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# MINUTES

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**For the Ordinary Meeting of Council  
Held on  
Tuesday, 21 June 2011  
7.00pm  
City of Albany Council Chambers**

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**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

7.00pm: The Mayor declared the meeting open.

**II. OPENING PRAYER**

Councillor Wolfe read the opening prayer.

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

**ITEM 2.0: RESOLUTION**

**MOVED: COUNCILLOR HOLDEN**

**SECONDED: COUNCILLOR DUFTY**

- 1. THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**
- 2. THAT Standing Order 4.2(4)-Seating at Meetings of Council-be SUSPENDED to allow CEO Faileen James to be seated on the Mayor’s right.**

**CARRIED 12-0**

Mr Dennis Lohoar presented the City of Albany with two awards recently presented to the Friends of Emu Point Incorporated. Emu Point won the 2011 Community Action Award and the State 2011 Clean Beaches award. Both of these were presented by Keep Australia Beautiful WA.

Mr Lohoar acknowledged the support and contribution by the City of Albany to the Friends of Emu Point. Mayor Evans congratulated Friends of Emu Point on winning two such prestigious awards, and thanked them for their dedication and hard work.

Mr Phil Shepherd from the Albany Classic presented the City with a framed poster of the 2011 Albany Classic in recognition of the City of Albany’s contribution towards the event. Mr Shepherd thanked City staff and volunteers for their time in supporting the event, and said that the event organisers had been successful in gaining funding for the 2012 Albany Classic event.

### **III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION**

#### **7.12PM Councillor Wolfe**

Summary of key points:

- Councillor Wolfe is Chairperson of Hawthorn House and apprised Council of the Alzheimer's Association fundraising efforts to support the relocation of the Association to land on Henry Street, Milpara.
- Said that funding applications totalling approximately \$1.5million had been lodged and a 12 month program to raise awareness of Alzheimer's disease in the community was underway. All money raised will go towards the new facility on Henry Street.

#### **7.14PM Councillor D Bostock**

Summary of key points:

- Congratulated the Friends of Emu Point on their hard work and success in winning the Clean Beaches award.

#### **7.15PM Councillor Leavesley**

Summary of key points:

- Congratulated Councillor Duffy on reaching 80 years of age
- Is currently reading a book by Dick Smith on population crisis which is very thought provoking and recommended it to fellow Councillors

#### **7.16PM Councillor Wellington**

Summary of key points:

- Congratulated Friends of Emu Point on their hard work and dedication to improvement of their beach.

#### **7.16PM Councillor J Bostock**

Councillor J Bostock's tabled address is detailed at Appendix B. Summary of key points:

- Congratulated the Friends of Emu Point on their recent awards
- Acknowledged the efforts of Kevin Ketterer as Executive Director of Works and Services

**7.20PM** Mayor Evans presented his report which is detailed at Appendix B.

**ITEM 3.0: RESOLUTION**

**MOVED: COUNCILLOR LEAVESLEY**

**SECONDED: COUNCILLOR MATLA**

**The Mayor's Report be RECEIVED.**

**CARRIED 12-0**

**IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC**  
**Nil.**

## **V. PUBLIC QUESTION AND STATEMENT TIME**

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.

### **7.25PM Mr Terry Ackley, 173 Gunn Road**

Summary of key points:

- Mr Ackley addressed Council regarding Item 2.3: Lot 202 Rowney Road and gave a brief history of the subdivision and restrictions on building envelopes within the subdivision.

### **7.28PM Mr Richard Tilbury, Rowney Road**

Summary of key points:

- Mr Tilbury addressed Council regarding Item 2.3: Lot 202 Rowney Road
- Mr Tilbury said that the site meeting organised by Planning and Development Services staff was productive, and he believed that his concerns had been listened to. He asked whether the City had had legal advice regarding the resolution of Council made at the May 2011 OCM.

Executive Director Planning and Development Services, Mr Graeme Bride responded that the City had been advised that under the Town Planning Regulations Council had not completed its decision making process.

- Mr Tilbury questioned why he had been contacted by City staff only four hours prior to this evenings Council meeting regarding this issue.

Chief Executive Officer Ms Faileen James responded that Mr Tilbury had been contacted by City staff with regard to an Amended Alternate Motion by Councillor Paver which had been provided at short notice to City staff. Staff rightly advised Mr Tilbury of further information which may affect Mr Tilbury's position at the meeting tonight.

### **7.34PM Mr Peter White, Parker Brook Road, Drome**

Summary of key points:

- Mr White is an immediate neighbour to proposed Motorplex site, and is concerned that the proposed motorcross track is no more than 600 metres from his residence.
- Go karts are already creating noise issues and he is concerned over the increased noise which may come from the motorcross track, particularly as the club grows in size.
- He did not believe that any barriers were to be erected to control noise which is of major concern. There are no natural barriers to noise coming from the proposed motorcross track.

**7.36PM Mr Tony Demarteau, Lorenzo Way**

Summary of key points:

- Congratulated the Friends of Emu Point and the City of Albany on the recent Clean Beaches Awards, and said that this was a well deserved community award.
- The Friends of Emu Point are an enthusiastic and close knit community group who have achieved significant improvements to the area. The philosophy of the group is to work with the City.
- Mr Demarteau asked when the budget documents will be available

Chief Executive Officer Ms Faileen James responded that the Budget papers would be available one week prior to the agenda briefing session for the July meeting.

**7.39PM Mr Tony Stanton, Little Grove**

Mr Stanton's tabled address is detailed at Appendix B. Summary of key points:

- Mr Stanton addressed Council regarding the Albany Leisure and Aquatic Centre Cafe and Gymnasium.

**7.44PM Mr Ron Scott, 54 Rowney Road**

Summary of key points:

- Mr Scott spoke in support of the change of building envelope on Lot 202 Rowney Road and felt that it would increase the value of all properties in the subdivision.

**7.45PM Mr Nick Ayton, 11 Duke Street, Albany**

Summary of key points:

- Mr Ayton spoke on behalf of Mr Terry Ackley regarding Lot 202 Rowney Road
- Mr Ayton said it was not unusual for building envelopes to be varied and that it should be a very simple process as the change of envelope has largely been accepted by adjoining landowners
- If Council does not proceed with rezoning, it is possible to build within 15 metres of boundary which is much closer than the rezoning proposal. Mr Ayton was also supportive of additional requirements for retention of trees

**ITEM 5.0: RESOLUTION**

**MOVED: MAYOR EVANS**

**THAT Public Question and Statement Time be extended.**

**CARRIED 12-0  
BY SHOW OF HANDS**

**7.48PM Mr Sebastian Bolhuis, Harley Global**

Summary of key points:

- Mr Bolhuis addressed Council regarding the rezoning of Frederick Street, and was seeking Council support to progress the project which will provide inner city housing and office suites
- He said the streetscape will be maintained, with a one storey development on the street front, the heritage of the precinct being maintained and development height addressed

**7.52PM Mr Murray Ferrell, Lot 201 Rowney Road**

Summary of key points:

- Mr Ferrell said that he was supportive of the Responsible Officer Recommendation for Item 2.3:

**7.54PM Ms Meredith Spencer and Ms Dana Neuman Little Grove**

Summary of key points:

- Ms Spencer and Ms Neuman have worked on a concept development plan for Mills Park with the aim of creating a high quality public park
- Funding for this project is important in order to access other grants

The Mayor closed the Public Question and Statement Time at 7.58pm.

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

Mayor	MJ Evans
<b>Councillors:</b>	
Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
Frederickstown Ward	Vacant
Frederickstown Ward	D Wellington
Kalgan Ward	C Holden
Kalgan Ward	M Leavesley
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	J Matla
Yakamia Ward	R Sutton
Vancouver Ward	D Bostock
Vancouver Ward	R Paver

**Staff:**

Chief Executive Officer	F James
A/Executive Director Corporate Services	P Wignall
Executive Team Leader Community Services	L Hill
Acting Executive Director Works & Services	S Jamieson
Executive Director Planning & Development Services	G Bride
Minutes	J Williamson

**Apologies:**

There were 2 members of the media in attendance and approximately 40 members of the public.

**VII. APPLICATIONS FOR LEAVE OF ABSENCE****ITEM 7.0: RESOLUTION**

**THAT Leave of Absence be granted to Councillor Paver for the month of July.**

**CARRIED 12-0**



**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**ITEM 8.0: MOTION**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT the minutes of the Ordinary Council Meeting held on 17 May 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 8-4**

**Record of Vote**

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

**IX. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Councillor J Bostock	1.5	<b>Financial.</b> The nature of the interest being that Councillor Bostock is closely related to the party to the writ. Councillor Bostock left the Chamber and did not participate in the discussion or vote for Committee Recommendation 1.
Councillor D Wellington	1.5	<b>Proximity.</b> The nature of the interest being that Councillor Wellington is mentioned in the writ. Councillor Wellington remained in the Chamber and participated in the discussion and vote.
Councillor R Paver	1.5	<b>Financial.</b> The nature of the interest being that Councillor Paver is the plaintiff in a writ involving the City and Deputy Mayor. Councillor Paver left the Chamber and did not participate in the discussion or vote.
Councillor D Bostock	1.5	<b>Financial.</b> The nature of the interest being that Councillor Bostock is a plaintiff in a writ involving the City and Deputy Mayor Wellington. Councillor Bostock left the Chamber and did not participate in the discussion or vote.
Councillor R Hammond	1.5	<b>Financial.</b> The nature of the interest being that Councillor Hammond was the owner of the businesses engaged in bookings and tourism promotion at and from the Visitor Centre. Councillor Hammond left the Chamber and did not participate in the discussion or vote.
Councillor R Hammond	1.3	<b>Financial.</b> The nature of the interest being that Councillor Hammond was the owner of a business party to an executed agreement. Councillor Hammond remained in the Chamber and participated in the discussion and vote.
Acting Executive Director Works and Services Mr Stuart Jamieson	5.1	<b>Impartiality.</b> The nature of the interest being that Mr Jamieson's father is principal of Albany Mapping and Survey Services.

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

Nil.

**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Petition tabled by Mr Tony Stanton.

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC**

**RISK MANAGEMENT FRAMEWORK**

**The City of Albany Organisational Risk Management Framework, which will be used as a Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members.**

**1.1.1 : STREETSCAPE ADVISORY COMMITTEE MEETING VERSION  
TWO**

**File Number (Name of Ward)** : RD.MEE.2  
**Proponent** : City of Albany  
**Attachment(s)** : Confirmed Minutes of Streetscape Advisory Committee  
**Responsible Officer** : Executive Director Works & Services (K Ketterer)

**IN BRIEF**

- Council received the confirmed minutes of the 12 April 2011 Committee meeting.
- Council receive the recommendations of the Streetscape Committee meetings held on 10 May and 14 June 2011.

**ITEM 1.1.1: RESOLUTION 1**

**MOVED: COUNCILLOR MATLA**  
**SECONDED: COUNCILLOR HAMMOND**

**THAT Committee Recommendations 1, 2, 3, 4, 5, 6 & 7 be carried en bloc.**

**TIED 6-6**  
**MAYOR EXERCISED CASTING VOTE**  
**LOST 6-7**

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**That the CONFIRMED minutes of the Streetscape Advisory Committee meeting held on the 12 April 2011 be RECEIVED.**

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 1)**

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR LEAVESLEY**

**THAT Committee Recommendation 1 be ADOPTED.**

**CARRIED 12-0**

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 2**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Albany Peace Pole in the Alison Hartman Gardens**

**THAT Council APPROVE the installation of the rock plinth and signage relating to the Albany Peace Pole in the Alison Hartman Gardens by the Albany Baha'i Community.**

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 2)**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: MAYOR EVANS**

**THAT Committee Recommendation 2 be ADOPTED.**

**CARRIED 12-0**

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 3**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Streetscape Entry Statements**

**THAT Council APPROVE the proposed "City of Albany Entry Statements", pending budget allocation, as detailed in the Officer's Report, in accordance with the following details:**

- a. constructed as Free Standing, 4.0 metre high, road side structures;
- b. include the traditional owners statement:  
*"Country of the Minang People"*  
above the Entry Statement "Western Australia's First European Settlement 1826";
- c. that the font of the traditional owners statement and entry are of the same size and style.

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 3)**

**MOVED: COUNCILLOR DUFTY**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT Committee Recommendation 3 be ADOPTED.**

**CARRIED 8-4**

**Record of Vote**

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

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 4**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**Central Business District Landscape Improvement – “Wake’s Wall”**

1. The Chief Executive Officer be delegated the power to finalise negotiations with Mr Wake in regards to the scope, budget, timeframes and benefits to both parties in respect of this project.
2. If the Chief Executive Officer is unable to settle negotiations with Mr Wake on terms suitable to the Chief Executive Officer, then the City of Albany not proceed with this project.

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 4)**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR DUFTY**

**THAT Committee Recommendation 4 be ADOPTED.**

**CARRIED 11-1**  
**ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillor Paver

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 5**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Sculpture Placement – Association for the Blind**

**That Council APPROVE “Mills Park” as the appropriate location for the placement of the Art for the blind sculpture.**

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 5)**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR MATLA**

**THAT Committee Recommendation 5 be ADOPTED.**

**CARRIED 12-0**

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 6**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Flying Fish Sculpture – Albany Airport**

- (i) That the “Flying Fish” sculpture be re-painted by the artist, Carlo Shiano Di Cola at a cost of \$1000.
- (ii) That the “flying fish” sculpture be relocated at the Airport in the garden on the approach to the arrivals lounge.

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 6)**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR WELLINGTON**

**THAT Committee Recommendation 6 be ADOPTED.**

**CARRIED 12-0**

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 7**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Middleton Beach Signage**

**Subject to budgetary approval:**

- (i) The Middleton Beach signage at 600mm x 1150mm layout as submitted be **APPROVED.**
- (ii) A similar design signage at 660mm x 300mm for use along shared pathways be **APPROVED.**
- (iii) The preferred design (Image A) is chosen as the preferred option.

**ITEM 1.1.1: RESOLUTION (Committee Recommendation 7)**

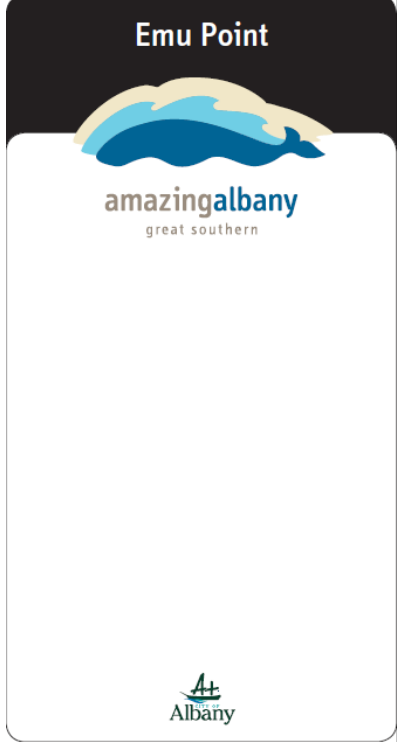
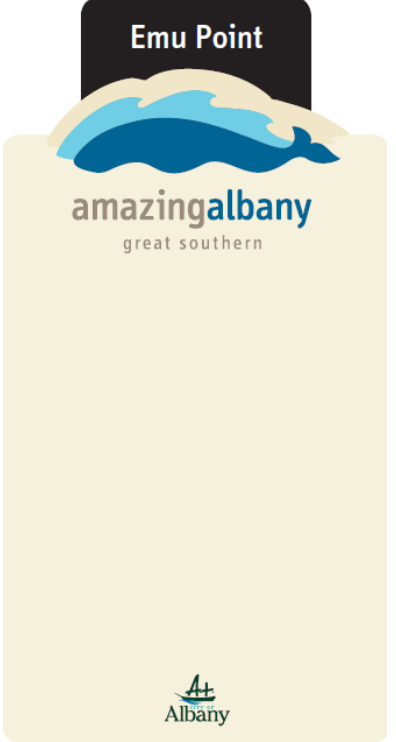
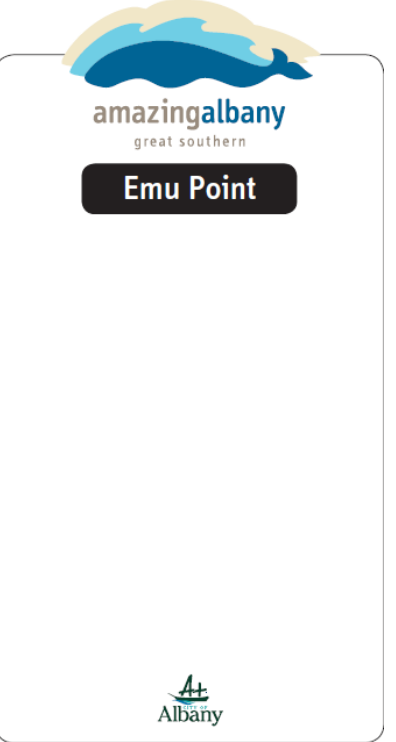
**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR MATLA**

**THAT Committee Recommendation 7 be ADOPTED.**

**CARRIED 12-0**

**Note:** The following details the designs presented to the Committee at the 14 June 2011 meeting.

		
Image A	Image B	Image C





**STREETSCAPE ADVISORY COMMITTEE  
MINUTES**

For the meeting held at 7.30am on Tuesday, 10 May 2011  
In the Margaret Coates Boardroom  
**R.D.MEE.2/AM1118159**

**1.0 OPENING**

Cr Joy Matla declared the meeting open at 7:35am

**2.0 ATTENDANCE:**

Cr Joy Matla

**Chair**

**Mayor** M Evans

(Member)

**Councillors:**

Cr Wellington

(Member)

Cr Duffy

(Member)

**Community Members:**

Liza Stewart

(Member) (from 7:40am)

Sally Malone

(Member)

**Staff:**

Faileen James

Chief Executive Officer

Kevin Ketterer

Executive Director Works and Services

Belinda Ohle

Minute Secretary

**Apologies/Leave of Absence:**

Mary Holt

Parks and Gardens Supervisor

**3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**ITEM 3.0 – COMMITTEE RECOMMENDATION**

**MOVED:** Councillor Wellington

**SECONDED:** Councillor Duffy

**THAT the minutes of the Streetscape Committee meeting held on Tuesday, 12 April 2011, previously distributed, be CONFIRMED as a true and accurate:**

**Carried 6-0**

**KEVIN KETTERER:**

#### 4.0 DECLARATION OF INTEREST

None

#### 5.0 ARISING MATTERS FROM PREVIOUS MINUTES

##### 5.1 Streetscape Entry Statements

The Committee reviewed and discussed suggestions submitted by ATMAC and agree that the photographs on the Entry Statements should be interchangeable.

A discussion was held on the wording "Western Australia's First European Settlement 1826".

**ACTION: Faileen James to provide feedback at next meeting.**

##### ITEM 5.1: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON

SECONDED: SALLY MALONE

THAT the Committee recommend to Council that:

- i. The form of the entry statements as free standing 4m high road side structures as depicted on the sketches submitted be APPROVED
- ii. The wording as depicted on sketch be finalised at the next Streetscape Advisory Committee Meeting.
- iii. The photographs depicting be typical Albany scenery or from places of interest and be obtained from the PR Department; for consideration at the next Streetscape Advisory Committee Meeting.
- iv. \$31 000 has been included in the draft 2011/12 budget for consideration.

**MOTION CARRIED 6-0**

##### 5.2 Wakes Wall

The Committee discussed the proposal as presented. A final cost estimate of \$22 000 is to be included in the 11/12 draft budget for council consideration.

ITEM 5.2: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR WELLINGTON

THAT the Committee recommend to Council that:

- i. A final detailed landscape sketch be presented at the next Streetscape Advisory Committee Meeting.
- ii. \$22 000 be included in the draft 2011/12 budget for the total project for consideration.

**MOTION CARRIED 6-0**

5.3 Footpath in Minna Street

The footpath does not form part of the asset management plans, but will be included in the budget deliberations for the consideration of Council.

Councillor Wellington requested a copy of the Asset Management Plan on Footpaths to be provided to him.

**ACTION: Executive Director Works and Services to provide footpath plan to Councillor Wellington.**

5.4 Sculpture placement

The Committee considered the information received from the Association of the Blind.

ITEM 5.4: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON

SECONDED: SALLY MALONE

THAT the Committee recommend to Council that:

- i. Mills Park, Little Grove is as an appropriate location for the placement for the sculpture
- ii. The Little Grove community be canvassed regarding the placement of the sculpture in Mills Park, and the design of the sculpture.
- iii. Executive Director Works and Services confirm the Association of the Blind represented the blind community on this project.

**MOTION CARRIED 6-0**

5.5 Centenary Trees – Eyre park and Lawley park

The design of Eyre and Lawley Parks will be included in the 11/12 budgets for consideration by Council.

5.6 Flying Fish Sculpture

ITEM 5.6: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WELLINGTON

SECONDED: SALLY MALONE

THAT the Committee recommend to Council that:

- i. The artist, Carlo Schiano Di Cola, be contacted if possible by the Executive Director Works and Services concerning the maintenance of the sculpture.
- ii. A more appropriate place (at the airport) be investigated for placement of the sculpture.
- iii. The relocation of the "flying fish" be discussed with Airport Staff.

**MOTION CARRIED 6-0**

**6.0 NEW MATTERS FOR DISCUSSION**

6.1 Signage for Peace Pole

ITEM 6.1: COMMITTEE RECOMMENDATION

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR DUFTY

THAT the Committee recommend to Council that:

- i. The installation of the rock plinth and signage relating to the Albany Peace Pole in the Alison Hartman Gardens by the Albany Baha'i Community be APPROVED.

**MOTION CARRIED 6-0**

6.2 Selection of projects and prioritizing thereof

Sally Malone requested clarity on the protocol followed by Council when projects are selected and the prioritizing thereof. Faileen James explained the budget procedure and the processes followed by Council in making decisions on Streetscape items on the budget.

6.3 Weed Policy

Councillor Wellington requested a copy of the Asset Management Plan – Weed Control be provided to him.

**ACTION: Executive Director Works and Services to provide plan to Councillor Wellington.**

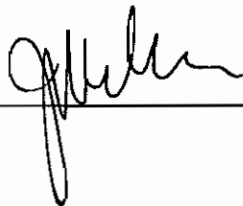
7.0 DATE OF NEXT MEETING

14 June 2011 at 7.30am in Margaret Coates Boardroom

8.0 CLOSURE OF MEETING

Meeting closed and 8.20am

CONFIRMED: CHAIRPERSON



DATE: 14/6/11



**1.1.2: SENIORS ADVISORY COMMITTEE**

**File Number (Name of Ward)** : CR.MEE.2  
**Appendices** : Seniors Advisory Committee  
**Responsible Officer** : Executive Community Services (L Hill)

**IN BRIEF**

- Receive the minutes of the Seniors Advisory Committee.

**ITEM 1.1.2: COMMITTEE RECOMMENDATION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

The CONFIRMED minutes of the Seniors Advisory Committee meeting held on 17 March 2011, be RECEIVED.

**ITEM 1.1.2: RESOLUTION (Committee Recommendation 1)**

**MOVED: COUNCILLOR DUFTY**  
**SECONDED: COUNCILLOR HOLDEN**

**THAT Committee Recommendation 1 be ADOPTED.**

**CARRIED 12-0****ITEM 1.1.2: COMMITTEE RECOMMENDATION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

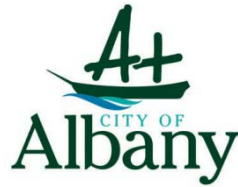
**THAT Council support the establishment of a working party to develop guidelines to assist the City of Albany Planning & Development Services Department to support Housing for Life Principles for future lifestyle villages. When establishing these guidelines the working party will work in partnership with the City of Albany Planning Department.**

**ITEM 1.1.2: RESOLUTION (Committee Recommendation 2)**

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

**THAT Committee Recommendation 2 be ADOPTED.**

**CARRIED 12-0**



**CITY OF ALBANY  
SENIORS ADVISORY COMMITTEE**

CR.MEE.2 (AM1145577)

**MINUTES**

for the meeting to be held at 10.00am on Thursday, 21<sup>st</sup> April 2011  
in the Civic Rooms

**DECLARATION OF OPENING AT 10.00am**

**1. ATTENDANCES:**

Cr Chris Holden	COA Councillor
Celia Barnesby	Senior Citizen Centre (Meals on Wheels)
David Mattinson	Association of Independent Retirees
Esme' Justins	Albany Breaksea Ladies Probus Club
Kim Buttfield	WA Country Health Service (Injury Prevention)
Michael Calton	National Seniors Australia
Middy Dumper	Seniors Community Representative
Linda Hill	Community Services Leader City of Albany
Rachel Oswald	COA Community Development Officer - Seniors

**2. APOLOGIES:**

Cr Don Dufty	COA Councillor
Colleen Tombleson	Lions Community Care Centre
Ruth Watson	Seniors Community Representative
Patsy Ranger	Over 50's Recreation Association

**3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Recommendation:**

**THAT the minutes of the previous meeting held on the 17<sup>th</sup> March 2011 are CONFIRMED to be a true and accurate record of proceedings with the following correction, the recommendation listed under 5.1.4 Lifestyle Housing Guidelines requests COUNCIL support not the Committees support.**

**Moved: Michael Calton**

**Seconded: Esme' Justins**

**Carried: \_\_\_\_\_ 7/0 \_\_\_\_\_**

**4. DISCLOSURE OF INTEREST:**

NIL

**5. ITEMS FOR DISCUSSION**

**5.1 BUSINESS ARISING FROM PREVIOUS MINUTES:**



**5.1.1 North Road Pedestrian Safety**

Kevin Ketterer, Executive Director Works and Services and Andrew Duffield, Regional Manager Main Roads outlined their recommendations to improve pedestrian safety on North Road (attachment 2). The committee provided feedback on a suitable location for the pedestrian crossing point between Lions Road and Barnesby Drive.

**5.1.2 Seniors Circuit** (playground for seniors)

The committee agreed that the Centennial Precinct (near cricket grounds) would be the most suitable location due to the high senior's population in the area. It was also agreed that the exercise equipment be strategically places along footpath network to encourage existing walking groups and general public to use the equipment as part of their exercise routine. The Committee would like further consultation about the type of equipment before it is chosen.

**Action:** Rachel Oswald to investigate further the feasibility of the Seniors Circuit being located in the Centennial Precinct.

**5.1.3 City of Albany's Policy on Alfresco Dining**

Visits to the Venice took place at 10:30-11:00am, 12:40pm, 1:30-2:00pm and 3pm and to Sails 11:00am 1:00pm and 1:50pm. These visit took place on different days, each time both restaurants complied.

**5.1.4 Know Your Neighbour Day**

16 nominations were received, prizes were given to first, second and third place. Minister for Seniors and Volunteering, Hon. Robyn McSweeney and Mayor Evans presented a certificate and prize to the winner on Neighbour Day. Everyone who was nominated received a certificate. Good news stories will be published on the seniors page in the Weekender.

**5.1.5 Lifestyle Housing Guidelines**

Kim Buttfeld drafted the Housing for Life terms of reference which has been approved by Rachel Oswald, Community Development and Tom Wenbourne, Senior Planner (please see attachment 8). The terms of reference state that there will only be three representatives from SAC plus one Councillor. Currently there are five volunteers from the Committee to sit on the working Party.

**Action:** Rachel Oswald to send out an email to the five members who have currently volunteered outlining the time commitment needed.

**5.2 SENIORS ADVISORY COMMITTEE ACTION SHEET (ATTACHMENT 1)**

**5.2.1 Smoke Alarm Project**

There has been feedback that HACC eligible clients have disputed the fact that they are required to pay to have their smoke alarms checked while non HACC eligible clients (those that can afford it) are receiving free services through the project. In light of this feedback the Committee were asked if the criteria needs to be reviewed. The Committee decided the criteria should stay the same based on the fact that HACC eligible clients pay a nominal fee that is included in a package of additional services.

**5.2.2 ACROD Bays**

Rachel Oswald to confirm if the 10 new ACROD Bays have been installed

- Four at Middleton Beach
- One at Peels Place Car Park at round about
- One at Stirling Terrace just before the car park at the roundabout
- One on York Street near the roundabout at Peels Place
- One on Serpentine Road near York Steert intersection (east side)
- One at the front of the Senior Citizen Building in bus bay

Four additional bays have been approved:

- Two at the Library
- One near York Street Post Office (angled parking Grey Street West)
- One on Peels Place near lane way entry to car park.

**Action:** Rachel Oswald to investigate the status on the ACROD Bay on Duke Street near the church. Also to investigate if the new ACROD bays will have signs that outline penalties.

### 5.2.3 Seniors Expo

Will be advertising for additional committee members and have asked that Committee members distribute through their networks. Please see draft Terms of Reference attachment 9.

**Action:** Rachel Oswald to advertise and distribute terms of reference when draft has been approved.

### 5.3 CORRESPONDENCE IN:

- Email from Kevin Ketterer, Executive Director of Works and Services, City of Albany – 06/04/2011 (attachment 2)
- Email Planning Needs Analysis Home and Community Care (HACC) Great Southern – 04/04/2011 (attachment 3)
- Letter from Minister Seniors and Volunteering Robyn McSweeney MLC - 04/04/2011 (attachment 4)
- Letter from Peter Watson MLA – 04/04/2011 (attachment 5)

### 5.4 CORRESPONDENCE OUT:

NIL

## 6. NEW AGENDA ITEMS

### 6.1 Home and Community Care (HACC) Services Feedback

Due to time constraints it was requested that Committee members send their feedback via email or phone call to Rachel by COB Friday the 22 May. Please see attachment 3 for more information.

### 6.2 Peace Park

There have been complaints about the footpath along the sea wall edge being dangerous as it is uneven and there are lots of loose stones. Complaints have been made to the City in the past and the response has been that this area is not a designated footpath.

**Action:** Rachel Oswald to investigate further and feedback to the Committee.

### 6.3 Gopher Workshops

Kim Buttfield wanted to gauge if there was interest in the community for future gopher workshops. The Committee agreed that they had not seen a need in the Albany community.

**6.4 Seniors Week Event**

The Seniors Expo is scheduled for March 2012 which means there is currently no event planned for Seniors Week 2011. If the Committee have any ideas to help celebrate Seniors Week we can discuss at the May meeting.

**7.5 Advocacy and Media Workshop**

Please see attachment 6 and 7.

**7. DATE OF NEXT MEETING**

Thursday 19<sup>th</sup> May 2011 at 10.00am – Civics Room

**8. CLOSURE OF MEETING**

11:20am

### **1.1.3: BUSHCARERS ADVISORY COMMITTEE MEETING**

**Proponent** : City of Albany  
**Appendices** : Minutes of the Bushcarers Advisory Committee  
**Responsible Officer** : Kevin Ketterer (Executive Director Works and Service)

#### **ITEM 1.1.3: COMMITTEE RECOMMENDATION**

**THAT the CONFIRMED minutes of the Bushcarers Advisory Committee meeting held on 23 February 2011 be RECEIVED.**

#### **ITEM 1.1.3: RESOLUTION (Committee Recommendation 1)**

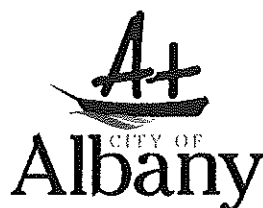
**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILOR MATLA**

**THAT Committee Recommendation be ADOPTED.**

**CARRIED 10-2**

#### **Record of Vote**

Against the Motion: Councillor D Bostock



**BUSHCARERS ADVISORY COMMITTEE  
MINUTES**

For the meeting held at 3:30pm on Wednesday, 23 February 2011  
In the Civic Centre

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Meeting opened at 3:40 pm.

**1.0 PRESENT**

Committee Members: Cr Des Wolfe, Val Davies, Kim Stanton, Greg Freebury and  
Nominated Members: Charlotte Powis and John Moore  
City of Albany Staff: Sandra Maciejewski, Mark Ford and Jane Allen (Minute Taker)

**2.0 APOLOGIES**

Matthew Kennewell and Graham Blacklock

**3.0 CONFIRMATION OF MINUTES**

Moved: V Davies

Seconded: K Stanton

That the minutes of the meeting of the 24th November 2010 be confirmed as a true  
and accurate record of the proceedings.

**CARRIED 4-0**

**4.0 CORRESPONDENCE**

Email to Martin Shuttleworth regarding recommendations from the Committee to improve  
practices in regards to the weed issue at John Street.

**5.0 BUSINESS ARISING**

**5.1 Vancouver Waste Facility – follow up on recommendations in 2010**

In November 2010, Committee members visited the Vancouver Waste Facility at John Street, preceding the last Bushcarers Advisory Committee Meeting. The purpose of the site visit was to assess the composting procedure being used for the green waste being collected from households within the City of Albany, and then sold to customers. The Committee and the Bushcarers Group had received some complaints indicating that weeds are growing out of the composted material.

Martin Shuttleworth, Director of Vancouver Waste, attended the site visit, and explained how the green waste is being processed. He indicated that he did not want to produce a product that was spreading weeds, and that he was happy to

work with the Bushcarers Advisory Committee and Bushcarers Group on improving his product.

Sandra has emailed the recommendations through to Martin Shuttleworth, but as yet has received no feedback. Mark Ford mentioned that he organised for the weeds to be mulched on the boundary verge at the John Street facility.

## 6.0 GENERAL BUSINESS

- 6.1 What will we do about Sydney Golden Wattle? This wattle is the biggest single threat to biodiversity in the Albany area. It is doubling in area every five years and will overtake 27% of our native bushland by 2020. Community and government action is required to stop its spread and impact (John Moore)**

John Moore reiterated the issues with the spread of the Sydney Golden Wattle. Recently a community busy bee was held on private properties at Goode Beach. The 12 Most Wanted Weeds Leaflet went out with the Community Newsletter, prior to the Meeting, and the response to the advertising proved to be very successful.

Discussion ensued and it was decided that Little Grove would be a good area to target next, with approximately twenty properties with Wattle issues.

**ACTION: Kim Stanton/Mark Ford to meet to arrange for a pamphlet to go out with the Community Newsletter, with a view for a busy bee to be held in July.**

**ACTION: Charlotte Powis to look into SCNRM funding opportunities available**

**Moved: J Moore**

**Seconded: K Stanton**

**THAT the City of Albany supports the South Coast Natural Resource Management and South Coast Progress Association in sourcing funding for the control of Sydney Golden Wattle in the Little Grove area, bounded by Bald Head to Princess Avenue.**

**CARRIED 4-0**

- 6.2 Access to north side of Yakamia drain. This area has heavy weed burdens and it is difficult to access. Can we get the north side of the drain mulched? (John Moore)**

John Moore discussed the difficulty in accessing the north side of the Yakamia drain. Areas need to be kept level, as work is carried out, to allow vehicle access.

**ACTION: Sandra to check with Kevin Ketterer as to the future of Yakamia Creek.**

**6.3 Fire Management Requirements 2010-2011 (Kim Stanton)**

Kim Stanton wished to clarify what "garden" is permitted on blocks less than 2000m<sup>2</sup>, according to the Bush Fires Act 1954.

**ACTION:** Sandra to discuss with Rangers/Garry Turner

**6.4 Lack of follow up at the Little Grove Sewerage pump station in Marine Terrace (Kim Stanton)**

Kim Stanton expressed concerns as to the overgrown state of the pump station.

**ACTION:** Mark Ford will follow up

**6.5 Reports from around the table**

Natural Reserves

Mark Ford informed Meeting that the Reserves Team are involved in:

- Weed Control
- Infrastructure
- Trails
- Tracks
- Signage
- Greenskills

Department of Environment and Conservation

Greg Freebury mentioned DEC has been working on Voyager Park since handover from City of Albany.

South Coast Natural Resource Management

Charlotte Powis outlined that SCNRM are carrying out blackberry/gorse control on Yakamia Creek. She also had copies available of the Gorse Eradication Strategy 2011-2021.

Department of Food and Agriculture

John Moore outlined Department's involvement in gorse eradication programme. Also funding has been applied for re: breaking of seed coat – gorse and wattle.

John will send through details re: Course to be held in Perth in September, to Mark Ford and Charlotte Powis.


City of Albany

Sandra is going to review Weed Strategy for City of Albany and will include promotion of Bushcarers' work being done.

**7.0 NEXT MEETING**

**8.0 CLOSURE**

The meeting was closed at 5:05 pm.

CONFIRMATION: CHAIRPERSON:  DATE: 25. 5. 11.

**1.2: PLANNING AND BUILDING REPORTS MAY 2011**

**Responsible Officer** : Executive Director Planning and Development  
Services (G Bride)  
**Attachment** : Planning and Building Reports April 2011

**IN BRIEF**

- Receive the contents of the Planning and Building Report for May 2011.

**ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Planning and Building Report for May 2011 be RECEIVED.**

**ITEM 1.2: RESOLUTION (Responsible Officer Recommendation)**

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

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**

**CEO:**

**RESPONSIBLE OFFICER:**



**CITY OF ALBANY**

**REPORT**

To : His Worship the Mayor and Councillors  
From : Administration Officer - Development  
Subject : Building Activity – May 2011  
Date : 02 June 2011

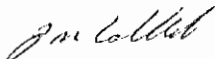
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1. In May 2011, Eighty Two (82) building licences were issued for building activity worth \$14,758,087. This included two (2) demolition licences and one (1) sign licences.

It is brought to Council's attention that these figures included building licence:

#301033 for a Additions & Alterations valued at \$5,300,000. The approval is for stage 1 only.

2. The two (2) attached graphs compare the current City activity with the past three (3) fiscal years. One compares the value of activity, while the other compares the number of dwelling units.
3. A breakdown of building activity into various categories is provided in the Building Construction Statistics form.
4. Attached are the details of the licences issued for May 2011, the eleventh month of activity in the City of Albany for the financial year 2010/2011.



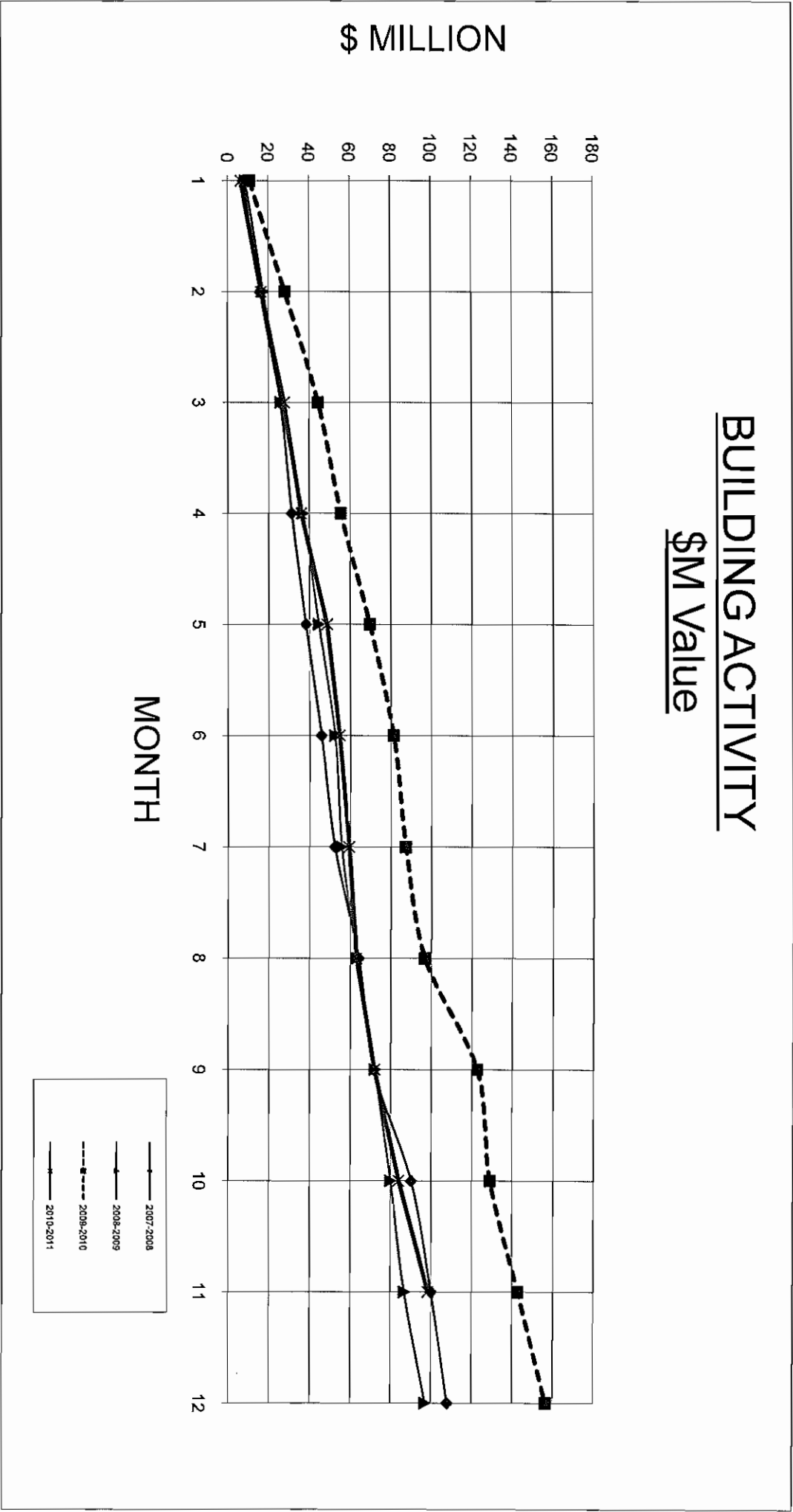
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Jenny Cobbold  
**Administration Officer – Development**

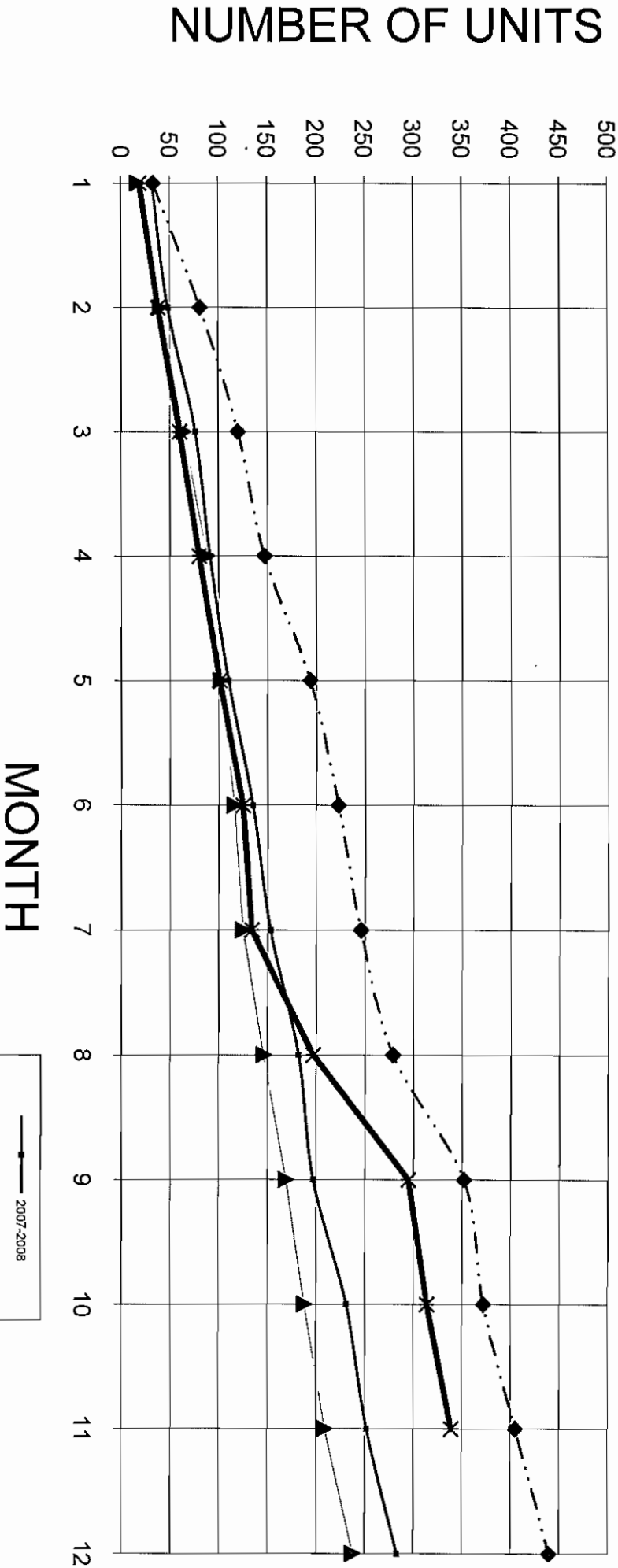
CITY OF ALBANY

BUILDING CONSTRUCTION STATISTICS FOR 2010 - 2011

2010/2011	SINGLE DWELLING		GROUP DWELLING		Total	DOMESTIC/ OUTBUILDINGS		ADDITIONS/ DWELLINGS		HOTEL/ MOTEL		NEW COMMERCIAL		ADDITIONS/ COMMERCIAL		OTHER		TOTAL \$ VALUE
	No	\$ Value	No	\$ Value		No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	
JULY	17	4,161,909	2	556,900	19	26	477,059	22	503,212	0	0			2	344,000	2	17,000	6,060,080
AUGUST	12	4,741,235	7	1,200,000	19	20	311,222	27	675,785	0	0			5	3,305,881	5	58,500	10,292,623
SEPTEMBER	21	5813739	1	2,400,000	22	32	460,285	6	771,657	3	1,200,000	1	366,600	1	45,000	8	157,641	11,214,922
OCTOBER	19	5,013,540	1	2,530,000	20	10	119,337	16	413,170	0	0			1	40,000	6	54,083	8,170,130
NOVEMBER	20	5,312,117	1	183,872	21	5	42,220	51	1,098,738	1	183,872	1	118,544	3	630,856	13	110,838	7,681,057
DECEMBER	24	4,878,678	0		24	21	344,498	19	642,557	0	0	0		1	104,753	14	125,868	6,096,354
2011																		
JANUARY	9	2,698,722	0	0	9	14	218,071	19	918,447	0	0	1	781,000	1	52000	7	64,300	4,732,540
FEBRUARY	8	2,232,941	0		8	21	399,945	24	604,979	0	0	1	146,000	1	60,000	8	117,430	3,561,295
MARCH	22	6,299,028			22	18	205,588	45	2,216,075	0	0	2	152,000	1	1,000	10	136,930	9,010,621
APRIL	16	5,077,759	3	1,200,000	19	25	226,306	13	3,829,500	0	0	2	1,319,780	1	43,000	10	230,099	11,926,444
MAY	24	5,543,579	1	118,000	25	23	451,254	23	1,556,016	0	0	1	92,103	4	6,061,048	6	936,087	14,758,087
JUNE					0					0	0							0
TOTALS TO DATE	192	51,773,247	16	8,188,772	208	215	3,255,785	265	13,230,136	4	1,383,872	9	2,976,027	21	10,687,538	89	2,008,776	93,504,153



DWELLING UNITS



# BUILDING, SIGN & DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY

Applications determined for May 2011

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301433	Nigel John Gordon	PERPETUAL TRUSTEES AUSTRALIA LTD	SHOP FITOUT TO SHOP 24	42-68	Location ASL 32	ALBANY HIGHWAY	ALBANY
301033	MERYM PTY LTD	Owners Name and address	BRA'S N THINGS UNIVERSITY OF WESTERN AUSTRALIA - OFFICES AND STUDENT FACILI	311	Location	STIRLING TERRACE	ALBANY
301382	WAUTERS ENTERPRISES	not shown at their request	PRIMEKING PTY LTD	112-140	RES48531 Lot B45 Location ALB	STIRLING TERRACE	ALBANY
301371	HARALD FEDDERSEN	Owners Name and address	VERANDAH	8	Location ATL 447	ROWLEY STREET	ALBANY
301321	DAMIEN STEVENS	not shown at their request	PATIO AND DECK	23	Location ATL 437	WATKINS ROAD	ALBANY
301359	WREN (W/A) PTY LTD	not shown at their request	NEW DWELLING ( GROUPED	54	Location 359 Lot	ALISON PARADE	BAYONET HEAD
301394	CHRIS HANCOX	not shown at their request	X 2 ) AND RETAINING WALL FRONT FENCE	22	Location 1196 Lot	LOWER KING ROAD	BAYONET HEAD
301395	WA COUNTRY BUILDERS	not shown at their request	DWELLING & GARAGE	24	Location 3040 Lot	ELIZABETH STREET	BAYONET HEAD
301396	BRAYDEN DUNKELD	not shown at their request	SHED & PATIO	25	Location 1196 Lot	BAYONET HEAD ROAD	BAYONET HEAD
301400	SCOTT PARK HOMES	not shown at their request	DWELLING & GARAGE	10	Location 4790 Lot	LAMONT GRANGE	BAYONET HEAD
300564	MATSON FABRICATION LTD	not shown at their request	PATIO	3	Location 3470 Lot	HIAM STREET	BAYONET HEAD

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301389	WA COUNTRY BUILDERS	Owners Name and address	DWELLING	19	Location 3040 Lot	PAUL TERRY DRIVE	BAYONET HEAD
301387	PTY LTD ECOFT HOMES	<i>not shown at their request</i> ALBANY LIFESTYLE VILLAGE	PARK HOME Site 20	406	Location 359 Lot	ALISON PARADE	BAYONET HEAD
301421	ECOFT HOMES	PTY LTD ALBANY LIFESTYLE VILLAGE	PARKHOME TO SITE 16	500	Location 359 Lot	ALISON PARADE	BAYONET HEAD
301446	GARRY WAYNE	PTY LTD RD & L M DUNBAR	SHED	500	Location 283 Lot	JANDOO COURT	BAYONET HEAD
301347	WELLSTEAD ROBERT & LYNETTE	RD & L M DUNBAR	ADDITIONS AND ALTERATIONS	713	Location 283 Lot	JANDOO COURT	BAYONET HEAD
301434	DUNBAR ECOFT HOMES	ALBANY LIFESTYLE VILLAGE	PARK HOME TO SITE 45	713	Location 359 Lot	ALISON PARADE	BAYONET HEAD
301448	TM STEEL CONSTRUCTION AND CONTRACTING PT	PTY LTD Owners Name and address	GARAGE & LEAN-TO	500	Location 283 Lot	SIBBALD ROAD	BAYONET HEAD
301413	EYERTE SIGNS	<i>not shown at their request</i> G A & H J TUTT	SIGN	838	Location ASL 08	NAKINA STREET	CENTENNIAL PARK
301406	DWAYNE TEN HAAF	Owners Name and address	PATIO	Lot 199	Location ALB	WELLINGTON STREET	CENTENNIAL PARK
301420	KENT CORPORATION PTY	<i>not shown at their request</i> KNIGHTS PARKS AND	PARK HOME Site 31	401	Location ALB	WELLINGTON STREET	CENTENNIAL PARK
301093	LTD TECTONICS	PROPERTIES PTY LTD V & P S SCHERINI	FACTORY	250	Location SLP3 Lot	ALBANY HIGHWAY	CENTENNIAL PARK
301458	PTY LTD GOOD SAMARITAN	CONTRUCTIONS GROUP	SHOP FITOUT UNIT 2	27	Location 2	ALBANY HIGHWAY	CENTENNIAL PARK
301444	INDUSTRIES TRICOAST CIVIL	IMDEE NOMINEES PTY LTD	STAGE NO.1 EARTHWORKS	33	Location ALBAN T	BARKER ROAD	CENTENNIAL PARK
301386	ANTHONY PERRELLA	PTY LTD CJ & B A HANDS	ONLY SHED	Lot 734	Location 43 Lot 60	COLLINGWOOD ROAD	COLLINGWOOD HEIGHTS

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
300770	OWNER BUILDER	R A & G A OAKLEY	GARAGE	2	Location 43 Lot	MATTLE COURT	COLLINGWOOD
301378	OWNER BUILDER	C & L REYNOLDS	HORTICULTURE HOTHOUSES	143	414 Location 401 Lot 14	OLD ELLEKER ROAD	HEIGHTS CUTHBERT
301304	NEW HORIZON HOMES	Owners Name and address	ANGLLARY	127	Lot 955	WOODIDES ROAD	ELLEKER
301393	(WA) PTY LTD GS & LA IRONMONGER	not shown at their request Owners Name and address	ACCOMMODATION SHORT TERM HOLIDAY	9	Location ALB	HUNTER STREET	EMU POINT
301353	GL & AM LEEDER	not shown at their request	ADDITIONS & ALTERATIONS DWELLING - 2 STOREY	23	TOWN Lot 926 Location ALB	MERMAID AVENUE	EMU POINT
301408	OWNER BUILDER	P R & J M WILLIAMSON	GARAGE	48	Location 288 Lot 26	BALSTON ROAD	GLEDDHOW
301410	OWNER BUILDER	Owners Name and address	SHED	16	Location 1032 Lot 8	HARROGATE ROAD	GLEDDHOW
301428	M & A STEEL	not shown at their request ALBANY ENVIRONMENTAL	SHED	944	Location 6502	BLUFF CREEK ROAD	GREEN RANGE
301373	FABRICATION KATIE WIGNALL	SERVICES PTY LTD E S WOODHAMS & K E WIGNALL	UNAPPROVED SHED	150	Location 2156 Lot	HENTY ROAD	KALGAN
301468	M & J WAUTERS	Owners Name and address	DWELLING	165	Location 730 Lot	WALFORD ROAD	KALGAN
301417	NOMINEES PTY LTD OWNER BUILDER	not shown at their request K & R W HALL	SHED	14	Location TAA 37	LEVARDIA ROAD	KRONKUP
301333	KOSTERS STEEL	C N & L S MOIR	PATIO	256	Location 7181 Lot	MASON ROAD	LANGE
301404	KOSTERS STEEL	I L M SEERY	CARPORT	47	Location 226 Lot 10	SOUTH COAST HIGHWAY	LOCKYER

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301443	MD PHILIP	J C SEYMOUR	GARAGE	7	Location 228 Lot	CLIFTON STREET	LOCKYER
301460	STUART WATTS	S Y & T G WARD	SHED	27	Location 123 Lot	DRUMMOND STREET	LOCKYER
301354	BRAYDEN DUNKELD	Owners Name and address	SHED EXTENSION	322	Location 50 Lot	BON ACCORD ROAD	LOWER KING
301161	T & W BRADE	not shown at their request Owners Name and address	SHED AND RETAINING WALL	528	Location 520 Lot	LOWER KING ROAD	LOWER KING
301397	OUTDOOR WORLD	not shown at their request Owners Name and address	CARPORT	16	Location 390 Lot	MCKAIL ROAD	MCKAIL
301402	FORMATION HOMES PTY LTD	not shown at their request Owners Name and address	DWELLING GARAGE &	22	Location 381 Lot	KITCHER PARADE	MCKAIL
301412	RYDE BUILDING	not shown at their request Owners Name and address	ALFRESCO DWELLING GARAGE &	12	Location 399 Lot	HOGARTH ROAD	MCKAIL
301391	COMPANY PTY LTD SCOTT PARK HOMES GREAT SOUTHERN PTY LTD	not shown at their request Owners Name and address	ALFRESCO DWELLING AND GARAGE	131	Location 492 Lot	LANCASTER ROAD	MCKAIL
301423	OWNER BUILDER	not shown at their request GREAT SOUTHERN COMMUNITY HOUSING	SHED	18	Location 381 Lot	ORION AVENUE	MCKAIL
301426	OWNER BUILDER	ASSOC D R & K L MCKEAG	PATIO	3	Location 492 Lot	ETHEREAL DRIVE	MCKAIL
301461	FORMATION HOMES PTY LTD	Owners Name and address	DWELLING AND GARAGE	23	Location 381 Lot	GERDES WAY	MCKAIL
301403	FORMATION HOMES PTY LTD	not shown at their request Owners Name and address	DWELLING GARAGE &	32	Location 2174 Lot	DONALD DRIVE	MCKAIL
	LTD	not shown at their request	ALFRESCO	272			



Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301439	SCOTT PARK HOMES LTD	IGREAT SOUTHERN PTY LTD	DWELLING GARAGE & RETAINING WALL	17	Location 381 Lot 675	O'KEEFE PARADE	MCKAIL
301463	PULS PATIOS LTD	<i>not shown at their request</i> Owners Name and address	PATIO	30	Location 368 Lot 5	HAVOC ROAD	MILPARA
301407	HAYDEN GLADISH	<i>not shown at their request</i> H J GLADISH	ALTERATIONS & ADDITIONS & SHED	50	Location PL45 Lot 2	WOLLASTON ROAD	MIRA MAR
301363	Scott Rawson Homes Pty Ltd	NATIONAL TRUST OF AUSTRALIA (WA)	TRANSPORTABLE OFFICE AND TOILET FACILITY	13-17	Location 44 Lot 127	BEAUCHAMP STREET	MIRA MAR
301414	WAYNE WOOD	W B & E J K WOOD	ADDITIONS ALTERATION AND CARPORT	35	Location PL44 Lot 77	GREENSHIELDS STREET	MIRA MAR
301379	MALCOLM DOUGLAS	MUN LING IRENE CHIANG	PATIO AND DECK	188	Location 44 Lot 118	MIDDLETON ROAD	MIRA MAR
301425	WISHART HOMES PTY LTD	R S & J L GARDINER	ADDITIONS & ALTERATIONS	3	Location SB04 Lot 19	SLEEMAN AVENUE	MIRA MAR
301422	WA COUNTRY BUILDERS LTD	WA COUNTRY BUILDERS & PTY LTD	RETAINING WALL	22	Location ASL 71 Lot 250	COCKBURN ROAD	MIRA MAR
301263	PAR & DA DOCKING	KENDI NOMINEES PTY LTD	ALTERATIONS AND ADDITIONS TO EXISTING	229	Lot 2	MIDDLETON ROAD	MT CLARENCE
301474	AD CONTRACTORS PTY LTD	& D P SMITH WATER CORPORATION	DOCTORS SURGERY DEMOLITION OF 2 X WATER TANKS		Location RES 16746 Lot 1439	WATKINS ROAD	MT CLARENCE
301375	KOSTERS STEEL	R F & R L BERRYMAN	PATIO	6	Location SL 117	GILLAM PLACE	MT MELVILLE
301399	CONSTRUCTION PTY LTD	S C LE COCQ	CARPORT	1	Location SL49/50 Lot 13	VERDI STREET	MT MELVILLE
301416	OWNER BUILDER	B M GAWNED	BOUNDARY WALL	1	Location ASL 54 Lot 6	IDURMAN PLACE	MT MELVILLE
301430	OWNER BUILDER	M PAPALIA & C T PURSEY	CARPORT	207	Location SL126	SERPENTINE ROAD	MT MELVILLE
				SL127	Lot 22 2		

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301362	JANICE MCNAMARA	J C MCNAMARA	ADDITIONS - BEDROOM ENSUITE GARAGE ALFRESCO & FRONT FENCE	44	Location 229 Lot	MCKAIL STREET	ORANA
301429	OWNER BUILDER	J A MCDUGALL	SHED	109	Location 222 Lot	MCGONNELL ROAD	ORANA
301440	OWNER BUILDER	B R & L E SIMMONS	SHED	16	Location PL222	SIERRA CRESCENT	ORANA
301441	OWNER BUILDER	P J & T F RICHARDS	CARPORT	101	Location 384 Lot	IWHIDBY STREET	ORANA
301158	JJ SPANDERMAN	Owners Name and address	DWELLING AND RETAINING	55	Location 231 Lot	MINOR ROAD	ORANA
301472	A D CONTRACTORS PTY LTD	not shown at their request Owners Name and address	WALLS DEMOLITION OF OFFICE	118	Location 64 Lot 54	ALBANY HIGHWAY	ORANA
301140	NORDIC HOMES PTY LTD	not shown at their request Owners Name and address	AND WORKSHOP TRANSPORTABLE DWELLING	Lot 100	Location AT381	BURGOWNE ROAD	PORT ALBANY
301453	OWNER BUILDER	not shown at their request Owners Name and address	VERANDAH AND DECK SHED	Lot 5	Location 7295 Lot	NORTON ROAD	REDMOND
301377	WAYNE WALKER	not shown at their request W F WALKER	UNAPPROVED CONVERSION OF CLASS 10A TO A 1A	6	Location 2785 Lot	REDMOND WEST ROAD	REDMOND WEST
301392	OWNER BUILDER	M P & J E RENAULT	DWELLING GARAGE & RETAINING WALL	4	Location 58C Lot 3	DREW STREET	SEPPINGS
301466	RYDE BUILDING	Owners Name and address	DWELLING GARAGE &	58C	Lot 3	DREW STREET	SEPPINGS
301381	COMPANY PTY LTD JR GOMM	not shown at their request KJ BOLT	ALFRESCO GARAGE & PATIO	165	Location PL43 Lot	RYCRAFT DRIVE	SPENCER PARK
301370	OWNER BUILDER	Owners Name and address	PATIO	77	Location 0 Lot 72	PREMIER CIRCLE	SPENCER PARK
not shown at their request							

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301274	Paul & Rosemarie Mackey	Owners Name and address	ADDITION & ALTERATIONS	21	Location 42 Lot	COLLINGWOOD ROAD	SPENCER PARK
301405	KOSTERS STEEL	not shown at their request J W PEET & J BALDWIN	PATIO	202	Location PL42 Lot	HUGEL PLACE	SPENCER PARK
301445	CONSTRUCTION PTY LTD KOSTERS STEEL	CRIEDYK	SHED	120	Location 42 Lot 25	DICKSON STREET	SPENCER PARK
301415	CONSTRUCTION PTY LTD PULS PATIOS	Owners Name and address	PATIO	6	Location PL42 Lot	TRIMMER ROAD	SPENCER PARK
301431	SAILBON PTY LTD	not shown at their request Owners Name and address	DWELLING	73A	Lot 202	LANGOVE ROAD	SPENCER PARK
301432	King Michael Douglas	not shown at their request Owners Name and address	DWELLING	73	Lot 201	LANGOVE ROAD	SPENCER PARK
301457	TURPS STEEL FABRICATIONS	not shown at their request K D & H D PAINTER	SHEDS X 2	4	Location 43 Lot 68	HEWETT RISE	SPENCER PARK
301380	WA COUNTRY BUILDERS	Owners Name and address	RACING CLUB OFFICES AND ABLUTIONS/CHANGE	261	Location RES29094 Lot	ROBERTS ROAD	TORNDIRUP
301390	PTY LTD WA COUNTRY BUILDERS	not shown at their request Owners Name and address	ROOMS DWELLING & GARAGE	7083	203	Lot 329 DELORAINE DRIVE	TRENUUP
301462	PTY LTD KOSTERS STEEL	not shown at their request R G & J A PALMER	PATIO	174	Lot 305	DELORAINE DRIVE	TRENUUP
301385	CONSTRUCTION PTY LTD SCOTT PARK HOMES GREAT SOUTHERN PTY LTD	Owners Name and address not shown at their request	DWELLING & DOUBLE GARAGE	Location 439	Lot	RIVERWOOD ROAD	WILLYUNG

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
301302	MATT TAYLOR	W C M & P M MAXTON	ADDITIONS TO EXISTING	777	Location 245 Lot 6	CHESTER PASS ROAD	WILLYUNG
301438	OUTDOOR WORLD	Owners Name and address	NON-HABITABLE SUNROOM		Location 439 Lot	RIVERWOOD ROAD	WILLYUNG
301345	IAN DAVID REID	not shown at their request Owners Name and address	PATIO	235	Location 230 Lot	TARGET ROAD	YAKAMIA
301427	M & A STEEL	not shown at their request W P & K A WATSON	SHED	236	Location 42 Lot 82	BOND ROAD	YAKAMIA
301467	FABRICATION KOSTERS STEEL	G F BERG	PATIO	50	Location 474 Lot	SUSAN COURT	YAKAMIA
301480	CONSTRUCTION PTY LTD JOHN BOCCAMAZZO	J I PIWONSKI	DWELLING & ALFRESCO	383	Location AT356	NOTLEY STREET	YAKAMIA
301398	OWNER BUILDER	EDEN ROAD FARM PTY LTD	CHANGE OF CLASSIFICATION OF EXISTING DISPLAY AREA LAND OFFICE	3591	Location 1141 Lot	LOWER DENMARK ROAD	YOUNGS SIDING
				13			

**CITY OF ALBANY**

**REPORT**

To : His Worship the Mayor and Councillors

From : Administration Officer - Planning

Subject : Planning Scheme Consents – May 2011

Date : 3 May 2011

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1. The attached report shows Planning Scheme Consents issued under delegation by a planning officer for the month of May 2011.
2. Within the period there was a total of twenty four (24) decisions made on active Planning Scheme Consents ;
  - Twenty one (21) Planning Scheme Consents were approved under delegated authority;
  - One (1) Planning Scheme Consent was cancelled;
  - Two (2) Planning Scheme Consents were withdrawn.

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Melissa Marwick  
**Administration Officer – Planning**

## PLANNING SCHEME CONSENTS ISSUED UNDER DELEGATED AUTHORITY

Applications determined for May 2011

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P295183	6/07/2009	Great Southern Sands	Anthony Road	Albany	Industry - Extractive - Gravel	Cancelled	5/05/2011	Tom Wenbourne
P2115110	17/05/2011	T. Duong	Albany Highway	Albany	Office (consolidate and expand existing office use of no.21 to amalgamate with no.19	Delegate Approved	26/05/2011	Adrian Nicoll
P2115070	1/04/2011	R. Darnell	Bayonet Head Road	Bayonet Head	Change of Use - Shop (Pharmacy)	Delegate Approved	3/05/2011	Taylor Gunn
P2115098	29/04/2011	J. Knowles	Albany Highway	Centennial Park	Op Shop - Service Industry	Delegate Approved	17/05/2011	Jessica Anderson
P2115048	28/02/2011	Arthur Johnston Snowball	Minna Street	Centennial Park	Warehouse Sales Outlet	Delegate Approved	18/05/2011	Adrian Nicoll
P2115087	14/04/2011	H&H Architects	Ashford Street	Centennial Park	Education Establishment / Office	Delegate Approved	26/05/2011	Adrian Nicoll
P2105228	6/09/2010	R. Oakley	Wattle Court	Collingwood Heights	Single House - Outbuilding - Design Code Relaxation ( Within Front Setback)	Delegate Approved	25/05/2011	Deb Delury
P2115114	17/05/2011	R. Slobe	Wilson Street	Little Grove	Grouped Dwelling x 2 (second dwelling to be located at northwest corner of lot)	Delegate Approved	24/05/2011	Adrian Nicoll
P2115094	20/04/2011	D. Bagley	Gordon Street	Little Grove	Family Day Care	Delegate Approved	30/05/2011	Adrian Nicoll
P2115105	10/05/2011	Powerhouse Architectural	Goddard Way	Mckail	Single House - Design Code Relaxation - Front setback relaxation side setback relaxation (garage parapet wall) rear setback relaxation (alfresco)	Delegate Approved	19/05/2011	Jessica Anderson
P2115082	12/04/2011	B. Madden	Golf Links Road	Middleton Beach	Holiday Accommodation	Delegate Approved	5/05/2011	Jessica Anderson

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2115084	13/04/2011	M. Pocock	Adelaide Crescent	Middleton Beach	Single House	Delegate Approved	31/05/2011	Adrian Nicoll
P2115065	25/03/2011	Alzheimer's Australia WA	Henry Street	Milpara	Residential Building - Alzheimers Australia Office Meeting Place & Respite Facility	Delegate Approved	9/05/2011	Tom Wenbourne
P2115106	12/05/2011	C. Pursey	Serpentine Road	Mt Melville	Single House - Addition (Carport)	Delegate Approved	17/05/2011	Jessica Anderson
P2115079	5/04/2011	Vrban Homes	Chester Pass Road	Orana	Warehouse x 3 (addition to existing storage units)	Delegate Approved	18/05/2011	Taylor Gunn
P2115083	13/04/2011	P. & D. T'Hart	Minor Road	Orana	Single House - design code relaxation - fill greater than 500mm in front setback retaining wall on boundary and setback relaxation	Delegate Approved	23/05/2011	Deb Delury
P2115078	5/04/2011	Pinelock Systems	Bramwell Road	Robinson	Use not Listed - Ancillary Accommodation	Delegate Approved	31/05/2011	Taylor Gunn
P2115092	19/04/2011	T. Roberts	Gairdner Road	Spencer Park	Home Business (Sewing Machine Repairs)	Delegate Approved	31/05/2011	Adrian Nicoll
P2115096	21/04/2011	WA Country Builders	Roberts Road	Torndirrup	Public Assembly - Additions (Change Rooms & Office)	Delegate Approved	16/05/2011	Jessica Anderson
P295369	7/12/2009	Concept Building Design	Randell Crescent	Warrenup	Wind Turbine	Withdrawn	30/05/2011	Tom Wenbourne
P105178	16/07/2010	Concept Building Design	Randell Crescent	Warrenup	Wind Turbine	Withdrawn	30/05/2011	Adrian Nicoll
P2115112	20/05/2011	Ranbuild	Riverwood Road	Willyung	Single House - Outbuilding (relaxation of scheme requirement - boundary setback)	Delegate Approved	31/05/2011	Adrian Nicoll
P2115099	2/05/2011	KPA Architects	Beaufort Road	Yakamia	Institutional Home - Additions (new two-storey lift shaft)	Delegate Approved	9/05/2011	Adrian Nicoll
P2115095	20/04/2011	Ryde Building Company	Hume Corner	Yakamia	Single House - Design Code Relaxation (Relax Open Space Requirement)	Delegate Approved	18/05/2011	Taylor Gunn

**1.3: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS**

**Responsible Officer(s)** : Chief Executive Officer (F James)  
**Attachments** : Common Seal Report

**IN BRIEF**

- Receive the Common Seal Report for May 2011, which include decisions made by Delegated Authority

**ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Common Seal Report for May 2011 be RECEIVED.**

**ITEM 1.3: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR DUFTY**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**



NCSR1118063 AMD296

COPY OF COMMON SEAL

ITEM: 1.8 OCM 17/08/2010 AND ITEM 13.2.3 OCM 17/11/2009

REF: AMD296-REZONING OF LOTS 2, 3, 5, 7, 9-16 SOUTH COAST HIGHWAY, LOTS 1, 2, 5, 6, 7, 26, 27, 85 BALSTON ROAD, LOTS 24 & 25 CUMING ROAD, LOTS 20 & 23 MOORTOWN ROAD, LOT 4 MIDDLE STREET AND LOTS 17-19 & 21 SYDNEY STREET , GLEDHOW FROM THE 'RURAL' ZONE AND LOT 10 MOORTOWN ROAD, GLEDHOW FROM THE 'PUBLIC PURPOSES RESERVE' TO THE 'RESIDENTIAL DEVELOPMENT' ZONE-FINAL APPROVAL GRANTED 17/08/2010.

PARTIES: CITY OF ALBANY AND VARIOUS OWNERS

MAYOR AND CEO F JAMES 1 COPY

NCSR1118069 CO5026

COPY OF COMMON SEAL

ITEM: 6.1 SCM 5/04/2011

REF: HEADS OF AGREEMENT IN RELATION TO THE SALE AND PURCHASE OF THE ACCOMMODATION AND BOOKING SERVICE AND OTHER ASSETS (AGREEMENT PREPARED BY LATRO LAWYERS ON BEHALF OF THE CITY OF ALBANY)

PARTIES: CITY OF ALBANY AND ALBANY INBOUND AND TAYSON PTY LTD (MR RAYMOND HAMMOND) SELLER

MAYOR AND CEO F JAMES 1 COPY

NCSR1118077 A216047

COPY OF COMMON SEAL

ITEM: N/A MADE UNDER DELEGATION

REF: SECTION 70A REQUIRING THAT THE ANCILLARY ACCOMMODATION CAN ONLY BE OCCUPIED BY FAMILY MEMBERS OCCUPYING THE MAIN DWELLING AS PER THE DEVELOPMENT GUIDELINES FOR TPS3. REQUIRED BY CONDITION 1A OF PLANNING SCHEME CONSENT P2115040 SIGNED UNDER DELEGATION BY JESSICA ANDERSON, PLANNING OFFICER.

PARTIES: CITY OF ALBANY AND RICHARD CHARLES PIERCY AND AMANDA JEAN PIERCY

MAYOR AND CEO F JAMES 1 COPY

NCSR1118138 136379

COPY OF COMMON SEAL

ITEM: N/A

REF: SECTION 70A ADVISING OF GRAVEL AND SAND MINING ACTIVITIES ON NEARBY LOT 125 THAT MAY AFFECT THE AMENITY OF THE LOTS. CONDITION NUMBER 32 OF SUBDIVISION APPROVAL WAPC136379. MADE UNDER DELEGATED AUTHORITY.

PARTIES: CITY OF ALBANY AND GOLDMAP CORPORATION (DW JOHNSTON) AND RIDGECITY (DM AND JR KINNEAR)

MAYOR AND CEO F JAMES 1 COPY

NCSR1118139 138798

COPY OF COMMON SEAL

ITEM: N/A

REF: SECTION 129BA DEED OF RESTRICTIVE COVENANT-RESTRICTING THE CONSTRUCTION OF A SINGLE HOUSE ON LOT 151 UNTIL A STRUCTURE PLAN IS IN PLACE AND ENDORSED BY WAPC. THIS RESTRICTIVE COVENANT CORRECTS ERRORS MADE AND SUPERSEDES A PREVIOUS VERSION SIGNED ON 23 MARCH 2011. CONDITION NUMBER 3 OF SUBDIVISION APPROVAL WAPC 138798 MADE UNDER DELEGATED AUTHORITY.

PARTIES: CITY OF ALBANY AND D M WILLIAMS AND JD WILLIAMS

MAYOR AND CEO F JAMES 4 COPIES

NCSR1118142 AMD285

COPY OF COMMON SEAL

ITEM: 13.2.1OCM 20/10/2009

REF: AMD285-REZONING OF LOTS 870 AND 873-877 JOHN STREET AND MORRIS ROAD, MILPARA FROM THE 'RURAL' ZONE TO THE 'LIGHT INDUSTRY' ZONE AND THE 'PARKS AND RECREATION RESERVE'. SECTION 75 OF THE PLANNING AND DEVELOPMENT ACT 2005 AND REGULATION 17(2) OF THE TOWN PLANNING REGULATIONS 1962.

PARTIES: CITY OF ALBANY AND HYSNEX PTY LTD, SJ FRANEY, EM FRANEY AND PG FRANEY

MAYOR AND CEO F JAMES

NCSR1118145 ED.PJT.2

COPY OF COMMON SEAL

ITEM: 3.2 OCM 19/10/2010

REF: MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF ALBANY AND SHIRE OF DENMARK RELATING TO 2010-11 COUNTRY LOCAL GOVERNMENT FUND REGIONAL GROUP FUNDING ALLOCATION FOR WORKS TO COMPLETE ANZAC PEACE PARK. FUNDING TOTALS \$897,773

PARTIES: CITY OF ALBANY AND SHIRE OF DENMARK, DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS

MAYOR AND CEO F JAMES 2 COPIES

NCSR1118146 PRO065

COPY OF COMMON SEAL

ITEM: 2.6 OCM 19/10/2010

REF: NEW DEED OF LEASE AND LICENCE FOR WATER CORPS EXISTING SCADA TELECOMMUNICATION EQUIPMENT LOCATED AT THE MOUNT MELVILLE LOOKOUT, RESERVE 2681.

PARTIES: CITY OF ALBANY AND WATER CORPORATION

MAYOR AND CEO F JAMES 3 COPIES

NCSR1118367 PRO357

COPY OF COMMON SEAL

ITEM: 4.6 OCM 15/03/2011

REF: TRANSFER OF LAND DOCUMENT FOR SEALING BY THE CITY FOR THE SALE OF LOT 408 (16) GIFFORD STREET, LOCKYER

PARTIES: CITY OF ALBANY AND HUDSON, HENNING AND GOODMAN LEGAL GROUP

MAYOR AND CEO F JAMES 1 COPY

NCSR1118368 PRO357

COPY OF COMMON SEAL

ITEM: 4.5 OCM 15/03/2011

REF: CONTRACT FOR THE SALE OF LOT 448 (44) CULL ROAD, LOCKYER

PARTIES: CITY OF ALBANY AND HUDSON, HENNING AND GOODMAN LEGAL GROUP

MAYOR AND CEO F JAMES 1 COPY

NCSR1118369 PRO357

COPY OF COMMON SEAL

ITEM: 4.6 OCM 15/03/2011

REF: CONTRACT FOR THE SALE OF LOT 442 (2) RAYBOLD STREET, LOCKYER

PARTIES: CITY OF ALBANY AND HUDSON HENNING AND GOODMAN LEGAL GROUP

MAYOR AND CEO F JAMES 1 COPY

NCSR1118371 PRO357

COPY OF COMMON SEAL

ITEM: 4.6 OCM 15/03/2011

REF: TRANSFER OF LAND DOCUMENT FOR SEALING BY THE CITY FOR THE SALE

OF LOT 407 (14) GIFFORD STREET, LOCKYER

PARTIES: CITY OF ALBANY AND HUDSON HENNING AND GOODMAN LEGAL GROUP

MAYOR AND CEO F JAMES 1 COPY

NCSR1118374 PRO288

COPY OF COMMON SEAL

ITEM: 2.3 OCM 15/02/2011

REF: SURRENDER OF LEASE HELD BY WESTERN AUSTRALIAN MUSEUM FOR

MOUCHEMORES COTTAGE AT LOT 1297, NO 1 PARADE STREET, ALBANY

PARTIES: CITY OF ALBANY AND WESTERN AUSTRALIAN MUSEUM

MAYOR AND CEO F JAMES 3 COPIES

NCSR1118375 PRO224

COPY OF COMMON SEAL

ITEM: 2.7 OCM 19/10/2010

REF: DEED OF UNDERTAKING AND INDEMNITY-CHEYNE BEACH HOLIDAY

ACCOMMODATION LEASE-PORTION OF RESERVE 878 LOT 27 BAXTER ROAD

CHEYNE BEACH.

PARTIES: CITY OF ALBANY AND MARLENE EVELYN LENSTRA, SYLVIA DEMAN,

ERICK RONALD BROUWER, JILLIAN CYNTHIA BROUWER, DOROTHEA HELEN

BROUWER, MAREE WILMA DIEMEL AND JOHN CHRISTIAN BROUWER

MAYOR AND CEO F JAMES 2 COPIES

NCSR1118376 PRO162

COPY OF COMMON SEAL

ITEM: 4.3.15 OCM 14/12/2010

REF: DEED OF ASSIGNMENT OF LEASE FOR AIRPORT HANGAR SITE 18, ALBANY  
AIRPORT

PARTIES: CITY OF ALBANY AND BURNLEE PARK PTY LTD AS TRUSTEE FOR THE

BURNETT FAMILY TRUST (ASSIGNOR) AND SIMON DAVID STONE (ASSIGNEE)

MAYOR AND CEO F JAMES 3 COPIES

NCSR 1118421 PS.ACQ.1  
COPY OF COMMON SEAL

ITEM: N/A

REF: FESA ESL GRANTS SCHEME CAPITAL ITEM OF A PHYSICAL NATURE-NEW  
LANDCRUISER FAST ATTACK FOR THE KING RIVER FIRE BRIGADE.

PARTIES: CITY OF ALBANY AND FIRE AND EMERGENCY SERVICE OF WA  
MAYOR AND CEO 1 COPY

NCSR1118422 PS.ACQ.1  
COPY OF COMMON SEAL

ITEM: N/A

REF: FESA ESL GRANTS SCHEME CAPITAL ITEM-NEW LANDCRUISER FAST ATTACK  
FOR THE BORNHOLM BUSH FIRE BRIGADE

PARTIES: CITY OF ALBANY AND FIRE AND EMERGENCY SERVICE AUTHORITY OF  
WA  
MAYOR AND CEO F JAMES 1 COPY

NCSR1118449 C05026  
COPY OF COMMON SEAL

ITEM: 6.3 SCM 05/04/2011 AND 4.6 OCM 15/03/2011

REF: DEED OF ASSIGNMENT OF LICENCE AND AGREEMENT

PARTIES: CITY OF ALBANY AND TAYSON PTY LTD (MR RAYMOND HAMMOND) AND  
QUEENSBERRY IT PTY LTD  
DEPUTY MAYOR AND CEO F JAMES 2 COPIES

NCSR1118450 C05026  
COPY OF COMMON SEAL

ITEM: 6.3 SCM 05/04/2011, ITEM 4.6 OCM 15/03/2011

REF: HEADS OF AGREEMENT IN RELATION TO THE SALE AND PURCHASE OF THE  
ACCOMMODATION BOOKING SERVICE AND OTHER ASSETS -ALBANY VISITOR  
CENTRE

PARTIES: CITY OF ALBANY AND TAYSON PTY LTD (MR RAYMOND HAMMOND) AND  
ALBANY INBOUND PTY LTD  
DEPUTY MAYOR AND CEO F JAMES 2 COPIES

EDR1118061 A37843  
SIGNING/EXECUTION FORM  
ITEM: N/A

REF: PLANNING ENFORCEMENT DIRECTION PURSUANT TO S214(3) OF PLANNING AND DEVELOPMENT ACT 2005-UNAUTHORISED EARTHWORKS (EXCAVATION AND FILL) IN EXCESS OF 600MM. REQUIRES PLANNING SCHEME CONSENT-NONE SOUGHT AND NONE GIVEN. SIGNED UNDER DELEGATION BY CEO F JAMES  
PARTIES: CITY OF ALBANY AND MR RUSSELL BARKER  
CEO F JAMES 1 COPY

EDR1118068 GR.STL.2  
SIGNING/EXECUTION FORM  
ITEM: N/A

REF: ANNUAL REPORT TO WALGA ON ROADS EXPENDITURE FOR 2009/10 FINANCIAL YEAR.  
PARTIES: CITY OF ALBANY AND WALGA  
CEO F JAMES 1 COPY

EDR1118075 RD.PRG.2  
SIGNING/EXECUTION FORM  
ITEM: 6.1 OCM 29/06/2010-SIGNED UNDER DELEGATED AUTHORITY BY CEO F JAMES  
REF: REGIONAL ROAD GROUP FUNDING CLAIM FOR LOWER KING ROAD.  
PARTIES: CITY OF ALBANY AND MAIN ROADS  
CEO F JAMES 1 COPY

EDR1145932 GR.STL.9  
NATIONAL YOUTH WEEK 2011 GRANTS ACQUITTAL FORM AND REPORT

EDR1118136 MAN257  
SIGNING/EXECUTION FORM  
ITEM: N/A  
REF: NOTIFICATION OF ADJUSTMENT OF USE OF LOTTERYWEST GRANT, ACKNOWLEDGEMENT OF USE OF GRANT FUNDS AS PER GRANT AGREEMENT  
PARTIES: CITY OF ALBANY AND LOTTERYWEST  
CEO F JAMES 1 COPY

EDR1118217 RD.ACQ.1  
SIGNING/EXECUTION FORM  
ITEM: 3.1 OCM 15/03/11  
REF: RE ALIGNMENT OF SECTION OF PALMDALE ROAD.  
PARTIES: CITY OF ALBANY AND DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS  
CEO SIGNED UNDER DELEGATION

EDR1118218 RD.ACQ.1  
EXECUTED DOCUMENT  
ITEM: 3.1 OCM 15/03/2011  
REF: RE ALIGNMENT OF SECTION OF PALMDALE ROAD  
PARTIES: CITY OF ALBANY AND WESTERN AUSTRALIAN PLANNING COMMISSION  
SIGNED UNDER DELEGATION BY CEO

EDR1118423 RD.PRG.2  
SIGNING/EXECUTION FORM  
ITEM: N/A  
REF: STATE BLACKSPOT CLAIM FOR LOCKYER AVENUE/COCKBURN ROAD. 2909.  
SIGNED UNDER DELEGATION.  
PARTIES: CITY OF ALBANY AND MAIN ROADS  
CEO F JAMES 1 COPY

EDR1118424 RD.DEC.2  
SIGNING/EXECUTION FORM  
ITEM: 5.1 OCM 17/05/2011  
REF: LAND TO BE TAKEN FROM LOTS 2 AND 50 ULSTER ROAD AS A PUBLIC ROAD  
FOR THE PURPOSES OF WIDENING ULSTER ROAD, THROUGH THE LODGEMENT OF  
A SUBDIVISION APPLICATION. SIGNED UNDER DELEGATION.  
PARTIES: CITY OF ALBANY, WESTERN AUSTRALIAN PLANNING COMMISSION AND  
THE ROMAN CATHOLIC BISHOP OF BUNBURY  
1 COPY CEO F JAMES

EDR1118425 RD.DEC.2  
SIGNING/EXECUTION FORM  
ITEM: 5.1 OCM 17/05/2011  
REF: TAKING BY AGREEMENT PROVISIONS SIGNED UNDER DELEGATION.  
PARTIES: CITY OF ALBANY AND THE ROMAN CATHOLIC BISHOP OF BUNBURY  
CEO F JAMES 1 COPY

EDR1118426 PE.AUT.1  
SIGNING/EXECUTION FORM  
ITEM: 4.6 OCM 15/03/2011  
REF: APPLICATION FOR CLEARING PERMIT  
PARTIES: CITY OF ALBANY AND DEPARTMENT OF ENVIRONMENT AND  
CONSERVATION  
CEO F JAMES 1 COPY

EDR1118427 CP.PLA.1  
SIGNING/EXECUTION FORM  
ITEM: N/A  
REF: ACQUITTAL REQUIREMENT FOR COUNTRY LOCAL GOVERNMENT FUNDING  
FOR BUILDING FORWARD CAPITAL WORKS PLAN PREPARATION. SIGNED UNDER  
DELEGATION.  
PARTIES: CITY OF ALBANY AND DEPARTMENT OF REGIONAL DEVELOPMENT AND  
LANDS.  
CEO F JAMES 1 COPY

21/06/2011

\*\*REFER DISCLAIMER\*\*

## 1.4: REGIONAL CITIES ALLIANCE COMMITMENT/UWA CONTRACT- VERSION TWO

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Resolution of Council 18 August 2009 agenda item 16.2.1 Draft Contract between Regional Cities Partners and UWA
<b>Appendices</b>	: Nil
<b>Responsible Officer(s)</b>	: Chief Executive Officer (F James)

### IN BRIEF

- In 2009, the City of Albany committed to membership of the Regional Cities Alliance
- As part of Alliance's initiatives, the Alliance seeks to contract with the University of Western Australia. In doing so, it seeks continued commitment from each of the Alliance members to contribute an amount of up to \$50,000 per year for the four forward years.

### ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

1. THAT COUNCIL endorse a forward budget commitment of four years, commencing in the 2011/12 financial year, for an amount of \$50,000 per year as the City of Albany's contribution towards the Regional Cities Alliance, including contributing to the partnership with the University of Western Australia.
2. THAT COUNCIL agree to enter into a contract with the University of Western Australia, as part of its membership of the Regional Cities Alliance.

#### ITEM 1.4: RESOLUTION (Responsible Officer Recommendation)

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR WOLFE**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**LOST 5-7**

### Record of Vote

For the Motion: Mayor Evans, Councillors Matla, Dufty, Wolfe and Hammond

**BACKGROUND**

1. In 2009 Council resolved to enter into an Alliance with three other Regional Cities - Geraldton, Bunbury and Kalgoorlie. In doing so, the Council resolved it “further develops the ‘Regional Cities Alliance’ proposal with our partners for high profile projects across WA”.
2. In June 2009, a scoping paper for the proposed Regional Cities Alliance Group was received by Council.
3. Since then, the City and members of Council have continued to promote and contribute to the Alliance.
4. The Alliance now seeks to contract with University of Western Australia, to undertake research specific to the Alliance members’ needs, including research on demographics and population projections within the members’ regional areas.
5. Such demographics and population projection is a significant need of the City of Albany in advocacy to State and Federal Governments regarding funding and other support.

**DISCUSSION**

6. The Regional Alliance is in its second year of operation, and has had positive feedback from Government Ministers, and other stakeholders regarding its aims and collaborative partnership approach.
7. The Mayor and the CEO are the City’s member representatives for the Alliance. Meetings consist of four to six per year, some in regional locations and some in Perth (usually linked to other local government events such as Local Government Conference week).
8. The Alliance Cities are working to:
  - develop a collaborative framework to engage and partner with both the Western Australian and Australian Governments;
  - collaboratively achieve future sustainable regional development in Western Australia;
  - being increasingly accepted as a legitimate and respected group within the Local Government and Structural Reform processes.
9. Benefits of membership of the Regional Cities Alliance include:
  - Collective impact on State and Federal policy;
  - Leveraging of shared resources for projects/initiative;
  - Leading independent research into regional issues and needs; and
  - Local governments of similar size and scope “learning” from one another.



10. Particularly, given State and Federal Governments' increasing articulation and recognition of the infrastructure needs and associated funding requirements of regional centres, the Alliance is working towards developing viable alternatives to the Perth metropolitan area as locations for accommodating the State's growing population.
11. The Alliance is also actively participating in the State Population Policy Development to ensure the State's future population growth and the associated demands for social, economic and environment amenity are distributed by Government in a sustainable fashion. However, strong advocacy on this issue must be accompanied by data evidence.
12. The four Cities of the Alliance all have significant development potential including sustaining larger populations.
13. The majority outputs of the Alliance to date have been:
  - I. The development and launch of a Regional Cities Alliance website which displays the advantages of regional living, particularly in the four member Cities, and encourages people to consider making a lifestyle choice through relocation.
  - II. Support and commitment from State Government Ministers to the concept of regional alliance, including proposed funding support to enhance the Alliance's capacity to undertake initiatives and continue its collaboration.
  - III. An increased sense of collegiality and support amongst Alliance members for the benefit of all members.
  - IV. Discussions with the University of Western Australia and Government to enter into a research partnership between the Alliance and the University, which addresses issues of specific relevance to the Alliance members and Government.
14. University of Western Australia is very experienced in urban and regional research with an international standing in the field. In the recent university ranking exercise, UWA was ranked in the top six in Australia in this field, and first in Western Australia, and regarded as "being equal or above world standard".
15. Research projects undertaken by University of Western Australia would be project specific, and agreed to each year by the Alliance. Specific objectives would be evaluated, and then the research methods designed.
16. Research methods could include social and economic modelling, GIS based spatial analysis, various policy analysis techniques, survey based methods and possibly elements of urban design and archival research if this was considered by the Alliance to be an important priority.

17. All research proposals would be peer reviewed, as would final reports. PhD and honours students working on research projects are required to have a proposal approved by a board of graduate studies, and their final thesis is examined by (in the case of the PhD) three examiners external to the University.
18. Specific benefits to Albany from contracting with University of Western Australia include:
  - further consolidate University of Western Australia activities in Albany;
  - Provides a further opportunity to examine local issues and address local needs;
  - Exposes students in the region to post graduate research opportunity (perhaps aiding in the attraction of skilled people in the medium term) and
  - Provides access to expertise within an institution the City has already committed to partner with; and
  - When compared with the cost of consultants, this service would be vastly lower for the output.
19. The Alliance now seeks each member's commitment to contracting with the University to progress such research. The councils of the three other Alliance members have resolved to enter into contract with the University, in the terms of the attached Contract.

#### GOVERNMENT CONSULTATION

20. Government consultation has occurred regarding the membership and aims of the Alliance, the partnership with the University, and the future priorities of the Alliance.
21. No specific government consultation was necessary in respect of these recommendations.
22. The Alliance partners and Government may question the City of Albany's commitment to promoting sustainable regional development if is not prepared to enter a joint agreement with its Alliance partners, the aim of which is to contribute to research on various regional issues, including population projections supported by good research evidence and methodology.

#### PUBLIC CONSULTATION / ENGAGEMENT

23. No public consultation has occurred in respect of the Alliance. However, engagement with members of the public is occurring through the website.

#### STATUTORY IMPLICATIONS

24. Nil

#### STRATEGIC IMPLICATIONS

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

***Economic Development;***

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

**POLICY IMPLICATIONS**

26. Nil

**RISK IDENTIFICATION & MITIGATION**

27. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Lack of continuing Council commitment to the Regional Cities Alliance, and subsequent loss of benefits from Alliance membership	Possible	Medium	High	Continued support to Alliance, including budget commitment.
Loss of marketing and promotional value provided to Albany through the Alliance	Likely.	High	Extreme	Increased self-promotion of Albany outside of the Alliance. This would have a cost implication (unquantified)

**FINANCIAL IMPLICATIONS**

28. The costs incurred to date for Alliance membership include:

2009/10	\$2,541 – Original Budget \$15,000
2010/11	\$3,502 (to date) – Original Budget \$50,000

29. The Alliance seeks a further future commitment over the forward estimates period of up to \$50,000 per year, much of which will be applied to the contract arrangement with the University of Western Australia.

**LEGAL IMPLICATIONS**

30. While the Alliance partnership does not create legal relations between the four Cities, the entering of the contract with the University commits the City to legally binding arrangements, including the provision of the funds for the forward four years.

**ALTERNATE OPTIONS**

31. Council may continue (or not) its membership of the Alliance.
32. It is unlikely that, if the Council decides to not enter the Alliance arrangement with the University, the collegiality and positive partnership that currently exists between the four Cities will continue on a positive footing, given all other partners have agreed to contribute. It is probable the other members of the Alliance would not share with the City of Albany any of the University's research outcomes, without contribution to the cost.

**SUMMARY CONCLUSION**

33. Given the short time the Alliance has been formed, it has had some positive outcomes, including articulated support from Government. The range of current and potential benefits of membership of the Alliance presently outweighs the expense of membership, and Council is encouraged to continue its membership of the Alliance including contracting with the University of Western Australia.

<b>Consulted References</b>	
<b>File Number (Name of Ward)</b>	
<b>Previous Reference</b>	OCM 18/08/2009 Item 16.2.1 OCM 16/06/2009 Item 14.2.1 OCM 17/08/2010 Mayors Report OCM 19/01/2010 Item 16.5.1 OCM 20/07/2010 Item 16.5.1 OCM 19/10/2010 Mayors Report

***DRAFT***

***MEMORANDUM OF UNDERSTANDING***

***Governing the***

***A partnership between***

***THE CITY OF ALBANY,***

***THE CITY OF BUNBURY,***

***THE CITY OF GERALDTON,***

***THE CITY OF KALGOORLIE-BOULDER***

***and***

***THE UNIVERSITY OF WESTERN AUSTRALIA***

***OCTOBER, 2010***

## ***MEMORANDUM OF UNDERSTANDING***

This Memorandum of Understanding (MOU) dated   October, 2010, records the entire agreement between:

- (a)   **The City of Albany,**
- (b)   **The City of Bunbury,**
- (c)   **The City of Geraldton**
- (d)   **The City of Kalgoorlie-Boulder and**
- (e)   **The University of Western Australia**

in relation to the establishment of a professorial position named as the **Western Australia Regional Cities Alliance Professor** administered through the School of Earth and Environment (**the School**) at the University of Western Australia (**the University**).

The Western Australia Regional Cities Alliance (**the Alliance**), comprising the cities of Albany, Bunbury, Geraldton and Kalgoorlie-Boulder, has agreed to fund, establish and operate the Regional Cities Alliance Professor in partnership with the University under the terms set out in this MOU.

### ***The Partnership and its Objectives:***

The Alliance will develop a research partnership to build on the University's capacity in regional development, urban planning, and spatial analysis, with the aim of providing an explicit focus on the research needs of the Alliance. These needs are concentrated in:

- Economic, demographic and social analysis;
- Service and infrastructure planning and delivery;
- Strategic urban and regional planning; and
- Governance

and it is recognized that the partnership would provide opportunities for the Alliance to engage with a range of groups across the University including in the environmental sciences, architecture and built environment, population health, and education.

The partnership's specific objectives are:

- Analysis and modeling of demographic, social and economic indicators;
- The definition of current and future service and infrastructure needs and standard;
- Collaboration on the analysis of strategic planning needs, and in the development of responses;
- Engagement in research and strategy related to the distribution of population and economic activity within the broader context of Western Australia;
- Development education and research capacity in areas relevant to the needs of regional cities.

Within the specific objectives there are a number of priority research areas as listed in APPENDIX 1

The partnership has a number of apparent benefits to the Alliance including:

- A research programme dedicated to the specific strategic needs of Western Australia's regional cities;
- The development of further partnerships with individual research groups and individuals within the University according to their needs;
- The opportunity to leverage additional research funds through sources such as the Australian Research Council and the new Super Science fund on the Built Environment;
- The opportunity to have PhD and advanced students engage in research on Western Australia's regional cities.

The benefits of the partnership to the University include:

- Enhanced research capacity in regional development;
- Increased publications and research income in regional development;
- The development of an innovative research programme not being conducted by other Australian universities;
- Enhanced teaching capacity in regional development;
- Increased engagement with regional Western Australia.

### ***Management of the Research Programme***

The partnership will be managed by a Research Management committee that will meet bi-annually to provide guidance to the overall programme, represented by:

- One representative from each of the Alliance members;
- The Director of the University's regional development programme;
- Dean of the Faculties of Science (or nominee).

In addition there will be an annual 'Research Roundtable' that will coincide with Alliance meetings. This will include the Alliance membership and the University representatives. The Roundtable will be used to report on progress, and to collaboratively set priority research areas and activities.

***Key Outcomes and Deliverables:***

The Partnership would aim to achieve:

- An increase in Honours and Masters students engaged in research on the regional cities;
- A minimum of four (4) PhD students working on topics related to the regional cities within three (3) years.

The partnership would deliver:

- A minimum of four short *Regional City Bulletins* per year. These would be a short (ca 10 page) briefing paper on various aspects of the research programme (as agreed by the Research Management Committee);
- One major report per year that incorporates all member cities (on a topic agreed to by the Research Management Committee);
- Two (2) presentations per year to the Alliance updating the research progress or reporting on a particular topic;
- A minimum of one (1) ARC Linkage research funding bid biannually that incorporates all member cities (negotiated through the research Management Committee);
- A minimum of two (2) papers submitted to refereed journals per year.

***Funding Arrangements:***

The University and the Alliance will each contribute 50 percent to the costs of direct salary, salary on-costs and position overheads for a five (5) year appointment at professorial level (the University Academic Salary Scale level D) at an approximate cost between \$569k and \$579k to the University and between \$140k and \$145k to each member of the Alliance over the five year period as set out in Schedule 1 of the MOU.

The University will provide funding in total sufficient to cover recruitment, relocation, insurances, administrative support, facilities access support (library, IT support, internet, finance and HR systems, telephone) at an approximate cost of \$393,000 over five years .

The Alliance will provide funding in full to support travel and operating expenses of the research programme in the amount of \$15,000 per annum indexed by an annual increase of \$500 over five years.

The alliance will provide funding in full to provide research support equivalent to the appointment of a half time Research Associate (the University Academic Salary Scale level A) over a period of two (2) years at an approximate cost between \$32k and \$36k to each member of the Alliance over the five year period as set out in Schedule 1 of the MOU.



The Estimated cost over the full five year term provided in Schedule 1 of the MOU is based on assumptions and best known information at the time of formulating. It is agreed by the University and the Alliance that the minimum contributions to salaries will equate to the actual costs incurred through the course of employment of the Professor and Research Associate over the period of the MOU.

It is possible that a suitable appointee cannot commence until later in 2011. In that event the Alliance and the University will maintain their respective commitment to contribute to the full cost of the five year appointment for the professor and a two year half-time term for a Research Associate.

The members of the Alliance will each make contributions in one tranche each year, in about May and prior to 30 June of each calendar year. These funds will be paid to the Hackett Foundation, and designated for the **Western Australia Regional Cities Alliance Professor Account** of the University's School of Earth and Environment. At the time that the appointment is made, the Alliance may elect to make its payments according to the actual estimated cost for each 12 month period, or on a time averaged basis.

#### ***Administrative Procedures:***

The University will be responsible for all matters concerned with the appointment of the successful applicant; however, the Alliance will each be invited to have one representative on the Selection Committee.

The University will also be solely responsible for the employment and supervision of the appointee, within the School; however, the Alliance will participate in an annual review of the achievements and future objectives of the appointee.

#### ***Governance:***

The following arrangements are agreed:

- The University will establish a dedicated account to receive donations under the umbrella account of the Hackett Foundation which will receipt funds from the Alliance membership.
- The progress and future objectives of the appointee will be reviewed annually by a panel comprising a representative of the Alliance and the School. This arrangement will be reviewed at the conclusion of funding by the Alliance.
- On request, the Alliance can access the records of the Western Australia Regional Cities Alliance Professor Account at each annual review.

Signed for and on behalf of the **City of Albany**

Witness:

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Date: -----

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Signed for and on behalf of the **City of Bunbury**

Witness:

---

Date: -----

-----

Signed for and on behalf of the **City of Geraldton**

Witness:

---

Date: -----

-----

Signed for and on behalf of the **City of Kalgoorlie-Boulder**

Witness: \_\_\_\_\_

Date: -----

-----

Signed for and on behalf of **The University of Western Australia**

Witness: \_\_\_\_\_

Date: -----

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## APPENDIX 1

### PRIORITY RESEARCH AREAS

- Demographic analysis & modeling:-
  - Population planning and demographic analysis;
  - Review of ABS and DoP/WAPC (WA Tomorrow) population modeling and estimates;
  - Population-economic-social linkages modeling to define service needs
- Economic analysis and modeling:-
  - Labour market analysis/modeling;
  - Local/regional comparative and competitive advantage assessment for business and economic activity;
  - Labour force attraction and retention;
  - Skilled labour auditing and planning scenarios;
  - Analysis of enterprise performance and constraints/opportunities
- Infrastructure and land-use planning:-
  - Framework for regional centre plans and statutory plans;
  - Land supply analysis, including existing capacity and required release provisioning;
  - Key infrastructure requirements over short and long timescales, including water, sewerage, roads, public transport, electricity, gas etc.
- Technology linkage planning:-
  - Planning on impact of NBN;
  - Defining key possibilities and obstacles to maximizing on the NBN rollout
- Key services planning and provision:-
  - Health education and welfare;
  - Recreation and leisure;
  - Public administration;
  - Public housing.

**1.5: AUDIT COMMITTEE**

- Responsible Officer(s)** : Chief Executive Officer (F James)
- Attachments:** : Confirmed Audit Committee Minutes 12 April 2011  
Audit Committee Recommendations from::
- 10 May 2011
  - 24 May 2011 (Special Audit Committee Meeting)

**IN BRIEF**

- Receive the confirmed minutes of the Audit Committee and Committee Recommendations to Council

8.49PM Councillors D Bostock, Paver, Hammond and J Bostock left the Chamber having declared a financial interest in Committee Recommendation 1.

ITEM 1.5: DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Audit Committee Recommendations 1 & 2 be CARRIED en bloc.

**ITEM 1.5: COMMITTEE RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Confirmed minutes of the Audit Committee meeting held on 12 April 2011, be RECEIVED.**

**ITEM 1.5: RESOLUTION (Committee Recommendation 1)**

**MOVED: COUNCILLOR MATLA**

**SECONDED: MAYOR EVANS**

**THAT Committee Recommendation 1 be ADOPTED.**

**CARRIED 8-0**

8.51pm Councillors J Bostock and Hammond returned to the Chamber

8.52pm Councillors D Bostock and Paver returned to the Chamber.

**ITEM 1.5: COMMITTEE RECOMMENDATION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY****Audit Committee 10 May 2011, Item 5.3****That COUNCIL:**

- (i) Gives the opportunity to the Chief Executive Officer to fully implement the new process adopted by Council at the 15 February 2011 Ordinary Meeting of Council, being:  
  
*“Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council”;*
- (ii) Reviews the new process at the 11 October 2011 Ordinary Meeting of Council.

**ITEM 1.5: RESOLUTION (Committee Recommendation 2)****MOVED: COUNCILLOR MATLA****SECONDED: COUNCILLOR WOLFE****THAT Committee Recommendation 2 be ADOPTED.****CARRIED 8-4****Record of Vote**

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

**ITEM 1.5: COMMITTEE RECOMMENDATION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY****Special Audit Committee 24 May 2011, Item 5.3**

- (i) THAT Council approve a Rate Increase (including CPI) of up to 5 % be included in 2011/12 proposed budget.
- (ii) THAT the CEO advertise proposed differential rates up to a 5% increase, in accordance with section 6.36 of the *Local Government Act 1995*.

**ITEM 1.5: AMENDMENT BY COUNCILLOR D BOSTOCK****MOVED: COUNCILLOR D BOSTOCK****SECONDED: COUNCILLOR PAVER****THAT (i) of the Committee Recommendation 3 read as follows:****THAT Council approve an increase in total rates revenue of up to 5%.****CARRIED 12-0**

**ITEM 1.5: AMENDED COMMITTEE RECOMMENDATION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Special Audit Committee 24 May 2011, Item 5.3**

- (i) THAT Council approve a Rate **Revenue** Increase (including CPI) of up to 5% be included in 2011/12 proposed budget.
- (ii) THAT the CEO advertise proposed differential rates up to a 5% increase, in accordance with section 6.36 of the *Local Government Act 1995*.

**ITEM 1.5: RESOLUTION (Amended Committee Recommendation 3)**

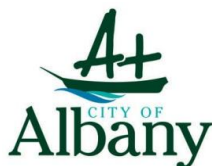
**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR DUFTY**

**THAT the Amended Committee Recommendation 3 be ADOPTED.**

**CARRIED 12-0**

<b>Consulted References</b>	<i>Local Government Act 1995</i> <i>Local Government (Administrative) Regulations 1996</i>
<b>File Number (Name of Ward)</b>	FM.MEE.1
<b>Previous Reference</b>	OCM 19/04/2011 – Items 4.3 & 4.7



## AUDIT COMMITTEE MINUTES

for the meeting held on Tuesday 12 April 2011  
in the Margaret Coates Boardroom

(File Ref: FM.MEE.1 Synergy Ref: AM1117895)

The Chair declared the meeting open at 5.51pm.

### 1.0 ATTENDANCE:

<b>Mayor</b>	M Evans, JP (Member)
<b>Councillors:</b>	
Cr Wellington	(Chair)
Cr Leavesley	(Member)
Cr Hammond	(Member) (left at 8.15pm)
Cr Matla	(Member)
Cr D Bostock	(Observer)
Cr J Bostock	(Observer)
Cr D Dufty	(Observer)
Cr C Holden	(Observer)
<b>Staff:</b>	
Chief Executive Officer	F James
Executive Director Works & Services	K Ketterer (arrived at 5.59 pm)
Executive Director Planning & Development Services	G Bride
Team Leader Community Services	L Hill
Finance Manager	D Olde
Executive Manager Business Governance	S Jamieson (Secretariat)
<b>Apologies/Leave of Absence:</b>	
Executive Director Corporate & Community Services	WP Madigan
Acting Executive Director Corporate Services	P Wignall

### 2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

*Councillor Leavesley queried the time detailed at Item 7.0. Note: The Committee meeting time was brought forward for this meeting as the proposed Finance Committee meeting scheduled at 5.30pm was not held.*

#### ITEM 2.0 – COMMITTEE RESOLUTION

**MOVED: MAYOR EVANS**

**SECONDED: COUNCILLOR WELLINGTON**

**The minutes of the Audit Committee meeting held on 1 March 2011, as previously distributed, be confirmed as a true and accurate record of proceedings (Attachment A).**

**MOTION CARRIED 5-0**

<b>Presiding Member</b>	Councillor Wellington
<b>EMT Member Responsible for Committee:</b>	Chief Executive Officer (F James)



### 3.0 DISCLOSURE OF INTEREST

Name	Item Number	Nature of Interest
Mayor Evans	4.13	<b>Impartiality.</b> Mayor's wife is a member of the Eisteddfod Committee. Mayor remained in the meeting and participated in the discussion and vote for this item.
Councillor Hammond	4.14	<b>Financial.</b> Direct financial interest as Councillor is the owner of Albany Inbound Pty Ltd. Councillor left the meeting and did not participate in the discussion, debate or vote for this item.
Councillor Leavesley	4.14	<b>Impartiality.</b> Councillor gains income from the Tourist Industry. Councillor remained in the meeting and participated in the discussion and vote for this item.
Councillor D Bostock	5	<b>Financial, Proximity, Impartiality.</b> Plaintiff in the legal action. Councillor left the meeting and did not participate in the discussion, debate or vote for this item.
Councillor J Bostock	5	<b>Proximity.</b> Councillor J Bostock is the wife of plaintiff. Councillor left the meeting and did not participate in the discussion, debate or vote for this item.
Councillor Wellington	5	<b>Proximity.</b> Councillor Wellington is the first defendant to writ. Councillor remained in the meeting and participated in the discussion and vote for this item.

### 4.0 ITEMS FOR DISCUSSION

#### 4.1 REPORT ON ALAC OPERATIONS

Reporting Officer: Chief Executive Officer

##### Update:

Chief Executive Officer advised the Committee that the report on the Albany Leisure & Aquatic Centre (ALAC) operations will be presented to the May Ordinary Meeting.

Councillor Leavesley requested the Chief Executive Officer to investigate if his Rescission Motion, being:

*"That the restrictions imposed on the Albany Leisure & Aquatic Centre (ALAC) Gymnasium Operations detailed at report item 16.1 which was moved at an ordinary meeting of council held on 16 January 2007 and later detailed in the Memorandum of Understanding (MOU) made between the City of Albany and Local Health & Fitness Centre Operators be reconsidered."*

is still required.

**Action:** Question taken on Notice by Chief Executive Officer.

## 4.2 LIQUID WASTE TENDER (CITY OF ALBANY & WATERCORPORATION)

Reporting Officer: ED Works & Services

### Background

The Audit Committee on 1 March 2011 considered the verbal feedback on the above matter and requested the Chief Executive Officer to:

- draft a follow up letter to the Water Corporation requesting specific information and documents in support of the appropriateness of the tender process; and
- circulate the Water Corporation response to all Councillors, once received.

### Discussion

A Copy of the letter to Water Corporation is detailed in Annexure B.

The Water Corporation response is detailed in Annexure B.

For completeness, copies of previous correspondence with the Water Corporation is attached as Annexure B.

The response from the Water Corporation in summary:

- Affirms the City's involvement in this process through having a staff member on the panel;
- Maintains that the unsuccessful bidder was provided every opportunity to meet the tender requirements in terms of financial information relating to the pass/fail criteria stated in the tender documentation;
- Confirms that a relationship exists between the preferred bidder and an employee, but states that the Water Corporation has not yet taken a decision regarding the administration of the contract, and this person's possible involvement; and
- Maintains that the information requested by Council is Confidential, and it is inferred that this would not be made available.

### Conclusion

The Water Corporation is of the opinion that their tender evaluation has been substantively and procedurally fair in all respects. It is also of the opinion that the minimum financial returns stipulated by Council will be met once the tender has been formally awarded.

### Recommendation

That the City not pursue this matter further, but assess its own involvement in the tender process, and implement system improvements to ensure matters do not reach this stage of Council discontent in the future.

The Committee accepted the Recommendation.

**Action:** The Chief Executive Officer is requested to write a letter to Mr Len Abbott, copying in the Mayor and Ward Councillors, explaining the steps taken by Council and the outcome.

*Executive Director Works & Services entered the meeting at 5.59 pm.*

#### **4.3 GSDC GRANT (\$200,000 ALLOCATED TO PADRE WHITE LOOKOUT IMPROVEMENTS)**

Reporting Officer: ED Works & Services.

**Status:** At the 15 February 2011 OCM, Council resolved:

*“That the Chief Executive Officer undertake further investigation of the Padre White Lookout project, including a detailed budget analysis for project scope and provide further advice to Council at the March 2011 OCM.”*

#### **Update:**

The Executive Director Works & Services advised the Committee that the City had been verbally requested by the Great Southern Development Commission (GSDC) to provide more information regarding the funding grant application and proposed CoA contribution.

A \$50,000 amendment is included in the Third Quarter Budget Review to support this application. Copies of letters to the GSDC are attached as Annexure C.

The City is awaiting further advice from GSDC.

#### **4.4 BUDGET - STATUS OF THE EBA AGREEMENT NEGOTIATIONS**

Reporting Officer: Chief Executive Officer.

**Status:** On 1 March 2011 the Committee were advised that the Inside Workers Agreement negotiations have recommenced. The Staff Committee and management have now met twice.

#### **Update:**

The Chief Executive Officer advised the Committee that salary comparisons and other investigative work in response to the employees' wage claim will be finalised shortly and an initial management proposal will be presented to all affected staff. The proposal includes back pay to the 1 September 2010.

#### **4.5 INTERNATIONAL MONETARY FUND (IMF) LEGAL ACTION**

Reporting Officer: Chief Executive Officer

**Status:** At the 1 February 2011 Audit Committee, the Manager Finance advised information was still being received in regards to the City's Collateralised Debt Obligations (CDOs).

#### **Update:**

The Chief Executive Officer advised the Committee that the matter has been heard at trial, and a decision is awaited. A copy of the correspondence from the IMF is attached at Annexure D (Lehman Australia: claims in relation to structured financial products: Update on Court hearing).

#### **4.6 ISO9001 SURVEILLANCE INTERNAL AUDIT & FOUR YEARLY INTERIM AUDIT**

Reporting Officers: EM Business Governance, Acting ED Corporate Services

##### **ISO 9001 Surveillance Internal Audit**

**Update:** At the 1 March 2011 meeting the Committee was advised that the ISO9001 Surveillance Audit Report would be reported to this meeting.

The Executive Director Planning & Development Services advised the Committee that the report was still being finalised at the time of producing this agenda.

**Action:** On receipt of report that a copy be provided in the Councillors' Work Station.

##### **City of Albany Interim Audit**

**Update:** The Executive Manager Business Governance advised the Committee that the City's appointed Auditor, Grant Thornton Australia, has confirmed that the Four Yearly Interim Audit will start the week commencing 23 May 2011.

The Auditor advised that when a Local Government client requests their four yearly review of the financial management systems this instruction is treated as a separate review and report.

This report will be conducted independently by a separate Grant Thornton Staff team to the work conducted for the interim and yearend audit.

#### **4.7 GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION (GSCHA) UPDATE**

Reporting Officer: Chief Executive Officer

**Status:** GSCHA has paid rates in full for recently rated GSCHA owned properties. It states it made the payment under protest and forwarded an objection via lawyers Jackson McDonald.

##### **Update:**

As previously reported to the Committee, the City received an objection to the removal of rates exemption from GSCHA in September 2010. In accordance with s. 6.76 (3) of the *Local Government Act 1995*, the City requested that the objection be lodged by the Department of Housing (the owner of the properties). The City has not received an objection from the Department of Housing.

In 2009-10 the GSCHA accessed over \$8 million under a Social Housing Initiative Project Agreement. This initiative was funded by the Federal Department of Families, Housing, Community Services and Indigenous Affairs and enabled the GSCHA to fund the purchase of land and construct dwellings in its own right. The City has not allowed rates exemptions on these properties and received an objection to the rate records from GSCHA in March 2011. The City has recently received legal advice which concludes that the GSCHA land is being used for charitable purposes and is therefore not rateable.

Item 4.7 continued.

### Discussion

The City may now:

1. Allow the objection relating to GSCHA owned properties, and
2. Accept all land managed by GSCHA as being rateable, but insist on objection coming from the Department of Housing for land owned by the Department of Housing; or
3. Accept all land managed by GSHA as being rateable and not insist on the objection coming from the Department.

### Conclusion

As the ultimate outcome of this process has a significant financial implication. It may be appropriate to approach the Minister for Housing regarding compensation for the loss of revenue resulting from providing rates exemptions, given that the Water Corporation and Western Power are reimbursed for providing concessions made for charitable purposes.

#### ITEM 4.7: COMMITTEE RECOMMENDATION

**MOVED: MAYOR EVANS**

**SECONDED: COUNCILLOR WELLINGTON**

- (i) That Council **ACCEPT** that land owned by the Great Southern Community Housing Association (GSCHA) is being used for a charitable purpose and not rateable in accordance with Section 6.26(2)(g) of the *Local Government Act 1995*, being land used exclusively for charitable purposes.
- (ii) That in relation to properties owned by the Department of Housing, Council **ENDORSE** the application of Section 6.76 (3) of the *Local Government Act 1995* and only consider objections to the rate record from: "... the person named in the rate record as the owner of land or by the agent or attorney of that person", being the Department of Housing.

**MOTION CARRIED 5-0**

#### 4.8 FINANCIAL INVESTMENT OF SURPLUS FUNDS

Reporting Officer: EM Business Governance

##### Background

The Minister released the below proposal in November 2010, which WALGA sent to all local governments seeking feedback on the Minister's *Local Government Act 1995* amendment proposals:

*"...At this stage, the following forms of investment are being considered to be included in this regulation:*

1. *a deposit with the Western Australian Treasury Corporation or an investment facility of the Western Australian Treasury Corporation;*
2. *any public funds or securities issued by, or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory; and*
3. *interest bearing deposits with, and/or debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)) where the Institution has a Standard & Poor's Rating of A-1+ (short-term) or AA (long term, but excluding subordinated obligations)"*

Item 4.8 continued.

On 28 March 2011, the City was advised that the Minister for Local Government is currently considering drafting legislation to impose restrictions on local government investments.

One option being considered would restrict investments to AAA rated institutions, which pose the lowest risk to local government and community funds. However, this would effectively exclude deposit-taking institutions such as the Bendigo and Adelaide Bank, and others which do not meet the required AAA standard.

The Department of Local Government (LG), in order to gauge an understanding of the level on investment in sub-AAA rated institutions, with specific attention to the Bendigo and Adelaide Bank, sought investment information from regional local governments where a branch of the Bendigo Bank exists.

Clarification of the Minister's position was sought regarding the intent to restrict investments to only AAA rates investments, noting that Lehman's Brothers was rated AAA.

The Department of LG (Manager Legislation) advised that there is no intention to:

- *“ restrict local government investments to only those rated as AAA; and*
- *tighten up any further than this suggested. If anything, there appears to be an appetite for other forms of investments to be permitted. However, this is ultimately the decision of the Minister.”*

## Discussion

Concern has been expressed by a Councillor in regards to the City's investments with Bendigo Bank.

A summary of the concerns and opinion in regards to that investment is as follows:

- Bendigo Bank is rated a BBB+ investment;
- The business banking model operated by Bendigo in the event of further global financial difficulties is nowhere near as robust as the 'Big 4';
- The local branch according to the published annual report (on the web) has used its seeding capital and has never made a profit since its opening;
- Council should consider restricting ongoing investments to Treasury and the big four banks; and
- Council should consider investment strategy in line with Minister Castrilli's proposed legislation on local government investment.

The following Council policies apply to investment:

### Council Policy – Investment of Surplus Funds. extract:

*“That, under section 6.10 of the Local Government Act 1995, and as prescribed in regulation 19 of the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer be delegated to administer the Investment of Surplus Funds Policy.”*

*“...Investments shall be restricted to term deposits or commercial bills offered by the following banks or government institutions:*

- *Commonwealth Bank of Australia*
- *Bendigo Bank*
- *BankWest*
- *Australia and New Zealand bank*
- *National Australia Bank*
- *Westpac banking Corporation*
- *WA Treasury Corporation...*”

Item 4.8 continued.

Council Policy – Cash/Investment Backing for Reserve Accounts, extract:

*“ Although there is no statutory requirement, it is the policy of the City of Albany that where possible, Reserve Accounts will be 100% backed by either cash, or investments made under the “Policy on Investment of Surplus Funds”*

**Recommendation**

In response to the Minister’s proposed legislation and concerns raised by Councillors, Council should review the City of Albany Investment Policies.

**ITEM 4.8: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND**

**SECONDED: MAYOR EVANS**

- (i) That the Chief Executive Officer **AMEND** the Investment of Surplus Funds Policy to limit the investment of funds to be no more than \$1 million, or 10 percent (which ever is the greater) across the total investment portfolio with the Bendigo Bank, at any one time, and the investment term to be no more than 30 days.
- (ii) That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council.

**CARRIED 4-1**

**Record of Vote:** Against the Motion: Councillor Leavesley.

**4.9 LETTER FROM THE DEPARTMENT OF LOCAL GOVERNMENT (DLG) IN REGARDS TO 2010/11 BUDGET FINANCIAL STATEMENT**

Reporting Officer: Chief Executive Officer

**Update:**

The Chief Executive Officer advised the Committee that as a result of correspondence received from the Department of Local Government the City will liaise with its Auditor to ensure a financial statement is develop which will address the Departments’ concerns and be presented for the next budget. (Annexure E).

The Acting Executive Director Corporate Services will be liaising with the Auditor to ensure the recommendations from the Department of Local Government are implemented.

**4.10 UPDATE OF AUDIT COMMITTEE TERMS OF REFERENCE**

Reporting Officer: EM Business Governance

**Update:**

The Executive Manager Business Governance advised the Committee that the Terms of Reference for the Committee has been submitted to the April OCM for adoption.

**4.11 REVIEW OF SERVICE DELIVERY**

Reporting Officer: Chief Executive Officer

**Status:** This matter will form part of budget consideration.**4.12 ALBANY LEISURE & AQUATIC CENTRE OPERATIONS REPORT**

Reporting Officer: Chief Executive Officer

**Update:** See Item 4.1.**4.13 EISTEDDFOD AGREEMENT**

Reporting Officer: Chief Executive Officer.

**Update:**

The Chief Executive Officer provided the Committee an update on the proposed Eisteddfod Agreement.

**4.14 UPDATE ON ROYALTIES FOR REGIONS – LOCAL GOVERNMENT FUND & CITY OF ALBANY FESA REFUND CLAIM**

Reporting Officer: Executive Director Works &amp; Services (EDWS)

**Update:**

**Royalties for Regions (R4R) Funding.** The EDWS advised the Committee that the City was successful in security R4R funding for construction of pathways.

**FESA Refund Claim.** The EDWS advised the Committee that the refund application has been submitted to the Department of Main Roads and the City has budgeted for a \$650,000 refund.

**5 URGENT BUSINESS RAISED****5.1 THIRD QUARTERLY REVIEW – 2010/11**

Reporting Officer: Manager Finance

**Update:**

The Chief Executive Officer presented the proposed Third Quarter 2011-11 Budget Review as follows:

	<b>Original Budget</b>	<b>Current Budget</b>	<b>Proposed Q3 Budget</b>	<b>Variance from Current Budget</b>
<b>General Management</b>	1,322,458	1,322,458	1,276,695	(45,763)
<b>Corporate &amp; Community Serv.</b>	7,558,921	7,813,481	9,502,741	1,679,260
<b>Development Services</b>	1,751,112	1,769,612	1,859,119	89,507
<b>Works &amp; Services</b>	13,799,472	13,740,471	13,557,541	(182,930)
<b>General Purpose Income</b>	(27,665,689)	(27,924,548)	(27,959,052)	(34,504)
<b>Loans</b>	3,233,726	3,233,726	1,733,726	(1,500,000)
<b>Total (Surplus)/Deficit</b>	<b>0</b>	<b>(34,800)</b>	<b>(29,230)</b>	<b>5,570</b>



Item 5.1 continued.

The Committee queried the following items in the Third Quarter Budget Review (Annexure F):

- Budget Overrun for Special Projects/Events, page 3  
Response: Additional costs associated with provision of fireworks display not anticipated.
- Cost of the ALAC Energy Audit, page 4  
Response: Energy Audits have been conducted in the past and will be taken into account. This Audit is looking at all factors associated with energy consumption in the centre (i.e. Airflow, Heating, Cooling, Pumping System, and Lighting).
- Airport Landing Fees, page 4  
Response: Airport landing fees have not fully been received from SkyWest for this reporting period.
- Albany Leisure & Aquatic Centre (ALAC) (income down), page 4  
Response: ALAC revenue and costs are currently under review. The broken boiler had a significant impact on income.
- Hydrology/land capability study Candyup, page 5  
Response: Independent advice was budgeted for to evaluate the claims made by the applicant's professional hydrologist report.
- Work Overheads (increase in sick leave claims), page 6  
Response: A number of ongoing claims, in some cases in excess of 12 months, have been finalised in the third quarter.

*Item 5.2 was dealt with after Item 6 to allow Councillor Hammond to remain in the meeting for the discussion and vote on Item 6.*

## **6 CLOSED MEETING SESSION – LEGAL CLAIM AGAINST THE CITY**

Reporting Officer: Chief Executive Officer

*7.48pm. Councillor D Bostock declared a Financial, Proximity and Impartiality Interest in item 6 and left the meeting.*

*7.48pm. Councillor J Bostock declared a Proximity Interest in item 6 and left the meeting.*

*Councillor Wellington declared a Proximity Interest, remained in the meeting and participated in the discussion and vote for this item.*

### **Update:**

A confidential update was provided by the Chief Executive Officer.

The Committee requested the CEO to finalise the wording of the Committee recommendation to ensure all necessary steps are taken to protect the interest of the City in respect to legal claims against the City.

### **ITEM 6.0: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR EVANS**

**SECONDED: COUNCILLOR WELLINGTON**

**That Council delegate the power to the Chief Executive Officer to take all steps necessary to protect the interests of the City in respect of the legal claim against the City.**

**MOTION CARRIED 4-1**

**Record of Vote:** Against: Cr Leavesley.

8.15pm. Councillors D Bostock and J Bostock returned to the meeting as observers.

## 5.2 UPDATE ON ALBANY VISTORS CENTRE

Reporting Officer: Chief Executive Officer.

Councillor Hammond having declared a Financial Interest left the meeting and did not return.

### Update:

The Chief Executive Officer advised the Committee of recent negotiations with Albany Inbound.

The Committee agreed with the Chief Executive Officer that her negotiations conducted on behalf of the City with Albany Inbound (AI) and Tayson Pty Ltd (under previous delegated authority) should include:

- The transfer date of operations to the City to be 1 June 2011 (with transitional support to be negotiated between AI and the Chief Executive Officer);
- A Staff member verifying the saleability of the stock;
- Existing AI Staff become City Staff with no liability to the City (Leave entitlements: Sick Leave, Long Service Leave, Recreational Leave etc are to be paid out by AI/Tayson Pty Ltd); and
- Negotiations on forward bookings held in trust account.

The Committee supported the Chief Executive Officer's negotiations and conditions of transfer (conducted under previous delegated authority) and put to the support to the vote. (Moved by Councillor Wellington, Seconded by Mayor Evans, Carried 4-0)

## 7 ITEMS TO BE DISCUSSED AT NEXT MEETING

8 **DATE OF NEXT MEETING:** In accordance with the City of Albany Meeting, Briefing and Key Date Calendar Tuesday 10 May 2011 at 7.00 pm.

9 **CLOSURE OF MEETING:** The Chair declared the meeting closed at 8.48pm.

### ACTION LIST

Item	Actions
4.1	<b>REPORT ON ALAC OPERATIONS</b> Councillor Leavesley requested the Chief Executive Officer to investigate if his Rescission Motion, being: <i>"That the restrictions imposed on the Albany Leisure &amp; Aquatic Centre (ALAC) Gymnasium Operations detailed at report item 16.1 which was moved at an ordinary meeting of council held on 16 January 2007 and later detailed in the Memorandum of Understanding (MOU) made between the City of Albany and Local Health &amp; Fitness Centre Operators be reconsidered."</i> is still required.
4.2	<b>LIQUID WASTE TENDER (CITY OF ALBANY &amp; WATERCORPORATION)</b> The Chief Executive Officer is requested to write a letter to Mr Len Abbott, copying in the Mayor and Ward Councillors.
4.6	<b>ISO9001 SURVEILLANCE INTERNAL AUDIT &amp; FOUR YEARLY INTERIM AUDIT</b> On receipt of the ISO9001 Internal Audit Report a copy be made available in the Councillor's Workstation.

**Annexure:**

- A. Minutes of the 01 February 2011 Audit Committee
- B. Correspondence – RE: Liquid Waste Tender **(Confidential)**
- C. Correspondence – RE: Mount Clarence Infrastructure Improvements (Padre White)
- D. Correspondence – RE: IMF Fund Legal Action **(Confidential)**
- E. Correspondence – RE: Annual Statement, Auditors Report and Management Report
- F. Third Quarter Budget Review 10-11 (OCM 19 April 2011 Item 2.5 refers)

## **2.1: REVIEW OF MUNICIPAL HERITAGE INVENTORY – ESTABLISH WORKING GROUP AND TERMS OF REFERENCE**

<b>Land Description</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Business Entity Name</b>	: City of Albany
<b>Attachment(s)</b>	: Community nominations received
<b>Councillor Workstation</b>	: Project Initiation Brief (PIB) for Project
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

### **IN BRIEF**

- To establish a working group consisting of interested members of the community (as nominated), a heritage consultant and Councillor to work on the review of Council's Municipal Heritage Inventory.
- To establish a terms of reference for the working group.

### **ITEM 2.1: RESPONSIBLE OFFICER RECOMMENDATION**

#### **THAT Council:**

- 1. AGREES to establish the Municipal Heritage Inventory Review Working Group and ENDORSES the following nominations from membership of the working group:**
  - a. Councillor Dufty;**
  - b. Crispin Travers (on behalf of the Albany Historical Society);**
  - c. Warren Marshall;**
  - d. Edwin McLean;**
  - e. Juliet Albany; and**
  - f. The Regional Heritage Advisor.**
- 2. ENDORSE the following terms of Reference for the Municipal Heritage Inventory Review Working Group:**

*“Provide support and guidance to the City of Albany in preparing an updated Municipal Heritage Inventory for Council's consideration, which involves comprehensive community consultation, consistent with the requirements of the Heritage Act of Western Australia 1990, encompassing a review of existing sites on the Inventory and the consideration of new places of cultural heritage significance.”*

#### **ITEM 2.1: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR WOLFE**

**THAT Councillor Dufty be ENDORSED as the Council nominee to become a member of the working group, and that the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**

## **BACKGROUND**

1. Under Section 45 of the *Heritage of Western Australia Act 1990* ('Act'), the City is required to keep an inventory of culturally significant heritage places (known as a 'Municipal Heritage Inventory') within its district.
2. Council's last Municipal Heritage Inventory ('MHI') was prepared in 2001 by consultants. The current MHI lists 429 places (including historic sites, significant trees, maritime and natural sites) that have varying heritage value within the City. The formal assessed classifications range from Category D (significant, but not essential) through to Category A+ (places identified on the State Heritage Register).
3. The Act states that a local government should review its MHI every four years. It has been ten years since the current MHI was prepared and therefore a review is required to determine whether the existing entries are properly categorised and to consider the placement of new places onto the Inventory.

## **DISCUSSION**

4. Staff have prepared a Project Initiation Brief for the project which involves two distinct stages. Stage 1 involves a review of the existing entries (to determine whether the rating needs to be changed) and consideration of places to be reviewed, inclusive of the community consultation phase. Stage 2 involves the detailed assessment of each of the identified new places to be reviewed. Each place will need to be recorded in terms of its history and what elements of the place are considered significant from a cultural heritage perspective.
5. The timeline for the project envisages the completion of Stage 1 by August 2011 with Stage 2 being completed by April 2012.
6. The City has sought tenders from suitably qualified heritage consultants to provide professional expert assistance to the City and the working group for Stage 1.
7. It is anticipated that three meetings will be held to complete Stage 1, with the City's administration staff, and the successful heritage consultant attending the meetings to present information and provide support and guidance to the Committee.

## **GOVERNMENT CONSULTATION**

8. Close liaison with the Heritage Council of Western Australia will occur throughout the process. The Heritage Council of Western Australia has already contributed to the reformatting of the Inventory into the new model Inventory framework, which has been completed by the City of Albany's Regional Heritage Advisor.

## **PUBLIC CONSULTATION / ENGAGEMENT**

9. The City requested nominations from interested persons who would like to be involved in this project. Four nominations were received (a copy of the nomination letters are located within the Attachments). The City called for a maximum of five representatives, and therefore with the four received, it is recommended that all nominations be accepted.
10. As part of Stage 1 of the Municipal Heritage Inventory Review it is intended that consultation is undertaken with the community with the community invited to nominate any additional places that it considers for placement on the MHI, or a review of any of the existing places.

## **STATUTORY IMPLICATIONS**

11. The City under Section 45 of *Heritage of Western Australia Act 1990* states:

### ***“45. Local government inventories***

- (1) A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be —*
  - (a) updated annually; and*
  - (b) reviewed every 4 years after compilation.”*
12. It is important to note that the MHI has no statutory power (although a recent State Administrative Tribunal decision has challenged this position), however to give statutory effect to important cultural heritage places the higher category places will be included within the ‘Heritage List’ within Council’s draft Local Planning Scheme.

## **STRATEGIC IMPLICATIONS**

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

### *Priority Goals and Objectives*

*Goal 1: Lifestyle & Environment.....Albany will be Western Australia’s regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.*

*Objective 1.5 Albany will be a City where development responds to our unique historical and environmental values.*

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

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

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

*City of Albany Mission Statement*

*At the City of Albany we foster community involvement in decision making and encourage our people to meet the community's service expectations."*

## **POLICY IMPLICATIONS**

14. The MHI may recommend the establishment of new heritage precincts and specific design guidelines may be required via the creation of local planning policies.

## **RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
The City of Albany does not review its MHI as legislated in the Heritage of Western Australia Act 1990 and therefore the complete record of Albany's heritage assets will be incomplete.	Unlikely	Moderate	Medium	To proceed to create the working group and the review of the MHI.

## **FINANCIAL IMPLICATIONS**

15. Stage 1 of the Municipal Heritage Inventory has a budget of \$20,000 within the current financial year (2010/11). As part of the draft budget for 2011/12 an allocation of a further \$20,000 has been identified for Stage 2.

## **LEGAL IMPLICATIONS**

16. The Working Group will have no delegation or authority. The draft Municipal Heritage Inventory will be received and reviewed by Council.

## **ALTERNATE OPTIONS**

17. Council has the option of not establishing a working group and instead rely solely on staff and the heritage consultant to prepare an initial draft for Council's consideration.
18. It is recommended that Council pursues the creation of the working group to promote an inclusive partnership with the community and interested stakeholders in reviewing the MHI.

**SUMMARY CONCLUSION**

19. The creation of a working group with the support of an experienced heritage consultant and City Administration will assist Council in undertaking a comprehensive review of the existing Municipal Heritage Inventory.

<b>Consulted References</b>	Heritage of Western Australia Act 1990
<b>File Number (Name of Ward)</b>	LP.PRG.1





# ALBANY HISTORICAL SOCIETY (INC)

CUSTODIANS OF THE BIRTHPLACE OF A STATE



Our Ref:

Your Ref:

Postal Address:  
P.O Box 411  
Albany 6331  
Western Australia

Ph: 08 9841 5403  
Fax: 08 9841 5403

Web Site:  
[www.historicalbany.com.au](http://www.historicalbany.com.au)

Email:  
[admiralbhst@bigpond.com](mailto:admiralbhst@bigpond.com)

Monday, 14 March 2011

City of Albany Records  
Doc No: ICR1132533  
File: CM.MEE.5  
Date: 18 MAR 2011  
Officer: CEO4

Chief Executive Officer  
City of Albany  
PO Box 484  
Albany, WA 6331

Attach:  
Box:  
Vol:  
Box+Vol:

Dear Ms James,

18 MAR 2011

The Albany Historical Society (Inc) wishes to nominate a representative to sit on the Steering Committee for the Review of the City of Albany Heritage Inventory, as per the advertisement in The Weekender of March 10, 2011.

As the primary body associated with matters of heritage and history in the City of Albany, the Albany Historical Society (Inc) believes that it is essential that we be represented on the committee.

Our nominee for the Committee is Mr Crispin Travers. Mr Travers has a B.A. in History from the University of Western Australia (1978). He has a keen interest in, and broad knowledge of, the history of Albany and Western Australia generally. He has been a volunteer attendant at Albany's Old Gaol Museum for a number of years and has also been a volunteer researcher for this Society. Mr Travers researched and wrote the first history of the WA Police, published as "Police Review 1829 - 1979". He has also compiled a history of the Vancouver Arts Centre, located in the Old Cottage Hospital. He has previously volunteered for the Albany Library History collection and currently he is a volunteer for the Library project digitising the maps and plans held in the their History Collection. Mr Travers has a particular interest in architectural history and is familiar with the variety of architectural styles present in Albany.

Mr Travers has extensive experience on community committees, having sat on, and chaired, many local committees during his 25 year residence in Albany, the most relevant being the Consultative Committee for the Albany Courthouse and Police Station when that building was being planned. Mr Travers sat on that committee with the principal intention of ensuring the retention of the old "Kookas" building, an objective that was achieved.

Apart from his history qualifications, Mr Travers is also skilled in community consultation and consensus building with individuals, having worked for over 20 years as a professional Social Worker in the contentious area of Child Protection. These skills may well be valuable to the Committee in negotiating any community conflict that may arise in relation to the Heritage Inventory.

Mr Travers' contact details are as follows:

38 Festing St

Albany WA 6330

Ph 0488 24 55 99

Email [traverstrish@yahoo.com.au](mailto:traverstrish@yahoo.com.au)

We are grateful for your consideration in regard to Mr Travers as our nominee for the Committee and look forward to hearing from you in this regard.

Yours truly,



Andrew Eyden  
Chief Executive Officer  
Albany Historical Society (Inc)

**Veronica Dayman**

---

**From:** albanyj@inet.net.au  
**Sent:** Tuesday, 5 April 2011 9:45 AM  
**To:** Veronica Dayman  
**Subject:** EF1133657 - LP.PRG.1 - Re: FW: EF1133613 - LP.PRG.1 - FW: Feedback form

**SynergySoft:** EF1133657

many thanks Veronica - I was told the closing date was last friday so got a bit hassled. Please could you forward the details below to the appropriate person.

I cant do a full application from here but my details briefly are as follows:

an initial degree from the UK in Historic Geography - the study of landscapes and settlements;

nearly 8 years teaching secondary upper school geography etc mainly in private schools;

a second degree from Curtin University in Industrial Design but I actually wrote my own course and majored in environmental design as the study of townscapes;

then I had 7.5yrs with the City of Perth as their senior urban designer (the first such post in WA) and was responsible for controlling all development in King street as well as being the

coordinating designer for the King Street Enhancement stage one and two - I was project manager for Stage three.

I also advised Council on all development proposals for heritage buildings in the CBD during this time.

I then joined the Ministry for Planning and ran the WAPC s Townscape Program which focused on the upgrade of country towns with particular emphasis upon reusing heritage and old buildings in a sympathetic manner.

I was with the department (later DPI) for 12 years. I then had a brief 18months with Plantagenet Shire before retiring from full time work. I am currently working with Lynne Farrow Architect on a project for Broomehill.

I hope this helps and apologise for the informaility of my application.

Kind regards

Juliet Albany

**On Mon Apr 4 15:27 , Veronica Dayman sent:**

Hi Juliet

Thank you for your email below, which is acknowledged. Expressions of interest for the Heritage Inventory Steering Committee close on Friday 8th April, so we will be in touch with you again after that date.

In the meantime, should you need to refer to this email please quote the above reference number (EF1133613).

Kind regards

Veronica Dayman

Personal Assistant to Executive Director Planning & Development Services

City of Albany

102 North Road | PO Box 484 | ALBANY WA 6330

P: 08 9841 9366 | F: 08 9841 4099

E: [veronicad@albany.wa.gov.au](mailto:veronicad@albany.wa.gov.au)

[www.albany.wa.gov.au](http://www.albany.wa.gov.au)

-----Original Message-----

From: City of Albany mailer [[root@localhost](mailto:root@localhost)']>[root@localhost](mailto:root@localhost)

Sent: Monday, 4 April 2011 10:54 AM

**The City of Albany**

**REVIEW OF THE CITY OF ALBANY MUNICIPAL HERITAGE INVENTORY  
STEERING COMMITTEE MEMBERSHIP - NOMINATIONS SOUGHT**

The City of Albany has commenced the review of the Municipal Heritage Inventory and is seeking nominations from residents, business proprietors, and other stakeholders and/or interests groups to sit on the Steering Committee that will assist the City to undertake the preparation of a new Heritage Inventory.

The Steering Committee membership (1 Councillor, HCWA Regional Heritage Advisor and up to 5 community members) will be appointed by the City and the Committee will be chaired and assisted by a Consultant (specialising in heritage/urban design/town planning) during the project.

The project will be managed by the City and is expected to take between 12-18 months (commencing in June 2011). Nominations must be in writing and lodged with the Chief Executive Officer, City of Albany, PO Box 484, Albany WA 6331, on or before the close of business on Friday 1 April 2011.

For any further enquiries please contact Tom Wenbourne at the City of Albany on 9841 9268.

Nominations should include information on any relevant qualifications or experience you may have; your reasons for seeking a position on the Steering Committee; outline your interest in heritage, what you can contribute to the review etc.

**CHIEF EXECUTIVE OFFICER**

**I hereby nominate for the position of Community Member.**

**I bring your attention to the following;**

- I have a long and continuous association (57 years) with Albany. I was born at the old maternity hospital previously known as Nurse Andersons Private Hospital which used to exist in Cliff Street (cnr Melville Street) and I have lived continuously but not exclusively at 36 Cliff Street since 1953.
- I own a property which is unique in Albany, 36 Cliff Street, in that it is one of the only pair of twin /like houses still existing from its era each house having been built at the turn of the last century in 1898 by the same owner, and each house still in fair to good condition.
- I have contributed to recent debate on the Albany Historic Design Policy ( see correspondence with Graeme Bride)

- I have degrees in Geography and Psychology (UWA). I studied urban design and morphology as part of the Geography degree.
- I have met with and discussed Heritage issues with the City and with Helen Munt.
- Helen Munt has assessed my house as being worthy of inclusion on the Municipal Inventory.
- I believe that Albany's unique heritage unites and defines the City and as such must be protected and or preserved and or enhanced wherever and whenever possible.
- I *firmly* believe that Albany's unique heritage in creating a sense of place and perspective on the local, national and international stage *requires a strand of HERITAGE governance for the City that underpins and defines the City's growth.*
- I believe local governments should have particular regard to heritage places and areas in formulating planning schemes and strategies. Care should be taken to minimise the extent to which land use zoning and other planning controls conflict with, or undermine, heritage conservation objectives.
- I have eight years experience in Local Government having been popularly elected to the position of Councillor to represent the people in the Manning and Como wards of the City of South Perth in the mid to late 1980's.
- I assisted with the successful representation of the CoSP's views/ decisions defending City judgements when appeals were made to the then Planning Tribunal/ Minister in the role of City Councillor

Please be advised that I would be unable to attend some meetings. I live between Albany and Perth. I spend 12 weeks a year in Albany.

Warren Marshall

Address for correspondence  
22A Pepler Avenue  
Salter Point 6152.

[alice@iinet.net.au](mailto:alice@iinet.net.au)

**Veronica Dayman**

---

**From:** Tom Wenbourne  
**Sent:** Thursday, 7 April 2011 11:39 AM  
**To:** Veronica Dayman  
**Subject:** EF1133949 - LP.PRG.1 - FW: Municipal Heritage Inventory Steering Committee  
  
**SynergySoft:** EF1133949

Hi Veronica,

Please register this nomination with the others in the MHI file that was created.  
I have replied to acknowledge receipt.

Many thanks,

Tom.

-----Original Message-----

From: edwin [<mailto:ed@iinet.net.au>]  
Sent: Thursday, 7 April 2011 11:33 AM  
To: Tom Wenbourne  
Subject: Municipal Heritage Inventory Steering Committee

Hi Tom,

I would like to nominate for inclusion on the Municipal Heritage Inventory Steering Committee.  
I have much unique experience that I believe would make my input invaluable for such a committee.

Thank you  
Edwin McLean  
0409883177

**2.2: DEVELOPMENT APPLICATION - HOME BUSINESS (COUNSELLING SERVICE) - LOT 42 GREENSHIELDS STREET, MIRA MAR VERSION TWO**

<b>Land Description</b>	: Lot 42 (#53) Greenshields Street, Mira Mar
<b>Proponent</b>	: R Fitzpatrick
<b>Owner</b>	: D Ferguson
<b>Business Entity Name</b>	: N/A
<b>Attachment(s)</b>	: Letter of application : Neighbours' comments (x3)
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**IN BRIEF**

- An application has been received for a Home Business (Counselling Service) at Lot 42 Greenshields Street, Mira Mar.
- The proponent has previously obtained approval to conduct the same home business at another residential address within Albany and seeks to undertake the business at this new address.
- Neighbouring landowners were consulted and concerns have been expressed particularly in relation to traffic, safety and security issues.
- It is recommended that approval be issued subject to conditions.

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ISSUE a Notice of Planning Scheme Consent for a Home Business (Counselling Service) at Lot 42 Greenshields Street, Mira Mar subject to the following conditions:**

- A. Approval is granted exclusively to the proponent and is not transferable to a third party or to an alternate site.**
- B. The Home Business (Counselling Services) being restricted to the following operating hours:**
  - 8.00am - 7.00pm Monday to Friday; and
  - 9.00am - 12.00pm Saturday.
- C. The Home Business (Counselling Services) being restricted to a maximum of 3 clients per day with no more than one patrons vehicle being on the site at any one time.**
- D. The Home Business (Counselling Services) being conducted within the area identified on the approved plans in red (as detailed in the planning application lodged with Council).**
- E. The Home Business (Counselling Services) not employing persons not residing within the residence.**

**ADVICE NOTE:**

The proponent is further advised that an application for signage is required to be lodged in accordance with Council's Signs Policy and Local Law.

**ITEM 2.2: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR MATLA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**

**BACKGROUND**

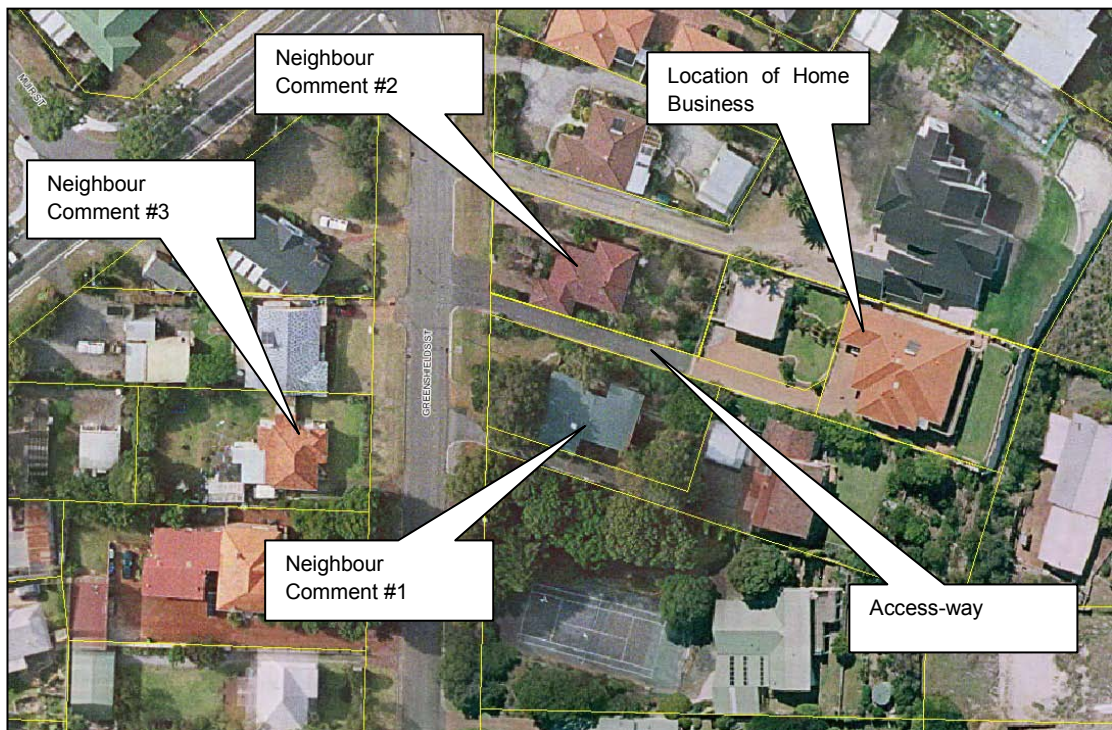
1. An application for a Home Business (Counselling Service) has been received by the City for Lot 42 (#53) Greenshields Street, Mira Mar.
2. The subject land is zoned "Residential R20" within Town Planning Scheme No. 1A.
3. The same proponent had previously operated the same home business at 34 Frederick Street, Albany (also zoned Residential) and seeks Council's approval to operate the business at her new residential address.
4. The proposed use required advertising in accordance with Clause 7.5 of the Scheme and at the close of the advertising period a total of three submissions had been received.
5. As substantial complaints have been received from neighbouring properties in relation to increased traffic and security during the advertising period the proposal is referred to Council in accordance with its '*Planning Processes Guidelines*'.



6. One of the neighbours who objected to the proposal has since read the Officer's Report and has advised that they no longer object to the proposal. A copy of the letter is attached.

## DISCUSSION

7. The proponent has advised the following in relation to the proposed home business:
- The clients are referred to her via a General Practitioner.
  - The counselling service is to be conducted in a 20m<sup>2</sup> room of the dwelling in which the she lives. The room is well distanced and cannot be seen from neighbouring properties.
  - The types of clients are not those seeking longer term counselling.
  - The service includes children struggling to cope from being bullied at school, or persons with mental health issues.
  - The counselling service expects approx 3 clients/day and 10 clients/week.
  - The counselling service intends to operate during the days and hours of Monday to Friday (9am-7pm) and Saturday (9am-12noon).
  - There is sufficient area onsite to accommodate access and car parking.
8. Neighbouring properties have commented that the proposed counselling service and traffic generated by the service will unduly impact on their amenity (noise, safety and privacy) and land values. The below aerial photograph identifies the subject land, the driveway accessing the residence and the proximity of the neighbours who lodged submissions.



9. The access way services the subject land only; the neighbouring properties do not utilise this driveway for access purposes nor do they have specific access rights via an easement or

reciprocal rights of access agreement. These adjacent properties have direct access to Greenshields Street via existing crossovers.

10. The specific areas of concerns expressed in the submissions relate to increased traffic movements, safety and security and general amenity. With regards to these issues staff advise the following:

Traffic Movements

11. The proponent is seeking Council's support for a maximum of three appointments per day and ten appointments per week, which is consistent with patronage experienced when operating the home business from Frederick Street.
12. The standard residential dwelling produces around 8 vehicle movements per day, however where there are large families or families with more than two licensed drivers it is not uncommon for such residences to produce more than 15 vehicle movements per day. The proposal will generate around 6 vehicle movements per day and the occupant of the dwelling will be working from home.
13. Although the access driveway is long and narrow the subject land is the only property which has access rights over this driveway, and as it is not shared with any adjoining landowner the potential for vehicle conflict is significantly reduced. By limiting the number of appointments and requiring the staggering of such appointments (ie. no 'back to back' appointments to avoid the queuing of patrons) no noticeable increases in traffic movements are likely to eventuate. There is also ample manoeuvring area to ensure vehicles exit the property in forward gear.
14. In respect of the neighbour on the northern side of the access way whose dwelling is positioned within a metre of the access way and their property boundary is not enclosed along this frontage with a fence, the position of the house and the lack of fencing would mean an increase in traffic movements would be more noticeable to the occupant of that dwelling. However as discussed above the additional traffic movements are considered to be negligible and the land owner has the right to erect a fence to increase safety and security along their property boundary line.
15. There is sufficient parking on the subject land and the vacant lot to the west, which is also tenanted by the proponent.

Safety and Security

16. A common concern raised in the submissions was whether those people using the service would be criminals or sex offenders. The proponent has advised that her counselling service is not designed to counsel persons that have undertaken criminal activity as such consultations require more frequent, lengthy counselling services not provided by the proponent. The proponent's clients are referred via a general practitioner and generally involve persons finding it difficult to communicate or socialise, such as a child that has been bullied at school.

17. Another concern raised was that the “coming and going” of patrons could affect privacy and security. As mentioned above given the open nature of the property on the northern side of the access way (Neighbour #2 on aerial photograph above) the concerns of privacy and security are heightened. In this case the patrons using the service will be counselled within the residence of Lot 42 Greenshields Street, Mira Mar and will be under the care and control of the proponent at all times upon entering the property. The staggering of appointments will further ensure queuing of patrons does not occur and that all patrons are received by the proponent on attendance.

Town Planning Scheme considerations

18. The Town Planning Scheme 1A defines a Home Business as:

*“A business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -*

- a) does not employ more than 2 people not members of the occupier's household;*
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) does not occupy an area greater than 50 square metres;*
- d) does not involve the retail sale, display or hire of goods of any nature;*
- e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.*

19. In relation to the above:

- a) The proposal does not involve the employment of any person not occupying the household;
- b) The issue of amenity is discussed in Paragraphs 19 to 22 below;
- c) The proposal occupies an area below 20m<sup>2</sup>;
- d) The proposal does not involve the retail sale, display or hire of goods of any nature;
- e) As per Paragraphs 10 to 14 above, in the opinion of staff the proposal would not entail traffic difficulties as a result of inadequacy of parking or increase in traffic volumes in the neighbourhood;
- f) The proposal does not involve the use of an essential service of greater capacity than is normally required in the residential zone.

Amenity

20. Town Planning Scheme No. 1A (TPS1A) defines amenity as:

*“the quality of the environment as determined by the character of an area, its appearance and land use, which contributes to its pleasantness and harmony and to its better enjoyment.”*

21. The definition of a Home Business includes a requirement that the home business will not cause injury to or adversely affect the amenity of the neighbourhood.
22. Three submissions have been received expressing concerns about the impact this proposal will have on their amenity, one of those was not an adjoining landowner. Given the frequency of the appointments, the limited increase in vehicle movements and the fact that the business does not involve any modifications to the building and would not generate any noise, dust or odour concerns, staff believe the amenity enjoyed by neighbouring owners is unlikely to be adversely affected.
23. The proposed business has previously been operated from an existing residence in Frederick Street, and Council records have indicated that no complaints have been received in relation to that operation.

### **GOVERNMENT CONSULTATION**

24. Government consultation is not required and is not necessary for the assessment of this land use application.

### **PUBLIC CONSULTATION / ENGAGEMENT**

25. Pursuant to Clause 7.5 of the Town Planning Scheme 1A, advertising was carried out via letters being sent to neighbouring properties, a notice in the local newspaper and a sign displayed on site for a period of 21 days. At the close of the notification period, 3 submissions were received. The comments made are summarised in the discussion section of this report and included as attachments.

### **STATUTORY IMPLICATIONS**

26. A 'Home Business' is an 'SA' use within Town Planning Scheme 1A within the Residential Zone (ie. a use that is not permitted unless planning consent to it is granted by the Council after notice has been given in accordance with Clause 7.5).

### **STRATEGIC IMPLICATIONS**

27. This item directly relates to the following elements from the Albany Insight – Beyond 2020 Corporate Plan:
  - ***Lifestyle & Environment;***  
*1.2. Young adults are well catered for.*
  - ***Governance;***  
*4.3. Deliver excellent community services that meet the needs and interests of our diverse communities.*

### **POLICY IMPLICATIONS**

28. There are no policies that provide further guidance to the use 'Home Business'.

## **RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Whether the proposal adversely impacts on neighbouring properties.	Unlikely	Moderate	Medium	Application of conditions to control impacts.

## **FINANCIAL IMPLICATIONS**

29. The appropriate planning fee has been paid by the proponent and staff have processed the proposal within existing budget lines.

## **LEGAL IMPLICATIONS**

30. Should Council refuse the development the proponent has the ability to appeal Council's decision at the State Administrative Tribunal, although such an appeal would be a Class 1 appeal which does not involve legal representation, and therefore such costs would be mainly staff time.

## **ALTERNATE OPTIONS**

31. Council has the ability at its discretion to approve or refuse the use. The two areas requiring Council's particular consideration are whether the proposal would lead to unacceptable traffic difficulties and whether the use is likely to adversely affect the amenity of the area.
32. Should Council wish to refuse the proposal it would need to formulate reasons as to why the development should not be supported.
33. A decision to refuse the proposal may set a precedent for future decision making on these type of applications within residential areas.
34. Council has the option under Clause 7.9(c) of Town Planning Scheme No. 1A to limit the time for which planning scheme consent remains valid (ie. 12 months), should it wish to review the operation before considering the renewal of planning scheme consent.

## **SUMMARY CONCLUSION**

35. The application for a Home Business (Counselling Service) is to occur within a single room of the dwelling, away from view and at a distance from, neighbouring dwellings, attending to three clients per day.

36. Due to the nature of the Home Business which does not produce noise, dust, odour or excessive traffic movements it is recommended that the proposal be supported.

<b>Consulted References</b>	Town Planning Scheme 1A
<b>File Number (Name of Ward)</b>	A144246 (Breaksea Ward)

ROSLYN FITZPATRICK  
52 Greenshields Street

MIRA MAR

[ABN 0926641475]  
WA 6330

TEL: 0429 895 773

E: [roslyn\\_f@bigpond.com](mailto:roslyn_f@bigpond.com)

City of Albany  
102 North Road  
PO BDox 484  
ALBANY WA 9841 9383

4 April 2011

Attention: Planning Department

Dear Sir / Madam

**Re: Application for Grant of Planning Scheme Consent – Home Business (Counselling Service at 52 Greenshields Street, Mira Mar WA 6330)**

I seek council approval to operate a home business at the above address. Prior to moving to 52 Greenshields Street, Mira Mar, I sought and gained Shire Council approval to operate a counselling service for the community at 34 Frederick Street, Albany. During this time (approx. 3yrs) there have been no client disturbances requiring police assistance; no traffic problems; and no complaints from any neighbours. I operate a safe work environment and contribute my success to mindfulness of risk factors. Accordingly, as a clinician working in isolation with members of the community (apart from peer consultation etc.) I am conscious of risk factors to myself, my family and neighbours. Therefore, prior to accepting a referral I already have in place on record with the referrer sources what type of clientele I will and won't accept.

I receive referrals directly by GPs in the community and by the Great Southern GP Network under Medicare Australia ATAPS programs - Better Access Initiative and Better Outcomes Program. My formal qualifications (BA in Justice Studies; BA in Social Work; Masters in Human Services Counselling) as an Accredited Mental Health Practitioner certified with the Australian Association of Social Workers enables me to be a registered Medicare Allied Health provider for ATAPS services.

In my opinion the neighbours would not be impacted by increased traffic as clients are spread out through the day and week. I anticipate no more than three clients per day over a 6 day period. Hours of operation are - 9am to 7pm Monday to Friday and 9am to 12pm Saturday. These are similar hours when at 34 Frederick Street, Albany. However, in actuality – I have never worked on a Saturday and the total of clients per week varies enormously. For example, sometimes I have no clients, or two clients or ten clients over a week. I also provide to screened clients an outreach consultancy in their homes. The hours requested are broad to enable delivery of a professional and flexible service for a diverse client demographic (I see children and adults) allowing for after school and after work appointments.

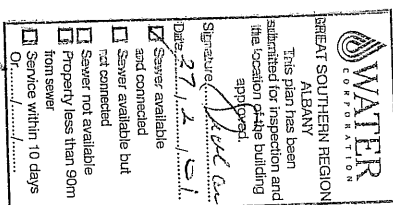
Please feel free to contact me at anytime on my mobile number 0429895773 to discuss any information required further this application.

Thanking you in anticipation.

Kind regards

Roslyn Fitzpatrick





CITY OF ALBANY  
Approved in accordance with  
the Building Regulations 1989  
(as amended)  
*[Signature]*  
Building Surveyor

ALBANY  
- 2 MAR 2001

40 Allison Pde., Lower King road  
Ph: (08) 9844 1990 A/h: (08) 9844 1724  
Mobile: 0419 045 297

**Tie Down Lightweight Roof to Resist Wind Uplift.**

**COMMERCIAL  
STEEL  
CONSTRUCTIONS**

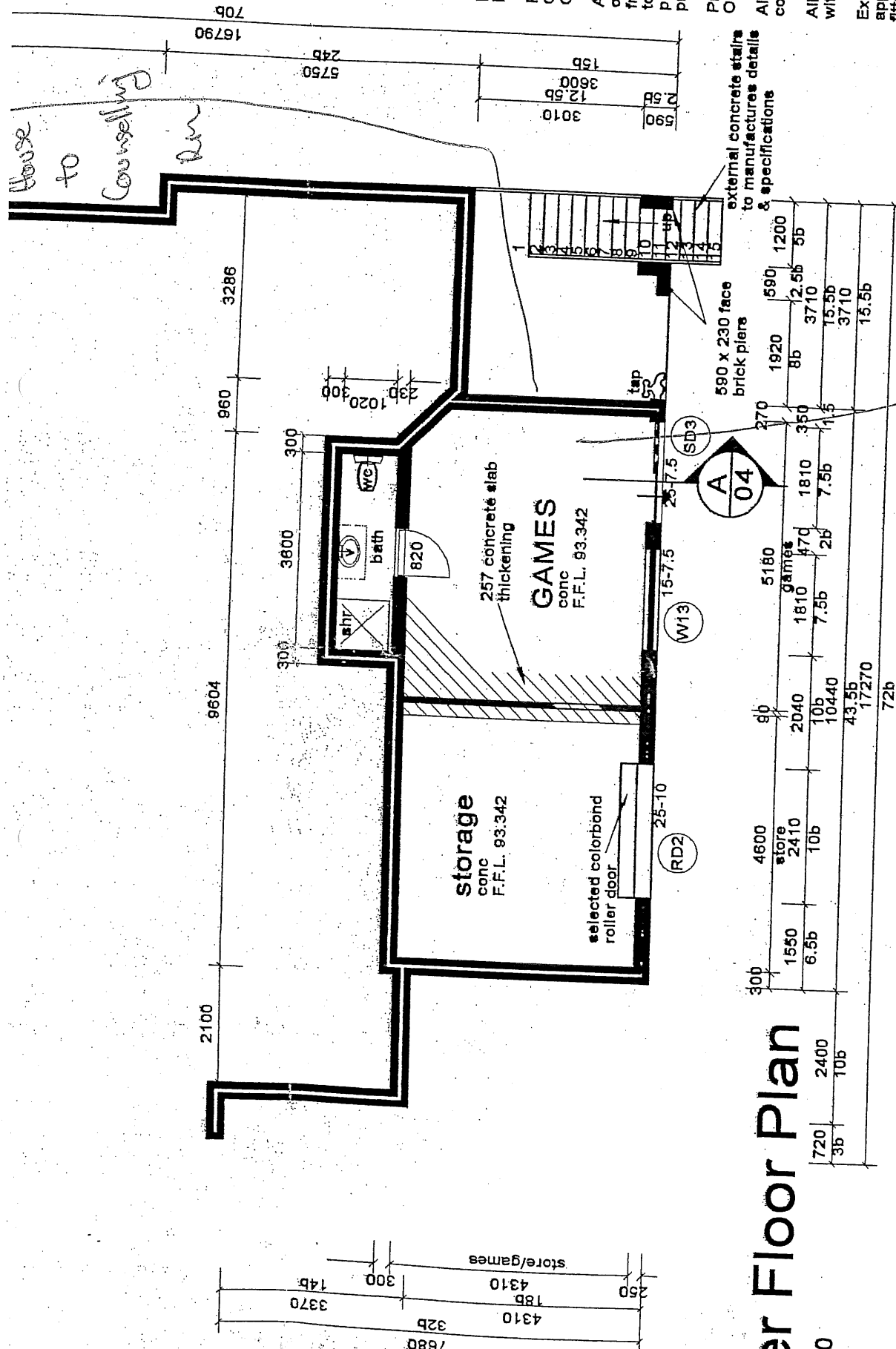
AGENDA ITEM 2.2 REFERS

OFFICE COPY

- PLUMBING- To comply with Water Authority require and National Plumbing
- Identification of Lot Boundary is the Responsibility of Owner and/ or Builder.
- Submit a Satisfactory Penetration Test of Compacted Fill Prior to Pouring Concrete.
- All External M.S Linets Hot - Dipped Galvanised.
- All Timber Roof Framing Comply with AS 1684.
- Provide Additional Beam Trusses, where necessary (AS 1684-1979).
- Tie Down Lightweight R Resist Wind Uplift.
- Driveway and Crossover be Constructed with a Sl Impervious Surface.
- Roof Runoff to be Contained On-site and Disposed of Council's Satisfaction.
- A durable notice Indicating protection of structural from attack by subterranean to comply with the B.C.A permanently fixed to the prominent location.
- Provide Flashing around all Openings.
- All Wet area detailing to comply with B.C.A part 3.
- All Masonry to comply with AS 3700.
- Exhaust fan positions are approximate and are to be fitted to suit ceiling joists or other roofing members.

# AGENDA ITEM 2.2 REFERS

CITY OF ALBANY  
(VARIATIONS) approved per Regulation 17 of the Building Regulations 1989 (as amended)



**Adrian Nicoll**

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**From:** Planning (External Use ONLY)  
**Sent:** Thursday, 5 May 2011 9:29 AM  
**To:** Adrian Nicoll  
**Subject:** FW: EF1135731 - A144246 - planning consent for 52 greenshields St

**SynergySoft:** EF1135731

Hi Aido,  
Email for you ☺

Regards, Mel

Gayle Sargeant  
Administration Officer  
Planning and Development Services  
City of Albany  
PO Box 484  
Albany WA 6330  
Phone: (08) 9841 9383  
Fax : (08) 9841 4099

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**From:** Brad McDougall and Annette Stewart [<mailto:annettebrad@oceanbroadband.net>]  
**Sent:** Wednesday, 4 May 2011 10:47 AM  
**To:** Planning (External Use ONLY)  
**Subject:** EF1135731 - A144246 - planning consent for 52 greenshields St

Dear Adrian

Further to our conversation re the notice for application of planning consent at 52 greenshields st, I still have concerns about the potential for increased vehicle movement into and out of the property. This is particularly of concern due to the battleaxe layout of the block with the driveway running down the length of the neighbouring property. This potentially creates issues of annoyance, noise, privacy and security.

If the planning submission is to be approved I would request that a limit of clients per day be capped at 4 and or a number of vehicle movements per day be stipulated. This would be the average number per household ( I think you said this was 8 movements, four in and four out)) plus the traffic required for up to 4 clients. This would be a maximum of another 8 movements per day ( four in and four out). This would total 16 movements (8 in and 8 out per day).

I would appreciate your consideration of this request and can be contacted on 98451561 or by email if you require further information.

Regards  
Annette Stewart

Neighbour #2

717 Mt Shadforth Rd  
Denmark, WA 6333  
Australia

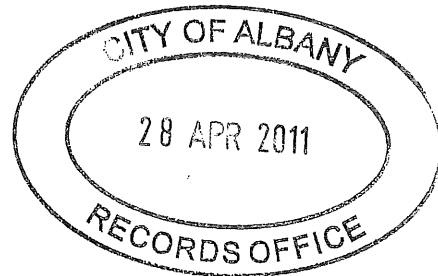
AGENDA ITEM 2.2 REFERS

Doc No: City of Albany Records  
File: ICR1135388  
Date: A144246  
Officer: 28 APR 2011  
SPPLAN

Attach:  
Box:  
Vol:  
Box+Vol:

20 July 2007

The Chief Executive Officer  
PO Box 484  
Albany WA 6331



Dear Sir,

**NOTICE OF APPLICATION FOR PLANNING CONSENT: 52 GREENSHIELDS ST, MIRA MAR, ALBANY**

Thank you for your letter of 12 April 2011 (Your reference A144246/PA34343/P2115077).

You have provided us with a copy of an application for a home business (counselling service) at 52 Greenshields St & have given us the opportunity to state our views on it.

We strongly oppose the application on two grounds:

- a. our right to expect quiet enjoyment of our property at 54 Greenshields St, and
- b. adverse effects on future value.

**Quiet Enjoyment**

Our property is in a residential area and we have provided it as a home for our ninety year old mother. She should be entitled to quietly enjoy the amenities which such a location would normally be expected to provide. 52 Greenshields St is immediately behind our house on a battleaxe block and access to it is by a driveway that immediately abuts our property boundary, is unfenced and passes directly by our kitchen window and along the full length of our side boundary. This business proposal would create increased traffic, either by vehicle or by foot, of strangers to our neighbourhood who would pass immediately by the house and would have unrestricted access to our house. Thus our mother could expect increased noise and intimate intrusion which she does not experience at present.

Furthermore, from the nature of the business – counselling – one could legitimately infer a risk to safety and security which does not exist presently as there is currently no incentive for potentially disturbed strangers to pass that way. The application gives no hint as to the types of persons to be counselled; whether drug or alcohol addicts, mentally disturbed persons or persons with relationship or behavioural problems. This is the nub of the problem: without knowledge as to who the people passing close by might be, a sense of fear and insecurity is created.

It would not be sufficient for the applicant to guarantee the conduct of her clients as she would be incapable of acting or thinking for them and therefore any such guarantee on her part would be hollow.

It is also not sufficient for the applicant to argue that, as she had previously obtained Council approval to operate a similar business at her previous address, she should expect similar treatment at Greenshields St.

### **Potential Loss of Future Value**

Greenshields St is in a residential area and this confers a certain monetary value on the home. One could reasonably expect that a change of use to mixed residential and business to accommodate this type of activity would cause a loss of future value. We regard this as an unacceptable imposition.

We believe you should give more weight to our comments, and to those of our immediate neighbour to our left, than to any others you might or might not receive, on the grounds that it is primarily us and our neighbours who would be most intimately affected.

Yours faithfully,



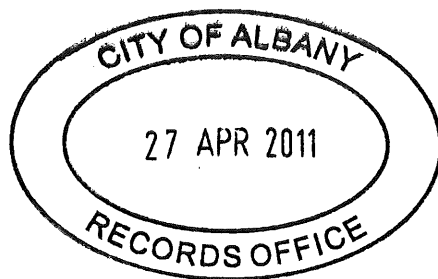
Christopher Richard Prickett



Sally Patricia Prickett

Neighbour #3

20 April 2011



AGENDA ITEM 2.2 REFERS  
A144246  
SPPLAN

The Chief Executive Officer

PO Box 484

ALBANY WA 6331



City of Albany Records  
Doc No: ICR1135200  
File: A144246  
Date: 27 APR 2011  
Officer: SPPLAN

Attach:  
Box:  
Vol:  
Box+Vol:

Dear Sir/Madam

YOUR REF A144246/PA34343/P2115077

I am writing in response to your recent communication relating to the proposed use of 52 Greenshields Street. On the face of things, we have no major concerns relating to the request to use part of these premises for an at home counselling service.

However, counselling is a very generic term. Our concern would relate to what type of counselling services are offered, ie we would not like people with sex offence convictions of any kind (but particularly relating to children) being counselled across the road from our home. Children regularly play on the street and in their front gardens.

Equally, we would prefer that group counselling sessions are not offered within a private residential street. We would need confirmation that this or the above would not be planned in the use of the premises.

We would also request that a sign advertising the business is not on display on the street and that clients are directed to drive down the driveway and park in the available parking behind the front house and in front of the proposed premises.

We hope you will consider the above when discussing this application and prior to approval.

Kind regards

A handwritten signature in black ink, appearing to read "Peter and Noreen Les".

Peter and Noreen Les

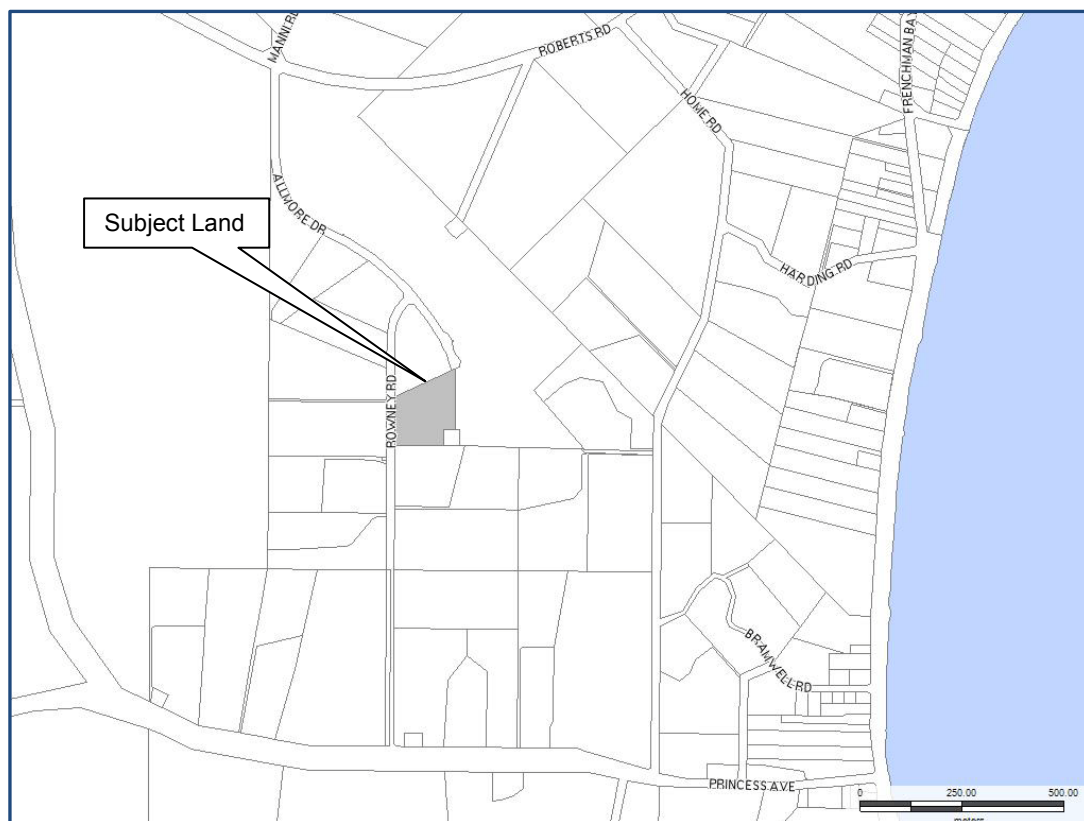
47 Greenshields Street

MIRAMAR WA 6330

## **2.3: FINAL APPROVAL OF AMENDMENT – LOT 202 ROWNEY ROAD, ROBINSON**

<b>Land Description</b>	: Lot 202 Rowney Road, Robinson
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owner</b>	: Mr T Ackley
<b>Business Entity Name</b>	: N/A
<b>Attachment(s)</b>	: Attachment 1 - Initial modified Subdivision Guide Plan : Attachment 2 - Final modified Subdivision Guide Plan : Attachment 3 - Schedule of Submissions
<b>Councillor Workstation</b>	: Amendment Document – AMD302 : Copies of Submissions
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

### **Maps and Diagrams:**



### **IN BRIEF**

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to modify the Subdivision Guide Plan (SGP) for Special Rural zone Area No. 10.

**9.20PM** Councillor Paver registered his objection that he had not had an opportunity to read out his Amended Alternate Motion as the Mayor ruled that it had been presented late to the meeting.

The Mayor subsequently asked for Council support to have Councillor Paver read his Amended Alternate Motion.

**TIED 6-6  
MAYOR EXERCISED CASTING VOTE  
LOST 6-7  
BY SHOW OF HANDS**

**ITEM 2.3: AMENDED ALTERNATE MOTION BY COUNCILLOR PAVER**

- 1) In accordance with Section 75 of the Planning and Development Act 2005 and Pursuant to Regulation 17(2) of the Town Planning Regulations 1967, Council **DOES NOT WISH TO PROCEED WITH** Amendment No. 302 to Town Planning Scheme No. 3 for the following reasons:
  - Reducing the development exclusion area to facilitate development in the locality proposed removes the protection currently guaranteed to the ridgeline and the vegetation thereon and thereby threatens the amenity of Lot 304 (51) Rowney Road and the visual amenity of the lots in the surrounding area.
  - The amendment if adopted would set an undesirable precedent and encourage further applications to remove or modify development exclusion areas in the existing subdivision guide plan.
  - Purchasers of Lots in this subdivision have placed reliance on the planning controls contained in the existing subdivision guide plan the amendment whereof would serve to defeat their legitimate expectations and undermine their confidence in the public planning process.
- 2) Council advises the Western Australian Planning Commission of the above resolution, requesting the Hon. Minister for Planning refuse the amendment proposal.

**ITEM 2.3: RESOLUTION (Amended Alternate Motion by Councillor Paver)**

**MOVED: COUNCILLOR PAVER**

**SECONDED: COUNCILLOR J BOSTOCK**

**THAT the Amended Alternate Motion by Councillor Paver be ADOPTED.**

**LOST 4-8**

**Record of Vote**

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

**Councillor Reason:**

The adjacent neighbour, Mr Tilbury, purchased his property on the understanding that a future dwelling was unable to be constructed in the area identified in the amendment proposal.



**Officer Report (G Bride)**

There are no specific implications related to the alternate motion. Should the motion be supported by Council the Minister for Planning, on the advice of the Western Australian Planning Commission, will ultimately decide whether to refuse the amendment. There is no appeal right if the Minister decides that the amendment is not supported and the existing subdivision guide plan associated with this Special Rural Area (Area No. 10) will remain in place.

**ITEM 2.3 AMENDMENT BY COUNCILLOR PAVER**

**THAT Council:**

1. In accordance with Section 75 of the Planning and Development Act 2005 and Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 **ADOPTS WITH MODIFICATIONS** Amendment 302 to Town Planning Scheme No. 3 by:
  - i) Modify the Subdivision Guide Plan for Special Rural Zone No. 10 by amending the Development Exclusion Area on Lot 202 Rowney Road so that the Ridgeline Protection Area more accurately reflects the alignment of the ridgeline.
2. **ADOPT** the recommendations contained in the Schedule of Submissions, except that in relation to Submission 5 (from Mr R Tilbury) the following recommendation is applied:
  - i) A modified Subdivision Guide Plan (SGP) shall incorporate a notation referring to the supplementary guide plan.
  - ii) The modified supplementary guide plan (Attachment 2 in Council Report) submitted by the proponent, which depicts a reduced development area, shall be adopted along with the modified Subdivision Guide Plan to further inform the development of Lot 202 Rowney Road, Robinson.
  - iii) A new clause 7.5 being inserted into the special provisions for Special Rural Area No. 10 stating: "Additional tree planting shall be required as a condition of development approval along the southern boundary of Lot 202 Rowney Road, as per the supplementary guide plan."
  - iv) A new clause 7.6 being inserted into the special provisions for Special Rural Area No. 10 stating: "The protection of existing trees shall be required as a condition of development approval on Lot 202 Rowney Road, as per the supplementary guide plan."
  - v) A new clause 7.7 being inserted into the special provisions for Special Rural Area No. 10 stating: "Notwithstanding Clause 7.1, the existing trees on Lot 202 Rowney Road that are identified as 'Vegetation to be Retained' on the supplementary guide plan shall remain."

**ITEM 2.3: RESOLUTION (Amendment by Councillor Paver)**

**MOVED: COUNCILLOR PAVER**

**SECONDED: COUNCILLOR J BOSTOCK**

**THAT the Responsible Officer Recommendation be AMENDED to read as above.**

**LOST 4-8**

**Record of Vote**

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

**9.45PM** Councillor J Bostock made a Point of Order and requested that her comments be minuted. Councillor Bostock said that she believed that to continue with this motion was a breach of the Local Government Act. This motion was voted on in February and there was a decision made on this particular motion. Councillor Bostock said that to move exactly the same motion is in breach of the Local Government Act and requires a rescission motion.

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

1. In accordance with Section 75 of the Planning and Development Act 2005 and Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 **ADOPTS WITH MODIFICATIONS** Amendment 302 to Town Planning Scheme No. 3 by:
  - i) Modify the Subdivision Guide Plan for Special Rural Zone No. 10 by amending the Development Exclusion Area on Lot 202 Rowney Road so that the Ridgeline Protection Area more accurately reflects the alignment of the ridgeline.
2. **ADOPT** the recommendations contained in the Schedule of Submissions.

**ITEM 2.3: RESOLUTION (Responsible Officer Recommendation)**

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

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 8-4**

**Record of Vote**

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

**Staff Reason (G Bride):**

In order to reinforce the development controls on the modified Subdivision Guide Plan and supplementary plan the addition new clauses 7.5, 7.6 and 7.7 will provide a greater level of certainty to adjacent landowners and the future purchaser of the lot.

**BACKGROUND**

1. Amendment 302 proposes to amend Town Planning Scheme (TPS) No. 3 by modifying the Subdivision Guide Plan (SGP) for Special Rural zone Area No. 10 by amending the Development Exclusion Area on Lot 202 Rowney Road, Robinson so that the Ridgeline Protection Area more accurately reflects the alignment of the ridgeline.
2. The development of Lot 202 Rowney Road, which lies within Special Rural zone area no. 10, should be in accordance with the Subdivision Guide Plan and the Special Provisions set out in TPS No. 3, *Schedule 1 – Special Rural Zones*.

3. The SGP identifies Development Exclusion Areas (both a bore buffer around a water abstraction point and a ridgeline protection area) on Lot 202 (Lot 25 on the SGP). Water Corporation easements and a band of trees running parallel to the western boundary and sweeping across the centre of the lot to the north of the Development Exclusion Areas are further constraints on the site. The requirement for 15m boundary setbacks, as set out in the Special Provisions for Special Rural Zone No. 10, compounds the situation and leaves a relatively narrow strip of cleared land to the northern extent of the lot as the only developable area.
4. The landowner claims he is unable to sell the lot due to the identified constraints, as potential purchasers have limited options for locating a dwelling. The landowner therefore lodged a Development Application to establish a building envelope within the Development Exclusion Area; though very little supporting information or justification was provided at this time. Due to there being sufficient unconstrained space on the lot for development to take place and the Special Provisions expressly preventing the construction of buildings, tanks or structures within the Development Exclusion Area, staff had no option but to refuse the application under delegation.
5. The refusal was appealed to the State Administrative Tribunal for review, which resulted in a more detailed Development Application being considered by Council at its meeting dated 20 April 2010. At this meeting it was resolved:

*THAT Council:*

- i) *ADVISES the State Administrative Tribunal that whilst it is supportive of the relocation of the building envelope it UPHOLDS the original decision to REFUSE Planning Scheme Consent for 'Single House (determination of building envelope)' at Lot 202 Rowney Road, Robinson as there is no discretion under Council's Town Planning Scheme No. 3 to allow development within a 'development exclusion area' as specified under Clause 5.1 of Special Rural Area No. 10.*
  - ii) *ADVISES the applicant that it would welcome a scheme amendment application to modify the Subdivision Guide Plan to accommodate the desired building envelope location.*
6. The proposed Scheme Amendment was submitted following Council's resolution and provides justification for modifying the SGP as described. The Amendment was then initiated at Council's Ordinary Meeting on 17 August 2010.
  7. Following the public advertising period, the Amendment was returned to Council's Ordinary Meeting on 15 February 2011 with a recommendation that it be finally approved, subject to modification. However, a representation opposing the Amendment had been made during the public advertising period by Mr R Tilbury of 51 Rowney Road, which lies to the south of the subject lot. Mr Tilbury also spoke to the Council Agenda item during the public forum at the Ordinary Council Meeting on 15 February 2011, reiterating his concern over the

amendment proposal. The motion to approve Amendment No. 302 was lost 3-8 at the Council meeting in February 2011.

8. However, as no alternate motion had been brought forward, it was considered that Council may not have completed the decision making process required under regulation 17(2) of the *Town Planning Regulations 1967* (as amended). Legal advice was sought on the matter and it was confirmed that Regulation 17(2) requires that the Council pass a resolution either:
  - (a) *that the Scheme Amendment be adopted with or without modification; or*
  - (b) *that it does not wish to proceed with the Scheme Amendment.*
9. This advice confirmed that given the wording of the resolution, Council had not passed a resolution under Regulation 17(2) that could be forwarded to the Western Australian Planning Commission. The legal advice states that as the motion calls for adoption of the Amendment, subject to modification, it follows that there are alternatives other than a decision not to proceed, as the majority may (in theory) have been prepared to adopt the Amendment without the modification, or with other modifications. While it appears that the feeling of the majority may well have been that the Amendment should be refused, the law will not make that assumption, as it is not possible to assume what individual councillors' opinions were. A Court would instead look objectively at the possibilities open on the face of the resolution, in the context of all relevant facts.
10. In addition, Regulation 18 requires, among other things, that the City forward to the Western Australian Planning Commission:
  - a) *a copy of the resolution passed under regulation 17(2); and*
  - b) *if that resolution was a resolution under regulation 17(2)(b), a summary of the reasons why the responsible authority does not wish to proceed with the Scheme Amendment.*
11. Therefore, if Council wishes to resolve under regulation 17(2)(b) that it does not wish to proceed with the Amendment, it is required to provide a summary of the reasons for that decision.
12. The Amendment is therefore being brought back to Council for a resolution in accordance with regulation 17(2). It should be noted that the issues raised by Mr. Tilbury have been predominantly addressed since Council considered the Amendment at its Ordinary Meeting on 15 February 2011 and these are discussed in more detail below.
13. Successful completion of this Amendment will allow the subject lot to be developed in a more desirable fashion, while continuing to protect the ridgeline and remaining consistent with the objectives of the zone, particularly as it would "*minimise the visual impact of new development and allow for low intensity rural pursuits*".

**DISCUSSION**

14. The lot covers an area of 2.1ha and lies to the east of Rowney Road, approximately 4.5km south-west of the Albany central area. A ridgeline extends through the lot, rising from the south-western corner to a point approximately half way along the eastern boundary. Much of the land has been cleared, although a stand of parkland cleared peppermint trees extends along the western boundary of the lot and sweeps across to the east, roughly following the ridgeline.
15. The surrounding land is also zoned 'Special Rural' and is subject to the same planning controls as the subject lot.
16. As described above, much of the site is constrained by Development Exclusion Areas, specifically the Water Corporation bore buffer, which radiates across the site from a point just beyond the south-eastern corner, and the ridgeline protection area, which extends along the western edge of the bore buffer in an elongated teardrop shape, approximately 15m across at its widest point.
17. However, the ridgeline protection area does not accurately reflect the actual landform on-site. In fact, the ridgeline protection area extends over the 12m contour line, while the highest point on the ridge is at 18m.
18. Although a building envelope could be accommodated on the flatter, cleared land at the northern extent of the site, the need for a 15m boundary setback and a low fuel buffer zone to mitigate bushfire risk would result in it being pushed further south and higher on the slope at the base of the ridge. This location has an open aspect to the north, especially towards Lot 201 and could therefore be considered both visually intrusive and detrimental to the amenity of Lot 201 as a consequence. However, any development in this location would have the benefits of being set low in the landscape, thereby avoiding sky lining, and being backgrounded by the ridgeline and trees.
19. The proposed development area is located where prospective buyers have indicated a desire to build. Although further elevated, this location is not atop the ridge, but rather four to five metres below the ridge, which rises to the east. It would also be set amongst the parkland cleared peppermint trees that grow in a band across the middle of the lot. This would partially screen any new house, thereby reducing its visual impact on the landscape, although there is a concern that any new development in this location may require additional clearing, making it more visually intrusive from both northern and southern aspects.
20. It has also been highlighted in the amending document that one of the objectives of the 'Special Rural' zone is to "...allow for low intensity rural pursuits", which the flatter land at the northern end of the site would be suitable for. When viewed in this context, it would make practical sense to allow development of a dwelling in the proposed location, so as not to prejudice the use of the flatter land for rural pursuits.

21. Additionally, construction of a new house in this location would not significantly increase bushfire risk, as the trees have already been parkland cleared and are surrounded by pasture. This situation could be improved further by selective clearing immediately around buildings and pruning of the remaining trees to ensure that their canopies are separated.
22. Mr. R Tilbury, of 51 Rowney Road, lodged a written objection to the proposal during the public advertising period on this basis. Specifically, he considered that the proposed new development area would result in any future buildings being far more visually intrusive across the wider area than they would on the existing development area, and that any new dwelling in this location would overlook the outdoor living area and garden ground, which are positioned to the north of his house. Further to this, he has stated that he considers that any new dwelling would be closer to his house than one would expect in a semi-rural area and that the existing approved SGP gives a high degree of certainty as to the future development of the area, which had been instrumental in his decision to locate and orientate his house as he has.
23. Following discussions with the proponent, a modified supplementary SGP was provided (Attachment 1), which adjusted the proposed new development area, reducing the likelihood of it impacting on the existing vegetation and amenity of 51 Rowney Road. The requirement for a development application for any development on the lot would also ensure that the clearing of vegetation is strictly controlled. In addition, any approval can be conditioned to include revegetation, if deemed necessary, in order to ensure that any development is adequately screened from 51 Rowney Road.
24. However, as is outlined in paragraph 7 above, when the Amendment was reported to Council's Ordinary Meeting on 15 February 2011 for final approval, Mr Tilbury spoke during the public forum, reiterating his concern over the proposed development. The motion to approve the Amendment, subject to modification, was then lost at the Council vote on the strength of his objection.
25. Unfortunately, as no alternate motion had been brought forward, it was considered that Council had not completed the decision making process, as is outlined in paragraphs 8 and 9 above, hence the need for Council to reconsider the item.
26. In the intervening period, discussions between the proponent and Mr. Tilbury have taken place and the proponent has further modified the supplementary SGP (Attachment 2) to address Mr. Tilbury's concerns. A site meeting with the proponent, Mr. Tilbury, neighbouring landowners, staff and Councillors Dufty, Holden and Sutton was held on 12 May 2011 to discuss the implications of this modified plan. It was generally agreed that the plan adequately mitigated Mr. Tilbury's concerns and was also mindful of potential effects on other adjoining landowners. The modified plan has been forwarded to Mr. Tilbury for his formal written comment, however at the time of writing this report no response has been received (such a response is anticipated prior to the Council meeting and will be forwarded to Councillors when available).

27. In view of the above staff consider that the proposal is acceptable, subject to the replacement of the original supplementary SGP with the modified supplementary SGP (Attachment 2).

### **GOVERNMENT CONSULTATION**

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

### **PUBLIC CONSULTATION / ENGAGEMENT**

30. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 2010 to 2010 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
31. A total of five written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

### **STATUTORY IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

33. The land is designated within the Albany Local Planning Strategy as Rural Residential. The modification to the development exclusion area on Lot 202 would not impact on the Albany Local Planning Strategy (ALPS).

### **POLICY IMPLICATIONS**

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

## **RISK IDENTIFICATION AND MITIGATION**

35. There are no identifiable risks associated with this proposal as Council's decision will be forwarded to the Western Australian Planning Commission, with the Minister for Planning ultimately deciding whether to finally approve the amendment.

## **FINANCIAL IMPLICATIONS**

36. The appropriate planning fee has been paid by the proponent and the processing of the amendment proposal has been undertaken by staff within existing budget lines.

## **LEGAL IMPLICATIONS**

37. As discussed earlier in the report the motion to finally approve Amendment No. 302 was lost 3-8 at Council's Ordinary Meeting on 15 February 2011. However, as there was no alternate motion, Council did not complete the decision making process under regulation 17(2) of the *Town Planning Regulations 1967* (as amended), which requires that Council pass a resolution either:

- (a) that the Scheme Amendment be adopted with or without modification; or*
- (b) that it does not wish to proceed with the Scheme Amendment.*

38. In addition, regulation 18 requires, among other things, that the City forward to the Western Australian Planning Commission (WAPC):

- a) a copy of the resolution passed under regulation 17(2); and*
- b) if that resolution was a resolution under regulation 17(2)(b), a summary of the reasons why the responsible authority does not wish to proceed with the Scheme Amendment.*

39. Council must therefore pass a clear resolution in accordance with regulation 17(2) and if it resolves not to proceed with the Scheme Amendment under regulation 17(2)(b), it is required to provide a summary of the reasons for that decision, in accordance with Regulation 18.

## **ALTERNATE OPTIONS**

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

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

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



**SUMMARY CONCLUSION**

42. The proposal seeks to modify the SGP for Special Rural Zone No. 10 by amending the Development Exclusion Area on Lot 202 Rowney Road, Robinson so that the Ridgeline Protection Area more accurately reflects the alignment of the ridgeline. It is considered that the proposal would achieve this goal while remaining consistent with the objectives of the zone, particularly as it would *“minimise the visual impact of new development and allow for low intensity rural pursuits”*.
43. Although an objection to the proposal was raised by an adjoining property owner, it is considered that a minor modification to the proposal, in conjunction with the various planning controls that will be applied at the development stage, will ensure that their concerns are suitably mitigated.
44. Staff would therefore recommend that the Scheme Amendment be finally adopted, subject to modifications.

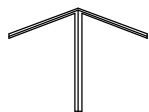
<b>Consulted References</b>	Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	AMD 302 (Vancouver Ward)
<b>Previous Reference</b>	OCM 10/04/10 – Item 13.1.2 (Development Application) OCM 17/08/10 – Item 1.5 (Initiation) OCM 15/02/11 – Item (Final Approval)



# Subdivision Guide Plan

Special Rural Zone No. 10  
Almore Drive, Rowney Road & Princess Avenue  
Robinson, City of Albany

**AYTON BAESJOU**  
PLANNING  
11 Duke Street  
Albany WA 6330  
Ph 9842 2304 Fax 9842 8494

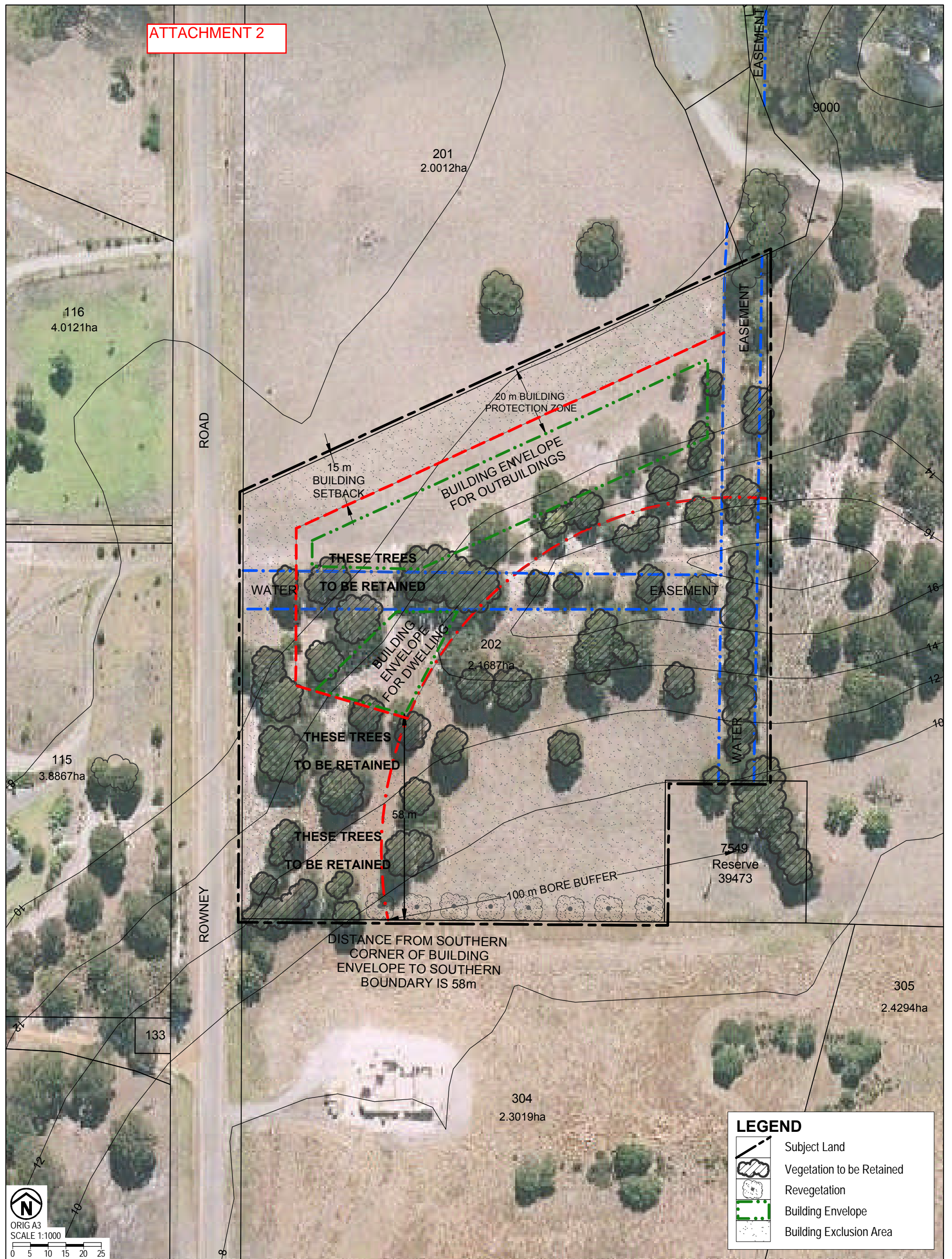


SCALE  
1:7500  
Orig A3  
09-48-SGP(a)









## ATTACHMENT 3

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## AMENDMENT No. 302

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	The Environmental Protection Authority (EPA) has determined that the scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act), and did not deem it necessary to provide any advice or recommendations.	The submission is noted.	The submission is noted.
2	Water Corporation PO Box 915 ALBANY WA 6331	No objections on condition that; <ul style="list-style-type: none"> <li>• The minimum lot size remain 2 Ha or greater.</li> <li>• The proposed building envelope and location of all other structures, including any on-site effluent disposal system must not encroach onto the existing water pipeline easement.</li> <li>• The proposed building envelope and onsite effluent disposal system must not encroach into the 100 m wellhead protection zone.</li> </ul>	The submission is noted.	The submission is noted.
3	Department of Water PO Box 525 ALBANY WA 6331	No objection.	Nil.	The submission is noted.

## AMENDMENT No. 302

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
4	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	No objection.	Nil.	The submission is noted.
5	Mr. R Tilbury 51 Rowney Rd ROBINSON WA 6330	<p>Objects to the proposal for the following reasons:</p> <p>The Amendment does not more accurately reflect the alignment of the ridgeline. The existing building site is on the same crossfall as the proposed building envelope meaning that the same amount of impact on the ridgeline will occur on either development, as both have a crossfall of 2.5 metres.</p> <p>The new building envelope is on top of the ridgeline and in no way at all provides for any further protection of the ridgeline within the Ridgeline Protection Area. In fact, the proposed envelope is fully vegetated, where as the existing has only two trees on it.</p> <p>The site of the new building envelope will be on the very precipice of the ridgeline and will have a dramatic impact on the visual amenity of the entire locality as it will now</p>	<p>The Amendment does identify an anomaly in the Ridgeline Protection Area, as it presently extends over lower, sloping land below the highest part of the ridge. The intent of the Ridgeline Protection Area is to avoid the location of buildings atop ridges, primarily to ensure that they are not visually intrusive in the landscape through skylining, to reduce the risk from bushfire in vegetated areas and to reduce the susceptibility of ridgelines from wind erosion through the clearing of existing vegetation. It is therefore considered reasonable to permit the construction of buildings on lower, sloping land below ridgelines as these effects and risks are significantly reduced.</p> <p>However, it must be acknowledged that in this instance the intended location of a new development area,</p>	<p>The submission is noted.</p> <p>Modifications required:</p> <p>A modified Subdivision Guide Plan (SGP) shall incorporate a notation referring to the supplementary guide plan.</p> <p>The modified supplementary guide plan (Attachment 2 in Council Report) submitted by the proponent, which depicts a reduced new development area, shall be adopted along with the modified SGP to further inform the development of Lot 202 Rowney Road, Robinson.</p>

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.3 REFERS

## AMENDMENT No. 302

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>be seen from all locations covering a large area. The original building site was screened by the ridgeline and surrounding knoll, and was not at the pinnacle of the ridgeline.</p> <p>When we purchased we were fully aware of the DEVELOPMENT EXCLUSION AREA restrictions in place on our land and the adjoining block.</p> <p>This information was crucial in the positioning and layout of our home.</p> <p>Should this Amendment be passed the repositioning and increase in size of the building envelope, as per the proposed site plan for Lot 202, would allow a dwelling to be built that completely compromises all the reasons why we built where we have and the reason for living in a designated RURAL ZONE.</p> <p>Due to its much higher position this will create the situation of someone having an almost unrestricted view of my property totally compromising our privacy. It would also create the possibility of two homes</p>	<p>while on lower sloping land below the ridgeline, is in an elevated position relative to much of the surrounding land, including 51 Rowney Road.</p> <p>Clearing around the proposed development area would have to be strictly controlled to minimise visual impact. Even with the best of intentions there may be additional clearing required to meet the requirements of the Planning for Bushfire Protection Guidelines, although this should be minimal and can be controlled through the development approval process. By contrast, the present development area has been largely cleared and although it has an open aspect to the north, any development here would be backgrounded against the ridge.</p> <p>It is acknowledged that the present Subdivision Guide Plan will have been used by the existing residents when planning the development of their properties, including the location and orientation of their homes. Although,</p>	

AGENDA ITEM 2.3 REFERS

AGENDA ITEM 2.3 REFERS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.3 REFERS

## AMENDMENT No. 302

## SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of Summary of Submission	Officer Comment	Staff Recommendation
		<p>being within 80 metres of each other, which would completely defeat the reason for buying and living on a large rural block.</p> <p>It will also without doubt have a major negative effect on the value of our property and our ability to attract a future buyer.</p> <p>I cannot see any real benefits for the local community beside the present landowner as it would make this block more attractive to sell.</p>	<p>it should be noted that this area is in fact within the 'Special Rural' zone and is intended for rural-residential purposes, which does not typically afford the residents the same degree of remoteness and privacy that they may enjoy on a larger 'Rural' zoned property.</p> <p>The amending document does concede that this proposal has been brought about as a result of most potential purchasers expressing a desire to build a dwelling in the proposed new development area, hence the desire to affect changes to the Subdivision Guide Plan, which would in turn lead to a likely increase in the marketability and perceived value of the lot.</p> <p>While potential effects on property values as a result of development are not material planning considerations, it is important to consider the likely effects on the amenity of adjoining properties and the amenity of the development itself.</p>	

AGENDA ITEM 2.3 REFERS

AGENDA ITEM 2.3 REFERS



## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.3 REFERS

## AMENDMENT No. 302

## SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
				<p>Any future dwelling within the proposed new development area would likely enjoy an improved outlook over that of the present development area. However, a more detailed site inspection has revealed that there is a possibility of any new development in this location may be visible from 51 Rowney Road.</p> <p>If a dwelling were to be constructed in the proposed new development area, it could have a largely unobstructed view towards the northern side of the house on 51 Rowney Road, which has the windows to the main living areas and the outdoor living area oriented to the north to take advantage of the available solar gain. This would potentially have an impact on the privacy and amenity currently enjoyed by the residents of this house. However, there would still be a significant separation distance of approximately 100m, which would go some way toward mitigating this effect.</p>	

AGENDA ITEM 2.3 REFERS

AGENDA ITEM 2.3 REFERS

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.3 REFERS

## AMENDMENT No. 302

## SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
				<p>Following further discussions with the proponent and Mr. Tilbury, it has been agreed that the proposed new development area could be pulled away from the common boundary, reducing the need for clearing of vegetation and increasing the separation distance. It has also been agreed that clearing of vegetation and appropriate revegetation, as may be necessary to protect visual amenity and privacy, can be controlled through the development approval process. A modified supplementary guide plan has been provided by the proponent illustrating modified development areas and vegetation retention in line with the above.</p> <p>It is acknowledged that care must be taken not to undermine the certainty offered by the Special Provisions of Special Rural zones that are bought into, especially where those changes are for individual gain and not to the benefit of the broader community. However, on balance, it is considered that the proposed new development</p>	

AGENDA ITEM 2.3 REFERS

AGENDA ITEM 2.3 REFERS

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**

AGENDA ITEM 2.3 REFERS

**AMENDMENT No. 302****SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address Submitter</b>	<b>of</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>
				area would not be more visually intrusive than the present development area, indeed it may be less so, and that the effects on the amenity and privacy of 51 Rowney Road would be minimal, if any, and can be suitably mitigated.	

## 2.4: LOCAL PLANNING POLICY – LOT 14 SPENCER STREET, ALBANY

<b>Land Description</b>	: Lot 14 Spencer Street, Albany
<b>Proponent</b>	: Harley Global
<b>Owner</b>	: Activ Foundation Inc
<b>Business Entity Name</b>	: Activ Foundation Inc
<b>Director/s</b>	: Anton Jan Frederik Vis; Matthew Arthur Battrick; Peter William Knowles; Martin Nicholas Alciaturi; Leonie Patricia Walker; Alice Philomena Breheny; Tina Rose Thomas; Hugh Andrew Jon Edwards; Stephanie Jane Black;
<b>Attachments</b>	: Local Planning Policy – Lot 14 Spencer Street, Albany
<b>Responsible Officer(s)</b>	: E/Director Planning & Development Services (G Bride)

### Maps and Diagrams:



### IN BRIEF

- Council is required to consider the adoption of the draft Local Planning Scheme Policy for Lot 14 Spencer Street, Albany.

**ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Draft Local Planning Policy for Lot 14 Spencer Street, Albany be ADOPTED for the purposes of advertising in accordance with Clause 7.21 of Town Planning Scheme No. 1A**

**ITEM 2.4: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR HAMMOND**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 8-4**

**Record of Vote**

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

**BACKGROUND**

1. A Local Planning Scheme Policy has been prepared by a planning consultant on behalf of Activ Foundation Inc for Lot 14 Spencer Street, Albany.
2. Lot 14 Spencer Street is within Town Planning Scheme 1A and is zoned "Special Site (S44)" with a base zone of Residential R60 and the additional uses of Shop and Office.
3. The preparation of a Development Guide Plan is a prerequisite to any new development and or subdivision of the subject land as per the special conditions within Special Site No. 44 contained within Appendix II of TPS 1A.
4. As stated in the TPS, the Development Guide Plan shall ensure that:
  - *When determining building height the 'natural ground level' shall be the finished floor level of the existing buildings;*
  - *Buildings fronting Frederick Street are to have a residential character and scale;*
  - *The provision of a view corridor from Frederick Street to the Penny Post building and existing oak tree on Lot 1 Stirling Terrace immediately to the south;*
  - *Service vehicles entry and exit to the site be limited to the access point onto Spencer Street;*
  - *Access through to Cheynes Cottage is retained; and*
  - *A staging programme that allows the subject site to be subdivided into a limited number of 'super lots' that may be developed independently but in a coordinated fashion. Any further subdivision of the 'super lots' is subject to the individual super lot being developed to 'plate height'.*

5. The special conditions identify the following matters that should be addressed by a Development Guide Plan:
  - *Number and type of commercial tenancies;*
  - *Location and number of dwelling units;*
  - *Location and number of car parking bays and driveways;*
  - *Details of landscaping, bin storage and utility areas;*
  - *Building scale, form, materials, roof pitches and detailing; and*
  - *Height of buildings and location of balconies.*
6. The special conditions also requires that:
  - The original facade (circa 1948) at the corner of Spencer Street and Frederick Street is to be retained to the satisfaction of Council;
  - A number of architectural elements of the former site office fronting Spencer Street to be retained in order to represent the historic land use as far as is practical:
  - Vehicular access to be limited to one access point per street.
  - Development is to conform with the Albany Historic Town Design Policy or subsequent Policy.
7. The Draft Policy that includes the Development Guide Plan is to be adopted as a Local Planning Scheme Policy and will then be included into the recently adopted City of Albany Planning Policy Manual.
8. City staff investigated whether photomontage images of the future development concepts could be available for Council consideration. The policy sets the framework for future development, and until detailed plans are submitted at the development stage, it is difficult to visually represent a hypothetical development. Notwithstanding this, the proponent has indicated that they may be able to prepare an artist's impression of the view of the future development from Frederick Street. If received, such drawings will be forwarded to Council before the OCM.

## **DISCUSSION**

9. The Design Policy addresses all the requirements set out in the special conditions and includes a Development Guide Plan.
10. The proposed Development Guide Plan adequately addresses the special conditions and requirements including the following:
  - Access is only provided via one access point from Spencer Street;
  - The most historically significant and characteristic parts of the building on the Corner of Spencer and Frederick Street and the former site office ('Thrift Shop') are to be retained;
  - The number of commercial buildings and dwellings;
  - The location of all vehicular parking bays;
  - The building scale, height and location of balconies and courtyards;

- The location of landscaping areas;
  - The provision of a view corridor from Frederick Street to the Penny Post building and existing oak tree;
  - The development setbacks and access to Cheynes Cottage; and
  - A subdivision staging plan.
11. Council's Regional Heritage Advisor has been involved in the review of the Policy and associated Development Guide Plan and is supportive of the Draft Policy.
12. The proposed Policy satisfactorily deals with all the required matters and it is therefore recommended that Council adopt the draft Local Planning Scheme Policy for Lot 14 Spencer Street for advertising purposes in accordance with Clause 7.21 of Town Planning Scheme No. 1A.

### **GOVERNMENT CONSULTATION**

13. Relevant government agencies will be invited to make comment on the Policy should Council adopt the Policy for the purposes of advertising.

### **PUBLIC CONSULTATION / ENGAGEMENT**

14. The policy will be advertised in accordance with section 7.21 of TPS and directly referred to all affected and surrounding landowners for comment.

### **STATUTORY IMPLICATIONS**

15. Clause 7.21 of TPS sets out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.

#### ***"7.21 POWER TO MAKE POLICIES***

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

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

- (a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*

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

*7.21.3 A Town Planning Scheme policy may only be altered or rescinded by:*

- (a) *Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
- (b) *Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

*7.21.4 A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

16. The Subject site is zoned “Special Site” number 44 as contained in the Schedule of Special Sites in Appendix II of TPS.
17. Condition 2 as contained the schedule states:

*“Development or subdivision of the site will be supported by the Council only where an overall Development Guide Plan has been approved by the Council. “*

## **STRATEGIC IMPLICATIONS**

18. The Policy supports the strategic principles in the Albany Local Planning Strategy in relation to issues such as housing diversity and the settlement hierarchy.

## **POLICY IMPLICATIONS**

19. A Local Planning Policy will not bind the Council in respect of any application for planning consent but the Council would have to take into account the provisions of the Policy and objectives which the policy was designed to achieve before making its decision.
20. Any Development on the subject lot shall also be in accordance with the Albany Historic Town Design Policy.



## **RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Not adopting the plan will result in development being restricted to existing structures and uses which may lead to further degradation of existing historically important buildings on the site.	Possible	Moderate	Medium	Mitigation entirely dependent on Council.

## **FINANCIAL IMPLICATIONS**

21. The assessment of the local planning policy has been undertaken by staff within existing budget lines.

## **LEGAL IMPLICATIONS**

22. There are no legal implications in relation to this item.

## **ALTERNATE OPTIONS**

23. Council has the following options:
- Adopt the draft Local Planning Policy without modification for the purposes of advertising;
  - Adopt the draft Local Planning policy subject to modification prior to advertising; or
  - Not adopt the draft Local Planning Policy.

## **SUMMARY CONCLUSION**

24. The proposed Policy seeks to protect the existing historically significant buildings on the site, whilst accommodating future development options which promote a mix of commercial and residential uses on the periphery of the Central Business District.

<b>Consulted References</b>	Town Planning Scheme 1A
<b>File Number (Name of Ward)</b>	A150786 (Frederickstown Ward)

**X LOT 14 SPENCER STREET, CITY OF ALBANY DESIGN POLICY****Objective:**

*To ensure development of Lot 14 Spencer Street, Albany is sympathetic to the built form of the former Activ Building (Building 1), Thrift Shop (Building 2), Cheyne Cottage and surrounding heritage properties and maintains existing view corridors from Frederick Street through the use of appropriate controls addressing building height, bulk, location, form, colour and materials.*

**A1 Relationship to Other Planning Instruments**

This Policy is to be read in conjunction with the following planning instruments with relevant provisions of these instruments applied as appropriate to development of Lot 14:

- Albany Historic Town Design Policy
- Residential Design Codes of Western Australia

Where a provision of this Policy is inconsistent with a provision of the abovementioned planning instruments, this Policy will prevail to the extent of the inconsistency.

**A2 Policy Statement**

The specific policy requirements for development of Lot 14 are outlined in the provisions below.

**A2.1 Development Guide Plan and Staging and Land Tenure Plan**

A2.1.1 The Development Guide Plan and Staging and Land Tenure Plan for Lot 14 Spencer Street, Albany and adopted by the City of Albany forms part of this Policy.

A2.1.2 In order to meet the requirements of this Policy, development is to be in accordance with the Development Guide Plan and Staging and Land Tenure Plan.

**A2.2 Building Setbacks**

A2.2.1 The building setbacks to be used for new development on the site are shown on the Development Guide Plan.

A2.2.2 Street and driveway setbacks shown on the Development Guide Plan are fixed and not subject to reduction.

A2.2.3 Side and rear setbacks shown on the Development Guide Plan are the minimum permitted. Greater setbacks than provided on the Development Guide Plan are permissible, except in relation to nil setbacks.

A2.2.4 In order to maximise solar access, ventilation, streetscape and privacy buildings are to be built on the boundary where shown.

A2.2.5 All balconies, roofed patios and decks raised above 0.5m from the courtyard ground level are to be located within the building envelope shown on the Development Guide Plan.

**A2.3 Streetscape**

- A2.3.1 The facade of any building fronting Spencer Street is to be designed to complement the appearance of the existing Buildings 1 and 2 in a manner consistent with “recognised heritage conservation guidelines and principles”. The facade is to be built on the property line with the parapet wall height varied to accommodate the slope as shown by the existing buildings (see Figure 1).
- A2.3.2 Dwellings fronting Frederick Street (Lots C1 – C4 as depicted on the Development Guide Plan) are to be single storey in height at the street frontage (northern boundary) and be complementary to the bulk and character of the adjoining dwelling to the east.
- A2.3.3 All buildings are to have living areas (indoor or outdoor) overlooking the street and internal driveways.
- A2.3.4 Fencing along the Frederick Street boundary is to be of uniform construction, visually permeable (see through) and a maximum 0.9m above footpath height in front of any dwelling and 1.8m above footpath height elsewhere.
- A2.3.5 All garages and on-site parking areas are to be accessed from the internal driveway. No garages or carports are permitted on the Frederick Street frontage.
- A2.3.6 Buildings fronting Frederick or Spencer Street are to provide direct pedestrian access from the street elevation.
- A2.3.7 A view corridor looking across Norman House to the Penny Post and Existing Oak Tree on Lot 1 is to be maintained as shown on the Development Guide Plan.
- A2.3.8 Garages / carports are to be located as shown on the Development Guide Plan.
- A2.3.9 Garage doors are to be of uniform colour and materials for each group of buildings to ensure a consistent facade. Where carports are to be used, this must be done for each of the dwellings within the group.
- A2.3.10 Non-residential uses are to have direct frontage to Spencer Street with windows looking out onto the street.
- A2.3.11 The existing facades of Building 1 (Figure 2) are to remain unaltered with the exception of the removal of the later and intrusive verandah and window additions. Any restoration of the building (i.e. replacement of the verandah or windows, repainting, etc) should be authentic, based on documentary and physical evidence.

**A2.4 Built Form**

- A2.4.1 Colours and materials are to be complementary to the existing Buildings 1 and 2 and should be based on documentary and physical evidence. The full range of external materials, including masonry, iron, timber weatherboard and cement cladding will be considered. Development should be sympathetic in form, size, bulk and setback to surrounding properties.
- A2.4.2 Use of unpainted or non-rendered face brick is not permitted.

- A2.4.3 Roof pitch is to be less than 10°, for all new buildings with the exception of houses fronting Frederick Street where a 25° roof pitch is permitted to complement surrounding roof styles.
- A2.4.4 Use of unpainted 'Zincalume' or light-coloured 'Colorbond' custom-orb roofing is required for all buildings, except housing fronting Frederick Street.
- A2.4.5 Roofing tiles are not permitted, except on the houses fronting Frederick Street, where natural-coloured terracotta clay tiles may be used as a substitute to custom-orb roofing to complement the adjoining residence to the east.
- A2.4.6 The facade of Building 2 is permitted to be rationalised, such that only the windowed section of the facade, as well as the original timber trusses and south facing skylight windows, are retained. The remainder of the facade fronting Spencer Street is to incorporate design elements of Building 2 in order to provide visual cues back to the retained structure.
- A2.4.7 The design of any building fronting Spencer Street will be subject to assessment and comment by the City's Heritage Advisor prior to issue of any development approval.
- A2.4.8 Except for Lots A and B1, Upper floors are to extend 0.5m in front of the garage building line in order to provide an element of articulation to the frontages of the dwellings facing the internal driveway.

## **A2.5 Height and Bulk**

- A2.5.1 Finished floor and ground levels are not to exceed the maxima shown on the Development Guide Plan without Council approval.
- A2.5.2 When considering varying the maximum finished level of a building from that shown on the Development Guide Plan, the Council is to ensure the following matters are appropriately addressed prior to granting approval to the varied finished level:
- Impact on the amenity of adjoining dwellings within the complex and adjoining the site.
  - Ensuring the increased finished levels do not detract from the scale and bulk of the overall development.
  - Impact on the view corridor from Frederick Street.
  - Need to ensure appropriate operation of drainage and sewer.
  - Need for retaining walls and the impact on adjoining properties.
  - Impact on solar access to adjoining dwellings, overlooking and overshadowing.
  - Impact on the preservation and amenity of Cheyne Cottage.
- A2.5.3 Building height will be generally in accordance with Category B of Table 3 of the *Residential Design Codes*, except as otherwise varied by this Policy. 'Natural ground level' will be considered the FFL for the lower floor of each building as depicted on the Development Guide Plan, or as varied under clause A2.5.2.
- A2.5.4 Notwithstanding clause A2.5.3, the maximum building height for dwellings fronting Frederick Street will be in accordance with Category A of Table 3 of the *Residential Design Codes* with 'natural ground level' being the FFL for the upper floor as shown on the Development Guide Plan. The purpose of this clause is to ensure a single storey scale and bulk for these buildings when viewed from Frederick Street, whilst

allowing for use of the existing fall of the site to establish an undercroft area under the FFL of the upper floor.

A2.5.5 Upper floor balconies on Lots C1-C4 are to be un-roofed within 4m of the southern strata boundary of these lots to protect the solar access of Lots D1-D3 and to provide adequate light and ventilation.

A2.5.6 Courtyards are to remain un-roofed to within 4m of the southern boundary on Lots B2-B4 and D1-D3 to protect the solar access of properties to the south and to provide adequate light and ventilation.

## **A2.6 Privacy and Outdoor Living Areas**

A2.6.1 Second storey windows on dwellings that face another dwelling are to be designed so that the two sets of windows are offset and do not directly face one-another.

A2.6.2 Balconies are to be screened to 1.7m above the finished level of the balcony where adjoining another balcony or as otherwise shown on the Development Guide Plan.

A2.6.3 Each dwelling is to be provided with a courtyard / outdoor living area as depicted on the Development Guide Plan. In the case of Lots C1 – C4, this is to be located as a balcony area on the southern side of the dwelling as depicted on the Development Guide Plan.

A2.6.4 Each dwelling is to be provided with a clothes drying area screened from the view of the street or internal driveway. In the case of Lots B1 and C1-C4, installation of a clothes dryer will be accepted in lieu of a outdoor clothes drying area.

A2.6.5 With the exception of Lot B1, each dwelling is to incorporate a minimum 4m<sup>2</sup> lockable storage room directly accessible from the garage / carport with a minimum internal dimension of 1.5m.

## **A2.7 Landscaping**

A2.7.1 Landscaping in common property areas are to be established and maintained by the Strata Company at all times.

A2.7.2 Trees selected at maturity are not to exceed the height of the Frederick Street footpath at the view point marked on the Development Guide Plan (10m RL).

A2.7.3 Use of deciduous trees to provide shade in summer and light / heat in winter is recommended for the common property areas.

A2.7.4 Boundary fencing (except for street fencing) is to be of a uniform colour and a maximum of 1.8m high.

## **A2.8 Access and Car Parking**

A2.8.1 Driveways are to be constructed in a uniform material as depicted on the Development Guide Plan and located within Common Property.

A2.8.2 The existing Right of Carriageway easement to Cheyne Cottage is to be modified to follow the new driveway route with the existing access point into the Cheyne Cottage site to remain.

- A2.8.3 The main driveway will be subject to a Right of Carriageway easement to the benefit of Lot A (office use) to ensure access in perpetuity.
- A2.8.4 Each dwelling is to have two (2) car parking spaces contained in either a carport or garage as shown on the Development Guide Plan.
- A2.8.5 A minimum of two (2) visitor parking spaces are to be provided within the common property and located separately from parking spaces associated with the office use. These spaces are to be marked for residential visitor use only.
- A2.8.6 A minimum of eight (8) on-site parking spaces for the office use on Lot A are to be provided as shown on the Development Guide Plan. It is noted that the minimum required parking spaces for the office of ten (10) spaces has been offset by the ability to provide two (2) on-street spaces immediately in front of the site.
- A2.8.7 A minimum of three (3) on-site parking spaces for the office /studio on Lot B1 are to be provided as shown on the Development Guide Plan. It is noted that the minimum required parking spaces for the office and single bedroom studio of six (6) spaces has been offset by the ability to provide three (3) on-street spaces immediately in front of the site.

**A2.9 Non-residential uses**

- A2.9.1 Lot A as depicted on the Development Guide Plan is to be used for office accommodation or other non-residential use approved by the Council. Car parking has been provided on the Development Guide Plan for a maximum of 300m<sup>2</sup> gross floor area (GFA). Any increase in GFA will require the provision of additional car parking to the satisfaction of Council.
- A2.9.2 Lot B1 as depicted on the Development Guide Plan is to be used for office accommodation or other non-residential use approved by the Council on the ground floor. A single bedroom studio residence can be incorporated into the upper floor. Development of the upper floor must take into account the existing heritage elements of the building including two internal trusses, south facing windows and the need to let light in through these windows. Development of the upper storey is to minimise impact on the streetscape and must be setback appropriately from the Spencer Street frontage. Car parking has been provided on the Development Guide Plan for a maximum of 150m<sup>2</sup> gross floor area (GFA) of office space and a single studio residence. Any increase in GFA will require the provision of additional car parking to the satisfaction of Council.

**A2.10 Servicing**

- A2.10.1 Provision is to be made for centralised letter boxes at the entrance to the main driveway from Spencer Street.
- A2.10.2 Rubbish collection is to occur via standard domestic 'wheelie bins' placed on Spencer Street or by alternative arrangement with the agreement of Council. Bins are to be stored at each unit outside of pick up days.
- A2.10.3 Provision is to be made for centralised electricity meters for the residential units. This is to be located within Common Property at the entrance to the main driveway from Spencer Street.

A2.10.4 A 1.5m wide service easement is to be provided along the southern boundary of Lots B1 – B4 to provide access for drainage and sewerage services.

A2.10.5 Stormwater drainage is to be managed on site and released into the surrounding drainage system in accordance with Better Urban Water Management Guidelines, as approved by the Council.

### A3 Figures

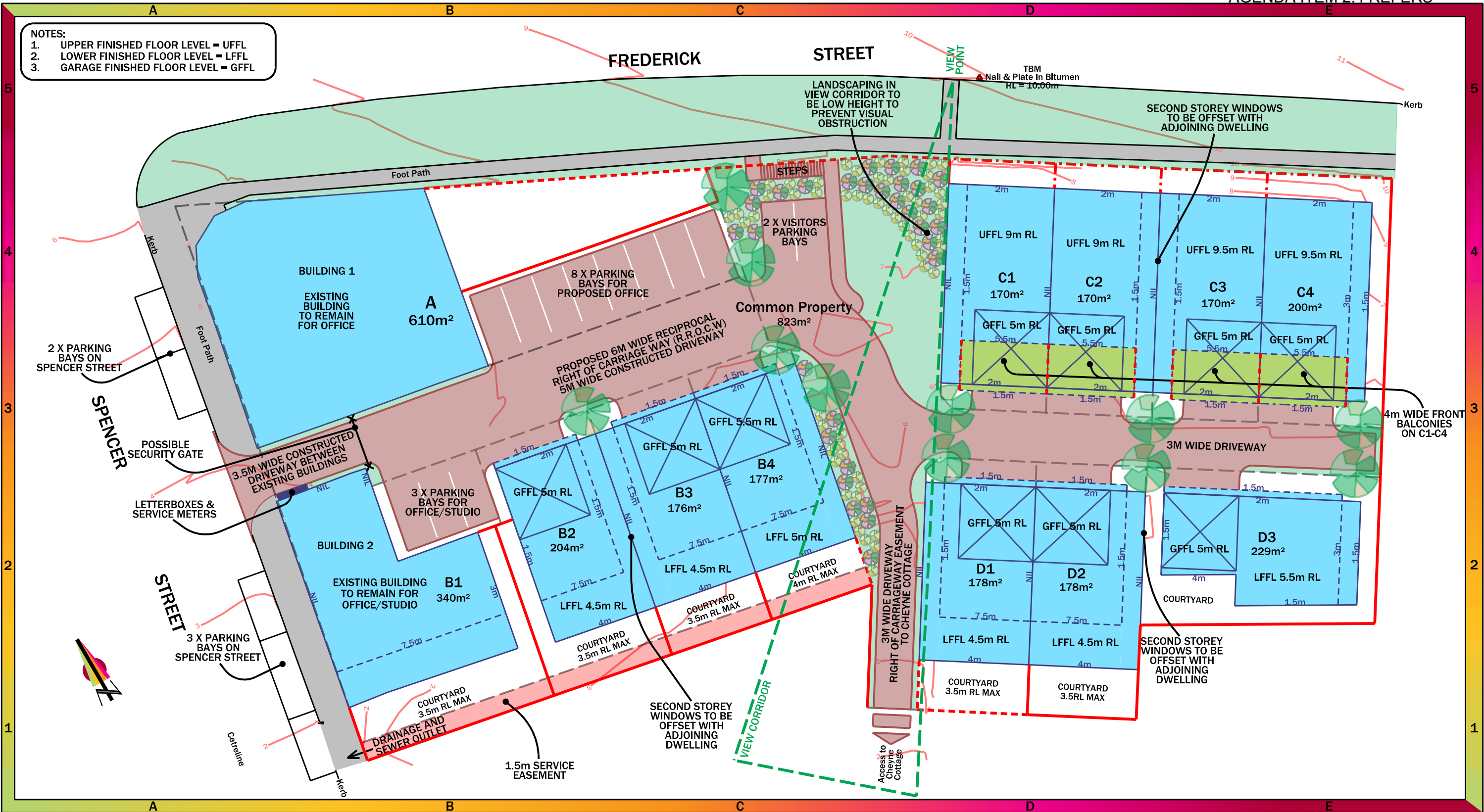


Figure 1



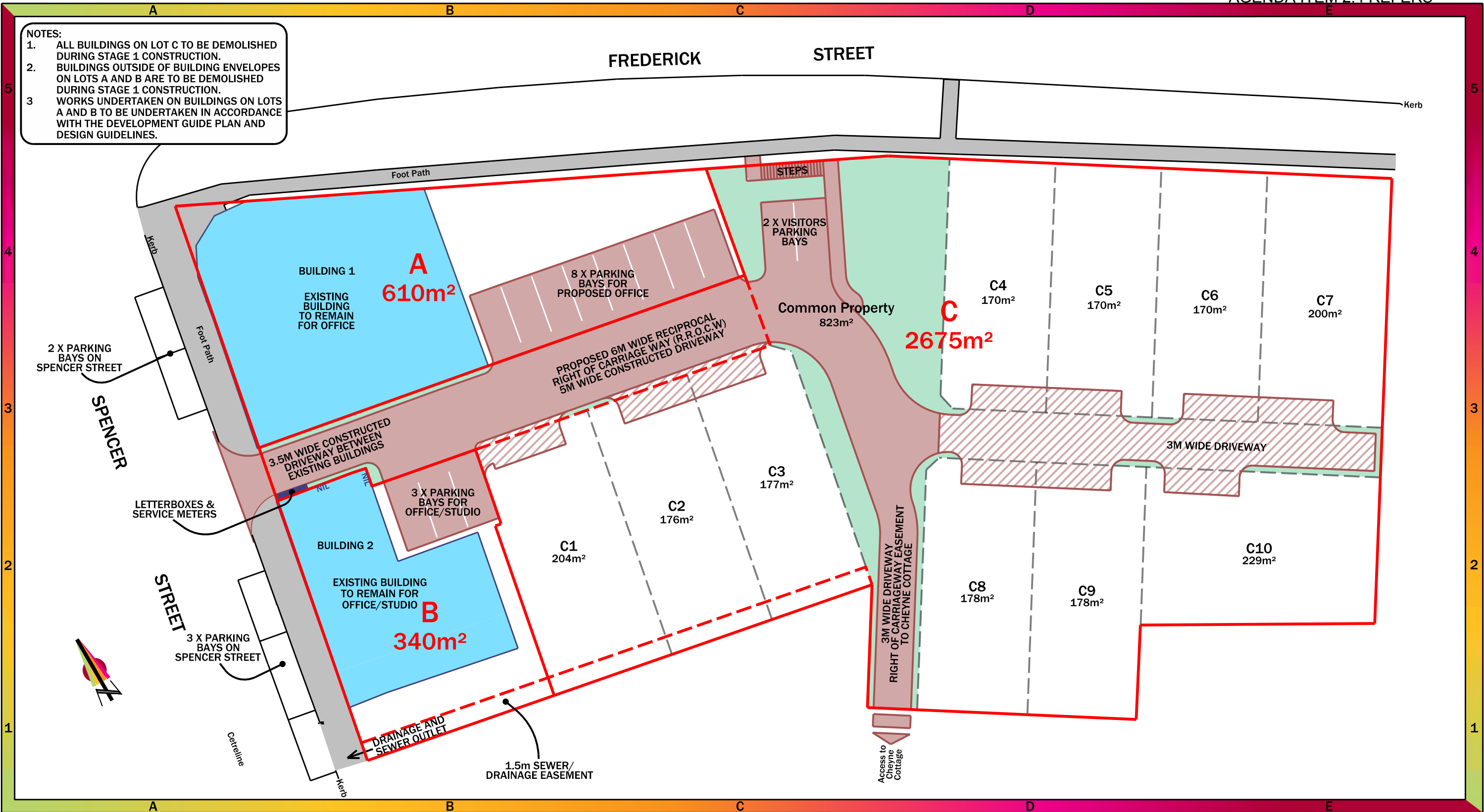
Figure 2





Development  
Guide Plan  
LOT 14  
SPENCER STREET  
ALBANY





Staging and Land Tenure Plan  
LOT 14  
SPENCER STREET  
ALBANY



**LEGEND**

- Stage 1 Green Title Lots
- Stage 1 Easements
- Stage 2 Survey/Built Strata Lots
- Stage 1 Driveway
- Stage 2 Driveway
- Landscaping
- Building Envelope for Lots A & B (Building Envelopes for Lot C as per Development Guide Plan)

This Staging and Land Tenure Plan has been adopted by Council and signed by the Chief Executive Officer for the City of Albany

Chief Executive Officer.....Date.....

SCALE AT A3 1:300

0 5 10 15

ALL DISTANCES ARE IN METRES

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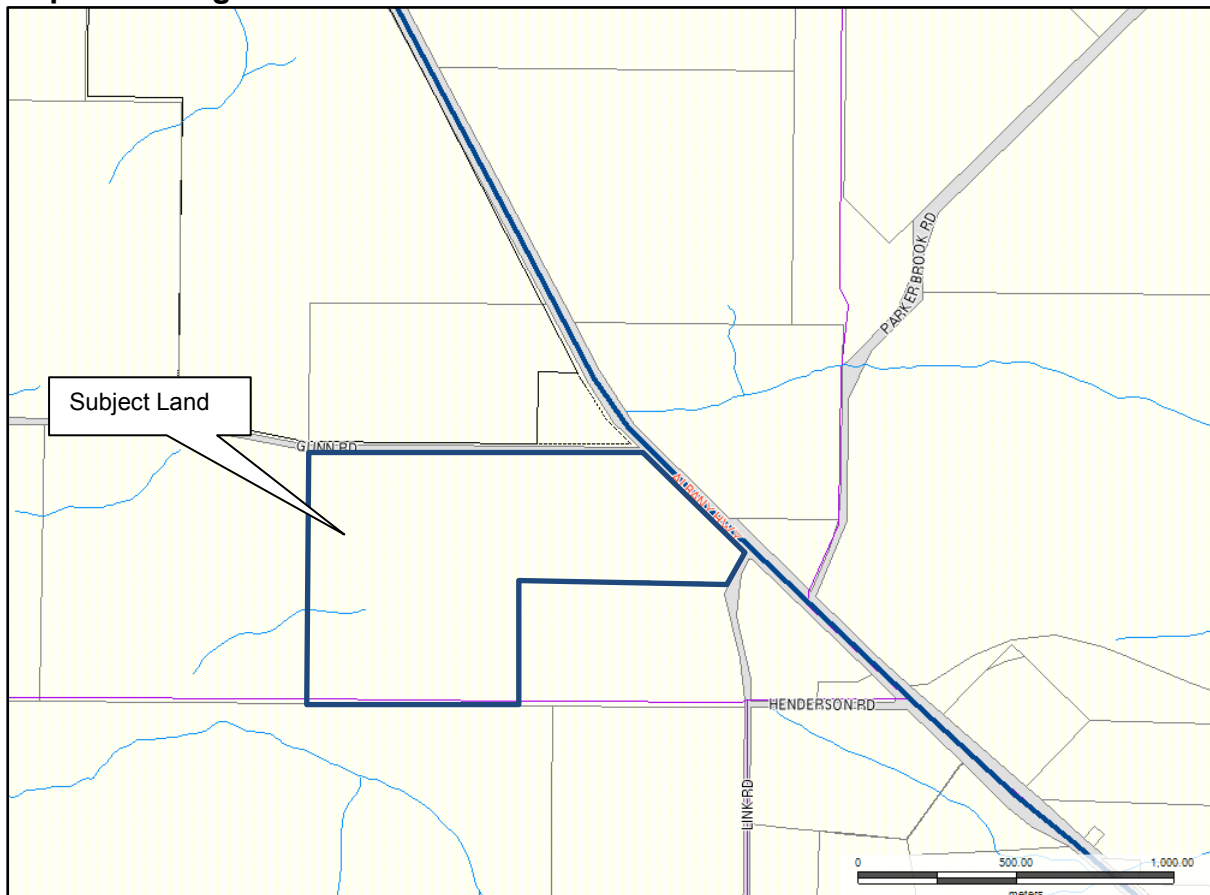
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## 2.5: ADOPTION OF SUBDIVISION GUIDE PLAN – SPECIAL USE ZONE NO. 20 – LOT 2 GUNN ROAD, DROME

<b>Land Description</b>	: Lot 2 Gunn Road, Drome
<b>Proponent</b>	: Loughton Patterson Architects
<b>Owner</b>	: Newseason Nominees Pty Ltd
<b>Business Entity Name</b>	: Newseason Nominees Pty Ltd
<b>Director/s</b>	: Mark James Patterson; Kenneth James Loughton
<b>Attachments</b>	: Subdivision Guide Plan : Copy of Main Roads WA advice
<b>Councillor Workstation</b>	: Copies of submissions : Local Water Management Strategy - OPUS : Acoustic Assessment - Herring Storer Acoustics
<b>Responsible Officer(s)</b>	: E/Director Planning & Development Services (G Bride)

### Maps and Diagrams:



### IN BRIEF

- To consider the Subdivision Guide Plan of Lot 2 Gunn Road, Drome for final adoption and recommend the plan for endorsement by the Western Australian Planning Commission.

**ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- 1) In accordance with Clause 1.2 of Special Use Zone No. 20 ADOPTS the Subdivision Guide Plan for Lot 2 Gunn Road, Drome; and**
- 2) FORWARDS the Subdivision Guide Plan to the Western Australian Planning Commission for endorsement.**

**ITEM 2.5: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR MATLA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 7-5**

**Record of Vote**

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

**BACKGROUND**

1. Lot 2 Gunn Road is Zoned “Special Use (Code No. 20)” in Town Planning Scheme 3.
2. The special conditions of associated with this Special Use zone require all development and subdivision to be in accordance with a Subdivision Guide Plan (SGP) signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission.
3. The Special Use zone allows for ‘survey strata’ development with shared facilities developed in common property areas or as an alternative a more conventional “Special Rural” development with a maximum of 77 x 1 hectare lots.
4. Given the alternatives the Western Australian Planning Commission considered it appropriate not to include a SGP as part of the rezoning documentation, instead deferring the preparation of the SGP closer to the time of development.
5. A SGP and supporting documentation was recently submitted for consideration.
6. The SGP and supporting documentation were assessed by staff and some minor modifications were required prior to public and Government consultation.
7. The SGP was advertised and referred to adjoining owners, servicing agencies and to the relevant Government Departments for comment.
8. The consultation phase has concluded and Council is now required to consider the SGP for adoption before final endorsement is considered by the Western Australian Planning Commission.



**DISCUSSION**

9. The SGP proposes 68 conventional special rural lots of between 1 hectare and 1.3 hectares.
10. Access to the lots will be from Gunn Road and other internal roads that will be constructed at the time of subdivision. An upgrade to Gunn Road and the Gunn Road intersection with Albany Highway will be required at the time of subdivision. No direct vehicle access will be permitted to Albany Highway from the proposed lots.
11. The SGP also indicates a future road link into Lot 1 to the south of the subject lot; it is envisaged that this will form a future connection with the Link Road.
12. The SGP includes a required 80m acoustic setback between Albany Highway and all habitable structures. The plan also includes the mandatory 40 metre setbacks of habitable buildings from existing agricultural uses on Lot 5 and Lot 401.
13. The indicative location for the construction of an earth berm for noise abatement purposes from Albany Highway is also shown on the plan.
14. A Local Water Management Strategy was prepared and submitted with the SGP. The applicable recommendations from the Strategy have been incorporated into the plan (e.g. overland flood route and building restrictions).

**GOVERNMENT CONSULTATION**

15. The SGP was referred to the Water Corporation, Western Power, Main Roads WA, Department of Health, Department of Environment and Conservation and the Department of Water.
16. Responses were received from all the above departments/agencies with no objections expressed. A number of comments were however made by Main Roads WA that will be relevant at the time of subdivision and should be noted by the proponent.
17. The Main Roads comments can be summarised as follows:
  - Access into this development is to be from Gunn Road only to reduce traffic conflict points on the Albany Highway.
  - A point to point Restrictive Covenant for the benefit of Main Roads WA being registered on the Certificates of Title of all Lots fronting the Albany Highway.
  - Suitable turn treatments which have been approved by Main Roads are to be installed at the intersection of Albany Highway and Gunn Road. The intersection treatments must comply with the requirements of the AUSTRROADS Guide to Traffic Engineering Practice – Part 5: Intersections at Grade. All associated works would be at the proponents cost. To limit conflict points, Link Road shall not be considered a future connecting access, unless the proponent is intending to upgrade the Link Road/Albany Highway intersection. Link Road may be closed to future traffic, with access to Link Road via Gunn Road.
  - No stormwater is to be discharged from this development into the Albany Highway drainage system.

- A suitable noise abatement buffer and buffer zone shall be provided by the proponent along the Albany Highway. The design and effectiveness must meet Main Roads standards as applied to the Albany Ring Road.
- Gunn Road shall be sealed to a minimum of 200m to mitigate dust blowing onto Albany Highway across causing a traffic hazard. The City of Albany should require the proponent to seal Gunn Road from Albany Highway to the subdivision entrance.

18. The Department of Planning on behalf of the Western Australian Planning Commission will assess the SGP as part of the process of endorsement.

### **PUBLIC CONSULTATION / ENGAGEMENT**

19. The SGP was advertised from 31 March to 21 April 2011 by placement of a sign on-site, direct referral to adjoining landowners, and advertisement in the local newspaper. No public submissions were received.

### **STATUTORY IMPLICATIONS**

20. Clause 1.2 of the special conditions of “Special Use” area 20 contained in Town Planning Scheme 3 requires all development and subdivision to be in accordance with a Subdivision Guide Plan (SGP) signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission as stated below:

*“1.2 Subdivision and development of the site is to be in accordance with a Subdivision Guide Plan to be signed by the Chief Executive Officer and endorsed by the Western Australian Planning Commission along with any minor variations that might be approved by Council and the Western Australian Planning Commission for the subject land prior to subdivision and development.”*

### **STRATEGIC IMPLICATIONS**

21. The land is already zoned to accommodate the subdivision pattern and development envisaged within the Subdivision Guide Plan and therefore there are no strategic implications.

### **POLICY IMPLICATIONS**

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

## RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Not adopting the plan will result in the developer not being able to undertake any subdivision or development of the land in accordance with the Town Planning Scheme.	Possible	Moderate	Medium	Mitigation entirely dependent on Council.

## FINANCIAL IMPLICATIONS

23. Advertising of the guide plan and referral to surrounding landowners and government agencies was undertaken by staff within existing budget lines.

## LEGAL IMPLICATIONS

24. There are no legal implications related to this item.

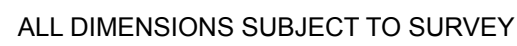
## ALTERNATE OPTIONS

25. Council has the following options in relation to this item, which are:
- To adopt the SGP without modification and forward the plan to WAPC for endorsement.
  - To adopt the SGP with modification and forward the plan to WAPC for endorsement.
  - Not to adopt the SGP.

## SUMMARY CONCLUSION

26. The SGP was developed in accordance with the requirements prescribed in the special conditions of "Special Use" Area 20 with no negative comments or objections were received as a result of the advertising process.

<b>Consulted References</b>	Town Planning Scheme 3
<b>File Number (Name of Ward)</b>	A63909/AMD 270 (West Ward)
<b>Previous Reference</b>	Final adoption of Amendment No. 270 (OCM 20 May 2008 - Item 11.3.8)



~~AGENDA ITEM 2.5 REFERS~~

**Loughton Patterson Pty Ltd**  
P.O.Box 398 South Perth 6951  
08 94742126

## REFERENCES

TYPE OF GROUND SURVEY:
DATE OF CAPTURE:
ACCURACY:
RELEVANT PROJECT GRID:

DESIGNED / DRAWN

VERIFIED

DIRECTOR



## ADOPTION

Adopted by resolution of the Council for the City of Albany at the Ordinary Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011 and the Seal of the Municipality was pursuant to that resolution hereto affixed in the presence of;

**MAYOR .**

**CHIEF EXECUTIVE OFFICER**

DATE . . . . .

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SHAWMAC PTY. LTD.

P.O. Box 937, SOUTH PERTH

Phone: 9355 1300 Fax: 9355 1922

Email: shawmac@upnaway.com

51

LOCAL GOVERNMENT AUTHORITY

Shire of Albany

Lot 2 Gunn Road  
Albany  
Subdivision Guide Plan  
Version 2

DRAWING TYPE

DRAWING NUMBER

0602-SGP03

RECOMMEND.





Enquiries: Don Parker on 9892 0559  
 Our Ref: 04/13070-12 D11#77155  
 Your Ref: AMD270/PA4209, ICR7035588



ABN: 50 860 676 021

4 April 2011



Chief Executive Officer  
 City of Albany  
 PO Box 484  
 ALBANY WA 6331

City of Albany Records  
 ICR1134004  
 AMD270  
 07 APR 2011  
 SPLAN2

ATTENTION: Jan Van Der Mescht  
 Senior Planning Officer

Attach.  
 OX  
 ol.  
 OX+Vol.

AMD270  
 SPLAN2

Dear Sir,

### **SUBDIVISION GUIDE PLAN FOR DEVELOPMENT OF LOT 2 GUNN ROAD, DROME.**

Thank you for your letter dated 29 March 2011 seeking Main Roads comment on the proposed Subdivision Guide plan for Lot 2 Gunn Road.

Main Roads agrees in principal to this proposal but will seek to ensure that land development adjacent to Albany Highway will not significantly impact the safe and efficient operation of this important regional highway and for this reason Main Roads impose the following conditions upon this development.

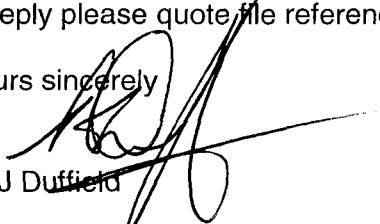
1. Access into this development is to be from Gunn Road only to reduce traffic conflict points on the Albany Highway.
2. A point to point Restrictive Covenant for the benefit of Main Roads WA being registered on the Certificates of Title of all Lots fronting the Albany Highway pursuant to section 129BA of the Transfer of Land Act, to prohibit vehicular access from these lots onto Albany Highway and notice of this restriction to be placed on the Diagram or Plan of Survey (Deposited Plan) at the expense of the applicant.
3. Suitable turn treatments which have been approved by Main Roads are to be installed at the intersection of Albany Highway and Gunn Road. The intersection treatments must comply with the requirements of the AUSTROADS Guide to Traffic Engineering Practice – Part 5: Intersections at Grade. All associated works would be at the proponents cost. To limit conflict points, Link Road shall not be considered a future connecting access, unless the proponent is intending to upgrade the Link Road /Albany Highway intersection. Link Road may be closed to future traffic, with access to Link Road via Gunn Road.
4. No stormwater is to be discharged from this development into the Albany Highway drainage system.
5. A suitable noise abatement buffer and buffer zone shall be provided by the proponent along the Albany Highway. The design and effectiveness must meet Main Roads standards as applied to the Albany Ring road.

6. Gunn Road shall be sealed to a minimum of 200m to mitigate dust blowing across the Albany Highway causing a traffic hazard. The City of Albany should require the proponent to seal Gunn Road from the Albany Highway to the subdivision entrance.

Main Roads has undertaken a traffic demand assessment as part of the Albany Ring Road planning design. The assessment has shown that local traffic demand as a result of proposed residential development adjacent to the Ring Road has the potential to prevent the Ring Road from fulfilling the intended primary function as an uninterrupted heavy transport route to the Port of Albany, instead, becoming a congested urban distributor road. Main Roads opposed the amendment to the planning scheme.

If you require any further information please contact Don Parker on (08) 9892 0559.  
In reply please quote file reference 04/13070-12.

Yours sincerely



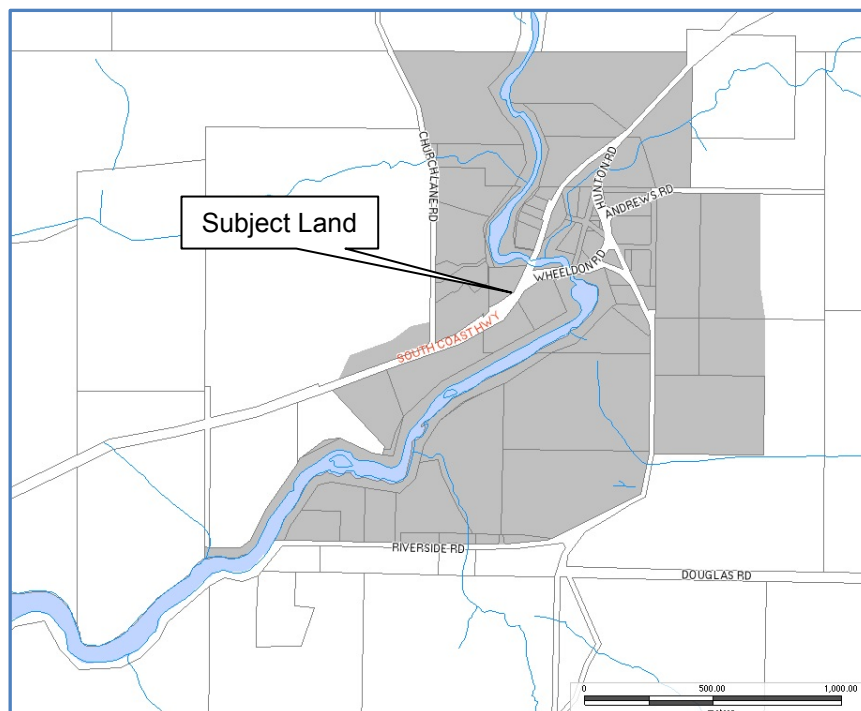
ARJ Duffield

REGIONAL MANAGER

## 2.6: OUTLINE DEVELOPMENT PLAN (ODP) – VARIOUS LOTS WITHIN AND ADJACENT TO THE KALGAN TOWN SITE

<b>Land Description</b>	: Various lots within and adjacent to the Kalgan town site.
<b>Proponent</b>	: Ayton Baesjou Planning
<b>Owner</b>	: Various owners
<b>Business Entity Name</b>	: N/A
<b>Attachment(s)</b>	: Attachment 1 – Original and Updated ODP (plan only) : Attachment 2 – Original and Updated Precinct Guidelines : Attachment 3 – New traffic Solutions Plan : Attachment 4 – New alignment plan for Hunton Road : Attachment 5 – Main Roads WA advice : Attachment 6 – Schedule of Submissions : Attachment 7 – Schedule of Land Tenure
<b>Councillor Workstation</b>	: Full Outline Development Plan Report, plus appendices to that report (available on disc by request) : Copies of Submissions
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

### Maps and Diagrams:



**IN BRIEF**

- Consider submissions received from Government Agencies and community on the proposed Outline Development Plan (ODP) for various lots within and adjacent to the Kalgan town site and determine whether to grant final approval.

**ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council;**

**1. ADOPT the Kalgan Rural Village Outline Development Plan (ODP) for final approval which includes the following modifications to the advertised version:**

**A. An updated ODP plan (as attached to this report) incorporating the following:**

- Redesignation of the oval as a 'Community Facilities Site' to acknowledge that this land could be used for a variety of community facilities.**
- Identification of intersections that would require alterations on traffic safety grounds as supported by Main Roads WA.**
- The realignment route for the northern end of Hunton Road to meet South Coast Highway in a safer position (where sightlines are improved).**
- Identification of subdivision potential of Lot 151 in conjunction with the realignment of Hunton Road through this land holding.**
- Reinforce the position of the 'Village Centre' on the plan.**
- Modifying the statement for the 'Frame' area to remove mention of limited subdivision potential in this area to provide certainty and clarity.**
- Add an additional Note advising that the plan should be read in conjunction with the Structure Plan report and the Village Precinct Guidelines.**

**B. The Traffic Solutions Plan and the new road alignment for Hunton Road being incorporated into the ODP Report, subject to the Traffic Solutions Plan being modified by:**

- Deletion of the 'Long Term' section under the 'Village' notations;**
- Deletion of the 'Long Term' section under the 'South Coast Highway' notations; and**
- Deletion of the notation proposing "New Signage 'To Kalgan Village' include road name (Wheeldon) on side road symbol".**

**C. The replacement of the Precinct Guidelines of the ODP Report with the updated Precinct Guidelines (Attachment 2), in order to address the following matters:**

- The need to upgrade the intersection of Hunton Road and South Coast Highway;**
- The provision of guidance relating to foreshore management measures;**

- **Establishment of an interpretive node within Precinct 1;**
- **Enhancement of linkages between Precincts 1 and 2 and the proposed Kinjarling Trail;**
- **Deletion of references to subdivision within the 'Frame' area;**
- **Identification of the need for further detailed land capability assessment within Precinct 2;**
- **The scope for (re)location of community facilities within Precinct 2; and**
- **Identification of the need for further detailed land capability assessment, in order to determine final lot sizes within Precinct 3.**

**D. The recommendations contained within the attached Schedule of Submissions being included within the ODP Report, including the modification of Clause 9.1 of the ODP Report to include the following additional aim of protecting both Aboriginal and European heritage value of the area.**

- 2. Formally REFER the ODP to the Western Australian Planning Commission recommending endorsement subject to modifications.**

**ITEM 2.6: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR DUFTY**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**

**BACKGROUND**

1. A Scheme Amendment Request (SAR 137) was considered at the October 2008 Council Meeting, which proposed to create a 'Rural Settlement' zone within Town Planning Scheme No. 3 (TPS3) and to rezone the Kalgan town site and a selected number of surrounding lots to this new zone. It also proposed to designate various Crown land holdings as 'Parks and Recreation' reserves.
2. Council resolved to advise the proponent that it was prepared to entertain the submission of a formal scheme amendment to create a 'Rural Settlement' zone in the Kalgan locality, subject to the following matters being addressed in the formal amendment document:
  - i) access arrangements to and from South Coast Highway to be subject to consultation and negotiation with Main Roads WA;
  - ii) scheme controls relating to the inclusion of the new 'Rural Settlement' zone being accommodated;
  - iii) an indicative Outline Development Plan being included in the amendment, notwithstanding that a detailed Outline Development Plan will be required as a separate proposal; and

- iv) detailed land capability information proving the land can accommodate the increased density proposed and support additional effluent disposal systems and waste loads.
- 3. A formal Scheme Amendment (AMD 290) was subsequently submitted with the appropriate supporting information, and initiated by Council at the March 2009 meeting. However, by this point the 'Rural Settlement' zone had been replaced by the 'Rural Village' zone, in order to be consistent with the draft City of Albany Local Planning Scheme 1.
- 4. Following public advertising and consultation with State Government agencies, AMD 290 was granted final approval, subject to modifications, by Council at its meeting on 20 October 2009 and was subsequently granted final approval by the Minister for Planning on 5 October 2010. The Amendment was then published in the Government Gazette on 20 October 2010.
- 5. An ODP was subsequently submitted and adopted by Council for the purpose of public advertising at its Ordinary Meeting on 14 December 2010.
- 6. The successful completion of an ODP over the Kalgan town site will facilitate the future subdivision and development of the land in accordance with the land use control provisions of the 'Rural Village' zone.

## **DISCUSSION**

- 7. The objectives of the 'Rural Village' zone are to:
  - a. *Create a strong sense of community by providing for residents to work, live and recreate within the zone;*
  - b. *Accommodate limited expansion within and adjacent to existing rural settlements to support the community, educational and sporting assets within those communities;*
  - c. *Provide for a range of lot sizes and activities within the zone to achieve self-buffering of uses within the rural settlement to adjoining rural zone;*
  - d. *Provide for the development of rural villages in accordance with individual Structure Plans;*
  - e. *Allow for a mix of residential, commercial, industrial and other uses appropriate to the needs of the community within the Rural Village zone; and*
  - f. *Achieve self-sustaining settlements by requiring self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs. To facilitate the orderly and proper development of Rural Settlements in a socially, economically and environmentally sustainable manner.*

In order to achieve these objectives, the 'Rural Village' zone has its own set of permissible land uses, and introduces mechanisms to manage development in accordance with an endorsed ODP. 'Permitted' land uses are a Single House and a

Single Bedroom Dwelling, while a wider range of land uses have been identified as discretionary (with or without advertising), which allows Council to assess them on their individual merits. Amongst others, these discretionary uses include:

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

(Refer to TPS3 for the complete list of discretionary land uses).

8. The strategic intent for rural villages, according to the Albany Local Planning Strategy (ALPS), is to retain the existing infrastructure and improve the viability and range of services, facilities and rural commerce within the rural community. Clause 3.13 within TPS3 requires the preparation of a Structure Plan (ODP) to locate infrastructure and land uses within the 'Rural Village' zone, while promoting mixed uses and an appropriate, sustainable level of servicing, in order to achieve these strategic aims.
9. The ODP has identified three main settlement precincts:
  - Historic Village Core – Precinct 1;
  - Rural Village Expansion Area – Precinct 2; and
  - Rural Village Existing Fringe – Precinct 3.

Due to land capability, and in order to protect remnant native vegetation, lot sizes within the 'Historic Village Core' shall have a minimum size of approximately 2000m<sup>2</sup>. The ODP recommends that this "historic community node is to be protected and enhanced as a local activity centre". Lots within the 'Rural Village Expansion Area' (to the east and south of the Kalgan River) could range in size between 2000m<sup>2</sup> and 5000m<sup>2</sup>, allowing for "controlled expansion of the settlement south and east of the Kalgan River and Highway...through subdivision and development". Within the 'Rural Village Existing Fringe', only "limited subdivision and boundary rationalisation will be considered...in recognition of existing lot sizes, land uses and the constraints of the highway". The proposed lot layout is based on the land capability study and preliminary environmental reporting that was undertaken as part of the Town Planning

Scheme Amendment (AMD290) that created the 'Rural Village' zone and designated various lots within the Kalgan townsite under this zoning.

10. In most circumstances, an ODP would be assessed in the context of *Liveable Neighbourhoods* (WAPC 2007), which would require, for example, a 'walkable' plan based on the 400m 'ped-shed' and maximum lot sizes in the order of 1000m<sup>2</sup>/2000m<sup>2</sup>. However, in this instance, such a compact plan would substantially alter the established character of the area and would likely have a negative impact on the remnant native vegetation and heritage sites within the subject area. It is therefore considered that the plan should be assessed on its own merits, outside the *Liveable Neighbourhoods* framework.
11. Since the finalisation of AMD290, staff have been advised by the proponent that the owners of Lots 200, 4821 and 4904 Hunton Road have declined to participate in any future subdivision/development of the area, leaving a portion of Lot 300 Hunton Road 'landlocked', with no frontage to a public road. An additional portion of Lot 300, which was not included in the rezoning from the 'Rural' to 'Rural Village' zone, has subsequently been added to the ODP, in order to facilitate a new road linkage from the 'landlocked' portion of the lot to Hunton Road. This issue has been discussed informally with the Western Australian Planning Commission, who have confirmed that the City can entertain inclusion of this additional land within the ODP, but that rezoning to the 'Rural Village' zone would be required before subdivision or development of the land could proceed.
12. Following the public advertising period, a number of informal discussions took place between the proponent, City of Albany Staff, Department of Planning staff and Main Roads WA staff, in order to address a number of issues with the ODP documents.
13. The main issues highlighted by the Department of Planning were as follows:
  - Appropriate provisions must be included within the ODP highlighting the need for foreshore management where applicable (measures may include biophysical assessment, ceding land, fencing of riparian vegetation, revegetation, management of nutrient export, etc.);
  - Provisions must be included within the ODP to guide appropriate lot sizes and land uses within Precinct 3;
  - Consideration should be given to whether the envisaged tenure of the proposed 'oval' area is appropriate, or if the reserve should be developed with some other form of community facility;
  - Areas outside the 'Rural Village' zone have been included in the ODP (a 'frame' that surrounded the 'Rural Village' zone and an area of land to the south-east of the 'Rural Village' zone);
  - Problems surrounding access to South Coast Highway;
  - Constraints affecting Precinct 1 and its suitability as a 'village centre'; and
  - The use of stronger statements than the 'Recommended Actions' set out in the ODP.



14. Following these discussions and the community meeting on 9 February 2011 a draft modified ODP, Precinct guidelines and Traffic Solutions Plan were submitted by the proponent and address the highlighted issues. Firstly, an additional provision has been incorporated into the Precinct Guidelines to guide the implementation of foreshore management. It states that:

*“Foreshore Management, where applicable, may include biophysical assessment, ceding of land, fencing riparian vegetation, tree planting and appropriate measures to mitigate nutrient export.”*

15. The Precinct Guidelines contain provisions setting out appropriate lot sizes and land uses within Precinct 3 and make it clear that ultimate lot sizes and land uses will be based on detailed land capability studies. An additional plan has been submitted, which can be appended to the ODP documentation, highlighting the areas that require further land capability study.
16. The ‘oval’ has now been identified as a ‘Future Community Facilities Site’, in recognition of Department of Planning staff questioning the viability of such a land use, and community feedback suggesting that an oval would likely be underutilised.
17. To address the question of how to treat unzoned land, the ‘frame’ around the ‘Rural Village’ zone has been retained to give context and allow for a transition to ‘Rural’ zoned land, but land uses are limited to those that may be considered in the ‘Rural’ zone, while the previous reference to limited subdivision opportunities has been removed, in line with State Planning Policy. A notation has been added to the ODP that the land to the south-east (part of Lot 201 Hunton Road) must be rezoned before subdivision can take place.
18. The constraints affecting Precinct 1 are identified in the Precinct Guidelines and a provision for the development of new or additional community facilities have been added for Precinct 2, in recognition of these constraints. It states that:

*“Proposals are to address the following constraints and Management Issues:*

- *Provision of community facilities. Options include relocation of the Fire Brigade Shed and emergency Water supply, development of Country Club, Sports Pavilion, Oval or the like;”*

19. Following discussions with City of Albany staff and Main Roads WA, the proponent developed and submitted a draft Traffic Solutions Plan and identified an opportunity to realign Hunton Road by approximately 60m to the north, which allows for better geometry and improved sightlines. Main Roads WA’s issues and the solutions brought forward in the draft Traffic Solutions Plan are discussed in more detail in the attached schedule of submissions. Since the draft Traffic Solutions Plan was produced, it has been reviewed by Main Roads WA and they have confirmed in writing that they are now able to support the proposed ODP, subject to a further three minor modifications. A copy of Main Roads’ most recent advice is attached to this report.
20. Overall, the ODP is considered to be broadly consistent with the strategic intent of the Lower Great Southern Strategy (LGSS) and the Albany Local Planning Strategy. The ODP is also consistent with the aims of State Planning Policies 1, 2, 2.5, 2.9 and 3. It is therefore recommended that the proposed ODP be finally adopted.

## GOVERNMENT CONSULTATION

21. The ODP was referred to Department of Planning, WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Department of Transport, Fire and Emergency Services Authority (FESA), Heritage Council of WA, Department of Indigenous Affairs, Main Roads WA and Department of Regional Development and Lands – Lands Division for assessment and comment.
22. Responses were received from Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, FESA, Heritage Council of WA, Department of Indigenous Affairs, Main Roads WA and Department of Regional Development and Lands – Lands Division and are summarised in the attached Schedule of Submissions.

## PUBLIC CONSULTATION/ ENGAGEMENT

23. The ODP was advertised for an extended 42 day period from 24 December 2010 until 4 February 2011.
24. A total of seventeen written submissions were received (a copy of each submission can be found in the Councillors Workstation). The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

## STATUTORY IMPLICATIONS

25. Clause 3.13 of Town Planning Scheme No. 3 requires the endorsement of an Outline Development Plan by Council and the Western Australian Planning Commission prior to the subdivision and/or development of the subject land.

## STRATEGIC IMPLICATIONS

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

### Rural Villages

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

*The strategy recommends that the majority of settlement growth in the region be in the urban areas of Albany, Denmark, Mount Barker, Cranbrook and Frankland. The*

*potential for growth of rural villages identified will be assessed in the context of each local government's local planning strategy. Urban development outside the settlement hierarchy is not proposed.*

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

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

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

27. Within the Albany Local Planning Strategy, the following strategic objectives and/or actions are relevant to this proposal:

#### **Section 8.3.5 Rural Living**

##### **STRATEGIC OBJECTIVES:**

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

*Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner, by being located either adjacent to Albany as designated on the ALPS maps, or within existing rural townsites in accordance with Table 5 along with adequate services and community infrastructure".*

*The strategy's objectives for Rural Living Areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide for compact growth of selected rural townsites, in accordance with Table 5, based on land capability and the available services and facilities.*
- *Minimise potential for generating land use conflicts."*

*Actions specified to achieve these objectives include:*

*“Provide for the development of existing rural townsites within the City in accordance with Table 5. New development needs to minimise the impact on existing agricultural land, the landscape, fire risk, costs of providing and maintaining infrastructure, supply and demand and size of lots, availability of existing zoned land and extent of development.*

*Kalga, Manypeaks and Elleker are to be the first priority town sites for limited Rural Living development in accordance with Table 5 and using the above criteria. This is in addition to Wellstead, which already has an existing town site strategy to guide growth.”*

#### **Section 6.2.4 Rural Townsites**

*“Rural townsites will expand as a result of development projects, such as mining or tourism ventures. Their populations are also likely to rise through lifestyle settlement such as ‘sea change’ and ‘tree change’, and more labour-intensive agricultural uses. The challenge will be to allow the operation of increased services while maintaining the character of these towns. The City proposes to include the existing towns in Rural Townsite zones in the Local Planning Scheme No. 1 and undertake structure planning for each town. New proposals for remote settlements will be determined on a case-by-case basis according to sustainability principles.*

*The planning and development of rural townsites needs to be based on appropriate development options to maintain their function and the availability of infrastructure and community facilities.”*

#### **Section 8.3.6 Rural Townsites**

##### **STRATEGIC OBJECTIVE:**

*“Facilitate and promote the retention and sustainable growth of existing rural settlements”.*

*“The Albany Local Planning Strategy supports the retention of the existing rural townsite of Redmond, Manypeaks, Youngs Siding, Elleker, Torbay, Torbay Hill, Kalga, South Stirling and Cheynes Beach as primary rural community focal points and settlement centres of a sufficient size (30-100 lots) to support a local store and community, sport and educational facilities (**refer to Map 9A for Rural Townsites**). Some of these townsites have the potential to support additional residential development, tourist accommodation, retail, small business and community services. **Refer to Table 5 for a framework of the proposed form and character of these settlements.** Each of these settlements will be included in broader precinct plans and subject to specific structure plans to determine their development constraints and opportunities. These plans will be developed with the community and key stakeholders and government agencies to determine growth potential. The level of servicing available and identifying suitable land to accommodate growth, are critical constraints to development of many of these settlements.*

*The Albany Local Planning Strategy settlement strategy does not consider the development of specified existing rural townsites or remote development sites for specific purposes, such as tourism developments, as the decentralisation of the Albany urban area. These townsites are seen as becoming sustainable nodes offering a rural lifestyle based around an existing historical area.*

*The LPS1 will create a new zone to cover the rural townsites with land-use and development principles. Controls will be established for water supply and effluent disposal standards, lot sizes, permissibility of land uses and community infrastructure. It is proposed to allow flexibility in lot sizes and land uses”.*

28. Kalgan is clearly identified in the ALPS as a Rural Settlement with further development potential. With the ‘Rural Village’ zone having now been established over the subject land, successful completion of the submitted ODP will assist Council in achieving the objectives of the ALPS.

## **POLICY IMPLICATIONS**

29. Council is required to have regard to any Western Australian Planning Commission (WAPC) Statement of Planning Policy (SPP) that applies to the ODP. The ODP will also be endorsed by the WAPC to ensure consistency with the following State and Regional Policies.

### **SPP 1 – State Planning Framework**

30. The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.
31. The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and therefore complies with the principles of State Planning Policy No. 1.

### **SPP 2 – Environment and Natural Resources Policy**

32. SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.
33. The objectives of SPP 2 are:
- *To integrate environment and natural resource management within broader land use planning and decision-making;*

- *To protect, conserve and enhance the natural environment; and*
- *To promote and assist in the wise and sustainable use and management of natural resources.*

34. The ODP has identified areas of existing remnant vegetation, which will largely be retained due to the sympathetic nature of the proposed access road and lot boundary layouts. Existing reserves are also clearly identified and opportunities for the establishment of vegetation corridors between them have also been illustrated. The proposal is also accompanied by a detailed land capability and geotechnical analysis.

### **SPP 2.5 – Agriculture and Rural Land Use Planning**

35. SPP 2.5 seeks to ensure the identification and protection of high quality agricultural resource areas for future production. The WAPC and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas.
36. The Policy advises that:

*“Agricultural production from rural areas is a significant part of the Western Australian economy. It provides essential food and fibre products, and employment and value adding opportunities. Agricultural production in Western Australia is worth nearly \$5 billion per annum. Careful planning is required to maintain these benefits to regional economies and to encourage ongoing investment in agriculture and the supporting resource base.”*

The 4 key objectives of SPP 2.5 are:

- Protect significant agricultural resources within the State from inappropriate land use and development;
  - Provide for sustainable rural settlement growth within community expectations and ensure adequate community service and infrastructure is available to support the growth;
  - Minimise potential land use conflicts between incompatible land uses; and
  - Manage natural resources and prevent land degradation.
37. The area generally to the north and west of Kalbar is designated by SPP 2.5 as Agricultural Priority Management Areas within the State and these are required to be protected for future agricultural production purposes. This proposal provides for sustainable settlement growth and is therefore consistent with SPP2.5.

### **SPP 2.9 – Water Resources**

38. SPP 2.9 advises that our water resources, which include wetlands, waterways, floodplains, estuaries, groundwater aquifers and the marine environment, are subject to impacts and demands that affect both quality and quantity. The policy highlights the fundamental need to protect these resources due to their social, environmental and

economic importance to the community. Kalgan River will be protected by the creation of dedicated foreshore reserves.

### **SPP 3 – Urban Growth and Settlement – Draft**

39. SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State. The key policy measures in SPP 3 that apply to the City are centred on the following:
- Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.
  - Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.
  - Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.
  - Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.
  - Managing rural residential growth such that it is located and designed in a sustainable manner which integrates with an overall pattern of settlement and reduces any potential negative impacts such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.
40. The proposed ODP is considered to be consistent with the key policy measures identified in SPP 3.

### **RISK IDENTIFICATION AND MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Not adopting the plan will mean that no development and/or subdivision is permitted within the Rural Village zone. This will impact all landowners within the zone who may wish to explore a range of development options.	Possible	Moderate	Medium	Mitigation entirely dependent on Council.

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

42. There are no legal implications relating to this item, as ultimately the Western Australian Planning Commission will consider whether to adopt the ODP.

## **ALTERNATE OPTIONS**

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

- To finally approve the ODP without modification;
- To finally approve the ODP subject to modifications; or
- To not grant final approval of the ODP.

17. Council's decision on the ODP will be referred for endorsement by the WA Planning Commission in accordance with Clause 3.13 of Town Planning Scheme No. 3.

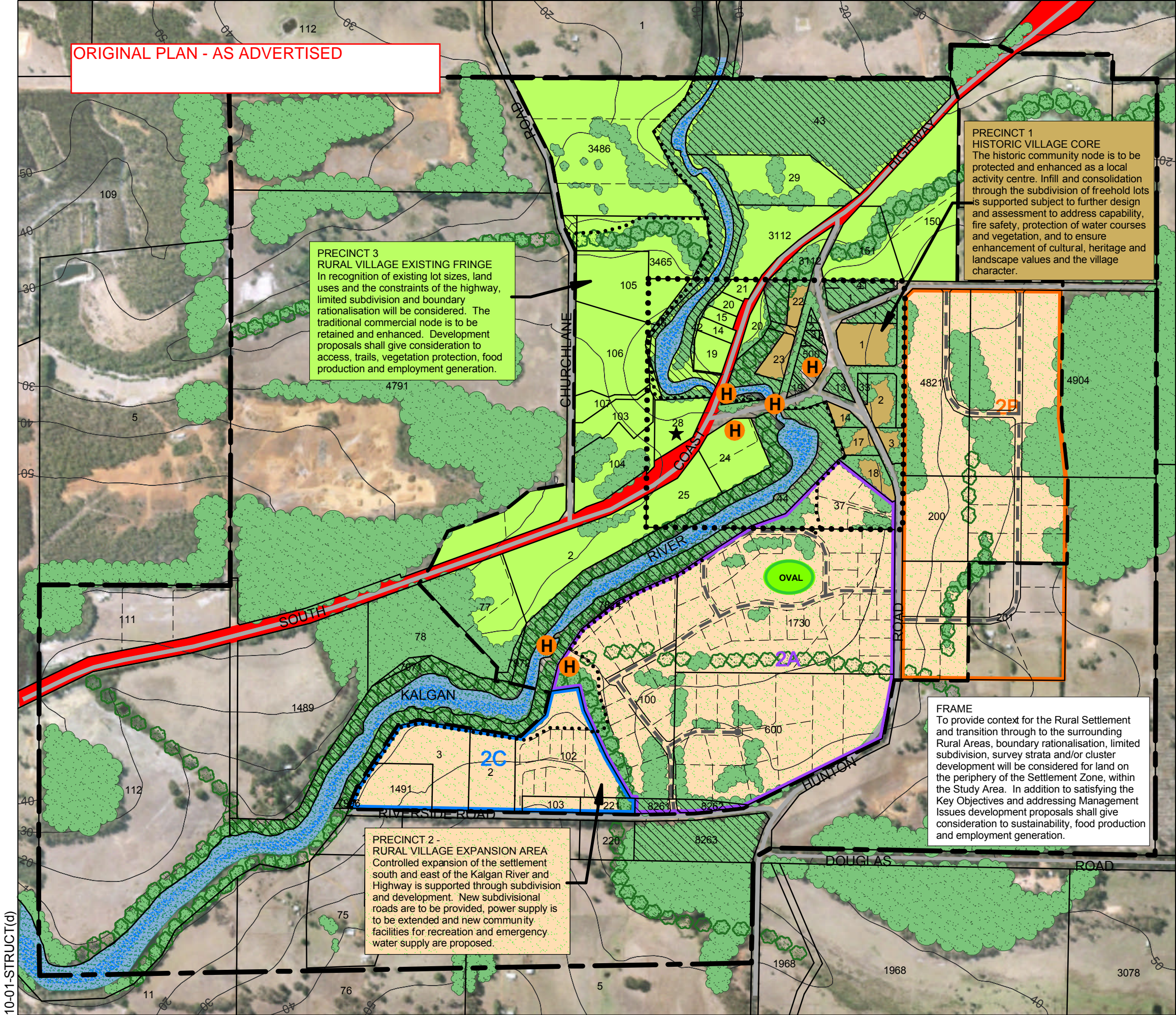
## **SUMMARY CONCLUSION**

44. The adoption of an ODP will allow further development of the Kalgan Townsite and its surrounds, in accordance with the land use control provisions of the 'Rural Village' zone within TPS3. The proposed ODP is considered to be consistent with the strategic objectives of the Lower Great Southern Strategy and Albany Local Planning Strategy and with the aims of State Planning Policies 1, 2, 2.5, 2.9 and 3. It is therefore recommended that the ODP be finally adopted.

<b>Consulted References</b>	Town Planning Scheme 3
<b>File Number (Name of Ward)</b>	OPD011 (Kalgan Ward)
<b>Previous Reference</b>	OCM 21/10/08 – Item 13.3.2 OCM 17/03/09 – Item 11.3.2 OCM 14/12/10 – Item 1.5



KALGAN RURAL VILLAGE  
STRUCTURE PLAN  
Kalgan, City of Albany

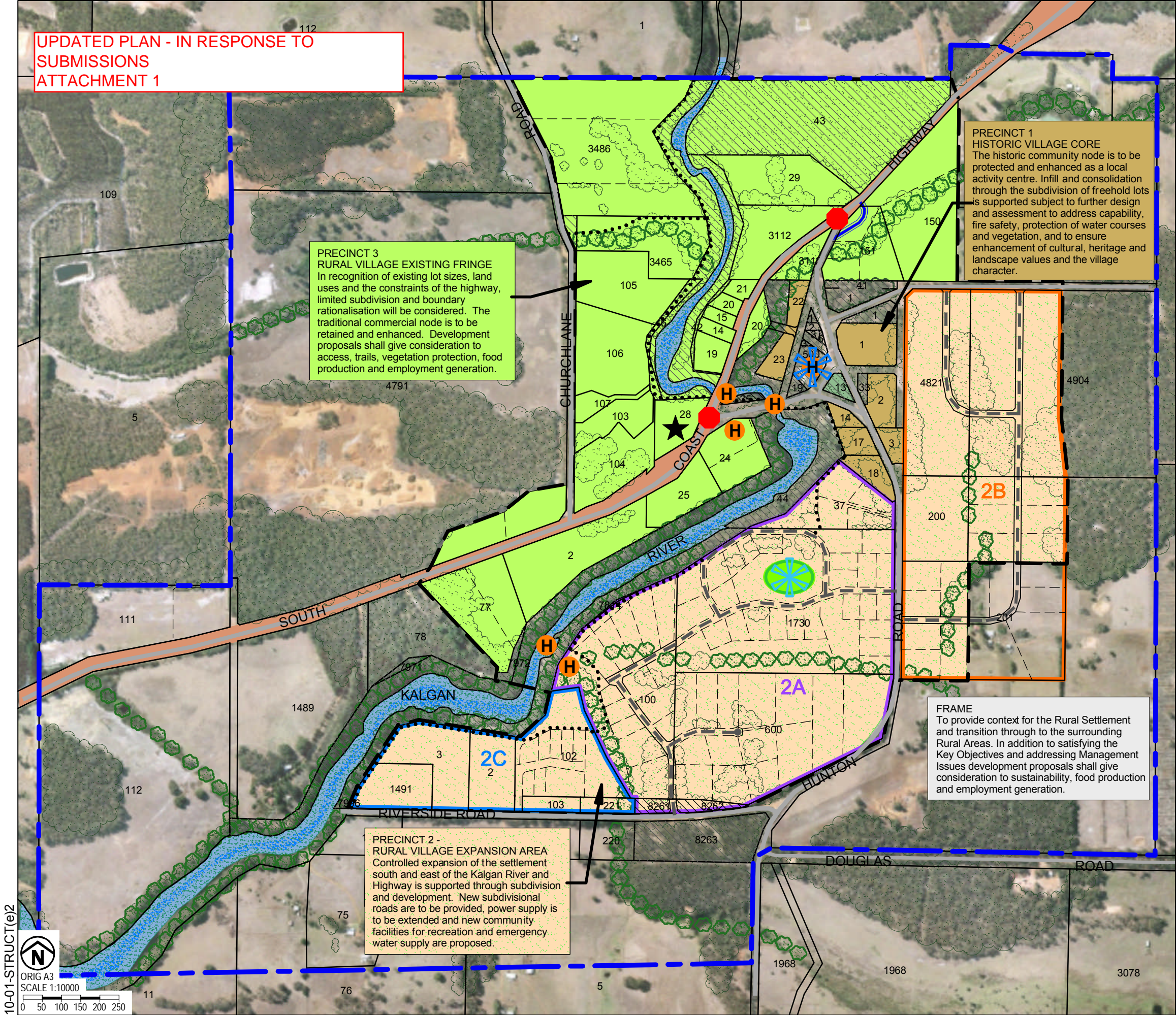


**NOTES**

- Opportunities exist for subdivision and development, in accordance with the endorsed Structure Plan for the Kalgan Rural Village, subject to Key Objectives, Recommended Actions and Management Issues relevant to the precinct being addressed.
- Eastern portion of Lot 300 Hunton Road requires rezoning prior to subdivision.



KALGAN RURAL VILLAGE  
STRUCTURE PLAN  
Kalgan, City of Albany



**LEGEND**

	Study Area Boundary
	Rural Village Zone Boundary
	Crown Land / Reserve
	Historic Village Core - Precinct 1
	Rural Village - Precinct 2
	Rural Village - Precinct 3
	Existing Vegetation
	Vegetation Corridor
	South Coast Highway
	Proposed Subdivision Road
	Indicative Subdivision
	Site of Cultural / Heritage Significance
	Proposed Multi-Use Trail
	Traditional Commercial Node
	Village Centre - Existing Community Node
	Future Community Facilities Site
	Intersection treatment required to address traffic safety

**NOTATIONS**

- Opportunities exist for subdivision and development, in accordance with the endorsed Structure Plan for the Kalgan Rural Village, subject to Key Objectives, Recommended Actions and Management Issues relevant to the precinct being addressed.
- Eastern portion of Lot 300 Hunton Road requires rezoning prior to subdivision.
- This plan to read in conjunction with the Structure Plan Report and the Village Precincts Document.



Kalgan Rural Village Structure Plan

Sustainable and co-ordinated growth and development is supported. Opportunities exist for subdivision and development, in accordance with the endorsed Structure Plan for the Kalgan Rural Village.

In assessing proposals, the decision making authorities shall give consideration to the principles of:

- Ecologically Sustainable Development;
- Social Advancement; and
- Economic Prosperity.

Proposals for subdivision and/or land use changes within Kalgan shall be evaluated against the KEY OBJECTIVES, the RECOMMENDED ACTIONS set out in the Structure Plan and MANAGEMENT ISSUES relevant to the precinct.

Key Objectives for the Kalgan Rural Village are to:

- Create a strong sense of community by providing for residents to work, live and recreate within Kalgan;
- Recognise, Protect and Enhance the rich and diverse Natural and Cultural Heritage of Kalgan;
- Accommodate controlled expansion and growth within and adjacent to existing rural townsite to support the community, through staged coordinated development;
- Provide for a range of lot sizes and activities in response to site characteristics and capability;
- Allow for a mix of residential, commercial, industrial and other uses appropriate to the needs of the community;
- Achieve self-sustaining settlement by encouraging self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs.

Due regard is to be given to the measures to be undertaken on the land to achieve long term sustainable land uses, inclusive of:

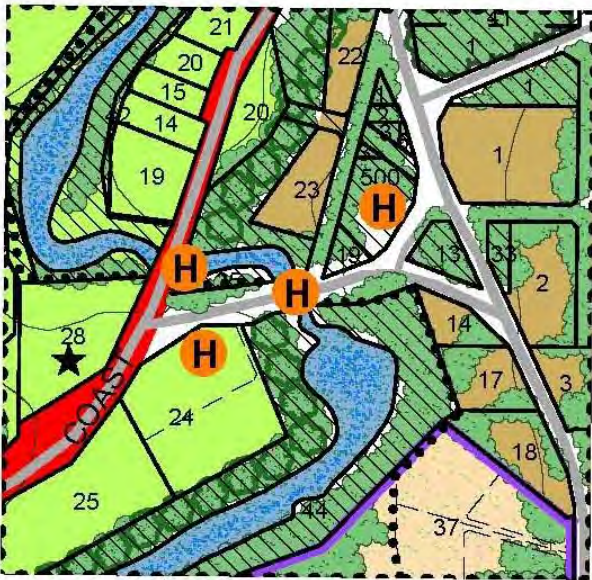
- The method of collecting and storing potable water on-site;
- the method of disposing of solid and liquid wastes generated by the proposed land use and the level of recycling of solid and liquid wastes to be undertaken on the land;
- The provision of infrastructure to generate energy, to store energy on-site and to export energy from the site;
- The design, location and finishes to be applied to buildings and structures on the land where the design, location or finish provides a reduction in the energy demands required to use or maintain that building or structure.

PRECINCT 1 - HISTORIC VILLAGE CORE

The historic community node is to be protected and enhanced as a local activity centre.

Infill and consolidation through the subdivision of freehold lots (formerly zoned Residential) is supported subject to capability assessment and detailed design to address the following additional specific constraints and Management Issues:

- Preferable lot size is 1000 – 2000sqm, subject to detailed soil testing to verify capability for on-site effluent disposal;
- Protection, Enhancement and recognition of Cultural Heritage Assets;
- Review and rationalisation of Crown Reserves - boundaries, tenure and purpose;
- Establishment of a road hierarchy, review of traffic safety, access and intersection treatments;
- Strengthening of trails network;
- POS contributions between 5% and 10% may be required, in accordance with WAPC and Council Policy Credit shall be given for significant areas of bushland and riparian vegetation which is retained;
- Impact on riparian and remnant vegetation – Retention of remnant native vegetation is supported. Removal of significant vegetation is not supported and is subject to relevant Clearance of Native Vegetation Regulations; and
- Preferred landuses include residential, commercial (tourism and business), industrial, civic and cultural.



Notwithstanding the consolidation and efficiency objectives, given the extent of remnant vegetation, proximity to the water courses and the position of existing structures any intensification of development in the historic village core will need to be sensitively managed to address fire safety, water management, protection of landscape values and enhancement of village character.

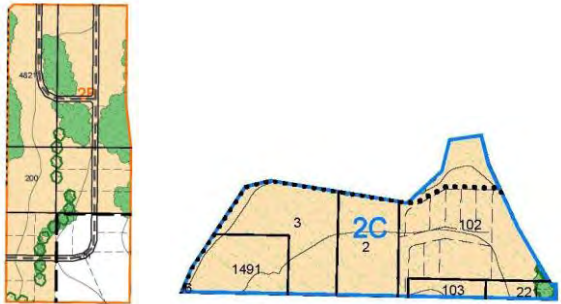
PRECINCT 2 - RURAL VILLAGE Expansion Area

Consolidated growth of the settlement south and east of the Kalgan River and Highway is supported through staged subdivision and development, subject to the following criteria and Management Issues being addressed:

- Preferable lot size is 2000 – 5000sqm, based on vegetation & site characteristics;
- Foreshore/Creekline Setbacks, Care and Control;
- Protection and enhancement of Cultural Heritage;
- Visual Amenity and Identified Local Character;
- Provision of subdivisional roads and review of Highway access, safety and intersection treatment;
- Upgrading/extension of Infrastructure and provision of community facilities;
- POS contributions up to 5% are advocated for future subdivisions which create lots below 4000sqm. Credit shall be given for significant areas of retained bushland and riparian vegetation.
- Fire Protection; and
- Preferred landuses include residential, rural living, employment generators/commercial (tourism and business), industrial, civic, cultural and intensive rural (horticulture, viticulture, equestrian).



Anticipated Stages A, B and C



PRECINCT 3 – RURAL VILLAGE Existing Fringe

In recognition of existing lot sizes, land uses and the constraints of the highway, limited subdivision and rationalisation of boundaries will be considered.

Development proposals shall address the following constraints and Management Issues:

- Controlled access onto South Coast Highway and no additional access without the prior approval of Main Roads WA;
- Coordinated movement networks (Multi-use trail/SFB) to be provided/strengthened;
- Commercial node at existing Tea Room/Local Store and immediate surrounds to be enhanced as local activity centre;
- Ultimate lot sizes to be based on capability;
- Provision of stock proof fencing of areas of Riparian and Remnant Vegetation; and
- Preferred landuses include food production (horticulture, viticulture, equestrian, aquaculture, keeping of livestock), rural living, commercial (tourism and rural industry), home business

FRAME

To provide context for the Rural Settlement and transition through to the surrounding Rural Areas, boundary rationalisation, limited subdivision, survey strata and/or cluster development will be considered for land on the periphery of the Settlement Zone, within the Study Area.

In addition to satisfying the Key Objectives development proposals shall address the following constraints and Management Issues:

- Coordinated movement networks (Multi-use trails, SFB and the like);
- No additional direct access onto South Coast Hwy;
- Ultimate lot sizes to be based on capability, but generally not below 2ha;
- Rural Small Holdings to be located in areas suitable and capable of supporting food production, agriculture/horticulture;
- Tree planting within vegetation corridors and provision of stock proof fencing of Remnant Vegetation; and
- Preferred landuses include rural (small scale agriculture, horticulture, viticulture, animal husbandry) rural industry, value adding enterprises, tourism (winery, cellar sales) and cultural.



## KALGAN RURAL VILLAGE PRECINCTS - KEY OBJECTIVES, MANAGEMENT ISSUES and RECOMMENDED ACTIONS

### Kalgan Rural Village Structure Plan

**Sustainable and co-ordinated growth and development is supported.**

**Opportunities exist for subdivision and development, in accordance with the endorsed Kalgan Rural Village Structure Plan. In assessing proposals, the decision making authorities shall give consideration to the principles of:**

- **Ecologically Sustainable Development;**
- **Social Advancement;** and
- **Economic Prosperity.**

**Proposals for subdivision and/or land use changes shall be evaluated against the following Key Objectives, Management Issues and Recommended Actions set out in Chapter 10 of the Structure Plan Report and criteria relevant to the precinct.**

Key Objectives for the Kalgan Rural Village are to:

- Create a strong sense of community by providing for residents to work, live and recreate within Kalgan;
- Recognise, Protect and Enhance the rich and diverse Natural and Cultural Heritage of Kalgan. Proposals to comply with Aboriginal Heritage Act, SPP 3.5, applicable State and Local Policies and referral to relevant agencies;
- Accommodate controlled expansion and growth of the existing rural townsite to support the community, through staged coordinated development;
- Recognise the function of South Coast Hwy as a State Haulage Route,;
- Address traffic Safety through the preparation and implementation of a Local Traffic Plan.
- Relocation of Hunton Road intersection to be a priority. Land requirements and widening of reserves to be contributed by subdividers on a pro rata basis, upgrading of the South Coast Highway intersection to be the responsibility of Main Roads.
- Provide for a range of lot sizes and activities in response to site characteristics and capability;
- Allow for a mix of residential, commercial, industrial and other uses appropriate to the needs of the community;
- Achieve self-sustaining settlement, encourage self reliance of lots in drainage management, water supplies and effluent disposal and infrastructure needs.

Due regard is to be given to the measures to be undertaken on the land to achieve long term sustainable land uses, inclusive of:

- The method of collecting and storing potable water on-site;
- The method of disposing of solid and liquid wastes generated and the level of recycling of solid and liquid wastes to be undertaken on the land;
- The provision of infrastructure to generate, store and export energy;
- The design, location and finishes to be applied to buildings and structures where this reduces energy demands required for use or maintenance.

Foreshore Management, where applicable, may include biophysical assessment, ceding of land, fencing riparian vegetation, tree planting and appropriate measures to mitigate nutrient export.

A comprehensive and detailed capability assessment is required for those Lots not previously the subject of the capability assessment (refer Assessment Areas Plan and Fig 3 by Landform Research). This may include soil testing and analysis of hydrology, vegetation, fire safety and visual amenity and is to be undertaken prior to consideration of subdivision. The results of any such assessment may reduce land use, subdivision and/or development potential of the land currently afforded by existing provisions in the Structure Plan.

### PRECINCT 1 - HISTORIC VILLAGE CORE

The historic community node is to be protected and enhanced as a local activity centre.

Infill and consolidation through the subdivision of freehold lots (formerly zoned Residential) is supported, subject to capability assessment and detailed design to address the following additional specific constraints and Management Issues:

- Preferable lot size is 1000 – 2000sqm, subject to detailed soil testing and site assessment to verify capability for on-site effluent disposal;
- Protection, enhancement and recognition of Cultural, Indigenous and Natural Heritage Assets by retaining the community hall and establishing interpretive information node/terminus;
- Review and rationalisation of Crown Reserves, boundaries, tenure and purpose;
- Establishment of a road hierarchy, review of traffic safety, access and intersection treatments;
- Strengthening of trails network within this precinct and the linkages to Precinct 2. Enhance and complement the proposed Kinjarling Trail;
- POS contributions between 5% and 10% may be required, in accordance with WAPC and Council Policy. Credit shall be given for significant areas of bushland and riparian vegetation which is retained and provides ecological benefit to the community;
- Impact on riparian and remnant vegetation – Retention of remnant native vegetation is supported. Removal of significant vegetation is not supported and is subject to relevant Clearance of Native Vegetation Regulations; and
- Preferred landuses include residential, commercial (tourism and business), industrial, civic and cultural.

Notwithstanding the general consolidation and efficiency objectives, given the extent of remnant vegetation, proximity to the water courses and the position of existing structures any intensification of development in the historic village core will need to be sensitively managed to address fire safety, water management, protection of landscape values and enhancement of village character.

### FRAME

The frame provides the context for the Rural Village and serves as a transition through to the surrounding Rural Areas.

In addition to satisfying the Key Objectives applicable to Kalgan, all applications are to take account of sustainability objectives and give due consideration existing lot sizes and land uses. Development proposals are to address the following constraints and Management Issues:

- Coordinated movement networks (Multi-use trails, SFB and the like);
- No additional direct access onto South Coast Hwy;
- Rural Small Holdings to be located in areas suitable and capable of supporting food production, intensive agriculture, horticulture and eco ventures;
- Tree planting within vegetation corridors and provision of stock proof fencing of Remnant Vegetation; and
- Preferred landuses include rural (small scale agriculture, horticulture, viticulture, animal husbandry) rural industry, value adding enterprises, tourism (winery, cellar sales) and cultural.

### PRECINCT 2 - RURAL VILLAGE Expansion Area

Consolidated growth of the settlement south and east of the Kalgan River and Highway is supported through staged subdivision and development of sub-precincts A B and C, generally in accordance with the road network and indicative lot layout shown on the Structure Plan. Proposals are to address the following constraints and Management Issues:

- Preferable lot size is 2000 – 5000sqm, based on vegetation & site characteristics;
- Lots not previously assessed are subject to detailed capability assessment and planning prior to subdivision;
- Foreshore/Creekline Setbacks, Care and Control;
- Protection and enhancement of Cultural Heritage;
- Visual Amenity and Identified Local Character;
- Provision of subdivisional roads and review of Highway access, safety and intersection treatment;
- Upgrading/extension of Infrastructure;
- Provision of community facilities. Options include relocation of the Fire Brigade Shed and emergency Water supply, development of Country Club, Sports Pavilion, Oval or the like;
- POS contributions up to 5% are advocated for future subdivisions which create lots below 4000sqm. Credit shall be given for significant areas of retained bushland and riparian vegetation.
- Fire Protection; and
- Preferred landuses include residential, rural living, employment generators/commercial (tourism and business), industrial, civic, cultural and intensive rural (horticulture, viticulture, equestrian).

### PRECINCT 3 – RURAL VILLAGE Existing Fringe

Limited subdivision and rationalisation of boundaries will be considered and will have due regard to existing lot sizes, land uses and the constraints of the Highway. Subdivision to create Rural Living lots (generally 1-2ha) will be considered provided it is generally in accordance with the road network and indicative lot layout shown on the Structure Plan.

Development proposals shall address the following constraints and Management Issues:

- Controlled access onto South Coast Highway and no additional access without the prior approval of Main Roads WA;
- Coordinated movement networks (Multi-use trail/SFB) to be provided and/or strengthened;
- Commercial node at existing Tea Room/Local Store and immediate surrounds to be enhanced as local activity centre;
- Ultimate lot sizes to be based on capability, existing land uses, size and configuration of surrounding lots and site characteristics. Lots not previously assessed are subject to detailed capability assessment and planning prior to subdivision;
- Provision of stock proof fencing of areas of Riparian and Remnant Vegetation; and
- Preferred landuses include food production (horticulture, viticulture, equestrian, aquaculture, keeping of livestock), rural living, commercial (tourism and rural industry), home business



KALGAN RURAL VILLAGE  
PRELIMINARY LOCAL TRAFFIC PLAN  
Kalgan, City of Albany

**Notations and Advice**  
The Kalgan Rural Village is serviced by South Coast Hwy (Hassell Hwy) and Hunton Road. The Highway is part of the State Arterial Road Network and functions as a primary freight route. It is under the care and control of Main roads WA. The posted speed limit within the townsite is 90km/hr. Main Roads does not intend to reduce speed limits on South Coast Highway as this would diminish the effectiveness of the highway as a priority heavy haulage route and increase costs to industry.

The Highway currently carries in excess of 150,000 tonnes of grain per annum through the Kalgan Townsite and is experiencing rapid growth in freight tonnage as the blue gum plantation timber industry progressively matures. On the evidence available it is likely that total freight tonnage on the route will exceed 1.5 million tonnes per annum, or 60,000 multi-combination vehicle movements per year within the next few years.

Hunton Road is predominantly a two lane bitumen road developed to rural major road standard. Wheeldon Rd, which connects the Hwy to Hunton Road, via the 'Old Kalgan Bridge' is sealed and is, in places, single lane. The posted speed limit within the townsite is 60km/hr.

Churchlane and Riverside Roads are both constructed to gravel standard. The local roads are under the care and control of the City of Albany

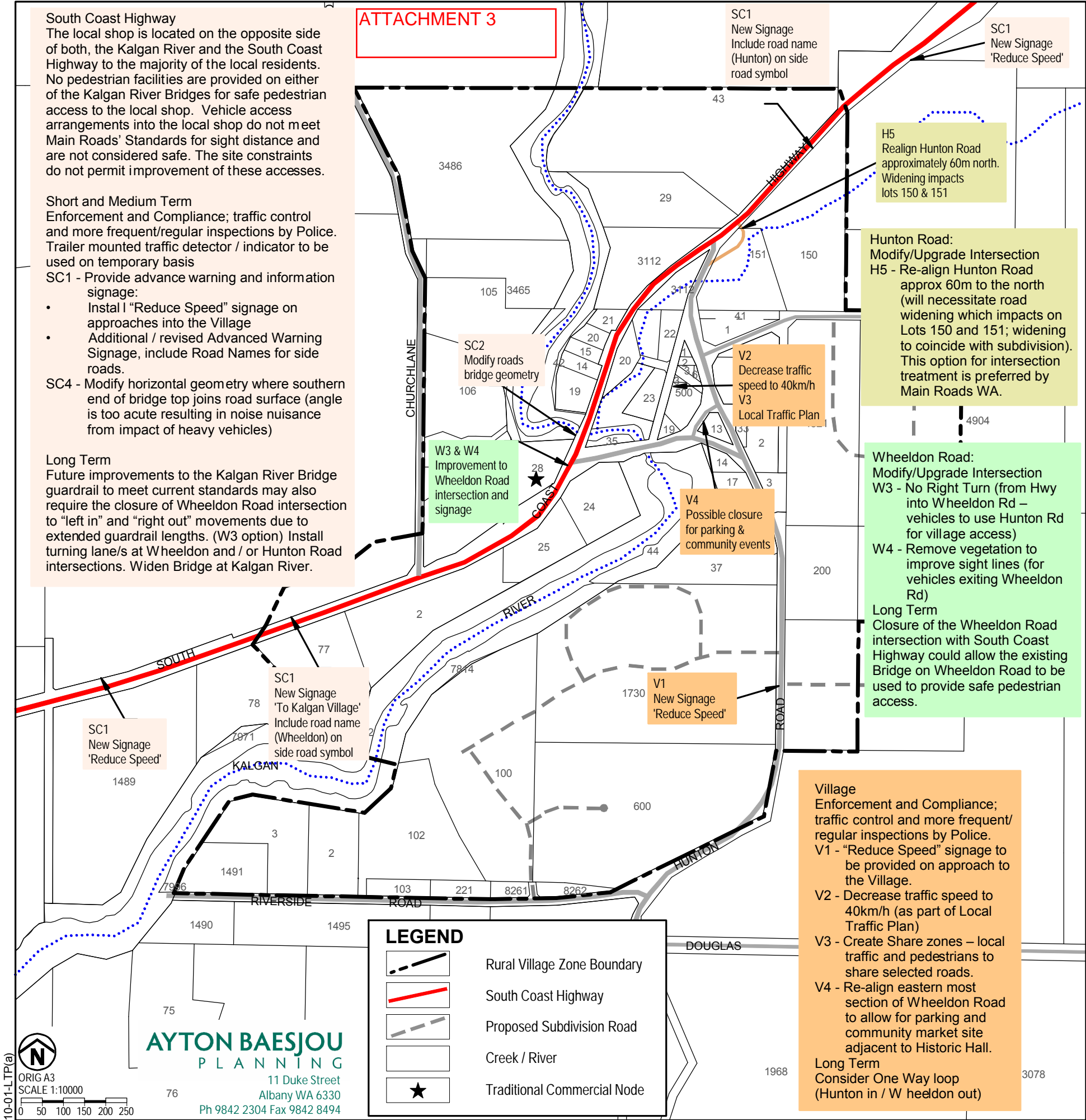
With intensification of development, some improvements to the road network, upgrading of selected intersections, improved signage and review of speed and other traffic calming techniques are to be to considered to accommodate growth and address existing traffic safety issues. (Refer Sections 8.1 and 10.5 of the Structure Plan Report).

Main Roads is opposed to any proposal to increase linear residential development along South Coast Highway because of increased traffic conflict between local residents and heavy vehicles, increased community road safety concerns and diminished effectiveness of the South Coast Highway as a priority heavy haulage route. However, Main Roads is not opposed in principle to the extension of the Kalgan Townsite to the south and east. Accordingly the Structure Plan concentrates village development south of the River and introduces controls to limit direct access onto the Highway.

The existing Hunton Road intersection with South Coast Highway is not considered suitable to handle the increase in traffic which would result from development. Given the current configuration of the intersection, the speed environment, current traffic volumes and the anticipated rate of heavy vehicle growth on South Coast Highway the intersection must be realigned to the east and suitable turn treatments provided. This preferred option is shown as H5 and is reflected on the Structure Plan.

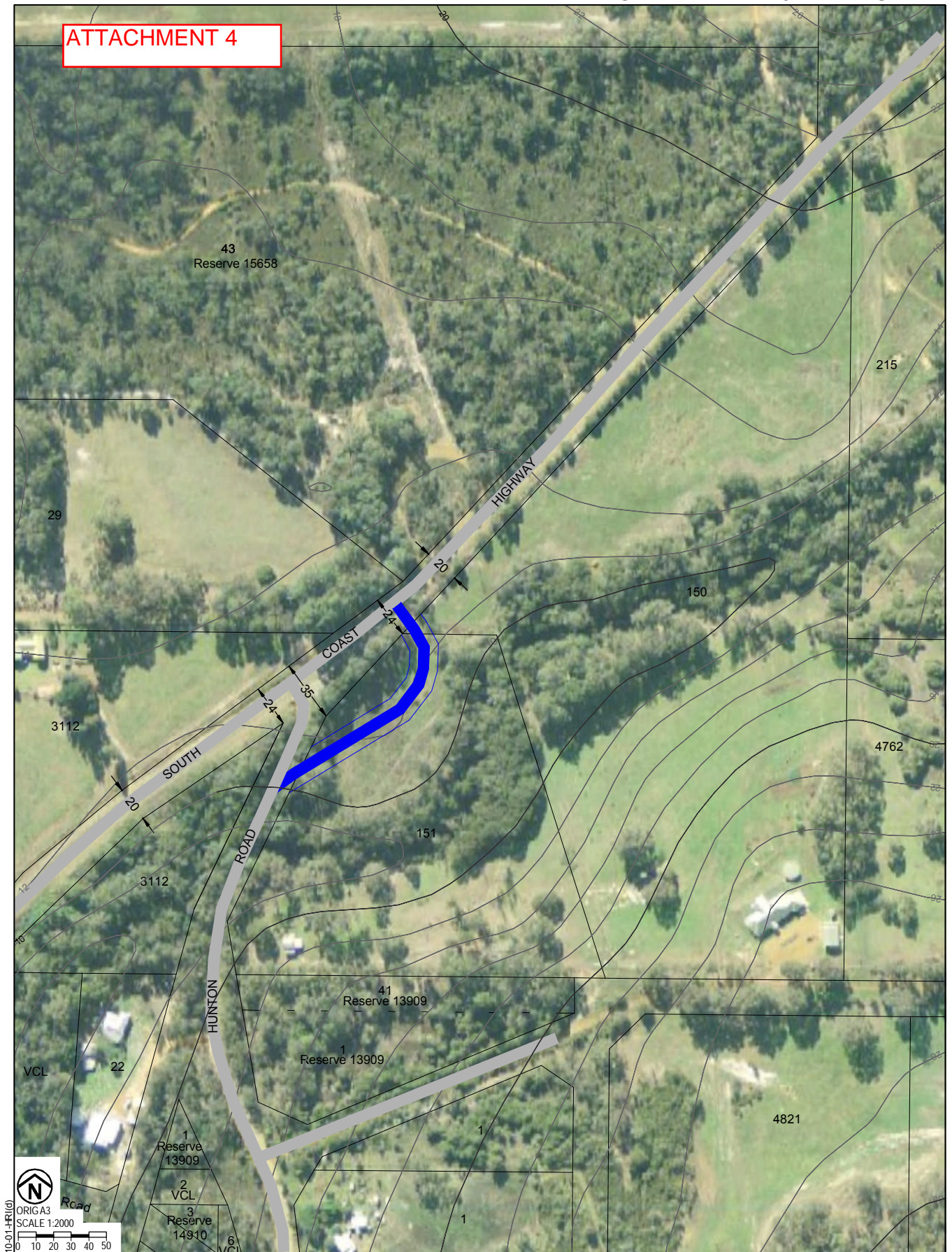
The existing Wheeldon Road intersection with South Coast Highway is unsafe for right turning vehicles off South Coast Highway. As a result, a "Type C" intersection treatment is required by Main Roads, however the cost of this treatment will be substantial as widening of the Kalgan River Bridge will be required. An alternate option is to ban "right turn in" movements from South Coast Highway.

This preliminary Local Traffic Plan identified is the culmination of consultation with representatives from Main Roads WA, City of Albany, engineering consultants and the community. The various improvements are categorised by location and management responsibility and listed in order of likely implementation, from immediate through to long term. The Kalgan Rural Village Structure Plan, together with the endorsed Local Traffic Plan and the subsequent subdivision of land, in combination with State and Local Government infrastructure/works programs, will provide the means and mechanism for implementation.





ATTACHMENT 4



**AYTON BAESJOU**  
PLANNING

11 Duke Street  
Albany WA 6330  
Ph 9842 2304 Fax 9842 8494

AGENDA ITEM 2.6 REFERS

**HUNTON ROAD INTERSECTION**  
Preferred Option

Kalgan Townsite  
Kalgan, City of Albany  
AGENDA ITEM 2.6 REFERS

**Craig McMurtrie**

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**From:** FLETT Murray (AMO) [murray.flett@mainroads.wa.gov.au]  
**Sent:** Thursday, 26 May 2011 1:44 PM  
**To:** Craig McMurtrie  
**Cc:** Delma Baesjou; STRINGER Peter (Con); Jendrzejczak, Mark  
**Subject:** EF1137229 - ODP011 - Kalgan Traffic Solutions

**SynergySoft:** EF1137229

Hi Craig

We had not received an amended copy of the Kalgan Rural Village Preliminary Local Traffic Plan.

The document will need three (3) amendments to satisfy Main Roads requirements as listed below.

**Under the heading – Village - Long Term**

*"Consider one way loop (Hunton in / Wheeldon out)"*

This view is not supported by Main Roads due to the existing sight distance (for right turn vehicles exiting from Wheeldon Road) not meeting current standards. As a result, turn movements at Wheeldon Road will be restricted to "left turn out" only.

**Under the heading – South Coast Highway – Long Term.**

*"Future improvements to the Kalgan River Bridge guardrail to meet current standards may also require the closure of Wheeldon Road intersection to "left in" and "right out" movements due to extended guardrail lengths. (W3 option) Install turning lane/s at Wheeldon and or Hunton Road intersections. Widen Bridge at Kalgan River".*

This view is not supported by Main Roads due to the existing sight distance (for right turn vehicles exiting from Wheeldon Road) not meeting current standards. As a result, turn movements at Wheeldon Road will be restricted to "left turn out" only.

These two "long term" views will need to be deleted from the document.

**SC1 – New Signage**

*"To Kalgan Village – include road name (Wheeldon Road) on side road symbol".*

Reference to Wheeldon Road as a side road access to the Village will need to be deleted.

Regards

*Murray Flett*

*Asset Management Officer  
Great Southern Region*



Telephone: (08) 9892 0549 Fax: (08) 9892 0577  
 Email: murray.flett@mainroads.wa.gov.au

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**From:** Craig McMurtrie [mailto:craigm@albany.wa.gov.au]  
**Sent:** Monday, 23 May 2011 1:29 PM

**To:** FLETT Murray (AMO)  
**Subject:** Kalgan Traffic Solutions

Hello Murray,

I am uncertain if Delma has sent this to you or not, but I have attached a final draft of her Traffic Solutions Plan for Kalgan, which incorporates both MRWA and CoA advice.

Can you please confirm if this now satisfies Main Roads' requirements?

I would be very grateful if you could provide a response at your earliest opportunity, as I am trying to finalise the Council item in the first half of this week.

Best regards,

Craig McMurtrie  
Planning Officer

City of Albany  
102 North Road  
Yakamia WA 6330

(08) 9841 9322

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**CITY OF ALBANY TOWN PLANNING SCHEME No. 3****OUTLINE DEVELOPMENT PLAN (ODP011)****ATTACHMENT 6****SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>
1	Water Corporation PO Box 915 ALBANY WA 6331	No objections.  All of the land contained within this development proposal is outside the Water Corporation's Water and Wastewater Operating License Areas and as such neither of the Corporation's water or wastewater services are available. Each lot will be required to be self-sufficient with respect to the provision of potable water and on-site effluent disposal.	Nil.	The submission is noted.
2	Western Power Locked Bag 2520 PERTH WA 6001	No objections.	Nil.	The submission is noted.
3	Department of Water PO Box 525 ALBANY WA 6331	<ul style="list-style-type: none"><li>• The Dept of Water (DoW) supports the designation of waterways protection on the structure plan. Buffer widths will be determined at the time of subdivision, on an individual basis after site inspection and a bio-physical assessment of the waterway.</li><li>• The (DoW) is satisfied that the water management issues of the area have been addressed in Section 7 of the planning report. Additional, more detailed information and design may be required at subdivision stage, depending</li></ul>	Nil.	The submission is noted.

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>on the scale of development.</p> <ul style="list-style-type: none"> <li>Given the low density of the proposed development and the information provided in the planning report, the DoW is satisfied that the ODP area is capable of supporting the proposed land uses. Some sites in the ODP identified as having some physical constraints to development will require more detailed assessment at the time of the subdivision.</li> <li>The DoW supports the requirement for self supply of potable water.</li> </ul>		
4	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	<p>DEC acknowledge that previous advice provided has now been addressed and incorporated into the current ODP, however they advise that the following aspects still appear to be understated:</p> <ul style="list-style-type: none"> <li><b>Weeds:</b> There is a risk from weed incursion, in particular Sydney Golden Wattle. There is no mention of the <i>Pinus radiata</i> removal programme along the Kalgan River, which has been co-sponsored by the City.</li> <li><b>Cockatoos:</b> The Kalgan area is important for various threatened cockatoo species; Baudin's Black Cockatoo, Carnaby's Black Cockatoo</li> </ul>	<p>As land is subdivided, additional foreshore reserves will be ceded to the City of Albany, which will manage the land in conjunction with community conservation groups.</p> <p>Large stands of remnant vegetation will be preserved throughout the ODP area, revegetation will be undertaken to create new ecological linkages and additional foreshore reserves will be ceded to the City of Albany as land is subdivided. These measures should ensure that many of the habitats used by Black Cockatoos are preserved.</p>	The submission is noted.

## CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>and the Red-Tailed Black Cockatoo. These birds use native vegetation for roosting and feeding.</p> <ul style="list-style-type: none"> <li>• <b>Bush Fire Protection:</b> In areas where residual native vegetation occurs, the fire protection building standards for new housing may need to be increased to a higher classification level in order to reduce the width of hazard separation zones (HSZ). Routine 5-7 year burning cycles in a HSZ will result in vegetation change and deterioration of conservation values over time.</li> </ul>	While a broad Fire Management Plan has been included with the ODP report (Appendix B), it does not look at detailed fire management measures, as the final subdivisional layout has not yet been determined. More detailed fire management planning can be undertaken and suitable controls implemented at the subdivision and development stages.	
5	Fire and Emergency Services Authority 5 Hercules Crescent CENTENNIAL PARK WA 6330	FESA expects that the methodology included in the <i>Planning for Bushfire Protection</i> document is applied to the subject development.	See submission 4 above.	The submission is noted.
6	Heritage Council of WA PO Box 6201 EAST PERTH WA 6892	<p>The Heritage Council has no objections to the proposal and provide the following comments:</p> <ul style="list-style-type: none"> <li>• They support the recommended actions relating to heritage.</li> <li>• The proposal identifies places of heritage significance within the Kalgan Town Site and notes that 'the historic community node is to be protected and enhanced as a local activity centre'.</li> </ul>	Nil.	The submission is noted.

# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<ul style="list-style-type: none"> <li>State Planning Policy 3.5, Historic Heritage Conservation, offers clear guidance on planning for heritage places and should be noted as a policy driver for the plan.</li> </ul>		
7	Department of Indigenous Affairs PO Box 5091 ALBANY WA 6332	<p>The DIA has provided the following heritage comments and advises that it does not have authority to give approval on proposals. Given the cultural and archaeological significance of this area, the local Noongar community encourage further archaeological investigation of this important Aboriginal heritage area, in direct consultation with the Noongar community. Specific comments are that:</p> <ul style="list-style-type: none"> <li>Clause 9.1 should include protection of the area's heritage values (Aboriginal and European)</li> <li>Non deleterious work, management work (including environmental management work) within a site can be carried out under the less onerous Regulation 10 process.</li> <li>Recommendation that the Structure Plan be reviewed by the Albany Heritage Reference Group Aboriginal Community and the Southwest Land and Sea Council.</li> </ul>	<p>It is agreed that due to the Aboriginal and European heritage significance around the Kalgan townsite area, it would be valuable to include the protection of the area's heritage values as an aim of the ODP under Clause 9.1.</p> <p>The draft modified Precinct guidelines that have been provided by the proponent following the public advertising process and community meeting on 9 February 2011 includes the following statement as a key objective of the ODP:</p> <p><i>"Recognise, Protect and Enhance the rich and diverse Natural and Cultural Heritage of Kalgan. Proposals to comply with Aboriginal Heritage Act, SPP 3.5, applicable State and Local Policies and referral to relevant agencies".</i></p>	<p>The submission is upheld.</p> <p><u>Modification required:</u></p> <p>Clause 9.1 of the ODP report shall be modified to include the following additional aim:</p> <p><i>"To protect the heritage values, both Aboriginal and European, of the area".</i></p>

# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
8	Main Roads WA PO Box 503 ALBANY WA 6330	<p>Main Roads are opposed to the proposed Outline Development Plan and state:</p> <ul style="list-style-type: none"> <li>Any costs associated with improving State Assets as a result of the development should be paid for by the proponent, and should be at no cost to Main Roads.</li> <li>An increase in residential density north of South Coast Highway will inevitably result in increased traffic conflict between local residents and heavy vehicles, increased community road safety concerns and diminished effectiveness of South Coast Highway as a priority heavy haulage route. The development would also be affected by traffic noise and vibration.</li> <li>If the Townsite is extended to the south and east, issues would include the Hunton Road and Wheeldon Road intersections with South Coast Highway; improvements would be required to the Kalgan River Bridge, including pedestrian facilities; and, safe vehicle access into the local shop would be required.</li> <li>The lack of passing opportunities available to traffic on South Coast</li> </ul>	<p>Main Roads' comments are acknowledged and further discussions have taken place to address these concerns. A draft Traffic Solutions Plan has been submitted in support of the ODP documentation and incorporates various recommendations based on feedback from Main Roads and the City of Albany.</p> <p>The ODP documentation identifies limited subdivision potential to the north of South Coast Highway, subject to land capability and limited access opportunities to the highway.</p> <p>The draft Traffic Solutions Plan has identified the need to substantially upgrade the intersections of Wheeldon Road and Hunton Road with South Coast Highway. It is proposed to reduce the Wheeldon Road intersection to a left in/right out arrangement in the short-term and likely close the intersection to motor vehicles in the longer term. Realignment of the Hunton Road</p>	<p>The submission is upheld.</p> <p><u>Modifications required:</u></p> <ol style="list-style-type: none"> <li>The draft Traffic Solutions Plan shall be modified by: <ul style="list-style-type: none"> <li>Deleting the 'Long Term' section under the 'Village' notations;</li> <li>Deleting the 'Long Term' section under the 'South Coast Highway' notations; and</li> <li>Deleting the notation proposing "New Signage 'To Kalgan Village' include road name (Wheeldon) on side road symbol".</li> </ul> </li> <li>The draft Traffic Solutions Plan (subject to modification) and the draft Realignment Plan for Hunton Road shall be incorporated into the ODP documentation and the ODP updated to reflect the recommendations of these supporting plans.</li> </ol>

# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>Highway between the Kalgan Townsite and Albany has already been raised as an area of concern.</p> <ul style="list-style-type: none"> <li>Main Road has no intention of reducing the speed limits on South Coast highway as this would diminish the effectiveness of the highway as a priority heavy haulage route and increase costs to industry.</li> </ul>	<p>intersection, by approximately 60m to the north, allowing for significant improvements to geometry and sightlines has been proposed and would be implemented concurrently with subdivision of land to the south of the highway.</p> <p>It is acknowledged in the draft Traffic Solutions Plan that there is no direct pedestrian access to the local shop and that the vehicle access points are not capable of upgrade. However, it should be noted that the shop site is identified in the ODP documentation as the 'Traditional Commercial Node'. This designation is silent on long-term options and does not preclude the possibility of identifying a new shop site in future.</p> <p>The draft Traffic Solutions Plan acknowledges the importance of South Coast Highway as a road haulage route and does not seek to reduce the speed limit on the highway through the Kalgan townsite.</p>	

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
**OUTLINE DEVELOPMENT PLAN (ODP011)**  
**SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
			Main Roads have reviewed the draft Traffic Solutions plan and the proposed realignment for Hunton Road and have confirmed that they would be able to support the proposed ODP on the strength of these additional supporting documents, subject to the deletion of the 'Long Term' proposals under the 'Village' and 'South Coast' Highway notations and the deletion of the notation proposing <i>"New Signage 'To Kalgan Village' include road name (Wheeldon) on side road symbol"</i> .	
9	Department of Regional Development and Lands – Lands Division PO Box 1575 MIDLAND WA 6936	No objections.	Nil.	The submission is noted.
10	Ms A Dixon 45528 South Coast Highway KALGAN WA 6330	<ul style="list-style-type: none"> <li>Ms Dixon refers to her letter to Council dated 16 March 2008 in which she sought inclusion in the proposed Kalgan Rural Village Structure Plan group application being prepared by Ayton Baesjou Planning for approval to subdivide.</li> <li>Ms Dixon originally proposed lots no smaller than one acre but now seeks</li> </ul>	45528 South Coast Highway is included within Precinct 3 of the ODP. Any application for subdivision would be considered on its individual merits, with particular consideration given to land capability and the ability to provide safe access to South Coast Highway, to the satisfaction of Main Roads WA.	The submission is noted.

# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>subdivision approval for lots no smaller than two acres. The rationale is that properties larger than two acres have the potential to impact on people's retirement plans, pensions and benefits.</p> <ul style="list-style-type: none"> <li>• Whilst aware that her property is not within the current townsite, as shown on the maps, the five properties to the west of her property were subdivided from one block that was purchased at the same time as her property.</li> <li>• In her opinion, houses on 4 or 5 blocks, with some facing on to South Coast Hwy, would complement the existing houses, provide lifestyle for potential purchasers and increase the value of her property should she decide to sell.</li> <li>• Landgate maps and proposals are included to support her application for subdivision.</li> </ul>		
11	<p>Mr &amp; Mrs J Bird 64 Lillburne Road DUNCRAIG WA 6023</p> <p>Owner of: 60 Riverside Road KALGAN WA 6330</p>	<p>Supportive of the proposal but concerned about the increase in red dust generated by more traffic using Riverside Drive and the subsequent impact on health, residue on their house roof, runoff into their rainwater tank and shadowing on solar panels. Recommends sealing of the road.</p>	<p>60 Riverside Road lies within Precinct 2 of the ODP, which will support the bulk of subdivision and development within the townsite. There would be a requirement to seal Riverside Road prior to subdivision of the adjoining land.</p>	<p>The submission is noted.</p>
12	Mr R Varden	Mr Varden has no objection to the proposed	The proposed multi-use trails are	The submission is noted.



# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
	<p>210 Varden Street KALGOORLIE WA 6430</p> <p>Owner of: 60/70 Churchlane Road KALGAN WA 6330</p>	<p>plan but has the following concerns:</p> <ul style="list-style-type: none"> <li>The proposed multi-use trail passing through Lot 3465 (70 Churchlane Road) will cause damage to the flora and fauna, raises possible security and insurance issues and would lead to disruption of privacy and his animals and pets.</li> <li>Where will the proposed multi-use trail along the river be located, what security risk will it pose and will there be a need to put in a new fence at additional cost to him? In addition the riverbank is in delicate condition and further traffic will add to that damage and be detrimental to flora and fauna.</li> <li>In relation to the Gazetted Townsite, the boundary of Precinct 1 cuts through his property (Lot 105) rather than following the boundary of their property, as it does on adjoining properties. Their property is split into Precinct 1 and 3 – how will this affect rates, further use of the land and future regulations/rules imposed on the townsite? Recommends adjusting the boundary of the plan so that all of Lot 105 falls within Precinct 3.</li> </ul>	<p>shown indicatively on the ODP as a long term goal and would only be required at time of subdivision, when they would be ceded to the City of Albany as reserve land. Until such time there would be no development and no impact on private land holdings.</p> <p>Any multi-use trail along the riverbank would be similar to the Luke Pen walk and fenced off from private property. If this takes place, appropriate fencing will be required as a condition of subdivision.</p> <p>The Gazetted Townsite boundary cuts through Lot 105 (60) Churchlane Road, which is a historic anomaly. However, the Precinct boundaries set out in the ODP do not. 60/70 Churchlane Road is entirely contained within Precinct 3, as set out in the ODP.</p>	
13	Mr & Mrs M Reeves	Generally supportive of some subdivision	The majority of lots created under the	Submission Upheld in part.

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## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
	<p>Via e-mail</p> <p>Owners of: 45724 South Coast Highway KALGAN WA 6330</p>	<p>within the Kalgan area but raised the following concerns regarding this ODP:</p> <ul style="list-style-type: none"> <li>• Inappropriate high density, which would have an impact on the values of the river, the foreshore reserve and the local character sense of place of Kalgan.</li> <li>• The low land capability of the area of high density development on the west side of Hunton Road and the north side of Riverside Road would not support the proposed number of blocks on Lots 1730, 100, 102 &amp; 600.</li> <li>• These lots would not have sewerage or water supply and due to the waterlogging of this area, it would be difficult to appropriately treat waste water on site.</li> <li>• Larger size lots would provide more opportunity for employment generation, food production, waste water treatment, water collection and reduce the impacts on the Kalgan River and its foreshore.</li> <li>• Traffic issues that currently exist would be increased by such a high density development and would cause danger on the two single lane bridges.</li> <li>• The 90 km/h speed limit through the Kalgan townsite is already considered to</li> </ul>	<p>provisions of the ODP will range in size from 2000-5000m<sup>2</sup>, which is generally considered low density development. In addition, the Albany Local Planning Strategy (ALPS) only supports the development of up to 100 lots within the townsite.</p> <p>An extensive land capability study has been undertaken over much of the subject land, particularly the area to the west of Hunton Road and the north of Riverside Road, which demonstrates that there is adequate land capability to support subdivision and accommodate on-site effluent disposal. However, final lot sizes and layout will be determined on the basis of detailed land capability investigations and stormwater drainage requirements.</p> <p>Under the 'Rural Village' zoning, a number of land uses can be considered, which will provide opportunities for employment generation and food production. The larger (circa 4000m<sup>2</sup>) lots within Precinct 2 should be able to</p>	<p><u>Modifications required:</u></p> <ol style="list-style-type: none"> <li>1. Refer Submission 8 in relation to traffic issues.</li> <li>2. Modify the designation on the ODP for the oval to 'Future Community Facilities Site'.</li> </ol>

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**OUTLINE DEVELOPMENT PLAN (ODP011)**  
**SCHEDULE OF SUBMISSIONS**

No.	Name/Address Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>be too fast.</p> <ul style="list-style-type: none"> <li>Local non-vehicle trails to encourage walking and cycling within the community should be included. These could act as firebreaks and fire access tracks.</li> <li>Local recreation and foreshore protection, including increased width of the foreshore reserve. The proposed oval is not supported.</li> </ul>	<p>accommodate many of these uses, as would the lots in Precinct 3. Waste water treatment will be by means of on-site systems, while stormwater drainage will be managed within the development, prior to discharge into watercourses. Water collection for drinking supplies can be accommodated on all lots.</p> <p>The potential problems that could be created by additional traffic volumes will be mitigated by improved access to and from South Coast Highway. Following discussions with Main Roads WA, it is likely that in time, the intersection of Wheeldon Road and South Coast Highway will be closed and the intersection of Hunton Road and South Coast Highway will be realigned approximately 60m to the north and substantially upgraded. Bridge upgrades could also be considered at this time.</p> <p>It is proposed to reduce the speed limit to 40km/h through the centre of the townsite to reduce traffic hazard.</p>	

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			<p>An indicative pedestrian trail network has been included within the ODP and would be incorporated into foreshore reserves ceded to the City of Albany as subdivision takes place.</p> <p>See comment above regarding foreshore reserves. The proposed oval has been superseded by a 'Future Community Facilities Site' in the draft modified ODP. This could be used for a number of different community purposes, whether a sports ground, relocation of the community hall or fire shed, or an entirely new community facility.</p>	
14	Mr & Mrs A Glass 55 Hunton Road KALGAN WA 6330	<p>Although not against the development Mr &amp; Mrs Glass are concerned that:</p> <ul style="list-style-type: none"> <li>• There has been no consultation with residents in formulating this structure plan proposal.</li> <li>• The proposal is too dense.</li> <li>• The proposed roads marked on Mr Andrews' property should have been deleted as he is no longer involved.</li> <li>• The land designated as an oval is very water logged and would not be used.</li> </ul>	It was the understanding of City of Albany staff that the proponent had engaged with the local community in preparing the ODP through community meetings. In addition, the public advertising period provides the local community with an opportunity to view the plan and provide feedback, raise concerns, etc. A community meeting was also held on 9 February 2011 to give residents a further	See submission 13 above.

# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<ul style="list-style-type: none"> <li>• Main Roads have stated they do not support the development and would not be upgrading bridges or roads. Who is going to?</li> <li>• No wildlife corridors have been included in the plans. The Kalgan area is home to the endangered Ringtail Possum and a wide range of other fauna.</li> <li>• Insufficient public comment period and inappropriate timing over Christmas/New Year.</li> </ul>	<p>chance to air their views and ask questions about the proposal.</p> <p>The majority of lots created under the provisions of the ODP will range in size from 2000-5000m<sup>2</sup>, which is generally considered low density development. In addition, the Albany Local Planning Strategy (ALPS) only supports the development of up to 100 lots within the townsite.</p> <p>Although Mr. Andrews may no longer wish to develop his land (85-87 Hunton Road), it has been rezoned to the 'Rural Village' zone and must be included within the ODP. The subdivisional roads shown on the plan should be treated as indicative at this stage.</p> <p>The proposed oval has been superseded by a 'Future Community Facilities Site' in the draft modified ODP. This could be used for a number of different community purposes, whether a sports ground, relocation of the community hall or fire</p>	

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3**  
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No.	Name/Address Submitter	of Summary of Submission	Officer Comment	Staff Recommendation
			<p>shed, or an entirely new community facility.</p> <p>Following further discussions with Main Roads and the development of the draft Traffic Solutions Plan and proposed realignment of Hunton Road, they have withdrawn their objection to the proposals. A contributions plan will be developed, which will allow the City to take contributions from developers as the subdivide land to fund the necessary improvements to local infrastructure.</p> <p>Although not specifically detailed on the plan as 'wildlife corridors', a number of vegetation corridors have been set out in the ODP, which will function as ecological linkages between the foreshores of the Kalgan River and Chelgiup Creek and stands of remnant native vegetation across the townsite.</p> <p>An ODP is typically advertised for a period of 28 days. However, in this instance, the advertising period was</p>	

# CITY OF ALBANY TOWN PLANNING SCHEME No. 3

## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
			extended to 42 days, on account of the Christmas and New Year period.	
15	Kalgan Settlers' Association Inc 45724 South Coast Highway KALGAN WA 6330	<ul style="list-style-type: none"> <li>Due to insufficient public comment period and inappropriate timing over Christmas/New Year, request made to extend the deadline for submissions until after the Community Meeting on 9<sup>th</sup> Feb 2011.</li> <li>There has been no community consultation or involvement in the development of the structure plan. Two community workshops held in 2008 were prior to rezoning and did not provide the opportunity to discuss detailed structure plans.</li> </ul> <p>Community concerns to be noted:</p> <ul style="list-style-type: none"> <li>Increased traffic volume.</li> <li>The current bridges are under-engineered to cope with extra traffic.</li> <li>Traffic generation study to be undertaken.</li> <li>Potential acid sulphate soils</li> <li>Potential impact of development on adjacent river.</li> <li>The Structure Plan should be consistent with community visions, retain existing avenue of trees on local roads and incorporate pedestrian access across</li> </ul>	<p>A meeting was held with the Kalgan Settlers' Association on 9 February 2011. The meeting was well attended. It was advised at the meeting that the City would accept a late submission, if there was anything further that they wanted to add to their earlier submission. However, no further submissions have been received.</p> <p>The draft Traffic Solutions Plan details a number of proposed improvements to local roads infrastructure to cope with additional traffic, including the recommended imposition of a 40km/h speed limit in the centre of the townsite, realignment of the Hunton Road/South Coast Highway intersection and partial or complete closure of the Wheeldon Road/South Coast Highway intersection. It should also be noted that gravel roads, such as Riverside Road, would be sealed as subdivision of adjoining land takes place.</p>	See submission 13 above.

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>the Kalgan River South Coast Highway Bridge.</p> <ul style="list-style-type: none"> <li>There is an opportunity to consolidate reserves and unmade roads, with the community involved in discussion.</li> </ul>	<p>An extensive land capability study has been undertaken over much of the subject land, particularly the area to the west of Hunton Road and the north of Riverside Road, which has identified a low risk of acid sulphate soils. Further detailed land capability investigations will be required in some areas prior to subdivision.</p> <p>In terms of likely impacts on the Kalgan River, the Department of Water are the competent authority who have reviewed the ODP documentation and are satisfied with the proposals.</p> <p>The ODP is intended to provide a broad framework for the development of the Kalgan townsite, but the City will remain mindful of the community's vision.</p>	
16	Mr F R Douglas 26 Riverside Road KALGAN WA 6330	<p>As one of the property owners and developers of the proposal, Mr Douglas puts forward the following comments;</p> <ul style="list-style-type: none"> <li>The structure plan endorsed by Council in December is the best plan that could</li> </ul>	Nil.	The submission is noted.



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## OUTLINE DEVELOPMENT PLAN (ODP011)

### SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>be produced to satisfy the property owners, Planners and Departments. This is confirmed in the Landform Research study.</p> <ul style="list-style-type: none"> <li>Significant delays have been caused over the years in the process of rezoning and preparing this Structure Plan, which has resulted in several land owners incurring extra costs. Mr Douglas hopes there will be no further delays.</li> <li>An indigenous name will be used for the subdivision road once heritage subdivision approval has been granted by DPI.</li> </ul>		
17	<p>Mrs C Salmon PO Box 385 ALBANY WA 6331</p> <p>Owner of: 36 Churchlane Road KALGAN WA 6330</p>	<p>Mrs Salmon strenuously opposes the multi-use walking trail proposed for the western shoreline of the river, for the following reasons:</p> <ul style="list-style-type: none"> <li>Unavoidable destruction of the native vegetation which hangs on precariously along the river bank.</li> <li>Unavoidable destruction of native breeding grounds for ducks, ibis, shags and many other forms of bird life.</li> <li>Introduction of unwanted weeds/grass secondary to the necessity of keeping the native vegetation down to maintain the trail.</li> </ul>	<p>The proposed multi-use trails are shown indicatively on the ODP as a long term goal and would only be required at time of subdivision, when they would be ceded to the City of Albany as reserve land. Until such time there would be no development and no impact on private land holdings.</p> <p>Any multi-use trail along the riverbank would be similar to the Luke Pen walk and fenced off from private property. If this takes place, appropriate fencing</p>	The submission is noted.

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No.	Name/Address Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<ul style="list-style-type: none"> <li>• Major reduction in the security of the entire waterfront and loss of privacy for residents who purchased their properties for this reason.</li> <li>• Disruption, noise and litter that may result from members of the public using the area.</li> <li>• Significant monetary devaluation of her property.</li> </ul>	<p>will be required as a condition of subdivision, to ensure the security of the waterfront.</p> <p>Any land ceded to the City of Albany as reserves would be managed by the City, in conjunction with local community conservation groups, which should ensure the continued conservation of habitats and the flora and fauna that inhabit them.</p> <p>Any effect that the proposal may have on the value of adjoining land, whether positive or negative is not a valid planning consideration.</p>	

**AGENDA ITEM 2.6 - ODP011 - KALGAN - 21/06/11 OCM**

**ATTACHMENT 7**

ITEM 2.6 REFERS

**SCHEDULE OF LAND TENURE**

Assess No	Init	Name	Lot No	House No.	Street Name	Street Type	Suburb
A72855		AD CONTRACTORS PTY LTD		45720	SOUTH COAST	HIGHWAY	KALGAN WA
A50320	ML	ANDERSON	20	45554	SOUTH COAST	HIGHWAY	KALGAN WA
A1610	CJ	ANDREWS		85	HUNTON	ROAD	KALGAN WA
A1624	KH	ANDREWS	200	87	HUNTON	ROAD	KALGAN WA
A162755	A	BERNIK	2	78	RIVERSIDE	ROAD	KALGAN WA
A6053	JW	BIRD	103	60	RIVERSIDE	ROAD	KALGAN WA
A3781	IC	BISHOP	29	45510	SOUTH COAST	HIGHWAY	KALGAN WA
A1903	L	BUKTENICA		156	HUNTON	ROAD	KALGAN WA
A1606, A2072	CA	BUTLER	17 & 18	60	HUNTON	ROAD	KALGAN WA
A159356		CADENCE PTY LTD	77		SOUTH COAST	HIGHWAY	KALGAN WA
A174986		CITY OF ALBANY (VESTED CROWN LAND)	8262, 8263, 8261,		RIVERSIDE	ROAD	KALGAN WA
A174940, A174972, A184753		CROWN LAND	8109, 2979, 2979, 2978, 6542, 7649, 7650, 8119		CARONIA	ROAD	NAPIER WA
A50299	DE	DALY	19	45562	SOUTH COAST	HIGHWAY	KALGAN WA
A184735	S	DAVIS	101, 102, 103, 104	34	CHURCHLANE	ROAD	KALGAN WA
A2040	AJ	DIXON		45528	SOUTH COAST	HIGHWAY	KALGAN WA
A162741, A196871	FR	DOUGLAS	100, 102	26	RIVERSIDE	ROAD	KALGAN WA
A2117	LE	DOUGLAS	201, 301, 300	115	HUNTON	ROAD	KALGAN WA
A188620, A188634	BW	DOWSETT	104		CHURCHLANE	ROAD	KALGAN WA
A2068	E	FLETCHER	3	63	HUNTON	ROAD	KALGAN WA
A1589	NA	GIBBONS	23	17	WHEELDON	ROAD	KALGAN WA
A65408	AT	GLASS	2	55	HUNTON	ROAD	KALGAN WA
A3286	LJ	GRINSTEAD	28	45594	SOUTH COAST	HIGHWAY	KALGAN WA
A1804	BB	HAMBLEY	21	45544	SOUTH COAST	HIGHWAY	KALGAN WA
A2446	AD	HAWKSWORTH (THE ESTATE OF)	2	45647	SOUTH COAST	HIGHWAY	KALGAN WA
A1890	NG	HEWITT	37	84	HUNTON	ROAD	KALGAN WA
A65098	OE	HOLMES	1	37	HUNTON	ROAD	KALGAN WA
A51651	BA	JAMES	20	45559	SOUTH COAST	HIGHWAY	KALGAN WA
A54463	AP	JAMES	3	82	RIVERSIDE	ROAD	KALGAN WA
A4058	JW	JONES	25	45593	SOUTH COAST	HIGHWAY	KALGAN WA

AGENDA ITEM 2.6 REFERS

AGENDA ITEM 2.6 REFERS

**AGENDA ITEM 2.6 - ODP011 - KALGAN - 21/06/11 OCM**

AGENDA ITEM 2.6 REFERS

**SCHEDULE OF LAND TENURE**

A65836		KALGAN SETTLERS ASSOCIATION	500	29	WHEELDON	ROAD	KALGAN WA
A167787, A193118	AA	LANE			CHURCHLANE	ROAD	UPPER KALGAN WA
A168987	JK	LITTLE		92	CHURCHLANE	ROAD	KALGAN WA
A3777	HJ	MACKENZIE	22	22	HUNTON	ROAD	KALGAN WA
A187385, A187632	AS	MAXTON	150, 151	116	SOUTH COAST	HIGHWAY	KALGAN WA 6330
A2086	TA	MCGREGOR		114	HUNTON	ROAD	KALGAN WA
A50302	JH	PICKLES	14	45560	SOUTH COAST	HIGHWAY	KALGAN WA
A50316	PG	PRIDEAUX	15	45556	SOUTH COAST	HIGHWAY	KALGAN WA
A3858	A	ROMANOFF	24	6	WHEELDON	ROAD	KALGAN WA
A190045	CE	SALMON	106	36	CHURCHLANE	ROAD	KALGAN WA
A6051	CRE	SCHILIZZI	221	48	RIVERSIDE	ROAD	KALGAN WA
A196885		SEASIDE BAY PTY LTD	102		RIVERSIDE	ROAD	KALGAN WA
A190059	AS	SOLOMON	107	34	CHURCHLANE	ROAD	KALGAN WA
A187628	D	TOMLINSON	150	31	ANDREWS	ROAD	KALGAN WA
A184749, A201513	RP	VARDEN	105	60	CHURCHLANE	ROAD	KALGAN WA
A54459	RT	WALKER		110	RIVERSIDE	ROAD	KALGAN WA
A2090	MS	WESTERBERG	14	58	HUNTON	ROAD	KALGAN WA

AGENDA ITEM 2.6 REFERS

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## **2.7: PROPOSED OUTLINE DEVELOPMENT PLAN FOR BIG GROVE**

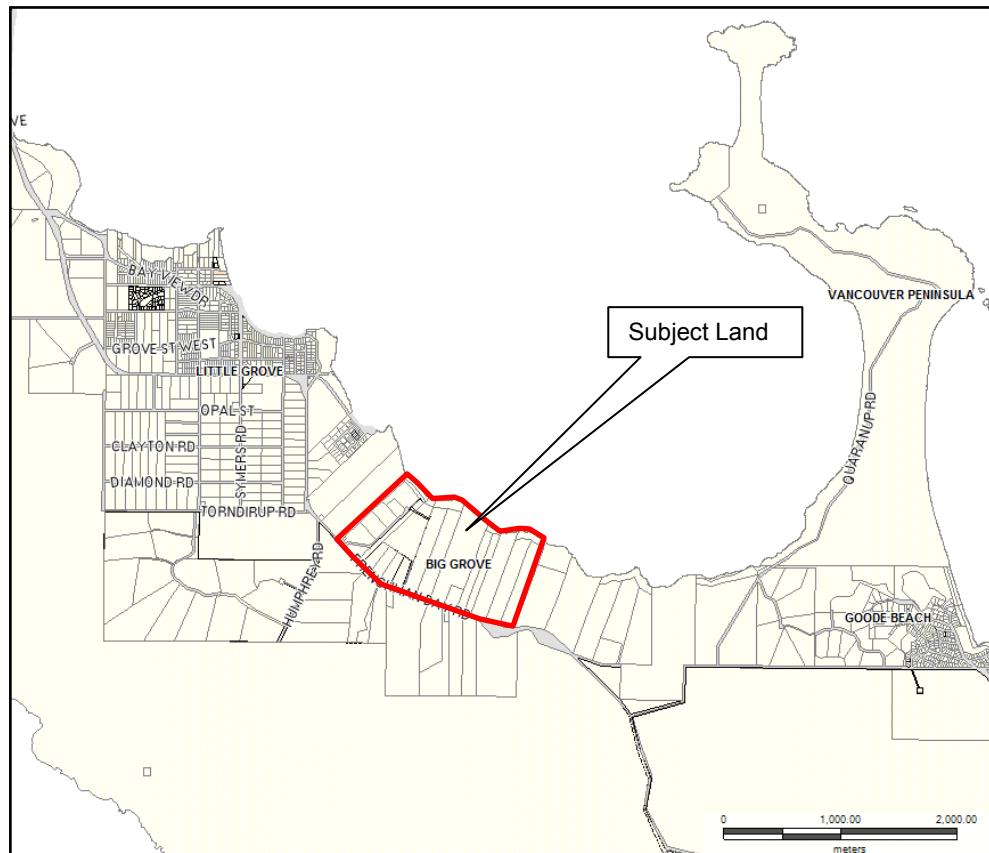
<b>Land Description</b>	: Lots 1, 2 (Diagram 032760), 2 (Diagram 020800), 2 (028985), 4, 6, 7, 16, 20, 21, 109, 110, 301-303, and 9000 Frenchman Bay Road and Lots 9-12, 17-18 Panorama Road, Big Grove
<b>Proponents</b>	: RPS Environment and Planning / Chappell Lambert Everett
<b>Owners</b>	: Various – refer Appendix 1.
<b>Business Entity Name/s</b>	: 1. Peet Tri State Syndicate Limited : 2. P & B Corporation Pty Ltd : 3. Panorama (WA) Pty Ltd
<b>Director/s</b>	: 1. Anthony W Lennon; Anthony J Lennon; Brendan D Gore : 2. Barry C Humfrey; Peter F Bell : 3. William P Dall
<b>Attachments</b>	: Attachment 1 - Outline Development Plan (map only) : Attachment 2 - Zoning Plan : Attachment 3 - Outline Development Plan (map only) showing modifications recommended in this report. : Attachment 4 - DEC plan showing areas recommended for vegetation retention. : Attachment 5 - Summary from proponent
<b>Appendices</b>	: Appendix 1 - Plan showing lots, owners and lot areas : Appendix 2 - DEC advice dated 8 April 2011 : Appendix 3 - Traffic Assessment (Report) Version 3 : Appendix 4 - Schedule of Submissions
<b>Councillor Workstation</b>	: Outline Development Plan (updated version, to be read in conjunction with proposed modifications – disc available on request to Councillors and public) Updated Local Water Management Strategy – disc available on request to Councillors and public)
<b>Responsible Officer(s)</b>	: E/Director Planning and Development Services (G Bride)

### **THIS ITEM HAS BEEN WITHDRAWN**

Planning and Development staff were advised late on Friday 17 June 2011 by the Department of Planning that it was recommending the ultimate foreshore setback should be increased by a further 52 metres inland.

Given the implications of this the City has no option but to withdraw the item from the agenda allowing sufficient time for the City, proponents and Department of Planning to engage on this issue prior to presentation to Council.

**Maps and Diagrams:**



**IN BRIEF**

- Council adopted an Outline Development Plan (ODP) for Big Grove estate at its December 2010 meeting for the purpose of initiating public advertising (refer OCM 14.10.2010 – Item 1.3)
- Advertising closed on 4 February 2011 and Council is to consider all submissions and whether changes to the ODP are required to address submissions.
- Council is to decide whether or not to adopt the Outline Development Plan (ODP) for final approval (with or without modifications).
- Should Council adopt the ODP it is to advise the Western Australian Planning Commission (WAPC) of its decision. Any ODP also requires endorsement by the Commission.
- This report recommends that the ODP be adopted for final approval subject to modifications. The modifications are discussed in this report and summarised on a map – Attachment 3.

**ITEM 2.7: RESPONSIBLE OFFICER RECOMMENDATION**

That Council;

1. Adopt the Big Grove Outline Development Plan for final approval subject to the following modifications as shown in Attachment 3:
  - a) Modification 1: Include a notation on Lot 17 which states “*Lot 17 requires re-zoning from ‘Motel’ to ‘Residential Development’ zone prior to any residential subdivision or development. Any rezoning requires separate approval by the Minister for Planning.*”
  - b) Modification 2: Include a notation for the Village Centre which states “*A Detailed Area Plan is required for the Village Centre prior to development and shall be in accordance with the City of Albany Residential Design Code Policy with car parking in accordance with the City of Albany Scheme.*”
  - c) Modification 3: Include a notation for road widening which states “*Road widening requirements to be determined at subdivision and shall be accommodated north of Frenchman Bay Road (to meet the City requirements). Public Open Space schedule may require adjustment at subdivision.*”
  - d) Modification 4: Include a notation requiring “*Detailed Fire Management Plans shall be submitted with subdivision applications to the WAPC in accordance with ‘Planning for Bushfire Protection - Edition 2’.*”
  - e) Modification 5: Outline portions of Lot 7 and 109 identified by the Department of Environment in red and include a notation “*Area identified by the Department of Environment for public open space / vegetation retention. Area and land uses to be reviewed at subdivision stage with referral to the Environmental Protection Authority.*”
  - f) Modification 6: Show the southern portion of Lot 10 as ‘Residential’ with the P2 area as a ‘building exclusion area and ‘vegetation retention’ area with a note that “*The southern portion of Lot 10 shall be combined with one residential lot located outside of the P2 area (with no further subdivision potential).*”

- g) Modification 7: Include a notation identifying the need for intersection treatments to be designed in accordance with the Traffic Assessment Report at the subdivision stage.
- h) Modification 8: change the density codes from R40 to R30, R20 to R15 and place a note against the R15 code descriptor that the minimum site area shall be 500m<sup>2</sup> rather than 580m<sup>2</sup>, and retain the R25 code except that a note be placed against the R25 code descriptor that the average site area shall be 400m<sup>2</sup> rather than 350m<sup>2</sup> as per Section 9.3 of the Outline Development Plan report.

2. Require the following modifications to the Outline Development Plan report:

- Section 5.3.1 to be amended to:
  - (i) delete the recommendation that any widening of the reserve associated with Frenchman Bay Road be to the south, and recognise that the City may require widening of the road reserve on the north side to be ceded free of cost at subdivision stage.
  - (ii) reference the findings of the amended Traffic Assessment Report.
  - (iii) include requirement that prior to subdivision a Local Planning Policy is to be prepared by the proponent and adopted by Council under Town Planning Scheme No. 3 to identify a cost contribution schedule for the widening and upgrading of Frenchman Bay Road, inclusive of intersection treatments along its route, as per the amended Traffic Assessment Report (identified in Recommendation 3). The contributions will be proportionate to the total generation of traffic as identified in the Traffic Assessment Report and be calculated on a per lot basis.
- Section 8.4.1 to be amended so that it is consistent with the amended 5.3.1 above.
- Section 8.5.1 to include Lot 110 as one of the retained lots to which this clause applies.
- Section 8.6 to be amended with an updated POS schedule where widening affects the identified 5m public open space buffer.
- Section 8.6 to clearly state that refined POS calculations will also be provided as part of subdivision applications taking into account the traffic report, drainage and decisions on the areas identified by DEC for retention on portions of Lot 7 and 109.
- Section 8.11 to reflect modification to Section 5.3.1 (contributions).
- Section 9.3 to state that in relation to the R25 Code the ODP amends Table 1 of the R-Codes by increasing the average site area from 350m<sup>2</sup> to 400m<sup>2</sup>, and in relation to the R15 Code the ODP amends Table 1 of the R-Codes by decreasing the minimum site area from 580m<sup>2</sup> to 500m<sup>2</sup> whilst maintaining the 666m<sup>2</sup> average site area requirement of that Code.
- Section 9.4 to reflect modification to Section 5.3.1 (contributions).

3. Require the following modifications to the Traffic Assessment Report:

- The upgrading and widening of Frenchman Bay Road is to be based on the lot yield of 998 lots (consistent with the lower lot yield scenario in the Report) on the basis of the reduction in density as identified by Modification 8 on Attachment 3.
- In addition to the intersection treatment upgrades identified for Chipana Road



	<p>and Robinson Road the following intersections should also be identified for treatment, being:</p> <ul style="list-style-type: none"> <li>i) Bayview Drive (south) - southern approach.</li> <li>ii) Bayview Drive (north) - southern approach.</li> <li>iii) Robinson Road - in both directions.</li> <li>iv) Princess Avenue - in both directions.</li> <li>v) Lower Denmark Road and Hanrahan Road – interim intersection treatments.</li> </ul> <ul style="list-style-type: none"> <li>• The identification of upgrade works (inclusive of intersection treatments above) and approximate upgrade costs being identified to assist in the preparation of a contribution policy. The staging of the works based on priorities at various traffic volume increases should also be identified.</li> <li>• Based on the uncertainty over the timing associated with the Albany Ring Road extension, an interim intersection treatment is to be identified at both Hanrahan Road and Lower Denmark Road to the satisfaction of the City, in consultation with Main Roads WA.</li> </ul>
4.	Formally refer the Outline Development Plan to the Western Australian Planning Commission recommending endorsement subject to modifications (with a copy of this report and all Attachments) following finalisation of the Local Water Management Strategy.
5.	<p>Advise the Western Australian Planning Commission that:</p> <ul style="list-style-type: none"> <li>(i) The Local Water Management Strategy is being finalised and the ODP should not be endorsed until a revised Local Water Management Strategy is approved by the Department of Water and the City.</li> <li>(ii) The ODP has been referred to the Commission to consider the City's recommendations on modifications and allow for preliminary assessment at a state planning level. A number of issues will require discussion as they traverse the local government and state planning assessments.</li> </ul>
6.	Advise all people and agencies that lodged a submission of the Council decision, and that copies of all submissions will be provided to the Western Australian Planning Commission.
7.	<p>Advise the proponent that:</p> <ul style="list-style-type: none"> <li>(i) The Draft Local Water Management Strategy is not approved by the City as part of the Outline Development Plan documentation, and a revised Local Water Management Strategy is to be finalised and approved in writing by the City and Department of Water. It is to clearly state that drainage for Lot 7 will be self contained and serviced by Public Open Space Areas area 'E' or 'F' in the north.</li> </ul>
8.	<p>Advise the owners of Lot 6 that;</p> <ul style="list-style-type: none"> <li>(i) The Outline Development Plan acknowledges they are a non participating landowner, and Lot 6 is subject to future planning and a scheme amendment.</li> <li>(ii) A Public Open Space and drainage area is retained on Lot 6 in the Outline Development Plan, however can be further refined as part of future planning for Lot 6. Drainage for Lot 7 will be independent and the proponent has been requested to modify the Local Water Management Strategy to reflect this.</li> </ul>
9.	Advise the owners of Lot 17 that a future scheme amendment / zoning change will be required prior to any residential subdivision or development. Although the Outline

Development Plan is supported Lot 17 is still zoned 'Motel' which does not permit residential dwellings.
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## **BACKGROUND**

### ***Location***

1. The area known as 'Big Grove' is located 6.5 kilometres south east of the Albany city centre across Princess Royal harbour. The subject land is approximately 120 hectares in area comprising of over 28 private lots. The Outline Development Plan (ODP) is included as Attachment 1.

### ***Relevant Scheme Amendments & initial EPA advice***

2. The western and eastern portions of the Big Grove Outline ODP area were rezoned to 'Residential Development' zone under Amendment 279 and Amendment 284 to the City of Albany Town Planning Scheme No 3 ('the Scheme'). Amendment 279 covered the western portion and Amendment 284 covered the eastern portion of the ODP area.
3. Both Scheme Amendments were referred to the Environmental Protection Authority (EPA) who decided that no formal environmental assessment was required, however the following advice was provided:
  - For Amendment 279 the EPA advised that in the event that any Ringtail possums or other significant fauna species are found on the site prior to any development, advice should be sought from Department of Environment and Conservation (DEC) regional office, and that advice should be complied with.
  - For Amendment 284 the EPA advised that remnant vegetation and fauna were not assessed although it contained significantly more native vegetation in excellent and very good condition than Amendment 279. EPA recommended that the ODP be modified in liaison with relevant authorities including DEC and Department for Planning so that key vegetation associations, fauna habitat and ecological linkages are retained where possible.
4. Both amendments have been gazetted. The fact that both Amendments have been approved by the Minister for Planning indicates that the land has been deemed suitable for some form of residential development however issues relating to the amount of vegetation to be retained were effectively deferred to the ODP stage and subject to advice of DEC.
5. There is no mechanism which allows the ODP to be referred to the EPA, however future subdivision applications can be referred to the EPA if vegetation issues remain unresolved.

### ***Current zoning***

6. The majority of private lots within the ODP are zoned 'Residential Development' under the Scheme with the exception of Lot 6 which is still 'Rural', and Lots 17-18 which are zoned 'Motel' – refer Attachment 2.

7. The objective of the 'Residential Development' zone is '*to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multi ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development.*'
8. Even though Lot 6 is still zoned 'Rural' under the Scheme, the proponent has been requested to include it in the ODP area for strategic planning. A notation has been included on the ODP specifying that Lot 6 (central to the ODP) would require a scheme amendment, and that the landowner is non participating.
9. The ODP allows for 'Residential' on Lot 17 with an R20 density. A future scheme amendment will need to re-zone Lot 17 from 'Motel' to 'Residential Development' zone to facilitate any residential development (as a 'single house' and 'grouped dwellings' are not permitted in the existing 'Motel' zone). It is recommended that the ODP be modified to include a note reflecting this (Modification 1 – Attachment 3).
10. A plan showing the lot numbers, lot areas and ownership is included as Appendix 1.

### ***Surrounding zoning***

11. Land abutting Princess Royal Harbour (foreshore area) and land to the immediate east is reserved as 'Parks and Recreation' under the Scheme.
12. The majority of land to the south is zoned 'Rural' with the exception of Lot 19 and a portion of Lot 18 specifically zoned 'Special Site' as a caravan park under the Scheme. The Scheme reserves land to the west as 'Public Purpose', and Frenchman Bay Road as 'Important Regional Road'.

## **DISCUSSION**

### **Description of Outline Development Plan**

13. 'Peet Tri-State Syndicate Limited' (Peet) and 'P & B Corporation' have significant landholdings in the area and have commissioned the ODP.
14. A summary of the densities proposed in the ODP is detailed below;
  - a) The majority of the ODP area is proposed as Residential with an 'R20' coding. A minimum of 450m<sup>2</sup> and average of 500<sup>2</sup> per dwelling applies to R20 under the Residential Design Codes ('R-Codes').
  - b) Larger rural residential lots are proposed in water protection (priority 2) areas and most contain existing dwellings.
  - c) Larger 'R10' densities are proposed along the western and eastern boundary of the ODP with an area for fire protection. For R10 densities a minimum of 875m<sup>2</sup> and average of 1000m<sup>2</sup> applies under the R-Codes.

- d) An 'R25' density is proposed adjacent to areas of open space, a proposed school and near the foreshore. Originally these areas were proposed as 'R30' and the density was reduced following advertising.
- e) A primary school and Village Centre (R40-60) are proposed adjacent to Frenchman Bay Road on a main entry road.

**Projected lot yield and population**

- 15. The proponent has advised that there is strong market demand for larger lots between 550m<sup>2</sup> and 750m<sup>2</sup>. They do not expect a high demand for smaller lots and have provided estimated lot yields based on predicted demand.
- 16. The table below summarises the proponents 'predicted' lot yields compared with the maximum yield permissible under the Codes (shown on the ODP).

Lot type	Net Residential Area (hectares)	Average lot size (suggested by proponent)	Total lot yield (suggested by proponent)	Average Lot size (as per R Codes)	Total yield (based on R Codes)
R10	5.43ha	1500m <sup>2</sup>	36	1000m <sup>2</sup>	54
R20	48.48ha	670m <sup>2</sup>	723	500m <sup>2</sup>	969
R25	5.97ha	400m <sup>2</sup>	149	350m <sup>2</sup>	170
R40	2.48ha	300m <sup>2</sup>	82	220m <sup>2</sup>	112
Rural Residential	3.29ha	N/A	4	N/A	4
Totals			994		1309

Table – Potential lot yields

- 17. The proponent was required to include figures on the maximum potential lot yield based on the density codes shown on the ODP. The City does not have control over implementing the lesser densities suggested once an ODP is approved by the Western Australian Planning Commission.
- 18. Ultimately the lot yield will be examined by the developer / owners having regard for the costings at detailed design and subdivision stage. The projected lot yield may be increased to reduce the cost of development per lot. In addition, the market may change as staging of future subdivision occurs.
- 19. Given the traffic implications associated with the higher lot yield as discussed within Paragraphs 33 to 43 below, it is recommended that the densities are modified to ensure the lot yields as suggested by the proponent are realised. It is recommended that the R20 density code (average 500m<sup>2</sup>) be changed to R15 (average 666m<sup>2</sup>) and the R40 density code (average 220m<sup>2</sup>) be changed to R30 (average 300m<sup>2</sup>). It is also recommended that the average lot area associated with the R25 code be increased from 350m<sup>2</sup> to 400m<sup>2</sup> and that in relation to the R15 code a minimum site area of 500m<sup>2</sup> rather than 580m<sup>2</sup> be applied to allow for some flexibility and variety of lot sizes, whilst still achieving the average. This can be achieved via a modification to the density in Section 9.3 of the Outline Development Plan report. Table 3 and Clause 5.8(c) of the Scheme allow an endorsed Outline

Development Plan to set the density of development and vary provisions of the R-Codes accordingly.

20. These three changes, as identified in the table below, will ensure the potential lot yield under the R-Codes is reduced significantly and is relatively consistent with the average lot sizes promoted by the proponent. The reductions in density also addresses in part the concerns raised through several public submissions about the level of density identified on the advertised ODP.

Lot type (as currently proposed)	Suggested Lot type	Net Residential Area (hectares)	Average lot size (permitted under R-Codes)	Total lot yield
R10	R10	5.43ha	1000m <sup>2</sup> , however based on a minimum frontage of 20 metres and a 70 metre depth, to cater for fire separation of 40 metres, lots of around 1500m <sup>2</sup> are likely to be achieved.	36
R20	R15	48.48ha	666m <sup>2</sup> (minimum to be modified by ODP to 500m <sup>2</sup> )	727
R25	R25	5.97ha	350m <sup>2</sup> (average to be modified by ODP to 400m <sup>2</sup> )	149
R40	R30	2.48ha	300m <sup>2</sup>	82
Rural Residential		3.29ha	N/A	4
<b>TOTAL</b>				<b>998</b>

21. The above table does not include the removal of the northern part of Lot 7 from residential development as per Modification 5, which will produce a further reduction of approximately 45 lots.

### **Proposed Village Centre**

22. The ODP includes a Village Centre adjacent to the proposed primary school. Development within the Village Centre may comprise residential and / or commercial uses (in accordance with the Residential and Local Shopping Zone provisions of the Scheme), shall be restricted to 3 storeys in height and shall be required to accord with a Detailed Area Plan (DAP) approved for the site.
23. The ODP complies with the City of Albany Residential Design Code Policy (recently renamed as the 'Big Grove and Emu Point Village Centres' Policy) with the exception that it is not located centrally to the site. This location of the village centre adjacent to Frenchman Bay Road was discussed in the Council Report of 14 December 2010; it was considered that in order for a centre to remain viable it needed to be located in a highly visible location for passing motorists.

24. It is recommended that a note be included on the ODP to make it clear that a Detailed Area Plan is required and carparking for future development should comply with the Scheme (Modification 2 – Attachment 3).

**Open Space**

25. In accordance with the Western Australian Planning Commission 'Liveable Neighbourhoods' an application for a structure plan approval must be accompanied by a public open space schedule identifying the total site area, less deductions, the gross subdivisible area, the 10 percent public open space contribution and the restricted use public open space allocation.
26. Open space may be provided in the form of land, cash in lieu of open space, or a combination of both.
27. The primary focus of the ODP is on the foreshore, however this is supported by a series of secondary local parks and areas of vegetation retention spread throughout the ODP. A major corridor has been provided between remnant vegetation to the east of the ODP, through Lot 1 and to the foreshore. A 5 metre Public Open Space strip has been provided along Frenchman Bay Road and open space is linked with pedestrian and bicycle paths.
28. The Western Australian Planning Commission may allow inclusion of 'restricted open space' provided it is useable for recreational purposes. Restricted open space can include urban water management areas such as swales and detention areas provided that;
- The area is not subject to inundation more frequently than a one year average recurrence interval rainfall event and does not present a safety hazard;
  - The area of the swale is contoured, unfenced and grassed and / or landscaped;
  - The area forms part of an appropriate management plan.
29. The proponents have provided a detailed open space schedule which demonstrates that there is an overprovision of open space based on the developable ODP area. A total of around 12.17 hectares of open space is indicated (excluding additional foreshore reserve), representing 13 percent of the Nett Residential Area.
30. A summary of open space is included below;

Owner	Lot No.	Area (ha)	Total Deductions	Nett Developable Area	POS required (ha)	Nett POS provided (ha)	Total provided (credited – includes unrestricted and restricted POS)
Peet	Various	57.48	8.86	48.626	4.86	5.41	5.41
Vasiliu	2	9.43	0.34	9.09	0.91	1.09	1.09
Campbell	2	2	0	2	0.2	0.057	0.057**
P & B	Various	20.46	1.026	19.431	1.94	2.93	2.93
Kirby (Rural zone)	6	9.39	0.56	8.83	0.88	0.76	0.76**

Hillis	10	2.86	0.26	2.6	0.26	0.32	0.32
Leckie	12	2.32	0.2	2.12	0.21	0.077	0.077**
Kelly (Motel zone)	17	1.36	0.06	1.30	0.13	0.065	0.065**
Stean	303	2.5	0	2.5	0.25	1.138	1.138
Roberts	9000	2.4	0	2.4	0.24	0.169	0.169**
					9.89	12.026	12.026

Notes: - \*\* balance to be paid as cash in lieu  
- Does not include Public Open Space for rural residential lots in P2 area

31. The majority of the existing lots will independently meet the 10% open space requirements in the form of land. There is a shortfall of open space based on individual lot areas for Lot 2 (Campbell), Lot 12 (Leckie), Lot 6 (Kirby), Lot 17 (Kelly) and Lot 9000 (Roberts). In these cases the balance of the open space will be required to be provided in the form of cash in lieu at subdivision stage; this has been included as a notation on the ODP.
32. If the City requires road widening north of Frenchman Bay Road then the Public Open Space Schedule will require adjustment. The 5 metre Public Open Space strip along Frenchman Bay Road does not provide for actively useable open space areas and its main asset was retention of existing vegetation. Any additional shortfall can be offset by means of cash in lieu and the money utilised for expenditure on surrounding Public Open Space areas in the ODP area.

### **Traffic**

33. The ODP was advertised for public comment based on the understanding that a Traffic Assessment Report would be lodged during this time. In December Council resolved that that it *'will not consider formal adoption of an ODP for Big Grove unless it is satisfied with the traffic report results and that road widening has been addressed'* (refer OCM 14.10.2010 – Item 1.3).
34. A Traffic Assessment Report was lodged by the proponent in accordance with the above resolution and has been reviewed by the City's Works and Services Department and Main Roads WA. The initial version has been modified after concerns were expressed from both the City and Main Roads WA about the traffic generation rates anticipated per lot, the accuracy and methodology surrounding traffic counts, and the assumptions on the level of service for Frenchman Bay Road. Since this time the traffic generation rates have been agreed at 6.8 vehicles per day for each lot and the level of service values have been refined and updated.
35. The updated traffic report (Version 3) is found within Appendix 3 and identifies that based on a predicted lot yield of 994 lots, and taking into account other developments within the area and a general increase in tourist traffic, road widening and upgrading would be required along Frenchman Bay from Little Grove to Hanrahan Road by the year 2030 (involving widening of each lane from 3m to 3.5m). Such widening can be accommodated within the existing road reserve. If however the traffic generation rates are applied to the maximum lot yield of 1,309 lots the northern end of Frenchman Bay Road (from Princess Avenue, but possibly as far south as Chipana Drive, to Hanrahan Road) would potentially need upgrading

to a dual carriageway (four lanes) by 2030 to maintain a suitable level of service as recommended in Austroads (road engineering standards). The creation of in excess of 1007 lots at Big Grove, in addition to general increases in traffic and additional developments in the area to 2030, is deemed to be the point where Frenchman Bay Road would need to be upgraded to a dual carriageway to maintain an adequate level of service, free from congestion and regular delays in peak traffic periods.

36. There appears to be insufficient width within the existing Frenchman Bay Road reserve to cater for a dual carriageway without the resumption of a significant portion of private land on the western side of Frenchman Bay Road. It is considered that the construction of a dual carriageway would be unacceptable to landowners concerned and would have an adverse impact on the visual amenity of the area. For this reason it is recommended that measures be undertaken to reduce the potential maximum lot yield identified under the R-Codes as per Modification 8 of the officer recommendation, and therefore the application of the lower yield scenario is supported.
37. The report includes a review of the existing intersections along Frenchman Bay Road through to Hanrahan Road, and whether further intersection treatment would be required by 2030. The report has identified that Chipana Road (deceleration lane) and Robinson Road (formalised auxiliary lane) would need upgrading. Council's Works and Services Department have reviewed the existing intersections and believe additional treatment will be required at Bayview Drive South (southern approach), Bayview Drive North (southern approach), Robinson Road (both directions) and Princess Avenue (both directions). Additional commentary on the Hanrahan Road and Lower Denmark Road intersections is made in Paragraph 39 below.
38. Along that section of Frenchman Bay Road fronting the ODP area all intersections (including the existing Panorama Road) will require left-in deceleration lanes, slight widening of the exiting lane to cater for right turning vehicles and a minimum queue length of 3 vehicles for exiting vehicles. These works in addition to any works within Frenchman Bay Road fronting the ODP area will be carried out by the proponent at their full cost at the subdivision stage and is supported by the City's Works and Services Department.
39. The Report has identified that the intersection of Frenchman Bay Road and Hanrahan Road would not have the capacity to provide an acceptable level of service for vehicles turning right from Frenchman Bay Road onto Hanrahan Road during morning peak periods by 2030, regardless of whether the Big Grove development proceeds. The Report however identifies that the traffic generated by the Big Grove development would result in an unacceptable level of service for right turning vehicles in the PM peak hour from Hanrahan Road. Whilst the Albany Ring Road extension would resolve this intersection issue, Main Roads WA have advised that this extension is only at the preliminary design stage and its timing for implementation is unknown. Main Roads WA are concerned that in the mean time as the Big Grove area develops this intersection will be placed under increasing pressure. Main Roads WA has not historically accepted developer contributions in the Great Southern for the upgrading of its assets, and are likely to request the upgrade of this intersection at the subdivision stage at the proponents full cost; despite the fact that the intersection is likely to require upgrading in the near future even if this proposal did not proceed.



40. In order to ensure fair and equitable contributions are made from the proponents to the upgrade and widening of Frenchman Bay Road and associated intersections along its route, it is recommended that the Traffic Assessment Report be amended to encapsulate the upgrading of several intersections as identified above (with particular importance to the Lower Denmark and Hanrahan Road intersections) and include costings of all such works. The amended Report will then form the basis on which to formulate a contribution policy. It is considered reasonable that contributions for improvement works will be based on the proportionate level of traffic generated by the ODP versus the total traffic generation as identified in the Traffic Report.
41. It is recommended that the contribution schedule be adopted as a local planning policy under Town Planning Scheme No. 3 prior to subdivision within the ODP area. An amendment to Sections 5.3.1, 8.4, 9.4 and 8.11 of the ODP to reflect this requirement is would be needed.
42. It is also recommended that Section 5.3.1 be modified and a notation be placed on the ODP to identify that should widening of the road reserve be required adjacent to the ODP, such widening will need to be catered for on the northern side of Frenchman Bay Road, as it is less practical and feasible for significant widening to occur to the south as the land would need to be acquired at the City's cost, the land is largely rural, and the need for any widening will relate directly to the ODP.
43. As per Paragraph 84, Council has the option of requesting the Traffic Report be amended and updated prior to granting final approval to the ODP, however as the road upgrading requirements do not affect the design of the ODP and the deficiencies in the Traffic Report will be addressed through the modifications identified, deferral of the ODP is not recommended by staff.

### **Drainage**

44. Drainage has also been examined by the proponents. Engineering drawings will be re-examined at subdivision stage although the level of detail provided is considered sufficient to support the ODP.
45. The ODP has been divided into a number of drainage catchments. There have been some discussions with the proponent over drainage for Lot 7 as;
  - a) The advertised ODP relied on drainage areas shown on Lot 6 and the proponents were advised that drainage for Lot 7 should be self contained.
  - b) The owners of Lot 6 have objected to drainage for Lot 7 being directed to their land (refer Submission 14).
  - c) Staff have met with proponent's engineers (April 2011) who confirmed that the POS area 'E' or 'F' in the north of Lot 7 has sufficient area to cater for drainage of Lot 7. This will be reflected in a revised LWMS. In addition the City's Works and Services Department has agreed that drainage does not have to attenuate the 1 in 10 event with there being no downstream infrastructure to protect.
  - d) A POS / drainage area is still shown on the ODP for Lot 6 however a marginal reduction can be considered at subdivision stage. Alternatively the owners of Lot 6 could pursue a modification to the ODP when the land is re-zoned (as it is currently Rural).

**Foreshore Reserve**

46. The foreshore reserve has been based on modelling and methodology outlined in a 'setback assessment' document. The general methodology was agreed to in writing by the Department of Planning in September 2009.
47. The foreshore areas on the ODP are greater than those reflected by 'Parks and Recreation' reservations under the Scheme. The delineation is largely determined by the state planning policy relevant at the time of the initial setback assessment, and the Department for Planning Coastal branch. The revised ODP was referred to the Department for Planning and no objections received. Accordingly the foreshore setbacks as proposed are supported.

**Fire Management**

48. A Fire Management Strategy for the ODP was developed in accordance with 'Planning for Bushfire Protection' Edition 1 by a professional fire consultant (in consultation with the City and the Fire and Emergency Services Authority).
49. In summary the strategy advised as follows;
  - a) The road layout meets the requirements however each subdivision stage will need to have two egress points (to Frenchman Bay Road).
  - b) The western and eastern boundaries of the site (adjoining areas of remnant vegetation) need to be provided with a 40 metre setback to incorporate a 20 metre building separation zone and 20 metre hazard separation zone. Building separation zones and hazard separation zones should be provided at subdivision stage.
  - c) A more detailed Fire Management Plan will be provided at the subdivision stage and be updated to reflect Edition 2.
50. Since development of the broad Fire Strategy, new 'Edition 2 – Planning for Bushfire Protection' guidelines have been released. Liaison with the Fire Consultant has revealed the existing overall Fire Management Strategy is sufficient for the ODP as the fire setbacks will not change.
51. The more detailed Bush Fire Management Plans for subdivision will be updated to reference Edition 2. It is recommended that the ODP include a notation requiring '*Detailed Fire Management Plans shall be submitted with subdivision applications to the WAPC in accordance with 'Planning for Bushfire Protection' Edition 2*' - (Modification 4 – Attachment 3).

**GOVERNMENT CONSULTATION**

52. The ODP has been referred to the Department of Environment and Conservation (Perth Branch), Fire and Emergency Services Authority, Department of Water, Department of Transport, Main Roads WA, Department of Education and Training, Water Corporation, Department of Planning (Coastal Branch); Department of Planning (Albany Branch); Western Power, Telstra, Department of Health, Department of Indigenous Affairs,

Department of Housing and Works, Department of Mines and Petroleum and Department of Agriculture and Food WA.

53. Thirteen government authorities, agencies or service providers lodged submissions on the ODP as summarised in a schedule with officer recommendations – Appendix 4.
54. The following main issues relevant to the ODP and government consultation are discussed in detail below;

**Areas for Vegetation Retention**

55. In considering environmental issues such as vegetation and fauna largely it is noted that:
- a) The EPA did not assess these issues 'up front' as part of the amendment process so they have become major issues for the ODP.
  - b) There has been an ongoing difference of opinion between the view of the proponents' environmental consultant and the view of the Department of Environment and Conservation.
  - c) To a certain degree the City may choose to rely on the Department of Environment and Conservation's expertise, however there is still discretion over environmental issues.
  - d) The City does not have environmental science expertise and can only provide a planning perspective.
  - e) Many local planning schemes have specific clauses which allow proponents a right of appeal for decisions relating to ODPs, and issues such as this can then be resolved through an independent State Administrative Tribunal (SAT) process. This is not the case for Albany's Scheme.
56. The ODP includes areas of remnant vegetation and potential fauna habitat. It is noted that:
- On behalf of the proponent, environment consultants conducted vegetation surveys of the subject land in October 2006, September 2007 and November 2007. Additional survey work was conducted in 2009 to respond to advice from the EPA on the scheme amendment.
  - Fauna studies were also undertaken in 2006 (Level 1 fauna assessment) and 2007 which identified some potential for a limited number of significant species to be present or to utilise the site, including Carnaby's and Baudin's Cockatoos, Western Archaeid Spiders, Carpet Pythons, White-bellied Sea Eagles (in the karri stands on Lots 1 and 110) and the Rainbow Bee-eater. In consideration of Amendment No. 284 the EPA recommended that specific fauna surveys be conducted and include Western Ringtail Possum, Mains Assassin Spider and the Carpet Python.
  - The proponent has indicated that they discussed a methodology for additional fauna survey work (February 2010) with the Department of Environment and Conservation (Albany), followed the agreed methodology, however the Department were not satisfied and have since not provided any alternative agreed study methodology.
57. In the ODP report it notes that the proponents environmental consultant "*considers that Western Ringtail Possums (WRP) are present in low numbers in the ODP area, where there*

*is suitable habitat.*” The environmental consultants have made a number of recommendations to manage any fauna movements, which have been incorporated into the ODP design. Some measures include;

- Retention of areas of very good to excellent quality vegetation in the foreshore area, POS Areas A, B & C that provide suitable Western Ringtail Possum habitat.
- The Foreshore Management Plan proposes that existing vegetation be retained and that most of the existing cleared areas of foreshore be replanted with local native plant species, including peppermint, which would be suitable as Western Ringtail Possum habitat. Corridor is 80m by 1.3km long.
- Retention of vegetation and replanting of a 5m vegetated buffer (with peppermints included) along Frenchman Bay Road.
- Retention of trees and understorey, where possible, within other areas of Public Open Space.
- Introduction of landscaping incentives for new landowners which prescribe the use of local native plant species, with a focus on Peppermint trees and local understorey species.
- Streetscaping to provide linkage at the road reserve level, with a focus on the planting of peppermint trees.

58. The ODP was referred to the Department of Environment and Conservation for comment and a submission lodged on the 11 March 2011 (Submission 32). The Department of Environment and Conservation indicated that;

- (i) The corridor link on Lot 1 should be widened; and
- (ii) Additional vegetation protection POS should be provided in the northern sector of Lot 7 and a small amount of Lot 109.

59. A meeting was arranged with the Department of Environment and Conservation officers to clarify the exact areas on the ODP requested for retention, as there was some ambiguity over whether the area on Lot 7 traversed the proposed east-west road. In discussions the Department of Environment and Conservation indicated that it made its comments under the assumption that the City had environmental expertise and would make the final decision. The City advised it would largely be guided by the Department of Environment and Conservation and had insufficient expertise to adjudicate a position between the Department of Environment and Conservation and the proponents' environmental consultants.

60. The Department of Environment and Conservation were requested to provide amended concise advice and an amended submission was lodged on the 8 April 2011 (refer Submission 33 and Appendix 2). The Department of Environment and Conservation considers it has provided significant compromise in its amended advice:

- (i) it will accept the link as proposed through Lot 1 as long as there is a clear commitment to retaining vegetation in POS areas A and C.
- (ii) it recommends the portion east of the proposed road on Lot 7 and a portion of Lot 109 should be retained for Western Possum habitat – Attachment 4.

- *Note: The section referred to by DEC is actually north of the proposed road.*

61. An additional meeting was held with the Department of Environment and Conservation and the proponents on 18 April 2011 to discuss vegetation issues, and the Department of Environment and Conservation has re-affirmed that it stands by its position outlined in its letter dated 8 April 2011. A number of issues were discussed at the meeting (refer discussion points raised below), and whilst the views of the Department of Environment and Conservation are respected and have been accepted via Modification 5 to the Outline Development Plan (in the responsible officer recommendation) staff do have some reservations as identified in the comments below.

Discussion Points	Comments
DEC has indicated that once areas are disturbed (ie subdivision site works) possums will temporarily move out of the area into surrounding habitat, and may have some territorial repositioning. This means the possums do not have to be trapped prior to site works commencing.	<p>It is understood that some possums may move back into the vegetation areas to be retained and some of the vegetation retention areas are aimed to providing habitat.</p> <p>The portion of Lot 7 and 109 identified by Department of Environment and Conservation are adjacent to a major road which represents some conflict. Unless Department of Environment and Conservation is prepared to manage the new open space it represents additional land for the City to maintain.</p>
It is important to provide vegetation corridors that link the foreshore to Torndirrup National Park to the immediate south. This will provide habitat and for safe movements.	<p>The importance of vegetation corridors is recognised. The vegetation corridor on Lot 1 will provide a link between the foreshore and Torndirrup National park. The majority of vegetation will be retained with the exception of some clearing for drainage.</p> <p>The vegetation retention suggested for portions of Lot 7 and 109 will not provide a vegetation link and staff are concerned that encouraging possums into this area could make them more susceptible to conflict through contact with predators, such as cats.</p> <p>Department of Environment and Conservation does acknowledge that the road corridor will have a significant impact on the value and integrity of vegetation on Lot 7. Staff considers the vegetation link on Lot 1 to be of greater importance.</p>
DEC advised that they can take into consideration surrounding habitat areas in their assessment.  DEC were asked how the values of vegetation on adjacent Reserve 930 were	<p>It is acknowledged that Reserve 930 is not provided with 100% protection of all native vegetation. From a practical perspective however it is considered that Reserve 930 should be taken into account as;</p> <ul style="list-style-type: none"> <li>- It is a Reserve vested in the City of Albany so the City has a high level of control over any future development and would have a high objective to retain vegetation.</li> </ul>

<p>taken into consideration. DEC has advised they have not taken Reserve 930 into account as the EPA advised that environmental values need to be achieved in the ODP area itself as there is no statutory planning mechanism in place to ensure long term vegetation protection on Reserve 930.</p>	<ul style="list-style-type: none"> <li>- The EPA advised that the majority of vegetation on Reserve 930 is of excellent condition, has the same values as the ODP area and currently acts as an ecological link.</li> <li>- The 'Parks and Recreation' zoning of Reserve 930 offers a high level of protection.</li> <li>- The reserve is leased to the Rotary Club however there are no known plans for future development. Existing buildings and clearing is relatively contained.</li> <li>- Any clearing or development would require referral to EPA or a permit from DEC (such a permit would be difficult to obtain).</li> <li>- It is considered unlikely that the City would pursue extensive clearing on Reserve 930 because of its vegetation values and likely high community value.</li> <li>- It is no different to other vegetation areas in the ODP that will become 'open space' vested to the City.</li> </ul>
--	---

62. The issue of vegetation retention is very difficult to assess, and entails trying to achieve the right balance between the need to provide adequate environmental protection and the need to cater for future housing growth.
63. Council has three options in dealing with vegetation retention issues as follows;

Option 1

Require the ODP to be modified to reflect the areas nominated by Department of Environment and Conservation for vegetation protection on portions of Lots 7 and 109 to be shown as 'Public Open Space'.

Council should adopt Option 1 if it strongly supports the position of DEC. Staff do not recommend Option 1 as staff have reservations over the value of retaining vegetation on Lot 7 and 109 surrounded by road and urban development (without a link).

Whilst not a planning consideration, the proponent has indicated that the subdivision will not be viable with the extent of open space being requested by the Department of Environment and Conservation. It is considered preferable by staff that the vegetation issues be dealt with by the Environmental Protection Authority and this is possible through future subdivision referral. The Department of Environment and Conservation's position can be recognised with notations on the ODP.

Option 2

Support the ODP as submitted with residential development shown on Lot 7 and 109.

Option 2 is not recommended as it would essentially be overriding the Department of Environment and Conservation DEC's advice.

Option 3

Support the ODP with a modification to:

- (i) Outline the vegetation retention area identified by the Department of Environment and Conservation on a portion of Lot 7 and 109 clearly in red; and
- (ii) Include a notation on the ODP that states *"Area identified by the Department of Environment and Conservation for public open space / vegetation retention. Area and landuses to be reviewed at subdivision stage with referral to the EPA."* (Modification 5 – Attachment 3).

Option 3 is recommended as it clearly identifies DEC's advice and provides flexibility for the issue to be resolved at subdivision stage. The EPA advised as part of Amendment 284 if remnant vegetation and fauna issues are not adequately addressed in the ODP, then subsequent subdivisions or developments may require referral under Section 38 of the Environmental Protection Act.

The Western Australian Planning Commission can refer any subdivision to the Environmental Protection Authority, and the proponent would have also have right of review to the State Administrative Tribunal if aggrieved by any determination. Staff considers it would be appropriate for Environmental Protection Authority to deal with this issue given they did not assess it as part of the amendment.

Option 3 allows for vegetation issues to be comprehensively assessed by a body of experts at the Environmental Protection Authority.

**Local Water Management Strategy (LWMS)**

64. A Local Water Management Strategy (Version 2 dated 4 December 2009) was referred to the Department of Water during advertising.
65. The Department of Water has not raised any major objections however requires additional information to be included in the Strategy (Refer Submission 6). The proponent is completing further groundwater monitoring and will lodge a revised Local Water Management Strategy incorporating the information requested.
66. To date no major impediments or anomalous information is identified. It is recommended that the ODP be referred to the Western Australian Planning Commission with advice that the Local Water Management Strategy be finalised prior to any endorsement by the Western Australian Planning Commission. Staff have liaised with the Department of Water on this position and this Department is comfortable that the finalisation of the Local Water Management Strategy can be dealt with through the Western Australian Planning Commission assessment process.
67. At the time of writing this report the finalised Local Water Management Strategy has been received and is currently being assessed by the Department of Water. Staff are continuing to liaise with Department of Water who have advised that an initial assessment of the report is likely to be undertaken prior to the Council meeting. Any comment received will be forwarded to Councillors.

**Priority 2 (P2) Protection Area (South Coast Water reserve)**

68. The western portion of the ODP is affected by a P2 area adjacent to Frenchman Bay Road.
69. The Department of Water support the creation of lots to recognise existing houses and open space for protection of the P2 area. The Department of Water has no objections to the creation of 'rural residential' lots for the existing dwellings on Lots 302, 9, and 4.
70. There is a southern portion of Lot 10 in the P2 area shown as a 'vacant' lot. The Department of Water was requested to comment on this during advertising however did not do so in their formal submission.
71. Liaison with the Department of Water informally on this issue has realised that;
  - (i) The southern portion of Lot 10 (hatched) is not supported as a stand-alone lot and cannot be built on.
  - (ii) It can form part of one other lot located outside of the P2 area.
  - (iii) It should not have any further subdivision potential.
  - (iv) The Department of Water have no objections as to whether it is shown as residential or rural residential as long as the above is complied with.
72. It is recommended that the southern portion of Lot 10 on the ODP be shown as 'Residential' with the P2 area as a 'building exclusion area and 'vegetation retention' area with a note that



*“The southern portion of Lot 10 shall be combined with one residential lot located outside of the P2 area (with no further subdivision potential)” – (Modification 6 – Attachment 3).*

## **PUBLIC CONSULTATION / ENGAGEMENT**

73. The ODP has been referred to all persons owning land in the ODP area, the owners of Lot 6 and surrounding / nearby owners.
74. Twenty non government / agency submissions were received and are summarised in a schedule with officer recommendations – Appendix 4.
75. The main objections relate to density, location, vegetation removal, extent of foreshore, fire management and traffic. All of the main issues are discussed in the body of this report.
76. The nature of objections to vegetation removal is one reason why staff considers that the EPA would be better placed to examine the design as part of the subdivision process.

## **STATUTORY IMPLICATIONS**

77. City of Albany Town Planning Scheme No 3 – Clause 3.4 requires all ‘Residential Development’ zones to be subject to an Outline Development Plan, and Clause 5.5 outlines the requirements for an ODP.
78. Table 3 of Town Planning Scheme No 3, allows Council to set the residential density through an endorsed structure plan.

## **STRATEGIC IMPLICATIONS**

79. The subject land is identified within the Albany Local Planning Strategy as ‘Future Urban’ and has been zoned accordingly.

## **POLICY IMPLICATIONS**

80. The City of Albany Residential Design Code Policy has been discussed in the body of this report. It should be noted that this Policy as it applies to Big Grove is now known as ‘Emu Point and Big Grove Village Centres’ Policy.

## **RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Fire Risk	Possible	Major	High	ODP design has been undertaken in consultation with fire professional and is consistent with Fire Management Plan. Detailed Fire Management Plans required at subdivision stage.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Environmental	Possible	Moderate	Medium	Vegetation issues to be examined by EPA at subdivision stage, however retention of vegetation on Lot 7 and Pt Lot 109 in accordance with Department of Environment advice has been recommended.
Traffic safety/management	Possible	Moderate	Medium	Require contributions to the future upgrading of Frenchman Bay Road in accordance with Traffic Report and control density through amendments to R-Coding.

## **FINANCIAL IMPLICATIONS**

81. The City will become responsible for ongoing maintenance of roads and public areas. In relation to the upgrading of Frenchman Bay Road and the intersections along its route into the future, proportionate contributions would be required at the subdivision stage from the proponents to ensure Council is not burdened with the full cost of upgrading the road into the future at the expense of all ratepayers throughout the City.

## **LEGAL IMPLICATIONS**

82. There is a right of way, pedestrian access ways and private rights of carriageway north of the Panorama Road cul-de-sac. The City has been provided copies of confidential legal advice relating to these matters. They have requested that the legal advice only be used for internal use unless otherwise authorised. Council may seek its own independent legal advice if it is concerned over these issues.

<b>Description of issue</b>	<b>Advice provided by Ayton Baesjou Planning</b>	<b>Staff comment</b>
There is a right of carriageway easement on Lot 2 with benefits to Lot 9 and 10. The easement extends immediately north from the end of the Panorama Road and is approximately 10.06 metres wide.	The proponent advises that a future road reserve is proposed that encompasses the exact area affected by the easement on Lot 2, and that all future Public Open Space and residential lots are outside of the easement area. It is not clear on the broad ODP however they have provided sketches showing the road	This legal issue will substantially be dealt with by the owner of Lot 2 as the easement is private and not an easement under the control of the City.  As the easement is to become a public road, the owner of Lot 9 will still have pedestrian and road access to the same area.

Description of issue	Advice provided by Ayton Baesjou Planning	Staff comment
	<p>extension.</p> <p>The proponent has provided an extract of legal advice which expresses an opinion that the easement will be extinguished once the land has been dedicated as a road through the subdivision process.</p>	<p>If the owner of Lot 9 is concerned over this issue they can obtain independent legal advice. In any event, this issue is not seen as an impediment to the ODP.</p>
<p>There are two Pedestrian Accessways (Lots 55 and 56) which extend immediate north of Panorama Road known as Lots 55 and 56.</p>	<p>The Pedestrian Access Ways are vested to the State and grant members of the general public a right of access from the end of Panorama Road through to the foreshore.</p> <p>The solicitors have advised that:</p> <ol style="list-style-type: none"> <li>1. The Pedestrian Access Way may be closed by dedicating it for public use as a road under section 56 of the Land Administration Act (LAA).</li> <li>2. Where the Minister agrees, a dedication order has the effect of re-vesting the land as crown land on register of that order.</li> <li>3. People with interests or implied rights are not entitled to compensation because of the dedication and re-vesting in the crown.</li> </ol>	<p>Dedication of the Pedestrian Access Ways as a public road would only be initiated at the written formal request of a landowner, and be dealt with as a separate report to Council and subject to the LAA.</p> <p>The alternative is that the Pedestrian Access Way's remain 'as is' however it would be logical to incorporate them into a road with a dual use path.</p> <p>The existence of the Pedestrian Access Way's does not negatively impact on the ODP.</p>
<p>There is a Right of Way to the north of Lot 18 running parallel to Reserve 27052 on the harbour. It borders the north boundary of Lot 2.</p>	<p>The right of way may be closed by the City re-vesting the land under section 82 of the Land Administration Act.</p>	<p>Staff have checked the Land Administration Act and the Minister can re-vest land in the crown.</p> <p>The ODP shows the Right of Way as open space. In the future the city may consider</p>

Description of issue	Advice provided by Ayton Baesjou Planning	Staff comment
		whether it is best to retain the land as Right of Way. As the land is under the care and control of the City it is no impediment to the ODP.
There is a right of carriageway easement on Lot 10 with benefits to Lot 2. The easement is west of and running parallel to a portion of the Panorama Road Reserve.	The easement on Lot 10 is outside of the Panorama Road Reserve and provides a right of carriageway to Lot 2.	There is no real benefit gained by the owner of Lot 2 by the existing easement.  The owner of Lot 10 will need to either negotiate with the owner of Lot 2 to extinguish the easement or include the easement in a future road reserve.  The owner of Lot 10 can obtain their own legal advice on this matter.  It is a private easement and its location does not cause a major impediment for the ODP design.

#### ALTERNATE OPTIONS

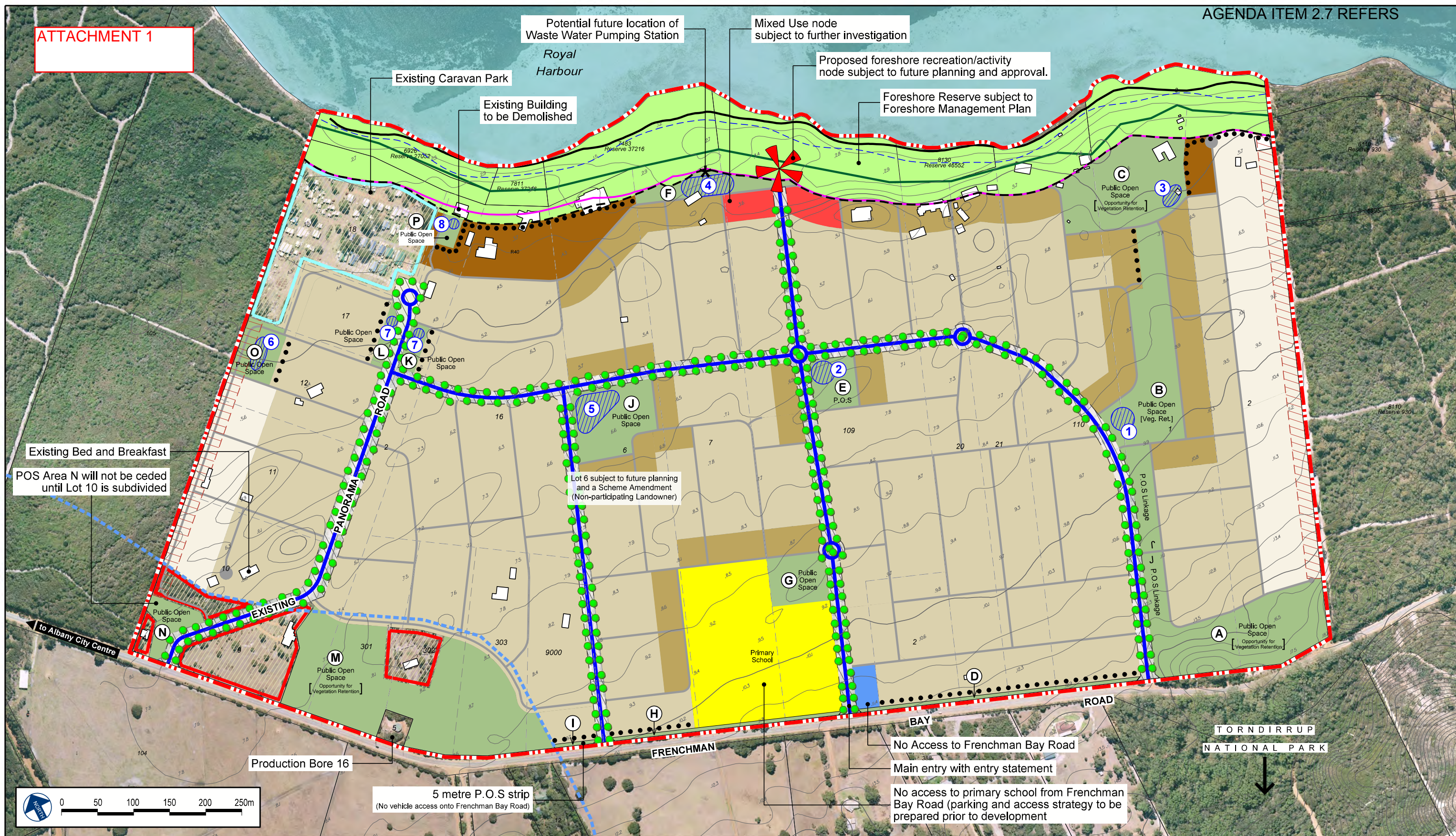
83. The options available to deal with vegetation/open space issues have been discussed in Paragraph 63 of this report.
84. If Council does not support the officer recommendation then it can resolve not to adopt the Outline Development Plan for final approval and request additional information from the proponent prior to referral to a future Council meeting including but not limited to:
- (1) A finalised Local Water Management Strategy approved in writing by the Department of Water (it should be noted that the Department of Water are currently assessing the finalised Local Water Management Strategy).
  - (2) The updated Traffic Assessment Report, with modifications requested in Recommendation 3.
  - (3) A Fire Management Plan updated to reflect the new Edition 2 'Planning for Bushfire Protection' requirements.
  - (4) A revised ODP report with updated POS schedule reflecting any road widening requirements and the findings in completed reports.
  - (5) Any other modifications required by Council (to be listed) to the ODP.

**SUMMARY CONCLUSION**

85. The ODP has progressed to a stage where the issues have been clearly identified and those matters outstanding are not such that they will impact significantly on the overall design. The ODP requires endorsement by the Western Australian Planning Commission who will likely also require modifications to be completed by the proponents.
86. There are significant landowners involved in the ODP and it is considered that the planning processes have sufficient safeguards in place to ensure all matters will be resolved or addressed before the ODP is endorsed by state planning. Notwithstanding the above, it is wholly Council's prerogative to require finalised reports prior to adoption of this ODP if preferred.
87. It is recommended that the ODP be adopted for final approval subject to modifications and requirements.

<b>Consulted References</b>	Town Planning Scheme No. 3 Liveable Neighbourhoods
<b>File Number (Name of Ward)</b>	ODP003 (Vancouver Ward)
<b>Previous Reference</b>	OCM 14/10/2010 - Item 1.3





### OUTLINE DEVELOPMENT PLAN (O.D.P.) Big Grove, ALBANY

#### LEGEND

Outline Development Plan Boundary

#### Land Use:

- Low Density Residential (R10)
- Low Density Residential (R20)
- Low Density Residential (R25)
- Medium Density Residential (R40)
- Village Centre (R40 - R60)

#### Open Space:

- Public Open Space (Cash in Lieu at subdivision stage for those lots that do not provide 10% open space of land)
- Foreshore Reserve
- POS / Drainage
- Existing Parks and Recreation Reserve Boundary (as shown on TPS maps)
- HSD - Horizontal Setback Datum
- Original Physical Processes Setback (M.P. Rogers)
- Physical Process and Foreshore Reserve Setback Required by the Department of Planning (M.P. Rogers / Coffey)

- Mixed Use R30
- Primary School
- Rural Residential
- Tourism
- Fire Protection
- Infrastructure:
- Neighbourhood Connector
- Access Street

#### Other:

- South Coast Water Reserve - Priority 2 Protection Area
- Existing Buildings / Houses
- Dual Use Path (2m wide) Indicative alignment only - refer to Foreshore Management Plan
- Foreshore Node
- Detailed Area Plan (DAP) for lots adjoining POS / Foreshore Reserve (permeable fencing, habitable room orientation etc)
- POS Identifier
- Drainage Identifier

Peet Tristate syndicate Ltd,  
P & B Corporation : CLIENT  
1:5,000@A3 : SCALE  
6 May 2011 : DATE  
3066-4-009n.dgn : PLAN No  
n : REVISION  
M.Z. : PLANNER  
R.F. : DRAWN  
N.T. : CHECKED

FIGURE 9



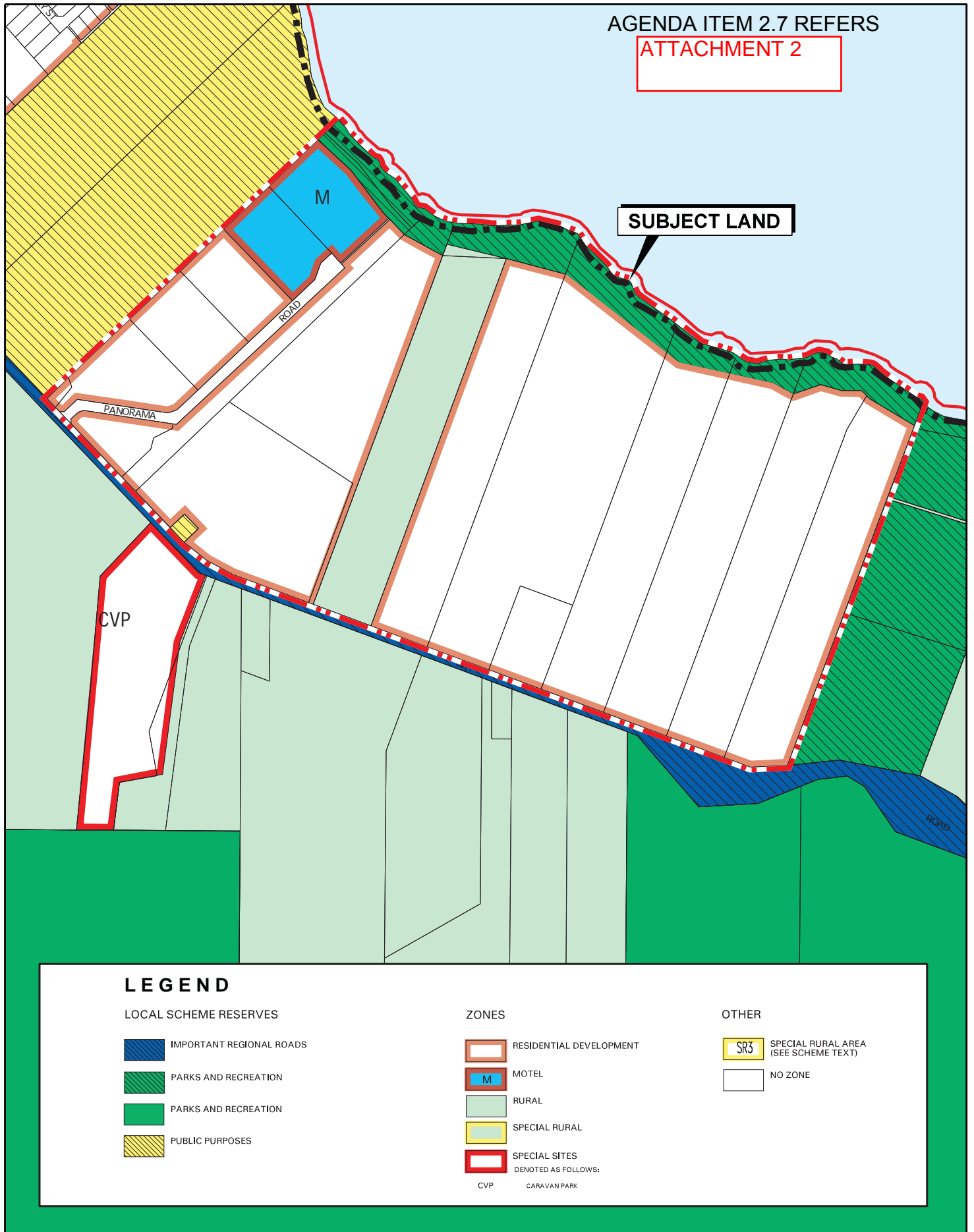
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AGENDA ITEM 2.7 REFERS





**LEGEND**

--- Boundary of Outline Development Plan



0 10 20 30 40 50km

Not To Scale  
Source: WMAF 11  
3066-5-007c.ai  
October 2010  
Chapell Lambert

AGENDA ITEM 2.7 REFERS

**FIGURE 5**

**CITY OF ALBANY T.P.S. No. 3**

Big Grove, ALBANY



AGENDA ITEM 2.7 REFERS

**RPS**



# ATTACHMENT 3

AGENDA ITEM 2.7 REFERS

**MODIFICATION 10:**  
To the extent the creation of any road shown on the ODP requires any easement or other interest in that land to be extinguished, the proponent must at its cost (including any compensation that may be payable) arrange for the interest to be extinguished.

**MODIFICATION 1:**  
Should the owner of Lot 17 wish to develop their landholding for residential purposes a rezoning from 'Motel' to 'Residential Development' zone prior to any residential subdivision or development would be required. Any rezoning requires separate approval by the Minister for Planning.

**MODIFICATION 9:**  
Change Tables 5b and 6 of ODP Report (Section 8.6) to identify a maximum of 10% public open space.

Existing Bed and Breakfast  
POS Area N will not be ceded until Lot 10 is subdivided

**MODIFICATION 6:**  
The southern portion of Lot 10 shall be;  
(i) Combined with one residential lot located outside of the P2 area (with no further subdivision potential);  
(ii) Shown as residential to reflect the lot size and ensure only residential uses occur;  
(iii) Show the P2 area as a 'building exclusion' area and 'vegetation retention' area.

**MODIFICATION 5:**  
Area identified by DEC for public open space / vegetation retention. Area and land uses to be reviewed at subdivision stage by EPA.

**MODIFICATION 7:**  
As per Traffic Report all intersections with Frenchman Bay Road are to be constructed in accordance with the Traffic Assessment Report.

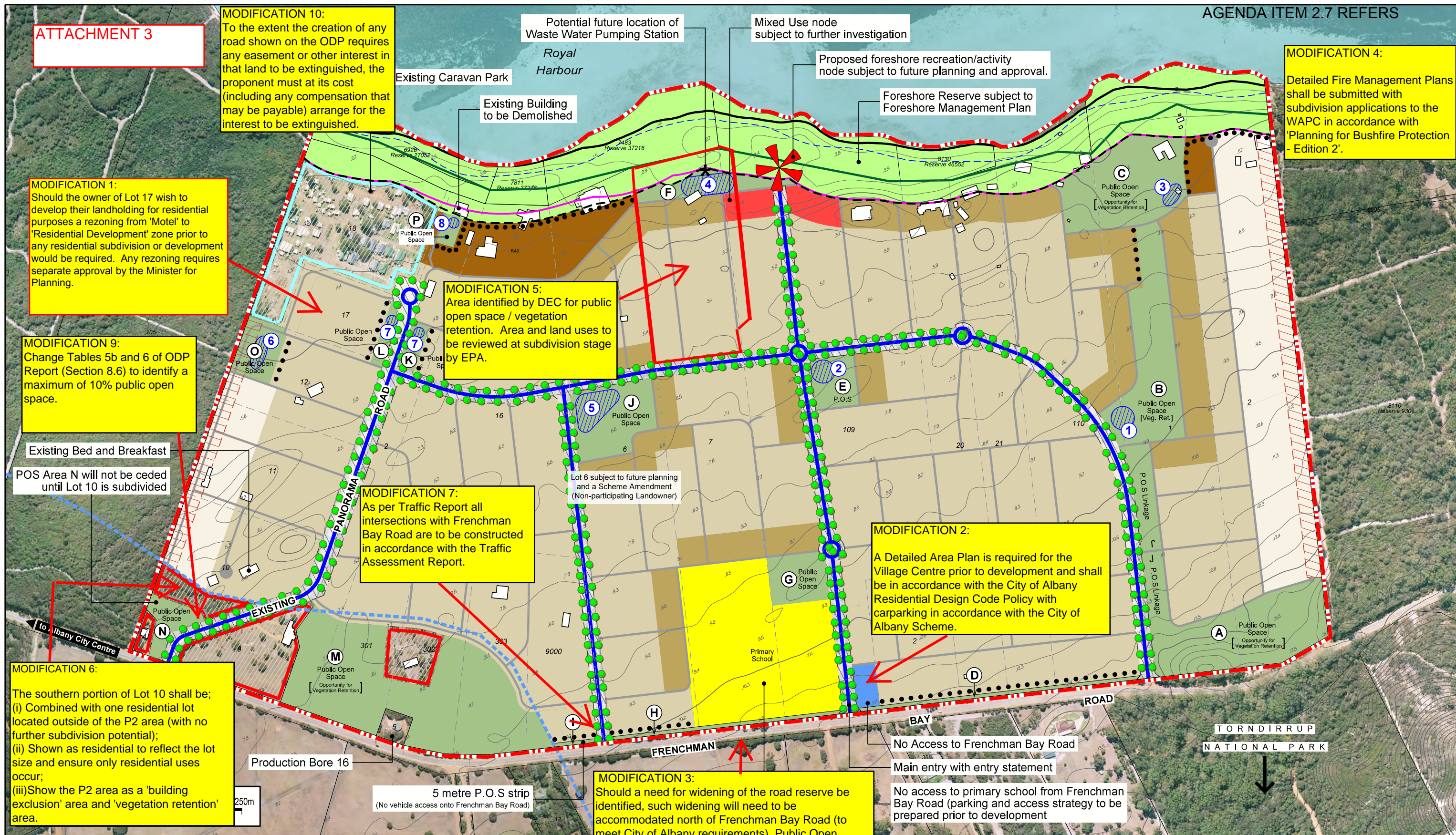
Lot 6 subject to future planning and a Scheme Amendment (Non-participating Landowner)

**MODIFICATION 2:**  
A Detailed Area Plan is required for the Village Centre prior to development and shall be in accordance with the City of Albany Residential Design Code Policy with carparking in accordance with the City of Albany Scheme.

**MODIFICATION 3:**  
Should a need for widening of the road reserve be identified, such widening will need to be accommodated north of Frenchman Bay Road (to meet City of Albany requirements). Public Open Space schedule may require adjustment at subdivision.

**MODIFICATION 8:**  
Modification to R-Code densities to modify R40 to R30, R20 to R17.5 and retain R25 (except that an increased average site area of 400m<sup>2</sup>) in accordance with Section 9.3 of the ODP.

**MODIFICATION 4:**  
Detailed Fire Management Plans shall be submitted with subdivision applications to the WAPC in accordance with 'Planning for Bushfire Protection - Edition 2'.



Base data supplied by Harley Survey Group \ Landgate  
Aerial Photography Dated March 2007 (Latest available from Landgate)  
Projection MGA Zone 50  
Areas and dimensions shown are subject to final survey calculations.  
All cartageways are shown for illustrative purposes only and are subject to detailed engineering design.  
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## LEGEND

- Outline Development Plan Boundary**
- Land Use:**
- Low Density Residential (R10)
  - Low Density Residential (R20)
  - Low Density Residential (R25)
  - Medium Density Residential (R40) - Requires Detailed Area Plan
  - Village Centre (R40 - R60) - Requires Detailed Area Plan and POS Calculation Review

- Open Space:**
- Public Open Space (Cash in Lieu at subdivision stage for those lots that do not provide 10% open space of land)
  - Foreshore Reserve
  - POS / Drainage
  - Existing Parks and Recreation
  - Reserve Boundary (as shown on TPS maps)
  - HSD - Horizontal Setback Datum
  - Original Physical Processes Setback
  - Physical Process and Foreshore Reserve Setback Required by the Department of Planning (M.P. Rogers / Coffey)

- Infrastructure:**
- Neighbourhood Connector
  - Access Street
  - habitable room orientation etc)
  - POS Identifier
  - Drainage Identifier

## INE DEVELOPMENT PLAN (O.D.P.) Big Grove, ALBANY

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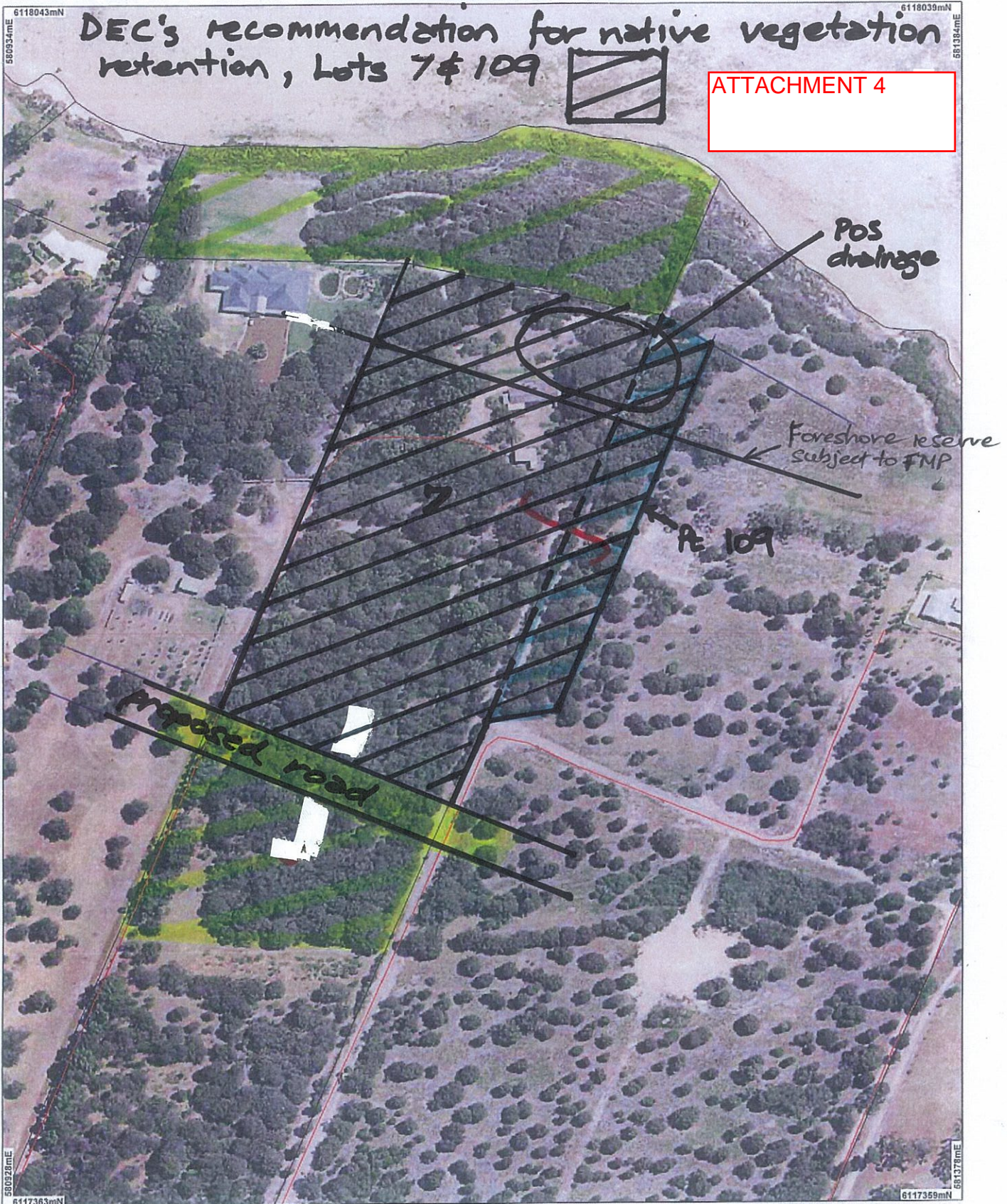
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FIGURE 9

AGENDA ITEM 2.7 REFERS

## ATTACHMENT 3 - SUMMARY OF MODIFICATIONS





**LEGEND**

Albany Mount Warner 1:4m Unorthographic - Landgate 2002

Swan River Trust Act, Swan River Trust Management Area

Road Centrelines Cadastre (cont)

- ☐ Private
- ☐ Crown Reserve
- ☐ State Forest / Timber Reserve
- ☐ Marine Park
- ☐ Crown Lease
- ☐ Lease / Reserve
- ☐ Lease on State Forest / Timber Reserve (cont)

- ☐ Public Roads
- ☐ Unallocated Crown Land
- ☐ Water
- Albany Townsite 20cm Orthomosaic - Landgate 2007
- Albany 50cm Orthomosaic - Landgate 2007

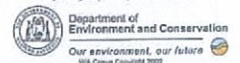
Scale 1:1944  
(Approximate when reproduced at A3)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Prepared by: John W  
Prepared for:  
Date: 28/03/2011 10:59:02 AM

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.





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6 May 2011

**Our Ref:** 3066 (RPS) and 2152 (CLE)  
**Enquiries:** Scott Vincent (RPS for PEET)  
Phillida Rodic (CLE for HLD)

City of Albany  
PO Box 484  
ALBANY WA 6331

**Attn: Mr Graeme Bride, Executive Director Planning and Development Services**

Dear Graeme

## **BIG GROVE OUTLINE DEVELOPMENT PLAN – RESPONSE TO SUBMISSIONS**

Thank you for providing the Schedule of Submissions received during advertising of the Big Grove Outline Development Plan (ODP). Having reviewed these in consultation with the project team, yourself and your planning consultant, Liz Bushby, we have prepared the attached table providing a brief response to each. Also enclosed is an updated version of the ODP report (excluding appendices) reflecting those amendments referred to below.

The key points set out in our response are summarised as follows:

1. Submissions can be broken down into three basic groups: those from government agencies, those from non-participant landowners within the ODP area and those from the general public;
2. Those from government agencies generally raise no major objections, although the Department of Environment and Conservation has requested further vegetation to be retained and several agencies have asked for additional information or minor modification. In this regard, we advise as follows:

- a) **DEPT. OF WATER:** 12 months of groundwater monitoring has been completed and is being documented for inclusion in an updated version of the Local Water Management Strategy (LWMS). This monitoring has identified no anomalies in groundwater condition, with finalisation of the updated LWMS occurring in consultation with the Department of Water and should be completed by June. Whilst the modifications being made are of a minor nature, a condition requiring finalisation of the document prior to WAPC endorsement would secure this point.

Inclusion of the notional location of the Sewer Pump Station has also been made on the ODP plan.

- b) **MAIN ROADS WA:** Main Roads WA has suggested that the development will require both the widening of Frenchman Bay Road and the upgrade of its intersection with Hanrahan Road. Our analysis (detailed in Wood & Grieve's traffic report) has concluded that whilst anticipate total traffic volumes along Frenchman Bay Road may, by 2031, justify widening of the eastern end of the road, this is for a relatively limited



portion, is at the discretion of Council and is contributed to by overall demand, not just this development. Discussions between Wood and Grieve and the City's traffic engineer are continuing with a view to determining the precise level of upgrade the City wishes to pursue, its approximate timing (given that demand is building only slowly) and its cost. A per lot contribution from the development proportionate to the level of demand for widening that the development contributes can then be levied as a condition of subdivision. A statement reflecting this position has been included in the updated ODP (refer section 5.3).

Our review of the intersection of Frenchman Bay Road with Hanrahan Road has concluded that only the AM peak movement right out of Frenchman Bay Road will require upgrading by 2031 to maintain a reasonable level of service. Importantly, this upgrading will be justified under Austroad Guidelines irrespective of the Big Grove development. As such, it cannot be apportioned to the development. As has been discussed, it appears that improvement of the intersection taking into account the access it provides to the port will be best served through implementation of MRWA's 'Ring Road' design. This is, however, a regional upgrade, to cater for freight demand, not to serve development along Frenchman Bay Road. Responsibility for it must therefore remain with the State. However, given the uncertainty over its timing, we appreciate that some interim upgrade may be required. Again, our traffic consultant continues to liaise with the City to determine its preferences with proportionate contributions leviable upon subdivision. Again, this position has been reflected in the updated ODP (refer section 5.3). We appreciate the City's desire to resolve these matters and will continue to work with your engineering department to resolve the details as a matter of priority.

- c) **DEPT. OF ENVIRONMENT AND CONSERVATION:** The Department of Environment and Conservation (DEC) have had on-going input into the ODP with resolution of most aspects agreed prior to advertising, with the exception of the extent of vegetation to be retained on Lot 7. We note that the DEC has maintained its position and requested preservation of vegetation on this lot north of the central east-west road, through to the foreshore. The rationale for this is not supported by our environmental consultants and has been extensively debated with the DEC. A comprehensive response to those matters raised in DEC submissions is provided within the attached schedule, and further written advice confirming the affected proponent's (PEET) position will be provided to the City of Albany separately in the coming days.

Additional detailed consideration of vegetation type representation in the region (as per the Albany Regional Vegetation Study) have also been provided as requested, confirming that these are adequately provided for.

- 3. Those submissions received from non-participant landowners generally raise no objection to the general thrust of the ODP, but several request modifications to it in relation to their site. Wherever feasible, these have been accommodated. In particular:
  - a) Submission 15: Kirby: provision has been made to limit drainage provision on the Kirby's lot to their own site. All drainage from other lots will be accommodated elsewhere. This is to be confirmed in the updated LWMS to be submitted.
  - b) Submission 18: Hillis: the development layout shown in the advertised ODP reflects that submitted by this landowner prior to advertising. However, we have no objection to the inclusion of Rural Residential area within the South Coast Water Reserve provided this is supported by the Department of Water. We look to the City to determine the best approach to this request.



- c) Submission 19: Vasiliu: The refinements to the reserve areas requested by Mr Vasiliu after survey have been reflected in the revised ODP document.
- d) Submission 30 and 31: Grist: ODP modifications have been made with regard to retained lots (including Lot 110).

A number of other changes requested have not been accommodated because they conflict with the directions of approval agencies and / or planning policy.

4. The majority of those submissions from the general public (12 in total) are from those concerned about what they perceive as potential over-development. These vary in length and content but generally suggest that no or only limited development should occur in this location, citing character, environmental impact, serviceability and the existence of other preferable locations for development in support of their arguments. In response, we have noted that:
  - a) The City has been through a comprehensive process of determining the best locations to accommodate development. This resulted in the identification in the City's Local Planning Strategy of Big Grove, amongst other locations, as an appropriate site for urban development. Whilst this recommendation may not be universally supported by the community, it was based on sound and comprehensive area planning and resulted in the rezoning of most of the area to 'Development';
  - b) The ODP and studies which inform and support it demonstrate that the plan is environmentally appropriate. Albany is a significant area and the community's sensitivity to environmental impact is understood. However an important part of sound environmental management is to allow appropriately located, designed and managed development to occur in order to protect more sensitive areas. The plan provides for retention of most significant areas, and incorporates a number of design provisions and management mechanisms aimed at ensuring an appropriate environmental outcome;
  - c) Provision of service infrastructure is a routine requirement for development and will be provided at Big Grove. Investigations in conjunction with service authorities have indicated that water, sewer, power and telecommunications can be provided and will be conditions of subdivision;
  - d) Traffic investigations undertaken for the site similarly don't raise any concerns which preclude development.

We trust this information is of satisfactory and supports a positive recommendation in relation to the ODP. Should you have any queries or concerns, please do not hesitate to contact us.

Yours sincerely

**RPS**



**SCOTT VINCENT**  
Senior Planner

CC: Liz Bushby – Gray & Lewis (City of Albany Planning Consultant)  
Phillida Rodic – Chappell Lambert Everett  
Ben Pervan – PEET Ltd.  
Barry Humfrey – Humfrey Land Development (for P&B Corporation)  
Delma Baesjou – Ayton Baesjou Planning (Albany)  
Melanie Price – Aurora Environmental (Albany)  
Travis Demeza – Wood & Grieve (Albany)



Our Reference: 2152Ltr54A  
Enquiries: Phillida Rodic or Tony Lambert

15 June 2011

City of Albany  
PO Box 484  
ALBANY WA 6331

**ATTENTION: GRAEME BRIDE**

Dear Sir,

**RE: BIG GROVE WEST OUTLINE DEVELOPMENT PLAN – REPORT ON OUTCOMES OF ADVERTISING**

Thank you for your on-going liaison regarding the reporting on the Big Grove Outline Development Plan. We appreciate the consultative approach you have taken. Whilst we have communicated our views on the outcomes of advertising of the Plan to you verbally, and through various email exchanges, we would like, at this stage, to more formally document our position on what we consider to be the key issues. This letter is provided on behalf of both ODP proponents, P&B Corporation and PEET.

Firstly, and most importantly, we support the adoption of the Plan, and the recommendations relating to outstanding issues that allow them to be resolved following Council endorsement. The majority of these we have no issue with (subject to a number of minor amendments detailed under separate email correspondence) and are working to address as quickly as possible.

**Recommended Modification 8: Residential Densities:**

We are, however, concerned regarding the recommendation to reduce densities across the site (to limit potential traffic generation) particularly with the recommendation to reduce the R20 coding to R15. Whilst we understand the motivation behind this and the absolute security it affords the City regarding potential lot yield, we maintain that actual yields would, in any event, be exceedingly unlikely to come close to those theoretically possible if minimum average lot sizes were applied to each site. The application of a reduced density guarantees this, but also reduces the flexibility to provide a slightly greater range of lot size (notwithstanding the variation to minimum lot size proposed, which we appreciate). Our preference is to maintain the R20 zoning. Alternatively, application of an R17.5 would be a compromise, which would still reduce potential yields but provide slightly greater flexibility.

T O W N P L A N N I N G + U R B A N D E S I G N

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DIRECTORS - PT CHAPPELL MPIA TJ LAMBERT MPIA IJ EVERETT MPIA JM BENNETT MPIA

CHAPPELL LAMBERT EVERETT PTY LTD ABN 56 614 050 606 AS TRUSTEE FOR THE CLE TRUST

We appreciate the City's concern with traffic potential but point out that estimations still remain just that, and that whilst Austroads provides very useful guidance on traffic capacity and design, it itself recognises that these are guidelines and so inherently flexible. Some slight variation one way or the other in terms of traffic numbers should not, we think, be viewed as critical and should not compromise the provision of a reasonable range of densities in this location.

**Recommended Modification 5: Environmental Notation:**

The second issue of concern relates to the recommended notation pertaining to Lots 7 and 109. As previously advised, the affected landowner does not endorse the proposed modification, nor any amendment to the plan affecting those two lots and maintains their objection to DEC's interpretation of their environmental significance. They therefore request deletion of the modification. Should, however, Council be inclined to maintain such a modification, a more accurate form of wording may read "*Area of interest to DEC for vegetation protection to be reviewed at subdivision*". A specific requirement for formal referral to the EPA is considered unnecessary, as this is not the only mechanism available to discuss the issue with the DEC and EPA.

Thank you for your consideration of our position.

Should you have any queries regarding this matter, please contact Phillida Rodic or Tony Lambert of this office on 9382 1233 (in relation to P & B landholdings), or Matt Zuvela or Scott Vincent of RPS on 9211 1111 (in relation to PEET Ltd landholdings)

Yours faithfully,

*Chappell Lambert Everett*

**CHAPPELL LAMBERT EVERETT**

CC: Barry Humfrey  
Ben Pervan  
Matt Zuvela & Scott Vincent  
Delma Baesjou  
Melanie Price  
Greg Basden & Travis Demeza  
Stephen Petersen

P & B Corporation C/- HLD  
PEET Ltd.  
RPS  
Aytan Baesjou Planning  
Aurora Environmental  
Wood & Grieve  
Dept of Planning (Great Southern)

## **2.8: REVISION OF WA PLANNING COMMISSION RURAL PLANNING POLICIES**

<b>Land Description</b>	: Various
<b>Proponent</b>	: WA Planning Commission
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: Nil
<b>Appendices</b>	: Draft State Planning Policy 2.5 'Land Use Planning in Rural Areas' : Draft Development Control Policy 3.4 'Subdivision of Rural Land'
<b>Responsible Officer(s)</b>	: E/ Director Planning and Development Services (G Bride)

### **Maps and Diagrams:**

Nil.

### **ITEM 2.8: AMENDMENT BY COUNCILLOR D BOSTOCK**

**MOVED: COUNCILLOR D BOSTOCK**

**SECONDED: COUNCILLOR J BOSTOCK**

**THAT 1) (b) be removed from the Responsible Officer Recommendation.**

**LOST 3-9**

### **Record of Vote**

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



**ITEM 2.8: RESPONSIBLE OFFICER RECOMMENDATION**

That Council NOTE the revised draft WA Planning Commission State Planning Policy 2.5 'Land Use Planning in Rural Areas' and Development Control Policy 3.4 'Subdivision of Rural Land' and PREPARE a submission to the WA Planning Commission advising of its concerns with certain aspects of the policies, namely:

- 1) WA Planning Commission draft SPP 2.5 'Land Use Planning in Rural Areas':
  - (a) It does not support the removal of the ability for a Local Government to nominate 'regionally significant agricultural land' for protection in local planning strategies and schemes.
  - (b) Irrespective of size, all tree farms (both for softwood/hardwood tree production plantations and carbon-sequestration plantations) should require planning approval from the relevant Local Government and which may be prevented from some areas of the City.
  - (c) The need for a reticulated water supply to be provided to all rural living lots (1 – 40ha's) is not supported or considered feasible in some instances. The City would recommend the Commission adopt a more flexible approach to recognise the need to allow for modest growth/expansion of existing settlements and encourage the retention of smaller rural communities within the City.
  - (d) The subdivision of rural land for carbon-sequestration lots is supported subject to it establishing (in conjunction with DC 3.4) some minimum criteria for carbon sequestration lots such as minimum lot size, shape, number of lots, management controls over time, restriction to one-off applications, must have local government approval for that purpose etc.
- 2) WA Planning Commission draft DC 3.4 'Subdivision of Rural Land':
  - (a) It does not support the mandatory requirement for a reticulated water service to be provided to all rural living lots.
  - (b) That the standards for subdivision construction, particularly roads and flood/stormwater drainage continue to be at the discretion of the Local Government.
  - (c) Whilst it does not affect the City directly, it is suggested the WAPC consider a more flexible approach to subdivision given the changes expected to agriculture types and practices expected from changing climates and world demands over time.
  - (d) The Policy should place less reliance on achieving minimum lots sizes and more effort on proving the lot is both capable and suitable for agricultural use consistent with similar lots and operations in the locality.
  - (e) The City wishes to retain the present 40ha balance lot requirement for homestead lots at this stage. The City will now seek advice from the Department of Agriculture and Food regarding the suitability of the existing minimum lot size criteria, prior to making any alteration.

**ITEM 2.8: RESOLUTION (Responsible Officer Recommendation)**

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

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 11-1**

**Record of Vote**

Against the Motion: Councillor D Bostock

## **BACKGROUND**

1. The WA Planning Commission utilises these planning policies to determine applications for development within rural areas of the State, in particular the subdivision of rural land. SPP 2.5 (renamed from SPP 11 March 2002) sets out the Commission's state-wide policy for rural land use planning whilst DC 3.4 (February 2008) deals specifically with the subdivision of rural land (which includes general/priority agricultural land and rural living areas such as special rural lots etc).
2. The draft policies seek to more clearly elaborate the WAPC's long-held stance that rural subdivision and the conversion of agricultural land to rural living purposes should be limited.
3. SPP's are strategic policies of the WA Planning Commission that apply across the State and are required to be incorporated into local planning strategies and schemes including local planning policies by Local Governments. The review of SPP 2.5 and DC 3.4 therefore affects the recommendations in the existing City Albany Local Planning Strategy (ALPS) and relevant schemes and policies.
4. The Commission utilise the policies to guide decision-making on local planning strategies, schemes and scheme amendments and when considering subdivision applications in tandem with DC policies.

## **DISCUSSION**

5. The two policies are discussed below with respective recommendations for each section.

### **Draft State Planning Policy 2.5 'Land Use Planning in Rural Areas'**

6. The review has created a far less prescriptive SPP 2.5 policy than exists at present (Note: many of the more prescriptive elements relating to scheme provisions/zones will now be included in proposed Guideline 2.5.1 – Land Use Planning in Rural Areas, which has not been released). There is an attempt in the draft policies to consider the need for regional variations based on needs of differing rural areas throughout the State.
7. The objectives of the revised SPP are:
  - a) To protect rural land from incompatible uses by:
    - Requiring comprehensive planning for rural areas;
    - Making land-use decisions for rural land that support existing and future primary production and protection of priority agricultural land;
    - Providing investment security for the existing and future primary production sector.
  - b) To promote regional development through the provision of economic opportunities on rural land;
  - c) To promote sustainable settlement in, and adjacent to, existing urban areas;
  - d) To protect and improve environmental, landscape and cultural assets; and
  - e) To minimise land use conflicts that compromise rural land uses.

8. There are 6 main Policy Measures proposed:
- Protection of rural land;
  - Rural land in the Metropolitan Region;
  - Regional variation, economic opportunities and regional development;
  - Rural living precincts;
  - Managing and improving environmental and cultural attributes; and
  - Avoiding land use conflicts.

**5.1 *Protection of rural land***

9. The draft Policy reiterates the current requirement for high capability land to be zoned Priority Agriculture and requires this land to be retained for food production purposes. The WAPC's view is that there is an existing supply of suitably sized and located lots throughout the State to cater for intensive and emerging primary production land uses.
10. The use of land for intensive or emerging primary production does not warrant creation of new rural lots. Creation of new rural lots will be allowed by exception as set out in DC 3.4 or when contained in an approved Local Planning Strategy.
11. The SPP proposes a different definition of priority agriculture land to delete reference to any regionally significant agricultural land and only focussed on the land considered to be of State significance. This approach is disappointing given the benefits and contribution that traditional agriculture plays within the State and especially in rural port towns such as Albany in the Great Southern.
12. The existing planning approach to high capability land suitable for intensive agriculture has been to promote investment through subdividing suitable/capable land into generally smaller lot sizes when compared to general or broadacre farming. This approach is not supported under the revised Policy.

**5.2 *Rural land in the metropolitan region***

13. Given its location, this Policy does not impact on the City.

**5.3 *Regional variation, economic opportunities and regional development***

14. The draft Policy indicates that the WAPC's decisions will be guided by the need to provide economic opportunities for regional communities and to protect the State's primary production and use of natural resource assets (i.e. soil, water etc).
15. The WAPC will continue to promote rural zones as highly flexible zones that cater for a wide range of land uses that can support primary production, tourism and environmental and cultural pursuits. Regional variations may be considered where these meet the stated objectives of the Policy and are contained in planning strategies endorsed by the WAPC. If there is no WAPC endorsed strategy justifying variations to the SPP, then the SPP will prevail.

16. This policy measure leaves open the door for local governments to seek regional variations. However, given the requirement that any variation has to meet the objectives of SPP 2.5, it is unlikely that the WAPC would endorse a planning strategy that seeks to promote rural subdivision or incorporate measures that are considered by the WAPC to be contrary to the policies objectives.
17. The Policy proposes to incorporate specific provisions relating to tree farming. The draft Policy contains the following provisions relating to tree farming:

*5.3.2 Tree farming*

*Tree farming is a generic term used to describe activity that centres on the planting of trees to generate economic return and environmental benefits. It has been a rapidly emerging industry in a number of rural locations in the south of the State. Usually this has involved the planting of trees for harvest, however more recently, the planting of trees solely for the purposes of carbon sequestration has emerged as a new land use on rural land. Tree farming involving harvesting is a primary production activity that also sequesters carbon. WAPC policy in regard to tree farming is:*

- a) *Tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;*
  - b) *Tree farming is a permitted use on rural land, but should generally not be permitted on land identified as priority agriculture;*
  - c) *Local governments may wish to manage the location and extent of tree farming in their communities through either local planning strategies or local planning policies;*
  - d) *In planning for tree farming, local governments should consider the potential environmental and economic benefit, visual landscape and transport impacts of tree farming (where harvesting is proposed); and*
  - e) *Tree farms should be subject to local government planning approval when harvesting is proposed, and/or the tree farm has a minimum aggregate planted area of 40ha.*
18. The statement appears confusing on the one hand declaring tree farms 'supported and encouraged and a permitted use' and then on the other stating 'Local governments may wish to manage the location and extent of tree farming in their communities through either local planning strategies or local planning policies'. The preferred approach is for tree farming (either plantation or carbon-sequestration) to be discretionary within the rural zones, both general and priority as recommended in ALPS. This would support the Local Government's ability to control tree farming within its district and remove the present ambiguity from the statement.
  19. Presently Town Planning Scheme No. 3 includes Silviculture as a 'P' land use in the Rural Zone which although permitted (i.e. an application would not be refused), requires planning approval and the setting of conditions mainly relating to fire protection, roads and harvesting activities.
  20. The draft supports the concept of rural enterprise zones within rural areas which combine light industry and ancillary housing (such as a caretaker's house), provided they are planned for in a Local Planning Strategy and close to urban areas.

#### **5.4 Rural living precincts**

21. The draft Policy defines rural living as follows:

*A land use zone where residential is the predominant land use, generally characterised by large lots in the order of 1 to 40ha in a peri-urban location. Although primary production may occur on some rural living properties it is usually for hobby farming or incidental income purposes. In terms of land use zones this includes, but is not limited to, special residential, rural living, rural retreat, rural residential, special rural, rural smallholdings, and landscape protection zones. This also includes subdivision of rural land into smaller landholdings e.g. a boundary realignment which results in lots of a size where residential is the predominant land use. Rural living is not considered a rural or agricultural land use, as defined by the Planning and Development Act 2005.*

22. The draft Policy therefore expands the concept of 'rural living' to a wider range of zones. The existing Special Rural, Special Residential, Conservation and Landscape Protection zones will be considered 'rural living' and subject to the same types of controls as more traditional 'rural residential' zones.
23. These areas are; required to be located close to existing centres and services; not adversely affect rural production; are guided by land supply; and do not impede townsite expansion. As with the current SPP, rural living development needs to be identified in a planning strategy endorsed by the WAPC and zoned appropriately in the local scheme to allow subdivision.
24. Changes to the existing SPP include the requirement for reticulated water supplied by a licensed water service provider or it be proved that an alternative such as roof catchment water supply can be provided for domestic and fire fighting purposes. The draft Policy also seeks to ensure rural living is located on land that does not have an extreme bushfire risk.
25. The requirement for the provision of a reticulated water supply to all lots is not supported. Many of the smaller towns around Albany (such as Wellstead, Manypeaks, Redmond, Youngs Siding, Elleker, Torbay Hill, Kalgan, South Stirling and Cheyne Beach) do not have a supply at present and this requirement would prevent any growth or expansion which conflicts with the ALPS.

#### **5.5 Managing and improving environmental and cultural attributes**

26. The draft Policy seeks to promote the following elements:
- Private conservation areas.
  - Environmental corridors established in schemes and strategies to connect state land with private conservation areas.
  - Inclusion of registered Aboriginal sites and cultural corridors in schemes and strategies.
  - Considering the future ownership of conservation areas at the strategy stage and prior to zoning or subdivision of conservation land.
  - Supporting rural living proposals with a conservation theme.

27. The ability to identify possible private conservation areas at the time when a local planning strategy is prepared appears problematic and may be beyond the existing resources of the City.
28. Given the need under the Aboriginal Heritage Act to accommodate Aboriginal heritage issues in the development process, the possibility of showing registered sites in a strategy or scheme is not considered particularly onerous. However, it is necessary to consider what additional obligations this may have on City resources or on developments before being in a position to identify if the proposal is appropriate. The City is well-placed having already completed an Aboriginal Heritage Survey which has informed ALPS which requires the protection of Aboriginal and European heritage places.

### **5.6 Avoiding land use conflicts**

29. The draft Policy seeks to avoid creating land use conflicts with any existing rural land uses. It will manage conflicts such that:
- New land uses that constrain existing or potential land uses will not be supported.
  - Buffers for hazard/amenity are determined by the relevant authority.
  - Buffer distances are guided by the EPA standards; and
  - Land affected by licensed buffers is included in strategies and schemes.
30. This approach will formalise the existing planning practise of assessing the need for buffers between new development and existing agricultural uses.

#### **Recommended SPP 2.5 Comments**

The City prepares a submission to the WA Planning Commission on draft SPP 2.5 'Land Use Planning in Rural Areas' advising:

- 1) It does not support the removal of the ability for a Local Government to nominate 'regionally significant agricultural land' for protection in local planning strategies and schemes.
- 2) Irrespective of size, all tree farms (both for softwood/hardwood tree production plantations and carbon-sequestration plantations) should require planning approval from the relevant Local Government and which may be prevented from some areas of the City.
- 3) The need for a reticulated water supply to be provided to all rural living lots (1 – 40ha's) is not supported or considered feasible in some instances. The City would recommend the Commission adopt a more flexible approach to recognise the need to allow for modest growth/expansion of existing settlements and encourage the retention of smaller rural communities within the City.
- 4) The subdivision of rural land for carbon-sequestration lots is supported subject to it establishing (in conjunction with DC 3.4) some minimum criteria for carbon sequestration lots such as minimum lot size, shape, number of lots, management controls over time, restriction to one-off applications, must have local government approval for that purpose etc.

**Draft Development Control Policy 3.4 ‘Subdivision of Rural Land’**

31. DC Policy 3.4 provides the subdivision control mechanisms to ensure SPP 2.5 is implemented. The majority of the draft remains the same as the existing policy although there are some variations as discussed below.
32. The policy objectives for DC 3.4 are the same as for SPP 2.5.

**3. *Policy measures relating to rural living***

33. Rural living areas within the existing town planning schemes include:

- Special Rural.
- Special Residential.
- Conservation.
- Landscape Protection.

**3.2 *Water for rural living***

34. Draft DC 3.4 increases the service implications for rural living subdivision over and above the existing situation. As discussed for SPP 2.5, there will be a requirement for reticulated water regardless of lot size. The draft Policy provides for existing zoned areas where reticulated water is not available or where there is no plan for the lots to be connected to reticulated water at the discretion of the WAPC. This may be seen as inappropriate in the context of the difficulty or inability for service providers to supply water to existing townsites. Requiring rural living lots to connect to scheme water in areas where there is an acceptable level of rainfall appears onerous and having to justify the continuation of this approach will invariably consume additional Council resources.

**3.3 *Other infrastructure***

35. The draft DC 3.4 policy stipulates that the WAPC will generally require the following level of infrastructure for rural living subdivisions:
  - Reticulated water (New requirement).
  - Reticulated electricity (Current requirement).
  - Sealed and drained roads (Was subject to the local government previously).
  - Comprehensive drainage system (New requirement).
  - Flood immunity above the Q100 flow channel (New requirement).
  - Land stability (Previously applied on a case by case basis).
  - Suitable on-site effluent disposal (Current requirement).
  - Other infrastructure as required by the site conditions.
36. The requirements relating to drainage and flooding have come out of the Better Urban Water Management Guidelines and have been applied to recent subdivisions on a case-by-case basis.

37. In general, any policy change that increases the development cost of a rural living lot will ultimately put upward pressure on land prices and it is clear that development will not occur in areas where returns are already marginal.

**4. Policy measures for the subdivision of rural land and more intensive agricultural uses**

**4.1 General policy position**

38. The focus of the draft Policy has changed and the WAPC's position is that there is a sufficient supply of suitably sized and located rural lots to cater for intensive and emerging primary production land uses.

**4.2 Subdivision of rural lots**

39. The criteria to achieve a rural subdivision approval have been reduced from what was possible under the current DC 3.4. The proposed criteria for supporting rural subdivision are:
1. Boundary realignments with no increase in lot numbers.
  2. Protect and conserve places of cultural and natural heritage.
  3. To allow for the provision of utilities and infrastructure and/or access to natural resources.
  4. Homestead lots in the Wheatbelt.
  5. Other unusual or unanticipated purposes that are considered by the WAPC to be in the public interest.
40. The draft Policy removes part b) and modifies part e) by restricting homestead lots to the defined Wheatbelt area as follows:
- (b) *To reduce the area of large land parcels which are two or more times the area of typical lots used in the district for farming.*
- (e) *In the Wheatbelt Agricultural policy area (Appendix 4), to allow for the continued occupation of existing homesteads when they are no longer used in a farming operation.*
41. DC 3.4 outlines a small number of criteria for subdivision of rural zoned land. The draft DC 3.4 reiterates the draft SPP 2.5 position that it is view of the WAPC that there is sufficient rural lot supply for all agricultural uses without the need to create additional lots. Whilst it does not affect the City directly, it is suggested the WAPC consider a more flexible approach to subdivision given the changes expected to agriculture types and practices expected from changing climates and world demands over time

**4.3 Prevailing lot sizes**

42. The draft DC 3.4 allows for subdivision based on 'prevailing lot size' used for farming in the locality and where the new lots will be larger than 100ha and allow for continued broadacre farming. The current DC 3.4 does not provide a minimum lot size.

**4.4 Public utilities and ancillary uses**



43. The draft DC 3.4 policy now advises that ancillary farm dwellings such as aged persons or farm workers dwelling are not sufficient justification for subdivision which is new requirement.

**5. *Incentives for rural subdivision***

**5.1 *Property rationalisation to improve land management***

44. The draft DC 3.4 policy now may require any rural small holding lot created through boundary rationalisation to have a notice on title advising it may be impacted by rural production.

**5.2 *Conservation of heritage buildings and places***

45. The draft DC 3.4 policy now includes specific reference to Aboriginal heritage places and allows for subdivisions to be achieved conserving these places.

**5.3 *Conservation of biodiversity and natural heritage***

46. The draft DC 3.4 slightly alters the present policy and includes a covenant requirement relating to bush fire risk protection measures and the balance of the lot is suitable for the continuation of rural land use. This is different to the present policy that only requires the balance lot has sufficient area to be capable and suitable for agricultural use, not necessarily being used.
47. The draft Policy maintains the recommendation that Local Government's zone the conservation lots through an omnibus amendment or when reviewing the local planning scheme.

**5.4 *Homestead lots***

48. The draft Policy maintains its restriction on homestead lots to the defined Wheatbelt agricultural area. In accordance with the DC 3.4, the City has an operative local planning policy dealing with homestead lots which provides the justification and criteria for establishing homestead lots in the eastern parts of the City.
49. The draft Policy also allows where there a number of dwellings on a rural lot to create more than one homestead lot as a one-off application.
50. The City's policy allows for balance of title to be a minimum of 40ha's not 100ha's as required in the draft policy. It is suggested that approval be sought to retain the present 40ha requirement at this stage. In addition, the City should seek advice from the Department of Agriculture and Food regarding the suitability of the existing minimum lot size criteria, prior to making any alteration.

### **5.5 Subdivision for carbon sequestration**

51. See previous comments in SPP 2.5 above.
52. This is new section of the draft DC 3.4 which allows the WAPC to consider a subdivision for a tree plantation specifically for carbon sequestration purposes subject to:
- a) A carbon covenant is in place to secure the carbon for a period greater than 50 years; and
  - b) The average annual rainfall is lower than 400mm.
53. Under the proposed Local Planning Scheme No. 1, a carbon sequestration plantation would be treated the same as a 'normal' tree plantation which is permitted (i.e. an application would not be refused) in the General Agriculture zone and 'D' discretionary (i.e. may be approved or refused) in the Priority Agriculture zone as recommended in ALPS. This supports the Local Government's ability to control tree farming within its district.
54. The basis for the WAPC including this new opportunity for the subdivision of rural land for carbon sequestration lots has not been adequately explained or justified within the documents. This is important given the policy's aim to retain land for food production and the apparent restrictions on other subdivision for general or intensive agricultural use and development.
55. The minimum requirements should be established in the Policy and discuss minimum lot size, shape, number of lots, management controls over time, restriction to one-off applications, must have local government approval for that purpose etc. There is no issue if the proposal involves creating a lot over an existing portion of remnant vegetation within a broadacre farming property etc. Given the average annual rainfall in Albany exceeds 400mm it is unlikely that the policy would support a subdivision.

## **6. Other matters**

### **6.1 Strata proposals**

56. The draft DC 3.4 removes the existing criteria for rural strata lots and replaces them with a responsibility to achieve land management or environmental protection objectives. It also advises that any rural strata proposals where additional dwelling entitlements are created will be considered as rural living and assessed against SPP 2.5 (c.5.4). It is presumed that this will include the requirement for a rural strata development to be zoned for rural living purposes and serviced in the same manner, including reticulated water and being located close to an existing urban centre.

### **6.2 Tied lots**

57. This is new section of the draft DC 3.4. The notion of 'tied lots' was introduced with the *Planning and Development Act 2005*. However, section 149 of the Act relating to them has not yet come into operation, some 5 years since the Act was proclaimed. The purpose of section 149 is to allow for the creation of a lot without dwelling entitlements that is tied to a

parent lot. The object is to allow smaller portions of farm land to be subdivided and sold to another farm operation with the parcel 'tied' to the new farm.

58. The draft DC 3.4 provides three criteria the WAPC will take into account when considering tied lot creation:
1. The minimum size of the tied lots;
  2. The distance between the tied lot and principle lot; and
  3. The proposed use of the lots.

## **7. Information requirements**

59. The draft DC 3.4 includes some new information requirements to be submitted with applications including:
- b) *whether each lot has a sustainable water supply for domestic, fire management and agricultural purposes, including, if relevant, the need for and proximity to existing services and infrastructure and details of the service provider;*
- and
- j) *whether the proposal is consistent with the provisions of an endorsed local planning strategy or scheme operating in the district.*

## **Concluding Comments**

60. Some of the measures in the draft policies, if approved, will directly affect parts of the existing rural planning policies at this time, whilst it will also impact when the ALPS is reviewed (due in 2015). At that time, all SPP's and other policies and measures will need to be considered and addressed in the review. Any variations to the WAPC's policy position will need to be justified and argued through this process and endorsed by the WAPC before they will have effect.

### **Recommended DC 3.4 Comments**

The City prepares a submission to the WA Planning Commission on draft DC 3.4 'Subdivision of Rural Land' advising:

- 1) It does not support the mandatory requirement for a reticulated water service to be provided to all rural living lots.
- 2) That the standards for subdivision construction, particularly roads and flood/stormwater drainage continue to be at the discretion of the Local Government.
- 3) Whilst it does not affect the City directly, it is suggested the WAPC consider a more flexible approach to subdivision given the changes expected to agriculture types and practices expected from changing climates and world demands over time.
- 4) The Policy should place less reliance on achieving minimum lots sizes and more effort on proving the lot is both capable and suitable for agricultural use consistent with similar lots and operations in the locality.
- 5) The City wishes to retain the present 40ha balance lot requirement for homestead lots at this stage. The City will now seek advice from the Department of Agriculture and Food regarding the suitability of the existing minimum lot size criteria, prior to making any alteration.

## **GOVERNMENT CONSULTATION**

61. The Western Australian Planning Commission is seeking comment from all local government authorities, industry groups and any members of the community across the state in relation to its amended policy statements relating to rural land.

## **PUBLIC CONSULTATION / ENGAGEMENT**

62. The Western Australian Planning Commission is seeking comment from all local government authorities, industry groups and any members of the community across the state in relation to its amended policy statements relating to rural land.

## **STATUTORY IMPLICATIONS**

63. The City's Albany Local Planning Strategy (ALPS) and Town Planning Schemes operate under the provisions of the *Planning and Development Act 2005*.
64. These planning instruments are required to be consistent with all WA Planning Commission State Planning Policies unless they have approved a variation.

## **STRATEGIC IMPLICATIONS**

65. The Albany Local Planning Strategy has identified 'Priority Agricultural' land, which will be converted into a new agricultural zoning within Council's Draft Local Planning Scheme No. 1.

## **POLICY IMPLICATIONS**

66. The proposed policies, if approved by the Governor, will affect some minor aspects of the City's present rural planning policies - LPP 5 Rural and Environment Policy (adopted April 2011). At that time, staff will need to consider what alternations are required and prepare a report for Councillor consideration.

## **RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Should the Governor approve the rural planning policies as drafted, then various growth strategies within the Albany Local Planning Strategy and its Local Planning Policies are updated to reflect state government policy.	Possible	Moderate	Medium	Ensure that once SPP 2.5 and DC3.4 are finalised that review of the Albany Local Planning Strategy and Local Planning Policy 5 – Rural and Environment is undertaken.

### **FINANCIAL IMPLICATIONS**

67. The cost to implement the outcomes of the draft SPP 2.5 and DC 3.4 and any required changes to existing rural planning policies would be undertaken by the Directorate using existing staff resources within existing budget lines.

### **LEGAL IMPLICATIONS**

68. The City is required to ensure that its planning instruments reflect approved State Planning Policies.

### **ALTERNATE OPTIONS**

69. Council has the option of responding, or not, to the call for submissions on the revised policies. Council may also seek additional information from the WAPC, if deemed necessary.

### **SUMMARY CONCLUSION**

70. It is recommended that Council note the information in the revised policies and provide a submission to the WAPC advising of its concerns with certain aspects of the policies.

<b>Consulted References</b>	Albany Local Planning Strategy (June 2010) Local Planning Scheme No. 1A & 3 Policy Manual (April 2011)
<b>File Number (Name of Ward)</b>	LP.PLA.7
<b>Previous Reference</b>	Nil

## 4.1: LIST OF ACCOUNTS FOR PAYMENT

**File Number (Name of Ward)** : FM.FIR.2 - All Wards  
**Appendices** : List of Accounts for Payment  
**Responsible Officer** : Acting Executive Director Corporate Services (P Wignall)

### ITEM 4.1: RESPONSIBLE OFFICER RECOMMENDATION

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 26<sup>th</sup> May 2011 totalling \$4,776,072.42 be RECEIVED.

### ITEM 4.1: RESOLUTION (Responsible Officer Recommendation)

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

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 12-0**

### BACKGROUND

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

### DISCUSSION

- The table below summarises the payments drawn from the municipal fund during the month of May 2011. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

#### Municipal Fund

Trust	Totalling	\$8,425.00
Cheques	Totalling	\$58,379.05
Electronic Fund Transfer	Totalling	\$3,860,927.43
Credit Cards	Totalling	\$8,315.63
Payroll	Totalling	\$840,025.31
	<b>TOTAL</b>	<b><u>\$4,776,072.42</u></b>

- As at 26 May 2011, the total outstanding creditors, stands at **\$571,601.28** and made up follows:

Current	\$ 571,695.38
30 Days	-\$70.80
60 Days	-\$23.30
90 Days	\$0.00
<b>TOTAL</b>	<b>\$571,601.28</b>

4. Cancelled cheques – 27333, 27335 & 27361 – (27333 & 27361 cheques cancelled – then paid by EFT). Cheque 27335 cancelled due to incorrect spelling of surname – replaced with cheque 27341.

#### STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

#### FINANCIAL IMPLICATIONS

8. Expenditure for the period to 26 May 2011 has been incurred in accordance with the 2010/2011 budget parameters.

#### POLICY IMPLICATIONS

9. The City's 2010/2011 Annual Budget provides a set of parameters that guides the City's financial practices.

#### SUMMARY CONCLUSION

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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# AGENDA ITEM 4.1 REFERS

## TRUST CHEQUES AND ELECTRONICS FUNDS TR/

EFT/CHQ	Date	Name	Description	Amount
27307	28/04/2011	PL & D GOODE	REFUND OF SUBDIVISION BOND FROM 1998	200.00
27334	12/05/2011	ANTHONY GOAD	RETURN OF HOUSING BOND	5,000.00
27367	26/05/2011	BROOK, G	RETURN OF SUBDIVISION/DEFECTS BOND FOR WAPC 105619 LODGED WITH CITY 28/2/2000	3000.00
EFT67553	12/05/2011	DL & JG BOURKE	RETURN OF SUBDIVISION BOND WAPC 103126 MAY '00	3,225.00
<b>TOTAL</b>				<b>\$ 8,425.00</b>

## MASTERCARD TRANSACTIONS - APRIL 2011

Date	Payee	Description	Amount
29/03/2011	Institute of Public Works	2011 IPWEA State Conference - K. Ketterer	990.00
07-April-2011	Dept of Interesse Bearing	Environmental Protection Act 1986	1,215.00
07-April-2011	Country Comfort, Belmont	Accommodation F. James & Mayor - RCA Meeting	450.46
15-April-2011	Ocean Centre Hotel, Geraldton	Accommodation F. James & Mayor - RCA Meeting	300.00
26-March-2011	Amcoll Pty Ltd	IT equipment - Antenna	1,155.35
31-March-2011	Esplanade Hotel	Accommodation S. Gartland - West Australian Cruise Forum	236.20
05-April-2011	SkyWest Airlines	Air Fare - B. Wellstead SLWA Exchange	348.54
09-April-2011	Rydges Canberra	Accommodation J. A. Gray - Media Relations Conference	621.18
09-April-2011	Dog Rock Motel	Accommodation J. McPhee - Albany Art Prize	543.15
09-April-2011	Albany Harbourside	Accommodation A. Barrett-Lennard - Albany Art Prize	525.00
11-April-2011	Hanover Bay Studio	Accommodation B. Cobby - Albany Art Prize	400.00
18-April-2011	SkyWest Airlines	Air Fare - N. Marke - Due diligence and transition plan for Albany Visito	438.85
Various	Sundry < \$ 200.00		1,091.90
<b>TOTAL</b>			<b>\$ 8,315.63</b>

## Payroll - 27TH APRIL - 25TH MAY 2011

27-April-2011	Sundry Pay	738.42
04-May-2011	Payroll	409,733.55
09-May-2011	Sundry Pay	629.88
12-May-2011	Sundry Pay	4,144.33
18-May-2011	Payroll	415,494.92
19-May-2011	Sundry Pay	4,475.08
20-May-2011	Sundry Pay	4,809.13
<b>TOTAL</b>		<b>\$ 840,025.31</b>



Chq	Date	Name	Description	Amount
27308	28/04/2011	DEPARTMENT OF MINES & PETROLEUM	DANGEROUS GOODS LICENCE	192.00
27309	28/04/2011	ALBANY PUBLIC LIBRARY	TEA MONEY FOR STAFF JAN - MAR 2011	216.00
27310	28/04/2011	AMP FLEXIBLE LIFETIME SUPER PLAN	Superannuation contributions	887.60
27311	28/04/2011	HESTA SUPER FUND	Superannuation contributions	552.23
27312	28/04/2011	HOSTPLUS PTY LTD	Superannuation contributions	430.53
27313	28/04/2011	MLC NOMINEES PTY LTD	Superannuation contributions	216.77
27314	28/04/2011	MLC NOMINEES PTY LIMITED	Superannuation contributions	298.20
27315	28/04/2011	NATIONAL MUTUAL RETIREMENT FUND	Superannuation contributions	345.40
27316	28/04/2011	PERPETUAL WEALTH FOCUS SUPER PLAN	Superannuation contributions	795.38
27317	28/04/2011	PETTY CASH - FORTS	PETTY CASH REIMBURSEMENTS	132.40
27318	28/04/2011	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	304.40
27319	28/04/2011	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	759.60
27320	28/04/2011	IOOF GLOBAL ONE (EX SKANDIA GLOBAL)	Superannuation contributions	193.88
27321	28/04/2011	TOWER TRUST LIMITED	Superannuation contributions	293.56
27322	28/04/2011	UNI SUPER	Superannuation contributions	239.80
27323	28/04/2011	WATER CORPORATION	WATER USAGE	10.80
27324	05/05/2011	ALBANY SURF & SKATE	PRIZES FOR SK8 COMPETITION	209.86
27325	05/05/2011	CITY OF GOSNELLS	LOST LIBRARY ITEMS	16.50
27326	05/05/2011	INGAL CIVIL PRODUCTS	CURVED W BEAMS POSTS AND FITTINGS ALAC CARPARK	1,760.01
27327	05/05/2011	KAYE EMBLETON	ART CLASSES SCHOOL HOLIDAY PROGRAM	600.00
27328	05/05/2011	PETTY CASH - ALBANY PUBLIC LIBRARY	PETTY CASH REIMBURSEMENTS	254.40
27329	05/05/2011	PETTY CASH - CITY OF ALBANY	PETTY CASH REIMBURSEMENTS	361.45
27330	05/05/2011	PETTY CASH - VANCOUVER ARTS CENTRE	PETTY CASH REIMBURSEMENTS	55.80
27331	05/05/2011	TELSTRA CORPORATION LIMITED	TELEPHONES COSTS	11,952.35
27332	05/05/2011	WATER CORPORATION	WATER CHARGES - VARIOUS LOCATIONS	12,605.15
27336	12/05/2011	BELINDA COBBY	JUDGE DUTIES COA ART PRIZE	200.00
27337	12/05/2011	NANETTE KEEN	REIMBURSEMENT FEE FOR P2115103	75.00
27338	12/05/2011	PETTY CASH - ALBANY AQUATIC AND LEISURE CENTRE	UMPIRE FEES	1,500.00
27339	12/05/2011	PETTY CASH - VANCOUVER ARTS CENTRE	PETTY CASH REIMBURSEMENT	226.80
27340	12/05/2011	WATER CORPORATION	WATER CHARGES OFFICES AT 222 CHESTERPASS RD	2,584.75
27341	12/05/2011	GRAHAM DELACEY	REIMBURSE PLANNING APPLICATION FEE P2115100 261 SOUTH COAST HWY	250.00
27342	19/05/2011	MELANIE MEARS	NETBALL MEMBERSHIP REFUND	376.77

# AGENDA ITEM 4.1 REFERS

27343	19/05/2011 KATHY GOODLIFFE	NETBALL MEMBERSHIP REFUND	95.57
27344	19/05/2011 R & DG CEKEREVAC	REFUND FOR B/L EXTENSION - B/L 280126	290.91
27345	19/05/2011 CHESTERS CONSTRUCTIONS	REIMBURSE APPLICATION FEE FOR P295365 PLANNING CONSENT FOR LOT 370 LANCASTER ROAD - WHICH IS NOT REQUIRED	75.00
27347	19/05/2011 THE BUSH FAIRY	VOLUNTEERS DAY EVENT - BALLOONS	94.00
27348	19/05/2011 CASTLE ROCK ESTATE	WINE PURCHASES ALBANY ART PRIZE	648.00
27349	19/05/2011 LAUBMAN AND PANK	INSURANCE COSTS PRESCRIPTION GLASSES - IAN GROCOE	345.00
27350	19/05/2011 STEPHANIE MORRIGAN	EAP SERVICES CONSULTATION FEES	300.00
27351	19/05/2011 SENSIS PTY LTD	YELLOW ONLINE BUSINESS BASICS VISITORS CENTRE	48.40
27352	19/05/2011 PETTY CASH - VANCOUVER ARTS CENTRE	PETTY CASH REIMBURSEMENTS - VAC	96.15
27353	19/05/2011 REDMOND GENERAL STORE	REDMOND BUSH FIRE BRIGADE FUEL PURCHASES	105.88
27354	19/05/2011 COMMISSIONER OF STATE REVENUE	REFUND PENSIONER ESL REBATE CLAIM FOR A101878 - VAN EUK. CLAIMED TWICE IN ERROR	8.61
27355	19/05/2011 TELSTRA CORPORATION LIMITED	TELSTRA LANDLINE CHARGES	11,765.57
27356	19/05/2011 TOWN OF VINCENT	LIBRARY LOST DAMAGED ITEMS	12.10
27357	19/05/2011 WATER CORPORATION	WATER USAGE CHARGES VARIOUS LOCATIONS	471.75
27358	26/05/2011 MICHELLE TROTT	REFUND SWIM LESSONS - CALEB WILLIS	54.00
27359	26/05/2011 KYM MEATON	CROSSOVER SUBSIDY LOT 109 ALBERT STREET LITTLE GROVE	238.06
27360	26/05/2011 MS LINZIE ELLIS	ALBANY ART PRIZE 2011: SALE OF ARTWORK TITLED: UNTITLED (BLUE DOT)	536.00
27362	26/05/2011 DEPARTMENT OF TRANSPORT	VEHICLE REGISTRATION - P3274	136.90
27363	26/05/2011 OCP SALES	HANDHELD FESA RADIOS AND ACCESSORIES	1,377.17
27364	26/05/2011 UNIVERSITY OF WESTERN AUSTRALIA	REIMBURSEMENT PRINTING COSTS FOR CURATORS CHOICE CATALOGUE	1,927.50
27365	26/05/2011 VODAFONE PTY LTD	VODAFONE CHARGES	48.99
27366	26/05/2011 WATER CORPORATION	WATER USAGE CHARGES VARIOUS LOCATIONS	806.10
		<b>TOTAL</b>	<b>58,379.05</b>

# AGENDA ITEM 4.1 REFERS

EFT	Date	Name	Description	Amount
EFT67047	28/04/2011	ALBANY COMMUNITY HOSPICE	Payroll deductions	36.00
EFT67048	28/04/2011	AMP SUPERANNUATION LIMITED	Superannuation contributions	1,498.35
EFT67049	28/04/2011	AUSTRALIAN TAXATION OFFICE	Payroll deductions	212,100.73
EFT67050	28/04/2011	AUSTRALIAN SERVICES UNION WA BRANCH	Payroll deductions	2,963.60
EFT67051	28/04/2011	AUSTRALIAN PRIMARY SUPERANNUATION FUND	Superannuation contributions	304.40
EFT67052	28/04/2011	AUSTRALIAN SUPER	Superannuation contributions	1,274.65
EFT67053	28/04/2011	AUSTRALIAN ETHICAL SUPERANNUATION FUND	Superannuation contributions	345.78
EFT67054	28/04/2011	BT SUPER FOR LIFE	Superannuation contributions	326.54
EFT67055	28/04/2011	BT SUPER FOR LIFE	Superannuation contributions	46.10
EFT67056	28/04/2011	BT SUPER FOR LIFE	Superannuation contributions	354.52
EFT67057	28/04/2011	CHILD SUPPORT AGENCY	Payroll deductions	191.80
EFT67058	28/04/2011	COLONIAL FIRST STATE ROLLOVER & SUPER FUND	Superannuation contributions	128.66
EFT67059	28/04/2011	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	644.26
EFT67060	28/04/2011	COLONIAL FIRST STATE WHOLESALE SUPER FUND	Superannuation contributions	50.39
EFT67061	28/04/2011	GENERATIONS PERSONAL SUPER FUND	Payroll deductions	517.45
EFT67062	28/04/2011	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	37.64
EFT67063	28/04/2011	HBF OF WA	Payroll deductions	1,210.95
EFT67064	28/04/2011	ING INTEGRA SUPER	Superannuation contributions	92.21
EFT67065	28/04/2011	ING ONE ANSWER PERSONAL SUPER	Superannuation contributions	428.83
EFT67066	28/04/2011	MACQUARIE BANK	Payroll deductions	3,653.96
EFT67067	28/04/2011	MACQUARIE BANK LIMITED	Superannuation contributions	4,885.72
EFT67068	28/04/2011	MLC NOMINEES PTY LTD	Superannuation contributions	293.56
EFT67069	28/04/2011	REST SUPERANNUATION	Superannuation contributions	3,137.75
EFT67070	28/04/2011	MARITIME SUPER	Superannuation contributions	176.91
EFT67071	28/04/2011	SPECTRUM SUPER	Superannuation contributions	223.01
EFT67072	28/04/2011	SUMMIT MASTER TRUST PERSONAL SUPERANNUATION PLAN	Superannuation contributions	65.69
EFT67073	28/04/2011	WA LOCAL GOVT SUPERANNUATION	Superannuation contributions	103,898.08
EFT67074	28/04/2011	WAYNE JOHN STEAD PTY LTD SUPERANNUATION FUND	Superannuation contributions	379.70
EFT67075	28/04/2011	WESTSCHEME	Superannuation contributions	3,126.60
EFT67076	28/04/2011	AD CONTRACTORS PTY LTD	PROGRESS CLAIM 2 LOWER KING RD	182,390.20
EFT67077	28/04/2011	AECOM	CUBE CONVERSION - TRANSPORT MODELLING PROJECT	20,801.29
EFT67078	28/04/2011	ALBANY ADVERTISER LTD	ADVERTISING - VANCOUVER ARTS	2,783.00
EFT67079	28/04/2011	ALBANY INDUSTRIAL SERVICES PTY LTD	SEMI TIPPER HIRE	1,636.80
EFT67080	28/04/2011	ALBANY SOIL AND CONCRETE TESTING	MATERIALS TESTING	566.50
EFT67081	28/04/2011	ALBANY SWEEP CLEAN	Sweeping of carparks, pathways & boardwalks for March 2011	2,425.50
EFT67082	28/04/2011	ALBANY STATIONERS	STATIONERY ITEMS	55.55

## AGENDA ITEM 4.1 REFERS

EFT67083	28/04/2011 ALBANY PEST & WEED CONTROL	PEST CONTROL	180.00
EFT67084	28/04/2011 ALBANY INDOOR PLANT HIRE	INDOOR PLANT HIRE	980.31
EFT67086	28/04/2011 ALBANY RETRAVISION	REPLACEMENT URN FOR CIVIC ROOMS	94.95
EFT67087	28/04/2011 ALBANY REFRIGERATION	AIRCONDITIONER REPAIR	214.50
EFT67088	28/04/2011 ALBANY SKIPS AND WASTE SERVICES	SKIP BIN HIRE	480.00
EFT67089	28/04/2011 ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY ITEMS	95.20
EFT67090	28/04/2011 ALBANY CENTRAL CABINETS	CONSTRUCTION OF TABLETOPS FOR COUNCIL CHAMBERS	56.00
EFT67091	28/04/2011 ALBANY QUALITY LAWNMOWING	LAWN MOWING LOTTERIES HOUSE	100.00
EFT67092	28/04/2011 ALBANY KAWASAKI	OIL FILTER P2223	19.95
EFT67093	28/04/2011 ALBANY OFFICE PRODUCTS - LIBRARY	STATIONERY SUPPLIES	349.80
EFT67094	28/04/2011 ALBANY CLEANING SERVICE	CLEANING OF BOND STORE	231.00
EFT67095	28/04/2011 ALLFLOW INDUSTRIAL	SEPARATOR SERVICES - OIL/WATER SEPARATOR - MERCER ROAD	323.35
EFT67096	28/04/2011 ANGUS AND ROBERTSON BOOK WORLD	NEWSPAPERS/BOOKS/MAGAZINES/STATIONERY	285.42
EFT67097	28/04/2011 ASCOT QUAYS APARTMENT HOTEL	ACCOMODATION FOR JANET HARBACH 30/3/2011	245.80
EFT67098	28/04/2011 BANKSIA BROOK HOLDINGS	TURF SUPPLIES	15,312.00
EFT67099	28/04/2011 BENNETTS BATTERIES	BATTERY PURCHASES - P221	281.60
EFT67100	28/04/2011 ADVANCED TRAFFIC MANAGEMENT	TRAFFIC CONTROL	969.12
EFT67101	28/04/2011 BEST OFFICE SYSTEMS	STATIONERY	173.00
EFT67102	28/04/2011 BIO DIVERSE SOLUTIONS	SITE SURVEY	1,826.00
EFT67103	28/04/2011 BLACKWOODS	MAINTENANCE SUPPLIES	221.17
EFT67104	28/04/2011 ALBANY BOBCAT SERVICES	The spreading of mulch and the removal of paradoxlin from BTG	600.00
EFT67105	28/04/2011 P AND F BOCCAMAZZO PTY LTD	CLEARING OF YAKAMIA DRAIN	2,000.00
EFT67106	28/04/2011 BUNNINGS BUILDING SUPPLIES PTY LTD	Peels Place (confidor)	69.40
EFT67107	28/04/2011 CAMLYN SPRINGS WATER DISTRIBUTORS	ANNUAL WATER COOLER RENTAL (CEO KITCHEN & COUNCIL CHAMBERS) AND REFILLS	1,368.00
EFT67108	28/04/2011 CARDNO (WA) PTY LTD	DRAINAGE ASSETT	14,529.21
EFT67109	28/04/2011 J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL SERVICES - CORNER SANFORD ROAD	2,739.01
EFT67110	28/04/2011 MAX CASEY	STAFF REIMBURSEMENT - IPWEA DIPLOMA	65.40
EFT67111	28/04/2011 SYNERGY GRAPHICS	ARTWORK FOR CENTENNIAL ART PRIZE	632.00
EFT67112	28/04/2011 COCA-COLA AMATIL PTY LTD	SOFT DRINKS FOR ALAC	2,455.08
EFT67113	28/04/2011 COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES ALAC	205.24
EFT67114	28/04/2011 COVENTRYS	VEHICLE PARTS - P83	699.60
EFT67115	28/04/2011 JENNIFER CROWE	CASUAL LABOUR	2,840.00
EFT67116	28/04/2011 HOLCIM (AUSTRALIA) PTY LTD	TONNES OF WASHED METAL	1,338.88
EFT67117	28/04/2011 DATACOM INFORMATION TECHNOLOGIES PTY LTD	Equipment purchased through Lotterywest grant # 20100539 - 1 x DatacomIT STViewScan micrographics scanner	22,348.00
EFT67118	28/04/2011 LANDGATE	TITLE SEARCHES	798.00
EFT67119	28/04/2011 G & M DETERGENTS & HYGIENE SERVICES ALBANY	SANITARY SERVICES	1,492.81
EFT67120	28/04/2011 DICK SMITH ELECTRONICS	FLASHDRIVES FOR LIBRARY	99.90
EFT67121	28/04/2011 DIGITAL EDUCATION SERVICES	BOOKS	132.00

## AGENDA ITEM 4.1 REFERS

EFT67122	28/04/2011 DORMA AUTOMATICS PTY LTD	SCHEDULED SERVICE	170.50
EFT67123	28/04/2011 ENVISION WARE PTY LTD	WARRRANTY MAINTENANCE - ENVISIONWARE - LIBRARY	857.54
EFT67124	28/04/2011 FARM FRESH WHOLESALERS	CATERING SUPPLIES ALAC	286.75
EFT67125	28/04/2011 RICHARD EDMUND FENNY	Rates refund for assessment A88917 56 STEAD ROAD	22.37
EFT67126	28/04/2011 THE FIXUPPERY	WINDOW CLEANING	594.00
EFT67127	28/04/2011 FLOSS AND POPCORN SUPPLY COMPANY	POPCORN MACHINE HIRE 30/3 - 6/4/11	165.00
EFT67128	28/04/2011 FOLKLORE SKATEBOARDS (AUSTRALIA) PTY LTD	CORRECTION OF INCORRECT CODING USED	34.32
EFT67129	28/04/2011 GLASS SUPPLIERS	GLASS REPLACEMENT - LIBRARY	627.00
EFT67130	28/04/2011 GRACE REMOVALS GROUP	REMOVAL FEE	759.00
EFT67131	28/04/2011 GRAY & LEWIS	CONTRACT PLANNING SERVICES - BIG GROVE	433.40
EFT67132	28/04/2011 GRANDE FOOD SERVICE	CATERING SUPPLIES ALAC	457.26
EFT67133	28/04/2011 GREAT SOUTHERN GROUP TRAINING	CASUAL LABOUR	3,560.52
EFT67135	28/04/2011 GREAT SOUTHERN PERSONNEL	LIBRARY ASSISTANT SERVICES	107.12
EFT67136	28/04/2011 GREAT SOUTHERN PACKAGING SUPPLIES	STAFF AMENITIES SUPPLIES	118.80
EFT67137	28/04/2011 GSM AUTO ELECTRICAL	VEHICLE PARTS/MAINTENANCE	46.75
EFT67138	28/04/2011 HAYNES ROBINSON	LEASE EXTENSION ESTATE OF LATE HERBERT JACKMAN 22 BAXTERI RD	930.00
EFT67139	28/04/2011 RATTEN & SLATER MACHINERY	VEHICLE PARTS	307.69
EFT67140	28/04/2011 INFRASTRUCT CONTRACTING P/L	TREE REMOVAL - FORTS	1,573.00
EFT67141	28/04/2011 ISIS CAPITAL LIMITED	MONTHLY GYM EQUIPMENT PAYMENT	3,494.82
EFT67142	28/04/2011 LATRO LAWYERS	HEADS OF AGREEMENT	1,578.28
EFT67143	28/04/2011 LORLAINE DISTRIBUTORS PTY LTD	CLEANING GOODS	15.00
EFT67144	28/04/2011 ALBANY PARTY HIRE	HIRE OF GLASSES	84.50
EFT67145	28/04/2011 MERLE ANNE FLORIST	FLOWER ARRANGEMENTS FOR ALAC	110.00
EFT67146	28/04/2011 MODERN TEACHING AIDS PTY LTD	DAY CARE EXERCISE MATS	71.39
EFT67147	28/04/2011 MR MOO DAIRY DISTRIBUTORS	MILK DELIVERIES ALAC	578.10
EFT67148	28/04/2011 NEVILLES HARDWARE & BUILDING SUPPLIES	SHEETS OF PLY FOR ALAC	291.85
EFT67149	28/04/2011 ALBANY COMMUNITY PHARMACY	HUGGIES LITTLE SWIMMERS	328.40
EFT67150	28/04/2011 NOVOTEL LANGLEY PERTH HOTEL	CCC CONFERENCE 2011 - MAYOR ACCOMODATION AND BREAKFAST	272.00
EFT67151	28/04/2011 OKEEFE'S PAINTS	Blue 500 grams spray paint cans	71.05
EFT67152	28/04/2011 OPUS INTERNATIONAL CONSULTANTS LTD	LOWER DENMARK RD	14,989.00
EFT67153	28/04/2011 ORBANYS	PROTECTIVE CLOTHING ALTERATIONS	43.29
EFT67154	28/04/2011 ORICA AUSTRALIA P/L	CHEMICALS	332.48
EFT67155	28/04/2011 PFD FOOD SERVICES PTY LTD	CATERING SUPPLIES ALAC	412.55
EFT67156	28/04/2011 HANSON CONSTRUCTION MATERIALS PTY LTD	M3 25/14/80 FOOTPATH MIX DELIVERED	2,903.34
EFT67157	28/04/2011 PLASTICS PLUS	PURCHASE OF VARIOUS BOXES FOR P227	55.75
EFT67158	28/04/2011 REECE PTY LTD	ALAC URINAL CARTRIDGES	1,738.29
EFT67159	28/04/2011 SERENITY PARK	DISPOSAL OF DOGS	180.00
EFT67160	28/04/2011 SESCO SECURITY	QRTLY MONITORING	171.60
EFT67161	28/04/2011 G & L SHEETMETAL	S/STEEL STRIPS	71.50

AGENDA ITEM 4.1 REFERS

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## AGENDA ITEM 4.1 REFERS

EFT67162	28/04/2011	SIGNOFF PTY LTD	Rates refund for assessment A219944	1,398.15
EFT67163	28/04/2011	SITEART PTY LTD	SOFTFALL REPAIRS	9,317.00
EFT67164	28/04/2011	SKILL HIRE WA PTY LTD	LABOUR HIRE	584.98
EFT67165	28/04/2011	SKYWEST AIRLINES	AIRFARES FOR MAYOR & CEO 11/5/2011	995.40
EFT67166	28/04/2011	SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES	91.70
EFT67167	28/04/2011	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES ALAC	2,989.22
EFT67168	28/04/2011	SPEEDO AUSTRALIA PTY LTD	SWIM EQUIPMENT	561.00
EFT67169	28/04/2011	STIRLING CONFECTIONERY PLUS	CATERING SUPPLIES ALAC	2,297.00
EFT67170	28/04/2011	ST JOHN AMBULANCE AUSTRALIA	SENIOR FIRST AID COURSE LIBRARY	330.00
EFT67171	28/04/2011	T & C SUPPLIES	HARDWARE SUPPLIES	652.62
EFT67172	28/04/2011	THE NAKED BEAN COFFEE ROASTERS	COFFEE SUPPLIES ALAC	364.20
EFT67173	28/04/2011	THINKWATER ALBANY	RETICULATION SUPPLIES	5,526.17
EFT67174	28/04/2011	THOMPSON MCROBERT EDGELOE	LOWER KING ROAD UPGRADE DESIGN	759.00
EFT67175	28/04/2011	TOTAL EDEN	GARDEN SUPPLIES	557.73
EFT67176	28/04/2011	TRANSOFT SOLUTIONS (AUSTRALIA) PTY LTD	AUTO TURN & MAP UPGRADE	1,716.00
EFT67177	28/04/2011	THE TROPHY SHOP	GOLD PLATE	54.80
EFT67178	28/04/2011	ALBANY TYREPOWER	TYRE REPAIRS	172.00
EFT67179	28/04/2011	VANCOUVER WASTE SERVICES	BULK GREEN WASTE	18,309.52
EFT67180	28/04/2011	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	389.18
EFT67181	28/04/2011	WELLSTEAD COMMUNITY RESOURCE CENTRE INC.	FAXING	7.25
EFT67182	28/04/2011	WESTRAC EQUIPMENT PTY LTD	SET OF CUTTINGS EDGES FOR GRADER - P211	444.79
EFT67183	28/04/2011	LANDMARK LIMITED	Silvan Anemometer ( hand held wind meter )	120.00
EFT67184	28/04/2011	WESTSHRED DOCUMENT DISPOSAL	DOCUMENT DISPOSAL	313.50
EFT67185	28/04/2011	YAKKA PTY LTD	PROTECTIVE CLOTHING	656.97
EFT67186	28/04/2011	YOUNGS SIDING PROGRESS ASSOCIATION INC	HALL HIRE	40.00
EFT67187	29/04/2011	AD CONTRACTORS PTY LTD	RANGE COURT DRIVE	67,602.00
EFT67188	05/05/2011	EXCLAIMER LTD	EXCLAIMER SIGNATURE MANAGER 2.0 350 USERS 1 YEAR SUPPORT	2,678.00
EFT67189	05/05/2011	EDENBORN PTY LTD	MOWING SERVICES - CONTRACT C10007	4,401.80
EFT67190	05/05/2011	ALBANY VALUATION SERVICES	PROFESSIONAL FEES - LAND RENTAL ASSESSMENT 198 HANRAHAN ROAD	150.00
EFT67191	05/05/2011	ALBANY CHAMBER OF COMMERCE & INDUSTRY	ADVERTISING	4,180.46
EFT67192	05/05/2011	ALBANY CAR STEREO	MAINTENANCE/PARTS	32.50
EFT67193	05/05/2011	ALBANY REFRIGERATION	AIR CONITIONER FOR HANRAHAN	3,842.25
EFT67194	05/05/2011	ALBANY HISTORICAL SOCIETY	MANNING & CLEANING BRIG AMITY	650.00
EFT67195	05/05/2011	HOME TIMBER & HARDWARE	CLEANING PRODUCTS	169.38
EFT67196	05/05/2011	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY	167.75
EFT67197	05/05/2011	ALBANY NEWS DELIVERY	NEWSPAPER DELIVERIES	134.85
EFT67198	05/05/2011	ALBANY MILK DISTRIBUTORS	MILK DELIVERIES	455.13
EFT67199	05/05/2011	ALBANY FILTERCLEAN	FILTERS CHANGED ALAC	28.00
EFT67200	05/05/2011	ALBANY OFFICE PRODUCTS - ALAC	STATIONERY SUPPLIES	29.00
EFT67201	05/05/2011	ALBANY OFFICE PRODUCTS - DAYCARE	STATIONERY SUPPLIES	40.00

## AGENDA ITEM 4.1 REFERS

EFT67202	05/05/2011 ALBANY OFFICE PRODUCTS - WORKS DEPOT	DISPLAY DIVIDERS FOR SUPERVISORS OFFICE	1,298.00
EFT67203	05/05/2011 ALBANY OFFICE PRODUCTS - LIBRARY	STATIONERY SUPPLIES	112.20
EFT67204	05/05/2011 ALL EVENTS PROSOUND HIRE	MT ROMANCE CENTENNIAL ART PRIZE PRESENTATION PA SYSTEM HIRE	225.00
EFT67205	05/05/2011 ANGUS AND ROBERTSON BOOK WORLD	NEWSPAPERS/BOOKS MAGAZINES - LIBRARY	242.98
EFT67206	05/05/2011 ART ON THE MOVE	ART ON THE MOVE MEMBERSHIP	110.00
EFT67207	05/05/2011 ATC WORK SMART	CASUAL STAFF	9,992.40
EFT67208	05/05/2011 AUSTENITIC STEEL PRODUCTS	PLANT MAINTENANCE/REPAIRS	44.00
EFT67209	05/05/2011 BALL BODY BUILDERS	REFLECTOR SLAB RANGE COURT CRESENT	894.48
EFT67210	05/05/2011 BARRETT'S MINI EARTHMOVING & CHIPPING	CHIPPING AT BOB THOMPSON GARDENS AND 5 OTHER LOCATIONS	3,382.00
EFT67211	05/05/2011 WILLIAM THOMAS BARRASS (THE ESTATE OF)	Rates refund for assessment A73122	937.71
EFT67212	05/05/2011 ADVANCED TRAFFIC MANAGEMENT	TRAFFIC CONTROL	3,828.75
EFT67213	05/05/2011 BEST OFFICE SYSTEMS	PHOTOCOPY CHARGES - RANGERS	809.16
EFT67214	05/05/2011 BINDOON TRACTORS PTY LTD	PURCHASE OF NEW MCCONNELL PA7700T AS QUOTED	73,040.00
EFT67215	05/05/2011 ALBANY BITUMEN SPRAYING	BITUMEN SPRAYING - ALAC CARPARK	3,074.50
EFT67216	05/05/2011 BLACKWOODS	SAFETY EQUIPMENT AND SUPPLIES	105.40
EFT67217	05/05/2011 BLOOMIN FLOWERS	FLOWERS FOR DEB WALKER	55.00
EFT67218	05/05/2011 BOOEASY AUSTRALIA PTY LTD	BOOEASY BOOKING RETURNS COMMISSION/MONTHLY FEES - FEBRUARY 2011	1,582.18
EFT67219	05/05/2011 BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE SUPPLIES - VAC	200.27
EFT67220	05/05/2011 J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	4,214.38
EFT67221	05/05/2011 CLAW ENVIRONMENTAL	DRUM MUSTER	1,809.94
EFT67222	05/05/2011 SUE CODEE	CENTENNIAL ART PRIZE ASSISTANCE	704.00
EFT67223	05/05/2011 COFFEY ENVIRONMENTS PTY LTD	PREPARATION OF ER REPORT - YAKAMIA	100.52
EFT67224	05/05/2011 COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES FOR DAYCARE	575.82
EFT67225	05/05/2011 CONSTRUCTION EQUIPMENT AUSTRALIA	VEHICLE PARTS	791.73
EFT67226	05/05/2011 ANN COPEMAN BVA	ALBANY ART GROUP EXHIBITION AT TOWN HALL	75.00
EFT67227	05/05/2011 COURIER AUSTRALIA	FREIGHT CHARGES	1,217.84
EFT67228	05/05/2011 COVENTRYS	VEHICLE PARTS - ASSORTED PLANT ITEMS	580.41
EFT67229	05/05/2011 C T MANAGEMENT GROUP	WASTE MANAGEMENT SERVICE REVIEW	11,328.63
EFT67230	05/05/2011 AL CURNOW HYDRAULICS	VEHICLE MAINTENANCE	235.01
EFT67231	05/05/2011 CYNERGIC COMMUNICATIONS	WEB SITE MAINTENANCE	493.90
EFT67232	05/05/2011 DATA #3 LIMITED	WINDOWS SERVER STANDARD 2008 RS SINGLE ACADEMIC LICENCE	162.67
EFT67233	05/05/2011 DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENCE - NO: 3507 41-51 MERMAID AVE EMU POINT	32.65
EFT67234	05/05/2011 DRAEGER SAFETY PACIFIC PTY LTD	SAFETY EQUIPMENT	4,458.63
EFT67235	05/05/2011 ECO HEALTH HOLDINGS	ENVIRONMENTAL HEALTH SERVICES APRIL 2011	3,045.00
EFT67236	05/05/2011 ECOTONES AND ASSOCIATES	ALBANY STREET TREE SURVEY	13,699.33
EFT67237	05/05/2011 SIMON EDWARDS	STAFF MILEAGE CLAIM	38.49
EFT67238	05/05/2011 EVERTRANS	VEHICLE REPAIRS	451.00
EFT67239	05/05/2011 EYERITE SIGNS	SIGNAGE MT ROMANCE ART PRIZE	24.20
EFT67240	05/05/2011 FARM FRESH WHOLESALERS	CATERING SUPPLIES FOR ALAC CAFE	154.03

## AGENDA ITEM 4.1 REFERS

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EFT67241	05/05/2011 FREEMAN RYAN DESIGN PTY LTD
EFT67242	05/05/2011 GRANDE FOOD SERVICE
EFT67243	05/05/2011 GREAT SOUTHERN INSTITUTE OF TECHNOLOGY
EFT67244	05/05/2011 GREEN SKILLS INC
EFT67245	05/05/2011 GREAT SOUTHERN PACKAGING SUPPLIES
EFT67246	05/05/2011 GREAT SOUTHERN BEARINGS
EFT67247	05/05/2011 GREENMAN TRADING COMPANY
EFT67248	05/05/2011 PROTECTOR FIRE SERVICES PTY LTD
EFT67249	05/05/2011 HAYNES ROBINSON
EFT67250	05/05/2011 HUDSON HENNING AND GOODMAN
EFT67251	05/05/2011 INFRASTRUCT CONTRACTING P/L
EFT67252	05/05/2011 INSTITUTE OF PUBLIC WORKS ENGINEERING AUSTRALIA
EFT67253	05/05/2011 JUST SEW EMBROIDERY
EFT67254	05/05/2011 KNOTTS PLUMBING PTY LTD
EFT67255	05/05/2011 LA FREEGARD
EFT67256	05/05/2011 LANDFILL GA5 AND POWER PTY LTD
EFT67257	05/05/2011 LATRO LAWYERS
EFT67258	05/05/2011 ALBANY CITY MOTORS
EFT67259	05/05/2011 MCLEODS BARRISTERS & SOLICITORS
EFT67260	05/05/2011 METROOF ALBANY
EFT67261	05/05/2011 MIDALIA STEEL PTY LTD
EFT67262	05/05/2011 AIRPORT SECURITY PTY LTD
EFT67263	05/05/2011 MIDWEST SECRETARIAL / LABOUR HIRE
EFT67264	05/05/2011 MISS MAUD SWEDISH HOTEL
EFT67265	05/05/2011 JOHN MOIR
EFT67266	05/05/2011 MR MOO DAIRY DISTRIBUTORS
EFT67267	05/05/2011 OCS SERVICES PTY LTD
EFT67268	05/05/2011 OPUS INTERNATIONAL CONSULTANTS LTD
EFT67269	05/05/2011 ORICA AUSTRALIA P/L
EFT67270	05/05/2011 CORR ART
EFT67271	05/05/2011 PERTH AMBASSADOR HOTEL
EFT67272	05/05/2011 AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LTD
EFT67273	05/05/2011 PETER GRAHAM AND COMPANY LTD
EFT67274	05/05/2011 HANSON CONSTRUCTION MATERIALS PTY LTD
EFT67275	05/05/2011 PLASTICS PLUS
EFT67276	05/05/2011 REPLICA MEDALS
EFT67277	05/05/2011 ELIZABETH RICHARDS PTY LTD
EFT67278	05/05/2011 RNR CONTRACTING PTY LTD
EFT67279	05/05/2011 ROYAL LIFE SAVING SOCIETY AUSTRALIA

FEES FOR ADDITIONAL WORKS & DRAWINGS FOR THE LONE PINE GROVE	1,980.00
CATERING SUPPLIES ALAC CAFE	181.34
STAFF TRAINING	5,661.20
CASUAL STAFF - BUSHCARE/WEED TREATMENT	19,592.93
CLEANING GOODS - ALAC	1,819.11
VEHICLE PARTS/REPAIRS/MAINTENANCE	150.17
STREET SURVEY & REPORT	17,130.43
FIRE SERVICES APRIL 2011	9,635.18
LEGAL COSTS - PHILLISKIRK ROAD - BARRY PANIZZA	1,827.69
LEGAL COSTS - LEASE - MIDDLETON BEACH HOLIDAY PARK	170.50
Removal of a large Gum Tree located at 5 Laperouse Cres in Goode Bch	4,741.58
DIPLOMA MODULE 4 PROJECT MANAGEMENT - CHRIS IDLE	660.00
EMBROIDERY - ALAC POLOS	215.60
PLUMBING REPAIRS/MAINTENANCE	565.65
SLASHING & MULCHING AT ALBANY AIRPORT	2,730.00
ELECTRICITY CHARGES 1/3/2011 - 1/4/2011	39,872.56
LEGAL COSTS	5,505.01
PURCHASE OF NEW HOLDEN CRUZE - P558	11,840.64
PROFESSIONAL SERVICES - GROUPED DWELLINGS LITTLE GROVE	1,339.55
CORODEK CLASSIC CREAM	70.22
STEEL SUPPLIES	19.82
AIRPORT SECURITY IDENTIFICATION CARDS	180.00
TEMPORARY STAFF - G BOONZAAIER	1,174.80
ACCOMODATION COSTS LIBRARY	202.25
RUBBISH REMOVAL FROM CAPE RICHE	1,080.00
CATERING SUPPLIES ALAC CAFE	263.95
CLEANING SERVICES APRIL 2011	20,146.88
STREET UPGRADES	21,361.78
MAINTENANCE SUPPLIES	990.00
ARTISTIC DEVELOPMENT CLASS	140.00
ACCOMMODATION CHARGES	495.00
LICENCE FEES - FITNESS & AEROBICS CLASS	1,599.26
VERGE MAINTENANCE/STREET TREES/MOWING (bi-active glyphosate)	367.40
FOOTPATH MIX DELIVERED	1,709.40
KT28R STASHAWAY 28LT	79.99
FORTS MERCHANDISE	86.35
MODELLING CLAY - LIBRARY	9.00
SUPPLY AND SPRAY EMULSION AND SPRAY TRUCK HIRE	15,924.25
SWIM CERTIFICATES - ALAC	794.75



## AGENDA ITEM 4.1 REFERS

EFT67280	05/05/2011 KAITLYN SEYMOUR	VAC ADMIN ASSISTANCE	207.36
EFT67281	05/05/2011 SKILL HIRE WA PTY LTD	CASUAL STAFF	9,851.13
EFT67282	05/05/2011 SKILLED	LABOUR HIRE	323.88
EFT67284	05/05/2011 SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES ALAC	904.01
EFT67285	05/05/2011 STAR SALES AND SERVICE	VEHICLE MAINTENANCE	20.75
EFT67286	05/05/2011 ST JOHN AMBULANCE AUSTRALIA	SENIOR FIRST AID COURSE	330.00
EFT67287	05/05/2011 LETITIA STONE	STAFF MILEAGE CLAIM	7.15
EFT67288	05/05/2011 STRUCTERRE CONSULTING ENGINEERS	SITE INSPECTION STIRLING ROAD SOUTH STIRLING	1,210.00
EFT67289	05/05/2011 SUNNY INDUSTRIAL BRUSHWARE	TRACTOR BROOMS	1,716.00
EFT67290	05/05/2011 ALBANY LOCK SERVICE	LOCKS/PADLOCKS	1,091.50
EFT67291	05/05/2011 SUPERSEALING PTY LTD	CRACK SEALING CONTRACT 2011	52,395.00
EFT67292	05/05/2011 SYNERGY	ELECTRICITY SUPPLIES - GROUPED ACCOUNT	10,146.58
EFT67293	05/05/2011 T & C SUPPLIES	GREY CEMENT & HARDWARE SUPPLIES	1,465.01
EFT67294	05/05/2011 DAVID THEODORE	MILEAGE CLAIM	190.24
EFT67295	05/05/2011 THE VEGIE SHOP	GROCERIES FOR DAYCARE	276.40
EFT67296	05/05/2011 TRADELINK PLUMBING SUPPLIES	LENGTHS OF SEWER PIPES & FITTINGS - RANGE ROAD	1,116.37
EFT67297	05/05/2011 UNITED BOOK DISTRIBUTORS	BOOKS FOUR VANCOUVER	341.25
EFT67298	05/05/2011 UPTOWN MUSIC	PARTS/EQUIPMENT	12.00
EFT67299	05/05/2011 ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	480.50
EFT67300	05/05/2011 BILLY WELLSTEAD	TAXI CAB REIMBURSEMENTS	65.05
EFT67301	05/05/2011 WESTCARE INDUSTRIES	Label Library Outward Address Green	343.20
EFT67302	05/05/2011 WESTRAC EQUIPMENT PTY LTD	NEW 2011 CATERPILLAR PNEUMATIC COMPACTOR	204,646.95
EFT67303	05/05/2011 WESTERN AUSTRALIAN PLANNING COMMISSION	REVENUE REFUND - LOWLANDS COASTAL RESERVE	293.37
EFT67304	05/05/2011 WESTERN WORK WEAR	UNIFORMS	127.05
EFT67305	05/05/2011 THE WINDOW WASHER MAN	WINDOW CLEANING VAC	38.00
EFT67306	05/05/2011 WOOD AND GRIEVE ENGINEERS	EMU POINT BOAT TRAILER PARKING CONCEPT	2,200.00
EFT67307	05/05/2011 YAKKA PTY LTD	UNIFORMS	80.85
EFT67308	05/05/2011 ZENITH LAUNDRY	LAUNDRY/LINEN SERVICES - CENTENNIAL ART PRIZE	64.80
EFT67309	06/05/2011 MASTERY OF FX	FINDING MY PLACE WORKSHOP	570.00
EFT67310	12/05/2011 ABBOTTS LIQUID SALVAGE PTY LTD	LIQUID WASTE REMOVAL	185.00
EFT67311	12/05/2011 AD CONTRACTORS PTY LTD	HEAVY EQUIPMENT HIRE	39,965.25
EFT67312	12/05/2011 AIRSERVICES AUSTRALIA	QUARTERLY AIRPORT MAINTENANCE	35,386.40
EFT67313	12/05/2011 ALBANY VALUATION SERVICES	VALUATION FEES	370.00
EFT67314	12/05/2011 ALBANY PRINTERS	PRINTING OF ART PRIZE INVITATIONS	150.00
EFT67315	12/05/2011 ALBANY V-BELT AND RUBBER	FILTERS/VEHICLE PARTS - ASSORTED PLANT	953.75
EFT67316	12/05/2011 ALBANY STATIONERS	STATIONERY SUPPLIES	33.45
EFT67317	12/05/2011 ALBANY PEST & WEED CONTROL	BEE HIVE TREATMENT - BMX TRACK SANFORD ROAD	140.00
EFT67318	12/05/2011 ALBANY CHAMBER OF COMMERCE & INDUSTRY	50% SHARE ADVERTISING COST "WHERE TO EAT IN ALBANY OVER EASTER GUIDE"	550.00
EFT67319	12/05/2011 ALBANY GATEWAY INCORPORATED	ONLINE ADVERTISING MAY 2011 - OCTOBER 2011	540.00

## AGENDA ITEM 4.1 REFERS

EFT67320	12/05/2011	ALBANY DRILLING	BORE CONSTRUCTION SANFORD ROAD	8,637.48
EFT67321	12/05/2011	ALBANY CAR STEREO	PARTS/VEHICLE MAINTENANCE	109.00
EFT67322	12/05/2011	ALBANY REFRIGERATION	SERVICE/MAINTENANCE	101.75
EFT67323	12/05/2011	ALBANY MOBILE WELDING	WELDING SERVICES	1,793.00
EFT67324	12/05/2011	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY ITEMS	1,863.70
EFT67325	12/05/2011	ALBANY NEWS DELIVERY	NEWSPAPER DELIVERY	33.60
EFT67326	12/05/2011	ALBANY CENTRAL CABINETS	DESK FOR CEO FOYER	1,045.00
EFT67327	12/05/2011	ALBANY OFFICE PRODUCTS - ALAC	STATIONERY ITEMS	60.30
EFT67328	12/05/2011	ALBANY OFFICE PRODUCTS - DAYCARE	STATIONERY ITEMS	44.00
EFT67329	12/05/2011	ALBANY OFFICE PRODUCTS - WORKS DEPOT	STATIONERY ITEMS FOR DEPOT	210.75
EFT67330	12/05/2011	ALLROAD MOTOR BODY BUILDERS	VEHICLE PARTS/MAINTENANCE	747.18
EFT67331	12/05/2011	AMITY PAINTING & DECORATING	PAINTING AT VAC & FORTS GUARD HOUSE AS QUOTED	10,035.00
EFT67332	12/05/2011	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT RECOVERY - RATES	2,790.02
EFT67333	12/05/2011	ARDESS NURSERY	GARDENING SUPPLIES	177.10
EFT67334	12/05/2011	ART ALMANAC	ADVERTISING - ART ALMANAC - ART PRIZE	203.50
EFT67335	12/05/2011	ARTCRAFT PTY LTD	STREET SIGNS & PAVEMENT MARKERS	7,106.55
EFT67336	12/05/2011	ATC WORK SMART	CASUAL LABOUR HIRE	3,785.23
EFT67337	12/05/2011	AUSTRALIA POST	POSTAGE CHARGES	2,825.26
EFT67338	12/05/2011	AUSTRALIAN AIR EXPRESS PTY LIMITED	FREIGHT CHARGES	261.58
EFT67339	12/05/2011	BENNETTS BATTERIES	BATTERY PURCHASES & RUBIA OIL	1,911.36
EFT67340	12/05/2011	ADVANCED TRAFFIC MANAGEMENT	TRAFFIC CONTROL	5,115.34
EFT67341	12/05/2011	BERTOLA HIRE SERVICES ALBANY PTY LTD	EXCAVATOR HIRE	382.80
EFT67342	12/05/2011	BEST OFFICE SYSTEMS	PHOTOCOPY CHARGES	90.00
EFT67343	12/05/2011	BLOOMIN FLOWERS	WREATHS FOR ANZAC SERVICE	195.00
EFT67344	12/05/2011	BOC GASES AUSTRALIA LIMITED	GAS SUPPLIES	198.48
EFT67345	12/05/2011	AIR BP	AVGAS PURCHASES	125.81
EFT67346	12/05/2011	BRANDNET PTY LTD T/AS MILITARY SHOP	1000 PENCILS FOR FORTS AS QUOTED	384.00
EFT67347	12/05/2011	BUILDING AND CONSTRUCTION IND TRAINING FUND	BCITF LEVIES APRIL 2011	15,955.47
EFT67348	12/05/2011	BUILDERS REGISTRATION BOARD	BRB LEVIES APRIL 2011	2,030.00
EFT67349	12/05/2011	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL SERVICES - MANYPEAK TOILETS	994.07
EFT67350	12/05/2011	CHRISTOPHER BURNELL	POND REPAIRS VICTORIA SQUARE GARDENS LOWER STIRLING TCE	880.00
EFT67351	12/05/2011	CJD EQUIPMENT PTY LTD	VEHICLE PARTS - P2012	443.23
EFT67352	12/05/2011	BIS CLEANAWAY LIMITED	WASTE REMOVAL CONTRACT	232,797.17
EFT67353	12/05/2011	COLQUHOUNS FREMANTLE BAG COMPANY	UV POLY SAND BAGS	693.00
EFT67354	12/05/2011	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	310.69
EFT67355	12/05/2011	CONSTRUCTION EQUIPMENT AUSTRALIA	VEHICLE PARTS - P21	358.62
EFT67356	12/05/2011	ANN COPEMAN BVA	CITY OF ALBANY ART PRIZE	450.00
EFT67357	12/05/2011	COVENTRYS	VEHICLE PARTS - P70/P2170 & P62	368.11
EFT67358	12/05/2011	DOWNER EDI WORKS PTY LTD	COLDMIX	1,906.92
EFT67359	12/05/2011	MICHAEL CUDDIHY	TRAVEL EXPENSE REIMBURSEMENT	167.75

## AGENDA ITEM 4.1 REFERS

EFT67360	12/05/2011	CYNDAN CHEMICALS	STAINLESS STEEL CLEANER ALAC	413.33
EFT67361	12/05/2011	D & K ENGINEERING	REPAIRS/MAINTENANCE	1,045.00
EFT67362	12/05/2011	DATATRAX PTY LTD	ADVERTISING	770.00
EFT67363	12/05/2011	DEPARTMENT OF TRANSPORT	ANNUAL SEA BED LEASE	2,200.00
EFT67364	12/05/2011	G & M DETERGENTS & HYGIENE SERVICES ALBANY	SANITARY SERVICES	1,492.81
EFT67365	12/05/2011	DON DUFTY	REIMBURSEMENT MILEAGE CLAIM	232.15
EFT67366	12/05/2011	DVA FABRICATIONS	SIGN HOLDER	131.60
EFT67367	12/05/2011	ELLEKER GENERAL STORE	FUEL PURCHASES	149.94
EFT67368	12/05/2011	MILTON EVANS	EXPENSES REIMBURSEMENT	492.56
EFT67369	12/05/2011	EVERTRANS	VEHICLE PARTS/MAINTENANCE	222.20
EFT67370	12/05/2011	EYELINE AUSTRALIA PTY LTD	SPORTS STORE EQUIPMENT	1,254.83
EFT67371	12/05/2011	FARMERS CENTRE (1978) PTY LTD	VEHICLE PARTS	18.00
EFT67372	12/05/2011	FRANEY & THOMPSON	TIMBER SUPPLIES	1,123.90
EFT67373	12/05/2011	GODFREYS THE VACUUM CLEANER SPECIALISTS	VACUUM CLEANER TOOLS	99.80
EFT67374	12/05/2011	GORDON WALMSLEY PTY LTD	KERBING ON LOCKYER AVE	300.00
EFT67375	12/05/2011	GREAT SOUTHERN GROUP TRAINING	CASUAL LABOUR HIRE	3,560.53
EFT67376	12/05/2011	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING PRODUCTS	1,040.74
EFT67377	12/05/2011	PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE	187.00
EFT67378	12/05/2011	HARLEY GLOBAL	PROFESSIONAL FEES	65.00
EFT67379	12/05/2011	JG & EL HERRING	Rates refund for assessment A184258	1,624.02
EFT67380	12/05/2011	JOHN HOBBS	FORTS TRAVELLING ALLOWANCE	24.00
EFT67381	12/05/2011	HR SETTLEMENTS	Rates refund for assessment A27143	280.87
EFT67382	12/05/2011	JUST A CALL DELIVERIES	DAILY DELIVERY SERVICE	786.50
EFT67384	12/05/2011	KELYN TRAINING SERVICES	TRAINING COURSE	820.00
EFT67385	12/05/2011	KEN FREEGARD FILTER CLEANING	FILTERS CHANGED/CLEANED	22.00
EFT67386	12/05/2011	KLB SYSTEMS	PURCHASE OF PC'S	2,700.50
EFT67387	12/05/2011	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	4,307.65
EFT67388	12/05/2011	LEADING EDGE HIFI-ALBANY	PHONE REPAIRS	299.00
EFT67389	12/05/2011	STATE LIBRARY OF WA	DAMAGED AND LOST LIBRARY BOOKS	137.50
EFT67390	12/05/2011	CALTEX ENERGY WA	FUEL PURCHASES	52,406.64
EFT67391	12/05/2011	LORLAINE DISTRIBUTORS PTY LTD	BANNISTER BRUSHES & SPRAY BOTTLES FOR DEPOT	136.20
EFT67392	12/05/2011	MARSHALL MOWERS	VEHICLE SERVICING CRICKET WICKET MOWER	340.65
EFT67393	12/05/2011	MIDALIA STEEL PTY LTD	MILD STEEL	19.77
EFT67394	12/05/2011	MIDWEST SECRETARIAL / LABOUR HIRE	CASUAL LABOUR HIRE	1,774.44
EFT67395	12/05/2011	MIRA MAR VETERINARY SERVICES	ANIMAL EUTHANASIA	125.00
EFT67396	12/05/2011	MOTEL LE GRANDE	ACCOMMODATION CHARGES	250.00
EFT67397	12/05/2011	MT BARKER COMMUNICATIONS	RADIO REPAIRS/MAINTENANCE	49.50
EFT67398	12/05/2011	PN & ER NEWMAN QUALITY CONCRETE PRODUCTS	LINERS	478.50
EFT67399	12/05/2011	NEW HORIZON HOMES (WA) PTY LTD	Rates refund for assessment A198271	214.70
EFT67400	12/05/2011	OCS SERVICES PTY LTD	CLEANING SERVICES	764.00

## AGENDA ITEM 4.1 REFERS

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EFT67401	12/05/2011 OKEEFE'S PAINTS	PAINT SUPPLIES	168.78
EFT67403	12/05/2011 PAUL ARMSTRONG PANELBEATERS	INSURANCE EXCESS	300.00
EFT67404	12/05/2011 PENNANT HOUSE	AUSTRALIAN NATIONAL FLAG	107.80
EFT67405	12/05/2011 HANSON CONSTRUCTION MATERIALS PTY LTD	SLUMP CONCRETE TO LOCKYER AVE WORK SITE	872.08
EFT67406	12/05/2011 R & L BITUMEN REPAIR SERVICES	ROAD MAINTENANCE	14,072.30
EFT67407	12/05/2011 W P REID	EQUIPMENT HIRE	17,323.50
EFT67408	12/05/2011 REPLICA MEDALS	FORTS MERCHANDISE	937.11
EFT67409	12/05/2011 RICOH	PHOTOCOPIER CHARGES	12,986.05
EFT67410	12/05/2011 ROBINSON BUILDTECH	PROGRESS CLAIM - WOMENS REST CENTRE CONSERVATION WORKS	51,060.23
EFT67411	12/05/2011 ROSMECH SALES AND SERVICE PTY LTD	MAIN BROOM DRIVE MOTOR P219	683.38
EFT67412	12/05/2011 ROYAL LIFE SAVING SOCIETY AUSTRALIA	SWIM CERTIFICATES	187.50
EFT67413	12/05/2011 SCHWEPES AUSTRALIA	SOFT DRINK FOR FORTS	99.20
EFT67414	12/05/2011 SKILL HIRE WA PTY LTD	CASUAL LABOUR HIRE	2,244.32
EFT67415	12/05/2011 SONIC CIVIL	PROVIDE LABOUR AND EQUIPMENT FOR RANGE COURT	6,632.00
EFT67416	12/05/2011 SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	5,386.97
EFT67417	12/05/2011 SOUTHERN TOOL & FASTENER CO	HEDGETRIMMER	1,179.33
EFT67418	12/05/2011 SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES - ALAC CAFE	540.87
EFT67419	12/05/2011 SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	9,902.77
EFT67420	12/05/2011 STATEWIDE BEARINGS	PARTS/VEHICLE MAINTENANCE	28.58
EFT67421	12/05/2011 SAI GLOBAL LTD	INTERNET DOWNLOAD	65.35
EFT67422	12/05/2011 POSITION PARTNERS	REPAIRS/MAINTENANCE	379.50
EFT67423	12/05/2011 STIRLING FREIGHT EXPRESS	FREIGHT CHARGES	136.98
EFT67424	12/05/2011 ST JOHN AMBULANCE AUSTRALIA	SENIOR FIRST AID	495.00
EFT67425	12/05/2011 SYNERGY	ELECTRICITY ACCOUNT	38,764.92
EFT67426	12/05/2011 T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	532.29
EFT67427	12/05/2011 THE VEGIE SHOP	GROCERIES	208.31
EFT67428	12/05/2011 TOTAL GREEN RECYCLING	E WASTE RECYCLING	5,034.82
EFT67429	12/05/2011 TRAILBLAZERS	PROTECTIVE FOOTWEAR DEPOT WORKER	173.78
EFT67430	12/05/2011 TRAFFIC SAFETY CONSULTANTS PTY LTD	ROAD SAFETY REVIEW	4,953.25
EFT67431	12/05/2011 TRUCKLINE	VEHICLE PARTS/MAINTENANCE	2,036.10
EFT67432	12/05/2011 TRU-BLU GROUP PTY LTD	MINI EXCAVATOR	1,122.86
EFT67433	12/05/2011 TRUCK CENTRE WA PTY LTD	VEHICLE PARTS - P2012	57.62
EFT67434	12/05/2011 ALBANY TYREPOWER	TYRE REPAIRS/MAINTENANCE - P807	1,222.90
EFT67435	12/05/2011 VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	SCREENED TOP SOIL	269.00
EFT67436	12/05/2011 ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING - ALBANY ART PRIZE	1,215.40
EFT67437	12/05/2011 LANDMARK LIMITED	CHAIN MESH FOR LOCKYER AVE	798.25
EFT67438	12/05/2011 WESTERN WORK WEAR	SAFETY WEAR	548.47
EFT67439	12/05/2011 ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	117.14
EFT67440	19/05/2011 ABA SECURITY	REPLACEMENT VIDEO RECORDER AS PER QUOTE 8993 - AIRPORT	4,405.50
EFT67441	19/05/2011 AD CONTRACTORS PTY LTD	CATERMOL SUPPLIES	1,104.00

## AGENDA ITEM 4.1 REFERS

EFT67442	19/05/2011 ADVERTISER PRINT	PRINTING COSTS FORTS BROCHURES & BUSINESS CARDS	856.00
EFT67443	19/05/2011 AEG OGDEN (PERTH) PTY LTD	CATERING COSTS - COA RECONCILIATION MORNING TEA	1,810.20
EFT67444	19/05/2011 EDENBORN PTY LTD	CONTRACT MOWING SERVICES APRIL 2011	4,401.80
EFT67445	19/05/2011 ALBANY TOYOTA	VEHICLE CHANGEOVER 9009A	4,675.25
EFT67446	19/05/2011 ALBANY FARM TREE NURSERY	PLANTS/NURSERY SUPPLIES	5,100.00
EFT67447	19/05/2011 ALBANY SOIL AND CONCRETE TESTING	MATERIALS TESTING ON SUBMITTED SAMPLES	253.00
EFT67448	19/05/2011 ALBANY REFRIGERATION	QUARTERLY AIR CONDITIONING MAINTENANCE - MERCER ROAD DEPOT	231.00
EFT67449	19/05/2011 ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY ITEMS	237.15
EFT67450	19/05/2011 ATC WORK SMART	CASUAL STAFF/APPRENTICE FEES	4,156.68
EFT67451	19/05/2011 BAILEYS FERTILISERS	LIQUID FERTILISER - SPORTING COMPLEXES	902.00
EFT67452	19/05/2011 BAIL SAND & GRAVEL SUPPLIES	METRES OF SAND	1,320.00
EFT67453	19/05/2011 BAKERS JUNCTION ENGINEERING	REPAIRS/MAINTENANCE RUBBISH BIN STANDS	231.00
EFT67454	19/05/2011 BARKERS TRENCHING SERVICES	TRENCHING SERVICES	2,816.00
EFT67455	19/05/2011 BENNETTS BATTERIES	RED GREASE SUPPLIES/ COMPRESSOR OIL/BATTERY PURCHASES	991.32
EFT67456	19/05/2011 BICUBIC	ALBANY ART PRIZE HARD COVER	2,346.30
EFT67457	19/05/2011 BIO DIVERSE SOLUTIONS	PREPARATION OF EMP REPORT FOR GREAT SOUTHERN MOTORPLEX	2,420.00
EFT67458	19/05/2011 BOOKEASY AUSTRALIA PTY LTD	BOOKING RETURNS	3,850.05
EFT67459	19/05/2011 C&C MACHINERY CENTRE	VEHICLE MAINTENANCE/REPAIRS - P216/P229 & 93244	873.55
EFT67460	19/05/2011 CABCHARGE AUSTRALIA LIMITED	CAB CHARGES	634.92
EFT67461	19/05/2011 PH & AM CAMERON	Rates refund for assessment A210338	672.81
EFT67462	19/05/2011 CAMPBELL CONTRACTORS	CONSTRUCTION OF CONCRETE PATHWAY ALAC	4,225.00
EFT67463	19/05/2011 J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL SERVICES AIRPORT	176.00
EFT67464	19/05/2011 SYNERGY GRAPHICS	ARTWORK FOR SENIORS DIRECTORY	3,695.00
EFT67465	19/05/2011 COCA-COLA AMATIL PTY LTD	SOFT DRINK SUPPLIES ALAC	775.58
EFT67466	19/05/2011 COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	701.34
EFT67467	19/05/2011 COURIER AUSTRALIA	FREIGHT CHARGES	348.08
EFT67468	19/05/2011 DOWNER EDI WORKS PTY LTD	HOTMIX FOR DIVOT REPAIRS SANFORD ROAD	616.52
EFT67469	19/05/2011 CYNERGIC COMMUNICATIONS	SERVICE CHARGES	66.00
EFT67470	19/05/2011 DATA #3 LIMITED	LYNC 2010 SERVER	15,518.33
EFT67471	19/05/2011 MICHELLE DAYMAN EVENTS	EVENT CO-ORDINATION FEES FOR 2011 CLASSIC MOTOR EVENT - THIRD INSTALMENT	2,500.00
EFT67472	19/05/2011 LANDGATE	TITLE SEARCHES/GRV INTERIM VALUES	3,346.73
EFT67473	19/05/2011 DEPARTMENT OF ENVIRONMENT AND CONSERVATION	ALBANY REFUSE SITE LICENCE FEE RENEWAL	8,966.88
EFT67474	19/05/2011 DEPARTMENT OF TRANSPORT	SEARCH OF VEHICLE OWNERSHIP	120.00
EFT67475	19/05/2011 SIMON EDWARDS	STAFF MILEAGE CLAIM FORM	10.10
EFT67476	19/05/2011 EYERITE SIGNS	SIGNAGE FOR STAFF OFFICE DOORS	258.50
EFT67477	19/05/2011 FARM FRESH WHOLESALERS	CATERING GOODS ALAC CAFE	252.40
EFT67478	19/05/2011 KLARA & JAN FERENCZ	BOOK STOCKS	20.00
EFT67479	19/05/2011 GALLERY 500	ART SUPPLIES/EQUIPMENT VAC	353.38
EFT67480	19/05/2011 GRACE REMOVALS GROUP	ART REMOVAL	2,497.00

## AGENDA ITEM 4.1 REFERS

EFT67481	19/05/2011 GRANDE FOOD SERVICE	CATERING GOODS ALAC CAFE	152.63
EFT67482	19/05/2011 GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	FIRST AID TRAINING COSTS	328.50
EFT67483	19/05/2011 GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING ITEMS	401.78
EFT67484	19/05/2011 GREAT SOUTHERN TURF	KIKUYU ROLL ON LAWN	110.00
EFT67485	19/05/2011 GREENMAN TRADING COMPANY	TREE HAZARD ASSESSMENT REPORT	715.00
EFT67486	19/05/2011 HARVEY NORMAN ELECTRICAL ALBANY	CAMERA SCANDISK MEMORY STICK	56.95
EFT67487	19/05/2011 HARVEY NORMAN COMPUTERS ALBANY	CAMERA SONY CYBERSHOT	390.00
EFT67488	19/05/2011 AJ & SL HASSALL	Rates refund for assessment A209000	764.25
EFT67489	19/05/2011 HAYNES ROBINSON	CHEYNES BEACH LEASES LEGAL FEES	3,563.42
EFT67490	19/05/2011 HEAVY AUTOMATICS PTY LTD	FILTER FOR TIP TRUCK	173.80
EFT67491	19/05/2011 HELEN LEEDER-CARLSON	CREATIVE SENIORS CLASSES	240.00
EFT67492	19/05/2011 RATTEN & SLATER MACHINERY	VEHICLE PARTS - P220	451.48
EFT67493	19/05/2011 HUDSON HENNING AND GOODMAN	LEASE - MIDDLETON BEACH HOLIDAY PARK	220.55
EFT67494	19/05/2011 HUDSON SEWAGE SERVICES	QUARTERLY MAINTENANCE AIRPORT TERMINAL	131.50
EFT67495	19/05/2011 IBM AUSTRALIA LTD	MONTHLY SCHEDULE	1,307.08
EFT67496	19/05/2011 JACK THE CHIPPER	CHIPPING AT BURGOYNE ROAD & EYRE PARK	2,800.00
EFT67497	19/05/2011 KEY2DESIGN	ALBANY ART PRIZE WEBSITE UPDATE	143.00
EFT67498	19/05/2011 KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	3,825.50
EFT67499	19/05/2011 LA FREEGARD	BOULDER HILL TRACK	1,890.00
EFT67500	19/05/2011 LANDFILL GAS AND POWER PTY LTD	ELECTRICITY COSTS APRIL 2011	36,886.26
EFT67501	19/05/2011 LATRO LAWYERS	ROSE GARDENS CARAVAN PARK LEASE	1,964.60
EFT67502	19/05/2011 LEASE CHOICE	MONTHLY LEASE RICOH PHOTOCOPIER - V1691100006	970.20
EFT67503	19/05/2011 M2 TECHNOLOGY PTY LTD	MESSAGES ON HOLD	754.01
EFT67504	19/05/2011 ALBANY PARTY HIRE	TABLE HIRE MOTHERS DAY MARKETS	123.00
EFT67505	19/05/2011 ALBANY CITY MOTORS	VEHICLE PARTS/MAINTENANCE	270.14
EFT67506	19/05/2011 MASTERY OF FX	FINDING MY PLACE WORKSHOP	400.00
EFT67507	19/05/2011 MERRIFIELD REAL ESTATE	RENT MR & MRS MACDONALD	400.00
EFT67508	19/05/2011 METROOF ALBANY	ROOFING CLIPS - LOTTERIES HOUSE	25.39
EFT67509	19/05/2011 MR MOO DAIRY DISTRIBUTORS	MILK SUPPLIES ALAC CAFE	349.85
EFT67510	19/05/2011 MORVEN RURAL DEVELOPMENTS PTY LTD	Rates refund for assessment A208549	916.78
EFT67511	19/05/2011 NATALIE RADIVOJEVIC	MT ROMANCE CENTENNIAL ART PRIZE	1,092.00
EFT67512	19/05/2011 NEVILLES HARDWARE & BUILDING SUPPLIES	LOCK JOINT FOR CONCRETE FOOTPATHS	287.10
EFT67513	19/05/2011 SANDRA O'DOHERTY	INSTALLATION OF ARTWORKS	975.00
EFT67514	19/05/2011 CORR ART	ARTISTIC DEVELOPMENT	140.00
EFT67515	19/05/2011 PAULS PET FOODS	DOG KIBBLES FOR POUND	57.00
EFT67516	19/05/2011 PAUL G ROBERTSON AND ASSOCIATES	C10018 PAYMENT CLAIM 4	18,055.75
EFT67517	19/05/2011 HANSON CONSTRUCTION MATERIALS PTY LTD	FOOTPATH MIX LOCKYER AVE	1,551.55
EFT67518	19/05/2011 PRE-EMPTIVE STRIKE PTY LTD	HOSTING OF WWW.ALBANYCLASSIC.COM.AU INTERNET DOMAIN	693.00
EFT67519	19/05/2011 QI CONSULTING	MENTORING - CONTRACT MANAGEMENT GAP ANALYSIS	1,980.00
EFT67520	19/05/2011 REECE PTY LTD	TOOLS/HARDWARE SUPPLIES	13.53

## AGENDA ITEM 4.1 REFERS

EFT67521	19/05/2011 GR & SA ROWE	Rates refund for assessment A194390	1,092.64
EFT67522	19/05/2011 ANGELA SANDERS	PREPARATION OF THREATENED FAUNA ASSESSMENT OF THE PARKER BROOK	2,100.00
		RESERVE FOR GREAT SOUTHERN MOTOR COMPLEX GROUP	
EFT67523	19/05/2011 KAITLYN SEYMOUR	VAC ADMIN ASSISTANCE	126.72
EFT67524	19/05/2011 SHEILAH RYAN	GARDENING SERVICES	390.00
EFT67525	19/05/2011 SIGNS PLUS	STAFF NAME BADGES	42.40
EFT67526	19/05/2011 SKILL HIRE WA PTY LTD	CASUAL STAFF	1,200.54
EFT67527	19/05/2011 SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES - ALAC CAFE	1,858.70
EFT67528	19/05/2011 SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	247.50
EFT67529	19/05/2011 SAI GLOBAL LTD	INTERNET DOWNLOAD	155.65
EFT67530	19/05/2011 STABILISATION TECHNOLOGY	PAVEMENT REHABILITATION YORK STREET	15,479.50
EFT67531	19/05/2011 STIRLING CONFECTIONERY PLUS	CATERING SUPPLIES ALAC CAFE	374.83
EFT67532	19/05/2011 SUNNY SIGN COMPANY	ROAD SIGNS	1,938.20
EFT67533	19/05/2011 ALBANY LOCK SERVICE	LOCK SUPPLIES	462.20
EFT67534	19/05/2011 SYNERGY	ELECTRICITY CHARGES	1,683.50
EFT67535	19/05/2011 T & C SUPPLIES	HARDWARE TOOL/SUPPLIES	75.98
EFT67536	19/05/2011 THE NAKED BEAN COFFEE ROASTERS	COFFEE SUPPLIES ALAC CAFE	406.00
EFT67537	19/05/2011 THE VEGIE SHOP	GROCERIES	178.58
EFT67538	19/05/2011 TOLL PRIORITY	COURIER SERVICES	510.96
EFT67539	19/05/2011 TOTAL GREEN RECYCLING	E WASTE RECYCLING	2,089.34
EFT67540	19/05/2011 TRUCKLINE	VEHICLE PARTS - P70	122.76
EFT67541	19/05/2011 ALBANY TYREPOWER	TYRE REPAIRS/MAINTENANCE - P87/P8/P220/P629/P68	5,736.00
EFT67542	19/05/2011 VANCOUVER CAFE & STORE	CATERING FOR CENTENNIAL ART PRIZE	1,000.00
EFT67543	19/05/2011 ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	1,753.84
EFT67544	19/05/2011 WA LOCAL GOVERNMENT ASSOCIATION	RETURN OF FUNDS ULYSSES CLUB 2010 AGM	1,004.73
EFT67545	19/05/2011 WESTERN STABILISERS PTY LTD	PROGRESS CLAIM - APRIL 2011 CONTRACT C10018	1,249,549.49
EFT67546	19/05/2011 WEST AUSTRALIAN NEWSPAPERS LIMITED	ADVERTISING	193.60
EFT67547	19/05/2011 WESTERN WORK WEAR	SAFETY FOOTWEAR	391.66
EFT67548	19/05/2011 WILLOUGHBY PARK WINERY	CHARDONNAY & REISLING	420.00
EFT67549	19/05/2011 WIZID PTY LTD	TUFF BAND ALAC	279.40
EFT67550	19/05/2011 YAKKA PTY LTD	UNIFORM ORDERS	387.33
EFT67551	19/05/2011 ALINTA	GAS USAGE CHARGES	36.00
EFT67552	19/05/2011 ALBANY EISTEDDFOD COMMITTEE INCORPORATED	PROVISIONS FOR A PETTY CASH FLOAT FOR THE EISTEDDFOD	500.00
EFT67554	26/05/2011 ABA SECURITY	SECURITY SERVICES	416.00
EFT67555	26/05/2011 ABBOTTS LIQUID SALVAGE PTY LTD	CAPE RICHE PUMP OUT ECOMAX	2,197.00
EFT67556	26/05/2011 ACTIV FOUNDATION INC.	INDUSTRIAL BROOM HEADS	1,100.00
EFT67557	26/05/2011 AD CONTRACTORS PTY LTD	LOADER HIRE	2,090.00
EFT67558	26/05/2011 DORA ADELINE	REIMBURSEMENTS - FMP PROGRAM CATERING	124.58
EFT67559	26/05/2011 ADVANCED PERSONNEL MANAGEMENT	CASE NUMBER 495223	161.33
EFT67560	26/05/2011 ALBANY ADVERTISER LTD	ADVERTISING	3,309.46

AGENDA ITEM 4.1 REFERS

AGENDA ITEM 4.1 REFERS

## AGENDA ITEM 4.1 REFERS

EFT67561	26/05/2011 ALBANY TOYOTA	VEHICLE CHANGEOVERS	9,350.50
EFT67562	26/05/2011 ALBANY HYDRAULICS	HYDRAULIC PARTS - P70	73.66
EFT67563	26/05/2011 ALBANY PRINTERS	PURCHASE ORDER BOOKS	515.00
EFT67564	26/05/2011 ALBANY SWEEP CLEAN	SWEEPER CONTRACT	5,314.50
EFT67565	26/05/2011 ALBANY INDOOR PLANT HIRE	INDOOR PLANT HIRE	980.31
EFT67566	26/05/2011 ALBANY REFRIGERATION	NORTH ROAD AIRCONDITIONING QUARTERLY MAINTENANCE APRIL 2011	1,232.00
EFT67567	26/05/2011 ALBANY HISTORICAL SOCIETY	CLEANING & MANNING THE BRIG AMITY FOR THE MONTH OF: APRIL 2011	650.00
EFT67569	26/05/2011 ALBANY SKIPS AND WASTE SERVICES	HIRE OF SKIP BIN - APRIL 2011	240.00
EFT67570	26/05/2011 ALBANY OFFICE PRODUCTS - NORTH ROAD	OFFICE CHAIR FOR NORTH ROAD STAFF	1,113.00
EFT67571	26/05/2011 ALBANY NEWS DELIVERY	NEWS PAPER DELIVERIES	136.35
EFT67572	26/05/2011 ALBANY QUALITY LAWNMOWING	LAWN MOWING LOTTERIES HOUSE	100.00
EFT67573	26/05/2011 ALBANY COMBINED CABS PTY LTD	TAXI FARES YAC	21.20
EFT67574	26/05/2011 ALBANY KAWASAKI	4 WD MOTORBIKE MAINTENANCE & OIL	121.90
EFT67575	26/05/2011 ALBANY FILTERCLEAN	FILTERS CHANGES AND CLEANED ALAC	28.00
EFT67576	26/05/2011 ALBANY OFFICE PRODUCTS - ALAC	STATIONERY SUPPLIES	63.45
EFT67577	26/05/2011 ALBANY OFFICE PRODUCTS - WORKS DEPOT	STATIONERY SUPPLIES	199.00
EFT67578	26/05/2011 ALINTA	GAS USAGE CHARGES ALAC 11/4/2011 - 6/5/2011	11,553.60
EFT67579	26/05/2011 ARTCRAFT PTY LTD	SIGNAGE	587.40
EFT67580	26/05/2011 ATC WORK SMART	CASUAL LABOUR	4,156.68
EFT67581	26/05/2011 AUDIOCOM ALBANY	MOBILE PHONES PURCHASE	2,496.00
EFT67582	26/05/2011 BALL BODY BUILDERS	REPAIRS TO SOUTHCOAST 3.4	2,838.00
EFT67583	26/05/2011 BARNESBY FORD	VEHICLE REPAIRS	1,359.94
EFT67584	26/05/2011 BARRETT'S MINI EARTHMOVING & CHIPPING	TREE PRUNING	18,770.00
EFT67585	26/05/2011 BATTERY WORLD	MOBILE PHONE BATTERY	40.00
EFT67586	26/05/2011 BENNETTS BATTERIES	DYNATRANS OIL SUPPLIES	107.36
EFT67587	26/05/2011 ADVANCED TRAFFIC MANAGEMENT	TRAFFIC CONTROL	3,982.79
EFT67588	26/05/2011 BERTOLA HIRE SERVICES ALBANY PTY LTD	TILLER HIRE	49.50
EFT67589	26/05/2011 BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES	419.00
EFT67590	26/05/2011 BICUBIC	ART PRIZE PROMOTIONAL CARDS	480.70
EFT67591	26/05/2011 BINDOON TRACTORS PTY LTD	PARTS/REPAIRS MAINTENANCE	4,454.56
EFT67592	26/05/2011 BLACKWOODS	HARDWARE/TOOL SUPPLIES	1,037.40
EFT67593	26/05/2011 ALBANY BOBCAT SERVICES	BOULDER HILL TRACK BETTY'S BEACH - CARTING AND SPREADING OF LIME RUBBLE	7,080.00
EFT67594	26/05/2011 BRANDNET PTY LTD T/AS MILITARY SHOP	FORTS MERCHANDISE	758.55
EFT67595	26/05/2011 CARDNO (WA) PTY LTD	LANDFILL LANDFORMS	49,291.95
EFT67596	26/05/2011 BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE SUPPLIES	73.02
EFT67597	26/05/2011 CAMTRANS ALBANY PTY LTD	FREIGHT	103.84
EFT67598	26/05/2011 J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	351.62

AGENDA ITEM 4.1 REFERS

AGENDA ITEM 4.1 REFERS



## AGENDA ITEM 4.1 REFERS

EFT67599	26/05/2011 JOHN CECIL	INTERVIEW TRAINING	1,000.00
EFT67600	26/05/2011 CITY OF ALBANY BAND INCORPORATED	INSURANCE REIMBURSEMENT FOR DAMAGED EUPHONIUM	137.96
EFT67601	26/05/2011 CITY OF NEDLANDS LIBRARY SERVICE	LOST LIBRARY ITEM	2.20
EFT67603	26/05/2011 COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	546.09
EFT67604	26/05/2011 REBECCA COMMONS	REFUND OF FEE FOR MOTHERS DAY STALL (MEMBERS RATE)	35.00
EFT67605	26/05/2011 ALBANY SIGNS	SIGNAGE - FORTS	220.00
EFT67606	26/05/2011 COVENTRYS	VEHICLE PART/MAINTENANCE/REPAIRS	366.75
EFT67607	26/05/2011 JENNIFER CROWE	RECORDS UPGRADING	900.00
EFT67608	26/05/2011 CROKER LACEY GRAPHIC DESIGN	STIDWELL BRIDLE TRAIL GRAPHICS	1,034.00
EFT67609	26/05/2011 HOLCIM (AUSTRALIA) PTY LTD	TONNES METAL DUST	596.11
EFT67610	26/05/2011 C T MANAGEMENT GROUP	WASTE MANAGEMENT SERVICE REVIEW	7,059.47
EFT67611	26/05/2011 35 DEGREES SOUTH	LR GRANDE AVE FEATURE SURVEY	4,012.00
EFT67612	26/05/2011 LANDGATE	RURAL UV GENERAL REVALUATIONS 2011/2012	19,585.50
EFT67613	26/05/2011 DRAGON MARTIAL ARTS ALBANY	FMP SESSION 3 - SELF PRESERVATION	225.00
EFT67614	26/05/2011 SIMON EDWARDS	AIR BP CALLOUT FUEL REIMBURSEMENTS	30.46
EFT67615	26/05/2011 FARM FRESH WHOLESALERS	CATERING GOODS ALAC CAFE	120.20
EFT67616	26/05/2011 THE FIXUPPERY	WINDOW CLEANING NORTH ROAD	1,424.50
EFT67617	26/05/2011 GALLERY 500	ART SUPPLIES VAC	70.55
EFT67618	26/05/2011 BILL GIBBS EXCAVATIONS	HIRE OF 20 TON EXCAVATOR FOR RESERVES MAINTENANCE	1,875.50
EFT67619	26/05/2011 GRAY & LEWIS	CONSULTING SERVICES - BIG GROVE	2,227.50
EFT67620	26/05/2011 GREAT SOUTHERN GROUP TRAINING	CASUAL LABOUR	6,229.19
EFT67621	26/05/2011 GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	TRAINING COURSE FEES	250.00
EFT67622	26/05/2011 GREEN SKILLS INC	CASUAL STAFF	7,304.00
EFT67623	26/05/2011 GREAT SOUTHERN PEST & WEED CONTROL	PEST CONTROL	198.00
EFT67624	26/05/2011 SOUTHERN SHARPENING SERVICES (FORMERLY SOUTHERN BLADE WORKS)	GUILLOTINE SHARPENING	44.00
EFT67625	26/05/2011 GREAT SOUTHERN PERSONNEL	GARDENING SERVICES LOTTERIES HOUSE	150.38
EFT67626	26/05/2011 GREAT SOUTHERN SAND AND LANDSCAPING SUPPLIES	SEMI HIRE BOULDER HILL TRACK BETTY'S BEACH	4,500.00
EFT67627	26/05/2011 GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING SUPPLIES	740.36
EFT67628	26/05/2011 GREAT SOUTHERN BEARINGS	SEAL FOR SEMI TRAILER (PIG) - P629	10.34
EFT67629	26/05/2011 GREAT SOUTHERN TURF	METRES KIKUYU ROLL ON LAWN	165.00
EFT67630	26/05/2011 GSM AUTO ELECTRICAL	VEHICLE REPAIRS/MAINTENANCE	512.00
EFT67631	26/05/2011 GT BEARING AND ENGINEERING SUPPLIES	VEHICLE PARTS	12.00
EFT67632	26/05/2011 PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE - ALAC	363.00
EFT67633	26/05/2011 HELEN LEEDER-CARLSON	CREATIVE SENIORS ART CLASSES	240.00
EFT67634	26/05/2011 HISTORY COUNCIL OF WA INC	CORPORATE MEMBERSHIP 2011-12	100.00
EFT67635	26/05/2011 HUDSON HENNING AND GOODMAN	LEGAL COSTS	5,956.50
EFT67636	26/05/2011 CHRIS IDLE	IPWEA MODULE 4 PROJECT MANAGEMENT	150.00
EFT67637	26/05/2011 INFRASTRUCT CONTRACTING P/L	REMOVAL OF TREE BELMORE ROAD	2,212.80
EFT67638	26/05/2011 ALBANY WORKLINK INC.	CUSTOMER SERVICE TRAINING FOR VOLUNTEERS	1,254.00

## AGENDA ITEM 4.1 REFERS

EFT67639	26/05/2011 INTERCON MILLAR LOGISTICS	TRANSPORT COSTS SODA ASH SUPPLIES FOR ALAC	260.39
EFT67640	26/05/2011 ISIS CAPITAL LIMITED	MONTHLY GYM EQUIPMENT REPAYMENT	3,494.82
EFT67641	26/05/2011 JACK THE CHIPPER	CHIPPING OF MATERIALS SOUTH STIRLING AND MANYPEAKS	1,312.50
EFT67642	26/05/2011 FAILEEN JAMES	INTERVIEW & RELOCATION EXPENSES DEC 2010 & FEB 2011	9,000.00
EFT67643	26/05/2011 JOHN KINNEAR AND ASSOCIATES	VOLUME SURVEY HANRAHAN ROAD WASTE MANAGEMENT FACILITY	660.00
EFT67644	26/05/2011 JOLLY JOHNS	TANKS, SHINGLES & PIPES COLLECTED FROM MERCER RD AND DELIVERED VARIOUS SITES	1,188.00
EFT67645	26/05/2011 JUST SEW EMBROIDERY	LOGOS FOR DAYCARE UNIFORMS	79.20
EFT67646	26/05/2011 KANDOO WINDSCREENS	WINDSCREEN REPAIRS - P145	70.00
EFT67647	26/05/2011 KEN STONE MOTOR TRIMMERS	REPAIR PARACHUTE	33.00
EFT67648	26/05/2011 KLB SYSTEMS	COMPUTER COSTS	5,324.00
EFT67649	26/05/2011 KNOTT'S PLUMBING PTY LTD	WIND FARM TOILETS PLUMBING REPAIRS	801.20
EFT67650	26/05/2011 CHRISTINE BERTHA ROSE KOWALD	Rates refund for assessment A120226	449.49
EFT67651	26/05/2011 LA FREEGARD	TREE PRUNING WITH TRACTOR	800.00
EFT67652	26/05/2011 LANYON COOK FAMILY TRUST	CHEYNES BEACH TOILET EXTERNAL RENDER OF TOILET	6,908.60
EFT67653	26/05/2011 LAWRENCE AND HANSON	CONDUIT FOR LOCKYER AVE WORKS	825.17
EFT67654	26/05/2011 LIVING PATHWAYS	WORKSHOP DEVELOPMENT WITH COMMUNITY DEVELOPMENT OFFICER AND DISABILITY SERVICES COMMISSION	1,140.00
EFT67655	26/05/2011 LORLAINE DISTRIBUTORS PTY LTD	CLEANING SUPPLIES	148.35
EFT67657	26/05/2011 MINNA ENGINEERING	AE2 COMMEMORATIVE PLAQUE	3,718.00
EFT67658	26/05/2011 MT BARKER COMMUNICATIONS	TWO WAY RADIO REPAIRS/MAINTENANCE	1,124.70
EFT67659	26/05/2011 NATSPEC CONSTRUCTION INFORMATION	AUS-SPEC ROADWORKS & BRIDGES SUBSCRIPTION RENEWAL	1,518.00
EFT67660	26/05/2011 NIKANA CONTRACTING PTY LTD	WASTE REMOVAL BOAT HARBOUR SKIP BINS	614.24
EFT67661	26/05/2011 ALBANY COMMUNITY PHARMACY	FIRST AID KIT SUPPLIES	38.70
EFT67662	26/05/2011 OCS SERVICES PTY LTD	SPECIAL CLEANING SERVICES	422.00
EFT67663	26/05/2011 OFFICEWORKS SUPERSTORES PTY LTD	STATIONERY CABINET	642.93
EFT67664	26/05/2011 OKEEFE'S PAINTS	PAINT SUPPLIES	264.77
EFT67665	26/05/2011 ORICA AUSTRALIA P/L	POOL SUPPLIES	306.90
EFT67666	26/05/2011 CORR ART	ARTISTIC DEVELOPMENT CLASS	140.00
EFT67667	26/05/2011 RADICAL FITNESS	POWER CERTICATIONS	598.00
EFT67668	26/05/2011 RAINBOW 7 CARPET CARE	CARPET & UPHOLSTERY CLEANING LOTTERIES HOUSE	385.00
EFT67669	26/05/2011 REECE PTY LTD	TOOLS/HARDWARE SUPPLIES	54.05
EFT67670	26/05/2011 REXEL AUSTRALIA	TUBE REPLACEMENTS TOWN HALL	288.64
EFT67671	26/05/2011 SERENITY PARK	DISPOSAL OF DOGS	300.00
EFT67672	26/05/2011 G & L SHEETMETAL	COLOURBOND BOX GUTTER, SUMPS & OUTLETS ALAC ROOF	2,695.00
EFT67673	26/05/2011 SHENTON ENTERPRISES	CARTRIDGE FILTERS FOR ALAC	189.90
EFT67674	26/05/2011 SIGNS PLUS	MAGNETIC NAME BADGES	65.45
EFT67675	26/05/2011 SITEART PTY LTD	WANSBOROUGH PARK REPAIRS TO SOFTFALL	213.40
EFT67676	26/05/2011 SKAL INTERNATIONAL ALBANY	SKAL FUNCTION LE GRANDE MOTEL ADM - FEB 2011	35.00
EFT67677	26/05/2011 SKILL HIRE WA PTY LTD	CASUAL LABOUR	1,513.16

AGENDA ITEM 4.1 REFERS

EFT67678	26/05/2011 SOUTHERN ELECTRICS	COFFEE MACHINE REPAIRS/MAINTENANCE	449.22
EFT67679	26/05/2011 SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES	81.92
EFT67680	26/05/2011 SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING GOODS ALAC CAFE	1,441.66
EFT67681	26/05/2011 STAR SALES AND SERVICE	HARWARE/PARTS	483.30
EFT67682	26/05/2011 SAI GLOBAL LTD	INTERNET DOWNLOAD	57.44
EFT67683	26/05/2011 T & C SUPPLIES	RAPID SET CONCRETE/HARDWARE AUPPLIES	814.51
EFT67684	26/05/2011 THE VEGIE SHOP	GROCERIES FOR DAYCARE	205.50
EFT67685	26/05/2011 THINKWATER ALBANY	15 X BORECLEAN 20L AND ASSORTED RETICULATION ITEMS	2,428.36
EFT67686	26/05/2011 THE TROPHY SHOP	ALBANY EISTEDDFOD	145.20
EFT67687	26/05/2011 TRUCKLINE	VEHICLE PARTS	107.48
EFT67688	26/05/2011 ALBANY TYREPOWER	VEHICLE PARTS/MAINTENANCE	3,136.00
EFT67689	26/05/2011 VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	BULK GREEN WASTE	15,431.88
EFT67690	26/05/2011 IT VISION AUSTRALIA PTY LTD	CREATE DAILY MAIL REPORT	693.00
EFT67691	26/05/2011 ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	752.89
EFT67692	26/05/2011 WESTCARE INDUSTRIES	LIBRARY LABELS	79.20
EFT67693	26/05/2011 WESTRAC EQUIPMENT PTY LTD	VEHICLE PARTS P236	700.84
EFT67694	26/05/2011 WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING RECRUITMENT OF CEO	1,142.45
EFT67695	26/05/2011 WESTSHRED DOCUMENT DISPOSAL	DOCUMENT DISPOSAL SERVICE	313.50
EFT67696	26/05/2011 WESTERN WORK WEAR	PROTECTIVE UNIFORMS	116.02
EFT67697	26/05/2011 WIZID PTY LTD	25MM TUFF BANDS	257.40
EFT67698	26/05/2011 WOOD AND GRIEVE ENGINEERS	DESIGN OF PARKER STREET UPGRADE	26,820.00
EFT67699	26/05/2011 YAKKA PTY LTD	UNIFORMS/SFAETY WEAR	182.62
TOTAL			3,860,927.43

**4.2: FINANCIAL ACTIVITY STATEMENT – 31 MAY 2011**

**Responsible Officer** : Acting Executive Director Corporate Services (P Wignall)

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 May 2011

**ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION**

The Financial Activity Statement for the period ending 31 May 2011 be RECEIVED.

**THIS ITEM WILL BE REPRESENTED AT THE JULY OCM FOR COUNCIL RESOLUTION DUE TO THE OMISSION OF THE CURRENT FINANCIAL ACTIVITY STATEMENT FROM DOCUMENTS SUPPLIED TO COUNCIL.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 May 2011 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

**6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 31 MAY 2011**

	<b>Actual Year to Date 31-May-11</b>	<b>Current Budget Year to Date 31-May-11</b>	<b>Current Budget vs Actual Variance</b>	
<b>REVENUE</b>				
Operating Grants, Subsidies and Cont	2,918,827	3,218,350	-299,523	X
Fees and Charges	6,783,312	6,677,722	105,590	X
Service Charges	3,740,226	3,727,907	12,319	√
Interest Earnings	929,195	663,889	265,306	√
Other Revenue	1,649,443	572,975	1,076,468	√
	<b>16,021,003</b>	<b>14,860,843</b>	<b>1,160,160</b>	
<b>EXPENDITURE</b>				
Employee Costs	13,351,828	14,255,077	-903,249	√
Materials and Contracts	9,374,594	11,447,364	-2,072,770	√
Utility Charges	1,264,674	1,304,513	-39,839	√
Interest Expenses	635,883	579,260	56,623	X
Insurance Expenses	543,200	526,393	16,807	X
Other Expenditure	790,830	-167,654	958,484	X
Depreciation	10,289,652	11,305,237	-1,015,585	√
	<b>36,250,661</b>	<b>39,250,190</b>	<b>-2,999,529</b>	
<b>Adjustment for Non-cash Revenue and Expenditure:</b>				
Depreciation	-10,289,652	-11,305,237	1,015,585	
<b>CAPITAL REVENUE</b>				
Non-Operating Grants, Subsidies and Cont	8,400,487	8,618,767	-218,280	X
Proceeds from asset disposals	918,088	534,306	383,782	X
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	14,282	29,050	-14,768	
Transfers from Reserves (Restricted Assets)	5,690,072	5,780,786	-90,714	√
	<b>15,022,929</b>	<b>14,962,909</b>	<b>60,020</b>	
<b>CAPITAL EXPENDITURE</b>				
Capital Expenditure	15,565,112	18,713,843	-3,148,731	√
Repayment of Loans	641,269	641,269	0	√
Transfers to Reserves (Restricted Assets)	3,833,365	3,549,128	284,237	√
	<b>20,039,746</b>	<b>22,904,240</b>	<b>-2,864,494</b>	
Estimated Surplus B/fwd				
ADD Net Current Assets July 1 B/fwd	<b>1,578,986</b>	<b>1,578,986</b>	<b>n/a</b>	
LESS Net Current Assets Year to Date	<b>10,734,042</b>	<b>4,714,643</b>	<b>n/a</b>	
Amount Raised from Rates	<b>-24,111,881</b>	<b>-24,161,098</b>	<b>49,217</b>	

\* √ Is higher than expected revenue or lower than expected expenditure

\* X is lower than expected revenue and higher than expected Expenditure

**7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31 MAY 2011**

**NET CURRENT ASSETS**

Composition of Net Current Asset Position

**CURRENT ASSETS**

Cash - Unrestricted

Cash - Restricted

Receivables

Inventories

**Total Current Assets****LESS: CURRENT LIABILITIES**

Payables and Provisions

Less: Cash - Restricted - Trust

Less: Cash - Restricted - Reserves

**NET CURRENT ASSET POSITION**

<b>Actual 31-May-11</b>	<b>Actual 30-Jun-10</b>
8,756,235	2,445,735
6,064,870	8,268,976
2,372,047	3,428,043
4,334,083	4,607,191
<b>21,527,235</b>	<b>18,749,944</b>
4,728,322	8,901,982
<b>16,798,913</b>	<b>9,847,962</b>
(1,141,289)	(1,488,688)
(4,923,581)	(6,780,288)
<b>10,734,043</b>	<b>1,578,986</b>

**NET CURRENT ASSETS PER BALANCE SHEET****Difference**

13,803,646	5,898,549
<b>3,069,603</b>	<b>4,319,563</b>

**Difference Represented by:**

Restricted Cash (Trust)

Reserve Funds - Financial Assets

Reserve Funds - Other

Self Supporting Loans (part of Receivables and Other)

1,141,289	1,488,688
1,054,480	1,054,480
3,869,101	5,725,809
(14,282)	
<b>6,050,588</b>	<b>8,268,976</b>

**Less:**

Borrowings

Trust Liabilities

1,890,837	2,532,106
1,090,148	1,417,307
<b>3,069,603</b>	<b>4,319,563</b>

**Difference**

**8. CITY OF ALBANY - BALANCE SHEET – AS AT 31 MAY 2011**

	<b>Actual 31-May-11</b>	<b>Budget 30-Jun-11</b>	<b>Actual 30-Jun-10</b>	<b>Actual 30-Jun-09</b>
<b>CURRENT ASSETS</b>				
Cash - Municipal	8,756,236	1,800,755	2,445,735	477,330
Restricted cash (Trust)	1,141,289	1,483,498	1,488,688	1,987,438
Reserve Funds - Financial Assets	1,054,480	800,755	1,054,480	1,170,755
Reserve Funds - Other	3,869,101	7,197,963	5,725,809	7,360,046
Receivables & Other	2,357,765	1,600,000	3,428,043	2,912,825
Investment Land	3,523,483	0	3,523,483	0
Stock on hand	810,600	800,000	1,083,708	1,033,538
	<b>21,512,954</b>	<b>13,682,971</b>	<b>18,749,944</b>	<b>14,941,932</b>
<b>CURRENT LIABILITIES</b>				
Borrowings	1,890,837	5,638,175	2,532,106	5,887,897
Creditors prov - Annual leave & LSL	2,399,768	2,286,053	2,245,816	2,023,128
Trust Liabilities	1,090,148	1,546,383	1,417,307	1,930,516
Creditors prov & accruals	2,328,555	3,101,240	6,656,166	4,190,792
	<b>7,709,308</b>	<b>12,571,851</b>	<b>12,851,395</b>	<b>14,032,333</b>
<b>NET CURRENT ASSETS</b>	<b>13,803,646</b>	<b>1,111,120</b>	<b>5,898,549</b>	<b>909,599</b>
<b>NON CURRENT ASSETS</b>				
Receivables	77,272	150,000	77,272	106,322
Pensioners Deferred Rates	320,922	280,000	320,922	292,616
Investment Land	2,220,758	2,150,000	2,220,758	2,150,000
Property, Plant & Equip	79,809,083	72,666,174	68,034,400	67,901,036
Infrastructure Assets	181,606,707	196,047,672	188,881,619	186,048,239
Local Govt House Shares	19,501	19,501	19,501	19,501
	<b>264,054,243</b>	<b>271,313,347</b>	<b>259,554,473</b>	<b>256,517,714</b>
<b>NON CURRENT LIABILITIES</b>				
Borrowings	18,264,569	12,626,394	18,264,569	15,996,675
Creditors & Provisions	364,846	260,000	364,845	259,838
	<b>18,629,415</b>	<b>12,886,394</b>	<b>18,629,414</b>	<b>16,256,513</b>
<b>NET ASSETS</b>	<b>259,228,474</b>	<b>259,538,073</b>	<b>246,823,608</b>	<b>241,170,800</b>
<b>EQUITY</b>				
Accumulated Surplus	235,530,259	232,764,720	221,268,686	212,131,561
Reserves	4,923,582	7,998,719	6,780,289	10,264,605
Asset revaluation Reserve	18,774,633	18,774,634	18,774,634	18,774,634
	<b>259,228,474</b>	<b>259,538,073</b>	<b>246,823,608</b>	<b>241,170,800</b>

**9. INCOME STATEMENT FOR PERIOD ENDED – AS AT 31 MAY 2011**

Nature / Type	YTD Actual 2010/11	Budget-Total 2010/11	Actual 2009/10
<b>INCOME</b>			
Rates	24,111,881	25,574,053	21,575,584
Grants & Subsidies	2,573,247	3,196,680	3,424,202
Contributions. Reimb & Donations	345,580	349,738	395,475
Fees & Charges	6,783,312	7,280,601	7,091,836
Service Charges	3,740,226	3,735,000	3,011,136
Interest Earned	929,195	680,000	904,653
Other Revenue / Income	1,649,443	520,615	399,264
	<b>40,132,884</b>	<b>41,336,687</b>	<b>36,802,149</b>
<b>EXPENDITURE</b>			
Employee Costs	13,351,828	15,240,526	14,308,136
Utilities	1,264,674	1,362,613	1,335,373
Interest Expenses	635,883	1,101,799	1,180,372
Depreciation on non current assets	10,289,652	12,334,000	11,226,465
Contracts & materials	9,374,594	13,274,398	10,516,730
Insurance expenses	543,200	511,098	476,810
Other Expenses	811,070	(273,177)	1,251,142
	<b>36,270,901</b>	<b>43,551,257</b>	<b>40,295,028</b>
<b>Change in net assets from operations</b>	<b>3,861,983</b>	<b>(2,214,570)</b>	<b>(3,492,878)</b>
Grants and Subsidies - non-operating	7,718,177	9,156,877	5,876,907
Contributions Reimbursements and Donations - non-operating	682,310	2,689,416	3,408,787
Profit/Loss on Asset Disposals	142,397	1,541,004	(23,732)
Fair value - Investments adjustment	0	0	(116,275)
Cash Backing of Reserves	0	0	1,651,060
	<b>12,404,867</b>	<b>11,172,727</b>	<b>7,303,869</b>



## 10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 31 MAY 2011

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Mar-11	Market Value Apr-11	Market Value May-11	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
CBA	16/02/2011	1,000,000	5.61%				
NAB	4/03/2011	1,500,000	6.07%				
NAB	16/03/2011	1,000,000	6.07%				
CBA	18/03/2011	1,000,000	5.70%				
Bendigo	28/03/2011	1,000,000	6.05%				
CBA	28/03/2011	1,000,000	5.82%				
CBA	29/03/2011	1,000,000	5.82%				
Bankwest	7/04/2011	1,500,000	6.00%	1,500,000			
Bendigo	7/04/2011	1,000,000	6.00%	1,000,000			
CBA	18/04/2011	1,000,000	5.71%	1,000,000			
ANZ	20/04/2011	1,000,000	6.20%	1,000,000			
CBA	26/04/2011	1,000,000	5.70%	1,000,000			
Bankwest	7/05/2011	1,500,000	5.50%		1,500,000		
NAB	11/05/2011	1,000,000	6.21%	1,000,000	1,000,000		
CBA	18/05/2011	1,000,000	5.68%		1,000,000		
CBA	27/05/2011	1,000,000	5.70%		1,000,000		
Bankwest	7/06/2011	1,500,000	5.50%			1,500,000	
CBA	17/06/2011	1,000,000	5.70%			1,000,000	
CBA	27/06/2011	1,000,000	5.73%			1,000,000	
NAB	20/08/2011	1,000,000	6.07%	1,500,000	1,500,000	1,500,000	
				<b>8,000,000</b>	<b>6,000,000</b>	<b>5,000,000</b>	n/a

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Mar-11	Market Value Apr-11	Market Value May-11	Latest Monthly Variation
<b>RESERVES ACCOUNT</b>							
Bankwest	24/06/2010	1,500,000	5.25%				
Bendigo	23/11/2010	1,500,000	5.85%				
Bendigo	16/12/2010	1,000,000	5.70%				
ANZ	12/05/2011	500,000	6.20%	500,000	500,000		
Bendigo	24/05/2011	1,500,000	6.30%	1,500,000	1,500,000		
ANZ	16/03/2011	1,000,000	6.10%	1,000,000	1,000,000		
ANZ	11/06/2011	500,000	5.21%			500,000	
Bendigo	23/06/2011	1,500,000	5.50%			1,500,000	
ANZ	16/06/2011	1,000,000	6.05%			1,000,000	
				<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	n/a
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)<sup>1</sup></b>							
Saphire (Endeavour) AAA	4/08/2011	413,160	9.10%	4	4	4	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	155,750	155,750	155,750	0
Zircon (Coolangatta AA) <sup>2</sup>	20/09/2014	1,002,060	9.12%	307,100	10	10	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	159,380	159,380	159,380	0
		<b>2,118,046</b>		<b>622,234</b>	<b>315,144</b>	<b>315,144</b>	<b>0</b>

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Mar-11	Market Value Apr-11	Market Value May-11	Latest Monthly Variation
<b>COMMERCIAL SECURITIES - CDOs - Other</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	144,500	144,500	144,500	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	0	0	0	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	123,000	123,000	123,000	0
		<b>1,324,656</b>		<b>336,250</b>	<b>336,250</b>	<b>336,250</b>	<b>0</b>
<b>PORTFOLIO TOTAL</b>		<b>3,442,702</b>		<b>11,958,484</b>	<b>9,651,394</b>	<b>8,651,394</b>	<b>0</b>

**Notes**

1. These CDO's have been the subject of a Court Ruling in the United States Bankruptcy Court (as advised in a memorandum from the Executive Director Corporate and Community Services). The ruling has the potential to significantly impact the valuations for these CDOs. However, until the US Court and the English Court have worked together to reconcile their opposing rulings, it is unlikely that the City will receive any revised valuations.

At the time of compiling this report, the City had not received current valuations, despite requests.

2. The City has been advised that there has been a change in the pricing process for securities in early termination.

These securities no longer have a price source and therefore cannot be priced using last known prices.

The City has asked for further explanation of the change in pricing process but is yet to receive this information.

**11. FINANCIAL RATIOS - AS AT 31 MAY 2011**

<b>CITY OF ALBANY FINANCIAL RATIOS</b>	<b>30-Jun-09</b>	<b>30-Jun-10</b>	<b>31-May-11</b>	<b>Benchmark</b>
<b>Liquidity Ratios</b>				
Current Ratio <sup>1</sup>	73.7%	117.2%	233.4%	>100%
Untied Cash to trade creditors Ratio <sup>2</sup>	19.7%	51.2%	552.0%	>100%
<b>Financial Position Ratio</b>				
Debt Ratio <sup>3</sup>	11.2%	11.3%	9.2%	<100%
<b>Debt Ratios</b>				
Debt Service Ratio <sup>4</sup>	11.1%	6.2%	6.3%	<10%
Gross Debt to Revenue Ratio <sup>5</sup>	63.2%	56.9%	50.2%	<60%
Gross Debt to Economically Realisable Assets <sup>6</sup>	26.2%	23.7%	19.4%	<30%
<b>Coverage Ratio</b>				
Rate Coverage Ratio <sup>7</sup>	58.5%	110.4%	60.3%	>33%
<b>Effectiveness Ratio</b>				
Outstanding Rates Ratio <sup>8</sup>	3.7%	3.1%	4.9%	<5%

1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local governments dependence on rate revenue to fund it's operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local government with the collection of its rates.

**STATUTORY IMPLICATIONS**

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

- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
  - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - b) budget estimates to the end of the month to which the statement relates;
  - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
  - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - e) the net current assets at the end of the month to which the statement relates.*
- II. Each statement of financial activity is to be accompanied by documents containing –
  - a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
  - c) such other supporting information as is considered relevant by the local government.*
- III. The information in a statement of financial activity may be shown –
  - a) according to nature and type classification;
  - b) by program; or
  - c) by business unit*
- IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.*

**FINANCIAL IMPLICATIONS** Expenditure for the period ending 31 May 2011 has been incurred in accordance with the 2010/11 current budget parameters. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

### 13. VARIANCES TO BUDGET IN EXCESS OF \$100,000 - AS AT 31 MAY 2011

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
<b>Grand Total</b>	<b>12,536,995</b>	<b>11,216,062</b>	<b>10,945,904</b>	<b>6,716,240</b>	<b>4,229,664</b>	<b>39%</b>		
<b>DIRECTOR CORPORATE</b>								
102720. IT-OPERATING COSTS	277,590	279,150	244,968	131,713	113,255	46%	✓	Saxxon consulting, proof of concept and network configuration for Shared Resourcing and VOIP put on hold. DMS invoices not yet charged. Web development not completed due to delay of internet stage 2.
106030. INTEREST ON INVESTMENTS	(450,000)	(450,000)	(412,470)	(574,513)	162,043	39%	✓	Due to a number of large grant receipts, most investment term deposits have been rolled over for an extra 2 or 3 months (on 30 day terms).
106640. INFORMATION TECHNOLOGY	537,833	532,333	487,412	198,823	288,590	59%	✓	New disaster recovery rack not yet invoiced. Shared resource and council mergers project put on hold. VOIP project not starting until next year. Single point of entry for planning cancelled. DIY not commenced. PC's not purchased due to delay in hardware tender. This will not occur this financial year. Additional ESX server not yet required as server upgrades proved sufficient. Software not yet required. Saving of \$13,500 on reticulation design software. North Road generator requirements reduced so project spend reduced.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
137930. A/PORT-LANDING FEES	(979,308)	(1,148,000)	(1,046,141)	(1,159,313)	113,172	11%	✓	Continued trend in higher landing fees, due to better fee collection process, and more passenger use.
158130. DAY CARE CENTRE INCOME	(802,140)	(802,140)	(735,238)	(630,947)	(104,291)	-14%	✗	Quarterly and yearly payments from government benefits and programs are yet to be received, and further income is due from parents.
164020. LIB - SALARIES	796,992	796,992	730,519	630,465	100,054	14%	✓	The library has been below optimal staffing level for large part of the year. This is reflected in the under budget wage costs.
174420. ROADS- DEPREC	8,301,762	8,301,762	7,609,386	6,661,887	947,449	12%	✓	Not all new roads have been capitalised. This is a year end adjust made to annual accounts.
<b>Total DIRECTOR CORPORATE</b>	<b>7,682,729</b>	<b>7,510,097</b>	<b>6,878,436</b>	<b>528,114</b>	<b>1,620,322</b>	<b>24%</b>	✓	
<b>DIRECTOR WORKS &amp; SERVICES</b>								
100040. ROAD SAFETY	589,000	809,000	515,583	225,009	290,574	56%	✓	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
119150. GRANTS - WASTE PROJECTS	(10,000)	(205,000)	(205,000)	(97,500)	(107,500)	-52%	✗	Part Funding for South Stirling Waste Site, remainder funding to be received in budget 11/12.
119530. REFUSE – INC HANRAHAN RD	(800,000)	(1,169,000)	(1,074,337)	(1,177,460)	103,123	10%	✓	More refuse received at Hanrahan Road due to Bakers Junction opening hours being revised

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
131140. ROADS-CONSTRUCTION	501,000	501,000	497,229	291,031	206,198	41%	✓	Year to date expenditure is below budget. This is only a timing difference, and annual expenditure is expected to be in line with budget
134830. Road Funds	(694,000)	(694,000)	(310,250)	(832,695)	522,445	168%	✓	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
134850. ASSET FUNDING - REGIONAL ROAD GROUP	(759,167)	(812,670)	(812,670)	(512,534)	(300,136)	-37%	×	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
135440. Passenger Vehicles Purchase	658,265	658,265	355,461	481,164	(125,703)	-35%	×	Year to date expenditure is above budget. This is only a timing difference, and annual expenditure is expected to be in line with budget
135640. Major Plant Purchase	1,790,000	1,790,000	1,790,000	1,689,748	100,252	6%	✓	Remaining plant purchases to be deferred until new financial year
138070. Waste Minimisation Contract	2,070,000	2,118,000	1,923,254	1,797,435	125,819	7%	✓	Timing issue with project
141150. Road Funding - Other	(117,000)	(2,183,000)	(2,183,000)	(1,840,000)	(343,000)	-16%	×	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
141750. Major Plant Proceeds	(600,000)	(620,000)	(257,400)	(477,023)	219,623	85%	✓	Year to date income is above budget. This is only a timing difference, and annual income is expected to be in line with budget



Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
144350. Federal Black Spot Funding	(456,000)	(300,000)	(208,800)	(364,800)	156,000	75%	✓	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
147320. FUEL & OIL	703,677	703,677	628,143	513,826	114,317	18%	✓	Year to date expenditure is below budget due to fuel prices remaining relatively stable and plant being under utilised due to lack of staff.
147920. PLANT-ALLOCATE TO W/SERV.	(3,135,832)	(3,135,832)	(2,874,293)	(2,619,193)	(255,100)	-9%	×	Any under-recoveries in relation to Plant Charge-out are addressed in June. Additional charge-outs may be required to align with costs to be recovered. Plant cost recoveries for the year to date are lower than budgeted due to some Council plant being unavailable for use due to lack of staff to operate
149120. WO-LESS ALLOC.W/SERVICES	(2,735,417)	(2,735,417)	(2,507,279)	(2,287,420)	(219,859)	-9%	×	Any under-recoveries in relation to Works Labour Charge-out are addressed in June. Additional charge-outs may be required to align with costs to be recovered.
149840. ASSET UPGRADE-REGIONAL RD	1,936,497	2,195,502	2,101,393	1,714,721	386,672	18%	✓	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.
149940. ASSET PRESERVATION	3,344,638	5,222,774	5,189,233	4,198,993	990,240	19%	✓	Balance of funding received once jobs completed. Related jobs expected to be finished before end of financial year.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
150140. DRAINAGE CONSTRUCTION	1,834,247	822,795	795,132	449,371	345,761	43%	✓	Year to date expenditure is below budget. This is only a timing difference, and annual expenditure is expected to be in line with budget
152140. WASTE/TIPS PROJECTS	444,974	663,060	660,129	246,833	413,296	63%	✓	Leachate Management Project delayed awaiting DEC approval, and carried over to next year; South Stirling delayed awaiting SWALSC approval
167640. Peace Park	289,384	193,811	161,940	58,620	103,320	64%	✓	Funding for Peace Park Lone Pine awaiting signing, before works can commence
197930. CONTRIBUTIONS - MAIN ROADS	0	(117,000)	(117,000)	0	(117,000)	-100%	✗	Bridge works investigation being undertaken by Main Roads – delay in invoicing
<b>Total DIRECTOR WORKS &amp; SERVICES</b>	<b>4,854,266</b>	<b>3,705,965</b>	<b>4,067,468</b>	<b>1,458,126</b>	<b>2,609,342</b>	<b>64%</b>		

### POLICY IMPLICATIONS

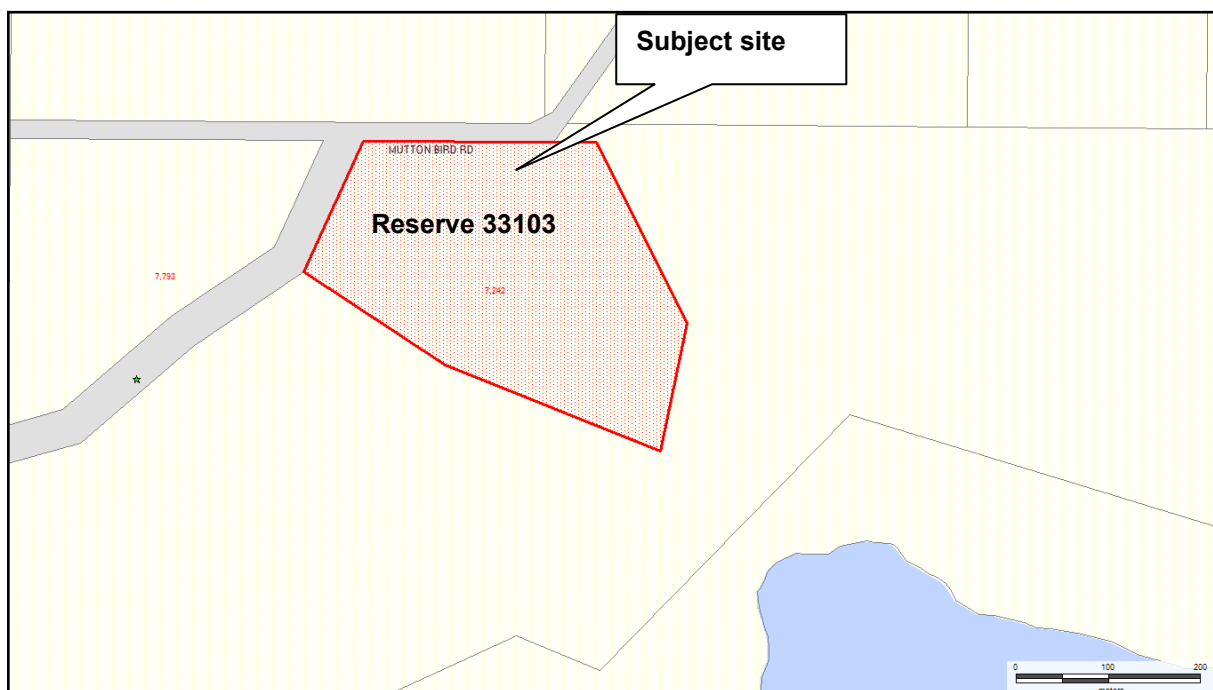
14. The City's 2010/11 Annual Budget provides a set of parameters that guides the City's financial practices.
15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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### 4.3: SPORTING SHOOTERS ASSOCIATION OF AUSTRALIA (ALBANY,WA BRANCH) INCORPORATED – PARTIAL SURRENDER OF LEASE OVER RESERVE 33103, MUTTON BIRD ROAD ELLEKER

<b>Land Description</b>	: Lot 7242 on Plan 180937 and being whole of land contained in Certificate of Title 3082 Folio 850 – Reserve 33103 Mutton Bird Road, Elleker
<b>Proponent</b>	: Sporting Shooters Association of Australia (Albany, WA Branch) Incorporated
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Letter of Request – Sporting Shooters Association of Australia (Albany, WA Branch) Incorporated
<b>Appendices</b>	: Sporting Shooters Association of Australia (Albany, WA Branch) Incorporated Committee Minutes held on 24 May 2011
<b>Responsible Officer</b>	: Acting Executive Director Corporate Services (P Wignall)
<b>Maps and Diagrams</b>	

#### 10.17PM COUNCILLOR PAVER LEFT THE CHAMBER



#### IN BRIEF

- Sporting Shooters Association of Australia (Albany, WA Branch) Incorporated (“SSAA Albany”) request partial surrender of lease area of approx 1400 square metres on Reserve 33103, Mutton Bird Road, Elleker, that forms part of the Bibbulmun Track and which is within the lease area currently used by walkers.
- It is recommended the request be approved to remove the risks associated with the use of the Bibbulmun Track within the SSAA Albany lease area, given it is a live firing range.

**ITEM 4.3: RESPONSIBLE OFFICER RECOMMENDATION**

The request from the Sporting Shooters Association (Albany, WA Branch) Incorporated to partial surrender of existing lease area on Reserve 33103, Mutton Bird Road, Elleker be **APPROVED** subject to:

1. Deed of Partial Surrender of Lease date to be as soon as practical.
2. Surrender portion being approx 1400 square metres to be confirmed by survey plan.
3. All relevant approvals including *Aboriginal Heritage Act 1972* and *Native Title Act 1933* being obtained prior to realignment of lease boundary and the new boundary fence being constructed.
4. Under Section 18 of the *Lands Administration Act 1997*, the Minister for Land's consent be obtained.
5. All costs associated with the development, execution and completion of the Deed of Partial Surrender of Lease and new lease boundary fence to be shared equally between the City of Albany and the Department of Environment and Conversation given they are the main beneficiaries of the lease surrender.

**ITEM 4.3: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR DUFTY**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 11-0**

**BACKGROUND**

1. Reserve 33103 is under a Management Order H611902 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation, Small Arms Range" for any term not exceeding twenty one years and subject to the consent of the Minister for Lands.
2. Reserve 33103, an area of 9.0942 hectares is located at Lot 7242 Mutton Bird Road, Elleker.
3. In 1992 the former Shire of Albany granted a new lease to SSAA Albany over Reserve 33103 for the purpose of Recreation Small Arms Range.
4. The lease term of ten years commenced 1 July 1990 and expired 30 June 2000, returning a rental of \$165.00 per annum over that time.
5. Upon expiry of the lease in 2000 the City of Albany (at its OCM 11 April 2000 Item 13.2.1) granted a new lease to SSAA Albany for the purpose of Recreation Small Arms Range.

6. The lease term of twenty one years commenced 1 July 2000 (and expires 30 June 2021) returning a current rental of \$725.00 plus GST per annum, being the equivalent to Minimum Land Rate as set by Council per annum.
7. Following consultation between the former Conservation and Land Management (CALM) and the former Shire of Albany it was resolved at OCM 18 April 1995 to agree to the use of City Reserves and Road Reserves for CALM ( now Department of Environment and Conservation (DEC)) and the Bibbulmun Track.
8. The Bibbulmun Track is a long distance walk trail that runs from Kalamunda, east of Perth to Albany and is 963km long. The Track in its current form was opened in September 1998.
9. It was agreed by the Shire of Albany and other stakeholders to align the Track to the rear of the SSAA Albany lease area on Reserve 33103 following the northern boundary fence. The Track enters the lease area through a gate on the eastern boundary and follows the firebreak area along the northern boundary fence approximately 350 metres along and exits on the western boundary on Mutton Bird Road with the Track continuing through adjacent Reserve 4732.
10. In February 2011 meetings were held with City staff and DEC to discuss formalising the use of the Bibbulmun Track for walkers through the City Reserves, including the SSAA Albany lease area on Reserve 33103.
11. DEC prepared a Deed of Licence for City of Albany approval, as landlord of the SSAA Albany's leased area.
12. City staff were concerned that from a risk management perspective, a lease was granted for "Small Arms Range" use, and also for a walking track which are fundamentally incompatible in respect of safety.
13. Upon review of the Deed the City determined several amendments including a provision to fully indemnify the SSAA Albany, City of Albany and Minister for Lands from risk associated with the Track's use should be incorporated into the Deed.
14. The Deed was forwarded to SSAA Albany Insurer for consideration. That Insurer advised that having a walking Track through a live firing range raised significant concerns for it, particularly given the risk of walkers deviating from the track and being shot or hit by ricochet.
15. SSAA Albany's Insurer is of the opinion that the Deed of Licence Indemnification clause would not fully cover SSAA Albany and recommended the risk be totally removed as this is an uncontrolled exposure on the SSAA Liability cover and something the Insurer is not prepared to bear. The Insurer also strongly recommended SSAA Albany seek separate legal advice on this matter.
16. Lawyers acting on behalf of SSAA Albany advised the City and DEC on 12 May 2011 that given the risk of injury/death, their client has no option other than to immediately close the access gates to the Range and to withdraw any consent it may have given, either express or

implied for Track users to traverse the Range inside the northern boundary fence of the leased area.

17. The Lease does not contain any provision requiring SSAA Albany to provide access to the Range for users of the Bibbulmun Track.
18. DEC offered to indemnify SSAA Albany from any liability in relation to the use and maintenance of the Track and the onus would be solely on the wandering individuals who deviate from the Track if they were to ignore signs and be injured.
19. While DEC relied on the *Civil Liability Act 2002* provisions with regards to the voluntary assumption of risk, legal advice determined this provision did not extend to young children, or indeed any person who would be deemed unable to voluntarily assume the risk, therefore DEC's assurances of indemnity were not absolute.

## DISCUSSION

20. Members of the public previously had unfettered access to the portion of the Track that traverses the Range, including periods when live firing was being conducted.
21. SSAA Albany has since reported incidences where walkers have suddenly appeared on the Range and they have concerns regarding the potential for serious injury.
22. Following further discussions between all parties the agreed preferred approach is to remove the Track from the SSAA Albany leased area and a new fence be erected to reflect the new lease boundary so that the Track runs outside of the leased area. This will eliminate the risk faced by SSAA Albany in regard to having the Bibbulmun Track passing through a live firing range.
23. Subject to Council approval, DEC has agreed to share all costs equally associated with the Deed of Partial Surrender of Lease documentation, and the new fence construction with the City of Albany. Estimate of these costs would:

Action	Cost
Legal costs for preparation of the Deed of Partial Surrender of Lease document and registration with Landgate	\$ 500.00 plus GST plus disbursements
Survey plan	\$ 400.00 plus GST
Fence materials, relocation of existing SSAA Albany access gates, labour and widening of firebreak	\$2,790.00 plus GST
Total	\$3,690.00 plus GST plus disbursements

24. In the interim, while permanent arrangements are being made to accommodate walkers outside of the SSAA Albany lease area, DEC have requested temporary access to the current Bibbulmun Track within the SSAA Albany lease area on Reserve 33103.

25. In consideration of SSAA Albany permitting DEC temporary use for purpose of Bibbulmun Track walkers, DEC agreed to construct a temporary wire fence along the fire break to delineate the walking Track and prevent walkers from straying beyond it and indemnify SSAA Albany from any liability in respect to the use of the Track.
26. The SSAA Albany Executive Committee has considered but declined DEC's proposal in regard to the temporary fence arrangements. Consequently the entry gates to the Range for the Track remain locked until the construction of a permanent fence on the realigned leased area.
27. The City has received written correspondence from SSAA Albany formally requesting a partial surrender of lease area of approx 1400 square metres ( 4 metres width x approx 350 metres in length) that forms the Bibbulmun Track currently situated within Reserve 33103.

### GOVERNMENT CONSULTATION

28. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted and in-principle Minister for Land's consent has been provided to the Deed of Partial Surrender of Lease on Crown Reserve 33103.
29. South West Aboriginal Land and Sea Council (SWALSC) has been consulted for any considerations under the *Native Title Act 1993* and consent has been given for the construction of a temporary fence should this proceed and be agreed by SSAA Albany. SWALSC are considering the proposed realignment of the lease boundary and associated new permanent boundary fence, subject to Council approval.

### PUBLIC CONSULTATION / ENGAGEMENT

30. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
31. Section 30 of the *Local Government (Functions & General) Regulations 1996* deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
  - (b) *The land is disposed of to a body, whether incorporated or not –*
    - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
    - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
32. SSAA Albany is a not for profit sporting association, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

**STATUTORY IMPLICATIONS**

33. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
34. As this is Crown land, under Management Order H611902 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Recreation, Small Arms Range”, Minister for Land’s consent will be required.
35. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
36. As this is Crown land, South West Aboriginal Land and Sea Council consideration and consent under the *Native Title Act 1993* for the construction of a new fence will be required.
37. As there is no registered aboriginal site on Reserve 33103, approval from the Minister for Indigenous Affairs under Section 18 of the *Aboriginal Heritage Act 1972* is not required.
38. Under the City’s Town Planning Scheme 1, the subject land is zoned “Parks and Recreation”. SSAA Albany use for Recreation, Small Arms Range is permitted use in accordance with the Scheme.

**STRATEGIC IMPLICATIONS**

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

**Community Vision:**

Nil

**Priority Goals and Objectives:**

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

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

**City of Albany Mission Statement:**

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

**POLICY IMPLICATIONS**

40. Council adopted a Property Management - Leases Policy in 2007. This Policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
41. The Policy section relevant to this category of lease – Sporting Associations requires the following:



- Crown Reserve leases with or without City owned buildings on site, will incur a rental based on minimum land rate as set by Council per annum;
- Must be Incorporated bodies and a copy of their Articles of Association/Constitution be provided;
- Lease to be for a term not greater than 21 years;
- Rental/Sublease agreements must be approved by the landlord;
- Must have appropriate insurance pertaining to their particular sport, as a minimum; and
- Maintenance of grounds/leased area is to be undertaken by the Lessee at the Lessee's cost.

**RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
Partial surrender of lease not approved	Unlikely	Severe	High	Seek to negotiate terms to Council satisfaction  Collaborate closely with SSAA Albany and DEC to ensure mutually agreeable outcomes

**FINANCIAL IMPLICATIONS**

42. All costs associated with the development, execution and completion of the Deed of Partial Surrender of Lease documentation and the new lease boundary fence will be shared equally between the City of Albany and DEC.
43. Indicative costs to implement the recommendation will be approximately \$3,690.00 plus GST plus disbursements with the City's share being \$1,845.00 plus GST and disbursements (if any).
44. The cost can be accommodated in the current budget General Ledger Account Number 154470 - Lease Expenses.
45. SSAA Albany has independently funded legal advice on this matter. It is not seeking reimbursement of those fees from any entity.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

46. Council has the following options in relation to this item, which are:
  - a. Approve SSAA Albany's request for a partial surrender of approx 1400 square metres lease area on Reserve 33103 to remove the Bibbulmun Track and risks associated with the use of the Track from the lease area; or
  - b. Decline the request.

47. Should Council decline the request for a partial surrender of lease to remove the Bibbulmun Track and the associated risk from SSAA Albany lease area, Council may direct City staff to further negotiate with all parties to reconsider the Deed of Licence with required amendments to use the Track for recreational walking track.
48. The Deed of Licence would require amendment including provision to secure full indemnity for SSAA Albany, City of Albany and Minister for Lands with regards to the use of the Bibbulmun Track prior to providing agreement to the Licence.
49. The Deed would require agreement between all parties, SSAA Albany, DEC and Council and will also be subject to Minister for Land's consent.

### SUMMARY CONCLUSION

50. SSAA Albany's request to partial surrender of lease area of approx 1400 square metres on Reserve 33103 located at Mutton Bird Road, Elleker (currently used by Bibbulmun Track walkers), will move the Track so that it doesn't pass through a live firing range with the associated risks.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council's Policy – Property Management – Leases</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li></ul>
<b>File Number (Name of Ward)</b>	PRO208 (West Ward)
<b>Previous Reference</b>	OCM 11.04.2000 Item 13.2.1 OCM 18.04.2006 Item 13.4.1

Tanya

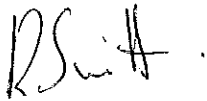
This is an extract of the minutes of the SSAA Albany Branch WA Inc held on 24 May 2011

*That the pedestrian gates leading into the range remained locked until the following conditions are met.*

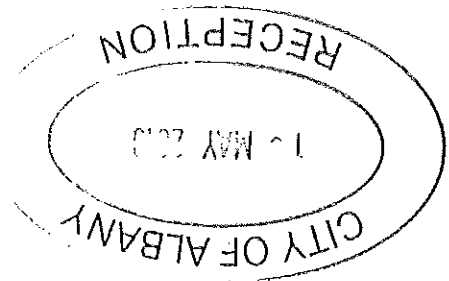
- a. That a 4 metre width of approximately 350 metres length that forms part of the Bibbulman track be excised from the lease held by the SSAA Albany Branch Inc.*
- b. That a permanent new fence conforming to minimum legal requirements for a range fence is erected on the new lease boundary.*
- c. That all legal expenses for the boundary change, including the fencing, be paid for by the city of Albany and/or DEC.*
- d. That a new firebreak be cleared inside the new fence to be paid for by the City of Albany and/or DEC.*

*Additionally the DEC proposal for a temporary fence is not accepted.*

This resolution was passed unanimously.

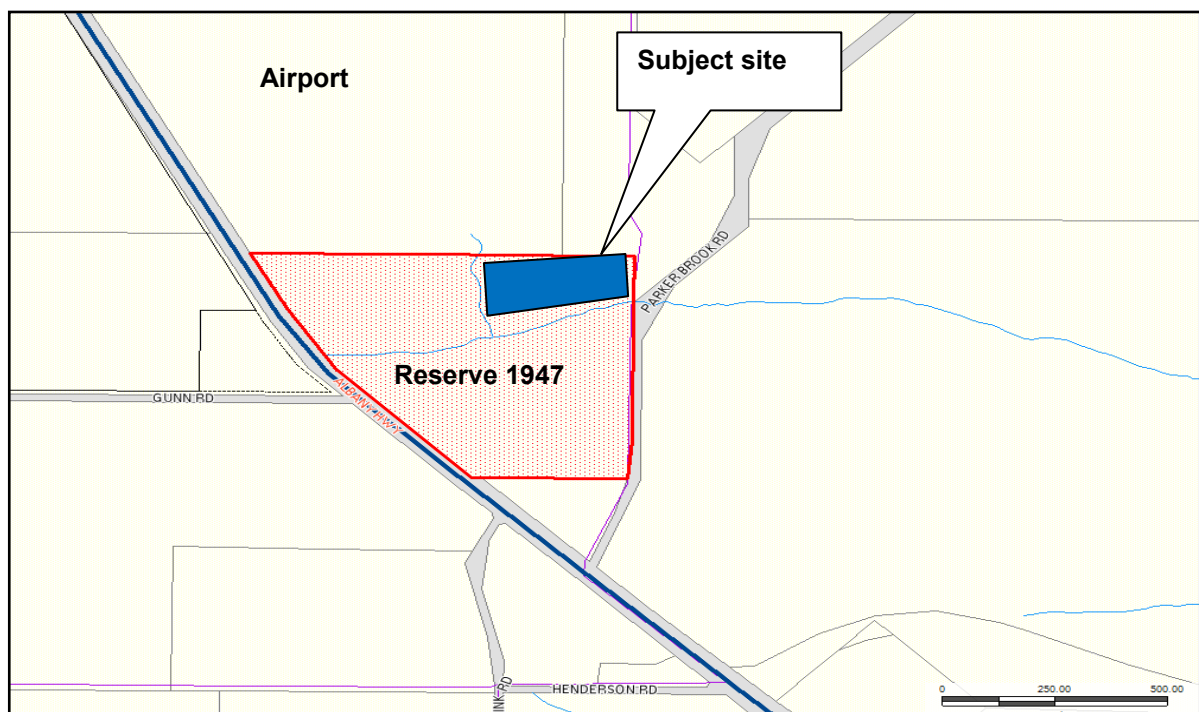


Harry Smith  
Secretary  
SSAA Albany WA Branch Inc.



**4.4: FINAL APPROVAL OF LEASE – ALBANY MOTORCYCLE CLUB INC. OVER PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG**

<b>Land Description</b>	: Lot 8122 on Plan 26510 and being whole of the land contained in Certificate of Title LR3124 Folio 121 – Crown Reserve 1947 Parker Brook Road, Willyung
<b>Proponent</b>	: Albany Motorcycle Club Inc.
<b>Owner</b>	: Crown
<b>Attachment(s)</b>	: Copy of OCM 15.03.2011 – Item 2.3 Schedule of Submissions
<b>Councillor Workstation</b>	: Copy of Submissions
<b>Responsible Officer</b>	: Acting Executive Director Corporate Services (P Wignall)
<b>Maps and Diagrams</b>	



**IN BRIEF**

- The proposal for a new lease to the Albany Motorcycle Club Inc. over portion of Reserve 1947 located at Parker Brook Road, Willyung was supported at OCM 15.03.2011 subject to conditions including advertising seeking public comment.
- Council is now required to consider the submissions received and determine whether to grant the final lease approval.

- It is recommended that final lease approval be granted to the Albany Motorcycle Club Inc. subject to obtaining all remaining approvals and complying to all conditions detailed in OCM 15 March 2011 Council resolution and satisfying all conditions of the Planning Scheme Consent.

**TEM 4.4: RESPONSIBLE OFFICER RECOMMENDATION****THAT Council:**

- 1) **NOTES its previous resolution (OCM 15.03.2011 – Item 2.3 – Attachment A).**
- 2) **GRANTS the final lease approval to the Albany Motorcycle Club Inc. over portion of Reserve 1947 Parker Brook Road, Willyung subject to the Club obtaining all remaining approvals and complying to all conditions detailed in OCM 15 March 2011 Council resolution and satisfying all conditions of the Planning Scheme Consent prior to any development and riding activities within the lease area.**

**ITEM 4.4: RESOLUTION (Responsible Officer Recommendation)****MOVED: COUNCILLOR SUTTON****SECONDED: MAYOR EVANS****THAT the Responsible Officer Recommendation be ADOPTED.****CARRIED 11-0****BACKGROUND**

1. Reserve 1947 is under a Management Order H680343 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Recreation” for any term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Reserve 1947 is located at Lot 8122 Parker Brook Road, Willyung, adjacent to, and south of, the Albany Regional Airport. The surrounding area is rural in nature with houses well spread out.
3. In 1992 the former Shire of Albany granted a new lease to the Albany Motorcycle Club Inc. over Reserve 30495 for the purpose of the establishment of grounds suitable for the riding of motorcycles and conducting other motorcycle events.
4. The leased area is commonly referred to as “Miniup Park”.
5. The lease term of 21 years commencing 1 July 1992 and expiring 30 June 2013 currently returns a nominal rental of \$10.00 per annum.
6. The Club developed the motocross track and infrastructure upon the Reserve. This includes the 1.7 km riding track, toilet block, timing tower and canteen facilities with undercover patio. Both timing tower and canteen are designed so that they are easily demountable.
7. In recent years the City has received numerous complaints regarding various aspects of the Club’s operations. Several of those complaints related to noise.
8. In response in 2008 the City, with the support of the Department of Environment and Conservation undertook noise measurements of the Club’s motocross activities. On the basis of the results the City issued the Club with an Environment Protection Notice (EPN) on 14 November 2008.

9. The EPN prevents the Club from using the site and the Notice provisions required the Club to reduce noise emissions so that they meet the requirements of the *Environmental Protection (Noise) Regulations* by way of preparation and implementation of a plan to abate noise and monitor the effectiveness of the actions taken.
10. The Club appealed the Notice to the Minister for Environment, the Minister in determining the appeal allowed the Club to operate for ten days in the 2009 calendar year. This provided the opportunity for the Club to further monitor noise and to prove to the City and Minister that the Club's activities could be carried out in compliance of the regulations.
11. The report provided on by Lloyd George Acoustics Pty Ltd in December 2009 on further noise monitoring confirmed earlier investigations by the City that the level of noise emanating from the site is well in excess of the noise levels prescribed under the regulations.
12. The EPN remains in force until the Notice is removed or complied with.
13. At OCM 20 April 2010, Council supported the Club operating a further ten days in the 2010 calendar year on the same basis as 2009.
14. In January 2011, the Club wrote to the City requesting approval to hold two non-complying events under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* within their existing lease area on Reserve 30495, Roberts Road, Robinson.
15. Council considered the request at OCM 15 February 2011 and resolved to undertake community consultation with residents and property landowners within a radius of 1.5km. This matter was reported to OCM 15 March 2011 Item 1.9 by Planning and Development Services team and Council resolved to approve the two non-complying events.
16. Following a meeting with City staff and subsequent discussions with the Great Southern Motorplex Group, on 21 February 2011 the City received written correspondence from the Albany Motorcycle Club Inc. formally requesting a new lease over portion of Reserve 1947 for a term of 10 years and the surrender the existing lease over Reserve 30495.
17. At OCM 15 March 2011 Council considered the request and resolved:

*"The request from the Albany Motorcycle Club Inc. to surrender existing lease over Reserve 30495 and a new lease over portion of Reserve 1947 be SUPPORTED subject to:*

1. *Lease surrender date to be as soon as practical.*
2. *Lease surrender subject to remediation of Reserve 30495 to the satisfaction of the City of Albany.*
3. *All costs associated with the remediation of Reserve 30495 to be payable by the proponent.*
4. *Lease term being 10 years commencing as soon as practical.*
5. *Lease purpose being establishment of grounds suitable for the riding of motorcycles and conducting motorcycle events.*
6. *Lease rental being equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.*
7. *All relevant approvals including Planning Scheme Consent being obtained prior to development or riding activities within the leased area.*
8. *Lease area being approximately 5 hectares, and not encroaching on Aboriginal Heritage listed creek site.*
9. *The Club received the approval of the appropriate Departments (State and Commonwealth) regarding usage of land next to an Aboriginal Heritage listed site.*
10. *Lease is subject to a 5 metre access easement for Grange Resources pipeline.*

11. *Lease special condition will provide for the relinquishment of the lease once the Great Southern Motorplex Group has obtained all necessary approvals and is in a position to undertake the responsibility for the lease and management over the entire Reserve 1947 for development of the Motorsport complex.*
  12. *Section 3.58 of the Local Government Act 1995, advertising requirements.*
  13. *Section 18 of the Lands Administration Act 1997, Minister for Lands consent.*
  14. *All costs associated with the development, maintenance and operations of the leased area to be payable by the proponent.*
  15. *All costs associated with the development, execution and completion of the surrender and new lease to be payable by the proponent.”*
18. Council in 2009 also provided in-principle support for the concept of the development of the Motorsport Complex on Reserve 1947 Parker Brook Road, which provides for the relocation of the Albany Motorcycle Club Inc. to this site. This support was again confirmed at OCM 15 February 2011.

## DISCUSSION

19. In addition to OCM 15 March 2011 Item 2.3 Council resolution conditions, once received the Planning Scheme Consent application will require the proponent, the Albany Motorcycle Club Inc. to address all of the following conditions that were resolved by Council at OCM 17 February 2009 and confirmed at OCM 15 February 2011 for all future occupants of Reserve 1947 Parker Brook Road, Willyung:
- a. *“Environmental Noise Impact Assessment’ demonstrating the design and management/ operational measures required and the ability of the concept to meet:*
    - *Environmental Protection Authority (EPA) Environmental Impact Assessment Requirements;*
    - *Requirements of the Environmental Protection Act 1986; and*
    - *Requirements of the Environmental Protection (Noise) Regulations 1997.*
  - b. *Site Design and Full ‘Environmental Management Plan’ of sufficient detail to be submitted to the EPA for Environmental Impact Assessment Approval.*
  - c. *Approval of the Site Design and ‘Environmental Management Plan’ by the EPA.*
  - d. *A facility/ operational management plan specifying and demonstrating the sustainable operation of the facility including but not limited to:*
    - *operation and functionality of the site management group*
    - *responsibilities and entitlements of co-located tenants*
    - *driver education and training facilities*
    - *noise management*
    - *waste management*
    - *water management*
    - *facility access and security management*
    - *asset maintenance and management*
    - *reserve flora and fauna management*
    - *principles for major event management at the site.”*
20. The Club has been advised that no development and or riding of motorcycles within the new lease area will be allowable until all approvals and Planning Scheme Consent conditions have been satisfied and the lease has been agreed and executed by all parties.
21. The Club has been liaising with City Planning staff regarding the application for Planning Scheme Consent and it is anticipated this application will be received by the City for processing in June 2011.

22. The new lease will be negotiated in line with Council's Policy – Property Management – Leases for this category of lease.

### GOVERNMENT CONSULTATION

23. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted and in-principle Minister for Lands consent has been provided to the Deed of Partial Surrender of Lease on Crown Reserve 33103.
24. Under Section 18 of the *Aboriginal Heritage Act 1972* as there is a registered aboriginal site on Reserve 1947, approval from the Minister for Indigenous Affairs will be required.
25. South West Aboriginal Land and Sea Council (SWALSC) has been consulted for any considerations under the *Native Title Act 1993* and given in-principle consent subject to the Club using the existing access road to the Reserve off Parker Brook Road.

### PUBLIC CONSULTATION / ENGAGEMENT

26. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
27. Section 30 of the *Local Government (Functions & General) Regulations 1996* deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) The land is disposed of to a body, whether incorporated or not –*  
*(i) the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*  
*(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
28. The Albany Motorcycle Club is a not for profit sporting association, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.
29. However, given the nature of the request and implications for residents and landowners within the vicinity it was recommended the proposed lease be advertised for a period of two weeks inviting submissions from the public.
30. The proposed lease was advertised in the local paper and placed on the City of Albany web site under public comment section for a period of two weeks commencing 15 April 2011.
31. A total of three submissions were received. The submissions are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.
32. All three submissions agree there is a need for such a Club as the Albany Motorcycle Club, however raise concerns regarding the suitability of location Reserve 1947 Parker Brook Road and noise pollution. The matters raised will be addressed as part of the Planning Scheme Consent application by the Albany Motorcycle Club Inc.
33. Once the Club's application for Planning Scheme Consent for their proposed use is received by the City, public consultation on the application will be undertaken. Although the application would not require formal advertising under the Town Planning Scheme requirements, in this instance it would be appropriate for this application to be advertised for public comment for the standard three week period.



**STATUTORY IMPLICATIONS**

34. All leases undergo a statutory process in accordance with the *Land Administration Act 1997* and *Local Government Act 1995*.
35. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
36. As this is Crown land, under Management Order H680343 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Recreation”, Minister for Lands consent will be required.
37. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings advertising requirements.
38. The Albany Motorcycle Club Inc. lease is exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995* pursuant to Section 30 of the *Local Government (Functions & General) Regulations 1996* as the Club is categorised as a not for profit sporting association, however the proposed lease was advertised seeking public comment .
39. As this is Crown land, South West Aboriginal Land and Sea Council consideration and consent under the *Native Title Act 1993* for the new lease will be required.
40. Under Section 18 of the *Aboriginal Heritage Act 1972* as there is a registered aboriginal site on Reserve 1947, approval from the Minister for Indigenous Affairs will be required
41. Under the City’s Town Planning Scheme 3, the area is zoned “Parks and Recreation”. The proposed use for motorcycle riding activities and events is permitted use in accordance with the Scheme.
42. The Western Australian Planning Commission (WAPC) consent is not required as this is Crown land.

**STRATEGIC IMPLICATIONS**

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

**Community Vision:**

Nil

**Priority Goals and Objectives:**

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

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

**City of Albany Mission Statement:**

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

**POLICY IMPLICATIONS**

44. Council adopted a Property Management - Leases Policy in 2007. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
45. The Policy section relevant to this category of lease – Sporting Associations requires the following:
- Crown Reserve leases with or without City owned buildings on site, will incur a rental based on minimum land rate as set by Council per annum;
  - Must be Incorporated bodies and a copy of their Articles of Association/Constitution be provided;
  - Lease to be for a term not greater than 21 years;
  - Rental/Sublease agreements must be approved by the Landlord;
  - Must have appropriate insurance pertaining to their particular sport, as a minimum; and
  - Maintenance of grounds/leased area is to be undertaken by the Lessee at the Lessee's cost.

**RISK IDENTIFICATION & MITIGATION**

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
New lease not approved	Possible	Medium	High	Seek to negotiate terms to Council satisfaction  Collaborate closely with Albany Motorcycle Club Inc. to assure them that the City will work towards mutually agreeable outcomes

**FINANCIAL IMPLICATIONS**

46. All costs associated with the development, execution and completion of the new lease documentation including but not limited to legal, advertising and survey will be borne by the proponent, the Albany Motorcycle Club Inc.
47. The new lease rental will determined as the equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
48. The new lease rental will be directed to COA 190430 Income – Other Leases.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

49. Council has the following two options in relation to this item, which are:
- a. GRANT the new lease to the Albany Motorcycle Club Inc. on portion of Reserve 1947 Parker Brook Road, Willyung subject to all remaining approvals being obtained and complying to all conditions of the OCM 15 March 2011 Item 2.3 Council resolution and Planning Scheme Consent.

- b. DECLINE the new lease to the Albany Motorcycle Club Inc. on portion of Reserve 1947 Parker Brook Road, Willyung.
50. Council has previously provided in-principle support for the Motorsport Complex proposal on Reserve 1947 Parker Brook Road which provides for the relocation of the Albany Motorcycle Club Inc. to this Reserve site.
  51. Council at OCM 15.03.2011 supported the new lease to the Albany Motorcycle Club Inc. on portion of Reserve 1947 Parker Brook Road, Willyung subject to conditions.
  52. Should Council decline to grant the final lease approval, the Albany Motorcycle Club could request Council to approve additional limited use of the existing track subject to community consultation, however this option does not satisfactorily provide the Club with sufficient long term use for rider training and events.
  53. The Club has indicated if a new lease is not granted they may be forced to disband as the EPN prevents the Club from using the Miniup Park track and remains in force until removed or complied with.
  54. Should Council decline to grant the final lease approval, the Albany Motorcycle Club Inc. lease would remain static until expiry on 30 June 2013, however the Club is prevented from using the track.

#### SUMMARY CONCLUSION

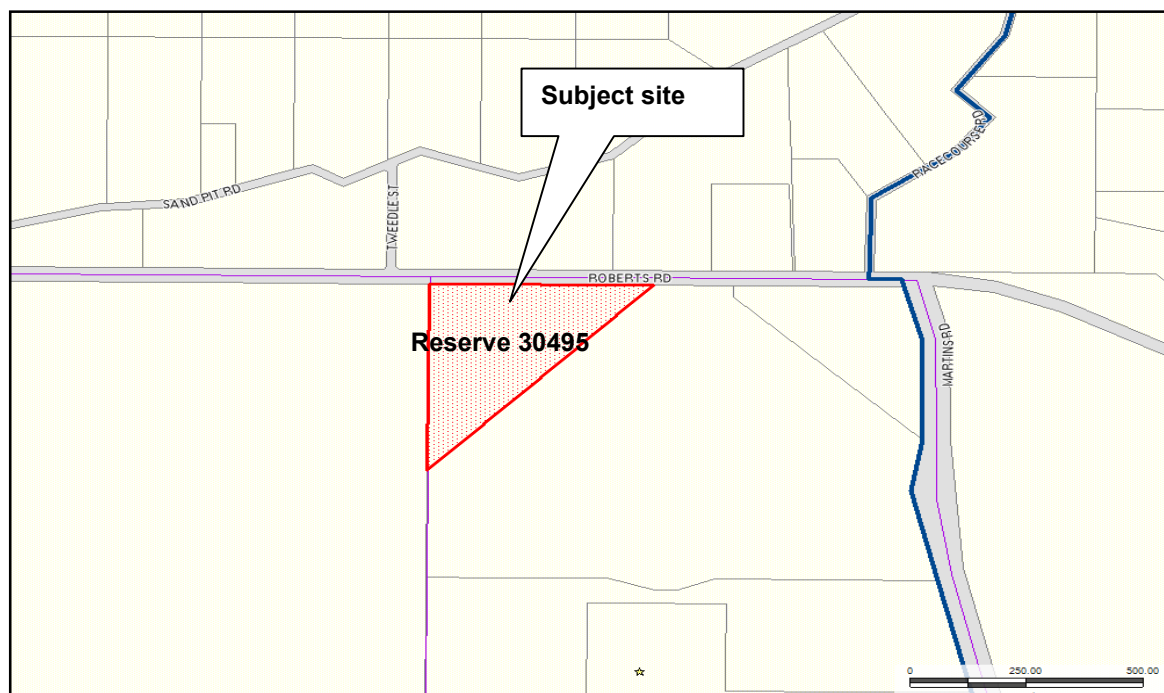
55. Given Council has previously provided in-principle support for Motorsport Complex, which provides for the relocation of the Albany Motorcycle Club Inc. to Reserve 1947 Parker Brook Road, Willyung and supported the new lease at OCM 15.03.2011 subject to the Club complying with all imposed conditions the lease for a term of 10 years for the purpose of establishment of grounds suitable for the riding of motorcycles and conducting motorcycle events, granting the final lease approval is recommended.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council's Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO176 (Kalgan Ward)
<b>Previous Reference</b>	OCM 01.07.1992 OCM 17.02.2009 Item 12.8.2 Recommendation 6 OCM 16.06.2009 Item 18.2 OCM 16.02.2010 Item 13.6.1 Recommendation 4 OCM 24.04.2010 Item 19.5 OCM 15.02.2011 Item 2.6 OCM 15.03.2011 Item 2.3

**2.3: ALBANY MOTORCYCLE CLUB INC – SURRENDER LEASE OVER RESERVE 30495 AND NEW LEASE OVER PORTION OF RESERVE 1947**

- Land Description** : Lot 7153 on Plan 210841 and being whole of land contained in Certificate of Title LR3082 Folio 763 – Reserve 30495 Roberts Road, Robinson  
Lot 8122 on Plan 26510 and being whole of the land contained in Certificate of Title LR3124 Folio 121 – Crown Reserve 1947 Parker Brook Road, Willyung
- Proponent** : Albany Motorcycle Club Inc.
- Owner** : Crown
- Attachment(s)** : Letter of Request – Albany Motorcycle Club Inc.
- Appendices** : Great Southern Motorplex concept plan
- Responsible Officer** : Acting E/Director Corporate & Community Services (P Wignall)

**Maps and Diagrams**



CEO:

RESPONSIBLE OFFICER:



#### IN BRIEF

- Consider request to surrender existing lease for Albany Motorcycle Club Inc. over Reserve 30495 located at Roberts Road, Robinson.
- Consider request for a new lease for Albany Motorcycle Club Inc. over portion of Reserve 1947 located at Parker Brook Road, Willyung.
- Lease term to be 10 years for purpose of establishment of grounds suitable for the riding of motorcycles and conducting motorcycle events.

#### ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION

The request from the Albany Motorcycle Club Inc. to surrender existing lease over Reserve 30495 and a new lease over portion of Reserve 1947 be **SUPPORTED** subject to:

1. Lease surrender date to be as soon as practical.
2. Lease surrender subject to remediation of Reserve 30495 to the satisfaction of the City of Albany.
3. All costs associated with the remediation of Reserve 30495 to be payable by the proponent.
4. Lease term being 10 years commencing as soon as practical.
5. Lease purpose being establishment of grounds suitable for the riding of motorcycles and conducting motorcycle events.
6. Lease rental being equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
7. All relevant approvals including Planning Scheme Consent being obtained prior to development or riding activities within the leased area.
8. Lease area being approximately 5 hectares, and not encroaching on Aboriginal Heritage listed creek site.

9. The Club received the approval of the appropriate Departments (State and Commonwealth) regarding usage of land next to an Aboriginal Heritage listed site.
10. Lease is subject to a 5 metre access easement for Grange Resources pipeline.
11. Lease special condition will provide for the relinquishment of the lease once the Great Southern Motorplex Group has obtained all necessary approvals and is in a position to undertake the responsibility for the lease and management over the entire Reserve 1947 for development of the Motorsport complex.
12. Section 3.58 of the *Local Government Act 1995*, advertising requirements.
13. Section 18 of the *Lands Administration Act 1997*, Minister for Lands consent.
14. All costs associated with the development, maintenance and operations of the leased area to be payable by the proponent.
15. All costs associated with the development, execution and completion of the surrender and new lease to be payable by the proponent.

**ITEM 2.3: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR WOLFE**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 10-0**

**BACKGROUND**

1. Reserve 30495 is under a Management Order H645992 and Reserve 1947 is under a Management Order H680343 issued to the City of Albany (the City) with the power to lease, sub-lease or licence for the purpose of "Recreation" for any term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Reserve 30495 is located at Lot 7153 Roberts Road, Robinson and is west of the Albany Town centre. The surrounding area is predominately rural in nature with houses well spread out.
3. Reserve 1947 is located at Lot 8122 Parker Brook Road, Willyung, adjacent to, and south of, Albany Regional Airport. The surrounding area is also rural in nature with houses well spread out.
4. In 1992 the former Shire of Albany granted a new lease to the Albany Motorcycle Club Inc. (the Club) over Reserve 30495 for the purpose of the establishment of grounds suitable for the riding of motorcycles and conducting other motorcycle events.
5. The leased area is commonly referred to as Miniup Park.
6. The lease term of 21 years commencing 1 July 1992 and expiring 30 June 2013 returns a nominal rental of \$10.00 per annum.

7. The Club developed the motocross track and infrastructure upon the Reserve. This includes the 1.7 km riding track, toilet block, timing tower and canteen facilities with undercover patio. Both timing tower and canteen are designed so that they are easily demountable.
8. In recent years the City has received numerous complaints regarding various aspects of the Club's operations. Several of those complaints related to noise.
9. In 2008 the City, with the support of the Department of Environment and Conservation undertook noise measurements of the Club's motocross activities. On the basis of the results the City issued the Club with an Environment Protection Notice (EPN) on 14 November 2008.
10. The EPN prevents the Club from using the site and the Notice provisions required the Club to reduce noise emissions so that they meet the requirements of the *Environmental Protection (Noise) Regulations* by way of preparation and implementation of a plan to abate noise and monitor the effectiveness of the actions taken.
11. The Club appealed the Notice to the Minister for Environment, the Minister in determining the appeal allowed the Club to operate for ten days in the 2009 calendar year. This provided the opportunity for the Club to further monitor noise and to prove to the City and Minister that the Club's activities could be carried out in compliance of the regulations.
12. The report provided on by Lloyd George Acoustics Pty Ltd in December 2009 on further noise monitoring confirmed earlier investigations by the City that the level of noise emanating from the site is well in excess of the noise levels prescribed under the regulations.
13. The EPN remains in force until the Notice is removed or complied with.
14. At OCM 20 April 2010, Council supported the Club operating a further ten days in the 2010 calendar year on the same basis as 2009.
15. In January 2011, the Club wrote to the City requesting approval to hold two non-complying events under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* within their existing lease area on Reserve 30495, Roberts Road, Robinson.
16. Council considered the request at OCM 15 February 2011 and resolved to undertake community consultation with residents and property landowners within a radius of 1.5km. This matter will be reported to this Council meeting under separate Planning and Development Services Item 1.9.
17. Following a meeting with City staff and subsequent discussions with the Great Southern Motorplex Group, on 21 February 2011 the City received written correspondence from the Club formally requesting a new lease over portion of Reserve 1947 for a term of 10 years and the surrender the existing lease over Reserve 30495. The date of surrender of the lease will be subject to the outcome of Council Item 1.9 decision regarding the two non-complying events being held in 2011 on the existing lease area.
18. Pursuant to the existing lease obligations the Club will be required to remediate the lease area including removal of infrastructure, tyres and revegetate the site prior to lease being

surrendered. The Club is aware of this obligation and have been in discussion with City staff on this matter.

19. The Club has requested the new lease area of approximately 5 hectares be in accordance with the Great Southern Motorplex concept plan which was supported by Council at OCM 15 February 2011.
20. The Club have advised that the proposed lease area will not encroach on the Aboriginal Heritage listed creek site which runs through the middle of Reserve 1947 from Albany Highway to Parker Brook Road boundaries. Planning Scheme Consent condition will require the Club to consult with the Department of Indigenous Affairs and gain approval under Section 18 of the *Aboriginal Heritage Act 1972*, if required.
21. The Albany City Kart Club lease area is currently located partially over the Aboriginal Heritage listed creek site. Minister for Indigenous Affairs approval under Section 18 of the *Aboriginal Heritage Act 1972* forms part of the Planning Scheme Consent P2105312 conditions, issued by the City's Planning team on 22 February 2011.
22. At OCM 15 February 2011, associated resolution of Council approved, subject to Minister for Lands consent, the Albany City Kart Club Inc. surrender of their existing lease over the whole of Reserve 1947 and simultaneously replace with a new lease over a portion of Reserve 1947 for a term of ten years. The Albany City Kart Club must obtain all approvals prior to commencing any track extension works.
23. The Albany City Kart Club surrender of lease over the whole of Reserve 1947 facilitates the relocation of the Albany Motorcycle Club from their existing location on Reserve 30495 to Reserve 1947, subject to conditions and Council and Minister for Lands consent.
24. Both the Albany City Kart Club and Albany Motorcycle Club agree to relinquish their leases over Reserve 1947 once the Great Southern Motorplex Group Inc. has obtained all necessary approvals and is in a position to undertake the responsibility for the lease and management over the entire Reserve for development of the Motorsport complex.
25. The Great Southern Motorplex Group Inc. is a incorporated body consisting of the following four motorsport entities:
  - i. Albany City Kart Club Inc.
  - ii. Albany Motorcycle Club Inc.
  - iii. Great Southern Street Machine Association Inc.
  - iv. Albany Motorsport Group Inc.
26. Council in 2009 provided in-principle support for the concept of the development of the Motorsport Complex subject to achievement of conditions and Council's satisfaction. This support was again confirmed at OCM 15 February 2011.

## DISCUSSION

27. Any new lease for the Albany Motorcycle Club and proposed future Great Southern Motorplex Group will include a provision for a 5 metre access easement that is required over the northern boundary of Reserve 1947 for the approved Grange Resources pipeline.



28. The Albany Motorcycle Club and Great Southern Motorplex Group have been made aware of and agree to this requirement.
29. In addition, the proposed new lease to the Albany Motorcycle Club will be subject to Minister for Lands consent and City of Albany as local authority Planning Scheme Consent approval.
30. Planning Scheme Consent will also address all of the following conditions resolved by Council at OCM 17 February 2009 and confirmed at OCM 15 February 2011:
- a. *'Environmental Noise Impact Assessment' demonstrating the design and management/ operational measures required and the ability of the concept to meet:*
    - *Environmental Protection Authority (EPA) Environmental Impact Assessment Requirements;*
    - *Requirements of the Environmental Protection Act 1986; and*
    - *Requirements of the Environmental Protection (Noise) Regulations 1997.*
  - b. *Site Design and Full 'Environmental Management Plan' of sufficient detail to be submitted to the EPA for Environmental Impact Assessment Approval.*
  - c. *Approval of the Site Design and 'Environmental Management Plan' by the EPA.*
  - d. *A facility/ operational management plan specifying and demonstrating the sustainable operation of the facility including but not limited to:*
    - *operation and functionality of the site management group*
    - *responsibilities and entitlements of co-located tenants*
    - *driver education and training facilities*
    - *noise management*
    - *waste management*
    - *water management*
    - *facility access and security management*
    - *asset maintenance and management*
    - *reserve flora and fauna management*
    - *principles for major event management at the site*
31. The Club has been advised that no development and or riding of motorcycles within the new lease area will be allowable until all approvals and Planning Scheme Consent conditions have been satisfied and the lease has been agreed and executed by all parties.
32. After reviewing the Reserve it was determined that it is preferable for the Albany Motorcycle Club to access the proposed new lease area from Parker Brook Road as the Albany City Kart Club Inc. will retain lease access from their existing front access off Albany Highway. This reduces the traffic directly from and to Albany Highway and avoids any sharing of access roads and gates
33. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases for this category of lease.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

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

35. This Section requires there to be local public notice of the proposal for a period of two weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
36. Section 30 of the *Local Government (Functions & General) Regulations 1996* deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) *The land is disposed of to a body, whether incorporated or not –*
- (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
- (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
37. The Albany Motorcycle Club is a not for profit sporting association, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.
38. However, given the nature of the request and implications for residents and landowners within the vicinity it is recommended the proposed lease be advertised for a period of two weeks inviting submissions from the public. Any submissions received will be considered by Council.
39. An application for Planning Scheme Consent for a permitted use does not require advertising however public comments can be sought if deemed appropriate.

#### **STATUTORY IMPLICATIONS**

40. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
41. As this is Crown land, under a Management Order H680343 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation", Minister for Lands consent will be required.
42. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
43. Under the City's Town Planning Scheme 3, the area is zoned "Parks and Recreation". The proposed use for motorcycle riding activities and events is permitted use in accordance with the Scheme.
44. The Western Australian Planning Commission (WAPC) consent is not required as this is Crown land.

## **FINANCIAL IMPLICATIONS**

45. All costs associated with the development, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and market valuation (if required) will be borne by the proponent.
46. The new lease rental fee will be equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
47. The new lease rental will be directed to COA 190430 Income – Other Leases.

## **POLICY IMPLICATIONS**

48. Council adopted a Property Management - Leases Policy in 2007. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
49. The Policy section relevant to this category of lease – Sporting Associations requires the following:
  - Crown Reserve leases with or without City owned buildings on site, will incur a rental based on minimum land rate as set by Council per annum;
  - Must be Incorporated bodies and a copy of their Articles of Association/Constitution be provided;
  - Lease to be for a term not greater than 21 years;
  - Rental/Sublease agreements must be approved by the landlord;
  - Must have appropriate insurance pertaining to their particular sport, as a minimum; and
  - Maintenance of grounds/leased area is to be undertaken by the Lessee at the Lessee's cost.

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

50. Council has the following options in relation to this item, which are:
  - a. Approve the request for a new lease over portion of Reserve 1947 subject to Planning Scheme Consent conditions being satisfied; and
  - b. Approve the request to surrender the existing lease over Reserve 30495 subject to lease obligations to remediate the lease area being fulfilled; or
  - c. Decline the request for a new lease; and
  - d. Decline the request to surrender the existing lease.
51. Council has previously provided in-principle support for the Motorsport Complex proposal on Reserve 1947 which requires the relocation of the Albany Motorcycle Club to this site subject to conditions.
52. Should Council decline the request for a new lease, the Albany Motorcycle Club could request Council to approve additional limited use of the existing track subject to community consultation, however this option does not provide the Club with sufficient use for rider training and events.

53. The Club has indicated if a new lease is not approved they may be forced to disband as the EPN prevents the Club from using the Miniup Park track and remains in force until removed or complied with.
54. Should Council decline the request to surrender the existing lease, the Albany Motorcycle Club Inc lease would remain static until expiry on 30 June 2013, however the Club is prevented from using the track.

#### **SUMMARY CONCLUSION**

55. Given Council has previously provided in-principle support for Motorsport Complex, which provides for the relocation of the Albany Motorcycle Club to Reserve 1947 and the opportunity for the Club to be situated in a more suitable location, the Albany Motorcycle Club Inc. request to surrender the existing lease over Reserve 30495 and a new lease over portion of Reserve 1947 for a term of 10 years is recommended, subject to conditions.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council's Policy – Property Management – Leases</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li></ul>
<b>File Number (Name of Ward)</b>	PRO176 (West & Kalgan Ward)
<b>Previous Reference</b>	OCM 01.07.1992 OCM 17.02.2009 Item 12.8.2 Recommendation 6 OCM 16.06.2009 Item 18.2 OCM 16.02.2010 Item 13.6.1 Recommendation 4 OCM 24.04.2010 Item 19.5 OCM 15.02.2011 Item 2.6

CITY OF ALBANY				
ALBANY MOTORCYCLE CLUB INC. – PROPOSED LEASE ON PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG				
SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1.	Mr John and Mrs Diana Reed 39 Federal Street MCKAIL WA 6330	<p>Mr &amp; Mrs Reed provide the following comments in relation to the proposed Lease:</p> <ul style="list-style-type: none"> <li>• Agree that the Club requires a safe environment but not so close to the City of Albany as there is a high demand for small farm residential blocks in that area.</li> <li>• Expensive to relocate the Club again in a couple of years due to urban sprawl.</li> </ul> <ul style="list-style-type: none"> <li>• Suggest a more suitable location would be at the back of Bakers Junction at the rear of the refuse site as there would be less noise and dust impact on local residences and traffic would be kept to major roads.</li> </ul> <ul style="list-style-type: none"> <li>• They enclosed a letter dated 23 March 2002 from the Albany Community Environment Centre (ACEC) with attached letters from the Department of Environment</li> </ul>	<p>Bakers Junction Nature Reserve 30463 is vested with the Conservation Commission of WA for the purpose of conservation of flora &amp; fauna. Motorsport activities are not a permitted use.</p>	<p>The Albany Local Planning Strategy (ALPS) does not identify future urban or rural-residential development encroaching into this area. It's also affected in part by the Albany Airport Noise Buffer Zone.</p> <p>Reserve 1947 Parker Brook Road was identified as the most suitable location in the Albany Motorsport Complex Feasibility Study which was supported and adopted by Council at OCM 12.12.2008 and 17.02.2009.</p> <p>As part of the Planning Scheme Consent application the proponent</p>

**CITY OF ALBANY**

**ALBANY MOTORCYCLE CLUB INC. – PROPOSED LEASE ON PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG**

**SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Staff Recommendation</b>
		Protection, Waters and Rivers Commission commenting on environmental issues regarding the proposed Motorsport Complex on Reserve 1947 Parker Brook Road.		will need to address the following: <ul style="list-style-type: none"> <li>• Noise management</li> <li>• Waterway management</li> <li>• Waste management</li> <li>• Dust management</li> <li>• Effluent disposal</li> <li>• Vegetation clearing.</li> </ul>
2.	Mr Phillip Attwell 14 Attwell Road CUTHBERT WA 6330	<p>Mr Attwell considers the following issues that need to be addressed before proceeding with the proposed AMC Lease:</p> <ul style="list-style-type: none"> <li>• There was no mention of the reserve location.</li> <li>• City should consider the background as it was a noise complaint that forced the Club to be removed from the existing lease area to the proposed new location where the Club and the City will face the same problems.</li> <li>• What steps will be taken in order for this not to occur again or will it be a case of wait and see who complains next time before stating legal proceedings against the Club for alleged noise breaches?</li> <li>• The Airport/Speedway/Port all have noise buffer zone policies protecting them. Under ALPS document</li> </ul>	<p>It is acknowledged that historically there has been noise complaints and non compliance to noise regulations which culminated in the current Environmental Protection Notice (EPN).</p>	<p>Noted.</p> <p>Planning Scheme Consent will address noise management in accordance the Environmental Protection (Noise) Regulations 1997.</p> <p>It will be a requirement that as part of the Planning Scheme Consent noise</p>

## CITY OF ALBANY

## ALBANY MOTORCYCLE CLUB INC. – PROPOSED LEASE ON PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>category Major Sports Groups it has been noted that this Policy (Noise Buffer Zone) will be adopted for the trotting track once this becomes a problem. Maybe this is an option for the City as a step towards protection to the Club against further action.</p> <ul style="list-style-type: none"> <li>• The proposed location comes within the Millbrook catchment stream area. How does this affect the Club or surrounding Leaseholders for legal action against them and what steps can be taken to prevent actions against these Clubs?</li> <li>• The term of 5 years is clearly not enough.</li> </ul>	<p>The Department of Water will be consulted regarding the protection of waterways within and in the vicinity of the lease area.</p> <p>Council resolved at OCM 15.03.2011 to support the recommended lease term of 10 years.</p>	<p>buffers to surrounding sensitive premises will need to be addressed. Unlike the trotting track which was constructed in the 1960's , new noise generating proposals should ensure noise impacts are retained within property boundary, therefore negating the need for the imposition of a buffer for surrounding private land parcels.</p> <p>It will be a requirement that as part of the Planning Scheme Consent waterway management will be addressed.</p> <p>Adopt proposed lease term of 10 years.</p>

## CITY OF ALBANY

## ALBANY MOTORCYCLE CLUB INC. – PROPOSED LEASE ON PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
3.	Mr Peter and Kim White 27 Parker Brook Road DROME WA 6330	<p>Mr &amp; Mrs White as immediate neighbours to Reserve 1947 Parker Brook Road are against the proposed lease and provide the following comments:</p> <ul style="list-style-type: none"> <li>• They are concerned with noise pollution.</li> <li>• During prior meeting with the City they were assured that Council would not enter into such a lease with the Motorcycle Club unless firstly they had EPA approval which would protect them and the environment.</li> <li>• Currently experiencing noise problems with the Kart Club with the noise from the Motorcycle Club being even louder and invasive. They are still waiting on the installations of noise barriers as promised by the Kart Club.</li> <li>• They are entitled to live in their own home in peace and quiet.</li> </ul>	<p>This matter has been referred to the Albany City Kart Club and City's Environmental Health team for action.</p>	<p>It will be a requirement that as part of the Planning Scheme Consent noise management in accordance the Environmental Protection (Noise) Regulations 1997 will be addressed.</p> <p>It will be a requirement that as part of the Planning Scheme Consent application EPA approval will be addressed.</p> <p>Noted.</p>



## CITY OF ALBANY

## ALBANY MOTORCYCLE CLUB INC. – PROPOSED LEASE ON PORTION OF RESERVE 1947 PARKER BROOK ROAD, WILLYUNG

## SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<ul style="list-style-type: none"> <li>Mr White as young boy was a member of the Motorcycle Club when they were relocated from the Parker Brook Reserve to Roberts Rd because of environmental issues that are still of importance today.</li> <li>Agree that a venue of this sort is needed but not located less than 350 metres away from their home.</li> <li>Propose that Council relocate the Motorcycle Club and other planned groups to Bakers Junction Reserve near the tip where pollution and degradation or land will have less impact on the environment and neighbours.</li> </ul>	<p>Bakers Junction Nature Reserve 30463 is vested with the Conservation Commission of WA for the purpose of conservation of flora &amp; fauna as such Motorsport would not be permitted.</p>	<p>Noted.</p> <p>Noted.</p> <p>Reserve 1947 Parker Brook Road was identified as the most suitable location in the Albany Motorsport Complex Feasibility Study which was supported and adopted by Council at OCM 12.12.2008 and 17.02.2009.</p>

**4.5: AUTHORITY TO INCUR EXPENDITURE UNTIL 2011-12 BUDGET ADOPTION**

**Land Description** : FM.BUG.2 - All Wards  
**Proponent** : City of Albany  
**Responsible Officer** : Chief Executive Officer (Faileen James)

**IN BRIEF**

- The *Local Government Act 1995* permits a local government to incur expenditure in a financial year prior to the adoption of the annual budget, providing that the budget is adopted prior to 31 August in that financial year.
- Under the *Local Government (Financial Management) Regulations 1996*, a payment may only be made from the municipal or trust fund if the CEO has delegated authority to do so or if the payment is authorised in advance by resolution of Council (which includes an endorsed annual budget).
- Further, merely for good governance, Council should ensure there is appropriate delegated authority to the CEO to incur expenditure from 1 July 2011 until the 2011-12 Budget is adopted.
- The City anticipates adoption of the 2011-12 Budget at a Special Council Meeting on 19 July 2011.

**ITEM 4.5: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council delegates to the CEO the authority to incur expenditure from 1 July 2011, up to an amount of \$1.25 million per week, until the 2011-12 Budget is adopted by Council**

**ITEM 4.5: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR HAMMOND**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**BACKGROUND**

1. City executive staff have spent considerable time in the last six weeks preparing a draft 2011/12 budget for consideration by Council. Given the work done to date, staff had anticipated adoption of the 2011-12 budget prior to 30 June 2011.
2. However, staff have only recently received (in the past two weeks) final revised valuations for Gross Rental Value (GRV) for properties from the Valuer General.

3. As the GRV amounts have, in some instances, significantly changed, with a resultant potential impact on Rates revenue, staff require additional time to analysis and undertake scenario modelling on Rates information for inclusion in the budget. The last GRV revaluation was undertaken four years ago.
4. Under section 6.36 of the *Local Government Act 1995*, the City is required to advertise the proposed differential rates amounts for the 2011/12 financial year. Those proposed amounts require advertising for a period of 21 days.

## DISCUSSION

5. The executive staff have prepared a draft budget, and held consultations with Council members as a group on three different occasions / separate forums regarding the proposed budget.
6. As a result of those discussions, Council members have considered various factors in developing a financially responsible budget while ensuring compliance with occupational staffing requirements, continuation of the various services provided by Council, cost-saving initiatives and new capital projects that are “project ready”.
7. Particularly, the Council considered issues relating to:
  - a. New Capital Works projects;
  - b. Employee costs, balanced against the need for sufficient staff resources to undertake current and planned projects, initiatives and current service provision
  - c. Rate amount increases, and in particular the impact the GRV changes will have on families and land owners.
  - d. Mayoral Allowance, including changes to legislation regarding provision of a Mayoral Vehicle for use.
8. A further consultation session is planned in the near future with Council members to finalise the budget.
9. As part of that consultation, and given the proposed differential rate advertising period of 21 days, the budget cannot be endorsed by 30 June 2011.
10. Accordingly, under *Local Government (Financial Management) Regulations 1996*, the CEO seeks delegated authority from the Council to make payments from the municipal fund post 1 July 2011.
11. Based on the draft budget prepared by executive staff for consideration by Council, the CEO believes that an amount of \$1.25 million should be allocated as a possible expenditure amount each week from 1 July 2011 to ensure the City’s operations continue and the City meets its liabilities (including staff expenses)

## GOVERNMENT CONSULTATION

12. Nil.

## PUBLIC CONSULTATION / ENGAGEMENT

13. Nil.

**STATUTORY IMPLICATIONS**

14. Local Government Act 1995, s 6.2(1) states that:

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

Local Government Act 1995, s 6.8(1) states that:

- (1) 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.*

15. Local Government (Financial Management) Regulations 1996 state that:

- (1) A payment may only be made from the municipal fund or the trust fund –*
- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds – by the CEO; or*
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council*

**STRATEGIC IMPLICATIONS**

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

***Priority Goals and Objectives:***

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

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

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

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

**POLICY IMPLICATIONS**

7. Nil.

**RISK IDENTIFICATION & MITIGATION**

8. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
Council does not delegate authority to the CEO to incur expenditure from 1 July 2011 until the 2011-12 Budget is adopted.	Unlikely	Extreme	Extreme	Delegated authority to the CEO to incur expenditure under the <i>Local Government Act 1995</i>

**FINANCIAL IMPLICATIONS**

9. Based on expenditure proposed in the current draft 2011/12 budget (still to be further considered by Council members at workshops), it is anticipated that expenditure incurred each month from 1 July 2011 in meeting City financial commitments will be approximately \$1.25 million.

**LEGAL IMPLICATIONS**

10. The City must meet its debt obligations, including staff salary expenses and supplier accounts. Failure to do so incurs considerable legal and other risks to the City.

**ALTERNATE OPTIONS**

11. Council could refuse to so delegate authority to the CEO, but this would mean that the "business" of the City will be significantly impacted, and the City and Council will incur considerable risk in doing so.

**SUMMARY CONCLUSION**

12. Delegated authority is required for the CEO to incur expenditure from 1 July 2011 until the 2011-12 Budget is adopted.

<b>Consulted References</b>	Local Government Act 1995 Local Government (Financial Management) Regulations 1996.
<b>File Number (Name of Ward)</b>	FM.BUG.2
<b>Previous Reference</b>	

**4.6: FINANCIAL ACTIVITY STATEMENT REPORTING VARIANCE 2011-12**

**Responsible Officer(s)** : Acting Executive Director Corporate Services

**IN BRIEF**

- Local Government (Financial Management) Regulations 1996 require annual adoption of a percentage or value to apply in reporting variances in the Statement of Financial Activity.

**ITEM 4.6: AMENDMENT BY COUNCILLOR LEAVESLEY**

**MOVED: COUNCILLOR LEAVESLEY**

**SECONDED: COUNCILLOR D BOSTOCK**

**THAT the value to apply in reporting variances in the Financial Activity Statement for the 2011-2012 Financial Year be \$50,000.**

**LOST 5-6**

**Record of Vote**

For the Motion: Councillors Leavesley, D Bostock, J Bostock, Sutton and Wolfe

**ITEM 4.6: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the value to apply in reporting variances in the Financial Activity Statement for the 2011-2012 Financial Year continue to be \$100,000.**

**ITEM 4.6: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR WELLINGTON**

**CARRIED 8-3**

**10.22PM COUNCILLOR HAMMOND LEFT THE MEETING.**

**BACKGROUND**

- At the Ordinary Council Meeting on 20 April 2010, Council at Item 18.1:

*Directed the CEO to provide immediate disclosure to Council, details of any event which may result in a material non recoverable financial loss or financial loss arising from an uninsured event, or budget variation in excess of \$100,000 Year to date.*

- This value has been applied to variance reporting for the 2010-11 Financial Year.

**DISCUSSION**

- Nil.

**GOVERNMENT CONSULTATION**

4. Nil.

**PUBLIC CONSULTATION / ENGAGEMENT**

5. Nil

**STATUTORY IMPLICATIONS**

6. Local Government (Financial Management) Regulations 1996, s.6.4 and r.34 (5) states that:

*Each financial year, a local government is to adopt a percentage or value in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

7. In the Local Government (Financial Management) Regulations 1996, AAS means the Australian Accounting Standards made and amended from time to time by the Australian Accounting Standards Board

**STRATEGIC IMPLICATIONS**

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

***Priority Goals and Objectives:***

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

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

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

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

**POLICY IMPLICATIONS**

9. Nil.

**RISK IDENTIFICATION & MITIGATION**

10. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Percentage or value not agreed to by Council	Unlikely	High	High	Responsible Officer continues to report under adopted variance value until agreement is reached and compliance with Local Government (Financial Management) Regulations 1996 is achieved.

**FINANCIAL IMPLICATIONS**

11. The adopted value will be applied to variance reporting in the 2011-12 year.

**LEGAL IMPLICATIONS**

12. Nil.

**ALTERNATE OPTIONS**

13. Nil.

**SUMMARY CONCLUSION**

14. Continued application of the existing variation reporting amount of \$100,000 is recommended.

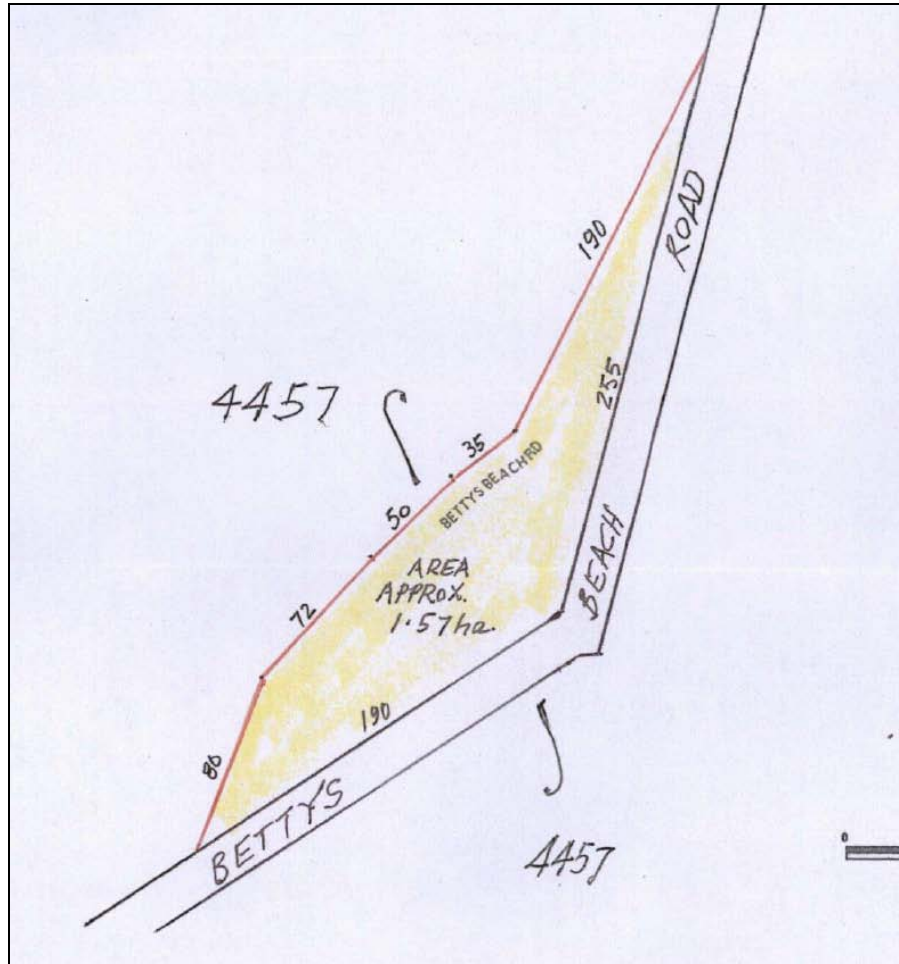
<b>Consulted References</b>	Local Government (Financial Management) Regulations 1996
<b>File Number (Name of Ward)</b>	FM.BUG.2
<b>Previous Reference</b>	OCM on 20 April 2010, Item 18.1



## 5.1: PROPOSED ROAD WIDENING OF BETTY'S BEACH ROAD AFFECTING 905 HOMESTEAD ROAD, MANYPEAKS

Land Description	: Lot 4457 No 905 Homestead Road, Manypeaks
Proponent	: City of Albany
Owner	: E & L Stone
Responsible Officer(s)	: Executive Director Works & Services (K Ketterer)

### Maps and Diagrams:



### IN BRIEF

- Council's resolution is required to take a 1.57ha portion of land from Lot 4457 No 905 Homestead Road, Manypeaks to accommodate the section of Betty's Beach Road that has been constructed outside of the dedicated road reserve.

**ITEM 5.1: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- i) **SUPPORTS** the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 1.57ha portion of land from Lot 4457 No 905 Homestead Road, Manypeaks to allow the widening of the Betty's Beach Road Reserve;
- ii) **SEEKS** approval under Section 168 of the *Planning & Development Act 2005* to dedicate the 1.57ha portion of land to be taken from Lot 4457 No 905 Homestead Road, Manypeaks as a public road, through the lodgement of a subdivision application; and
- iii) **INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the Land Administration Act 1997.

**ITEM 5.1: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR WOLFE**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 10-0**

**BACKGROUND**

- 1. In November 2009, the City was approached by Albany Mapping & Surveying Services, on behalf of the owners of 905 Homestead Road, Manypeaks, advising that a significant portion of Betty's Beach Road had been constructed outside of the dedicated road reserve.
- 2. The proponent requested that this situation be resolved through either re-construction of Betty's Beach Road in the correct alignment or the resumption of land to widen the road reserve and protect the constructed road.
- 3. This issue is one of a number of outstanding land tenure matters that the City has to work through, pending appropriate resourcing. Now that staff have been engaged in recent months, the backlog of issues are being progressively addressed.

**DISCUSSION**

- 4. In determining the best option for resolving this matter, the current condition and removal of the existing road was considered. Betty's Beach Road is currently constructed to a gravel standard to a width of 5m and while it may require a re-sheet, its condition is acceptable. It would be considerably more costly to remove the existing road and re-construct in the correct alignment, than to re-align the road reserve.
- 5. A valuation for the 1.57ha portion of land to be taken from 905 Homestead Road, Manypeaks has been obtained. The land has been valued at \$15,700 and the owners of the land, Mr & Mrs Stone, have accepted this valuation. The City has obtained a signed Consent to Taking by Agreement from the landowners on this basis.

6. The negotiation on the compensation for the Taking by Agreement of this portion of land from 905 Homestead Road, Manypeaks has been dealt with under the Road Widening Delegation (OCM 14/12/10 Item 4.3.21). However, the provisions of the *Land Administration Act 1997* require Council's resolution to indemnify the Minister for Lands from any claims from compensation.

#### **GOVERNMENT CONSULTATION**

7. No consultation with government agencies has occurred on this matter as yet. As part of the subdivision application process, the Western Australian Planning Commission will refer the proposal to all the relevant servicing and government agencies for comment.
8. Depending on Council's resolution, notification will be sent to the Department for Regional Development and Lands at the same time as lodging the subdivision application to advise of the Minister's indemnification and compliance with the *Land Administration Act 1997*.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

9. No public consultation on this proposal is required under the statutory provisions, other than with the affected landowners. The landowner's written consent to the resumption of the land for road widening purposes has been obtained.

#### **STATUTORY IMPLICATIONS**

10. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
11. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.
12. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown on a diagram or plan of survey of a subdivision shown as a new road or road widening will be dedicated as a road.

#### **STRATEGIC IMPLICATIONS**

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

*"4. Governance...*

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

## **POLICY IMPLICATIONS**

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

## **RISK IDENTIFICATION & MITIGATION**

15. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
If road widening not obtained, Council assets would be contained in freehold title.	Possible	Moderate	Medium	Support the Taking by Agreement of land providing for the widening of Betty's Beach Road.

## **FINANCIAL IMPLICATIONS**

16. The payment of \$15,700 for the land to be resumed from 905 Homestead Road, Manypeaks can be accommodated in the current 2010/11 budget.
17. The lodgement of a subdivision application for road widening purposes does not require the payment of fees to the Western Australian Planning Commission.
18. There will be fees associated with the feature survey of the area, the creation of an initial plan for the subdivision application, the creation of a final deposited plan, the lodgement of the plan with Landgate and settlement fees. This is expected to be in the order of \$8,000 and can also be accommodated in the current budget line item for land acquisition.

## **LEGAL IMPLICATIONS**

19. The widening of the Betty's Beach Road reserve will legitimise the road infrastructure currently situated in freehold title.

## **ALTERNATE OPTIONS**

20. While Council can defer this item, it has remained outstanding for some time. The landowners themselves have requested that this situation be resolved and, as such, it is recommended that this matter be expedited as soon as possible.

**SUMMARY CONCLUSION**

21. The proposed widening of Betty's Beach Road will ensure that Council's road is contained in a dedicated road reserve. The affected landowner of No 905 Homestead Road, Manypeaks has provided their written consent to a Taking by Agreement for the figure recommended by the valuation of the land. Council's resolution to enact the road dedication process is sought to meet the requirements of the *Land Administration Act 1997* and the *Planning & Development Act 2005*.

<b>Consulted References</b>	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	RD.ACQ.1 (Kalgan Ward)
<b>Previous Reference</b>	None

<b>5.2: PROPOSED RE-ALIGNMENT OF FRANCIS ROAD – REQUIREMENTS TO BE OBSERVED FOR ROAD CLOSURE</b>
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<b>Land Description</b>	: Francis Road Reserve and Lots 1, 2, 6, 500, 501 and 3729 Francis Road, Lowlands
<b>Proponent</b>	: City of Albany
<b>Owners</b>	: Road Reserve – Crown; Lot 1 – L Walsh; Lot 2 – A & K King; Lot 6 – J Anderson & D Byers; Lot 500 – D & G Clarke; Lot 501 – P Gibbons & B Martino; Lot 3729 – L Henson
<b>Attachment(s)</b>	: Diagrams depicting road re-alignment and changes to adjoining properties (prepared by Denmark Survey & Mapping, received on 22 September 2006)
<b>Responsible Officer(s)</b>	: Executive Director Works and Services (K Ketterer)

**IN BRIEF**

- Council has been advised by the Department for Regional Development and Lands that certain requirements of the *Land Administration Act 1997* for the re-alignment of Francis Road have not been observed, including an appropriate Council resolution and public advertising of the proposed road closures. Council's resolution is now sought to fulfil these legislative requirements.

**ITEM 5.2: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, subject to receiving no objections:**

- i) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to permanently close portions of Francis Road, as depicted in the plans prepared by Denmark Survey & Mapping received on 22 September 2006;
- ii) **SEEKS** the Minister for Lands approval, under section 56 of the *Land Administration Act 1997*, to dedicate the proposed sections of Francis Road reserve, as depicted in the plans prepared by Denmark Survey & Mapping received on 22 September 2006, as a public road;
- iii) **INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*; and
- iv) **AUTHORISE** the Chief Executive Officer to forward the required information to the Minister for Lands without the need for further referral to Council, should there be no objections received during the legislatively required advertising period/

**ITEM 5.2: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR MATLA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 10-0**

**BACKGROUND**

1. In response to concerns raised by an adjoining landowner in 2004, the City determined that parts of Francis Road were constructed outside of the dedicated road reserve through freehold land. The owners raised concerns about public liability if an accident was to occur on private land.
2. The alignment of Francis Road was investigated and preliminary negotiations were held with affected landowners. At its meeting held on 19 December 2006, Council supported the officer's recommendation to re-align Francis Road, as follows:

*"That Council, in accordance with Section 56 of the Land Administration Act of 1997;*

- i) *Proceed with Francis Road, Lowlands becoming a dedicated public road with the associated land resumptions and road closures required.*

- ii) *Delegate authority to Damien Morgan to negotiate with the landowners of Francis Road, Lowlands to proceed with Francis Road dedication.*
  - iii) *Reallocate funds for the associated legal costs required with the dedication of Francis Road, Lowlands at the quarterly budget review.”*
3. Since Council’s December 2006 resolution, the following actions have occurred:
- a. Surveys were undertaken and plans prepared detailing the road closures and land resumptions;
  - b. Negotiations were undertaken with some landowners that had concerns with the proposal with agreement eventually reached between all parties;
  - c. The written consent of all affected landowners was obtained to proceed with the road closure and land resumption process;
  - d. Valuations were obtained for the land to be transferred to Council;
  - e. Caveats were lodged on all freehold titles, registering Council’s interest in the land and allowing the payment of the agreed monies to affected landowners;
  - f. Some works were undertaken on site, in accordance with landowner agreements and payment of compensation monies was made;
  - g. Consultation has occurred with all of the servicing agencies;
  - h. An application for subdivision / amalgamation was lodged with the Western Australian Planning Commission. Approval for the proposed re-alignment was granted on 19 January 2010;
  - i. The conditions of subdivision approval were addressed, deposited plans were created and the final clearance of the Western Australian Planning Commission was obtained;
  - j. The deposited plans were lodged at Landgate on 13 July 2010 and they are now awaiting processing; and
  - k. Applications were initiated to remove the caveats on title and create new land titles.
4. It is recognised that there was a significant delay between the initiation of the process in December 2006 and the lodging of the subdivision application in late 2009. This delay was likely due to both administrative oversights and staff changes throughout the period.
5. Following on from the subdivision approval and clearance of the subdivision conditions received on 6 August 2010, the proposal was then forwarded to the Department for Regional Development and Lands for finalisation. The Department is now responsible for completing the re-alignment of the Francis Road Reserve.



## **DISCUSSION**

6. On 19 April 2011, the City received correspondence from the Department for Regional Development and Lands advising that the previous resolution of Council was not appropriately worded to comply with the requirements of the *Land Administration Act 1997*. Further, the proposed road closures that form part of the re-alignment of Francis Road have not been advertised in accordance with the provisions of Section 58 of the *Land Administration Act 1997*.
7. Council's resolution from 19 December 2006 makes reference to Section 56 of the *Land Administration Act 1997*, which are the provisions that relate to the dedication of road reserves. While the re-alignment of Francis Road does include dedication of new road reserves, it also includes the closure of portion of the existing road reserve. Accordingly, reference should be made to Section 58 of the *Land Administration Act 1997*.
8. Section 58 of the *Land Administration Act 1997* requires that, in order to close a road, the proposal must be advertised for a period of 35 days in a local newspaper. While the proposal was referred to government servicing agencies for comment, it was not advertised as legislatively required. This must occur before the Minister for Lands will consider the closure of portion of Francis Road.

## **GOVERNMENT CONSULTATION**

9. In May 2008, comments on the proposed re-alignment of Francis Road was sought from the public service provides, including Main Roads WA, Western Power, St John's Ambulance, Water Corporation, Telstra and Fire and Emergency Services.
10. Responses were received from Fire and Emergency Services, Water Corporation and Main Roads WA advising that they had no objections to the proposed re-alignment of Francis Road. No response was received from St John's Ambulance.
11. Both Western Power and Telstra advised that there was infrastructure along Francis Road that may be impacted by the proposal. Both of these concerns have since been addressed and these agencies' requirements have been met.

## **PUBLIC CONSULTATION / ENGAGEMENT**

12. The City has referred the proposed re-alignment to adjoining landowners and government servicing agencies. Written agreement has been obtained from all of the adjoining landowners.
13. The City will now advertise the proposed re-alignment as required under section 58 of the *Land Administration Act 1997*.

## **STATUTORY IMPLICATIONS**

14. Section 56 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to dedicate land as a public road.

15. Section 58 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to close a road.

### **STRATEGIC IMPLICATIONS**

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

*“4. Governance.....*

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

### **POLICY IMPLICATIONS**

17. There are no policy implications relevant to this item.

### **RISK IDENTIFICATION & MITIGATION**

18. The risk identification and categorisation relies on the City's Risk management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
The provisions of the Land Administration Act 1997 are not appropriately addressed.	Unlikely	Moderate – Council has made a significant financial expense to progress this matter.	Medium	To comply with the requirements of the Land Administration Act 1997 by making an appropriately worded Council resolution and advertising the proposal in local newspapers.

### **FINANCIAL IMPLICATIONS**

19. The City of Albany expended approximately \$48,000 in the 2007/08 and 2008/09 financial years for the re-alignment of Francis Road. This expenditure was budgeted in these financial years and provided for the road works undertaken and payment of compensation to the affected landowners.
20. Funds were sourced in the 2009/10 and 2010/11 financial years from the land acquisition budget line item for fees and charges associated with undertaking land surveys, preparation of deposited plans, legal works for the lodging and removing of caveats, making a subdivision application etc.
21. It is envisaged that there will be further fees and charges associated with the Landgate and legal components of creating new titles. There will also be costs associated with advertising the proposal in local newspapers. There are sufficient funds in the 2010/11 land acquisition

budget line item for these fees and charges, which are estimated to be in the order of \$5,000.

22. The Department for Regional Development and Lands has also advised that there may be outstanding costs relating to cash differentials and the payment of the goods and services tax for the land exchanged (i.e. the land taken for the new road reserve is greater than the land which is part of the closed road, which is to be included in the adjoining titles). It is understood that this matter is currently being investigated by the Department's lawyers, though it has been estimated that these costs could be in the order of \$9,000. There are also sufficient funds in the 2010/11 land acquisition budget line item for these costs.

### LEGAL IMPLICATIONS

23. This item will facilitate compliance with the legislative requirements of the *Land Administration Act 1997*.

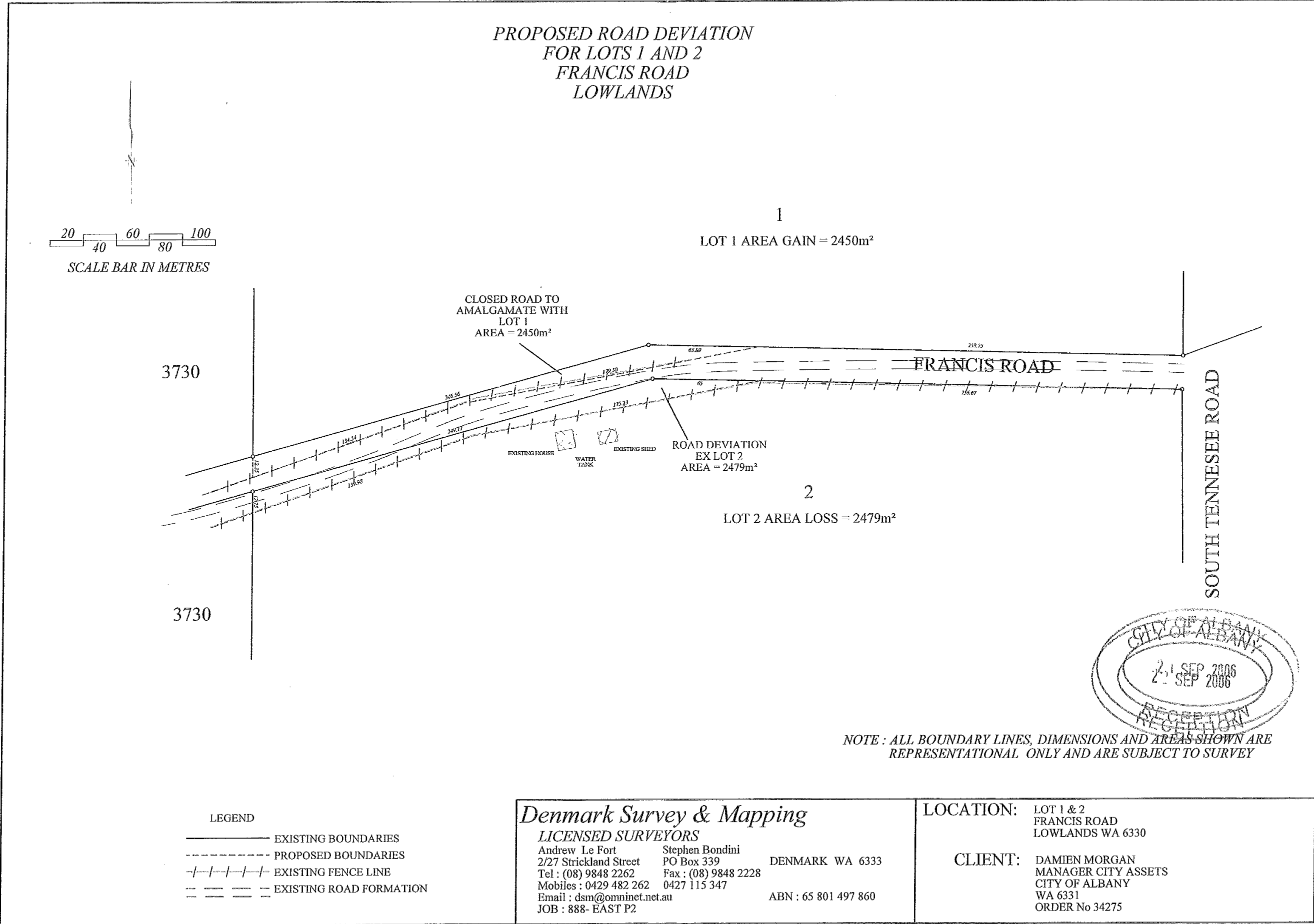
### ALTERNATE OPTIONS

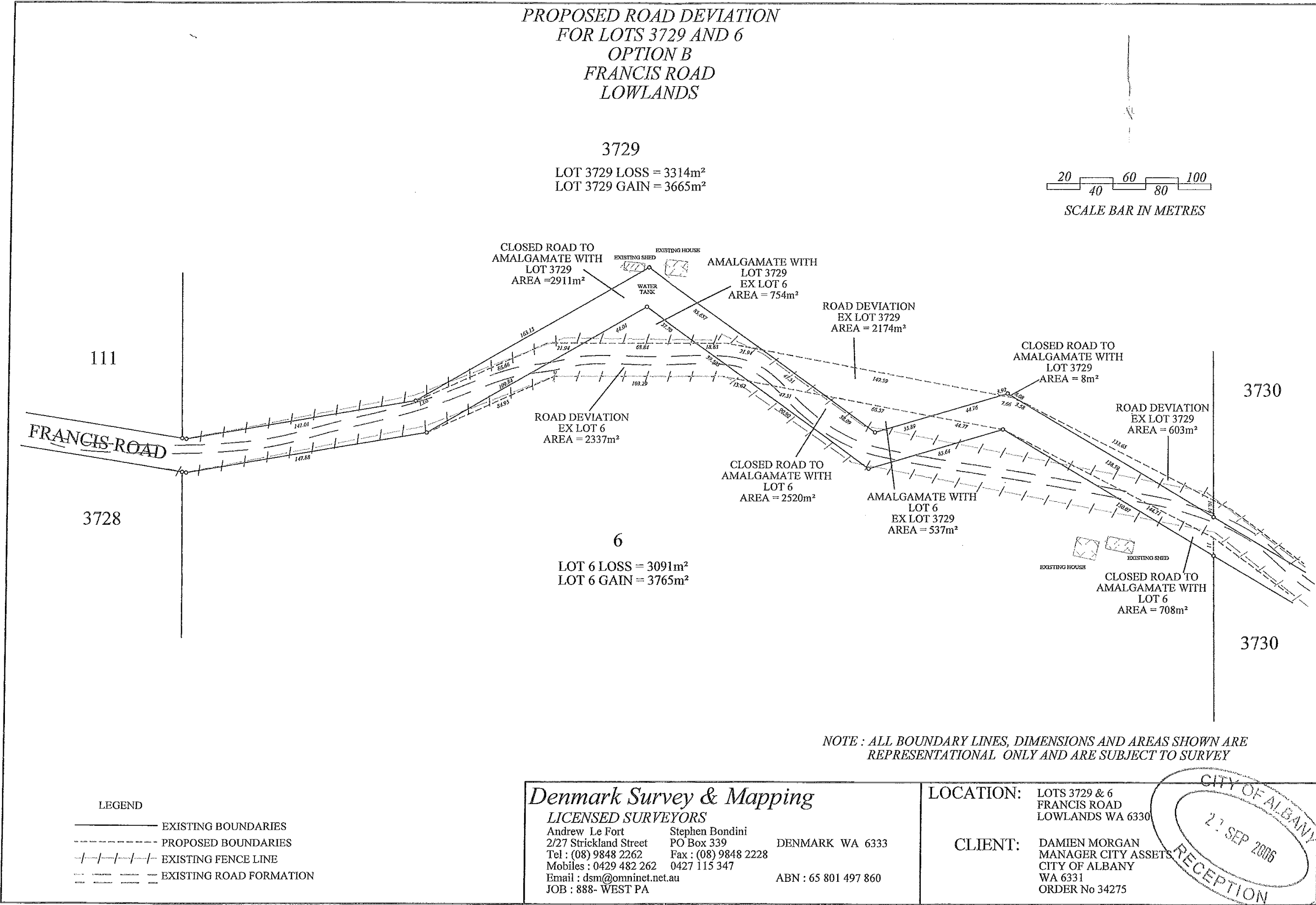
24. In order to achieve compliance with the provisions of the *Land Administration Act 1997*, there are not considered to be any viable alternate options in this matter.

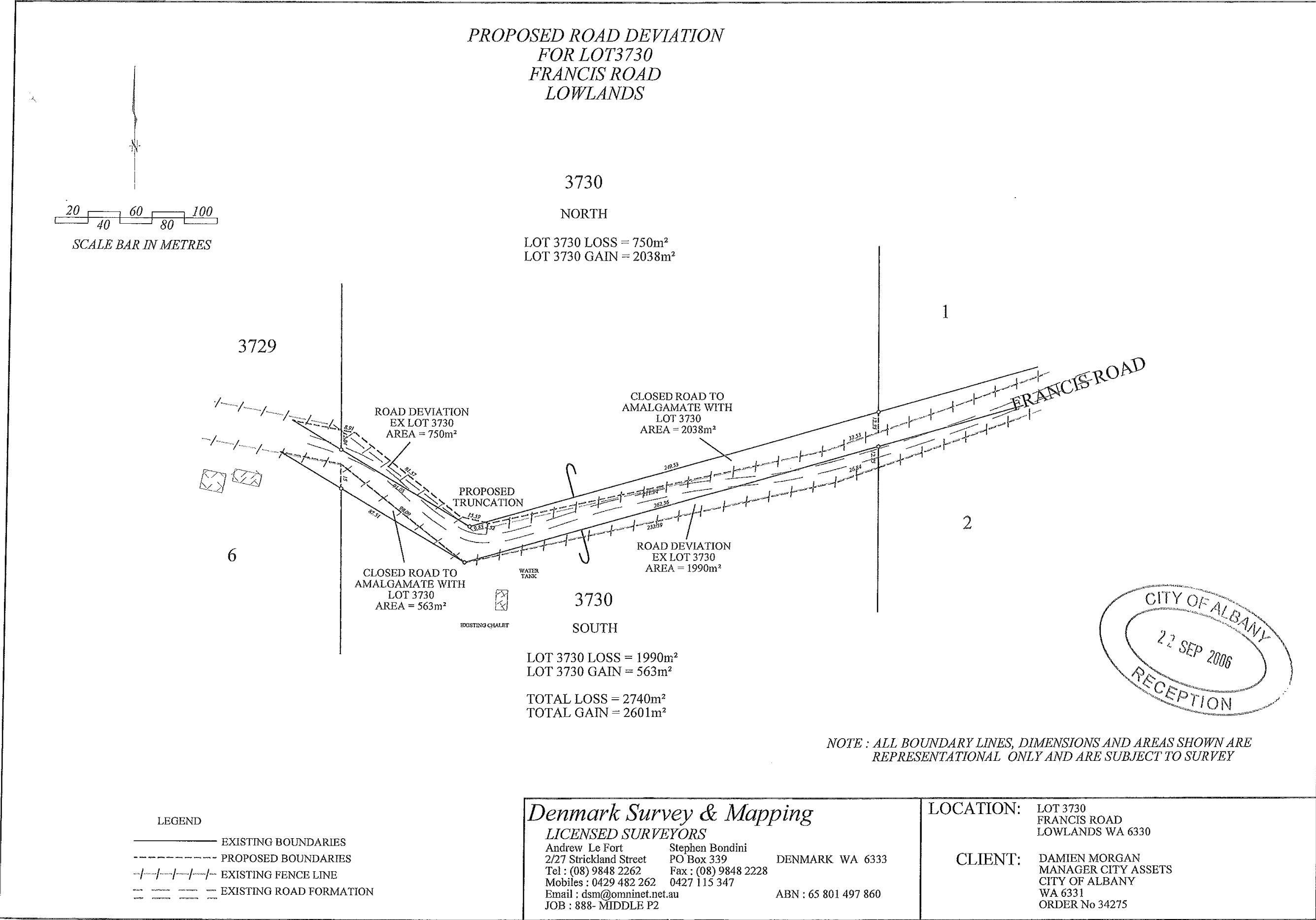
### SUMMARY CONCLUSION

25. The new resolution of Council and advertising the proposed re-alignment of Francis Road will ensure compliance with the *Land Administration Act 1997* and will meet the requirements of the Department for Regional Development and Lands. Council has put considerable time, money and resources into the re-alignment of Francis Road and fulfilment of these last requirements should allow this long standing matter to be finalised.

<b>Consulted References</b>	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	RD.ACQ.1 (West Ward)
<b>Previous References</b>	OCM 19/12/2006 Item 13.7.1







### **5.3: CONTRACT C11001 – PROVISION OF CLEANING SERVICE**

**Proponent** : City of Albany  
**Owner** : City of Albany  
**Responsible Officer** : Executive Director Works and Services (K Ketterer)

#### **IN BRIEF**

- Contract C11001 – Provision of Cleaning Service be AWARDED to CGS Quality Cleaning for a one year period, following which period the contract will be retendered.

#### **ITEM 5.3: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

**ACCEPT** the Tender from CGS Quality Cleaning and award contract C11001 for the provision of cleaning services for a period of one year, following which period the contract will be retendered.

**ITEM 5.3: RESOLUTION (Responsible Officer Recommendation)**

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

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 8-2**

#### **Record of Vote**

Against the Motion: Councillors D Bostock and Leavesley

**BACKGROUND**

1. Due to the expiry of the current Cleaning Services contract, tenders were called for the provision of cleaning services for a possible period of three years. The tender is for the following Council buildings:
  - Albany Airport
  - Library
  - Town Hall
  - Depot
  - Albany Day Care Centre
  - Lotteries House
  - North Road Administration Building
  - Albany Visitor Centre
  - Vancouver Arts Centre
  - Hanrahan & Bakers Junction Waste Site weighbridge buildings and AWARE centre

**DISCUSSION**

2. Tenderers were asked to provide a monthly breakdown of cleaning costs for each of the Council facilities, plus an additional schedule of rates for additional and urgent response cleaning services.
3. 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 are tabled below:

Criteria	% Weight
Cost	25%
Technical Compliance and Experience	25%
Safety Management	20%
Reliability	30%
<b>TOTAL</b>	100%

4. Tenders from a total of four service providers were received. One tender was non-conforming as it contained only carpet cleaning services and not the full range of cleaning services stipulated. These suppliers are listed below:

Tenderer	Local Preference Qualification
Trevally's Carpet Cleaning	Non Conforming
CGS Quality Cleaning	Yes
ISS Facility Services Ltd	Yes
OCS Services Pty Ltd	Yes



5. Each company claimed against the City of Albany's Regional Price Preference Policy. The following table summarises the the overall evaluation score applicable to each submission.

Tenderer	Total Evaluation Score
Trevally's Carpet Cleaning	Nil
CGS Quality Cleaning	599.12
ISS Facility Services Ltd	574.28
OCS Services Pty Ltd	512.85

6. The submission from ISS Facility Services Ltd is based on using CGS Quality Cleaning as its local contractor providing support services on a regional basis. CGS Quality Cleaning has been a former cleaning contractor for the City of Albany and has an established local presence in Albany. The other conforming tender comes from the City's current contractor OCS Services Pty Ltd which has the benefit of existing staff and familiarity with the scope of works.
7. On the basis of the total evaluation score which considers cost, quality controls, safety, experience and reliability the most suitable company is considered to be CGS Quality Cleaning which has the compounding benefits of competitive pricing and being an established and reliable local operator.

#### GOVERNMENT CONSULTATION

8. Nil.

#### PUBLIC CONSULTATION / ENGAGEMENT

9. A request for tenders was published in the West Australian on 9 March 2011 and the Albany Weekender on 10 March 2011.

#### STATUTORY IMPLICATIONS

10. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.
11. Regulation 18 of the Regulations 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.
12. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

**STRATEGIC IMPLICATIONS**

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

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

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

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

**POLICY IMPLICATIONS**

14. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

15. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
Contract personnel have access to facilities after hours and could access confidential information or steal items	Possible	Medium	Medium	Importance is given to the experience and reliability of the tenderer in the evaluation process
Non compliance with contract or business failure	Unlikely	Medium	Medium	General conditions of contract allow for contract termination on the basis of failure to supply services

**FINANCIAL IMPLICATIONS**

16. Each location maintains individual budgets for cleaning purposes with the tendered price being shared across the organisation. Each department or building “owner” will have to provide for the cleaning services applicable in their budgets.
17. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration and award.

**LEGAL IMPLICATIONS**

18. There are no legal implications associated with this item.

**ALTERNATE OPTIONS**

19. Council can accept or reject the tenders as submitted.

**SUMMARY CONCLUSION**

20. On reviewing the submissions the evaluation team assessed GSC Quality Cleaning as being the most suitable tenderer across the evaluation criteria in terms of cost, resources, experience, safety and reliability and are recommended to be awarded the Provision of Cleaning Service contract.

<b>Consulted References</b>	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	C11001 (All Wards)

**5.4: PROPOSED ROAD WIDENING AT THE INTERSECTION OF  
BEAUFORT AND NORTH ROAD AFFECTING LOT 5 NO 5-7  
BEAUFORT ROAD, YAKAMIA**

<b>Land Description</b>	: Lot 5 No 5-7 Beaufort Road, Yakamia (corner North Rd)
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Free Reformed Church of Albany Inc
<b>Attachments</b>	: Drawing prepared by City of Albany (Job 2911, dated 6/12/2010)
<b>Responsible Officer(s)</b>	: Executive Director Works & Services (K Ketterer)

**IN BRIEF**

- Council's resolution is required to take a 60.4m<sup>2</sup> portion of land from Lot 5 No 5-7 Beaufort Road, Yakamia to widen the existing road reserve, providing for Black Spot road works at the intersection of Beaufort and North Roads.

**10.27PM Councillor Paver returned to the Chamber.**

**ITEM 5.4: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- SUPPORTS** the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 60.4m<sup>2</sup> portion of land from Lot 5 No 5-7 Beaufort Road, Yakamia, to allow the widening of the North Road and Beaufort Road intersection;
- SEEKS** approval under Section 168 of the *Planning & Development Act 2005* to dedicate the 60.4m<sup>2</sup> portion of land to be taken from Lot 5 No 5-7 Beaufort Road, Yakamia as a public road, through the lodgement of a subdivision application; and
- INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the Land Administration Act 1997.

**ITEM 5.4: RESOLUTION (Responsible Officer Recommendation)**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR HOLDEN**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 11-0**

**BACKGROUND**

1. In 2010, the City successfully obtained Black Spot funding to improve the safety of the intersection of North Road and Beaufort Road through the installation of a roundabout in this location.

2. The proposed roundabout requires that a 60.4m<sup>2</sup> portion of land be resumed from the adjoining freehold title at Lot 5 No 5-7 Beaufort Road, Yakamia. This lot is owned by the Free Reformed Church of Albany Inc.
3. Works at this intersection commenced in January 2011 and the City obtained the written consent of the Free Reformed Church of Albany Inc to access and work on their land prior to commencing works on the ground.

## **DISCUSSION**

4. A valuation for the 60.4m<sup>2</sup> portion of land to be taken from Lot 5 No 5-7 Beaufort Road, Yakamia has been obtained. The land has been valued at \$7,550 and the owners of the land, the Free Reformed Church of Albany Inc, have accepted this valuation. The City has obtained a signed Consent to Taking by Agreement from the landowners on this basis.
5. The negotiation on the compensation for the Taking by Agreement of this portion of land from Lot 5 No 5-7 Beaufort Road, Yakamia has been dealt with under the Road Widening Delegation (OCM 14/12/10 Item 4.3.21). However, the provisions of the *Land Administration Act 1997* require Council's resolution to indemnify the Minister for Lands from any claims from compensation.

## **GOVERNMENT CONSULTATION**

6. No consultation with government agencies has occurred on this matter as yet. As part of the subdivision application process, the Western Australian Planning Commission will refer the proposal to all the relevant servicing and government agencies for comment.
7. Depending on Council's resolution, notification will be sent to the Department for Regional Development and Lands at the same time as lodging the subdivision application to advise of the Minister's indemnification and compliance with the *Land Administration Act 1997*.

## **PUBLIC CONSULTATION / ENGAGEMENT**

8. No public consultation on this proposal is required under the statutory provisions, other than with the affected landowners. The landowner's written consent to the resumption of the land for road widening purposes has been obtained.

## **STATUTORY IMPLICATIONS**

9. Section 56 of the *Land Administration Act 1997* allows the dedication of land as a road. In doing so, the Local Government must indemnify the Minister for Lands against any claim for compensation.
10. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation.

11. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown on a diagram or plan of survey of a subdivision shown as a new road or road widening will be dedicated as a road.

### STRATEGIC IMPLICATIONS

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

*“4. Governance.....*

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

### POLICY IMPLICATIONS

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

### RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
If road widening not obtained, Council assets would be contained in freehold title.	Possible	Moderate	Medium	Support the Taking by Agreement of land providing for the widening of the intersection of Beaufort and North Roads.

### FINANCIAL IMPLICATIONS

15. The payment of \$7,550 for the land to be resumed from Lot 5 No 5-7 Beaufort Road, Yakamia, Manypeaks can be accommodated in the current 2010/11 budget.
16. The lodgement of a subdivision application for road widening purposes does not require the payment of fees to the Western Australian Planning Commission.
17. There will be fees associated with the feature survey of the area, the creation of an initial plan for the subdivision application, the creation of a final deposited plan, the lodgement of the plan with Landgate and settlement fees. This is expected to be in the order of \$8,000 and can also be accommodated in the current budget line item for land acquisition.

## **LEGAL IMPLICATIONS**

18. The widening at the intersection of North and Beaufort Road reserve will ensure that the Black Spot road works being undertaken at this location will be legitimately contained in appropriate land tenure controlled by the City.

## **ALTERNATE OPTIONS**

19. While Council can defer this item, this will result in portion of the improvement works currently being undertaken in this location being situated in freehold title. As such, it is recommended that this matter be expedited as soon as possible.

## **SUMMARY CONCLUSION**

20. The proposed widening at the intersection of Beaufort and North Roads will ensure that the Black Spot improvements works currently underway will be situated wholly within a dedicated road reserve. Council's resolution to enact the road dedication process is sought to meet the requirements of the *Land Administration Act 1997* and the *Planning & Development Act 2005*.

<b>Consulted References</b>	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	RD.ACQ.1 (Yakamia Ward)
<b>Previous Reference</b>	None





**5.5: PUBLIC NOTICE OF CLOSURE OF CLYDESDALE ROAD AT SOUTH COAST HIGHWAY VERSION TWO.**

**Proponent** : Main Roads WA  
**Owner** : City of Albany  
**Councillor Workstation** : Local Structure Plan Lots 1,2 and 3 South Coast Highway, McKail  
Link to document:- ICR1130746  
**Responsible Officer** : Acting Executive Director Works and Services (S Jamieson)

**IN BRIEF**

- The local public notice of closure of a thoroughfare being the southern end of Clydesdale Road at South Coast Highway. The closure has previously been approved by Council as part of the McKail Local Structure Plan.

**ITEM 5.5: RESPONSIBLE OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

- i. In accordance with Section 3.50 of the *Local Government Act 1995*, proceed with the local public notice of the closure of Clydesdale Road at its intersection with South Coast Highway;
- ii. Authorise staff to finalise the closure.

**ITEM 5.5: PROCEDURAL MOTION BY COUNCILLOR DUFTY**

**Moved: Councillor Dufty**

**Seconded: Councillor Wellington**

**THAT this Item lay on the table for a period of one month for public consultation.**

**CARRIED 9-2**

## **BACKGROUND**

1. As part of the approved subdivision works being undertaken by Department of Housing in McKail, Main Roads Western Australia have conditioned that the access from South Coast Hwy to Clydesdale Road be closed off and a new intersection and access road (Englehart Drive) be constructed.
2. This proposed closure is included in the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway, McKail.
3. This Plan was advertised.
4. The Structure Plan was adopted by Council at the March 2010 Ordinary Council meeting.

## **DISCUSSION**

5. As part of the development of the McKail Structure Plan a traffic study was undertaken. The following comment was made in that study:  
“The removal of the existing four-way intersection in South Coast Highway is considered to be a major safety benefit for the highway.”  
The results of this study are incorporated into the road layout in the Structure Plan.
6. The closure will turn the existing four way intersection of South Coast Highway, Balston Road, and Clydesdale Road into a three way intersection approximately 150 metres further west. This will improve road safety and traffic flow at the intersection.
7. The newly constructed three way intersection will provide access for traffic to the new subdivision areas around McKail.
8. Some traffic travelling between Pegasus Boulevard and South Coast Highway (east) may decide to use alternative routes, including Boundary Road and Costigan Street rather than Engleheart Drive. Traffic counts will be undertaken on these roads before and following the closure to determine the extent of this.
9. Engleheart Drive will be opened to traffic prior to the works commencing for the closure of Clydesdale Road.
10. Signage will be erected on South Coast Highway and Clydesdale Road directing traffic to use the newly opened Engleheart Drive.
11. Main Roads is able to close access to South Coast Highway from Clydesdale Rd under its own legislation. But because Clydesdale Road is a local road, it is considered that the City should ensure compliance with the *Local Government Act 1995* process of notifying the closure.

## **GOVERNMENT CONSULTATION**

12. Main Roads WA will be sent a copy of the contents of the notice of closure as required by Section 3.50 of the *Local Government Act, 1995*.
13. Notification will be given to other Government agencies that may be affected by the closure including Police, Fire Services, Ambulance Services, Water Corporation, and Western Power.

## **PUBLIC CONSULTATION / ENGAGEMENT**

14. Public consultation occurred as part of the finalisation of the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail.
15. To comply with the specific requirements of the *Local Government Act* on closure of thoroughfares, there will be a 35 day public submission period, advertised in local newspapers.
16. There will be notification to adjoining residents and property owners directly affected by the closure.

## **STATUTORY IMPLICATIONS**

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

*“3.50 Closing certain thoroughfares to vehicles*

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

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

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

*[(3) repealed]*

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

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

*(b) give written notice to each person who-*

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

- (ii) owns land that is prescribed for the purposes of this section; and*
- (c) allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which the local public notice is given.*
- [(7) repealed]*
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.”*

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

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

*“4. Governance...*

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

#### **POLICY IMPLICATIONS**

19. There are no policy implications.

**RISK IDENTIFICATION & MITIGATION**

20. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Rating</b>	<b>Mitigation</b>
Clydesdale Rd remains open and the 4 way intersection results in traffic accidents	Possible	Medium	High	Close Clydesdale Rd
A significant amount of traffic uses other local roads to access McKail rather than Engleheart Rd	Possible	Medium	High	Compare traffic counts before and after the closure. Investigate traffic management measures if a problem.

**FINANCIAL IMPLICATIONS**

21. All costs involved with the closure of the intersection are to be borne by the developer, Department of Housing.

**LEGAL IMPLICATIONS**

22. The McKail Structure Plan was endorsed by the Western Australian Planning Commission on 17 February 2011.

**ALTERNATE OPTIONS**

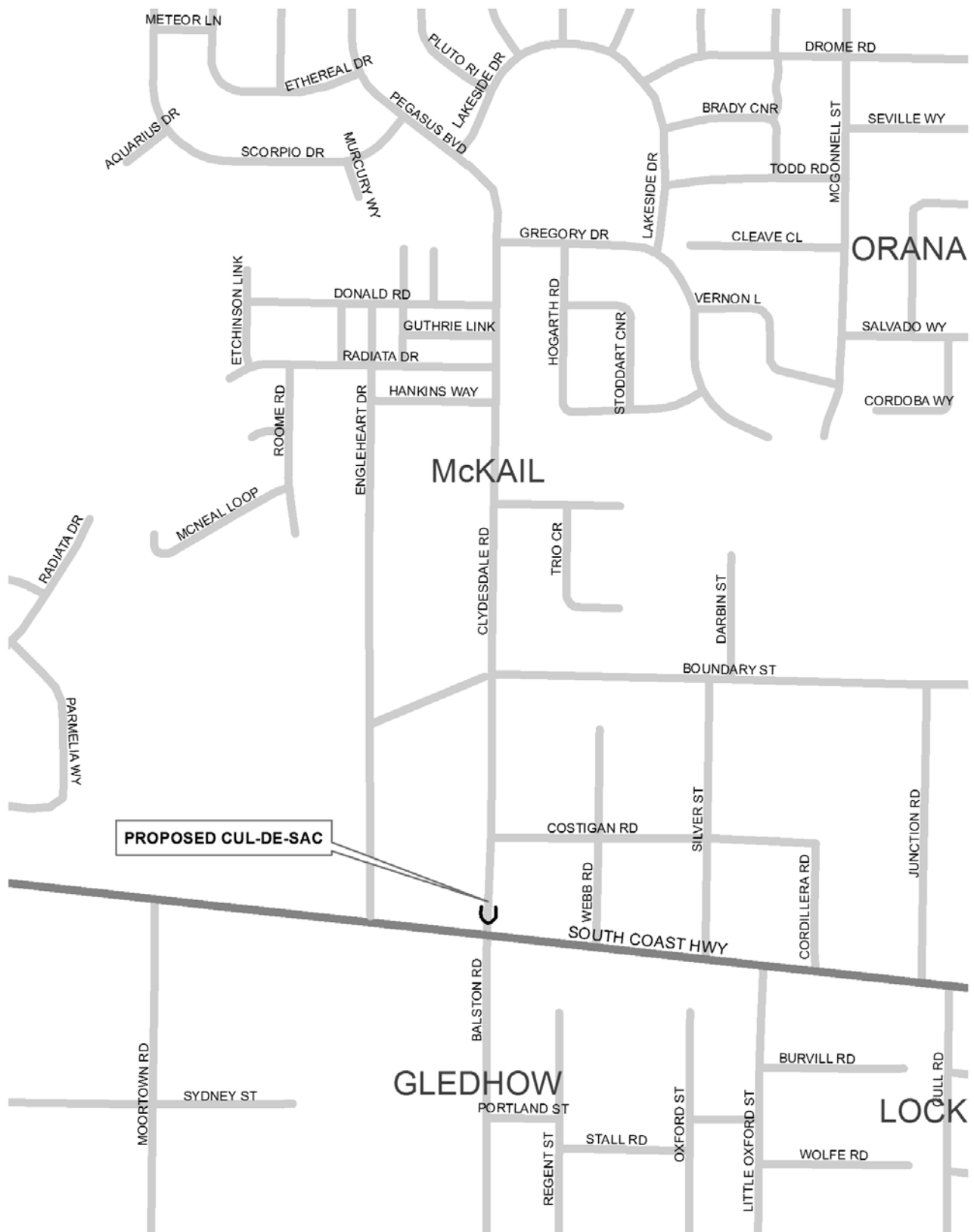
23. Proceed with the local public notice of the closure of Clydesdale Rd.
24. Decline to carry out the local public notice of the closure of Clydesdale Road at its intersection with South Coast Highway, and require Main Roads to use its powers to close the road.

**SUMMARY CONCLUSION**

25. The Council has previously adopted the Local Structure Plan for Lots 1, 2 and 3 South Coast Highway McKail which requires the closure of Clydesdale Road at South Coast Highway and is now required under the *Local Government Act* to proceed with advertising the closure.

<b>File Number (Name of Ward)</b>	ODP012 (All Wards)
<b>Previous Reference</b>	OCM 16/03/10 - Item 13.5.1

**ATTACHMENT 1**



**CLYDESDALE ROAD - PROPOSED CUL-DE-SAC**



This map has been produced by the City of Albany from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no responsibility for its use by other parties.



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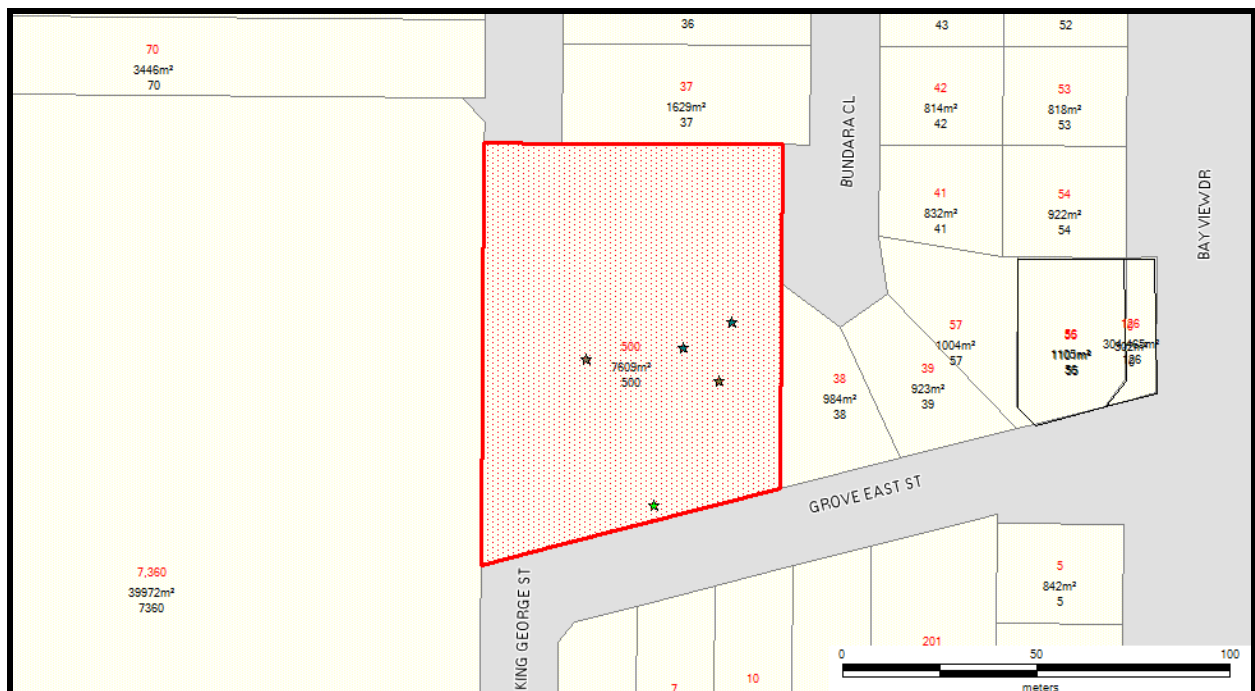
## 5.6. REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – ROUND THREE FUNDING (RLCIP) – VARIATION REQUEST

<b>Land Description</b>	: Reserve 33454 Mills Park, Little Grove
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Crown Land Managed by City of Albany
<b>Business Entity Name</b>	: N/A
<b>Attachments</b>	: Concept Map of Mills Park
<b>Appendices</b>	: N/A
<b>Councillor Workstation</b>	: Developed Reserves Asset Master Plan
<b>Responsible Officer(s)</b>	: Executive Director Works and Services – K Ketterer

### ITEM WITHDRAWN

The project is the subject of Native Title queries and consultation and will not be completed by the funding deadline.

#### Maps and Diagrams:



#### IN BRIEF

- To seek an amendment to vary the Regional and Local Community Infrastructure Program funding agreement – Round Three by requesting a change of scope for the allocated funds totalling \$195,000, from South Stirling Waste Transfer Station project to Mills Park Stage 1 project.

**ITEM 5.6: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- i. SEEKS approval from the Department of Regional Australia, Regional Development and Local Government to vary the Regional and Local Community Infrastructure Program funding agreement – Round Three by requesting a change of scope for the allocated funds totalling \$195,000, from South Stirling Waste Transfer Station project to Mills Park Stage 1 project' and
- ii. AUTHORISE the CEO, that should the actual costs of the project vary from the above estimate, to administer the expenditure amounts within the total Regional and Local Community Infrastructure Program funding agreement – Round Three budget of \$276,000, as per OCM 20 July 2010 Item 15.2.1.A

**BACKGROUND**

1. The Regional and Local Community Infrastructure Program was announced by the Prime Minister at the Australian Council of Local Government inaugural meeting on 18 November 2008 as part of the Nation Building Economic Stimulus Plan. Since its inception, the Regional and Local Community Infrastructure Program has made more than \$1 billion available to local government authorities to build and modernise community infrastructure.
2. City of Albany has been allocated \$276,000. To obtain this funding, projects must be ready to proceed, begin construction within six months of signing the funding agreement, and the projects must be completed and expend all funding by 31 December 2011.
3. At the July 2010 Council meeting, Council resolved the following:

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

Ready to proceed projects:

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



And

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

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

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

## DISCUSSION

4. The South Stirling Waste Transfer Station project has been delayed due to various land matters requiring further time to comply with associated legislation. The waste site is located on vacant crown land, instead of on the nearby Crown reserve 38979 vested to the City with a purpose of ‘Rubbish Disposal Site’.
5. To correct this historical error, Council is required to prepare a Department of Environmental Protection closure plan to re-habilitate the existing site, request the Department of Lands to create a reserve for the Waste site, and address Native Title concerns. The expected timetable for compliance with these legislative requirements has highlighted the need for Council to review its options with the funding agreement, as the works will not be completed by the funding deadline of 31 December 2011.
6. In respect of the South Stirling Waste Transfer Station project, it is intended to complete the legislative activities and then source future external funds to complete this project.
7. The Department of Regional Australia, Regional Development and Local Government have advised they will not support the funds being held in trust until the South Stirling Waste Transfer Site is ready for construction, but are willing to consider another project, subject to a variation request being completed, explanation being provided for the changed request, and notification of Council approval for the change.
8. Staff have considered projects suitable for this funding opportunity, and recommend the Mills Park Stage 1 project, which involves installing reticulation, construction of paths and retaining walls, BBQ, shelter, and laying of turf (attached concept map). The park is a neighbourhood park in Little Grove, which is adjacent to Little Grove primary school and is located on reserve no 33454, vested in the City, with a purpose of ‘Public Recreation’.

## **GOVERNMENT CONSULTATION**

9. Staff have consulted with the Department of Regional Australia, Regional Development and Local Government to seek direction on possible options for application of the funding given the South Stirling Waste transfer site will not be completed.
10. The reserve no 33454 has a management order in the name of the City of Albany, and as such the City can develop the reserve accordingly. Native title claims have been cleared, and the usual government approvals for planning and building will be sought as the project progresses.

## **PUBLIC CONSULTATION / ENGAGEMENT**

11. There is community support for the development of the park, which was bequeathed to the community by Amy Mills. A Park Watch group have been formed as a community initiative, to encourage children to actively play in a safe environment. This group in consultation with Council staff, have developed a concept plan for the park (attached plan), which incorporates a diversity of play experiences appropriate for a range of ages, abilities, and interests.

## **STATUTORY IMPLICATIONS**

12. In accordance with the provisions of the *Local Government Act 1995*, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.
13. The development of the Mills Park Stage 1 project will require City planning and building approvals.

## **STRATEGIC IMPLICATIONS**

14. “Albany Insight ~ Beyond 2020 Corporate Plan” states –  
  
Albany will be a City where Recreation facilities provide a diverse range of sporting and exercise opportunities”
15. The Developed Reserves Asset Master Plan provides direction on the type of reserves required, the standards of infrastructure, and distinguishes between the different usages of reserves. The aim is to ensure the City constructs, maintains and sets standards for developed reserve infrastructure for community recreational needs.

## **POLICY IMPLICATIONS**

16. There are no policies relating to this item.

**RISK IDENTIFICATION & MITIGATION**

17. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
RLCIP funding project – South Stirling Waste transfer Site not completed by deadline of 31 December 2011- loss of funding	Likely	High	Extreme	Request variation to funding, by changing scope to new project – Mills Park Stage 1

**FINANCIAL IMPLICATIONS**

18. External funding for large infrastructure projects will enhance the local economy and social well being of its residents.
19. All costs associated with the development, execution and completion of the Mills Park Stage 1 project will be covered by the funding agreement, which totals \$195,000. The ongoing maintenance of the community park will be covered in the developed reserves annual budget account number 103360, as at present.

**LEGAL IMPLICATIONS**

20. If the City wishes to vary the funding agreement, it must seek written approval from the Department of Regional Australia, Regional Development and Local Government, or it is in contravention of the legal agreement and risks losing the funding.

**ALTERNATE OPTIONS**

21. Council has two options with the funding available from the Department of Regional Australia, Regional Development and Local Government -
- Decline the funding amount of \$195,000, or
  - Request a variation to the funding agreement to apply the funds to the Mills Park Stage 1 project.

The alternative of retaining the funds in trust until the South Stirling land tenure issues have been resolved, has been discussed with the Department of Regional Australia, Regional Development and Local Government, but been declined.

**SUMMARY CONCLUSION**

22. The Council can decline the funding opportunity, as the South Stirling Waste Transfer Site will not be completed by the funding deadline of 31 December 2011, or request a variation to the agreement, to apply the funds to the Mills Park Stage 1 project.

<b>Consulted References</b>	Developed Reserves Asset Management Plan
<b>File Number (Name of Ward)</b>	GSPRG.26
<b>Previous Reference</b>	OCM 20.07.11 Item 15.2.1.A





AGENDA ITEM 5.6 REFERS

DESIGN PHILOSOPHY

The design for Mills Park is based on nature play concepts which include variations of texture, materials and colour. Research has shown these to enhance children's development, interest, imagination and connection with nature. Nature play philosophy includes the use of natural, loose materials and equipment that can be used in more than one way. It also focuses on a diversity of features beyond the play experience including mounds, trees, grass, seats, sculptural art and the adjacent bushland. These, together with the natural surroundings and plantings of native vegetation, extend play opportunities by being un-prescriptive in their roles. For example, a log on the ground could be a tightrope, a bench, a rocket or a bus.

The plan includes a diversity of play experiences appropriate for a range of ages, abilities and interests.

It addresses the four main types of play, being physical, cognitive, creative/imaginative and social, and the cross over experiences that may occur within and between them. Each type of play assists in the development of invaluable life skills including dexterity and judgement, questioning and understanding, innovation and experiment, and negotiation and participation.

The design also incorporates the value of loose materials such as sand, mulch and pebbles in play experiences. These have been described as the experiences as they are used in a variety of ways.

It is also important to include quiet and passive areas as well as active play features, together with all-abilities Playspaces for inclusion of the whole community.

The design features raised sandpits for the less mobile, and tactile and sensory features to engage the community. Sculptural art also plays an enormous part in connecting the community and providing meaning in a manner beyond simple need or function. It is hoped that sculptural art celebrating local Aboriginal heritage and connection with nature will be included within the park.

Subtle fencing of the southern edge of the Park is proposed to improve safety for young children. It is not always practical to visually supervise children and fencing for younger children (2-5) can act as a back up for supervision in that area of the park, although it will still be necessary for carers' to follow their children through the park if necessary.

By lightly screen planting the fence with native vegetation, seasonal changes in colour and growth can be observed, and niche spaces for resting and enjoying nature or reading books created.

Because Playspaces are not used exclusively by children and young people, but by the whole community, social and recreational opportunities need to be considered. The design therefore also includes the need for provision of BBQs, shelter, pathways and seating, which also encourage longer term stay at the park. These features combine to make the park user friendly for other members of the community.

It is our vision that by creating a diverse, interesting and functional space, Mills Park will serve Amy Mills proudly as it brings together the community of Little Grove and Albany as a whole.



**ITEM 16.2: PROCEDURAL MOTION BY COUNCILLOR D BOSTOCK**

**MOVED: COUNCILLOR D BOSTOCK**  
**SECONDED: COUNCILLOR PAVER**

**THAT Item 16.2 be dealt with after Item 5.5.**

**CARRIED 9-2**

**10.49PM Councillor Dufty left the Chamber.**

**ITEM 16.2: MOTION 1 BY COUNCILLOR D BOSTOCK**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the Notice of Motion by Councillor D Bostock in relation to reinstatement of Agenda Item 5.6: Regional and Local Community Infrastructure Program-Round Three Funding (RLCIP)-Variation Request, be accepted as an urgent item.**

**ITEM 16.2: RESOLUTION (Notice of Motion by Councillor D Bostock)**

**MOVED: COUNCILLOR D BOSTOCK**  
**SECONDED: COUNCILLOR PAVER**

**THAT Motion 1 by Councillor D Bostock be ADOPTED.**

**LOST 4-6**

**DID NOT ACHIEVE ABSOLUTE MAJORITY**

**Record of Vote**

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

**ITEM 16.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK**

**THAT Council reinstates Agenda Item 5.6: Funding for Mills Park, Little Grove, for consideration at the June OCM.**

**Reason:**

The residents of Little Grove have spent a considerable amount of time and effort in producing a comprehensive plan for the development of Mills Park and were naturally disappointed when the request for funding was withdrawn from the agenda, due to concerns over possible problems with native title claims. A brief history of the park may, however, serve to allay Council's fears on this score.

The land for the park was alienated from the Crown many years ago and was owned freehold by Mrs Mills, who, in 1975 bequeathed it to the Shire for use as a public recreation area. On amalgamation the park was transferred to the City of Albany and has been under our care and control since then.

In December 1996 the Native Titles Act was passed and this resulted in all land still under the control of the Crown (about 92% of all the land in WA) being subject to its provisions. Land which had already been vested in other authorities, such as Mills Park was, however, exempt

and it would be a great pity if the City missed out on this substantial funding opportunity due to a misunderstanding of the legal position. According to the Manager of the Native Title Unit, Dept of Lands, native title claims over Mills Park have been extinguished so there is no reason why we should not approve the project for that reason.

I understand that the preparation for the project has already been substantially completed and all that is now required is the approval of Council.

The matter is urgent because the necessary application must be approved by the end of June.

**Officer's Comment (CEO):**

1. The Mills Park project was considered as part of the agenda briefing draft papers, however it has since come to the attention of the CEO that the information provided at that agenda briefing session by the Responsible Officer was incorrect. This is one of the reasons the item was withdrawn from the finalised Council papers by the CEO, in addition to the project not being “ready” because of native title queries. The CEO encourages Council not to consider any motion based on incorrect information. To do so sets a dangerous governance precedence.
2. For Council to consider this matter and support the motion, it would need majority support under s3.6 of the Standing Orders, as an urgent item. There is no “urgency” to this matter, as anticipated by the Standing Orders. The Mills Park project is one of multiple projects that the City has considered for future work, subject to funding. Negotiations are ongoing with the State regarding application of its grant funding to other projects with the timeline being 31 December 2011 for project completion. There is no “urgency” as envisaged by the Standing Orders in respect of those discussions with the State.
3. There is no Council funding for the Mills Park project allocated in the 2010/11 budget nor the 2011/12 draft budget (last considered by Council members at an Elected Members Workshop on Tuesday 14 June 2011). To approve non urgent items for expenditure outside any endorsed budget is not good governance nor financial practice. Nor is there any guarantee that the State will agree to reallocate funding to the Mills Park project. Discussions with the State regarding funding are underway.
4. The priority of projects for which the City should seek application of State funding was considered at the Ordinary Council Meeting held on 20 July 2010, Item 15.2.1A. The resolution of Council was as follows:

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR DUFTY**

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

**1. Ready to proceed projects:**

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

**AND**

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

**Reserve Projects**

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

**AND**

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

**MOTION CARRIED 7-2  
ABSOLUTE MAJORITY**

The Centennial Park project is now the subject of a Regional Development Assistance grant funding application (endorsed by Council at the May 2011 OCM).

It has come to the attention of the CEO over the last two weeks that while the City will not be “project ready” to undertake the South Stirling Transfer Station project, (within the funding time frame of the State), the City may be able to proceed with the Wellington Street Detention Basins project and the City is currently investigating proceeding with that project. It is anticipated that when the item comes to Council it will have as much information as possible for the Council to make a decision, and the project to then immediately commence if Council decides to proceed with the Wellington Street Detention Basins project.

**5. The motion seeks to “reinstate” an Officer’s Report which was withdrawn from the Agenda by the CEO. Thus, the Report cannot be considered to be part of the Council papers for this OCM and therefore cannot be “reinstated”. Councillors were advised on 13 June 2011 that the Report had been withdrawn from the Agenda, and the item on the Council website informs the public that “the item has been withdrawn as the project is subject to Native Title enquiries and consultation and will not be completed by the funding deadline”.**

Certainly, the public has not been advised nor given “notice” that the item will be considered. It would be very poor governance practice and contrary to legislation, for Council to consider a non urgent matter of which the public has not had notice.

**6. Given the Council resolution of 20 July 2010, Item 15.2.1A, for Council to consider this motion, it would need to revoke its previous motion that the Wellington Street Detention**



Basins be the “reserve” project, should the South Stirling Transfer Station project be unable to proceed – see paragraph 4 of this Officer’s Response.

The two resolutions cannot stand together, as they are inconsistent. To date, the CEO has not received notice of a revocation motion from any Councillor in respect of the Council decision of 20 July 2010. Under s6.1 of the Standing Orders, five Council Members are required to sign in support of any revocation motion before it can be considered by Council.

7. The information provided by Councillor D Bostock in his Reasons is in part incorrect:

Councillor Bostock has advised

- a. *“The land for the park was alienated from the Crown many years ago and was owned freehold by Mrs Mills, who, in 1975 bequeathed it to the Shire for use as a public recreation area. On amalgamation the park was transferred to the City of Albany and has been under our care and control since then.”*

The land is in fact Crown Land in the name of the State of Western Australia, managed by the City of Albany under a Management Order from the State of Western Australia. The Department of Regional Development and Lands is ultimately the responsible agency for this land. The Management Order was first registered in 2001.

- b. *“In December 1996 the Native Titles Act was passed and this resulted in all land still under the control of the Crown (about 92% of all the land in WA) being subject to its provisions. Land which had already been vested in other authorities, such as Mills Park was, however, exempt and it would be a great pity if the City missed out on this substantial funding opportunity due to a misunderstanding of the legal position. According to the Manager of the Native Title Unit, Dept of Lands, native title claims over Mills Park have been extinguished so there is no reason why we should not approve the project for that reason.”*

The land is not “vested” in the City of Albany. The land is Crown Land and as such is subject to native title (Aboriginal heritage) legislation.

- c. *“I understand that the preparation for the project has already been substantially completed and all that is now required is the approval of Council.”*

The Mills Park project is NOT “project ready” as issues regarding native title consultation have not been finalised.

**XIV. MOTIONS WITH NOTICE**

Nil.

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**

**15.1: NOTICE OF MOTION FROM COUNCILLOR LEAVESLEY**

10.53PM Councillor Dufty returned to the Chamber.

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR LEAVESLEY  
VOTING REQUIREMENT: SIMPLE MAJORITY**

In light of the recommendations and observations of the Best Practice Review 2010, Council adopts a mandatory training policy with regard to both all incoming Councillors and all existing Councillors after the October 2011 elections.

That the Mayor and Councillors training to include the following WALGA Elected Member training units:

- Councillor Roles and Responsibilities;
- Ethics and Conduct of an Elected Member;
- Financial Report and Budgets;
- Strategic Planning;
- Change Management;
- Policy Development;
- Land Use Planning;
- Sustainable Asset Management;
- CEO Performance Appraisals and Manage Conflict;

And;

That the City allocates appropriate financial resources in the 2011/12 Budget to enable this to take place.

**ITEM 15.1: RESOLUTION (Notice of Motion by Councillor M Leavesley)**

**MOVED: COUNCILLOR LEAVESLEY**

**SECONDED: COUNCILLOR J BOSTOCK**

**THAT Councillor Leavesley's Notice of Motion be ADOPTED.**

**LOST 4-7**

**Record of Vote**

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

**Reason:**

The Best Practice Review clearly identified the lack of Councillor training as a contributor to the challenges the city of Albany faces. By adopting this policy now all prospective Councillors will understand this training is required. Other Councils have conducted this training as a group in their Council Offices, greatly reducing the cost. We could also invite neighbouring councils to take part in training here in Albany and all benefit from the economies of scale.

**Officer's Comment:**

The Notice of Motion has budgetary implications therefore it is prudent for Council to be provided with that information prior to consideration of the motion. As the Council will not decide the budget until its June OCM, there is no urgency at this time to act on the motion. At the June OCM Council will be asked to make decisions on various competing budgetary priorities, and this is one of those priorities that should be considered in the context of the FULL budget. I recommend the motion be considered as part of the June OCM budget debate. In the meantime, the Councillor could make submissions to the Council Workshop and the Audit Committee meeting that will be organised to consider the budget recommendations by the City's Executive.

**15.2: NOTICE OF MOTION FROM COUNCILLOR D BOSTOCK – RECYCLING STRATEGY**

**ITEM 15.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the waste recycling strategy which will be presented at a future Councillor Workshop be prepared in collaboration with any Elected Member who wishes to become involved.**

**ITEM 15.2: PROCEDURAL MOTION BY COUNCILLOR D BOSTOCK**

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

**THAT this Notice of Motion be deferred for one month.**

**CARRIED 11-0**

**Reason:**

Recycling of waste involves the City in annual costs of several hundred thousand dollars. Councillors may have experience in managing such costs and should be encouraged to participate in staff deliberations at an early stage.

**Officer's Comment:**

Councillor Bostock gave notice at the Ordinary Meeting of Council held on 19 April 2011, which read as follows:

*“That Council institute a Committee, consisting of any member who wishes to be involved, to review the waste recycling operations in the city of Albany”*

Notice of Motion submitted in accordance with:

- a. Clause 5.4 of the *Standing Orders Local Law 2009*, being:  
**“5.4 Motions**  
(1) *A member proposing a primary motion or amendment must state its substance before addressing the meeting.*  
(2) *The presiding person or the meeting by resolution may require a complicated motion to be divided into two or more motions.”*
- b. The *Local Government (Rules of Conduct) Regulations 2007*, regulation 9 which states:  
**“ 9. Prohibition against involvement in administration**  
(1) *A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.*  
(2) *Sub regulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.”*

**15.3: NOTICE OF MOTION BY COUNCILLOR LEAVESLEY – AGENDA BRIEFING**

Councillor Leavesley requested that this Notice of Motion be deferred to the July 2011 OCM as he had not gained the five signatures required for the Revocation Motion.

**NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL**

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 4.1(i) – Local Public Notice – Council Meeting Calendar, which was moved at the Ordinary Council Meeting held on 15 February 2011, be reconsidered.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ITEM 15.3: REVOCATION MOTION BY COUNCILLOR LEAVESLEY  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the Motion resolved at Report Item 4.1(i) – Local Public Notice – Council Meeting Calendar dated 15 May 2011 as follows:**

***“THAT Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council. “***

**Be revoked.**

*[Section 5.25 (1)(e) of the Local Government Act 1995 refers]*

**Reason:**

It is my understanding that council has never operated before on a draft agenda basis. The ‘final agenda’ not being available until after the Agenda Briefing could lead to staff recommendations being amended to meet political pressures rather than the recommendations being the best professional advice. Compliance with our standing orders as I have understood them (and have been operated since their inception) is not possible under this draft agenda process. The whole purpose of the Agenda Briefing is to show open and accountable governance and allow the ratepayers/councillors the opportunity to have timely accurate information with the decision making process being equitable and transparent.

**ITEM 15.3: MOTION BY COUNCILLOR LEAVESLEY – BRIEFING AGENDA****VOTING REQUIREMENT: SIMPLE MAJORITY**

**Council resolve that the Agenda Briefing for the Ordinary Council Meeting be the 2<sup>nd</sup> Tuesday (7 days prior to the OCM) in the Month. That this Agenda is the final Agenda and the information provided by staff continues to be their unbiased professional opinion. This Agenda should be provided to Councillors and the public no later than 12 noon on the Thursday prior to the Agenda Briefing.**

**Reason:** Refer to revocation motion.

**Officer's Comment:**

The need for improvement within Council meeting processes and timelines was identified by the CEO shortly after her commencement in February 2011 and over the past three months, as she has observed increased numbers of Council meeting and Agenda Briefing sessions.

The intent behind the changes previously presented to Council was to allow Elected Members greater time to scrutinise Officer Reports and conduct appropriate additional research into the cause and effect of an Officer recommendation or Elected Member's motion.

There were recent queries raised by a Councillor at a Council meeting, regarding providing Officer Reports and Councillor Motions within required "notice" periods. As a consequence, the CEO identified a further deficiency within the Council Meeting process specifically relating to agenda development and release.

Those changes allow:

- In the subsequent week to the Briefing Session, the City's Officers will refine their reports to incorporate, where appropriate, more information to address feedback from the public and Council Members provided at the Agenda Briefing Session. Report refinement will allow Members to have the fullest available information they require to consider the recommendations to Council. This is what has occurred process wise for some time.
- The papers (including the Agenda) for the Council meeting will then be finalised on the Tuesday ONE week before the Council meeting, and distributed to Councillors and the public. This further allows both groups increased time to read, consider and discuss the papers, and prepare themselves for debate on any item.

At the Council meeting, the public will (like now) be able to question any Council paper.

The CEO's recommendation to Council has been that Council trial this process for six months.

The *Local Government Act 1995* and Regulations, and the Council's Standing Orders are not definitive on "notice" timeline requirements, as part of the Agenda development process, and this lack of clarity causes legal uncertainty. Accordingly, the CEO determined that to make that process clearer, the agenda should be marked "draft" and all Officer Reports will also be draft

documents, until the finalised agenda and Reports (and Council Member Motions) are distributed to Council Members and the public under the cover of the finalised agenda.

Under Clause 3.3(2) of the Standing Orders “the purpose of the agenda briefing session is to provide an opportunity for elected members and persons in the public gallery to ask questions on the content of the **proposed** agenda” – the use of the word “proposed” clearly indicates that any agenda that may be provided at an agenda briefing session is not the finalised document. The use of the word “proposed” supports the position that an agenda can be draft until the final distribution of the Council papers.

The CEO agrees with Council that significant work needs to be undertaken to make the Standing Orders much clearer, less ambiguous and provide definitive “rules” for meeting process. Until that occurs and new Standing Orders are made local law, the CEO proposes meeting processes improvements that are possible within the current Standing Orders should be embraced.

Ultimately, in support of the Council’s wish for increased transparency and quality of information provision for Albany’s citizens, clause 1.3 of the Standing Orders should be considered.

Clause 1.3 of the standing Orders state:

” (1) The purpose of (the Standing Orders) is to provide a set of procedures to assist in the good conduct of meetings of the Council....

(2) ...intended to result in:

- (a) better decision-making by the Council;
- (b) orderly and efficient conduct of meetings dealing with business of the Council;
- (c) greater community participation and understanding of the business of the Council; and
- (d) more open and accountable local government.”

Clause 1.3 forms the basis of Council’s recent decision for meeting process changes, including ensuring processes are in place to provide increased time for sharing and consideration of information that will go before Council at its meetings. The processes resolved by Council at their meeting of 15 February 2011 is intended to reflect and implement the spirit and intent of clause 1.3.

**15.4: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK – GOVERNANCE MATTERS**

At the request of Councillor D Bostock, this Notice of Motion was deferred until the July 2011 OCM.

**ITEM 15.4: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**That the agenda for Councillor Workshops be set by councillors, to informally discuss governance matters.**

**Reason:**

There is at present no forum for Councillors to meet, where they can consider the future long term development of our City, without being distracted by short term issues.

**Officer's Comment:**

The CEO has sought advice from Council Members regarding future Council Workshop briefing topics. Strong response was received to that request, and a list of proposed topics was provided recently to Council Members in that regard. All of those topics are strategic or of a high level operational nature. As no further feedback was received from Members in respect of that list of topics, the CEO is now preparing a forward timetable of items for consideration at future Council Workshops, based on that list. That timetable will be provided to Council Members in the near future.

Should Council wish to hold another meeting/forum (in addition to the Council Committee meeting, the Council Workshop, the Agenda Briefing session and Council meetings) to allow Councillors more time to meet to consider future long term development of the City and or governance matters, the CEO will facilitate organisation of that additional meeting.



**15.5: NOTICE OF MOTION BY COUNCILLOR LEAVESLEY – CODE OF CONDUCT**

**ITEM 15.5: NOTICE OF MOTION BY COUNCILLOR LEAVESLEY  
VOTING REQUIREMENT: SIMPLE MAJORITY**

In light of the recommendations and observations of the Best Practice Review July 2010, Council instructs the CEO to undertake research and prepare recommendations for a Councillor Workshop with regard to the City's Code of Conduct. In particular in relation to provisions when dealing with lobbyists, elected member dealings with developers/proponents, and employee liaisons with proponents. This work to be completed and the new code of conduct adopted prior to the October 2011 Local Government Elections.

That the City allocates appropriate financial resources in the 2011/12 budget to enable this to take place.

**ITEM 15.5: RESOLUTION (Notice of Motion by Councillor Leavesley)**

**MOVED: COUNCILLOR LEAVESLEY**

**SECONDED: COUNCILLOR PAVER**

**THAT Councillor Leavesley's Notice of Motion be ADOPTED.**

**LOST 4-7**

**Record of Vote**

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

**Reason:**

Extract from Best Practice Review: *"Including these provisions in the Code of Conduct will enhance transparency and bolster public confidence in the Council."*

**Officer's Comment:**

The Council has requested the CEO to:

1. Undertake a review of the Standing Orders, given the identified inadequacies and ambiguities within those local laws. Those reviewed Standing Orders will be considered by Council in the near future.
2. Support Council in undertaking a review of its Governance processes (including reviewing its Code of Conduct and governance policies). Further to the *Better Practice Review*, (Council has made a commitment to the Minister for Local Government that such Governance Review will be completed in the near future. (OCM 20 April 2010, Item 16.4.1.)

The CEO has commenced work on both those activities.

Completion of the review of the Code of Conduct should be possible for completion within the anticipated 2011/2012 budget.

**15.6: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK – SCHEME AMENDMENT REQUESTS (SARs)**

**ITEM 15.6: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

In line with the Better Practice Review and with immediate effect, Council discontinue the use of Scheme Amendment Requests (SARs) and only consider formal Scheme Amendments in accordance with legislation. Relevant City Policy and guidelines are to be amended accordingly.

**ITEM 15.6: RESOLUTION (Notice of Motion by Councillor J Bostock)**

**MOVED: COUNCILLOR J BOSTOCK  
SECONDED: COUNCILLOR PAVER**

**THAT Councillor J Bostock's Notice of Motion be ADOPTED.**

**LOST 4-7**

**Record of Vote**

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

**Reason:**

Whilst the intent of an exploratory request might sound practical and save proponents time and money in preparing an application, Council are disadvantaged in attempting to make judgement without all the necessary facts. Since the process is not provided for in law, provisional "acceptance of permission" can increase expectation causing considerable potential for ambiguity and confusion with additional risk to litigation.

**Officer's Comment:**

The Notice of Motion has minor budgetary implications. It would be prudent for Council to be advised of cost information prior to consideration of the motion, given the "tight" budget position - a potential revenue loss may be unacceptable.

At the June OCM Council will be asked to make decisions on various competing budgetary priorities, and this is one of matters that could be considered in the context of the FULL budget. I recommend the motion be considered as part of the June OCM debate. In the meantime, the Councillor could make submissions to the Council Workshop and the Audit Committee meeting that will be organised to consider the budget recommendations by the City's Executive.

**Officer's Comment (G Bride)****Background**

1. The Scheme Amendment Request (SAR) process was developed as part of the Great Southern Planning Protocol coordinated by the Great Southern Development Commission in 2005, in consultation with the Department of Planning (Albany) and local governments of the Great Southern.
2. The intent of the SAR process was primarily to identify on a strategic level whether a rezoning proposal had planning merit and whether there were any significant issues that needed to be identified/resolved in a formal rezoning application prior to the preparation of that document. The proposal would also be referred to relevant government agencies to identify any initial concerns.
3. The SAR process has been in place within the City of Albany for at least eight (8) years and has generally been well received by the development industry, the Department of Planning and other government agencies.

**Discussion**

4. The Albany Local Planning Strategy was adopted by Council in June 2010 and formally endorsed by the Western Australian Planning Commission in August 2010.
5. As the City now has an adopted Planning Strategy, which identifies a broad vision for the future growth of the City, the relevance of the SAR process is diminished somewhat.
6. The Better Practice Review raised concerns that support for a SAR application gave a form a tacit approval to an amendment application. It is important to note however that all Council resolutions relating to SAR proposals only state that Council would be '*willing to entertain the submission of a formal rezoning application*' and does not specifically give consent to such proposals. The resolution also identifies the key studies or reports that should be included in any such rezoning application to assist Council in understanding all the issues. It is known by the proponent that a formal scheme amendment will need to be reviewed by the Environmental Protection Authority, advertised to the community and scrutinised by government agencies. Ultimately the Minister for Planning decides whether to accept or reject the rezoning proposal. There is no commitment that Council would initiate or adopt the amendment after advertising.
7. It should be noted that Draft Local Planning Scheme No. 1 will be presented to Councillors at its July Elected Members Workshop and ultimately to the August 2011 Council Meeting requesting the acceptance of modifications made to the initiated version and formally seeking the consent of the Western Australian Planning Commission to advertise the document. At the same meeting staff will recommend that a moratorium on the acceptance of scheme amendments (not already lodged) be evoked once consent to advertise has been granted by the Commission.
8. There is also only a small number of SAR proposals remaining in the system as planning consultants have been made aware of the impending advertising of the Scheme.
9. A number of other local governments are utilising the SAR process (with similar processes) outside of the Great Southern Region. Some local governments also have a process in place to receive applications to amend their Local Planning Strategy and should Council and the WAPC ultimately decide to amend the strategy, the proponent would lodge a formal rezoning application. It is important to note that in some circumstances there may be valid reasons to consider a proposal which is not completely consistent with an adopted Strategy.

10. Should the motion be adopted, no consultation with the development industry would have occurred; a consultancy may currently be preparing a SAR proposal and may not be able to lodge the proposal due to the effect of the resolution.
11. Given the impending review of the Local Planning Scheme and the subsequent moratorium on new scheme amendments (and by association SAR's), it is recommended that this issue be referred to an Elected Members Workshop by no later than the end of November 2011, after consultation on the merits of retaining the SAR process has been undertaken with the development industry, Department of Planning, relevant government agencies and comparable local government authorities outside of the Great Southern. This will also allow sufficient time for staff to review a number of different mechanisms that may be used by other local governments.

**15.7: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK – COUNCIL CHAMBER CONFIGURATION**

**ITEM 15.7: NOTICE OF MOTION BY COUNCILLOR J BOSTOCK  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**In line with the Better Practice Review, the configuration of the Council Chamber is altered to better reflect the purpose and roles of those in attendance. No Councillors should have their backs to the public gallery and officers should be formally separated and sit apart from the decision making Council. The detailed plan to be formulated at the next Councillor Workshop and the change implemented as soon as practicable.**

**ITEM 15.7: RESOLUTION (Notice of Motion by Councillor J Bostock)**

**MOVED: COUNCILLOR J BOSTOCK**

**SECONDED: COUNCILLOR LEAVESLEY**

**THAT Councillor J Bostock's Notice of Motion be ADOPTED.**

**CARRIED 10-1**

**Record of Vote**

Against the Motion: Councillor Sutton

**Reason:**

The Ordinary Council Meeting is the instrument through which Council makes decisions and governs, thus the Chamber and its layout are significant in signalling the formality and importance of the occasion. The current seating arrangements do not allow the public to observe the decision making process and Councillors back to the public is disrespectful. Whilst the City Executive Directors are seated at the "head" of the Chamber there is the possibility of confusion as to their role in the proceedings. A simple seating rearrangement could open up the Chamber making the proceedings more accessible to the public and better reflect the governance role of the Mayor and Councillors.

**Officer's Comment:**

While the CEO agrees with the Councillor that no Councillor should have their back to the public gallery, to configure the room with separate seating arrangements for Executives may cost more than \$10,000 (informal cost estimate previously sourced when Better Practice Review was released).

The CEO has considered rearranging the seating at the current table configuration, such that the four Executives sit with their back to the public gallery (with the CEO and minute secretary remaining seated near the Mayor). This change may only incur minimal expense. However, the CEO had decided to defer such rearrangement until after the October Council election.

At the June OCM Council will be asked to make decisions on various competing budgetary priorities, and this is one of matters that could be considered in the context of the FULL budget.

I recommend the motion be considered as part of the June OCM debate. In the meantime, the Councillor could make submissions to the Council Workshop and the Audit Committee meeting that will be organised to consider the budget recommendations by the City's Executive.

**XVI. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING**

11.31PM Councillor Matla left the Chamber

11.33PM Councillor Matla returned to the Chamber

**ITEM 16.1: REVOCATION MOTION BY COUNCILLOR WELLINGTON**

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 12.8.2 Community and Economic Development Strategy and Policy Committee Meeting Minutes-27 January 2009, Committee Recommendation 3 which was moved at the Ordinary Council Meeting held on 17/02/2009, and Report Item 14.6.1 Lease of Albany Leisure and Aquatic Centre Cafe which was moved at the Ordinary Council Meeting held on 20/07/2010, be reconsidered.

Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____
Name: _____	Signature: _____	Date: _____

**ITEM 16.1: MOTION 1****VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: COUNCILLOR WELLINGTON****SECONDED: COUNCILLOR MATLA**

**THAT Item 16.1: Revocation Motion by Councillor Wellington be accepted by Council as an Urgent Item.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**ITEM 16.1: PROCEDURAL MOTION BY COUNCILLOR PAVER****MOVED: COUNCILLOR PAVER****SECONDED: COUNCILLOR D BOSTOCK**

**THAT this item lay on the table until legal advice has been sought.**

**LOST 4-7**

**Record of Vote**

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

**Reason:**

Continuing the supervision of the Albany Leisure and Aquatic Centre has financial implications for Council. Given the decisions made by Council at its meeting on 19/05/2011, the resolutions that Council made at the meetings held on 20/07/2010 and 17/02/2009 can no longer stand.

11.40PM Councillor J Bostock left the Chamber

11.42PM Councillor J Bostock returned to the Chamber

**ITEM 16.1: REVOCATION MOTION BY COUNCILLOR WELLINGTON**

1. **THAT the following condition imposed by the resolution of Council on 17 February 2009, detailed in Item 12.8.2, being:**

***“THAT active supervision be INTRODUCED into the gymnasium within current staffing levels.”***

**and**

2. **THAT the following condition imposed by the resolution of Council on 20 July 2010, detailed in Item 14.6.1, being:**

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

**Be REVOKED.**

**ITEM 16.1: RESOLUTION (Notice of Motion by Councillor Wellington)**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR MATLA**

**THAT the Notice of Motion by Councillor Wellington be ADOPTED.**

**CARRIED 7-4**

**Record of Vote**

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

**Reason:**

Council decisions made at the Ordinary Meeting of Council held on 19 May 2011 are inconsistent with previous decisions of Council.

**Officer's Comment (CEO):**

As a result of Council's resolutions at its meeting of 19 May 2011, it is necessary to revoke previous Council resolutions.



**Gymnasium Supervision**

The Albany Leisure and Aquatic Centre Gymnasium has been supervised by ALAC staff during operational hours since February 2009, pursuant to Council's prior resolution of 2009.

This staffing model is unnecessary from a risk management perspective but is very costly in respect of staff expenses. During off peak times the gymnasium need not be supervised but rather effective risk management such as signage could be displayed for user's self responsibility and appropriate clauses also included in membership contracts.

At the Ordinary Meeting of Council on 16 December 2008, Council resolved to seek legal and insurance advice on the possible ramifications of operating an unsupervised gym (Item 12.8.2).

In December 2008 the City of Albany sought legal advice on the City's potential exposure to civil liability in relation to the gym facilities at ALAC for the purposes of consideration of supervision in peak times.

That advice was that the City can better risk manage its duty of care in relation to gym users at ALAC, by providing appropriate warning of the risk.

At the Ordinary Meeting of Council on 17 February 2009, Council resolved that active supervision be introduced into the gym within current staffing levels, and some appropriate signage be installed (Item 12.8.2).

At the Ordinary Meeting of Council on 17 May 2011, Council resolved that steps be taken to increase the efficiency of ALAC. During discussion of that motion, the City of Albany CEO informed Council that an item would be presented at the June 2011 OCM recommending rescinding Council's resolution of February 2009 regarding the active supervision of the gymnasium.

To increase cost efficiency in the gym, the necessity to supervise at off-peak times where there are very small numbers of people using the gym equipment is unnecessary from a risk management perspective.

In April 2011 the City of Albany sought legal advice regarding the type, location and precise wording of signage within ALAC, including the gym.

Consistent with prior advice this most recent advice identifies that ALAC can significantly limit its liability using effective signage and exclusion clauses in membership contracts. The City is now proceeding to implement the legal advice recommendations.

Council should note that the CEO has arranged for ALAC staff to continue to supervise the gymnasium during peak times.

Monitoring the gym at off-peak time incurs \$21,939 in staff resources. While there will be costs to erect signs and amend membership forms, this will be minimal compared to staffing costs currently incurred.

## **Cafe Services**

In 2009-10 the Cafe experienced a deficit of \$57,232, is currently budgeted for a \$30,000 deficit in 2010-11 and will continue to be in deficit (of approximately \$37,000) in 2011-12 on current projections.

In October 2010, the City of Albany contracted Chartered Accountants RSM Bird Cameron to develop a financial business plan for the Time-out Cafe. This plan investigated three possible scenarios:

1. Operate the Cafe “business as usual” - forecasts assume that the Cafe continues to trade under management of the City with no significant changes to operations;
2. Operate the Cafe with a commercial focus - assesses the potential performance of the Cafe under more aggressive trading assumptions,
3. Sub-Leased – to a private operator.

While the plan recommended option 2, with an apparent Net Present Value (NPV) advantage under that scenario, it was based on several assumptions:

- ALAC enforcing a “no external food” policy – this will require considerably more staffing effort and could lead to consumer disputes which would also need to be managed by staff.
- More aggressive visitor numbers patronising both ALAC generally and the Cafe in particular – there is no guarantee of this being realised.
- Further increased gross margins – again, given the recent financial history of the Cafe, there is no guarantee that this will be realised.

In comparison, the NPV calculations for option 3 included amounts which perhaps should not have been costed into the calculations, such as any redundancy payment to the cafe staff – alternate employment could potentially be found for those staff members. The calculations do not appear to have fully accounted for the potential rent and other return that may be possible to the City in leasing.

The plan states that the Cafe’s “gross margins are significantly lower than the industry average and staff costs are significantly higher. A significant reason for the under-performance is high staff costs due to the cafe primarily employing casual staff”.

Discussions with many experienced cafe operators in the City of Albany show that it is common practice in the industry to employ staff on a casual basis for staffing flexibility.

At its Council Meeting in May 2011 the Council resolved to:

*“Invite expressions of interest for commercial operation of the Timeout Cafe (acknowledging acceptance of the cafe’s role in an emergency situation as ALAC is a designated evacuation centre).”*

Accordingly the decision of Council on 19 May 2011 requires revocation.

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

Nil.

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

**IX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**

**ITEM 19: RESOLUTION**

**MOVED: COUNCILLOR LEAVESLEY**

**SECONDED: COUNCILLOR WOLFE**

**THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.**

**CARRIED 10-1**

**Record of Vote**

Against the Motion: Councillor D Bostock

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 19 July 2011 at 7pm.

**XXI. CLOSURE OF MEETING**

There being no further business the Presiding Member declared the meeting closed at 11.50PM.



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Milton J Evans, JP  
**MAYOR**

## APPENDIX A

**STATUS REPORT ON DEFERRED ITEMS  
FROM PREVIOUS MEETINGS**

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
15/06/2010	15.2.3	Lot 5 Rufus Street - Claim for Subdivision Design Changes. <b>CEO LIAISING WITH LAND OWNER/DEVELOPER REGARDING POSSIBLE SOLUTIONS.</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT BUSINESS PLAN.</b>
15/02/2011	4.11	Padre White Lookout Project. CEO to undertake further investigation of this project, including detailed budget analysis for project scope and provide further advice to council. <b>CEO AWAITING ADVICE FROM GSDC.</b>
19/04/2011	1.1	Adoption of Draft Local Planning Policy Manual. <b>REGARDS HOLIDAY ACCOMMODATION AND FRENCHMAN BAY CARAVAN PARK POLICIES, THIS WILL BE PRESENTED TO JULY 2011 OCM.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING.</b>
17/05/2011	3.1	Albany Leisure and Aquatic Centre. That the Business Plan be Brought back to Council for the Approval of the Recommendation. <b>PENDING COMPLETION OF BUSINESS PLAN. TO BE PRESENTED TO JULY 2011 OCM.</b>
July 2010	18.3	Notice of Motion by Councillor Paver-Review Standing Orders Local Law 2009 before the December 2010 Council Meeting. <b>STILL OUTSTANDING.</b>
21/06/2011	5.5	Public Closure of Clydesdale Road at South Coast Highway. <b>LAI D ON THE TABLE FOR A PERIOD OF ONE MONTH FOR PUBLIC CONSULTATION. TO BE BROUGHT BACK TO THE JULY 2011 OCM.</b>

**APPENDIX B****TABLED DOCUMENTS**

<b>Document Tabled By</b>	<b>Subject</b>	<b>File Ref.</b>
Mr Tony Stanton	ALAC	GO.COM.3

**ELECTED MEMBER TABLED DOCUMENTS**

<b>Document Tabled By</b>	<b>Subject</b>	<b>File Ref.</b>
Mayor Evans	Mayors Report	GO.COM.3
Councillor J Bostock	Item 2.3	GO.COM.3
Councillor J Bostock	Item 15.6	GO.COM.3
Councillor J Bostock	Item 15.7	GO.COM.3
Councillor J Bostock	Item 1.4	GO.COM.3
Councillor J Bostock	Item 2.4	GO.COM.3
Councillor J Bostock	Item III	GO.COM.3
Councillor Paver	Alternate Motion 2.3	GO.COM.3

**STAFF TABLED DOCUMENTS**

<b>Document Tabled By</b>	<b>Subject</b>	<b>File Ref.</b>
	Nil.	

**APPENDIX B****MAYORS REPORT**

Councillors, Staff, members of the public.....

Every month I give the Mayoral report which is only a snap shot of my activities which are in addition to scheduled meetings with our C.E.O., Community members, Government Departments and utility officials , Council and Committee meetings.

Since the last Council meeting held on 17<sup>th</sup> May 2011 I have:

- Attended my monthly community radio segment where I present a Post Council Report
- We conducted a Citizenship Ceremony on 19<sup>th</sup> May at which 17 conferees officially became Australian Citizens. This would have to be one of the most pleasant duties I get to preside over as Mayor.
- I was invited to the Albany Community Respite Centre funding announcement by Member for O Connor ,Tony Crook.
- State Budget luncheon which was attended by Hon. Terry Redman, Minister for Agriculture and Food; Forestry and Corrective Services.
- Graham Mayberry invited me to talk on 6PR radio about the Historic Forts Guns which was a wonderful opportunity to promote not only the Princess Royal Fortress but and Albany Centenary of ANZAC plans.
- For the first time in 32 years the Albany Eisteddfod was held in the AEC. The Winners Concert was delightful.
- The U.S. Submariners Memorial Service on 29<sup>th</sup> June.
- I also represented the City of Albany and lay a wreath at the U.S. Veterans Memorial Service, held annually at the Flame of Remembrance, Kings Park.  
I met with Wing Commander Russell Page of the RAAF and briefed him on our Airport Master Plans and plans for the Anzac Centenary.
- Albany Classic Around the Houses Vintage Car Race & wind up function – I officially started the City of Albany sponsored race and was fortunate to go for a burn around the course in a vintage Valiant. It brought back fond memories.
- Officiated at the Regional Achievement & Community Awards launch which the City hosted.  
The launch was conducted in Albany in the hope that it would receive more participation from the Albany community.
- Wednesday the 8<sup>th</sup> of June. A City of Albany Strategic Plan Review was held with representatives of the Manypeaks and South Stirlings progress associations . Ms James our CEO, Cr Holden and Cr Wolfe were also in attendance.
- On Friday 10<sup>th</sup> June I attended Bethel Christian School new multi-purpose hall opening. In a word, fantastic.
- Opening of the new units at the Albany Prison – by Hon. Terry Redman, Minister for Agriculture and Food; Forestry and Corrective Services.
- Captain's luncheon on board HMAS Warramunga.
- I organized an extensive tour of the AEC with Hon Barry House MLC President of the Legislative Council and theatre manager Gary Snowden.
- Albany Boat Shed Sundowner and thank you function for sponsors of the Festival of the Sea
- Cocktail function hosted by HMAS Warramunga
- In return, on the 11<sup>th</sup> of June I hosted a small dinner for the Captain and Senior Executive Officers of HMAS Warramunga and the Commanding Officer of HMAS Stirling.
- Monday the 13<sup>th</sup>, I attended the Albany RSL sub branch general meeting.
- Wednesday 15<sup>th</sup> ACCI Business After Hours at Jaffa Java.

- Friday 17<sup>th</sup> of June I attended the Airport Users Focus Committee meeting. The committee Terms of reference are to review, monitor and provide strategic feedback on the Airport Business Plan and Master Plan. They have a very busy and important year ahead.
- Thanks to Cr Jill Bostock for representing Council at the GSG Foundation Day and opening of their new Music Centre.
- In closing, I'd like to mention the 2011 Census, to be held on Tuesday, 9 August this year which marks 100 years of national Census taking in Australia. I urge residents to take into consideration that the response rate to the Census has a direct impact on the amount of funding that comes into our community, so please support the Census Day by responding to collectors.

**TABLED ADDRESS BY COUNCILLOR J BOSTOCK**

OCM 21 June 2011

**Item 2.3 Final Approval Scheme Amendment Rowney Road**

This motion by Councillor Paver is to endorse the decision already made by Council at the February OCM. Whilst the decision was compliant and legally made under the Local Government Act, requirements of the Planning Act were not fulfilled. That is, specific wording and written reasons for the decision were not included in the motion. Consequently it is necessary for this to be put in place.

Council's determination to refuse the application for this scheme amendment was sound and correct and entirely supported by the rules of natural justice. Mr. Tilbury who is directly affected by this decision was quite rightly given a fair hearing and Council is legally bound to give this due regard. Since this entire subdivision is controlled by a Subdivision Guide Plan, every landholder within its confines has an expectation that it will stay in place and that it will be applied equally to all. It is with this understanding that blocks are purchased and developed.

Whilst Mr. Ackley may have good reason to seek this amendment Council is duty bound to observe the binding TPS, and the rights of landholders who have established their own properties under the control and protection of the Subdivision Guide Plan.

Retrospective changes are not acceptable unless by agreement of all parties. Indeed to permit this amendment could leave the City open to litigation.

Council made a just decision in February and there remains a legal duty to uphold it. This motion includes the specific wording and reasoning demanded by planning legislation and should be properly supported.

Councillor Jill Bostock



## TABLED ADDRESS BY COUNCILLOR

OCM 21 June 2011

Item 15.6 Councillor Motion, to discontinue use of Scheme Amendment Requests.

I understand that the introduction of the use of SARs was to provide developers with the ability to gain an indication from Council that a request to amend the scheme could be favourably considered without the need for an expensive and time consuming proposal being prepared. Whilst this is certainly advantages to developers and might sound a practical solution to an exploratory inquiry it places Council in a very difficult position of making a judgement without sufficient detail to make an informed decision. There is also the tendency to take a blasé attitude towards the request, indeed Councillors have been encouraged to see it as just a request, plenty of time to worry about the detail later.

Here by lies the danger, since the process is not provided for in law; provisional acceptance, tacit approval, can increase expectation causing considerable potential for ambiguity and confusion with the additional risk of litigation. There is no doubt that there is a persuasive element, the argument being that having approved the principal as a SAR there is a duty to initiate and approve the amendment, even when detailed information demonstrates negative implications. Much has been made of the work and cost to the developer, though; clearly this is not a planning consideration and has no place in determining a scheme amendment.

The Better Practice Review highlighted this danger and recommended that the use of SARs should be discontinued. I note the officer's comments and the suggestion of a consultative process. I believe that this will simply reiterate what we already know and take up valuable staff time. There is no doubt the process is enjoyed by developers and planning consultants, but our concern should be to deliver a process that leads to better more informed decision making. The SARs framework discourages a rigorous, thoughtful approach by the proponent and decision maker alike. It can lead to misunderstanding and this lack of clarity in administration carries inevitable risks. Scheme Amendments are a high order planning initiative they demand the greatest care and the use of SARs erodes their importance. I can see no justification for failing to implement this change immediately, particularly as our new scheme is reaching completion and a moratorium will in any case be in place, making this the ideal time to make the change.

In conclusion I believe that whilst the SAR regime is favoured by developers for obvious reasons they are detrimental to good decision making, can lead to unwarranted expectation and being unprotected in law could lead to litigation. There is a perfectly good Planning Framework in place, in applying this; a properly prepared Scheme Amendment can be submitted, affording Council the best opportunity to make a serious informed decision with all the necessary checks and safeguards demanded of this high order planning initiative. Strict adherence to our strategic plan should protect against uncertainty and unproductive applications allowing greater confidence for developers and decision makers. Towards better decision making I ask you to support this motion and the recommendation of the Best Practice Review.

Councillor Jill Bostock.

**TABLED ADDRESS BY COUNCILLOR J BOSTOCK**

OCM 21 June 2011

Item 15.7 Councillor Motion Council Chamber Configuration.

I have previously extolled the virtue of rearranging the Chamber and the Better Practice Review has highlighted its importance. My motion is therefore to simply allow Council the opportunity to deliver it.

The Ordinary Council Meeting is the instrument through which Council makes decisions and governs thus the chamber and its layout are significant in signalling the formality and importance of the occasion. The current seating arrangement with Councillors backs to the gallery, clearly hampers the public's ability to observe the process and is additionally disrespectful. The City Executive Directors seated at the head of the chamber could also give rise to confusion regarding their role in the proceedings.

A simple rearrangement could better reflect the governing body's authority and the fact that ultimate responsibility of the organisation rests with them. The effect will also be to provide a more inclusive atmosphere whereby the public will be incorporated into the arena in the spirit of true democracy.

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

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

This organisation and this chamber belongs to the people of Albany, they are the masters, a fact that is frequently forgotten, it is essential that they are included as much as possible

I note the officer's comments, but they do not detract from the purpose and need for this motion, it is necessary for Council to initiate the change, consider the most effective arrangement to achieve the desired result and put in place the direction for implementation.

As always protection of the public purse is paramount, when we looked at this before the staff put forward a potential arrangement which could be executed at negligible cost.

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

Councillor Jill Bostock

## APPENDIX B

## TABLED ADDRESS BY COUNCILLOR J BOSTOCK

OCM 21 June 2011

Item 1.4 Regional Cities Alliance Commitment/UWA Contract

Whereas I fully support a collaborative approach and was in favour of the formation of the regional alliance, I have been disappointed in its practical operation. To be effective there must be active participation by this Council. Our representatives must be aware of what we as a council hope to achieve with this alliance and receive Council direction on which to base their activity at the regional meetings.

Since its inception there has been little discussion or feedback as to the progress of the alliance. This out of the blue request for funding is unacceptable to me, firstly on the ground that full Council have had no input or discussions as to the projects effectiveness or knowledge of the priority of this over any other initiatives that may or may not be on the alliance agenda. In short I as a member of this Council am not aware of what has been achieved so far or what is programmed for the future.

My second point, we have received no detail of the research project, how it will be conducted, in what way the data will be more reliable or specialised for our needs than the readily available Bureaux of Statistics estimations. This is in effect a Research Grant, to ascertain information and projections that might be useful to the City. To determine if it would be money well spent, much greater detail is required. What is our purpose, what exactly do we need to know and how does UWA intend to deliver it.

Thirdly, it is no secret that our financial position is not strong, unless we can bring down our debt we remain compromised and cannot take advantage of opportunities. Addressing this problem must be our first priority, reigning in our expenditure is never easy and to be effective it takes constant vigilance. Expenditure at this time must be for essentials only, we cannot afford the luxury of running with every good idea, the world is full of good ideas, we have to prioritise.

Councillors this is not uncooperative it is responsible, the research will be of little use to us and we will be of little use to the alliance if our financial position is allowed to deteriorate. It is imperative that this takes precedence. I cannot support this motion.

Councillor Jill Bostock

**TABLED ADDRESS BY COUNCILLOR J BOSTOCK**

OCM 21 June 2011

**Item 2.4 Planning Policy Spencer Street**

Councillors you will recall that at the agenda briefing I asked if this matter had been before Council previously and Mr. Bride duly provided us all with copies of the previous resolution of Council. In December 2008, Council approved Scheme Amendment 167 to rezone Lot 14 from Clubs and Institutions to “Residential” R30.

You will be surprised to learn that in April 2010 SA 167 was gazetted but the amendment was to insert Lot 14 into TPS Appendix II Schedule of Special Sites with an R60 designation. Quite different to the determination of Council and I have been informed that our decision was overturned by WAPC. It makes one wonder what the purpose of Council is.

Be that as it may the TPS is binding and we must work within it. The Development Guide Plan and Policy before us is to deliver the development of this site. I have not had sufficient time with so many issues on the agenda to check the guide plan for compliance, but I have concerns with regard to the Policy.

On page 1 “Where a provision of this policy is inconsistent with a provision of the above mentioned planning instruments, this policy will prevail to the extent of the inconsistency.”

One of the above mentioned policies is the Residential Design Codes of Western Australia.

This State Planning Policy is adopted into our scheme,

TPS 1A Clause 4.12 “Unless otherwise provided for in the Scheme, the development of land within the scheme area for any residential purposes dealt with by the Residential Design Codes is to conform with the provision of those codes.”

A policy cannot override the scheme; the statement on Page 1 of this new policy is not compliant with the TPS and as such cannot be accepted.

My other concern is an oversupply of policies, within the TPS, Appendix II this Special Site 44 is controlled by a number of obligations to ensure sympathetic development in keeping with the residential character of the area and specifying particular protections. This together with the numerous State and Local policies already in place provide adequate guidelines to ensure good development. To introduce yet more controls only serves to confuse and complicate the situation. It has been suggested to me that it is part and parcel of the Development Guide Plan which is a legal requirement under the scheme, if this is so a simple one page guideline would be sufficient.

It has been said that “Beyond a certain point, complexity becomes corruption” this is meant in the broadest sense, that where there are too many rules often conflicting it undermines the purpose and efficacy of the entire system. I therefore cannot support this motion and would like this policy compliant and simplified.

Councillor Jill Bostock

**TABLED ADDRESS BY COUNCILLOR J BOSTOCK**

OCM 21 June 2011

Item III Announcements by Mayor and Councillors without Discussion

I am delighted to have the opportunity to use my two minutes to celebrate the wonderful achievement of the Friends of Emu Point. Last week their love of the environment, their community care and hard work was recognised with two State wide prestigious awards.

At our last council meeting I gave a public thank you to the group and detailed the hard work they have put in on Albany's behalf. From the building of picnic tables, painting park benches in the Albany colours, planting trees, cleaning, tidying and generally upgrading the area, to the valiant effort of their secretary, <sup>Moni Hearn</sup> in preparing a nomination for the Keep Australia Beautiful, Best Beach Award. The City assisted and I thank Robbie Monk and Kevin Ketterer for their support, particularly in the run up to judgement day with last minute work.

The news last week was on TV so most of you will have heard of their great success; The Friends of Emu Point were presented with the award for "Best Community Action" and the overall award for "Best Beach in WA"

What an achievement, I thank the group for their effort, it is something we can all celebrate and will no doubt benefit our community, not only in a delightful area for us to all enjoy but in promoting our city and attracting tourism.

Before I sit down I just wish to publically acknowledge the work of our Executive Director of Works and Services, Kevin Ketterer. Kevin resigned last week and has already moved on to pastures new and his sudden departure left no time to properly thank him for his contribution to the City. His positive and cheerful approach to his work, his colleagues and life in general will be missed.

Councillor Jill Bostock

**TABLED ADDRESS BY COUNCILLOR PAVER**

Mr Mayor

I apologise for the reworded alternative motion. What has been reworded however is only that part of it that details the reasons why I believe Council should not proceed with the amendment. I hope the rewording will make clear to you what staff made clear to me only yesterday.

Subdivision guide plans are of two types. Some stipulate that a dwelling must be built within a specified building envelope. Others stipulate that a dwelling must not be built within a specified development exclusion area. The subdivision guide plan with which we are concerned tonight is of the latter type, and what we are being asked to sanction is an amendment that does not seek to create an additional or an alternative building envelope but rather seeks to reduce the specified development exclusion area so as to open up more of the lot for development.

Under the existing subdivision guide plan there are in effect two development exclusion areas. The first is designated as a bore protection zone. The second is designated as a ridgeline protection zone. The latter extends over and beyond the former in a westerly direction. What the applicant is proposing is that we amend the subdivision guide plan by removing the ridgeline protection zone to the west of the bore protection zone.

If we do this we will thereby permit not only the construction of a dwelling in what is now a development exclusion area but also the construction of outbuildings in the area to the north of the ridgeline. Just how the applicant and staff can argue that this will produce a net gain in amenity for surrounding landowners is beyond my comprehension.

Mr Mayor, when the existing subdivision guide plan was prepared and adopted as part of the Town Planning Scheme, it was clearly intended that the entire ridgeline from its highest point in the east to its lowest point in the west should be protected along with the vegetation upon it. This protection will go, west of the bore protection zone, if we adopt the proposed amendment. Let us not pretend that we can adopt this amendment and still guarantee the retention of the trees on this part of the ridgeline. Experience tells us otherwise. If we adopt this amendment we will thereby open the

door to a reduction in the special amenity of lot 304 and the visual amenity of surrounding lots. The only secure way of preventing this is by retaining the subdivision guide plan as it is.

In my view the report offers no good planning reason why we should adopt this amendment. That being so the adoption of it would set an undesirable precedent. Subdivision guide plans are not planning policies and ought not to be treated as such. We should not be prepared to amend our scheme just because a planning control contained in a subdivision guide plan renders property less saleable or less valuable. This is after all the inevitable consequence of planning restrictions upon development. In my view a landowner who subdivides his land and sells the resultant lots on the strength of a subdivision guide plan promoted by him and adopted by Council and the Western Australian Planning Commission cannot be heard to complain about the effect of that plan on lots not yet sold. To allow him to do so and to adopt an amendment that relieves him of the burdens freely incurred by him when he sought subdivision approval is unconscionable if, as in this case, his relief is secured at the expense of the legitimate expectations of those who bought a lot from him in reliance on the subdivision guide plan.

Nor is this just a matter of equity. To adopt amendments like this without good reason will undermine the purpose of subdivision guide plans and public confidence in the planning process. Subdivision guide plans will come to be seen as little more than a charade, a trap for the unwary. This will not serve the interests of anyone. We need to avoid precipitating such an outcome. I exhort Councillors therefore to have regard to these higher considerations and to decline to adopt the proposed amendment.

## APPENDIX B

## TABLED ADDRESS BY MR TONY STANTON

Address to Council  
21<sup>st</sup> June 2011

Tony Stanton, Little Grove.  
Mr Mayor, Councillors.

In Councillor Sutton's open address in May, he complained about the public speaking without knowing their facts. He later indicated he didn't know where my café lease fee of \$10,000 came from. Try July 2010 item 14.6.1, Council's last lease proposal. Cnr Hammond said only one café staffer remained since the opening. Would you work for \$23 an hour with the "sword of lease out" hanging over your employment for 3 years? At an offer of \$22 for permanent employment most would leave. He asked if the City wanted to be a service provider, a facilitator or enabler. Shouldn't that have been decided before construction in 2007?

Last October, Cnr's Holden & Sutton indicated when things get tough we have to tighten our belts. With ALAC, increasing patronage is an alternative. The positive thinker sees the invisible & feels the intangible but you apparently can't see the obvious.

My concern is the café was set up for lease out in its 1<sup>st</sup> 3 months & Council has had 3 tries to do so. Item 3.1D talks of a percentage commission, at what figure?

Any one think of building walls, floor & ceiling & asking MacDonald's to equip & run it, paying CBD floor rental rates?

No, spend up big & propose to lease it out for a pepper-corn rental after only 3 months.

Great opportunity for someone to ride on ratepayer's coat tails.

The gym is the same. You eliminated it, and then restricted its operations, so why not just provide the building & ask Lords to equip & run it at CBD rental rates?

The "L" in ALAC stands for Leisure. When do people have the most leisure time?

Weekends & Public holidays, so you restrict these operating hours.

Try increasing patronage with promotions.

If ALAC had a theme song it would be "Unchain My Heart". After 3 years it is getting to the half working, grubby stage where it turns people away. Rusty stainless steel, poor pool deck covering, puddles, cheap machinery that can't keep correct pool & spa temperatures, café open only at lowest patronage hours.

It breaches the Navigation Act by not having the sand banks in the main pool properly marked with buoys to stop swimmers running aground.

It's not the patrons or staff causing this, it is poor machinery, poor choice of materials, poor staff levels, poor choice of café hours. No promotions, only restrictions, no initiative, no money & no hope.

WALGA's TV promo, emphasising local Govt's community contribution says "All this stuff just doesn't drop in from nowhere".

At ALAC it rusts away along with its disappearing patrons.

There is much talk of consultation, but the snap Public Holiday closure notice, which breaches some patron's contracts, was too short. Reduced Sunday hours are the same. What about Albany's social capital, its people?

2 carpenters were nailing down floorboards from a big box of nails. One kept throwing odd nails away because they were upside down. The other said "Don't waste them; we can use them to fix the ceiling".

Try fixing ALAC by trading your way out, not cutting your way out.