

MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 20th September 2005
7.30pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 22nd September 2005

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1.0 DECLARATION OF OPENING

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

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	I Neil
Manager Development Services	-	R Fenn
Minute Secretary	-	S Day

Approximately 50 members of the public
4 media representatives

Apologies / Leave of Absence:

Nil.

3.0 OPENING PRAYER

Mayor Goode read the opening prayer

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT GWN be permitted to video the Ordinary Meeting of Council.

MOTION CARRIED 15-0

***D Kyle**

Ms Kyle addressed Council in regards to item 11.1.1, commenting that the proposed development does not compliment the build for of Albany.

***D Phillips**

Mr Phillips addressed Council in regards to item 11.1.1 and asked Council to vote against this development.

***K Prince**

Mr Prince addressed Council in regards to item 12.1.2 and asked several questions of Council. Executive Director Corporate & Community Services responded.

***D Smart**

Mr Smart addressed Council in regards to item 12.1.2 and advised that his rates had gone up by 161%. He asked Council several questions. Executive Director Corporate & Community Services responded.

***G Rowe**

Mr Rowe addressed Council in regards to Item 11.1.1 and asked that Council support this project.

***L Cuthbert**

Mr Cuthbert addressed Council in regards to Item 11.1.1 and addressed R Codes for the area.

THAT open forum be extended.

MOTION CARRIED 15-0

***J Wauters**

Mr Wauters addressed Council in regards to Item 11.1.1 and asked Council to adopt these types of developments.

***G Folvig**

Ms Folvig addressed Council in regards to Item 11.1.1 and asked that Council support the Officers Recommendation.

Cllr Wiseman left the Chambers at 8.09pm.

Cllr Bojcun left the Chambers at 8.10pm.

Cllr Wiseman returned to the Chambers at 8.11pm.

Cllr Bojcun returned to the Chambers at 8.14pm.

***M Lloyd**

Mr Lloyd addressed Council in regards to Item 11.1.1 and advised that he is not against development but would like to see a different style.

***F Webb**

Mr Webb addressed Council in regards to Item 12.1.2 and asked why the rates could not be phased in over a 5 year period.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 16th August 2005; and
 - Special Meeting of Council held on 20th August 2005;
- as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT the following minutes:

- **Ordinary Council meeting held on 16th August 2005; and**
 - **Special Meeting of Council held on 20th August 2005;**
- as previously distributed be confirmed as a true and accurate record of proceedings.**

MOTION CARRIED 15-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Walker applied for leave of absence for the October 2005 Ordinary Meeting of Council.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

THAT Councillor Walker be granted leave of absence for the October 2005 Ordinary Meeting of Council.

MOTION CARRIED 15-0

8.0 DECLARATIONS OF FINANCIAL INTEREST

Councillor Wellington – Items 12.2.1 and 11.1.1

Councillor Paver – Item 12.2.3

Councillor Waterman – Item 12.2.1

Councillor Lionetti – Item 12.2.1

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

Development Services

REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

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

File/Ward	:	A140658 (Frederickstown Ward)
Proposal/Issue	:	Development Application for Multiple Storey Apartment Block.
Subject Land/Locality	:	Lots 9 & 12 Earl Street, Albany
Proponent	:	Lou Marchesani
Owner	:	Ridgecity Holding
Reporting Officer(s)	:	Senior Planning Officer (J Devereux) Manager Planning and Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/07/2005 – Item 11.1.4
Summary Recommendation	:	Issue Notice of Planning Scheme Consent Refusal.
Bulletin Attachment	:	Copy of the Proponents Report
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. At it's meeting dated 19 July 2005 Council resolved:
“THAT this item lay on the table to allow public consultation on the amended plans as presented at the Ordinary Meeting of Council held on 19th July 2005.
2. On 24 August 2005 Council received amended plans from Ridgecity Holdings for 38 multiple dwelling units on Lots 9 & 12 Earl Street, Albany; refer to the plans at the end of this report. The plans are similar to those presented, but not dealt with, at the Ordinary Council Meeting dated 19 July 2005.
3. The amended plans involve the creation of 38 multiple dwelling units, upon Lots 9 & 12 Earl Street, Albany. The development incorporates 12 two bedroom apartments (around 100m² in area), 24 three bedroom apartments (around 110m² in area) and 2 penthouse apartments (216m² in area).
4. The table below highlights the differences between the current development proposal, and the previously submitted plans:

Plans Lodged	Units	Total Floor Area	Parking Spaces	Setbacks	Building Height (wall height)
Original Plans Lodged 18/5/05	46	4809m ²	90	Front: 4m Eastern: 2 to 5.5m Western: 2 to 5.5m	Eastern: 15.5m Western: 17m
Amended Plans Lodged 6/07/05	42	4379m ²	86	Front: 4m Eastern: 2 to 5.5m Western: 2 to 5.5m	Eastern: 11.6m Western: 15.8m
Amended Plans Lodged 24/08/05	38	4252m ²	78	Front: 4m Eastern: 4 to 7.5m Western: 4 to 7.5m	Eastern: 11.1m Western: 15.3m

5. In accordance with Council's resolution of 19 July 2005, the amended plans have been distributed to those persons who have previously lodged a submission on the project, inviting further comment. The submission period closes on 16 September 2005, and a copy of each submission will be forwarded to Councillors prior to the September Council meeting.
6. The original plans submitted by the proponent are currently subject to an appeal with the State Administrative Tribunal (SAT), however the proponent has supplied confirmation from SAT that the appeal has been withdrawn.

STATUTORY REQUIREMENTS

7. The two lots are zoned 'Central Area' in the City of Albany Town Planning Scheme No.1A (the Scheme). A residential density coding of R160 is applicable to the subject land, which allows a density of one multiple dwelling unit for every 62.5m² of land area. As the land area is 2928m², the proposed 38 units meets this requirement.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

8. The Scheme, at Clause 4.12 states, “*Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.*”
9. The proposed development is to be used exclusively for residential purposes and it is automatically required to comply with the ‘Multiple Dwelling’ provisions of the Codes.
10. ‘Multiple Dwellings’ are a discretionary land use in the Central Area zone and, in accordance with the previous Council resolution, the proposal has been advertised for public comment.
11. In determining this application, Council needs to take into account the matters listed under Clause 7.8A of the Scheme. That clause outlines the ‘Matters to be Considered’ by Council. Those ‘matters’ are not reproduced here but are highlighted and discussed in the Comments section, under the context they were raised by the public submissions. In summary, Clause 7.8A requires Council to give consideration to the:-
 - provisions of the Scheme;
 - Residential Design Codes of Western Australia;
 - public comments received;
 - policies adopted by Council under the Scheme;
 - requirements for orderly and proper planning;
 - the compatibility of a development with its setting;
 - amenity of the locality; and
 - traffic impacts and servicing availability.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

13. The proponent has been asked to supply an accurate estimate for the cost of construction by a Quantity Surveyor. At the time of preparing this report, this estimate had not been received. The proponent has verbally advised that the cost of the structure would be in the vicinity of \$6 million, and not \$4.14 million as previously advised.
14. The proponent has advised that his clients are prepared to make up the shortfall in relation to the planning application fees, once this estimate has been finalised. This matter will be included in the memo to Councillors prior to the meeting of Council.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- providing sound governance

Priority Projects:

Nil.”

COMMENT/DISCUSSION

16. Due to the complexity and scale of the proposed development, officer comments are grouped under the various policy and legislative mechanisms. The policy framework relating to this matter is not comprehensive, and Council must rely upon broad planning principles and policy objectives to guide its decision-making.
17. Town Planning Scheme No.1A
The zoning and the density coding applied to the land, and its immediate environment, allows for a higher density of development than currently exists on the ground. Land to the west (existing cottage) and south (Frederick House) is included in the Central Area zone where the R160 Coding applies and the land to the east (cottage) and north (Albany City Holden) is in the Residential zone with an R30 Coding in place. The Scheme identifies isolated ‘local’ heritage sites in close proximity to the subject land but does not recognise the street as a heritage precinct. The Scheme also provides for residential development opportunities in close proximity to the CBD, as well as commercial and apartment living within the city centre. The benefits of inner and near city living has been advocated by Council for over a decade and the vitality that inner city living brings to the community is well documented. Staff have not provided a commentary on those benefits in this report.
18. The proponent has sought to modify the western and southern portion of the building, at the car park levels. This will allow a driveway to be constructed along the western property boundary and enable improved access to the basement floor car park. Concerns were raised with the capacity of the previous proposal to remove refuse from the site, however this issue has now been addressed in the current design. As refuse disposal vehicles have been accommodated for on the western boundary, should the development be staged there still may be difficulties in servicing one half of the development in the interim period.
19. The proponent has also provided staff with correspondence (via David Moss and Co.) that in their view a caveat will be finalised upon Lot 2 Frederick Street (‘Frederick House’) within the next 2 weeks. The caveat will allow future tenants of the apartments to access the lower basement car park from a right of way directly south of the subject land.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

20. The proposal exceeds the minimum amount of car parking required by the Codes by two bays. Under the requirements of the Codes a minimum of 76 bays is to be provided for 38 units and the proposal illustrates 78 bays to be provided in the secured undercover parking. Eight of the bays are to be set aside for the exclusive use of visitors, who will need to use an intercom device to communicate with the appropriate apartment before being able to access the bays. The attraction for the visitors would be just to park on the street, to avoid the necessity of waiting to be allowed in, which may place pressure on available on-street parking in Earl Street.
21. The other scheme matters to be considered by Council, which will be discussed later in the report, include amenity, streetscape and built form.

Residential Design Codes of Western Australia

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

Building Heights

23. The current plan provided by the proponent indicates that the ground floor of the building is to be positioned approximately 1m below street level at the eastern boundary, and approximately 1m above street level at the western boundary (the floor level of the upper car park now being 1.9m below street level). The wall height, relative to the adjacent street, at the eastern boundary is approximately 11.1m and it is approximately 15.3m at the western boundary. The land falls away from the street and the height of the building, relative to the adjoining land at the southern boundary increases to approximately 14.8m.
24. The objective of 'Element 7 – Building Height' is "*to ensure the height of buildings is consistent with the desired scale in a given locality*". Council has no scheme policy to regulate building heights and developers have the option of satisfying the "acceptable development" or the "Performance criteria" in the Codes. The acceptable development provisions, under section 3.7 of the Codes, limit building heights, from natural ground level, to not exceed:
- 6m wall height (roof above).
 - 7m wall height (concealed roof).
 - 9m to the top of the roof pitch
25. The proposed building, near the southern boundary, is around 14.8m above natural ground level, which exceeds the acceptable development standard of the Codes by twice the required value.
26. Council has the capacity to judge the application in accordance with "performance criteria", which states:-
- "Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:*
- *adequate direct sun to buildings and appurtenant open spaces;*
 - *adequate daylight to major openings to habitable rooms; and*
 - *access to views of significance."*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

27. Whilst the floor level of the building has been lowered and a storey removed from the eastern side, the height is still far in excess of the height of any other building in the immediate locality. Nonetheless, this proposal is the first of its kind in Albany and there is no predetermined policy framework against which the height of the building can be judged. To the west, the zoning provides for commercial buildings in the Central Area zone and most of the existing commercial buildings are between 5m and 10m in height. The properties to the east and north are limited to residential developments and heights are likely to remain below 10m, due primarily to the exceptional streetscape and heritage values of the existing buildings. The subject land is the boundary between the two zones and the proponent has provided limited justification for the building height being sought. The required density of development can be achieved on-site by increasing the footprint of building activity. Modifying the built form can dramatically reduce the overall height of the structure, particularly adjacent to the eastern property boundary and to the street.
28. The amenity of adjoining properties will also be compromised to varying degrees by a reduction of solar access (the residential property to the east during the afternoon, and to the commercial properties to the west and south during the morning and at midday respectively). The proponent has provided a diagram, which is included in the Elected Members Bulletin and illustrates the lesser impact on the property to the south due to the amended proposal. Access to views of significance from adjoining properties on the northern side of the development will also be modified, depending upon the location of the affected property to the subject land. The quantum of those impacts needs to be tempered with the knowledge that an “acceptable development” or a commercial building constructed on the land would also have reduced solar access and the views from adjoining properties.
- Streetscape
29. Under Element 2 – Streetscape, the development is required “*to contribute towards attractive streetscapes and security for occupants and passersby, ensure adequate privacy and open space for occupants, and provide an attractive setting for buildings*”. The development’s compliance with the Guidelines and the Codes will be discussed later in the report.
- Boundary Setback
30. Under ‘Element 3 – Boundary Setbacks’ the proponent is required “*to ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.*” The amended proposal generally complies with the setback requirements as stipulated within the Codes, with the exception of the southern boundary setback, which does not comply with the acceptable development criteria.
31. The required setback on the southern boundary should be 9m. The building is setback 1.5 metres from this boundary, however as the Codes allows a reduction of the required setback by half the width of an adjoining right-of-way, the building is effectively setback 4 metres from the rear boundary. This setback represents a relaxation of 5 metres.
32. The proponent has provided the following justification for the setback relaxation and asks that Council considered this boundary setback under the performance criteria of the Codes:

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

“This wall overlooks the car park and turning area of a two storey office development at No. 68 Frederick Street and is setback 14.0m from the same boundary. My design is basically “U” shape in form, minimises the bulk impact and provides for adequate direct sunlight to the office building where privacy and over looking is not as severe as a residential building.”

33. In determining the relaxation under the performance criteria of Element 3, consideration can be given by Council where the proponent has put in measures to ameliorate the impacts of building bulk on adjoining properties.
34. The Scheme prescribes a ‘nil’ side or rear boundary setbacks for the Central Area zone. It would be acceptable for a commercial development on this lot to be built up to the boundary, provided access, servicing fire rating and parking arrangements can be satisfied.
35. The opportunity to use the subject land for Residential purposes is not being disputed by officers. Under the Central Area zoning, a residential use of the land is a discretionary activity. The vacant land could have been developed for commercial purposes (shop is listed as a ‘permitted’ land use and an office is a ‘discretionary’ land use activity) and that form of development would have introduced a certain built form, not dissimilar to the existing Retravisation store.
36. The property immediately to the east of the subject land has been zoned for residential purposes (a wall height of 6m and a roof height of 9m is ‘acceptable development’ on that land under the Codes) and any development upon Lots 9 and 12 will form the transition between the regional commercial centre and the oldest residential area in Albany. That transition has been achieved by the reuse of residential buildings for commercial purposes along Aberdeen Street and by the space created by the street itself. On the subject land, the space available to achieve a similar transition is substantially reduced.
37. The proponent has illustrated the potential height and bulk of a development on the property adjoining the eastern boundary if Council was to permit a development in accordance with category ‘C’ of the Codes. Category ‘C’ of the Codes allows a 9 metre wall height and a 12 metre roof pitch. Refer to the northern elevation of the supplied amended plans for this illustration.

Public Comment

Due to the amended proposal being similar in design, bulk and scale to the previous proposal it is anticipated that the comments received during the advertising period will be of a similar nature to the comments received on the original submitted plans. Indeed initial responses received from the community have indicated that the built-form is largely unchanged, and the concerns previously raised are still seen as relevant. A summary of the comments received on the new proposal will be tabled and provided to Councillors prior to meeting.

38. The original plans were advertised to the public whereby a total of 271 letters, faxes and emails were received during the 21 day advertising period. The majority of the respondents objected to the proposal on the basis of excessive height, appearance, loss of views, issues of heritage and precedence.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Urban Design & Streetscape Guidelines for Infill Development

39. The objectives of the policy guidelines are: -
- *To encourage development that is in harmony with the existing character and appearance of traditional and highly scenic residential precincts of Albany; and*
 - *To ensure that new infill development harmonises with and enhances the existing dwelling up on the lot where it is erected and also the locality.*
40. New buildings and infill development should not attempt to reproduce an historic style. Rather, it should be simple in design and reflect the form, shape and proportions established by the earlier surrounding buildings. The proposed structure is required under the guidelines to blend and harmonise with surrounding structures, in terms of:-
- Basic shape, scale and mass; and
 - Street presentation and alignment.
41. Despite some modifications to the previously submitted plans the proposed building is still repetitive in its vertical form and it does not appear to have addressed the objectives of the guidelines. Although side setbacks have been increased, the proposed development would dwarf the two single storey residential cottages on either side. There has been little attempt made to provide a transition of built form between the existing buildings, the street and the proposed structure.
42. The scale of the building is larger than any of the surrounding properties (both commercial and residential) and the design elements appear to maximise views from the proposed units, minimise construction costs and simplify the design, rather than address the urban design and streetscape requirements of the policy.

Conclusion

43. Council is required to assess this project against the principles of proper and orderly planning. The land is located within the Central Area zone of the Scheme and it could be developed for commercial purposes under the “Permitted” clauses of the Scheme. If that development option had been pursued, the community would be presented with a different built form to that being proposed. The open spaces that currently exist between buildings would be eroded (with resultant loss of views at street level to the harbour) and larger buildings would front the street.
44. The applicant seeks Council approval to develop Multiple Dwelling Units on the subject lots, which is a discretionary land use (cannot be developed without the approval of Council) in the zone. Paragraph 11 contains a summary of the matters to be considered by Council as part of the decision-making process.
45. There appears from the submissions previously received to be a general acceptance by the community that inner and near city living is both desirable and an acceptable land use in this locality. Conversion of some inner city floor space to “shop top housing” has also been advocated by Council in the past. The density coding allows up to 46 units to be developed on the subject land and it is the built form being promoted by the proponent that raises concerns. Whilst the shape of the building maximises views to Princess Royal Harbour for the future tenants, it is Staff’s opinion it produces a built form that is inconsistent with the requirements of the ‘Urban Design and Streetscape Guidelines for Infill Development’ policy and the development provides an inappropriate transition from the “Central Area” zone to the adjoining “Residential” area.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- 46. With 4 metres of fall on the land from the north east to the south west corner, it is possible to introduce a number of buildings on the land at various heights which would be more sympathetic to the current built form, the streetscape and yet still achieve the required development yield.
- 47. Based upon the current design, being largely similar to previous submitted plans, Staff recommends a refusal be issued to the proposed development.

RECOMMENDATION

THAT Council resolve to grant a Notice of Refusal of Planning Scheme Consent, pursuant to Section 7.9 of the City of Albany Town Planning Scheme 1A, for the application lodged by Ridgecity Holding to construct 38 Multiple Dwelling Units at 9 & 12 Earl Street, Albany due to the following reasons:

- the proposed development does not comply with the Acceptable Development requirements, or the associated Performance Criteria, of Elements 2 and 7 of the Residential Design Codes of Western Australia;
- i) the form, scale and mass of the proposed development does not comply with the objectives of the 'Urban Design and Streetscapes Guidelines for Infill Development in Albany';
 - ii) the proposed development does not comply with the principles of proper and orderly planning; and
 - iii) the development is not compatible with its setting or the preservation of the amenity of the locality.

Voting Requirement Simple Majority

.....

Councillor Wellington declared an interest in this item and left the chambers at 8.17pm. The nature of his interest is that he is a part owner in adjoining property.

<p>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR JAMIESON</p> <p>THAT Council suspend Standing Order 6.5 – Order in Call in Debate.</p> <p style="text-align: right;">MOTION CARRIED 11-3</p>
--

<p>MOVED COUNCILLOR EVANS SECONDED COUNCILLOR WALKER</p> <p>THAT Standing Order 6-5 be resumed.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WEST**

THAT Council resolves that the development application lodged by Ridgcity Holdings, to construct 38 Multiple Dwelling Units upon Lots 9 and 12 Earl Street, Albany meets the “performance requirements” of the Residential Design Codes in that;

- i) the building height is consistent with the desired height of buildings in the locality; and**
- ii) the building height protects the amenity of adjoining properties, including the provisions of:**
 - a) adequate direct sunlight to buildings and appurtenant open spaces;**
 - b) adequate daylight to major openings to habitable rooms; and**
 - c) access to views of significance.**

MOTION LOST 5-9

Reason

- The Proponent has undertaken several changes to the design that was originally presented to Council. The reduction in the number of dwelling units and the reduction in the overall building height has assisted in reducing the impact of the development on the locality and the streetscape. There remains a number of matters which have been inappropriately documented by the Proponents and the Executive Director is charged with the responsibility of issuing a development consent for the development, only after he is satisfied that detail is in place.

For the motion: Councillors Bojcun, Williams, Wolfe, West & Lionetti

Against the motion: Mayor Goode, Councillors Marshall, Paver, Emery, Waterman, Evans, Jamieson, Walker and Wiseman

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT Council resolve to grant a Notice of Refusal of Planning Scheme Consent, pursuant to Section 7.9 of the City of Albany Town Planning Scheme 1A, for the application lodged by Ridgcity Holding to construct 38 Multiple Dwelling Units at 9 & 12 Earl Street, Albany due to the following reasons:

the proposed development does not comply with the Acceptable Development requirements, or the associated Performance Criteria, of Elements 2 and 7 of the Residential Design Codes of Western Australia;

- i) the form, scale and mass of the proposed development does not comply with the objectives of the ‘Urban Design and Streetscapes Guidelines for Infill Development in Albany’;**
- ii) the proposed development does not comply with the principles of proper and orderly planning; and**
- iii) the development is not compatible with its setting or the preservation of the amenity of the locality.**

MOTION CARRIED 10-4

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

For the motion: Mayor Goode, Councillors Marshall, Paver, Emery, Waterman,
Evans, Jamieson, Walker, Lionetti & Wiseman.

Against the motion: Bojcun, Williams, Wolfe, West.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EMERY**

THAT Council encourages a fresh development application from Ridecity Holdings to construct Multiple Dwellings Units upon Lots 9 and 12 Earl Street, Albany which meets the 'performance requirements' of the Residential Design Codes in that:-

- i) the building height is consistent with the desired height of buildings in the locality; and**
- ii) the building height protects the amenity of adjoining properties, including the provisions of:-**
 - a) adequate direct sunlight to buildings and appurtenant open spaces;**
 - b) adequate daylight to major openings too habitable rooms; and**
 - c) access to views of significance.**

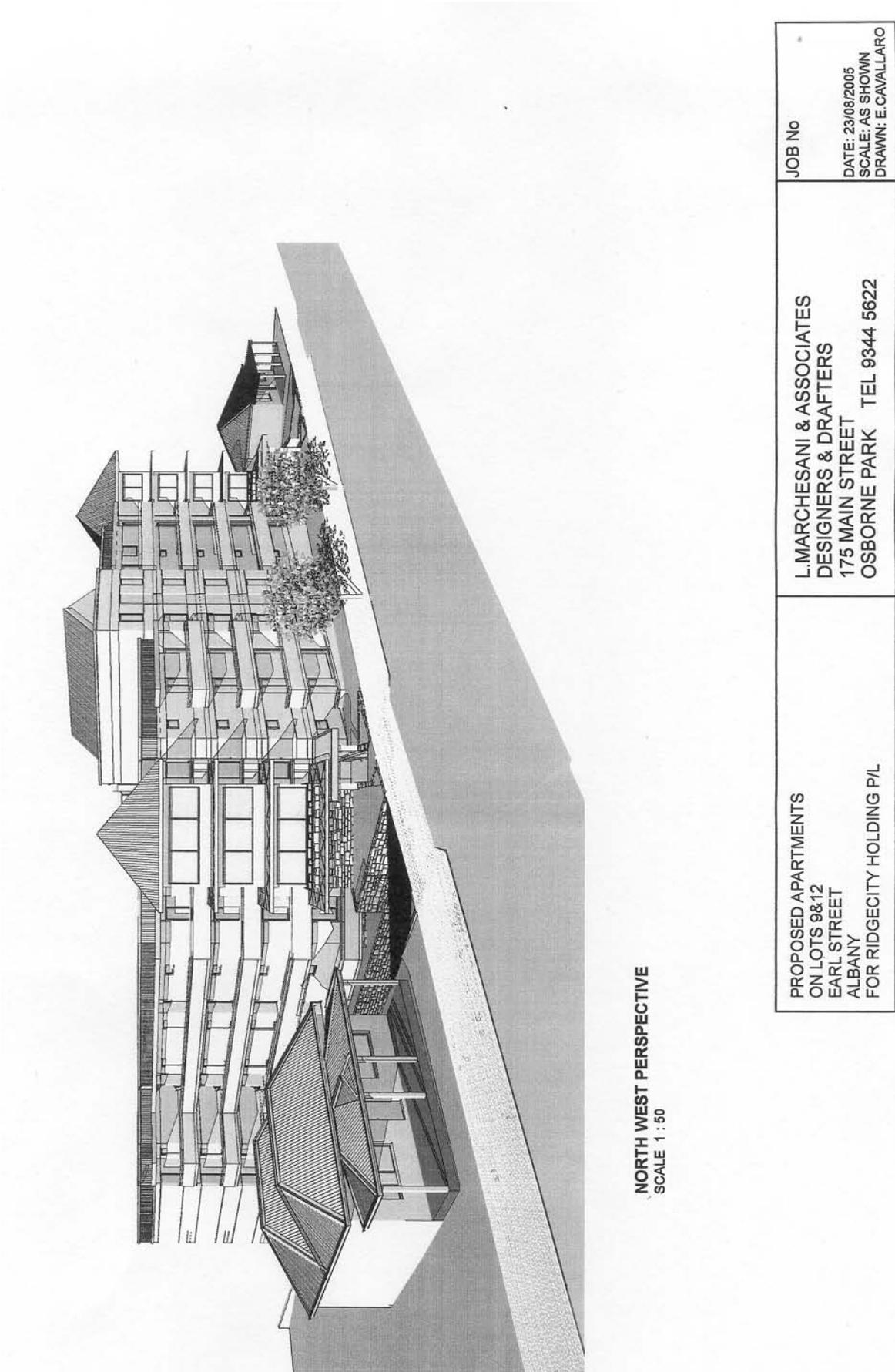
MOTION CARRIED 13-1

Reason:

Council wishes to see the development take place and encourages further dialogue with the developer.

Councillor Wellington returned to the Chambers at 9.10pm.

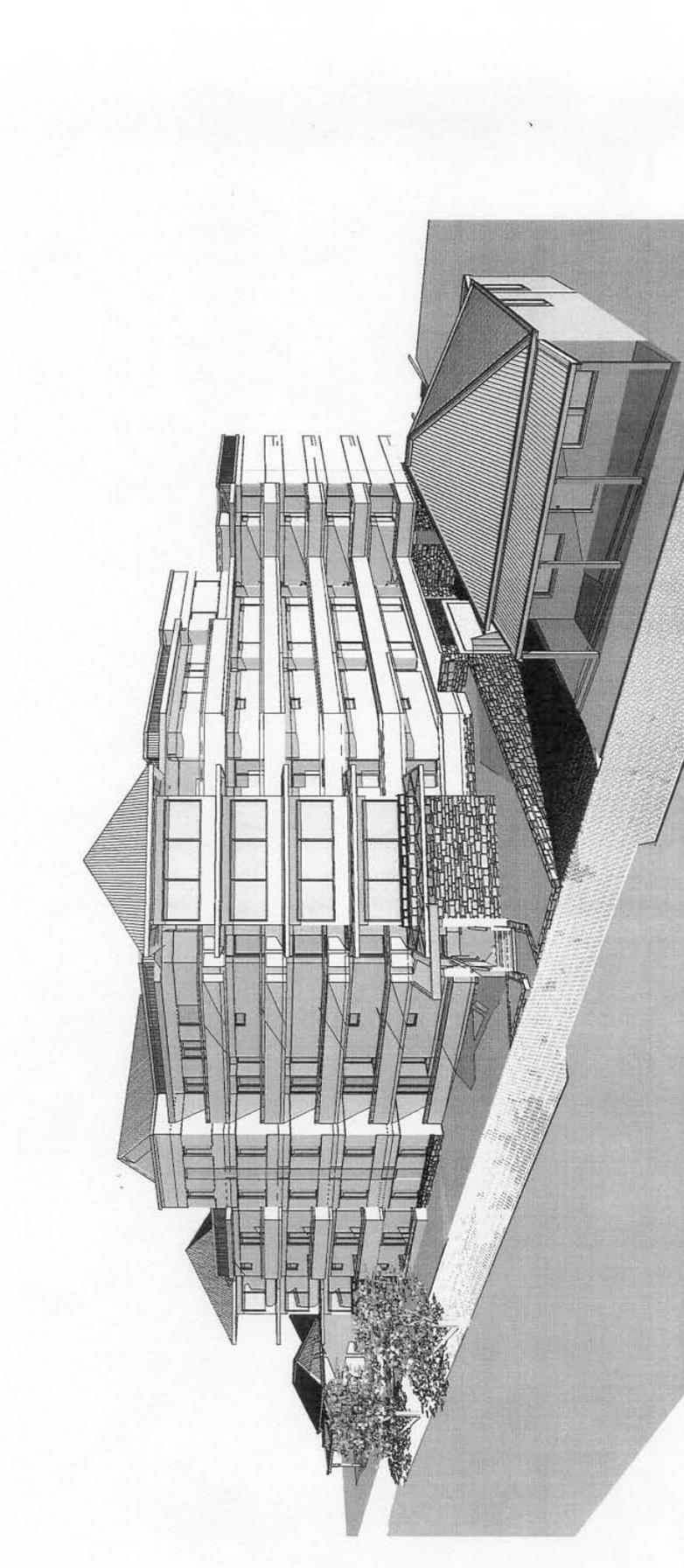
Item 11.1.1 continued



NORTH WEST PERSPECTIVE
SCALE 1 : 50

<p>PROPOSED APARTMENTS ON LOTS 9&12 EARL STREET ALBANY FOR RIDGECITY HOLDING P/L</p>	<p>L.MARCHESANI & ASSOCIATES DESIGNERS & DRAFTERS 175 MAIN STREET OSBORNE PARK TEL 9344 5622</p>	<p>JOB No DATE: 23/08/2005 SCALE: AS SHOWN DRAWN: E.CAVALLARO</p>
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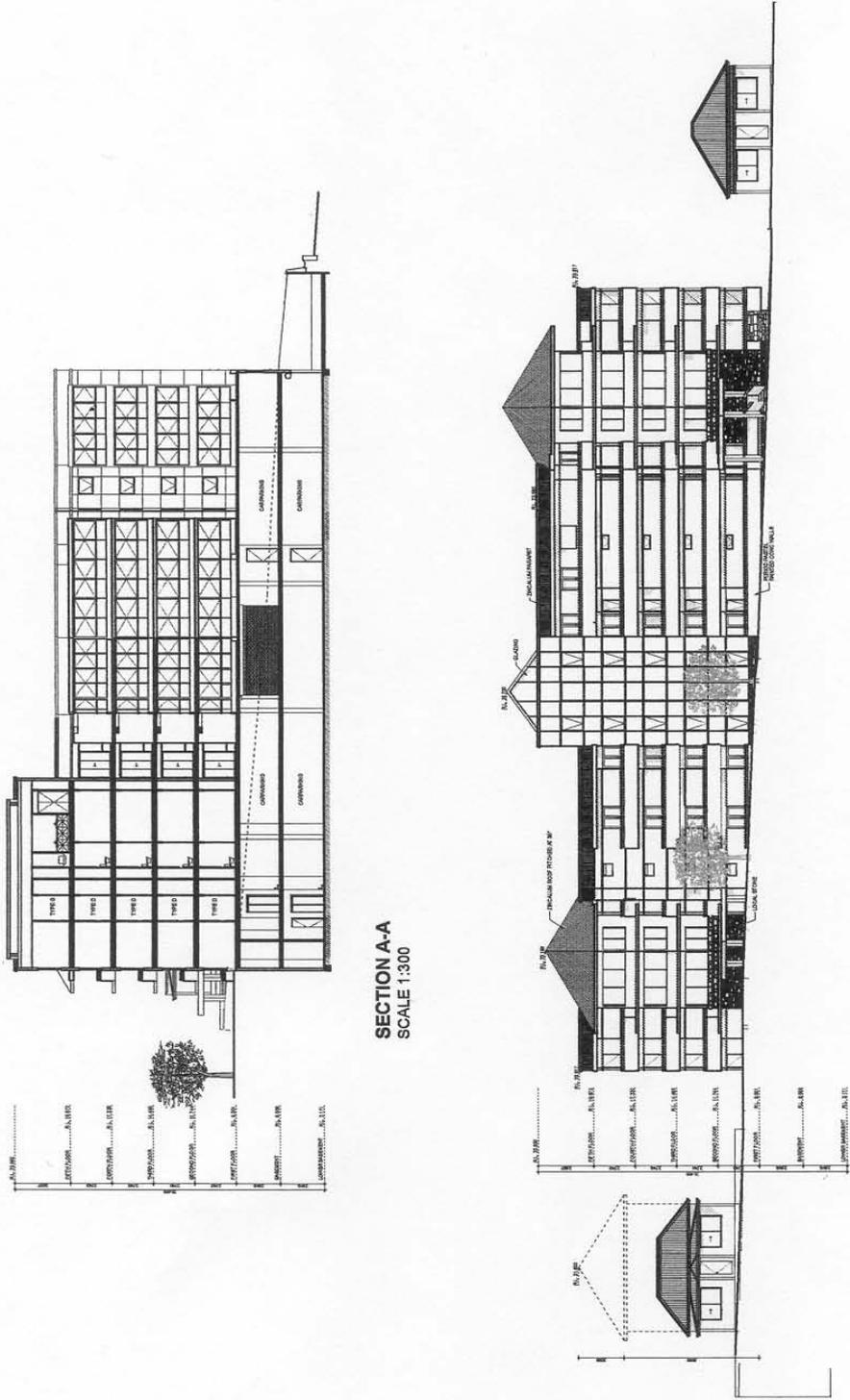
Item 11.1.1 continued



NORTH EAST PERSPECTIVE
SCALE 1:75

PROPOSED APARTMENTS ON LOTS 9&12 EARL STREET ALBANY FOR RIDGECITY HOLDING P/L	L. MARCHESANI & ASSOCIATES DESIGNERS & DRAFTERS 175 MAIN STREET OSBORNE PARK TEL 9344 5622	JOB No DATE: 23/08/2005 SCALE: AS SHOWN DRAWN: E. CAVALLARO
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Item 11.1.1 continued



SECTION A-A
SCALE 1:300

NORTH ELEVATION
SCALE 1:300

<p>PROPOSED APARTMENTS ON LOTS 9&12 EARL STREET ALBANY FOR RIDGECITY HOLDING P/L</p>	<p>L.MARCHESANI & ASSOCIATES DESIGNERS & DRAFTERS 175 MAIN STREET OSBORNE PARK TEL 9344 5622</p>	<p>JOB No DATE: 23/08/2005 SCALE: AS SHOWN DRAWN: E.CAVALLARO</p>
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DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Local Law – Adoption of Health (Eating Houses and Itinerant Vendors) Local Laws 2005

File/Ward	:	MAN 050 (All Wards)
Proposal/Issue	:	To make new Health (Eating Houses and Itinerant Vendors) Local Laws 2005
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/02/05 - Item 11.2.1
Summary Recommendation	:	To make the Health (Eating-Houses and Itinerant Vendors) Local Laws 2005
Bulletin Attachment	:	Health (Eating-Houses and Itinerant Vendors) Local Law 2005
Locality Plan	:	N/A

BACKGROUND

1. At its 15th February 2005 meeting, Council commenced the process to make the Health (Eating Houses and Itinerant Food Vendors) Local Laws 2005 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

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

- "3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) *At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*
 - (3) *The local government is to -*
 - a) *give Statewide public notice stating that –*

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

- i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
 - (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
 - (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local* that is not significantly different from what was proposed.*
 - * *Special Majority Required.*
 - (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice -*
 - a) *stating the title of the local law;*
 - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
 - (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*
4. Section 342 (1) of the Health Act 1911 (as amended) states:-

"Every local government —

- (a) may, if the Executive Director, Public Health consents; and*
- (b) shall, if the Commissioner or the Executive Director, Public Health so directs,*

make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for the purposes specified in this Act or generally for carrying into effect the provisions of this Act."

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

FINANCIAL IMPLICATIONS

6. There will be statutory advertising costs, which will be funded from the 2005/2006 budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A thriving City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through ...

- Major regional health services providing a complete range of quality health services, for all ages.

Mission Statement

The City of Albany is committed to ...

- Delivering Excellent Community Services and Providing Sound Governance.

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. Council advertised, both Statewide and locally for public comment on the draft Health (Eating Houses and Itinerant Food Vendors) Local Laws 2005, but at the closing date for submissions, 22nd April 2005, had not received any feedback.
9. The purpose of these local laws is to provide for the control and management of food premises within the district by establishing various requirements for -
 - a) the registration of eating houses and itinerant vendors; and
 - b) the licensing of proprietors of eating houses and itinerant vendors.
10. The effect of these local laws is to establish various standards and requirements relating to registration of food premises, and the licensing of proprietors of food premises with which operators/owners of food premises within the district must comply

RECOMMENDATION

THAT Council, in accordance with Section 342 of the Health Act 1911 (as amended), agrees to make the Health (Eating-Houses and Itinerant Vendors) Local Laws 2005 (as detailed in the Elected Members’ Report/Information Bulletin).

Voting Requirement Special Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT Council, in accordance with Section 342 of the Health Act 1911 (as amended), agrees to make the Health (Eating-Houses and Itinerant Vendors) Local Laws 2005 (as detailed in the Elected Members' Report/Information Bulletin).

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.2.2 Local Law - Adoption of Amendment to City of Albany Prevention and Abatement of Sand Drift Local Law

File/Ward	:	MAN 048 (All Wards)
Proposal/Issue	:	To make the Prevention and Abatement of Sand Drift (Amendment) Local Law
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/02/05 - Item 11.2.2 OCM 18/01/05 - Item 11.2.1 OCM 28/11/00 - Item 12.2.1 OCM 05/09/00 - Item 11.2.1
Summary Recommendation	:	To make the Prevention and Abatement of Sand Drift (Amendment) Local Law
Bulletin Attachment	:	Local law.
Locality Plan	:	N/A

BACKGROUND

1. At its 15th February 2005 meeting, Council commenced the process to make the Prevention and Abatement of Sand Drift (Amendment) Local Law (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

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

- "3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (7) *At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

- (8) *The local government is to -*
- d) *give Statewide public notice stating that -*
 - iv) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - v) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - vi) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (9) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- e) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (10) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local* that is not significantly different from what was proposed.*
- * Special Majority Required.*
- (11) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (12) *After the local law has been published in the Gazette the local government is to give Statewide public notice -*
- d) *stating the title of the local law;*
 - e) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - f) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. There will be statutory advertising costs which will be funded from the 2005/2006 budget.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

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

“Community Vision:

A thriving City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through ...

- Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.

Mission Statement

The City of Albany is committed to ...

- Delivering Excellent Community Services and Providing Sound Governance.

Priority Projects

Nil.”

COMMENT/DISCUSSION

- 8. Council advertised, both Statewide and locally for public comment on the draft Prevention and Abatement of Sand Drift (Amendment) Local Law, but at the closing date for submissions, 22nd April 2005, had not received any feedback.
- 9. The purpose of this local law is to amend the principal local law pursuant to a notification received from the Joint Standing Committee on Delegated Legislation regarding the deletion of Clause 8(c) and to correct a printing error by including a Clause 12.
- 10. The effect of this local law is to amend the principal local law by:
 - i) deleting Clause 8(c) as it exceeds the powers contained in the Local Government Act 1995; and
 - ii) correcting a printing error by inserting the number “12” before the words “(a) A person who – “in the third line of Clause 11.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the Prevention and Abatement of Sand Drift (Amendment) Local Law (as detailed in the Elected Members’ Report/Information Bulletin).

Voting Requirement Special Majority

.....

<p>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR EMERY</p> <p>THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), agrees to make the Prevention and Abatement of Sand Drift (Amendment) Local Law (as detailed in the Elected Members’ Report/Information Bulletin).</p> <p style="text-align: right;">MOTION CARRIED 15-0 ABSOLUTE MAJORITY</p>
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DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Draft Policy- City of Albany Aboriginal Heritage Survey

File/Ward	:	PRO 326 (All Wards)
Proposal/Issue	:	Table Aboriginal Heritage Survey and Adopt Survey as a Draft for Advertising Purposes
Subject Land/Locality	:	Various Lots throughout the City of Albany
Proponent	:	Department of Indigenous Affairs and City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt Heritage Survey as Policy Document for Advertising Purposes
Bulletin Attachment	:	Executive Summary of Survey
Locality Plan	:	N/A

BACKGROUND

1. Within the 2004/2005 budget the City of Albany and the Department of Indigenous Affairs jointly funded the preparation of an Aboriginal Heritage Survey (Ethnographic Report) throughout the City of Albany.
2. Brad Goode and Associates were engaged to prepare the report and the firm of Anthropologists and Archaeologists have worked closely with the Albany Noongar community to record the various stories, identify sites of significance to the Noongar community and to provide a clearer understanding of the way in which the Menang people inhabited the district.
3. The final draft of the City of Albany and Department of Indigenous Affairs Aboriginal Heritage Survey has now been submitted by the consultant, in liaison with the Department of Indigenous Affairs, the City of Albany staff and the Albany Aboriginal Heritage Reference Committee.

STATUTORY REQUIREMENTS

4. The Aboriginal Heritage Act 1972 requires all development to be undertaken in a manner which does not affect Aboriginal Heritage Sites. A number of sites had previously been registered within the City of Albany under the Aboriginal Heritage Act and the registration failed to provide adequate protection to those sites when development occurred. Throughout the City there were also a large number of sites which were not registered under the Act and the owners of those properties would have been held liable for any damage to the site if they developed their land, notwithstanding they would not have been aware of the significance of their property to the Noongar community.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

POLICY IMPLICATIONS

5. Section 721 of the City of Albany Town Planning Scheme 1A states

“7.21.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

7.21.2 A Town Planning Scheme policy shall become operative only after the following procedures have been completed:

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

(b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.

(c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”

FINANCIAL IMPLICATIONS

6. The budget provided by the City of Albany to complete the Heritage Survey was \$10,000 and a substantial report has been generated by the consultant with the budget provided.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

No 43. Develop a strategy for the collection and management of resources relating to the acquisition and management of Aboriginal and Noongar historical information, in consultation with relevant stakeholders.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

COMMENT/DISCUSSION

8. The report identifies that the Department of Indigenous Affairs site register for Albany had identified that there were previously 50 recorded Aboriginal Heritage Sites, 40 of which were of archaeological significance and 10 sites being ethnographic. The recent work has added a further 42 sites onto the survey, 15 of which are archaeological and a further 32 being ethnographic (the sites and areas where remnants of previous activity are unlikely to be found).
9. Within Albany's urban area, significant artefacts were found on several lots which were capable of being developed for residential purposes. The Department of Indigenous Affairs has advised those landowners of the discovery and the report recommends that a Heritage grant be sought to salvage those artefacts prior to any development taking place on the land.
10. The importance of the rivers and waterways throughout the City has been well documented in the report and it has been suggested that there would be a high probability of artefacts being discovered within 50 metres of those water bodies. It would be appropriate to introduce a mechanism into the City of Albany's planning process requiring any landowner wishing to develop in close proximity to the identified water bodies to liaise with the Albany Aboriginal Heritage Reference Group prior to submitting their development application with the City. Early consultation may result in a greater understanding of Aboriginal Heritage issues, a more acceptable design outcome and the avoidance of a potential breach of the Aboriginal Heritage Act.
11. The importance of the Albany Aboriginal Heritage Reference Committee to the ongoing success of protecting Aboriginal heritage sites is clearly spelt out in the document and the creation of the Reference Committee has been fully endorsed by the regional office of the Department of Indigenous Affairs. The report recommends that the City of Albany provide the expertise of a planning officer who can provide training to the committee on the nature of planning and development processes in order that the committee can feel comfortable in dealing with those issues. That request is not unreasonable and is fully supported by City of Albany staff.
12. Included in the elected members report – information bulletin is a copy of the executive summary for the report and the City of Albany has incorporated the information contained in the document into its records system, thereby allowing current and future landowners to be made aware of Aboriginal Heritage issues when land transactions take place and development proposals are submitted for consideration. The proactive approach taken by the Albany Noongar community to the recording of the heritage sites is to be commended and City of Albany staff are confident that a positive working relationship can be developed with the Albany Aboriginal Heritage Reference Committee to progress developments within the City of Albany and at the same time preserve the few remaining sites and artefacts of significance to the Albany Noongar community.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

RECOMMENDATION

THAT;

- i) Council adopt the draft City of Albany and Department of Indigenous Affairs Aboriginal Heritage Survey as a policy document pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of City of Albany Town Planning Scheme 3 and advertise the draft policy for public comment; and
- ii) that Council record its appreciation for the information provided by the Albany Noongar community during the preparation of the Albany Aboriginal Heritage Survey and to the Department of Indigenous Affairs for jointly funding the survey and for providing departmental resources to develop the Albany Aboriginal Heritage Reference Committee.

Voting Requirement Simple Majority

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Councillor Williams left the Chambers at 9.13pm.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR JAMIESON**

THAT;

- i) Council adopt the draft City of Albany and Department of Indigenous Affairs Aboriginal Heritage Survey as a policy document pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of City of Albany Town Planning Scheme 3 and advertise the draft policy for public comment; and**
- ii) that Council record its appreciation for the information provided by the Albany Noongar community during the preparation of the Albany Aboriginal Heritage Survey and to the Department of Indigenous Affairs for jointly funding the survey and for providing departmental resources to develop the Albany Aboriginal Heritage Reference Committee.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Policy – Final Adoption – Outbuildings Policy

File/Ward	:	STR 018 & STR 046 (All Wards)
Proposal/Issue	:	Review of Outbuildings Policy
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/02/03 - Item 11.3.1 OCM 9/11/02 - Item 11.3.1 OCM 21/06/05 - Item 11.3.4 OCM 19/07/05 - Item 11.3.1
Summary Recommendation	:	Adopt Outbuildings Policy
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Council resolved at it's meeting dated 19 July 2005 as follows:

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

2. A copy of the draft policy was forwarded to shed builders throughout the region, and an advertisement was placed in the local newspaper for two consecutive weeks giving notice to a 21 day submission period.
3. At the close of the advertising period no submissions had been received.

STATUTORY REQUIREMENTS

4. Town Planning Schemes No. 1A and 3 allows Council the power to make policies (clause 7.21 and clause 6.9 respectively).
5. As advertising has now been finalised, Council needs to decide whether it wishes to finally adopt the policy with or without amendment, or not proceed with the draft policy. Should Council finally adopt the policy, a notice is required to be placed in the local paper, and all those who lodged submissions are to be notified.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

“Mission Statement:

The City of Albany is committed to ...

- Providing sound governance

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. As no submissions were received during the advertising period, no fundamental changes to the advertised policy are proposed.
10. It is recommended however that the following minor modifications be undertaken to ‘tidy-up’ the policy:
- a) Within Section 4 (c), delete references to tables 1 to 4, as there is now only Table 1.
 - b) Increase the maximum ridge heights to 4.8 metres for special residential and special rural areas, to correspond with the increase in wall heights as resolved at the OCM 19/07/05, to allow gable roofs to be considered for larger sheds.
 - c) Modify the special requirements for the rural zone to state that “The siting of the outbuilding away from more obtrusive locations”.
11. A copy of the final policy is attached to the rear of this report.

RECOMMENDATION

THAT Council, pursuant to clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 resolves to finally adopt the “City of Albany – Outbuildings Policy”, rescind the policy of the same name, and advertise the changes in accordance with the requirements of each Scheme.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BOJCUN**

THAT Council, pursuant to clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 resolves to finally adopt the “City of Albany – Outbuildings Policy”, rescind the policy of the same name, and advertise the changes in accordance with the requirements of each Scheme.

MOTION CARRIED 13-1

CITY OF ALBANY - OUTBUILDINGS POLICY

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

1.0 Background

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

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

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

2.0 Aim

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

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

3.0 Specific Policy Requirements

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

4.0 Application Details

Applications for outbuildings must include the following:

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

DEVELOPMENT SERVICES REPORTS

5.0 Definitions

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

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

6.0 Interpretations

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

TABLE ONE – OUTBUILDING REQUIREMENTS

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined area of all outbuildings on lot)	Special Requirements
Residential / Future Urban / Residential Development Zone	3 metres	4.2 metres	100m ²	If floor area of outbuildings is to exceed 60m ² the use of non-reflective materials is required.
Yakamia Creek Zone	3.5 metres	4.5 metres	120m ²	If floor area exceeds 100m ² the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	120m ²	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone	4.2 metres	4.8 metres	120m ²	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone	4.2 metres	4.8 metres	150m ²	Refer relevant planning scheme requirements for siting and materials.
Rural Zone				The siting of the outbuilding away from more obtrusive locations. If rural lot is less than 2 hectares the provisions of the ‘Special Rural’ zone as stipulated above apply.

7.0 Planning Scheme Consent

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

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Policy – Request to Adopt – Final Town Planning Scheme Policy - Defining Central Albany

File/Ward	:	STR 128 (Frederickstown Ward)
Proposal/Issue	:	Consider submissions on Draft Defining Central Albany
Subject Land/Locality	:	Various
Proponent	:	Taylor Burrell Barnett et al.
Owner	:	Various
Reporting Officer(s)	:	Strategic Planning Officer (P Shephard)
Disclosure of Interest	:	Nil.
Previous Reference	:	OCM 15/03/05 - Item 11.3.1 OCM 19/04/05 - Item 11.1.4 OCM 19/07/05 - Item 11.3.2
Summary Recommendation	:	Adopt final Local Planning Policy
Bulletin Attachment	:	Submissions Schedule
Locality Plan	:	Nil

BACKGROUND

1. Council at its ordinary meeting held on 19 July 2005 considered the draft Defining Central Albany (DCA) Report and resolved as follows:

“THAT Council:

- i) receive the draft Defining Central Albany Report (November 2004) from Taylor Burrell Barnett, subject to the wording in clause 7.3.5 being altered to read;
“Council shall formulate and adopt of precinct specific policies on building heights, which should be done as soon as possible, and reinforced by a Scheme Provision and Local Planning Policy which outlines:
 - how height is to be assessed, ie based on Residential Design Code criteria for consistency; and;
 - variations to height, i.e. for specific architectural elements.”*
- ii) note the officer comments and recommendations on the draft Defining Central Albany Report;*
- iii) record the following position on the prioritisation of the points of conflict between the draft Defining Central Albany and Retail Development Strategy and advise the public of that position as part of the consultation process:
 - a) within Precinct 4D of the Defining Central Albany Report:**

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- “(a) *The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
- (c) *Following Final Adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.”*

POLICY IMPLICATIONS

5. Upon final adoption by Council, the DCA report will be a Town Planning Scheme Policy under the provisions of Town Planning Scheme No. 1A. This will enable Council to begin to implement the strategy recommendations immediately. The DCA report contains many recommendations to implement urban design principles into planning the physical form of the CBD and surrounds. The Policy is non-statutory and advisory in nature, meaning that Council is required to consider the objectives of the adopted Policy when considering development applications for the area covered by the Policy (CBD and surrounds).

FINANCIAL IMPLICATIONS

6. The adoption of the final Policy is required to be advertised in a local newspaper at Council’s cost.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

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

Mission Statement

The City of Albany is committed to ...

- Providing sound governance

Priority Projects

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

8. The recommendations from the final DCA will be incorporated into the Albany Local Planning Strategy and Community Planning Scheme for implementation.

COMMENT/DISCUSSION

9. The submissions received show respondents are generally supportive of the aims/objectives of the DCA report and its final recommendations. A Submissions Schedule has been included in the Elected Members Report/Information Bulletin. It summarises the submissions and recommends any changes required as a result of the submissions.
10. Upon final adoption by the City, the consultant will undertake the required modifications and the report will be finalised. This will include the modifications required from Council’s decision to adopt the draft in March and July 2005. Copies of the final report will then be distributed to key stakeholders and made available for viewing/borrowing from the City Office and Library. Staff will then commence preparation of a program to implement the strategy recommendations for Councillor consideration to prioritise the tasks.
11. As noted in the Submissions Schedule, the issues of building height and residential density is subject to additional studies being undertaken at the time of writing this report and the outcomes from that work will be reported to Council when completed. Any adjustments to the DCA report can be considered at that time.

RECOMMENDATION

THAT Council:

- i) receive and note the submissions received on the draft Policy contained within the Submissions Schedule attached to this item;
- ii) adopt and undertake the modifications contained within the Submissions Schedule attached to this item to the final Policy;
- iii) undertake necessary modifications to the final Policy from the March/July 2005 Council decisions;
- iv) pursuant to Clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to adopt the Final Town Planning Scheme Policy “Defining Central Albany (CBD & Surrounds) – A Vision for the Future” and upon receipt of the final document, advertise the resolution in accordance with the Scheme; and
- v) send a letter of thanks to all stakeholders and Government agencies that participated in the preparation of the DCA Report.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR MARSHALL**

THAT Council:

- i) receive and note the submissions received on the draft Policy contained within the Submissions Schedule attached to this item;**
- ii) adopt and undertake the modifications contained within the Submissions Schedule attached to this item to the final Policy;**
- iii) undertake necessary modifications to the final Policy from the March/July 2005 Council decisions;**
- iv) pursuant to Clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to adopt the Final Town Planning Scheme Policy “Defining Central Albany (CBD & Surrounds) – A Vision for the Future” and upon receipt of the final document, advertise the resolution in accordance with the Scheme; and**
- v) send a letter of thanks to all stakeholders and Government agencies that participated in the preparation of the DCA Report.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

**Draft Defining Central Albany - Town Planning Scheme Policy
Submissions Schedule**

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Department for Planning and Infrastructure (Gt Sthn Region) Coach House York Street/Peels Place ALBANY WA 6330	The DPI will provide comment on the Defining Central Albany (DCA) at a later date, when assessment of the Retail Development Strategy (RDS) has been completed.	Council has determined the priority for areas where the consultants recommendations of the RDS and DCA have differed. Upon receipt of any comment from the DPI, staff will consider their implications and advise Council accordingly.	The submission be noted.
2.	Newarts ALBANY WA 6330	Their interest in Precinct 1E (to establish art gallery facilities) has now evolved further than the proposals in the draft strategy and no further comment are warranted at this stage. Advise that some of the concepts in the draft strategy are no longer relevant (eg. entertainment centre has been relocated from the ex-office site to foreshore). Support the recommendations for Precinct 1E.	The entertainment centre proposed on the ex-office site in the draft strategy has been abandoned in favour of the foreshore site. It is appropriate that the report and plan be modified accordingly.	The report in Precinct 1E and Concept Plan (Figure 23) be notated to reflect the relocation of the entertainment centre to the foreshore.
3.	Tourism WA (Gt Sthn & Forests Region) Mill Street PERTH WA 6000	Support the recommendations relating to tourism development within the DCA and offer support to the City to progress the recommendations.	The City adopted the City's Tourism Strategy in March 2005. This will guide future tourist related activities of the City and contributes to the completion of the recommendation in the draft strategy.	The submission be noted.
4.	Albany Port Authority Brunswick Road ALBANY WA 6330	Request the reference to ex-Hunts Cannery be clarified to avoid potential confusion with Vital Foods.	The area referred to (between the hospice and Residency) was previously used as a gasworks and fish cannery. Whilst the map is clear, to avoid any confusion the reference should state 'ex-gasworks/Hunts fish cannery'.	The report in Precinct 5A be modified to refer to 'ex-gasworks/Hunts fish cannery'.
5.	Great Southern Development Commission Pyrmont House Serpentine Road ALBANY WA 6331 (LATE SUBMISSION)	Reinforce the need for synergies to be developed between the CBD and foreshore development. Outline that the foreshore development will include a range of uses, not just tourism as suggested in the draft strategy.	The need for synergies between the CBD and foreshore is well acknowledged through the strategy. The foreshore development is subject to the preparation of local structure plan which will refine the mix of uses to be permitted within the developments. These structure plans require the approval of the City and allow the regulation of	See submission 2. above.

DEVELOPMENT SERVICES REPORTS

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>Advise that the recommendation in the draft strategy for the convention centre to be located on the ex-office site has been changed to the foreshore.</p>	<p>activity. Residential accommodation within the foreshore development has been prohibited.</p> <p>As with submission 2, the entertainment centre is proposed for the foreshore and the report and plan should be modified accordingly.</p>	
6.	<p>Sally Malone PO Box 5667 ALBANY WA 6332 (LATE SUBMISSION)</p>	<p>Strategy direction and recommendations supported.</p> <p>Requests further consideration of:</p> <ul style="list-style-type: none"> • R160 residential density coding – concerned that the blanket coding may lead to inappropriate development outcomes and suggests that a system where a low density is permitted with good design outcomes (positive community/streetscape benefit) receiving a density bonus. 	<p>The use of a split/dual coding for the CBD and surrounds has some merit and is being considered by staff. It will form part of the options to be considered by Council in finalising the Housing Strategy and Patric De Villier's work on building heights and the new planning scheme.</p> <p>The retention of the unique 'saddle' feature in Albany should be protected.</p>	<p>The submission be noted.</p>
		<ul style="list-style-type: none"> • Preserve the 'Saddle' – Within the saddle created by the Mounts and town topography, building heights should not be allowed to flatten this feature out. • Consulting Rooms – care needs to be taken in allowing the conversion of residences to consulting rooms to prevent dead zones being created outside of business hours. Mixed use areas need to ensure that vitality is retained. 	<p>It is agreed that the designation of mixed use areas needs to incorporate an appropriate mix of both retail/residential functions to achieve vitality.</p>	
7.	<p>Albany Ratepayers and Residents Assoc Inc. (ARRA) PO Box 1470 ALBANY WA 6331 (LATE SUBMISSION)</p>	<p>The submission comprehensively makes comment on various sections including:</p> <ul style="list-style-type: none"> • Key Themes (Part 6.1) • Strategy Recommendations (Part 7.3) 	<p>The Key Themes were the result of the workshops/submissions and feedback received by the consultants. They represent the views of those members of the community that provided comment.</p> <p>Most of the concerns raised have been dealt with from other</p>	<p>The submission be noted.</p>

DEVELOPMENT SERVICES REPORTS

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>The ARRA is generally supportive of the strategy recommendations. The areas of particular concern include:</p> <ul style="list-style-type: none"> • Maximum building height of 3 storeys or less. • Density coding should be reduced to prevent high rise developments. • The potential for a York Street Mall needs to be subject to more public consultation, trials are 	<p>submissions. For the outstanding items, the following comments are provided:</p> <ul style="list-style-type: none"> • The consultants do not support or recommend the conversion of York Street (part of) to a full-time pedestrian mall. They do support the occasional closure to stage community events such as markets or the 'Albany Classic' car race. • As with submissions 2 and 4, the entertainment centre is proposed for the foreshore and the report and plan should be modified accordingly. • The proposal for the Telstra exchange is only a 	
		<p>supported.</p> <ul style="list-style-type: none"> • Convention/Entertainment Centre proposal has been relocated to the foreshore. • What alternative sites have been looked at for Telstra exchange and what would be the effect? • Do not support any residential (short-term or permanent) in the foreshore development. <p>The DoE should expedite the promised air quality monitoring program as it may assist in forming future transport options.</p>	<p>concept. There would be a considerable capital expense to relocate the facility and Telstra has no plans for this to occur. Nevertheless, the Concept Plan should be retained to indicate what the potential of the area could be.</p> <ul style="list-style-type: none"> • Residential accommodation within the foreshore development has been prohibited. <p>Whilst outside the scope of the DCA project, Albany is on the DoE program for air quality monitoring to be undertaken and it is expected that this will commence by the end of 2005. It will provide some baseline data for existing air quality to measure against health standards.</p>	
8.	Syrinx Environmental Pty Ltd 12 Monger Street PERTH WA 6000 (LATE SUBMISSION)	Believes that the draft strategy has significant shortcomings and provides comments on areas of concern with various sections of the report.	<p>The draft strategy was prepared in accordance with the study brief. The comments reflect a lack of knowledge of those requirements.</p> <p>Clearly the strategy recommendations require a lot of tasks to be subsequently completed however this does not diminish the planning value of the strategy.</p>	The submission be noted.
9.	Lawrence Cuthbert 48 Rowley Street ALBANY WA 6330 (LATE SUBMISSION)	<p>The submission is generally supportive of the strategy and provides the following comments:</p> <ul style="list-style-type: none"> • Town Square (between Town Hall 	The mix of uses referred to and the incorporation of a plaza within Precinct 1E would be consistent with the strategy recommendations.	The submission be noted.

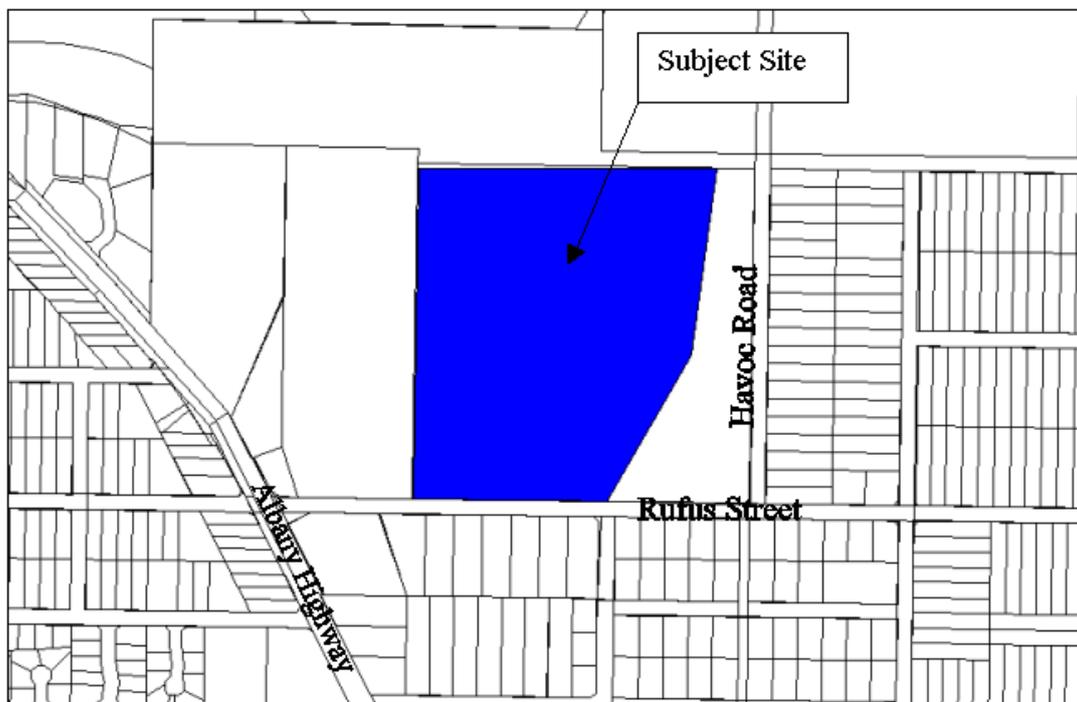
DEVELOPMENT SERVICES REPORTS

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>and Library) should be used for a mix of residential/retail/educational activities to create hub for civic plaza.</p> <ul style="list-style-type: none"> • R-codes should be graduated, not 	<p>As with submission 6, the use of a split/dual coding for the CBD and surrounds has some merit and is being considered by staff. It will form part of the options to be considered by Council in finalising the Housing Strategy and Patric De Villier's work on building heights and the</p>	
		<p>R160 next to R30. All development should blend with neighbouring properties, perhaps guidelines for individual areas (eg Subiaco Redevelopment Authority).</p> <ul style="list-style-type: none"> • Precincts should not overly constrain mixed uses. Retail sprawl along Lockyer Avenue should be limited. • Building Controls to limit height is required, but the height should relate to local areas to ensure it achieves buildings of a human scale and that respect the existing built environment. • Precinct 1F. Suggests markets would be better at located between Town Hall and Library at proposed plaza area. • Cycling facilities should be provided around the CBD. 	<p>new planning scheme.</p> <p>The recommendations from the draft Retail Development Strategy does not support the extension of the CBD zone along Lockyer Avenue at this stage. It does recommend that the City develop specific zones and policies in the new planning scheme to manage the transition.</p> <p>The new planning scheme will include the requirement for bicycle parking to be provided. The proposal is to use an incentive based approach to achieve an overall improvement in the number and location of facilities in the CBD.</p>	

DEVELOPMENT SERVICES REPORTS

11.3.4 Scheme Policy- Request to Initiate Advertising - Amended Subdivision Guide Plan – Lot 5 Rufus Street, Milpara

File/Ward	:	A127883 (Yakamia Ward)
Proposal/Issue	:	Adopt Amended Subdivision Guide Plan
Subject Land/Locality	:	Lot 5 of Loc 398 Rufus Street, Milpara
Proponent	:	City of Albany
Owner	:	Moss Enterprises (WA) Pty Ltd
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt Amended Subdivision Guide Plan for Advertising
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. Lot 5 Rufus Street, Milpara is zoned for Special Residential purposes and a subdivision guide plan was previously approved for the land and incorporated into the City of Albany Town Planning Scheme No. 3. A subdivisional approval had been previously granted by the Department of Planning and Infrastructure (DPI) for the land and that approval recently lapsed.
2. A second application for subdivisional approval was sought by the owner in March 2005, based upon the approved subdivision guide plan. The DPI, City of Albany and Department of Environment (DOE) staff met on the site in April, following the recent severe weather event, with the owners consultant and discussed the potential of improving the subdivisional design to provide for local road and drainage needs.

STATUTORY REQUIREMENTS

3. The City of Albany provides direction to developers and the DPI by preparing subdivisional guide plans and a policy framework for assessing subdivisions on private land. The DPI is not fettered in its decision-making by that policy framework.

POLICY IMPLICATIONS

4. Council previously resolved, as part of the policy framework for the Albany Local Planning Strategy, to improve the east to west network of roads throughout the urban area. Henry Street was identified as a proposed local distributor road with potential to link Chester Pass Road with Albany Highway.
5. The subdivision of Lot 5 Rufus Street provides a limited opportunity to create the reservations needed to build that road network. It is proposed to adopt the amended subdivision guide plan as a City of Albany town planning scheme policy to allow the plan to be reviewed by the public and receive Council endorsement.

FINANCIAL IMPLICATIONS

6. The recent severe weather highlighted the need to improve drainage infrastructure in this locality and the potential subdivision of this lot will set aside the land needed for that purpose.
7. An amended subdivision guide plan has been prepared for the lot and an increase in road length has resulted. That additional infrastructure is for broader community road requirements and the developer is reasonably expecting that Council will contribute financially to construct the Henry Street extension

STRATEGIC IMPLICATIONS

8. The on-going preparation of the Albany Local Planning Strategy has allowed some previous decisions, taken in isolation of an understanding of the broader planning framework, to be reviewed and an improved urban form to be developed.
9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. The landowners have indicated they would be prepared to resubmit their subdivision application based upon the amended design and are prepared to work with Council and the relevant government agencies to implement the plan.
11. Preliminary feedback from Government agencies indicates support to separate the floodplain from urban development by the road network. The amended design, see plans following this report, clearly demarcates the floodplain within the site and constructing roads at suitable levels will allow flood waters to be directed away from private residences. Staff anticipates that the amended design will allow the road level in Rufus Street to be altered to create a floodway over the road and thereby reduce future property damage; the integrity of the local road network will be maintained by constructing Henry Street above the predicted 1% ARI (Annual Return Interval) flood level.
12. There is some preliminary concern over the potential for stormwater velocity to be increased where the floodplain narrows (between Havoc Road and the Henry Street extension) and for erosion to be increased downstream of Henry Street. Staff feel that concern can be overcome by the future design of the stormwater system and by the provision of additional drainage capacity under Henry Street. The amended subdivision guide plan incorporates minimal radius curves on the road network for the road system required and it is not practical to widen the land available for the floodway at the northern end of the lot.
13. The alternate plan of subdivision creates lots with areas ranging from 2,100m² to approximately 3,800m². All lots will utilise on-site effluent disposal systems located at a distance from the known floodplain. The previous design had eight lots backing onto the POS area, with the potential for effluent disposal systems to be located in close proximity to the floodplain.

RECOMMENDATION

THAT Council, pursuant to Section 6.9 of the City of Albany Town Planning Scheme No. 3 resolves to adopt the ‘Alternate Plan of Subdivision’ for Lot 5 of Location 398 Rufus Street, Milpara as a Scheme policy for the purposes of seeking public comment.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

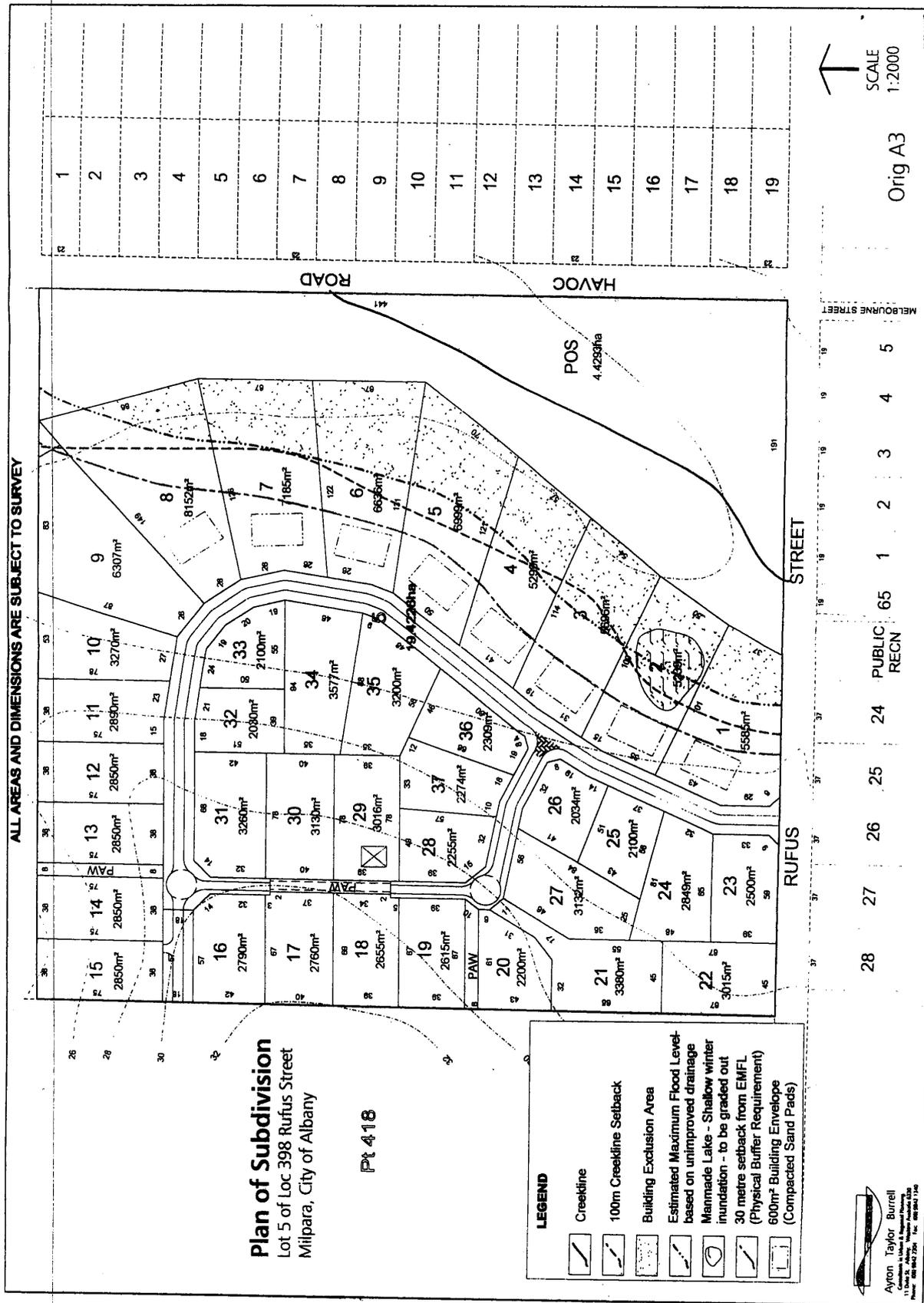
Item 11.3.4 continued.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WALKER**

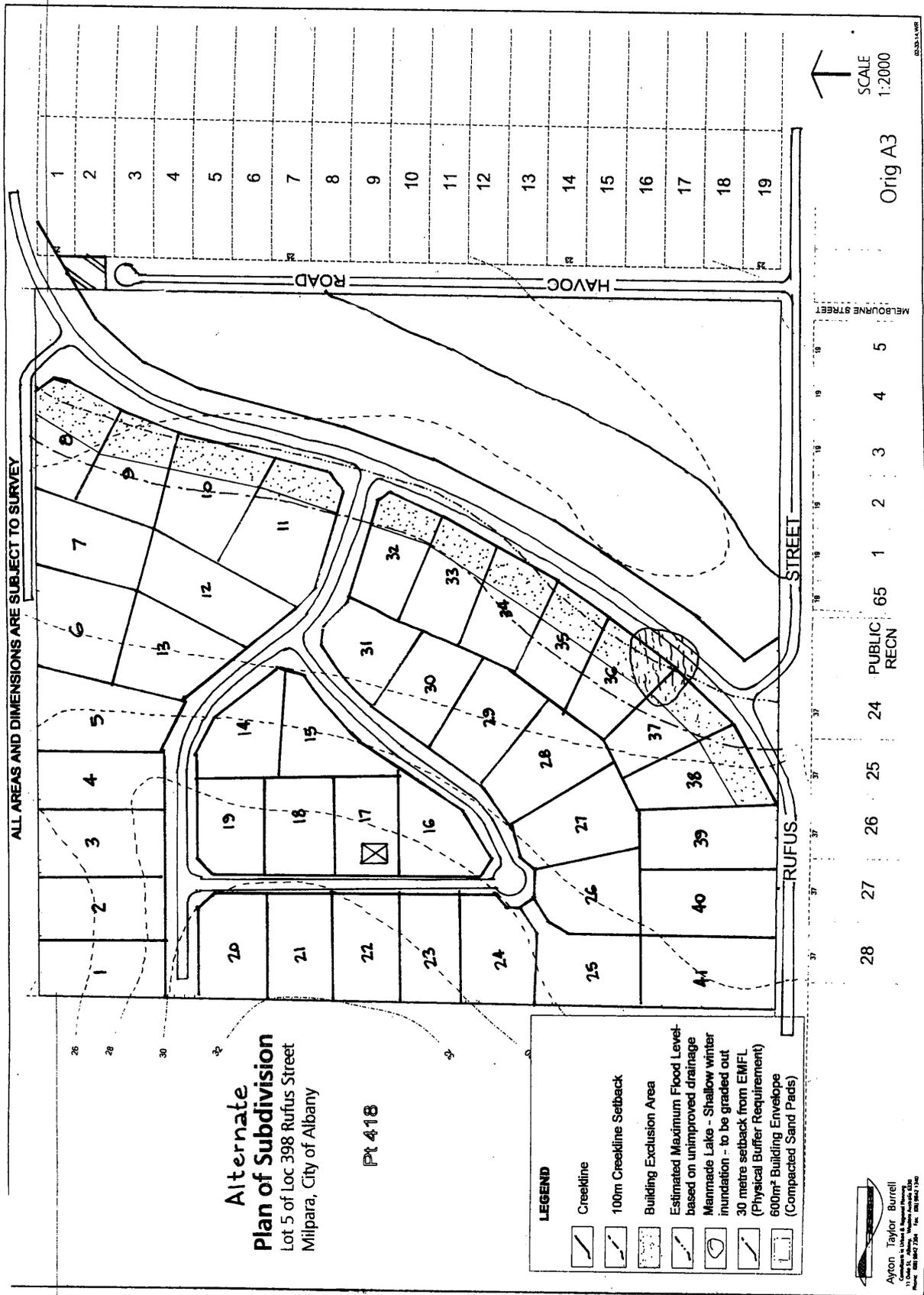
THAT Council, pursuant to Section 6.9 of the City of Albany Town Planning Scheme No. 3 resolves to adopt the 'Alternate Plan of Subdivision' for Lot 5 of Location 398 Rufus Street, Milpara as a Scheme policy for the purposes of seeking public comment.

MOTION CARRIED 14-0

Item 11.3.4 continued



Item 11.3.4 continued



DEVELOPMENT SERVICES REPORTS

11.3.5 Scheme Amendment Request – Lots 1, 2, 3, 554, 555 & Pt 72 Cockburn Road, Mira Mar

File/Ward	:	A138760A (Frederickstown Ward)
Proposal/Issue	:	To change the zoning of Lots 1, 2, 3, 554, 555 & Pt 72 from “Residential R20” to “Residential R30”
Subject Land/Locality	:	Lots 1, 2, 3, 554, 555 & Pt 72 Cockburn Road, Mira Mar
Proponent	:	Dykstra Planning
Owner	:	Segal Pty Ltd
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To support the scheme amendment request
Bulletin Attachment	:	Copy of Scheme Amendment Request document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) has been lodged by Dykstra Planning seeking Council's preliminary support to increase the residential density of Lots 1, 2, 3, 554, 555 and Pt 72 Cockburn Road, Mira Mar from the R20 to the R30 coding.
2. The total land area associated with the six lots is 1.8955 hectares. Whilst the existing R20 density coding would allow for the creation of 42 units, an increase in density to R30 would allow for 56 units; a net increase of 14 units over the site.
3. The subject land has frontage to Cockburn Road and Knight Street, however the Knight Street Road reserve is only 5 metres in width and is not constructed. An open drain traverses the Knight Street reserve, and due to its narrow width and drainage function, there are no plans to construct a road within this reserve.
4. The surrounding land to the east, west and north is zoned "Residential R20", whilst the land to the south (on the opposite side of Cockburn Road) is zoned "Industry".
5. A copy of the proponent's report is included in the Elected Members' Report/Information Bulletin.
6. The SAR was referred to the Department of Environment and the Department of Planning and Infrastructure for comment.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. Council has commissioned a consultant to prepare a local housing strategy for the residential areas of Albany. The strategy contains recommendations on where higher residential densities should apply and whether variations to the Residential Design Codes should be considered.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

12. The draft strategy states the following in relation to the precinct containing the subject land:

“Precinct 7B: Mira Mar

Zoning

Maintain current residential zoning

Density

Maintain densities at R20. Encourage redevelopment to provide a range of housing opportunities and higher densities (R30) surrounding local amenities such as POS

Development Control

Put in place the following controls: -

- height limit
- sewer connection
- control pole homes/earthworks and retaining.”

COMMENT/DISCUSSION

13. The proponent’s primary justification for the increase in residential density is that the land is within 1.5 kilometres of the CBD, and is also within close proximity to areas of public open space, a school and commercial development situated on Campbell Road.
14. The Department for Planning and Infrastructure have expressed some concerns that the proposal would result in a ‘land-use conflict’ given the subject land’s proximity to the industrial zone. They have also raised the issue that the low-lying land would be prone to drainage and surface water problems that would need to be addressed in any future amendment documentation.
15. Staff believe the proponent needs to further justify the land’s capability to support the increase in residential density, via a geotechnical engineer’s report and recommended fill levels.
16. In relation to land-use conflict, the subject land is already zoned “Residential”, and therefore the marginal increase in density is not likely to exacerbate the existing situation.
17. The proponent would also need to address servicing issues such as consolidated points of access, disposal of stormwater drainage into Knight Street and provision for pedestrian access external to the site.
18. Given the subject land is within close proximity to surrounding amenities, and is within walking distance to the CBD, the increase in density is supported subject to the above issues being addressed in any subsequent amendment documentation.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 1A, to increase the residential density of Lots 1, 2, 3, 554, 555 and Pt 72 Cockburn Road, Mira Mar from R20 to R30, subject to the following issues being addressed in the amendment:

- i) a geotechnical report and recommended fill heights be provided to ensure the land is suitable for the density of development proposed;
- ii) consideration of drainage management across the site and how the stormwater run-off from future development on the site will be directed into the Knight Street reserve; and
- iii) a preliminary development concept plan being included in the amendment documentation addressing the following issues:
 - a) limited points of access off Cockburn Road;
 - b) no vehicular access from Knight Street;
 - c) indicative layout of the proposed units or subdivision pattern; and
 - d) dual-use path connections fronting the property.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 1A, to increase the residential density of Lots 1, 2, 3, 554, 555 and Pt 72 Cockburn Road, Mira Mar from R20 to R30, subject to the following issues being addressed in the amendment:

- i) a geotechnical report and recommended fill heights be provided to ensure the land is suitable for the density of development proposed;**
- ii) consideration of drainage management across the site and how the stormwater run-off from future development on the site will be directed into the Knight Street reserve; and**
- iii) a preliminary development concept plan being included in the amendment documentation addressing the following issues:**
 - e) limited points of access off Cockburn Road;**
 - f) no vehicular access from Knight Street;**
 - g) indicative layout of the proposed units or subdivision pattern;**
 - and**
 - h) dual-use path connections fronting the property.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.6 Scheme Amendment Request – Lot 3 Golflinks Road, Middleton Beach

File/Ward	:	A86292 (Frederickstown Ward)
Proposal/Issue	:	Request to initiate rezoning of Lot 3 from 'Service Station' and 'Special Site No. 16 (Display and sale of art and craft products)' to 'Tourist Residential'
Subject Land/Locality	:	Lot 3 Golflinks Road, Middleton Beach
Proponent	:	Harley Survey Group
Owner	:	ML & JM Henderson
Reporting Officer(s)	:	Strategic Planning Officer (P Shephard)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the request
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. An application was received from Harley Survey Group seeking Council's preliminary support to rezone Lot 3 Golflinks Road, Middleton Beach from Service Station and Special Site to Tourist Residential. A copy of the proponent's proposal is contained in the Elected Members' Report/Information Bulletin.
2. The application seeks to rezone the land to allow for the development of tourist accommodation uses. The previous service station use that operated on part of the site has ceased and the owners are in the process of decommissioning the facilities.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP1);
 - The Albany Regional Strategy (1994); and
 - Albany Commercial Strategy Review 2000 (under review).
6. The purpose of SPP1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
7. The present Commercial Strategy recognises the site as a minor centre (< 600m² nett lettable area). The strategy also recommends that within this Inner East Shopping Catchment, any additional retail development should be focused on the Spencer Park Neighbourhood Centre, rather than in this smaller centre.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The City has recently completed a review of the existing Commercial Strategy and adopted the draft Retail Development Strategy in April 2005 for advertising purposes.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

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

“Community Vision:

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

- Innovative development complementing Albany’s unique character, natural environment and heritage
- Being the regional retailing and services hub
- Providing a complete tourism experience

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

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

COMMENT/DISCUSSION

11. The site was not proposed for expansion under the existing Commercial Strategy Review (2000). The draft Retail Development Strategy concludes that the need for future local centres is limited. It does not identify the subject site for future commercial activity. Convenience shopping will be provided from the Middleton Beach and Middleton Road local stores.
12. A copy of the draft proposal was referred to the Department of Environment (DOE) and the Department for Planning and Infrastructure for initial comment. The responses include:
- Access to the site needs to be rationalised (no access direct from Middleton Road).
 - Service Stations are a potential contaminating land use and prior to any construction activities, investigation for soil and groundwater contamination and completion of any necessary remediation is required to DoE Contaminated Sites Management Series Guidelines.
 - The proposed rezoning is consistent with the surrounding zonings in the Middleton Beach area.
 - Redevelopment shall be connected to WC sewer.
13. The proponent has advised that the rezoning of the property to tourist residential will facilitate the redevelopment of the site into three residential or short-stay accommodation units. The request is supported, as the rezoning is consistent with the surrounding land uses in the Middleton Beach area and will ultimately increase the availability of tourist accommodation premises within this important City tourist node.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 1A to rezone Lot 3 Golflinks Road, Middleton Beach from 'Service Station' to 'Tourist Residential' with a density code of R30, subject to the amendment addressing the following matters:

- i) decontamination and remediation of the previous service station site in accordance with DOE Contaminated Sites Management Series Guidelines.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 1A to rezone Lot 3 Golflinks Road, Middleton Beach from 'Service Station' to 'Tourist Residential' with a density code of R30, subject to the amendment addressing the following matters:

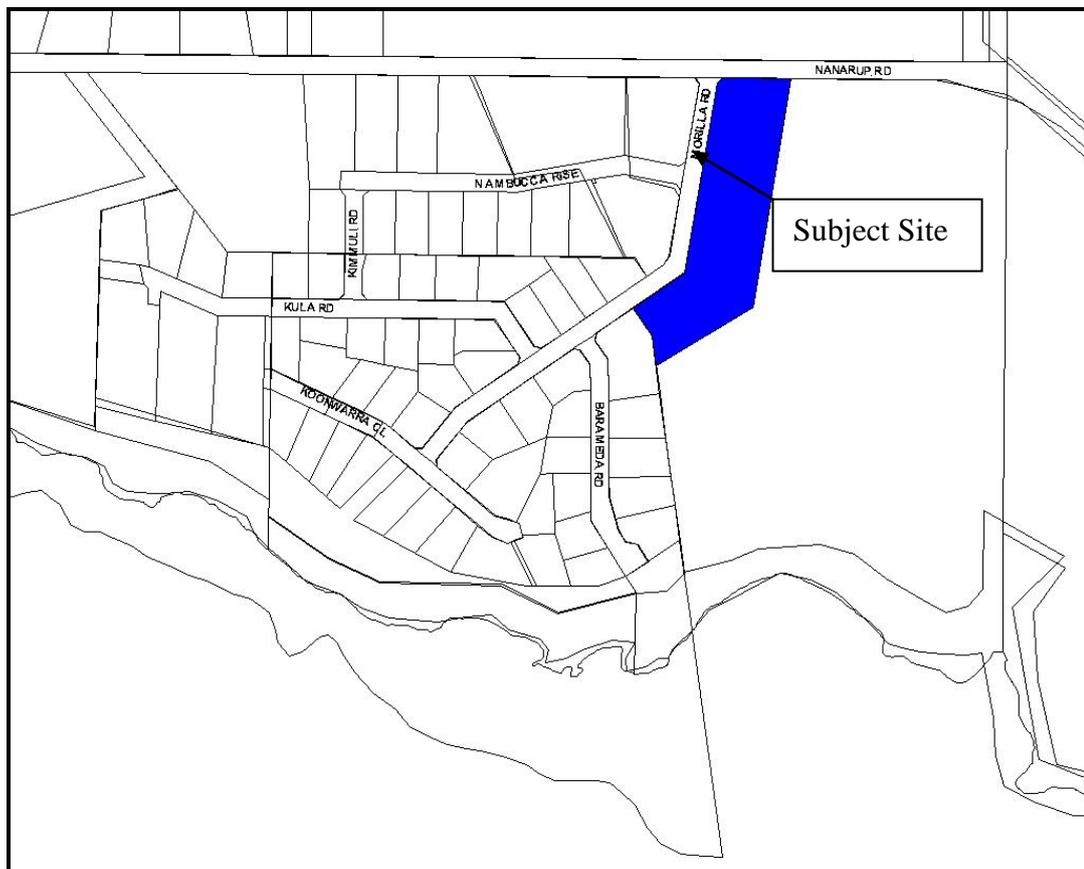
- i) decontamination and remediation of the previous service station site in accordance with DOE Contaminated Sites Management Series Guidelines.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.7 Scheme Amendment Request – Pt Lot 1 Nanarup Road, Lower King

File/Ward	:	A5776A (Kalgan Ward)
Proposal/Issue	:	Request to change zoning from “Rural” to “Special Residential”
Subject Land/Locality	:	Portion of Pt Lot 1 Nanarup Road, Lower King
Proponent	:	Harley Survey Group
Owner	:	J C & G J Manley
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To support request
Bulletin Attachment	:	Copy of Scheme Amendment Request document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) has been lodged by Harley Survey Group seeking Council's preliminary support to rezone a portion of Pt Lot 1 Nanarup Road, Lower King from the 'Rural' zone to the 'Special Residential' zone.
2. In its entirety, Pt Lot 1 is 26.8 hectares in size, and is located between an existing special residential area ('Kalgan Heights Estate') to the west and the education institution 'Great Southern Grammar' to the east.
3. Whilst the vast majority of the subject land is 'low-lying' and unsuitable for housing construction, the proponent is seeking to rezone a 2.1 hectare portion fronting Morilla Road, where the land rises to around 7 metres AHD. The balance of the property will be retained under the rural zoning and will continue to be used for horse agistment purposes.
4. The proposed rezoning will facilitate the creation of 7 special residential lots ranging in size from 2,800m² to 4,000m².
5. The SAR was referred to the Department of Environment and the Department of Planning and Infrastructure for comment.
6. A copy of the proponent's report is included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

9. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

11. The subject land has not been identified in the Local Rural Strategy as an area suitable for future special residential or special rural development. This is likely to be attributed to the high water table found on the subject land, which is not conducive to this form of development

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- Respect the community’s aspirations and resources

Priority Projects:

Nil”

COMMENT/DISCUSSION

14. A ground water assessment was carried out during the previous winter and revealed that the north-east portion of the property could satisfy effluent disposal requirements. In order to ensure the test holes are aligned with the proposed building envelopes, it is recommended that the test hole locations are mapped and results tabled within the amendment documentation. Where there is any doubt in relation to the suitability of a building envelope, re-testing within the next month is recommended.
15. A drainage line that traverses the subject land is proposed to be re-diverted further to the south in order to establish a building envelope for proposed Lot 5. To ensure that the new alignment will not pose a flooding risk to future landowners, it is recommended that a drainage assessment by a qualified engineer be incorporated into the amendment documentation.
16. As a building envelope for Lot 5 is to be created over the existing drainage line, it is recommended that a geotechnical assessment, to determine soil stability and suitability, is carried out prior to housing construction on this lot.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued.

17. There is also a Health Department of WA requirement that effluent disposal systems are setback a minimum of 50 metres from a watercourse. The building envelopes for Lots 5 and 6 are setback approximately 15 metres from the proposed drainage line, and if the general policy was applied, the amalgamation with adjacent lots would be necessary. The existing drainage line has been modified with earth-moving machinery and although around a metre in depth, no ground water was observed during a recent site inspection. Staff believe the 50 metre setback would be excessive in this instance, and recommends that the proponent clarifies this issue with the Health Department of WA.
18. The Department of Planning and Infrastructure have advised that a 25 metre setback from Nanarup Road has previously been applied to the adjacent 'Kalgan Heights' subdivision, to cater for overhead power lines. In the event that a similar setback is required under this proposal, proposed Lots 1 and 2 may need to be amalgamated or re-configured. It is recommended that prior to the preparation of amendment documentation that the proponent clarifies this issue with Western Power.
19. Although not specifically provided for in the Local Rural Strategy or the Residential Expansion Strategy, the proposal is considered to be a logical extension of the existing special residential area to the west (Kalgan Heights), particularly in view of the limited number of lots proposed. As the subject land already has constructed road frontage and generally meets the minimum effluent disposal requirements (subject to clarification for Lots 5 and 6), it is recommended that the request be supported subject to the above issues being addressed in the amendment documentation.

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 3, to rezone a portion of Pt Lot 1 Nanarup Road, Lower King from "Rural" to "Special Residential", subject to the following issues being addressed in the amendment:

- i) the test holes for the winter lot assessment are to be mapped with results for each building envelope displayed in an accompanying table;
- ii) advice being received from the Health Department WA whether the drainage line would attract a 50 metre effluent disposal setback, and if so, modifications to the subdivision concept plan being undertaken;
- iii) a drainage assessment being undertaken to determine the suitability of the drain diversion and the mitigation of any flooding risks for future landowners within this proposal and within 'Kalgan Heights Estate';
- iv) provisions being inserted requiring a geotechnical assessment of proposed Lot 5 at the time of subdivision; and
- v) clarification whether a 25 metre setback from Nanarup Road to the proposed building envelopes is required by Western Power, and if so, modifications to the subdivision concept plan being undertaken.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EMERY**

THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 3, to rezone a portion of Pt Lot 1 Nanarup Road, Lower King from “Rural” to “Special Residential”, subject to the following issues being addressed in the amendment:

- i) the test holes for the winter lot assessment are to be mapped with results for each building envelope displayed in an accompanying table;**
- ii) advice being received from the Health Department WA whether the drainage line would attract a 50 metre effluent disposal setback, and if so, modifications to the subdivision concept plan being undertaken;**
- iii) a drainage assessment being undertaken to determine the suitability of the drain diversion and the mitigation of any flooding risks for future landowners within this proposal and within ‘Kalgan Heights Estate’;**
- iv) provisions being inserted requiring a geotechnical assessment of proposed Lot 5 at the time of subdivision; and**
- v) clarification whether a 25 metre setback from Nanarup Road to the proposed building envelopes is required by Western Power, and if so, modifications to the subdivision concept plan being undertaken.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.8 Initiate Scheme Amendment – Lots 167, 116, 118 & 119 Minor Road, Orana, Lots 8 & 9 Flemington Street & Lot 168 McKail Street, Orana

File/Ward	:	AMD 150 (Vancouver Ward)
Proposal/Issue	:	Initiate Scheme Amendment to remove Lots 116, 118 & 119 Minor Road and Lots 8 & 9 Flemington Street from Reservation for Parks and Recreation and remove Lot 167 Minor Road and Lot 168 McKail Street from the Reservation for Local Road Purposes and re-zone those Lots for residential purposes with an R20 density coding.
Subject Land/Locality	:	Lot 116 (49), Lot 118 (55), Lot 119 (57) Lot 167 (69) Minor Road, Orana, Lot 168 (70) McKail Street, Lot 8 (40-44) and Lot 9 (46-48) Flemington Street, Orana
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Development Services(R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Initiate Scheme Amendment
Bulletin Attachment	:	Town Planning Scheme Amendment 150 Documentation
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

BACKGROUND

1. The former Town of Albany prepared a guided development scheme (Town of Albany Town Planning Scheme No 3 'Le Grande Scheme') over the large lots within the Orana area to facilitate the co-ordinated development of those lots and to provide a mechanism to secure additional road reservations and local recreation.
2. The 'Le Grande Scheme' proved to be a disincentive to development. The demand for new residential lots in this locality resulted in little activity and the costs inherent in the locality were such that the Albany Town Council were unable to bring the planning objectives espoused in the Guided Development Scheme to fruition. On 27th of September 1982 the former Albany Town Council resolved that it would revoke this Scheme and that action was subsequently endorsed by the then Minister for Planning.
3. During the preparation of the City of Albany Town Planning Scheme 1A a decision was taken to change the zoning of lots in the Orana area to reflect the objectives of the Guided Development Scheme. Upon the revocation of Guided Development Scheme No. 6, no action was taken to remove the references to this Guided Development Scheme from the zoning map for Town Planning Scheme No 1A leaving reservations for parks and recreation and for local roads still within the current City of Albany Town Planning Scheme No 1A.

STATUTORY REQUIREMENTS

4. Council's resolution under the Town Planning and Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme. An amendment to a town-planning scheme adopted by resolution of Local Government is to be referred to the Environmental Protection Authority (EPA) for assessment.
5. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable. A resolution to amend a town-planning scheme should also not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include;
 - The State Planning Strategy;
 - Statement of Planning Policy No.1 – State Planning Framework Policy (Variation no. 1) (SPP1);
 - The Albany Regional Strategy (1994); and
 - The Albany Residential Expansion Strategy (1994)
7. The purpose of SPP1 is to bring together existing State and Regional policies that apply to land use and development in Western Australia. Local Government is to have regard for statements of planning policy when preparing a town planning scheme or town planning scheme amendment.
8. The Residential Expansion Strategy recognises the residential activity on lots in this locality and the City of Albany's Town Planning Scheme 1A establishes a residential density of R20 (20 dwelling units per hectare) for the land.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

FINANCIAL IMPLICATIONS

9. The subject lots are surplus to Council's land requirements and the potential exists to dispose of those lots under the Local Government Act.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- Sustainably managing Albany's municipal assets; and
- Providing sound governance.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

11. The seven lots under consideration range in area from 1973sqm to 4312sqm and they were acquired by the former Town of Albany, using municipal funds, to provide road connections and other infrastructure that would have been needed if land owners and private sector investment had delivered the subdivisional objectives espoused in the former Town of Albany Guided Development Scheme No. 6
12. Housing densities within Orana continue to remain relatively low and the strategic location of public open space reserves means that large areas of recreation land are located within 600 metres of all lots in the Orana suburb. The liveable neighbourhood design guidelines provide for walkable catchments in new subdivisions based upon a 400 metre distance and the current arrangements are acceptable in existing lower density established urban areas.
13. City of Albany works and services staff have reviewed the drainage requirements and the principal road network in the area bounded by Le Grande Avenue, Albany Highway and South Coast Highway and there appears to be no planning or engineering justification to retain the seven lots as reserved land under the Scheme.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

RECOMMENDATION

THAT Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolve to amend the City of Albany's Town Planning Scheme 1A by:

- i) removing the reservation for park and recreation purposes from Lot 116, Lot 118 and Lot 119 Minor Road, Orana and zoning the land Residential R-20;
- ii) removing the reservation for local road purposes classification from Lot 167 Minor Road, Orana and Lot 168 McKail Street, Orana and rezone the land to Residential R-20;
- iii) removing the reservation for parks and recreation purposes from Lot 8 and Lot 9 Flemington Street, Orana and rezoning the land Residential R-20; and
- iv) amend the scheme maps accordingly.

Voting Requirement Simple Majority

.....
The Executive Director Development Services advised that points 3 and 11 of the report should refer to Scheme 3 and not Scheme 6.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE**

THAT Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolve to amend the City of Albany's Town Planning Scheme 1A by:

- i) removing the reservation for park and recreation purposes from Lot 116, Lot 118 and Lot 119 Minor Road, Orana and zoning the land Residential R-20;**
- ii) removing the reservation for local road purposes classification from Lot 167 Minor Road, Orana and Lot 168 McKail Street, Orana and rezone the land to Residential R-20;**
- iii) removing the reservation for parks and recreation purposes from Lot 8 and Lot 9 Flemington Street, Orana and rezoning the land Residential R-20; and**
- iv) amend the scheme maps accordingly.**

MOTION CARRIED 13-1

DEVELOPMENT SERVICES REPORTS

11.3.9 Initiate Scheme Amendment – Lots 19 & 20 Bottlebrush Road and Lots 8, 10 & 87 Moortown Road, Gledhow

File/Ward	:	A55433A (West Ward)
Proposal/Issue	:	Formal request to rezone subject land from 'Public Use Reserve' to 'Rural'
Subject Land/Locality	:	Lots 19 & 20 Bottlebrush Road and Lots 8, 10 & 87 Moortown Road, Gledhow
Proponent	:	Ayton, Taylor & Burrell
Owners	:	Crown
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/07/05 - Item 11.3.5
Summary Recommendation	:	Initiate the amendment
Bulletin Attachment	:	Amendment documentation
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

BACKGROUND

1. At its meeting dated 19 July 2005 Council resolved:

“THAT Council advise Ayton, Taylor & Burrell that it would be prepared to receive amending documents for Lots 19 and 20 Bottlebrush Road and Lots 8, 10 & 87 Moortown Road, Gledhow to rezone the land from “Public Use Reserve” to “Rural” and the amending documents will need to address the quality of the vegetation on the lots and the soil suitability to accommodate effluent disposal.”
2. The applicant has now prepared amendment documentation to rezone the site from the ‘Public Use Reserve’ to the ‘Rural’ zone.
3. As requested by Council, the proponent has included a vegetation assessment and provided additional information on soil types.
4. A copy of the applicant’s proposal is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

9. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 – State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994);
 - The Albany Residential Expansion Strategy (1994);
 - The Local Rural Strategy (1996).
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

11. The subject site is located within Princess Royal Harbour Policy Area 1 of the City's Local Rural Strategy. The policy statement for this precinct indicates, amongst other matters, *"that Council will rezone the area to rural residential or special residential in accordance with existing lot sizes and incorporate appropriate zoning provisions based on the constraints and the land management needs identified below."*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

16. The vegetation assessment undertaken by the proponent reveals that the majority of vegetation on the subject land is in a significantly degraded state, due to past clearing practices and subsequent weed invasion.
17. As each of the lots have areas of pasture, or areas of degraded vegetation, it is not envisaged that clearing for the construction of a single house will impact on any significant vegetation.
18. The proponent has also identified that the soil types are conducive to dwelling construction and on-site effluent disposal.
19. Staff are satisfied that the most appropriate use for the land is 'Rural', given the lack of infrastructure and services available in the area, and the consistency with the prevailing zoning in the area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

RECOMMENDATION

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 3 by:

- i) rezoning Lots 9, 10 & 87 Moortown Road and Lots 19 & 20 Bottlebrush Road, Gledhow, from the Public Use Reserve to the Rural zone; and
- ii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme by:

- i) transferring Lots 9, 10 & 87 Moortown Road and Lots 19 & 20 Bottlebrush Road, Gledhow from the Public Use Reserve to the Rural zone.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme by:

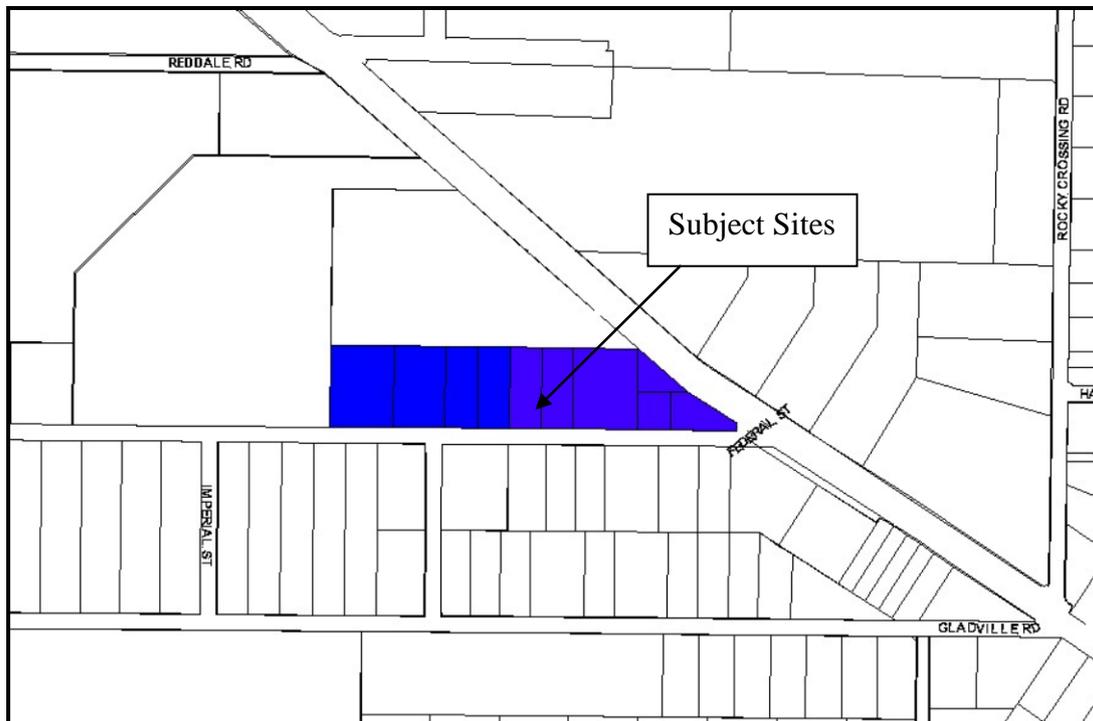
- i) transferring Lots 9, 10 & 87 Moortown Road and Lots 19 & 20 Bottlebrush Road, Gledhow from the Public Use Reserve to the Rural zone.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.10 Initiate Scheme Amendment – Lots 26-31, 121 & 122 and 301 Federal Street, McKail

- File/Ward** : A173803A (West Ward)
- Proposal/Issue** : Request to initiate rezoning of Lots from 'Rural' and 'Public Purpose' to 'Special Residential'
- Subject Land/Locality** : Lots 26-31, 121 & 122 and 301 Federal Street, McKail
- Proponent** : Ayton Taylor Burrell
- Owner** : Various
- Reporting Officer(s)** : Strategic Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 15/03/2005 – Item 11.3.5
- Summary Recommendation** : Initiate Amendment
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

BACKGROUND

1. At its meeting of the 15 March 2005 Council resolved:

“THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 301 Federal Street, McKail from ‘Public Purposes’ to ‘Special Residential’ subject to a modification to include the surrounding small ‘Rural’ lots as part of the amendment, and the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed land capability assessment;*
- ii) protection of remnant vegetation;*
- iii) appropriate access arrangements;*
- iv) preparation of a Fire Management Plan;*
- v) acknowledgement of the speedway noise buffer; and*
- vi) servicing details.”*

2. The proponent has prepared amendment documents to rezone the site from the ‘Public Purpose’ Reserve and ‘Rural’ zone to the ‘Special Residential’ zone and incorporate appropriate planning controls to guide subdivision and development of the land.
3. A copy of the scheme amendment document is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

4. Council’s resolution under the *Town Planning and Development Act 1928* and the *Town Planning Regulations 1967* is required to amend Town Planning Scheme No. 3.
5. An amendment to a town planning scheme is required to be referred to the Environmental Protection Authority (EPA) for assessment. Upon clearance that the amendment is environmentally acceptable, the amendment is made available for public inspection for a period of 42 days.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).
7. The purpose of SPP1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard to Statements of Planning Policy when preparing a Town Planning Scheme or Scheme Amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

8. The subject site is located adjacent to Oyster Harbour Precinct 3 of the City's Local Rural Strategy. The Local Rural Strategy encourages the rezoning of land within the precinct to rural residential, special residential or residential in accordance with sewer availability and existing lot sizes.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

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

COMMENT/DISCUSSION

11. The amendment documentation has satisfactorily addressed the required information specified at Council's meeting of 15 March 2005. The proposal has incorporated small rural holdings on the north-side of Federal Street, to ensure consistency of zoning and to implement the Local Rural Strategy recommendations.
12. Whilst there is no additional subdivision shown within the amendment area at this stage, scheme provisions will allow for subdivision where 4,000m² minimum lots can be accommodated. In this regard only lots 31 and 301 would have any potential for future subdivision.
13. The proposed Fire Management Plan (FMP) will be required to be prepared by the applicant/developer upon subdivision proceeding. This will ensure that the recommendations of the FMP matches the ultimate subdivision design.
14. The amendment proposes to include the subject land within the existing Special Residential Area No. 9 and some minor alterations to the existing planning controls are required, which have been included within the amendment document.

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend Town Planning Scheme No. 3 by:

- i) rezoning Lots 26-31 and 121 & 122 Federal Street, McKail from the 'Rural' zone to 'Special Residential' zone;
- ii) transferring Lot 301 Federal Street, McKail from the 'Public Purpose' reserve to 'Special Residential' zone;
- iii) incorporating the subject lots within the existing Special Residential Zone Area No. 9 planning controls in Schedule IV of the scheme;
- iv) undertaking minor modifications to Parts 1, 7, 9, 11 and 13 of the planning controls in Schedule IV as outlined;
- v) substituting the existing Subdivision Guide Plan; and
- vi) amending the scheme map accordingly.

Voting Requirement Simple Majority

AMENDED RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:

- i) rezoning Lots 26, 27, 28, 29, 30, 31, 121 & 122 Federal Street, McKail from the Rural zone to Special Residential zone;
- ii) rezoning Lot 301 Federal Street, McKail from Public Purpose Reserve to the Special Residential zone;
- iii) include all of the land within Special Residential Zone No. 9 to control land use and development; and
- iv) amend the face of the Scheme Map accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PAVER**

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:

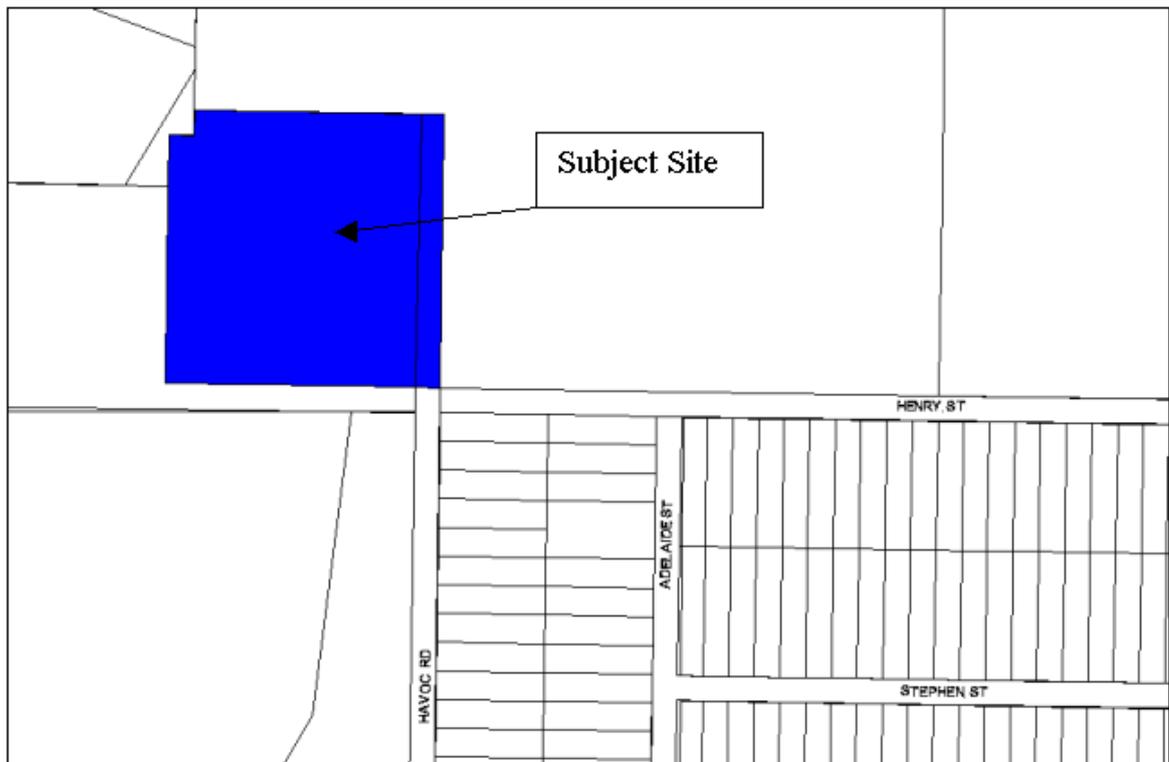
- i) rezoning Lots 26, 27, 28, 29, 30, 31, 121 & 122 Federal Street, McKail from the Rural zone to Special Residential zone;**
- ii) rezoning Lot 301 Federal Street, McKail from Public Purpose Reserve to the Special Residential zone;**
- iii) include all of the land within Special Residential Zone No. 9 to control land use and development; and**
- iv) amend the face of the Scheme Map accordingly.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.11 Initiate Scheme Amendment – Lot 56 Havoc Road, Warrenup

- File/Ward** : A20103A (Kalgan Ward)
- Proposal/Issue** : Request to initiate rezoning of Lot 56 from 'Rural' to 'Special Residential' and modify Additional Use Site No. 2
- Subject Land/Locality** : Lot 56 Havoc Road, Warrenup
- Proponent** : Harley Survey Group
- Owner** : Prior Nominees
- Reporting Officer(s)** : Strategic Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/10/2004 – Item 11.3.4
- Summary Recommendation** : Initiate Amendment
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

BACKGROUND

1. At its meeting of the 19 October 2004 Council resolved:

“THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 56 Havoc Road, Warrenup from ‘Rural’ to ‘Special Residential’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- ii) detailed land capability assessment;*
- iii) protection of the creek line;*
- iv) protection of the drainage line;*
- v) establishment of 100 year ARI flood levels on the site and determining development areas accordingly;*
- vi) provision being made for a north/south open space linkage;*
- vii) protection of remnant vegetation;*
- viii) preparation of an indicative Subdivision Guide Plan;*
- ix) preparation of a Revegetation Plan;*
- x) servicing details;*
- xi) extension of Henry Street across the frontage;*
- xii) arrangements being made for legal road frontage to all proposed lots;*
and
- xiii) visual amenity.”*

2. The applicant has prepared amendment documents to rezone the site from the ‘Rural’ zone to the ‘Special Residential’ zone and incorporate appropriate planning controls to guide subdivision and development of the land. Some minor changes to the existing Additional Use Site for the property are also proposed.

3. A copy of the scheme amendment document is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

4. Council’s resolution under the Town Planning and Development Act 1928 and the Town Planning Regulations 1967 is required to amend Town Planning Scheme No. 3.

5. An amendment to a town planning scheme is required to be referred to the Environmental Protection Authority (EPA) for assessment. Upon clearance that the amendment is environmentally acceptable, the amendment is made available for public inspection for a period of 42 days.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:

- The State Planning Strategy;
- Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP1);
- The Albany Regional Strategy (1994); and
- The Local Rural Strategy (1996).

DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

7. The purpose of SPP1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard to Statements of Planning Policy when preparing a Town Planning Scheme or Scheme Amendment.
8. The subject site is located adjacent to Oyster Harbour Precincts 3 and 4 of the City's Local Rural Strategy. The Local Rural Strategy seeks to encourage and facilitate development, which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to...

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

Priority Projects:

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

COMMENT/DISCUSSION

11. The amendment documentation has satisfactorily addressed the required information specified at Council's meeting of 19 October 2004.
12. The proposed building envelopes have been appropriately setback from watercourses and low-lying areas and have met minimum ground water clearance requirements to accommodate effluent disposal systems.
13. The extension of Henry Street is required to provide the proposed lots with access to the surrounding road network. In addition to the improved drainage outcomes associated with the subdivision of land to the south (refer to item 11.3.4) the proposal will set aside a linear area of POS ensuring that the drainage system in this locality would be under the care and control of Council.

DEVELOPMENT SERVICES REPORTS

Item 11.3.11 continued

RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend Town Planning Scheme No. 3 by:

- i) rezoning Lot 56 Havoc Road, Warrenup from the 'Rural' zone to 'Special Residential' zone and Parks and Recreation Reserve;
- ii) incorporating planning controls within Schedule 4 for Lot 56 Havoc Road as Special Residential Area No. 20;
- iii) modifying the existing planning controls within Schedule 2 for Additional Use Site No. 2 for Lot 56 Havoc Road; and
- iv) amending the scheme map accordingly.

Voting Requirement Simple Majority

AMENDED RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:

- i) rezoning Lot 56 Havoc Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone No. 20 and the 'Parks and Recreation' Reserve;
- ii) incorporating appropriate Scheme Provisions accordingly,;
- iii) modify Schedule 2 - Additional Use Sites Code No. 2: Holiday Accommodation and associated uses, to Holiday Accommodation and Caretakers Residence; and
- iv) amending the scheme maps accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR JAMIESON**

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:

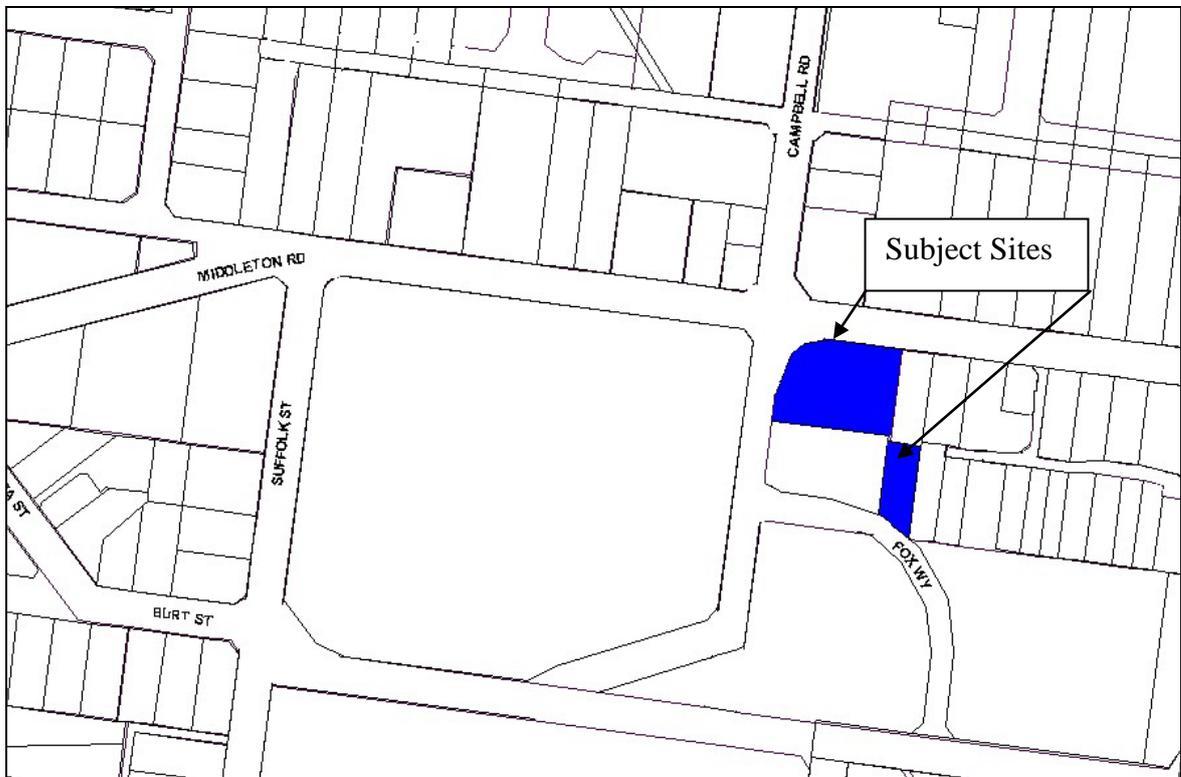
- i) rezoning Lot 56 Havoc Road, Warrenup from the 'Rural' zone to the 'Special Residential' zone No. 20 and the 'Parks and Recreation' Reserve;**
- ii) incorporating appropriate Scheme Provisions accordingly,;**
- iii) modify Schedule 2 - Additional Use Sites Code No. 2: Holiday Accommodation and associated uses, to Holiday Accommodation and Caretakers Residence; and**
- iv) amending the scheme maps accordingly.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.12 Initiate Scheme Amendment – Lots 1551 & 1553 Middleton Road/Fox Way, Mt Clarence

File/Ward	:	R27069 (Frederickstown Ward)
Proposal/Issue	:	Request to initiate rezoning of Lots from 'Clubs and Institutions' to 'Residential'
Subject Land/Locality	:	Lot 151 Middleton Road and Lot 1553 Fox Way, Mt Clarence
Proponent	:	Ayton Taylor Burrell
Owner	:	Crown Land
Reporting Officer(s)	:	Strategic Planning Officer (P Shephard)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/03/2005 – Item 11.3.6
Summary Recommendation	:	Initiate Amendment
Bulletin Attachment	:	Amendment Document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.12 continued

BACKGROUND

1. At its meeting of the 15 March 2005 Council resolved:

“THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Lots 1551 and 1553 Middleton Road and Fox Way, Mt Clarence from ‘Clubs and Institutions’ to ‘Residential’ subject to scheme amendment addressing the buffer requirements to the service station and the density requirements to the satisfaction of Council.”

2. The applicant has prepared amendment documents to rezone the site from the ‘Clubs and Institutions’ zone to the ‘Residential’ zone incorporating a density code of R30.
3. A copy of the scheme amendment document is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

4. Council’s resolution under the Town Planning and Development Act 1928 and the Town Planning Regulations 1967 is required to amend Town Planning Scheme No. 3.
5. An amendment to a town planning scheme is required to be referred to the Environmental Protection Authority (EPA) for assessment. Upon clearance that the amendment is environmentally acceptable, the amendment is made available for public inspection for a period of 42 days.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP1); and
 - The Albany Regional Strategy (1994).
7. The purpose of SPP1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard to Statements of Planning Policy when preparing a Town Planning Scheme or Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. Council has commissioned a consultant to prepare a local housing strategy for the residential areas of Albany. The strategy contains recommendations on where higher residential densities should apply and whether variations to the Residential Design Codes should be considered.

DEVELOPMENT SERVICES REPORTS

Item 11.3.12 continued

COMMENT/DISCUSSION

- 10. The subject land is within close proximity to public open space, a school and a variety of mixed land uses within a kilometre of the CBD. The draft Local Housing Strategy recommends consideration of an R30 density in the Mt Clarence/Mira Mar areas where land is within close proximity to local amenities.
- 11. The proposed R30 density would allow for a density of development consistent with the scale and style of housing in the area.
- 12. Subject to standard setbacks being applied to the future development, a 50 metre operating buffer (as recommended by the Department of Environment) from the existing service station can be achieved.

RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend Town Planning Scheme No. 1A by:

- i) rezoning Lots 1551 & 1553 Middleton Road/Fox Way, Mt Clarence from the 'Clubs and Institutions' zone to 'Residential' zone with a density code of R30; and
- ii) amending the scheme map accordingly.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:

- i) rezoning Lots 1551 & 1553 Middleton Road and Fox Way, Mt Clarence from the Clubs and Institutions zone to the Residential zone and applying an R30 density code.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR WALKER</p>

<p>THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the above Town Planning Scheme by:</p>

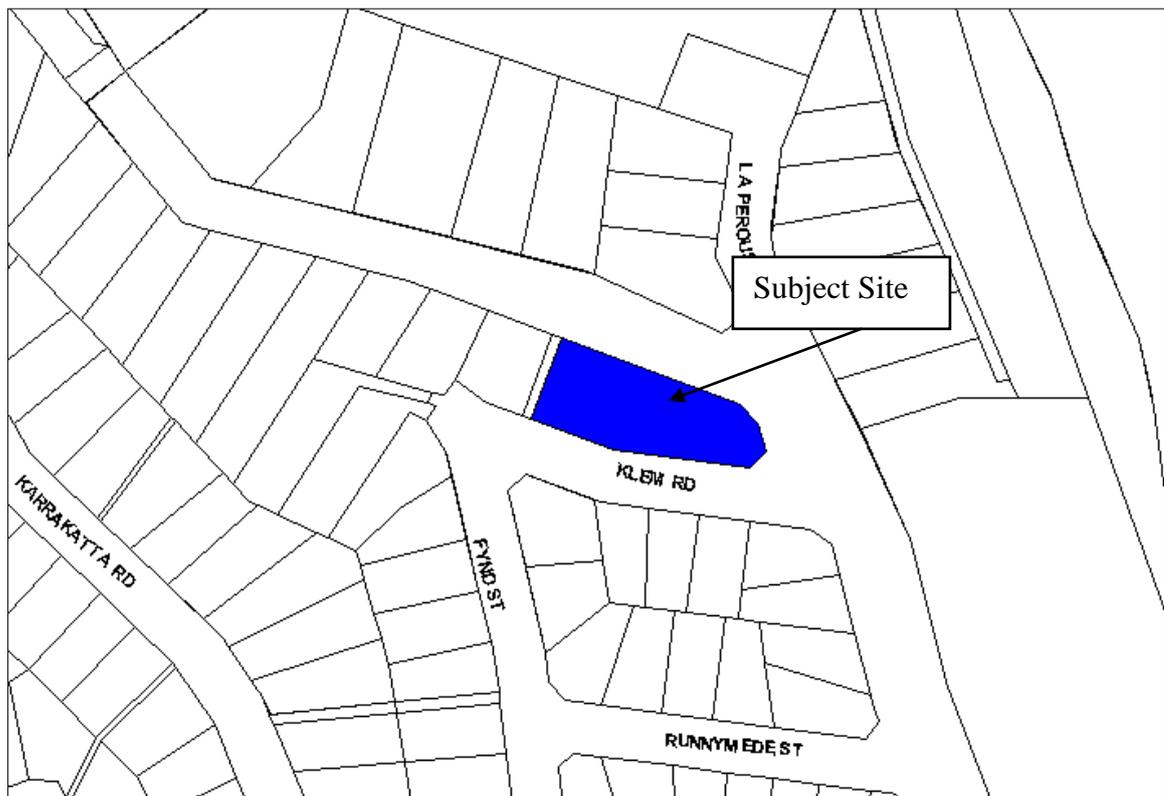
- | |
|--|
| <ul style="list-style-type: none"> i) rezoning Lots 1551 & 1553 Middleton Road and Fox Way, Mt Clarence from the Clubs and Institutions zone to the Residential zone and applying an R30 density code. |
|--|

<p>MOTION CARRIED 14-0</p>

DEVELOPMENT SERVICES REPORTS

11.3.13 Initiate Scheme Amendment – Pt Lot 376 La Perouse Road, Goode Beach

File/Ward	:	AMD 250 (Vancouver Ward)
Proposal/Issue	:	Initiate Amendment to change the Additional Use's from 'Residential R10' and 'Shop' to 'Residential R12.5' and 'Shop'.
Subject Land/Locality	:	Pt Lot 376 (37) La Perouse Road, Goode Beach
Proponent	:	City of Albany
Owner(s)	:	EA Harley & MA & CA Stephenson
Reporting Officer(s)	:	Planning Officer (T Sounness)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/08/2003 – Item 11.1.2 OCM 16/09/2003 – Item 11.3.4 OCM 20/04/2004 – Item 11.3.8
Summary Recommendation	:	Initiate Amendment
Bulletin Attachment	:	Scheme Amendment Document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.13 continued

BACKGROUND

1. Council has been requested to amend its planning scheme by altering the additional uses specified within Schedule II of Town Planning Scheme No 3 (Area 11: Pt Lot 376 (37) La Perouse Road, Goode Beach). The proposal seeks to increase the residential development density from 'Residential R10' to 'Residential R12.5' and to limit the capacity for a shop use to a smaller portion of land, being limited to one of the proposed lots (Lot C).
2. Pt Lot 376 (37) La Perouse Road, Goode Beach has an area of 2608m² and is currently zoned 'Residential' with additional uses of 'Residential R10' and 'Shop'.
3. At the OCM of 19/08/2003, Council resolved to support the rezoning of this land from the 'Local Shopping' zone to 'Residential' with a density of R12.5, however, the Honourable Minister for Planning and Infrastructure did not support Council's position. The Minister considered the R12.5 density was too high and that the option to establish a shop on the site be retained.
4. As the process of amending the Scheme (via Amendment No 228) did not reach the conclusion anticipated by the proponent and Council, the proponent has requested that the Town Planning Scheme Amendment Fees paid for this proposal be reimbursed.
5. A copy of the amending documents is included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

10. There are various policies and strategies that have relevance to this proposal. They include:
 - Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8);
 - The Commercial Strategy Review (2000); and
 - The Draft Albany Local Planning Strategy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.13 continued

11. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia.
12. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

13. The proponent has requested Council consider the reimbursement of \$2500.00 paid for planning fees associated with the amendment.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

15. The Commercial Strategy Review 2000 does not recognise a commercial development within Goode Beach. Placing additional limitations on retail space (as a “Additional Use” for proposed Lot C) will adequately serve the locality’s needs.
16. The proposed lot sizes reflect those found in the surrounding residential area, however since the gazettal of Amendment No. 221, an R5 coding applies to all ‘Residential’ zoned land in the area which provides for a minimum lot size of 2000m². Whilst the R5 coding will have no impact on existing residential lots it will prevent the subdivision of the subject lot.
17. It is proposed to increase the density code from R10 to R12.5 and to guide the development of the retail ‘Shop’ use on the site through the adoption of an altered Development Guide Plan.
18. The amendment documentation, based on a basic soil and land capability assessment, indicates that the site is suitable for the proposed development at the R12.5 density coding.
19. Based on the above, and the details contained within the amendment documentation, it is recommended that Council resolve to initiate this amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.13 continued

RECOMMENDATION

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme 3 by:

- i) deleting the additional use and conditions for ‘Schedule II – Additional Use Sites Code No 11.’;
- ii) incorporating new additional uses and conditions for ‘Schedule II – Additional Use Sites Code No 11.’ as depicted in the amendment documentation; and
- iii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

.....

THAT Council resolves to reimburse the proponent 100% of the planning fees paid in respect to this application for rezoning.

Voting Requirement Absolute Majority

.....

AMENDED RECOMMENDATION

THAT Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves not to initiate the amendment to change the Scheme provisions relating to Part Lot 376 La Perouse Road, Goode Beach.

AND

THAT Council advise the landowners that Council is prepared to support amending documents for Town Planning Scheme 3 that remove the Additional Use clauses relating to the development of a shop upon Part Lot 376 La Perouse Road, Goode Beach and zone the subject land Residential with an R12.5 density coding

Voting Requirement Simple Majority

.....

THAT Council resolves to reimburse the proponent 100% of the planning fees paid in respect to this application for rezoning.

Voting Requirement Absolute Majority

.....

Councillor Waterman left and returned to the Chambers at 9.22pm.

DEVELOPMENT SERVICES REPORTS

Item 11.3.13 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves not to initiate the amendment to change the Scheme provisions relating to Part Lot 376 La Perouse Road, Goode Beach.

AND

THAT Council advise the landowners that Council is prepared to support amending documents for Town Planning Scheme 3 that remove the Additional Use clauses relating to the development of a shop upon Part Lot 376 La Perouse Road, Goode Beach and zone the subject land Residential with an R12.5 density coding

AND

THAT Council resolves to reimburse the proponent 100% of the planning fees paid in respect to this application for rezoning.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.3.14 Final Approval For Scheme Amendment – Lot 1013 Albany Highway, Mount Melville

File/Ward	:	A85466A (Frederickstown Ward)
Proposal/Issue	:	Final Approval of Scheme Amendment to rezone Lot 1013 from 'Clubs and Institutions' to 'Special Site'
Subject Land/Locality	:	Lot 1013 Albany Highway, Mount Melville
Proponent	:	Kingspath Pty Ltd
Owners	:	Kingspath Pty Ltd
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/10/04 - Item 11.3.1 OCM 19/04/05 - Item 11.3.2
Summary Recommendation	:	Grant Final Approval
Bulletin Attachment	:	Amendment documentation
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.14 continued

BACKGROUND

1. At it's meeting dated 19 April 2005 Council resolved:

“THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme No. 1A by:
 - i) rezoning Lot 1013 Albany Highway, Mount Melville from the 'Clubs and Institutions' zone to 'Special Site', with a base zoning of Residential (R30) and the additional permitted uses of 'professional office' and 'medical centre'; and*
 - ii) amending the Scheme Maps accordingly.”*
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed – Advice Given” and was advertised for public inspection until 4 August 2005.
3. At the close of the advertising period, 3 submissions were received from government agencies (refer to the Elected Members Report/Information Bulletin).
4. The amendment seeks to rezone the subject site from 'Clubs and Institutions' zone to 'Special Site' with a base zoning of Residential (R30) and the additional permitted uses of 'professional office' and 'medical centre'.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

7. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 – State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The draft Defining Central Albany Strategy (2005).

DEVELOPMENT SERVICES REPORTS

Item 11.3.14 continued

8. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The subject land is contained within Sub Precinct Plan 1C of the draft Defining Central Albany Strategy, which states:
 - *“This precinct should represent the western and south-western limit of office/medical consulting room development.*
 - *Any new buildings or those that are replaced or modified should be of compatible proportioning and scale to the existing heritage buildings.”*
11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

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

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

Mission Statement

The City of Albany is committed to ...

- providing sound governance

Priority Projects

Nil.”

COMMENT/DISCUSSION

12. A Schedule of Submissions has been prepared (and attached) in which Staff have prepared a comment and recommendation on each of the submissions received for Council’s consideration. There are no modifications recommended from the submissions to the advertised document.
13. Support for the amendment will facilitate the adaptive re-use of a dilapidated building that is in need of regeneration. The proposed zoning will allow the owners to utilise the building for office or medical uses, which will ultimately lead to an upgrade to the building to satisfy potential tenants.

DEVELOPMENT SERVICES REPORTS

Item 11.3.14 continued

RECOMMENDATION

THAT:

- i) Council seek final approval to City of Albany's Town Planning Scheme No. 1A – Amendment 146 to rezone Lot 1013 Albany Highway, Mount Melville without modification.
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, upheld or dismissed as detailed; and
- iii) the amendment documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

AMENDED RECOMMENDATION

THAT;

- i) Council adopt City of Albany's Town Planning Scheme No. 1A – Amendment 146 to rezone Lot 1013 Albany Highway, Mount Melville without modification;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, upheld or dismissed as detailed; and
- iii) the amendment documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOJCUN**

THAT;

- i) Council adopt City of Albany's Town Planning Scheme No. 1A – Amendment 146 to rezone Lot 1013 Albany Highway, Mount Melville without modification;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, upheld or dismissed as detailed; and**
- iii) the amendment documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.14 continued

Town Planning & Development Act 1928
Town Planning Scheme No. 1A - Amendment No. 146
Schedule of Submissions

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Main Roads WA PO Box 503 ALBANY WA 6330	a) No objection to scheme amendment as the subject land fronts a section of Albany Highway that is under the jurisdiction of the City of Albany.	a) No comment.	a) Noted.
2.	Water Corporation 215 Lower Stirling Terrace ALBANY WA 6330	a) No objection.	a) No comment.	a) Noted.
3.	Department of Health Grace Vaughn House 227 Stubbs Terrace SHENTON PARK WA 6008	a) No objection subject to the proposed development being connected to sewer.	a) Subject land is connected to sewer.	a) Noted.

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil.

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Mt Martin Regional Botanic Park Advisory Committee meeting minutes – 24th August 2005

File/Ward	:	MAN 072 (Kalgan Ward)
Proposal/Issue	:	Committee items for Council consideration
Reporting Officer(s)	:	Parks and Reserves Planner (B Green)
Summary Recommendation	:	That the minutes of the Mt Martin Regional Botanic Park Advisory Committee meeting held on 24 th August 2005 be received.

RECOMMENDATION

THAT the minutes of the Mount Martin Regional Botanic Park Advisory Committee meeting held on 24 August 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR MARSHALL**

THAT the minutes of the Mount Martin Regional Botanic Park Advisory Committee meeting held on 24 August 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (D Evers)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Approve accounts for payment
Bulletin Attachment	:	List of Accounts
Locality Plan	:	N/A

COMMENT / DISCUSSION

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

Municipal Fund			
Cheques	totalling	177,942.11	
Electronic Fund Transfer	totalling	1,674,304.37	
Credit Cards	totalling	11,479.40	
Payroll	totalling	1,052,239.58	
Total			<u>\$2,915,965.46</u>

- As at 2nd September 2005, the total outstanding creditors, stands at \$106,318.22.

RECOMMENDATION

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

Municipal Fund	Totalling	\$2,915,965.46
TOTAL		<u>\$2,915,965.46</u>

Voting Requirements Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 20/09/05
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

Councillor Williams returned to the chambers at 9.23pm.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

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

Municipal Fund	Totalling	\$2,915,965.46
TOTAL		<u>\$2,915,965.46</u>

MOTION CARRIED 15-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Change in Valuation base from UV to GRV – Redmond**

File/Ward	:	A5662
Proposal/Issue	:	Comments on UV GRV review
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director – Corporate & Community Services (P Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council note the comments
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Department of Local Government (DLG) has set guidelines on the basis for rating properties in Western Australia. Unimproved Value (UV) properties are intended for farmers and other primary producers where the land is used to provide the predominant income for the owner. The only other basis for valuation is Gross Rental Value (GRV), which is assessed by the Valuer General based on the theoretical rental which an owner might receive from the property should it be rented out.
2. Council considered the guidelines in December 2004, and recommended that 1454 properties which were rated UV be changed to GRV. These properties tended to be zoned Residential, Special Residential, or Special Rural where there were restrictions on the use of the property. The study also included small properties zoned "Rural" which were not being used for primary production purposes. The changes were agreed by the Minister for Local Government and Regional Development, and were included in the Government Gazette of 24th June 2005. The Valuer General has subsequently provided GRV valuations for most of the properties which were subject to change.
3. On 16th August 2005, Council received a letter from G H Genders, which was in the form a petition and supported by another 22 people. The letter objected to the impact of the change from UV to a GRV basis which resulted in increased rates for most of the signatories. The basis of the objection was the lack of services provided by the City for rural residents.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

STATUTORY REQUIREMENTS

3. Section 6.25 of the Local Government Act 1995, specifies the basis for rate valuations. It notes that "... the Minister is to have regard to the general principle that the basis for a rate on any land is to be-
 - a. where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - b. where the land is used predominantly for non-rural purposes, the gross rental value of the land "

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. There are 16 properties in Redmond which have been changed from a UV basis to a GRV basis. The properties which range in size from 989m² to 2023m² are zoned "Residential". All 16 properties have previously paid the minimum rate. Based on the Gross Rental Value assessed by the Valuer General, the only one of the properties will remain on the minimum rate. The average impact of the change was \$47 per property.
8. The major points raised in the letter relate to the lack of services in the Redmond area, including services not provided by the City such as scheme water and a post office. The Valuer General's calculation of the GRV is impacted by the level of services available. The Gross Rental Values which average \$4,947 are considerable lower than most GRVs in Albany as noted in the table following.

Average GRV - Non Commercial Properties		
	Number of properties	Average GRV
BREAKSEA WARD	2308	7,631
FREDRICKSTOWN WARD	2437	8,252
HASELL WARD	59	6,550
KALGAN WARD	1428	7,086
VANCOUVER WARD	2249	7,466
WEST WARD	1355	6,838
YAKAMIA WARD	2060	7,683
Grand Total	11896	7,575

Excludes minimum rated properties

Item 12.1.2 continued.

9. It is recommended that Council note the letter from GH Genders and provide a written response based on the facts as outlined in this item.

RECOMMENDATION

THAT Council note the letter from GH Genders and provide a written response to GH Genders and the other signatories.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR PAVER**

THAT Council note the letter from GH Genders and provide a written response to GH Genders and the other signatories.

MOTION CARRIED 14-1

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Extended Trading Hours within the City of Albany

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

BACKGROUND

1. On 30th July 2005 Mr John Kobelke MLA, Minister for Consumer and Employment Protection, announced trading hours extensions for the Perth metropolitan area over the 2005/2006 Christmas and New Year period.
2. In accordance with established policy, the Christmas trading package is made available to regional localities without the need for further action by Local Government Authorities.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

STRATEGIC IMPLICATIONS

6. This request complies with Council's 'Albany's 3D Future ', which in part states as follows:

"A Thriving City – Albany's community will enjoy economic growth and outstanding opportunities for our youth through.....Being the regional retailing and services hub."

COMMENT/DISCUSSION

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

Sunday 11 th December 2005	10.00am – 5.00pm
Sunday 18 th December 2005	10.00am – 5.00pm
Wednesday 21 st December 2005	8.00am – 9.00pm
Thursday 22 nd December 2005	8.00am – 9.00pm
Friday 23 rd December 2005	8.00am – 9.00pm
Tuesday 27 th December 2005	8.00am – 6.00pm

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

RECOMMENDATION

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

Sunday 11 th December 2005	10.00am – 5.00pm
Sunday 18 th December 2005	10.00am – 5.00pm
Wednesday 21 st December 2005	8.00am – 9.00pm
Thursday 22 nd December 2005	8.00am – 9.00pm
Friday 23 rd December 2005	8.00am – 9.00pm
Tuesday 27 th December 2005	8.00am – 6.00pm

Voting Requirement Simple Majority

.....

Councillors Wellington, Waterman and Lionetti declared an interest in this item and left the Chambers at 9.27pm.

The nature of Councillor Wellington's interest is that he is involved within the retail industry.

The nature of Councillor Waterman's interest is that she is involved within the retail industry.

The nature of Councillor Lionetti's interest is that he owns Dewsons – Albany.

Item 12.2.1 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EVANS**

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

Sunday 11th December 2005	10.00am – 5.00pm
Sunday 18th December 2005	10.00am – 5.00pm
Wednesday 21st December 2005	8.00am – 9.00pm
Thursday 22nd December 2005	8.00am – 9.00pm
Friday 23rd December 2005	8.00am – 9.00pm
Tuesday 27th December 2005	8.00am – 6.00pm

MOTION CARRIED 11-1

Councillors Wellington, Waterman & Lionetti returned to the Chambers at 9.28pm.

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 Application for Funding – Regulation Reduction Incentive Fund

File/Ward	: INF 040 (All Wards)
Proposal/Issue	: Application for Funding – Regulation Reduction Incentive Fund.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: That Council endorse the submission.
Bulletin Attachment	: Nil
Locality Plan	: Nil.

BACKGROUND

1. As part of the 2004 election commitment, *Promoting an Enterprise Culture*, the Australian Government undertook to establish a \$50 million *Regulation Reduction Incentive Fund*, which will provide Local Government Authorities will incentives to press ahead with regulatory reforms that will benefit small business, in particular home based businesses, for example through a reduction in the impact of regulation and associated compliance costs.
2. Local government regulation serves a variety of purposes such as safeguarding community amenity, health and safety. It is not intended that this initiative will in any way dilute the public benefits of regulation, but that local government will be encouraged to review their regimes to test their efficiency and effectiveness, to minimise any unintended adverse impacts on small and home based businesses, and to reform compliance processes to keep costs to small businesses as low as possible.
3. Under the *Regulation Reduction Incentive Fund*, applicants who can demonstrate their eligibility will be considered against the assessment criteria and their applications will be ranked in order of merit. As there is a limited amount of funding available, competition is likely to be intense and only those eligible proposals that are highly ranked against the assessment criteria will be funded.
4. Applications for funding closed on 31st August 2005.

Item 12.2.2 continued.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The program is fully funded and there are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Mission Statement:

Nil.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The City of Albany, Shire of Augusta-Margaret River, Shire of Broome, City of Geraldton, City of Kalgoorlie-Boulder and IT Vision have formed a consortium and submitted an application for funding under the Regional Reduction Incentive Fund program.
10. The Consortium recognises there is a need to improve the way small business transactions are lodged and tracked. The implementation of an on-line lodgement process (over the Internet) for these transactions is viewed as the next evolutionary progression for the current systems employed at each of the local government authorities represented.
11. The project title is ‘On Line Licensing and Permit Service (OLP’s)’.
12. The On-line Licensing and Permit Service (OLP’s) project will enable small businesses, particularly architects, building surveyors, builders, plumbers, developers, tradespeople, home based business operators and small business proprietors to lodge transactions on line over the internet and gain access to a range of information that will enable them to track the progress of their applications. The system will also allow owners, adjoining property owners and other interested members of the public to view public notices and access other relevant information concerning licence and permit approvals on-line.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

13. OLP Features

Key features of the proposed system are as follows:-

- On-line registration and maintenance of user accounts which will be integrated with the new Licence and Permit Processing System;
- Retrieval and use of the relevant application forms on line;
- Facilities for lodgement, searching and monitoring the status of applications for building and health licences and permits;
- Facilities for on line submission of plans and documents associated with an application;
- Lodgement checklists that assist the applicant with the application process;
- On-line access for viewing Council application correspondence and responding / communicating with Council staff;
- Applicants will be provided with access to status reports on outstanding applications;
- On-line payment of application fees and registration renewals;
- Access to the public for searching / viewing of regulatory information;
- On line access to Council notifications to interested parties;
- Inspections bookings and tracking will be made available on line;
- Links to and from the Small Business Development Corporation's on line Business Licensing Information Services (BLIS).

14. OLPS Benefits

Through the implementation of on-line licence applications processing, the following benefits will be experienced.

- Time saving for businesses including out of hours access to the lodgement process;
- Enhanced efficiency in application processing by Council staff;
- Improved data reliability;
- Reduced turnaround time for permit and licence approvals;
- Improved access to information for businesses and council staff;
- Improved access to information for reporting and statistical purposes;
- Cost sharing and skills transfer between participating Councils;
- Consistent and uniform process for small and home based business applicants across Council boundaries;
- Improved application of, and conformance with, the provisions of the relevant legislation;
- More accurate measurement of key performance indicators to drive continuous improvement;
- Increased applicant confidence in the efficient lodgement and processing of applications, potentially stimulating small and home based business activity;
- The provision of on line lodgement and monitoring for licence and permit applications is viewed as a desired evolutionary progression for the current system.

RECOMMENDATION

THAT Council endorse the submission of the application for grant funding under the Regulation Reduction Incentive Fund for the on-line Licensing and Permit Services (OLP's) project.

Voting Requirement Simple Majority

Item 12.2.2 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOJCUN**

THAT Council endorse the submission of the application for grant funding under the Regulation Reduction Incentive Fund for the on-line Licensing and Permit Services (OLP's) project.

MOTION CARRIED 15-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.3 Request to review Berthing Fees: Silver Star Cruises, Albany Town Jetty

File/Ward	: PRO 109 (All Wards)
Proposal/Issue	: Review of the Town Jetty Berthage Fees
Subject Land/Locality	: Albany Town Jetty
Proponent	: N/A
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 19/07/05 – Item 12.2.1
Summary Recommendation	: That Council decline the review of Fees
Bulletin Attachment	: Nil.
Locality Plan	: Nil.

BACKGROUND

1. The City has received a request from Paul Guest, Silver Star Cruises, for Council to review the fees charged in relation to pen fees at the Albany Town Jetty.
2. Mr Guest has stated that in around 1993 Silver Star Cruises provided the infrastructure that is currently being utilised.
3. Up to the present time Silver Star Cruises has been charged a jetty licence by the DPI of \$430 per year, but has not been required to pay a pen fee.
4. Mr Guest is seeking a reduction in fees to incorporate a fee equivalent to the jetty licence, the cost of power and water consumed and the fuel berthage fee.
5. In considering this request at its July 2005 meeting, Council decided to lay the matter on the table to enable further consideration.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Item 12.2.3 continued.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Maritime Services Plan.”

COMMENT/DISCUSSION

10. This is the first time the City has been able to charge fees for its facilities at the Town Jetty, as the DPI has only recently finalised the leasing agreements.

11. The basis for the Council fee is as a pen fee and is based on the length of the vessel. This is the same basis as the fees charged for Dive.com, Sailaway, Blueback Charters, Albany Reef Explorer & McKenzie Cruises. Mr Guest has pointed out that Blueback Charters did not construct its infrastructure. Albany Reef Explorer and McKenzie Cruises has relocated to other areas outside Albany.

12. The fees charged at other mooring facilities / pen systems, have been compared and the fee levied by the City is at the lower end of these charged:-

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

13. These facilities all provide similar services; single phase power, water and lighting. Mr Guest however maintains that the Albany Town Jetty does not provide a safe anchorage.

14. With the exception of Blueback Charters, the Council does not levy any lease area fees for the land backed area occupied.

15. Following the analysis, the fees as levied appear to be fair and equitable.

16. In recognition of the value these services provide towards tourism, it is considered Council would waive the fuel wharf charge.

Item 12.2.3 continued.

RECOMMENDATION

THAT:

- i) given the particular circumstances and the need for consistency, Council decline the request in relation to pen fees at the Albany Town Jetty; and
- ii) Council agree to waive the fuel wharfage charge in respect of annual pen holders.

Voting Requirement Simple Majority

.....

Councillor Paver declared an interest in this item and left the Chambers at 9.29pm. The nature of his interest is that he supplies a marketing service to the Silver Star.

<p>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR JAMIESON</p> <p>THAT Council institute a \$1500 per annum pen fee plus fuel wharfage for the Albany Town Jetty.</p> <p style="text-align: right;">MOTION CARRIED 14-0 ABSOLUTE MAJORITY</p>

Reason:

- The current standard of the facility and its exposure to strong prevailing winds is not to a standard that other coastal facilities enjoy and certainly not of a standard that is deserving of full market rental. This proposal will have minimal impact on Council revenues given the imminent construction of the new boat harbour to be owned and managed by D.P.I.

CORPORATE & COMMUNITY SERVICES REPORTS**12.2.4 Code of Conduct Review**

File/Ward	:	MAN 160 (All Wards)
Proposal/Issue	:	Code of Conduct Review
Subject Land/Locality	:	Nil
Proponent	:	City of Albany
Owner	:	Nil
Reporting Officer(s)	:	Manager Customer Service (B Parker)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 08.07.98 - Item 13.2.4 OCM 04.08.99 - Item 13.2.1 OCM 29.02.00 - Item 13.2.2 OCM 26.06.00 - Item 12.2.1 OCM 17.07.01 - Item 12.2.6
Summary Recommendation	:	That no changes are required to the current Code of Conduct
Bulletin Attachment	:	Code of Conduct
Locality Plan	:	Nil

BACKGROUND

1. Every local government is required to prepare and adopt a code of conduct to be observed by council members, committee members and employees.
2. A local government is required to review its code of conduct within 12 months after each ordinary election day and make changes to the code, as it considers appropriate.
3. Given that the City has recently conducted the 2005 Local Government Elections in May, the City is required to review its code of conduct. This review has now been completed.

STATUTORY REQUIREMENTS

4. Section 5.103 of the Local Government Act requires every Local Authority to prepare or adopt a code of conduct, which is to be observed by elected members, committee members and staff. Local Authorities are required to review their Codes of Conduct within twelve months after each ordinary elections day, and make such changes as they consider appropriate.

POLICY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

8. The City has reviewed the Code of Conduct and has decided that the current format and content is appropriate. No changes have been made.
9. The Department of Local Government and Regional Development has recently developed the Local Government (Official Conduct) Amendment Bill. The purpose of the Bill is to amend the *Local Government Act 1995* to provide a disciplinary framework to deal with individual misconduct by local government council members.
10. At present, apart from prosecution, the only avenue for action in response to inappropriate behaviour is against the whole council. The Bill provides a mechanism to take action against individual council members where they do not comply with a code of conduct (rules) or they contravene particular laws applying to them in Acts and Regulations.
11. It is anticipated that the progression of this Bill through parliament will have a significant impact on Local Governments individual Code of Conduct documents. It is expected that this Bill will progress through parliament within the next 12 months.

RECOMMENDATION

THAT Council endorses the City’s review of the Code of Conduct and acknowledges that no changes were required as the content of the current document is considered appropriate.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WOLFE**

THAT Council endorses the City’s review of the Code of Conduct and acknowledges that no changes were required as the content of the current document is considered appropriate.

MOTION CARRIED 14-0

12.3 LIBRARY SERVICES
Nil.

12.4 DAY CARE CENTRE
Nil.

12.5 TOWN HALL
Nil.

12.6 RECREATION SERVICES
Nil.

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Arts Advisory Committee meeting minutes – 10th August 2005

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 10th August 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 10th August 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

MOTION:

THAT for the 2006 Albany Art Prize;

- i) the categories and prize money be as follows:-

CATEGORY	PRIZE
Open Prize – all works entered automatically; any medium, any subject	\$6,000 Acquisitive
Local Artist – any medium, any subject	\$500 (non-acquisitive)
Best Oil or Acrylic – any subject	\$500 (non-acquisitive)
Best Watercolour – any subject	\$500 (non-acquisitive)
Best Pastel – any subject	\$500 (non-acquisitive)
Best Print – any subject	\$500 (non-acquisitive)
Best 3D – any medium, any subject	\$500 (non-acquisitive)
Best Drawing – Ink, Charcoal etc, any subject	\$500 (non-acquisitive)
Best Photograph – any subject	\$500 (non-acquisitive)
Best in any other media not listed above – any subject	\$500 (non-acquisitive)
- ii) an Indigenous and Youth Category be included, subject to Healthway Funding;
- iii) with the exception of the Open and Local Artist prizes, entries be restricted to one category only; and
- iv) detailed planning and funding for an acquisitive Invitation Art Prize to be held concurrently and being part of the Albany Art Prize be further investigated, with a view to introducing this segment in 2007.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR JAMIESON**

THAT the minutes of Albany Arts Advisory Committee held on 10th August 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

MOTION:

THAT for the 2006 Albany Art Prize;

i) the categories and prize money be as follows:-

CATEGORY

PRIZE

**Open Prize – all works entered automatically;
any medium, any subject**

\$6,000 Acquisitive

Local Artist – any medium, any subject

\$500 (non-acquisitive)

Best Oil or Acrylic – any subject

\$500 (non-acquisitive)

Best Watercolour – any subject

\$500 (non-acquisitive)

Best Pastel – any subject

\$500 (non-acquisitive)

Best Print – any subject

\$500 (non-acquisitive)

Best 3D – any medium, any subject

\$500 (non-acquisitive)

Best Drawing – Ink, Charcoal etc, any subject

\$500 (non-acquisitive)

Best Photograph – any subject

\$500 (non-acquisitive)

Best in any other media not listed above – any subject

ii) an Indigenous and Youth Category be included, subject to Healthway Funding;

iii) with the exception of the Open and Local Artist prizes, entries be restricted to one category only; and

iv) detailed planning and funding for an acquisitive Invitation Art Prize to be held concurrently and being part of the Albany Art Prize be further investigated, with a view to introducing this segment in 2007.

MOTION CARRIED 14-0

12.7.2 Town Hall Theatre Advisory Committee meeting minutes – 10th August 2005

File/Ward	:	REL 016 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Town Hall Theatre Advisory Committee held on 10 th August 2005 be adopted.

RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 10th August 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Item 7.5.2 – Refunds Policy

MOTION

THAT the refunds policy of the Australian Entertainment Industry Association be adopted for use in the Albany Town Hall Theatre.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Town Hall Theatre Advisory Committee held on 10th August 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Item 7.5.2 – Refunds Policy

MOTION
THAT the refunds policy of the Australian Entertainment Industry Association be adopted for use in the Albany Town Hall Theatre.

MOTION CARRIED 14-0

Councillor Wiseman left the Chambers at 9.34pm.

Councillor Paver returned to the Chambers at 9.35pm.

12.7.3 Seniors Advisory Committee meeting minutes – 21st July 2005

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Seniors Advisory Committee held on 21 st July 2005 be adopted.

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 21st July 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

MOVED COUNCILLOR WALKER

SECONDED COUNCILLOR MARSHALL

THAT the minutes of Seniors Advisory Committee held on 21st July 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 14-0

Councillor Wiseman returned to the Chambers at 9.36pm.

12.8 COUNCIL REPRESENTATION
Nil.

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

13.1.1 Contract CO5005 - Hygiene Services Biennial 2005/2007

File/Ward	:	C05005 (All Wards)
Proposal/Issue	:	Hygiene Services Biennial 2005/07
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager City Services (I Neil) Property Officer (H Tasker)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts tender C05006 from G & M Detergents for Hygiene Services Biennial 2005/07
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Council's current Hygiene Service contract expired in July 2005. In order for Council to maintain the current level of service the current contractor has been providing the service on a month by month basis. To ensure adequate industry representation was provided, and to ensure industry standards and costs are comparable, it was decided to re-tender the service. Works are to be carried out on a regular scheduled basis.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

4. The City of Albany's Regional Price Preference is applicable to this item.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

FINANCIAL IMPLICATIONS

5. The service is carried out at individual locations occupied by City of Albany staff, i.e. Library, Day Care, North Road Administration etc as well as public conveniences managed by the City of Albany. Each staff location maintains individual budgets for cleaning purposes with accounts being signed off by the relevant managers and Public Conveniences are budgeted for and managed by the Manager City Services.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through being the regional retailing and services hub.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 20th July 2005 and the Albany Advertiser on 21st and 22nd July 2005. A total of eight documents were issued with four submissions received at the close of tenders.
8. One tender submission was considered non conforming and no further evaluation was carried out on this submission.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	%Weight
Cost	45
Relevant Skills & Experience	20
Safety Management	15
Reliability of Tenderer	20
	100

10. The following table summarizes the evaluated scores from submissions received from prospective tender applicants using the above weightings.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

Criteria	G & M Detergents	Cleanaway	Pink Healthcare
(Costs inclusive of GST)	\$28,402.00	\$49,488.00	\$32398.00
Cost	169	44	124
Relevant Skills & Experience	350	230	330
Safety Management	150	75	172.5
Reliability of Tenderer	330	330	330
Total	999	679	956.5

11. G & M Detergents are the City’s current contractors. They have provided an excellent service over the duration of the past contract, and have presented a good submission as part of this tendering process. Their tendered costs are shown to be reasonable and conservative and there does not appear to be any reason not to continue with this company.

RECOMMENDATION

THAT Council accept the tender for C05005 from G & M Detergents for to provision of Hygiene Services Biennial 2005/07 for a total Biennial cost of \$28,402.00.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
 SECONDED COUNCILLOR JAMIESON**

THAT Council accept the tender for C05005 from G & M Detergents for to provision of Hygiene Services Biennial 2005/07 for a total Biennial cost of \$28,402.00.

MOTION CARRIED 15-0

WORKS & SERVICES REPORTS

13.1.2 Contract CO5006 – Window Cleaning Services Biennial 2005/2007

File/Ward	: C05006 (All Wards)
Proposal/Issue	: Window Cleaning Services Biennial 2005/07
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager City Services (I Neil) Property Officer (H Tasker)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accepts tender C05006 from Albany City Cleaners for Window Cleaning Services Biennial 2005/07
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council's current window cleaning contract expired in July 2005. In order for Council to maintain the current level of service and to ensure adequate industry interest and representation was provided, it was decided to re-tender the service. Works are to be carried out on a regular scheduled basis.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

4. The City of Albany's Regional Price Preference is applicable to this item.

FINANCIAL IMPLICATIONS

5. Cleaning is carried out at individual locations occupied by City of Albany staff, i.e. Library, Day Care, North Road Administration etc. Each location maintains individual budgets for cleaning purposes with accounts being signed off by the relevant managers.

WORKS & SERVICES REPORTS

Item 13.1.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through being the regional retailing and services hub.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 20th July 2005 and the Albany Advertiser on 21st and 22nd July 2005. A total of eleven documents were issued with three submissions received at the close of tenders.
8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	%Weight
Cost	45
Relevant Skills & Experience	20
Safety Management	15
Reliability of Tenderer	20
	100

9. The following table summarizes the evaluated scores from submissions received from prospective tender applicants using the above weightings.

Criteria (Costs inclusive of GST)	Harts Cleaning Service	Albany City Cleaners	Allweather Cleaning
	\$22,836.00	\$38,203.00	\$47,620.00
Cost	202	111	24
Relevant Skills & Experience	150	170	100
Safety Management	0	135	0
Reliability of Tenderer	150	180	70
Total	502	596	194

10. Although Harts Cleaning Service ~~provides tendered~~ the ~~cheapest-lowest pricerate~~, the evaluation process determined that Albany City Cleaning’s provided a more professional submission including details of Insurances, chemicals to be used, including MSDS Sheets, an Operations Manual, and Occupational Safety and Health and Environmental Management details.

WORKS & SERVICES REPORTS

Item 13.1.2 continued

11. Hart Cleaning Service scored low on reliability due to past problems associated with cleaning at the library.
12. With the City's new North Road Administration Centre being an important community focus it is believed that by accepting the tender from Albany City Cleaners, the service provided would be of the highest standard, compatible with the City's focus on leading the field in service providing to the community.

RECOMMENDATION

THAT Council accept the tender for C05006 from Albany City Cleaners for to provision of Window Cleaning Services Biennial 2005/07 for a total Biennial cost of \$38,203.00.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR EMERY**

THAT Council accept the tender for C05006 from Albany City Cleaners for to provision of Window Cleaning Services Biennial 2005/07 for a total Biennial cost of \$38,203.00.

MOTION CARRIED 12-3

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

Nil.

13.3 WORKS

Nil.

13.4 AIRPORT MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.5 RESERVES PLANNING & MANAGEMENT

13.5.1 Contract C05013 - Construction of a Caretakers House at Cape Riche

File/Ward	:	C05013 (Hassell Ward)
Proposal/Issue	:	Construction of a caretakers house at Cape Riche camping ground
Subject Land/Locality	:	Cape Riche Reserve/Reserve 1010
Proponent	:	NIL
Owner	:	NIL
Reporting Officer(s)	:	Manager City Services (I Neil)
Disclosure of Interest	:	NIL
Previous Reference	:	NIL
Summary Recommendation	:	That Council accept the tender for C05013 from Gliosca and Co. for the construction of a house at the Cape Riche camping ground and that adjustments be made to the budget at quarterly review to accommodate the increase in costs
Bulletin Attachment	:	NIL
Locality Plan	:	N/A

BACKGROUND

1. The Cape Riche community runs a non-powered camping ground on the cape. It is a popular destination for tourists and locals
2. Council has already approved funding in the 2005/06 budget for the construction of a two-bedroom caretakers residence at the Cape Riche Camping Ground. Currently the caretaker operates from a small office and lives in a caravan on site. The caretaker lives rent-free and is paid three hours per week.
3. The camping ground has around 23 sites with access to cold showers, a toilet block, BBQs, bore water and limited rain water.
- ~~4. The current fee is \$5.50 per tent per night and the facility generates approximately \$12,500 income per annum to Council~~
54. The community enlisted the aid of a local building company (Gliosca and Co.) to develop specifications for an appropriate caretakers house at minimal cost. ~~6~~A figure of \$72,000 was ~~determined~~ estimated for inclusion in the budget. ~~7~~This figure was subsequently presented to Council by the Community and included in the Capital Works section of this year's budget.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

STATUTORY REQUIREMENTS

- | 85. As the amount of works is in excess of \$50,000 Council ~~is~~was required to call tenders.
- | 96. Regulation 18 of the Local Government (Functions & 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.
- | ~~407~~. Regulation 19 requires Council to advise each tender applicant in writing the result of Council's decision.
- | 84. As there was only one tender submission, Council does not have to choose the most advantageous tender; its decision is whether or not the tender received meets Council requirements.
- | ~~429~~. Council does not have to accept the tender.

POLICY IMPLICATIONS

- | ~~43~~10. The City of Albany's Regional Price Policy is applicable to this item.

FINANCIAL IMPLICATIONS

- | ~~44~~1. The budgeted amount for the project was \$72,000 (ex GST). The amount tendered was \$79,983 (ex GST). This represents \$ 7,983 over budget.
- | ~~45~~2. This report also requests an additional amount as a contingency against unforeseen overruns as explained in the comment/discussion of this report.
- | ~~46~~3. If the report's recommendation is adopted the budget will need to be adjusted at the quarterly review.

STRATEGIC IMPLICATIONS

- | ~~47~~14. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City

Excellent community infrastructure and services

Mission Statement:

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

Priority Projects:

Nil.”

WORKS & SERVICES REPORTS

Item 13.5.1 continued

COMMENT/DISCUSSION

~~18~~15. A request for tenders was published in the West Australian on 27th July 2005 and the Albany Advertiser on 28th and 29th July 2005. A total of two tenders were issued with one tender being received at the close of the tender process.

~~19~~16. The following table outlines the tender received.

Gliosca & Co.	\$87,815.16 (inc GST)	\$79,983 (ex GST)
---------------	-----------------------	-------------------

~~20~~17. As Gliosca and Co were the builders who assisted in formulating the original costing, subsequent discussions were held to review the submission.

~~24~~18. Claude and Romeo Gliosca of Gliosca’s and Co. stated the increase in cost was due to a simple clerical error when adding the original estimate figures. They further stated their commitment to building this facility at minimal cost, as they believe it will enhance the area.

~~22~~19. The normal cost of the provision of such a facility would be well in excess of \$100,000. The tender submitted by the Gliosca’s represents good value in terms of dollars. During the tender process the Council ~~was investigated and was~~ informed that a park home built in Albany to ~~the similar~~ specifications and transported to the site would cost in excess of \$125,000

~~23~~20. With the minimal cost approach used in this project there are concerns cost over runs through unforeseen circumstances (e.g. Council vehicles not being available when needed) may occur. Therefore it is requested to allow \$5,000 contingency to be expended at discretion of the Works and Services Executive Director if required.

~~24.~~ ~~It is suggested that a 5% contingency be allowed based on a cost price of \$80,000. (\$4,000)~~

RECOMMENDATION

THAT;

- i) Council award the tender for the construction of a caretakers house at the Cape Riche Reserve to Gliosca and Co for an amount of \$79, 983, plus allow a contingency amount of \$45,000 for the project; and
- ii) an adjustment to the budget be submitted a the first quarter review.

Voting Requirement Absolute Majority

<p>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR MARSHALL</p> <p>THAT;</p> <ul style="list-style-type: none"> i) Council award the tender for the construction of a caretakers house at the Cape Riche Reserve to Gliosca and Co for an amount of \$79,983, plus allow a contingency amount of \$45,000 for the project; and ii) an adjustment to the budget be submitted a the first quarter review. <p style="text-align: right;">MOTION CARRIED 15-0 ABSOLUTE MAJORITY</p>
--

ORDINARY COUNCIL MEETING MINUTES–20/09/05
** REFER DISCLAIMER **
WORKS & SERVICES REPORTS

WORKS & SERVICES REPORTS

13.6 WORKS & SERVICES COMMITTEES

13.6.1 Albany Streetscape Committee meeting Minutes – 11th August 2005

File/Ward	:	MAN 161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	That the Minutes of the Albany Streetscape Committee held on the 11 th August 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Committee held on 11th August 2005 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of the Albany Streetscape Committee held on 11th August 2005 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

MOTION CARRIED 15-0

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS**14.2 ORGANISATIONAL DEVELOPMENT****14.2.1 Elected Member Remuneration and Allowances**

File/Ward	:	MAN 002 (All Wards)
Proposal/Issue	:	Elected Member Remuneration and Allowances
Subject Land / Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council undertake a review of the current remuneration and allowances
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. In May 1999 Council resolved to set remuneration and allowances as follows:

Title	Meeting Attendance Fees	Allowance
Mayor	\$12,000	\$12,000
Deputy Mayor	\$6,000	\$3,000
All other Councillors	\$6,000	N/A

2. Telecommunication expenses were set at reimbursement of demonstrated cost.
3. In March 2005 the State Government reviewed remuneration and allowances and made changes to all Local Government (Administration) Regulations.
4. Outcomes of the Government review are as follows:
 - Meeting Attendance Fees:
 - Mayor \$120 to \$280 per council meeting \$30 to \$70 per committee meeting to a maximum of \$14,000 (\$6,000 minimum)
 - Deputy Mayor and Councillors \$60 to \$140 per council meeting \$30 to \$70 per committee meeting to a maximum of \$7,000 (\$2,400 minimum)
 - Allowances:
 - Mayor: Maximum of \$55,000 (.002 of operating revenue) Minimum \$600
 - Deputy Mayor: (25%) of what Mayor receives

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

5. The regulations also provide for an annual telecommunications allowance of up to \$2,400 in lieu of reimbursing costs.
6. An information technology allowance of up to \$1,000 to cover email and general computing expenses has also been introduced.

STATUTORY REQUIREMENTS

7. Section 5.98 of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 Sections 30 - 34 enable the payment of remuneration and allowances to elected members.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. Proposed increases in meeting attendance fees and Mayor and Deputy Mayor allowances are accommodated within the 2005/2006 Budget.
10. The proposed implementation of telecommunication and information technology allowances will require an increase in the Governance – Telephone and Fax Budget of \$20,000.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

- *Providing sound governance*

Priority Projects:

Nil”

COMMENTS/DISCUSSION

12. The increase in allowances amounts to 14.3% over 6 years, at an average of approximately 2.0% per annum compounded.
13. The C.P.I. increase over the same period is 21.1%.
14. The introduction of allowances for telecommunication and I.T. expenses will more equitably reimburse elected members for the actual costs involved.
15. It is proposed to introduce the new regime as at 1/10/2005.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

RECOMMENDATION

THAT Council set the following allowances and remuneration for elected members:

- Meeting Attendance Fees:
Mayor \$14,000 p.a.
Councillors \$ 7,000 p.a.

- Allowances:
Mayor \$12,000 p.a.
Deputy Mayor \$ 3,000 p.a.

- Telecommunications \$ 1,800 p.a.
Information Technology \$ 600 p.a.

All allowances to be paid quarterly in advance commencing 1/10/2005.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EMERY**

THAT Council set the following allowances and remuneration for elected members:

- **Meeting Attendance Fees:**
Mayor \$14,000 p.a.
Councillors \$ 7,000 p.a.

- **Allowances:**
Mayor \$12,000 p.a.
Deputy Mayor \$ 3,000 p.a.

- Telecommunications \$ 1,800 p.a.
Information Technology \$ 600 p.a.

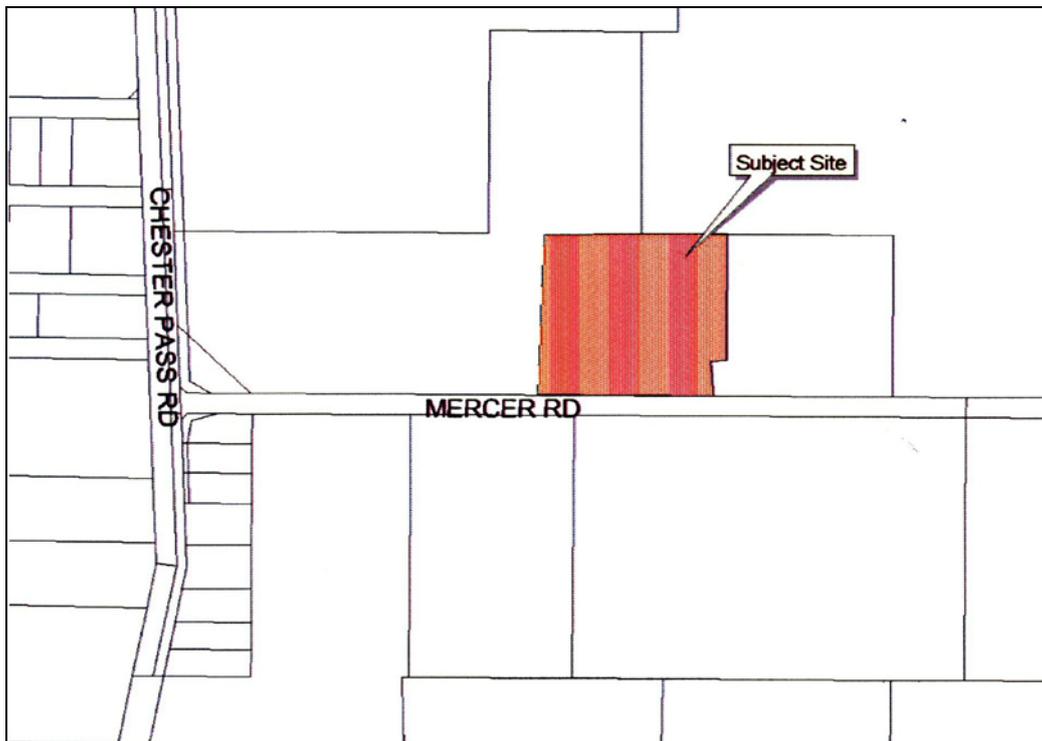
All allowances to be paid quarterly in advance commencing 1/10/2005.

**MOTION CARRIED 14-1
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.2.2 New Lease - City of Albany Mercer Road Office Premises

- File/Ward** : A14825 (Yakamia Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Lot 5 (diagram 59369) Mercer Road, Walmsley
- Proponent** : City of Albany
- Owner** : City of Albany
- Reporting Officer(s)** : Project Administration Officer (T Kirkland)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : THAT Council agree to enter into a new 12-month lease with RB Films.
- Bulletin Attachment** : Nil
- Locality Plan** :



GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

BACKGROUND

1. At the December 2004 Ordinary Meeting, Council resolved to seek expressions of interest for the lease of the Mercer Road Council offices site.
2. Expressions of interest were called, in March 2005, which received no submissions and in August 2005 with three submissions received. Details are as follows:

Submission	Established Organisation	Commercial Rental Reference / Financial Capacity	Proposed Usage	Track Record Maintenance of Commercial Premises	Proposed Annual Lease Value \$
Church of Christ Albany	Yes	Owner Occupier / Trade References Offered	Religious Services, Counselling, Children's Playgroup etc.	Owner Occupier Track Record	\$10,000
Heartland Agribusiness Holding Pty Ltd (Withdrawn)	Not Currently Trading	Nil Supplied	Office and Training Facilities	Nil Supplied	\$35,000
RB Films (Late Submission)	Yes	Trade References Offered	Office Facilities	References Offered	\$22,500 (Prorata 8 month lease)

STATUTORY REQUIREMENTS

3. Section 3.58 (2) of the Local Government Act 1995 – “Disposing of property” states that Council can lease property to “the person who at public tender called by the local government makes what is, the most acceptable tender, whether or not it is the highest tender.”

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. A minimum lease income to the value \$15,000 over 8 months.
6. All costs associated with the proposed new lease are to be borne by the applicant including any legal and lease survey fees.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

City of Albany Mission Statement:

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

Priority Projects:

City Facilities Project No. 33, namely the proposal to relocate the City civic and administration functions from York St and Mercer Rd to the new North Rd facility” relate to this item.”

COMMENT/DISCUSSION

- 8. Several major resource/processing based industries are on the verge of establishing operations in the City such as, Grange Resources, Beacons, and Lignor.
- 9. It is considered strategically advantageous for Council to enter into a short-term lease arrangement at this time, ensuring the property is available for future long-term leasing opportunities with these developing industries if appropriate.

RECOMMENDATION

THAT Council enter into an 8-month lease, with an option for an additional 6 months, with RB Films for the property located at Mercer Road, formerly used as administration office space by the City of Albany for the consideration of \$15,000 for 8 months and \$1,875 per month thereafter.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT Council enter into an 8-month lease, with an option for an additional 6 months, with RB Films for the property located at Mercer Road, formerly used as administration office space by the City of Albany for the consideration of \$15,000 for 8 months and \$1,875 per month thereafter.

MOTION CARRIED 15-0

14.3 ECONOMIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Albany Tourism Marketing Committee meeting minutes- 11th August 2005

- File/Ward** : STR 208 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Tourism Marketing Committee held on 11 August 2005 be received.

RECOMMENDATION

THAT the Minutes of the Albany Tourism Marketing Committee held on 11 August 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR JAMIESON</p> <p>THAT the Minutes of the Albany Tourism Marketing Committee held on 11 August 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin).</p> <p style="text-align: right;">MOTION CARRIED 15-0</p>
--

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Albany Waterfront Development Committee Meeting minutes – 15th August 2005

- File/Ward** : MAN 168 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Waterfront Development Committee held on 15 August 2005 be received.

RECOMMENDATION

THAT the Minutes of the Albany Waterfront Development Committee held on 15 August 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT the Minutes of the Albany Waterfront Development Committee held on 15 August 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin.

MOTION CARRIED 15-0

GENERAL MANAGEMENT SERVICES REPORTS

14.4.3 Albany Waterfront Development Committee Meeting minutes – 22nd August 2005

- File/Ward** : MAN 168 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Waterfront Development Committee held on 22 August 2005 be received.

RECOMMENDATION

THAT the Minutes of the Albany Waterfront Development Committee held on 22 August 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT the Minutes of the Albany Waterfront Development Committee held on 22 August 2005 be received (copy of the minutes are in the Elected Members Report/Information Bulletin.

MOTION CARRIED 15-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR PAVER**

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

MOTION CARRIED 15 - 0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Councillor Evans has given notice of the following motion for consideration by Council.

MOTION:

THAT the Chief Executive Officer prepare a draft amendment to the Standing Orders Local Law that provides for the cessation of the requirement of elected members and staff to rise or stand when participating in Council Meetings. The draft is to be submitted with an officer's report at the October Meeting of Council for further consideration.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT the Chief Executive Officer prepare a draft amendment to the Standing Orders Local Law that provides for the cessation of the requirement of elected members and staff to rise or stand when participating in Council Meetings. The draft is to be submitted with an officer's report at the October Meeting of Council for further consideration.

MOTION CARRIED 15-0

17.0 MAYORS REPORT

"Fellow Councillors:

This month the City hosted a visit from State Cabinet Ministers on the 5th and 6th September. Ministers were kept busy with a number of official engagements and meetings over their two day visit to Albany and were very appreciative of being able to use Council's facilities for their State Cabinet Meeting, and a variety of community meetings over the two days. Amongst the highlights of the visit was the Official Opening of the Albany Windfarm Visitor Facilities by the Minister for Tourism, The Hon Mark McGowan, and the signing of the Memorandum of Agreement for the Waterfront Development with The Hon Alanah MacTiernan.

On the 2nd September I had the great honour of assisting The Hon Wilson Tuckey to present commemorative medallions to surviving World War II veterans, and their widows or widowers. The medallions were an initiative of the Australian Government to commemorate the 60th anniversary of the end of WWII and to provide personal recognition to the veterans for their role in that War.

In keeping with the military theme, RSL Memorial Services were held for Vietnam Veterans

on the 18th August and the Battle for Australia, on the 7th September. The RSL received Federal funding to expand the Battle for Australia Memorial Service this year, in honour of the 60th Anniversary of that campaign. I was deeply honoured to be invited to give the Keynote Address at the memorial service and to be the Reviewing Officer of the military parade that was planned. Unfortunately inclement weather prevented the parade from going ahead at Anzac Park and the service was returned to its traditional venue, St John's Church.

On the 23rd August, the Albany Regional Hospital Children's Ward was presented with a Starlight Foundation Fun Centre. Partly sponsored by the City of Albany, the high tech, mobile entertainment unit, complete with colour TV, DVD and Nintendo will provide many hours of enjoyment and entertainment for sick and injured hospitalized children. The Starlight Children's Foundation is a non-profit organization that relies solely on philanthropic funding from companies, organizations and community groups to raise funds to support their initiatives. The Burswood Hotel, contributed the proceeds of their "Movies by Burswood" initiative to co-fund two Fun Centre units at a cost of \$10,000 each; one presented to the Albany Hospital and one to St John of God Hospital in Perth. I sincerely thank the Burswood Hotel and the Starlight Children's Foundation, for the Albany Regional Hospital Fun Centre that the sick and injured children of the region will now be able to enjoy during periods of hospitalization.

There were visits to the City this month from the Mayor, CEO and Councillors of Kogarah Council (NSW) on the 1st September who were here to assess Clarence Estate as a model for a similar aged care facility in their City and on the 14th September from executives of Oji Paper Tokyo.

In conclusion, I would like to sincerely thank Deputy Mayor Dennis Wellington for representing me at three events this month. On the 28th August, Dennis welcomed 170 Year 11 students from St Mary's Anglican Girls School who travelled to Albany in period costume on the Hotham Valley Train. The students used the week long excursion to produce movies on significantly relevant historic themes and to conduct environmental and marine research, particularly on whales.

On the 10th September, Dennis represented the City at the official opening of new buildings and the School Open Day of Parklands School and on the 11th September the Stirling District Scout Council Adult Recognition Awards.

Thank you."

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT the Mayor's report be received.

MOTION CARRIED 15 - 0

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

19.0 CLOSED DOORS
Nil.

20.0 NEXT ORDINARY MEETING DATE
Tuesday 18th October 2005, 7.30pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.52pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cllr Wellington	122.1	Involved within the retail industry.
Cllr Wellington	11.1.1	Part owner of adjoining property.
Cllr Paver	12.2.3	Supplies marketing service to Silver Star Cruises
Cllr Waterman	12.2.1	Derives an income as a retailer
Cllr Lionetti	12.2.1	Owns Dewsons – Albany

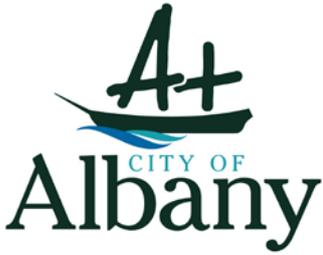
APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1 refers]
[COUNCIL – 20th September 2005]

SUMMARY OF ACCOUNTS

Municipal Fund		
Cheques	totalling	177,942.11
Electronic Fund Transfer	totalling	1,674,304.37
Credit Cards	totalling	11,479.40
Payroll	totalling	1,052,239.58
	Total	<u>\$2,915,965.46</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,915,965.46 which was submitted to each member of the Council on 20th September 2005 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$2,915,965.46 which was submitted to the Council on 20th September 2005 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)