

MINUTES

ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 21st October 2008
7.00pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 7.02pm.

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

Mayor	MJ Evans, JP
Councillors	
	Breaksea Ward J Bostock
	Breaksea Ward D Wiseman
	Frederickstown Ward C Morris
	Frederickstown Ward <i>Absent</i>
	Kalgan Ward J Walker
	Kalgan Ward R Buegge
	Vancouver Ward R Paver
	Vancouver Ward K Stanton
	West Ward N Williams
	West Ward D Wolfe
	Yakamia Ward J Matla
	Yakamia Ward G Kidman
Acting Chief Executive Officer (Executive Director Corporate & Community Services)	WP Madigan
Acting Executive Director Works & Services	P Brown
Executive Director Development Services	R Fenn
Corporate Governance Coordinator (Minutes)	S Jamieson

Approximately 40 members of the public were in attendance and 4 media representatives.

Apologies/Leave of Absence:
Councillor

Frederickstown Ward D Price

3.0 OPENING PRAYER

The Mayor read the opening prayer:

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

Councillor Buegge arrived at 7.03pm.

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

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

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

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

1st Speaker:

Mr Vernon Butterly, Principal Planner, Whelans Town Planning

Mr Vernon Butterly addressed Council in regards to item 11.3.1 - Scheme Amendment Request – Lots 44, 19 and Pt. 800 Lower Denmark Road, Cuthbert

Mr Butterly requested Council to lay this item on the table and support an alternate motion.

In closing Mr Butterly requested Council review report item 11.6.1 of the 16th September 2008, Ordinary Council meeting prior to making a decision.

2nd Speaker:

Ms Margaret Valley, Rowley St

Ms Valley addressed Council in support of the dedication of Rowley St as a Right of Way (ROW) and asked Council to support the Officers Recommendation.

3rd Speaker:

Mr Ed Nelson, Albany Holiday Park

Mr Nelson addressed Council in regards to the Draft Tourism Strategy and asked why the stakeholder group meeting was cancelled.

Executive Director Development Services, Mr Fenn, responded: Stakeholders will be engaged once the community feedback has been analysed.

Item 5.0 continued

4rd Speaker:

Mr Jacob Chacko, Rose Garden Holiday Park

Mr Chacko asked the Council why no stakeholders were consulted prior to the submission being presented to the public for comment.

5^h Speaker:

Ms Vera Torr, Sussex St

Ms Torr spoke in regards to report item 11.3.5 - Initiation of Scheme Amendment - Lot 101 & 102 Kitson / Gipton Roads, Gledhow

Ms Torr queried the scheme amendment request proposal to rezone Lots 101 and 102 Kitson/ Gipton Roads, Gledhow from Public Purposes to Light Industry.

Executive Director Development Services, Mr Fenn, responded: The purpose of the amendment request is to bring the subject area inline with the Albany Local Planning Strategy (ALPS).

This amendment will now formalise the reclassification and facilitate the future development of the land in accordance with the "Light Industry" provisions of the Scheme.

6th Speaker

Ms Margaret Soumelidis, Earl St, Great Southern Sea foods

Ms Soumelidis, the applicant, spoke in support of item 11.1.1 - Development Application (Fish Processing) Lot 118 Hercules Crescent, and requested Council to support the Council Officer Recommendations.

7th Speaker

Ms Lee-anne Sugg, Albany Gardens Holiday Resort

Ms Sugg spoke against application detailed at item 11.1.1 - Development Application (Fish Processing) Lot 118 Hercules Cres. Ms Suggs stated that she is aware of three (3) Council policies that prohibit that indicate that this venture should not go ahead; being: The Tourism Accommodation Strategy, Residential Design Code Policy (Residential Tourism Area), and Barker Road Policy.

Ms Sugg stated that the tenants of the Albany Gardens Holiday Resort are not happy with this proposal and was concerned that the policies are being ignored.

Item 5.0 continued

8th Speaker

Mr Geoff Campbell, Doubleview, Commercial Fisherman

Mr Campbell addressed Council in support of the application detailed at report item 11.1.1 - Development Application (Fish Processing) Lot 118 Hercules Cres. The main points from his address:

- a. It is essential to have this facility (processing and outlet) in Albany;
- b. It supports many local and regional fisherman; and
- c. Facilitates the supply of a quality regional product to fish and chip shops and restaurants.

9th Speaker

Ms Delma Baesjou, Ayton Taylor Burrell

Ms Baesjou addressed Council in regards to report item 11.3.2 - Scheme Amendment Request – Various Lots in Kalgan Locality.

Ms Baesjou requested that Councillors support the Officers Recommendation as it fits in with contemporary planning and is inline with the Lower Great Southern Planning Strategy.

10th Speaker

Mr Tony Harrison, Littlegrove

Mr Harrison addressed Council in regards to the restoration of Emu Point. Mr Harrison recommended that it is now the time for Council to look at the options and suggested that the sand being stock piled from dredging the Port could be used for replenishing the beaches.

Mr Harrison tabled his address to Council. This can be found at appendix C to the minutes.

11th Speaker

Mr Ian Skalko, 146 Hare Street

Mr Skalko addressed Council in support of the applicant for the Development Application (Fish Processing) Lot 118 Hercules Cres (Item 11.1.1). Mr Skalko requested Council to support the fish processing industry.

12th Speaker

Mr Phil Dyer, 84 Morgan Road McKail Professional Fisherman

Mr Dyer spoke in support of the application detailed at item 11.1.1 - Development Application (Fish Processing) Lot 118 Hercules Cres as long as the correct protocols are followed.

Item 5.0 continued

13th Speaker

Mr Michel Fontaine, Resident

Mr Fontaine spoke in support of the application detailed at item 11.1.1 - Development Application (Fish Processing) Lot 118 Hercules Cres. Mr Fontain stated that the applicant is a good business owner, neighbour and actively supports the community. Mr Fontain tabled documents in support of the applicant. These documents can be found at appendix C to the minutes.

14th Speaker

Mr Rob Wilkinson, Owner of the Squid Shack, Emu Point

Mr Wilkinson addressed Council in support of report item 11.1.1 - Development Application (Fish Processing) Lot 118 Hercules Cres. Mr Wilkinson requested Council to support the application as provides access to high quality local fresh local fish.

15th Speaker

Mr Mark Rainer, Verve Energy

Mr Rainer spoke in support of the Officer Recommendation to extend the lease of the Windfarm from 21 years to a 30 year lease as detailed at item 11.1.4 - Development Application - Wind farm (additions) – Sandpatch Reserve 13773.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

ITEM 6.0

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WILLIAMS

SECONDED COUNCILLOR MORRIS

THAT the minutes of the Ordinary Council Meeting held on the 16th September 2008 as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 12-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item Number	Nature of Interest
Mayor Evans	12.1.3	<u>Impartiality.</u> Mayor Evans is the Chairman of the Albany Community Bank. Mayor Evans remained in the Chamber.
Councillor Williams	11.1.1	<u>Impartiality.</u> The proponents of Great Southern Seafoods are personal friends of the Councillor. Councillor remained in the Chamber for the debate and vote.
	11.1.2	<u>Impartiality.</u> The proponents are relatives of the Councillor (Brother in law and Sister in law). Councillor left the Chamber.
	11.1.5	<u>Impartiality.</u> The tenants of the subject site are personal friends of the Councillor. Councillor remained in the Chamber for the debate and vote.
	12.1.3	<u>Financial.</u> Councillor is a share-holder in Albany Community Bendigo Bank. Councillor left the Chamber.
	12.1.5	<u>Impartiality.</u> Councillor is a member of the Youngs Siding Progress Association. Councillor remained in the Chamber for the debate and vote.
Councillor Wiseman	11.1.2	<u>Financial.</u> Councillor owns tourist accommodation which conflicts with the Agenda item. Councillor left the Chamber.
	11.2.1	<u>Financial.</u> Councillor supplies liquor through his employment to the club. Councillor left the Chamber.
	11.3.6	<u>Impartiality.</u> Councillor is employed by a company that is in opposition to the future landlord proposed for the site. Councillor left the Chamber.
Councillor Paver	12.1.5	<u>Financial.</u> Councillor Paver's client is an applicant for funding. Councillor left the Chamber.
Executive Director Corporate and Community Services – Peter Madigan	19.1	<u>Financial.</u> Officer is a potential applicant. Officer left the Chamber.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 19.1 Chief Executive Officer Performance Appraisal Committee Meeting Minutes – 14TH October 2008 is a CONFIDENTIAL item in accordance with 5.23 (2)(a)(b)(c) of the Local Government Act 1995; being:
- a. A matter affecting an employee or employees;
 - b. The personal affairs of any person;
 - c. A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda on green paper] Pages 11-134

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda on yellow paper] Pages 135 - 176

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda on pink paper] Pages 177 - 212

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

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DEVELOPMENT SERVICES

REPORTS

DEVELOPMENT SERVICES REPORTS

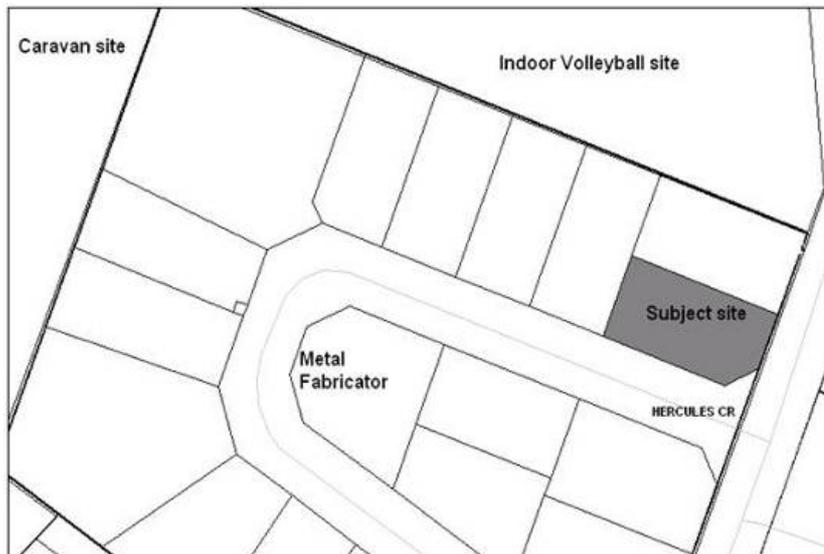
11.1 DEVELOPMENT

Councillor Williams declared an impartiality interest in report item 11.1.1. The proponents of Great Southern Seafoods are personal friends of the Councillor.

Councillor Williams remained in the Chamber for the debate and vote.

11.1.1 Development Application – Use Not Listed – Seafood Processing with Retail Sales – Lot 118 Hercules Crescent, Centennial Park

- File/Ward** : A141060 (Frederickstown Ward)
- Proposal/Issue** : Proposal to conduct seafood processing with retail sales
- Subject Land/Locality** : 37 Hercules Crescent, Centennial Park
- Proponent** : Harley Survey Group
- Owner** : Z & Z Vrban
- Reporting Officer(s)** : Senior Planning Officer (I Humphrey)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Approve subject to conditions
- Bulletin Attachment** : Site plan and application
Letters of submission
Water Corporation response
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. An application has been received for the erection of a new building for the use of seafood processing with retail sales at 37 Hercules Crescent, Centennial Park. The site is 1276m² with the proposed building having a total floor area of 706.5m² made up of 643m² on the ground floor, 38.5m² on the upper floor and 25m² in porch area.
2. The building is to be constructed mainly of tilt-up concrete with a textured finish and 'Colorbond' custom orb roofing to the front retail/office portion. A glazed 'shop front' facing Barker Road is proposed with a customer entrance porch fronting both Barker Road and Hercules Crescent.
3. Access is proposed from Hercules Crescent only, with a 13 car bay car park provided. Below ground rainwater tanks for harvesting of roof water are also proposed for the cleaning down of the processing floor.
4. The proponent currently operates out of a leased premises at Lot 12 Kitson Road, Gledhow, however the City of Albany has served a notice on the owner of this property to cease the operation of the seafood processing business within a certain period of time. Notwithstanding the issue of permissibility under the town planning scheme, the main operational issue at the Kitson Road site is odour.
5. The odour currently experienced with the Kitson Road site is due to the inability of the leach drain systems to cope with the amount of waste water generated in a business of this type. The soils on the site are clay based and subject to water logging, which reduces the ability for the leach drains to work effectively.
6. The business currently buys the entire local catch, thereby providing security to the local commercial fishing fleet, and provides wholesale and retail seafood supplies to approximately 90% of Albany's restaurants and food outlets. They employ 4-5 people and state that they are the only business providing a large range of fresh seafood in Albany and the surrounding districts.
7. The nearest residential/tourist residential areas are approximately 150m from the outer edges of the site to the west (Mt Melville Caravan Park) and south (Barker Rd residential zone). The new park home village on Lot 733 Wellington Street is located approximately 190m to the northwest of the site.
8. As the proposed use is not defined within the Town Planning Scheme, it is specifically precluded by the Barker Road Industrial Area policy and there are some proposed variations to the development standards if it was to be developed within the Industrial zone, the development has been referred to Council for consideration.

DEVELOPMENT SERVICES REPORTS

STATUTORY REQUIREMENTS

9. The subject land is zoned “Industrial” within Town Planning Scheme No.1A (TPS1A), and is currently vacant. Council approval to vary standards and provisions of Town Planning Scheme No.1A are requested for the following:

Requirement	Scheme Standard	Proposed
Plot Ratio	0.5	0.54 – which equates to a 55m ² increase, or 4% of the total area.
Secondary Street setback (Hercules Crescent)	9m	5m – although in accordance with Clause 4.8 of the Scheme secondary setbacks can be reduced by 50%.
Landscaping	20%	14.5% - although Clause 4.3 of Development Guidelines No.1A allows Council to reduce this requirement by up to 50%.

10. Section 4.8 of TPS1A states:
“Where development is proposed on a lot which has more than one street frontage, the Council shall decide which street is the street frontage for the purposes of the Scheme and the setbacks from the other street frontages may be reduced by 50 per cent. The minimum front boundary setbacks as specified in Appendix III and Appendix IV shall be measured from the street alignment or any new street alignment from time to time prescribed.”
11. Clause 4.3 of the Development Guidelines No. 1A states:
“The landscaping requirement set out in Appendix III and IV of the Scheme may be reduced by up to 50% of the area required where a developer can demonstrate that the reduced landscaping will not reduce the visual or general amenity of the locality. Where relaxation of the landscaping provision is made, the area shall predominantly be developed and/or retained with vegetation, with paving being restricted to the minimum requirements to provide for pedestrian access through the landscaped area.”
12. Clause 7.21.4 of TPS1A states:
“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.”
13. A service Industry is defined under TPS1A as:
“means a light industry carried on upon land and in buildings having a retail shop front and in which goods are manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced”

DEVELOPMENT SERVICES REPORTS

14. Clause 3.6 of TPS3 states;

“If a particular use or purpose is not mentioned in the list of use classes or is not included in the general terms of any of the use classes such use or purpose shall, unless it is permitted by any other provisions of the Scheme, be deemed to be prohibited, provided that the Council may in its discretion permit such use or purpose to be carried out in any zone it considers appropriate and in granting such permission the Council may impose such conditions as it thinks necessary for the orderly and proper planning of the locality and the preservation of its amenities.”

POLICY IMPLICATIONS

15. The site is within Precinct B of the Barker Road Industrial Area town planning policy, (policy map attached). This policy states that seafood processing would not be acceptable in Precinct B, however Council will give consideration to a broader range of uses providing they can demonstrate there will be no impact on the amenity of the Caravan Park.

16. The objectives of this Policy are:

“1. To designate the subject land for light industrial, service industrial, showroom and warehouse development that will be compatible with adjoining uses such as the caravan park and sports centre.

2. To preclude uses that would prejudice the amenity of adjacent uses because of noise, odour, fumes, vibration, light, electrical interference, soot, ash, dust, grit, oil, liquid waste or waste products and heavy vehicle movement that may be associated with such uses.”

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

18. The subject land is designated as ‘Albany (regional centre)’ under the Albany Local Planning Strategy.

DEVELOPMENT SERVICES REPORTS

COMMENT/DISCUSSION

19. The application was received and advertised as a “Service Industry” use, with two letters of objection being received. Copies of the responses are included in the Elected Members Report/Information Bulletin, however a précis of their comments are:
- Will create a land use conflict with the nearby amendment recently finalised at Lot 734 Barker Road to Tourist Residential R60.
 - The development of the seafood processing plant will have a detrimental impact on the progression of residential development in this area.
 - The policy specifically identifies seafood processing as not acceptable.
 - Odour will be emitted from this operation, and in a prevailing southerly or south-easterly wind the odour will be blown over existing and proposed residential sites.
 - Noise issues regarding refrigeration motors and delivery trucks and forklifts will impact on residential amenities.
 - Previous issues arising from the Barker Road Industrial area have not been enforced by the City.
 - Better locations exist, especially with lower density residential surrounding them.
 - The surrounding residents have located in the area on the basis that this sort of use would not be allowed.
20. Since the proposal was advertised it is considered the most accurate description of the use would be a “use not listed” (as per Clause 3.6 of the Scheme) rather than “Service Industry”, due to the legal debate as to whether processing can be considered manufacturing as referred to in the definition of service industry. The advertising regime associated with the proposal is the same, and the content of the application has not changed.
21. The criteria of the Town Planning Scheme 1A, specifically the street setback, plot ratio and the percentage of landscaping required, has not been achieved by the proponent. In relation to the secondary setback, with Barker Road being the main street, compared to the low traffic loop road of Hercules Crescent, there is clear direction within the Scheme that a secondary street setback can be reduced by 50%, and therefore at a setback of 5 metres would comply.
22. The landscaping percentage as calculated from the submitted plans is 14.5%, which is 5.5% under the required 20%. However under Clause 4.3 of Development Guidelines 1A, the landscaping requirement may be reduced by up to 50% where the developer can demonstrate that the reduced landscaping will not reduce the visual or general amenity of the locality, which has been achieved with generous landscaping along the Barker Road frontage.
23. The plot ratio is over the 0.5 as stated in the scheme by 55m², however this included an area of porch which is open on two sides (25m²) and a small upper floor office (38.5m²), which will have a minimal impact on the building footprint or scale if they were removed to comply with the scheme requirement.

DEVELOPMENT SERVICES REPORTS

24. With regards to Barker Road Policy, Council has to have due regard to its content and objectives, but it is not binding and should not be applied in an inflexible fashion. The essence of the objectives of the policy is to lessen the impact of development on the immediate surroundings, especially the residential element. The main issue that needs to be addressed is odour, which according to the proponent and the City's Environmental Health Section could be addressed through either conditions or further information such as detailed plumbing and cleaning plans.
25. The new premises will allow for the processing floor and waste disposal systems to be designed to 'best practice' levels, including connection into the deep sewer service. This will eliminate the odour issues experienced with the Kitson Road Site, as the waste water will be taken off site and treated by the Water Corporation (subject to restrictions – see Water Corporation Response included in the Elected Member's Report/Information Bulletin).
26. Therefore if the odour issue can be addressed, the impact would be no more than a normal industrial use, and other issues such as noise would need to comply with the normal environmental requirements. This approach would also be consistent with the previous approval of Council of a metal fabricator on Hercules Crescent that was subject to an acceptable acoustic report/attenuation.
27. The scale of the retail element is to be no more than that currently undertaken by other service industries located nearby (including the coffee roasting facility located on Sanford Road), and therefore in conclusion, the proposal appears acceptable subject to further details requested by the City's Environmental Health officers.

RECOMMENDATION 1

THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for a 'Use Not Listed - Seafood Processing with Retail Sales' at 37 Hercules Crescent, Centennial Park, subject to, but not limited to, the following conditions:

- i) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair.
- ii) Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade.
- iii) All runoff from impervious surfaces being contained within the property and disposed of, via a trapped sump located within the property, by connection to the existing drainage system.
- iv) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- v) All land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.
- vi) No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or service courts, where provided.

DEVELOPMENT SERVICES REPORTS

- vii) A detailed plumbing plan (to include details of the filtration and trapping of liquid waste to ensure no solids go through to the Water Corporation Reticulated Sewer) being submitted and approved in writing by the Water Corporation and the Council prior to the issuing of a building licence.
- viii) A detailed cleaning plan to be submitted and approved by Council prior to the issuing of a building licence, and maintained in accordance with thereafter throughout the duration of the operation.

Advice Note:

The cleaning plan required under condition ii) should include and ensure that all areas where water drains are adequately cleaned on a daily basis, and that no solids will be found in the pipe work which may lead to any odour issues. It should also address the issue of offal disposal, including the storage and timelines for disposal.

- ix) There shall be no further processing of fish on the site, which includes frying or smoking of fish without the written consent of the City’s Environmental Health Section.
- x) Only seafood which is delivered whole and processed on the site shall be sold by the owners/proprietors, unless otherwise agreed in writing by the Council.

Voting Requirement Simple Majority

RECOMMENDATION 2

THAT subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a “Use Not Listed - Seafood Processing with Retail Sales” development at 37 Hercules Crescent, Centennial Park and empowers the Manager to incorporate any further conditions that he considers necessary.

Voting Requirement Absolute Majority

ITEM 11.1.1 – ALTERNATE MOTION BY MAYOR EVANS

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED MAYOR EVANS

SECONDED COUNCILLOR WALKER

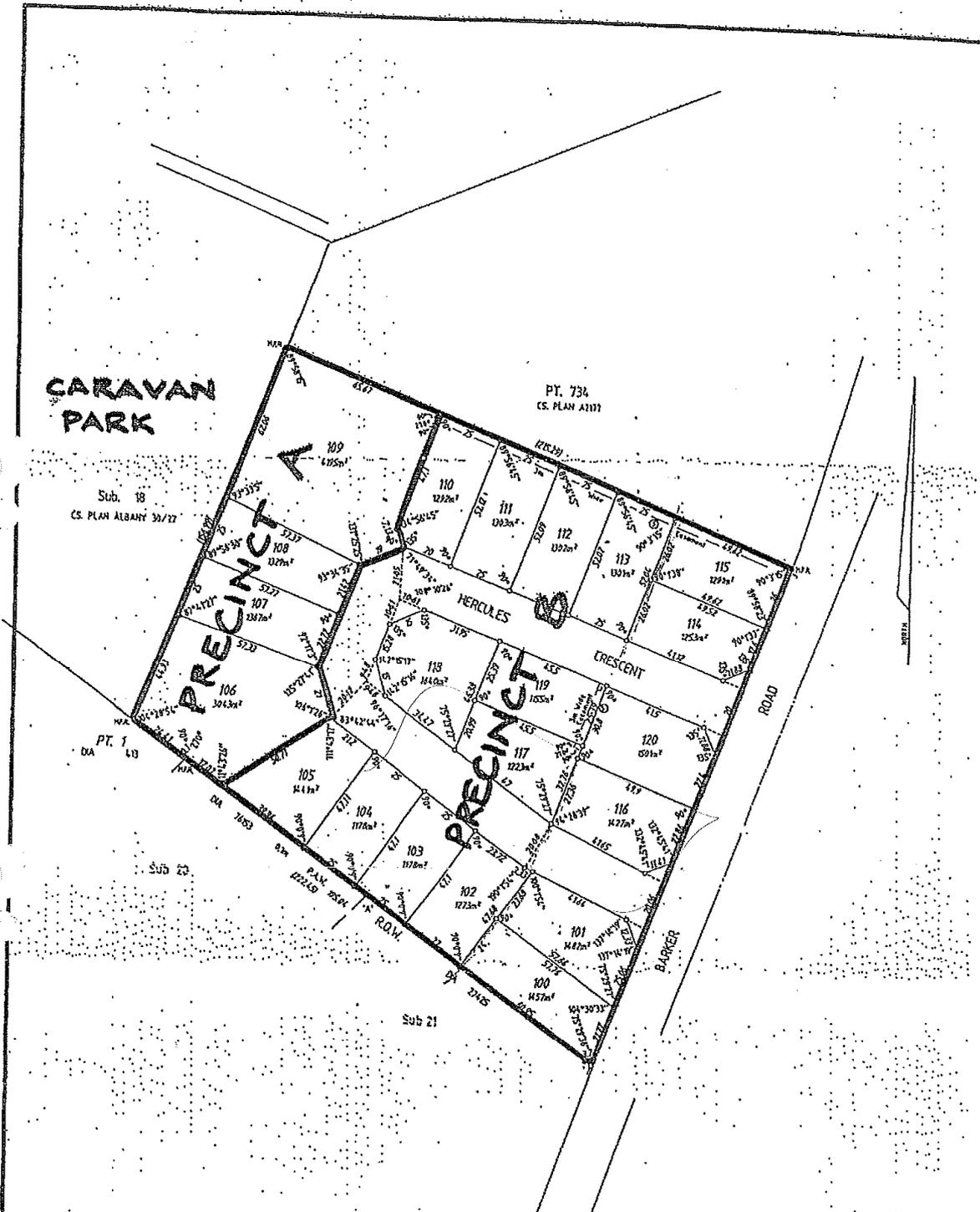
THAT report item 11.1.1 is laid on the table till the next Ordinary Council Meeting.

MOTION CARRIED 7-5

Reason:

To enable the Executive Director Development Services to prepare a report in response to the legal correspondence received.

DEVELOPMENT SERVICES REPORTS



Town Planning Policy Area
Barker Road Industrial Area

AYTON, TAYLOR & BURRELL
Consultants in Town Planning and Civic Design
11 Duke Street, Albany, Western Australia 6330
Phone 08 9842 2304 Fax 08 9842 1340

Figure 1

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a Financial interest in item 11.1.2 and left the chamber at 7.58pm. The nature of Councillor Wiseman's interest is that he owns tourist accommodation in Albany that conflicts with the application.

Councillor Williams declared an Impartiality interest in item 11.1.2 and left the chamber at 7.58pm. The nature of Councillor William's interest is that the proponents are relatives of the Councillor (Brother In Law and Sister in Law).

11.1.2 Development Application - Caravan Park Extension (Emu Beach Holiday Park)

File/Ward	: A155079 (Breaksea Ward)
Proposal/Issue	: Planning Consent application - Caravan Park Extension 16 units
Subject Land/Locality	: 3-21 Birss Street, Emu Point
Proponent	: Concept Building Design
Owner	: City of Albany (leased to R & R Stewart)
Reporting Officer(s)	: Senior Planning Officer (J van der Mescht)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/01/08 - Item 11.1.3 OCM 19/02/08 - Item 11.1.2
Summary Recommendation	: Approve subject to conditions
Bulletin Attachment	: OCM 15/01/08 – Item 11.1.3 “Management of Commercial Leases on Council Land” Policy

DEVELOPMENT SERVICES REPORTS

Locality Plan

:



BACKGROUND

1. An application was received for an extension to the existing uses at the Emu Beach Holiday Park located at 3-21 Birss Street, Emu Point.
2. The proposed extension is for an additional:
 - 6 accommodation units for long stay purposes.
 - 10 accommodation units for short stay purposes.
3. The estimated development cost of \$2.5 million exceeds staff's delegation limit (Section 1.1 Development Guidelines Scheme 1A) and is therefore presented to Council for a decision.
4. At the ordinary Council meeting held on 15 January 2008, the following resolution was passed:

“THAT Council lay this matter on the table to provide adequate time for the lessee of the Emu Beach Holiday Park to provide suitable explanatory documentation, together with a full briefing to Councillors, on the long term planning for the development of the Emu Beach Holiday Park site”.
5. A briefing session was subsequently held on 5 February 2008. Explanatory documentation was provided to Elected Members at the briefing session.

DEVELOPMENT SERVICES REPORTS

6. At the Ordinary Council meeting held on 19 February 2008, the following resolution was passed:

“That consideration of the Application for Planning Scheme Consent to vary the activities carried out on 16 bays (converting from powered bays to Park Homes) within the Emu Beach Holiday Park be deferred until such time as Council has adopted a Policy on the “Management of Commercial Leases on Council Land” which incorporates specific provisions on the regulation of residential activity in caravan parks that is congruent with the recommendations of the Ministerial Taskforce Report on Tourism Planning and the proposed Tourism Accommodation Strategy.”

7. The Draft Tourism Accommodation Planning Strategy has since been developed and was recently adopted as a draft by Council at its meeting dated 16 September 2008 and the document is currently out on public comment.

8. The Draft strategy confirms Emu Beach Holiday Park as a “Prime Site” and proposes the following development options:

Recommended Development	Percentage Residential	Percentage Chalets	Proposed Zone in TPS1
Caravan Park	10%	20%	Caravan / Camping

9. The City has been informed that the proponents are intending to apply to the State Administrative Tribunal (SAT) for a review of this application claiming that the City has failed to arrive at a decision; it is therefore imperative and believed to be mutually beneficial for the application to be determined.

10. As the Tourism Planning Accommodation Planning Strategy is in draft and Council has adopted a policy on the “Management of Commercial Leases on Council Land” the terms of Council’s previous recommendation have been met. A copy of the “Management of Commercial Leases on Council Land” Policy is included in the Elected Member’s Report / Information Bulletin.

STATUTORY REQUIREMENTS

11. The land is zoned “Tourist Residential” in Town Planning Scheme 1A (TPS 1A). The current use as a Caravan Park and the proposed extension is permissible under the scheme.

12. The following general objectives of Town Planning Scheme 1A applies;

To provide for and promote increased population growth within the District and indicate a framework to accommodate the development thereof by providing a reference for and mechanisms to initiate and enable growth and change; and

13. The development would also be subject to the *Caravan Parks and Camping Regulations 1997* and the *Caravan Parks and Camping Grounds Act 1995* as amended, which regulates the use and development standards of Caravan Parks.

DEVELOPMENT SERVICES REPORTS

POLICY IMPLICATIONS

14. The City of Albany adopted a *Tourism Philosophy Policy (2002)* which includes certain requirements to be met including:

Limiting residential occupation in tourist developments to 3 months for any 12 month period; The percentage of residential units in a tourism development to be inversely proportionate to the tourism value and prime nature of the site with maximum percentages of 10% for prime sites and 50% for less attractive sites; and where residential units are a component of the tourism site it must be connected to a reticulated sewer system.

15. Attention is also drawn to the Tourism Planning Taskforce Report prepared by Tourism WA wherein the issue of “permanent occupation” of facilities built and approved for tourism (short term occupation) use has been examined. The Report makes recommendations against any form of permanent occupation on “strategic” sites. Tourism WA also has a policy which recommends that any permanent residential activity be clustered within the site to segregate permanent residents from people seeking to gain a holiday experience.

FINANCIAL IMPLICATIONS

16. Should the proponent lodge an appeal with SAT some legal costs would be applicable.

STRATEGIC IMPLICATIONS

17. As per the original Council item as attached.
18. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan ...

Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

At the City of Albany we are ethical and operate within our strategic and policy framework.

COMMENT/DISCUSSION

19. The proposed Caravan Park modification involves 16 units, six units are proposed for residential (long stay accommodation) and 10 are proposed for short stay accommodation.
20. In relation to the 10 holiday accommodation units the proponent has advised that they will be on-sold with limitations placed on their usage (time-share units). To comply with the

DEVELOPMENT SERVICES REPORTS

terms of holiday accommodation as defined in the Scheme no one person could occupy one of these units for more than 3 months within any 12 month period.

21. In terms of the draft Tourism Accommodation Planning Strategy less than 20% of the site will be used for chalets, however the proposed development (with the 6 permanent accommodation units) will bring the total percentage of permanent accommodation from 11% (21 out of 176 sites) to 14% (27 out of 192 sites). The proponent advises that once the entire site has been redeveloped in accordance with their master plan 12.67% of the accommodation on the site will be permanent residential (27 out of 213 sites). It should be noted that these figures are on the basis that the 10 'time-share' units are holiday accommodation units.
22. Council must decide whether a 4% variance to the 10% maximum contained in Council's Policy titled "Tourism Philosophy Policy (2002)" and Council's draft Tourism Accommodation Planning Strategy which recommends the same figure, is appropriate.
23. The proposed development should not negatively impact upon the visual amenity of the area or the existing streetscape; additional landscaping is however proposed as a condition of a development approval. The area is also well serviced by road infrastructure and the development should not have a negative impact on traffic flows. This application also complies with the *Caravan Parks and Camping Regulations 1997* and the *Caravan Parks and Camping Grounds Act 1995* as amended.
24. The site already exceeds the recommended 10% permanent residential limit. Whilst staff do not object to the 16 park home units on site, in terms of built form, the permanent use of 6 of the park homes is not consistent with the objective of protecting strategic or prime tourist development from the encroachment of permanent residential development. This caravan park is an important tourism asset to Albany and the availability of sites for tourists should be retained and enhanced.
25. In conclusion whilst the park homes themselves are supported, it is recommended that all 16 be set aside for the purposes of holiday accommodation.

RECOMMENDATION 1

THAT Council:

- i) Resolves to issue a Notice of Planning Scheme Consent for a "Caravan Park (extension – 16 park home units)", at 3-21 Birss Street, Emu Point subject to the following conditions:
 - a. The park home units are to be made available for holiday accommodation purposes and shall not be occupied by any one person for a period exceeding 3 months within any 12 month period.
 - b. A detailed landscaping plan is to be submitted prior to the issue of a building licence to the satisfaction of Council.
 - c. Landscaping shall be carried out in accordance with approved landscaping plan.
 - d. All vehicle manoeuvring areas, parking areas and access ways being sealed, drained and line marked to the satisfaction of Council.
 - e. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence.

DEVELOPMENT SERVICES REPORTS

- f. All runoff from the impervious surfaces being contained within the property and disposed of, via a trapped sump located within the property, by connection to the existing drainage system.
- ii) Advises the proponent that permanent accommodation will only be considered where the proposal is consistent with Council's Tourism Accommodation Planning Strategy.

Voting Requirement Simple Majority

.....

ITEM 11.1.2 - ALTERNATE MOTION BY COUNCILLOR BUEGGE

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR BOSTOCK

THAT Council RESOLVES to support the issuing of a Notice of Planning Scheme Consent for a "Caravan Park (extension – 16 park home units)", at 3-21 Birss Street, Emu Point subject to the following conditions:

- a. The park home units are to be made available for holiday accommodation purposes and shall not be occupied by any one person for a period exceeding 3 months within any 12 month period.
- b. A detailed landscaping plan is to be submitted prior to the issue of a building licence to the satisfaction of Council.
- c. Landscaping shall be carried out in accordance with approved landscaping plan.
- d. All vehicle manoeuvring areas, parking areas and access ways being sealed, drained and line marked to the satisfaction of Council.
- e. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence.
- f. All runoff from the impervious surfaces being contained within the property and disposed of, via a trapped sump located within the property, by connection to the existing drainage system.

MOTION CARRIED 6-4

Reason:

Point ii) was removed as the Tourism Strategy is currently in the review process.

DEVELOPMENT SERVICES REPORTS

ITEM 11.1.2 – OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR MATLA

THAT subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a “Caravan Park (extension – 16 park home units)” at 3-21 Birss Street, Emu Point and empowers the Manager to incorporate any further conditions that he considers necessary.

**MOTION CARRIED 9-1
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman and Williams returned to the Chamber at 8.12pm.

11.1.3 Development Application - Group Dwellings – Lot 3 Queen Street, Little Grove

- File/Ward** : A54580 (Vancouver Ward)
- Proposal/Issue** : Consideration of Group Dwellings
- Subject Land/Locality** : 18 (Lot 3) Queen Street, Little Grove
- Proponent** : Yaran Property Group
- Owner** : Queen 18 Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Approve subject to conditions
- Bulletin Attachment** : Proposed Plans
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. An application has been received for nine (9) Group Dwellings at Lot 3 (10-18) Queen Street, Little Grove.
2. The Lot is part of an area zoned “Residential Development” in Town Planning Scheme 3.
3. The application is presented to Council as:
 - The estimated development cost of \$1.76 million exceeds staff’s delegation limit; and
 - The subject land is located within the draft Little Grove Structure Plan area, whereby any development and/or subdivision can only occur once the structure plan has been adopted.

STATUTORY REQUIREMENTS

4. Clause 5.5.1 of Town Planning Scheme 3 states the following with respect to development and subdivision within the “Residential Development” zone:

“5.5.1 Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council.”

5. Council does have the ability to relax a scheme standard or requirement in the interests of proper and orderly planning as stated below:

“5.16 Variations to site and development standards and requirements

5.16.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

5.16.2 In considering an application for planning consent under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 5.1.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

DEVELOPMENT SERVICES REPORTS

5.16.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

(a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 5.1 A; and

(b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”

POLICY IMPLICATIONS

6. Council must have regard to State Planning Policies adopted by the WA Planning Commission that affect the proposal and the scheme amendment is required to reflect these policies and strategies. Policies with a high relevance to this application include:

- The Residential Design Codes (2008) and;
- Liveable Neighbourhoods (2007).

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The subject land is identified as “Existing Urban” within the Albany Local Planning Strategy (ALPS), and therefore the development of group dwellings is consistent with this designation.

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

Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

At the City of Albany we are ethical and operate within our strategic and policy framework.

DEVELOPMENT SERVICES REPORTS**COMMENT/DISCUSSION**

10. The variation to consider the development prior to the adoption of the Little Grove Structure Plan was advertised (as per the provisions of TPS 3 section 5.16.2) in the local newspaper on 7 August 2008 and letters requesting comments were also sent to all adjoining land owners.
11. Subsequently eight (8) responses were received as summarised in the following table. A full copy of each submission is located in the Elected Member's Report / Information Bulletin.

Summarised concern	Staff Response
The proposal should not go ahead until the Little Grove Structure Plan (LGSP) is adopted.	The revised LGSP has been adopted by Council for the purposes of advertising. Staff believe the proposed development is consistent with the draft LGSP, and in any effect does not undermine the subdivision and development of neighbouring lots.
The proposed density (R20) and the perceived bulk and scale of the development is not appropriate for the locality.	The Scheme allows R20 density in residential areas where sewer is applied to development. This density is standard throughout the residential areas of Albany, and is considered the minimum density, where all urban infrastructure is provided, to make the most efficient use of land.
Increased traffic into the area and traffic safety and parking concerns.	Queen Street will not be connected through to Wilson Street, so cul-de-sac will remain although minor extension to accommodate formed cul-de-sac head is recommended. An additional eight (8) units is not likely to significantly increase traffic movements on Queen Street.
Does not meet the front and side setbacks and overlooking requirements of the R-Codes.	The proposed reduced front setback of 5.5 metres (rather than 7.5 metres) is considered appropriate on the basis that the land between the road and the front setback will be revegetated consistent with the LGSP. All side setbacks comply. There is no overlooking issues (the second storey on the western boundary has windows however these relate to a bathroom and toilet (obscured glass will be utilised).
Lack of public open space (POS) contributions.	A contribution towards POS (cash-in-lieu) has been requested as part of the separate survey strata application relevant to the subject land.
No retention of vegetation on individual blocks.	The land is predominantly cleared. Vegetation will be retained in more visibly prominent areas and next to streets revegetation will also be required in these areas.
Sewer reticulation and potential Easement concerns.	A sewer easement 3 metres in width is accommodated as part of the proposal to ensure adjacent land can be serviced with reticulated sewer.
Request for Uniform fencing on Boundaries.	Uniform fencing will assist in the visual presentation of the development and such a condition is recommended.
Formal request for the extension of Queen Street through to Wilson Street.	The section of Queen Street that is currently not constructed is too steep to accommodate a road, however a condition requiring the construction of a formed cul-de-sac head is recommended.

DEVELOPMENT SERVICES REPORTS

12. The proposed group dwelling application includes the development of eight (8) new dwellings in addition to an existing dwelling.
13. The development complies with all aspects of the Residential Planning Codes (2008) under the R20 density code, except for a minor front setback relaxation (5.5 metres rather than 7.5 metres).
14. The subject land is 5058m² in area and proposes a variety of lot sizes ranging from 294m² to 479m² with the original lot remaining 1723m². The development achieves an average lot size of 562m², which complies with the average lot size of 450m² needed for the R20 density code.
15. The majority of submissions received were concerned with the density and style of development rather than whether the development application should be deferred until such time as the Little Grove Structure Plan is adopted by Council and the Western Australian Planning Commission.
16. The issue that Council needs to consider is whether this development should be approved prior to the adoption of the Little Grove Structure Plan. Given the topography associated with adjacent land and the relatively small size of the lot, staff are confident that the approval of the development will not undermine the subdivision and development of adjacent land. The securing of a sewerage easement on the land to assist in the distribution of sewer is all that is required.

RECOMMENDATION 1

THAT Council:

- i) supports a variation to Clause 5.5.1 of Town Planning Scheme No. 3, in accordance with Clause 5.16 of the Scheme, to allow the development of nine (9) grouped dwellings on Lot 3 Queen Street, Little Grove without the finalisation of the Little Grove Structure Plan; and
- ii) resolves to support the issuing of Planning Scheme Consent for the development of nine (9) grouped dwellings on Lot 3 Queen Street, Little Grove subject to, but not limited to, the following conditions:
 - a) A landscaping plan being completed by the developer to the satisfaction of Council prior to the issue of a building licence;
 - b) All landscaping shall be undertaken in accordance with the approved landscaping plan;
 - c) A cul-de-sac head on Queen Street being designed and constructed to the satisfaction of Council;
 - d) All vehicle manoeuvring areas, parking areas and access ways being sealed, drained and line marked to the satisfaction of Council;
 - e) Uniform fencing being erected around the property to the satisfaction of Council; and
 - f) A sewer easement no less than 3 metres in width on the northern boundary being provided for on the certificate of title prior to the issue of a building licence.

Voting Requirement Simple Majority

DEVELOPMENT SERVICES REPORTS

RECOMMENDATION 2.

THAT subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for nine (9) grouped dwellings on Lot 3 Queen Street, Little Grove and empowers the Manager to incorporate any further conditions that he considers necessary.

Voting Requirement Absolute Majority

ITEM 11.1.3 – OFFICER RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR BOSTOCK

THAT Council:

- i) supports a variation to Clause 5.5.1 of Town Planning Scheme No. 3, in accordance with Clause 5.16 of the Scheme, to allow the development of nine (9) grouped dwellings on Lot 3 Queen Street, Little Grove without the finalisation of the Little Grove Structure Plan; and**

- ii) resolves to support the issuing of Planning Scheme Consent for the development of nine (9) grouped dwellings on Lot 3 Queen Street, Little Grove subject to, but not limited to, the following conditions:**
 - a) A landscaping plan being completed by the developer to the satisfaction of Council prior to the issue of a building licence;**
 - b) All landscaping shall be undertaken in accordance with the approved landscaping plan;**
 - c) A cul-de-sac head on Queen Street being designed and constructed to the satisfaction of Council;**
 - d) All vehicle manoeuvring areas, parking areas and access ways being sealed, drained and line marked to the satisfaction of Council;**
 - e) Uniform fencing being erected around the property to the satisfaction of Council; and**
 - f) A sewer easement no less than 3 metres in width on the northern boundary being provided for on the certificate of title prior to the issue of a building licence.**

MOTION WITHDRAWN

DEVELOPMENT SERVICES REPORTS

ITEM 11.1.3 – PROCEDURAL MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BOSTOCK

SECONDED COUNCILLOR PAVER

THAT report item 11.1.3 be deferred.

MOTION CARRIED 7-5

Reason:

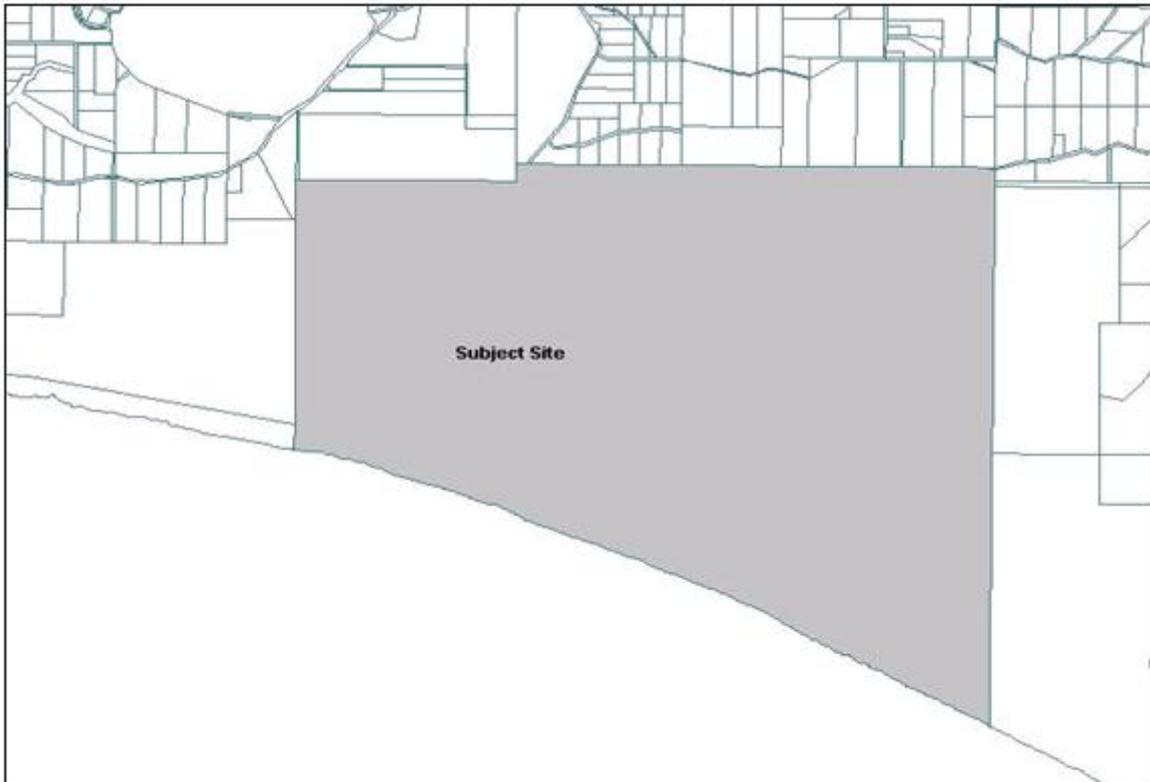
To allow time for Council to seek legal advice to establish if clause 5.16 of the TPS 3 can legally negate clause 5.5.1 of the TPS 3.

Councillor requested that this item be brought back to the November 08, Ordinary Council Meeting.

DEVELOPMENT SERVICES REPORTS

11.1.4 Development Application - Wind farm (additions) – Sandpatch Reserve 13773

- File/Ward** : A174170 (West Ward)
- Proposal/Issue** : Addition of 6 (six) turbines to existing wind farm
- Subject Land/Locality** : Reserve 13773
- Proponent** : Verve Energy
- Owner** : Crown (vested in the City of Albany)
- Reporting Officer(s)** : Senior Planning Officer (I Humphrey)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 11/04/00 – Item 12.1.15
- Summary Recommendation** : Approve subject to conditions
- Bulletin Attachment** : Site plan, letters of comment, government responses
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. A proposal has been received to site six (6) additional wind turbines adjacent to the existing wind farm on the Sandpatch reserve. The proposal seeks to connect into the existing infrastructure (in terms of access) and will be owned and operated by Verve Energy and represents a capital investment of approximately \$40 million, with a design life of 20 years. The original wind farm was approved by Council in 2000, with the construction completed and the wind farm operational by 2001.
2. The wind farm comprises six 2,300kW wind turbines spaced approximately 300m apart generating approximately 44 giga Watt hours of electricity per year. The turbines would be connected by a 6m wide all weather gravel maintenance road.
3. All electrical power cables would be underground including the distribution main back to the Albany substation. The existing Albany wind farm connects directly to Albany substation through two underground 22,000 volt cables, which are currently operating at capacity. Therefore, the extension will require a separate underground cable connection. It is proposed to utilise existing road reserves for the majority of the length of the connection.
4. Where it is not practical to follow the road reserves and the cable is required to cross private properties, the landowners have been contacted by Verve Energy and discussions with the landowners have resulted in some local deviations to minimize the impact. In the area of the wind farm, where there are no gazetted roads it is proposed to follow the existing Albany wind farm cables until a point near the new wind farm and deviate these cables to run adjacent to the new wind farm access road.
5. The proposed turbines are to match the existing wind farm visually, unfortunately however, the original machine type installed at Albany is no longer available. A similar machine head in shape and size to the original Albany wind farm is to be used. The machine has a 70m rotor diameter as opposed to the 66m rotor on the existing wind farm and it also has a different shaped blade. However, it is envisaged that most people will view these machines from considerable distance and it is unlikely that they will notice these small differences.
6. The development proposal has been revised during its submission due to comments from the Department of Environment and Conservation (DEC), specifically with regards to the Bibbulmun Track overnight hut. Following negotiation between the developers, the City's Reserve Officers and DEC, it was agreed that the hut be relocated from its current position to alleviate possible noise and visual issues, and locate it either onto the adjoining reserve (to the east), or the nearby National Park. A new hut is then to be provided to the west of the proposed wind farm, to provide a satisfactory walking distance between the huts, with the cost of all this work to be borne by the proponent.
7. This wind farm will feed electricity into the Western Australian main grid and will provide the equivalent of approximately 80% of Albany's electricity. The wind farm would take approximately two years to construct and turbines are aimed to be installed and generating power by late 2010.

DEVELOPMENT SERVICES REPORTS

STATUTORY REQUIREMENTS

8. The site is located within Town Planning Scheme 3 (TPS3) on Reserve 13773, which is reserved for the purposes of “Conservation, Recreation, Water Supply and Wind Power Generation”. The application was registered as a use type “Use not Listed” and advertised in accordance with the scheme requirements, as set out under clause 3.2 of TPS3.
9. Part II of TPS3 set outs the criteria for determining applications on reserves, with clause 2.2 stating:

“c. In giving its approval the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving its approval;

d. No provision of this Part shall prevent the continued use of land for the use for which it was being lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance, for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.”
10. Clause 5.4 of TPS3 sets out the matters to be considered in considering an application, for planning consent, which includes relevant matters such as the compatibility of a use with its setting, any relevant policy or strategy adopted by the Government of the state, the likely affect of the proposal on the natural environment, the preservation of the amenity of the locality and any relevant submission received on the application.

POLICY IMPLICATIONS

11. The site falls within the boundaries of the Local Rural Strategy, and although a wind farm is not specifically referred too, the following sections under Part 2 would be relevant:
 1. Protection of Natural Resources, (policies GP1: land use proposals and protection of natural resources and GP2: measures to improve/protect natural resources as a requirement of development).
 3. Protection of Public Water Supplies, (policy GP8: rural land uses in the south coast water reserve).
 5. Visual Resource Protection, (policy GP15: land use proposals in highly visually sensitive areas).
 6. Conservation and Heritage Protection, (policy GP25: protection of rare flora and fauna).
14. Land Clearing and Land Degradation, (policy GP58: land clearing assessment criteria).
12. The West Australian Planning Commission, Planning Bulletin 67 sets ‘Guidelines for Wind Farm Development’, the objectives of these guidelines are;
 - *Facilitate the development of wind farms in an efficient, cost-effective and environmentally responsible manner that meets community needs; while taking into account the needs of developers, and State national imperatives,*

DEVELOPMENT SERVICES REPORTS

- *Promote community understanding of the issues involved in the design and installation of wind farm infrastructure and provide opportunities for community input to decision-making.*
- *Promote a consistent approach in the preparation, assessment and determination of applications for planning approval for wind farm developments.*
- *Minimise disturbance to the environment (including landscape) and loss of public amenity in the establishment, operation, maintenance and decommissioning of wind farms.*

13. In general it is felt that the details contained within Planning Bulletin 67 are incorporated either into the Local Rural Strategy policies or the 'Matters to be Considered' section of TPS3.

FINANCIAL IMPLICATIONS

14. Separate to this process the proponent is in discussions with Council in relation to the lease of the additional portion of the Reserve to accommodate the new turbines.
15. The relocation of the huts may be located within Council's Reserve, however the cost of providing the huts will be met by the developer, with the construction and maintenance overseen by the DEC.

STRATEGIC IMPLICATIONS

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

Community Vision:

Nil.

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 1.6 Albany will be a City where the long term problems of Climate Change and Peak Oil have been recognised and responded to.

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 2.1 Albany will be a City where renewable energy completely powers the region.

City of Albany Mission Statement:

Nil

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17. The site under the Albany Local Planning Strategy (ALPS) is highlighted as “Regional Reserve”. Under Section 6.4.1.of ALPS (Infrastructure Servicing – Energy), the planning objective is *“To support the provision of sustainable energy resources”*, with one of the required actions being *“Support the development of alternative sustainable infrastructure proposals, such as the wind farm”*.

COMMENT/DISCUSSION

18. The application was advertised and four (4) letters of objection were received, copies are included in the Elected Member’s Report / Information Bulletin, however a précis of their comments are as follows:
- a) Further impact on the visual amenity and natural landscape of the area;
 - b) Will increase the visual prominence from other public areas;
 - c) Contrary to the policies of the Local Rural Strategy;
 - d) Other better alternative sites;
 - e) Inappropriate colour;
 - f) Should be kept away from populated areas, as proposed site is closer to nearby dwellings;
 - g) Will affect property values;
 - h) The energy is not used locally but sold/connected onto the main grid;
 - i) Council should charge rent for the use of the site; and
 - j) Photomontages are incorrect.
19. The application has been referred to DEC, the Department of Water (DOW), the Water Corporation (Water Corp) and the Environmental Protection Authority, copies of which are included in the Elected Members Report/Information Bulletin. As stated previously the negotiations with DEC has resulted in support of the proposal subject to the relocation and provision of a new Bibbulmun track hut and native vegetation clearing permits. The DOW and the Water Corporation are also supportive of the proposal subject to conditions.
20. The EPA has set a level of ‘Not Assessed-Public Advice Given’, and has provided advice on clearing native vegetation, flora, fauna and noise. It expects Council to consider the advice and implement it, which could be achieved through planning conditions. The EPA requires a formal clearing permit (already submitted to the DEC), which will address the native vegetation and flora issues, and recommends a speed limit for the internal roads to protect any fauna. With regards to the noise issues raised, the negotiation to relocate the existing hut will address this issue.
21. The issue of compliance with the policies of the Local Rural Strategy, with regard to the environmental elements and protection of resources, has in the main been either addressed by the comments of the external agencies or in the conditions which they have requested (e.g. requirement of clearing permits).

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22. It therefore only leaves the issue of visual impact. The site is adjacent to an existing wind farm, which has been established for some seven years and it could be argued has now become an established part of the Albany landscape in this area. The location of the proposed wind turbines have been carefully considered, both in terms of visual prominence and power consumption, and it is felt that this proposal presents a fair compromise.
23. Although adding more wind turbines to the existing wind farm area could make the wind farm more prominent (as is commonly the case), especially when viewed from sites to the West, they will still be seen as a whole development, thus reducing the impact. The position of the proposed wind turbines will be slightly closer to residential dwellings than the existing wind turbines, however it is believed that an adequate distance (over 2 km) remains and it believed that any noise impacts will comply with the relevant noise regulations.
24. In conclusion, the proposal is consistent with the Albany Local Planning Strategy, Council's Corporate Plan (Albany Insight 2020), the vesting of the Reserve (wind power generation) and it supports alternative energy solutions. The proposal, including the planning conditions to be applied, also addresses the relevant policy statements within the Local Rural Strategy and set by the State Government.
25. This proposal presents a further expansion of a popular resource, both in terms of green power and tourism (with approximately 100,000 vehicles visits per year), and suggests a realistic proposal that on balance should have minimal environmental impact.

ITEM 11.1.4 – OFFICER RECOMMENDATION 1

VOTING REQUIREMENT SIMPLE MAJORITY

MOVED COUNCILLOR WALKER

SECONDED COUNCILLOR WILLIAMS

THAT Council resolves to support the issuing of Planning Scheme Consent for the ‘Use Not Listed - Wind Farm (additions)’ on Reserve 13773, subject but not limited to, the following conditions:

- i) no clearing shall take place on the site without the express consent of the Department of Environment and Conservation;**
- ii) the developer shall enter into a legal agreement with the City of Albany and the Department of Environment and Conservation prior to any construction works commencing on site, to address the issues (and costs) of both the relocation and provision of new accommodation huts, and the track re-alignment in the vicinity of the wind turbines hereby approved;**
- iii) the developer meeting all costs associated with the rehabilitation of the road reserve as a result of the installation of the underground power cable;**
- iv) the proposed development shall be undertaken in accordance with the details supplied in the development application and the Environmental Management Plan;**
- v) a traffic management plan in regard to the internal road system (including new/existing access points) being submitted and approved by Council prior to any construction works commencing on-site;**
- vi) the colours of the turbines being consistent with the existing turbines;**
- vii) the additions to the wind farm hereby approved shall comply with the *EPA Noise Regulations 1997*; and**
- viii) following the approval of any clearing of native vegetation under condition i) of this consent, before any clearing takes place on site, a detailed re-vegetation plan shall be submitted to and approved by Council.**

MOTION CARRIED 11-1

ITEM 11.1.4 – OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR MORRIS

SECONDED COUNCILLOR BUEGGE

THAT subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for the “Use Not Listed – Wind Farm (Additions)” on Reserve 13773 and empowers the Manager to incorporate any further conditions that he considers necessary.

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

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Councillor Williams declared an Impartiality interest in report item 11.1.5. The tenants of the subject site are personal friends of the Councillor.

Councillor Williams remained in the Chamber for the debate and vote.

11.1.5 State Administrative Tribunal Review – Fish Processing Factory - Lot 12 Kitson Road, Gledhow

File/Ward	:	A68387 (West Ward)
Proposal/Issue	:	State Administrative Tribunal Review – Fish Processing
Subject Land/Locality	:	Lot 12 Kitson Street, Gledhow
Proponent	:	VR Property Holdings
Owner	:	VR Property Holdings
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/02/08 – Item 11.1.1 OCM 20/11/07 – Item 11.1.6 OCM 18/02/03 – Item 11.1.2 OCM 21/01/03 – Item 11.1.2
Summary Recommendation	:	Agree to small concession on time limit in relation to Planning Notice
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. At its meeting dated 19 February 2008 Council resolved:

“THAT Council, pursuant to Section 6.5 of the City of Albany Town Planning Scheme 3 and Section 218 of the Planning and Development Act 2005, advises the owner of Lot 12 (23) Kitson Road, Gledhow that the current fish processing business located on the property is contrary to the Notice of Planning Scheme Consent issued for the property and that Council requires the land use to cease within a period of six (6) months from the date of serving of the notice”

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2. A Notice was subsequently prepared and served on the proponent on 14 March 2008 requiring the cessation of the use within six months (i.e. 14 September 2008).
3. The proponent sought a review of the Notice through the State Administrative Tribunal (SAT). At the initial directions hearing SAT gave the proponent's leave to lodge a planning scheme consent for the fish processing operation. The application was refused on 13 June 2008 under delegated authority on the basis that the fish processing was a prohibited land use within the "General Industry" zone.
4. As directed by SAT, City of Albany staff attended a mediation session with the proponent and a representative of SAT on 20 August 2008. The mediation session focussed on two matters being:
 - The review of the Section 214 Notice; and
 - The review of the refusal of Planning Scheme Consent for the fish processing use.
5. At the session it was made known to the proponent that the tenant of Lot 12 Kitson Road (Great Southern Seafoods) had lodged an application with Council to relocate the fish processing operation to the corner of Hercules Crescent and Barker Road (as per the proposal within this agenda). On the basis of this information the proponent was prepared to consider the withdrawal of the review (for the two matters) if the following occurred:
 - a) Council grants Planning Scheme Consent to the new Fish Processing operation on Hercules Crescent; and if so
 - b) Council grants an extension to the time limit specified on the Section 214 Notice to allow the current tenant to operate at Lot 12 Kitson Road until such time as the new facility is constructed (ie. 12 months).
6. Staff advised that the two matters would be brought before Council at its October Meeting for consideration.

STATUTORY REQUIREMENTS

7. Council is not being asked to reconsider its position in relation to the fish processing factory as per Section 31 of the *State Administrative Tribunal Act 2004*. The purpose of this report is to seek comment on Council's position on the extension of the time limit specified on the Section 214 Notice.
8. Council's position in relation to the fish processing factory on Hercules Crescent will be made known to SAT following the meeting.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. If the mediation fails to deliver a mutually agreed outcome, the SAT can (at the request of the proponent) arrange for the review to proceed to a final hearing.

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STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 12. Since Council served the notice in March 2008, staff have continued to receive complaints about the odour emanating from the factory. As discussed in previous Council reports, the odour is a result of the land not being conducive to effluent infiltration, and the septic system not being able to handle the amount and type of effluent produced on the site.
- 13. The time limit stated within the original notice has recently lapsed. However, as the matter is at SAT, the original time limit cannot be enforced by Council. It is recommended that Council conditionally support an extension to the time limit to allow a reasonable time period for the tenant to vacate the property, whilst still providing a resolution for complainants.

RECOMMENDATION

THAT Council advises the State Administrative Tribunal that in relation to matters DR160 and DR264 of 2008 involving the “Fish Processing” use on Lot 12 Kitson Road, Gledhow Council will allow for an extension to the time limit required to vacate the premises, by the current tenant, conditionally that;

- i) the tenant obtains a Notice of Planning Scheme Consent to develop a fish processing factory at Hercules Crescent by 20 November 2008; and
- ii) the premises be vacated no later than 30 December 2009 or at the date the current tenant otherwise vacates Lot 12, whichever is the lesser period.

Voting Requirement Simple Majority

ITEM 11.1.5 – ALTERNATE MOTION BY COUNCILLOR MORRIS

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MORRIS

SECONDED COUNCILLOR BUEGEE

THAT ITEM 11.1.5 is laid on the table till the next Ordinary Council Meeting.

MOTION LOST 4-6

Reason:

This report item relates to item 11.1.1; therefore should also be deferred.

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ITEM 11.1.5 – ALTERNATE MOTION BY COUNCILLOR WILLIAMS

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WILLIAMS

SECONDED COUNCILLOR STANTON

THAT Council advises the State Administrative Tribunal that in relation to matters DR160 and DR264 of 2008 involving the “Fish Processing” use on Lot 12 Kitson Road, Gledhow Council will allow for an extension to the time limit required to vacate the premises, by the current tenant, conditionally that;

- i) the tenant obtains a Notice of Planning Scheme Consent to develop a fish processing factory at Hercules Crescent by 20 November 2008; and**
- ii) the premises be vacated no later than 28th February 2010 or at the date the current tenant otherwise vacates Lot 12, whichever is the lesser period.**

MOTION CARRIED 11-1

Reason:

That the Officers Recommendation is amended to change the vacation date at point ii) from 30 December 2009 to 28th February 2010 to compensate for delays in the processing of this application.

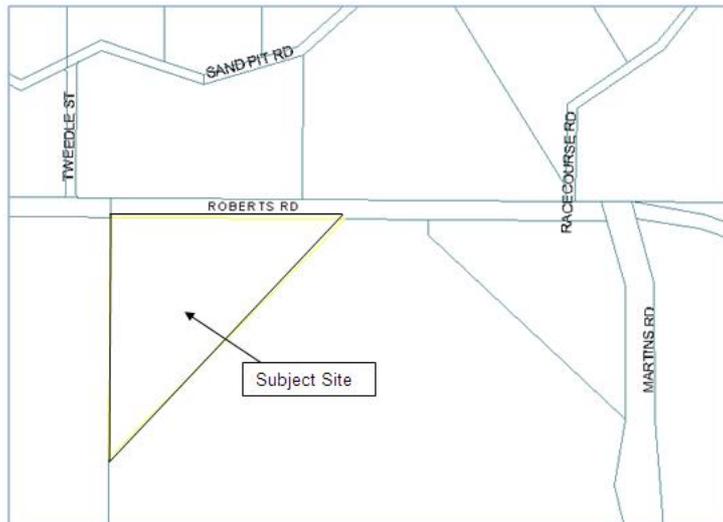
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11.2 HEALTH, BUILDING & RANGERS

Councillor Wiseman declared a Financial interest in report item 11.2.1 and left the chamber at 8.31pm. The nature of Councillor Wiseman’s interest is that the Councillor owns tourist accommodation which conflicts with the Agenda item.

11.2.1 Noise Complaint – Albany Motorcycle Club Inc

- File/Ward** : PRO 176 (Vancouver Ward)
- Proposal/Issue** : Noise complaint - Albany Motorcycle Club Inc
- Subject Land/Locality** : Reserve 30495, Location 7153 Roberts Road, Robinson
- Proponent** : City of Albany
- Owner** : Albany Motorcycle Club Inc (Leased)
- Reporting Officer(s)** : Manager Building & Health Services (K Barnett)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/02/08 - Item 19.2
- Summary Recommendation** : That Council authorise legal action should a breach of an Environmental Protection Notice occur
- Bulletin Attachment** : Nil
- Locality Plan** :



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BACKGROUND

1. At the February 2007 meeting of Council, a resolution was passed which contained the following component:

“Direct the Chief Executive Officer as a matter of urgency to prepare a report for Council on the short, medium and long term solutions to this matter that includes the:

1. *Results of noise monitoring and compliance or otherwise with the Environmental Protection (Noise) Regulations 1997.*
 2. *Performance of the lessee in fulfilling their obligations under the lease.*
 3. *Options for immediate mitigation of the current alleged nuisance.*
 4. *Options for relocation.”*
2. Monitoring of noise emissions from the motor-cross track (the track) in Roberts Road, Robinson was conducted on two neighbouring properties between 18 February and 5 March 2008 using equipment supplied by the Department of Environment and Conservation (DEC).
 3. Following the monitoring period, the digital audio tapes (DAT tapes) were sent to DEC for analysis. A report has now been received which indicates that the level of noise emanating from the track exceeded the assigned levels specified by the *Environmental Protection (Noise) Regulations 1997* (the Regulations) during the monitoring period.

STATUTORY REQUIREMENTS

4. In 1997, the State Government introduced the *Environmental Protection (Noise) Regulations* to provide for the control of “unreasonable” noise within the environment.
5. Under the provisions of Regulation 7(a), noise emitted from any premises or public place when received at other premises must not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind.
6. The Regulations set down prescribed standards for noise emissions which limit the level of noise and noise characteristics (tonality, modulation and impulsiveness) emitted from any premises to any other premises. The assigned noise levels are:

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Time of Day	Assigned level (dB)		
	L _{A10}	L _{A1}	L _{Amax}
Between 7.00am & 7.00pm Monday to Saturday	45 + Influencing factor	55 + Influencing factor	65+ Influencing factor
Between 9.00am & 7.00pm Sunday & Public Holidays	40+ Influencing factor	50+ Influencing factor	65+ Influencing factor
Between 7.00pm & 10.00pm All days	40+ Influencing factor	50+ Influencing factor	55+ Influencing factor
Between 10.00pm & 7.00am Monday – Saturday 10.00pm to 9.00am Sunday & Public Holidays	35+ Influencing factor	45+ Influencing factor	55+ Influencing factor

L_{A10} - Noise not to exceed this level more than 10% of the time;

L_{A1} - Noise not to exceed this level more than 1% of the time;

L_{Amax} - Noise never to exceed this level.

POLICY IMPLICATIONS

- Monitoring of a noise nuisance and the issue of an Environmental Protection Notice are in accordance with the City’s Noise Management and Compliance Policy.

FINANCIAL IMPLICATIONS

- Any costs associated with the resolution of this complaint will be funded through the Environmental Health operating budget.

STRATEGIC IMPLICATIONS

- 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:

Nil.

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COMMENT/DISCUSSION

10. Two DAT tapes were recorded: one between 18 and 22 February 2008 and the second between 28 February and 5 March 2008.
11. While the first tape contained fourteen records, most recordings were either too short for proper analysis or were contaminated by noise from local sources, wind, birds or electronic noise. Only two recordings on the first tape were subsequently analysed. The second tape contained thirteen recordings of which eight were analysed.
12. Under the provisions of the Regulations, noise sources such as motorcycles are usually tonal in character and attract an adjustment of +5 decibels (dB) to the measured level.
13. The assessment of the DAT tapes showed that emissions from the track during the two monitoring periods, exceeded the assigned levels set by the Regulations as follows:
 - i) Between +2 and +14 dB for daytime periods on days which were not a Sunday or Public Holiday;
 - ii) between +5 and +25 dB for daytime Sundays and the public holiday; and
 - iii) by +28 dB prior to 9.00am on 3 March 2008. (As this was a public holiday the night time assigned levels continued until 9.00am);

(Note: the figures shown include the +5dB adjustment)
14. Under the terms of the lease, the Albany Motorcycle Club Inc (the Club) is required to observe the provisions of the Regulations and ensure that emissions from the premises do not exceed the assigned noise levels.
15. Based on the monitoring results, the Club is currently unable to comply with the assigned levels of the Regulations and would contravene the terms of their lease in regard to noise emissions whenever motorcycles use the track.
16. The two main processes available to control unreasonable noise pollution from premises are:
 - i) A Noise Abatement Direction (NAD) which is a short-term resolution to a noise problem and is utilised mainly for the control of noise from activities such as parties and amplified music. NADs can describe the measures to be implemented to abate the noise problem or may simply require the noise to cease. Such Notices remain in force for up to seven days; and
 - ii) An Environmental Protection Notice (EPN) which is utilised in situations where long-term control of a noise problem is required. An EPN requires an offender to implement specific measures to reduce excessive noise emissions. The EPN also includes a timeframe in which the measures are to be completed and remains in place until it is removed by the issuing authority.
17. Non-compliance with a NAD or an EPN is a serious offence under the *Environmental Protection Act 1986* and can attract heavy penalties if breaches proceed to court.

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18. An EPN has been prepared and forwarded to the DEC to ensure the format, measures to be taken and timeframes are appropriate. When served, the EPN will require the Club to ensure that motorcycles do not use the track at any time of the day.
19. This measure will remain in force until the Club has developed a noise management plan that specifies the procedures necessary to regulate the level of emissions so that any motorcycle using the track will comply with the assigned noise levels. The plan is also required to specify the on-going management and monitoring arrangements.
20. Should the Club be unable to reduce the emissions to meet the assigned noise levels there may be only one option available to keep the track operational.
21. The Club may be able to work with property owners/occupiers in the neighbourhood to develop a noise management plan that allows the Club to continue using motorcycles without mufflers under strict conditions. The plan would have to be acceptable to all parties and could specify but not be limited to:
 - i) The number of racing meetings, and training sessions associated with the race meetings, that are permitted each year at which motorcycles are used without a muffler;
 - ii) The time range for training sessions for motorcycles without a muffler (e.g. only between 10.00am and 4.00pm).
22. While this type of management plan is currently outside the scope of the Regulations it would be an interim solution until a new track is developed in a more suitable location.
23. Failure to develop an acceptable noise management plan would result in the Club being unable to operate from the track in Roberts Road.
24. Currently, the preferred location for a new motor-cross track, as part of co-located motor sport facility, is the reserve adjacent to the Albany Airport which is leased to the Albany Cart Club.
25. The City's Manager of Community Development is co-ordinating the initial discussion and research into the feasibility of a co-located motor sport complex. The investigation will include, but not be limited to, a driver training facility, motor-cross track, sprint karts and other motor sports.
26. To assist this process, the Club should be encouraged to participate in both the preparation of a needs assessment and any discussions held as part of this project.

RECOMMENDATION

THAT Council:

- i) authorise the instigation of legal action should the Albany Motorcycle Club Inc intentionally breach the Environmental Protection Notice; and

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- ii) invite the Albany Motorcycle Club Inc to assist in the preparation of a needs assessment as part of the investigation into the feasibility of a co-located motor sport facility.

Voting Requirement Simple Majority

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ITEM 11.2.1 ALTERNATE MOTION BY COUNCILLOR PAVER

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR STANTON

THAT Council:

- i) **authorise the instigation of legal action should the Albany Motorcycle Club Inc breach the Environmental Protection Notice; and**
- iii) **invite the Albany Motorcycle Club Inc to assist in the preparation of a needs assessment as part of the investigation into the feasibility of a co-located motor sport facility.**

MOTION CARRIED 7-4

Reason:

Point i) is amended by removing the word “intentionally” in order to remove ambiguity from the motion.

Councillor Wiseman returned to the Chamber at 8.42pm.

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11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request – Lots 44, 19 and Pt. 800 Lower Denmark Road, Cuthbert

- File/Ward** : SAR 123 (West Ward)
- Proposal/Issue** : Request to rezone land from “Rural” to “Special Rural”
- Subject Land/Locality** : Lots 44, 19 and Pt. 800 Lower Denmark Road, Cuthbert
- Proponent** : Whelans Planning Consultants
- Owner** : Grande Terra Land Developments Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht); and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 28/04/99 – Item 12.1.3
OCM 24/08/99 – Item 12.1.10
OCM 26/10/99 – Item 12.1.5
OCM 18/11/03 – Item 11.3.7
- Summary Recommendation** : Council not support the request
- Bulletin Attachment** : Scheme Amendment Request
Copy of responses from government agencies
- Locality Plan** :



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BACKGROUND

1. Council has received a Scheme Amendment Request (SAR) to rezone the subject land from the present “Rural” zone to the “Special Rural” zone to facilitate the future subdivision and development of the land. A copy of the SAR document is included in the Elected Member’s Report / Information Bulletin.
2. The SAR was referred to the Department of Planning and Infrastructure (DPI), Water Corporation (WC), Department of Agriculture and Food (DAFWA), Department of Water (DoW), Department of Environment and Conservation (DEC) and Main Roads WA (MRWA) for comment. The responses are discussed in the Comment/Discussion section below.
3. This area has a considerable history dating back to April 1999 when Council initiated a scheme amendment to rezone parts of this and adjoining land to “Special Rural”. The public advertising of the proposal led to a number of issues being identified (including Ring Road alignment considerations, wetland management, land capability, effluent disposal and reserve land management) and Council resolved in October 2003 to not proceed with the amendment. This was supported by the WA Planning Commission and the amendment was deferred pending resolution of some issues.
4. When the scheme amendment was reactivated in October 2003, the amendment was modified by excluding, in addition to other land, the land now the subject of this SAR. That amendment was subsequently finalised and the subject land was left zoned “Rural”. The amendment document included reference in its text to the future subdivision of the subject land into 4 – 10 hectare lots.

STATUTORY REQUIREMENTS

5. The lots are zoned “Rural” under Town Planning Scheme No. 3 (TPS3). The broad objectives for the “Rural” zone are to:
 - Ensure that high quality agricultural land is retained for primary production.
 - Regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests.
 - Preserve rural land within easy reach of urban areas.
6. The broad objective for the proposed “Special Rural” zone under TPS No. 3 is to provide areas where members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in ‘Schedule 1’ to this scheme), which might include hobby farming, horse breeding, rural residential retreats and intensive agriculture, if considered that such use is consistent with the preservation of the rural landscape and amenity.

POLICY IMPLICATIONS

7. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.’s 1 and 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.

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FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The subject land is included within Council's Local Rural Strategy (LRS) for "Special Rural" purposes subject to satisfying certain planning criteria. Council has adopted the Albany Local Planning Strategy (ALPS) which is a more considered document and effectively replaces the precinct recommendations contained within the LRS. Under the ALPS the land is not identified for "Special Rural" purposes.
10. The ALPS identifies the subject land for "Priority Agriculture" and the proposed "Special Rural" use is not considered compatible with this designation. The ALPS also strongly recommends that existing "Rural Living" areas be fully developed prior to new ones being created as in this case. There are more than 350 "Special Rural" lots within the City which have received subdivision approval and have not been developed and ultimately placed on the market.

COMMENT/DISCUSSION

11. The proposal is to create "Special Rural" lots ranging from 1.05ha – 4.48ha as shown in the SAR proposal. The subject land is located north of the Railway reserve and south of the existing 'Albany Green' Special Rural subdivision (see Locality Plan).
12. The site slopes essentially southwards with a broad valley in the central portion of the site. The property is largely cleared and has been developed for grazing purposes with some areas of remnant vegetation. Agricultural drains have been constructed on the land to reduce seasonal waterlogging and improve productivity. The property forms part of the local drainage district and feeds into Cuthbert Drain and Lake Powell to the west.
13. The surrounding uses include "Special Rural" to the north, railway reserve to the south and other mainly limited rural pursuits including extractive industries and agricultural uses.
14. The agencies comments are summarised and discussed in the Table below. Additional land capability information provided by the consultants was referred out to the Department for Planning and Infrastructure, Department of Environment and Conservation, Department of Health and Department of Water for comment. Both the Department of Water and Department for Planning and Infrastructure responded with only qualified support for the proposal subject to the removal of the all of the low-lying areas from development and provision of additional information on stormwater drainage and nutrient management plans, foreshore management plans, mapping of the 1:100 year floodplain and exclusion of any development within these areas (including development setbacks), protection of remnant vegetation, acid sulphate soils, local hydrology seepage etc. The Department of Environment and Conservation and the Department of Health had no additional comments to offer.

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AGENCY	SUMMARY	STAFF RESPONSE
Department of Water	<ul style="list-style-type: none"> • Does not support the development of low lying areas that would be subject to inundation or part of the floodplain. • Due to the subject lands connection to regional significant waterways. Any land use intensification in the area might have a negative impact on this wetland / waterways if not appropriately managed. <p>The proponent should provide:</p> <ul style="list-style-type: none"> • a storm water drainage and nutrient management plan; • a foreshore management plan; • The 1-100 year floodplain; • Areas within the flood plain or areas of inundation not to be developed and should be shown as drainage reserve. 	<p>Should the proposal proceed, these matters would need to be discussed and resolved within the scheme amendment document.</p> <p>With all relevant and required studies and management plans prepared.</p>
Department of Health	<p>Not prepared to support the amendment until late winter soil testing/geotechnical report has been completed.</p>	<p>The land capability assessment completed shows that the land may be able to sustain the proposed special rural development although it is agreed that additional details are required to confirm the site's capability particularly in relation to house and road construction and on-site effluent disposal.</p> <p>Should the proposal proceed, these matters need to be discussed and resolved within the scheme amendment document.</p>
Water Corporation	<p>No objection. Advise that the lots could be supplied with reticulated water subject to the upgrading of the infrastructure and amendment to the licensed operating area. Deep sewer cannot be provided.</p>	<p>Whilst it not considered crucial at this stage, the SAR included no specific information to indicate how it is intended to ensure the ability of the lots to provide adequate supplies of potable water to residences.</p> <p>The special rural subdivision north of this proposal was not required to provide reticulated water to the development.</p> <p>Should the proposal proceed the proponents will be required to prove that</p>

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AGENCY	SUMMARY	STAFF RESPONSE
		an adequate potable water supply can be achieved on each lot
Department for Planning and Infrastructure	<p>Would support the proposed rezoning should Council decide that it is consistent with ALPS, and on the condition that it addresses the various issues that will have an impact especially those issues that affect the low lying areas.</p> <p>The development can potentially create a conflict with the future railway operations and noise impacts to future residences.</p> <p>Advise if Council proceeds, the following matters be addressed:</p> <ul style="list-style-type: none"> • Noise levels for Lots 1 – 7 and 33 – 45. • Consultation with Public Transport Authority regarding crossing point. • Additional late winter site testing should be undertaken to confirm suitability and determine flood paths through the property. 	Agree. Should the proposal proceed and is agreed to from a strategic perspective, these matters need to be discussed and resolved within the scheme amendment document.
Main Roads WA	No objection and advise that the existing intersection with South Coast Highway will be required to be upgraded at the developer's cost.	Should the proposal proceed, this condition needs to be reflected within the scheme amendment document.
WestNet Rail	Any noise abatement measures deemed necessary will be at the developer's cost and those lots closest to the rail corridor shall have a memorial placed on the title accordingly.	Agreed. Should the proposal proceed, these matters need to be discussed and resolved within the scheme amendment document.
Public Transport Authority	No objection. Request that conditions relating to upgrading of the rail crossing apply to the development including designation as public road, drainage controls and upgrading, level crossing and fencing.	Agreed. These conditions need to be reflected within the scheme amendment document.

DEVELOPMENT SERVICES REPORTS

15. There is mixed levels of support for the SAR proposal from government agencies. The main issue for Council to resolve is the weighting to apply to the strategies that affect this proposal. On the one hand is the City’s existing (but outdated) LRS which supports the proposal; on the other hand, is the new ALPS which does not support the proposal (and is considered to provide the new strategic outlook for land use and zonings in Albany). Staff recommends that Council utilise the ALPS.
16. The ALPS removed this land from the “Rural Residential” category largely due to the slow progress of the initial rezoning and subdivision/development of the land in Stage 1 (due to reasons identified in the background of this report) and the limited planning work done on this, the subsequent Stage 2. There was also a desire to restrict the spread of “Special Rural” allotments west of Link Road/George Street from encroaching into the rural hinterland. If Council was inclined to support the SAR proposal, it can really only be on the strategic basis of its inclusion in the original LRS. If Council is to reject the recommendations of the existing LRS, then the proposal would need to be refused in accordance with the recommendations of the ALPS.
17. The land may be able to sustain a part of the proposed “Special Rural” development although additional details are required to confirm the site’s capability particularly in relation to house and road construction and on-site effluent disposal. The question remains why the more capable land was developed in Stage 1 into 2ha lots, whilst this area that has greater environmental/planning constraints is planned for a greater density and 1ha lots.
18. The proposal for the 28.5ha balance of title lot for “Future Chalet Resort and Rural Lots” is not supported by staff and this area needs to be planned with the ultimate subdivision/development of the land into “Special Rural” lots or retained for rural use, as required.
19. Many of the matters raised in the agency comments (e.g. railway corridor and crossing upgrading, fencing, noise abatement studies, land capability/suitability etc.) represent significant planning issues that need to be resolved initially as they are expected to alter the existing proposed subdivision design ,when controls for low-lying/flood prone areas and noise buffers etc are introduced.

RECOMMENDATION

THAT Council advise the proponents that whilst it acknowledges that the lots are included within the Local Rural Strategy, it is not prepared to entertain the submission of a formal scheme amendment for rezoning of Lots 44, 19 & Pt. 800 Lower Denmark Road, Cuthbert from “Rural” to “Special Rural” as the proposal is inconsistent with the strategic direction in the Albany Local Planning Strategy.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

**ITEM 11.3.1 – ALTERNATE MOTION BY COUNCILLOR WALKER
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WISEMAN**

THAT Council LAY report item 11.3.1 on the table till the next Ordinary Council Meeting.

MOTION CARRIED 12-0

Reason:

The report has been amended since the briefing session and it is felt that further review is warranted.

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request – Various Lots in Kalgan Locality

- File/Ward** : SAR 137 (Kalgan Ward)
- Proposal/Issue** : Request to consider additional development in the Kalgan Townsite and create a new “Rural Settlement” zone
- Subject Land/Locality** : Various
- Proponent** : Ayton Taylor Burrell
- Owner** : Various
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht) & Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council support the request
- Bulletin Attachment** : Scheme Amendment Request
Responses from government agencies
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. Council has received a Scheme Amendment Request (SAR) to rezone various lots within the Kalgan locality from their present zones to a new “Rural Settlement” zone to facilitate the completion of structure planning and subdivision/development of the land as outlined in the Indicative Structure Plan. A copy of the SAR document is included in the Elected Member’s Report / Information Bulletin.
2. The SAR was referred to the Environmental Protection Authority, Department of Planning and Infrastructure, Alinta Gas, Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Water, Department of Environment and Conservation, Department of Education and Training and Main Roads WA for comment. The responses are discussed in the Comment/Discussion section below.

STATUTORY REQUIREMENTS

3. The SAR process is not a statutory process under the Planning and Development Act 2005. The purpose of a SAR is to give the proponent feedback as to whether an amendment is likely to be supported and to identify issues relevant to the proposal to be addressed in the scheme amendment documents.
4. If an applicant decides to pursue a formal scheme amendment, the processes of preparing and considering a scheme amendment are guided by the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
5. The SAR outlines the proposed statutory controls to be included within the scheme for the “Rural Settlement” zone.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. There are various strategic land use planning documents that apply to this proposal which are summarised below:

DEVELOPMENT SERVICES REPORTS

State Planning Policies and Strategies

9. Council is to have regard to WA Planning Commission (WAPC) Statements of Planning Policy and other Development Control Policies when preparing a Town Planning Scheme or Town Planning Scheme Amendment. In regards to this proposal, the following are considered most relevant SPP 1 'State Planning Framework Policy', SPP 2 'Environment and Natural Resources', SPP 2.5 'Agricultural and Rural Land Use Planning', SPP 3 'Urban Growth and Settlement', DC 1.1 'Subdivision of Land', DC 3.4 'Subdivision of Rural Land' and DC 3.7 'Fire Planning'.
10. The proposed "Rural Settlement" zone complies with these policies.

Lower Great Southern Regional Strategy

11. The Lower Great Southern Strategy (LGSS) has been prepared by the WAPC in conjunction with Local Governments to guide the development of the Albany region. The proposed development of the Kalgan Locality and introduction of the "Rural Settlement" zone will assist the Commission to achieve the objectives of the LGSS by implementing part of the recommendations.
12. It is expected that other local governments in the region who also have "Rural Settlements" able to be expanded in line with the recommendations of the LGSS will use a similar planning and zoning approach to their development.

Albany Local Planning Strategy

13. The City has long pursued the strategic expansion of the rural settlements within the City most recently through the adoption of the Albany Local Planning Strategy (ALPS). The ALPS seeks to "facilitate and promote the retention and sustainable expansion of existing rural settlements."
14. Kalgan is included as one of these Rural Settlements and the proposed "Rural Settlement" zone as outlined in the SAR will assist Council achieve the objectives of the ALPS.

COMMENT/DISCUSSION

15. The SAR outlines the proposed "Rural Settlement" zone and discusses the planning requirements to facilitate the future expansion proposed at Kalgan. These include the requirement to prepare a Local Structure Plan to be adopted by Council and endorsed by the WAPC to guide the subdivision and development of the affected land. The Indicative Structure Plan included within the SAR indicates the proposed Study Area Boundary for the Local Structure Plan and Rural Settlement zone.
16. The consultants outline the history and outcomes of their community consultation and participation workshops held in Kalgan. The feedback provided to the consultants largely supports the limited expansion of Kalgan subject to it retaining the natural environment, rural character, amenity and lifestyle of the area.
17. The surrounding uses are largely rural and include grazing, cropping and tree plantations.

DEVELOPMENT SERVICES REPORTS

18. The agencies comments are summarised and discussed in the Table below:

AGENCY	SUMMARY	STAFF RESPONSE
Department of Water	<p>No objection.</p> <p>Provide advice on:</p> <ul style="list-style-type: none"> • The need for the structure plan to address foreshore management plans and development setbacks. • The need to address stormwater and nutrient management issues to ensure no direct drainage into local waterways. 	Agreed. The scheme amendment and structure plan will need to discuss and resolve these issues.
Water Corporation	<p>No objection. Advise that the proposal is outside of the Corporation's license areas and the development is required to provide its own water and wastewater services.</p>	Agreed. The scheme amendment and structure plan will need to discuss and resolve these issues.
Department of Education and Training	<p>No objections.</p>	Noted.
Department of Environment and Conservation	<p>Support the general thrust of the proposal and provide advice on:</p> <ul style="list-style-type: none"> • How the proposal should be considered in a broader environmental context. • The need to preserve the Kalgan River and foreshore and suggest possible expansion of the reserves accordingly. • The need to ensure the land is capable of sustaining the increased effluent and waste loads. • Comment on the highway and its possible long-term impacts on the proposal. 	Agreed. The scheme amendment and structure plan will need to discuss and resolve these issues.

DEVELOPMENT SERVICES REPORTS

<p>Environmental Protection Authority</p>	<p>No objection and provide the following comments:</p> <ul style="list-style-type: none"> • The need to plan for an appropriate foreshore reserve buffer to the Kalgan River to be completed in conjunction with a foreshore management plan to address issues including revegetation, access, dual use paths, walk trails, footpaths, weed management techniques, parking embayments/bays and bollards for the foreshore area. • Recommend that the structure plan include a preliminary site investigation to determine any potential contamination given the historical land uses around Kalgan. • Note that Kalgan has significant environmental, heritage and Aboriginal assets and development should comply with the relevant guidelines and requirements. • The future scheme amendment will require referral to the EPA in accordance with the <i>Planning and Development Act</i>. 	<p>Agreed. As with the other submissions from DEC and DOW etc, the scheme amendment and structure plan will need to discuss and resolve these issues.</p>
<p>Department of Health</p>	<p>No objections</p>	<p>Noted</p>
<p>Department for Planning and Infrastructure</p>	<p>Provides the following comments:</p> <ul style="list-style-type: none"> • Supportive of the zone being introduced into TPS3 and/or new scheme and recommends it be applied to all ‘rural villages’ shown within ALPS for this purpose. Prefer ‘Rural Village’ term to ‘Rural Settlement’. • Recommends that the zone and scheme controls be pursued separately to the structure plan process. • Will not support any rural residential lots within any of the nominated ‘rural villages’ and they recommend lot sizes between 1,000 – 2,000m² for Kalgan. • On-site water supply will need to be proved. 	<p>Agreed in part.</p> <p>The scheme amendment will be prepared to include the new zone within the existing TPS3 and will be undertaken to provide planning controls to address the development of these rural settlements including:</p> <ul style="list-style-type: none"> • Zone objectives • Land uses • Lot sizes • Servicing requirements • Cost-sharing • Requirement for structure planning • Approval processes etc.

DEVELOPMENT SERVICES REPORTS

<p>Department for Planning and Infrastructure (continued)</p>	<ul style="list-style-type: none"> • Land capability analysis provided by the proponents indicates areas of low capability that should be subject to additional late winter testing to ensure they satisfy Country Sewerage Policy. • Suggest common sewerage treatment plant may have some advantages. • Do not support the proposed zone boundary, extent of structure plan area or subdivision as shown in the Indicative Structure Plan' provided in the SAR document. Recommends options need to be to explored including development of a concentrated village as supported by the WAPC. • Suggest Council be the lead agency for the development of the Structure Plan. 	<p>The prohibition on rural residential lots (1- 4 ha's) is not accepted. The limited inclusion of these types of lot will assist in creating the variety and attraction of lifestyles that the City is pursuing in these rural settlement areas. It is accepted that rural residential lots should not form the basis for the expansion of the Kalgan locality.</p> <p>The term "Rural Settlement" is satisfactory and there is no evidence or justification that that the term "Rural Village" is better. Irrespective of the term, it is the actual zone objectives and controls that must create the 'picture' of the intention for the zone, not the name.</p> <p>The consideration of various options for the development of the rural settlements and need to prove on-site capacities for water supply and effluent disposal is supported.</p> <p>It is accepted that the City is the lead agency for the amendment and development of the Structure Plan with the proponents working for their clients. It is also accepted that the Indicative Structure Plan and SAR report provide draft details at this stage and are not considered as firm or final.</p>
<p>Main Roads WA</p>	<p>Does not object to the proposal, however has a number of concerns relating to access onto South Coast Highway that would need to be addressed as part of the formal amendment.</p>	<p>Agreed. The proponent would have to contact Main Roads WA and the City prior to lodgement of an amendment to resolve these concerns.</p>

19. There is general support for the SAR proposal from government agencies. The matters raised in the agency comments represent issues that need to be addressed during the scheme amendment document preparation and the proposed "Rural Settlement" zone will be modelled on the provisions included within the draft new City Planning Scheme.

20. The Local Structure Plan itself will provide the basis for the future subdivision and deal with matters such as land capability/suitability, drainage and foreshore reserves/management, land uses, lot sizes, road construction/upgrading, paths, open space/community facilities, infrastructure and servicing requirements, developer contributions etc.

DEVELOPMENT SERVICES REPORTS

21. The SAR proposal will assist the City and WAPC achieve the recommendations of the adopted strategic land use plans for the area and should be supported.

ITEM 11.3.2 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WALKER

SECONDED COUNCILLOR WILLIAMS

THAT Council advise the proponents that it is 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.**

MOTION CARRIED 7-5

Record of Vote:

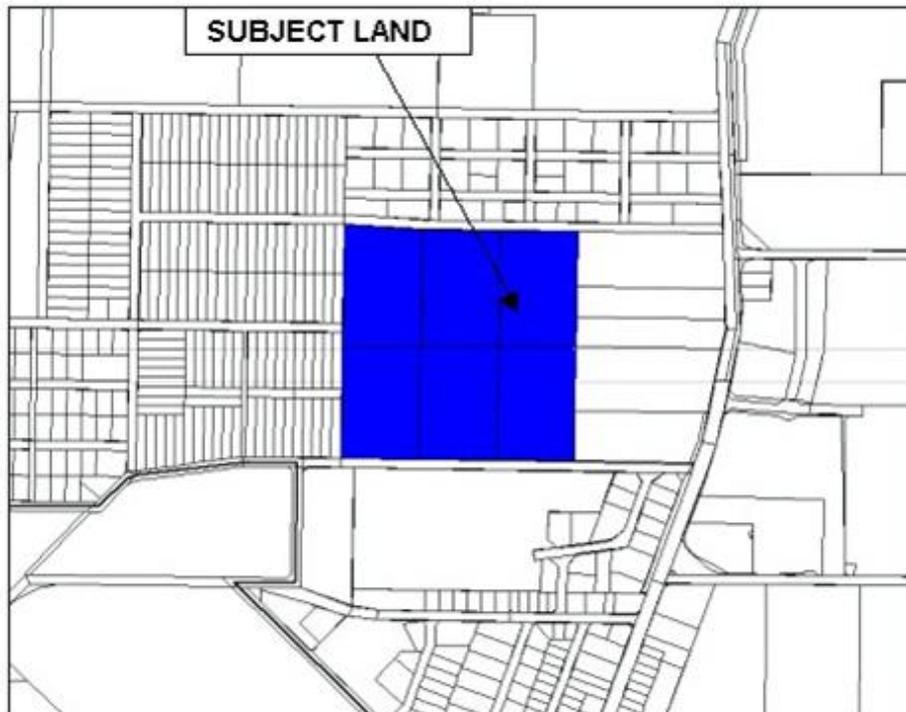
For: Mayor Evans, Councillors: Walker, Stanton, Paver, Wolfe, Kidman, Matla.

Against: Councillors Buegge, Williams, Bostock, Wiseman and Morris.

DEVELOPMENT SERVICES REPORTS

11.3.3 Initiation of Scheme Amendment – Lots 870 and 873 – 877 John Street and Morris Road, Milpara

- File/Ward** : AMD 285 (Kalgan Ward)
- Proposal/Issue** : To rezone the subject lots from “Rural” Zone to “Light Industry” Zone and “Parks and Recreation” Reserve
- Subject Land/Locality** : Lots 873-875 Morris Road and Lots 870, 876 and 877 John Street, Milpara
- Proponent** : Harley Survey Group
- Owner** : Hysnex Pty Ltd and PG, EM & SJ Franey
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht) and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/06/07 - Item 11.3.4
- Summary Recommendation** : Initiate the scheme amendment
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. The scheme amendment proposes to rezone the above lots from “Rural” to “Light Industry” to facilitate the future subdivision and development of the land for light industrial purposes in accordance with a proposed Outline Development Plan.
2. The amendment is consistent with Council’s decision in June 2007 to support the previous scheme amendment request to rezone the land to “Residential Development” and “Light Industry” subject to the following matters being addressed within the document:
 - A detailed land capability assessment;
 - Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
 - An Integrated Stormwater and Nutrient Management Strategy being prepared across the whole site to acknowledge Urban Water Sensitive design principles and inform the subdivision process;
 - A technical assessment of the buffer requirements to establish the proposed methods of providing appropriate transition between the residential and the industrial areas;
 - A vegetation, flora and fauna survey for the subject lots to identify the representativeness and regional context of the vegetation; and
 - An indicative structure plan.

STATUTORY REQUIREMENTS

3. The process of completing a scheme amendment is governed by the requirements of the *Planning and Development Act* and *Town Planning Regulations*.
4. The lots are presently zoned “Rural” under Town Planning Scheme No. 3 (TPS3).
5. The broad objectives for the “Rural” zone are to:
 - *Ensure that high quality agricultural land is retained for primary production.*
 - *Regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests.*
 - *Preserve rural land within easy reach of urban areas.*
6. The general objective of the proposed “Light Industry” zone in Town Planning Scheme 3 is *‘to provide sites for industry the location of which will reflect the impact on their environment.’*

POLICY IMPLICATIONS

7. Council must have regard to State Planning Policies adopted by the WA Planning Commission that affect the proposal and the scheme amendment is required to reflect these policies and strategies.

DEVELOPMENT SERVICES REPORTS

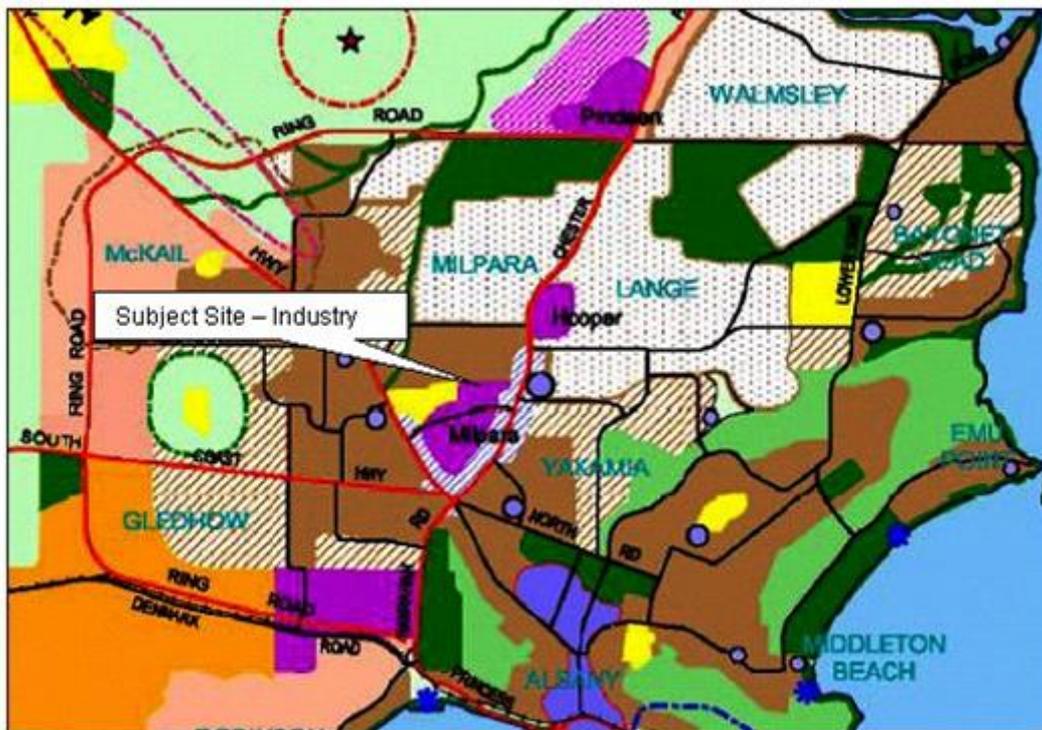
8. Statement of Planning Policy 4.1 (State Industrial Buffer Policy) provides a state wide approach for the protection and the long-term security of industrial zones and provides guidance on providing buffers to prevent land use conflict into the future and development control mechanisms to protect existing sensitive uses like residential. These principles have been reflected in the amendment document.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The subject land is located within an area shown for future industrial uses within the Albany Local Planning Strategy (ALPS) adopted by Council and forms the interface between residential and industrial uses in the Milpara area. The ALPS identifies the importance of the existing Milpara Industrial Area within the Albany urban area due to its close proximity to the CBD and access to major roads. The Strategy recognises the need to consolidate and secure this area for future industrial needs and the scheme amendment is consistent with the strategy objectives.



COMMENT/DISCUSSION

11. The subject land is 24.4 hectares in area and located approximately 5.0 km north of the Albany central area. The subject site slopes downwards from 53.0m to 40.0m in the northwest corner of the land. There is some remnant vegetation on the land mainly contained within Lots 870 and 877 John Street.

DEVELOPMENT SERVICES REPORTS

12. The parcels form an isolated pocket of “Rural” zoned land in Town Planning Scheme 3 (TPS3). The lots are currently surrounded by “Residential Development” to the north and west, a “Light Industry” zone to the east and a “General Industry” zone to the south. The subject land and present rural uses are providing a buffer/transition between these various land uses.
13. Whilst staff initially proposed a dual zoning of “Residential” and “Light Industry” to create a transition area from one zone to the other and reduce the potential for conflict between the residential and light industry land uses to occur, it is now recommended that a complete “Light Industry” zoning be applied to the land. This is on the basis that there is considerable residential development occurring throughout Albany, whereas there is limited potential to expand industrial areas, which are needed to support residential growth, providing opportunities for future employment. The amendment document also satisfactorily addresses buffers and identifies less impactful land uses on the periphery of the site closest to existing residential areas.
14. The rezoning will facilitate the future development of the land for “Light Industry” purposes and the landowners are proposing a staged development.
15. The City’s June 2007 support for the SAR was subject to a number of matters being addressed which are discussed below:

Detailed Land Capability Assessment

16. The amendment document contains the recommendations from the Land Capability Assessment report prepared by Opus International Consultants (included as an appendix to the document) and advises the site has a moderate capability for light industrial development.
17. The report highlights the existing poor drainage in the area and in particular the susceptibility of the area to foundation soundness issues and waterlogging/inundation. Given the outcomes, Staff recommends that a geotechnical analysis be required with any subdivision or development applications lodged for the land to confirm its capability.

Identification of servicing needs and infrastructure requirements to accommodate future subdivision

18. The amendment document contains details regarding the future development of the land for light industrial purposes including providing roads, pedestrians/cycles, sewer, water, electricity, telecommunications and gas connections.

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

19. The proponents seek to have the Strategy prepared as part of the subdivision process. Given the outcomes of the above land capability assessment, Staff recommends that the Integrated Stormwater and Nutrient Management Strategy be required with any subdivision or development applications lodged for the land.

DEVELOPMENT SERVICES REPORTS

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

- 20. The amendment document contains the recommendations from the Technical Buffer Assessment report prepared by Opus International Consultants (included as an appendix to the document) which recommends a 30.0m wide fully vegetated buffer area or setback to existing residential uses. This equates to 30.0m wide landscaped buffer for the 3 affected residential lots along the western boundary and a 20.0m wide landscaped buffer for those lots opposite on Morris Street.

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

- 21. The amendment document contains the recommendations from the Vegetation, Flora and Fauna Assessment report prepared by Opus International Consultants (included as an appendix to the document) which includes a number of recommendations including retaining the good stands of remnant vegetation on Lots 870 and 877 John Street in Public Open Space.
- 22. The proponents advise that whilst they acknowledge the existence of good quality of remnant vegetation in some areas across the site, they are pursuing a light industrial proposal and intend to remove the vegetation. They have commented that local species will be planted within the proposed landscape buffer and public open space areas and may be able to be accommodated within the future subdivision along road verges and the like. Should Council initiate the amendment the proposal will need to be referred to the Environmental Protection Agency who will review the report prepared by OPUS and ultimately decide on whether the loss of vegetation is appropriate.

Indicative Structure Plan

- 23. The draft ODP is included as an appendix to the amendment document.
- 24. The amendment document adequately addresses the matters raised by Council at its June 2007 meeting and Staff recommends that the amendment be initiated. The amendment document contains an extensive list of proposed scheme provisions to differentiate between the land uses permitted within the core and outer areas.

RECOMMENDATION

THAT Council resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 285 to the City of Albany Town Planning Scheme No. 3 for the purpose of rezoning Lots 870 and 873 – 877 John Street and Morris Road, Milpara from “Rural” Zone to “Light Industry” Zone and amend the Scheme Map accordingly.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

ITEM 11.3.3 – AMENDED OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR MATLA

THAT Council resolves, pursuant to Section 75 of the *Planning and Development Act 2005*, to amend Town Planning Scheme No 3 by:

- i) Rezoning Lots 870 and 873-877 (inclusive) John Street and Morris Roads, Milpara from “Rural” zone to “Light Industry” zone and “Parks and Recreation” Local Scheme Reserve and amending the Scheme Maps accordingly;**
- ii) Inserting new clause 5.28 into the Scheme Text; and**
- iii) Inserting new Schedule VII – Light Industry Zone into the Scheme Text.**

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiation of Scheme Amendment – Lots 1, 7, 20, 21, 109 & 110 Frenchman Bay Road, Big Grove

- File/Ward** : AMD 284 (Vancouver Ward)
- Proposal/Issue** : To rezone the subject lots from “Rural” Zone to “Residential Development” Zone
- Subject Land/Locality** : Lots 1, 7, 20, 21, 109 & 110 Frenchman Bay Road, Big Grove
- Proponent** : RPS Koltasz Smith
- Owner** : Various
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht) and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/06/05 - Item 11.3.9
OCM 18/04/06 - Item 11.3.5
OCM 20/06/06 - Item 11.3.1
- Summary Recommendation** : Initiate the scheme amendment subject to modifications
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. The scheme amendment proposes to rezone the above lots from “Rural” to “Residential Development” to facilitate the future subdivision and development of the land in accordance with a proposed Outline Development Plan (ODP). The proposed ODP is subject to a separate assessment and future report to Council.
2. The amendment is consistent with Council’s decision in June 2006 to support the previous scheme amendment request to rezone the land to residential development subject to the following matters being addressed within the document:
 - Clearly defined zoning boundary to be adopted and justified;
 - Detailed environmental assessment, including a flora and fauna survey with areas identified on environmental grounds being excluded from development;
 - Review of existing foreshore reserve widths and an accompanying foreshore management plan;
 - Fire management plan;
 - Visual management plan;
 - Conceptual structure plan based on identified land constraints;
 - Sustainability assessment;
 - Land demand assessment;
 - Community assessment; and
 - Infrastructure and services assessment.

STATUTORY REQUIREMENTS

3. The process of completing a scheme amendment is governed by the requirements of the *Planning and Development Act* and *Town Planning Regulations*.
4. The lots are presently zoned “Rural” under Town Planning Scheme No. 3 (TPS3).
5. The broad objectives for the “Rural” zone are to:
 - Ensure that high quality agricultural land is retained for primary production.
 - Regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests.
 - Preserve rural land within easy reach of urban areas.
6. The broad objective for the proposed Residential Development zone is to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multiple ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development.

DEVELOPMENT SERVICES REPORTS

POLICY IMPLICATIONS

7. Council must have regard to State Planning Policies adopted by the WA Planning Commission that affect the proposal and the scheme amendment is required to reflect these policies and strategies. The proposal also complies with the State Planning Strategy recommendation that local government pursue consolidation of existing housing stock and provision for a variety of housing available to residents in the City.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The subject area is located within an area shown for “Future Residential” purposes within the draft Albany Local Planning Strategy (ALPS) adopted by Council. The Strategy recognises the need to secure this area for future residential needs and the scheme amendment is consistent with the strategy objectives.
10. The WA Planning Commission prepared the Lower Great Southern Strategy (20-30 year land use planning strategy for the Great Southern Region) to guide planning decisions within the region. The scheme amendment is consistent with the objectives of these policies and strategies which identifies the importance of sustainable land uses, community development and the consolidation of settlements.

COMMENT/DISCUSSION

11. The subject area is considered to be the most strategic residential area to be developed on Vancouver Peninsula over the life of the ALPS strategy and is bordered by the Princess Royal Harbour (north) and Frenchman Bay Road (south). The lots constitute a total area of 57.5 hectares and have frontage to Frenchman Bay Road (sealed). The lots contain a mixture of activities and uses with mainly limited grazing occurring on the cleared land. The area supports some areas containing significant stands of remnant vegetation. There are dwellings and associated outbuildings developed on some of the lots.
12. Some parts of the area are covered by protection areas for water supply buffer purposes.

DEVELOPMENT SERVICES REPORTS

13. The ALPS strategy identifies the subject site as “Future Urban” (copy of map attached) and it is shown in the Category ‘3’ for Priority Development (Note: Categories are shown from 1 (High) – 5 (Low)). In terms of residential growth, the ALPS Settlement Strategy (Section 8.3) lists the following Actions to achieve the Objectives of the Strategy which include:
- *Prepare precinct and structure plans to provide a planning framework, having regard to the development priorities for those areas identified for “Future Urban” in the Strategy (CoA).*
 - *Prepare precinct and local structure plans to determine densities and land use, provide for servicing infrastructure and resolve development issues to integrate urban infill within existing built up and less densely developed surrounding areas in consultation with service providers and other stakeholders (CoA, WC, DPI, DH&W, MRWA, WP, Developers).*
 - *Develop and implement a long term planning framework, including the preparation of District Structure Plan and Strategic Policies for those areas identified for “Future Urban” (CoA).*
14. Given the Priority 3 classification applied to the land in the ALPS (predicted timeframe 8 -12 years), the length of the process to achieve rezoning and ODP approval (it is likely to take 3+ years), and the potential complications that confront developments of this scale, commencement of the amendment process is not unreasonable. The ALPS objectives encourage the inclusion of larger areas for zoning changes and there is simply no planning merit in leaving the “Homestead Lots” out of the proposed zoning change and staff recommend it be modified to include all land within the “Residential Development” zone. This will assist the City to promote urban consolidation and achieve a smaller development footprint over time.
15. The “Residential Development” zone highlights the future intention for this land to be developed for fully service urban development including deep sewer, underground power, kerbed/sealed roads etc. TPS 3 requires that all land within the “Residential Development” zone be subject to completion of an ODP. A draft ODP has been received from the proponent and that plan will be subject to a separate assessment process once Council determines the merits of proceeding with the amendment.
16. The City's June 2006 support for the SAR was subject to a number of matters being addressed within the amendment document which is discussed below:
- Clearly defined zoning boundary to be adopted and justified
17. The amendment document provides for the rezoning of the majority of the area to “Residential Development” zone. As stated above, there is simply no planning merit in leaving the “Homestead Lots” or Lot 2 (on the eastern edge of the proposal) out of the proposed zoning change and staff recommend the documents be modified to include all land within the “Residential Development” zone. If the landowners’ intentions are to retain larger holdings, this can be accommodated through the preparation of the ODP and subsequent subdivision stages.

DEVELOPMENT SERVICES REPORTS

Detailed environmental assessment, including a flora and fauna survey with areas identified on environmental grounds being excluded from development

18. The amendment document comments on the Environmental Assessment report completed by MP Rogers and Associates and Coffey Environments within the draft ODP which identifies some areas of very good/excellent condition vegetation to be protected within Lots 1 and 7.
19. The report also highlights a number of fauna species with special ecological status that have been recorded in the area or that may be present/visit the site. The consultants conclude that given the largely degraded flora values on much of the site, they consider the fauna species would also visit similar other vegetated areas within the region. They conclude the retention of the areas of very good/excellent condition vegetation will also assist in providing some habitat protection.

Review of existing foreshore reserve widths and an accompanying foreshore management plan

20. The amendment document comments that the foreshore reserve boundary along the Harbour is intended to be increased in accordance with WAPC State Coastal Planning Policy requirements and the proposed zone boundary will mirror the recommended boundary.
21. The details are contained within the coastal setback assessments completed by MP Rogers and Associates and Coffey Environments included in the draft ODP. The ODP advises that a foreshore management plan will be prepared.

Fire Management Plan

22. This has not been completed within the amendment document. Staff expects that the subdivision design will be influenced by the bushfire hazard threat assessment with the need to provide hazard separation zones of a minimum of 100m from these areas for standard dwelling constructions. If an appropriate setback cannot be achieved then all affected dwellings and other habitable buildings will be required to comply with Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas'. Given this, staff recommends the consultants be advised to complete the Fire Management Plan in accordance with the DPI/FESA's 'Planning for Bush Fire Protection' as part of the ODP process accordingly.

Visual Management Plan

23. The amendment document comments that the future design will retain a landscaped buffer along Frenchman Bay Road. The draft ODP is required to discuss and resolve the matter more thoroughly.

DEVELOPMENT SERVICES REPORTS

Conceptual structure plan based on identified land constraints

24. The amendment document comments that the future ODP design will include the following key elements:
- Boulevard style entry leading to foreshore and a modified grid layout reinforcing the relationship of the site with the water, whilst also providing excellent permeability;
 - An increased foreshore reserve. Design and management of this will be subject to a Foreshore Management Plan however it is anticipated to cater for both natural and landscaped areas, passive and active recreation, a cycle/dual use path and provision for a potential future foreshore node;
 - A centrally located village centre/mixed use area with boutique tourism/retail type land uses and a robust built form;
 - A range of secondary open space areas providing for both active and passive recreation and for the retention of vegetation on some sites;
 - Retention of a landscape buffer along Frenchman bay Road; and
 - A range of residential densities (R20 to potential R40) with an increase in residential densities in proximity to the foreshore reserve, the village centre and areas of open space. It also includes potential duplex development on appropriate corner sites in the future, reinforcing the robustness of the design.
25. The proponents intend for this to be completed through the separate ODP process.

Sustainability assessment

26. This has not been completed within the amendment document. The draft ODP contains a Sustainability Checklist to assess the urban design against the sustainability indicators. The results conclude the urban design and future subdivision achieves the desired sustainability outcomes.

Land demand assessment

27. This has not been completed within the amendment document. The draft ODP addresses the matter and comments:

'In particular, analysis suggests limited demand for medium and small lot product at this time, and similarly limited demand for commercial land uses in this locality. Contemporary planning principles require provision for these uses however these need to be balanced against the limitations of the market, and a staged approach may be necessary.'

Community Assessment

28. This has not been completed within the amendment document. The separate draft ODP advises of the consultation by the proponents with the affected landowners.
29. Clearly both the scheme amendment and ODP processes involve public consultation processes to be completed.

DEVELOPMENT SERVICES REPORTS

Infrastructure and Services Assessment

30. The amendment document comments that the future development can be provided with all necessary infrastructure including sewer connection, drainage, electricity, telecommunications and water supply. The draft ODP is required to discuss and resolve the matter more thoroughly.
31. The draft amendment document largely addresses the matters raised by Council at its June 2006 meeting and staff recommends that the amendment be initiated subject to modifications. These modifications will also affect the separate ODP.

ITEM 11.3.4 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON

SECONDED COUNCILLOR WOLFE

THAT Council, resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 284 to the City of Albany Town Planning Scheme No. 3 for the purpose of rezoning Lots 1, 2, 7, 20, 21, 109 & 110 Frenchman Bay Road, Big Grove from “Rural” Zone to “Residential Development” Zone and amend the Scheme Map accordingly subject to the amendment document including the following modifications:

- a. **the inclusion of all parts of the subject land and adjoining Lot 2 within the amendment proposal; and**
- b. **the inclusion of an Opportunities/Constraints or Design Principles Map within Section 7.2 to show how the urban design principles will be applied to the land, including the DPI/FESA’s ‘Planning for Bush Fire Protection’.**

MOTION CARRIED 11-1

DEVELOPMENT SERVICES REPORTS

11.3.5 Initiation of Scheme Amendment - Lot 101 & 102 Kitson / Gipton Roads, Gledhow

- File/Ward** : AMD 286 (West Ward)
- Proposal/Issue** : To rezone the subject lots from “Public Purposes Reserve” to “Light Industry” Zone
- Subject Land/Locality** : Lots 101 & 102 Kitson/ Gipton Roads, Gledhow
- Proponent** : Ayton Taylor Burrell
- Owner** : HS Sharp
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht) and Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/05/06 - Item 11.3.5
- Summary Recommendation** : Initiate the Amendment
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. The scheme amendment proposes to rezone Lots 101 and 102 Kitson/ Gipton Roads, Gledhow from “Public Purposes” to “Light Industry” to facilitate the future development of the land in accordance with the “Light Industry” provisions of the Scheme.
2. The amendment is consistent with Council’s decision in May 2006 to support the previous scheme amendment request to rezone the land to light industry subject to the following matters being addressed within the document:
 - Flooding assessment;
 - Drainage, effluent and building capability;
 - Industry capability;
 - Acid Sulphate Soil assessment;
 - Road network report for vehicle access; and
 - Provisions controlling the type of industries permitted.

STATUTORY REQUIREMENTS

3. The process of completing a scheme amendment is governed by the requirements of the *Planning and Development Act* and *Town Planning Regulations*.
4. The subject lots are presently contained within the “Public Purposes Reserve” in Town Planning Scheme 3. The general objective of the proposed “Light Industry” zone in Town Planning Scheme 3 is *‘to provide sites for industry the location of which will reflect the impact on their environment’*.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. The subject area is located within an area shown for industrial purposes within the Albany Local Planning Strategy (ALPS) adopted by Council. The Strategy recognises the need to consolidate this industrial area and the scheme amendment is consistent with the objectives for local industrial areas.

DEVELOPMENT SERVICES REPORTS

COMMENT/DISCUSSION

8. The subject lots constitute a total area of 3.0026 hectares and has frontage to Kitson Road (unsealed) and Gipton Road (unconstructed). The lots are largely cleared apart from an area of remnant vegetation on the southern portion of Lot 102. The lots were previous government land and have been disposed of to the present owners who have used the land for grazing purposes. There are no buildings on the lots.
9. It is proposed that the rezoning will facilitate the future development of the land for light industrial purposes, although the landowners do not intend to develop the land in the foreseeable future.
10. The City's May 2006 support for the SAR was subject to a number of matters being addressed which are discussed below:
Flooding Assessment
11. The Land Capability and Geotechnical Assessment Report included within the amendment document contains recommendations for the draining and filling of the land to support light industrial development.
12. It highlights the existing poor drainage in the area and in particular the susceptibility of the northern portion of the Lot 101 to waterlogging/inundation. This northern area also forms part of the local drainage pattern and receives runoff from the west. The report recommends either excluding the northern area or requiring filling and subsoiling drainage to address the issue.
13. The future development of any of the land would be subject to the implementation of the filling and draining requirements for building and effluent disposal purposes.
Drainage, effluent and building capacity
14. As above, the Land Capability and Geotechnical Assessment Report highlight the general low capacity of the soils and high watertable to cater for effluent disposal needs.
15. The report recommends the use of nutrient absorbing effluent disposal systems for all new developments.
Industry capability
16. The amendment proposes the inclusion of the land within the light industrial zone and subject to the same planning controls as the other light industrial zoned land in the area. Due to servicing constraints and in particular no deep sewer connection available, only 'dry' type industries are considered appropriate to the land.
Acid Sulphate Soil assessment
17. The Land Capability and Geotechnical Assessment Report identifies a low potential exposure to acid sulphate soils on the property however it recommends the use of filling of the site rather than drainage to reduce the potential of exposing the soil.

DEVELOPMENT SERVICES REPORTS

Road network report for vehicle access

18. The amendment comments that existing and proposed road and rail upgrades will improve accessibility to the area.
19. The future development of any of the land would be subject to the developer upgrading the roads to a sealed, kerbed/drained standard.
20. The draft amendment document adequately addresses the matters raised by Council at its May 2006 meeting and staff recommends that the amendment be initiated.

ITEM 11.3.5 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR MATLA

THAT Council, resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment 286 to the City of Albany Town Planning Scheme No. 3 for the purpose of rezoning Lots 101 and 102 Kitson/Gipton Roads, Gledhow from “Public Purposes Reserve” to “Light Industry” Zone and amend the Scheme Map accordingly.

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared an Impartiality interest in report item 11.3.6 and left the Chamber at 9.00pm. The nature of interest being that he is employed by a company that is in opposition to the future landlord proposed for the site.

11.3.6 Initiation of Scheme Amendment – proposed new definition for Bulky Goods Outlet - Town Planning Scheme 1A and 3

File/Ward	: AMD 170 (TPS 1A) and AMD 289 (TPS 3)
Proposal/Issue	: Changing the interpretation of “Bulky Goods Outlet” to that of “Showroom” as per the Model Scheme Text
Subject Land/Locality	: N/A
Proponent	: Allerding and Associates
Owner	: N/A
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride) and Senior Planning Officer (J van der Mescht)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Initiate the amendment
Bulletin Attachment	: Amendment Document
Locality Plan	: N/A

BACKGROUND

1. An application has been received by Allerding and Associates (planning consultants) seeking to amend Town Planning Scheme No. 1A and 3 by changing the definition of “Bulky Goods Outlet” to that of Showroom as per the Model Scheme Text (MST).
2. The MST is a town planning scheme template which all Council's undertaking a review of their Schemes are required to use to ensure greater consistency in planning legislation across the state. The definition of “Showroom” within the MST, which is another term used to describe a bulky goods outlet, is considered to be a more flexible and up to date definition than that currently contained with Council's Schemes.

DEVELOPMENT SERVICES REPORTS

3. The existing definition within Town Planning Scheme No. 1A (Appendix ix – Interpretations) and Town Planning Scheme No. 3 (Clause 1.6 Interpretations) is as follows:

*“Bulky goods Outlet – means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature which require a large area for handling, storage or display or easy and direct vehicular access to enable the goods to be collected by customers after sale, but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, **books or paper products**, china, glassware or domestic hardware, or items of personal adornment”*

4. The definition contained within the MST for showroom is as follows:

“Showroom - means premises used to display, sell by wholesale retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature”

5. The proponent has requested that ‘office equipment and supplies’ also be included in the revised definition to accommodate the establishment of an ‘Officeworks’ store in Albany, namely at Lot 300 (160-166) Albany Highway, Centennial Park. This particular property is zoned “Other Commercial” under Town Planning Scheme No. 1A, whereby a “Bulky Goods Outlet” is a permitted use, and a “Shop” is a prohibited use.
6. Whilst Officeworks predominantly sells bulky items such as office furniture, filing cabinets, computers, faxes, printers etc, it also sells general stationery inclusive of paper products. The existing definition of Bulky Goods Outlet contained within Council’s Scheme’s specifically prohibits the sale of paper products and therefore the use cannot be designated as a “Bulky Goods Outlet” unless they propose not to sell this particular product. The proponent argues that a store such as Officeworks needs a large floor space such as that offered within the “Other Commercial” zone, and that locating within a ‘big box’ or within ‘strip shopping’ (such as York Street) would not be possible or practical.

STATUTORY REQUIREMENTS

7. Council’s resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
8. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
9. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
10. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

DEVELOPMENT SERVICES REPORTS

POLICY IMPLICATIONS

11. As per item 11.6.2 of this agenda, through the Planning and Environment Strategy and Policy Committee Minutes dated 17 September 2008, staff are proposing further clarity to how smaller items within Bulky Goods Outlets are to be considered, and in which circumstances Bulky Goods Outlets can be considered in “Industrial” zones.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

13. The proposed amendment is in accordance with the Albany Local Planning Strategy (ALPS) document.

Section 8.5 Economic Strategy Objectives:

- *Promote economic development and encourage local employment opportunities;*
- *Promote the continued viability of the Albany town centre as the regional, commercial and retail centre of the district and Great Southern;*
- *Retain existing and develop new staged neighbourhood and local centres incorporating retailing as a primary focus; and*
- *Support the growth in other business activity, in the form of bulky goods outlets, office developments, consulting rooms and home businesses that are compatible with existing uses.*

Action proposed by ALPS includes: Promote economic development by supporting diversification of the present economic activities to encourage investment to the City (CoA).

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

Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

At the City of Albany we are ethical and operate within our strategic and policy framework.

DEVELOPMENT SERVICES REPORTS

COMMENT/DISCUSSION

15. The definition of Showroom (which has the same meaning as 'Bulky Goods Outlet') within the MST is present in a number of newer Schemes throughout Western Australia and Council will be required to use this definition within the New Community Planning Scheme it's currently preparing (unless a variation can be agreed to with the WAPC).
16. The present definition of "Bulky Goods Outlet" is outdated and overly restrictive and has not kept up to date with changing trends in large format retail establishments.
17. With the evolution of large format retailing, there is a greater proportion of 'hybrid', large format retailers, which require a large floor space and supplies a mixture of goods, although the majority of which are bulky in nature.
18. The proponent has proposed a modification to the MST definition by including 'office equipment and supplies' to allow stores such as Officeworks and other stationery suppliers to be categorized as "Bulky Good Outlets" and therefore able to locate in "Other Commercial" zones. When considering this proposal one has to look at whether this modification is likely to weaken in any way the viability and sustainability of existing retailing within the City of Albany.
19. In staff's view the inclusion of 'office equipment supplies' within the definition of "Bulky Goods Outlet" will not undermine the core retail precinct of Albany (CBD and suburban shopping centres). Most other stationery and office suppliers within Albany (except for newsagents which carry stationery as a component of their business) are already located outside the CBD.
20. Staff have undertaken research on the appropriateness of the proponents request and found that the Victorian State Government has recently introduced a definition for Bulky Goods Outlets (called Restricted Retail Premises in that state) via Amendment VC45 that was inserted into the planning schemes of all Victorian Council's. The definition is identical to the MST definition except that it includes 'office equipment and supplies'.
21. Staff believe the inclusion of 'office equipment and supplies' would be appropriate given these type of uses usually require a large floor space for storage, handling and display of products, and predominantly service the office sector. Although absent in the definition contained within the MST, other states do include this retail category within their definitions of Bulky Goods Outlets, and staff can see no reason as to why this should not be included within the revised definition. Therefore staff are supportive of the following definition:

"Bulky Goods Outlet - means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, office equipment and supplies or goods of a bulky nature".

DEVELOPMENT SERVICES REPORTS

22. In relation to alternative options, Council could resolve:
- not to support the amendment (this option would be on the premise that Council is comfortable with the current definition) and therefore the proponents would either need to find a location within Albany’s CBD or a suburban shopping centre or not establish a store in Albany;
 - to insert specific zoning controls over the subject land being Lot 300 (160-166) Albany Highway, Centennial Park to allow the sale of office equipment and supplies as an additional use on this site only; or
 - to utilise the Model Scheme Text definition for bulky goods outlet in full (without reference to office equipment and sales).
23. Should Council support the revised definition, the Western Australian Planning Commission will ultimately decide whether the inclusion of the category ‘office equipment and supplies’ is acceptable.
24. A change of the definition will allow for product diversification within areas where bulky goods uses are currently present and will act as a catalyst for economic development and additional diversification of investment opportunities within Albany.

ITEM 11.3.6 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED BY COUNCILLOR MATLA

SECONDED BY COUNCILLOR BOSTOCK

THAT Council resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment No. 170 to Town Planning Scheme No. 1A and Amendment No. 289 to Town Planning Scheme No. 3 by:

- i) **Deleting the interpretation of “Bulky Goods Outlet” under Town Planning Scheme No. 1A by replacing the interpretation of “Bulky Goods Outlet” in Appendix IX – Interpretations, and inserting a new interpretation for “Bulky Goods Outlet” as follows:**

“Bulky Goods Outlet - means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, office equipment and supplies or goods of a bulky nature”.

- ii) **Deleting the interpretation of “Bulky Goods Outlet” under Town Planning Scheme No. 3 by replacing the interpretation of “Bulky Goods Outlet” in Part 1, Point 1.6 – Interpretations, and inserting a new interpretation for “Bulky Goods Outlet” as follows:**

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

“Bulky Goods Outlet - means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, office equipment and supplies or goods of a bulky nature”.

MOTION CARRIED 11-0

Councillor Wiseman returned to the Chamber at 9.03pm.

DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. Amaroo Care Services Inc has recently purchased several adjoining lots between Albany Highway and Pioneer Road with the intention of developing an over 55s retirement village in the near future (see plan included in Elected Member's Report / Information Bulletin).
2. The development of the designated lots, see locality plan, for a retirement village is compromised by a Crown reserve (shown as Lot 1452) splitting the subject site into two separate land entities. The proponent has approached the Department of Planning and Infrastructure to obtain that reserve (intended to be set aside in the future for the unmade road reserve) and the Department is not prepared to action the request without first obtaining advice from the City of Albany.
3. At its meeting dated 19 February 2008 Council considered the application to close a portion of Pioneer Road and resolved:

“THAT Council advise the Department of Planning and Infrastructure that it is not opposed to Lot 1452 (proposed future road reserve) being sold to Amaroo Care Services Inc on the proviso that an appropriate area of land be ceded to the Crown to provide a cul-de-sac head adjacent to the south eastern boundary of lot 275 and/or lot 26.”
4. The proponent is currently negotiating with the Department of Planning and Infrastructure to purchase the unmade road (which is 792m² in area) as per Council's resolution.
5. The proponent is concerned that despite Council's support for the road closure and amalgamation of the land into adjacent titles, the second part of the resolution requires the proponent to give up an almost equal area of land to accommodate a future cul-de-sac should the unmade road ever be constructed.
6. A copy of the proponent's letter is included in the Elected Member's Report / Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

STRATEGIC IMPLICATIONS

10. The unmade road situated between Albany Highway and Pioneer Road may in the future be developed, however the construction of the road is only likely to occur if a landowner requires rear access as part of a subdivision or development proposal (this construction would be at the developer's cost).

COMMENT/DISCUSSION

11. The proponent in this case has questioned the need to accommodate a future cul-de-sac head, which if constructed in the future, will effectively enter the boundary of aged persons village.
12. The application for planning scheme consent for the aged persons village has been received by planning staff (copy of the plan included in the Elected Member's Report / Information Bulletin) and is likely to be presented to Council at the next ordinary meeting in November. The plans show access being provided from Pioneer Road and Albany Highway and makes no allocation for access from the unmade road.
13. If the unmade road is constructed in the future the cul-de-sac head will be needed to accommodate turnaround movements. Staff believe provision can be made further to the south by minor widening on land benefited by such access (refer to attached option in relation to the cul-de-sac head) if development requires the cul-de-sac to be constructed.
14. A problem exists if the construction of the cul-de-sac is generated by community concerns over access of adjoining lots onto Albany Highway. In this instance Council may decide to build the road pavement and adequate land would not be available to create a cul-de-sac head to turn around rubbish trucks, removal vans, etc. To secure the cul-de-sac head under this scenario would necessitate Council acquiring land from an adjoining landowner.
15. Staff believe the removal of the cul-de-sac head as requested by the developer does not undermine the future construction of the unmade road, however a question mark remains over securing the cul-de-sac bulb. Whether the cul-de-sac will ever be constructed remains unclear.

ITEM 11.4.1 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR STANTON

THAT Council advise the Department of Planning and Infrastructure that it is not opposed to Lot 1452 (proposed future road reserve) being sold to Amaroo Care Services Inc and the need for a cul-de-sac head adjacent to the south eastern boundary of Lot 275 and/or Lot 26 is not required.

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.4.2 Dedication of Right of Ways as Public Roads – Andrew Street and Hadley Road, Lower King

- File/Ward** : SER 088, SER 141 & 133691 (Kalgan Ward)
- Proposal/Issue** : Dedicate Right of Ways as Public Roads
- Subject Land/Locality** : Lot 66 Diagram 31090 (Known as Andrew Street), Lot 66 Diagram 3830, Lot 67 Diagram 31296 and Lot 68 Diagram 33061 (known as Hadley Road) Lower King
- Proponent** : Harley Survey Group
- Owner** : Crown
- Reporting Officer(s)** : Planning Assistant (D Delury)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council support the request to dedicate the Right of Way lots as Public Roads
- Bulletin Attachment** : Responses from agencies and comment from neighbouring landowner
Copy of subdivision plan (133691)
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

BACKGROUND

1. A request has been made by Harley Survey Group for Council to progress the dedication of the right of way (ROW) lots that make up Hadley Road and part of Andrew Street. The ROW's were vested in the Crown under *Section 20A of the Town Planning & Development Act 1928*.
2. Hadley Road (*marked on maps as Hadley Street, correct name is Hadley Road*) is required to provide access for the subdivision of Lots 107 and 120 Francis Street, Lower King in accordance with WAPC subdivision approval 133691 and the change to public road will formalise the required access.
3. Andrew Street is fully constructed and the dedication of this ROW, although unrelated to the subdivision to the south, is to formalise the existing use and will provide formal access to a previously approved WAPC subdivision 132011.
4. The proposal to dedicate these ROW's as public roads has been advertised to the general public and comment sought from neighbouring landowners and service providers. The service providers stated no objection and one submission from a landowner supported the proposal.

STATUTORY REQUIREMENTS

5. Section 56 of the *Land Administration Act 1997* allows for the local government to request the Minister to dedicate as a road, that land that is reserved as a road under the care, control and management of the local government. By definition, ROW's are private roads under the *Land Administration Act*. All ROW's created under Section 152 of the *Planning & Development Act 1995* (formerly Section 20A of the *Town Planning & Development Act 1928*) come within the control and management of Local Governments under Section 3.53 of that Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The City of Albany will be responsible for the ongoing maintenance of these roads. Andrew Street is currently constructed and Hadley Road will be constructed by the developer of the subdivision.

DEVELOPMENT SERVICES REPORTS

STRATEGIC IMPLICATIONS

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

Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

At the City of Albany we provide best value in applying Council and community resources and apply Council funds carefully."

COMMENT/DISCUSSION

9. Hadley Road will need to be dedicated to allow formal access to the approved subdivision at Lots 107 and 120 Francis Street.
10. Andrew Street is already being used as a road by the public and the dedication will formalise this existing use. This road is currently being maintained by the City of Albany.
11. A resolution of Council is required to allow the process of dedication to proceed.

ITEM 11.4.2 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR BUEGGE

THAT Council resolve to request the Minister for Lands to dedicate Lot 66 Diagram 31090 (known as Andrew Street), Lot 66 Diagram 3830, Lot 67 Diagram 31296 and Lot 68 Diagram 33061 (known as Hadley Road) Lower King as public roads in accordance with Section 56 of the *Land Administration Act 1997*.

MOTION CARRIED 12-0

11.5 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Bushcarers Advisory Committee Meeting Minutes - 12 September 2008

File/Ward	:	MAN 121 (All Wards)
Proposal/Issue	:	Committee Item for Council Consideration
Reporting Officer(s)	:	Bush and Coastal Reserves Officer (S Maciejewski)
Summary Recommendation	:	That the minutes of the Bushcarers Advisory Committee meeting held on 12 September 2008 be received
Bulletin Attachment	:	Minutes of the Bushcarers Advisory Committee meeting held on 12 September 2008

RECOMMENDATION

THAT the minutes of the Bushcarers Advisory Committee meeting held on 12 September 2008 be received (A copy of the minutes is included in the Elected Member's Report / Information Bulletin) and the following recommendations be adopted:

- i) Item 3.0 Confirmation of Minutes
That the minutes of the meeting of the 13th June 2008 be confirmed as a true and accurate record of the proceedings.
- ii) Item 4.0 Correspondence
That the correspondence from Atlanta Veld be received by the Committee.

Voting Requirement Simple Majority

ITEM 11.6.1 – AMENDED OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON

SECONDED COUNCILLOR MATLA

THAT the minutes of the Bushcarers Advisory Committee meeting held on 12 September 2008 be received (A copy of the minutes is included in the Elected Member's Report / Information Bulletin).

MOTION CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.6.2 Planning and Environment Strategy and Policy Committee Meeting – 17 September 2008

File/Ward	:	MAN 235 (All Wards)
Proposal/Issue	:	Committee Item for Council Consideration
Reporting Officer(s)	:	Manager Planning and Ranger Services (G Bride)
Summary Recommendation	:	That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 17 September 2008 be received
Bulletin Attachment	:	

ITEM 11.6.2 – OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR MATLA

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 17 September 2008 be received.

MOTION CARRIED 12-0

ITEM 11.6.2 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA

Item 5.0 Amendments to Development Guidelines

THAT Council adopts for advertising purposes the revised Development Guidelines for Scheme 1A and Scheme 3 in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

THAT staff bring to the next meeting of the Committee a list of plant species suitable for use in landscaping plans in the Albany area.

THAT Council include the following requirement within the Subdivision & Development Guidelines in relation to the clearing of vegetation:

“Except where required for the construction of roads and the provision of essential services/utilities and infrastructure, remnant vegetation should not be disturbed as part of the subdivision process.”

MOTION CARRIED 12-0

ITEM 11.6.2 – COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

Item 6.0 Public Open Space Policy (3 to 5 Lots)

THAT Council in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 finally adopts the policy titled ‘Public Open Space Contribution Policy (3 to 5 Lots)’.

MOTION CARRIED 12-0

ITEM 11.6.2 – COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR STANTON**

Item 7.0 Reflective Roof Policy

THAT Council adopts for advertising purposes the Use of Reflective Building Materials Policy in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, subject to:

- **The title and content of the Policy being modified to apply to reflective roofs only;**
- **The Policy only recognising white colorbond and zincalume as reflective materials.**
- **For the purposes of clarity the Policy concentrates on protecting the amenity of adjoining neighbours who would potentially overlook a new dwelling.**

MOTION CARRIED 8-4

ITEM 11.6.2 – COMMITTEE RECOMMENDATION 5

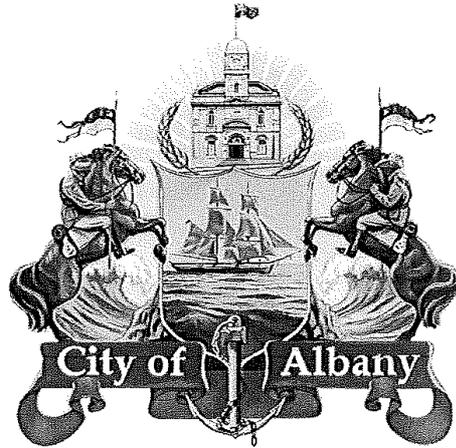
VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR STANTON**

Item 9.0 Next Meeting

THAT the next meeting of the Planning and Environment Planning and Strategy Meeting be held on Wednesday 22 October at 6.00pm, with a meal to be provided.

MOTION CARRIED 12-0



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

**Held on
Wednesday, 17 September 2008
12.00 pm**

Margaret Coates Boardroom

ORDINARY COUNCIL MEETING MINUTES – 21/10/08

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

COMMITTEE MEETING MINUTES– 17/09/08

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DECLARATION OF OPENING

The Chairperson, Councillor Matla, declared the meeting open at 12.11pm.

1.0 ATTENDANCES

Attendances:

Councillors -

J Matla (Chairperson)

K Stanton

D Wolfe

D Price

G Bride

K Barnett

I Humphrey

M Bosworth

Manager Planning & Ranger Services

Manager Building & Health Services

Senior Planning Officer

Personal Assistant to EDDS

Observers:

G Kidman

2.0 APOLOGIES

Apologies were received from R Fenn, A Nicoll, Mayor Evans and Councillors Morris, Buegge and Bostock

3.0 DECLARATION OF INTEREST

Nil

4.0 CONFIRMATION OF MINUTES OF MEETING 16 JULY 2008

The minutes were confirmed as an accurate record of the meeting.

MOVED: K Stanton

SECONDED: D Price

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 27 August 2008, as previously distributed, be confirmed as a true and accurate record of proceedings.

Carried 4/0

5.0 AMENDMENTS TO DEVELOPMENT GUIDELINES

Proposal Agree to advertise the revised Development Guidelines for public comment.

Previous Reference PESPC 16/07/08 Item 9.0 & OCM 19/08/08 Item 9.1 to 9.6

Attachments 1 Development Guidelines Scheme 1A
2 Development Guidelines Scheme 3

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Background

At its meeting held on 16 July 2008 the PESP Committee supported various modifications to the Development Guidelines in principle, and this was subsequently endorsed at the August Council Meeting. In accordance with the Council resolution the Development Guidelines for both Town Planning Scheme 1A and 3 have been revised, to include the following key areas:

- Bulky Goods Outlets;
- Consulting Rooms and Places of Public Worship in Residential Areas;
- Treatment of Building Facades in Industrial Areas;
- Variations to the Residential Design Codes, including Carports and Site works;
- Expiry of Planning Consent; and
- Correcting discrepancies between each Development Guidelines.

Statutory Requirements

The policies provide additional guidance to the requirements of the Schemes, and set out the types of developments that Councillors wish to determine at a formal Council Meeting.

Comment/Discussion

The changes that have been made are shown in red on the attached documents. It should be noted that some elements have been deleted as they are now dealt with by other policies (such as the Central Urban Design Guidelines), the revised Residential Design Codes, or are out dated and better addressed through consultation with the relevant state departments, such as the Heritage Council. Staff will discuss these aspects in detail at the Meeting.

The provisions relating to Ancillary Accommodation have been 'cleaned up' to help the interpretation; however the intent and criteria remains unchanged.

Possibly the key area of change, relates to the correcting of discrepancies between the two guidelines, relates to Guideline 1 (Authority to issue planning consents). Guideline 1 designates that type of applications which are required to be considered by Council only (i.e. staff are not delegated to make decisions on these uses). This has resulted in some items being added to both guidelines following previous Council decisions, (such as the requirement that wind turbines be referred to Council), and some descriptions being amended (institutional building and house incorporated into one). It should also be noted to correct the discrepancies, uses have been added to TPS3 guidelines, such as Aged Person Village, Night Club, Educational Establishment and Fuel Depot have been included in Guideline 1.

The draft development guidelines also include those provisions recently supported by Council, including Public Art Contributions and Clearing of Vegetation after Planning Consent has been issued by Council.

It is felt that the changes will not only bring the guidelines up to date, but also provide a greater level of consistency and transparency, for both the Council and the public. Staff recommend that both policies be placed on advertising for public comment.

Committee Discussion:

The Senior Planning Officer (SPO) went through the proposed changes to the development guidelines which were based on the direction of Council at the August Council Meeting. There was considerable discussion on which land uses should be

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listed within Guideline 1, particularly whether Aged Persons Villages and Places of Public Worship should be automatically referred to Council as per the existing Development Guidelines No.1A, however the SPO explained that it was very rare for these type of land uses to be less than \$1.5 million in value, so these applications would come before Council anyway.

There was also discussion on the facades in industrial areas and it was agreed by the Committee that the proposed restriction that metal sheeting should not take up no more than 30% of a front façade should be changed to 'should not be the substantial material' to allow some greater flexibility.

Whilst discussing the Development Guidelines, the Committee believed the following items needed further consideration:

1. That a list of plant species to guide developers on what they should plant should be brought to the Committee for review.
2. That in relation to the clearing of vegetation within subdivisions, Council's Subdivision and Development Guidelines should be amended to ensure that except for the construction of roads and the provision of services, unnecessary clearing of vegetation be avoided.

A copy of the amended development guidelines (amendment relates to industrial facades) is attached.

MOVED: D Wolfe
SECONDED: D Price

THAT Council adopts for advertising purposes the revised Development Guidelines for Scheme 1A and Scheme 3 in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

Carried 4/0

MOVED: D Price
SECONDED: D Wolfe

THAT staff bring to the next meeting of the Committee a list of plant species suitable for use in landscaping plans in the Albany area.

Carried 4/0

MOVED: D Wolfe
SECONDED: D Price

THAT Council include the following requirement within the Subdivision & Development Guidelines in relation to the clearing of vegetation:

“Except where required for the construction of roads and the provision of essential services/utilities and infrastructure, remnant vegetation should not be disturbed as part of the subdivision process.”

Carried 4/0

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6.0 PUBLIC OPEN SPACE POLICY (3 TO 5 LOTS)

Proposal Finally Adopt the Public Open Space Policy

Previous Reference PESPC 19/03/08 Item 7.0 & OCM 15/04/08 Item 11.6.2
PESPC 21/05/08 Item 6.2 & OCM 17/06/08 Item 11.6.1

Attachments The proposed Policy document
Submissions Received

Background

In accordance with Council's resolution dated 17 June 2008 the above policy was advertised for a period of 21 days in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

At the close of the advertising period two (2) submissions were received, being from Ayton Taylor Burrell and Harley Survey Group (copy of submissions attached). Advice was also received from the Department of Planning and Infrastructure on ways to improve the wording of the policy, although they had no objection to the policy as it provides further direction on Council's position on open space commitments for small subdivisions.

Statutory Requirements

Council has three options in relation to this item, which are:

1. Support the officer's recommendation and adopt the policy which has been modified in light of submissions;
2. Adopt the policy subject to further modifications; or
3. Decide not to proceed with the policy.

Comment

A summary of the submissions and staff's response is shown below:

Submission	Issue/Concern	Staff Response
Harley Survey Group	(a) <u>Clause 3</u> : The policy applies to all residential land, when it should concentrate on areas where there are low levels of open space provision only. (b) <u>Clause 4.1(a)</u> : The policy should elaborate on how it is to be determined that a locality is unlikely to have similar subdivision proposals in the future.	(a) Dismiss. The policy applies only to subdivision proposals where the subject land and adjacent land are of a size that allows for further subdivision; therefore the policy is not a blanket policy. Even where there are high levels of POS provision in a locality, contributions to upgrade facilities in the POS will be considered. (b) Dismiss. The current WAPC Policy 2.3 allows local governments to request contributions for POS where similar sized lots which have the potential

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	<p>(c) <u>Clause 4.1(b)</u>: We are unsure why the exemption applies to a lot contained within an endorsed structure plan which contains mechanisms on POS.</p> <p>(d) <u>Clause 4.1(c)</u>: Believe that the onus should be on Council and the WAPC to research whether a lot has previously given up POS.</p> <p>(e) <u>Clause 4.3.1</u>: Support the sliding scale as proposed, however recommend that the 5% allocation be provided for the creation of 3 and 4 lots because POS contributions were not asked for in the past.</p> <p>(f) <u>Clause 4.3.2</u>: Have concerns that maximum lot yield requirement would be unreasonable in some cases where there may be topographical or other constraints that may prevent developer from achieving maximum lot yield.</p>	<p>for further subdivision in the locality are present. It would not be in the interests of proper and orderly planning to apply an arbitrary boundary (say 400 metre radius), when a defined locality may be a street block.</p> <p>(c) Uphold. There is no need to leave this exemption in as the following point relating to the demonstration that 10% POS has been provided would cover this issue (POLICY MODIFIED).</p> <p>(d) Dismiss. It is appreciated that Council and the DPI do keep records and will assist where a landowner believes that the 10% POS requirement was given up.</p> <p>(e) Dismiss. Support for sliding scale noted. It is believed however that the proposed system is equitable on the basis that the higher the lot yield the higher the contribution up to a maximum of 10%.</p> <p>(f) Uphold in part. New wording has been proposed to clarify this issue (POLICY MODIFIED).</p>
<p>Ayton Taylor Burrell</p>	<p>(a) Notes that the contribution to POS is required to meet the criteria under WAPC DC Policy 2.3, so therefore this policy is flawed as not every 3 to 5 lot application satisfies those tests.</p>	<p>(a) Dismiss. The wording that exists in WAPC DC Policy 2.3 has been carried over into this policy (so there is no conflict). Policy is not a blanket policy as suggested and where the exemptions are achieved a contribution will not be requested.</p>

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	<p>(b) It is an overriding basis for the request or provision of POS that Council have an adopted strategy which identifies where there is a shortage of POS.</p> <p>(c) Judgement as to whether "similar proposals containing five lots or less in the locality is highly subjective". Similarly, with Clause 4.3.1 of the policy it is unclear as to whether a higher yield can be obtained from the parent lot.</p> <p>(d) We question the objective to ensure sufficient POS and believe that Albany has an oversupply of POS which it has difficulty managing.</p> <p>(e) There is no discussion on where instances of providing land for POS is available for 3 to 5 lot subdivisions.</p> <p>(f) Clause 4.3.5 of DC 2.3 states that cash-in-lieu can only be applied to the purchase of land, and can only be used to improve existing POS on approval by the Minister.</p> <p>(g) We are not confident that the necessary support mechanisms are in place or even proposed so as to track contributions, administer and distribute funds.</p>	<p>(b) Dismiss. WAPC DC Policy 2.3 allows Council to request contributions for POS where similar sized lots in the locality have the potential to be further subdivided, without a POS strategy being in place.</p> <p>(c) Refer response to points (b) and (f) above.</p> <p>(d) Dismiss. The objective is a sound and proper one as it is Council's responsibility to ensure that there is sufficient POS to an appropriate standard. Taking contributions to improve existing POS areas is also appropriate given the developer by creating the additional lots is placing more pressure on the POS.</p> <p>(e) Dismiss. Clause 4.2 of the policy clearly outlines when land can be considered.</p> <p>(f) Noted. Staff are aware of this requirement and are bound to ensure the spending of POS monies is undertaken in accordance with all legislation.</p> <p>(g) Dismiss. With the assistance of the Manager Finance contribution accounts for each suburb have been established to ensure funds are expended in the relevant area to where the subdivision was carried out.</p>
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Based on the above submissions the policy has been revised and it is recommended that it be supported. It is important to note that the taking of a contribution for cash-in-

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lieu for 3 to 5 lot subdivisions will only be for those areas where there are other similar sized properties in the locality that have got similar development potential. Staff are advised that the taking of contributions for 3 to 5 lot subdivisions in these instances is common place by other Councils in the Great Southern Region (and in other areas) and such requests have continually been supported by the Western Australian Planning Commission.

What this policy attempts to do is to recognise that there is a balance between allowing a developer to make a profit, and ensuring that the residents that occupy these lots have access to sufficient and good quality public open space.

Committee Discussion:

The Manager Planning & Ranger Services discussed the submissions raised and advised through the use of examples that the Policy is not a blanket policy as was suggested by the submission/s and would apply only in situations where the cumulative effect of similar smaller subdivisions would result in the need for additional public open space to be provided. The Committee believed that the sliding scale proposed in the policy which linked contribution percentages to the number of lots proposed to be created was fair and reasonable.

MOVED: K Stanton

SECONDED: D Price

THAT Council in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 finally adopts the policy titled ‘Public Open Space Contribution Policy (3 to 5 Lots)’.

Carried 4/0

7.0 REFLECTIVE ROOF POLICY

Proposal Adopt the Use of Reflective Building Materials Policy for advertising

Previous Reference OCM 19/08/08 Item 11.6.1

Attachments The proposed Policy document
Boundary Map of the Central Albany Urban Design Policy

Background

At its meeting dated 19 August 2008, Council resolved that a policy on reflective building materials should be applied to all localities within the City of Albany, based on the Shire of Busselton’s Policy which was distributed prior to that Council Meeting.

Statutory Requirements

In accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, a planning policy shall only become operational once Council has:

1. Resolved to advertise the policy;
2. After considering submissions, adopts the policy; and
3. Once a notice has been published that the policy was adopted by Council.

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The purpose of this report is to consider whether Council wishes to advertise the policy for a period of 21 days to obtain feedback from the community and interested stakeholders.

Comment

In accordance with this resolution, staff have prepared a draft policy document for Council's consideration. It is recommended that rather than applying the policy across all zones and localities within the City of Albany it should be confined to residential, special residential and special rural areas. It is not deemed practical to apply the policy to rural areas where there is an existing high usage of such materials (with many rural sheds being 3 or 4 times bigger than a house) and in almost all cases a significant distance between neighbouring residences.

It is also recommended that the inner city residential areas contained within the Central Albany Urban Design Policy area (as attached), also be excluded on the basis that a large number of dwellings have historically been constructed of reflective materials. All other areas are proposed to be included in the policy.

It is important to note that should the policy be supported, there will be an increase in the number of planning applications as otherwise compliant dwellings that contain off-white or zincalume sheeting, will need to go through a planning application process, rather than simply a building licence application. The policy may be seen as onerous by home builders and the development industry especially in flatter residential areas, or areas where there is an established accepted use of such materials.

Committee Discussion:

There was considerable discussion in relation to what areas should be exempt from the Policy. The general consensus was it was appropriate to allow buildings within the Central Albany Urban Design Policy Area (inner heritage area of Albany) and those buildings on heritage lists to utilise zincalume roofing as this was commonly applied in this area and was representative of the materials used in the past.

There was a need to clarify whether the Policy applied to roofs and walls or roofs only. On this issue the Committee believed that the Policy should refer only to roofing materials.

There was a general consensus that where applications are lodged to consider reflective roofs only those neighbours adjoining the subject land should be consulted, rather than 'surrounding' landowners as it was agreed this term was too subjective and would be difficult to interpret. The Committee also believed the assessment criteria should be limited to neighbour approval and how the proposal will not be overlooked from existing and future dwellings, rather than impacts from the street etc.

The Committee also believed that the only reflective materials that should be considered were zincalume and white colorbond sheeting. It was believed that materials such as solar roofs, solar panels and glass etc should not be restricted.

The amended policy as per the below Committee resolution is attached.

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COMMITTEE MEETING MINUTES– 17/09/08

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MOVED: K Stanton
SECONDED: D Price

THAT Council adopts for advertising purposes the Use of Reflective Building Materials Policy in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, subject to:

- **The title and content of the Policy being modified to apply to reflective roofs only;**
- **The Policy only recognising white colorbond and zincalume as reflective materials.**
- **For the purposes of clarity the Policy concentrates on protecting the amenity of adjoining neighbours who would potentially overlook a new dwelling.**

Carried 3/1

8. MATTERS FOR CONSIDERATION AT NEXT MEETING

- Draft Cat Local Law
- South Lockyer Structure Plan
- Bayonet Head Detailed Area Plan

9. NEXT MEETING

MOVED: D Price
SECONDED: D Wolfe

THAT the next meeting of the Planning and Environment Planning and Strategy Meeting be held on Wednesday 22 October at 6.00pm, with a meal to be provided.

Carried 4/0

10. CLOSURE OF MEETING

The meeting was declared closed at 1.46pm.



Council Policy

Development Guidelines Scheme 1A

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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Guideline 1: Authority To Issue Planning Consents

- 1.1 For the purposes of Schedule 1 to Council's Delegated Authority notice, authority to issue planning consents or refusals, with or without conditions shall be restricted to those uses nominated in Appendix 1 - Zoning Table in the Town of Albany Town Planning Scheme, but excluding:
- (a) Educational Establishments except where incidental uses
 - (b) Fuel Depot (except where incidental)
 - (c) Hazardous/Noxious Industry
 - (d) Hospital
 - (e) Licensed Premises (only where the serving of alcohol would be the predominant use)
 - (f) Institutional Building/Home
 - (g) Reformative Institution
 - (h) Night Club
 - (i) Restricted Premises
 - (j) Stockyards/Stock Saleyards
 - (k) Wind turbines
 - (l) Port Facilities (except where incidental)
 - (m) Projects exceeding \$1.5 million in value other than those involving the subdivision of land.
 - (n) where more than 5 amusement machines are to be installed within a building.
 - (o) Reapplication for Planning Scheme Consents which have already been granted approval via Council resolution be delegated to staff where no major variations (more than 10% departure) are experienced and the Scheme provisions relating to that land parcel have not been amended.
- 1.2 The provisions of 1.1 shall not apply to development applications for minor works associated with existing lawful land uses.
- 1.3 Notwithstanding that an officer has received an appropriate delegation of authority from Council, the officer may refer a matter to Council where in his/her opinion it is considered appropriate, it is contrary to Council's Policy or it is contrary to the proper and orderly planning of the municipality.
- 1.4 All uses listed as "AA" uses in the Zoning Table may be approved by the delegated officer, unless in the opinion of that officer approval of the use would detrimentally impact upon the amenity and proper planning of the locality (wherein the application can be refused).
- 1.5 All uses listed as "SA" uses in the Zoning Table shall be advertised prior to a determination. Delegated officers may advertise in accordance with the provisions of the Scheme, unless in their opinion the proposed development would detrimentally impact upon the amenity and proper planning of the locality, in which case the application can be refused prior to advertising.
- 1.6 All uses listed as "X" uses in the Zoning Table shall be refused.

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- 1.7 For the purposes of the Residential Design Codes, delegated authority extends to permit the relaxation the Acceptable Criteria and approve developments that utilise the Performance Criteria.
- 1.8 Where an application is advertised pursuant to Town Planning Scheme 1A and
- (a) no submissions were received, the delegated officer may assess the application on its merits.
 - (b) submissions objecting to the proposal were lodged, but with non-substantive arguments against the proposal, then the delegated officer shall liaise with the person who lodged the submission prior to determining the application. If the person lodging the submission requires that the matter be determined by Council, then the matter shall be referred to the *Executive Director – Development Services* to determine if it warrants Council's consideration.
 - (c) submissions were lodged with substantive arguments against the proposal then the delegated officer shall refer the application for Council for determination.

Guideline 2: Residential Development

2.1 Special Provisions

- 2.1.1 John Street, (Mount Clarence) - developments upon lots fronting John Street shall be restricted to single dwellings until appropriate traffic management and/or calming is initiated to accommodate anticipated traffic volumes.
- 2.1.2 Burt/Hare/Roberts Street – within an area defined by Hare Street, Burt Street, Reserve A2682 and King Street, dwelling units shall have low pitch, non reflective roofs, be no higher than 7.5 metres from natural ground level to the apex of the roof and incorporate generous front setback landscaping to preserve and enhance the amenity of the locality.

2.2 Ancillary Accommodation

Ancillary Accommodation shall be permitted within the Residential, Tourist Residential and Rural zones, and shall comply with the definition and standards set-out within the Residential Design Codes, (including the additional criteria set out under this policy). Ancillary Accommodation means self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot and will only be approved on a lot where:-

- (a) the applicant agrees to enter into a legal agreement, which shall bind the owner, his heirs and successors in title, requiring that the occupier of the ancillary accommodation shall be a family member of the occupier of the main dwelling.

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- (b) the unit does not exceed 75m² internal floor area and contains only one purpose designed bedroom (in order to avoid exploitation of Council's concession; but a dual function of lounge/bed-sitting room, given to another room, would not be precluded by this requirement).
- (c) the principal dwelling and the additional unit exhibit architectural sympathy and consistency in terms of design, textures and colours or the proposed dwelling unit is of a transportable nature and does not adversely affect the amenity of the area in terms of building material, effluent disposal, access and vegetation.
- (d) the proposal does not require the installation of a second complete effluent disposal system.

2.3 Relocated Dwelling

A relocated dwelling means a residential dwelling which has been previously constructed on a building site whether occupied or not and does not include a new house which has been specifically designed as a transportable dwelling. These can only be approved on a lot where:-

- (a) the land is zoned Residential, Future Urban or Rural.
- (b) it is a caretakers' dwelling in an Industrial Zone.
- (c) a bond of \$5,000 is to be deposited with Council to ensure satisfactory refurbishment of the dwelling within 4 months of its relocation to the lot.

2.4 Consulting Rooms & Places of Public Worship in Residential Zones

Where a purpose built Consulting Rooms or a Place of Public Worship is proposed in the Residential Zone the following shall apply:

- (a) the bulk, scale and appearance of the development shall be in keeping with the existing residential character of the area.
- (b) the building shall be setback in accordance with the prevailing setback of buildings in the locality.
- (c) car parking areas are to be positioned behind the building.
- (d) the road servicing the development shall be a local distributor road that is capable of supporting the additional traffic generated by the development.
- (e) preference shall be given to development which is located on a corner lot to allow for improved traffic distribution, provide a buffer to surrounding residences and to reduce the impact on the streetscape.

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Guideline 3: Variations to the Residential Design Codes

3.1 Setbacks of Garages and Carports (6.2.3)

Additional Acceptable Development Criteria

A3.6 Carports setback 3m from the primary street and 1.5m from a secondary street.

3.2 Excavation or fill (6.6.1)

Additional Acceptable Development Criteria

A1.5 - Retaining walls on the side or rear lot boundaries that adjoin reserved land, not exceeding 1.0m in height from natural ground level.

Additional Performance Criteria

P2 - Retaining walls that will not detrimentally affect the character and/or amenity of the streetscape or from reserve areas.

P3 - Where adjacent to reserved land walls that do not facilitate a decrease in the direct visual surveillance of a public area.

Guideline 4: Home Based Business

4.1 Bed and Breakfast Accommodation

Bed and Breakfast Accommodation is where a maximum of two rooms of a dwelling house are made available for short stay accommodation for a maximum of five guests at any one time and will only be approved on a lot where:-

- (a) the land is not zoned Industry.
- (b) the land is zoned Rural, Residential or Tourist Residential.
- (c) if the land is zoned Commercial, the proposal is consistent with surrounding land use activities.
- (d) the proposal is within reasonable proximity to a sealed access road.
- (e) the proposal provides 1 car parking bay per room.
- (f) affected parties have been consulted pursuant to Clause 7.5 of the Scheme, and regard to any expressed views have been undertaken prior to Council making its determination.

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Guideline 5: Industrial and Commercial Sites

5.1 Building Facades

The front facades of any new building or a refurbished building in the industrial zone shall be designed to enhance the visual appearance of the building from the street. A combination of building materials is encouraged however the use of metal sheeting on the front façade should not be the substantial material used.

5.2 Restricted Premises

Restricted Premises shall be restricted to "Industrial" zoned land except those lots which front Lockyer Avenue or Barker Street.

5.3 Landscaping Provisions

The landscaping requirement set out in Appendix III and IV of the Scheme may be reduced by up to 50% of the area required where a developer can demonstrate that the reduced landscaping will not reduce the visual or general amenity of the locality. Where relaxation of the landscaping provision is made, the area shall predominantly be developed and/or retained with vegetation, with paving being restricted to the minimum requirements to provide for pedestrian access through the landscaped area.

5.4 Driveway Construction

For developments upon properties with frontage to primary district or local distribution roads, the vehicle crossover and internal property access road shall be constructed with a stable impervious surface with stormwater runoff being controlled to eliminate the deposit of sand, silt or gravel on the road carriage - way.

5.5 Bulky Goods Outlets (Location in Industrial Zones)

Applications for bulky goods outlets located within industrial zoned land shall only be approved where they:

- (a) are located within the locality of Centennial Park; or
- (b) on lots having direct frontage to Chester Pass Road or Albany Highway.

5.6 Bulky Goods Outlets (General)

No more than 20% of the Gross Floor Area shall be made available for the sale and display of incidental smaller items that are not bulky in nature, where such items are not specifically excluded under the definition of 'Bulky Goods Outlet' set out by the Scheme.

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Guideline 6: Central Area

6.1 Traffic Impact

Traffic management and impact studies are required as a condition of any large retail, development in the Central Area zone.

6.2 Carparking Standards

(a) Upon lots zoned "Central Area" carparking shall be provided at the following rates:

USE	MINIMUM CAR PARKING SPACES FOR PUBLIC PARKING
Supermarkets	1 per 16.7 sqm gross floor area
Other Retail	1 per 35 sqm gross floor area
Offices	1 per 30 sqm gross floor area
Public Uses	1 per 50 sqm gross floor area
Hotels/Motels (excluding bedrooms), Restaurants etc.	1 per 35 sqm gross floor area
Hotel/Motel Bedrooms	1 per bedroom
Other Residential	as per "R" Codes
Other Commercial	1 per 100 sqm gross floor area

(b) If, at the discretion of the assessing officer, a proposed use does not match a use stipulated in the Central Area Parking Requirement Table, the parking requirements of Appendix IV, or if not listed Appendix III, of Town Planning Scheme 1A shall prevail.

6.3 Landscaping Provisions

The landscaping requirements set out in Appendix III and IV of the Scheme may be reduced by up to 50% of the area required where a developer can demonstrate that he/she is incorporating building features that contribute to the overall well being of the Central Area Zone (e.g. high quality pedestrian access) and the vegetation is provided in a single mass adjacent to pedestrian traffic areas. Landscaping may be provided in the form of courtyards, plazas or landscaped areas.

6.4 Parking

Each development in the Central Area zone shall provide the required number of car parking bays, consistent with the proposed use as part of the development.

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Where it is not practical to provide the additional carparking, Council may accept a cash payment or the transfer of land (free of cost) for carparking to be provided on the site provided:

- (a) cash in lieu rates are calculated on the basis of 26sqm per parking bay and include the cost of land within the development site, asphalt paving on a suitable basecourse, drainage, linemaking, landscaping and, where applicable, lighting; and
- (b) the additional site coverage will not preclude the integration of access and car parking across lot boundaries.

6.5 Advertising Displays

Upon those lots with frontage to Stirling Terrace, Duke Street, Peels Place and York Street (Peels Place to Princess Royal Drive) which are zoned "Central Area", advertising displays should be; integrated into the building's facade; traditional materials (wood, etc) should be used in the fabric of the advertising display; heritage colour schemes and fonts should be used; roof, internally illuminated and pylon signs should not be utilised; and chasing lights should not be attached to the facades of buildings or to signs.

Guideline 7: Special Sites

7.1 Carparking Standards

Upon lots where a "Special Site" classification has been applied, carparking shall be provided at the following rates:

USE	NO. OF BAYS
Professional Office	3 bays per professional for the first 2 professionals and 2 bays per 20 sqm GFA thereafter
Medical Clinic	6 bays per consultant for the first 2 consultants plus 2 bays for each additional consultant
Massage Clinics	3 car bays for one practitioner and 2 car bays for each additional practitioner

Guideline 8: Public Art

9.1 Private Developments

Private developments involving commercial, non-residential and or mixed residential/commercial developments over the value of \$1,500,000 are required to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity.

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Guideline 9: Clearing of Vegetation

9.1 Clearing of Vegetation (after Planning Scheme Consent granted)

Where remnant vegetation is to be cleared as part of a development proposal, Council will require as a condition of Planning Scheme Consent that such vegetation not be removed until such time as a building licence has been issued.

Guideline 10: Planning Scheme Consent

10.1 Expiry of term

Planning Scheme Consent will be for a period of two years and if the development approved has been substantially commenced at the expiration of that term, the PSC will still be valid and further development on the site consistent with the PSC can be supported through the building licence process.

Substantially commenced is deemed to have occurred in the case of a building if the concrete pad of the structure has been laid on the site. If the development has not yet substantially commenced, a fresh application will need to be made and fees paid accordingly.

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Council Policy

Development Guidelines Scheme No. 3

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Guideline 1 – Authority To Issue Planning Consent

- 1.1 For the purposes of Schedule 1 to Council's Delegated Authority notice, authority to issue planning consents or refusals, with or without conditions shall be restricted to those uses nominated in Table 1 of Clause 3.3 – Zoning Table in the City of Albany Town Planning Scheme No. 3 but excluding:-
- (a) Educational Establishments (except where incidental)
 - (b) Fuel Depot (except where incidental)
 - (c) Hazardous/Noxious Industry
 - (d) Hospital
 - (e) Licensed Premises (only where the serving of alcohol would be the predominant use)
 - (f) Institutional Building/Home
 - (g) Reformative Institution
 - (h) Night Club
 - (i) Restricted Premises
 - (j) Stockyards/Stock Saleyards
 - (k) Wind turbines
 - (l) Projects exceeding \$1.5 million in value other than those involving the subdivision of land.
 - (m) Where more than five amusement machines are to be installed within a building.
 - (n) Reapplications for Planning Scheme Consents which have already been granted approval via Council resolution be delegated to staff where no major variations (more than 10% departure) are experienced and the Scheme provisions relating to that land parcel have not been amended.
- 1.2 The provisions of Clause 1.1 shall not apply to development applications for minor works, extensions and/or expansions associated with existing lawful land uses.
- 1.3 Notwithstanding that an officer has received an appropriate delegation of authority from Council, the officer may refer a matter to Council where in his/her opinion it is considered appropriate, it is contrary to Council's policy or it is contrary to the proper and orderly planning of the municipality.
- 1.4 All uses listed as "A", "IP" and "P" in the Zoning Table may be approved by the delegated officer, unless in the opinion of that officer approval of the use would detrimentally impact upon the amenity and proper planning of the locality (wherein the application can be refused).
- 1.5 All uses listed as "AA" in the Zoning Table shall be advertised prior to determination. Delegated Officers may advertise in accordance with the provisions of the Scheme, unless in their opinion, the proposed development would detrimentally impact upon the amenity and proper planning of the locality in which case the application can be refused prior to advertising.
- 1.6 All uses listed as "X" in the Zoning Table must be refused.

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- 1.7 For the purposes of the Residential Design Codes, delegated authority extends to permit the relaxation the Acceptable Criteria and approve developments that utilise the Performance Criteria.
- 1.8 Where an application is advertised pursuant to Town Planning Scheme No. 3 and:-
- (a) no submissions were received, the delegated Officer may assess the application on its merits.
 - (b) submissions objecting to the proposal were lodged, but with non-substantive arguments against the proposal, then the Delegated Officer shall liaise with the person(s) who lodged the submission prior to determining the application. If the person(s) lodging the submission requires the matter to be determined by Council, then the matter shall be referred to the Executive Director Development Services to determine if it warrants Council's consideration.
 - (c) submissions were lodged with substantive arguments against the proposal, then the Delegated Officer shall refer the application to Council for determination.

Guideline 2 – Residential Development

2.1 Ancillary Accommodation

Ancillary Accommodation shall be permitted within Tourist Residential, Rural and Special Rural, Special Residential or Conservation zone where the relevant provisions of a accommodate Ancillary Accommodation. The Ancillary Accommodation shall comply with the definition and standards set-out within the Residential Design Codes, (including the additional criteria set out under this policy). Ancillary Accommodation means self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot and will only be approved on a lot where:-

- (a) the applicant agrees to enter into a legal agreement, which shall bind the owner, his heirs and successors in title, requiring that the occupier of the ancillary accommodation shall be a family member of the occupier of the main dwelling.
- (b) the unit does not exceed 75m² internal floor area and contains only one purpose designed bedroom (in order to avoid exploitation of Council's concession; but a dual function of lounge/bed-sitting room, given to another room, would not be precluded by this requirement).
- (c) the principal dwelling and the additional unit exhibit architectural sympathy and consistency in terms of design, textures and colours or the proposed dwelling unit is of a transportable nature and does not adversely affect the amenity of the area in terms of building material, effluent disposal, access and vegetation.

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- (d) the proposal does not require the installation of a second complete effluent disposal system.

2.2. Relocated Dwelling

A relocated dwelling means a residential dwelling which has been previously constructed on a building site whether occupied or not and does not include a new house which has been specifically designed as a transportable dwelling. These will only be approved on a lot where:-

- (a) the land is zoned Residential, Residential Development or Rural.
- (b) the relevant provisions of a Special Rural and Special Residential Zone accommodate relocated homes.
- (c) it is a caretakers' cottage in an Industrial Zone.
- (d) the proposal complies with clauses 5.20 (b) and (c) of the scheme and a \$5,000 bond is to be deposited with Council to ensure satisfactory refurbishment of the dwelling within 4 months of its relocation to the lot.

2.3 Consulting Rooms & Places of Public Worship in Residential Zones

Where a purpose built consulting rooms or place of public worship is proposed in the Residential Zone the following shall apply:

- (a) the bulk, scale and appearance of the development shall be in keeping with the existing residential character of the area.
- (b) the building shall be setback in accordance with the prevailing setback of buildings in the locality.
- (c) car parking areas are to be positioned behind the building.
- (d) the road servicing the development shall be a local distributor road that is capable of supporting the additional traffic generated by the development.
- (e) preference shall be given to development which is located on a corner lot to allow for improved traffic distribution, provide a buffer to surrounding residences and to reduce the impact on the streetscape.

2.4 Grouped Dwellings On Rural Zoned Land

- (a) Definition -: Grouped Dwelling means one of two or more dwellings on the same lot.
- (b) A group dwelling comprising a maximum of two dwelling units will only be approved on a Rural zoned lot where:
 - i. the lot size is greater than 20 hectares.

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- ii. the dwellings are to be used for farm management or private residential purposes.
 - iii. the development does not adversely affect rural character, landscape, agriculture, groundwater resources or future urban development.
 - iv. the proposal complies with part (d).
- (c) A group dwelling comprising more than 2 dwelling units will only be approved on a Rural zoned lot where the applicant can:-
- i. provide justification that the dwellings are needed for farm management purposes.
 - ii. demonstrate the suitability of the site for the intended development in respect to residential and rural land capability.
 - iii. ensure that the land will be included in an appropriate zone or special site with all relevant standards and controls, prior to the completion of building construction.
 - iv. ensure the development does not adversely impact on the rural amenity of the area.
- (d) The development of grouped dwellings will not be permitted in:
- i. an area which is undesirably low lying or wet.
 - ii. an area designated as future urban in the Residential Expansion Strategy where no comprehensive detailed Structure Plan has been proposed.
 - iii. areas within the Priority 1 Groundwater Zone identified by the Local Rural Strategy.
 - iv. positions upon properties which encourage the fragmentation of rural lots or the future subdivision of the land.
 - v. positions closer than 100 metres from any existing commercial tree plantation.

2.5 Special Residential – Location 488 South Coast Highway (Area No. 3)

The following setbacks shall apply to all dwellings and outbuildings in "Special Residential Area No. 3"-:

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Particulars	Setback - metres
From South Coast Highway	Minimum 30 (lot 100 –20)
Eastern boundary	Minimum 15
Front	Average 12
Second Street	Minimum 5
Side	Minimum 1.5 on one side or in accordance with the R Codes (whichever is the greater) And 5m on the other
Rear	Minimum 5

The setback standards for the R5 Density Code of the R-Codes shall apply unless otherwise specified above or in the outbuilding's guideline. In the case of any inconsistency the greater setback requirements shall apply.

Guideline 3: Variations to the Residential Design Codes3.1 Setbacks of Garages and Carports (6.2.3)**Additional Acceptable Development Criteria**

A3.6 - Carports setback 3m from the primary street and 1.5m from a secondary street.

3.2 Excavation or fill (6.6.1)**Additional Acceptable Development Criteria**

A1.5 - Retaining walls on the side or rear lot boundaries that adjoin reserved land, not exceeding 1.0m in height from natural ground level.

Additional Performance Criteria

P2 - Retaining walls that will not detrimentally affect the character and/or amenity of the streetscape or from reserve areas.

P3 - Where adjacent to reserved land walls that do not facilitate a decrease in the direct visual surveillance of a public area.

Guideline 4 – Home Based Business4.1 Bed and Breakfast Accommodation

Bed and Breakfast Accommodation is where a maximum of two rooms of a dwelling house are made available for short stay accommodation for a maximum of five guests at any one time and will only be approved on a lot where:-

- (a) the land is not zoned Industry.
- (b) the land is zoned Rural, Residential or Special Residential.
- (c) if the land is zoned Commercial, the proposal is consistent with surrounding land use activities.

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- (d) the relevant provisions of a Special Rural Zone accommodate Bed and Breakfast Accommodation.
- (e) the proposal is within reasonable proximity to a sealed access road.
- (f) the proposal complies with the carparking guidelines in Guideline 5 of this policy.
- (g) if the land is zoned Rural the proposal complies with GP46 & GP47 of the Local Rural Strategy.
- (h) Off street parking is to be provided at the ratio of one car bay for every guest room. Carparking bays should not interfere with vehicular access.
- (i) comments from residents of the locality will be sought in accordance with the provisions of Clause 3.2 of Town Planning Scheme 3.
- (j) consult the affected parties by following one or more of the provisions of advertising uses pursuant to Clause 3.2 of the Scheme, and have regard to any expressed views prior to making its determination.

4.2 Craft Studio

A Craft Studio will only be approved on a lot where:-

- (a) The proposal complies with the definition outlined in Table 1 of the City's Local Rural Strategy.
- (b) the land is zoned Rural or is within TPS 3.2 B Torbay Hill Special Rural Zone.
- (c) the relevant provisions of a Special Rural Zone accommodate a Craft Studio.
- (d) the proposal does not adversely affect the amenity of the area in terms of building materials, building design, access, parking, effluent disposal and positioning of buildings.
- (e) the proposal complies with GP46 and GP47 of the City's Local Rural Strategy.
- (f) comments from residents of the locality will be sought in accordance with the provisions of Clause 3.2 of Town Planning Scheme 3.

4.3 Home Occupation

Additional to the criteria set out under the definition outlined in Clause 1.6 of the Scheme, Home Occupation shall not involve any retail activity or display of goods on the site.

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4.4 Chalets

A Chalet will only be approved on a lot where:-

- (a) the proposal complies with the definition as outlined in Table 1 of the City's Local Rural Strategy.
- (b) the land is zoned Rural and;
 - the lot size is greater than 5 hectares.
 - the lot size is greater than 10 hectares if located within the Priority 1 or Priority 2 Groundwater area as defined by the Water Corporation.
 - the lots size is greater than that identified by the specific requirements of individual policy areas in the Local Rural Strategy.
- (c) in the special Rural Zone the relevant provisions of the zone accommodate chalets.
- (d) the proposal is for 3 or less chalets.
- (e) the proposal does not adversely affect the amenity of the area in terms of building materials, access parking, effluent disposal and positioning of buildings.
- (f) the proposal complies with the carparking guidelines in Guideline 5 of this policy.
- (g) the proposal complies with the Fire Control Measures guidelines (No. 6) of this policy.
- (h) an adequate potable water supply demonstrated to be of sufficient quality will be supplied and connected to each chalet. If the water supply is to consist of rainwater storage only then each chalet will be required to be served exclusively via a tank(s) of at least 55,000 litres (12,000 gallons) capacity or,

if the tank's water supply is proposed for firefighting in addition to chalet use, then the capacity must increased to a minimum of 92,000 litres (20,000 gallons). In this event, each chalet shall be provided with a garden hose, served by the upper portion of the water tank, for landscape watering and rapid initial fire suppression.
- (i) the proposal complies with GP46 and GP47 of the City's Local Rural Strategy.
- (j) A minimum of 1 carparking bay shall be provided for each chalet in a suitable location that does not inhibit vehicular movement.
- (k) comments from residents of the locality will be sought in accordance with the provisions of Clause 3.2 of Town Planning Scheme 3.

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Guideline 5 – Fire Control Measures

5.1 Chalet Development

- (a) An adequate supply of water for fire fighting shall be provided in close proximity to chalets. Where water is supplied via rainwater tanks only, the tank shall be fitted with a dual tap system whereby the lower 27,600 litres (6,000 gallons) can be accessed only by fire fighters. The fitting shall be a bci 38mm female fitting coupling.
- (b) Other fire fighting precautions shall include a minimum 20 metre low fuel zone being maintained around each chalet, all eaves shall be enclosed, the ground below any raised chalet shall be kept clear of all flammable material.
- (c) The applicant should install gutter guards, downpipe plugs, fire extinguishers and an approved fire blanket as additional fire precautions.

Guideline 6 – Industrial and Commercial Sites

6.1 Building Facades

The front facades of any new building or a refurbished building in the industrial zone shall be designed to enhance the visual appearance of the building from the street. A combination of building materials is encouraged however the use of metal sheeting on the front façade should not be the substantial material used.

6.2 Driveway Construction

For developments upon properties with frontage to primary district or local distribution roads, the vehicle crossover and internal property access road shall be constructed with a stable impervious surface with stormwater runoff being controlled to eliminate the deposit of sand, silt or gravel on the road carriage - way.

6.2 Bulky Goods Outlets (Location in Industrial Zones)

Applications for bulky goods outlets located within industrial zoned land shall only be approved where they are on lots having direct frontage to Chester Pass Road or Albany Highway.

6.4 Bulky Goods Outlets (General)

No more than 20% of the Gross Floor Area shall be made available for the sale and display of incidental smaller items that are not bulky in nature, where such items are not specifically excluded under the definition of 'Bulky Goods Outlet' set out by the Scheme.

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Guideline 7: Clearing of Vegetation

7.1 Clearing of Vegetation (after Planning Scheme Consent granted)

Where remnant vegetation is to be cleared as part of a development proposal, Council will require as a condition of Planning Scheme Consent that such vegetation not be removed until such time as a building licence has been issued.

Guideline 8: Public Art

8.1 Private Developments

Private developments involving commercial, non-residential and or mixed residential/commercial developments over the value of \$1,500,000 are required to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity.

Guideline 9: Planning Scheme Consent

9.1 Expiry of term

Planning Scheme Consent will be for a period of two years and if the development approved has been substantially commenced at the expiration of that term, the PSC will still be valid and further development on the site consistent with the PSC can be supported through the building licence process.

Substantially commenced is deemed to have occurred in the case of a building if the concrete pad of the structure has been laid on the site. If the development has not yet substantially commenced, a fresh application will need to be made and fees paid accordingly.

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Council Policy

Public Open Space Contribution Policy (3 to 5 Lots)

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Adoption Date:
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1. Background

Under Section 153 of the Planning and Development Act 2005, contributions for Public Open Space (POS) cannot be requested where a subdivision seeks to create less than 3 lots. If a subdivision creates in excess of 5 lots it has been a consistent policy and practice of the Western Australian Planning Commission and their predecessors, since the 1950's, that 10% of the land be set aside as POS.

The Western Australian Planning Commission's Development Control Policy 2.3 allows the Commission to place a condition requiring POS on subdivisions creating 5 lots or less where one of the following occurs:

- the imposition of the condition would yield an area of land which the Commission and local government agree is adequate and suitable for public open space purposes;
- the local government has identified an existing or potential deficiency of public open space and has an adopted strategy to improve or provide open space by land acquisition in the locality of the subdivision; or
- similar proposals containing five lots or less would be likely to eventuate in the locality.

Whilst Council does not have an adopted POS strategy, contributions for POS have been requested where other similar sized lots in the locality have the potential to be subdivided.

The City of Albany has a number of low density residential areas that through lack of services (particularly sewer provision) or limited road connectivity have not been subdivided to their full potential. Many of these lots are of a size between 1350m² and 2500m² in area which could allow the subdivision of between 3 and 5 lots. Without contributions being taken to ensure the provision of POS, or the upgrade of existing POS areas, future residents may not have convenient access to high quality recreation areas.

2. Objective

The main objective of this Policy is to ensure that sufficient POS is provided for the enjoyment of local residents in areas of the City subject to infill subdivision.

The Policy will specifically resolve the following issues:

- (a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.
- (b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

3. Scope

This policy applies to all green-title and survey strata subdivision proposals in the Residential zone that create 3, 4 or 5 lots.

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4. Policy Statement

4.1 Where a Contribution is required

Council will request a contribution towards the upgrade or provision of POS for all residential subdivisions (both green title and survey strata proposals) creating between 3 and 5 lots, except in the following circumstances:

- (a) Similar proposals containing more than 2 lots are unlikely to eventuate in the locality; or
- (b) A subdivider can demonstrate that the required 10% POS has been previously provided as part of an earlier subdivision of the original landholding.

4.2 Where provision of land can be considered

Where there is high active recreational value associated with an adjacent reserve, Council may support the amalgamation of land equivalent to 10% of the gross subdividable area of the subject lot, into such a reserve in lieu of making a contribution.

4.3 How a Contribution is calculated

4.3.1 The contribution amount should be calculated in accordance with the requirements of the Planning & Development Act 2005, except that the contribution amount should be based on the following sliding scale, linked to the maximum lot yield:

- (a) Creation of 3 lots shall require a POS contribution representing 5% of the value of the gross subdividable land;
- (b) Creation of 4 lots shall require a POS contribution representing 7.5% of the value of the gross subdividable land;
- (c) Creation of 5 lots or more shall require a POS contribution representing 10% of the value of the gross subdividable land.

4.3.2 Where it can be demonstrated that a higher lot yield can be obtained from the parent lot such that a lot or lots created under a subdivision has the potential to be further subdivided in accordance with the requirements of the Residential Design Codes (ie. a 1000m² lot is created in an R20 area), the POS contribution shall be based on the maximum lot yield and made payable upon the initial subdivision.

5. Legislative and Strategic Context

- Residential Planning Codes (2008) or updated version;
- Western Australian Planning Commission's Development Control Policy 2.3;
- Town Planning Scheme's No. 1A & 3; and
- Planning & Development Act 2005.

6. Review Position & Date

Executive Director Development Services to review on or before 30/06/2011.

CEO Authorisation: _____ Date: ___/___/_____

Adoption Date:
Adoption Reference:
Review Date: 30 June 2011
Maintained By: Executive Director of Development Services
Document Reference:

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www.albany.wa.gov.au



Council Policy

Reflective Roof Materials

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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DEVELOPMENT SERVICES REPORTS

Council considers that ZINCALUME® and SURFMIST (WHITE) COLORBOND® are roofing materials with highly reflective qualities which create potential amenity problems in terms of their visual detracting and nuisance arising from sunlight reflection and glare.

This policy attempts to balance these potential problems in the context of objective assessment that examines the relative impacts in the particular circumstance and the broader community perception of reflective roofing materials.

1 Objective

- 1.1 To preserve the amenity of urban areas from the potential visual detracting and nuisance of highly reflective roofing materials.
- 1.2 To ensure that highly reflective roofing materials are used only where an assessment has been undertaken in relation to the potential visual detracting and nuisance arising from sunlight reflection and glare.
- 1.3 To acknowledge the thermal energy efficiency of highly reflective roofing materials, however only permit use of such materials where the relative visual impact can be mitigated.

2 Definitions

<p>“Low reflective roofing material”</p> <p>“Highly reflective roofing material”</p> <p>“Solar reflectance value”</p>	<p>means any metal roofing material that has a solar reflectance value of 50% or less</p> <p>means any metal roofing material that has a solar reflectance value greater than 50%</p> <p>represents the percentage of the total solar radiative energy falling onto a surface that is re-radiated. For the purpose of this policy the values are those provided by BHP Steel Ltd that are shown in Appendix 1</p>
---	---

3 Policy Statement

- 3.1 This policy shall apply to the following areas:
 - (a) Land zoned “Residential”, “Future Urban”, “Residential Development”, “Special Residential” or “Special Rural” zones pursuant to Town Planning Schemes No. 1A and 3.
- 3.2 Notwithstanding Clause 3.1 above, zincalume roof sheeting only is permitted on dwellings where the land is:
 - (a) Contained within the Central Albany Urban Design Policy (2007) area;
or
 - (b) Designated as a Place of Heritage Value in the Scheme or within Council’s Municipal Heritage Inventory.

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DEVELOPMENT SERVICES REPORTS

- 3.3 Use of highly reflective roofing materials will not be supported in the areas to which this policy applies, however they may be permitted (subject to submission of a formal development application) only where it is demonstrated by the applicant that the particular proposal satisfies all of the assessment criteria relevant to the specific areas below:

Urban / Residential zones:

- The owners of adjoining lots do not object to the use of the reflective material; and

(Where the comments of adjoining / surrounding landowners are not provided by the applicant, Council shall refer the application to such persons for a minimum period of 14 days. Any objections must be based on valid amenity grounds and supported by written explanation).

- The reflective material will not be overlooked from existing or future dwellings on adjoining land.

Special Residential / Special Rural areas:

- The owners of adjoining lots do not object to the use of the reflective material; and

(Where the comments of adjoining / surrounding landowners are not provided by the applicant, Council shall refer the application to such persons for a minimum period of 14 days. Any objections must be based on valid amenity grounds and supported by written explanation).

- The reflective material will not be overlooked from existing or future dwellings on adjoining land; and

- The use of the reflective material will not detrimentally affect the landscape value, visual amenity of scenic character outlined in the relevant provisions of the Scheme for the specific special residential or special rural area.

Notwithstanding the above, when applying for the use of highly reflective roofing materials an applicant will be required to demonstrate why low reflective roofing materials are not appropriate in the circumstance.

4 Application Requirements

Applicants seeking to use highly reflective roofing materials should support their application with a site plan, photographs from within the site and local view-scapes, architectural details and any other information necessary to address assessment criteria outlined in this policy.

Applicants should note that it is their responsibility to justify use of highly reflective roofing materials in the circumstances of their particular case.

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DEVELOPMENT SERVICES REPORTS

Failure to submit supporting information may lead to automatic refusal of the application.

CEO Authorisation: _____

Date: ___ / ___ / ___

Adoption Date:
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DEVELOPMENT SERVICES REPORTS

**APPENDIX 1
SOLAR REFLECTANCE VALUES**

The table below was supplied by the makers of BHP Steel Ltd in 1989 and is reproduced by Council as a guide to the reflective values of materials and colours.

COLOUR	CONDITION	SOLAR REFLECTANCE VALUE
ZINCALUME®	New	76%
Surf Mist COLORBOND®	New	65%
ZINCALUME®	Weathered 1.5 years in a rural site	61%
Surf Mist COLORBOND®	Weathered 1.5 years in a mild marine site	59%
Gull Grey COLORBOND®	New	41%
Classic Cream COLORBOND®	New	29%
Mist Green COLORBOND®	New	22%
Decramastic Tiles	New	12%
	New	
	Weathered	

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CORPORATE & COMMUNITY SERVICES

REPORTS

12.1 FINANCE

12.1.1 List of Accounts for Payment

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

STATUTORY REQUIREMENTS

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

The Chief Executive Officer has delegated authority to authorise payments.

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

COMMENTS / DISCUSSION

1. The list of accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

CORPORATE & COMMUNITY SERVICES REPORTS

2. A summary of payments is as follows:

Municipal Fund			
Cheques	Totalling		\$118,846.72
Electronic Fund transfer	Totalling		\$1,995,420.66
Credit Cards	Totalling		\$11,176.55
Payroll	Totalling		\$802,677.00
Total			<u>\$2,928,120.93</u>

6. As at the 30th September 2008, the total outstanding creditors, stands at \$524,749.45.
7. Cancelled cheques – 24573, 24586, 24587, 24593, 24600, 24611, 24620, 24646 and 24648.

ITEM 12.1.1 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WALKER

SECONDED COUNCILLOR WOLFE

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Financial Activity Statement – Month Ending (30 September 2008)

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	Financial Activity Statement
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	The Financial Activity Statement be received.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The monthly Financial Activity Statement has been prepared, and forms part of this item.

STATUTORY REQUIREMENTS

2. 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;*

CORPORATE & COMMUNITY SERVICES REPORTS

- 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*
- d) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission and Values Statement:

Nil”

COMMENT/DISCUSSION

6. The following major variances from the current budget have been identified:

Revenue

Other Revenue	\$32k
Ex Gratia Rates not yet received	

Expenditure

Materials and Contracts	\$410k
Fishing Platform Contribution	\$250k not yet paid
Waste Minimisation invoices (timing only)	

Utility Charges

Additional ALAC Power and Gas	\$37k
– Energy audit underway	

ITEM 12.1.2 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR MORRIS

THAT the Financial Activity Statement for the month ending 30 September 2008 be received.

MOTION CARRIED 11-1

CORPORATE & COMMUNITY SERVICES REPORTS

CITY OF ALBANY

BALANCE SHEET

30-Sep-08

	Actual 30-Sep-08	Budget 30-Jun-09	Actual 30-Jun-08
CURRENT ASSETS			
Cash - Municipal	15,568,536	1,853,283	574,704
Restricted cash (Trust)	2,000,979	1,778,000	1,824,396
Reserve Funds - Financial Assets (at market)	4,246,363	2,700,000	4,246,363
Reserve Funds - Other	3,289,756	951,095	6,904,276
Receivables & Other	7,876,022	1,753,371	1,865,213
Investment Land	46,400	160,000	46,400
Stock on hand	747,378	720,000	799,624
	33,775,433	9,915,749	16,260,976
CURRENT LIABILITIES			
Borrowings	1,010,845	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,685,977	2,230,000	1,692,860
Trust Liabilities	1,954,707	1,748,000	1,778,124
Creditors prov & accruals	2,112,846	2,877,047	3,362,517
	6,764,375	8,118,047	7,856,716
NET CURRENT ASSETS	27,011,059	1,797,702	8,404,260
NON CURRENT ASSETS			
Receivables	152,865	106,549	152,865
Pensioners Deferred Rates	265,945	263,870	265,945
Investment Land	2,150,000	2,005,000	2,150,000
Property, Plant & Equip	63,387,294	263,020,245	63,312,024
Infrastructure Assets	181,165,209		183,067,893
Local Govt House Shares	19,501	19,501	19,501
	247,140,813	265,415,165	248,968,228
NON CURRENT LIABILITIES			
Borrowings	23,384,572	25,721,573	23,384,572
Creditors & Provisions	217,433	150,000	217,433
	23,602,006	25,871,573	23,602,006
NET ASSETS	250,549,866	241,341,294	233,770,483
EQUITY			
Accumulated Surplus	222,832,327	218,415,565	202,313,885
Reserves	8,942,905	4,151,095	12,681,963
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	250,549,866	241,341,294	233,770,483

CORPORATE & COMMUNITY SERVICES REPORTS

CITY OF ALBANY

INCOME STATEMENT FOR THE PERIOD ENDED

30-Sep-08

Function / Activity	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
INCOME			
General Purpose Funding	20,109,490	22,892,790	21,616,934
Governance	14,783	104,500	88,141
Law Order & Public Safety	49,190	231,910	237,288
Health	2,853	45,500	59,107
Education & Welfare	150,027	828,646	720,511
Community Amenities	2,973,709	4,138,000	4,208,956
Recreation and Culture	714,268	2,645,789	1,210,634
Transport	35,416	1,176,200	1,075,013
Economic Services	174,573	532,800	689,994
Other Property and Services	322,793	809,000	810,619
	24,547,102	33,405,135	30,717,198
EXPENDITURE			
General Purpose Funding	73,902	416,298	407,617
Governance	1,190,675	2,580,786	2,144,277
Law Order & Public Safety	256,514	1,360,094	1,243,709
Health	128,237	510,421	432,115
Education & Welfare	252,437	1,313,493	1,097,047
Community Amenities	989,968	6,419,826	5,723,138
Recreation and Culture	1,995,927	10,320,306	7,788,034
Transport	3,287,898	14,087,851	13,102,753
Economic Services	246,122	1,681,050	1,550,766
Other Property and Services	164,994	330,240	926,642
	8,586,675	39,020,365	34,416,097
Change in net assets from operations	15,960,427	(5,615,230)	(3,698,900)
Grants and Subsidies - non-operating	652,170	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	99,500	5,006,300	10,734,755
Profit/Loss on Asset Disposals	(19,938)	4,291,116	804,688
Reduction in Fair Value - Investments	87,224		(1,531,324)
	16,779,384	8,202,998	10,571,775

CORPORATE & COMMUNITY SERVICES REPORTS

CITY OF ALBANY

INCOME STATEMENT FOR THE PERIOD ENDED

30-Sep-08

Nature / Type	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
INCOME			
Rates	19,130,263	19,130,290	17,915,530
Grants & Subsidies	827,178	3,278,000	3,071,233
Contributions, Reimb & Donations	62,048	319,831	452,799
Fees & Charges	1,595,656	7,095,514	5,100,832
Service Charges	2,673,041	2,649,000	2,517,352
Interest Earned	168,411	608,000	739,330
Other Revenue / Income	90,506	324,500	920,121
	24,547,102	33,405,135	30,717,198
EXPENDITURE			
Employee Costs	3,221,305	13,853,782	12,212,590
Utilities	209,497	755,110	748,982
Interest Expenses	(47,137)	1,332,219	1,169,598
Depreciation on non current assets	2,681,331	10,653,000	9,672,516
Contracts & materials	1,861,125	12,263,994	9,681,306
Insurance expenses	361,805	483,839	443,417
Other Expenses	298,749	(321,579)	487,688
	8,586,675	39,020,365	34,416,097
Change in net assets from operations	15,960,427	(5,615,230)	(3,698,900)
Grants and Subsidies - non-operating	652,170	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	99,500	5,006,300	10,734,755
Profit/Loss on Asset Disposals	(19,938)	4,291,116	804,688
Reduction in Fair Value - Investments	87,224		(1,531,324)
	16,779,384	8,202,998	10,571,775

CORPORATE & COMMUNITY SERVICES REPORTS**STATEMENT OF CHANGES IN EQUITY**

FOR THE PERIOD ENDED

30-Sep-08

	Actual 2008/09	Budget 2008/09	Actual 2007/08
RESERVES			
Opening Balance	12,681,963	9,464,348	13,747,092
Transfers to Municipal Fund	(5,885,571)	(7,459,666)	(9,580,861)
Transfers from Municipal Fund	2,146,513	2,146,413	8,515,733
	8,942,905	4,151,095	12,681,963
ASSET REVALUATION RESERVE			
Opening balance	18,774,634	18,774,634	18,774,634
Asset revaluation	18,774,634	18,774,634	18,774,634
ACCUMULATED SURPLUS			
Opening Balance	202,313,885	204,899,314	190,676,982
Changes in net assets from			-
Operations	16,779,384	8,202,998	10,571,775
Transfers from reserves	5,885,571	7,459,666	9,580,861
Transfers to reserves	(2,146,513)	(2,146,413)	(8,515,733)
	222,832,327	218,415,565	202,313,885
			-
TOTAL EQUITY	250,549,866	241,341,294	233,770,483

CORPORATE & COMMUNITY SERVICES REPORTS

STATEMENT OF FINANCIAL ACTIVITY
AS AT 30 SEPTEMBER 2008

Budget Full Year 08/09		Actual Year to Date 30-Sep-08	Current Budget Year to Date 30-Sep-08	Current Budget vs Actual Variance
	REVENUE			
3,597,831	Operating Grants, Subsidies and Contributions	889,226	888,396	830
7,095,514	Fees and Charges	1,595,656	1,533,626	62,030
2,649,000	Service Charges	2,673,041	2,649,000	24,041
608,000	Interest Earnings	168,411	168,000	411
324,500	Other Revenue	90,506	122,940	(32,434)
14,274,845		5,416,839	5,361,962	54,877
	EXPENDITURE			
13,853,782	Employee Costs	3,221,305	3,546,631	(325,326)
12,263,994	Materials and Contracts	1,991,125	2,401,699	(410,574)
755,110	Utility Charges	209,497	246,126	(36,629)
1,332,219	Interest Expenses	(47,137)	0	(47,137)
483,839	Insurance Expenses	361,805	371,309	(9,504)
(321,579)	Other Expenditure	168,749	165,863	2,886
10,653,000	Depreciation	2,681,331	2,663,108	18,223
39,020,365		8,586,675	9,394,736	(808,061)
	Adjustment for Non-cash Revenue and Expenditure:			
(10,653,000)	Depreciation	(2,681,331)	(2,663,108)	(18,223)
	CAPITAL REVENUE			
9,527,112	Non-Operating Grants, Subsidies and Contributions	751,670	762,066	(10,396)
6,285,116	Proceeds from asset disposals	177,972	160,000	17,972
5,100,000	Proceeds from New Loans	0	0	0
46,230	Self-Supporting Loan Principal Revenue	10,272	10,272	0
7,459,666	Transfers from Reserves (Restricted Assets)	5,885,571	5,874,571	11,000
28,418,124		6,825,485	6,806,909	18,576
	CAPITAL EXPENDITURE			
26,586,266	Purchase Plant, Equipment and Infrastructure	1,051,826	811,752	240,074
2,523,215	Repayment of Loans	12,369	15,000	(2,631)
2,146,413	Transfers to Reserves (Restricted Assets)	2,271,050	2,069,913	201,137
31,255,894		3,335,246	2,896,665	438,581
2,200,000	Estimated Surplus B/fwd			
	ADD: Reduction in Fair Value Shortfall (0809 Reserves Interest)	(87,224)		
	ADD Net Current Assets July 1 B/fwd	(1,815,676)	n/a	n/a
	LESS Net Current Assets Year to Date	20,403,546	n/a	n/a
19,130,290	Amount Raised from Rates	(19,130,263)	(19,041,541)	(88,722)

Summary of Invested Funds

Portfolio Valuation - Market Value

Security	Credit Rating S & P	Maturity Date	Volume Held	Security Cost (incl accrued Int)	Current Interest %	Market Value Jul-08	Market Value Aug-08	Market Value Sep-08	Latest Monthly Variation
<u>MUNICIPAL ACCOUNT</u>									
Bendigo		12/11/2008		2,000,000	7.62%		2,000,000	2,000,000	
Bendigo		25/11/2008		1,000,000	7.75%		1,000,000	1,000,000	
Bendigo		18/12/2008		3,000,000	7.92%		2,000,000	3,000,000	
Bankwest		25/11/2008		2,000,000	7.75%		2,000,000	2,000,000	
Bankwest		18/12/2008		3,000,000	7.80%		1,500,000	3,000,000	
CBA		25/11/2008		1,500,000	7.15%		6,500,000	12,500,000	
TOTAL MUNICIPAL ACCOUNT									
<u>RESERVES ACCOUNT</u>									
BANK - TERM DEPOSITS									
Bendigo bank - Term Deposit	A2	17/11/2008		1,078,731	8.12%	1,118,642	1,118,642	1,118,642	n/a
Bankwest	A1	8/09/2008		2,000,000		2,000,000	2,012,986	0	n/a
Bankwest	A1	8/10/2008		1,525,894	7.50%	3,118,642	3,131,628	2,644,536	n/a
COMMERCIAL SECURITIES - FRNS									
Suncorp Metway FRN	A	22/06/2018	500,000	503,090	8.16%	487,230	491,145	Not Yet Avail	(3,915)
Suncorp Metway Sub Debt	A	22/06/2018	800,000	802,272	8.17%	767,205	777,556	Not Yet Avail	(10,351)
St George Bank Sub Debt	A+	26/07/2016	500,000	506,660	8.06%	478,784	478,704	Not Yet Avail	80
Macquarie Bank Sub Debt	A	15/09/2014	500,000	503,325	8.14%	442,266	444,623	Not Yet Avail	(2,357)
ANZ Principal Protected Yield Curve	AA	17/07/2017	200,000	200,000	8.25%	170,833	176,434	Not Yet Avail	(5,601)
				2,515,347		2,346,318	2,368,462		(22,145)
COMMERCIAL SECURITIES - CDOS									
Saphir (Endeavour) AAA	AAA	4/08/2011	400,000	413,160	9.10%	354,821	354,073	Not Yet Avail	748
Magnolia (Flinders) AA	AA	20/03/2012	170,000	171,994	9.32%	134,380	130,625	Not Yet Avail	3,754
Zircon (Merimbula) AA	AA	20/06/2013	500,000	502,450	8.87%	202,732	155,998	Not Yet Avail	46,733
Zircon (Coolangatta) AA	AA-	20/09/2014	1,000,000	1,002,060	9.12%	420,744	336,990	Not Yet Avail	83,754
Start (Blue Gum AA-)	AA-	22/06/2013	275,000	276,708	9.24%	153,565	144,339	Not Yet Avail	9,227
Corsair (Kakadu AA)	B+	20/03/2014	275,000	273,710	8.82%	129,555	119,900	Not Yet Avail	9,655
Helium (C=Scarborough AA)	BBB-	23/06/2014	600,000	602,244	9.14%	354,189	337,847	Not Yet Avail	16,342
Beryl (AAA Global Bank Note)	AAA	20/09/2014	200,000	200,376	8.42%	163,432	159,482	Not Yet Avail	3,950
				3,442,702		1,913,418	1,739,254		174,164
SUB PRIME MORTGAGES									
SPRC (Federation AAA)	CCC	10/02/2047	500,000	505,230	8.32%	32,133	23,279	Not Yet Avail	8,853
				505,230		32,133	23,279		8,853
TOTAL RESERVE ACCOUNT									
						7,410,510	7,262,624	n/a	160,873
PORTFOLIO TOTAL									
						7,410,510	13,762,624	n/a	

CORPORATE & COMMUNITY SERVICES REPORTS

Councillor Williams declared a Financial interest in report item 12.1.3 and left the Chamber at 9.26pm. Councillor Williams is a share-holder in Albany Community Bendigo Bank.

Mayor Evans declared an Impartiality interest in report item 12.1.3, being: Mayor Evans is the Chairman of the Albany Community Bank.

12.1.3 Provision of Banking Services – 2009-2011 (incl)

File/Ward	:	FIN 009 (All Wards)
Proposal/Issue	:	Provision of Banking Services 2009-2011
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager – Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council award the banking services contract to The Commonwealth Bank of Australia
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The normal three yearly review of banking services has been carried out, with six Albany banks approached and invited to make a submission.

STATUTORY REQUIREMENTS

2. Regulation 5 of the Local Government (Financial Management) Regulations 1996 state that efficient systems and procedures are to be established by the CEO of a local government:
 - i. For the proper collection of all money owing to the local government;
 - ii. For the safe custody and security of all money collected or held by the local government;
 - iii. For the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process)

CORPORATE & COMMUNITY SERVICES REPORTS**POLICY IMPLICATIONS**

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

FINANCIAL IMPLICATIONS

4. The fee schedule of the recommended supplier indicated that the proposed fees for the second half of the 2008/09 financial year are less than the budget for that period.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. All four major Australian banks plus the Bendigo Community Bank and BankWest were contacted on 30th July 2008 and invited to make a submission for the provision of the City of Albany banking services for the years 2009-2011. Submissions were received from:
- Westpac Banking Corporation
 - National Australia Bank
 - The Commonwealth Bank of Australia
 - ANZ Bank
 - The Bendigo Bank
7. The documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each bank. The criteria used for this evaluation is documented below:

Criteria	% Weight
Cost Bank charges offset by interest offered on transactional banking accounts	40%
Electronic Banking Facilities Functionality of web based system, help desk, integration with City software	35%
Quality of Service Relationships with decision makers, Recommendations of other Councils "Major Customer", borrowing facilities, rates sponsorship	25%
	100%

CORPORATE & COMMUNITY SERVICES REPORTS

8. The evaluation consisted of:

- Visits by City Officers to other Shires/Cities to investigate their satisfaction with other banks, and the functionality of their electronic systems.
- Creation of a model based on annual City transactions in order to calculate annual fees from each bank.
- Further investigations of borrowing facilities with particular reference to the funding of the Cull Road subdivision project.
- Extraction of all relevant information from bank responses to the initial expression of interest, and further queries.

9. The proposed fees to be charged by the banks were calculated to be as follow:

Annual Bank Charges			
	Bank Fee	Merchant Fees	Total
ANZ	12,000	-	12,000
CBA	11,266	12,417	23,683
Westpac	18,235	12,984	31,219
Bendigo	15,156	16,556	31,712
NAB	10,087	12,828	22,915

The comparative fees (above) were used to determine 25% of the total score, with interest on balances in the various accounts (Municipal, Reserves, etc) and receipts from a notional term deposit accounting for an additional 15%.

10. The electronic services component comprised 35% of the overall evaluation score and included:

- Functionality of the system (a web based system which was equal to or better than the current Commbiz system which is currently in use)
- Security & authorization process
- Integration with the City's Synergy-Soft system (ability to create information which could be uploaded directly into the City's Synergy Soft System).

The Westpac system as tested appears to have minor advantages over the Bendigo and CBA systems. The ability of either Westpac or Bendigo to provide City of Albany website payment facilities integrated with the Synergy Soft system was not tested. The existing system which was developed by CBA, IT Vision and City staff, and runs through CBA's Commweb software can run independently if required, and was not part of the banking services criteria.

The NAB web based system did not fulfil all City requirements and ANZ did not offer a web based system. Use of either system would have required a reversion to the inefficient dial-up system which was phased out of use by the City in 2006.

CORPORATE & COMMUNITY SERVICES REPORTS

11. The general services provided by each bank, were evaluated based on the following criteria:
- Provision of a relationship officer empowered to make decisions (or in direct contact with those who could)
 - Satisfaction of other Councils with their selected bank
 - Willingness to provide a \$2,500 prize for use in encouraging ratepayers to pay Council rates early.
 - Availability and cost of a borrowing facility (with particular reference to the financing of the Cull Road Subdivision)
12. The following table summarizes the City evaluation of the five submissions received:

Bank	Score - Cost	Score- Electronic	Score- Service	Total Score
Commonwealth	26.9	32.0	22.5	81.4
Westpac	21.2	34.0	22.0	77.2
Bendigo	23.6	33.0	20.2	76.8
ANZ	39.4	16.0	20.0	75.4
NAB	28.0	16.0	23.0	67.0

13. Based on the evaluation of the costs and services offered by each bank, it is recommended that the Commonwealth Bank of Australia be reappointed as service provider for the period 16 January 2009 to 15th January 2012.

ITEM 12.1.3 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR MORRIS

THAT Council award the Banking Services Contract for the period 16th January 2009 to 15th January 2012 to the Commonwealth Bank of Australia

MOTION CARRIED 11-0

Councillor Williams returned to the Chamber at 9.27pm.

Councillor Bostock left the Chamber at 9.27pm.

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.4 2007/2008 Budget Review

File/Ward	:	FIN 047 (All Wards)
Proposal/Issue	:	Council requested to adopt a Budget Review
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	Nil.
Summary Recommendation	:	That Council adopt the 1 st Quarter Budget Review
Bulletin Attachment	:	Proposed Review adjustments
Locality Plan	:	N/A

BACKGROUND

1. In September 2008, Council officers conducted a review of 2008/09 revenue and expenditure for their areas.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. Carryovers for 2007/08 have been transferred to reserves and the corresponding 08/09 expenditure is funded from those reserve transfers. .

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. The budget review incorporates carryovers from 2007/08 into the 2008/09 budget. Most of the carryovers result from projects which were not complete at the end of the 2007/08 financial year and some projects are deferred to 2008/09 due to funding delays. There is no net impact on the budget for 2008/09 as all costs were provided for in 2007/08 by reserve transfers.
7. There are a number of required amendments resulting from changed circumstances since formulation of the 2008/09 budget. The net impact of the proposed changes yields a minor surplus in 2008/09 rather than the \$2.2 million surplus which was in the original budget which was intended to offset the projected 07/08 deficit caused by the failure to sell Francis St. The 07/08 deficit will be rectified when the property is eventually sold. Significant items include:

a) Sale of Francis Street

The City attempted to sell the property at 55 Francis St, Lower King in 2007/08 without success. The property has not been sold in the statutory period allowed after a tender, and subsequent sworn valuations have been much lower due to the current market conditions. The Finance Strategy Advisory Committee has discussed the situation, and recommended that action be taken to achieve subdivision approval to enhance the value to a developer in 2009/10.

b) Sale of Wellington Street

The 2008/09 Budget includes the sale of blocks on Wellington St, Centennial with estimated net proceeds of \$1.6 million. Detailed analysis of the acid sulphate problems and consultation with the DEC have indicated that expenditure totalling some 66% of the predicted sales price would be required to provide access to the properties and deal with the acid sulphate problem. In the current market environment it is recommended that any action be deferred until the sale of the property could be assured.

c) Entertainment Centre (Contribution and Land Purchase)

The 08/09 Budget included an allowance of \$1 million to purchase the Entertainment Centre land, and payment of the first \$ 400,000 of the City's total \$1.2 million contribution to the cost of the centre. The CEO has negotiated a deferral of the land purchase until 09/10 and payment of the full \$1.2 million contribution in the current financial year. The net impact will be a \$ 200,000 saving in the current year.

d) General Purpose Income

General Purpose Income will exceed budget by \$ 150,000 as a result of increased interest rates (\$ 60,000), increased Grants Commission income (\$31,000) and higher interim rates.

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e) Works and Services savings / adjustments to provide significant savings to offset the loss of property sales are as follow

- The Down Road project (\$161,000) has been eliminated as it was dependent on funding from the GSDC and TIRES, which has not been possible.
- The net Brunswick Road Path budget has been increased by \$83,680 as it has been determined that the project should proceed despite lack of funding.
- It is proposed that the Emu Point Footpath Realignment project be deferred.
- It is proposed that the Traffic Management plans for intersection treatment, etc (\$100,000) be deferred.
- It is proposed that the Streetscape budget of \$341,825 be reduced by \$200,000 for 2008/09 pending the completion of the York St review.
- It is proposed that scope changes on Venns Road and Warriup Rd be funded from the Masterplan Reserve.
- It is proposed that the 2008/09 drainage construction program be reduced by \$170,000 with the deferral of projects on Stephen St, the Allwood Meananger pipework, and the new pipe for The Outlook.

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

	Original Budget	Proposed Budget	Proposed Adjustment
General Management	1,990,204	2,704,964	714,760
Corporate/Community Serv	4,052,992	6,210,786	2,157,794
Development Services	2,109,647	2,109,647	0
Works & Services	10,651,812	10,128,242	(523,570)
General Purposes Income	(22,858,490)	(23,009,112)	(150,622)
Loans	1,853,835	1,853,835	0
Total	(2,200,000)	(1,638)	2,198,362

ITEM 12.1.4 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR WOLFE

THAT Council ADOPT the 1st Quarter Budget Review.

**MOTION CARRIED 9-2
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

Councillor Williams declared an Impartiality interest in report item 12.1.5 as Councillor is a member of the Youngs Siding Progress Association.

Councillor Paver declared a Financial interest in report item 12.1.5 and left the Chamber at 9.29pm. The nature of Councillor Paver's interest is that an applicant for funding is a business client.

12.1.5 Community Sporting and Recreation Facilities Fund (CSRFF) 2009/10 – 2011/12 Triennium Applications

File/Ward	:	FIN 022 (All Wards)
Proposal/Issue	:	Assessment of CSRFF Applications
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner :	:	N/A
Reporting Officer(s)	:	Executive Director Corporate and Community Services (P Madigan) Manager of Community Development (M Weller)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM16/09/08 - Item 12.8.2
Summary Recommendation	:	That consideration be given to the CSRFF applications received by Council and these be given a priority ranking.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Sport and Recreation, with applications being called each year.
2. The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
3. Part of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants.

CORPORATE & COMMUNITY SERVICES REPORTS

4. Assessment and priority ranking on a regional level is then made by the Great Southern Regional Recreation Advisory Group. Communication from the Department of Sport and Recreation Regional Manager (Great Southern) is that the group ranks projects considering factors such as:
- Application of Department of Sport and Recreation Fund Criteria;
 - High priority for basic standard of provision (Grassed level playing field);
 - Multi-marked hard stand area and extended use through provision of lighting); and
 - Whether or not the project has a major regional significance.
5. All applications received from Western Australian organisations are assessed by the Department of Sport and Recreation CSRFF committee against a number of criteria, with the final decision on funding at the discretion of the Minister for Sport and Recreation.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

1. The following table provides detail of all applications received and indicates the proposed City of Albany contribution, which may be requested by the group of Council in relation to a Community Financial Assistance funding round.
2. Applicants have been informed that any proposed council contribution would be subject to separate application under the Community Financial Assistance Fund.

Organisation	Project detail	Total Project Cost (ex GST)	Applicant contribution (ex GST) [inc voluntary component]	CSRFF Grant (ex GST)	Proposed Council contribution (ex GST)
Albany Cricket Association, Albany Junior Cricket Association, Southern Districts Junior Football Association	A joint club facility north of ALAC incorporating kitchen/servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.	\$300,000	\$100,000	\$100,000	\$100,000
Young's Siding Progress Association	Upgrade existing multipurpose hard-court next to community hall to create tennis and netball facility	\$20,263	\$6,754	\$6,754	\$6,754
Albany Speedway Club Inc.	Replacement of sub standard ablution facility to comply with Australian Standards/ wheelchair access	\$111,000	\$66,000	\$35,000	\$10,000

CORPORATE & COMMUNITY SERVICES REPORTS

3. Priority determination within the context of this agenda item does not provide indication as to whether Community Financial Assistance Funding will or will not be approved.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany ‘Beyond 2020’ Corporate Plan:

Community Vision:

Albany will be a City where ...

1.2 Young adults are well catered for.

1.3 Recreation facilities provide a diverse range of sporting and exercise opportunities.

1.5 Development ...

- *responds to our unique historical and environmental values;*
- *embraces environmentally responsible approaches to energy and water; consumption; and*
- *incorporates healthy lifestyle activities and access to green space*

Priority Goals and Objectives:

Albany will be a City where ...

2.4 Our unique cultural heritage attractions deliver world class tourism experiences.

City of Albany Mission and Values Statement:

The City of Albany will...

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

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

COMMENT/ DISCUSSION

10. The grant guidelines require Council to provide a ranking for the projects i.e. first, second, third etc, as well as providing an assessment of how well the applicants have addressed the following criteria.

	Satisfactory	Unsatisfactory	Not Relevant
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access & opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CORPORATE & COMMUNITY SERVICES REPORTS

11. Project Rating:
 - a. Well planned and needed by municipality;
 - b. Well planned and needed by applicant;
 - c. Needed by municipality, more planning required;
 - d. Needed by applicant, more planning required;
 - e. Idea has merit, more preliminary work needed; and
 - f. Not recommended.

12. It is suggested that Council rank applications in priority order and refer the completion of assessment criteria to the Executive Director for Corporate and Community Services and Manager of Community Development prior to submission of applications to the Department of Sport and Recreation.

13. It is noted a fully completed application was not received in relation to the proposed facility north of ALAC. However given:
 - the scope of the preliminary submission received was deemed sufficient to make priority assessment;
 - existing council determinations in relation to the proposal;
 - the fact that the next deadline for CSRFF submission is September 2009; and
 - other extenuating circumstances.

The submission was accepted.

14. The junior football, junior cricket and senior cricket associations intend to finalise their submission in time to submit by the October 31st Department of Sport and Recreation application receipt deadline.

15. A ranking recommendation has been given based on the merits of each project.

16. While all projects are worthwhile priority one ranking has been recommended for the joint facility north of ALAC for junior football, senior cricket and junior cricket. The scope of this facility and guiding conditions were approved by council at the ordinary council meeting of September 16, 2008 (agenda item 12.8.2 minutes page 101).

Councillor Bostock returned to the Chamber at 9.29pm.

ITEM 12.1.5 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR MATLA**

THAT:

i) Council rank the three CSRFF applications received in the following order:

	ORGANISATION	PROJECT DETAIL
1	Albany Cricket Association, Albany Junior Cricket Association, Southern Districts Junior Football Association	A joint club facility north of ALAC incorporating kitchen/ servery, outdoor area for spectator viewing/ player shelter, small office, toilets, change rooms and storage.
2	Young’s Siding Progress Association	Upgrade existing multipurpose hard-court next to community hall to create tennis and netball facility
3	Albany Speedway Club Inc.	Replacement of sub standard ablution facility to comply with Australian Standards/ wheelchair access

ii) all applications be referred to the Executive Director for Corporate and Community Services and Manager of Community Development for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and

iii) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to:

- an application under the Community Financial Assistance Program and in the case of major applications Council’s budget process for the relevant year**
- that Council’s priority ranking does not provide indication of whether funding will or will not be approved.**

iv) any further late applications received before the last working day in October be ranked after the above projects, in the order they are received.

MOTION CARRIED 11-0

Councillor Morris left the Chamber at 9.31pm and returned at 9.32pm.

Councillor Paver returned to the Chamber at 9.32pm.

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Annual Electors Meeting

File/Ward	:	FIN 047 (All Wards)
Proposal/Issue	:	Council requested to set a date for the Annual Electors Meeting
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Disclosure of Interest	:	Nil
Reporting Officer	:	Manager Finance (S Goodman)
Previous Reference	:	Nil
Summary Recommendation	:	That Council hold the Annual Electors Meeting on 4th December 2007
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council is required to convene an Annual Meeting of Electors each year and publicly advertise its intention of holding such a meeting.

STATUTORY REQUIREMENTS

2. Section 5.27 of the Local Government Act 1995 requires that a General Meeting of the electors of a district be held once every financial year, not more than 56 days after the Local Government accepts the annual report for the previous financial year, and any other nominated general business.
3. The Chief Executive Officer is required to give at least 14 days local public notice of an electors meeting.

POLICY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 7:00pm on Tuesday 4th December 2008 in the William Finlay Room in the City's North Road Office and that the meeting be advertised locally.

ITEM 12.2.1 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON

SECONDED COUNCILLOR MATLA

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the William Finlay Room in the City's North Road Office at 7:00pm on 4th December 2008, for the purpose of receiving the 2006/2007 Annual Report of the City of Albany and other General Business as listed.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 'The Ridge' Subdivision Lot 247 Cull Road, Lockyer. Construction of subdivision stages 1A and 1B to create 74 Residential Lots

File/Ward	:	PRO 357 (Vancouver Ward)
Proposal/Issue	:	Approve contract tender to Subdivide Cull rd Stages 1A and 1B (stage 2 to be done at a later date)
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Project Liaison Officer (A Buchanan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	THAT council accept the tender from APH Contracting to perform all earth works and civil works for the subdivision.
Bulletin Attachment	:	Tender Evaluation Report from OPUS Consultants Tender Evaluation Checklist from OPUS Consultants
Locality Plan	:	Plan of proposed subdivision

BACKGROUND

1. The proposed subdivision of Cull Road stages 1A and 1B has received conditional WAPC approval.
2. A market appraisal is currently underway the results of which should be available prior to the October Council meeting.
3. In the event this information is not available, this item will be withdrawn.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

FINANCIAL IMPLICATIONS

6. The price budgeted for the construction of this subdivision was \$7,400,000.00, the Tender price by APH Contracting of \$4,309,618.67 falls well within this (by \$3,090,381.33).
7. An up to date market appraisal is currently being undertaken by Colliers International and a projected profit will be calculated as the information comes to hand.

STRATEGIC IMPLICATIONS

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

Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission and Values Statement:

At the City of Albany we are ethical and operate within our strategic and policy framework.

COMMENT/DISCUSSION

9. The details of the Tender Evaluation Checklist from OPUS Consultants are in the Elected Members Report/Information Bulletin
10. The details of the Tender Evaluation Report from OPUS Consultants are in the Elected Members Report/Information Bulletin.

ITEM 12.2.2 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR MATLA

THAT Council award the Tender for the Cull Road Subdivision to APH Contracting at a cost of \$4,309,618.67.

MOTION CARRIED 12-0

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

Nil

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Finance Strategy Advisory Committee minutes – 10th September 2008

File/Ward	:	FIN 066 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate and Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of the Finance Strategy Advisory Committee held on 10 th September 2008 be adopted.
Bulletin Attachment	:	Copy of Finance Strategy Advisory Committee meeting minutes – 10 th September 2008

ITEM 12.8.1 – COMMITTEE RECOMMENDATION 1 VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BUEGGE

THAT the minutes of the Finance Strategy Advisory Committee Meeting held on 10th September 2008 be received (copy of minutes is in the Elected Members Report/Information Bulletin)

MOTION CARRIED 12-0

ITEM 12.8.1 – COMMITTEE RECOMMENDATION 2 VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WILLIAMS

Item 6.0 – Sale of Land – 55 Francis Street, Lower King

i) THAT the Nildra Pty Ltd offer of \$1,050,000 for the sale of 55 Francis St, Lower King be rejected.

MOTION CARRIED 12-0

ITEM 12.8.1 – COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR STANTON

SECONDED COUNCILLOR WOLFE

Item 6.0 – Sale of Land – 55 Francis Street, Lower King

- i) **THAT Council authorise a spring flora and fauna survey of the property at 55 Francis St, Lower King at a cost of \$16,311 plus GST, to be funded from the Land Sales account.**

MOTION CARRIED 10-2

ABSOLUTE MAJORITY

12.8.2 Community and Economic Development Strategy and Policy Committee Meeting Minutes – 17 September 2008

File/Ward	:	MAN 233 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate and Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Community and Economic Development Strategy and Policy Committee meeting held on 17 September 2008 be received.
Bulletin Attachment	:	<ul style="list-style-type: none">- Albany Cultural Development Committee Meeting Minutes 28 August 2008- Recreation planning Strategy- Civic Affiliation Policy

ITEM 12.8.2 – COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee held on Wednesday 17 September 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 12-0

Councillor Buegge left the Chamber at 9.39pm and returned at 9.40pm.

ITEM 12.8.2 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MORRIS**

Item 6.1 – Albany Community Vision

- a) That the Albany Community Vision (April 2008) be received.
- b) That provision of a Regional Art Gallery be included within the comprehensive Master Plan for the York Street/CBD Precinct.
- c) THAT the Town Hall is included as a topic within the City’s ‘Albany Flashbacks’ program.
- d) THAT frontage/signage improvements be included within the Vancouver Arts Centre Business Plan.
- e) THAT improvements to the Maxwell Street Reserve be incorporated within the review of the Aboriginal Accord Policy and Action Plan.
- f) THAT the objectives be addressed in conjunction with the City Centre goals of the Albany Insight Beyond 2020.
- g) THAT the Albany Cultural Development Committee be requested to recognise the importance of the Amity Heritage Precinct and give it greater emphasis to significant aspects of the City’s cultural mapping.

MOTION CARRIED 12-0

Note: The word ‘It’ was inserted after “give” and before “greater” with agreement of the Mover and Secunder.

ITEM 12.8.2 – COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

Item 6.2 - Albany Cultural Development Committee Meeting Minutes

- a) That the minutes of the Albany Cultural Development Committee held on the 28 August 2008 be received.

MOTION CARRIED 12-0

ITEM 12.8.2 – COMMITTEE RECOMMENDATION 4

Item 6.3 - Recreation Planning Strategy

- a) That Council adopt the Recreation Planning Strategy.

Voting Requirement: Simple Majority

**ITEM 12.8.2 – ALTERNATE MOTION BY COUNCILLOR WISEMAN
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR BUEGGE**

Item 6.3 - Recreation Planning Strategy

- a. That Council adopt the Recreation Planning Strategy.
b. The Council write to the Liberal State Government and request the details of the release of the 8 million that was pledged during the election campaign for the Centennial Park Precinct.

MOTION CARRIED 12-0

Reason:

To ensure the money that was pledged is allocated.

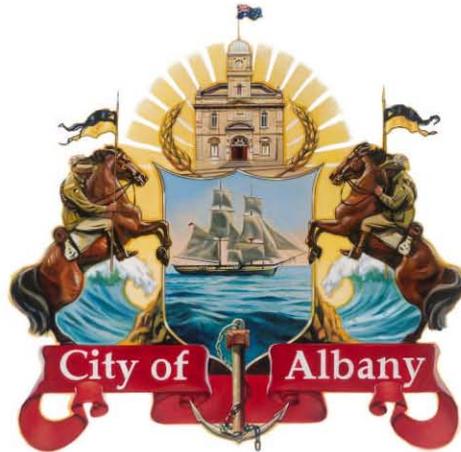
**ITEM 12.8.2 – OFFICER RECOMMENDATION 5
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

Item 6.4 - Civic Affiliations Policy (copy of Policy is in the Elected Members Report/Information Bulletin).

- a) That Council amend the Civic Affiliation Policy to include;
- i. The introduction of a cap on the number of civic affiliations to a total of four; and
 - ii. A review of each civic affiliation is conducted by council every two years to assess the degree of activity, cost to Council and associated benefits for the City of Albany. (The review to commence in September 2009)

MOTION CARRIED 12-0



MINUTES

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

Held on
Wednesday, 17 September 2008
3.00pm

Margaret Coates Boardroom

City of Albany

**** Disclaimer ****

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Signed 

Peter Madigan
Acting Chief Executive Officer

Date: 18 September 2008

ORDINARY COUNCIL MEETING MINUTES– 21/10/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 17/09/2008
** REFER DISCLAIMER **

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CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 17/09/2008

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

The Presiding Member, Councillor Walker was an apology for this meeting. In accordance with Section 5.12 and Schedule 2.3 (Division 1) of the Local Government Act 1995, the Chief Executive Officer is to preside at the meeting until the position of Presiding Member is filled.

Acting Chief Executive Officer, Mr Peter Madigan declared the meeting open at 3:05pm.

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

Attendances:

Councillors

D Wolfe
D Price
EK Stanton (until 3:07pm)
G Kidman
R Paver (from 3:07pm)
D Wiseman (from 3:05pm)

Executive Director Corporate and Community Services
Manager Customer Services – Minutes
Manager Community Development
Manager Economic Development

P Madigan
B Parker
M Weller
J Berry

Apologies/Leave of Absence:

Chairperson
Mayor
Councillor

J Walker
MJ Evans, JP

3.0 ELECTION OF DEPUTY PRESIDING MEMBER

In accordance with Section 5.12 and Schedule 2.3 (Division 2) of the Local Government Act 1995, nominations for the position of Deputy Presiding Member were called.

At the close of nominations, only one nomination was received. It was moved that Councillor Wolfe be appointed as the Deputy Presiding Member of the Community and Economic Development Strategy and Policy Committee.

<p>MOVED COUNCILLOR PRICE SECONDED COUNCILLOR KIDMAN</p> <p>THAT Councillor Des Wolfe be appointed to the position of Deputy Presiding Member of the Community and Economic Development Strategy and Policy Committee.</p> <p style="text-align: right;">VOTE 4-0</p>
--

4.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

<p>MOVED COUNCILLOR PRICE SECONDED COUNCILLOR STANTON</p> <p>THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 20 August 2008 were a true and accurate record of proceedings.</p>

ORDINARY COUNCIL MEETING MINUTES– 21/10/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 17/09/2008
** REFER DISCLAIMER **

VOTE 4-0

Councillor Wiseman attended the meeting at 3:05pm.

Councillor Paver attended the meeting at 3:07pm. Councillor Paver replaced Councillor Stanton as the voting member on the Committee. Councillor Stanton remained as an observer.

5.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

6.0 ITEMS FOR DISCUSSION

6.1 Albany Community Vision

Acting Chief Executive Officer, Peter Madigan explained that the community mapping and planning process had been completed. Mr Madigan had reviewed the outcomes of numerous workshops and had attempted to align these outcomes with the City's Strategic Plan.

Councillor Paver expressed concern that no emphasis had been placed upon the Amity Precinct. Mr Madigan explained that a recommendation could be passed in this forum that would place emphasis on the Amity Precinct.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WISEMAN**

THAT the Albany Community Vision (April 2008) be received.

VOTE 5-0

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT provision of a Regional Art Gallery be included within the comprehensive Master Plan for the York Street/CBD Precinct.

VOTE 5-0

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR PRICE**

THAT the Town Hall is included as a topic within the City's 'Albany Flashbacks' program.

VOTE 5-0

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WISEMAN**

THAT frontage/signage improvements be included within the Vancouver Arts Centre Business Plan.

VOTE 5-0

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR KIDMAN**

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 17/09/2008

** REFER DISCLAIMER **

THAT improvements to the Maxwell Street Reserve be incorporated within the review of the Aboriginal Accord Policy and Action Plan

VOTE 5-0

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR PRICE**

THAT the objectives be addressed in conjunction with the City Centre goals of the Albany Insight Beyond 2020.

VOTE 5-0

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT the Albany Cultural Development Committee be requested to recognise the importance of the Amity Heritage Precinct and give greater emphasis to significant aspects of the City's cultural mapping.

VOTE 5-0

6.2 Albany Cultural Development Committee Meeting Minutes

Mr Madigan addressed the committee with regard to a special meeting of the Albany Cultural Development Committee to consider the draft York Street Master Plan.

The Albany Cultural Development Committee made a number of recommendations with regard to a regional art gallery, the Town Hall, Mokare statue and grave site, Alison Hartman Gardens, the Department of Education Buildings and the Town Square and this will form the basis of the Committee's submission.

**MOVED COUNCILLOR PRICE
SECONDED MAYOR PAVER**

THAT the minutes of the Albany Cultural Development Committee held on the 28 August 2008 be received.

VOTE 5-0

6.3 Recreation Planning Strategy

The Manager Community Development attended the meeting and outlined the content of the draft Recreation Planning Strategy.

Mr Weller placed particular emphasis on the collocation objectives that the City shares with the Department of Sport and Recreation.

The committee questioned the Centennial Park \$8m election promise made by the Liberal Party. Mr Weller explained that no further information was available however he anticipated that the Liberal Leader would attend a meeting with the City to discuss funding for the hospital, Centennial Park and the Peace Park within the near future.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PAVER**

That Council adopt the Recreation Planning Strategy.

VOTE 5-0

Councillor Wiseman left the meeting at 4:05pm.

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 17/09/2008

** REFER DISCLAIMER **

6.4 Civic Affiliations Policy

The Manager Economic Development, Jon Berry attended the meeting and suggested a review of the Civic Affiliations Policy. Given the resources required to facilitate these relationships, Mr Berry suggested capping the number of affiliations at four and reviewing these relationships every 2 years. This review would ensure that the relationship remains active and that the City derives some benefit from the relationship.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR KIDMAN**

That Council amend the Civic Affiliation Policy to include;

- 1. The introduction of a cap on the number of civic affiliations to a total of four;
and**
- 2. A review of each civic affiliation is conducted by council every two years to assess the degree of activity, cost to Council and associated benefits for the City of Albany. *(The review to commence in September 2009)***

VOTE 4-0

7.0 TIME AND DATE OF NEXT MEETING

Next meeting is scheduled for Tuesday, 28 October 2008 at 6.00pm.

7.0 CLOSURE OF MEETING

The meeting closed at 4:17pm

12.8.3 Albany Senior Advisory Committee meeting minutes – 10th September 2008

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Community Development Officer – Senior (G Martin)
Summary Recommendation	:	That the Minutes of Albany Senior Advisory Committee held on 10th September 2008 be received.

ITEM 12.8.3 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR MATLA

THAT the minutes of Albany Senior Advisory Committee meeting of 10th September 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 12-0

WORKS AND SERVICES

REPORTS

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Supply of Bitumen

File/Ward	:	C08006 (All Wards)
Proposal/Issue	:	Supply of Bitumen
Subject Land/Locality	:	NA
Proponent	:	NA
Owner	:	NA
Reporting Officer(s)	:	City Works Coordinator (M Swarbrick), Project Engineer (M Bracknell) and Procurement Officer (W Male)
Disclosure of Interest	:	NA
Previous Reference	:	NA
Summary Recommendation	:	That Council accept the tender C08006 from Boral Resources (WA) Ltd for the Supply of Bitumen.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The existing contract for the supply of bitumen expires on 20 November 2008. Consequently, a new tender has been sought for the supply of bitumen commencing on 21 November 2008.
2. Tenderers were required to provide a schedule of rates, including mobilisation/demobilisation for all activities relating to the supply and application of bitumen.

STATUTORY REQUIREMENTS

3. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, worth more than \$100,000.
4. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the conforming tenders is the most advantageous to Council. It may also decline to accept any tender.
5. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

6. The City of Albany's Purchasing Policy - Tenders and Quotes applies to this item.

WORKS & SERVICES REPORTS**FINANCIAL IMPLICATIONS**

7. The cost of supply of bitumen is included in the 2008/2009 works programme and is within budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

COMMENT/DISCUSSION

9. A Request for Tenders was published in the West Australian on 3rd September 2008, the Albany Advertiser on 4th September 2008 and Albany Extra on 5th September 2008, with a closing date of 24th September 2008.
10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	Weight
Cost	50
Technical Compliance & Experience	20
Reliability	20
Other Considerations(Safety Management Plan)	10
Total	100

11. A total of six documents were issued with two submissions received at closing. The submission from RnR Contracting Pty Ltd included an alternative offer, whereby the alternative submission was a variable price rate linked to the rise and fall in the GMP (Gross Maximum Price) of bitumen.
12. The following table summarises the conforming submissions received:

Company	Total Lump Sum	Cost Score
Boral	\$284,670.00	691.5
RnR Contracting	\$370,900.00	565
RnR Contracting Alternative	\$328,900.00	629

WORKS & SERVICES REPORTS

13. Boral Resources (WA) Ltd provided a tender with the most competitive rates. The pricing of the schedule of rates is competitive with industry standards and provides the best value for money to Council.

ITEM 13.4.1 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR WALKER

THAT Council accept the tender C08006 from Boral Resources (WA) Ltd for the supply of bitumen for a twelve month period, commencing 21 November 2008, for a total cost of \$284,670.00.

MOTION CARRIED 12-0

WORKS & SERVICES REPORTS

13.4.2 Panel of Suppliers (Construction Equipment)

File/Ward	:	C08009 (All Wards)
Proposal/Issue	:	Panel of Suppliers (Construction Equipment)
Subject Land/Locality	:	NA
Proponent	:	NA
Owner	:	NA
Reporting Officer(s)	:	Project Engineer (M Bracknell), City Works Coordinator (M Swarbrick) and Procurement Officer (W Male)
Disclosure of Interest	:	NA
Previous Reference	:	NA
Summary Recommendation	:	That Council accepts the tenders for ‘wet’ and ‘dry’ hire for plant and equipment as outlined in this report
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council is seeking to establish a panel of suppliers for the supply of construction plant and equipment for a two-year term. The availability of this type of equipment will be accessed to augment Council’s own resources during peak construction and maintenance periods. Tenderers were asked to provide both ‘wet’ hire (equipment with an operator supplied) and ‘dry’ hire (no operator) rates. These preferred suppliers will be used on an, “as and when” required basis with no guarantee of the amount of work required by Council.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders must be called if the consideration under the contract is, or is expected to be, worth more than \$100,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the conforming tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires Chief Executive Officer to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

5. The City of Albany’s Regional Price Preference Policy and purchasing Policy – Tenders and Quotes applies to this Item.

WORKS & SERVICES REPORTS**FINANCIAL IMPLICATIONS**

6. Tenderers were required to provide a schedule of rates for their services, including mobilisation/demobilisation and inclusive of all activities required to complete works. The supply of construction equipment is scheduled in the maintenance and capital works budgets.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

COMMENT/DISCUSSION

8. A Request for Tenders was published in the West Australian on 3rd September 2008, the Albany Advertiser on 4th September 2008 and Albany Extra on 5th September 2008, with a closing date of 24th September 2008.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	50
Reliability of Equipment/Contractor	30
Experience	20
TOTAL	100%

10. A total of sixteen specifications were issued, with eleven received by the close of the tender period. A total of ten suppliers claimed against the Regional Price Preference Policy.
11. Tenderer's submitted prices for 'wet' and 'dry' hire for the 08/09 and 09/10 financial years. Tenders were divided into types and class of equipment then evaluated on a weekly rate for 'wet' and 'dry' hire for the 08/09 financial year. The following table summarises the order of preferred supplier for each type and class of equipment evaluated.

WORKS & SERVICES REPORTS

Excavator ERG Class HX7 (>16 tonnes <21 tonnes)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Trackwest Pty Ltd	Kobelco SK200SR 20 tonne	\$4,752.00	653
AD Contractors Pty Ltd	Cat 320 128Hp	\$5,200.00	628
Armogedin Pty Ltd	21 tonne HX7	\$3,800.00	598.5

Excavator ERG Class HX8 (>21 tonnes <26 tonnes)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Albany Industrial Services Pty Ltd	22 tonne Hitachi 125kW	\$4,092.00	665.6
Albany Industrial Services Pty Ltd	22 tonne Komatsu 125kW	\$4,092.00	665.5
Trackwest Pty Ltd	Komatsu PC220-7	\$5,179.00	631

Excavator ERG Class HX9 (>26 tonnes <30 tonnes)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat 325 129kW	\$5,460.00	652.5
Armogedin Pty Ltd	29 tonne - make not specified	\$4,400.00	579
Trackwest Pty Ltd	Hitachi 290-7	\$6,600.00	528.5

Bulldozer ERG Class DO5 (>98kW <145kW)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat D6D 140Hp	\$6,000.00	650

Bulldozer ERG Class DO6 (>145kW <175kW)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Albany Industrial Services Pty Ltd	D85 Komatsu	\$4,752.00	705.5
AD Contractors Pty Ltd	Cat D7H	\$7,400.00	598
Armogedin Pty Ltd	Cat D7	\$6,800.00	472.5

Bulldozer ERG Class DO8 (>220kW <305kW)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat D8N	\$8,800.00	683.5
Armogedin Pty Ltd	D8 - make not specified	\$7,600.00	577
Palmer & Rayner Earthmoving Pty Ltd	Komatsu D155A-2	\$10,060.00	426.5

Bulldozer ERG Class DO9 (>305kW <400kW)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Armogedin Pty Ltd	D9 - make not specified	\$9,600.00	520.5
Palmer & Rayner Earthmoving Pty Ltd	Cat D9N	\$12,000.00	419.5

WORKS & SERVICES REPORTS

Smooth Drum Roller ERG Class RR8 (>8.8 tonnes <12.5 tonnes)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat 563C/D 112kW smooth	\$4,000.00	636
Albany Industrial Services Pty Ltd	12 tonne Hamm & Ingersoll Rand	\$3,652.00	591
Armogedin Pty Ltd	Cat CS-533	\$3,400.00	543

Padfoot Roller ERG Class RR8 (>8.8 tonnes <12.5 tonnes)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat 563E 112kW Padfoot	\$4,000.00	609.5
Armogedin Pty Ltd	Cat CP-563	\$3,400.00	520.5

Multi Wheeled Roller

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Albany Industrial Services Pty Ltd	Dynapac 12 tonne	\$4,092.00	528
Armogedin Pty Ltd	Multipac VP200	\$3,600.00	512

Grader ERG Class MG6 (>90kW grader)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Tricoast Holdings Pty Ltd	John Deere 570B	\$3,600.00	480
Armogedin Pty Ltd	Cat 12H	\$4,400.00	430

Grader ERG Class MG8 (>110kW grader)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat 12H	\$5,200.00	655
AD Contractors Pty Ltd	Cat 12G	\$5,200.00	655
Albany Industrial Services Pty Ltd	Cat 12G	\$4,576.00	624.5

Loader ERG Class WL9 (>135kW <160kW)

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
AD Contractors Pty Ltd	Cat 950	\$4,800.00	657
Albany Industrial Services Pty Ltd	Cat 950G	\$4,092.00	639.5
Trackwest Pty Ltd	Hyundai HL760	\$5,000.00	616.5

WORKS & SERVICES REPORTS**Semi Tipper Truck**

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Grocott Transport	Volvo FH16	\$4,312.00	664
AD Contractors Pty Ltd	Tandem Axle & Prime Mover	\$4,480.00	645
Albany Industrial Services Pty Ltd	Nissan UD 350hp	\$4,004.00	608.5
Trackwest Pty Ltd	Iveco 550hp	\$4,752.00	594.5
Amogedin Pty Ltd	Nissan UD Bogie	\$3,800.00	551.5
P Taylor & Son	Kenworth K123	\$4,000.00	534
RE Boyd	Volvo F12	\$4,138.00	518.5
AD Contractors Pty Ltd	Tri-axel & Prime Mover	\$5,600.00	518.5
Palmer & Rayner Earthmoving Pty Ltd	Volvo FH12	\$4,530.00	449.5
Palmer & Rayner Earthmoving Pty Ltd	Volvo FH12	\$4,530.00	449.5
Tricoast Holdings Pty Ltd	Kenworth T400	\$4,640.00	407

Tandem Truck

Wet Hire 2008/09 Tenderers Name	Equipment Provided	Weekly Cost	Total Score
Albany Industrial Services Pty Ltd	Nissan UD 300hp	\$2,992.00	631.5
AD Contractors Pty Ltd	Nissan Stirling Ford	\$3,960.00	583
Armogedin Pty Ltd	Nissan UD CW385	\$3,200.00	521.5
RE Boyd	UD Nissan 265Hp	\$3,306.00	511.5
Tricoast Holdings Pty Ltd	Isuzu FVZ 1400	\$3,320.00	454.5
Palmer & Rayner Earthmoving Pty Ltd	Nissan UD	\$3,660.00	436
Palmer & Rayner Earthmoving Pty Ltd	Nissan UD	\$3,660.00	436
Palmer & Rayner Earthmoving Pty Ltd	Inter Acco 2350G	\$3,660.00	436
Palmer & Rayner Earthmoving Pty Ltd	Ford LTS 8000	\$3,660.00	436

12. Equipment Registered Group (ERG) assists in classifying equipment so that the type of equipment supplied can be compared to types of similar capacity.
13. The works area of Council has a high usage for 'wet' hire of trucks. It is recommended all identified semi tipper and tandem axle trucks offered for the panel of suppliers be included into the contract at the rates provided for the financial years 08/09 and 09/10.
14. Five suppliers provided 'dry' hire rates acceptable to Council. It is recommended that all companies be contracted for all 'dry' hire of equipment at the rates submitted for the 08/09 and 09/10 financial years. Those submissions could be summarised as follows;

WORKS & SERVICES REPORTS**Dry Hire 2008/09**

Tenderers Name	Equipment Provided	Weekly Cost
Excavators		
Armogedin Pty Ltd	21 tonne HX7	\$2,800.00
Armogedin Pty Ltd	24 tonne HX8	\$3,200.00
Armogedin Pty Ltd	29 tonne HX9	\$3,600.00
Tricoast Holdings P/L	Cat 324DL 25ton	\$2,880.00
Tricoast Holdings P/L	Kobelco SK250-6 25ton	\$2,880.00
Tricoast Holdings P/L	Cat 320DL 20ton	\$2,220.00
Tricoast Holdings P/L	Komatsu PC220-6 22ton	\$2,220.00
Bulldozers		
Armogedin Pty Ltd	D7 DO6	\$5,600.00
Armogedin Pty Ltd	D8 DO8	\$6,400.00
Armogedin Pty Ltd	D9 DO9	\$7,600.00
Smooth Roller		
Ad Contractors Pty Ltd	Cat 563C/D 112kW Smooth	\$1,700.00
Armogedin Pty Ltd	Cat CS-533	\$1,500.00
Tricoast Holdings P/L	Dynapac Articulated	\$1,120.00
Tricoast Holdings P/L	Bomag Articulated	\$1,560.00
Conplant Pty Ltd	ASC110D	\$1,567.50
Padfoot Roller		
Ad Contractors Pty Ltd	Cat 563E 112kW Padfoot	\$1,700.00
Armogedin Pty Ltd	Cat CP-563	\$1,500.00
Multi Wheeled Roller		
Armogedin Pty Ltd	Multipac VP200	\$1,500.00
Conplant Pty Ltd	AP240	\$1,347.50
Loader		
Trackwest Pty Ltd	Hyundai 760-7	\$2,860.00
Armogedin Pty Ltd	Cat 966F	\$4,000.00
Armogedin Pty Ltd	Volvo L150F	\$4,000.00
Tricoast Holdings P/L	Cat 950G	\$2,220.00
Tricoast Holdings P/L	WA 180-3	\$1,780.00
Tricoast Holdings P/L	Cat 924G	\$2,000.00
Grader		
Tricoast Holdings P/L	John Deere 570B	\$1,780.00
Tricoast Holdings P/L	Cat 140H	\$2,440.00

15. The majority of contractors for “Wet” and “Dry” hire have provided construction plant and equipment to Council previously, to date the quality of service has been satisfactory.

ITEM 13.4.2 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

THAT Council award the tender C08009 “Wet and Dry Hire” Panel of Suppliers Construction Plant and Equipment at the rates tabled for financial years 08/09 and 09/10.

MOTION CARRIED 9-3

WORKS & SERVICES REPORTS**13.4.3 Construction of Concrete Footpaths**

File/Ward	:	C08019 (All Wards)
Proposal/Issue	:	Construction of Concrete Footpaths
Subject Land/Locality	:	NA
Proponent	:	NA
Owner	:	NA
Reporting Officer(s)	:	Project Engineer (M Bracknell), City Works Coordinator (M Swarbrick) and Procurement Officer (W Male)
Disclosure of Interest	:	NA
Previous Reference	:	NA
Summary Recommendation	:	That Council accepts the tender from Campbell Contractors Pty Ltd for the construction of concrete footpaths at various sites around the City.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

- As part of the City of Albany, Pathways Construction Programme 2008/09 the following footpaths were identified;
 - Greenshields St – 330 metres on western side from Miramar Rd to Bathurst St
 - Serpentine Rd – 230 metres on western side from Sherrat St to Johnston St
 - Adelaide St – 260 metres on western side from John St to Rufus St
 - Alicia St – 40 metres on south eastern side from Albany Hwy
 - Bluff St – 180 metres on eastern side from Beauchamp St to Nelson St
 - Mokare Rd – 85 metres on southern side from Harie Rd to Nind St
 - Middleton Rd – 230 metres on north eastern side from Seymour St to Stewart St
 - Middleton Rd – 95 metres on the north eastern side from St Werburgh La to Young St
 - View St – 95 metres on the southern side from Parade St
 - Parade St – 280 metres on the western side from Vancouver St to Festing St.

Works are to be carried out as specified for each individual location according to the Programme.

STATUTORY REQUIREMENTS

- Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, worth more than \$100,000.
- Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

WORKS & SERVICES REPORTS

4. Regulation 19 requires the Chief Executive Officer to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

5. The City of Albany's Regional Price Preference Policy and its Purchasing Policy – Tenders and Quotes applies to this Item.

FINANCIAL IMPLICATIONS

6. The construction of concrete footpaths is scheduled in the maintenance and capital works 2008/2009 budget. This tender allows the works to be undertaken within budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

COMMENT/DISCUSSION

8. A Request for Tenders was published in the West Australian on 3rd September 2008, the Albany Advertiser on 4th September 2008 and Albany Extra on 5th September 2008, with a closing date of 29th September 2008.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost	50
Technical Compliance & Experience	20
Reliability	20
Other Considerations (Safety management plan)	10
Total	100

10. A total of six documents were issued with two submissions received at closing. Tenderers were required to provide a cost for each location then add all sites together to provide a total lump sum.
11. The following table outlines the tender received.

Company	Total Lump Sum	Cost Score
Campbell Contracting	\$204,948.00	493.5
K & S Concreting	\$210,901.66	426.5

WORKS & SERVICES REPORTS

12. Campbell Contractors is well known to the City and has previously completed footpath works to a satisfactory standard; this submission represents the best value to Council.

**ITEM 13.4.3 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

THAT Council accepts the tender from Campbell Contractors Pty Ltd for the construction of concrete footpaths at the following locations:

- i) Greenshields St – 330 metres on western side from Miramar Rd to Bathurst St;**
- ii) Serpentine Rd – 230 metres on western side from Sherrat St to Johnston St;**
- iii) Adelaide St – 260 metres on western side from John St to Rufus St;**
- iv) Alicia St – 40 metres on south eastern side from Albany Hwy;**
- v) Bluff St – 180 metres on eastern side from Beauchamp St to Nelson St;**
- vi) Mokare Rd – 85 metres on southern side from Harie Rd to Nind St;**
- vii) Middleton Rd – 230 metres on north eastern side from Seymour St to Stewart St;**
- viii) Middleton Rd – 95 metres on the north eastern side from St Werburgh La to Young St;**
- ix) View St – 95 metres on the southern side from Parade St;**
- x) Parade St – 280 metres on the western side from Vancouver St to Festing St;**

for a total lump sum price of \$204,948.00.

MOTION CARRIED 11-1

WORKS & SERVICES REPORTS

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Windfarm Lease

File/Ward	:	A165274 & PRO 352 (Vancouver Ward)
Proposal/Issue	:	Consider a request to extend the term of the proposed lease with Verve Energy for the additional turbines at the Grassmere Windfarm and to vary to conditions of the proposed lease to reduce the number of additional turbines from seven to six.
Subject Land/Locality	:	Portion of Reserve 13773
Proponent	:	Verve Energy
Owner	:	Crown Land (Vested with the City of Albany)
Reporting Officer(s)	:	Manager City Services (I Neil)
Disclosure of Interest	:	NA
Previous Reference	:	OCM 11/4/00 – Item 12.1.5 & Item 13.2.6 OCM 17/06/03 – Item 19.2 OCM 20/12/05 – Item 14.3.2 OCM 21/02/06 – Item 14.3.1
Summary Recommendation	:	That Council amend the current proposed lease conditions for designated areas of Reserve 13773 to Verve Energy for the establishment of the Grassmere Windfarm to vary the <ul style="list-style-type: none"> • 21 year lease period to 30 years • Seven 2 MW turbines to six 2.3 MW turbines, and • Rental from \$650,000 to \$650,000 and \$6,670 (indexed).
Bulletin Attachment	:	Nil.
Locality Plan	:	Nil

BACKGROUND

1. The current facility consists of twelve wind turbines 10km south west of Albany’s CBD with the installation producing up to 22MW of power which is fed into the south west interconnected grid.
2. Verve Energy currently has a 21 year lease over designated areas of Reserve 13773 (Sand Patch) which is a Crown Reserve vested with the City of Albany for the purposes of conservation, recreation , water supply and wind power generation. The lease commenced on 21st March 2002 and terminates on 20th March 2023.

WORKS & SERVICES REPORTS

3. At the Ordinary Council Meeting of 21st February 2006 the Council resolved to enter into a further lease with Verve Energy for an additional seven 2 MW turbine. This lease has not yet been executed as Planning Scheme consent has not yet been granted, which was a condition of the Council resolution at its OCM of 20th February 2006.

STATUTORY REQUIREMENTS

4. Section 18 of the Land Administration Act 1997 states that a person must not, without the prior written approval in writing of the Minister Assign, sell, transfer or otherwise deal with interests on crown land.
5. As this is Crown Land, vested in the City of Albany ministerial approval will be required in relation to the change in area and tenure.
6. There is no requirement to advertise.

POLICY IMPLICATIONS

7. In accordance with Council Policy – Property Management - Leases a change in the area of a lease and an extension which results in a term longer than 21 years must be reported to Council.

FINANCIAL IMPLICATIONS

8. The lease approved in February 2006 agreed to an upfront payment of \$650,000 of which \$250,000 has already been provided. Although the number of turbines has been reduced the length of tenure has increased. The rental amount has been adjusted as outlined in this report, the new rental figure is \$650,000 plus \$6,670 per annum, indexed to CPI.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Priority Goals and Objectives:

Goal 2.1...Albany will be a City where renewable energy completely powers the region

Mission Statement

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

COMMENT/DISCUSSION

10. Western Power, now Verve Energy, has established a successful Windfarm at Sand Patch Reserve consisting of 12 turbines.
11. In February 2006 Council considered an application to lease additional land for the purpose of constructing seven additional turbines. Council resolved as follows:

“THAT Council;

- a) *enter into a 21 year lease of designated areas of Reserve 13773 to Western Power Corporation for establishment of the Grassmere Wind Farm consisting of seven 2MW turbines, for an upfront lease payment of \$650,000 subject to*

WORKS & SERVICES REPORTS

- *Approval of the Minister for Lands*
- *Western Power Corporation Board approval to proceed with the Grassmere Windfarm project*
- *Planning scheme consent being granted by the City of Albany; and*

b) *apply the outstanding balance of funds of \$400,000 as a contribution to capital works for construction of the Anzac Peace Park at the Albany Waterfront.”*

12. Planning Scheme consent has not yet been granted and therefore the lease has not yet been executed.
13. Verve Energy has requested the following changes to the proposed lease conditions:
 - a) The number of turbines is reduced from seven to six
 - b) The capacity of each turbine is increased from 2MW to 2.3 MW, and
 - c) The tenure of the lease be increased from 21 to 30 years.
14. Reducing the number of turbines will lessen the area required to be leased. A map in the Bulletin shows the area requested.
15. The originally proposed turbines had a capacity of 2.0MW; the turbines now being requested have a capacity of 2.3MW. The increased individual capacity has allowed for the reduction in the number of turbines proposed.
16. Verve Energy has stated that its financiers are requesting that it has a security of tenure at the site for the estimated life span of the infrastructure. Verve Energy has stated that a typical life span of a wind farm is currently 3-4 years for construction and commissioning, 20 years of operation and 1-2 years for decommissioning. Therefore it is requesting tenure of 30 years.
17. Council only has the power to issue a lease on this reserve for a maximum of 21 years; therefore any lease in excess of this tenure would need Ministerial consent.
18. From a leasing perspective it is not considered that the requested changes to the proposed lease are detrimental to Council and could be approved subject to:
 - a) Ministerial consent being obtained for the requested tenure as it is in excess of 21 years, and
 - b) Verve Energy agreeing to a new rental figure which reflects a reduction in the number of turbines and an increase lease period from 21 years to 30 years.
19. The proposed rental for the current lease was based on a negotiated figure of \$650,000 payable up front. In determining the conditions of the original lease a consultant with experience valuing wind farms was appointed to benchmark the negotiated rental against commercial rentals of windfarms. The consultant (Smardi Enterprises) advised that the figure represented a licence fee of 1.37% of expected revenue based on a 5.5% discounted rate. The consultant further advised that this level of licence fee was appropriate for this site.
20. Using the same licence fee percentage for the six turbines over thirty years results in a upfront rental figure of \$850,000. Discussions have been held with Verve energy in relation to the rental figure and agreement has been reached on an upfront figure of \$650,000 with the addition \$200,000 figure being paid over the life of the lease. This results in an annual rental figure of \$6,670 which will be indexed to CPI.

WORKS & SERVICES REPORTS

RECOMMENDATION

THAT Council, subject to Ministerial approval, amend the proposed lease conditions for designated areas of Reserve 13773 to Verve Energy for the establishment of the Grassmere Windfarm and authorize staff to vary the lease conditions to:

- i) 21 year lease period to 30 years;
- ii) seven 2MW turbines to six 2.3MW turbines; and
- iii) negotiated rental from \$650,000 to \$650,000 upfront payment plus an annual rental of \$6,670 (indexed to CPI).

Voting Requirement Simple Majority

.....

ITEM 13.5.1 – AMENDED OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

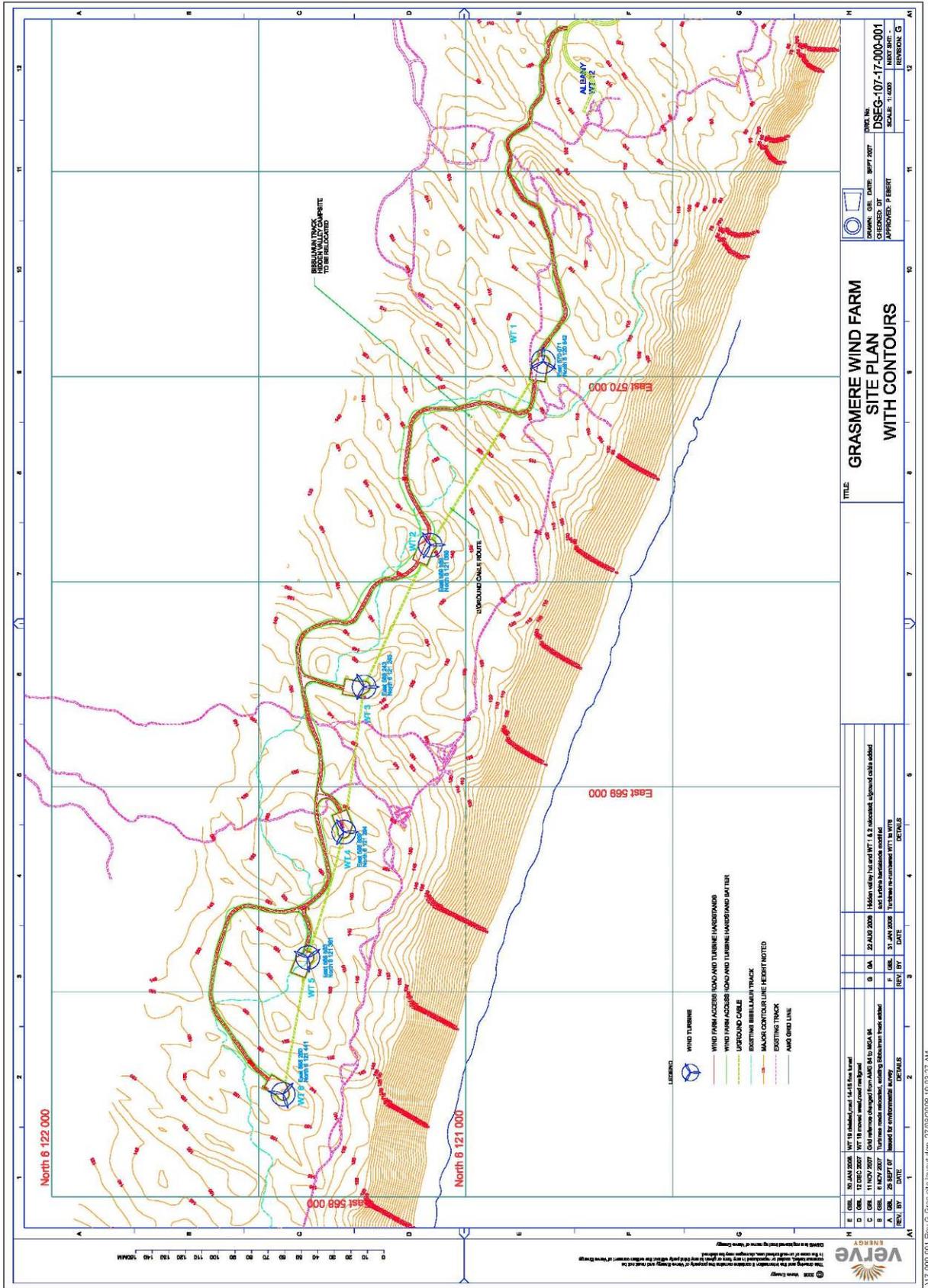
SECONDED COUNCILLOR WALKER

THAT Council, subject to Ministerial approval, amend the proposed lease conditions for designated areas of Reserve 13773 to Verve Energy for the establishment of the Grassmere Windfarm and authorize staff to vary the lease conditions to:

- i) 21 year lease period to 30 years;**
- ii) seven 2MW turbines to six 2.3MW turbines; and**
- iii) fixed rental from \$650,000 to \$650,000 upfront payment plus an annual rental of \$6,670 (indexed to CPI).**

MOTION CARRIED 12-0

ORDINARY COUNCIL MEETING MINUTES –21/10/08
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 WORKS & SERVICES REPORTS



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13.5.2 Lease Assignment with Variation

File/Ward	: PRO 173 (Kalgan Ward)
Proposal/Issue	: Assignment of lease with variation for Hangar site 12 at the airport
Subject Land/Locality	: Portion of location 5650, Albany Regional Airport
Proponent	: Colin V Hinkley
Owner	: City of Albany
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: NA
Previous Reference	: OCM 19.08.08 - Item 13.3.1
Summary Recommendation	: That, Council approve the assignment of lease for Hangar site 12 with a variation to define hangar lease term being a maximum of 20 years
Bulletin Attachment	: NA
Locality Plan	: Nil.

BACKGROUND

1. Colin V Hinkley currently leases hangar site 12 situated on portion of location 5650, at the Albany Regional Airport.
2. Location 5650 is located on City of Albany freehold land adjacent the Airport Terminal on Certificate of Title Volume 2158 Folio 588.
3. The City has received a request from Colin V Hinkley for assignment of lease for hangar site 12 to Melchior and Julie Biser for the remaining term, expiring on 31 March 2013. This assignment was deferred pending Council's decision on the term for hangar sites at the Airport.
4. There had for some time been a degree of uncertainty regarding the term outlined in some of the earlier leases including this lease in question. They have a term set at twenty years and renewable thereafter for further periods of twenty years. This term has been removed due to the implication of a lifetime tenure.
5. The City requested a legal opinion from Haynes Robinson, Barristers and Solicitors on the status of that clause and the advice given concluded the "lease is illegal and void to the extent that the term of the lease is defined to include multiple option periods of twenty years until termination" and that "The offending definition of term can be severed from the rest of the definition...".
6. Council resolved to limit hangar leases to a maximum 20 years. All hanger lessees were informed of the resolution of Council and how it will affect their leases individually.

WORKS & SERVICES REPORTS

STATUTORY REQUIREMENTS

7. The power to lease is governed by Section 3.58 of the Local Government Act relating to the Disposition of Property.

POLICY IMPLICATIONS

8. The recommendation is consistent with Council Policy – Property Management – Leases.

FINANCIAL IMPLICATIONS

9. Rent is set at \$408.00 per annum including GST.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

COMMENT/DISCUSSION

11. In line with Council resolution to limit hanger leases to a maximum 20 years this assignment requires a variation to lease to remove the offending clause and the term be defined as the initial twenty year term of the lease with no option to renew.
12. The assignor Colin V Hinkley and assignee Melchior and Julie Biser agree to the term of 20 years for Hangar site 12, expiring 31 March 2013.
13. This will mean that at the expiration of the current term the lease will lapse and if the current tenant wishes to continue the occupation of that site, a new lease will have to be applied for, all terms and conditions will be negotiated in line with Council Policy.
14. Current lessees or sub-lessees must seek Council approval to assign a lease, where there is a variation to the current lease details.

ITEM 13.5.2 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR MATLA

THAT Council approves the assignment of lease for hangar site 12 from Colin V Hinkley to Melchior and Julie Biser with a variation to define hangar lease term as being a maximum of 20 years expiring on 31 March 2013.

MOTION CARRIED 10-2

13.6 CITY WORKS – CAPITAL WORKS

Nil

CITY WORKS – RESERVES, PLANNING & MANAGEMENT

13.7.1 Re-alignment – Portion of Princess Royal Drive – Albany Port Authority

File/Ward	: GOV 005 (Frederickstown Ward)
Proposal/Issue	: Support the re-alignment of portion of Princess Royal Drive within Albany Port Authority area.
Subject Land/Locality	: Princess Royal Drive
Proponent	: Albany Port Authority
Owner	: Main Roads WA
Reporting Officer(s)	: Executive Support Officer Grant Funding and Finance (S Pepper)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19.08.08 – Item 13.7.1
Summary Recommendation	: Support re-alignment of portion of Princess Royal Drive within the Albany Port Authority area.
Bulletin Attachment	: Nil
Locality Plan	: Follows Report.

BACKGROUND

1. Princess Royal Drive is proclaimed as a “highway” (H40) for its entire length and the road is under the care and control of Main Roads Western Australia (MRWA).
2. The Albany Port Authority (APA) manages the port related activities on the land that is located on either side of Princess Royal Drive, to the east of the Bolt Terrace intersection, and at the eastern end of Princess Royal Drive a railway crosses the road. The APA proposes to realign portion of Princess Royal Drive to facilitate the use of longer wood chip trains and they have approached Council to obtain support for a change in the status of that section of Princess Royal Drive located within land under the APA’s control, see attached plan.
3. At its August 2008 Council meeting, a related item was presented to Council seeking to change the status of Princess Royal Drive from its highway status to a local road, Council resolved -

“THAT this matter be laid on the table pending elected members being provided with a site inspection and briefing from the Albany Port Authority and staff”.

REASON

Councillors felt the issue was very complex and could have major ramifications for public access, particularly the board walk extension, into the future. A briefing and site inspection was vital to ensure Councillors are aware of all issues surrounding this matter.

WORKS & SERVICES REPORTS

STATUTORY REQUIREMENTS

4. The designation of a road as a highway is the responsibility of the Department of Planning and Infrastructure (Roads and Reserves Section). Once designated as a highway, a road then automatically comes under the care and control of MRWA.
5. In accordance with section 13A of the Main Roads Act 1930, the Commissioner of Main Roads is to advise local authorities of any proposed changes to highways, and allow for a 30 day period for any objections to be lodged.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. All costs associated with the re-alignment will be the responsibility of Main Roads WA and the Albany Port Authority.

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

COMMENT/DISCUSSION

9. The section of Princess Royal Drive that is located within the area controlled by the APA provides the following functions:
 - It is the only form of physical access to several privately owned lots fronting Brunswick Road (oil storage sites, former depot site, Vital Foods);
 - It is the access way to a parking area that is located at the western end of the “boardwalk” dual use path and used constantly by Albany residents; and
 - It allows residents and visitors to Albany the opportunity to enter the port and observe close at hand the activity and operations of the port.
10. The road also generates a number of problems for the operations of the port, namely:
 - The capacity to operate longer trains at the woodchip stockpile is curtailed due to trains blocking the road;
 - Vehicles working within the port are crossing a public road and are subject to operating restrictions;

WORKS & SERVICES REPORTS

- The road is poorly aligned and dangerous for those tourists who drive into the APA area with a caravan attached and seek to turn around;
 - Road trains entering the port are confronted with tourists travelling at low speeds; and
 - The boardwalk car park entrance is poorly located and poses a threat to fuel tankers climbing the steep incline at the junction of Brunswick Road and Princess Royal Drive.
11. The design requirements for railway improvement within the Port has prompted a review of the status of Princess Royal Drive by the APA and a meeting was held with staff from the City of Albany and MRWA to define the issues associated with the “privatisation” of the road within the port.
12. The APA acknowledges that the privatisation of Princess Royal Drive can only be achieved if the APA provides an undertaking that those lots in Brunswick Road, which currently rely upon Princess Royal Drive for access, shall be given unrestricted on-going access consistent with the current arrangements. City of Albany staff were opposed to the opening of access to those lots along Brunswick Road (east), and the requirement for petrol tankers, grain trucks, etc to access lots within the curtilage of the port through a residential area.
13. On 2 October 2008, Albany Port Authority staff briefed the Asset Management and City Services Strategy and Policy Committee on the need for the proposed re-alignment of portion of Princess Royal Drive from the eastern CBH access point to the rail crossing. The request for re-alignment of this section of road is to allow for re-alignment of the rail loop to increase efficiencies in rail movements and to avoid long delays across the road intersection.
14. The August 2008 Council item attempted to address the bigger picture of de-proclaiming portion of Princess Royal Drive in the Port area, to provide the Albany Port Authority with a private road, that segregates port related traffic from general traffic.
15. It has since become apparent from subsequent discussions, the Albany Port Authority’s current wish is to address only the re-alignment of portion of Princess Royal Drive that is located from the eastern CBH access point to the rail crossing at the eastern end of Princess Royal Drive within the port area, to allow for improved rail movement.

ITEM 13.7.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

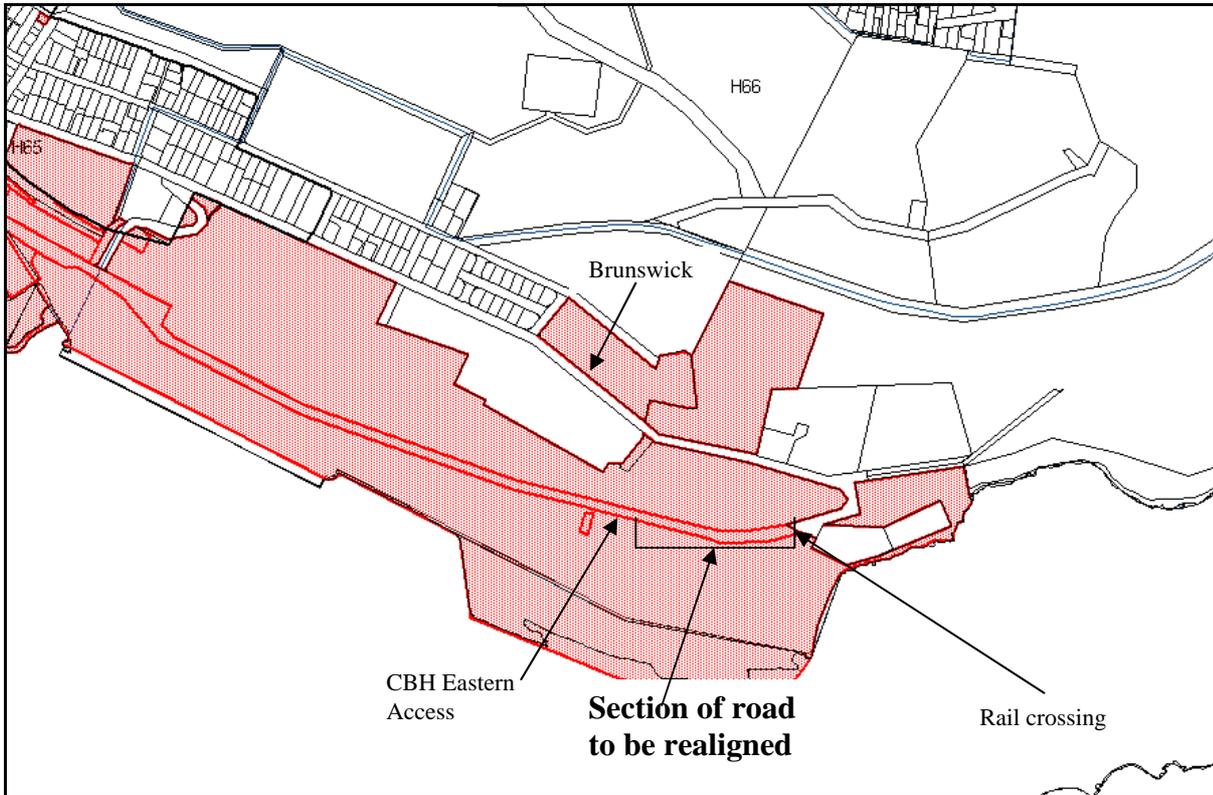
MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA

THAT Council:

- i) advise the Albany Port Authority and Main Roads WA that it supports a request to re-align a portion of Princess Royal Drive that is located from the eastern CBH access point to the rail crossing at the eastern end of Princess Royal Drive within the port area, as detailed on the attached plan; and**
- ii) that any future negotiations relating to de-proclamation of Main Roads WA highway status to either a local road or an Albany Port Authority private road be subject to a detailed report to Council.**

MOTION CARRIED 11-1

Item 13.7.1 continued



WORKS & SERVICES REPORTS

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Asset Management & City Services Strategy & Policy Committee – 4th September 2008

File/Ward	:	MAN 236 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Acting Executive Director Works & Services (P Brown)
Summary Recommendation	:	That the minutes of the Asset Management & City Services Strategy & Policy Committee Meeting held on 4 th September 2008, be received.
Bulletin Attachment	:	Right of Way Strategy.

ITEM 13.8.1 – COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

THAT the Minutes of the Asset Management & City Services Strategy & Policy Committee meeting held on 4th September 2008 be received (a copy of the minutes follows this report).

MOTION CARRIED 11-1

ITEM 13.8.1 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

i) Item 5.1 Strategy on Right of Ways

THAT the Strategy on Right of Way be adopted.

(Note: The Committee accepted the Strategy on Right of Way and requested it be referred back to the October Ordinary Council Meeting. (A copy of the Strategy is included in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 10-2

ITEM 13.8.1 – COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR WISEMAN

Item 5.1 Rowley Street Right of Way

THAT Council advertise its intention to dedicate the ROW, seeking information on the current beneficiaries, and should there be no response within 35 days, proceed with the dedication of the Right of Way for Rowley Street.

(Note: The Committee recommended that to maximise transparency of actions, Council advertise its intention to dedicate the ROW, seeking information on the current beneficiaries, and should there be no response within 35 days, proceed with the dedication of the Right of Way for Rowley Street; and requested the Acting Executive Director of Works & Services refer the matter back to the 21st October 2008 Ordinary Council Meeting.)

MOTION CARRIED 11-1

ITEM 13.8.1 – COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

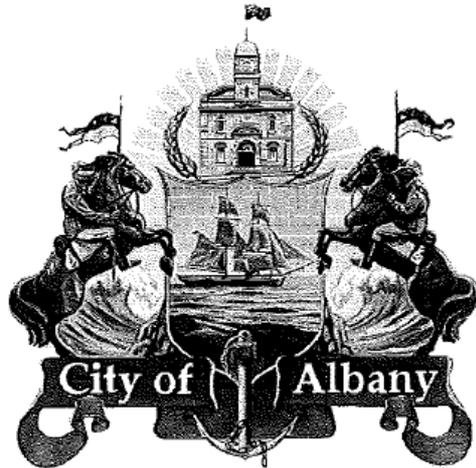
MOVED COUNCILLOR BUEGGE

SECONDED COUNCILLOR WISEMAN

Item 5.5 Airport Café

THAT quotations be obtained for vending machines for coffee, cool drinks and snacks to be installed at the Albany Airport.

MOTION CARRIED 12-0



MINUTES

ASSET MANAGEMENT AND CITY SERVICES STRATEGY AND POLICY COMMITTEE MAN236/AM806420

**Held on
Thursday 4th September 2008
2.30pm**

Margaret Coates Boardroom

ORDINARY COUNCIL MEETING MINUTES –21/10/08
** REFER DISCLAIMER **
WORKS & SERVICES REPORTS

COMMITTEE MEETING MINUTES – 04/09/2008
** REFER DISCLAIMER **

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WORKS & SERVICES REPORTS

1.0 DECLARATION OF OPENING

The Chairperson Councillor Des Wolfe declared the meeting open at 2.35pm

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

Attendances:

Chairperson -
Councillors -

D. Wolfe
K. Stanton
C. Morris
G. Kidman
D. Wiseman
J. Matla

Observer

Acting Executive Director of Works & Services
Grant Funding/Executive Support Officer

P Brown
S. Pepper

Apologies/Leave of Absence:

Mayor
Councillor
Manager City Services

M.J. Evans JP
J Walker
I. Neil

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

**MOVED: COUNCILLOR MORRIS
SECONDED: COUNCILLOR STANTON**

THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee Meeting of 3rd July 2008 as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 5-0

4.0 DISCLOSURE OF INTEREST

Nil.

5.0 ITEMS FOR DISCUSSION

5.1 Right of Way Strategy – Clarification

At the 19 August 2008 Council meeting, there were several questions raised concerning items 13.8.1 – Asset Management & City Services Strategy & Policy Committee – 3 July 2008 and 13.7.3 – Right of Way off Rowley Street.

Acting Executive Director of Works & Services Peter Brown and Executive Support Officer Shelley Pepper gave the following explanation to the questions raised.

Right of Way Strategy

The Right of Way Strategy (ROW's) was developed to provide Councillors and staff with a clear direction on the nature, condition and management of the ROWs in the municipality. The identification of Crown (vested in the City), Council-owned, and private ROWs clarifies the management responsibilities for each parcel of land.

WORKS & SERVICES REPORTS

COMMITTEE MEETING MINUTES – 04/09/2008

** REFER DISCLAIMER **

The information gathered through the Strategy development has been entered into the GIS data base to assist staff to make informed decisions about ROW's in the future and avoid errors made in past subdivision decisions.

It is proposed to use this format to investigate the privately owned ROWs, to determine whether any require Council involvement to resolve long standing issues (eg; Rowley Street ROW). Staff would assess the issues present, using the following criteria - drainage, planning, safety, parking and any subdivision potential, to identify if any action is required.

Should it be recommended that action is necessary, an item would be presented to Council, detailing the issues and any potential costs, seeking Council support to dedicate the land as a public ROW. This dedication action is a legislative requirement, but also provides Council with a review mechanism, to ensure the Strategy is being adhered to.

From the initial assessment, very few of the private ROWs appear to require any action by Council, but it is considered prudent to investigate all nominated ROWs. It has been identified there are three ROWs needing urgent attention, Rowley Street ROW, Goss and Connelly Streets, Little Grove. Individual reports will be presented to Council, detailing the various issues relating to each ROW.

**MOVED: COUNCILLOR MORRIS
SECONDED: COUNCILLOR STANTON**

THAT the Committee accept the Strategy on Right of Ways and request the Acting Executive Director of Works & Services to refer the matter back to the 21st October Ordinary Council Meeting.

MOTION CARRIED 5-0

Rowley Street Right of Way

Rowley Street ROW is considered a high priority, as issues have been raised since prior to amalgamation. Staff have addressed these concerns by attending to peripheral works at the ROW entrance, but the same safety, traffic congestion and drainage issues continue to arise. As the ROW is private property, staff have not completed works on the land.

A title check of the ROW, indicates it is privately owned by ESP Troode, who purchased the land in 1884. It has been determined, the ROW has been part of a very early subdivision process, where the WA Planning Commission of the day, failed to address the ownership of access land to the adjoining land.

This type of problem, while small in number, can cause problems for current landowners, who have no rights over the private ROW, but have been using it for access. The landowners may wish to seek legal advice to resolve this matter, but all parties would need to support and finance this action.

WORKS & SERVICES REPORTS

The Council resolution included in its reasoning, a suggestion that staff seek landowners support for a multipartite agreement that benefits the owners, under which each would share the costs of the City's acquisition and repair of the ROW. The possibility of obtaining all landowners support is questionable, as details of any ongoing costs would not be known.

Three land owners have responded to this proposal, either questioning the legality of the idea or declining interest in the proposal. The concern is that current landowners are being asked to attend to historical errors brought about by the previous local authority and the Western Australian Planning Commission's decisions on subdivision.

Should Council or the landowners wish to find who the rightful owner is, a search of beneficiaries would involve over 120 years of research at considerable cost. If a landowner is located, Council rates can only be backdated by 5 years, and the gross rental value would not be significant. The abutting landowners could then negotiate access arrangements.

Further investigations have identified, that two properties, 6a and 8a Rowley Street, do not have any legal access. The subdivision of each property was completed prior to amalgamation, and it would appear, based on the misunderstanding, that legal access was available via the ROW.

A suggestion to cover potential costs via a rates levy would not be successful, as the ROW is private property and Council cannot complete works on this land.

Section 6.33 of the Local Government Act details the conditions relating to Differential general rates, and subject to Ministerial approval, the imposition of the differential rate cannot be greater than twice the lowest differential rate currently imposed by the local authority.

Section 6.37 relates to Specified area rates, and requires the levy to be either expended in that financial year or placed in reserve, but to be spent only for that purpose. Any excess funds are to be refunded to the affected landowners.

Section 6.38 relates to Service charges, and requires the levy to be either expended in that financial year or placed in reserve, but to be spent only for that purpose. Any excess funds are to be refunded to the affected landowners.

Should Council agree to the dedication of the ROW, after the formal process is completed by Department for Planning and Infrastructure, Council would then attend to the road works. The sealing the ROW, would include the appropriate kerbing and drainage works to address water flow.

It should be noted, if there is any subsequent water run-off from abutting landowners onto the public ROW, the standard requirements of containing water on their property would apply.

It is recommended, to maximise transparency of actions, Council advertise its intention to dedicate the ROW, seeking information on the current beneficiaries, and should there be no response within 35 days, proceed with the dedication.

WORKS & SERVICES REPORTS

**MOVED: COUNCILLOR STANTON
SECONDED: COUNCILLOR MORRIS**

THAT the Committee;

- i) **recommend to maximise transparency of actions, Council advertise its intention to dedicate the ROW, seeking information on the current beneficiaries, and should there be no response within 35 days, proceed with the dedication of the Right of Way for Rowley Street; and**
- ii) **request the Acting Executive Director of Works & Services refer the matter back to the 21st October 2008 Ordinary Council Meeting**

MOTION CARRIED 5-0

5.2 Draft Pathways Strategy – Five Year Plan Progress Update

The Acting EDWS Peter Brown gave an overview of the Asset Management Plan –and advised that the City of Albany provides an extensive network of pathways throughout the municipality. This Plan has been compiled to ensure the maintenance, renewal and creation of new pathways are undertaken in a systematic way reflecting Community needs.

Funding for pathways is principally provided by the City of Albany capital works programme. Supplementary funding is sourced through the Department of Planning and Infrastructure Country Pathways scheme via individual project grants, with the maximum set at \$50,000. Other funding opportunities are available through Lotteries West, Department of Sport and Recreation and "Be Active" initiatives, however these are considered one off projects and subject to evaluation from the WA Government.

General comments from Councillors were in regards to the importance of linking of the various pathways, especially the Middleton Beach boardwalk through to the Port/City and also communication between developers and Council regarding the installation of footpaths marrying up with other pathways, rather than having two footpaths on opposite sides of the road.

Peter Brown advised that a quarterly review is required, regarding funding for footpaths with a need for a further \$50,000. An item to Council will be put forward within the next two months.

5.3 WAAMI Improvement Strategy

Peter Brown provided an update on the Strategy, the plan is to tie this Strategy in with the Asset Management Plans and create key performance indicators that are part of the planning process. Progress is being made with the Working Group and another workshop with WAAMI is being planned for the end of October 2008.

WORKS & SERVICES REPORTS

5.4 Regional Waste Committee – Update

Peter Brown requested that this item be deferred to the next meeting.

5.5 Airport Cafe

A lease had been granted at the May Ordinary Council Meeting to Life's a Beach Café (T & D Cross) for a period of 3 years with the rental being assessed during the first twelve months of operation. Peter Brown advised the Committee that the Café at the Airport had closed for business as of the 29th August 2008 due to the financial viability of its operation.

Councillor Morris & Councillor Kidman stated that irregular hours and the delays with the aircraft could cause difficulties in operation and that passengers travelling to Perth were usually the only users of the café. Passengers arriving from Perth were unlikely to use the café as their main objective was to pick up their luggage and leave the airport.

The general consensus was that vending machines were used in other airports that were of the same size as Albany and these worked extremely well.

**MOVED: COUNCILLOR MORRIS
SECONDED: COUNCILLOR KIDMAN**

THE Committee recommended that Staff obtain quotes for vending machines for coffee, cool drinks and snacks to be installed at the Albany Airport.

MOTION CARRIED 5-0

6.0 AGENDA ITEMS FOR NEXT MEETING

- 6.1 WAAMI – Improvement Strategy
- 6.2 Waste Update
- 6.3 Right of Way Update.
- 6.4 Airport Café update.

7.0 TIME AND DATE OF NEXT MEETING

Councillor Wiseman raised the question of the commencement time of the meetings being moved to 4.30pm rather than the current 2.30pm, thus allowing Councillors that have work commitments being able to attend more meetings. Councillor Morris was also in favour of a later start time.

WORKS & SERVICES REPORTS

COMMITTEE MEETING MINUTES – 04/09/2008

** REFER DISCLAIMER **

The next meeting of the Committee is scheduled for **4.30pm Thursday 2nd October 2008** at the **Albany Leisure Centre**. Councillor Morris put in his apologies for the next meeting as he will be on leave.

Manager of Albany Leisure & Aquatic Centre (ALAC) David Schober will be invited to provide an overview to the Committee on ALAC.

8.0 CLOSURE OF MEETING

The meeting closed at 4.00pm.

GENERAL MANAGEMENT SERVICES

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes for the, 2nd, 18th and 25th September 2008.

File/Ward	:	MAN 234 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Acting Chief Executive Officer (WP Madigan)
Summary Recommendation	:	THAT Council receives the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meetings held on the 18 th and 21 st September 08.
Bulletin Attachments	:	<ul style="list-style-type: none">• Information Technology (IT) System Security and Information Management Policy• Committee Minutes dated 02 Sep 08• Committee Minutes dated 18 Sep 08• Annex A to 25 Sep 08 minutes• Annex B to 25 Sep 08 minutes• Annex C to 25 Sep 08 minutes

ITEM 14.5.1 – COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR STANTON**

- i) **THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meetings held on the :**
- a. **2nd September 2008;**
 - b. **18th September 2008; and**
 - c. **25th September 2008.**
- be received.**

MOTION CARRIED 12-0

ITEM 14.5.1 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA

Committee Minutes dated 2nd September 08, Item 5.2

- i) THAT Council ADOPT in principle the draft Standing Orders, so as a final draft document can be prepared
- ii) THAT the Standing Orders Local Law NOT include provisions relating to Council meetings extracted from the Local Government Act and regulations
- iii) That a consolidated version of the Standing Orders Local Law document that includes provisions relating to Council meetings extracted from the Local Government Act and regulations be PREPARED
- iv) THAT the final draft document be VETTED by Council's solicitors and then RETURNED to the committee for final consideration prior to commencement of the Local Law adoption process

MOTION CARRIED 12-0

ITEM 14.5.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR WOLFE

Committee Minutes dated 18th September 08, Item 6.1.1 - Information Technology (IT) System Security and Information Management Policy

- i) THAT Council ADOPT the Information Technology (IT) System Security and Information Management Policy.

MOTION CARRIED 12-0

ITEM 14.5.1 – COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR MATLA

Committee Minutes dated 25th September 08, Item 7.1.1 – City of Albany Annual Report

- i) THAT the Council Annual Return includes an elected member's attendance return detailing elected member's attendance at Council meetings, Agenda Briefings and Strategy & Policy committee meetings as part of the Mayor's Report.

MOTION CARRIED 7-5

ITEM 14.5.1 COMMITTEE RECOMMENDATION 5
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED MAYOR EVANS
SECONDED COUNCILLOR WILLIAMS

Committee Minutes dated 25th September 08, Item 7.1.2 Introduction of a discreet designated smoking area for the City of Albany North Road Administration precinct for employees and elected members.

- i) THAT the North Road Administration building and surrounding grounds are designated a “No Smoking” area.
- ii) THAT the VIP smoking area is removed.

MOTION LOST 5-7

Councillor Wiseman left the Chamber at 10.32pm.
Councillor Wiseman returned to the Chamber at 10.33pm.

ITEM 14.5.1 – COMMITTEE RECOMMENDATION 6
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR MATLA

Committee Minutes dated 25th September 08, Item 7.2 – Review of the City of Albany Standing Orders Local Law

THAT the Draft City of Albany Standing Orders Local Law be submitted for legal review.

MOTION CARRIED 12-0

ITEM 14.5.1 – COMMITTEE RECOMMENDATION 7
VOTING REQUIREMENT: SIMPLE MAJORITY

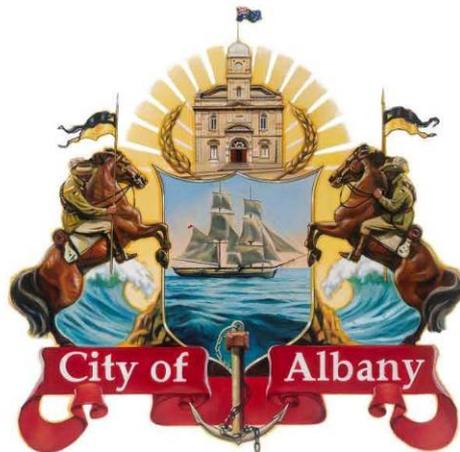
MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

Committee Minutes dated 25th September 08, Item 7.3 – Review of City of Albany Code of Conduct

THAT Council ADOPT the City of Albany Code of Conduct 2008 Policy.

MOTION CARRIED 8-3

Councillor Williams left the Chamber at 10.35pm.



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/AM806449)

Held on
Thursday, 25th September 2008
4.30pm

City of Albany Margaret Coates Boardroom

ORDINARY COUNCIL MEETING MINUTES – 21/10/08
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 25/09/08
MAN234

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MAN234

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 4.35pm.

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

Attendance:

Mayor M Evans, JP
Councillor D Wolfe (Appointed presiding member)
Councillor J Matla
Councillor K Stanton (Proxy for Councillor Paver)
P Madigan (Acting Chief Executive Officer)
S Jamieson (Corporate Governance Coordinator – Minutes)

Apologies/Leave of Absence/Absent:

Councillor D Price (Chair)
Councillor J Bostock (Deputy Chair)
Councillor R Paver
Councillor R Buegge
C Grogan (Manager Executive Services)

3.0 APPOINTMENT OF PRESIDING MEMBER

**MOVED MAYOR EVANS
SECONDED COUNCILLOR MATLA**

THAT Councillor Wolfe is appointed the presiding member for the committee meeting.

MOTION CARRIED 4-0

4.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 18th September 2008 , as previously distributed, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 4-0

5.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

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CORPORATE STRATEGY AND GOVERNANCE STRATEGY
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MAN234

6.0 MATTERS ARISING FROM PREVIOUS BUSINESS

THAT Staff RESEARCH the legality of item 76.1 in regards to the Local Government Act 1995, prior to Council endorsement (pending legal review).

The Corporate Governance Coordinator informed the committee that the clause should have read:

“Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees, unless so resolved by the committee”.

As detailed in the current standing orders.

<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR STANTON</p> <p>THAT Clause 76.1 is amended to read:</p> <p><i>“Unless otherwise provided in this local law, the provisions of this local law <u>shall</u> apply to meetings of committees, unless so resolved by the committee”,</i></p> <p>in the draft standing orders.</p> <p style="text-align: right;">MOTION CARRIED 4-0</p>

7.0 ITEMS FOR DISCUSSION

7.1 Minor Operational Policy Issues

7.1.1 City of Albany Annual Report

The Committee discussed the inclusion of an “Elected Members Attendance Return” for future annual reports, following on from the Mayor’s Report.

Section 5.53 of the Local Government Act 1995:

- “Annual Reports*
(1) The local government is to prepare an annual report for each financial year.
(2) The annual report is to contain:
(a) A report from the mayor or president;
(b) A report from the CEO”

The Mayor proposed that future City of Albany Annual Reports includes an elected member’s attendance return detailing elected member’s attendance at Council meetings, Agenda Briefings and Strategy & Policy committee meetings.

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Councillor Wolfe requested that the return should notate if a Leave of Absence was granted.

**MOVED COUNCILLOR STANTON
SECONDED MAYOR EVANS**

THAT the Council Annual Return includes an elected member's attendance return detailing elected member's attendance at Council meetings, Agenda Briefings and Strategy & Policy committee meetings as part of the Mayor's Report.

MOTION CARRIED 4-0

7.1.2 Introduction of a discreet designated smoking area for the City of Albany North Road Administration precinct for employees and elected members.

The Acting CEO raised the issue of providing designated smoking areas for the City of Albany employees and elected members for discussion by the committee.

The Acting CEO advised the committee that the current Policy states that the North Road Administration building and surrounding grounds are currently designated a No Smoking area.

Statutory Requirements:

1. Section 5.40 (e) of the Local Government Act 1995 states that 'employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*'.
2. Local Government Property Local Law 2001, makes provision for the precinct around the new administration building to be a Smoke Free environment, as outlined below:

"Behaviour which interferes with others

4.1 A person shall not in or on any local government property behave in a manner which-

- (a) is likely to interfere with the enjoyment of a person who might use the property; or*
- (b) interferes with the enjoyment of a person using the property.*

Signs

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is-

- (a) not to be inconsistent with any provision of this local law or any determination; and*
- (b) to be for the purpose of giving notice of the effect of a provision of this local law."*

ORDINARY COUNCIL MEETING MINUTES – 21/10/08
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

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AND POLICY COMMITTEE MINUTES – 25/09/08
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The following recommendations were presented to the committee for discussion:

Recommendation 1. That the COMMITTEE consider the introduction of a discreet designated smoking areas for employees at the discretion of the CEO.

Recommendation 2. That the current designated VIP smoking area is extended for use by Elected Members and not limited to civic receptions.

The committee resolved that they do not support any smoking on Council property.

<p>MOVED MAYOR EVANS SECONDED COUNCILLOR STANTON</p> <p>THAT the North Road Administration building and surrounding grounds are designated a “No Smoking” area.</p> <p>THAT the VIP smoking area is removed.</p> <p style="text-align: right;">MOTION CARRIED 4-0</p>

Action Required: No Smoking Areas signage is sourced and erected.

7.2 Review of the City of Albany Standing Orders Local Law

The City of Albany Draft Standing Orders Local Law was reviewed by the Committee.

Councillor Paver's comments submitted at annex A to 20 Mar 08 committee meeting minutes were also reviewed. Comments in response are detailed at annex A.

By unanimous decision of the committee, the final amendments were made to the draft document:

“Order of Call in Debate. The presiding person is to call speakers to a substantive motion in the following order:

- a. The mover to state the motion;*
- b. A seconder to the motion;*
- c. The mover to speak to the motion;*
- d. The seconder to speak to the motion;*
- e. Followed by a speaker against the motion;*
- f. Other speakers either for or against the motion;*
- g. Mover takes right of reply which closes debate.”*

<p>MOVED COUNCILLOR MATLA SECONDED MAYOR EVANS</p> <p>THAT the Draft City of Albany Standing Orders Local Law be submitted for legal review.</p> <p style="text-align: right;">MOTION CARRIED 4-0</p>
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Note: The final draft Standing Orders local law is detailed at annex B.

ORDINARY COUNCIL MEETING MINUTES – 21/10/08
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
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7.3 Review of City of Albany Code of Conduct

The committee reviewed the Code of Conduct and reviewed Councillor Paver's comments submitted at annex A to 20 Mar 08 committee meeting minutes.

The committee was presented with the Current City of Albany code of conduct which was laid on the table at the 18th December 2007 Ordinary Council meeting and the WALGA Model Code of Conduct.

The committee resolved that the WALGA Model Code of Conduct should be used as the new City of Albany Code of Conduct; however the conduct is to also include the "Role of the Mayor" extract from the Act.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT Council adopt WALGA Model Code of Conduct subject to the inclusion of the Role of the Mayor as defined in the Local Government Act 1995.

MOTION CARRIED 4-0

Note: the Draft Code of Conduct has been reformatted into the Council Policy Corporate document format and detailed at annex C.

8.0 NEW BUSINESS

Nil

9.0 TIME AND DATE OF NEXT MEETING

Next committee meeting is to be held 6.00 pm on:

- a. Thursday 23rd October 2008.

10.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

Nil

11.0 CLOSURE OF MEETING

There being no further business, The Presiding Member, Councillor Wolfe, closed the meeting at 6.02pm.

Appendix:

- A. Response to Councillor Paver's comments (Standing Orders & Code of Conduct).
- B. City of Albany Standing Orders Local Law (Final Draft)
- C. City of Albany Code of Conduct (Final Draft).

Councillor Williams returned to the Chamber at 10.43pm.

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Elected Members' Report/Information Bulletin

DRAFT MOTION

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

ITEM 15.0 – RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR BUEGGE

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

MOTION CARRIED 12-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 NOTICE OF MOTION COUNCILLOR WOLFE - Appointment of Deputy Committee Members to the Strategy and Policy Committees

**ITEM 16.1 – COUNCILLOR WOLFE NOTICE OF MOTION – RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR STANTON**

- i) **THAT Councillor Wolfe be APPOINTED as the member of the:**
- a. **Planning and Environment Strategy and Policy Committee; and**
 - b. **Community and Economic Development Strategy and Policy Committee**

**MOTION CARRIED 10-2
ABSOLUTE MAJORITY**

Reason:

Councillor Wolfe currently is appointed a proxy to Councillor Williams who has resigned from the Policy and Strategy committees. Therefore; Councillor Wolfe needs to be appointed a member.

**ITEM 16.1 – COUNCILLOR WOLFE NOTICE OF MOTION – RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR WALKER**

- i) **THAT Council AUTHORISE the current deputies appointed to each committee be appointed as an alternate deputy :**
- a. **For a member of a committee without a Deputy; and**
 - b. **To ensure quorum in the event that the member and deputy is unavailable.**
- ii) **THAT the alternate deputies so appointed have seniority based on the following Ward order:**
- a. **BREAKSEA Ward**
 - b. **FREDERICKSTOWN Ward**
 - c. **KALGAN Ward**
 - d. **VANCOUVER Ward**
 - e. **WEST Ward**
 - f. **YAKAMIA Ward**

**MOTION CARRIED 11-1
ABSOLUTE MAJORITY**

Reason:

1. To ensure committee meetings achieve quorum and ensure that all Councillors have a proxy with full voting rights.

**ITEM 16.1 – COUNCILLOR WOLFE NOTICE OF MOTION – RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MORRIS**

- i) **THAT Council AMEND the Governance and Meeting Framework Policy with the following clause:**

Appointment of Deputy Committee Members to the Policy and Strategy Committees

- (1) The Council may appoint one or more persons to be the deputy or deputies to act on behalf of a member of a committee whenever that member is unable to be present at a meeting.**
- (2) In the event that the member and first deputy are unavailable, Ward seniority determines the alternate deputy.**
- (3) The deputy is entitled to attend the meeting in place of the member and act for the member, and while so acting has all the powers of that member.**

MOTION CARRIED 11-1

Reason:

If recommendation 2 is supported the current Governance and Meeting Framework Policy would need to be amended.

OFFICERS REPORT

Author: Stuart Jamieson, Corporate Governance Coordinator

STATUTORY REQUIREMENTS

1. City of Albany, Local Standing Orders dated 30th June 2000, clause 13.2 states:

“(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

“(2) Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend the meeting in place of the member and act for the member, and while so acting has all the powers of that member.”

POLICY IMPLICATIONS

2. The Governance and Meeting Framework Policy states:

Definitions:

“Strategy and Policy Committee Meeting – A committee of 6 councillors, each representing a different ward and the Mayor, who make recommendations to Council on policies, strategies, business plans, local laws and other corporate and strategic documents relevant to their demarcated responsibilities.”

Strategy and Policy Committees, page 4 of 8

“Membership of a committee shall comprise of 6 Councillors all from a different ward with the corresponding ward councillor being their deputy. The Mayor may sit on each committee.”

3. The appointment of additional deputy committee members would require the Governance and Meeting Framework Policy to be amended to include the following clauses:

Appointment of Deputy Committee Members to the Policy and Strategy Committees.

- (1) The Council may appoint one or more persons to be the deputy or deputies to act on behalf of a member of a committee whenever that member is unable to be present at a meeting.
- (2) In the event that the member and first deputy are unavailable, Ward seniority determines the alternate deputy.
- (3) The deputy is entitled to attend the meeting in place of the member and act for the member, and while so acting has all the powers of that member.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. Seniority to determine the sequence to call available alternate deputies should be implemented to ensure a none biased ward representation.
7. It is recommended that ward order seniority is determined by drawing of lots.

16.2 NOTICE OF MOTION BY COUNCILLOR WOLFE – Strategy and Policy Committee Meeting Timings

ITEM 16.2 - NOTICE OF MOTION BY COUNCILLOR WOLFE – Recision Motion Item 18.1.- Ordinary Council Meeting - 16TH September 2008
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR STANTON

THAT the motion passed at the Ordinary Council meeting of 16th September 2008 Item 18.1 as follows:

“THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm and that Governance and Meeting Framework Council Policy be amended accordingly.” be RESCINDED.

MOTION CARRIED 11-1
ABSOLUTE MAJORITY

Date Time Group Received: Thursday, 3rd October 2008 at 11.00 am.

Reason:

It is considered that all Councillors should have the opportunity to attend the Strategy and Policy Committee Meetings.

OFFICERS REPORT

Author: Peter Madigan, Acting Chief Executive Officer.

STATUTORY REQUIREMENTS

1. *Section 5.25 (1)(e) of the Local Government Act 1995 refers:*

*“5.25. Regulations about council and committee meetings and committees
(1) Without limiting the generality of section 9.59, regulations may make provision in relation to...*

(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made)”

2. Regulation 10(1)(b) of the Local Government (Administration) Regulations 1996 refers:

*“10. Revoking or changing decisions made at council or committee meetings —
s. 5.25(1)(e)*

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.”

POLICY IMPLICATIONS

1. The Governance and Meeting Framework Council Policy would require to be amended to ensure that it removed the amendment resolved at Item 18.1, Ordinary Council Meeting held on the 16th September 2008 that would effect the clause:

“THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm”

FINANCIAL IMPLICATIONS

2. Nil

STRATEGIC IMPLICATIONS

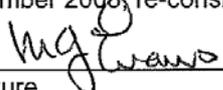
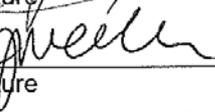
3. Nil

COMMENTS

4. Nil

Re-Consideration of Motion

We the undersigned hereby move to have the Motion of Item 18.1, which was moved at the Ordinary Council Meeting held on 16 September 2008, re-considered.

<u>MILTON EVANS</u> Name	<u></u> Signature	<u>30th SEPT 08</u> Date
<u>WOLFE DESMOND J.</u> Name	<u></u> Signature	<u>30th SEPT. 08</u> Date
<u>MATLA JOY</u> Name	<u></u> Signature	<u>30-9-08</u> Date
<u>KIM STANTON</u> Name	<u></u> Signature	<u>30-9-08</u> Date
<u>G KIDMAN</u> Name	<u></u> Signature	<u>2-9-08¹⁰⁴</u> Date

MOTION:

THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm and that Governance and Meeting Framework Council Policy be amended accordingly.

[Section 5.25(e) of the Local Government Act 1995 refers]
Signatures of 5 Councillors are required, prior to this item being considered.

.....

COUNCILLOR WOLFE’S NOTICE OF MOTION

RECOMMENDATION

THAT the motion passed at the OCM of 16 September 2008 Item 18.1 as follows:

“THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm and that Governance and Meeting Framework Council Policy be amended accordingly”, be rescinded.

Voting Requirement Absolute Majority

.....

16.3 NOTICE OF MOTION BY COUNCILLOR BUEGGE – Strategy and Policy Committee Meeting Timings

**ITEM 16.3 NOTICE OF MOTION BY COUNCILLOR BUEGGE
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR BOSTOCK**

THAT Strategy and Policy Committee Meetings not be convened earlier than 6.00 pm and that Governance and Meeting Framework Council Policy be amended accordingly.

MOTION CARRIED 11-1

Date Time Group Received: Friday, 3rd October 2008 at 1pm.

Reason:

It is considered that all Councillors should have the opportunity to attend the Strategy and Policy Committee Meetings.

OFFICERS REPORT

Author: Peter Madigan, Acting Chief Executive Officer.

STATUTORY REQUIREMENTS

5. There are no provisions contained within the Local Government Act 1995 that relate to the commencement time of committee meetings.

POLICY IMPLICATIONS

6. Governance and Meeting Framework Council Policy adopted by Council on the 19 Feb 08 states would require to be amended to include the clauses:

”THAT Strategy and Policy Committee Meetings not be convened earlier than 6.00 pm”

7. *“All other committees would determine their own meeting times and dates”.*

FINANCIAL IMPLICATIONS

8. There are no direct financial implications related to this item.

STRATEGIC IMPLICATIONS

9. There are no strategic implications related to this item.

COMMENTS

10. This would amend the Council resolution made at the Ordinary Council Meeting 16 Sep 08, Item 18.1:

“THAT Strategy and Policy Committee Meetings, Concept Briefings and occasional committee meetings not be convened earlier than 6.00pm and that Governance and Meeting Framework Council Policy be amended accordingly”.

17.0 MAYORS REPORT FOR ORDINARY COUNCIL MEETING – 20th OCTOBER 2008

Fellow Councillors:

My report this month covers activities over the past two months as there was no Mayor's report at the last meeting. I thank Deputy Mayor Des Wolfe for officiating at the September Council meeting in my absence.

September marked the 100th anniversary of the visit of the Great White Fleet, an armada of 16 white painted United States battleships which made a circumnavigation of the world from 1907 to 1909, stopping in only three locations in Australia – Sydney, Melbourne and Albany.

The historic visit of the Great White Fleet is a significant chapter in Albany's rich maritime and military heritage and to commemorate the centenary of the event, the Royal Australian Navy Ships 'Darwin' and 'Sirius', and the United States Navy Ship 'Shoup', visited Albany from 11th to 14th September, bringing a combined personnel of over 500.

City of Albany staff worked closely with the Albany Port Authority, the Albany Police, the Royal Australian Navy and the US Consul's Office to coordinate the Centenary celebrations, and for all concerned it was a very successful week of engagements including; an onboard function on HMAS Darwin, a 9/11 commemorative service on board USS Shoup, community project work at the Forts, a community sporting match, a Military Parade and Market Day, a Civic Reception and an Albany Port Open Day.

In September we also proudly welcomed home our silver medal Olympian, Miss Sonja Johnson. Sonja has given all Albany residents a sense of connection to the biggest international stage of all, the Olympic Games. We watched with excitement and admiration as Sonja put her horse, Ringwoud Jaguar, through the events that brought her a silver medal in Beijing.

Her achievement is the culmination of years of hard work and perseverance. Sonja went through the rigours of training for the Olympics and reached the brink of selection on three occasions, but on each occasion she had to step back and watch as other Australians ride for their country.

In 2008, she made the team and rode to glory. I greatly admire her perseverance and determination in setting a goal and never losing her focus, or desire, to achieve it.

It was an honour to host a Civic Reception for Sonja to acknowledge her success and to welcome her home to Albany. Sonja has offered to be an ambassador for Albany as she travels the country fulfilling post Olympic commitments. I congratulate her on her achievements and her willingness to use her success to promote beautiful Albany.

Some of the other significant events that occurred over the past two months were:

- A group Citizenship Ceremony at which eight local people became new Australian Citizens;
- Civic Receptions were held to farewell our CEO Andrew Hammond, to celebrate the 10th Anniversary of the Great Southern Grammar School, and to welcome the Christian Ship 'Doulos'.
- The annual Mayor's Prayer Breakfast was well attended this year and featured Richard Court as the guest speaker;
- I had the pleasure of welcoming the National Climate Torch Relay to Albany. Organisers were impressed with the City's bold renewable energy strategies.
- Also visiting Albany was the Melbourne Cup and the Royal Australian Navy submarine HMAS Collins.

The City is currently finalising arrangements to establish a Friendship Agreement with the City of Peronne in France. Recently I met with the French Consul and French businessmen in Perth to discuss the arrangements that were being made for the signing and implementation of the agreement.

I have been invited to Peronne as a guest of the City to participate in Armistice Day on the 11th November 2008 and to formally sign the Friendship Agreement with the Mayor of Peronne. The Friendship Agreement is based on our shared connection to the Anzac story. Of the many Australians who left Albany to defend our country during World War I, a great number did not return and were laid to rest in French soil at Peronne. World War I concluded whilst many of our troops were fighting on French soil.

During the visit next month I will meet with French politicians and businessmen to establish connections for future development of tourism and business between our two cities and to establish cultural growth, including student exchange. I will also visit Mayor of the City of Grasse with whom Albany has a connection through Mt Romance's business dealings.

I look forward to providing a full report to Council on my return.

Thank you.

ITEM 17.1 – RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BUEGGE

THAT the Mayor's Report dated 21st October 2008 be received.

MOTION CARRIED 12-0

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

Nil

19.0 CLOSED DOORS

19.1 Chief Executive Officer Performance Appraisal Committee Meeting Minutes – 14th October 2008

Item 19.1 is a CONFIDENTIAL item in accordance with 5.23 (2) (a)(b)(c) of the Local Government Act 1995; being:

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

ITEM 19.1 – MOTION TO MOVE BEHIND CLOSED DOORS

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MORRIS**

THAT Council meet behind closed doors to consider CONFIDENTIAL item 19.1 – Appointment of CEO recruitment consultant in accordance with 5.23 (2) (a)(b)(c) of the Local Government Act 1995; being:

- (a) a matter affecting an employee or employees;**
- (b) the personal affairs of any person;**
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.**

MOTION CARRIED 12-0

Members of the public, media and staff vacated the Council Chamber at 11.08pm.

The Acting CEO, (Executive Director Corporate and Community Services), Mr Madigan, declared an impartiality interest left the chamber at 11.08pm.

The nature of Mr Madigan's interest is that he is a potential applicant.

Manager Executive Services and Corporate Governance Coordinator remained in the Chamber.

Item 19.1 was considered behind closed doors.

ITEM 19.1 – MOTION TO COME OUT FROM BEHIND CLOSED DOORS

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BUEGGE**

THAT Council open the meeting to the public.

MOTION CARRIED 12-0

The meeting was reopened to the public at 11.29 pm and no members of the public returned to the Chamber.

The Acting CEO and staff returned to the Chamber at 11.30.

The Mayor read the decisions of the Council made behind closed doors.

ITEM 19.1 – COMMITTEE RECOMMENDATIONS
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WALKER

MOTION 1

THAT the minutes of Chief Executive Appraisal Committee meeting held on the 14th October 2008 be RECEIVED.

MOTION 2

THAT Council NOTE that:

- i) Six candidates have been selected for interview for the position of Chief Executive Officer;**
- ii) The interviews are to be held in Perth on Monday 27th October 2008; and**
- iii) Nicholas Crawley (recruitment consultant) and Christine Grogan, (Manager Executive Services) will participate in the interview process in an advisory capacity.**

MOTION 3

THAT Council AUTHORISE Christine Grogan, Manager Executive Services to liaise with Nicholas Crawley, Recruitment Consultant, to finalise the list of interview questions.

MOTION CARRIED 10-2
EN BLOC

20.0 NEXT ORDINARY MEETING DATE

Tuesday 18th November 2008, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 11.35pm.

Confirmed as a true and correct record of proceedings.

MJ Evans, JP
MAYOR

Appendix A

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Mayor Evans	12.1.3	<u>Impartiality</u> . Mayor Evans is the Chairman of the Albany Community Bank. Mayor Evans remained in the Chamber.
Councillor Williams	11.1.1	<u>Impartiality</u> . The proponents of Great Southern Seafoods are personal friends of the Councillor. Councillor remained in the Chamber for the debate and vote.
	11.1.2	<u>Impartiality</u> . The proponents are relatives of the Councillor (Brother in law and Sister in law). Councillor left the Chamber.
	11.1.5	<u>Impartiality</u> . The tenants of the subject site are personal friends of the Councillor. Councillor remained in the Chamber for the debate and vote.
	12.1.3	<u>Financial</u> . Councillor is a share-holder in Albany Community Bendigo Bank. Councillor left the Chamber.
	12.1.5	<u>Impartiality</u> . Councillor is a member of the Youngs Siding Progress Association. Councillor remained in the Chamber for the debate and vote.
Councillor Wiseman	11.1.2	<u>Financial</u> . Councillor owns tourist accommodation which conflicts with the Agenda item. Councillor left the Chamber.
	11.2.1	<u>Financial</u> . Councillor supplies liquor through his employment to the club. Councillor left the Chamber.
	11.3.6	<u>Impartiality</u> . Councillor is employed by a company that is in opposition to the future landlord proposed for the site. Councillor left the Chamber.

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Councillor Paver	12.1.5	<u>Financial</u> . Councillor Paver's client is an applicant for funding. Councillor left the Chamber.

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
Executive Director Corporate and Community Services – Peter Madigan	19.1	<u>Financial</u> . Officer is a potential applicant. Officer left the Chamber.

SUMMARY OF ACCOUNTS CERTIFICATE

Municipal Fund

Municipal Fund

Cheques	Totalling	\$118,846.72
Electronic Fund transfer	Totalling	\$1,995,420.66
Credit Cards	Totalling	\$11,176.55
Payroll	Totalling	\$802,677.00
	Total:	<u>\$2,928,120.93</u>

CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$\$2,928,120.93** which was submitted to each member of the Council, dated 30th September 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

William Peter Madigan
Acting Chief Executive Officer

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$2,928,120.93**, dated 30th September 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.

Milton John Evans, JP
Mayor

TABLED DOCUMENTS

Mr Tony Harrison

Dear Mayor, Council and Councillors.

As I have said in correspondence and at Council meetings over the years (at least 19.) now is the time to start planning for restoration work at Emu Point.

As you are all well aware summer is the time for lower tides and easterly winds. This is the only time that work can be conducted to re-nourish the beach with sand brought in by trucks. Probably a little bit more in volume than has been transported away from the old sand dunes near the Prison for the Oyster Harbour subdivision.

With this proposal there will be no cost to the City of Albany or its Ratepayers for this restoration work, the reason being is for 19 years the Town of Albany then later on the City of Albany has been contributing financially to the on going costs. Initially 1/3 the Town of Albany, 2/3 Dept of Transport. Since becoming a City the cost outlay has jumped to 50/50. - "How come?"

And as the City is only acting on D.P.I's advice and expert knowledge, I feel it is only fitting that they pay for the lot, as after 19 years we are still wasting our money on a problem that can be fixed, and should have been done years ago.

As Emu Point comes under the jurisdiction of the Port of Albany, they too need to be involved with the re-nourishing of Emu Point. Over the years the Port of Albany has been responsible for a number of incidents in King George Sound and Princess Royal Harbour.

They are, the dumping of sand just off Middleton Beach in 1985, Emu Point Groyne¹⁹⁹⁰ etc. The Woodchip Berth 2001 and what World Groyne 2005, Ellen Cove 2003, and sitting up of areas in Princess Royal Harbour.

As there has been dredging going on near the Woodchip Berth for quite a few months now, as you are

Mr Harrison document continued:

all aware they have been looking for bombs. So far they have only found a few Casings, but what the P. of A. do have is a large pile of dredged sand from the harbour bottom.

As Emu Point is in their jurisdiction I see it only fitting that they use as much of that sand as it takes to re-nourish Emu Point, and restore that beach as to how it was, or there abouts. It can be done.

Mr Rob Giles, the Chief of Staff of D.P.I has also written to me and stated that re-nourishing is successful and has been carried out in Aust, and other countrys. So now lets fix Emu Point.

The other option for the Port of Albany is to use the small dredge that is in P.R.H at the moment, it can be used to pump sand onto the beach, just like back in 1983-84 when constructing the breakwater. The bomb contract is going to end soon.

If Council is concerned about fixing this problem then I would hope that Council + Councillors will support this option, we have nothing to loose.

If nothing is done then next March and April you will loose more coastline, the cycleway and then the dumping of more rocks to protect the dunes.

Don't let this happen, as this time accountability and responsibility will be dealt with.

Yours faithfully

Tony Harrison

21-10-08.

TONY HARRISON

34 GORDON ST

LITTLE GROVE

98444263.

Mr Harrison document continued:

Dear Mayor, Council and Councillors.

It was also a few years ago that I stood before the Mayor and Council, and informed them what was happening in the sand dunes at Surfers Beach at Middleton Beach northern end.

The issue was that there has never been a toilet up that end of the beach. The dogs are OK, their owners are supplied with a doggy-do-bag, at the beginning of their walk.

Please Council "what about us?" lets build a few of your award winning composting toilets at the following coastal tourist attractions and locals favourite swimming and surfing beaches.

We need a toilet at:- Mutton Bird - main car park. - Middleton Beach - surfers & dog beach.

Gorby Inlet - Floodgates camping area - retire the long drop, its a health hazard.

Sandpatch, bottom carpark, for Amature fishermen & women, tourists, and surfers.

Lowlands - the tin toilet there needs to be replaced with your new design, and still using the composting concept with the unit that is there.

Also has Council thought about constructing a dump site for Mobile Homes, Buses, R.V.'s etc. Finding a convenient site and letting hire companies know that Albays does provide a sewerage dump site for the mobile tourist.

Tony Harrison

34 GORDON ST
LITTLE GROVE

Tony HARRISON

98444263

21-10-08.

Mr Michel Fontaine

CEDUNA - A flag has been flown in Ceduna's main street, Poynton Street, to show the community the progress of fundraising to obtain Special Broadcasting Service (SBS) transmissions for the Ceduna district.

The flag, made and designed by Eleanor Coleman, will act as a fundraising thermometer indicating how much money has been raised in the community appeal.

A spokesman for the SBS Committee, Mr Michel Fontaine, said discussions were taking place with the Australian Broadcasting Authority and Telstra about possibly also extending the service to covering viewers in Smoky Bay and Koonibba.

He said fundraising was underway in earnest and activities already in train included raffles (tickets at Harry Pauls), dinners, parties and concerts.

"The SBS committee will be publishing an activities calendar to keep the community informed of what is happening and when," Mr Fontaine said.

"Copies can be obtained from the District Council office from April 29."

The committee has set a target of \$20,000 for fundraising with the District Council of Ceduna agreeing to act as the collection point. The council will also hold the SBS licence and be responsible for ongoing repairs and maintenance.

SBS station moves closer to reality

SBS television is moving closer to becoming a reality for Ceduna and districts.

Ceduna SBS committee spokesman Michael Ross said the group had recently been given access to a channel by the Australian Broadcastin

Authority.

"It will be channel 12 VHF," Mr Ross said.

"This is very good news for Ceduna as now the SBS committee will be able to service all the Ceduna Council area which means the towns of Smoky Bay, Denial

Bay, Koonibba and the farming area should receive the signal.

"I should point out here that nobody should have to change their antenna system.

"I still have to negotiate with Telstra to be able to lease space at

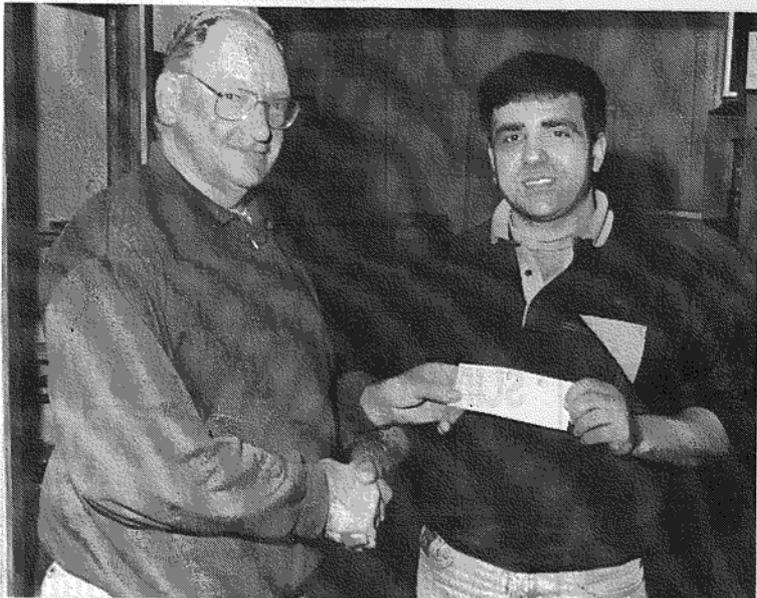
Kongwria for our transmitter.

"We will be working through the National Transmission Authority and will be using some of their equipment which will be a cost saving to the community."

Mr Ross said fun-

draising for the project had been difficult with only \$7500 of the \$25,000 needed to establish the channel raised.

"A lot of work has been put in by only a few people. When this SBS Channel is up and running it will give



Ceduna and Districts Service Club's secretary Horace Woods presents SBS Committee treasurer Adam Soumelidis with \$1000.

"IT'S ON AGAIN"