



MINUTES

ORDINARY MEETING OF COUNCIL

Held on
Tuesday, 15th June 2010
7.00pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [:00:55 PM](#)

ITEM 1.0 - MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WELLINGTON

THAT Council Suspend Standing Order 3.1, to allow recording of proceedings.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

2.0 OPENING PRAYER

CEO J Bonker 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.”

3.0 ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

[:01:12 PM](#) The Mayor made the following announcement.

There will be an Elected Members' Workshop with the Senior Staff (CEO and Executive Directors) next Tuesday evening at which the following topics are intended to be discussed:

1. Welcome Walls Project – Representatives from the WA Museum will be in attendance to address the elected members on the design aspects of the proposal.
2. Economic Development. – The Executive Director Corporate and Community Services will be seeking a direction from the elected members on what outcomes they would like the Economic Development portfolio achieve.
3. Appointment of Legal Advisers.- The Executive Director Corporate and Community Services wishes to address the elected members on the current contract and discuss the way forward for proceeding with a new contract.
4. Standing Orders. – The CEO will be seeking the elected members' response to a proposal to review Council's current Standing Orders.
5. Other Governance Issues.- The CEO intends to invite suggestions from the members on specific governance matters they believe should be addressed.
6. It is intended that there will also be – time permitting – an opportunity for both elected members and staff to raise items of General Business.

Item 3.0 continued.

[:03:26 PM](#) **Councillor J Bostock.**

Councillor Bostock's tabled address is detailed below.

I would like to welcome our new interim CEO, Mr John Bonker, who has joined us at this time of crisis. Having worked in Social Services for many years I have learned to value such times. The concept of crisis intervention is well recognised and can be embraced as an opportunity and catalyst for significant change. None of us like change, it is comfortable to maintain the status quo, but our fear can prohibit progress and render us blind to established and entrenched problems. When circumstances force the issue we are faced with self examination and a need to search for an alternative and positive direction.

Right now, is the optimum time to find and instigate that new direction?

Mr Bonkers aim of bringing an era of stability to Albany is an admirable goal; its achievement will require proper examination, acknowledgement and disclosure as to the circumstances responsible for this crisis and a commitment to improve policy and practice to ensure it is not repeated.

It is time to be brave, direct, humble and honourable; this is the only way of regaining the trust of our community and delivering a new and sustainable direction with the stability we all desire.

Mayor, Councillors, Mr Bonker and the City of Albany team, we must not let this opportunity slip away.

[:05:28 PM](#) **Councillor Hammond**

Councillor Hammond said that we should diarise the date of July 6 2010, which was from his perspective an important date. It marks the occasion of a very important meeting at the Dog Rock Conference Centre, and is about the establishment of the Committee for Albany. This is based much on the lines of the Committee for Ballarat and the Committee for Perth.

Councillor Hammond said that there was a similar committee here in Albany about seven years ago, and it is about embracing the wider community and across every aspect of our life in Albany. Essentially, it is about a creative partnership with the Great Southern Development Commission, the Albany Chamber of Commerce, and various other people who will have a lot to contribute, and stimulate discussion and the vision.

The committee grew out of an idea that was established in Ballarat, and is a fantastic concept. It is all about enhancing liveability, our global relevance in Albany and fundamentally to facilitate access from all strata's of society. Councillor Hammond encouraged everybody to support this project and he wished it well.

Item 3.0 continued.

:07:03 PM Councillor Wellington

Councillor Wellington welcomed John Bonker to Albany, and thanked him for taking the time to join Councillors for the next six months. Councillor Wellington said he could guarantee it would be a 'hell of a ride'.

Councillor Wellington said that he was sure everyone would work closely with Mr Bonker to solve problems and get council moving in the right direction.

:07:34 PM Councillor D Bostock

Councillor Bostock said that he had recovered his power of speech. Councillor Bostock said that some time ago Council had requested the CEO to examine the feasibility of installing a Children Crossing sign in Lenard Street, Orana, at the request of a concerned resident.

Councillor Bostock said that he was informed by Mr Ketterer that Main Roads were responsible for such signs, and they cost \$500. Mr Ketterer offered to approach Main Roads on Council's behalf. Subsequently, Councillor Bostock received an email from Main Roads with a long list of reasons why it could not be done.

Councillor Bostock said that it epitomises something that he had found too frequently, that the way a lot of our State Government departments treat requests from the public with disdain. Councillor Bostock said that many of the staff in these departments seem to think that the public are merely a nuisance and if they are ignored they will go away.

Councillor Bostock said that the reason for this problem lies entirely with us, because we have failed once again to keep our parliamentarians up to the bar, to make sure that they use their positions, particularly as ministers, to make sure they are servants, and not our masters. Councillor Bostock said that we should take every opportunity to bring to the attention of parliamentarians that if we are not very careful in this state, we will be rapidly falling into a situation of an elected dictatorship, which will be run not by our elected members, but by unelected bureaucrats.

:11:10 PM Councillor Wolfe

Councillor Wolfe said that he, the Mayor and Mr Ketterer had attended a meeting in Perth with the policy advisors for the Minister of Transport regarding road funding.

Councillor Wolfe said that it was a very cordial meeting, with excellent discussion. Councillor Wolfe said they came away from the meeting quite relieved with some of the thoughts placed before them, and were now awaiting the outcome of the meeting.

Item 3.0 continued.

:11:57 PM Councillor Dufty

Councillor Dufty welcomed Mr Bonker, and said that he was sure that he would do a good job.

Councillor Dufty brought to Council's attention the lack of a hand rail at the Peace Park steps. Councillor Dufty said that he had been told that a hand rail would be aesthetically wrong. However, he was of an age where he needed a hand rail, and there were many people in this City older than he was that needed a hand rail. Councillor Dufty said that it needed to be installed urgently.

Councillor Dufty said the he recently attended the Albany Choral Society within the Anglican Church. Councillor Dufty said that it was a wonderful night and reinforced in his mind the fact that when it comes to music and arts, Albany punches a long way above its weight. The artistic ability displayed would not be bettered in Perth. Councillor Dufty said that he felt that Albany had a great heritage in music, and it was something we should be helping to promote.

:14:15 PM The Mayor responded to Councillor Dufty regarding his request for a hand rail on the Peace Park steps. The Mayor said that this matter had been brought to his attention at the dedication of the Peace Park, and that he had spoken with Mr Bonker and was absolutely certain that hand rails would be installed.

:15:15 PM Mayor Evans

The Mayor's report is detailed below.

On behalf of Council and staff, I firstly extend a warm welcome to Mr John Bonker who joins us as Interim Chief Executive Officer. John comes with 46 years of Local Government experience, his last posting being as CEO of the Town of Victoria Park.

John's appointment is for not less than 6 months and not more than 12 months, during which period the recruitment of a full time, permanent Chief Executive Officer will take place.

I look forward with confidence to working with John.

Once again Council has had a demanding month with several extra Council Briefing sessions and Special Council Meetings to deal with urgent issues.

Over the last 4 weeks, in addition to committee meeting commitments and office meetings, I have attended the following:

- ACCI Business After Hours including a short speech in my capacity as Chair of Regional Development Australia – Great Southern which was co-host at this function.
- Mr Ketterer, Councillor Wolfe and I travelled to Perth on 21st June to meet with senior personnel from the Department of Transport to discuss regional road group funding.
- T.S. Vancouver Naval Cadets Annual Inspection.
- Great Southern Housing site function to mark the occasion of their new accommodation development.

Item 3.0 continued.

- In Perth on the 29th May I attended the Royal West Australian Regimental 50th Anniversary Dinner
- And on the 31st May I attended the 30th American Veterans Memorial Day Service at Kings Park and laid a wreath on behalf of the City
- Whilst in Perth for the bi-monthly State Library Board as WALGA State representative I also attended the Perth City Council launch of the 2010 Winter Arts Season.

Finally, I would like to thank Deputy Mayor Wellington, Councillor Leavesley and Councillor Wolfe who assisted at other functions over the past month when I have not been in Albany.

ITEM 3.0 - MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED:COUNCILLOR WOLFE

SECONDED:COUNCILLOR DUFTY

THAT the Mayor's report be received.

MOTION CARRIED 9-0

4.0 RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC QUESTION TIME

Nil

5.0 PUBLIC QUESTION AND STATEMENT 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.

[:20:27 PM](#) **Mr Barrie Bickford, Aberdeen Street, Albany.**

Mr Bickford addressed council regarding the Central Area Masterplan. Mr Bickford said that there was public outcry years ago when it was suggested that the acutely angled Middleton Road exit be closed to traffic at the roundabout. This resulted in land being acquired specifically for the creation of St Emilie Way, which has two important functions. It allows local traffic to bypass York St directly into Middleton Road and Aberdeen St, while those with bank, post office or other businesses travelled down upper York St through Grey St East and then return up Aberdeen St. Now council wants to undo all that good planning. Mr Bickford said that closing St Emilie Way will make it a backwater for businesses which have invested capital there and puts more traffic pressure on York St, as all vehicles will be diverted into it.

Mr Bickford said that central Albany traffic cannot be diverted to North Road as a bypass to reach Spencer Park or Middleton Beach and vice versa, it must go through the roundabout, unless Stead Road is reopened. Mr Bickford said that access to and from the city centre is already restricted by its situation between the two mounts. The Masterplan claims the city centre will be accessible, how can that be when reducing the roundabout and all roads to one lane will double the length of the queue of cars entering and exiting the city centre. Mr Bickford said that even now peak traffic is gridlocked from Albany Highway around the corner into the single lane on Lockyer Avenue. There are other means of slowing traffic.

Mr Bickford said the Masterplan ignores the needs of central business owners who have made large capital investment and pay high rates and rents to give them a business advantage. They cannot afford to have this advantage eroded by unnecessary impediments which slows CBD traffic flow to the point where clients may choose to patronise businesses which are further out of town, and therefore easier to reach.

Mr Bickford said that in Aberdeen Street these clients come mostly by appointment to consult doctors, dentists, accountants, opticians, financiers and insurers etc. They want to park, do their business and move on. There are few pedestrians and no window shoppers here. All business in this street have off street parking but all the current street parking was required to service clients.

Item 5.0 continued.

Mr Bickford said that they could not afford to lose car bays for nibs with trees and four metre footpaths to impede traffic flows just for amenity and appearance. York St below Grey St is predominately retail which attracts strolling pedestrians and a single lane is effective. North of Grey St is banks, accountants, insurance, real estate and the busy central post office. It requires two lanes for adequate traffic flow to service these businesses, and also for the Albany Entertainment Centre.

Mr Bickford said that bringing traffic to a standstill is a high price to pay for some extra street parking. Mr Bickford said that we had been told that pedestrians will receive priority over moving vehicles. How do pedestrians get into town? By vehicle, and all want to park within 50 metres of their destination and very few will ever arrive by foot or bike. If the journey becomes too onerous, people will vote with their feet or car, avoid the city centre and shop at Brooks Garden.

Mr Bickford said that if pedestrians are at risk, why is no effort being made to slow traffic entering the roundabout from all directions by humps, as outside RAC? In 2004 a 40kph speed limit was recommended, but it was said that a 40kph speed limit was not a realistic goal without accompanying changes to physical layout of the road, which forces drivers to modify their driving behaviour.

Council should move on from the idea of reducing roads and roundabouts to one lane and take immediate steps to set a 40kph speed limit from Crossman St on Albany Highway through York St to Stirling Terrace, including all the streets in the CBD, this will reduce pressure on pedestrians.

Mr Bickford said that those who live in the city centre leave their cars at home and walk, are also entitled to a traffic system in our local area which allows free access to and from their homes and into and out of the city centre. Mr Bickford said that the proposed changes to traffic flow are complex and should not even be considered without a computer model to identify the effects of every intersection and road in the area.

[:25:13 PM](#) **Roger Cunnington, Albany Bicycle Users Group**

Mr Cunnington said that he represented the Albany Bicycle Users Group (ABUG), which represents the views of a wide range of cyclists. ABUG's aims are to provide a forum for cyclists to meet and discuss cycling issues, to work with others to improve cycling conditions at a local level, and to promote all types of cycling in Albany.

Mr Cunnington said that ABUG's response to the Central Area Masterplan recommendations was applaud the frequently mentioned objective to create a pedestrian and bicycle friendly environment throughout the CBD and in particular construction of on road cycle lanes on Albany Highway, provision of more bike racks, single traffic lanes to reduce traffic speed, the use of painted lines between traffic lanes and cycle lanes and the encouragement of al fresco dining areas and infrastructures.

Item 5.0 continued.

Mr Cunnington said that ABUG disagreed with reduction of traffic lane widths without the inclusion of on road cycle lanes proposed for York St. Cyclists would prefer to be safely overtaken by a vehicle travelling at 60kph in a traffic lane in which there is sufficient room for drivers to manoeuvre, rather than be hit by a vehicle travelling at 40kph in a lane which denies drivers this space.

Mr Cunnington said that bicycle racks should be located adjacent to each pedestrian crossing, surface signage should be located at all commercial and car park exits to indicate to vehicle drivers to check in both directions before crossing footpaths and cycle lanes. Mr Cunnington also suggested all light poles should be located on median strips on Albany Highway and York St, and introduction of a City of Albany bike plan to provide planning and guidance as the City grows.

Mr Cunnington said there was no cycle link planned between from the new tourist precinct of the AEC and Peace Park to the lower end of York St or from Lockyer Avenue to Aberdeen St via St Emilie Way. There is also no link to the City Centre from the developing network of shared paths in the outer suburbs. Mr Cunnington said that there is no recognition that by 2012 the Munda Biddi trail for adventure cyclists will be completed. ABUG recommends the introduction of coloured surfaces for all cycle lanes to differentiate them from vehicle lanes at roundabouts and all street traffic lanes; replacing step kerbing with user friendly sloped kerbing and location of easily accessible end of trip lockers at key points off the main pedestrian footpaths in place of the current proposal to locate them on the footpaths.

:30:11 PM Dr David Mildenhall, Mira Mar

Dr Mildenhall addressed council regarding Lake Seppings Drive. Dr Mildenhall expressed concern over the state of Lake Seppings Drive, part of which remains unsealed and in poor condition. It is also joined by two dog legs creating dangerous corners.

Dr Mildenhall said that it was appalling that this road is only 2.4 kilometres from the city centre. In the summer the dust from the road blows over Mira Mar. The main reason that Dr Mildenhall was addressing council over this matter was that he was very concerned at the use of the road by hoons.

Dr Mildenhall requested that all Councillors have an onsite inspection of Lake Seppings Drive, and he wanted the road either closed or sealed to make it safer. Dr Mildenhall said that if no action was taken there would be a serious injury or death on this road.

:33:34 PM John Simpson, Albany Catholic Parish

Mr Simpson addressed council regarding Item 13.2.8. Mr Simpson said that on 21/04/09 Council resolved to support WAPC's modifications to ALPS. Modification 2 was for land owned by the Catholic Parish at Big Grove to be classified as Future Urban and so shown on Map 9b.

Mr Simpson said that one of the misunderstandings that was two large parcels of land, each over 20ha, are adjacent to each other. Lot 105, the Parish land is unencumbered freehold lot, in fee simple ownership. Next to this is Lot 104, which is a reserve owned by the State.

Item 5.0 continued.

Mr Simpson said that following Council's endorsement of this classification to Future Urban, the Albany Catholic Parish proceeded to investigate development potential for Lot 105. Part of this investigation involved an intense geographic, flora and fauna assessment of the total 20.5ha property by professional assessors.

Mr Simpson said that the demands by the DEC had been responded to by the Albany Catholic Parish. The cost of the analysis to the Albany Catholic Parish was approximately \$30,000. Mr Simpson said that at the conclusion of the analysis, DEC put forward a proposal that the Albany Catholic Parish should focus on a sensitive tourist development for the site.

Mr Simpson said that at the last council meeting there was an officer recommendation that the classification should be changed from future urban to local reserve. Mr Simpson cautioned council against such a change, and said that the DEC was inconsistent in its attitude and any recommendation based on its advice from council could leave the Albany City council liable for compensation.

If the lot is classed as local reserve, Mr Simpson said that certainly the Albany Catholic Parish would seek not only expenses already expended but vigorously pursue the loss in value of its over 50 acres of freehold land. Mr Simpson said that if the state and the department in particular are keen to retain large tracts of vegetation, they should be ready to be the purchasers themselves, and not place the City of Albany in such a position.

Mr Simpson said that the Albany Catholic Parish would meet all the necessary constraints and conditions as they go through the development guidelines and it would be then that judgements made by the appropriate authorities and agencies, including the City of Albany, on what is suitable or not.

:37:37 PM Murray Gomm, Munda Biddi Trail Foundation

Mr Gomm said that the Munda Biddi Trail was a world class nature based off road cycling experience that currently connects Mundaring to Nannup. Stage 2, Nannup to Albany, would be completed by 2012, making the trail over 1,000km in length.

Mr Gomm said that it would be an iconic cycling tourism destination, and that it had already been included in the top ten trails in the world according to National Geographic. As cycle tourism is a new and emerging market that is growing around the world with the installation of hundreds of cycle touring routes and trails, these trails have redefined the way in which people spend their holidays.

It is estimated that in 2012 25,000 people will use the Munda Biddi Trail each year, injecting an estimated \$13 million into the south west and great southern economies. Mr Gomm said that unlike car tourists, cycle tourists are required to travel light and are heavily reliant on local services. Cycle tourists tend to stay longer, as they are more independently mobile, and therefore visit more local attractions.

Item 5.0 continued.

Mr Gomm said that cyclists on the Murray to Mountains Railtrail in Victoria spend an average of \$244 per day, compared to \$159 for other travellers. Cyclists will be attracted to stay in towns that offer a range of attractions, including accommodation, food and other support services.

Mr Gomm said that research indicates that cycle tourists in regional areas need a safe environment in which to ride. They need connected, integrated and comprehensive bike paths. Albany has great potential for cycle tourism, unfortunately, the Masterplan is not catering for cycle tourism. There is no mention of the Munda Biddi Trail, and cycle tourists will not feel welcome as there are no plans for cycle paths in York Street. Mr Gomm said that York Street is 22m wide, ample room to install bike lanes.

Mr Gomm said that reducing road widths is a disaster for cyclists with pinch or squeeze points on intersections.

[:42:05 PM](#) **Murray Field, Albany**

Mr Field addressed council with regard to Item 13.2.9. Mr Field said that one of the important issues was the restriction of development to three stories. Mr Field said that developers of commercial or residential developments would be hampered by the height restriction.

Mr Field said that this would devalue commercial land in the CBD.

[:43:24 PM](#) **Henry Dykstra, Dykstra Planning**

Mr Dykstra requested that council support the Alternate Motion for Item 13.2.8 to allow special residential to extend for a small precinct on the south side of Nanarup Road.

Mr Dykstra said that he considered it was very important to achieve a second access road from Nanarup Road into the Swan Point area. The special residential land use provides a lot yield and design flexibility that will facilitate such an important road link. Having a small precinct of special residential also allows for a much more sensitive design which responds to the existing environment.

Mr Dykstra said that with a core area of special residential surrounded by a buffer of special rural lots, they would be able to achieve an estate that has a different standard of development than much of the surrounding areas, including kerbed roads, piped drainage, footpaths, landscaped open space, street trees, quality post and rail fencing, special entry statement features etc.

Item 5.0 continued.

Mr Dykstra said that his client believes more consultation is needed on this aspect of the plan, and is concerned some land owners have not been formally advised of the plan. A workshop or meeting of affected land owners is essential and will allow further time to look at alternatives and also for appropriate traffic studies to be undertaken.

[:46:24 PM](#) **Doug Mahoney, Spencer Park**

Mr Mahoney addressed council regarding Item 13.1.7. Mr Mahoney said that the majority of supporters of the project were not residents of the area. Mr Mahoney also expressed concern over having five adults living in the house with only one bathroom and toilet, and the advertised walking distance to shops and public transport.

Mr Mahoney suggested that the project was worthwhile, but would be better located closer to the city centre. Mr Mahoney asked what would happen if the project failed? Would the property be used for another project?

[:50:04 PM](#)

ITEM 5.0 MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR DUFTY

THAT Council extend the Public Question and Statement Time.

MOTION CARRIED 9-0

[:50:11 PM](#) **June Pearce, Discovery Drive, Spencer Park**

Mrs Pearce addressed council regarding Item 13.1.7. Mrs Pearce said that she was objecting to the rezoning of the property, and felt that the whole project had been badly handled and lacked proper contact with those concerned.

Mrs Pearce said that there had been no open forum conducted for residents, and that the stated distance from Prospect House to shopping and public transport was incorrect.

[:52:10 PM](#) **Carmen Hallet, Katchy Costumes**

Ms Hallett addressed council regarding Item 13.1.3. Ms Hallett said that the restriction of having no employment of anyone not an occupier of the proponents household was a problem as she had no family living with her, and would need to employ someone else for times when she would need a day off.

Item 5.0 continued.

[:53:25 PM](#) **James Funston, Parade Street.**

Mr Funston addressed council regarding the Albany Central Area Masterplan. Mr Funston said that it was unfortunate when ratepayers had to address council, and it appeared that most people addressing council were negative about what the council was doing.

Mr Funston said that he asked councillors to communicate directly with those residents affected by council decisions prior to the decisions being made. He firmly believed that this had not been done.

Mr Funston said that the historical value of Parade Street was of great significance to Albany. The first flagpole in WA was erected in Parade Street, and a plaque had been erected commemorating this. There had been desecration of this site by street marking carried out by the City of Albany.

Mr Funston said that the marked parking bays were rarely used. Aspects of the Masterplan were of concern to Mr Funston, including traffic congestion in the CBD.

[:57:46 PM](#) **Karen McKeogh, 24 Leonora Street**

Ms McKeogh addressed council as a member of the Albany Community Environment Centre, regarding the Climate Change Policy.

Ms McKeogh said that the City of Albany had been a keen supporter of the Community Environment Centre and she thanked them for that support. She congratulated the City on the preparation of the Climate Change Policy, and said that in the absence of national policy and leadership on this issue the action must come at a local level.

Ms McKeogh said that by acting on climate change the City of Albany has the opportunity to address a host of sustainability issues, energy supply-especially the development of renewable energy systems, future water supply, threats to Albany's unique biodiversity, public transport and community development. She urged council to act now, adopt the draft policy and show real leadership to the Albany community.

[:59:34 PM](#) **Councillor Dufty left the Chamber.**

[:59:38 PM](#) **The Mayor closed Public Question and Statement Time.**

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

Mayor

M J Evans JP

Councillors:

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

Staff:

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

Public Gallery and Media:

Approximately 70 members of the public and 4 members of the media were in attendance.

Apologies/Leave of Absence:

Kalgan Ward	C Holden
Yakamia Ward	R Sutton
Vancouver Ward	R Paver
Frederickstown Ward	Vacant

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 Ordinary Council Meeting minutes as previously distributed.

Draft Motion 1 - THAT the minutes of the Ordinary Council Meeting held on 18 May 2010, as previously distributed be confirmed as a true and accurate record of proceedings.

Draft Motion 2 - THAT the minutes of the Special Meeting of Electors held on 13 May 2010, as previously CONFIRMED, be amended to include Mr Neil Smithson's tabled address and questions given on notice, detailed at Appendix D.

Councillor J Bostock advised that the Special Meeting of Electors meeting held on the 13 May 10 has not been previously confirmed.

ITEM 8.1 – MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR MATLA

THAT Council carry motions 1 & 2 en bloc.

MOTION CARRIED 9-0

ITEM 8.1 – MOTION 1 – AMENDED

THAT the minutes of the:

- **Ordinary Council Meeting held on 18 May 2010; and**
- **Special Council Meeting held on 25 May 2010;**

as previously distributed be confirmed as a true and accurate record of proceedings

MOTION CARRIED EN BLOC

ITEM 8.1 – MOTION 2 – AMENDED

THAT the minutes of the Special Meeting of Electors held on 13 May 2010, as previously distributed, be amended to include Mr Neil Smithson's tabled address and questions given on notice, detailed at Appendix D, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED EN BLOC

9.0 DECLARATIONS OF INTEREST

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

Name	Item Number	Nature of Interest
Cr D Wellington	13.2.3	Impartiality. The nature of the interest being that the owner of the lot contributed to Cr Wellington's mayoral campaign in 2007.
Cr D Wellington	13.2.8	Impartiality. The nature of the interest being that the owner of one lot contributed to Cr Wellington's mayoral campaign in 2007.
A/EDDS G Bride	22.1	Financial. The nature of the interest being that Mr Bride is an applicant for the EDDS position.
Cr D Wellington	13.2.8	Impartiality. The nature of the interest being that Cr Wellington is a retailer in the community.

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

In accordance with Section 5.23 (2) (a)(b)(c); being:

- (a) A matter affecting an employee;
- (b) The personal affairs of any person; and
- (c) a contract which may be entered into, by the local government;

Item **22.1 Appointment of Executive Director Development Services** was dealt with while the meeting was closed to members of the public.

11.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

12.0 ADOPTION OF RECOMMENDATIONS EN BLOC

Nil

DEVELOPMENT SERVICES

Reports

DEVELOPMENT SERVICES REPORTS

13.0 REPORTS – DEVELOPMENT SERVICES

13.1 DEVELOPMENT

ITEM NUMBER: 13.1.1

ITEM TITLE: DEVELOPMENT APPLICATION – PROPOSED SIGNAGE – 26-28 CAMPBELL ROAD, MIRA MAR

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. These decisions are reviewable by the State Administrative Tribunal.

- File Number or Name of Ward** : A139992 (Frederickstown Ward)
- Summary of Key Issues** : Signage proposed in excess of Council Policy
- Land Description** : 26-28 Campbell Road, Mira Mar
- Proponent** : R Forgione
- Owner** : T & O Management Pty Ltd
- Reporting Officer(s)** : Assistant Planning Officer (T Gunn)
- Disclosure of Interest** : Nil
- Business Entity Name:** Albany Dental Clinic
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Application for Planning Scheme Consent & Supporting Statement for Proposal.
- Councillor Lounge** : Nil.
- Consulted References** : Town Planning Scheme No.1A
Local Planning Policy – Signs Hoardings and Billposting
Council Policy – Processing Planning Applications

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued

BACKGROUND

1. An application has been received for signage (x2) at 26-28 Campbell Road, Mira Mar. The site was previously used as a Day Care Centre and has recently been redeveloped as Dental Consulting Rooms. The site itself is 1639m² in area and is zoned “Residential” under Town Planning Scheme No.1A (TPS 1A). As per item 13.2.4 in this agenda the site is currently undergoing an amendment process to rezone the land ‘Special Site’.
2. The Local Planning Policy – Signs, Hoardings and Billposting sets the objectives and scope of Council control over advertisements. Signs complying with the specifications contained in Table 1 and the policy statement of the policy are exempt from requiring specific planning scheme consent. Additional requirements and stipulations are set down within the policy and some discretion for acceptable deviation can be exercised.
3. The application has been referred to Council for consideration, as the application is classed as a ‘2C’ under Council’s recently adopted guidelines “Processing Planning Applications”, due to the application being inconsistent with Council’s Signage Policy.

DISCUSSION

4. Under Section 4 of the Council Policy on Signs, Hoardings and Billposting regarding overall signage, it states;

“Within the Residential zone no signage up to 0.2m² shall be permitted for approved home based businesses, and signs no greater than 1m² shall apply to approved consulting rooms, day care centres, medical centres or holiday accommodation units located in this zone”.

5. Any signage that does not comply with the acceptable specifications and requirements contained in the policy, needs to be considered against the acceptable deviation provisions as defined in the policy;

“The local government may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely affect of the location, height, bulk, scale, orientation and appearance of the advertisement will not:

- (a) Conflict with or detrimentally affect the amenity of the locality;*
- (b) Interfere with traffic safety”.*

6. The application involves two identical signs, proposed in different locations, the wording on the signs will be “Albany Dental Clinic”. The first sign is proposed to be set in 800mm from the Campbell Road boundary in front of the rear corner of the existing building. The second is proposed to be set in 1.4m from the truncation of the corner of both Campbell Road and Cockburn Road. The signs will be attached on a rendered brick wall 2.99m in length and 1.2m in height, with the actual sign face being 2.35m in length and 0.686m in height, therefore the total area would be 1.664m².

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued

7. The proponent has explained that a relaxation to the policy should be granted on the following basis;
 - a) The previous use (ABC Learning Day Care Centre) had a pylon sign facing Campbell Road, approximately 5m² in area and up to 2.4m in height.
 - b) The signage would be consistent with other signage within the immediate vicinity, business such as Reeves and Co. and Outdoor World have larger signage than what is proposed.
8. Although the policy refers to residential zoned land, this is intended to reduce the signage of developments within residential areas themselves. It should be noted that whilst this land is zoned residential the property is not situated in a residential area, with the subject site being used as a commercial property for many years, and is surrounded by commercial and industrial uses. As such given this is not a residential area the amenity is unlikely to be affected by approving signage as proposed; particularly with the signs being well under the scale and type of signs that are existing along Campbell and Cockburn Road.

PUBLIC CONSULTATION / ENGAGEMENT

9. The application was advertised with no written submissions received during the advertising period.

GOVERNMENT CONSULTATION

10. No government consultation was required.

STATUTORY IMPLICATIONS

11. Although the land is zoned “Residential” under TPS 1A the site itself has been used for a variety of commercial uses. It is accepted that commercial tenancies have advertising requirements and competing signage needs. The Local Planning Policy – Signs Hoardings and Billposting recognises this and introduces parameters and allowances to permit all businesses a certain amount of external advertisement. The policy also allows some flexibility of the general principles through the ‘Acceptable Deviation’ that an applicant can apply for a relaxation. This clause requires the applicant to demonstrate that the likely impacts are acceptable.

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. The City of Albany, Local Planning Policy – Signs Hoardings and Billposting details the permitted/acceptable criteria for signage within the City’s municipal boundary. As previously stated in paragraph 5, the policy allows the local government to exercise its discretion to approve an application beyond the permitted/acceptable requirements.

DEVELOPMENT SERVICES REPORTS

Item 13.1.1 continued

15. Staff consider that a decision on such a request would not necessarily set an adverse precedent, as any future applications will be assessed on their individual merits against the requirements of the policy.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. Council could refuse the application and the applicant would then be entitled to seek a review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

SUMMARY CONCLUSION

17. The signage policy states that for the residential zone no signage in excess of 1m² should be permitted for an approved consulting room. The application proposes two identical signs which are 1.664m² in area, one facing Campbell Road, and the other in the front truncation of the site facing both Campbell and Cockburn Road, for the recently constructed dental surgery at 26-28 Campbell Road, Mira Mar.
18. Although the proposed signage exceeds the size permitted under the policy, given that this is not a residential area and the surrounding sites along Campbell and Cockburn Road are used for a variety of industrial and commercial uses, with far greater signage than what is proposed, it is unlikely to have a negative impact on the existing streetscape.
19. In conclusion, staff consider that the residential amenity of the area is unlikely to be affected by supporting this application, and it is considered that the proposal is an “acceptable deviation” under the policy. The proposed signage is therefore recommended for approval subject to complying with a number of conditions.

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

**MOVED:COUNCILLOR WELLINGTON
SECONDED:COUNCILLOR WOLFE**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Signage (x2) at 26-28 Campbell Road, Mira Mar, subject to the following conditions:

- A. **Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Council.**
- B. **Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**

MOTION CARRIED 7-2

Record of Vote

For the Motion: Mayor Evans, Councillors R Hammond, D Wellington, M Leavesley, D Wolfe, D Dufty and J Matla

Against the Motion: Councillors J Bostock and D Bostock

DEVELOPMENT SERVICES REPORTS

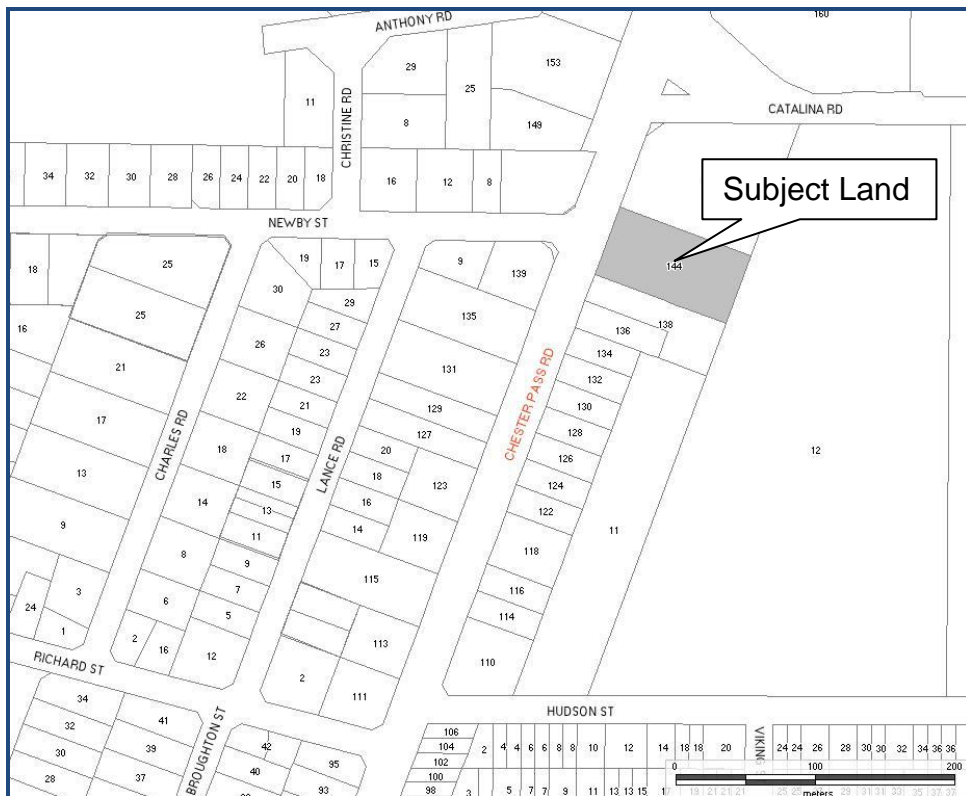
ITEM NUMBER: 13.1.2
ITEM TITLE: DEVELOPMENT APPLICATION – PYLON SIGN (X1) – 140-144 CHESTER PASS ROAD, LANGE

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** : A36328 (Yakamia Ward)
- Summary of Key Points** : Planning Scheme Consent is sought for the erection of a pylon sign that does not comply with the provisions set out in the City of Albany *Signs, Hoardings and Billposting Policy*.
- Land Description** : Lot 37 (140-144) Chester Pass Road, Lange
- Proponent** : Albert Smith Signs Pty Ltd, C/- Public Ink
- Owner** : D G Payne
- Reporting Officer(s)** : Planning Officer (C McMurtrie)
- Disclosure of Interest** : Nil
- Business Entity Name** : Howard Machinery
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Proposed plans
- Consulted References** : Town Planning Scheme 3
 City of Albany *Signs, Hoardings and Billposting Policy 2006*
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued

BACKGROUND

1. An application for Planning Scheme Consent has been received for the erection of a pylon sign at 140-144 Chester Pass Road, Lange for the purposes of advertising the business that occupies the property.
2. The proposed sign does not conform to the provisions of the City of Albany *Signs Hoardings and Billposting Policy 2006* and will therefore require the approval of Council if it is to be constructed.

DISCUSSION

3. A large building comprising a showroom and workshops stands towards the north-western corner of the subject lot, with a parking and turning area to the west, adjoining Chester Pass Road. The remainder of the lot is enclosed by chain link fencing and used as a yard space for the storage, manoeuvring and display of agricultural machinery. The subject lot covers an area of 5186m² and has a 'Light Industry' zoning within Town Planning Scheme (TPS) 3.
4. The proposed pylon sign would advertise the agricultural machinery sales and repair business that occupies the property and would be located at the south-western corner of the subject lot, setback 1m from the southern boundary and 2m from the western (front) boundary, in compliance with the City of Albany *Signs, Hoardings and Billposting Policy 2006*.
5. However, the proposed sign does not comply with a number of the provisions set out in the *Signs, Hoardings and Billposting Policy*. Specifically, the length of the device is 3.47m, tapering to 3.15m at its highest point, while the policy permits a maximum length of only 2m. The maximum permitted area for a sign face on a pylon sign under the policy provisions is 8m², while the proposed sign marginally exceeds this with an 8.9m² sign face. Additionally, the minimum distance to the bottom of the sign from natural ground level, under the provisions of the policy, is 2.75m. The proposed sign would only have 2.3m of clearance above the natural ground level, although the policy does allow this provision to be varied, provided that the sign is located wholly within a landscaped area. Although the subject lot does not have any soft landscaping, the proposed sign would be located so as not to impinge upon any right-of-way, nor would it restrict sightlines from vehicles entering/exiting the property.
6. Part 2.3 of the policy does give Council the option to approve "*Acceptable deviation*" from its provisions, which is defined as follows:

"The local government may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely affect of the location, height, bulk, scale, orientation and appearance of the advertisement will not:

a) conflict with or detrimentally affect the amenity of the locality;
b) interfere with traffic safety."

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued

7. The applicant has provided a written justification for the variations to the policy provisions that are sought. This highlights the commercial nature of most of the surrounding properties along Chester Pass Road and the proliferation of large pylon signs advertising these businesses. Indeed, the proposed sign is considered to be broadly in keeping with those already positioned on lots along the industrial and commercial strips adjacent to Chester Pass Road and would therefore be an “*Acceptable deviation*”, as defined in the policy.

PUBLIC CONSULTATION / ENGAGEMENT

8. Nil.

GOVERNMENT CONSULTATION

9. Nil.

STATUTORY IMPLICATIONS

10. The land is zoned ‘Light Industry’ in TPS 3 and is occupied by an existing service industry. It is broadly accepted that industrial premises located along main roads require identifying signage and the *City of Albany Signs, Hoardings and Billposting policy 2006* introduces acceptable development criteria to allow business an appropriate amount of external advertising. However, the policy also allows for a degree of flexibility through “*Acceptable deviation*”, where an applicant can apply for a variation to the policy provisions, if it can be demonstrated that the likely impacts would be acceptable.

FINANCIAL IMPLICATIONS

11. Should Council resolve to refuse the application, the applicant would be entitled to lodge an appeal against that decision with the State Administrative Tribunal, which would have associated cost implications for the City of Albany.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

13. While the proposal seeks to vary the provisions set out in the *Signs, Hoardings and Billposting Policy*, supporting the proposal would not necessarily set an adverse precedent, as the proposed signage is broadly in keeping with the sizing of existing pylon signs adjacent to Chester Pass Road and is reflective of the size of the lot and building concerned.
14. While support for this proposal may lead to others seeking variations to the policy, each case can be assessed on its individual merits with regard to the prescribed definition of “*Acceptable deviation*”.

DEVELOPMENT SERVICES REPORTS

Item 13.1.2 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

15. Council has the option to refuse the application, which would then entitle the applicant to lodge an appeal against that decision with the State Administrative Tribunal.

SUMMARY CONCLUSION

16. The proposed sign is considered to be broadly in keeping with aims of the City of Albany *Signs, Hoardings and Billposting Policy 2006*, albeit with minor variations to the length of the device, the area of the sign face and the minimum distance to the bottom of the sign.
17. These variations would not conflict with or detrimentally affect the amenity of the locality, nor would they interfere with traffic safety and are therefore considered to be “*Acceptable deviation*”, as defined in the policy. It is therefore recommended that Council grants its permission for the erection of the proposed sign.

**ITEM 13.1.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council ISSUE a Notice of Planning Scheme Consent for ‘Pylon Sign (X1)’ at 140-144 Chester Pass Road, Lange, subject to the following conditions:

- A. The pylon sign hereby approved shall be maintained in good condition to the reasonable satisfaction of Council;**
- B. The pylon sign hereby approved shall be maintained in a safe condition; and**
- C. The pylon sign hereby approved shall be sited so as not to obscure, or hinder the ready interpretation of any road traffic sign so as not to otherwise render hazardous the use of any public road.**

MOTION CARRIED 7-2

Record of Vote

For the Motion: Mayor Evans, Councillor R Hammond, D Wellington, M Leavesley,
D Wolfe, D Dufty and J Matla

Against the Motion: Councillors J Bostock and D Bostock

DEVELOPMENT SERVICES REPORTS

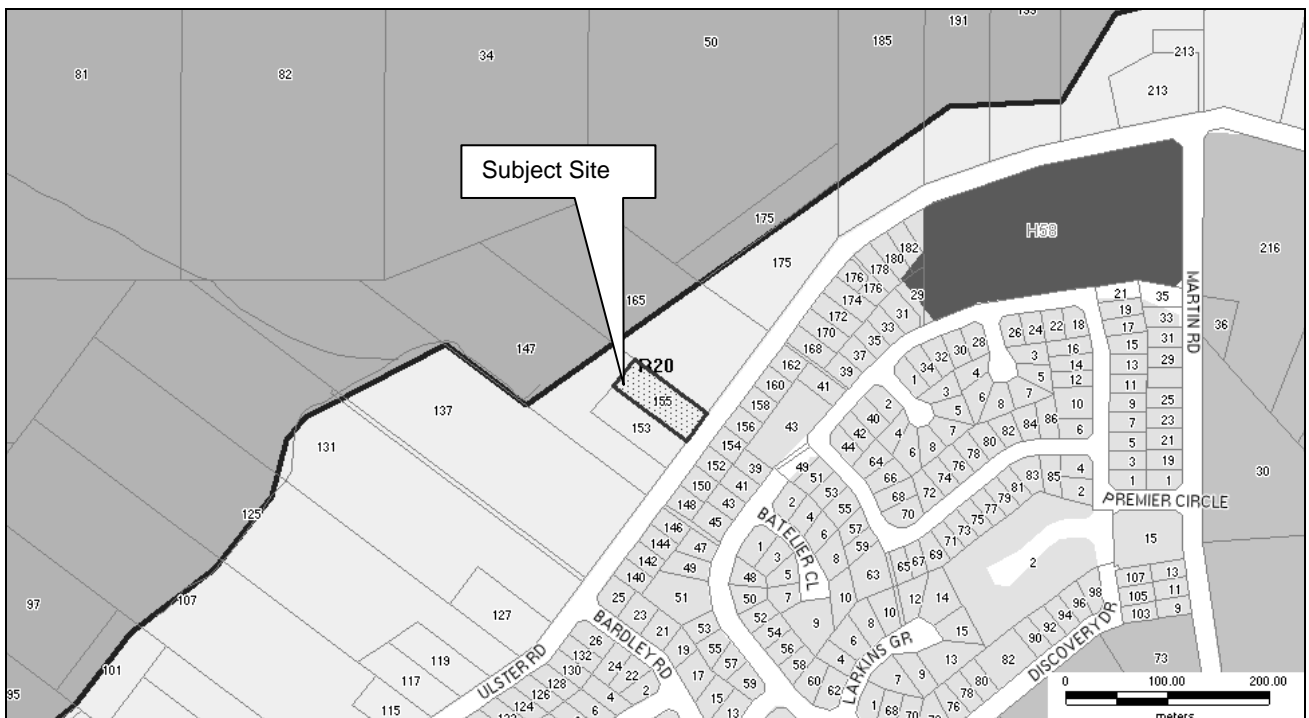
ITEM NUMBER: 13.1.3
ITEM TITLE: DEVELOPMENT APPLICATION - HOME BUSINESS – 155 ULSTER ROAD, YAKAMIA

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** : A152320 (Yakamia Ward)
- Summary of Key Points** : Provide for the hire of costumes from the residential property
- Land Description** : Lot 202 (155) Ulster Road, Yakamia
- Proponent** : Mrs C Hallett
- Owner** : Ms A Campbell
- Reporting Officer(s)** : Senior Planning Officer (T Wenbourne)
- Disclosure of Interest** : Nil
- Business Entity Name** : Katchy Costumes
- Previous Reference** : OCM 16/03/10 Item 13.1.4
OCM 18/05/10 Item 13.1.2
- Bulletin Attachment(s)** : Letters of objection
- Consulted References** : Nil
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.3 continued

BACKGROUND

1. This matter was referred to Council at its March meeting whereby consent was delegated to the Chief Executive Officer to issue planning scheme consent subject to no substantive issues being raised during the public consultation.
2. Two letters of objection were received during the consultation period. These letters raise various concerns and the matter is accordingly referred back to Council for consideration in light of these objections.
3. At its 18 May 2010 meeting the staff recommendation did not receive a mover or seconder and therefore lapsed. As no resolution was passed the item is re-listed for Council's determination.

DISCUSSION

4. One of the letters of objection is anonymous and one is from local residents who live in close proximity to the application site and claim to represent the views of a number of residents in the vicinity.
5. The objections raised are:
 - Concerns with regard to such a business being permitted in the residential/rural-residential area.
 - The impact such a business will have on traffic flow, especially as there are already times during the day when egress from the properties on Ulster Road is difficult.
 - The uninhabited appearance of the property.
 - The nature of hiring of goods being a shop, which should be located in the CBD and not in a residential area.
6. Whilst the appearance of the property is not a material planning consideration, such an issue is superficial and can be easily rectified. It is noted that since the item was reported to Council, the property has been tidied up a little and may possibly be being lived in.
7. The objections make the point regarding the potential detrimental impact of the business on the residential amenity of the locality and that such a business should be more appropriately located in a commercial area with like uses, where commercial rates are payable.
8. This specific operation is unlikely to generate a significant and noticeable rise in traffic movement in the area, but it raises the question, if this activity is permitted from a domestic property, a precedent could be set. Other operators wishing to hire out goods such as clothing (suits/formal wear), electrical appliances, tools and equipment etc may wish to utilise their residential property in a similar fashion (this relates back to paragraph 7 in the original report to Council).
9. If this business is permitted to re-locate from commercial premises to a residential property, there is an argument that the proponent would have an unfair financial and operational advantage over its competitors, who would normally operate from a dedicated commercial zone.

DEVELOPMENT SERVICES REPORTS

Item 13.1.3 continued

PUBLIC CONSULTATION / ENGAGEMENT

10. The development proposal was advertised with responses due by 31st March 2010. The objections received have raised issues and concerns requiring the proposal to be re-considered by Council. Where the objectors are known they have been advised this matter is being put back to Council.

GOVERNMENT CONSULTATION

11. There is no government consultation relating to this item.

STATUTORY IMPLICATIONS

12. A “Home Business” is defined as:

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

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

FINANCIAL IMPLICATIONS

13. The current premises from which this business operates are to be demolished to make way for a redevelopment of the site. At every stage since initial contact from the proponent, Staff have advised the proponent that she should seek alternate commercial premises for her business rather than the proposed residential property. Failure to find suitable replacement premises may impact upon the viability and retention of the business. There are no direct financial impacts of this development on the City of Albany’s operations.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

15. There is no policy implications related to this item.

DEVELOPMENT SERVICES REPORTS

Item 13.1.3 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. The application is made under the category 'Home Business', which is listed as a discretionary land use activity within this zone. In this regard Council has been requested to provide a special exemption to allow the hiring of the costumes that will be stored on the premises. Council previously determined it would consider supporting such a relaxation, subject to the outcome of public consultation.
17. The consultation has raised concerns over the appropriateness of such an activity and business being operated from a residential property in a residential area. Council can grant its approval with or without conditions, or it can refuse the application.
18. If approval is granted it may set an undesirable precedent for other hiring operations to be applied for in residential areas, where these uses should be located in commercial areas.
19. If a refusal is granted, Council's decision can be the subject of a Review before the State Administrative Tribunal.

SUMMARY CONCLUSION

20. The transfer of the costume hire business to a residential property has been the subject of public consultation with objections received.
21. These objections raise specific concerns regarding the appropriateness of locating such a business within a residential area and the resulting detrimental impact on residential amenity.
22. Although for this specific business, the anticipated traffic movements at the Ulster Road property are unlikely to have any significant impact on Ulster Road or adjoining properties and the activities carried out on site are also unlikely to impact upon the residential amenity of neighbouring lots; the decision has wider reaching implications for such business uses in residential areas.
23. The business would normally be located within commercial premises where the operator would be paying appropriate commercial lease rates etc. This proposal potentially sets an undesirable precedent for re-locating commercial activities to residential areas.

DEVELOPMENT SERVICES REPORTS

Item 13.1.3 continued

ITEM 13.1.3 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a Notice of Planning Scheme REFUSAL for the development of a 'Home Business (Costume Hire)' at 155 Ulster Road, Yakamia for the following reasons:

- A. The development does not satisfy Town Planning Scheme 1A section 7.8A (matters to be considered by Council) Part(a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- B. The development does not satisfy Town Planning Scheme 1A section 7.8A (matters to be considered by Council) Part(b) the requirements of orderly and proper planning;
- C. The development does not satisfy Town Planning Scheme 1A section 7.8A (matters to be considered by Council) Part(i) the compatibility of a use or development with its setting;

The development does not satisfy Town Planning Scheme 1A section 7.8A (matters to be considered by Council) Part(zb) any other planning consideration the Council considers relevant.

ITEM 13.1.3 - ALTERNATE MOTION BY COUNCILLOR LEAVESLEY

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- 1) AGREE in pursuance of Clause 4.10 of Town Planning Scheme 1A to vary the scheme requirements for a Home Business, allowing the hiring of goods (costumes) from 155 Ulster Road, Yakamia.
- 2) ISSUE a Notice of Planning Scheme Consent for a 'Home Business (Costume Hire)' at 155 Ulster Road, Yakamia, subject to the following conditions:
 - a) The proponent is required to reside at the property
 - b) A maximum of 1.0m² of signage is permitted to be placed on the site
 - c) The car parking areas being sealed, drained and marked and altered to ensure that all visitors enter and leave the site in forward gear
 - d) The home business shall not occupy an area greater than 50m², and shall be conducted from the areas identified on the submitted floor plans
 - e) There being no employment of anyone not a member of the occupiers household other than holiday relief
 - f) Council reserves the right to rescind the Home Business Approval where conditions of the Planning Consent are contravened subject to 21 days notice in writing to the applicant.
 - g) Approval for the Home Business (Costume Hire) is granted exclusively to the applicant and is not transferable to a third party or to an alternate site.

DEVELOPMENT SERVICES REPORTS

Item 13.1.3 continued.

Councillor's Reason:

The proposal represents a low impact home business that will attract a small number of patrons on a daily basis, and as reported by staff, is unlikely to have detrimental impact on the amenity of the location.

From a procedural perspective, the application was classified as a Home Business on the application, and all administrative steps, including the advertising, have been undertaken to allow Council the ability to relax the Scheme. The proponent has acted in good faith, and been guided through the assessment process, and it is believed that the application should be assessed on its individual merits.

Officer's Comment (G Bride)

The proposed home business and scheme relaxation (to hire costumes) was advertised as per Council's March resolution. As a result of advertising, two objections were received. Staff's position in relation to the objections raised are contained in paragraphs 7 to 9 of the officer's report.

DEVELOPMENT SERVICES REPORTS

Item 13.1.3 continued.

8:07:50 PM Councillor Leavesley said that after hearing Ms Hallet's comments during the Public Question and Statement Time, asked if he could add to point e of his alternate motion to read - e) There being no employment of anyone not a member of the occupiers household **other than holiday relief**

**ITEM 13.1.3 - ALTERNATE MOTION BY COUNCILLOR LEAVESLEY
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council:

- 3) AGREE in pursuance of Clause 4.10 of Town Planning Scheme 1A to vary the scheme requirements for a Home Business, allowing the hiring of goods (costumes) from 155 Ulster Road, Yakamia.**
- 4) ISSUE a Notice of Planning Scheme Consent for a 'Home Business (Costume Hire) at 155 Ulster Road, Yakamia, subject to the following conditions:**
 - h) The proponent is required to reside at the property**
 - i) A maximum of 1.0m² of signage is permitted to be placed on the site**
 - j) The car parking areas being sealed, drained and marked and altered to ensure that all visitors enter and leave the site in forward gear**
 - k) The home business shall not occupy an area greater than 50m², and shall be conducted from the areas identified on the submitted floor plans**
 - l) There being no employment of anyone not a member of the occupiers household other than holiday relief**
 - m) Council reserves the right to rescind the Home Business Approval where conditions of the Planning Consent are contravened subject to 21 days notice in writing to the applicant.**
 - n) Approval for the Home Business (Costume Hire) is granted exclusively to the applicant and is not transferable to a third party or to an alternate site.**

MOTION CARRIED 6-3

Record of Vote

For the Motion: Councillors J Bostock, D Wellington, M Leavesley, D Bostock, D Wolfe and D Dufty,

Against the Motion: Mayor Evans, Councillors R Hammond and J Matla

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.1.4
ITEM TITLE: DEVELOPMENT APPLICATION – RE-CONSIDERATION OF TEMPORARY CONVERSION OF PORTION OF SHED TO RESIDENTIAL USE - LOT 150 HENTY 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 : A204181 and A208963 (Kalgan Ward)
Summary of Key Issues : Application to retain an unapproved shed and to convert portion of the shed to habitable accommodation for a temporary period during construction of a dwelling.
Land Description : Lot 150 Henty Road, Kalgan
Proponent : TPG Town Planning and Urban Design
Owner : K Wignall & E Woodhams
Reporting Officer(s) : Senior Planning Officer (T Wenbourne)
Disclosure of Interest : OCM 18/05/10 Item 13.1.3
Previous Reference : OCM 19/01/10 Item 13.1.8
 OCM 15/12/09 Item 13.1.6
 OCM 21/07/09 Item 13.1.1
 OCM 18/11/08 Item 11.1.2
Bulletin Attachment(s) : SAT S.31 Orders
 Signed Revocation Form
Consulted References : Nil
Councillor Lounge : Nil

ITEM NUMBER: 13.1.4
ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR DUFTY (RESCISSION MOTION)

ITEM 13.1.4 NOTICE OF MOTION BY COUNCILLOR DUFTY
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR LEAVESLEY

THAT Council, in accordance with Standing Orders Local Law 2007, advise that it will consider revoking the motion of the Council Meeting of the 18th November 2009, Item 11.1.2, which states:

“THAT Council resolves to advise the State Administrative Tribunal that Council AFFIRMS the decision to issue a Notice of Planning Scheme Consent Refusal for the outbuilding at Lot 150 (previously Lot 9001) Henty Road, Kalgan and the issuing of Notices under Section 401(1)© of the Local Government (Miscellaneous Provisions) Act 1960 and Sections 214(2) and (3) of the Planning and Development Act 2005 requiring the removal of the unauthorised structure.

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

Councillor's Reason:

As per the Standing Orders Local Law 2007, the reason for the rescission is to consider the recommendations of staff to accept a mediated outcome through the State Administrative Tribunal process.

Officer's Comment:

This item was presented to the 18/05/10 Ordinary Council meeting; however Council resolved through a procedural motion that this item could not be dealt with as the revocation motion did not state a reason and there was insufficient time to consider the motion.

Cr Dufty has requested a Notice of Motion be presented on the same subject; therefore it is considered due process to deal with both motions at the same time, with the elected members motion being debated prior to the officers recommendation.

A copy of the original signed revocation motion is within the information Bulletin. In order for this motion to be dealt with Councillors need to indicate that they still support revoking Council's previous resolution, as prescribed in the Local Government (Administration) Regulations 1996.

Reg 10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(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.

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

Maps and Diagrams:



BACKGROUND

1. A Notice of Planning Scheme Consent Refusal was issued to Ms. K Wignall in January 2008 to place an oversized shed (300m²) on lot 150 Henty Road, Kalgan. The City's "Outbuilding Policy" has been reviewed on a biennial basis and that policy limited sheds and outbuildings on Special Rural lots to a maximum size of 180m². A 300m² colorbond surfaced, steel shed was then constructed by the proponent in May 2008, contrary to the Notice of Planning Scheme Refusal and with no building licence application being lodged with the City.
2. Notices were issued in July 2008 on the landowner, one for the contravention of the City's Town Planning Scheme and one under the Local Government (Miscellaneous Provisions) Act for the unauthorised construction. The proponent sought a review of those Notices with the State Administrative Tribunal (SAT). At paragraph 50 of the SAT determination it states:

"In looking at the evidence presented and the submissions made in respect of the tests set out above, the Tribunal has concluded that the appropriate course is to affirm the s214 direction. In saying this, the Tribunal also considers that it would be reasonable for the applicant to have sufficient time to, should she wish to do so, apply for development approval for, and erect, a smaller shed. The 60 days for compliance with the s214 direction running from the date of this decision (23rd April 2009) should be sufficient for a fresh application for planning approval to be assessed by the respondent and determined."
3. An Application for Planning Scheme Consent was lodged by the landowners and considered by Council at the July 2009 meeting for portion of the current shed (225m²) to be retained on lot 150 Henty Road. Council resolved:

"THAT Council ISSUE a Notice of Planning Scheme Consent Refusal for an "Oversize Shed" to be constructed at Lot 150 Henty Road, Kalgan for the following reasons:

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

- i) *the shed does not comply with the floor space restrictions contained within the City of Albany's Outbuildings Policy and no exceptional circumstances have been progressed to warrant consideration of the application;*
- ii) *the shed is inconsistent with the objective of Special Rural Zone – Area 6, will be incompatible with the setting and will have a detrimental impact on the amenity of that zone;*
- iii) *the uses conducted within the shed are inconsistent with the land use provisions of Special Rural Zone – Area 6; and*
- iv) *the application is inconsistent with proper and orderly planning.*

and

That Council advise the applicant that it would be willing to support a revised application that reduces the size of the existing shed to 180m² or less to comply with Council's outbuilding policy and that the application be lodged and assessed within a 30 day period."

4. A second incomplete application was lodged, to reduce the shed in accordance with Council's decision in August 2009, and that application was unable to be processed due to the additional information sought by City staff not being received; no approvals had been put in place by September 2009 and the requirements of the SAT and the Council had not been met to avert the actioning of the Notices.
5. A Notice was issued upon the landowners on the 12th October 2009 advising that demolition contractors would be entering upon the property on or after the 19th October 2009 to commence the process of demolishing the shed. City staff entered upon the property on the 19th October and noted that the shed had been modified and that it appeared that it was being used for habitable purposes.
6. An application for a building licence for a 547m² house (342m² living, 124m² outdoor and 80m² garaging) was received on the 23rd September 2009 and a licence for that dwelling was issued on 11th March 2010.
7. On the 8th October 2009, an "Application for the Grant of Planning Scheme Consent" was also received to develop "secondary living" on the lot by "converting 120m² of what is now a 300m² class 10 Building into a class 1 Building" it was also acknowledged that "retrospective planning approval to the existing shed will be required prior to Council processing the Building Licence application". Following debate at both the December 2009 and January 2010 Council meetings this application was refused.
8. The refusal has been appealed to the SAT for review. As part of the review a mediation process has been undertaken. The proposal has been amended during negotiations between the parties and is referred to Council for reconsideration of the previous decision.
9. The item was listed for discussion at the 18 May 2010 Council Meeting, however it was deferred to ensure the reason for the decision was identified and sufficient notice under the City's Standing Orders Local Law 2007 was allowed.

DISCUSSION

10. This site and the unauthorised development thereon has been discussed at length and reported to Council in great detail on many occasions. As such, this report focuses on the latest mediation process through SAT and a possible solution as follows.

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

11. The Council is reviewing its 'Outbuilding Policy' with the document currently on advertising for public comment. In the draft amended policy it is proposed to increase the outbuilding area allowance for certain lots, including the rural residential lifestyle lots such as the subject site. If adopted as proposed, the outbuilding policy would permit an outbuilding allowance up to 240m² in area on the subject site.
12. The amended development now proposed is for the four bay 300m² shed to be reduced by one bay, to be 225m² in area. The request is that in light of the anticipated amendment to the outbuilding policy, the reduced area shed be considered favourably and the proponents be permitted to live temporarily in one bay (75m²) whilst they build their principle residence for which they were recently granted a building licence. Once the principle residence becomes habitable, the temporary accommodation within the shed will be removed or an application could be submitted to Council for its continued use as ancillary accommodation tied to the occupation of the principle residence. A condition limiting the length of time for the temporary habitation of the shed can be imposed to safeguard against the temporary habitation becoming more long term.
13. With regard to temporary accommodation there has been debate regarding the level of investment people put in to bringing such a structure up to a habitable standard for a short period of time, however this is a conscious choice of the individual.
14. Concern has also been raised previously regarding the approval of temporary accommodation in outbuildings in addition to the construction of a principle residence. The concern is whether Council would in effect be approving two dwellings (grouped dwellings) on an inappropriately zoned lot.
15. Such an issue has already been considered at the SAT (Pearson & Anor and City of Gosnells [2006] WASAT 228), where it was determined that while under construction, the building is not a dwelling, so the proposal if accepted would not permit a grouped dwelling development. Any decision could be conditioned requiring the temporary accommodation within the shed to be removed within a short period of time following occupation of the principle dwelling.
16. Within the Orders from the SAT, the applicants are directed to remove the eastern most bay (closest to Henty Road) prior to the Council Meeting which has been completed, except for the original posts supporting the shed (staff will advise of the outcome in relation to this issue at the agenda briefing session). This is intended as a sign of good faith and commitment to resolving this longstanding issue.
17. One other matter, which is not really of Council concern, is the practicality of completing the various elements of the building projects. The Building Licence for construction of the house has been granted to the applicants as owner builders. People can register as an Owner Builder only for the construction of a dwelling and each person is limited to one Owner Builder registration every 7 years. Accordingly, if the proposal is supported, the applicants should be advised that they would have to get a registered builder to undertake the alterations of the shed and fit out for habitable purposes or for construction of their intended principle residence.

PUBLIC CONSULTATION / ENGAGEMENT

18. No public consultation has been undertaken on the application.

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

GOVERNMENT CONSULTATION

19. No government consultation is required.

STATUTORY IMPLICATIONS

20. The Land is zoned “Special Rural (No 6)” in the City's Town Planning Scheme No. 3, which sets out the following objective: *“to provide a combined hobby farm and rural retreat area with an emphasis on the merging of development with the landscape and the minimisation of nutrient export.”*

21. Section 5.4 of Town Planning Scheme 3 states:

“The Council in considering an application for planning consent is to have regard to such of the following matters as are in the opinion of Council relevant to the use or development the subject of the application;

- (a) The aims and provisions of the Scheme.....;*
- (b) The requirement of orderly and proper planning.....;*
- (f) Any town planning policy adopted by the Council under clause 6.9 and any other plan or guidelines adopted by the Council under the scheme;*
- (i) The compatibility of a use or development with its setting;*
- (n) The preservation of the amenity of the locality;*
- (o) The relationship of the proposal to development on adjoining land or on other land in the locality including, but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (zb) Any other planning consideration the Council considers relevant.”*

22. Definitions for “Single Dwelling”, “Group Dwelling” and “Ancillary Accommodation” are included in the Residential Design Codes. No definition is provided in Scheme 3 for a Rural–Residential Dwelling.

23. A person is required to apply under the Builders Registration Act for permission to build a dwelling on their land and the Act would prevent a landowner from building two dwellings concurrently or one within 7 years of another. The landowners have nominated that they will be owner builders for both dwellings.

FINANCIAL IMPLICATIONS

24. The financial implications would be limited to staff time as the decision will be referred back to the SAT.

25. Quotes were obtained to have the shed professionally dismantled, in the event that the s214 Notice is required to be actioned by the City; all costs incurred can be recouped from the landowner as a charge against the land. Within the Development Services budget for 2009/10 an allocation has been provided for Legal Enforcement (job 2402) and that budget will be exceeded if City staff are required to remove the owner's possessions and action the Notices without the owner's cooperation. Recovering those costs will also be time consuming.

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

26. Council has expended over \$20,000 in legal fees relating to the enforcement of this matter. Section 87 of the SAT Act does allow for the reimbursement of costs, however, this is only where a party has acted unreasonably in relation to the SAT proceedings and does not take into account previous conduct prior to those proceedings. Therefore, even if Council were to seek an order from SAT in relation to costs, the prospects of obtaining a favourable ruling are virtually nil.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

28. The City of Albany has an information pamphlet for persons wishing to reside in a shed during the period when they are constructing their primary residence as an owner/builder.
29. This application seeks to retain the dwelling within the shed as a “temporary” structure. The guidelines are not a formal policy adopted by Council under the provisions of the Scheme and therefore any restrictions placed upon the use of the land or the building must be accommodated within a Notice of Planning Scheme Consent and be an enforceable condition. Policing non-compliance then remains a separate matter and the efflux of time will make any enforcement action more difficult.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

30. In November 2008, Council resolved to affirm the decision to issue a Notice of Planning Scheme Consent Refusal for the outbuilding at Lot 150 (previously Lot 9001) Henty Road, Kalgan and the issuing of Notices under Section 401 (1)(c) of the Local Government (Miscellaneous Provisions) Act 1960 and Sections 214 (2) and (3) of the Planning and Development Act 2005 requiring the removal of the unauthorised structure. That decision relating to the notices will need to be revoked before the application could be considered on its merits.
31. Regulation 10(1)(b) of the Local Government (Administration) Regulations 1996 states:
- “If a decision has been made at a Council meeting then any motion to revoke or change the decision must be supportedin any 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.”*
32. No request has been submitted for the previous decision to be rescinded and there will need to be the support of five (5) Councillors at the meeting to agree to the rescission of this motion before the application could proceed.

SUMMARY CONCLUSION

33. The reconsideration of this development application involves legitimising a land use that has been commenced without approval and within a building that Council has previously determined should be pulled down.

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

34. The building is to be reduced in size by 25% prior to the Council meeting as a sign of good faith and to demonstrate the applicant's commitment to resolving this longstanding issue.
35. The reduced size shed is below the maximum area for outbuildings for this lot as proposed in the review of the Council's Outbuildings Policy and as such is requested to be considered favourably.
36. The applicant's wish to be permitted to use 1/3 of the reduced shed for habitable purposes on a temporary basis, whilst they build their principle dwelling. As soon as the principle dwelling is capable of habitation, they intend to move into it and at that stage the habitable element of the shed will be removed or they may apply to Council for its continued use as ancillary accommodation. The retention of this as ancillary accommodation would be subject of a separate application at that time.
37. If Council re-affirms its decision to refuse Planning Scheme Consent, the decision will be referred back to the SAT Mediation session and the matter will progress to a directions hearing. If the Refusal is upheld at the SAT review, the Council could act on enforcing the two Notices; the outcome would be the removal of the unauthorised structure. This action would also force the landowners to find alternate accommodation during the construction of their primary residence. They would also be confronted with the costs that Council has already incurred in trying to resolve this matter.

**ITEM: 13.1.4 – OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT the motion of the Council meeting of the 18th November 2008, item 11.1.2, which states:

“THAT Council resolves to advise the State Administrative Tribunal that Council AFFIRMS the decision to issue a Notice of Planning Scheme Consent Refusal for the outbuilding at Lot 150 (previously Lot 9001) Henty Road, Kalgan and the issuing of Notices under Section 401 (1)(c) of the Local Government (Miscellaneous Provisions) Act 1960 and Sections 214 (2) and (3) of the Planning and Development Act 2005 requiring the removal of the unauthorised structure”.

be RESCINDED.

**MOTION CARRIED 7-2
ABSOLUTE MAJORITY**

Record of Vote

For the Motion: Mayor Evans, Councillor R Hammond, J Bostock, D Wellington,
M Leavesley, D Bostock and D Dufty
Against the Motion: Councillors J Matla and D Wolfe

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued

ITEM: 13.1.4 – OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council advises the State Administrative Tribunal it has reconsidered the proposal and resolves to ISSUE a Notice of Planning Scheme Consent for an oversize outbuilding (225m²) and the use of a maximum 75m² of the outbuilding for temporary accommodation at Lot 150 Henty Road, Kalgan subject to, but not limited to, the following conditions:

- A. All runoff from the development hereby approved shall be contained within the property and disposed of to Council's satisfaction.
- B. The development hereby approved shall be used for ancillary domestic purposes only and not for any commercial use, unless otherwise agreed in writing by or on behalf of the Council.
- C. The temporary accommodation hereby approved shall be limited to a period of two (2) years of the date of this decision, or within one month of the occupation of the principle dwelling, whichever is lesser, with all domestic fixtures and fittings removed to the satisfaction of the Council, unless otherwise agreed in writing by or on behalf of the Council.
- D. Within one month of the date of this decision a structural engineers report shall be submitted and all retrospective building works in accordance with the Building Code of Australia are to be completed/remedied.

ITEM 13.1.4 – AMENDED OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council advises the State Administrative Tribunal it has reconsidered the proposal and resolves to ISSUE a Notice of Planning Scheme Consent for an oversize building (225m²) and the use of a maximum of 75m² of the outbuilding for temporary accommodation at Lot 150 Henty Road, Kalgan, subject to, but not limited to, the following conditions:

- A. All runoff from the development hereby approved shall be contained within the property and disposed of to Council's satisfaction.
- B. The development hereby approved shall be used for ancillary domestic purposes only and not for any commercial use, unless otherwise agreed in writing by or on behalf of the Council.
- C. The temporary accommodation hereby approved shall be limited to a period of two (2) years of the date of this decision, or within one month of the occupation of the principal dwelling, whichever is lesser, with all domestic fixtures and fittings removed to the satisfaction of the Council, unless otherwise agreed in writing by or on behalf of the Council.
- D. Within one month of the date of this decision a structural engineers report shall be submitted and all retrospective building works in accordance with the Building Code of Australia are to be completed/remedied.
- E. Within one month of the date of this decision all of the remaining supporting posts are to be either removed in their entirety, or reduced in height to match the height of the existing screen fence (1.8 metres), with the reduced posts being utilised to support the extension of the screen fence, using horizontal timber slats consistent with the style and appearance of the existing screen.

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued.

Officers Reason (G Bride)

The proponent has recently advised that they would remove the posts in their entirety before the 15 June 2010 Council meeting, however this hasn't occurred.

Previous to this staff had liaised with the proponent in relation to retaining the posts at a reduced height to extend the existing timber slat screen fence. Staff believe this option would address the concerns of Council, in that the existing posts could not be reused to support the re cladding of the outbuilding into the future. It is important however to tie the proponent to this commitment through a planning condition which would need to be carried out within one month of the approval.

ITEM 13.1.4 – AMENDED OFFICER RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR LEAVESLEY

THAT Council advises the State Administrative Tribunal it has reconsidered the proposal and resolves to ISSUE a Notice of Planning Scheme Consent for an oversize outbuilding (225m²) and the use of a maximum 75m² of the outbuilding for temporary accommodation at Lot 150 Henty Road, Kalgan subject to, but not limited to, the following conditions:

- A. All runoff from the development hereby approved shall be contained within the property and disposed of to Council's satisfaction.**
- B. The development hereby approved shall be used for ancillary domestic purposes only and not for any commercial use, unless otherwise agreed in writing by or on behalf of the Council.**
- C. The temporary accommodation hereby approved shall be limited to a period of two (2) years of the date of this decision, or within one month of the occupation of the principle dwelling, whichever is lesser, with all domestic fixtures and fittings removed to the satisfaction of the Council, unless otherwise agreed in writing by or on behalf of the Council.**
- D. Within one month of the date of this decision a structural engineers report shall be submitted and all retrospective building works in accordance with the Building Code of Australia are to be completed/remedied.**
- E. Within one month of the date of this decision all of the remaining supporting posts are to be either removed in their entirety, or reduced in height to match the height of the existing screen fence (1.8 metres), with the reduced posts being utilised to support the extension of the screen fence, using horizontal timber slats consistent with the style and appearance of the existing screen.**

MOTION CARRIED 7-2

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington, M Leavesley, D Bostock and D Dufty

Against the Motion: Councillors J Matla and D Wolfe

DEVELOPMENT SERVICES REPORTS

Item 13.1.4 continued.

ITEM: 13.1.4 - OFFICER RECOMMENDATION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council DELEGATES its authority to the Acting Executive Director Development Services (G Bride) pursuant to Clause 6.10.1 of the City of Albany Town Planning Scheme 3, to issue a Notice of Planning Scheme Consent for an oversize outbuilding (225m²) and the use of a maximum 75m² of the outbuilding for temporary accommodation at Lot 150 Henty Road, Kalgan and empowers the Acting Executive Director Development Services to incorporate any further conditions that he considers necessary.

Please note: That Officer Recommendation 3 is no longer relevant, as this recommendation makes up part of the recommendations in the Amended Officer Recommendation 2, which was adopted by Council, therefore it was not moved.

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.1.5
ITEM TITLE: DEVELOPMENT APPLICATION – OVERSIZE OUTBUILDINGS – 3
 STEPHEN STREET, MILPARA

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** : A21254 (Kalgan Ward)
- Summary of Key Issues** : Multiple outbuildings cumulatively over Outbuildings Policy floor area limit
- Land Description** : 3 Stephen Street, Milpara
- Proponent** : Mrs J Shann
- Owner** : D Shann & J Shann
- Reporting Officer(s)** : Senior Planning Officer (T Wenbourne)
- Disclosure of Interest** : Nil
- Business Entity Name** : Not Provided
- Previous Reference** : OCM 16/03/10 Item 13.1.1
- Bulletin Attachment(s)** : Application for Planning Scheme Consent and covering letters
- Consulted References** : Town Planning Scheme 3
Outbuildings Policy
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.5 continued

BACKGROUND

1. This application is made on a retrospective basis for a number of domestic outbuildings at 3 Stephen Street, Milpara. The subject site is 2171m² in area and is zoned “Residential” under Town Planning Scheme No. 3.
2. The application has resulted from an anonymous complaint over the number of outbuildings on the site and reports in the local press relating to the oversize shed at Lot 150 Henty Road. Only three of the outbuildings onsite have received planning consent or building approval with the others constructed without the necessary consents. It is only after the planning issues are resolved that regularisation for unapproved works can be obtained under the Building Codes.
3. At the time of submission, the Council’s Outbuildings Policy was the version adopted by Council at its meeting held on 16 October 2007. The Outbuildings Policy sets the ‘permitted development’ criteria for outbuildings according to the zone and site area. For the subject land the following provisions apply:

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined all outbuildings)	Special Requirements
Residential / Future Urban / Residential Development Zone (Lots 1000m ² - 4000m ²)	3.0 metres	4.2 metres	120m ²	If floor area exceeds 60m ² the use of non-reflective materials is required

4. Although the Policy has recently been under review with an increase in outbuildings allowances for some properties dependent on the size of the lot and the zoning, for the property subject of this application there is no increase proposed to the outbuildings allowance.
5. This application was previously presented to Council in March, where a decision was deferred pending the review of the outbuilding policy. The reviewed policy is now presented to Council for final adoption and this matter is likewise presented for determination.

DISCUSSION

6. The house was built with a detached garage measuring 12m x 6.2m in 1989. A shed 10m x 7.5m was approved in 1995. In 2002 a patio covering was approved on the side of the original garage measuring 9.6m x 6m and this has recently been enclosed. These approved outbuildings total 204.6m² in floor area.
7. In addition to these approved outbuildings there are two zincalume sheds 2.95m x 2.95m that the proponent states were onsite when they purchased the property in 1995, although these were not shown on the site plans for the 1995 and 2002 approvals. Further to these above structures an open-sided gazebo 4.1m x 4.1m with a pitched roof 3.75m high has recently been erected between the enclosed patio and the house. There are also two greenhouses 2.7m x 3.6m that have substantial wooden frames covered in polycarbonate sheets. These structures rest on the ground on a gravel base. As they are not fixed to the ground they are considered chattels and are not included under the Council’s Outbuildings Policy.

DEVELOPMENT SERVICES REPORTS

Item 13.1.5 continued

8. As a result, the total area for all outbuildings on the site is now approximately 238m², far above the allowance of 120m² for a residential zoned property of this size. From the earliest contact with the owners they were advised to remove the smaller sheds and greenhouses, before the Council could consider any application to retain the gazebo.
9. However, the application was submitted to retain all the outbuildings and no exceptional circumstances were advanced in support of keeping them. It is staff opinion that exceptional circumstances do not exist and the application should be refused and if the unapproved structures are not demolished, enforcement action commenced.
10. Following the previous referral to Council, the proponent has offered to remove the two zincalume sheds in the hope they would be permitted to retain the gazebo. In this scenario the total footprint of outbuildings would be reduced by 17.4m², but would still be 100m² over this property allowance under the policy at approximately 220m². With no special circumstances advanced, it is staff opinion that this proposal should be refused in accordance with the policy.

PUBLIC CONSULTATION / ENGAGEMENT

11. Should Council consider approving the unauthorised structures, adjoining owners' comments relating to the policy relaxation will be required before the application could be progressed.

GOVERNMENT CONSULTATION

12. There is no government consultation related to this item.

STATUTORY IMPLICATIONS

13. The land is zoned "Residential" under Town Planning Scheme 3 (TPS 3). The outbuildings are permissible under the Scheme as ancillary structures to the domestic use of the property.
14. The Outbuildings Policy is a town planning scheme policy adopted under the Scheme. Clause 6.9.4 of TPS 3 states;

"a) A Town Planning Scheme Policy shall not bind the council in respect of an application for Planning Consent, however, it may require the council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.

b) Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision."

FINANCIAL IMPLICATIONS

15. Should the proponent seek a review of the Council decision with the State Administrative Tribunal over a decision by Council to refuse the application, or any proposed conditions, some legal costs would be applicable.

DEVELOPMENT SERVICES REPORTS

Item 13.1.5 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

17. The current City of Albany Outbuildings Policy details the permitted/acceptable development criteria for buildings within the City's municipal boundary. The Outbuildings Policy states that Planning Scheme Consent is only required where the criteria cannot be complied with. Any variations to the policy require the proponent to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an ordinary meeting of Council.
18. The reviewed policy introduces some officer discretion in relation to wall heights for roof forms other than a regular ridge, or when the land is sloping or where the outbuilding is required to accommodate an existing boat or caravan owned by the applicant, with any other relaxation outside the policy being referred to Council for determination. None of these exceptions are applicable in this instance and although the reviewed policy gives a greater footprint allowance to some properties, the subject site has no increased allowance under the proposed policy.
19. The aim of the Outbuildings Policy is to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality.
20. The Policy allows Council to consider applications outside the guidelines where "exceptional circumstances" apply and provided the aim of the policy is not compromised. It is fair to say that not knowing there is a Council policy or a limit on the size or number of outbuildings is not "exceptional circumstances".
21. The two sheds and gazebo subject of this application could be viewed as a further minor relaxation of the footprint limit for this size of lot within the zone as outlined in the Policy. However, together with the existing approved outbuildings they are almost double the allowance under the current policy prescribed. In the opinion of staff granting such a request would set a clear precedent and undermine the strength of Council's position in relation to outbuildings as set out in the policy. It would likely encourage the owners and occupiers of other properties subject to the restrictions of the policy to pursue outbuildings in excess of that permitted by the policy and could be used as an example for justification in an appeal situation.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

22. If Council refused the application, the applicant would then be entitled to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.
23. Council has the option to approve the oversize outbuildings; however this may set an undesirable precedent giving rise to more requests for outbuildings outside the constraints of the policy at properties across the city.

DEVELOPMENT SERVICES REPORTS

Item 13.1.5 continued

24. Following the proponent's suggestion/offer, Council may wish to consider approving the gazebo only on condition the two zincalume sheds are removed from the property.

SUMMARY CONCLUSION

25. The two sheds and gazebo with a total combined floor area of 34.2m² have been constructed on this residential zoned lot without consent. These are in addition to approved outbuildings totalling 204.6m².
26. Under the Council's existing and proposed Outbuildings Policy a lot of this size in the residential zone is permitted a maximum combined floor area for all outbuildings of 120m². Council can approve an application for outbuildings outside the policy constraints where exceptional circumstances can be demonstrated. No exceptional circumstances have been advanced and none are considered to exist in this instance.

ITEM 13.1.5 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ISSUE a Notice of Planning Scheme REFUSAL for oversized Outbuildings at 3 Stephen Street, Milpara as:

- A. Approval already granted for outbuildings is well in excess of maximum permitted under policy.
- B. Exceptional circumstances have not been demonstrated to retain an additional 34m² of outbuildings.
- C. The cumulative impact of these additional outbuildings is inconsistent with amenity of locality.

ITEM 13.1.5 – ALTERNATE MOTION BY COUNCILLOR DUFTY
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ISSUE a Notice of Planning Scheme CONSENT for an oversized outbuilding (gazebo only) at 3 Stephen Street, Milpara, subject to the following condition:

- A. The two zincalume garden sheds are removed from the site within 1 month of the date of the approval.

Councillor's Reason:

Having spoken to the people concerned it is quite obvious that the garden sheds were on the property when they bought it, and removing them would not create any hardship and would bring their shed area to the same as when they purchased the property. The total property is in a very tidy state, in stark comparison to the neighbours, and the gazebo is in no way inconsistent in its situation to the amenity of the locality.

Officer's Comment: (G Bride)

No change. Council does have the ability to relax its outbuilding policy and support the development.

DEVELOPMENT SERVICES REPORTS

Item 13.1.5 continued.

**ITEM 13.1.5 – ALTERNATE MOTION BY COUNCILLOR DUFTY
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED:COUNCILLOR DUFTY

SECONDED:COUNCILLOR HAMMOND

THAT Council ISSUE a Notice of Planning Scheme CONSENT for an oversized outbuilding (gazebo only) at 3 Stephen Street, Milpara, subject to the following condition:

- A. The two zincalume garden sheds are removed from the site within 1 month of the date of the approval.**

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

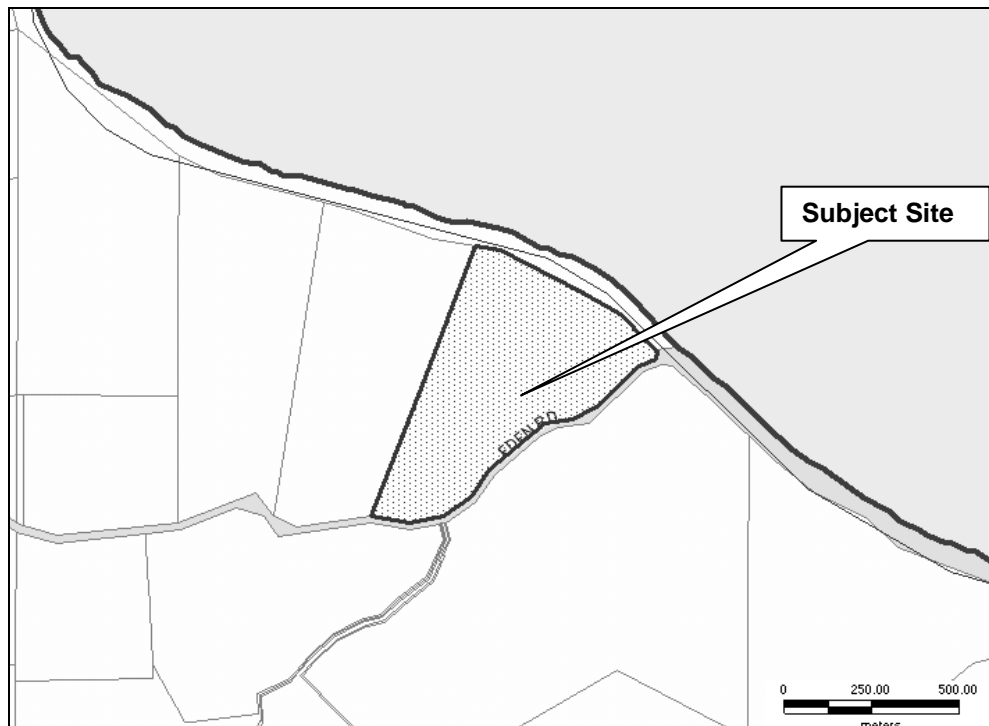
ITEM NUMBER: ITEM 13.1.6
ITEM TITLE: DEVELOPMENT APPLICATION – OVERSIZE OUTBUILDING – LOT 134 EDEN ROAD, NULLAKI

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 : A171273 (West Ward)
Summary of Key Issues : Single outbuilding over Outbuildings Policy floor area limit
Land Description : Lot 134 Eden Road, Nullakai
Proponent : Mr R Lynn
Owner : R Lynn & S Tasker
Reporting Officer(s) : Senior Planning Officer (T Wenbourne)
Disclosure of Interest : Nil
Business Entity Name : Not Provided
Previous Reference : Nil
Bulletin Attachment(s) : Application for Planning Scheme Consent and additional information
Consulted References : Town Planning Scheme 3
 Outbuildings Policy
Councillor Lounge : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.6 continued

BACKGROUND

1. This application seeks consent for a single outbuilding within the approved development area for a caretaker residence at Lot 134 Eden Road, Nullakai. The subject site is 31.2ha in area and is zoned “Conservation” under Town Planning Scheme No. 3.
2. The subject site has a historic farming use with 45-50% of the site having been used for grazing animals with the grassland areas/pasture remaining. Accordingly this site benefits from a non-conforming use right in the Conservation Zone to continue livestock grazing activities.
3. Council’s Outbuildings Policy was adopted by Council at its meeting held on 16 October 2007. The Outbuildings Policy sets the ‘permitted development’ criteria for outbuildings according to the zone and site area. For the subject land the following provisions apply:

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined all outbuildings)	Special Requirements
Conservation Zone	3.5 metres	4.5 metres	140m ²	Refer relevant planning scheme requirements for siting and materials

4. Although the Policy has recently been under review with an increase in allowances for some properties dependent on the size of the lot and the zoning, for the subject property there are no increases proposed.
5. The Review of the Outbuildings Policy incorporates some additional criteria, permitting staff some discretion in certain circumstances to approve, on application, some development outside the allowances of the policy table. This proposal does not benefit from such an exception, but seeks to advance ‘Exceptional Circumstances’ and as such is referred to Council for final determination.

DISCUSSION

6. The proposed outbuilding is to be located at the fringe of the approved development area for the caretaker’s residence on this 31ha Conservation Lot. The outbuilding is proposed to be 15.28m long, 7.68m wide with a 3m wide open sided verandah along its length. This gives it a total footprint of 163.19m², being 23.19m² over the policy allowance.
7. The eaves of the outbuilding are proposed at a height of 3.5m with the ridge at 4.529m. The eaves height is at the maximum under the policy and the ridge is 2.9cm over the maximum allowance.
8. The proponent has advanced an ‘Exceptional Circumstances’ case in support of the proposal outside the policy allowances. The reasons given are:

DEVELOPMENT SERVICES REPORTS

Item 13.1.6 continued

- The property has non-conforming use rights for farming activity and is operated as such.
 - The proposed outbuilding is required to house agricultural machinery, fire fighting equipment, a horse float and other incidental farm equipment.
 - The height and size is the minimum required to safely accommodate the machinery required for the maintenance of the working farm property.
 - The outbuilding itself is an 'off the shelf' design from a national shed supply company. So to change to a custom size would be unduly complicated, restrictive and expensive.
9. The cost and other implications of altering a standard 'off the shelf' design are not a planning concern and this point adds no weight to their justification. However, the Lot in question is not a standard 'Conservation Zone' lot. Much of the lot is already historically cleared of remnant vegetation and has non-conforming use rights for rearing of livestock, which is set to continue.
10. Given the agricultural use occurring on the lot and the legitimate need to store equipment and machinery for the ongoing use of the land for these purposes, the minor relaxation is supported by staff.

PUBLIC CONSULTATION / ENGAGEMENT

11. Not applicable.

GOVERNMENT CONSULTATION

12. Not applicable.

STATUTORY IMPLICATIONS

13. The land is zoned "Conservation" under Town Planning Scheme No. 3.
14. The land currently enjoys a non-conforming use right for livestock grazing.
15. The Outbuildings Policy is a town planning scheme policy adopted under the Scheme. Clause 6.9.4 of TPS 3 states;
- a) *A Town Planning Scheme Policy shall not bind the council in respect of an application for Planning Consent, however, it may require the council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
 - b) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision.*

FINANCIAL IMPLICATIONS

16. Should the proponent lodge an appeal with SAT over a decision by Council to refuse the application or any proposed conditions some legal costs would be applicable.

DEVELOPMENT SERVICES REPORTS

Item 13.1.6 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

17. Not applicable.

POLICY IMPLICATIONS

18. The City of Albany Outbuildings Policy details the permitted/acceptable development criteria for buildings within the City's municipal boundary. The Outbuildings Policy states that Planning Scheme Consent is only required where the criteria cannot be complied with. Any variations to the policy require the proponent to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an ordinary meeting of Council.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

19. If Council refused the application, the applicant would then be entitled to seek a Review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

SUMMARY CONCLUSION

20. Staff believe the proposal does involve exceptional circumstances, given the non-conforming use right applicable to the lot and the ongoing rural use of the property.

8.26 CR WELLINGTON LEFT THE CHAMBER

ITEM NUMBER – 13.1.6 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR WOLFE

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for an Oversized Outbuilding at Lot 134 Eden Road, Nullakai subject to the following conditions:

- A. The outbuilding be clad in a non-reflective material to the satisfaction of Council.**
- B. The outbuilding shall be used for storage only and shall not be used for human habitation.**
- C. The outbuilding shall be located wholly within the approved development area.**

MOTION CARRIED 7-1

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington, M Leavesley, D Wolfe, D Dufty and J Matla

Against the Motion: Councillor D Bostock

DEVELOPMENT SERVICES REPORTS

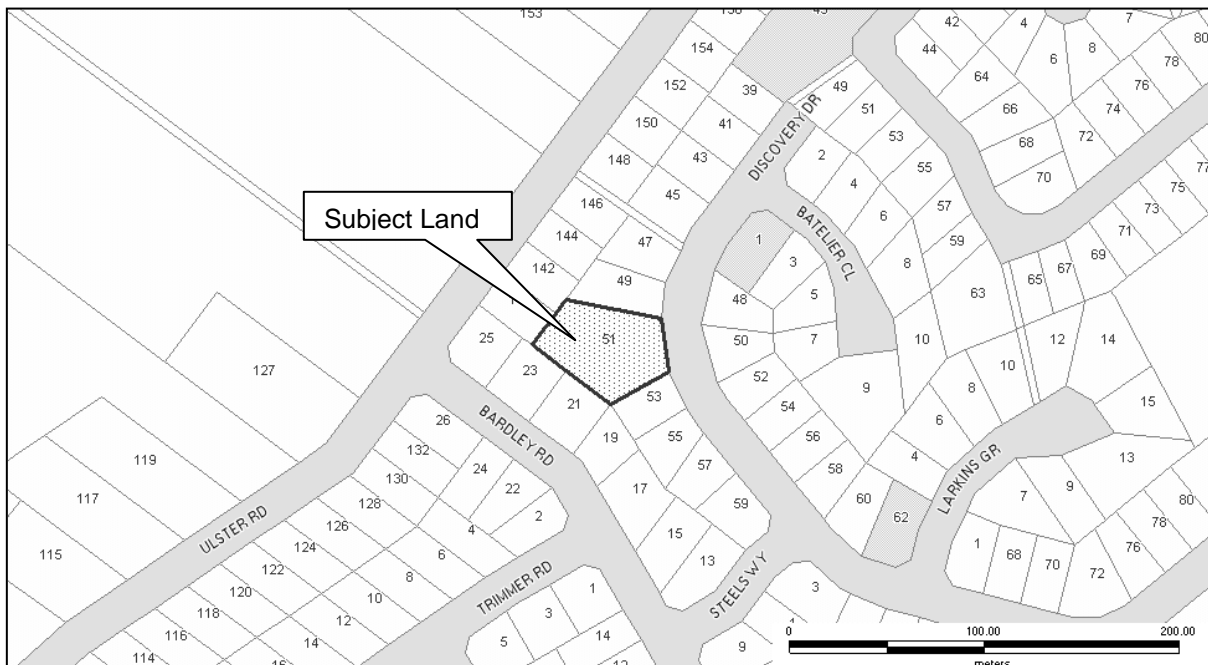
ITEM NUMBER: 13.1.7
ITEM TITLE: DEVELOPMENT APPLICATION – USE NOT LISTED – 51B DISCOVERY DRIVE, SPENCER PARK

8.27PM CR WELLINGTON RETURNED TO THE CHAMBER.
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. These decisions are reviewable by the State Administrative Tribunal.

- File Number or Name of Ward** : A117778 (Breaksea Ward)
- Summary of Key Issues** : Consider an application for a Use Not Listed (Live-in job placement program for homeless)
- Land Description** : 51B Discovery Drive, Spencer Park
- Proponent** : K Carter & C Probert
- Owner** : Housing Authority
- Reporting Officer(s)** : Assistant Planning Officer (T Gunn) & Acting Executive Director of Development Services (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Application for Planning Scheme Consent
Copy of submissions
- Consulted References** : Town Planning Scheme No.1A

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

BACKGROUND

1. An application has been received to utilise an existing dwelling at 51B Discovery Drive, Spencer Park as training and accommodation for the homeless, which has been referred to as "Prospect House". The site itself has two existing dwellings on the property; this application involves changing the use only for unit 51B Discovery Drive, the other unit is proposed to remain purely as residential.
2. The site is 2363m² in area and is zoned "Residential" under Town Planning Scheme No. 1A (TPS 1A).
3. In accordance with the requirements of TPS 1A the application was designated as a Use not Listed and was advertised for public comment. A total of 34 nearby landowners to the site were notified, a site notice was placed at the front of the property and an advertisement was placed in the Albany Advertiser on 23 February 2010. The advertising period closed on the 16 March 2010 and a total of thirty-six (36) public submissions, and two (2) petitions (one for and the other against) were received. In terms of the submissions, sixteen (16) were opposed to the application, and nineteen (19) were in support of the application with one (1) submission from Main Roads stating they have no objection to the development. These will be discussed in further detail under paragraphs 11 to 15 of this report (one of the submissions has requested that their names be withheld).
4. The application has been referred to Council for consideration, due to the substantive comments received following the advertising period. This is in accordance with the requirements of Council's recently adopted guidelines "Processing Planning Applications".

DISCUSSION

5. The application strictly involves a change of use of an existing dwelling and it should be noted that it does not involve any structural changes. The dwelling itself is of contemporary design and was built in 2005. The dwelling consists of five bedrooms, a living and dining room and one bathroom. The dwelling also has a single carport attached to the southern face of the dwelling and also has one visitor parking bay.
6. As the dwelling has five bedrooms, the maximum number of residents will be four with the extra room being used for the manager. The house will be fully furnished, and a section of the living room will be utilised as a training room, with internet and printers and other office equipment etc provided for the residents.
7. Whilst the development has been classified as a 'Use not Listed', a car parking ratio of 1 bay per bedroom is applicable under the scheme for the land use of 'Residential Building' (which caters for accommodation such as lodging houses and backpackers). Using this land use as a guide the development is potentially deficient by 3 parking bays. Although the clientele are less likely to own cars, it is recommended that an additional 2 car parking bays be provided to bring the overall parking provision to 4 bays. There is sufficient area to accommodate the additional bays to the east of the existing reversing bay.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

8. The proponent has informed Council the intended plan (in summary) for the “Prospect House” is to;
 - a) Set up the residence as a residential training unit, the training will include resume writing, motivational skills and general workplace and lifestyle skills to suit each client’s needs.
 - b) Employ a full time proven case worker to run and manage the programme.
 - c) Using a rigorous selection and allocation process, invite homeless clients who are willing to “have a go” to participate in a three-month intensive job placement programme.
 - d) Facilitate and co-ordinate clients exit the house into transitional housing.
 - e) Along with other agencies who have pledged their support, continue mentoring until a stable job and housing situation have been realised.

9. The proponent has advised that if Council deemed the application acceptable, the project will be managed by a partnership between Community First International and the St Vincent de Paul Society of Albany. An advisory group is also intended to be setup consisting of other agencies such as Salvation Army, Department of Housing and Men’s Resource Centre etc, with the majority of these agencies also writing in a submission in support of the development.

10. Included in Information Bulletin, is a copy of the proponents summary and business plans of the proposed “Prospect House”.

PUBLIC CONSULTATION / ENGAGEMENT

11. As previously stated a total of thirty-six (36) public submissions were received during the advertising period, sixteen (16) were opposed to the application, and nineteen (19) were in support. The other submission was received from Main Roads stating they have no objection to the application. Whilst a full copy of their submissions is included in the Information Bulletin, below is a summary of the submissions:

Opposing

- Doubts that the site will remain as a “residential training unit” if proposal is approved, as it would not be economically viable for the applicant and agencies involved, (based on the “Men’s Crisis Accommodation in the Lower Great Southern Feasibility Study: Final Report”, dated December 2008).
- Similar schemes in the past have not succeeded due to lack of funding, client dynamics, damage to properties and anti-social behaviour.
- Concerns raised regarding the wording in the summary letter of the application where it states “heavy substance abuse, serious mental health difficulties or major behavioural problems would *probably* disqualify an applicant”, no guarantees that people with these problems will be excluded from the program.
- The majority of residents along Discovery Drive are elderly and it is considered the area is a quiet, peaceful neighbourhood that the use is inappropriately located. Why not in an area closer to shops, town, hospital and public transport.
- Approving an application of this nature could set an unwanted precedent for similar developments.
- The application will result in the decrease of property values within the area.
- Will rates go down in the area to compensate the loss of property values.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

- Unfair on the residents of the area being put a situation with homeless living in the area.
- Is the house adequate for the proposed “Prospect house”, will only 1 bathroom and toilet be adequate for 5 adults? Is there sufficient space for a training room within a 5 bedroom unit which is intended to be used for 5 persons?
- Concerns raised about the project officer living on site for an “initial” time as per the wording in the summary letter, there should be a project officer on site 24/7.
- Supportive housing may bring crime and drugs into the area.
- The high turnover of tenants increases the neighbourhood’s exposure and risk that one or more of the tenants will become socially un-acceptable.
- With up to 5 residents and supporting staff, traffic (including taxis) the application will generate additional vehicle movements along Discovery Drive, which could result in on street parking, which due to the shape and location of the block could be dangerous.
- Too many tenants in one house could result in conflicts between the tenants.
- Supportive housing such as this could encourage loitering.
- Concerns regarding the possible expansion of the project onto the unit 51A Discovery Drive.
- Problems associated with similar projects, such as Young House in Albany, which proves the amount of disturbance supportive housing can bring to a community, neighbours of the house report theft and inappropriate behaviour by residents attending the facility.

Supporting

- A service for the homeless is greatly needed within the City of Albany.
 - The programme would be effectively managed and operated by the proponents, and is based on a previous model which has received national awards.
 - The perception that homeless people are drug addicts, alcoholics and criminals is a myth.
 - Discovery Drive, Spencer Park is an appropriate location for the “Prospect House”.
 - The “Prospect House” would be a safer and more controlled house than the risk of someone renting next door to you with undesirable and anti social problems.
 - A similar accommodation arrangement for men was previously operated at Sinclair Street, Lockyer, no complaints from nearby or distant residents were received whilst the facility was running.
12. In addition to the submissions, two petitions (one in support and the other opposing) were also received after the closing of the advertising period. The petition in support of the application was signed by a total of 278 persons, and the petition opposing the application was signed by 47 persons. It should be noted that the petition against the application was signed by residents in close proximity to the subject site (Discovery Drive, Steels Way, Batelier Close, Bardley Road and Ulster Road) whilst the other was signed by members of the wider community.
13. The proponent has submitted a document that indicates that they have undertaken further neighbourhood consultation by means of a “doorknock”, a copy of this document is including in the Information Bulletin.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

14. Through correspondence received from the proponent they have recognised the main concerns that neighbours have regarding the application and have tried to address the main points as follows;

Unruly/antisocial behaviour of the residents - Clients will be assessed for eligibility and those with severe mental health, behavioural or substance abuse issues will not be accepted into the programme. There will be an on-site manager and residents will forfeit their place if they behave anti-socially.

The proposal will greatly increase the vehicle traffic within the area – The maximum number of residents will be four plus the manager with no street parking. There will be no “walk in” traffic; all assessments will be completed off-site.

There is no transport or facilities (shops etc) nearby - The following facilities are in walking distance from the unit;

- A bus stop approximately 400m away;
- A shopping centre approximately 750m away; and
- A hospital and medical facilities approximately 600m away.

Nearby residents don't want the street becoming a centre for long term homeless people – “Prospect House” is a jobs-focused programme with a maximum stay of three months. The aim is to get the clients into a job and out of the unit as quickly as possible.

There must be other locations better suited for the project, why here? – The house has been provided by the Department of Housing on the basis of a normal residential situation. It is an ordinary house in a normal neighbourhood so that the residents have a stable secure environment from which to get back into the workforce.

15. The proponent has also advised that there also other safeguards to ensure good neighbourly behaviour such as:

- Initial assessment criteria. e.g. sexual deviancy disqualifies an applicant.
- Full time case manager who works with the residents every day and will be able to identify early warning signs such as depression or anxiety.
- Duress alarm to summon police help immediately if required.
- Team ethic. This is a key factor in getting the residents “job ready” and results in a change from a house of individuals into a group who have a vested interest in preserving a sound track record and looking out for their mates.
- 24/7 assistance at call. Both the manager and the lead agency (St Vincent de Paul) will be on call at all times.

GOVERNMENT CONSULTATION

16. No government consultation was required.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

STATUTORY IMPLICATIONS

17. Clause 3.6 of TPS 1A states;

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

18. Clause 7.8 (Consultation with other Authorities) of TPS 1A states;

“In considering an application for planning consent, the Council may consult with any other statutory, public or planning authority it considers appropriate”

19. Where a ‘Use not Listed’ is proposed it is standard practice to advertise the proposal in accordance with clause 7.5 of the scheme to seek the views of the community (ie. sign on site, advertisement in a local newspaper and referral to neighbours).

20. Clause 7.9(c) of TPS 1A states:

“The Council may limit the time for which planning scheme consent remains valid.”

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Council could refuse the application and the proponent would then be entitled to seek a review of that decision with the State Administrative Tribunal. This would have associated cost implications for the City of Albany.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

SUMMARY CONCLUSION

25. The proposed change of use will not result in an increase in the number of persons utilising the building. The proponent has advised that no more than 5 persons will reside in the unit overnight and this restriction can be accommodated as a condition of planning consent.
26. In relation to parking availability staff believe an additional 2 parking bays should be provided to cater for the residents to ensure that there is no on-street parking or congestion within the driveway.
27. The proponent has advised that an on-site manager will be employed to ensure that any anti-social behaviour will be curtailed. The proponent has also advised that the program will be carefully managed, with potential residents going through a background selection process, and their time at the property being restricted to a 3 month period only to allow that individual to gain the necessary skills to seek employment.
28. It is appreciated that there is considerable opposition to the proposal; the majority of concerns relate to the perception that homeless people are unruly and antisocial, and that resident behaviour will negatively affect the amenity of the existing residential area. Given the opposition received it is recommended that any approval be restricted to a period of 12 months, as allowed for under Clause 7.9(c) of the Scheme to review the operation of the use.
29. From a planning perspective, the existing dwelling lends itself to the use proposed on the basis that it is:
 - a large 5 bedroom residence situated on a 2364m² lot;
 - setback some 25 metres from the front boundary and at least 10 metres from existing residences to the south; and
 - within close proximity to public transport, the Albany Regional Hospital and the local neighbourhood shopping centre.
30. In conclusion staff believe the use is appropriate for the purposes of Clause 3.6 of the Scheme and should be supported.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued

**ITEM 13.1.7 OFFICER RECOMMENDATION
VOTING REQUIREMENT SIMPLE MAJORITY**

THAT Council deems the proposal is appropriate for the purposes of Clause 3.6 of Town Planning Scheme no 1A, and resolves to ISSUE a Notice of Planning Scheme Consent for a Use Not Listed (Live in job placement plan for the homeless) at 51B Discovery Drive, Spencer Park, subject to the following conditions:

- A. An additional 2 car parking spaces are to be provided on site prior to operation of the use.
- B. No more than 5 people shall be accommodated within the building between the hours of 7pm and 7am.
- C. No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Bylaws.
- D. A caretaker/manager is to reside at the property.
- E. Suitable arrangements being made with the City of Albany and nearby residents to ensure that an emergency contact number is available, in the event that any antisocial or unruly behaviour occurs.
- F. The consent is valid for a period of 12 months only, after which an application for renewal will need to be lodged with Council. In making its decision to grant renewal Council will take into account the operation of the business and any complaints received.

ADVICE NOTE

The proponent is advised that a building licence application will need to be lodged for a change of classification under the Building Code of Australia from a Class 1A to a Class 1B.

**ITEM 13.1.7 – ALTERNATE MOTION BY MAYOR EVANS
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council defers consideration of this proposal until such time as a public forum is conducted allowing the proponent and the affected community to share with Council their views and concerns.

Mayor Evans Reason:

Given the concerns expressed by the community in relation to this proposal it is recommended that a public forum is held to allow Councillors the opportunity to fully appreciate and understand the proposed operation of prospect house and the concerns raised by adjacent landowners.

Officer's Comment (G Bride)

The motion seeks to simply delay consideration of the proposal to allow for a public forum to be undertaken, prior to consideration of the proposal.

DEVELOPMENT SERVICES REPORTS

Item 13.1.7 continued.

**ITEM 13.1.7 – ALTERNATE MOTION BY MAYOR EVANS
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR J BOSTOCK

THAT Council defers consideration of this proposal until such time as a public forum is conducted allowing the proponent and the affected community to share with Council their views and concerns.

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

13.2 DEVELOPMENT POLICY

ITEM NUMBER: 13.2.1

ITEM TITLE: OUTBUILDING POLICY REVIEW

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	: All Wards
Summary of Key Points	: Review the size allowances for outbuildings on various lot sizes across the City and introduce flexibility for wall heights in certain circumstances
Land Description	: City of Albany
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Senior Planning Officer (T Wenbourne)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/09/05 Item 11.3.2 OCM 16/10/07 Item 11.3.3 OCM 16/03/10 Item 13.5.1 OCM 20/04/10 Item 13.2.3
Bulletin Attachment(s)	: Copy of advertised amended Outbuilding Policy
Consulted References	: Nil
Councillor Lounge	: Nil

BACKGROUND

1. In recent months there have been a number of applications submitted for oversized (larger area) and overheight outbuildings. It is as a result of these that Council has requested staff to review the current outbuilding policy in consultation with the Planning and Environment Strategy and Policy Committee.
2. The Committee reviewed the sizes of outbuildings permitted on the various sizes of lots within the different zones with the recommendation referred to Council (OCM 16/03/10 Item 13.5.1). This was referred back to staff and the Committee to incorporate a set of performance standards into the policy to provide for minor variations in wall heights to complement the current provisions.
3. The draft policy was presented to Council at its April 2010 meeting (Item 13.2.3), where with the addition of a further performance criterion, the policy was adopted for the purposes of advertising.
4. The advertising was commenced on 6 May 2010 with the consultation period closing on Thursday 28 May 2010.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued

DISCUSSION

5. The draft policy has been advertised with details of the proposed changes to the policy placed in the Public Notices section of the Weekender on 6 May 2010. In addition, consultation letters were sent to the major shed building companies in town together with a copy of the proposed policy.
6. Staff considered the submission from Koster's Steel and the request of Council to address performance criteria for minor variations to be included in the policy wording when the policy was referred to Council in April. It was partly in response to this submission that the discretionary minor variation on wall heights in limited circumstances has been included in the review.
7. Another minor change for Council to note is an alteration to the special requirements for residential, future urban and residential development zoned land. This previously read 'if the floor area of outbuildings is to exceed 60m² the use of non-reflective materials is required'. This meant that if there was an outbuilding clad in zincalume up to 60m² on a property and the owner wanted to erect another outbuilding taking the total floor area of outbuildings over 60m², the existing outbuilding would have to be re-clad in a non-reflective material. These special requirements for these zonings are proposed by staff to be changed to 'if the floor area of an outbuilding is to exceed 60m² the use of non-reflective materials is required'.
8. The draft policy has been advertised with the submission period closing on 27 May 2010. No submissions have been received on the proposed amended policy.
9. The draft amended Outbuildings Policy is now referred back to Council for final adoption.

PUBLIC CONSULTATION / ENGAGEMENT

10. The draft amended policy has been subject to a 21-day advertising and consultation period. This commenced on 6 May 2010 with a closing date for submissions of 27 May 2010.
11. No comments or submissions were received.

GOVERNMENT CONSULTATION

12. Not applicable

STATUTORY IMPLICATIONS

13. Regulating the size and height of outbuildings associated with housing developments is achieved through two (2) mechanisms.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued

At clause 6.10.1 of the Residential Design Codes the stated objective is;

“to ensure that:

- (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and*
- (b) adequate provision is made for incidental facilities serving residents’ needs.”*

The Codes then set out an ACCEPTABLE (as of right) DEVELOPMENT standard requiring that *“all outbuildings collectively do not exceed 60m² in area or 10% in aggregate of the site area (whichever is the lesser), does not exceed a wall height of 2.4m or a ridge height of 4.2m”*. The Codes then establish PERFORMANCE CRITERIA which requires that *“outbuildings not to detract from the streetscape or the visual amenity of residents or neighbouring properties”*.

14. The second mechanism is the relevant provisions of the City of Albany Town Planning Schemes dealing with zones within the schemes. Those provisions may require a specified setback to be achieved within a certain development, for cladding materials to be certain hues, for the size of a shed to be limited or the activities conducted within an outbuilding to be constrained to a certain area.
15. The introduction of a policy to regulate outbuilding sizes has added an additional layer of information to assist City staff in determining the parameters that can be applied to interpret streetscape and visual amenity expectations of the performance criteria of the Codes. Council must have regard to the policy but it is not bound by the policy in its decision-making process.

FINANCIAL IMPLICATIONS

16. The proposed amendment to the policy is considered to reflect the changing needs of residents and introduces some flexibility for minor variations in certain circumstances. It is these issues that have recently been challenged following Council decisions with Reviews at the SAT currently underway.
17. The amendment of the policy may allow reconsideration of the matters under SAT Review and reduce the number of reviews lodged over outbuildings in the future. All matters taken to the SAT for Review have associated cost implications for Council.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

18. Not Applicable.

POLICY IMPLICATIONS

19. The former Town of Albany introduced a policy to regulate the size of outbuilding in July 1995, which was then replaced in 2001 with the City of Albany Outbuilding policy; that policy sought to provide a consistent set of standards within the City, following the amalgamation process. The policy was subsequently reviewed in 2003, 2005 and 2007 in response to community concerns over the suitability of the policy.

DEVELOPMENT SERVICES REPORTS

Item 13.2.1 continued

20. The policy has been reviewed every couple of years and as such it is now time for the policy to be reviewed again to ensure it remains current and up to date.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

21. The Council could decide the current policy is adequate and opt not to change it. This may result in increased applications for oversized and overheight outbuildings with tenuous claims of 'exceptional circumstances' advanced in support of the applications. This may result in more SAT Reviews of refused applications with recent decisions of Council used to argue inconsistent decision making has been applied.
22. Alternatively, Council may decide the proposed policy is too restrictive and refers the policy back to staff for further consideration to relax the sizes and heights allowed. But this raises the question of where do you draw the line?. There needs to be some control to protect visual amenity of the wider community and Council cannot afford to allow a 'free for all' with regard to outbuildings.

SUMMARY CONCLUSION

23. Following the recommendation of Council, the outbuildings policy has been reviewed to introduce greater variation in the floor area allowances dependant on the zoning and size of the lot.
24. It is also proposed to introduce flexibility with regard to minor variations to wall heights on the smaller lots in certain circumstances.
25. These proposed amendments to the policy are considered to accommodate the changing needs of individual property owners, whilst protecting the visual amenity of the wider community.
26. The draft amended policy has been advertised and no submissions were received. Subject to the minor modification suggested by staff in paragraph 7 of this report the draft policy is now recommended for final adoption.

**ITEM 13.2.1- OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MATLA**

THAT Council FINALLY ADOPTS the City of Albany Outbuilding Policy, superseding the existing policy of the same name, pursuant to Clause 6.9 of Town Planning Scheme No. 3 and Clause 7.21 of Town Planning Scheme No. 1A.

MOTION CARRIED 8-1

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington,
M Leavesley, D Wolfe and J Matla

Against the Motion: Councillor D Dufty

DEVELOPMENT SERVICES REPORTS

[8:30:36 PM](#)

MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR LEAVESLEY

SECONDED: COUNCILLOR DUFTY

THAT Council consider Item 13.2.8 prior to considering Item 13.2.2 as the ALPS item clarifies Council's strategic position on the land.

MOTION CARRIED 8-1

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington,
M Leavesley, D Bostock, D Dufty and J Matla

Against the Motion: Councillor D Wolfe

Councillor's Reason

Council will be adopting the scheme prior to actually looking into any actual detailed use of the land.

Officer's Comment (Mr G Bride)

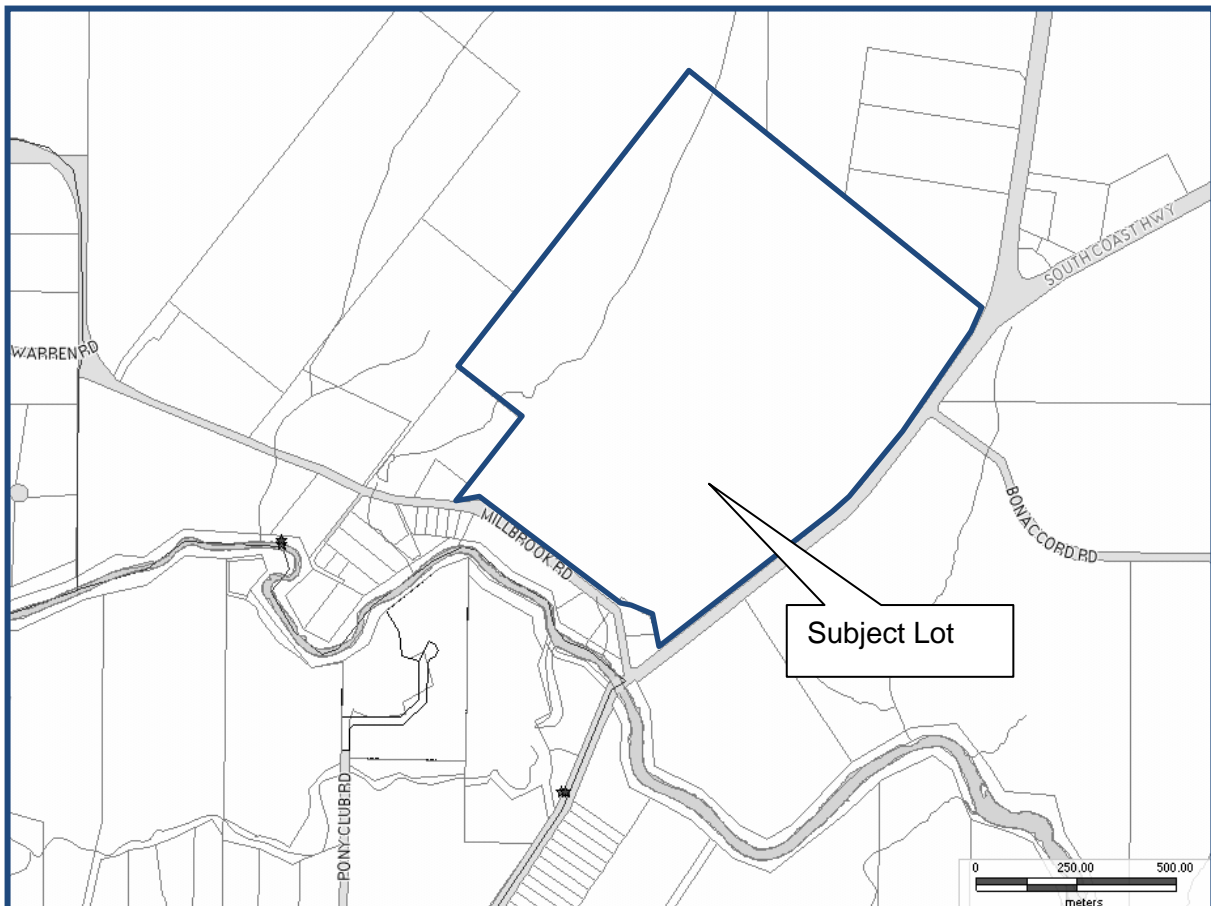
Mr Bride said that Councillor Leavesley's request made sense, because ALPS includes this particular property as one of the modifications that council needs to make a decision on. Given that council has a rezoning proposal for this land, it would make sense to consider this item after the ALPS item has been considered.

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.2.2
ITEM TITLE: INITIATION OF SCHEME AMENDMENT - LOT 50 CHESTER PASS ROAD, KING RIVER

- File Number or Name of Ward** : AMD 299 (Kalgan Ward)
- Summary of Key Points** : Proposed Scheme Amendment No. 299 to the City of Albany Town Planning Scheme No 3 – Rezoning Lot 50 Chester Pass Road, King River from ‘Rural’ zone to ‘Special Rural’ zone
- Land Description** : Lot 50 Chester Pass Road, King River
- Proponent** : Harley Global
- Owner** : GC Cake
- Reporting Officer(s)** : Gray & Lewis Land use Planners and Coordinator Statutory Planning (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/12/2008 - Item 11.3.2
- Bulletin Attachment(s)** : Scheme Amendment Documents
Buffer map / extractive industries / correspondence from Harley Global
- Consulted References** : Albany Local Planning Strategy
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) was considered by Council for Lot 50 Chester Pass Road, King River at its meeting held on the 16 December 2008.
2. The SAR was not supported by staff for a number of reasons including that it was inconsistent with the planning objectives as set out in the City of Albany Local Planning Strategy (ALPS) at that time.
3. Council resolved to support the SAR request and advised the applicant that *'it is prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River to the Special rural zone'* and *'That the ALPS be amended to recognise this land as Rural Living'*.
4. Council is to consider whether or not to formally initiate Scheme Amendment No. 299 to the City of Albany Town Planning Scheme No 3 ('the Scheme') to rezone Lot 50 Chester Pass Road, King River from 'Rural' zone to 'Special Rural' zone (with or without modifications).
5. The amending documents are included in the Elected Members Bulletin.

DISCUSSION

Description of Property and existing Landuses

6. Lot 50 has an approximate area of 102 hectares and has frontage to both Chester Pass Road and Millbrook Road. The property has historically been used for farming purposes and sand extraction. A gravel extraction pit still operates on the site, and the applicant indicates that it has a further lifespan of approximately 3-4 years.
7. The site slopes downwards from the central north ridge towards Millbrook Road and contains a tributary running north south along the western side of the property. The majority of the lot has been cleared with the exception of isolated pockets and vegetation located along the creekline.
8. Assessment of the broad planning issues are discussed in headings below:

City of Albany Local Planning Strategy

9. It is assumed that Council will consider a revised ALPS for final approval at its June meeting, and that it is likely Council will support inclusion of Lot 50 as 'Rural Residential' in the ALPS consistent with the December 2008 resolution (Refer item 13.2.8).
10. This report, does not attempt to re-visit strategic planning issues but rather the suitability of Lot 50 for Rural Residential purposes. Council is the decision making authority in regards to its Strategy and has clearly supported the use of Lot 50 for Rural Residential through the SAR process.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

11. The proposed amendment may be consistent with the City's ALPS which is being dealt with as a separate item in this agenda.

Detailed Land Capability Assessment

12. A Detailed Land Capability Assessment has been lodged as part of the amendment documentation compiled by Opus. The onsite effluent capability indicated '*there are limitations for residential development, however mainly restricted to low lying areas*'.
13. A south western portion of the lot adjacent to Millbrook Road was observed to be inundated during late winter with a water table between 0mm BGL and 650BGL. Two pockets (including areas adjacent to the creek line) were inundated during site inspection so soil types could not be confirmed. These areas were cited as unsuitable for effluent disposal, and are shown as 'effluent disposal exclusion areas' on the Subdivision Guide Plan (SGP).
14. The report concluded that the land has moderate to high capability for residential development and recommended that;
- The waterlogged/inundated areas where the water table separation is less than 500mm are not suitable for on site effluent disposal.
 - A 30 metre setback should be applied between any ATU's and water bodies.
 - Areas with a 500 metre water table clearance are suitable for onsite effluent disposal.
 - The building envelopes north west of creek line should be positioned to achieve 0.5m separation from groundwater.
 - Re-vegetation using local native species should be implemented by the developer, and vegetation retained where possible within creek lines. A Weed Management Plan should be implemented.
 - Bio-retention basins should be strategically placed across the site for water quality treatment of storm water runoff.
 - All structures will require foundation designs to be certified by a structural engineer. A geotechnical investigation should be conducted for building envelopes.
15. The land capability generally supports the concept of 6000m² and above sized lots, however notes a number of constraints (such as inundated areas) which need to be considered in the design process. Staff have concerns that the Opus report did not include any comment on the specific design as the SGP was still under development.

Local Water Management Strategy

16. The subject lot has reasonably significant water management issues due to a combination of factors including water logging in the low lying areas, areas of high water table, existence of the creek line, proposed use of sand extraction areas as part of lots (which currently appear to retain water), and proximity to the King River.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

17. Gray & Lewis has informally liaised with the Department of Planning (Albany) who has indicated that water management plans are usually required as part of the amendment, with a conceptual explanation of water management at the broad level.
18. During the SAR process, the Department for Water also cited that *'an urban water management plan will be required to demonstrate how nutrients and stormwater will be managed on site'*.
19. The amendment and land capability report discuss implementation of water sensitive urban design principles however a Local Water Management Strategy has not been provided.
20. The applicant proposes to include provisions in the scheme amendment which will allow Council to request *'that the WAPC impose a condition relating to the design and implementation of a water management plan (water usage and storm water).'*
21. It is recommended that a Local Water Management Strategy be required 'up front' for the following reasons;
 - The site clearly has some drainage issues and contains a reasonably important water course. It is reasonable for a broader Local Water Management Strategy to be required as part of the amendment, and this will reduce the risk of it becoming an issue at advertising (as it will likely be requested again by DoW) or at final approval stage (as WAPC is also likely to require it).
 - There may be a need to provide basins on site which need to be taken into account in the SGP design. A Local Water Management Strategy (LWMS) would identify basin locations and approximate sizes.
 - The land capability report cites a need for bio-retention basins 'across the site'. A LWMS would provide a broad drainage concept.
 - The Local Water Management Strategy findings and recommendations may impact on design.
22. Staff are of the view that consideration of water issues in this case should be integrated with the amendment / re-zoning proposal so that land and water planning are co-ordinated, rather than be independently and consecutively dealt with.
23. Gray & Lewis has liaised with the City's Manager of Design and Compliance (engineer) who confirms that a Local Water Management Strategy (by an engineer) is expected to be undertaken as part of the rezoning application and needs to demonstrate that the developer has considered the management of surface and groundwater within the development and that a subdivision layout is sympathetic to natural features being the creek line, dam, sandpits and gravel extraction area.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

24. Accordingly it is recommended that the Council initiate the amendment subject to the preparation of a Local Water Management Strategy. This will then need to be done prior to the referral of the amendment to the EPA. The initiation should give the owner confidence to pursue a water strategy, and it is considered likely that dealing with it at this early juncture will facilitate more timely approvals and reduce bottlenecks at the final approval stage for the amendment (with WAPC). It ensures that water is considered as part of the amendment decision on location of land use and the structure or form of estates (SGP).
25. The Local Water Management Strategy will be conceptual, and lay the foundation for a more detailed Urban Water Management Strategy which will be required as part of a future subdivision application.

Landuse Compatibility and Buffers

26. In considering any amendment Council should have regard for land use compatibility and seek to avoid creation of any situation which has potential to cause future land use conflict. In this case Council should consider potential for conflict between the proposed special rural lots, extractive industries and surrounding rural lots.
27. The EPA '*Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land uses*' recommends buffers of 300-500 meters for sand and limestone extraction. There is no specific buffer for gravel.
28. Staff recommend that compliance with the EPA buffers should be achieved, unless the proponents lodge a site specific study demonstrating that a lesser buffer is appropriate.
29. The applicant lodged additional information on buffers on 13 May 2010, including a map showing surrounding locations of extractive industries (in response to a submission by the Department of Mines and Petroleum on the ALPS). A copy of the 'Extractive Industry Impact Assessment' map is included as Attachment 3 in the Information Bulletin.
30. There are sufficient distances between Lot 50 and surrounding extractive industries with the exception of sand extraction on adjacent Lot 4849 to the immediate north. The applicant has indicated that subdivision will be staged, so no lots will encroach into the Lot 4849 buffer until its resources have been exhausted.
31. The applicant has lodged a letter of non objection from the owner of Lot 4849. Their support for staged development is conditional on their sand pits or agricultural pursuits not being affected, and they have requested access through the subdivision.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

32. Council has two options in dealing with the buffer to Lot 4849 being;
- 1) Require all portions of Lot 50 within 300 meters of the sandpit on Lot 4849 to be created as larger lots with all building envelopes located outside of the buffer; or
 - 2) Allow a staged subdivision and attempt to build provisions into the Scheme to prohibit subdivision in the 300 meter buffer until all extraction on Lot 4849 ceases.
33. Option 1 is recommended as:
- i) It is considered that existing approved extractive industries should be afforded the highest level of protection being established businesses prior to the amendment, especially given the advice from Department of Mines and Petroleum on the ALPS.
 - ii) Implementation of a clear 300 meter buffer (with vegetation buffers to the sandpits on Lot 4849) will offer a high level of protection to the amenity of future owners in the SGP area.
 - iii) Given the anticipated 5-7 year lifespan of the industry on Lot 4849 and extent of the buffer, staging may be problematic and constrain the overall road layout.
 - iv) Option 1 has other benefits as larger lots will also result in less lot boundaries over the creek line and north west vegetated area.
 - v) The sharing of roads by extractive industries and the new special rural lots should be avoided.
 - vi) If Council supports staging to allow subdivision within the 300 meter buffer of Lot 4849 extractive pit, then it would be difficult to argue against allowing staging and retention of the gravel pit on Lot 50 (which is not supported by Gray & Lewis).

Extractive Industries on Lot 50

34. There are existing sand extraction areas on Lot 50 which the applicant advises have ceased however *'the extraction license remains valid'*. There is an existing gravel pit which contains a further 70,000m³ to 100, 000m³ of gravel, and the applicant advises that *'it is expected that operation at full capacity would exhaust this pit in three to four years'*.
35. It would be undesirable for any new lots to be created / released in the subdivision whilst the existing gravel pit remains in commercial operation due to its proximity and potential landuse conflict (ie noise, dust, sharing of roads by local traffic and trucks). Council has an obligation to consider the amenity for new owners who purchase lots in the area, and would deal with any complaints if the pit was operating and caused nuisance.
36. It is recommended that the proposed Scheme provisions state explicitly that *'No subdivision shall proceed until all commercial extractive industry activities have ceased or supply of gravel transported off the lot, and plans for rehabilitation have been substantially progressed to the satisfaction of the local government.'*

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

37. The applicant has indicated that they intend to use gravel from the pit for some internal subdivision works. It is recommended that the scheme provisions include a requirement that *'The Subdivision Guide Plan shall show how development will be staged'* and that *'Council shall recommend to the WAPC that a condition be imposed on the first stage of subdivision requiring all activities for gravel extraction to cease and the pit to be filled prior to clearance of new Certificate of Titles'*. Gravel can be used for stage 1 from the pit, however it should be closed prior to any new lots being created. The owner may come to an arrangement with the City to stockpile some gravel for future stages (if required) subject to appropriate dust management.
38. Due to the required filling of sand and gravel pits, it is also recommended that the Scheme provisions include a requirement for a detailed geotechnical report to be approved by the local government both prior to commencement of subdivision works, and following completion of subdivision works.
39. The applicant proposes scheme provisions that would require future lot owners to lodge a geotechnical assessment with planning applications *'proving the land is suitable for the development proposed'*. Given the extent of filling required for the sand pits and gravel pit, the developer should provide geotechnical information and building envelopes that are *'development ready'*. Council should be satisfied that the proposed lots can be built on and building envelope locations need to consider the 1: 100 flood level.
40. The applicant shows re-vegetation areas along Chester Pass Road and in the central portion of the lot which are supported. It is recommended that additional 40 metre vegetation buffers be provided along the north eastern boundary and north western boundary – this will provide a vegetation corridor link to areas of remnant vegetation on adjacent Lots 4849 and 1951, the creek line, and a buffer to adjacent Rural zoned land.
41. Assessment of the specific planning issues are discussed in headings below:

Proposed zoning and lot sizes

42. It is understood that Council supports *'Special Rural'* development on the land, which is proposed as *'Rural Residential'* under the ALPS.
43. In accordance with WAPC Policy DC 3.4 Rural Residential lots are generally considered to be between 1 hectare to 4 hectares. The City's Planning Department has indicated that *'Rural Residential'* areas under the ALPS are expected to have lot sizes of 1 hectare and above, and *'Special Residential'* areas under the ALPS will range between 2000m² and 1 hectare.
44. The proposed Subdivision Guide Plan includes lots between 6000m² and 5 hectares. The proposed objectives for this special rural area include *'to provide a mix of lot sizes with clustering on land with higher capability to promote best use of the land resource'*.
45. The thrust of the applicants' justification for the lot sizes appears to be that (1) an average lot size of 1 hectare is achieved; (2) the nature of the land will remain predominantly open; and (3) the smaller lots are on high capability land that is well setback from drainage lines and remnant vegetation.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

46. There are a number of existing Special Rural areas listed under Schedule I of the Scheme and a 1 hectare minimum has been consistently required (in line with WAPC Policy) – refer table below;

Minimum lot size specified in the conditions of Schedule I of the Scheme	Area – allocated number as listed in Schedule I of the Scheme
1 hectare minimum	1D, 9, 11, 12, 21, 22, 25, 27, 34, 35
2 hectare minimum	3B, 5, 6, 10, 13, 14, 28,
2.4 hectare minimum	8
1 hectare minimum 2 hectare average	17
3 hectare minimum 4 hectare average	29
4 hectares	15
1 hectare minimum south Aldo Rd 8 hectare min north Aldo Rd	4A
No min lot size specified	30, 31 and 32 however lot sizes on SGP exceed 1 hectare.

47. Eighteen (18) of the twenty six (26) existing Special Use zones listed in the Scheme have minimum lot sizes between 1 and 2 hectares. The remaining eight (8) special use zones have larger lot sizes to respond to topography, site constraints, land capability or to allow for greater retention of remnant vegetation.
48. The acceptable lot size is to be determined by Council. Staff recommends against lot sizes less than 1 hectare for Lot 50 as;
- Cluster development would normally be considered where there is a particular environmental benefit, such as locating lots in a cleared area with retention of vegetation in larger conservation lots. In this case there is no clear environmental benefit.
 - The lot sizes less than 1 hectare are more akin to ‘Special Residential’. Lot 50 has not been earmarked for ‘Special Residential’ under the ALPS.
 - Larger lot sizes for portions of Lot 50 are necessary due to areas of inundation. The maximization of lot yield on areas with higher capability is not in itself planning justification for the proposed 6000m² lots.
 - Support for lot sizes below 1 hectare will set a precedent for similar proposals in ‘Special Rural’ and future ‘Rural Residential’ areas. It will ‘blur’ the line between ‘Rural Residential’ and ‘Special Residential’ subdivision hectare lots are more conducive to maintaining a consistent rural streetscape, accommodating larger setbacks, re-vegetation areas, and supporting normal special rural activities such as the keeping of animals.
49. Accordingly it is recommended that Council impose a minimum lot size of 1 hectare in the proposed scheme provisions.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

Subdivision Guide Plan and Proposed Modifications

50. The proposed Subdivision Guide Plan as currently drafted is not supported and will have to be modified prior to referral to the EPA. It is recommended that Council initiate the amendment, however advise the applicant that no formal referral to EPA or advertising will occur until the proposed subdivision guide plan is modified to council's satisfaction.
51. The SGP design will be influenced by (1) the Local Water Management Strategy recommendations; (2) Councils decision on minimum lots sizes; (3) Fire Management; (4) Councils decision on buffers to extractive industries and Rural Land uses.
52. Staff have concerns with the Draft SGP and believe the following modifications are required:
- i) A 40 metre minimum vegetation buffer being provided adjacent to rural zone lots and the extractive industry on Lot 4849 to minimise potential land use conflicts;
 - ii) All building envelopes being shown outside of the minimum 300 metre buffer for the sand extractive industry on Lot 4849, with the buffer being measured from the lot boundary;
 - iii) The SGP shall show how the subdivision will be staged, and include notations relating to timing for closure and filling of the sandpits and gravel extraction areas on Lot 50 (as they relate to the proposed stages);
 - iv) A minimum of lot size of 1 hectare shall apply.
 - v) A Local Water Management Strategy being prepared and incorporated into the amendment document with any design implications being identified on the SGP, with such strategy indicating whether compensating basins need to be included in the design as open space areas or drainage reserves;
 - vi) The SGP shall consider the 1:100 year flood level in locating building envelopes and development exclusion areas;
 - vii) The SGP shall minimize the lot boundaries and proposed crossovers traversing the creek line in consultation with the City and the Department of Water;
 - viii) The amalgamation of Lots 10 and 11 given the restricted building envelopes applicable to these lots.
 - ix) Confirmation that Main Roads WA is supportive of the access point onto Chester Pass Road;
 - x) All vegetated areas are to be identified as development exclusion areas.

PUBLIC CONSULTATION / ENGAGEMENT

53. No public consultation has been undertaken. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be advertised to all affected and surrounding landowners for a 42 day advertising period.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

GOVERNMENT CONSULTATION

54. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be referred to all affected government agencies for comment.
55. Preliminary consultation was undertaken as part of the SAR process and responses were received from the Department of Environment and Conservation, Department of Water, Water Corporation and Department for Planning (2008). A letter by Department for Mines and Petroleum on ALPS was also lodged in March 2010 relevant to Lot 50. Responses are summarised below:

Department of Water (2008)

56. DoW would support inclusion of the waterway within a foreshore reserve and would require a foreshore management plan. Lot boundaries that traverse waterways are generally not supported where other options exist. An Urban Water Management Plan will be required to demonstrate how nutrients and stormwater will be managed on site, and a land capability assessment carried out.

Water Corporation (2008)

57. The lot is within the Water Corporation License Area and reticulated water is required by WAPC Policy for lots less than 4 hectares. Reticulated water can be supplied to this development however there may be a need to upgrade mains in parts of the scheme to cater for the demand generated, and installation of adequately sized mains.

Department for Planning (2008)

58. The WAPC requested Council give consideration to the proposal as a component of the Albany Local Planning Strategy.

MRWA (2008)

59. Millbrook Road should be re-aligned to form a new intersection with Chesterpass Road at the applicants expense. The existing intersection of Millbrook Road with Chesterpass Road should form a cul-de-sac. A restrictive covenant should be provided on all lots preventing any access to Chesterpass Road, and a noise study should be provided to demonstrate that building design will achieve suitable noise levels (due to traffic noise).

DEC (2008)

60. A qualified botanist should undertake a vegetation survey and specialist advice on enhancement of the creekline and rehabilitation of old sandpits and weed removal. Retention of scattered trees is supported.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

Department of Mines and Petroleum (2010) – relevant ALPS submission

61. Geological mapping suggests that there are sufficient supplies of gravel in the King River Region and sand in the Robinson region for these areas to be considered significant. Separation distances of 300m and 500m should be applied. Rural residential areas in the King River region have potential to raise noise, dust and have vehicle traffic issues with future residents from the surrounding and future extractive industries. The Strategy should promote BRM extraction ahead of staged development.

STATUTORY REQUIREMENTS

62. Council is the only authority that can initiate an amendment to its Town Planning Scheme, and there is no right of review to the State Administrative Tribunal in the event that initiation is not supported.
63. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
64. Council's resolution under Section 75 of the *Planning and development Act 2005* is required to amend the Scheme.
- a) 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.
 - b) 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.
 - c) A resolution to initiate and advertise an amendment to a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.
65. Once an amendment is initiated it is processed in accordance with the Planning and Development Act 2005. The Minister for Planning makes the final determination of the amendment, having regard for the Local Authorities recommendation and assessment by the WA Planning Commission.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

66. Council has the following options in relation to this item, which are:
- To resolve to Initiate the scheme amendment without modifications;
 - To resolve to initiate the scheme amendment with modifications; or
 - To resolve not initiate the scheme amendment.
67. A resolution to initiate 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.
68. 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.

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued

POLICY IMPLICATIONS

69. It is anticipated that the amendment will be consistent with the Draft ALPS as outlined in this report.

FINANCIAL IMPLICATIONS

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

RECOMMENDATION

[9:05:58 PM](#)

**ITEM 13.2.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR WELLINGTON**

THAT Council in pursuance of Section 75 of the *Planning and Development Act 2005* and 25(i)(c) of the *Town Planning Regulations 1967* resolves to INITIATE WITH MODIFICATIONS Amendment No. 299 to Town Planning Scheme No. 3 for the purpose of;

- 1) Rezoning Lot 50 Chester Pass Road, King River from Rural Zone to Special Rural Zone No. 41 and amending the Scheme Maps accordingly; and**
- 2) Inserting provisions relating to the subdivision, development and use of Special Rural Area 41 into Schedule I of the Scheme Text as follows:**

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Item 13.2.2 Officer Recommendation continued.

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
41. Lot 50 Chester Pass Road, King River	<p><u>1.0 Plan of Subdivision</u></p> <p>1.1 Subdivision shall be generally in accordance with the adopted Subdivision Guide Plan, as endorsed by the Chief Executive Officer.</p> <p>1.2 The local government and Commission may support variations to the Subdivision Guide Plan where sufficient justification is provided. Minor variations to the Subdivision Guide Plan can be considered as part of subdivision applications.</p> <p>1.3 Further subdivision of lots shown on the Subdivision Guide Plan is not permitted.</p> <p>1.4 A minimum lot size of 1 hectare shall apply.</p> <p><u>2.0 Objectives of Zone</u></p> <p>2.1 Within the Special Rural Zone Area No. 41 the objectives are to:</p> <ul style="list-style-type: none"> • Provide for rural residential lifestyle opportunities in close proximity to Albany; • Provide larger lots where it is desirable for creekline protection, vegetation retention or to avoid the creation of building envelopes in buffer areas to extractive industries; • Provide for the further subdivision of the land in a manner that respects the site's characteristics, constraints and opportunities. • Provide for development in accord with the objectives of the Local Planning Strategy; and • Minimise the visual impact of development and further subdivision. <p><u>3.0 Land Use</u></p> <p>3.1 Within Special Rural Zone No. 41 the following uses are permitted:</p> <ul style="list-style-type: none"> • Single House <p>3.2 The following uses may be permitted subject to the special approval of Council (A):</p> <ul style="list-style-type: none"> • Bed and Breakfast; • Craft Studio; • Home Business; • Home Occupation (Cottage Industry); • Home Office; • Keeping of hooved animals, grazing animals or beasts of burden; • Stables; • Public Utility; and <p>Other non-defined or incidental activities considered appropriate by Council which are consistent with the objectives of the zone.</p>

DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Item 13.2.2 Officer Recommendation continued.

	<p><u>4.0 Location of Buildings and Structures</u></p> <p>4.1 All buildings and structures shall be located outside Building Exclusion Areas or within any designated building envelopes as depicted on the Subdivision Guide Plan.</p> <p>4.2 All buildings and structures are to be contained within a Building Envelope shown the Subdivision Guide Plan or approved separately by Council at the time of development approval and comprising an area of 10% of the lot area, or 1,000m², whichever is the greater.</p> <p>4.3 All building envelopes subject to sub-clauses 5.1 and 5.2 above, are to be setback as follows:</p> <ul style="list-style-type: none"> • Primary Street – 20m; • Secondary Street – 10m; • Side / Rear – 10m; <p>4.4 Council may require applications for Planning Consent or building licences to be accompanied with a geotechnical assessment, proving the land is suitable for the development proposed.</p> <p><u>5.0 Building Design, Materials and Colour</u></p> <p>5.1 Dwellings and outbuildings shall be designed and constructed of materials, which allow them to blend into the landscape of the site. Council will be supportive of walls and roofs with green, brown or red toning in keeping with the amenity of the area.</p> <p>5.2 The use of reflective colours and materials for buildings and structures is prohibited including unpainted zincalume and off white colours.</p> <p>5.3 Dwelling houses and all outbuildings shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.</p> <p>5.4 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand (or similar) to the satisfaction of Council.</p> <p>5.5 Lot boundaries within existing vegetated areas or revegetated areas are to be delineated by methods other than fencing. Pegs and/or cairns or other similar measures are acceptable.</p> <p><u>6.0 Vegetation and Creek Protection</u></p> <p>6.1 No clearing of vegetation shall occur within Building Exclusion Areas except for trees that present an imminent danger to human health or are required to be cleared for approved lot access or fire management.</p> <p>6.2 No clearing of any vegetation located along the creekline is permitted.</p> <p>6.3 Council shall request the Commission to impose a condition at the time of subdivision, requiring tree/shrub planting within Special Rural Zone Area No. 41, as depicted on the Subdivision Guide Plan with endemic native trees and shrubs.</p>
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DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Item 13.2.2 Officer Recommendation continued.

	<p>6.4 Landowners shall maintain existing vegetation within the Building Exclusion and Revegetation areas as depicted on the Subdivision Guide Plan.</p> <p>6.5 Council may impose a condition at the time of development requiring tree/shrub planting to screen future house sites.</p> <p>6.6 Council shall request the Commission to impose a condition at the subdivision stage requiring the provision of stock proof fencing to protect the riparian vegetation along the creek line as shown on the Subdivision Guide Plan.</p> <p>6.7 Council shall request the Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Weed Management Plan with particular emphasis on the eradication and/or control of declared environmental and pest weeds on the property.</p> <p>6.8 Except with the approval of the local government and only after consultation with the relevant authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of the creekline or its banks is prohibited.</p> <p><u>7.0 Keeping of Livestock/Animals</u></p> <p>7.1 The keeping of livestock requires planning approval in accordance with Clause 3.2.</p> <p>7.2 The local government may require an application for the keeping of animals to be accompanied by a management plan, and Council shall have regard to the stocking rates recommended by the Department of Agriculture and Food WA.</p> <p>7.3 The keeping of livestock and animals shall not be undertaken in Building Exclusion Areas and should only be located in substantially cleared areas.</p> <p>7.4 Subject to clauses 7.1 and 7.2, the keeping of livestock for domestic purposes shall be restricted to fenced pastured areas of a lot. The owner shall be responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed that stocking rates recommended by the Department of Agriculture. The keeping of animals shall not result in the removal or damage of vegetation or trees and/or result in soil degradation and/or dust nuisance.</p> <p>7.5 Intensive agricultural pursuits such as piggeries or horticultural operations are not permitted on any lot.</p> <p>7.6 Where in the opinion of Council the continued presence of animals on any portion of land is likely to cause or is causing damage to natural vegetation, water pollution, dust nuisance; and/or soil degradation, notice may be served on the owner of the land requiring immediate removal of those animals specified in the notice for a period stated in the notice.</p>
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DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Item 13.2.2 Officer Recommendation continued.

	<p>7.7 Where notice has been served on an owner in accordance with this Clause the Council may also require the land to be rehabilitated to its satisfaction within a minimum of 90 days or an alternative time frame of serving the notice.</p> <p>7.8 In the event that such action is not undertaken, Council may carry out the works deemed necessary, with all costs being borne by the owner.</p> <p>7.9 Where Council carries out works deemed necessary, the owner must re-inburse the local government for the costs of undertaking the work within 28 days of the date of a requisition being made.</p> <p>7.10 Where an owner does not pay for the cost of works undertaken by the local government within 28 days of the date of a requisition being made, the local government may recover it as well as the costs of the proceedings for that recovery in a court of competent jurisdiction.</p> <p><u>8.0 Water Supply</u></p> <p>8.1 Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p><u>9.0 Effluent Disposal</u></p> <p>9.1 On-site effluent disposal is to be the responsibility of the individual landowners.</p> <p>9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>9.3 Council shall require the use of phosphate-removing Alternative Treatment Unit (ATU) effluent disposal systems where use of these systems is depicted on the approved Subdivision Guide Plan or where in the opinion of the Council, soil conditions are not conducive to the retention of nutrients.</p> <p>9.4 Effluent disposal systems are prohibited within Development Exclusion Areas and Effluent Disposal Exclusion Areas as depicted on the approved Subdivision Guide Plan.</p> <p>9.5 Effluent disposal systems are to be located inside the building envelope required by sub-clause 4.2.</p> <p>9.6 No more than one effluent disposal system will be permitted per lot.</p>
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DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Item 13.2.2 Officer Recommendation continued.

	<p><u>10.0 Access</u></p> <p>10.1 All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>10.2 Lot access directly onto Chester Pass Road is prohibited.</p> <p>10.3 Council shall request the Commission to impose a condition at the subdivision stage requiring a restrictive covenant to be registered on the Certificate of Title(s) for all lots adjacent to Chester Pass Road, pursuant to Section 129B of the Transfer of Land Act, to prohibit vehicular access from these lots to Chester Pass Road.</p> <p>10.4 Council shall request that the Commission impose a condition at subdivision stage requiring a contribution towards the upgrading of Millbrook Road.</p> <p>10.5 Any road connection to Chester Pass Road requires approval by the local government and Main Roads WA.</p> <p><u>11.0 Fire Management</u></p> <p>11.1 Development within areas depicted on the approved Subdivision Guide Plan as 'Medium' Bush Fire Hazard Risk is to comply with the requirements of relevant bushfire protection guidelines and Australian Standard 3959.</p> <p>11.2 Fire hydrants in accordance with the relevant agency's requirements will be required as a condition of subdivision.</p> <p><u>12.0 Water Management and drainage</u></p> <p>12.1 An Urban Water Management Plan shall be lodged with an application for subdivision. Council may request that the WAPC impose a condition relating to the design and implementation of an Urban Water Management Plan (water usage and stormwater).</p> <p><u>13.0 Visual Management and Buffers</u></p> <p>13.1 At the time of subdivision, Council may request that the WAPC impose a condition relating to the preparation and implementation of a Visual Landscape Assessment and Plan.</p> <p>13.2 No subdivision shall proceed until all commercial extractive industry activities on Lot 50 have ceased for supply of gravel transported off the lot, and plans for rehabilitation have been substantially progressed to the satisfaction of the local government.</p> <p>13.3 Council shall recommend to the WAPC that a condition be imposed on the first stage of subdivision requiring all activities for gravel extraction to cease and the pit to be filled prior to clearance of new Certificate of Titles.</p> <p>13.4 No subdivision shall proceed until any sand extractive industry licences have been ceased for commercial extractive industry activities on Lot 50.</p>
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DEVELOPMENT SERVICES REPORTS

Item 13.2.2 continued.

Item 13.2.2 Officer Recommendation continued.

	<p>14.0 Notification of Prospective Owners</p> <p>14.1 Council may recommend that the WAPC impose a condition at subdivision stage requiring a notification or memorial on the Certificate of Title(s) for proposed lots to advise prospective purchasers that:</p> <ul style="list-style-type: none"> • The land is within a Special Rural Zone and is subject to special landuse requirements under the City of Albany Town Planning Scheme. Purchasers should liaise directly with the City. • There may be potential for nuisance as lots in the vicinity are utilised for rural uses and extractive industries which have potential for dust, noise and emissions. • Portions of the subdivided land have contained sand and gravel extraction pits which have been filled by the developer. At building licence stage, Council may require owners to lodge a geotechnical report demonstrating that the land can support the load of proposed development. <p>15.0 Geotechnical Report</p> <p>15.1 Council shall recommend to the WAPC that a condition be imposed on the subdivision requiring a detailed geotechnical report to be approved by the local government both prior to commencement of subdivision works and following completion of subdivision works. The report to provide adequate information proving that the land is suitable to accommodate future dwellings.</p>
<p>3) Modifying the Subdivision Guide Plan in accordance with the matters listed within paragraph 52 to Council’s satisfaction prior to referral to EPA.</p>	
<p>MOTION CARRIED 7-2</p>	

Record of Vote

For the Motion: Mayor Evans, Councillors R Hammond, D Wellington, M Leavesley, D Wolfe, D Dufty and J Matla

Against the Motion: Councillors J Bostock and D Bostock

DEVELOPMENT SERVICES REPORTS

ITEM 13.3.2 WITHDRAWN FROM AGENDA

ITEM NUMBER: 13.2.3
ITEM TITLE: FINAL APPROVAL OF SCHEME AMENDMENT - PT LOT 1 AND 2 FRENCHMAN BAY ROAD, FRENCHMAN BAY

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 295 (Vancouver Ward)
- Summary of Key Points** : Scheme amendment proposing to transfer location 7584, Pt Lot 1 and Lot 2 Frenchmans Bay Road, Frenchman Bay from the ‘Parks and Recreation’ reserve to the ‘Special Site (Caravan Park)’ zone.
- Land Description** : Location 7584, Pt Lot 1 and Lot 2 Frenchmans Bay Road, Frenchman Bay
- Proponent** : City of Albany
- Owner** : Frenchmans Bay PTY LTD ATF Frenchmans Bay Unit Trust
- Reporting Officer(s)** : Coordinator Statutory Planning (J van der Mescht)
- Disclosure of Interest** : Nil
- Business Entity Name** : Frenchman Bay Pty Ltd ATF Frenchman Bay Unit Trust
- Previous Reference** : OCM 21/07/09 Item 13.2.3 OCM 19/05/09 Item 11.1.1
SCM 13/10/09 Item 6.0
- Bulletin Attachment(s)** : Copy of submissions
- Consulted References** : Albany Local Planning Strategy
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.3 continued

BACKGROUND

1. Council at its SCM dated 13 October 2009 granted planning scheme consent for Holiday Accommodation on the site. At the same meeting Council requested staff prepare a scheme amendment to correct the zoning anomaly on the site.
2. This proposal seeks to transfer Pt Lots 1 and 2 Frenchman Bay Road, Frenchman Bay from the 'Parks and Recreation' reserve to the 'Special Site' zone.
3. Lots 1 and 2 Frenchman Bay Road are located at the eastern end of Frenchman Bay Road, approximately 20 km from the Albany City centre. The subject area consists of two lots with a total area of 3.2594 ha.
4. The subject lots were historically developed and known as the Frenchman Bay Caravan Park.
5. Records referring to the zoning of the land at both a Local Authority and a State Government level were subsequently altered to show lots 1 and 2 being zoned as a 'Special Site - Caravan Park'. No official proof e.g. amendment documentation or a gazettal notice can however be found to justify this change.
6. The scheme amendment was submitted with the appropriate supporting information and initiated by Council at the Ordinary Meeting held on 21 July 2009.
7. Council is now required to consider and determine the submissions received from the 42 day public consultation period.

DISCUSSION

8. The proposed rezoning will rationalise the Parks and Recreation Reservation and 'Special Site' zone to accord with the established lot boundaries.
9. The proposal is consistent with the historic use of the lots and the strategic intent for the area as a Tourist Node as shown in the Albany Local Planning Strategy (ALPS).
10. Council as part of the 'Special Site' Zoning may approve the following uses:
 - Caravan Park "P"
 - Caretakers House/Flat "P"
 - Holiday Accommodation "AA"
 - Petrol Filling Station "AA" (clients use only)
 - Public Recreation "AA"
 - Shop "IP"
11. The scheme amendment was assessed and is generally supported by the respective government agencies; most of the matters raised as part of the submissions can be dealt with at the time of development and or subdivision.

DEVELOPMENT SERVICES REPORTS

Item 13.2.3 continued

12. The Department of Water requested that the foreshore reserve be widened to include areas that may be affected by coastal processes and recreational pressures. This issue was addressed as part of the development application on the site, whereby Council requested as one of its conditions of planning consent, that Reserve 21337 be widened as per setback line A (minimum foreshore reserve) or 'preference 2' as per the attached correspondence. It is recommended that the zoning boundary be modified to reflect this position.

PUBLIC CONSULTATION/ENGAGEMENT

13. The Amendment was advertised in accordance with the requirements of the Town Planning Regulations 1967 from 4 February 2010 to 18 March 2010 by placement of a sign on-site, relevant State Government agencies and advertisement in the local newspaper.
14. Two other non-governmental submissions were received; one from a member of the public and one from a planning consultant acting on behalf of the owner. These submissions are summarised in the attached Schedule of Submissions. It is recommended that no changes be made to the rezoning document as a result of these submissions.

GOVERNMENT CONSULTATION

15. 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 does not require further formal assessment. The EPA however, re-iterates their previous advice regarding development at Lots 1 and 2, Frenchmans Bay Road, Frenchman's Bay.
16. The Amendment was also referred to the Department of Environment and Conservation, Department of Water, Department of Health, Department of Planning, Western Australian Tourism Commission, FESA, Heritage Council of Western Australia, Westnet Energy, Telstra, Water Corporation and Western Power.
17. Responses were received from Department of Health, Department of Water, Department of Environment and Conservation, Heritage Council of Western Australia, Great Southern Development Commission, Water Corporation and Western Power and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

18. 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

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

DEVELOPMENT SERVICES REPORTS

Item 13.2.3 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

20. The subject land is designated Tourist Accommodation Node on Map 9B of ALPS. Part 5.4 of ALPS deals with Tourism and contains the following planning principles:

“Albany will remain the premier tourism destination on the South Coast and will provide a complete tourism experience.”

And further recommends the following actions

- *“Encourage the effective management and development of Albany’s many iconic natural tourist attractions.*
- *Ensure that new tourism development and related land uses do not threaten the natural and cultural heritage values which make the City uniquely desirable as a tourist destination. This includes ensuring that tourism and residential coastal developments do not put adverse pressure on foreshore areas (CoA, DoW, WATC).*
- *Identify strategic and non-strategic tourist sites in the ALPS (CoA).”*

Part 8.5 ALPS Contains the following as part of the Economic Strategy;

- *“Encourage sustainable tourism uses and developments in locations that are compatible with existing uses and have the necessary supporting infrastructure.*
- *Promote economic development by supporting diversification of present economic activities to encourage investment into the City (CoA).*
- *Encourage the development of sustainable tourism uses and associated projects that integrate with the City’s natural and built landscape and heritage values (Tourism WA, GSDC, CoA, WAPC).*

POLICY IMPLICATIONS

21. 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.

22. SPP 2.6 - State Coastal Planning Policy

The objectives of this Policy are to:

- Protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
- Provide for public foreshore areas and access to these on the coast;
- Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

DEVELOPMENT SERVICES REPORTS

Item 13.2.3 continued

The amendment was referred to the EPA, Department of Environment and Conservation and the Department of Planning for comment.

23. 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.

The objectives of SPP 2.9 are to:

- Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;
- Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and
- Promote and assist in the management and sustainable use of water resources.

This Amendment was referred to the Department of Water as the Vancouver spring could be affected by the proposed rezoning area. Issues such as foreshore reserve widths, public access, protection of natural drainage lines, stormwater and nutrient management and development setbacks have been assessed by DOW as part of the development application process and specific recommendations were made in this regard.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. 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.

25. 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

26. It is recommended that the scheme amendment be finalised with a modification to the amending document and the scheme maps to reflect the widening of the foreshore reserve to the line marked as 'Preference 2' as per the drawing submitted by the Department of Water.

DEVELOPMENT SERVICES REPORTS

Item 13.2.3 continued

ITEM 13.2.3 - OFFICER RECOMMENDATION: ADOPT WITH MODIFICATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- 1) 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 WITH MODIFICATION, as identified in Paragraph 11 of the Officer's Report, Amendment No. 295 to Town Planning Scheme No. 3 as follows:
 - a) Transferring Location 7584, Part of Lot 1 and Lot 2 Frenchmans Bay Road from the 'Parks and Recreation' reserve to the ' Special site (Caravan Park)' zone.
 - b) Amending the Scheme Map accordingly.

AND

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

ITEM 13.3.2 WITHDRAWN FROM AGENDA

Item 13.2.3 continued

CITY OF ALBANY TOWN PLANNING SCHEME No. 3**AMENDMENT No. 295****SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. The EPA however, re-iterates their previous advice regarding development at Lots 1 and 2, Frenchman's Bay Road, Frenchman's Bay.	Noted. The advice provided relates specifically to a development application for holiday accommodation. It is anticipated that any future or any related development application for the subject lot would have to be referred to the EPA for comment.	The submission is noted.
2	Department of Health Grace Vaughan House 227 Stubbs Terrace SHENTON PARK WA 6008	No objection subject to all developments being connected to deep sewer.	Any development on the site should have an appropriate effluent disposal system. The extent of effluent disposal system required would have to be determined at the time of development. All major developments will be required to connect to deep sewer.	The submission is noted.
3	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	The land subject of this application is located within the Water Corporation's Water and Wastewater Operating License Areas and as such, the Corporation recommends that connection to the reticulated water and wastewater schemes are included as a condition of approval for this planning amendment.	Noted.	The submission is noted.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		The developer would be required to engage the services of a consulting engineer to discuss with the Corporation, servicing of the area with water and wastewater services.		
4	Department of Water (South Coast Region) 5 Bevan Street ALBANY WA 6330	<ul style="list-style-type: none"> • <u>Foreshore Reserve</u> Because of recreational pressures on the foreshore reserve and the need to protect the slope it is recommended that the foreshore reserve be extended (width to be determined). As per the Department of Water's stated preferences and attached map. 	<p>Noted.</p> <p>It is recommended that the area to be incorporated into the existing foreshore reserve be designated as Parks and Recreation Reserve on zoning map.</p> <p>The area up to the preference 1 line has already been established by the coastal engineers report and the land capability report that this section of the lot is not to be developed. Council considered the tenure of this land as part of its assessment on the development application, and specifically did not want to place this land in public ownership given the land is not accessible and would result in Council maintaining this reserve to the benefit of the developer, rather than the wider community.</p>	<p>The submission partly upheld.</p> <p>It is recommended that the proposed zoning boundary for the parks and recreation reserve be widened to include the area requested by the Department of Water as "Preference 2".</p>

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
5	Heritage Council of Western Australia 108 Adelaide terrace East Perth WA 6004	The proposed scheme amendment is supported with no comments. The submission further mentions previous advice provided as part of a Development application. 1. Due care is to be taken in regard to the existing concrete steps. 2. An interpretation proposal is to be developed and implemented as part of the development to convey the significance of the site in terms of its connection with the Norwegian Whaling Station.	Noted.	The submission is noted.
6	Great Southern Development Commission Pyrmont House 110 Serpentine Road Albany WA 6331	Notes the proposed changes and will not make any comment in this instance.	Noted.	The submission is noted.
7	Max Angus 43 La Perouse Rd Goode beach 6330	Have been advised that there is a proposal before the Planning Committee to rezone the Frenchman Bay 5 Star Resort site to allow private residential ownership. If this is the case then I wish to state my emphatic objection to such a proposal. I understood that the future of the site had been settled some months ago following several council meetings, conciliation	Noted. A submission relating to permanent residential development on the subject lot was lodged by Dykstra Planning on behalf of the Owner of the Land as a submission on the Tourism Strategy that was also advertised at the same time as this amendment.	The submission is noted.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3**AMENDMENT No. 295****SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>meetings between the Council and the owners/developers, and a resolution by Council.</p> <p>I am astounded that this matter has been reopened and even allowed to come before the Planning Committee.</p> <p>As a resident opposing the original proposal put to the Council last year, one of my fears was that the resort proposal was really reliant on the private sale of some or most of the site for privately owned housing and apartments. This was never previously declared and explicitly prohibited in the resolution finally adopted by Council.</p> <p>I find it disappointing that I only learned of the proposal for such a far-reaching amendment by stumbling last week across a notice near the entrance to the site.</p> <p>Perhaps because of due process the City is obliged to refer the developer's proposal to the Planning Committee. If that is so I trust that the Committee will give it short shrift.</p>	<p>A similar submission was lodged by Dykstra Planning on behalf of the Owner of the Land on this amendment as per point 7 of this item.</p> <p>This amendment resolves an anomaly by formally transferring the land from the "parks and recreation reserve" to the "special site (Caravan Park)" zone.</p>	
8	Dykstra Planning 2953 Albany Highway PO Box 31 6	This submission proposes that the entire site comprising Lots 1 and 2 Frenchman Bay Road, Frenchman Bay be included	This amendment resolves an anomaly by formally transferring a portion of the land from the "parks and	Dismissed.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
	Kelmscott WA 6991	<p>within the Additional Use Site that will allow for Grouped dwelling and/or multiple dwellings where:-</p> <p>a) At least 75% of the accommodation units remain exclusively for accommodation purposes;</p> <p>b) Tourist facilities, other than accommodation, have been developed on site;</p> <p>It is requested that Council modify the current Scheme Amendment by including the Additional Use Site particulars as detailed.</p>	<p>recreation reserve” to the “special site (Caravan Park)” zone.</p> <p>The purpose of this zone is specifically focused on tourism development and does not specifically allow for residential development.</p> <p>Council furthermore does not strategically support any change that will allow for a permanent residential component to be included as part of any development on the subject lot, as resolved at the Ordinary Council meeting held on the 16th of March 2010 which stated:</p> <p><i>“Dykstra Planning be advised that Council does not support any modifications being made to the City of Albany Tourism Accommodation Planning Strategy (January 2010) which would remove the “Local Strategic Site” classification from site 9 (the former Frenchman Bay Caravan Park site) or the modification of the strategy to</i></p>	

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
			<i>provide for a residential component to be incorporated into a future development on that site.</i>	
9	Department of Environment and Conservation (South Coast Region) 120 Albany Highway ALBANY WA 6330	<p>The Albany Office of the Department of Environment and Conservation (DEC) considered the request on the basis of previous advice tendered for a draft planning scheme consent application (December 2008) and a subdivision/amalgamation application involving Lots 1 and 2 (November 2008). The site and surrounds have also been visited by DEC staff on numerous occasions over many years.</p> <p><u>1. Vegetation</u></p> <p>The bulk of this site is highly disturbed having previously accommodated a caravan park and associated infrastructure. The remnant vegetation is primarily sparse peppermint woodland which has been selectively allowed to flourish for provision of shade, visual screening and shelter to the former caravan park. The portion in the west of the area has been less disturbed and is located upslope and within the catchment of the beach springs to the</p>	<p>Noted.</p> <p>As part of the standard process for assessing Subdivision and/or development applications the matters raised will have to be considered and the Department of Environment and Conservation (DEC) should be consulted as part of this process.</p> <p>Any development on the site should have an appropriate effluent disposal system; the extent of effluent disposal system required would have to be determined at the time of development.</p>	Noted.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>north of that vicinity. Any removal of native vegetation within the subject land should therefore still be subject to normal Clearing Permit processes.</p> <p>There should also be liaison with DEC regarding dieback hygiene (and possibly weed management) procedures during any future site works.</p> <p>2. <u>Fire</u> DEC wishes to be involved in the development of fire protection plans for the subject land due to the proximity of Torndirrup National Park and also in assessment of any impacts upon native flora or fauna habitat which could result from proposed protection measures.</p> <p>3. <u>Fauna</u> There is no known unique fauna value from the area however, it is likely that the peppermint trees may attract Western Ringtail possums (<i>Pseudocheirus occidentalis</i>) as well as the usual array of avifauna, small mammals, reptiles and snakes. Hence, DEC recommends that a fauna management plan be prepared for the development phase. This will include</p>		

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>protocols for any handling of native fauna or relocation of fauna into Torndirrup National Park or elsewhere.</p> <p>4. <u>Other Issues</u> Careful consideration will be required regarding visual and other amenity issues associated with any development upon the nearby Torndirrup National Park as the site is within the view-shed of some tourist roads and is particularly visible from Misery Hill (Bald Head Trail) within the park.</p> <p>Advice on a number of other issues of interest to DEC, in particular potential site contamination and the environmental impacts of any upgrading of services for example; effluent disposal, has been provided by the Environmental Protection Authority in its advice to you of 2 November 2009.</p>		
10	Western Power Locked Bag 2520 Perth WA 6001	No objections	Noted.	The submission is noted.
11	Telstra Corporation Ltd (Forecasting & Area Planning) 3/80 Stirling Street	No negative comment and advises that the area can be easily serviced.	Nil.	The submission is noted.

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 295

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
	PERTH WA 6001			

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.2.4
ITEM TITLE: FINAL APPROVAL OF SCHEME AMENDMENT – LOT 104 COCKBURN ROAD, MIRA MAR

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

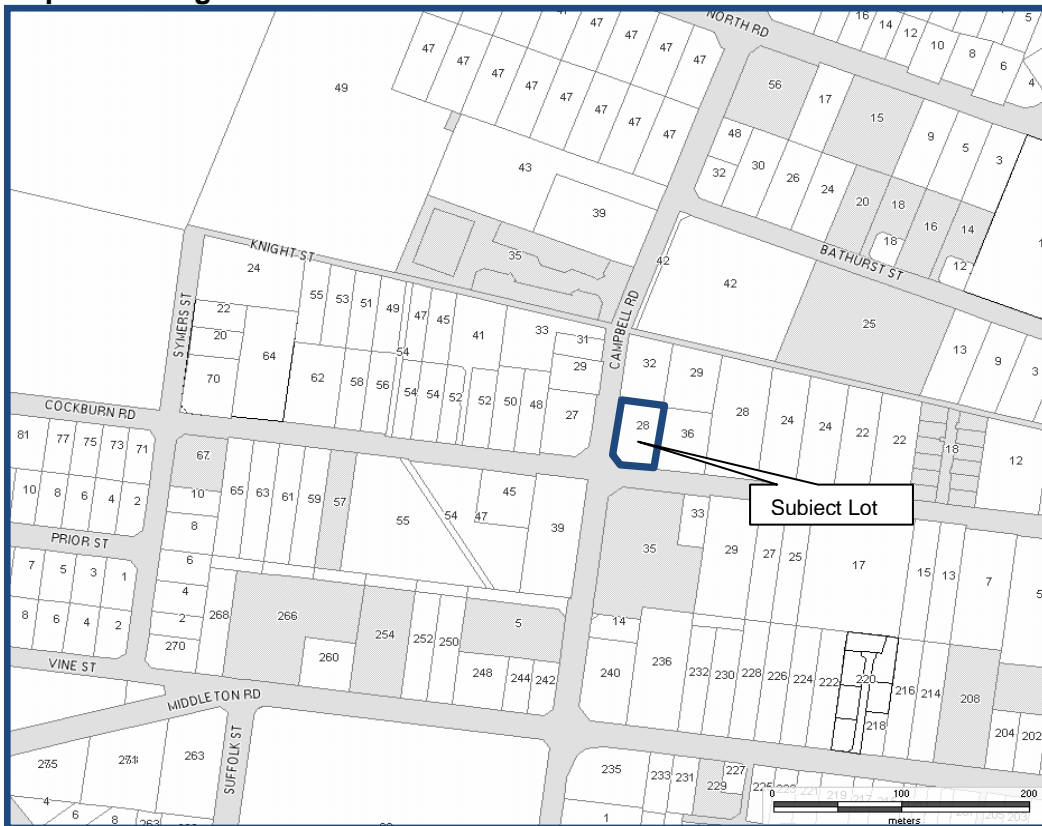
Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

File Number or Name of Ward : AMD 175 (Frederickstown Ward)
Summary of Key Points : Final approval of the amendment to amend Town Planning Scheme 1A by designating Lot 104 Cockburn Road, Mira as a Special Site and allowing the additional use of ‘Medical Clinic’

Land Description : Lot 104 Cockburn Road, Mira Mar
Proponent : Harley Global
Owner : T and O Management PTY LTD
Reporting Officer(s) : Coordinator Statutory Planning (J van der Mescht)

Disclosure of Interest : Nil
Business Entity Name : Albany Dental Clinic
Previous Reference : OCM 15/12/2009 Item 13.2.1
Bulletin Attachment(s) : Copies of submissions
Consulted References : Albany Local Planning Strategy
Councillor Lounge : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.4 continued

BACKGROUND

1. An application has been received from Harley Global (planning consultants) seeking to amend Town Planning Scheme No. 1A by including a “Special Site” with the additional use of ‘Medical Clinic’ on Lot 104 Cockburn Road, Mira Mar.
2. The subject lot is located approximately 1.3 km from the Albany CBD via Middleton and Campbell Road. The lot is on a prominent corner, being opposite Reeves & Co Butchers, Outdoor World and in close proximity to a variety of other commercial and light industrial land uses.
3. The Scheme Amendment was submitted with the appropriate supporting information and initiated by Council at the Ordinary Meeting held on 15 December 2009.
4. Council is now required to consider and determine the submissions received from the 42 day public consultation period.
5. The successful completion of this amendment will facilitate the future development of the property as a “Medical Clinic” in accordance with the provisions of the “Special Site” and Town Planning Scheme (TPS) No.1A.

DISCUSSION

6. The purpose of the rezoning is to enable the use ‘Medical Clinic’ to be approved on the subject land. The use ‘Medical Clinic’ would allow for more than 2 medical practitioners (which includes dentists) to operate from the site.
7. The Albany Local Planning Strategy earmarks the area as ‘City Centre’ and is recognised as part of an existing commercial complex in the Activity Centres Planning Strategy.
8. The proposed special site zoning and use ‘Medical Clinic’ is considered appropriate for the locality and compatible with the adjoining land uses.
9. The scheme amendment was assessed and is supported by the respective Government Departments and agencies with no comment from public including adjoining owners.
10. The “Special site” zoning over the subject lot is considered an appropriate zone for the subject lot and will strengthen the functions in the existing activity node. The proposed zoning is furthermore consistent with the future strategic intention for the land as documented in ALPS.
11. It is recommended that the scheme amendment be finalised without modifications.

PUBLIC CONSULTATION/ENGAGEMENT

12. The amendment was advertised in accordance with the requirements of the Town Planning Regulations 1967 from 11 March 2010 to 22 April 2010 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
13. No objections were received from members of the public.

DEVELOPMENT SERVICES REPORTS

Item 13.2.4 continued

GOVERNMENT CONSULTATION

14. 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.
15. The Amendment was also referred to WestNet Energy, Telstra, Water Corporation and Western Power.
16. Responses were received from Telstra, Water Corporation and Western Power and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

17. 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

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

19. The subject land is shown as "City Centre" within the ALPS and is recognised as an existing Commercial Complex in the Activity Centres Planning Strategy that forms part of the ALPS.
20. The proposal is consistent with the objectives and outcomes of ALPS and the Activity Centres Planning Strategy.

POLICY IMPLICATIONS

21. There is no policy implications related to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

22. 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.
23. 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.

DEVELOPMENT SERVICES REPORTS

Item 13.2.4 continued

SUMMARY CONCLUSION

- 24. The “Special site” zoning over the subject lot is considered an appropriate zone for the subject lot and will strengthen the functions in the existing activity node. The proposed zoning is furthermore consistent with the future strategic intention for the land as documented in ALPS.
- 25. It is recommended that the scheme amendment be finalised without modifications.

**ITEM 13.2.4 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

- 1) **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. 175 to Town Planning Scheme No. 1A as follows:**

 - a) Including Special Additional Use S45 on Lot 104 Cockburn Road, Mira Mar;
 - b) Amending Appendix II – ‘Schedule of Special Sites’ to include the following:

	Code No.	Particulars of the Land	Base Zone	Additional Use	Conditions
S45	45	Lot 104 Cockburn Road, Mira Mar	Residential R30	Medical Clinic	1. On-site car parking to be provided in accordance with Council’s car parking requirements.

- c) Amending the Scheme Maps accordingly.

AND

- 2) **RECEIVE** the Schedule of Submissions and **ADOPTS** the officers recommendation to dismiss, uphold or note each individual submission as contained within the schedule of Submissions.

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

Item 13.2.4 continued

**CITY OF ALBANY TOWN PLANNING SCHEME No. 1A
AMENDMENT No. 175
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed and it is not necessary to provide any advice or recommendations.	Nil.	Noted.
2	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	No objection. The developer would be required to discuss the future water and waste water servicing requirements of the development with the Water Corporation.	Nil.	Noted.
3	Western Power Locked Bag 2520 Perth WA 6001	No objections.	Nil.	Noted.
4	Telstra Corporation Ltd (Forecasting & Area Planning) 3/80 Stirling Street PERTH WA 6001	No negative comment.	Nil.	Noted.

DEVELOPMENT SERVICES REPORTS

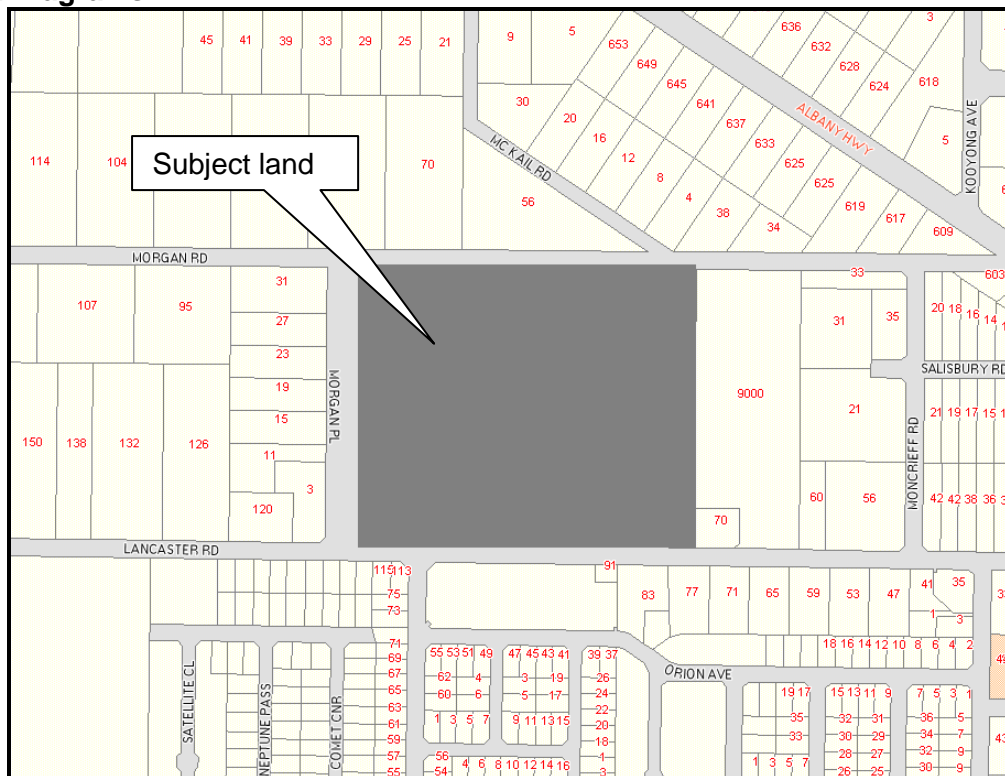
ITEM NUMBER: 13.2.5
ITEM TITLE: FINAL ADOPTION OF OUTLINE DEVELOPMENT PLAN (ODP) – MORGAN PLACE, MCKAIL

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** : ODP004 (West Ward)
- Summary of Key Issues** : Final Adoption of Outline Development Plan
- Land Description** : Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47, 50 and 51 Lancaster Road, McKail
- Proponent** : Harley Global
- Owner** : P Boccamazzo
- Reporting Officer(s)** : Strategic Planner (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/8/2009 Item 13.5.1
- Bulletin Attachment(s)** : Amended Outline Development Plan
Letter from WAPC requesting modifications
- Consulted References** : Nil
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.5 continued

BACKGROUND

1. The Council at its meeting dated 18 August 2009 previously adopted an Outline Development Plan (ODP) over Lot 48 Morgan Place, Lot 49 Morgan Road and Lots 47, 50 and 51 Lancaster Road, McKail and requested that the Western Australian Planning Commission (WAPC) endorse the plan.
2. The WAPC has requested that seven (7) changes to the ODP be undertaken, which involves the following:
 - 1) Include reference in the document and on the ODP to the preparation and implementation of an Urban Water Management Plan that will be required at the subdivision stage;
 - 2) Include reference in ODP document and an ODP for the preparation and implementation of a Foreshore Management Plan and the establishment of a living stream;
 - 3) Remove provision for amalgamation of undeveloped, vegetated portion of Morgan Place road reserve into development site;
 - 4) Denote on ODP that the undeveloped, vegetated portion of Morgan Place road reserve shall be closed by Council and retained in an appropriate new reservation;
 - 5) Establish an access point to the development from Lancaster Road;
 - 6) Convert northern access road onto Morgan Place to a Pedestrian Access Way and show as such on the ODP; and
 - 7) Indicate on the ODP that a Detailed Area Plan (DAP) shall be required as a condition of subdivision for those lots abutting POS/foreshore areas.
3. The WAPC also suggested in its correspondence that pockets of 'R30' density be included in the plan adjacent to the areas of public open space (POS). The plan below identifies the location of proposed pockets of 'R30' which are adjacent to the POS.
4. The amended ODP is presented to Council to ascertain whether there is support for the suggestion of the WAPC in introducing R30 onto the ODP and whether Council is willing to support the creation of a recreation reserve adjacent to Morgan Place as part of the ultimate subdivision of the land.
5. All other modifications requested by WAPC add value to the ODP and are supported. The proponent has made all changes as requested by WAPC, inclusive of the identification of R30 areas in consultation with staff.

DEVELOPMENT SERVICES REPORTS

Item 13.2.5 continued



DISCUSSION

6. Five pockets of R30 have been identified immediately adjacent to the large POS area in the eastern part of the ODP. The 'family park' is 17,191m² in size and will accommodate a prominent drainage line which will be developed as a 'living stream' as requested by the Department of Water.
7. The identification of R30 areas adjacent to high amenity POS areas is consistent with the WAPC's Liveable Neighbourhoods document.
8. The proponent as a condition of subdivision will be required to prepare a Detailed Area Plan for all such lots adjacent to POS areas, ensuring an attractive and consistent built form in addition to providing passive surveillance over the park.
9. The WAPC has also suggested that in order to protect the vegetation contained with the eastern portion of the Morgan Place road reserve, that this excess land be incorporated into a recreation reserve. Staff support this suggestion as the land will still be under Council's care and control regardless of it's designation however a recreation reserve will ensure the vegetation has a higher degree of preservation.

DEVELOPMENT SERVICES REPORTS

Item 13.2.5 continued

10. Staff are supportive of the 7 modifications identified above in addition to the advice provided by the WAPC in relation to the provision of R30 and the retention of vegetation in Morgan Place.

PUBLIC AND GOVERNMENT CONSULTATION / ENGAGEMENT

11. Public and government consultation was undertaken at the initiation stage of the plan. Further public and government consultation has been deemed not necessary by the WAPC.

STATUTORY IMPLICATIONS

12. The subject land is currently zoned 'Residential Development by Scheme 3. Clause 5.5 of this scheme notes that in order for 'Residential Development' zoned land to be subdivided, an outline development plan must first be adopted by the Council and approved by the WAPC.

FINANCIAL IMPLICATIONS

13. There are no financial implications.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

14. There are no strategic implications.

POLICY IMPLICATIONS

15. There are no policy implications

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. Council could advise the Western Australian Planning Commission that it does not support the modifications proposed, or not accept it's advice in relation to the provision of R30 pockets and the retention of vegetation within Morgan Place via the creation of a recreation reserve.

SUMMARY CONCLUSION

17. The plan complies with principles defined within the WAPC Liveable Neighbourhoods document and the increased pockets of density from R20 to R30 adjacent to high amenity POS areas is supported by staff.

**ITEM 13.2.5 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WOLFE**

THAT Council SUPPORTS the recommended modifications and advice as per the letter dated 17 March 2010 from the Western Australian Planning Commission for the Outline Development Plan (ODP004) for Morgan Place and FORWARDS the amended ODP to the WAPC for final endorsement.

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

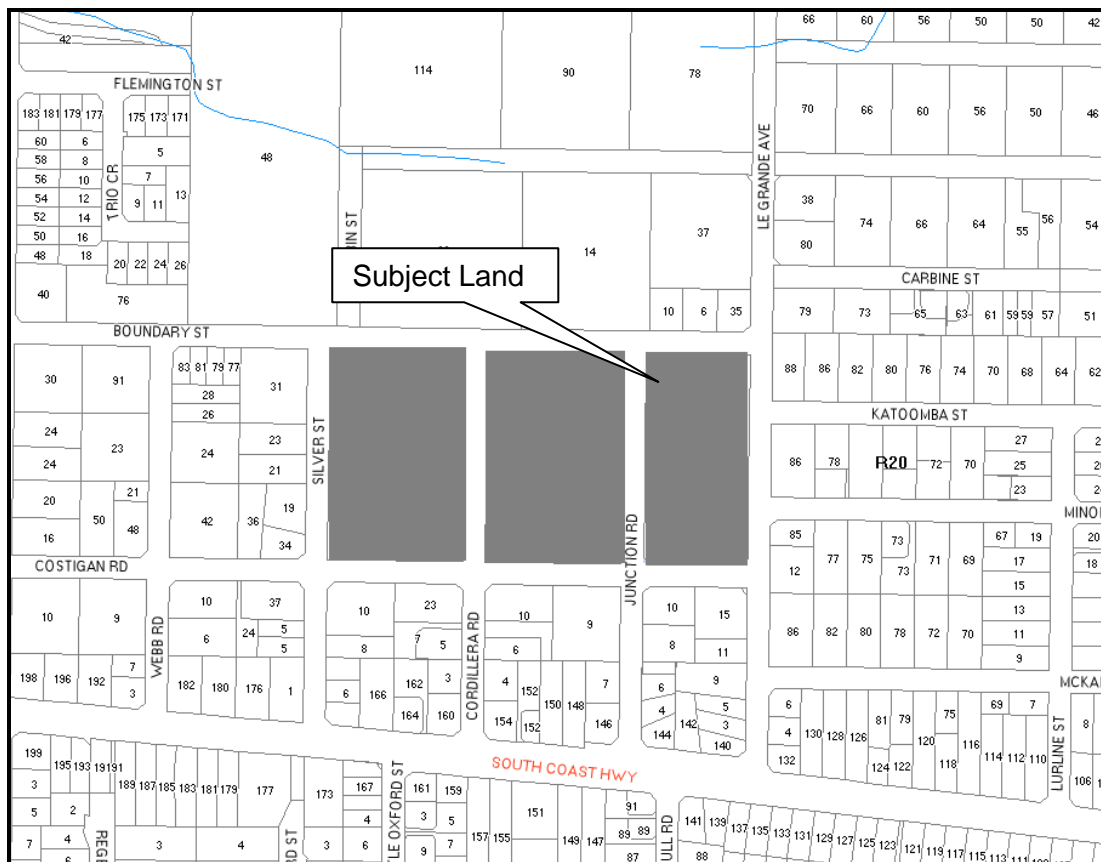
ITEM NUMBER: 13.2.6
ITEM TITLE: AMENDMENT TO OUTLINE DEVELOPMENT PLAN (ODP) – LE GRANDE AVENUE, MCKAIL

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 : ODP001(West Ward)
Summary of Key Issues : Amendment to Outline Development Plan
Land Description : Lot 35 Le Grande Avenue, McKail
Proponent : Dykstra Planning
Owner : STEG Pty Ltd
Reporting Officer(s) : Strategic Planner (A Nicoll)
Disclosure of Interest : Nil
Business Entity Name : STEG Pty Ltd
Previous Reference : OCM 16/2/2010 Item 13.6.1
Bulletin Attachment(s) : Amended ODP
Consulted References : Nil
Councillor Lounge : Nil

Maps and Diagrams:

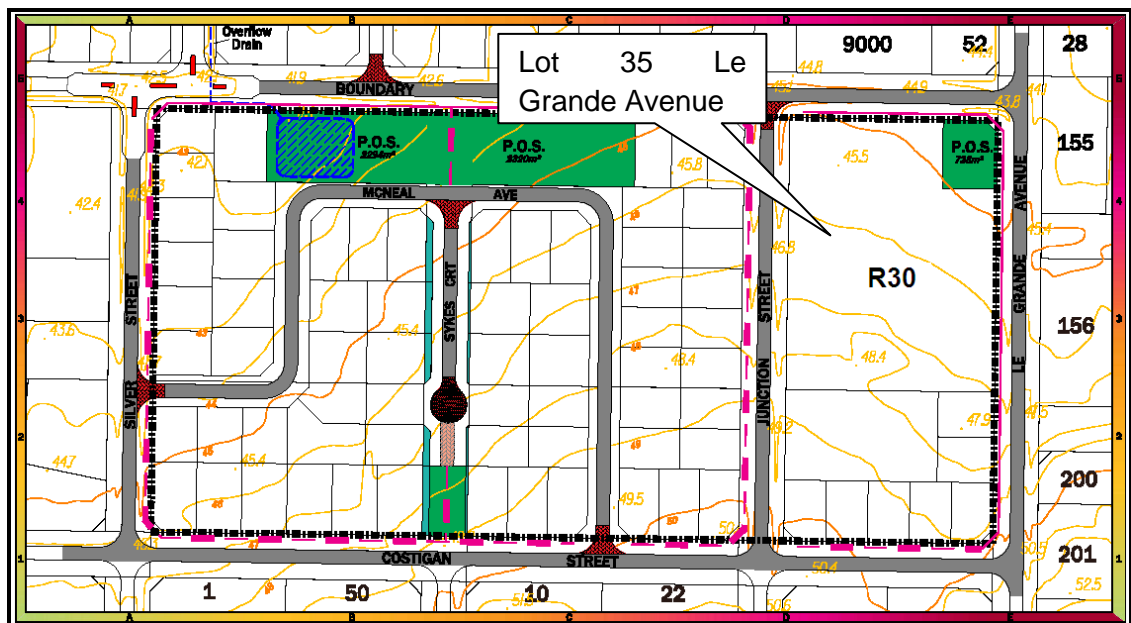


DEVELOPMENT SERVICES REPORTS

Item 13.2.6 continued

BACKGROUND

1. At its February 2010 Council meeting, the Council supported for the purposes of advertising, a proposal to amend the Outline Development Plan OD001 to accommodate a higher residential density over Lot 35 Le Grande Avenue, McKail from R20 to R30.
2. An R30 density would allow the creation of a consolidated grouped dwelling development over Lot 35.
3. The ODP was advertised for a period of four (4) weeks, and at the close of the advertising period no submissions were received. The area of the ODP to be modified to accommodate the R30 density is shown in the diagram below.



DISCUSSION

4. The proposed change provides an incentive for a consolidated grouped dwelling development, accommodates additional POS (on the corner of Boundary Road and Le Grande Avenue) and reduces potential traffic conflicts onto Le Grande Avenue, by ensuring access to units are gained internally.

STATUTORY IMPLICATIONS

5. The subject land is currently zoned 'Residential Development' within Town Planning Scheme 3. Clause 5.5 of this scheme notes that in order for 'Residential Development' zoned land to be subdivided, an outline development plan must first be adopted by the Council and approved by the WAPC.

FINANCIAL IMPLICATIONS

6. There are no financial implications.

DEVELOPMENT SERVICES REPORTS

Item 13.2.6 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

7. There are no strategic implications.

POLICY IMPLICATIONS

8. There are no policy implications.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

9. Council could refuse not to support the proposed amendment to the ODP.

SUMMARY CONCLUSION

10. The proposed amendment is consistent with WAPC'S Liveable Neighbourhoods document which supports a variety of lot sizes in suitable locations with appropriate services. The proposal will promote improved traffic safety by ensuring no direct driveway access onto Le Grande Avenue, and will involve the creation of additional POS.

**ITEM 13.2.6 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR DUFTY**

THAT Council resolves to:

- 1) **SUPPORT the amendment to the Outline Development Plan (ODP001) to allow for an increased density over Lot 35 Le Grande Avenue, McKail from R20 to R30; and**
- 2) **FORWARD the amended Outline Development Plan (ODP001) to the Western Australian Planning Commission requesting final endorsement.**

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.2.7
ITEM TITLE: INITIATION OF MODIFICATIONS TO THE DETAILED AREA PLANS POLICY

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** : DAP005 (Frederickstown Ward)
- Summary of Key Points** : To initiate modifications to the detailed area plans policy by adding DAP 005 to Schedule 1 of the policy.
- Land Description** : Various lots adjoining the Verdi and Jeffries street Row’s as per the DAP
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Coordinator Statutory Planning (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Policy
DAP005
- Consulted References** : Liveable Neighbourhoods (WAPC)
- Councillor Lounge** : Nil

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 13.2.7 continued

BACKGROUND

1. Council has developed a Detailed Area Plan (DAP) for the lots and the system of Right of Ways (ROW) bounded by Jefferies Street, Verdi Street, Serpentine Rd and Albany Highway, Mt Melville, for inclusion into schedule 1 of Council's Detailed Area Plan Policy.
2. The Council Policy on Detailed Area Plans was adopted by Council in 2007 and allows for the inclusion of Specific DAP's into Schedule 1 of the Policy.
3. The DAP has been developed to facilitate and guide the development of the lots that adjoin the Right of Ways between Jefferies and Verdi Street.
4. The subject lots are currently zoned "Residential" with an applicable R-code density of R30.
5. The subject lots back onto a system of Rights of Ways that are in the process of being dedicated as public Rights of Ways (ROW).

DISCUSSION

6. The use of the ROW's for access will facilitate the development and subdivision of the subject lots without having to rely on separate access ways or having multiple battle axe legs.
7. The use of the ROW will therefore result in the efficient use of land with an attractive streetscape when redeveloped.
8. The Detailed area plan deals with various matters that include the use of the ROW's, surveillance over the ROW, a 1 m widening of the ROW and truncations.
9. The DAP meets the requirements of Liveable Neighbourhoods and addresses the main points for consideration applicable to lots abutting the ROW areas.

PUBLIC CONSULTATION/ENGAGEMENT

10. The revised Policy would need to be advertised twice in the local newspaper and referred to surrounding landowners, requesting comment within a twenty-one (21) day period.

GOVERNMENT CONSULTATION

11. Nil

STATUTORY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 13.2.7 continued

13. Should Council support the proposed DAP's and agree to include them within its existing Policy, the revised Policy would need to be advertised twice in the local newspaper and referred to surrounding landowners, requesting comment within a twenty-one (21) day period. After this period, Council is required to review its proposal in light of submissions and ultimately decide whether it wishes to proceed with the policy in its current form, or with amendments, or decide not to proceed.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

16. There is no policy implications related to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Council has the following options in relation to this item, which are:
- To resolve to initiate the changes to the policy without modifications;
 - To resolve to initiate changes to the policy with modifications; or
 - To resolve not to initiate the policy.

SUMMARY CONCLUSION

18. The DAP will facilitate and guide the development and subdivision of the lots that adjoin the Right of Ways between Jefferies and Verdi Street. The DAP will furthermore be instrumental in guiding residential development that will improve land use efficiency, neighbourhood character and community safety through the promotion of passive surveillance.

DEVELOPMENT SERVICES REPORTS

Item 13.2.7 continued.

ITEM 13.2.7 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**MOVED: COUNCILLOR MATLA**
SECONDED: COUNCILLOR DUFTY

THAT Council **ADOPTS** for the purposes of advertising the revised Detailed Area Plan Policy, to include DAP 005 Jeffries and Verdi street area 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	Mt Melville	Verdi and Jefferies Street Right of Ways

MOTION CARRIED 9-0

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.2.8

ITEM TITLE: MODIFICATIONS TO THE DRAFT ALBANY LOCAL PLANNING STRATEGY

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	: STR078 (All Wards)
Summary of Key Points	: Consideration of modifications proposed for the Albany Local Planning Strategy (ALPS)
Land Description	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: A/Executive Director Development Services (G Bride) Strategic Planning Officer (A Nicoll)
Disclosure of Interest	: Nil
Business Entity Name	: N/A
Previous Reference	: OCM 21/08/07 – Item 11.3.1 OCM 16/09/08 – Item 11.6.1 OCM 16/12/08 – Item 11.6.1 OCM 19/01/09 – Item 13.2.1 OCM 21/04/09 – Item 11.6.1 OCM 18/05/10 – Item 13.2.2
Bulletin Attachment(s)	: Attachments found within May OCM Bulletin b1.1.8_a_13.2.2 (pages 150 – 257)
Consulted References	: Letter from Cardno in relation to retail components
Councillor Lounge	: Activity Centres Planning Strategy Economic Impact Assessment (Centro)

BACKGROUND

1. On the 21 August 2007 after the initial advertising period was completed the Albany Local Planning Strategy (ALPS) was adopted by Council, and subsequently forwarded to the Western Australian Planning Commission for endorsement.
2. The Western Australian Planning Commission (WAPC) in its letter of 30 April 2008 requested Council make several modifications to ALPS. It advised specifically that the modifications involving the Candyup locality (Future Urban) and the Little Grove land owned by the Roman Catholic Church would need to be advertised to government agencies and the community seeking submissions.

DEVELOPMENT SERVICES REPORTS

Item 13.2.8 continued

3. At its meeting dated 16 September 2008 Council resolved to support the majority of the modifications requested by the WAPC. The resolution specifically stated:

“THAT Council:

- a) Receives the Schedule of Modifications from the Western Australian Planning Commission;*
- b) Supports the staff recommendation contained within the attached Schedule of Submissions;*
- c) Requests the Western Australian Planning Commission reconsider modifications 8, 11(a), 11(b) and 11(d); and*
- d) In the event that the Western Australian Planning Commission accepts Council’s position in relation to Point 3 above, agrees to re-advertise the revised Albany Local Planning Strategy for a period of 42 days.”*

4. Separate to the ALPS process, at its meeting dated 16 December 2008 Council considered a Scheme Amendment Request (SAR) and resolved to advise the landowner that it was prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River from the “Rural” zone to the “Special Rural” zone and that the ALPS be amended to recognise this land as “Rural Living”.

5. On 29 January 2009 the WAPC sent back a schedule relating to the draft ALPS in response to the City of Albany’s recommendations (September 2008).

6. On 21 April 2009 Council resolved to support the WAPC’s position on all modifications, including the insertion of recommendations relating to the Activity Centres Planning Strategy (ACPS). The resolution specifically stated the following:

“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.”

7. The WAPC resolution included a reminder that a final draft would need to be prepared prior to the City undertaking re-advertising (ie. that further advertising would be required) before WAPC would consider final adoption.

8. On 2 December 2009 the WAPC advised that the five (5) substantial modifications, differing from the originally advertised version, would need to be placed on public exhibition seeking comments and a final position of Council. The substantial modifications that required advertising were:

- Modification 1
Modify Map 9B for land at Lower Kalgan (Kalgan River – North and South of Nanarup Road) from ‘Rural Residential’ to ‘Future Urban’ ‘Priority 5’;
- Modification 2
Modify Map 9B for land at Little Grove (The Roman Catholic Church) from ‘Local Reserve’ to ‘Future Urban’;

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- Modification 3
Modify the retail components (text and maps) of the ALPS in accordance with the Activity Centres Planning Strategy;
 - Modification 4
Modify Map 9B for land at King River (Lot 50 Chester Pass Road) from 'Rural' to 'Rural Residential';
 - Modification 5
Modify Map 9B to differentiate 'Residential' and 'Special Residential' land.
9. The above modifications have not been subjected to community consultation, and the WAPC directed Council to advertise these changes to seek input from the community and government agencies before arriving at a final position.
 10. During the advertising period of the ALPS, the Council resolved at its meeting dated 19 January 2010 to advise the proponent of Lots 50 and 51 Nanarup Road that it was prepared to entertain the submission of a formal Scheme Amendment (Scheme 3) to rezone Lots 50 and 51 Nanarup Road from the 'Rural' zone to the 'Special Residential' zone.
 11. The advertising of the substantial modifications has now ended and a copy of the schedule of submissions providing staff commentary is provided at the rear of this report.
 12. At the 18 May 2010 Council meeting the application was laid on the table for one month. At this meeting concern was expressed by some Councillors that a rescission motion may be needed given Council had previously expressed support to include the land at Little Grove (owned by the Roman Catholic Church) as Future Urban within ALPS. The same issue also applies to that recommendation affecting the Candyup proposal as Council had previously supported a designation of Future Urban, and any changes outside of the recommendations contained within the Activity Centres Strategy.
 13. Paragraphs 2, 3 and 6 to 9 of the above report identifies that the 5 modifications to be considered by Council in this item were never subject to public consultation and were always required to be advertised prior to further consideration by WAPC in endorsing the ALPS. Council now has the ability to make it's final determination on these particular 5 items in any manner it sees fit based on the submissions received.

DISCUSSION

14. In relation to each of the modifications staff advise the following:

Modification 1 (Lower Kalgan Future Urban Cell)

15. Modification 1 involves modifying Map 9B for land at Lower Kalgan (Kalgan River – North and South of Nanarup Road) from 'Rural Residential' to 'Future Urban', 'Priority 5'.

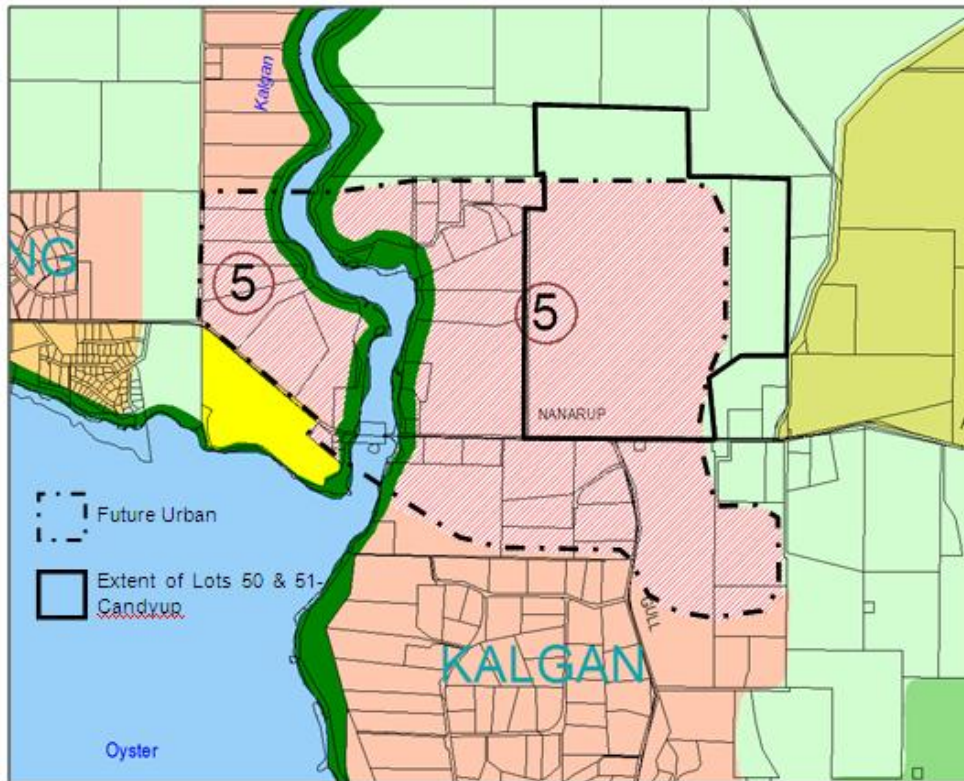
DEVELOPMENT SERVICES REPORTS

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16. The owner of Lots 50 and 51 Nanarup Road originally requested that the designation of land on Map 9B, Lower Kalgan be changed from 'Rural Residential' to 'Future Urban'. Council supported this and included a 'Priority 5' (P5) classification, the intent being to protect the current agriculture land use until such time that the higher priority areas (P1, P2, P3, and P4 areas) identified in ALPS were developed and demand was created to make available more land for residential development.
17. A number of submissions on this modification have been received with a full spectrum of opinions to either:
 - protect the current agriculture use of the land;
 - designate the land Map 9B as 'Future Urban' 'Priority 5', to protect the current use of the land and to support fully serviced, incremental (P1-P5) development; and
 - designate as 'Special Residential', to support low density residential living in keeping with the character of the area.
18. The final designation for this land on Map 9B, should be consistent with the objectives for settlement, which are as follows:
 - stop the spread of rural living;
 - infill existing rural and urban living areas as a first priority;
 - support incremental fully serviced urban development (Priority 1 first and priority 5 last); and
 - protect agricultural land uses.
19. Council at its 19 January 2010 meeting resolved to advise the proponent that it was prepared to entertain the submission of a formal scheme amendment for Lots 50 and 51 Nanarup Road to rezone the land to 'Special Residential' which forms part of the cell designated as Future Urban in ALPS. This decision has implications for the balance of the land within the designated Future Urban cell; the removal of Lots 50 and 51 from the Future Urban designation in effect would make long term residential development over the balance of the cell unviable (given the mass/density needed to offset the cost of providing sewer and reticulated water to the site into the future).
20. Council now needs to take a position on the whole cell within ALPS. The diagram below shows Lots 50 and 51 in context with the extent of the Lower Kalgan Future Urban cell as identified in the advertised version of ALPS.

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Item 13.2.8 continued



21. In relation to the Future Urban cell staff believe Council have three distinct options which are:

Option 1

22. Change the designation from 'Future Urban' to 'Special Residential' north of Nanarup Road (consistent particularly in relation to Lots 50 and 51 as per it's resolution of 19 January 2010), with the balance of the Future Urban cell south of Nanarup Road and west of the Kalgan River being changed to Rural Residential (Special Rural).
23. This option also addresses in part the submission from H. Dykstra (submission 17) who suggested that land to the south of Nanarup Road should be designated as Rural Residential and Special Residential to tie in with existing surrounding development, and the submission from the Department of Environment and Conservation (submission 11) who did not support the Future Urban designation west of the Kalgan River.
24. This option would maintain a consistent form of development to that currently existing on the south side of Nanarup Road and would provide a clear distinction and buffer from the special residential designation proposed to the north.
25. The Department of Planning in their response to the SAR proposal for Lot 422 Affleck Road also supported this position as follows:

"In relation to the future redevelopment of the land to fully serviced urban residential land as anticipated in the SAR, DPI considers that all the land in the locality south of Nanarup Road should be identified as Special Rural, with the future urban residential land confined to the land to the locality north of Nanarup Road. This is in

DEVELOPMENT SERVICES REPORTS

Item 13.2.8 continued

recognition of the existing land uses, existing lot pattern, and existing special rural approvals in the locality south of Nanarup Road.”

Option 2

26. Change the designation from ‘Future Urban’ to ‘Special Residential’ both sides of Nanarup Road, with rural residential maintained west of the Kalgan River.
27. This option would cater for lot sizes down to a minimum of 2000m² where land capability permits, although it is recognised that in order to retain vegetation and to ensure there are sufficient areas for effluent disposal, a mix of lot sizes would be achieved.
28. The majority of lots on the south side of Nanarup Road are zoned special rural and are generally in excess of 1 hectare, or have the potential to be subdivided further to lots over 1 hectare. Unlike option 1, which allows for the separation of special residential and special rural development via Nanarup Road, special residential would immediately adjoin existing special rural development, and represent a density twice, or in most cases three times that of existing development.

Option 3

29. Retain the designation of Future Urban as advertised.
30. It is acknowledged that Council has advised the proponent through its meeting on 19 January 2010 that it would entertain a submission to rezone Lots 50 and 51 Nanarup Road from ‘Rural’ to ‘Special Residential’. This resolution, whilst by no means a guarantee, has given confidence to the owner of these lots to progress with a detailed rezoning proposal, which staff understands will be submitted in the coming months. The position of staff to retain the Future Urban designation was discussed in the 19 January 2010 report, and that position remains unchanged. The concerns raised in that report were:

“The growth of Albany in the long term (20 yrs plus) is restricted and considerable pressure will be placed on Council to support subdivisions and developments in areas where future generations will require access to land for City growth. Two decades ago, the Newby Street industrial area was on the outskirts of town and residential developments on Hudson Road, John Street, etc were “in the country”. Urban growth has caught up with those areas and they now lack the level of services provided in comparable developments; the provision of services will now be at taxpayers’ expense. ALPS takes a long term and pragmatic view of the development options for the City and it does not factor in the need for short term profit making by speculators, developers or investors. To ignore principles in ALPS does not constitute “orderly and proper planning”, nor does it support the objective of the current generation being custodians for sustainable development for future generations.”

31. Council has however not supported this argument and the following Councillor reason was articulated in support of the alternative motion:

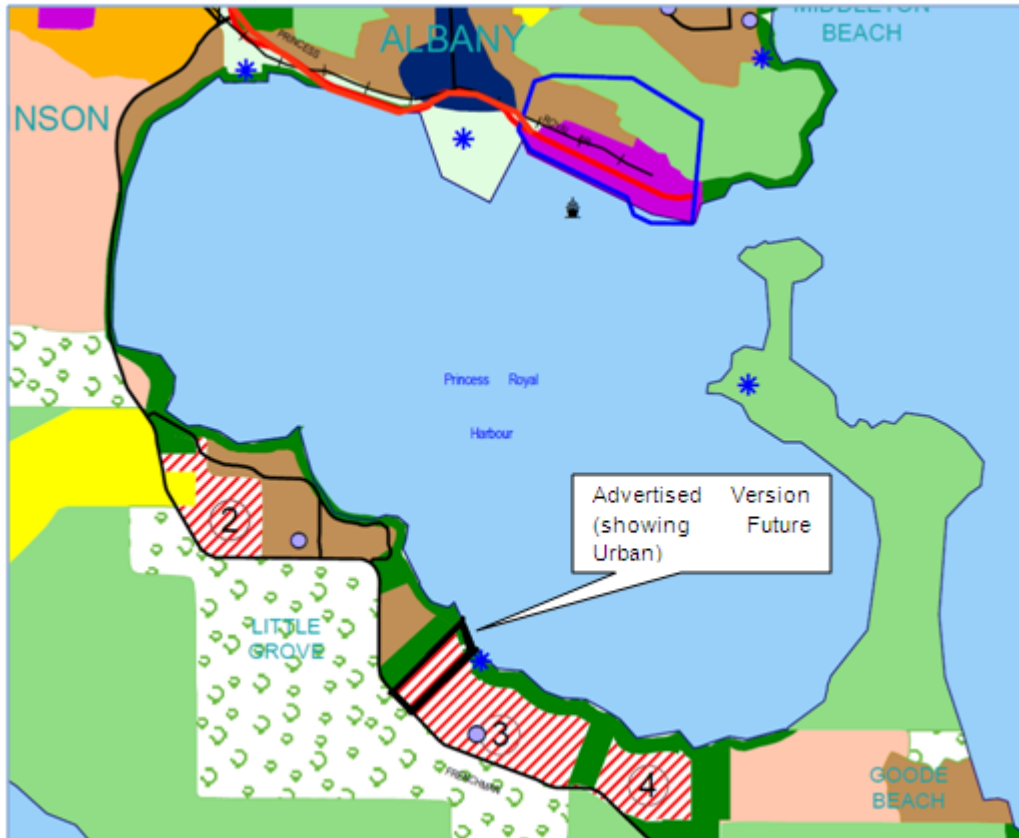
“On viewing the land, it is difficult to support full urban development of the subject land given the exposure of the site and Special Residential development will result in less building activity and be less visually intrusive.”

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Modification 2 (Future Urban – Little Grove/Big Grove)

32. The modification involves changing Map 9B for land at Little Grove (The Roman Catholic Church) from 'Local Reserve' to 'Future Urban' (refer below plan).



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33. The previous Minister for Planning and Infrastructure supported the principle of 'Future Urban' development for the locality of Little Grove and Big Grove. The owner of the land (The Roman Catholic Church) requested that Council change the designation of land (Lot 105 Frenchman Bay Road) on Map 9B of the ALPS from 'Local Reserve' to 'Future Urban'.
34. The Department of Environment and Protection has since opposed the change to 'Future Urban' on the grounds that the land is predominantly vegetated, that the vegetation is remnant in nature, of a substantial size, in excellent condition and if protected has the potential to provide a biodiversity corridor in conjunction with the neighbouring 'Reserve'.
35. The ALPS makes the following objectives for the protection of vegetation:
 - conserve remnant vegetation within the district landscape; and
 - protect areas of significant remnant vegetation and increase the area of re-established local species of vegetation within the landscape.
36. In view of the submission from the DEC and the objectives defined in the ALPS, it is unlikely that the land (Lot 105 Frenchman Bay Road) at Little Grove can be developed for urban residential purposes and it should be designated on Map 9B of the ALPS as 'Local Reserve'; the land is currently classified as a 'Public Use Reserve' in Town Planning Scheme No. 3.

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37. It is furthermore advised that the ALPS is a strategic planning document and not a zoning map. The designation of 'Local Reserve' reflects that the land provides an important ecological corridor in the locality, but does not preclude development on the site. Ultimately any development on the site will need to be undertaken in a manner that is sensitive to the environment values of the site.

Modification 3 – Introduction of recommendations contained in ACPS

38. The modification involves changing the retail components (text and maps) of the ALPS in accordance with the Activity Centres Planning Strategy (ACPS).
39. The WAPC requested that the retail components of the ALPS be modified to reflect the Activity Centres Planning Strategy prepared for the COA by Schrapnel Planning consultancy.
40. Map 9B and the text of the ALPS have been modified to reflect the findings of the ACPS, which looks to:
- Promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern; and
 - Facilitate and maintain the neighbourhood and local centres for convenience retailing.
41. A submission has been received, on behalf of CENTRO requesting that the retail component of the ALPS be modified to support a Discount Department Store (DDS) and additional speciality retail stores at the Chester Pass Road site on the grounds that:
- there is a need according to their Economic Impact Assessment (EIA); and that
 - impacts on the Central Business area if a DDS is developed on the Chester Pass Road site will be modest and offset by forecast market growth.
42. The EIA prepared by the proponent argues that a staged approach to floor space growth could be undertaken with a DDS (8,390m²) plus 325m² of specialty stores forming the initial stage, with a second stage producing an additional 2101m² of specialty stores. The EIA states that the staged approach, along with population growth and a redirection of spending currently escaping to centres outside of Albany (ie. Perth) would generate no major impact on existing retailing centres.
43. The ACPS acknowledges the possible (long term) potential of the Chester Pass Road site as a larger centre and that in the short term, further development of the site would either have a significant impact on other retail uses in the town or would not be fully tenanted. The ACPS makes the following comments in support of consolidating development in Albany's central area, rather than its neighbourhood centres:
- consumers are attracted towards larger centres with a concentration of uses;
 - consumers are tending towards widening their shopping experience as an enjoyable social and recreational experience,
 - consumers are increasingly demanding traditional shops fronting a main street; and
 - developers are trending towards satisfying location and space requirements through showrooms located in mixed business areas (eg central area).

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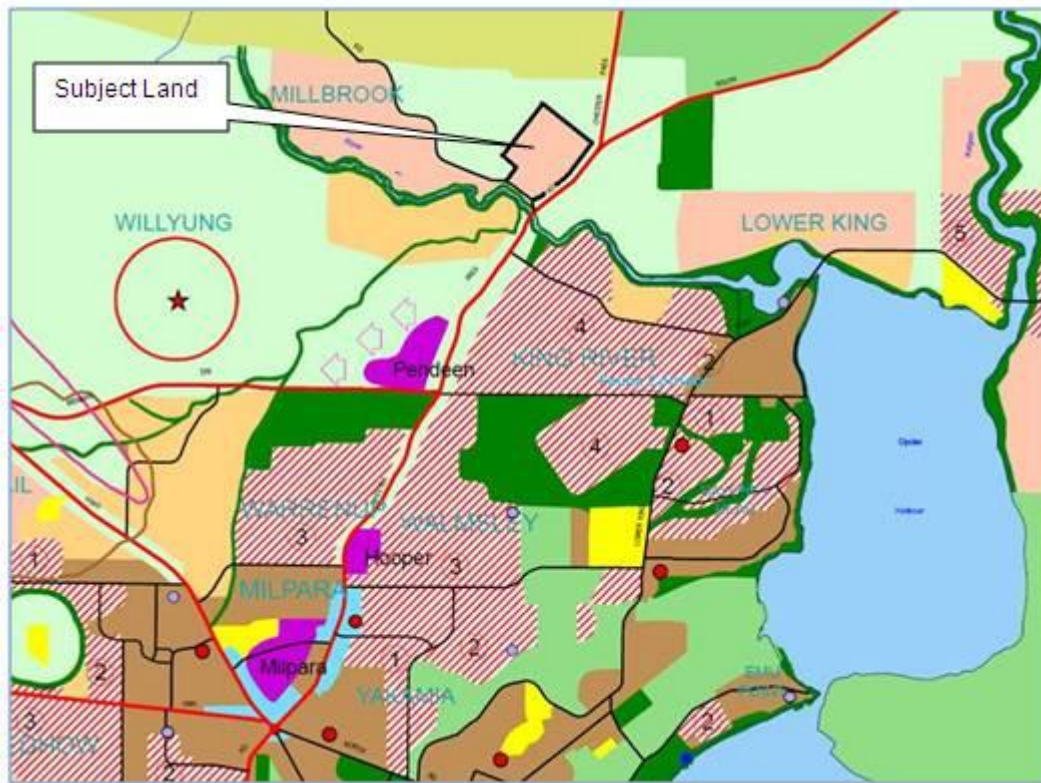
44. In view of the objectives and trends defined in the ALPS and the ACPS, it is recommended that the retail components in the ALPS remain as per the advertised version, which promotes the continued viability of the Albany City Centre as the regional commercial and retail centre and the neighbourhood and local centres for convenience retailing.
45. Another submission was received from Cuscana Nominees Pty Ltd who expressed concerns regarding the designation of retail space in the Bayonet Head locality. The retail component of the ALPS recommends that the Bayonet Head south site be developed as a 'Future Medium Neighbourhood Centre (up to 3500m²) and the Bayonet Head north site be developed as a 'Future Large Neighbourhood Centre (up to 5000m²)'. The submission requested that the categorisations be reversed so that the Bayonet Head south site receives a designation of 5000m², which reflects the current planning approval in place for the site. It is noted that a planning approval is in place on the south site, and the current town planning scheme allows for a neighbourhood centre up to 4385m²; the proponent can construct a shopping centre to this size during the life of this consent, and until such time as the current Scheme allows for this floor space allocation.
46. The ACPS identifies that the Bayonet Head north site is better positioned central to its future catchment and further away from the Centro Albany site at Chester Pass Road. The north site also allows for a Main Street shopping precinct (rather than the standard 'box' development) which is best practice from an urban design, retail viability and amenity perspective.
47. The owner has secured an anchor tenant and a 'heads of agreement' has been signed between the two parties, with a building licence lodged at the City. Because of this pending construction staff acknowledge that a reverse in floor space allocations as requested in the submission should be supported.
48. A letter has been received from Cardno on behalf of Charter Hall Retail REIT (refer Information Bulletin). It does not represent a submission on the ALPS given it was not received during the advertising period and is provided for Councillor's information only.

Modification 4 – King River (Rural Residential)

49. The modification involves the change of Map 9B for Lot 50 Chester Pass Road at King River from 'Rural' to 'Rural Residential'.

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Item 13.2.8 continued



50. At its 16 December 2008 meeting Council resolved to advise Mr Cake, the owner of Lot 50 Chester Pass Road, that it was prepared to entertain the submission of a formal scheme amendment to rezone Lot 50 Chester Pass Road, King River to the “Special Rural” zone and promoted an amendment to the ALPS to recognise this land as Rural Residential.
51. The Department of Mines and Petroleum have since objected to the ‘Rural Residential’ designation on land in the vicinity of Chester Pass Road on the grounds that:
- the decision is contrary to the WAPC policy 2.4, which promotes the extraction of raw materials ahead of staged development; and
 - ‘Rural Residential’ development could prevent the operation of the existing extraction industries located in the area.
52. WAPC Policy 2.4, although only applicable to the Perth and immediate surrounds, contains principles that can be applied across the state. The Policy states that before determining an application for Rural Residential within 1000m of a basic raw materials extraction area, the *Local Government* must consider the following, as appropriate:
- referral to the Department of Environment and Conservation to determine:
 - the significance of the resource in terms of whether it is a key extraction area, priority resource area or extraction area;
 - the likely effects of vehicular traffic, noise, blasting, dust and vibration arising from the extractive industry on the proposed use or development.

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53. WAPC Policy 2.4 has a presumption against the introduction of sensitive land uses which could be adversely affected by existing or potential extractive industries unless appropriate measures can be taken to ameliorate the adverse impacts. Whilst the concerns are valid, Mr Cake's land has been used as an extractive industry and the majority of the gravel resources have been exploited; the pits could be rehabilitated and the further resources extracted prior to the subdivision of the land. Planning controls as part of the scheme amendment process (including internal buffers and memorials on titles) can be used to ensure new residents are not subjected to noise and/or dust nuisance associated with existing extractive industries.
54. A planning consultant (R Hensel) has also objected to the modification on the grounds that the modification conflicts with the objectives of the ALPS, which are to:
- Contain the spread of fragmented urban and rural living areas;
 - Minimise the development footprint on the landscape;
 - Protect agriculture land; and
 - Encourage the infill of existing rural living areas.
55. Mr Hensel's comments are consistent with those issues raised by staff in the 16 December 2008 Council report, however it is acknowledged that the owner of Lot 50 Chester Pass Road has received Council support through the Scheme Amendment Request process to convert the land ultimately to Special Rural, and a detailed amendment document, at significant cost, has been prepared by the owner on that basis.
56. Council has the following options in relation to this modification being:

Option 1

57. Consistent with Council's previous resolution of 16 December 2008 to support a scheme amendment request, maintain the designation of Lot 50 Chester Pass Road from "Rural" to "Rural Residential" within ALPS.

Option 2

58. To support the submissions received from the Department of Mines and Petroleum and planning consultant (R Hensel) and change the designation of Lot 50 Chester Pass Road as "Rural". As stated above this would be contrary to Council's previous direction.

Modification 5 – designation of special residential areas

59. The modification involves the change to Map 9B to designate various land parcels as 'Special Residential'.
60. There are some areas in Albany that are already developed as Special Residential lots (2000m²-1ha lot sizes). These areas are constrained in their ability to accommodate fully serviced urban development. The WAPC requested that Map 9B be modified to designate those areas as 'Special Residential' to reflect the current land use and constraints.
61. There was one submission of support received in relation to this modification.

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Item 13.2.8 continued

62. It is recommended that this modification be adopted.

Other

63. The WAPC recently supported an amendment (Lot 124 Gladville Road McKail) to Town Planning Scheme 3 to change the zoning of the land from the 'Special Rural' zone to the 'Residential Development' zone. The WAPC has recommended that Map 9B in the ALPS be modified (Lot 124 Gladville Road McKail) and designated as 'Future Urban' to reflect the new Town Planning Scheme zoning as part of this process.

64. There were comments made on other matters relating to the ALPS, which were not the subject of the substantial modifications. The merits of these submissions have not been explored by staff, and it is recommended that these additional issues be considered as part of the review stage which will be undertaken once the ALPS is finally endorsed by the WAPC to ensure it is a live and functional document.

PUBLIC CONSULTATION / ENGAGEMENT

65. A copy of the schedule of submissions is included within the Information Bulletin.

GOVERNMENT CONSULTATION

66. A copy of the schedule of submissions is included within the Information Bulletin.

STATUTORY IMPLICATIONS

67. The *Town Planning Regulations 1967* (subsidiary to the *Planning and Development Act 2005*) make the following requirements:

- a) If a Scheme envisages the zoning or classification of land, the local government shall;
 - i. prepare the Scheme Report under regulation 12 in the form of a Local Planning Strategy;
 - and
 - ii. forward the Local Planning Strategy to the Commission.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

69. In accordance with the *Town Planning Regulations 1967 (12B)*, when the Commission has certified a Local Planning Strategy...the local government shall,...advertise the Local Planning Strategy as if it were part of the Scheme.

POLICY IMPLICATIONS

70. There is no policy implications related to this item.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

71. Council has the ability to either change or retain each of the five modifications that were advertised.

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SUMMARY CONCLUSION

72. In relation to modification 1 (Future Urban) and modification 4 (King River) staff have previously conveyed their position on these matters, which has not been supported by Council. As no new information and arguments have been raised through the submissions, with the exception of the comments from the Department of Mines and Petroleum, which can be addressed through the scheme amendment process, staff have reluctantly drafted a positive recommendation on these matters.

RECOMMENDATION

Councillor J Bostock's tabled address appears at Appendix D, page 280.

ITEM 13.2.8 OFFICER RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council for land at Lower Kalgan agrees to MODIFY the 'Future Urban' designation to 'Special Residential' on the north side of Nanarup Road and 'Rural Residential' on the south side of Nanarup Road and to the west of the Kalgan River.

ITEM 13.2.8 – ALTERNATE MOTION BY COUNCILLOR DUFTY (RECOMMENDATION 1)

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council for land at Lower Kalgan agrees to MODIFY the 'Future Urban designation to 'Special Residential' on the north side of Nanarup Road and Lots 181, 184 and Pt Lots 183 and 422 on the south side of Nanarup Road (as per attached plan), and "Rural Residential" on the remainder of land on the south side of Nanarup Road and to the west of the Kalgan River.

Councillor's Reason:

This modification will allow a higher standard of development and more lots. This conforms with the planning department's requirements for higher density. The officer recommendation that Nanarup Road be the boundary between the Special Residential and Rural Residential is arbitrary and has no logical reason. If the area proposed for special residential south of Nanarup Road is suitable then the higher density should be embraced.

Officer's Comment (G Bride)

The proposed motion will facilitate the establishment of a special residential cell on the south side of Nanarup Road which will accommodate lot sizes of between 2000m² and 1 hectare.

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Item 14.2.8 continued.

[8:32:47 PM](#)

**ITEM 13.2.8 – ALTERNATE MOTION BY COUNCILLOR DUFTY (RECOMMENDATION 1)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED:COUNCILLOR DUFTY
SECONDED: COUNCILLOR WELLINGTON**

THAT Council for land at Lower Kalgan agrees to MODIFY the ‘Future Urban designation to ‘Special Residential’ on the north side of Nanarup Road and Lots 181, 184 and Pt Lots 183 and 422 on the south side of Nanarup Road (as per attached plan), and “Rural Residential” on the remainder of land on the south side of Nanarup Road and to the west of the Kalgan River.

MOTION CARRIED 6-3

Record of Vote

For the Motion: Mayor Evans, Councillors R Hammond, D Wellington, D Wolfe, D Dufty and J Matla

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

**ITEM 13.2.8 OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council agrees to MODIFY on Map 9B land at Little Grove from ‘Future Urban’ to ‘Local Reserve’.

**ITEM 13.2.8 – ALTERNATE MOTION BY COUNCILLOR DUFTY-RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council agrees to MAINTAIN the land at Little Grove in the ‘Future Urban’ designation.

Councillor’s Reason:

The land is freehold, and if it is required to be retained as a Local Reserve compensation must be given or compensated with an allocation of similar lots.

Officer’s Comment (G Bride)

The land is located in an area where Future Urban has been identified to the east and west in the ALPS and the classification of Future Urban would not be inconsistent with the strategic intent for the area.

DEVELOPMENT SERVICES REPORTS

Item 13.2.8 continued.

[8:46:44 PM](#)

**ITEM 13.2.8 – ALTERNATE MOTION BY COUNCILLOR DUFTY-RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WOLFE**

THAT Council agrees to MAINTAIN the land at Little Grove in the ‘Future Urban’ designation.

MOTION CARRIED 9-0

**ITEM 13.2.8 – ALTERNATE MOTION BY MAYOR EVANS (RECOMMENDATION 3)
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council;

- 1) for retail components, agrees to MAINTAIN the recommendations of the Activity Centres Planning Strategy, except that the allocations of floor space for the Bayonet Head south and north sites be reversed recognising that the Bayonet Head south site is to be developed to a Future Large Neighbourhood Centre in the near future.
- 2) CONSIDER the allocation of \$10,000 as part of its budget deliberations for the 2010/11 financial year to engage a specialist consultancy to review and provide advice on the conflicting recommendations contained within the Economic Impact Assessment (as submitted by Centro) and the Activity Centres Planning Strategy regarding the timing and likely economic impact on existing centres associated with a Discount Department Store at Brooks Garden.
- 3) REVIEW the consultant’s findings as per Part 2 above at an ordinary meeting of Council, and based on that advice, determine whether an amendment to ALPS is appropriate.

Councillor’s Reason

Albany is a growing regional centre and the proposal by Centro to establish a Discount Department Store will create additional shopping choices for the residents of Albany. The detailed Economic Impact Statement provided by Centro details that the inclusion of a Discount Department Store at Brooks Garden would not negatively affect the operation of other existing retailing centres in Albany.

Whilst it is recognised that the Economic Impact Statement is written on behalf of Centro, given the importance of this issue to the Albany community, a review of the two documents, specifically in relation to the timing and impact of a DDS at Brooks Garden will only assist Council in its decision making process.

This exercise can be done independently without delaying the final adoption of ALPS.

DEVELOPMENT SERVICES REPORTS

Officer's Comment (G Bride)

The alternate motion seeks to review the conflicting recommendations relating to a proposed Discount Department Store. Whilst both documents identify that a DDS will be appropriate at Brooks Garden, the timing of the store is the subject of dispute.

Given the alternate motion does not delay the adoption of ALPS, staff has no objection to the motion should such a study be considered appropriate from Council.

[8:51:36 PM](#)

ITEM 13.2.8 – ALTERNATE MOTION BY MAYOR EVANS (RECOMMENDATION 3)

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR WOLFE

THAT Council;

- 4) for retail components, agrees to **MAINTAIN** the recommendations of the Activity Centres Planning Strategy, **except that the allocations of floor space for the Bayonet Head south and north sites be reversed recognising that the Bayonet Head south site is to be developed to a Future Large Neighbourhood Centre in the near future.**
- 5) **CONSIDER** the allocation of \$10,000 as part of its budget deliberations for the 2010/11 financial year to engage a specialist consultancy to review and provide advice on the conflicting recommendations contained within the Economic Impact Assessment (as submitted by Centro) and the Activity Centres Planning Strategy regarding the timing and likely economic impact on existing centres associated with a Discount Department Store at Brooks Garden.
- 6) **REVIEW** the consultant's findings as per Part 2 above at an ordinary meeting of Council, and based on that advice, determine whether an amendment to ALPS is appropriate.

MOTION LOST 2-7

Record of Vote

For the Motion: Mayor Evans and Councillor Wolfe

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

DEVELOPMENT SERVICES REPORTS

Item 13.2.8 continued

[9:04:41 PM](#)

**ITEM 13.2.8 OFFICER RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR DUFTY
SECONDED: COUNCILLOR MATLA**

THAT Council for retail components, agrees to MAINTAIN the recommendations of the Activity Centres Planning Strategy, except that the allocations of floor space for the Bayonet Head south and north sites be reversed recognising that the Bayonet Head south site is to be developed to a Future Large Neighbourhood Centre in the near future.

MOTION CARRIED 9-0

**ITEM 13.2.8 - MOTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR DUFTY**

THAT Officer Recommendations 4,5 and 6 be moved EN BLOC

MOTION CARRIED 8-1

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington,
M Leavesley, D Wolfe, D Dufty and J Matla

Against the Motion: Councillor D Bostock

**ITEM 13.2.8 OFFICER RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council agrees to MAINTAIN the land at King River in the 'Rural Residential' designation.

MOTION CARRIED EN BLOC

**ITEM 13.2.8 OFFICER RECOMMENDATION 5
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council in relation to existing and constrained special residential areas, agrees to MODIFY these areas on Map 9B to 'Special Residential'.

MOTION CARRIED EN BLOC

DEVELOPMENT SERVICES REPORTS

Item 13.2.8 continued.

ITEM 13.2.8 OFFICER RECOMMENDATION 6

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council agrees to MODIFY land at Lot 124 Gladville Road, McKail, on Map 9B to 'Future Urban'.

MOTION CARRIED EN BLOC

DEVELOPMENT SERVICES REPORTS

Item 13.2.8 continued

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
1. Tourism Western Australia	1. No objections.	1. Noted.
2. Department of Transport	2. No objections.	2. Noted.
3. Western Power	3. No objections.	3. Noted.
4. Department of Agriculture and Food.	4. Modifications accepted.	4. Noted.
5. Department of Education.	5. No objections to the draft planning strategy.	5. Noted.
6. Great Southern Development Commission	6. Modifications noted.	6. Noted.
7. Department of Water	<p>7. (a) Modify Map 9B to exclude the area to the west of the Kalgan River or any low lying land (below 5m contour) from 'Future Urban' development.</p> <p>(b) Future development of Little Grove will impact on the foreshore areas of the Princess Royal Harbour.</p> <p>(c) The ALPS needs to explain that 'Future Urban' areas are schematic only and that a scheme amendment and environmental assessment process would need to be prepared to verify suitability.</p> <p>(d) Include the need to safeguard the water reserves and make future land uses consistent with water quality protection.</p> <p>(e) The mapping of water resources is inaccurate.</p> <p>(f) Text within the ALPS relating to the DOW is</p>	<p>7. (a) It is appreciated that the land is low lying and flood prone and may not be suitable for residential development. This would normally be assessed through drainage and environmental studies to determine the extent to which development can or cannot occur. <i>(Should Council support the officer recommendation for this modification, the Future Urban designation would be removed west of the Kalgan River).</i></p> <p>(b) Note that future development in this locality may impact on the foreshore areas (refer to 11(f)).</p> <p>(c) Note. Map 9B already notes the following: "This is a twenty year strategic plan only and is not a zoning map. All boundaries are indicative only."</p> <p>(d), (e), (f), (g), (h) and (i) Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.</p>

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<p>inaccurate.</p> <p>(g) Map floodplains.</p> <p>(h) Action in the ALPS the need to deep sewer the Lower Denmark Road industrial area.</p> <p>(i) Restrict in the ALPS the use of Tourism sites for permanent residential use.</p>	
8. WestNetEnergy	8. No objection.	8. Noted.
9. Department of Mines and Petroleum	<p>9. (a) Object to the 'Rural Residential' designation in the vicinity of Chester Pass Road and Millbrook Road, King River as 'Rural Residential' development could prevent the existing extraction industries located in the area. Consider development in view of the WAPC Policy 2.4 which promotes the extraction of raw materials ahead of staged development.</p> <p>(c) Replace the words 'new mining and basic raw materials proposals' with 'extractive industry proposals' in the second action listed on page 87 of the ALPS.</p>	<p>9. (a) There are several extractive industry operations on and adjacent to the subject land, and staff share the Department's concerns that rural residential expansion into King River may expose future residents to dust, noise etc, and potentially curtail or prevent future expansion of extractive industries in the area. Detailed analysis of these issues would normally be addressed as part of a scheme amendment document, should Council resolve to retain the designation in ALPS as advertised.</p> <p>(c) Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.</p>
10. Western Australian Planning Commission	10. The WAPC has granted approval to rezone land west of Gladville Road McKail to 'Future Urban'. The <i>Local Government</i> is advised to modify the ALPS map to designate the site as 'Future Urban'.	10. Support the change of Map 9B to make consistent with a recently endorsed amendment to the Town Planning Scheme 3.
11. Department of Environment and Conservation	<p>11. (a) Make minor text variations to misleading statements on pages 40, 41 and 87 of the ALPS.</p> <p>(b) The ALPS needs to recognise environmental</p>	<p>11. (a), (b), (c) and (d). Note. Comments on matters not the subject of those substantial modifications being advertised and can be considered as part of a review to the ALPS at a later stage.</p> <p>(e) Note. 'Future Urban' development will require environmental,</p>

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<p>and social consequences from carbon sequestration plantations.</p> <p>(c) The correct reference for the South Coast macro Corridor project is Wilkins et al 2006.</p> <p>(d) A clear statement is to be included at Map 9B to clarify that the land use designations are indicative only and will be subject to EPA consideration and assessment.</p> <p>(e) Urban development in the Lower Kalgan area may be particularly challenging due to soil and visual constraints. If any residential development is to occur, it should be low density.</p> <p>(f) Little Grove. Opposed to any change for Lot 105 that will place the native vegetation at risk. This lot together with the adjacent Reserve 931 provide a sound linkage of native vegetation in excellent condition.</p>	<p>visual and detailed design assessment in accordance with the EPA and the WAPC Liveable Neighbourhoods document. The 'Future Urban' classification does not automatically mean that the land will be developed at a high density.</p> <p>(f) Support the change of Map 9B back to indicate Lot 105 as a Local Reserve. The majority of Lot 105 is accommodated with remnant vegetation in excellent condition with the potential of acting as a biodiversity corridor. The principles in the ALPS are strong on protecting the natural environment, especially substantial areas of remnant vegetation.</p>
12. Confidential Proponent	12. Modify text within the ALPS.	12. Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.
13. Frederickstown Progress Association	13. No objection.	13. Noted.
14. BSO Development Consultants	14. Support the modification from 'Local Reserve' to 'Future Urban' for Lot 105 Frenchman Bay Road, Little Grove on the grounds that the Minister for Planning and Infrastructure supported Future Urban in the locality.	14. It is noted that the Minister for Planning and Infrastructure supported Future Urban in locality, which has been achieved through the zoning and structural planning of Big Grove. Refer to 11(f) on reasons as to why this modification is not supported.

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
15. D. P. Fairborn	15. Support in the ALPS 'Rural Residential' development in the Wilson/Elleker region.	15. Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.
16. Town Planning and Urban Design	<p>16. Change the commercial component in the draft ALPS to support the development of a Discount Department Store (DDS) in 2012 and additional speciality retail in 2016 at Catalina. The reasons being;</p> <ul style="list-style-type: none"> • The current centre is trading well, which indicates demand is outstripping supply; • it will provide a positive impact in terms of employment and greater choice with convenient access; • expected population and tourism growth will provide a need for more retail space outside of the retail core (CBD); • the provision of DDS floorspace in Albany is 33% lower than the average for benchmark cities; • additional competition may help reduce prices; • additional options for shopping will maintain expenditure locally rather than residents in the Great Southern using Perth; • impacts on the Central Business area as a result of a DDS at Catalina will be modest and offset by forecast market growth; • more shopping trips to Catalina will provide 	<p>16. Staff do not support the development of a DDS and additional speciality retail at Catalina because it will undermine planning objectives of the ALPS for Retail and Commerce, which are to:</p> <ul style="list-style-type: none"> • Promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern; and • Facilitate and maintain neighbourhood and local centres for convenience retailing. <p>The Albany Local Government Activity Centres Planning Strategy makes the following comments in support of consolidating development in its central area:</p> <ul style="list-style-type: none"> • consumers are attracted towards larger centres with a concentration of uses; • consumers are tending towards widening their shopping experience as an enjoyable social and recreational experience, • consumers are increasingly demanding traditional shops fronting a main street; and • developers are trending towards satisfying location and space requirements through showrooms located in mixed business areas (eg central area).

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<p>a positive spin off effect for other businesses in the locality; and</p> <ul style="list-style-type: none"> • the retailing of the central business area is protected by its superior scale, proximity, access and history. 	
17. Dykstra Planning	<p>17. Object to the 'Future Urban' classification at Lot 422 Lower Kalgan. Support a change for Lot 422 to 'Rural Residential' and 'Special Residential' for the following reasons:</p> <ul style="list-style-type: none"> • The adjacent land uses are similar in nature (rural living); • Consolidating on the adjacent special rural land uses increases the efficiency of servicing; • 'Rural Residential' and 'Special Residential' will not result in the loss or conflict with agricultural land uses; • Any other land use (eg intensive agriculture) may undermine the conservation values of the land; • Soil types are capable of handling conventional septic tank leach drains; • Development for fully serviced urban is beyond the 20-30 time frame of the strategy; • Urban prospects have not been subject to thorough and careful planning research and assessment; 	<p>17. Council in its decision of 19 January 2010 resolved to support special residential to the north of Nanarup Road (namely Lots 50 and 51 Nanarup Road). Based on this decision the issue as to what the balance of the cell should be designated needs to be addressed. Should the Future Urban designation not be supported, staff believe that land south of Nanarup Road should be consistent with the existing character and settlement patterns associated with the Swan Point special rural subdivision.</p>

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS). April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<ul style="list-style-type: none"> • Future Urban contradicts the key aim of the ALPS which is to contain the spread of fragmented urban areas and rural living areas; • There are still many decades of urban settlement that can be accommodated west of the Kalgan River in existing identified urban and future urban areas and via urban infill and consolidation; • Previous responses from DEC and DOW on a proposal for urban development in the locality make it clearly evident that the physical and environmental features of Lot 422 are not suitable for urban development; • Future urban is indicated north of Nanarup Road. The suggestion that Future Urban is required south of Nanarup Road to provide a large development area to make urban development economical is without considering the physical attributes and is therefore questionable. 	
18. H Poole	18.Object to the identification of the land north of Nanarup Road as 'Future Urban' for the following reasons: <ul style="list-style-type: none"> • Housing development should not be on prime agricultural land; and • One of the objectives of the ALPS is to facilitate the protection of priority and 	18. Noted.

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	general agricultural land from incompatible land uses, developments and management practices.	
19. Ayton Baesjou Planning	<p>19. Object to the ALPS indicating Lots at Lower Kalgan as 'Future Urban'. Request change to 'Special Residential' (SR) for the following reasons:</p> <ul style="list-style-type: none"> • SR is the most appropriate form of development for the locality; • The Albany Regional Rural Strategy (1991), the Albany Local Rural Strategy (1996) and the 2006 Albany Local Planning Strategy all designated the land for rural residential; • There is sufficient land available adjacent to the existing urban footprint to accommodate fully serviced urban development; • Provision for special residential development is modest. • The locality has reasonable access to necessary services; • There is now a much greater emphasis on maximising the efficient use of land and minimising the take up of agricultural land on the periphery; • The Local Government recently resolved to support in principle rezoning lots at Lower Kalgan to 'Special Residential'. 	19. This position has previously been supported by Council at its meeting dated 19 January 2010.
20. Ayton Baesjou Planning	20. (a) Need to directly reference the Activity	20. (a) Note. Key components from the ACPS have been included in

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<p>Centres Planning Strategy (ACPS) into the Albany Local Planning Strategy.</p> <p>(b) Rural Townsite boundaries should be relative to ground realities.</p> <p>(c) Table 4 should be modified to support the expansion of all Rural Townsites not just a select few.</p> <p>(d) The locality of Robinson, which is indicated as 'Rural Residential' should be changed to 'Special Residential'.</p> <p>(e) Change the ALPS such that it supports 'Rural Residential' type development south of South Coast Highway and west of George Street.</p> <p>(f) The ALPS indicates areas of 'Reserve' over private landholdings. Consider changing to support 'Special Residential'.</p> <p>(g) The ALPS needs to maintain a flexible approach in the allocation of the 'Reserve' area indicated alongside Lower King Road and between the Hooper and Gibb reserves.</p> <p>(h) Further investigation of the areas indicated as 'Conservation' should be undertaken to clarify the possibility of intensification of land use.</p>	<p>the ALPS. Direct reference to the Activity Centres Planning Strategy by the Albany Local Planning Strategy can be considered as part of a review to the ALPS at a later stage.</p> <p>(b), (c), (d), (e), (f), (g) and (h) Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.</p>
21. Ayton Baesjou Planning	21. Include land (Lots 301, 810 and 1337) in the vicinity of Chester Pass Road and Millbrook Road, King River as Rural Residential.	21. Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
22. Ayton Baesjou Planning	22. Include land (Lot 110) in the vicinity of Chester Pass Road and Millbrook Road, King River as Rural Residential.	22. Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.
23. Ayton Baesjou Planning	23. Delete the words ' <i>in the long term</i> ' in the new strategic objective at 8.3.5 " <i>In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.</i> "	23. Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.
24. Ayton Baesjou Planning	24. Support the reintroduction of the Special Residential category in the ALPS. Reference should be made to Special Residential in the analysis of Rural Villages and associated tables and figures.	24. Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.
25. Rob Hensel Consulting Services: Sustainable Planning	25. (a) Development should be staged. (b) Any modifications need to be evaluated against aims and objectives, of the ALPS namely: <ul style="list-style-type: none"> • Infill and consolidation of development within existing urban areas; and • New urban areas to be developed incrementally from existing urban areas based on the concept of settlement nodes integrated within the environment; • Seek to contain the spread of fragmented urban and rural living areas in the City. 	25. (a) Note. In keeping with principles for sustainability, the ALPS looks to: <ul style="list-style-type: none"> • Consolidating existing urban and rural living areas; and • Contain sprawl by staging development starting with Priority 1 (P1) areas and then progressing to P2, P3, P4 and P5 areas in that order. (b) Note. (Refer to 25 (a)). (c) Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage. (d) Refer to recommendations 17 and 19. (e) Council has previously resolved to support a Scheme

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions		
Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS).		
April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<p>(c) The Local Government needs to develop a set of sustainability principles as a “check list” when considering major rezoning. If a proposal complies with the “check list” then the proposal may be considered by the Local Government.</p> <p>(d) Maintain the ‘Priority 5’ ‘Future Urban’ classification in the ALPS for the Lower Kalgan and Lower King areas. Population growth projections suggest that only up to the ‘Priority 3’ development areas may be required for development over the next 20 years. Development of the ‘Priority 5’ areas prior to the ‘Priority 3’ areas may prejudice the long term planning options.</p> <p>(e) The designation of ‘Rural Residential’ in the vicinity King River does not accord with the aims and objectives of the ALPS, which include:</p> <ul style="list-style-type: none"> • Contain the spread of fragmented urban and rural living areas; • Minimise the development footprint on the landscape; • Protection of agriculture land; and • Encourage the infill of existing rural living areas. 	<p>Amendment Request at its meeting dated 16 December 2008 to support the change of designation to Special Rural (Rural Residential). The issues raised by the consultant have previously been raised in that particular officer report.</p>
26. Cuscuna Nominees Pty Ltd	26. The retail component of the ALPS recommends that the Bayonet Head south site be developed as a ‘Future Medium Neighbourhood Centre (up to 3,500sqm)’ and the Bayonet Head north site	26. Uphold, as the Bayonet Head south site is soon to be constructed with a building licence lodged and acknowledgement that an anchor tenant signed an agreement with the owner to occupy the building.

DEVELOPMENT SERVICES REPORTS

Schedule of Submissions Considering substantial modifications to the Draft Albany Local Planning Strategy (ALPS). April 2010:		
Proponents	Summary of Comments	Staff Recommendation
	<p>be developed as a 'Future Large Neighbourhood Centre (up to 5000sqm)'.The following amendment is requested for the retail section of the ALPS in order to reflect a current planning approval:</p> <ul style="list-style-type: none"> • The legend keys for Bayonet Head north (16) and south (5) on Figure 9 in the draft ALPS be reversed so that Bayonet Head south site is shown as a 'Future Large Neighbourhood Centre (up to 5,000sqm)'. 	
27. Water Corporation	<p>27. (a) The Water Corporation is not prepared to support urban rezoning of the land at Lower Kalgan until infrastructure planning and funding decisions have been further advanced.</p> <p>(b) The Timewell Road Waste Water Treatment Plant Buffer must be modified and any parts of the adjacent 'Future Urban' designated areas must be deleted from the buffer area.</p>	<p>27. (a) Noted.</p> <p>(b) Note. Comments on matters not the subject of those substantial modifications being advertised can be considered as part of a review to the ALPS at a later stage.</p>

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 13.2.9
ITEM TITLE: ALBANY CENTRAL AREA MASTERPLAN 2010 – CONSIDERATION OF SUBMISSIONS AND FINAL APPROVAL

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	:	MAN 252 (Frederickstown Ward)
Summary of Key Issues	:	Final Adoption of Albany Central Area Masterplan 2010
Land Description	:	Various
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Acting Executive Director Development Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/03/10 - Item 13.1.5 OMC 19/01/10 - Item 13.1.1 OCM 19/08/09 - Item 19.1 OCM 19/05/09 - Item 1.5.1
Bulletin Attachment (s)	:	Nil
Consulted References	:	Nil
Councillor Lounge	:	Draft Albany Central Area Masterplan Copy of submissions received

BACKGROUND

- Following the January 2010 meeting of Council, the Draft Albany Central Area Masterplan 2010 has been subjected to a public advertising period and 103 submissions have been received. The issues identified in the submissions were discussed at the Albany Central Area Master Plan Steering Committee meeting held on the 3rd March 2010 and that Committee has made a series of recommendations to Council, that were discussed at the March meeting.

DISCUSSION

- The Albany Central Area Masterplan Steering Committee moved a series of recommendations at its final meeting stating:
 - A written invitation be sent to residents of Crossman, Serpentine and Parade Streets to attend a forum to discuss the masterplan and explain roadworks that are currently being undertaken and that the outcomes be fed back to the PESP committee;*
 - Extensive consultation programs be undertaken prior to future alterations to the local road network to outline changes to the public and to inform businesses and property owners fronting the road;*
 - The favourable comments received on the cultural/civic precinct be noted;*
 - Bicycle lanes be encouraged on arterial roads leading into the CBD and on roads running parallel to York Street subject to streetscapes not being affected, road reserve widths allowing for the lanes and safety not being compromised; and*
 - There be an acknowledgement of the positive response to the masterplan through the submissions; and*
 - The draft is commended to Council for endorsement and consideration.*

DEVELOPMENT SERVICES REPORTS

Item 13.2.9 continued

3. A schedule of submissions is attached to this report which details the issues raised during the advertising period and staff's response in relation to those comments.
4. A forum has been held with residents fronting Crossman, Serpentine and Parade Streets which was attended by the Executive Director Works and Services (K Ketterer) and Councillors. At the meeting residents expressed concerns that the overall road hierarchy plan for the CBD and surrounds would have a range of negative impacts, including increased traffic and pollution, safety issues, threat to heritage character, congestion etc.
5. At the meeting Mr Ketterer advised that the road hierarchy still needed to be tested as projected traffic volumes were unknown, however he advised that the following phases of the project would make allowance for the investigations and modelling of the traffic patterns. Once these predicted traffic volumes have been determined, the impact on the road systems can be assessed and appropriate measures taken.
6. The road hierarchy plan within the Master Plan was a long term road strategy and it's implementation would be staged and subject to change when improved information becomes available. Consistent with the recommendation of the Steering Committee, extensive consultation programs would need to be undertaken prior to future alterations to the local road network to outline changes to the public and to inform businesses and property owners fronting that particular road.

PUBLIC AND GOVERNMENT CONSULTATION / ENGAGEMENT

7. The Master Plan was advertised for a period of 28 days and involved displays at the Albany Plaza, an information expo, summary brochures and radio and print advertising. Over 90 submissions were received during this period, with the majority expressing favourable comments.
8. The majority of concerns centred around the modifications to the road network, with the closure of St Emilie Way attracting the most comments. The closure of St Emilie Way was considered by the Master Plan Steering Committee to be the best approach to managing the increasing volume of pedestrian traffic between Lockyer Avenue and York Street. The closure would also accommodate the opportunity for a public landscaped square and additional parking. It is acknowledged that the closure of St Emilie Way will only be considered once detailed traffic modelling has been done to ensure traffic distribution in and out of the CBD is not detrimentally affected and other road modifications are undertaken to support this change.

STATUTORY IMPLICATIONS

9. The Masterplan contains a combination of actions, strategic objectives and recommendations for further studies / actions to assist the City in directing future growth and the staging of development. It is not intended that the document become a policy adopted under the provisions of Town Planning Scheme 1A. Several of the actions contained in the masterplan will require adjustments to be made to the Albany Local Planning Strategy and for the City's policy framework to be revisited.

DEVELOPMENT SERVICES REPORTS

Item 13.2.9 continued

FINANCIAL IMPLICATIONS

10. The strategy has identified a large number of projects, which have been costed and prioritised.
11. Staff have lodged a funding submission under the Federal Government's Regional and Local Community Infrastructure Fund to undertake a number of high priority projects including the upgrade and revitalisation of York Street and Albany Highway (between Sanford Road and York Street), the creation of a public square between the library and the town hall, the reconfiguration of the town hall and the development of an art gallery. An announcement in relation to the funding submission has yet to be made by the Federal Government.
12. Should the City be unsuccessful with the funding application, the Master Plan can be used to seek other funding opportunities. No projects contained within the Master Plan have been identified for funding within the 2010/11 budget.
13. Other funding opportunities include the investigation of a differential rate over the Central Area to assist in realising the parking, landscaping and access improvements. A differential rate for these purposes has been successfully applied by the City of Bunbury to revitalise their CBD. Such an investigation will need to be undertaken in the lead up to the 2011/12 financial year and involve comprehensive consultation with the landowners and the Albany Chamber of Commerce and Industry.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

14. The Master Plan provides an overall framework for the development and revitalisation of the Albany Central Area Master Plan. The Plan will become the major guiding document for Council's newly reformed Streetscape Committee.

POLICY IMPLICATIONS

15. To support the objectives of the Master Plan, three draft local planning policies have been prepared, which relate to Car Parking, Al Fresco Dining and Single Bedroom Unit development.
16. These policies will form part of the City's Draft Local Planning Policy Manual which is to be reviewed by the consultant to undertake the Best Practice Review of the Development Services Directorate.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Council could resolve not to adopt the Master Plan, however this would leave Council without a fully integrated strategy to revitalise Albany's town centre.
18. Council could adopt the plan with additional modifications that it sees fit, or defer consideration of the Plan.

SUMMARY CONCLUSION

19. The Master Plan, unlike the standard consultancy approach, was prepared by a steering and technical committee which was guided by an experienced urban design consultant (Chris Antill & Associates).

DEVELOPMENT SERVICES REPORTS

Item 13.2.9 continued

20. The document has been generally well received and it is recommended that Council adopt the Master Plan, subject to several modifications identified in attached schedule of submissions.

9:09:06 PM Councillor Wellington withdrew his Alternate Motion and endorsed the Amended Officer Recommendation Version 2

ITEM NUMBER – 13.2.9 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council;

- 1) ADOPTS the Albany Central Area Master Plan subject to the modifications listed within the schedule of submissions being incorporated into the document.
- 2) NOTES the comments received from the public consultation process on the Albany Central Area.

ITEM 13.2.9 – ALTERNATE MOTION BY COUNCILLOR WELLINGTON

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council;

- 1) SUPPORTS the Albany Central Area Master Plan in principle subject to the modifications listed within the schedule of submissions being incorporated into the document.
- 2) CONSIDERS final adoption of the plan once detailed traffic modelling of the proposed road modifications identified in the Albany Central Area Master Plan is finalised, the results and implications are known and the community has had the opportunity to review the findings.
- 3) REQUIRES the traffic modelling to provide two scenarios in relation to St Emilie Way; one with St Emilie Way closed and the other with it remaining open.
- 4) NOTES the comments received from the public consultation process and ADVISES those who lodged the submissions of the process identified above.

DEVELOPMENT SERVICES REPORTS

Item 13.2.9 continued.

[9:14:06 PM](#) Councillor Leavesley requested a Point of Clarification regarding the wording ‘final approval’. Why is this worded as such if it is not a final approval and what are the advantages of adopting it.

[9:14:35 PM](#) Through the Mayor Mr Bride replied that the naming of the agenda item could have been worded more appropriately. The recommendation as drafted does clearly point out that further traffic modelling will be done, and this should give confidence to the community that they will have an opportunity to look at the science behind some of the decisions. Mr Bride said that as it stands there are a lot of recommendations in the plan in terms of policy development, streetscape and path improvements and upgrades that are worthwhile.

[9:22:58 PM](#) Councillor D Bostock said that he understood that there had been a \$20,000 grant made to the Streetscape Committee. He was unsure if this had been spent.

[9:23:28 PM](#) Councillor Matla requested a Point of Clarification. Councillor Matla said that she was on the Streetscape Committee, and to her knowledge no grant had been received.

ITEM 13.2.9 – OFFICER RECOMMENDATION (VERSION 2)

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- 1 ADOPTS the Albany Central Area Master Plan subject to the modifications listed within the schedule of submissions being incorporated into the document
- 2 UNDERTAKES traffic modelling of the proposed road modifications identified in the Albany Central Area Master Plan, with the results and implications of the traffic modelling being released to the public **to allow the community to review and make comment on the findings**, and considered at an ordinary meeting of Council with any identified amendments to the Albany Central Area Master Plan being considered at this time.
- 3 REQUIRES the traffic modelling to provide two scenarios in relation to St Emilie Way, one with St Emilie Way closed and the other with it remaining open.
- 4 NOTES the comments received from the public consultation process on the Albany Central Area and ADVISES those who have lodged the submissions on the process identified above.

Officer’s Reason (G Bride):

The amended recommendation provides further clarification and reinforcement that traffic modelling will take place, and the results of that traffic modelling will be brought back to Council for consideration and should amendments to the Albany Central Area Master Plan be required in response to the findings, such amendments will be considered at an ordinary meeting of Council. This resolution also ensures the Albany Central Area Master Plan is adopted as Council’s vision for redevelopment of the CBD.

Version 2 simply adds the words identified in red above which makes it clear that the findings will be made public with the community invited to comment on the traffic modelling study before it is presented to an ordinary meeting of Council.

DEVELOPMENT SERVICES REPORTS

Item 13.2.9 continued.

ITEM 13.2.9 – OFFICER RECOMMENDATION (VERSION 2)

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR MATLA

THAT Council:

- 1 ADOPTS** the Albany Central Area Master Plan subject to the modifications listed within the schedule of submissions being incorporated into the document
- 2 UNDERTAKES** traffic modelling of the proposed road modifications identified in the Albany Central Area Master Plan, with the results and implications of the traffic modelling being released to the public **to allow the community to review and make comment on the findings**, and considered at an ordinary meeting of Council with any identified amendments to the Albany Central Area Master Plan being considered at this time.
- 3 REQUIRES** the traffic modelling to provide two scenarios in relation to St Emilie Way, one with St Emilie Way closed and the other with it remaining open.
- 4 NOTES** the comments received from the public consultation process on the Albany Central Area and **ADVISES** those who have lodged the submissions on the process identified above.

MOTION CARRIED 5-4

Record of Vote

For the Motion: Mayor Evans, Councillor R Hammond, D Wellington, D Wolfe and J Matla

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

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Item 13.2.9 continued

DRAFT ALBANY CENTRAL AREA MASTERPLAN SCHEDULE OF SUBMISSIONS				
No.	Name/Address of Respondent	Summary of Submission	Officer Comment	Modification Recommended
1	P Armstrong 36 Mira Mar Road ALBANY WA 6330	<p>Concern over possible congestion in York Street that may result in traffic hold up and difficulty for emergency services to access York Street businesses.</p> <p>Felt closure of St Emilie Way would result in more congestion of Lockyer and other side streets as vehicle try to link up with Albany Hwy from Middleton Road.</p> <p>Suggests Aberdeen become one way in a southerly direction, Peels Place one way west from Aberdeen to York Street and York Street one way north from Peel Place to Serpentine Road.</p> <p>Supports proposed streetscape/parking works to Stirling Terrace and also Sanford Road/Albany Hwy roundabout upgrades.</p> <p>Disagreed with congesting Albany Hwy near monument – semi trailers servicing Coles/Woolworths needing turning room.</p>	<p>Some congestion is anticipated at peak volumes however slower traffic is desired to achieve safety for pedestrians and improve attractiveness of streetscape. Suggest that Tasks for T3 include mention of review of emergency services accessibility.</p> <p>New east-west link to Albany Hwy via Serpentine Road rather than St Emilie Way will accommodate east/west flows across York Street. Single laning of Albany Highway, vehicles will be encouraged to use bypass route via North Road. Traffic modelling/assessment to be undertaken prior to works.</p> <p>Note suggestion.</p> <p>Note suggestion.</p> <p>Detailed design/construction will need to accommodate heavy vehicle movements to service businesses.</p>	<p>Modify T3 to include reference for design to consider emergency services accessibility.</p> <p>Include statement associated with all road alteration initiatives stating that prior to works commencing traffic modelling/ assessment to be undertaken.</p>
2	M Greathead 52 Wylie Crescent ALBANY WA 6330	<p>Supports the review of timed parking.</p> <p>Disagrees with reducing Alb Hwy and York St to single lanes – particularly in case of accident or need for emergency access.</p> <p>Suggests York St one way South (2 lanes)</p> <p>Aberdeen St one way North (2 lanes) with angle parking on both sides, both streets, creating 'City Square'.</p>	<p>See submission 1 above for comment re emergency services.</p> <p>Note suggestion.</p>	

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3	A Bell 57 Rainbows End BIG GROVE WA 6330	Cycle lanes required in York, Aberdeen and Collie Streets. Currently finds York St too dangerous for cyclists (parked cars open doors onto traffic) - cycles on footpath at all times to prevent this.	Noted. Requirements for cyclists to be an ongoing consideration within Masterplan.	Include statement that bicycle lanes be encouraged on arterial roads leading into the CBD and on roads running parallel to York Street subject to streetscapes not being affected, road reserve widths allowing for the lanes and safety not being compromised.
4	LC Horne 27 Norwood Road Lower King WA 6330	Likes extra space for alfresco and pedestrian movement; designated cycle lanes, bike racks; lower vehicle speed limits. Is a taxi driver and concerned that congestion resulting from reduction of traffic flow to one lane will cause longer trip times and increase in fares. Would like to see a vehicle free mall (buses taxis service vehicles exceptions) in York St.	Noted.	
5	J Kostos PO Box 5153 ALBANY WA 6331	Overall impression – a welcome upgrade of the CBD. Likes pedestrian emphasis; streetscape works; additional car parking; town square; public transport. Concerned about upgrading access between Middleton Rd and Lockyer Ave to reduce congestion at Aberdeen St/Serpentine Rd and Serpentine Rd/York St intersections. Wants to see consideration for seniors and others with limited mobility. Doesn't like design of Arts Centre.	Connection shown in plan via Vine Street. (see road hierarchy). Noted. Noted.	
6	S Gust 25 Serpentine Road ALBANY WA 6330	Supports concept of plan and most of the detail. Does not want to see buildings greater than 3 storeys in height. Does not like external design of Art Centre.	Noted. Noted. Opportunity for development higher than 3 stories in Middleton Loop area only.	

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7	T Christie 195 Serpentine Road ALBANY WA 6330	Supports pedestrian prioritisation and slowing of vehicle traffic. Opposed to diversion of traffic via Serpentine Rd based on narrowness of road and residential character. Feels more traffic will be redirected via Serpentine than North Road.	Serpentine Road proposed to be upgraded as noted on Road Hierarchy plan as primary road. Noted.	
8	M Hensel 30 Silver Star Ct MILLBROOK WA 6330	Likes parking initiatives; green space and gardens. Objection to naming of Bar Cino Café in Plan - implies association with particular private business. Would prefer a different design for Arts Centre. Suggestion that direction be taken from South Australian initiatives in relation to maps/signs and guided and labelled tourist trails.	Noted. Advise that reference to individual business names be deleted from Masterplan. Note suggestion.	Reference to individual business names be deleted from Master Plan.
9	F Crowley Willyung Farms ALBANY WA 6330	In favour of most parts of the Plan. Concerned over parking availability near the Library – particularly for seniors and those in gophers. Against installation of traffic lights near Hordern monument.	Parking will be available at rear (18) and lower floor level (43) of Arts Centre as well as extra parking in York St (26) – total of 87 bays altogether. Noted.	
10	A DeBonde 92 Kooyong Avenue ALBANY WA 6330	Feels the City has discriminated against the disabled and aged in relation to parking accessibility. Suggests adopting 'Disabled Access & Inclusion Plan' with community/carers represented on committee.	Refer to Pa3 Review of timed parking arrangements. Tasks require review of ACROD bays. Note suggestion.	
11	C Salamon RMB 1310 Bolganup Road MT BARKER WA 6324	Proposes greater connectivity of cycling routes on bike lanes or dual use paths; bike lane in middle of York St.	Note suggestion.	

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12	R Cunnington PO Box 5074 ALBANY WA 6332	Concerned over lack of detail apportioned to cyclists in the plan. Suggest specific cycle lanes/shared paths (coloured distinctly different from vehicle and footpaths) on both sides of York St, Lockyer Ave, on North side of Albany Hwy and one side of Aberdeen St. Bike racks to be located in central parking strips adjacent to each pedestrian crossing. Remove bollards as dangerous to cyclists. Favour street surface signs over sign posts.	See Submission 3 above. Note suggestions. Refer to T9 Bicycle Routes & Infrastructure. Tasks – identification of sites for new racks to be undertaken. Noted. Noted.	
13	K Atkins 105 Elizabeth Street LOWER KING WA 6330	Concerned about single lane treatment in upper York St. Feels that congestion will not attract people to the CBD.	Noted.	
14	B McCarthy 182 Bayview Drive LITTLE GROVE WA 6330	Supports modifications to York St and Albany Hwy. Suggest Town Hall become Art Gallery rather than new building. Parking in Civic Area to be retained and incorporate parkland.	Note suggestions.	
15	Frederickstown Progress Association PO Box 1033 ALBANY WA 6331	Enthusiastic endorsement of the Masterplan as means of marking the way forward clearly.	Noted.	
16	L Hoeksema 20 Earl Street ALBANY WA 6330	Supports the proposed town square. Not in favour of closure of St Emilie Way and traffic that will then be forced into single lanes in York Street to access Aberdeen St via Serpentine Rd. Concerned over access from Middleton to Albany Hwy. Proposes that York St will be too congested. Suggests cycle path next to footpath rather than between parked cars and traffic lane. Suggests that direction be taken from the Netherlands with regard to cycling.	Noted. Noted – refer to road hierarchy map and alternative routes proposed for access. Note suggestions. Also refer to submission 3 above.	

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17	H Mulder 40 Princess Avenue ROBINSON	Very positive impression of the plan. Not in favour of additional costs to CBD ratepayers in the form of Specified Area Rate. Recommends further acknowledgement of Noongars – perhaps in the form of public art submissions.	Noted. CBD rate to be further explored and will be subject to further consultation should Council support concept. Note suggestion.	
18	S Stone 19 Parade Street ALBANY WA 6330	Not in favour of Parade Street becoming priority access road through to Lower Stirling Terrace. Would prefer development to follow 'old settlement' style for the benefit of tourists.	Noted. Road hierarchy plan is long term plan that will need to be tested through traffic modelling/assessment.	
19	F Ingram 46 Parade Street ALBANY WA 6330	In favour of the civic precinct – would prefer a design for Art Centre to be more sympathetic to style of Town Hall. In favour of central parking in York St. Proposes the use of severe speed bumps and more pedestrian crossings in York St rather than diverting traffic around the City. Not in favour of higher vehicle priority for Crossman St, Serpentine Rd or Parade St due to residential character. Disagrees with closure of St Emilie Way. Suggests Hanrahan Rd a better route to access 'bottom' of town.	Noted. Noted. Noted. Road hierarchy plan is long term plan that will need to be tested through traffic modelling/assessment and will be subject to extensive consultation into the future. Noted. Note suggestion.	
20	T Monterosso 29 Crossman Street ALBANY WA 6330	Against the upgrading of Crossman, Johnson and Wellington Streets as connectors between Serpentine Rd and Albany Hwy. Is not in favour of diverting traffic around city centre – feel will not benefit retailers.	Noted. Noted.	
21	MJ Hallberg 21A Crossman Street ALBANY WA 6330	Likes the connection of Wellington St to North Rd. Not in favour of upgrading Crossman Street due to residential nature of street.	Noted. Noted.	

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22	J Humphreys 19 Cordoba Way ALBANY WA 6330	In favour of streetscape improvements, cycle lanes, footpaths and focus on pedestrian safety. Disagrees with creation of civic precinct, would prefer to keep car park and add seating and play equipment to existing areas. Feels cycle way on Albany Hwy should not be placed between parked cars and vehicle lanes.	Noted. Noted. Noted. Refer submission 3.	
23	FJ Funston 39 Parade Street ALBANY WA 6330	Opposed to upgrade of Parade Street to primary road due to residential character of street and to the inclusion of a roundabout at Parade St & Grey St West. Feels that closure of St Emilie Way will cause more traffic in Serpentine Rd making it dangerous for pedestrians in York St crossing Serpentine Rd.	Noted – Future discussions undertaken with residents of streets proposed to be upgraded prior to any changes taking place. Noted – some form of pedestrian crossing may need to be investigated for Serpentine Road near York Street.	Modify statement within T3 to consider pedestrian crossing for Serpentine Road near York Street.
24	Dr TA Hallberg 21A Crossman Street ALBANY WA 6330	Not in favour of any of the plans initiatives – feels it is short sighted and non functional in the long term. Disagrees with increased traffic flow to Crossman Street. Recommends more parking bays.	Noted. Noted – see submission 23 above. Noted.	
25	L Hoy 21 Crossman Street ALBANY WA 6330	Not in favour of increased traffic flow to Crossman Street.	Noted – see submission 23 above.	
26	MA Bondin PO Box 5611 ALBANY WA 6330	Supports reduction of speed in York St and also single lane treatment of York St and Albany Hwy. Against closure of St Emilie Way – feels no logical alternative for vehicle access; design of Arts Centre and loss of parking area at rear of Library. Suggests that proposed road layout may cause future gridlocks.	Noted. Alternative routes proposed for traffic – see road hierarchy plan. Refer to submission 9 for parking alternatives. Note suggestion.	

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<p>27</p>	<p>P Wyatt 142 Serpentine Rd ALBANY WA 6330</p>	<p>Submission relates specifically to and disagrees with the installation of a roundabout at Serpentine Rd/York St and upgrades to roads within residential areas (particularly Serpentine Rd between Elizabeth St /York St and Parade St to Hanrahan Rd. Recommends that roads passing through residential areas be 'pedestrian friendly' and roads abutting commercial/retails areas be 'primary' or 'distributor' roads.</p>	<p>Noted – refer to submission 23 above. Note suggestion.</p>	
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<p>28</p>	<p>I Maher 9 Hall Rise YAKAMIA WA 6330</p>	<p>Would like to see traffic lights on North Rd at Barnesby Dve and Sanford Rd. Not in favour of single lane Albany Hwy York St roundabout or traffic lights at this point. Suggest raised pedestrian ramps for safer crossings. Not in favour of single lane York Street. Concerned about congestion. Suggest one lane south in York St and two lanes north. Prefer angle parking on side of street rather than median strip parking to preserve view to harbour. Against closure of St Emilie Way due to increased congestion in Aberdeen and York Sts. Suggest single lane both ways, add pedestrian access ramps, angle parking in middle of road. Against single lane in Albany Hwy due to increased congestion. Suggests narrower median strip, angled parking along Coles side of road, pedestrian crossing lights on cross walk, raised pedestrian access ramp outside Coles. Is in favour of Initiative L4 – particularly pocket park cnr York St Albany Hwy, development at cnr Lockyer Ave Albany Hwy and pocket park at Middleton Loop. In favour of reduced speed limit to 40kph in central area. Concern over parking availability within civic precinct.</p>	<p>Masterplan indicates roundabout treatment at these intersections. Note suggestion. Note suggestion. Note suggestion. Note suggestion. Noted Noted. Refer to Submission 9 above. Also extra parking in York Street, St Emilie Way. Parking availability is a priority of the plan.</p>	
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<p>29</p>	<p>D G Pearson The Albany Link P/L PO Box 5019 ALBANY WA 6332</p>	<p>Owner of The Link shopping centre which was originally purchased with the benefit of fronting a major road as primary drawcard. Is against the closure of St Emilie Way. Concerned that central area owners were not notified individually in writing.</p>	<p>Noted. Advertising the draft plan was undertaken in many ways, to give the most coverage to as many people as possible. Prior to detailed changes/proposals being undertaken it is proposed that individual landowners will be advised and given the opportunity to comment.</p>	
<p>30</p>	<p>B, A & A Bickford Accountants 76 Aberdeen Street ALBANY WA 6330</p>	<p>Against closure of St Emilie Way, concerned about access from City centre to North Rd. Suggests 40kph speed limit.</p> <p>Not in favour of losing on street car bays to nibs and street trees. Suggest signage at crosswalk on Albany Hwy asking pedestrians to wait for traffic. Concern over number and positioning of ACROD bays.</p>	<p>Refer Submission 1 above.</p> <p>Refer Masterplan Initiatives T5, T9, S1, S2, S5 and T9 – recommendation to introduce 40kph speed limit in York St and Albany Hwy Refer to parking initiatives to improve arrangements Pa11 and S11. Note suggestion.</p> <p>Refer Pa3, tasks.</p>	

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<p>31</p>	<p>D & J Robinson 25 Tomlinson Crescent SPENCER PARK WA 6330</p>	<p>Concerned about the effects on traffic flow in the town and increased congestion. Opposed to the closure of St. Emilie Way and concerned about the subsequent accessibility of Coles/Albany Plaza car park when travelling south on Lockyer Avenue, due to increased traffic at the York Street/Albany Highway roundabout. Supportive of the provision of extra parking, additional alfresco dining, the provision of a civic and cultural precinct and proposed reviews of paid parking and pedestrian access and parking to the rear of York Street shops. Suggests a modification of the road layout to allow southbound traffic to turn right directly into the upper level of Coles/Albany Plaza car park. Suggests improvements to lines of sight at the access points to car parks off Aberdeen Street. Suggests an initiative to encourage more businesses to open on Sundays and public holidays.</p>	<p>Refer to Submission 1 above. The Road Hierarchy plan supports alternative routes in view of the closure of St. Emilie Way. Noted. While desirable, the proximity of this access point to the Lockyer Avenue/Moir Street roundabout would likely preclude the provision of a right-hand turning lane. Refer to Masterplan Initiatives T7 and Pe1 and Figures 12 and 12a. A review of parking arrangements off Aberdeen Street would seek to rationalise access points and improve safety. Note suggestion.</p>	
<p>32</p>	<p>R B Giles 24 Chipana Drive ALBANY WA 6330</p>	<p>Opposed to the closure of St. Emilie Way. Suggests that at least the eastbound lane from the York Street/Albany Highway roundabout to the Middleton Road/Aberdeen Street roundabout remains open to through traffic. Suggests deletion of the bicycle lanes on York Street in favour of an additional northbound traffic lane.</p>	<p>Refer to submission 1 above. Bicycle lanes have not been proposed for York St. Note suggestion.</p>	

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33	F Forgione 27 Crossman Street ALBANY WA 6330	Concerned about traffic congestion at the Albany Highway/York Street roundabout. Opposed to a potential increase in traffic flow along Crossman Street.	Noted. Noted.	
34	I Forgione 27 Crossman Street ALBANY WA 6330	Concerned about traffic congestion at the Albany Highway/York Street roundabout. Opposed to a potential increase in traffic flow along Crossman Street.	Noted. Noted.	
35	I Haines Coordinator The Great Southern Farmers' Market Albany Inc 9 Drew Lane ALBANY WA 6330	Confirms that the Farmers' Market would consider relocating to the proposed Town Square, but would require the provision of certain infrastructure to allow the market to operate and would also seek a formal undertaking from the City regarding the tenure of the site before agreement.	The Farmers' Market is a valuable asset to the vitality of the City and efforts should be made to accommodate its future growth.	
36	P Shephard Chairman Albany Classic Motor Event Organising Committee 24 Hofrad Court ALBANY WA 6330	Supportive of the overall plan, but ask for the opportunity to meet with the City to discuss concerns prior to finalisation of the plan. Specifically highlighted areas of concern include road improvements being made removable, the proposed reduction to the width of York Street, roundabout improvements and the library car park and proposed Town Square.	The Albany Classic Motor Event is a significant annual event that brings investment and substantial visitor numbers to the City and efforts should be made to safeguard its future.	

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<p>37</p>	<p>D Wettenhall PO Box 5093 ALBANY WA 6330</p>	<p>Opposed to the closure of St. Emilie Way and concerned about traffic congestion at the Albany Highway/York Street roundabout. Also opposed to the proposed reduction in the width of York Street, as this will be more hazardous for cyclists, and expanded intersection aprons and traffic islands, which would reduce parking provision. Opposed to the provision of 3 storey or higher buildings. Considers a public bus to be unviable. Considers Parade Street unsuitable as a bypass route around York Street. Suggests that improvements should be made to allow traffic to flow more efficiently to clear congestion and that Sanford Road should be upgraded to function as a bypass route. Also suggests that Aberdeen Street could be connected through to Stirling Terrace.</p>	<p>Noted – refer to submission 1 regarding congestion.</p> <p>Refer to submission 3 – cyclists.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Note suggestion – Sanford Road included in plan to function as bypass route connecting Albany Hwy to North Rd.</p>	
<p>38</p>	<p>F G & K J Liva 35 Vancouver Street ALBANY WA 6330</p>	<p>Opposed to Parade Street becoming a bypass route around York Street. Opposed to the closure of St. Emilie Way and concerned about traffic congestion at the Albany Highway/York Street roundabout. Supportive of improved pedestrian access, the provision of new bicycle routes and the undergrounding of powerlines. Suggest that Aberdeen Street between St. Emilie Way and Stirling Terrace would be more suitable as a main thoroughfare, as it is already a commercial area and there is greater access to parking.</p>	<p>Noted.</p> <p>Noted – refer to submission 1.</p> <p>Noted.</p> <p>Note suggestion.</p>	
<p>39</p>	<p>A & E Murdoch 19 Crossman Street ALBANY WA 6330</p>	<p>Opposed to a potential increase in traffic flow along Crossman Street, as it will increase noise and could detrimentally affect property prices.</p>	<p>Noted – refer to submission 23.</p>	

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40	W E Jarratt 31 Crossman Street ALBANY WA 6330	Opposed to the Roads Hierarchy plan, particularly the upgrading of Sanford Road and its connectivity with Serpentine Road via Crossman Street. Opposed to the closure of St. Emilie Way.	Noted. Noted.	
41	R Freeman 53 Davies Road LOWER KALGAN WA 6330	Broadly supportive of the plan, particularly the improvements aimed at improving the Central Area for pedestrians and cyclists. However, greater effort should have been made to create a fully integrated cycle network based on the concept of shared space, as seen in the Netherlands and Denmark. Supportive of proposals to encourage residential development within the Central Area. Questions whether or not traffic modelling has been undertaken to assess the impact of closing St. Emilie Way and narrowing the roads around the York Street/Albany Highway roundabout. Questions whether the proposed Town Square is large enough to accommodate the Farmers' Market. Considers the illustration on page 120 of the Masterplan of the proposed multi-use cultural facility to be uninspiring and not complementary to the architecture of the precinct. Notes that the plan does not acknowledge the work undertaken by Chris Antill. Suggests that although it lies just outside the study area, Council may wish to consider Princess Royal Drive as the primary approach route to the City for tourists and act on this appropriately.	Noted. Noted. Traffic modelling is yet to be undertaken. Traffic model should be available after June 2010. The Farmers' Market would consider relocating to the Town Square, subject to it meeting their requirements. The final design of this building may differ from that which has been featured in the draft Masterplan. Noted – acknowledgements should be included in final document. Note suggestions.	

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42	H J Smith 32 Marine Terrace LITTLE GROVE WA 6330	States that the plan is unworkable and that more thought should be given to the overall concept. Opposes the closure of St. Emilie Way and narrowing of the roads around the York Street/Albany Highway roundabout. Considers that Albany should develop as the regional centre for the Great Southern and not be restricted. Suggests that five storey development be permitted within the Central Area, particularly residential apartments, in order to encourage inner-city living and that multi-storey parking should be provided in or close to the centre of town with good access.	Noted. Noted. Noted. Note suggestions.	
43	L E Baber, D N Thompson & A Adams 57 Parade Street ALBANY WA 6330	Opposes the development of the green space south of the library for a Civic Precinct and Town Square.	Noted.	
44	E Hobley 12 Stirling Terrace ALBANY WA 6330	Opposes the closure of St. Emilie Way and narrowing of the roads around the York Street/Albany Highway roundabout. Favours a pedestrian-friendly streetscape, but highlights the need to improve traffic flow and provide additional parking. Suggests the development of multi-storey parking adjacent to the town hall and library and behind the Albany Club and Uniting Church, better policing of parking restrictions and limited treatment of roundabouts in order to retain visibility.	Noted. Note suggestions. Refer to initiative Pa3 – review of timed parking arrangements.	

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<p>45</p>	<p>K Buttfield 28 Henty Road LOWER KALGAN WA 6330</p>	<p>Broadly supportive of the plan and particularly favours attempts to create a more pedestrian friendly environment; the creation of a cultural hub around the town hall; improvements to parking provisions and enforcement; the provision of pocket parks; proposals to introduce new public transport; and changes to the road network to slow traffic and provide alternative routes. Suggests a more structured approach to the provision of cycle lanes and bicycle parking. Suggests that attempts should be made to create stronger links between the ANZAC Peace Park and Albany Entertainment Centre and York Street. Suggests provision of covered public seating, improvements to Alison Hartman Gardens and other parks in the vicinity and the provision of an outdoor children’s play facility.</p>	<p>Noted. Note suggestion – refer to submission 3. Note suggestion. Noted. Detailed design will need to address these issues.</p>	
<p>46</p>	<p>R Svanberg 17 Baudin Place ALBANY WA 6330</p>	<p>Opposes the closure of St. Emilie Way and the development of Parade Street as a bypass route around York Street. Supportive of the proposed treatment for upper York Street and attempts to make the town centre more pedestrian friendly. Questions whether decisions over the strategic development of the road network have already been made. Notes that the ‘Area of Influence’ shown within the Masterplan ends at Collie Street, yet Parade Street is identified within Initiative T1, Figure 2 as a main route around the Central Area. Notes that while St. Emilie Way is to be closed, no alternative route around the Central Area (i.e. via Aberdeen Street and Stead Road) has been proposed in order to</p>	<p>Noted. Noted. The strategic development of the road network is being comprehensively planned by Council in conjunction with Main Roads WA and is currently a work in progress. An all inclusive approach must be taken with initiatives concerning the road network. A change cannot be made in isolation and will be dependent on how it fits within an overall plan (such as the proposed road hierarchy plan at fig 2). Refer to submission 1.</p>	

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		<p>compensate. Considers that there will be a net loss of parking with the development of the Cultural Precinct. There is only a mention of an unrealistic gain of 74 bays. Highlights that there is no reference to the Albany Entertainment Centre in any of the planning directions. Suggests that primary focus should be on planning the strategic road network and other infrastructure before working on streetscape details.</p>	<p>Noted – refer to submission 9. Noted.</p>	
47	<p>T Demarteau 24 Lorenzo Way ALBANY WA 6330</p>	<p>Broadly supportive of the plan and particularly favours the additional on-street parking; attempts to make the town centre more pedestrian friendly; diversion of traffic; the creation of a more appealing streetscape; and the promotion of inner-city residential development. Opposes the disposal of Council-owned land within the Central Area and the development of housing at the corner of Collie and Grey Streets. Suggests the introduction of specifically designated seniors' parking.</p>	<p>Noted. Noted. There is no proposed disposal of land only potential land uses that could be explored by Council. Note suggestion.</p>	
48	<p>E Webb 14 Rycraft Drive ALBANY WA 6330</p>	<p>Broadly supportive of the plan.</p>	<p>Noted.</p>	
49	<p>K Luscombe 203 Middleton Road ALBANY WA 6330</p>	<p>Supportive of the provision of additional parking; reducing congestion on the York Street/Albany Highway roundabout; and the construction of a new roundabout at the intersection of York Street and Serpentine Road. Not in favour of the closure of St. Emilie Way. Raises concerns that restricted access may drive people to shop at larger chain stores,</p>	<p>Noted. Noted. Noted.</p>	

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		rather than at the locally-owned businesses on York Street. Suggests that streetscape improvements should not incorporate deciduous trees or 'mono-culture' planting of grasses and that native species, particularly those indigenous to Western Australia, should be favoured.	Note suggestion.	
50	T Webb RMB 8521 Chester Pass Road ALBANY WA 6330	Supportive of pocket parks. Opposes any development of the open space to the south of the library and any development within Alison Hartman Gardens. Opposes the disposal of Council-owned land within the Central Area and the development of housing at the corner of Collie and Grey Streets.	Noted. Noted – large piazza will be accommodated under the proposal. The framing of this space with a new building with vibrant uses at ground level will add to the usability and experience of this space. Noted. Refer submission 47.	
51	L Webb RMB 8521 Chester Pass Road ALBANY WA 6330	States that the plan is unnecessary and that Albany should be left as it is.	Noted.	
52	R Terren Hon. Sec. Albany Art Group Inc. PO Box 5051 ALBANY WA 6330	Broadly supportive of the plan, in particular the Cultural/Civic Precinct and 'A' class art gallery/exhibition space. Raises concerns in relation to the creation of a pedestrian and bicycle friendly environment, which may create difficulties for elderly locals who depend on their cars to access the town centre.	Noted. Noted.	
53	A & C Keesing 47 Wylie Crescent Middleton Beach WA 6330	Broadly supportive of the plan. Suggest some minor alterations to the road network in and around Lockyer Avenue. These can be summarised as follows: provision of pedestrian crossings on Lockyer Avenue; improvement of the Young Street/Middleton Road intersection; closure of the Blockbuster car park entrance from	Noted. Note suggestions.	

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		Young Street; implementing a 'no right turn' from Young Street onto Lockyer Avenue; and provision of dedicated footpaths from Lockyer Avenue into Woolworths' car park, adjacent to the vehicular accesses.		
54	T Anderson 26 Stirling Terrace ALBANY WA 6330	Supportive of the proposals to create a Cultural/Civic Precinct. Opposes the closure of St. Emilie Way and raises concerns over the narrowing of the roads around the York Street/Albany Highway roundabout. Suggests a 'trial run' of the closure of St. Emilie Way before a final decision is made.	Noted. Noted. Note suggestion.	
55	B Kelly-Sibley PO Box 1035 ALBANY WA 6330	Broadly supportive of the plan, in particular the Cultural/Civic Precinct, the closure of St. Emilie Way and the provision of additional parking. Opposes the development of housing within the Cultural/Civic Precinct. Suggests various alterations to the road network around the city, including construction of a roundabout at the intersection of Sanford Road/Minna Street, a roundabout at the intersection of Sanford and North Roads, a new road linking from this point northwards to Catalina and Mercer Roads and a flyover from Brunswick Road to the foreshore. Suggests the provision of additional parking through the rationalisation of the areas behind the buildings on the eastern side of York Street and the provision of multi-storey parking at the corner of Collie and Grey Streets and adjacent to Hanney Place. Suggests implementing landscaping works or creating a small park around Dog Rock and closing St. Werburgh Lane.	Noted. Noted. The strategic development of the road network is being comprehensively planned by Council in conjunction with Main Roads WA. Although it is currently a work in progress, construction of a roundabout at the intersection of Sanford and North Roads and a new road linking from this point northwards to Catalina and Mercer Roads have been identified as key requirements. Note suggestions. Refer to initiatives T7 and Pe1 for rear parking areas. Note suggestion.	

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		<p>Suggests reserving land adjacent to the fire brigade training ground off North Road/Lockyer Avenue for the future relocation of the fire station and St. John ambulance station.</p> <p>Suggests that any high-rise development be located in Centennial Park, as this will have less impact on vistas across the city and buildings with heritage value, while taking advantage of the relatively flat land and regular street pattern in this area.</p>	<p>Note suggestion.</p> <p>It is intended that Centennial Park will be rezoned as part of the new Local Planning Scheme 1, which will encourage a shift from industrial-type land uses to a mix of commercial and residential development. The location, layout and topography of Centennial Park would lend itself well to high-density inner city development.</p>	
56	<p>J Snell 5 Yokanup Road ALBANY WA 6330</p>	<p>Opposes the closure of St. Emilie Way.</p> <p>Suggests the retention/provision of green space within the Central Area, the provision of undercroft parking within the Cultural/Civic Precinct and the construction of a pedestrian overpass across Lockyer Avenue, linking Woolworths with Albany Plaza.</p>	<p>Noted.</p> <p>Note suggestions and also that undercroft parking has been proposed at the lower level of the proposed multi use Art Centre building.</p>	
57	<p>N Buss Owner Dog Rock Motel 303 Middleton Road ALBANY WA 6330</p>	<p>Opposes the closure of St. Emilie Way.</p>	<p>Noted.</p>	
58	<p>P Deegan 21 Suffolk Street MT CLARENCE WA 6330</p>	<p>Broadly supportive of the plan, in particular the provision of pocket parks and landscaping works, the Cultural/Civic Precinct, and the closure of St. Emilie Way and narrowing of the roads around the York Street/Albany Highway roundabout.</p> <p>Suggests that the Town Hall should remain the dominant feature of the Cultural/Civic Precinct and that any new buildings should be designed with this in mind.</p> <p>Suggests that pedestrian crossings be provided on Lockyer Avenue, that a 'no right turn' be implemented at the Young</p>	<p>Noted.</p> <p>The final design of this building may differ from that which has been featured in the draft Masterplan.</p> <p>Note suggestions.</p>	

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		Street/Lockyer Avenue intersection, the Blockbuster car park entrance from Young Street be closed and angled parking be provided on Young Street in lieu of the current perpendicular bays. Suggests that consideration be given to implementing a blanket 40km/h speed limit across the Central Area.	Refer to initiative S5 – reduction of speed limits on certain roads.	
59	V Torr PO Box 1126 ALBANY WA 6330	Opposes the disposal of any Council-owned land within the Cultural/Civic Precinct, any development affecting Alison Hartman Gardens and the development of housing within the Cultural/Civic Precinct.	Noted.	
60	R & M Williams 26 Parade Street ALBANY WA 6330	Opposed to the development of Parade Street as a bypass route around York Street. Suggest that the lower portion of Parade Street be included in the Amity Precinct Masterplan.	Noted - refer to submission 23. Note suggestion.	

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<p>61</p>	<p>Albany Bicycle Users Group (ABUG) PO Box 4016 ALBANY WA 6330</p>	<p>Supportive of the creation of an on-road cycle lane along Albany Highway between Sanford Road and York Street, but highlight the lack of connecting cycle lanes on Lockyer Avenue and York Street, which are very hazardous for cyclists. Supportive of an audit of bicycle racks and would encourage their placement on median strips adjacent to pedestrian crossings, so as to reduce the obstruction of footpaths.</p> <p>Supportive of the reduction of the roads around the York Street/Albany Highway roundabout to single lanes, but concerned about the narrowing of other roads throughout the Central Area, as this creates additional risk to cyclists.</p> <p>Supportive of additional alfresco dining areas adjacent to cafes and restaurants, but concerned that this will reduce the available space on footpaths. Suggest the use of median street lamps instead of footpath street lamps to free up additional space.</p> <p>Oppose the widening of footpaths to accommodate bicycle racks and lockers, as these would create barriers to pedestrian movement. Bicycle racks/lockers should be provided at key locations (i.e. post office, library, Albany Plaza, at the bottom of York Street, on St. Emilie Way, etc.) and easily accessible, but placed so as not to block pedestrian routes.</p> <p>Oppose the installation of bollards, particularly those linked by chains as they are potentially hazardous to all road users, particularly cyclists.</p> <p>Express disappointment at the lack of planning for a cycle way between the Foreshore Precinct and York Street and</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Note suggestion.</p> <p>Note suggestion.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted suggestion..</p>	
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DEVELOPMENT SERVICES REPORTS

		<p>failure to recognise the completion of Stage 3 of the Munda Biddi Trail by 2012, which will potentially bring a large number of cycle tourists to Albany.</p> <p>Suggest the use of painted lines in place of kerbs to delineate median strips and side paths, as this would create additional space for the placement of on-road cycle lanes, while still allowing vehicles to drive over them. Different coloured surfaces could also be used to identify cycle lanes. Existing kerbing could also be replaced by mountable kerbs that are more easily negotiated by cyclists.</p> <p>Suggest that a City of Albany Cycle Plan should be prepared and integrated with the Central Area Masterplan.</p>	<p>Note suggestion.</p>	
62	S Liddelow	In favour of the plan overall, in particular the	Noted.	

DEVELOPMENT SERVICES REPORTS

	18 Rutherford St LOWER KING WA 6330	pocket parks, open space in the civic precinct and closure of St Emilie Way. Would like to see more playground equipment that would appeal physically to children but still visually appeal to adults – perhaps a sculpture/natural form in Alison Hartman Gardens. Concerned about loss of parking on site of Multi Use Arts Centre.	Note suggestion. Refer submission 9 above.	
63	K Blight 3/338 Middleton Loop ALBANY WA 6330	As business owner in Middleton Loop, very supportive of closure of St Emilie Way and York St improvements. Suggests coach parking being included in planning for parking at Middleton Loop due to proximity of Dog Rock.	Note suggestion.	
64	AL Pepper 272 York Street ALBANY WA 6330	Supportive of plan – particularly slowing traffic. Bus and RV parking suggested for St Emilie Way.	Note suggestion.	
65	S Stronach (Owner Sugar Boy Sweet shop) 23 Albert St LITTLE GROVE WA 6330	Supportive of closure of St Emilie Way – feels lack of pedestrian traffic and easily accessible parking seriously affecting business viability. Suggests parking bays be incorporated for tourist coaches and RV's (Winnebagos) and a directional totem pole in St Emilie Way (included plan for coach bays with submission).	Note suggestion.	
66	C Harrison 358 Middleton Loop ALBANY WA 6330	Business owner, Middleton Loop. Supportive of plan and flow on benefits of increased pedestrian traffic. Recommends provision for tourist coaches and RV's in parking plans for St Emilie Way.	Note suggestion.	
67	M Tuffley 282 York Street ALBANY WA 6330	York St business owner supports plan. Likes extra car parking proposals. Suggest coach parking at top of York Street	Note suggestion.	
68	D Wolfe	Manager, business in St Emilie Way.	Noted.	

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	54 Deloraine Dve WARRENUP WA 6330	Supportive of plan – feels much needed.		
69	L Golling 276 York St ALBANY WA 6330	Likes extra parking on York Street. Suggest addition of coach parking.	Note suggestion.	
70	A Roico (Owner The Singing Tree) 27 York St ALBANY WA 6330	Supportive of planned improvements. In favour of one lane in York Street and central angle parking Suggest bus and tourist coach parking in St Emilie Way.	Note suggestion.	
71	D Hawkins 272B York St ALBANY WA 6330	In favour of the plan. Suggest bus and tourist coach parking in St Emilie Way.	Note suggestion.	
72	H Edmonston PO Box 5408 ALBANY WA 6330	In favour of the plan. Suggests tour buses and coaches be encouraged to park at top end of York Street.	Note suggestion.	
73	Anon. Business Owner	In favour of additional parking but not at expense of more congestion in Aberdeen Street Suggest aesthetically attractive multi storey car park near ABC site and perhaps also behind National Bank.	Noted. Refer to initiative Pa1 in Plan for identification of future sites for multi storey car parking (projects).	
74	S Blight 282 York St ALBANY WA 6330	York St business manager. In favour of extra parking, pedestrian focus, safer roundabout use, and the connectivity achieved by linking all of York St. Suggests tourist coach drop off at St Emilie Way.	Note suggestion.	
75	D Stephenson 278B York St ALBANY WA 6330	York St business owner. In favour of improvements to York St and roundabout and resulting connectivity of York St and Plaza shopping centre.	Noted.	
76	Icky Finks (Owner) Rear 660 Lower King Rd ALBANY WA 6330	In favour of plan and extra parking. Suggests tourist coach parking in St Emilie way.	Note suggestion.	

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77	Jim Jarratt 105 Angove Rd ALBANY WA 6330	In favour of roundabout Serpentine Rd/York St. Disagrees with closing St Emilie Way if single lane in York St - need two lanes. Difficulties for service vehicles to access Coles & Woolworths and other small shops. Not in favour of change to Crossman Street or roundabout near heritage listed houses. Suggests Sanford Road be dual lane. Wellington St/Johnson St too steep for entry to Serpentine Road.	Noted all. Sanford Rd indicated on Road Hierarchy plan as priority road – further planning and subsequent detail will indicate what extent the road is to be developed to.	
78	Joy Jarratt 105 Angove Rd ALBANY WA 6330	Unsure of road access arrangements in and around the central area. States that pensioners will stay out of town due to congestion and inability to walk up and down York Street. Suggests free tram rides up and down York Street.	Noted. The road hierarchy plan offers alternative traffic routes. Note suggestion.	
79	J Huisman 29 Wakefield Cr ALBANY WA 6330	In favour of being pedestrian friendly but not at expense of being motorist friendly. Concerned about congestion after reducing traffic flow to single lane and alternative routes on offer from Middleton Beach Road. Not in favour of closure of St Emilie Way. Suggests leaving York St as is and install traffic lights where necessary – spend extra money on existing roads that need urgent attention. Gain extra parking from private land near York St.	Refer to submission 5 above. Note suggestions. Refer to plan initiatives T7 and Pe1.	
80	L Wenbourne 23 Kampong Road YAKAMIA WA 6330	Positive impression of plan, please to note holistic approach taken so that alternate routes upgraded along with the restriction of York Street. In favour of reducing traffic in favour of pedestrians on York St; alterations on Albany Hwy that allow better access/egress options from Plaza shopping	Noted.	

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		<p>centre; and closure of St Emilie Way. Exterior design of multi use Arts centre too much like an institutional building or barn-prefer something more sympathetic to Town Hall. Suggest York St be fully pedestrianised with businesses utilising wider pavement areas. York St parking high turnover, short stay – Aberdeen/Collie Sts half or full day parking.</p>	<p>Noted. Note suggestion. Refer Pa1 and S11 (projects).</p>	
81	<p>R & C Gay 336 Middleton Loop ALBANY WA 6330</p>	<p>Supportive of plan – particularly extra parking and added ‘greenery’. As business owner at Dog Rock end of Middleton Loop unsure of benefit in any added pedestrian traffic. Suggests directional signage to Middleton Loop businesses at both ends of the loop.</p>	<p>Note suggestion.</p>	
82	<p>Creative Albany Inc Chair: M Traill PO Box 5667 ALBANY WA 6332</p>	<p>Supportive of plan - particularly likes reduction of traffic movement in the Central Area; city square incorporating Art Gallery; al fresco dining (and flow on effect of live music and street theatre). Suggests that the plan should highlight the benefit of live music and street theatre to the community and ensure adequate lighting and seating is incorporated into planning for areas that may utilise this type of entertainment.</p>	<p>Note suggestion.</p>	
83	<p>C Knowlden 55 Morilla Rd ALBANY WA 6330</p>	<p>In favour of plan and Middleton Loop development. Would like to see ‘grassy knoll’ between library / Town Hall retained. Suggests multi level car parking behind York Street (near Icky Finks)</p>	<p>Refer to Pa1 and S11 for identification of future multi storey car parking.</p>	
84	<p>I Hebiton 49 Parade St ALBANY WA 6330</p>	<p>Not in favour of Parade Street as priority road due to residential character and topography (hill).</p>	<p>Refer to submission 23 above.</p>	
85	<p>S Davies 28 Marine Tce</p>	<p>In favour of pedestrian priority for city centre and added landscaping/garden areas.</p>	<p>Noted.</p>	

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	ALBANY WA 6330	Strongly disagree with residential apartments and new building footprints edging Alison Hartman Gardens. Not in favour of any council owned land being used for residential development.		
86	W Wood PO Box 1515 ALBANY WA 6311	In favour of changes to York Street by reducing traffic flow to single lane and also extra landscaping proposed. Not supportive of any residential development on council owned land near Town Hall. Prefers residential development to occur further out of town (Albany Hwy/Lockyer Ave) and to keep historic feel to old Albany town site intact for tourists. Suggest overpass needed to connect Peace Park with Amity Precinct.	Note suggestion. Note suggestion.	
87	M Bales 188 Frenchman Bay Rd ALBANY WA 6330	Supportive of civic precinct remaining primarily for public buildings rather than private housing. Not in favour of closure of St Emilie Way due to possible congestions of road network. Suggest one lane each way in St Emilie Way and monitor traffic flow prior to closure. Public transport will be needed to compensate for lack of vehicular access.	Noted. Refer to submission 1 above. Note suggestion. Note suggestion. Refer to plan and initiative T6.	
88	L McCarthy PO Box 1333 ALBANY WA 6330	Overall impression favourable with a few exceptions. In favour of Town square but doesn't like external design of multi use Arts centre. Disagrees with closure of St Emilie Way and access to Middleton Road. Would prefer extra parking attained via multi level parking rather than closure of roads.	Noted. Noted – refer to submission 1. Note suggestion.	
89	J Ardern 224 Serpentine Rd ALBANY WA 6330	Does not support the plan and cannot see it working – particularly traffic congestion in York Street. Resident of Serpentine Rd and not in favour	Noted – refer to submission 1. Noted – refer to submission 23.	

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		of increased traffic volume in that road as a result of the road priority increasing.		
90	H Carter 17 Innes St ALBANY WA 6330	*Not supportive of the plan – particularly road changes. Envisaging difficulties travelling from Albany Highway to Aberdeen St via congested traffic in York Street. Suggests leaving St Emilie Way open, add cross walk/lights; close Lockyer Avenue and if not carrying out proposed changes to York Street then consider closing York St to traffic.	Noted – refer to submission 1. Note suggestion.	
91	Anon. Resident and business owner.	As above. * Not in favour of any more parking or vehicles in York Street.	Noted – refer to submission 1. Noted.	
92	G Carter 17 Innes St ALBANY WA 6330	In favour of more parking but not on street parking. Disagrees with one lane traffic in York St – does not agree that Serpentine Rd is a viable option as traffic in upper York St will be too congested. Suggests that St Emilie Way remain open.	Noted. Noted – refer to submission 1. Note suggestion.	
93	C Lanigan 48B Campbell Rd ALBANY wwa 6330	Likes the gardens, highway upgrade and extra parking in York St Does not like design of multi use Arts Centre would prefer something more modern.	Noted. Noted.	
94	P Hewson 27 Swarbrick St ALBANY WA 6330	Supportive of overall plan but not closure of St Emilie Way.	Noted.	
95	T Travers 14 Loftie St ALBANY WA 6330	Supportive of plan overall – particularly one lane Albany Hwy and York St, roundabout Serpentine Rd, closure of St Emilies Way and 40kph speed zone. Not in favour of introduction of traffic lights. Suggests more cycle lanes and bike racks, more one way streets adjacent to York St, more defined cross walks York St and on Stirling Tce near Rotunda, more seating in CBD under gazebos.	Noted. Noted. Note suggestions.	

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96	N Houghton 27 Rowley St ALBANY WA 6330	In favour of pedestrianisation of St Emilie Way, slower traffic speed, more green areas and streetscaping. Can foresee a problem at roundabout at Serpentine Rd/York St for pedestrians crossing Serpentine Rd. Suggests no roundabout but have light-controlled pedestrian cross walks. Cross walk also needed at junction of Lockyer Ave and York St roundabout.	Noted. Note suggestion. Note suggestion.	
97	B Newton 158 Frenchman Bay Rd ALBANY WA 6330	Supportive of decreasing traffic flow in York St to make more pedestrian and cycle friendly. Squeezing traffic makes it more difficult for cyclists (reference to ABUG survey 2009 and complaints of cyclists) Suggest closing York St to all traffic (at least between Serpentine and Grey Street).	Noted. Noted. Note suggestion.	
98	J Hancock 1/38 Frederick St ALBANY WA 6330	Fully supports moves to more diverse housing opportunities – particularly for singles. Suggests: <ul style="list-style-type: none"> • High density, single room, affordable housing close to CBD. • Pedestrianise York Street. 	Noted. Note suggestions. Refer to initiative L2.	
99	P Dunstan 9 Shoal Bay Rt BIG GROVE WA 6330	Feels traffic is already congested enough without further narrowing of roads. Feels alfresco not suitable for Albanys climate.	Noted. Noted.	
100	Residents of Parade Street (x 28)	Residents have signed a petition to voice their concern at the proposed high priority status recommended for Parade Street in the road hierarchy plan, due to: <ul style="list-style-type: none"> • Residential nature; • Narrow street with poor visibility at crest of hill; • Busy intersections with Grey St West 	Noted. Refer to submission 23.	

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		<p>and Vancouver St;</p> <ul style="list-style-type: none"> • Historic street, historic park; and • More traffic passing through a residential street would be contrary to the Vision Statement. <p>Suggest that Parade Street be classified as local road only.</p>	Note suggestion.	
101	<p>P & S Price 141 Serpentine Road ALBANY WA 6330</p>	<p>As residents of Serpentine Rd, strongly oppose planned use of it as a priority distributor road. Reason against:-</p> <ul style="list-style-type: none"> • No commercial gain as all residential development beyond Collie St; • Unsafe for all users due to natural landscape contributing to impaired vision; • Narrow road and lack of footpaths; • Proximity of houses to the road; • Location of kindergarten and church; • Steep incline – unsafe for access from Albany Hwy; and • Disabled community. <p>Feels that making Albany Hwy and York St pedestrian friendly will be at the expense of residents of Serpentine Rd.</p> <p>Suggest upgrade of main arterial roads such as Albany Hwy, North Rd and Lockyer Ave.</p>	<p>Refer to submission 23.</p> <p>Should be noted that road reserve is considerably wider than current bituminised pavement and upgrades should include footpaths.</p> <p>Noted.</p> <p>Refer to T1 - North Rd proposed to be priority road.</p>	
102	<p>NewArts Inc PO Box 1668 ALBANY WA 6331</p>	<p>Supportive of establishment of Class A exhibition space within cultural precinct. Supports initiatives C1 to C7 and tasks outlined on page 78 of draft.</p> <p>Recommends involvement of art gallery expert/s in planning stages and inclusion of a workshop room within the gallery design.</p> <p>Supports note on p105 that City should adopt strategy to upgrade all town centre roundabouts but would like this to be an</p>	<p>Noted.</p> <p>Note suggestion.</p> <p>Note suggestion.</p>	

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		<p>‘action’ to be progressed through the Masterplan. Suggests involvement of experts in the progression of all stages of the plan to ensure innovative interpretation is embedded into the process rather than tacked on at the end.</p>	<p>Note suggestion.</p>	
<p>103</p>	<p>P G Morris 10 Elizabeth Street ALBANY WA 6330</p>	<p>Supports overall objectives of plan. Has some concerns over conflict between cyclists and motor vehicles by narrowing of roads. Suggests:</p> <ul style="list-style-type: none"> • No vehicles in York St – parking and delivery access would be from rear parking areas; • Electric tram in centre York St (use of renewable energy recommended); and • York St landscaped with suitable native plants such as those found on granite peaks with room for seasonal water feature flowing down hill. <p>Concerned over further congestion of Albany Hwy by narrowing the road way that may result in increased traffic in surrounding streets such as Elizabeth St and Alicia St. Suggests Crossman St as most suitable option for directing traffic to Serpentine Rd. Suggests wider roads with painted on-road cycle lanes as safer option than narrow roads. Urges the City to stand firmly by its commitment to the Plan being a “Living Document” to allow change where necessary and promote adaptability and openness throughout.</p>	<p>Road hierarchy plan recommends Crossman as the preferred link between Albany Hwy and Serpentine Road.</p> <p>Note suggestion.</p> <p>Noted.</p>	

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13.3 HEALTH, BUILDING & RANGERS

ITEM NUMBER: 13.3.1

ITEM TITLE: ADOPTION – CITY OF ALBANY FENCING LOCAL LAW 2010

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	: MAN191 (All Wards)
Summary of Key Points	: To adopt the City of Albany Fencing Local Law 2010
Proponent	: City of Albany
Reporting Officer(s)	: Executive Manager Health, Building & Ranger Services (K Barnett)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/09/09 - Item 13.5.1 (3)
Bulletin Attachment(s)	: Draft Fencing Local Law 2010
Consulted References	: <i>Local Government Act 1995</i>
Councillor Lounge	: Nil.

BACKGROUND

1. Under the provisions of section 3.16 of the *Local Government Act 1995*, all local laws must be reviewed within an eight year period following their commencement to determine whether they should remain, be repealed or amended.
2. The City’s current *Local Laws Relating to Fencing 2001* (Local Law) were adopted at the ordinary meeting of Council held on 18 December 2001 and published in the *Government Gazette* on 15 January 2002.
3. The objectives of the Local Law are to:
 - a) Prescribe minimum standards for fencing within the City;
 - b) Ensure adequate standards for safety, structural efficiency and amenity in relation to fencing are maintained throughout the City; and
 - c) Allow some fences to be erected without the approval.
4. At its Ordinary Meeting held on the 15 September 2009, Council commenced the process to make the *Fencing Local Law 2010*.
5. As required by s3.12(3) of the *Local Government Act 1995*, Statewide and local public notice was given for a period commencing 19 November 2009 and concluding on 9 January 2010 stating that:
 - i) The City proposes to make a *Fencing Local Law* and a summary of its purpose and effect;
 - ii) A copy of the proposed local law could be inspected at the City’s offices;
 - iii) Written submissions about the proposed local law may be made to the City until 9 January 2010.

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Item 13.3.1 continued

6. A copy of the proposed local laws was provided to the Minister for Local Government.

DISCUSSION

7. No submissions from the public were received.
8. A submission from the Department of Local Government provided the following feedback, which has been incorporated into the proposed local law:
 - minor formatting changes to reflect current drafting standards;
 - minor changes to terminology;
 - minor changes to the method of numbering of clauses; and
 - the inclusion of a definition for "owner".
9. As the changes suggested by the Department of Local Government are considered minor and the amended proposed local law is not significantly different from what was originally proposed, Council can continue the process of adopting the local law,
10. The purpose of the local law is to provide a sufficient fence for purposes of the *Dividing Fences Act 1961* and to state the materials to be used and safety measures to be taken for some types of fencing.
11. The effect of this local law is to enlarge the compliance requirements of the *Local Government (Miscellaneous Provisions) Act 1960* in the erection and maintenance of fencing.

PUBLIC CONSULTATION / ENGAGEMENT

12. As noted above, the proposed local law has been subject to a public submission period spanning over 6 weeks as required by s3.12 of the Act.

GOVERNMENT CONSULTATION

13. A copy of the proposed local law was provided to the Minister for Local Government and a submission was received from the Department of Local Government.

STATUTORY IMPLICATIONS

11. Section 3.12 of the Local Government Act states:-

"3.12 Procedure for Making Local Laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

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Item 13.3.1 continued

- (3) *The local government is to -*
 - a) *give Statewide public notice stating that -*
 - i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
 - * *Absolute Majority Required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice -*
 - a) *stating the title of the local law;*
 - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

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

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Item 13.3.1 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

15. Council has two options in relations to this item, which are:
 - a. To adopt the proposed local law; or
 - b. Not adopt the proposed local law.
16. In the event that Council does not support the adoption of the proposed local law, the existing local law, adopted in 2001, will remain in force.

SUMMARY CONCLUSION

17. The adoption of the proposed *Fencing Local Law 2010* is recommended.

Purpose

The purpose of the local law is to provide a sufficient fence for purposes of the *Dividing Fences Act 1961* and to state the materials to be used and safety measures to be taken for some types of fencing.

Effect

The effect of this local law is to enlarge the compliance requirements of the *Local Government (Miscellaneous Provisions) Act 1960* in the erection and maintenance of fencing.

ITEM NUMBER 13.3.1 OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

THAT Council, in accordance with section 3.12 of the *Local Government Act 1995* (as amended), agrees to ADOPT the *City of Albany Fencing Local Law 2010* (as detailed in the Elected Members' Report/Information Bulletin) which is not significantly different to what was originally proposed.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

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13.4 EMERGENCY MANAGEMENT

Nil

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13.5 DEVELOPMENT SERVICE COMMITTEES

ITEM NUMBER: 13.5.1
ITEM TITLE: CITY OF ALBANY BUSH FIRE MANAGEMENT COMMITTEE - 24TH MARCH 2010.

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Acting Executive Director Development Services (G Bride)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Minutes of the Bush Fire Management Committee Meeting held 24th March 2010.
Councillors Lounge : Nil.

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 1

i) THAT the minutes of the Bush Fire Management Committee Meeting held on 25 November 2009, as previously distributed, be RECEIVED as a true and accurate record of proceedings.

AND

ii) THAT the UNCONFIRMED Minutes of the Bush Fire Management Committee Meeting held on 24 March 2010 be RECEIVED.

[9:27:59 PM](#) Councillor Dufty left the Chamber after seconding the motion.

ITEM TITLE 13.5.1 – AMENDED OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR DUFTY

i) THAT the CONFIRMED minutes of the Bush Fire Management Committee Meeting held on 25 November 2009 be RECEIVED.

AND

ii) THAT the UNCONFIRMED Minutes of the Bush Fire Management Committee Meeting held on 24 March 2010 be RECEIVED.

MOTION CARRIED 7-1

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington, M Leavesley, D Wolfe and J Matla

Against the Motion: Councillor D Bostock

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

**ITEM 13.5.1: MOTION 1
VOTING REQUIREMENT SIMPLE MAJORITY**

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

THAT Committee Recommendations 2 and 3 be moved EN BLOC.

MOTION CARRIED 7-1

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington,
M Leavesley, D Wolfe and J Matla

Against the Motion: Councillor D Bostock

**ITEM 13.5.1 – COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council endorse the following officers identified in the attached minutes as authorised fire control officers:

- **Martin Van Dongen-Chairman of the BFAC**
- **Morgan Sounness-Deputy Chairperson of the BFAC**
- **Ross Fenwick-Chief Bush Fire Control Officer**
- **Alan Lubcke-Deputy Bush Fire Control Officer (North East)**
- **Ken Johnson-Deputy Bush Fire Control Officer (South West)**
- **Sarah Abbott-Bush Fire Control Officer (Permit Issuing Only)**
- **Terry Bradshaw-Senior Bush Fire Control Officer (North East)**
- **Kevin Martin-Senior Bush Fire Control Officer (South West)**
- **Ross Fenwick-Chief Fire Weather Officer**
- **Deputy Fire Weather Officers — Ken Johnson, Terry Bradshaw, Alan Lubcke, Kevin Martin**
- **Fire Weather Recording Officers - C Norton, A Marshall, B Lester, J Bocian, J Plug, J Hood, K Martin, J Whitem, C Gilmour, M Sounness, I Smith, A Lubke, G Pile, S Hall**
- **Radio Schedule Officers – All FCO's of both the South West and North East sectors be appointed as Radio Schedule Officers.**
- **Clover Burning Officers — Ross Fenwick, Chris Gilmour**
- **City of Albany: - Graeme Bride, Garry Turner, Robert Forster, Gerry Monkhurst, Nathan Tysoe, Keith Barnett**

MOTION CARRIED ENBLOC

DEVELOPMENT SERVICES REPORTS

Item 13.5.1 continued.

ITEM 13.5.1 – COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council writes to Western Power and the Office of Energy and Safety on behalf of the Bush Fire Management Committee, expressing its concern over the perilous state of its power lines within the City of Albany.

MOTION CARRIED EN BLOC

CORPORATE & COMMUNITY SERVICES Reports

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.1.1

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 (P Wignall)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : List of Accounts for Payment

BACKGROUND

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

DISCUSSION

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

Municipal Fund

Trust	Totalling	\$49,915.60
Cheques	Totalling	\$130,224.24
Electronic Fund Transfer	Totalling	\$2,605,428.38
Credit Cards	Totalling	\$7,462.50
Payroll	Totalling	\$754,997.00
	TOTAL	<u>\$3,544,027.72</u>

3. As at the 28th May 2010, the total outstanding creditors, stands at \$228,714.10
4. Cancelled cheques – 26287, 26358, 26393, 26245, 26354 & 26415.

PUBLIC CONSULTATION /ENGAGEMENT

5. Nil

GOVERNMENT CONSULTATION

6. Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.1 continued

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 28 May 2010 has been incurred in accordance with the 2009/10 budget parameters.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. 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

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.1 continued

SUMMARY CONCLUSION

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

ITEM 14.1.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR WELLINGTON

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 31 May 2010 totalling \$3,544,027.72.

MOTION CARRIED 8-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.1.2
ITEM TITLE: FINANCIAL ACTIVITY STATEMENT – 31 MAY 2010

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 31 May 2010
Reporting Officer(s) : Finance Manager (P Wignall)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

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

DISCUSSION

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

STATEMENT OF FINANCIAL ACTIVITY – AS AT 31st MAY 2010

6. See Appendix 1 to Report Item 14.1.2

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

7. See Appendix 2 to Report Item 14.1.2

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

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

8. See Appendix 3 to Report Item 14.1.2

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

9. See Appendix 4 to Report Item 14.1.2

PUBLIC CONSULTATION / ENGAGEMENT

10. Nil

GOVERNMENT CONSULTATION

11. Nil

STATUTORY IMPLICATIONS

12. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

FINANCIAL IMPLICATIONS

13. Expenditure for the period ending 31st May 2010 has been incurred in accordance with the 2009/10 current budget parameters. Details of any budget variation in excess of \$100,000 (year to date) follow. Other than potential liabilities in relation to claims by the ex CEO, and the ALAC Boiler issue (as noted on the variance schedule) there are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

Account	Original Budget	Current Budget	YTD Budget	YTD Actual	YTD Variance	YTD Percentage Variance	Variance Ticks	Comments
<u>CHIEF EXECUTIVE OFFICER</u>							<input type="checkbox"/>	
182820. CEO - SALARIES	412,901	412,901	365,252	624,706	(259,454)	-71%	<input type="checkbox"/>	Over budget year to date, and will be over budget for the full year due to the CEO contract termination payment made in April.
Total CHIEF EXECUTIVE OFFICER	412,901	412,901	365,252	624,706	(259,454)	-71%	<input type="checkbox"/>	
<u>DIRECTOR CORPORATE & COMMUNITY</u>							<input type="checkbox"/>	
170020. ADMIN-DEPRECIATION	1,056,144	1,056,144	969,330	735,148	234,182	24%	<input type="checkbox"/>	Currently under budget due to timing differences, since most capitalisation of assets is done at year end.
172220. PARKS -DEPRECIATION	674,260	674,260	618,833	458,142	160,691	26%	<input type="checkbox"/>	Currently under budget due to timing differences, since most capitalisation of assets is done at year end.
174420. ROADS- DEPREC	7,557,156	7,557,156	6,936,015	6,666,251	269,764	4%	<input type="checkbox"/>	Currently under budget due to timing differences, since most capitalisation of assets is done at year end.

CORPORATE & COMMUNITY SERVICES REPORTS

Account	Original Budget	Current Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Variance	Variance Ticks	Comments
177770. LAND DEVELOPMENT	1,200,894	1,849,135	1,849,135	1,737,091	112,044	6%	<input type="checkbox"/>	Under budget year to date, and will be under budget at year end. Cull Road marketing expenses are to be carried over to 2010/2011. Year to date costs are below budget due to contractor invoicing delays. Annual costs will be below budget due to the full project cost being budgeted this year, but project will not be completed until December 2010. There are no known cost overruns. Year to date receipts are above budget, but will be below budget at year end due to delays in contractor invoicing & subsequent grant submission.
194140. ALAC - STAGE 2	5,919,375	5,919,375	2,260,760	1,261,976	998,784	44%	<input type="checkbox"/>	
199950. GRANT - RECREATION MASTERPLAN	(5,919,375)	(4,459,687)	(100,000)	(1,434,704)	434,704	43%	<input type="checkbox"/>	
Total DIRECTOR CORPORATE & COMMUNITY	10,488,454	12,596,383	12,534,073	9,423,904	2,210,169	18%		
<u>DIRECTOR WORKS & SERVICES</u>							<input type="checkbox"/>	
100040. ROAD SAFETY	505,000	729,164	253,662	382,987	(129,325)	-51%	<input type="checkbox"/>	Year to date costs are above budget, but annual costs will be approx \$150k below budget due to design savings on Festing Street (\$90k) and below budget costs (\$60k) on other roads. Year to date costs are over budget, and annual costs will exceed budget. This is due to the delay in supply of the purchased refuse compactor resulting in additional unbudgeted compactor hire costs. Year to date costs over budget, and annual costs will exceed budget due to focus on required parks & reserves building maintenance.
118520. REFUSE-TIP MAINTENANCE	928,000	954,000	854,622	975,235	(120,613)	-14%	<input type="checkbox"/>	
126920. REC'N-PARK/RESERVE MAINT	1,000,000	1,001,900	900,820	1,082,499	(181,679)	-20%	<input type="checkbox"/>	

CORPORATE & COMMUNITY SERVICES REPORTS

Account	Original Budget	Current Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Variance	Variance Ticks	Comments
132220. ROAD MAINTENANCE	3,500,000	3,500,000	3,001,594	2,770,991	230,603	8%	<input type="checkbox"/>	Year to date costs are below budget, & annual costs will be under budget - mainly due to reduced staff availability & cut back on overtime. Year to date grants are above budget, & will be above budget at year end. This relates to Federal grants of \$274,000 to be carried over to 2010/2011. Year to date receipts are above budget. Budget timing was for all monies to be received in June. Year end receipts expected to be in line with budget.
140150. CAPITAL GRANTS - EDWS OTHER	0	(45,000)	(45,000)	(319,000)	274,000	609%	<input type="checkbox"/>	
141250. ROAD FUNDING - TIRES	(260,000)	(260,000)	0	(141,041)	141,041	100%	<input type="checkbox"/>	
147920. PLANT-ALLOCATE TO W/SERV.	(2,855,000)	(2,688,000)	(2,530,076)	(2,307,046)	(223,030)	-9%	<input type="checkbox"/>	Any under-recoveries in relation to Plant Charge-out and Works Labour Charge-out are addressed in June. Additional charge-outs may be required to align with costs to be recovered. Year to date costs are above budget. Annual costs will be approx \$230k below budget related to carryover work for Mueller Road and Down Road. Year to date costs are above budget (timing difference), but annual costs will be below budget. There is the potential for approximately \$500k to be carried over to 2010/2011 for drainage design & works. Year to date costs are below budget. Annual costs estimated to be \$300,000 below budget due to contractor delays and weather interruptions.
149120. WO-LESS ALLOC.W/SERVICES	(2,772,322)	(2,845,601)	(2,522,333)	(2,212,178)	(310,155)	-12%	<input type="checkbox"/>	
149840. ASSET UPGRADE - REGIONAL RD	516,000	468,594	134,594	235,183	(100,589)	-75%	<input type="checkbox"/>	
149940. ASSET PRESERVATION	2,135,442	2,483,685	1,270,446	1,416,912	(146,466)	-12%	<input type="checkbox"/>	
150140. DRAINAGE CONSTRUCTION	1,047,500	978,153	585,598	447,886	137,712	24%	<input type="checkbox"/>	

CORPORATE & COMMUNITY SERVICES REPORTS

Account	Original Budget	Current Budget	YTD Budget	YTD Actual	YTD Variance	YTD % Variance	Variance Ticks	Comments
151840. PARKS & RESERVES	310,000	749,236	419,031	702,882	(283,851)	-68%	<input type="checkbox"/>	Year to date costs are above budget due to timing differences on the budget allocation. Annual costs are expected to be line with budget.
153870. STREET LIGHTING	382,000	382,000	305,320	195,667	109,653	36%	<input type="checkbox"/>	Year to date costs are below budget due to delays in receipt of Synergy invoices. Annual costs are expected to be slightly above budget.
167640. PEACE PARK	1,388,568	1,137,058	1,105,640	847,489	258,151	23%	<input type="checkbox"/>	Year to date costs are below budget due to timing differences on the budget allocation. Annual costs are expected to be line with budget.
Total DIRECTOR WORKS & SERVICES	5,825,188	6,545,189	3,733,918	4,078,466	(344,548)	-9%		
<u>Other Events with Financial Implications:</u>								
ALAC BOILER BREAKDOWN							<input type="checkbox"/>	The final financial impact is unknown. However, combined additional costs and lost revenue are expected to exceed \$100,000.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

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 4.1: 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

14. The City's 2009/10 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2009/10 budget parameters and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
15. 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

16. Nil

SUMMARY CONCLUSION

17. Nil

[9:32:53 PM](#) Councillor D Bostock requested a Point of Clarification regarding the totals on page 179.

[9:33:32 PM](#) Through the Mayor, Mr Madigan replied that the subtotal had been carried over from the previous page.

[9:33:45 PM](#) Councillor Dufty returned to the Chamber.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

**ITEM 14.1.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR WELLINGTON

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

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 1				
STATEMENT OF FINANCIAL ACTIVITY YEART TO DATE – 31 MAY 2010				
	Actual Year to Date 31-May-10	Current Budget Year to Date 31-May-10	Current Budget vs Actual Variance	
REVENUE				
Operating Grants, Subsidies and Cont	2,889,028	2,865,915	23,113	√
Fees and Charges	6,578,144	6,614,837	-36,693	X
Service Charges	3,011,117	3,012,168	-1,051	X
Interest Earnings	683,335	563,134	120,201	√
Other Revenue	466,765	415,874	50,891	√
	13,628,389	13,471,928	156,461	
EXPENDITURE				
Employee Costs	12,896,030	12,382,796	513,234	X
Materials and Contracts	8,990,553	9,978,962	-988,409	√
Utility Charges	973,760	1,034,462	-60,702	√
Interest Expenses	674,322	613,917	60,405	X
Insurance Expenses	476,810	486,857	-10,047	√
Other Expenditure	357,997	538,766	-180,769	√
Depreciation	10,110,361	10,846,551	-736,190	√
	34,479,834	35,882,311	-1,402,477	
Adjustment for Non-cash Revenue and Expenditure:				
Depreciation	-10,110,361	-10,846,551	736,190	
CAPITAL REVENUE				
Non-Operating Grants, Subsidies and Cont	5,204,095	3,703,891	1,500,204	√
Proceeds from asset disposals	434,550	363,114	71,436	√
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	32,503	37,569	-5,066	X
Transfers from Reserves (Restricted Assets)	7,483,656	7,616,967	-133,311	
	13,154,804	11,721,541	1,433,263	
CAPITAL EXPENDITURE				
Capital Expenditure	10,617,152	11,483,081	-865,930	√
Repayment of Loans	721,253	651,872	69,381	X
Transfers to Reserves (Restricted Assets)	1,840,728	1,198,549	642,179	
	13,179,133	13,333,502	-154,370	
Estimated Surplus B/fwd				
ADD Net Current Assets July 1 B/fwd	-1,576,975	n/a	n/a	
LESS Net Current Assets Year to Date	9,233,285	n/a	n/a	
Amount Raised from Rates	-21,575,673	-21,539,828	-35,845	

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

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 2 – BALANCE SHEET AS AT 31 MAY 2010

	Actual 31-May-10	Budget 30-Jun-10	Actual 30-Jun-09
CURRENT ASSETS			
Cash - Municipal	8,681,822	776,514	477,330
Restricted cash (Trust)	1,472,256	1,976,788	1,987,438
Reserve Funds - Financial Assets	1,170,755	0	1,170,755
Reserve Funds - Other	1,503,640	2,647,383	7,360,046
Receivables & Other	2,427,514	1,600,000	2,912,825
Investment Land	(0)	0	(0)
Stock on hand	871,557	780,000	1,033,538
	16,127,543	7,780,685	14,941,932
CURRENT LIABILITIES			
Borrowings	366,644	1,230,000	1,087,897
Creditors prov - Annual leave & LSL	2,117,502	2,200,000	2,023,128
Trust Liabilities	1,415,334	1,778,124	1,930,516
Creditors prov & accruals	662,383	3,000,000	4,190,793
	4,561,862	8,208,124	9,232,333
NET CURRENT ASSETS	11,565,681	(427,439)	5,709,599
NON CURRENT ASSETS			
Receivables	106,322	152,865	106,322
Pensioners Deferred Rates	292,616	265,945	292,616
Investment Land	2,150,000	2,150,000	2,150,000
Property, Plant & Equip	75,191,810	131,774,682	67,901,036
Infrastructure Assets	178,828,637	197,134,056	186,048,238
Local Govt House Shares	19,501	19,501	19,501
	256,588,886	331,497,049	256,517,713
NON CURRENT LIABILITIES			
Borrowings	20,796,675	19,566,675	20,796,675
Creditors & Provisions	259,838	262,000	259,838
	21,056,513	19,828,675	21,056,513
NET ASSETS	247,098,054	311,240,935	241,170,800
EQUITY			
Accumulated Surplus	223,701,742	289,818,918	212,131,560
Reserves	4,621,678	2,647,383	10,264,605
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	247,098,054	311,240,935	241,170,800

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 3 - INCOME STATEMENT FOR THE PERIOD ENDED – 31 MAY 2010

Nature / Type	YTD Actual 2009/10	Budget-Total 2009/10	Actual 2008/09
INCOME			
Rates	21,575,673	21,346,462	19,277,114
Grants & Subsidies	2,493,071	3,069,252	4,051,358
Contributions. Reimb & Donations	395,957	362,187	408,897
Fees & Charges	6,578,144	7,294,973	7,276,163
Service Charges	3,011,117	2,996,718	2,698,198
Interest Earned	683,335	547,200	658,167
Other Revenue / Income	468,125	401,500	529,090
	35,205,422	36,018,292	34,898,987
EXPENDITURE			
Employee Costs	12,896,030	14,039,923	13,749,398
Utilities	973,760	1,311,912	903,193
Interest Expenses	674,322	1,179,588	1,322,148
Depreciation on non current assets	10,110,361	11,818,000	10,714,400
Contracts & materials	8,990,553	11,628,876	11,490,819
Insurance expenses	476,810	453,863	410,959
Other Expenses	359,357	(128,769)	11,553
	34,481,194	40,303,393	38,602,470
Change in net assets from operations	724,228	(4,285,101)	(3,703,483)
Grants and Subsidies - non-operating	5,130,625	70,066,581	6,497,507
Contributions Reimbursements and Donations - non-operating	73,470	5,175,706	4,738,136
Profit/Loss on Asset Disposals	(1,068)	(32,000)	61,301
Fair value - Investments adjustment	0	1,987,226	(193,144)
	5,927,254	72,912,412	7,400,317

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 4 - PORTFOLIO VALUATION - MARKET VALUE – 31 MAY 2010

Security	Maturity Date	Security Cost (incl accrued Int)	Current Interest %	Market Value Mar-10	Market Value Apr-10	Market Value May-10	Latest Monthly Variation
MUNICIPAL ACCOUNT							
Bankwest	19/04/2010	1,000,000	5.15%	1,000,000			
Bendigo	22/04/2010	1,000,000	5.40%	1,000,000			
Bankwest	22/04/2010	1,000,000	5.40%	1,000,000			
ANZ	29/04/2010	2,500,000	5.13%	2,500,000			
Bendigo	18/05/2010	1,000,000	5.20%	1,000,000	1,000,000		
Bankwest	25/05/2010	1,000,000	5.10%		1,000,000		
Westpac	28/05/2010	1,500,000	5.50%	1,500,000	1,500,000		
ANZ	3/06/2010	1,500,000	5.10%		1,500,000	1,500,000	
Bendigo	21/06/2010	1,000,000	5.30%		1,000,000	1,000,000	
NAB	21/06/2010	1,500,000	5.30%		1,500,000	1,500,000	
Bendigo	24/06/2010	1,000,000	5.20%			1,000,000	
Westpac	24/06/2010	1,500,000	4.60%			1,500,000	
				8,000,000	7,500,000	6,500,000	n/a
RESERVES ACCOUNT							
NAB	18/04/2010	1,000,000	5.30%	1,000,000			
Bankwest	25/05/2010	1,500,000	5.10%		1,500,000		
Bankwest	24/06/2010	1,500,000	5.25%			1,500,000	
		1,500,000		1,000,000	1,500,000	1,500,000	n/a

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 4 - PORTFOLIO VALUATION - MARKET VALUE – 31 MAY 2010

Security	Maturity Date	Security Cost (incl accrued Int)	Current Interest %	Market Value Mar-10	Market Value Apr-10	Market Value May-10	Latest Monthly Variation
COMMERCIAL SECURITIES - CDOs (New York Mellon)**							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	354,120	354,120	354,120	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	155,750	155,750	155,750	0
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	307,100	307,100	307,100	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	159,380	159,380	159,380	0
		2,118,046		976,350	976,350	976,350	0
COMMERCIAL SECURITIES - CDOs - Other							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	119,000	119,000	119,000	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	303	303	303	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,503	68,503	68,503	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	6,600	6,600	6,600	0
		1,324,656		194,405	194,405	194,405	0
PORTFOLIO TOTAL		4,942,702		10,170,755	10,170,755	9,170,755	0

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.1.2 continued.

APPENDIX 5 – FINANCIAL RATIOS

CITY OF ALBANY FINANCIAL RATIOS	30-Jun-09	30-Apr-10	31-May-10	Benchmark
Liquidity Ratios				
Current Ratio ¹	73.7%	470.7%	460.0%	>100%
Untied Cash to trade creditors Ratio ²	19.7%	2743.0%	2551.7%	>100%
Financial Position Ratio				
Debt Ratio ³	11.2%	9.4%	9.4%	<100%
Debt Ratios				
Debt Service Ratio ⁴	11.1%	4.1%	4.6%	<10%
Gross Debt to Revenue Ratio ⁵	63.2%	63.4%	60.5%	<60%
Gross Debt to Economically Realisable Assets ⁶	26.2%	26.4%	26.3%	<30%
Coverage Ratio				
Rate Coverage Ratio ⁷	58.5%	69.7%	66.4%	>33%
Effectiveness Ratio				
Outstanding Rates Ratio ⁸	3.7%	6.5%	6.0%	<5%

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

CORPORATE & COMMUNITY SERVICES REPORTS

14.2 – ADMINISTRATION

Nil

14.3 – LIBRARY SERVICES

Nil

14.4 – DAY CARE CENTRE

Nil

14.5 – TOWN HALL

Nil

14.6 – RECREATION SERVICES

Nil

14.7 - ECONOMIC DEVELOPMENT

Nil

14.8 - TOURISM & VISITORS CENTRE

Nil

14.9 – AIRPORT MANAGEMENT

Nil

14.10 – CONTRACT MANAGEMENT

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

14.11 PROPERTY MANAGEMENT

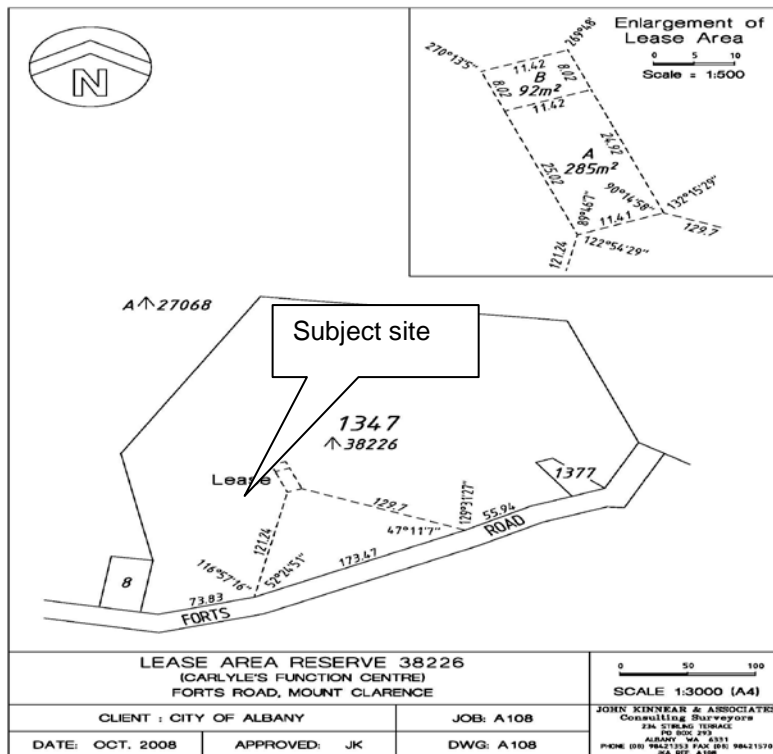
ITEM NUMBER: 14.11.1

ITEM TITLE: NEW LEASE FOR CARLYLES FUNCTION CENTRE AT PRINCESS ROYAL FORTRESS

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** : PRO310, A157578 (Frederickstown Ward)
- Summary of Key Points** : Consider request for a new lease to Lisa Scanlon, Proprietor of Carlyles Function Centre at the Princess Royal Fortress on Lot 1347 portion of Reserve 38226 for a term of 5 years with an option for a further 5 year term for the purpose of function centre
- Land Description** : Portion of Reserve 38226, Lot 1347 on Plan 17800, Mount Clarence
- Proponent** : Lisa Scanlon, Proprietor of Carlyles Function Centre
- Owner** : Crown
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council’s Policy – Property Management – Leases
- Maps and Diagrams** :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

BACKGROUND

1. Reserve 38226 is under Management Order H712682 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of Parklands and Recreation for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Carlyles Function Centre is located on Lot 1347 portion of Reserve 38226, Mount Clarence at the historic Princess Royal Fortress overlooking Middleton Bay and Lake Seppings to the north.
3. Even though the premises are physically located on Mount Adelaide the correct locality is Mount Clarence. The postal address of the premises being 7 Forts Road, Mount Clarence.
4. The premises was originally a residence for Army staff based at the Forts and comprises an old style weatherboard and iron building with a north easterly aspect comprising of main building area which is separated into three separate dining areas, a lobby area, kitchen and three separate toilet facilities with an outdoor deck area.
5. In July 2000, the City of Albany granted a new lease for the premises at the Princess Royal Fortress, Mount Clarence over an area of approximately 285 square metres to Thomas and Sharon Bower for the purpose of restaurant.
6. The lease for a term of 5 years with an option of a further 5 year term commenced on 1 July 2000 and expires 30 June 2010.
7. In October 2002, the lease was assigned to Lisa Scanlon who validly exercised the option for a further 5 year term in 2005 under the terms of the lease.
8. The lease provides for annual rent reviews based on current market valuations with the most recent in July 2009 determining the annual rental to be \$10,666.50 plus GST per annum.
9. A written request has been received from Lisa Scanlon, Proprietor of Carlyles Function Centre for a new lease over the area it currently occupies on portion of Reserve 22998 for a term of 5 years with an option for a further 5 year term commencing 1 July 2010 for the purpose of function centre.
10. In 2006 with Council and WA Heritage Council approval an extension to the existing alfresco structure of approximately 92 square metres to allow for a dance floor area was completed increasing the Leased Premises area to approximately 377 square metres.
11. The existing Leased Premises is for the building footprint only however the Lessee maintains the small garden at the centre entrance. The grassed area adjacent the Leased Premises is maintained by the City of Albany as part of the Forts complex.
12. The building itself is in good conditions and has been well maintained in recent years by the Lessee and the City of Albany. The Lessee is responsible for the minor repairs and maintenance with the City of Albany responsible for all structural maintenance including electrical wiring in the Leased Premises.

Item 14.11.1 continued.

CORPORATE & COMMUNITY SERVICES REPORTS

13. In April 2010, Independent Certified Practising Valuer, Albany Valuation Services completed a current market valuation determining the annual rental to be \$10,666.50 plus GST per annum. This being based on rental evidence within Albany and there being no evidence to suggest the rental rates of similar premises have increased over the preceding six months, therefore for any new lease the rental should remain unchanged.

DISCUSSION

14. Carlyles Function Centre no longer operates as a restaurant but provides a facility for a range of organised social, corporate functions and special events including weddings, conferences, seminars and dinner meetings.
15. The historic building and location with scenic vista is ideal for and predominately caters for weddings.
16. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases with rent reviews for this category of lease based on current market valuations set at 5 yearly intervals unless otherwise agreed by Council.
17. In addition, it is recommended a special condition be included in the new lease requiring the Lessee be responsible for any costs incurred if additional mowing of the adjacent grassed area, for the benefit of the function centre, is requested outside of the normal Forts mowing schedule. These charges will be on costed to the Lessee through the City's accounts recoverable costs system.
18. All costs associated with the preparation, execution and implementation of the lease to be payable by the proponent.

PUBLIC CONSULTATION / ENGAGEMENT

19. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
20. 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.
21. 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

22. As this is Crown land, Ministerial approval is required.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

STATUTORY IMPLICATIONS

23. 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.
24. As this is Crown land, under a Management Order H633658 issued to the City of Albany for the purpose of Parklands and Recreation, Ministerial approval is required.
25. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased land and buildings.

FINANCIAL IMPLICATIONS

26. All costs associated with the preparation and implementation of the surrender and new lease documentation will be borne by the proponent.
27. The new lease rental determined by a current market valuation provided by an independent Certified Practising Valuer, Albany Valuation Services will be \$10,666.50 plus GST per annum with rent reviews in line with Council's Policy - Property Management - Leases for this category of lease agreements.
28. The new lease rental income of \$10,666.50 plus GST will be directed to COA 150530 - Forts Rentals.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Priority Goals and Objectives

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

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

City of Albany Mission Statement

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.1 continued.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

32. 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.
33. Should Council not support the request, the existing Lessee will be required to vacate the Leased Premises within 7 days from lease expiry on 30 June 2010 and find alternative premises should they wish to continue function centre operations.

SUMMARY CONCLUSION

34. In view of the service such a facility provides to the community and the rental income supporting the operations of the Princess Royal Fortress, the request for a new lease to Lisa Scanlon, Proprietor of Carlyles Function Centre for a term of 5 years with an option for a further 5 year term for the purpose of function centre is recommended.

Item 14.11.1 continued.

**ITEM 14.11.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR WOLFE**

THAT Council subject to section 3.58 of the Local Government Act 1995 and section 18 of the Land Administration Act 1997 APPROVES the request for a new lease to Lisa Scanlon, Proprietor of Carlyles Function Centre located at the Princess Royal Fortress on Lot 1347 portion of Reserve 38226 for a term of 5 years with an option for a further 5 year term for the purpose of function centre.

The lease being in compliance with Council's Policy – Property Management – Leases, with the following conditions:

- **The lease term being 5 years with an option for a further 5 year term commencing 1 July 2010;**
- **The lease rental being \$10,666.50 plus GST per annum as determined by a current market valuation provided by independent Certified Practicing Valuer, Albany Valuation Services;**
- **The lease rent reviews based on current market valuations be set at 5 yearly intervals with annual CPI for intervening years;**
- **The lease include a special condition requiring the Lessee be responsible for any costs incurred if additional mowing of the adjacent grassed area, for the benefit of the function centre, is requested outside of the normal Forts mowing schedule; and**
- **All costs associated with the preparation, execution and implementation of the lease to be payable by the proponent.**

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.11.2
ITEM TITLE: NEW LEASE TO ALBANY AERO CLUB INC. FOR HANGAR SITE 5 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 : PRO194, A160454 (Kalgan Ward)

Ward

Summary of Key Points : Consider request for a new lease to Albany Aero Club Inc. for hangar site 5 at the Albany Regional Airport for a term of 10 years with an option for a further 10 year term for the purpose of airport hangar for aircraft hangarage only

Land Description : Portion of Lot 213 on Diagram 94445 situated at 35615 Albany Highway, Drome

Proponent : Albany Aero Club Inc.

Owner : City of Albany

Reporting Officer(s) : Property Officer (T Catherall)

Disclosure of Interest : Nil

Previous Reference : OCM 19.08.2008 Item 13.3.1

Bulletin Attachment(s) : Nil

Consulted References : Council’s Policy – Property Management – Leases
Council’s Airport Business Plan

Maps and Diagrams :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

BACKGROUND

1. In July 1990 the former Shire of Albany granted a new lease for hangar site 5 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 to Albany Aero Club Inc. for the purpose of airport hangarage only.
2. Lot 213 is City of Albany land adjacent the Airport Terminal.
3. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases including this lease in question, legal advice determined the term to be 20 years with no option for a further term.
4. At OCM 19.08.08 Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
5. The existing lease area of approximately 551 square metres for hangar site 5 is due to expire on 30 June 2010 with no option for a further term. The lease currently returns a fixed rental of \$10.00 per annum.
6. The City of Albany has received a written request from Albany Aero Club Inc. for a new lease for Airport hangar site 5 over the area it currently occupies for a term of 10 years with an option for a further 10 year term commencing 1 July 2010.

DISCUSSION

7. The Albany Aero Club Inc. is a not for profit organisation that promotes aviation, the safety of flying and rebuilding plane activities. The Club provides Flight Training Scholarships to encourage flying endeavours and assist with flight training costs.
8. The Club also assists with search and rescue missions and provides flying support for the Department of Environment and Conservation's annual whale count.
9. The proposed new lease request for a term of 10 years with an option for a further 10 year term is consistent with Council's resolution at OCM 19.08.08 to limit hangar leases to a maximum of 20 years.
10. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases with rental for this category of lease to be \$580.00 plus GST being the equivalent of Minimum Land Rate as set by Council per annum.
11. The Lessee will be responsible for the ongoing maintenance and insurance for the Leased Premises.

PUBLIC CONSULTATION / ENGAGEMENT

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

13. 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.
14. 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 & ii) states that Section 3.58 of the Act is exempt if:
 - (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary from the body's transactions.*
15. The Albany Aero Club Inc. is a not for profit recreational organisation and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995.

GOVERNMENT CONSULTATION

16. No Government consultation is required as this is City of Albany owned land.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

18. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent
19. The new lease rental income of \$580.00 plus GST per annum will be directed to COA 138130 – Airport Lease Rents.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Priority Goals and Objectives

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

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.2 continued.

City of Albany Mission Statement

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

23. 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.
24. Should Council not approve the request, the existing Lessee would be unable to continue Aero Club activities on this site at the Albany Regional Airport.
25. The Lessee would within 3 months of the expiration of the lease be required to remove any building, hangar and structure, or in the event of failing to remove them; the improvements become the property of the City of Albany.
26. The hangar site would be advertised state-wide seeking expressions of interest to lease this site with Council considering any new lease for the vacant premises.

SUMMARY CONCLUSION

27. In view of the service provided by the Aero Club to the community at no cost to Council, the request for a new lease for Airport hangar site 5 for a term of 10 years with an option for a further 10 year term is recommended.

Item 14.11.2 continued.

**ITEM 14.11.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MATLA**

THAT Council subject to section 3.58 of the Local Government Act 1995 APPROVES the request for a new lease to Albany Aero Club Inc. for hangar site 5 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 located at 35615 Albany Highway Drome, for the purpose of airport hangar for aircraft hangarage only.

The lease being in compliance with Council's Policy – Property Management – Leases, with the following conditions:

- **The lease term being 10 years with an option for a further 10 year term commencing 1 July 2010;**
- **The lease rental to be \$580.00 plus GST being the equivalent of Minimum Land Rate as set by Council per annum; and**
- **All costs associated with the preparation, execution and completion of the lease to be payable by the proponent.**

MOTION CARRIED 9-0

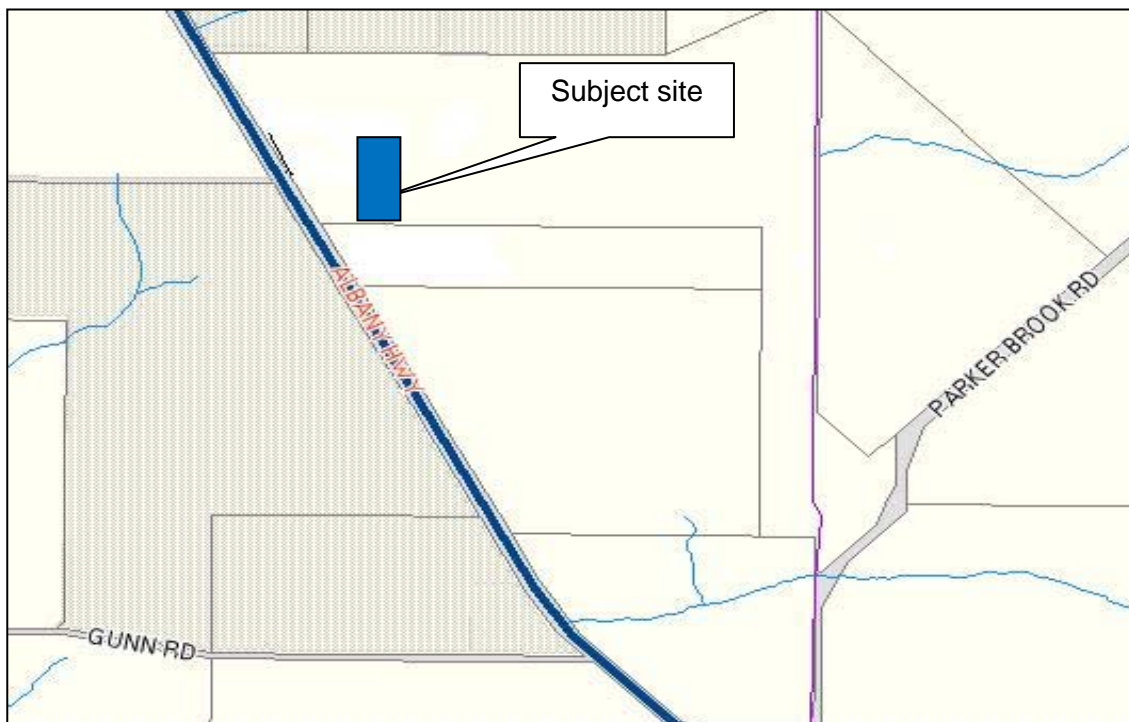
CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.11.3
ITEM TITLE: NEW LEASE TO STEPHEN THOMAS METCALF FOR HANGAR SITE 8 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** : PRO187, A160472 (Kalgan Ward)
Summary of Key Points : Consider request for a new lease to Stephen Thomas Metcalf for hangar site 8 at the Albany Regional Airport for a term of 10 years with an option for a further 10 year term for the purpose of airport hangar for aircraft hangarage only
Land Description : Portion of Lot 213 on Diagram 94445 situated at 35615 Albany Highway, Drome
Proponent : Stephen Thomas Metcalf
Owner : City of Albany
Reporting Officer(s) : Property Officer (T Catherall)
Disclosure of Interest : Nil
Previous Reference : OCM 19.08.2008 Item 13.3.1
Bulletin Attachment(s) : Nil
Consulted References : Council’s Policy – Property Management – Leases
Council’s Airport Business Plan
Maps and Diagrams :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

BACKGROUND

1. In July 1990 the former Shire of Albany granted a new lease for hangar site 8 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 to John N Anderson and Neil Richardson trading as Anricair for the purpose of airport hangarage only.
2. Lot 213 is City of Albany land adjacent the Airport Terminal.
3. On 1 August 1995, the lease was assigned to Robert William Jackson. This lease was then assigned to Stephen Thomas Metcalf on 1 March 2004.
4. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases including this lease in question, legal advice determined the term to be 20 years with no option for a further term.
5. At OCM 19.08.08 Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
6. The existing lease area of approximately 300 square metres for hangar site 8 is due to expire on 30 June 2010 with no option for a further term. The lease currently returns a fixed rental of \$408.00 plus GST per annum.
7. The City of Albany has received a written request from Stephen Thomas Metcalf for a new lease for Airport hangar site 8 over the area it currently occupies for a term of 10 years with an option for a further 10 year term commencing 1 July 2010.

DISCUSSION

8. The proposed new lease request for a term of 10 years with an option for a further 10 year term is consistent with Council's resolution at OCM 19.08.08 to limit hangar leases to a maximum of 20 years.
9. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases with new lease rental to be determined by a current market valuation provided by an independent Certified Practising Valuer,
10. The most recent rental market valuation for hangar site leases completed in March 2009 determined the rental to be \$8.00 plus GST per square metre. Should a current market valuation determine a similar rental then hangar site 8 would return a rental of \$2,400 plus GST per annum.
11. The Lessee will be responsible for ongoing maintenance and insurance for the Leased Premises.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

PUBLIC CONSULTATION / ENGAGEMENT

12. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
13. 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.
14. 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

15. No Government consultation is required as this is City of Albany land.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

17. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent
18. 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.
19. The new lease rental income will be directed to COA 138130 – Airport Lease Rents.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Priority Goals and Objectives

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

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

City of Albany Mission Statement

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.3 continued.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

23. 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.
24. Should Council not approve the request, the existing Lessee would be required to vacate the Leased Premises and find an alternate location to store the aircraft.
25. The Lessee would within 3 months of the expiration of the lease be required to remove any building, hangar and structure, or in the event of failing to remove them; the improvements become the property of the City of Albany.
26. The hangar site would then be advertised state-wide seeking expressions of interest to lease this site with Council considering any new lease for the vacant premises.

SUMMARY CONCLUSION

27. As the Lessee, Stephen Thomas Metcalf has fulfilled all existing lease terms and conditions and paid all accounts in full at no cost to Council, the request for a new lease for Airport hangar site 8 for a term of 10 years with an option for a further 10 year term is recommended.

Item 14.11.3 continued.

**ITEM 14.11.3 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council subject to section 3.58 of the Local Government Act 1995 APPROVES the request for a new lease to Stephen Thomas Metcalf for hangar site 8 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 located at 35615 Albany Highway Drome, for the purpose of airport hangar for aircraft hangarage only.

The lease being in compliance with Council's Policy – Property Management – Leases, with the following conditions:

- **The lease term being 10 years with an option for a further 10 year term commencing 1 July 2010;**
- **The lease rental to be determined by a current market valuation provided by an independent Certified Practicing Valuer;**
- **The lease rent reviews based on current market valuations be set at 5 yearly intervals with annual CPI for intervening years; and**
- **All costs associated with the preparation, execution and completion of the lease to be payable by the proponent.**

MOTION CARRIED 9-0

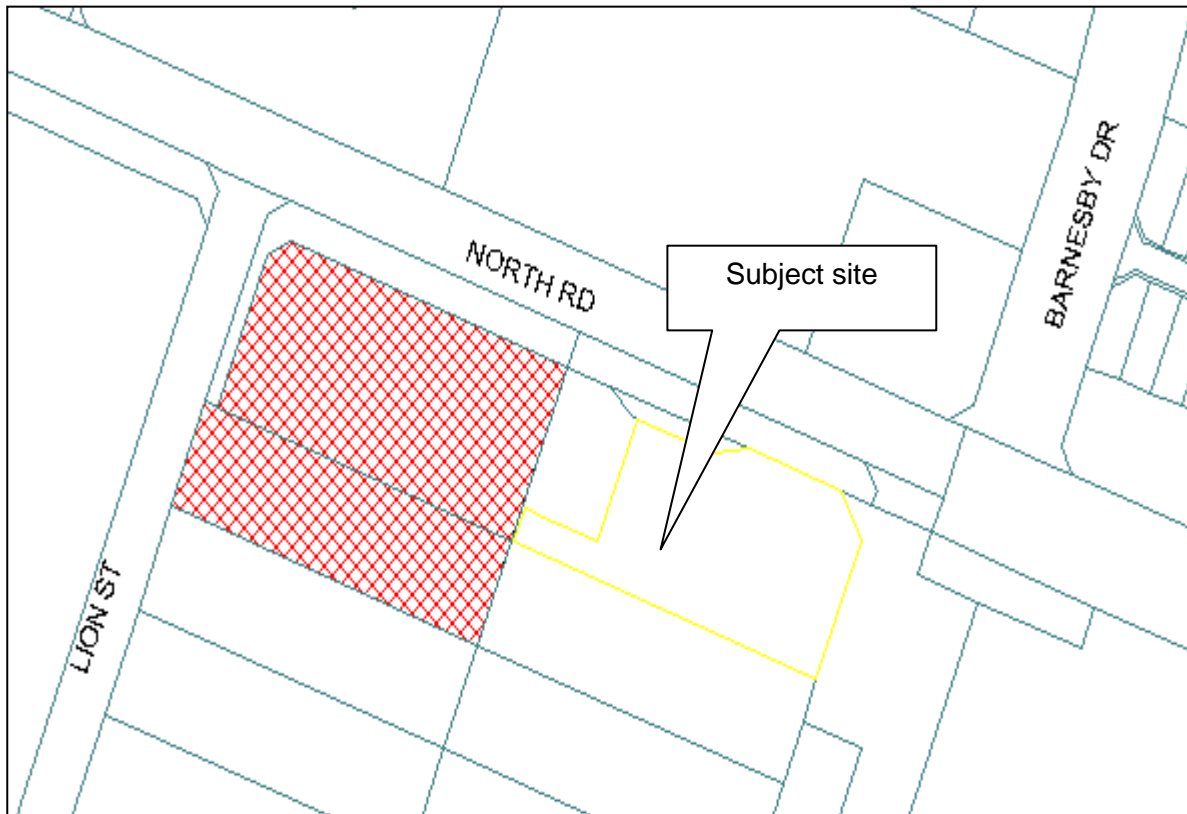
CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.11.4
ITEM TITLE: NEW LEASE TO ALBANY COMMUNITY RADIO INC. AT LOTTERIES HOUSE

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** : MAN071 (Frederickstown Ward)
- Summary of Key Points** : Consider request for a new lease to Albany Community Radio Inc. located at Lotteries House 211-217 North Road Albany for a term of 3 years for the purpose of Community Radio operations
- Land Description** : Albany Suburban Lots 304 and 305 and being Lot 211 on Diagram 94113
- Proponent** : Albany Community Radio Inc.
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council’s Policy – Property Management – Leases
- Maps and Diagrams** :



Item 14.11.4 continued.

CORPORATE & COMMUNITY SERVICES REPORTS

BACKGROUND

1. In September 1996 a Deed of Trust was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located on Albany Suburban Lots 304 and 305, with the street address being 211-217 North Road, Albany.
2. The Deed required a Management Committee to be formed to oversee the management of the premises.
3. The City of Albany ('the Trustee'), through the administration of the Management Committee is to make and keep available the property for eligible organisations defined in section 19 of the Lotteries Commission Act 1990 to use exclusively for accommodation for benevolent or charitable purposes.
4. In June 2009, the City of Albany with Lotteries House Management Committee approval granted a new lease to Albany Community Radio Inc. for a term of 1 year with no option for a further term as requested by the proponent, commencing on 1 July 2009 and expiring on 30 June 2010.
5. The City of Albany has received a written request from Albany Community Radio Inc. for a new lease at Lotteries House over the area it currently occupies for a term of 3 years commencing 1 July 2010 for the purpose of Community Radio operations.
6. The existing lease area of approximately 101 square metres at Lotteries House currently returns a rental of \$10,986.96 plus GST per annum. This is based on a rate per square metre of \$119.66.
7. The Albany Community Radio Inc. new lease request has been approved by the Lotteries House Committee at the last Committee meeting on 14 April 2010.

DISCUSSION

8. Albany Community Radio Inc. is a not for profit organisation operated by a team of volunteers providing a community based radio station with a diverse range of programming to cater for the greater community including Ethnic and Religious groups, Sports, Disability, Schools and Seniors' Interests.
9. Albany Community Radio Inc are also involved in a number of outside broadcasts for events including ANZAC Day Service and Parade, the Agricultural Show, Carols by Candlelight and the Rotary Radio Auction.
10. The Lotteries House Management Committee determines the rental for the tenants by projecting the property operating expenses required for the financial year and reserves for major maintenance projects. These expenses are levied as rental to each tenant per square metre of leased area.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.4 continued.

11. The proposed new lease rental will be \$11,459.82 plus GST per annum and reviewed annually on 1 July by the Lotteries House Management Committee. This is based on a rate per square metre of \$124.81.
12. Lotteries House aims to be self supporting.
13. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent

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 & ii) states that Section 3.58 of the Act is exempt if:
 - (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary from the body's transactions.*
17. The Albany Community Radio Inc. is a not for profit like natured organisation and therefore exempt from the advertising requirements of Section 3.58 of the Local Government Act 1995.

GOVERNMENT CONSULTATION

18. No Government consultation is required as this is City of Albany land.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

20. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent.
21. All rental collected is used for Lotteries House operating expenses, including a \$5,000.00 annual service fee paid to Council to cover the City's Officers time for managing the property on behalf of the Lotteries House Management Committee.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.4 continued.

22. The new lease rental income of \$11,459.82 plus GST per annum will be directed to COA 120930 – Lotteries House Income.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Priority Goals and Objectives

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

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

City of Albany Mission Statement

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

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

26. 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.
27. Should Council not approve the request, the existing Lessee would have to find an alternate location should they wish to continue Community Radio operations.

SUMMARY CONCLUSION

28. In view of the service provided by the Albany Community Radio to the community, the proposed new lease at Lotteries House for a term of 3 years is recommended.

Item 14.11.4 continued.

**ITEM 14.11.4 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR WOLFE

THAT Council subject to section 3.58 of the Local Government Act 1995 APPROVES the request for a new lease to Albany Community Radio Inc. at Lotteries House located on Albany Suburban Lots 304 and 305 for the purpose of Community Radio operations.

The lease being in compliance with Council's Policy – Property Management – Leases, with the following conditions:

- **The lease term being 3 years commencing 1 July 2010;**
- **The new lease rental being \$11,459.82 plus GST per annum as determined by the Lotteries House Management Committee, with rent reviews being carried out annually on 1 July by the Lotteries House Management; and**
- **All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent.**

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.11.5
ITEM TITLE: NEW LEASE TO TICON PTY LTD AS TRUSTEE FOR THE WILLIAMS SUPERANNUATION FUND FOR HANGAR SITE 3 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** : PRO195, A160436 (Kalgan Ward)
- Summary of Key Points** : Consider request for a new lease to Ticon Pty Ltd as trustee for the Williams Superannuation Fund for hangar site 3 at the Albany Regional Airport for a term of 10 years with an option for a further 10 year term for the purpose of airport hangar for aircraft hangarage only
- Land Description** : Portion of Lot 213 on Diagram 94445 situated at 35615 Albany Highway, Drome
- Proponent** : Ticon Pty Ltd as trustee for the Williams Superannuation Fund
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19.08.2008 Item 13.3.1
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council’s Policy – Property Management – Leases
 Council’s Airport Business Plan
- Maps and Diagrams** :



CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.5 continued.

BACKGROUND

1. In July 1990 the former Shire of Albany granted a new lease for hangar site 3 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 to Karagon Pty Ltd trading as Albany Air Service for the purpose of airport hangarage.
2. Lot 213 is City of Albany land adjacent the Airport Terminal.
3. On 1 May 1995, the lease was assigned to John and Jill Bell. This lease was then was assigned to Ticon Pty Ltd as trustee for The Williams Superannuation Fund on 1 October 1996.
4. This lease was varied on 12 December 1997 to allow for an increase in area from 322.5 to approximately 473 square metres.
5. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases including this lease in question, legal advice determined the term to be 20 years with no option for a further term.
6. At OCM 19.08.08 Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
7. The existing lease area of approximately 473 square metres for hangar site 3 is due to expire on 30 June 2010 with no option for a further term. The lease currently returns a fixed rental of \$758.80 plus GST per annum.
8. The City of Albany has received a written request from Ian Williams, Director of Ticon Pty Ltd as trustee for The Williams Superannuation Fund for a new lease for Airport hangar site 3 over the area it currently occupies for a term of 10 years with an option for a further 10 year term commencing 1 July 2010.
9. Upon receiving the request for a new lease, the City's Principal Building Surveyor inspected the hangar as concerns had been raised by Airport officers as to the rundown condition of the building.
10. The building inspection revealed a severely corroded structure with the Principal Building Surveyor's assessment being due to the extensive corrosion of the buildings structural elements it is recommended the building be removed.

DISCUSSION

11. In response to the Principal Building Surveyor's assessment of hangar 3, it is recommended any new lease be subject to a redevelopment special condition requiring the existing building be removed within 12 months of the commencement date of the proposed new lease for hangar site 3.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.5 continued.

12. Lessee, Ian Williams in recent discussions verbally advised it is his intention to remove the hangar and would be accepting of a lease redevelopment special clause.
13. Any proposed new lease will also include the standard Construction, Alteration and Renovation standard clause. This requires the Lessee to comply with all of the conditions including acting in accordance with all laws and the requirements of the relevant statutory or government authority if it carries out any removal, erection, alterations or additions to the leased premises.
14. City officers have previously met with Ian Williams to discuss a future a development proposal over existing hangar sites 2 and 3 at the Albany Regional Airport, however still wishes to secure a new lease for hangar site 3.
15. In the future should any development proposal be received this would be assessed on its merits at the time.
16. The proposed new lease request for a term of 10 years with an option for a further 10 year term is consistent with Council's resolution at OCM 19.08.08 to limit hangar leases to a maximum of 20 years.
17. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases with new lease rental to be determined by a current market valuation provided by an independent Certified Practising Valuer,
18. The most recent rental market valuation for hangar site leases completed in March 2009 determined the rental to be \$8.00 plus GST per square metre. Should a current valuation determine a similar rental then hangar site 3 would return a rental of \$3,784.00 plus GST per annum.
19. The Lessee will be responsible for ongoing maintenance and insurance for the Leased Premises.

PUBLIC CONSULTATION / ENGAGEMENT

20. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
21. 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.
22. 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

23. No Government consultation is required as this is City of Albany land.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.5 continued.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

25. All costs associated with the development, execution and completion of the new lease documentation will be borne by the proponent.
26. 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.
27. The new lease rental will be directed to COA 138130 – Airport Lease Rentals

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“Community Vision

Nil.

Priority Goals and Objectives

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

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

City of Albany Mission Statement

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

POLICY IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 14.11.5 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

31. 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.
32. Should Council not approve the request, the existing Lessee would be required to vacate the Leased Premises and to find an alternate location to store the aircraft.
33. The Lessee would within 3 months of the expiration of the lease be required to remove any building, hangar and structure, or in the event of failing to remove them; the improvements become the property of the City of Albany.
34. The hangar site would then be advertised state-wide seeking expressions of interest to lease this site with Council considering any new lease for the vacant premises.

SUMMARY CONCLUSION

35. As the Lessee, Ticon Pty Ltd as trustee for The Williams Superannuation Fund has fulfilled all existing lease terms and the opportunity to remove the existing dilapidated hangar at no cost to Council, the request for a new lease for Airport hangar site 3 for a term of 10 years with an option for a further 10 year term is recommended.

Item 14.11.5 continued.

**ITEM 14.11.5 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MATLA**

THAT Council subject to section 3.58 of the Local Government Act 1995 APPROVES the request for a new lease to Ticon Pty Ltd as trustee for The Williams Superannuation Fund for hangar site 3 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 located at 35615 Albany Highway, Drome, for the purpose of airport hangar for aircraft hangarage only.

The lease being in compliance with Council's Policy – Property Management – Leases, with the following conditions:

- **The lease term being 10 years with an option for a further 10 year term commencing 1 July 2010;**
- **The lease rental will be determined by a current market valuation provided by an independent Certified Practicing Valuer;**
- **The lease rent reviews based on current market valuations be set at 5 yearly intervals with annual CPI for intervening years;**
- **The lease be subject to a redevelopment special condition requiring the existing building be removed within 12 months of the commencement date of the new lease;**
- **All costs associated with the removal of the existing hangar and construction of a new hangar be payable by the proponent; and**
- **All costs associated with the preparation, execution and completion of the lease to be payable by the proponent.**

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

14.12 – CORPORATE & COMMUNITY SERVICES COMMITTEE

ITEM NUMBER: 14.12.1

ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 20 MAY 2010

File umber 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 meeting minutes – 20 May 2010

COUNCIL'S ROLE: EXECUTIVE FUNCTION

[9:37:47 PM](#) Councillor Matla requested a Point of Clarification regarding the sign policy, and whether Committee Recommendation 2 conflicted with this.

[9:37:56 PM](#) Through the Mayor, Mr Bride replied that staff had implemented Council's resolution of March 2010 to work with the Chamber of Commerce to implement permits for portable signs, to ensure they were not obstructing pedestrians.

ITEM 14.12.1 MOTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR WELLINGTON

THAT Council move Committee Recommendations 1 and 2 en bloc.

**MOTION CARRIED 8-1
ABSOLUTE MAJORITY**

Record of Vote

For the Motion: Mayor Evans, Councillors J Bostock, R Hammond, D Wellington,
M Leavesley, D Wolfe, D Dufty and J Matla

Against the Motion: Councillor D Bostock

ITEM 14.12.1 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 20 May 2010 be RECEIVED.

**MOTION CARRIED
EN BLOC**

ITEM 14.12.1 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Council SUPPORT the Senior Advisory Committee to make it conditional of businesses within the central business district to meet suitable restrictions on where signs are placed along thoroughfares and sign indemnity clauses, before being allowed display footpath signs.

**MOTION CARRIED
EN BLOC**

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.2

ITEM TITLE: 2014/15 ANZAC CENTENARY STRATEGY COMMITTEE MEETING MINUTES – 11 MAY 2010

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction for the transition of the Committee.

File Number or Name of Ward : STR 208 (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
Previous Reference : N/A
Bulletin Attachment(s) : Committee Meeting minutes – 11 May 2010

COUNCIL'S ROLE: EXECUTIVE FUNCTION

BACKGROUND

1. The 2014/15 ANZAC Centenary Strategy Committee undertook a final de-brief meeting post the ANZAC Weekend and Opening of the ANZAC Peace Park. These are the final minutes of the committee. A new structure was endorsed at the May OCM 2010 to create a new partnership with the RSL.

ITEM 14.12.2 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE

SECONDED: MAYOR EVANS

THAT the UNCONFIRMED minutes of the 2014/15 ANZAC Centenary Strategy Committee Meeting Committee meeting held on 11 May 2010 be RECEIVED.

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 14.12.3

**ITEM TITLE: ALBANY TOURISM MARKETING ADVISORY COMMITTEE MEETING
MINUTES-12 MAY 2010**

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction for the transition of the Committee.

File Number or Name of Ward : STR 208 (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
Previous Reference : N/A
Bulletin Attachment(s) : Committee Meeting minutes – 12 May 2010

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.12.3 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR MATLA

THAT the CONFIRMED minutes of the Albany Tourism Marketing Advisory Committee meeting held on 12 May 2010 be RECEIVED.

MOTION CARRIED 9-0

CORPORATE & COMMUNITY SERVICES REPORTS

14.13 – COMMUNITY DEVELOPMENT

Nil

WORKS & SERVICES Reports

WORKS & SERVICES REPORTS**15.1 WASTE MANAGEMENT****ITEM NUMBER: 15.1.1****ITEM TITLE: TENDER ACCEPTANCE FOR THE REMOVAL OF SCRAP METAL TO 30TH JUNE 2011****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	: C10008 (All Wards)
Summary of Key Points	: The purchase and removal of scrap metal to 30 th June 2011
Land Description	: Hanrahan Road and Bakers Junction Waste Sites
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Manager City Assets (P Brown)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Nil
Consulted References	: Nil
Maps and Diagrams	: Nil

BACKGROUND

- Scrap metal is sourced from the community in various forms, such as car bodies, white goods, drums, sheet iron etc and stockpiled at the City' waste sites at Hanrahan Road and Bakers Junction. The waste is then on sold to scrap metal dealers for recycling purposes.
- This practice is in line with the City's Strategic Waste Management Plan whereby waste is diverted from landfill and reused / recycled.

DISCUSSION

- The tender documentation stated that the following criteria and weightings would be used to evaluate the submissions.

Criteria	% Weighting
Cost	40
Technical Compliance and Experience	30
Reliability	30
Total	100

WORKS & SERVICES REPORTS

Item 15.1.1 continued

4. The following table summarises the tenders received:

Tenderer	Price Per Tonne (including GST)	Score
One Steel Recycling	\$143.00	392
Aussie Scrap Metal	\$172.70	515
Sims Metal	\$189.20	640

PUBLIC CONSULTATION / ENGAGEMENT

5. A request for tenders was published in the Western Australian on 12th May 2010, the Albany Advertiser on 13th May 2010 and 14th May 2010.

GOVERNMENT CONSULTATION

6. Nil

STATUTORY IMPLICATIONS

7. 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.
8. 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.
9. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

FINANCIAL IMPLICATIONS

10. The revenue from the sale of scrap metal is estimated to be in the vicinity of \$ 200,000 for the 2010/11 financial year. This is dependent on the amount delivered to waste management facilities.

WORKS & SERVICES REPORTS

Item 15.1.1 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. 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

12. Councils Policy “Purchasing Policy – Tenders and Quotes” and associated procedures apply to this item. Corporate Document Reference NP072938_1.
13. Tender Contract Procedure 4(1) (c). Evaluation Criteria. It is important to define how you are going to select the preferred tenderer. This must be defined clearly and concisely as it allows the criteria to be addressed by the tenderer in its submission.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

SUMMARY CONCLUSION

15. The City has undergone a competitive process in line with the relevant legislation and established policy resulting in a tender from a reputable supplier that will result in the maximum benefit to Council. It is concluded that the tender be awarded to Sims Metal.

ITEM 15.1.1 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY.

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR MATLA

THAT COUNCIL ACCEPTS the tender from Sims Metal for the purchase and removal of scrap metal to 30th June 2011.

MOTION CARRIED 9-0

WORKS & SERVICES REPORTS

15.2 CAPITAL WORKS

ITEM NUMBER: 15.2.1
ITEM TITLE: DEDICATION OF PORTION OF 65 BURGoyNE ROAD, AS PUBLIC ROAD

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 (Name of Ward)	: SER086
Summary of Key Points	: Council's approval to request the dedication of portion of 65 Burgoyne Road as Public Road
Land Description	: Portion of 65 Burgoyne Road
Proponent	: City Of Albany
Owner	: P Sampson
Reporting Officer(s)	: City Projects Finance Officer – J Ferry
Disclosure of Interest	: Nil
Previous Reference	: Nil
Bulletin Attachment(s)	: Nil
Consulted References	: Nil
Maps and Diagrams	: Refer below



WORKS & SERVICES REPORTS

Item 15.2.1 continued

BACKGROUND

1. Council's approval is being sought to request the Minister of Lands for the dedication of portion of 65 Burgoyne Road, as Public Road to formalise the road widening.

DISCUSSION

2. In 2002, the Council agreed to the taking of a road widening at 65 Burgoyne Road in accordance with Section 56 of the Land Administration Act. A caveat is currently in place while the dedication of land is completed.

PUBLIC CONSULTATION / ENGAGEMENT

3. Local Government is required to advertise a proposal for no less than 35 days, in accordance with the *Land Administration Act 1997*. The proposal will be advertised in a local newspaper and on the City of Albany web site. Notification will also be sent to neighbouring landowners inviting their comment on the proposal.

GOVERNMENT CONSULTATION

4. Government agencies and service authorities will be contacted and requested to comment on the proposal.

STATUTORY IMPLICATIONS

5. Under the Land Administration Act 1997, section 56, Dedication of Roads –

“(1). If in the district of a local authority –

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

WORKS & SERVICES REPORTS

Item 15.2.1 continued.

FINANCIAL IMPLICATIONS

6. Mrs Sampson has already been compensated so no costs will be incurred by the City of Albany this financial year.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

“4. Governance.....

- a. 4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

POLICY IMPLICATIONS

8. Not Applicable.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

9. Council can decline the proposal.

SUMMARY CONCLUSION

10. Should the Council agree the portion of 65 Burgoyne Road will be dedicated as public road and allow the road widening to be formalised.

**ITEM 15.2.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT Council:

- i) Approves the dedication of portion of 65 Burgoyne Road as Public Road in accordance with section 56 of the Land Administration Act; and
ii) Authorise staff to proceed with the administrative requirements.**

MOTION CARRIED 9-0

WORKS & SERVICES REPORTS

ITEM NUMBER: 15.2.2
ITEM TITLE: DEDICATION OF RIGHT OF WAY BEING LOT 66 VERDI/JEFFRIES STREET AS PUBLIC ROAD

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 (Name of Ward)** : SER086
- Summary of Key Points** : Council’s approval to request the Minister for Lands to dedicate the right of way as public road between Verdi and Jefferies Street
- Land Description** : Lot 66 ROW
- Proponent** : Western Australian Planning Commission
- Owner** : George Henry Green
- Reporting Officer(s)** : City Projects Finance Officer – J Ferry
- Disclosure of Interest** : NIL
- Business Entity Name** : N/A
- Previous Reference** : Development Services Item 13.2.7 OCM 15/06/2010
- Bulletin Attachment(s)** : NIL
- Consulted References** : NIL
- Maps and Diagrams** : Refer below



WORKS & SERVICES REPORTS

Item 15.2.2 continued

BACKGROUND

1. Council's approval is being sought to request the Minister of Lands for the dedication of the Right of Way between Verdi and Jeffries Street. The land in question is privately owned, but has been used as a thoroughfare for adjoining landowners.

DISCUSSION

2. In accordance with an approved subdivision at Lot 27 Jeffries Street a Right of Way (ROW) requires widening and this section of the right of way is required to be dedicated as a public road. The required widening has been addressed through the WAPC subdivision approval process.
3. The certificate of title indicates that the owner of this ROW is a Mr. George Henry Green who purchased the land on 10 February 1938. Mr. Green passed away 7 January 1947 and the land was granted to his beneficiaries this area and subsequent subdivisions have left this remnant section of land.
4. As the original proprietor is deceased to confirm that there are no interested parties remaining this proposal will be advertised for 35 days.

PUBLIC CONSULTATION / ENGAGEMENT

5. Local Government is required to advertise a proposal for no less than 35 days, in accordance with the *Land Administration Act 1997*. The proposal will be advertised in a local newspaper and on the City of Albany web site. Notification will also be sent to neighbouring landowners inviting their comment on the proposal.

GOVERNMENT CONSULTATION

6. Government agencies and service authorities will be contacted and requested to comment on the proposal.

STATUTORY IMPLICATIONS

7. Under the Land Administration Act 1997, section 56, Dedication of Roads –

“(1). If in the district of a local authority –

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;*
- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
 - (i). the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii). those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

WORKS & SERVICES REPORTS

Item 15.2.2 continued.

or

- (c) *land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.”*

FINANCIAL IMPLICATIONS

8. Upon dedication of the public road no initial cost will be involved for Council, as the road is unmade and no maintenance will be necessary at this point.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

- “4. Governance.....
a. 4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

POLICY IMPLICATIONS

10. Not Applicable.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

11. Council can decline the proposal.

SUMMARY CONCLUSION

12. Should the Council agree the ROW will be widened and dedicated as a Public Road adhering to the conditions of the subdivision approval from the Western Australian Planning Commission.

ITEM 15.2.2 - OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR DUFTY

THAT Council:

- i) **Approves the dedication of Lot 66 as road in accordance with section 56 of the Land Administration Act; and**
- ii) **Authorise staff to proceed with the administrative requirements**

MOTION CARRIED 9-0

WORKS & SERVICES REPORTS

ITEM NUMBER: 15.2.3
ITEM TITLE: LOT 5 RUFUS STREET – COMPENSATION FOR SUBDIVISION DESIGN CHANGES **ITEM 15.2.3 WITHDRAWN FROM AGENDA**

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	: 127883 (Kalgan Ward)
Summary of Key Points	: Compensation for Subdivision Design Changes
Land Description	: Lot 5 Rufus Street Milpara
Proponent	: Ayton Baesjou Planning
Owner	: Moss Enterprises (WA) Pty Ltd
Reporting Officer(s)	: EDWS (KR Ketterer)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19 January 2010
Bulletin Attachment(s)	: N/A
Consulted References	: Nil
Councillors Lounge	: Nil
Maps and Diagrams	: Nil

BACKGROUND

1. The Western Australian Planning Commission (WAPC) provided conditional approval for the subdivision of Lot 5 Rufus Street Milpara on 31st October 2002.
2. The conditional approval by WAPC was extended in May 2005 to allow time for the applicant and the City of Albany to negotiate an amended plan which suited the City's road requirements. The reason for the delay is that the City, in earlier studies of future road networks, envisaged that there would be the necessity for a link between Rufus Street and Henry Street and that the link would complete the bypass connection between Albany Highway and Chester Pass Road.
3. Plans to enable this linkage road requirement were prepared and previous City officers had provided information to the proponents that a cost sharing arrangement would be considered for the construction of the link from Henry Street to Rufus Street.
4. The current traffic study being undertaken by the Department of Planning and Infrastructure (DPI) envisages an alternative east west connection with Henry Street being connected to Albany Highway at the Lancaster Road intersection resulting in a down grading of the road infrastructure linking Rufus Street to Henry Street.
5. With the City now preferring an alternative east west connection via Henry Street to Lancaster Road, the proponents have incurred expenses for the first Henry Street to Rufus Street option through Lot 5.

WORKS & SERVICES REPORTS

Item 15.2.3 continued.

6. The reworked planning and engineering costs are quantifiable and Ayton Baesjou Planning have provided a breakdown of those costs in correspondence received on 3rd August 2009 as follows:

Phase 1	
Provision of stormwater plan and brief preparation	\$7,275 excluding GST
Phase 2	
Rufus Street realignment engineering fees	\$68,710 excluding GST
Environmental Consultant fees	\$ 4,540 excluding GST
Amendments to replanting and POS Management Plan	\$ 1,000 excluding GST
Planning costs for re submissions	\$ 4,207 excluding GST
Total	\$ 85,732 excluding GST

7. In correspondence with the planning consultant dated 24th December 2009, the Executive Director Works and Services proposed to Ayton Baesjou Planning, following conditions on any compensation;
- That Council provide authority with limitations to the Executive Director Works and Services to negotiate with the developer regarding the quantum of any financial contribution.
 - That any financial contribution towards abortive costs which could possibly be considered would be for proven costs only, and not to any costs based on estimated losses or future costs not yet incurred.
 - That any financial contribution will only eventuate should the development proceed and be completed in full within the validity period of the subdivision and/or rezoning approval.
 - That the financial contribution be provided for the budget estimates in the year following the scheduled completion of the development and paid out at the end of the 12 month road maintenance period.
 - That no contribution be considered should the development of the land in question be sold on to a third party.
8. During discussions on this matter, the issue of insurance cover was raised, and the EDWS requested to investigate.

WORKS & SERVICES REPORTS

Item 15.2.3 continued

9. This report is to provide Council with feedback regarding the status of professional indemnity insurance in this case and in similar cases.

DISCUSSION

10. The developer has since the writing of the report to Council in January 2010, in line with the agreed processes, submitted his original development proposal to council for consideration. This is being processed and will be referred to WAPC for consideration in due course.
11. Council at the January 2010 OCM considered this matter and the matter of compensation to the developer for abortive costs, with a request to investigate any insurance cover for professional indemnity.
12. The insurers have since responded and confirmed that council is not covered by insurance in instances such as these.

PUBLIC CONSULTATION / ENGAGEMENT

13. Consultation processes for planning applications are defined in the scheme and in Council's Planning Processes Policy. In this case the consultation has been with the developer and his Planning representatives.

GOVERNMENT CONSULTATION

14. Not applicable

STATUTORY IMPLICATIONS

15. There are no statutory implications with this item.

FINANCIAL IMPLICATIONS

16. The reimbursement of costs associated with this proposed development would total \$85,732 with funds being identified for reimbursement via the annual budget process.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

17. In accordance with Albany Insight ~ Beyond 2020 Strategic Plan

Item 4 Governance

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

POLICY IMPLICATIONS

18. There are no policy implications associated with this item.

WORKS & SERVICES REPORTS

Item 15.2.3 continued

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

19. N/A

SUMMARY CONCLUSION

20. The proposal presented to Ayton Baesjou Planning resolves the extent of any conditional compensation and is considered the City's preferred option to move forward and facilitate the development.
21. The City is not covered for PI in cases where officers commit to costs associated developments and financial arrangements which have not been considered within budgets or delegated authorities.

ITEM: 15.2.3 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

That Council NOTE the information provided in the report regarding insurance cover.

ITEM 15.2.3 WITHDRAWN FROM AGENDA

WORKS & SERVICES REPORTS

ITEM NUMBER: 15.3.1
ITEM TITLE: DRAFT CLIMATE CHANGE POLICY

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	:	(All Wards)
Summary of Key Points	:	The adoption of draft Climate Change Policy
Land Description	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Assets (P Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Bulletin Attachment(s)	:	Climate Change Policy (Bulletin Item 1.3.1)
Consulted References	:	Nil
Maps and Diagrams	:	Nil

BACKGROUND

1. Local governments throughout Australia and internationally are taking steps to recognize the emerging science that indicates human activity is creating higher levels of green house gas emissions.
2. The Department of Climate Change and Energy Efficiency web site states the following information;

'Climate change is one of the greatest social, economic and environmental challenges of our time. Human activity is causing the climate to change. This, in turn, is having an impact on Australia's rainfall, temperatures, bushfire frequency, health, heritage and biodiversity for current and future generations.'

During the past 100 years, global average surface temperature increased by about 0.7°C. Since 1910 the average temperature of Australia has risen by about 1°C. Although these increases sound small, they have a big impact on the world's climate.

It is difficult to precisely predict what the impacts of climate change will be, as they vary with each region. Best estimates are that by 2030 Australia will face:

- *a further 1°C of warming in temperatures;*
- *up to 20 per cent more months of drought;*
- *up to 25 per cent increase in days of very high or extreme fire danger, and*
- *increases in storm surges and severe weather events.*

WORKS & SERVICES REPORTS

Item 15.3.1 continued

Australia is very vulnerable to the effects of climate change. We are already the driest inhabited continent on earth, heavily exposed to the dangers of extreme heat and drought. We are home to many globally important and vulnerable ecological systems. Australians are overwhelmingly coastal dwellers. Our industries and urban centres face ongoing water limitations. Our economy, including food production and agriculture, is under threat.

The longer we wait to act on climate change, the more it will cost and the worse its effects will be.'

DISCUSSION

3. Given the information provided by the Department of Climate Change and Energy Efficiency, the City needs to consider what potential impacts there will be at a local level and how the City can respond to the challenge of climate change by taking action to reduce carbon emissions.
4. The draft policy has been developed with the following key principles:
 - Ensuring that an understanding is reached on the potential impacts of climate change in a local, regional and international context;
 - The recognition of the City's existing green house gas footprint through its operational activities;
 - The evaluation of the City's footprint and the provision of practical strategies for reduction, offsetting and / or sequestration, and
 - A commitment to reducing the City's footprint and the adoption of appropriate risk management, mitigation and adaption strategies.

PUBLIC CONSULTATION / ENGAGEMENT

5. It is planned that Council will adopt the policy in draft format and be advertised for public comment before being returned to Council for final adoption.

GOVERNMENT CONSULTATION

6. Not applicable

STATUTORY IMPLICATIONS

7. Section 1.3 (3) of the Local Government Act 1995 states... *"In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity"*.
8. In order to *'meet the needs of current and future generations'*, Local Government must address climate change impacts on its community. A range of mitigation and adaptation strategies must be applied to ensure that economic, social, environmental and legal obligations are met.

WORKS & SERVICES REPORTS

Item 15.3.1 continued.

FINANCIAL IMPLICATIONS

9. There are no financial implications associated with the adoption of this draft policy.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

The City of Albany will be a City where...

Item 1 Lifestyle and Environment

1.6 *“The long term problems of climate change and peak oil have been recognised and responded to.”*

Item 2 Economic Development

2.1 *“renewable energy completely powers the region.”*

Item 3 City Centre

3.1 *“Be family and pedestrian friendly;*

3.4 *“Serviced by regular and affordable public transport system.”*

Item 4 Governance

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

POLICY IMPLICATIONS

11. The adoption of the draft Climate Change Policy will set the City’s direction in relation to acknowledging the need to take action on climate change and ensuring that there is consideration at all levels of City operations.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. There are no alternative options or legal implications.

SUMMARY CONCLUSION

13. The adoption of the draft Climate Change Policy represents the City’s first steps in acknowledging the need to take action at a local level.

[9:43:13 PM](#) Councillor Matla left the Chamber

[9:43:33 PM](#) Councillor J Bostock requested a Point of Clarification, and asked how much money is required for implementation of this policy.

[9:44:06 PM](#) Through the Mayor, Mr Ketterer replied that adopting this policy has no financial implications as it stands. However, the work following this policy may have financial implications. Council may consider these as they arise and vote for or against those allocations of funding in the future.

Item 15.3.1 continued.

[9:45:05 PM](#) Councillor Matla returned to the Chamber.

**ITEM 15.3.1- OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE
SECONDED: MAYOR EVANS**

THAT Council:

1. **ADOPT** the draft Climate Change Policy, and
2. **ADVERTISE** for a period of 21 days.

MOTION CARRIED 5-4

Record of Vote

For the Motion: Mayor Evans, Councillors R Hammond, D Wellington, D Wolfe and J Matla

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

WORKS & SERVICES REPORTS

15.4 WORKS AND SERVICES COMMITTEES

ITEM NUMBER: 15.4.1
ITEM TITLE: STREETScape ADVISORY COMMITTEE

File Number (Name of Ward) : MAN161
Summary of Key Points : Streetscape Advisory Committee
Reporting Officer(s) : EDWS, Kevin Ketterer
Disclosure of Interest : NIL
Bulletin Attachment(s) : Draft of Minutes of Meeting held on 24 May 2010.
Bulletin Item 1.3.2
Consulted References : Nil.

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 15.4.1 - COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WELLINGTON
SECONDED: COUNCILLOR MATLA

THAT Council RECEIVE the unconfirmed minutes of the Streetscape Advisory Committee Meeting held on 24 May 2010.

MOTION CARRIED 9-0

**GENERAL MANAGEMENT
SERVICES
Reports**

GENERAL MANAGEMENT SERVICES REPORTS

16.1 Strategic Development

Nil.

16.2 Organisation Development

Nil.

16.3 Corporate Development

Nil.

16.4 Corporate Governance

Nil.

16.5 General Management Services Committees

Nil.

17.0 ADOPTION OF THE INFORMATION BULLETIN

ITEM 17.0 – MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MATLA

SECONDED: COUNCILLOR DUFTY

THAT the Information Bulletin as circulated, be received and the contents noted.

MOTION CARRIED 9-0

18.0 MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**ITEM NUMBER: 18.1****ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR PAVER - REVIEW OF LICENSED PREMISES GUIDELINES****MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE**

ITEM 21.1 NOTICE OF MOTION BY COUNCILLOR PAVER

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. REVIEW it's 'Licensed Premises-Guidelines' to make it clear that it will not entertain requests for support from a proponent in relation to liquor licensing applications to the Department of Racing, Gaming and Liquor, with Councils role being restricted to its obligations under Section 40 of the Liquor Licensing Act 1988; that it determine whether a liquor licensing application is consistent with planning/laws approvals that are in place on the subject land; and
2. REQUIRE the review to be presented to the July meeting for consideration.

Councillors Reason:

Council have received requests for support from proponents in relation to their liquor licence application, which has not yet been subject to consultation with surrounding property owners. Rather than expressing support or otherwise for an application which will be lodged with the Department of Racing, Gaming and Liquor, which may be misconstrued as community support for the application (based on Council being representative of the community), the issue should be confined to whether the liquor licence proposal is consistent with any planning approvals in place on the subject land and whether conditions should be imposed on the Section 40 Certificate.

Excerpt from Liquor Licensing Act 1988:

“40. Certificate of local planning authority

(1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.

(2) A certificate referred to in subsection (1) shall state that the proposed use of the premises —

- (a) will comply with the requirements of the written laws relating to planning specified;*
- (b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or*
- (c) will not comply with the requirements specified for the reasons specified.*

*(3) In this section — **specified** means specified in the planning certificate*

(4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).”

Item 18.1 continued.

OFFICER'S REPORT (Acting Executive Director Development Services G Bride)

BACKGROUND

1. Under the Liquor Control Act 1988, Local Government's role in relation to the liquor licensing process is to issue a Section 40 Certificate with or without conditions, which states that the liquor licence application being proposed is either consistent or inconsistent with a planning approval issued on the site.
2. At its meeting dated 18 August 2009 Council adopted the following resolution:

“THAT the following GUIDELINES BE USED by City of Albany staff, when dealing with proposals within or affecting licensed premises:

- i. Consider applications for gaming permits for social clubs and community associations be considered on their merits, with a preference that those applications be supported;*
- ii. Refer applications for private gaming permits for private individuals to Council for consideration;*
- iii. Support applications for restaurants to use small bar licenses provided the licence area does not extend onto or incorporate public land (eg alfresco areas), the premises are not located adjacent to locations which have a high potential to be frequented by children (beaches, public parks, etc) and the licensed premises can be adequately demarcated;*
- iv. Unless expressly approved by Council, applications to secure a liquor licence for hostels, bed and breakfast accommodation units and private hotels be opposed;*
- v. Only support occasional licenses and extended trading permit applications for a licensed premise where the permit application is to operate on a Crown reserve and the permit is required for a major community event (eg cruise ship visit, adopted City iconic activity).*
- vi. Not support occasional licenses and extended trading permit applications for a licensed premise where the permit application is to operate on a Crown reserve and the permit is required for a private celebration (eg 21st birthday party), a corporate promotion, or similar event or activity.*
- vii. Oppose any modification to Sunday trading hours for bottle shops within the CBD or suburban shopping centres.*
- viii. Unless the premises have appropriate acoustical treatments that will ensure compliance with the Environmental Protection (Noise) Regulations, the provision of live entertainment within the premises, and beer gardens associated with the premises, be opposed.”*

DISCUSSION

3. The proposed motion seeks to amend the above guidelines to make it clear that Council will not entertain applications for support for liquor applications and that Council will only be fulfilling it's obligations in relation to Section 40 of the Liquor Control Act.
4. Proponents will always seek Council's support to issue a Section 40 Certificate, and therefore the ability for staff to enforce the motion would be difficult to communicate or interpret. All recent requests seeking Council's support for a liquor licence application, included a request for Council to issue a Section 40 Certificate (ie. no request for support was made in isolation without a formal request for a Section 40 certificate).

Item 18.1 continued.

5. The real issue appears to be the way in which staff recommendations to Council have been drafted in respect to these applications. A review of recently prepared reports relating to Section 40 Certificate proposals does contain the words 'support' in the recommendation.
6. Despite the use of the word 'support' in these staff recommendations, the decision of Council is communicated via a standard Section 40 Certificate which all Council's use throughout the state.
7. In the body of the Council reports for these types of applications, staff will be required to express a view on how the liquor licence application complies with the planning approvals in place for the site. There also may be situations, as in the case of Calamari's, where a proponent is seeking Council's support as the landlord as well as the planning authority for a Section 40 Certificate.
8. When drafting recommendations for future Section 40 Certificate requests that are determined at Council, the use of the words 'support' can be omitted and replaced with a recommendation such as:

"THAT Council for the purposes of Section 40 of the Liquor Control Act 1988 determines that the application for a _____ licence at _____ is consistent with the planning approvals in place on the subject site and requests the Department of Racing, Gaming and Liquor incorporate the following conditions should a liquor licence be issued:"

9. Staff are always looking at improving the way reports are prepared and the way recommendations are drafted. The wording above would represent an improvement to previous motions, although the intent, relevance and purpose of those previous motions achieved the same result and were legally sound; albeit in the view of Councillor Paver the words 'support' may be misconceived.
10. Whilst staff can ensure as a matter of practice improvement that it's recommendations for these issues be standardised as above in Paragraph 7, should Council wish to pass a motion it is recommended that the below amended officer's recommendation be considered instead of the motion presented.

PUBLIC CONSULTATION

11. Not applicable.

GOVERNMENT CONSULTATION

12. Not applicable.

STATUTORY IMPLICATIONS

13. As stated above Council's role is defined under Section 40 of the Liquor Control Act 1988.

Item 18.1 continued.

STRATEGIC IMPLICATIONS

14. There are no strategic implications.

POLICY IMPLICATIONS

15. Council does not have a specific Alcohol Policy, however it has provided direction to staff through its Licensed Premises Guidelines.

MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE

ITEM 18.1 AMENDED OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADD the following guideline to its Licensed Premises Guidelines:

ix. when preparing recommendations for Council relating to Section 40 Certificate Requests, that staff utilise the following recommendation as a guide:

“THAT Council for the purposes of Section 40 of the Liquor Control Act 1988 determines that the application for a _____ licence at _____ is consistent with the planning approval/s in place on the subject site and requests the Department of Racing, Gaming and Liquor incorporate the following conditions should a liquor licence be issued:”

ITEM NUMBER: 18.2
ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR PAVER-REVIEW STANDING ORDERS LOCAL LAW 2009

MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE

ITEM 18.2 NOTICE OF MOTION BY COUNCILLOR PAVER
 VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council REVIEW the Standing Orders Local Law 2009 before the December 2010 Council meeting.

Councillor's Reason:

The current Standing Orders, clause 5.2 Alternate Motions and other clauses has proved to be problematic in regards to interpretation and application and it is considered appropriate that this clause is reviewed.

OFFICERS REPORT

Author: Executive Manager Business Governance (S Jamieson)

STATUTORY IMPLICATIONS

Section 3.5(1) of the Local Government Act 1995 (WA) (LG Act) grants local governments a broad legislative power:

' A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.'

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: The cost of reviewing the standing orders is based on previous cost:

Publishing in the Government Gazette	\$1 600
Legal Review (If required)	\$ 2 500
Advertising	\$ 160
Total	\$4 260

Item 18.2 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

- Option One. Conduct a full review of the Standing Orders Local Law 2009; or
- Option Two. Review only the elements that are deemed by Council to be problematic.

COMMENT:

It is anticipated that the review will be facilitated by a series of workshops, lead by the elected group and supported by an administration officer.

MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE

ITEM NUMBER: 18.3
ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK – FORMATION OF COUNCILLOR COMMITTEE

[:07:09 PM](#)

Councillor J Bostock move the following procedural motion:

ITEM 18.3 MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR J BOSTOCK

SECONDED: COUNCILLOR D BOSTOCK

THAT Council SUSPEND Standing Order Clause 5.7-Order of Call in Debate-to allow discussion.

MOTION LOST 3-6

Record of Vote

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

Against the Motion: Mayor Evans, Councillors R Hammond, D Wellington, D Wolfe, D Dufty and J Matla

ITEM 18.3: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council ESTABLISHES a Councillor Committee under s.5.9(2)(a) of the Local Government Act 1995, to include all councillors, chaired by the Mayor and meeting on a monthly basis. The committee to be non decision making, held in private and working to a councillor generated agenda.

Councillor's Reason:

There is a need for councillors to discuss matters affecting the longer term policies of the City, without staff input and where councillors are not constrained by the requirement to follow Standing Orders. These discussions would not involve items on the agenda for ordinary council meetings but consider issues which require more detailed debate that can be afforded by a four minute formal speech.

Some examples of possible topics include ways of attracting more jobs to the City, potential sites for the Albany equivalent of Kings Park and how we can balance our books while maintaining essential services, including roads and footpaths.

At present the very considerable expertise represented in our governing body is not being adequately exploited due to the lack of a suitable forum, which this committee would provide.

Item 18.3 continued.

OFFICERS REPORT

Author: Executive Manager Business Governance (S Jamieson)

STATUTORY IMPLICATIONS

Section 5.8 of the Local Government Act 1995 states:

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

The proposal to formulate this committee is in accordance with section 5.9(2)(a) Types of committees: council members only.

COMMENT:

It is recommended that the committee establish a terms of reference at its first meeting.

At the Ordinary Council meeting held on the 18 May 10, Council resolved to dissolve the Strategy & Policy Committee system, and embed the proposed policy that addresses: Agenda briefings, Concept Forums and Workshops.

Item 18.3 continued.

Item 18.3 continued.

It is considered that this committee, as it does not have delegated authority, could be facilitated by a workshop or concept forum. In the event that staff will not be in attendance, an elected member must be appointed to be responsible for ensuring notes of the meeting are kept in accordance with the requirements of the State Records Act 2000 and section 5.25(1)(i) of the Local Government Act 1995 and as prescribed in the *Local Government (Administration) Regulations 1996 regulation 13, being:*

“13. Public inspection of unconfirmed minutes of council or committee meetings — s. 5.25(1)(i)

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

(a) in the case of a council meeting, within 10 business days after the meeting; and

(b) in the case of a committee meeting, within 5 business days after the meeting.”

are complied with.

[:10:45 PM](#)

**ITEM 18.3: NOTICE OF MOTION BY COUNCILLOR D BOSTOCK
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR D BOSTOCK
SECONDED: COUNCILLOR J BOSTOCK**

THAT Council ESTABLISHES a Councillor Committee under s.5.9(2)(a) of the Local Government Act 1995, to include all councillors, chaired by the Mayor and meeting on a monthly basis. The committee to be non decision making, held in private and working to a councillor generated agenda.

**MOTION LOST 4-5
VOTE DID NOT ACHIEVE ABSOLUTE MAJORITY**

Record of Vote

For the Motion: Councillors J Bostock, M Leavesley, D Bostock and D Dufty

Against the Motion: Mayor Evans, Councillors R Hammond, D Wellington, D Wolfe and J Matla

19.0 URGENT BUSINESS APPROVED BY DECISION OF THE MEETING

Nil.

20.0 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

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

ITEM NUMBER: 21.1

ITEM TITLE: NOTICE OF MOTION BY COUNCILLOR HAMMOND TO RESCIND A PREVIOUS RESOLUTION OF COUNCIL – BAY MERCHANTS

**ITEM: 21.1- NOTICE OF MOTION BY COUNCILLOR HAMMOND
VOTING REQUIREMENT: ABSOLUTE MAJORITY****THAT the motion of the Council meeting of the 16 March 2010, Item 13.1.3, which states:**

“THAT Council ADVISES the applicant that it is SUPPORTIVE of their application for a TAVERN LICENCE to be issued at Bay Merchants, 18 Adelaide Crescent, subject to the following conditions:

- ***The sale and supply of liquor for consumption on the premises shall be limited to ancillary to a meal to a patron seated at a dining table and purchasing food to be consumed on the premises;***
- ***The type of liquor available shall be limited to local wines and some beers, spirits and Champagne as per existing stocked lines. Pre-mixed spirits and ‘Alcopops’ (RTD’s) shall not be served.***
- ***Service of Liquor shall not be available outside of the hours of 6am to 8pm, 7 days per week.”***

Be RESCINDED.**Councillor’s Reason:**

The proponent of Bay Merchants has lodged a request to amend Condition 1 as per Council’s resolution of 16 March 2010. The reason for this request is that after discussions with the Department of Racing, Gaming and Liquor the proponent has identified compliance concerns with Condition 1, as every person at a table would need to purchase food with alcohol. If one patron at a table does not have food and is drinking the licensee would be breaching the terms of the liquor licence. The replacement condition seeks to replace Condition 1 with a requirement that food be available at all times during operating hours.

Item 21.1 continued.

**ITEM: 21.1- NOTICE OF MOTION 2 - BY COUNCILLOR HAMMOND
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council for the purposes of Section 40 of the Liquor Control Act 1988 issues an amended Section 40 Certificate for a Tavern Licence at Bay Merchants, 18 Adelaide Crescent, subject to the following conditions:

- **Food being available at all times during operating hours.**
- **The type of liquor available shall be limited to local wines and some beers, spirits and Champagne as per existing stocked lines. Pre-mixed spirits and ‘Alcopops’ (RTD’s) shall not be served.**
- **Service of Liquor shall not be available outside of the hours of 6am to 8pm, 7 days per week.”**

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

In accordance with Section 5.23(2)(b), a matter affecting an employee; 5.23(2)(b), the personal affairs of any person; 5.23 (2) (c), a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; The following items will be dealt with while the meeting is closed to members of the public.

ITEM NUMBER: 22.1
ITEM TITLE: EXECUTIVE CONTRACT – EXECUTIVE DIRECTOR DEVELOPMENT SERVICES

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 : PF 1229
Summary of Key Points : Appointment of Executive Director Development Services (EDDS)
Land Description : N/A
Proponent : City of Albany
Owner : N/A
Reporting Officer(s) : Acting Chief Executive Officer (WP Madigan)
Disclosure of Interest : Acting EDDS (G Bride)
Previous Reference : OCM 19/01/10 Item 22.1
Bulletin Attachment(s) : Nil
Consulted References : *Local Government Act 1995*

[:12:07 PM](#)

ITEM 22.1: MOTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WELLINGTON

SECONDED: COUNCILLOR WOLFE

THAT Council meet behind closed doors to consider CONFIDENTIAL 22.1 Appointment of Executive Director Development Services.

MOTION CARRIED 9-0

[:12:16 PM](#)

Members of the public and media vacated the Council Chambers.

[:12:21 PM](#) Councillor J Bostock left the Chamber.

[:14:03 PM](#)

ITEM 22.1: MOTION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR EVANS

SECONDED: COUNCILLOR WOLFE

THAT Council SUSPEND Standing Order 5.7-Order of Call in Debate-to allow discussion.

MOTION CARRIED 8-0

[:14:40 PM](#) Councillor J Bostock returned to the Chamber.

ITEM 22.1: MOTION 3

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

THAT Council RESUME Standing Order 5.7-Order of Call in Debate.

MOTION CARRIED 9-0

The motion was put.

ITEM 22.1: ALTERNATE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR WELLINGTON

SECONDED: MAYOR EVANS

THAT in view of the imminent independent review of the City's planning processes, the term of appointment of Executive Director Development Services be limited to 12 months, and this position be offered to Mr Graeme Bride with the condition that if the contract should not be extended by Council after that period, Mr Bride will be entitled to continue his employment with the City in the same capacity and under the same conditions as he held immediately prior to his appointment as Acting Executive Director Development Services.

**MOTION CARRIED 9-0
ABSOLUTE MAJORITY**

Item 22.1 continued.

ITEM 22.1: MOTION 4
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR J BOSTOCK

THAT Council open the meeting to the public.

MOTION CARRIED 9-0

No members of the media or public returned to the Chamber.

23.0 NEXT ORDINARY MEETING DATE

Tuesday 20th July 2010, 7.00pm

ITEM: 23.0 - MOTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR WELLINGTON

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

MOTION CARRIED 9-0
ABSOLUTE MAJORITY

24.0 CLOSURE OF MEETING

There being no further business the Mayor declared the meeting closed at [:22:13 PM](#)

Confirmed as a true and accurate record of proceedings.

(Unconfirmed minutes)

Mayor MJ Evans, JP
MAYOR

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

Meeting Date	Item Number	Details/Status
16/03/2010	13.5.1(2)	Second Draft of the City of Albany Tourism Accommodation Planning Strategy was referred back to Committee. OUTSTANDING- TO BE PRESENTED AT THE JULY 2010 OCM.
16/03/2010	16.3.1	Albany Entertainment Centre (AEC) Business Planning Advisory Committee. Laid on the table for a period of one month. AWAITING RESPONSE FROM GSDC. TO BE CONSIDERED AT JULY 2010 OCM.
19/01/2010	14.6.1	Lease of Albany Leisure and Aquatic Centre Cafe. Laid on the table until a Special Council Meeting is convened by Council. OUTSTANDING. TO BE PRESENTED AT JUNE 2010 SCM AS PART OF BUDGET CONSIDERATIONS.
18/05/2010	15.3.4	Dedication of Unallocated Crown Land as a Reserve-Portion of Princess Royal Drive Foreshore. LAI D ON THE TABLE FOR FURTHER COUNCIL DELIBERATION.
15/06/2010	13.1.7	Development Application-Use Not Listed- 51B Discovery Drive, Spencer Park. PUBLIC FORUM TO BE CONDUCTED AT A DATE TO BE ADVISED.
15/06/2010	18.1	Notice Of Motion By Councillor Paver - Review Of Licensed Premises Guidelines MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE.
15/06/2010	18.2	Notice Of Motion By Councillor Paver-Review Standing Orders Local Law 2009 MOTION LAPSED DUE TO COUNCILLOR PAVERS ABSENCE.

APPENDIX B

NOTICES OF DISCLOSURE

Name	Item Number	Nature of Interest
Councillor D Wellington	13.2.3	<p>Impartiality. The nature of the interest being that the owner of the lot contributed to Councillor Wellington's mayoral campaign in 2007.</p> <p>Councillor Wellington remained in the chamber and participated in the discussion and vote.</p>
Councillor D Wellington	13.2.8	<p>Impartiality. The nature of the interest being that the owner of one of the lots contributed to Councillor Wellington's mayoral campaign in 2007.</p> <p>Councillor Wellington remained in the chamber and participated in the discussion and vote.</p>
A/EDDS G Bride	22.1	<p>Financial. The nature of the interest being that Mr Bride is an applicant for the EDDS position.</p> <p>Mr Bride left the chamber and was not present during the discussion and vote.</p>
Councillor D Wellington	13.2.8	<p>Impartiality. The nature of the interest being that Councillor Wellington is a retailer in the community.</p> <p>Councillor Wellington remained in the chamber and participated in the discussion and vote.</p>

TABLED DOCUMENTS

Document Tabled By	Subject	Page No
Neil Smithson	Tabled Address re: Item 4.0 of OCM 18/05/2010	276-279

ELECTED MEMBER TABLED DOCUMENTS

Document Tabled By	Subject	Page No
Mayor Evans	Mayors Report	6-7
Cr J Bostock	Tabled Address re: Item 3.0	4
Cr J Bostock	Tabled Address re: Item 13.2.8	280

STAFF TABLED DOCUMENTS

Document Tabled By	Subject	Page No
	Nil	

Tabled Address by Mr Neil Smithson.

Thank you Mister Mayor / Councillors

Neil Smithson of Smithson Planning, 364 Middleton Loop, Albany

Item 4.0 – Judicial Enquiry & the City of Albany

Mister Mayor / Councillors – it is encouraging that after twelve years, Albany is finally starting to address its future planning requirements.

In fact, Smithson Planning's research program the Rainbow 2000© Project, has been examining the relationship between planning & politics expressed through regional development focussing on Albany & the Great Southern.

It is sufficient to recognise that these circumstances did not arise of themselves – this Council, the State of Western Australia, the Commonwealth and private enterprise are all partially responsible for our current situation.

It really boils down to the relationship between the Central Business District, the waterfront and the Port of Albany – as the City endeavours to grapple with a growth path for development, where both of your major strategic assets would like control of the same space – and unfortunately, that can't happen.

I would acknowledge that there is an equally powerful anti-development group that uses both that spatial / political relationship and the available legislation to very effectively preclude change and development.

There are several discussion papers available from the Smithson Planning website, including :

- ❖ [Oil Gas & Nuclear Power](#) – everybody's growing concern
- ❖ [Transitional Governance](#) – a challenge for the State of Western Australia
- ❖ [2014-18 – a National Celebration Strategy](#) – international tourism for each Australian state / various cities
- ❖ [International Airport](#) – achieving regional accessibility for trade
- ❖ [Industrial Seaport Relocation Plan](#) – achieving regional accessibility for trade
- ❖ [& the Australian Media](#) – part of the problem / part of the solution
- ❖ [Warming & Sea Level Change](#) – profound implications for insurance & property development.

With reference to our article appearing in the Albany & Great Southern Weekender of Thursday 06 May 2010 (Page 8) – 'Organising the city's big event', Smithson Planning's latest discussion paper is titled :

- ❖ [& the Corruption Crime Commission WA](#) – the complexity of regional development

Some of the questions that I would put to Council this evening, and you can take them on notice, because I want to hear Council's response, include :

1. Did His Excellency Dr Ken Michael AC - the Governor of Western Australia, as the then Chief Commissioner of the City of Albany write a letter to the Albany Chamber of Commerce & Industry in response to Smithson Planning's Rainbow 2000© Project purporting that the City of Albany was preparing a new Town Planning Scheme which would be the only plan to have lawful authority and purpose in relation to future development in the City and Region? And in breach of the legislation under Ministers Kierath, MacTiernan & Day, Albany still doesn't have a new Local Planning Scheme. Why?
2. Did His Excellency Dr Ken Michael AC - the Governor of Western Australia, as the then Chief Commissioner of the City of Albany, with or without the agreement of Commissioners Rex Edmondson and Will McGowan, decline to be briefed on the Rainbow 2000© Project? Why? Did the Town, Shire and City of Albany act with prior knowledge of the Agribusiness MIS?
3. Did certain officers at the City of Albany refer planning documentation submitted by an applicant to that applicant's commercial competition without lawful purpose and reason so as to create a detriment to that applicant?
4. Did His Excellency Dr Ken Michael AC - the Governor of Western Australia, as the then Chief Commissioner of the City of Albany act to notify the then Anti-Corruption Commission in relation to allegations pertaining to the activities of Council officers? That question also applies to Commissioners Edmondson and McGowan, and the Interim Chief Executive Officer Jim Kelly? Was any investigation subsequently undertaken by the City of Albany, and did any disciplinary action arise in relation to the actions of those officers? In effect, did Council act to protect its planning officers and the planning process from inquiry?
5. Did Her Worship the Mayor of Albany Alison Goode agree immediately after election in 1999 to a presentation of the Rainbow 2000© Project to Councillors — and then subsequently renege? Why?
6. Did the Councillors of the City of Albany ever officially consider the Rainbow 2000© Project — or did Chief Executive Officer Andrew Hammond unilaterally act to extinguish any consideration of the alternative private regional / local planning strategy?
7. Did the Councillors of the City of Albany ever officially consider the Rainbow 2000© Project as a recommendation of the Town Planning Advisory Committee — or did the Executive Director Development Services and the Council delegate authority to the Manager of Check-out Chicks at Coles to determine the future of the region and its major infrastructure assets?
8. What did the Hon. Wilson Tuckey MHR, Minister for Forestry & Conservation think of the Rainbow 2000© Project?
9. What did the Hon. Alannah MacTiernan MLA, Minister for Planning & Infrastructure think of the Rainbow 2000© Project?
10. What did Jeremy Dawkins, Chairman of the Western Australian Planning Commission think of the Rainbow 2000© Project?
11. What did Brad Williamson, the CEO Albany Port Authority think of the Rainbow 2000© Project?

12. What did the Great Southern Zone of the WA Local Government Association think of the Rainbow 2000© Project?
13. Following the demise of the Anti-Corruption Commission, what was the response of the new Corruption & Crime Commission in 2004 to the official referral of the corruption allegations?, and did an Albany City Councillor independently refer those same allegations to the Corruption & Crime Commission? To what end?
14. Following an inadequate response from the CCC, what did the Office of the Western Australian Ombudsman have to say?
15. Were the Hon. Geoff Gallop MLA, Premier of Western Australia, the Hon. Colin Barnett MLA, then Leader of the Opposition, the Hon. Alan Carpenter MLA, subsequent Premier of Western Australia and Mr Mal Wauchope, Director-General Dept Premier & Cabinet (and now Public Sector Commissioner) all cognizant of the allegations surrounding the City of Albany in 2005?
16. What were the Commonwealth thinking — aren't Trade, Transport, Regional Development, Local Government, Defence, Veterans' Affairs, Agriculture, Forestry, Heritage, Education, Health, Indigenous Affairs and Employment all federal portfolios?
17. Where as two Premiers and a Parliamentary Secretary for Planning & Infrastructure have all acknowledged that a comprehensive technical and financial evaluation of the Rainbow 2000© Project did take place — could it be that the Office of the Information Commissioner would find that after eight years of communication, no such documents could be found or do not exist?
18. What was the response from the CCC Review undertaken in 2007?, and was the matter referred to the CCC Parliamentary Inspector?
19. Did the Hon. Colin Barnett MLA, Premier of Western Australia agree in 2008 to a presentation of the Rainbow 2000© Project — and then subsequently renege?
20. Would the Hon. Alan Griffin MHR, Minister for Veterans' Affairs sell out the Albany Anzac 2014 re-enactment legend?

I expect these matters to achieve some significant profile during the forthcoming federal election.

Either 2013 or 2014 will coincide with the next federal election, and the year 2013 should be an interesting year for a State Election depending on what has been organised for Albany Anzac 2014-15.

I have previously advocated a Royal Commission under the auspices of Her Excellency Ms Quentin Bryce AC, the Governor-General of Australia to investigate this matter.

With reference to the Council's newsletter appearing in the May 6 edition of the Albany & Great Southern Weekender, the Nation's eyes are indeed on this region as you prepare for Anzac 2014-18, but also Albany Bicentennial 2026-27.

Imagine what might have transpired had you started thirteen years ago.

I have already indicated to State & Federal cabinet, and in particular the :

- ❖ Hon. Anthony Albanese MHR – Federal Minister for Infrastructure, Transport, Regional Development & Local Government
- ❖ Hon. John Day MLA – State Minister for Planning; Culture & the Arts; and
- ❖ Hon. John Castrilli MLA – State Minister for Local Government; Heritage

That a collaborative strategic planning process is required that includes local, regional, state, federal & international government as well as private enterprise based on the Rainbow 2000© Project.

I now formally request the opportunity to brief the Council on this major project.

Yours faithfully
SMITHSON PLANNING

Neil R. Smithson

Neil R. Smithson

Managing Director
PIA^{CPP}, EIANZ, NELA, LGPA, AAPC, NTWA, FDI, CSC 2003

OCM 15 June 2010

Item 13.2.8 Modification to Draft Albany Local Planning Strategy.

This document has been a prolonged and arduous exercise conducted over many years. We must consider its purpose, which is essentially to set the strategic direction for effective controlled development which will deliver a functional working city. An environment that is attractive, practical and devoid of land use conflicts. In short a City that meets the needs of its community, a good place to work, live and play.

Our professional planners have examined the demographics and projected needs for our community, incorporated the federal and state imperatives and done their best to allocate appropriate land use. It is a strategic map; a jig saw each piece dependent on another. To be of value it must be viewed in its entirety.

It is about an overall long term view to ensure that our future is secure, that we do not wake up one day and find that we have run out of space for an essential requirement. It must be prepared objectively and cannot afford to be compromised by short term needs of individuals.

It is of great concern to me that before the ink is dry we are compromising this plan. In April last year Council resolved to adopt all WAPCs recommendations, yet with no rescission motion, the majority has ruled otherwise. Councillors' ad hoc alteration of this strategy makes no sense and jeopardizes the integrity and usefulness of the entire document. With so many changes there can be no security that the "whole" remains workable. Our expert officers are themselves concerned as demonstrated in their report, I quote "reluctantly drafted a positive recommendation on these matters".

The situation has become so confused and muddled it is difficult to remember where we started, it is not appropriate to endorse these changes without a proper understanding of their impact and in what way they individually deviate from previous decisions.

There is no doubt that this strategy needs to be fully adopted and put in place as soon as possible but I cannot support arbitrary changes that are contrary to our previous decisions, the state and federal direction, the recommendations of WAPC and the experience of our own planning staff.

Councillor Jill Bostock