

MINUTES

FOR THE ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 21st September 2010
7.00pm
City of Albany Council Chambers**

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TABLE OF CONTENTS

	Pg#	Rec Pg#
Details		
I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	3	
II. OPENING PRAYER	3	
• SUSPENSION OF STANDING ORDER 3.1		
III. ANNOUNCEMENT BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION	3	6
IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME	7	
V. PUBLIC QUESTION AND STATEMENT TIME	7	10
VI. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	11	
VII. APPLICATIONS FOR LEAVE OF ABSENCE	11	
VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	12	
IX. DECLARATIONS OF INTEREST	13	
X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS Nil		
XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS Nil		
XII. ADOPTION OF RECOMMENDATIONS EN BLOC Nil		
XIII. REPORTS		
1. REPORTS-DEVELOPMENT SERVICES		
1.1 Scheme Amendment Request (SAR 146)-Lot 5241, 207 Bon Accord Road, Kalgan	14	
1.2 Initiation of Amendment-Lot 7 Rufus Street, Milpara	15	22
1.3 Local Area Planning Policy-Modifications to the Detailed Area Plans Policy Jeffcott Street, Little Grove	23	29
1.4 Local Area Planning Policy-Modifications to the Detailed Area Plans Policy-Clydesdale Park and Junction Street, McKail	30	34
2. REPORTS-CORPORATE AND COMMUNITY SERVICES		
2.1 List of Accounts for Payment	35	36
2.2 Financial Activity Statement-30 th August 2010	37	41
2.3 Variation of Access Agreement and Lease for Bureau of Meteorology-Albany Regional Airport	49	52
2.4 Cull Road Subdivision-Sale and Marketing	53	56
2.5 Gross Rental Value-Vacant Land	57	61
3.0 REPORTS – WORKS & SERVICES		
3.1 Dedication of Unallocated Crown Land Being Lot 2 on Deposited Plan 79929 (Off Hunton Road) as Public Road	62	65
3.2 Supply and Delivery of Various Plant and Equipment-Contract C10010 and C10011	66	70
4.0 REPORTS-GENERAL MANAGEMENT SERVICES		
4.1 Albany Tourism Marketing Advisory Committee Meeting Minutes-14 July 2010	71	
4.2 Receive Members Information Bulletin September/2010	72	
4.3 Audit Committee Minutes	73	74
XIV. MOTIONS OF WHICH NOTICE WAS GIVEN AT A PREVIOUS MEETING		
14.1 Notice of Motion by Councillor D Bostock-Formation of Consultative Group to Review City of Albany Expenditure	75	
14.2 Notice of Motion by Councillor D Bostock-Removal of Differential Rates on Vacant Land	75	
14.3 Notice of Motion by Councillor Paver-Request Minister for Planning Designate Lots 1 & 2 Frenchman Bay Road, Frenchman Bay as State Significant Strategic Tourism Site	76	77

XV.	URGENT BUSINESS APPROVED BY DECISION OF THE MEETING	Nil
XVI.	REQUEST FOR REPORTS FOR FUTURE CONSIDERATION	Nil
XVII.	ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING	Nil
XVIII.	ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC	Nil
XIX.	NEXT ORDINARY MEETING DATE	78
XX.	CLOSURE OF MEETING	78
	Appendix A – Status of Deferred Items	79
	Appendix B – Tabled documents from Public, Staff and Elected Members	80

I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at: [7:01:25 PM](#)

II. OPENING PRAYER

CEO Mr J Bonker read the opening prayer.

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

ITEM 2.0 – RESOLUTION 1

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR SUTTON

THAT Council suspend Standing Order 3.1 to allow recording of proceedings.

**CARRIED 12-0
ABSOLUTE MAJORITY**

ITEM 2.0 – RESOLUTION 2

MOVED: MAYOR EVANS

That Council allow the filming of the meeting.

CARRIED BY A SHOW OF HANDS

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

The Mayor announced that there will be an Elected Members Workshop held on Tuesday 28 September 2010 at 5.30pm.

Topics:

- Horse Exercise Areas presented by EM Building and Health Services, Mr Keith Barnett
- Financial Sustainability presented by Manager Finance, Ms Pam Wignall
- Overview of the 1st Quarterly Review of the budget presented by Manager Finance, Ms Pam Wignall
- Update on Amendment 161 presented by ED Development Services, Mr Graeme Bride
- Briefing on possible alliance with the Shire of Denmark to obtain funding for large scale infrastructure projects presented by ED Works and Services, Mr Kevin Ketterer
- Discussion of review of Development Services and subsequent report presented by Mr Charles Johnson, Consultant

The Mayor then presented his report for September 2010.

During the August/September period leading up to this meeting, I have been engaged in the following activities in addition to the routine daily Mayoral meetings, media and other varied commitments:

- Wednesday 18th August I attended the Vietnam Veterans Memorial Service and laid a wreath on behalf of the City of Albany council
- Thursday 19th August the CEO and I attended a breakfast hosted by Skywest. On the same day at the Vancouver Arts Centre, I was delighted to present flowers and a certificate of appreciation for service to the arts to Verna Rowbotham on the occasion of her 90th birthday. In the afternoon I officiated at a Citizenship Ceremony where 10 candidates of varying nationalities received Australian Citizenship.
- As Chairman of Regional Development Australia-Great Southern, I attended meetings on 20th August and on 25th August attended a workshop in Denmark, one of several workshops which were held in the region.
- Friday 20th August I represented the City and gave the eulogy at the funeral of prominent Albany citizen, Mr Peter Spanbroek.
- The annual Tri-Service Dinner and fundraiser to aid Albany's military cadet units was held on 21st August.
- 24th August the award winning Albany Residential College re development was officially opened by Dr Elizabeth Constable, Minister for Education
- Thanks to Councillor Wolf, who on 26th August, stood in for me at the GSDC Medal for Excellence in Natural Resource Development presentation and dinner.
- 27th August, a farewell function for long serving employee Mr George Gilchrist after 44 years with the former Town and City of Albany. A significant milestone.
- 31st August, the first meeting of the Albany Entertainment Centre operational sub-committee reporting to the Perth Theatre Trust with terms of reference covering governance, programming, regional marketing and promotion. Councillor Chris Holden joined me as Council's second committee representative at a subsequent meeting. Organisation of the Official Opening in December will be the first priority, subject to final sign off by the government.
- Wednesday 1st September I attended the Premiers Book Awards at the UWA Club. Local author Dianne Wolfer's book "Lighthouse Girl" was short listed among a strong field of entries in the same category from around Australia.
- Thursday 2nd September I attended the bi monthly WA Library Board meeting in Perth as the WALGA representative. The role of the State Library of WA is to assist WA's 232 public libraries to meet their local community demands, and collect, preserve and make accessible WA's documentary and social heritage including that from regional and remote WA, and support literary development in the state. It is estimated that 46% of WA's population is not literate. The State government increased its financial commitment to public libraries by over 40% in the 2010/11 budget.
- On the evening of 3rd September I attend the Albany Light Opera and Theatre Company production "What's up in Sherwood", a musical comedy starring some 60 school age performers. It was a delightful evening.

- Saturday 11th September I represented Council at the Albany Historical Society conference dinner. The City had provided funding assistance towards the function in lieu of a civic reception.
- Thursday 16th September I attended the Annual General Meeting of the Senior Citizens Meals on Wheels committee. I congratulate the volunteers for their dedication to a very important service to our seniors. To meet with them was humbling and inspiring.
- Saturday 18th September I delivered the welcome speech at the 15th Annual Mayor's Prayer Breakfast, and in the evening I took part in the Master Builders Association Awards presentations.

ITEM 3.0 – RESOLUTION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR WOLFE

THAT the Mayor's report be received.

CARRIED 12-0

7:11:40 PM Councillor Sutton

Summary of key points:

- Fantastic to see so many members of the public in the gallery
- It was unfortunate that it was not under happier circumstances
- Admitted council should have asked more questions regarding the rates issue
- Felt that the only way forward was to rescind councils earlier decision regarding the increase in vacant land rates

7:12:42 PM Councillor Dufty

Summary of key points:

- Has attended numerous meetings this month regarding rates
- Wonderful to meet new Australian citizens at the Citizenship ceremony
- Attended the CEO selection meeting, but was unable to attend the meeting to decide on the short list for position
- On 15/9 attended Stay on Your Feet walk at the Forts
- Was surprised to learn of the many attractions at the Forts which are most interesting
- Recommended that all councillors should visit the site
- Said that council had been fully informed by Manager of Finance before taking the decision to increase vacant land rates
- Council needed to take responsibility for making a bad decision regarding the rate rise, but it was not because they were not fully informed

7:15:12 PM Councillor Swann

Summary of key points:

- It has been a harrowing month for the community of Albany
- No benefit in conducting an enquiry
- Council needs fiscal control and leadership
- Current councillors have learnt from past mistakes
- Council must focus only on those areas in which they have expertise and spend money only on those services which are essential
- Council must concentrate on reducing debt
- Council is not dysfunctional
- The community does not deserve the financial burden of external administrators
- Does not support calls for Bostock, Bostock and Paver to resign, but felt that they should take leave of absence while taking action against the City

7:17:29 PM Councillor Hammond

Summary of key points:

- Came to council with a view to making a difference, but had been treading water since elected
- Was enthusiastic about making Albany a Heart Safe city
- Sudden cardiac arrest is a leading cause of death throughout the world
- Access to AED's is key to survival
- There is currently one heart safe community in Australia
- Promoting the concept of Albany being the first Heart Safe city in Australia
- Planning for ten strategically placed AED's around the city
- Heart safe initiative makes residents part of the process
- ACCI has indicated early support
- \$50 000 needed for project
- Foreshadowed a motion to this effect

7:20:20 PM Councillor J Bostock

Summary of key points:

- Advised Council that a concerns notice is a notice that states what is concerning you
- It is a non adversarial opportunity for concerns to be addressed
- A concerns notice is not legal action and has since expired
- There is nothing in front of the city and no legal action has been taken against the city
- Thank you to the members of the public who attended the SME
- Urged the community to continue public participation in the affairs of council

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil.

V. PUBLIC QUESTION AND STATEMENT TIME

7:22:30 PM **Richard Vogwill, Goode Beach** (Mr Vogwill's tabled address is detailed at Appendix C)

Summary of key points:

- Residents of the Vancouver ward were very happy with the performance of Councillors Bostock, Bostock and Paver
- Minority councillors approach to governance was not fitting in with business and other councillors
- Tired of ongoing political campaign against minority councillors
- Minority councillors have done nothing wrong
- No one is defending the rights of minority councillors
- Unfounded slurs against minority councillors had been perpetrated
- Media one sided and misguided
- Council is not acting as a team
- Why doesn't the City apologise to the minority councillors?

7:26:32 PM **Severin Crisp, 15 Thomas Street, Albany**

Summary of key points:

- Addressed council regarding the central area master plan
- Council needs a cultural mapping program to produce cultural vision for Albany
- The cultural precinct of Albany is comprised of the area encompassing the town hall, library, education department buildings
- The cultural precinct will be the heart of Albany
- A city lives on its culture
- Together with AEC, York St will become the heart of Albany
- Since master plan was accepted, UWA have expressed strong interest in participating in the cultural heritage precinct
- Urged Council to set up a working committee to plan next stages for cultural precinct
- No financial obligation at this stage
- Lead the way to a standing committee for implementation

7:31:25 PM **John O'Dea, Bushby Road**

Summary of key points:

- Councillor Bostock should be congratulated for her explanation of the Concerns Notice
- Public sentiment has been misguided with regard to the minority councillors
- Charitable organisations will be paying \$80 per tonne for refuse costs
- These charities were subsidised up to now
- Council should be more charitable
- Volunteers helping the needy are calling for more assistance to continue their good work

7:33:28 PM Neil Smithson, Smithson Planning

Summary of key points:

- Cannot understand why the city has \$21 million in debt
- City has lost significant funds through investment
- Cull Road development may not deliver a surplus
- Emu Point development is funding AEC and waterfront development
- Any new hotel development on the waterfront is diminished by lack of airport access to Albany
- The public wants to see an enquiry
- Called for council to resign tonight

7:38:15 PM Anthony Wood, 5 Cordillera St

Summary of key points:

- Addressed council regarding the Cull Road subdivision
- Mr and Mrs Woods do not want a road on their property
- CEO assured Mr and Mrs Woods that other options would be considered
- What are the other options regarding this road?
- Will this affect the sale of Stage 1A blocks?
- City has known from beginning that owners of Lot 75 did not want to sell, so why was this course of action pursued?
- Mr and Mrs Woods have received no confirmation in writing that the road will not go through Lot 75
- Ongoing storm water and drainage issues in the Cull Road subdivision have still not been addressed

7:42:25 PM Catherine Ziverts, 63 Beaufort Road

Summary of key points:

- Ms Ziverts addressed council with regard to damage to her property from 2002 to present day from flooding
- The issue now appears to have reached an impasse, largely through the incorrect assertion that her house is built on a flood plain
- No documentary evidence to support this assertion
- Two previous owners sustained no damage whatsoever
- Believes that the flooding is caused by council mismanagement of water runoff from development
- Wants council to acknowledge liability for damage to the property, which now runs into several hundred thousand dollars

7:43:53 PM Dianne Lofts-Taylor, Hill Street

Summary of key points:

- Speaking on behalf of New Arts Inc and Creative Albany
- Fully agreed with Severin Crisp who spoke earlier in the evening
- Support of CBD master plan
- UWA cultural precinct liaison

7:44:56 PM Alanna Ashboth, Wilson Street, Little Grove

Summary of key point:

- Addressed council regarding Item 1.3
- Little Grove Structure Plan
- Has two areas on her property which are identified as ridge protection areas
- Adjacent to boundary is a planned road which ends in a cul de sac
- Wanted to know if she would have to pay for fencing along the road
- Felt that the developer should be required to meet the full cost of fencing

7:46:19 PM Vera Torr, Sussex Street

Summary of key points:

- Said that in the past week two lives were saved in this room by the Albany Hospital-her great grandchild and a member of staff's child
- For all that is reported to be wrong at the hospital there is a great deal that goes right
- Community told that rate rise was necessary to reduce debt and to offset the Lehman Bros losses and land sales that did not happen
- Solution is not a quick fix, it is a long term solution
- Rate rises impair community's ability to contribute to the economy
- Damage to the community and the business community
- Better position than two years ago
- Debt ratio is better, rate base has increased
- May be in a position to borrow, but would not advise it
- Do we still have outstanding debt on Cull Road?
- Cost will never be recovered from sale of Cull Road subdivision
- Sell the completed blocks to the public
- Why was it not necessary to include the fact that the Emu Point project fell under the Federal Conservation and Biodiversity Act when it was put to the public for submissions?

Through the Mayor, Mr Bonker responded that the total cost of the Cull Road subdivision is \$5.1 million.

7:51:58 PM Tony Harrison, Little Grove

- Has been a lot of talk tonight about past mistakes-there will be mistakes in the future
- AEC-lights are on but the centre is not being used-cost of electricity
- Solar passive-air intakes for air conditioning, coming from black wall
- Glass panels facing east-will be very hot and increase cooling costs
- More expense in running costs
- Install solar panels to run the lights at least

7:55:32 PM Grant Simmons, 24 Boolgana Court

- Wants to see a fair and equitable solution to rates crisis
- City needs a workable, affordable and fair rating system
- Thanked staff and councillors who had done their best
- Commissioners are an undesirable alternative, many do not want the council dismissed
- The process of change will be demanding
- If you fail to change, your legacy will be testament to your decisions
- The longer council takes to make a change for the better, the worse it will be for all
- Influential few are responsible for council decisions on financial matters
- Advice comes from officers, are you convinced that their advice is the best or only alternative?
- Council needs to support its electors
- Begin the process of financial management reform
- Removal of the differential rate on vacant land is not an option in 2010
- A differential rate on vacant land will make more sense with the decrease of GRV's in 2011 from 5% to 3%
- Conciliatory approach by council necessary

8:00:16 PM The Mayor closed the open forum

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

Mayor

M J Evans JP

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
Frederickstown Ward	D Wellington
Frederickstown Ward	J Swann
Kalgan Ward	C Holden
Kalgan Ward	M Leavesley
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	R Sutton
Vancouver Ward	D Bostock

Staff:

Chief Executive Officer	J Bonker
E/Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	G Bride
Executive Manager Business Governance	S Jamieson
Assistant Business Governance Officer	J Williamson

Members of the Media and Public

Approximately 50 members of the public and 4 members of the media were in attendance.

Apologies/Leave of Absence:

Vancouver Ward	R Paver
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VII. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION

**MOVED: COUNCILLOR SWANN
SECONDED: COUNCILLOR MATLA**

That motions 1, 2 & 3 are carried en bloc.

CARRIED 12-0

ITEM 8.0: MOTION 1

THAT the minutes of the Ordinary Council Meeting held on 17 August 2010, as previously distributed, be confirmed as a true and accurate record of proceedings, including corrections to Items 1.1, 1.6, 1.9, 2.8 and 4.1 as distributed on 10 September 2010

ITEM 8.0: MOTION 2

THAT the minutes of the Special Council Meeting held on 13 September 2010, as previously distributed, be confirmed as a true and accurate record of proceedings.

ITEM 8.0: MOTION 3

THAT the minutes of the Special Meeting of Electors held on 13 September 2010 be received.

CORRECTION NOTICE MINUTES OF 16 FEBRUARY 2010 OCM.

"In the agenda for an ordinary meeting of council on 16 February 2010, it was noted that the City of Albany's former Chief Executive Officer, Mr Andrew Hammond, had prepared and approved a business case for the development of the Albany Entertainment Centre which did not contain operating budgets or forecasts. This statement was subsequently found to be incorrect. The business case prepared and approved by Mr Hammond and ultimately submitted to the State Treasurer contained financial projections for the operation of the Albany Entertainment Centre until 2021".

IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor Wellington	14.3	Impartiality. The nature of the interest being that the owner of the land contributed to Councillor Wellington’s Mayoral campaign Motion lapsed due to Councillor Pavers absence
Councillor Hammond	14.3	Impartiality. The nature of the interest being that Councillor Hammond is actively engaged in the regional promotion of tourism. Motion Lapsed due to Councillor Pavers absence

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

Nil.

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

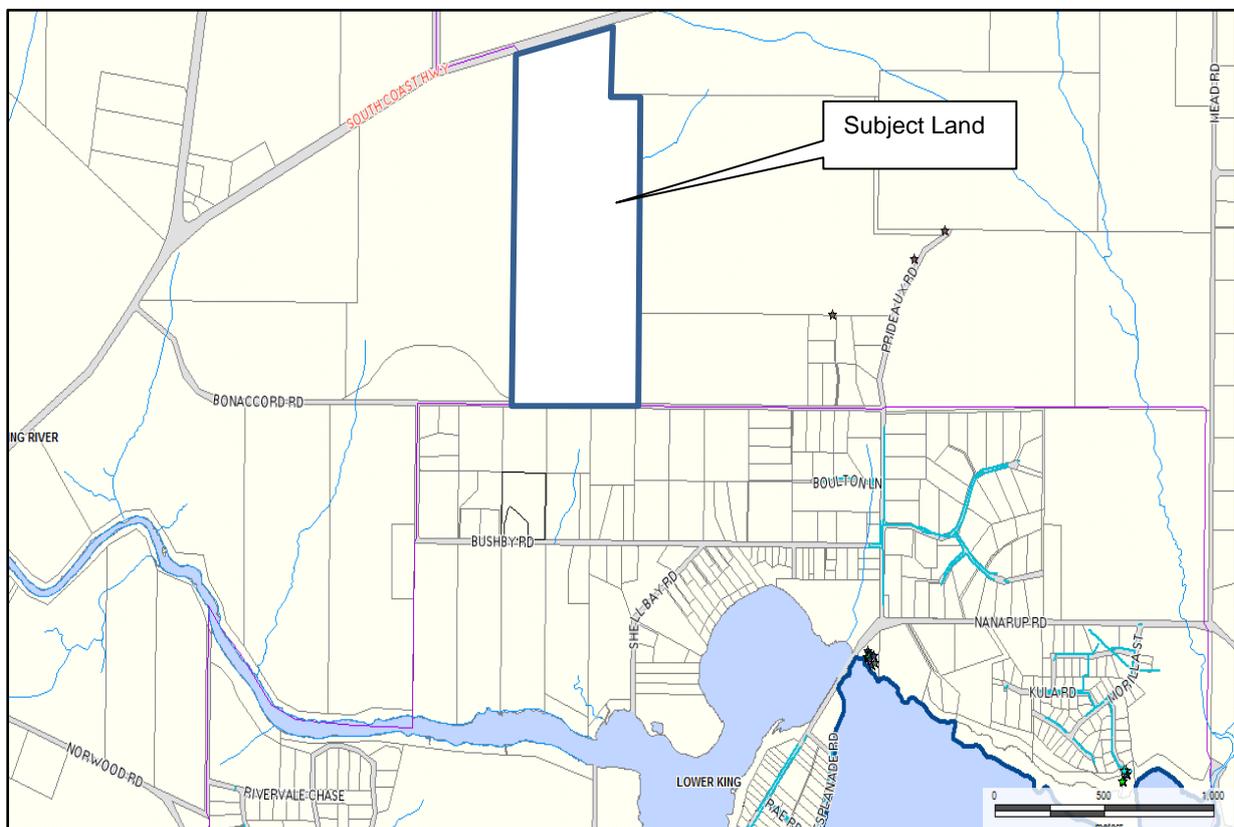
Nil.

XII. ADOPTION OF RECOMMENDATIONS EN BLOC

Nil.

**1.1: SCHEME AMENDMENT REQUEST (SAR 146) – LOT 5241 ,207
BON ACCORD ROAD, KALGAN****WITHDRAWN AT REQUEST OF APPLICANT**

File Number (Name of Ward)	: SAR146 (Kalgan Ward)
Land Description	: Lot 5241 (207) Bon Accord Road, Kalgan
Proponent	: Harley Global
Owner	: ED Rogister
Business Entity Name	: Karrabin Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (J van der Mescht)
Responsible Officer(s)	: Executive Director Development Services (G Bride)

Maps and Diagrams:**WITHDRAWN AT THE REQUEST OF APPLICANT**

1.2: INITIATION OF AMENDMENT – LOT 7 RUFUS STREET, MILPARA

File Number (Name of Ward)	: AMD304 (Kalgan Ward)
Land Description	: Lot 7 Rufus Street, Milpara
Disclosure of Interest	: Nil
Proponent	: Harley Global
Owner	: Acetown Nominees Pty Ltd
Business Entity Name	: Acetown Nominees Pty Ltd
Previous Reference	: OCM 15/05/07 – Item 11.3.3 : OCM 20/11/07 – Item 11.3.3
Attachment(s)	: Nil
Appendices	: Amendment Document
Consulted References	: Albany Local Planning Strategy
Councillor Lounge	: Land Capability Report (Bio Diverse Solutions)
Reporting Officer(s)	: Senior Project Planner (A Nicoll)
Responsible Officer(s)	: Executive Director Development Services (G Bride)

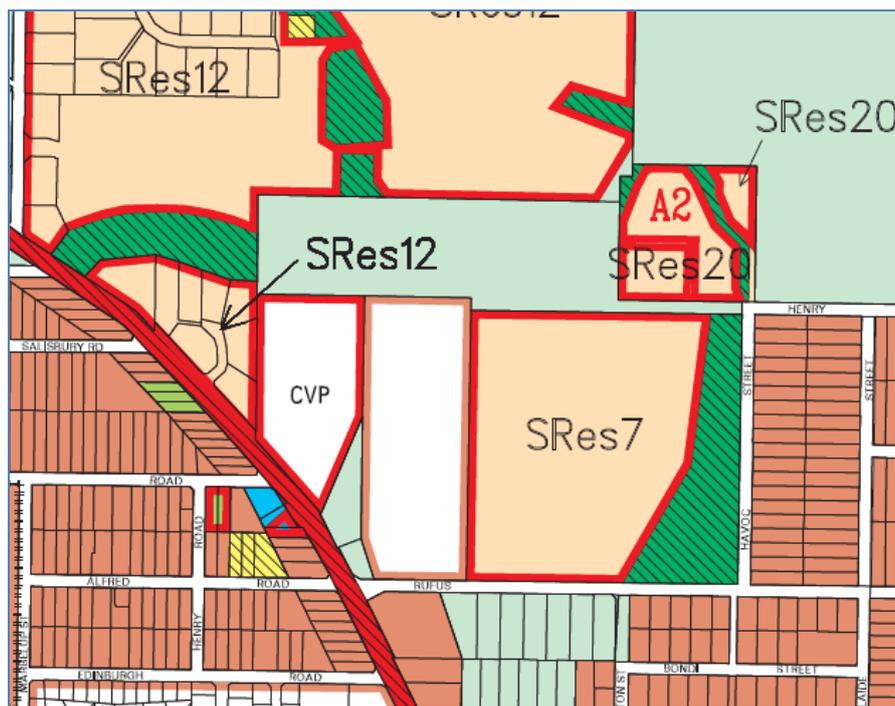
Maps and Diagrams:

IN BRIEF

- Council is requested to consider a Scheme Amendment to rezone Lot 7 Rufus Street, Milpara from the “Residential Development” zone to the “Special Residential” zone.
- The proposal is consistent with the Albany Local Planning Strategy and it is recommended that the amendment be initiated by Council.

BACKGROUND

1. An application has been received to rezone Lot 7 Rufus Street, Milpara from the “Residential Development” zone to the “Special Residential” zone.
2. The subject land is located approximately 4.9 kilometres from the Albany CBD, is 7.9 hectares in size and is predominantly void of remnant vegetation.
3. At its meeting dated 15th May 2007 Council granted final approval to rezone the subject land from the “Rural” zone to the “Residential Development” zone. An Outline Development Plan (ODP) was subsequently approved by Council at it’s 20th November 2007 meeting and endorsed by the Western Australian Planning Commission, which identified the creation of 80 fully serviced residential lots ranging in size from 546m² to 1575m² over the subject land. The landowner has advised that based on the limited size of the subject land, its distance from existing infrastructure and the fact that there is no proposed residential catchment to share development costs, that a fully serviced residential development is not viable.
4. As per the zoning map shown below, the land is surrounded by special residential zoned land to the north and east. To the west lies the Albany Holiday Park and to the south, on the opposite side of Rufus Street, is a combination of unsewered residential and rural zoned land.



5. The proposal seeks to create 30 special residential lots ranging in size from 2000m² to 2633m² as per the Subdivision Guide Plan contained within the amendment.

DISCUSSION

6. The subject land will be included within the neighbouring special residential area applying to Lot 5 Rufus Street (Special Residential Area No. 7) which specifies standard controls such as building height and materials, fencing types, effluent disposal requirements and revegetation. The amendment proposes to include an additional three provisions being:
 - *1.3 A minimum lot size of 2,000m² is applicable to subdivision within Special Residential Area No.7;*
 - *10.4 All effluent disposal systems are required to be setback at least 30m from Willyung Creek.*
 - *11.10 No direct vehicular access is permitted from development on Lot 7 Rufus Street, Milpara to the proposed Henry Street extension.*
7. The Subdivision Guide Plan has identified an internal road connection to link in with the proposed subdivision of Lot 5 Rufus Street. The plan also caters for the future extension of Henry Street which is an important future east-west connection that will ultimately connect Chester Pass with Albany Highway.
8. The proponent has included a land capability study undertaken by Bio Diverse Solutions. This assessment determines the capability of the subject site to support additional onsite effluent disposal units, appropriate setbacks and the capability of the site to support additional housing as proposed by the Subdivision Guide Plan. The assessment concluded that:
 - The subject site consists of three soil types being sand, sand over rock over clay and sand over shallow rock over deep clays. The nature of the soil types may not permit the use of traditional septic effluent disposal systems; and
 - The subject site has good clearance (i.e. greater than 2m) to groundwater on the portions of the site.
9. The assessment recommended the following controls be implemented:
 - The use of Alternative Treatment Units (ATU's) for on-site effluent disposal; and
 - A 30m setback for effluent disposal units from Willyung Creek.
10. It is advised that the requirement that ATU's be utilised is already addressed within Special Residential Area No. 7, which will apply to the subject land.
11. The ALPS identifies the area as 'Special Residential' and therefore the proposal is considered to be consistent with the aims and objectives of the ALPS.

12. The proposed amendment will result in a reduced lot yield of 50 lots when compared with the ODP previously prepared for the site. Staff believe the proposal should be supported on the basis that:
- The special residential zoning is consistent with the zoning of land to the east and north, and will not detrimentally affect the subdivision potential of surrounding land parcels.
 - The reduction in lot yield is not significant given the ALPS identifies 75 years worth of fully serviced residential land within areas designated as Future Urban in the ALPS.
 - The proposal is consistent with the designation identified in ALPS for the subject land.

PUBLIC CONSULTATION / ENGAGEMENT

13. Should Council initiate the amendment, and the Environmental Protection Agency (EPA) do not require formal assessment of the proposal, the amendment will be advertised for a period of 42 days in accordance with the Planning and Development Act 2005.

GOVERNMENT CONSULTATION

14. Should Council initiate the amendment, and the Environmental Protection Agency (EPA) do not require formal assessment of the proposal, the amendment will be advertised for a period of 42 days in accordance with the Planning and Development Act 2005.

STATUTORY IMPLICATIONS

15. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
16. Council's resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
17. An Amendment to a Town Planning Scheme adopted by resolution of a Local Government must then be referred to the EPA for assessment.
18. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the Amendment is environmentally acceptable.
19. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

STRATEGIC IMPLICATIONS

20. The land is identified in the ALPS as Special Residential as identified in the below excerpt of Map 9b from the ALPS, and therefore the proposal is consistent with the objectives and aims of this Strategy. It's important to note that the proposal does not undermine or impact on Future Urban areas designated within the ALPS.



POLICY IMPLICATIONS

21. Council is required to have regard to any Western Australian Planning Commission (WAPC) Statements of Planning Policy (SPP's) or Development Control Policies (DCP's) that apply to the Scheme Amendment. Any Amendment to the Town Planning Scheme would require assessment by the WAPC to ensure consistency with the following State and Regional Policies:

Development Control Policy 2.5 – Special Residential Zones

22. Development Control Policy 2.5 – Special Residential Zones, identifies the requirements for Special Residential land.
23. The purpose of this zoning is to provide a wide range of lot sizes to suitably meet demand in the community. These land uses can be restrictive on the future use of the land. Hence, they must be carefully planned for and located to ensure the best planning outcomes.

24. The intent of the amendment is to provide lot sizes suitable for special residential use. In considering the allocation of special residential zones, the Policy outlines that the WAPC and local government must appropriately consider the following:
- The location of the zone near existing or planned residential areas and the accessibility of infrastructure, facilities and services;
 - The avoidance of these zones on important agricultural land, state forests, water catchments or land identified as suitable for mineralisation;
 - Landscape;
 - Topography;
 - Lot layout and suitability for the future subdivision; and
 - Comments of Main Roads Western Australia where the land is adjacent to a significant road.
25. Other Policy statements applicable to the amendment include:
- Lot sizes between 2000m² and 1ha being adopted;
 - Lot sizes being suited to the landscape;
 - Connection to all services except reticulated sewer being required and only where it can be proven that land capability is suitable for on-site effluent disposal; and
 - Generally no contribution to Public Open Space (POS) being required, unless it is seen as desirable by the WAPC.
26. The amendment addresses the concerns of the Policy, as evidenced by the following comments:
- The amendment site is located on the fringe of the urban area of Albany.
 - Subdivision to a minimum lot size of 2000m² has already occurred in close proximity to the amendment site and is planned to occur on the neighbouring lot to the east. The amendment site is located immediately adjacent to a planned future special residential area and will be appropriately serviced and close to local facilities and infrastructure;
 - The amendment site does not seek to subdivide prime agricultural land, land located in a water catchment or land to be used for mineralisation in the future.
 - The subject site is a 7ha lot on the fringe of the urban area and would unlikely to be utilised for these uses due to the intensity and sensitivity of other surrounding development;
 - The amendment site is located in a landscape of Special Residential uses;
 - The land is located on gently sloping land that does not affect the ability to developing special residential lots;
 - An area of POS has been provided for drainage in the north-western corner of the subject site. No further POS is provided in the proposed development due to the following reasons:

- Lots are considered to be of a size that negates the need for the separate provision of recreational opportunities normally associated with the provision of POS; and
 - POS has only been provided for on the neighbouring lot, to accommodate the low lying area of the site that is unsuitable for development;
 - The comments of Main Roads Western Australia and Council have been taken into consideration and addressed by this Amendment and the Subdivision Guide Plan. Main Roads WA will also have the opportunity to provide further comment as part of the advertising process should Council support the initiation of the amendment.
 - The amendment seeks to include the land in Special Residential Area No.7, an existing special residential area (although undeveloped), with similar characteristics to the Amendment Site.
27. The proposal is consistent with the objectives of DC2.5 relating to 'Special Residential' zones.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

28. Council has the following options in relation to this item, which are:
- To resolve to initiate the Scheme Amendment without modifications;
 - To resolve to initiate the Scheme Amendment with modifications; or
 - To resolve to not initiate the Scheme Amendment.
29. A resolution to initiate an Amendment to a Town Planning Scheme adopted by resolution of a Local Government must be referred to the Environmental Protection Authority (EPA) for assessment.

SUMMARY CONCLUSION

30. The amendment proposes to rezone the subject land from "Residential Development" to "Special Residential" and is supported on the basis that the proposal is consistent with the designation provided for within the ALPS and is in keeping with the surrounding zoning to the north and particularly the east, whereby the land will be included within existing Special Residential Area No. 7, creating a consistent and coordinated special residential development north of Rufus Street.

ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION

THAT in pursuance of Section 75 of the *Planning and Development Act 2005* and Regulation 25(i)(c) of the *Town Planning Regulations 1967*, Council resolves to **INITIATE WITHOUT MODIFICATIONS** Amendment No. 304 to Town Planning Scheme No. 3 for the purposes of:

1. Rezoning Lot 7 Rufus Street from the ‘Residential Development’ zone to the ‘Special Residential’ zone and amending the Scheme Maps accordingly; and
2. Amending Schedule IV – “Special Residential Zones” to include reference to Lot 7 Rufus Street, Milpara in Special Residential Area No.7 and to incorporate additional provisions relating to the area.

ITEM 1.2: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR SUTTON

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

CARRIED 12-0

1.3: LOCAL PLANNING POLICY – MODIFICATIONS TO THE DETAILED AREA PLANS POLICY – JEFFCOTT STREET, LITTLE GROVE

- File Number (Name of Ward)** : DAP 004 (Vancouver Ward)
- Land Description** : Lots 8, 9 and 10 Jeffcott Street, Little Grove
- Disclosure of Interest** : Nil
- Proponent** : Harley Global
- Owner** : Mr & Mrs J Piper & Ms J Piper
- Business Entity Name** : N/A
- Previous Reference** : OCM 16/02/10 – Item 13.6.1
- Attachment(s)** : DAP 004
- Appendices** : Copies of Submissions
- Consulted References** : Little Grove Structure Plan
Liveable Neighbourhoods (WAPC)
- Councillor Lounge** : DAP Policy
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Responsible Officer(s)** : Executive Director Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Consider final adoption of modifications to the City of Albany's *Detailed Area Plans Policy* by adding DAP 004 (Lots 8, 9 and 10 Jeffcott Street, Little Grove) to Schedule 1 of the Policy.
- Recommended that the modifications to the policy be adopted.

BACKGROUND

1. The City of Albany's *Detailed Area Plans Policy* was adopted by Council in 2007 and contains a provision to allow for the inclusion of additional specific Detailed Area Plans (DAP's) into Schedule 1 of the Policy.
2. Council has received a DAP associated with the subdivision of Lots 8, 9 and 10 Jeffcott Street, Little Grove for assessment and inclusion into Schedule 1 of the Policy.

DISCUSSION

3. The lots cover an area of 6.07ha and lie to the south of Jeffcott Street, approximately 4.5km south-west of the Albany CBD. Two prominent ridgelines, approximately 60m apart, extend across the lots, with one stretching from the south-western extent of Lot 10 to the north-eastern corner of Lot 9, and the other from the south-western corner of Lot 9 towards the eastern boundary in the northern half of Lot 8.
4. Much of the subject land is covered by remnant vegetation, although cleared areas exist across all three lots around the existing houses. These are primarily in the northern halves of the lots, with the exception of a substantial cleared area in the southern half of Lot 9. While recent subdivisional works have led to further clearing, the DAP aims to minimise clearing and denotes areas of public open space abutting Jeffcott Street and Wilson Street and a 'conservation area', close to the centre of Lot 9, on the highest point of the easternmost ridgeline.
5. The public consultation period for the draft modification to the Local Planning Policy to include DAP 004 for Lots 8, 9 and 10 Jeffcott Street, Little Grove in Schedule 1 of Council's *Detailed Area Plans Policy* was completed in accordance with Council's decision of 16 February 2010.
6. The draft modification to the Local Planning Policy was advertised for public comment for a period of 21 days in accordance with the provisions of Town Planning Scheme No. 3.
7. Three submissions were received from members of the public during the consultation period and the following issues raised:

- The 5m wide public open space (POS) strips adjacent to Jeffcott and Wilson Street not being combined elsewhere to create more useable POS;
 - The unsuitability of 5m POS strips adjacent to Jeffcott and Wilson Streets for active use;
 - The loss of vegetation in the road verges through subdivisional works;
 - The use of sand in the subdivisional works that appears to be from dredging, as it contains sea shells, etc;
 - The DAP not addressing the provision of fencing between the development area and adjacent rural lifestyle blocks;
 - The City of Albany's acceptance of cash-in-lieu for POS leading to inadequate provision on-site;
 - The apparent discrepancy between setback requirements in the Little Grove Structure Plan and the DAP; and
 - The roads infrastructure around the development area, specifically the physical condition of Bay View Drive, safety concerns over Bay View Drive and the intersection of O'Connell and Wilson Streets and the lack of footpaths on Bay View Drive and Wilson and Goss Streets.
8. The majority of issues raised in the submissions relate to the subdivision of the land which has previously been approved by the Western Australian Planning Commission and is approaching completion. It is important to note that the purpose of the Detailed Area Plan is to apply development controls to those lots that have been created through the subdivision process. Therefore the positioning of roads, the dimensions and alignment of lot boundaries, the areas of POS and past decisions affecting cash-in-lieu cannot be reconsidered through the DAP process.
9. With regard to the 5m POS strips adjacent to Jeffcott and Wilson Streets, these were always intended to have a passive POS function, which is to say that they contribute to neighbourhood amenity, rather than being actively used as parkland by local residents. They serve as protection for any existing vegetation within their limits and can be further revegetated to provide a visual barrier between the public roads and any new buildings, thereby preserving the established neighbourhood character of Little Grove.
10. While it is regrettable that vegetation has been cleared as part of the subdivisional works on the subject land, this has been primarily for the installation of utilities, which are public works undertaken by the utility providers and not under the City's control. Various drainage works have also been undertaken in the road verges as part of subdivisional works which has necessitated some clearing of vegetation. While the City has no evidence of dredged material being used in the subdivisional works, this has been noted and will be investigated further.
11. It is noted that the DAP does not address the provision of appropriate fencing between the development area and the adjacent 'rural lifestyle' blocks, though this can be rectified by a simple modification to the DAP. It should also be noted that while the adjoining blocks are currently being used for 'rural lifestyle' pursuits, they

are also subject to the 'Residential Development' zoning. Development of adjoining land to a full urban standard should therefore not be unexpected. In this regard it is recommended that the following provision be added to the DAP:

"Type 4 Fencing: Fencing along the common boundaries with Lot 1 Jeffcott Street and Lots 4 and 11 Wilson Street to be of a uniform solid type to a maximum of 1.8m high"

12. Cash-in-lieu for the provision of POS was accepted as part of the subdivision of the subject land, as it was not practicable to provide large areas of POS for active use within the development area, while preserving vegetation and protecting ridgelines. The Little Grove Structure Plan identifies preferred locations for future local parks and the cash-in-lieu received will contribute to their development.
13. While the Little Grove Structure Plan sets out general development provisions, such as setbacks, within the Structure Plan area, Council has the ability to adopt a DAP as a Local Planning Policy with further detailed planning controls. It should also be noted that reduced setbacks are considered appropriate to Jeffcott and Wilson Streets due to the provision of the 5m wide vegetated POS strips between the front property boundaries and the road verge.
14. The suitability of the road infrastructure around the development area was considered at the time of application for subdivision by the City's Works and Services department and determined adequate to support the development. The Little Grove Structure Plan also identifies potential improvements to the road and pathway networks throughout Little Grove and these will be gradually developed through the City's Capital Works Programme.
15. The Western Australian Planning Commission's *Liveable Neighbourhoods* document sets out the criteria to be used in assessing any DAP, including:
 - Dwelling design that deals with building orientation towards POS areas and onto primary streets;
 - location of outdoor living areas to maximise solar access;
 - location of vehicle access points into lots; and
 - details of fencing including the level of permeability.
16. The DAP is considered to meet the requirements of *Liveable Neighbourhoods* and also addresses the main points for consideration applicable to lots abutting POS areas.
17. The DAP will be instrumental in establishing a neighbourhood character, protecting amenity and ensuring community safety through the promotion of passive surveillance. It is therefore recommended that the modifications to the City of Albany's *Detailed Area Plans Policy* by adding DAP 004 (Lots 8, 9 and 10 Jeffcott Street, Little Grove) to Schedule 1 of the Policy be finally adopted, subject to

modification to address the provision of appropriate fencing between the DAP area and adjoining properties.

PUBLIC CONSULTATION/ENGAGEMENT

18. The draft modification to the Local Planning Policy was advertised for public comment for a period of 21 days in accordance with the provisions of Town Planning Scheme No. 3. This entailed placement of a sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
19. A total of six (6) written submissions were received as attached in the appendices. The various matters raised in the three (3) submissions received from members of the public are addressed in the discussion section of this report.

GOVERNMENT CONSULTATION

20. The draft modification to the Local Planning Policy was also referred to WA Gas Networks (WestNet Energy), Telstra, Water Corporation, Western Power and the Fire and Emergency Services Authority (FESA) for assessment and comment. Responses were received from Telstra, Water Corporation and Western Power as attached in the appendices. There were no objections or comments on the proposal.

STATUTORY IMPLICATIONS

21. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken in order to make a Town Planning Scheme Policy operative:

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

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

22. This clause allows Council to adopt Town Planning Scheme Policies to assist in the control of development.

POLICY IMPLICATIONS

23. The *Detailed Area Plans Policy* was adopted by Council in 2007 and allows for the inclusion of Specific DAP's into Schedule 1 and 2 of the Policy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Council has the following options in relation to this item, which are:
- To resolve to adopt for final approval the changes to the policy without modifications;
 - To resolve to adopt for final approval the changes to the policy with modifications; or
 - To resolve not to adopt for final approval the changes to the policy, however this will mean that there will be limited development controls relating to the site.

SUMMARY CONCLUSION

25. The proposal seeks to modify the City of Albany's *Detailed Area Plans Policy* by adding DAP 004 (Lots 8, 9 and 10 Jeffcott Street, Little Grove) to Schedule 1 of the Policy. The DAP will be instrumental in establishing a neighbourhood character, protecting amenity and ensuring community safety through the promotion of passive surveillance.
26. Staff would therefore recommend that the modifications be finally adopted, subject to the modification to address the provision of appropriate fencing between the DAP area and adjoining properties.

ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION

THAT the revised Detailed Area Plan Policy be FINALLY ADOPTED subject to the modification identified in Paragraph 11 of the officers report being applied, by including DAP 004 (Lots 8, 9 & 10 Jeffcott Street, Little Grove) within Schedule 1 as detailed below and advertise its adoption in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3

SCHEDULE 1

No.	Locality	Lots
X	Little Grove	DAP 004 Lots 8, 9 & 10 Jeffcott Street

ITEM 1.3: AMENDED OFFICER RECOMMENDATION

THAT the revised Detailed Area Plan Policy be FINALLY ADOPTED without modification by including DAP 004 (Lots 8, 9 & 10 Jeffcott Street, Little Grove) within Schedule 1 as detailed below and advertise its adoption in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3

SCHEDULE 1

No.	Locality	Lots
X	Little Grove	DAP 004 Lots 8, 9 & 10 Jeffcott Street

ITEM 1.3: RESOLUTION (Amended Officer Recommendation)

**MOVED: COUNCILLOR SWANN
SECONDED: COUNCILLOR WOLFE**

THAT the Amended Officer Recommendation be ADOPTED.

CARRIED 12-0

Staff Reason (G Bride):

The modification involving external fencing identified in Paragraph 11 of the officer's report is not considered necessary as the City's Fencing Local Law 2001 stipulates the fencing standard for this zone and negotiations between landowners regarding a dividing fence are set out in the Dividing Fences Act 1961. If there is a dispute between neighbours in relation to the style of fence and the apportionment of costs in relation to the fence, such disputes can be referred to the Albany Magistrates Court for resolution.

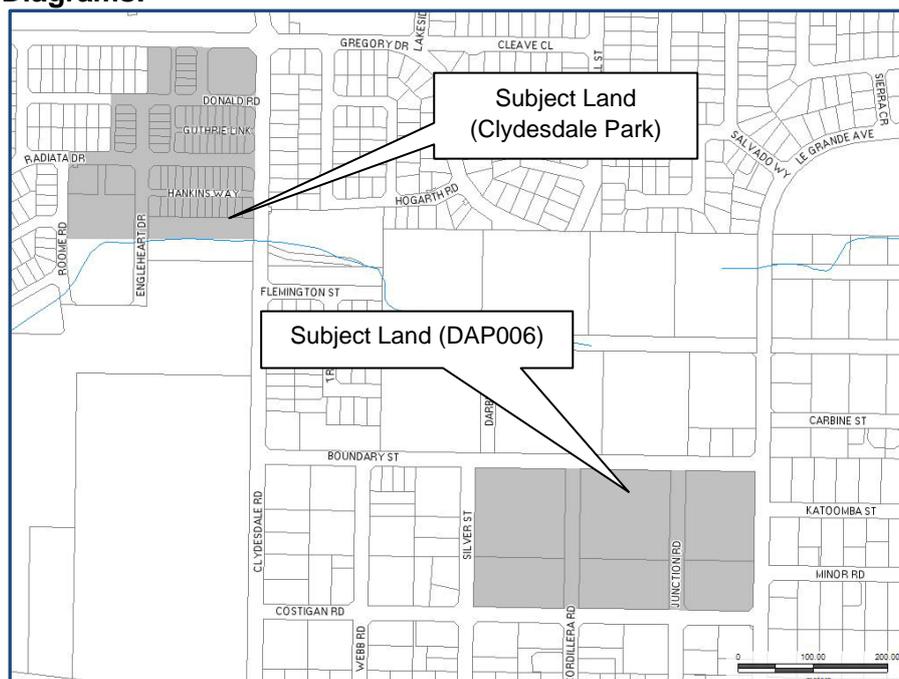
Council's only role in relation to dividing fences is to determine through its local law what is a sufficient fence for each zone.

The Amended Officer Recommendation became the motion and was then put.

1.4: LOCAL PLANNING POLICY – MODIFICATIONS TO THE DETAILED AREA PLANS POLICY – CLYDESDALE PARK AND JUNCTION STREET, MCKAIL

File Number (Name of Ward)	: STR033 (All Wards) & DAP006 (West Ward)
Land Description	: Lot 2 South Coast Highway, McKail (STR033) & Lots 32 & 37 Silver Street, Lot 33 Costigan Street, Lots 35 & 134 Le Grande Avenue & Lot 36 Junction Street, McKail (DAP006)
Proponent	: RPS Group (STR 033) & Harley Global (DAP 006)
Owner	: Housing Authority (STR 033) and N Sargeant, J Shanhun, Woomera Pty Ltd, S.T.E.G Pty Ltd, Western Australian Land Authority and J and TW Dekker Pty Ltd (DAP006)
Business Entity Name	: Woomera Pty Ltd, S.T.E.G Pty Ltd, J and TW Dekker Pty Ltd.
Previous Reference	: OCM. 19/02/08 – Item 11.3.1
Attachment(s)	: 1. DAP 006 2. Clydesdale Park Detailed Area Plan (STR 033)
Appendices	: Nil
Consulted References	: 1. McKail Local Structure Plan 2. ODP 001 (Costigan Street, Grande Avenue and Junction Streets, McKail) 3. Liveable Neighbourhoods (WAPC)
Councillor Lounge	: DAP Policy
Reporting Officer(s)	: Planning Officer (C McMurtrie)
Responsible Officer(s)	: Executive Director Development Services (G Bride)

Maps and Diagrams:



IN BRIEF

- Consider whether to adopt modifications to the City of Albany's *Detailed Area Plans Policy* by modifying the Clydesdale Park Detailed Area Plan (Lot 2 South Coast Highway, McKail) and adding DAP 006 (Lots 32 and 37 Silver Street, Lot 33 Costigan Street, Lots 35 and 134 Le Grande Avenue and Lot 36 Junction Street, McKail) to Schedule 1 of the Policy.
- Recommended that the modifications to the policy be adopted for the purpose of advertising.

BACKGROUND

1. The City of Albany's *Detailed Area Plans Policy* was adopted by Council in 2007 and contains a provision to allow for the inclusion of additional specific Detailed Area Plans (DAP's) into Schedule 1 of the Policy.
2. Council has received a modified version of the existing Clydesdale Park DAP associated with the subdivision of Lot 2 South Coast Highway McKail, and a new DAP associated with the subdivision of Lots 32 and 37 Silver Street, Lot 33 Costigan Street, Lots 35 and 134 Le Grande Avenue and Lot 36 Junction Street, McKail for assessment and inclusion into Schedule 1 of the Policy.

DISCUSSION

3. The DAP area within Lot 2 South Coast Highway extends to approximately 6.02ha and lies to the west of Clydesdale Road, approximately 5km north-west of the Albany CBD. The land falls gently from north to south and has been cleared and prepared for development.
4. DAP 006 covers an area of approximately 7.1ha, extending across Junction Street and bounded by Silver Street, Boundary Street, Le Grande Avenue and the Costigan Street road reserve. The land is located approximately 4.2km from the Albany CBD and falls gently from south-east to north-west.
5. Lot 33 Costigan Street and Lot 134 Le Grande Avenue are covered by remnant vegetation, although this is in a degraded condition due to weed incursion. The remaining lots have been substantially cleared, with only some vegetation remaining, and are used for residential purposes.
6. The Western Australian Planning Commission's *Liveable Neighbourhoods* document sets out the criteria to be used in assessing any DAP, including:
 - Dwelling design that deals with building orientation towards POS areas and onto primary streets;
 - location of outdoor living areas to maximise solar access;
 - location of vehicle access points into lots; and
 - details of fencing including the level of permeability.
7. The DAPs are considered to meet the requirements of *Liveable Neighbourhoods* and also address the main points for consideration applicable to lots abutting POS areas.
8. The Clydesdale Park DAP and DAP 006 are also consistent with the McKail Local Structure Plan and Outline Development Plan (ODP 006) respectively.

9. The modified Clydesdale Park DAP is intended to address the conflict that has arisen between the setback requirements set out in the current version of the DAP and the location of service easements (power, water, etc.). However, the submitted plan will require further modification to ensure that this is achieved. Specifically, the setbacks for Lots 201-210, 214-216, 217-226, 227-239 and 240-252 will require modification as follows:

Rear/Laneway: 2.0 metre minimum dwelling setback
 1.5 metre minimum garage/car port set back
 2.0 metre maximum garage/car port set back

10. DAP 006 will be instrumental in establishing a neighbourhood character, protecting amenity and ensuring community safety through the promotion of passive surveillance.
11. It is therefore recommended that the modifications to the City of Albany's *Detailed Area Plans Policy* be adopted for the purpose of advertising, subject to modification of the Clydesdale Park DAP as described in Paragraph 9 above.

PUBLIC CONSULTATION/ENGAGEMENT

12. Should Council resolve to initiate the draft modifications to the Local Planning Policy, then they would be advertised for public comment for a period of 21 days in accordance with the provisions of Town Planning Scheme No. 3. This would entail the placement of a sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.

GOVERNMENT CONSULTATION

13. As outlined above, should Council resolve to initiate the draft modifications to the Local Planning Policy, then they would also be referred to relevant Government agencies for comment at the time of public consultation.

STATUTORY IMPLICATIONS

14. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken in order to make a Town Planning Scheme Policy operative:

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

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

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

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

15. This clause allows Council to adopt Town Planning Scheme Policies to assist in the control of development.
16. The *Detailed Area Plans Policy* was adopted by Council in 2007 and allows for the inclusion of Specific DAP's into Schedule 1 and 2 of the Policy.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

18. Council has the following options in relation to this item, which are:
 - To resolve to initiate the changes to the policy without modifications;
 - To resolve to initiate the changes to the policy with modifications; or
 - To resolve not to initiate the changes to the policy, however this will mean that there will be limited development controls relating to the site.

SUMMARY CONCLUSION

19. The proposal seeks to modify the City of Albany's *Detailed Area Plans Policy* by modifying the Clydesdale Park DAP (Lot 2 South Coast Highway, McKail) and adding DAP 006 (Lots 32 and 37 Silver Street, Lot 33 Costigan Street, Lots 35 and 134 Le Grande Avenue and Lot 36 Junction Street, McKail) to Schedule 1 of the Policy.
20. The modified Clydesdale Park DAP will address the conflict that has arisen between the setback requirements set out in the current version of the DAP and the location of service easements (power, water, etc.), while DAP 006 will be instrumental in establishing a neighbourhood character, protecting amenity and ensuring community safety through the promotion of passive surveillance.
21. Staff would therefore recommend that the modifications to the Policy be adopted for the purposes of advertising, subject to the modification to address the setback requirements in the modified Clydesdale Park DAP.

ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION

THAT the revised Detailed Area Plans Policy be ADOPTED FOR ADVERTISING PURPOSES, subject to the modification identified in Paragraph 9 of the officer's report being applied, by including the modified Clydesdale Park DAP (Lot 2 South Coast Highway, McKail) and DAP 006 (Lots 32 and 37 Silver Street, Lot 33 Costigan Street, Lots 35 and 134 Le Grande Avenue and Lot 36 Junction Street, McKail) within Schedule 1 as detailed below, in accordance with Clause 7.21 of Town Planning Scheme No 1A and Clause 6.9 of Town Planning Scheme No. 3:

No.	Locality	Lots
1	McKail	Lot 2 South Coast Highway
X	McKail	Lots 32 & 37 Silver Street, Lot 37 Costigan Street, Lots 35 & 134 Le Grande Avenue and Lot 36 Junction Street

ITEM 1.4: RESOLUTION (Responsible Officer Recommendation)**MOVED: COUNCILLOR WOLFE****SECONDED: COUNCILLOR DUFTY****THAT the Responsible Officer Recommendation be ADOPTED.****CARRIED 12-0**

2.1: LIST OF ACCOUNTS FOR PAYMENT

File Number (Name of Ward)	: FIN040 - All Wards
Disclosure of Interest	: Nil
Previous Reference	: N/A
Appendices	: List of Accounts for Payment
Reporting Officer(s)	: Manager of Finance (P Wignall)
Responsible Officer	: Executive Director (WP Madigan)

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund during the month of August 2010. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

Municipal Fund

Trust	Totalling	\$57,186.90
Cheques	Totalling	\$60,105.34
Electronic Fund Transfer	Totalling	\$3,886,789.30
Credit Cards	Totalling	\$1,958.72
Payroll	Totalling	\$804,648.20
	TOTAL	<u>\$4,810,688.46</u>

3. As at the 31st August 2010, the total outstanding creditors, stands at \$882,287.07
4. Cancelled cheques – 26524, 26541, 26571, 26636, 26703 & 26709

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund. This delegation was last reviewed in December 2007 – Item 14.4.1.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 31st August 2010 has been incurred in accordance with the 2009/10 budget parameters.

POLICY IMPLICATIONS

9. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2009/10 budget parameters, it is recommended that the list of accounts for payment be received.

SUMMARY CONCLUSION

10. That list of accounts have been authorised for payment under delegated authority.

ITEM 2.1: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 31st August 2010 totalling \$4,810,688.46

ITEM 2.1: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

2.2: FINANCIAL ACTIVITY STATEMENT – 30 AUGUST 2010

File Number (Name of Ward)	: FIN040 - All Wards
Disclosure of Interest	: Nil
Previous Reference	: N/A
Appendices	: <ul style="list-style-type: none">• Statement of Financial Activity as at August 31 2010• Balance Sheet as at August 31 2010• Income Statement for period ended as at August 31 2010• Portfolio Valuation-Market Value as at August 31 2010
Reporting Officer(s)	: Manager of Finance (P Wignall)
Responsible Officer	: Executive Director (WP Madigan)

IN BRIEF

- Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 August 2010

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 August 2010 has been prepared and is listed below.
2. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the elected group with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2009/10 variations in excess of 10% are reported to the elected group.

STATEMENT OF FINANCIAL ACTIVITY – AS AT 31st AUGUST 2010

6. See Appendix 1 to Report Item 14.1.2

CITY OF ALBANY – NET CURRENT ASSETS – AS AT 31st AUGUST 2010

7. See Appendix 2 to Report Item 14.1.2

CITY OF ALBANY - BALANCE SHEET – AS AT 31st AUGUST 2010

8. See Appendix 3 to Report Item 14.1.2

INCOME STATEMENT FOR PERIOD ENDED – AS AT 31st AUGUST 2010

9. See Appendix 4 to Report Item 14.1.2

PORTFOLIO VALUATION – MARKET VALUE – AS AT 31st AUGUST 2010

10. See Appendix 5 to Report Item 14.1.2

STATUTORY IMPLICATIONS

11. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:
- I. *A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*
 - a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - b) *budget estimates to the end of the month to which the statement relates;*
 - c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relate*
 - d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - e) *the net current assets at the end of the month to which the statement relates.*
 - II. *Each statement of financial activity is to be accompanied by documents containing –*
 - a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - b) *an explanation of each of the material variances referred to in sub regulation (1)(d); and*
 - c) *such other supporting information as is considered relevant by the local government.*
 - III. *The information in a statement of financial activity may be shown –*
 - a) *according to nature and type classification;*
 - b) *by program; or*
 - c) *by business unit*
 - IV. *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –*
 - a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - b) *recorded in the minutes of the meeting at which it is presented.*

FINANCIAL IMPLICATIONS

12.

Account	Original Budget	Current Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Variance	Variance Ticks	Comments
<u>DIRECTOR CORPORATE & COMMUNITY</u>								
103430. MAJOR PLANT-P/LOSS SALE OF ASSETS	529,277	529,277	105,855	0	105,855	100%	✓	No sales have occurred yet. Sales are expected between September and March, dependent upon the availability of new road working equipment.
106640. INFORMATION TECHNOLOGY	537,833	537,833	89,592	(54,531)	144,123	161%	✓	Expenses are below budget, mainly due to the timing of software maintenance costs. Annual costs are expected to be in line with budget.
137930. A/PORT-LANDING FEES	(979,308)	(979,308)	(163,152)	(478)	(162,674)	-100%	×	Income is currently below budget. This is a timing difference due to a delay in receipt of Skywest passenger arrival and departure details.
194140. ALAC - STAGE 2	3,620,997	3,620,997	1,206,516	595,981	610,535	51%	✓	Expenditure is below budget - due to a timing difference on contractor payments. Total project costs are expected to be on budget.
199950. GRANT - RECREATION MASTERPLAN	(3,024,983)	(3,024,983)	(503,962)	(1,341,214)	837,252	166%	✓	Receipts are above budget due to a timing difference on grant funding claims and settlement. Total receipts are expected to be on budget.
Total DIRECTOR CORPORATE & COMMUNITY	683,816	683,816	734,849	(800,242)	1,535,091			
<u>DIRECTOR WORKS & SERVICES</u>								
103360. DEVELOPED RESERVES MAINTENANCE	1,619,191	1,619,191	269,756	131,375	138,381	51%	✓	Expenses are below budget due to staff shortages, poor weather, and a high level of staff annual leave. Annual costs expected to be in line with budget.
134150. ROADS-MRD DIRECT GRANTS	(260,767)	(260,767)	0	(257,493)	257,493	100%	✓	Grant is above budget. Invoice was raised in July, whilst the budget timing was September. Annual total expected to be in line with budget.
134830. ROAD FUNDS	(694,000)	(694,000)	(115,620)	0	(115,620)	-100%	×	Budget assumed even spread of funding. Funding applications have been lodged, and we are now awaiting notification of approvals.
134850. ASSET FUNDING - REGIONAL ROAD GROUP	(759,167)	(759,167)	(303,667)	(114,067)	(189,600)	-62%	×	Funding is currently below budget. This is simply a timing difference and the funding total for the year is expected to be in line with budget.

Account	Original Budget	Current Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Variance	Variance Ticks	Comments
138070. WASTE MINIMISATION CONTRACT	2,070,000	2,070,000	319,870	149,128	170,742	53%	✓	Expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.
149940. ASSET PRESERVATION	3,344,638	3,344,638	291,542	91,448	200,094	69%	✓	Costs are below budget. Limited work done so far this year, mainly due to adverse weather conditions. Annual costs expected to be in line with budget.
150140. DRAINAGE CONSTRUCTION	1,834,247	1,834,247	164,468	33,726	130,742	79%	✓	Expenses are below budget. Design work for various drainage projects is incomplete, & weather delays. Other work is awaiting tender finalisation.
151640. PATHWAY CONSTRUCTION	344,680	344,680	319,676	52,810	266,866	83%	✓	Costs are below budget. Flinders Parade funding was declined. Work is not currently scheduled.
155850. DRAINAGE MASTERPLAN INCOME	(750,000)	(750,000)	(124,950)	0	(124,950)	-100%	×	Budget income relates to water harvesting project. Application for funding has been lodged, and we are awaiting approval and funding.
168340. EDWS - OTHER CAPITAL	2,733,944	2,733,944	505,114	38,016	467,098	92%	✓	Expenses are below budget mainly due to deferred work pending Federal Funding, & timing on the Emu Point Toilet work. (Tender approved in July)
Total DIRECTOR WORKS & SERVICES	9,482,766	9,482,766	1,326,189	124,944	1,201,245			
<u>Other Events with Financial Implications:</u>								
GREAT SOUTHERN COMMUNITY HOUSING ASSOCIATION								GSCHA have objected to the removal of rates exemptions for properties transferred to them by the Department of Housing. Total rates revenue involved exceeds \$100,000. No formal objection has been raised by GSCHA at present.

POLICY IMPLICATIONS

13. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2009/10 budget parameters and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
14. The Investment of Surplus Funds Policy applies to this item, as this policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVES the Financial Activity Statement for the period ending 31st August 2010.

ITEM 2.2: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

APPENDIX 1
STATEMENT OF FINANCIAL ACTIVITY YEART TO DATE – 31 AUGUST 2010

	Actual Year to Date 31-Aug-10	Current Budget Year to Date 31-Aug-10	Current Budget vs Actual Variance	
REVENUE				
Operating Grants, Subsidies and Cont	45,855	206,005	-160,149	X
Fees and Charges	1,038,153	1,274,723	-236,570	X
Service Charges	3,704,346	3,664,160	40,186	√
Interest Earnings	106,222	107,294	-1,072	X
Other Revenue	89,150	64,084	25,066	√
	4,983,726	5,316,266	-332,539	
EXPENDITURE				
Employee Costs	2,189,357	2,416,940	-227,583	√
Materials and Contracts	1,228,439	1,951,513	-723,074	√
Utility Charges	155,832	231,596	-75,764	√
Interest Expenses	-31,767	-31,540	-227	√
Insurance Expenses	350,703	320,134	30,569	X
Other Expenditure	206,847	64,908	141,939	X
Depreciation	2,054,824	2,054,824	0	
	6,154,236	7,008,375	-854,139	
Adjustment for Non-cash Revenue and Expenditure:				
Depreciation	-2,054,824	-2,054,824	0	
CAPITAL REVENUE				
Non-Operating Grants, Subsidies and Cont	2,177,797	1,546,496	631,301	√
Proceeds from asset disposals	55,909	46,484	9,425	√
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	0	0	0	
Transfers from Reserves (Restricted Assets)	5,330,982	6,052,877	-721,895	
	7,564,688	7,645,857	-81,169	
CAPITAL EXPENDITURE				
Capital Expenditure	1,006,674	3,129,708	-2,123,034	√
Repayment of Loans	14,156	14,156	0	
Transfers to Reserves (Restricted Assets)	3,119,980	3,130,763	-10,783	
	4,140,810	6,274,627	-2,133,817	
Estimated Surplus B/fwd				
ADD Net Current Assets July 1 B/fwd	-1,720,671	n/a	n/a	
LESS Net Current Assets Year to Date	27,936,110	n/a	n/a	
Amount Raised from Rates	-25,348,588	-25,391,703	42,083	

* √ Is higher than expected revenue or lower than expected expenditure

* X is lower than expected revenue and higher than expected Expenditure

APPENDIX 2 – NET CURRENT ASSETS AS AT 31 AUGUST 2010

	Actual 31-Aug-10	Actual 30-Jun-10
NET CURRENT ASSETS		
Composition of Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	13,561,627	1,972,567
Cash - Restricted	6,139,569	8,431,614
Receivables	18,435,956	3,493,754
Inventories	1,022,033	1,062,468
Total Current Assets	39,159,185	14,960,404
LESS: CURRENT LIABILITIES		
Payables and Provisions	5,083,506	8,249,461
	34,075,679	6,710,944
Less: Cash - Restricted - Trust	(1,408,551)	(1,489,626)
Less: Cash - Restricted - Reserves	(4,731,018)	(6,941,988)
NET CURRENT ASSET POSITION	27,936,110	(1,720,671)

APPENDIX 3 – BALANCE SHEET AS AT 31 AUGUST 2010

	Actual 31-Aug-10	Budget 30-Jun-11	Actual 30-Jun-10
CURRENT ASSETS			
Cash - Municipal	13,561,627	1,800,755	1,972,567
Restricted cash (Trust)	1,408,551	1,483,498	1,489,626
Reserve Funds - Financial Assets	1,248,600	800,755	1,248,600
Reserve Funds - Other	3,482,418	7,197,963	5,693,389
Receivables & Other	18,465,006	1,600,000	3,522,804
Investment Land	(0)	0	(0)
Stock on hand	1,023,066	800,000	1,062,468
	39,189,267	13,682,971	14,989,453
CURRENT LIABILITIES			
Borrowings	2,517,950	5,638,175	2,532,106
Creditors prov - Annual leave & LSL	2,150,788	2,286,053	2,163,405
Trust Liabilities	1,336,472	1,546,383	1,417,307
Creditors prov & accruals	2,887,237	3,101,240	6,040,575
	8,892,447	12,571,851	12,153,392
NET CURRENT ASSETS	30,296,820	1,111,120	2,836,061
NON CURRENT ASSETS			
Receivables	77,272	150,000	77,272
Pensioners Deferred Rates	320,922	280,000	320,922
Investment Land	2,150,000	2,150,000	2,150,000
Property, Plant & Equip	83,066,074	72,666,174	82,506,041
Infrastructure Assets	176,447,707	196,047,672	178,055,891
Local Govt House Shares	19,501	19,501	19,501
	262,081,477	271,313,347	263,129,627
NON CURRENT LIABILITIES			
Borrowings	18,264,569	12,626,394	18,264,569
Creditors & Provisions	350,105	260,000	350,105
	18,614,674	12,886,394	18,614,674
NET ASSETS	273,763,623	259,538,073	247,351,014
EQUITY			
Accumulated Surplus	248,813,603	232,764,720	220,177,451
Reserves	6,175,386	7,998,719	8,398,929
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	273,763,623	259,538,073	247,351,014

APPENDIX 4 - INCOME STATEMENT FOR THE PERIOD ENDED – 31 AUGUST 2010

Nature / Type	YTD Actual 2010/11	Budget-Total 2010/11	Actual 2009/10
INCOME			
Rates	25,349,620	25,574,053	21,575,584
Grants & Subsidies	3,005	3,196,680	3,424,342
Contributions. Reimb & Donations	42,850	349,738	410,849
Fees & Charges	1,038,153	7,280,601	7,172,099
Service Charges	3,704,346	3,735,000	3,011,136
Interest Earned	106,222	680,000	767,254
Other Revenue / Income	89,150	520,615	536,508
	30,333,347	41,336,687	36,897,772
EXPENDITURE			
Employee Costs	2,189,357	15,240,526	14,367,933
Utilities	155,832	1,362,613	1,338,610
Interest Expenses	(31,767)	1,101,799	1,180,372
Depreciation on non current assets	2,054,824	12,334,000	11,141,880
Contracts & materials	1,228,439	13,274,398	10,999,970
Insurance expenses	350,703	511,098	476,810
Other Expenses	207,056	(273,177)	551,789
	6,154,444	43,551,257	40,057,364
Change in net assets from operations	24,178,903	(2,214,570)	(3,159,592)
Grants and Subsidies - non-operating	2,175,797	9,156,877	5,876,817
Contributions Reimbursements and Donations - non-operating	2,000	2,689,416	3,408,877
Profit/Loss on Asset Disposals	55,909	1,541,004	(23,732)
Fair value - Investments adjustment	0	0	77,845
	26,412,609	11,172,727	6,180,214

APPENDIX 5 - PORTFOLIO VALUATION - MARKET VALUE – 31 AUGUST 2010

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value	Market Value	Market Value	Latest Monthly Variation
				Jun-10	Jul-10	Aug-10	
MUNICIPAL ACCOUNT							
NAB	23/11/2010	1,000,000	5.60%			1,000,000	
Bankwest	23/11/2010	1,500,000	5.75%			1,500,000	
ANZ	24/11/2010	1,500,000	5.85%			1,500,000	
ANZ	27/01/2011	1,000,000	6.00%			1,000,000	
Bankwest	27/01/2011	1,000,000	6.00%			1,000,000	
Bendigo	25/02/2011	1,000,000	6.05%			1,000,000	
NAB	25/02/2011	1,500,000	6.07%			1,500,000	
				0	0	8,500,000	n/a
RESERVES ACCOUNT							
Bendigo	23/11/2010	1,500,000	5.85%			1,500,000	
				0	0	1,500,000	n/a
COMMERCIAL SECURITIES - CDOs (New York Mellon)**							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	354,120	354,120	354,120	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	155,750	155,750	155,750	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	307,100	307,100	307,100	0
Beryl (AAAGlogal Bank Note)	20/09/2014	200,376	8.42%	159,380	159,380	159,380	0
		2,118,046		976,350	976,350	976,350	0

APPENDIX 5 - PORTFOLIO VALUATION - MARKET VALUE – 31 AUGUST 2010

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest	Market Value	Market Value	Market Value	Latest Monthly Variation
			%	Jun-10	Jul-10	Aug-10	
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	144,500	144,500	144,500	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	11,000	11,000	11,000	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	48,000	48,000	48,000	0
		1,324,656		272,250	272,250	272,250	0
PORTFOLIO TOTAL		3,442,702		1,248,600	1,248,600	11,248,600	0

** These CDO's have been the subject of a Court Ruling in the United States Bankruptcy Court (as advised in a memorandum from the Executive Director Corporate and Community Services). The ruling has the potential to significantly impact the valuations for these CDOs. However, until the US Court and the English Court have worked together to reconcile their opposing rulings, it is unlikely that the City will receive any revised valuations.

APPENDIX 6 – FINANCIAL RATIOS

CITY OF ALBANY FINANCIAL RATIOS	30-Jun-09	30-Jun-10	31-Jul-10	31-Aug-10	Benchmark
Liquidity Ratios					
Current Ratio ¹	73.7%	124.4%	709.1%	681.3%	>100%
Untied Cash to trade creditors Ratio ²	19.7%	114.7%	61.8%	1195.8%	>100%
Financial Position Ratio					
Debt Ratio ³	11.2%	10.9%	9.3%	9.1%	<100%
Debt Ratios					
Debt Service Ratio ⁴	11.1%	6.2%	7.3%	7.3%	<10%
Gross Debt to Revenue Ratio ⁵	63.2%	56.9%	71.2%	70.6%	<60%
Gross Debt to Economically Realisable Assets ⁶	26.2%	19.7%	15.6%	15.4%	<30%
Coverage Ratio					
Rate Coverage Ratio ⁷	58.5%	63.3%	92.0%	90.7%	>33%
Effectiveness Ratio					
Outstanding Rates Ratio ⁸	3.7%	5.4%	4.7%	4.7%	<5%

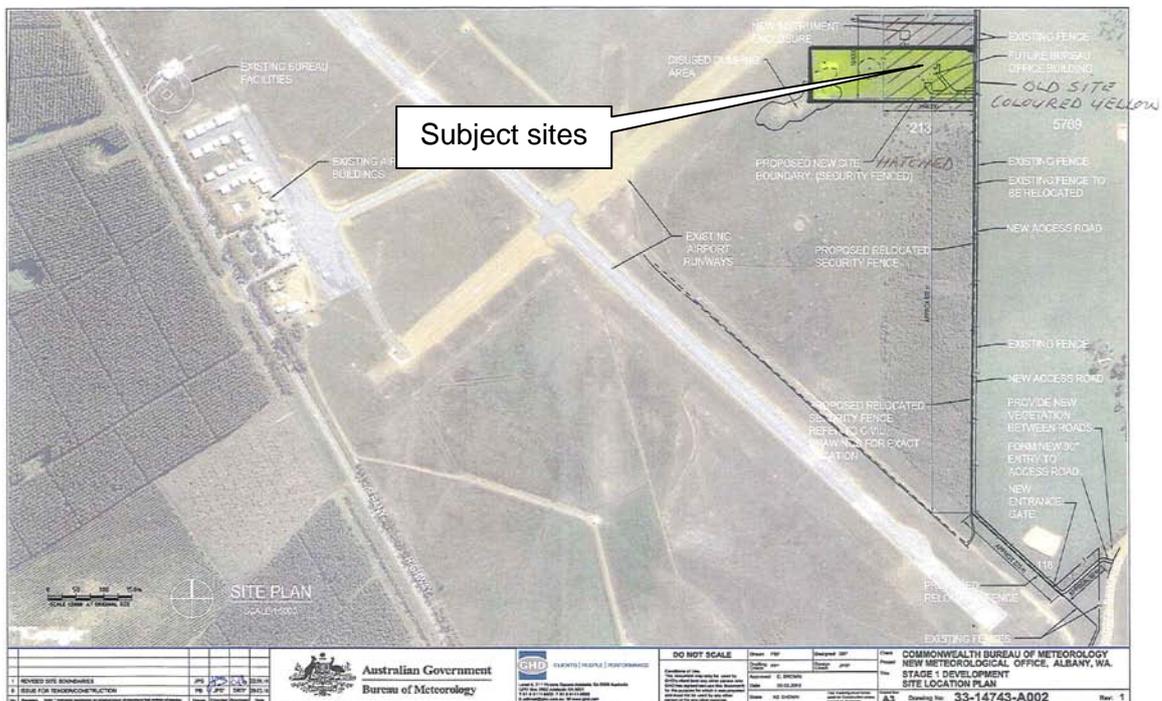
1. This ratio focuses on the liquidity position of a local government.
2. This ratio provides an indication of whether a local government has sufficient unrestricted cash to pay its trade creditors.
3. The ratio is a measure of total liabilities to total assets or alternatively the number of times total liabilities are covered by the total assets of a local government. The lower the ratio of total liabilities to total assets, the stronger is the financial position of the local government.
4. This ratio measures a local government's ability to service debt (principal and interest) out of its available operating revenue.
5. This ratio measures a local government's ability to service debt in any given year out of total revenue.
6. This ratio provides a measure of whether a local government has sufficient realisable assets to cover its total borrowings.
7. The Coverage Ratio measures the local government's dependence on rate revenue to fund its operations. The higher the ratio, the less dependent a local government is on grants and external sources to fund its operations.
8. The Effectiveness Ratio measures the effectiveness of a local government with the collection of its rates. It would be expected to be above 5% at this time of the year but reduce to below the benchmark at 30 June.

2.3: VARIATION OF ACCESS AGREEMENT AND LEASE FOR BUREAU OF METEOROLOGY , ALBANY REGIONAL AIRPORT

- File Number (Name of Ward)** : PRO159 (Kalgan Ward)
Land Description : Portion of Lot 213 on Diagram 94445 situated at 35615 Albany Highway, Drome
Disclosure of Interest : Nil
Proponent : Bureau of Meteorology
Owner : City of Albany
Business Entity Name : Nil
Previous Reference : OCM 30.10.2009 Item 14.11.1
Attachment(s) :
 - Revised alternate lease site plan
 - 'Guidelines for clearance zones associated with Meteorological facilities'**Appendices** : Nil
Consulted References :
 - Council's Policy – Property Management – Leases
 - Council's Airport Business Plan
 - Local Government Act 1995**Reporting Officer(s)** : Property Officer (T Catherall)
Responsible Officer : Executive Director (WP Madigan)

IN BRIEF

- Consider variation of Access Agreement and Lease between the City of Albany and Bureau of Meteorology at the Albany Regional Airport to incorporate the following:
 - a. Revised alternate lease site plan; and
 - b. 'Guidelines for clearance zones associated with Meteorological facilities'.



BACKGROUND

1. In October 2009 Council endorsed the surrender of the existing Bureau of Meteorology (Bureau) lease on portion of Airport land north of the terminal and the simultaneous replacement with new a lease for an alternate lease site located to the north east on Airport land.
2. This allowed for the relocation and replacement of Bureau's infrastructure to more suitable 'non-airside' location at the Airport agreed to by both the Bureau and the City of Albany (City).
3. Airport land being Lot 213 on Diagram 94445 situated at 35615 Albany Highway, Drome.
4. On execution of the Surrender of Lease, Access Agreement incorporating the Heads of Agreement and the New Lease the Bureau commenced the development of the alternate lease site.
5. The Bureau, by its contracted building consultants GHD, commenced development and construction of infrastructure on the alternate lease site. In doing so the Bureau discovered a 'disused dumping area' referred to in the Heads of Agreement that extends over the western boundary of the proposed alternate lease site which contained asbestos.
6. Pursuant to Section 11 of the Contaminated Sites Act 2003 the City reported the contamination to the Department of Environment and Conversation (DEC) with 21 days of first becoming aware of the contamination.
7. Upon advice from DEC the City engaged a local licensed asbestos removal contractor to remove the exposed asbestos. The buried asbestos is to remain undisturbed pending further DEC remediation advice.
8. In consultation with all parties it was recommended that an agreed way forward would be to realign the alternate lease site boundaries so the dump site would not be incorporated or disturbed.
9. Accordingly, the Bureau instructed GHD to provide a revised alternate lease site plan with amended boundaries and layout, excluding the dump site, to the City for consideration. It is noted the revised lease area of approx 27000 square metres remains unchanged from Council agreed lease area in October 2009, only the location of the alternate lease site has been amended.
10. City staff have reviewed and support the revised alternate lease site plan (Attachment 1). The new boundaries comply with all legislative aviation requirements and the realigned lease area will not disturb the disused dump site. The area in square metres remains unchanged and provides increased clearance from runway 05/23. The revised alternate lease site is actually considered a more suitable location than the previous site.
11. To comply with Western Australian Planning Commission (WAPC) approval was obtained for initial Bureau Access Agreement and new Lease in November 2009 therefore the revised alternate site lease plan is required to be submitted for Commissioner approval.

12. The Bureau has further advised that when the new lease documentation was developed the inclusion of standard 'Guidelines for clearance zones associated with Meteorological facilities' (Attachment 2) was overlooked and have requested these Guidelines be annexed to the new lease.

DISCUSSION

13. The Bureau's Guidelines have been approved by City staff and the City's Aviation technical consultant Aerodrome Management Services and support the request to have these Guidelines annexed to the new lease.
14. It is standard for the Bureau's Guidelines to form part of their lease agreements for this purpose and does form part of the existing lease Schedule Item 4.
15. Any costs associated with the variation of Access Agreement and Lease documentation will be shared equally between the City and the Bureau, as the Bureau have already incurred substantial additional costs on commissioning asbestos and revised site plan surveys.
16. However, since August 2010 Albany Legal have offered to provide legal services at no cost for community benefit leases, therefore it is anticipated the required legal lease documentation will not incur any costs.

PUBLIC CONSULTATION / ENGAGEMENT

17. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
18. This Section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
19. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b & c) states that Section 3.58 of the Act is exempt if:
 - (b) The land is disposed of to a body, whether incorporated or not –
 - (i) the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary from the body's transactions;
 - (c) (ii) a department, agency, or instrumentality of the Crown in right of State or the Commonwealth.
20. The Bureau of Meteorology is a government body and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

22. Should there be any costs associated with the development, execution and implementation of the variation of lease documentation these will be shared equally by the City and Bureau.

POLICY IMPLICATIONS

23. Council adopted a Property Management - Leases Policy in 2007. This policy aims to ensure that all requests for leases, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
24. The recommendation is consistent with Council's Policy – Property Management – Leases and the Airport Business Plan.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

25. Council has the following options in relation to this item, which are:
- a. Approve the request for variation of Access Agreement and Lease, or
 - b. Decline the request.
26. Should Council not approve the request, the mutually beneficial relocation of the Bureau's buildings and infrastructure project would be at risk.

SUMMARY CONCLUSION

27. As the revised alternate lease site is considered a more suitable location and the standard Bureau Guidelines are supported by City staff, the request for a variation of access agreement and new lease between the City of Albany and Bureau of Meteorology at the Albany Regional Airport to incorporate the revised alternate site and 'Guidelines for clearance zones associated with Meteorological facilities' is recommended.

ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION

The request for variation of Access Agreement and Lease between the City of Albany and Bureau of Meteorology at the Albany Regional Airport to incorporate the revised alternate lease site plan and 'Guidelines for clearance zones associated with Meteorological facilities' be **ENDORSED** subject to:

1. Western Australian Planning Commission approval.
2. Any costs associated with the development, execution and implementation of the variation of access agreement and lease documentation be shared equally between the City of Albany and Bureau of Meteorology.

ITEM 2.3: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

2.4: CULL ROAD SUBDIVISION – SALE & MARKETING

ITEM WITHDRAWN BY CEO J BONKER FOR FURTHER CONSIDERATION OF OPTIONS BY COUNCIL

File Number (Name of Ward)	: STR276 (Vancouver Ward)
Land Description	: Cull Road Subdivision, Lot 247, 34 – 36 Cull Road, Lockyer
Disclosure of Interest	: Nil
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: City of Albany
Previous Reference	: OCM 20/07/2010 Item 16.4.1 SCM 29/06/10 – Budget OCM 19/01/10 Item 19.1 OCM 15/12/09 Item 14.2.1 OCM 21/10/08 Item 12.2.2 OCM 18/08/09 Item 22.2 OCM 16/01/07 Item 13.7.1 OCM 21/04/09 Item 19.1 OCM 21/11/06 Item 12.2.1 OCM 18/11/08 Item 11.6.1 OCM 15/08/06 Item 12.7.1
Attachment(s)	: Surveyed Map of Cull Road Development
Consulted References	: Local Government Act 1995 (Act) Local Government (Functions and General) Regulations 1996 Council Policy – Land Development (Subdivision) Council Policy – Disposal of Council Land April 2006
Maps and Diagrams	: Nil
Reporting Officer(s)	: Executive Manager Community Services (D Schober) Executive Manager Business Governance (S Jamieson)
Responsible Officer	: Chief Executive Officer (J Bonker)

IN BRIEF

- Progress sale of Stage 1A blocks; or
- Progress sale of Stage 1A blocks and remaining balance (undeveloped stages) of the subdivision.

BACKGROUND

1. On 17 Aug 10, Council:

Approved:

“The selling of Stage 1A of the subdivision of the property located at 34-66 Cull Road, Lockyer, “The Ridge”, in accordance with Council’s adopted Annual Budget 2010-11.”

Authorised:

“Calling of Tenders for the appointment of a Marketing and Selling agent for the sale of Stage 1A of the subdivision of the property located at 34-66 Cull Road, Lockyer, “The Ridge”.

2. The City advertised in the West Australian, Albany Advertiser and Great Southern Weekender newspapers.

3. At close of the tender period (Wed 25 Aug 10) no submissions were received.

DISCUSSION

4. Given no tender submissions were received, having been advertised state wide, it would appear that Stage 1A does not provide an attractive opportunity to marketing and selling agents.
5. Where a Local Government has invited tenders and no compliant submissions have been received, direct purchases can be arranged on the basis of the following:
 - a. A sufficient number of quotations are obtained (recommended a minimum of three);
 - b. The process follows the guidelines for seeking quotations in accordance with the City's Purchasing policy;
 - c. The specification for goods and/or services remains unchanged;
 - d. Purchasing (engagement of service) is arranged within 6 months of the closing date of the lapsed tender.
6. The City currently has \$3.3 million owing on the Cull Road development project.
7. The interest payment on the interest only loan is \$175,890 per annum.
8. Albany Valuation Services have been engaged to provide a current market valuation for the entire development. This report is due mid September.
9. The exact number of lots available for sale is thirty one (31).

RECOMMENDED COURSE OF ACTION – DISPOSAL OF STAGE 1A

10. As no submissions were received, Council can authorise the CEO to engage interested local marketing and selling agents to sell Stage 1A and/or Stage 1A and the remaining balance of the Cull Road subdivision.

PUBLIC CONSULTATION / ENGAGEMENT

11. On Tuesday 3 August, the interim CEO and executive met with the owners of Lot 75 in order to mediate a mutual position that would facilitate the Mueller Street extension through to Cull Road in accordance with the South Lockyer Structure Plan.
12. A number of scenarios/proposals were discussed in order to seek a mutual beneficial way forward and seek an indication if the owners would consider obtaining a revised valuation.
13. On Wednesday 11 August, the interim CEO and Executive Director Corporate & Community Service, met with the owners of Lot 75 (Mr & Mrs Woods) & Lot 134 (Mr Roberts) and presented revised plans to reduce the amount required from the NE corner of Lot 75 from 1636m² to 1247m² and ascertain if they would like to proceed with obtaining a valuation for the land.
14. The owners indicated they no longer wished for the City to proceed with obtaining a valuation for the land.

15. The owners of Lot 75 were advised by letter dated 13 August that it is the understanding of the City that they did do not wish to proceed with obtaining a valuation for land required to accommodate the current proposed route of the Mueller Rd extension through to Cull Road and that the interim CEO would now consider other options.

STATUTORY IMPLICATIONS

16. **Business Plan.** The intent to retire debt as stated in the Business Plan adopted on 21/11/06 is satisfied by this proposal. However, if the option to enter into a partnered arrangement is progressed a new business plan would be needed.
17. **Disposal of Property.** It is proposed to dispose of the subdivision lots by a tender process in accordance with Section 3.58(2)(b) of the Act and in accordance with the adopted Business Plan.
18. **Delegated Authority.** Sections 5.42 and 5.43 apply. A local government cannot delegate to a CEO a power or a duty – acquiring or disposing of any property value at an amount exceeding an amount determined by the local government.

FINANCIAL IMPLICATIONS

19. As previously advised in the City's adopted budget, if Council does not progress with the selling of Stage 1A refinancing of existing loans would be required and targeted debt levels would not be achieved.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

20. This item directly relates to objective 4.1 of the Albany Insight – Beyond 2020 Corporate Plan: *The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.*"

POLICY IMPLICATIONS

21. **Disposal of Land Policy.** A sale levy of 10 percent from the net profit arising from the sale of Stage 1A does not apply if the subdivision proceeds are used to retire incurred debt from previously committed infrastructure projects.

OPTIONS

22. **Option A.** Council authorise the CEO to engage potential interested local marketing and selling agents to sell Stage 1A or Stage 1A and the remaining balance (undeveloped stages) of the Cull Rd Subdivision.
23. **Option B.** Council re-advertise the call for Tenders for the appointment of a marketing and selling agent for the sale of Stage 1A or Stage 1A and the remaining balance (undeveloped stages) of the Cull Road Subdivision for a period of 28 days.
24. **Option C.** Council defer the decision, re-finance and wait for improved market conditions.

SUMMARY CONCLUSION

25. The recommended course of action is to sell Stage 1A or the balance of the Cull Road subdivision. This satisfies the intent of Council's adopted budget and Business Plan to generate finances in order to reduce debt.
26. Option A is the preferred course of action.

ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council authorise the CEO to engage potential interested local marketing and selling agents to sell Stage 1A or Stage 1A and the balance of the Cull Road subdivision at the property located at 34-66 Cull Road, Lockyer, "The Ridge".

**ITEM WITHDRAWN AT REQUEST OF CEO J BONKER TO ALLOW FOR
FURTHER CONSIDERATION BY COUNCIL**

2.5: GROSS RENTAL VALUE – VACANT LAND RATES

File Number (Name of Ward)	: (RV.NOT.1) All Wards
Owner	: City of Albany
Business Entity Name	: City of Albany
Previous Reference	: Rates Revenue Options Budget Briefing 2010 – 8/06/10 SCM 29/06/10 MM1014212 – Rating Vacant Land – dated 11/08/10 SCM 13/09/10
Consulted References	: Local Government Act 1995 (Act) Local Government (Functions and General) Regulations 1996
Reporting Officer(s)	: Executive Manager Community Services (D Schober) Executive Manager Business Governance (S Jamieson)
Responsible Officer	: Chief Executive Officer (J Bonker)

IN BRIEF

- Confirmation of decision made at Special Council Meeting dated 13/9/10 at 5.00PM.
- Consideration of decision made at Special Meeting of Electors dated 13/09/10 at 6.00PM.

BACKGROUND

1. A Special Council meeting and Special meeting of electors was held on the 13/09/10 at 5.00PM.
2. In accordance with section 5.33 of the Act, decisions made at an electors' meeting are to be considered at the next ordinary council meeting if practicable.
3. The decision of the Special Council meeting held prior to the Special meeting of electors needs to be considered and confirmed in regards to the decisions made at the electors meeting.
4. The following motions were carried at a meeting of electors held 13/09/10 at 6.00PM:
 - a. Motion 1:

“The electors of Albany direct the Albany City Council to rescind the rate rise on Vacant Land in 2010/2011 budget.”
 - b. Motion 2:

“(i) The electors of Albany direct the Council to have convened a public enquiry into the rating system of Albany, to include staff, councillors, ratepayers and residents.

(ii) This enquiry to be convened with 30 days of the special electors meeting.”

DISCUSSION

5. If at a meeting of council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

6. Council resolved at a Special Council meeting held on 13/09/10 at 5.00PM:

“ 1. THAT a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10.

2. THAT the following administrative processes be applicable to the granting of the rates concession:

- i) Affected ratepayers will be afforded 21 days after reissue of assessments to make payment of the revised amount*
- ii) Penalty interest on any unpaid amount thereafter will apply*
- iii) Ratepayers who have previously paid their rates and taken advantage of the 2% discount on the original amount billed will receive a concession which is the difference between the original amount paid and the revised rates amount.*
- iv) A discount on the re-issued assessment of rates will not be given*
- v) The instalment option will not be available to affected ratepayers that did not make an instalment payment prior to 1 September 2010. If an affected ratepayer wants to pay over the course of the year, they will need to enter into a direct debit arrangement (weekly, fortnightly, monthly, 2 payments or 4 payments). Penalty interest will accrue on the outstanding amounts until paid in full.*
- vi) Final notices for all unaffected ratepayers will be issued on 15th September. Final Notices for affected ratepayers will be issued 14 days after the revised due date*
- vii) Affected ratepayers be advised that concession amounts will remain in the system as a credit to their assessment unless a refund payment is requested*
- viii) Refunds will only be given via electronic funds transfer.*

3. THAT the decision to grant the rates concession, including the conditions applicable, be communicated to the SME scheduled to be held immediately after this Special Council Meeting.

SUMMARY CONCLUSION

7. That the decision of council made at the Special Council meeting be confirmed.

ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION

- (i) Council not agree to Motion 1 of the special meeting of electors held on the 13/09/10, being:
“The electors of Albany direct the Albany City Council to rescind the rate rise on Vacant Land in 2010/2011 budget.”
as the loss to the current budget would be excessive (\$1.65 million).
- (ii) In view of the concession granted to the owners of GRV vacant land in the current rating period and the fact that Council will be receiving new valuations for GRV properties in 2011-12, Council not agree to Motion 2 - of the special meeting of electors held on the 13/09/10, being:
“(i) The electors of Albany direct the Council to have convened a public enquiry into the rating system of Albany, to include staff, councillors, ratepayers and residents.
(ii) This enquiry to be convened with 30 days of the special electors meeting.”
- (iii) Council reaffirms its previous decision that a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10, and associated conditions.

The following Alternate Motions were put in accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996.

ITEM 2.5: MOTION 1 – PROCEDURAL

That in accordance with clause 3.11(4) of the City of Albany Standing Orders that the notice requirement be suspended to allow Council to consider the rescission of resolution 6.1(1), being:

“That a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10”

ITEM 2.5: MOTION 2 – RECISSION

That in accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, Resolution 6.1(1), being:

“That a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10”

which was moved at the Special Council Meeting held on 13/09/10 be rescinded.

ITEM 2.5: MOTION 3

That Motion 1 of the Special Meeting of Electors held on 13/09/10, namely:

“The Electors of Albany direct the City of Albany to rescind the rate rise on vacant land in 2010/2011 budget”

not be adopted and the City instead grant a concession on the 2010/11 rates on vacant land that limits the rates increase to not more than 9 % of the rates assessed in 2009/10, or \$725, whichever is the greater, and with the administrative processes, previously agreed and adopted at the Special Council Meeting held on 13/09/10.

ITEM 2.5: MOTION 4

That Motion 2 of the Special Meeting of Electors held on 13/09/10, namely:

“(i) The electors of Albany direct the Council to have convened a public enquiry into the rating system of Albany, to include staff, councillors, ratepayers and residents.

(ii) This enquiry to be convened with 30 days of the special electors meeting.”

be received, and instead request the Audit Committee to propose the Scope and Terms of Reference for:

- (i) Conducting an enquiry into the rating system of the City of Albany;
- (ii) Enquiring into City assets which could be sold;
- (iii) Reviewing all services provided by the City with a view to determining whether, or where, they could be rationalised or outsourced.

The Alternate Recommendations 1, 2, 3 & 4 became the motions and were then put.

ITEM 2.5: RESOLUTION 1

**MOVED: MAYOR EVANS
SECONDED: COUNCILLOR SWANN**

That in accordance with clause 3.11(4) of the City of Albany Standing Orders that the notice requirement be suspended to allow Council to consider the rescission of resolution 6.1(1), being:

“That a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10”

**CARRIED 10-2
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors M Leavesley and R Hammond

ITEM 2.5: RESOLUTION 2

**MOVED: MAYOR EVANS
SECONDED: COUNCILLOR SWANN**

That in accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, Resolution 6.1(1), being:

“That a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10”

which was moved at the Special Council Meeting held on 13/09/10 be rescinded.

**CARRIED 10-2
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors M Leavesley and R Hammond

ITEM 2.5: RESOLUTION 3

**MOVED: MAYOR EVANS
SECONDED: COUNCILLOR SUTTON**

That Motion 1 of the Special Meeting of Electors held on 13/09/10, namely:

“The Electors of Albany direct the City of Albany to rescind the rate rise on vacant land in 2010/2011 budget”

not be adopted and the City instead grant a concession on the 2010/11 rates on vacant land that limits the rates increase to not more than 9 % of the rates assessed in 2009/10, or \$725, whichever is the greater, and with the administrative processes, previously agreed and adopted at the Special Council Meeting held on 13/09/10.

**CARRIED 8-4
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors J Matla, J Bostock, R Hammond and M Leavesley

ITEM 2.5: RESOLUTION 4

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SWANN**

That Motion 2 of the Special Meeting of Electors held on 13/09/10, namely:

“(i) The electors of Albany direct the Council to have convened a public enquiry into the rating system of Albany, to include staff, councillors, ratepayers and residents.

(ii) This enquiry to be convened with 30 days of the special electors meeting.”

be received, and instead request the Audit Committee to propose the Scope and Terms of Reference for:

- (iv) Conducting an enquiry into the rating system of the City of Albany;**
- (v) Enquiring into City assets which could be sold;**
- (vi) Reviewing all services provided by the City with a view to determining whether, or where, they could be rationalised or outsourced.**

CARRIED 12-0

3.1: DEDICATION OF UNALLOCATED CROWN LAND BEING LOT 2 ON DEPOSITED PLAN 79929 (OFF HUNTON ROAD) AS PUBLIC ROAD

- File Number or Name of Ward** : SER086 (Kalgan Ward)
Land Description : Lot 2 on Deposited Plan 79929
Appendices Attached : Letter from City officer to Kalgan Settlers Association,
Email between City officer and Department of Regional
Development and Lands.
Maps and Diagrams : Refer below
Reporting Officer(s) : City Project Coordinator – V Duncan
Responsible Officer : Executive Director Works & Services – K Ketterer



IN BRIEF

- Council's approval to request the Minister for Lands to dedicate the Unallocated Crown Land at Hunton Road / Wheeldon Road as public road.

BACKGROUND

1. Council's approval is being sought to request the Minister of Lands for the dedication of the Unallocated Crown Land at Wheeldon Road. The land in question is to be used as a thoroughfare for the owner of 17 Wheeldon Road.
2. The lot to the east is vested to and managed by the Kalgan Settlers Association and they would like to prevent vehicles using the lot as a thoroughfare due to safety concerns. There is a heritage building located on the site which the Association is in the process of preserving and they wish to limit disturbance. It is within their rights to barricade the existing tracks to prevent vehicles using the reserve as a thoroughfare.

DISCUSSION

3. Currently 17 Wheeldon Road has no constructed road frontage and property owners use existing tracks located within the neighbouring lot, vested to the Kalgan Settlers Association, to gain vehicle access to the property.
4. The existing road reserve is densely vegetated and topographical features do not allow for a safe road to be constructed. Using the Unallocated Crown Land in question offers minimal clearing requirements to provide vehicle access to the property.
5. Site inspections have been conducted by City officers as well as a Department of Regional Development and Lands officer and the land in question has been determined as the most appropriate location for vehicle access to 17 Wheeldon Road.

PUBLIC CONSULTATION / ENGAGEMENT

6. Public consultation has been conducted with members of the Kalgan Settlers Association and surrounding lot owners as well as the owners of 17 Wheeldon Road and all are satisfied with this location.

GOVERNMENT CONSULTATION

7. A representative from the Department of Regional Development and Lands has been consulted, who also attended a site visit and community group meeting to resolve the issue. All parties were in agreement with the proposal to utilise the Unallocated Crown Land for access.

STATUTORY IMPLICATIONS

8. Under the Land Administration Act 1997, section 56, Dedication of Roads –
- “(1). If in the district of a local authority –*
- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;*
- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
- (i). the holder of the freehold in that land applies to the local government, requesting it to do so; or*
- (ii). those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
- or*
- (c) land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.”*

FINANCIAL IMPLICATIONS

9. Provision has been made in the adopted 2010/2011 budget for a constructed vehicle access to 17 Wheeldon Road.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

11. The proposal to utilise the Unallocated Crown Land will provide access to 17 Wheeldon Road and resolve the safety concerns of the Kalgan Settlers Association.

SUMMARY CONCLUSION

12. Should the Council agree; the Unallocated Crown Land will be dedicated as Public Road to provide safe vehicle access to 17 Wheeldon Road.

ITEM 3.1 – RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVES the dedication of Unallocated Crown Land as a road in accordance with section 56 of the Land Administration Act.

ITEM 3.1: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

3.2: SUPPLY AND DELIVERY OF VARIOUS PLANT & EQUIPMENT – CONTRACT C10010 and C10011

File Number or Name of Ward	All Wards
Proponent	City of Albany
Previous Reference	OCM 17.08.2010
Reporting Officer(s)	Depot Services Co-ordinator (J Harbach)
Responsible Officer(s)	Manager City Works (M Richardson)

BACKGROUND

1. Council at its meeting held 18th June 2002, adopted the Asset Replacement Program – Plant. This strategy is reviewed on an annual basis to determine long term requirements, optimal replacement times and maintenance of each individual item of plant.
2. After an absence of two years Council approved the reinstatement of this strategy. This report will provide outcomes for those items of plant that were sent to tender from the 2010/2011 Budget.

DISCUSSION

3. Tenders were called for the supply and delivery of various plant and equipment for this financial year. Tenders were requested to supply trade in pricing on those items of plant that Council were replacing.
4. 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 these tenders is documented below

Criteria	% Weight
Cost	50%
Technical Compliance & Operational Suitability	40%
Reliability	10%
TOTAL	100%

5. The following tables summarize those submissions received by the close of the tender period

C10010 – MAINTENANCE GRADER

TENDERER	PURCHASE PRICE (Inc. GST)	WEIGHTING
Westrac – OPTION 2 – CAT 120M	\$328,350.00	683.2
Westrac – Option 1 – CAT 12M	\$356,950.00	645.7
Komatsu – GD555-5	\$368,100.13	510.0
Hitachi – Option 2 – John Deere 670GP	\$378,895.00	501.2

6. A total of nine tenders were downloaded for this item of plant. The tender submissions from CJD Equipment & Hitachi – Option 1 were deemed non-conforming because they did not meet tender specifications and therefore was removed from further evaluation.

C10011 – SUPPLY & DELIVERY OF CONSTRUCTION GRADER

TENDERER	PURCHASE PRICE (Inc. GST)	WEIGHTING
Westrac – OPTION 2 – CAT 12M	\$373,450.00	651
Westrac – Option 1 – CAT 120M	\$344,850.00	566.9
Hitachi – Option 2 - 670GP	\$347,638.00	565
Komatsu – Option 1 – GD555-5	\$382,738.16	516
CJD – Volvo G930	\$368,500.00	494.3
Komatsu – Option 2 – GD655-5	\$414,192.35	472
Hitachi – Option 1 – 670G	\$385,770.00	458.3

7. A total of nine tenders were downloaded for this item of plant.
8. When the Asset Replacement Program – Plant was adopted in June 2002, Council owned seven graders – five were used for maintenance grading and two for construction works.
9. Continual review of plant strategy over successive years and changing operational requirements have enabled staff to reduce the current number of graders owned by Council to six. It is anticipated that with the reinstatement of the plant strategy and the replacement of two graders – one each for construction and maintenance, staff could subsequently dispose of an additional grader, thereby reducing the total grader fleet to five.
10. It should be noted that the success of this fleet refinement will only be viable if Council chooses to replace both graders this current financial year.
11. It is best practice in both the private and Government industries to replace plant and equipment at an identified optimum replacement point. The optimum replacement point in the life of the machine is when the depreciation slows and the repairs and maintenance costs increase substantially.
12. When the plant operating costs for all of Council's grader fleet were determined for the 2009/2010 financial year, the service and maintenance costs, excluding fuel, were estimated to be in the vicinity of \$125,000 with approximately 150 hours down time. Due to machinery failures and ongoing reliability issues with the construction grader, repair costs for this machine alone have absorbed over \$47,000 of the budget with over three months of lost production. The financial liability to Council of this machine, if not replaced, will extend over the next two years as major components wear – costs are estimated to be a minimum of \$40,000 for major repairs.
13. Due to the time frames required for the Capital Works Program, maintenance graders were reassigned from their scheduled programs to continue productivity in the construction area. This then impacts on the overall maintenance grading program.

14. Should Council choose to delay the replacement of the maintenance and construction graders for a further twelve month period, the financial risk to Council to continue to maintain these machines increases exponentially. Council's current fleet of graders usually work for between 1300 – 1500 hours per year. Continued machine failures will necessitate hiring of replacement plant to offset these machines. Based on current external hire rates of \$136 p/h for a grader suitable for construction works this could potentially cost Council \$176,800 per year. Hiring of suitable plant is also subject to availability.
15. Resale prices on the graders will continue to decline if Council chooses not to dispose of them this financial year. The resale market is very volatile and purchasers of used equipment will not pay premium prices for used equipment if they are aware that re-conditioning costs of the machine will outweigh the value.
16. The warranty on the new machines is for 60 months or 5000 hours. This will further reduce the financial burden on Council. Further cost savings in fuel will also be realised due to the Caterpillar engines meeting or exceeding US Tier 3 and European Union Stage IIIa emissions control standards – thereby much more fuel efficient than machines currently in use by Council.
17. The grader submission from Westrac Pty Ltd for a 12M grader for construction requirements is the more suitable machine. Whilst both the 120M and 12M have all the same features, the evaluation panel determined that the power output from the 12M model would be more suitable for construction works.
18. The tender submissions from Westrac Pty Ltd to supply a Caterpillar 120M grader for maintenance and a Caterpillar 12M grader for construction were determined to be the most advantageous offers to Council

PUBLIC CONSULTATION/ENGAGEMENT

19. A request for tenders was published in the West Australian on 14th July 2010, the Albany Advertiser on 15th July 2010 and Albany Extra on 16th July 2010

STATUTORY IMPLICATIONS

20. 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, more, or worth more, than \$100,000.
21. 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.
22. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision:

FINANCIAL IMPLICATIONS

23. Suppliers were requested to inspect and submit a trade-in valuation for the purchase of existing plant when these are to be replaced by new plant.
24. The graders identified in the 2010/2011 budget will be sent to public auction in Perth for disposal as recommended by Council at the Ordinary Council Meeting 17 August 2010.
25. The anticipated trade in values received for the plant and equipment sent to auction will offset the purchase price and provide a balanced budget.
26. Budget Line Number: 135640

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

27. 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.

POLICY IMPLICATIONS

28. Councils Policy "Regional Price Preference Policy – Buy Local" is applicable to this item

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

29. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.

SUMMARY CONCLUSION

30. The City has undergone a competitive process in line with the relevant legislation and established policies. Should Council choose to award the tenders for the purchase of the maintenance and construction graders to Westrac Pty Ltd and dispose of all three graders at public auction, the net estimated cost to Council will be \$401,800.

ITEM 3.2 – RESPONSIBLE OFFICER RECOMMENDATION

AWARD the tender C10010 – Supply & Delivery of Maintenance Grader to Westrac Pty Ltd for \$328,350.00

AWARD the tender C10011 – Supply & Delivery of Construction Grader to Westrac Pty Ltd for \$373,450.00

ITEM 3.2: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR DUFTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

**4.1: ALBANY TOURISM MARKETING ADVISORY COMMITTEE
MEETING MINUTES**

File Number or Name of Ward	: STR 208 (All Wards)
Summary of Key Points	: Committee Items for Council Consideration
Disclosure of Interest	: Nil
Previous Reference	: N/A
Attachment(s)	: Committee Meeting Minutes – 11 August 2010
Reporting Officer(s)	: Executive Director Corporate and Community Services (P Madigan)
Responsible Officer(s)	: Executive Director Corporate and Community Services (P Madigan)

ITEM 4.1: COMMITTEE RECOMMENDATION

THAT the UNCONFIRMED minutes of the Albany Tourism Marketing Advisory Committee meeting held on 11 August 2010 be RECEIVED.

ITEM 4.1: RESOLUTION (Committee Recommendation)

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR SWANN

THAT the Committee Recommendation be ADOPTED.

CARRIED 12-0

**4.2: RECEIVE THE MEMBERS INFORMATION BULLETIN-
SEPTEMBER/2010**

File Number or Name of Ward : All Wards
Disclosure of Interest : Nil
Reporting Officer(s) : Assistant Business Governance Officer (J
Williamson)
Responsible Officer(s) : Chief Executive Officer (J Bonker)

IN BRIEF

- Receive the contents of the Members Information Bulletin

ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Members Information Bulletin September/2010 be RECEIVED.

ITEM 4.2: RESOLUTION (Responsible Officer Recommendation)

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

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

4.3: AUDIT COMMITTEE MINUTES

File Number (Name of Ward)	: FM.MEE.1 (All Wards)
Disclosure of Interest	: Nil
Business Entity Name	: Great Southern Housing Association
Previous Reference	: OCM 16/03/10 Item 14.1.3
Attachment(s)	: Unconfirmed minutes 07/09/10
Appendices	: Nil
Consulted References	: Local Government Act 1995 (Act) Local Government Operational Guidelines – Number 13, April 2006.
Reporting Officer(s)	: Executive Manager Business Governance (S Jamieson)
Responsible Officer	: Chief Executive Officer – Interim (J Bonker)

IN BRIEF

- Receive Audit Committee minutes
- Endorse or reject committee recommendations

ITEM 4.3: RESOLUTION

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WOLFE

THAT committee recommendations 1, 2, & 4 be carried en bloc.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor D Bostock

ITEM 4.3: COMMITTEE RECOMMENDATION 1

The minutes of the Audit Committee meeting held on 26 Feb 10, as previously distributed, be confirmed as a true and accurate record of proceedings.

ITEM 4.3: COMMITTEE RECOMMENDATION 2

The unconfirmed minutes of the Audit Committee meeting held on 07 Sep 10 (attached) be received.

ITEM 4.3: COMMITTEE RECOMMENDATION 3

Council authorise the administration to engage potential interested local marketing and selling agents to sell Stage 1A and or Stage 1A and the balance of the Cull Road subdivision.

Officer Comment: This recommendation relates to Report Item 2.4-Cull Road Subdivision- which was withdrawn from the agenda by CEO J Bonker. Subsequently, this Recommendation is no longer required.

ITEM 4.3: COMMITTEE RECOMMENDATION 4

The administration be requested to report on amount of leave owed to Executive Directors and Managers prior to Thursday 7th October Audit Committee meeting and review the leave accrual policy.

Officer Comment: Leave provisions are fully cashed backed. Any payout of leave is charged to the provision.

XIV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

**14.1: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK-
FORMATION OF CONSULTATIVE GROUP TO REVIEW CITY OF
ALBANY EXPENDITURE**

ITEM WITHDRAWN BY COUNCILLOR D BOSTOCK

ITEM 14.1: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK

THAT Council APPOINTS a consultative group, chaired by the Mayor and consisting of any elected member who wishes to belong, to work with the CEO in order to identify areas of expenditure where meaningful savings can be effected, without compromising the provision of services to the City.

Councillor's Reason

The City's finances are in need of review. Council has addressed the requirement for increased income by significantly increasing rates but that will not be sufficient, in itself, to solve all our difficulties. It will also be necessary to examine expenditure and to identify any areas which do not contribute to our primary role.

**14.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK-
REMOVAL OF DIFFERENTIAL RATES ON VACANT LAND**

ITEM WITHDRAWN BY COUNCILLOR D BOSTOCK

ITEM 14.2: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK

THAT Council examines the consequences of the removal of differential rates on vacant land, with a view to bringing a rescission motion at the October OCM.

Councillor's Reason

I make no excuse for supporting the removal of differential rates, but I, along with other councillors, have received many demands for the status quo to be restored. Therefore, although I still think it was the correct decision, I am a staunch believer in the rule of representative democracy so have no choice but to call for it to be re examined in accordance with the wishes of the majority of electors who have made representations.

14.3: NOTICE OF MOTION BY COUNCILLOR R PAVER-REQUEST TO MINISTER FOR PLANNING TO DESIGNATE LOTS 1&2 FRENCHMAN BAY ROAD AS STATE SIGNIFICANT STRATEGIC TOURISM SITE

MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE

ITEM 14.3: NOTICE OF MOTION BY COUNCILLOR R PAVER

THAT Council specifically request the Minister for Planning designate the former Frenchman Bay Caravan Park at Lots 1 and 2 Frenchman Bay Road, Frenchman Bay as a state significant Strategic Tourism Site as per Planning Bulletin No. 83.

Councillor's Reason

Out of the 5 local strategic sites identified in Council's Tourist Accommodation Planning Strategy, this site is the most unique and warrants a specific request to the Minister for this site to be identified on the State wide Strategic Tourism Sites Register.

OFFICER'S REPORT

Author: Executive Director Development Services (G Bride)

BACKGROUND

1. At its meeting dated 20 July 2010 Council adopted its Tourist Accommodation Planning Strategy, which is currently being considered for endorsement by the Western Australian Planning Commission.
2. The Strategy identified five (5) local strategic sites which were recommended to be considered for inclusion on the state tourism sites register as Strategic Tourism Sites.

DISCUSSION

3. The proposed motion seeks to specifically request the Minister for Planning, who is the final decision maker on which sites are added onto the state tourism sites register, to give specific consideration to the listing of the old Frenchman Bay Caravan Park site on Lots 1 and 2 Frenchman Bay Road, Frenchman Bay.
4. Staff have been advised that WAPC Planning Bulletin 83 (refer attachment), which provides specific guidance for Local Governments in the preparation of Tourist Accommodation Planning Strategies will be rewritten with a new version to be released in October 2010.

5. At the time of writing this report, the existing Planning Bulletin 83 states that sites identified in a Local Government Tourist Accommodation Planning Strategy as potentially state significant tourist sites will be assessed by a Strategic Sites Committee who will make a recommendation to the Minister for Planning, who will ultimately decide whether the site should be included.
6. The Planning Bulletin 83 identifies the criteria that will be considered in determining whether the site should be added to the state register.
7. As the Western Australian Planning Commission is currently assessing Council's Tourist Accommodation Planning Strategy 2010, which includes a recommendation that the five (5) local strategic sites identified be considered for inclusion on the state register, it is unclear whether the above motion is necessary.
8. The perceived benefit would be that this particular site will be given a higher emphasis than the other 4 sites (which include the Esplanade Hotel, the former Albany Golf Club House Site, the Middleton Beach Caravan Park and the Albany Waterfront) with a letter direct to the Minister requesting the inclusion of the site on the register.

STATUTORY IMPLICATIONS

9. The process for determining whether a site is of state significance is identified in Planning Bulletin 83.

XV. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING

Nil.

XVI. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

Nil.

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

Nil.

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

Nil.

XIX. NEXT ORDINARY MEETING DATE

Tuesday 19th October 2010, 7.00pm

ITEM 19: RESOLUTION

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR SUTTON**

THAT Council resume Standing Order 3.1 - Recording of Proceedings, to stop recording of proceedings.

**CARRIED 12-0
ABSOLUTE MAJORITY**

XX. CLOSURE OF MEETING

There being no further business the meeting closed at: [8:53:54 PM](#)

Confirmed as a true and accurate record of proceedings.

(Unconfirmed Minutes)

Mayor MJ Evans JP
MAYOR

APPENDIX A

**STATUS REPORT ON DEFERRED ITEMS
FROM PREVIOUS MEETINGS**

Meeting Date	Item Number	Details/Status
18/05/2010	15.3.4	Dedication of Unallocated Crown Land as a Reserve-Portion of Princess Royal Drive Foreshore. LAI D ON THE TABLE FOR FURTHER COUNCIL DELIBERATION.
15/06/2010	13.2.3	Final Approval of Scheme Amendment-Pt Lot 1 and 2 Frenchman Bay Road, Frenchman Bay. ITEM WITHDRAWN FROM JUNE OCM. TO BE REPRESENTED AT THE OCTOBER OCM.
15/06/2010	15.2.3	Lot 5 Rufus Street-Compensation for Subdivision Design Changes. ITEM WITHDRAWN FROM JUNE OCM. PENDING.
17/08/2010	1.7	Reconsider Final Approval of Scheme Amendment-Change of Residential Density Codes in the 'Central Area' Zone and Surrounding Residential Areas. ITEM LAID ON THE TABLE TO ALLOW FURTHER DISCUSSION IN A COUNCIL COMMITTEE. PENDING.
21/09/2010	2.4	Cull Road Subdivision-Sale and Marketing. ITEM WITHDRAWN BY CEO J BONKER FOR FURTHER CONSIDERATION OF OPTIONS BY COUNCIL. PENDING.

APPENDIX B

TABLED DOCUMENTS

Document Tabled By	Subject	Ref.
Richard Vogwill	Tabled Address	GO.COM.3/AM1021163

ELECTED MEMBER TABLED DOCUMENTS

Document Tabled By	Subject	Ref.
Mayor Evans Councillor Wellington Councillor Dufty Councillor Wolfe Councillor Holden	Revoking or Changing Decisions Motion-Form	Item 2.5 GO.COM.3/AM1021165

STAFF TABLED DOCUMENTS

Document Tabled By	Subject	Ref.
	Nil	

Tabled Address from Mr Richard Vogwill

Memorandum

Date: 21/09/2010

To: Mayor, Councillors and Interim CEO, City of Albany

From: Richard Vogwill

Subject: Declared guilty, even after being proven innocent

Mr Mayor,

I live in Vancouver Ward and am represented on Council by Councillors Paver and D. Bostock.

As I have said to this Council in the past, I and most people I talk to in our Ward are extremely happy with the performance of our two Councillors and Councillor J. Bostock (the so-called 'minority' Councillors), because they appear to have a social and moral conscience in their approach to project approval and development in line with modern business standards. Therefore, we are confident in their ability and we want our elected representatives to remain on Council.

However, their approach to governance appears to not generally fit in well with other Councillors, the business community and the media; as a result they are hounded incessantly by combined political slurs that have been ongoing for the last few years.

I, for one, am sick to death of this ongoing political campaign against the 'minority' Councillors, because that's all it is....politics.....to try and get rid of them, so other business interests can be advanced in a simple and uncluttered manner. This is small-minded in the extreme and, in my opinion, revolves around profits.

It has been shown in numerous recent investigations before the Standards Panel etc. that these minority Councillors have done nothing wrong; but yet the political and character slurs continue and some of them are being blamed for the demise of the last CEO,

2

although they have been shown to be completely innocent in this regard.

Nowhere in or on the media do you hear anyone defending the rights of the minority Councillors; the media coverage is generally very biased against them and, as a result, so is the Public. However, in his reply to this historical character slurring, Councillor Paver has outlined for the Public the chronology of the recent events that has occurred (Albany Advertiser, 16/09/10) and it is obvious that the minority Councillors have nothing to answer for.

Most recently, the minority Councillors are being blamed by the majority for the further demise of this Council because they have launched various actions against the C of A and the ACCI and are now being bullied into stepping down. This type of small-minded behaviour by the majority shouldn't be tolerated in Local Government.

Who can blame the minority Councillors for taking these actions, as theirs are legitimate grievances? The continuing character slurs remain unfounded and the claims against them have been shown to be false and defamatory. The media accounts on these matters continue to be one-sided and misguided.

All this points to the fact that this Council does not act as the team that we need to run this City. It appears as if it's 8 versus 3 - and the most of the 8, the ACCI and the media would sure like to get rid of the 3 because they just don't toe the company line. To the public, the minority Councillors still appear guilty, even after being proven innocent.

And finally, Mr Mayor, my question:

Why doesn't the City of Albany just behave in a civilised manner and apologise to the minority Councillors and try to put this matter to rest? Hopefully, the Councillors would accept such an apology.

This makes common sense and might reduce the City's future legal costs. As a taxpayer that sounds like music, and not politics, to my ears.

Thank you for the opportunity to present my views on these matters.

Richard Vogwill, 53 La Perouse Road, Goode Beach



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REVOKING OR CHANGING DECISIONS MOTION - FORM

In accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have:

Resolution 6.1(1), being:

"THAT a one-off concession be granted to the owners of vacant land that limits the rates increase payable in 2010/11 to not more than 50% of the rates payable in 2009/10."

which was moved at the **Special Council Meeting** held on **13/09/10** be rescinded.

<u><i>M. Evans</i></u> Name	<u>MILTON JOHN EVANS</u> Signature	<u>21st Sept 2010</u> Date
<u><i>D. WERKINGROW</i></u> Name	<u><i>[Signature]</i></u> Signature	<u>21. Sept 2010.</u> Date
<u><i>D. DUFFY</i></u> Name	<u><i>[Signature]</i></u> Signature	<u>21- 9- 10</u> Date
<u><i>D. J. WOLFE</i></u> Name	<u><i>[Signature]</i></u> Signature	<u>21. 9. 10.</u> Date
<u><i>C. HOLLAND</i></u> Name	<u><i>[Signature]</i></u> Signature	<u>21 - 9 - 10</u> Date

ITEM 6.1 – MOTION 2

That Motion 1 of the Special Meeting of Electors held on 13/09/10, namely:

"The Electors of Albany direct the City of Albany to rescind the rate rise on vacant land in 2010/2011 budget"

not be adopted and the City instead grant a concession on the 2010/11 rates on vacant land that limits the rates increase to not more than 9 % of the rates assessed in 2009/10, or \$725, whichever is the greater, and with the administrative processes, previously agreed and adopted at the Special Council Meeting held on 13/09/10.

(ABSOLUTE MAJORITY REQUIRED)

[Section 5.25 (1)(e) of the Local Government Act 1995 refers]