



MINUTES

ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 21st April 2009
7.00pm
City of Albany Council Chambers

SYNERGY REF: AM808578

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1.0 DECLARATION OF OPENING

Mayor Evans declared the meeting open at 7.05pm.

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

Deputy Mayor	M Evans, JP
Councillors:	
Breaksea Ward	VACANT
Breaksea Ward	J Bostock
Frederickstown Ward	VA Torr
Frederickstown Ward	D Price
Kalgan Ward	J Walker
Vancouver Ward	K Stanton
Vancouver Ward	R Paver
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	G Kidman
Staff:	
Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Executive Manager Planning Services	G Bride
Manager Executive Services	S Jamieson
Minutes Secretary	S Smith
Public Gallery and Media:	
4 media representatives were in attendance and approximately 80 members of the public.	
Apologies/Leave of Absence:	
Kalgan Ward	R Buegge
Chief Executive Officer	P Richards

3.0 OPENING PRAYER

Councillor Walker read the opening prayer.

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

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED MAYOR EVANS
SECONDED COUNCILLOR PRICE**

THAT the Mayor's Report dated 21st April 2009 be presented after the opening prayer.

MOTION CARRIED 11-0

The content of the Mayor's report is detailed at Item 17.0.

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR PRICE**

THAT the Mayor's Report dated 21st April 2009 be accepted.

MOTION CARRIED 11-0

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

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

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

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

Item 5.0 continued.

Speaker 1 – Ms Diane Evers – Cuthbert

Ms Evers presented Council with a petition in relation to Item 16.2 - Genetically Modified Organism Free Status. The Petition stated:

“That the City of Albany write to the Premier to ask the State Government to use its powers to declare that no GM agriculture crops be allowed to be grown in the City of Albany municipality for the next five years”

File reference for the presented petition on 21st April 2009 is FN8080293 (File Ref MAN006).

Speaker 2 – Mr Graeme Harvey – CEO, Albany Chamber of Commerce and Industry

Mr Harvey addressed Council in regards to Item 16.2 - Genetically Modified Organism Free Status.

Mr Harvey advised that 3 meetings had been held with the ACCI board in relation to this item. No decision was received from the ACCI, as they believe there is conflicting information and to many unanswered questions in regards to this issue.

Mr Harvey addressed Council in regards to Item 14.3.1 – CBD Business Improvement District Program and advised of the ACCI support for the item.

Speaker 3 – Mr Ian Rupton, Emu Point

Mr Rupton spoke in support of the GM Canola Crop trials to be conducted and raised the following points:

1. GM Technology is main stream science;
2. Farmer take a conservative approach to the introduction of new science;
3. There is no gene carry over;
4. European countries are now accepting GM crops;
5. GM products all ready being used and imported to Australia; and
6. Other organisations are appointed to do the testing.

Mr Rupton thanked Councillor Bostock for attending the meeting arranged by farmers wanting to trial GM Canola.

Speaker 4 – Mr Ken Drummond

Mr Drummond addressed Council in support of GM Crop technology. A Copy of Mr Drummonds speech is detailed at appendix D.

Speaker 5 – Mr Graeme Bott

Mr Bott addressed Council against the committee recommendation detailed at item 11.6.2 Committee Recommendation 5 – Reflective Roof Policy Goode Beach.

Item 5.0 continued.

Mr Bott read and tabled a letter from Mr Richard Sealy. A copy of the letter is detailed at appendix D.

Mr Bott spoke against the use of reflective materials within the Goode Beach area as it is no conducive to good neighbourly relations.

Speaker 6 – Mr Richard Vogwill

Mr Vogwill addressed Council in regards to the proposed Frenchman Bay Resort Development and asked that Council consider the following comments:

1. The Frenchman Bay Progress Association is against the proposal;
2. Stated that he had joined the Council during their field inspection;
3. That he is of the opinion that this development will not blend in with the surrounding and this development will have a negative impact on the visual amenity of the area;

Mr Vogwill cited contents of a letter addressed to the CEO detailing development ideas that he would support.

Council unanimously approved the extension on Public Question time by show of hands.

Speaker 7 – Mr David Hooper, Chairman of the Central Albany Business Owners Alliance (CABOA)

Mr Hooper addressed Council in support of the officers recommendation detailed at report item 14.3.1 – CBD Business Improvement District Program and stated that Council need to allocate a budget, as it will benefit CBD business operators and will draw people into the CBD; through investment in:

- a. Public Art;
- b. Event Coordination;
- c. Outdoor Concerts;
- d. Collective Marketing; and
- e. Training for Businesses.

Speaker 8 – Ms Juliet Albany, Duke St, Albany

Ms Albany addressed Council in regards to Town Planning Schemes.

Ms Albany stated that the current town planning scheme is failing Albany and Albany is not properly governed.

Albany needs 3rd party appeal rights to ensure better planning decisions are made.

Item 5.0 continued.

Speaker 9 – Mr John Francis

Mr Francis addressed Council in relation to the proposed Frenchman Bay Resort. He raised the following issues:

- a. Strict conditions need to be in place, to ensure the proposal blends into the current environment;
- b. The development application should not contradict current guidelines; and
- c. Vancouver Springs needs to be protected from any possible contamination.

Mr Francis addressed Council and tabled a document and photographs in support of the introduction of a reflective roof policy. These documents are detailed at appendix D.

Speaker 10 – Mr Anthony Woods

Mr Woods thanked the Council for organising an area inspection of the effected by South Lockyer Structure Plan, proposed Link Rd and Townsend Street. Mr Woods stated that he hoped that Councillors took the residents comments into consideration and believes this proposal needs more consideration.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

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

**DRAFT MOTION:
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the minutes of the Ordinary Council Meeting held on 17th March 2009, as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 11-0

6.0 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Walker applied for leave of absence from the May 2009 OCM.

**MOVED COUNCILLOR WALKER
SECONDED MAYOR EVANS**

THAT Councillor Walker be granted leave of absence from the May 2009 Ordinary Council Meeting.

MOTION CARRIED: 11-0

7.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Report Item	Nature of Interest
Mayor Evans	14.3.1	<p><u>Impartiality.</u> Mayor Evans declared an impartial interest in this item. The nature of his interest is that he is Chairman of Albany (WA) Community Financial Services Ltd who leases premises for Albany Community Bank branch of Bendigo bank in the CBD.</p> <p>Mayor Evans participated in the debate and vote on this item.</p>
Councillor Dufty	11.6.2	<p><u>Impartiality.</u> Councillor Dufty declared an impartiality interest in this item. The nature of his interest is that he is a member of the Albany Cottage Scheme.</p> <p>Councillor Dufty participated in the debate and vote on this item.</p>
Councillor Walker	13.5.1	<p><u>Impartiality.</u> Councillor Walker declared an impartiality interest in this item. The nature of his interest is that he is a member of the Albany Baptist Church. Councillor Walker remained within the Chambers.</p> <p>Councillor Walker participated in the debate and vote on this item.</p>

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – 26th March 2009

In accordance with Sections 5.23(2)(c) and 5.23(e); being:

(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(2) (e) a matter that if disclosed, would reveal —

(i) a trade secret;

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government;

9.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

One (1) petition was received in regards to the GM Cropping program submitted by Ms Dianne Evers, Albany Community Environment Centre, C/O Dianne Evers, PO Box 5075, Albany 6332.

I, Diane Evers of PO Box 5075 Albany 6332, in the State of Western Australia, am the promoter of the petition that contains ;signatures.

Petition to create a moratorium of five years on the planting of genetically modified crops in the local government boundaries of the City of Albany, Western Australia

To the Mayor and Councillors of the City of Albany.

We the undersigned residents of Albany are opposed to the growing of GM crops in this focal government region as GM crops will inevitably contaminate non-GM crops and result in the loss of our 'Great Southern Naturally brand and our 'clean, green Image',

Furthermore, no adequate, independent} peer-reviewed studies have been done to prove that GM foods will not cause health impacts for current and future generations. This includes studies on the meat obtained from animals given GM feed.

Your petitioners therefore respectfully request the City of Albany Council to accept the motion put forward in the meeting 21st April 2009

"That the City of Albany write to the Premier to ask the State Government to use its powers to declare that no GM agricultural crops be allowed to be grown in the City of Albany municipality for the next five years."

Your petitioners respectfully request that you do this in order to allow farmers the right to grow non GM canola and the right to be free of concern that the GM crops of their neighbours may contaminate their crop or cross breed with other crops in the same family (*brassica*) as canola.

And your petitioners as in duty bound will ever pray.

Signature are held on file at MAN006 (FN8080293).

DEVELOPMENT SERVICES

Reports

DEVELOPMENT SERVICES REPORTS

11.0 REPORTS – DEVELOPMENT SERVICES

11.1 - DEVELOPMENT

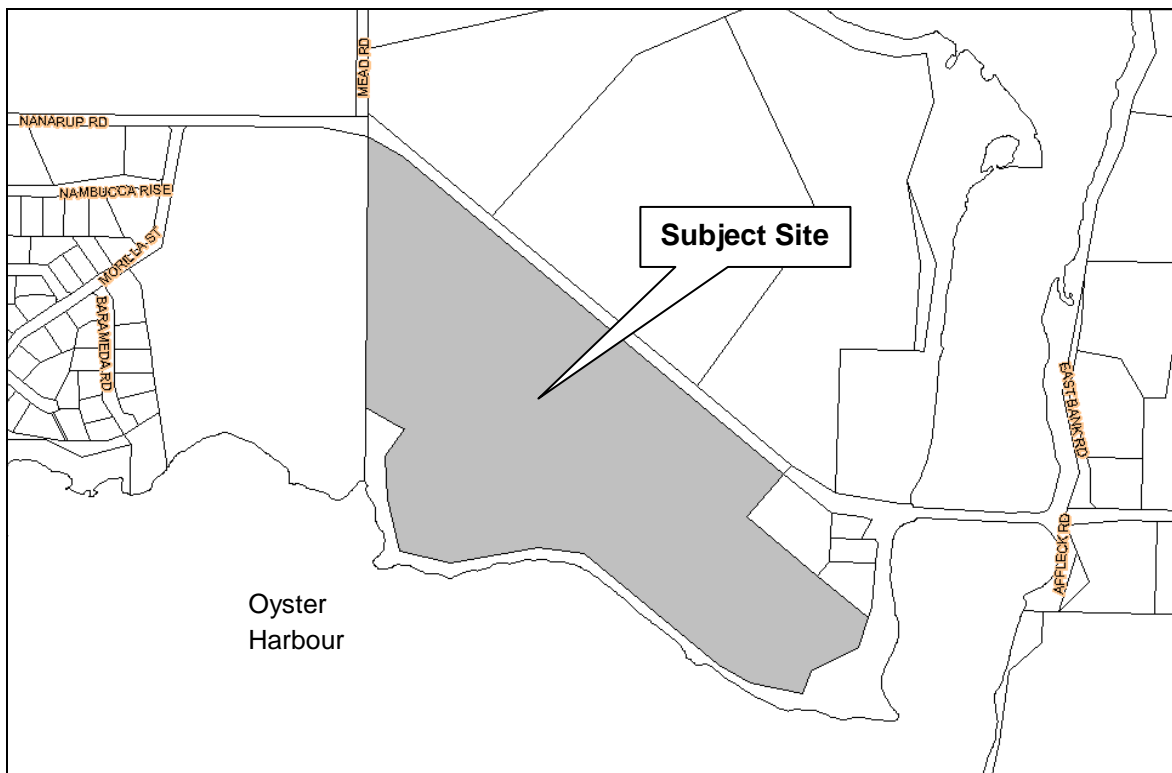
ITEM NUMBER: 11.1.1
ITEM TITLE: DEVELOPMENT APPLICATION – EDUCATIONAL ESTABLISHMENT (ADDITIONS) – 244 NANARUP ROAD, KALGAN

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A3529 (Kalgan Ward)
Summary of Key Issues : Two development applications for additions to Great Southern Grammar School. Development cost of each approx. \$2,000,000 (beyond Officer delegation)
Land Description : 244 Nanarup Road, Kalgan
Proponent : Hobbs, Smith & Holmes
Owner : Great Southern Grammar School Inc
Reporting Officer(s) : Planning Officer (T Wenbourne)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment Reference : Applications for Planning Scheme Consent – Map
Consulted References : 1. Town Planning Scheme No. 3
2. Albany Local Planning Strategy (ALPS)
Councillor Lounge : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

BACKGROUND

1. The application site is an established school facility granted consent in 1999 and developed further since.
2. It is located to the south of Nanarup Road, approximately 250m west of the Kalgan River Bridge and north of part of the northern foreshore of Oyster Harbour.
3. The site is 38.3ha in area and is zoned “Rural” within Town Planning Scheme No. 3.
4. The Educational Establishment use is a discretionary use on a Rural Lot.
5. Although two separate applications have been submitted, the considerations for both are very similar and so have been combined under the one Council item report. Both applications exceed staffs delegation limit of \$1.5 million and therefore the proposals are referred to Council for consideration.

DISCUSSION

6. The first application seeks Planning Scheme Consent for a new Science & Languages Centre of Innovation. This is proposed towards the south of the cluster of school buildings nestled between the Administration Building (north), the Senior School General Building (west) and the Music & Drama Building (east).
7. The proposed building is single storey and of contemporary design with a range of materials and finishes such as commercial grade cladding and face brick walls with feature panels, which add visual interest to the overall appearance of the building.
8. The building is an irregular off-set L-shape. It is 8.2m wide and 24.8m long on its longest side. It is intended to have a mono-pitched roof with an eaves height on the west/southwest side of 5.85m with the roof sloping down to an eaves height of 3.68m on the east side. To the west side of the northern end is a breakout area with a raised Japanese garden beneath a translucent skillion roof.
9. The building is to be sited towards the south of the site some 300m from Nanarup Road and would be screened from public view from the road by the existing school buildings. There is also a wide strip of vegetation to the south of the proposed location that would for the most part screen it from view from Oyster Harbour. With any glimpse views available from Oyster Harbour, the building would be seen in the context of the existing established school and would not be distinctive or readily discernable in this setting.
10. Therefore, the proposed Science & Languages Centre will not have a detrimental impact on the wider landscape setting of the school and is considered acceptable.
11. The second application seeks Planning Scheme Consent for a new Primary School Multipurpose Sports Complex. This is proposed approximately 20m north of the main Junior School Building, just south of the Football Oval, which sits between the School complex and Nanarup Road.
12. The proposed building is a typical single storey, shallow pitched, ridged roof building. Although having said this, visual interest is added to the building through a contemporary mix of external materials and exposed structural columns.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

13. The main Sports Building is approximately 39.25m long and 32.5m wide with an eaves height of 7.0m and a ridge height of 9.6m. Projecting from the east end is a smaller scale element to the building. This element forms the entrance and contains the changing rooms and toilets. It continues the north wall another 10.5m in length and is just over half the width of the main building at 18.5m. It has a mono-pitched roof sloping up from an eaves height of 2.6m on the north elevation. In views from the east and south, this sloped roof is hidden behind a feature parapet wall with commercial grade cladding. A canopy over the entrance doors projects from the south elevation at a height of 2.6m.
14. The Multipurpose Sports Complex is to be sited just north of the existing concentration of school buildings. It will be within public views from Nananup Road. However, it will be seen against the backdrop of the existing school buildings and set in the context of the Oval and the general school sporting infrastructure and paraphernalia.
15. The proposed Primary School Multipurpose Sports Complex will not have a significant detrimental impact on the wider landscape setting.
16. Both proposed developments give rise to parking requirements as set out in Table IV – Car Parking Spaces in Town Planning Scheme 3, which requires two (2) parking spaces per classroom and one (1) for each teacher or administrator. The existing parking provision within the School site is considered sufficient to meet any increased demand arising from the developments. Therefore, no additional parking is required in relation to these proposals.

PUBLIC CONSULTATION / ENGAGEMENT

17. There is no public consultation relating to this item.

GOVERNMENT CONSULTATION

18. No referral to government agencies was required.

STATUTORY IMPLICATIONS

19. The land is zoned “Rural” in Town Planning Scheme 3 (TPS 3). The current use of the land is defined in the Scheme as ‘Educational Establishment’ which is a discretionary use within the Rural zone.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

21. This item directly relates to the following elements from the Albany local Planning Strategy (ALPS)

“6.4.6 Education,

Planning Objective: “To provide for adequate and appropriate government and non-government school sites to service existing and future urban areas.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

23. The Council could opt to refuse the current application and the proponent would then be entitled to lodge an appeal with the State Administrative Tribunal. This would have associated cost implications for the Council.

24. The developments are proposed by the school with the aim of taking advantage of significant funding available through The Education Revolution Programme. The bid process for this funding has very strict time constraints in terms of application deadlines. To stand the best possible chance of succeeding in their bids all approvals and costing etc need to be in place. Any delay in a decision or refusal of the proposals could jeopardise the possible success of bids and availability of funding.

SUMMARY CONCLUSION

25. The applications propose further development of the existing education establishment on this established school site in compliance with a master plan prepared for the school.

26. Both developments propose contemporary designed and finished buildings that sit well within the evolving educational establishment setting. They will not dominate the site or be visually obvious. There will be no resultant detrimental impact on the wider landscape character.

27. In conclusion, the proposals for a Science & Languages Centre of Innovation and a Primary School Multipurpose Sports Complex are considered acceptable and are hereby recommended for approval subject to complying with a number of conditions.

ITEM NUMBER – 11.1.1 – OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

i) **THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for an ‘Educational Establishment – Additions (Science & Languages Centre of Innovation)’ at Great Southern Grammar School, 244 Nanarup Road, Kalgan subject to the following condition:**

a) **Stormwater disposal is to be designed and managed in accordance with Council’s specifications.**

AND

ii) **THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for an ‘Educational Establishment – Additions (Primary School Multipurpose Sports Complex)’ at Great Southern Grammar School, 244 Nanarup Road, Kalgan subject to the following conditions:**

a) **Stormwater disposal is to be designed and managed in accordance with Council’s specifications.**

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

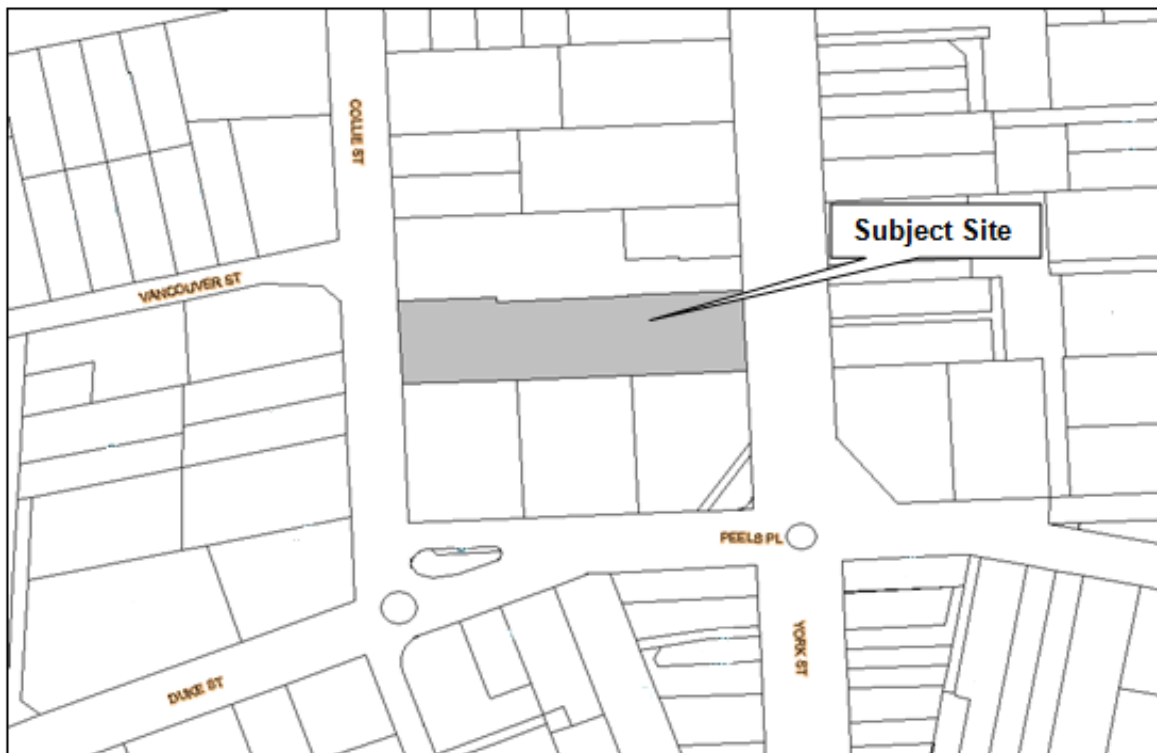
ITEM NUMBER: ITEM 11.1.2
ITEM TITLE: DEVELOPMENT APPLICATION – PROPOSED OFFICE – 149-153 YORK STREET, ALBANY

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A106238 (Frederickstown Ward)
Summary of Key Issues : Impact on trees and setting of adjacent State Registered Heritage Place; Car Parking provision
- Land Description** : 149-153 York Street, Albany
Proponent : Howard & Heaver Architects
Owner : The Bunbury Diocesan Trustees
Reporting Officer(s) : Planning Officer (T Wenbourne) & Executive Services Manager (Planning & Councillor Liaison)
- Disclosure of Interest** : Nil
Previous Reference : Nil
Bulletin Attachment Reference : 1. Application for Planning Scheme Consent
2. Heritage Council Consultation Response
3. Horticulture response on Gum Tree
4. Revised site plan (modified parking layout).
- Consulted References** : 1. Town Planning Scheme 1A
2. Albany Local Planning Strategy (ALPS)
3. Central Albany Urban Design Policy
4. Development Guidelines - Scheme 1A
- Councillor Lounge** : Municipal Heritage Inventory extract for St John’s Church

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. The application site is the St John's church hall and grounds to the rear. The original hall was constructed in 1886 with a lesser hall added in the early twentieth century and the further addition of offices to the rear in the 1990's.
2. It is located to the west of York Street and east of Collie Street with the lot having frontage to both roads. There is a rough surfaced non-marked parking area at the western end of the site, which is accessed off Collie Street.
3. The site is 3500m² in area and is located within the "Central Area" zone of Town Planning Scheme 1A.
4. The building is to be used as a Regional Office for Anglicare WA offering a wide range of emotional, personal, financial and social assistance, support and counselling for the wider community. Within Town Planning Scheme 1A the land use falls under the definition of an "Office", which is a Permitted Use within the Central Area Zone.
5. The application is presented to Council as the value of the development exceeds staff's delegation limits (\$1.5 million) and the proposal does not provide for enough car parking as per the requirements of Town Planning Scheme 1A and Council's Development Guidelines for Scheme 1A.

DISCUSSION

6. The application proposes a new single storey office development to the rear of the existing offices. An upgrade and extension of the car park with associated landscaping is also proposed.
7. The single storey floor plan stretches over the site and could be rationalised by developing the same floor area, over 2-storeys. This has been suggested by staff to the proponent, but they advise it is cost prohibitive as they would have to install lifts etc to comply with disability access requirements.
8. For the most part the proposed building follows a similar east/west building line over the site as the existing offices attached to the rear of the church hall. The western end stretches wider across the site presenting a more formal entrance frontage to the proposed upgraded car park. A further projecting element part way along the length of the building extends approx. 9.0m north into the site breaking up the garden into smaller courtyard areas.
9. The building is proposed to be constructed in materials matching the existing office extension to the church hall. These would be a steel sub frame with brick veneer and some painted cement panels to accentuate certain elements of the building. It would be finished with a metal roof. The eaves height also matches the existing office building at approximately 2.1m. The ridge height of the roof is slightly higher at approximately 5.0m. The mono-pitch roofed element of the wider feature towards the west end rises slightly higher still to around 6.5m.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

10. The proposed building will not be visible from York Street as it will be hidden behind the existing church hall when viewed directly facing the lot. The dense vegetation between the church and the church hall will obscure most oblique views from further down York Street, so the office development will not be readily visible in the context of the historic, heritage listed church and rectory.
11. The office development seeks an additional 730m² gross floor area. This together with the existing 493m² floor area demands a total parking area provision of 30 parking spaces under the Zoning Table requirements of the Scheme. However Guideline 6 of the Development Guidelines for Scheme 1A increases the parking requirement within the Central Area. The calculation under this requirement identifies a need to provide 41 car parking spaces for the proposed gross floor area.
12. The proponent has proposed an increase to the parking area with a more formal layout providing 28 parking spaces. The increased area encroaches into the adjoining site, which is also owned by the Church and contains the Rectory and St John's house.
13. To provide parking bays numbered 1-4, the applicant proposes to remove the line of trees along the north boundary of the existing parking area. This would open up the car park in views from further up Collie Street and make the parking area more visually prominent within the street scene. It is considered the removal of the trees would have a detrimental impact on the wider area and the trees should be retained if possible.
14. City of Albany engineers have advised that bays 1-4 are poorly arranged in terms of the main car park access. They suggest these bays be removed or re-located.
15. There is little additional parking space to be gained onsite through re-arranging the parking layout. A revised parking plan (attached in the Information Bulletin) has been prepared by the proponent with the line of trees retained identifying 23 parking bays. With 23 car parking spaces now identified the retention of the trees must be balanced against the under provision of parking. Guideline 6 of the Development Guidelines for Scheme 1A allows for a cash payment in lieu of parking provision onsite.
16. The proponent has advised that additional parking could be provided to the South of the St. Johns Church to meet scheme and policy requirements, however they acknowledge that such parking would detract from the heritage significance of the Church and its curtilage and would not be supported by the Heritage Council of WA.
17. Currently the Council has advanced design plans for the upgrade and renewal of the footpath and on-street parking on Collie Street. One option to compensate for the under provision of parking bays is to require the developers to contribute financially to that plan. This can be required by condition if the Council accepts this will adequately compensate for the under provision of parking on this site or is considered reasonable.
18. A further issue with the increased parking area is the encroachment within the neighbouring lot also owned by the Church. There is no immediate problem as the landowners of both lots are the same. However, being on separate lots one could be sold separately, whilst the other is retained. If the lot containing the completed office development were to be sold in isolation, the car parking area could potentially be severed, resulting in a significant under provision of parking for the office use. To avoid this it is appropriate to require that the lots be amalgamated into one lot.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued.

19. To the north and west of the heritage listed church there are dense areas of vegetation that contribute significantly to the setting of the church. Some of this vegetation (including a few large trees) is proposed to be removed to accommodate the office development. Although the loss of some vegetation is to be expected and is acceptable, concern was raised with the proponent over a couple of the particular specimens identified for removal.
20. A large well-established Ficus tree is one such example. However, it sits in a grouping of other trees, meaning its removal is not likely to detrimentally impact on the setting of the church. Although the loss of the Ficus is regrettable it is no justification to prevent or require amendment of the proposal.
21. The Gum tree however is highly visible when viewed from York Street and represents the highest and most significant canopy helping to define the visual setting of the group of heritage listed buildings. The retention of the Gum tree has been discussed with the proponent, however they have expressed concerns that the tree could pose a safety risk through the dropping of limbs and ongoing maintenance problems due to leaf matter being deposited on the roof and in gutters. Horticultural advice from Council's Parks & Gardens Team suggests the tree is sound, but could benefit from a reduction to the heavily weighted side that faces the proposed development.
22. Following the above advice and with a minor alteration in the design affecting the secondary access, the Gum tree could be retained and form a feature element at this entrance. A condition requiring retention of the tree can be imposed as well as implementing a method of construction that minimises the disturbance to the tree root system.
23. The proposal is within the area covered by the Central Albany Urban Design Policy. The development continues the scale of the existing Anglicare office and will extend to a similar depth within the lot as the Albany Advertiser building on the neighbouring lot to the north. As already discussed, the new building will not be visually dominant from York Street and presents a formal entrance across the parking area from Collie Street. With the materials intended to match those of the existing building, the proposal will blend well with its surroundings and is considered to accord with the objectives of the policy.
24. The Heritage Council of Western Australia has been consulted and the Council requires the retention of the Gum tree and the alteration of the car parking area to retain the trees in the northwest corner as outlined above. The Heritage Council supports the proposal subject to two conditions: 1) An archaeologist is engaged to advise on the archaeological potential of the area prior to disturbance works; 2) A landscaping schedule for replacement planting being submitted prior to issue of the Building Licence. These are both reasonable conditions to be requested and should be included in any approval granted.
25. Appendix III of The Town Planning Scheme requires development within the Central Area Zone to provide 10% of the site area as landscaping. The proposed development provides 38% landscaping and therefore exceeds the requirement.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued.

26. Guideline 8 of the Development Guidelines for Scheme 1A details the requirements for a financial contribution for Public Art that reflects or enhances local cultural identity. This is an allocation of 1% of the estimated project cost on developments over the value of \$1,500,000. In this instance the development is estimated to cost \$1,800,000 which equates to an \$18,000 contribution. These funds can be secured by an appropriate condition or public art could be incorporated into the fabric of the proposed building.

PUBLIC CONSULTATION / ENGAGEMENT

27. Refer to paragraph 31 below.

GOVERNMENT CONSULTATION

28. Consultation with the Heritage Council of Western Australia has been undertaken. The response received is based on the retention of the Gum tree and the alteration of the car parking to retain the trees in the northwest corner as outlined in the discussion above. The Heritage Council supports the proposal subject to two conditions as identified above.

STATUTORY IMPLICATIONS

29. The land is in the “Central Area” zone of Town Planning Scheme 1A (TPS 1A). The existing development to the rear of the church hall is used as a community service offices. The proposed development seeks to expand this office use. The use ‘Office’ is permitted within the Central Area zone under the Scheme.
30. The use ‘Office’ requires the provision of 1 car parking bay per 40. of gross floor area. Applying this ratio to an office of a total of 30 bays are required. A total of 28 car parking bays have been proposed by the proponent, although the revised parking layout as recommended by staff and the Heritage Council of WA provides 23 bays.
31. Clause 4.10 of TPS1A allows Council to consider a relaxation to a scheme standard (in this case a relaxation to specified car parking standards). The Clause states that where Council is of the opinion that the relaxation will affect any owners or occupiers in the adjoining locality the relaxation is to be advertised. Staff have written to surrounding landowners seeking comment on the proposed car parking relaxation, however the time period for responses does not close until the 17 April 2009. Any submissions received will be forwarded to Councillors with staff commentary prior to the Council Meeting.
32. Clause 4.32 of TPS1A allows Council to adopt policies for development within the Central Area zone which can relate to a range of matters such as parking, landscaping and facades. Council has adopted the Development Guidelines for Scheme 1A, which provide further guidance on parking ratios and cash in lieu for parking shortages within the Central Area zone, in addition to the Central Albany Urban Design Policy which addresses built form and urban design issues.

FINANCIAL IMPLICATIONS

33. Should the proponent lodge an appeal with SAT over the proposed conditions or a refusal some legal costs would be applicable.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

34. This item directly relates to the following elements from the Albany Local Planning Strategy (ALPS)

“6.3.3 Heritage,

Planning Objective: To protect and enhance Albany’s heritage assets.

8.5.2 Commerce,

Strategic Objective: Promote the continued viability of the Albany town centre as the regional commercial and retail centre of the district and Lower Great Southern.

Strategic Objective: Support the growth in non-food business activity, in the form of bulky goods outlets, office developments, consulting rooms and home based businesses, that do not have an adverse impact on existing uses.”

POLICY IMPLICATIONS

35. The Development Guidelines for Scheme 1A require a parking ratio of 1 bay per gross floor area for office development within the Central Area zone. This would equate to a requirement of 41 parking bays for the proposed development.
36. The Development Guidelines also state that cash-in-lieu should be paid for any parking shortfall based on the cost of the land value (which is per bay) and the cost of constructing and draining a parking bay. The development has a shortfall of 13 bays (or 18 bays if Council supports the retention of trees) against the policy standard and therefore Council has the ability to request a contribution for these bays consistent with the criteria within the Development Guidelines. A per bay contribution, depending on a detailed valuation of the land, would be in the vicinity of \$40,000 to \$50,000, meaning a total contribution amount of over \$500,000 would be required. This figure is likely to make the project economically unviable. The proponents could also argue that they can accommodate the required bays to the south of the church and therefore they should not have to pay cash-in-lieu for car parking.
37. The Central Albany Urban Design Policy requires new development to complement the scale and roof forms of the surrounding area as well as the established streetscapes. The proposed development has been assessed in this regard and is considered to meet the objectives and principles of the policy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

38. Council has the following options in relation to the provision of car parking on the site:
- a. Require a cash-in-lieu contribution for the shortfall of 13 bays in accordance with Council’s Development Guidelines 1A Policy (ie. contribution in excess of \$500,000);
 - b. Agree to a lesser contribution to accommodate upgrades to the streetscape for that portion of Collie Street fronting the subject land as detailed;
 - c. Allow the parking shortfall without any contributions being required; or
 - d. Request the building footprint be reduced to meet car parking requirements.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

39. Council has the option to refuse the proposal, however this may prompt the proponent to lodge an appeal with the State Administrative Tribunal. This would have associated cost implications for the Council.

SUMMARY CONCLUSION

40. The application proposes further development of the existing Anglicare office facility.
41. The proposed development will not be readily visible from York Street. With the retained vegetation as well as increased landscaping; any adverse impact on Collie Street is minimal.
42. The submissions from surrounding landowners in relation to the car parking shortage will be forwarded to Council should they be lodged as per the requirements of Clause 4.10 of the Scheme.
43. Although there is no ability to provide additional parking without affecting the heritage significance of the site, the development will not have sufficient parking to cater for customers on site. For this reason it is recommended that the payment of cash-in-lieu for the parking shortage be required by condition.
44. With the negotiated changes to retain the trees (north boundary to car park & the Gum Tree) the detrimental impact on the setting of the Heritage Listed buildings and the wider area is reduced as far as reasonably practical.
45. In conclusion, the proposal for an office development to the rear of the Church Hall is considered acceptable subject to an amended parking layout and revised secondary building entrance avoiding the Gum Tree as outlined above. The development is recommended for approval subject to conditions.

ITEM NUMBER – 11.1.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ISSUES of a Notice of Planning Scheme Consent for an 'Office' at 149-153 York Street, Albany, subject to the following conditions:

- i) Prior to the issue of a Building Licence the proponent shall amalgamate lots 12 & 17.
- ii) A cash-in-lieu payment for 13 parking bays be provided in accordance with Council's Policy.
- iii) Prior to the issue of a Building Licence a detailed landscaping plan including the replanting of the area around the proposed car park shall be submitted to and approved in writing by or on behalf of the Council.
- iv) The approved landscaping plan shall be implemented prior to the occupancy of the building.
- v) Before the commencement of the development hereby approved, archaeological field evaluation works to a specification to be agreed in writing with the Heritage Council of Western Australia, to include amongst other things the method of excavation.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued.

- vi) Recording and reporting, shall be carried out on the site by an archaeological body approved by the Heritage Council of Western Australia. Any further archaeological works and safeguarding measures which may be required shall be carried out to an agreed programme prior to the commencement of development.
- vii) Within the canopy spread of the Gum Tree and the English Oak Tree a “No Dig” method of construction shall be implemented to avoid damage to the trees root systems.
- viii) The developers of the property making suitable arrangements with Council to ensure the provision of public art in the development. Arrangements are to be made prior to occupancy of development.
- ix) All runoff from impervious surfaces being contained within the property and disposed of via a trapped sump located within the property, by connection to the existing drainage system.
- x) The crossover being constructed to Council’s specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve.
- xi) Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge reinstated.
- xii) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All spaces being marked out and maintained in good repair.
- xiii) No signs are to be erected on the lot without Council’s approval, in accordance with the City of Albany’s Sign Bylaws

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued.

**ITEM 11.1.2 – AMENDED OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- 1) RESOLVES pursuant to Clause 7.21.4 of Town Planning Scheme 1A to provide a dispensation/credit of 5 car parking bays from the number required for the proposed development at Lot 149-153 York Street, Albany, as identified under the City's policy entitled 'Development Guidelines Scheme 1A' in order to retain the landscaping bank and associated trees on the north western portion of the site and DECLARES that the proposed development has a car parking shortfall of thirteen (13) bays.
- 2) ISSUES a Notice of Planning Scheme Consent for an 'Office' at 149-153 York Street, Albany, subject to the following conditions:
 - i) Prior to the issue of a Building Licence the proponent shall amalgamate lots 12 & 17.
 - ii) A cash-in-lieu payment for 13 parking bays be provided in accordance with Council's Policy.
 - iii) Prior to the issue of a Building Licence a detailed landscaping plan including the replanting of the area around the proposed car park shall be submitted to and approved in writing by or on behalf of the Council.
 - iv) The approved landscaping plan shall be implemented prior to the occupancy of the building.
 - v) Before the commencement of the development hereby approved, archaeological field evaluation works to a specification to be agreed in writing with the Heritage Council of Western Australia, to include amongst other things the method of excavation.
 - vi) Recording and reporting, shall be carried out on the site by an archaeological body approved by the Heritage Council of Western Australia. Any further archaeological works and safeguarding measures which may be required shall be carried out to an agreed programme prior to the commencement of development.
 - vii) Within the canopy spread of the Gum Tree and the English Oak Tree a "No Dig" method of construction shall be implemented to avoid damage to the trees root systems.
 - viii) The developers of the property making suitable arrangements with Council to ensure the provision of public art in the development. Arrangements are to be made prior to occupancy of development.
 - ix) All runoff from impervious surfaces being contained within the property and disposed of via a trapped sump located within the property, by connection to the existing drainage system.
 - x) The crossover being constructed to Council's specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve.
 - xi) Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge

Item 11.1.2 continued.

ITEM 11.1.2 – ALTERNATE MOTION BY COUNCILLOR PRICE

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR DUFTY**

THAT Council:

- i) **RESOLVES** pursuant to Clause 4.10 of the Town Planning Scheme 1A to relax 13 car parking bays for the proposed development at Lot 149-153 York Street, Albany.
- ii) **ISSUES** a Notice of Planning Scheme Consent for an 'Office' at 149-153 York Street, Albany, subject to the following conditions:-
 - (1) Prior to the occupation the proponent shall amalgamate lots 12 and 17;
 - (2) Prior to the issue of a Building License a detailed landscaping plan including the replanting of the area around the proposed car park shall be submitted to and approved in writing by or on behalf of the Council;
 - (3) The approved landscaping plan shall be implemented prior to the occupancy of the building;
 - (4) Before the commencement of the development hereby approved archaeological field evaluation works to a specification to be agreed in writing with the Heritage Council of Western Australia, to include among other things the method of excavation;
 - (5) Recording and reporting shall be carried out on the site by an archaeological body approved by the Heritage Council of Western Australia. Any further archaeological works and safeguarding measures which may be required shall be carried out to an agreed programme prior to the commencement of development;
 - (6) Within the canopy spread of the Gum tree and English Oak Tree a 'No Dig' method of construction shall be implemented to avoid damage to the trees' root system;
 - (7) The developers of the property making suitable arrangements with Council to ensure the provision of public art in the development. Arrangements are to be made prior to occupancy of development;
 - (8) All runoff from impervious surfaces being contained within the property and disposed of via a trapped sump located within the property, by connection to the existing drainage system;
 - (9) The crossover being constructed to Council's specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve.
 - (10) Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge reinstated;
 - (11) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All spaces being marked out and maintained in good repair; and
 - (12) No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.

MOTION CARRIED 6-5

Record of Vote

For the Motion: Mayor Evans, Councillors Walker, Stanton, Wolfe, Dufty and Price.

Against the Motion: Councillors Bostock, Torr, Paver, Kidman and Matla.

Reason:

Anglicare is a not for profit business entity.
The site cannot be sold for commercial gain.

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.1.3

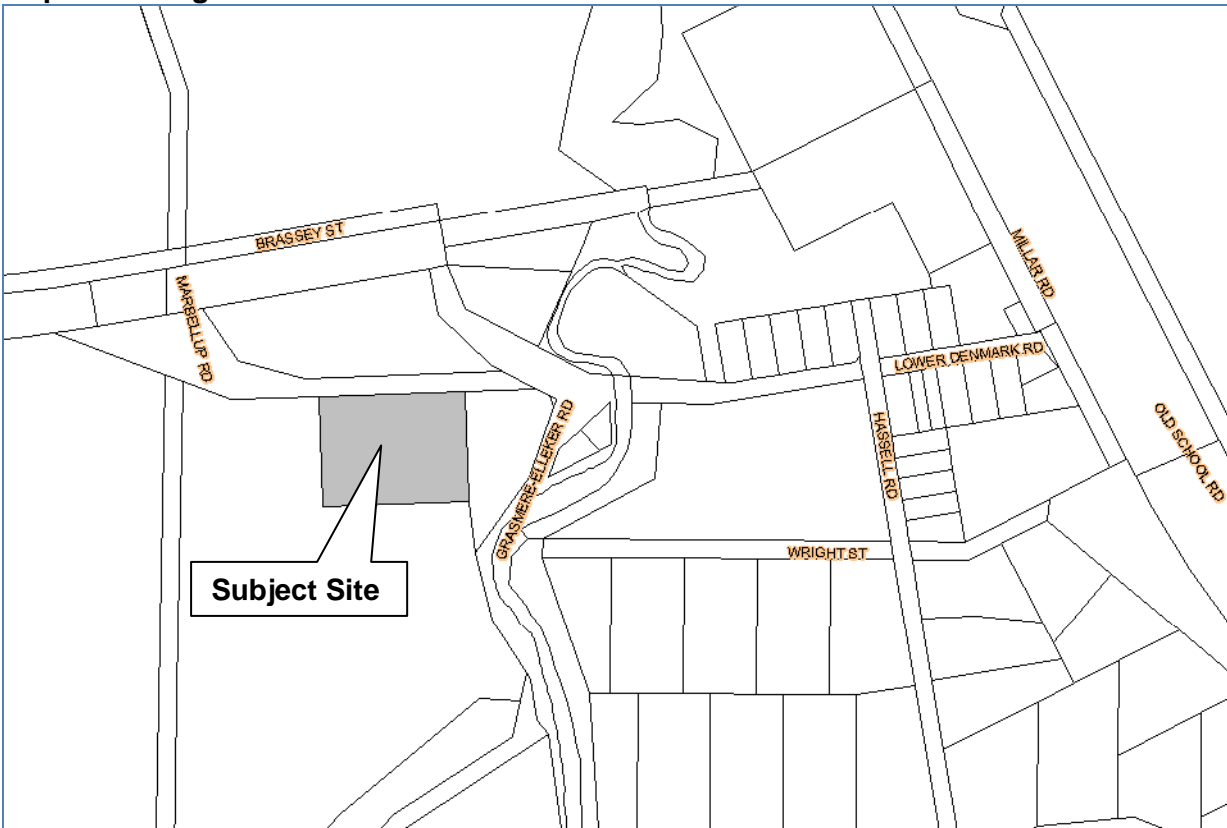
ITEM TITLE: REQUEST FOR SUPPORT FOR AN EXTENDED TRADING PERMIT FOR LIQUOR WITHOUT A MEAL – THE WHEEL RESTAURANT – 1309 LOWER DENMARK ROAD, ELLEKER

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A186789 (West Ward)
- Summary of Key Issues** : Request for support for an extended trading permit to supply liquor without a meal
- Land Description** : Wheel Restaurant, Elleker General Store, 1309 Lower Denmark Road, Elleker
- Proponent** : Mr & Mrs Parsons
- Owner** : Mr & Mrs Parsons
- Reporting Officer(s)** : Planning Officer (T Wenbourne)
- Disclosure of Interest** : Nil
- Previous Reference** : Part report and letter from historic file
- Bulletin Attachment Reference** : Section 40 Application and covering letter including Management Plan
- Consulted References** : 1. City of Albany Town Planning Scheme No.3 (TPS 3)
2. Liquor Act 1988 (as amended)
- Councillor Lounge** : Liquor Act 1988 & Liquor Regulations 1989

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. The owners of the Elleker General Store, which includes the Wheel Restaurant, have requested the Council to support their application to the Department of Racing, Gaming and Liquor (DRGL) for an extended trading permit to allow the supply of liquor to patrons without a meal.
2. The Elleker General Store was granted planning consent in September 1992 and this consent included a tearooms use. An Amendment was gazetted in 1999 (Amendment No. 181 to Town Planning Scheme 3) designating the site as a Special Use Zone allowing a Cafe/Restaurant use among other uses with express Council permission. No consent has been sought or granted for the restaurant use. It appears the restaurant use has evolved from the original tearooms.
3. Checks have been made with the Department of Racing, Gaming and Liquor, which have confirmed that the Wheel Restaurant is a licensed restaurant that can serve alcohol to patrons having meals seated at a table. The only restriction on this licence is that they must not serve alcohol between 3am and 12 noon on Anzac Day, which is the normal restriction on a Restaurant Liquor Licence.

DISCUSSION

4. In considering applications for a “liquor without meals” permit, Section 38 of the Act requires a proponent to demonstrate that the application is in the public interest.
5. The issues the licensing authority may have regard to in determining whether an application is in the public interest include:
 - a) the harm or ill health that might be caused to people, or any group of people, due to the use of liquor; and
 - b) the impact on the amenity of the locality in which the licensed premises, or proposed licensed premises are, or are to be, situated; and
 - c) whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and
 - d) any other prescribed matter.
6. In their covering letter the proponents have outlined how they foresee the selling of liquor without a meal will be in the public interest. They also state that the restaurant presently operates on the weekend and during the week for pre-organised functions. They have included a Management Plan identifying strategies to minimise any potential negative impacts.
7. In the application itself, the proponents are asking only to be able to sell liquor whilst the restaurant is operating, so those purchasing alcohol have the opportunity to also have food with it. On this basis the restaurant would not operate as a standalone bar.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

8. Should an application be determined as being in the public interest the Department for Racing, Gaming and Liquor may impose strict conditions on a licence. The conditions may include, but are not restricted to:
- the restaurant must always be set up and presented for dining;
 - tables can't be removed or shifted in order to create dance floors;
 - the kitchen must be open and operating at all times liquor is available and the restaurant's regular full menu must be available at all times;
 - liquor may only be consumed by patrons seated at a dining table;
 - table service only by restaurant staff, no bar service;
 - the venue can't be advertised as anything but a restaurant;
 - the permit does not apply to any area currently trading under an 'al fresco' extended trading permit.

PUBLIC CONSULTATION / ENGAGEMENT

9. As per the requirements of the Department of Racing, Gaming and Liquor the proponent's have advertised the proposal at the premises and notified all landowners within a 200 metre radius (advertising was undertaken between 11 February and 25 February 2009). The Department has advised that no objections have been received.

GOVERNMENT CONSULTATION

10. The Department of Racing, Gaming and Liquor are responsible for making a decision on whether the application to serve liquor without a meal is in the public interest.

STATUTORY IMPLICATIONS

11. Section 60 (4) (ca) of the Act states:

*“(4) The purposes for which an extended trading permit may be issued are:
(ca) a restaurant, authorising the licensee of a restaurant to sell liquor for consumption on the premises, whether or not ancillary to a meal, during hours which are permitted hours under a hotel licence.”*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

15. The Council has two options to consider being to:
- a) advise the proponents that it will support their application for an extended trading permit to allow the serving of alcohol without a meal, subject to conditions, which may include:
 - i. liquor only being available whilst food is available from the restaurant kitchen.
 - ii. the premises operating in accordance with the submitted Management Plan.

OR

- b) advise the proponents that it does not support the application for the extended trading permit for liquor without a meal.
16. The Council could opt to refuse to support the application for the extended trading permit. The application would go before the Department of Racing, Gaming and Liquor with the refusal noted as an objection. The final decision on whether the permit is granted or not rests with the Department of Racing, Gaming and Liquor.

SUMMARY CONCLUSION

17. The applicant has through their application and the Management Plan identified controls and restrictions that are considered adequate to address the concerns staff would have with the requested Extended Trading Permit for liquor without a meal.

**ITEM NUMBER – 11.1.2 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DUFTY**

THAT Council ADVISES the Department for Racing, Gaming and Liquor that it is supportive of the application for an extended trading permit for the Wheel Restaurant at 1309 Lower Denmark Rd, Elleker to allow the serving of alcohol without a meal, subject to:

- a) liquor only being available whilst food is available from the restaurant kitchen; and**
- b) the premises operating in accordance with the submitted Management Plan.**

MOTION CARRIED 10-1

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Price, Torr, Walker, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Paver

DEVELOPMENT SERVICES REPORTS

11.2 – HEALTH, BUILDING & RANGERS

Nil

DEVELOPMENT SERVICES REPORTS

11.3 – DEVELOPMENT POLICY

ITEM NUMBER: 11.3.1

ITEM TITLE: SCHEME AMENDMENT REQUEST – LOTS 19 & 20 MONCK WAY, CENTENNIAL PARK

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

File Number or Name of Ward	: SAR 142 (Frederickstown Ward)
Summary of Key Points	: To consider a Scheme Amendment Request proposal to rezone Lots 19 and 20 Monck Way, Albany from ‘Public Use’ to ‘Industry’
Land Description	: Lots 19 & 20 Monck Way, Centennial Park
Proponent	: Ayton Baesjou Planning
Owner	: Crown Land
Reporting Officer(s)	: Planning Officer (C McMurtrie)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Scheme Amendment Request
Consulted References	: Albany Local Planning Strategy (ALPS)
Councillor Lounge	: Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. Scheme Amendment Request (SAR) 142 has been submitted for Council to assess the potential to re-zone Lots 19 & 20 Monck Way, Centennial Park from the 'Public Use' Zone to the 'Industry' Zone under Town Planning Scheme (TPS) No.1A.
2. By re-zoning the subject lots they could potentially be redeveloped for any of the uses listed under 'Industry' in Appendix 1 – Zoning Table of TPS 1A.
3. Council is required to determine its support, or otherwise, for the SAR proposal.

DISCUSSION

4. The lots cover areas of and respectively. A house stands on Lot 19 and a large shed straddles the common boundary between the two lots. There is a large area of hard standing on Lot 19, to the rear of the house, which is accessed via a driveway across Lot 20 from Sanford Road. An application has been lodged with the Western Australian Planning Commission (WAPC) seeking to amalgamate the two lots into a single land holding.
5. The land to the north, west and south of the subject lots is zoned 'Industry' and the land to the east, on the opposite side of Sanford Road, is zoned 'Other Commercial'. The potential re-zoning of the lots presents an opportunity to round off the 'Industry' zoning to the western side of Sanford Road and is considered to be consistent with the strategic land use outcomes of the Lower Great Southern Strategy (LGSS) and the Albany Local Planning Strategy (ALPS).

PUBLIC CONSULTATION/ENGAGEMENT

6. No public consultation was undertaken.

GOVERNMENT CONSULTATION

7. No government consultation was undertaken.

STATUTORY IMPLICATIONS

8. A SAR is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
9. If a proponent decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. The City's decision on the SAR proposal must be consistent with the outcomes of the ALPS as the principal land use planning strategy for the City.
12. The subject land is located within an area shown as 'Albany (Regional Centre)' within the ALPS. The 'Albany (Regional Centre)' designation is indicative in ALPS and will be further informed / refined by the Commercial Strategy currently being prepared for Council by Shrapnel Planning.
13. The draft Local Planning Scheme No. 1 (which has recently been initiated by Council) is proposing to retain the industry zoning of land within Centennial Park, but allow for additional uses to be considered; promoting a gradual transition from traditional industrial to mixed use development in the future.
14. The proposal is therefore consistent with the objectives and outcomes of ALPS and the proposed direction within Local Planning Scheme No. 1.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. Council has the following options in relation to this item, which are:
 - To advise the proponent it supports the SAR proposal; or
 - To advise the proponent that it does not support the SAR proposal.
17. Should Council support the SAR proposal, it will progress to a formal scheme amendment; the amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All scheme amendments require the recommendation of the WA Planning Commission and approval from the Minister for Planning.
18. If Council is not supportive of the SAR proposal, the proponent would have the following options:
 - To not proceed with the SAR proposal;
 - To lodge a formal scheme amendment and request consideration by Council, irrespective of the outcome of the SAR.

SUMMARY CONCLUSION

19. The SAR proposal is supported as it presents an opportunity to round off the 'Industry' zoning on the western side of Sanford Road, and is consistent with ALPS.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

ITEM NUMBER – 11.3.3 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR WOLFE

THAT Council ADVISE the proponent that it is prepared to entertain the submission of a formal scheme amendment to re-zone Lots 19 & 20 Monck Way, Centennial Park from the 'Public Use' Zone to the 'Industry' Zone.

MOTION CARRIED 8-3

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Price, Walker, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillors Torr, Bostock and Paver.

DEVELOPMENT SERVICES REPORTS

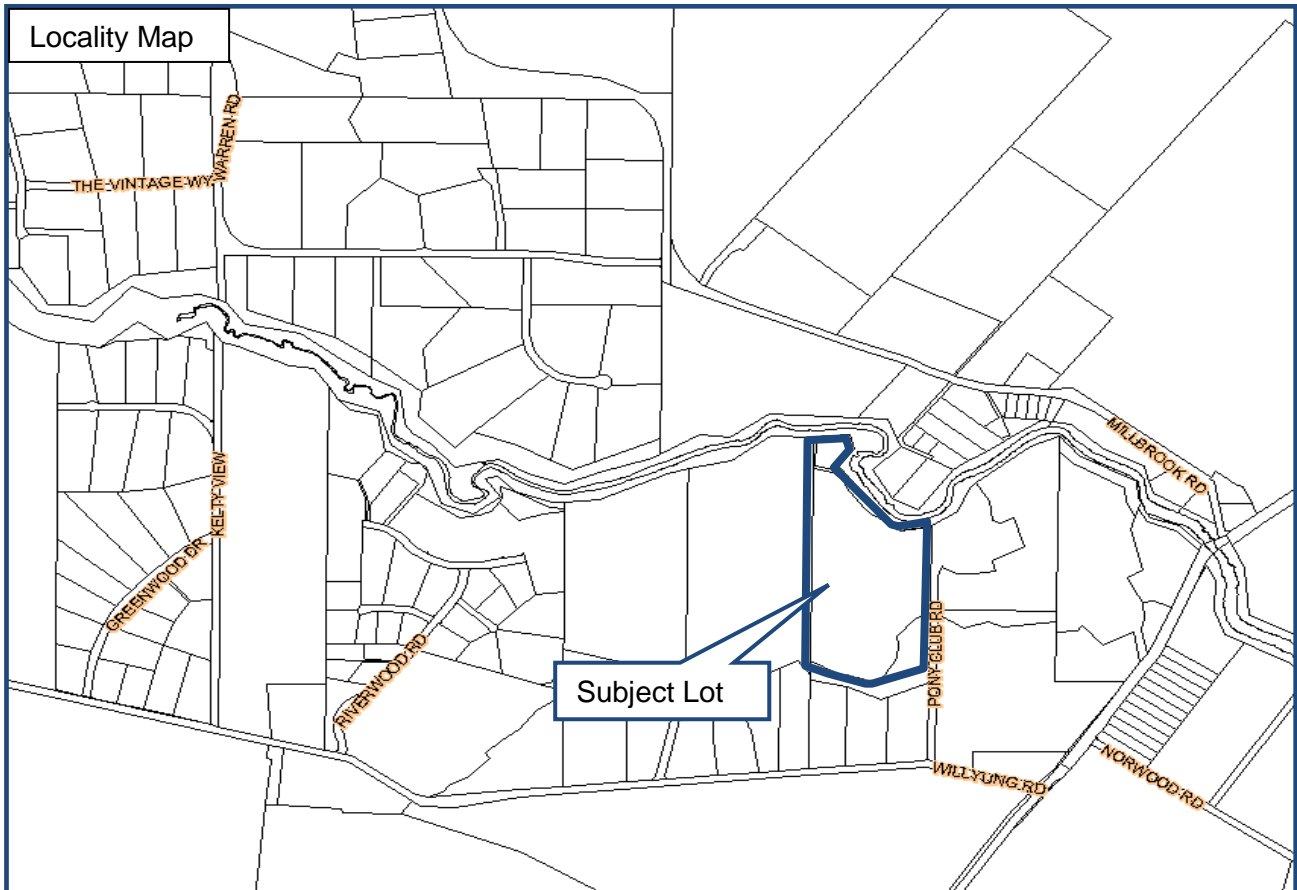
ITEM NUMBER: 11.3.2
ITEM TITLE: INITIATION OF SCHEME AMENDMENT – LOT 9002 PONY CLUB ROAD, WILLYUNG

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires performing its function as a Local Government.

- File Number or Name of Ward** : AMD 288 (Kalgan Ward)
Summary of Key Issues : Scheme Amendment to rezone Lot 9002 Pony Club Road, Willyung from the “Special Use” zone to the “Special Residential” zone
Land Description : Lot 9002 Pony Club Road, Willyung
Proponent : Ayton Baesjou Planning
Owner : Rokat Nominees
Reporting Officer(s) : Senior Planning Officer (J Van Der Mescht)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Amendment Document No 288
Consulted References : 1. WA Planning Commission (WAPC) Statements of Planning Policy (SPPs) SPP1; SPP2; SPP 2.9 & SPP 3
2. Lower Great Southern Strategy
Councillor Lounge : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. The City received an application from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 3 (TPS3) by;
 - Rezoning Lot 9002 Pony Club Road, Willyung from the 'Special Use' zone to the 'Special Residential' zone area 11; and
 - Rationalising the Parks and Recreation reservation to accord with the established foreshore reserve boundaries.
2. Lot 9002 is 13.5 ha in area and is located between the King River and Willyung Creek, approximately 8km north of the Albany City centre. The lot is currently accessed via Pony Club Road, which joins Willyung Road to the south.
3. The subject land contains a gentle undulating ridge between the King River and Willyung Creek. A dwelling, outbuildings and domestic gardens have been developed in the north west of the property. Cleared areas of the property are pastured and used for cattle and livestock grazing. The site also contains areas of remnant and riparian vegetation adjoining both King River and Willyung Creek.
4. The subject land is zoned Special Use Area 12 under TPS3. Permissible uses include Holiday Chalets (max. 6), Caretakers/Managers Dwelling, Private Recreation and other incidental uses.
5. The adjoining lots to the east and west are contained in Special Residential Area No. 11. The land north of the King River is zoned Special Rural Area 3B. The Crown Reserves along the King River and Willyung Creek foreshores, together with the adjacent Pony Club are local authority reserves for Parks and Recreation under TPS3.
6. The successful completion of the proposed rezoning from Special Use to Special Residential will enable the subdivision of lots to a minimum Lot size of 4000m² and apply the special provisions of Special Residential area 11 over the site.
7. The subject lot is located within an area shown for Rural Residential uses within the Albany Local Planning Strategy (ALPS) adopted by Council.

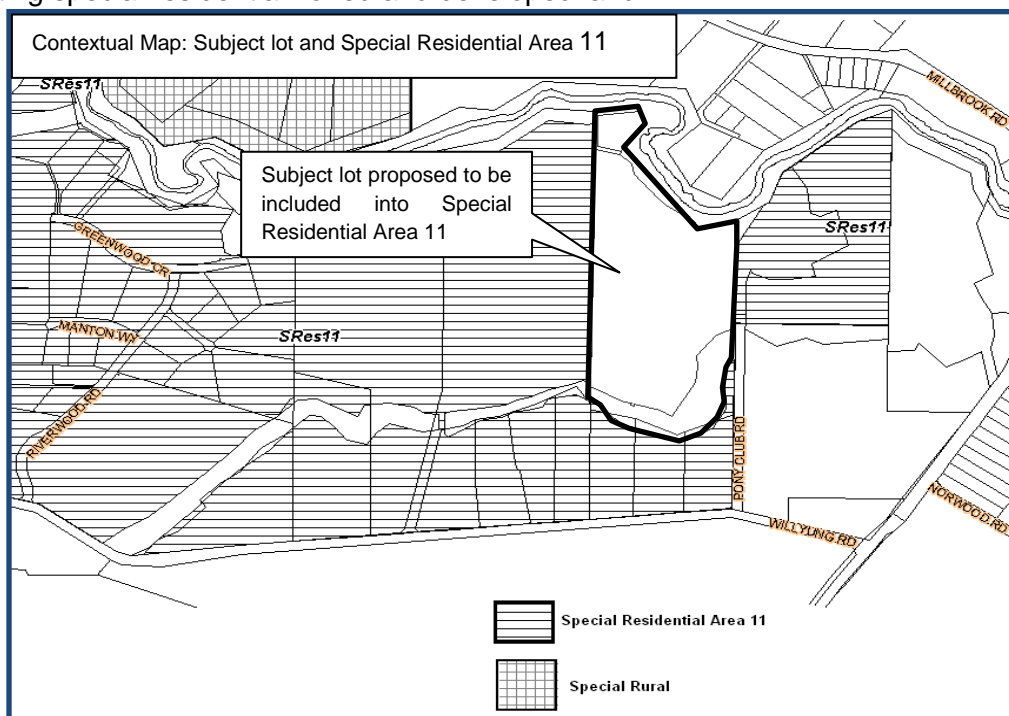
DISCUSSION

8. This amendment proposes to rezone a lot currently zoned "Special Use" to the same zone as the surrounding lots being "Special Residential" (Special Residential Area No.11).
9. The proposed rezoning will result in the subdivision of approximately 13 special residential lots. The smaller lots of between – are proposed on the more elevated cleared areas, with the larger lots being in the more vegetated areas and across the balance of the site. All remnant and riparian vegetation will be protected.
10. The proposed development will be connected to reticulated water, power, and telecommunication infrastructure.
11. An upgrade to Pony Club Road to service the development will not be feasible; it is proposed that a new road for primary access to the development is to be constructed on Lots 104 and 105 with limited access/emergency access onto Pony Club Road.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

12. Deep sewer is not available and will not be extended to service the area in the foreseeable future. Wastewater and effluent disposal will therefore be managed through individual on-site effluent disposal systems. The environmental assessment has confirmed that the subject land is capable of being serviced using on-site effluent disposal. Alternative Treatment Units (ATU) will be required on certain lots. Further site assessment and testing may be required at the time of subdivision or development to determine the most appropriate location and type of effluent disposal system. Special Provision 10.0 of the Special Residential area 11, together with the standard licensing requirements for the installation of on-site effluent disposal systems provides for additional controls.
13. The amending document details and adequately addresses the site suitability, servicing requirements, vegetation protection, visual impact, storm water and drainage, foreshore areas, flood studies and fire safety.
14. The Draft Subdivision Guide Plan design addresses the following matters:
 - Building envelopes that are in accordance with the land capability report and therefore capable of supporting on-site effluent disposal.
 - All structures being precluded from the Floodway (based on surveyed spot elevations, 1:100 year GHD flood elevations and flow volume).
 - Suitable building and effluent disposal setbacks from the creek and the King River.
 - Rationalisation of the King River and Willyung Creek Foreshore reserves and designation of Building Exclusion Areas to protect riparian vegetation.
 - Protection of remnant vegetation by providing lots with existing cleared areas suitable for house sites.
 - Clustering of smaller lots on the most capable and suitable land and larger lots on land with lower capability/identified constraints.
 - Provision of a range of lot sizes.
 - Provision for bushfire management, emergency access and egress in the case of fire or flooding.
 - Provision for multi use bridle/pedestrian trails in conjunction with emergency access ways.
15. The proposed rezoning is considered an opportunity to allow for “infill development” into existing special residential zoned and developed land.



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

16. The proposal is within an area identified for rural residential purposes and is considered in accordance with the strategic direction of the City as documented in the ALPS. ALPS furthermore recommends the densification and infill of developed areas.
17. The proposal is also considered consistent with the actions identified in the LGSS.

PUBLIC CONSULTATION/ENGAGEMENT

18. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be advertised for public comment and surrounding landowners consulted.

GOVERNMENT CONSULTATION

19. Should Council initiate the amendment, it will be referred to all relevant government agencies for comment.

STATUTORY IMPLICATIONS

20. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
21. Council's resolution under Regulation 25(i)(c) of the *Town Planning Regulations 1967* is required to amend the Scheme.
22. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
23. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
24. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

26. The Western Australian Planning Commission has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy, as detailed below:

“Appropriate location of rural residential land and rural smallholdings

Rural residential development should be consolidated in local planning strategies and located close to existing settlements rather than being randomly dispersed throughout rural areas.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

27. The subject lot is located within an area shown for rural residential uses within the Albany Local Planning Strategy (ALPS) adopted by Council.
28. The proposal is furthermore in accordance with the strategic direction of the City as documented in the ALPS which promotes the densification and infill of developed areas, as detailed below:

“ALPS recommends not supporting further subdivision of “greenfield” (undeveloped) rural land for rural residential development and that any subdivision of that type should be restricted to existing rural residential areas (infill development) and around townsites with suitable services.”

8.3.5 Rural Living

The ALPS supports the infill development and subdivision of existing zoning and Council-initiated rezoning of Special Residential and Special Rural land in the City’s current Town Planning Schemes.”

POLICY IMPLICATIONS

29. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.
30. SPP 1 – State Planning Framework
The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and is therefore in line with SPP1.

31. SPP 2 – Environment and Natural Resources Policy
SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.

The objectives of SPP 2 are:

- To integrate environment and natural resource management within broader land use planning and decision-making;
- To protect, conserve and enhance the natural environment; and
- To promote and assist in the wise and sustainable use and management of natural resources.

The proposal includes a draft subdivision guide plan which identifies environmental constraints, inclusive of low lying areas, areas of remnant vegetation to be protected, and enhancement of foreshore areas.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

32. SPP 2.9 – Water Resources

SPP 2.9 advises that our water resources which include wetlands, waterways, floodplains, estuaries, groundwater aquifers and the marine environments are subject to impacts and demands that affect both quality and quantity. The policy highlights the fundamental need to protect these resources due to their social, environmental and economic importance to the community.

This Amendment will be referred to the Department of Water as the Kalgan River and Willyung creek are considered important waterways. Issues such as foreshore reserve widths, public access, protection of natural drainage lines, stormwater and nutrient management and development setbacks have been addressed but may be subject to further comment by DOW as part of the amendment process.

33. SPP 3 – Urban Growth and Settlement – Draft

SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The key policy measures in SPP 3 that are applicable to the proposed are:

- Managing rural residential growth such that it is located and designed in a sustainable manner which integrates with an overall pattern of settlement and reduces any potential negative impacts such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.

The amendment proposal is consistent with the policy measure identified above. The subject area is located within an area shown for Rural Residential purposes within the draft Albany Local Planning Strategy (ALPS) adopted by Council the proposal is therefore consistent with the objectives or outcomes of the strategy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

- To resolve to initiate the scheme amendment (with or without modifications);
- To resolve not to initiate the scheme amendment.

35. A Town Planning Scheme initiated by resolution of Council is to be referred to the Environmental Protection Authority (EPA) for assessment of its environmental impacts.

36. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.

SUMMARY CONCLUSION

37. Staff recommend that the proposed scheme amendment be initiated by Council on the basis that the rezoning will round off the existing special residential zone in the area and is consistent with the actions and objectives associated with the ALPS and the LGSS.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

ITEM NUMBER: 11.3.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR WALKER

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulation 25(1)(c) of the Town Planning Regulations 1967 resolves to INITIATE Amendment No. 288 to Town Planning Scheme No. 3 for the purpose of:-

- i) Rezoning Lot 9002 Pony Club Road, Willyung from the 'Special Use' zone to the 'Special Residential' zone;**
- ii) Deleting Code No. 12 relating to former Portion Plantagenet Location 892 from Schedule III - Special Use Zones;**
- iii) Inserting Lot 9002 Pony Club Road into 'Schedule IV - Special Residential Zone- Provisions relating To Specified Areas', of area SRes 11;**
- iv) Rationalising the Parks and Recreation reservation to accord with the established Foreshore reserve boundaries; and**
- v) Amending the Scheme Map accordingly.**

MOTION CARRIED 9-2

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Price, Torr, Walker, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillors Bostock and Paver.

DEVELOPMENT SERVICES REPORTS

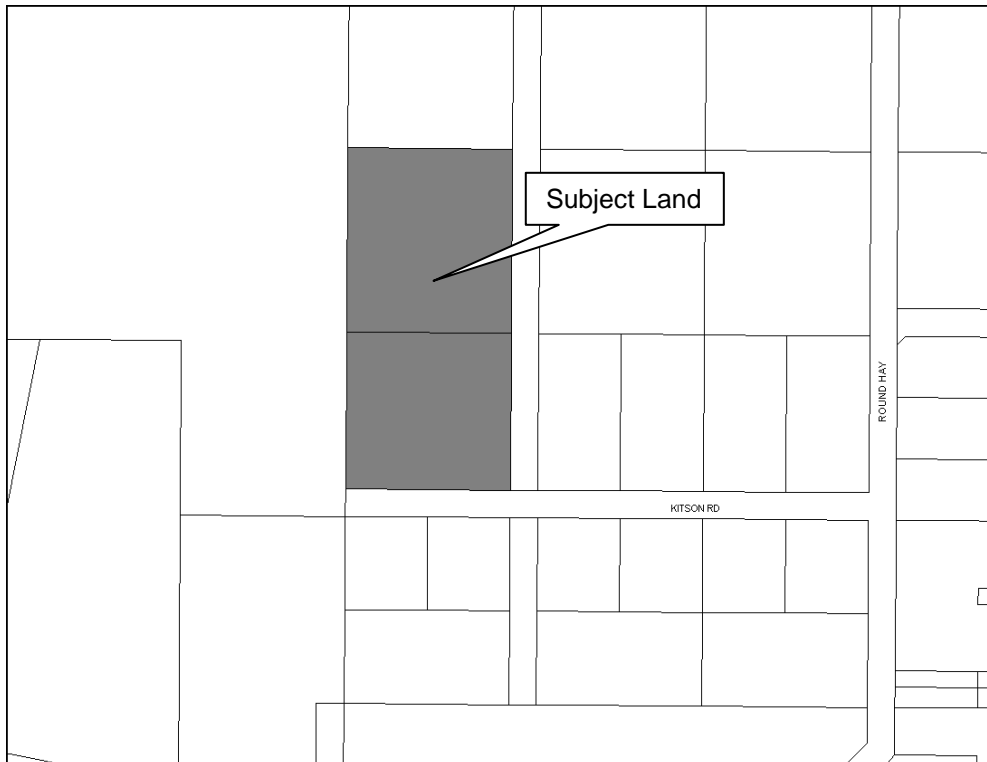
ITEM NUMBER: 11.3.3
ITEM TITLE: FINAL APPROVAL OF SCHEME AMENDMENT – LOTS 101 & 102
KITSON STREET, GLEDHOW

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 286 (West Ward)
Summary of Key Points : Consider whether to grant final approval to the amendment to rezone Lots 101 & 102 Kitson Street, Gledhow from the ‘Public Purposes’ Reserve to the ‘Light Industry’ Zone
Land Description : Lots 101 & 102 Kitson Street, Gledhow
Proponent : Ayton Baesjou Planning
Owner : H Sharp
Reporting Officer(s) : Planning Officer (C McMurtrie)
Disclosure of Interest : Nil
Previous Reference : OCM 16/05/2006 Item 11.3.5
OCM 21/10/2008 Item 11.3.5
Bulletin Attachment(s) : 1. Copy of Submissions
2. Schedule of Submissions
Consulted References : Albany Local Planning Strategy (ALPS)
Councillor Lounge : 1. Amendment document
2. Copy of OCM 16/05/2006 Item 11.3.5
3. Copy of OCM 21/10/2008 Item 11.3.5

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. Amendment 286 proposes to rezone Lots 101 & 102 Kitson Street, Gledhow from the 'Public Purposes' Reserve to the 'Light Industry' Zone under Town Planning Scheme No.3.
2. A Scheme Amendment Request (SAR 090) that proposed to rezone the subject land to 'Light Industry' was reported to the Ordinary Council Meeting held on 16 May 2006. Council resolved to advise the applicant that it was prepared to entertain the submission of a formal application for the proposed rezoning, subject to the following matters being addressed to their satisfaction in the amending document:
 - Flood risk assessment;
 - Stormwater drainage, effluent disposal and building capability;
 - Industry capability;
 - Acid sulphate soil assessment;
 - Road network capacity; and
 - Provisions for controlling the types of industries permitted.
3. The Scheme Amendment was submitted with the appropriate supporting information and initiated by Council at the Ordinary Meeting held on 19 August 2008.
4. The successful completion of this amendment will facilitate the future development of the land in accordance with the provisions for 'Light Industry' in Town Planning Scheme (TPS) No.3.

DISCUSSION

5. The subject land is comprised of two lots of 1.69 and 1.38ha respectively and located in the Gledhow locality, approximately 4km from the centre of Albany. It is currently under pasture with an area of 'parkland cleared' vegetation – primarily Jarrah trees – at its southern extent.
6. The scheme amendment has generally been supported by the government agencies. However, an objection to the proposal has been received from a neighbouring landowner. The issues raised in the submissions can be effectively addressed through the future subdivision and/or development application processes, as listed and discussed in the Schedule of Submissions.
7. Issues relevant to the amendment raised within the submissions are as follows:
 - Protection of fauna and native vegetation.
 - Council's failure to act on unauthorised clearing and excavation works undertaken previously in the surrounding area.
8. The Albany Local Planning Strategy (ALPS) identifies the subject land and the existing Industrial zoned land to its north, east and south as being suitable for 'Industry'. This is intended to "maintain an adequate supply and range of serviced industrial land in appropriate locations".
9. The subject land is privately owned, but zoned as a 'Public Purposes' Reserve with no established use. Re-zoning the land would round off the existing 'Light Industry' Zone covering the land to the east, west and north and would complement the 'General Industry' Zone to the south. Furthermore, it would unlock the development potential of the land, which is stifled by the current zoning.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

10. The City's support for the SAR in May 2006, was subject to a number of matters being addressed which are discussed below:

11. **Flood risk assessment**

The Land Capability and Geotechnical Assessment Report included within the amending document containing recommendations for the draining and filling of the land to support light industrial development.

It highlights the existing poor drainage in the area and in particular the susceptibility of the northern portion of Lot 101 to water-logging/inundation. This northern area also forms part of the local drainage pattern and receives runoff from the west. The report recommends either excluding the northern area or filling and subsoiling drainage to address the issue.

The future development of the land would be subject to the implementation of filling and draining requirements for building and effluent disposal purposes.

12. **Stormwater drainage, effluent disposal and building capability**

As above, the Land Capability and Geotechnical Assessment Report highlighted the general low capacity of the soils and high watertable to cater for effluent disposal needs.

The report recommends the use of nutrient absorbing effluent disposal systems for all new developments. Deep drainage is not recommended, as a small risk of acid sulphate soils below one metre in depth has been identified on the site.

13. **Industry capability/Provisions for controlling the types of industry permitted**

The amendment proposes the inclusion of the land within the 'Light Industry' Zone and subject to the same planning controls as the other 'Light Industry' Zoned land in the area. Due to servicing constraints, particularly the lack of an available deep sewer connection, only 'dry' type industries are considered to be appropriate land uses. This can be controlled through the future development application process.

14. **Acid sulphate soil assessment**

The Land Capability and Geotechnical Assessment Report identifies a low potential to expose acid sulphate soils on the property and recommends filling on the site, rather than employing deep drainage, in order to reduce the risk of exposing the soils.

15. **Road network capacity**

The amending document states that existing and proposed road upgrades will improve accessibility to the area.

The future development of the land would be subject to the developer upgrading the roads to a sealed, kerbed/drained standard.

16. Overall, the amending document adequately addresses the matters raised by Council at its May 2006 meeting.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

PUBLIC CONSULTATION/ENGAGEMENT

17. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 15 January 2009 to 26 February 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
18. A total of eight (8) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

GOVERNMENT CONSULTATION

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

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

23. As outlined previously, the subject land has been identified within the ALPS as suitable for industry. The Scheme Amendment is therefore consistent with the strategic aims of the ALPS.

POLICY IMPLICATIONS

24. Council, at its ordinary meeting on 17 March 2009, adopted a planning policy for advertising purposes for the Munster Hill drainage catchment which sets parameters for future development. The subject land is within the policy boundary associated with the Munster Hill drainage catchment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

25. Council has the following options in relation to this item, which are:
- To seek final approval to the scheme amendment without modification;
 - To seek final approval to the scheme amendment with modifications; or
 - To not seek final approval to the scheme amendment.
26. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

27. Staff recommend that the proposed Scheme Amendment be adopted by Council without modifications, on the basis that the re-zoning will round off the existing 'Light Industry' Zone in the area and is consistent with the objectives of the ALPS.

**ITEM NUMBER – 11.3.3 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR WOLFE**

- i) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and regulation 25(1)(c) of the *Town Planning Regulations 1967* resolves to ADOPT WITHOUT MODIFICATION Amendment No. 286 to Town Planning Scheme No. 3 as follows:**
- (a) **Re-zoning Lots 101 & 102 Kitson Street, Gledhow from the 'Public Purposes' Reserve to the 'Light Industry' Zone; and**
 - (b) **Modifying the scheme maps accordingly.**

AND

- ii) **THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**

MOTION CARRIED 10-1

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Price, Walker, Paver, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Torr

DEVELOPMENT SERVICES REPORTS

11.4 – RESERVES PLANNING

ITEM NUMBER: 11.4.1
ITEM TITLE: ROAD CLOSURE – UNCONSTRUCTED ROAD - FRANKS LANE, BAYONET HEAD

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : SER088 (Yakamia Ward)
- Summary of Key Issues** : Council's approval is sought to advertise the proposal to close an unconstructed road known as Franks Lane, Bayonet Head
- Land Description** : Franks Lane, Bayonet Head
- Proponent** : John Kinnear and Associates
- Owner** : Crown
- Reporting Officer(s)** : Planning Assistant (D Delury)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachments** : Exert from Land Administration Act 1997

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. Council's approval is sought to advertise the proposal to close a narrow unconstructed road known as Franks Lane.

DISCUSSION

2. A proposal has been received to close an unconstructed road in Bayonet Head, known as Franks Lane. The road leads to the top of a steep hill and ends at the boundary of another property, and as a consequence does not lead anywhere and serves no useful purpose. The lots adjacent to the northern boundary do not use the lane for access to their properties. The developer of the land adjacent to Franks Lane on the southern boundary (Lot 9001) has requested the closure as the road will not be used for access when that land is subdivided (as per WAPC approved subdivision 134985).

PUBLIC CONSULTATION / ENGAGEMENT

3. The road closure process must comply with Section 58 of the Land Administration Act, which stipulates the proposal must be advertised for a minimum of 35 days in a local newspaper. Upon finalisation of the advertising process, any submissions received will need to be considered prior to requesting Councils resolution for the Minister for Lands to proceed with closure.

STATUTORY IMPLICATIONS

4. Section 58 of the Land Administration Act 1997 states that a local government may, subject to advertising and consideration of any objections received to a proposal, request the Minister for Lands to close a road (the relevant section of the Land Administration Act 1997 is attached).

FINANCIAL IMPLICATIONS

5. There will be a minor cost to Council associated with advertising the road closure.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

8. Council could resolve not to advertise the closure of the road, however given the land does not serve a purpose, it will become a maintenance issue for Council and would present a future security risk to surrounding residents (properties backing onto laneways are known to be affected by a higher incidence of burglaries).

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

SUMMARY CONCLUSION

9. Council's recommendation to advertise the proposal is sought. Following the advertising period, any comments received will be included in a further report to Council addressing the proposal and its implications in full.

ITEM NUMBER – 11.4.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE

THAT Council SUPPORTS the request to close the road known as Franks Lane and ADVERTISES the proposal for public comment for a period not less than 35 days, subject to the land being amalgamated into lot 9001 and that a storm water easement be placed over the land for the benefit of Council.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

11.5 – EMERGENCY MANAGEMENT

ITEM NUMBER: 11.5.1

ITEM TITLE: GOODE BEACH FIRE SHED – BUDGET ALLOCATION

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : PRO 364 (Vancouver Ward)
Summary of Key Points : Provide additional funding to meet increased cost of constructing fire shed
Land Description : DEC Lease area from within Torndirrup National Park.
Proponent : City of Albany
Owner : Crown (Conservation Commission of WA)
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Nil

BACKGROUND

1. Council has agreed to construct a fire shed at Goode Beach to allow for the upgrading of the fire appliance servicing that community, from a light tanker to a heavy duty appliance, and its relocation from a shed at Whaleworld to a site immediately adjoining the Goode Beach community.
2. After considerable consultation, a site adjacent to Austin Road was identified as the preferred location for the new fire shed and a lease was negotiated with the Conservation Commission of WA to use an area of approximately from the National Park for that purpose. The site is located immediately adjacent to the access road to the Goode Beach water supply tanks and it adjoins a western power underground electrical transformer box. Private housing is located immediately opposite the site and fronting Austin Road. As part of the site selection process, officers from the Department of Environment and Conservation and the Department of Indigenous Affairs, as well as local elders inspected the locality and provided their support to the site and the project.
3. Within the 2007/08 and the 2008/09 budgets, funding has been provided to construct the shed (\$15,520) and payment has been made to a shed contractor for its purchase. The installation of the shed has been delayed for a lengthy period due to a requirement of the South West Aboriginal Land and Sea Council (SWALSC), representing the Native Title claimants, that an ethnographic survey be undertaken for the site.

DISCUSSION

4. The current budget is inadequate to allow for the engagement of a consultant to undertake an ethnographic survey and to cover the site works required on the site. Assuming Council still wishes to proceed with the construction of the fire shed, an additional \$32,480 is required to cover the financial shortfall.

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

5. The Goode Beach community has been concerned about the level of fire protection provided at Goode Beach for the past two seasons and of the delays that have been encountered in providing the fire shed; the heavy duty appliance is stored at the South Coast brigade's fire station at Little Grove and the light tanker currently housed at Whaleworld will be relocated to that fire shed when the Goode Beach fire shed is completed.

PUBLIC CONSULTATION / ENGAGEMENT

6. City of Albany staff have been actively engaged in discussions with the SWALSC and the Albany Aboriginal Heritage Reference Group (AAHRG) on the potential development of this small portion of the Torndirup National Park.
7. Numerous letters have been received from residents of Goode Beach and the Frenchman Bay Association regarding the level of fire protection available to the Goode Beach community and voicing concerns over the delays in constructing the fire shed.

GOVERNMENT CONSULTATION

8. During the process of preparing the lease documents, consultation occurred with officers of the Department of Conservation and Environment and the Department of Indigenous Affairs. Those agencies raised no objection to the proposal.

STATUTORY IMPLICATIONS

9. The SWALSC is the body representing the Native Title claimants and the fire shed lease area has been excised from a portion of vacant Crown land. The need to extinguish Native Title rights from the lease area has not been explored.
10. The SWALSC working group is seeking a report that verifies that there are no cultural or heritage issues associated with the development of the site, prior to allowing the City's project to proceed. The AAHRG is a non-statutory body set up by the City under the Aboriginal Accord to facilitate consultation with local elders and that group has assisted the City to determine local heritage and cultural issues at an early stage in the planning process of projects, particularly on private land and reserves not subject to Native Title considerations; the Department of Indigenous Affairs has then become involved where State aboriginal heritage legislation is impacted.
11. Under the *Local Government Act 1995* (Section 6.8) a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by a resolution (absolute majority required); or
 - (c) is authorised in advance by the mayor in an emergency.

FINANCIAL IMPLICATIONS

12. The funding of the construction of the Goode Beach fire shed is coming directly from the City's Municipal budget and no funding has been sought through the State Government's Emergency Services Levy (ESL) capital works program.

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

13. A budget of \$35,000 has been provided in 2008/09 (account 0852, job 0348) for fighting wild fires and for direct costs incurred in managing an emergency incident, with less than \$6,000 used to-date. As the risk of fires reduces, that budget can be reduced and the funds diverted to this project. The provision of a shelving in the Mercer Road shed (account 4944, job 2357), for the storage of emergency management equipment and supplies, can also be placed on hold.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

At the City of Albany we apply funds carefully

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. Council can decide not to proceed with this project on this site. Council may also decide to construct the shed at an alternate location in Goode Beach which may not be as suitable from an operational position.
17. To proceed with the development on the planned site, additional funding needs to be sourced and additional delays in the delivery will be incurred.

SUMMARY CONCLUSION

18. The additional funding can be sourced from within the Development Services budget. The final cost of constructing this fire shed in this location will be considerably higher than any other shed built within the City of Albany, a reflection of the significance of the site chosen.

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

**ITEM NUMBER – 11.5.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR STANTON**

THAT Council, pursuant to Section 6.8 of the Local Government Act 1995, modify the budget for the Goode Beach Fire Shed (job 2359) to \$48,000 and that the budget for Fire Emergency Response (job 0348) be reduced by \$20,000 and the budget for Storage Lockers – Mercer Road (job 2357) be reduced by \$10,000.

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.6 – DEVELOPMENT SERVICE COMMITTEES

ITEM NUMBER: 11.6.1

ITEM TITLE: PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 4 MARCH 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes from Planning and Environment Strategy and Policy Committee Meeting - 4 March 2009.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

Item 6.0 Albany Local Planning Strategy (ALPS)

THAT the Council SUPPORT the 'WAPC Resolution' of January 2009 and, upon the completion of the Retail Development Strategy make changes to the Albany Local Planning Strategy in accordance with the adopted recommendations.

MOTION CARRIED 11-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

Item 7.0 Local Rural Strategy (LRS)

THAT the Local Rural Strategy be amended with a new set of principles and policy controls to guide land use and development in the agriculture areas.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

Item 8.0 Review WAPC Consultation Response – Subdivisions in Residential Development Zone.

THAT as a matter of procedure, when responding to subdivision applications for lots within Residential Development and Future Urban zones within Town Planning Schemes 3 and 1A, City staff recommend to the WAPC that the applications be REFUSED, except where a Structure Plan has been prepared for the zone and that Plan has been approved by Council and endorsed by the Western Australian Planning Commission and that a copy of the application and the response be provided to Councillors.

MOTION CARRIED 11-0

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 9.0 Restrictive Burning Periods

THAT Council refer its concerns over the health and nuisance issues associated with the burning of timber on urban lots to the State Agenda for the WA Local Government Association Annual General Meeting for comment.

And

THAT staff report back to the committee on the action required to be taken under Section 24G of the Bush Fires Act to restrict back yard burning of garden refuse.

ITEM 11.6.1 - ALTERNATE MOTION BY COUNCILLOR STANTON

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

Item 9.0 Restrictive Burning Periods

THAT staff provide a detailed and comprehensive report to the next Planning and Environment Strategy and Policy Committee on all current mechanisms to restrict burning within urban areas and the effectiveness of using health, environmental and other legislation.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued.

Councillors Reason:

Prior to Council referring it's concerns over health and nuisance issues associated with the burning of timber to WALGA it is recommended that all options available be investigated by staff and considered by the Planning and Environment Strategy and Policy Committee.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 5

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WALKER

SECONDED COUNCILLOR DUFTY

Item 11.0 Albany Local Planning Strategy - Amendment - King River Development

THAT City of Albany staff continue to liaise with officers of the Department of Planning and Infrastructure to expedite the designation of Lot 50 Chester Pass Road, King River as "Rural Living" within the Albany Local Planning Strategy.

MOTION CARRIED 10-1

Record of Vote:

For the Motion: Mayor Evans, Councillors Bostock, Price, Walker, Paver, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Torr

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.6.2
ITEM TITLE: PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 19 MARCH 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes from Planning and Environment Strategy and Policy Committee Meeting - 19 March 2009.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOSTOCK

Item 5.0 Confirmation of Minutes

i) **THAT the CONFIRMED minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 4 March 2009, as previously distributed, be RECEIVED.**

And

ii) **THAT the UNCONFIRMED minutes of the PESP Committee meeting held on the March 2009 be RECEIVED.**

MOTION CARRIED 8-3

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Price, Torr, Paver, Stanton, Wolfe and Dufty

Against the Motion: Councillors Walker, Matla and Kidman.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA

Item 6.0: Proposed Town Planning Scheme Policy for Subdivision Guide Plan - Special Residential Area no. 11 Willyung Road, Lower King.

THAT Council in accordance with Special Provision 1.2 of the Special Residential Zone Area No. 11 adopts for the purposes of advertising the draft Town Planning Scheme Policy for Lot 104 and 105 Willyung Road, Willyung and agrees to advertise the policy for comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COUNCIL’S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR DUFTY

Item 8.0 Detailed Area Plan (DAP002) - Galle Street, Yakamia.

THAT Council adopts for the purposes of advertising the revised Detailed Area Plan Policy, to include Lots 10 and 322 Galle Street, Yakamia within Schedule 1 as detailed below, in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

SCHEDULE 1

No	Locality	Lots
x	Yakamia	Lot 10 and 322 Galle street, Yakamia (as per WAPC Approval 130884).

MOTION CARRIED 11-0

COUNCIL’S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 9.0 Reflective Roof Policy

THAT Council resolves NOT to adopt the Use of Reflective Building Materials in Goode Beach Policy in accordance with Clause 6.9 of Town Planning Scheme No. 3

ITEM 11.6.2 - ALTERNATE MOTION BY COUNCILLOR PAVER

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR STANTON

Item 9.0 Reflective Roof Policy

THAT Council resolves to adopt the Use of Reflective Building Materials in Goode Beach Policy in accordance with Clause 6.9 of Town Planning Scheme No. 3.

MOTION CARRIED 7-4

Councillors Reason:

The policy has been requested by the majority of residents in Goode Beach to ensure that highly reflective building materials do not pose issues of visual distraction and nuisance arising from sunlight reflection and glare.

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Price, Torr, Paver, Stanton and Dufty.

Against the Motion: Councillors Walker, Wolfe, Matla and Kidman.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 5

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

Item 10.0 Final Adoption of Town Planning Scheme - Revised Subdivision Guide Plan for Lots 201 & 202 Pony Club Road, Willyung.

THAT, pursuant to clause 6.9.2 of the City of Albany Town Planning Scheme 3, Council adopt with a modification to reintroduce lot 303 for final approval the Town Planning Scheme Policy and Modified Subdivision Guide Plan (HSG Ref 14272-01J) for Lots 201 and 202 Pony Club Road, Willyung and advertise its adoption in accordance with Clause 6.9.2 of Town Planning Scheme 3.

MOTION CARRIED 11-0

Councillor Dufty declared an impartiality interest in this item. The nature of his interest is that he is a member of the Albany Cottage Scheme. Councillor Dufty remained in the Chambers.

Mr Graeme Bride, Executive Services Manager Planning and Council Liaison tabled the Schedule of Submissions, detailed at appendix D. A copy of the Schedule of Submission had been made available to Councillors and members of the public prior to the meeting.

ITEM 11.6.2 –ALTERNATE MOTION BY COUNCILLOR TORR

**MOVED COUNCILLOR TORR
SECONDED COUNCILLOR BOSTOCK**

Item 11.0 South Lockyer Structure Plan.

THAT this item lay on the table for 4 weeks.

MOTION LOST 5-6

Reason:

The development of the South Lockyer Structure Plan was not conducted in a consultative manner and there are a number of unresolved issues that have not been addressed that are commercially sensitive in nature.

RECORD OF VOTE:

For the Motion: Councillors Bostock, Price, Torr, Dufty and Paver

Against the Motion: Mayor Evans, Councillors Walker, Stanton, Wolfe, Matla and Kidman.

Item 11.6.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 – COMMITTEE RECOMMENDATION 6

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR KIDMAN

Item 11.0 South Lockyer Structure Plan.

THAT Council resolves that;

- i. The submissions submitted on the South Lockyer Structure Plan be received and the amended 'schedules of submissions' be adopted;**
- ii. Pursuant to clause 5.2.2 of the City of Albany Town Planning Scheme 3, and clause 4.35 of the City of Albany Town Planning Scheme 1A Council receive and endorse the amended South Lockyer Structure Plan; and**
- iii. The amended South Lockyer Structure Plan be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible.**

MOTION CARRIED 6-5

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Walker, Stanton, Wolfe, Matla and Kidman

Against the Motion: Councillors Bostock, Price, Torr, Paver and Dufty.

CORPORATE & COMMUNITY SERVICES Reports

12.0 FINANCE – CORPORATE & COMMUNITY SERVICES

ITEM NUMBER: 12.1.1

ITEM TITLE: LIST OF ACCOUNTS FOR PAYMENT

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Reporting Officer(s) : Finance Manager (S Goodman)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : List of Accounts for Payment

BACKGROUND

1. The List of Accounts for Payment is a list of the accounts which have been paid since the last report.

DISCUSSION

2. The Chief Executive Officer has delegated authority to pay accounts on behalf of Council, and a list of these accounts is to be presented to Council meetings and recorded in the minutes.
3. A summary of payments is as follows:

Municipal Fund			
Cheques		Totalling	\$500,997.60
Electronic Fund transfer		Totalling	\$2,469,034.40
Credit Cards		Totalling	\$9,133.58
Payroll		Totalling	<u>\$810,459.98</u>
		Total	\$3,789,619.56

4. As at the 31st March 2009, the total outstanding creditors, stands at \$610,838.30.
5. Cancelled cheques – 25099.

PUBLIC CONSULTATION / ENGAGEMENT

6. Nil

GOVERNMENT CONSULTATION

7. Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

STATUTORY IMPLICATIONS

8. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the Municipal Fund or a Trust Fund if the Local Government had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.
9. The Chief Executive Officer has delegated authority to authorise payments.
10. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments should be presented to Council meetings and recorded in the minutes.

FINANCIAL IMPLICATIONS

11. The accounts for payment are in accordance with the adopted Annual Budget and approved amendments.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Community Vision:

Nil

Priority Goals and Objectives:

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

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.

POLICY IMPLICATIONS

13. The City's 2008/09 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Nil

SUMMARY CONCLUSION

15. The list of accounts paid by delegated authority be received.

Item 12.1.1 continued.

**ITEM 12.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

RECOMMENDED

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

MOTION CARRIED 11-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.1.2
ITEM TITLE: FINANCIAL ACTIVITY STATEMENT – 31st March 2009

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Summary of Key Points : Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31st March 2009
Reporting Officer(s) : Finance Manager (S Goodman)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

1. 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.
2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide Council with a greater insight in relation to the ongoing financial performance of the local government.
3. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2008/09 variations in excess of 10% are reported to the Council.

DISCUSSION

4. The Statement of Financial Activity for the period ending 31st March 2009 has been prepared and is listed below.
5. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the 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.

STATEMENT OF FINANCIAL ACTIVITY – AS AT 31st March 2009

6. See appendix 1 to report item 12.1.2

CITY OF ALBANY - BALANCE SHEET

7. See appendix 2 to report item 12.1.2

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

INVESTMENT SUMMARY & COMMENT

8. At its March meeting, Council determined that the four Floating Rate and Australian Bank Subordinated Debt securities could be liquidated. In March 2009, one of the securities (book value \$484,665) was sold generating \$ 425,465. Since the meeting, market values of the other three securities have reduced, and further advice is being sought from the City's investment advisor.
9. During the month, Trustee meetings on four CDOs (Bank of New York Mellon) were held and holders voted to terminate the securities. Once the Trustee has determined a required reserve for future actions, payouts should be made. At this point, the amount of the payouts is not possible to determine as the Trustee will require a holding fund against further claims. The City's solicitors have continued to negotiate with the Lehman bankruptcy administrator regarding further loss mitigation options on all of the securities purchased through Lehman.
10. See appendix 4 to report item 12.1.2.

PUBLIC CONSULTATION / ENGAGEMENT

11. Nil

GOVERNMENT CONSULTATION

12. Nil

STATUTORY IMPLICATIONS

13. 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);*
 - 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*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

- 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

13. Year to date expenditure has been incurred in accordance with the 2008/09 budget parameters with variations in excess of 10% detailed below. A quarterly review was carried out in January 2009 and the current budgets incorporate the adjustments adopted by Council in February 2009.

Section of Financial Activity Statement	Reason for Variation	Total Variation Amount
Operating Revenue	Sale of Scrap Steel	\$ 127,000
Operating Expenditure No material variances		
Capital Revenue	FESA - non cash item – new tanker received for South Stirling Brigade - \$ 229,167 - offset by charge against capital expenditure.	
Capital Expenditure No material variances other than new tanker.		

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Community Vision:

Nil

Priority Goals and Objectives:

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

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

POLICY IMPLICATIONS

15. The City's 2008/09 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2008/09 budget parameters and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
16. The Investment of Surplus Funds Policy applies to this item, as this policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Nil

SUMMARY CONCLUSION

18. Nil

Councillor Paver left the Chambers at 9.30pm.

**ITEM 12.1.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council RECEIVES the Financial Activity Statement for the period ending 31st March 2009.

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 1

STATEMENT OF FINANCIAL ACTIVITY

YEAR TO DATE

31-Mar-09

Original Budget 08/09	Current Budget 08/09		Actual Year to Date 31-Mar-09	Current Budget Year to Date 31-Mar-09	Current Budget vs Actual Variance
REVENUE					
3,597,831	3,640,537	Operating Grants, Subsidies and Cont	2,668,734	2,683,512	(14,778)
7,095,514	7,167,550	Fees and Charges	5,109,551	5,338,180	(228,629)
2,649,000	2,649,000	Service Charges	2,694,295	2,690,150	4,145
608,000	677,416	Interest Earnings	573,048	562,673	10,375
324,500	343,525	Other Revenue	473,613	328,348	145,265
14,274,845	14,478,028		11,519,241	11,602,863	(83,622)
EXPENDITURE					
13,853,782	13,811,360	Employee Costs	10,332,941	10,364,022	(31,081)
12,263,994	12,150,126	Materials and Contracts	7,870,940	8,135,354	(264,414)
755,110	1,110,640	Utility Charges	844,606	835,856	8,750
1,332,219	1,332,216	Interest Expenses	668,493	634,555	33,938
483,839	495,309	Insurance Expenses	412,782	445,003	(32,221)
(321,579)	(279,929)	Other Expenditure	(47,178)	(293,558)	246,380
10,653,000	10,726,639	Depreciation	8,002,899	8,030,913	(28,014)
39,020,365	39,346,361		28,085,484	28,152,145	(66,661)
Adjustment for Non-cash Revenue and Expenditure:					
(10,653,000)	(10,726,639)	Depreciation	(8,002,899)	(8,030,913)	28,014
CAPITAL REVENUE					
9,527,112	9,355,248	Non-Operating Grants, Subsidies and Cont	2,986,904	2,846,493	140,411
6,285,116	2,235,116	Proceeds from asset disposals	797,347	816,000	(18,653)
5,100,000	5,100,000	Proceeds from New Loans	0	0	0
46,230	46,230	Self-Supporting Loan Principal Revenue	25,297	25,865	(568)
7,459,666	8,925,571	Transfers from Reserves (Restricted Assets)	6,883,313	6,704,313	179,000
28,418,124	25,662,165		10,692,861	10,392,671	300,190
CAPITAL EXPENDITURE					
26,586,266	26,625,359	Purchase Plant, Equipment and Infrastructure	8,690,011	8,796,113	(106,102)
2,523,215	2,523,215	Repayment of Loans	613,864	568,457	45,407
2,146,413	1,547,913	Transfers to Reserves (Restricted Assets)	1,700,793	1,558,984	141,809
31,255,894	30,696,487		11,004,668	10,923,554	81,114
2,200,000	0	Estimated Surplus B/fwd			
		ADD Net Current Assets July 1 B/fwd	(1,815,676)	n/a	n/a
		LESS Net Current Assets Year to Date	8,560,572	n/a	n/a
19,130,290	19,180,290	Amount Raised from Rates	(19,251,400)	(19,226,128)	(25,272)

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 2

CITY OF ALBANY

BALANCE SHEET

31-Mar-09

	Actual 31-Mar-09	Budget 30-Jun-09	Actual 30-Jun-08
CURRENT ASSETS			
Cash - Municipal	8,670,118	1,853,283	574,704
Restricted cash (Trust)	1,729,498	1,778,000	1,824,396
Reserve Funds - Financial Assets	3,549,073	2,700,000	4,246,363
Reserve Funds - Other	3,197,186	951,095	6,904,276
Receivables & Other	3,082,901	1,753,371	1,865,213
Investment Land	46,400	160,000	46,400
Stock on hand	715,315	720,000	799,624
	20,990,490	9,915,749	16,260,976
CURRENT LIABILITIES			
Borrowings	409,350	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,937,301	2,230,000	1,692,860
Trust Liabilities	1,682,746	1,748,000	1,778,124
Creditors prov & accruals	1,947,502	2,877,047	3,362,517
	5,976,899	8,118,047	7,856,716
NET CURRENT ASSETS	15,013,590	1,797,702	8,404,260
NON CURRENT ASSETS			
Receivables	152,865	106,549	152,865
Pensioners Deferred Rates	265,945	263,870	265,945
Investment Land	2,150,000	2,005,000	2,150,000
Property, Plant & Equip	68,796,014	263,020,245	63,312,024
Infrastructure Assets	177,406,085		183,067,893
Local Govt House Shares	19,501	19,501	19,501
	248,790,409	265,415,165	248,968,228
NON CURRENT LIABILITIES			
Borrowings	23,384,572	25,721,573	23,384,572
Creditors & Provisions	265,850	150,000	217,433
	23,650,422	25,871,573	23,602,006
NET ASSETS	240,153,577	241,341,294	233,770,483
EQUITY			
Accumulated Surplus	213,879,500	218,415,565	202,313,885
Reserves	7,499,443	4,151,095	12,681,963
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	240,153,577	241,341,294	233,770,483

CORPORATE & COMMUNITY SERVICES REPORTS

APPENDIX 3

INCOME STATEMENT FOR THE PERIOD ENDED

31-Mar-09

Nature / Type	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
INCOME			
Rates	19,251,400	19,130,290	17,915,530
Grants & Subsidies	2,408,821	3,278,000	3,071,233
Contributions. Reimb & Donations	259,914	319,831	452,799
Fees & Charges	5,109,551	7,095,514	5,100,832
Service Charges	2,694,295	2,649,000	2,517,352
Interest Earned	573,048	608,000	739,330
Other Revenue / Income	474,093	324,500	920,121
	30,771,120	33,405,135	30,717,198
EXPENDITURE			
Employee Costs	10,332,941	13,853,782	12,212,590
Utilities	844,606	755,110	748,982
Interest Expenses	668,493	1,332,219	1,169,598
Depreciation on non current assets	8,002,899	10,653,000	9,672,516
Contracts & materials	7,870,940	12,263,994	9,881,306
Insurance expenses	412,782	483,839	443,417
Other Expenses	(47,178)	(321,579)	487,688
	28,085,484	39,020,365	34,416,097
Change in net assets from operation	2,685,636	(5,615,230)	(3,698,900)
Grants and Subsidies - non-operating	2,243,583	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	743,321	5,006,300	10,734,755
Profit/Loss on Asset Disposals	(67,584)	4,291,116	804,688
Fair value - Investments adjustment	778,139		(1,531,324)
	6,383,095	8,202,998	10,571,775

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 4

Portfolio Valuation - Market Value

31-Mar-09

Security	Maturity Date	Security Cost (incl accrued Int)	Current Interest %	Market Value Jan-08	Market Value Feb-09	Market Value Mar-09	Latest Monthly Variation
MUNICIPAL ACCOUNT							
Bendigo			5.40%	1,044,416			
Bendigo			6.90%	1,000,000			
Bendigo	14/04/2009	1,000,000	4.15%			1,000,000	
Westpac			5.12%	1,000,000			
Westpac	17/05/2009	1,000,000	4.20%		1,000,000	1,000,000	
Westpac	18/06/2009	1,000,000	4.22%			1,600,000	
NAB			5.60%	1,000,000	1,000,000		
NAB			4.90%	1,000,000	1,000,000		
NAB	17/05/2009	1,000,000	3.10%			1,000,000	
ANZ			5.50%	1,000,000	1,000,000		
ANZ			4.05%				
CBA			4.25%		1,000,000		
Bankwest			3.80%	1,000,000			
Bankwest			4.05%		1,000,000		
Bankwest	28/04/2009	1,000,000	3.65%		1,000,000	1,000,000	
CBA	29/04/2009	500,000	3.16%		500,000	500,000	
CBA	3/04/2009	500,000	3.34%		500,000	500,000	
				7,044,416	8,500,000	6,600,000	n/a
RESERVES ACCOUNT							
BANK - TERM DEPOSITS							
Bendigo bank - Term Deposit			4.75%	1,166,688			
Bankwest			5.40%	1,041,172			
Bankwest			5.50%		1,051,030		
Bankwest	12/06/2009		4.00%			1,054,624	
				2,207,860	1,051,030	1,054,624	n/a
COMMERCIAL SECURITIES - FRNs, Sub Debt							
Suncorp Metway FRN	22/06/2018	503,090	7.66%	495,832	0	Retrieved	(59,200)
Suncorp Metway Sub Debt	22/06/2018	802,272	8.17%	778,645	773,452	664,000	(109,452)
St George Bank Sub Debt	26/07/2016	506,660	8.06%	502,859	499,326	440,000	(59,326)
Macquarie Bank Sub Debt	15/09/2014	503,325	8.14%	451,296	447,955	330,000	(117,955)
ANZ Principal Protected Yield Curve	17/07/2017	200,000	8.25%	Retrieved	Retrieved	Retrieved	
		2,515,347		2,228,631	1,720,733	1,434,000	(345,933)
COMMERCIAL SECURITIES - CDOs (New York Mellon)							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	240,000	240,000	240,000	
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	160,610	167,779	167,779	
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	130,000	130,000	130,000	
Beryl (AAA Glogal Bank Note)	20/09/2014	200,376	8.42%	110,000	110,000	110,000	
		2,118,046		640,610	647,779	647,779	
COMMERCIAL SECURITIES - CDOs - Other							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	132,279	134,840	134,840	
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	49,500	49,500	49,500	
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	35,750	35,750	35,750	
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	90,000	90,000	90,000	
		1,324,656		307,529	310,090	310,090	
SUB PRIME MORTGAGES							
SPRC (Federation AAA)	10/02/2047	505,230	8.32%	Retrieved	Retrieved	Retrieved	
		505,230					
PORTFOLIO TOTAL				12,429,046	11,581,853		(345,933)

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.1.3
ITEM TITLE: DIFFERENTIAL RATES 2009/10

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 069 (All Wards)
Reporting Officer(s) : Manager Finance (S Goodman)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

1. In 2007, the Valuer General's Office (Landgate) completed the revaluation of all Gross Rental Value (GRV) properties in the City of Albany.
2. The bases of the GRV valuations are as follow:
 - **Occupied property** - the anticipated rental return from the property were it to be rented to a third property.
 - **Vacant land** - 5% of the capital value of the land including improvements such as retaining walls, fences etc.
3. The new valuations reflected the state of the market in 2007 with the average occupied property increasing by 30% and vacant land increasing by 190%. The next scheduled valuation is 2011 and GRVs will not be amended until that time.
4. In the 2007/08 and 2008/09 Budgets, Council agreed to adopt a differential rate for vacant GRV land which was approximately 50% of the occupied rate.

DISCUSSION

5. The imposition of differential rates in 2007/08 and 2008/09 was favourably received by most ratepayers, and maintained the City/s rates base.
6. It is proposed that Council again consider the imposition of a differential rate on vacant land, advertise its intention for a period of 21 days, and consider any responses at a Council meeting prior to budget adoption.

PUBLIC CONSULTATION / ENGAGEMENT

7. The recommendation on this item is the adoption of a 21 day consultation period in accordance with the Local Government Act.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

GOVERNMENT CONSULTATION

8. Nil

STATUTORY IMPLICATIONS

9. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and/or land use of the property.
10. Section 6.36 (1) requires a local government which is considering the imposition of a differential general rate to give local public notice of its intention and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed.

FINANCIAL IMPLICATIONS

11. There are no financial implications for the City of Albany in 2009/10. The longer term impact of failure to introduce differential rates would be the elimination of most future rates growth due to building activity through interim rates, which is assumed to be \$300,000 - \$400,000 per year in the Business Plan.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Community Vision:

Nil.

Priority Goals and Objectives:

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

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

Nil.

POLICY IMPLICATIONS

13. Nil.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. The City may choose to discontinue the differential rate which would have the impact of slightly reducing the rates on GRV residential or commercial properties, and doubling or tripling the rates on GRV vacant land. As previously noted, there would be a significant reduction in interim rates for 2009/10 and the elimination of future rates growth due to development of vacant properties.

Item 12.1.3 continued

SUMMARY CONCLUSION

15. That the use of differential rates for vacant land be continued in 2009/10.

ITEM 12.1.3 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER

THAT Council advertise for public comment its intention to impose differential rates for Gross Rental Value properties.

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 – ADMINISTRATION

Nil

12.3 – LIBRARY SERVICES

Nil

12.4 – DAY CARE CENTRE

Nil

12.5 – TOWN HALL

Nil

12.6 – RECREATION SERVICES

Nil

12.7 – VISITORS CENTRE

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 – CORPORATE & COMMUNITY SERVICES COMMITTEE

ITEM NUMBER: 12.8.1

ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 19th March 2009

File Number or Name of Ward : MAN 131 (All Wards)
Summary of Key Points : Receive the minutes of the Seniors Advisory Committee.
Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee minutes dated 19th March 2009

ITEM 12.8.1 - COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR DUFTY**

THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 19th March 2009 be RECEIVED (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 10-0

The following motion was verbally moved by the Mayor. This motion was not detailed in the Agenda.

ITEM 12.8.1

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT Council:

- i) APPOINT Councillor Dufty, as the Elected Member to the Seniors Advisory Committee; and**
- ii) APPOINT Councillor Buegge as the Deputy Elected Member to the Seniors Advisory Committee.**

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

Reason:

Councillor Buegge is currently unavailable to attend regular committee meetings as the nature of his employment has required him to work away from Albany. However, Councillor Buegge has expressed his desire to remain actively involved with the Seniors Advisory Committee.

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.8.2
ITEM TITLE: COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 19th March 2009

File Number or Name of Ward : MAN 233 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate and Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee minutes dated 19th March 2009 – 19th March 2009

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WALKER

THAT the UNCONFIRMED minutes of the Community and Economic Development Strategy and Policy Committee held on Thursday 19th March 2009 be RECEIVED and the following Committee Recommendations adopted.

MOTION CARRIED 10-0

COUNCIL'S ROLE: EXECUTIVE FUNCTION

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR TORR

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT future Community Development Elected Member updates be presented verbally to the Community and Economic Development Strategy and Policy Committee on a quarterly basis.

MOTION CARRIED 10-0

Councillor Paver returned to the Chambers at 9.34pm.

Item 12.8.2 continued

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT Council SUPPORT an amendment to the contract to permit a change in the contactor's directors, shareholders or unit holders which leads to a change of ownership or and control of the Contractor where the Contractors equity does not fall below 51%.

MOTION CARRIED 9-2

Note: The word 'majority' was removed from the original committee recommendation to ensure clarity in the motion.

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Price, Walker, Paver, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillors Torr and Bostock.

Councillor Bostock left the Chambers at 9.35pm.

Councillor Bostock returned to the Chambers at 9.37pm.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT:

- i. the theatre space be called the 'Princess Royal Theatre'.
- ii. the aboriginal community be invited to submit a panel of suggestions for the naming of the studio space.
- iii. the VIP room be called the 'Hanover Room'.
- iv. the centre be called the 'Albany Entertainment Centre'.

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 4 – ALTERNATE MOTION BY MAYOR EVANS

**MOVED MAYOR EVANS
SECONDED COUNCILLOR PRICE**

THAT:

- i) the theatre space be called the 'Princess Royal Theatre';
- ii) the aboriginal community be invited to submit a panel of suggestions for the naming of the studio space;
- iii) the VIP room be called the 'Hanover Room'; and
- iv) community consultation be undertaken in regards to the naming of the centre.

MOTION CARRIED 11-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.2 continued

Reason:

The centre is a unique facility located on a special site which will offer a quality service to the Albany and surrounding regional community. The name of the centre as a whole should reflect these qualities and acknowledge that it is a performing arts venue, rather than an entertainment centre.

Community consultation would enhance the sense of community ownership.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 5

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR WALKER

THAT the UNCONFIRMED minutes of the Albany Cultural Development Committee meeting of the 25th February 2009 be RECEIVED.

MOTION CARRIED 11-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.8.3
ITEM TITLE: ALBANY TOWN HALL THEATRE ADVISORY COMMITTEE MINUTES – 4TH FEBRUARY 2009

File Number or Name of Ward : SER 047 (All Wards)
Summary of Key Points : Receive the minutes of the Albany Town Hall Theatre Advisory Committee.
Reporting Officer(s) : Executive Director of Community & Corporate Services (W P Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee minutes dated 4th February 2009

COUNCILS ROLE: EXECUTIVE FUNCTION

ITEM 12.8.3 – COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR STANTON

THAT the UNCONFIRMED minutes of the Albany Town Hall Theatre Advisory Committee held on Wednesday 4th February 2009 be RECEIVED (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 11-0

ITEM 12.8.3 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA

THAT subject to the projected opening date of the AEC remaining the 1st July 2010, clients enquiring for the Albany Town Hall Theatre for bookings after the 1st of July 2010 be offered the spaces within the Albany Entertainment Centre AS THE alternate venue for their production.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.3 – COMMITTEE RECOMMENDATION 2. AMENDED MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR PAVER

THAT subject to the projected opening date of the AEC remaining the 1st July 2010, clients enquiring for the Albany Town Hall Theatre for bookings after the 1st of July 2010 be offered the spaces within the Albany Entertainment Centre AS AN alternate venue for their production.

MOTION CARRIED 9-2

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Torr, Walker, Paver, Stanton, Wolfe, Dufty and Kidman

Against the Motion: Councillors Price and Matla.

WORKS & SERVICES

Reports

WORKS & SERVICES REPORTS

13.1 ASSET MANAGEMENT

ITEM NUMBER: 13.1.1

ITEM TITLE: **ADOPTION OF REGIONAL STRATEGIC WASTE MINIMISATION PLAN AND STRATEGIC WASTE MANAGEMENT PLAN**

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: SER 132 (All Wards)
Summary of Key Points	: Adoption of Regional Strategic Waste Minimisation Plan Adoption of Strategic Waste Management Plan
Land Description	: City of Albany Municipality
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Acting Manager City Services (W Male)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Council Strategy – Strategic Waste Management Plan Regional Strategic Waste Minimisation Plan Correspondence

BACKGROUND

1. The waste minimisation program has been operating in Albany since 2004. During this time the City of Albany has become a leader in the area of Waste Minimisation. In line with the Waste Authority of Western Australia’s Zero Waste Plan Development Scheme the City of Albany developed two documents a Regional Strategic Waste Minimisation Plan and a Strategic Waste Management Plan. The purpose of these plans is to provide strategies and actions that will guide the regions waste management practices in a consistent way that aligns with the State Governments vision of Towards Zero Waste.
2. The purpose of the strategies is to take waste minimisation to the next level. Though it would not be viable to reach a zero target at present, it is evident from the review that Albany and surrounding districts can still achieve a higher recycle/waste ratio. To achieve this, the following areas are to be focused on over the next five years.
 - Landfill Minimisation,
 - Education (AWARE Centre),
 - Increase commercial recycling,
 - Develop a suitable Household Hazardous Waste Facility,
 - Develop a Regional approach to Waste Minimisation,
 - Develop a plan to implement Public Place Recycling across region,
 - Review data collection systems and standardise pricing for landfill across the region,

WORKS & SERVICES REPORTS

Item 13.1.1 continued

- Review operations of current Greenwaste processing,
- Contract Management,
- To identify, through the development of this Strategic Waste Minimisation Plan, priority actions and associated costs and timelines to incrementally improve waste management in the local government areas covered by this Plan, and
- To form partnerships with other local governments, businesses and industry to achieve economies of scale where feasible.

DISCUSSION

3. The overall objective of the Plans is to guide and map out the strategic direction of our waste management activities that recognizes our commitment to recycling and waste minimisation for the region.
4. The Plans investigate the current management of waste activities and collection issues to ensure operations are conducted in a manner that is environmentally, socially and economically responsible.
5. The Strategic Waste Minimisation Plan should be considered a flexible document that maps out the most suitable and applicable scenarios for the City and will be required to be reviewed as advances in waste management activities are progressed.
6. There have been a range of issues identified in this Regional Plan that need to be investigated in terms of waste disposal and management. Some of the technologies available are in their infancy and rely on high capital costs, high volumes of waste and high costs per tonne disposal rates. In broad terms, waste management, disposal and education have been considered to give the most economical solutions without compromising environmental and social outcomes.
7. The operations of waste management facilities in accordance with the developed post closure management plans will ensure that the environmental impact of all of the facilities can be managed.
8. With a focus on best practise facility management and improvements in education and participation rates for the collection of recycled goods, the life of existing facilities can be maximised.

PUBLIC CONSULTATION / ENGAGEMENT

9. The two Strategic documents were been advertised for a period of 21 days to seek community feedback. Two comments were been received; from the Albany Agricultural Society and Ayton Baesjou Planning.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

10. The Albany Agricultural Society response indicated consideration needs to be given to the lease arrangements between the City and the Albany Agricultural Society for Lot 1135 beyond 2012, the lease arrangement between both parties will be discussed at the time of renewal. In addition the Albany Agricultural Society referred to sale of Gas recovered from the Hanrahan site, a feasibility of gas recovery was conducted by Landfill Gas and Power, the synopsis was that the Hanrahan site was not suitable for gas recovery.
11. Ayton Baesjou Planning requested that the Strategic Waste Management Plan be amended to include a firm commitment from the City of Albany to incorporate the following Department of Housing (DoH) requirements:
 - The area to be used for putrescibles landfill within the notional 30 year life span of the site will be more than 500 metres clear of the DoH site at Lot Pt 236;
 - This buffer of 500 metres will be put in place by September 2009 once the current waste cells have been completed and the proposed new waste cells further south come into operation; and
 - During operations at the new waste cells the City will take effective measures to manage emissions to avoid adverse impacts on land within Lot Pt 236 identified for residential purposes.
12. The City acknowledges that there is a requirement of a 500 metre exclusion zone, however if the recommendations are included into the Plan that this will severely impact upon future operations of the landfill site. It is recommended that the Ayton Baesjou Planning requested changes not be included into the Plan.

GOVERNMENT CONSULTATION

13. The Department of Environment and Conservation (DEC) have received a copy of the document and have endorsed its contents.

STATUTORY IMPLICATIONS

14. The adoption of the Regional Strategic Waste Minimisation Plan will provide strategic guidelines for the development and implementation of expenditure programs.
15. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

FINANCIAL IMPLICATIONS

16. The adoption of the Regional Strategic Waste Minimisation Plan and Strategic Waste Management Plan will benefit the region with greater funding opportunities through DEC for adoption of the Regional Plan.
17. Costs will be allocated to the regional group based on the activity being undertaken and typically will be proportioned to the population ratio with each municipality.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

18. Within the corporate hierarchy of strategy development and implementation, this strategic document is positioned at the strategic business unit or SBU level. This document is aligned to the City's corporate strategy and relates to the following elements from the 3D Corporate Plan:

City of Albany Mission Statement

What do we do?

The City of Albany is committed to...

- *Delivering excellent community services*

What we are renowned for?

The City of Albany will always be renowned for...

- *Our customer focus*

How do we do this?

At all times we will...

- *Actively keep abreast of best practice;
Seek innovative approaches*

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

20. There are no alternative options and legal implications relating to this item

SUMMARY CONCLUSION

21. The purpose of the plans is to provide strategies and actions to guide the regions waste management practices in a consistent way that aligns it with the State Government's vision of "Towards Zero Waste" in order to protect human health and the environment.
22. The plans analyse the current operations and develops action plans to improve the service and reduce waste to landfill over the next 5 years. It highlights action items that will enable the Region and the City to reach its goal of reducing waste to landfill thus extending the life of the City landfill site. This includes increasing various forms of recycling e.g. commercial and industrial, to the education of all within the City of Albany of the benefits of recycling.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

**ITEM 13.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY.**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council:

- i) ADOPT the Regional Strategic Waste Minimisation Plan, as tabled;**
- ii) ADOPT the Strategic Waste Management Plan as tabled; and**
- iii) INCLUDE the first year of the Strategic Waste Management Plan for consideration in the 2009/10 budget.**

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

13.2 – WASTE MANAGEMENT

Nil

13.3 – CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS**13.4 – CITY SERVICES – CONTRACT MANAGEMENT****ITEM NUMBER:** 13.4.1**ITEM TITLE:** CONTRACT C08003 – SUPPLY OF GRAVEL**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: C08003
Summary of Key Points	: Supply of gravel at various pits 2008/2009 and 2009/2010
Land Description	: Various wards
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Project Engineer (M Bracknell), Depot Administration Officer (J Harbach) and Surveyor (G Attwell)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Nil
Consulted References	: Nil
Maps and Diagrams	: Nil

BACKGROUND

- As part of the City’s construction program, it is necessary to source gravel for use in construction and routine maintenance of existing gravel roads. A number of strategic gravel sources have been identified and Council will operate these pits within the conditions and guidelines of the Extractors Industry Licence. Contractors are now required to extract, crush and stockpile the gravel

DISCUSSION

- A request for tenders was published in the West Australian on February 2009, the Albany Advertiser on February 2009, and Albany Extra on February 2009.
- Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weighting
Cost	50
Technical Compliance and Experience	20
Reliability	20
Other Considerations	10
Total	100

WORKS & SERVICES REPORTS

Item 13.4.1 continued

4. A total nine tenders were downloaded off the City of Albany website with four received at the close of tenders. All company's claim fully against the Regional Price Preference Policy.
5. Albany Industrial Services failed to provide adequate evidence of the sub contractors to be used and did not provide any licensing information as required by Department of Environment and Conservation. Due to the lack of information, Albany Industrial Services deemed non-conforming and was removed from evaluation.
6. The following table summarises the tenders received:

Pit Location	Tendered Price (inc. GST)	Score
TAKENUP ROAD PIT - S016		
Palmer Earthmoving	\$43,125.00	800
AD Contractors	\$45,000.00	783.5
Great Southern Sands	\$48,170.00	655
WILCOX ROAD PIT – S023		
AD Contractors	\$34,750.00	800
Palmer Earthmoving	\$40,555.00	724
Great Southern Sands	\$41,110.00	617
MOUNT BOYLE ROAD PIT – S049		
AD Contractors	\$22,500.00	800
Palmer Earthmoving	\$22,817.50	792.5
Great Southern Sands	\$23,400.00	678.5
MORRIALUP ROAD PIT – S017		
Palmer Earthmoving	\$9,280.00	800
AD Contractors	\$12,200.00	743
Great Southern Sands	\$13,100.00	625.5
HUNWICK ROAD PIT – S034		
Palmer Earthmoving	\$24,270.00	800
AD Contractors	\$24,900.00	788.5
Great Southern Sands	\$26,260.00	663
DRAWBIN ROAD PIT – S038		
AD Contractors	\$35,550.00	800
Palmer Earthmoving	\$45,015.00	645.5
Great Southern Sands	\$39,770.00	631

WORKS & SERVICES REPORTS

Item 13.4.1 continued

Pit Location	Tendered Price (inc. GST)	Score
KOJANEERUP SPRINGS ROAD PIT – S043		
Palmer Earthmoving	\$22,452.50	800
AD Contractors	\$23,250.00	783
Great Southern Sands	\$25,050.00	644.5
MILLBROOK ROAD PIT – S018		
Palmer Earthmoving	\$42,600.00	800
AD Contractors	\$46,000.00	763
Great Southern Sands	\$47,900.00	642.5
COCHRANE ROAD PIT – S015		
AD Contractors	\$20,750.00	800
Palmer Earthmoving	\$24,617.50	719.5
Great Southern Sands	\$23,950.00	633.5
DOUGLAS ROAD PIT – S009		
AD Contractors	\$18,500.00	800
Palmer Earthmoving	\$19,002.50	786
Great Southern Sands	\$19,270.00	678.5
SOUTH COAST HIGHWAY ROAD PIT – S022		
AD Contractors	\$57,000.00	800
Palmer Earthmoving	\$69,285.00	711.5
Great Southern Sands	\$113,200.00	295.5

7. Each of the above pits were individually evaluated and awarded to the contractors that provide best value for money to Council. In addition to the above pits, a schedule of rates requested all contractors to provide a cost for none specific sites not included in the contract. The evaluation team decided to remove the schedule of rates as there is no other identified works this financial year.

GOVERNMENT CONSULTATION

8. Nil

STATUTORY IMPLICATIONS

9. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

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

FINANCIAL IMPLICATIONS

12. The budget for gravel is included in the overall road construction and routine maintenance programs.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

14. The City of Albany's Regional Price Preference Policy applies to this Item.

SUMMARY CONCLUSION

15. All of the tenderers have performed this type of work for Council over preceding years. AD Contractors and Palmer Earthmoving are considered capable of undertaking the work and have the required permits, licences and insurances.
16. Each pit was individually evaluated and represents the highest weighted score and is recommended to be the most advantageous option for Council

WORKS & SERVICES REPORTS

Item 13.4.1 continued

ITEM 13.4.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WALKER

SECONDED COUNCILLOR DUFTY

THAT COUNCIL AWARDS the tender C08003 for the supply of gravel from various pits during 2008/2009 and 2009/2010 to the following tenderers:

- i) **AD Contractors Pty Ltd for pits:**
- **Wilcox Road at a price of \$34,750.00,**
 - **Mount Boyle Road at a price of \$22,500.00,**
 - **Drawbin Road at a price of \$35,550.00,**
 - **Cochrane Road at a price of \$20,750.00,**
 - **Douglas Road at a price of \$18,500.00, and**
 - **Southcoast Highway at a price of \$57,000.00.**
- ii) **Palmer Earthmoving Australia Pty Ltd for pits:**
- **Takenup Road at a price of \$43,125.00,**
 - **Morrialup Road at a price of \$9,280.00,**
 - **Hunwick Road at a price of \$24,270.00,**
 - **Kojaneerup Springs Road at a price of \$22,452.50; and**
 - **Millbrook Road at a price of \$42,600.00.**

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

13.5 – CITY SERVICES – PROPERTY MANAGEMENT

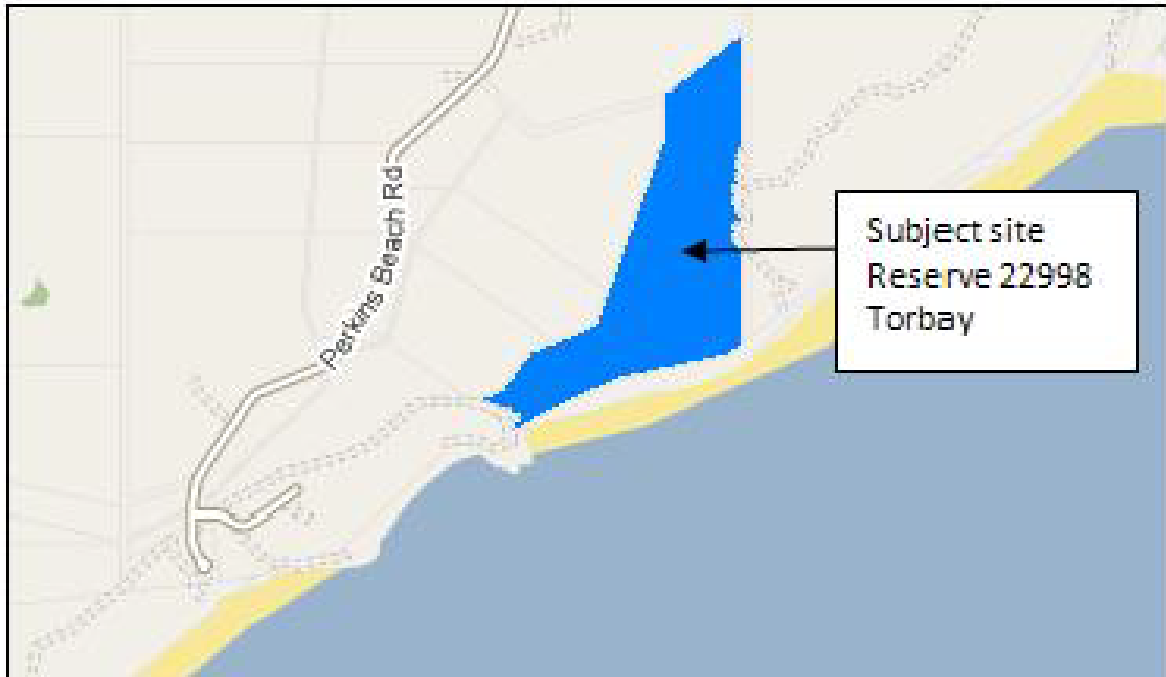
ITEM NUMBER: 13.5.1

ITEM TITLE: GRANT NEW LEASE FOR THE BAPTIST UNION OF WESTERN AUSTRALIA INC.

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : PRO 226 (West Ward)
- Summary of Key Points** : Consider request for a new lease of portion of Reserve 22998 to The Baptist Union of Western Australia Inc. for the purpose of camping and recreation for a term of 21 years commencing 1 January 2009
- Land Description** : Portion of Reserve 22998
- Proponent** : The Baptist Union of Western Australia Inc.
- Owner** : Crown
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Nil
- Consulted References** : Nil
- Maps and Diagrams** :



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. The Baptist Union of Western Australia Inc. lease is situated on portion of Reserve 22998 under a Management Order issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of camping and recreation for a term not exceeding 21 years.
2. Reserve 22998 is located on Perkins Beach Road, Torbay.
3. The lease for a term of 21 years commenced on 1 January 1988 and expired on 31 December 2008, with rental being \$533.00pa plus GST.
4. A written request has been received from The Baptist Union of Western Australia Inc. for a new lease over the area it currently occupies on portion of Reserve 22998.
5. The Baptist Union of Western Australia Inc. has been operating a youth camp named Camp Kennedy on this reserve for the past 40 years.
6. This organisation relies heavily on volunteer support to operate and maintain the youth camp facility.

DISCUSSION

7. Camp Kennedy provides affordable style accommodation and facilities for numerous youth, school, church and community groups.
8. The accommodation is predominantly dormitory style with the capacity to sleep 114 people. In addition to the dormitories there are 3 self contained cottages sleeping up to 17 people in total and grassed areas for camping.
9. The Baptist Union of Western Australia Inc. has developed and maintains all of the buildings and infrastructure in this location.
10. Should the proposed new lease be granted, The Baptist Union of Western Australia Inc. has indicated they will consider upgrading the current facility by adding a recreation room.
11. It is proposed the new lease be for a period of 21 years, commencing on 1 January 2009 with an annual rental of \$533.00 plus GST being equivalent to Minimum Land Rate as set by Council per annum.
12. Council's Policy - Property Management - Leases currently allows community benefit leases on Crown land where the buildings do not belong to Council, a nominal rental of \$10.00 per annum plus GST with all building and infrastructure maintenance to be at no cost to Council.
13. The impending review of Council's Policy - Property Management - Leases will recommend amending the rental structures applied to community benefit leases on Crown land where the buildings do not belong to Council, be the equivalent to Minimum Land Rate as set by Council per annum. All Building and infrastructure maintenance is to be at no cost to Council.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

PUBLIC CONSULTATION / ENGAGEMENT

14. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
15. This Section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
16. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section (2) (b) (i) states that Section 3.58 of the Act is exempt if:
 - (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;*
17. The Baptist Union of Western Australia Inc. is a religious organisation and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995.

GOVERNMENT CONSULTATION

18. As this is Crown land Ministerial approval is required, preliminary approval for the lease has been obtained and formal approval will be requested if the recommendation is adopted by Council.

STATUTORY IMPLICATIONS

19. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
20. As this is Crown land, under a Management Order issued to the City of Albany for the purpose of camping and recreation, Ministerial approval will be required.
21. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.

FINANCIAL IMPLICATIONS

22. All costs associated with the preparation of the documentation will be borne by the proponent.
23. The rental proposed is \$533.00 plus GST per annum being equivalent to Minimum Land rate as set by Council per annum.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

25. The recommendation is consistent with Council’s Policy – Property Management – Leases adopted in 2007 with the exception of the rental being levied.
26. This policy currently allows rental for Crown land without Council owned buildings, for the purpose of a community benefit lease be determined at \$10.00 per annum in return for which the association will provide all buildings and infrastructure, the cost of which is covered by the association. Building and infrastructure maintenance is to be at no cost to Council.
27. The impending review of Council’s Policy - Property Management - Leases will recommend amending the rental structures applied to community benefit leases on Crown land where the buildings do not belong to Council be the equivalent to Minimum Land Rate as set by Council per annum. All Building and infrastructure maintenance is to be at no cost to Council.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

28. Council has the following options in relation to this item, which are:
- a. Approve the request for a new lease, or
 - b. Decline the request.
29. Should Council not support the request for a new lease to The Baptist Union of Western Australia Inc. to operate the Camp Kennedy youth camp, they would have to find an alternative location and relocate all buildings and infrastructure to continue providing this facility.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

SUMMARY CONCLUSION

30. In view of the service provided to the community by The Baptist Union of Western Australia Inc. operating the youth camp facility at no cost to Council, the proposed request for a new lease is recommended.

Councillor Walker declared an impartiality interest in this item. The nature of his interest is that he is a member of the Albany Baptist Church. Councillor Walker remained within the Chambers.

**ITEM 13.5.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT – SIMPLE MAJORITY**

**MOVED COUNCILLOR BOSTOCK
SECONDED COUNCILLOR PRICE**

THAT Council subject to section 3.58 of the Local Government Act 1995 and section 18 of the Land Administration Act 1997 GRANTS a new lease to The Baptist Union of Western Australia Inc. for a new lease for the purpose of camping and recreation on portion of Reserve 22998, the lease to include terms and conditions being in compliance with Council's Policy – Property Management - Leases, and:

- i) the lease term being 21 years commencing on 1 January 2009;**
- ii) the rental being \$533.00 plus GST per annum being equivalent to Minimum Land Rate as set by Council per annum; and**
- iii) all costs associated with the preparation of the new lease be met by the proponent.**

MOTIN CARRIED 9-2

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Price, Torr, Walker, Stanton, Wolfe, Dufty and Matla

Against the Motion: Councillors Kidman and Paver.

WORKS & SERVICES REPORTS

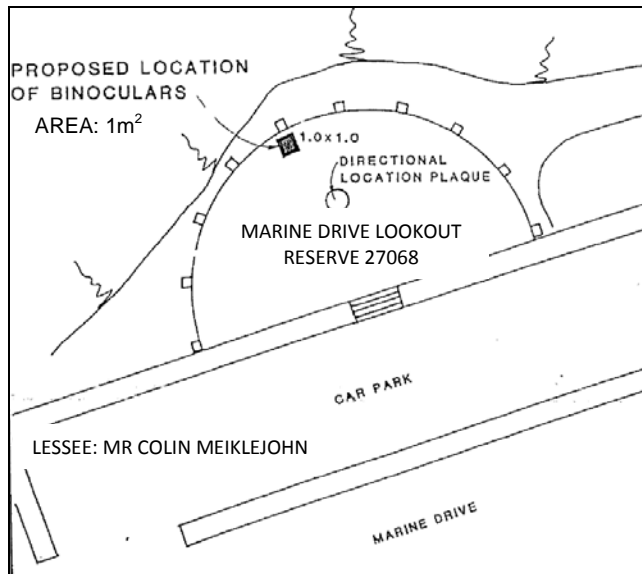
ITEM NUMBER: 13.5.2

ITEM TITLE: GRANT NEW LEASE FOR COIN OPERATED BINOCULARS

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : PRO 067 (Frederickstown Ward)
Summary of Key Points : Request for a new lease of portion of Reserve 27068 to Mr Colin Meiklejohn for the purpose of coin operated binoculars for a term of 5 years commencing 1 April 2009, with an option of a further term of 5 years
Land Description : Portion of Reserve 27068
Proponent : Mr Colin Meiklejohn
Owner : Crown
Reporting Officer(s) : Property Officer (T Catherall)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Nil
Consulted References : Nil
Maps and Diagrams :



WORKS & SERVICES REPORTS

Item 13.5.2 continued

BACKGROUND

1. The coin operated binoculars lease is situated at the Marine Drive Lookout on portion of Reserve 27068 under a Management Order issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation and Parklands" for a term not exceeding 21 years.
2. Reserve 27068 is located on Marine Drive, Mount Adelaide, Albany.
3. The Marine Drive Lookout has been in place since 1975 and was built by the Rotary Club of Albany in conjunction with the then Western Australian Department of Tourism and Town of Albany.
4. The lease for a term of 5 years with an option of a further 5 year term commenced on 13 December 1998 and expired on 12 December 2008.
5. A written request has been received from Mr Colin Meiklejohn for a new lease over the 1m2 area it currently occupies on portion of Reserve 27068.
6. The coin operated binoculars provide an all year round opportunity for locals, visitors and tourists to get a closer view of the attractions of King George Sound, the headlands, islands and parts of Princess Royal Harbour and Port at a cost to users of \$2.00 per 3 minutes of viewing.
7. The binoculars are especially popular with locals, visitors and tourists during the months from July through to October when Southern Right and Humpback Whales arrive in King George Sound to frolic and play.
8. Mr Meiklejohn reported the binoculars had been stolen from the current location in December 2008 and has since purchased a new model of binoculars from Digilens Co Ltd which will be installed if the proposed new lease is granted.

DISCUSSION

- 9.. In 2006 Council adopted the City Mounts Management Plan incorporating a concept plan for the redevelopment of the Marine Drive Lookout area.
10. The concept plan suggests building timber decking out from the existing concrete structure and relocating the existing binoculars out on the point of the timber decking.
11. Council seeks to implement the plan through grant funding, future Council budgets and with the assistance of volunteer support.
12. In consideration of the City Mounts Management Plan, a condition be applied to the new lease allowing the lessee to relocate the binoculars out onto the decking to accommodate the best view from the binoculars, if the redevelopment is built during the time of the lease.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

13. Mr Meiklejohn has requested a lease clause to allow for the termination of the lease should the binoculars be stolen again. The lessee, subject to Council approval would be required to remove any fittings and effects which are the property of the lessee and restore and reinstate the area to the same state and condition as in the beginning of the lease.
14. Prior to the expiry of the coin operated lease in December 2008, the annual rental was \$635.65 plus GST.
15. It is proposed the new lease be for a term of 5 years commencing 1 April 2009, with an option for a further term of 5 years.
16. The new lease rental will be determined by a current market valuation provided by an independent Certified Practising Valuer, with rent reviews in line with Council's Policy - Property Management - Leases for this category of lease agreements.

PUBLIC CONSULTATION / ENGAGEMENT

17. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
18. This Section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
19. The proposed new lease will be advertised state-wide to comply with the requirements of Section 3.58 of the Local Government Act 1995.

GOVERNMENT CONSULTATION

20. As this is Crown land Ministerial approval is required, preliminary approval for the lease has been obtained and formal approval will be requested if the recommendation is adopted by Council.

STATUTORY IMPLICATIONS

21. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.
22. As this is Crown land, under a Management Order issued to the City of Albany for the purpose of Recreation and Parklands, Ministerial approval will be required.
23. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

FINANCIAL IMPLICATIONS

24. All costs associated with the preparation of the documentation will be borne by the proponent.
25. The new lease rental will be determined by a current market valuation provided by an independent Certified Practising Valuer, with rent reviews in line with Council's Policy - Property Management - Leases for this category of lease agreements.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

27. The recommendation is consistent with Council's Policy – Property Management – Leases adopted in 2007.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

28. Council has the following options in relation to this item, which are:
 - a. Approve the request for a new lease, or
 - b. Decline the request.
29. Should Council not support the request for a new lease there will no longer be a coin operated binocular facility at the Marine Drive Lookout to view the attractions of King George Sound, the headlands, islands and parts of Princess Royal Harbour and Port.
30. Mr Meiklejohn would have to find an alternative location to install and operate the coin operated binoculars.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

SUMMARY CONCLUSION

31. In view of the coin operated binoculars providing an opportunity for locals, visitors and tourists to take a closer look at the attractions of King George Sound and surrounds, at no cost to Council, the proposed request for a new lease is recommended.

**ITEM 13.5.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT – SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WALKER**

THAT Council subject to section 3.58 of the Local Government Act 1995 and section 18 of the Land Administration Act 1997 GRANTS a new lease to Mr Colin Meiklejohn for the purpose of coin operated binoculars on portion of Reserve 27068, the lease to include terms and conditions being in compliance with Council's Policy – Property Management - Leases, and:

- i) the lease term being 5 years commencing 1 April 2009, with an option of a further term of 5 years;**
- ii) the rental will be determined by a current market valuation provided by an independent Certified Practising Valuer prior to the commencement of the new lease, with CPI increases annually;**
- iii) the lessee, subject to Council approval be able to surrender the lease if the coin operated binoculars are stolen;**
- iv) the lessee agrees to relocate the binoculars in line with the City Mounts Management Plan redevelopment concept plan for the Marine Drive Lookout; and**
- v) all costs associated with the preparation of the new lease be met by the proponent.**

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

ITEM NUMBER: 13.5.3
ITEM TITLE: ASSIGNMENT OF LEASE WITH VARIATION FOR HANGAR SITE 16 AT THE ALBANY REGIONAL AIRPORT

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : PRO 165 (Kalgan Ward)
Summary of Key Points : Consider request for assignment of lease for hangar site 16 with a variation to define hangar lease term being a maximum of 20 years with no option for a further term expiring 31 January 2014
Land Description : Portion of location 5650, Albany Regional Airport
Proponent : Mr James John Wellstead
Owner : City of Albany
Reporting Officer(s) : Property Officer (T Catherall)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Nil
Consulted References : Nil
Maps and Diagrams : Nil

BACKGROUND

1. Mr James John Wellstead currently leases hangar site 16 on portion of location 5650, at the Albany Regional Airport.
2. Location 5650 is located on City of Albany freehold land adjacent the Airport terminal on Certificate of Title Volume 2158 Folio 588.
3. The City has received a request from Mr Wellstead for assignment of lease for hangar site 16 to Mr Brian Holman for the remaining term, expiring 31 January 2014. This assignment was deferred pending Council's decision on the term for hangar sites at the Airport.
4. There had for some time been a degree of uncertainty regarding the term outlined in some of the earlier leases including this lease in question. They have a term set at twenty years and renewable thereafter for further periods of twenty years. This term seemed to grant the lessee lifetime tenure on the leased area.
5. The City requested a legal opinion from Haynes Robinson, Barristers and Solicitors on the status of that clause and the advice given concluded the “lease is illegal and void to the extent that the term of the lease is defined to include multiple option periods of twenty years until termination” and that “The offending definition of term can be severed from the rest of the definition...”

WORKS & SERVICES REPORTS

Item 13.5.3 continued

6. At OCM 19.08.08 Council resolved to limit hangar leases to a maximum 20 years. All hanger lessees were informed of the resolution of Council and how it will affect their leases individually.
7. In response to Council resolution defining the term, Mr Wellstead and Mr Holman have now advised the City they wish to proceed with their original request for assignment of hangar site 16.

DISCUSSION

8. In line with Council resolution to limit hanger leases to a maximum 20 years this assignment requires a variation to lease to remove the offending clause and the term be defined as the initial twenty year term of the lease with no option for a further term.
9. The assignor Mr Wellstead and assignee Mr Holman agree to the term of 20 years with no option for a further term for hangar site 12, expiring 31 January 2014.
10. This will mean that at the expiration of the current term the lease will lapse and if the current tenant wishes to continue the occupation of that site, a new lease will have to be applied for, all terms and conditions will be negotiated in line with Council Policy.
11. Current lessees or sub-lessees must seek Council approval to assign a lease, where there is a variation to the current lease details.

PUBLIC CONSULTATION / ENGAGEMENT

12. Nil.

GOVERNMENT CONSULTATION

13. Nil.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

15. All costs associated with the preparation of the documentation will be borne by the assignee.
16. The rental is fixed at \$362.00 per annum.

WORKS & SERVICES REPORTS

Item 13.5.3 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil.

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

18. The recommendation is consistent with Council’s Policy – Property Management – Leases adopted in 2007.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

19. Council has the following options in relation to this item, which are:
- a. Approve the current lessee request to assign the existing lease with variation, or
 - b. Decline the request.
20. Should Council not support the request to assign the existing lease with variation, the lease will remain static until expiry on 31 January 2014.

SUMMARY CONCLUSION

21. Approval of the request for assignment of lease for hangar site 16 with a variation to define hangar lease term being a maximum of 20 years with no option for a further term, expiring 31 January 2014 is recommended.

WORKS & SERVICES REPORTS

Item 13.5.3 continued

**ITEM 13.5.4 – OFFICER RECOMMENDATION
VOTING REQUIREMENT – SIMPLE MAJORITY**

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT Council:

- i) **APPROVES** the assignment of lease for hangar site 16 from Mr James John Wellstead to Mr Brian Holman with a variation to define hangar lease term as being a maximum of 20 years with no option for a further term, expiring 31 January 2014, and
- ii) **All costs associated with the preparation of the assignment documentation be met by the assignee.**

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

13.6 – CITY WORKS – CAPITAL WORKS

Nil

13.7 - CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.8 – WORKS & SERVICES COMMITTEES

ITEM NUMBER: 13.8.1

**ITEM TITLE: ASSET MANAGEMENT & CITY SERVICES STRATEGY AND POLICY
COMMITTEE MEETING MINUTES – MARCH 2009**

File Number or Name of Ward : MAN 236 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Works & Services (K Ketterer)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes of the Asset Management & City Services
Strategy & Policy Committee held on March 2009

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 13.8.1 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR DUFTY

- i) **THAT the UNCONFIRMED minutes of the Asset Management & City Services Strategy and Policy Committee held on Tuesday March 2009 be RECEIVED (copy of minutes are in the Elected Members' Report/Information Bulletin).**

ITEM 13.8.1 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 5 – Regional Strategic Waste Minimisation Plan and Strategic Waste Management Plan

- ii) **THAT the Committee support advertising both documents to the public concurrently and report back to Council after the advertising period has expired.**

MOTIONS CARRIED 11-0

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**GENERAL MANAGEMENT
SERVICES
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14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

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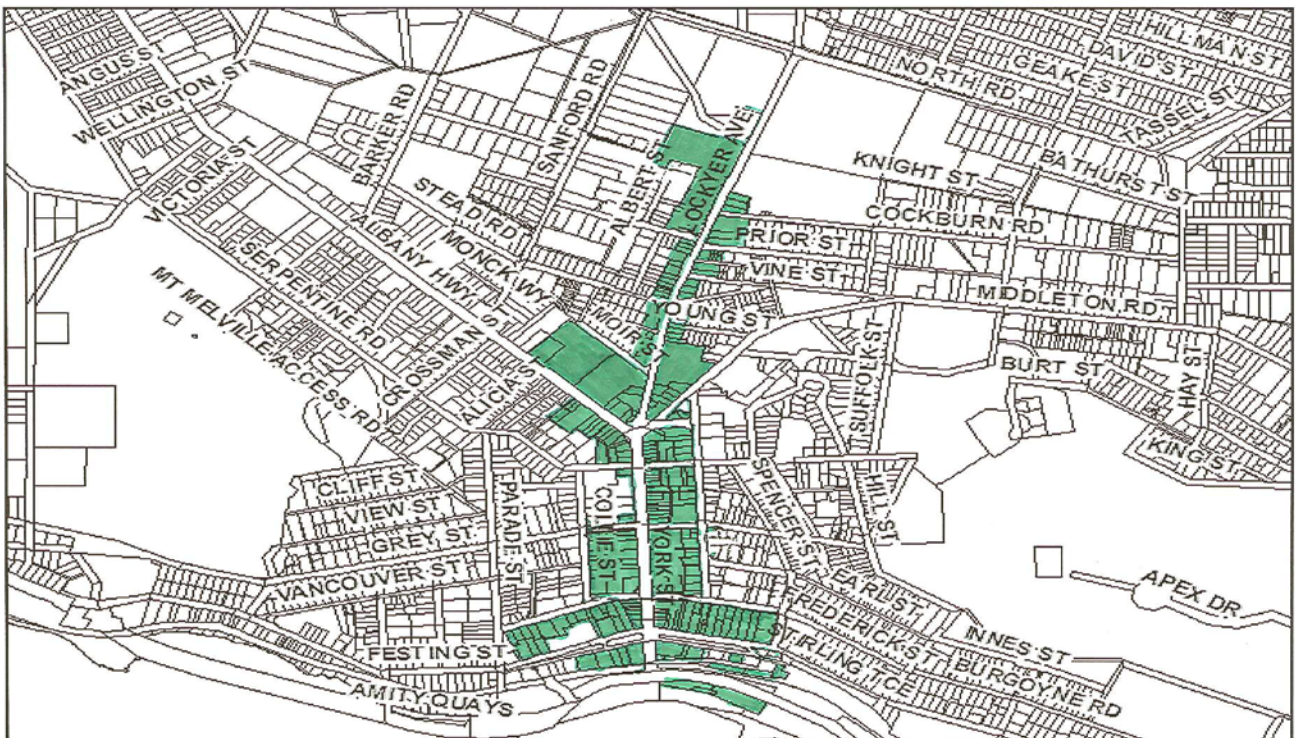
14.3 ECONOMIC DEVELOPMENT

ITEM NUMBER: 14.3.1

ITEM TITLE: CONSIDERATION OF A DIFFERENTIAL RATE ON CBD PROPERTY OWNERS TO FACILITATE THE ESTABLISHMENT OF A CBD BUSINESS IMPROVEMENT DISTRICT PROGRAM

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER: Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

- File Number or Name of Ward** : STR 247 (Frederickstown Ward)
- Summary of Key Points** : The Central Albany Business Owners Alliance (CABOA) seeks Council support to establish a Business Improvement District Program in the CBD by applying a differential rate of 15% on CBD properties with selected characteristics
- Land Description** : Selected properties zoned 'Central' in the Albany Community Planning Scheme and properties having a business frontage located on Lockyer Avenue
- Proponent** : Central Albany Business Owners Alliance (CABOA)
- Owner** : N/A
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Disclosure of Interest** : Nil
- Previous Reference** : N/A
- Bulletin Attachment(s)** : Ltr from Central Albany Business Owners Alliance
- Consulted References** :
 - Business Plan
 - CBD Business Survey Report



GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

BACKGROUND

1. Over the past 18 months, a group of property and business owners and managers have been working with City staff on planning the concept of establishing a Business Improvement District (BID) to improve the appearance, safety, commercial viability and vibrancy of Albany's CBD. This is a core objective of the Councils' Strategic Plan – Albany Insight. The Central Albany Business Owners Alliance (CABOA) is an unincorporated body established to facilitate the concept of a BID in Albany and aims to establish as an Incorporated Association should Council support its request.
2. The Business Improvement District concept was first investigated in 2006 when representatives from the City of Albany attended an International Towns and Cities Conference in Newcastle, NSW. The delegates from Albany were impressed by the results the BID concept had produced in many communities in Australia and overseas. A subsequent survey of businesses conducted by CABOA in the Albany CBD revealed strong support (85%) for establishing a BID to deal with many pertinent issues such as street management, collective marketing, security, business training and events. [A copy of the survey results is provided in the Councillor Lounge]
3. CABOA has prepared a business plan to facilitate the creation and operation of the BID and a copy is provided in the Elected Members' Information Bulletin. The business plan was prepared with assistance from BIDS expert Mr David West of Premier Retail Marketing PL who has vast experience in managing shopping centres, mall projects and has studied the concept of street management in the UK, Australia, New Zealand and North America.

DISCUSSION

4. The Central Business District precinct is the business heart of Albany, which contributes to the City's economic vitality. It is a destination for workers, residents and visitors to the City through shopping, leisure, tourist, cultural and recreational activities.
5. Internationally a well organised approach to meet the challenges of the future involves the formation of a Business Improvement District (BID) involving property owners, businesses and retailers in partnership with Councils to provide improved collective marketing, safety for customers and quick response to reach new standards of cleaning and maintenance.
6. A BID arrangement is a strategy whereby local business ratepayers plan and deliver additional improvements to the Town Centre or main street precinct to benefit the business environment and to sustain it in the long term. A BID can deal with many aspects of the Albany City centre including car parking, transport, safety and security, streetscape improvements, marketing and promotion, events, signage, street cleaning, attracting investment and support for businesses and their staff. The model works to mobilise the energies of the private sector to work in a partnership with the City of Albany and other groups such as the Chamber of Commerce and Progress Associations.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

7. BIDS support the long-term sustainability of town and city centres. This support is desirable because town and city centres have been under increasing pressure since the development of 'out of town' shopping. BIDS enable town and city centres to approach the management of the trading environment / public space in a proactive and planned way allowing them to gain and retain competitive advantage over the (often high quality) managed environment in shopping centres.
8. A BID model needs to have a sustainable funding source if it is to make a real difference to the CBD. The proposed budget for the first five years is set out in the Business Plan. CABOA wishes to achieve an annual operating budget in the order of \$250,000-\$300,000 which will require the imposition of a differential rate levy of approximately 15% on affected properties identified in the recommended operating boundary. CABOA requests Council consider imposing this levy on all businesses zoned 'Central' in the City's Community Planning Scheme. In discussion with Lockyer Avenue traders, CABOA has also recommended other property owners in Lockyer Avenue (including those not zoned Central) also be included. The recommended boundary is shown in the Appendix to the Business Plan attached. Any other business or property owner that wishes to participate in the program can also be rated or make direct payment to the new Incorporated Association.
9. It is proposed that the following be excluded from the differential rate:
 - a. Non-rateable properties
 - b. Properties that receive financial assistance from the City of Albany
 - c. Residential properties
10. Should Council support the request, CABOA would establish itself as a legal entity under the Incorporated Association Act 1987 to enable receipt and administration of funds for operations and program delivery. It is recommended the new program be in place for five years with a review of progress after three years.
11. The new BID services supplied would be over and above current Council services. They do not replace Council services, however can enhance the delivery and achievement of higher standards not otherwise able to be achieved. It is important to note that this is new money and without a BID arrangement it would not be available. The new incorporated body would enter a baseline services agreement with Council, which would aim to define and retain the level of services already provided by Council. The new levy on businesses would be applied to implementing a range of additional initiatives identified in the business plan.
12. The BID focus areas will be:
13. Management – a responsible Manager may be employed to co-ordinate new services in the CBD and act as liaison point between property owners, traders and the City of Albany. The office could be responsible for delivery of the initiatives identified in the business plan.
14. Marketing & Events – developing signature events with local partners plus coordinated marketing during key retail periods.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

15. Business Development – retaining and improving current businesses with enhanced facades and displays, attracting new exciting businesses, training staff.
16. Urban Design Streetscape – improving the physical presentation and appearance through colourful plantings, improved infrastructure and signage. This would be implemented in partnership with the City of Albany.

PUBLIC CONSULTATION / ENGAGEMENT

17. A business survey introducing the concept was undertaken in September/October 2007. 183 completed responses were received from the 289 survey questionnaires distributed. This represents a 63% response rate. Significant support for the introduction of an Albany Business Improvement District concept was received with over 8 in 10 businesses (85%) in favour of the new concept. The major issues for attention identified by business operators were:
 - a. Improve night time security;
 - b. Improve facilities & events;
 - c. Increase the number of public toilets;
 - d. Introduce a facade improvement incentive;
 - e. Develop a new precinct business directory; and
 - f. Review parking management.
18. The Consultant to CABOA, Mr David West has delivered two presentations to the CBD business community (one in late 2006 and a second in February 2009) and also presented directly to Councillors in February 2009. Strong support for the concept was demonstrated by the business community at these presentations;
19. Should Council resolve to support the request of CABOA, it would be required to publicly advertise its intention to levy a differential rate and seek public submissions for a period of 21 days. [Refer statutory implications below]

GOVERNMENT CONSULTATION

20. No Government consultation is required regarding this proposal. The business survey and business plan have been supported financially by the State Government's Great Southern Development Commission as the Commission has recognised the initiative as a project to support regional economic and community growth.

STATUTORY IMPLICATIONS

21. The statutory authority that empowers Council to impose a Differential Rate is the Local Government Act 1995.

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Item 14.3.1 continued.

22. Section 6.33 of the Act states:-

“(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005; the predominant purpose for which the land is held or used as determined by the local government; whether or not the land is vacant land; or any other characteristic or combination of characteristics prescribed.

(2) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

(3) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

Section 6.36 of the Local Government Act 1995 refers to public notice and states:-

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

(2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

(3) A notice referred to in subsection (1) —

(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government’s estimate of the budget deficiency;

(b) is to contain —

- details of each rate or minimum payment the local government intends to impose;*
- an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice,*
- any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed, and;*
- is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*

(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.”

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Item 14.3.1 continued.

FINANCIAL IMPLICATIONS

23. The proposed differential rate of 15% would be applied to 250 property owners in the specified area and this would achieve an annual income of approximately \$280,000. These funds will be placed into a reserve fund until such time as an Incorporated Association is established to which the funds will be granted and administered on a conditional basis.
24. Additional funding may be leveraged from other sources, including State and Australian Government grants for regional development and Council's Community Financial Assistance Program.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

Community Vision: Historic Albany – Home to a vibrant, resourceful and culturally diverse community...

Priority Goals and Objectives:

Goal 3. City Centre: Albany's City Centre will be the most vibrant, safe, accessible and liveable in regional WA. Albany's City Centre will be...

Family and pedestrian friendly;

A vibrant cultural hub stimulated by attractive inner city residential and tourism accommodation;

A unique and accessible retail experience, and;

Serviced by regular and affordable public transport service.

City of Albany Mission Statement:

At the City of Albany we apply Council funds carefully and develop and empower our people to deliver on expectations and promises. We seek innovative ways to do things and foster community involvement in decision-making.

The benefits that are expected to accrue from the activities promoted within the BID will also support the goals that have been set out in the recently launched Albany Community Vision, which seeks to develop a strong, vibrant town centre.

POLICY IMPLICATIONS

26. There are no direct policy implications arising from this Item. Implementation of physical improvements arising from the BID program will require reference to the Central Albany Urban Design Policy. The challenge and objective of this policy is to promote the economic revitalisation of central Albany while retaining the area's unique character. The policy also seeks to protect the historic townscape.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

27. There are several alternatives to delivering the objectives of business improvement in the CBD as suggested by the Central Albany Business Owners Alliance:
- (a) Do not support the proposed differential rate and continue the current level of services provided by the City in the CBD.
 - (b) Collect a differential rate from CBD businesses and allocate the funding to a reserve fund for the City itself to administer a program of new activities.

SUMMARY CONCLUSION

28. Business Improvement Districts (BIDS) are a designated area, approved by Council, which acts collectively through an Association to spend targeted rates and other funds for the end purpose of enhancing the economic vitality of the area.
29. The funds collected from a proposed 15% levy on properties located within a specified boundary within the CBD would collect around \$280,000 per annum for improvements to security; facilities; events; public toilets; building facades, CBD retail marketing and parking management. BIDS employ a 'street manager' in a similar way shopping centres employ a 'centre manager' to deliver the above initiatives. A BID Program will harness the financial and human resources of the private sector in the CBD to help deliver the proposed CBD Master Plan
30. Council is being requested to consider placing a differential rate of 15% on properties zoned 'Central' in the City of Albany Community Planning Scheme and properties having a frontage to Lockyer Avenue, so that a BID can be established for the CBD. Any other property owner which notifies Council in writing of its wish to participate in the BID Program would also be included.
31. The Council is required to advertise the proposal for 21 days and consider submissions before making a final decision at its 16 June 2009 meeting. The differential rate collection would commence in the 2009/10 financial year and run for five years with an initial review of the performance of the BID program to be conducted three years after commencement of operations.
32. Funds collected from the proposed differential rate levy would be conditionally granted to an approved new legal entity established under the Incorporated Association Act 1987 and established specifically to administer the BID Program. Should Council agree to establish the BID Program a grant agreement with the new legal entity will be established specifying payment conditions including reporting to Council on the performance of the BID, review and acceptance of the annual budget and allowance for Council membership on the Management Committee

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

33. A Baseline Services Agreement with the new Incorporated Association would also be established to define the level of physical, human and other resources that Council will continue to apply in the CBD

ITEM NUMBER – 14.3.1 OFFICER RECOMMENDATION APPROVAL
VOTING REQUIREMENT: ABSOLUTE MAJORITY

RECOMMENDATION

THAT Council:

- i) **ENDORSES** 'in-principle' the proposal by the Central Albany Business Owners Alliance to establish a CBD Business Improvement District (BID) Program and invites public submissions on its intention to apply a 15% differential rate levy to properties in the CBD having the following characteristics:-
- Zoned 'Central' in the Albany Community Planning Scheme;
 - Having a business frontage located on Lockyer Avenue;

AND

- ii) **EXEMPTS** the following properties from the proposed differential rate:-
- Non-rateable properties;
 - Properties that receive financial assistance from the City of Albany;
 - Residential properties.

Mayor Evans declared an impartial interest in this item. The nature of his interest is that he is Chairman of Albany (WA) Community Financial Services Ltd who leases premises for Albany Community Bank branch of Bendigo bank in the CBD.

ITEM NUMBER – 14.3.1 AMENDED OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WALKER**

THAT COUNCIL ADVERTISES for public comment and WRITES to affected property owners, advising its intention to consider imposition of a 15% differential rate levy to selected properties* in the CBD either zoned 'Central' in the Albany Community Planning Scheme or having a business frontage located on Lockyer Avenue, for the purposes of establishing a CBD Business Improvement District (BID) Program.

MOTION CARRIED 11-0

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Item 14.3.1 continued.

Note:

Properties proposed to be excluded from a future differential rate include:

- Non-rateable properties;
- Properties that receive financial assistance from the City of Albany; and
- Residential properties.

Officers Reason:

Several Councillors have expressed a reluctance to endorse the differential rate proposal 'in-principle' in the absence of Council seeking formal submissions on the matter.

Advertising for public submissions and writing to individual property owners for a written submission will enable more meaningful engagement with property owners and business proprietors in the CBD, enabling Council to make a more informed decision.

The Local Government Act 1993 requires that submissions must be sought by Council within two months preceding the commencement of the 09/10 financial year (*i.e. by 30 April 2009*) and allow a minimum of 21 days notice for submissions .

Council will then have an opportunity to consider submissions and make a decision at its 16 June 2009 meeting prior to adopting the 09/10 budget in July 2009. If a decision is not made by the June 2009 meeting the proposal cannot be considered again until the 2010/11 budget deliberations.

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14.4 CORPORATE GOVERNANCE

ITEM NUMBER: 14.4.1

ITEM TITLE: ANNUAL REVIEW OF COUNCIL DELEGATIONS – LOCAL GOVERNMENT DELEGATIONS

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER: Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: MAN 122 (All Wards)
Summary of Key Points	: Annual Review of Council Delegations and Council agrees to renew the CEO's and Council officers various delegations.
Land Description	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Corporate Governance Officer (S Smith)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 20/11/01 - Item 12.2.2 OCM 20/08/02 - Item 12.2.7 OCM 20/01/04 - Item 12.2.2 OCM19/04/05 - Item 12.2.4 OCM 18/04/06 - Item 12.2.3 OCM 18/12/07 – Item 14.4.1 OCM 18/03/08 – Item 14.4.3
Bulletin Attachment(s)	: Nil.
Consulted References	: Local Government Act 1995
Maps and Diagrams	: Nil.

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committee's of Council to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.

DISCUSSION

3. The delegations have been presented to the Corporate Governance Committee for review.
4. Suggest amendments to the delegation are detailed in the Officer's recommendation.

PUBLIC CONSULTATION / ENGAGEMENT

5. Nil.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

GOVERNMENT CONSULTATION

6. Nil.

STATUTORY IMPLICATIONS

7. Section 5.42 of the Local Government Act 1995 enables the delegation of some powers and duties to the Chief Executive Officer:

“1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Section 5.16 and 5.17 of the Local Government Act enables the delegation of some powers and duties to a committee:

“1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

5. Under the provisions of section 5.46 (2) of the Local Government Act, delegations must be reviewed by the delegator at least once every financial year.

9.10. Appointment of authorised persons. (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

FINANCIAL IMPLICATIONS

8. Nil.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil

Priority Goals and Objectives

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

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

11. Nil.

SUMMARY CONCLUSION

12. To comply with section 5.46(2) of the Local Government Act, the City of Albany has completed an internal review of its current delegations by staff and the elected group.

13. Staff have critically reviewed the delegations and removed those no longer required.

ITEM 14.4.4 – OFFICER RECOMMENDATION 1.

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

i) In accordance with the provisions of Section 5.42 and 4.53 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:

BUILDING LICENCES

Local Government (Miscellaneous Provisions Act 1960)

Function: The power to:

- (1) Approve and refuse the issue of building licenses;
- (2) The power to serve a stop order upon a builder;
- (3) To grant approval for a building which encroaches over a public place or street no more than 0.4 of a metre; and
- (4) To require unfinished buildings to be completed or removed.

Condition: Nil

File Reference: MAN122

Report Requirement: Bulletin

BUSHFIRES AGREEMENTS

Local Government Act 1995, section 5.42

Function: To execute Grant and Service Agreements arranged with the Fire & Emergency Services Authority of WA.

Condition: Nil

File Reference: MAN122, Report Requirement: File

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Item 14.4.1 continued.

COMMON SEAL

Local Government Act 1995, section 5.43 and 9.49.

Function: To attach the Common Seal to all documents in accordance with section 5.43 and 9.49 of the Local Government Act 1995.

Condition:

Subject to the restrictions imposed by section 5.43 of the Local Government Act 1995.

Note: The City of Albany is a body corporate with perpetual succession and a common seal. The Local government has the legal capacity of a natural person. The common seal is the official stamp or “signature” of the City of Albany.

File Reference: MAN122, Report Requirement: Bulletin

COMMUNITY FINANCIAL ASSISTANCE - FINANCIAL GRANTS

Local Government Act 1995, sections 5.16 and 5.17

Function: In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations.

Council Policy:

Council Policy - Community Financial Assistance Program adopted (Ordinary Council Meeting dated 17/07/2007 Item 12.8.2) state:

Authority is delegated to the Chief Executive Officer to approve/decline donations.

Authority is delegated to the Financial Assistance Committee to approve/decline applications for minor grants, youth crisis grants and subsidies granted to sporting clubs and community organisations up to 100% of the rates levied, at the discretion of the Financial Assistance Committee.

Condition: In accordance with the Council Policy - Community Financial Assistance Program.

File Reference: MAN122, Report Requirement: File

COMMUNITY FINANCIAL ASSISTANCE - SUNDRY DONATIONS

Local Government Act 1995, section 5.42

Function: To approve sundry donations to the value of \$200.00 in accordance with Council Policy - Community Financial Assistance Program.

Condition: Nil

File Reference: MAN122, Report Requirement: File
Item 14.4.1 continued.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

CROWN RESERVES

Local Government Act 1995, section 5.43 and 9.49

Function: Process requests related to Crown Reserves.

Conditions:

Subject to the restrictions imposed by section 5.43 of the Local Government Act 1995.

- (1) Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
- (2) Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme.
- (3) Creation of a Crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.

File Reference: MAN122 & LEG007, Report Requirement: Bulletin

DISPOSAL OF COUNCIL LAND

Local Government Act 1995, section 3.58 (1) (2) (a) (b)

Function: The power to:

- (1) Engage an auctioneer, real estate agent and settlement agent to represent the City, and to negotiate the sale of property.
- (2) Sell a property, which is valued at less than \$5000 dollars and is not capable of being independently developed.

Condition:

When properties fail to sell at public auction or public tender the sale price is no less than the value determined by a licensed professional valuer.

File Reference: MAN122 & FIN066, Report Requirement: File

DRAINAGE EASEMENTS

Local Government Act 1995, Schedules 3.2

Function: To obtain drainage easements for Council's drainage needs.

Conditions:

- (1) All alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;
- (2) Easement location be based on sound engineering knowledge taking into account existing and future drainage systems;
- (3) Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;
- (4) No payment of compensation is to be paid until the easement has been registered with the Titles Office;

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

- (5) Easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);
- (6) Location of easement is agreed to by the affected land owner; and
- (7) Agreement has been obtained from the affected landowner for the grant of easement.

File Reference: MAN122, Report Requirement: File

EXTENSION OF KERBSIDE WASTE COLLECTION SERVICE AREA

Local Government Act 1995, section 3.18

Function: Gives the Chief Executive Officer the power to offer residents within the Willyung area a full kerbside collection service including domestic household waste, domestic recyclables and green waste service.

Condition: As defined by the provisions detailed in the Waste Minimisation Contract.

File Reference: SER193 & SER194, Report Requirement: File

GEOGRAPHIC NAMES COMMITTEE

Local Government Act 1995, section 5.42

Land Administration Act 1997

Part 2-General administration

Division 3-General

26. Constitution, etc. of land districts and townsites

Function: Authority to forward recommendations of street names to the Committee.

Conditions: In accordance with the Geographic Names Committee, Western Australia, Principles, Guidelines and Procedures.

File Reference: MAN122, Report Requirement: File

GROSS RENTAL VALUATION

Local Government Act 1995, section 6.28

Function: Review of City of Albany's Gross Rental Valuation (GRV) Rating Area.

Conditions: Nil

File Reference: MAN122 & FIN036, Report Requirement: File

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

LEASES

Land Administration Act, section 18

Local Government Act, section 3.58

Function: To undertake the following functions of the Land Administration Act, subject to the criteria outlined there under:

- (1) Process requests related to Leases.
- (2) Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- (3) Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
- (4) Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
- (5) Application for a sublease to be processed, where there is a current lease in place.

Condition: Nil

File Reference: MAN122, Report Requirement: Bulletin

LOCAL LAWS – APPOINTMENT OF “AUTHORISED PERSONS”

Local Government Act 1995, sections 5.42 and 9.10

Function: The authority to appoint “authorised persons” under the City of Albany’s local laws.

Condition: Nil

Note: The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

File Reference: MAN122, Report Requirement: File

LEGISLATIVE ACTS – APPOINTMENT OF “AUTHORISED PERSONS”

Local Government Act 1995

Bush Fires Act 1954

Caravan Parks and Camping Grounds Act 1995

Dog Act 1976

Health Act 1911

Litter Act 1979

Local Government (Miscellaneous Provisions) Act 1960

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

Function: The authority to appoint authorised persons or classes of persons under the following Acts:

- (1) Bush Fires Act 1954
- (2) Caravan Parks and Camping Grounds Act 1995
- (3) Dog Act 1976
- (4) Health Act 1911
- (5) Litter Act 1979
- (6) Local Government (Miscellaneous Provisions) Act 1960

Condition: Nil

Note:

- (1) Individual Acts delegate the responsibility to appoint authorised officers to individual local governments to appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The Caravan Parks and Camping Grounds Act 1995 directly delegates the CEO authority the authority to appoint persons to be authorised to administer the Act.
- (3) Litter Act 1979. A local government may appoint a person to be an honorary inspector to assist in the serving of infringement notices relating to offences prescribed for the purposes of section 30
- (4) Provisions Act 1960 sections 245A, 420 and 458, relates to Private swimming pools, Power of entry and inspection, and powers to impound cattle.

File Reference: MAN122, Report Requirement: File

MUNICIPAL AND TRUST PAYMENTS

Local Government Act 1995, section 6.10

Local Government (Financial Management) Regulations 1997

Function: The power to make payments from the Municipal and Trust Funds in accordance with regulation 12 and 13 of the Local Government (Financial Management) Regulations 1997.

Condition: Nil

File Reference: MAN122, Report Requirement: Bulletin

OBJECTIONS TO RATES RECORD

Local Government Act 1995, section 6.76

Function: The power to deal with objections to the rate record.

Condition: Nil

File Reference: MAN122 & FIN036, Report Requirement: File

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

PAYMENTS TO EMPLOYEES

Local Government Act 1995, section 5.50

Function: To implement the provisions of the policy – Payments to employees in addition to contract or award, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

Condition: Where in the opinion of the Council, an employee has provided outstanding service during their period of employment; the Council may purchase a gift to the maximum value of \$500.00, for presentation to the employee upon cessation of employment.

The manner of assessment of such a gift is to include the following factors:

- (1) the conscientiousness of the employee over the employment period; and
- (2) the value of the employee's service having regard to the position(s) held and the regard given by the organisation to the employee's contribution.

It should be noted, that:

- (1) A reference to a payment to an employee includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person; and
- (2) Should Council make a payment greater than the amount set out in the policy, local public notice is to be given.

File Reference: MAN122, Report Requirement: Bulletin

PICKING FLORA

Local Government Act 1995, section 3.54

Land Administration Act 1997

Parks & Reserves Act 1895

Wildlife Conservations Act 1950

Function: To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.

Condition: Nil

File Reference: MAN122, Report Requirement: File

RATES PENALTY INTEREST

Local Government Act 1995, section 6.12

Function: To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

Condition: Nil

File Reference: MAN122, Report Requirement: File

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

RATES PENALTY INTEREST

Local Government Act 1995, section 6.12

Function: To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

Condition: Nil

MAN122, Report Requirement: File

ROAD WIDENING

Local Government Act 1995, section 5.42

Function: The power to: obtain road widening/s for Council's road infrastructure improvement.

Conditions:

- (1) All alternative routes with regard to road construction or re-construction shall be investigated as part of the design process;
- (2) Road widening location to be based on sound engineering principles taking into account existing and future road systems;
- (3) Should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50 000 dollars, without referral to Council;
- (4) Agreement has been obtained from the affected land owners for the land to be resumed; and
- (5) No payment of compensation is to be paid until the road widening has been registered with the Titles Office.

MAN122, Report Requirement: File

STRATA TITLES

Strata Titles Amendment Act 1995, sections 6, 23(5), and 42

Local Government Act 1995, section 5.42

Function: The power to exercise the functions provided by the Strata Titles Act in the following areas:

- (1) Authority to sign certificates issued;
- (2) The ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
- (3) The ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.

Condition: Nil

MAN122, Report Requirement: File

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

TENDERS

Local Government Act 1995, section 5.43(b)

Local Government Regulations 1996 (Functions & General), section 3.57

Function: Power to accept Tenders for the provision of Goods and Services and acquire/dispose of property up to \$100,000.00 (excluding GST).

Conditions:

- (1) Being detailed in Council's annual budget, and
- (2) Complying with any relevant Council policy.

TOWN HALL - PROGRAMMING OF PERFORMANCES

Local Government Act 1995, sections 5.16, and 5.17

Function: In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Town Hall Theatre Advisory Committee the authority to make decisions on programming of performances.

Condition: The performance can be funded from within the Theatre's current operating budget for shows.

MAN122, Report Requirement: File

WRITE OFF DEBTS

Local Government Act, section 6.12(c)

Function: Write off any amount of money, including rate debts where the cost of recovering the debt will be greater than the actual debt.

Condition: Maximum \$2,000.

MAN122, Report Requirement: File

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

**ITEM 14.4.1 ALTERNATE MOTION BY COUNCILLOR PAVER
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOSTOCK**

THAT Council in accordance with the provisions of Section 5.42 and 4.53 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the powers or duties, with the stipulated conditions as detailed in REPORT ITEM 14.4.1 - OFFICER RECOMMENDATION 1. with the following minor amendments:-

- a) Crown Reserves
Paragraph 1) be deleted; and**
- b) Disposal of Council Land
'That Council has resolved to sell' be inserted at the end of paragraph 1).**

**MOTION LOST 4-7
ABSOLUTE MAJORITY**

RECORD OF VOTE:

For the Motion: Councillors Paver, Bostock, Torr and Stanton

Against the Motion: Mayor Evans, Councillors Price, Walker, Wolfe, Dufty, Matla and Kidman,

**ITEM 14.4.1 OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council in accordance with the provisions of Section 5.42 and 4.53 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the powers or duties, with the stipulated conditions as detailed in REPORT ITEM 14.4.1 - OFFICER RECOMMENDATION 1.

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

**ITEM 14.4.4 OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council in accordance with the provisions of Section 5.42 and 4.53 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the powers or duties, with the stipulated conditions as detailed in the following policies:

COUNCIL POLICY – INVESTMENT OF SURPLUS FUNDS

Local Government Act 1995 Section 6.14.

The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act. Local Government (Financial Management) Regulations 1996, Reg 19, Reg 28 and Reg 49.

Australian Accounting Standards.

Local Government Operational Guidelines - Number 19 February 2008

Function: Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995.

Condition: In accordance with Council Policy - Investment of Surplus Funds

MAN122, Report Requirement: File

COUNCIL POLICY - CASH / INVESTMENT BACKING FOR RESERVE ACCOUNTS

Local Government (Financial Management) Regulations 1996 – Regulation 38 (1) (f).
Local Government Operational Guidelines - Number 08 June 2005

Function: That Council delegate authority for the implementation of the Cash / Investment Backing for Reserve Accounts to the Chief Executive Officer in accordance with the local government act.

Conditions: In accordance with Council Policy - Cash / Investment Backing for Reserve Accounts.

MAN122, Report Requirement: File

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

**ITEM 14.4.1 - OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT Council in accordance with the provisions of Section 5.42 and 4.53 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the powers or duties, with the stipulated conditions as detailed in the following policies:

- i) Council Policy – Investment of Surplus Funds**
- ii) Council Policy – Cash/Investment Backing for Reserve Account**

**MOTION CARRIED 10-1
ABSOLUTE MAJORITY**

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillor Bostock, Price, Walker, Paver, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Torr

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICE COMMITTEES

Nil.

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Councillor Walker left the Chambers at 10.18pm.

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

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

MOTION CARRIED 10-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ITEM NUMBER: 16.1

ITEM TITLE: NOTICE OF MOTION BY MAYOR EVANS – Revocation of Council Decision for the Governance and meeting framework Meeting timings – 17 March 2009

DATE & TIME RECEIVED: Thursday 26 Mar 09.

**ITEM 16.1 RECISION MOTION BY MAYOR EVANS
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR DUFTY**

THAT the Alternate Motion of Report Item 14.4.3 – Governance and meeting framework – Meeting timings which was RESOLVED at the Ordinary Council Meeting held on 17 March 2009, ,being:

“That Council AMEND the Council Policy – Governance and meeting framework as follows:

- a. The four strategy and policy committee be responsible for deciding the date and meeting timings; which are to be held during business hours, excluding the week of the scheduled Agenda Briefing and Ordinary Council meeting and the 3rd Thursday of the month;***
- b. Council Agenda briefing meetings are to occur at 6pm on the 2nd Tuesday of the month; and***
- c. Ordinary Council meetings are to occur at 7pm on the 3rd Tuesday of the month.”***

Be RESCINDED.

MOTION CARRIED 9-1

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Price, Torr, Walker, Paver, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Bostock.

Councillor Walker returned to the Chambers at 10.22pm.

Item 16.1 continued

**ITEM 16.1 NOTICE OF MOTION BY MAYOR EVANS
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED MAYOR EVANS
SECONDED COUNCILLOR PRICE**

THAT COUNCIL AMEND the Council Policy – Governance and meeting framework as follows:

- a. Council Agenda briefing meetings are to occur at 6pm on the 2nd Tuesday of the month; and
- b. Ordinary Council meetings are to occur at 7pm on the Tuesday of the month.”
- c. The four strategy and policy committee meet in the same week as the Ordinary Council meeting in the following order:
 - (i) The Planning and Environment Strategy & Policy Committee to meet on the Thursday immediately following the Ordinary Council meeting at 1pm;
 - (ii) The Corporate Strategy and Governance Strategy & Policy Committee to meet on the Thursday immediately following the Ordinary Council meeting at 4.00pm;
 - (iii) The Economic and Community Development Strategy & Policy Committee to meet on the Friday immediately following the Ordinary Council meeting at 1pm; and
 - (iv) The Asset Management and City Services Strategy and Policy Committee to meet on the Friday immediately following the Ordinary Council meeting at 4pm.

MOTION CARRIED 8-3

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Price, Walker, Stanton, Wolfe, Dufty, Matla and Kidman.

Against the Motion: Councillors Bostock, Torr and Paver.

REASON

To fix the meeting times for strategy and policy committees to allow a corporate meeting plan to be developed.

Regular meeting times would:-

- Allow Council and Committee meetings to be held within the one week;
- Ensure the lead up to the Ordinary Council meeting is not interrupted;
- Allow Committee members and staff to schedule and plan ahead.
- Will not interfere with other work appointments and commitments; and
- Apologies can be received earlier and deputy chair position fill if required;

OFFICERS REPORT

Author: Manager Executive Services (S Jamieson)

Item 16.1 continued

BACKGROUND

1. At the Ordinary Council meeting on the 17 Mar 09, Council adopted an amendment to the “Governance and Meeting Framework Policy” defining the meeting times and dates for the four strategy and policy committees.
2. At the 17 Mar 09 meeting, Council resolved:

“THAT COUNCIL AMEND the Council Policy – Governance and meeting framework as follows:
 - a. *The four strategy and policy committee be responsible for deciding the date and meeting timings; which are to be held during business hours, excluding the week of the scheduled Agenda Briefing and Ordinary Council meeting and the Thursday of the month;*
 - b. *Council Agenda briefing meetings are to occur at 6pm on the Tuesday of the month; and*
 - c. *Ordinary Council meetings are to occur at 7pm on the Tuesday of the month.”*
3. A motion in accordance with section 5.25(1)(e) of the Local Government Act 1995 to rescind the motion has been received.

DISCUSSION

4. The proposed timings will allow a corporate meeting cycle to be established.
5. The Corporate Governance Committee will progress to meeting on an as required basis as will the Asset Management and City Services Strategy and Policy Committee.
6. Having the committee meetings scheduled post the ordinary council meeting will alleviate interruption to elected member preparation to the monthly council meeting.

PUBLIC CONSULTATION / ENGAGEMENT

7. Nil.

GOVERNMENT CONSULTATION

8. Nil.

STATUTORY IMPLICATIONS

9. The Local Government Act 1995 Division 2 and the Local Government (Administration) Regulations 1996 cover all aspects of Council meetings and Committees.
10. Revoking or changing decision made a council or committee meeting is detailed in regulation 10 of the Local Government Administration Regulation 1996, being:

Item 16.1 continued

11. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)
- “(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.”*
12. Mayor Evans, Councillors Stanton, Kidman, Dufty and Walker has supported the motion and signed the notice of motion to rescind the previous motion.

FINANCIAL IMPLICATIONS

13. The proposed meeting cycle will reduce costs incurred by alleviating the requirement to supply catering.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision:

Nil

Priority Goals and Objectives:

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

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

City of Albany Mission Statement:

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

POLICY IMPLICATIONS

15. The Governance and meeting framework policy will require to be amended.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. There are numerous options for the programming of regular Council meetings, similar to the officer recommendation presented at the 17 Mar 09 meeting. This proposal condenses all the main strategy and policy meetings to be held in one week. However, the proposal does facilitate an uninterrupted preparation time for Agenda Briefing Meetings and Ordinary Council Meetings.

Item 16.1 continued

17. The proposed timings will help promote a better work life balance for staff and elected members.

SUMMARY CONCLUSION

18. The previous month's resolution limited the programming of strategy and policy committee to two weeks of the month and excluded the third Thursday of the month.
19. The revised meeting cycle and timings promotes a better work life balance for staff and elected members.



RESCIND A MOTION

In accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have the **Alternate Motion of Report Item 14.4.3 – Governance and meeting framework – Meeting timings** which was moved at the Ordinary Council Meeting held on **17 March 2009**, be reconsidered.

<u>John. Walker</u> Name	<u>Jim Walker</u> Signature	<u>6th April 09.</u> Date
<u>KIM STANTON</u> Name	<u>EK Stanton</u> Signature	<u>7th April '09</u> Date
<u>GORDON KIDMAN</u> Name	<u>Gordon Kidman</u> Signature	<u>8 APRIL '09</u> Date
<u>DOH DUFFY</u> Name	<u>Doh Duffy</u> Signature	<u>8-4-09.</u> Date
<u>MILTON EVANS</u> Name	<u>Milton Evans</u> Signature	<u>3RD APRIL 09</u> Date

RESCISSION MOTION

THAT the Alternate Motion of Report Item 14.4.3 – Governance and meeting framework – Meeting timings which was moved at the Ordinary Council Meeting held on 17 March 2009, being:

“THAT COUNCIL AMEND the Council Policy – Governance and meeting framework as follows:

- a. The four strategy and policy committee be responsible for deciding the date and meeting timings; which are to be held during business hours, excluding the week of the scheduled Agenda Briefing and Ordinary Council meeting and the 3rd Thursday of the month;*
- b. Council Agenda briefing meetings are to occur at 6pm on the 2nd Tuesday of the month; and*
- c. Ordinary Council meetings are to occur at 7pm on the 3rd Tuesday of the month.”*

Be rescinded.

Voting Requirement: **Absolute Majority.**

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

ITEM NUMBER: 16.2
ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR STANTON – Genetically Modified Organism Free Status

Executive Director Works and Services left the Chambers at 10.30pm.
Executive Director Works and Services returned to the Chambers at 10.32pm.

ITEM 16.2 NOTICE OF MOTION BY COUNCILLOR STANTON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR PRICE

THAT Council write to Hon Colin Barnett MLA, Premier of Western Australia to request the State Government use it's powers to declare that no Genetically Modified (GM) crops be allowed to be grown within the City of Albany for the next 5 years.

MOTION CARRIED 6-5

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Price, Torr, Paver, Stanton and Wolfe

Against the Motion: Councillors Kidman, Matla, Dufty, Bostock and Walker.

Councillor Reason:

My concerns were raised in December 2008 when the WA Minister for Agriculture removed the moratorium on the growing of GM Canola and approved trial plantings. About that time the Hon Matt Benson MLC and his Albany Office brought to my attention, the possible implications for food production values in the Great Southern.

I continued to obtain information on the subject from them and other sources and these growing concerns increased when I realized the implication for the City of Albany's image as a clean food producing area. I believed it was an issue the City of Albany should express a clear view about.

There has also been a groundswell of concern being expressed within the community on this issue, following an information meeting held by the Network of Concerned Farmers in Albany on the 7/3/09.

Since then I have had contact from the Albany Environment Centre and the Hon Paul Llewellyn MLC asking councillors to support a motion to make the City a GMO free zone.

Why is this a City of Albany issue?

- The ability to market Albany under the "Albany Naturally" label may be compromised. Albany has been working on developing a marketing advantage by capitalising on the Regions reputation as having a clean and unpolluted environment and in particular in promoting the high quality "natural/organic" agricultural produce that is grown here. This is reflected in our Farmers Markets, our vineyards, fruit, dairy produce etc. and in our Tourism Industry.
- By allowing GMOs to be grown in our Local Government Area, this unique marketing approach would stand to be compromised and is likely to have long term effects on our current reputation.

Item 16.2 continued.

- By stating the City of Albany's early opposition to the introduction of GMOs, we are clearly signalling our commitment to retaining our Green Clean and Sustainable agricultural base and to being able to provide the best quality of locally produced and healthy food to our local, our State and overseas markets.
- This is more than a GM canola issue. The implications of opening up our agriculture production to the power of broad scale, patent driven, corporate agriculture are far reaching ones that deserve to be fully understood before GMOs are introduced – however innocuous the stated intentions might be.
- We are talking about the possibility of whole biological systems being affected.
- We are talking about the problems of cross-pollination through bees, insects and wind that could contaminate our non-GM crops and vegetables.
- We are talking about another potential weed species being introduced that would be difficult and costly to control with the usual herbicide and we are talking about the right of organic farmers to be guaranteed they will not have any contamination that will prevent them selling their product as non GM or GM Free.

OFFICER'S REPORT

Author: Manager Executive Services (S Jamieson) &
Executive Services Manager – Planning & Councillor Liaison (G Bride)

BACKGROUND

1. On the 12 January 2009, the City of Albany was contacted by WALGA to comment on the capacity to conduct GM crop trials within the City, with the view to determining the long term implications of allowing GM crops to be grown in Western Australia. The City of Albany did not provide a comment.
2. On the 17 March 2009 The City of Albany received correspondence from Paul Llewellyn MLC, a group of concern farmers from the Williams area, and Ms Dianne Evers raising their concern to the proposed GM Canola crop trials.
3. There are arguments for and against the trial and City of Albany staff have not historically provided comment on cropping issues as they are not appropriately qualified to comment on the pros and cons of the debate.
4. Paul Llewellyn, MLC has stated in his correspondence that the Minister for Agriculture and Food, Hon Terry Redman MLA, has indicated that he does not intend to allow trial cultivations of GM crops in a local government district that he knows has declared itself to be GM free; Council has not previously made a determination on this issue.

Item 16.2 continued.

DISCUSSION

4. Staff are of the opinion that Council should address the following issues during their debate on this motion.
 - a. Should Council express a position on the growing of a crop on a land parcel within the municipality and if so, what level of intervention is considered appropriate?
 - b. What mechanisms are available to determine whether a crop comes from genetically modified seed stock and are City staff suitably trained and/or qualified to make the determination?
 - c. Will a decision on this issue have broader ramifications to the farming community, the Albany Port and the community?
5. It is essential that the above answers reflect the view of Council and not an individual officer.

PUBLIC CONSULTATION / ENGAGEMENT

6. This notice of motion has been presented as a result of a public engagement process undertaken by a political party / group. However, no formal or broader public consultation has been conducted by City of Albany staff.
7. This item is likely to result in strong views being expressed by individuals, depending upon which side of the debate the individual takes.

GOVERNMENT CONSULTATION

8. Nil.

STATUTORY IMPLICATIONS

9. Nil.

FINANCIAL IMPLICATIONS

10. The financial ramifications of conducting a GM canola trial are not fully known.
11. If Council requests formal public engagement there will be a minor financial impact.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

12. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan:
Community Vision: Nil
Priority Goals and Objectives:
Goal 2: Economic Development ... Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.

Item 16.2 continued.

City of Albany Mission Statement:

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

Development responds to our unique historical and environmental values.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. There are number of options that can be taken, particularly Council could:
- a. Decide to not enter the debate and do nothing (leaving any decision to the State Government); or
 - b. Agree to allowing trials; or
 - c. Oppose the trials; or
 - d. Seek industry and/or community views on the short and long term ramifications of making a decision on this issue and the broader implications for cropping within the region.
15. The legal position of Council on this item has not been explored. Staff are of the opinion that, should the government decide to conduct trials within the municipality, there are no obvious legal mechanisms available to challenge or prevent that decision from being implemented.
16. Council may deem it appropriate to consult with the community. The issues surrounding this matter are complex and informing the public on the pros and cons could be problematic, thereby raising some doubt over the effectiveness of a consultation process.

SUMMARY CONCLUSION

17. Council needs to determine whether this issue is a matter that it wishes to form an opinion on. If it a decision in the positive, then it is essential that the Council's decision is informed.
18. Determining how Council can receive adequate advice and it can engage in an informed public debate on this complex issue is seen as the biggest challenge.

17.0 MAYORS REPORT

Mayors Report – April 2009

Members of Council / guests

It is my pleasure to report to you once again on Mayoral office activities for March/April undertaken outside the scope of Council Committee meetings and business meetings.

A main activity undertaken was to travel to Penrith in NSW between and March in order to attend the AGM of the Ulysses Motorcycle Club. It is traditional that the Mayor of the hosting town formally hands the 'Peter Reynolds AGM Event Trophy to the Mayor of the hosting town for the following year. This trophy will be on display at the Library with a short history.

I came away from the AGM function with enthusiasm and optimism for the 2010 AGM in Albany. Our tourism & events staff who also attended, Michelle Dayman and Donnelle Cameron, did a fabulous job promoting Albany which is now the hot topic for so many bikers planning to visit us.

Other commitments during the month included:

- March when I attended the ACTIV Industry Dragonfly Open Day and film presentation called "What a Wonderful Day" – and it was.
- Ita Buttrose and St. Ives Director, Ray Fitzgerald called on March for afternoon tea and a briefing prior to the launch of the St. Ives Retirement Village the following day.
- I also attended the Exhibition launch of Gallipoli – "A Turkish View" at the Residency Museum on the March.
- On the March the St.Ives Retirement Village was jointly launched by Ita Buttrose and myself. This is a very impressive development and significantly the first regional development by the St.Ives group.
- On the March I received a courtesy visit from the Malaysian Consul-General, Madam Hamidah Ashari.
- That same morning Council conducted a 'Junior Council' education activity for 30 Little Grove Primary School students. Thanks to staff and Councillors who involved themselves in this important aspect of introducing our youth to Local Gov't.
- The afternoon and evening of march included: a Citizenship Ceremony at which 12 residents became Australian Citizens; A brief attendance at the launch of the John Dowson book "Old Albany"; and finally I officiated at the Albany City Expo Civic Reception at the Town Hall. I'm pleased to report that over the 2 weekends, many residents availed themselves of the opportunity to call in, learn about the projects and talk with staff. Thank you to the staff who gave up their precious weekends to man the fort and ensure the success of the expo.
- Some time ago I was gifted an Eagles Signed Football Jumper and a signed 'Warriors' cricket bat. On the March these were donated to the Lions Community Care for their fundraising auction to be held on May.
- On and April I attended the bi-monthly Library Board Meeting in Perth. Thanks to Deputy Mayor Des Wolfe who officiated at the Centennial Art Prize Launch and announcement of winners.
- Friday, April included: a meeting with the Albany Art Prize Judges, and that evening the launch of the Art Prize and announcement of winners.
- T.S. Vancouver Cadet Unit extended an invitation to attend their inspection day on Sunday, April.
- On April I attended the Albany Visitor Ambassador's Windup and presented Certificates of Appreciation to those volunteers who assist so capably on the busy days when Cruise Ships visit Albany.
- Council hosted a small morning tea to acknowledge funding received for the 'Be Active Walks ' programme on April and later that afternoon I did a 2-hour shift at the Roadwise Easter Fatigue Road Stop just north of Albany.

Item 17.0 continued.

- I attended the Festival of the Sea on Easter Saturday April and somehow found myself hanging on the end of a whale boat oar.
- On Sunday April I was a guest of the Albany Racing Club at the 'Albany Cup'.
- On April I attended the Albany Chamber of Commerce and Industry Business After Hours function hosted by Mitre 10.
- Mr Ron Pettapiece of the Red Cross payed a courtesy visit to advise of changes to volunteer services which were to be communicated to the volunteers and media.
- I attended the Community Radio 100.9 fm Open Day on Saturday April and announced a new Community Radio initiative.....This year's ANZAC Day Dawn Service will be broadcast via satellite, allowing local community stations across Australia the chance to share this historic moment. The City of Albany has contributed the Albany Sub-branch of the R.S.L. is supportive. It is hoped this national broadcast will become an annual event leading up to the Celebration in 2015.
- Thanks to Councillor Dot Price deputised at the RSL Quaranup Memorial Service on Sunday April while I attended the launch of the 'Plant for the Planet' programme at the WALITJ Aboriginal Corporation's farm near Redmond. The programme is funded primarily by the Rocher Foundation together with Mount Romance and the Department of Agriculture. Without going into too much detail with the limited time this forum presents, I can see that this programme aligns with the City's economic and environmental strategy policies and will contribute significantly towards Natural Resource Management in our region along with opportunities to grow international business relationships through export exchanges and cultural exchanges, to build upon tourism and attract important tourism funding based on Albany's emerging reputation as the 'Fragrance Hub' in Australia – much like Grasse is the fragrance capital of France, and indeed the world.
- Sunday evening I attended a meeting of 'The Middleton Beach Group'
- On Monday, March Council hosted a small Civic Luncheon for the Director of the 'Plant for the Planet' programme, Mr Jacques Rocher (who is also Mayor of La Gacilly in France) and the Director General of 'The Club of Entrepreneurs' in Grasse, France, Ms Catherine Peyreaud who was representing the Mayor of Grasse.
- Finally, this morning I was presented with a Lotterywest cheque for \$54,000 by Hon. Robyn McSweeney. The funds are a contribution towards the construction of the Mountain Bike Trail on Mount Clarence which I note is the first professionally built downhill specific trail in Western Australia and as part of the 2006 Management Plan has been designed and constructed to respect the environment.

There ends a fairly full month. Thank you.

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

Nil.

19.0 CLOSED DOORS

- 19.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – March 2009

That the Minutes of the Corporate Strategy and Governance and Policy Committee meeting be covered under separate confidential cover, in accordance with Section 5.23(2)(c) relating to a contract and 5.23 (e)(ii) relating to information that has a commercial value.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WALKER**

THAT Council meet behind closed doors to consider Confidential Item 19.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – March 2009.

In accordance with Section 5.23(2)(c) relating to a contract and 5.23 (e)(ii) relating to information that has a commercial value, of the Local Government Act 1995.

MOTION CARRIED 11-0

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WALKER**

THAT Council open the meeting to the public.

MOTION CARRIED 11-0

**ITEM NUMBER 19.1 – COMMITTEE RECOMMENDATION 1.
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT Council RECEIVES the UNCONFIRMED Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on the 26 Mar 09.

MOTION CARRIED 11-0

Item 19.1 continued.

**ITEM NUMBER 19.1 - RECOMMENDATION 2.
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR BOSTOCK
SECONDED COUNCILLOR WALKER**

THAT Council:

- i) ONLY COMPLETE Stage 1A of the Cull Road subdivision;**
- ii) NOT PROCEED with Stages 1B and 2 of the Cull Road subdivision;**
- iii) COMPLETE all tasks associated with completing Stage 1A of the cull road subdivision;**
- iv) DIRECT, notwithstanding any delegation to the contrary, the CEO shall not enter any formal agreements concerning the sale of the whole or any part of the cull road subdivision without a resolution of council expressly authorising the same;**
- v) Prior to adopting any resolution to sell all or any part of the Cull Road subdivision, the CEO SHALL PROVIDE to Council A BUSINESS PLAN as required by section 3.59 (2) and (6) of the local government act; being:**

“(2) Before it —

(a) commences a major trading undertaking;

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

(6) If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.”; and

- iv) In addition to or as part of the aforementioned business plan the CEO will provide:**
 - a. A current professional valuation of the entire development on the basis that Stage 1A is complete (a valuation breakdown of stages 1A, 1B and 2);**
 - b. Legal advice regarding our existing contractual obligations and a risk assessment of any potential claim against the city; and**
 - c. Detailed costing of alternate options.**

MOTION CARRIED 9-2

RECORD OF VOTE:

For the Motion: Mayor Evans, Councillors Bostock, Price, Torr, Paver, Stanton, Wolfe, Dufty and Kidman.

Against the Motion: Councillors Matla and Walker.

20.0 NEXT ORDINARY MEETING DATE

Tuesday May 2009, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business to discuss, the meeting closed a 12.10pm.

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR

APPENDIX A

STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS

Meeting Date	Report Item	Status
19 Feb 09	Report Item 11.1.1 – Development Application – Holiday Accommodation (100 Unit Resort), Frenchman Bay	Report to be represented at May OCM.

APPENDIX B

DISCLOSURE OF INTEREST

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Mayor Evans	14.3.1	<u>Impartiality.</u> Mayor Evans declared an impartial interest in this item. The nature of his interest is that he is Chairman of Albany (WA) Community Financial Services Ltd who leases premises for Albany Community Bank branch of Bendigo bank in the CBD. Mayor Evans participated in the debate and vote on this item.
Councillor Dufty	11.6.2	<u>Impartiality.</u> Councillor Dufty declared an impartiality interest in this item. The nature of his interest is that he is a member of the Albany Cottage Scheme. Councillor Dufty participated in the debate and vote on this item.
Councillor Walker	13.5.1	<u>Impartiality.</u> Councillor Walker declared an impartiality interest in this item. The nature of his interest is that he is a member of the Albany Baptist Church. Councillor Walker remained within the Chambers. Councillor Walker participated in the debate and vote on this item.

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Nil.		

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
Nil.		

SUMMARY OF ACCOUNTS CERTIFICATE

Municipal Fund

Municipal Fund			
Cheques	Totalling		\$500,997.60
Electronic Fund transfer	Totalling		\$2,469,034.40
Credit Cards	Totalling		\$9,133.58
Payroll	Totalling		<u>\$810,459.98</u>
	Total		\$3,789,619.56

CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$3,789,619.56** which was submitted to each member of the Council, dated April 2009, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

Peter Madigan

Acting / Chief Executive Officer

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$3,789,619.56**, dated April 2009, was submitted to the Council, and that the amounts are recommended to the Council for payment.

Milton John Evans, JP

Mayor

TABLED DOCUMENTS

Item 11.6.2 – Committee Recommendation 7 – South Lockyer Structure Plan

Background

The South Lockyer Structure Plan has been adopted as a draft and advertised for a period of 52 days.

Public and government submissions and proposed variations on the Structure Plan were reported to the February Council meeting where it was resolved to allow for further consideration of the matters by the Planning and Environment Strategy and Policy Committee.

The Planning and Environment Strategy and Policy Committee gave further considered (19 February 2009 meeting) to the submissions and the proposed variations, where it was resolved that;

- i. The submissions be received and the ‘schedules of submissions’ and the ‘schedule of recommended amendments’ be adopted;*
- ii. Pursuant to clause 5.2.2 of the City of Albany Town Planning Scheme 3, and clause 4.35 of the City of Albany Town Planning Scheme 1A Council receive and endorse the amended South Lockyer Structure Plan; and*
- iii. The amended South Lockyer Structure Plan be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible.*

It was then resolved at the March 17 Council meeting that:

Council DEFER consideration of the South Lockyer Structure Plan until such time as all submissions received during the advertised period have been assessed, a site visit is undertaken and the Plan is reconsidered by the Planning and Environment Strategy and Policy Committee.

The reasons for the decision are: to give Councillors time to undertake a site visit; and to thoroughly assess two additional submissions not captured during the advertising process.

Submissions

The following is a summary of the concerns and modifications raised out of the submissions:

Environment

- 1 **Issue:** DEC, DoW and the public require a greater level of protection over the wetland, remnant vegetation and acid sulphate soils.
- 1 **Modification:** Text, mapping and clauses have been modified to provide a greater level of protection for wetlands and vegetation.

Infrastructure

- 2 **Issue:** The Water Corporation and Main Roads have required new infrastructure (reticulated sewer and water and intersection treatments) to accommodate infill development in the area.
- 2 **Modification:** Contribution planning has been undertaken to reflect the requests for new infrastructure and includes all those lots within the structure plan area capable of subdividing (includes those lots currently zoned residential).

Contribution Planning

- 3 **Issue:** The process for contribution planning is inequitable and needs to be reviewed.
- 3 **Modification:** Modifications for the contribution planning have been undertaken to reflect new infrastructure required as part of infill development. The modifications also take into consideration DoW and DEC requirements for the protection of wetlands and waterways.

Studies

- 4 **Issue:** Studies need to be undertaken for access, drainage, flora and fauna.
- 4 **Modification:** The structure plan analyses access throughout the area and as a result recommends a 'Link Road' and intersection treatments. Drainage studies can be undertaken at the subdivision and development stages. The DoW and DEC have provided information pertaining to flora and fauna, which has been implemented into the plan.

Cumming Road

- 5 **Issue:** Concern over the loss of access due to the closure of Cumming Road.
- 5 **Modification:** A clause has been included to maintain access along Cumming Road until such time that the 'Link' road has been developed.

Flooding

- 6 **Issue:** The public are concerned that development upstream may increase the potential for flooding downstream.
- 6 **Modification:** The structure plan makes requirements for the management of drainage in accordance with the *Stormwater Management Manual for Western Australia*. Design and development of drainage is required to retain the post development hydrology as close as possible to the pre development hydrology.

High Density

- 7 **Issue:** There is a request for the opportunity to develop at a higher density (R40) to compensate the loss of developable land as a result of wetlands and waterways.
- 7 **Modification:** A clause has been included to support higher density, subject to complying with the Western Australian Planning Commission's Liveable Neighbourhoods document.

POS

- 8 **Issue:** The public are concerned that the allocation of active public open space on their land takes away the potential for development.
- 8 **Modification:** The plan illustrates where active open space should be provided and a preference for size in accordance with principles identified in the Western Australian Planning Commission's Liveable Neighbourhoods document. A clause has been included stating that variations to this may be supported subject to complying with the objectives of the structure plan.

The following schedule makes detailed comment and recommendations on issues raised out of all the submissions received during the advertising period:

Schedule of Submissions

Submissions	Issue	Recommendation	Modification
1. Western Power	No Issue	No Recommendation	No modification
2. Water Corporation	a). Wastewater is to be directed to Newton Street pump station. b). A 200/250 water main is required to augment water supply within the area.	a). Noted b). Noted	a). No modification required. b). No modification required.
3. Telstra	No Issue	No Recommendation	No modification
4. West Net Energy	No Issue	No Recommendation	No modification
5. Department of Water	a). The document does not accurately reflect the extent and location of wetland areas. b). Numerous text changes recommended.	a). Uphold. It is recommended that the document illustrate the wetland areas and include clauses to manage development in these areas. b). Uphold. Modify text as recommended.	a). Modify text in section 2.1.2 Drainage/Wetlands. Modify Figure 3 to reflect waterways and wetlands as illustrated by the Department of Water. Modify 'Objectives' C and E. Include new requirement 4.4 B. Modify POS plans and Structure Plan. b). Refer to modification 5a).
6. Department of Environment and Conservation	a). The document needs to have stronger recognition of the importance of remnant vegetation and a greater degree of caution regrading wetlands and acid sulphate soils in the southern section of the area. Modify document to provide greater clarity on vegetation and soil constraints.	a). Uphold. It is recommended that the document illustrate the remnant vegetated areas and include clauses for the protection of these areas. It is recommended that the document be modified to show a greater degree of caution to those areas identified as wetland and possible acid sulphate soils.	a). Modify text in section 2.1.3 Soils and 2.1.4 Vegetation. Modify 'Objectives' and include new clause 4.4B.
7. Main Roads WA	a). There is a concern over the lack of an 'Access Strategy' for the South Lockyer area to outline connectivity, a delivery timeframe and a funding mechanism to the State Road Network. b). Failure to set aside appropriate land for future road development through the study area could prove a future liability for the state. c). Mechanism to restrict access	a). Noted. The structure plan considers the increasing demand for movement through the locality and as a result has proposed the construction of a 'Main Link' road with appropriate intersection treatments at South Coast Highway and Hanrahan Road. This road network is seen as suitable for local traffic demands and is not intended to replace the function of South Coast Highway (distributing traffic from the west into Albany). There is a Traffic Modelling Project underway, which is projected to be completed in 2009. This will help to provide a quantitative basis for future traffic demand and provide a rationale to determine development options.	a). Modify clause 4.6D to reflect the need for intersection treatments. b). Refer to modification 7a). c). No modification required.

Submissions	Issue	Recommendation	Modification
	and reduce noise impacts adjacent to highways.	<p>Funding is to be acquired at the time of subdivision or development for the development of the 'Main Link' road and for intersection treatments at Cull Road/Le Grand Avenue/South Coast Highway and Mueller Street/Hanrahan Road. The final design of those treatments is to occur in consultation with Main Roads WA.</p> <p>b). Dismiss. Refer to recommendation 7a).</p> <p>c). These matters are best resolved as part of the subdivision and development approvals.</p>	
8. Ayton Baesjou (Planning Consultant) on behalf of Department of Housing and Works.	<p>a). There is concern as to the way cost contributions have been devised. Until detailed assessment of the area is undertaken, it is not possible to come up with a fair and equitable distribution of costs.</p> <p>b). There is concern that the structure plan does not provide the opportunity for housing choice including R40 density.</p> <p>c). Concern has also been raised over the infrastructure components to be shared and the current level of planning detail.</p>	<p>a). Dismiss. The Department of Environment and Conservation (DEC) and the Department of Water (DOW) have expressed concern regarding the evaluation and level of protection for vegetation, soils and wetlands within the structure plan area. These departments have made recommendations to change the structure plan to reflect details and the level of protection required for wetlands, waterways and remnant vegetation. It has been recommended that the details and recommendations provided by DoW and DEC be adopted (refer to submissions 5 and 6). It is recommended that the method of contribution planning and the contribution percentage values be made more accurate by using information given by the DoW and DEC.</p> <p>b). Uphold. It is recommended that a clause be included to support R40 density.</p> <p>c). Noted. The purpose of the structure plan is to 'facilitate residential and commercial subdivision and development and associated infrastructure'. This has been achieved by bringing to attention opportunities and constraints and then requiring detailed analysis and design at the development and subdivision stages. All necessary infrastructures (drainage, sewerage, access and water) have been taken into consideration. Drainage infrastructure has not been included as part of the contribution planning. Subdivisions and developments are to design (professional engineer) and manage their own drainage in accordance with the <i>Stormwater Management manual for Western Australia</i>. Design and development of drainage is required to retain the post development hydrology as close as possible to the pre development hydrology.</p>	<p>a). A new section 4.12 being included to address contribution planning. The new section will provide collective requirements to address contribution planning. A table is to be added to clarify the method of calculations for contribution. Figure 15 is to be amended to reflect the additional information provided by DEC and DoW. The columns illustrating the cost of contributions is to be deleted as these will be calculated at the time of subdivision and development.</p> <p>b). Modify clause 4.3A.</p> <p>c). No modification required.</p>
9. Ayton Baesjou (Planning	a). Lots 150 and 151 Townsend Street are zoned residential. The Town Planning Scheme 1A makes	a). Noted. Lots 150 and 151 have been included as part of the overall structure planning and contribution planning for the area. Between the two Lots (150 and 151), there is the potential for a	<p>a). No modification required.</p> <p>b). No modification required.</p> <p>c). No modification required.</p>

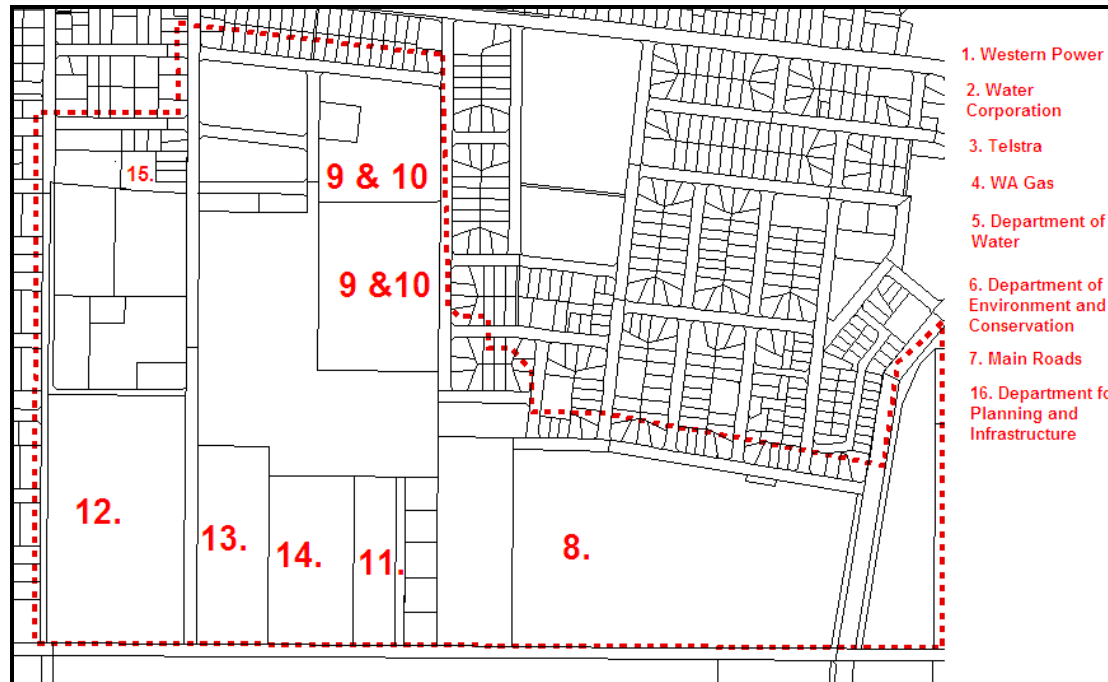
Submissions	Issue	Recommendation	Modification
<p>Consultant) on behalf of Albany Cottage Board.</p>	<p>no requirement for structure planning in the residential zone. b). Lot 151 has already been developed. c). Subdivision approval has already been granted for Lot 150. The conditions of subdivision make no requirement for Lot 150 to be subject to the South Lockyer Structure Plan. d). The Water Corporation has confirmed (2005) that the land can be serviced by the Mueller Street sewer pump station. e). The cost contribution plan (Fig 15) is not considered a fair and equitable basis for applying cost contributions. An indicative plan of subdivision is required in order to determine cost contributions. Detailed environmental assessment and clearance from relevant government agencies is required in order to determine an indicative plan.</p>	<p>substantial number of additional lots to be created. The structure plan reinforces the requirement for a new arterial road, intersection treatments and infrastructure for reticulated water and sewerage as requested by relevant government departments and as a means to support infill development on the subject lots and in the area. Lots 150 and 151 have been included in the structure planning process as a means to uniformly manage subdivision, development and land use in the area and to obtain cash contributions for the development of necessary infrastructure a requirement of the subdivision approval conditions). b). Noted. Lot 151 has partially been developed. There is the potential for further development of this lot, with infrastructure requirements beyond the lot. c). Noted. The subdivision approval for Lot 150 makes the requirements for connection to reticulated sewer and water and for intersection treatments. The structure plan identifies the required work and proposes that all subdivision and development within the area share the cost of the necessary infrastructure (not simply lots 150 and 151). d). Noted. The Water Corporation submission (December 2008) on structure planning for the area suggests that new water and sewerage infrastructure will need to be developed to accommodate development in the area. The Water Corporation submission states the following: <i>“wastewater from this area will be directed to the Newton Street wastewater pump station. There will be a requirement to construct a 200/250mm water main to augment water supply within this area”</i>. The structure plan proposes that all subdivision and development within the area share the cost of the necessary infrastructure. e). Dismiss. The Department of Water (DoW) and the Department of Environment and Conservation (DEC) have provided data to illustrate the extent of wetlands, waterways and wetland vegetation. The DoW and the DEC have requested that these areas be protected from development. The structure plan and the contribution plan have been modified to reflect the DoW and the DEC submissions. The structure plan now provides a more realistic indication of potential land use. The contribution plan now is more equitable in determining the percentage of contributions.</p>	<p>d). No modification required. e). No modification required.</p>

Submissions	Issue	Recommendation	Modification
<p>10. Albany Cottage Scheme Board of Management</p>	<p>a). A structure plan is not required for Lots 150 and 151 because the lots are zoned residential. b). Figure 6 of the structure plan shows Lots 150 and 151 as 'vacant land'. c). We have not been consulted in any way regarding the Structure Plan. d). The Water Authority has assured us our development can utilise the Mueller St Station. e). We have approval to subdivide Lot 150. An additional condition requiring conformity with the South Lockyer Structure Plan was removed by the SAT. We therefore believe you have no legal basis to include our land in your study or to impose further conditions.</p>	<p>a). Dismiss. Refer to officer comment 9a). b). Noted. Lot 150 is vacant and Lot 151 has 24 units constructed. Refer to officer comment 9b). c). Noted. The Local Government has record of a letter posted (22 December 2008) to the Albany Cottage Board of Management requesting comment on the Structure Plan. d). Noted. Refer to officer comment 9d). The 'assurances' were provided in 2005 and alternate advice has been supplied in 2008. e). Noted. Refer to officer comment 9c). The approval requires the proponent to meet the full cost of water supply upgrading, sewer connection and road intersection upgrading and the provision of POS. The structure plan would allow those costs to be distributed within the Structure Plan area.</p>	<p>a). No modification required. b). No modification required. c). No modification required. d). No modification required. e). No modification required.</p>
<p>11. No. 76 Cumming Rd. (David Inglis and Tisa Crocker)</p>	<p>a). There is a concern over a potential loss of access to lots due to the proposal to close Cumming Road.</p>	<p>a). Noted. Any future closure of Cumming Road would occur only after access for each lot currently fronting Cumming Road has been obtained to the 'Main Link' road (Cull and Mueller). It is recommended that a clause be included to clarify this point. A separate process would be involved and owners consulted prior to the closure and no property would be denied access.</p>	<p>a). Make a new clause at 4.6F.</p>
<p>12. Lot 260 Cull Rd. (J Kelly and Y Attwell)</p>	<p>a). The DoW and CoA engineers need to look for a practical way of dealing with water runoff. b). The Department for Planning and Infrastructure (DPI) have agreed that the allocation of POS at the north western corner of Lot 260 may be amended to show residential. c). Required to prefund trunk sewer for the benefit of all lots in plan area, that should be passed on to all users, inclusive of interest on debt. d). Developers required to prefund water main extension into plan area.</p>	<p>a). Noted. The design and management of drainage is the responsibility of the developer. The structure plan makes the requirement for drainage systems to be designed in accordance with objectives, principles and delivery approach outlined in the <i>Stormwater Management Manual for Western Australia</i>. b). Noted. It is recommended that that the document be amended to reflect DPI's support for development at lot 260. c). Uphold. It is recommended that the structure plan take into consideration contributions inclusive of interest on debt. d). Uphold. Refer to recommendation 12c). e). Noted. No comprehensive plan for electricity reticulation is available and therefore it should not be subject to contributions. f). Noted. The DoW has determined that the area is an 'original wetland' with 'wetland vegetation'.</p>	<p>a). No modification required. b). Modify the POS plan, contribution plan and structure plan. Figures 12 and 13 are to be changed to reflect new requirements at section 4.5 for POS. c). Include clause at 4.12B stating the following; "the value of the contribution mentioned at clause 4.12A is to be determined by the developer or subdivider at the time of subdivision or development to the satisfaction of the Local Government, based upon the estimated cost of providing those services (refer to table 150 at the time of subdivision and using the "percentage of total</p>

Submissions	Issue	Recommendation	Modification
	<p>e). Developers required to prefund power extension into plan area. f). Concern over the status of the land at the foot of their lot and require DoW to determine whether area is wetland. g). Raise concerns over values in SLCSF for sewer and roadwork and seek clarification on whether Lots 260 is required to contribute to costs.</p>	<p>g). Noted. Refer to recommendation 8a).</p>	<p>land area” mentioned in column 4 of Table 17. d). Refer to modification 12c). e). No modification. f). Refer to modification 5a). g). Refer to modification 8a).</p>
<p>13. Lot 75 Cull Rd. (W and W Wood)</p>	<p>a). We are concerned that the amount of traffic generated along the ‘Main Link’ road will impact on our peaceful lifestyle. b). We are concerned that developers will choose to pay cash in lieu of the 10% land requirement for POS. c). We are concerned as to the amount of water that may be coming onto our property as a result of development up stream. d). The plan does not illustrate accurately the location of creek lines in the area. e). We are concerned as to the amount of vegetation being knocked down. f). We are concerned as to the method of contribution planning. g). We are concerned that we are contributing to infrastructure (eg intersection treatments) that benefits the greater area. h). There are no details drawn to illustrate the location of sewerage or drainage infrastructure. i). The plan is lacking in report data such as flora, fauna and soil. j). Purchased land on the</p>	<p>a). Noted. The area has been zoned to accommodate ‘Future Urban’ type land uses. The Albany Local Planning Strategy, which has been adopted by the City of Albany, illustrates a ‘Main Link’ road through this area. It is inevitable that infrastructure (roads) to support future urban development will be required and that the character of the area will change b). Noted. The POS plan requires the development of active space, strategically located in accordance with the WAPC Liveable Neighbourhoods document. The plan also requires space for passive recreation, strategically located where remnant vegetation exists. Unless required by the WAPC, cash will be required where active and passive space is not identified. Land required for the protection of wetlands and waterways is not deducted from the 10% POS contribution requirement. The future decision on whether cash in lieu is paid rests with the WAPC and the City of Albany, not the landowner. c). Noted. The structure plan and council guidelines require drainage systems to be designed in accordance with objectives, principles and delivery approach outlined in the <i>Stormwater Management Manual for Western Australia</i>. This manual requires development to retain the post development hydrology as close as possible to the pre-development hydrology. d). Noted. The DoW has provided information to identify the location of wetlands and waterways. It has been recommended that the structure plan be amended to reflect the DoW submission (refer to submission 5). e). Noted. In support of the Dow and DEC, additional areas have been designated in the SLSP for the protection of vegetation (refer to submissions 5 and 6). f). Noted. Amendments to the method of contribution planning</p>	<p>a). No modification b). Modify the requirements for POS to make clear the 10% POS requirement at the time of development or subdivision. c). No modification d). Refer to submissions 5 and 6. e). Refer to submissions 5 and 6. f). Refer to submission 8. g). Include a new clause D at new section 4.12. h). Modify section 4.7 to include a notification. i). No modification. j). No modification. k). No modification. l). No modification. m). No modification. n). No modification.</p>

Submissions	Issue	Recommendation	Modification
	<p>understanding it would remain Rural and could subdivide into two 2hectare lots.</p> <p>k). Would like character of the area retained.</p> <p>l). Lot 50 Cull Road should not be included in the contribution plan.</p> <p>m). Adjoining developers should be required to hold public meetings to outline their subdivision proposals, consult with neighbours and neighbours should be entitled to receive relevant details.</p> <p>n). Subdivision should not proceed until planning completed and passed by Council.</p>	<p>have been recommended to make clear and equitable (refer to submission 8).</p> <p>g). Noted. The City of Albany and the Main Roads Department contribute a proportion of the cost of roads and intersection improvements to take into consideration the benefit gained by the greater area. The structure plan area will generate traffic onto those interactions and they will need upgrading.</p> <p>h). Noted. The location of sewer and drainage infrastructure is determined at the subdivision and development stages in consultation with the Water Corporation and DoW.</p> <p>i). Noted. The plan provides an overview of these issues. More detailed assessment is required at the subdivision and/or development stages and may impact on individual lot yields.</p> <p>j). Noted. The land has always been zoned 'Future Urban'.</p> <p>k). Noted. The land is zoned 'Future Urban' and 'Residential Development'. The Town Planning Schemes 1A and 3 supports urban development in these zones subject to structure planning.</p> <p>l). Noted. Lot 50 Cull Road has been included in the structure and contribution planning for the area. All lots capable of being subdivided have been included.</p> <p>m). Noted. The subdivision process is authorised and managed by the Western Australian Planning Commission. The process does not require public consultation.</p> <p>n). Noted. Refer to recommendation 13m).</p>	
<p>14. Lot 134 Cumming Rd. (C and C Roberts)</p>	<p>a). We disagree with the allocation of active space at Lot 134 Cumming Road. This takes away our development potential; especially considering a large proportion is located in a wetland area.</p> <p>b). We disagree with the closure of Cumming Road.</p> <p>c). The costs for the development of the 'Main Link' road should be borne entirely by the City of Albany.</p> <p>d). The contribution for deep sewerage and water should be made more open and transparent and fall within the realm of the Water Corporation.</p>	<p>a). Noted. The West Australian Planning Commission and the Planning and Development Act require 10% of the gross subdivisional area to be given up as Public Open Space. The WAPC DC Policy 2.3 (sec 3.1.3), recommends that preferences are made for the location and type of open space as a means to achieve an overall balance between incidental open space, readily accessible to all residents, and recreational open space in large units suitable for active leisure pursuits. The WAPC Liveable Neighbourhoods document does not include wetlands and waterways in the 10% calculation for POS.</p> <p>b). Noted. Refer to submission 11.</p> <p>c). Noted. Refer to submission 13g).</p> <p>d). Noted. The development of sewer and water infrastructure is developer driven and therefore in accordance with Water Corporation policy should be the responsibility of the developers.</p>	<p>a). No modification.</p> <p>b). Refer to submission 11.</p> <p>c). Refer to submission 13g).</p> <p>d). Refer to submission 13g).</p>

Submissions	Issue	Recommendation	Modification
15. Lot 47 Cull Rd. (B Coulson)	a). A roundabout is required at the intersection of Cull Road and South Coast Highway.	a). Noted. The structure plan requires intersection treatments at the intersection of Cull Road and South Coast Highway.	a). No modification required.
16. Department for Planning and Infrastructure	a). In 4.2 Land Use; it would be preferential to provide a small explanation of what type of land use is envisaged in each designation; and mention in the residential areas that innovative designs (like the one Council has done) are needed to get densities above the R 20. b). In the contributions section it is preferential that a current value of the works be given with an explanation saying that the value is to be annually updated.	a). Noted. The structure plan illustrates and describes the type of land uses envisaged for each area. It is recommended that the land use information portrayed on the structure plan also be noted at clause 4.2 and a clause be added requiring innovative designs for development greater than the R20 density code. b). Noted. The Local Government have employed consulting engineers to provide a cost value for road infrastructure. Quotations have also been provided for sewer and water infrastructure. These can be implemented as part of the structure plan and reviewed periodically.	a). Provide additional clauses at 4.2 dealing with land use and at 4.3 dealing with development design. b). Include table at 4.12 illustrating costs and a notation requesting a periodical update of the costs.



Item 16.2 - Cr. Stanton's Speech for the Motion on GMO's - 21/4/2009

I believe the 'precautionary approach' should be the aim of our thinking when addressing all the issues of GM. This principle is enshrined in WA's Bill on Gene Technology 2001 which states - WA should not undertake the commercial use of GM in agriculture until all its benefits and risks have been proved conclusively and scientifically. That has not occurred and we should, as a responsible Council, also request the Premier of WA to ensure that any trials already authorised, be fully documented and reported to the community at large and well BEFORE any more 'so called trial' sites are authorised.

GM crops are not "Mainstream", as quoted by some WA farmers as the way to overcome weeds etc and to increase world food production, as WA still has a moratorium on GM crops being grown. I have been told that Disallowance Motions have been put to the Upper House calling for the exemption to the States GM free status, be disallowed. This debate is still continuing and could leave participating 'trial' GM farmers in legal limbo.

A Murdoch University study says "gene technology and the use of GMO's in agriculture is a highly complex issue. It is contentious because gene technology is a science that promises benefits as well as significant risks. Different groups and corporations e.g. farmers, farmers lobby groups, biotech co's, food manufacturers and importantly the consumer in society hold differing opinions of the science."

Therefore governments when regulating the issue need to balance both the risks and benefits carefully with the differing needs of the community so that there may be overall net benefit from the use of GM.

WA Parliament agreed to participate in the National Regulatory Scheme set up by the Gene Technology Act 2000 which governs the use of GMO's in Australia. This was to allow the Commonwealth Govt to assess and licence applicants who wanted to grow GM crops. The State Govt's have the power and authority to designate GM and non-GM zones within its boundaries.

What is a GMO – this refers to a living organism whose initial genetic features have been unnaturally altered by the addition, suppression or replacement of at least one of its genes.

What are the problems – Contamination is a major one when GM herbicide and pesticide resistance material enters the gene pool of wild plants resulting in herbicide and pesticide resistant super-weeds. Farmers tell me that at the moment a different type of herbicide will remove these unwanted weeds, but what about the future, will the GM seed companies like Monsanto change the gene and include another herbicide, will it work on weeds then?

The legal implications of contamination are enormous. It will be on the "common law principle" through a Court system that the non-GM or organic farmer will have to fight his battles and at great \$ costs, to prove where the contamination came from and because the GM material is copyrighted by the company that has developed it, will the company hold a farmer in breach of copyright when he/she unintentionally grows the GM seed owned by that company. Who will be liable and the end result will be legal battles, putting farmer against farmer. This issue of legal liability should have been addressed by the Federal and State Govt's in Legislation that protects farmers well in advance of these proposed trial crops. For the organic farmer it could become a "legal nightmare" trying to prove his crop is GM free. Extra costs will also be incurred with the need for extra cleaning and careful harvesting and transport procedures. Then there is the issue of creating adequate

Cr Stanton's Speech continued.

buffer zones to stop cross pollination etc. All these issues must be resolved before GM is approved on a WA state-wide basis.

Consumer resistance should be looked at. They could determine the market and its future viability because if the consumer decides it does not want GMO in their food products or even in their stock feed etc, how does this place the GM grower in the domestic and overseas markets.

Some Asian countries have strict guidelines concerning the labelling and amount of GM. A study by CSRIO, Biotechnology Aust, and Food Standards Aust & NZ found that over 90% of people support compulsory labelling of all GM food.

Australian labelling regulations need to be updated regularly to protect the consumer.

South Aust. and Tasmania have declared themselves GM free to keep their competitive marketing advantage of the "clean, green and natural image" as a food producer and exporter and many European countries have banned their use. WA (except for GM cotton in the North WA) has been, until now, GM free. It is important for the City of Albany to do the same by retaining this green, clean and sustainable agricultural base image.

As Mr. Tony Evers said in today's Albany newspaper, "remember that in the end, this is all about \$, not about safety or public good as the biotech industry and others will stand to gain. We need to know more about the side-effects of GM food before we eat it"

This debate about GMO's is not new. In November 2002 the Shire of Denmark voted against the commercial release of GM canola in their district. Carried 8/2.

Next week they will vote again on the same issue.

Looking long term, how will we remove GM from the environment if the research shows there are few benefits (eg increased crop yield, higher protein level and whether the GM seed is suitable for the differing Australian soils and climate conditions.) Just on the issues of increased food production 'to benefit the world', a USA crop yield study released 17/4/09 quotes "Despite 20 yrs of research and 13yrs of commercialisation, genetic engineering has failed to significantly increase crop yields in the US, while traditional breeding continues to deliver better results, according to the latest study by the Union of Concerned Scientists". 3,000 field trials were involved.

Also Hon Kim Chance told me that GM Trials in Victoria and NSW showed a yield loss of 18%. It was in drought conditions, but farmers had expected better yields.

All these questions need to be fully addressed before any more GM crops are authorised.

Yesterday at a City of Albany Civic Reception I was honoured to meet Mr. Jacques Rocher who is the director and former managing director of Yves Rocher, the French cosmetic giant with sales approaching \$4 billion, and the industry has 15,000 full time staff with 200,000 indirect jobs worldwide. We had a long discussion about GM and he said his company is against GMO's and promotes all his products as completely natural with no extra additives or unnatural products. He is also the Mayor of La Gacilly in France and is here to meet with the City of Albany and Mt Romance and others looking at the potential of the region. Another guest was Ms Catherine Peyreaud who works closely with Mr Rocher, representing the City of Grasse in France who are seeking to build links with our state re opportunities for new exports from WA to the beauty sector and to help develop trade links both ways. These links will also give Albany and its surrounds, an exciting tourism opportunity. It is an interesting and important message for the City of Albany, with this huge multi-national company working closely with this region for trade links etc, for Mr Rocher to say he does not use GMO material in any of their products.

I urge my fellow councillors to support this Motion.

Speaker 4 – Mr Ken Drummond Tabled Speech

From: Ken Drummond [kgd@inet.net.au]
Sent: Monday, 20 April 2009 9:12 AM
To: Des Wolfe; Dot Price; Gordon Kidman; Jill Bostock; Joy Matla; Kim Stanton; Milton Evans; Robert Buegge; Roley Paver; Vera Torr
Cc: Brad Roxanne Wood; Brent Pritchard; Chris Kirkwood; Derick Curwen; Heather Adams; Iain Mackie; Jeremy Lemon; John Hood ; Mal Thomson; Mark Adams; Michael Cooper; Ron Master; Scott Clements; Scott Smith; Shane Greenslade; Warren Thomas
Subject: FW: City Council Meeting
Attachments: Notes relating to Notice of motion by Councilor Stanton.docx

To the Albany City Councillors

How does the Albany City Council get its self in the position of having to vote on whether our City and surrounding Shire supports, or bans GM Technology without having all the information available?

I am Chairman of the Stirlings to Coast Farmers group with a growing membership of 35 farmers and associates. We support GM technology and have unanimously voted to support these GM Canola trials. For the correct reasons, proof of the science and the long experience that the rest of the world has had with GM over many years. Farmers by the nature of our business are conservative, we hold the health of our land our Families and our communities with deep respect, and we are the first to be affected when there is a change. Our sustainability is paramount in very Farmers mind. We understand our responsibility to the next generation, as all of us in this Chamber do.

The willingness of people to embrace heresy and rumour over our science and fact on such big issue is baffling. Roundup Ready Canola is a very small step in this GM debate.

Did you know the Oil produced from GM Canola is exactly the same as non Gm Canola there is no gene flow, also the GM genes come from soil Bacteria. In 2008 125 million Hectares of GM crops was grown in 25 countries, by 13 million farmers. There is no premium payed for non GM canola, in Japan there is a small market of 4,000 to 10,000 tonnes of non GM canola and Europe is now accepting GM produce, our own supermarkets are full of GM.

I won't bore you reciting the information from the Frequently Asked Questions fact sheet that most of you should have, supplied by our own Department of Agriculture.

Much of the anti GM debate comes from the suspicion of being dictatored to by multi nationals like Monsanto, again is a fallacy, we have been dealing with these companies since farming began a see this as a symbiotic relationship.

Without going into detail the cost of growing Roundup Ready is about the same as what we are growing now, it is just opportunity to use another tool.

It's our choice whether we grow it or not on a year by year basis, we will use it to counter the threat of weed resistance and allow us to use a non residual chemical which does not build up in the soil.

In this world of climate change and the struggle to feed a population that is growing at 1% per year, and arable land reducing at 1% per year. It is reashoring to know though GM we can meet these challenges, like the use of GM in medicine.

Imagine growing a plant that requires no herbicides, insecticides or artificial fertilizers to produce more yield per Hectare.

Will the Councillors please get themselves familiar with GM technology before deciding its future?

Ken Drummond
0427541033
kgd@inet.net.au

Notes relating to Notice of motion by Councilor Stanton – Genetically modified organism free status;

Terry Enright Woogenellup Farmer.

There are no implications for the City of Albany's image as a clean food production area if the growing of GM canola commences in the Great Southern.

The GM Canola being trialed has a gene making it tolerant to the herbicide Glyphosate and has been approved by Australia's regulatory authorities. It is a farm production and marketing issue and the implications of adopting this crop system have been researched and dealt with by the Grain Industry.

The meeting held on 7/3/09 was hosted by Greenpeace in conjunction with the Network of Concerned Farmers (NCF) and was part of a National tour of people with negative views about GM technology. Despite the name NCF is just a handful of people, a website and dedicated support for Greenpeace. Greens MLC Hon Paul Llewellyn consistently opposes GM crops regardless of the grain industry views. While this tour tried to influence policy makers and communities, and undermine the use of approved GM technology, farmers in NSW and Vic are set to increase their use of GM Canola in 2009 by tenfold. Essentially Greenpeace are at odds with reality.

Greenpeace are anti-industry anti science anti Globalization and see the GM debate as a useful way to achieve their goals, regardless of the value of the technology to reducing environmental damage and improving the health and living conditions in the developed and developing world. They have no interest in the survival of the Great Southern Canola industry but growers in this region have demonstrated clearly they wish to incorporate this new approved technology into the farming system to maintain and increase productivity.

It will be an unprecedented and unfortunate development if the City Council seeks to influence policy, disadvantaging local grain growers, on the basis of views espoused by an International organization based in Amsterdam.(Greenpeace)

Comments relating to the dot points;

- The ability to market Albany under the "Albany Naturally "label may be compromised.....

The growing of GM Canola will not pollute the environment or impact on other sectors such as vineyards, fruit etc. It is a well planned approach by the Canola industry to provide more sustainable and profitable crop production systems. Albany exports approx 200,000 ton of canola annually worth around\$120 million to the region so the views of Canola growers should be of prime consideration.

Our competitors in the world market particularly Canada have been producing and selling GM canola since 1996. It should be noted that Canada maintains a very strong food vineyard, dairy and fruit industry. There is no evidence that preventing the production of GM canola in this region will enhance the marketing success of other sectors. The introduction of GM canola into Australia has been subject to wide industry consultation and has the following elements.

- The Australian grains industry participants include gene technology researchers, plant breeding and seed companies, growers, a range of transport, handling and storage suppliers, marketers and processors who deliver processed goods to the end customer
- All must provide or produce a quality service or product that meets customer and market requirements
- The supply chain recognises that choice is a priority for all participants. The industry demonstrated its ability to provide choice with the 2007 industry statement 'Delivering market choice with GM canola' which was supported by 'Principles for process management of grain within the Australian supply chain - a guide for industry in an environment where GM and non-GM grain is marketed'
- The inherent ability of the grains industry to provide choice flows through to other agricultural industries, such as dairy, which enables them to choose to use GM technology or not in their production systems.

- By Allowing GMOs to be grown in our Local Government area.....

Some perspective is needed. In 2008 125 million Hectares of GM crops were planted around the world in 25 countries by about 13 million farmers. At least 2 billion tones of GM crops have been produced and used. GM crops are now “Mainstream” and future developments have potential to overcome production and environmental constraints so necessary for world food security.

- Unique marketing approaches as proposed for Albany can still be developed if needed, but this does not require preventing the use of new approved technology such as in GM crops

By stating the City of Albany's early opposition.....

- Environmental issues; In all cases comparisons should be made with current farming practice, not with non-agricultural environments. There are significant environmental challenges due to current farming practices and the issue is whether these are reduced, increased or there is no effect from using GM technology.
- Where GM crops are grown, pesticide use has fallen particularly for insecticides.
- Where GM crops are grown the environmental damage from pesticides has fallen as the new compounds mainly herbicides are usually less environmentally damaging than the old ones that are replaced.
- In nearly all cases biodiversity has increased in GM crops as less total pesticides are used and those that are used are frequently less toxic.
- Improved farming systems in terms of reduced tillage and lower fuel use have been a valuable adjunct to the use of GM crops in many areas.

Health; There is an established and endorsed assessment and regulatory process for gene technology in place around the world to ensure that human health safety, and environmental issues are thoroughly assessed, based on sound science and peer review.

- Australia has the most comprehensive regulatory system in the world.
- It is incorrect to portray GM crops as compromising health or quality there is no evidence for such a view.
- Food from GM crops is at least as safe and healthy as the non-GM counterparts.

This is more than a GM canola issue.....

- There is no compulsion for anyone to use GM technology. The only reason for doing so is that it adds more value to farming activities than the costs.
- Public agencies such as CSIRO, Cooperative Research Centers, Universities and State Departments of Agriculture dominate GM crop research in Australia. Some of this R&D investment is directed to public good research.
- The private sector plays an increasing role in biotechnology, and obviously, without the protection of intellectual property there would be little incentive for public or private breeders to develop new and improved varieties and to promote knowledge and technology. This is accepted practice and does not amount to undue corporate ‘influence’
- Together, the public and private sectors are using and delivering GM technology to directly improve farm productivity, food quality, agricultural sustainability and provide positive environmental outcomes. The benefits of approved GM technology outweigh the costs –otherwise farmers would not adopt them. Remember: GM varieties account for around 90 per cent of the varieties used in the Australian cotton industry.
 - Farmers make commercial decisions on a whole range of production issues and GM seed purchase is no different.
 - International corporations are involved with plant breeding regardless of GM.
 - The pharmaceutical, chemical, electronics industries for example all rely on patent protected product.
 - This is a commercial issue not a GM issue.

Final three dot points.

- There are no differences in Gene flow issues between GM and non-GM crops
- Herbicide resistant weeds are just as likely/unlikely to occur from gene flow from natural crop resistance or from resistance from non-GM sources as it is from GM resistant crops.

- Canola has been grown in the Albany shire since 1970. It has not cross pollinated with vegetables etc. Nor is it likely to.
- There is no organic Canola industry in this region.
- We do not need to speculate on how to handle these crops. Have a look at Canada with 13 years experience. Farmers and Industry developed systems to manage the issues.
- These are crop production issues and will be managed in the same way as non GM crop production issues.

WA farmers need GM canola;

The currently available canola varieties are tolerant of the Triazine group of herbicides (TT)

TT is the major weed control system but Triazine tolerance comes associated with a 10% to 15% yield penalty and the reliance on one herbicide group.

In 2007, a study by the University of Melbourne (www.jcci.unimelb.edu.au/Canola2007.pdf) indicated that if half the current canola types grown in Australia were replaced with GM canola the impact on Australia would be:

- 640 tonnes less triazine herbicide would be used each year
- An extra 225,000 hectares of canola would be grown by direct drilling or minimum tillage
- Average national canola yields would increase from 1.17 to 1.28 tonnes per hectare (Equivalent to eight per cent)
- An additional 200,000 hectares of canola would be grown in low rainfall regions
- Wheat production would increase by 80,000 tonnes on the additional canola areas.

END

Speaker 5 – Mr Graeme Bott

Austin Road
Goode Beach

12th. August 2008

^{FIVE}
The ~~four~~ accompanying photographs, were taken, in 2006, from different windows at the front of my house at No 8 Austin Road, Goode Beach – graphic examples of the impact of highly-reflective roof surfaces on the quiet enjoyment of the view from many houses in the vicinity.

In this latitude, there is no logical reason to have a roof of such high reflectivity and it is not conducive to good neighbourly relations.

To people with normal vision, it is a constant and completely unnecessary irritant and there is no valid reason why, in our local climate, no local government restriction currently exists to prohibit it.

I suffer from macular degeneraton (an eye defect not uncommon amongst people of 50 years and more) and experience considerable discomfort from such reflections.

Shortly after this particular roof had been put in place, I spoke to the owner about it and amongst other things, he volunteered the information that his architect had recommended a **silver roof**.

Perhaps to put some local government icing on the cake, the owner of this house had been allowed to vary the setback from the rear boundary thus bringing his white roof even closer to my house !

I was under the impression that every citizen under commonlaw was considered to have a Duty of Care; but perhaps there are exceptions !

Richard Sealy

Speaker 9 – Mr John Francis

(Dr John Francis MB.,BS., FRACGP. SB St J
3 La Perouse Road
Goode Beach. ALBANY.6330)

Letter to The Editor - Published : *Albany Advertiser*” March 12 . 2009

FOR THE SAKE OF FAMILIES

The proposed plan for a 5 star Resort development at Frenchman Bay is massive, and the potential number of occupants is enormous.

Firstly, where will rain water run-off from roofs, roads & carparks go? Presumably down to the beach with resultant pollution from car oil leakage, dog fouling and litter etc.

The water supply to this area is dependant on bores, and it is doubtful that the present holding tank can serve Whaleworld, local inhabitants, and a densely populated resort, with some remaining to fight fires.

Fortunately the Council and the Health Department have stipulated in the planning conditions that this development must be connected to deep sewerage. Have traditional owners and all environmental agencies been adequately consulted regarding the 9 – 10 Km deep sewerage line intended to run through Torndirrup National Park ?

My concern is that the building might go ahead prior to the sewer connection and the expense then be so great, that the council might revert to an on-site effluent treatment system. No guarantees could then be made that the effluent would not seep down to the pristine beach also contaminating the famous heritage natural spring from which Vancouver watered his ship.

I believe Council must stipulate that the sewerage line be in place before other building commences. i.e. before funds run out.

Most local residents support the idea of sustainable, environmental, responsible, development, but, as it stands, this project is totally inappropriate.

The sight and sounds of families enjoying themselves on a pollution-free beach is everyone's delight.

Yours etc

Signed

John Francis



FROM LA PERUSE - KLEEM RD
JUNCTION



KARRAKATTA RD
& FYNB STREET



KARRAKATTA RD
FROM LA PERUSE