility since being granted planning consent as a boarding house in November 1982. At first this was at first floor level with a caretaker's unit on the ground floor with access provided from Spencer Street, through one of the shop units. Later, it was expanded to provide the establishment and facilities currently available.
3. The type of license applied for is a "Special Facility" licence, which is broken down into a number of categories. The specific category related to this proposal is a "Bed & Breakfast Facility", where the premises can be licenced to sell liquor only to guests staying in the facility.
4. The application is made for the Albany Backpackers Hostel, which could be argued is not a Bed and Breakfast. However, the DRGL defines a Bed & Breakfast facility as an accommodation facility that offers a bed and breakfast. As the rates for accommodation at Albany Backpackers include a provided breakfast, it satisfies the DRGL category of a Bed & Breakfast facility for liquor license purposes.

DISCUSSION

5. The proposal does not involve any development and will not give rise to a change in use of the premises. The premises would continue to operate within its current authorised designation.
6. The proponent has outlined his case for applying for the special facility licence as follows:
 - Currently guests staying at the property can bring their own alcohol on-site (often purchased locally) and consume it in their rooms unmonitored by the operator. As such, this is a form of „bring your own' alcohol consumption.
 - Having licensed sales onsite removes this element and drinking would take place within communal areas of the hostel under the supervision of staff.
7. In the covering letter, the proponent has outlined how the selling of liquor from a small in-house bar would operate, as well as the steps he would take to minimise potential disturbance to surrounding residents.
8. The type of license requested is very specific and only permits the sale of liquor to guests staying at the property. The principal use of the property will remain unchanged and the liquor sales will not be available to any visitor. This will not create "a public small bar", a separate category of licence and involving a change of use.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

9. This application primarily deals with the issue of liquor purchase and consumption at this site and whether it should be uncontrolled BYO consumption or a controlled and monitored private in-house bar. In addition to the property manager, that consumption will also be monitored by the Department of Racing, Gaming & Liquor.
10. The Council has two options to consider being to:
 - a) Advise the proponents that Council will support their application for a special facility licence to allow the serving of alcohol to guests of the hostel only, consistent with the land use on the site;
OR
 - b) Advise the proponents that Council refuses to support the application for the special facility liquor licence.

PUBLIC CONSULTATION / ENGAGEMENT

11. The Department of Racing, Gaming and Liquor requires the proponents to advertise their application in accordance with the Department's procedures. The proponent has advised they intend to do this if they can obtain Council support and proceed with their application.

GOVERNMENT CONSULTATION

12. The Department of Racing, Gaming and Liquor is responsible for making a decision on whether the application for a special licence is to be granted. The proponent is yet to lodge their application with the Department.

STATUTORY IMPLICATIONS

13. Section 46 of the Liquor Licensing Act 1988 states:
 - “(1) The licensing authority shall not grant a special facility licence except for a prescribed purpose.*
 - “(2) The licensing authority shall not grant a special facility licence if granting or varying a licence of another class, or imposing, varying or cancelling a condition on a licence of another class, or issuing an extended trading permit in respect of another class of licence, would achieve the purposes for which the special facility licence is sought.”*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

15. This item directly relates to the following elements of Albany Insight ~ Beyond 2020:
“City Centre, Albany's City Centre will be...a vibrant cultural hub stimulated by attractive inner city residential and tourism accommodation.”

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Council can refuse to support the application for the special facility licence. The application could still be lodged with the DRGL with the local authority noted as an objector. The final decision on whether the licence is granted or not rests with the DRGL.

SUMMARY CONCLUSION

18. The proposed special facility is limited for private use of patrons of the hostel and will not be accessible to the general public. The control of alcohol consumption on the premises is a private management issue and can be better regulated if the premises are licensed. It can be argued there is little public interest in this application.

8:09:49 PM Councillor Hammond declared a financial interest in Item 13.1.1 and left the chambers. The nature of interest being that Cr Hammond provides business services to the applicant through his companies various websites.

**ITEM 13.1.1 - ALTERNATE MOTION BY COUNCILLOR BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR BOSTOCK
SECONDED COUNCILLOR PAVER**

THAT Council ADVISES the applicant that it is supportive of their application for a special facility license under the Bed & Breakfast category provided the liquor is neither sold to, nor consumed by persons who are not a registered guest of Albany Backpackers

MOTION LOST 3-8

Record of Vote:

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

Against the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors Hammond, Price, Leavesley, Dufty, Matla and Sutton.

Councillors Reason:

As detailed in paragraph 3, the sale of liquor is limited to guest only, however a guest can purchase liquor on the premises for consumption by residents that are visiting the property.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued.

ITEM – 13.1.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR WELLINGTON

THAT Council ADVISES the applicant that it is supportive of their application for a special facility license under the Bed & Breakfast category.

MOTION CARRIED 10-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

8:17:26 PM Councillor Hammond returned to the Chamber.

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.1.2
ITEM TITLE: **DISCUSSION PAPER – IMPLEMENTING DEVELOPMENT ASSESSMENT PANELS IN WESTERN AUSTRALIA**

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Legislative Function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

File Number or Name of Ward : GOV 093 (All Wards)
Summary of Key Points : The State Government plans to change the role of Elected Members in determining planning applications.
Land Description : N/A
Proponent : Department of Planning
Owner : N/A
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : DoP Brochure – Development Assessment Panels – Questions and Answers
Consulted References : Nil
Councillors Lounge : Nil
Maps and Diagrams : Nil.

BACKGROUND

1. On the 11th September 2009, the Director General of the Department of Planning advised the City of Albany that the department had released a Discussion Paper and commenced a public consultation period on the introduction of Development Assessment Panels (DAPs) in Western Australia. The public consultation period concludes on the 2nd November 2009.
2. On the 24th September 2009, a briefing was also provided to Councillors and planning professionals from Great Southern and Eastern South Coast local authorities on the proposed changes. That briefing was attended by the Mayor, Councillors Price, Bostock and Dufty and staff from the City.
3. During the briefing those present were advised by the Director of State Policy within the Department of Planning that, in addition to the information contained in the discussion paper:
 - The changes are intended to improve the current planning framework and meet the National guidelines recommended by the COAG;
 - There are inherent complexities within the WA planning system that will be resolved by the introduction of new Planning Regulations, the creation of a Model Scheme Text that will become operational through regulation and by complex applications being considered by DAPs;

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued.

- There are massive variations in the levels of delegations provided by Local Authorities to technical staff and the changes will provide transparency, focus decision making on planning considerations and achieve a balance between councillor and technical personnel in the decision-making processes;
- DAPs will be considering less than 3% of all applications within non-metropolitan local authorities;
- The only local authority with sufficient work to support a „stand alone’ DAP is the City of Perth;
- A total of 14 DAPs will cover the remainder of the State;
- The regulations will prescribe the framework on what applications will be processed by the DAP and what decisions will remain with local authority staff acting under delegation;
- Local authorities will retain the function of preparing land use and planning policies and strategies to guide development assessment;
- It is expected that professionals to sit on the DAP will be sourced from within the non-metropolitan regions;
- Training for all DAP members will be compulsory and terms served by DAP members will be limited to two years;
- The consultation period will not be extended; and
- DAPs will be introduced and the submission process is designed to explore potential implementation problems.

DISCUSSION

4. The message relayed to all those present at the briefing is that DAPs will be introduced in Western Australia as quickly as the legislation can be drafted and given assent. DAPs were mandatorily imposed on South Australia local governments and have been operational since 2008. There is capacity for them to be introduced in NSW by the Minister where a Council requests a DAP to be formed or where the Minister forms the opinion that an elected member within a Council, or the entire Council, fails to perform the required town planning statutory functions. Also legislation is currently before the Victorian government to introduce DAPs in that state.
5. In response to questions raised at the briefing session, it became apparent that the Department is seeking to create a “one size fits all” solution across the state and officers are not particularly concerned about local implementation issues that present themselves to regions outside the Perth metropolitan area. General dissatisfaction was voiced over a range of issues, including:
 - The costs to be imposed on local authorities (approximately \$1300 sitting fees for each meeting of the DAP, plus any accommodation and travel costs incurred by DAP members);
 - Councillor representatives on the DAP will not receive a sitting fee for being a member of the DAP;

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued.

- No consideration has been given to additional costs that a local authority could incur for on-site inspections that DAP members require to make informed decisions within the 60 day processing time that will be imposed;
- The decision of the DAP will become the decision of the Local Authority and the Local Authority will be required to defend the decision of the DAP within the SAT;
- Councillors will make up the minority of the DAP membership and each Councillor is required to vote within the DAP as an independent expert, not on behalf of the remainder of the elected members;
- All professional members of the DAP (the majority of the membership) are anticipated to be local planners, architects, etc and will be appointed by the Minister, not the local authority;
- No detail is available on the processes to be introduced to feed back issues raised by the DAP to elected members to guide policy and strategy review;
- Each local authority will be required to undertake the compulsory consultation processes associated with the processing of applications, provide a technical report to the DAP, have their planner(s) appear before the DAP to respond to questions on the report and to undertake all administrative tasks for the DAP meeting (provide meeting rooms, record decisions, notify applicants and the public of decisions, etc);
- No thought has been given to the requirements for applications that do not comply with Council policy to be considered by the DAP;
- There has been an artificial barrier set for applications to be considered under delegated authority in the City (\$2 mil.) and in the country (\$1 mil.) notwithstanding construction costs for similar projects are higher in non-metropolitan areas;
- Separate codes of conduct, standing orders, meeting protocols and other administrative arrangements will need to be put in place for the DAPs;
- The process for the public and developers to present to the DAP members has not been defined, no public access to officer's reports is proposed and only the decisions of the DAP are likely to be available to the public (similar to the current WAPC reporting arrangements)
- The necessity for the DAPs to be introduced across the State when they clearly are designed to address problems brought about by developments within areas that are the subject of local authority town planning schemes and State regional planning schemes;
- The professionals appointed to the DAP to decide on City of Albany planning matters will also be the DAP members for all of the existing 11 Councils in the Great Southern region, potentially requiring members to travel throughout the region to determine applications. (The Goldfields, Ravensthorpe and Esperance are to be covered by a single DAP and those local authorities face greater logistical problems);
- The lack of understanding by Department of Planning staff on regional Structural Reform issues and the impact that structural reform may/may not have on the planned DAPs; and

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued.

- Lack of clarity on the impacts of other reform measures being introduced by the Department of Planning and the Western Australian Planning Commission.
6. Staff have commenced the process of preparing a submission on the discussion paper and will distribute a draft prior to the meeting. Council consideration of that draft is sought.

PUBLIC CONSULTATION / ENGAGEMENT

7. A copy of the discussion paper is available on the Department of Planning website and any member of the public can lodge a submission on the planned introduction of the Development Assessment Panels.
8. The information provided to date, promoted by the federal government, is that DAPs will be imposed on local authorities at the conclusion of the consultation process and any submission received will only be utilised to assist in the drafting of the legislation and in implementation.

GOVERNMENT CONSULTATION

9. The DAPs have a direct impact on local government decision making and will not affect the consultation processes or input of government agencies on development proposals.

STATUTORY IMPLICATIONS

10. The introduction of the processes to provide for the introduction and powers of DAPs will be by way of changes to planning legislation. There is currently no draft documentation to outline the content of the legislation, the operating arrangements for the DAPs and the criteria that will be applied by the Minister to the appointment of DAP members, etc.

FINANCIAL IMPLICATIONS

11. The City of Albany will be required to meet the cost of sitting fees and disbursements incurred by members of the proposed DAP covering the City which will have a direct impact upon the City's budget; no action is proposed in the discussion paper to require additional fees to be paid for applications submitted to a DAP. Additional staff resources will be consumed in providing for the administrative needs of the DAP and possibly preparing additional reports for the DAP (the threshold for applications to be submitted to the DAP is lower than the threshold set for staff to decide applications under delegated authority).

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

12. One of the stated benefits of the changes is the capacity for elected members to concentrate on the development of strategic and policy documents for the community. That „benefit’ needs to be weighed against potential loss of resources to report to the DAP within the defined timelines and provide administrative support for the DAP.
13. A reduction in financial and human resources will seriously diminish the capacity of City staff to respond to policy and strategic planning requests.
14. More importantly, the capacity for elected members to implement their strategic objectives through the development approvals process is seriously weakened.

POLICY IMPLICATIONS

15. Nil

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. If changes are introduced through legislation, the City will be required by statute to implement the administrative processes and requirements of that legislation.
17. Preventing the legislation from receiving the assent of the governor can only be achieved by political intervention at the State level. Achieving that level of intervention within the short time lines provided is problematic, given State and Federal bipartisan political support to the “*Leading Practice Model for Development Assessment*”.

SUMMARY CONCLUSION

18. A draft submission will be prepared by City staff and made available for elected members to consider debate, modify and submit during the prescribed consultation period.

ITEM NUMBER 13.1.2 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ENDORSE the lodging of the tabled submission to the Department of Planning, opposing the drafting of legislation to introduce compulsory Development Assessment Panels to determine development applications within the City of Albany.

8:18:28 PM Cr J Bostock left the chambers

8:20:26 PM Cr J Bostock returned

8:23:10 PM Ms S Smith Left the chambers,

8:25:18 PM Ms S Smith Returned to chambers

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued.

**ITEM 13.1.2 - ALTERNATE MOTION BY COUNCILLOR PRICE
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR DUFTY**

THAT Council modify the tabled submission to the Department of Planning, opposing the drafting of legislation to introduce compulsory Development Assessment Panels to determine development application within the City of Albany, as detailed below and that the submission be lodged with the Department of Planning:

- a) The entire cost associated with setting up and administering a possible Joint Development Assessment Panel should be borne by the State.**

MOTION CARRIED 10-2

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock and J Bostock

Councillors Reason:

The submission highlights that the JDAP is created through regulation, its membership is determined by the Minister for Planning and it reports annually to the Department of Planning, therefore the JDAP is a function of the State and its operations should be funded by the State.

OFFICERS REPORT

Author: Executive Director Development Services (R Fenn)

STATUTORY IMPLICATIONS

No Change.

POLICY IMPLICATIONS

No Change.

FINANCIAL IMPLICATIONS

Cllr Price's comments provide a clear rationale on the financial implications of the alternate motion.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

No Change.

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

No change

COMMENT

The Discussion Paper has been distributed to obtain comment on issues that need to be addressed in the drafting of legislation to introduce the proposed single DAP and the 14 JDAPs. The costs associated with the setting up and the running of the panels is a legitimate matter to be raised during the submission process.

DEVELOPMENT SERVICES REPORTS

13.2 DEVELOPMENT POLICY

ITEM NUMBER: 13.2.1

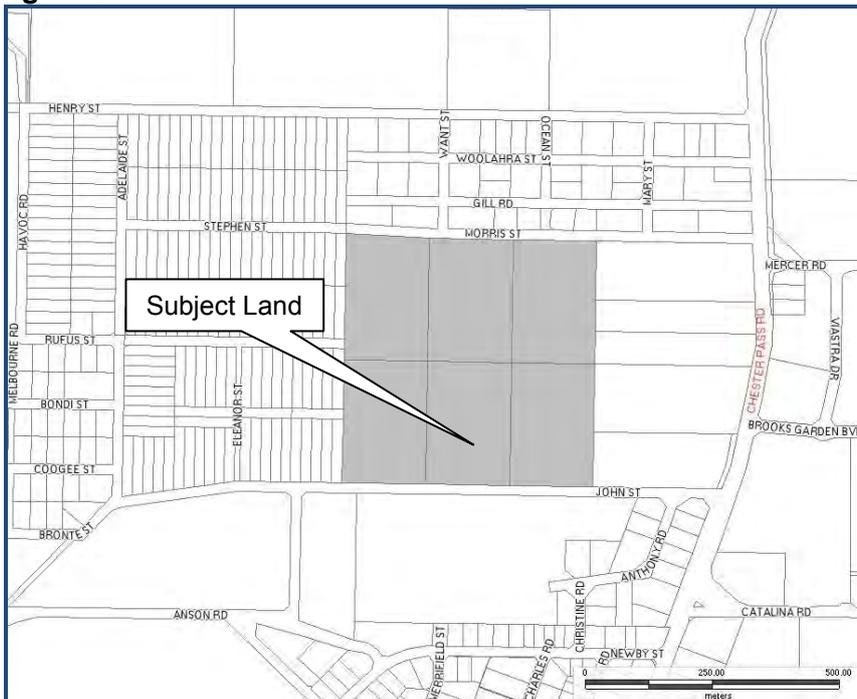
ITEM TITLE: **FINAL APPROVAL OF SCHEME AMENDMENT – LOTS 873 – 875 JOHN STREET AND 870, 876 AND 877 MORRIS ROAD, MILPARA**

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 285 (Kalgan Ward)
- Summary of Key Points** : Consider submissions and determine whether to grant final approval to the amendment to rezone the subject land from the „Rural’ Zone to the „Light Industry’ Zone and to reserve for „Parks and Recreation’ purposes.
- Land Description** : Lots 873 – 875 John Street and 870, 876 and 877 Morris Road, Milpara
- Proponent** : Harley Survey Group
- Owner** : Hysnex Pty Ltd and PG, EM & SJ Franey
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/06/2007 - Item 11.3.4 (SAR114)
OCM 21/10/2008 - Item 11.3.3
- Bulletin Attachment(s)** : 1. Outline Development Plan
2. Copy of Submissions
3. Schedule of Submissions
- Consulted References** : Albany Local Planning Strategy
- Councillor Lounge** : 1. OCM Item – Scheme Amendment Request
2. OCM Item – Scheme Amendment initiation
3. Amending Document

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

BACKGROUND

1. Amendment 285 proposes to rezone Lots 873 – 875 John Street and 870, 876 and 877 Morris Road, Milpara from the „Rural’ Zone to the „Light Industry’ Zone and to reserve portion of the area for „Parks and Recreation’ purposes under Town Planning Scheme No.3.
2. A Scheme Amendment Request (SAR 114) that proposed to rezone the subject land to „Residential Development’ was considered at the June 2007 Council meeting. Council resolved to advise the applicant that it was prepared to entertain the submission of a formal application to rezone the land to „Residential Development’ and „Light Industry’, subject to the following matters being addressed within the document:
 - A detailed land capability assessment;
 - Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
 - An Integrated Stormwater and Nutrient Management Strategy being prepared across the whole site to acknowledge Urban Water Sensitive design principles and inform the subdivision process;
 - A technical assessment of the buffer requirements to establish the proposed methods of providing appropriate transition between the residential and the industrial areas.
 - A vegetation, flora and fauna survey for the subject lots to identify the representativeness and regional context of the vegetation; and
 - An indicative structure plan.
3. The Scheme Amendment was submitted with the appropriate supporting information and initiated by Council in October 2008.
4. This amendment will facilitate the future development of the land for light industry purposes subject to a range of special provisions and the land will be subdivided in accordance with the development guide plan.

DISCUSSION

5. The subject lots cover a total area of 24.4 hectares and are located approximately 5km north of the Albany central area. The land slopes from east to west across the lots, from 53.1m AHD to 40.4m AHD (at the northwest corner of Lot 873 John Street). There is remnant native vegetation on all of the subject lots, with significant stands on Lots 870 and 870 John Street and parkland cleared vegetation on portions of Lots 874 Morris Road and 876 John Street. Lot 877 John Street has a significant amount of vegetation cover, primarily to the north and east of the lot. Lot 870 John Street is almost entirely covered by vegetation, with the exception of boundary firebreaks, and an access way from the south-east corner following the eastern boundary to a cleared area of approximately 2200m², which lies to the eastern boundary and the centre of the lot.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

6. The subject lots form an isolated pocket of „Rural’ zoned land in Town Planning Scheme 3 (TPS3) that are surrounded by a „Residential’ zone to the north and west, a „Light Industry’ zone to the east and a „General Industry’ zone to the south. The subject lots and the rural activities on them are providing a buffer/transition between these various and potentially land uses.
7. Staff initially proposed a dual zoning of „Residential Development’ and „Light Industry’, to create a transition area from one zone to the other within the subject land, to reduce the potential for conflict between land uses. After considering various development options, staff recommend that Council pursue a „Light Industry’ zoning for the land, with the reservation of land for „Parks and Recreation’ purposes to provide vegetated „buffers’ on the periphery.
8. The rezoning will facilitate the future development of the land for light industrial purposes and the landowners are proposing a staged development.
9. The scheme amendment has generally been supported by government agencies, with the exception of the Department of Environment and Conservation and Main Roads WA. Also a number of objections have been received from neighbouring landowners. It is the opinion of City of Albany staff that the issues raised in the submissions can be suitably addressed through modifications to the development guide plan and within the future subdivision and/or development application processes. Suitable responses are provided to each concern listed in the Schedule of Submissions.
10. The primary issues raised in the submissions were:
 - Protection of native vegetation;
 - Inadequate road infrastructure;
 - Potential noise and air pollution;
 - Potential road safety hazards; and
 - Loss of residential amenity.
11. The Albany Local Planning Strategy (ALPS) identifies the subject land as „Existing Urban’. However, this is somewhat anomalous, as the land is currently zoned „Rural’ and is primarily used for „lifestyle’ residential uses. The exception is Lot 873, which contains an area of hardstand used for the seasoning of timber in association with the sawmill on the adjoining lot to the east. ALPS states that the existing industrial zoned land to the south and east of the subject lots is intended to “maintain an adequate supply and range of serviced industrial land in appropriate locations”. However, the majority of this land has already been developed, leaving little potential for further growth; ALPS further states that a review of the location and supply of additional industrial land is required.
12. The characteristics and location of the subject land, and its designation within the ALPS, makes it suitable for rezoning to facilitate „Light Industrial’ development. This expansion would also help to overcome the increasingly limited development potential within the existing industrial areas to the south and east.
13. The City’s support for the SAR in June 2007, was subject to a number of matters being addressed which are discussed below:

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

Detailed land capability assessment

14. The amending document contains, as an appendix, a Land Capability Assessment report prepared by Opus International Consultants, which advises that the site has a moderate capability for light industrial development. The report highlights the poor drainage of the area, in particular the susceptibility of buildings in the area to foundation soundness issues and waterlogging/inundation. Given this outcome, Staff would recommend that a geotechnical analysis be required at the time of subdivision to confirm the land capability and determine whether further remediation is required. These constraints are less onerous on industrial developments than on residential land uses.

Identification of servicing needs and infrastructure requirements to accommodate future subdivision

15. The amending document contains details of road provision, pedestrian/cycle access, and sewer, water, electric, telecommunications and gas connections, all of which would be required for the future development of the land. Those services can all be supplied to the site, upon the further subdivision of the lots

Integrated Stormwater and Nutrient Management Strategy being prepared across the whole site to acknowledge Urban Water Sensitive design principles and inform the subdivision process

16. The proponents seek to have the Strategy prepared as part of the subdivision process. In view of the outcome of the Land Capability Assessment report, staff would recommend that the Integrated Stormwater and Nutrient Management Strategy be required at the time of subdivision.

Technical assessment of the buffer requirements to establish the proposed methods of providing appropriate transition between the residential and industrial areas

17. The amending document contains as an Appendix, a technically based Buffer Assessment Report prepared by Opus International Consultants, which recommends a 30m wide fully vegetated buffer area to setback the proposed businesses from existing residential properties. A 30m wide landscaped buffer is shown on the guide plan along the western boundary of Lots 875 and 876 and a 20m wide landscaped buffer is proposed to the northern boundary of Lots 873, 874 and 875 (which is additional to the road reserve associated with Morris Road).

Vegetation, flora and fauna survey for the subject lots to identify the representativeness and regional context of the vegetation

18. The amending document contains as an Appendix, a Vegetation, Flora and Fauna Assessment report prepared by Opus International Consultants, which recommends the retention of the good stands of remnant vegetation on Lots 870 and 877 within Public Open Space (POS) reservations.
19. The proponents have advised that, while they acknowledge the existence of good quality remnant vegetation in some areas across the site, they are pursuing the development of the land for light industrial purposes and intend to remove the vegetation. However, they have also commented that local species will be planted within the proposed landscape buffers and POS and may also be accommodated within the future subdivision along road verges and landscaped areas.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

20. Both the Environmental Protection Authority and the Department of Environment and Conservation require an additional spring survey of both flora and fauna to be carried out to confirm the extent, or otherwise, of Priority 4 flora species (specifically *Styloidium plantagineum*) and threatened ecological communities on the site and to check for the presence of specifically protected (threatened) fauna. These surveys can be required as conditions of subdivision, although it would be in the landowner's interest to have the surveys completed immediately, to the satisfaction of the EPA and DEC. This data would provide final guidance on whether Lots 870 and 877 can be developed to the extent proposed by the proponent; that data may also necessitate a redesign of the road layout and/or broad lot arrangements on adjacent lots. In the event that some or all of the vegetation is required to be maintained, such amendments can then be reflected on an updated Development Guide Plan; if the survey is carried out immediately, the plan can be adjusted prior to the amendment being gazetted by the Minister.

Outline Development Plan

21. An Outline Development Plan (ODP) has been prepared for the subject lots and is referenced in the amending document. The proponent has stated that they wish for the ODP to be considered as part of the Scheme Amendment. The ODP shows the proposed road structure and landscaped buffers to the western and northern boundaries. In addition, it designates an inner and outer precinct, with restrictions on land uses in each. This is intended to ensure that any land uses that could cause amenity issues are located at a greater distance to adjacent residential areas. As detailed in the Schedule of Submissions, it is recommended that the ODP be relabelled as a 'Development Guide Plan', given that it focuses predominantly on development control, and that it be included within the amending document to strengthen its relationship with the proposed special provisions.
22. Overall, the amending document adequately addresses the matters raised by Council at its June 2007 meeting.

PUBLIC CONSULTATION/ENGAGEMENT

23. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 19 February 2009 to 2 April 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and the relevant State Government agencies and by placing advertisements in the local newspaper.
24. A total of fourteen (14) written submissions were received and are summarised and discussed, with a recommendation for each submission, in the Schedule of Submissions.

GOVERNMENT CONSULTATION

25. 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. Advice and recommendations were provided by the EPA, as outlined in the attached Schedule of Submissions.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

26. The Amendment was also referred to WestNet Energy (Alinta Gas), Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Environment and Conservation, Fire and Emergency Services Authority (FESA) and Main Roads WA (Great Southern Region) for assessment and comment. Responses were received from WestNet Energy, Telstra, Water Corporation, Western Power, Department of Environment and Conservation, FESA and Main Roads WA (Great Southern Region) and are summarised in the Schedule of Submissions.

STATUTORY IMPLICATIONS

27. 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 is referred to the WA Planning Commission, which makes a recommendation to the Minister for Planning on whether it should be gazetted.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

29. As detailed in paragraph 11, the subject land has been identified within the ALPS as 'Existing Urban'. This classification is non-specific and allows for its future conversion for a range of purposes, provided that the land is capable and the use is appropriate in an urban context. The Scheme Amendment can therefore be considered consistent with the strategic aims of the ALPS.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

31. 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.
32. Council's decision on the scheme amendment is 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

33. Staff have recommended that the proposed Scheme Amendment be adopted by Council with modifications, on the basis that the re-zoning will allow further growth and consolidation of industrial development in the area and is consistent with the objectives of the ALPS; there will be a greater future demand for industrial sites, than for residential lots, and this land is ideally located to meet that demand.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

ITEM NUMBER 13.2.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- i) in pursuance of section 75 of the *Planning and Development Act 2005* and regulation 25(1)(c) of the *Town Planning Regulations 1967* resolves to ADOPT WITH MODIFICATIONS Amendment No. 285 to Town Planning Scheme No. 3 as follows:
 - (a) Rezoning Lots 873 – 875 John Street and 870, 876 and 877 Morris Road, Milpara from the „Rural’ Zone to the „Light Industry’ Zone and for reservation for „Parks and Recreation’ purposes;
 - (b) Inserting Schedule VII – Light Industry Zone into the scheme text, subject to “Bulky Goods Outlet” under provision 2c being moved under provision 2f; and
 - (c) Modifying the scheme maps accordingly;

AND

- ii) 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.

8:29:33 PM Cr Leavesley – Point of Clarification. Will the traffic management study include the impact on Coogee St.

8:30:01 PM Mr Ketterer – Response to Point of Clarification. The traffic management impact assessment will be conducted on the specific area and surrounding roads.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued.

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

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR DUFTY**

- i) **THAT the Council recommendation relating to submission 8 be altered to read; “the submission be UPHELD and the modification required “the Development Guide Plan be annotated as being “preliminary concept plan only” and the amending documents noting that subdivision or development of the locality should only proceed following the development of a modified Development Guide Plan that takes into consideration further analysis of site vegetation, the findings of a detailed drainage plan and a traffic impact assessment of the intended development.”**
- ii) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and regulation 25(1)(c) of the *Town Planning Regulations 1967* resolves to ADOPT WITH MODIFICATIONS Amendment No. 285 to Town Planning Scheme No. 3 as follows:**
- (a) **Rezoning Lots 873 – 875 John Street and 870, 876 and 877 Morris Road, Milpara from the ‘Rural’ Zone to the ‘Light Industry’ Zone and for reservation for ‘Parks and Recreation’ purposes;**
 - (b) **Inserting Schedule VII – Light Industry Zone into the scheme text, subject to “Bulky Goods Outlet” under provision 2c being moved under provision 2f; and**
 - (c) **Modifying the scheme maps accordingly;**

AND

- iii) **THAT Council RECEIVE the Schedule of Submissions (with the modification detailed at (i) above) and ADOPTS the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**

MOTION CARRIED 9-3

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: Hammond, Price, Leavesley, Dufty, Matla and Sutton.

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

Reason:

The Development Guide Plan included in the amending document will require further detailed analysis and it is important that landowners not assume that the plan, as currently drafted, will form the basis of future subdivision and development proposals.

DEVELOPMENT SERVICES REPORTS

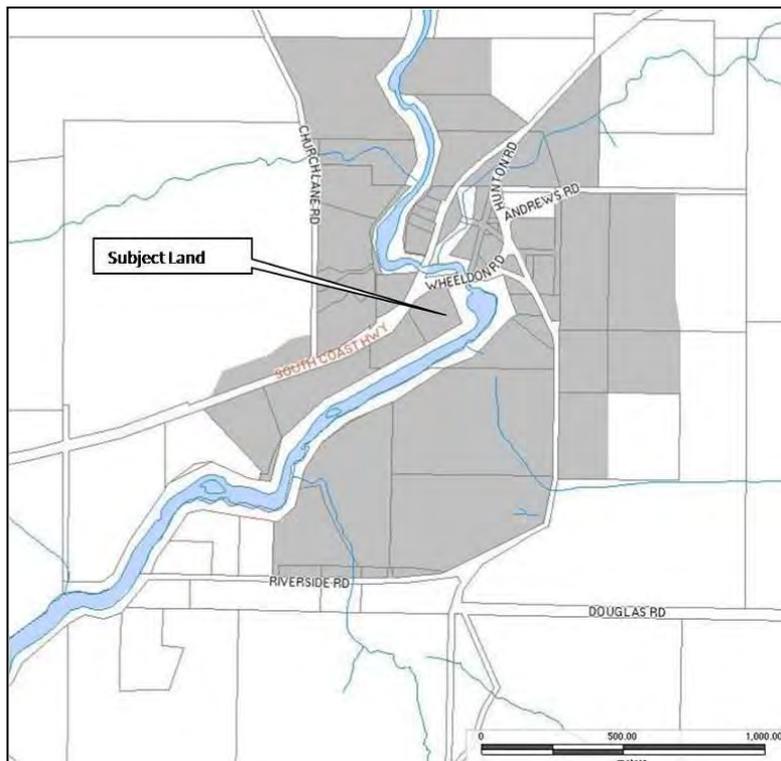
ITEM NUMBER: 13.2.2
ITEM TITLE: **FINAL APPROVAL OF SCHEME AMENDMENT – CREATION OF THE „RURAL VILLAGE’ ZONE - KALGAN TOWNSITE AND SURROUNDS**

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Legislative function: Council making and reviewing the legislation it requires performing its function as a Local Government.

- File Number or Name of Ward** : AMD 290 (Kalgan Ward)
- Summary of Key Issues** : Consider submissions and determine whether to seek final approval of the amendment to create a „Rural Village’ zone and to rezone the Kalgan town site and surrounds.
- Land Description** : Various lots within and adjacent to Kalgan town site.
- Proponent** : Ayton Baesjou Planning
- Owner** : Various owners
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/10/08 – Item 11.3.2 (SAR 137)
OCM 17/03/09 – Item 11.3.2
- Bulletin Attachment(s)** : 1. Copy of Submissions
2. Schedule of Submissions
- Consulted References** : 1. WA Planning Commission (WAPC) Statements of Planning Policy SPP1; SPP2; SPP2.5; SPP 2.9 & SPP 3
2. Lower Great Southern Strategy
3. Albany Local Planning Strategy
- Councillor Lounge** : 1. OCM Item – Scheme Amendment Request
2. OCM Item – Scheme Amendment initiation report
3. Amendment document

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

BACKGROUND

1. Amendment 290 proposes, within Town Planning Scheme No.3 (TPS3), to create a new zone, the „Rural Village’ zone. It then proposes to rezone the Kalgan townsite and a selected number of surrounding lots to the „Rural Village’ Zone, plus it designates various Crown land holdings as being reserved for „Parks and Recreation’ purposes.
2. A Scheme Amendment Request (SAR 137) was considered at the October 2008 Council Meeting. Council resolved to advise the proponent that it was prepared to entertain the submission of a formal scheme amendment to create a „Rural Settlement’ zone in the Kalgan locality, subject to the following matters being addressed in the formal amendment document:
 - i) access arrangements to and from South Coast Highway to be subject to consultation and negotiation with Main Roads WA;
 - ii) scheme Controls relating to the inclusion of the new “Rural Settlement” zone being accommodated;
 - iii) an indicative Outline Development Plan being included in the amendment, notwithstanding that a detailed Outline Development Plan will be required as a separate proposal; and
 - iv) detailed land capability information proving the land can accommodate the increased density proposed and support additional effluent disposal systems and waste loads.

Elected Members should note that the „Rural Settlement’ Zone has since been changed to the „Rural Village’ Zone, to be consistent with the draft City of Albany Local Planning Scheme 1.

3. The Scheme Amendment was submitted, with the appropriate supporting information, and initiated by Council at the March 2009 meeting. To date, the issue of access arrangements onto South Coast Highway have not been adequately addressed. It is anticipated that detailed discussion and studies will continue to be undertaken to resolve this issue. This issue is more appropriately dealt with as part of the Structure Planning process, which will be a requirement within the proposed zone before subdivision or development will be supported by Council.
4. The successful completion of this amendment will facilitate the future development of the land in accordance with the land use control provisions of the proposed „Rural Village’ zone and the urban form shown in the subsequent Structure Plan.

DISCUSSION

5. The first component of this amendment concerns the creation of the „Rural Village’ Zone. It sets out the zone objectives, the permitted land uses, and introduces mechanisms to manage development in accordance with an endorsed Structure Plan. The land uses that are „Permitted’ are a Single House and a Single Bedroom Dwelling. A wider range of land uses have been identified as discretionary (with or without advertising), which allows Council to assess them on their individual merits. Amongst others, these discretionary uses include:
 - Horticulture;
 - Museum;

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

- Rural Storage Yard;
- Holiday Accommodation;
- Dry Industry;
- Rural Industry;
- Service Industry;
- Petrol Filling Station;
- Garden Centre;
- Motel;
- Restaurant;
- Tavern;
- Service Station;
- Shop; and
- Sport Ground.

(Refer to the amending document for the complete list of discretionary land uses).

6. The mixture of possible land uses and statutory controls accord with the intention of the draft Albany Local Planning Strategy (ALPS) and are consistent with the wording of the draft City of Albany Local Planning Scheme 1. The new Scheme does designate the use „Tavern’ as a prohibited land use in the Rural Village zone, though a restaurant with a small bar or a boutique brewery could be an asset to the area. It should therefore be possible to consider such a proposal on its individual merits.
7. The strategic intent for rural villages, according to the draft ALPS, is to retain the existing infrastructure and improve the viability and range of services, facilities and rural commerce within the rural community.
8. The proposed objectives for the „Rural Village’ Zone are to:
 - a. *Create a strong sense of community by providing for residents to work, live and recreate within the zone;*
 - b. *Accommodate limited expansion within and adjacent to existing rural settlements to support the community, educational and sporting assets within those communities;*
 - c. *Provide for a range of lot sizes and activities within the zone to achieve self-buffering of uses within the rural settlement to adjoining rural zone;*
 - d. *Provide for the development of rural villages in accordance with individual Structure Plans;*
 - e. *Allow for a mix of residential, commercial, industrial and other uses appropriate to the needs of the community within the Rural Village zone; and*
 - f. *Achieve self-sustaining settlements by requiring self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs. To facilitate the orderly and proper development of Rural Settlements in a socially, economically and environmentally sustainable manner.*
9. The new clauses that are proposed to be inserted into TPS3 require the preparation of a Structure Plan to locate infrastructure and land uses within the new „Rural Village’ zone, while promoting mixed uses and an appropriate, sustainable level of servicing.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

10. The second component of the amendment proposes to rezone the Kalgan town site and its surrounds to the new 'Rural Village' zone. The zoning boundary has been determined on the basis of topography, areas of remnant vegetation and the desire to create a relatively compact village. The boundary is supported by staff.
11. The amending document discusses and includes;
 - i) an "indicative" Structure Plan;
 - ii) environmental constraints and issues;
 - iii) servicing requirements inclusive of methods and calculations for rainwater collection;
 - iv) a land capability and geotechnical assessment with recommendations prepared by Landform Research consultants in October 2008 (included as an appendix to the document);
 - v) an initial flora assessment (included in the land capability report.); and
 - vi) a preliminary fire management plan.
12. The "indicative" Structure Plan attached to the amendment has identified three main settlement precincts (Historical Village, Rural Settlement 2 and Rural Settlement 3). Lot sizes within the Historical Village Precinct are envisaged to be 1000m² to 2000m² and they will form the core of the village centre. Lots within Rural Settlement 2 (area to the east and south of the Kalgan River) could range in size between 2000m² and 5000m² and within Rural Settlement 3, only limited subdivision is expected and would be based on land capability. The indicative layout is based on the land capability study and preliminary environmental reporting included in the amending documents.
13. Main Roads WA has raised some preliminary concerns over the existing access roads from the area onto South Coast Highway. Main Roads WA wishes to provide adequate sight lines, intersection treatments, road upgrades, traffic speeds, etc for current and future residents at Kalgan. It will be necessary to resolve these issues as part of the Structure Planning process and the proponent is already in discussions with Main Roads WA.
14. Since the initial submission of the Scheme Amendment document, the proponent and adjoining land owners have made submissions to City of Albany staff, requesting the addition of a number of lots on the periphery of the zone into the proposed village (see Schedule of Submissions for further detail). Lots 2, 3 and 1491 Riverside Road, which have been nominated for inclusion by their individual owners, are logical additions to the rezoning given their geographic location, relatively small size and lack of planning constraints makes them suitable for development. Additionally, they would round off the future development area between Riverside Road and the Kalgan River itself.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

15. By contrast, staff consider the respective landowner's request to include Lots 111 and 215 are not suitable. They are unsuitable due to their large size and the access constraints affecting those lots bounding South Coast Highway; the ALPS and the Lower Great Southern Strategy both emphasize the need to retain "compact" rural settlements and adding large lots on the periphery of the settlements is inconsistent with that strategic objective. Whilst the proponent has contended that the current land uses are more consistent with the „Rural Village' zone than the current „Rural' zoning, the established uses can be continued and potentially expanded under the „Rural' zoning; the inability for those lots to be subdivided in the future also protects those activities from competing land uses. Staff also note that Lot 111 is separated from the land that is the subject of the rezoning by a distance of over 500m.
16. Overall, the amendment is consistent with the strategic intent of the Lower Great Southern Strategy (LGSS) and the draft ALPS. Furthermore, the amending documents adequately address the issues identified by Council at the SAR stage.

PUBLIC CONSULTATION/ENGAGEMENT

17. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 23 July 2009 to 3 September 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners and relevant State Government agencies and by placing advertisements in the local newspaper.
18. A total of twenty-three (23) written submissions were received and each is summarised and discussed, with a recommendation, in the Schedule of Submissions.

GOVERNMENT CONSULTATION

19. 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 Schedule of Submissions.
20. The amendment was also referred to WestNet Energy (Alinta Gas), Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training, Fire and Emergency Services Authority (FESA), Heritage Council of Western Australia (HCWA), Department of Indigenous Affairs, Main Roads WA (Great Southern Region) and Albany Police for assessment and comment.
21. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Education and Training, HCWA, Department of Indigenous Affairs, and Main Roads WA and are also summarised in the Schedule of Submissions.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

STATUTORY IMPLICATIONS

22. 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

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

24. The Western Australian Planning Commission has prepared the Lower Great Southern Strategy (LGSS) to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the LGSS for rural villages, as detailed below:

Rural Villages

*"Identifies the existing rural villages of: - Wellstead, Elleker, Cheynes Beach, Torbay Hill, **Kalgan**, Manypeaks, South Stirling, Redmond, Torbay, Youngs Siding in the City of Albany...*

The strategy recommends that the majority of settlement growth in the region be in the urban areas of Albany, Denmark, Mount Barker, Cranbrook and Frankland. The potential for growth of rural villages identified will be assessed in the context of each local government's local planning strategy. Urban development outside the settlement hierarchy is not proposed.

Actions – In local planning strategies or separate settlement strategies consider whether there is potential for growth and development of rural villages after considering the following:

- *existing size and function;*
- *economic drivers;*
- *land capability and environmental constraints;*
- *available infrastructure and cost of servicing and upgrades; and*
- *community aspirations (local government, WAPC/DPI).*

For rural villages identified for expansion local government need to prepare and have endorsed by the WAPC a Townsite strategy and/or conceptual structure plan (local government, WAPC/DPI)."

25. Within the draft ALPS, the following strategic objectives and/or actions are relevant to this proposal:

Section 8.3.5 - Settlement Strategy – Rural Living

"Encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Ensure that future rural living areas are planned and developed in an efficient and coordinated manner as logical extensions of existing rural townsites along with adequate services and community infrastructure.

The ALPS objectives for Rural Living Areas are to:

- *Avoid the development of productive agricultural land, other important natural resource areas, areas of high bushfire risk, flooding and environmental sensitivity;*
- *Avoid future and potential long-term urban areas;*
- *Provide compact extensions of existing rural townsites, based on land capability and the available services and facilities; and*
- *Minimise potential for generating land use conflicts.”*

Actions specified to achieve these objectives include:

“Kalgan, Manypeaks and Elleker are to be the first priority town sites to be evaluated for limited ‘Rural Residential’ development within the context of the above criteria. This is in addition to Wellstead that already has an existing town site strategy to guide growth.”

The theme of rural living is further discussed in ALPS under Sections 6.2.4 (Rural Townsites) and 8.3.6 (Rural Villages). Section 6.2.4 states that:

“In the future the existing ‘Rural Villages’ will expand as a result of development projects, such as mining or tourism activities. Closer rural settlement can provide for a lifestyle choice and more labour intensive agricultural uses have the potential to increase the ‘Rural Village’ populations. Maintaining the character and resolving servicing needs are major determining factors for the potential expansion of existing rural towns. The City proposes to include the existing towns as ‘Rural Townsite’ zones within the Local Planning Scheme 1 (LPS) and undertake structure planning for each of them. Additional remote settlement proposals will be determined on a case by case basis, within a sustainability framework.

The planning and development of rural towns is to be based on promoting appropriate development options to maintain their function and determining the availability of infrastructure and community facilities to support their role.”

26. Kalgan is clearly identified as one of the Rural Settlements with further development potential and the proposed ‘Rural Village’ Zone, as outlined in the amending documents, will assist Council in achieving the objectives of the draft ALPS.

POLICY IMPLICATIONS

27. Council is required to have regard to any Western Australian Planning Commission (WAPC) Statement of Planning Policy (SPP) that applies to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the WAPC to ensure consistency with the following State and Regional Policies.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

SPP 1 – State Planning Framework

28. The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.
29. The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and therefore complies with the principles of SPP1.

SPP 2 – Environment and Natural Resources Policy

30. SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.
31. The objectives of SPP 2 are:
 - *To integrate environment and natural resource management within broader land use planning and decision-making;*
 - *To protect, conserve and enhance the natural environment; and*
 - *To promote and assist in the wise and sustainable use and management of natural resources.*
32. The proposal includes an “indicative” Structure Plan that identifies environmental constraints, inclusive of low lying areas, areas of remnant vegetation to be protected, need to establish vegetation corridors and protection and enhancement of foreshore areas. More detailed land capability analysis and flora reporting will be required prior to the adoption of the “approved” structure plan, followed by the consideration of future development, to ensure areas designated for development will not adversely affect the environmental and scenic values found within the area.

SPP 2.5 – Agriculture and Rural Land Use Planning

33. SPP 2.5 seeks to ensure the identification and protection of high quality agricultural resource areas for future production. The WAPC and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas.
34. The Policy advises that:
“Agricultural production from rural areas is a significant part of the Western Australian economy. It provides essential food and fibre products, and employment and value adding opportunities. Agricultural production in Western Australia is worth nearly \$5 billion per annum. Careful planning is required to maintain these benefits to regional economies and to encourage ongoing investment in agriculture and the supporting resource base.”

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

The 4 key objectives of SPP 2.5 are:

- Protect significant agricultural resources within the State from inappropriate land use and development;
- Provide for sustainable rural settlement growth within community expectations and ensure adequate community service and infrastructure is available to support the growth;
- Minimise potential land use conflicts between incompatible land uses; and
- Manage natural resources and prevent land degradation.

35. The area generally to the north and west of Kalgan is designated by SPP 2.5 as Agricultural Priority Management Areas within the State and these are required to be protected for future agricultural production purposes. This amendment provides for sustainable settlement growth and is therefore consistent with SPP2.5.

SPP 2.9 – Water Resources

36. SPP 2.9 advises that our water resources, which include wetlands, waterways, floodplains, estuaries, groundwater aquifers and the marine environment, are subject to impacts and demands that affect both quality and quantity. The policy highlights the fundamental need to protect these resources due to their social, environmental and economic importance to the community. Kalgan River is to be protected by the creation of a dedicated foreshore reserve. Sustainable water management is a key component of the zone.

SPP 3 – Urban Growth and Settlement – Draft

37. SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State. The key policy measures in SPP 3 that apply to the City are centred on the following:

- Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.
- Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.
- Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.
- Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.
- Managing rural residential growth such that it is located and designed in a sustainable manner which integrates with an overall pattern of settlement and reduces any potential negative impacts such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.

38. The amendment is consistent with the key policy measures identified in SPP 3.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

39. 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.
40. 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

41. The proposed re-zoning will allow further development of the Kalgan Townsite and its surrounds, in keeping with the objectives of the draft ALPS and the draft Local Planning Scheme 1. Staff would therefore recommend that the proposed Scheme Amendment be adopted by Council with the modifications recommended in the Schedule of Submissions.

8:36:14 PM Cr Bostock requested that her Alternate Motion be tabled. (Detailed at appendix D).

8:36:29 PM Cr D Bostock spoke against the Motion

8:36:59 PM Cr Price requested that an adverse comment made by Cr D Bostock be removed from the minutes in accordance clause 4.9(2) of the Standing Orders Local Law 2009.

8:37:24 PM Mayor Ruling – The comment be retracted.

8:37:33 PM Cr Paver moved: That Cr D Bostock's comment was not in breach of Standing Orders Local Law 2009, clause 4.9 (2).

ITEM 13.2.2 PROCEDURAL MOTION BY COUNCILLOR PAVER

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR J BOSTOCK**

THAT Cr D Bostock's comment was not in breach of Standing Orders Local Law 2009, clause 4.9 (2).

MOTION LOST 3-9

Record of Vote:

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

Against the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: Hammond, Price, Leavesley, Dufty, Matla and Sutton.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

8:48:00 PM

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

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WELLINGTON**

THAT Council:

- i) in pursuance of section 75 of the *Planning and Development Act 2005* and regulation 25(1)(c) of the *Town Planning Regulations 1967* resolves to **ADOPT WITH MODIFICATIONS** Amendment No. 290 to Town Planning Scheme No. 3 as follows:
- a) Introducing the Rural Village Zone into the Scheme by inserting a new Objective at Clause 3.1.21, a new Column 22 into the Zoning Table and new provisions at Clause 3.13 to link development to an endorsed Structure Plan and address water, effluent and power.
 - b) Rezoning various lots in Kalgan to „Rural Village“;
 - c) Including various Crown lots in the Parks and Recreation Reserve; and
 - d) Amending the Scheme Map accordingly.

AND

- i) **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 9-3

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: Hammond, Price, Leavesley, Dufty, Matla and Sutton.

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

8:50:53 PM Cr Wellington left the Chambers.

DEVELOPMENT SERVICES REPORTS

13.3 HEALTH, BUILDING & RANGERS

Nil

13.4 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

13.5 DEVELOPMENT SERVICES COMMITTEE

8:52:17 PM Cr Wellington returned to the Chamber.

ITEM NUMBER: 13.5.1
ITEM TITLE: LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – 9TH SEPTEMBER 2009

ITEM 13.5.1

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

THAT Committee Recommendations 1 to 3 to be resolved en bloc.

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: Hammond, Price, Leavesley, Dufty, Matla, Sutton, J Bostock and Paver.

Against the Motion: Councillors D Bostock.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 4.0 CONFIRMATION OF MINUTES

THAT the UNCONFIRMED Minutes of the Local Emergency Management Committee Meeting held on 9th September 2009 be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 6.1 MATTERS FOR CONSIDERATION

THAT the 2008/09 Annual Report of the Local Emergency Management Committee Meeting be RECEIVED.

CARRIED EN BLOC

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 8.5 POST INCIDENT EXERCISE REPORTS

THAT a letter be sent to the Volunteer Sea Rescue Group inviting them to provide a representative at future LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) meetings.

CARRIED EN BLOC

**CORPORATE & COMMUNITY
SERVICES
Reports**

CORPORATE & COMMUNITY SERVICES REPORTS

14.1 FINANCE – CORPORATE & COMMUNITY SERVICES

ITEM NUMBER: 14.1.1

ITEM TITLE: LIST OF ACCOUNTS FOR PAYMENT

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

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
Bulletin Attachment(s) : List of Accounts for Payment

BACKGROUND

1. The List of Accounts for Payment is a list of the accounts which have been paid since the last report.

DISCUSSION

2. The Chief Executive Officer has delegated authority to pay accounts on behalf of Council, and a list of these accounts is to be presented to Council meetings and recorded in the minutes.
3. A summary of payments is as follows:

Municipal Fund			
Trust	Totalling		\$1,600.00
Cheques	Totalling		\$82,092.71
Electronic Fund transfer	Totalling	\$3,356,348.17	
Credit Cards	Totalling		\$14,410.57
Payroll	Totalling		<u>\$790,822.22</u>
	Total		\$4,245,273.67

4. As at the 30st September 2009, the total outstanding creditors, stands at \$903,862.54.
5. Cancelled cheques – 25752

PUBLIC CONSULTATION / ENGAGEMENT

6. Nil

GOVERNMENT CONSULTATION

7. Nil

STATUTORY IMPLICATIONS

8. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the Municipal Fund or a Trust Fund if the Local Government had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.1 continued.

9. The Chief Executive Officer has delegated authority to authorise payments.
10. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments should be presented to Council meetings and recorded in the minutes.

FINANCIAL IMPLICATIONS

11. The accounts for payment are in accordance with the adopted Annual Budget and approved amendments.

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 4.1: 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

13. The City’s 2009/10 Annual Budget applies to this item, as it provides a set of parameters which guides the City’s financial activities for the year.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Nil

SUMMARY CONCLUSION

15. The list of accounts paid by delegated authority be received.

CORPORATE & COMMUNITY SERVICES REPORTS

8:54:09 PM

**ITEM 14.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Information Bulletin be RECEIVED.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.1.2
ITEM TITLE: FINANCIAL ACTIVITY STATEMENT – 30 September 2009

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Summary of Key Points : Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 30 September 2009
Reporting Officer(s) : Finance Manager (P Wignall)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

1. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide Council with a greater insight in relation to the ongoing financial performance of the local government.
3. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2009/10 variations in excess of 10% are reported to the Council.

DISCUSSION

4. The Statement of Financial Activity for the period ending 30 September 2009 has been prepared and is listed below.
5. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

STATEMENT OF FINANCIAL ACTIVITY – AS AT 30 September 2009

6. See appendix 1 to report item 14.1.2

CITY OF ALBANY - BALANCE SHEET

7. See appendix 2 to report item 14.1.2

CITY OF ALBANY – INCOME STATEMENT

8. See appendix 3 to report item 14.1.2

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

INVESTMENT SUMMARY & COMMENT

9. See appendix 4 to report item 14.1.2.

PUBLIC CONSULTATION / ENGAGEMENT

10. Nil

GOVERNMENT CONSULTATION

11. Nil

STATUTORY IMPLICATIONS

12. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:

~~I.~~ *A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- b) budget estimates to the end of the month to which the statement relates;*
- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate*
- d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- e) the net current assets at the end of the month to which the statement relates.*

II. Each statement of financial activity is to be accompanied by documents containing –

- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- b) an explanation of each of the material variances referred to in sub regulation (1)(d);*
- c) such other supporting information as is considered relevant by the local government.*

III. The information in a statement of financial activity may be shown –

- a) according to nature and type classification;*
- b) by program; or*
- c) by business unit*

IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.”*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

FINANCIAL IMPLICATIONS

13. Year to date expenditure has been incurred in accordance with the 2009/10 Budget parameters with variations in excess of 10% detailed below.

Section of Financial Activity Statement	Reason for Variation	Total Amount of Variation
Operating Revenue	Fees and charges revenue is above budget mainly due to timing of ALAC Memberships and Building Licence Fees	\$273,972
	Other Revenue is higher than budget due to timing	\$108,459
Operating Expenditure	Materials and Contracts expenditure is under Budget due to timing	\$327,281
	Other Expenses are over budget due to timing	\$61,574
Capital Revenue	No material Variances	
Capital Expenditure	Purchase Plant, Equipment and Infrastructure is over budget due to timing	\$429,953

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

14. 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

15. 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 and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
16. The Investment of Surplus Funds Policy applies to this item, as this policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Nil

SUMMARY CONCLUSION

18. Nil

8:54:38 PM

**ITEM 14.1.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR DUFTY**

**THAT the Financial Activity Statement for the period ending 30 September 2009 be
RECEIVED.**

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matia and Sutton.

Against the Motion: Councillor D Bostock.

8:54:59 PM Mr Fenn left the Chamber.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 1**STATEMENT OF FINANCIAL ACTIVITY – YEAR TO DATE****30TH SEPTEMBER 2009**

	Actual Year to Date 30-Sep-09	Current Budget Year to Date 30-Sep-09	Current Budget vs Actual Variance
REVENUE			
Operating Grants, Subsidies and Cont	723,345	689,664	33,681
Fees and Charges	1,823,277	1,549,305	273,972
Service Charges	2,985,068	2,996,718	-11,650
Interest Earnings	145,355	151,439	-6,084
Other Revenue	235,440	126,981	108,459
	5,912,485	5,514,107	398,378
EXPENDITURE			
Employee Costs	3,215,772	3,381,784	-166,012
Materials and Contracts	1,877,838	2,205,829	-327,991
Utility Charges	244,724	270,962	-26,238
Interest Expenses	-35,441	-33,417	-2,024
Insurance Expenses	402,677	403,863	-1,186
Other Expenditure	141,561	79,987	61,574
Depreciation	2,701,076	2,904,055	-202,979
	8,548,208	9,213,063	-664,855
Adjustment for Non-cash Revenue and Expenditure:			
Depreciation	-2,701,076	-2,904,055	202,979
CAPITAL REVENUE			
Non-Operating Grants, Subsidies and Cont	1,438,828	1,341,313	97,515
Proceeds from asset disposals	1,455	0	1,455
Proceeds from New Loans	0	0	0
Self-Supporting Loan Principal Revenue	2,750	2,750	0
Transfers from Reserves (Restricted Assets)	5,114,275	3,097,954	2,016,321
	6,557,308	4,442,017	2,115,291
CAPITAL EXPENDITURE			
Purchase Plant, Equipment and Infrastructure	2,317,671	1,887,718	429,953
Repayment of Loans	13,232	13,232	0
Transfers to Reserves (Restricted Assets)	32,115	0	32,115
Estimated Surplus B/fwd	2,363,018	1,900,950	462,068
ADD Net Current Assets July 1 B/fwd	-1,400,897	n/a	n/a
LESS Net Current Assets Year to Date	24,221,162	n/a	n/a
Amount Raised from Rates	-21,362,416	-21,205,835	-156,581

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 2

BALANCE SHEET – AS AT 30TH SEPTEMBER 2009

	Note	Actual 30-Sep-09	Budget 30-Jun-10	Actual 30-Jun-09
CURRENT ASSETS				
Cash - Municipal	6	18,109,299	776,514	670,852
Restricted cash (Trust)	26	1,755,695	1,976,788	1,987,438
Reserve Funds - Financial Assets	12	1,056,636	0	1,056,636
Reserve Funds - Other		2,084,364	2,647,383	7,166,524
Receivables & Other		9,425,876	1,600,000	2,920,527
Investment Land		(0)	0	(0)
Stock on hand	8	924,543	780,000	1,033,538
		33,356,412	7,780,685	14,835,515
CURRENT LIABILITIES				
Borrowings	10	1,074,665	1,230,000	1,087,897
Creditors prov - Annual leave & LSL	11	1,948,160	2,200,000	2,027,992
Trust Liabilities	11	1,697,652	1,778,124	1,930,516
Creditors prov & accruals	11	2,432,463	3,000,000	4,183,228
		7,152,939	8,208,124	9,229,633
NET CURRENT ASSETS		26,203,473	(427,439)	5,605,882
NON CURRENT ASSETS				
Receivables	7	106,774	152,865	152,865
Pensioners Deferred Rates	7	292,616	265,945	292,616
Investment Land		2,150,000	2,150,000	2,150,000
Property, Plant & Equip	9	60,646,151	131,774,682	59,088,605
Infrastructure Assets		192,972,505	197,134,056	194,913,456
Local Govt House Shares	9a	19,501	19,501	19,501
		256,187,546	331,497,049	256,617,042
NON CURRENT LIABILITIES				
Borrowings	10	20,796,675	19,566,675	20,796,675
Creditors & Provisions	11	259,838	262,000	259,838
		21,056,513	19,828,675	21,056,513

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 2**BALANCE SHEET – AS AT 30TH SEPTEMBER 2009**

	Note	Actual 30-Sept-09	Budget 30-Jun-10	Actual 30-Jun-09
NET ASSETS		261,334,507	311,240,935	241,166,411
EQUITY				
Accumulated Surplus		237,596,817	289,818,918	212,345,514
Reserves	12	4,963,056	2,647,383	10,046,263
Asset revaluation Reserve		18,774,634	18,774,634	18,774,634
		261,334,507	311,240,935	241,166,411

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 3**INCOME STATEMENT FOR THE PERIOD ENDED
30 SEPTEMBER 2009**

Nature / Type	YTD Actual 2009/10	Budget-Total 2009/10	Actual 2008/09
INCOME			
Rates	21,362,416	21,346,462	19,277,114
Grants & Subsidies	653,424	3,069,252	4,051,358
Contributions. Reimb & Donations	69,921	362,187	408,897
Fees & Charges	1,823,277	7,294,973	7,330,604
Service Charges	2,985,068	2,996,718	2,698,198
Interest Earned	145,355	547,200	658,167
Other Revenue / Income	236,560	401,500	528,759
	27,276,021	36,018,292	34,953,096
EXPENDITURE			
Employee Costs	3,215,772	14,039,923	13,754,262
Utilities	244,724	1,311,912	903,193
Interest Expenses	(35,441)	1,179,588	1,322,148
Depreciation on non current assets	2,701,076	11,818,000	10,634,812
Contracts & materials	1,877,838	11,628,876	11,509,923
Insurance expenses	402,677	453,863	410,959
Other Expenses	141,561	(128,769)	11,553
	8,548,208	40,303,393	38,546,850
Change in net assets from operations	18,727,813	(4,285,101)	(3,593,753)
Grants and Subsidies - non-operating	1,436,057	70,066,581	6,497,507
Contributions Reimbursements and Donations - non-operating	2,772	5,175,706	4,738,136
Profit/Loss on Asset Disposals	1,455	(32,000)	61,301
Fair value - Investments adjustment	0	1,987,226	(307,263)
	20,168,096	72,912,412	7,395,928

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 4

Portfolio Valuation Market Value – 30 September 2009

Security	Maturity Date	Security Cost (inc accrued Int)	Current Interest %	Market Value Jul 09	Market Value Aug 09	Market Value Sept 09	Latest Monthly Variation
MUNICIPAL ACCOUNT							
ANZ	1/08/2009	1,000,000	3.55%	1,000,000			
Bendigo	30/11/2009	1,000,000	4.40%		1,000,000	1,000,000	
ANZ Bank	29/12/2009	1,000,000	4.55%		1,000,000	1,000,000	
Bankwest	28/01/2010	1,000,000	4.40%		1,000,000	1,000,000	
Westpac	27/02/2010	1,000,000	4.60%		1,000,000	1,000,000	
ANZ Bank	18/10/2009	2,000,000	3.90%			2,000,000	
Bankwest	17/11/2009	1,500,000	4.00%			1,500,000	
Westpac	17/11/2009	1,500,000	4.20%			1,500,000	
Westpac	17/12/2009	1,000,000	4.40%			1,000,000	
NAB	17/12/2009	1,000,000	4.23%			1,000,000	
Bendigo	17/12/2009	2,000,000	4.35%			2,000,000	
				1,000,000	4,000,000	13,000,000	n/a
RESERVES ACCOUNT							
Bendigo	22/12/2009	500,000	4.30%	500,000	500,000	500,000	
NAB	2/02/2010	1,000,000	4.47%	1,000,000	1,000,000	1,000,000	
		1,500,000		1,500,000	1,500,000	1,500,000	n/a
COMMERCIAL SECURITIES - CDOs (New York Mellon)							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	240,000	240,000	240,000	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	155,750	155,750	155,750	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	307,100	307,100	307,100	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	159,380	159,380	159,380	0
		2,118,046		862,230	862,230	862,230	0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

COMMERCIAL SECURITIES - CDOs - Other							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	119,000	119,000	119,000	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	303	303	303	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,503	68,503	68,503	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	6,600	6,600	6,600	0
		1,324,656		194,405	194,405	194,405	0
PORTFOLIO TOTAL		4,942,702		3,556,635	6,556,635	15,556,635	0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.1.3
ITEM TITLE: 2009/2010 BUDGET REVIEW

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 047 (All Wards)
Summary of Key Points : Council requested to adopt a Budget Review
Reporting Officer(s) : Finance Manager (P Wignall)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Proposed Review adjustments

BACKGROUND

1. In September 2009, Council officers conducted a review of 2009/10 revenue and expenditure for their areas.

STATUTORY REQUIREMENTS

2. Under the Local Government Act, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a) is incurred in a financial year before the adoption of the annual budget by the local government
 - b) is authorised in advance by a resolution (absolute majority required) or;
 - c) is authorised in advance by the mayor in an emergency
3. Under the Local Government Act, Section 6.16 (3) fees and charges may be imposed during a financial year and amended during a financial year.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Carryovers for 2008/09 have been transferred to reserves and the corresponding 2009/10 expenditure is funded from those reserve transfers.

STRATEGIC IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.3 continued.

COMMENT/DISCUSSION

7. The budget review incorporates carryovers from 2008/09 into the 2009/10 budget. Most of the carryovers result from projects which were not complete at the end of the 2008/09 financial year and some projects were deferred to 2009/10 due to funding delays. There is no net impact on the budget for 2009/10.

8. There are a number of required amendments resulting from changed circumstances since formulation of the 2009/10 budget. The net impact of the proposed changes is nil. Significant items include:

a) Fees and Charges

The fee for septage waste disposal has been increased from \$9.00 per 100kg to \$15.00 per 100kg. The increased fee is required to cover the increased cost of treating septage waste at the Bakers Hill landfill site. There is no net impact on the Budget.

b) Corporate and Community Services

Subdivision Loan interest has been reduced by \$93,704 as the Budget did not take into account the interest accrual made at 30th June 2009.

ALAC income has been reduced by \$152,000, reflecting current and anticipated trends. ALAC salary costs have been increased by \$16,735.

c) Works and Services

Anticipated funding of \$275,110 for Lone Pine Grove (Peace Park) will not be made available. The project will therefore not proceed and the relevant income and expenditure has been removed from the Budget.

The budget for Millbrook Rd has been reduced by \$148,313 because funding from the Regional Road Group was reduced.

The Paths funding budget has been reduced by \$285,976. A sum of \$185,976 was received in the 2008-09 year and unspent amounts carried over. The additional \$100,000 reduction is due to reduced funding. Two paths jobs (Albany Highway - \$208,500 and Bay View Drive - \$109,500) have been cancelled as a result of the reduced funding.

An additional \$200,000 has been applied to Emu Point Toilets as they have recently become unserviceable.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.3 continued.

9. A summary of the proposed quarterly review follows and a detailed list of all proposed adjustments is included in the Bulletin Attachment.

	Original Budget	Proposed Budget	Proposed Adjustment
General Management	1,271,718	1,285,613	13,895
Corporate & Community Serv.	9,016,789	9,168,923	152,134
Development Services	1,866,867	1,864,237	(2,630)
Works & Services	11,093,254	10,967,862	(125,392)
General Purpose Income	(25,019,919)	(25,057,926)	(38,007)
Loans	1,771,291	1,771,291	
Total	0	0	0

8:56:29 PM Mr Fenn Returned

**ITEM 14.1.3 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT Council ADOPT the 1st Quarter Budget Review

**MOTION CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

CORPORATE & COMMUNITY SERVICES REPORTS

14.2 – ADMINISTRATION

Nil

14.3 – LIBRARY SERVICES

Nil

14.4 – DAY CARE CENTRE

Nil

14.5 – TOWN HALL

Nil

14.6 – RECREATION SERVICES

Nil

14.7 - ECONOMIC DEVELOPMENT

Nil

14.8 - TOURISM & VISITORS CENTRE

Nil

14.9 – AIRPORT MANAGEMENT

Nil

14.10 – CONTRACT MANAGEMENT

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

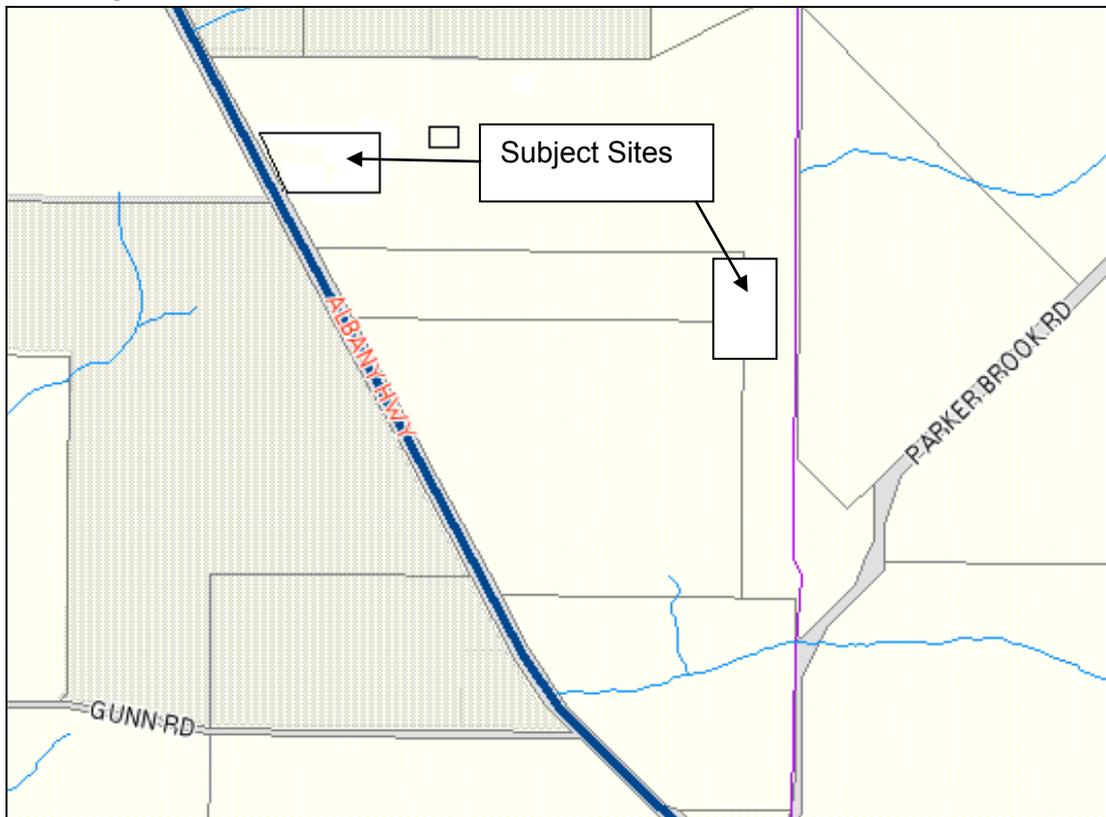
14.11 – PROPERTY MANAGEMENT

ITEM NUMBER: 14.11.1
ITEM TITLE: SURRENDER AND NEW LEASE FOR BUREAU OF METEOROLOGY

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : PRO 159 / A64802 (Kalgan Ward)
- Summary of Key Points** : Consider request to surrender existing lease and replace with a new lease for the Bureau of Meteorology on Albany Regional Airport land.
- Land Description** : Lot 213 on Diagram 94445 situated at 35615 Albany Highway, Drome
- Proponent** : Bureau of Meteorology
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Heads of Agreement document
- Consulted References** : Council’s Policy – Property Management – Leases
Council’s Airport Business Plan
- Maps and Diagrams** :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

BACKGROUND

1. The Bureau of Meteorology has operated the existing Albany Meteorological Office on land owned by the City of Albany since 1965. The Bureau’s current lease located on approximately 8820m² of Airport land north of the terminal, commenced on 30 July 1996 for a term of 15 years with an option of a further term of 10 years.
2. In response to the Bureau securing funds to replace aging field offices and the City’s future expansion requirements for new hangar sites discussions have taken place between the parties to relocate the Bureau from the existing site to the north eastern area of the Airport as an alternative site for replacement Bureau infrastructure.
3. A Heads of Agreement (HOA) document has been negotiated and drafted by the City and the Bureau. This agreement details both parties’ requirements and obligations with the proposed relocation of the Bureau of Meteorology office.
4. The proposed alternate site allows the Bureau to be ‘non-airside’. This provides significant benefits for the Airport security management. Access is obtained along the Airport eastern boundary easement between the Airport fencing and the adjoining property. This access road will be unsealed.
5. In the event the City undertakes resealing works at a future date on the airfield or Parker Brook Road, the Bureau has requested to be advised so that they can utilise this road plant if required.

DISCUSSION

6. The HOA once signed, is intended to create legally binding and enforceable obligations with each party obliged to act in good faith toward one another in the performance of this Agreement. This document will form part of the new lease agreement.
7. In summary the City and Bureau’s obligations outlined in the HOA for the exiting lease site and the proposed new lease site are as follows:

City of Albany (COA)	Bureau of Meteorology (Bureau)
Grant new lease for alternate site for a term of 21 years with the Bureau non-airside	Surrender existing lease at handover date (being within 28 days of the new office being completed and suitable for occupation)
New lease terms be no more onerous than the Existing lease recognising the Bureau’s use of the site is for public purpose	All costs for surrender and new lease will be met by the Bureau
Allow relocation overlap period of 2-5 years	Access to alternate site during the overlap period be coordinated through the Senior Reporting Officer, or equivalent
Allow Bureau to establish new instrument enclosure on alternate site once agreement signed	Existing instrument enclosure clearance requirements to remain for a 2 year period only
Rental for new lease equivalent to minimum land rate as set by Council per annum	No rental payable for new lease during overlap period until handover date

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

On the handover date accept transfer of the building in the condition as at Handover	On the handover date transfer any interest it has in the building to the City
Allow Bureau access to easement on the eastern boundary of the Airport between the airport fencing and adjoining property as a lockable unsealed private road	Allow COA access to road to undertake mandatory fencing inspections
If deemed suitable allow Bureau access to landfill located adjacent to the alternate site for proposed access road	Power, water and communications for alternate site will be independent from Airport
\$50,000.00 inclusive of GST contribution towards fencing and earth works (Refer comment at point 15)	All other costs associated with the relocation, new building and infrastructure, conformity to all statutory approvals and relevant legislation

8. The Bureau proposes to reduce the environmental impact of the alternate site by installing water tanks with no connection to water mains with the site being solar powered.
9. The proposed new lease will be negotiated in line with Council’s Policy – Property Management – Leases.

PUBLIC CONSULTATION / ENGAGEMENT

10. No public consultation is required at this stage.

GOVERNMENT CONSULTATION

11. No Government consultation is required at this stage.

STATUTORY IMPLICATIONS

12. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.
13. The section requires there 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.

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.

14. The Bureau of Meteorology is a government body and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

15. The City of Albany has agreed to contribute \$50,000.00 inclusive of GST towards fencing and earth works to assist the Bureau in relocating the existing lease to the alternate site. This contribution will be sourced from external funding provided by Regional Airport Development Scheme (RADS) and allocated in the 2010/11 budget.
16. The current lease rental is a token amount of \$1.00 per annum payable on demand.
17. The new rental in accordance with Council Policy – Property Management – Leases will be \$580 plus GST per annum, being equivalent to minimum land rate as set by Council per annum.
18. All costs associated with the preparation and implementation of the surrender and new lease documentation will be borne by the proponent.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

19. 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

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

20. 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.
21. The recommendation is consistent with Council’s Policy – Property Management – Leases and the Airport Business Plan.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

22. Council may consider not approving the surrender of existing lease and replacing with a new lease with a view to the Bureau remaining in the existing location until the current lease expires. This would impede any future hangar site expansion plans in this location as recommended in the Airport Business Plan.

SUMMARY CONCLUSION

23. In view of the service provided to the community by the local Bureau of Meteorology and Council have no current plans for proposed alternate site area on airport land, the proposed request to surrender the existing lease and replace with a new lease for a term of 21 years is recommended.

8:57:21 PM

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

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PRICE**

THAT Council APPROVES the request to surrender the existing lease and replace with a new lease for the Bureau of Meteorology on Lot 213 on Diagram 94445, the lease being in compliance with Council's Policy – Property Management – Leases, and:

- **The lease term being 21 years;**
- **The rental be equivalent to minimum land rate as set by Council per annum;**
- **All costs associated with the relocation and replacement of Bureau infrastructure payable by the proponent;**
- **Council agree to the Heads of Agreement; and**
- **All costs associated with the preparation and implementation of leases to be payable by the proponent.**

MOTION CARRIED 12-0

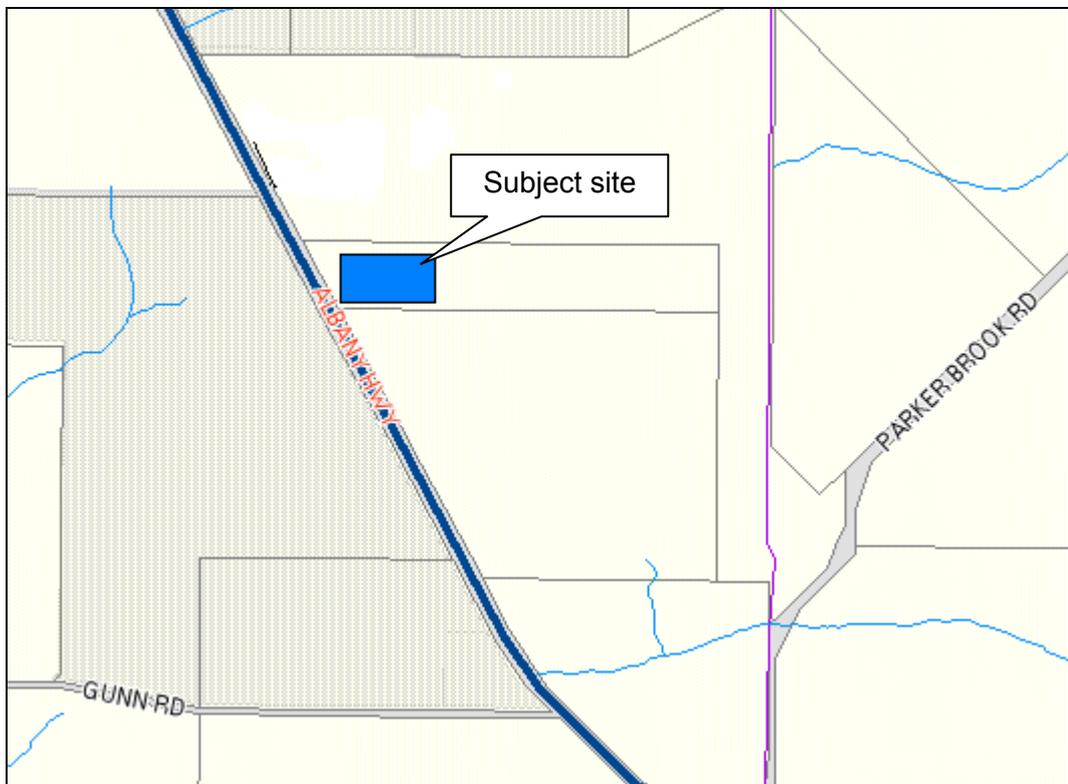
CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.11.2
ITEM TITLE: SURRENDER EXISTING LEASES AND LICENCE AND REPLACE WITH NEW LEASE AND LICENCE FOR BP AUSTRALIA AT ALBANY REGIONAL AIRPORT

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : PRO 151 / PRO 192 / PRO 193 (Kalgan Ward)
- Summary of Key Points** : Consider request to surrender existing leases and licence and replace with a new lease and licence for BP Australia Pty Ltd at the Albany Regional Airport
- Land Description** : Lot 5643 on Deposited Plan 157458 situated at 35615 Albany Highway, Drome
- Proponent** : BP Australia Pty Ltd
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council’s Policy – Property Management - Leases
- Maps and Diagrams** :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

BACKGROUND

1. BP Australia Pty Ltd currently hold two leases for fuel storage tanks and refuelling hydrants with one licence for a fuel pipeline associated with the flow of fuel between the two leased sites for supply, storage and distribution of aviation fuel at the Albany Regional Airport, expiring on 30 June 2010.
2. All of the improvements at the Air BP facility including storage tanks, fuel lines and hydrants for refuelling operations were constructed and funded by BP Australia Pty Ltd.
3. The existing Air BP facility services regular public transport (RPT), general aviation (GA), Royal Flying Doctor Service (RFDS) and Royal Australian Air force (RAAF) domestic aviation operators.
4. Air BP, the specialist aviation division of BP Australia Pty Ltd supplying aviation fuels at the Airport have advised the City of Albany of their concerns in relation to the integrity of the existing two semi buried underground tanks as routine inspections revealed unacceptable corrosion levels in both tanks.
5. Air BP have received provisional internal approval to re-invest in this site and propose to undertake a tank replacement and refurbishment project at the Airport costing approximately \$650,000, however this approval is dependant on securing tenure.
6. A written request has been received from Air BP to surrender the current leases and licence expiring on 30 June 2010 and replace with new agreements for a term of 10 years with an option for a further term of 10 years, improving security of tenure in this location.

DISCUSSION

7. The proposed BP facility refurbishment will be designed to the latest BP engineering standards and compliant with all the relevant engineering and environmental standards.
8. The project scope of works includes the following:
 - Remove the existing single skin semi buried underground Jet A1 and Aviation gasoline (Avgas) tanks and replace with new concrete banded single skin above ground tanks along side existing tanks;
 - Incorporate a concrete contained bridger (fuel tank) discharge area;
 - Install new swipe card facility for users providing increased customer service;
 - Install pump start/stop button along with emergency stop isolation button at each kerbside refuelling hydrant;
 - Upgrade pipe work, drainage and effluent treatment;
 - Upgrade electrical switchboard to meet current electrical requirements and safety standards;
 - Upgrade fire protection to comply with AS1940 being the storage and handling of flammable and combustible liquids; and
 - Install a new storage shed.
 - Relocation of bowser facility.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

9. All project works will be carried out within the existing lease and licence areas.
10. Air BP will be responsible for obtaining all of the necessary approvals prior to commencement of the project.
11. All Air BP staff accessing the lease and licence areas will hold Aviation Security Identity Card's (ASIC) as required by the Australian Government Civil Aviation Safety Authority (CASA) Security Regulations 2005 with all other Air BP contractors and consultants to liaise with the Senior Reporting Officer, or equivalent for access.
12. The proposed new lease and licence will be negotiated in line with Council's Policy – Property Management – Leases.

PUBLIC CONSULTATION / ENGAGEMENT

13. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
14. 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.
15. The proposed new lease and licence will be advertised state-wide to comply with the requirements of Section 3.58 of the Local Government Act 1995.

GOVERNMENT CONSULTATION

16. No Government consultation is required at this stage.

STATUTORY IMPLICATIONS

17. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.

FINANCIAL IMPLICATIONS

18. All costs associated with the preparation and implementation of the surrender and new lease and licence documentation will be borne by the proponent.
19. The new lease and licence rental will be determined by a current market valuation provided by an independent Certified Practising Valuer, with rent reviews in line with Council's Policy - Property Management - Leases for this category of lease agreements.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

20. 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.

Item 14.11 continued.

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

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

21. 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.
22. The recommendation is consistent with Council’s Policy – Property Management - Leases.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

23. Council has the following options in relation to this item, which are:
- a. Approve the request to surrender the existing leases and licence and replace with a new lease and licence, or
 - b. Decline the request.
24. Should Council not support the request, Air BP have indicated they will remove their refuelling services from the Albany Regional Airport.
25. As availability of aviation fuel is deemed critical for some aviators, RPT, GA, RFDS and RAAF would be required to make alternative refuelling arrangements until Council could source an alternate fuel supplier.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

SUMMARY CONCLUSION

26. In view of the service provided to Albany Regional Airport and the community of Albany, at no cost to Council, the proposed request to surrender the existing leases and licence and replace with a new lease and licence for a term of 10 years with an option for a further term of 10 years, providing Air BP with security of tenure is recommended.

8:58:52 PM

ITEM 14.11.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR WELLINGTON

THAT Council subject to Section 3.58 of the Local Government Act 1995 APPROVES the request to surrender the existing leases and licence and replace with a new lease and licence for BP Australia on Lot 5643 on Deposited Plan 157458, the lease being in compliance with Council's Policy – Property Management – Leases, and:

- **The lease term being 10 years with an option for a further term of 10 years;**
- **The rental will be determined by a current market valuation provided by an independent Certified Practising Valuer prior to the commencement of the new lease, with rent reviews in line with Council's Policy - Property Management - Leases for this category of agreement;**
- **All costs associated with the project be met by the proponent;**
- **Compliance to all relevant regulations by the proponent;**
- **All approvals being obtained prior to the commencement of the project; and**
- **All costs associated with the preparation and implementation of leases to be payable by the proponent.**

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.11.3
ITEM TITLE: VARIATION TO LEASE TO MODIFY BUILDING ENVELOPE LOT 1 BAXTERI ROAD CHEYNE BEACH ON PORTION OF RESERVE 878

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : PRO 179 / A5745 (Kalgan Ward)
- Summary of Key Points** : Consider request for variation to Cheyne Beach holiday accommodation lease at Lot 1 Baxteri Road Cheyne Beach to modify building envelope to allow dwelling additions
- Land Description** : Portion of Reserve 878, Lot 1 Baxteri Road, Cheyne Beach
- Proponent** : Gaetano and Robyn D’Aprile
- Owner** : Crown
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Lease plan showing existing building envelope
- Consulted References** : Council’s Policy - Property Management - Leases
- Maps and Diagrams** :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

BACKGROUND

1. Reserve 878 is under a Management Order issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of recreation, camping, holiday accommodation, accommodation associated with the fishing industry and fire station for a term not exceeding 21 years.
2. Gaetano and Robyn D'Aprile currently lease Lot 1 Baxteri Road, Cheyne Beach situated on portion of Reserve 878 for holiday accommodation.
3. The lease for a term of 21 years commenced on 1 July 1992 and expiring on 30 June 2013, with a rental of \$533.00 plus GST per annum.
4. A written request has been received from Gaetano and Robyn D'Aprile for additions to the existing dwelling. The proposed additions include three additional bedrooms at the rear of the dwelling, a sun room to the front of the dwelling with front and side verandas.
5. The increase in rooms will bring the total number of bedrooms to six, with two bathrooms, providing holiday accommodation for an extensive number of occupants.
6. Cheyne Beach holiday accommodation leases provide a building envelope for each lot which is intended to contain all buildings and structures.
7. Sections 2(u)(i) and 5(1)(ii) of the lease agreement requires that:
 - 2(u) *that apart from the driveway access, all buildings and improvements including fencing to be constructed, erected or made and all works to be carried out or executed on the demised premises by the Lessee shall be –*
 - (i) *located within the building envelope shown on the plan annexed hereto and marked A or such other building envelope as the Lessor may prescribe and the natural vegetation on the balance of the demised premises shall be retained unless the Lessor consents in writing to additional clearing.*
 - 5(1) *The Lessee shall –*
 - (ii) *the development shall be located within the building envelope shown on the plane annexed hereto and marked "A" or such other building envelope as the Lessor in its absolute discretion may prescribe;*
8. The proposed additions require development taking place outside of the permitted building envelope.
9. The lease document further provides that the Lessee shall construct a dwelling for holiday accommodation purposes on the leased area within two years of the date that the lease was entered into and unless otherwise agreed to by the Lessee and Lessor remove all buildings from the leased area upon the expiration of the lease and that there is no guarantee that a fresh lease will be obtained upon expiration of the lease.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

DISCUSSION

10. Due to the extensive additions proposed, the City contacted lessees Gaetano and Robyn D'Aprile for a written commitment that the premises will be used for temporary holiday accommodation purposes only as required by the lease agreement.
11. The Lessee responded providing their ongoing commitment to complying with the terms and conditions of the lease agreement with assurance that the additions were required to accommodate their own family members mainly over the Christmas and Easter periods.
12. Gaetano and Robyn D'Aprile lease expires in approximately four years on 30 June 2013. The Lessee upon expiry will be required to remove all buildings including the proposed additions costing approximately \$50,000.00.
13. As Lessor, Council must determine whether it wishes to modify the lease building envelope requirements for this site. If approved, the Lessee must obtain all other appropriate planning and building approvals before commencement of the project.
14. Cheyne Beach currently has 29 holiday accommodation leases and 7 commercial fishing leases. The holiday accommodation leases were issued for a 21 year period with commercial fishing leases issued for a 10 year term with an option of a further 10 year term.

PUBLIC CONSULTATION / ENGAGEMENT

15. There are no statutory requirements to advertise the lease variation.

GOVERNMENT CONSULTATION

16. As this is Crown land Ministerial approval is required.

STATUTORY IMPLICATIONS

17. 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.
18. As this is Crown land, under a Management Order issued to the City of Albany for the purpose of recreation, camping, holiday accommodation, accommodation associated with the fishing industry and fire station, Ministerial approval will be required.

FINANCIAL IMPLICATIONS

19. All costs associated with the lease variation will be met by the Lessee.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

21. There are no policy implications in relating to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

22. Council has the following options in relation to this item, which are:
- a. Approve the request to vary lease agreement,
 - b. Decline the request; or
 - c. Design additions within the building envelope.
23. Should Council approve the request to vary the lease to modify the building envelope to allow dwelling additions a precedent would be set.

SUMMARY CONCLUSION

24. In terms of the Town Planning Scheme (TPS3) the site is located on reserved land (having a registered use of Holiday Accommodation), with an additional Special Site zoning for Holiday Accommodation, which therefore permits the use.
25. There is little to guide development within TPS3 or associated polices, however use is consistent with the use of the reserve and the special site, and due to the design and facilities of the proposal it would not permit the separation from the current dwelling into different occupation units. With regards to setbacks, again there is little to guide the proposal, although using the R codes as a guide to setbacks the proposal clearly exceeds the required 1.5m side setbacks. Adequate open space and other ancillary facilities provided are sufficient, and therefore Approval is recommended.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

ITEM 14.11.3 - OFFICER RECOMMENDATION
VOTING REQUIREMENT – SIMPLE MAJORITY

THAT Council subject to Section 18 of the Land Administration Act 1997 APPROVES a lease variation to modify the building envelope to allow proposed dwelling additions, with the following conditions:

- All planning and building approvals obtained by the Lessee; and
- All costs associated with the lease variation be met by the Lessee.

**ITEM 14.11.3 – ALTERNATE MOTION BY COUNCILLOR MATLA
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT Council NOT SUPPORT the request to modify the building envelope contained in the lease to allow dwelling additions.

MOTION CARRIED 11-1

Councillor's Reason:

As the lease is due to expire on 30 June 2013, it is not considered reasonable for the building envelope to be carried, and further development to be therefore encouraged.

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

CORPORATE & COMMUNITY SERVICES REPORTS

14.12 – CORPORATE & COMMUNITY SERVICES COMMITTEE

ITEM NUMBER: 14.12.1

**ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 17
SEPTEMBER 2009**

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
Bulletin Attachment(s) : Committee meeting minutes – 17 September 2009

9:05:24 PM

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.1 - COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR PRICE**

**THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 17
September 2009 be RECEIVED.**

MOTION CARRIED 11-1

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.2
ITEM TITLE: COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 18 SEPTEMBER 2009

File Number or Name of Ward : MAN 233 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate and Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 18 September 2009

9:11:33 PM

ITEM 14.12.2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR DUFTY

THAT Committee Recommendation 1 & 2 be resolved en bloc.

MOTION CARRIED12-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the Community and Economic Development Strategy and Policy Committee held on Friday 18 September 2009 be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

5.2 FEES & CHARGES: ALBANY PUBLIC LIBRARY

THAT the fees and charges adopted for 2009/2010 be CONFIRMED.

CARRIED EN BLOC

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.3
ITEM TITLE: 2014/15 ANZAC CENTENARY STRATEGY COMMITTEE MEETING MINUTES – 14 SEPTEMBER 2009

File Number or Name of Ward : REL 164 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Manager Economic Development (J Berry)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes of meeting held on 14 September 2009
9:12:22 PM

ITEM 14.12.3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE

THAT Committee Recommendations 1 & 2 be resolved en bloc.

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Duffy, Matla and Sutton.

Against the Motion: Councillor D Bostock.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the CONFIRMED minutes of the 2014/15 ANZAC Centenary Strategy Committee held on Monday 14 September 2009 be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council commence formal planning and liaison with Australian, New Zealand, US and Japanese officials for participation in a symbolic re-enactment of the assembly and departure of the convoys from King George's Sound on 1 November 2014 and 31 December 2014.

CARRIED EN BLOC

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.4
ITEM TITLE: 2014/15 ANZAC CENTENARY STRATEGY COMMITTEE MEETING MINUTES – 30 SEPTEMBER 2009

File Number or Name of Ward : REL 164 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Manager Economic Development (J Berry)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes of Committee meeting held on 30 September 2009

ITEM 14.12.4
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DUFTY

THAT Committee Recommendations 1 & 2 be resolved en bloc.

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the 2014/15 ANZAC Centenary Strategy Committee meeting held on 30 September 2009 be RECEIVED.

MOTION CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council conduct the ANZAC Peace Park opening dedication in the late afternoon of Saturday 24 April 2010.

MOTION CARRIED EN BLOC

WORKS & SERVICES

Reports

WORKS & SERVICES REPORTS**15.0 REPORTS – WORKS & SERVICES****15.1 WASTE MANAGEMENT****ITEM NUMBER:** 15.1.1**ITEM TITLE:** LOCAL GOVERNMENT WATER CAMPAIGN**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER**

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	:	SER 154 (West Wards)
Summary of Key Points	:	Local Government Water Campaign
Reporting Officer(s)	:	Manager City Assets (P Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Bulletin Attachment(s)	:	Local Water Action Campaign Pamphlet
Consulted References	:	N/A
Councillors Lounge	:	N/A
Maps and Diagrams	:	Nil.

BACKGROUND

1. The Water Campaign is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality.
2. The campaign was introduced and piloted in Australia in 2001 with the assistance of five International Council for Local Government Initiatives (ICLEI) member councils: the Shire of Sutherland and the Cities of Melbourne, Mitcham, Port Phillip and Wollongong.
3. There are now forty one (41) councils participating in the program in Western Australia. A list of the participants in Western Australia is included below:

Shire of Augusta-Margaret River	Town of Kwinana
Town of Bassendean	City of Mandurah
City of Bayswater	City of Melville
City of Belmont	Town of Mosman Park
Shire of Boddington	Shire of Mundaring
City of Bunbury	Shire of Murray
Shire of Busselton	City of Nedlands
Town of Cambridge	Shire of Peppermint Grove
Shire of Capel	City of Perth
Town of Claremont	City of Rockingham
City of Cockburn	City of South Perth
Shire of Collie	City of Stirling
Town of Cottesloe	City of Subiaco
Shire of Cuballing	Shire of Serpentine-Jarrahdale

WORKS & SERVICES REPORTS

Item 15.1.1 continued.

Shire of Dardanup	City of Swan
City of Fremantle	Town of Victoria Park
City of Geraldton-Greenough	Town of Vincent
City of Gosnells	Shire of Wandering
Shire of Harvey	City of Wanneroo
City of Joondalup	Shire of Waroona
Shire of Kalamunda	

DISCUSSION

4. Australia is the driest inhabited continent in the world. Australian local governments have a significant role to play in minimising the impact on limited water sources.
5. With most states in Australia experiencing drought conditions and water restrictions, it is necessary for local governments and their communities to reassess the ways in which water is used and managed. The Water Campaign motivates and empowers local governments to work towards the sustainable management of our water resources.
6. Local governments around the world are responding to the threat of severe water shortages by reducing their water consumption and improving their water quality output from their own activities. Additionally their planning powers, spending policies, community and business links are influencing households and businesses to conserve water and reduce their impact on receiving waters such as rivers, streams and groundwater. This is being achieved via a variety of mechanisms including, town planning, education campaigns and incentive schemes.
7. Many Council's have been active in the area of water management for several years for reasons such as: regulatory obligations, concern for the environment and the financial implications of both water consumption and the maintenance of drainage infrastructure. The Water Campaign provides the flexibility for councils to integrate existing water management practices into the program framework.
8. As a leader in the community, the Council, by joining the Water Campaign program, has the opportunity to take a leadership role in your local area and be part of a growing network of local governments in Western Australia and nationally who have identified integrated water resource management as a priority for financial, environmental and social reasons.
9. The Water Campaign provides councils with a tested program model, covering a broad spectrum of water management issues. The program involves progressing through five milestones, that guide participating councils through a process of local research, policy making, action planning, implementation and evaluation.

Milestone 1: Undertake a water consumption inventory and water quality checklist

Milestone 2: Establish a water consumption reduction goal and water quality improvement goal

Milestone 3: Develop and adopt a local action plan

Milestone 4: Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits

Milestone 5: Monitor and report on water consumption reductions, water quality improvements and water management initiatives.

WORKS & SERVICES REPORTS

Item 15.1.1 continued.

10. The Water Campaign supports the systematic identification and evaluation of the water resource management challenges facing local governments at three levels:

Corporate: What councils can control within their own operations;

Community: How councils can influence their community through land use planning, education and regulation;

Catchment: How a collective group of councils can work together for long-term improvement in water management. The International Council for Local Environmental Initiatives ICLEI Oceania is currently developing and piloting an approach to assist participants to engage with other councils and stakeholders to address water management at the catchment level.

11. Through participation in the Water Campaign councils can:

- Achieve environmental and economic benefits through reducing water consumption
- Expand the capacity of council by increasing knowledge in the area of water management
- Reduce demand on potable water supply and wastewater facilities
- Demonstrate wiser use of water within council operations and the local government area
- Increase use of wastewater and on-site detention of stormwater
- Reduce peak flow levels in urban waterways.

12. The Water Campaign supports councils to:

- Improve environmental performance by using best practice management approaches in the areas of open space, construction and waste collection
- Save money through the installation of water efficient devices in council buildings
- Influence the community through the promotion of water sensitive urban design
- Change community consumption patterns through influence and community education
- Demonstrate leadership to the community and amongst other councils through the sustainable management of water resources
- Access an extensive peer network of participants from across Australia
- Protect local water bodies from contaminants entering through drainage systems

13. ICLEI Oceania provides the following support for Water Campaign participants:

Promotion and Recognition

- Presentations by ICLEI Oceania staff to Councillors and senior managers
- Promotion of actions that councils have implemented.
- Recognition events to celebrate council milestones achievements
- Communication and media materials to help councils gain local support for their initiatives
- Assistance with planning local media events.
- Technical and Program Training
- Water Campaign Inventory Tool to establish a comprehensive inventory of water consumption and identify the priority areas for action
- Quantification tool kits to assist with the quantification of benefits resulting from the implementation of actions

WORKS & SERVICES REPORTS

Item 15.1.1 continued.

- Training workshops in the milestones and assistance in developing action plans
- Direct one-to-one support over the phone to follow up the workshops
- Access to expertise and networks of Councils to exchange ideas and solutions

14. Information and Publications

- Access to the Water Campaign website
- Workbooks, case studies, monthly bulletins
- Advice on funding opportunities and programs
- Access to a network of councils willing to exchange ideas and solutions regarding water management issues.

PUBLIC CONSULTATION / ENGAGEMENT

15. There has been no public consultation associated with this item to date.

GOVERNMENT CONSULTATION

16. The Water Program is sponsored by the Government of Western Australia and supported by Western Australian Local Government Association (WALGA).

STATUTORY IMPLICATIONS

17. Under the Local Government Act 1995 – Schedule 3.2 outlines the City's responsibility to undertake drainage activities.

FINANCIAL IMPLICATIONS

18. The cost of participation of the programme is \$1,650 inc. GST and is a one off fee.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

19. In accordance with Albany Insight ~ Beyond 2020 Strategic Plan

Item 1 Lifestyle and Environment

1.6 The long term problems of climate change and peak oil have been recognized and responded to.

Item 4 Governance

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

POLICY IMPLICATIONS

20. There is no policy implications related to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 15.1.1 continued.

SUMMARY CONCLUSION

22. Councils that participate in the Water Campaign are required to identify a primary contact that will act as the key contact and facilitate/ coordinate council's involvement in the program. Participants are encouraged to develop a cross department team that inputs into the direction of the program.
23. Experience across participating councils indicates that the achievement of Milestones 1 and 2 approaches a day per week for 12 to 16 weeks. The development of local action plan becomes the responsibility of departments identified through the inventory process as the areas in which water consumption and water quality issues are influenced.

9:14:28 PM

**ITEM 15.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council JOIN the Water Campaign with undertake work to achieve the following five milestones.

- Milestone 1: Undertake a water consumption inventory and water quality checklist**
- Milestone 2: Establish a water consumption reduction goal and water quality improvement goal**
- Milestone 3: Develop and adopt a local action plan**
- Milestone 4: Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits**
- Milestone 5: Monitor and report on water consumption reductions, water quality improvements and water management initiatives.**

MOTION CARRIED 10-2

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Duffy, Matla and Sutton.

Against the Motion: Councillors D Bostock and Paver

WORKS & SERVICES REPORTS

15.2 CAPITAL WORKS

ITEM NUMBER: 15.2.1
ITEM TITLE: C09014 - TRUCK MOUNTED EWP (ELEVATED WORK PLATFORM)

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	:	C09014
Summary of Key Points	:	Accept quotation from Albany City Motors
Land Description	:	Nil
Proponent	:	Nil
Owner	:	City of Albany
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. In October 2008, the Western Australian Local Government Association let a tender for a Panel of Preferred Suppliers for the Provision of Heavy Plant and Equipment to Local Government Contract No. TPS 0814.
2. This panel arrangement is part of a suite of Preferred Supplier Agreements operated by WALGA for the benefit of its members. These are non-mandatory contracts which aggregate the purchasing power of the sector delivering procurement value to members. For this reason suppliers are able to deliver value over and above what is able to be accessed directly from the market by using the strength of the sector's collective buying power.
3. Members accessing WALGA Preferred Supplier Agreements do not need to independently tender for goods and/or services within the scope of these arrangements due to a public tender threshold exemption in the *Local Government (Functions and General) Regulations, 1996*. This direct access to the market saves a Member considerable cost and risk of independently tendering for suppliers, as this function has been undertaken on their behalf by WALGA.
4. Council has allocated an amount in the 2009/2010 budget for the purchase of a truck mounted EWP. Given the limited market for this type of product, staff determined that the use of the WALGA Panel of Suppliers Contract would be suitable to source this vehicle.

DISCUSSION

5. Dale Chapman from the WA Local Government Association was approached to source quotes for a truck mounted EWP on behalf of the City of Albany.
6. Two quotations were received by the City. In order that the evaluation is carried out fairly to both suppliers, Council used previous plant purchasing tender evaluation formulas to rate the suppliers.

WORKS & SERVICES REPORTS

Item 15.2.1 continued

Criteria	% Weighting
Cost	50
Relevant Maintenance & Operational Suitability	40
Reliability of Tenderer	10
Total	100

7. The following table summarize those two submissions received.

Tenderer	Submitted Price (Inc. GST)	Weighting
Albany City Motors	\$161,064.54	572.5
Purcher International	\$158,584.00	527.5

8. Both suppliers have provided submissions that include the purchase of the Elevated Work Platform from the same supplier who imports them from overseas and assembles in Perth. The submission from Purcher International involves fitting of the EWP to a Mitsubishi FUSO cab/chassis. However, Albany City Motors utilizes an Isuzu cab/chassis which is consistent with Council's current fleet of Isuzu trucks.
9. Albany City Motors received the highest weighted score once the Regional Price Preference Policy was applied to the cost evaluation component of the evaluation criteria.
10. Council staff are familiar with the operating aspects of this type of vehicle, having hired a truck mounted elevated work platform to carry out pruning works previously.
11. This Truck Mounted Elevated Work Platform is a replacement for the existing trailer mounted EWP that has passed its legal life. The purchase of this truck mounted EWP will provide a safer alternative to the current method of operation and give greater flexibility and control over high risk work as the City consists of areas of hilly terrain that make the operation of the trailer mounted EWP difficult and dangerous to staff.

PUBLIC CONSULTATION / ENGAGEMENT

12. There is no public consultation related to this item.

GOVERNMENT CONSULTATION

13. There is no government consultation related to this item.

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.
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. Council is exempted from the tender process as it is utilising the WALGA State Tender.

WORKS & SERVICES REPORTS

Item 15.2.1 continued

FINANCIAL IMPLICATIONS

17. Funding for the purchase of the Truck Mounted EWP has been allocated to the amount of \$165,000.00 (inc. GST).

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 submission from Albany City Motors is regarded as the most advantageous offer to Council.

9:14:59 PM

ITEM 15.2.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR SUTTON

THAT Council ACCEPT the quotation from Albany City Motors for the Supply & Delivery of a Truck Mounted Elevated Work Platform for the price submitted of \$161,064.52 (inc. GST).

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

WORKS & SERVICES REPORTS

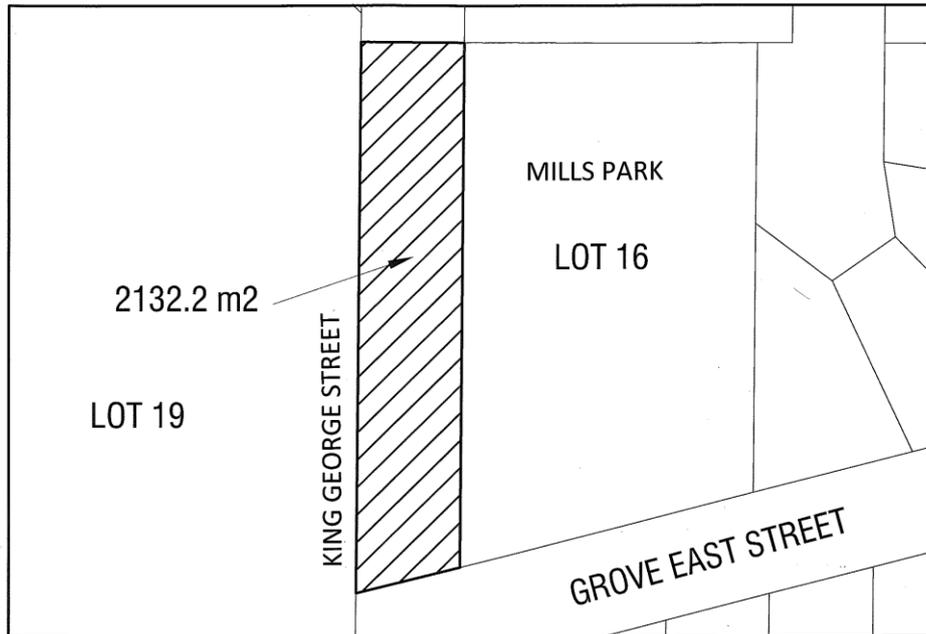
15.3 RESERVES, PLANNING & MANAGEMENT

ITEM NUMBER: 15.3.1
ITEM TITLE: PROPOSAL TO CLOSE PORTION OF KING GEORGE STREET, LITTLE GROVE

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : SER 086 (Vancouver Ward)
- Summary of Key Points** : Proposal to close portion of King George Street, Little Grove and amalgamate the resultant land into Reserve 33454
- Land Description** : Portion of King George Street, Little Grove
- Proponent** : City of Albany
- Owner** : Crown
- Reporting Officer(s)** : Project Team Leader (S Pepper)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Nil.
- Consulted References** : Nil
- Maps and Diagrams** :



WORKS & SERVICES REPORTS

Item 15.3.1 continued.

BACKGROUND

1. In February 2009, the City of Albany was successful in obtaining funds through the Royalties for Regions Scheme, and identified various locations to construct toilets throughout the municipality.
2. Mills Park playground in Little Grove was one such site, and staff developed the project, accordingly. As the Little Grove area has deep sewer, the toilet requires an appropriate connection to the sewer main.

DISCUSSION

3. The works commenced at the park, with the toilet being located at the south western corner near Grove Street.
4. Due to an administrative oversight, the toilet was erected on the King George Street road reserve. This portion of the road reserve is not physically constructed, is tree lined and currently has a drainage basin and concrete path criss-crossing it.
5. Water Corporation were contacted to establish the sewer main connection requirements, and it was then identified the toilet was constructed on the road reserve. Council was advised the sewer line would not be approved using the proposed alignment along the road reserve.
6. To complete the toilet construction, Council would be required to seek the closure of portion of King George Street and amalgamate the resultant land into the Mills Park reserve number. The reserve is "C" class reserve, number 33454, vested in the City of Albany, with a purpose of "Public Recreation".
7. As the Royalties for Regions funding deadline would expire before the appropriate legislative procedures were completed to close portion of the road and amalgamate the resultant land into the reserve, the Water Corporation have agreed to providing approvals for the sewer connection, subject to confirmation of a Council resolution for this action to commence.

PUBLIC CONSULTATION / ENGAGEMENT

8. At the February 2009 Council meeting, details were provided advising of the public consultation for numerous projects, and Elected Members were then asked to prioritise these ideas for final selection for the funding opportunity.
9. The closure of portion of King George Street has been request by Water Corporation, 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

10. While the Water Corporation has already been consulted, in accordance with the provisions of the Land Administration Act, all other public utilities would be consulted and their comments included in any assessment of the proposal.

WORKS & SERVICES REPORTS

Item 15.3.1 continued

STATUTORY IMPLICATIONS

11. 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.*
- (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.”*

12. Section 51 of the Land Administration Act, 1997, -

“Cancellation, etc of reserves generally.

Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.”

FINANCIAL IMPLICATIONS

13. There are no financial implications for Council, as the subsequent road would be amalgamated into Reserve 33454, which is vested in the City of Albany.

WORKS & SERVICES REPORTS

Item 15.3.1 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

- “4. Governance.....*
- a. 4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. Council has the following options in relation to the proposal:
- a) Seek approval for the closure of portion of King George Street, Little Grove, or
 - b) Decline the request and leave the land as road reserve, and have a toilet not connected to the sewer.

SUMMARY CONCLUSION

17. Should Council agree to the closure of portion of King George Street, Little Grove, the resultant land would be amalgamated into Reserve 33454, and the toilet would be connected to the sewer.

9:17:46 PM

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

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR MATLA**

THAT Council;

- i) in accordance with the provisions of section 58 of the Land Administration Act, agrees to the closure of portion of King George Street, Little Grove (2,132m²) and seeks public comment on that action;**
- ii) should there be no objections to the closure, staff proceed with the administrative requirements; and**
- iii) in accordance with the provisions of section 51 of the Land Administration Act, seeks the Minister’s approval to amalgamate the resultant land into Reserve 33454.**

MOTION CARRIED 12-0

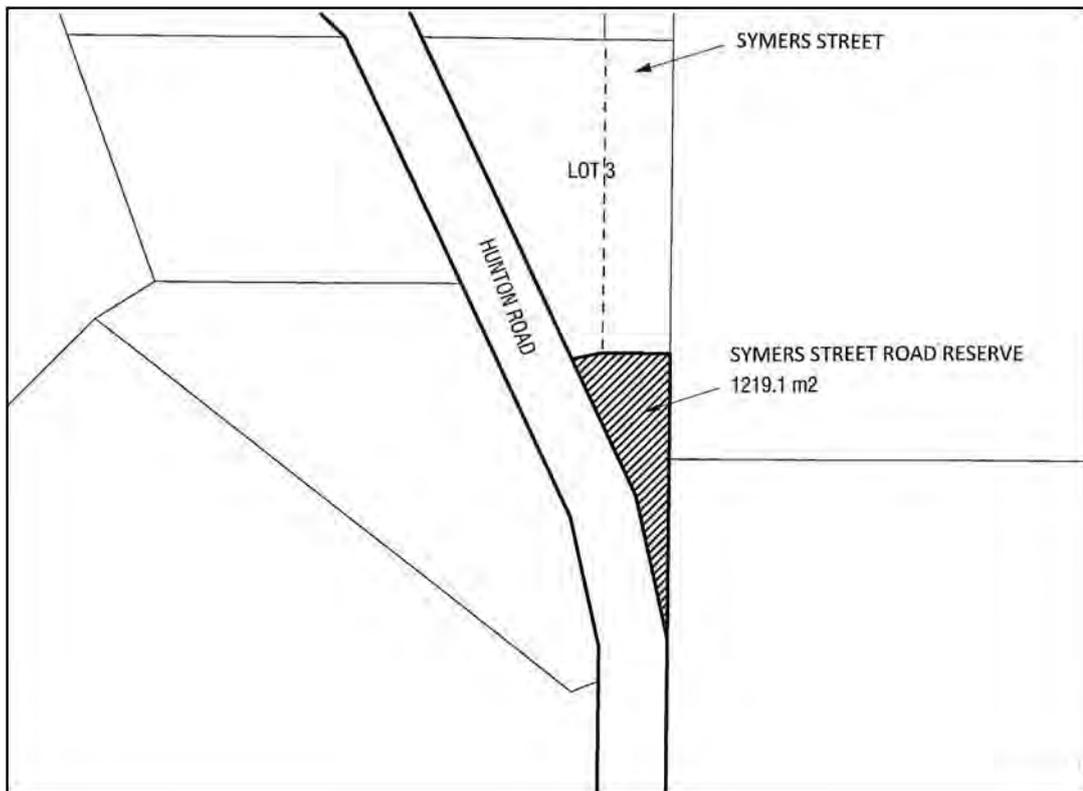
WORKS & SERVICES REPORTS

ITEM NUMBER: 15.3.2
ITEM TITLE: PROPOSAL TO CLOSE PORTION OF SYMERS STREET, KALGAN

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

File Number or Name of Ward	: SER 086 (Kalgan Ward)
Summary of Key Points	: Proposal to close portion of Symers Street, Kalgan
Land Description	: Portion of Symers Street, Kalgan
Proponent	: P Ramsden
Owner	: Crown
Reporting Officer(s)	: Project Team Leader (S Pepper)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Nil.
Consulted References	: Nil
Maps and Diagrams	:



WORKS & SERVICES REPORTS

Item 15.3.2 continued.

BACKGROUND

1. An application has been received from Mr P Ramsden to seek closure of portion of Symers Street Kalgan and its subsequent sale, as the land in question, is not used and has been maintained by the landowner for the last fifteen years.

DISCUSSION

2. Staff have investigated the request, and have identified the portion of land is an extension of a road reserve which has already been closed, and is not required for future development.
3. Symers Street runs adjacent to Mr Ramsden's property (63 Hunton Rd) and is an unused road reserve, portion of which has already been closed and sold to adjoining landowners.
4. The portion of road reserve under consideration, abuts Mr Ramsden's property and Hunton Road, is covered in remnant bush.

PUBLIC CONSULTATION / ENGAGEMENT

5. The request for the closure of portion of Symers Street has been request 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

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

STATUTORY IMPLICATIONS

7. 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 15.3.2 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

8. 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

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

- “4. Governance.....
 - a. 4.2 *Manage our municipal assets to endure they are capable of supporting our growing community.”*

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

- 11 Council has the following options in relation to the proposal:
 - a) Seek approval for the closure of portion of Symers Street, Kalgan, or
 - b) Decline the request and leave the land as road reserve.

SUMMARY CONCLUSION

- 12 Should Council agree to the closure of portion of Symers Street, Kalgan the ongoing maintenance of the land would become the responsibility of the landowners.
13. It is recommended, that portion of Symers Street be closed in accordance with the provisions of the Land Administration Act, as it has been identified the road reserve is not required for future development.

WORKS & SERVICES REPORTS

Item 15.3.2 continued

9:19:04 PM

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

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR MATLA

THAT Council:

- i) in accordance with the provisions of section 58 of the Land Administration Act, agrees to the closure of portion of Symers Street, Kalgan (1,219m²); and**
- ii) should there be no objections to the closure, staff proceed with the administrative requirements.**

MOTION CARRIED 9-3

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: Hammond, Price, Leavesley, Dufty, Matla and Sutton.

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

WORKS & SERVICES REPORTS

15.4 WORKS & SERVICES COMMITTEES

ITEM NUMBER: 15.4.1
ITEM TITLE: ASSET MANAGEMENT AND CITY SERVICES STRATEGY AND POLICY COMMITTEE MEETING – 25TH SEPTEMBER 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Works and Services (K Ketterer)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 25th September 2009.
Councillors Lounge : Nil.

9:20:38 PM

ITEM 15.4.1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE

THAT Committee Recommendations 1 to 4 be resolved en bloc.

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

ITEM 5.0 CONFIRMATION OF MINUTES OF MEETING 25TH SEPTEMBER 2009

THAT the UNCONFIRMED minutes of the Asset Management and City Services Strategy and Policy Committee Meeting held on 25th September 2009, be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.1 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

ITEM 6.0 DRAFT FLOOD MANAGEMENT PLAN AND PRESENTATION

THAT the DRAFT Flood Management Plan is advertised for public consultation.

CARRIED EN BLOC

WORKS & SERVICES REPORTS

Item 15.4.1 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 15.4.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

ITEM 7.0 PLANT AND VEHICLE POLICY

THAT Council RECEIVE the DRAFT Plant and Vehicle Policy and advertise for public consultation.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 15.4.1 – COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY**

ITEM 8.0 YORK STREET BANNERS

THAT:

- i) Council recognise that the Street Banners are an OHS issue and that they will not be utilised until a reliable alternative is presented to the Committee for progress to Council; and**
- ii) Staff conduct further investigation and produce a feasibility report into the purchase of a LED message board.**

CARRIED EN BLOC

WORKS & SERVICES REPORTS

ITEM NUMBER: 15.4.2
ITEM TITLE: BUSHCARERS ADVISORY COMMITTEE MEETING MINUTES – 27th May and 2nd SEPTEMBER 2009

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 27TH May and 2nd September 2009.
Councillors Lounge : Nil.

9:21:25 PM

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.2 – COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WOLFE

Item 3.0 - Confirmation of Minutes

THAT the:

- i) CONFIRMED minutes of the Bushcarers Advisory Committee meeting held on Wednesday 27th May 2009, be RECEIVED; and**
- iii) UNCONFIRMED minutes of the Bushcarers Advisory Committee meeting held on Wednesday 2nd September 2009, be RECEIVED.**

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

9:24:16 PM

9:25:31 PM Councillor D Bostock, point of clarification. It is my understanding that when a new Council is elected that all committees have to be re-elected and why is there only one nomination for election.

9:27:03 PM Mr Madigan response to point of clarification. This nomination is outside of Council, even tho this committee cannot function till the election of Council elected members. The meeting of elected members to committees is scheduled at this stage for the 03 Nov 09.

WORKS & SERVICES REPORTS

Item 15.4.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.2 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR DUFTY

ITEM 6.1 ELECTION OF NEW COMMITTEE MEMBER

THAT Matthew Kennewell is APPOINTED as the Natural Resource Management representative on the Bushcarers Advisory Committee.

**MOTION CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 15.4.2 – COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR DUFTY

SECONDED COUNCILLOR PRICE

ITEM 6.2 MILLBROOK GRAVEL RESERVE

THAT Council seek to change the purpose of Reserve 15605 from 'Gravel' to 'Conservation of Flora and Fauna'.

MOTION CARRIED 12-0

Officer's Report (Mr Ketterer):

The proposed motion to seek to change the purpose of Reserve 15606 is pre-emptive of the Council decision Item 22.3 of the Ordinary Council Meeting Minutes on 15th September 2009 to suspend gravel extraction pending a survey into the existence of nesting of the threatened Red Tail Black Cockatoo. This survey will be undertaken by qualified professionals to determine whether the Reserve is a breeding site of the Red Tail Black Cockatoos and results will be forwarded to Department of Environment and Conservation (DEC), where after DEC will reconsider the validity of the current valid native vegetation clearing permit for the Reserve. Should DEC withdraw the permit for clearing, then the Bushcarer Advisory committee recommendation (Item 6.2) can be considered.

**GENERAL MANAGEMENT
SERVICES
Reports**

GENERAL MANAGEMENT SERVICES REPORTS

16.1 CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

16.2 GENERAL MANAGEMENT SERVICES COMMITTEE

ITEM NUMBER: 16.2.1

**ITEM TITLE: CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND
POLICY COMMITTEE MEETING MINUTES 17TH SEPTEMBER 2009**

File Number or Name of Ward : MAN 234 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Manager Business Governance (S Jamieson)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes.

9:43:19 PM

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 16.2.1 - COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

**THAT the UNCONFIRMED minutes of the Corporate Strategy and Governance
Strategy and Policy Committee Meeting held on 17th September 2009 be RECEIVED.**

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

17.0 ADOPTION OF THE INFORMATION BULLETIN

9:44:14 PM

ITEM 17.0 - DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR MATLA

THAT the Information Bulletin, as circulated, be received and the contents noted.

MOTION CARRIED 11-1

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors: J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

18.0 MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

ITEM NUMBER: 18.1
ITEM TITLE: COUNCIL CHAMBER CONFIGURATION

DATE AND TIME RECEIVED: Monday 19/10/2009 @ 9.29am

ITEM 18.1 NOTICE OF MOTION 1 - BY COUNCILLOR BOSTOCK
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Council Chambers Configuration

That the Council Chamber be configured in accordance with its purpose. The Mayor, CEO and minute taker at the head with Councillors radiating from the centre in a „U’ shape. Executive Directors are to be accommodated on a separate side table.

Councillor’s Reason:

This arrangement would reflect the Governing Bodies authority and the fact that ultimate responsibility for the organisation rests with them. It will open up the chamber to include the public in the spirit of true democracy.

OFFICER’S REPORT

Author: Executive Manager Business Governance (S Jamieson) and Corporate Governance Officer (S Smith)

BACKGROUND

In response to the notice of motion the City’s trade team reviewed the proposal and determined a conservative cost of \$36, 000 to complete the works.

DISCUSSION

A review of Local Government is currently being conducted by the Minister; which may have an impact on the physical requirements of the Chamber.

PUBLIC CONSULTATION / ENGAGEMENT:

Nil

GOVERNMENT CONSULTATION:

Nil

STATUTORY IMPLICATIONS:

As there is no line item within the 2009/10 Budget, an absolute majority vote is required to expend these funds.

Item 18.1 continued.

FINANCIAL IMPLICATIONS

It is estimated (conservative) the requested reconfiguration would cost in the vicinity of \$36,000. cost breakdown is as follows:

Item	Approx Cost \$	Comment
Cabling	\$5,000	
Power	\$15,000	Power is laid in fixed concrete encased floor ducting, new ducts would need to be cut.
Carpet Repair (if possible)	\$2,000	If carpet cannot be repaired, additional cost will be incurred.
Remodel Desks	\$11,000	To make and install new desks as discussed: 5 @ 2100 x 1000 x 33mm 3 @ 3150 x 1000 x 33mm 1 @ 1500 x 1000 x 33mm To have ends and backs on. To remove existing draw boxes and reinstall on new desks. To be from Mauri veneer board. Tops to have 3mm thick solid timber edge. All to be polished from 2 pack 30%.
Contingency Fund	\$3,300	10 percent of \$33,000
Total	\$36, 300	

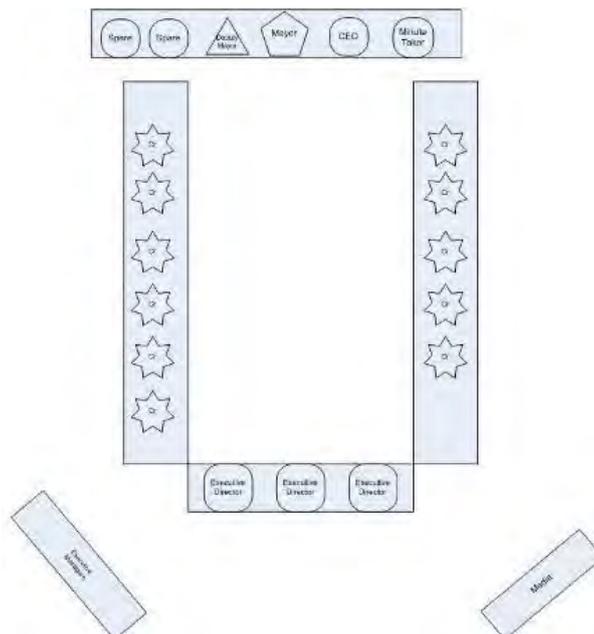
STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN: Nil

POLICY IMPLICATIONS:

Nil

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

- **Option One.** Reconfigure the Council Chamber as requested.
- **Option Two.** As an interim measure it is suggested the seat allocation (layout) is reconfigured as detailed below. This would achieve the same result and can be completed at minimal cost.



Item 18.1 continued.

- **Option Three.** No Change.

SUMMARY CONCLUSION

Council defer making a decision on reconfiguration of the Councils' Chamber till advice is received on Local Government Reform.

**ITEM 18.1 - AMENDED NOTICE OF MOTION 1 - BY COUNCILLOR J BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR J BOSTOCK
SECONDED COUNCILLOR PAVER**

THAT Council Chamber is configured in accordance with its purpose, to reflect the Governing bodies authority and endorse the ethos of representative democracy.

- utilizing the existing desk arrangement, the seating of Councillors and staff is to be rearranged before the November OCM , in the manner of Option Two;**
- there must be no expenditure in the provision of supporting IT for an additional Staff Desk; and**
- in the event of any change to the composition of Council or variation to Councillor Numbers as a result of Local Government Reform, the configuration of the chamber will be reviewed by the Governing Body.**

MOTION LOST 4 - 8

Record of Vote:

For the Motion: Councillors D Bostock, Paver, Leavesley and J Bostock.

Against the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors Hammond, Price, Dufty, Matla and Sutton.

Councillor's Reason:

This simple rearrangement would bring about a marked improvement without attracting additional expense. There is no need to service an additional Staff Desk, the Executive Directors can represent their respective departments and on the rare occasions that other staff may need to speak, the public microphone can be utilised.

ITEM NUMBER: 18.2
ITEM TITLE: COUNCILLOR INDUCTION

9:58:32 PM Cr Dufty left the Chamber.

10:02:45 PM Cr Dufty returned to Chamber.

ITEM 18.2 - NOTICE OF MOTION BY COUNCILLOR J BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR J BOSTOCK
SECONDED COUNCILLOR PAVER

A non decision making meeting of full Council is called by Mayor before determination of Committee membership. The CEO to provide one member of staff for minute taking, but no other staff need attend.

MOTION TIED 6-6
MAYOR EXCISED CASTING VOTE
MOTION LOST 6-7

Record of Vote:

For the Motion: Deputy Mayor Cr Wellington, Councillors D Bostock, J Bostock, Paver, Leavesley and Sutton

Against the Motion: Mayor Evans, Councillors Price, Wolfe, Dufty, Matla and Hammond.

Councillor's Reason: The meeting will provide an opportunity to welcome new members and act as an orientation session, outlining the workings and responsibilities of a Councillor. Council can discuss the current situation, any perceived problems and the hopes and aspirations of the new governing body. In particular we must work towards rationalizing our own organisation and the appropriate use of committees in aiding decision making.

OFFICERS REPORT

Author: Executive Manager Business Governance (Mr Jamieson)

BACKGROUND

Currently the City of Albany hosts a briefing session which is a non decision making meeting "Forum", is open to the public and meets all the criteria of Local Government Operational Guidelines Number 05 – Council Forums.

The briefing session provides an opportunity for elected members and staff in an informal setting to discuss matters relating to the operation and affairs of the City of Albany.

The newly appointed elected member's induction is conducted in accordance with Local Government Operational Guidelines Number 4 – Elected Member Induction. In addition, an invitation has been extended to the Department of Local Government to provide representatives and two members of WALGA have been invited to assist in the induction process.

DISCUSSION

It is acknowledged that a thorough induction program will effectively assist newly elected members to understand their roles and responsibilities as members of council and what is expected of them.

Item 18.2 continued.

The suggested format for the induction program is detailed in the Local Government Operational Guidelines - Number 04, Elected Member Induction, Revised February 2006, located at:

http://www.dlgrd.wa.gov.au/Publications/Docs/GuidelineNo4_ElectedMemberInduction.pdf

Item 18.2 continued.

As stated in guideline number 04: Induction is a Shared Responsibility:

“Inductions will be more effective and beneficial if considered to be the shared responsibility of the CEO, the Mayor or President and the newly elected members.”

Provisions have been made in the induction program to enable the Mayor the opportunity to brief the newly elected members and provide guidance from the elected members' perspective.

PUBLIC CONSULTATION / ENGAGEMENT

Nil

GOVERNMENT CONSULTATION

Department of Local Government, 07 Oct 09.

STATUTORY IMPLICATIONS

The Department of Local government has provided advice in the form of Guideline Number 05 in regards to Council Forums. This document is located at:

http://www.dlgrd.wa.gov.au/Publications/Docs/GuidelineNo5_CouncilForums.pdf

Local Government Operational Guidelines Number 5 – Council Forums outlines the two types of meetings held within Local Government and what is expected from each.

Forums must be open and accountable and conducted in accordance with Guideline No 5.

Council is able to host such meetings, however, no motions or recommendations can come of the meeting. Notes can be transcribed for record purposes only, but as it is not a meeting of Council and no recommendations are presented, minutes are not required.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

“The City of Albany will...

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

Local Government Act 1995. It is an intention of the Act that council conduct business and make decisions:

Item 18.2 continued.

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

POLICY IMPLICATIONS: Nil

ALTERNATE OPTIONS & LEGAL IMPLICATIONS: No comment.

SUMMARY CONCLUSION

It is the elected groups' decision to formalise the holding of an induction briefing in this manner.

It is recommended that a Special Council meeting is called to determine the Committee membership and that an agenda briefing session is scheduled prior to the meeting.

That the agenda for the Special Council meeting details the terms of reference, current membership and the achievements/actions of committees during the preceding 12 months.

ITEM NUMBER: 18.3
ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR PAVER – MODIFICATION TO DRAFT ALBANY LOCAL PLANNING STRATEGY – FUTURE URBAN CLASSIFICATIONS

10:33:41 PM Mr Fenn. Point of technical clarification. There is a minor technical issue with this motion, being: The Big Grove area is currently designated as areas 3 & 4 in the ALPS. Council has previously agreed to progress scheme amendments over the Big Grove area and under this motion Council could not consider any structure planning in accordance with that change of zoning, so there is a technical issue, in that the land could be zoned residential development, but Council would not be in a position to look at any structure planning. I needed to draw this to Council attention as it may cause technical problems in the future and it only applies to Big Grove.

ITEM 18.3 - AMENDED NOTICE OF MOTION BY COUNCILLOR PAVER
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR J BOSTOCK

THAT when forwarding the modified ALPS to the WAPC for approval prior to readvertising, Council seeks the WAPC’s approval to include the following modifications:

- (a) Modifying the Executive Summary – Sustainable Settlements (paragraph 3) to the following:**

The ALPS has identified 5 ‘Priority Development’ areas to encourage incremental fully serviced urban development nodes. This ranges from ‘Priority 1’ urban areas currently being developed to ‘Priority 5’ to protect long term proposed future urban areas. The rezoning and/or structure planning of Priority 4 and 5 areas should not be considered in the life of this strategy as the premature progression to fully serviced urban land has the potential to compromise the demand for, and orderly growth of, higher priority future urban areas.

- (b) Modifying Section 8.3.2 (Urban Lot Consolidation and Staged Incremental Development) to the following:**

The classifications of the ALPS “Priority Development” from 1 to 5 areas encourages incremental fully serviced development. The rezoning and/or structure planning of Priority 4 and 5 areas should not be considered in the life of this strategy as the premature progression to fully serviced urban land has the potential to compromise the demand for, and orderly growth of, higher priority future urban areas.

MOTION LOST 3-9

Record of Vote:

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

Against the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors Hammond, Price, Leavesley, Dufty, Matla and Sutton.

Item 18.3 continued.

Councillor’s Reason:

I am concerned that the current ALPS allows developers who can afford to bring services to their land to develop their land for residential development, despite the fact that the land may be located a considerable distance from the urban fringe. Such a situation undermines the take up of land in priority 1, 2 and 3 areas, is not an environmentally sustainable practice and does not represent proper and orderly planning. There is more than enough land identified in priority 1, 2 and 3 areas to service Albany’s land demands within the life of the strategy.

OFFICER’S REPORT

Author: Executive Services Manager – Planning & Councillor Liaison (G Bride)

BACKGROUND

1. The draft Albany Local Planning Strategy (ALPS) has identified future urban areas that should be set aside for future residential development. The ALPS applies a priority classification for all Future Urban areas ranging from 1 through to 5; 1 being areas that should be developed as soon as possible through to 5 being longer term future urban areas.
2. The current version of ALPS facilitates the rezoning and development of priority 4 and 5 future urban areas where structure planning and extension of services to the subject property are funded by the landowner.
3. The current wording relevant to the future urban classifications in ALPS is as follows:-

“Modifying the Executive Summary – Sustainable Settlements

However, this does not preclude consideration of developer funded comprehensively planned and fully serviced urban nodes within defined future urban areas that are not consistent with their current priority classification.

Modifying Section 8.3.2 (Urban Lot Consolidation and Staged Incremental Development)

This does not preclude Council/WAPC considering developer funded comprehensively planned and fully serviced urban nodes within defined future urban areas that are not consistent with their current priority classification.”

DISCUSSION

4. Staff have no objection to the proposed motion as it provides further clarification on Council’s position as and when landowners should proceed with rezoning and structure plan proposals.
5. Once the current version of ALPS is adopted the strategy would need to be reviewed within a 5 year period; at that time a review of this position could be undertaken.

Item 18.3 continued.

PUBLIC CONSULTATION / ENGAGEMENT

6. The Western Australian Planning Commission has advised that the final version of the ALPS document will need to be readvertised. Should Council support this motion those landowners that have a Category 4 or 5 priority designation will be notified and invited to comment.

GOVERNMENT CONSULTATION

7. Nil

STATUTORY IMPLICATIONS

8. Once the final draft is advertised (including the changes in the proposed motion) Council will need to consider the submissions and refer the document to WAPC for final endorsement.

FINANCIAL IMPLICATIONS

9. Nil

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

10. The motion will result in a modification to the ALPS, which represents the strategic planning direction for the City.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. Council has the option of not supporting the modification to the ALPS.

SUMMARY CONCLUSION

13. The motion provides greater clarification as to how Council will process rezoning and structure plan proposals over future urban areas with a priority classification of 4 and 5. The effect of the motion is that no rezoning or structure planning proposals relating to such areas will be supported by Council until such time as the ALPS is reviewed (within 5 years) and such review changes the priority classification to either 1, 2 or 3.

19.0 URGENT BUSINESS APPROVED BY DECISION OF THE MEETING

Nil

20.0 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Nil

21.0 ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

10:38:55 PM

Councillor D Bostock presented the following notice of motion:

ITEM 21.1 – NOTICE OF MOTION BY COUNCILLOR D BOSTOCK

THAT no further planning scheme amendments be considered by Council or staff.

Councillor's Reason:

Scheme amendments are time consuming and costly for both councillors and employees. We have a brand new and comprehensive planning scheme before State Government, also prepared at considerable trouble and expense so, provided our forward planning has been properly conducted, there will no longer be any necessity for amendments in the foreseeable future. Thus the city is now in a position to save councillors time, allowing them to concentrate on their primary roles of directing the activities of the staff, monitoring their performance and addressing the concerns of the electorate.

Item 21.0 continued.

Councillor J Bostock presented the following notice of motion:

ITEM 21.2 – AMENDED NOTICE OF MOTION BY COUNCILLOR J BOSTOCK

THAT:

- i) When legal advice regarding any Council matter is required by an elected member, that member is to personally instruct our retained solicitor.**
- ii) Notices of all requests for legal advice from any solicitor, including those from Councillors and employees shall be in writing, detailing the background, reasoning and questions asked and reported to Mayor and all Councillors on a monthly basis.**

Councillor's Reason:

If an employee instructs the solicitor on behalf of a Council member, even with the best intentions there is inevitably a risk that the message will be distorted because of the arms length nature of the instruction.

It is important that Council is kept informed of legal issues affecting the City.

Note: part ii) amended 26 Oct 09.

Item 21.0 continued.

Cr Paver presented three notices of motion:

ITEM 21.3 – NOTICE OF MOTION 1 – BY COUNCILLOR PAVER

Whenever Councillors, collectively or individually, in the proper exercise of their roles and responsibilities, seek access to information from the CEO or staff, the information requested shall be provided within a reasonable time and Councillors shall not be denied access to the information they seek because in the opinion of the CEO or the Mayor it relates to an operational or a confidential matter or a matter that they are disposed to refer to the CCC.

ITEM 21.3 – NOTICE OF MOTION 2 – BY COUNCILLOR PAVER

Unless a resolution of Council provides expressly otherwise, the business of the four committees shall be confined to the consideration of existing and proposed strategies, policies and local laws, and no recommendations concerning other matters shall be made by these committees to Council.

ITEM 21.3 – NOTICE OF MOTION 3 – BY COUNCILLOR PAVER

Council minutes shall include a record of:

- a) points of order and the rulings of the Mayor thereon; and
- b) points of clarification and the responses to staff thereto.

Item 21.0 continued.

Mayor Evans presented the following notice of motion:

ITEM 21.4 – AMENDED NOTICE OF MOTION BY MAYOR EVANS

THAT Council implement the following administrative directive in support of Council staff:

“That members of Council are not to contact staff on the day of an ordinary meeting of Council.”

Note: amended 26 Oct 09.

Mayor’s Reason:

That a deadline of 5pm the Monday prior to the Ordinary Council Meeting be set to eliminate all contact between Elected Members and staff. This is to allow staff time to prepare for the Ordinary Council Meeting.

10:44:43 PM

22.0 ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

23.0 NEXT ORDINARY MEETING DATE

Tuesday 17th November 2009, 7.00pm

ITEM 23.0

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR PRICE

SECONDED COUNCILLOR WOLFE

THAT Council resume Standing Order 3.1 - Recording of Proceedings.

**MOTION CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote:

For the Motion: Mayor Evans, Deputy Mayor Cr Wellington, Councillors J Bostock, Hammond, Price, Leavesley, Paver, Dufty, Matla and Sutton.

Against the Motion: Councillor D Bostock.

24.0 CLOSURE OF MEETING

The Mayor declared the meeting closed at 10:48:55 PM.

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR

APPENDIX A

STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS

Meeting Date	Item Number	Status
Nil.		

APPENDIX B

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Nil.		

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Cr Hammond	13.1.1	Financial. The nature of interest being that Cr Hammond provides business services to the applicant through his companies various websites. Councillor Hammond left the chamber and did not participate in the debate or vote.

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
Nil.		

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

Mr M Pemberton (Ref: LT8028692)

Copy of response is as follows:

I refer to the questions raised at the September 2009 OCM, and respond as follows:

City of Albany – Buy Local Policy (Regional Price Preference)

1. When was the last review?

The policy was adopted in 2001, with the only formal review being undertaken in 2002.

2. How many reviews have been conducted?

One

3. When policy is reviewed next, can an overview be supplied so councillors can gauge the effectiveness of the policy?

An overview can be supplied, subject to the limitations listed below.

4 & 5. Over the year, where was the money spent, where did it go?

Using the selection criteria of all Albany postcodes to determine the purely local content, some 46% of the City's budget expenditure for 2008/9 was spent locally. This amounted to \$25.8 million from a total expenditure (excluding loan repayments) of \$56.2m.

However, as you would appreciate, there are some significant payments that ultimately go to businesses outside Albany but which logically would involve the employment of local people and resources, such as:

BIS Cleanaway	- \$2,812,712.64 (Rubbish removal)
Boral Construction Materials Group Ltd	- \$738,286.20(Bitumen, reseals, etc)
OCS Services	- \$512,361.36 (Cleaning)
BGC Asphalt	- \$418,750.83 (Hotmix etc.)
MJB Industries	- \$399,177.80 (Pipes, slabs, etc.)

6. What sort of impact did it have, and is a correction necessary?

The impact was a minimum injection into the local economy of \$25.8 million.

Any "correction" will be considered when the Policy is reviewed, when the Council may revise the percentage preference rates.

Town Hall Loss

7. What is the correct loss cost?

\$195,692 (unaudited)

8. What is the quantum of loss being budgeted?

\$156,009

C-2

Council Advertising

9. What does the Council expect to receive from the full page advertisement in the local newspaper?

The City of Albany seeks to engage with the community in many different ways. However, recent feedback from Local Government Reform checklists and verbal community feedback is that the City has to be more positive and direct in its communications – press/media releases have been traditionally of little impact so advertorials (which are paid for but are unchanged) have been used in recent weeks. The feedback from their use by the wider communities has been mainly very positive with only two negative comments made during the September OCM. The use of advertorials is effective, assists deliver coherent, factual information and will be used as cost effectively in the future to inform communities of the services, facilities, events and wider functions delivered by the City of Albany.

10. What did these full page advertisements cost?

\$4,821 for 6 pages - \$804 per page

Mr J O’Dea (Ref: LT8028872)

Questions taken on notice at the September 2009 Ordinary Meeting of Council. Copy of response is as follows:

“I refer to your question raised at the September 2009 OCM and respond as follows:-

Question:

Mr O’Dea addressed Council in regards to the full page advertisement promoting Council’s movements and requested the cost of the advertisements to the ratepayer.

Answer:

The cost of the full page advertisement was \$4,821 for 6 pages - \$804 per page.”

APPENDIX D

TABLED DOCUMENTS

Document Tabled By	Subject
Ms Kim Stanton	Item 15.4.2 – Bushcarers Minutes. Recommendation 3.
Mrs Wendy Wood	Cull Road, City of Albany, Subdivision
Ms Delma Baesjou – Ayton Baesjou Planning	Item 13.2.2 – Proposed Kalgan Rural Village Zone.
Mr Peter Aspinall	Item 14.11.2 – Licence for AirBP Australia
Ms Vera Anne Torr	The Role of Council

ELECTED MEMBER TABLED DOCUMENTS

Document Tabled By	Subject
Cr J Bostock	Item 13.2.2 Final Approval Scheme Amendment- Creation of the "Rural Village" Zone Kalgan Town site and Surrounds.
Cr J Bostock	Item 13.2.2 Speak against Officer Recommendation
Cr J Bostock	Item 18.1 Configuration of Council Chamber
Cr J Bostock	Item 18.2 Meeting of Full Council before determination of Committees.
Cr J Bostock	Item 21.0 Notice of Motion to be dealt with at the Next Meeting.
Cr D Bostock	Item No. 21.0 Notice of motion to be dealt with at the November 2009 OCM.
Cr R Paver	Notice of motions by Councillor Paver submitted on 20th October 2009

Kim Stanton 55 Chipana Dr. Little Grove (Item # 15.4.2 19/10/09)
Before I start, I would like to congratulate the councillors elected last Saturday.

I refer to Item # 15.4.2 Bushcarer's Advisory Com. Minutes Recommendation 2 on Page 91.

The Reserve number is wrongly noted in the Agenda. It is # 15605.
For the benefit of new councillors the following is an overview of the value of this Millbrook Rd. Reserve and why Recommendation 2 should be totally supported.

This Reserve was only used for gravel extraction by the Shire, not by the City. Unfortunately when new gravel contracts were approved last April for various sites, a series of errors and mis-information about this City Reserve occurred, both by the City of Albany and the Perth DEC, who issued the clearing permit to the City. The nature of these mistakes is not important now, as the real issue for Councillors here tonight is about deciding on the importance of this Reserve into the future, and that is being vested for Conservation of flora and fauna NOT for gravel extraction. The CEO did inform us, that we have approx. 10 years of stock-piled gravel and plenty of areas to extract it from, so this Reserve is not really necessary for that use.

The Council at last September Meeting passed Motions that stopped this Reserve being part of the original gravel contracts issued last April, and gave the CEO authority to mitigate costs in regards of this contract with the tenderer and that NO gravel extraction was to occur until the DEC had reviewed the clearing contract. This was due to DEC Perth being informed later about the red-tailed Black Cockatoo that was constantly feeding and possibly breeding in this Reserve. This bird is #48 on the Wildlife Conservation Notice 2008 for rare and endangered fauna. These birds were sighted by City of Albany staff and Albany DEC etc.. Under Federal and State Environment Acts it is an offence to remove Habitat (ie. nesting hollows and food sources) that support endangered fauna.

It is not only about these endangered birds, it is also about the importance of this reserve being kept into the future for its excellent conservation values and wildlife corridor.

The City received many submissions of support for this Reserve to stay as Conservation. The Bushcarers Group and Greenskills letters pointed out the significance of this Reserve as a Seed Bank source, due to the excellent condition of the bush, with very little dieback or weeds (only in the old gravel pit areas) and there is a Priority 4 plant Banksia serra, growing there in abundance, that will be used. The City's Reserve staff also reported on the excellent habitat for fauna, eg tree hollows, dense understorey, and diversity of plants and birds. They were also concerned if gravel extraction occurred that dieback would spread out of control.

As a result of these letters and investigations and the significance of this Reserve, we decided at the last Bushcarer's Advisory Meeting (I chaired that committee), a Recommendation be passed to forward to the full council, that the vesting of Reserve #15605 be changed from gravel to Conservation for Flora and Fauna.

This is not a light weight committee, it includes City of Albany staff and Reserve officer Sandra, 1 councillor as Chair, 2 community members (one usually from Bushcarers Group), 2 Rep's from Dept of Agriculture and Food, one Rep' from DEC and one from South Coast NRM.

The recommendation we passed was based on well researched information.

DEC have informed me that because this Reserve is vested in the City of Albany it is our decision what we want as the vesting, and due to its importance recommend it be vested as Conservation for Flora and Fauna and that any clearing permit issued whether rightly or wrongly, could just lapse. It is not necessary to wait for the cockatoos to start nesting or get a survey done to reconsider the validity of a permit, we the City of Albany have the right to change the vesting and make sure this important reserve is protected into the future.

Libby Sandiford is doing the Albany Vegetation Survey with the support of DEC, and funded by Southcoast NRM and the City of Albany. This survey is nearly complete and will be used as an important planning tool by all Govt Agencies and City of Albany to protect our significant biodiversity. This Millbrook Reserve I have been told, is part of the survey.
Please support this Recommendation.

W.A. + W.L. Wood
P.O. Box 1515 Albany
20th. October 2009.

To the CEO and all Councillors,

On reading the "Information Bulletin" dated 20th October 2009. section, "General Management Services" We found on page 296. item 4.7,

This is what it says,

Cull Rd. Mr + Mrs Wood(s) Update on action taken to mitigate water and silt run off to lot 75 Cull Rd. from the City of Albany, Cull Rd. subdivision.

CEO advised the committee that the EMBG and the CEO were invited to meet with Mr and Mrs Wood(s) and in simple terms stated they were not happy as they did not want to sell their land.

The CEO advised Councillors that APH contractors are scheduled to meet with Mr and Mrs Wood(s) to ascertain what actions can be taken to mitigate any damages to their property as a resulting from the Cull Rd. subdivision.

The CEO advised Councillors that rather than duplicate the work being undertaken by the Department, who is conducting a "review of Cull Rd, subdivision", therefore any issues or queries will be referred straight on.

ACTION REQUIRED. CEO to advise Mr and Mrs Wood(s) of point of contact at the Department of Local Government responsible for reviewing the Cull Rd. subdivision.

The CEO visited us on the morning of 10th September then attended the above meeting in the afternoon.

Why were we NOT informed of this "ACTION REQUIRED".

This meeting happened over one month ago, where this resolution was made.

If we hadn't read the "Information Bulletin" for today's meeting, we would not have known the CEO was to inform us.

When will we be informed of the point of contact? and in what Department of Local Government?

Mr and Mrs W.A. + W.L. Wood.

Good evening Mr Mayor, Cllrs

Item 13.2.2, Amdt 290, Proposed Kalgan Rural Village zone.

On behalf of more than a dozen local landowners/ratepayers in Kalgan

This project has had a long history, since the first round of community meetings back in 2003.

The concept of a Rural Village at Kalgan is not new,
In fact the townsite was gazetted in 1837 (covered an area of 518ha, which is more than double the existing townsite) -

Considerable research, liaison and consultation has been undertaken for this project. (thru 2 SARs, submission on ALPS and draft Structure Plan, draft Fire Management Plan and detailed environmental Capability & Assessment)

Importantly, the key planning and environmental issues have been addressed

The Plan it has evolved to be consistent with ALPS and contemporary State Policies and Strategies.

Notably SPP 3 'Urban Growth and Settlement'

Objectives include:

- build on existing communities
- invest in infrastructure to improve quality of life
- Provide choice and affordability of housing
- Create an identifiable sense of place

Kalgan achieves these, and more

No substantial town planning objections in the submissions.

Will be complemented by a comprehensive structure plan
= next stage of the process

Kalgan has a rich cultural heritage. The area offers opportunities for tourism

This rezoning has important social, economic, environmental benefits.

I ask that you Support the officer recommendation on pg 33 of Agenda.
To adopt Amendment 290 for final approval

Address to Council 20 Oct 09

Mr. Mayor and Councillors, I am Peter Aspinall of 37 Osprey Hts, Lower Kalgan. I wish to speak to Item 14.11.2 concerning the lease of airport land to BP. I do so as President of the Albany Aero Club and in that capacity represent over 90% of the General and Recreational Aviation aircraft owners and operators who hangar or park their aircraft on Albany Regional Airport or are located in other parts of the Albany region.

Item 14.11.2, if approved, will terminate AirBP's current lease and grant AirBP a 10+10 lease thereby giving the company security of tenure with which they will commence an upgrade to the aircraft refueling facility at our airport. I believe the benefits of this circumstance to be self evident however, I do wish to highlight the impact of a negative decision should this, regrettably, occur.

The current refueling facility services both General Aviation aircraft, that is piston engined aircraft, and turbine aircraft, pure jet and prop jet aircraft, that operate into and out of Albany. The gasoline bowser for piston engine aircraft, currently pumps around 250,000 litres pa, predominantly to local operators. While I don't have an annual figure for turbine fuel, it is not insignificant.

If this Item is not carried it is my understanding that AirBP will not only not upgrade the facility, they will close the facility as of 30 Nov 09 and decommission it! In such an event it would be a supreme optimist who would believe AirBP, or any other oil company, would consider recommissioning it. A successful business case would be near impossible to mount.

Closure of the facility would mean that Manjimup would be the closest airfield at which local aircraft operators could refuel. For a GA aircraft that is some 45 – 60 minutes flying time away from Albany or an operation of some 2 – 2.5 hours duration, not to mention the fuel, consumed each way in unproductive flying, costing around \$100 - \$150! Just to refuel their aircraft!

Should AirBP not get their tenure and close the Albany facility there will be a significant number of current hangar leasees who will move to relocate their aircraft to strips and airfields in the immediate Albany region. Because the terms of hangar contracts have been written to disallow fuel to be stored in or near their hangars aircraft owners would face a refueling crisis that relocation would relieve. I am aware that a number of aircraft owners have been seriously considering syndicating to purchase land on which to establish their own airfield, possibly outside the City of Albany boundaries, and relinquish any requirement to use Albany airport. As they could establish a refueling capacity appropriate to their own needs, the loss of the Albany airport refueling facility would become a major factor in their decision to relocate. The potential syndicate includes commercial operators, not just recreational aircraft owners.

An exodus, over time, from hangars at Albany airport would be accompanied by a decrease in the demand for hangar leases by future aircraft owners as they would want to gravitate to where the disaffected owners had relocated. A reducing number of hangar leases and a diminishing demand would not be a welcome situation as it would adversely affect airport revenues to the City.

Put simply, no fuel equals no flying activity equals no City revenue from the GA sector. And, I might add, not only the GA sector.

I am aware that Skywest occasionally refuels in Albany as does the RFDS and other corporate jet aircraft. Presumably for Skywest and the RFDS the inability to refuel in Albany would be more an inconvenience than a major problem. However, while obviously I cannot speak for the Royal Australian Air Force, I would assume that the lack of supply of jet fuel in Albany would become a major consideration when deciding whether to continue the annual deployments to Albany by No. 2 Flying Training School and the fighter lead-in training jets from No. 79 Squadron. They usually deploy for a duration of 2 weeks and require accommodation and catering for up to 30 pilots and groundcrew. In addition there is a miscellany of purchases made on local businesses in support of their aircraft operations and maintenance. I would suggest it would be a very significant loss to Albany should, because of the closure of the refueling facility, the RAAF decided to deploy elsewhere in the State.

~~To continue would be laboring the points I've made~~ I am confident that you will approve Item 14.11.2 and that Albany Regional Airport, with new management and upgraded refueling facilities, will enter a period of significant growth through the City's support of its GA sector and other aviation activities.

Thank for your attention tonight.

Vera Anne Torr
18 Sussex St
Albany WA 6330

To Be Tabled and included in the public record of Minutes of this
OCM 21 October 2009

Your Worship the Mayor, Councillors and Members of the Public and Staff.

As a former Councillor I was recently advised that being a Councillor did not give me license to be a private investigator. That it was not my business. To ring a colleague to wish them the best for their future is my business. I honoured the source of my first hand information as being reliable and authenticated.

My further response to those comments is: Being a Councillor is charged with accountability and the process of 'due diligence', and if in that process of due diligence, an error is discovered, then that is not being a private investigator: it is being a conscientious Councillor who has found an error.

The role of Council is to direct and govern. Councillors must elevate their position to a board room status and take responsibility for their **rightful role** of providing strategic direction and governance through the Mayor, to the CEO, for his implementation. In saying this the Councillors are the elected representatives of all the ratepayers and must consider the overall objectives for the future of Albany.

I would ask that you all consider the merits and flaws of the current Committee meeting system. I have found that it divides and undermines the full Councils' role.

a) Information is not shared ^{early} equally and recommendations are sometimes made by as little as three Councillors. There is an expectation that if it is passed through Committee then it will be supported at Council. Such is the expectation that action on the recommendation is sometimes commenced but the motion is lost at full Council. This creates tension and ambiguity in decision making.

I have attached further comments.

The first thing I was told as a Councillor was that it is illegal for Councillors to meet as a full body. As long as the integrity of the meeting is not violated this is utter ~~garbage~~ ^{nonsense}. You cannot set direction and governance in isolation.

On another matter of which I have tabled before : I again ask:

In June 2005 the Albany Waterfront Development Committee consisting of 6 elected members and chaired by the then Cr Wellington gave recommendation to Council which was adopted June 2005

The recommendation did not mention Lot 1512 or 1523 Emu Point nor a request to relinquish the Management Order held by the City of Albany over Lot 1512.

Yet on 6 July 2005 just 2 weeks later, in a submission to Cabinet from Alannah McTiernan and Landcorp the following statement is made.

“The development of two surplus crownland sites (lots 1523 and 1512) totalling 34 Ha at Emu Point in Albany by Landcorp is estimated to generate \$6.0 million.

The development of these sites would involve higher than normal risks. The sites contain **significant vegetation and may attract a level of community opposition against their development.** Lot 1523 (7.2Ha) is zoned for development, however **the City of Albany has a Management Order over Lot 1512 (26.8Ha) for recreation.** The City has indicated it is prepared to relinquish the Management Order over lot 1512 and consider an application to re-zone it for development, **subject to its normal planning processes”.**

1.) a) Given the confirmation by the Minister for Planning that lot 1512 is zoned Recreation with a Management Order held by the City of Albany under what planning regulation could this land be considered Future Urban (for 20 years?).

b) What were those normal planning processes?

2.) Why was there **no public consultation before the Management Order was lifted** when it is clearly indicated that this would be a matter of high community concern and is definitely a matter of high public interest.

I also refer to letter for the Department of Planning and Infrastructure from Department Land Information rec'd by DPI 7 Dec 2005 replying to their request dated **31 October 2005.** headed

FAIR MARKET UNIMPROVED VALUATION LOT 1512- EMU POINT ROAD- PORTION OF RESERVE 15879

Letter states:

“After making enquiries (information withheld), investigations reveal that the land is currently zoned “Future Urban” under the provisions of a current structure plan. This may be sufficient to allow a subdivision into residential lots without the necessity of a re-zoning. If a re-zoning is required, development could be delayed for up to 15 months.

Although the land is currently held as a Crown Land Title under a Management Order to the City of Albany for the purposes of “recreation” this order will be lifted so that the land can be used for other purposes. etc”

3.) What current structure plan did this refer to and again how can a recreation reserve be zoned anything other than Reserve – Recreation. That is its zoning and cannot be overlaid with anything else.

4. Why was it necessary to use the Council motion direct from the minutes of 30 August 2005 when the normal process would be to write direct from the City when Landcorp requested confirmation of the lifting of the Management Order?

5. The Gazette date that the Management Order was lifted.

6 What is the difference between unvested land and unallocated Crown land.

It is of interest to note the land valuation was set at \$9.5 Million Unimproved Valuation.

I am tabling this address to be distributed to all Councillors and for a timely response from the City to the six questions asked for clarification.

Kind regards

Vera Anne Torr

ATTACHMENT 1.

Further comment re Committee Meetings.

b) For the number of staff ratio attending these meetings the lost time informing only a few Councillors could be considered an inefficient use of staff resources.

c) Committee Agenda Items are not presented as full Agenda Items on the Ordinary Meeting of Council Agenda under their correct departmental title. They can slip under the radar and some have significant importance.

d.) Many items should not come before Committee. If the time wasted on these requests and the committees had been spent in setting strategic direction and governance then the applications for non complying conditions that do not meet the strategic objectives would be minimized.

e) The well known practice of in commercial enterprise of dividing the main and empowering the few.

Please debate the best process to move forward.

Councillor Jill Bostock.

20 October 2009 OCM

Item.13.2.1 Final Approval Scheme Amendment- Creation of the "Rural Village" Zone- Kalgan Town site and Surrounds.

Alternative Motion:

That Council do not seek final approval to the Scheme Amendment No. 290

Reasons:

1. This Scheme Amendment is contrary to Council Resolution at OCM 21 April 2009 Item 11.6.1 Council adoption of WAPC recommendations(January 09) with regard to Albany Local Planning Strategy.
WAPC Issue 5. States an adequate supply of rural residential land and the aim of providing fully serviced lots close to community services dictates that rural residential expansion is not required and Council resolved to NOT ALLOW rural residential developments around Many Peaks, KALGAN, and Elleker.
2. The SA is therefore contrary to WAPC advice.
3. The SA is contrary to ALPS as amended by Council resolution.
4. The DPI did not support the Scheme Amendment Request No. 137 "The WAPC recently in April 2008 advised Council that, in relation to ALPS, rural residential development will not be supported in any of the rural villages identified for growth." "DPI is not prepared to support the proposed boundary for the proposed new zone, the extent of the structure plan area, or the subdivision configuration proposed by the "indicative structure plan" for Kalgan Rural Village."
5. The concept of Rural Village was proposed by the ALPS peer review but was conditional on "need" it is recognised by ALPS, WAPC, DPI that there is no current need but an oversupply of rural lots. The November 2008 Data Analysis Household Population Forecast indicated that we require two houses a year in Kalgan over the next 18 years.

Copies to all Councillors:

1. DPI comments RE SAR 137 20 August 08
2. Council resolution OCM 21 April 09 Item 11.6.1
3. Schedule of WAPC Resolutions January 2009, highlighting Issue 5

OCM 20 October 2009

Item 13.2.2 Final Approval of Scheme Amendment- Creation of Rural Village Zone- Kalgan Town site and Surrounds.

Speak to ~~Alternative Motion~~ ^{against} Officer Recommendation.

~~Councillors I hope that you have all had enough time to appreciate my reasoning for bringing this alternative motion,~~ I only fully realised the impact of this amendment and its relationship to ALPS and Councils resolution in April, yesterday.

It is clear that in the original Albany Local Planning Strategy, (ALPS) the expansion of rural settlements and the concept of a Rural Village was established, but this has been rejected by WAPC and Council resolved at their April OCM to uphold the WAPC position to not allow rural residential development around Kalgan. This amendment is therefore not acceptable and is contrary to this resolution, the resolve of WAPC and Councils strategic direction, as endorsed in ALPS.

The reasoning behind WAPC rejection of rural expansion at this time is basically that it is simply not required and that the key strategy of developing fully serviced urban lots, close to all community services should prevail.

My reasons presented with my motion outlines the argument regarding oversupply and the projected need, ie two houses per year for the next ten years. The City of Albany's Rural Review highlighted the impact on agricultural land values in speculative subdivisions and required demand for rural lots to be proved before more lots are created. No demand has been demonstrated.

The overriding strategy to contain the spread of fragmented urban and rural living areas as described in ALPS is to minimise the development footprint, in protection of biodiversity and the environment, reducing the impact on existing agricultural areas, promote energy conservation, minimise journey length, home, work, school, and reduce government expenditure on servicing current and future populations. This proposal fails to satisfy these requirements being so far from the City and surrounded by priority agricultural land.

The creation of a rural village is the perfect scenario, when urban land is scarce, but it is dependent on population and requires an optimum number to be viable, to generate its own community, jobs, shops, school and facilities. We simply have not reached this stage in our development and to facilitate this amendment would be irresponsible.

Councillors how can we justify such a blatant departure from our resolution earlier this year, our Strategic Plan, expert reports obtained at the rate payer's expense and the advice of the State Planning Department.

We have resolved to disallow rural development specifically at Kalgan; we cannot therefore approve this scheme amendment ~~and ask you to support this motion~~ and vote against

Councillor Jill Bostock the Officer recommendation.

I wish to table this presentation and my Alternative Motion to wish their voters, but I was unable to bring because of the Mayor's interpretation of the standing Orders.

Configuration of Council Chamber

OCM 20. October 2009

Item:18.1

I brought this motion because rearranging the chamber will reflect the governing body's authority and the fact that ultimate responsibility of the organisation rests with them. The effect will also be to provide a more inclusive atmosphere whereby the public will be incorporated into the arena in the spirit of true democracy.

The concept of democracy is government for the people by the people, which is embodied in the Local Government Act, Council Meetings representing the window to transparent government.

Debate is extremely important, Councillors address being the only way that the public can appreciate how and why decisions are made. It follows therefore that when a Councillor is speaking he is not only informing his fellow members but also the public as to his reasoning and subsequent determination. Thus it is disrespectful for Councillor to have their backs to the public gallery.

The election and the formation of this Council can offer an opportunity for a new beginning. With a simple rearrangement of this chamber we can set the tone, send the right message and set off on the right foot. This organisation and this chamber belongs to the people of Albany, they are the masters, a fact that is frequently forgotten.

It is pleasing that our officers have helped in my endeavour by outlining the option 2 plan, which can deliver the change without incurring additional cost and I am in wholehearted agreement, with protecting the public purse from unnecessary expenditure.

Councillors this is a simple practical step, that could initiate a new purposeful direction and result in something much more than a symbolic gesture I hope you can support this motion.

Councillor Jill Bostock

Councillor Motion:

OCM 20.10.09

Item 18.2 Meeting of Full Council before determination of Committees.

The emphasis by staff suggesting this motion was to replace induction or training for Councillors is a misunderstanding. As some of you will be aware I have been extolling the virtues of forums or committees of full Council since I was elected two years ago and since all committees are now dissolved it seemed an appropriate time to bring the matter forward. The committee system is a major contributory factor in determining Councils ability to carry out their function, it is therefore imperative that the best structure is put in place. There is no room in the confines of a formal OCM to properly discuss the important issue of how we govern and this meeting would provide the opportunity to consider the effectiveness of our current system and examine possible alternatives.

The Local Government Operational Guidelines highlights the move away from standing committees, indicating that many councils have abolished standing Committees in favour of a forum approach. Recognition of the need for elected members to have opportunities to discuss issues outside the formal ordinary meeting process is clarified and it is suggested that this can be best provided through forums or committees of the full Council. It is not an original or new idea and has been embraced by many Local Governments.

The officer's report quotes our strategic direction that the City of Albany will be a cohesive Council delivering ethical and responsible government; I pose the question how can we form a cohesive group when we only meet as an entire group under the rigid confines of an Agenda Briefing with no discussion or the OCM with tightly controlled debate on specific items. Formal meetings that are primarily designed for structured decision making stifles free discussion and innovative thinking. There is no room here for the establishment of governance organisation, examination of perceived problems, free thinking about direction, delegation and monitoring of performance and consideration of improvement and promotion of public participation.

This is what we have been elected to do; we need a forum to deliver it. My wish would be that this single meeting would serve as a catalyst to establish a regular meeting of full council, a true "Governance Committee" but this is for us all to think about, this meeting is to provide that opportunity.

The Local Government Act reiterates the distinction between "governance" and operations" and highlights the importance of keeping the two roles separated. The CEO is responsible for the operation of the City and holds regular meetings with his executive directors and managers, Councillors quite rightly do not attend these operational meetings. Why then would anyone be concerned that Council should hold governance meetings without staff? We have distinctive roles, it is essential that each has autonomy. We have a job to do; my motion is simply to enable us to do it.

We have been elected to represent the interest of the electorate and hold the organisation to account. Before we can “Govern” the organisation, we have to “Govern” ourselves. We can only govern ourselves if meetings are of full council, self directed and self determined. Governance can never be achieved by waiting to be led.

I hope you can support this motion to enable appropriate consideration and direction before the election of the established committees. This suggestion is not a threat to good governance, as noted in the departments guidelines, it can lead to a more effective and efficient Local Government.

Councillor Jill Bostock.

Councillor Jill Bostock

OCM October 2009

Item 21.0 Notice of Motion to be dealt with at the Next Meeting.

Notice of Motion November OCM.

Motion:

1. When legal advice regarding any Council matter is required by an elected member, that member is to personally instruct our retained solicitor.
2. Notice of all requests for legal advice from any solicitor, including those from Councillors and employees shall be in writing, detailing the background, reasoning and questions asked and circulated to Mayor and all Councillors, before the solicitor is approached.

Reason:

If an employee instructs the solicitor on behalf of a Council member, even with the best intentions there is inevitably a risk that the message will be distorted because of the arms length nature of the instruction.

It is important that Council is kept informed of legal issues affecting the City.

 J Bostock.

Item No. 21.0 Notice of motion to be dealt with at the November 2009 OCM.

Motion: That no further planning scheme amendments be considered by council or staff.

Reason. Scheme amendments are time consuming and costly for both councillors and employees. We have a brand new and comprehensive planning scheme before State Government, also prepared at considerable trouble and expense so, provided our forward planning has been properly conducted, there will no longer be any necessity for amendments in the foreseeable future. Thus the city is now in a position to save councillors time, allowing them to concentrate on their primary roles of directing the activities of the staff, monitoring their performance and addressing the concerns of the electorate.

Mr. David E. Bobosh

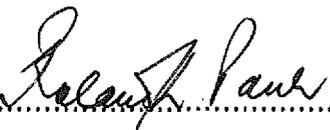
20/10/09.

Notice of motions by Councillor Paver submitted on 20th October 2009

- 1) Whenever Councillors, collectively or individually, in the proper exercise of their roles and responsibilities, seek access to information from the CEO or staff, the information requested shall be provided within a reasonable time and Councillors shall not be denied access to the information they seek because in the opinion of the CEO or the Mayor it relates to an operational or a confidential matter or a matter that they are disposed to refer to the CCC.

- 2) Unless a resolution of Council provides expressly otherwise, the business of the four committees shall be confined to the consideration of existing and proposed strategies, policies and local laws, and no recommendations concerning other matters shall be made by these committees to Council.

- 3) Council minutes shall include a record of
 - a) points of order and the rulings of the Mayor thereon, and
 - b) points of clarification and the responses of staff thereto.

Signed : 

Date: 