



MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 21st June 2005
7.30pm
City of Albany – North Road Office**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 22nd June 2005



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 19th July 2005 in the Council Chambers, North Road, Yakamia commencing at 7.30 pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

22nd June 2005

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.30pm and extended a welcome to all present, and was delighted to see a delegation of students from Bethal Christian School in the public gallery.

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
Chief Executive Officer	-	AC Hammond
Executive Director Corporate and Community Services	-	WP Madigan
Executive Director Works and Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	LM Freegard

Approximately 65 members of the public
3 media representatives

Apologies / Leave of Absence

Apologies were received from Councillor West and Councillor Williams.

3.0 OPENING PRAYER

Mayor Goode read the opening prayer

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

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

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

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

Bob Howard – 19 Carlisle Street

Mr Howard spoke in regard to Item 11.1.1 and urged Councillors to support Councillor Paver's amended motion to ensure that the Fishponds are available for future generations to enjoy as green space as the community grows.

Mr Howard also wished to advise that the Albany Community Environment Centre was hosting a photographic display in the Albany Public Library during Naidoc week.

Kim Stanton – 55 Chipana Drive

Ms Stanton, Acting President Albany Residents and Ratepayers Association and spoke in regard to 4 items.

Ms Stanton urged Councillors to support Bob Howard in his submission to ensure that the Fishponds referred to in Item 11.1.1 remained as parkland for future generations to enjoy.

Ms Stanton urged Councillors to reject the request for an additional 12 lots contained in Item 11.3.2 at the Gull Rock Road subdivision as she was concerned in relation to the impact on the environment that this subdivision may have.

Ms Stanton urged Councillors to reject the recommendation for Item 11.3.7 given the sites extremely sensitive demographic.

Ms Stanton spoke on behalf of herself and the South Coast Progress Association in regard to Item 11.3.8 and urged Councillors reject the officer recommendation and perhaps lay the matter on the table to resolve a better design.

Edith Verran – 8 Anderson Place

Ms Verran spoke in regard to Item 12.7.2 and urged Councillors to reject the fees proposed in this item and urged Councillors to consider reinstating the current fees for hobbyist artists.

Gary Batholomeusz – 316 Ulster Road

Mr Batholomeusz wished to ask Council what it is able to do about the illegally 'for sale' cars that are parked outside his residence. Executive Director Development Services responded to Mr Batholomeusz.

Phil Roberts – 7 St Georges Crescent

Mr Roberts spoke in regard to Item 11.3.7 and urged Councillors to decline any support for the proposed development.

Richard Grist – 869 Frenchman Bay Road

Mr Grist spoke in regard to Item 11.3.9 and urged Councillors to give careful consideration of this proposal given the heavy participation required by adjoining landowners and the officers notation that this is not the optimum design for the subdivision.

Michael Finlay – 65 La Perouse Road

Mr Finlay spoke in regard to Item 11.3.7 and urged Councillors to give careful consideration of this proposal. As a geography teacher at a local high school he wished to high light to Councillors that students are very aware of the decisions that are made that may affect the future of sensitive areas of our landscape.

Ailsa Mead – 9 Minor Road

Ms Mead spoke in regard to item 12.7.2 and wished to object to the recommendation to increase fees for hobbyist artists and urged Councillors to reject the recommendation.

Ian Lunt – Lower Kalgan Progress Association

Mr Lunt spoke in his capacity representing the Local Kalgan Progress Association on item 11.3.2 and wished to urge Councillors to give consideration to delay making a recommendation on the proposed sub division given the huge impact this and a nearby subdivision across Nanarup Road at Candyup will have on the district.

Mark Waldron – Emu Point Motel

Spoke in relation to item 11.4.2 and urged Council to support his application which would then allow for redevelopment of the land to better service the needs of tourists.

Mayor Goode asked Councillors to extend Public Open Forum to ensure that all members of the Public gallery had an opportunity to speak if they wished. Councillors unanimously agreed to allow Public Open Forum open for a further 15 minutes.

Nick Ayton – 19 Wylie Crescent

Mr Ayton wished to address Council on items 11.3.2 and item 11.3.9

Mr Ayton wished to urge Councillors to support the application for subdivision contained in Item 11.3.2 as Council had previously given approval for this development at stage 1. The developer is also able to contribute towards public facilities in the area such as dual use pathways etc.

Mr Ayton wished to confirm that the proposal in item 11.3.9 does not require adjoining land holders to cooperate for the current design to work, however the developer is happy to redesign and accommodate COA and DPI recommendations.

Ron Brown – 76 Gull Rock Road

Mr Brown wished to ask a question of Council why his property Lot 300 Gull Rock Road had been referred to in Item 11.3.2 when he was not making an application for subdivision.

Mr Fenn Executive Director Development Services assured Mr Brown that he would prepare a written response for Mr Brown in the morning.

Callie Ewing – 81 Frederick Street Gledhow

Ms Ewing spoke in regard to item 11.3.4 and urged Councillors to ensure that the policy accommodates heights suitable for the garaging of caravans and boats.

Public Open Forum closed at 8.10pm.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

DRAFT MOTION:

THAT the following minutes:

- Special Meeting of Council held on 17th May 2005;

- Ordinary Council meeting held on 17th May 2005; as previously distributed be confirmed as a true and accurate record of proceedings.

AMENDED RECOMMENDATION

THAT the following minutes:

- Special Meeting of Council held on 17th May 2005 commencing at 6.00pm;
- Ordinary Council meeting held on 17th May 2005;
- As previously distributed be confirmed as a true and accurate records of proceedings.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EVANS**

THAT the following minutes:

- **Special Meeting of Council held on 17th May 2005 commencing at 6.00pm;**
- **Ordinary Council meeting held on 17th May 2005; as previously distributed be confirmed as true and accurate records of proceedings.**

MOTION CARRIED 13 - 0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Wolfe applied for Leave of Absence for the 19 July 2005 meeting and this was granted.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EVANS**

That Councillor Wolfe be granted leave of absence from the 19 July 2005 Ordinary Council Meeting.

MOTION CARRIED 13 - 0

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

Councillor Lionetti – Item 11.3.5

Councillor Marshall – Item 11.3.5 and Item 19.1

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Development Compliance – Office – 230 Albany Highway, Centennial Park

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

MOTION COUNCILLOR WOLFE SECONDED COUNCILLOR WATERMAN

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

MOTION CARRIED 13 – 0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

"Fellow Councillors:

The Official Opening of the city's new Administration and Civic Centre on Sunday 19th June by the Hon John Bowler JP MLA, Minister for Local Government and Regional Development and the Great Southern, was undoubtedly one of the highlights of this month and will be a memorable moment in the history of the City of Albany. The building is the culmination of a dream that has been in the pipeline for over a decade and in the planning stages for the last three years. It has involved the work and dedication of many people; Councillors, community members, architects, builders, contractors, labourers and City of Albany staff and I congratulate each and every one of the people who have contributed to the successful completion of the project. This purpose built, state-of-the-art Administration and Civic Centre is something we can all be proud of and it has been a great privilege for me to see it evolve from a dream to fruition.

I also look forward to participating in the Official Opening of the new Youth Recreation Venue on Sanford Road later this week. "77 on Sanford" as it will be called, is also the culmination of a dream for all who have been involved in it. There is a definite need for such a facility within this community and its completion will bring enormous returns to our local youth in the future. The City is extremely proud to be a major sponsor of the new Youth Venue.

It is an exciting time for development in Albany generally with the proposed concepts for the Waterfront now incorporating the Albany Entertainment Centre and the Peace Park Project. A separate development is on the board for the York Street land, which would incorporate a Town Square, a regional Art Gallery and residential and commercial developments within the CBD precinct.

The City of Albany was honoured to host three important events this month. The first was the Annual General Meeting of the Great Southern Zone of the West Australian Local Government Association on Friday 20th May. The attending delegates, who represent the 13 Councils of the Great Southern Zone, play an important role in putting forward issues to the WALGA State Council that are of concern to our region.

On the 2nd June, Vancouver Arts Centre was the host venue for the Regional Arts Australia – National Arts Forum, the objective of which was to hear from the regional

arts sector what its visions and priorities are for the future and how the arts can play a more active and engaging role in building regional communities. I had the honour of officially opening the Forum and spent an interesting morning with the delegates listening to the presentations and discussions.

The third event hosted was the Western Australian Community Foundation Information Session held at the Council Chambers on 14th June, in conjunction with the Great Southern Development Commission. The concept of the Foundation is to establish endowed funds for communities to assist them to grow and develop and secure their own sustainable future through one major investment fund. Communities would bring together pockets of unused funds from the balance of projects or grants, from bequeaths, community initiatives or philanthropic donations into one pool. The first community foundation was conceived in 1914 by an Ohio banker who was frustrated by the recurrent dilemma he faced as the administrator of deceased estates, with what to do when beneficiary organizations wound up, or the needs of the community changed from the time the will had originally been prepared. "What if", he thought, "people left their money to a foundation whose trustees were knowledgeable, well respected community members, committed to a common good, with the power to redirect gifts if the original purpose became obsolete over time?" The idea was then linked to the concept of a community pooling, investing contributions from living donors to address local needs. Such a scheme would empower communities to fund local projects and contribute a "living gift" to generations to come.

On the 29th May the City hosted its annual US Submariners Memorial Service at the Princess Royal Forts to pay tribute to the US allies who were stationed in Albany during World War II. The service also provides the opportunity to honour all Submariners whose lives have been lost in the line of duty.

The Albany Classic Motor Race was held in near perfect weather conditions on Sunday 5th June attracting the largest field of competitors and spectators to date. The City is very proud to continue its sponsorship of this event which attracts many visitors to our City, delights spectators and provides a 'festival' atmosphere with the diversity of entertainment both on and off the race circuit.

And finally on the 14th June it was a great pleasure to host a Civic Luncheon for the Governor of WA, Lieutenant General John Sanderson and Mrs Sanderson on what may be their last official visit to Albany.

Thank you".

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WALKER**

THAT the Mayor's report be received.

MOTION CARRIED 13 - 0

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

18.1 Albany Waterfront Development Committee Minutes

- File/Ward** : MAN 168 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the minutes of the Albany Waterfront Development Committee held on 13 June 2005 be adopted.

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 13 June 2005, (*a copy of the minutes were distributed to Councillors on 14 June 2005*) and adopt the following recommendations:-

Review Of Albany Waterfront Revised Concept Plan.

RECOMMENDATION

THAT:

Council support the following layout of the land based components of the Albany Waterfront Project:

- a) The Entertainment Centre, Function Centre and Hotel be co-located on the western side of the Town Jetty with the Entertainment Centre being closest to York Street, Hotel adjacent to the Town Jetty and the Function Centre linking the Entertainment Centre and the Hotel; and;
- b) Land uses to the eastern side of the Town Jetty to include general commercial/retail/tourism activities including serviced apartment style tourism accommodation.

(Refer Waterfront Concept Plan)

Voting Requirement Simple Majority

.....
Overall design concept and land uses for York Street precinct.

RECOMMENDATION

THAT;

Council supports the design concept and land uses as submitted by Landcorp provided that the residential/commercial block proposed between the Town Hall and the Library be setback away from York Street so as a Civic Piazza/Town Square can be created fronting York Street.

Item 18.1 continued.

(Refer York Street Concept Plan)

Voting Requirement Simple Majority

.....
Identification and determination of York Street land to be transferred to the State

RECOMMENDATION

THAT the land to be transferred to the State in freehold on the York Street site be limited to the development footprint relating to the 32 apartment building on Collie Street and the 12 apartment/commercial building situated at the rear of the proposed Civic Piazza/Town Square.

(refer York Street Concept Plan)

Voting Requirement Simple Majority

.....
Council financial contributions to the projects.

RECOMMENDATION

THAT \$1.2 million plus Federal grants applied for by the City be made as a contribution to the project in the 2006/2007 2007/2008 2008/2009 financial years, subject to the deed of agreement as proposed in the motion of Item 14.3.1 of the Ordinary Council Meeting of 17 May 2005.

Voting Requirement Simple Majority

.....
AMENDED RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 13 June 2005, *(a copy of the minutes were distributed to Councillors on 14 June 2005)* and adopt the following recommendations:-

Review Of Albany Waterfront Revised Concept Plan.

RECOMMENDATION

THAT:

Council support the following layout of the land based components of the Albany Waterfront Project:

- a) The Entertainment Centre, Function Centre and Hotel be co-located on the western side of the Town Jetty with the Entertainment Centre being closest to York Street, Hotel adjacent to the Town Jetty and the Function Centre linking the Entertainment Centre and the Hotel; and;
- b) Land uses to the eastern side of the Town Jetty to include general commercial/retail/tourism activities including serviced apartment style tourism accommodation.

Item 18.1 continued.

(Refer Waterfront Concept Plan)

Voting Requirement Simple Majority

.....
Overall design concept and land uses for York Street precinct.

RECOMMENDATION

THAT;

Council supports the design concept and land uses as submitted by Landcorp provided that the residential/commercial block proposed between the Town Hall and the Library be setback away from York Street so as a Civic Piazza/Town Square can be created fronting York Street.

(Refer York Street Concept Plan)

Voting Requirement Simple Majority

.....
Identification and determination of York Street land to be transferred to the State

RECOMMENDATION

THAT the land to be transferred to the State in freehold on the York Street site be limited to the development footprint relating to the 32 apartment building on Collie Street and the 12 apartment/commercial building situated at the rear of the proposed Civic Piazza/Town Square.

(refer York Street Concept Plan)

Voting Requirement Simple Majority

.....
Council financial contributions to the projects.

RECOMMENDATION

THAT \$1.2 million plus Federal grants applied for by the City be made as a contribution to the Entertainment Centre project over the 2006/2007 2007/2008 2008/2009 financial years, subject to the deed of agreement as proposed in the motion of Item 14.3.1 of the Ordinary Council Meeting of 17 May 2005.

Voting Requirement Simple Majority

Item 18.1 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 13 June 2005, (*a copy of the minutes were distributed to Councillors on 14 June 2005*) and adopt the following recommendations:-

Review Of Albany Waterfront Revised Concept Plan.

RECOMMENDATION

THAT:

Council support the following layout of the land based components of the Albany Waterfront Project:

- a) The Entertainment Centre, Function Centre and Hotel be co-located on the western side of the Town Jetty with the Entertainment Centre being closest to York Street, Hotel adjacent to the Town Jetty and the Function Centre linking the Entertainment Centre and the Hotel; and; commercial/retail/tourism activities including serviced apartment style tourism accommodation.**
- b) Land uses to the eastern side of the Town Jetty to include general commercial/retail/tourism activities including serviced apartment style tourism accommodation.**

(Refer Waterfront Concept Plan)

Voting Requirement Simple Majority

.....
RECOMMENDATION

THAT;

Council supports the design concept and land uses as submitted by Landcorp provided that the residential/commercial block proposed between the Town Hall and the Library be setback away from York Street so as a Civic Piazza/Town Square can be created fronting York Street.

(Refer York Street Concept Plan)

Voting Requirement Simple Majority

Item 18.1 continued

Identification and determination of York Street land to be transferred to the State

RECOMMENDATION

THAT the land to be transferred to the State in freehold on the York Street site be limited to the development footprint relating to the 32 apartment building on Collie Street and the 12 apartment/commercial building situated at the rear of the proposed Civic Piazza/Town Square.

(refer York Street Concept Plan)

Voting Requirement Simple Majority

.....

Council financial contributions to the projects.

RECOMMENDATION

THAT \$1.2 million plus Federal grants applied for by the City be made as a contribution to the Entertainment Centre project over the 2006/2007 2007/2008 2008/2009 financial years, subject to the deed of agreement as proposed in the motion of Item 14.3.1 of the Ordinary Council Meeting of 17 May 2005.

Voting Requirement Simple Majority

.....

MOTION CARRIED 10 – 3

Councillors Paver, Evans and Jamieson voted against this motion.

18.2 Development Policy – Building Height Limits

File/Ward	:	MAN057 (Frederickstown Ward)
Proposal/Issue	:	Introduction of Restricted Policy to Control Building Heights
Subject Land/Locality	:	Southern Slopes Mounts Clarence and Melville
Proponent	:	N/A
Owner	:	Various
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Introduce policy
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At a recent public meeting, concern was raised over the lack of a Council policy on the height of residential buildings within the City. Councillor Paver has requested that an agenda item be prepared to allow debate on the introduction of an interim policy to control building heights. Such a policy would provide some certainty for developers and residents when applications are to be assessed against the performance requirements of the residential Planning Codes see attached copy.

STATUTORY REQUIREMENTS

2. Clause 7.21 of the City of Albany Town Planning Scheme 1A provides a mechanism to introduce policies under the Scheme;
 - 7.21.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.*
 - 7.21.2 *A Town Planning Scheme policy shall become operative only after the following procedures have been completed:*
 - (a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and*

Item 18.2 continued

during what period (being not less than 21 days) representations may be made to the Council.

- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

POLICY IMPLICATIONS

- 3. The provisions of the Residential Planning Codes (clause 3.7.1) allow a residential project to be built with a wall height up to 6 metres and a roof height up to 9 metres “as of right” in the development approval process. If a landowner wishes to exceed those limits they must comply with the performance standards of the Codes which states; *“Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties.....”*

FINANCIAL IMPLICATIONS

- 4. There are some minor costs involved in advertising the policy.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 6. The introduction of a policy will provide an interim control mechanism until the Defining Central Albany and the Housing Strategy are assessed and adopted by Council. It has been suggested that the policy only apply to the area located on the southern slopes of Mounts Melville and Clarence and to the north of Princess Royal Drive.
- 7. An opportunity has been introduced into the Council’s agenda briefing sessions, on the 28 June 2005, to workshop mechanisms to control height and protect amenity.
- 8. If Council was to adopt the Category C standards of clause 3.7.1 of the R Codes, developers would be provided the opportunity to build the equivalent of a three storey building in the area being suggested (9 metre wall and 12 metre to roof ridge). Any development currently lodged with the City would not be subjected to the proposed policy, nor would any development on the Albany Foreshore or on a lot with frontage to York Street.

Item 18.2 continued

RECOMMENDATION

THAT Council, pursuant to Clause 7.21 of the City of Albany Town planning Scheme 1A adopt as policy the following:

For those lots located to the south of Serpentine Road, to the north of Princess Royal Drive and located on the western slopes of Mount Clarence and the eastern slopes of Mount Melville (excluding those lots with direct frontage to York Street) any residential development seeking to be assessed against the performance standards of Clause 3.7.1 of the Residential Planning Codes should not exceed the heights identified as Category C.

AND

That the policy be advertised in accordance with the Scheme provisions.

Voting Requirement Simple Majority

.....

Councillor Jamieson left the chamber at 10.34pm
Councillor Evans left the chamber at 10.34pm

Councillor Jamieson returned to the office at 10.36pm
Councillor Evans left the chamber at 10.36pm

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT Council, pursuant to Clause 7.21 of the City of Albany Town planning Scheme 1A adopt as policy the following:

For those lots located to the south of Serpentine Road, to the north of Princess Royal Drive and located on the western slopes of Mount Clarence and the eastern slopes of Mount Melville (excluding those lots with direct frontage to York Street) any residential development seeking to be assessed against the performance standards of Clause 3.7.1 of the Residential Planning Codes should not exceed the heights identified as Category C.

AND

That the policy be advertised in accordance with the Scheme provisions.

MOTION LOST 5 - 8

Item 18.2 continued

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR LIONETTI**

THAT this matter lay on the table until such time as a briefing session is conducted.

MOTION CARRIED 8 – 5

Item 18.2 continued

PART
3

Design Elements

Building Height Requirements

Objective

To ensure that the height of buildings is consistent with the desired scale in a given locality.

Performance Criteria	Acceptable Development
----------------------	------------------------

New development should meet these criteria:

Except where otherwise provided for in an adopted Local Planning Policy development that complies with the following is deemed to meet the relevant Performance Criteria:

3.7.1 Building Height

P1 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- adequate direct sun to buildings and appurtenant open spaces;
- adequate daylight to major openings to habitable rooms; and
- access to views of significance.

A1.1 Buildings which comply with Table 3 for Category B area buildings, except where stated otherwise in a Local Planning Policy or equivalent.

	Category		
	A	B	C
Top of external wall (roof above) (ii)	3m	6m	9m
Top of external wall (concealed roof)	4m	7m	10m
Top of pitched roof (iii)(iv)	6m	9m	12m

Notes:

- Category B will apply unless a Local Planning Policy requires the application of Area A (generally single level development) or Area C (development on three levels) or an alternative standard.
- Gable walls above eaves height:
 - less than 9m long: exempted
 - greater than 9m long: add one third of the height of the gable, between the eaves and the apex of the gable wall, to the eaves height.
- Applies to ridges greater than 6 m long. Short ridges: subtract 0.5m height for each 2m reduction in length.
- Applies to roof pitches up to 25 degrees. In some localities steeper pitches may be required and greater height permitted in accordance with the provisions of the Scheme or Local Planning Policy.

19.0 CLOSED DOORS

19.1 Development Compliance – Office – 230 Albany Highway, Centennial Park

Councillor Marshall declared an interest in this item and left the chamber at 10.49pm. The nature of this interest is that he is employed as a manager of a real estate office.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EVANS**

THAT Council move behind closed doors.

MOTION CARRIED 12 – 0

Councillor's Walker, Waterman, Wellington and Wolfe left the Chamber at 10.50pm

Councillor Walker returned to the Chamber at 10.53pm
Councillor Waterman returned to the Chamber at 10.53pm
Councillor Wellington returned to the Chamber at 10.53pm
Councillor Wolfe returned to the Chamber at 10.53pm

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

THAT Council come out from behind closed doors.

MOTION CARRIED 12 - 0

The Chief Executive Officer reported that the following resolution had been passed behind closed doors.

RESOLVED:

THAT Council lay this item on the table until it has examined through an appropriate strategic document whether the current industrial zoning is the most appropriate zoning is the most appropriate zoning to promote appropriate developments along the main entrance to the City of Albany

MOTION CARRIED 9 - 3

Councillor Marshall returned to the Chamber at 11.10pm

20.0 NEXT ORDINARY MEETING DATE

Tuesday 19th July 2005, 7.30pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 11.14pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURE OF INTEREST

Name	Item	Nature of Interest
Councillor Lionetti	Item 11.3.5	Owner of a Shopping Centre at Spencer Park
Councillor Marshall	Item 11.3.5	Manager North Road Shopping Centre
Councillor Marshall	Item 19.1	Manager of Real Estate Office

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.

[Agenda Item 12.1.1 refers]
[COUNCIL – 21 JUNE 2005]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	totalling	312,205.50	
Electronic Fund Transfer	totalling	3,433,137.95	
Payroll	totalling	644,452.91	
Credit Cards	totalling	8,911.96	
TOTAL			<u><u>\$4,398,708.32</u></u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$4,398,708.32 which was submitted to each member of the Council on 21st June 2005 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$4,398,708.32 which was submitted to the Council on 21 June 2005 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Zoning and Development Options – Lot 1454 Festing Street, Albany – Albany Fishponds

File/Ward	:	A81585, STR 008 (Frederickstown Ward)
Proposal/Issue	:	Determining Development Options for the Albany Fishponds
Subject Land/Locality	:	Lot 1454 Festing Street, Albany
Proponent	:	Westrail
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/10/04 - Item 11.4.1
Summary Recommendation	:	Advise on acceptable level of development and Council's preparedness to assume management responsibility for Fishponds heritage site.
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. For several years, Westrail has been exploring opportunities to divest itself of Lot 1454 Festing Street, Albany to meet outstanding commitments to the State Government. The current reservation for 'Parks and Recreation Purposes' in the City of Albany Town Planning Scheme 1A is precluding the land from being further subdivided, the heritage listing on the Fishponds restricts development within the environs of the water body and Council has historically refused to assume management control of the Fishponds.
2. Councillors have been briefed by the planning consultant acting for Westrail, on the available planning options. The primary concerns relate to the capacity of the land to be developed and/or subdivided, whether Council is in a position to assume the ownership of the land, how the heritage precinct designated on the lot will be managed and what is a reasonable development yield from the lot.

STATUTORY REQUIREMENTS

3. The land is currently "Reserved for Parks and Recreation" purposes and Part II of Town Planning Scheme 1A states;
 - 2.1 *Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme Map.*
 - 2.2 *Except as otherwise provided in this part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Council.*
 - 2.3 *In giving its approval to carry out development the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving its approval.*
 - 2.5 *Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected by the making of the Scheme, claim compensation for such injurious affection."*
4. To facilitate any development of the lot would require a rezoning. Land to the west and east is zoned Residential with an R30 density coding.
5. The Fishponds is also included on the Register of State Heritage Items under the Heritage Act. A conservation plan has been prepared for the place and the Heritage Council of WA will require all development to be undertaken in accordance with that plan.

POLICY IMPLICATIONS

6. Council has no policy position on the acquisition of land for Conservation purposes and each application is currently being assessed on the merits of the proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

FINANCIAL IMPLICATIONS

7. No provision has been made by the City for the provision or the maintenance of any infrastructure on Lot 1454 to provide public access to the Fishponds. If the site is developed, public exposure of the fishponds will be increased and on-going management will be required.

STRATEGIC IMPLICATIONS

8. The Fishponds reserve has been identified by various groups as part of a larger reserve network of environmental and historic significance. Various requests have previously been forwarded to Council to assume greater management control of the Unallocated Crown Land on the western face of Mount Melville, including the Fishponds.

COMMENT/DISCUSSION

9. The proponent has suggested the creation of seven strata unit entitlements on the western side of the Fishponds and one group housing entitlement on the eastern side, producing a maximum of 11 dwelling units over the site. Access would be created along a narrow driveway to reduce the need for land clearing. The impact of this form of development is reduced considerably to what a more conventional subdivision would require.
10. The Heritage Council of WA has established a heritage curtilage around the Fishponds and has indicated it would not support any development inside that curtilage. This land can either remain with the strata body and or it can be transferred to the Crown (with the management order being allocated to the City). Retaining the land with the strata body removes the maintenance liability for Council and also severs public access to this significant feature. The capacity of the strata body to manage the Fishponds in perpetuity is also questioned.

RECOMMENDATION

THAT Council advise the proponent that, following further analysis of the information relating to Lot 1454 Festing Street, Albany, Council would be prepared to receive amending documents to zone the land “Residential with a Special Site classification”, that the maximum number of dwelling units should be limited to eleven and the Fishponds heritage site (inclusive of curtilage) should be designated as Public Open Space and ceded to the Crown concurrently with any development of the land.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR JAMIESON</p> <p>THAT Council apply to the Department of Planning and Infrastructure for the Management Order for Lot 1454 Festing Street, Albany.</p> <p style="text-align: right;">MOTION CARRIED 13 - 0</p>

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Reason:

- Lot 1454 is currently “Unallocated Crown Land”, Reserved in the City’s Town Planning Scheme for Parks and Recreation purposes. If Council is prepared to assume management responsibility for portion of the Fishponds’ site it can equally assume responsibility for the entire site and maintain the land for future generations of Albany residents.

DEVELOPMENT SERVICES REPORTS**11.2 HEALTH, BUILDING & RANGERS****11.2.1 Reallocation of Finances – Incident Control Generator and Cheynes Beach Fire Shed**

File/Ward	:	SER 111 (All Wards)
Proposal/Issue	:	Reallocation of funds to purchase emergency generator and construct fire shed at Cheynes Beach.
Subject Land/Locality	:	City of Albany Administration Building and Cheynes Beach
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Reallocation of Funds
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Less than one half the City's budget for "fire fighting" has been required due to the seasonal conditions and the recovery of costs for several large fires fought by City volunteers on the CALM estate. Council has also recently sold the City's fast attack fire appliance and the income from that sale was returned as income to the fire budget; the income was not included in the 2004/05 budget estimates.
2. The staff room within the City's new administration building was designed to become an emergency services operations centre during a major emergency. The wiring for the building provides for an emergency power supply to be connected to the exterior of the building and currently there is no generator available for hire in Albany capable of supplying the specified power, for the emergency requirements of the building (3 phase, 63 amp).
3. With the cooperation of the Volunteer Bush Fire Brigades, the City of Albany repositioned fire appliances in 2004 to meet the strategic operations of the City and to provide equipment in areas where highest risk is identified. As part of that program, a fire appliance was relocated to Cheynes Beach. Unfortunately, that appliance has been parked at the Cheynes Beach Caravan Park due to the lack of an appropriate shed to house the appliance. A fire station site has been identified for the shed but funding for its construction has not been forthcoming from FESA through either the 2004/05 or 2005/06 ESL budget.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

STATUTORY REQUIREMENTS

4. Section 6.8 of the Local Government Act 1995 states;

“A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

- a) is incurred in a financial year before the adoption of the annual budget by the local government;*
- b) is authorised in advance by resolution; or*
- c) is authorised in advance by the mayor or president in an emergency.”*

5. Under the State Emergency Management Committee (SEMC) Policy Statement No 7 the City of Albany is the responsible Hazard Management Agency (HMA).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. Council provided a budget allocation of \$40,000 towards fire prevention and the total expenditure to date is \$18,046. The initial budget figure has reflected the level of expenditure required in previous years to hire equipment and cover the costs incurred in suppressing wildfires. During any year the budget can be overspent or under-utilized, depending on factors such as weather, the presence of arsonists and community awareness of fire. Although the season contained many days with extreme weather conditions, there were few outbreaks of fire and those that did eventuate were quickly extinguished. The risk of fire for the remainder of the financial year is low.
8. The sale of the former City of Albany fast attack was approved at the May meeting of Council and the unit attracted a tender price of \$10,000.
9. To purchase the diesel generator specified by the electrical engineer and to mount the unit adjacent to the building will cost approximately \$18,500. Construction of a single bay fire shed, with appropriate site works, would cost approximately \$9,500. (note; the sum of \$25,000 in the City’s draft budget is for a double bay shed to FESA’s specifications with concrete floor and electrical connections)

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to ...

- Providing sound governance; and
- Delivering excellent community services.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

Priority Projects:

Public Safety – Base emergency management upon national protocols and
Public Safety - Implement recommendations of Fire Prevention Plan.

COMMENT/DISCUSSION

- 11. The State Government’s Emergency Services Levy does not provide funding for the setting up or running of Incident Control Centres operated by local authorities. Council has developed the Incident Control Centre at minimal cost and, for the small number of times it is required, the centre can operate independently of the general functions within the administration building and also over extended periods. Whilst disruption to the power supply to the building is anticipated to be infrequent, power outages are most likely to occur during a period when the emergency control centre is required to be operational (severe storms, flooding, major bushfires). Hiring a generator for those periods does not appear to be an available option.
- 12. The current program adopted by FESA for fire appliance replacement / refurbishment is outstripping the available funding and few of the recent local government submissions for ESL funding to construct fire sheds were accepted; FESA is concentrating all available capital funds to the delivery of fire appliances and that trend is anticipated to continue in future budgets. For the City of Albany, the owner of the Cheynes Beach fire appliance, additional costs will be incurred in the maintenance of hoses and the deterioration of equipment if the truck continues to remain in the open. Also, there is greater potential for vandalism and mechanical failure if the truck is not adequately secured.

RECOMMENDATION

THAT Council pursuant, to Section 6.8 of the Local Government Act 1995, re-allocate from account “108520 – Fire Protection” the sum of \$20,000 and from “109720 – Fire –Other Income” the sum of \$8,000 with the expenditure to be applied to the purchase of an emergency generator for the Incident Control Centre (\$18,500) and the Cheynes Beach Fire Shed (\$9,500).

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

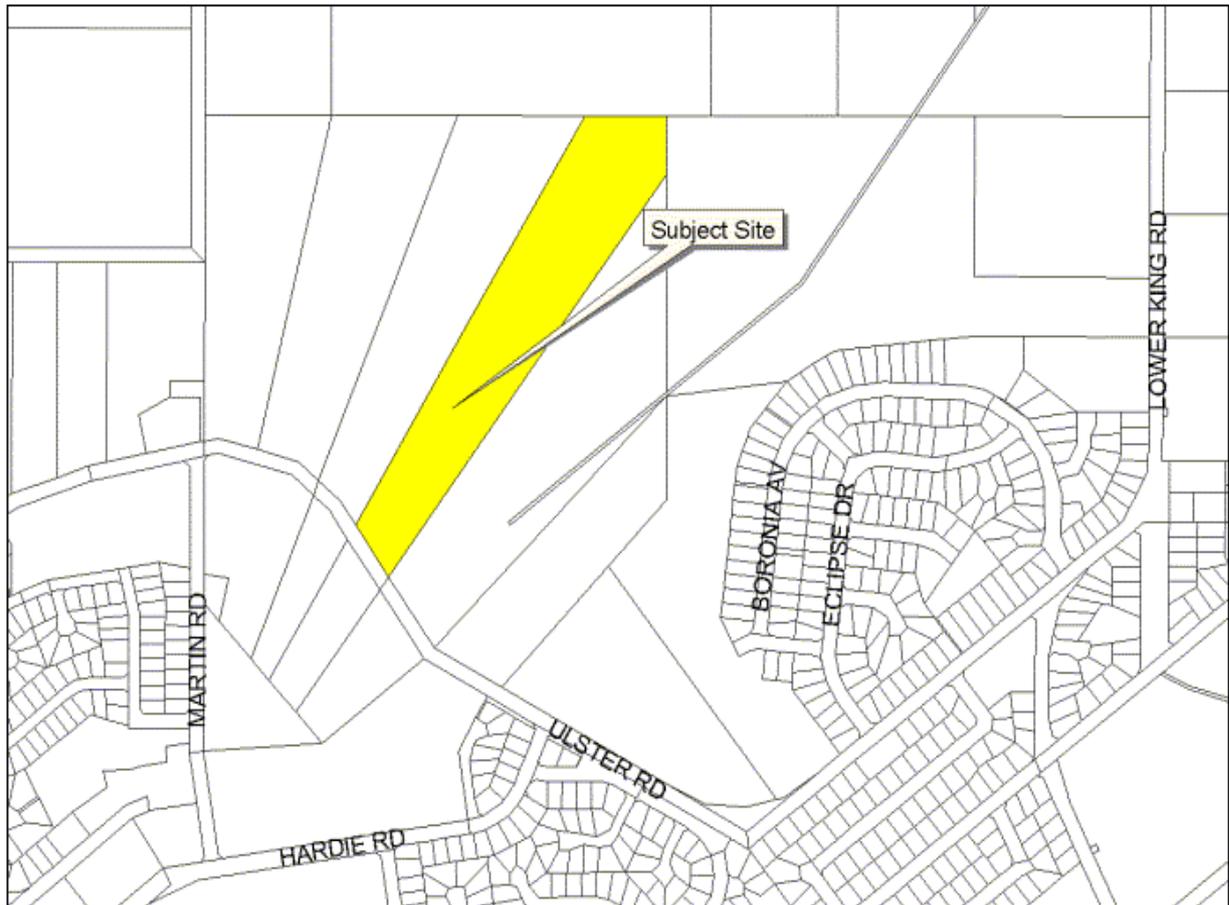
THAT Council pursuant, to Section 6.8 of the Local Government Act 1995, re-allocate from account “108520 – Fire Protection” the sum of \$20,000 and from “109720 – Fire –Other Income” the sum of \$8,000 with the expenditure to be applied to the purchase of an emergency generator for the Incident Control Centre (\$18,500) and the Cheynes Beach Fire Shed (\$9,500).

**MOTION CARRIED 13 – 0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.2.2 Building Licence - Radio Transmitter Tower – 235-239 Ulster Road, Collingwood Heights

File/Ward	: A67452 (Yakamia Ward)
Proposal/Issue	: Building licence for existing radio transmitter tower
Subject Land/Locality	: Lot 33 (235-239) Ulster Road, Collingwood Heights.
Proponent	: World Audio Limited (Phillip Chaney)
Owner	: G & V Sutton
Reporting Officer	: Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Previous Reference	: OCM 16/11/2004 - Item 11.1.1
Summary Recommendation	: Provide a letter of recognition
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

BACKGROUND

1. An application has previously been received from World Audio Limited, requesting Council's approval for an existing radio transmitter tower located at Lot 33 (235-239) Ulster Road, Collingwood Heights.
2. At the ordinary Council meeting dated 16 November 2004, the following resolution was made for the application:

"THAT Council;

- i) resolves to grant Planning Scheme Consent approval for a Radio/TV Installation (Radio Transmitter Tower) at Lot 33 (235-239) Ulster Road, Collingwood Heights, subject to;*
 - the maximum height of the transmitter mast not exceeding 18 metres above natural ground level; and*
 - the transmission not exceeding a broadcast power output of 400 watts.*

Footnote:

Should there be any increase in the height of the tower or any increases in power emissions from the transmitter, further approval will be required from Council.

- ii) advise the applicant that a building licence will also be required for the structure.*

AND

THAT Council requires staff to withhold issuing a building licence for the existing unapproved tower until a detailed report has been received from a structural engineer, verifying that the tower is structurally sound, and Council has issued its formal approval to the issuing of the licence at an ordinary meeting of Council."

3. In accordance with Council's instructions, staff have issued planning scheme consent for the radio transmitter tower, and have deferred assessment of the building licence application until structural certification has been provided. On 19 April 2005 a letter was provided from a qualified structural engineer whereby the following advice was provided:

"We certify that the 200mm triangular tower carrying the bare monopole antenna is structurally adequate to carry the wind loads imposed on it in accordance with AS 1170.2 – Wind Actions and other actions from dead and live loads."

STATUTORY REQUIREMENTS

4. The *Local Government (Miscellaneous Provisions) Act 1960* makes the following provisions:

"Section 374 - No person shall...proceed with a building...until the local government has approved by the issue to the person of a building licence; and

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

Section 401 - A local government may, during or after the erection of a building, give to the builder or owner written notice...which, where permission of the local government is required for carrying it out, has been carried out without that permission."

5. As the structure was constructed without a building licence first being obtained (In contravention of section 374), there are no powers under the Local Government Act for Council to issue a retrospective building licence.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil."

COMMENT/DISCUSSION

9. Section 401 of the Local Government Act provides Council with the discretion to decide whether it wishes to serve a notice requiring the demolition of the structure. In this instance, an engineer' letter has been presented as required, by Council's earlier instructions advising of the structural adequacy of the tower. Staff recommend that Council does not issue a notice or a building licence and instead provides the applicant with a letter of recognition.
10. The letter of recognition will provide advice to the proponent that Council will not require the structure to be removed, that the engineer's letter will now be placed on the Council property file and a memo will be included on Council's electronic records noting the structure would have received a building licence had it been lodged prior to the structure being constructed.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

RECOMMENDATION

THAT;

- i) Council resolves to accept the structural engineer's advice and formally recognizes the radio transmitter tower at Lot 33 (235-239) Ulster Road, Collingwood Heights; and
- ii) the Principal Building Surveyor write a letter of recognition for the radio transmitter tower and that Council's records be noted accordingly.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT;

- i) Council resolves to accept the structural engineer's advice and formally recognizes the radio transmitter tower at Lot 33 (235-239) Ulster Road, Collingwood Heights; and**
- ii) the Principal Building Surveyor write a letter of recognition for the radio transmitter tower and that Council's records be noted accordingly.**

MOTION CARRIED 13 - 0

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

AIREY RYAN & HILL
Consulting Engineers



Facsimile Transmission Sheet

To: **Geoff Rowley** Date: **15/04/05** Job No **05052**
Company: **Masrow Broadcast Solutions** Fax No: **9294 1380**
Copy to: **Peter Thompson – WorldAudio Ltd** **02 9239 0125**
Copy to:
From: **John Taylor** No of Pages: **1**
Subject: **Albany AM Repeater Station – Guyed Mast**

If all pages are not received or transmission unsatisfactory please contact sender immediately.

Geoff,

We have checked the structural adequacy of the new guyed mast and footings at 235-239 Ulster Rd, Collingwood Heights, Albany W.A. as requested. The mast is part of the AM narrowcast satellite repeater stations in country WA.

We certify that the 200mm triangular tower carrying the bare monopole antenna is structurally adequate to carry the wind loads imposed on it in accordance with AS 1170.2 – Wind Actions and other actions from dead and live loads.

Should you have any queries please contact the writer.

Regards,

JOHN TAYLOR AIT MIEAust CPEng
Director
AIREY RYAN & HILL

P.G.Airey & Associates Pty.Ltd.
A.C.N. 008 881 007 as trustee for
P.G.Airey & Associates Unit Trust
trading as Airey Ryan and Hill
ABN. 84 495 836 330

10 Kings Park Road
PO Box 553
West Perth 6872
Western Australia

Telephone: 61 8 9481 2199
Facsimile: 61 8 9481 2049
E-mail: arh@aireyryanandhill.com.au
Web Site: www.aireyryanandhill.com.au

Associated offices: Melbourne•Sydney•Brisbane•Darwin•Adelaide•Hobart•Singapore•Kuala Lumpur•Jakarta•Hong Kong•Bangkok•Dubai

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Development Guidelines – Final Adoption – Scheme 1A and 3

File/Ward	: MAN 122 (All Wards)
Proposal/Issue	: To consider final adoption of the revised 'Development Guidelines' policy for both Scheme 1A & 3
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/03/2005 - Item 12.2.3
Summary Recommendation	: Finally Adopt the Development Guidelines
Bulletin Attachment	: Development Guidelines – Town Planning Scheme No. 1A & 3
Locality Plan	: N/A

BACKGROUND

1. At it's ordinary meeting dated 15 March 2005, Council resolved the following:

“THAT Council;

- i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions; and*
- ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Chief Executive Officer those functions specified in Schedule 2 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.*

AND

THAT Council adopt the revised Development Guidelines for Town Planning Scheme No 1A and Town Planning Scheme No 3 dated February 2005.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

2. The revised development guidelines were placed on advertising for a period of 21 days through an advertisement in the local paper for two consecutive weeks.
3. During the advertising period no submissions were received.

STATUTORY REQUIREMENTS

4. Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.10 of Town Planning Scheme No. 3 give Council the power to make policies.
5. As the advertising period has closed, Council needs to decide whether it wishes to finally adopt the policy with or without amendment, or not proceed with the draft policy.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- providing sound governance

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The proposed changes to the existing development guidelines involve:

Development Guidelines – Scheme 1A

Guideline 1

10. Provision has been made to allow staff to approve applications that have previously been granted planning approval via a Council resolution, where no major variations to what was previously approved are proposed.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Guideline 2

11. Guideline 2.1 to 2.4 (Side Setbacks, Front Setbacks, Pergolas, Neighbours Consent) has been replaced by a general provision referring to the performance criteria of the Residential Design Codes, which was introduced by the state government in late 2002. The Residential Design Codes stipulate setbacks and detail where applications require neighbour consideration.

Guideline 3

12. Guideline 3 (Outbuildings) has been replaced by a general provision, which refers to Council's Outbuilding Policy, which was adopted on 18 February 2003. The existing Guideline 3 was previously rescinded and it does not reflect the existing controls within Council's current Outbuildings Policy.

Guideline 4

13. Guideline 4.4 (Driveway Construction) has been omitted given this guideline lacks detail and stormwater drainage and the sealing of access areas are addressed as standard conditions through the planning approval process.

Guideline 8

14. Guideline 8 (Provision of Power) has been omitted given the requirement of undergrounding power, through the subdivision process, is the responsibility of Western Power.

Development Guidelines – Scheme 3

Guideline 1

15. Provision has been made to allow staff to approve applications that have previously been granted planning approval via a Council resolution, where no major variations to what was previously approved are proposed.

Guideline 2

16. Guideline 2.1 (Residential Development) has been added to by a general provision referring to the performance criteria of the Residential Design Codes, which was introduced by the State Government in late 2002. The Residential Design Codes stipulate setbacks and detail where applications require neighbour consideration. Guideline 2.6 (Pergolas) has been omitted.

Guideline 4

17. Guideline 4 (Outbuildings) has been replaced by a general provision, which refers to Council's Outbuilding Policy, which was adopted on 18 February 2003. The existing Guideline 4 was previously rescinded and it does not reflect the existing controls within Council's current Outbuildings Policy.

Guideline 8

18. Guideline 8 (Provision of Power) has been omitted given the requirement of undergrounding power, through the subdivision process, is the responsibility of Western Power.

19. As the variations have been proposed to replace outdated provisions and no objection from the community was received during the advertising period, it is recommended that the revised Development Guidelines for both Town Planning Scheme No. 1A and 3 be finally adopted.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

RECOMMENDATION

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A and clause 6.9 of the City of Albany Town Planning Scheme No. 3 resolve to finally adopt the 'City of Albany – Development Guidelines – Town Planning Scheme No. 1A and 3', rescind the policy of the same name, and advertises the final adoption in accordance with the Scheme.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

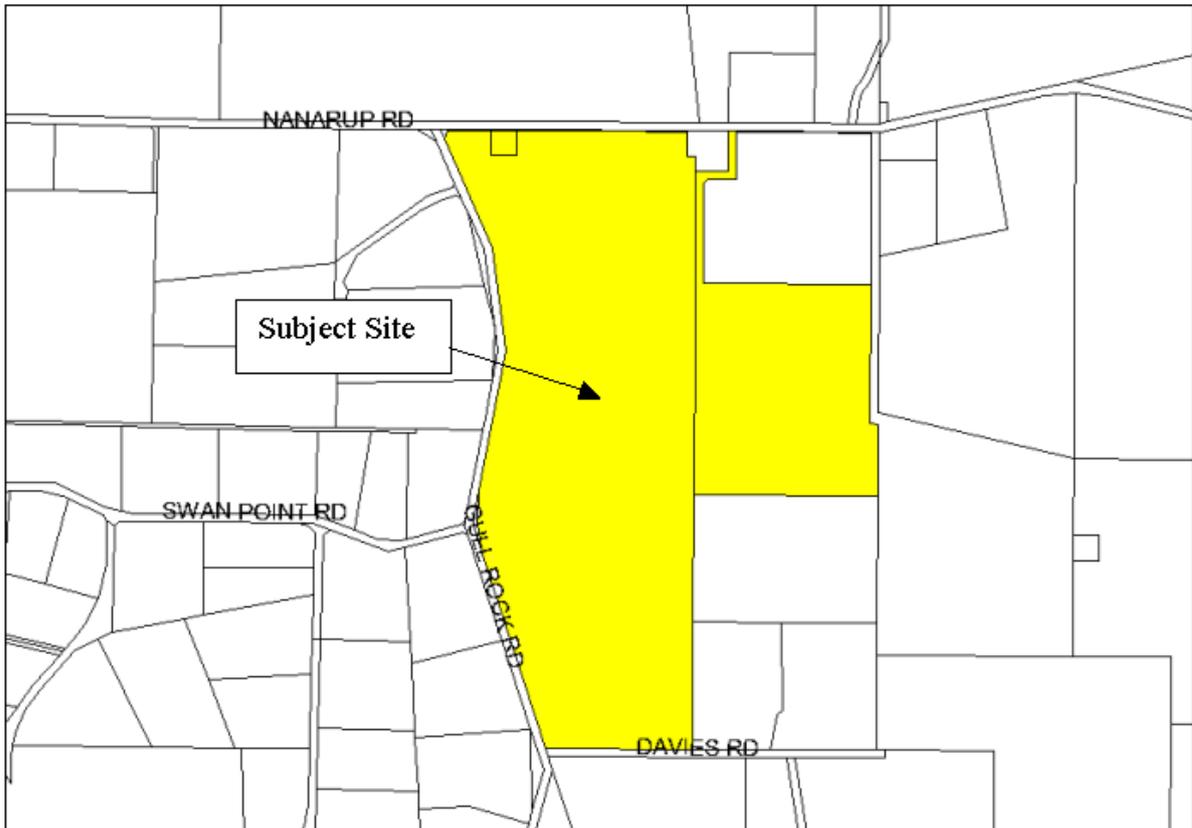
THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A and clause 6.9 of the City of Albany Town Planning Scheme No. 3 resolve to finally adopt the 'City of Albany – Development Guidelines – Town Planning Scheme No. 1A and 3', rescind the policy of the same name, and advertises the final adoption in accordance with the Scheme.

MOTION CARRIED 13 - 0

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Policy – Final Adoption – Local Planning Policy – Special Rural Area No. 9

File/Ward	: STR 127 (Kalgan Ward)
Proposal/Issue	: To consider final adoption of the policy 'Revised Subdivision Guide Plan for Special Rural No. 9'
Subject Land/Locality	: Lots 11, 300 and 1301 Nanarup/Gull Rock Road, Kalgan
Proponent	: Ayton, Taylor Burrell
Owner	: Erujin Pty Ltd & Melrob Pty Ltd
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/02/05 - Item 11.3.1
Summary Recommendation	: Finally Adopt the Local Planning Policy subject to modifications
Bulletin Attachment	: Schedule of Submissions
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. At its meeting dated 15 February 2005 Council resolved the following:

“THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme No. 3 resolves to advertise the draft ‘City of Albany – Local Planning Policy – Special Rural Area No 9 Kalgan’ as a Town Planning Scheme policy and advertise as such in accordance with the Scheme.”
2. In accordance with Council’s resolution staff placed an advertisement in the local paper and invited comment from surrounding landowners in the area. At the close of public submissions, twenty one (21) responses were received. A copy of the submissions have been included in the Elected Members Report / Information Bulletin.
3. The previous Council report explained in detail the differences between the existing subdivision guide plan and the proposed local planning policy. Essentially the applicant is seeking Council’s support to increase the lot yield from 62 lots on the subject land to 74 lots, a difference of 12 lots.
4. A land capability and geo-technical assessment was prepared by Landform Research in late 2003, and is the basis for the request to increase the density of lots over the subject land.
5. During the advertising period it was discovered that the consultant’s earlier version was placed on advertising (refer Plan A attached) instead of an updated version (refer Plan B attached) that proposed some minor changes to the Notes. Whilst the subdivision layout is identical in the two versions, the later version has proposed bonding for vegetation rather than physical planting prior to subdivision. The notes on Plan B also contain additional controls, which are already in place in the existing special rural provisions for the area.

STATUTORY REQUIREMENTS

6. Town Planning Scheme No. 3 allows Council the power to make policies (clause 6.9).
7. As advertising has now been finalised, Council needs to decide whether it wishes to finally adopt the policy with or without amendment, or not proceed with the draft policy. Should Council finally adopt the policy, a notice is required to be placed in the local paper, and all those who lodged submissions are to be notified.
8. It should be noted that the minimum lot size specified in the Scheme is 1 hectare. The proposed Subdivision Guide Plan conforms with this requirement.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

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

Mission Statement

The City of Albany is committed to ...

- providing sound governance

Priority Projects

Nil.”

COMMENT/DISCUSSION

12. A schedule of submissions has been included in the Elected Members Report / Information Bulletin which lists in detail the issues raised by each respondent and staff’s response to address the issue.

13. Of the 21 submissions received 17 submissions raised an objection to the increased lot yield as proposed by the applicant. The main points of objection were:

- Negative impacts on visual amenity
- Lot sizes are too small
- Drainage concerns
- Increased traffic along Gull Rock Road and safety issues for accessing Lot 1
- Effluent disposal concerns
- Lack of strategic planning and lack of public services
- Water usage and management
- Land use conflict
- Strategic firebreaks and bush fire concerns

14. In relation to each concern, staff provides the following information:

Negative impacts on visual amenity

15. Several respondents raised concerns that the proposed policy would result in an unacceptable impact on visual amenity and felt that visual protection measures contained within the Local Rural Strategy were being ignored.

16. In response to this concern it is advised that:

- Only two (2) additional lots have been created on the higher land to that shown on the existing subdivision guide plan, with the majority of additional lots being proposed on the middle and lower slopes of the ridge.
- There are significant tracts of vegetation along the western portion of the property, which would screen future development from many vantage points along Gull Rock Road.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- When viewed from Nanarup Road and sections of Lower King, vegetation on the crown on the ridge (located on land to the east) would provide a backdrop to the development, thereby silhouetting against the skyline would be avoided.
- That the existing scheme provisions require a comprehensive revegetation program to reduce the visual exposure of Lots 56 to 74. If the developer was to plant mature trees on these lots the 2 year establishment period currently required in the Scheme could be waived.
- The taking of landscape bonds in the past, with the responsibility for revegetation falling on individual owners, has led to disappointing results despite monetary incentives being offered. Equally, pre planting has often failed when the new owners assume responsibility for the land.
- The existing scheme provisions require any future dwellings to be constructed of materials that blend into the landscape (ie Zincaleum and other light external colouring would not be permitted).

Lot sizes are too small

17. Concerns were raised that the proposed lot sizes were too small and not consistent with the Local Rural Strategy. Furthermore many respondents were under the impression that only 2 hectare lots were permitted on the subject land.
18. In response to this concern it is advised that:
 - The existing subdivision guide plan already contains a large proportion of lots that are 1 hectare in size.
 - The Local Rural Strategy states that where land capability dictates, special rural lots can be a minimum of 1 hectare.

Drainage Concerns

19. Many respondents were concerned that additional run-off from roads and dwellings would be directed into the creek system causing erosion of banks and potential flooding of adjacent properties. Several respondents have also witnessed considerable overland water flows after storm water events and were concerned that flooding of structures may occur.
20. In response to this concern it is advised that:
 - A comprehensive stormwater management plan would need to be provided by the developer prior to subdivision, and should any stormwater be directed into the creek system above existing natural flows, flood management and erosion control would need to be addressed.
 - Stormwater run-off from the roofs of dwellings and outbuildings will need to be accommodated on site (ie through soak wells).

Increased traffic and safety issues for accessing Lot 1

21. Concerns were raised that the proposal would generate a significant increase in traffic and that Gull Rock Road was not of a sufficient standard to support this increase. A number of respondents also commented on the access for Lot 1, claiming it to be unsafe given it was located on a bend.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

22. In response to this concern it is advised that:
- Gull Rock Road is bitumen sealed and is of a width and standard able to accommodate the additional traffic generated by the proposal.
 - The additional 12 lots would increase the traffic along Gull Rock Road by around 100 vehicles per day (vpd), which represents a minor increase in traffic movements compared to the existing subdivision guide plan and traffic volumes on the road at present.
 - Staff have investigated the access arrangements for proposed Lot 1 and are satisfied that minimum sight distances have been met in accordance with Austroads Standards.

Effluent Disposal Concerns

23. A number of respondents were concerned that nutrients from effluent disposal systems would leach into the creek system and ultimately into Oyster Harbour.
24. In response to this concern it is advised that:
- No effluent disposal system will be located within 50 metres of a creek, and any effluent disposal system within 100 metres of a water course would need to be an alternative treatment unit (ATU). An ATU system has excellent phosphorous retaining abilities, and the escape of nutrients into the creek system would be negligible.
 - The owner's environmental consultant has undertaken a land capability and geotechnical assessment, which has shown that the soil types and winter ground water levels on site have good effluent retention qualities.
 - As the consultant did not show test holes over Lots 54 and 55 staff have undertaken a preliminary assessment of these building envelopes and found that there is insufficient clearance from the water table to support an effluent disposal system. It is recommended that prior to subdivision a detailed assessment be undertaken (preferably in August) by a relevant professional to confirm whether the lots are capable of accommodating effluent disposal, and where this cannot be achieved, the lots should be amalgamated into one property.
 - It is recommended that the winter creek traversing Lots 54 and 55 and Lots 48 to 51 be shown on the plan accompanying the policy.

Lack of strategic planning and lack of public services

25. Concerns were raised that the increase in population is not being supported with additional public services to meet the community's needs. One respondent commented that, given the increase in density, the developer should contribute to the upgrade of facilities at the Kalgan Hall. There were also concerns that there was no strategic planning for the area.
26. In response to this concern it is advised that:
- Convenience shopping options are within close proximity (Lower King Store and Caravan Park) and all public services are located 15 kilometres away in the Albany city centre.
 - There is sufficient open space on private land.
 - A dual use path is proposed that will connect Gull Rock Road to Nanarup Road (Kalgan Hall).

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- With the increase in density and demand generated by future residents, a contribution for the upgrade of facilities at the Kalgan Hall may be appropriate.
- The Local Rural Strategy has identified the land as being suitable for special rural subdivision, and therefore the proposal is in accordance with this strategic planning tool.

Water usage and management

27. A number of respondents have requested that the potable water supply for the proposal should be supplied via water tanks instead of reticulated water in order to conserve water.
28. In response to this concern it is advised that:
- A statewide policy requires all lots less than 4 hectares to be serviced by reticulated water. Multiple water tanks also increase the visual exposure of the subdivisions to the surrounding hinterland.
 - A reticulated water service will allow for the installation of fire hydrants, which would provide a continual and efficient water supply in a fire-fighting situation.

Land use conflict

29. Concerns were raised that the increase in lot density adjacent to surrounding rural properties would restrict farming operations.
30. In response to this concern it is advised that:
- At the time of subdivision it is recommended that a memorial be lodged on each title advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices.
 - The surrounding agricultural activities are not intensive and the land adjoins large tracts of vegetated rural land.

Strategic firebreaks and bushfire concerns

31. Concerns were raised over the fire threat to the proposed lots on the highest portion of the subject land, especially given the area has been affected by fire in the past. The alignment of the strategic firebreaks and their maintenance was also questioned.
32. In response to this concern it is advised that:
- It is a requirement that all dwellings on Lots 56 to 74 be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas.
 - The building envelope on Lot 63 be reduced in size and will be setback no less than 40 metres from the eastern boundary to provide an adequate setback from the significant stand of remnant vegetation.
 - The strategic firebreak traversing Lots 17 to 20 and Lot 22 would involve the removal of some remnant vegetation however this alignment should be retained as it provides efficient access from the internal road network to Nanarup Road.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- The strategic firebreak has been proposed to deviate to the east of the Kalgan Hall on the advice of fire experts.
 - The strategic firebreaks located on private land will be the responsibility of the individual landowner, and where the break is not maintained in a trafficable condition an infringement under the Bushfires Act can be issued.
33. The environmental consultant's report also detailed that Lots 2, 8, 9 and 10 have soil types that have moderate foundation capabilities for house construction. Prior to subdivision a structural or geotechnical engineer will need to undertake a detailed analysis of soil conditions on these lots and where unconventional footings are required, notification be placed on the title to inform potential purchasers.

RECOMMENDATION

THAT Council;

- i) resolves to finally adopt the policy 'Revised Subdivision Guide Plan for Special Rural Area 9', shown as 'Plan B' attached, subject to the following amendments being undertaken to the policy:
 - a) inserting the following clauses:
 - i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;
 - ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);
 - iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;
 - iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;
 - v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;
 - vi. at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall;
 - vii. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- viii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and
 - ix. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.
- b) making the following modifications to 'Plan B' as attached:
- i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;
 - ii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;
 - iii. the cul-de-sac relocated to utilise existing stock crossing;
 - iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;
 - v. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;
 - vi. only 1 building envelope is to be provided for Lot 2; and
 - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope;
- ii) resolves to notify all respondents of it's resolution; and
- iii) resolves to place an advertisement in the local paper advising that the policy is now operational once the policy has been amended as per Council's requirements.

Voting Requirement Simple Majority

.....
AMENDED RECOMMENDATION

THAT Council;

- i) resolves to finally adopt the policy 'Revised Subdivision Guide Plan for Special Rural Area 9', shown as 'Plan B' attached, subject to the following amendments being undertaken to the policy:
 - a) inserting the following clauses:
 - i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);
 - iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;
 - iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;
 - v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;
 - vi. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;
 - vii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and
 - viii. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.
- b) making the following modifications to ‘Plan B’ as attached:
- i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;
 - ii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;
 - iii. the cul-de-sac relocated to utilise existing stock crossing;
 - iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;
 - v. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;
 - vi. only 1 building envelope is to be provided for Lot 2;
 - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope; and
 - viii. a footnote be placed on the plan; “at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall”.
- ii) resolves to notify all respondents of its resolution; and
 - iii) resolves to place an advertisement in the local paper advising that the policy is now operational once the policy has been amended as per Council’s requirements.

Voting Requirement Simple Majority

Item 11.3.2 continued

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WISEMAN**

THAT Council;

- i) resolves to finally adopt the policy 'Revised Subdivision Guide Plan for Special Rural Area 9', shown as 'Plan B' attached, subject to the following amendments being undertaken to the policy:**
 - a) inserting the following clauses:**
 - i. at the time of subdivision a comprehensive stormwater management plan is to be prepared and implemented to ensure that surcharging of the creek, erosion of creek banks and potential flooding of adjacent properties does not occur;**
 - ii. at the time of subdivision a comprehensive revegetation program is to be established on Lots 56 to 74 using mature trees (the clause relating to a landscape bond should be removed);**
 - iii. at the time of subdivision a detailed assessment of winter ground water levels is to be undertaken to determine the suitability of Lots 54 and 55 to accommodate an effluent disposal system, and where such suitability cannot be proven the lots shall be amalgamated;**
 - iv. at the time of subdivision a memorial is to be lodged on each lot on the eastern, northern and southern boundary of the subdivision advising that the area is surrounded by rural landholdings that may from time to time cause nuisance through noise, dust and/or smell whilst carrying out typical agricultural practices;**
 - v. all dwellings on Lots 56 to 74 shall be constructed to the specifications of Australian Standard 3959 – Buildings in Bushfire Prone Areas;**
 - vi. all buildings are to be located within the designated building envelopes. Low fuel zones can be partially accommodated outside of designated building envelopes only where they do not require the removal of remnant vegetation;**
 - vii. at the time of subdivision a suitably qualified professional is to assess the foundation capabilities of the soil for building construction upon Lots 2, 8, 9 and 10 and where unconventional footing construction is required, a caveat be lodged on these titles to inform potential purchasers; and**
 - viii. where the existing scheme provisions (Special Rural Area No. 9) have not been specifically modified under this policy such provisions shall still apply and may be applied in part to any application for subdivision or development.**
 - b) making the following modifications to 'Plan B' as attached:**

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

- i. annotation being provided on the plan stating that the suitability of Lots 54 and 55 to accommodate an effluent disposal system will need to be further examined via a detailed winter ground water assessment to be carried out in August 2005;**
 - ii. the winter creek traversing Lots 48 to 51 in a north-south direction is to be mapped and shown on the plan;**
 - iii. the cul-de-sac relocated to utilise existing stock crossing;**
 - iv. the building envelope for Lot 63 to be reduced in size and is to be setback at least 40 metres from the fire threat to the east;**
 - v. modification being undertaken to the plan in order to conserve grass trees located near the proposed cul-de-sac head adjacent to Lots 62 and 63;**
 - vi. only 1 building envelope is to be provided for Lot 2;**
 - vii. the building envelope on Lot 65 is to be reduced in size so that no remnant vegetation is located within the building envelope; and**
 - viii. a footnote be placed on the plan; “at the time of subdivision the developer will be encouraged to provide a contribution towards the upgrade of facilities at the Kalgan Hall”.**
- ii) resolves to notify all respondents of its resolution; and**
 - iii) resolves to place an advertisement in the local newspaper advising that the policy is now operational once the policy has been amended as per Council’s requirements.**
- MOTION LOST 6 - 7**

** REFER DISCLAIMER **

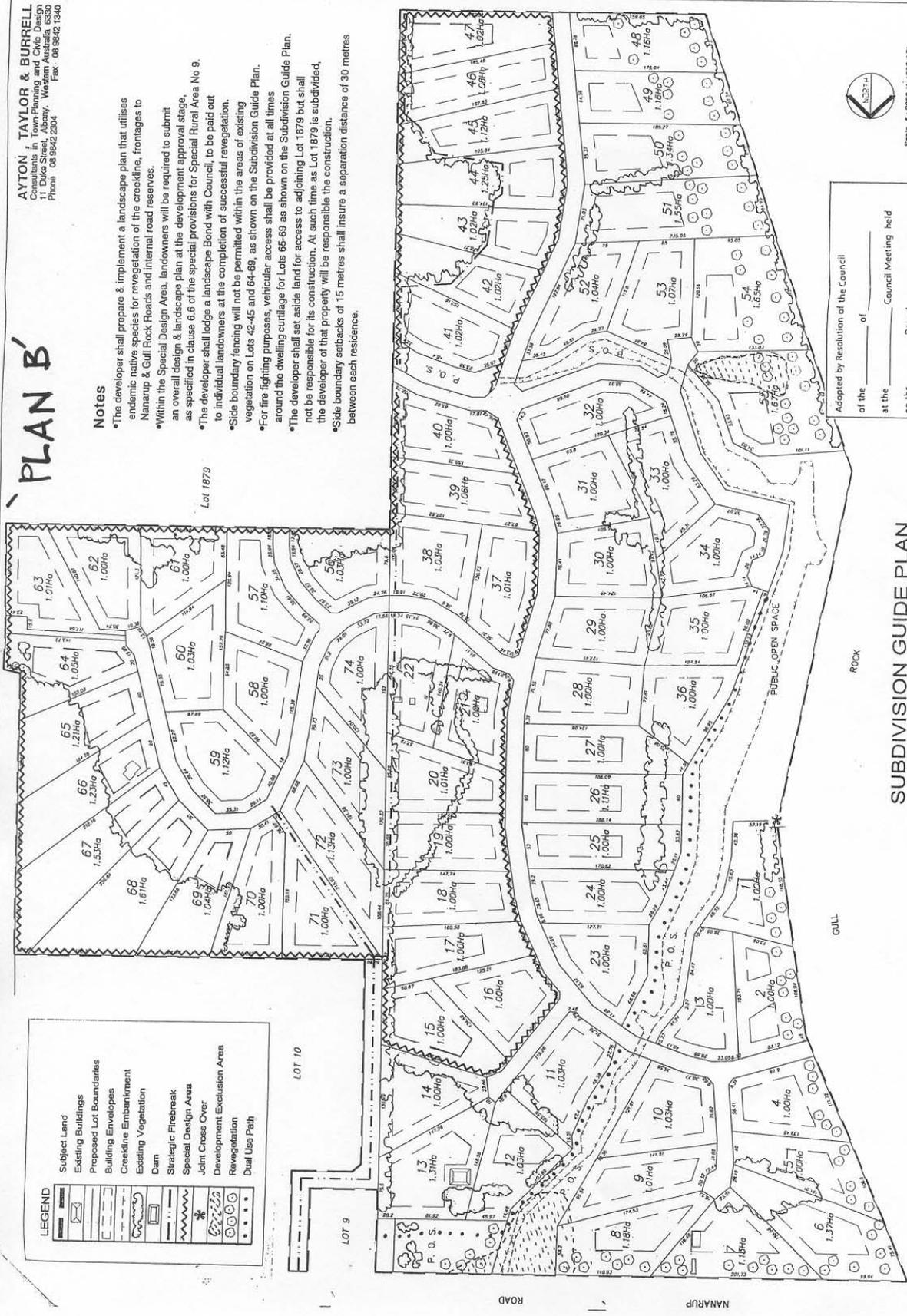
DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

PLAN B

AYTON, TAYLOR & BURRELL
 Consultants in Town Planning and Civic Design
 100/101 Sturt Street, Western Australia, 6530
 Phone: 08 9462 2304 Fax: 08 9462 1590

- Notes**
- The developer shall prepare & implement a landscape plan that utilises endemic native species for revegetation of the creekline, frontages to Nanarup & Gull Rock Roads and internal road reserves.
 - Within the Special Design Area, landowners will be required to submit an overall design & landscape plan at the development approval stage, as specified in clause 6.6 of the special provisions for Special Rural Area No. 9.
 - The developer shall lodge a landscape Bond with Council, to be paid out to individual landowners at the completion of successful revegetation.
 - Side boundary fencing will not be permitted within the areas of existing vegetation on Lots 42-45 and 64-69, as shown on the Subdivision Guide Plan.
 - For fire fighting purposes, vehicular access shall be provided at all times around the dwelling curtilage for Lots 65-69 as shown on the Subdivision Guide Plan.
 - The developer shall set aside land for access to adjoining Lot 1879 but shall not be responsible for its construction. At such time as Lot 1879 is subdivided, the developer of that property will be responsible for the construction.
 - Side boundary setbacks of 15 metres shall insure a separation distance of 30 metres between each residence.

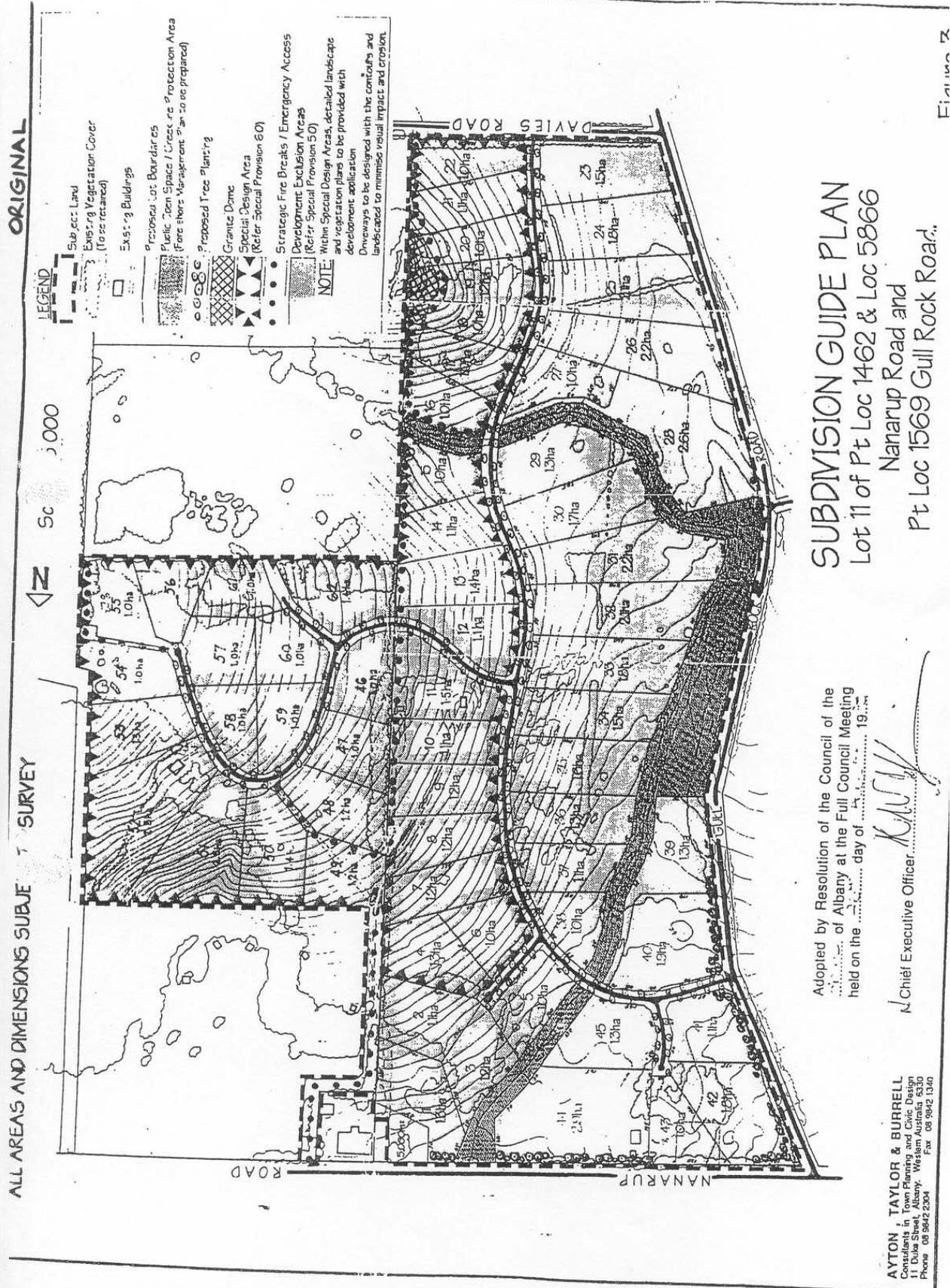


Scale: 1:2000 (1:4000 A3)
 Original A1
 Date: 10/02/04 Ref: D05-00
 Chief Executive Officer
 JKA REF 8462-H

Adopted by Resolution of the Council
 of the _____ Council Meeting held
 at the _____ on the _____ Day of _____
 Chief Executive Officer

SUBDIVISION GUIDE PLAN
 LOTS 11, 300 & 1301 NANARUP ROAD / GULL ROCK ROAD

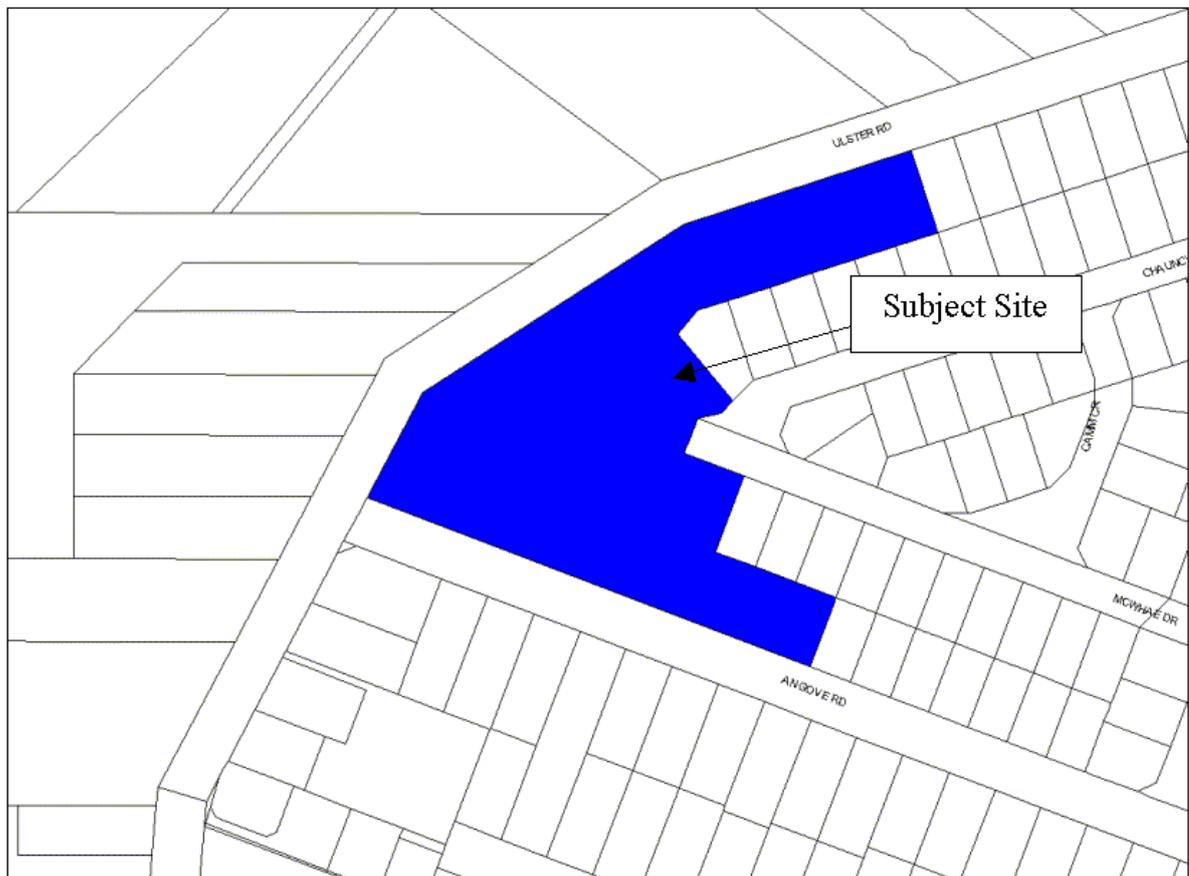
Item 11.3.2 continued



DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Policy – Final Adoption – Woodrise Estate

File/Ward	: MAN 047 (Breaksea Ward)
Proposal/Issue	: To consider final adoption of policy to guide fill and retaining on steep lots within Woodrise Estate
Subject Land/Locality	: “Woodrise Estate” (Angove Road & McWhae Drive), Spencer Park
Proponent	: Harley Survey Group
Owner	: Various
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/04/05 - Item 11.3.1
Summary Recommendation	: To finally adopt policy
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

11.3.3 continued

BACKGROUND

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

“THAT;

i) Council adopt the draft policy titled ‘Woodrise Estate Guidelines’ for public comment pursuant to Clause 7.21 of Town Planning Scheme No. 1A; and

ii) subject to a statement of undertaking being received by the developer that restrictive covenants will be applied to Lots 630 – 634 and 655 – 662, Council advises the Western Australian Planning Commission that Condition 15 of WAPC Reference 126168 is no longer required.”

2. The policy was placed in the local paper for two consecutive weeks in accordance with Clause 7.21 of Town Planning Scheme No. 1A. At the close of the advertising period no submissions had been received.

STATUTORY REQUIREMENTS

3. Town Planning Scheme No. 1A allows Council the power to make policies (clause 7.21).

4. As advertising has now been finalised, Council needs to decide whether it wishes to finally adopt the policy with or without amendment, or not proceed with the draft policy. Should Council finally adopt the policy, a notice is required to be placed in the local paper, and all those who lodged submissions are to be notified.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

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

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

Mission Statement

The City of Albany is committed to ...

- *providing sound governance*

Priority Projects

Nil.”

DEVELOPMENT SERVICES REPORTS

11.3.3 continued

COMMENT/DISCUSSION

8. In accordance with Council's resolution, staff have written to the Western Australian Planning Commission advising that Condition 15 of Western Australian Planning Commission application no. 126168 is no longer required, and that a policy addressing the topographical concerns have been proposed in it's place.
9. The proponent has advised that once the policy has been finally adopted an application for subdivision clearance will be lodged (to progress the creation of titles) and caveats will be lodged against the titles.
10. Staff believe that the policy will result in an acceptable level of cut and fill and will facilitate the construction of dwellings that respect the steep topography of the land.

RECOMMENDATION

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to finally adopt the 'Woodrise Estate Design Guidelines', rescind the policy of the same name, and advertises the changes in accordance with the Scheme.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EVANS**

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A resolves to finally adopt the 'Woodrise Estate Design Guidelines', rescind the policy of the same name, and advertises the changes in accordance with the Scheme

MOTION CARRIED 12 - 1

Councillor Paver requested that his vote against this item be recorded.

DEVELOPMENT SERVICES REPORTS

11.3.4 Scheme Policy – Review – Outbuildings Policy

File/Ward	:	STR 018 & STR 046 (All Wards)
Proposal/Issue	:	Review of adopted Outbuildings Policy
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Planning Officer (T Sounness) Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/02/03 - Item 11.3.1 OCM 19/11/02 - Item 11.3.1
Summary Recommendation	:	Resolve to conduct an Elected Members workshop on the Outbuildings Policy.
Bulletin Attachment	:	Existing Outbuildings Policy
Locality Plan	:	N/A

BACKGROUND

1. Council adopted the existing Outbuildings Policy at it's meeting dated 18 February 2003, via the following resolution:

“THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A and clause 6.9 of the City of Albany Town Planning Scheme No. 3, resolve to adopt the ‘City of Albany – Outbuilding Policy’ and rescind ‘Guideline 3 – Outbuildings – Town Planning Scheme 1A’ and ‘Guideline 4 – Outbuildings – Town Planning Scheme 3’ as a Town Planning Scheme policy and advertise the changes in accordance with the Scheme.”
2. Whilst the majority of outbuilding applications received meet the requirements of the Outbuildings Policy, it is not uncommon for landowners to request a relaxation of the height and/or floor space provisions. This is particularly the case in the “Residential” and “Special Residential” zones.
3. Landowners seeking a relaxation of the Policy usually cite the following reasons for their request:
 - The need to gain enough height clearance to accommodate a large caravan or boat.
 - The need to store machinery (tractors, light trucks, garden equipment, standard vehicles etc) in addition to providing enough space for a workshop.
4. Councillor Wellington has requested that this matter be presented to Council to allow debate on the adequacy of the existing Outbuildings Policy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

7. There are no financial implications relating to this item

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- Providing sound governance

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. Applications for outbuildings are assessed against the criteria specified in Council’s adopted “Outbuildings Policy”. The Policy sets out maximum outbuilding heights (to walls and ridge) as well as floor space limits, which are based on the zoning of the land. A copy of the policy is included in the Elected Members Report/Information Bulletin.

10. The main aim of the outbuildings policy is:

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

11. With the exception of outbuildings in rural areas, height limits have been applied to outbuildings to ensure that they are of a residential or domestic scale when viewed from surrounding properties. Similarly wall heights and floor space restrictions were introduced to prevent an outbuilding from being used to store commercial vehicles (predominantly trucks) or to accommodate light industrial activities, as those activities have the potential to affect neighbouring properties through noise or other nuisance.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

12. Councillor Wellington has been approached by several ratepayers who wish to store their caravans under cover. A caravan fitted with an air-conditioning unit requires a clear opening of 3.3 metres. If a roll-a-door is fitted to the shed, the wall height may need to be increased to 3.6 metres. The overall size of the shed also needs to be increased if the entire caravan (including tow hitch) is to be secured.

Truck Storage / Light Industrial Activities

13. From complaints received and staff's observation, there does not appear to be an abundance of trucks or commercial activities within residential or special residential areas. It is unclear whether the height and floor space provisions of the existing policy have deterred truck operators from locating in such areas or whether there is little desire from the operators to occupy domestic outbuildings due to obvious land use conflicts. If larger wall heights were proposed the capacity for the outbuilding to be used for commercial or industrial purposes would increase. Even if the current landowner had no intention to use the outbuilding for commercial purposes, a large shed may encourage a subsequent landowner to do so.
14. Some operators find it difficult to pay for an industrial property in addition to a residence, and currently occupy rural or special rural land where the land area is large and more generous outbuilding provisions apply.
15. Although floor space is an important factor in supporting a commercial operation, the opening heights are seen as more crucial as associated vehicles generally require additional height clearance.

Bulk and Scale

16. In relation to the visual impact of outbuildings, the main area of community concern in the past has focused on the use of reflective materials such as zincalume, rather than excessive bulk or size.
17. As a standard residential dwelling has a wall height of 2.4 metres (ridge height of around 5 metres), a large outbuilding has the potential to be out of scale in the residential landscape, and impact on the amenity of neighbouring landowners. As lot sizes increase, the detrimental impact of a large outbuilding is reduced, given the separation between structures and the significant setbacks from public roads.
18. Given all the issues involved, it is recommended that staff hold a workshop with Councillors to explore a range of scenarios in detail prior to the preparation of a revised policy. After the workshop has been held, Staff can prepare a draft policy for Council consideration at the next ordinary meeting of Council.
19. Staff have undertaken research in relation to standard caravan and truck heights (with or without loads) and have included this information in a preliminary issues paper attached to the rear of this report. Two applications have also been lodged to increase building height and they need to be deferred until a position has been taken by Council.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

RECOMMENDATION

THAT Council resolves to;

- i) conduct a workshop with staff to explore the issues associated with the existing outbuildings policy with a view of identifying any opportunities to improve the existing Policy; and
- ii) consider a review of it's Outbuilding Policy at it's next ordinary Council meeting (July).

Voting Requirement Simple Majority

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WALKER**

THAT Council resolves to;

- i) conduct a workshop with staff to explore the issues associated with the existing outbuildings policy with a view of identifying any opportunities to improve the existing Policy; and**
- ii) consider a review of it's Outbuilding Policy at it's next ordinary Council meeting (July).**

MOTION CARRIED 13 – 0

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

**Outbuilding’s Policy: Elected Members
Issue Paper for the purpose of Policy Review.**

EXISTING OUTBUILDINGS POLICY

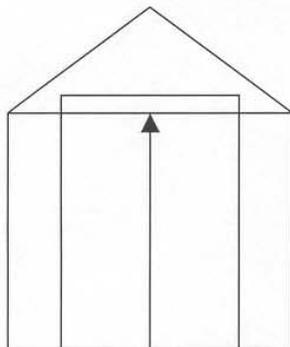
The existing decision making framework for Outbuildings is as follows (Taken from the Adopted Outbuildings Policy):

TABLE ONE

Scheme	Zoned Land with Residential Landuses	Existing Policy Deemed to Comply			Existing Policy Performace Criteria Applies		
		Wall	Ridge	Floorspace	Wall	Ridge	Floorspace
1A	Residential	2.4m	4.2m	60m2	3.0m	4.2m	100m2
	Future Urban	2.4m	4.2m	60m2	3.0m	4.2m	100m2
	Yakamia Creek						
	Rural	Limited Guidance			Limited Guidance		
3		Wall	Ridge	Floorspace	Wall	Ridge	Floorspace
	Residential	2.4m	4.2m	60m2	3.0m	4.2m	100m2
	Residential Development	2.4m	4.2m	60m2	3.0m	4.2m	100m2
	Special Residential	3.0m	4.2m	100m2	3.0m	4.2m	120m2
	Special Rural	3.3m	4.2m	120m2	3.3m	4.5m	150m2
	Conservation	NO GUIDANCE			NO GUIDANCE		
	Rural	Limited Guidance			Limited Guidance		
	Light & General Industry (as per D-Codes)	2.4m	4.2m	60m2			

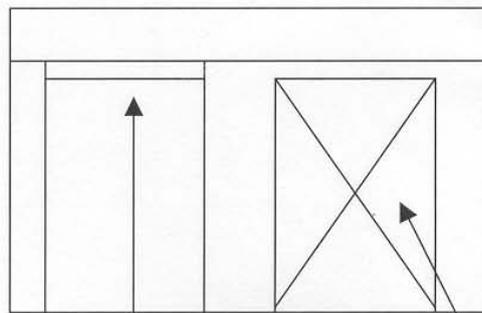
1. CARAVANS & BOATS – HEIGHT REQUIREMENTS

EXAMPLE 1 – GABLE END



Roller Door Unit within gable space – does not effect wall height

EXAMPLE 2 – SIDE OF OUTBUILDING



Roller Door Unit cannot be positioned within roof space given orientation off ridge – therefore wall height needs to increased by 500mm

A sliding door would allow facilitate lower wall heights for caravans or boats

- It is not only the height of the caravan that needs to be considered, but the positioning of the openings. If the opening is located at the gable end the roller door unit, which is typically 500mm in height, can be accommodated within the roof space. Openings at the side of an outbuilding need to add 500mm to accommodate the roller door unit.

DEVELOPMENT SERVICES REPORTS

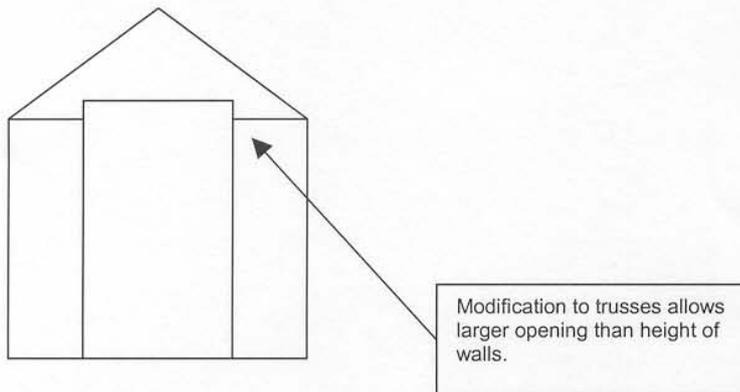
Item 11.3.4 continued

Below is the wall heights needed to accommodate a large caravan:

TABLE TWO

Caravan Height (from ground to roof)	2.7 metres
Air conditioning unit (mounted on roof)	0.3 metres
Roller door unit (diameter) – if on side	0.5 metres
Concrete Pad	0.1 metres
Total Height (Roller door unit at gable end)	3.1 metres
Total Height (Roller door unit side)	3.6 metres

- The current policy only allows a maximum wall height of 3 metres however, some landowners have modified their outbuildings to cater for the additional height clearance as shown below:



Modification to trusses allows larger opening than height of walls.

- If landowner proposes opening at gable and modifies trusses, any caravan could be accommodated under the existing height restriction of 3 metres. Council may want to extend the height limit to 3.2 metres so that a standard truss arrangement can be used, however access from the side would not accommodate large caravan.
- A standard single residential dwelling has a wall height of 2.4 metres. Would an additional metre in height result in an undesirable height in a residential zone? Larger wall heights may be appropriate in special residential and special rural areas where lots are considerably larger.
- It should also be noted that a 5.5 metre caravan requires an additional 1.5 metres of space to accommodate the tow hitch. In many instances the caravan also needs to be stored alongside the family boat and room is needed in the shed for a workshop or for storage purposes.

2. TRUCKS & OTHER COMMERCIAL VEHICLES

- Mentioned below are cab heights for trucks, which are all around the 3.2 metre to 3.8 metre height range when the exhaust stack is included. This table does not go into load and/or trailer heights, which can differ markedly depending on purpose and configuration.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

TABLE THREE

Model	Weight	Height
Isuzu NPR 300	6.5 to 7.5 tonnes (Gross Weight)	Cab Height of 2.245 metres. Exhaust Stack height unknown.
Isuzu 950 HD	16.5 tonnes (Gross Weight)	Cab Height of 2.762 metres. Exhaust Stack height of 3.425m.
Mack MIDLUM MV12	11.9 tonnes (Gross Weight)	Cab height of 2.702 metres. Exhaust Stack height unknown.
Mack Meritor Interstate Fleetliner	10 tonnes (Prime Mover Only)	Cab Height of 3.007 metres. (DayCab) Cab Height of 3.275 metres (Standard Sleeper) Cab Height of 3.795 metres. (Supercab sleeper)

- An increase in wall height to around 3.5 metres would increase the proportion of trucks that could be accommodated within a domestic outbuilding.
- Standard light trucks with refrigeration units attached are around 3.2 metres to the top of the pan (*Source: Grande Food Service*). The trucks used by Albany Truck Hire are 3.4 metres to the top of the pan.
- There is currently provision in the Scheme to protect the amenity of residential areas by requiring that commercial vehicles within residential zones are not be in excess of 3 metres in height or be more than 3 tonnes tare weight. Council can authorise staff to commence action against any landowner to have it removed, however this is generally only pursued if neighbours advise Council that noise and other nuisances are affecting lifestyle.
- In all other zones an application would be needed for a home business involving truck storage, and neighbours would be given the opportunity to comment on the proposal. Council recently dealt with an application for an outbuilding to house a commercial vehicle in the special residential zone, and after public advertising (and a number of submissions being received), the applicant withdrew the application. (Refer OCM 11.1.4 from 17/05/2004).
- The parking of commercial vehicles may have a detrimental impact on the residential amenity of the locality by way of engine noises, air brake noises, mechanical repair work, after hours cleaning work, dust and residue impacts, and complaints may be made in relation to these item releasing dust, vibration and noise into the environment.

3. SERVICE IMPLICATIONS

- There may be merit in increasing the 'standard height requirements' for the residential zone from 2.4 metres to 2.7 metres to reflect standard as-engineered outbuilding heights, which could reduce the annual number of planning scheme consents received by around 15.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- If Council were to increase other wall height and floor space provisions, there may be more complaints from neighbours in relation to bulk and scale and more opportunities for trucks to utilise outbuildings. Additional compliance would need to be carried out.

4. WHERE TO FROM HERE

Some of the questions that need to be addressed are:

RESIDENTIAL ZONE

1. Does Council wish to increase the wall height provisions for the residential zone, to cater for a large caravan or boat?
2. Should Council make additional allowances for those people who wish to create openings in the side of their outbuildings and fit a roller door unit, even though a sliding door or utilising the gable end will allow for large caravans to be stored with a lesser wall height?
3. Does Council wish to increase the wall height of a residential outbuilding much greater than 3 metres given the wall height of a house is typically 2.4 metres?
4. Many metropolitan local authorities have adopted the outbuilding requirements stipulated within the Residential Design Codes, which restricts the size of an outbuilding in a residential area to 60m². Council's policy is considerably more generous in that it allows an outbuilding of up to 100m². Is Council satisfied that the floor area restrictions are adequate to accommodate for the needs of Albany residents versus Perth residents, and are there any major differences in storage needs?

SPECIAL RESIDENTIAL OR SPECIAL RURAL ZONE

5. Referring to Table One above, should the wall heights for an outbuilding in a special residential zone be increased to say 3.3 or 3.5 metres reflecting the larger lot sizes in these areas? Similarly should the wall heights for special rural be increased to 3.5 metres or kept the same?
6. Would an increase in wall heights in these zones encourage owner-operator truck operations to enter into these areas, and is this something we should try and prevent through the outbuildings policy?
7. By applying the existing wall heights is Council penalising the odd person who legitimately wants to house a large caravan or boat on the basis that in the future the outbuilding could be used for an illegal commercial activity and is that reasonable?

DEVELOPMENT SERVICES REPORTS

11.3.5 Local Planning Strategy – Draft Retail Development Strategy

File/Ward	: STR 156 (Various Wards)
Proposal/Issue	: Draft Retail Development Planning Strategy to replace existing Albany Commercial Strategy.
Subject Land/Locality	: Various
Proponent	: City of Albany (Shrapnel Urban Planning as consultant)
Owner	: Various
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/04/05 - Item 11.1.8
Summary Recommendation	: Amend Report and forward to WAPC.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. At the April meeting of Council the draft Retail Development Strategy prepared on behalf of the City of Albany by Shrapnel Urban Planning was considered and the following resolution passed;

“THAT Council;

- i) instruct the consultant to undertake the following modifications to the draft Retail Development Strategy:*
 - a) reference to the timing of further development of Brooks Gardens Centre be modified to allow Council to consider such development within the life of this Strategy.*
 - b) that text in the report reflecting the consultants opinion on specific developments be removed from the strategy, inclusive of the following:*
 - References to marketing of the Orana Drive-in-site (pg 51)*
 - References to seven-day trading at Farm Fresh (pgs 27, 28 and 64), given there is referendum on the issue to be voted on by the Albany community.*
 - References to ad-hoc development at Farm Fresh, despite compliance with the Catalina Central Planning Framework (pg 28).*
 - References to floor space being well presented and likely to be quickly leased at the Albany Primary School Site (pg 50).*
- ii) adopt for public comment the draft Retail Development Strategy from Shrapnel Urban Planning subject to the above modifications being made to the document.*
- iii) forward the draft strategy to the Department for Planning and Infrastructure for comment, prior to advertising commencing;*

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

- iv) *upon receipt of comments from the Department for Planning and Infrastructure undertake a two month advertising period for public consultation on the draft strategy; and*
- v) *consider any submissions received following completion of the advertising period.”*

2. Shrapnel Urban Planning were consulted following the meeting and the response to the changes sought by Council follows this report

STATUTORY REQUIREMENTS

3. Since 1991, the Department of Planning and Infrastructure (then the Department of Planning and Urban Development) has had in place Guidelines for the Preparation, Form and Content of Local Commercial Strategies. In Section 2 of those Guidelines the purpose of a local commercial strategy is explained. The concluding comment in that section reads *“the local commercial strategy is first and foremost a guide to decision-making. It will assist local authorities in consideration of the location, content, form and staging of commercial development. It will also provide residents, traders, developers and the community in general with a degree of certainty in relation to the future pattern of commercial development in their locality.”*
4. The WAPC also has introduced Statements of Planning Policy, including the State Planning Framework (SPP 1), which are endorsed under Section 5AA of the Town Planning and Development Act. The City’s current Commercial Strategy is recognised within the Commission’s policy framework and it guides both State and Local Government decision-making. The Retail Development Strategy, once adopted, will enjoy the same legal status as the current strategy.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Council commissioned the consultant to prepare the report and entered into a \$45,000.00 contract.

STRATEGIC IMPLICATIONS

7. Following the adoption by Council and the Western Australian Planning Commission, the Commercial Strategy Review (2000) became the strategic decision-making framework for commercial development in the City of Albany. That strategy will continue to operate until both organisations can endorse a replacement strategic framework. If Council was unable to provide the Commission with a strategy that meets their agreed requirements, the current strategy would prevail.

COMMENT/DISCUSSION

8. Council’s previous motion sought five (5) changes to the draft strategy prepared by Shrapnel Urban Planning. In his response, Mr Shrapnel has agreed to two of the required changes, has suggested that two others not be pursued and that Council may want to pursue an alternate strategy relative to the staging of development at “Brooks Garden”.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

- 9. The guideline for the preparation of Local Commercial Strategies mentioned above, clearly indicates that the strategy is to analyse retail requirements and provide direction on the scale of centres and “the staging of development”. The comments from Mr Shrapnel are consistent with the WAPC’s guidelines and the retail modelling that he has undertaken (also consistent with the findings of Woolworth’s consultant retail analyst). The report sought to provide direction on retail needs over the short term (5 to 8 years) as well as highlighting longer term trends; Staff suggest that the removal of the longer term predictions from the report will bring the strategy into conformity with current guidelines and allow debate on the location of an out of town Discount Department Store to be resolved through a future review of the strategy (reviews are currently occurring regularly at 5 year intervals).
- 10. Council direction is sought on the relevance of the consultant’s comments on the Orana site, as it does not change the fundamental direction of the strategy. The referendum on seven day trading has now been conducted and the comments in the draft strategy will reflect an historic set of circumstances and are unlikely to change the overall strategic framework espoused in the report.

RECOMMENDATION

THAT, in respect of the draft Retail Development Strategy and the comments received from the consultant, Council requires Shrapnel Urban Planning to;

- i) remove all reference to Brooks Garden as a future regional sub-centre from the current draft strategy;
- ii) review the comments in the strategy as they relate to seven-day trading at Brooks Garden to acknowledge the outcomes of the 2005 referendum on retail trading hours;
- iii) delete the words “on a more or less ad hoc basis” from lines one and two of the second last paragraph on Page 28; and
- iv) delete the words “is bound to be well presented, so it” from lines one and two of the third paragraph on Page 50.

Voting Requirement Simple Majority

.....

Councillor’s Lionetti and Marshall declared an interest in this item and left the Chamber at 8.35pm. The nature of Councillor Lionetti’s interest is that he is the owner of a shopping centre in Spencer Park. The nature of Councillor Marshall’s interest is that he is employed as Manager of the North Road Shopping Centre.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR BOJCUN**

THAT, in respect of the Draft Retail Development Strategy and the comments received from the consultant, Council requires the consultant and/or staff to amend the draft strategy by;

- (i) reviewing the comments in the Strategy at pages 27, 28 and 64 as they relate to seven day trading at Brooks Garden to acknowledge the outcomes of the 2005 referendum on retail trading hours;**
- (ii) deleting the words “on a more or less ad hoc basis” from lines one and two on the second last paragraph on page 28;**
- (iii) deleting the words “is bound to be well presented, so it” from lines one and two on the third paragraph on page 50;**
- (iv) deleting dot point five from Section 6.7 on page 51; and**
- (i) deleting dot points one and three from section 7.5.3 on page 64, delete all the words following “and the Farm Fresh / Brooks Garden site being identified as the site for a future Regional Sub-Centre.” in Section 7.8 on page 67 and carry out minor editorial changes as required (eg. delete “during a subsequent RDS review” from dot point two on page 72).**

AND

THAT Council undertake a workshop during the consultation phase of the Retail Development Strategy to consider the issue of the planning and timing of the Brooks Garden Regional Sub-centre.

MOTION CARRIED 8 - 3

Reason:

- The Officer recommendation does not reflect Council's previously endorsed position, the intentions of the owners of the site, nor the best interests of the broader Albany and Great Southern community.

Councillor's Lionetti and Marshall returned to the Chamber at 8.55pm

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

SHRAPNEL URBAN PLANNING

Suite 18
336 Churchill Avenue
Subiaco 6008

Phone (08) 9388 2893 Fax (08) 9381 4208

9 May, 2005

Mr Phil Shephard
Strategic Planning Officer
City of Albany
PO Box 484
ALBANY 6331

STR156/ LT502533

Dear Phil

COUNCIL DECISION ON DRAFT RETAIL DEVELOPMENT STRATEGY

Thank you for your letter dated 26 April 2005 seeking my response to the Council's recent decision on the draft Retail Development Strategy (RDS). My response to each of the sub-points to your main point *i*) is set out below.

Point a) – the timing of Brooks Garden

In preparing the RDS I have sought to provide the Council with a sound longer term perspective to serve as the framework for its short term decision making. However, not all longer term components of a strategic planning framework can be implemented in the short term with impunity. Staging of development is frequently required in order to achieve necessary planning objectives.

As explained on Page 72 of the Strategy (and elsewhere in the document), development of any regional sub-centre at Brooks Garden **must** be staged in order to ensure the maintenance of the economic viability of the regional (town) centre. This primary planning objective is essential to Albany's future and cannot be compromised.

Removal of the key recommendation to stage Brooks Garden would be fatal to the Strategy in its current form, as it could seriously compromise the primary planning objective. Also, further significant changes would be required elsewhere in the Strategy document to maintain its consistency and coherence. Other important recommendations would need to be changed.

If the Council is uncomfortable with the process of staging development within the longer term strategic planning framework provided, then it would be preferable to remove the designation of Brooks Garden as a future regional sub-centre from the Strategy altogether, and maintain its status as a neighbourhood centre for the time being. Naturally the Council would still be able to reconsider the matter during preparation of a subsequent strategy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

SHRAPNEL URBAN PLANNING

Recommendation

Either maintain the principle of staging Brooks Garden in accordance with the current draft RDS, **or** remove all reference to Brooks Garden as a future regional sub-centre from the current RDS, albeit still with a view to reconsidering its status during the preparation of a subsequent strategy.

Point b) – that certain opinions be removed from the strategy

As you are aware, the RDS is essentially two documents rolled into one:

1. The Strategy itself (including the section on Implementation); and
2. Supporting data, analysis and discussion.

The material covered by Point 2 above is an essential component of preparing a RDS, and cannot be delivered without expressing professional opinions. The opinions expressed in the RDS are entirely my own and will remain so. Accordingly, in reviewing the Council's decision, I have considered each point to see whether:

1. I was mistaken (if so, the mistake is corrected); and
2. The opinion is one that it was relevant to express within the context of the RDS.

Each of your dot-points is now considered in this light.

Point 1 – Orana Drive-in site

The point made in the RDS is both correct and relevant as it is a factor in the Orana drive-in site's development potential.

Recommendation

No change to the RDS.

Point 2 – Seven- day trading at Farm Fresh

The point made in the RDS is both correct and relevant. Normally, retail trading hours are not a factor in a RDS because they either apply across the board or apply to defined tourism precincts. However, in applying solely to a major supermarket outside a tourism precinct, the differential trading hours affect the operation of the market without any discernable rationale. It is this which makes the matter relevant to the RDS – all the more given the RDS recommendation to consider applying differential trading hours exclusively in the defined tourism precinct.

Recommendation

No change to the RDS.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

SHRAPNEL URBAN PLANNING

Point 3 – Reference to ad-hoc development at Farm Fresh

I accept that this reference in the RDS is not strictly correct.

Recommendation

Delete the words ...“on a more-or-less ad hoc basis”... from lines one and two of the second-last paragraph of Page 28.

Point 4 – Reference to floor space presentation and leasing potential at Albany Primary School Site

I accept that the statement about presentation is superfluous. The point about leasing quickly is relevant, however, because it is part of the reason behind important concerns about the potential cause of vacancies elsewhere in the town.

Recommendation

Delete the words ...“is bound to be well presented, so it”... from lines one and two of the third paragraph on Page 50.

I trust that, when considering this letter, the Council will appreciate the need for an important document such as the RDS to maintain its internal logic and integrity as any necessary refinements are incorporated as part of the process of progressing it to the point of acceptance by both the Council and the Western Australian Planning Commission.

If I can be of any further service, do not hesitate to contact me.

Yours Sincerely

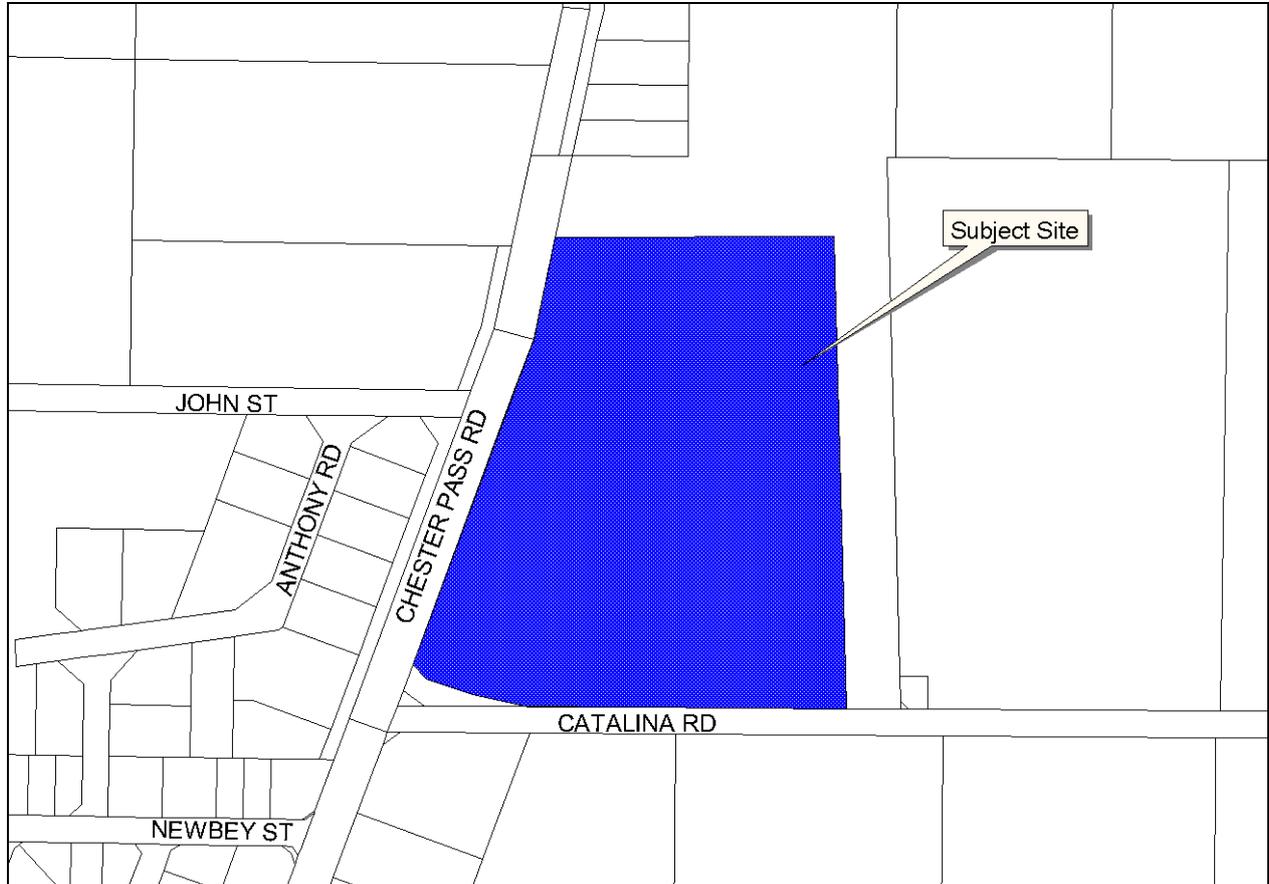


SHRAPNEL URBAN PLANNING
Tony Shrapnel, Managing Director

DEVELOPMENT SERVICES REPORTS

**11.3.6 Scheme Amendment Request – Discount Department Store - Lots 40 and 101
Chester Pass Road, Lange**

File/Ward	: A186329A (Yakamia Ward)
Proposal/Issue	: Preliminary request to rezone Lots 40 and 101 Chester Pass Road, Lange to permit a 'discount department store'.
Subject Land/Locality	: Lots 40 and 101 Chester Pass Road, Lange
Proponent	: Taylor Burrell Barnett
Owners	: King Open Pty Ltd
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Decline the request
Bulletin Attachment	: Scheme Amendment Request
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. Taylor Burrell Barnett, on behalf of KingOpen Pty. Ltd., is seeking Council's preliminary support to rezone Lots 40 and 101 Chester Pass Road, Lange. The proposal would involve the extension of Additional Use Site No. 9 to permit a discount department store on the subject site. A copy of the applicant's submission is contained in the Elected Members Report / Information Bulletin (full copies of Appendix 1 are to be supplied under separate cover to Councillors).
2. The proponent and the landowners have requested that this matter be brought forward at this time.

STATUTORY REQUIREMENTS

3. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and to identify the issues that Council will need to have addressed in the Scheme Amendment documents.
4. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.
5. KingOpen's land is currently zoned "Mixed Business" and there is an "Additional Use" zone sitting over the southernmost portion of the site to provide for the construction of a 5,000m² neighbourhood shopping centre and 500 m² of office development. Actual development within the zone is then subjected to the Catalina Central Planning Framework, a policy document adopted by Council under clause 5.22 of Scheme 3. Within the Mixed Business zone principles "*development of a Discount Department Store is not permissible.*"

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - Commercial Centres Strategy for Albany (1994); and
 - The Albany Commercial Strategy Review (2000).
7. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. The Albany Commercial Strategy Review (2000) is acknowledged within the State Planning Framework Policy.
8. The City has prepared the Retail Development Strategy to replace the Albany Commercial Strategy Review (2000) and that document has been given preliminary endorsement by Council.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

- 10. The Commercial Centres Strategy for Albany (1994) and the Albany Commercial Strategy Review (2000) both form part of the current State Planning Framework Policy (SPP 1). There is a requirement for Council and the WAPC to have regard to that framework when assessing scheme amendment proposals. Neither strategy supports the development of the subject site beyond a neighbourhood centre.
- 11. The more recent strategy prepared by Council, the draft Retail Development Strategy (2005), explores the need for additional retail activity (both food and non-food retailing) in Albany and has concluded that substantial additional floor space cannot be sustained in the immediate future. If supported, the proposal would add approximately 7,500m² of additional retail floor space, bringing the retail component on-site to approximately 13,300m².
- 12. Within the current strategic planning framework, the proposal would be considered a spot rezoning, contrary to current State and local strategic policy and at variance with the policy advice that Council has received from its specialist retail consultant.

COMMENT/DISCUSSION

- 13. An economic impact assessment has been prepared for the landowners to support the amendment request. Not surprisingly, this assessment provides a retail analysis to support the proposed development using gravity modelling which Council heavily criticised in the previous retail strategies applied to the City. Council's consultant has used a retail demand model, factoring "Albany circumstances" into the calculations and found that the additional retail floor space, with projects already approved by Council coming into fruition, cannot be justified in the short term.
- 14. Retail modelling is undertaken to provide sound advice on the current retail fabric and on the capacity of the community to sustain additional retail growth. Providing a massive oversupply of retail floor space will not create additional jobs, nor will it promote fair competition amongst retailers, it simply diminishes the value of the City's urban fabric and displaces existing jobs and investment. No existing or proposed retail strategy supports the establishment of a Discount Department Store on the subject site in the short term and staff cannot provide a compelling argument to entertain this request.

RECOMMENDATION

THAT Council advise Taylor Burrell Barnett that, based upon both the current and planned retail strategic framework, it is unlikely to support a proposed amendment to Town Planning Scheme No. 3 to accommodate the development of a Discount Department Store and additional retail shopping on Lots 40 and 101 Chester Pass Road, Lange.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

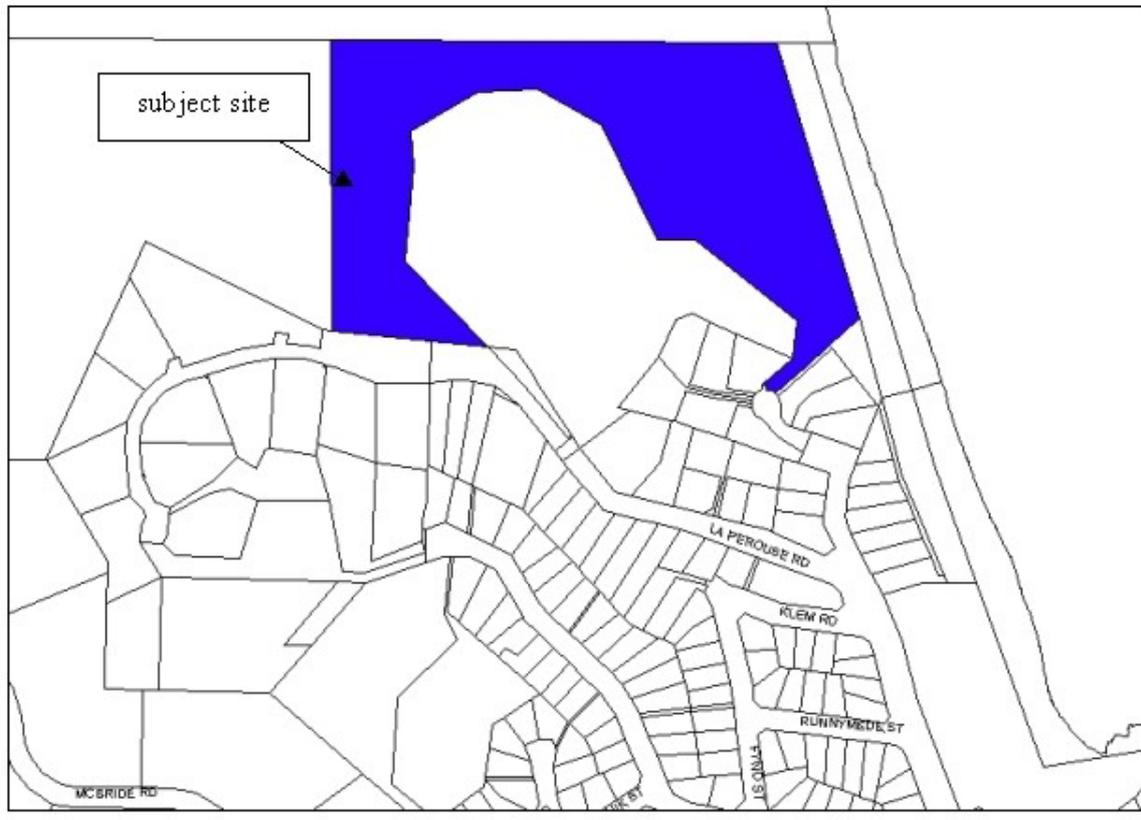
Item 11.3.6 continued

The Executive Director of Development Services advised that Kingopen Pty Ltd had requested the withdrawal of this item.

DEVELOPMENT SERVICES REPORTS

11.3.7 Scheme Amendment Request – Lot 660 La Perouse Court, Goode Beach – Holiday Chalets and Restaurant

File/Ward	:	A185769A (Vancouver Ward)
Proposal/Issue	:	Change zoning on land from “Rural” to “Special Use” to develop Holiday Chalets and Restaurant
Subject Land/Locality	:	Lot 660 (Previously Lot 401) La Perouse Court, Goode Beach
Proponent	:	Dykstra and Associates
Owner	:	Nildra Pty Ltd
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	SOA 09/04/1997 - Item 13.3.1
Summary Recommendation	:	Support request in part
Bulletin Attachment	:	Copy of Scheme Amendment Request document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. Lot 660 La Perouse Court has an area of 4.8 hectares and was part of Lot 401, prior to the subdivision of the southern portion of that lot for Special Residential purposes. Lot 660 is the land “left over” following the controversial rezoning of the land; the lot is also subject to a Deed of Agreement to cede a large portion of the land for Public Open Space purposes (to protect Lake Vancouver and its environs) once the future uses of the lot are resolved.
2. The proponent is seeking Council support to proceed with the documentation of a scheme amendment which will allow 30 single storey chalets and a combined restaurant / reception facility (open to the public) to be constructed on the land. The proponent’s justification of this proposal is set out in the Scheme Amendment Request document in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).
6. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
7. The subject site is located within Princess Royal Harbour Policy Area 8 of the City’s Local Rural Strategy. The policy statement for this precinct indicates, amongst other matters, *“that Council will consult with landowners with a view to rezoning the area to environmental protection (landscape, flora and fauna) and utilising appropriate zoning provisions which allow for the establishment of a dwelling house and possibly tourist and other uses which could be established without undue detriment to the landscape, flora and fauna.”*

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

FINANCIAL IMPLICATIONS

8. Should the land be rezoned and developed, a large tract of land would be transferred to Council as Public Open Space. That area has high wetland conservation values and the surrounding bush would need active management to ensure the chalet development and existing residential properties are not put at additional risk from wildfires.

STRATEGIC IMPLICATIONS

9. Within the City of Albany Rural Strategy the subject land is included in the Princess Royal Harbour Policy Area 8. The strategy recommends the rezoning of the area for environmental protection and possibly tourist and other uses.
10. The strategy also requires any chalet project involving more than four (4) units to be subject to a scheme amendment process.

COMMENT/DISCUSSION

11. Council considered the final documents for the amendment over Lot 401 in April 1997 and resolved:

“Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) and Regulation 17(2)(b) the Council of the Shire of Albany hereby resolves that amendment No. 143 not be proceeded with for the following reasons;

- *The proposal is in conflict with Council’s Local Rural Strategy in terms of land capability and land suitability;*
- *The subject land has very low capability for housing development and implementation and enforcement of the proposed planning provisions and ensuring buildings will be structurally sound would require an unreasonable commitment of Council resources;*
- *There is significant risk of land degradation due to wind erosion should the proposal proceed; and*
- *The development as proposed will in all likelihood significantly alter the natural features of the landscape and detract from the visual amenity of the locality.*

The proponent be advised that Council may be prepared to consider a more environmentally sensitive residential or tourist development on the site.”

12. The Minister deliberated on the amendment for approximately two years, upholding the rezoning in part by allowing only six Special Residential lots. In her determination, the Minister advised *“That part of the subject land which is proposed to be rezoned Special Residential but is not suitable for that purpose should remain rural (created as lot 660). This will allow the City, in conjunction with the landowner, to pursue an appropriate zoning some time in the future to reflect the potential of the land for low key tourism as identified in the Local Rural Strategy and to introduce any relevant land use controls.”*

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

13. The proponent's document provides a broad description on the form and servicing of a future development and does not comprehensively address the strategic issues associated with the proposal. The earlier notifications from Council and the Minister indicated a preference for a "low key tourism" development on the land and the policy framework for this locality has not been changed since that advice was provided.
14. The document was referred to the Department of Environment and the Department of Planning and Infrastructure. Those agencies are concerned with the proposal and have noted the need to address or resolve:
 - Consistency of proposal with Local Rural Strategy
 - Reconciling the extent of Foreshore and Public Open Space land with development potential and the environmental imperatives of the site
 - The need to address the State Coastal Planning Policy
 - The density of development (more units than the 16 rejected earlier)
 - Land capability for the intended development
 - Capacity to preserve visual landscape and vegetation
 - Fire safety
 - Wetland protection
15. In the mid 1990s detailed analysis of the capability of this land found that it was unable to support 16 Special Residential lots. The land is equally unsuitable to be used for Rural purposes and the issue currently before Council is what constitutes a "low key tourism" development.
16. The footprint of a chalet is considerably smaller than for a permanent dwelling unit and there is no requirement to develop storage sheds, boundary fencing, etc. for individual units in tourism projects. Nonetheless, the 30 chalets will generate similar volumes of effluent and traffic to 16 permanent dwellings and the amount of land disturbed will be comparable (5 units per hectare) or greater. The introduction of a public restaurant then adds significantly to on-site activity and also to effluent volumes, vegetation removal, bushfire risk and local traffic volumes.
17. Staff support an amendment to the scheme and the mechanism proposed is acceptable. However, the information supplied to date would not justify the extent of development proposed and that would need to be proven through comprehensive site analysis and in consultation with the relevant agencies.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

RECOMMENDATION

THAT Council advise Nildra Pty Ltd that it would be prepared to receive amending documents for Lot 660 La Perouse Court, Goode Beach to rezone the land from “Rural” to “Special Use” and the amending documents will need to address:

- i) justification for a substantially lower density of development based upon comprehensive site analysis and land capability evaluation;
- ii) compliance of the proposal with the State Coastal Planning Policy;
- iii) the quantum of land set aside for Public Open Space and for development purposes, acknowledging the advice from the EPA in 1993;
- iv) fire safety and the requirements of the Planning for Bushfire Protection policy;
- v) site servicing requirements and current infrastructure availability;
- vi) stormwater management within the site;
- vii) protection of native vegetation;
- viii) visual and erosion impacts of a future development; and
- ix) potential impacts on wetland values and the wetland functions of Lake Vancouver.

Voting Requirement Simple Majority

.....

Councillor Wiseman left the chambers at 9.05pm

Councillor Wiseman returned to the chambers at 9.07pm

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT Council reject the Scheme Amendment Request for Lot 660 La Perouse Court, Goode Beach and advise Nildra Pty Ltd that it is prepared to consider a further Scheme Amendment Request that:

- a) has proper regard for;**
 - a. the land capability assessments reflected in the Local Rural Strategy; and**
 - b. the State Coastal Planning Policy;**
- b) envisages an appropriate low key, clustered tourism development**

MOTION CARRIED 8 - 5

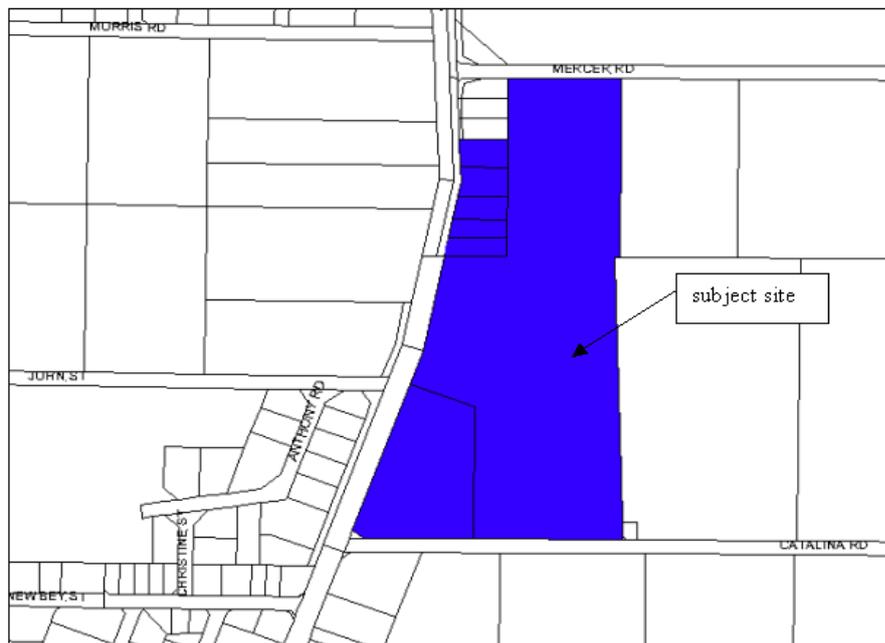
Mayor Goode and Councillors Marshall, Paver, Bojcun, Evans, Jamieson, Wolfe and Walker voted for this motion.

Councillors Emery, Wellington, Waterman, Lionetti and Wiseman voted against.

DEVELOPMENT SERVICES REPORTS

11.3.8 Final Approval to Town Planning Scheme Policy – Catalina Central Planning Framework

- File/Ward** : STR 049 (Yakamia Ward)
- Proposal/Issue** : To adopt the modifications proposed for the Catalina Central Structure Plan
- Subject Land/Locality** : Lots 6, 7, 8, 12, 13, 39, 40, 101 & 293 Chester Pass/Catalina/Mercer Roads, Lange
- Proponent** : Taylor Burrell Barnett
- Owner** : King Open Pty Ltd
- Reporting Officer(s)** : Strategic Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/10/04 – Item 11.3.5
OCM 15/06/04 – Item 11.3.2
OCM 18/05/04 – Item 18.2
OCM 17/06/03 - Item 11.3.2
OCM 18/03/03 - Item 11.3.1
OCM 18/02/03 - Item 11.3.3
OCM 16/10/01 - Item 11.3.2
OCM 26/06/01 - Item 11.1.2
OCM 23/01/01 - Item 11.1.10
OCM 05/09/00 - Item 11.3.3
- Summary Recommendation** : Adopt modifications to the Catalina Central Structure Plan
- Bulletin Attachment** : Copy of Submissions
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

BACKGROUND

1. At its March 2005 meeting Council resolved as follows:

“THAT Council;

- i) modify Precinct 1 documentation within the Catalina Central Planning Framework by introducing ‘Food Wholesaling’ and ‘Garden Centre’ as listed discretionary uses*
- ii) advertise the proposed modification in accordance with Clause 5.22 and Clause 6.9 of Town Planning Scheme No. 3 and represent to Council at the earliest opportunity for consideration; and*
- iii) advertise the proposal for Farm Fresh Food Wholesale to be located on Lot 101 Catalina Road, Lange in accordance with Clause 3.2 (ii) of Town Planning Scheme No. 3 and represent to Council at the earliest opportunity for consideration.”*

2. The draft Policy was advertised for a period of 21 days and at the close of the advertising period, 2 submissions had been received (refer to the Elected Members’ Report/Information Bulletin for a copy of each submission).

3. The proposed modifications seek to include the land uses ‘food wholesaling’ and ‘garden centre’ within the Precinct Plan for Precinct 1. This report deals with adding the uses to the CCPF only, it is not for development approval, which will be the subject of a separate report at a later date.

STATUTORY REQUIREMENTS

4. The Catalina Central Structure Plan (CCSP) is an adopted Town Planning Scheme Policy in accordance with Clause 6.9 of Town Planning Scheme No. 3. The CCSP Policy provides guidance for the development of the subject property.

5. To amend an adopted Town Planning Scheme Policy, Council is required to undertake the following procedures in accordance with Clause 6.9 of Town Planning Scheme No. 3:

- a) adopt and advertise a summary of the draft amended Policy for a period of 21 days;
- b) consider any submissions received as a result of the advertising and resolve to finally adopt the draft amended Policy with or without amendment, or not proceed to adopt the draft amended Policy; and
- c) advertise the adopted final Policy, advising that it supersedes the existing Policy, and keep a copy with the scheme documents for public inspection purposes.

6. Any adopted Town Planning Scheme Policy does not bind Council in making a decision, although the objectives and provisions of the Policy must be considered when determining an application for a development affected by the Policy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

POLICY IMPLICATIONS

7. There are various policies and strategies that have relevance to this proposal. They include:
- a) The State Planning Strategy;
 - b) Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP1);
 - c) Albany Regional Strategy (1994);
 - d) Residential Expansion Strategy (1994)
 - e) Commercial Strategy Review (under review)
 - f) Albany Local Planning Strategy (being prepared)
 - g) Yakamia Structure Plan (1998 - being revised)

FINANCIAL IMPLICATIONS

8. The final adoption of the Town Planning Scheme Policy is required to be advertised in the local newspaper.

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- being the regional retailing and service hub

Mission Statement

The City of Albany is committed to ...

- providing sound governance; and
- promoting our Community’s vision for the future

Priority Projects

No 2. Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism)”

10. Council is currently undertaking a review of the Commercial Strategy. The review recommendations, will affect the future direction of the CCPF.

COMMENT/DISCUSSION

11. The CCPF and Planning Precinct (PP) have been drafted to allow Council to control the uses within the ‘Mixed Business’ zone. The Scheme allows Council the ability to exercise its discretion and allow a mix of uses in each PP within the range of 36 land uses identified in the zoning table. Not all of the 36 identified land uses would be compatible with the existing uses and the planning context that already has been approved by Council, within this Mixed Business site.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

12. Both of the submissions oppose the proposal. The submission from Cardno BSD is opposed to any increase in floor space at the centre and believes that if the proposal proceeds it will go against the current objectives of maintaining the city centre's viability and will undermine the recommendations of the draft Retail Development Strategy. The submission from Mr Dufty contains an expansive commentary on what he sees as problems with the planning process that has created the situation at Catalina today. Neither of the submissions deal specifically with the modifications proposed.
13. Whilst the proposed changes may be considered to be relatively minor (in that they are the relocation of existing uses), the net effect is that approval to these uses on the proposed new site will 'free up' space within the existing buildings for additional uses also. As Staff have suggested before, the long term vision and framework for Catalina in terms of the whole City/Region needs to be considered and adjusted (through the preparation of the Retail Development Strategy), otherwise Council will constantly be reacting to development proposals from the landowners and incompatibility of land uses may result.

RECOMMENDATION

THAT Council:

- i) dismiss the submissions received on the draft modifications to Precinct 1 of the CCPF;
- ii) pursuant to Clause 6.9 of Town Planning Scheme No. 3 adopt the modifications to add 'garden centre' and 'food wholesaling' to Part 4.1.2 of the CCPF as a final Town Planning Scheme Policy to supersede the previous Policy;
- iii) pursuant to Clause 5.22 of Town Planning Scheme No. 3 adopt the modified Precinct Plan for Precinct 1; and
- iv) advertise the final policy in accordance with the Scheme;

Voting Requirement Simple Majority

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WALKER**

THAT Council:

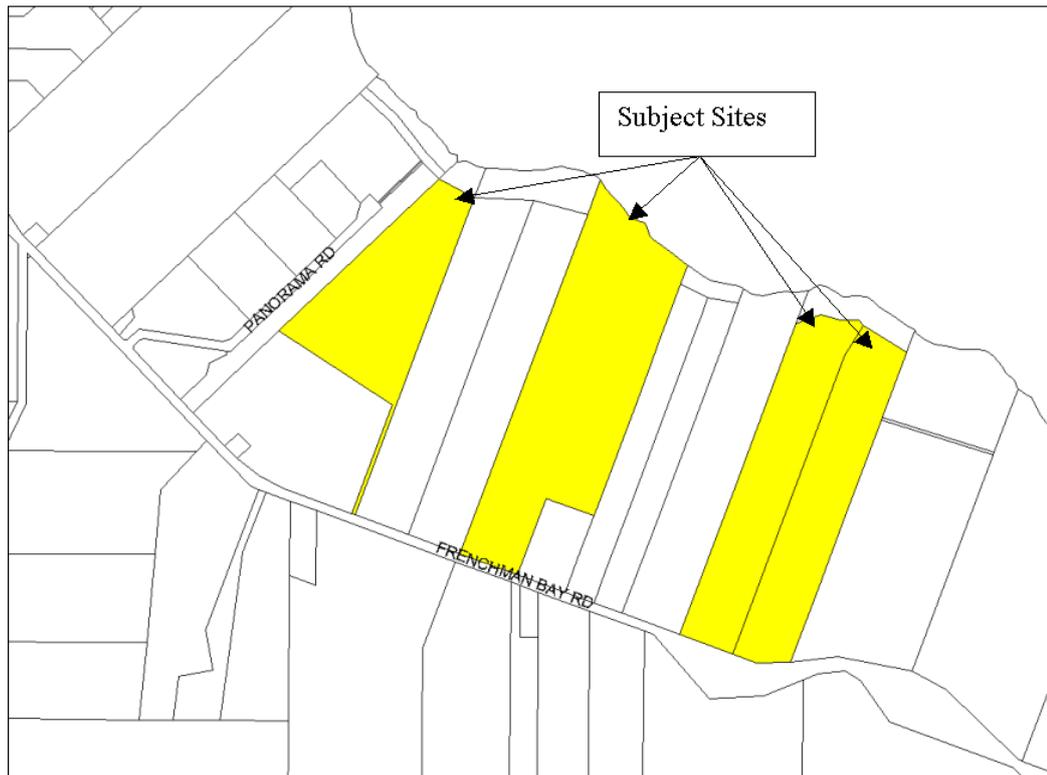
- i) dismiss the submissions received on the draft modifications to Precinct 1 of the CCPF;**
- ii) pursuant to Clause 6.9 of Town Planning Scheme No. 3 adopt the modifications to add 'garden centre' and 'food wholesaling' to Part 4.1.2 of the CCPF as a final Town Planning Scheme Policy to supersede the previous Policy;**
- iii) pursuant to Clause 5.22 of Town Planning Scheme No. 3 adopt the modified Precinct Plan for Precinct 1; and**
- iv) advertise the final policy in accordance with the Scheme;**

MOTION CARRIED 9 - 4

DEVELOPMENT SERVICES REPORTS

11.3.9 Final Approval on Scheme Amendment - No. 232 – Lots 1, 2, 16 and Pt Lot 109 Frenchman Bay Road, Big Grove

- File/Ward** : A36459A (Vancouver Ward)
- Proposal/Issue** : Final Approval for Scheme Amendment to rezone Lots 1,2, 16 & Pt Lot 109 Frenchman Bay Road from 'Rural' to 'Special Rural'
- Subject Land/Locality** : Lots 1, 2, 16 & Pt Lot 109 Frenchman Bay Road, Big Grove
- Proponent** : Ayton Taylor Burrell
- Owners** : Various
- Reporting Officer(s)** : Strategic Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/05/03 – Item 11.3.2
OCM 20/01/04 – Item 11.3.2
- Summary Recommendation** : Grant Final Approval Subject to Modifications
- Bulletin Attachment** : Scheme Amendment & submissions
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

BACKGROUND

1. At its meeting of the 20 January 2004 Council resolved:

“THAT subject to modification in accordance with Department of Environment advice, Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:

- i) *removing Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove from the ‘Rural’ zone;*
- ii) *including Pt Loc 109, Lots 1, 2 and 16 Frenchman Bay Road, Big Grove within the ‘Special Use Zone No. 15’ zone; and*
- iii) *amending the Scheme Maps accordingly.”*

2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed - Advice Given” and was advertised for public inspection until 7 April 2005 (refer to submissions in the Elected Members Report/Information Bulletin).
3. At the close of the advertising period, 18 submissions had been received (refer to the Elected Members Report/Information Bulletin for a copy of each submission).
4. The amendment seeks to rezone the subject area to ‘Special Rural’ to facilitate the subdivision of the affected land into 1 hectare lots and apply special planning controls appropriate to the development.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

- The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).
8. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The subject land is located within the Princess Royal Harbour Precinct 10 of the City's Local Rural Strategy. The policy statement for this precinct states:

“Council will not support any significant development or any subdivision within this Precinct until further study is undertaken as part of the new Town Planning Scheme.”

COMMENT/DISCUSSION

11. When Council initiated the amendment in January 2004, the resolution referred to the land being included within the 'Special Use Zone No. 15', which needs to be corrected as the land is to be included within 'Special Rural Zone No. 33'.
12. The amendment documentation includes:
- i) resolution of those matters raised by the Department of Environment at the SAR stage.
 - ii) a Subdivision Guide Plan and Indicative Local Structure Plan that shows the proposed subdivision design (for both Special Rural and Residential development) on the subject lots. The plan also provides detail on the layout of the remainder of the precinct with reference being given to its longer-term potential for residential subdivision (see copy of both plans following this report).
 - iii) a foreshore management plan.
 - iv) a fire management plan.
13. A Schedule of Submissions has been prepared in which Staff have prepared a comment and recommendation on each of the submissions received for Council's consideration. The Schedule is included in the Elected Members Report/Information Bulletin.
14. The submissions raise a number of issues that have been dealt with in the schedule. Of major importance in concluding this amendment is to resolve the issue of the potential for this area to be sewered. Put simply, if sewer is made available to the area then the proposed subdivision into 1 hectare lots at this stage may negatively impact on the ability to deliver the closer subdivision proposed into the future, without a planning mechanism to secure that potential. If sewer is not available to the area then the subdivision of the area into 1 hectare lots is reasonable. The sewer issue will be discussed and resolved between Council, Water Corporation and Department for Planning and Infrastructure prior to meeting.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

15. From the initial findings of research phase of the Housing Strategy, there is sufficient land zoned “Residential” within the City to cater for many years growth at present rates. Therefore, this land is required in the short or medium-term for urban purposes; it is important to establish the ‘highest and best use’ for the area and then plan to achieve that objective.
16. The present design is not considered to be the optimum outcome for this land and the overall plan relies heavily on adjoining landowner co-operation for this to be achieved, which is opposed by the non-participating landowners. Clearly without landowner support, it is unlikely that some of the required connections will be realised (such as strategic firebreaks). This necessitates a revised design, that can achieve the overall outcome, should consent not be received for these connections. The Department of Environment’s submission also highlighted some problems with the present design that are recommended to be incorporated into the revised design.

RECOMMENDATION

THAT;

- i) in the amending document ‘Special Use Zone No. 15’ be replaced with ‘Special Rural Zone No. 33’;
- ii) Council seek final approval to City of Albany Town Planning Scheme No. 3 - Amendment 232 to rezone Lots 1, 2, 16 and Pt Lot 109 Frenchman Bay Road, Big Grove subject to the modifications detailed in the Schedule of Submissions;
- iii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and
- iv) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT

- i) This matter be laid on the table for 1 month and Council allocate a complete briefing session to discuss this motion; and**
- ii) apply to the appropriate government departments for an extension of time to consider submissions.**

MOTION LOST 6 - 7

Reason:

- More time is needed to fully understand the complexities of this matter.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WISEMAN**

THAT;

- i) in the amending document ‘Special Use Zone No. 15’ be replaced with ‘Special Rural Zone No. 33’;**
- ii) Council seek final approval to City of Albany Town Planning Scheme No. 3 - Amendment 232 to rezone Lots 1, 2, 16 and Pt Lot 109 Frenchman Bay Road, Big Grove subject to the modifications detailed in the Schedule of Submissions;**
- iii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and**
- iv) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

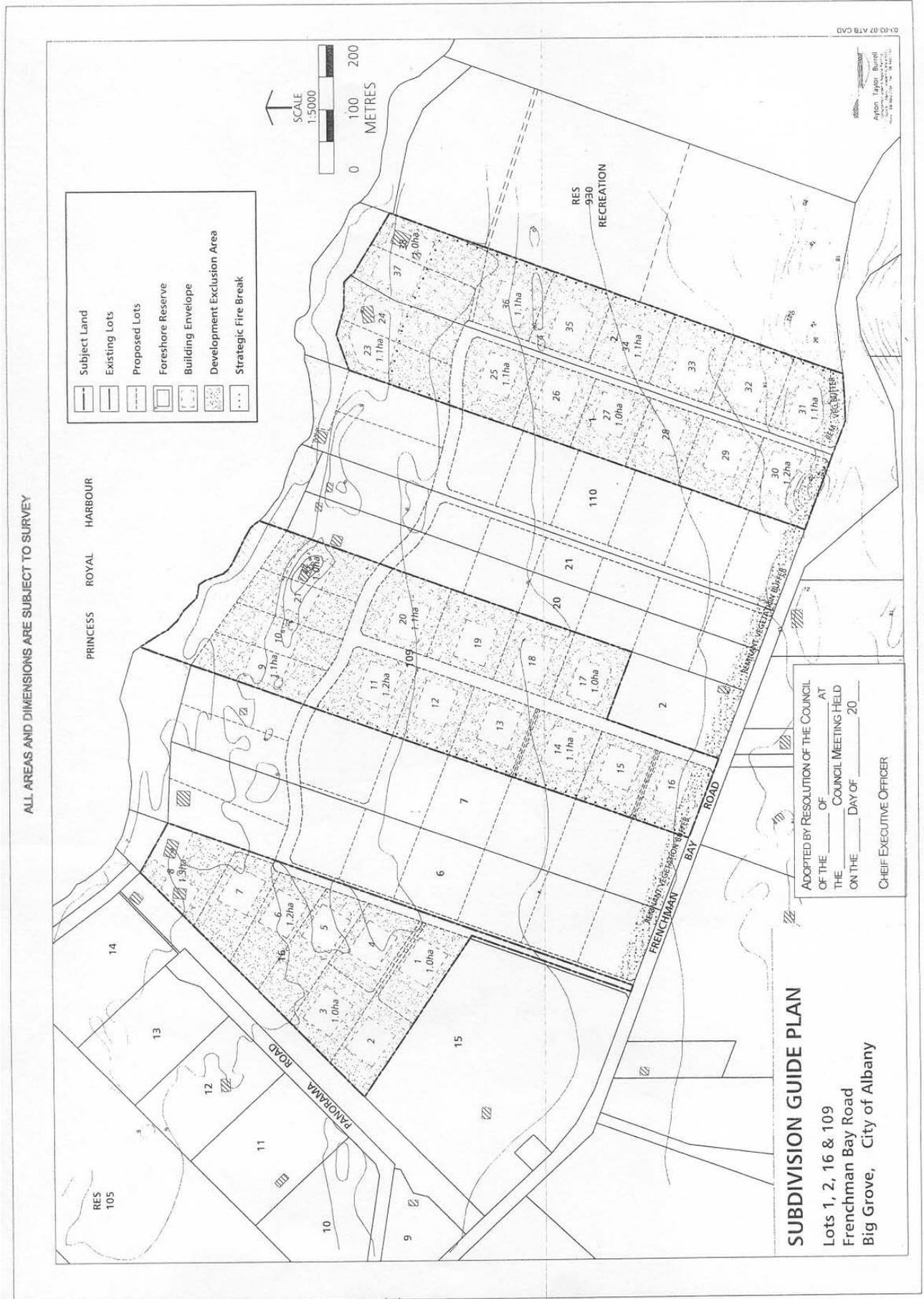
MOTION CARRIED 7 - 6

Councillors Emery, Wellington, Waterman. Walker, Wolfe, Lionetti and Wiseman voted for this motion.

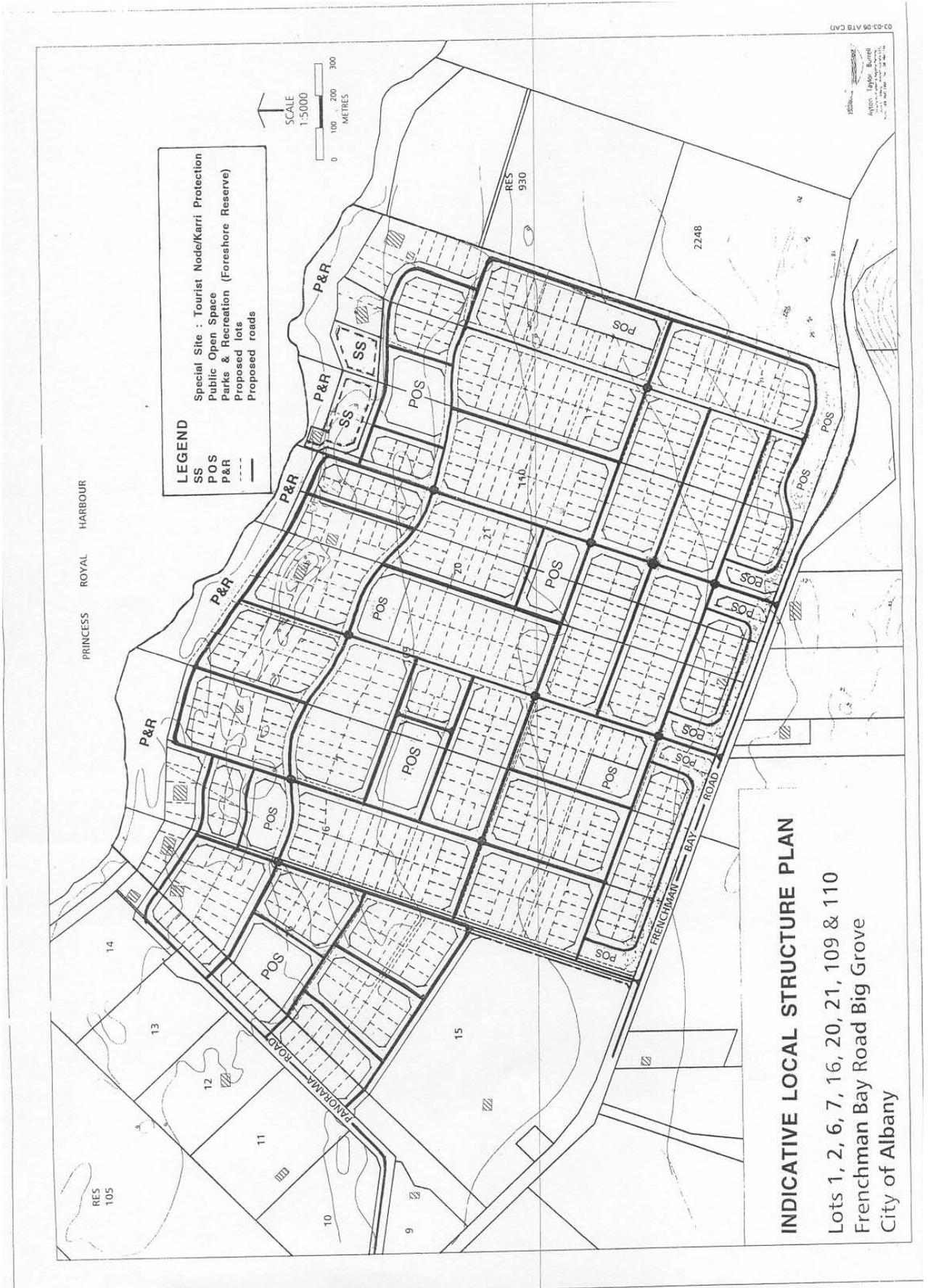
Mayor Goode and Councillor’s Marshall, Paver, Bojcun, Evans and Jamieson voted against this motion.

ORDINARY COUNCIL MEETING MINUTES – 21/06/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued



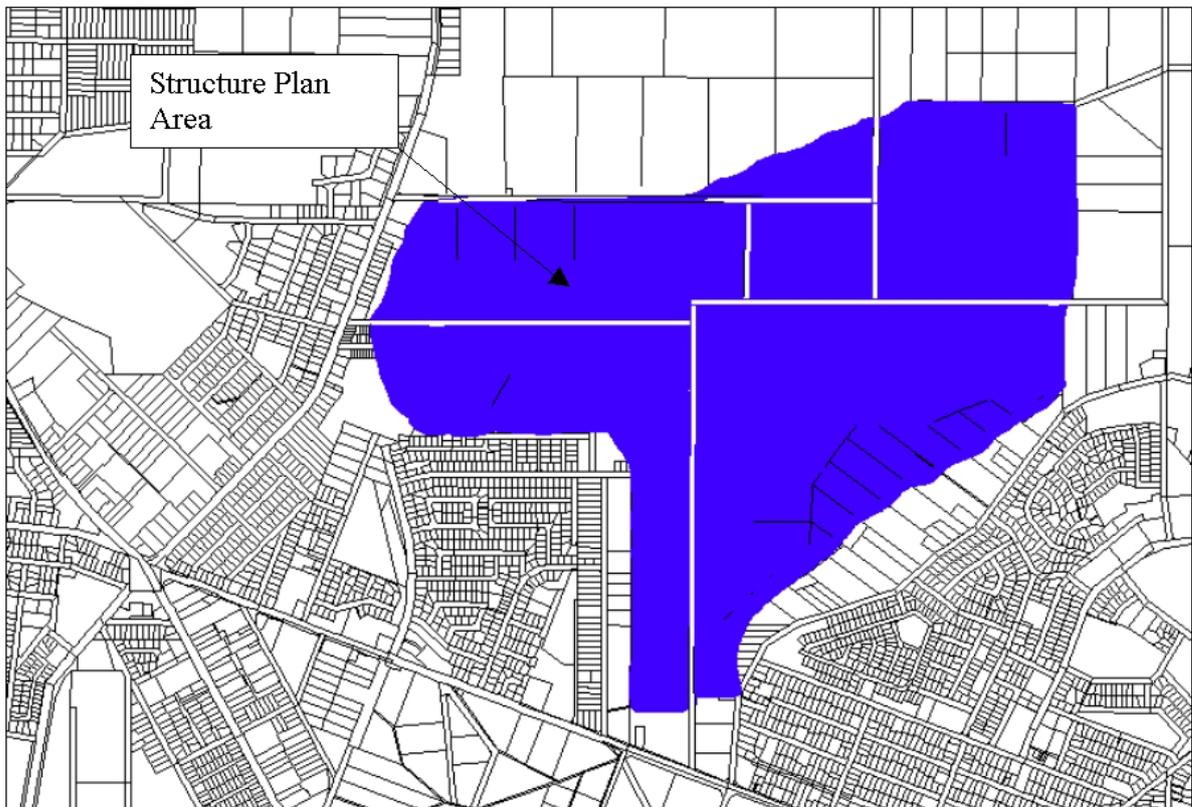
Item 11.3.9 continued



DEVELOPMENT SERVICES REPORTS

11.3.10 Contract Extension - Contract C02020 – Yakamia Structure Plan

File/Ward	: STR 038 & C02020 (Yakamia Ward)
Proposal/Issue	: Consultancy Services – Contract Extension
Subject Land/Locality	: Yakamia urban growth corridor
Proponent	: City of Albany
Owner	: Various
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/09/02 - Item 11.3.3
Summary Recommendation	: That Council increase tender by \$13,200
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

BACKGROUND

1. The former Town and Shire of Albany jointly prepared a limited Structure Plan over the land bounded by Hooper Road, Chester Pass Road, North Road and Lower King Road, to provide an indicative layout of the primary road system and to determine the potential lot yield from that area in the future. The majority of that work involved the “desk top” analysis of information and it was seen as a “broad brush” analysis of growth over the next 50 years.
2. In order to facilitate the progression of the Yakamia urban development front, and to provide a foundation upon which zoning applications can be assessed, a thorough field analysis and more detailed examination of the road network, public open space requirements and the layout of lots needed to be undertaken.
3. The planning consultancy, Allering Burgess was awarded a contract in late 2002 to prepare the structure plan and the brief required them to accept certain parameters. The preparation of the consultation draft report was delayed by environmental conflicts. More recently, Council resolved to abandon the alignment of Yakamia Drive and considerable rework is now required to redraft the structure plan.

STATUTORY REQUIREMENTS

4. The tendering process for goods and services must be in accordance with sections 11, 18 and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.
5. Council has agreed on a total tender price and additional funding is now being sought to undertake the modifications, which were not reasonably seen at the commencement of the contract.
6. Land in the Structure Plan area is zoned Future Urban and no subdivisions will be supported until an approved Structure Plan has been introduced over the lots in the locality.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. The tender was awarded for a total sum of \$73,480. An additional \$12,000 (excluding GST) is now being sought to undertake the additional work.
9. The funding for the project has extended over two financial years and \$29,000 was allocated in the 2004/05 budget to complete the project and conduct the necessary consultation processes.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.10 continued

“Community Vision:

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

- Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to ...

- Providing sound governance; and
- Delivering excellent community services.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

11. The consultant has produced a draft structure plan and that document has been subjected to a public consultation process. Several submissions were received and they are currently being analysed.
12. Staff have also written to the Chairmen of the Western Australian Planning Commission and the Environmental Protection Agency voicing concern over the amount of land in the structure plan area officers in their departments are advocating be designated as Public Open Space. Most of that area is being taken for environmental conservation purposes and the resultant lack of land for active recreational development is of concern to Council. Land in excess of the 10% policy must also be purchased from the landowner (s).
13. Considerable work is still to be undertaken with the Department of Environment to reconcile the Public Open Space options. The relocation of Yakamia Drive onto the Range Road alignment has also necessitated a complete review of the plan. This work is a direct consequence of actions not specified in the original contract.

RECOMMENDATION

THAT Council increase the value of Contract C02020 – Yakamia Structure Plan Consultancy Services by \$13,200 (including GST) to provide for the additional work to delete Yakamia Drive from the plan and to provide for the resolution, with the Departments of Planning and Infrastructure and Environment, of Public Open Space / vegetation conservation matters.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR JAMIESON**

THAT Council increase the value of Contract C02020 – Yakamia Structure Plan Consultancy Services by \$13,200 (including GST) to provide for the additional work to delete Yakamia Drive from the plan and to provide for the resolution, with the Departments of Planning and Infrastructure and Environment, of Public Open Space / vegetation conservation matters

**MOTION CARRIED 13 – 0
ABSOLUTE MARJORITY**

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Reserve Planning – Reserve Planning Framework

File/Ward	: STR 209 (All Wards)
Proposal/Issue	: Acceptance of Reserve Planning Framework.
Subject Land/Locality	: All City of Albany Crown Land Reserves
Proponent	: City of Albany
Owner	: City of Albany managed Crown Land Reserves
Reporting Officer(s)	: Executive Director of Development Services (R Fenn) Parks and Reserves Planner (B Green)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Council accept the Reserve Planning Framework as the guiding structure for reserve planning
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The City of Albany has management orders for 360 crown land reserves. Planning for these reserves is an onerous task, which needs to be organised and strategic.
2. In the past, planning has been driven through the Reserves Master Plan, which prioritises expenditure for implementation. As a result, reserve planning has progressed slowly and in an ad hoc manner.
3. City of Albany has not previously had a strategic framework upon which to base its reserve planning prioritisation. A draft framework has previously been supplied to Councillors.
4. The Reserve Planning Framework must remain a 'live' document as changes in reserve status occur often and the Framework must be regularly updated (e.g. creation of new reserves in sub-divisions, integration of small reserves into larger reserves).
5. The Reserve Planning Framework will accelerate planning for City of Albany parks and reserves.
6. The Reserve Planning Framework will guide Council in the allocation of resources for reserve planning and assist in prioritising planning work.
7. The development of reserve plans will help to accelerate implementation work that has Council and community acceptance.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

8. The Reserve Planning Framework lists all reserves managed by the City of Albany and provides quick reference information to staff and community as to the prioritisation of reserve planning.
9. The Reserve Planning Framework has been developed in consultation with City of Albany staff involved in reserve planning and implementation to ensure it is a workable and acceptable approach.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

12. Council will annually allocate resources for planning as suggested by the Reserve Planning Framework.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Diverse and affordable cultural, recreational and sporting opportunities;
- Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.

Mission Statement:

The City of Albany is committed to ...

- Providing sound governance; and
- Delivering excellent community services.

Priority Projects:

Reserves Strategy – Establish an overall vision for reserves management and definition of core functions and responsibilities.”

COMMENT/DISCUSSION

14. If accepted reserve planning and implementation will be guided by:
 - PLANNING – Reserve Planning Framework
 - IMPLEMENTATION – Reserve Master Plan
15. The Reserve Planning Framework will be the responsibility of Strategic Planning and will be managed by Development Services.
16. The Reserve Master Plan will remain the responsibility of Asset Services and will be managed by Works and Services.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

17. The Reserve Planning Framework provides a necessary link between the pending Albany Local Planning Strategy and the Reserves Master Plan.

RECOMMENDATION

THAT Council accept the tabled Reserve Planning Framework as the guiding structure for reserve planning for all City of Albany Crown Land Reserves.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WELLINGTON**

THAT Council accept the tabled Reserve Planning Framework as the guiding structure for reserve planning for all City of Albany Crown Land Reserves.

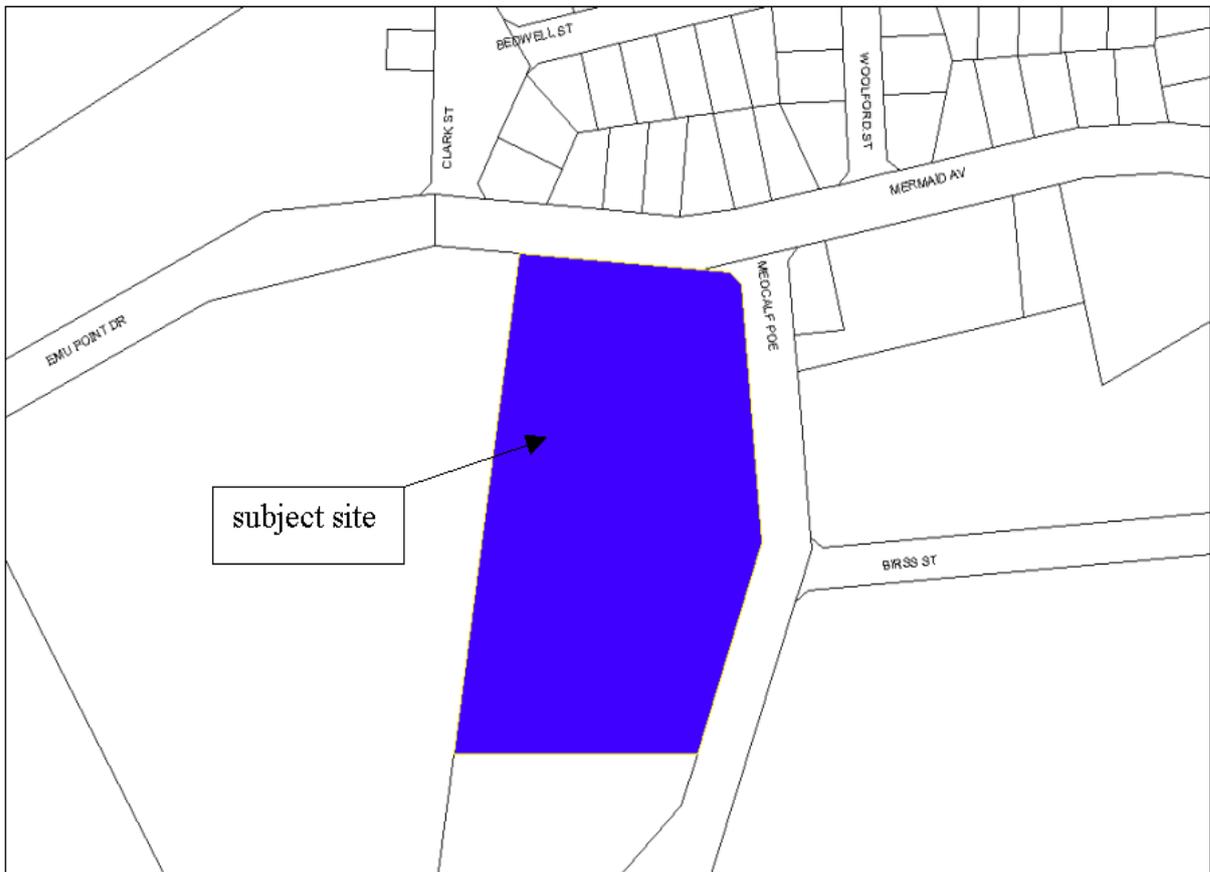
MOTION CARRIED 13 - 0

Executive Director Works and Services left the chamber at 9.27pm

DEVELOPMENT SERVICES REPORTS

11.4.2 Conversion of Lease to Freehold – Lots 1316 and 1175 Medcalf Parade, Emu Point – Karriside Pty Ltd and Carotel Pty. Ltd

File/Ward	: A155083 (Breaksea Ward)
Proposal/Issue	: Conversion of Crown Lease to Freehold Title
Subject Land/Locality	: Lots 1316 and 1175, Medcalf Parade, Emu Point
Proponent	: Koltasz Smith Development Consultants
Owner	: Crown (leased to Kariside Pty Ltd and Carotel Pty Ltd)
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/10/04 - Item 12.2.1
Summary Recommendation	: Conditionally Support
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. At the October 2004 meeting of Council a request was considered to freehold the lease (Lot 1316 Medcalf Parade) upon which the Emu Point Chalets are constructed. Council decided to lay the request on the table until such time as Councillors could be briefed on the implications of the request. A briefing occurred in April 2005.
2. Council has also received a request from Koltasz Smith, on behalf of Carotel Pty Ltd, to convert approximately 8,900m² of the lease area on Lot 1175 Medcalf Parade to freehold title. Although Carotel Pty Ltd currently lease a 3.23ha site, the required area to be freeholded encompasses the existing Emu Point Motel and a further 3,000m² for future expansion.
3. In support of that application, the proponent states that Carotel Pty Ltd wishes to remain in the tourism accommodation industry in Albany and security of tenure over the landholding occupied by the motel is necessary to enable its redevelopment.

STATUTORY REQUIREMENTS

4. The various land parcels used for holiday accommodation at Middleton Beach and Emu Point are Crown reserves, with the management orders provided to the City of Albany. The City then leases the reserves on terms ranging from 21 to 98 years. The lease on Lot 1175 expires in 2064 and the terms of the lease require that the land be used as a motel. Lot 1316 expires in 2032 and the property is to be developed for holiday units.

POLICY IMPLICATIONS

5. Council has no policy position on the freeholding of the Crown leases for tourism developments at Middleton Beach and Emu Point.

FINANCIAL IMPLICATIONS

6. If Council were to agree to support the freeholding of the properties, any proceeds from the sale of the land would be directed to the State's consolidated revenue. Council currently receives rate income from the leases.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- Providing sound governance; and

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

- Promoting our Community's vision for the future.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. Throughout the City there are a number of “icon” tourism sites that are currently under-utilised and have the potential to become major destinations in the future. The majority of those sites are Crown reserves with the management orders allocated to the City and they are then leased to private operators. The terms of those leases are extensive, compared to normal leasing arrangements, to provide the maximum opportunity for tenants to establish infrastructure and obtain a return on the initial investment.
9. The dilemma confronting Council is how to reconcile community and developer interests. The community sees the City's beaches and coastal lands as public assets that should not be relinquished easily. Once sold, “public” land is unlikely to be replaced. Many regional families would also see a legitimate role for Local Government to protect certain holiday experiences for future generations (eg, ability to pitch a camp or park a caravan on the ocean front) and to ensure developers do not over-develop the land or impact upon adjoining communities. Public ownership of the land provides some degree of assurance that the developers are not completely profit driven in their decisions on how the land will be used.
10. The counter argument is that developers are unlikely to improve the product mix or add new infrastructure onto leased sites if the lease has no monetary value at its conclusion. Financing major tourism projects is problematic and institutions usually require some form of security (such as a mortgage secured against the title) when lending money. Many developers in the tourism accommodation sector also seek to secure funding from multiple investors by strata title larger holiday unit projects.
11. In their submissions, both proponents indicate that they wish to improve their existing tourism facilities and they require freehold title for that investment to be realised. Once the freehold title is provided, any undertakings become non-contractual and the capacity for Council to enforce the earlier commitment is lost. It is possible to reinstate a contractual partnership through a conditional purchase scheme, similar to that used by the Department of Planning and Infrastructure on lots in the Station precinct. Under that scheme, the title is withheld until the actual project is completed or an agreed milestone is reached.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

RECOMMENDATION

THAT Council advise Karriside Pty Ltd that it is prepared to consider the request for Council support to convert the lease upon Lot 1316 Medcalf Parade, Emu Point into a freehold title, conditionally that;

- i) the Department of Planning and Infrastructure and the Minister for Lands consent to the proposal;
- ii) a comprehensive plan is produced for the development of the site and planning approval is granted by the City of Albany for that development;
- iii) a conditional purchase agreement is entered into with the Department of Planning and Infrastructure to secure the development of that project and to manage the transfer of the land; and
- iv) the title transfer only occur after the project is completed or an agreed milestone is reached.

AND

THAT Council advise Carotel Pty Ltd that it is prepared to consider the request for Council support to convert the lease upon an 8,900 m² portion of Lot 1175 Medcalf Parade, Emu Point into a freehold title, conditionally that;

- i) the Department of Planning and Infrastructure and the Minister for Lands consent to the proposal;
- ii) Carotel Pty Ltd agree to unconditionally surrender the balance of the current leased area (2.29ha) to the City of Albany;
- iii) a comprehensive plan is produced for the development of the site and planning approval for that development is granted by the City of Albany;
- iv) a conditional purchase agreement is entered into with the Department of Planning and Infrastructure to secure the development of that project and to manage the transfer of the land; and
- v) the title transfer only occurs after the project is completed or an agreed milestone is reached.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EMERY**

THAT Council advise Karriside Pty Ltd that it is prepared to consider the request for Council support to convert the lease upon Lot 1316 Medcalf Parade, Emu Point into a freehold title, conditionally that;

- i) the Department of Planning and Infrastructure and the Minister for Lands consent to the proposal;**
- ii) a comprehensive plan is produced for the development of the site and planning approval is granted by the City of Albany for that development;**
- iii) a conditional purchase agreement is entered into with the Department of Planning and Infrastructure to secure the development of that project and to manage the transfer of the land; and**
- iv) the title transfer only occur after the project is completed or an agreed milestone is reached.**

MOTION CARRIED 13 - 0

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued.

Executive Director Works and Services returned to the Chamber at 9.29pm

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR LIONETTI**

THAT Council advise Carotel Pty Ltd that it is prepared to consider the request for Council support to convert the lease upon an 8,900 m² portion of Lot 1175 Medcalf Parade, Emu Point into a freehold title, conditionally that;

- i) the Department of Planning and Infrastructure and the Minister for Lands consent to the proposal; and**
- ii) Carotel Pty Ltd agree to unconditionally surrender the balance of the current leased area (2.29ha) to the City of Albany.**

MOTION CARRIED 10 - 3

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Minutes of Mt Martin Regional Botanic Park Advisory Committee – 4th May 2005

File/Ward	:	MAN 072 (Kalgan Ward)
Proposal/Issue	:	Committee items for Council consideration.
Reporting Officer(s)	:	Parks and Reserves Planner (B Green)
Summary Recommendation	:	That the minutes of the Mt Martin Regional Botanic Park Advisory Committee meeting held on 4 May 2005 be received.

RECOMMENDATION

THAT the minutes of the Mt Martin Regional Botanic Park Advisory Committee meeting held on 4 May 2005 be received (Copy of minutes are included within the Elected Members Report / Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR MARSHALL**

THAT the minutes of the Mt Martin Regional Botanic Park Advisory Committee meeting held on 4 May 2005 be received (Copy of minutes are included within the Elected Members Report / Information Bulletin).

MOTION CARRIED 13 - 0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

Municipal Fund			
Cheques	totalling		312,205.50
Electronic Fund Transfer	totalling		3,433,137.95
Payroll	totalling		644,452.91
Credit Cards	totalling		8,911.96
TOTAL			<u>\$4,398,708.32</u>

2. As at 2nd June 2005, the total outstanding creditors, stands at \$364,031.67.
3. Cancelled cheques – 20640, 20665 & 20717.

RECOMMENDATION

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

Municipal Fund	totalling	\$4,398,708.32
	Total	<u>\$4,398,708.32</u>

Voting Requirement Simple Majority

ORDINARY COUNCIL MEETING MINUTES – 21/06/05
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

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

Municipal Fund	totalling	\$4,398,708.32
	Total	<u>\$4,398,708.32</u>

MOTION CARRIED 13 - 0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Municipal Fund Budget 2005/06

File/Ward	:	FIN 021 (All Wards)
Proposal/Issue	:	Municipal Fund Budget 2005/06
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That the 2005/06 Budget be adopted.
Bulletin Attachment	:	No–Budget book provided to Councillors
Locality Plan	:	N/A

BACKGROUND

1. The draft annual budget for 2005/06 has been prepared in accordance with the Local Government Act 1995.

STATUTORY REQUIREMENTS

Adoption of Budget

2. Section 6.2(1) of the Local Government Act 1995 requires that prior to 31st August 2004, Council adopt a budget for its municipal fund for the year ending 30th June 2006.
3. 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.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The adopted budget will form the financial basis for operations of the City of Albany in 2005/06. Once adopted, the budget will be reviewed in October 2005 and March 2006 and such other dates as directed by Council.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

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

Priority City Projects

Albany Leisure and Aquatic Centre, Forts Tourist Facilities, Asset Masterplan expenditure.”

COMMENT/DISCUSSION**Rating**

7. The proposed increase in 2005/06 rates is 3.8%.

Capital Works Programme

8. Total Programme \$ 17.7 million

Funding Sources

Municipal Fund	\$2.8 million
External Sources (mainly grants & asset trade-ins)	\$7.7 million
Loan Funds	\$2.3 million
Land Sales	\$ 0.8 million
City Reserve Funds	\$4.1 million

Major Projects

ALAC Redevelopment
Assets Management Strategy Roads Programme
Various Parks / Reserves
Plant Replacement

Loans

9. Loan funding is proposed for the Albany Leisure and Aquatic Centre Redevelopment (\$ 2.34 million).

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

Reserve Funds

10. City reserves funds show an estimated balance as at 30th June 2006 of \$5.8 million.

Fees and Charges

11. The proposed schedule of fees and charges is included in the Draft budget document.

Waste Charges

12. In determining a refuse collection/recycling fee for 2005/06, the following components of the proposed waste budget were considered:-

Operation of Tips/Transfer stations(net)	416,000
Waste minimisation Contract	967,000
Greenwaste Operations	297,000
Tip Rehabilitation/Capital	311,000
Transfers to reserve – future rehabilitation	340,000
Other	50,000
Income Required	2,381,000

Urban Residential	
Number of Services	11,835
Recommended Refuse Collection/Recycling Fee	\$199
Total Waste Charge	\$2,355,000
Less : Bio-insert bin reduction	(24,000)
Net revenue – Urban Residential	\$2,331,000

Rural Residential	
Number of Services	1,437
Recommended Refuse Collection/Recycling Fee	\$35
Total Waste Charge	\$50,000

IT IS RECOMMENDED THAT THIS ITEM BE DISCUSSED AS THE LAST ITEM.

RECOMMENDATION

- i) **Budget Adoption**
That the 2005/06 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) and has incorporated AAS27 principles, be adopted.
- ii) **General Rates**
- a) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 10.7117 cents in the dollar be imposed on Gross Rental Valuations for those properties to be rated on Gross Rental Value.
- b) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of .5856 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

- c) **Discount for Early Payment**
That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 3% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 21st September 2005.
- d) **Minimum Rates – All Properties**
That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$484 for all categories.
- e) **Refuse Service Charges (Rubbish Disposal & Recycling Service)**
That the domestic Urban Refuse Services Charge for 2005/06 be \$199.00 per annum.
- f) **Rural Waste Service Charge**
That the Rural Waste Services Charge for 2005/06 be \$35.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.
- g) **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 21st September 2005.

Option 2 Payment of two equal or nearly equal instalments:
1st Instalment Due Date 21st September 2005;
2nd Instalment Due 4 months after 1st
Due date: 20th January 2006.
(Instalment interest payable on rate amount only, all arrears to be paid in 1st instalment)

Option 3 Payment of four equal or nearly equal instalments:
1st Instalment Due 35 days after date of issue of Rate Notice. Due date 21st September 2005.
2nd Instalment Due 2 months after 1st. Due date 21st November 2005.
3rd Instalment Due 2 month after 2nd. Due Date 20th January 2006.
4th Instalment Due 2 months after 3rd. Due Date 21stth March 2006.
(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:

- i. 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%;

CORPORATE & COMMUNITY SERVICES REPORTS

- ii. 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.

- iii) Late Payment Interest Rates
 - a) Interest on Overdue Rates ,Service Charges.
Late payment interest be set at a rate of 11% per annum (.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.

 - b) Interest on Overdue Rubbish Collection Fees
Late payment interest be set at a rate of 11% per annum (.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.

 - c) Interest on Overdue Debtors Accounts.
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 35 days from the date of issue.

- iv) Early Payment Prize

That prizes will be awarded as follows:

A \$2000 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 2 weeks prior to the due date (ie on or before 7th September 2005)

- v) Fees and Charges
That the schedule of fees and charges for the City of Albany be adopted.

- vi) Budget Surplus
That any budget surplus arising from 2005/06 operations be transferred to the Masterplan Funding Reserve.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

- i) Budget Adoption**
That the 2005/06 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) and has incorporated AAS27 principles, be adopted.
- ii) General Rates**
- a)** That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 10.7117 cents in the dollar be imposed on Gross Rental Valuations for those properties to be rated on Gross Rental Value.
- b)** That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of .5856 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value .
- c) Discount for Early Payment**
That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 3% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 21st September 2005.
- d) Minimum Rates – All Properties**
That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$484 for all categories.
- e) Refuse Service Charges (Rubbish Disposal & Recycling Service)**
That the domestic Urban Refuse Services Charge for 2005/06 be \$199.00 per annum.
- f) Rural Waste Service Charge**
That the Rural Waste Services Charge for 2005/06 be \$35.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.
- g) 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 21st September 2005.
- Option 2** Payment of two equal or nearly equal instalments:

Item 12.1.2 continued.

1st Instalment Due Date 21st September 2005;

**2nd Instalment Due 4 months after 1st
Due date: 20th January 2006.**

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

Option 3 Payment of four equal or nearly equal instalments:
1st Instalment Due 35 days after date of issue of Rate Notice. Due date 21st September 2005.
2nd Instalment Due 2 months after 1st. Due date 21st November 2005.
3rd Instalment Due 2 month after 2nd. Due Date 20th January 2006.
4th Instalment Due 2 months after 3rd. Due Date 21stth March 2006.

(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:**

- i) 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%;**
- ii) 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.**
- iii) Late Payment Interest Rates**
 - a) Interest on Overdue Rates ,Service Charges.
Late payment interest be set at a rate of 11% per annum (.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.**
 - b) Interest on Overdue Rubbish Collection Fees
Late payment interest be set at a rate of 11% per annum (.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.**

Item 12.1.2 continued.

c) **Interest on Overdue Debtors Accounts.**
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 35 days from the date of issue.

iv) **Early Payment Prize**

That prizes will be awarded as follows:

A \$2000 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 2 weeks prior to the due date (ie on or before 7th September 2005)

v) **Fees and Charges**

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

vi) **Budget Surplus**

That any budget surplus arising from 2005/06 operations be transferred to the Masterplan Funding Reserve.

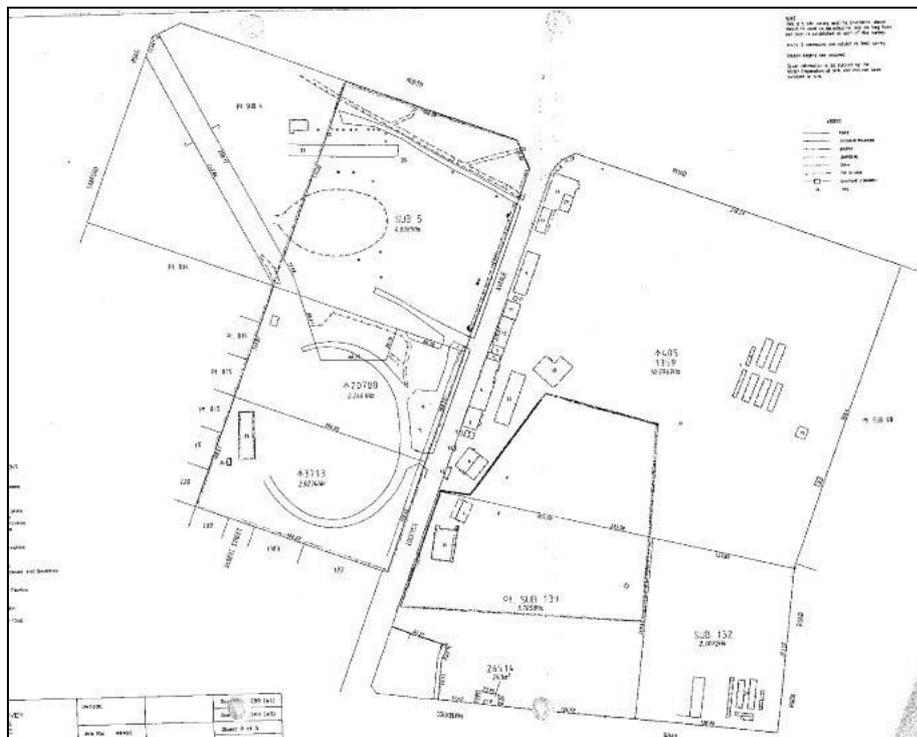
**MOTION CARRIED 13 – 0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Proposed New Sub-Lease For Southern Districts Junior Football Incorporated – Norman Pavilion, Centennial Oval

- File/Ward** : PRO 024 (Frederickstown Ward)
- Proposal/Issue** : New Sub - Lease
- Subject Land/Locality** : Centennial Oval - Norman Pavilion Portion of Reserve 405 & Sub lots 130 & 132
- Proponent** : Southern Districts Junior Football Association Incorporated
- Owner** : City of Albany
- Reporting Officer(s)** : Corporate Service Officer (S Foy)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve the request for a new sub-lease to be prepared for a 10 year term with a 10 year option from 29 May 2005
- Bulletin** : Nil
- Locality Plan** : See map below



CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

BACKGROUND

1. A request has been received from Albany Agricultural Society Inc requesting Council consider entering into a new Sub-lease agreement, for Southern Districts Junior Football Association Inc (SDJFA) for Norman Pavilion building at Centennial Oval.
2. The buildings previous tenants, Southern Edge Arts have terminated their sub-lease and vacated to the new PCYC building on Sanford Road effective from 29 May 2005.

STATUTORY REQUIREMENTS:

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
5. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
6. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
7. Southern Districts Football Association Inc is a sporting body and therefore of the proposed disposition of land is exempt from the provisions of Section 3.58 the Act.

POLICY IMPLICATIONS

8. There are no policies in place in relation to this item.

FINANCIAL IMPLICATIONS

9. It is proposed to charge Southern Districts Junior Football Association Inc. a rental of \$6000 per annum (subject to GST). The rental will be reviewed annually through movements in Consumer Price Index (CPI) being and payable to Albany Agricultural Society Inc.
10. All costs associated with this proposed new lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

“Community Vision:

Nil

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

12. Albany Agricultural Society Inc. have written to Council requesting a new sub-lease agreement be prepared for Southern Districts Junior Football Association Inc. for the hall known as Norman Pavilion at Centennial Oval. Previous tenants Southern Edge Arts have terminated their lease and vacated the site, moving into the new PCYC premises on Sanford Road.
13. The Norman Pavilion is located on Centennial Oval.
14. The Society assures that the proposed lease has the support of Royals and other football clubs in the City.
14. The Southern District Junior Football Association Inc. would like to add a patio annexed to the North Eastern side of the pavilion with the approval of the City. Albany Agricultural Society Inc requests ownership of such additions to revert to the Society and form part of the Norman Pavilion at the expiration of the lease. Appropriate approvals will need to be sought for any additions through City of Albany’s Planning and Building Departments.

RECOMMENDATION

THAT, in accordance with Section 3.58 of the Local Government Act 1995, Council agree that:

- i) a new sub-lease be prepared for Southern Districts Junior Football Association Inc. for a period of 10 years with a 10 year option, commencing from 1 July 2005 for the Norman Pavilion Centennial Oval;
- ii) the rental be set at \$6000.00 per annum, subject to GST payable in advance, with rent reviews being carried annually by CPI and paid directly to the Albany Agricultural Society Inc;
- iii) Public Liability Insurance for a minimum of \$10,000,000 is to be held with a reputable insurance company at all times;
- iv) Any signage is to have the approval of council, by way of a planning consent.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 13.2.1 continued.

- iv) the SDJFA agree to the Society managing the casual use of the building when not being used. The SDJFA are to provide a diary of usage so as to assist with any casual use engagement. The Society and the SDJFA will agree that any extra rental gained as a consequence of casual use will be shared proportionally at 30% of the GST net free to the SDJFA 70% at the GST net fee to the society.
- vi) the sub lease be prepared in accordance with Council's standard leasing terms and conditions, with all building maintenance and repairs being carried out by Southern Districts Junior football Association Inc;
- vii) Council approve in principal the addition of a patio to the North Eastern side of the pavilion at the Southern District Junior Football Association Inc. expense, subject to Planning and Building approval and issue of consent. Albany Agricultural Society Inc is granted ownership of such additions and it is to form part of the Norman Pavilion at the expiration of the lease.
- viii) all fees associated with this lease be payable by Southern Districts Junior football Association Inc; and
- ix) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT, in accordance with Section 3.58 of the Local Government Act 1995, Council agree that:

- i) a new sub-lease be prepared for Southern Districts Junior Football Association Inc. for a period of 10 years with a 10 year option, commencing from 1 July 2005 for the Norman Pavilion Centennial Oval;
- v) the rental be set at \$6000.00 per annum, subject to GST payable in advance, with rent reviews being carried annually by CPI and paid directly to the Albany Agricultural Society Inc;
- vi) Public Liability Insurance for a minimum of \$10,000,000 is to be held with a reputable insurance company at all times;
- viii) Any signage is to have the approval of council, by way of a planning consent.
- iv) the SDJFA agree to the Society managing the casual use of the building when not being used. The SDJFA are to provide a diary of usage so as to assist with any casual use engagement. The Society and the SDJFA will agree that any extra rental gained as a consequence of casual use will be shared proportionally at 30% of the GST net free to the SDJFA 70% at the GST net fee to the society.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.21 continued.

- vi) the sub lease be prepared in accordance with Council's standard leasing terms and conditions, with all building maintenance and repairs being carried out by Southern Districts Junior football Association Inc;
- vii) Council approve in principal the addition of a patio to the North Eastern side of the pavilion at the Southern District Junior Football Association Inc. expense, subject to Planning and Building approval and issue of consent. Albany Agricultural Society Inc is granted ownership of such additions and it is to form part of the Norman Pavilion at the expiration of the lease.
- viii) all fees associated with this lease be payable by Southern Districts Junior football Association Inc; and
- ix) the Common Seal of the City of Albany be affixed to the documentation.
- x) A clause be included in the Lease to state that the lease may be terminated by either party giving 1 months notice to accommodate the implementation of the Centennial Park Precinct Plan.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT, in accordance with Section 3.58 of the Local Government Act 1995, Council agree that:

- i) a new sub-lease be prepared for Southern Districts Junior Football Association Inc. for a period of 10 years with a 10 year option, commencing from 1 July 2005 for the Norman Pavilion Centennial Oval;**
- ii) the rental be set at \$6000.00 per annum, subject to GST payable in advance, with rent reviews being carried annually by CPI and paid directly to the Albany Agricultural Society Inc;**
- iii) Public Liability Insurance for a minimum of \$10,000,000 is to be held with a reputable insurance company at all times;**
- iv) Any signage is to have the approval of council, by way of a planning consent.**
- v) the SDJFA agree to the Society managing the casual use of the building when not being used. The SDJFA are to provide a diary of usage so as to assist with any casual use engagement. The Society and the SDJFA will agree that any extra rental gained as a consequence of casual use will be shared proportionally at 30% of the GST net free to the SDJFA 70% at the GST net fee to the society.**

Item 13.2.1 continued

- vi) the sub lease be prepared in accordance with Council's standard leasing terms and conditions, with all building maintenance and repairs being carried out by Southern Districts Junior football Association Inc;**
- vii) Council approve in principal the addition of a patio to the North Eastern side of the pavilion at the Southern District Junior Football Association Inc. expense, subject to Planning and Building approval and issue of consent. Albany Agricultural Society Inc is granted ownership of such additions and it is to form part of the Norman Pavilion at the expiration of the lease.**
- viii) all fees associated with this lease be payable by Southern Districts Junior football Association Inc; and**
- ix) the Common Seal of the City of Albany be affixed to the documentation.**
- x) A clause be included in the Lease to state that the Lease may be terminated by either party giving 1 months notice to accommodate the implementation of the Centennial Park Precinct Plan.**

MOTION CARRIED 13 - 0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 Appointment of Insurance Broker

File/Ward	:	COM 012 & C05002 (All Wards)
Proposal/Issue	:	Appointment of an Insurance Broker
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Corporate Services Officer (A Wiseman)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/06/02 - Item 12.2.4
Summary Recommendation	:	Appointment of Municipal Insurance Broking Services of WA to co-ordinate Council's Insurance portfolio for a period of 3 years until June 2008.
Bulletin Attachment	:	Nil.
Locality Plan	:	Nil

BACKGROUND

1. The City of Albany's current Insurance Brokerage Contract is due to expire in June 2005, therefore, tenders have been called for the supply of Insurance Brokerage for the next three financial years, to 2008.
2. A request for tenders was published in the West Australian on Wednesday 27th April 2005, and also the Albany Advertiser on 28th April 2005 and 29th April 2005.
3. Tender documents included a Consultants Brief, along with Appendices outlining the City's current needs and requirements. The documents also include Evaluation Criteria outlining the weightings to be used when evaluating tender submissions.

STATUTORY REQUIREMENTS

4. Regulation 11 of the Local Government (Functions & General) Regulations 1996 state that tenders must be called if the consideration under the contract is or is expected to be more than \$50,000.
5. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council, it may also decline and not accept any tender.

POLICY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

FINANCIAL IMPLICATIONS

7. Submissions for an insurance broker were invited and tenders have now closed. The only tender submission that was received was from:

COMPANY NAME	TOTAL ANNUAL PREMIUM
Municipal Insurance Broking Services	\$404,408.59

8. A brokerage fee of \$4400.00 for the 2005/2006 financial year will also be payable by Council on top of the total annual premium. Workers Compensation will require an upfront initial contribution payment of \$194,949.00 but as this is performance based an exact amount is unable to be supplied and will be calculated on a percentage of our annual payroll.
9. In respect of the Motor Vehicle premium, the City of Albany has earned a claims experience discount of \$7,921.40 conditional upon renewal with our current Insurer, Zurich Australian Insurance Ltd, and no substantial deterioration in claims experience up to 30 June 2005.

STRATEGIC IMPLICATIONS

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

“Community Vision:
Nil

Mission Statement:
The City of Albany is committed to providing sound governance and at all times we will actively keep abreast of best practice.

Priority Projects:
Nil.”

COMMENT/DISCUSSION

11. Based on the only submission received, Municipal Insurance Broking Services of WA offer the only competitive service suitable to Council’s needs. Municipal Insurance Broking Services of WA are a major provider of insurance services to the mainland of Local Governments within Western Australia and therefore are familiar with the workings of Local Government and specifically the City of Albany, having been Councils insurance broker for a number of years already.
12. More recently Council staff have undertaken training, working closely with Municipal Insurance Broking Services staff to establish claims procedures that both Council and Municipal Insurance Broking Services are familiar with. It is beneficial to continue this working relationship with them as this will result in less reworking of claims procedures, therefore resulting in a non-disruptive continuation of service.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

RECOMMENDATION

THAT Council endorse the staff recommendation to appoint Municipal Insurance Broking Services of WA as the City of Albany's Insurance Broker for the next 3 years to 30th June 2008, to co-ordinate Council's insurance portfolio.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR MARSHALL**

THAT Council endorse the staff recommendation to appoint Municipal Insurance Broking Services of WA as the City of Albany's Insurance Broker for the next 3 years to 30th June 2008, to co-ordinate Council's insurance portfolio.

MOTION CARRIED 13 - 0

12.2.3 Transfer of Management Order – Reserve 29419 Stirling Terrace – Patrick Taylor Cottage

File/Ward	:	PRO 132 (Frederickstown Ward)
Proposal/Issue	:	Transfer of Management for Reserve to City of Albany
Subject Land/Locality	:	Reserve 29419, Lot 1579 Stirling Terrace, Albany
Proponent	:	WA Police Service and Department of Justice.
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Decline Request
Bulletin Attachment	:	Nil
Locality Plan	:	



CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

BACKGROUND

1. The WA Police Service and the Department of Justice have determined that the land upon which Patrick Taylor Cottage and a former Government Employees Housing Authority (GEHA) house (No 31 Duke Street) are located, is surplus land to the police and justice complex currently under construction. A plan showing the subject land follows this report item.
2. The Albany Historical Society (AHS) has expressed an interest in keeping Patrick Taylor Cottage open for public viewing and to use the former GEHA house as their operational headquarters. The Department of Planning and Infrastructure has also advised that the Department's preference is for the management order to be provided to the City of Albany, with the power provided to lease the property to the AHS.
3. In the letter from the WA Police Service and Department of Justice's property advisors, it is advised that the two Departments would expect the City to meet any DPI costs for the subdivision and transfer. An access agreement would also be needed in favour of the WA Police Service over the 6 metre wide easement adjacent to the western boundary of the land.

STATUTORY REQUIREMENTS

4. Once the Management Order is transferred to the City of Albany, the City assumes full responsibility for the land, but not the ownership. Certain management responsibilities can be transferred to a lessee but they revert to the City in the event that the lease expires or is terminated.

POLICY IMPLICATIONS

5. Council has no policy position regarding the acceptance of management orders. The City's building master plan highlights that there are a substantial number of buildings under Council's direct and indirect control, with a number being heritage buildings.

FINANCIAL IMPLICATIONS

6. If Council was to accept the management order, there is a high probability that Council would be asked to accept the costs associated with major repairs to the buildings. The AHS currently occupies the former Railway Barracks building (corner Frederick and Spencer Streets) with repairs to the exterior of the building well overdue.
7. There are usually no costs levied by the State when transferring or providing a management order.

Item 12.2.3 continued.

STRATEGIC IMPLICATIONS

- 8. This item supports the following elements from the City of Albany 3D Corporate Plan;

“Community Vision:

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

- *Innovative development complementing Albany’s advantages and opportunities; and*
- *Providing a complete tourism experience.*

Mission Statement:

The City of Albany is committed to ...

- *Sustainably managing Albany’s Municipal asset.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

- 9. The WA Police Service and the Department of Justice are seeking to excise Patrick Taylor Cottage and the GEHA house from the land they will continue to manage into the future. The AHS is seeking to assume management control over that land. The Department of Planning and Infrastructure has a preference for the order to be issued to the City with power to lease the land and buildings to the AHS.
- 10. The risk that Council would accept, if it agrees to take the management order, is that the AHS will continue to remain a viable entity into the future and the society has the resources to undertake regular maintenance of the buildings and land. If the AHS was to relinquish a future lease, the City is confronted with the dilemma of having to maintain a significant heritage building, determine how public access to the Patrick Taylor Cottage would be managed, who would be in a position to receive the management order (the land is not Council’s to sell) and what political and financial consequences would follow.

RECOMMENDATION

THAT Council decline the request to receive the Management Order for Reserve 29419 (Patrick Taylor Cottage and the house at No 31 Duke Street) and that the WA Police Service and the Department of Justice be advised that Council would prefer and support the direct allocation of the Management Order to the Albany Historical Society.

Voting Requirement Simple Majority

.....

Item 12.2.3 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT Council decline the request to receive the Management Order for Reserve 29419 (Patrick Taylor Cottage and the house at No 31 Duke Street) and that the WA Police Service and the Department of Justice be advised that Council would prefer and support the direct allocation of the Management Order to the Albany Historical Society.

MOTION CARRIED 13 - 0

12.3 LIBRARY SERVICES
Nil.

12.4 DAY CARE CENTRE
Nil.

12.5 TOWN HALL
Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE
Nil.

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Arts Advisory Committee meeting minutes – 18th May 2005

File/Ward	:	MAN 116 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director
Summary Recommendation	:	That the Minutes of Albany Arts Advisory Committee held on 18 th May 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 18th May 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WATERMAN**

THAT the minutes of Albany Arts Advisory Committee held on 18th May 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 13 - 0

12.7.2 Town Hall Theatre Advisory Committee meeting minutes – 1st June 2005

File/Ward	:	SER 047 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director
Summary Recommendation	:	That the Minutes of Town Hall Theatre Advisory Committee held on 1 st June 2005 be adopted.

RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 1st June 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

7.5.1 Town Hall Closure – Christmas & New Year

THAT the annual maintenance closure be retained and for 2005/06 is recommended the Town Hall close on the Friday 23rd December 2005 before reopening on Wednesday 4th January 2006.

7.5.2 Hire Fees

THAT;

- i) for local arts and crafts exhibitions (of local product) the fees for the hire of the facilities be increased to \$52 per day for the Lesser Hall and \$35 per day for the meeting room with a 3 day minimal hire requirement; and
- ii) for all other users of the facilities, the fees be set at \$77 per day for the Lesser Hall and \$55 per day for the Meeting Room.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOJCUN**

7.5.3 Town Hall Closure – Christmas & New Year

THAT the annual maintenance closure be retained and for 2005/06 is recommended the Town Hall close on the Friday 23rd December 2005 before reopening on Wednesday 4th January 2006.

7.5.4 Hire Fees

THAT;

- ii) for local arts and crafts exhibitions (of local product) the fees for the hire of the facilities be increased to \$52 per day for the Lesser Hall and \$35 per day for the meeting room with a 3 day minimal hire requirement; and**
- ii) for all other users of the facilities, the fees be set at \$77 per day for the Lesser Hall and \$55 per day for the Meeting Room.**

MOTION LOST 6 - 7

Item 12.7.2 continued.

The Chief Executive Officer left the chamber at 9.39pm

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WALKER**

7.5.5 Town Hall Closure – Christmas & New Year

THAT the annual maintenance closure be retained and for 2005/06 is recommended the Town Hall close on the Friday 23rd December 2005 before reopening on Wednesday 4th January 2006.

7.5.6 Hire Fees

THAT;

iii) for local arts and crafts exhibitions (of local product) the fees for the hire of the facilities remain at \$44 day for the Lesser Hall and \$30 per day for the meeting room with a 3 day minimal hire requirement; and

ii) for all other users of the facilities, the fees be set at \$77 per day for the Lesser Hall and \$55 per day for the Meeting Room.

**MOTION CARRIED 9 – 4
ABSOLUTE MAJORITY**

The Chief Executive Officer returned to the chamber at 9.41pm

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 COUNCIL REPRESENTATION

12.8.1 Great Southern Zone of WALGA

File/Ward	:	GOV 106 (All Wards)
Proposal/Issue	:	Councillor representation on Committee
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	N/A
Previous Reference	:	SCM 10/05/05 – Item 6.2.12
Summary Recommendation	:	THAT Councillor _____ be elected to the Great Southern Zone of WALGA Committee.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. At the Special Meeting of Council held on 10th May 2005, nominations were received from Cllrs Marshall, Paver, Emery, Waterman, West & Walker to represent Council on the WA Local Government Association – Great Southern Zone Committee.
2. By ballot vote, Councillors Paver and Marshall were appointed as the two Council representatives on this Committee.
3. Councillor Paver has advised that he has found it necessary to resign from this position.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

- 8. With two (2) Council representatives required, Council will be required to nominate another one (1) Councillor to this Committee.
- 9. The Department of Sport and Recreation has asked Council to reconsider nominating an elected member for representation on the Great Southern Regional Recreation Advisory Group (GSRRAG).
- 10. The Terms of reference under the membership of the GSRRAG are:
“The Group shall comprise the following;- Two representative from each participating Council in the region (a staff member and an elected member of Council)”
- 11. Each member Council is entitled to one vote and this is normally the domain of the elected member. The right to vote on GSRRAG matters has its responsibilities when considering regional prioritisation and ranking of projects relating to sport and recreation infrastructure and funding support through the Department of Sport and Recreation’s Community Sport and Recreation Facility Fund.

RECOMMENDATION

THAT Councillor _____ be nominated for the WA Local Government Association – Great Southern Zone.

Voting Requirement Absolute Majority

AMENDED RECOMMENDATION

- (i) THAT Councillor _____ be nominated for the WA Local Government Association – Great Southern Zone.

Voting Requirement Absolute Majority

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

- (ii) THAT Councillor _____ be nominated for the Great Southern Regional Recreation Advisory Group.

Voting Requirement Absolute Majority

Councillor's Walker, Evans and Emery nominated for the WA Local Government Association – Great Southern Zone. A ballot was conducted.

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WISEMAN**

THAT Councillor Walker be nominated for the WA Local Government Association – Great Southern Zone.

**MOTION CARRIED 13 – 0
ABSOLUTE MAJORITY**

Councillor Evans and Wiseman nominated for the Great Southern Regional Recreation Advisory Committee Group. A ballot was conducted.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LIONETTI**

THAT Councillor Wiseman be nominated for the Great Southern Regional Recreation Advisory Group.

**MOTION CARRIED 13 – 0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

WORKS & SERVICES REPORTS**- R E P O R T S -****13.1 WASTE MANAGEMENT****13.1.1 Tip Shop Renaming**

File/Ward	:	PRO 327 (All Wards)
Proposal/Issue	:	To rename the City of Albany Tip Shop
Subject Land/Locality	:	Albany Lot 1135
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To appoint Councillor _____ to the judging panel for the renaming of the Tip Shop
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. As part of the City of Albany's Waste Minimisation Contract, with Cleanaway, a tip shop was built as a way of ensuring certain recyclable products were not disposed of to landfill and were made available to the public for purchase at a minimal fee.
2. The Waste Minimisation Contract has been in place for 12 months and the Tip Shop has been operational for the majority of that time.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. A cost of \$250.00 towards the purchase of a digital camera to be presented to the winner of the competition. Cleanaway to supply an equal dollar value.
6. The City's contribution is to be funded from Chart of Account Number 138070, Job number 7828, Recycling Station – Hanrahan Road.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

A thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through dynamic promotion and marketing of Albany’s advantages and opportunities.

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. Discussions with members of the public and community groups over the past 12 months have shown that although the majority of people support the concept of recycling, they view a Tip Shop in a relatively negative manner and have little interest in purchasing items from what they consider to be a waste site.
8. Discussions during the monthly Waste Minimisation Contract meetings indicated that changing the name would take away the connotation of rubbish, the image would be raised and purchasing of recycled items would become more desirable and compatible with the City’s commitment to recycling and sustainability..
9. Cleanaway, in agreement with the City, put together a competition to seek community involvement. The Competition was open to individuals, families, schools and community groups, with the prize offered being a digital camera to the value of approximately \$500.
10. The competition was advertised widely through the media, as well as being forwarded to local schools and left at the City of Albany Customer Services desk and Library.
11. One hundred and eleven (111) submissions were received by the closing date of the competition, Wednesday 11th May 2005 many being from families and school class groups.
12. Judges have been sourced from Cleanaway, a City of Albany Staff Representative, Keep Australia Beautiful, a Department of Education Representative and a Representative from the Chamber of Commerce. All the above organizations have supplied a representative and a Councillor for the City of Albany is now being sought to represent the City.
13. Judging is to take place as soon as possible, at a mutually agreeable date and time. The media will be invited to attend and a media release issued to announce the winner and the new name of the shop

WORKS & SERVICES REPORTS

Item 13.1.1 continued

RECOMMENDATION

THAT the City of Albany nominate Councillor _____ to the position of Council Representative on the judging panel to rename the City of Albany Tip Shop.

Voting Requirement Simple Majority

.....
Councillor's Lionetti and Evans nominated for the position of council representative on the judging panel to name the Albany Tip Shop. A ballot was conducted.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WALKER**

THAT the City of Albany nominate Councillor Evans to the position of Council Representative on the judging panel to rename the City of Albany Tip Shop.

MOTION CARRIED 13 - 0

13.2 ASSET MANAGEMENT

Nil.

WORKS & SERVICES REPORTS**13.3 WORKS****13.3.1 Contract C05003 – Electrical Services Biennial 2005/07**

File/Ward	:	C05003 (All Wards)
Proposal/Issue	:	Electrical Services for the City of Albany
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts tender C05003 from P&W Eloy Electrical Services for Electrical Services Biennial 2005/07
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Council's current contract for electrical services expires on 30th June 2005. In order for Council to maintain the current level of service for these works, Council was required to re-tender the service. Works are carried out on an as needs basis.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Works are carried out on an as needs basis, with the financial impact being spread across various budget allocations. There is no singular budget allocation for this service.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 6th April 2005 and the Albany Advertiser on 7th and 8th April 2005. A total of three tenders were issued with two submissions received at the close of tenders.
8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost	40
Relevant Qualifications, Skills and Experience	30
Safety Management	15
Reliability of tender	15

9. The following table summarizes those rates and charges (including GST) submitted by prospective tender applicants for the supply of electrical services.

Schedule of Rates/Prices	P&W Eloy	The Maintenance Professionals
Rate/Hour	\$35.20	38.00
Minimum charge for Minor Call-out	\$27.25	38.00
After Hours Loading	\$45.00 (in total)	48.00
Supply materials as required – adjusted for trade discount	Minus 10%	Plus 10%
Minimum Notice	30 minutes	As required
Evaluation Weighting	72.75	60

The contractors pricing and ability to respond to electrical emergencies are considered crucial elements of the response for a contractor. As can be seen from the table above P&W Eloy satisfies Council's requirements.

10. The level of service Council has received from the current contractor P&W Eloy has been good. The contractor has been readily available to respond to any emergency and has provided a suitable sub-contractor when required.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

RECOMMENDATION

THAT Council accept the tender for C05003 from P&W Eloy for Electrical Services Biennial 2005/07 at the schedule of rates provided:

Rate/Hour	\$35.20
Minimum charge for Minor call-out	\$27.50
After hours loading	\$45.00 (in total)
Supply materials as required - adjusted for trade discount	-10%
Minimum Notice	30 minutes

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PAVER**

THAT Council accept the tender for C05003 from P&W Eloy for Electrical Services Biennial 2005/07 at the schedule of rates provided:

Rate/Hour	\$35.20
Minimum charge for Minor call-out	\$27.50
After hours loading	\$45.00 (in total)
Supply materials as required - adjusted for trade discount	-10%
Minimum Notice	30 minutes

MOTION CARRIED 13 - 0

WORKS & SERVICES REPORTS**13.3.2 Contract C05004 – Trades Services Biennial 2005/07**

File/Ward	:	C05004 (All Wards)
Proposal/Issue	:	Trades Services for the City of Albany
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts tender C05004 from Havoc Builders for Trades Services Biennial 2005/07
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Council's current contract for trades services expires on 30th June 2005. In order for Council to maintain the current level of commitment for these works, Council was required to re-tender the service. Works are carried out on an as needs basis.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Works are carried out on an as needs basis, with the financial impact being spread across various budget allocations. There is no singular budget allocation for this service.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 6th April 2005 and the Albany Advertiser on 7th and 8th April 2005. A total of two tenders were issued with two submissions received at the close of tenders.
8. Tenderers were requested to supply costs for work to be carried out for the City’s Trades and Buildings Coordinator and also to carry out maintenance for the Waste Coordinator.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost	50
Relevant Skills and Experience	40
Safety Management	10

10. The following table summarizes those rates and charges (including GST) submitted by prospective tender applicants for the supply of electrical services.

Schedule of Rates/Prices	Havoc Builders		The Maintenance Professionals	
	Trades	Waste	Trades	Waste
Rate/Hour - Tradesman	30.00	30.00	32.00	No response
Trades Assistant	25.00	25.00	25.00	No response
Minimum charge for Minor Call-out	30.00	30.00	32.00	No response
After Hours Loading	Nil	Nil	40.00	No response
Supply materials as required – adjusted for trade discount	0%	0%	Plus 10%	No response
Minimum Notice	1 hour	1 hour	As required	No response
Evaluation Weighting	75		68	

WORKS & SERVICES REPORTS

Item 13.3.2 continued

11. The contractors pricing and ability to respond are considered crucial elements of the contract. Havoc Builders have indicated their ability and intention to supply tradesmen for both the Trades and Waste area of Council. The Maintenance Professionals have indicated their interest to provide tradesmen for only the Trades department of Council.
12. It is in Councils interest to have both these areas serviced by the one company to ensure cross over of works between the Trades and Waste teams are maintained and not duplicated.

RECOMMENDATION

THAT Council accept the tender C05004 from Havoc Builders for Trader Services Biennial 2005/07 at the listed rates:

	Trades	Waste
Rate/Hour - Tradesman	30.00	30.00
Trades Assistant	25.00	25.00
Minimum charge for Minor Call-out	30.00	30.00
After Hours Loading	Nil	Nil
Supply materials as required – adjusted for trade discount	0%	0%
Minimum Notice	1 hour	1 hour

Voting Requirement Simple Majority

MOVED COUNCILLOR MARSHALL SECONDED COUNCILLOR JAMIESON		
THAT Council accept the tender C05004 from Havoc Builders for Trader Services Biennial 2005/07 at the listed rates:		
	Trades	Waste
Rate/Hour - Tradesman	30.00	30.00
Trades Assistant	25.00	25.00
Minimum charge for Minor Call-out	30.00	30.00
After Hours Loading	Nil	Nil
Supply materials as required – adjusted for trade discount	0%	0%
Minimum Notice	1 hour	1 hour
MOTION CARRIED 13 - 0		

WORKS & SERVICES REPORTS**13.3.3 CO5008 – Mowing Services**

File/Ward	:	C05008 (All Wards)
Proposal/Issue	:	Mowing Services
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accept the tender C05008 from Edenborn Pty Ltd for Mowing Services
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Council's current mowing contract expires in July 2005. In order for Council to maintain the current level of commitment for these works, Council is required to re-tender this service.
2. Council staff undertake the majority of mowing within Council managed areas. The Mowing Service contract supplements Council's operations by mowing the verges and median strips of the three major roads into the city as well as Middleton Road. These areas are difficult to mow because of their proximity to traffic and the narrow width of grassed areas. Council first tendered Mowing Services in 2001 and this has proven to be very successful. It has also allowed Council staff to maintain a consistent level of service within it's parks and gardens as well as providing neat presentation of major roads without the requirement to increase it's plant or labour requirements.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.3.3 continued

FINANCIAL IMPLICATIONS

6. Funds for this service are budgeted each year in the City's Works & Services operating accounts. The costs presented in the recommended tender fall within recommended budget parameters.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

8. A request for tender was published in the West Australian on Wednesday 4th May 2005 and the Albany Advertiser on Thursday 5th and Friday 6th May 2005. A total of seven tenders were issued, with one tender submission being received by close of tender.
9. The tender documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Relevant Skills & Experience	20
Reliability of Tenderer	20
Appropriate Resources	20
Financial	30
Safety Management	10
Total	100

10. The following table summarizes the submitted tender prices. Prices are inclusive of GST.

Service	Cost per month 2005/06	Cost per month 2006/07
South Coast Highway	378.65	391.90
Chester Pass Roundabout	328.15	351.55
Chester Pass Road	328.15	351.55
Albany Highway	1565.25	1620.00
Middleton Road	782.60	810.00
Collie St – Grey St West car park banks	252.45	261.30
Monthly Total	3635.25	3786.30
Totals per annum	\$ 43623.00	\$ 45435.60
Additional Mowing as required	75.80	78.45

WORKS & SERVICES REPORTS

Item 13.3.3 continued

10. An evaluation panel comprising the Parks & Reserves Coordinator and Depot Services Coordinator evaluated the submission. Edenborn Pty Ltd is the contractor currently performing the contract and has shown itself to be reliable and competent. Edenborn Pty Ltd has also indicated their ongoing commitment to Occupational Safety & Health management.

RECOMMENDATION

THAT Council accept Tender C05008 from Edenborn Pty Ltd for Mowing Services Biennial 2005/07 at a total cost of \$89,058.60 (incl GST) for the two year period

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR PAVER**

THAT Council accept Tender C05008 from Edenborn Pty Ltd for Mowing Services Biennial 2005/07 at a total cost of \$89,058.60 (incl GST) for the two year period

MOTION CARRIED 13- 0

WORKS & SERVICES REPORTS**13.3.4 Contract C05007 – Supply & Delivery of Fuel (2005/2007)**

File/Ward	:	C05007 (All Wards)
Proposal/Issue	:	Supply of Fuel to City of Albany by Public Tender
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council award the tender C05007 to Link Energy for the supply & delivery of Fuel until 30 th June 2007.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The current contract for the supply and delivery of fuel to the City of Albany is due to expire on 30 June 2005. Council is required to re-tender for this service as the supply and delivery of fuel is valued at more than \$50,000.00.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
4. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Funds in the amount of \$710,000.00 have been allocated in the 2005/2006 budget for the purchase of fuels and oils.

WORKS & SERVICES REPORTS

Item 13.3.4 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

Mission Statement

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

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 27th April 2005 and in the Albany Advertiser on 28th April 2005 with a copy in the Albany Extra on 29th April 2005 for the supply and delivery of fuel until 30th June 2007.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	60
Relevant Skills and Experience	10
Reliability of Tenderer	15
Safety Management	15
TOTAL	100%

10. A total of two specifications were issued. Only one tender submission was received by the close of the tender period. The following table summarizes those rates and charges (including GST) submitted by Link Energy for the supply and delivery of bulk diesel fuel and ex-bowser un-leaded fuel (T.G.P. is the wholesale price charged for bulk supply of diesel from a fuel terminal.)

Fuel per litre	Link Energy
Diesel – cost per litre	T.G.P. plus 3c litre
ULP – cost per litre	Ex bowser less 3.3c litre
Cost of card maintenance – monthly card fee	\$2.50 per card
Cost of card per transaction	Nil
Cost for new or replacement cards – per card	\$2.50 per card

WORKS & SERVICES REPORTS

Item 13.3.4 continued

11. Link Energy has provided an acceptable level of service during the current contract. They have been pro active in their service delivery and have worked with Council staff on effective solutions to maintain the current level of service to all areas of Council.
12. Link Energy is the franchised Caltex Fuel and Lubricant distributor for approximately 70% of Western Australia. The local distributor sources their fuel from Albany's sole operating Seaboard Terminal.
13. The tendered rates are consistent with current charges.

RECOMMENDATION

THAT Council award the tender C05007 to Link Energy for the Supply & Delivery of Fuel until 30th June 2007 at the listed rates.

Fuel per litre	Link Energy
Diesel – cost per litre	T.G.P. plus 3c litre
ULP – cost per litre	Ex bowser less 3.3c litre
Cost of card maintenance – monthly card fee	\$2.50 per card
Cost of card per transaction	Nil
Cost for new or replacement cards – per card	\$2.50 per card

Voting Requirement Simple Majority

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**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WOLFE**

THAT Council award the tender C05007 to Link Energy for the Supply & Delivery of Fuel until 30th June 2007 at the listed rates.

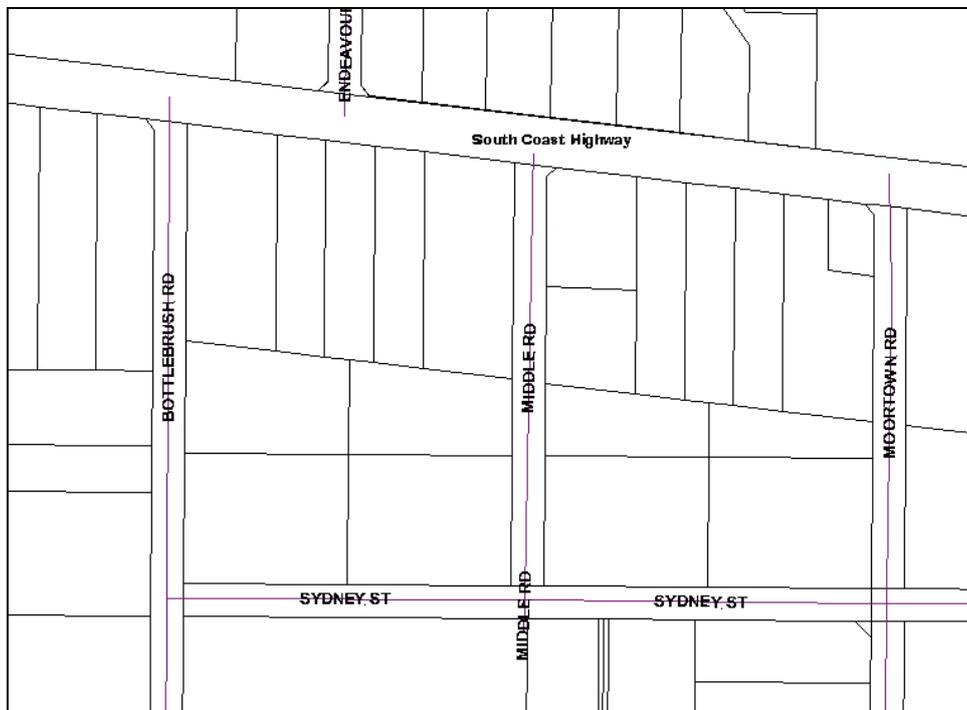
Fuel per litre	Link Energy
Diesel – cost per litre	T.G.P. plus 3c litre
ULP – cost per litre	Ex bowser less 3.3c litre
Cost of card maintenance – monthly card fee	\$2.50 per card
Cost of card per transaction	Nil
Cost for new or replacement cards – per card	\$2.50 per card

MOTION CARRIED 13 - 0

WORKS & SERVICES REPORTS

13.3.5 Proposed Road Closure - Middle Road

- File/Ward** : SER 088 (West Ward)
- Proposal/Issue** : Closure of Middle Road to through traffic
- Subject Land/Locality** : Middle Road, Gledhow
- Proponent** : Nil
- Owner** : Nil
- Reporting Officer(s)** : Executive Director Works & Services (L Hewer)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 15/03/05 - Item 13.2.2
- Summary Recommendation** : Close Middle Road to through traffic between South Coast Highway and Sydney Street by constructing a cul-de-sac approximately 3-5 meters past the last driveway at the Sydney Street end.
- Bulletin Attachment** : Nil
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.3.5 continued.

BACKGROUND

1. Following a number of written requests from Ratepayers Council resolved at its meeting on 15/03/05:-

“THAT Council in accordance with section 3.50 of the Local Government Act 1995 advertise to close Middle Road and construct a turn a round point near the last driveway closest to Sydney Street.”

2. The proposed closure was advertised for public comment, in accordance with Section 58 of the Land Administration Act 1997, in the *Albany Advertiser* on Thursday, 5 May and in the *Albany Extra* on Friday, 6 May 2005.

STATUTORY REQUIREMENTS

3. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:

“(1) 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.

(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) The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.

(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;

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 local public notice is given.

WORKS & SERVICES REPORTS

Item 13.3.5 continued

(7) *Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.*

(8) *If, under subsection (7), 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.”*

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

POLICY IMPLICATIONS

5. The City of Albany currently does not have a policy on wholly or partially closing thoroughfares.

FINANCIAL IMPLICATIONS

6. The City of Albany would be required to accept costs associated with the road closure and cul-de-sac construction.

STRATEGIC IMPLICATIONS

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

“Community Vision

Nil

Mission Statement

Nil.

Priority Projects

Nil”

COMMENT/DISCUSSION

8. Middle Road is currently a formed gravel road that links South Coast Highway to Sydney Street.

9. It is considered that closing Middle Road to through traffic by constructing a cul-de-sac will reduce maintenance costs and alleviate the safety and dust concerns experienced by residents.

10. In accordance with the Local Government Act 1995, the most appropriate course of action was to invite submissions from the community for the partial closure of Middle Road.

11. The public were given 35 days to comment or object to the road closure from the date of publication in the local paper. Two submissions were received in that period. See table below

WORKS & SERVICES REPORTS

Item 13.3.5 continued.

Submission	Address	Comment
Terry and Roz Porteous	24 Sydney St	Objection It will block access to their property through Middle Rd, which is the most direct route. Also will put more pressure on Sydney St and Moortown Rd in winter due to current road conditions.
Stephen Allen	22 Moretown Rd	Objection As Mooretown Rd is a <i>no through road</i> Middle Rd is another access in case of a bushfire and has been used as a detour in the past. There is also a fire hydrant near Middle Rd in Sydney St.

12. These objections were not considered justification to keep Middle Road open to through traffic, as Bottlebrush Road and Moortown Road are still viable routes to Sydney Street.
13. It is proposed to upgrade Bottlebrush Road, Middle Road, Moortown Road and Sydney Street to a bitumen seal in the 2005/2006 budget. This will address the road condition concerns.

RECOMMENDATION

THAT Council in accordance with section 3.50 of the Local Government Act 1995, close Middle Road to through traffic between South Coast Highway and Sydney Street by constructing a cul-de-sac past the last driveway at the Sydney Street end.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

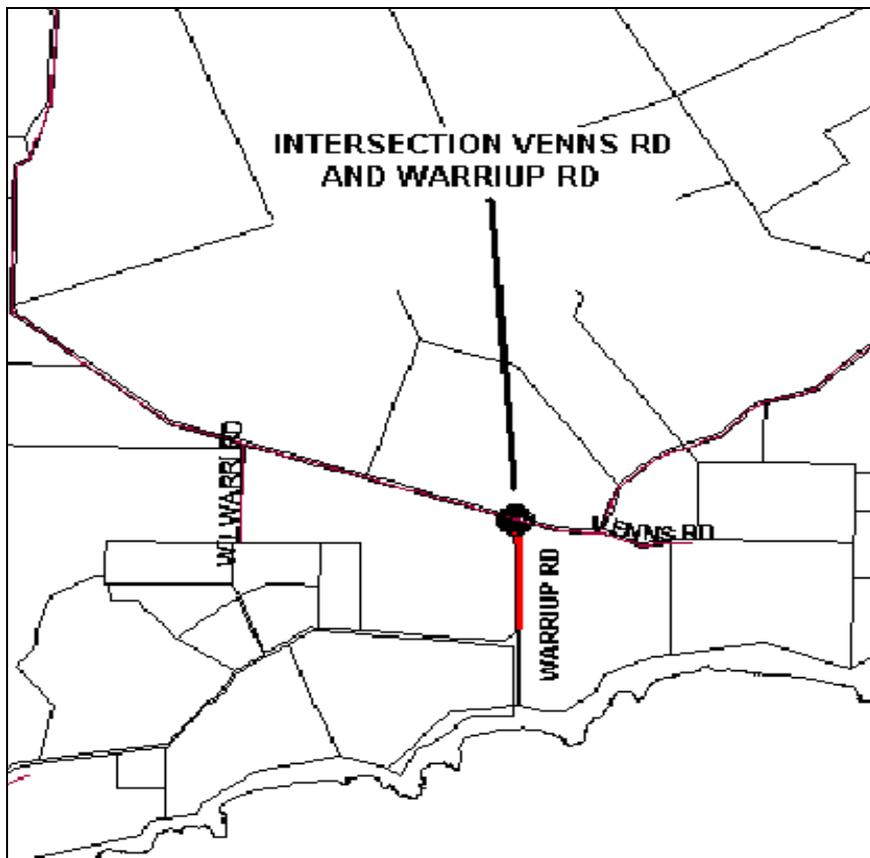
THAT Council in accordance with section 3.50 of the Local Government Act 1995, close Middle Road to through traffic between South Coast Highway and Sydney Street by constructing a cul-de-sac past the last driveway at the Sydney Street end.

MOTION CARRIED 13 - 0

WORKS & SERVICES REPORTS

13.3.6 Proposed Temporary Road Closure – Warriup Road

- File/Ward** : SER 088 (Hassell Ward)
- Proposal/Issue** : Temporary closure of portion of Warriup Road, Mettler to vehicular traffic
- Subject Land/Locality** : Warriup Road, Mettler
- Proponents** : G & N Fardin and BV Smith
- Owner** : Crown
- Reporting Officer(s)** : Asset Plans Co-ordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Proceed with temporary closure of portion of Warriup Road at the intersection of Venns Road, Mettler by lockable gate subject to access being provided for service providers and adjoining landowners.
- Bulletin Attachment** : Nil
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.3.6 continued

BACKGROUND

1. Council received two (2) requests for the closure of the unmade road reserve at the intersection of Warriup Road and Venns Road , Mettler.
2. This section of road reserve has never been constructed and only consisted of a track that people used in an attempt to get to the coast.
3. One of the proponents Mr BV Smith had previously been granted several temporary closures of this portion of road reserve by the former Shire, under Section 3.50 of the Local Government Act 1995 closures can only be granted for a period not exceeding four (4) years, however the closure has lapsed as Mr Smith failed to re-apply for the closure.
4. During the period that the unmade road reserve was closed the area had revegetated and it was not evident that the area could be accessed, until last year when this area was re-opened.
5. Council advertised in the Weekender on the 3rd March 2005 the proposal for a temporary closure of portion of Warriup Road, Mettler by the installation of a lockable barrier and seeking written comment (whether supportive or opposing) from the community.
6. Letters were sent all adjoining landowners and Main Road in accordance with the Act.

STATUTORY REQUIREMENTS

7. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:
 - “(1) *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.*
 - (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) *The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.*
 - (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 –*
 - (j) *is prescribed for the purposes of this section; or*
 - (ii) *owns land that is prescribed for the purposes of this section;*
 - c) *allow a reasonable time for submissions to be made and consider any submissions made.*

WORKS & SERVICES REPORTS

Item 13.3.6 continued

- (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 local public notice is given.*
- (7) *Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.*
- (8) *If, under subsection (7), 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.”*

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

POLICY IMPLICATIONS

9. The City of Albany currently does not have a policy on wholly or partially closing thoroughfares.

FINANCIAL IMPLICATIONS

10. The City of Albany will provide a fire gate if the proposal proceeds.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Mission Statement:

Nil.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. Mr & Mrs Fardin are the absentee owners of Lot 12 Plantagenet Location 3835 which is situated to the west of the subject road reserve.

13. Mr & Mrs Fardin wrote to council in December 2004 advising that Warriup Road between Venns Road and the coast had been re-opened and that there was an increasing problem with trespassers who have created new tracks through their property in an attempt to find a way to the coast and requested that the road reserve be closed.

WORKS & SERVICES REPORTS

Item 13.3.6 continued

14. Mr BV Smith is the owner of Plantagenet Location 6910 which is situated to the east of the subject road reserve has also raised his concerns of people trespassing onto his property and degrading the coast line.
15. The temporary partial road closure is applicable to vehicular access only and it is not intended to limit access to the area by pedestrians.
16. It is considered that the installation of a lockable barrier, with keys issued to service authorities, bush fire brigades and adjoining landowners will help reduce the ability of people trespassing onto private property.
17. In accordance with the Local Government Act 1995, the most appropriate course of action was to invite submissions from the community for the temporary partial closure of Warriup Road at the intersection of Venns Road. The precise location of the barriers would be decided following consideration of submissions and discussions with abutting landowners.
18. The public were given 35 days to comment or object in writing to the road closure from the date of publication in the local paper. Four submissions were received in that period. See table below

Submission	Comment	Objection
Main Roads WA	No objection	
Ray Barr Mettler	No objection as closure will protect the environment.	
A D Barrow Albany		Closure will limit access to the coast
Harley Survey Group on behalf of WH & IM Riches		The proposal will reduce access to the foreshore, coastline and Reserve 45545 which was ceded by the Riches during a subdivision

RECOMMENDATION

THAT Council, in accordance with Section 3.50 of the Local Government Act 1995, proceed with the temporary closure of Warriup Road to vehicular traffic at the intersection with Venns Road, with a lockable gate subject to key access being provided to ensure access by service providers, bushfire brigades and adjoining landowners.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR MARSHALL**

THAT Council, in accordance with Section 3.50 of the Local Government Act 1995, proceed with the temporary closure of Warriup Road to vehicular traffic at the intersection with Venns Road, with a lockable gate subject to key access being provided to ensure access by service providers, bushfire brigades and adjoining landowners.

MOTION CARRIED 12 - 1

WORKS & SERVICES REPORTS

13.4 AIRPORT MANAGEMENT

Nil.

WORKS & SERVICES REPORTS**13.5 RESERVES PLANNING & MANAGEMENT****13.5.1 Environmental Weeds Strategy for City of Albany Reserves 2005 - 2010**

File/Ward	: MAN 108 (All Wards)
Proposal/Issue	: Council adopts “Environmental Weeds Strategy for City of Albany Reserves 2005-2010”.
Subject Land/Locality	: All land vested with and owned by the City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Bushcare Coordinator (P Boglio)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council adopts the revised Environmental Weeds Strategy for City of Albany Reserves (2005-2010) following minor changes made after public comment period.
Bulletin Attachment	: Environmental Weeds Strategy for City of Albany Reserves (2005-2010). Table of submissions received following public comment period. Letter of support from the West Australian Weed Committee.
Locality Plan	: Nil

BACKGROUND

1. Council adopted the first version of this Strategy in August 2001. A review of the Strategy has been undertaken due to the City now having more resources to implement the Strategy, and due the increased knowledge gained by staff on environmental weed control over the past four years.
2. The Strategy “provides the City of Albany with a framework to control environmental weeds in areas for which Council is responsible”.

STATUTORY REQUIREMENTS

3. Under Section 3.18 of the Local Government Act 1995 it states that a local government is to satisfy itself that services and facilities that it provides are managed efficiently and effectively.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

POLICY IMPLICATIONS

4. Review of an existing City of Albany strategy.

FINANCIAL IMPLICATIONS

5. The predicted budget for the implementation of this Strategy over the next five years is indicated below. The second column indicates the amount allocated by Council for the existing financial year (i.e. 2004/05), while the remaining columns are predictions for the coming five years.

Year	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010
Total	\$148,038*	\$154,702	\$160,298	\$195,997	\$197,175	\$202,421

* This amount has already been allocated by Council for 2004/05.

The most significance change over this five-year period is the increase in Bushcare Assistant time, from 48 hours a fortnight (i.e. 3 days a week) to 76 hours a fortnight (i.e. five days a week) in 2007/08. This increase in time is due to the Bushcare Assistants taking on the additional role of controlling woody weeds along rural roadsides.

STRATEGIC IMPLICATIONS

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

“Community Vision

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through restoration, and protection, of areas of high biodiversity within land, river and sea ecosystems.

Mission Statement

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

Priority Projects

Review Bushcare Strategy”

COMMENT/DISCUSSION

7. Six written submissions, as included within the Elected Members Report and Information Bulletin, were received following the release of the Draft Strategy for a two week public comment period. A number of minor changes have been made to the document following receipt of those submissions. The officer recommends that Council endorse the Environmental Weed Strategy for City of Albany Reserves 2005-2010.
8. The main difference between the 2005-2010 Strategy and the original Strategy is that the second version provides more direction for City staff in controlling environmental weeds on land vested with or owned by the City of Albany. It is possible to provide more direction in this second version of the Strategy, as the City now has staff dedicated to implementing the Strategy. The Strategy also clearly indicates the level of support the community can expect to receive from the City in undertaking volunteer weed control activities on City land.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

RECOMMENDATION

THAT Council Adopts the Environmental Weeds Strategy for City of Albany Reserves (2005-2010) as included within the Elected Members Report and Information Bulletin.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

THAT Council Adopts the Environmental Weeds Strategy for City of Albany Reserves (2005-2010) as included within the Elected Members Report and Information Bulletin.

**MOTION CARRIED 13 – 0
ABSOLUTE MAJORITY**

WORKS & SERVICES REPORTS

13.6 WORKS & SERVICES COMMITTEES

13.6.1 Bushcarers Advisory Committee Meeting Minutes – 23rd February 2005

- File/Ward** : MAN 121 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer** : Bushcare Coordinator (P Boglio)
- Summary Recommendation** : That the minutes of the Bushcarers Advisory Committee meetings held on the 23rd February 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Bushcarers Advisory Committee meetings held on the 23rd of February 2005 be adopted (copy of the minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WATERMAN**

THAT the minutes of the Bushcarers Advisory Committee meetings held on the 23rd of February 2005 be adopted (copy of the minutes are in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 13 - 0

WORKS & SERVICES REPORTS

13.6.2 Bushcarers Advisory Committee Meeting Minutes – 26th April 2005

- File/Ward** : MAN 121 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer** : Bushcare Coordinator (P Boglio)
- Summary Recommendation** : That the minutes of the Bushcarers Advisory Committee meetings held on the 26th of April 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Bushcarers Advisory Committee meetings held on the 26th of April 2005 be adopted (copy of the minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR JAMIESON**

THAT the minutes of the Bushcarers Advisory Committee meetings held on the 26th of April 2005 be adopted (copy of the minutes are in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 13 - 0

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT
Nil.

14.2 ORGANISATIONAL DEVELOPMENT
Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT

14.3.1 Provision of Visitor Servicing

File/Ward	: REL 115 (Frederickstown Ward)
Proposal/Issue	: Provision of Visitor Servicing
Subject Land/Locality	: Proudlove Parade
Proponent	: Albany Visitors Centre
Owner	: City of Albany
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil.
Previous Reference	OCM 19/04/05 - Item 14.3.2
Summary Recommendation	: To enter into a transitional arrangement with the Albany Visitors Centre Board.
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. At the April Council meeting it was resolved that the City would fund the services of an interim manager for the Albany Visitors Centre until 30 June 2005 and appoint a working group to investigate the current financial predicament of the Centre and to establish future strategic direction for visitor servicing in the City.
2. It was also agreed to appoint a new manager to take up duties after a strategy has been formulated.

STATUTORY REQUIREMENTS

3. Section 3.58 of the Local Government Act 1995 provides that the lease of Council controlled property must be undertaken either by way of public auction or tender.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The City currently grants the Albany Visitors Centre \$120,000 per annum as a contribution to visitor servicing. The board has suggested that this needs to be increased by at least \$50,000 per annum in order for the facility to remain viable.
6. It is anticipated that the City's costs in running visitor servicing from the building as a separate entity would amount to approximately \$120,000 per year.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

7. Should the City take over the function, \$30,000 would be required to configure the office layout, upgrade IT and cover recruitments costs.
8. Rental revenues would be received from Westrail, the proposed Tour Desk and Brig Amity Tours.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Providing a complete tourism experience.*

Mission Statement:

Nil.

Priority Projects:

Economic Development Strategy Number 4.

City of Albany Tourism Strategy

The strategy proposes a long term commitment to visitor serving by the City through the auspices of the Albany Visitors Centre.”

11. Given recent events the strategy may require amendment to provide for the City being principal providers of visitor servicing.

COMMENT/DISCUSSION

12. The working group has agreed that the best solution to cost effectively deliver visitor servicing would be for the City to operate the facility.
13. The City would also take on the Brig Amity tour attraction as part of the visitor servicing function.
14. Discussions between Albany Visitors Centre and City representatives on the working group have been entirely amicable and all concerned believe that the proposed model of the City providing visitor servicing and private enterprise undertaking commercial bookings for tours and accommodation is the most effective solution.
15. It is proposed to manage visitor servicing as a function of the Customer Services team, under Manager Bill Parker working within the framework of the Corporate and Community Services Department.
16. The Albany Visitors Centre has proposed to terminate its operations as at 30/06/2005 however it is suggested that this be deferred for 1 to 2 months until such time as effective transitional arrangements have been put in place.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

RECOMMENDATION

THAT Council;

- i) in collaboration with the Albany Visitors Centre Board enter into a transitional arrangement over the next 3 months that will achieve the following outcomes.
 - a) City of Albany to deliver visitor servicing as part of the Customer Service team in the existing Albany Visitors Centre premises;
 - b) accommodation and tour bookings to be undertaken as a separate function and expressions of interest be called for service providers in the existing Albany Visitors Centre premises; and
 - c) Albany Visitors Centre to surrender their lease over the Proudlove Parade building when effective transition has been achieved;
- ii) further that the 2005/2006 budget be amended as follows:
 - delete \$120,000 grant to the Albany Visitors Centre;
 - include \$120,000 line item for Visitor Serving;
 - include \$30,000 line item for Visitor Servicing transitional costs; and
 - \$30,000 shortfall to be funded in the first quarter review.

Voting Requirement Absolute Majority

AMENDED RECOMMENDATION

THAT Council;

- i) in collaboration with the Albany Visitors Centre Board enter into a transitional arrangement over the next 3 months that will achieve the following outcomes.
 - City of Albany to deliver visitor servicing as part of the Customer Service team in the existing Albany Visitors Centre premises;
 - accommodation and tour bookings to be undertaken as a separate function and expressions of interest be called for service providers in the existing Albany Visitors Centre premises; and
 - Albany Visitors Centre to surrender their lease over the Proudlove Parade building when effective transition has been achieved;
- ii) further that the 2005/2006 budget be amended as follows:
 - amend \$120,000 grant to the Albany Visitors Centre to a maximum of \$30,000 payable \$10,000 per month until 30 September 2005 or when transition is completed whichever occurs sooner;
 - include \$90,000 line item for Visitor Serving;
 - continue the engagement of an interim Manager as per Ordinary Council Meeting 19 April 2005 until 30 September 2005 or when transition is completed whichever occurs first;
 - include \$30,000 line item for Visitor Servicing transitional costs;

Item 14.3.1 continued,

- \$30,000 shortfall to be funded in the first quarter review.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

THAT Council;

i) in collaboration with the Albany Visitors Centre Board enter into a transitional arrangement over the next 3 months that will achieve the following outcomes.

- **City of Albany to deliver visitor servicing as part of the Customer Service team in the existing Albany Visitors Centre premises;**
- **accommodation and tour bookings to be undertaken as a separate function and expressions of interest be called for service providers in the existing Albany Visitors Centre premises; and**
- **Albany Visitors Centre to surrender their lease over the Proudlove Parade building when effective transition has been achieved;**

ii) further that the 2005/2006 budget be amended as follows:

- **amend \$120,000 grant to the Albany Visitors Centre to a maximum of \$30,000 payable \$10,000 per month until 30 September 2005 or when transition is completed whichever occurs sooner;**
- **include \$90,000 line item for Visitor Serving;**
- **continue the engagement of an interim Manager as per Ordinary Council Meeting 19 April 2005 until 30 September 2005 or when transition is completed whichever occurs first;**
- **include \$30,000 line item for Visitor Servicing transitional costs;**
- **\$30,000 shortfall to be funded in the first quarter review.**

AMENDMENT TO MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR EVANS**

That prior to accommodation and tour bookings to be undertaken as a separate function from the Albany Visitors Centre premises, a submission be invited from the Albany Visitors Centre recommending the form such a body should take.

**AMENDMENT CARRIED 13 - 0
AMENDED MOTION CARRIED 13 - 0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.3.2 Adoption of “*Making it Happen*” – A Strategy For Council’s Involvement in Economic Development

File/Ward	: STR 199 (All Wards)
Proposal/Issue	: Adoption of Economic Development Strategy deferred at April meeting pending inclusion of reference to Aboriginal Accord Action Plan
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Economic Development (J Berry)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 18/01/05 – Item 14.3.1 OCM 19/04/05 – Item 14.3.1
Summary Recommendation	: That Council adopt the Final Draft Strategy ‘ <i>Making it Happen</i> ’ – A strategy for Council’s Involvement in Economic Development
Bulletin Attachment	: “ <i>Making it Happen</i> ” – A strategy for Council’s involvement in economic development (Final Draft)
Locality Plan	: N/A

BACKGROUND

1. ‘*Making it Happen*’ is a strategy framework to guide the City of Albany’s involvement in Economic Development over the next five years. It is an initiative flowing from the City of Albany’s strategic plan ‘Albany 3D’, which was adopted by Council in October 2004.
2. As part of a review of the City of Albany’s organisational objectives in 2003, the Albany community was asked to share their views and vision for Albany’s future and to clarify priority objectives. Input was received via a series of community futures workshops, community surveys and open public consultation. Economic development was rated a high priority for Council to pursue and is embedded in the community vision of Albany being a learning city, a healthy city and a thriving city.
3. The process of preparing the strategy commenced with a workshop with elected members, facilitated by Mr Norman Venus held on 30 November 2004. The workshop set out to define economic development, profile what Council is already doing in economic development, examine who else is involved in economic development, review key statistical indicators and development prospects and discuss the type of development Albany should aim for. Outcomes from the workshop were used to develop the draft strategy prepared by the Manager Economic Development.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

4. In January 2005 Council endorsed the draft strategy and invited stakeholder comment. Comments were received from the following organisations:-
- South Coast Progress Association
 - Great Southern Area Consultative Committee (via personal meeting)
 - Great Southern TAFE
 - Tourism Western Australia
 - Wellstead Progress Association
 - Albany Port Authority
 - Department of Indigenous Affairs

A copy of the stakeholder comments was circulated to elected members in April 2005.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. Adoption of the strategy will supersede the City of Albany Economic Development Policy adopted on 17 July 2001. Town Planning Scheme policies may change as a result of recommended reviews.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Excellent community infrastructure and services;*
- *Dynamic promotion & marketing of Albany’s advantages and opportunities;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage;*
- *Being the regional retailing and services hub;*
- *Providing a complete tourism experience; and*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities accessible to the community and attractive to private investment.*

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

- *Recognition of education, research and training as an economic development driver;*
- *Strong links with knowledge-based organisations;*
- *A well-educated work force that recognises and commits to life long learning;*
- *International University Town recognition;*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued.

- *Wide availability of technical skills development through TAFE and other training organisations;*
- *Excellent Primary and Secondary schooling options; and*
- *A collaborative education, research and training environment that allows seamless pathways to professional and workplace skills.*

A Healthy City: community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities;*
- *Major regional health services providing a complete range of quality health services, for all ages;*
- *Encouraging alternative forms of transport and implementing an effective public transport system; and*
- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement

The City of Albany is committed to...

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

Priority Projects

Identified in Major Planning Projects (Number 34), namely, to establish clear direction on Council's involvement in Economic Development activities.

COMMENT/DISCUSSION

9. Adoption of the first draft document was deferred at the April 2005 meeting pending clarification of economic and employment opportunities identified in the City of Albany Aboriginal Accord Action Plan.
10. The Manager Economic Development convened a meeting of the major regionally based government agencies involved in economic development in April 2005, including:-
 - Great Southern Development Commission (Aboriginal economic development officer).
 - Department of Industry and Resources (Office of Aboriginal Economic Development).
 - Department of Indigenous Affairs.
 - City of Albany Aboriginal Liaison Officer.
11. It was agreed at the meeting the Aboriginal Accord Action Plan (and associated working group) be the instrument to work on new economic development opportunities and that the economic development strategy be amended to identify the Accord under the section community economic and enterprise development. The Manager economic development would be invited to attend working group meetings and explore specific projects that the City can assist. It was noted an Aboriginal community member had been appointed to the Entertainment Centre working group consistent with the Accord.
12. The final draft document '*Making it Happen*' is available in the Elected Members' Report and Information Bulletin.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued.

RECOMMENDATION

THAT Council adopt the strategy document *'Making it Happen – A Strategy for Council's involvement in Economic Development (2005 – 2010)'*.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR BOJCUN**

THAT Council adopt the strategy document *'Making it Happen – A Strategy for Council's involvement in Economic Development (2005 – 2010)'*.

MOTION CARRIED 13 - 0

GENERAL MANAGEMENT SERVICES REPORTS

14.3.3 Albany Entertainment and Convention Centre Steering Committee Functions

File/Ward	: MAN 075 (Frederickstown Ward)
Proposal/Issue	: Albany Entertainment and Convention Centre Steering Committee functions.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Economic Development (J Berry)
Disclosure of Interest	: Nil
Previous References	: N/A
Summary Recommendation	: Various options
Bulletin Attachment	: Nil
Locality Plans	: Nil

BACKGROUND

1. The Albany Entertainment and Convention Centre Steering Committee was established in 2002 with terms of reference to provide strategic and policy guidance and generally assist Council establish a convention and entertainment Centre in the York Street precinct.
2. In accordance with the Local Government Act 1995, tenure of membership to Council committees expires at the date of the next Council election day, being 7 May 2005. Prior to the Council election day, membership of the Albany Entertainment and Convention Centre Steering Committee consisted of:-

Member	Office
Mr Peter Watson MLA (Chairman)	Member for Albany
Mr Ian Osborne (Deputy Chairman)	Marketing Co-ordinator Australia's South West
Ms Stevie Cole	Project Officer, GSDC
Ms Annette Davis	Community Arts Representative
Mr Chris Morris	General Community Representative
Mr Harley Coyne	Executive Officer, Albany Aboriginal Corporation
Mr Stewart Gartland	Albany Town Hall Theatre Manager
Cr Alison Goode	Mayor, City of Albany
Cr Milton Evans	Deputy Mayor, City of Albany
Cr Jan Waterman	Councillor, City of Albany
Cr Tony Demarteau	Councillor, City of Albany
Mr Len Smith	Board Member, Australia's South West
Mr Dan Roth	President, Senior Citizens Centre
Ms Jenni Flottmann	Manager, Albany Public Library and Information Service

Item 14.3.3 continued

STATUTORY REQUIREMENTS

3. Committees of Council are established under Section 5.8 of the Local Government Act 1995

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Excellent community infrastructure and services;*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities accessible to the community and attractive to investment.*

City of Albany Mission Statement

“Making the difference for Albany”

Priority Projects

City Facilities Projects

- *No 29: Obtain funding and design and construct a performing arts centre with capacity to host conventions.”*

COMMENT/DISCUSSION

7. At its 17 May 2005 meeting Council resolved to establish the Albany Waterfront Development Committee consisting of seven Councillors, to make recommendations on guided development of the Albany Waterfront. It was also agreed at that meeting that the existing functions and composition of the Albany Entertainment and Convention Centre Steering Committee would be reviewed at the June 2005 Council meeting with a view to continuing its role in making recommendations to Council on the design, operation and layout of the new facility.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.3 continued

RECOMMENDATION

i) THAT Council rename the existing Albany Entertainment and Convention Centre Steering Committee the '*Albany Entertainment Centre Steering Committee*' with terms of reference to make recommendations to Council on the design, operation and layout of the new facility and the composition of the Committee be either:-

- a) a committee of Council consisting of seven councillors; OR
- b) a committee of Council comprising of 4 Councillors and 3 Community representatives.

OR

ii) THAT Council deal with design, operation and layout of the proposed entertainment centre by way of concept briefings with full council.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EVANS**

THAT Council rename the existing Albany Entertainment and Convention Centre Steering Committee the '*Albany Entertainment Centre Steering Committee*' with terms of reference to make recommendations to Council on the design, operation and layout of the new facility and the composition of the Committee be a committee of Council comprising of 4 Councillors and 3 Community representatives.

**MOTION CARRIED 12 – 1
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEE

14.4.1 Albany Waterfront Development Committee Minutes

File/Ward	:	MAN 168 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Summary Recommendation	:	That the Minutes of the Albany Waterfront Development Committee held on 30 May 2005 be adopted.

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 30 May 2005, (a copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

RECOMMENDATION

Item 6.2.1 Entertainment and Convention Centre, Function Centre & Hotel

i) THAT the Albany Entertainment Centre be a Council owned and operated entertainment venue and that convention, function and hotel facilities be developed in the near vicinity and owned and operated by the private sector.

ii) THAT the preferred layout for the entertainment, convention and function facilities be in accordance with Option 2 with the function centre being placed contiguous to both the entertainment and hotel facilities.

Item 6.2.2 Footbridge

THAT Option One is the preferred option for the construction of a footbridge linking the rotunda on Stirling Terrace to the Albany Entertainment Centre.

Item 6.2.3 Public Open Space

THAT unrestricted community access be provided for the entire land / harbour interface by way of boardwalk or pathway.

Item 6.2.4 Commercial Property

THAT land to the east of the Hotel site as provided in option 2 be designated for general commercial purposes.

Item 6.2.5 Identification and determination of land to be transferred to the City.

THAT the footprint of land required to accommodate the entertainment centre and parking for that purpose be transferred to the City in freehold.

GENERAL MANAGEMENT SERVICES REPORTS

Item 6.2.6 Size and layout of the Marina.

THAT:

1. The size and format of the marina is acceptable; and
2. The Department of Planning and Infrastructure own, manage and operate the Marina.

Item 6.2.7 Priority of construction of elements within the frameworks of the overall projects.

THAT the Albany Entertainment Centre should be commenced immediately and separate to other elements of the project.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 30 May 2005, (a copy of minutes are in the Elected Members Report/Information Bulletin) and the following motions adopted:-

RECOMMENDATION

Item 6.2.1 Entertainment and Convention Centre, Function Centre & Hotel

- i) **THAT the Albany Entertainment Centre be a Council owned and operated entertainment venue and that convention, function and hotel facilities be developed in the near vicinity and owned and operated by the private sector.**
- ii) **THAT the preferred layout for the entertainment, convention and function facilities be in accordance with Option 2 with the function centre being placed contiguous to both the entertainment and hotel facilities.**

Item 6.2.2 Footbridge

THAT Option One is the preferred option for the construction of a footbridge linking the rotunda on Stirling Terrace to the Albany Entertainment Centre.

Item 6.2.3 Public Open Space

THAT unrestricted community access be provided for the entire land / harbour interface by way of boardwalk or pathway.

Item 14.4.1 continued.

Item 6.2.4	<u>Commercial Property</u> THAT land to the east of the Hotel site as provided in option 2 be designated for general commercial purposes.
Item 6.2.5	<u>Identification and determination of land to be transferred to the City.</u> THAT the footprint of land required to accommodate the entertainment centre and parking for that purpose be transferred to the City in freehold.
Item 6.2.6	<u>Size and layout of the Marina.</u> THAT: 1. The size and format of the marina is acceptable; and 2. The Department of Planning and Infrastructure own, manage and operate the Marina.
Item 6.2.7	<u>Priority of construction of elements within the frameworks of the overall projects.</u> THAT the Albany Entertainment Centre should be commenced immediately and separate to other elements of the project.
MOTION CARRIED 13 - 0	