

AGENDA

For the

Ordinary Meeting of Council

Tuesday 27 August 2013

6.00pm

City of Albany Council Chambers

CITY OF ALBANY COMMUNITY STRATEGIC PLAN (ALBANY 2023)

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING
AGENDA –27/08/2013
** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS:

II. 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.”

PROCEDURAL MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION:

MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

The Mayor’s Report be RECEIVED.

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC:

V. PUBLIC QUESTION AND STATEMENT TIME:

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

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

Mayor	Mayor D. Wellington
Councillors:	
Breaksea Ward	R. Hammond
Breaksea Ward	V. Calleja
Frederickstown Ward	C. Dowling
Kalgan Ward	C. Holden
Kalgan Ward	Y. Attwell
Vancouver Ward	D. Bostock
Vancouver Ward	S. Bowles
West Ward	D. Dufty
West Ward	G. Gregson
Yakamia Ward	R. Sutton
Staff:	
Chief Executive Officer	G. Foster
Executive Director Community Services	C. Woods
Executive Director Corporate Services	G. Adams
Executive Director Planning & Development Services	D. Putland
Executive Director Works & Services	M. Thomson
Minutes	C. Crane
Apologies:	
Yakamia Ward	A Hortin JP (Leave of Absence)
Frederickstown Ward	G Stocks (Leave of Absence)

VII. APPLICATIONS FOR LEAVE OF ABSENCE:

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

OCM001
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 16 July 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

IX. DECLARATIONS OF INTEREST:

Name	Committee/Report Item Number	Nature of Interest
Cr Bowles	CSF005	Impartiality. Cr Bowles is the secretary of the Great Southern Factor Inc. Paperbark Merchants has a sponsorship arrangement with Great Southern Factor Inc. Paperbark Merchants are a company on the list of payments authorised under delegated authority report for June 2013.
Cr Stocks	CSF005	Impartiality. Cr Stocks is a shareholder of a listed company on the list of payments authorised under delegated authority report for June 2013.

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

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS:

XII. ADOPTION OF RECOMMENDATIONS EN BLOC:

RISK MANAGEMENT FRAMEWORK

The City of Albany Organisational Risk Management Framework is the Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members and is available on the City of Albany website: www.albany.wa.gov.au .

IMPORTANT COMMITTEE INFORMATION

At the City of Albany, as Committees do not have delegated powers to make decisions, their recommendations are put before Council for a decision to be made. When considering recommendations, Council may:

- Accept the recommendation put forward and adopt it en bloc without further debate/discussion
- Withdraw a particular item for further discussion or modification or propose that another course of action be taken
- Defer making a decision on an item, pending further consideration/discussion at an appropriate meeting.

As such, recommendations from a committee meeting cannot be implemented until approval is given by Council.

ED001: RECEIVE THE MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE AND APPOINT THE CHAIRPERSON AND DEPUTY

Proponent : City of Albany
Attachment : Attachment A - Economic Development Committee Minutes
Responsible Officer(s): : Executive Director Community Services (C Woods)

Responsible Officer's Signature:

RECOMMENDATION

PD001: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) RECEIVE the minutes of the Economic Development Committee meeting held on 6 August 2013.**
- (2) APPOINT:**
 - **Councillor Hammond as the Chairperson; and**
 - **Mayor Wellington as the Deputy Chairperson;****of the Economic Development Committee.**
- (3) NOTE that those positions vacate at the first meeting of the Council following the bi annual ordinary local government elections.**

ED002: RECEIVE THE UNCONFIRMED MINUTES OF THE MARKETING ALBANY COMMITTEE

Proponent : City of Albany
Attachment : Attachment A - Unconfirmed Minutes of the Marketing Albany Committee detailed in the Economic Development Committee Minutes
Responsible Officer(s): : Executive Director Community Services (C Woods)

Responsible Officer's Signature:

RECOMMENDATION

ED002: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the minutes of the dissolved Marketing Albany Committee, meeting held on 30 May 2013.

ED002: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

ED002: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the minutes of the dissolved Marketing Albany Committee, meeting held on 30 May 2013.

CS002: RECEIVE THE UNCONFIRMED MINUTES OF THE CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE

Proponent : City of Albany
Attachment : Attachment – B. Unconfirmed Minutes of the Cultural and Community Development Committee held on 15 May 2013
Responsible Officer(s): : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



RECOMMENDATION

CS002: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the minutes of the dissolved Cultural and Community Development Committee Meeting held on 15 May 2013.

CS003: COMMUNITY SPORTING AND RECREATION FACILITIES FUND 2013/2014 GRANT APPLICATIONS (CSRFF)

Proponent : City of Albany
Attachments : Follow Report -

- Centennial Park Sporting Precinct Assessment Sheet
- Kalgan River Recreational Boating Feasibility Study Assessment Sheet

Responsible Officer : Executive Director Community Services (C Woods)

Responsible Officers Signature:	
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STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany’s Strategic Community Plan 2023 and Corporate Business Plan:

CSRFF PROJECTS LINK TO COMMUNITY STRATEGIC PLAN	
Strategic Plan Focus	Strategic Plan Detail
Sense of Community	<ul style="list-style-type: none"> • Vibrant accessible places and spaces • Sought after lifestyle destination • Community and volunteer support
Smart Prosperous and Growing	<ul style="list-style-type: none"> • Sought after visitor destination • Economic development • Major events and attractions
Clean Green and Sustainable	<ul style="list-style-type: none"> • Planning for future generations • Enhanced natural environment • Sustainable and functional assets

IN BRIEF

- To seek Council endorsement of the priority ranking of the submitted Community Sport and Recreation Facility Fund (CSRFF) applications.

RECOMMENDATION

**CS003: RESPONSIBLE OFFICER RECOMMENDATION
 VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council rank the two CSRFF applications in the following order for the CSRFF August 2013 Funding Round:

- **Centennial Park Sporting Precinct - Forward Planning Grant (ranked one of two)**
- **Kalgan River Recreational Boating Feasibility Study - Small Grant (ranked two of two)**

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Sport and Recreation (DSR) has three rounds of available funds including two small grant funding rounds per year and its annual and forward planning funding round.
3. The City of Albany has a funding application for both the Forward Planning Grant and the Small Grant rounds:

Forward Planning Grants - Are grants where the financial value of the total project exceeds \$500,000 and may require implementation between one and three years.

Small Grants – Are grants where the financial value of the total project is from \$5,000 up to \$150,000 and is delivered within a 12 month period.

4. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
5. Clubs must demonstrate equitable access to the public on a short term and casual basis.
6. The land on which the facility is to be developed must be one of the following:
 - Crown reserve
 - Land owned by a public authority
 - Municipal property
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
7. Applicants must liaise with their Local Government regarding planning and building approvals pertinent to their project.
8. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
9. The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
10. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants prior to August 31 2013.
11. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the Department of Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

12. The grant guidelines require Council to provide a ranking for the projects.
13. The Department of Sport and Recreation provides guidance for Local Government Authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
 - Project justification
 - Planned approach
 - Community input
 - Management planning
 - Access and opportunity
 - Design
 - Financial viability
 - Coordination
 - Potential to increase physical activity
 - Sustainability

with overall project rating, being:

- Well planned and needed by municipality
 - Well planned and needed by applicant
 - Needed by municipality, more planning required
 - Needed by applicant, more planning required
 - Idea has merit, more planning work needed
 - Not recommended.
14. Applications have been ranked on the strength of the applications, participation numbers, potential impact as well as consultation with the Department of Sport and Recreation and the applicant.
 15. The following additional information is provided about the projects and funding application:

Centennial Park Sporting Precinct

- The funding application is for a Forward Planning Grant to enable the City to draw down on the remaining election commitment funds and to commence work in the next one to three years on the Western Precinct including Railways Football Club.
- It is anticipated that the final community consultation phase will be completed in the next three months and the City will be in a position to commence work.

Kalgan River Recreational Boating Feasibility Study

- The funding application is a small grants application to assess future recreational needs on the Kalgan River including the ideal location of facilities to meet the requirements of the various stakeholders.
- The Kalgan River is a popular recreational boating waterway currently used by a variety of boating types, including both powered and unpowered vessels. There are a number of entry points along the river used by recreational fishermen to launch their boats on all days of the week.
- A number of the entry points are unsanctioned and are impacting on the river environment. There are long drop toilets and BBQ facilities located at both the water-

ski club and the Luke Penn Trail head (walking). The three long drop toilets at the water ski club are located three to five meters from the water and the potential risk of contamination into the adjoining riverine environment is very high.

- The club’s facilities have reached the end of their life and require reconstruction.
- The area is suffering from erosion and old tyres have been buried into the river bank to stabilise it. There is evidence of encroachment into the vegetation by vehicles, which is causing damage and there are substantial concerns regarding:
 - The clubs location in a road reserve
 - Lack of car parking
 - Environmental impact on the shoreline.

In view of these concerns it is anticipated that the undertaking of a strategic plan will assist with identifying a more appropriate long term management solution for the future recreational activities at the site.

16. The below ranking recommendation has been provided based on the applicant meeting the required criteria and its overall project ranking:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	City of Albany	Centennial Park Sporting Precinct Redevelopment (Western Precinct including Railways Football Club)	Well planned and needed by municipality
2	City of Albany	Kalgan River Recreational Boating Study	Well planned and needed by municipality

17. A completed Project Assessment Sheet for the application is attached:

- Centennial Park Sporting Precinct
- Kalgan River Recreational Boating Study

GOVERNMENT & PUBLIC CONSULTATION

18. The Department of Sport and Recreation’s Regional Manager for the Great Southern has been consulted by the applicant for both projects.

Centennial Park Sporting Precinct

- The City has undertaken considerable consultation and engagement with other government stakeholders for the redevelopment of Centennial Park. As the key government agency for sport and recreation, DSR has been invited as a member of the City of Albany’s project control group and the Steering Committee. Regular briefings have been held with the Great Southern Development Commission, Department of Transport and Department of Planning.
- Centennial Park has been subject to a number of previous reports and studies over many years. Ongoing consultation and planning is continuing including broad community consultation in the next two months.

Kalgan River Recreational Boating Study

- Department of Transport has partially funded the Kalgan River Boating Study.
- In the development of the Kalgan River Feasibility Study City Officers have consulted with the Albany Water-ski Club, who has submitted a letter of support.
- One of the key objectives of the study is to undertake consultation with user groups and residents to better understand user needs including the ideal location for future facilities.

STATUTORY IMPLICATIONS

19. While there is no statutory requirement, Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
20. It should be noted that the Department of Sport and Recreation will make the final decision on funding allocation.

POLICY IMPLICATIONS

21. The Recreation Planning Strategy adopted in 2008 has been applied in ranking the submissions.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Kalgan River				
<i>Environment and property Council does not support the application and planning is not undertaken to address the possible contamination into the waterways and erosion of riverbanks</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council to close the road reserve and deny access to recreational fisherman and water-ski activities Or support the application and address the possible contamination and erosion</i>
<i>People – health and safety Planning is not undertaken, the leaching and erosion is not addressed and an accident/illness occurs</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Support the application and undertake the necessary works to address the leaching and erosions</i>
<i>Reputation – the potential leaching becomes news worthy</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Support the application and undertake the necessary works to address the leaching and erosions</i>
<i>Community – significant loss of recreation amenity if fully closed</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Support the application and investigate viable options and solutions</i>
Centennial Park				
<i>Financial Risk Council does not support the application and the project is stalled</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>Council support the application and rank accordingly</i>
<i>Community and Reputation</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council support the</i>

<i>Risk Council does not support the application and the project is set back resulting in disruption to community and impact on reputation</i>				<i>application and rank accordingly</i>
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FINANCIAL IMPLICATIONS

23. If council does not support the Centennial Park application the City will be unable to access the 2008 State Election Commitment (\$4.1 million).
24. If council does not support the Kalgan River application the supporting funding from Department of Transport maybe lost (\$37,500).
25. The following table provides budget detail of the applications:

Organisation	Project detail	Total project cost (ex GST)	State Government (ex GST)	CSRFF Grant (ex GST)	Department of Regional Development and Lands (CLGF) (ex GST)	Proposed Council contribution (ex GST)
Centennial Park Sporting Precinct	Redevelopment of the Western Precinct (including Railways Football Club)	\$10,730,150	\$3,452,338 (2013 State Liberal government)	\$3,984,040	\$1,293,771	\$2,000,000
Kalgan River Recreational Boating Study	Feasibility study for the location of recreational boating facilities at the Kalgan River	\$86,450	\$37,500 (Dept of Transport)	\$20,000		\$25,480.00 (in kind) \$3470 (cash)

LEGAL IMPLICATIONS

26. If the City does not support the Centennial Park Sporting Precinct now there may be potential implications on the other grant funding agreements (Royalties for Regions and Regional Development Australia).

ENVIRONMENTAL CONSIDERATIONS

27. There are no environmental considerations related to this report.

ALTERNATE OPTIONS

28. Council can change the priority order of the responsible officers recommended ranking for the projects.
29. Council can choose to not submit either one or all of the City of Albany applications at this time.

SUMMARY CONCLUSION

30. The Department of Sport and Recreation provides local government with an opportunity to assess received applications and to rank applications in priority order for the municipality.
31. The City's forward planning application for the implementation of the Centennial Park Sporting Precinct (Western Precinct including Railways Football Club) over the next three years meets the criteria provided by the Department of Sport and Recreation. This project's rating is considered well planned and needed by the municipality. Ranked one of two.
32. The City's small grant application for a feasibility study for the location of recreational boating facilities at the Kalgan River satisfactorily meets the criteria provided by the Department of Sport and Recreation. This project's rating is considered well planned and needed by the municipality. Ranked two of two.
33. The Department of Sport and Recreation requires a response from the City of Albany on the priority ranking order by 31 August 2013.

Consulted References	City of Albany Recreation Planning Strategy
File Number (Name of Wards)	GS.APC.58 (Fredericktown & Kalgan)
Previous Reference	Nil

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority: City of Albany
Name of Applicant: City of Albany

Note: The applicant's name cannot be changed once the application is lodged at DSR.

Section A

The CSRFF principles have been considered and the following assessment is provided:

(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B

LGA – priority ranking of this project	One (1)
Priority ranking of no of applications received	one of two applications received
Is this project consistent with the	<input checked="" type="checkbox"/> Local Plan <input checked="" type="checkbox"/> Regional Plan <input type="checkbox"/> State Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what approvals are still outstanding?	Forward Planning Grant – approvals are underway and will be in place once building commences

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|-------------------------------------|
| A | Well planned and needed by municipality | <input checked="" type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

LGA comments:

This project focuses on the development of the Western precinct including Railways Football Club and will assist with transforming underutilised and dilapidated grounds into the region's **premier sports and recreational precinct**.

It will encourage greater participation in outside activities. It is expected that the project will contribute to the required infrastructure needs of Albany and the wider Great Southern region, increasing social capital, liveability, health activity and social inclusion across the region.

Signed

Position

Date

Applications for CSRFF funding must be submitted to your Department of Sport and Recreation office by **4pm on the last working day in August**. Late applications cannot be accepted in any circumstances.

DSR Offices

PERTH OFFICE

246 Vincent Street
Leederville WA 6007
PO Box 329
Leederville WA 6903
Tel: (08) 9492 9700
Fax: (08) 9492 9711

PEEL

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94 Mandurah Terrace
PO Box 1445
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Fax: (08) 9550 3199

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2/3813 Balmoral Road
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Karratha WA 6714
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Fax: (08) 9182 2199

GREAT SOUTHERN

22 Collie Street
Albany WA 6330
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Fax: (08) 9892 0199

GASCOYNE

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Fax: (08) 9941 0999

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106 Hannan Street
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KIMBERLEY – Kununurra

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Telephone 0429 881 369
Facsimile (08) 9881 3363

MID-WEST

Mid West Sports House
Cnr Edward & Horwood Road
PO Box 135
Geraldton WA 6531
Tel: (08) 9956 2100
Fax: (08) 9956 2199

KIMBERLEY – Broome

Unit 2, 23 Coghlan Street

SOUTH WEST

80A Blair Street
PO Box 2662
Bunbury WA 6230
Tel: (08) 9792 6900
Fax: (08) 9792 6999

PO Box 1127
Kununurra WA 6743
Tel: (08) 9166 4900
Fax: (08) 9166 4999

PO Box 1476
Broome WA 6725
Telephone (08) 9195 5750
Facsimile (08) 9166 4999
Mobile 0438 916 185

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please attach copies of council minutes relevant to the project approval.

Name of Local Government Authority: City of Albany
Name of Applicant: City of Albany

Note: The applicant's name cannot be changed once the application is lodged at DSR.

Section A

The CSRFF principles have been considered and the following assessment is provided:

(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development applications only

	Satisfactory	Unsatisfactory	Not relevant
Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-Location	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Interest Group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B

LGA – priority ranking of this project	Two (2)
Priority ranking of no of applications received	two of two applications received
Is this project consistent with the	<input checked="" type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan <input type="checkbox"/> State Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what approvals are still outstanding?	The project is for a feasibility study, approvals not required

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|-------------------------------------|
| A | Well planned and needed by municipality | <input checked="" type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

LGA comments:

The City of Albany has reviewed the Kalgan River and in particular the Albany Water Ski Club site. Through these investigations, a number of significant concerns are raised, as follows:

- Land Tenure Constraints - The area of land is not wide enough to create a 20m road reserve to accommodate the road without spanning into the area the Club is currently using. Department of Regional Development and Lands has advised that it is not appropriate to have recreation facilities in a road reserve.
- In terms of the road itself, at points it is narrow and has trees very close to the road reserve. Passing lanes are inadequate in parts, particularly in view of the steep drop from the road edge to the river in certain sections.

Notwithstanding the land tenure constraints, there are much greater concerns with regards to the current use of the site including:

- The whole site does not appear to be well looked after. It is understood that the group struggles with vandalism, however the area does not appear well maintained even providing for this issue.
- The area is suffering from erosion and old tyres have been buried into the river bank to stabilise it. This may be a historic situation, however it is not an ideal solution.
- There are three long drop toilets located within 3-5 metres of the water and these must be removed. The toilets may also be constructed of hazardous materials. The Department of Health regulations require any long drop toilets to be situated at least 100m from the high watermark. The potential risk of contamination of the adjoining riverine environment is very high and it is not appropriate that this situation continues.
- There is insufficient space for the parking of vehicles, particularly considering that there would also be boat trailers attending the site. This would be a significant problem during events when there would be a number of people attending the site. There is evidence of encroachment into the vegetation by vehicles, which is causing damage. Further, it is imagined that during events, cars would park on East Bank Road, which would be a traffic hazard given the narrow width of the road in some parts.

In view of these concerns it is anticipated that the undertaking of a strategic plan will assist with identifying a more appropriate long term management solution for the future recreational activities including the Albany Waterski Club at the site

Signed

Position

Date

Applications for CSRFF funding must be submitted to your Department of Sport and Recreation office by **4pm on the last working day in August**. Late applications cannot be accepted in any circumstances.

DSR Offices

PERTH OFFICE

246 Vincent Street
Leederville WA 6007
PO Box 329
Leederville WA 6903
Tel: (08) 9492 9700
Fax: (08) 9492 9711

PEEL

Suite 3
The Endeavour Centre
94 Mandurah Terrace
PO Box 1445
Mandurah WA 6210
Tel: (08) 9550 3100
Fax: (08) 9550 3199

PILBARA

2/3813 Balmoral Road
PO Box 941
Karratha WA 6714
Tel: (08) 9182 2100
Fax: (08) 9182 2199

SOUTH WEST

80A Blair Street
PO Box 2662
Bunbury WA 6230
Tel: (08) 9792 6900
Fax: (08) 9792 6999

GREAT SOUTHERN

22 Collie Street
Albany WA 6330
Tel: (08) 9892 0100
Fax: (08) 9892 0199

GASCOYNE

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Fax: (08) 9941 0999

GOLDFIELDS

106 Hannan Street
PO Box 1036
Kalgoorlie WA 6430
Tel: (08) 9022 5800
Fax: (08) 9022 5899

KIMBERLEY – Kununurra

Government Offices
Cnr Konkerberry Drive and
Messmate Drive
PO Box 1127
Kununurra WA 6743
Tel: (08) 9166 4900
Fax: (08) 9166 4999

WHEATBELT - NORTHAM

298 Fitzgerald Street
PO Box 55
Northam WA 6401
Tel: (08) 9690 2400
Fax: (08) 9690 2499

WHEATBELT – NARROGIN

Government Offices
Level 2, 11-13 Park Street
Narrogin WA 6312
Telephone 0429 881 369
Facsimile (08) 9881 3363

MID-WEST

Mid West Sports House
Cnr Edward & Horwood Road
PO Box 135
Geraldton WA 6531
Tel: (08) 9956 2100
Fax: (08) 9956 2199

KIMBERLEY – Broome

Unit 2, 23 Coghlan Street
PO Box 1476
Broome WA 6725
Telephone (08) 9195 5750
Facsimile (08) 9166 4999
Mobile 0438 916 185

CSF001: RECEIVE THE MINUTES OF THE CORPORATE SERVICES AND FINANCE COMMITTEE AND APPOINT THE CHAIRPERSON AND DEPUTY

Proponent : City of Albany
Attachment : Attachment C –
• Corporate Services and Finance Committee Minutes
Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:	
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WS001: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) RECEIVE the minutes of the Corporate Services and Finance Committee meeting held on 13 August 2013.**

- (2) APPOINT:**
 - **Councillor Stocks as the Chairperson; and**
 - **Mayor Wellington as the Deputy Chairperson;****of the Corporate Services and Finance Committee.**

- (3) NOTE that those positions vacate at the first meeting of the Council following the bi annual ordinary local government elections.**

CSF002: RECEIVE THE MINUTES OF THE DISSOLVED AUDIT AND FINANCE & GOVERNANCE COMMITTEES

Proponent : City of Albany
Attachment : Attachment C - Detailed in the Corporate Services & Finance Committee Minutes

- Unconfirmed Minutes of the Audit & Finance Committee
- Unconfirmed Minutes of the Governance Committee

Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:

**CSF002: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the minutes of the dissolved:

- **Audit & Finance Committee Meeting held on 8 July 2013; and**
- **Governance Committee Meeting held on 8 July 2013.**

CSF002: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR DOWLING**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF002: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the minutes of the dissolved:

- **Audit & Finance Committee Meeting held on 8 July 2013; and**
- **Governance Committee Meeting held on 8 July 2013.**

CSF003: 2013/14 ORDINARY COUNCIL MEETING DATES AND COMMITTEE PLANNING MEETING CALENDAR

Proponent : City of Albany
Attachments : Attachment C -
 • 2013/14 City of Albany Ordinary Council & Committee Planning Meeting Calendar detailed in the Minutes of the Community Services & Finance Committee
Responsible Officer(s) : Chief Executive Officer (G Foster)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. **Strategic Initiative:** 5.3.2. Councillor Forums

In Brief:

- Receive new Committee Meeting Planner and set new ordinary council meeting dates.

RECOMMENDATION

CSF003: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council SET the 2013/14 Ordinary Council Meeting Dates, as follows and GIVE public notice:

Month	Year	Ordinary Meeting (6.00pm)
September	2013	24/09/2013
October	2013	29/10/2013
November	2013	26/11/2013
December	2013	17/12/2013
January	2014	No meeting
February	2014	25/02/2014
March	2014	25/03/2014
April	2014	22/04/2014
May	2014	27/05/2014
June	2014	24/06/2014
July	2014	22/07/2014

CSF003: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 10-0

CSF003: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council SET the 2013/14 Ordinary Council Meeting Dates, as follows and GIVE public notice:

Month	Year	Ordinary Meeting (6.00pm)
September	2013	24/09/2013
October	2013	29/10/2013
November	2013	26/11/2013
December	2013	17/12/2013
January	2014	No meeting
February	2014	25/02/2014
March	2014	25/03/2014
April	2014	22/04/2014
May	2014	27/05/2014
June	2014	24/06/2014
July	2014	22/07/2014

BACKGROUND

2. Local Public Notice is to be given at least once each year of Council and Committee meetings that the public may attend, to be held in the next 12 months.
3. On 25 June 2013, Council adopted a new Community Strategic Plan (Albany 2023) and Corporate Business Plan.
4. To facilitate this process, Council established new Council Committee Structure (Standing Committees) to act as a conduit for proposed and reviewed strategy and policy positions.
5. Accordingly, it is considered appropriate to change when the monthly ordinary council meeting and committee are forecast for planning purposes.

DISCUSSION

6. Changes to the Ordinary Council Meetings are predicated on the basis that all Committee meetings should be held outside of normal working hours so as to not inconvenience anyone and preclude them from possible running for Council and, secondly, to give elected members and staff enough time to prepare and read agenda and reports.
7. One of the big issues confronted by staff is the current compressed time between meeting schedules which can result in inadequate time to undertake required research.
8. The current situation exists, whereby the day after the normal Council Meeting is the cut off day for presentation of items for next month.

9. It is proposed that the scheduled normal meeting for the Ordinary Council Meeting be shifted to the last Tuesday of the month.
10. This would allow three committee meetings to be scheduled in the first week and two in the next with agenda preview on the third Tuesday along with Strategic Workshop.
11. It is acknowledged and accepted that the meeting schedule for a Committee should be determined by that committee but common sense and consideration would dictate that as little inconvenience as possible should be caused to those charged with preparation of reports and for those members expected to consider them prior to making a decision.
12. The proposed meeting schedule alleviates the situation where meetings are scheduled to run consecutively, given the lack of surety as to finishing times of the former dictating the commencement time of the latter.
13. It is also recommended that the proposed meeting schedule can be accommodated with all Committee meetings commencing at 5:30 pm.
14. It is considered appropriate to implement and modify the meeting schedule prior to the October 2013 ordinary local government elections.
15. The proposed meeting schedule being:

First week of the month

- Tuesday: Economic Development Committee
 Wednesday: Planning and Development Committee
 Thursday: Community Services Committee

Second week of the month

- Tuesday: Corporate Services Committee
 Wednesday: Works and Services Committee

Third week of the month

- Tuesday: Agenda Preview and Strategic Workshop.

Fourth week of month

- Tuesday: Ordinary meeting of Council

16. To be schedule on an as required basis with a minimum of three meetings per calendar year:
 - Audit & Risk Management Committee
 - Local Emergency Management Committee
 - Airport Emergency Committee
 - Bushfire Advisory Committee

GOVERNMENT & PUBLIC CONSULTATION

17. Council. Elected members were formally advised of proposal.
18. State & Federal Government. The proposal has been designed to not conflict with local government elections that are historically held on the third weekend of October and state and national public holidays.

STATUTORY IMPLICATIONS

19. In accordance with the *Local Government Act 1995*, s 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:
(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
(a) the ordinary council meetings; and
(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

21. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Lack of community consultation	Unlikely	Moderate	Medium	Community consultation is facilitated through community workshop. Implement the proposed City of Albany Ordinary Council and Committee Planner

FINANCIAL IMPLICATIONS

22. An appropriate budget line exists for the cost of giving public notice and advertising.

LEGAL IMPLICATIONS

23. Local public notice must be given to ensure legislative compliance, detailing changes to the forecast ordinary meeting schedule.

ENVIRONMENTAL CONSIDERATIONS

24. There are no direct environmental considerations related to this item; however an efficient meeting schedule will reduce wasted resources (time, travel, and office consumables).

ALTERNATE OPTIONS

25. The Council may consider alternate day and dates and order.

SUMMARY CONCLUSION

26. That the proposed meeting calendar be endorsed and adopted.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	(All Wards) <ul style="list-style-type: none">• Audit and Risk Committee - FM.MEE.3• Community Services Committee – CS.MEE.9• Corporate Services & Finance Committee – CS.MEE.9• Economic Development Committee – ED.MEE.10• Works & Services Committee – RD.MEE.6• Planning & Development Committee – LP.MEE.1
Previous Reference	:	OCM 19/02/2013 Report Item 1.3

CSF004: DELEGATED AUTHORITY REPORTS

Responsible Officer : Chief Executive Officer (G Foster)
Attachments : Follows Report –
• Common Seal and Executed Document Report

Responsible Officers Signature:	
--	--

In Brief:

- Receive the Delegated Authority Reports for July 2013.

CSF004: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF004: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports for July 2013:

- Common Seal and Executive Document Report.

COMMON SEAL AND EXECUTED DOCUMENT REPORT JULY 2013

NCSR1331596 RD.ACQ.1

COPY OF COMMON SEAL

ITEM: 4.3 OCM: 19.02.13

RE: REGISTRATION OF FREEHOLD TITLE LOT 9000 DEPOSITED PLAN 58841

PARTIES: CITY OF ALBANY

SIGNED BY MAYOR AND CEO G FOSTER 1 COPY

NCSR1331661 147408

COPY OF COMMON SEAL

ITEM: 4.6 OCM: 17.07.12

RE: NOTIFICATION UNDER SECTION 70A - LOT 34 RUTHERFORD STREET PARTIES: CITY OF

ALBANY SIGNED BY MAYOR AND CEO G FOSTER 1 COPY

NCSR1331773 TT.AUT.2

COPY OF COMMON SEAL

ITEM: 1.1 OCM: 18.09.12

RE: REGULATION 297 (2) INSTRUMENT OF AUTHORISATION PARTIES: CITY OF ALBANY AND
COMMISSIONER OF MAIN ROADS

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331774 PRO184

COPY OF COMMON SEAL

ITEM: 4.5 OCM: 16.04.13

RE: DEED OF EXTENSION OF LEASE - PORTION OF ALBANY REGIONAL AIRPORT TERMINAL 35615
ALBANY HIGHWAY, DROME PARTIES: CITY OF ALBANY AND MICHAEL FLETCHER CRAWSHAW AND
ELIZABETH ANNE JEFFERS AND DONALD ROY PERFREMENT AND CATHY PERFREMENT TRADING
AS AVIS ALBANY

SIGNED BY MAYOR AND CEO G FOSTER 3 COPIES

NCSR1331775 PRO184

COPY OF COMMON SEAL

ITEM: 4.5 OCM: 16.04.13

RE: VARIATION AND ASSIGNMENT OF LEASE - CAR HIRE LEASE - AVIS ALBANY - ALBANY
REGIONAL AIRPORT TERMINAL 35615 ALBANY HIGHWAY, DROME PARTIES: CITY OF ALBANY AND
MICHAEL FLETCHER CRAWSHAW AND ELIZABETH ANNE JEFFERS AND DONALD ROY
PERFREMENT AND CATHY PERFREMENT TRADING AS AVIS ALBANY

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331836 PR.TEN.6

COPY OF COMMON SEAL

ITEM: 1.1 OCM: 18.09.12

RE: CONTRACTS FOR C13005 PARTIES: CITY OF ALBANY AND AJ & MM GRAVESTOCK TRADING
AS JOCK'S COMMERCIAL MOWING

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331852 PE.COT.5

COPY OF COMMON SEAL

ITEM: 1.1 OCM: 18.09.12

RE: CONTRACTS FOR C13008 CONSULTANT SERVICES - STAGE 2 ALBANY AIRPORT TERMINAL
SECURITY UPGRADES PARTIES: CITY OF ALBANY AND H & H ARCHITECTS

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331853 PRO071

COPY OF COMMON SEAL

ITEM: 4.4 OCM: 20.11.12

RE: COMMUNITY LEASE FOR DEPRESSION SUPPORT NETWORK ALBANY INC OVER PORTION OF RESERVE 26890, 39 MOKARE ROAD, SPENCER PARK ALBANY PARTIES: CITY OF ALBANY AND DEPRESSION SUPPORT NETWORK ALBANY INC. SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331869 PR.TEN.7

COPY OF COMMON SEAL

ITEM: 1.1 OCM: 18.09.12

RE: CONTRACTS FOR C13007 ANZAC PEACE PARK PATHWAY PARTIES: CITY OF ALBANY AND TECTONICS CONSTRUCTION GROUP PTY LTD SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331883 GS.PRG.51

COPY OF COMMON SEAL

ITEM: 4.6 OCM: 15.3.11

RE: FUNDING AGREEMENT FOR LGEEP - UPGRADE OF HOT WATER SYSTEMS FOR THE CITY OF ALBANY PARTIES: CITY OF ALBANY AND DEPARTMENT OF RESOURCES, ENERGY AND TOURISM SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331972 PRO364

COPY OF COMMON SEAL

ITEM: 4.5 OCM: 16.04.13

RE: DEED OF EXTENSION OF LEASE - PORTION RESERVE 5225 TORNDIRUP NATIONAL PARK - GOODE BEACH FIRE STATION - LEASE PERIOD OF 5 YEARS EXPIRING 30 NOVEMBER 2017 PARTIES: CITY OF ALBANY AND THE CONSERVATION AND LAND MANAGEMENT EXECUTIVE BODY (LESSOR) SIGNED BY MAYOR AND CEO G FOSTER 3 COPIES

NCSR1331976 C12024

COPY OF COMMON SEAL

ITEM: 5.1 OCM: 16.07.13 RE: CONTRACT C12024 (A) AND CONTRACT C12024 (B) AND SUPPLY OF GRAVEL - CRUSHING PARTIES: CITY OF ALBANY AND (A) AD CONTRACTORS (FIVE PITS) AND (B) PALMER EARTHMOVING AUSTRALIA PTY LTD (SIX PITS) SIGNED BY MAYOR AND CEO G FOSTER 3 COPIES

EDR1331593 GS.APC.59

EXECUTED DOCUMENT

ITEM: 4.6 OCM: 15.3.11

RE: HERITAGE ADVISORY SERVICES SUBSIDY AGREEMENT PARTIES: CITY OF ALBANY AND HERITAGE COUNCIL OF WA SIGNED BY CEO G FOSTER 2 COPIES

EDR1331594 GS.APC.57

EXECUTED DOCUMENT

ITEM: 4.6 OCM: 15.3.11

RE: ACCEPTANCE FORM FOR PORT COMMUNITY SPONSORSHIP FUN AND ALBANY PORT AUTHORITY LIABILITY DISCLAIMER 2013 CHRISTMAS FESTIVAL AND PAGEANT PARTIES: CITY OF ALBANY AND ALBANY PORT AUTHORITY SIGNED BY CEO G FOSTER 1 COPY

EDR1331611 PR.TEN.7

EXECUTED DOCUMENT

ITEM: 4.6 OCM: 15.3.11

RE: AUTHORISATION FORM TO AWARD C13007 ANZAC PEACE PARK PATHWAY CONSTRUCTION PARTIES: CITY OF ALBANY AND TECTONICS CONSTRUCTION GROUP PTY LTD SIGNED BY CEO G FOSTER 1 COPY

EDR1331631 GS.APC.58

EXECUTED DOCUMENT

ITEM: 4.6 OCM: 15.3.11 RE: GRANT AGREEMENT FOR CSRFF (CENTENNIAL PARK PHASE 1 - DEVELOPMENT OF PLAYING FIELD)
PARTIES: CITY OF ALBANY AND DEPARTMENT OF SPORT AND RECREATION SIGNED BY CEO G FOSTER 2 COPIES

EDR1331684 PR.TEN.6

EXECUTED DOCUMENT

ITEM: 1.1 OCM: 18.09.12
RE: CONTRACT C13005 - PROVISION OF MOWING SERVICES
PARTIES: CITY OF ALBANY AND JOCKS COMMERCIAL MOWING
SIGNED BY CEO G FOSTER 1 COPY

EDR1331756 WM.PLA.2

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A
RE: CONTRACT C12025 - PART INVOICE FOR GREAT SOUTHERN SANDS PARTIES: CITY OF ALBANY AND GREAT SOUTHERN SANDS
SIGNED BY CEO G FOSTER 1 COPY

EDR1331762 GS.APC.32

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A
RE: ACQUITTAL FOR SPONSORSHIP BY ALBANY PORT AUTHORITY
PARTIES: CITY OF ALBANY AND ALBANY PORT AUTHORITY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331763 GS.PRG.23

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A
RE: FUNDING APPLICATION FOR COMMODITY ROUTES SUPPLEMENTARY FUND PARTIES: CITY OF ALBANY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331837 IM.RMT.3

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A
RE: INACTIVE RECORDS DESTRUCTION AUTHORISATION SCHEDULED FOR 18 JULY 2013
PARTIES: CITY OF ALBANY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331855 GO.ELE.3

EXECUTED DOCUMENT

ITEM: N/A OCM: N/A
RE: REQUEST THE WA ELECTORAL COMMISSION PREPARE A RESIDENTIAL ROLL FOR THE ORDINARY COUNCIL ELECTION TO BE HELD ON 19 OCTOBER 2013 PARTIES: CITY OF ALBANY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331922 GS.PRG.22

EXECUTED DOCUMENT

ITEM: 1.1 OCM: 18.09.12 RE: REGIONAL ROAD GROUP, COMMODITY FUNDING, STATE AND NATIONAL BLACK SPOT FUNDING
PARTIES: CITY OF ALBANY AND MAIN ROADS WA
SIGNED BY CEO G FOSTER 1 COPY

EDR1331971 **GS.APC.62**
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: CONDITIONS OF GRANT SCHEDULE FOR LOTTERYWEST COMMUNITY EVENTS PARTIES: CITY OF ALBANY AND LOTTERYWEST
SIGNED BY CEO G FOSTER 1 COPY

EDR1331977 **GS.APC.73**
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: FUNDING AGREEMENT FOR STATEWIDE TOBACCO CONTROL GRANTS SCHEME ENVIRONMENTAL HEALTH STALL AT "2013 ALBANY AGRICULTURAL SOCIETY SHOW" A NEW "SMOKE FREE EVENT"
PARTIES: CITY OF ALBANY AND PUBLIC HEALTH ADVOCACY INSTITUTE OF WA THROUGH CURTIN
SIGNED BY CEO G FOSTER 1 COPY

EDR1331978 **GS.APC.72**
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: CONDITIONS OF GRANT SCHEDULE FOR LOTTERYWEST INTERPRETING CULTURAL HERITAGE GRANTS 2013 DISCOVER ALBANY HERITAGE WITH SMART PHONE TECHNOLOGY
PARTIES: CITY OF ALBANY AND LOTTERYWEST
SIGNED BY CEO G FOSTER 1 COPY

EDR1331981 **GS.APC.71**
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: CONDITIONS OF GRANT SCHEDULE FOR LOTTERYWEST INTERPRETING CULTURAL HERITAGE 2013 - PRINCESS ROYAL FORTRESS MILITARY MUSEUM INTERPRETIVE SIGNAGE - PHASE 3 PARTIES: CITY OF ALBANY AND LOTTERYWEST SIGNED BY CEO G FOSTER 1 COPY

CSF005: LIST OF ACCOUNTS FOR PAYMENT – JULY 2013

File Number (Name of Ward) : FM.FIR.2 - All Wards
Attachment : Attachment C –
• List of Accounts for Payment, detailed in the Minutes of the Corporate Services & Finance Committee

Responsible Officer : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:	
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RECOMMENDATION

CSF005: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 31 July 2013 totalling \$3,980,353.43.

CSF005: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR BOWLES

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF005: 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 31 July 2013 totalling \$3,980,353.43.

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 for the period ending 31 July 2013. 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	\$52,255.80
Cheques	Totalling	\$60,652.86
Electronic Fund Transfer	Totalling	\$2,934,461.61
Credit Cards	Totalling	\$16,304.63
Payroll	Totalling	\$1,021,190.13
	TOTAL	<u>\$3,980,353.43</u>

3. As at 31 July 2013, the total outstanding creditors, stands at **\$1,807,032.05** and made up follows:

Current	\$1,740,109.94
30 Days	\$66,721.43
60 Days	\$271.96
90 Days	-\$71.28
TOTAL	\$1,807,032.05

4. **Cancelled cheques:** - cheque 28962 - lost - paid via eft, cheque 29127 – incorrect creditor used – replaced with 29132, cheque 29126 & 29124 – paid via eft, cheque 29081 - incorrect name replaced with 29149, cheque 29058 - incorrect address replaced with 29139, cheque 29137 - incorrect name replaced with 29141, cheque 29135 – incorrect name – replaced with 29142 & cheque 29161 – paid via eft.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 31 July 2013 has been incurred in accordance with the 2012/2013 budget parameters.

POLICY IMPLICATIONS

9. The City's 2013/2014 Annual Budget provides a set of parameters that guides the City's financial practices.

SUMMARY CONCLUSION

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

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF006: FINANCIAL ACTIVITY STATEMENT – 30 June 2013

Attachment : Attachment C –
• Financial Activity Statement, detailed in the minutes of the Corporate Services & Finance Committee

Responsible Officer : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:

CSF006: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 June 2013.

CSF006: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF006: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 June 2013.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 June 2013 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.

5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Expenditure for the period ending 30 June 2013 has been incurred in accordance with the 2012/13 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

POLICY IMPLICATIONS

- 7. The City's 2012/13 Annual Budget provides a set of parameters that guides the City's financial practices.
- 8. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CSF007: DISPOSAL OF RESERVE 33476 TO ADJOINING LANDOWNER

Land Description : Lot 7333 Reserve 33476 Princess Avenue and Lot 24 No 11 Princess Avenue, Torndirrup
Proponent : Moss Conveyancing on behalf of P A La Bianca; T M Lamont; M L Kingston; and J La Bianca
Owner : P A La Bianca; T M Lamont; M L Kingston; and J La Bianca
Responsible Officer(s) : Executive Director Corporate Services (G Adams)

Responsible Officer’s Signature:

STRATEGIC IMPLICATIONS

This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#):

- a. **Key Theme:** 3. A Connected Built Environment.
- b. **Strategic Objective** To develop vibrant neighbourhoods which retain our local character and heritage.
- c. **How We’ll Make it Happen**
 - 1. By providing access to locally-based sporting, recreational, cultural and entertainment facilities and opportunities.
 - 2. By ensuring that community safety is built into all planning and development initiatives.

In Brief:

- Council is request to consider the disposal of Reserve 33476, which is a Public Recreation reserve vested in the City of Albany, to the adjoining owner at Lot 24 No 11 Princess Avenue. This Crown land reserve has been used inadvertently by the adjoining owner for a number of years and it is considered the best option to dispose of the land to this owner, as its size and situation make it unsuitable for the development of a public park.

Maps and Diagrams



RECOMMENDATION

CSF007 : COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. **AGREES** to revoke the management order for Reserve 33476 held by the City of Albany pursuant to section 50 of the Land Administration Act 1997;
2. **REQUESTS** that, pursuant to sections 51 and 74 of the *Land Administration Act 1997*, the Minister for Lands cancel Reserve 33476 and dispose of the land to the City of Albany, under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves;
3. **AGREES** to pay the land costs associated with the section 20A disposal of this Reserve 33476;
4. **RESOLVES** to dispose of the land to the adjoining landowner at Lot 24 No 11 Princess Avenue on the condition that the land is amalgamated with their current title;
5. **DELEGATES** authority to the Executive Director Corporate Services, subject to no objections being received during the required public consultation period, to forward this request to the Minister for Lands and to finalise all dealings on this matter in conjunction with the Department for Lands and the owners of Lot 24 No 11 Princess Avenue.

CSF007 : COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR ATTWELL
SECONDED: COUNCILLOR DUFTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF007 : RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

6. AGREES to revoke the management order for Reserve 33476 held by the City of Albany pursuant to section 50 of the Land Administration Act 1997;
7. REQUESTS that, pursuant to sections 51 and 74 of the *Land Administration Act 1997*, the Minister for Lands cancel Reserve 33476 and dispose of the land to the City of Albany, under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves;
8. AGREES to pay the land costs associated with the section 20A disposal of this Reserve 33476;
9. RESOLVES to dispose of the land to the adjoining landowner at Lot 24 No 11 Princess Avenue on the condition that the land is amalgamated with their current title;
10. DELEGATES authority to the Executive Director Corporate Services, subject to no objections being received during the required public consultation period, to forward this request to the Minister for Lands and to finalise all dealings on this matter in conjunction with the Department for Lands and the owners of Lot 24 No 11 Princess Avenue.

BACKGROUND

1. The City received a counter query from the owner of Lot 24 No 11 Princess Avenue, Torndirrup, as this owner had discovered that part of the land contained within the fence line of their property was not in their ownership. The owner has been actively using this land area as part of their residential garden and advised that they were not aware that it was a Crown reserve.
2. The subject land is Reserve 33476, which is a 'C' Class reserve vested in the City of Albany for the purposes of "Public Recreation". This reserve was given up in 1975 as the 10% public open space contribution when the land at the corner of Princess Avenue and Frenchman Bay Road was subdivided to create 9 residential lots. This reserve has a land area of 1092m².
3. The owner of Lot 24 No 11 Princess Avenue has subsequently amalgamated four of these lots to create their current landholding with an area of 4257m².

DISCUSSION

Subject Land

4. While the subject owner was not aware that this land was a Crown Reserve, the City has also not been actively maintaining this land. There is no fence line between Reserve 33476 and Lot 24 No 11 Princess Avenue.
5. While the private use of Crown land should not be encouraged, it is recognised that in actively using this land, the owners of Lot 24 No 11 Princess Avenue have maintained this reserve and minimised any fire risk.

Private Use of City Managed Reserves

6. The City has previously investigated a number of instances where Crown land reserves under the City's control are being used for private purposes. This has led to the development of a draft management plan which suggests a rating scale for the significance of the various encroachments and the appropriate responses to these situations.
7. At present, this draft document has not been presented to Council, as the means for implementing the various recommended actions are being determined. Both the draft management plan and the implementation plan will be presented to Council for consideration. However, the draft management plan does allow for situations where Crown land may be surplus to the City's requirements and disposal to adjoining owners could be considered.

Section 20A Public Recreation Reserves Policy

8. As Reserve 33476 is a Crown Reserve, its potential disposal comes under the jurisdiction of the Department of Lands and their Government Land Policy "Section 20A Public Recreation Reserves Policy" would apply.

Note: The reference to a section 20A reserve refers to the section of the previous Town Planning and Development Act 1928, which stated that on a plan of subdivision, any land shown on a diagram or plan as being reserved for the purpose of recreation shall be vested in the Crown without the payment of any fee or the need to transfer that land. These recreation reserves are known as "20A reserves" because that is the basis on how they were transferred to the Crown.

9. The Department has advised that it would be willing to consider the disposal of Reserve 33476 to the City, under the Section 20A Public Recreation Reserves Policy. The land would then be held in freehold title by the City and the City could then sell the land to the subject owner.
10. In this circumstance, the City would gain the profits from the land sale, which could then be used to either purchase replacement public open space in a more appropriate location or for capital improvements to other recreation reserves in the general locality.

11. The Section 20A Public Recreation Reserves Policy requires that a Local Government justify the disposal of the public recreation land, providing the reasons for wanting to dispose of the land.
12. The Section 20A Public Recreation Reserves Policy also carries requirements regarding public consultation and financial arrangements which will be addressed in later sections of this report.

Liveable Neighbourhoods

13. The Western Australian Planning Commission's Liveable Neighbourhoods is the policy against which the development of urban areas is assessed. Element 4 of this policy deals with Public Parkland. This document notes that in the past, some public open space has been inconveniently located, inappropriately sized or poorly designed from a safety point of view.
14. While Reserve 33476 was created prior to the implementation of the Liveable Neighbourhoods policy, the Section 20A disposal guidelines requires that a local government justify the disposal of public open space. Accordingly, this Reserve 33476 has been assessed against Liveable Neighbourhoods.
15. While this policy provides for local parks with land areas up to 3000m², this Reserve 33476 would not meet the other objectives with regard to parkland frontage and surveillance. The policy states that the layout and design of a subdivision surrounding public open space should minimise potential problems relating to personal and property security, vandalism and visual amenity. Reserve 33476 has frontage to Princess Avenue, though it is bound to the west by land zoned for Rural purposes. None of the adjoining residents have frontage to or have active surveillance of the subject reserve.
16. The Liveable Neighbourhoods Policy also states that local parks should be provided for local children's play, as resting places, to allow pedestrian connectivity, to create a sense of place and can be responsive to specific site requirements. The subject Reserve 33476 does not currently meet any of these objectives and while it could be developed as a small children's play area, it would only serve a small number of nearby residents.
17. While the surrounding residential land is currently zoned 'Residential Development' under the Town Planning Scheme No 3, it is proposed to be zoned 'Residential R1' under the draft Local Planning Scheme No 1. Under this density coding, minimum lot sizes of 1 hectare are required. It could be argued that at this density of development, the value of a small local park is diminished, particularly in view of needs that have been identified in the nearby Little Grove area.
18. The City's assessment of parkland in urban areas has identified that Little Grove currently has an under-supply of public open space and finance is needed to both purchase additional land and to further develop the existing parks. The profits that may arise from the disposal of Reserve 33476 could be directed to improve open space provision and development in the adjoining residential area of Little Grove.

Future Land Use

19. Based on the size and situation of Reserve 33476, the nature of surrounding development and that it does not meet many of the objectives of public open space, as defined by State Policy, it is considered that the best option would be to dispose of this land to the adjoining landowner.
20. While it is recommended that this land be disposed to the adjoining owner, it is suggested that it be on the condition that the land is amalgamated with their land at Lot 24 No 11 Princess Avenue, at the owner's expense. The City would not like to create an undesirable precedent where the public land is sold to this owner for their own financial gain. It is preferred that this disposal process occurs only to rectify the situation where public land is being used for private purposes.
21. While the subject landowner has indicated that they are willing to purchase Reserve 33476, should the City not be able to secure a Contract of Sale, this land could be sold as an independent property.
22. It is noted that, should the land not be disposed, while the subject owner would be required to remove all fixtures and fittings that may be installed on the land, there would be no onus on the owner to develop this land as a public park. This would be at the expense of the City.

GOVERNMENT & PUBLIC CONSULTATION

23. Preliminary discussions with the Department for Lands on the proposed disposal of Reserve 33476 have occurred and this Department has verbally agreed that this reserve does not serve a significant community benefit as public open space.
24. The Department for Lands has indicated that they would support any request to the Minister for Lands to dispose this Reserve, though it has stated a preference to dispose of the land to the City, allowing the City to then manage the disposal of the land to the subject owner and then providing the financial benefit directly to the City.
25. Initial discussions have occurred with the subject landowner to determine their willingness to purchase the subject Reserve 33476. This owner has been advised of the valuation prepared for the subject land and indicated a willingness to proceed with its purchase. This 20A disposal process was not initiated until it was clear the subject owner was willing to consider the purchase of the subject land.
26. The provisions of the Section 20A Public Recreation Reserves Policy Statement require that public consultation be undertaken, including the signposting of the reserve, advertising in local newspapers and canvassing of nearby landowners.
27. Should Council support the recommendation of this report, the public consultation processes will be initiated. If objections to the proposal are received, a further item will be presented to Council for consideration.

STATUTORY IMPLICATIONS

28. Section 18 of the *Land Administration Act 1997* states that a person shall not deal with interest in Crown Land or lease or licence Crown land without the prior approval of the Minister of Lands.
29. Section 50 of the *Land Administration Act 1997* allows the Minister for Lands to revoke a management order for a Crown Reserve where the management body agrees that it should be revoked. The City of Albany is the management body for the subject reserve.
30. Section 51 of the *Land Administration Act 1997* allows the Minister for Lands to cancel a reserve.
31. Section 74 of the *Land Administration Act 1997* allows the Minister for Lands to sell Crown land.
32. Section 20A of the previous *Town Planning and Development Act 1928* stated that on a plan of subdivision, any land shown on a diagram or plan as being reserved for the purpose of recreation (or any other public use) shall be vested in the Crown without the payment of any fee or the need to transfer that land.
33. In enacting the above provisions of the *Land Administration Act 1997*, the Department for Regional Development and Lands will have regard to the Government Land Policy Manual, which includes Policy 04.01.05 Section 20A Public Recreation Reserves. The Policy sets the considerations, process and financial arrangements for the disposal of 20A reserves and has been detailed in relevant sections throughout this item.
34. Under the current Town Planning Scheme No 3 and future Local Planning Scheme No 1, the subject reserve is designated as a Reserve for Parks and Recreation. If this land is to be disposed for private use, it would be best for this land to be similarly zoned for Residential purposes. It is understood that once the new Scheme is gazetted, an omnibus scheme amendment will be initiated to correct various anomalies. It is suggested that if this proposal is supported by Council, this property could be rezoned as part of that action.

POLICY IMPLICATIONS

35. There are no City of Albany policy implications relative to this item. Those State Government policy implications relevant to this item are detailed in the Discussion section of the report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>If this proposal is not supported, the City would be required to cease the private use of public land and would then be responsible for the maintenance and development of this land.</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council supports the recommendation to seek the disposal of Reserve 33476 to the City and the subsequent sale of the land to the adjoining landowner.</i>

FINANCIAL IMPLICATIONS

37. The Section 20A Public Recreation Reserves Policy states that the disposal of a 20A reserve to local government shall be on the basis of payment to the Department of Regional Development and Lands of \$500 or 5% of the unimproved market value, as advised by the Valuer General, whichever is the greater.
38. While the unimproved market value cannot be determined until such time as the formal request is sent to the Department for Lands and they initiate a valuation through the Valuer General, an initial valuation has been sought by the City.
39. The valuation assumes that the land will be amalgamated with Lot 24 No 11 Princess Avenue and on this basis, it has been given a value of \$68,000.
40. The action of obtaining the freehold title of Reserve 33476 may cost the City in the order of \$7,000 plus administrative and legal costs and any associated fees (estimated total \$10,000). However, it would then be sold to the adjoining landowner for an estimated amount of \$68,000, resulting in a profit to the City of \$58,000.
41. The Section 20A Public Recreation Reserves Policy states that any net financial gain arising from the sale of public open space must be held in Trust by a local government. The City currently maintains a Trust for public open space contributions. Any profit from this land sale would be placed in this Trust for future expenditure on public open space land or facilities and the City must provide Audit Certificates to the Department on how the proceeds have been applied.

LEGAL IMPLICATIONS

42. Should Council not support the disposal of Reserve 33476, the City has an obligation to take action on the illegal private use of public land. The *Local Government (Uniform Local Provisions) Regulations 1996* and the *City of Albany Local Government Property Local Law 2001* provides sufficient basis for the Council to ask that the landowner cease using the land and remove all improvements on the land.

ENVIRONMENTAL CONSIDERATIONS

43. Detailed in the discussion section of the report.

ALTERNATE OPTIONS

44. Council may:
- a. Pursue the disposal of Reserve 33476 so that it then owns the land in freehold title and it can then be disposed to the adjoining landowner, allowing the financial gain to be used for future public open space improvements in the surrounding locality; or
 - b. Retain Reserve 33476 as a public park and seek that the adjoining landowner ceases using this land for private purposes.

SUMMARY CONCLUSION

45. Reserve 33476 is currently being used as part of the adjoining private property at Lot 24 No 11 Princess Avenue. The land is not currently on a size, situation or amenity to provide a significant benefit to the community as public open space.
46. The City has discussed this matter with the Department for Lands and it generally supports the disposal of this reserve so that the City owns it in freehold title and it may then be managed as it wishes. This action may cost the City approximately \$10,000 in land purchase and processing costs, however the subsequent sale of the land would result in an approximate financial gain of \$58,000 which could then be used for future public open space improvements or land purchase in the general locality.
47. If the land is not disposed, the City must take action to stop the private use of this public land and the City would then be responsible for its maintenance and future development of Reserve 33476.
48. Given the poor situation of this land relative to the broader residential community, it is recommended that Council pursue the disposal of Reserve 33476, allowing its subsequent disposal to the adjoining landowner for amalgamation with their title at Lot 24 No 11 Princess Avenue.

Consulted References	:	Land Administration Act 1997 Government Land Policy Manual Planning and Development Act 2005
File Number (Name of Ward)	:	A40193
Previous Reference	:	No previous references

CSF008: NEW LEASE – MILAN ZAKLAN – AIRPORT HANGAR SITE 15 – ALBANY REGIONAL AIRPORT

Land Description	: Portion of Lot 213 on Diagram 94445 and the whole of the land contained in Certificate of Title Volume 2158 Folio 588 at 35615 Albany Highway, Drome
Proponent	: Milan Zaklan
Owner	: City of Albany
Attachments	: Nil
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)

Responsible Officer’s Signature:	
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STRATEGIC IMPLICATIONS

- This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:

Key Theme: Civic Leadership.

Strategic Objective: 5.1 to establish and maintain sound business and governance structures.

Strategic Initiative: 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Council is requested to consider Mr Milan Zaklan request for a new lease over the area he currently occupies being hangar site 15, Albany Regional Airport at 35615 Albany Highway, Drome.
- Lease term being 3 years with an option for a further 7 year term for the purpose of airport hangar for airport hangarage only.
- Lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

Maps and Diagrams



RECOMMENDATION

CSF008: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

That Council APPROVE the request from Mr Milan Zaklan for a new lease for hangar site 15 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:

1. Lease term being 3 years commencing 1 May 2013, with an option for a further 7 year term.
2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.
4. Lease area being approximately 225 square metres.
5. Lease purpose being Aircraft hangar for aircraft hangarage only.
6. Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.
8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.
9. Lease being consistent with Council Policy – Property Management – Leases and Licences.

CSF008: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLDEN

That the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF008: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE the request from Mr Milan Zaklan for a new lease for hangar site 15 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:

1. Lease term being 3 years commencing 1 May 2013, with an option for a further 7 year term.
2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.
4. Lease area being approximately 225 square metres.
5. Lease purpose being Aircraft hangar for aircraft hangarage only.
6. Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.
8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.
9. Lease being consistent with Council Policy – Property Management – Leases and Licences.

BACKGROUND

2. In April 1993 the former Shire of Albany granted a new lease for hangar site 15, an area of approximately 225 square metres at the Albany Regional Airport to Mr Milan Zaklan for the purpose of airport hangar for airport hangarage only.
3. Hangar site 15 is located on portion of Lot 213 which is City of Albany owned freehold and adjacent to the Airport Terminal.
4. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases, legal advice was sought and determined the term to be 20 years with no option for a further term.
5. At Ordinary Council Meeting 19 August 2008, Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
6. On the 18 February 2013 the City wrote to the Mr Zaklan informing him the current lease was due to expire on the 30 April 2013, and requested Mr Zaklan to advise the City of his intentions with regard to applying for a new lease over hangar site 15.
7. On the 21 March 2013 the City received a request from Mr Milan Zaklan for a new lease over hangar site 15, the area he has occupied since April 1993, for a term of 3 years with an option for a further 7 year term commencing 1 May 2013.
8. The Lessee continues to occupy the leased area on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the obligations of the lease, except in respect to the term of the lease.
9. Lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

DISCUSSION

10. In October 2010 the City's lawyers developed a standard lease for Airport hangar sites. Since this time, the City has provided a copy of the proposed draft deed of lease to Lessees for their review.
11. The City received feedback from the Lessees and after extensive discussions the lease was amended to address a number of concerns. However, the Lessees advise they still had outstanding concerns regarding some lease provisions and requested that the City consider these matters.
12. In March 2013 City staff including Executive Director Corporate Services and Manager responsible for the Airport, met with hangar Lessee representatives to discuss their concerns regarding the proposed standard hangar site lease and the 2012 Airport Master Plan.
13. The City taking into consideration the Lessees concerns and as a gesture of goodwill addressed each matter as follows:
 - a. Clause 5.1 (c) Common Areas: The Lessees disagreed with the provision that Lessees pay their proportion of costs towards the maintenance of hangar common areas, should this be required.

Outcome: The City would consider the requirement for the common area clause with a view to removing this clause and all consequential references from the lease.
 - b. Clause 17 Relocation: The Lessees disagreed with Lessee costs associated with relocating hangars or vacating hangar sites should the City require the site.

Outcome: The City would investigate and seek legal advice to amend the clause to reflect:
 - i. Should the City require relocation for legislative requirements such as an Airport security upgrade then the Lessee would be liable for costs of relocation.
 - ii. Should the City require relocation or vacant possession for reasons other than for legislative requirements the City will be liable for such costs.
 - c. Schedule Item 4 Rent: The Lessees challenged the market ground rental valuation provided by a licensed Valuer determining the rent of \$9.50 per square metre plus GST.

Outcome: The City offered to cover the costs associated with undertaking a second market rental valuation using a licensed Valuer nominated by the Lessees to further consider the rent for hangar site leases.
 - d. Airport Master Plan: Lessees sought more information on the impact of the proposed 2012 Airport Master Plan.

Outcome: The City provided clarification on the Airport Master Plan.
14. A second valuation was undertaken by licensed Valuer Aon Risk Solutions, Global Risk Consulting Valuation Services on the 6 June 2013, which determined a market ground rental valuation of \$7.50 per square metre plus GST for airport hangar site.
15. The City has considered both valuations provided by licensed Valuers, Opteon (Albany and Great Southern WA) and Aon Risk Solutions, Global Risk Consulting Valuation Services. The City agrees to adopt Aon market valuation rent, being \$7.50 per square metre plus GST for all airport hangar leases currently being negotiated.
16. The Lessee has occupied hangar site 15 for the past twenty years and has met the obligations of the previous lease, including meeting a (fixed) rental rate of \$306.00 per annum.

17. City of Albany Building Licence 10307 was issued on the 19 April 1993 to Mr Zaklan approving the construction of hangar 15.
18. The Lessee maintains the hangar building and infrastructure upon the leased area at no cost to Council.
19. The rental for the 225 square metre lease area will be \$1,687.50 plus GST per annum.
20. Lease rent reviews will be set with market valuations at three year intervals with Consumer Price Index, All Groups (Perth) determining rental increases per annum for the intervening years.
21. The Lessee will be responsible for all maintenance, insurance and utilities for the Leased Premises.
22. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases and Licences.

GOVERNMENT & PUBLIC CONSULTATION

23. No Government consultation is required as lease area is located within City of Albany owned freehold land.
24. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease.
25. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

26. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
27. Under the City's Town Planning Scheme Number 3, the subject land is zoned "Rural", the existing use of hangar was approved in 1993 under Building Licence 10307 and under delegation, in accordance with the Scheme.
28. The Western Australia Planning Commission (WAPC) has not been consulted with regard to the proposed new lease as per Section 136 of the *Planning and Development Act*, as no comment is required from WAPC when a lease term does not exceed twenty years.

POLICY IMPLICATIONS

29. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
30. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
31. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>
<i>Council does not approve a new lease – loss of rental income in short term</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>

FINANCIAL IMPLICATIONS

33. The new lease rental determined by a current market valuation provided by licensed Valuer, Aon Risk Solutions, will be \$1,687.50 plus GST per annum, with rent reviews in line with Council's Policy – Property Management – Leases for this category of lease agreement.
34. The new lease rental will be directed to COA 138130 Income – Airport Lease Rents.
35. All costs associated with the preparation, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and valuation will be borne by the Lessee.

LEGAL IMPLICATIONS

36. The proposed Deed of Lease will be prepared by the City's lawyers.

ENVIRONMENTAL CONSIDERATIONS

37. Nil.

ALTERNATE OPTIONS

38. Council may:
- Approve the request for a new lease; or
 - Decline the request.
39. Should Council decline the request, the Lessee would be required to vacate the leased premises and find an alternate location to store the aircraft.
40. The Lessee would within three months of expiration of the lease be required to remove fixtures and fittings and if the City of Albany directs remove hangar and structures erected on the leased premises and restore the area at the Lessee's cost.
41. If Lessee fails to remove the improvements as directed by the City of Albany, the improvements will become the property of the City of Albany.

42. Council could then invite expressions of interest to lease this site with Council considering any new lease for the vacant premises.

SUMMARY CONCLUSION

43. The current Lessee is seeking a new lease over hangar site 15, for a period of 3 years with an option for a further 7 year term for the purpose of airport hangar for airport hangarage only.
44. The Lessee has occupied this site since 1993.
45. The Lessee has met the obligations of the previous lease including payment of rent and outgoings, at no cost to Council.
46. The lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.
47. The lease request to allow Mr Milan Zaklan to continue to lease hangar site 15 at the Albany Regional Airport, is supported.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases and Licences 2012 • <i>Local Government Act 1995 – Section 3.58</i> • <i>Planning and Development Act – Section 136</i>
File Number (Name of Ward)	PRO171, A160535 (Kalgan Ward)
Previous Reference	OCM 19/08/2008 Item 13.3.1

CSF009: MELCHIOR PHILIPP BISER AND JULIE ANN BISER – AIRPORT HANGAR SITE 12 – ALBANY REGIONAL AIRPORT

Land Description	: Portion of Lot 213 on Diagram 94445 and the whole of the land contained in Certificate of Title Volume 2158 Folio 588 at 35615 Albany Highway, Drome
Proponent	: Melchior Philipp Biser and Julie Ann Biser
Owner	: City of Albany
Attachments	: Nil
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:	
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STRATEGIC IMPLICATIONS

- This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:

Key Theme: *Civic Leadership.*

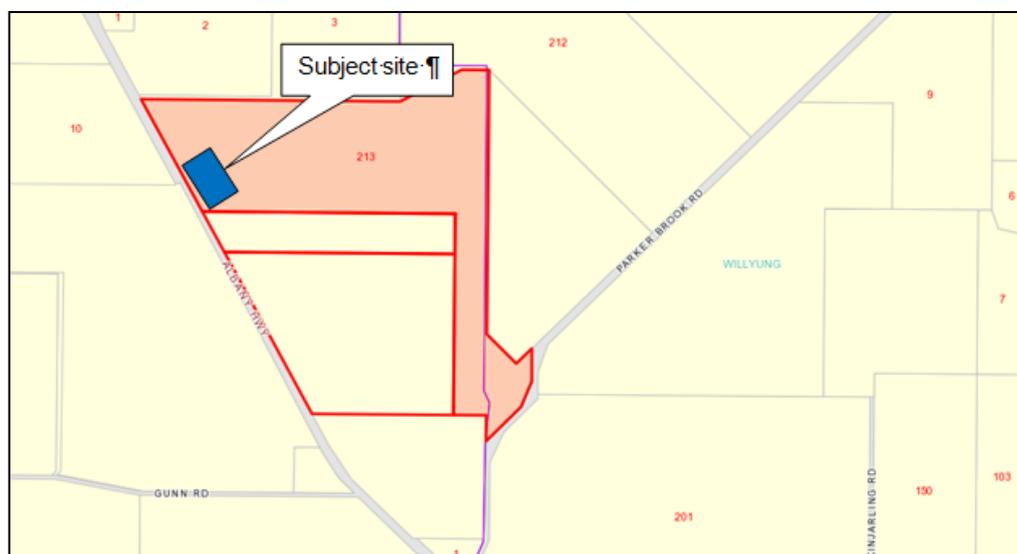
Strategic Objective: *5.1 to establish and maintain sound business and governance structures.*

Strategic Initiative: *5.1.2 Systems Development and Improvement: Improve leased property management.*

IN BRIEF

- Council is requested to consider a new lease for Mr Melchior Philipp Biser and Mrs Julie Ann Biser over the area they currently occupy being hangar site 12, Albany Regional Airport at 35615 Albany Highway, Drome.
- Lease term being 10 years with an option for a further 10 year term for the purpose of airport hangar for airport hangarage only.
- Lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

Maps and Diagrams



RECOMMENDATION

CSF009: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

That Council APPROVE the request from Mr Melchior Philipp Biser and Mrs Julie Ann Biser for a new lease for hangar site 12 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:

1. Lease term being 10 years commencing 1 April 2013, with an option for a further 10 year term.
2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.
4. Lease area being approximately 300 square metres.
5. Lease purpose being Aircraft hangar for aircraft hangarage only.
6. Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.
8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.
9. Lease being consistent with Council Policy – Property Management – Leases and Licences.

CSF009: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA

SECONDED: COUNCILLOR BOWLES

That the Responsible Officer Recommendation be ADOPTED.

CARRIED:10-0

CSF009: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE the request from Mr Melchior Philipp Biser and Mrs Julie Ann Biser for a new lease for hangar site 12 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:

1. Lease term being 10 years commencing 1 April 2013, with an option for a further 10 year term.
2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.
4. Lease area being approximately 300 square metres.
5. Lease purpose being Aircraft hangar for aircraft hangarage only.
6. Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.
8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.
9. Lease being consistent with Council Policy – Property Management – Leases and Licences.

BACKGROUND

2. In April 1993 the former Shire of Albany granted a new lease for hangar site 12, an area of approximately 300 square metres at the Albany Regional Airport to LW Sugg for the purpose of airport hangar for airport hangarage only.
3. Hangar site 12 is located on portion of Lot 213 which is City of Albany owned freehold and adjacent to the Airport Terminal.
4. The lease was assigned to Colin Hinkley as of 1 December 2005. The lease was further assigned to Melchior Philipp Biser and Julie Ann Biser, the current Lessee, on 29 June 2008 for the remainder of the term. The lease expired on 31 March 2013.
5. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases, legal advice was sought and determined the term to be 20 years with no option for a further term.
6. At Ordinary Council Meeting 19 August 2008, Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
7. On the 8 January 2013 the City wrote to the Lessee informing them the current lease was due to expire on the 31 March 2013, and requested the Lessee to advise the City of their intentions with regard to applying for a new lease over hangar site 12.

8. On the 11 January 2013 the City received a request from Mr and Mrs Biser for a new lease over hangar site 12, the area they currently occupy, for a term of 10 years with an option for a further 10 year term.
9. The Lessee continues to occupy the leased area on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the obligations of the lease, except in respect to the term of the lease.
10. The lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

DISCUSSION

11. In October 2010 the City's lawyers developed a standard lease for Airport hangar sites. Since this time, the City has provided a copy of the proposed draft Deed of Lease to Lessees for their review.
12. The City received feedback from the Lessees and after extensive discussions the lease was amended to address a number of concerns. However, the Lessees advised they still had outstanding concerns regarding some lease provisions and requested that the City further consider these matters.
13. In March 2013 City staff including Executive Director Corporate Services and Manager responsible for the Airport, met with hangar Lessee representatives to discuss their concerns regarding the proposed standard hangar site lease and the 2012 Airport Master Plan.
14. The City taking into consideration the Lessees concerns and as a gesture of goodwill addressed each matter as follows:
 - a. Clause 5.1 (c) Common Areas: The Lessees disagreed with the provision that Lessees pay their proportion of costs towards the maintenance of hangar common areas, should this be required.
Outcome: The City will consider the requirement for the common area clause with a view to removing this clause and all consequential references from the lease.
 - b. Clause 17 Relocation: The Lessees disagreed with tenant's costs associated with relocating hangars or vacating hangar sites should the City require the site.
Outcome: The City will investigate and seek legal advice to amend the clause to reflect:
 - i. **Should the City require relocation for legislative requirements such as an Airport security upgrade then the Lessee would be liable for costs of relocation.**
 - ii. **Should the City require relocation or vacant possession for reasons other than for legislative requirements the City will be liable for such costs.**
 - c. Schedule Item 4 Rent: The Lessees challenged the market ground rental valuation provided by a licensed Valuer determining the rent of \$9.50 per square metre plus GST.

Outcome: The City offered to cover the costs associated with undertaking a second market rental valuation using a licensed Valuer nominated by the Lessees to further consider the rent for hangar site leases.

- d. Airport Master Plan: Lessees sought more information on the impact of the proposed 2012 Airport Master Plan.

Outcome: The City provided clarification on the Airport Master Plan.

15. A second valuation was undertaken by licensed Valuer Aon Risk Solutions, Global Risk Consulting Valuation Services on the 6 June 2013, which determined a market ground rental valuation of \$7.50 per square metre plus GST for airport hangar site.
16. The City has considered both valuations provided by licensed Valuers, Opteon (Albany and Great Southern WA) and Aon Risk Solutions, Global Risk Consulting Valuation Services. The City agrees to adopt Aon market valuation rent, being \$7.50 per square metre plus GST for all airport hangar leases currently being negotiated.
17. The Lessee has occupied hangar site 12 for over four years and has met the obligations of the previous lease, including meeting a (fixed) rental rate of \$408.00 per annum.
18. In February 2010 the Lessee sought approval from the City of Albany as Landlord to extend the hangar structural size. Approval was granted subject to all other approvals being obtained including, but not limited to, City of Albany Planning Scheme Consent and Building permit being issued.
19. Following all required approvals being obtained an extension to the hangar on site 12 was completed in November 2010.
20. The Lessee maintains the hangar building and infrastructure upon the leased area at no cost to Council.
21. The new rental for the 300 square metre lease will be \$2,250.00 plus GST per annum.
22. Lease rent reviews will be set with market valuations at three year intervals with Consumer Price Index, All Groups (Perth) determining rental increases per annum for the intervening years.
23. The Lessee will be responsible for all maintenance, insurance and utilities for the Leased Premises.
24. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases and Licences.

GOVERNMENT & PUBLIC CONSULTATION

25. No Government consultation is required as lease area is located within City of Albany owned freehold land.

26. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease.
27. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

28. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
29. Under the City's Town Planning Scheme Number 3, the subject land is zoned "Rural", the existing use of hangar was approved in 1993 under Building Licence 10272 and more recently in 2010 under Building Permit 300761 under delegation, in accordance with the Scheme.
30. The Western Australia Planning Commission (WAPC) has not been consulted with regard to the proposed new lease as per Section 136 of the *Planning and Development Act* as no comment is required from WAPC when a lease term does not exceed twenty years.

POLICY IMPLICATIONS

31. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
32. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
33. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>
<i>Council does not approve a new lease – loss of rental income in short term</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>

FINANCIAL IMPLICATIONS

35. The new lease rental will be determined by a current market valuation provided by licensed Valuer, Aon Risk Solutions, will be \$2,250.00 plus GST per annum, with rent reviews in line with Council's Policy – Property Management – Leases for this category of lease agreement.
36. The new lease rental will be directed to COA 138130 Income – Airport Lease Rents.
37. All costs associated with the preparation, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and valuation will be borne by the proponent.

LEGAL IMPLICATIONS

38. The proposed Deed of Lease will be prepared by the City's lawyers.

ENVIRONMENTAL IMPLICATIONS

39. Nil

ALTERNATE OPTIONS

40. Council may:
- a. Approve the request for a new lease; or
 - b. Decline the request.

41. Should Council decline the request, the Lessee would be required to vacate the leased premises and find an alternate location to store the aircraft.
42. The Lessee would within three months of expiration of the lease be required to remove fixtures and fittings and if the City of Albany directs remove hangar and structures erected on the leased premises and restore the area at the Lessee's cost.
43. If Lessee fails to remove the improvements as directed by the City of Albany, the improvements will become the property of the City of Albany.
44. Council could then invite expressions of interest to lease this site with Council considering any new lease for the vacant premises.

SUMMARY CONCLUSION

45. The current Lessee is seeking a new lease over lease over hangar site 12, for a term of 10 years with an option for a further 10 year term for the purpose of airport hangar for airport hangarage only.
46. The Lessee has occupied this site for the past five years.
47. The Lessee has met the obligations of the previous lease including payment of rent and outgoings, at no cost to Council.
48. The lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.
49. The lease request to allow Mr Melchior Philipp Biser and Mrs Julie Ann Biser to continue to lease hangar site 12 at the Albany Regional Airport, is supported.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases and Licences • <i>Local Government Act 1995</i> • <i>Planning and Development Act</i>
File Number (Name of Ward)	PRO173, A160517 (Kalgan Ward)
Previous Reference	OCM 19/08/2008 Item 13.3.1

CSF010: RATE DEBT WRITE OFF REPORT AS AT 30 JUNE 2013

Proponent : City of Albany
Attachment : Attachment C –
• Rates Debt Write Off Report, detailed in the minutes of the Corporate Services & Finance Minutes
Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:

RECOMMENDATION

CSF010: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Rates Debt Write Off Report as at 30 June 2013.

CSF010: COMMITTEE RECOMMENDATION

THAT the Responsible Officers Recommendation be ADOPTED.

CARRIED: 10-0

CSF010: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Rates Debt Write Off Report as at 30 June 2013.

CSF011: GENERAL DEBTORS DEBT WRITE OFF REPORT AS AT 30 JUNE 2013

Proponent : City of Albany
Attachment : Attachment C – Detailed in the Corporate Services & Finance Committee Minutes
• General Debtors Debt Write Off Report
Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:

RECOMMENDATION

**CSF011: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **RECEIVE** the General Debtors Debt Write Off Report as at 30 June 2013
2. **AUTHORISE** the write off of \$40,949.57 being for a Liquidated Trading Debtor. Noting the liquidator's report implies little or no chance of recovery of outstanding amount as the City of Albany is an unsecured Creditor.

CSF011: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officers Report be ADOPTED.

CARRIED:10-0

CSF011: RESPONSIBLE OFFICERS RECOMMENDATION

THAT Council:

1. **RECEIVE** the General Debtors Debt Write Off Report as at 30 June 2013
2. **AUTHORISE** the write off of \$40,949.57 being for a Liquidated Trading Debtor. Noting the liquidator's report implies little or no chance of recovery of outstanding amount as the City of Albany is an unsecured Creditor.

Note: The identify of trading company was given verbally to the Committee as this detail is covered under Confidential Cover, in accordance with s5.23(2)(b) and (e, iii) of the Local Government Act 1995, being: The personal affairs of any person and a matter if disclosed, would reveal information about the financial affairs of a person.

Reason:

A final liquidators report has been received, which states little or no chance of recovery of outstanding amount as the City of Albany is an unsecured Creditor.

Statutory Implication

Local Government Act 1995, s6.12. A local government may write of any money amount of money which is owed to the local government. ***Absolute Majority Required.**

CSF012: STAFF MOVEMENTS REPORT JULY 2013

Proponent : City of Albany
Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:

RECOMMENDATION

CSF012: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Staff Movement Report.

CSF012: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
 SECONDED: COUNCILLOR CALLEJA

THAT the Responsible Officers Report be ADOPTED.

CARRIED:10-0

CSF012: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Staff Movement Report.

STAFF MOVEMENTS REPORT JULY 2013

New Starters

Position	Date Commenced	Status
Airport Reporting/Refueller/Maintenance Officer	20 July 2013	Part Time
Parks Maintenance Worker	24 July 2013	Full Time

Resignations

Position	Date Finished
Coordinator Developed Reserves	23 July 2013

CSF013: LEGAL REPRESENTATION POLICY

Proponent : City of Albany
Attachment : Follows Report - Proposed Legal Representation for Elected Members, Employees and Volunteers Policy
Responsible Officer(s) : Chief Executive Officer (G Foster)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - c. 5.1. To establish and maintain sound business and governance structures.
 - d. **Strategic Initiative:** 5.1.2. Systems Development and Improvement

In Brief:

- Adopt the Legal Representation Policy

RECOMMENDATION

CSF013: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPT the Legal Representation for Elected Members, Employees and Volunteers Policy.

CSF013: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 10-0

CSF013: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Legal Representation for Elected Members, Employees and Volunteers Policy.

BACKGROUND

2. At the Audit and Finance Committee held on 8 November 2011, the Committee recommended that Council rescind the policy as it felt the content was operational in nature and appropriate control with conditions was administered through a Council delegation.
3. Council rescinded the Legal Representation for Members, Employees and Volunteers policy at the Ordinary Council Meeting held on 15 November 2011.
4. Advice from the Department of Local Government (DLG) has recommended that Council review its policy position.

DISCUSSION

5. The proposed policy provides a clear set of principles to help Council deal with a situation where a council member or employee is defending or will need to defend a legal action or requires advice or representation and is requesting financial assistance.
6. In line with DLG guidelines, the policy sets out:
 - a. Under what circumstances financial assistance is provided;
 - a. Who would make the decision that financial assistance would be provided;
 - b. Who would provide the legal services;
 - c. Limits on financial assistance;
 - d. How applications are made for assistance;
 - e. Obligations a council member or employee has to receiving the assistance;
 - f. Circumstances under which financial assistance may be withdrawn;
 - g. Provision for the recoup of money where approval is withdrawn; and
 - h. Clear statement that legal representation will not be provided for matters that relate to the personal affairs of a council member or employee.
7. The proposed policy is based on the model policy recommended by the Department of Local Government.
8. The proposed policy was crafted to:
 - a. Address criticism levelled against some council members for making uninformed and ill-advised decisions, during the inquiry into the City of Joondalup; and
 - b. Ensure Council's policy position is known to council members, employees (including volunteers) and the community in advance of applications for funding being made.

GOVERNMENT & PUBLIC CONSULTATION

9. Elected members were formally advised of proposal through Committee.

STATUTORY IMPLICATIONS

10. Section 9.56 of the Local Government Act 1995 (LGA) provides protection from actions of tort for anything a council member or employee has, in good faith, done in the performance or purposed performance of a function under the LGA or under any other written law.
11. Section 3.1 of the LGA provides that the general function of a local government is to provide for the good government of persons in its district.
12. Section 6.7(2) of the LGA provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the LGA. Under these provisions a council can expend funds to provide legal representation for council members and employees as long as it believes that the expenditure falls within the scope of the local government's function.

POLICY IMPLICATIONS

13. The adoption of this policy compliments and will amend the current Council delegated authority:

Authorisation - Legal Representation - Council Members, Employees and Volunteers

Function and Delegation (Authority to exercise the following functions and sub delegate is):

Authority to:

- (1) Authorise legal expenses for Council Members, Officers and Volunteers where the urgency of the matter cannot be presented to the Council for approval and the expenses do not exceed \$10,000.
- (2) Settle potential and actual legal disputes.
- (3) Appoint persons to administer any or all of the above functions.

Conditions:

- (1) Funding being available in the City's Annual Budget;
- (2) Where the legal services are for the benefit of the CEO who is seeking urgent financial support for legal services the Council shall deal with the application; and
- (3) Approved applications to be presented to the next Ordinary Meeting of Council.

Delegate(s): Chief Executive Officer

Sub-Delegates (Authorised Officers):

Executive Director Corporate Services

Legislative Powers (Reference):

Local Government Act 1995, s6.7(2).

RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation – If a policy position is not adopted, Council may face accusation of not providing good government.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council adopts the proposed policy in line with the Department's guidelines.</i>

FINANCIAL IMPLICATIONS

- 15. The adoption of this policy does not have a direct financial implication.
- 16. Legal representation funding is allocated in the adoption of the annual budget and reported to Council throughout the financial year.

LEGAL IMPLICATIONS

- 17. Council is not bound to adopt the proposed policy.

ENVIRONMENTAL CONSIDERATIONS

- 18. There are no direct environmental considerations related to this item.

SUMMARY CONCLUSION

- 19. That the proposed policy be endorsed and adopted.

Consulted References	:	<i>Local Government Act 1995 Legal Representation for Council Members and Employees, Local Government Operational Guidelines – Number 14, dated April 2006</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	OCM 15/11/2011 Item 1.1.1 OCM /02/1/2010 Item 16.5.1 GOVERNANCE MEETING 8/7/2013 Item 4.2

Council Policy - Legal Representation for Elected Members, Employees and Volunteers

1. Policy Statement:

Under the *Local Government Act 1995*, the City's 'good government' powers allow it, in appropriate circumstances, to pay for the Legal Representation Costs of an individual Elected Member or Employee.

2. Objective

This Policy sets out guidelines and procedures to assist the Council in determining when it is appropriate to pay Legal Representation Costs.

3. Scope

This Policy does not cover legal representation provided to, or on behalf of, the City.

4. Procedure & Guidelines

(1) Payment Criteria

There are three major criteria for determining whether the City should pay the Legal Representation Costs of an Elected Member or Employee. These are:

- (a) the Legal Representation Costs must relate to a matter that arises from the performance, by the Elected Member or Employee, of his or her functions;
- (b) the Legal Representation Costs must be in respect of Legal Proceedings that have been, or may be, commenced; and
- (c) in performing his or her functions, to which the Legal Representation relates, the Elected Member or Employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.

(2) Examples of Legal Representation Costs that may be approved

- (a) If the criteria in **clause 4(1)** are satisfied, the City may approve the Payment of Legal Representation Costs:
 - (i) where proceedings are brought against an Elected Member or Employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Elected Member or Employee; or
 - (ii) for involvement in a statutory or other inquiry that requires information to be given, or to which information is given, by an Elected Member or Employee in connection with his or her functions.

- (b) This policy does not relate to situations where legal proceedings are commenced by an Elected Member or Employee and there is a presumption that the City will not pay for legal representation costs in these circumstances. However this policy does not preclude such a request being submitted and considered by the Council for extenuating circumstances where the Elected Member or Employee is the subject of threatening behaviour by another person.
- (c) The City will not approve the Payment of Legal Representation Costs to an Elected Member or Employee for a defamation action, or a negligence action, instituted by the Elected Member or Employee.

(3) Application for payment

- (a) An Elected Member or Employee who seeks assistance under this Policy is to make an application(s) for Payment of Legal Representation Costs.
- (b) The application:
 - (i) is to be made in writing to the Council; and
 - (ii) is to give details of:
 - a. the matter for which Legal Representation is sought;
 - b. how that matter relates to the functions of the relevant Elected Member or Employee;
 - c. the lawyer (or law firm) who is to be asked to provide the Legal Representation;
 - d. the nature of Legal Representation to be sought (such as advice, representation in court, preparation of a document etc); and
 - e. the estimated cost (if known) of the Legal Representation.
 - (iii) is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates; and
 - (iv) so far as possible, is to be made before seeking the Legal Representation to which the application relates.
- (c) The application is to be accompanied by a written statement by the applicant that he or she:
 - (i) has read, and understands, the terms of this Policy;
 - (ii) acknowledges that any approval of Legal Representation Costs is conditional on the repayment provisions of clause 4(7) and any other conditions to which the approval is subject; and
 - (iii) undertakes to repay to the City any Legal Representation Costs in accordance with the provisions of clause 4(7).
- (d) An application is also to be accompanied by a report prepared by or on behalf of the CEO or, where the CEO is the applicant, by the Executive Director Corporate Services.

(4) Legal Representation Costs – limit

- (a) Unless otherwise determined by the Council, payment of Legal Representation Costs in respect of a particular application is not to exceed \$10,000.
- (b) An Elected Member or Employee may make a further application to the Council in respect of the same matter.

(5) Council's powers

- (a) The Council may:
 - (i) refuse;
 - (ii) grant; or
 - (iii) grant subject to conditions, including a financial limit, an application for payment of Legal Representation Costs.
- (b) A condition under clause 4 (5a) may include a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of Legal Representation Costs.
- (c) In assessing an application, the City may have regard to any insurance benefits that may be available to the applicant under the City's Councillors and Officers insurance policy (or its equivalent).
- (d) The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of Legal Representation Costs.
- (e) The Council may, subject to clause 4 (5f), determine that an Elected Member or Employee whose application for Legal Representation Costs has been approved has, in respect of the matter for which Legal Representation Costs were approved:
 - (i) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - (ii) given false or misleading information in respect of the application.
- (f) A determination under clause 4 (5e) may be made by the Council only on the basis of, and consistently with, the findings of a court, tribunal or inquiry.
- (g) Where the Council makes a determination under clause 5(e), it may also determine that all or part of the Legal Representation Costs paid by the City are to be repaid by the Elected Member or Employee in accordance with clause 4 (7).

(6) CEO's powers

- (a) In cases of urgency, the CEO, subject to clause 4 (6b), may exercise, on behalf of the Council, any of the powers of the Council under clauses 4 (5a) and 4 (5b), to a limit of \$10,000, where a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.
- (b) Where the CEO is the applicant, the powers in clause 4 (6a) are to be exercised by the Executive Director Corporate Services.
- (c) An application approved by the CEO under clause 4 (6a), or by the Executive Director Corporate Services under clause 4 (6b), is to be submitted to the next meeting of the Council which may exercise any of its powers under this Policy, including its powers under clause 4 (5d).

(7) Repayment of Legal Representation Costs

- (a) An Elected Member or Employee whose Legal Representation Costs have been paid by the City is to repay the City:
 - (i) all or part of those costs – in accordance with a determination by the Council under clause 4 (5g); or
 - (ii) as much of those costs as are available to be paid by way of offset – where the Elected Member or Employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the City paid the Legal Representation Costs.
- (b) The City may take action in a court of competent jurisdiction to recover any monies due it under this Policy.

(8) Definitions (Explanation of Key Terms):

Approved Lawyer is to be:

- (a) 'certificated practitioner' under the *Legal Practice Act 2003*; and
- (b) approved in writing by the Council.

Elected Member or Employee means a current or former Commissioner, Elected Member, and Employee (which includes a registered and inducted volunteer with the City of Albany administration).

Legal Proceedings may be civil, criminal or investigative (including an inquiry under any written law).

Legal Representation is the provision, to or on behalf of an Elected Member or Employee, by an Approved Lawyer of Legal Services that are in respect of:

- (a) a matter or matters arising from the performance of the functions of the Elected Member or Employee; and
- (b) Legal Proceedings involving the Elected Member or Employee that have been, or may be, commenced.

Legal Representation Costs are the costs, including fees and disbursements, properly incurred in providing Legal Representation.

Legal Services includes advice, representation or documentation that is provided by an Approved Lawyer.

Payment by the City of Legal Representation Costs may be either by:

- (a) a direct payment to the Approved Lawyer (or the relevant law firm); or
- (b) a reimbursement to the Elected Member or Employee.

Version Control

Version	Date	Status	Distribution	Comment
01	3/7/2013	Draft 1 – Distributed for review by Council.	Governance Committee	Author: Stuart Jamieson Based on previous Council Policy, rescinded by Council on 15/11/2011 Item 1.1.1 and comparable policy adopted by the City of Joondalup.

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DRAFT

WS001: RECEIVE THE MINUTES OF THE WORKS & SERVICES COMMITTEE AND APPOINT THE CHAIRPERSON AND DEPUTY

Proponent : City of Albany
Attachment : Attachment D –
• Works & Services Committee Minutes dated 14/08/13.
Responsible Officer(s) : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



**WS001: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) RECEIVE the minutes of the Works & Services Committee meeting held on 14 August 2013.**

- (2) APPOINT:**
 - **Mayor Wellington as the Chairperson; and**
 - **Councillor Sarah Bowles as the Deputy Chairperson;****of the Works & Services Committee.**

- (3) NOTE that those positions vacate at the first meeting of the Council following the bi annual ordinary local government elections.**

WS002: RECEIVE THE UNCONFIRMED MINUTES OF ENVIRONMENT AND RESERVES COMMITTEE

Proponent : City of Albany
Attachment : Attachment D -
Unconfirmed Minutes of the Environment and Reserves
Committee detailed in the Works & Services Committee
Minutes
Responsible Officer(s): : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



**WS002: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the minutes of the dissolved Environment and Reserves Committee, meeting held on 7 March 2013.

WS002: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS002: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the minutes of the dissolved Environment and Reserves Committee, meeting held on 7 March 2013.

WS003: CONTRACT C13004 – PROVISION OF TRAFFIC CONTROL

Proponent : City of Albany
Responsible Officer(s) : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and Corporate Business Plan 2013 – 2017:
 - a. **Key Theme:** 2. Clean, Green & Sustainable.
 - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
 - c. **Strategic Initiative:** Not Applicable

IN BRIEF:

- Contract C13004 – Provision of Traffic control be AWARDED to Traffic Force for a period from the date awarded by Council until 30th June 2015, following which the contract will be retendered

RECOMMENDATION

WS003: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

ACCEPT the Tender from Traffic Force and award contract C13004 for the provision of traffic control until 30th June 2015.

WS003: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS003: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

ACCEPT the Tender from Traffic Force and award contract C13004 for the provision of traffic control until 30th June 2015.

BACKGROUND

2. The current traffic control contract expired in July 2013. It is necessary to establish a new contract for this service.
3. Tenders were called for the provision of traffic control for a period from the date awarded by Council until 30 June 2015.
4. The tender is for all work necessary to provide for the safe movement of traffic and the protection of persons and property through and/or around work sites within the City.

DISCUSSION

5. A total of eleven tender documents were requested from the City of Albany.
6. Four completed tender documents were submitted on/before the stipulated closing date and time. The following table summarises the tender submissions and overall evaluation scores applicable to each submission.

Tenderer	Total Evaluation Score
Albany Traffic Control Pty Ltd	680.92
Advanced Traffic Management	682.79
Quality Traffic Management	532.86
Traffic Force	698.43

7. According to ASIC searches, Albany Traffic Control is based in Albany, Advanced Traffic Management is based in Osborne Park, WA, Quality Traffic Management is based in Osborne Park, WA and Traffic Force is based in Bunbury WA however a depot is established in Albany.
8. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	40
Relevant Experience	15
Key Personnel Skills and Experience	15
Tenderer's Resources	15
Demonstrated Understanding	15
Total	100

9. On the basis of the total evaluation score which considers the above criteria, Traffic Force is considered to be the most suitable submission.

GOVERNMENT & PUBLIC CONSULTATION

10. A request for tenders was published in the West Australian on 5 June 2013 and the Great Southern Weekender on 6 June 2013.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

14. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

15. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Non compliance with contract or business failure resulting in inadequate traffic management</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services</i>

FINANCIAL IMPLICATIONS

16. The value of this tender is expected to be in excess of \$250,000 and therefore the approval is referred to Council for consideration.
17. The cost per job will be included in the specific budget line item.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil

ALTERNATE OPTIONS

20. Council can accept or reject tenders as submitted.

SUMMARY CONCLUSION

21. On reviewing the submissions, the evaluation team assessed Traffic Force as being the most suitable tenderer across the evaluation criteria. Traffic Force is recommended to be awarded the provision of traffic control contract.

Consulted References	:	City of Albany Buy Local Policy (Regional Price Preference)
File Number (Name of Ward)	:	C13004
Previous Reference	:	Not applicable.

WS004: CENTRAL BUSINESS DISTRICT PARKING SCHEME

Land Description	: Albany Central Business District
Proponent	: City of Albany
Attachments	: Attachment D – <ul style="list-style-type: none">• Summary of public feedback and Survey Monkey results. Follows Report – <ul style="list-style-type: none">• CBD Parking Scheme
Responsible Officer(s)	: Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A Connected Built Environment
 - b. **Strategic Objective:**
 - 3.1. To advocate, plan and build friendly and connected communities.
 - c. **Strategic Initiative:**
 - 3.1.2. Parking and Traffic Modelling.

IN BRIEF

- At its Ordinary Council Meeting on 16 April 2013 an amended parking scheme for the Albany Central Business District was considered with amended parking limits.
- Council resolved to advertise the parking limits and for the results of the public comment be summarised and presented to Council.

The comments and submissions have been received, feedback has been considered and a revised parking scheme is attached and recommended for adoption.

RECOMMENDATION

WS004: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ADOPT the Albany Central Business District (CBD) Parking Scheme Plan.

WS004: COMMITTEE RECOMMENDATION

SECONDED: COUNCILLOR GREGSON
MOVED: COUNCILLOR BOWLES

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS004: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Albany Central Business District (CBD) Parking Scheme Plan.

BACKGROUND

1. On 16 April 2013, Council resolved:
“That:
 1. *The proposed Parking Limit changes be ADVERTISED for public comment.*
 2. *The comments be summarised and presented to Council.”*
2. Following the meeting, public notice of the parking limit changes were advertised in local newspapers and promoted on radio and the internet.
3. A summary of the submissions submitted in writing and via an online survey are attached.

DISCUSSION

4. Feedback of the proposal was mixed, however some general conclusions could be made which are reflected in the proposed new CBD parking scheme (attached).
5. There was strong opposition to the limiting of loading zone times, thus it is proposed to maintain the status quo with respect to loading zones.
6. There was strong opposition to the placing of limits on the East side of Aberdeen Street. Investigations by City staff have revealed that the current parking scheme allows for a 2 hour limit on this section of road, however has never been sign posted as such. On the basis of the objection, the new scheme proposes to have the subject section of carriageway without limit with the exception of the section that has an existing sign posted 2 hour limit (as shown on the scheme map).
7. The conversion of 30min parking to 1 hour parking received mixed comments. On the basis that whilst there were a number of comments on specific issues, there were relatively few comments in respect to the proposed 1 hour limit. Therefore it is concluded that the 1 hour limit is by enlarge unopposed.
8. The privately owned parking area adjacent Centrelink and Mitre 10 is also included in the scheme with limits and permit only parking zones. This is to overcome ongoing issues with un-authorised long term parking in this area. An agreement with the owner is currently being negotiated.
9. Other minor changes include:
 - a. Removal of 1 ACROD bay on Stirling Terrace West near the courthouse.
 - b. Introduction of 2 x ACROD bays along the East side of Aberdeen Street to service the multiple medical practices in the area.
 - c. Increase in the number of high turnover (15 minute) bays.
 - d. Introduction of some 1 hour parking on Spencer Street opposite motel (adjacent Frederick Street).
 - e. Provision of extra motorcycle bays near intersection of Peels Place and York Street.

- f. Changes to line marking on Aberdeen and adjacent streets providing a modest increase to the number of parking bays.
- 10. The City should review its parking limits in the CBD annually to ensure that the scheme is providing optimal parking efficiency.
- 11. A further extension to the development of the parking scheme is a CBD Parking Strategy. This strategy is well advanced however required internal review and workshop. It is intended that the strategy will deal more so with parking space and rationalisation, rather than limits imposed.
- 12. The strategy will require internal review and community engagement. The anticipated timeline for a draft strategy for Council is October 2013.

GOVERNMENT & PUBLIC CONSULTATION

- 13. The City of Albany advertised the scheme proposal in the Albany Advertiser on 9 May 2013 and the Great Southern Weekender on 12 May 2013.
- 14. Local radio stations were also engaged to promote the newspapers advertising and encourage the community to complete the online survey.
- 15. A field trip was undertaken to ascertain general community feedback from businesses within York Street, whilst the internal Communication Update was used to promote the parking scheme to City of Albany employees. Councillors were provided with a copy of the proposed parking scheme in their day boxes. Submissions are summarised in the attachments which includes the results of the online survey.

STATUTORY IMPLICATIONS

- 16. The City may introduce parking schemes by resolution of Council under the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.

POLICY IMPLICATIONS

- 17. Following the adoption of the amended CBD Parking Scheme, amendments can be approved under delegated authority. A policy is being drafted for future Council consideration to provide some controls around the current delegation.
- 18. Current Council delegation: ***Approve Amendments to the Parking Scheme***

Function and Delegation (*Authority to exercise the following functions and sub delegate is): Authority to:*

- (1) *Approve amendments to the Parking Scheme to implement and change time limits in streets and parking stations and the designation of visitor and authorised vehicle parking.*
- (2) *Appoint persons to administer any or all of the above functions.*

Conditions and Exceptions (*Appointment of persons is restricted to the Chief Executive Officer*)

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Continued inefficient parking resulting in a negative impact on business located in the CBD.</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Proposed parking limits will provide for better parking efficiency in line with business feedback.</i>
<i>Perception of a lack of community engagement</i>	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Works and Services in conjunction with Media have utilised multiple communication mediums (print, radio, face to face, online survey) to consult with the community to seek engagement and feedback.</i>

FINANCIAL IMPLICATIONS

20. The new scheme will necessitate the change over of parking limit signs. Many of the parking limit signs are faded and required changing regardless. The City has made an appropriate budget allocation in its operational maintenance budget to cover these costs. The estimated changeover costs are the order of \$10,000 - \$15,000.

LEGAL IMPLICATIONS

21. The new scheme must implemented in accordance with the City of Albany *Parking and Parking Facilities Amendment Local Law 2012*.
22. Once adopted by Council, public notice must be given prior to enforcement of new or amended parking limitations.

ENVIRONMENTAL CONSIDERTIONS

23. Nil

ALTERNATE OPTIONS

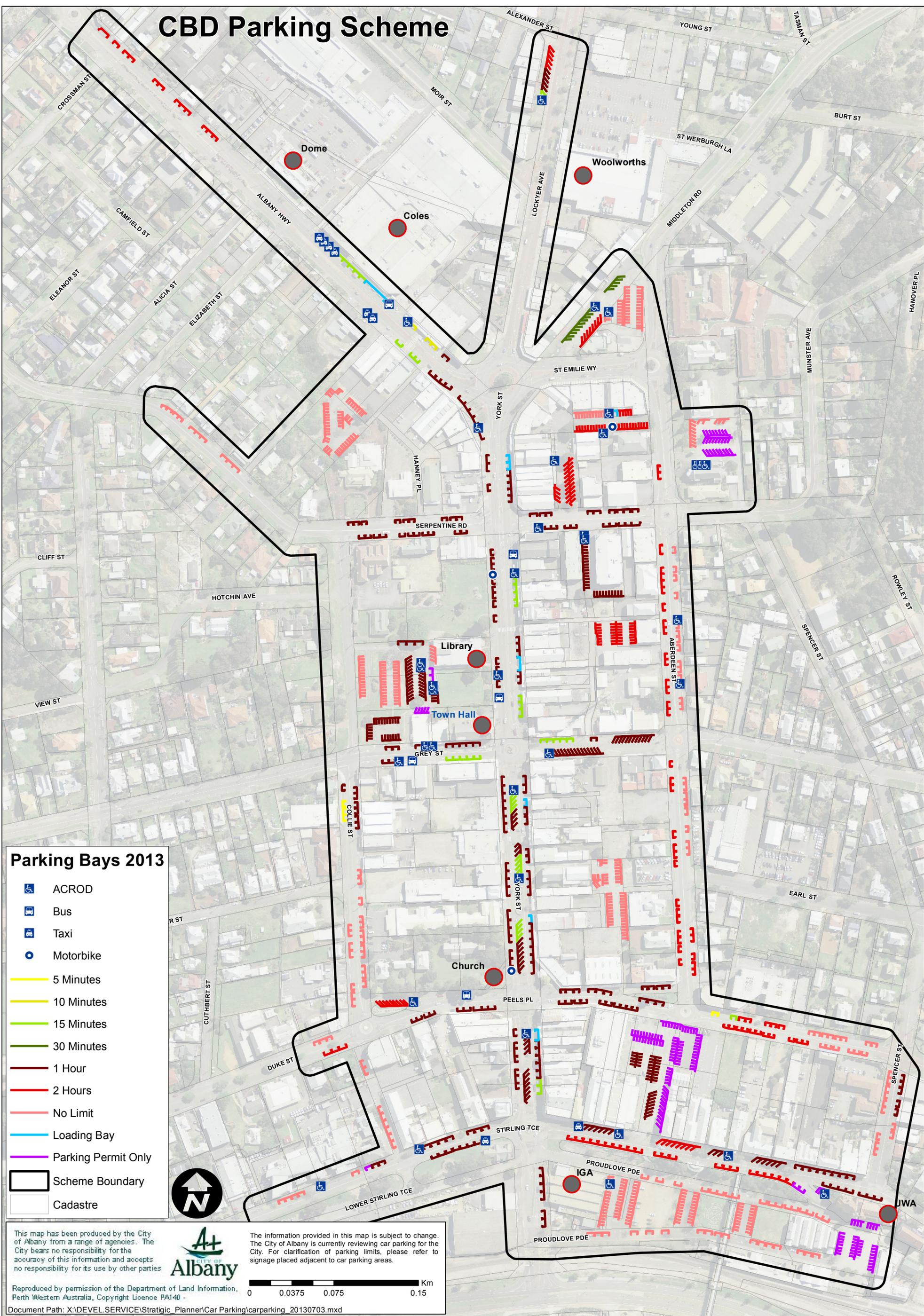
24. The City can elect to maintain the status quo in respect to parking limits.

SUMMARY CONCLUSION

25. Feedback in respect to the proposed parking limit changes has resulted in some minor amendment to the parking scheme considered by Council at its ordinary meeting held on 16 April 2013.
26. In order to enforce the changes and affect the changeover of signage in accordance with the new scheme, Council needs to adopt the scheme.

Consulted References	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Access & Inclusion Plan 2012-2017 City of Albany Parking and Parking Facilities Amendment Local Law 2012
File Number (Name of Ward)	:	CU.PRA.5 (Vancouver Ward)
Previous Reference	:	OCM 16 April 2013 Item 5.1

CBD Parking Scheme

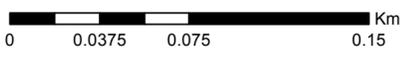


Parking Bays 2013

- ACROD
- Bus
- Taxi
- Motorbike
- 5 Minutes
- 10 Minutes
- 15 Minutes
- 30 Minutes
- 1 Hour
- 2 Hours
- No Limit
- Loading Bay
- Parking Permit Only
- Scheme Boundary
- Cadastre



The information provided in this map is subject to change. The City of Albany is currently reviewing car parking for the City. For clarification of parking limits, please refer to signage placed adjacent to car parking areas.



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Document Path: X:\DEVEL_SERVICE\Strategic_Planner\Car Parking\carparking_20130703.mxd

PD001: RECEIVE THE MINUTES OF THE PLANNING & DEVELOPMENT COMMITTEE AND APPOINT THE CHAIRPERSON AND DEPUTY

Proponent : City of Albany
Attachment : Attachment E -
• Planning & Development Committee Minutes
Responsible Officer(s): : Executive Director Planning & Development Services (D Putland)

Responsible Officer's Signature:

RECOMMENDATION

**PD001: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (1) RECEIVE the minutes of the Planning & Development Committee meeting held on 14 August 2013.**

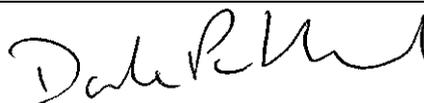
- (2) APPOINT:**
 - **Councillor Calleja as the Chairperson; and**
 - **Councillor Dufty as the Deputy Chairperson;****of the Planning & Development Committee.**

- (3) NOTE that those positions vacate at the first meeting of the Council following the bi annual ordinary local government elections.**

PD003: CONSIDERATION OF SUBMISSIONS RECEIVED – PROPOSED PERMANENT CLOSURE OF DAY STREET, PORT ALBANY & DISPOSAL TO ADJOINING LANDOWNERS

- Land Description** : Day Street Road Reserve, Port Albany
Proponent : M. Young of No 32 Lot 770 Brunswick Road, Port Albany
Owner : State of WA
Attachments : Attachment E – Detailed in Planning and Development Committee Minutes
- Site Map
 - Map showing cadastral information
 - Map showing land zoning
 - Map of Albany Port Buffer Area
 - Schedule of Submissions
- Councillor Workstation** : Submissions received
Responsible Officer(s) : Executive Director Planning and Development Services (D Putland)

Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A Connected Built Environment
 5. Civic Leadership
 - b. **Strategic Objective:**
 - 3.1 To advocate, plan and build friendly and connected communities.
 - 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:**
 - 3.1.2. Albany Local Planning Strategy (ALPS) Review.
 - 5.1.3 Integrated Planning Framework.

In Brief:

- At the Ordinary Council Meeting held 19 March 2013, Council supported the initiation of advertising of the proposed road closure of a portion of the Day Street road reserve between Brunswick Road and Jellicoe Street (undeveloped road reserve), Port Albany.
- Council is requested to consider the submissions received during the advertising period and make a determination on the road closure application.

RECOMMENDATION

PD003: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- i) REQUESTS, pursuant to section 58 of the *Land Administration Act 1997*, that the Minister for Lands close the Day Street road reserve between Brunswick Road and Jellicoe Street (undeveloped road reserve), Port Albany;**
- ii) REQUESTS, subject to the road closure, the new Certificate of Title of the amalgamated land have a memorial registered stating;
 - I. Notice is given that the land is in proximity to an existing port which is under 24 hour operation and may be affected by noise, dust, vibration, lighting and other factors relevant to normal port activities;**
 - II. The premises are subject to high noise levels from the port operations; and**
 - III. Any residential development will be required to incorporate design and construction methods/ materials to reduce noise impacts into the dwelling.****
- iii) ADVISE all persons having made a submission on the proposed road closure of Council's resolution.**

PD003: COMMITTEE RECOMMENDATION

MOVED: CR GREGSON
SECONDED: CR DUFTY

THAT the Officer Recommendation is ADOPTED.

CARRIED 6-0

PD003: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- i) REQUESTS, pursuant to section 58 of the *Land Administration Act 1997*, that the Minister for Lands close the Day Street road reserve between Brunswick Road and Jellicoe Street (undeveloped road reserve), Port Albany;
- ii) REQUESTS, subject to the road closure, the new Certificate of Title of the amalgamated land have a memorial registered stating;
 - I. Notice is given that the land is in proximity to an existing port which is under 24 hour operation and may be affected by noise, dust, vibration, lighting and other factors relevant to normal port activities;
 - II. The premises are subject to high noise levels from the port operations; and
 - III. Any residential development will be required to incorporate design and construction methods/ materials to reduce noise impacts into the dwelling.
- iii) ADVISE all persons having made a submission on the proposed road closure of Council's resolution.

BACKGROUND

2. The City has received a request from the owners of No. 32 Lot 770 Brunswick Road, Port Albany, to close the road reserve adjoining their property. The owners propose to purchase the entire portion of the land currently forming part of the road reserve and amalgamate that land with their freehold title.
3. The City submitted an item at the 19 March Ordinary Council Meeting. At that meeting, Council resolved;

THAT Council:

- i) INITIATES the advertising of the proposed road closure of portion of the Day Street road reserve between Brunswick Road and Jellicoe Street (undeveloped road reserve), Port Albany; and
- ii) SEEKS a further item to Council following the completion of the advertising period, for determination of the road closure application.

DISCUSSION

4. The proposed road closure was advertised on 28 March 2013 for a period of 35 days, ending 3 May 2013.
5. Five submissions were received during the advertising period. Two submissions were from service providers who did not object to the proposed right of way closure. Three submissions were received from community members raising objection to the proposed road closure.
6. The objections received are summarised in the attached Schedule of Submissions (Attachment 4). Copies of the full submissions are available in the Councillors lounge.
7. The primary reasons for objecting to the proposed right of way closure and the officer's response are detailed as follows:

- i) *Concern over future intentions of the applicant: Concerns were raised in some submissions that the land purchase is intended only to enhance interest in the proponent's property that was on the market at the time of the public consultation period.*

After the close of the public consultation period, the proponent was contacted regarding the sale of the property. They have since taken the property off the market with the intention of continuing with the proposed road closure. Any future development of the land will be subject to the *Albany Local Planning Strategy 1, Variations to the Residential Design Code Policy, Albany Historic Town Design Policy, Albany Port Buffer Policy, and the Environmental Protection (Noise) Regulations 1997*. The Council can request that a memorial be placed on the new Certificate of Title to identify its proximity to Port operations and possible adverse impacts.

- ii) *Concern over future use of the land; specifically, the construction of multiple dwellings.*

This land is currently zoned R25 which precludes any more than one dwelling being built on the property. The *Local Planning Scheme 1* will re-zone this site to R30. While this increase in density will allow further development potential, The *Albany Local Planning Strategy.1, Variations to the Residential Design Code Policy, Albany Historic Town Design Policy, Albany Port Buffer Policy, and the Environmental Protection (Noise) Regulations 1997* will be considered in assessment of any future development.

- iii) *Concerns over fire risk of the area, the lack of alternate escape routes and the risk posed to future residents.*

The *Albany Local Planning Strategy 1, Section 4.2.3* outlines the City's strategy for mitigating fire risk to existing and future urban development. Any future development along this end of Brunswick Road would need to comply with the relevant strategy and policy provisions.

- iv) *Concerns regarding potential negative environmental impacts that further urban development may have on the surrounding ecosystem.*

Any future development that may occur following the road closure will be on a road reserve that is currently not being managed. The environmental value of the vegetation growing in the subject portion of road reserve is minimal. In addition, the road reserve is currently zoned R25 and will be re-zoned R30, pursuant to the adoption of the *Local Planning Scheme 1*. The remainder of the Day Street Road reserve, along with the undeveloped road reserves of Jellicoe Street and Hassell Street will be re-zoned Parks & Recreation.

- v) *Working Port as a neighbour: The activities at the Albany Port create noise levels which are exceedingly loud. If the City knowingly allows dwellings to be built in this area, it may allow the possibility of future noise pollution complaints against both the Port and the City.*

There are a number of issues that must be addressed prior to any development approval being granted. The City of Albany *Variations to the Residential Design Code Policy*, *Albany Historic Town Design Policy* and the recommended building distances set out in the *Environmental Protection Authority Guidance Statement No. 3* (due to the close proximity of the Port) will need to be considered in regard to any further residential development. These policies require special building measures to mitigate the impact of noise from Port activities. Council can request that a memorial to be placed on the new Certificate of Title to identify its proximity to Port operations and possible adverse impacts.

- vi) *Concerns that a precedent may be set where a landowner who is using an undeveloped road reserve for commercial or private purposes, will be allowed to purchase the land and continue with the land use. This use may pose a fire and safety risk to adjacent landowners and reduce the value of their properties.*

The comments relate to a nearby undeveloped road reserve. The City conducted a review of public use of City managed reserves in 2011, which found that a vast majority of encroachments were minor and often the activities were of benefit to the City such as the creation and maintenance of firebreaks. The City is in the process of developing a strategy to manage these types of encroachments. There are only certain permitted uses in a residential zone.

GOVERNMENT & PUBLIC CONSULTATION

8. Discussions with the Department for Regional Development and Lands have been ongoing throughout the process, as the body responsible for finalising the closure of the road reserve and the sale of the unallocated Crown land.
9. The proposed road closure was referred directly to all government service providers for comment. Two submissions were received, however no objections were raised.

STATUTORY IMPLICATIONS

10. Section 58 of the *Land Administration Act 1997* allows Local Government to request the Minister for Lands to close a road. This section specifies the public consultation processes that must be observed prior to submitting the request to the Minister. An advertisement must be placed in a newspaper circulating in the district for a minimum period of 35 days.

11. Section 58 of the *Land Administration Act 1997* states that, in making a request to close a road, the local government must consider any objections made to it within the consultation period.
12. Section 74 of the *Land Administration Act 1997* provides the Minister for Lands general powers to sell Crown land.

POLICY IMPLICATIONS

13. The *Variations to the Residential Design Code Policy* ensures the local topography and built character of a street or suburb is protected. Any further residential development including extensions to existing dwellings must meet these requirements.
14. The *Albany Historic Town Design Policy* states that new residential development shall complement the townscape character and residential streetscapes of central Albany. Development shall also ensure that design is sympathetic to the natural topography and local climatic conditions. All future residential development in the policy zone, including extensions to existing dwellings must meet all future requirements.
15. *Albany Port Buffer Policy* protects the operation of the Albany Port to promote continued compatibility between Port operations and nearby residents. Notwithstanding this, Council does have the ability to approve a dwelling subject to stringent set of conditions (as listed in the policy).
16. Environmental Protection Authority Guidance Statement No. 3 recommends building distances of generally 300m-1000m subject to varying Port activities. The Day Street road reserve is located within this distance and will therefore be subject to stringent building conditions if any future residential development is approved.

RISK IDENTIFICATION & MITIGATION

17. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Road closure is not supported and the proponent is unhappy with the outcome	Likely	Medium	Medium	Ensure the proponent understands the basis of Council's decision and is made aware that a memorial will be placed on the new Certificate of Title, should the sale of the closed road proceed.

FINANCIAL IMPLICATIONS

18. There will be no further financial implications for Council. Whether the road closure is supported or denied, any proceeds from the sale of the unallocated Crown land, will go to the State Government and not Council.

LEGAL IMPLICATIONS

19. There are no legal implications relevant to this item.

ENVIRONMENTAL CONSIDERATIONS

20. There are no immediate environmental considerations relevant to this item. However, any future urban development of the subject land will need to consider the close proximity of the Port and its activities, under the *Environmental Protection (Noise) Regulations 1997* and *Environmental Protection Authority Guidance Statement No.3*.

ALTERNATE OPTIONS

21. Council has the following options in relation to this proposal:

- a) Decide not to proceed with the road closure and advise the Department for Regional Development and Lands that Council does not want to proceed with the sale of the undeveloped road reserve at this time; or
- b) Proceed with the road closure, allowing the sale of the resultant land and the subsequent amalgamation with the adjoining lot on Brunswick Road.

SUMMARY CONCLUSION

22. The public objections raised have been addressed in this report. The majority relate to future development of the area and concern about planning and development restrictions that they believe should be placed on such development. Currently, the subject portion of the Day Street road reserve is the only undeveloped portion of land in the proposed R30 zone under Draft Local Planning Scheme 1 along this section of Brunswick Road. The remaining portion of Day Street, other undeveloped road reserves of Jellicoe Street and Hassell Street and Reserve 23354 (Lots 776-782 Burgoyne Road) will all be re-zoned Parks and Recreation.

23. On this basis, it is recommended that Council resolve to proceed with the road closure of the subject portion of the Day Street road reserve, Port Albany. Additionally, it is recommended that Council place a memorial on the new Certificate of Title, alerting future landowners of the potential controls to future development of the site.

Consulted References:	Land Administration Act 1997 City of Albany Local Planning Strategy 1 Local Planning Scheme 1 City of Albany Historic Town Design Policy Variations to the Residential Design Code Policy Albany Port Buffer Policy Environmental Protection (Noise) Regulations 1997 Environmental Protection Authority Guidance Statement No. 3
File Number (Name of Ward):	RD.RDC.2 (Frederickstown)
Previous Reference:	OCM 19/02/2013 Item 4.8

PD004: PRECINCT PLAN – SPECIAL SITE S46 – SPENCER PARK NEIGHBOURHOOD CENTRE PRECINCT

- Land Description** : Various lots in and around Spencer Park neighbourhood centre
- Proponent** : Ayton Baesjou Planning
- Owner** : Department of Housing and various others
- Business Entity Name** : Great Southern Community Housing Association; Southern Aboriginal Corporation; Paceview Pty Ltd; Horizon Holdings Pty Ltd; Lionsville Albany Inc; Freemasons Homes; Perth Diocesan Trustees; Oliviam Pty Ltd; Regnis Group Pty Ltd; Reparto Holdings Pty Ltd; Primeking Pty Ltd
- Attachments** : Follow Report –
- Location Plan
 - Draft Central Sub-precinct Indicative Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct
- Appendices** : Nil
- Councillor Workstation** : Copy of submissions
Copy of Precinct Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct planning report
- Responsible Officer(s)** : Executive Director Planning and Development Services (D Putland)

Responsible Officer’s Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - c. **Strategic Objective:**
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - d. **Strategic Initiative:**
 - By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.
 - By ensuring that community safety is built into all planning and development initiatives.

2. Council's decision on the draft Precinct Plan should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.

3. ALPS section 5.2 – *Commerce* contains the following Planning Principle:

“Albany to remain the commercial/retail regional centre of the Lower Great Southern, supported by neighbourhood and local centres within the City.”

It expands on this principle by stating that:

“As the regional centre of the Great Southern, Albany will continue to provide services for a broad range of activities including retailing, administration, government and social, cultural, tourist-related and inner-city residential living needs. The regional centre is supported by neighbourhood centres catering for bulk shopping, residential service needs, office accommodation and medical and welfare services. Local centres provide smaller-scale shopping, convenience retailing and service needs.”

4. Section 5.2.2 – *Other business activity* sets the following Planning Objective:

“Provide appropriate locations for establishing and growing business activity.”

The following action is then identified for neighbourhood centres, in order to meet the Planning Objective:

“Encourage through precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres.”

5. Section 8.3.3 – *Urban Infill* sets the following Strategic Objective:

“Support urban infill development based on compatibility of land uses and infrastructure capacity”.

The ALPS expands on this by stating that *“urban infill development complements the urban-consolidation strategy and aims to maximise the use of existing residential and other types of land no longer economically viable.*

It is also expected that the Albany City Centre and urban neighbourhood centres will support new medium-density (R30 to R60) residential developments. Development will occur initially on small parcels of vacant land or as redevelopments of older housing. The increased residential densities will cater for smaller households, such as accommodation for seniors.

Some key issues associated with urban infill are land-use compatibility, availability and the capacity of existing services – particularly sewers and drainage – to facilitate development. Other infill factors to be addressed include existing lot sizes, achieving quality design, provision of enough of public open space, security and transport access. The key to successful infill is establishment of the most appropriate implementation mechanisms for specific developments, which can be statutory or non-statutory. In the past, rigid guided development schemes in Albany's urban area have not been successful because they have been responsible for slow rate of development and uptake.”

6. The proposal is considered to be consistent with these principles and objectives.

In Brief:

- Consider whether to finally adopt the draft Precinct Plan for Special Site S46 – Spencer Park Neighbourhood Centre Precinct.
- The proposal aims to regenerate the existing Spencer Park commercial centre and its environs by establishing a framework that allows both the Department of Housing and the private sector to develop vacant land and redevelop existing properties to a higher density with a greater mix of land uses than was previously permitted.
- The plan focuses on Hardie Road, close to the intersection with Angove Road, as this is the existing neighbourhood centre and envisaged as the future ‘main street’, within Spencer Park.
- The plan broadly addresses the requirements set out in the conditions for Special Site S46.
- There have been no objections received to the draft Precinct Plan through the public advertising and Government referral stage.
- Staff further liaised with the Albany branches of the WA Country Health Service and St. John Ambulance Association to ascertain if development of the precinct will have any negative impacts on their operations.
- Some concerns were raised by the WA Country Health Service and St. John Ambulance Association relating to emergency traffic travelling on Hardie Road to Albany Regional Hospital.
- Staff have recommended modifications to the document to allay these concerns.
- The draft Precinct Plan is consistent with contemporary planning principles and State policies that deal with growth and development. In addition, it is part of a State Government initiative to consolidate and redevelop areas of existing and former public housing.
- Staff recommend that Council finally adopts the draft Precinct Plan, subject to modification

RECOMMENDATION

PD004: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- 1. Finally adopts the draft Precinct Plan for the Spencer Park Neighbourhood Centre Precinct, subject to the following modifications:**
 - Deletion of the central median from Hardie Road;**
 - Deletion of the on-street parking provision on Hardie Road;**
 - Addition of a notation advising prospective developers of a 1 % developer contribution on all commercial, non-residential and mixed-use projects in excess of \$1,500,000 for public realm improvements; and**
 - Addition of a notation advising prospective developers that they may be required to undertake a traffic study and prepare a traffic management plan, should their development have the potential to generate a significant increase in local traffic.**

PD004: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: CR DUFTY

THAT the Officer Recommendation is ADOPTED.

CARRIED 6-0

PD004: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1. Finally adopts the draft Precinct Plan for the Spencer Park Neighbourhood Centre Precinct, subject to the following modifications:**
 - Deletion of the central median from Hardie Road;**
 - Deletion of the on-street parking provision on Hardie Road;**
 - Addition of a notation advising prospective developers of a 1 % developer contribution on all commercial, non-residential and mixed-use projects in excess of \$1,500,000 for public realm improvements; and**
 - Addition of a notation advising prospective developers that they may be required to undertake a traffic study and prepare a traffic management plan, should their development have the potential to generate a significant increase in local traffic.**

BACKGROUND

7. The subject area covers the Spencer Park neighbourhood centre and surrounding streets. The land is primarily covered by the 'Residential' zoning, with the exception of Lots 50, 63, 65 and 73 Angove Road, which are zoned 'Local Shopping', Lot 72 Angove Road, which is zoned 'Service Station' and Lot 7055 Hardie Road and Lot 6906 Nind Street, which are zoned 'Clubs and Institutions'.
8. In September 2006, a scheme amendment (No. 154) to change the R-Code densities of a number of Lots in Spencer Park was supported by Council. The proposal was subsequently granted final approval by the Minister for Planning and Infrastructure in May 2007 and Gazetted in July 2007. This had, to some extent, established the basic principle of increasing the density of 'Residential' zoned land in the Spencer Park locality, which formed the basis for a subsequent scheme amendment (No. 171).
9. Amendment No. 171, sought to amend Town Planning Scheme (TPS) No. 1A by establishing a 'Special Site' covering the Spencer Park Neighbourhood Centre Precinct, which would modify the R-code densities and uses allowed within the Special Site area.
10. This concept originated from the *Spencer Park Urban Design Study* that was prepared by Mackay Urban Design on behalf of the Department of Housing in March, 2008. The proposed boundary for the Special Site area was decided upon in consultation with City staff, taking into account the following criteria:
 - Walking distance from core commercial facilities;
 - maintaining similar density coding on both sides of a street;
 - acknowledging potential for infill as well as redevelopment; and
 - confining the extent of rezoning initially to facilitate a more intensive redevelopment.
11. The intent was to facilitate the redevelopment of the commercial area around Hardie Road to create a mixed-use neighbourhood centre, while also enabling higher-density residential development to take place in the surrounding locality.
12. Amendment 171 was presented to Council in 2009, approved by the Minister for Planning on 30th August 2010 and finally gazetted on 17th August 2010.
13. A draft Precinct Plan was subsequently prepared to guide development within the Special Site. Council adopted the draft plan for the purposes of public advertising at its ordinary meeting on 21 August 2012.
14. Council is now requested to consider submissions received during the public advertising period and determine whether to finally adopt the draft Precinct Plan.

DISCUSSION

15. The proposal aims to regenerate the existing Spencer Park commercial centre and its environs, establishing a framework that allows both the Department of Housing and the private sector to develop vacant land and redevelop existing properties to a higher density, with a greater mix of land uses than was previously permitted.
16. An increase in building density and mix of land uses (residences, shops, offices, etc.) should strengthen the role of the existing commercial centre as a focus for the community and ultimately lead to the creation of a neighbourhood centre with a broad range of amenities and a greater sense of place.
17. The schedule of provisions for the Special Site set out the minimum controls required for the following aspects of development:

- permitted land uses;
 - plot ratio (floor area to site area ratio);
 - building height;
 - setbacks;
 - vehicle access;
 - on-site car parking requirements;
 - landscaping requirements; and
 - built form design requirements, including signage.
18. The draft Precinct Plan reinforces these development controls and presents conceptual plans which illustrate the type of development envisaged for the area by way of examples from elsewhere in the State. The plan focuses on Hardie Road, close to the intersection with Angove Road, as this is the existing neighbourhood centre and is envisaged as the future 'main street' within Spencer Park.
 19. Although the plan broadly addresses the requirements set out in the conditions for Special Site S46, staff raised concerns with the Department of Housing over the following matters:
 - The potential impact of increased traffic on the area;
 - the likelihood of traffic conflict involving ambulances travelling along Hardie Road to Albany Regional Hospital;
 - staging of development; and
 - the implementation of development, including contributions to public realm upgrades.
 20. The Department of Housing considered that these matters could be addressed through the advertising and referral process and requested that the plan be advertised for public comment.
 21. During the public advertising and Government referral stage there were no objections raised against the plan. As the City had not received any feedback from the WA Country Health Service and St. John Ambulance Association, staff met with representatives from these organisations to ascertain if development of the precinct would have any negative impacts on their operations. Both organisations raised concerns over the proposed modifications to Hardie Road and the impact that this may have on emergency traffic travelling to Albany Regional Hospital.
 22. In light of these concerns, staff consider it appropriate to remove the central median and on-street parking provision on Hardie Road to minimise the risk of traffic conflict. In order to manage future increases in traffic volume, staff also consider it necessary to add a notation to the plan to advise prospective developers that they may be required to undertake a traffic study and prepare a traffic management plan should their development have the potential to generate a significant increase in local traffic.
 23. The matters of staging and implementation are still largely unknown as the Department of Housing cannot commit funding to the project without first having the Precinct Plan in place. However, Department representatives have indicated that funding for the initial stage of works could be put in place in a very short timeframe following finalisation of the Precinct Plan. The Department has also indicated that business owners in the neighbourhood centre are committed to developing their land or properties at the outset of the project and to contributing to the cost of public realm improvements, which will encourage further development of the surrounding area.
 24. The Department of Housing has identified the project as being potentially eligible for funding as part of their 'New Living' urban renewal programme, which is already proving successful in a number of other locations in Western Australia.

25. This programme was established to ensure the consolidation and redevelopment of a number of highly visible areas of Department of Housing's responsibility, with the following key objectives:
- The reduction of high concentrations of public housing;
 - the refurbishment of houses for sale to both the public and existing tenants;
 - better land utilisation through the re-subdivision/refurbishment of public rental housing;
 - infrastructure enhancements (upgrading of streetscapes and open space); and
 - community development.
26. Public realm improvements, including landscaping and the planting of street trees, have been identified on supplementary diagrams within the planning report that accompanies the draft Precinct Plan. Staff recommend that in lieu of developer contributions for public art, required in accordance with the City of Albany's *Public Art* policy, an equivalent contribution is sought to fund public realm improvements. To achieve this outcome, a notation should be added to the draft Precinct Plan requiring a developer contribution of 1% of development value for all commercial, non-residential and mixed-use projects in excess of \$1,500,000 to be used for public realm improvements.
27. Overall, the draft Precinct Plan is consistent with contemporary planning principles and State policies that deal with growth and development. In addition, it is part of a State Government initiative to consolidate and redevelop areas of existing and former public housing.
28. Staff recommend that Council finally adopts the draft Precinct Plan subject to the following conditions:
1. Modification of the plan to remove the central median and on-street parking provision on Hardie Road
 2. The addition of notations advising prospective developers of a 1% developer contribution on all commercial, non-residential and mixed-use projects in excess of \$1,500,000 for public realm improvements
 3. Notification to developers to advise they may be required to undertake a traffic study and prepare a traffic management plan should their development have the potential to generate a significant increase in local traffic.

GOVERNMENT & PUBLIC CONSULTATION

29. The draft Precinct Plan was referred to WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Health and St. John Ambulance Association for assessment and comment. Responses were received from Telstra, Water Corporation and Western Power. Although no objections were raised, the Water Corporation has advised that there may be a need to upgrade the water and wastewater network in order to service the increases in density.
30. Staff contacted the WA Country Health Service and St. John Ambulance Association to discuss potential impacts on their operations. Concerns were raised in relation to the potential effects on emergency travelling to Albany Regional Hospital. These matters are discussed in more detail in paragraphs 22 and 23 above.
31. The draft Precinct Plan was advertised in accordance with Clause 4.49(a) of Town Planning Scheme (TPS) No. 1A (see paragraph 35 below), between 13 September 2012 and 4 October 2012 for public comment.
32. Two submissions were received during the public consultation period. Both submissions are broadly supportive of the draft Precinct Plan and can be summarised as follows:

No.	Name/Address of submitter	Summary of submission	Officer comment
1	Public submission	<p>The draft plan aims to change the precincts to a significant commercial and high density residential area. Proximity to Albany Regional Hospital, a primary school and limited number of aged care facilities supports the plans.</p> <p>The only shortcoming of the plan is that it needs to facilitate amalgamation of a few more residential lots to make it possible to establish more retirement villages.</p> <p>It is suggested that the eastern boundaries of the R60 areas should be moved further to the east to facilitate this requirement.</p>	<p>Noted.</p> <p>The plan does not specify lots to be amalgamated. This will be at the discretion of individual developers and subject to separate applications to amalgamate lots, which are made to the Western Australian Planning Commission.</p> <p>The planning provisions contained within Appendix II – Schedule of Special Sites within Town Planning Scheme No. 1A provide for the construction of ‘Aged Persons Home/Village’ in the R60 precinct.</p> <p>The boundaries of the R60 precinct were set by Town Planning Scheme Amendment No. 171 and cannot be modified by the Precinct Plan.</p>
2	Public submission	<p>I wish to write in support of the concepts outlined in the draft Precinct Plan and look forward to implementation to revitalise this area.</p> <p>I commend the City for looking to redevelop existing sites and increase housing density around urban neighbourhood nodes rather than turning Albany into a great urban sprawl. Future residents will be much appreciative of the planning forethought and enjoy the benefit brought from close services and amenities in their lifestyle.</p> <p>The landscaping proposed looks good; local native plants would be preferable.</p>	<p>Noted.</p> <p>The use of local native plants and trees in public realm improvements will be encouraged.</p>

STATUTORY IMPLICATIONS

33. The subject lot is primarily zoned ‘Residential’, with the exception of Lots 50, 63, 65 and 73 Angove Road which are zoned ‘Local Shopping’, Lot 72 Angove Road which is zoned ‘Service Station’ and Lot 7055 Hardie Road and Lot 6906 Nind Street, which are zoned ‘Clubs and Institutions’. All of the subject land is covered by Special Site S46 and assigned R-Code densities ranging from R40 to R80.
34. Clauses 4.47 to 4.49 of TPS No. 1A set out the processes to develop and adopt a Precinct Plan. They also provide direction on what functions the Precinct Plan shall have in the decision-making process.

- “4.47 The Council shall neither approve nor adopt a Precinct Plan unless the Precinct Plan shows or otherwise clearly describes the following:
- (a) The proposed use of the land within the Precinct, including both public and privately owned land;
 - (b) The location and dimensions of any roads, pedestrian and cycle paths, car parking areas, public open spaces and other reserves;
 - (c) The number of cars which any parking areas are designed to accommodate;
 - (d) The boundaries and approximate dimensions of any lots to be created through the subdivision of land within the Precinct;
 - (e) The planned disposition of buildings in terms of height and setbacks from lot or reserve boundaries.
- 4.48 The Council may also require that a Precinct Plan show or otherwise describes the following:
- (a) The type and colour of the paving materials which are proposed to be used in the construction of roads, paths and public open spaces;
 - (b) Indicative designs of any buildings to be constructed;
 - (c) The location and form of outdoor furniture or any other artefact proposed to be placed within any public space;
 - (d) The location, quantities and species of any plants which are to be used for landscaping the Precinct; and
 - (e) Any other detail which the Council, at its discretion, considers necessary or desirable for the Precinct Plan to show or describe.
- 4.49 The Council shall not adopt a Precinct Plan until after the following procedures have been completed:
- (a) The Council, having first approved the Precinct Plan, shall publish a notification once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the Precinct Plan may be inspected, and in what form and during what period submissions may be made.
 - (b) The Council shall review the Precinct Plan in the light of any submissions received and shall then resolve either to formally adopt the Precinct Plan with or without modification, or not to adopt the Precinct Plan.
 - (c) Following final adoption of a Precinct Plan, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.”

POLICY IMPLICATIONS

35. The City of Albany's *Public Art* policy requires any private developments involving commercial, non-residential and/or mixed residential/commercial developments over the

value of \$1,500,000 to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity. This is intended to develop and promote community identity within the City of Albany by requiring commissioned public art works as part of private development projects within the City of Albany.

36. As discussed in paragraph 23, a developer contribution programme to fund public realm improvements has not been submitted by the Department of Housing. Staff would therefore recommend that in lieu of developer contributions for public art an equivalent contribution is sought to fund public realm improvements. This could be achieved by placing a notation on the plan advising of the requirement for a developer contribution of 1% of the project value on all commercial, non-residential and mixed-use projects in excess of \$1,500,000 for public realm improvements.

RISK IDENTIFICATION & MITIGATION

37. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Not adopting the draft Precinct Plan will prevent the development of the land, as it will not be possible to fulfil the conditions relating to Special Site S46.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>
<i>Adopting the precinct plan in its current form presents a risk of conflict between local traffic and emergency traffic travelling to Albany Regional Hospital.</i>	<i>Possible</i>	<i>Severe</i>	<i>High</i>	<i>The deletion of the central median and on-street parking proposed for Hardie Road should ensure that traffic using this road remains free-flowing and removes possible impediments to emergency traffic travelling to Albany Regional Hospital.</i> <i>As an additional safeguard, a traffic study and traffic management plan can be required as part of a Development Application for any development that may significantly increase local traffic volumes.</i>

FINANCIAL IMPLICATIONS

38. As discussed in paragraphs 25 and 35 above, staff consider it appropriate to seek a developer contribution of 1% of development value on all commercial, non-residential and mixed-use projects in excess of \$1,500,000 for public realm improvements. If no developer contributions are sought, it is unlikely that these public realm improvements would be achieved.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

40. There are no environmental considerations relating to this item.

ALTERNATE OPTIONS

41. Council has the following options:

- Finally adopt the draft Precinct Plan, without modification;
- Finally adopt the draft Precinct Plan, subject to modification; or
- Not to adopt the draft Precinct Plan.

SUMMARY CONCLUSION

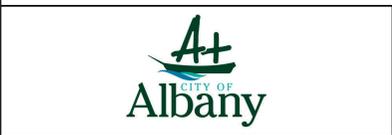
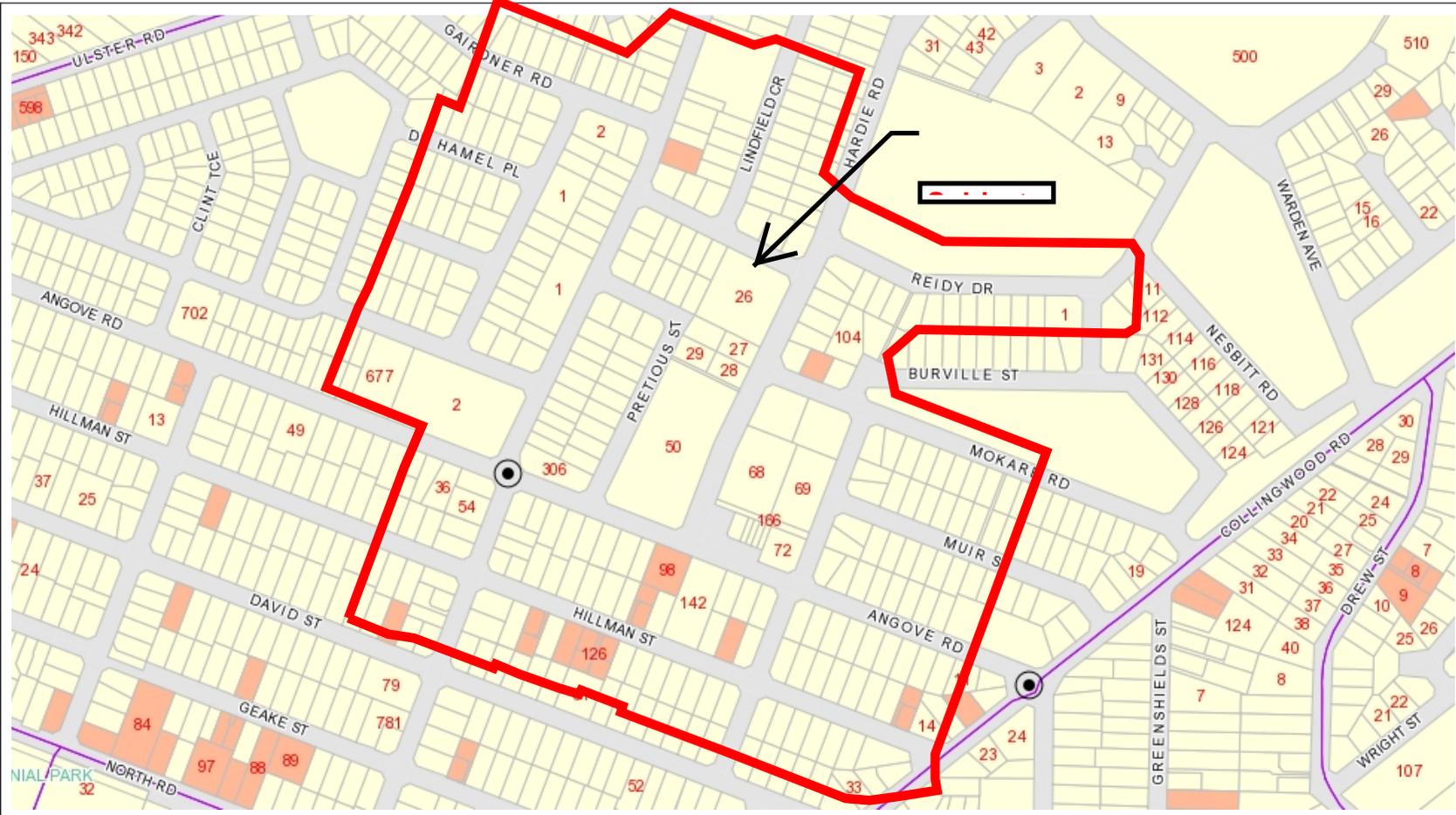
42. The adoption of the draft Precinct Plan will be necessary to address the conditions relating to Special Site S46 and allow the development of the land to take place.

43. Overall, the draft Precinct Plan is consistent with contemporary planning principles and State policies that deal with growth and development. In addition, it is part of a State Government initiative to consolidate and redevelop areas of existing and former public housing.

44. Staff recommend that Council finally adopts the draft Precinct Plan, subject to the following conditions:

1. Modification of the plan to remove the central median and on-street parking provision on Hardie Road.
2. Addition of notations advising prospective developers of a 1% developer contribution on all commercial, non-residential and mixed-use projects in excess of \$1,500,000 for public realm improvements
3. Advice to developers that they may be required to undertake a traffic study and prepare a traffic management plan, should their development have the potential to generate a significant increase in local traffic.

Consulted References	:	Albany Local Planning Strategy; WA Planning Commission (WAPC) State Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	:	ODP014 (Breaksea Ward)
Previous Reference	:	OCM 19/05/2009 – Item 11.2.1 OCM 17/11/2009 – Item 13.2.4 OCM 21/08/2012 – Item 2.10

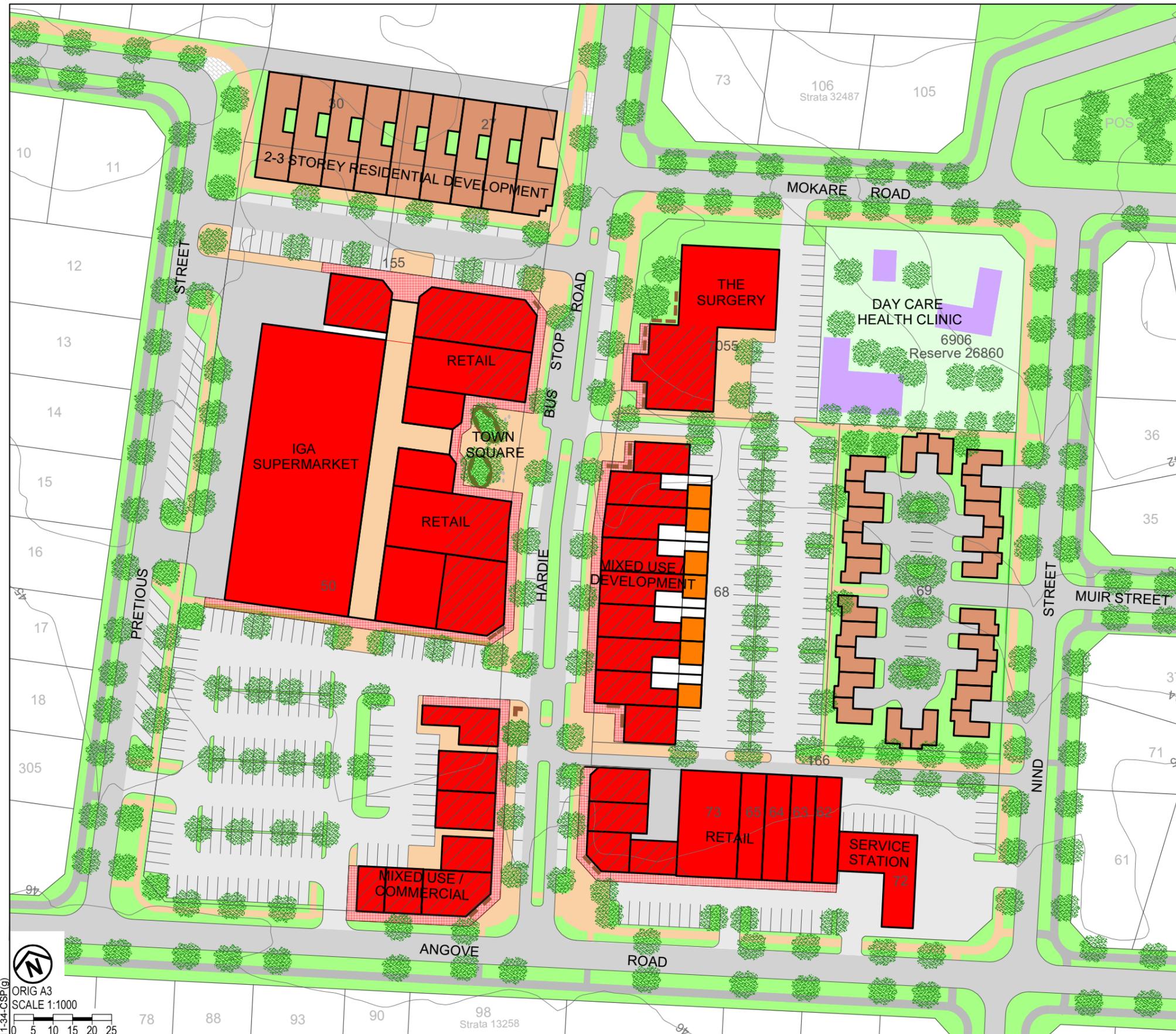


This map has been produced by the City of Albany using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no responsibility for its use by other parties

Monday, 15 July 2013
1:6000



**CENTRAL SUB-PRECINCT
INDICATIVE PLAN**
Spencer Park,
City of Albany



LEGEND

- Existing Retail / Commercial
- Proposed Retail / Commercial
- Residential Development
- Veranda / Awning

11-34-CSP(g)
ORIG A3
SCALE 1:1000
0 5 10 15 20 25

AYTON BAESJOU
PLANNING
11 Duke Street
Albany WA 6330
Ph 9842 2304 Fax 9842 8494
Ayton Baesjou Planning
In Association with:
Roberts Gardiner Architects, and
Opus International Consultants

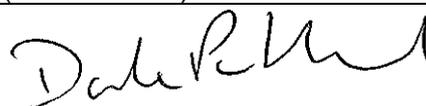
PD005: CONSIDERATION OF ADVERTISING AMENDMENTS TO 'POLICY MANUAL'

Land Description : City of Albany
Proponent : City of Albany
Owner : City of Albany
Business Entity Name : N/A
Attachments : Follow Report –

- Amended Temporary Accommodation draft policy
- Relocated Dwelling draft policy
- Holiday Home draft policy
- Ancillary Accommodation draft policy

Appendices : Nil
Councillor Workstation : Current Temporary Accommodation Relocated Dwelling, Holiday Home and Ancillary Accommodation Policies.
Responsible Officer(s) : Executive Director Planning & Development Services (Dale Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - c. **Strategic Initiative:**
 - By protecting heritage buildings, and ensuring new developments respect the heritage and character of streetscapes.
 - By ensuring that community safety is built into all planning and development initiatives.

In Brief:

- A process of reviewing the current town planning scheme policies has commenced.
- Over the next year staff will review the majority of the policies and present the policies that are in need of modification to Council for consideration.
- The first four policies to be modified are the Temporary Accommodation; Relocated Dwelling; Holiday Home; and Ancillary Accommodation policies.
- These have been amended to respond to changes in State policy and current practice.
- It is recommended that Council adopt the amended policies for public advertising.

RECOMMENDATION

PD005 COMMITTEE RECOMMENDATION/S VOTING REQUIREMENT: ABSOLUTE MAJORITY

1. THAT Council resolves to adopt the proposed amendments to the

- a. Temporary Accommodation;
- b. Relocated Dwelling;
- c. Holiday Home; and
- d. Ancillary Accommodation Policies

as contained within the Town Planning Scheme 1A and 3 Policy Manual.

For advertising purposes in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

PD005: COMMITTEE RECOMMENDATION

MOVED: CR GREGSON

SECONDED: MAYOR WELLINGTON

THAT the Officer Recommendation is ADOPTED.

CARRIED 6-0

PD005 RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council resolves to adopt the proposed amendments to the

- a. Temporary Accommodation;
- b. Relocated Dwelling;
- c. Holiday Home; and
- d. Ancillary Accommodation Policies

as contained within the Town Planning Scheme 1A and 3 Policy Manual.

For advertising purposes in accordance with Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

BACKGROUND

1. The City is currently in the process of undertaking a comprehensive review of its planning policies. The review has identified a number of policy areas which require amendment.
2. The proposed changes are in response to changes in state policy and to improve the operation of the policies. These changes are discussed in more detail in the discussion section of this document.

DISCUSSION

3. Temporary Accommodation policy
The Temporary accommodation allows for a person to live in a caravan for a temporary period while a dwelling is being built on the same property.
4. The following matters have been identified as requiring amendments;
 - The Owner builder requirement.
 - Possible impact on the Amenity of the neighbourhood.
 - Safety of the occupier during the construction of the dwelling.
5. The City's Temporary Accommodation policy supports living in a caravan while a dwelling is being built, but only by an 'owner builder'. This requirement does not allow for a building company to build a house within a more reasonable timeframe than an owner builder. It is therefore recommended that this requirement be removed from the policy.
6. There is potential for adverse impacts on the amenity of a neighbourhood where temporary accommodation is allowed. It is recommended that a requirement for consultation be added to the policy. By consulting with neighbours, any potential concerns can be considered as part of the assessment of the application.
7. The safety of occupants of temporary accommodation during construction is also of concern. A requirement for temporary fencing around the building site to keep the occupants of the temporary accommodation away and therefore safe from hazards associated with a building site is recommended as an additional policy requirement.
8. Relocated Dwelling policy
"Relocated Dwelling" refers to a dwelling which has been previously constructed on a building site whether within the district or elsewhere and subsequently relocated to a new location.
9. Relocated dwellings are generally timber framed houses built in the 1970's with fibro sheet cladding. The external materials of these structures often do not fit with the character of materials of dwellings constructed after the 1980's. The provisions within the City's current Relocated Dwelling policy do not provide controls for external materials and the management of asbestos cladding.
10. The following matters were identified as requiring amendments;
 - Possible impact on the amenity of the neighbourhood.
 - The current bonding arrangements of works which ensures renovations are completed to the satisfaction of the City.
 - The control management of asbestos cladding
 - The requirement to meet energy efficiency requirements for Climate Zone 6, as contained in the Building Code of Australia.
11. The City has on occasion received comments from residents regarding relocated dwellings and the negative impact to the amenity and on the streetscape quality of a neighbourhood that can result from sub-standard renovation / development of these dwellings.

12. Staff recommend an additional provision be added to the policy to require external surfaces of any relocated dwelling to be re-clad in materials similar to existing dwellings in the neighbourhood. Where existing dwellings are mainly constructed out brick, the City may support a combination of materials inclusive of brick (e.g. brick and/or timber/gyprock horizontal cladding and/or custom orb or trimdeck cladding).
13. By stipulating materials as a condition of Planning consent, it will no longer be necessary to take bonds. The bonding requirement can therefore be removed from the Policy. Any non compliance can consequently be appropriately managed as compliance action in accordance with the *Planning and development Act 2005* (Section 218).
14. To further reduce the impact on the amenity of the area, it is recommended that Council impose a requirement for all works to be completed to the relocated dwelling to the City's satisfaction within twelve (12) months of the dwelling being placed on the new site.
15. A relocated second-hand dwelling is considered a new building under the Building Code of Australia. It is consequently required to meet the energy efficiency requirements for Climate Zone 6, as contained in the Building Code of Australia. It is therefore recommended that a provision be added to the policy to ensure that all relocated dwellings meet these energy efficiency requirements.
16. Holiday Home policy
A holiday home refers to a dwelling let out for short term (max 3 months within 12 month period) holiday accommodation.
17. The purpose of applying for planning approval for 'Holiday Home' is to ensure that the proposed use and/or development on a property:
 - is appropriate according to its zoning; and
 - has no adverse impact upon other landowners.
18. The following matters have been identified as requiring amendments;
 - Approvals being issued to Owner as opposed to Land.
 - Clarifying the process for reverting the use back to "residential" use
 -
19. The current 'Holiday Home Policy' provision F2.1 (2), dictates that approvals are issued to the owner of the land and not the land itself. This type of approval complicates the land use rights of the property, especially if the property is sold. It is recommended that this requirement be removed as part of this review of the policy.
20. The procedure for changing an approved holiday home back to permanent residential is currently not included within the policy. To improve the operation of the policy, it is recommended that a clause be added to require a formal letter advising the City that the property is reverted back to "permanent residential use".
21. Ancillary Accommodation Policy

Ancillary accommodation refers to self contained living accommodation on the same lot as a single house. The Residential Design codes (RCodes) and the City's current ancillary accommodation policy, both require occupants of an ancillary dwelling to be members of the family of the occupiers on the main dwelling.

22. The City's policy also restricts the size of ancillary accommodation to 75 m².
23. The Western Australian Planning Commission has recently reviewed the Residential design codes, including the revised Ancillary Accommodation requirements. Consequently occupants no longer need to be members of the family of the occupiers on the main dwelling. This change allows homeowners to gain extra income from their properties and also provides renters more housing choice. Overall, this approach removes regulatory barriers to the development process and assists in achieving cost-effective housing development while maintaining local amenity. The initiative further helps to achieve a diverse and affordable housing, stock.
24. The review also resulted in an increase of the size of Ancillary accommodation in the Rcodes from 60 m² to 70 m².
25. The new Residential design codes come into effect on the 1st of August 2013
26. In order to make the City's policies consistent with the Rcodes, it will be necessary to remove the occupancy restriction and reduce the maximum size allowed from 75 m² to 70 m².

These amendments to the City's policy are recommended to make City's policy consistent with the Rcodes.

GOVERNMENT & PUBLIC CONSULTATION

27. Should Council resolve to advertise amendments to the City's Policy Manual, an advertisement is to be placed once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the amendments 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.
28. The Council shall then review the amended provisions in the light of any representations made and decide whether to finally adopt new policy provisions.
29. Following final endorsement, details thereof shall be advertised publicly and a copy kept with the scheme documents (Policy Manual) for inspection during normal office hours.

STATUTORY IMPLICATIONS

30. Clauses 6.9 of the City of Albany Town Planning Scheme 3 and 7.21 of Town Planning Scheme 1A set out the processes to adopt and modify town planning scheme policies and also provides direction on what function the policies have in the decision-making process.
31. Policies may only be altered or rescinded by:

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations Poor decision making as a result of unnecessary or inconsistent requirements.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy Manual.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

35. There are no pertinent environmental considerations relating to this item.

ALTERNATE OPTIONS

36. Council has the options of:
- a. Resolving to advertise the amendments to the Policy Manual with or without modifications;
 - b. Resolving not to advertise the amendments to the Policy Manual.

SUMMARY CONCLUSION

37. It is recommended that Council releases the amendments to the Policy Manual for public advertising.

Consulted References	:	Local Planning Scheme 1A and 3 Policy Manual
File Number (Name of Ward)	:	City of Albany
Previous Reference	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual).

TEMPORARY ACCOMMODATION

Objective:

To provide guidelines for landowners seeking to live on their property whilst constructing their permanent housing.

Policy Provision

1. Temporary Accommodation is not permitted unless planning consent to it is granted by the City. The applicant must hold a current building permit for the construction of a dwelling on the property prior to the approval being considered.
2. Temporary accommodation is limited to a period of one (1) year
3. Approval for temporary occupation will only be granted for properties greater than 4000m² in area.
4. Temporary accommodation may be considered in the following zones:
 - a) Rural;
 - b) Special Rural;
 - c) Special Residential;
 - d) General Industry; and
 - e) Light Industry.
5. Temporary accommodation will only be permitted in a caravan that must remain in a condition that readily permits its removal from the site at all times. Sleeping and cooking activities must be confined to the caravan.
6. Toilet, bathroom and laundry facilities must be provided to the minimum health standards required by the Building Code of Australia and the Health Act. These facilities may be in a shed constructed on-site and alongside which the caravan is parked. All facilities must be inspected before occupation of the temporary accommodation.
7. All ablution facilities must be connected to an on-site sewage treatment and effluent disposal system approved by the City.
8. The applicant must complete a Temporary Accommodation Agreement Deed (**see Appendix 1**) and pay the applicable fee which must be paid on a pro-rata basis up to June 30 of that year.
9. Council reserves the right to revoke temporary occupation permission if it is at any time dissatisfied with the rate of progress of the dwelling, with the amenity of the site or the general terms of the approval not being complied with.
10. Neighbouring properties are to be invited to make comment on a proposal for temporary accommodation.
11. During the construction of a dwelling, temporary fencing is to be erected around the building site.

APPENDIX 1:

DEED OF AGREEMENT FOR TEMPORARY CARAVAN ACCOMMODATION

This is a formal Deed of Agreement between the City of Albany and the applicant(s) to reside on their property in approved temporary caravan accommodation while their permanent dwelling is being constructed on the same land.

APPLICANT(S):.....

ADDRESS:
.....
.....

TELEPHONE NO:

BUILDING LICENCE NUMBER OF PERMANENT DWELLING:

ADDRESS OF PROPERTY FOR PROPOSED TEMPORARY CARAVAN ACCOMMODATION:
.....
.....

REASON FOR REQUEST:
.....
.....
.....

PROPOSED TIMEFRAME FOR BUILDING CONSTRUCTION OF DWELLING:
.....
.....
.....

TYPE OF CARAVAN TO BE USED (INCLUDE LICENCE NUMBER, SIZE AND MAKE OF CARAVAN):

.....
.....
.....

I/WE.....

Of.....

.....
.....

have applied to the City of Albany for Temporary Caravan Accommodation during the construction phase of a permanent dwelling on that land.

I/We understand fully the terms and conditions of this Agreement and Guidelines for Temporary Caravan Accommodation and accept them completely.

Further, I/We will vacate and remove the temporary caravan accommodation if instructed by a Council Environmental Health Officer due to a lack of sufficient building progress as outlined in the Guidelines and where there is non-compliance with any conditions of approval, or if I/We have remained in temporary caravan accommodation for a greater period than approved by Council or the Minister for Local Government.

If in the event I/We do not vacate and/or remove the temporary caravan accommodation as instructed by a Council Environmental Health Officer, I/We permit the Council to undertake this removal at my/our cost.

Signed:

Date:

Signed:

Date:

RELOCATED DWELLINGS

Objective:

To control the quality of second-hand dwellings within the City and ensure that they are refurbished in a timely manner.

Definitions

“Relocated Dwelling” means a dwelling which has been previously constructed on a building site whether within the district or elsewhere whether occupied or not (*as per definition within Town Planning Scheme No. 3*).

Policy Requirements

- 1) Relocated dwelling is not permitted unless planning consent to it is granted by the City.
- 2) Relocated dwelling(s) may be considered in the following zones:
 - a) Residential;
 - b) Tourist Residential;
 - c) Central Area;
 - d) Yakamia Creek;
 - e) Rural;
 - f) Future Urban;
 - g) Residential Development;
 - h) Special Rural;
 - i) Special Residential;
 - j) Conservation;
 - k) Rural village;
 - l) General Industry; and
 - m) Light Industry.
- 3) Planning consent shall be obtained before the house can be relocated onto any property. Any application shall be accompanied by:
 - a) relevant application fee;
 - b) photographs of the front, rear and side of the dwelling;
 - c) a proposed site location plan;
 - d) floor plan; and
 - e) redevelopment details (eg. building materials to be used – wall cladding).
- 4) All works required to be undertaken to the relocated dwelling by the terms and conditions of the City's planning and building approvals must be completed within twelve (12) months of the dwelling being placed on the new site.
- 5) Removal of asbestos materials from dwellings is to be carried out prior to relocating the dwelling in compliance with Health (Asbestos) Regulations 1992.
- 6) The external surfaces of the dwelling shall be re-clad in materials similar to existing dwellings in the neighbourhood. Where existing dwellings are brick developed, the City may support a combination of materials inclusive of brick (eg. brick and/or timber/gyprock horizontal cladding and/or custom orb or trimdeck cladding).
- 7) As a relocated second-hand dwelling is considered a new building under the Building Code of Australia, it is required to meet the energy efficiency requirements for Climate Zone 6 contained in the Building Code of Australia.

HOLIDAY HOMES

Objective:

To encourage good quality, well managed holiday accommodation for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.

Definitions

“Holiday Home” means a single house (includes ancillary accommodation unit), used for short stay accommodation for no more than six people (does not include a bed and breakfast or lodging house).

Policy Requirements

General

- 1) Holiday Home is not permitted unless planning consent to it is granted by the City.
- 2) Holiday Home may be considered in the following zones:
 - a) Residential;
 - b) Tourist Residential;
 - c) Central Area;
 - d) Yakamia Creek;
 - e) Rural;
 - f) Future Urban;
 - g) Residential Development;
 - h) Special Rural;
 - i) Special Residential;
 - j) Conservation; and
 - k) Rural village.
- 3) Matters to be considered in assessing and determining applications include:
 - a) **Effective on-going management.**
 - o The responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise) to adjoining/nearby properties.
 - o Suitable on-going management can be more difficult if owners live a considerable distance from the application site. Accordingly, as part of the planning application, the local government will require the proponent to outline how the site will be managed, especially if the owners do not live nearby.
 - o A management statement shall be submitted to address matters including:
 - the amenity of adjoining/nearby land uses;
 - managing noise impacts of visitors;
 - the submission of a code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour;
 - outlining how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing onsite assistance and confirming arrangements for cleaning/waste management);
 - relevant site specific matters including fire management/emergency response plans for visitors and managing risks for visitors; and

- the handling of complaints (it is expected that the tenant be contacted by phone immediately and the proponent or their representative visit the property, preferably within 12 hours).
- b) **Neighbours comment.**
Where neighbours object, consider appropriate location and compatibility with the following;
 - close proximity to key tourism attractions such as the beach, town centre or rural areas;
 - within 400 metres (typically a 5 minute walk) of an activity centre;
 - within an interconnected network of streets which facilitates safe, efficient and pleasant walking, cycling and driving
 - The Figure A below, which is considered to be the most appropriate priority area for the establishment of holiday homes given these areas are within close proximity to the town centre and popular swimming beaches;
 - Compatibility with relevant local planning strategy;
 - the proximity of the premises to where a holiday maker would desire to stay - proponents should address this in their application.
- c) **Access and car parking.**
 - All car parking is to be contained on-site and no verge area should be used for car parking.
 - At a minimum, it will be necessary to provide 2 on-site car parking bays for up to 6 guests. Tandem parking will only be permitted for a maximum of one vehicle behind another vehicle.
 - It is common for holiday makers to have a boat, trailer, caravan etc. and there should be additional space allocated for such.
 - All vehicle access (including crossovers) and car parking areas are to be sealed and drained to the approval of the local government.
- d) **Number of guests.**
Holiday homes are restricted to a maximum number of 6 guests in order to protect the amenity of the residents in the vicinity. Where more than 6 guests are proposed, the premises is classified under the Health Act 1911 as a “*lodging house*”. A Lodging House shall be treated as a “Use Not Listed” under the provisions of Scheme No. 1A and 3.

Conditions of Approval

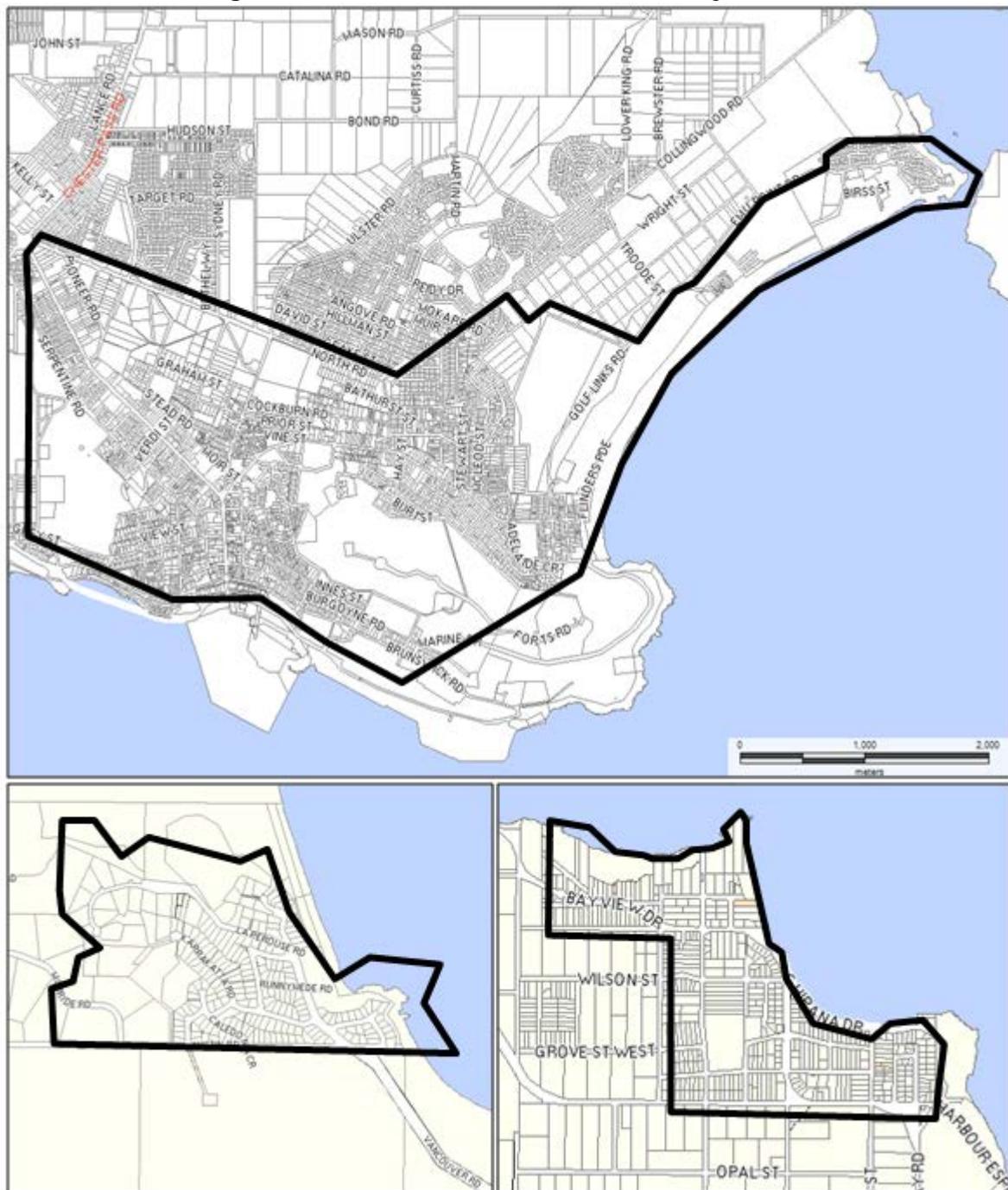
Council in considering a Holiday Home may impose conditions based on the following:

- 1) The maximum number of persons to be accommodated is restricted to 6 exclusive of the owner/operator.
- 2) The maximum stay for any one person is restricted to 3 months within any 12 month period.
- 3) Operators must provide and maintain a register of all people who utilise the holiday accommodation during the year to Council’s satisfaction. A receipt book must be kept.
- 4) A new proprietor wishing to continue the use of the site for holiday accommodation will need to provide an updated management plan.

Advertising Requirements

The use ‘Holiday Home’ falls under the wider definition of ‘Holiday Accommodation’ which is a use that requires advertising under Town Planning Scheme No. 1A. Where the use is proposed within a residential zone there is a 21 day advertising period inviting comment from adjacent landowners in accordance with Council’s Planning Processes Guidelines is required.

Figure A - Preferred Areas for Holiday Homes



ANCILLARY ACCOMMODATION

Objective:

To accommodate housing demand, whilst minimising any adverse impacts on neighbours.

Definition

“Ancillary Accommodation” means self contained dwelling on the same lot as a single house, which may be attached to, integrated with or detached from the Single House (as per Residential Design Codes).

Policy Requirements

1. Ancillary accommodation is not permitted unless planning consent to it is granted by the City.
2. Ancillary accommodation may be considered in the following zones:
 - a. Residential;
 - b. Tourist Residential;
 - c. Central Area;
 - d. Yakamia Creek;
 - e. Rural;
 - f. Future Urban;
 - g. Residential Development;
 - h. Special Rural;
 - i. Special Residential;
 - j. Conservation; and
 - k. Rural village.
3. A maximum of one (1) ancillary accommodation unit may be considered per Single House.
4. Ancillary accommodation is to be located either alongside or to the rear of the existing residence.
5. A maximum internal floor area of 70m² (not inclusive of a garage or carport) for an ancillary accommodation unit applies.
6. The unit shall be connected to the same effluent disposal system as the main dwelling. Where the applicant proves this to be physically impossible, Council may support a second effluent disposal system.
7. One additional car space is to be provided in addition to the two spaces required for the main dwelling.
8. The lot is to be greater than 450m².
9. The finish, materials and colours used in construction of the ancillary accommodation shall be visually sympathetic to that of the main dwelling. Ancillary structures being designed so as to have the appearance of a habitable structure and not an outbuilding.

XIV. MOTIONS WITH NOTICE:

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING:

XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING:

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION:

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

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

XX. NEXT ORDINARY MEETING DATE:

6.00pm 24 September 2013

XXI. RESUME STANDING ORDERS 3.1:

PROCEDURAL MOTION

THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.

XXII. CLOSURE OF MEETING:

XXIII. STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS:

Meeting Date	Committee/ Report Item Number	Details/Status
20/11/2012	Ordinary Council Meeting/ Report 2.5	Precinct Plan-Special Site S46-Spencer Park Neighbourhood Centre Precinct. Update: Detailed in this agenda.