

MINUTES

ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 21st July 2009
7.00pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at: 7.01:27 PM

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

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR PRICE

THAT Council Suspend Standing Order 3.1 – Recording of Proceedings to allow Council to record proceedings of the Council, except in the case where the Council closes the meeting to the public due to confidential reasons.

MOTION CARRIED 10-0

2.0 OPENING PRAYER

Councillor Walker read the opening Prayer.

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

3.0 ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

Councillor Dufty made comment regarding seaweed at the foreshore near the Entertainment Centre and the problem with keeping out the stench. Landcorp has to do some serious changes to the planning otherwise there will be serious problems.

Councillor Walker is concerned about the Esplanade Hotel site and wanted to encourage Council to change the zoning from Tourist Residential to Hotel/Motel as soon as possible. Councillor Walker stated that he would hate to see residential properties being built on the site and under the present zoning they can.

Councillor Buegge stated that work obligations had kept him away from Council for a couple of meetings at a time, this will continue up until early September and thanked Council for carrying the load without him, although not 100% up to speed with what is happening in the City, he would appreciate Council bearing with him until he is back on track in early September.

Item 3.0 continued.

Councillor Torr concurred with Councillor Dufty regarding the seaweed at the foreshore, it is very deep with the build of sand underneath and Landcorp and the City must take some really drastic steps to address this situation. We are looking at ongoing costs to remove this seaweed, it has no way of flushing out of the harbour, because of tidal movements in the harbour and it will keep accumulating. Currently over the wall and the City will have to pay for that so in view of long term costing we need some drastic action now.

Councillor Price concurred with Councillor Walker comments regarding the Esplanade Hotel site, it is vitally important that the City ensure 100% that the site prepared for a replacement for the old hotel, stays exactly that.

7:06:07 PM

Mayor Evans, reported firstly on Local Government in Western Australia is about to change dramatically. WA Local Government Minister John Castrilli wants his structural reforms in place for the 2011 elections. His plans include reduction of the 139 Councils in mainland WA. The number of Councillors to be between 6-9 regardless of the ultimate size of the municipality and it's population. At this stage we in the City of Albany cannot be sure how many Councillor positions will be available at the 2011 elections, nor whether there will changes to our wards or municipal boundaries. However, we can be fairly sure that all Councillors sitting from October 2009 will have to be prepared to handle significant change within their term of office. Apart from the prospect of structural change I would like to say to everyone aspiring to this chamber to be mindful of the commitment needed by Councillors. Each month there is a huge amount of information to be absorbed in order to make a constructive contribution to Committees and Council Meetings. Our committee system works well when elected members recognise that it is not a talk fest and are prepared to roll up their sleeves and get into it. I welcome any prospective candidate but I caution in this time of pending change please approach your decision with your eyes wide open. The 2009 National General Assembly of Local Government was held in Canberra between the 21st and 24th June and I was privilege to attend and had a clear understanding of the Federal Governments agenda in particular with its relation to Local Government and there is a summary of proceedings attached to these minutes. The Regional Cabinet meeting held in this chamber just recently the Liberal National Party government held their inaugural cabinet meeting in Albany on the 29th June, Ministers were present at a series of functions in and around Albany on Sunday the 28th June and again on Monday afternoon on the 29th announcing a number of funding and other initiatives for the region and Albany, including funding for the new UWA Albany Rural Clinical School building and ALAC stage II funding of \$2.9 million. Members of the Community had the opportunity to meet by appointment with Cabinet Ministers on Sunday afternoon at the City's offices and a Community luncheon with State Cabinet Ministers was held on Monday 29th to which a wide cross section of our community members were invited. Other commitments throughout the preceding month included the launch of the Healthy Blokes report, APEX monthly meeting, farewell afternoon tea for Lockie Lennard Crew and Friends of UWA Albany 10th anniversary luncheon, NAIDOC week gala dinner and Church Leaders Fellowship.

Item 3.0 continued.

The Premier performance of 'Where on Earth' sponsored by Southern Edge Arts and the WA Museum Albany and I was privileged to attend the APEX AGM dinner, my thanks to Deputy Mayor Councillor Des Wolfe who represented the City at the TAFE awards function and a meeting held at Plantagenet with Ministers of Local Government, Honourable John Castrilli, also Councillor Price who officiated at the launch of NAIDOC week.

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR WALKER
SECONDED: COUNCILLOR PRICE**

THAT the Mayor's report be received.

MOTION CARRIED 10-0

4.0 RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME

Mr Dennis Wellington, Leading Edge Hi-Fi

Dear Sir

I refer to your letter of 17 June 2009, and the questions raised in that correspondence in relation to the City's recent upgrade to provide a structured meeting environment.

As a third party, I have been requested to respond to these questions. These responses are provided against the backdrop that local and regional sound specialists had been engaged on an 'ad hoc' basis previously and had been unable to resolve the sound problems, and that the Council had directed to the CEO to remedy the problem, by the June 2009 Ordinary Council meeting and ensure the sound system within the Chamber:

- a) Facilitated elected member speeches from the standing and sitting positions; and
- b) Provided accessibility to the hearing impaired (through audio and visual aids).

The system which best suited our needs incorporated a Traffic Light Timer, Visual display system and infrared audio conferencing system and FTR digital recording system as a complete integrated system with access to ongoing customer support.

In response to your specific questions:

The monitors were purchased through our IT supplier, who had been previously selected by public tender to be included on panel of suppliers.

As no local firms had tendered to be included on the panel, no further investigations were undertaken.

The induction loop had previously been installed, but was not functioning / connected.

Item 4.0 continued.

In respect of the audio digital recording system, our approach has been to select a firm which could provide an integrated solution and point of service, rather than a fragmented system.

There are no local firms with this level of service expertise in the FTR digital recording system.

Evidence technology was engaged as the preferred supplier as they have a proven track record of fitting out structured meeting environments for:

- o The Courts and Government Legal Sectors.
- o Government and Parliamentary sectors.

Travel and accommodation formed part of the overall costing.

Two firms were contracted to supply and install the equipment – one local, and one Perth based. A total of 4 employees were engaged in this process, three of whom are ratepayers of the City of Albany.

A cost comparison of the proposed system was conducted with Blackbox Systems, and the cost of the components was deemed to be competitive, and accordingly a non-conforming quotation accepted.

The CEO authorised the contract.

The 'Buy Local' Policy relates to tenders, and is one component of the evaluation process. Service is a key component of any acquisition, and as indicated earlier, there are only three Customer Service Representatives for the FTR software in Western Australia, and Evidence Technology is one of those.

Executive Director Corporate & Community Services

Mayor questioned if there was a second letter.

The CEO through the Mayor stated that there had been another letter received from Mr Dennis Wellington with a series of questions, but the answers to those haven't yet been prepared and will be answered in due course.

5.0 PUBLIC QUESTION AND STATEMENT TIME

30 minutes is set aside as a minimum for public question and statement time.

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

Electors are encouraged to submit your question **in writing** to the Chief Executive Officer, **no later than 10.00am**, on the last working day preceding the meeting to allow time for research. However, questions maybe submitted without notice.

Item 5.0 continued.

7:12:42 PM

Speaker One - Ms Sheena Prince, RE: 'My Big Fiddle Gig' documentary

Ms Prince addressed Council and advised that she had written to all Councillors and enclosed information regarding the 'My Big Fiddle Gig' documentary.

If you saw this photograph, you cannot fail to have been impressed that's our Town Hall stage and all of the performers except for Paul Wright are citizens of our City, most of them as you would have seen are youngsters and that's just one snapshot from this documentary film which follows the lives of some of those young people, both youngsters and teachers the film will showcase the remarkable lifestyle and scenery of Albany, whilst putting the spotlight on our rich cultural life and fantastic commercial tourist and artistic potential.

I am confident that in principle all Councillors would want to support the making of this documentary. Indeed the Mayor and Mr Peter Madigan have already given their personal support and you would be pleased to note that these comments,

I have done quite a bit of research this week, relates to all four topics in the City Vision. We plan to make supplementary documentaries to show other aspects of the music community and it's a model that could well be extrapolated to include a wide range of sporting facilities and personalities.

I understand from Bowen Llewellyn the film maker that the first film in any series is the hardest to fund, which is why we are asking the Council for support. Once there is a product to promote then you will be pleased to now it is easier to attract funding from subsequent projects from a variety of other sources.

The difficulty has risen because of the Community financial assistance program and the Community Events financial assistance program, which it's difficult to see the difference.

As I understand it these similarly named but differently intended documents have caused confusion before and even muddled Council staff.

Ms Prince asked if she could ask her question and was advised by the Mayor to get Bowen to apply for financial assistance at the second round of funding.

Ms Prince asked if there was any chance of it being brought forward and was advised no by the Mayor.

Mr Madigan through the Mayor explained that Mr Llewellyn was excluded from the financial assistance because it was not for profit. His application however is being considered under the financial events policy. So it has been considered in the right area, but it could not be considered under the financial assistance policy. Fortunately there is an amended recommendation going up tonight which is going to amend both policies and make them one if it is carried.

Ms Prince asked if that would include their application and make their project eligible.

Mr Madigan through the Mayor answered that the project is eligible under the events funding.

Mayor Evans advised Ms Prince that after tonight it would be sorted.

Item 5.0 continued.

7:19:02 PM

Speaker Two 2. - Tony Harrison,

Congratulations to Cllr Torr and Duffy for speaking up. I have been critical of the marina design for many years I have told Landcorp, DPI and Council problems that are going to occur. Mr Harrison asked if the Councillors thought that was going to be a problem or not, if you don't think it's going to be a problem well, we've got problems, because it is going to happen and my main concern Mr Mayor is that this cost of shifting the seaweed and other problems that are going to occur from that, is going to be lumbered on to us as ratepayers.

Mr Harrison continued that Landcorp's alternatives are economical alternatives and only the cheapest way out.

The Mayor stated that this was not necessarily so, because what Landcorp was going to do because of the three years it took to get EPA approval, the budget blew out by some \$5 million. They were going to do coffee rock instead of cladding it with granite.

Mr Harrison stated that the way it is designed it's not going to happen. Ratepayers be prepared to incur some more costs. I'll do my utmost to make sure that we don't have to pay for that.

7:22:15 PM

Speaker Three - Dennis Wellington, 7 McKenzie Street, Albany

Mr Wellington stated that he was responding to a letter that he had received from Mr Madigan, regarding a letter that he had submitted to Council at the last meeting.

For the record it is not the only system that is used to record meetings there is Sony and there is KC Digital recording which are two other systems which can do exactly the same job, so to say that FTR is the only system is incorrect.

Notice that the company that was given the job by the CEO and I ask a question to the CEO, "does the CEO have a relationship with this Company, bearing in mind that a lot of their work is done with the Police force which is where his work history is."

The CEO stated through the Mayor that "No sir, I have no previous or current relationship with that Company or any of its employees."

Mr Wellington continued with regard to the 'Buy Local Policy' the letter states that the Buy Local Policy only refers to tenders, I would like to read from the introduction to the Buy Local Policy and says that "the Policy covers all of the City of Albany's purchasing of goods, services, including consultants and works including construction". So that again is totally incorrect in the letter.

The CEO stated through the Mayor, that Mr Wellington is incorrect and if you read the entire policy that Mr Wellington has taken out of context the comment he just made, if you read all of it later on it then puts it in to context.

Mr Wellington stated that he was reading from the Buy Local Policy, the Policy covers all the City of Albany purchasing.

Mr Madigan left the chambers to obtain a copy of the Policy at 7.24pm.

Mr Wellington continued that information has come to our attention that Leading Edge Hi Fi did the original installation, which is totally incorrect. It was done by PJ Electrics from Kojonup which is hardly local.

Item 5.0 continued.

Moving on from that I would like to go to an amended officer recommendation that there is this evening on extended trading hours, requesting Council support to make application to the Minister for extending trading hours on the 27th February 2010 to the 21st March 2010, I would just like to ask “For what reason extended trading hours is to be granted for that period”.

The Mayor answered that this was when the City was being host to in excess of 5,000 Ulysees Club Members and the pressure is going to be on the City to provide services for those people over the course of ten days and they do come to the Great Southern and they circle around the whole area.

Mr Madigan through the Mayor stated that he had the Buy Local Policy and Section 33.1 says “A price preference will apply to all tenders invited by the City of Albany for the supply of goods and services and construction (building) services” and that confirmed that Mr Wellington was wrong.

7:26:44 PM

Speaker Four - Kevin Richardson 33 Range Court Crescent Bayonet Head

Mr Richardson stated that he represented the ratepayers and residents of Range Court Crescent in that we have taken up a petition to complain about and express our disgust at the condition of our Street. Upgrade of the street has been budgeted for a number of previous years and to date nothing has happened. Several enquiries to Council about the matter have resulted in a less than satisfactory response with no commitment as to when the work will be carried out. We feel the time has come for us to be exempt from any rate rises until this work is completed, I have also produced some photographs to present with the petition.

Whilst collecting the signatures several long term residents indicated the condition of our road has been deteriorating over many years and they expressed concerns about the time and resources being spent on efforts to patch over the problem instead of providing a permanent fix. Until such action is forthcoming we should be exempt from any proposed rate increases.

The Mayor asked Mr Ketterer, Executive Director of Works & Services if he would respond to Mr Richardson.

7:29:01 PM

Mr Ketterer replied on the technical side, he agreed with Mr Richardson the road is in a poor condition. Funding is coming through grants or other sources of funding, because there is just no capacity within Council’s current budget or the new budget being considered tonight for next year.

Mr Richardson stated that Mr Ketterer was stating that the road was not unsafe, it is unsafe for the pedestrians, there is a lack of kerbing, there is no provision for a footpath and the road edges in lots of places are deteriorating. We have some elderly residents in the street who are complaining about that it is not safe for them, we have younger residents who are pushing children in prams, who are concerned about the safety of that road. I trust that is does not take someone to have an accident before something is done about the road.

Item 5.0 continued.

7:31:04 PM

Mayor Evans stated there has been about ½ million dollars spent up there on roads and it was needed over a long period of time. A lot of work is still to be done. This Council was asked under the emergency situation we were in to forego the funding that was listed for Range Court Crescent and we all supported that.

7:33:02 PM

Mr Richardson stated that with all due respect, you mentioned flooding our street is also subject to flooding, several people in our street were relocated whilst their houses floor coverings were replaced, so we are putting up with that as well.

Mayor Evans asked Mr Ketterer to explain some of the issues he has seen recently coming to the City as to how we can correct that.

7:33:29 PM

Mr Ketterer replied through the Mayor, the design standards of our roads are at the minimum design standards and I don't think that in the past we have taken due care or the developers have not taken due care of the high rainfall expectations in places.

What I have put in place is a high design standard to limit the possibility and probability of flooding occurring off the road ways. It will retain more water in the road ways themselves get it in to the drains provide bigger drains and it will lower that probability of flooding. We are aware of the problems and we are addressing them.

Mayor Evans stated that the petition will be dealt with appropriately.

7:36:02 PM

Speaker Five - Mr Robins – Range Court Crescent, Bayonet Head

With reference to washed away driveways does not just apply to the street on the low side of the street, it is also on the high side of the street. They have put in a spoon drain now to try and salvage these driveways. This work has been on the last 3 budgets, nothing to do with the rain from last year. Drainage and fixing of the high road should be a high priority.

7:38:12 PM

Speaker Six – Mr Danny Steele – Represent members for 49 Rangecourt Crescent – handed in letter he had written and got members of the community to write about the street. Handed to Deputy Mayor Wolfe.

Item 5.0 continued.

7:38:38 PM

Speaker Seven – Mr Craig Pursey – Harley Survey Group. In regard to Item 13.2.1 Our schemed amendment request for a series of lots on Federal Street and Gladville Road McKail.

I am representing all landowners in the Federal Street and Gladville Road subject to this application. I find myself in the unusual position of applying for less development on behalf of these landowners and as recommended by the officer report.

As most of these lots front both roads, land owners requested that I apply for rezoning to simply allow them to subdivide into two and to retain their current lifestyle.

There are two options, as the officers are recommending to go to residential development zone and prepare a structural plan to guide a subdivision of this site at some time in the future, or a simple extension to the neighbouring special residential zone, both options are residential in character and are consistent with ALPS, in that the subject site is defined as existing residential.

Strategically speaking the area can offer an alternative lifestyle to the 600m² lots that will extend all the way from South Coast Highway one day, act as a buffer to the speedway and a large Western Power sub station immediately to the North, be the interface between the areas to the south and west and the rural residential land identified further to the north and as a side note the land immediately to the east of our site was rezoned to special residential on the 9th September 2008, using very similar reasoning to that which we are applying in this instance.

That most of the properties are long, thin and already developed with large houses, sheds and dams and a conversion to smaller 600m² lots would be extremely difficult to co-ordinate, ending up with rural scale building and infrastructure in amongst smaller residential properties, which hasn't worked anywhere else in Albany and will be extremely difficult to achieve here. The current lots sizes are proving to be difficult for many to manage, subdivisions of 4000m² or about any acre will allow the area to be tidied up into more manageable parcels, as is evidenced by existing special residential further along Federal Street and Gladville Roads.

In conclusion I understand it may be more efficient to create urban lots of 600m² but I don't feel that is suitable in every instance, in this case we have an opportunity to also provide larger 4000m² lots in response to land owners wishes and prevailing site conditions.

Item 5.0 continued.

<p>MOTION BY MAYOR EVANS VOTING REQUIREMENT: SIMPLE MAJORITY</p> <p>MOVED: MAYOR EVANS SECONDED: COUNCILLOR</p> <p>THAT Council support the extension of public question and statement time.</p> <p style="text-align: right;">MOTION CARRIED 10-0</p>
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7:44:20 PM

Speaker Eight - Katie Wignall, 3 Freeman Close, regarding matter 13.1.1.

As Council is aware the matter of the existing 300m² shed has been considered by the State Administrative Tribunal, the tribunal affirmed the City's decision to order that the present shed be removed but the tribunal noted and I quote " that it would reasonable for the applicant to have sufficient time to should she wish to do so, apply for a development approval for and erect a smaller shed". In the spirit of the tribunal suggestion in this regard we have submitted the current application for retrospective approval to a shed of 225m² in area.

It is our intention to remove one bay resulting in the retention of a three bay shed comprising 225m² which is only 45m² in excess of the Council's size limit of 180m² for a shed in this zone.

This application seeks an approval for the oversize building, relaxation of Council's outbuilding policy and approval to remove one bay of the shed. We are making this request for approval to a shed of greater area as outlined in the outbuilding policy in order to protect and provide secure storage for a boat, caravan, 3 motor vehicles, jet skies, motorbikes, quads, tractor and loader etc, that are all housed in the current structure.

7:44:53 PM Public Forum finished.

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

Mayor M Evans, JP

Councillors:

Breaksea Ward	VACANT
Frederickstown Ward	VA Torr
Frederickstown Ward	D Price
Kalgan Ward	J Walker
Kalgan Ward	R Buegge
Vancouver Ward	K Stanton
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	G Kidman

Staff:

Chief Executive Officer	P Richards
Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Executive Manager Planning Services	G Bride
Executive Manager Business Governance	S Jamieson
Executive Manager Corporate Services	D Schober
Minutes Secretary	F Buswell

Public Gallery and Media:

3 media representatives were in attendance; and
Approximately 15 members of the public.

Apologies/Leave of Absence:

Breaksea Ward	J Bostock
Vancouver Ward	R Paver

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Application for a leave of absence for Councillor Bostock due to family illness.

ITEM 7.0

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR WALKER

- i) **THAT COUNCIL in accordance with Section 2.25 of the Local Government Act, GRANT Councillor Bostock a LEAVE OF ABSENCE from the July and August 2009 Ordinary Meetings of Council.**
- ii) **THAT COUNCIL recognises that a further leave of absence request will require approval by the Minister.**
- iii) **THAT COUNCIL in accordance with Section 2.25 of the Local Government Act, GRANT Councillor Stanton a LEAVE OF ABSENCE from the August 2009 Ordinary Meeting of Council.**

MOTION CARRIED 10-0

Section 2.25 of the Local Government Act 1995 states:

“2.25. Disqualification for failure to attend meetings

(1) A council may, by resolution, grant leave of absence, to a member.

(2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister.

(3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.

(4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.”

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR KIDMAN

THAT the following minutes:

- **Ordinary Council Meeting held on the 16th June 2009; and**
- **Special Council Meeting held on the 30th June 2009.**

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

MOTION CARRIED 10-0

9.0 DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Mayor Evans, JP	13.2.2	Impartiality. Mayor' Wife is a member of the Albany Sinfonia. Mayor remained in the chamber for the debate and vote.
All elected members and staff.	14.1.2	Financial. The adoption of the budget has a financial impact on all staff and elected members. Staff and elected members remained in the chamber for the debate and vote.
Executive Director Corporate & Community Services	14.1.3	Impartiality. Wife is an Executive member of Southern Districts Dressage Club. EDCCS remained in the Chamber.
Councillor Dufty	14.12.4	Financial. Councillor is a member of the Wesley Uniting Church. Councillor remained in the Chamber for the debate and vote.
Mayor Evans, JP	14.12.4	Impartiality. Mayor Evans is associated with the Albany Fine Music Society, Albany City Band and Lower King Community Association. Mayor remained in the Chamber for the debate and vote.
Councillor Price	14.12.4	Impartiality. Councillor Price is associated with the UWA Centre of Excellence in Natural Resource Management. Councillor remained in the Chamber for the debate and vote.
Councillor Wolfe	14.12.4	Impartiality. Councillor Wolfe is associated with the Young Siding Progress Association. Councillor remained in the Chamber for the debate and vote.
Councillor Torr	15.3.3	Proximity. Councillor is the owner of a property that is in close proximity of the reserve and intermittent user of Keith Road (which lies within the Reserve) . The valuation of which could be affected by the report item. Councillor Torr left the Chamber and did not participate in the debate or vote.

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

Nil

11.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

One petition was received from the residents of Range Court, Bayonet Head. The details of the petition are detailed at appendix E.

12.0 ADOPTION OF RECOMMENDATIONS EN BLOC

Nil

DEVELOPMENT SERVICES

Reports

13.0 REPORTS – DEVELOPMENT SERVICES

13.1 DEVELOPMENT

ITEM NUMBER: 13.1.1

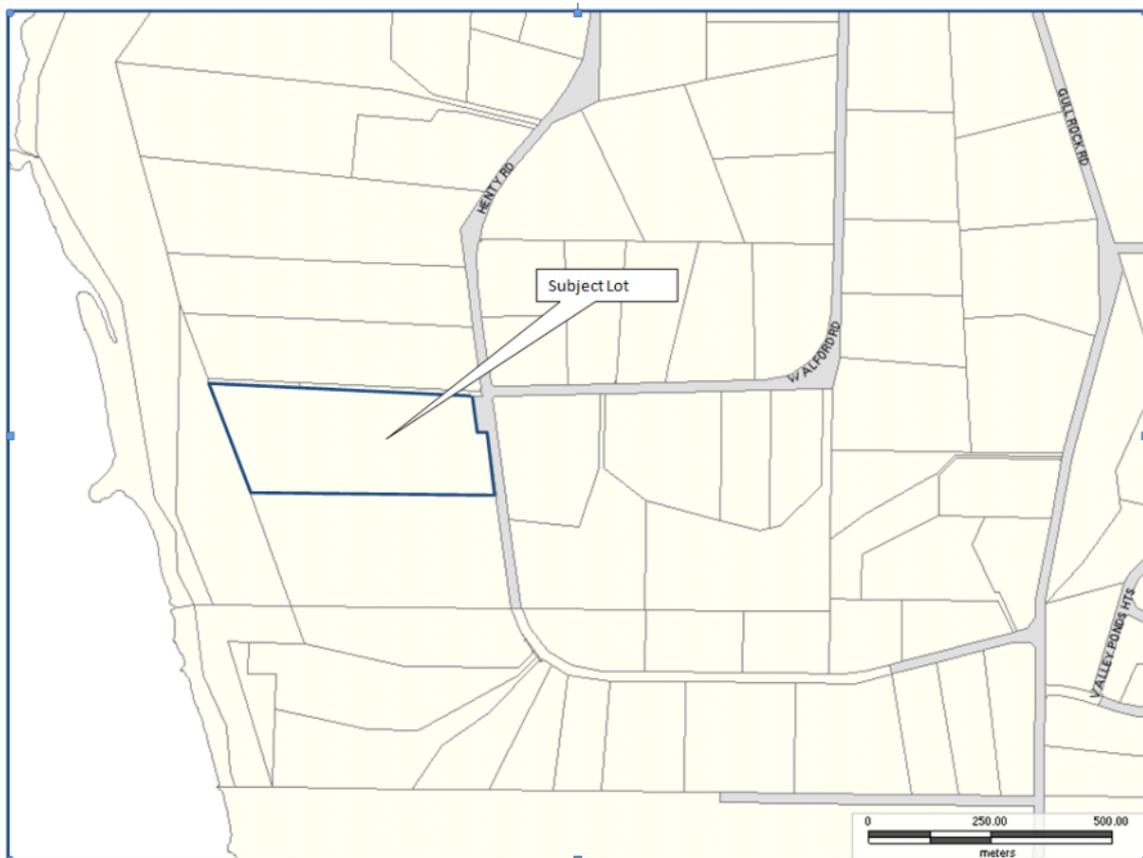
ITEM TITLE: DEVELOPMENT APPLICATION – Shed - Lot 150 Henty Road, Kalgan.

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

File Number or Name of Ward	: A204181 and A208963 (Kalgan Ward)
Summary of Key Issues	: Application to retain an oversize shed
Land Description	: Lot 150 Henty Road, Kalgan
Proponent	: TPGWA
Owner	: K Wignall
Reporting Officer(s)	: Senior Planning Officer (I Humphrey)
Disclosure of Interest	: Nil
Previous Reference	: OCM 18/11/08 item 11.1.2
Bulletin Attachment Reference	: Elevations and previous decision of SAT.
Consulted References	: Nil
Councillors Lounge	: Nil.

Maps and Diagrams:



Item 13.1.1 continued

BACKGROUND

1. A Notice of Planning Scheme Consent Refusal was issued to Ms. K Wignall in January 2008 to place an oversized shed (300m²) on lot 150 Henty Road, Kalgan. The City's Outbuilding Policy has been reviewed on a biennial basis and that policy limits sheds and outbuildings on Special Rural lots to a maximum size of 180m². The colorbond surfaced, steel shed was then constructed by the proponent in May 2008, contrary to the Notice of Planning Scheme Refusal and with no building licence application being lodged with the City.
2. Notices were issued in July 2008 on the landowner, one for the contravention of the City's Town Planning Scheme and one under the Local Government (Miscellaneous Provisions) Act for the unauthorised construction. The proponent sought a review of those Notices with the State Administrative Tribunal (SAT). At paragraph 50 of the determination it states:

"In looking at the evidence presented and the submissions made in respect of the tests set out above, the Tribunal has concluded that the appropriate course is to affirm the s214 direction. In saying this, the Tribunal also considers that it would be reasonable for the applicant to have sufficient time to, should she wish to do so, apply for development approval for, and erect, a smaller shed. The 60 days for compliance with the s214 direction running from the date of this decision (23rd April 2009) should be sufficient for a fresh application for planning approval to be assessed by the respondent and determined."

3. An Application for Planning Scheme Consent was lodged on behalf of the landowner on the 11th June 2009 for portion of the current building (225 m²) to be retained on lot 150 Henty Road. The proposed shed is 45m² (25%) over the City's maximum floor area for outbuildings, as set out in the City's Outbuildings Policy.
4. In support of the proposed shed size, the proponent states that the existing structure on the property is constructed as a four bay shed with each bay comprising 75m² in area. It is therefore the desire of the owner to remove one bay (rear of the building when viewed from the road) to retain a shed that is 225m² in area.

DISCUSSION

5. The determination of the SAT (copy enclosed in the Information Bulletin), at paragraph 50, provided that there should be sufficient time provided to "apply for development approval for, and erect, a smaller shed". The inference in the wording of the determination of the SAT is that an alternate structure would be placed on the site, rather than simply having the existing shed reduced in size. The SAT determined that the s214 Notice should be valid for 60 days, with a compliance date of the 22nd June 2009, and this timeframe was provided to find alternate storage space for the goods in the shed (paragraph 48 of determination).
6. It is a requirement that Council consider this application as if was lodged afresh, not simply a response to the Notices issued on the property. However, in determining the merits of the application, Council has the advantage of having the comments of the SAT relating to the planning merits of the current shed. This was brought about by the owner requesting the SAT to review the merits of the previous decision in order to deal with the s214 Notice (refer to paragraphs 15 and 16 of determination).

Item 13.1.1 continued

7. Council is required to have “regard to” the City’s Outbuilding policy, the matters listed in Section 5.4 of Town Planning Scheme 3 and determine whether the application warrants a Planning Scheme Consent.

Outbuilding Policy:

8. The proposed shed is set back the appropriate distances from the property boundaries and it is within the required maximum height limits specified in the policy.
9. The purpose of creating a policy to regulate the size of outbuildings was to ensure the use, appearance and impact of outbuildings on the locality is minimised. Outbuildings are an ancillary component of a development on a site and throughout the Swan Point Special Rural zone, outbuildings are generally clustered near residences, are ancillary components of the built form on the land or they are positioned near areas of bush. The scale and location of the shed on lot 150 Henty Road makes it a dominant feature on the site; the construction of a dwelling, based on the plans submitted with the application will not alter that position.

Visual Amenity:

10. It is acknowledged in the Outbuilding policy that “*unlike most dwellings, outbuildings are usually very bland metal clad structures devoid of architectural features such as windows, verandahs, etc. Construction of large and/or high sheds may have adverse impacts on visual character of streets and neighbourhoods, neighbours and scenic rural of coastal landscapes*”. This shed has a 15m wide blank wall, up to 4.8m in height, facing Henty Road and will have 15m long and 3.6m high side walls perpendicular to the road, broken by a full height panel lift and rolladoors clad in the same material as the shed.
11. It is the opinion of City Staff and the SAT (paragraph 41 of determination) that “*the shed is clearly noticeable as an oversize building on a lot mostly cleared of vegetation in a similarly cleared landscape*”. It is a development that has an impact, primarily due to the character and position of the shed. Removing the “rear bay” of the structure will not alter the relationship of the shed to its setting or improve the amenity of the locality.
12. City staff concur with the SAT position outlined in paragraphs 58 to 64 of the determination. Whilst the owner has planted a row of Blue gums around the perimeter of the land to provide a visual screen to future development on the land, that planting will be ineffectual in screening the shed and it will itself create an inconsistent element in the existing landscape.

Exceptional Circumstances:

13. Clause 7.0 of the Outbuildings Policy states “*Planning Consent will only be required where the above criteria cannot be complied with. Any variation to the above policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an ordinary meeting of Council*”.
14. The SAT examined the issue of exceptional circumstances in paragraphs 51 to 57 of the determination. City staff argue that the proponent has still not provided an explanation or rationale as to why the additional floor space is required on-site or that, exceptional circumstances exist to warrant a relaxation of the floor space limits within the policy.

Item 13.1.1 continued

Land Use Activity:

15. During an inspection of the site it was recorded that the shed is being used “*for the storage of equipment and vehicles for recreational use, for work as a bobcat operator and for maintenance of the site*” (paragraph 23 of determination). The application does not provide details on the intended use of the shed. The Proponent listed the “type of development/use proposed” in the application form as “*retrospective approval for oversized outbuilding*”.
16. The term “outbuilding” is defined in the Residential Design Codes as “*an enclosed non-habitable structure that is detached from any dwelling*”. It is also specified in the policy to mean “*any class 10A building under the Building Code of Australia (1996) Volume 2, which is not substantially connected to a dwelling*”. On lot 150 Henty Road, the only building on the site is the 300m² shed. Whilst the proponent has submitted concept plans showing the future location of a house on the land, there has been no application lodged with the City to construct that house. Consequently, City staff are of the opinion that the application before Council is to provide a “shed” primarily for business related purposes and for vehicle storage.
17. Had there been a residence on the property, an application could have been lodged, pursuant to section 3.2(ii) of Area 6 in Schedule 1 of Scheme 3 to conduct a “home business” on the property using up to 150m² of floor space within an “outbuilding”. However, it is the contention of City staff that the landowner is using the shed contrary to the scheme provisions as the current land use is not a Rural–Residential Dwelling, Public Recreation, Home Occupation, Craft Studio, Country Kitchen, Bed and Breakfast, Public Utility, Dam and/or soak construction, Rural Use, Cultural Use or other non-defined activity considered appropriate by Council which are consistent with the objectives of the zone.

PUBLIC CONSULTATION / ENGAGEMENT

18. No public consultation has been undertaken on the application. The original enforcement action was brought about by complaints from residents in the locality.

GOVERNMENT CONSULTATION

19. No government consultation is required.

STATUTORY IMPLICATIONS

20. The Land is zoned “Special Rural (No 6)” in the City's Town Planning Scheme No 3, which sets out the following objective: “*to provide a combined hobby farm and rural retreat area with an emphasis on the merging of development with the landscape and the minimisation of nutrient export.*”

Item 13.1.1 continued

21. Section 5.4 of Town Planning Scheme 3 states:

The Council in considering an application for planning consent is to have regard to such of the following matters as are in the opinion of Council relevant to the use or development the subject of the application;

- (a) The aims and provisions of the Scheme.....;*
 - (b) The requirement of orderly and proper planning.....;*
 - (f) Any town Planning policy adopted by the Council under clause 6.9 and any other plan or guidelines adopted by the Council under the scheme;*
 - (i) The compatibility of a use or development with its setting;*
 - (n) The preservation of the amenity of the locality;*
 - (o) The relationship of the proposal to development on adjoining land or on other land in the locality including, but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (zb) Any other planning consideration the Council considers relevant.*

22. Section 6.9.4 of the Scheme also states:

- (A) A Town Planning Scheme Policy shall not bind the Council in respect of an application for planning consent, however it may require the Council to advertise its intention to relax the policy*
- (B) Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision.*

23. The State Administrative Tribunal conducted a review of the Section 214 Notice issued by the City of Albany. That Notice required the demolition of the unapproved out/building on lot 150 Henty Road, Kalgan. The application for review was dismissed and Council can proceed to enforce the Notice

FINANCIAL IMPLICATIONS

24. The financial implications would be limited to staff time should a refusal of the application be subject to a further review by SAT.
25. Quotes have also been obtained to have the shed professionally dismantled, in the event that the s214 Notice is required to be actioned by the City; all costs incurred can be recouped from the landowner as a charge against the land. Within the Development Services budget for 2008/09 an allocation was provided for Legal Enforcement (job 2402) and that budget was expended.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Item 13.1.1 continued

POLICY IMPLICATIONS

27. The City of Albany Outbuilding Policy was introduced by Council in November 2002 and has been reviewed in 2003, 2005 and 2007. The Policy objectives are:

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

28. During the last review of the policy (in October 2007), it was noted that the maximum size of outbuildings in Special Rural zones in the City of Albany, then at 150sqm, were comparable with those permitted in other local authorities (Busselton 160, Harvey 120, Denmark 100, Geraldton 180 and Manjimup 150). The decision to increase the floor area to 180m² acknowledged *“the City of Albany knows that families have varying needs for outbuildings (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”*.
29. The maximum size of outbuildings in Special Rural zones specified in the policy are 180sqm, with a maximum wall height of 4.2m and maximum ridge height of 4.8m. The application proposes that the shed have an area of 225m², a wall height of 3.6m and a ridge height of 4.8m.
30. The policy also requires that, as part of a development application for an outbuilding in excess of the maximum size specified in the policy, the applicant is required to demonstrate “exceptional” circumstances why the application should be approved. No supporting statement has been provided.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

31. Council has the following options in relation to the proposal:
- approve the proposal with or without conditions;
 - defer consideration and seek additional information to assist in determining the application; and
 - refuse the proposal and provide reasons for the refusal.
32. Should Council refuse the application, the proponent can request the State Administrative Tribunal (SAT) to review the decision.
33. Should Council approve the shed, the Planning and Development Act Notice would need to be either withdrawn or it be modified to require the reduction in the size of the shed within a specified period. The proponent should also be required to gain a building approval certificate (subject to certification from a structural engineer) for the structure.

SUMMARY CONCLUSION

34. This development application provides no justification as to why the increase in floor area should be permitted, it does not address the visual impact of the shed on the local amenity and it was acknowledged by the SAT to be inconsistent with the objective of the zone (paragraph 6).

Item 13.1.1 continued

35. The unapproved structure is a shed that fails to comply with Town Planning Scheme 3 and the City's Outbuilding Policy. City staff recommend that a Notice of Planning Scheme Consent Refusal be issued and that the enforcement of the two Notices, requiring the removal of the unauthorised structure, be pursued.

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

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR KIDMAN**

THAT Council ISSUE a Notice of Planning Scheme Consent for an "Oversize Shed" at Lot 150 Henty Road, Kalgan subject to the following conditions:

- i) the existing shed and the modification to the shed shall be certified by a structural engineer;**
- ii) the rear bay is dismantled and the shed reduced in size to a maximum of 225m² as detailed in the submitted plans within 60 days of the approval;**
- iii) no human habitation is to occur within the shed; and**
- iv) the shed is to be used for domestic storage purposes only, unless written approval by Council is attained to the contrary.**

MOTION LOST 7-3

RECORD OF VOTE:

For the Motion: Councillors Dufty, Kidman and Buegge

Against the Motion: Mayor Evans, Councillors Torr, Price, Stanton, Wolfe, Walker, and Matla,

Councillors Reason:

There is no argument about the facts:

1. The shed was built without a permit;
2. That is oversize; and
3. That it was built by an unregistered builder.

But:

As I understand it the proponent's partner had to shift his truck and bobcat from a suburban location because his early morning starts upset neighbours. It seems entirely reasonable to allow extra space for this property to be stored on a 27.5 acre farmlet where it will not cause any problems.

I was not a Councillor at the time but it appears there was a distinct lack of discussion about the reasons.

To reduce the shed by one bay would still leave it oversize but the way it is built the options for reductions are 1 bay or 2 – which would leave it at 150m². It is not practicable to reduce it to the exact 180m².

Item 13.1.1 continued.

It is true that the shed was not built by a registered builder however I have made the time to inspect the shed. The concrete group who did the floor footing assure me that everything was done to standard; that footings more than complied with the plans (he was contracted for council footpaths in the past). The shed is very well built and is a first class job and credit to the builder.

It is just another case of the law being over the top when an owner can build a complicated house but not a “meccano” type shed.

Large amounts of money have been wasted on lawyers; to totally dismantle this building may be legal but is not justice, it will destroy the financial viability of a young engaged couple just starting out on life. Both are working and building this city. Yes they have been foolish but total demolition will be disastrous. Also it will bring a rash of reports of oversize or illegal buildings – will we demolish them all.

OFFICERS REPORT

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

STATUTORY IMPLICATIONS

1. Should Council support the motion the Planning and Development Act Notice would need to be either withdrawn or be modified to require the reduction in the size of the shed within a specified period; this time requirement has also been proposed as a condition of the consent.

POLICY IMPLICATIONS

2. No Change.

FINANCIAL IMPLICATIONS

3. The motion will have no further financial implications if the proponent complied with the proposed conditions and no subsequent enforcement action pursued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

4. No Change.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

5. No Change.

COMMENT

6. The motion is not supported for the reasons contained within the officer’s report. It is important to note that the State Administrative Tribunal comprehensively analysed the merits of the development, and although the shed is smaller, it is still significantly larger than the maximum size stipulated in Council’s outbuilding policy, a policy that has been reviewed on three previous occasions to acknowledge the requirements of landowners and the community at large.

Item 13.1.1 continued.

7. Staff reiterate that the owners sought approval, was denied the right to build the shed, constructed the shed without gaining approvals, did not disclose the reasons why the shed needed to be built immediately and they sought a review of Council's position with the State Administrative Tribunal.
8. To simply approve this application would deny the local community a formal opportunity to comment, it would seriously undermine the appeals process and send a message to the broader community that planning and building approvals are a non-statutory requirement.

**ITEM NUMBER – 13.1.1 ALTERNATE MOTION BY COUNCILLOR TORR
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TORR
SECONDED: COUNCILLOR WALKER**

THAT Council ISSUE a Notice of Planning Scheme Consent Refusal for an "Oversize Shed" to be constructed at Lot 150 Henty Road, Kalgan for the following reasons:

- i) the shed does not comply with the floor space restrictions contained within the City of Albany's Outbuildings Policy and no exceptional circumstances have been progressed to warrant consideration of the application;
- ii) the shed is inconsistent with the objective of Special Rural Zone – Area 6, will be incompatible with the setting and will have a detrimental impact on the amenity of that zone;
- iii) the uses conducted within the shed are inconsistent with the land use provisions of Special Rural Zone – Area 6; and
- iv) the application is inconsistent with proper and orderly planning.

and

That Council advise the applicant that it would be willing to support a revised application that reduces the size of the existing shed to 180m² or less to comply with Council's outbuilding policy and that the application be lodged and assessed within a 30 day period.

MOTION CARRIED 9-1

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Torr, Price, Stanton, Dufty, Wolfe, Walker, Matla, and Kidman

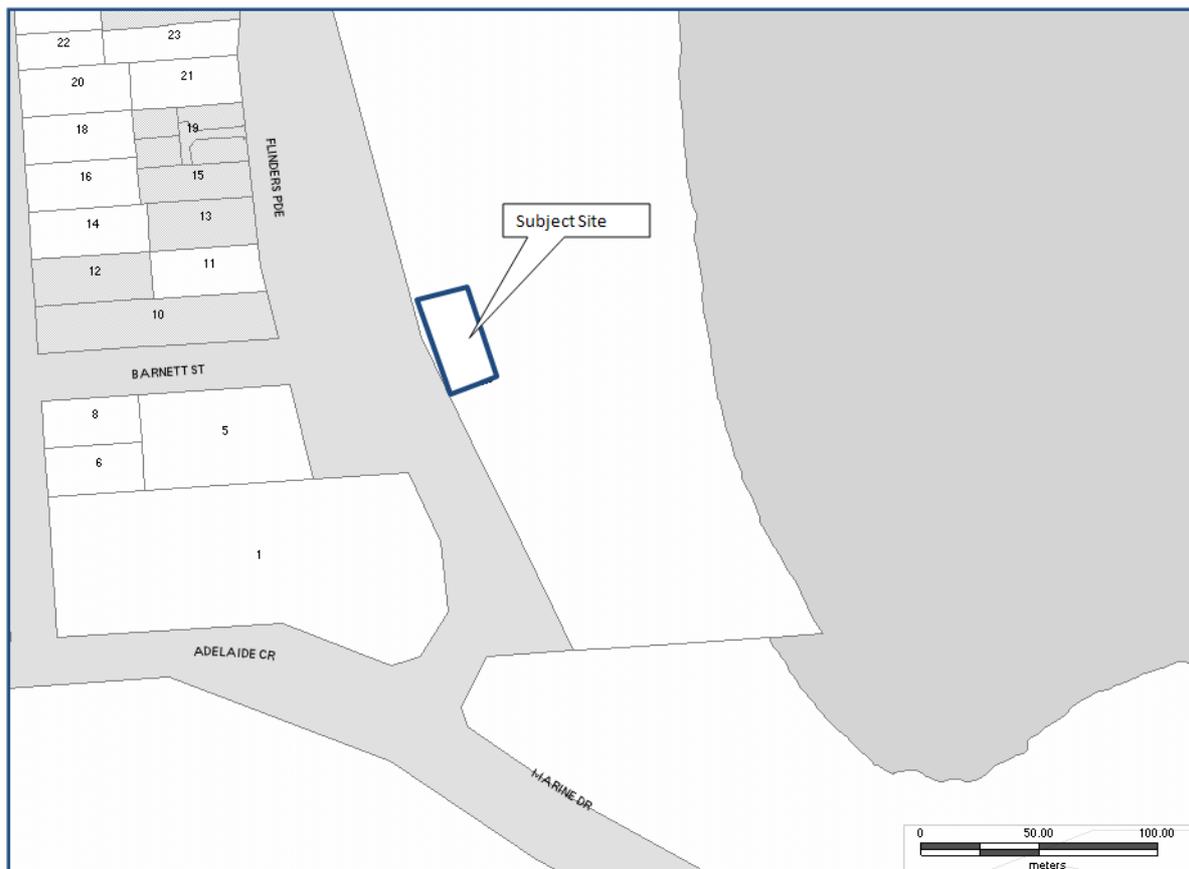
Against the Motion: Councillor Buegge

ITEM NUMBER: 13.1.2
ITEM TITLE: DEVELOPMENT APPLICATION – ALTERATIONS/ADDITIONS- ALBANY SURF LIFE SAVING CLUB, 4 FLINDERS PARADE, MIDDLETON BEACH

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

- | | |
|------------------------------------|---|
| File Number or Name of Ward | : A90251 (Frederickstown Ward) |
| Summary of Key Points | : Proposal for additions and alterations at the Albany Surf Life Saving Club. |
| Land Description | : 4 Flinders Parade, Middleton Beach |
| Proponent | : Peter Jongen |
| Owner | : City of Albany |
| Reporting Officer(s) | : Senior Planning Officer (I Humphrey) |
| Disclosure of Interest | : Nil |
| Previous Reference | : Nil |
| Bulletin Attachment(s) | : Site plan and elevations, comments of heritage adviser. |
| Consulted References | : Nil |
| Councillors Lounge | : Detailed plans. |
| Maps and Diagrams | |



Item 13.1.2 continued

BACKGROUND

1. An application for Planning Scheme Consent has been lodged for alterations and additions to the Albany Surf Life Saving Club at Middleton Beach. The modifications are to be undertaken in two stages with the first stage including a new first aid room, canteen extension, and extension of the existing boat shed with a 1st storey observation deck above. The second stage will consist of the conversion of the ground floor function room to provide additional storage (including an entry and stairs/lift to a 1st floor that will extend over the whole building footprint (minus the front deck) and for other floor space to be used for education and training.
2. There is to be no changes proposed to the access ramps or areas outside of the leased areas, apart from the removal of one Norfolk Island pine tree. The height of the finished building (at stage 2) is to be approximately the same as the ridge height of the existing structure, however it will extend over a larger building footprint.

DISCUSSION

3. The proposal includes an upper floor extension that will allow for a training/educational room and observation deck. The artist's impression and detailed drawings submitted by the applicant shows that the roof height would not change dramatically from the existing structure. The loss of views from nearby residences is anticipated to be negligible, especially as those views are already blocked by the Norfolk Island pine trees at the front and rear of the building. The extension does not overlook private property and it is screened by the existing built form.
4. The proposal requires the removal of a Norfolk Island pine tree at the rear (beach side) of the building. The tree is part of the row of mature Norfolk Island pine trees that lines the edge defining the park from the beach areas at Middleton Beach. The row of trees is listed in Council's Municipal Heritage Inventory.
5. The area is well served with car parking with a 256 public bay car park directly adjoining the application site.

PUBLIC CONSULTATION / ENGAGEMENT

6. There are no statutory requirements to advertise the proposal.

GOVERNMENT CONSULTATION

7. The application has been referred to the City's Regional Heritage Advisor, (copy of consultation report is included in the Information Bulletin) as the Norfolk Islands Pine trees are included on the City's municipal heritage register. The removal of the one tree is supported on the condition that the other identified trees are not damaged or comprised during ground and construction works.

STATUTORY IMPLICATIONS

8. The property is zoned 'Parks and Recreation' under Town Planning Scheme No.1A (Scheme).

Item 13.1.2 continued

9. In considering the application, Council shall have regard to the ultimate purpose intended for the reserve (recreation). The proposal is an extension of a use previously approved on the site and is directly linked to the location of the reserve on the beach.

FINANCIAL IMPLICATIONS

10. The City is contributing to the construction of this building through its annual budget.
11. The Albany Surf Life Saving Club has requested that Council refund the planning application fees (\$2 242) submitted with the application. This is seen as being a reasonable request as they are a volunteer organisation which provides a valuable community service.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

12. There are no strategic implications related to this item

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Council has the following options in relation to the proposal:
 1. approve the proposal with or without conditions;
 2. defer consideration and seek additional information; and
 3. refuse the proposal and provide reasons for the refusal.
15. Should Council refuse the application the proponent can appeal to the State Administrative Tribunal (SAT) to have the decision reviewed.

SUMMARY CONCLUSION

16. The design of the building sits well within the landscape and should have minimal impact on the immediate and wider surroundings, with the use of natural materials assisting this. The removal of the tree is acceptable from a heritage aspect and will provide greater visibility of the beach for safety and surf patrols.
17. The existing building has been leased in the past for use by clubs and individuals as a meeting and function centre. The floor space created within the 1st floor additions, could equally be used for this purpose. Planning Conditions can be applied to the building to require additional facilities (toilets etc) to be provided on-site should the club wish to lease/rent the area as a function area at a later date.

ADDENDUM TO OFFICER REPORT

FINANCIAL IMPLICATIONS

18. The City is contributing to the construction of this building through it's annual budget. An amount of \$100,000 has been identified in the draft 2009/10 budget for this purpose, however full funding arrangements for the entire building cost are the responsibility of the Club.

Item 13.1.2 continued.

19. The current lease will need to be reviewed in terms of rental and maintenance arrangements prior to completion of the development.

**ITEM NUMBER – 13.1.2 OFFICER RECOMMENDATION 1.
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DEPUTY MAYOR WOLFE
SECONDED: COUNCILLOR DUFTY**

THAT Council SUPPORTS the issuing of a conditional Planning Scheme Consent for a 'Club Premise' (alterations and additions) at 4 Flinders Parade, Middleton Beach subject to the following conditions;

- **The design, materials and colours of the new development harmonising with the surrounding environment. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence;**
- **The area shown as Training/Education on the plans hereby approved shall be used solely as such by the members of the Albany Surf life Saving club, and shall not be leased or rented to any third party for commercial gain without the prior consent of the Council.**
- **Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. The stormwater disposal system must be designed and certified by a practicing civil engineer.**
- **The approved development shall be carried out in such a manner as to avoid damage to the Norfolk Island Pine tree marked red on the plans hereby approved. The tree marked in blue on the approved plan, including its root systems, is to be retained by observing the following:**
 - **The tree shall be marked and protected during any operation on site by temporary fencing or otherwise to the satisfaction of the City. Such tree protection measures shall remain throughout the period of construction;**
 - **No materials or equipment shall be stored within the spread of the branches of the tree;**
 - **No roots over 50mm diameter shall be cut, and no structures or other engineering operations shall be constructed or carried out within the spread of the branches of the tree;**
 - **Ground levels within the spread of the branches of the tree shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the City.**

FOOTNOTE: Should the Albany Surf Club wish to lease or hire portion of the building to a third party, a separate approval of Council would be required and adequate toilet facilities provided for that area.

MOTION CARRIED 10-0

Item 13.1.2 continued.

Committee Recommendations 2 and 3 were resolved en bloc by ABSOLUTE MAJORITY.

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR STANTON**

**ITEM NUMBER – 13.1.2 OFFICER RECOMMENDATION 2.
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council DELEGATES its authority to the Senior Planning Officer (I Humphrey), pursuant to 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for and empowers the Senior Planning Officer to incorporate any further conditions that he considers necessary.

**ITEM NUMBER – 13.1.2 OFFICER RECOMMENDATION 3.
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council resolves to reimburse to the proponent the planning fees of \$2, 242 paid in respect to this application for Planning Scheme Consent.

**MOTION CARRIED
ABSOLUTE MAJORITY
EN BLOC10 -0**

ITEM NUMBER: 13.1.3

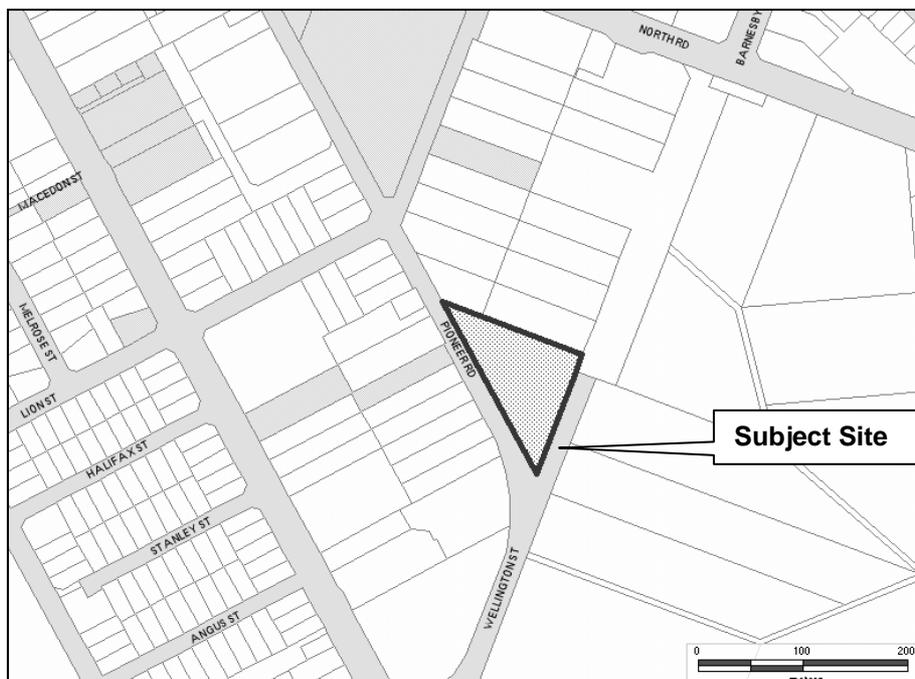
ITEM TITLE: DEVELOPMENT APPLICATION – PROPOSED DAY SURGERY HOSPITAL, 2-18 PIONEER ROAD, CENTENNIAL PARK

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

File Number or Name of Ward	: A133463 (Breaksea Ward)
Summary of Key Issues	: Relaxation of rear boundary setback on Proposed Day Surgery Hospital.
Land Description	: 2-18 Pioneer Road, Centennial Park
Proponent	: Ayton Baesjou Planning
Owner	: David Tadj (Trustee for The Tadj Trust)
Reporting Officer(s)	: Planning Officer (T Wenbourne)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/01/02 Item 11.1.3 OCM 20/01/04 Item 11.1.1 OCM 18/07/06 Item 11.1.3
Bulletin Attachment Reference	: Application for Planning Scheme Consent
Consulted References	: Town Planning Scheme 1A Albany Insight ~ Beyond 2020 Residential Design Code Policy
Consulted References	: Nil
Councillors Lounge	: Nil.

Maps and Diagrams:



BACKGROUND

1. The application site is the Pioneer Road Medical Centre, a triangular piece of land 8913m² in area, located to the north of the junction of Pioneer Road and Wellington Street. The land is zoned “Clubs and Institutions” within Town Planning Scheme 1A.
2. Conditional planning approval was granted at the Council meeting on 15 January 2002 and included a pharmacy element within the proposed building. This approval was in the process of lapsing as the applicant had not substantially commenced development. A renewal for a varied proposal was subsequently approved following the Council meeting on 20 January 2004. The difference between the approved developments was the removal of the pharmacy as an integral part of the building, to a separate structure linked under the main roof of the building.
3. A smaller medical centre was approved under delegated powers on 22 September 2004 following public consultation. This smaller medical centre did not include a pharmacy element. This smaller medical centre was constructed with the pharmacy added later following approval at the Council meeting on 18 July 2006.
4. Due to increasing demand, the owner again sought a larger medical facility on the site. An application for the addition of three further consulting rooms attached to the existing medical centre, via an enclosed link, was approved under delegated powers on 12 May 2009. These consulting rooms are intended as a temporary interim measure pending the anticipated approval and construction of this latest proposed development.
5. The proposal seeks to expand the existing medical centre facility to include a day surgery hospital on the site. The application is presented to Council as the value of the development exceeds staff’s delegation limits.

DISCUSSION

6. The proponent now seeks Planning Scheme Consent for a new day surgery hospital in addition to the existing medical centre and connected to the pharmacy building. This is similar to the developments previously approved on the site.
7. The existing buildings are located towards the southeast corner of the site with the car parking stretching along the southern boundary in a northwest direction. The site slopes from southwest to northeast with a five metre fall across the site from Pioneer Road. The site has previously been cleared with low vegetation returning across the lower lying portion of the site below the existing levelled access road and car parking area.
8. The development is proposed with one main floor with level access from the existing parking area along Pioneer Road. This is required for operational purposes of the day surgery hospital. Part of the eastern section would have a first floor element above the operating rooms to house the necessary plant and machinery. The building is shown with a cantilever construction, so where the ground level falls to the northeast, an undercroft is provided under much of the footprint. This undercroft is intended to accommodate most of the additional 76 car parking bays. The layout and design of the building is similar to the previous approved schemes with the proposal continuing from the built form of the existing pharmacy building in materials and colours to match the existing buildings onsite.

Item 13.1.3 continued

9. The height of the roof varies between 9m to 13.5m on the eastern elevation (Wellington Street) and 10m to 13.5m on the northern elevation. The large expanse of roof is broken up through different levels of conical canopy where the tallest elements of the canopies are significantly setback from the edge of the building. The roof structure resembles the form of a circus ‘big-top’. The highest level of canopies have louver windows that will allow natural daylight to penetrate further into the building. The setting back of the highest elements of the building helps to make the overall bulk less visually dominant.

Zones	Minimum Lot Area (m ²)	Minimum effective Frontage (m)	Minimum Plot Ratio	Min. Boundary Setbacks			Minimum Car Parking Spaces	Minimum Landscaping (% of site)
				Front (m)	Rear (m)	Sides (m)		
Clubs & Institutions	2000	20	0.5	11.0	7.5	2 per storey	1 per 40m ² gross floor area	25

10. The zone development table of Town Planning Scheme 1A requires development in the Clubs & Institutions zone to meet minimum requirements (above). Both the lot area and effective frontage are more than adequately met for this site.
11. The proposed building is not a regular shape and has curved external walls. The proposed building at its closest is 14m from Pioneer Road, which is considered the primary street, so the front setback requirement is met.
12. The northern elevation (rear) varies in its distance from the boundary between 2.88m and 29m. Although elements project closer than the 7.5m required in the Scheme, a relaxation can be granted as provided for in section 4.10 of Town Planning Scheme 1A. City staff are of the opinion that a relaxation can be justified in this instance as the land to the north has been rezoned to R60 density and this will be the southern boundary for this higher density development area, where maximum solar exposure to the north will be sought. Under the Council’s Residential Design Codes Policy, this land could be developed with a three or even four storey residential building, so the scale of the proposal when viewed from a distance would not look out of place. Also, as previously stated, the maximum height of the roof of the proposed structure is significantly setback from the boundaries so the building will not appear overbearing or dominating when viewed from adjoining sites. The proponent has stated that he intends to plant landscape screening along this boundary to further help minimise any potential impact on the land to the north (freehold lots owned by the City of Albany) and this can be required by condition.
13. The only side setback to consider is to the east, fronting on to Wellington Street, which is currently an unmade road. The main floor level is setback 2.88m from the boundary and the plant rooms above the operating theatres form a second storey element, which is setback 4.61m at the closest point.
14. The existing medical centre has a floor area of 564m², the pharmacy is 207m² and the recently approved temporary consulting rooms are 105m². This proposal seeks to add an additional 1690m² for the proposed day surgeries and associated healthcare uses. A further 680m² is also proposed for future associated medical tenants. This, together with the removal of the temporary consulting rooms (which can be required by condition), gives a total floor space of 3141m² and represents the total extent of development for the site

Item 13.1.3 continued

15. At one parking bay per 40m², the parking required to service the existing and proposed development on the site is 79 bays. If the Pharmacy is considered as a separate retail entity for the purposes of parking provision, and calculated on at the rate of one bay per 20m², this adjustment results in a parking requirement of 85 car parking spaces. Currently there are 48 car bays and 2 drop-off bays along the Pioneer Road frontage. This exceeds the current requirements of the site. The proposed development is shown to provide a further 76 car parking spaces, bringing the total for the overall development to 124 car parking spaces. Therefore, this proposal will establish 39 car parking bays in excess of the minimum allocation required by the Scheme.
16. The remaining open space provided on-site, not taken up by buildings, car parking bays or access roads, is approximately 2620m². This equates to around 29.5% of the site area and can be soft landscaped as intended by the proponent. This meets the Scheme provisions and a landscaping plan can be required by condition.
17. Guideline 8 of the Development Guidelines for Scheme 1A details the requirements for a financial contribution for Public Art that reflects or enhances local cultural identity. This is an allocation of 1% of the estimated project cost on developments over the value of \$1,500,000. In this instance the development is estimated to cost \$5,000,000 which equates to a \$50,000 contribution. These funds can be secured by an appropriate condition or the public art components can be incorporated into the building fabric (paving, wall finishes, lighting elements, etc).
18. The proposed development has been subject to internal consultation with City of Albany Engineers, Environmental Health Officers and the Principal Building Surveyor. No objections to the proposal were raised, however suggested conditions and advice notes have been offered and these have been incorporated into the report.

PUBLIC CONSULTATION / ENGAGEMENT

19. Within Town Planning Scheme 1A a “medical centre” and “hospital” are ‘SA’ uses in the “Clubs and Institutions” zone, which are uses not permitted unless planning consent is granted by the Council after advertising for public comment.
20. This proposal has been advertised in accordance with the Scheme requirements; a Site Notice was placed onsite; an advertisement was placed in the Local Government Notices section of the Weekender newspaper and letters were sent to 22 surrounding neighbours and landowners.
21. The advertising period closed on 25 June 2009. A total of three (3) responses were received. Of these two (2) were telephone calls from neighbouring residents, who wanted further clarification on the proposal, but had no objection. One (1) e-mailed written response was received from the Department of Housing stating the Department has no objection to the application.
22. No further representations were received.

GOVERNMENT CONSULTATION

23. Not applicable.

Item 13.1.3 continued

STATUTORY IMPLICATIONS

24. The land is in the “Clubs & Institutions” zone of Town Planning Scheme 1A (TPS 1A). There is an existing medical clinic and pharmacy onsite. The proposed development seeks to expand the medical clinic use with a day surgery hospital. The uses ‘Medical Clinic’ and ‘Hospital’ are not permitted unless planning consent is granted by the Council after notice has been given in accordance with Clause 7.5 of the Scheme.
25. The proposal meets the Scheme requirements for the zone, except for the rear setback. A 7.5m setback is required and the actual setback of the proposed development varies between 2.88m and 29m (an average distance well in excess of the scheme requirement)
26. Clause 4.10 of TPS1A allows Council to consider a relaxation to a scheme standard (in this case a relaxation to the rear setback). The Clause states that where Council is of the opinion that the relaxation will affect any owners or occupiers in the adjoining locality the relaxation is to be advertised. In this case the development was required to be advertised anyway and the requested boundary relaxation was mentioned in all the advertising and the correspondence to neighbouring landowners.

FINANCIAL IMPLICATIONS

27. Should the proponent lodge an appeal with SAT over any of the proposed conditions or a decision by Council to refuse the application, some legal costs would be applicable.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

28. This item directly relates to the following elements of Albany Insight ~ Beyond 2020:
 1. *Lifestyle & Environment,*
Albany will be a City where...
 - 1.1 *Our health services are significantly improved in order to accommodate the real needs of the region.*
 4. *Governance,*
The City of Albany will...
 - 4.3 *Deliver excellent community services that meet the needs and interests of our diverse communities.*

POLICY IMPLICATIONS

29. The requested boundary setback relaxation can be determined on the individual planning merits of the proposal. The design and scale of the proposed development offers unique circumstances that would not set a precedent for future proposals elsewhere.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

30. Council has the option to refuse the proposal, however this may prompt the proponent to lodge an appeal with the State Administrative Tribunal. This would have associated cost implications for the Council.

SUMMARY CONCLUSION

31. The application proposes further development of the existing Pioneer Road Medical Centre.

Item 13.1.3 continued.

32. The proposed development satisfies the 'Clubs & Institutions' zone requirements set out in Town Planning Scheme 1A, except the rear boundary setback for which a relaxation is sought. Due to the unique design proposed for the building, it is considered the requested relaxation will not have a significantly detrimental impact on the residential amenity of the current or future occupiers of adjoining sites. If the land to the north is developed to its full potential, as permitted through Council policies, the scale of this proposal would not be out of keeping. The appearance can be further softened through landscaping, which is the subject of a suggested condition.
33. The development shows car parking provision in excess of the Town Planning Scheme requirements.
34. In conclusion, the proposal for a day surgery hospital at the Pioneer Road Medical Centre is considered acceptable, subject to the conditions set out below.

**ITEM NUMBER – 13.1.3 OFFICER RECOMMENDATION 1.
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for a 'Day Surgery Hospital' at 2-18 Pioneer Road, Centennial Park, subject to, but not limited to, the following conditions:

- i) Prior to the issue of a Building Licence, details of the land drainage shall be submitted to and approved in writing by or on behalf of the Council. These details shall include plans identifying the existing Council drainage system and clearly show: invert levels, cover levels, pipe size & grade and should be designed and certified by a practising Civil Engineer. The works shall be carried out in accordance with those approved details.**
- ii) Prior to the issue of a Building Licence a detailed soil investigation shall be carried out to identify the presence or absence of Acid Sulphate Soils. Should Acid Sulphate Soils be found, an Acid Sulphate Management Plan must be prepared for the site. The investigation and preparation of the management plan must be undertaken by competent persons and a written report of the findings and proposed actions must be produced. The written report is subject to approval in writing by or on behalf of the Council and works shall be carried out in accordance with the report recommendations.**
- iii) Prior to the issue of a Building Licence a Geotechnical Report shall be submitted to and approved in writing by or on behalf of the Council. The Geotechnical Report shall certify that the land is physically capable of development and shall include:
 - a) Assessment of the soil, rock and groundwater conditions within the significant foundation support zone**
 - b) Provide site classification(s) in accordance with AS2870-1996 and requirements to improve classification(s)**
 - c) Assess sand thickness suitable for cut to fill**
 - d) Provide pavement design parameters and construction requirements****

Item 13.1.3 continued.

- e) **Assess the suitability of the site for disposal of stormwater runoff by soakage**
- f) **Provide construction considerations pertinent to the proposed development, including site preparation, excavation conditions, protection of footing excavations, suitability of materials for structural fill, compaction control, groundwater control and the need for subsoil drainage.**
- iv) **Prior to the issue of a Building Licence a detailed hard and soft landscaping plan shall be submitted to and approved in writing by or on behalf of the Council. The hard landscaping detail shall include the extent of surfacing for vehicular parking, manoeuvring and circulation areas.**
- v) **The approved landscaping plan shall be implemented in the first planting season following occupancy of the building and shall be retained in accordance with the agreed plan for a period of 5 years. Any trees or plants which, within this period, are removed, die or become, in the opinion of the Council, seriously damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as previously approved, unless otherwise agreed in writing by or on behalf of the Council.**
- vi) **All external materials used on the development hereby approved shall match those used on the existing buildings, unless otherwise agreed in writing by or on behalf of the Council.**
- vii) **All work is to be undertaken in accordance with the City of Albany's Subdivision and Development Guidelines.**
- viii) **Stormwater from the lot shall be managed in accordance with Council's specifications at the applicant's cost. The stormwater disposal system is to be designed and certified by a practising Civil Engineer to the satisfaction of the Council prior to the commencement of development.**
- ix) **Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being designed in accordance with AS2890.1, constructed, properly drained and sealed to the satisfaction of Council. All spaces being marked out and maintained in good repair.**
- x) **The temporary consulting rooms approved under Planning Scheme Consent P295094 shall be demolished with the resulting materials removed from the site to the satisfaction of the Council within six months of occupation of the development hereby approved, unless otherwise agreed in writing by or on behalf of the Council.**
- xi) **The developers of the property making suitable arrangements with Council to ensure the provision of public art in the development to a value of 1% of the contract price of the proposed development. Arrangements are to be made prior to occupancy of development.**
- xii) **Provision being made for service vehicles and a lockable rubbish storage area with bin washing facilities.**
- xiii) **No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.**

MOTION CARRIED 10- 0

Item 13.1.3 continued.

**ITEM NUMBER – 13.1.3 OFFICER RECOMMENDATION 2.
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR WOLFE**

THAT Council DELEGATES its authority to the Senior Planning Officer pursuant to Clause 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a 'Day Surgery Hospital' at 2-18 Pioneer Road, Centennial Park and empowers the Senior Planning Officer to incorporate any further conditions that he considers necessary.

MOTION 10-0

13.2 DEVELOPMENT POLICY

ITEM NUMBER: 13.2.1

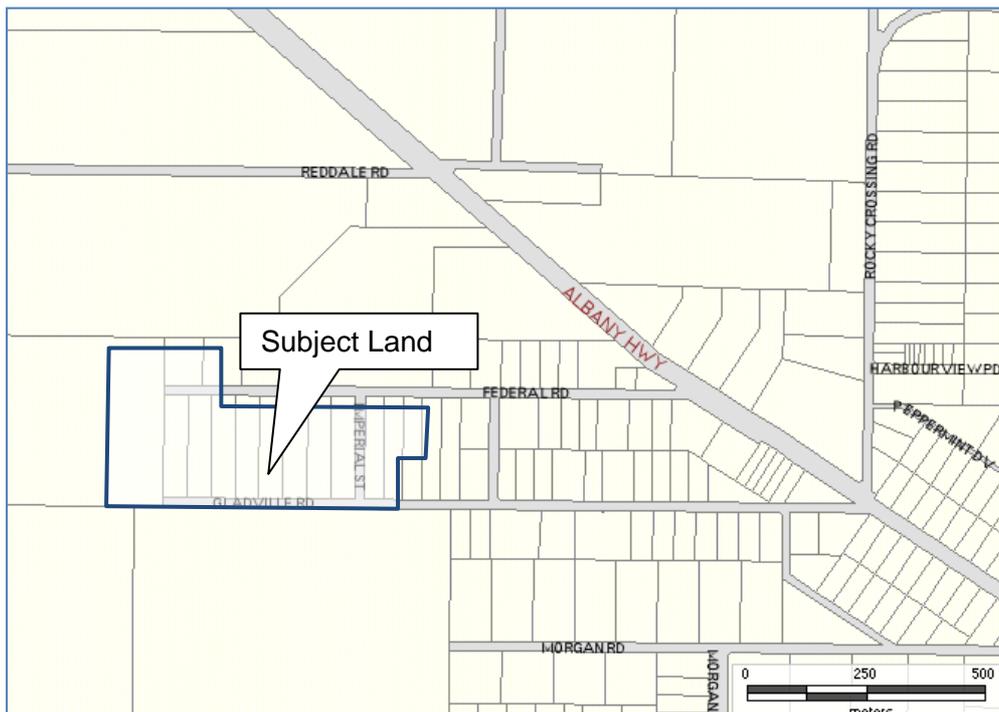
ITEM TITLE: SCHEME AMENDMENT REQUEST – LOTS 36-38, 41-45 AND 47-52
FEDERAL STREET AND LOTS 39, 40 AND 46 GLADVILLE ROAD, MCKAIL

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward	: SAR 141 (West Ward)
Summary of Key Points	: To consider a SAR proposal to rezone Lots fronting Federal Street and Lots 39, 40 and 46 Gladville Road, McKail from 'Rural' to 'Special Residential'
Land Description	: Lots 36-38, 41-45 and 47-52 Federal Street and Lots 39, 40 and 46 Gladville Road, McKail
Proponent	: Harley Survey Group
Owner	: Various owners
Reporting Officer(s)	: Planning Officer (C McMurtrie)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Scheme Amendment Request document and agency submissions
Consulted References	: 1. Albany Local Planning Strategy; 2. Lower Great Southern Strategy; 3. WAPC Statements of Planning Policy SPP1, SPP2, SPP2.5 and SPP 3
Councillors Lounge	: Nil

Maps and Diagrams:



Item 13.2.1 continued

BACKGROUND

1. Scheme Amendment Request (SAR) 141 has been submitted for Council to assess the potential to rezone Lots 36-38, 41-45 and 47-52 Federal Street and Lots 39, 40 and 46 Gladville Road, McKail from 'Rural' to 'Special Residential' within Town Planning Scheme (TPS) No.3.
2. Council is being asked to determine its support, or otherwise, for the current SAR proposal.

DISCUSSION

3. The 17 subject lots are located between Gladville Road and Atwell Park Speedway, approximately 430m to the west of Albany Highway and 7km north-west of the city centre. They cover a total area of approximately 16.2ha, with the land sloping gently downward in an easterly direction from the south-west corner of Lot 39 to the eastern boundary of Lot 52.
4. The land has been developed with single houses and associated outbuildings on large lots of at least 4000m². This development has preserved the open character of the area, with the lots being too small to support agricultural activities, such as stock grazing. However, their relatively large size can make maintenance difficult for landowners.
5. The subject lots have access to Gladville Road and Federal Street, which are both constructed to outer residential standards with bitumen sealed roads (not kerbed) and table drainage. Utilities are available, with the exception of reticulated sewer. The proposed rezoning would facilitate the creation of lots large enough to accommodate on-site effluent disposal, with sewer provision likely in the longer term, as urban development extends onto land to the west of the subject lots.
6. The land to the west and south of the subject lots forms Special Rural Zone No. 1D, which remains undeveloped and is used for rural purposes, including grazing and hay production. Special Residential Zone No. 9, a rural residential area with a minimum block size of 4000m², lies primarily to the east of the subject lots, although it also extends a short distance along their northern edge. (See plan on page 11 of the proponent's report). The remainder of the land to the north of the subject lots is composed of a 'Public Purposes' Reserve covering the Federal Street electricity sub-station and the 'Private Clubs and Institutions' Zone covering the Atwell Park Speedway, which abuts the three northernmost lots.
7. The subject lots have been identified as an Existing Urban area in the draft Albany Local Planning Strategy (ALPS). Although the land is currently zoned 'Rural', the lots have been subdivided to 4000m² blocks and rural land uses have been discontinued. The SAR proposal can therefore be considered consistent with the strategic land use outcomes of the Lower Great Southern Strategy (LGSS) and the draft ALPS in that it does not seek to promote the "highest and best use" of the land, consistent with the strategies.

Item 13.2.1 continued.

8. Staff have concluded that it would be more appropriate to zone the land to the 'Residential Development' Zone, with a requirement for a Structure Plan to be prepared to guide future subdivision and development. This would result in a more appropriate use of the land, in keeping with its 'Existing Urban' designation within the draft ALPS, and would ensure that any future development is integrated with the development of Lot 124 Gladville Road and Lot 507 Lancaster Road, which are currently undergoing rezoning to the 'Residential Development' Zone.

The only mitigating argument would be that the proposed zoning could allow for a transition of lot sizes from the highway to the smaller residential lots proposed to the west.

PUBLIC CONSULTATION/ENGAGEMENT

9. Not applicable to this stage of rezoning process.

GOVERNMENT CONSULTATION

10. The SAR was referred to the Department for Planning and Infrastructure (DPI), WestNet Energy (Alinta Gas), Telstra, Water Corporation, Western Power, the Department of Environment and Conservation, the Department of Water and Main Roads WA (Great Southern Region). No response was received from Western Power. The other Departments responded as follows:

Department for Planning and Infrastructure:

11. DPI is not supportive of rezoning the site to Special Residential. It is acknowledged that the subject land is in proximity to Albany Speedway and existing Special Residential development lies to the east of the subject land. However:
 - (a) The subject land is identified in the ALPS for urban residential development. A Special Residential zoning is contrary to this strategic guidance and would have capacity to prevent fully serviced urban residential development on the land as envisaged by ALPS; and
 - (b) Amendments dealing with adjacent land immediately west and south of the subject land have recently been adopted by the Council for rezoning from Special Rural to Residential Development (Amendments 267 and 277 to TPS3). Land to the south-east has also recently been rezoned to Residential Development. This zoning would provide for structure planning and ultimately fully serviced urban residential development in accordance with the ALPS. Extension of utility services including reticulated sewer is therefore envisaged for this area. Use of such services to allow for urban residential development to occur on the subject land (as opposed to unserviced Special Residential lots) is appropriate and consistent with orderly and proper planning for the locality.
12. DPI therefore considers that a Residential Development zoning is more appropriate for the subject land, consistent with ALPS and other recent rezoning in the immediate locality, subject to noise impacts from the nearby Speedway being suitably managed.

Item 13.2.1 continued.

WestNet Energy:

13. No objection to the proposed rezoning.

Telstra:

14 No objection to the proposed rezoning.

Water Corporation:

15. The lots are located within the Water Corporation's Water Operating License Area. However, some of the lots are outside the Corporation's Sewerage Operating License Area (SOLA).

16. Water Corporation therefore has no objection to the proposal. However, if a sewerage service is required for the lots outside the SOLA, the developer will be required to write to the Corporation requesting that they are given preferred wastewater supplier status. The Corporation would then consider the request and if economically viable and practical they would contact the Economic Regulation Authority (ERA) requesting that the SOLA be extended to include the above lots. Should the ERA approve the change to the SOLA, sewerage services would be made available.

17. The developer would also be required to pay a headwork's contribution and connection fee for each lot created and may be required to fund the installation of water mains and sewers, dependant on their size.

Department of Water (DoW):

18. The DOW provides the following comments:

Waterways – The subject land is located within the upper headwaters of the Willyung Creek catchment, which drains to the regionally significant Oyster Harbour. A tributary to the Willyung Creek is located a short distance from the subject site, and will receive runoff from the lots and roads. The re-zoning proposal will need to demonstrate that the land intensification process will not give a detrimental impact on the Willyung catchment.

Local Water Management Strategy – In accordance with *Better Urban Water Management*, the water planning framework to guide the implementation of *State Planning Policy 2.9 water Resources*, a local water management strategy (LWMS) is required to support a scheme amendment. The LWMS should include the following information:

- Land capability assessment (including winter testing and identification of flood risk areas);
- Identification and mapping of waterways and wetland areas; and
- Conceptual stormwater management plans.

The detailed stormwater management design of individual lots will be required in an Urban Water Management Plan (UWMP), which is to be provided at the subdivision stage. The UWMP should be in accordance with the DoW *Stormwater Management Manual for WA* and demonstrate best practice water sensitive urban design.

Item 13.2.1 continued.

Department of Environment and Conservation (DEC):

19. No substantive comment to make on this proposal.

Main Roads WA:

20. Main Roads raises the following concerns regarding the proposed rezoning:

- The additional traffic generated by development of the rezoned land, from Rural to Special Residential will impact the level of service for the Federal Street and Gladville Road intersections with Albany Highway.
- Safe intersection sight distances for an 80km/h speed zone are not met by traffic exiting north along Albany Highway from Gladville Road and traffic exiting south from Federal Street along Albany Highway.
- There is no Structure Plan showing connectivity with adjacent development properties or integration with an arterial road network.
- Main Roads is aware that dense subdivision development is likely in adjacent areas, yet an overall Structure Plan has not been presented to Main Roads indicating proposed future traffic movements.

STATUTORY IMPLICATIONS

21. A SAR is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
22. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

24. The City's decision on the SAR proposal should be consistent with the outcomes of the draft ALPS as the principal land use planning strategy for the City.

25. ALPS Section 8.3.5 (Rural Living) contains the following two strategic objectives:

“Encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential”; and

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

Item 13.2.1 continued.

26. The ALPS objectives for Rural Living Areas are to:

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

27. As the subject land is identified as 'Existing Urban' within the ALPS and is on the urban edge of the City, a re-zoning to 'Special Residential' would prejudice its potential to be developed to a full urban residential standard at a future date. The proposal to develop low density (R2 to R5) non-severed residential lots is therefore judged to be contrary to the objectives of the ALPS, as outlined above.

POLICY IMPLICATIONS

28. Council is also required to have regard to any Western Australian Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. (SPP) No's 1 'State Planning Framework Policy' and 3 'Urban Growth and Settlement' establish the general principles for planning in Western Australia. The primary aim of these SPP's being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services. The SAR proposal is required to reflect these policies and strategies.

29. In addition, SPP 3 specifically refers to SPP 2.5 'Agricultural and Land Use Planning', which applies to the zoning of land for rural-residential development and states that rural-residential development should:

1. *avoid future urban areas or areas particularly suitable for urban development in terms of their characteristics and proximity to urban services;*
2. *only include locations which are suitable for this type of development, such as land which is topographically varied, visually attractive and with distinctive environmental attributes or otherwise has potential for lifestyle pursuits; and*
3. *take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land.*

30. In this instance, the subject land has been identified in the ALPS as 'Existing Urban' and is adjacent to a significant area of land in the process of being rezoned to 'Residential Development'. The rezoning of the adjoining land will facilitate future residential development to a full urban standard. This will bring urban services close to the subject land, which combined with its relatively flat topography, will make it more suitable for development to a full urban standard.

31. In addition, the ALPS has identified a current oversupply of Special Rural and Special Residential zoned land, together with a significant difference between the number of lots granted preliminary approval and those granted final approval.

Item 13.2.1 continued.

32. The WAPC prepared the Lower Great Southern Strategy (LGSS) to guide land use planning decisions within the region. The SAR proposal, with the proposed residential overlay plan, is considered inconsistent with the actions identified in the LGSS, particularly in respect of its impact on vegetation and biodiversity conservation and estuaries, rivers and wetlands.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

33. Council has the following options in relation to this item, which are:
- To support the SAR proposal without modifications;
 - To support the SAR proposal with modifications; or
 - To reject the SAR proposal.
34. The SAR process is not a statutory process under any planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal scheme amendment process. It is designed to provide the proponent with a simple and informal assessment of a proposal to gauge the views and comments of the City and other Government agencies on the merits and likely support to be expected.
35. Should Council support the SAR proposal, it will progress to a formal scheme amendment; the amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All scheme amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.
36. If Council were to reject the SAR proposal, the proponent would have the following options:
- To not proceed with the SAR proposal;
 - To lodge a formal scheme amendment and request consideration by Council, irrespective of the outcome of the SAR.

SUMMARY CONCLUSION

37. The ALPS identifies the subject lots as 'Existing Urban', based on the existing development being essentially suburban in character, albeit with large lot sizes, and located on the urban edge of the city. While there is a 'Special Residential' zone to the east of the subject lots, much of the land to the south and west is in the final stages of being rezoned to 'Residential Development', which will facilitate development to a full urban standard.
38. Given the planned extension to the urban edge west of the subject lots and the proximity to services that this will bring, it would seem logical to apply the 'Residential Development' zoning to the subject lots. The future development of this land could then be carried out in a cohesive fashion with that of the land to the south and west, through the Structure Planning process.
39. The Structure Planning process would also allow the matters raised by Department of Water and Main Roads WA to be addressed, prior to further development taking place on the land.
40. In conclusion, it is recommended that Council support a formal scheme amendment to rezone the land to 'Residential Development'.

Item 13.2.1 continued.

ITEM NUMBER – 13.2.1 OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADVISE the proponent that it is prepared to entertain the submission of a formal scheme amendment to rezone Lots 36-38, 41-45 and 47-52 Federal Street and Lots 39, 40 and 46 Gladville Road, McKail from the 'Rural' Zone to the 'Residential Development' zone subject to the following matters being addressed:

- a) A detailed land capability report being prepared;
- b) The capacity of the land to be connected to reticulated sewer to be resolved
- c) The preparation of a Local Water Management Strategy in accordance with "Better Urban Water Management" guidelines;
- d) A traffic management assessment being prepared; and
- e) A comprehensive opportunities and constraints map being incorporated

ALTERNATE MOTION BY COUNCILLOR STANTON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STANTON
SECONDED: COUNCILLOR WOLFE

THAT COUNCIL LAY ITEM 13.2.1 on the table.

MOTION CARRIED 10-0

Councillor's reason:

All the landowners of these blocks in Federal and Gladville Road want special residential not residential development. This is their lifestyle choice and they want to keep living there for many years to come. Landowners should be allowed to have a say in what block sizes suit their needs best and the flow on between the existing special residents to the recently approved Residential Development, does give a proper and orderly planning. There are a number of reasons for this as Mr Pursey states in his letter, it would serve to fill a market with the City of Albany by providing larger residential lots as opposed to the standard 600m2 urban lot, it also and importantly it is on the edge of the urban area, identified in the Local Planning Strategy and it effectively provides a graduation of lots sizes to the land to the North, which is identified for Rural residential in the long term. As his letter goes onto say if the City is going to concentrate on creating a built form comprising uniform 600m2 then it will miss out on a logical opportunity to provide lot size choice in a segment of the market that is largely missed. This gives a product to people that is wanted. The lots are already virtually being used as special residential as Mr Pursey states, a rezoning from rural to special rural will confirm this existing land use and allow for additional controls to be applied to the area. I stress his point that the existing development of these lots because of the difficulty of their shape, most probably end up with battle axe sides on it which makes it very difficult to give proper and orderly planning. Must be pointed out that ALPS does recognise the area as existing residential, the same lots recently rezoned as special residential on 9th September 2008, immediately to the west using very similar reasoning to that which we are talking about now.

Item 13.2.1 continued.

This gives an effective buffer to the speedway and the western power sub station, which is quite essential for this area, because we saw that with our two development applications that came to Council last month that there were concerns. This matter should be looked at as a special part of this and it does provide the flow on.

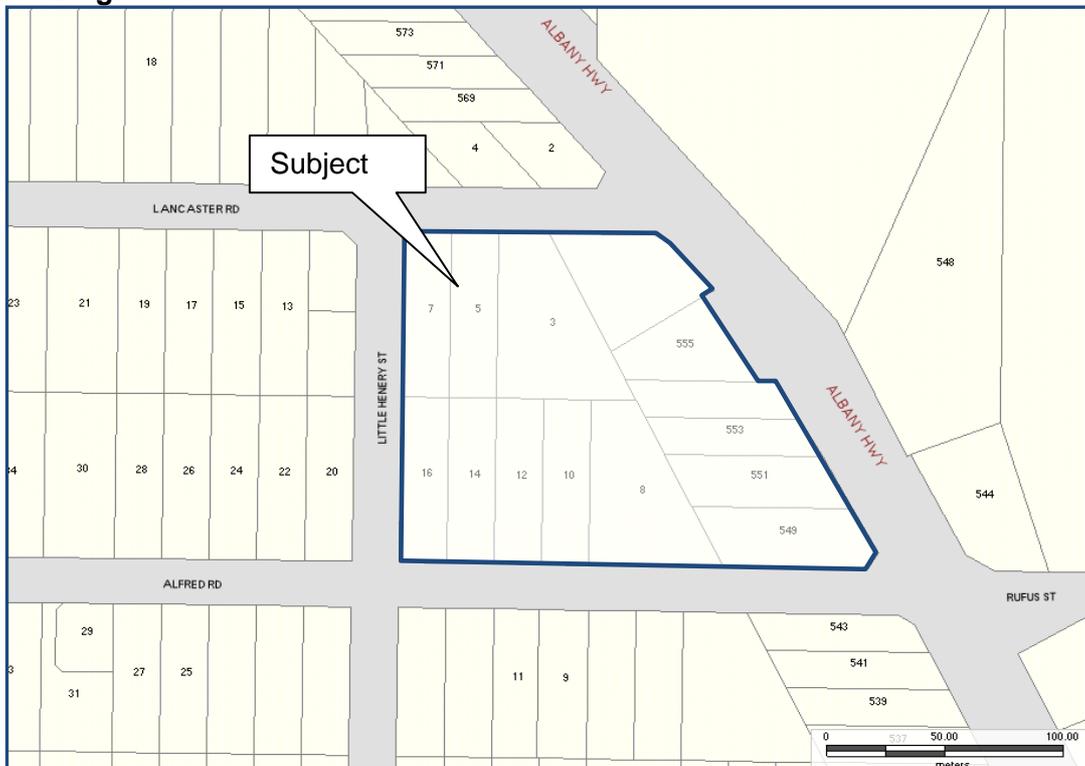
ITEM NUMBER: 13.2.2
ITEM TITLE: INITIATION OF SCHEME AMENDMENT 283 - LOTS 23-25 LANCASTER ROAD, LOTS 26, 27, 29, 31, 33 ALFRED ROAD AND LOTS 35, 37, 57 – 60 ALBANY HIGHWAY, MCKAIL

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

- File Number or Name of Ward** : AMD 283 (West Ward)
Summary of Key Issues : Rezone land from Place of Public Assembly, Public Purpose Reserve, Local Shopping Zone, Service Station and Residential R20 to the ‘additional use ‘ zone.
Land Description : Lots 23-25 Lancaster Road, Lots 26, 27, 29, 31, 33 Alfred Road and Lots 35, 37, 57 – 60 Albany Highway, McKail
Proponent : Ayton Baesjou Planning
Owner : City of Albany Band Inc/Albany Sinfonia Inc, AV Addis, McKail’s Investments Pty Ltd, Housing Authority, H & D Ford and Cape Grazing Estate Pty. Ltd.
Reporting Officer(s) : Coordinator Statutory Planning (J Van Der Mescht)
Disclosure of Interest : Mayor Evans. Nature: Impartiality. Wife is a member of the Albany Sinfonia.
Previous Reference : OCM 19/06/07 – Item 11.3.4 SAR 122
Bulletin Attachment(s) : Amendment Document
Consulted References : The Albany Local Planning Strategy (ALPS) WAPC SPP1; SPP 3 and liveable neighbourhoods
Councillor Lounge : Lower Great Southern Strategy

Maps and Diagrams:



Item 13.2.2 continued

BACKGROUND

1. The City received an application from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 3 by ;
 - a. Rezoning Lots 23-24 Lancaster Road McKail from the Place of Public Assembly zone to the Residential zone with an R30 density code;
 - b. Changing the residential density code for Lots 26 & 27 Alfred Road and Lots 57 & 58 Albany Highway from R20 to R30;
 - c. Rezoning Lots 29, 31 and 33 Alfred Road from the Public Purposes Reserve to the Residential zone with an R30 density code;
 - d. Rezoning Lot 25 Lancaster Road and Lot 37 Albany Highway from the Residential zone to the Local Shopping zone.
 - e. Rezoning Lots 35 & 59 Albany Highway from the Service Station zone to the Local Shopping zone.
 - f. Incorporating Lot 25 Lancaster Road and Lots 60, 59,35, 37, 58 & 57 Albany Highway within Schedule II – Additional Use Sites of the Scheme text in the following manner;
2. A Scheme Amendment Request was considered by Council on 19 June 2007 to rezone land from Public Purpose Reserve, Local Shopping Zone, Service Station and Residential R20 to ‘Special Site’.
3. Council resolved to advise that it is prepared to entertain the submission of a formal application for the rezoning of the subject land to part ‘Residential R30’ and part a ‘Special Use Site’ classification subject to certain matters being addressed.

Matter to be addressed by applicant (identified in SAR)

4. In supporting the SAR, Council required the applicant to address a number of issues which are listed in the table below.

Item identified in SAR	Comment
Identification of servicing needs and infrastructure requirements to accommodate future development.	The amending document adequately deals with the servicing and infrastructure requirements.
The preparation of the Outline Development Plan to address: <ol style="list-style-type: none"> 1. The configuration of the proposed residential lots and any internal roads; 2. Location of retail floorspace on the ODP configured to complement existing and proposed land uses on the site; 3. Buffer zones and/or separation distances between commercial and residential uses 	An ODP accompanies the amendment document. All matters are addressed in the ODP.
Identification of suitable scheme mechanisms to permit mixed use development (residential and commercial development) within the ‘Special use site “ area	A suitable scheme mechanism has been identified by applicant and is set out in the amending document.

Item 13.2.2 continued.

DISCUSSION

Site Description

5. The area affected by the amendment has a range of existing zonings in TPS No.3 consisting of Residential R20, Local Shopping zone, Places of Public Assembly, and Service Station, with part of the area also reserved for "Public Purposes". Along Albany Highway a road widening is also being considered by Main roads WA.
6. The site is currently used for a mixture of commercial and residential uses. A convenience store is located on the corner of Lancaster Rd and Albany Highway, which accommodates a delicatessen, newsagent and liquor store function as well as petrol sales & a car hire service. To its west is a private music hall and four single residences are developed to the south. Industrial and storage buildings with hardstanding (including informal parking and vehicle storage) is located on the corner of little Henry St and Alfred Street.

Proposed Amendment

7. The amendment proposes an "Additional Use" site classification over the eastern portion of the subject land with scope for retail (maximum 600m² Nett Lettable Area) , Restaurant (maximum of 200 m² floor space) and additional uses (maximum floor space of 400m²) comprising a residential component in accordance with 'R' code provisions for Mixed Use Development to R40. A residential density coding of R30 would be applied to the remainder of the site.
8. The additional uses to a maximum of 400 m² would allow uses such as consulting rooms, health centre, office and professional office and will be confined to the area delineated on the Scheme Map.

Outline Development Plan

9. The Amending document includes as an attachment the Touristville Local Centre Outline Development Plan (ODP) prepared by Ayton Baesjou.
10. The ODP encompasses principles of a compact mixed-use activity centre and stresses integration of components within the new development, as well as between the development and the surrounding area. It aims at efficiency in the allocation of land uses, parking and road infrastructure, reciprocity in the use of parking spaces and value-adding by the creation of a desirable place to live and recreate as well as conduct business.
11. The Concept Plan shows a R30 Residential component on the corner of Lancaster Road, Little Henry and Alfred Streets and a mixed-use commercial development and residential development (R40) with a frontage to the corner of Albany Highway and Lancaster Road. A local park provides a green 'heart' to the centre and provides increased amenity to the adjacent residential area.
12. The amendment will facilitate the rezoning of the land to establish an integrated local centre around the Touristville facilities. This would have overall social, economic and environmental benefits, and have positive impacts for surrounding properties.

Item 13.2.2 continued.

PUBLIC CONSULTATION/ENGAGEMENT

13. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be provided to all affected and surrounding landowners for comment.

GOVERNMENT CONSULTATION

14. Should Council initiate the amendment, it will be referred to all relevant government agencies for comment.

STATUTORY IMPLICATIONS

15. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
16. Council's resolution under Regulation 25(i)(c) of the *Town Planning Regulations 1967* is required to amend the Scheme.
17. 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.
18. 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.
19. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

21. The subject site is designated as a 'Local Centre' within the Albany Local Planning Strategy. The economic strategy set out in ALPS includes a number of objectives, which are relevant to this proposal including:
 - *Retain existing and develop new staged neighbourhood and local centres incorporating retailing as a primary focus;*
 - *Local centres will provide for local shopping needs catering for daily small scale convenience retailing and the service needs of the local community; and*
 - *Local centres are to have a local convenience function with an upper limit of 600m² of retail and located at McKail, Middleton Beach, Emu Point, Lower King, Little Grove, Bayonet Head and Yakamia.*
22. The Draft Retail Development Strategy 2005 provides a strategic direction for commercial and retail planning policy in Albany until 2021. The strategy identified the subject site as a local centre and proposes that this level of centre accommodate retail floor space of 600m² and recommends that *'where possible, within a 100m radius of neighbourhood and local centres, facilitate increase residential density of at least R20, preferably R30.'*

Item 13.2.2 continued.

POLICY IMPLICATIONS

23. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.

24. SPP 1 – State Planning Framework

The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and is therefore in line with SPP1.

25. SPP 3 – Urban Growth and Settlement – Draft

SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The key policy measures in SPP 3 that apply to the City are centred on the following:

- *Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.*
- *Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.*
- *Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.*
- *Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.*

26. The WAPC Statement of Planning Policy 'Liveable Neighbourhoods' sets out the characteristics of a neighbourhood centre such as Touristville as:

- a. *“acting as a community focus with a compatible mix of uses, including retail, which provide for a variety of daily needs and may include community facilities and urban open spaces such as a small square; and*
- b. *to assist retail exposure and accessibility, the centre is located on or at the intersection of relatively busy streets and is served by public transport; and*
- c. *a range of residential densities and variety of housing types that increase towards the neighbourhood centre; and*
- d. *as a guide ... 20 to 30 dwelling per site hectare for areas within 400 metres of neighbourhood centres and within 250 metres of main bus routes.”*

27. WAPC SPP 4.2 *Metropolitan Centres Policy* provides the policy framework to guide retail development in metropolitan Local Planning Strategies and Schemes. The key feature of the Policy is the *Metropolitan Centres Hierarchy* comprising of strategic regional, regional, district, neighbourhood and local centres. Whilst not directly related to regional centres like Albany, this hierarchy has provided the basis for centres planning in WA in the past.

Item 13.2.2 continued.

28. The amendment proposal is consistent with the key policy measures identified in SPP 3 and Liveable neighbourhoods. The subject area is located within an area shown as a Local Centre in the Albany Local Planning Strategy (ALPS) adopted by Council. The proposal is therefore consistent with the objectives or outcomes of the strategy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

29. Council has the following options in relation to this item, which are:
- a. To resolve to initiate the scheme amendment (with or without modifications);
 - b. To resolve to not initiate the scheme amendment.
30. A Town Planning Scheme initiated by resolution of Council is to be referred to the Environmental Protection Authority (EPA) for assessment of its environmental impacts.
31. 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.

SUMMARY CONCLUSION

32. Staff recommends that the proposed scheme amendment be initiated by Council on the basis that the amendment will facilitate the rezoning of the land to establish an integrated local activity centre around the McKail General Store facilities. This would have overall social, economic and environmental benefits, and have positive impact for surrounding properties.

Item 13.2.2 continued.

ITEM NUMBER: 13.2.2 OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR BUEGGE

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25(1)(c) of the Town Planning Regulations 1967 resolves to Initiate Amendment No. 283 to Town Planning Scheme No. 3 for the purpose of:

- i) Rezoning Lots 23-24 Lancaster Road McKail from the Place of Public Assembly zone to the Residential zone with an R30 density code;**
- ii) Changing the residential density code for Lots 26 & 27 Alfred Road and Lots 57 & 58 Albany Highway from R20 to R30;**
- iii) Rezoning Lots 29, 31 and 33 Alfred Road from the Public Purposes Reserve to the Residential zone with an R30 density code;**
- iv) Rezoning Lot 25 Lancaster Road and Lot 37 Albany Highway from the Residential zone to the Local Shopping zone;**
- v) Rezoning Lots 35 & 59 Albany Highway from the Service Station zone to the Local Shopping zone;**
- vi) Incorporating Lot 25 Lancaster Road and Lots 60, 59,35, 37, 58 & 57 Albany Highway within Schedule II – Additional Use Sites of the Scheme text in the following manner; and**

CODE NO	LAND PARTICULARS	ADDITIONAL USE	CONDITIONS
12	Lot 25 Lancaster Road. Lots 60, 59, 35, 37, 58 & 57 Albany Highway.	Multiple dwellings Grouped dwellings Educational establishment Office	All development to be in accordance with an approved Outline Development Plan adopted under Clause 5.5.1 and 5.5.2 of the scheme. All development to be connected to reticulated sewer. Development provisions for Mixed Use Development apply as set out in the Residential Design Codes of WA to dwellings proposed on the same site as commercial uses Within the Additional Use designation. 1. An R40 density coding shall apply to the residential component of mixed use development within the Additional Use Site and area zoned Local Shopping. 2. A maximum retail floor space of 600m ² nett lettable area shall apply plus a restaurant with a maximum floor space of 200m ² . 3. A maximum floor space of 400m ² shall apply within the Additional Use designation for uses such as consulting rooms, health centre, office and professional office.

vii) Amending the Scheme Map accordingly

MOTION CARRIED 10-0

ITEM NUMBER: 13.2.3
ITEM TITLE: INITIATION OF SCHEME AMENDMENT 295 – TRANSFERRING LOCATION 7584, PART OF LOTS 1 AND 2 FRENCHMANS BAY ROAD FROM THE ‘PARKS AND RECREATION’ RESERVE TO THE ‘SPECIAL SITE (CARAVAN PARK)’ ZONE

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

- File Number or Name of Ward** : AMD 295 (Vancouver Ward)
Summary of Key Issues : Scheme Amendment Proposing to Transfer Location 7584, Part of Lots 1 and 2 Frenchmans Bay Road from the ‘Parks and Recreation’ reserve to the ‘Special Site (Caravan Park)’ zone.
Land Description : Location 7584, Part of Lots 1 and 2 Frenchmans Bay Road, Frenchman Bay
Proponent : City of Albany
Owner : Frenchmans Bay Pty Ltd ATF Frenchmans Bay Unit Trust
Reporting Officer(s) : Coordinator Statutory Planning (J Van Der Mescht)
Disclosure of Interest : Nil
Related Reference : OCM 19/05/09 Item 11.1.1
Bulletin Attachment(s) : Scheme Amendment Document
Consulted References : 1. WAPC SPP1 and SPP3
2. Lower Great Southern Strategy
3. Albany Local Planning Strategy (ALPS)

Maps and Diagrams:



Item 13.2.3 continued.

BACKGROUND

1. This proposal seeks to transfer part of Lots 1 and 2 Frenchmans Bay Road from the 'Parks and Recreation' reserve to the 'Special Site' zone.
2. Lots 1 and 2 Frenchman Bay Road are located at the eastern end of Frenchman Bay Road, about 20 km, by road, from the Albany City centre. The subject area consists of two lots with a total area of 3.2594 ha.
3. The subject lots were historically developed and known as the Frenchman Bay Caravan Park.
4. The development of the Caravan Park occupied a portion of the entire holding and included 45 caravan and camping sites, ablution blocks, holiday cabins, tearooms/shop and a petrol filling station.
5. The Shire of Albany Town Planning Scheme 3 (1979) showed a portion of Lot 1 as a 'Special Site' for use as a Caravan Park. The remaining areas that would later form lot 1 and lot 2 were originally reserved for "Recreation, Pleasure Resort and Caravan Park."
6. The additional portions of land were excised from the Crown reserve and converted to freehold title in February 1986 with the lot boundaries being officially changed in 1987. The rationalization of the zoning was recommended as part of transfer and subdivision process.
7. The hand painted scheme maps held by the Local Authority and WAPC were subsequently altered to show lots 1 and 2 being zoned as a 'Special Site - Caravan Park'. No official proof (e.g. amendment documentation or a Gazettal Notice) can however be found to justify this change.

DISCUSSION

8. The proposed rezoning will rationalize the "Parks and Recreation" reservation and 'Special Site' zone to accord with the established lot boundaries.
9. The proposal is consistent with the historic use of the lots and the strategic intent for the area as a tourist node, as shown in the Albany Local Planning Strategy (ALPS).
10. If Council agrees to proceed with the 'Special Site' zoning it may approve the following uses on the subject lots;
 - Caravan Park "P"
 - Caretakers House/Flat "P"
 - Holiday Accommodation "AA"
 - Petrol Filling Station "AA" (clients use only)
 - Public Recreation "AA"
 - Shop "IP"

PUBLIC CONSULTATION/ENGAGEMENT

11. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be advertised to all affected and surrounding landowners.

Item 13.2.3 continued.

GOVERNMENT CONSULTATION

12. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be referred to all affected government agencies for comment.

STATUTORY IMPLICATIONS

13. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
14. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
15. 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.
16. 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.
17. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Priority Goals and Objectives:

Goal 2: Economic Development ... Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.

Objective 2.2 Investment is complementary to Albany's sense of place and occurs within an up to date and effective planning framework.

City of Albany Mission Statement:

At the City of Albany we are ethical and operate within our strategic and policy framework, we respect community needs and foster community involvement in decision making.

20. The subject lots are designated "Tourist Accommodation Node" on Map 9B of ALPS Part 5.4 of ALPS deals with tourism and contains the following planning principle;

"Albany will remain the premier tourism destination on the South Coast and will provide a complete tourism experience."

Item 13.2.3 continued.

and further recommends the following actions;

- *“Encourage the effective management and development of Albany’s many iconic natural tourist attractions.*
- *Ensure that new tourism development and related land uses do not threaten the natural and cultural heritage values which make the City uniquely desirable as a tourist destination. This includes ensuring that tourism and residential coastal developments do not put adverse pressure on foreshore areas.*
- *Ensure the CPS establishes the necessary tourism zones, policies and development standards to allow the City Council to accommodate tourism development proposals, including those that will be integrated with other uses, such as residential, to aid the growth of identified tourism markets.*
- *Identify strategic and non-strategic tourist sites in the ALPS.”*

Part 8.5 of ALPS contains the following as part of the Economic Strategy;

- *“Encourage sustainable tourism uses and developments in locations that are compatible with existing uses and have the necessary supporting infrastructure.*
- *Promote economic development by supporting diversification of present economic activities to encourage investment into the City.*
- *Encourage the development of sustainable tourism uses and associated projects that integrate with the City’s natural and built landscape and heritage values.*
- *Include in the CPS mechanisms to accommodate contemporary tourism development proposals.”*

POLICY IMPLICATIONS

21. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.
22. SPP 1 – State Planning Framework
SPP 1 brings together adopted State and regional strategies, plans and policies within a central planning framework to guide decision making in relation to sustainable land use and development across the State.
23. The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.
24. The proposal is consistent with the Lower Great Southern Planning Strategy and the Albany Local Planning Strategy and is therefore in line with SPP1.

Item 13.2.3 continued.

25. SPP 2.6 - State Coastal Planning Policy
The objectives of this Policy are to:

- *Protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;*
- *Provide for public foreshore areas and access to these on the coast;*
- *Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.*

The amendment will be referred to the EPA, Department of Environment and Conservation and the Department of Planning and Infrastructure (Coastal Planning Branch) for direct comment.

26. SPP 3 – Urban Growth and Settlement – Draft
Draft SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The objectives of SPP 3 are:

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, .concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*

27. To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

The key policy measures in SPP 3 that apply to the City are centred on the following:

- Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.
- Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.
- Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.

Item 13.2.3 continued.

- Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

28. Council has the following options in relation to this item, which are:
- To resolve to initiate the scheme amendment without modifications;
 - To resolve to initiate the scheme amendment with modifications; or
 - To resolve not initiate the scheme amendment.
29. A resolution to initiate 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.
30. 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.

SUMMARY CONCLUSION

31. That the amendment proposal be initiated without modifications pursuant to Section 75 of the Planning and Development Act 2005.

ITEM NUMBER: 13.2.3 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WOLFE

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to INITIATE Amendment No. 295 to Town Planning Scheme No. 3 for the purpose of;

- i) Transferring Location 7584, Part of Lot 1 and Lot 2 Frenchmans Bay Road from the 'Parks and Recreation' reserve to the 'Special site (Caravan Park)' zone; and**
- ii) Amending the Scheme Map accordingly.**

MOTION CARRIED 10-0

8:19:10 PM Cllr Buegge left the chambers

8:21:03 PM Cllr Buegge re entered the chambers

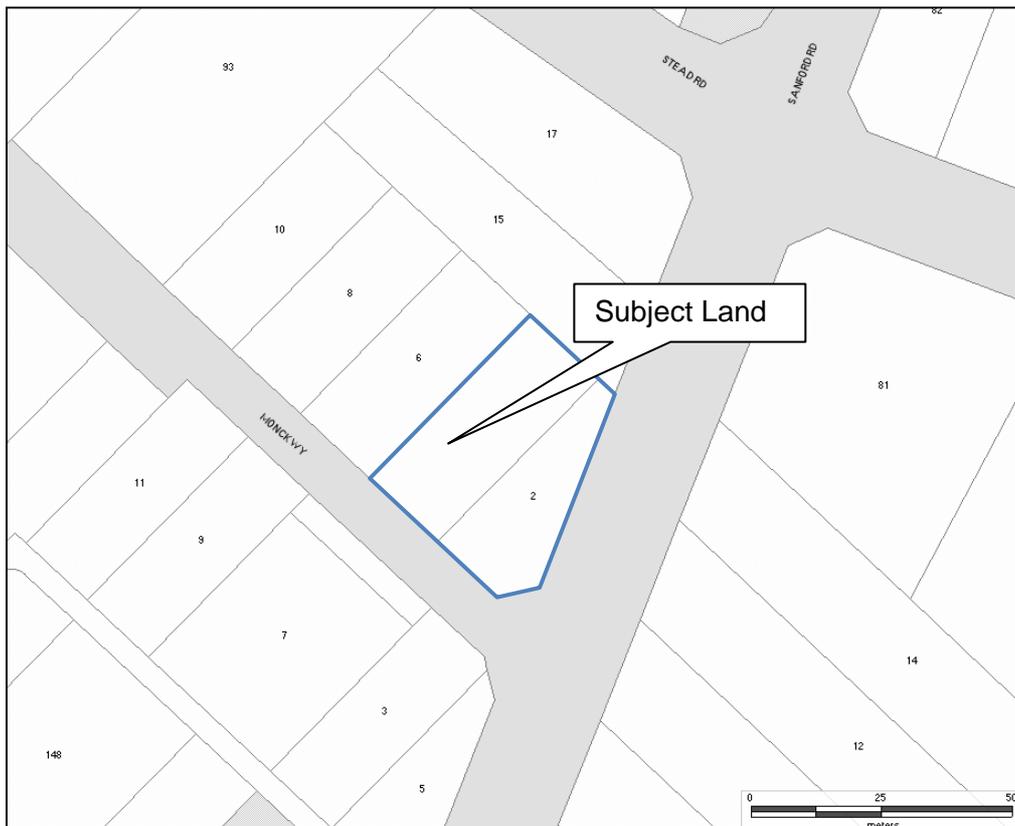
ITEM NUMBER: 13.2.4
ITEM TITLE: INITIATION OF SCHEME AMENDMENT 173 – ZONING LOTS 19 & 20
MONCK WAY, CENTENNIAL PARK FROM THE ‘PUBLIC USE’ RESERVE AND TO THE
‘INDUSTRY’ ZONE

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

- File Number or Name of Ward** : AMD 173 (Frederickstown Ward)
- Summary of Key Points** : Determine whether to seek initiation of the amendment to zone the subject land from the ‘Public Use’ Reserve to the ‘Industry’ Zone.
- Land Description** : Lots 19 & 20 Monck Way, Centennial Park
- Proponent** : Ayton Baesjou Planning
- Owner** : Crown Land
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/04/09 Item 11.2.3
- Bulletin Attachment(s)** : Amending Documents
- Consulted References** : Albany Local Planning Strategy
- Councillor Lounge** : Nil

Maps and Diagrams:



Item 13.2.4 continued.

BACKGROUND

1. Amendment 173 proposes to zone Lots 19 & 20 Monck Way, Centennial Park from a 'Public Use' Reservation to the 'Industry' Zone under Town Planning Scheme (TPS) No.1A.
2. A Scheme Amendment Request (SAR 142) that proposed to zone the subject land to 'Industry' was considered by Council at its ordinary meeting dated 21 April 2009. Council resolved to advise the proponent that it is prepared to entertain the submission of a formal scheme amendment to re-zone Lots 19 & 20 Monck Way, Centennial Park from the 'Public Use' Reserve to the 'Industry' Zone.
3. City of Albany staff have now received adequate documents to commence the amendment process.

DISCUSSION

4. The lots cover areas of 801m² and 579m² respectively. A small house stands on Lot 19 and a large shed straddles the common boundary between the two lots. There is a large area of hard standing on Lot 19, to the rear of the house, which is accessed via a driveway across Lot 20 from Sanford Road. A separate application has been lodged with the Western Australian Planning Commission (WAPC) to amalgamate the two lots into a single land holding of 1380m².
5. The land to the north, west and south of the subject lots is zoned 'Industry' and the land to the east, on the opposite side of Sanford Road, is zoned 'Other Commercial'. The potential re-zoning of the lots presents an opportunity to round off the 'Industry' zoning on the western side of Sanford Road and is considered to be consistent with the strategic land use outcomes of the Lower Great Southern Strategy (LGSS) and the Albany Local Planning Strategy (ALPS).
6. Staff would therefore recommend that the Scheme Amendment be initiated.

PUBLIC CONSULTATION/ENGAGEMENT

7. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be advertised to all affected and surrounding landowners.

GOVERNMENT CONSULTATION

8. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be referred to all affected government agencies for comment.

STATUTORY IMPLICATIONS

9. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
10. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.

Item 13.2.4 continued.

11. 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.
12. 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.
13. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

15. The subject land is located within an area shown as 'Albany (Regional Centre)' within the ALPS. The 'Albany (Regional Centre)' designation is indicative in ALPS and will be further informed / refined by the Commercial Strategy currently being prepared for Council by Shrapnel Planning.
16. The draft Local Planning Scheme No. 1 (which has recently been initiated by Council) is proposing to retain the industry zoning of land within Centennial Park, but allow for additional uses to be considered; promoting a gradual transition from traditional industrial to mixed use development in the future.
17. The proposal is therefore consistent with the objectives and outcomes of ALPS and the proposed direction within Local Planning Scheme No. 1.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

19. Council has the following options in relation to this item, which are:
 - a) To resolve to initiate the scheme amendment without modifications;
 - b) To resolve to initiate the scheme amendment with modifications; or
 - c) To resolve not initiate the scheme amendment.
20. A resolution to initiate 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.
21. 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.

SUMMARY CONCLUSION

22. Staff considers the proposal to be consistent with the objectives of the ALPS and therefore recommend that initiation of the scheme amendment be supported.

Item 13.2.4 continued.

ITEM NUMBER 13.2.4 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 resolves to INITIATE Amendment No. 174 to Town Planning Scheme No. 1A for the purpose of:

- i) Zoning Lots 19 & 20 Monck Way, Centennial Park from the 'Public Use' Reserve to the 'Industry' Zone; and
- ii) Amending the Scheme Maps accordingly.

ITEM 13.2.4 - ALTERNATE MOTION BY COUNCILLOR TORR

MOVED: COUNCILLOR TORR

SECONDED: COUNCILLOR WALKER

THAT COUNCIL LAY ITEM 13.2.4 on the table.

MOTION CARRIED 8-2

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Torr, Price, Stanton, Wolfe, Walker, Dufty and Buegge.

Against the Motion: Councillors Matla and Kidman.

Councillors Reason:

Item to be processed through the PESP committee.

13.3 HEALTH, BUILDING & RANGERS

Nil

13.4 EMERGENCY MANAGEMENT

Nil

13.5 DEVELOPMENT SERVICE COMMITTEES

ITEM NUMBER: 13.5.1
ITEM TITLE: PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE
MEETING MINUTES – 18 JUNE 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes from Planning and Environment Strategy and Policy Committee – 18th June 2009.
Councillors Lounge : Colour map of dog exercise areas.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.1 ALTERNATE MOTION BY COUNCILLOR DUFTY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR KIDMAN

THAT COUNCIL LAY Committee Recommendation 2 on the table and be RESUBMITTED through the PESP Committee.

MOTION LOST 8-2

RECORD OF VOTE:

For the Motion: Councillors Dufty and Kidman

Against the Motion: Mayor Evans, Councillors Torr, Price, Stanton, Wolfe, Walker, and Matla, and Buegge.

8:28:01 PM Councillor Price requested clarification on Goode Beach being a dog exercise area.

8:28:14 PM EDDS Robert Fenn through the Mayor, the area to the right hand side of the sign is actually a prohibited area, the area to the left is not a dog exercise area but it is sign posted as such. PESP Committee will draft up the local law with that principal.

Councillors Reason:

This item should go back to the PESP Committee for review. We have a Policy which states that we will have nothing over three storeys in the Central Albany Area. Which means that nothing will happen. It is just not economically possible to build in that situation, need to have a good look at this Policy again. Very pleased that section 12 has been taken out.

8:31:29 PM PRICE spoke against the motion

8:32:13 PM EDDS stated through the Mayor that there is an existing policy and we have made adjustments to the Policy, so what will be advertised will be the adjustments. In terms of the central area I remind Councillors that we are doing a central area study at the moment and would be concerned if this went back to Committee and a decision is taken on height, at the same time as we are doing a much broader study, which will address that same issue.

Item 13.5.1 continued.

Committee Recommendations 1 to 5 carried en bloc.

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR BUEGGE**

THAT Committee Recommendations 1 to 5 are carried en bloc.

**CARRIED 9-1
EN BLOC**

RECORD OF VOTE:

For the motion: Mayor Evans, Councillors Price, Buegge, Walker, Stanton, Wolfe, Dufty, Matla and Kidman.

Against the motion: Torr

**ITEM 13.5.1 - COMMITTEE RECOMMENDATION 1.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 5.0 CONFIRMATION OF MINUTES

THAT the UNCONFIRMED Minutes of the Planning and Environment Strategy and Policy Committee Meeting held on the 18th June 2009 be RECEIVED.

CARRIED EN BLOC

**ITEM 13.5.1 - COMMITTEE RECOMMENDATION 2.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 6.0 REVISED CENTRAL ALBANY URBAN DESIGN POLICY

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A:

- i) AGREES TO ADVERTISE the revised Central Albany Urban Design Policy (renamed the 'Albany Historic Town Design Policy'); and**
- ii) AGREES TO RESCIND the policy 'Urban Design and Streetscape Guidelines for Infill Development in Albany', and reproduce the relevant information in this document as guidelines (to be named 'Guidelines for Modifying Period Buildings in Albany'), and**
- iii) RESOLVES TO REVOKE Section 12 of the policy and advertise the revocation.**

CARRIED EN BLOC

**ITEM 13.5.1 - COMMITTEE RECOMMENDATION 3.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 7.0 BURNING RUBBISH, REFUSE OR OTHER MATERIAL IN URBAN AREAS

THAT City staff actively monitor the number of complaints received regarding the burning of garden refuse and report to the Planning and Environment Strategy and Policy Committee within 12 months on that monitoring and on the number of permits that are issued to burn within the area prescribed.

AND

That the staff prepare appropriate educational material and the City issue a press release on the potential health impacts associated with backyard burning.

CARRIED EN BLOC

Item 13.5.1 continued.

**ITEM 13.5.1 - COMMITTEE RECOMMENDATION 4.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 8.0 REVIEW OF LOCAL RURAL POLICY

THAT the draft City of Albany Local Rural Policy be tabled and Councillors be encouraged to provide feedback to City of Albany staff on the format and content of the draft prior to the July meeting of the Planning and Environment Strategy and Policy Committee.

CARRIED EN BLOC

**ITEM 13.5.1 - COMMITTEE RECOMMENDATION 5.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 9.0 REVIEW OF DOG EXERCISE AREAS

THAT Council agrees in principle to setting up dog exercise areas as detailed on the attached list for inclusion in the review of the Animals Local Law.

On Leash

Clifton Street, Lockyer – behind school. Reserve 25356

Barnesby Drive, Yakamia – reserve 35088

Apex Park, Lockyer – reserve 25382

Eyre Park, Middleton Beach

Off Leash

Middleton Beach / Emu Point – Flinders Park to Firth Street.

Foundation Park – Parade Street

Lange Park, Bayonet Head – Reserve 29786

197-201 North Road, Yakamia

Removal of Gazette Area

Lots 312 and 315 Cockburn Road – Reserve 7229

CARRIED EN BLOC

ITEM NUMBER: 13.5.2
ITEM TITLE: BUSH FIRE MANAGEMENT COMMITTEE MEETING – 12 DECEMBER 2007 AND 29 APRIL 2009

File Number or Name of Ward : MAN 235 (All Wards)

Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Emergency Management Coordinator (B de Vries)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Bush Fire Management Committee Meeting minutes – 12 December 2007.
Bush Fire Management Committee Meeting minutes – 29 April 2009.

Committee Recommendations 1,2,3,4,5,6,7,8,9,10 carried en bloc.

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DUFTY**

THAT Committee Recommendations 1,2,3,4,5,6,7,8,9,10 and 11 be resolved en bloc

MOTION CARRIED 10-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 1.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 1.0 CONFIRMATION OF MINUTES

THAT the CONFIRMED Minutes of the Bush Fire Management Committee Meeting held on the 12th December 2007 be RECEIVED.

THAT the UNCONFIRMED minutes of the Bush Fire Management Committee Meeting held on the 29 April 2009 be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 2.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 3.0 TERMS OF REFERENCE FOR COMMITTEE

THAT the Terms of Reference for the City of Albany Bush Fire Management Committee be defined as advising the City of Albany regarding;

- **strategic matters relating to the preventing, controlling and extinguishing of bush fires;**
- **the strategic requirements for planning of the layout of fire-breaks in the district;**
- **the performance of the City in regards to its obligations under the *Bush Fires Act 1954*;**
- **the operational efficiency of bush fire brigades and the grouping thereof under group brigade officers;**
- **opportunities and deficiencies identified in the levels of co-operation and co-ordination of bush fire brigades in their efforts and activities and between bush fire brigades and other fire agencies; and**
- **any other matter relating to bush fire control.**

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 3.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 8.1 REPLACEMENT OF BUSH FIRE BRIGADE RADIOS

THAT a working party be formed as a matter of urgency, comprising four brigade Fire Control Officers and the Deputy Bush Fire Control Officers from the South West and the North East sectors, together with the Emergency Management Coordinator and representatives from FESA, to develop a radio replacement strategy for the City of Albany and that the working party report back to a specially convened meeting of this committee to be held no later than February 2008.

CARRIED EN BLOC

Item 13.5.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 4.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 8.3 CITY OF ALBANY POLICY ON INTRASTATE AND INTERSTATE DEPLOYMENTS

THAT an expression of interest be distributed amongst Bush Fire Brigade volunteers seeking the nomination of persons wishing to be placed upon the State register of volunteers for Intrastate and Interstate deployments and that the conditions of deployment be made available to the nominees.

AND

THAT the City of Albany maintain its current practice of making available two heavy duty and one light tanker for intrastate deployment during a major fire emergency, with the appliances and crews selected in consultation with the Chief Bush Fire Control Officer.

AND

THAT, depending upon staffing levels and prevailing local bush fire threats at the time, the City make available employees to attend interstate deployments.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 5.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 8.4 RISK TO RESOURCE - APPLIANCE REPLACEMENT PRIORITIES

THAT the City of Albany endorses the decision of staff to recommend that fire appliances be replaced under the ESL capital works program on the basis of the age of manufacture of the vehicle.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 6.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 7.1 RADIO COMMUNICATIONS STRATEGY

THAT the Communications Sub-Committee be re-established to develop a comprehensive Communications Strategy for the City of Albany to deal with fire incidents and other brigade requirements.

CARRIED EN BLOC

Item 13.5.2 continued.

13.5.2 ALTERNATE MOTION BY COUNCILLOR STANTON

ITEM 13.5.2 – COMMITTEE RECOMMENDATION 7 (FIRE BREAK NOTICE) ALTERNATE MOTION BY COUNCILLOR STANTON

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR STANTON
SECONDED: COUNCILLOR PRICE**

THAT the City of Albany Firebreak Notice for 2009/10 require that all vacant urban properties with an area less than 2000m² be required to maintain the entire property in a low-fuel state throughout the fire season, unless the landowner has sought and received an exemption on environmental grounds from the City prior to the commencement of the restricted burning period.

MOTION LOST 7-3

RECORD OF VOTE:

For the Motion: Councillors Stanton, Price and Torr

Against the Motion: Mayor Evans, Councillors Wolfe, Walker, Matla, Dufty, Kidman and Buegge

Councillors Reason:

There is concern that the Committee recommendation will be difficult to enforce if all properties under 2000m² including occupied properties (with dwellings) were required to maintain their property in a low fuel condition; especially in instances where such lots have dwellings constructed upon them and have established gardens. It is recommended that only vacant lots be required to establish a low-fuel state and where a landowner believes there are strong environmental grounds for retaining the vegetation on the lot an exemption can be applied for.

OFFICERS REPORT

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

STATUTORY IMPLICATIONS

1. No Change.

POLICY IMPLICATIONS

2. No Change.

FINANCIAL IMPLICATIONS

3. There is likely to be an increased workload for the reserves officers should landowners seek exemption on such grounds.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

4. No Change.

Item 13.5.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

5. Another option would be to omit the words *'unless the landowner seeks and receives an exemption from the City on environmental grounds'* from the alternate motion.

COMMENT

The alternate motion does allow a landowner to seek an exemption to the requirement on environmental grounds; however the criteria for what would substitute a justifiable environmental ground would be difficult to assess and is likely to increase the workload on Council's reserves officers in determining whether an exemption should be granted. Given the cost of parkland clearing versus the annual maintenance of an existing perimeter break some landowners may seek an exemption (on environmental grounds) in an attempt to avoid the additional cost.

8:37:47 PM Councillor Matla asked clarification that there were places around town that some were maintained and some aren't, how are we going to do it for those that aren't maintained.

8:38:07 PM EDDS Robert Fenn through the Mayor answered; currently the Bushfire Notice requires all properties below 2000m² to be maintained. There are instances where people do mow their front lawn but their rear yard are complete jungles, under the current bush fire notice we can actually serve notice on them to clean up their back yard. The concern with this particular motion is it only refers to vacant lots, so would exclude Council from being able to manage those properties that are poorly kept, but acknowledge the fact that there are properties that do have a lot of vegetation on them. Historically we have not infringed those properties, we have the capacity but it is not part of the infringement program. Concern was raised at the Bush Fire Management Committee that a lot of the areas are receiving no attention at all, as a consequence of that we now have fire hazards up against existing properties. Responsibility to look after the environment but also a responsibility to abide by and enforce the provisions of the Bush Fires Act.

8:39:32 PM Councillor Wolfe spoke against the motion.

8:42:22 PM Councillor Price asked a question of Councillor Stanton.

8:43:31 PM Councillor Stanton right of reply

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.2 - COMMITTEE RECOMMENDATION 7. VOTING REQUIREMENT: SIMPLE MAJORITY

Item 7.2 FIREBREAK NOTICE

THAT the City of Albany Firebreak Notice be altered so that all urban properties with an area less than 2000m² are required to maintain the entire property in a low-fuel state throughout the fire season.

CARRIED EN BLOC

Item 13.5.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 8.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 7.3 PROGRESS OF FIRE STATIONS

THAT Council commence the process of planning to secure a site to allow for the building of an fire station at Torbay Hill (in the Bornholm Brigade area) in the future.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 9.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 7.4 TIMING OF BUSH FIRE MANAGEMENT COMMITTEE MEETINGS

THAT the Bush Fire Management Committee meetings be held at 0830 hrs, on the Wednesday morning four weeks after the Bush Fire Advisory Committee meeting and that they be adjusted only where a meeting will occur during a school holiday period.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 10.
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 8.1 MEMBERSHIP OF THE BUSH FIRE MANAGEMENT COMMITTEE

THAT the community representation on the Bush Fire Management Committee is to comprise:

- **Chief Bush Fire Control Officer;**
- **Deputy Chief Bush Fire Control Officer- North East;**
- **Deputy Chief Bush Fire Control Officer- South West; and**
- **Chairperson of the Bush Fire Advisory Committee.**

CARRIED EN BLOC

Item 13.5.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.2 - COMMITTEE RECOMMENDATION 11.
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Item 8.3 CHANGE TO THE END DATE OF THE PROHIBITED BURNING TIME FOR THE
NORTH EAST SECTOR**

That Council requests that the Fire and Emergency Services Authority Chief Executive Officer change the end date of the Prohibited Burning Time for the North East Sector of the City of Albany from the 15th March to the 1st March, annually.

CARRIED EN BLOC

ITEM NUMBER: 13.5.3
ITEM TITLE: LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – SEPTEMBER & DECEMBER 2008 AND MARCH & JUNE 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Emergency Management Coordinator (B de Vries)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes from Local Emergency Management Committee Meeting held on the 3rd September 2008, 10th December 2008, 11th March 2009, and 10th June 2009.

Committee Recommendations 1,2,& 3 carried en bloc.

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

THAT Committee Recommendations 1,2,& 3 be resolved en bloc.

CARRIED 10-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.3 - COMMITTEE RECOMMENDATION 1.
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 3.0 CONFIRMATION OF MINUTES

THAT:

- i) the CONFIRMED minutes of the Local Emergency Management Committee Meeting held on 3rd September 2008, 10th December 2008 and 11 March 2009 be RECEIVED; and
- ii) the UNCONFIRMED minutes of the Local Emergency Management Committee Meeting held on 10th June 2009, be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 13.5.3 - COMMITTEE RECOMMENDATION 2.
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 10.1 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS – NEW FORMAT

THAT the Local Emergency Management Committee adopts the proposed new 'folder' format of the Local Emergency Management Arrangements.

CARRIED EN BLOC

Item 13.5.3 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 13.5.3 - COMMITTEE RECOMMENDATION 3.
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Item 7.1 RE-ESTABLISHMENT OF LOCAL WELFARE EMERGENCY MANAGEMENT
COMMITTEE**

**THAT a Local Welfare Emergency Management Committee is established for the City of
Albany Local Government Area.**

CARRIED EN BLOC

CORPORATE & COMMUNITY SERVICES Reports

14.1 FINANCE – CORPORATE & COMMUNITY SERVICES

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

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

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

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

BACKGROUND

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

DISCUSSION

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

Municipal Fund		
Trust	Totalling	\$13,028.00
Cheques	Totalling	\$70,043.90
Electronic Fund transfer	Totalling	\$2,770,934.88
Credit Cards	Totalling	\$10,054.90
Payroll	Totalling	<u>\$770,784.52</u>
	Total	\$3,757,846.20

4. As at the 30th June 2009, the total outstanding creditors, stands at \$793,880.07.
5. Cancelled cheques – Nil

PUBLIC CONSULTATION / ENGAGEMENT

6. Nil

GOVERNMENT CONSULTATION

7. Nil

STATUTORY IMPLICATIONS

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

Item 14.1.1 continued.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission and Values Statement:

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

POLICY IMPLICATIONS

13. The City’s 2008/09 Annual Budget applies to this item, as it provides a set of parameters which guides the City’s financial activities for the year.

35. ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Nil

SUMMARY CONCLUSION

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

Item 14.1.1 continued.

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

RECOMMENDATION

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR WALKER**

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

MOTION CARRIED 10-0

ITEM NUMBER: 14.1.2
ITEM TITLE: MUNICIPAL FUND BUDGET 2009/2010

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

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

File Number or Name of Ward : FIN 069 (All Wards)
Summary of Key Points : That the 2009/10 Budget be adopted
Reporting Officer(s) : Finance Manager (S Goodman)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

1. The draft annual budget for 2009/10 has been prepared in accordance with the Local Government Act 1995.
2. Council has considered the imposition of differential rates for 2009/10 and advertised for public submissions on the issue.

STATUTORY IMPLICATIONS

Adoption of the Budget

3. Section 6.2(1) of the Local Government Act 1995 requires that prior to 31st August 2009, Council adopt a budget for its municipal fund for the year ending 30th June 2010.

The annual budget is to incorporate:

- a) particulars of the estimated expenditure proposed to be incurred by the local government;
- b) detailed information relating to the rates and service charges which will apply to land within the district including:
 - i. the amount it is estimated will be yielded by the general rate; and
 - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
- c) the fees and charges proposed to be imposed by the local government;
- d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
- e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
- g) such other matters as are prescribed.

Item 14.1.2 continued.

Differential Rates

4. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and/or land use of the property. Section 6.36 (1) requires a local government which is considering the imposition of a differential general rate to give local public notice of its intention and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed.

FINANCIAL IMPLICATIONS

5. The adopted budget will form the financial basis for operations of the City of Albany in 2009/10. Once adopted, the budget will be reviewed in October 2009, January 2010, April 2010, and such other dates as directed by Council.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

8. Nil

SUMMARY CONCLUSIONS

9. There have been no submissions on the differential rates proposal to date. Any submissions received on or before the 15th July 2009 will be tabled and Council will be required to consider them prior to the adoption of the Budget.
10. Full details of the 2009/10 proposed budget are included in the 2009/10 Budget Book available under separate cover.

Item 14.1.2 continued.

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

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR WOLFE**

Budget Adoption

THAT the 2009/10 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) be adopted.

i) General Rates

- a) That in accordance with Section 6.33 of the Local Government Act 1995, a Differential General Rate of 10.2632 cents in the dollar be imposed on Occupied Gross Rental Valuations for those occupied properties to be rated on Gross Rental Value.
- b) That in accordance with Section 6.33 of the Local Government Act 1995, a Differential General Rate of 4.8212 cents in the dollar be imposed on Vacant Gross Rental Valuations for those vacant properties to be rated on Gross Rental Value.
- c) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 0.2614 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value.

ii) Discount for Early Payment

That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 2% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 16th September 2009.

a) Minimum Rates – All Properties

That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$580 for all categories.

b) Refuse Service Charges (Rubbish Disposal & Recycling Service)

That the domestic Urban Refuse Services Charge for 2009/10 be \$226.00 per annum.

c) Rural Waste Service Charge

That the Rural Waste Services Charge for 2009/10 be \$50.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.

d) Instalment Options

That in accordance with Section 6.45 of the Local Government Act 1995, the following payment options are available:

Option 1 Payment in full up to 35 days after date of issue of Rate Notice –
Due Date 16th September 2009

Option 2 Payment of two equal or nearly equal instalments:

1st Instalment Due Date 16th September 2009;

2nd Instalment Due 4 months after 1st

Due date: 15th January 2010.

(Instalment interest payable on rate amount only, all arrears to be paid in 1st instalment)

Item 14.1.2 continued.

Option 3 Payment of four equal or nearly equal instalments:

1st Instalment Due 35 days after date of issue of Rate Notice. Due date 16^h September 2009.

2nd Instalment Due 2 months after 1st. Due date 16th November 2009.

3rd Instalment Due 2 months after 2nd. Due Date 15th January 2010.

4th Instalment Due 2 months after 3rd. Due Date 16^h March 2010.

(Instalment interest payable on rate amount only, all arrears to be paid in 1st Instalment)

Instalments – Interest Rates & Administrative Charges

That in accordance with Section 6.45 of the Local Government Act 1995:

- a) an additional charge by way of interest where payment of a rate is made by instalments with the rate of interest being set at 5.5%;
- b) an additional charge by way of an instalment fee, where payment of a rate is made by instalment be set at \$3.00 for each instalment excluding the first of any payment option. Therefore option 2 will attract a total administration charge of \$3.00 and option 3 will attract a total administration charge of \$9.00.

e) Late Payment Interest Rates

(i) Interest on Overdue Rates ,Service Charges.

Late payment interest be set at a rate of 11% per annum (0.0301% daily) and continue to be charged on overdue/arrears rates and service charges, and current rates and service charges that remain unpaid after 35 days from the date of issue.

(ii) Interest on Overdue Rubbish Collection Fees

Late payment interest be set at a rate of 11% per annum (0.0301% daily) and continue to be charged on overdue/arrears Rubbish Collection Fees, and current rubbish charges that remain unpaid after 35 days from the date of issue.

(iii) Interest on Overdue Debtors Accounts.

Late payment interest be set at a rate of 6% per annum (0.0164% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 60 days from the date of issue.

f) Early Payment Prize

THAT prizes be awarded as follows:

- A \$2, 500 Commonwealth Bank Streamline account
- Minor prizes to be sought from suppliers

In order to be eligible to enter the draw for the prizes, all rates and charges on the individual assessment must be paid in full 21 days after the date of service of the rates notice (2nd September 2009.)

Item 14.1.2 continued.

g) Fees and Charges

That the schedule of fees and charges for the City of Albany be adopted.

h) Mayor & Councillor Fees

THAT annual Councillor fees and allowances for 2009/10 be:

Mayoral Sitting Fee	\$14,000
Mayoral Allowance	\$12,000
Deputy Mayor Allowance	\$3,000
Councillor Sitting Fees	\$7,000
Telecommunications Allowance	\$1,800
Information Technology Allowance	\$ 600

i) Financial Activity Statements

THAT the percentage to be used in Statements of Financial Activity for reporting material variances be set at 10%,

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

All staff and elected members declared a financial interest in common for Item 14.1.2. The nature of interest being: Budget adoption has a financial impact on Staff and Elected members.

8:49:01 PM Councillor Price recorded a vote of thanks for the work of staff in preparing this budget. Large amount of consultation and information briefing sessions with staff and Councillors, we are faced with difficult times, cannot continue to not address the issue of our debt. Commend staff for the forthright and transparent way in which this has been addressed and I would request, through the Mayor, Mr Madigan pass on Council thanks to all staff in his department. The budget has focused on our essential role in Council and particularly thank staff for itemising and accounting for the issue of legal costs.

8:49:09 PM EDDS left the Chambers.

8:50:46 PM EDDS re entered the Chambers.

ITEM NUMBER: 14.1.3
ITEM TITLE: 2009/10 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File/Ward	:	FIN 061 (All Wards)
Key points	:	Recommendations for funding under the 2009/10 Community Events Financial Assistance Program
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager, Customer Services (A Carney)
Disclosure of Interest	:	Executive Director Corporate & Community Services (WP Madigan). Nature: Wife is an executive member of Southern Districts Dressage Club.
Previous Reference	:	N/A
Summary Recommendation	:	Council adopt the recommendations for funding under the 2009/10 Community Events Financial Assistance Program
Bulletin Attachment	:	Summary of 2009/10 - Community Events Financial Assistance Program Assessment
Locality Plan	:	N/A

BACKGROUND

1. The Community Events Financial Assistance Program is a competitive grants program of the City of Albany. The scheme is conducted in one round each year, with applications being invited in April and closing at the end of May. Council advertised its intention to consider applications for financial assistance under this scheme in local newspapers with all applications to be submitted by 31st May 2009.
2. Council provides a specific budget allocation for community event grants and in 2009/10 it is \$80,000 (subject to budget adoption). Funding for community event grants is provided on a matching basis, with the community organisation being required to contribute the equivalent in cash or in-kind. The applicant must demonstrate that other funding opportunities have been investigated and that attempts to source other external funds have been or are being made.

DISCUSSION

3. Applications for the Community Events Financial Assistance Program closed on 31st May 2009 with 22 applications seeking a total of \$161,905.50 in financial assistance from Council. The Council budget for community events grants in 2009/10 is \$80,000 with \$20,000 of the fund already committed to the Albany Car Classic Event (ref OCM 21/11/06).
4. There was a high diversity of applications including major regional festivals, music productions, education and learning, recreational activities, heritage events, sporting and multi-cultural activities.

Item 14.1.3 continued.

5. The funding recommendations presented are based on assessment against multiple criteria outlined in the Community Events Policy adopted at the OCM 19 May 2009 Item 12.12.2. Maintaining support for the diverse community-based activities which meet the Council's social equity and cultural development objectives have also been recommended.
6. Council has previously resolved to nominate 'Icon Status' to the following events giving them certainty that they will be funded over a three year period (subject to a submission being received each year):
 - The Albany Classic Motor Event (2010, 2011, 2012).
 - Perth International Arts Festival (Great Southern Program) (2010, 2011, 2012) – currently expires in 2009.
 - Albany Agricultural Show (2008, 2009, 2010).
 - Anzac Day (2009, 2010, 2011).
7. The following Events have requested to be considered for Icon status: The Festival of The Sea and the Albany Food and Wine Festival. It is the view of staff that no more than four events be allocated Icon status concurrently to allow the Council greater freedom of dispensation regarding the program funds.
8. A full list summarising applications and recommendations is in the Information Bulletin.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

Objective:

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

Grant Types:

Icon Events

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

Community Events

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

Sporting Events

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

Item 14.1.3 continued.

Eligibility:

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

Single Annual Funding Round:

Applications close on the 31st May each year.

Funding Pool

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

Administration

The Manager, Customer Services will make recommendations to Council on the allocation of events grants.

Delegation Of Authority

Nil.”

FINANCIAL IMPLICATIONS

11. Adoption of recommended funding approvals is subject to the expenditure limitation provided within the budget. In 2009/10 the limit is \$80,000 for the Community Event Financial Assistance Program.

STRATEGIC IMPLICATIONS & ALIGNMENT WITH CORPORATE PLAN

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

*“Community Vision: ..
diverse community driven by a spirit of generosity...”*

Priority Goals and Objectives:

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

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

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

City of Albany Mission Statement:

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

Item 14.1.3 continued.

ITEM 14.1.3 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- i) ADOPT the recommended funding allocations for the 2009/10 Community Event Financial Assistance Program being:

Applicant	Event	Amount
Albany Agricultural Society Inc.	Albany Agricultural Show	\$8,000
Classic Motor Event Organising Committee	Round the Houses Motor Sports and Hill Climb	\$20,000
Perth International Arts Festival Inc	2010 Great Southern Programme	\$10,000
Princess Royal Sailing Club	Mirror Class World Championships	\$5,000
Albany Horseman Association Inc	Showjumping Weekend	\$1,000
Albany Maritime Foundation Inc	"Festival of the Sea"	\$2,000
Albany Racing Club Inc	"City of Albany Handicap"	\$2,000
Lions Club of Albany	WA Lions Convention 2009	\$705.00
Albany RSL Sub-Branch	ANZAC Day Commemorative Service	\$7,295.00
Albany Surf Life Saving Club	City of Albany Surf Craft Challenge	\$1,000
Albany Aussi Masters Swimming Club	4km Harbour Swim	\$1,000
Apex Club of Albany	Apex Carols by Candlelight	\$3,800
Art South WA Inc	7 TH Annual Art & Craft Trail	\$3,000
Creative Albany Inc	Jazz Masala "Greet the Cruise Ships" Project	\$5,000
Southern Districts Dressage Club	Southern Districts Dressage Championships	\$1,200
WA Youth Jazz Orchestra (WAYJO)	WAYJO plus Australia Jazz Legends John Morrison and Graeme Lyall present 2 Big Band concerts, one for the public and one for schoolchildren	\$1,000
Great Southern Wine Producers Association Inc	Albany Food and Wine Festival	\$5,000
Perth Basketball Association	State Basketball League Qualifier	\$1,000
Albany Swim Club	Open Water Swim	\$1,000
WA State Masters Games 2010	WA State Masters Games 2010	\$1,000
TOTAL		\$80,000

- ii) DECLINES 'Icon Status' request for the Festival of the Sea and the Albany Food and Wine Festival and recommends they reapply in 2011 and 2012.

ITEM 14.1.3 ALTERNATE MOTION BY COUNCILLOR PRICE

Item 14.1.3 continued.

**ITEM 14.1.3 - ALTERNATE MOTION BY COUNCILLOR PRICE
 VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR PRICE
 SECONDED: COUNCILLOR TORR**

THAT Council:

i) ADOPT the recommended funding allocations for the 2009/10 Community Event Financial Assistance Program being:

Applicant	Event	Amount
Albany Agricultural Society Inc.	Albany Agricultural Show	\$8,000
Classic Motor Event Organising Committee	Round the Houses Motor Sports and Hill Climb	\$15,000
Perth International Arts Festival Inc	2010 Great Southern Programme	\$15,000
Princess Royal Sailing Club	Mirror Class World Championships	\$5,000
Albany Horseman Association Inc	Showjumping Weekend	\$1,000
Albany Maritime Foundation Inc	"Festival of the Sea"	\$2,000
Albany Racing Club Inc	"City of Albany Handicap"	\$2,000
Lions Club of Albany	WA Lions Convention 2009	\$705.00
Albany RSL Sub-Branch	ANZAC Day Commemorative Service	\$7,295.00
Albany Surf Life Saving Club	City of Albany Surf Craft Challenge	\$1,000
Albany Aussi Masters Swimming Club	4km Harbour Swim	\$1,000
Apex Club of Albany	Apex Carols by Candlelight	\$3,800
Art South WA Inc	7 TH Annual Art & Craft Trail	\$3,000
Creative Albany Inc	Jazz Masala "Greet the Cruise Ships" Project	\$5,000
Southern Districts Dressage Club	Southern Districts Dressage Championships	\$1,200
WA Youth Jazz Orchestra (WAYJO)	WAYJO plus Australia Jazz Legends John Morrison and Graeme Lyall present 2 Big Band concerts, one for the public and one for schoolchildren	\$1,000
Great Southern Wine Producers Association Inc	Albany Food and Wine Festival	\$5,000
Perth Basketball Association	State Basketball League Qualifier	\$1,000
Albany Swim Club	Open Water Swim	\$1,000
WA State Masters Games 2010	WA State Masters Games 2010	\$1,000
TOTAL		\$80,000

- ii) **DECLINES 'Icon Status' request for the Festival of the Sea and the Albany Food and Wine Festival and recommends they reapply in 2011 and 2012.**
- iii) **THAT COUNCIL REVIEW and COMBINE the Community Financial Assistance Program and the Community Events Financial Assistance Policies at the August 2009, Economic and Community Development Strategy & Policy Committee.**
- iv) **THAT the Governance Meeting Framework Policy, Terms of Reference, For the Community Financial Assistance Committee is amended:**

From: "Community Financial Assistance Committee: To administer the Community Financial Assistance Program".

To: "Community Financial Assistance Committee: To administer the Community Financial Assistance Program and Community Event Grant Allocations".

**MOTION CARRIED 9-1
 ABSOLUTE MAJORITY**

Item 14.1.3 continued.

8:55:31 PM COUNCILLOR PRICE spoke for the motion.
8:59:52 PM COUNCILLOR WALKER spoke against the motion
9:01:25 PM COUNCILLOR DUFTY spoke for the motion
9:02:20 PM COUNCILLOR TORR requested a point of clarification
9:04:00 PM COUNCILLOR BUEGGE requested a point of clarification
9:04:52 PM COUNCILLOR STANTON spoke for the motion
9:05:51 PM COUNCILLOR PRICE had the right of reply

RECORD OF VOTE:

For the Motion : Mayor Evans Councillors, Torr, Price, Buegge, Stanton, Dufty, Wolfe, Matla, and Kidman

Against the Motion: Councillor Walker

Reason:

It is proposed that the \$20,000 recommended for the Albany Classic to be reduced to \$15,000 and the amount to PIAF be increased from the proposed \$10,000 to \$15, 000 to ensure that the requested grant funding is distributed equally between applicants.

To avoid confusion it is proposed that the Community Financial Assistance Program and the Community Events Financial Assistance Policies are combined and all funding and grant applications in the future are staffed through the Community Financial Assistance Committee.

This alternate motion is moved on the premise that all community financial assistance is staffed through the Community Financial Assistance Committee prior to adoption by Council; which will in turn provide Council with more time to assess the merits of future requests.

OFFICERS REPORT:

Author: Executive Manager Business Governance & Councillor Liaison (S Jamieson)

STATUTORY IMPLICATIONS: No change.

POLICY IMPLICATIONS:

The Governance and Meeting Framework Policy, Community Financial Assistance Committee terms of reference will require to be amended.

FINANCIAL IMPLICATIONS: No change.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN: No change.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS: No change.

COMMENT:

The economic benefit to the business community, which results from the promotion of iconic events in Albany, has not been quantified by the City.

The effect of combining the Community Financial Assistance Program and Community Events Financial Assistance Program policies will stream line the grant and funding allocation process.

Item 14.2.1 was removed from the agenda.

14.2 – ADMINISTRATION

ITEM NUMBER: 14.2.1

ITEM TITLE: OPERATIONAL HUMAN RESOURCES POLICY – PROFESSIONAL REWARDS PROGRAM

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

File Number or Name of Ward	:	PER 011 (All Wards)
Summary of Key Points	:	Review of Professional Rewards Program
Land Description	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate and Community Services (WP Madigan)
Disclosure of Interest	:	N/A
Previous Reference	:	16/03/2005 OCM Item 18.1
Bulletin Attachment(s)	:	Operational Human Resource Policy
Consulted References	:	N/A
Councillors Lounge	:	N/A
Maps and Diagrams	:	N/A

BACKGROUND

1. Albany offers an attractive environment in which to work and reside however other employers in the market place offer similar if not better conditions. In an effort to maintain its position as an employer of choice the City developed the Professional Rewards Program as part of the Operational Human Resources Policy.
2. The aim of the Professional Rewards Program was to:
 - Create a contemporary workplace with competitive benefits.
 - Provide a *reward* for loyalty (retention).
 - Provide attractive employment conditions to support recruitment of professionals to the City
3. The Professional Rewards Program provides:
\$2000 per annum accumulating service allowance will be payable after 4 years continuous service for eligible employees for the purpose of:
 - Legitimate professional development or training activities.
 - Other authorised work related expenses declared FBT exempt by the Australian Tax Office.
 - Repayment of outstanding Higher Education Contribution Scheme (HECS) debts.

Item 14.2.1 continued.

4. Eligibility for the Professional Rewards Program is:
- Positions classified levels 6 to 9.
 - Contract positions with salary levels similar to levels 6 to 9
 - Possession of or significant and active demonstrated progress towards a tertiary qualification indicated in the position description as a desirable or essential requirement of the position.
 - Membership of a professional development organisation relevant to the aims and objectives of the position description.

DISCUSSION

5. In the Item 18.1 from the Council meeting 18/3/05 the qualification criteria for the professional rewards was outlined as:

To qualify officers must be either qualified or actively working towards a tertiary qualification that is relevant to their position, have maintained acceptable standards of work performance and be an *active member of a relevant professional association*.

Due to this ambiguity, clarification is required regarding what constitutes an active membership of a relevant professional organisation in line with the aims and objectives of the position description, and whether this means the employee should have been a member of the organisation for the whole 4-year period, or for only a portion of that time, and whether the organisation should have a Continuing Professional Development aspect to its operations.

No implicit membership term or rationale regarding the length of a membership term was stipulated as part of the operational human resources policy.

STATUTORY IMPLICATIONS

6. Section 5.41 of the Local Government Act 1995 provides in part that the Chief Executive Officer shall be responsible for the employment, management, supervision, direction and dismissal of employees relevant to this matter.

FINANCIAL IMPLICATIONS

7. According to the eligibility criteria as it currently stands:
- In 2009 thirteen staff will qualify for the rewards;
 - In 2010 seven extra staff will qualify for the rewards.
 - Funding of \$25,000 has been allowed in the draft 2009/2010 budget, funded from Reserves.
 - Future claims will be funded from current budgets.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Item 14.2.1 continued.

Priority Goal and Objectives

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

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

City of Albany Mission and Values Statement

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

POLICY IMPLICATIONS

9. Current Human Resource Operational Policies will require amendment to accommodate any proposed changes.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

10. Nil

SUMMARY CONCLUSION

11. Nil

ITEM 14.2.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT THE Operational Human Resources Policy, Professional Rewards Program eligibility clause is amended:

From:

“Membership of a professional development organisation relevant to the aims and objectives of the position description.”

To:

“Current Employees. Demonstrated current membership of a professional development organisation for a period of no less than 12 months, provided such professional development organisation carries a continuing professional development component and the employee continues to be a member.

Future Employees. Demonstrated current membership of a professional development organisation for a period of no less than 4 years, provided such professional development organisation carries a continuing professional development component and the employee continues to be a member.”

Item 14.2.1 was removed from the agenda.

14.3 – LIBRARY SERVICES

Nil

14.4 – DAY CARE CENTRE

Nil

14.5 – TOWN HALL

Nil

14.6 – RECREATION SERVICES

Nil

14.7 - ECONOMIC DEVELOPMENT

Nil

14.8 - TOURISM & VISITORS CENTRE

Nil

14.9 – AIRPORT MANAGEMENT

Nil

14.10 – CONTRACT MANAGEMENT

Nil

14.11 – PROPERTY MANAGEMENT

ITEM NUMBER: 14.11.1
ITEM TITLE: ASSIGNMENT OF LEASE WITH VARIATION FOR HANGAR SITE 18,
ALBANY REGIONAL AIRPORT

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

File Number or Name of Ward	: PRO 162 (Kalgan Ward)
Summary of Key Points	: Consider request for assignment of lease for hangar site 18 with a variation to define hangar lease term being a maximum of 20 years with no option, expiring 31 May 2015
Land Description	: Portion of location 5650, Albany Regional Airport
Proponent	: Bruce and Sharmane Mattinson
Owner	: City of Albany
Reporting Officer(s)	: Property Officer (T Catherall)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19.08.08 - Item 13.3.1
Bulletin Attachment(s)	: Nil
Councillors Lounge	: Nil.
Consulted References	: Council’s Policy - Property Management - Leases
Maps and Diagrams	: Nil

BACKGROUND

1. Bruce Mattinson and Sharmane Mattinson (formerly MacRae) currently lease hangar site 18 on portion of location 5650, at the Albany Regional Airport.
2. Location 5650 is located on City of Albany freehold land adjacent to the Airport terminal, Albany Highway on Certificate of Title Volume 2158 Folio 588.
3. The City has received a request from Bruce and Sharmane Mattinson for assignment of lease for hangar site 18 as of 30 March 2009 to Ralph and Leonie Burnett being directors of Burnlee Park Pty Ltd as trustee for the Burnett Family Trust for the remaining term, expiring 31 May 2015.
4. There had for some time been a degree of uncertainty regarding the term outlined in some of the earlier hangar site leases including this lease in question. They have a term set at twenty years and renewable thereafter for further periods of twenty years. This term seemed to grant the lessee lifetime tenure on the leased area.
5. The City requested a legal opinion from Haynes Robinson, Barristers and Solicitors on the status of that clause and the advice given concluded the “lease is illegal and void to the extent that the term of the lease is defined to include multiple option periods of twenty years until termination” and that “The offending definition of term can be severed from the rest of the definition...”

Item 14.11.1 continued.

6. At the August 2008 Ordinary Council Meeting, it was resolved to limit hangar leases to a maximum 20 years. All hangar lessees were informed of the resolution of Council and how it will affect their leases individually.

DISCUSSION

7. In line with Council resolution to limit hangar leases to a maximum 20 years this assignment requires a variation to the lease to remove the offending clause and the term be defined as the initial twenty year term of the lease with no option.
8. The assignor Bruce and Sharmane Mattinson and assignee Ralph and Leonie Burnett being directors of Burnlee Park Pty Ltd as trustee for the Burnett Family Trust are in agreement with the term of 20 years with no option for hangar site 18, expiring 31 May 2015.
9. This will mean that at the expiration of the current term the lease will lapse and if the current tenant wishes to continue the occupation of that site, a new lease will have to be applied for, and all terms and conditions will be negotiated in line with Council Policy.
10. Current lessees or sub-lessees must seek Council approval to assign a lease, where there is a variation to the current lease details.

PUBLIC CONSULTATION / ENGAGEMENT

11. Nil.

GOVERNMENT CONSULTATION

12. Nil.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

14. All costs associated with the preparation of the documentation will be borne by the assignee.
15. The rental is fixed at \$528.00 per annum.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:
Nil.

Item 14.11.1 continued

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

17. The recommendation is consistent with Council’s Policy – Property Management – Leases adopted in 2007.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

18. Council has the following options in relation to this item, which are:
- a. Approve the current lessee request to assign the existing lease with variation, or
 - b. Decline the request.
19. Should Council not support the request to assign the existing lease with variation, the lease will remain in place until expiry on 31 May 2015.

SUMMARY CONCLUSION

20. Approval of the request for assignment of lease for hangar site 18 with a variation to define hangar lease term being a maximum of 20 years with no option, expiring 31 May 2015 is recommended.

ITEM 14.11.1 - OFFICER RECOMMENDATION VOTING REQUIREMENT – SIMPLE MAJORITY

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA**

THAT Council

- i) **APPROVES the ASSIGNMENT OF LEASE for hangar site 18 from Bruce Mattinson and Sharmane Mattinson (formerly MacRae) to Ralph and Leonie Burnett being directors of Burnlee Park Pty Ltd as trustee for the Burnett Family Trust with a variation to define hangar lease term as being a maximum of 20 years with no option, expiring 31st May 2015 and all costs associated with the preparation of the assignment documentation be met by the assignee.**

MOTION CARRIED 10-0

ITEM NUMBER: 14.11.2
ITEM TITLE: PROPERTY MANAGEMENT - LEASE OF RUNWAY CAFÉ CONCESSION AT ALBANY REGIONAL AIRPORT

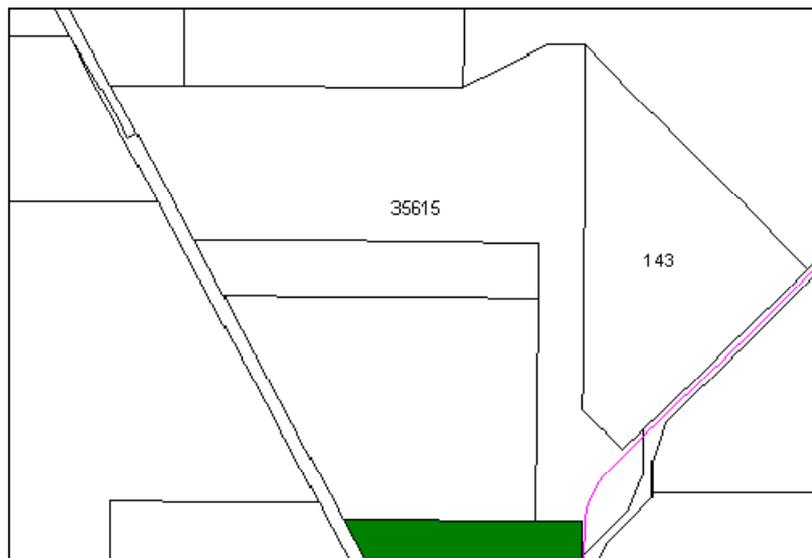
THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward : EQU 044, SER 097, PR O372 & A64802 (Kalgan Ward)
Summary of Key Points : Consideration of submissions responding to advertisement seeking Expressions of Interest to lease the Runway café at the Albany Regional Airport
Land Description : 35615 Albany Highway Albany Airport
Proponent : N/A
Owner : City of Albany
Reporting Officer(s) : Manager Economic Development (J Berry)
Disclosure of Interest : Nil
Previous Reference : OCM 21.08.07 Item 13.3.1
OCM 20.05.08 Item 13.5.2
Bulletin Attachment(s) : Nil
Councillors Lounge : Expressions of interest.
Consulted References :

- Expression of Interest to operate Albany Airport Café (EOI EQU044_031_2009.3)
- Respondent submissions to the Expressions of Interest documentation received by 30 June 2009

Maps and Diagrams : Council's Policy – Property Management - Leases



Item 14.11.2 continued

BACKGROUND

1. The café located within the Albany Regional Airport Terminal building was historically operated under informal arrangements with family of the former Airport manager (employed by the City of Albany). A very basic service was provided to waiting passengers.
2. Refurbishment of the airport was completed in May 2008 and as part of the upgrade, the café was overhauled with the installation and supply of new equipment, benches, and cabinets.
3. After receiving limited interest from the private sector to run the refurbished café on a fully commercial basis, on 20 May 2008 Council resolved to advertise its intention to enter into lease with 'Life's a Beach' café for a three year period on a rental basis of \$10.00 per year.
4. To facilitate customer services at the airport, the café was permitted to operate prior to signing a formal lease. Several months later, the operator withdrew the service citing several reasons, including personal circumstances and the limited commercial viability of the operation.
5. No cash flow statements from any of the previous operators are available making a commercial viability assessment based on past performance difficult to ascertain.
6. The City subsequently procured a vending machine service to provide a basic refreshment service to visitors. This service has experienced technical difficulties and has been unreliable. Despite the installation of these services the City and Skywest continue to receive complaints about the closure of the café service.

DISCUSSION

7. The absence of a café service at the airport has drawn criticism from commerce and tourist groups as it projects a poor image of Albany to business and leisure visitors. As owner and operator of the Albany Regional Airport, it is in the interests of the City of Albany to attempt to re-establish a service to:
 - a. provide a quality customer service to passengers and visitors to its own terminal, and;
 - b. project a positive image of Albany as a place to visit for business and leisure, resulting in improved economic development activity.
8. Council has issued planning and health certificates to support the lessee gaining a Special Facilities Liquor Licence. A future lessee would be responsible for applying for this licence from the Department of Racing, Gaming and Liquor and would be responsible for all costs including application and training requirements. Staff are of the view that a special facilities licence would improve the commercial viability of the café, particularly prior to afternoon and evening flights. City of Albany staff have held discussions with the ACCI and several existing operators of cafes/kiosks/restaurants in Albany to garner interest in operating the cafe.
9. On 16 June 2009 the City advertised locally for Expressions of Interest to operate the café and adjacent display cabinets built as part of the terminal refurbishment.

Item 14.11.2 continued

10. Two responses were received by the closing date of 30 June 2009. The respondents were requested to respond to the following Considerations in their submissions.

Considerations	McKails General Store (ABN 59599512367)	Jacqueline Daniel (Trading as Platters Gourmet) (ABN 33636792112)
Lease preparation costs	To be paid by City of Albany as business considered too marginal	To be paid by the City, however would be willing to enter a repayment schedule should this be a deciding factor
Proposed term of lease	Prefers six months to trial the business and not willing to be locked in for one year	Very satisfied with full one year term with two year option and willing to sign lease based on this tenure
Proposed Liquor licence area	Satisfactory	Satisfactory
Proposed Rental Payment	Agreed and willing to negotiate percentage of net profit	Agreed willing to negotiate percentage of net profit
Signage	Will supply as per requirements of Liquor licensing	Will supply as per requirements of Liquor licensing. Quotes and text supplied with EOI
Cost of Liquor Licence	Is willing to pay the \$2,200 licence fee plus advertising, and legal fees however reluctant to undertake the application until expiry of six month trial period.	Is willing to pay the \$2,200 licence fee plus advertising, and legal fees. Is willing to apply and establish the service immediately
Display cabinets	Proposes display and sale of local products	Proposes display and sale of local products
Proposed Opening Hours	Proposes to trade one hour before each flight. Would only trade for morning and afternoon flight during the six month trial period and until the liquor licence is granted.	Proposes one hour before flight and half an hour after the flight. Detailed schedule of hours for both café and bar supplied in submission. Willing to operate café food service for morning, afternoon and evening.
Commencement Date	Proposes mid-August (or as soon as approvals granted)	Proposes mid-August (or as soon as approvals granted)

11. The following selection criteria was used to assess the submissions by the Manager Economic Development and the Executive Director Corporate and Community Services. Personal discussions were also held with both Proponents to ascertain their commitment and ideas for running the café.

Criterion	McKails General Store (ABN 59599512367)	Jacqueline Daniel (Trading as Platters Gourmet) (ABN 33636792112)
Demonstrated experience in retailing food and beverage	8	7
Excellence in customer service	8	8
Best value for Council	6	8
Innovation in retailing regional products	7	8
Sustainability of service demonstrated in proposal	6	8
Average Score	7	7.8

Item 14.11.2 continued.

PUBLIC CONSULTATION / ENGAGEMENT

12. No public consultation is required at this stage of the procurement process. Should the lessee apply for a Special Facilities Licence, it is a requirement of the Department of Racing, Gaming and Liquor to satisfy a public interest test, having regard to the likely health and social impacts on the community and sub-groups within the community.

GOVERNMENT CONSULTATION

13. No Government consultation is required at this stage of the procurement process.

STATUTORY IMPLICATIONS

14. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.
15. Section 3.58 (3) states that a Local Government must give public notice of its intention to lease, giving details of the property and proposed disposition and inviting submissions before a specified date. Any submissions received must be considered at an Ordinary Council Meeting and the decision regarding those submissions recorded in the minutes of the meeting at which the decision was made.
16. Should the lessee apply for a Special Facilities Licence it will be assessed by the Department of Racing, Gaming and Liquor (DRGL) to satisfy public interest. The DRGL will consult with the Health Department, Tourism WA and other relevant government agencies in making their assessment.

FINANCIAL IMPLICATIONS

17. Lease revenues in the first year will be at a nominal rate, being \$10.00 plus GST. It is proposed that a review of the performance of the lessee is then conducted and a further two year option negotiated, including provision for a percentage of net profit to be paid to Council in lieu of the lease arrangement.
18. The Officer recommendation requests Council relax the requirement for the Lessee to pay a bond.
19. The Officer Recommendation requests Council consider payment of all costs relating to lease preparation. A solicitor's estimate indicates the costs of lease preparation to be approximately \$900.00 plus GST and disbursements, assuming significant original drafting is not required. Advertising charges have been estimated at \$55.00 plus GST. This payment will be made from Account 0289 – Airport Sundries.
20. The Great Southern Development Commission has offered to consider financial assistance to the City or lessee to facilitate a regional goods display in part of the leased area should this be required to assist the café area to be opened and upon formal application.

Item 14.11.2 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil

Priority Goals and Objectives:

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

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

Objective 4.3 - The City of Albany will deliver excellent community services that meet the needs and interests of our diverse communities

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

22. Council has adopted a Property Management - Leases Policy. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures. Relevant sections of the Policy in relation to this item are:
- Commercial leases will be offered at a rental determined by an independent valuer taking into account the current value of the business and rental structured in a way which provides maximum return to Council.
 - Commercial lessees will be required to provide a bond equivalent to one months' rent.
 - If a lessee requests a variation to a lease, Council reserves the right to consider the variation only as part of a new lease for the enterprise.
 - The lessee will reimburse all Council's costs associated with the development and implementation of the lease.
 - No sub leasing arrangements are to be entered into.
 - The City will insure the buildings that it owns and recover the cost of the premium from the lessee.
23. Due to the difficulties experienced attracting a commercial enterprise to operate the airport café it is recommended Council relax elements of the Property Management - Leases Policy as follows:
- Provide a rental for the first 12 months and then enter negotiations to share a small percentage of any net profits that arise from the enterprise in lieu of the financial concessions for the lease being provided by Council.
 - Relax the requirement to provide a bond.
 - Relax the requirement of the lessee to reimburse Council for the costs associated with development and implementation of the lease.

Item 14.11.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Council could consider operating the café itself however this option is discouraged as the labour cost is high and would likely result in an operating deficit, particular taking into account penalty rates. The option of ALAC running the café has been investigated and it has considered it to be unviable.
25. Council may consider keeping the café closed and continuing the operation of vending machines. This option is not recommended as it presents poorly to the travelling public. The option of vending machines has been trailed and has resulted in a poor service.

SUMMARY CONCLUSION

26. Council is being requested to advertise its intention to enter a lease of the Albany Airport Café to a private enterprise for a period of one year with a two year option. In order to make the lease attractive, staff recommend Council relax its policy that requires lessees to pay the cost of lease preparation and also provide a rental for at least the first 12 months. This strategy will minimise outgoings for the lessee, in what is considered a marginal business proposition, however will provide a customer service within a City-owned asset.

ITEM 14.11.2 - OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADVERTISE its intention to enter into a lease with Jacqueline Heather Daniel (trading as Gourmet Platters) for a period of one year, with a two year option, for the café area at the Albany Regional Airport Terminal, subject to:

- i) There being no submissions received as a result of advertising;
- ii) A lease payment of \$10.00, plus GST, per annum with the lease payment amount being re-assessed after the first year of operation;
- iii) A business plan being presented by the lessee to Council that is to the satisfaction of the Chief Executive Officer; and
- iv) All costs associated with the preparation of leases to be payable by the City of Albany.

Item 14.11.2 continued.

**ITEM 14.11.2 - AMENDED OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR BUEGGE**

THAT Council ADVERTISE its intention to enter into a lease with Jacqueline Heather Daniel (trading as Gourmet Platters) for a period of one year, with a two year option, for the café area at the Albany Regional Airport Terminal, with the lease being executed subject to:-

- i) There being no submissions received as a result of advertising;**
- ii) A lease payment of \$10.00, plus GST, per annum with the lease payment amount being re-assessed after the first year of operation;**
- iii) A business plan being presented by the proposed lessee that is to the satisfaction of the Chief Executive Officer;**
- iv) All costs associated with the preparation of the lease paid by the City of Albany, and;**
- v) The inclusion of a clause in the lease document which allows for renegotiation of lease conditions prior to the two-year option being exercised.**

MOTION CARRIED 10-0

Officers Reason:

Point v) has been added to the original officer recommendation to allow for renegotiation of the lease after 12 months operation so as to assess the profitability (or otherwise) of the Café. It is recommended the negotiations include provision for review of the nominal rental consideration and/or a negotiated profit sharing arrangement.

14.12 – CORPORATE & COMMUNITY SERVICES COMMITTEE

ITEM NUMBER: 14.12.1

ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 18 JUNE 2009

File Number or Name of Ward : MAN 131 (All Wards)
Summary of Key Points : Receive the minutes of the Seniors Advisory Committee.
Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 18th June 2009

Committee Recommendations 1 & 2 carried en bloc.

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR BUEGGE

THAT Committee Recommendations 1 and 2 be resolved en bloc.

MOTION CARRIED 10-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.1 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

CONFIRMATION OF MINUTES

THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 18th June 2009 be RECEIVED.

CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.1 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Councils SUPPORTS the committee's recommendation that Community Development Officer, Tricia Martin, be appointed as the Seniors Advisory Committee Executive Officer.

CARRIED EN BLOC

ITEM NUMBER: 14.12.2
ITEM TITLE: COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND
POLICY COMMITTEE MEETING MINUTES – 19 JUNE 2009

File Number or Name of Ward : MAN 233 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate and Community Services
(WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 19th June 2009

Committee Recommendations 1, 2, 3 and 4 carried en bloc.

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR BUEGGE

THAT Committee Recommendations 1, 2, 3 and 4 be resolved en bloc
MOTION CARRIED 10-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

CONFIRMATION OF MINUTES

THAT the UNCONFIRMED minutes of the Community and Economic Development Strategy and Policy Committee held on Friday 19 June 2009 be RECEIVED.
CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

6.2 EXTENDED TRADING HOURS REQUEST

THAT Council SUPPORT and make application to the Minister for extended trading hours from the 27th February 2010 to the 21st March 2010 inclusive, between the hours of 8am to 9pm.
CARRIED EN BLOC

Item 14.12.2 continued.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 14.12.2 - COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

6.3 ALAC CAFÉ

THAT Council APPROVE ALAC to continue to operate the Café for a further period of 12 months. In June 2010 a further operational review will reassess the operation at this time.

CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 14.12.2 - COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY**

6.4 FLINDERS PARK PROJECT

i) THAT Council AGREES that the potential loss of this funding opportunity and reasons behind the loss be discussed with the appropriate Ministers by the Mayor at the coming Regional Cabinet Meeting; and

ii) THAT Council RECEIVES the report and recognises that officers are required to relinquish the CSRFF grant for the Flinders Park Project of \$356,653 and reapply (with approval to do so out of the normal funding round) at a time when the project has received sufficient approvals and the likely timeline for continuation is known.

CARRIED EN BLOC

9.10:43PM Councillor Torr asked a question about Item 4 regarding re starting again.

9.10:44PM Mayor Evans stated that part of the recommendation was that he spoke to the relevant Ministers, which he had done.

ITEM NUMBER: 14.12.3
ITEM TITLE: 2014/15 ANZAC CENTENARY STRATEGY COMMITTEE MEETING MINUTES – 23 JUNE 2009

File Number or Name of Ward : REL 164 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Manager Economic Development (J Berry)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes – 23rd June 2009

Committee Recommendation 1 & 2 carried en bloc.

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR DUFTY

THAT Committee Recommendations 1 and 2 be resolved en bloc

MOTION CARRIED 10-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the 2014/15 ANZAC Centenary Strategy Committee held on Tuesday 23 June 2009 be received.

CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

Item 5.1 – Committee Terms of Reference

THAT Council APPROVE the terms of reference for the 2014/15 ANZAC Centenary Strategy Committee be extended to include the following:

To develop a strategy for the official opening of the Anzac Peace Park event in 2010;
To develop a strategy and funding plan for the gradual upgrading of facilities at Mt Clarence as outlined in the City Mounts Management Plan; and
To develop a strategy to ensure annual ANZAC Day events are continuously improved from year to year culminating in a major event in 2014/15.

CARRIED EN BLOC

Item 14.12.3 continued.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 14.12.3 - OFFICER RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: MAYOR EVANS
SECONDED: COUNCILLOR BUEGGE**

THAT Council APPOINT the following elected members to the 2014/2015 ANZAC Centenary Strategy Committee:

- **Councillor Price**
- **Councillor Wolfe**

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

Officers Reason:

It is considered that momentum could be lost should the additional committee members not be available to form a quorum, particularly in view of the formal opening of ANZAC Peace Park.

ITEM NUMBER: 14.12.4
ITEM TITLE: COMMUNITY FINANCIAL ASSISTANCE COMMITTEE MEETING
MINUTES – 19th JUNE 2009

File Number or Name of Ward : FIN 022 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate & Community Services
(WP Madigan)
Disclosure of Interest : Mayor M Evans – Committee Item 4.1 (2,8,9,10 & 32)
Impartial Interest
Cllr D Wolfe – Committee Item 4.1 (37) Impartiality Interest
Cllr D Price – Committee Item 4.1(7) Impartiality Interest
Bulletin Attachment(s) : Committee Minutes dated 19th June 2009

9:16:17 PM Councillor Dufty declared a Financial Interest in Item 14.12.4 and left the Chamber. The nature of Councillor Dufty's interest is that he is a member of the Wesley Unity Church.

Mayor Evans and Councillors Price and Wolfe declared an Impartiality interest in item 14.12.4 and remained in the Chamber.

Committee Recommendations 1, 2 & 3 carried en bloc.

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR STANTON
THAT Committee Recommendations 1, 2, and 3 be resolved en bloc
MOTION CARRIED 9-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY
THAT the UNCONFIRMED minutes of the Community Financial Assistance Committee held on the 19th June 2009 be RECEIVED.
CARRIED EN BLOC

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.4 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY
COMMUNITY FINANCIAL ASSISTANCE FUND
THAT Councils SUPPORTS the allocation of \$1,000 for the City of Albany Band for the “Clowning Around” variety concert on October 31st 2009 to be held at the Albany Town Hall, to be funded from the next round of Community Financial Assistance (Round 2 Nov 2009).
CARRIED EN BLOC

Item 14.12.4 continued.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

**ITEM 14.12.4 - COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

5.1 HERITAGE CONSERVATION INCENTIVE GRANTS

- i. That Council **APPROVE** the maximum allocation of \$3,000 to 'Hawthorn House' – 24 Seymour Street, Albany (owners Mr J. Raudino) under the Heritage Conservation Incentives Grants program subject to the recipient providing a final invoice for the works or receipt of payments made for materials.
- ii. **THAT** Council **APPROVE** the maximum allocation of \$2,000 to the Wesley Uniting Church, 12 – 40 Duke Street, Albany (owner Uniting Church Australia) under the Heritage Conservation Incentives Grants program subject to the recipient providing a final invoice for the works or receipt of payments made for materials.

CARRIED EN BLOC

9:16:51 PM Councillor Buegge spoke against Recommendation 2 Community Financial Assistance Fund 5.1 and withdrew his proposed foreshadowed motion.

9:18:26 PM Councillor Dufty re entered the Chamber.

ITEM NUMBER: 14.12.5
ITEM TITLE: ALBANY TOWN HALL THEATRE ADVISORY COMMITTEE MINUTES –
3rd JUNE 2009

File Number or Name of Ward : SER 047 (All Wards)
Summary of Key Points : Receive the minutes of the Albany Town Hall Theatre
Advisory Committee.
Reporting Officer(s) : Executive Director of Community & Corporate Services
(W P Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee meeting minutes - 3rd June 2009

COUNCILS ROLE: EXECUTIVE FUNCTION

ITEM 14.12.5 – COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MATLA
SECONDED: COUNCILLOR PRICE

THAT the UNCONFIRMED minutes of the Albany Town Hall Theatre Advisory Committee held on Wednesday 3rd June 2009 be RECEIVED.

MOTION CARRIED 10-0

WORKS & SERVICES

Reports

15.1 WASTE MANAGEMENT

ITEM NUMBER: 15.1.1
ITEM TITLE: REGIONAL STRATEGIC WASTE MINIMISATION PLAN 2008 – 2013

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward	: SER 132 (All Ward)
Summary of Key Points	: The purpose of this report is to seek the Council's adoption of the amended Great Southern Group of Councils Strategic Waste Minimisation Plan (RSWMP).
Land Description	: Nil
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Manager City Assets (P Brown)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/02/09 – Item 13.8.1 OCM 21/04/09 – Item 13.1.1
Councillors Lounge	: Nil.
Bulletin Attachment(s)	: Nil
Consulted References	: Nil
Maps and Diagrams	: Nil

BACKGROUND

1. The Council, at its meeting held on 21 April 2009 resolved the following:
"That COUNCIL ADOPT the Regional Strategic Waste Minimisation Plan, prepared by the Great Southern Group of Councils."
2. The RSWMP was developed in collaboration with the municipalities of Cranbrook, Denmark, Plantagenet and Albany. The RSWMP forms the primary direction and framework to progress waste minimisation strategies within the Great Southern Group of Councils in accordance with the objectives of the WA Waste Authority's vision of Towards Zero Waste.
3. Subsequent to the adoption of this plan in April 2009, the Shire of Cranbrook withdrew its membership from the Great Southern Group of Councils accordingly relinquished its commitment to support the initiatives of the RSWMP. To reflect the accurate composition of the RSWMP, the document has been amended by excluding references to the Shire of Cranbrook.
4. The intent, objectives and obligations of the RSWMP remain unchanged and accordingly, the amended document should be re-considered for adoption by each respective Council to reflect the altered member composition.

DISCUSSION

5. This minor amendment is required by the Department of Environment and Conservation (DEC) and is necessary to secure regional funding for waste management initiatives.

Item 15.1.1 continued.

PUBLIC CONSULTATION / ENGAGEMENT

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

GOVERNMENT CONSULTATION

7. There has been discussion between senior staff from all participating member local governments and DEC Officers.

STATUTORY IMPLICATIONS

8. The following statutory requirements apply to this item:

- Department of Environment and Conservation Site Licensing
- Waste Avoidance and Resource Recovery Act 2007
- Waste Avoidance and Resource Recovery Regulations 2008
- Waste Avoidance and Resource Recovery Levy Act 2007
- Waste Avoidance and Resource Recovery Levy Regulations 2008

FINANCIAL IMPLICATIONS

9. The implementation of the Great Southern Group of Councils Regional Strategic Waste Minimisation Plan 2008 – 2013 will assist the Council to effectively monitor and measure waste stream volumes to enable detailed waste reduction strategies within budgetary constraints.
10. The Great Southern Group of Councils will receive external funding from the DEC of \$60,000 in funding for the development and approval of this plan with \$20,000 being allocated to the City of Albany.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

“Lifestyle and Environment.

“Albany will be Western Australia’s regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.”

“Governance. The City of Albany be an industry leader in good governance and service delivery.

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

POLICY IMPLICATIONS

11. There are no policy implications relating to this report

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

Item 15.1.1 continued

SUMMARY CONCLUSION

13. The Council's adoption of the revised RSWMP is a formal administrative process necessary to reflect the true nature and member composition of the Great Southern Group of Councils throughout the RSWMP document.

**ITEM NUMBER – 15.1.1 OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT COUNCIL ADOPT the AMENDED Regional Strategic Waste Minimisation Plan 2008 – 2013.

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

15.2 CAPITAL WORKS

ITEM NUMBER: 15.2.1
ITEM TITLE: PROPOSAL TO CLOSE THE INTERSECTION OF MAWSON STREET WITH HANRAHAN ROAD

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward	: SER 086 (West Ward)
Summary of Key Points	: Proposal to close off the end of Mawson Street at the intersection with Hanrahan Road
Land Description	: Mawson Street Road Reserve
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Project Engineer Asset Master plans (G Hoey)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Councillors Lounge	: Nil.
Bulletin Attachment(s)	: Nil
Consulted References	: Nil
Maps and Diagrams	: Follows this report.

BACKGROUND

1. City staff identified the intersection of Mawson Street and Hanrahan Road as a potential safety problem because of its proximity to Serpentine Road. There is potential for confusion for traffic signalling to turn into Serpentine Road.
2. A road safety audit was carried out in 2009 which confirmed the safety issues. Based on this a submission for Federal Government Nation Building (formerly Black Spot) funding to close the intersection was made which was successful. The proposed improvements are currently being designed for the 2009/10 works program, with construction completion required by December 2009.

DISCUSSION

3. The proposed closure of Mawson Street at Hanrahan Road would eliminate the confusion caused by having two intersections close together.
4. The closure would have the benefit of eliminating the short cut for vehicles wishing to avoid the main roundabout.
5. No property will lose access by this closure. The closure could cause some inconvenience for people wishing to access the houses or businesses off Mawson Street. They would be for traffic needing to travel to York Street, forced to use Albany Highway. Mawson Street can be entered and exited in both directions in Albany Highway as there is a gap in the median at that location. As an alternative traffic could exit Mawson Street, travel around the roundabout and then access Albany Highway and proceed towards the York Street roundabout.

Item 15.2.1 continued

PUBLIC CONSULTATION / ENGAGEMENT

6. There will be a 35 day public consultation period, advertised in the local newspapers.
7. There will be notification to all property owners directly affected by the closure.

GOVERNMENT CONSULTATION

8. The proposed works will be submitted to Main Roads WA for their comment and approval.
9. Notification will be given to other Government agencies that may be affected by the closure including Police, Fire Services, Ambulance Services, Water Corporation, and Western Power.

STATUTORY IMPLICATIONS

10. Section 3.50 of the Local Government Act, 1995, -

“3.50 Closing certain thoroughfares to vehicles.

(1) A local government may close any thoroughfare that it manages for the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) repealed]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to-

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission:

(b) give written notice to each person who-

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which the local public notice is given.

Item 15.2.1 continued

[(7) repealed]

(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.”

FINANCIAL IMPLICATIONS

11. The project to close the intersection of Mawson St and Hanrahan Road is in the proposed 2009/2010 City budget. The total cost of this road project is \$43,000. This project will be fully funded by the Federal Government under the Nation Building Package.
12. The City of Albany would be required to accept costs associated with advertising the road closure.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

13. This item directly relates to the following element from the Albany Insight – Beyond 2020 Corporate Plan:
“4. Governance: 4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

15. The Council has the following options in relation to the proposal:
 - a. Close Mawson Street at Hanrahan Road.
 - b. Leave the road situation as it is.
16. Should Council choose to leave Mawson St open at Hanrahan Road it runs the risk of exposing the City to liability issues.

SUMMARY CONCLUSION

17. It is recommended that Mawson St be closed at its intersection with Hanrahan Road.

ITEM NUMBER – 15.2.1 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR WALKER

THAT Council:

- i) **In accordance with Section 3.50 of the Local Government Act 1995, proceed with the advertising of the closure of Mawson St at its intersection with Hanrahan Road; and**
- ii) **Authorise staff to finalise the legislative requirements of the closure, should no objections be received.**

MOTION CARRIED 9-1

Item 15.2.1 continued.

9:20:21 PM Councillor Dufty spoke for the motion.

9:20:35 PM Councillor Buegge spoke against the motion.

RECORD OF VOTE:

For the Motion: Mayor Evans and Councillors, Torr, Price, Walker, Stanton, Dufty, Wolfe, Matla, and Kidman

Against the Motion: Councillor Buegge



ITEM NUMBER: 15.2.2
ITEM TITLE: **CONTRACT C09009 – TENDER FOR DESIGN AND CONSTRUCT
MEMORIAL WALL AT ANZAC PEACE PARK**

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward : STR 274 (Frederickstown Ward)
Summary of Key Points : Design and Construction of Memorial Wall at ANZAC Peace Park
Land Description : ANZAC Peace Park
Proponent : City of Albany
Owner : City of Albany
Reporting Officer(s) : Project Co-ordinator (R Taylor) and
Manager City Assets (P Brown)
Disclosure of Interest : Nil
Previous Reference : Nil
Councillors Lounge : Nil.
Bulletin Attachment(s) : 1. State Government Grant ANZAC Peace Park Grant Agreement (Specifically relating to the Memorial Wall)
2. Record STR214 / EF8084017 Memorial Wall tender clarification of rate
3. Form 1 of Contract C09009
4. Memorial Wall final cost and contingency cost sheet
Maps and Diagrams : Nil.

BACKGROUND

1. In April 2009 the City of Albany signed the State Government Grant Agreement, of this agreement the Department of Premier and Cabinet have granted \$433,000 (ex GST) to be used for the Memorial Wall, granite steps and lighting of the Park.
2. This tender for Design and Construction for the Memorial Wall at the ANZAC Peace Park comprises the construction of a Polished Exposed Aggregate Pre-cast Concrete wall approximately 60 meters in length by 1.65 meters high. A 35 metre section will include a wreath laying area which will use local timber. The other 25 metre section will contain a stepped and terraced area and viewing concourse. The viewing concourse and steps will be clad with polished Albany granite. The vertical faces of the terrace steps will be exposed aggregate concrete. In ground lighting will illuminate the wreath laying area and highlight the 'ANZAC PEACE PARK' lettering that will be made of grit blasted stainless steel.
3. The memorial wall will be completed in compliance with the Office of State Development funding conditions with an estimated date for completion of December 2009.
4. At the schematic design phase three design options were considered all of which have granite steps and have been compared to the funding amount of \$433,000.

Polished pre-cast concrete, no granite facing	\$ 409,733
Block work with polished granite facing	\$ 651,640
Rough sawn granite block wall with polished elements.	\$1,030,920
5. For budgetary reasons the first option was chosen, developed into a preliminary design and sent out to tender with a corresponding specification.

Item 15.2.2 continued.

DISCUSSION

6. A total of 20 sets of documents were downloaded from the City of Albany tender website.
7. A formal site meeting question and answer session was to be held at City of Albany offices 102 North Road, Yakamia and then proceed to site at the ANZAC Peace Park. There were no attendees to this meeting.
8. Two (2) completed tender documents were submitted to the Procurement and Contracts Office on/before the stipulated closing date and time. Tenders were subsequently opened, the name of each tenderer was recorded in the tender register and logged into records.
9. Evaluation of Tenders. Tenders were evaluated in five (5) key areas;
 - Cost;
 - Experience;
 - Aesthetic Value and Technical Compliance;
 - Current workload and Resources;
 - Whole of Life Costs.

TENDER EVALUATION

10. The rating scale method used is as set out by the City of Albany's tender evaluation cost scoring formula.

		Rating Scale:			
MEMORIAL WALL - C09009					
		10 = Outstanding offer, greatly exceed criterion			
		8 = Very good offer, exceeds criterion			
		6 = Good offer, no deficiencies, meets criterion			
		4 = Fair offer, few deficiencies, almost meets criterion			
		2 = Marginal offer, some deficiencies, partly meets criterion			
		0 = Inadequate offer, many deficiencies, does not meet criterion			
Insert Score out of 10 in Blue		Robinson Buildtech		Phase 3 Landscape Construction	
Selection Criteria	Weighting	Score	Weighted	Score	Weighted
Insert criteria and alter weightings to suit		(Out of 10)		(Out of 10)	
Cost	50%	4.89	244.5	5.11	255.5
Experience	15%	7	105	7.5	112.5
Aesthetic value & technical compliance	15%	7.5	112.5	8	120
Current workload & resources	10%	7.5	75	6.5	65
Whole of life costs	10%	0	0	6	60
Totals	100%		537		613
Name: Peter Brown.....	Signature: 	Position: Manager City Assets.....		Date: 2.7.09.	
Name: Ryan Taylor.....	Signature: 	Position: Project Co-ordinator.....		Date: 2.7.09.....	
Name:	Signature:	Position:		Date:	

Item 15.2.2 continued.

FINANCIAL IMPLICATIONS

	INCLUDING GST	EXCLUDING GST
Budget – Memorial Wall	\$476,300	\$433,000
Phase 3 Landscape Construction	\$295,450	\$265,905
Lighting & forecourt paving	\$114,170	\$103,790
Contingency allowance	\$44,680	\$43,305
Superintendent costs	\$22,000	\$20,000
Total	\$476,300	\$433,000

11. The funds available are \$433,000.00 (ex GST) granted by Department of Premier and Cabinet.
12. The remainder of the allocated budget has been allocated thus and is as indicated in the table above:

Lighting & forecourt paving \$114,170 (inc GST)
Contingency allowance \$44,680 (inc GST)
Superintendent costs \$22,000 (inc GST)

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

13. Strategic plan relevant to the matter “Not Applicable”.
14. This item directly relates to the following elements from the Albany Insight – Beyond 2020 Corporate Plan:

“Lifestyle & Environment:

1.5 Development

- *Responds to our unique historical and environmental values.”*

“Economic Development:

2.5 Our unique cultural heritage attractions deliver world class tourism experiences.”

POLICY IMPLICATIONS

15. There are no policy implications relating

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

SUMMARY CONCLUSION

17. Phase 3 Landscape Construction tender submission scored the highest total points of all the required evaluation criteria for the Design and Construction of the Memorial Wall at ANZAC Peace Park, Albany.

Item 15.2.2 continued

**ITEM NUMBER – 15.2.2 OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WALKER
SECONDED: COUNCILLOR STANTON**

THAT Council

- i) **ACCEPTS** the tender from Phase 3 Landscape Construction for \$295,450.00 including GST as the tender submitted scored the highest points; and
- ii) **AUTHORISE** the expenditure of the balance of the \$476,300 (inc GST) budget to Superintendent services, contingency allowance and lighting and paving in the amounts of \$22,000, \$44,680 and \$114,170 (inc GST) respectively.

**MOTION CARRIED 8-2
ABSOLUTE MAJORITY**

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Kidman, Matla, Dufty, Wolfe, Stanton, Walker, and Price.

Against the Motion: Councillors Buegge and Torr.

15.3 RESERVES, PLANNING & MANAGEMENT

ITEM NUMBER: 15.3.1
ITEM TITLE: PROPOSAL TO EXCISE PORTION OF RESERVE LAND FOR DAVY ROAD RESERVE

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward : SER 086 (West Ward)
Summary of Key Points : Proposal to excise portion of Reserve 27679 for road reserve
Land Description : Crown Reserve 27679
Proponent : City of Albany
Owner : Crown
Reporting Officer(s) : Project Engineer Asset Master plans (G Hoey)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Nil
Councillors Lounge : Nil.
Consulted References : Nil
Maps and Diagrams : Located at the rear of the report.

BACKGROUND

1. The City received reports from the public of concern about safety of the intersection of Davy Road and Redmond Hay River Road in the locality of Redmond.
2. A road safety audit was carried out in 2008 which confirmed the safety issues. Based on this a submission for Black Spot funding to improve the intersection was made which was successful. The proposed improvements are currently being designed for the 2009/10 works program.
3. It has been identified that the current alignment of Davy Road, in the vicinity of the intersection with Redmond Hay River Road, is in Reserve 27679, which is vested with the City of Albany for the purpose of Gravel.

DISCUSSION

4. The proposed improvement of the intersection will still have Davy Road within Reserve 27697. To realign the road within the existing road reserve would not improve the safety of the intersection due to sight line issues. It would also require more clearing of native vegetation than the proposed alignment. Also it would also require more earthworks, and therefore cost, than the proposed alignment.

PUBLIC CONSULTATION / ENGAGEMENT

5. The original request to look at this intersection came from a member of the public who is a regular user of Redmond Hay River Road.

GOVERNMENT CONSULTATION

6. No referral to government agencies was required.

Item 15.3.1 continued.

STATUTORY IMPLICATIONS

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

“Cancellation, etc of reserves generally.

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

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

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

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.”

FINANCIAL IMPLICATIONS

9. The project to improve the intersection of Davy Road and Redmond Hay River Road is in the proposed 2009/2010 City budget. The total cost of this road realignment project is \$62,000. Two thirds of this cost (\$41,333) will be funded by the State Government through its Black Spot program. The remainder (\$20,667) will come from City funds.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“4. Governance.

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

Item 15.3.1 continued

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. The Council has the following options in relation to the proposal:
- a. - Seek approval for the excision of portion of Reserve 27679 for road reserve purposes; and
 - Seek approval to dedicate the resultant land as road reserve; and
 - Subsequent to the road dedication, realign Davy Road; or
 - b. Realign Davy Road into the existing road reserve.
13. Should Council choose to leave the situation in its current state, there is a possibility of public liability issues arising, should an accident occur on the reserve, rather than on a dedicated road reserve

SUMMARY CONCLUSION

14. It is recommended that a portion of Reserve 27679 be excised to allow the realignment of Davey Road and the resultant land be amalgamated with the current road reserve in the vicinity of the intersection with Redmond Hay River Road.
15. The option of realigning Davy Road into the existing road reserve is not recommended as that would not solve the safety issues at the intersection, would result in more clearing of native vegetation and cost more than the recommended approach.

ITEM NUMBER – 15.3.1 OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

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

THAT Council:

- i) **SEEK APPROVAL for the excision of portion of Reserve 27679 from the Department of Planning and Infrastructure for road reserve purposes, in accordance with section 51 of the Land Administration Act 1997;**
- ii) **SEEK APPROVAL to dedicate the resultant land as road reserve, in accordance with section 56 of the Land Administration Act; and**
- iii) **Subsequent to the road dedication, CONSTRUCT the new alignment of Davy Road in the vicinity of the intersection with Redmond Hay River Road.**

MOTION CARRIED 9-1

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Torr, Price, Stanton, Wolfe, Walker, Matla, Dufty, and Kidman,

Against the Motion: Councillor Buegge

Item 15.3.1 continued.



ITEM NUMBER: 15.3.2
ITEM TITLE: PROPOSAL TO EXCISE PORTION OF UNALLOCATED CROWN LAND FOR THOMPSON ROAD RESERVE

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward : SER 086 (West Ward)
Summary of Key Points : Proposal to excise portion of unallocated crown land for road reserve
Land Description : Unallocated crown land at the intersection of Tennessee Road South and Thompson Road
Proponent : City of Albany
Owner : Crown
Reporting Officer(s) : Project Engineer Asset Master plans (G Hoey)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Nil
Consulted References : Nil
Maps and Diagrams : See attachment

BACKGROUND

1. City staff identified the intersection of Tennessee Road South and Thompson Road as a potential safety problem because of its poor alignment.
2. A road safety audit was carried out in 2006 which confirmed the safety issues. Based on this a submission for Black Spot funding to improve the intersection was made which was successful. The proposed improvements are currently being designed for the 2009/10 works program.
3. It has been identified that the current alignment of Thompson Road, in the vicinity of the intersection with Tennessee Road South, encroaches into a parcel of unallocated crown land. The proposed improvements to the intersection would require further encroachment into that land.

DISCUSSION

4. To realign the road to within the existing road reserve would worsen the safety of the intersection due to sight line issues. It would also require more clearing of native vegetation than the proposed alignment.

PUBLIC CONSULTATION / ENGAGEMENT

5. A local resident has written to the city expressing concern at the safety of the intersection.

Item 15.3.2 continued.

GOVERNMENT CONSULTATION

6. No referral to government agencies was required.

STATUTORY IMPLICATIONS

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

“Cancellation, etc of reserves generally.

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

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

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

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

FINANCIAL IMPLICATIONS

9. The project to improve the intersection of Tennessee Road South and Thompson Road is in the proposed 2009/2010 City budget. The total cost of this road realignment project is \$46,000. Two third of this cost (\$30,667) will be funded by the State Government through its Black Spot program. The remainder (\$15,333) will come from City funds.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“4. Governance.

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

Item 15.3.2 continued.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. The Council has the following options in relation to the proposal:
- a. Seek approval for the excision of portion of unallocated crown land at the intersection of Tennessee Road South and Thompson Road for road reserve purposes; and
 - b. Seek approval to dedicate the resultant land as road reserve; and
 - c. Subsequent to the road dedication, realign Thompson Road.
 - d. Realign Thompson Road into the existing road reserve. This will worsen the current poor alignment of the intersection; or
 - e. Leave Thompson Road on its current alignment.
13. Should Council choose to leave Thompson Road on its current alignment, there is a possibility of public liability issues arising, should an accident occur on the unallocated crown land, rather than on a dedicated road reserve. As well, having identified the potential hazard, but doing nothing about it would further expose the City to liability issues.

SUMMARY CONCLUSION

14. It is recommended that a portion of unallocated crown land at the intersection of Tennessee Road South and Thompson Road be excised to allow the realignment of Thompson Road and the resultant land be amalgamated with the current road reserve in the vicinity of this intersection.
15. The option of realigning Thompson Road into the existing road reserve is not recommended as that would worsen the safety issues at the intersection and would result in more clearing of native vegetation.

ITEM NUMBER – 15.3.2 OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

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

THAT Council:

- i) **SEEK APPROVAL** for the excision of portion of unallocated crown land at the intersection of Tennessee Road South and Thompson Road from the Department of Planning and Infrastructure for road reserve purposes, in accordance with section 51 of the Land Administration Act 1997;
- ii) **SEEK APPROVAL** to dedicate the resultant land as road reserve, in accordance with section 56 of the Land Administration Act; and
- iii) **Subsequent to the road dedication, CONSTRUCT the new alignment of Thompson Road in the vicinity of the intersection with Tennessee Road South.**

MOTION CARRIED 9-1

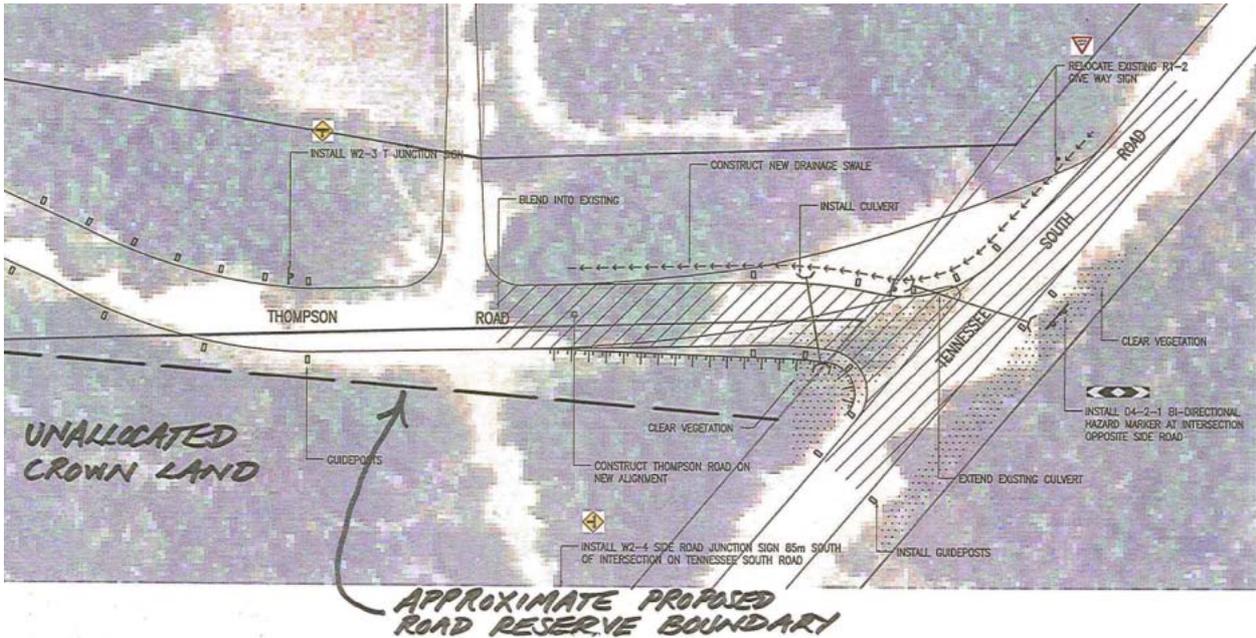
Item 15.3.2 continued.

9:24:26 PM Councillor Wolfe spoke for the motion.

RECORD OF VOTE:

For the Motion: Mayor Evans and Councillors, Torr, Price, Walker, Stanton, Dufty, Wolfe, Matla, and Kidman

Against the Motion: Councillor Buegge

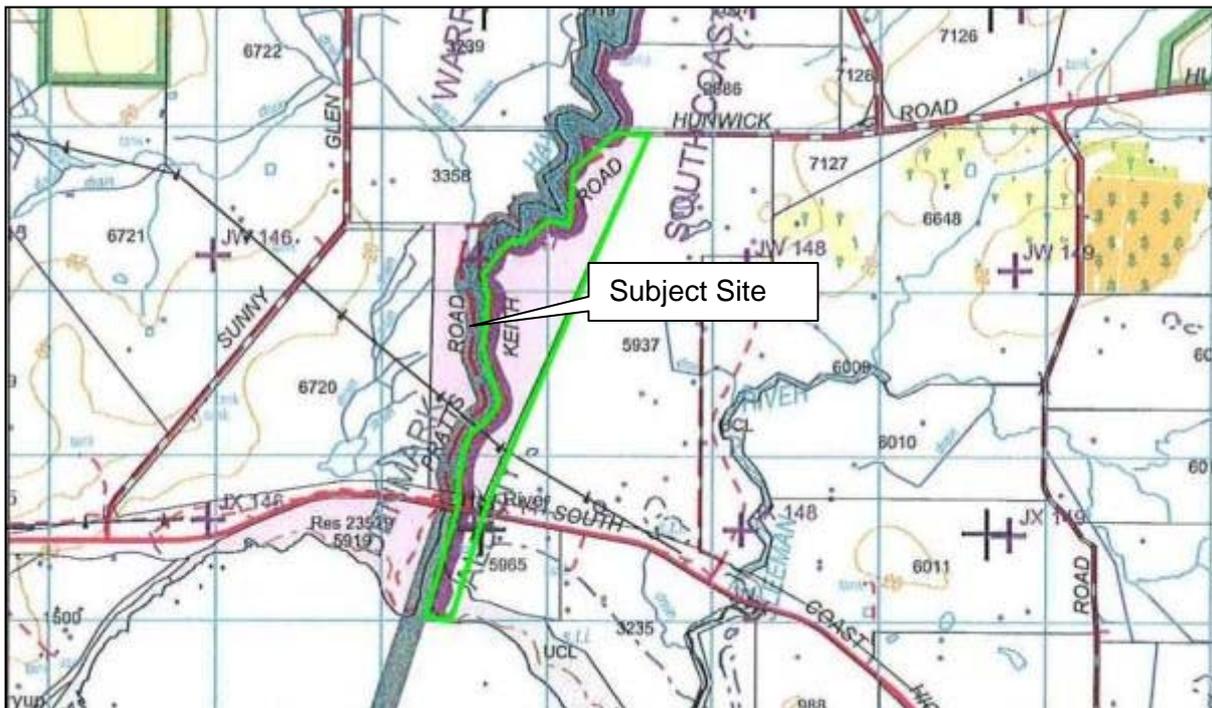


ITEM NUMBER: 15.3.3
ITEM TITLE: MANAGEMENT ORDER FOR RESERVE 23579 HAY RIVER

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Review: Council reviewing a decision made under a local law or regulation upon the request of a person affected by that decision.

- File Number or Name of Ward** : PRO 132 (West Ward)
- Summary of Key Points** : Transfer of Management Order to Conservation Commission of WA.
- Land Description** : Reserve 23579 Hay River
- Proponent** : Department of Environment and Conservation
- Owner** : Crown
- Reporting Officer(s)** : Reserves (Bush and Coastal) Officer (S Maciejewski)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/02/09 Item 11.4.1
- Bulletin Attachment(s)** : Submission from Peter Buxton
- Maps and Diagrams:**



Item 15.3.3 continued

BACKGROUND

1. The Department of Environment and Conservation (DEC) has advised that Reserve 23579 is currently unvested (no agency holds the Management Order) and the reserve has the following characteristics:
 - Valuable conservation corridor linking Wilson Inlet to Mt Lindesay National Park;
 - Protects lower Hay River and probably also the Wilson Inlet;
 - Contains areas of the Jarrah, Mt Lindesay vegetation complex which has been identified in the Regional Forest Agreement as being under-represented in conservation reserves; and
 - Reserve presents management problems due to high degree of use, long boundary and large number of abutting properties.

The DEC considers the reserve should become a conservation reserve with the management order issued to the Conservation Commission of WA (CCWA). The opinions of the Shire of Denmark and the City of Albany are sought on this request, as the reserve is located within both of these local government areas.

2. This item previously went before Council at the 17th February 2009 OCM. Council resolved:

“THAT Council notifies landowners adjacent to Reserve 23579 of the proposal by the Department of Environment and Conservation (DEC) to have the management order for Reserve 23579 transferred to the Conservation Commission of WA with the purpose of the reserve being changed to “Conservation Park”, and considers any submissions at a subsequent meeting of Council prior to providing it’s response to the DEC.”

DISCUSSION

3. Reserve 23579 was set aside in 1952 as an “A” class reserve for the purpose of “Camping and Recreation”. The reserve comprises an area of 304.8 hectares and it straddles the Hay River for a distance of approximately 6.6km within the City of Albany and 8.7km within the Shire of Denmark. It also borders the northern shores of Wilson Inlet within the Shire of Denmark for a length of approximately 4.0km.
4. As detailed by the DEC, the reserve is a popular location for local residents wishing to undertake passive recreational activities and for fishing. Sections of the river reserve are inaccessible due to the extensive vegetation or having private property adjoining the reserve boundary. Those sections of the reserve where Keith Road runs parallel and adjacent to the foreshore are heavily degraded due to human pressure.
5. The City of Albany undertakes minimal maintenance activities on the reserve.
6. The Shire of Denmark has been contacted to obtain information on their Council’s response to the request. At the Shire of Denmark’s Ordinary Meeting held 24th March 2009, Council resolved:

“THAT Council advise the Department of Environment and Conservation that:

- (i) It is prepared to have the Management Order for that portion of the Reserve A23579 west of the Hay River transferred to the Denmark Shire and that the portion of the reserve west of the Hay River to remain as “Recreation and Camping”.*

Item 15.3.3 continued

(ii) *In the event of the Management Order reverting to Council, Council will actively pursue funding for a Management Plan over that portion of the reserve west of the Hay River to better manage the said reserve.”*

Councillors Reason:

- (a) Shire resources are better equipped to manage the area.
- (b) There is a high public use of the area for recreational fishing, boating and picnicking.
- (c) The Council's decision of November 2006 supports the better management of the reserve without the loss of access for the public and their recreational activities.
- (d) The Reserve will retain its link for fauna in the area regardless of vesting.
- (e) There is a great opportunity for the public to have better ownership of the area and possibly display more respect and care for the foreshore and the reserve.

7. The reserve is at the eastern extremity of the Walpole Wilderness Area and it provides an important conservation link between that area and the local reserve network.

PUBLIC CONSULTATION / ENGAGEMENT

8. The City of Albany prepared and sent letters to 23 landholders adjacent to and near the Reserve 23579 to notify them of the proposal and to ask for submissions by 27th May 2009. One submission was received (see below).

CITY OF ALBANY SCHEDULE OF SUBMISSIONS		
Name/Address of Submitter	Summary of Submission	Officer Comment
Peter Buxton PO Box 802 Denmark WA 6333	<ul style="list-style-type: none"> • Keith Road has been the major access for the five locations along the Hay River since 1898. • The reserve is a very popular area for recreation. • Tourists regularly camp on the River free of charge. • The Reserve is the gateway to the City of Albany on Highway 1 from the west. A major information bay should be established at that point. • The 3 or 4 camp sites along the river could be developed with composting toilets, fee collection, revegetation and track closures. • Reserve 23579 should be vested with the City of Albany. 	<p>Reserve 23579 is currently unvested Crown land. Therefore, it is not currently actively managed by any Government agency.</p> <p>All of these recommendations could be negotiated with the Department of Environment and Conservation if they are given the management order for this reserve.</p> <p>Should the Reserve be vested with the City of Albany, it would be managed under the proposed Reserves Masterplan along with all other reserves managed by the City of Albany.</p>

GOVERNMENT CONSULTATION

9. There has been no government agency consultation undertaken on this request. The change of purpose for the reserve and the allocation of the management order would be subject to Native Title considerations.

Item 15.3.3 continued

STATUTORY IMPLICATIONS

10. The process of altering the reserve purpose and issuing the management order for an “A” class reserve is covered under the Land Administration Act 1997. More particularly, the following sections apply:

- “41. *Minister may reserve Crown land*
Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.
- 42(2) *A Class A reserve retains a purpose specified in the relevant order made under section 41 until that purpose is changed under this section.*
- 42(4c) *Subject to subsection (5) and section 45, if the Minister proposes - to cancel, or change the purpose or classification of, a class A reserve, the Minister must cause that proposal to be laid before each House of Parliament and section 43(1) then applies.*
- 46 *Placing of care, control and management of reserves*
- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for the purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may, with the consent of the management body of a reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.*
- (5) *An order made under subsection (1), (2), (3) or (3a) does not create any interest in Crown land in the relevant reserve in favour of the management body of that reserve.*
- (6) *If Crown land reserved under section 41 for purposes of recreation is leased or subleased under a power conferred under subsection (3), the lessee or sublessee may unless the terms of the management order or the lease or sublease otherwise provide, restrict public access to the area leased.*
- (7) *A person with whom the care, control and management of a reserve is placed by order under subsection (1) has, by virtue of this subsection, the capacity, functions and powers to hold and deal with the reserve in a manner consistent with the order, any order conferring power on that person under subsection (3)(a) and this Act to the extent that the person does not already have that capacity or those functions and powers”*

FINANCIAL IMPLICATIONS

11. This application has no financial implications upon the City of Albany. Should Council decide that it wishes to pursue the management order for the reserve, costs may be incurred in the provision of services and infrastructure on the reserve.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Item 15.3.3 continued

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Council has the option of denying the request in which case, the land will remain as unallocated Crown land without an effective manager of the land. This action may produce a reduction in environmental values on the river foreshore, but allow unrestricted access to this area for the general public.
15. Council could agree to the proposal and seek a commitment from the CCWA that the City and the community will be actively involved in the preparation of the management plan for the reserve (this approach was adopted when Council agreed to transfer the Mt. Martin reserve to the CCWA).
16. Council could pursue the Management order for the portion of Reserve 23579 east of the Hay River. The City of Albany would then be responsible for the management of the subject reserve.

SUMMARY CONCLUSION

17. The importance of the Walpole Wilderness area cannot be overstated and the Department of Environment and Conservation is exploring the reserve networks providing linkages to that area with the intention of creating a series of macro corridors. The inclusion of Reserve 2357 into that corridor is critical to providing vegetated links for fauna migration and for the development of passive recreational opportunities.
18. The process of changing the reserve purpose from “Camping and Recreation” to “Conservation Park” will require parliamentary scrutiny and it will be subjected to Native Title review. Some concern may be expressed within the community over the perceived loss of this reserve for passive recreational use, but the long term lack of management of the reserve will ultimately reduce its value for that purpose.

ITEM NUMBER – 15.3.3 OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADVISE the Department of Environment and Conservation (DEC) that it is prepared to support the request to have the management order for Reserve 23579 transferred to the Conservation Commission of WA and for the purpose of the reserve to be changed to “Conservation Park”.

Item 15.3.3 continued.

- 9:25:07 PM Councillor Wolfe spoke for the motion.
9:26:39 PM CEO and Councillor Torr left the Chambers. Councillor Torr declared a proximity interest and left the chamber. The nature of Councillor Torr's interest is that she is an owner of property within close proximity to the reserve and intermittent user of Keith Rd (which lies within the Reserve).
9:27:45 PM Councillor Dufty spoke for the motion.
9:28:04 PM CEO re entered the Chambers.
9:28:11 PM Councillor Buegge spoke against the Motion.
9:28:58 PM Councillor Price spoke for the motion.
9:29:44 PM Councillor Wolfe right of reply

ALTERNATE MOTION BY COUNCILLOR WOLFE

**ITEM NUMBER 15.3.3 – ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council ADVISE the Department of Environment and Conservation (DEC) that:

- i) it is prepared to have the management order for that portion of the Reserve 23579 east of the Hay River transferred to the City of Albany for the purposes of 'Public Recreation'; and**
- ii) in the event of receiving the management order for the Reserve Council will actively pursue the preparation of a Management Plan in consultation with the DEC for the Reserve.**

MOTION CARRIED 8-1

RECORD OF VOTE:

For the Motion: Mayor Evans and Councillors, Torr, Price, Walker, Stanton, Dufty, Wolfe, Matla, and Kidman

Against the Motion: Councillor Buegge

Councillors Reason:

The reserve is a popular recreation area for fishing, boating and picnicking and is great asset for the local community which should be accessible by the local community in perpetuity. Council could work with the DEC to ensure environmental values were retained and enhanced while allowing controlled access points to the Hay River at appropriate locations.

OFFICERS REPORT

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

STATUTORY IMPLICATIONS

6. No Change.

Item 15.3.3 continued.

POLICY IMPLICATIONS

7. No Change.

FINANCIAL IMPLICATIONS

8. If the management order was transferred to the City of Albany, all responsibility for the management of the reserve would revert to Council. A management plan for the Reserve would need to be prepared and set up costs such as rationalising access points to the Hay River would be expected.
9. The DEC have noted that there is heavy degradation on the City of Albany side of the reserve adjacent to Keith Road due to human activity, and should Council receive the management order rehabilitation of these degraded areas would likely need to be undertaken at Council's cost.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

10. No Change.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

11. No Change.

COMMENT

12. There are no significant issues associated with alternate motion, except that additional costs would be incurred to develop a management plan and establish services and infrastructure on site.

9.31:09 PM Councillor Torr re entered the chambers.

15.4 WORKS & SERVICES COMMITTEES

ITEM NUMBER: 15.4.1

ITEM TITLE: BUSHCARERS ADVISORY COMMITTEE MEETING MINUTES 27 MAY 2009

File Number or Name of Ward : MAN 235 (All Ward)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Reserves (Bush & Coastal) Officer (S Maciejewski)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes of the Bushcarers Advisory Committee meeting held on 27 May 2009.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 15.4.1 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR PRICE

SECONDED: COUNCILLOR BUEGGE

THAT the UNCONFIRMED minutes of the Bushcarers Advisory Committee meeting held on Wednesday 27 May 2009 be RECEIVED.

MOTION CARRIED 10-0

GENERAL MANAGEMENT SERVICES Reports

16.1 CORPORATE GOVERNANCE

ITEM NUMBER: 16.1.1

ITEM TITLE: DEVELOPMENT SERVICES COMPLIANCE – AUTHORISATION FOR STAFF TO ISSUE INFRINGEMENTS

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

File Number or Name of Ward	: MAN052 (All Wards)
Summary of Key Points	: Authorisation for staff to issue infringements as per Planning and Development Regulations 2009
Land Description	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Planning Assistant (D Delury)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Councillors Lounge	: Nil
Bulletin Attachment(s)	: Nil.
Consulted References	: Planning and Development Act 2005 Planning and Development Regulations 2009
Maps and Diagrams	: Nil.

BACKGROUND

1. The Planning and Development Act 2005 (PD Act) and related legislation commenced operation on 9 April 2006. Several new proposals were inserted in the PD Act, including Division 3 of Part 13 (infringement notices). This part did not come into effect on 9 April 2006, as supporting regulations were required to support Sections 226 to 235 of the Act.
2. The *Planning and Development Regulations 2009* (the PD Regulations) have been prepared as part of the State Government's commitment to simplifying and streamlining the planning system and legislation. The PD Regulations, at Regulations 42 and 43, introduce new provisions to support division 3 of part 13 of the PD Act.
3. Those Regulations establish a regime whereby a designated person appointed by the responsible authority under section 234 of the PA Act may issue an infringement notice to a person (the 'alleged offender') where the designated person has reason to believe that the person has committed a prescribed offence.

DISCUSSION

4. Local Government officers from time to time are required to enforce state wide legislation (Acts and Regulations) on Council's behalf. Council is requested to authorise planning staff to enforce the provisions contained in the PD Regulations by allowing them to issue infringements as necessary.

Item 16.1.1 continued.

PUBLIC CONSULTATION / ENGAGEMENT

5. Not applicable.

GOVERNMENT CONSULTATION

6. Not applicable.

STATUTORY IMPLICATIONS

7. Section 9.10 of The Local Government Act 1995 stipulates that: “The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.” Council has already delegated to the CEO the authority to take action against the owner for non compliance with the scheme, via Court proceedings.

FINANCIAL IMPLICATIONS

8. The Use of Regulation 42 will result in a more immediate control of offences. The modified penalty is set at \$500 for each offence.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

9. Community Vision:

“Priority Goals and Objectives:

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

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

POLICY IMPLICATIONS

10. Not applicable.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

11. To carry out the requirements of the PD Act and associated PD Regulations Council must authorise staff to do so. Failure to provide that attention will result in all enforcement issues being reported to Council for determination.

SUMMARY CONCLUSION

12. The PD Regulations come into operation on 1 July 2009. For officers to enforce these regulations Council will need to authorise those officers to issue infringements.

Item 16.1.1 continued.

ITEM NUMBER – 16.1.1 OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council pursuant to Section 234 of the Planning and Development Act 2005 authorise Robert Fenn, Graeme Bride, Adrian Nicoll, Ian Humphrey, Jan Van Der Mescht, Tom Wenbourne, Craig McMurtrie, Jessica Anderson, Taylor Gunn and Deb Delury to issue infringements on behalf of Council in accordance with the Planning and Development Regulations 2009, Part 5 – Enforcement and legal proceedings (Regulation 42).

ITEM 16.1.1 AMENDED OFFICER RECOMMENDATION	MOVED COUNCILLOR PRICE
VOTING REQUIREMENT: ABSOLUTE MAJORITY	SECONDED COUNCILLOR MATLA
THAT Council pursuant to Section 234 of the Planning and Development Act 2005 authorises the CEO to appoint designated persons for the purposes of section 228, 229, 230 or 231 of the Act.	
	MOTION CARRIED 10-0

Reason:

Section 234 of the Planning and Development Act 2005 states:

“234. Appointment of designated persons

(1) The chief executive officer of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of section 228, 229, 230 or 231 or for the purposes of 2 or more of those sections.

(2) A person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.”

It is therefore appropriate that the CEO be authorised to appoint designated persons to carry out those duties in relation to the issuing of infringements (section 228), the content of an infringement notice (section 229), the ability to allow for extended time to pay an infringement (section 230) and withdrawal of infringements (section 231). This process will also accommodate a simple review of authorisations when new staff arrive or when staff resign.

9:32:36 PM Councillor Price supported the motion.

16.2 GENERAL MANAGEMENT SERVICES COMMITTEE

ITEM NUMBER: 16.2.1

ITEM TITLE: CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE MEETING MINUTES FOR THE 18th JUNE 2009

File Number or Name of Ward : MAN 234 (All Wards)
Summary of Key Points : THAT Council RECEIVES the UNCONFIRMED Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on the 18th June 2009
Reporting Officer(s) : Manager Executive Services (S Jamieson)
Disclosure of Interest : Nil.
Bulletin Attachment(s) : Committee meeting Minutes - 18th June 09

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

Committee Recommendations 1, 2 & 3 carried en bloc.

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR EVANS

SECONDED: COUNCILLOR WOLFE

THAT Committee Recommendations 1, 2, and 3 be resolved en bloc

CARRIED 10-0

ITEM NUMBER 16.2.1 – COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 3.0 Confirmation of Minutes of Previous Meeting

THAT the UNCONFIRMED Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on the 18th June 2009 be CONFIRMED.

CARRIED EN BLOC

ITEM NUMBER 16.2.1 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

ITEM 6.2 DRAFT REVIEW OF PLANNING REPORT

THAT Council AMEND the Draft Review of Planning Report template, under Table A, application level and requirements, by inserting the following footnote:

'If proposal is an application under R-codes (then referral to neighbours as per the definition within the R Codes), notification to be sent to 3 properties either side of subject land on same side of street, 3 properties opposite and 3 properties behind.'

CARRIED EN BLOC

Item 16.2.1 continued.

**ITEM NUMBER 16.2.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

ITEM 6.2 PLANNING PROCESSES POLICY

THAT Council:

- i) **ADOPTS** the proposed Planning Processes Policy as an operational tool to guide the processing of development applications;
- ii) Pursuant to Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme No. 3 **REVOKES** Guideline No .1 of the Development Guidelines 1A and 3 and directs staff to review the Policy 'Development Guidelines No. 1A and 3' to ensure there is no conflict between the two policies new policy and existing delegation paths and where conflict currently does exist the planning processes policy shall prevail;
- iii) **DIRECTS** staff to prepare information brochures for the community and development guidance notes for the development industry, through the Planning and Environment Policy and Strategy Committee prior to 1 October 2009;
- iv) **REQUIRES** that consultation be undertaken with the development industry on the implementation on the planning processes policy;
- v) **REVIEWS** the planning processes policy and the implementation of that policy no later than six months from adoption; and
- vi) **UTILISES** the Shire of Busselton report structure as a model for it's agenda item template.

CARRIED EN BLOC

17.0 ADOPTION OF THE INFORMATION BULLETIN

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR MATLA**

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

MOTION CARRIED 10-0

18.0 MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

Nil

19.0 URGENT BUSINESS APPROVED BY DECISION OF THE MEETING

Nil

20.0 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

The Mayor requested clarification of the use of this agenda item for the Council.

9:34:30 PM Mr Jamieson stated that this item provides the opportunity for an elected member to formally request Council to prepare a report. For example: Investigate accounts or investigate a proposal.

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

Nil

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

Nil

23.0 NEXT ORDINARY MEETING DATE

Tuesday 18TH August 2009, 7.00pm

DRAFT MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR BUEGGE**

THAT Council resume Standing Order 3.1 - Recording of Proceedings.

MOTION CARRIED 10-0

24.0 CLOSURE OF MEETING

There being no further business the Mayor declared the meeting closed at 9:35:46 PM

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR

APPENDIX A

STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS

Meeting Date	Report Item	Status
	Nil.	

NOTICE OF DISCLOSURES

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
All elected members and staff.	14.1.2	Financial. The adoption of the budget has a financial impact on all staff and elected members (fees & allowances). Staff and elected members remained in the chamber for the debate and vote.
Mayor Evans, JP	14.12.4	Impartiality. Mayor Evans is associated with the Albany Fine Music Society, Albany City Band and Lower King Community Association. Mayor remained in the Chamber for the debate and vote.
Councillor Dufty	14.12.4	Financial. Councillor is a member of the Wesley Uniting Church. Councillor remained in the Chamber for the debate and vote.
Councillor Price	14.12.4	Impartiality. Councillor Price is associated with the UWA Centre of Excellence in Natural Resource Management. Councillor remained in the Chamber for the debate and vote.
Councillor Wolfe	14.12.4	Impartiality. Councillor Wolfe is associated with the Young Siding Progress Association. Councillor remained in the Chamber for the debate and vote.
Councillor Torr	15.3.3	Proximity. Councillor is the owner of a property that is in close proximity of the reserve and intermittent user of Keith Road (which lies within the Reserve) . The valuation of which could be affected by the report item. Councillor Torr left the Chamber and did not participate in the debate or vote.

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Mayor Evans, JP	13.2.2	Impartiality. Mayor' Wife is a member of the Albany Sinfonia. Mayor remained in the chamber for the debate and vote.

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
Executive Director Corporate & Community Services	14.1.3	Impartiality. Wife is an Executive member of Southern Districts Dressage Club. EDCCS remained in the Chamber.

SUMMARY OF ACCOUNTS CERTIFICATE

Municipal Fund

Municipal Fund			
Trust	Totalling		\$13,028.00
Cheques	Totalling		\$70,043.90
Electronic Fund transfer	Totalling		\$2,770,934.88
Credit Cards	Totalling		\$10,054.90
Payroll	Totalling		<u>\$770,784.52</u>
	Total		\$3,757,846.20

CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$793,880.07** which was submitted to each member of the Council, dated 21 July 09, 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.

Paul Richards
Chief Executive Officer

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$3,757,846.20**, dated 21 July 09, was submitted to the Council, and that the amounts are recommended to the Council for payment.

Milton John Evans, JP
Mayor

MAYORS REPORT

ORDINARY COUNCIL MEETING
TUESDAY 21ST July 2009

Fellow Councillors / Guests

Major activities since the June Council meeting have included:

The 2009 National General Assembly of Local Government was held in Canberra between 21-24 June. Whilst I did not attend this session I was present at the Second Plenary Meeting Workshop of the Australian Council of Local Government in Canberra on 24th and 25th June at Parliament House, Canberra – themed “Building Resilience in Local Communities”.
Appended: Summary of Proceedings.

Regional Cabinet Meeting.

The Liberal/National Party Government held their inaugural cabinet meeting in Albany on 29th June. Ministers were present at a series of functions in and around Albany on Sunday 28th June and again on Monday afternoon of the 29th, announcing a number of funding and other initiatives for the region and Albany, including:

- funding for new UWA Albany Rural Clinical School Building
 - b. ALAC Stage 2 funding of \$2.9million.
- Members of the Community had the opportunity to meet, by appointment, with Cabinet Ministers on Sunday afternoon at the City Offices and a Community Luncheon with State Cabinet Ministers was held on Monday 29th to which a wide cross section of community members were invited.

Other commitments throughout the preceding month included:

- Launch of the Healthy Older Blokes Report
- Apex Monthly Meeting
- Farewell Afternoon tea for Lockie Leonard Crew
- Friends of UWA Albany 10th Anniversary Luncheon
- NAIDOC Week Gala Dinner
- Church Leaders Fellowship
- Premier performance of Where on Earth – sponsored by Southern Edge Arts & the WA Museum, Albany.
- Apex Dinner and AGM.

My thanks to Deputy Mayor Cr Des Wolfe who represented the City at the TAFE Awards function and a meeting held at Plantagenet with Minister for Local Government, Hon. John Castrilli.
Also Cr Dot Price who officiated at the launch of NAIDOC Week.

D-2

To: The Mayor & Councillors and CEO (or equivalent positions)
From: Geoff Lake, President, Australian Local Government Association (ALGA)

Please forward or distribute this email to the Mayor, councillors and CEO of your council.

Dear colleagues

This year more than 650 local representatives participated in the 2009 National General Assembly of Local Government (NGA).

Delegates Rose to the Challenge, uniting to develop national policy recommendations and articulating a strong call on the Australian Government to support local government and the communities we serve.

The NGA resulted in two key outcomes: the motions carried at the Assembly and the Communiqués which I delivered today to the Australian Government.

In addition to addressing major issues within our themes of climate change, infrastructure and finances, there was a clear and consistent message in calling for further community infrastructure funding.

This morning the Australian Government responded to this call in announcing an additional \$220 million nation-building investment in community infrastructure. The \$220 million injection into the Community Infrastructure Program will be delivered through two streams:

\$100 million shared between all of the nation's councils and shires; and
\$120 million for larger Strategic Projects, provided on a competitive basis.

The Government will also work with councils and shires to improve long term financial sustainability and resilience.

Over two years, the \$25 million Local Government Reform Fund will:

Assist councils implement new asset management and planning consistent with a national framework;

Fund the collection and analysis of robust data about councils' infrastructure assets; and

Support collaboration between councils on a regional basis for service delivery and planning.

Today's announcement brings the Government's investment in community infrastructure to more than \$1 billion since last November.

A copy of the NGA Communiqués can be downloaded at:

www.alga.asn.au/newsroom/communiques/22.nga/

A copy of my media release regarding the NGA Communiqués and community infrastructure announcement can be downloaded at: www.alga.asn.au/newsroom/media/2009/20090625.php

Details of the Government's announcement on Community Infrastructure are at:

www.pm.gov.au/media/Release/2009/media_release_1093.cfm

D-3

By the end of next week I will have an overview of the NGA, a link to the full details of the outcome of the Debate on Motions, the State of the Regions Supplementary Report and Speaker's PowerPoint presentations published on the NGA website at <http://nga.alga.asn.au> for your reference.

Next year's National General Assembly will be held from Tuesday 15 - Thursday 17 June, in Canberra, with the Australian Council of Local Government meeting following on Friday 18 June 2009.

Yours Sincerely,

Geoff Lake
President
Australian Local Government Association

APPENDIX E

TABLED DOCUMENTS

Document Tabled By	Document Reference
Mr Danny Steele on behalf of Stacy Woods, Amanda Dean, Florence Booth (Letter to Council)	FN8085739
Mr Richardson (Petition)	FN8085741

E-2

PETITION RECEIVED
BY EMGG AT
7.28PM 21 JULY 09
ATTACHED 13 PICTURES.

We, the undersigned, being the residents and ratepayers of Range Court Crescent – Bayonet Head, wish to express our disgust at the condition of our street.

Upgrade of the street has been budgeted for a number of previous years and to date nothing has happened

Several enquiries to Council about the matter has resulted in a less than satisfactory response with no commitment as to when the work will be carried out.

We feel the time has come for us to be exempt from any rate rises until the work is complete.

NAME	ADDRESS
PETARRIS ROBINSON	31 RANGE COURT CRESCENT
ROBER - WENDY JOHNSON	8 RANGE COURT CRESC BAYONET HEAD.
FRANCIS CLIMONDO	4 RANGE COURT CRESCENT BAYONET HEAD
PETER FRANKLIN	41 RANGE COURT CRESCENT BAYONET HEAD
BERYL FRANKLIN	41 RANGE COURT CRESCENT BAYONET HEAD.
Imanda Dean	43 Range Court Cres Bayonet Head.
Jon Dean	43 Range Court Cres Bayonet Head.
Janessa Draper	49 Range Court Cres Bayonet Head

E-3

NAME	ADDRESS
Robyn Benporath	48 Range Court Crescent R Benporath
Bronwyn Trott	35 Range ct cres Bayonet Head
Henk + Bev Korthuis	17 RANGE CRT CR BAYONET HEAD
Katie Roberts	16 Range Crt Cr Bayonet Head
Jason Dalliston	16 Range Crt Cr Bayonet Head
CHRISTINE FERNANDO	19 Range Crt Bayonet Head
Larry FORKIN	29 RANGE COURT CRESENT " "
Coralie Cagnana	4 Adam ST (corner)
Len Gray	14 Range Court cres
Alice Gray	14 Range Court Crescent
Heidi Sharp	6 Range Court Cres -
Julie Tindale	2 Green Island Cres
TANYA McLEOD	2 Range Court Cres
George McIntyre	2 Range Court Cres
Kristy Shaddick	32 Range Court Cres.
Travis Gowland	40 Range court cres
DAVE MASLEN	40 RANGE COURT CRES -
Roz Gowland	40 RANGE COURT CRS
Jason Pesty	40 RANGE COURT CRES
EGIN McRAE	50 RANGE COURT CRES
COLLEEN McRAE	50 RANGE CRT CRES
Jean Sims.	37 Range crt cres.
Kimthy Richardson	33 Range Court Cres
Flo Booth	44 Range Court Cres
Jenni Dlugi	45 Range Court Cres
Ruth VERTIGAN	45 RANGE COURT CRES