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# **BRIEFING AND MEETING AGENDA**

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**For the Ordinary Meeting of Council  
To be held on  
Tuesday, 15 March 2011  
7.00pm  
City of Albany Council Chambers**

ORDINARY COUNCIL MEETING & BRIEFING  
 AGENDA – 15/03/2011  
 \*\* REFER DISCLAIMER \*\*

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ORDINARY COUNCIL MEETING & BRIEFING

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**The following Committees have not met since February 2011 OCM:**

- Albany Tourism Marketing Advisory Committee Meeting
- Albany Entertainment Centre (AEC) Operational Advisory Committee Meeting
- Bushcarers Advisory Committee Meeting
- Bush Fire Management Committee

**I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

**II. OPENING PRAYER**

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

**ITEM 2.0: MOTION 1**

- 1. THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.**
- 2. THAT Standing Order 4.2(4)-Seating at Meetings of Council-be SUSPENDED to allow CEO Faileen James to be seated on the Mayor’s right.**

**III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION**

**ITEM 3.0: MOTION**

**The Mayor’s Report be RECEIVED.**

**IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC**

**V. PUBLIC QUESTION AND STATEMENT TIME**

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

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

Mayor MJ Evans

**Councillors:**

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

**Staff:**

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

**Apologies:**

**VII. APPLICATIONS FOR LEAVE OF ABSENCE**

**VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**ITEM 8.0: MOTION 1**

**THAT the minutes of the Ordinary Council Meeting held on 15 February 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**ITEM 8.0: MOTION 2**

**THAT the minutes of the Special Council Meeting held on 22 February 2011, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**IX. DECLARATIONS OF INTEREST**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>

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

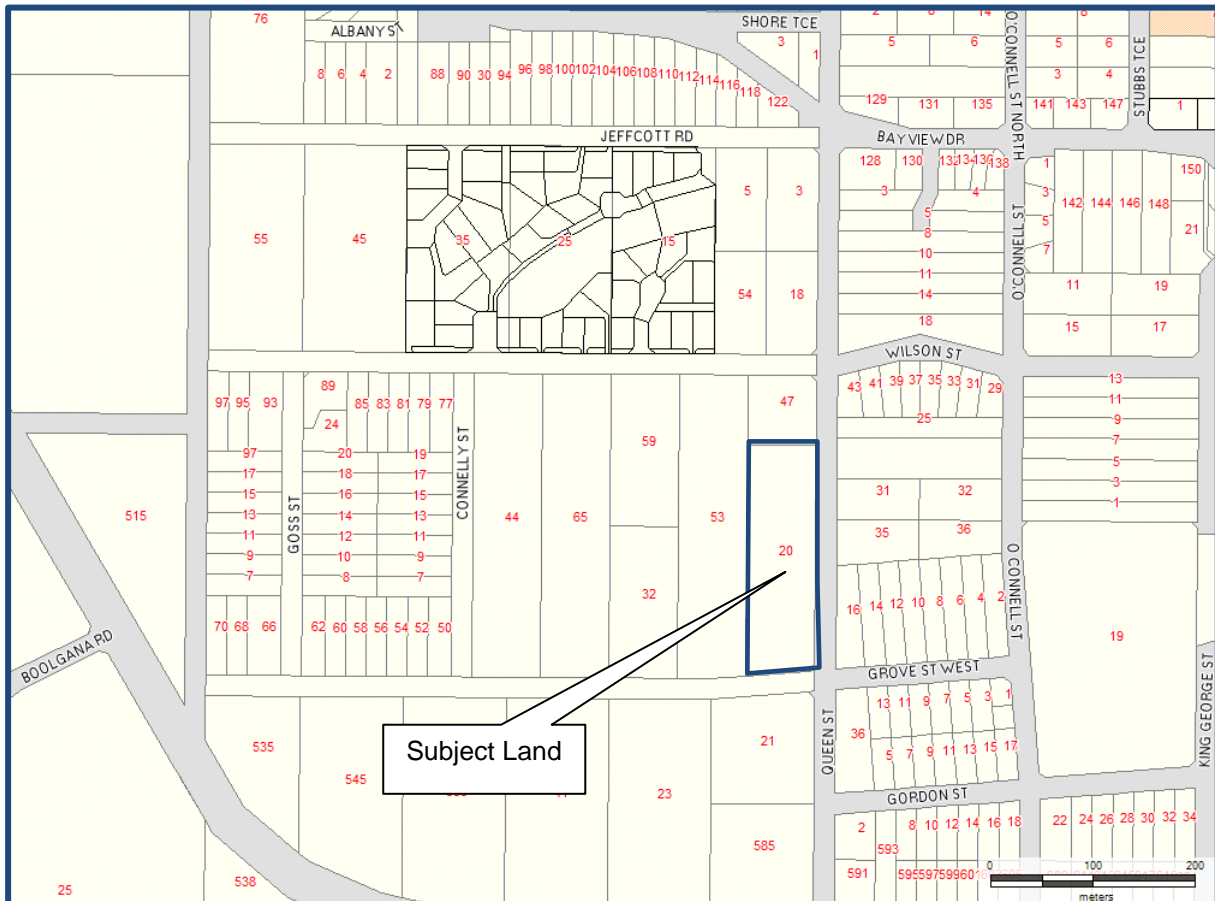
**XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

**XII. ADOPTION OF RECOMMENDATIONS EN BLOC**

**1.1: DEVELOPMENT APPLICATION – GROUPED DWELLINGS x 28 – 20  
GROVE STREET WEST, LITTLE GROVE**

- Land Description** : (Lot 6) #20 Grove Street West, Little Grove
- Proponent** : Yaran and Mikasa Designs
- Owner** : Grove 20 Pty Ltd (Yaran Property Group)
- Directors of Owner Company** : Faryar Gorjy & Shahyar Abdollah Gorjy (both Directors reside in Perth)
- Business Entity Name** : Yaran / Mikasa Designs
- Attachments** : Streetscape Perspectives / Elevations / Site Plan
- Appendices** : Development Application Report
- Responsible Officer(s)** : E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**CEO:**

**RESPONSIBLE OFFICER:**

**IN BRIEF**

- A development application has been received for 28 Grouped Dwellings (single bedroom dwellings) at Lot 6 Grove Street, Little Grove.
- The application substantially meets the requirements of the R-Codes and the Little Grove Structure Plan.

**ITEM 1.1: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT a Notice of Planning Scheme Consent be ISSUED for 28 Group Dwellings (Single Bedroom Dwellings) at Lot 6 Grove Street West, Little Grove, subject to the following conditions:**

- A. Stormwater from the development being managed in accordance with Council's specifications at the proponent's cost.**
- B. All runoff from impervious surfaces being contained within the property and disposed of to the satisfaction of Council.**
- C. The proponent is required to identify the extent of fill and drainage works necessary to ensure that the land is suitable for development. Prior to undertaking these works, plans are required to be submitted to and approved by Council.**
- D. The proponent is to provide a geotechnical report certifying that the land is physically capable of development to the satisfaction of Council. Design and construction works shall be carried out in accordance with the recommendations of the geotechnical report.**
- E. The proposed common property access-way shall be designed and constructed to allow vehicles to pass in opposite directions, and should be a minimum of 5.5 metres in width within a total common property width of 6.7 metres.**
- F. Suitable truncations being provided on both access points and being identified as common property to the satisfaction of Council.**
- G. The new crossover(s) being constructed to Council's specifications, levels and satisfaction in accordance with drawing no. 97024 1/3.**
- H. The proponent is required to upgrade, at their cost, that portion of Queen Street from Grove Street West to the vehicle egress exit point of the development, inclusive of a new turn-around area (cul-de-sac or hammerhead) at the end of Queen St, to the satisfaction of Council. Prior to undertaking the upgrading works the proponent is to liaise with Council's Works and Services Department and lodge and gain the endorsement of appropriately detailed engineering plans for such works.**
- I. Pursuant to Section 150 of the Planning and Development Act 2005, a restrictive covenant preventing direct motor vehicle access onto Grove St West (Lots 1 and 9), and Queen St (Lots 9,10,11,12,13,14,15,16,17,18,19,20,21,22) benefiting the local government being lodged on the Certificates of Title of the proposed lot, at the proponent's cost.**
- J. Any existing crossovers not included as part of the proposed development on the approved plan being closed and the kerb, footpath and the verge reinstated at the**



**proponent's cost.**

- K. The proponent is required to construct a 1.5m wide concrete footpath along the Queen Street road reserve from Grove Street West to the end of the cul-de-sac.**
- L. Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.**
- M. The area of communal open space, landscaping areas between driveways and the 5 metre portions of the lot adjoining Queen Street and Grove Street being landscaped and provided with a dense planting of vegetation prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.**
- N. All units shall be connected to reticulated water and sewer to the satisfaction of Council and the Water Corporation.**
- O. Lighting to communal property and pathways areas to be provided to the satisfaction of Council.**
- P. Uniform fencing along the boundaries of all the proposed lots are to be constructed to the specifications and satisfaction of Council.**

**BACKGROUND**

1. The subject lot is located within an area zoned 'Residential Development' in Town Planning Scheme No. 3. The land is identified within Precinct 1 of the endorsed Little Grove Structure Plan.
2. A development application was initially received for grouped dwellings on the subject lot in 2008. The decision on this application was deferred until the Little Grove Structure Plan was adopted by Council and endorsed by the Western Australian Planning Commission.
3. The Little Grove Structure Plan was adopted by Council at its meeting dated 15 December 2009 and subsequently endorsed by the Western Australian Planning Commission (WAPC).
4. The proponent has since lodged an amended proposal on 1 February 2011.
5. The modified proposal is for a group dwelling application that includes 28 single bedroom dwellings, a private open space area (common property) and an area that will be ceded as public open space. The common property area and public open space area have been proposed to conserve the vegetation and natural topography on the northern half of the lot.
6. A corresponding survey strata subdivision application has been submitted to the WAPC and has been forwarded to the City for comment. Staff have formally advised the WAPC that until such time as Council has considered the development application it will not provide formal comment on the separate survey strata application.

7. Council's Processing of Planning Applications Guidelines requires grouped dwelling proposals of more than 25 dwellings to be referred to Council.

## **DISCUSSION**

8. The proposed development is for 28 single bedroom dwellings, with a maximum 60m<sup>2</sup> floor area as permitted under the R-Codes.
9. Single bedroom dwellings are defined by the R-Codes as special purpose dwellings that are designed to accommodate one or two person households. As these dwellings have limited floor area and a restricted number of occupants, they do not generate the same demand for open space and car parking. The R-Codes recognise that single bedroom dwellings assist in providing housing diversity and meet the growing demand for smaller dwellings, as the number of occupants per dwelling continues to decrease. For these reasons the Codes allocate a density bonus for this type of development, being a reduction in the required site area per dwelling by one third (33%).
10. Town Planning Scheme No. 3 stipulates an R-Coding of 'R20' for seweraged residential lots, however for land zoned 'Residential Development', this density can be amended by an endorsed Structure Plan.
11. The Little Grove Structure Plan varies the R20 density coding by allowing the minimum lot size down to 300m<sup>2</sup> rather than 440m<sup>2</sup> as advocated by the R-Codes, but maintains the average density of 1 dwelling per 500m<sup>2</sup>. Specifically the Little Grove Structure Plan states:

### *"4.3 Density*

*The density provisions as conferred by the Town Planning Scheme are hereby varied such that the following density provisions apply:*

- A. *The Council will support land within Precincts 1 and 2 being subdivided into lot sizes not less than 300m<sup>2</sup> with a min average of 500m<sup>2</sup>;*
- B. *Land within Precincts 1 and 2 may be developed for residential purposes at a density of one dwelling per 500m<sup>2</sup>."*
12. The Little Grove Structure Plan also includes the following statement that requires all other requirements of the R-Codes to be met:

### *"4.13 Residential Design Codes*

- A. *Unless stated otherwise in the plan, all development within the plan area shall comply with the adopted Residential Design Codes (2008) or any Act/order/document revoking or re-enacting the Residential Design Codes 2008."*
13. The subject lot size is 14,908m<sup>2</sup>, and based on 28 grouped dwellings the proposal produces a minimum average site area of 532.4m<sup>2</sup>.

14. As discussed in Paragraph 9 above, the R-Codes allows for a one third reduction to the minimum site area (LGSP 300m<sup>2</sup>) if a lot will be used and developed for single bedroom dwellings.
15. Applying this density bonus the minimum site areas can be reduced to 200m<sup>2</sup> per unit for the 28 single bedroom units (from 300m<sup>2</sup>).
16. The proposed lot sizes range between 203.7m<sup>2</sup> (Lots 10-21) and 501.95m<sup>2</sup> (Lot 1) with a common property (private open space) area of 2,762.1m<sup>2</sup> in size. The northern portion of the lot totalling 4,536m<sup>2</sup> will be given up as public open space, which is well above the standard 10% public open space contribution.
17. The proposal complies with the minimum site area if the density reduction is applied to the development as permitted under the R-Codes.
18. The floor plans associated with the dwellings have a plot ratio of 60m<sup>2</sup> (which excludes the garage as per the plot ratio definition within the R-Codes) and identifies a single dedicated bedroom in addition to a multi-purpose room. The units therefore meet the criteria associated with a single bedroom dwelling.
19. Earthworks that include excavation and fill and associated retaining are proposed for the development area of the subject site. The earthworks are mainly required to enable a connection to the reticulated sewer system but will in turn also assist with drainage and result in a more levelled development area.
20. Fill of approximately 1.98 metres and an associated (vegetated) bank and retaining wall of 1m in height is proposed for the south eastern part of the subject site fronting Queen Street.
21. Additional earthworks and retaining walls up to 1.5m in height are being proposed for the northern and western sections of the development area.
22. The finished floor levels of the proposed units will range between 8.83m Australian Height Datum (AHD) and 9.40m AHD.
23. The excavation and associated retaining is setback a considerable distance from the road and all other boundaries and seeks to retain the development area rather than the wider lot.
24. The proposed works do not meet the requirements specified within the Little Grove Structure Plan, specifically the following:

*“4.8 Earthworks*

- A. The maximum height of a standalone retaining wall is to be no higher than 1.0 m, with a maximum change in the height of the natural ground level being limited to 500mm.*
- B. Compliance with condition 4.8A is not required where the walls of a building are being used to retain material.”*

25. Staff recommends support for the earthworks and retaining proposed given that the works are mainly required to enable a connection to the reticulated sewer system and the visual impression of the site's natural topography will largely be retained. The front 5 metres of Grove Street West and Queen Street will also be required to be densely vegetated further lessening the impact of such works.
26. In relation to the front setback requirements, the Little Grove Structure Plan identifies a 6 metre setback requirement. The proposed development generally meets these requirements accept for a small section of proposed Unit 1 that encroaches into this setback by approximately 0.5m. This is considered a minor intrusion with any impact reduced by the vegetation buffer, and averaging of this minor setback relaxation can be supported.
27. The proposed outdoor living areas associated with Units 5 to 22 have dimensions that are less than the 4m minimum dimension that is required by the acceptable development requirements of the R-codes. The courtyards are larger than the minimum overall area required (16m<sup>2</sup>), are highly accessible from kitchen/dining room areas and are of a uniform shape. Each unit also has additional open space areas which are either part of the development exclusion areas, vegetation protection areas or revegetated areas and there is a large area of communal open space available to residents. Staff believe that in relation to this element of the Codes the performance criteria has been satisfied.
28. Some of the storage areas also do not meet the required minimum dimension of 1.5m, however additional doors and access have been provided to increase the utility of the space and all storage areas are equal to the minimum 4m<sup>2</sup> overall size required.
29. The plan identifies a one-way vehicular traffic system entering from Grove Street West and existing onto Queen Street. Council's Works and Services Department have recommended that this one-way system be modified to cater for a two-way system as residents within units adjacent to Grove Street West are likely to use this road for access and egress purposes rather than exit via Queen Street. The R-Codes requires driveways serving five or more units to accommodate vehicles passing in opposite directions at one or more points. This will require the widening of the pavement from 4m to 5.5m (within a total common property width of 6.7 metres allowing for the retention of a 1.2 metre wide pedestrian path). This widening of 1.5 metres can be taken on the western side of the common property which has marginally larger lots than the eastern side.
30. The proposed development meets the other acceptable development requirements of the R-Codes and the Little Grove Structure Plan including parking provision (inclusive of visitor parking), landscaping provision, internal pathways, front and rear setbacks, front fencing and building height. It is therefore recommended that the development be approved subject to a number of conditions that will address the above mentioned matters.
31. The use and further development of the dwellings will also be restricted to that of single bedroom dwellings as a proposed condition of subdivision that will require the placement of a restrictive covenant on the titles of proposed Lots 1-28.

## **GOVERNMENT CONSULTATION**

32. Consultation between the proponent and the Water Corporation regarding a sewer connection to the lots and the strategic alignment has commenced. The connection of the development to reticulated sewer will be a condition of the development.

## **STATUTORY IMPLICATIONS**

33. Grouped Dwellings is an 'A' use (discretionary use) in the 'Residential Development' zone.
34. As the Little Grove Structure Plan has been approved by Council, development can be considered by Council in accordance with Clause 5.5.1 of the Scheme.
35. The proposed development, where amended through the conditions proposed by staff, complies with the Little Grove Structure Plan (with the exception of the proposed earthworks) the Town Planning Scheme and the Residential Design Codes.

## **FINANCIAL IMPLICATIONS**

36. It is recommended that a condition be placed on the planning scheme consent requiring the proponent to construct a 1.5 metre wide pedestrian path at their cost within the Queen Street road reserve. It is also recommended that the portion of Queen Street fronting the subject land be upgraded by the proponent at their cost, inclusive of the construction of a new cul-de-sac head based on the increase in traffic movements associated with the development proposal.
37. Council already maintains the Queen Street road reserve and the upgrading requirement will ensure the road will need little ongoing maintenance in the medium to long term. The construction of the footpath will provide safe and efficient pedestrian access to existing and proposed residents and will be an asset Council will need to maintain in the future.
38. A standard planning application fee has been paid by the proponent in accordance with Council's adopted planning fees schedule. Officer time was expended in processing the application.

## **STRATEGIC IMPLICATIONS**

39. The proposal is consistent with the objectives and outcomes of ALPS, specifically, Section 8.3.2:

*“Strategic Objective:*

*Support the consolidation of serviced urban areas and facilitate staged fully-serviced incremental-development nodes.”*

- *Facilitate and manage sustainable growth for the urban area in the City of Albany.*
- *Support the consolidation of serviced urban areas and facilitate staged fully-serviced urban frontal development nodes.*
- *Support urban infill development based on compatibility of land uses and infrastructure capacity.*

- *Protect areas designated as future fully-serviced urban areas from inappropriate land uses, subdivision and development.”*

### **POLICY IMPLICATIONS**

40. There are no policy implications as the development proposal is a residential development which is required to be assessed under the Residential Design Codes; this document applies to all residential land within Western Australia.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

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

### **SUMMARY CONCLUSION**

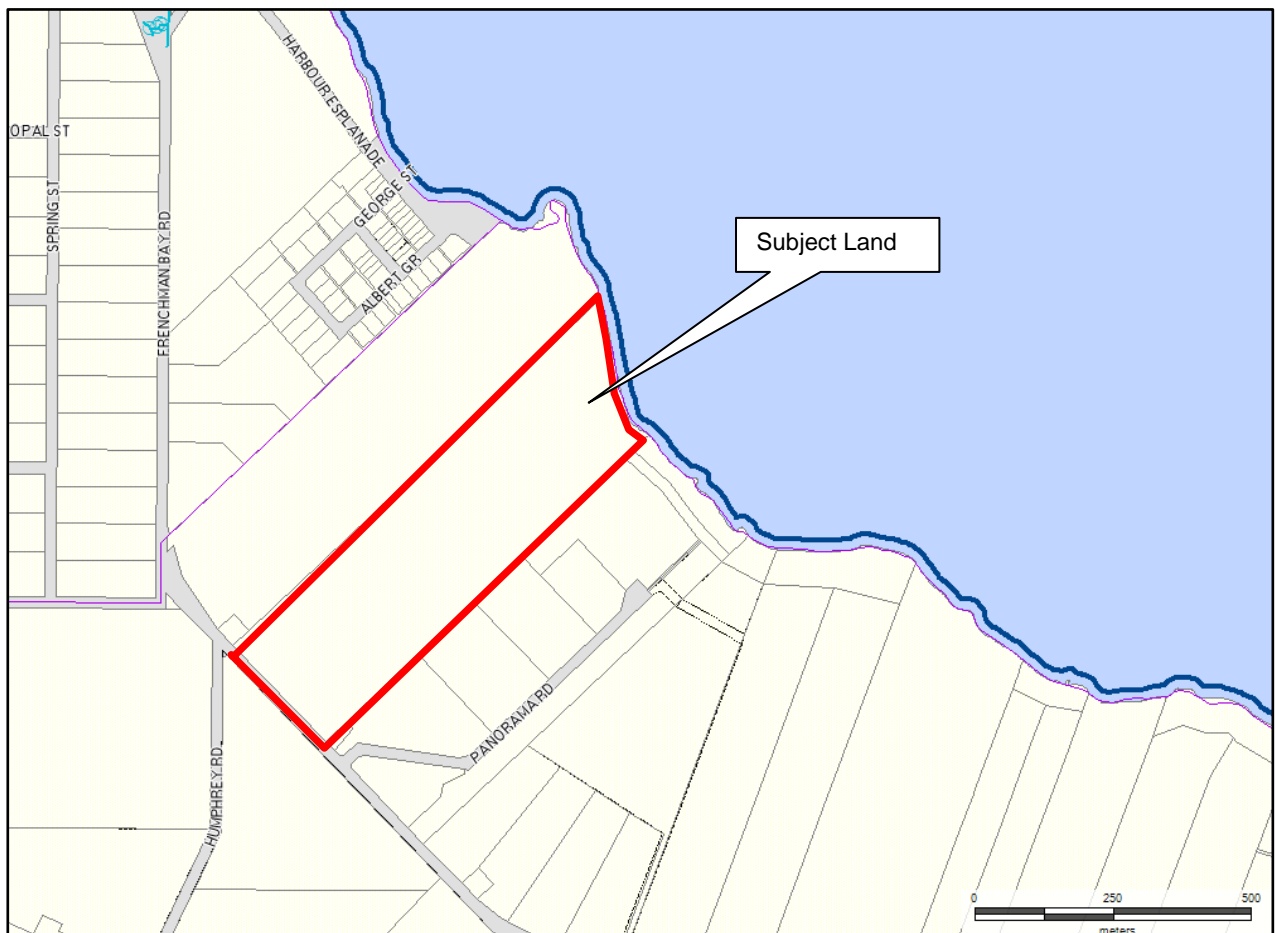
42. The proposed development has been designed with an attractive streetscape which is enhanced by the lack of crossovers (driveways) fronting Queen Street and Grove Street West and the provision of dense landscaping within the front setback areas.
43. Although the natural ground level of the development area will be altered, the visual impression of the site's natural topography will be maintained with undulating and more visually prominent parts of the subject lot being shown retained as common property and public open space (to be finalised as part the subdivision application). A further design feature to protect the 'toe' of the ridgeline, to the west of Lots 1-4, will further hide the development within the landscape.
44. It is recommended that the proposed development be supported subject to conditions.

<b>Consulted References</b>	Residential Design Codes (R-Codes) Little Grove Structure Plan Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	:A55479 (Vancouver Ward)

**1.2: SCHEME AMENDMENT REQUEST - LOT 105 FRENCHMAN BAY ROAD, BIG GROVE**

<b>Land Description</b>	: Lot 105 Frenchman Bay Road, Big Grove
<b>Proponent</b>	: BSO Development Consultants
<b>Owner</b>	: Roman Catholic Bishop of Bunbury
<b>Business Entity Name</b>	: Roman Catholic Bishop of Bunbury
<b>Appendices</b>	: Scheme Amendment Request (SAR)
<b>Responsible Officer</b>	: E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider a Scheme Amendment Request (SAR) proposal that deals with the future rezoning of Lot 105 Frenchman Bay Road, Big Grove from the 'Public Purpose' reserve to the 'Residential Development' zone in Town Planning Scheme No. 3.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council ADVISE the proponent that it is PREPARED to consider a formal scheme amendment to rezone Lot 105 Frenchman Bay Road, Big Grove from the 'Public Purpose' reserve to the 'Residential Development' zone, subject to the following matters being addressed and/or included as part of that formal amendment application:**

- A. Studies on the biodiversity and conservation values of the land being provided to the satisfaction of the Department of Environment and Conservation.**
- B. The identification of an appropriate foreshore reserve in accordance with the Western Australian Planning Commission Statement of Planning Policy 2.6.**
- C. The protection of the South Coast Water Reserve and the existing well-head on Reserve 931 to the satisfaction of the Department of Water and the Water Corporation.**
- D. The land required for vegetation protection, water resource protection, foreshore reserve and fauna habitat and corridor protection should be designated as 'Parks and Recreation' reserve.**
- E. The inclusion of a Local Water Management Strategy to the satisfaction of Council and the Department of Water.**
- F. The addressing of infrastructure provision and servicing requirements, inclusive of any associated buffers and easements to the satisfaction of the various servicing authorities.**

**BACKGROUND**

- 2. A Scheme Amendment Request (SAR) has been submitted to Council seeking support to rezone Lot 105 Frenchman Bay Road, Big Grove from the 'Public Purpose' reserve to the 'Residential Development' zone.
- 3. The subject land is currently classified as a 'Public Purpose' reserve under Council's Town Planning Scheme No. 3 and has a total land area of 20 hectares.
- 4. With the exception of firebreaks and access tracks the site is almost completely covered with remnant vegetation with a potentially high ecological value.
- 5. A portion of the subject land is also located within a priority one area of the South Coast Water Reserve; which is the primary potable water source for Albany.
- 6. The vegetation on the subject lot is in very good condition and provides habitat to support populations of bush rats, southern brown bandicoots and western ringtail possums. The condition and quality of the remnant vegetation has been identified by Opus Consultants in the Environmental Opportunities and Constraints Analysis report submitted with the SAR application.
- 7. To the north-west of the subject land is a large vegetated Reserve (Reserve 29669) which is vested with Council as a 'Reserve for Recreation'. To the south of this reserve, fronting



Frenchman Bay Road, a smaller Reserve (Reserve 931) is used as a water production bore by the Water Corporation.

8. To the south-east of the subject land the majority of lots are zoned 'Residential Development' with two lots being zoned 'Motel'. This land is within the Big Grove Outline Development Plan (ODP) area.
9. The subject land was originally identified as 'Local Reserve' within the Albany Local Planning Strategy (ALPS) when adopted for advertising in 2007. During this consultation period a submission was received from the proponent requesting Council change the designation of the land to 'Future Urban', and at its meeting on 21 August 2007, Council resolved to support this modification with the ALPS subsequently being forwarded to the WAPC for endorsement.
10. On 2 December 2009 the Western Australian Planning Commission advised that five substantial modifications, differing from the originally advertised version of the ALPS, which included the change in designation of the subject land to 'Future Urban', would need to be placed on public exhibition seeking comments and a final position of Council.
11. At its meeting on 15 June 2010, Council resolved the following in relation to the subject land:  
  
*"THAT Council agrees to MAINTAIN the land at Little Grove in the 'Future Urban' designation."*
12. The Western Australian Planning Commission supported Council's position on subject land and subsequently endorsed the ALPS at its meeting on 26 August 2010.

## **DISCUSSION**

13. The SAR proposal is consistent with the ALPS which identifies the subject land as 'Future Urban'.
14. Given the environmental constraints affecting the site the SAR proposal has been accompanied by an initial Environmental Opportunities and Constraints Analysis report prepared by Opus Consultants. The report has identified the broad vegetation communities present on the site and acknowledges the need to protect the South Coast Water Resource (affecting the western portion of the land) and identify an appropriate foreshore reserve fronting Princess Royal Harbour.
15. The proposal was referred to various government agencies and utility providers in accordance with established practice. Responses were received from:
  - Main Roads WA;
  - Western Power;
  - Telstra;
  - Department of Environment and Conservation;
  - Department of Water;

- Water Corporation; and the
  - Department of Planning.
16. Whilst no objections were received to the SAR proposal, the agencies have identified that the following issues/studies will need to be addressed as part of a formal amendment proposal:
- No development will be permitted within the Priority 1 area of the South Coast Water Reserve.
  - A Local Water Management Strategy will need to be submitted to the satisfaction of Department of Water.
  - The identification of an appropriate foreshore reserve that takes into account State Planning Policy 2.6 (Coastal Setbacks).
  - More detailed studies on the biodiversity and conservation values of the site should be provided to the satisfaction of the DEC.
  - Areas identified for vegetation protection, fauna habitat and corridor protection, water resource protection and foreshore reserve should be identified as a 'Parks and Recreation'.
  - The need for the upgrading of the intersection of Princess Royal Drive and Frenchman Bay Road.
17. As the SAR is consistent with the ALPS, staff are supportive of the proposal subject to the proponent addressing the matters raised by the government agencies.

#### **GOVERNMENT CONSULTATION**

18. The submissions received from the government agencies have been summarised below, however a full copy of the submissions has been placed in the Councillors Lounge.

##### **Water Corporation:**

19. The Water Corporation have advised that the South Coast Water Reserve contains the major portion of the drinking water supply for Albany and hence the development within the groundwater reserve would be subject to restrictions.
20. The western portion of Lot 105, adjoining Frenchman Bay Road, is within the South Coast Water Reserve which has been established to ensure that development within its boundaries does not pose an undue contamination risk to the underlying groundwater resource and the water production bore on the adjacent Reserve 931. The optimum level of protection would be to leave the area as undisturbed as possible and as such this portion of land should be excluded from any development which is consistent with the rezoning application. Any infrastructure that might be required to service the rezoning should be kept out of this portion of Lot 105 if possible.
21. The proponents are advised to engage the services of a consulting engineer to discuss with the Water Corporation the servicing of the area with reticulated water services.

22. In relation to reticulated sewerage the Water Corporation has advised that given the proximity of the land to the South Coast Water Reserve it is essential that any development of Lot 105 be connected to reticulated sewerage. It has also advised that at the ODP stage the identification of a suitable pump station site, inclusive of a 30 metre buffer, would be required.

**Department of Water (DOW):**

23. The DOW has also advised that they would not support any development within the Priority One (P1) area of the South Coast Water Reserve, and that this area should remain as native vegetation and public access within this area should not be encouraged.
24. They have also advised that a Local Water Management Strategy, as per the Better Urban Water Management Planning Framework (2008) would need to be submitted with the amendment proposal.
25. The DOW endorses the provision of a foreshore reserve along the Princess Royal Harbour foreshore. The setback from the foreshore will need to be determined through a biophysical assessment and take into account the projected sea level rises associated with climate change. The DOW will request the preparation of a foreshore management plan at the ODP stage.

**Department of Environment and Conservation (DEC):**

26. The DEC considers that the subject land, in association with the adjoining Reserve 29669 and Reserve 931, has important biodiversity and conservation values. The DEC has advised that Lot 105 contains vegetation in excellent condition, and is already known to provide habitat for a number of rare fauna species and currently surveyed to Level 1 criteria for its flora.
27. The DEC have advised that should Council be inclined to pursue the rezoning of the site, more detailed information is sought on the biodiversity and conservation values of the site, and the significance and extent of these, before further decisions are made.
28. Whilst the DEC has recognised that the Opportunities and Constraints Analysis provided by Opus provides good background information on environmental values, more recent work has been undertaken as part of the Albany Regional Vegetation Survey. This Survey identifies a critically endangered vegetation unit *Banksia littoralis* woodland and *Melaleuca incana* shrubland on the subject land.

**Department of Planning (DOP):**

29. The DOP has advised that the SAR proposal is consistent with the long term planning directions identified in ALPS, with development on the site being complimented by the aims of the draft Big Grove Outline Development Plan over neighbouring properties to the west and services are easily available to the site.

30. DOP recognises that remnant vegetation with potentially high ecological significance covers the entirety of the lot. The Vegetation and Landscape Strategy in Section 8.4.2 of ALPS notes that until such time as the Albany Regional Vegetation Survey (ARVS) has been completed and adopted into ALPS, development will only be supported in cleared areas or where the value of any remnant vegetation has been assessed in accordance with the ARVS and assessed as being able to be cleared.
31. DOP have also noted that Opportunities and Constraints Analysis has identified that the vegetation is in excellent condition (with minimal localised disturbance, weed invasion and a long period of fire absence) and is an important habitat for the western ringtail possum and a number of other native mammal species.
32. In addition to the ecological values of the site, consideration also needs to be given to the tourism value of the site's foreshore location in accordance with recommendations 7 and 9 of the Albany Tourism Accommodation Planning Strategy (July 2010). In this regard the DOP would be supportive of a tourism focused development on this site.
33. In summary the DOP have recommended that:
  - provisions be inserted within the City's Scheme as part of the rezoning proposal which respond to the characteristics of the site.
  - provision of an adequate foreshore reserve along Princess Royal Harbour designated as 'Parks and Recreation' in accordance with SPP No.2 and the requirements of SPP 2.6.
  - further ecological assessment in consultation with the DEC to identify areas of significant flora and fauna habitat be undertaken.
  - areas of significant flora and fauna habitat are allocated as 'Parks and Recreation Restricted' in the Scheme.

### **Main Roads WA**

34. Main Roads WA has not objected to the proposal in principle, but have advised that in order to ensure an adequate level of service and safety is maintained, an upgrade to the intersection of Frenchman Bay Road and Princess Royal Drive would be required at the proponent's cost at the time of subdivision.

### **STATUTORY IMPLICATIONS**

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

37. Should Council support a scheme amendment proposal and the land is ultimately converted into the Residential Development zone, subdivision and development would need to be in accordance with an endorsed Outline Development Plan (ODP).

### **FINANCIAL IMPLICATIONS**

38. Should Council ultimately support the rezoning of this land and a portion of the land is subdivided, Council will be responsible for maintaining the newly created road network and public open space areas. Given the environmental constraints applying to this site there may be significant areas of public open space created which will need to be managed by Council. The determination of the areas of public open space will need to be identified through the formal rezoning and outline development plan process.
39. The proponent has paid the required fee as per Council's adopted Planning Fees Schedule.

### **STRATEGIC IMPLICATIONS**

40. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
41. The most pertinent sections of the ALPS that relate to this proposal are as follows:

#### *Sustainable Settlements*

##### *Key ALPS aims:*

- *Infill and consolidation of development within existing urban areas.*
- *Incremental development of new urban areas based on the concept of integrating settlement nodes within the natural environment...*

#### *Section 8.4 Environmental Strategy*

##### *Environment (Section 8.4)*

- *Encourage biodiversity preservation.*
- *Support and conserve the natural landscape and soil and water resources.*
- *Support the protection of the City's water resources and future supplies.*

##### Actions

- *Utilise cleared land wherever possible in new urban developments and develop incentives for retaining remnant vegetation in subdivisions (CoA).*
- *Protect existing and future potable water supplies by introducing controls into the LPS1 (CoA).*

#### *4.2 Vegetation*

##### *Planning principle:*

*"Conserve remnant vegetation within the district landscape."*

#### 4.2.1 Remnant Vegetation and Linkages

*Planning objective:*

*“To protect areas of significant remnant vegetation and increase the area of re-established local species of vegetation within the landscape.”*

Actions

- *Identify remnant vegetation macro corridors through more detailed investigations and mapping to determine appropriate linkages at a local level (DEC).*
- *Secure vegetation linkages and regional reserves through the use of statutory planning mechanisms (WAPC, DEC), local scheme amendments and subdivision and development proposals (CoA). Regional reserves can only be included in the LPS1 if they have been included in a regional planning scheme prepared by the WAPC or designated or acquired by other State Government agencies (WAPC, DEC, CoA).”*

42. The proposal is in accordance with Council’s strategic planning framework as the use of the land is consistent with the designation within the ALPS. In relation to the protection of remnant vegetation, additional studies will need to be undertaken by the proponent at the rezoning and ODP stage to meet the requirements of the respective government agencies (particularly the DEC).

#### **POLICY IMPLICATIONS**

43. Council is required to have regard to any Western Australian Planning Commission (WAPC) Statements of Planning Policy (SPP) that apply to the SAR. Any amendment to the Town Planning Scheme would require assessment by the WAPC to ensure consistency with the following State and Regional Policies.
44. **SPP 2 – Environment and Natural Resources Policy**  
SPP 2 refines the principles of the State Planning Strategy and incorporates the recommendations of the *Western Australian State Sustainability Strategy (2002)* to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.

The objectives of SPP 2 are to:

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

**45. SPP 2.6 – State Coastal Planning Policy**

SPP 2.6 refines the findings of the draft Coastal Zone Management Policy for Western Australia (2001) and includes provisions aimed at ensuring the sustainable use of the coast.

The objectives of SPP 2.6 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 the location of coastal facilities and development takes into account coastal process including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.*

The Department of Planning and Department of Water have recommended that an appropriate foreshore reserve be assessed by the proponent in accordance with the provisions of SPP2.6. This recommendation has been included in the responsible officer recommendation.

**46. SPP 2.7 – Public Drinking Water Source Policy**

SPP 2.7 addresses planning requirements for areas contained within public drinking water source areas and seeks to maintain the high quality of water available in these areas and prevent pollution or contamination occurring from incompatible uses being developed.

The objectives of SPP 2.7 are to ensure that land use and development within public drinking water source areas is compatible with the protection and long-term management of water resources for public water supply. The DOW and the Water Corporation have identified that any future development should be located outside of the South Coast Water Reserve (Priority 1 area) and the well-head buffer zone.

**47. 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.*

The DOW has requested the submission of a Local Water Management Strategy (LWMS) at the formal rezoning stage which will need to address the above matters.

**48. SPP 3 – Urban Growth and Settlement**

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

The objectives of SPP 3 are to:

- *promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

The subject land is immediately adjacent to an existing Residential Development cell, which is subject to the Big Grove Outline Development Plan (ODP). The proposal is consistent with the Albany Local Planning Strategy, however any future rezoning application and ODP will have to address the constraints applying to the subject land.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

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

- To support the SAR proposal without modifications;
- To support the SAR proposal with modifications; or
- To reject the SAR proposal.



50. Should Council wish to support the SAR request it is important that prior to the submission of a scheme amendment application the proponent provides additional detailed information on the biodiversity of the site to the satisfaction of DEC.
51. The SAR process is not a statutory process under any planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal Scheme Amendment process. It is designed to provide the proponent with a simple and informal assessment of a proposal to gauge the views and comments of the City and other State Government agencies on the merits and likely support to be expected.
52. Should Council support the SAR proposal, it likely to progress to a formal Scheme Amendment; the Amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All Scheme Amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.
53. If Council were to reject the SAR proposal, the proponent would have the following options:
- To not proceed with a formal scheme amendment document;
  - To lodge a formal Scheme Amendment and request consideration by Council, irrespective of the outcome of the SAR.

**SUMMARY CONCLUSION**

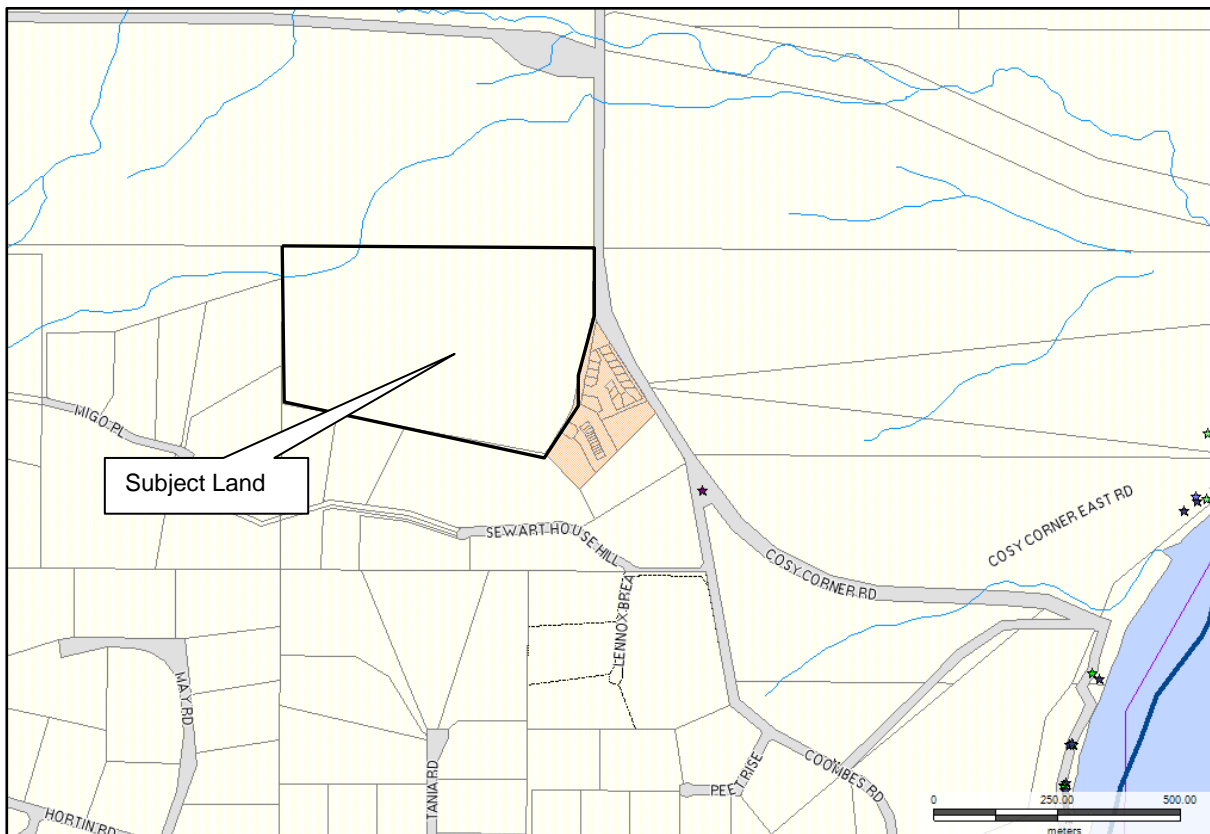
54. The scheme amendment proposal is consistent with the designation of ‘Future Urban’ as per the Albany Local Planning Strategy. There are several areas of concern identified by the relevant government agencies and these will need to be adequately addressed by the proponent prior to lodging a formal application to amend the Scheme.

<b>Consulted References</b>	Albany Local Planning Strategy
<b>File Number (Name of Ward)</b>	SAR150 (Vancouver Ward)
<b>Previous Reference</b>	OCM 15/6/2010 – Item 13.2.8

**1.3: SCHEME AMENDMENT REQUEST - LOT 4 COSY CORNER ROAD, KRONKUP**

- Land Description** : Lot 4 Cosy Corner Road, Kronkup
- Proponent** : Craig Pursey Planning
- Owner** : Golden Eight (WA) Pty Ltd and Mr & Mrs B Carman
- Director of Owner Company** : Nicola Pagano (resides in Perth)
- Business Entity Name** : Golden Eight (WA) Pty Ltd
- Appendices** : Scheme Amendment Request document  
Supplementary Report – January 2011
- Responsible Officer** : Executive Director Planning & Development Services  
(G Bride)

**Maps and Diagrams:**



<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**IN BRIEF**

- Council is requested to consider a Scheme Amendment Request proposal that deals with the future rezoning of Lot 4 Cosy Corner Road, Kronkup from the 'Rural' zone to the 'Special Rural' zone in Town Planning Scheme No. 3.

**ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council;**

1. **ADVISE** the proponent that it is **PREPARED** to consider a formal scheme amendment to rezone Lot 4 Cosy Corner Road, Kronkup from the 'Rural' zone to 'Special Rural' zone, subject to the following matters being addressed and/or included as part of that formal amendment application:
  - A. An Agricultural Impact Statement (as per SPP 2.5, Appendix 3) being prepared by a suitably qualified professional to determine the impact of the proposal on existing agricultural operations and whether sufficient separation distances between building envelopes and existing rural activities, inclusive of the Olive Grove, are appropriate.
  - B. A land capability report being prepared to determine that the proposed building envelopes are capable of supporting the development envisaged.
  - C. A Fire Management Plan being prepared to determine whether there is sufficient separation between the proposed building envelopes and the vegetated areas.
2. **AGREES** to update the Albany Local Planning Strategy (ALPS), by amending Figure 19 (Torbay Hill Town Site) to include Lot 4 Cosy Corner Road, Kronkup within the boundary of the Torbay Hill Town Site when the ALPS is next reviewed in mid to late 2011.

**BACKGROUND**

1. Scheme Amendment Request (SAR) 149 has been submitted to Council to assess the potential to rezone Lot 4 Cosy Corner Road, Kronkup from the 'Rural' zone to the 'Special Rural' zone.
2. The subject land is zoned 'Rural' and has a total land area of 22.73 hectares and forms part of Torbay Hill, sloping down to the Kronkup flats along its northern boundary. Minor hills and drainage lines dissect the property. The subject land slopes down from a high point of 76m AHD in the south west corner of the lot to a low point of 30m AHD in the north eastern corner of the lot.
3. The subject land is currently developed with an olive grove, a single residence and a number of sheds used as outbuildings to the residence and as storage for farm equipment and olive oil reserves. The land is used for rural purposes with the olive grove producing limited commercial quantities with the remainder of the lot being grazed with cattle. There are large areas revegetated with native vegetation and a karri forest in the south eastern corner of the property.

4. Surrounding land uses include the following;
  - the land to the north is used for agricultural purposes (grazing of cattle and are identified as priority agricultural land);
  - the land to the south and west is being used for rural residential purposes and the land adjoining the site to the east is used as the Torbay Motel, chalets and a general store and cafe that has been closed for some time.
5. Council is now required to determine its support, or otherwise, for the current SAR proposal.

## **DISCUSSION**

6. The SAR deals with a proposal that if supported and subsequently rezoned into the future will result in approximately six 'Special Rural' zoned lots, with an average lots size of four hectares.
7. The subject land shares the same characteristics as the remainder of Torbay Hill with some cleared areas and large areas of remnant vegetation. The introduction of additional dwellings contemplated under the proposal should not have a detrimental impact on the amenity of the area, as the area is already characterised by this type of development. The provision of a landscaped strip along the property's northern boundary is proposed; this will serve as a vegetated buffer to the large grazing areas to the north and as a visual buffer to Torbay Hill when viewed from Cosy Corner Road.
8. The subject land could be incorporated into the neighbouring subdivision guide plan as an extension of the Townsite and the scheme provisions for Special Rural Area 30 could be directly applied to this site.
9. Council's decision on the Scheme Amendment should be consistent with the strategic objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
10. The most pertinent sections of the ALPS are as follows;

a) *"Section 6.2.4 Rural Town sites*

*...The planning and development of rural townsites need to be based on appropriate development options to maintain their function and the availability of infrastructure and community facilities...*

*Actions: Identify in the LPS1 the settlements of Redmond, Manypeaks, Youngs Siding, Elleker, Torbay Hill, Kalgan, Wellstead, South Stirling and Cheyne Beach as existing rural focal points and settlement centres with the potential for additional development in accordance with Table 5. Structure planning is required for each townsite (CoA)."*

b) *"Section 8.3.4 Protection of Future Urban Land*

*.....The ALPS does not support the continued growth of rural living areas as fragmented isolated developments, within Priority and General Agriculture areas or the future Albany townsite's fully-serviced urban fringe and other area with future urban development potential..."*

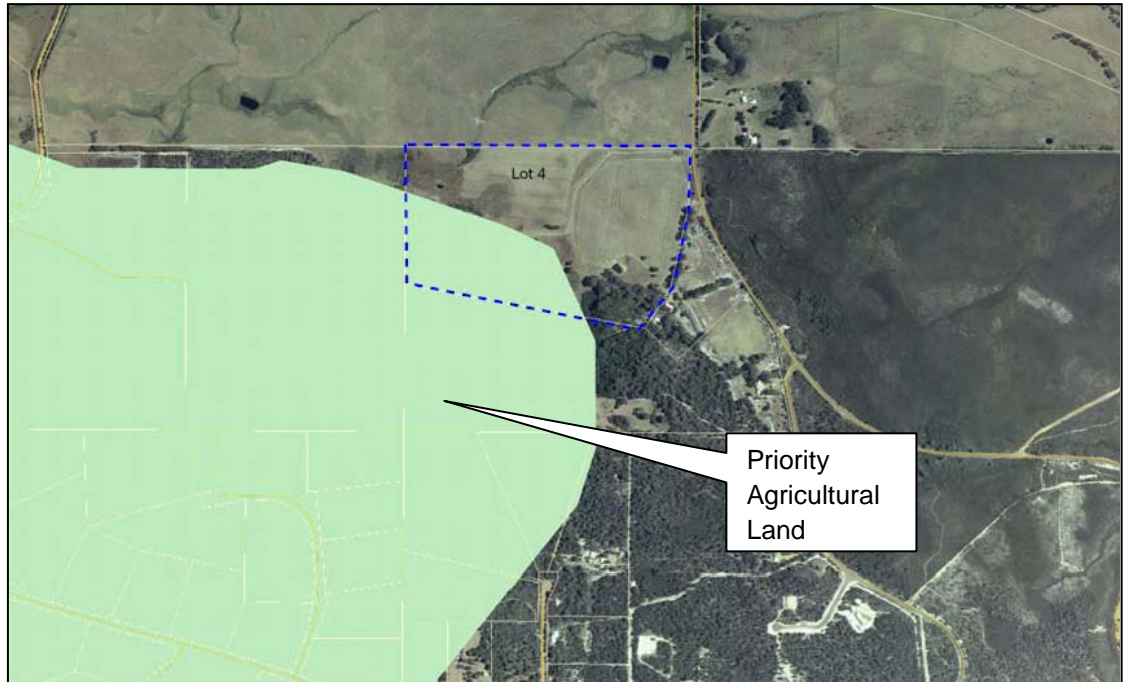
c) "Section 8.3.5 – Rural Living

*...Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner by being located either adjacent to Albany as designated on the ALPS maps, or within existing rural townsites in accordance with Table 5 along with adequate services and community infrastructure...."*

"The strategy's objectives for Rural Living areas are to:

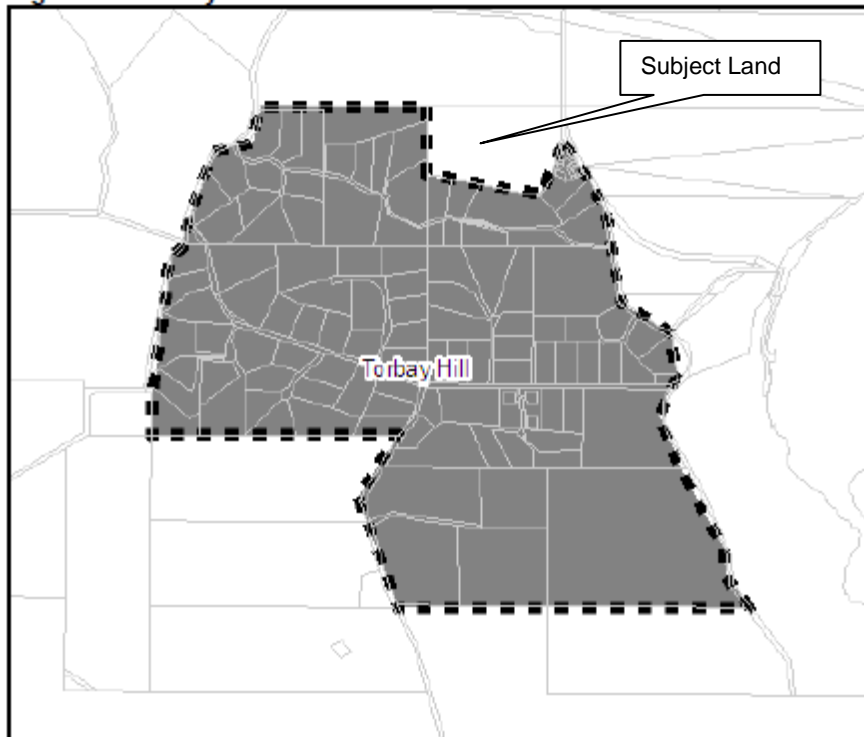
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Provide for compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities..."*

11. The subject land is within an area that is identified by the ALPS as Priority Agricultural land.
12. Staff have sourced a copy of the priority agriculture mapping from the Department of Agriculture and Food WA (DAFWA) which identifies that only the south-western portion of the subject land is located within the priority agricultural area (refer diagram below). The proponent has identified that the existing priority agricultural area in this locality, being to the west and south of the subject land, is situated over existing special rural allotments, and due to their size and zoning do not support intensive agriculture. For these reasons the proponent argues that the proposal would not detrimentally impact existing or future agricultural production in the immediate locality.



13. The subject land is not within the Townsite Boundary as per Figure 19: Torbay Hill (refer below) and Table 5 of the ALPS recommends no further expansion of the Town Site.

**Figure 19: Torbay Hill.**



14. The proponent has stated that the inclusion of the subject land into the same zoning (Special Rural) as surrounding land parcels to the west and south would be a logical 'rounding off'. In relation to precedent concerns the proponent states:

- This property shares the same land characteristics as the existing special rural development (being the last property before the land flattens off into the Kronkup flats);
  - The land is surrounded by non-rural land uses on three sides;
  - The land is virtually the last smaller lot in the immediate area capable of being developed for rural residential purposes. Nearby land that is not located on the flats is designated as Priority Agriculture and is of a size capable of being further developed for agricultural purposes.
  - Hortin Road forms a boundary to rural residential development to the west. Cosy Corner Road forms a logical boundary to the east.
15. The boundaries of the Torbay Hill townsite (as identified in Figure 19 above) appear to have been based on the existing special rural areas that were in place at the time or were in the final stages of a scheme amendment process. The subject land, being zoned 'Rural' and identified as suitable for Priority Agriculture use in the ALPS, was therefore specifically excluded. The proponent has identified that with the exception of the subject land being outside of the townsite boundary, the proposal meets all relevant objectives of the ALPS as it relates to the creation of Rural Living areas as:
- The land will not create an 'additional' rural townsite;
  - The small portion of the land is affected by the priority agricultural land designation, however the balance of this cell is over existing special rural lots, and therefore the proposal will not detrimentally affect opportunities for priority agriculture. The proposal will also retain the Olive Grove.
  - The land is not in an area of extreme bushfire risk and is not subject to flooding.
  - The land is beyond the area identified in ALPS as future urban or long term residential.
16. Table 5 within the ALPS identifies no additional growth for the Torbay Hill town site, and states that a maximum yield of 100 lots is envisaged. The number of existing and proposed lots within the town site boundary, as defined by Figure 19 of the ALPS, is approximately 102 (which includes the final yield identified in the relevant subdivision guide plans for the existing special rural areas). If Council accepts the proponent's position in relation to precedent, the addition of 6 lots as proposed would have a marginal impact on the maximum lot yield envisaged for the town site.
17. Whilst the land is not included within the boundaries of the Torbay Hill town site, the proposal meets all other relevant objectives identified within the ALPS, and it is recommended that the proposal be supported. Consistent with the advice from the DAFWA the inclusion of an agricultural impact statement consistent with Statement of Planning Policy 2.5 should also be included with the amendment, to the extent that appropriate buffer distances from the Olive Grove and surrounding rural uses to proposed building envelopes should be examined. It is clear that the opportunity to develop the adjacent priority agricultural area to the west and south has been lost by the past conversion of this area to special rural development.

**GOVERNMENT CONSULTATION**

18. The SAR was referred to the Department of Planning, WA Gas Networks Pty Ltd, Telstra, Water Corporation, Western Power, the Department of Agriculture and Food, the Department of Health, the Department of Water, the Department of Environment and Conservation and the Fire and Emergency Services Authority. Responses were received from the Water Corporation, Department of Water, Department of Health, Department of Planning and the Department of Environment and Conservation who commented as follows:

**Water Corporation:**

19. The Water Corporation has no facilities or infrastructure within this parcel of land and therefore has no objection to this proposal.

**Department of Water:**

20. The Department of Water has assessed the proposal and has no comment to offer at this stage of the planning process.

**Department of Health:**

21. The Department of Health is prepared to support the rezoning proposal when site suitability for onsite wastewater disposal is demonstrated via a land capability report, and information regarding the provision of an adequate buffer to conflicting land uses are presented for further consideration at the formal scheme amendment stage.

**Department of Environment and Conservation:**

22. The Department of Environment and Conservation has no substantive comments to offer with regard to this proposal.
23. The Department has noted that despite the property being already largely cleared, due consideration appears to have been given to the limited opportunities for conservation of flora and fauna and wildlife corridors on the indicative subdivision guide plan. The Department also advised that the property remains an active participant in the Land for Wildlife Program.

**Department of Planning:**

24. The Department of Planning had originally objected to the SAR proposal on the basis that the subject land was outside of the town site boundary for Torbay Hill and was identified as being suitable for Priority Agriculture within the ALPS. The Department after reviewing additional information provided by the proponent (refer supplementary report, January 2011) have since provided an updated response in support of the proposal on the following grounds:
- The land's location between existing Special Rural to the west and the Special Use site to the east lends support to its inclusion within the Torbay Hill Rural Town site.



- The lot shares a common boundary with Special Use Site 8 which includes permissible uses such as chalet, accommodation and shop which have the potential to negatively impact on the lot's ability to expand future uses.
- Further consolidation around Special Use Site 8 is supported by Statement of Planning Policy 3 – Urban Growth.
- The priority agricultural status of the south western corner of the property will not be impacted by a rezoning to Special Rural as the section of property is vegetated and not available for agricultural use.

**Department of Agriculture and Food:**

25. The Department of Agriculture and Food did not object to the proposed rezoning of Lot 4, Cosy Corner Road, Kronkup to the 'Special Rural' zone, however the following comments were made:

- Although the identification of Priority Agricultural Land (prepared by the Department of Agriculture and Food, 2003), only occupies the rear portion of the property under investigation, there is insufficient information provided in the assessment report, to justify that the total area of the subject land is not suitable for intensive agriculture.
- In general the Department does not support the rezoning of Rural land to Special Rural for Rural Residential development (adjacent areas of Priority Agricultural Land) due to the following concerns:

- a. Rezoning to Special Rural and subsequent development of Rural Residential areas effectively alienates rural land from agriculture and food production.*
- b. Special Rural/Rural Residential developments which rely on surface or groundwater supplies for domestic and stock use will reduce the amount of sustainable water supply available for agriculture.*
- c. Approval of this subdivision proposal would possibly set an undesirable precedent to support the subdivision of Rural Zone land where it is not in accordance with the objectives and intent of SPP2.5 Agriculture and Rural Land Use Planning, both in this locality and others.*
- d. Special Rural zoned areas (with rural residential development) are normally adjacent to agricultural areas and the development of these areas without appropriate buffers has the potential to increase land use conflict.*

- The Department also advised that any changed land use on agricultural land needs to include buffers on the re-zoned land to minimise land use conflict. To ensure agricultural operations on land next to re-zoned areas are not restricted, the Department recommends that minimum setbacks/buffers should be incorporated into the re-zoned areas in accordance with the EPA guidelines: Separation Distances between Industrial and Sensitive Land Uses.

26. The Department of Agriculture and Food provided an additional response to the supplementary report provided by the proponent and advised:

- To avoid land use conflict buffers between the proposed building envelopes and the existing Olive Grove and adjacent lot boundaries need to be established within the subject land to the satisfaction of the Department.
- It would be appropriate that an Agricultural Impact Assessment in accordance with SPP2.5 (Appendix 3) is prepared to determine the impact the proposal would have on adjacent rural land parcels, inclusive of the surrounding priority agricultural land to the west and south of the subject land.

### **STATUTORY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

29. Should Council ultimately support the rezoning of the land, the indicative subdivision guide plan indicates a new access road to serve the new lots. This road once constructed by the proponent would be maintained by Council thereafter.
30. The proponent has paid the appropriate fee in accordance with Council's adopted Planning Fees Schedule.

### **STRATEGIC IMPLICATIONS**

31. Council's decision on the Scheme Amendment should also be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.
32. In addition to the strategic implications identified in the discussion section of this report, the following excerpt from the ALPS is also relevant:

Section 8.5.5 – Agriculture sets the following Strategic Objective:

*“Facilitate the protection of priority and general agriculture land from incompatible land use, developments and land-management practices.”*

33. The continuing loss of prime agricultural land to other land uses, particularly to rural living areas in and around Albany's urban fringe, has a detrimental impact on the viability of agricultural areas.
34. The ALPS identifies Priority Agricultural areas should be retained and protected as a finite resource. These are areas that contain land suitable for general rural activities plus irrigated annual horticulture, irrigated perennial horticulture and other irrigated crops and pasture.

## **POLICY IMPLICATIONS**

35. Council is required to have regard to any Western Australian Planning Commission (WAPC) Statements of Planning Policy (SPP) that apply to the Scheme Amendment Request. Any Amendment to the Town Planning Scheme would require assessment by the WAPC to ensure consistency with the following State and Regional Policies:
36. **SPP 2.5 – Agriculture and Rural Land Use Planning**

SPP 2.5 was gazetted in 2002 and has provided a comprehensive review and refinement of the previous DC Policy 3.4 Rural Land Use Planning. The Western Australian Planning Commission and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas. *WAPC SPP No. 2.5 Agricultural and Rural Land Use Planning* provides the framework for the protection of Priority and General Agricultural areas.

The Policy states that:

*“Agricultural production from rural areas is a significant part of the Western Australian economy. It provides essential food and fibre products, and employment and value adding opportunities. Agricultural production in Western Australia is worth nearly \$5 billion per annum. Careful planning is required to maintain these benefits to regional economies and to encourage ongoing investment in agriculture and the supporting resource base.”*

The 4 key objectives of SPP 2.5 are summarised as:

- *Protect significant agricultural resources within the State from inappropriate land use and development;*
- *Provide for sustainable rural settlement growth within community expectations and ensure adequate community service and infrastructure is available to support the growth;*
- *Minimise potential land use conflicts between incompatible land uses; and*
- *Manage natural resources and prevent land degradation.*

The City shall have regard to the general provisions and policy statements under SPP 2.5 in considering proposals for development that affects rural land.

As identified in the discussion section of this report, the priority agricultural designation affects a small portion of the subject land, which includes a significant remnant vegetation area that will be maintained under the proposal. The adjacent priority agricultural cell is located over existing special rural areas that are unable to be developed for agricultural use; therefore no loss of prime agricultural land will result under the proposal.

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

37. Council has the following options in relation to this item, which are:
- To support the SAR proposal without modifications;
  - To support the SAR proposal with modifications; or
  - To reject the SAR proposal.

38. The SAR process is not a statutory process under any planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal Scheme Amendment process. It is designed to provide the proponent with a simple and informal assessment of a proposal to gauge the views and comments of the City and other State Government agencies on the merits and likely support to be expected.
39. Should Council support the SAR proposal, it will progress to a formal Scheme Amendment; the Amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All Scheme Amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.
40. If Council were to reject the SAR proposal, the proponent would have the following options:
- To not proceed with a formal scheme amendment document;
  - To lodge a formal Scheme Amendment and request consideration by Council, irrespective of the outcome of the SAR.

**SUMMARY CONCLUSION**

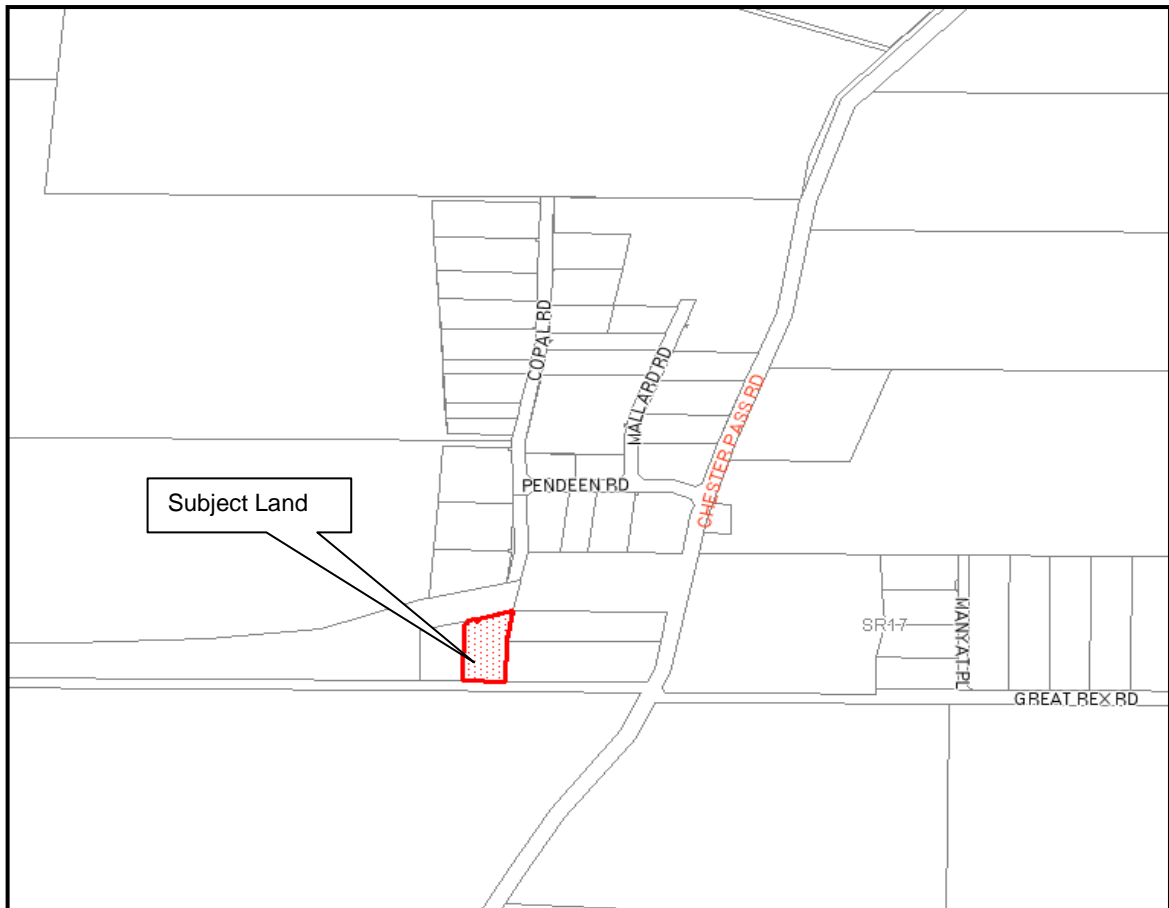
41. Whilst the subject land is outside of the boundaries for the Torbay Hill Townsite as identified in the ALPS, the proposal is considered to be consistent with all other objectives identified in the ALPS and is not likely to set a precedent for the further expansion of the townsite.

<b>Consulted References</b>	Albany Local Planning Strategy
<b>File Number (Name of Ward)</b>	SAR149 (West Ward)

**1.4: FINAL APPROVAL OF AMENDMENT - LOT 90 MENANG DRIVE, WILLYUNG**

- Land Description** : Lot 90 Menang Drive, Willyung
- Proponent** : Planning Solutions
- Owner** : Caltex Australia Petroleum Ltd
- Business Entity Name** : Caltex Australia Petroleum Ltd
- Directors of Owner Company** : Caltex Australia Petroleum Ltd is a publicly listed company with multiple shareholders
- Attachment(s)** : Schedule of Submissions
- Councillor Workstation** : Amendment Document (AMD 306)  
Copy of Submissions
- Responsible Officer** : E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**CEO:**

**RESPONSIBLE OFFICER:**

**IN BRIEF**

- At its ordinary meeting dated 16 November 2010, Council resolved to initiate Amendment No. 306.
- The amendment was advertised with nine submissions being received.
- It is recommended that Council finally adopt the amendment with modifications as identified within the Schedule of Submissions.

**ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and Regulation 17(2) of the *Town Planning Regulations 1967* **ADOPTS WITH MODIFICATIONS** Amendment No. 306 to Town Planning Scheme No. 3 by:
  - i) Amending the scheme map to annotate an ‘Additional Use’ to Lot 90 Menang Drive, Willyung; and
  - ii) Amending Schedule 2 – Additional Use Sites of the City of Albany Town Planning Scheme No. 3 as follows:

Code No	Land Particulars	Additional Uses	Special Conditions
12	Lot 90 Menang Drive, Willyung	Petrol Filling Station and Shop	<ol style="list-style-type: none"> <li>1) The shop land use must be associated with the Petrol Filling Station.</li> <li>2) No stormwater is to be discharged into the Menang Drive drainage system.</li> <li>3) Only one crossover is to be approved and the crossover is to be shared with the neighbouring property to the west.</li> <li>4) Suitable turn treatments in accordance with the <i>AUSTROADS Guide to Traffic Engineering Practice – Part 5: Intersections at Grade</i> are to be installed on Menange Drive.</li> <li>5) A <i>Traffic Management Plan</i> is to accompany a development application to identify transport needs for the site and adjacent networks.</li> </ol>

**NOTES** the staff recommendations contained within the attached Schedule of Submissions and **ENDORSES** those recommendations.

**BACKGROUND**

1. Council initially received a Development Application for Lot 90 Menang Drive, Willyung involving the sale of fuel and incidental convenience items.
2. During the assessment process of the Development Application, the following advice from consulted government agencies was given:

Submission	Comment
Department of Environment and Conservation	Appropriate wastewater infrastructure is to be installed to manage effluent.
Main Roads WA	<p>Signs facing Menang Drive require Main Roads WA approval.</p> <p>No stormwater being discharged from the development into Menang Drive drainage system.</p> <p>Suitable turn treatments (to the satisfaction of Main Roads) being installed on Menang Drive.</p> <p>Only one crossover is to be approved and the crossover is to be shared with the neighbouring property to the west.</p>

3. In accordance with the zoning restrictions in Town Planning Scheme 3, there was no ability to approve the uses proposed, and hence the development application was refused.
4. An application to amend the Town Planning Scheme was subsequently received and at its meeting dated 16 November 2010 Council resolved to initiate Amendment No. 306 without modifications.
5. The Environmental Protection Authority (EPA) assessed the amendment and advised that an environmental assessment in accordance with their Act was not required.
6. The Scheme Amendment was then advertised for a period of 42 days.

**DISCUSSION**

Proposed Use

7. The subject site is presently vacant and adjoins a mixture of uses including industrial land, an industrial buffer area, rural land uses and a parks and recreation reserve.
8. The amendment will facilitate the use of the site for a petrol filling station and incidental shop. The following is envisaged for the development of the land:

- The establishment of three heavy vehicle bays and shelter with diesel bowsers operating on a 24 hour / 7 days per week basis;
  - The construction of underground fuel tanks;
  - An administration building and shop;
  - Truck parking and maintenance depot;
  - A wash down bay;
  - Infrastructure to manage stormwater/effluent runoff;
  - Storage shed; and
  - Landscaping (trees) adjacent to Menang Drive.
9. The proposal is considered to be consistent with the objective of the industrial area, which is to *'provide sites for a diverse range of industries'*.

#### Advertising Process – Submissions

10. At the close of the advertising period a total of nine submissions were received. No objections were received from the Department of Water, Department of Environment and Conservation, the Water Corporation, Western Power and the Department of Mines and Petroleum.
11. Main Roads WA also had no objection, however they have recommended additional conditions be placed within Schedule 2 of the Scheme to be adhered to when lodging formal planning scheme consent. As detailed in the government consultation section of this report, the majority of these conditions are supported for inclusion into the amendment document

#### **PUBLIC CONSULTATION / ENGAGEMENT**

12. Letters were sent to neighbouring properties, a sign was positioned at Lot 90 Menang Drive and advertisements placed in the local newspaper inviting comment on the proposed Scheme Amendment. The advertising period was for 42 days and a total of nine (9) submissions in total were received. No objections from the public were received, with two letters being received in support of the proposal.

#### **GOVERNMENT CONSULTATION**

13. The Scheme Amendment was referred to the following government agencies: Environmental Protection Authority; Department of Planning; Department of Environment and Conservation; Department of Water; Department of Minerals and Energy; WA Gas Networks; Telstra; Western Power; Water Corporation and the Main Roads WA.
14. Main Roads WA have requested the following conditions be applied to the amendment:
- (a) No stormwater is to be discharged into the Menang Drive drainage system;
  - (b) Access to Lot 90 and neighbouring Lot 91 is to be shared, reducing the number of access points onto Menang Drive;



- (c) Suitable turn treatments in accordance with the AUSTRROADS *Guide to Traffic Engineering Practice – Part 5: Intersections at Grade*, are to be installed on Menang Drive;
  - (d) Any signage or sign structure is not to adversely impact road users. In this regard, comment is to be sought from the Main Roads WA for assessment in accordance with their *Main Roads Guide to the Management of Roadside Advertising*;
  - (e) A Traffic Management Plan is to accompany a development application to identify transport needs for the site and adjacent networks;
  - (f) The developer must meet Main Roads requirements to transport oversize and/or overweight loads;
  - (g) The developer must submit an *Application Form to Undertake Works within the Road Reserves Managed by Main roads WA*.
15. It is recommended that points (a), (b), (c) and (e) be incorporated into Schedule 2 of the Scheme. Points (d), (f) and (g) are advisory in nature and will be assessed by Main Roads WA at the development application stage.

**STATUTORY IMPLICATIONS**

16. The subject site is zoned ‘Special Industry (Elizabeth Street)’ under the provisions of the City of Albany Town Planning Scheme No.3 (TPS3).
17. The proposal complies with the Objectives listed for the zone as indicated below:

<b>Objectives</b>	<b>Compliance</b>
Provide sites for industries which are low impact and require large lots.	The nature of the proposed development requires a large area to cater for the movements and manoeuvrability of large commercial vehicles and tankers.
Provide sites for industries which are transport orientated, such as trucking depots and warehouses.	The future use and development on the site will provide for the retail sale of fuel and convenience goods to large commercial vehicles and trucks. Therefore, the nature of the use is predominantly transport orientated.
Provide sites for industries which do not have significant effluent or waste disposal requirements.	The proposed development will generate minimal demand for effluent and waste disposal services. The development will be required to manage effluent in accordance with environmental standards.
Provide sites for industries which shall be set aside for industries that require no more than a 200 metre buffer.	The proposal provides for fuelling facilities and combustible and flammable storage facilities on the subject site which necessitate the requirement for safety setbacks. The proposed fuel storage facilities are proposed to be setback appropriately within the subject

Objectives	Compliance
	site to avoid potential conflict with abutting properties. As defined in the Environmental Protection Authority Guidance Statement 3, the uses proposed do not require a buffer of more than 200 metres.

### **STRATEGIC IMPLICATIONS**

18. The subject land is located within an existing industrial estate and adjacent to the intersection of Chester Pass Road and Menang Road and therefore the additional uses contemplated under this amendment is consistent with Section 5.3 of the ALPS, namely *“To maintain an adequate supply and range of serviced industrial land in appropriate locations.”*

### **FINANCIAL IMPLICATIONS**

19. The proponent has paid the appropriate fee as per the Planning Fees Schedule adopted by Council.

### **POLICY IMPLICATIONS**

20. There is no specific town planning policy which affects the proposal.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

21. Council has the following options in relation to this item, which are:
- To resolve to finally adopt the Scheme Amendment without modifications;
  - To resolve to finally adopt the Scheme Amendment with modifications; or
  - To resolve not to finally adopt the Scheme Amendment.

### **SUMMARY CONCLUSION**

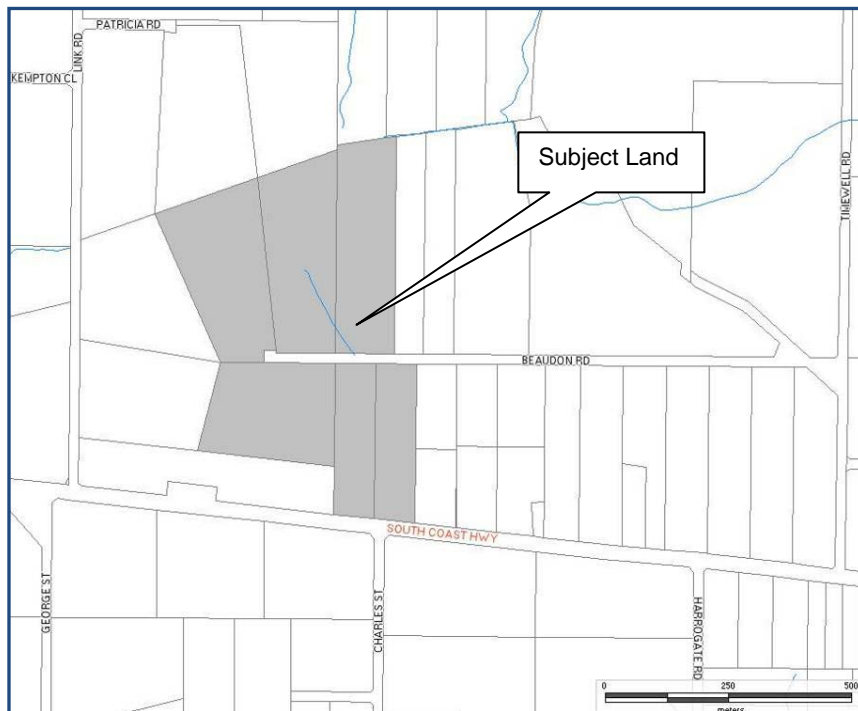
22. The proposal seeks to amend the TPS3 to allow the additional uses of petrol filling station and shop (incidental to the petrol filling station) for Lot 90 Menang Drive Willyung.
23. The proposed uses are in keeping with the objectives of the zone and the predominant transport orientated uses currently in operation within the locality.
24. The proposed uses are not expected to create any land-use conflict and with appropriate development controls being implemented in accordance with the requirements stipulated for the Special Industry zone and Schedule 2 of Scheme 3, the proposed development is capable of being made safe and visually and environmentally acceptable.
25. The proposal is considered to be consistent with the aims of the TPS3, and therefore it is recommended that the scheme amendment be finally adopted with conditions added to Schedule 2.

<b>Consulted References</b>	EPA Guidance Statement No. 3
<b>File Number (Name of Ward)</b>	AMD 306 (Kalgan Ward)
<b>Previous Reference</b>	OCM 16/11/10 - Item No. 1.6

**1.5: FINAL APPROVAL OF AMENDMENT – LOTS 1 AND 2 SOUTH COAST HIGHWAY AND LOTS 4, 5, 8 AND 17 BEAUDON ROAD, MCKAIL**

- Land Description** : Lots 1 and 2 South Coast Highway and Lots 4, 5, 8 and 17 Beaudon Road, McKail
- Proponent** : Harley Global
- Owner/s** : M & F D’Addario; M & A D’Addario; DP & MA Reynolds; A & P Genovese; KG & JL Marshall; R & C Griffiths;
- Business Entity Name** : N/A
- Attachment(s)** : Modified Subdivision Guide Plan  
: Schedule of Submissions
- Councillor Workstation** : Copy of OCM 15/08/06 – Item 11.3.1 (SAR 097)  
: Copy of OCM 16/03/10 – Item 13.2.1  
Amendment Document (AMD261)  
Copy of Submissions
- Responsible Officer(s)** : E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**IN BRIEF**

- Consider the submissions received from the public consultation period and determine whether to grant final approval to the proposed Scheme Amendment to rezone Lots 1 and 2 South Coast Highway and Lots 4, 5, 8 and 17 Beaudon Road from the 'Rural' zone to the 'Special Rural' zone.
- It is recommended that the amendment be adopted for final approval with modifications.

**ITEM 1.5: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **ADOPTS WITH MODIFICATIONS** Amendment No. 261 to Town Planning Scheme No. 3 by:
  - i) Rezoning Lot 1 South Coast Highway and Lots 2, 4, 5, 8 and 17 Beaudon Road, McKail from Rural to Special Rural and amending the Scheme Maps accordingly.
  - ii) Amending Schedule 1 – “Special Rural Zones – Provisions Relating to Specified Areas” by inserting special provisions for Special Rural Area No. 40.
- 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

**BACKGROUND**

1. Amendment 261 proposes to amend Town Planning Scheme (TPS) No. 3 by rezoning Lots 1 and 2 South Coast Highway and Lots 4, 5, 8 and 17 Beaudon Road from the 'Rural' zone to the 'Special Rural' zone.
2. A Scheme Amendment Request (SAR 097) was considered at the August 2006 Council Meeting, whereby it was resolved:

*“THAT Council advises the proponent that it is prepared to entertain the submission of a formal application for rezoning Lot 1 South Coast Highway and Lot 8 Beaudon Road from the 'Rural' zone to the 'Special Rural' zone subject to the following matters being addressed to the satisfaction of Council:*

- i) *amendment documentation which includes a detailed land capability report assessing soil characteristics and groundwater levels on the site; and*
- ii) *a set of scheme provisions for the area which includes a provision for a contribution to the upgrading of Beaudon Road.”*

3. The matters outlined above were adequately addressed in the amending document and the detailed land capability report, which was prepared by Opus International Consultants. A provision requiring contributions to the upgrading of Beaudon Road was not incorporated into the proposed Special Provisions; the road has been sealed since the SAR was considered by Council. Despite this improvement further upgrading may be required and contributions can be sought at the subdivision stage.
4. The proposed Scheme Amendment was subsequently initiated at the Ordinary Meeting of Council on 16 March 2010.
5. Successful completion of the Amendment will allow the subdivision of the subject land to create 'Special Rural' lots of approximately 1ha in size.

### **DISCUSSION**

6. The subject lots cover an area of approximately 26.4ha and lie to the north of South Coast Highway, approximately 7km north-west of Albany town centre. The land generally slopes upward to the south-east, before briefly levelling out and falling downward to South Coast Highway. Much of the land has been cleared for agricultural purposes in the past, although some vegetation remains along lot boundaries and at the northernmost extent of Lots 4, 5 and 6 Beaudon Road. Land uses are of a rural residential nature, with a dwelling and associated outbuildings situated at the southern end, or south-eastern corner, of each lot and the remainder of the land used for some limited grazing and horticultural activities.
7. All of the surrounding land is covered by the 'Rural' zoning, although Special Rural Area No. 25 lies approximately 200m to the north-west of the subject lots and Special Rural Area No. 22 approximately 200m to the south. The area has been identified as being suitable for 'Rural Residential' development in the Albany Local Planning Strategy (ALPS). This has been largely influenced by the proximity of the land to Link Road, which it is intended will become the route of the proposed Albany Ring Road. The proposed rezoning to 'Special Rural' is broadly in keeping with the objectives of Section 8.3.5 of the ALPS.
8. The proposal was referred to various government agencies and utility providers in accordance with established practice. Responses were received from:
  - Main Roads WA;
  - Western Power;
  - Department of Health;
  - Department of Environment and Conservation; and
  - Department of Water.
9. No objections were received during the public consultation period, merely advice from State Government agencies, primarily in relation to conservation issues. These submissions are dealt with in detail in the attached Schedule of Submissions.

10. Overall, the proposal is considered to be consistent with State Planning Policy and the strategic planning direction set by the ALPS. It is recommended that the Amendment be adopted for final approval, subject to modifications.

### **PUBLIC CONSULTATION/ENGAGEMENT**

11. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 7 October 2010 to 18 November 2010 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
12. A total of six written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

### **GOVERNMENT CONSULTATION**

13. Main Roads WA have raised the likely need for the City to establish a new north-south connector road in this locality, should the proposed Albany Ring Road be constructed and further urban development take place. The City's draft Traffic Model currently shows indicative north-south connectors, including an alignment from Lancaster Road, to the north of the subject land, to South Coast Highway and Charles Street to the south.
14. It is therefore recommended that a 'Development Exclusion Area' with a width of 42m be designated on the SGP, which will allow for the provision of a new road at some stage in the future, while maintaining appropriate building setbacks (the figure of 42m is based on the need for a 30m road reserve and a 6m building setback requirement, which is typical of urban areas). The proposed alignment, while slightly offset from Charles Street, has been chosen as it runs over the proposed Water Corporation easement and internal cul-de-sac shown on the SGP and will not affect the expected lot yield. It should be noted that this 'Development Exclusion Area' will only apply to habitable buildings and will not restrict the use of the affected land or the erection of structures that are seen as being of a more 'temporary' nature, such as sheds, water tanks, etc.
15. It should also be noted that the existing houses on the subject lots are all positioned in such a way that they will not be affected by the proposed 'Development Exclusion Area'.

### **STATUTORY IMPLICATIONS**

16. 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

17. In the long term future when the north-south road connector is required (expected to be 20 years plus), Council at that time will need to either negotiate with landowners to secure the land for the purposes of a road reserve or receive the required land when the lots are further subdivided as a condition of subdivision approval.

## STRATEGIC IMPLICATIONS

18. Council's decision on the Scheme Amendment should be consistent with the objectives of the ALPS as the principal land use planning strategy for the City.
19. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:

*“Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.*

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*
- *Reducing government expenditure on servicing current and future populations.*

20. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

*“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”*

The ALPS expands on this by stating that:

*“The strategy’s objectives for Rural Living areas are to:*

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*



*Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.*

*Existing Special Rural and Special Residential zones in the City's current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are not connected to reticulated water”.*

21. The proposal is considered to be consistent with the various Strategic Objectives and aims set out in the ALPS, particularly those contained within Section 8.3.5 – *Rural Living*, while the subject land has been identified on the ALPS map as suitable for ‘Special Rural’ development.
22. However, the Strategic Objectives and aims set out in ALPS Section 8.3.4 – *Protection of Future Urban Land* (outlined below) should also be taken into consideration, given the proximity of the subject lots to the existing urban front and the likely need for a local road between Lancaster Road to the north and South Coast Highway to the south at a future time.
23. Section 8.3.4 – *Protection of Future Urban Land* sets the following Strategic Objective:

*“Protect areas designated as future fully-serviced urban areas from inappropriate land uses, subdivision and development”.*

The ALPS further states that:

*“Future fully-serviced urban areas of Albany must be protected. Planning for these areas needs to accommodate urban growth within, and hopefully beyond, the timeframe of this strategy or to facilitate urban growth above current estimates. These areas have been identified in the ALPS as Future Urban Priority Development areas.*

*Urban growth must be planned for beyond the existing major development fronts (Priority 1 areas) in McKail, Yakamia and Bayonet Head. Apart from more detailed planning, measures need to be put in place to retain potential urban development areas as large landholdings and prevent inappropriate land uses, subdivision and development.*

*The main statutory mechanism the City has to protect Future Urban areas is the zoning of land for rural purposes in the LPS1 with appropriate controls on land uses, subdivision and development until it is required to be developed for urban uses.*

*All Future Urban growth areas will be subject to district structure, policy, precinct and local structure planning”.*

24. As discussed above and in the Schedule of Submissions, Main Roads WA has raised the likely need for the City to establish a new north-south connector road in this locality, should the proposed Albany Ring Road be constructed and further urban development take place.

The City's draft Traffic Model currently shows indicative north-south connectors, including an alignment from Lancaster Road, to the north of the subject land, to South Coast Highway and Charles Street to the south. It is important from a long-term strategic planning perspective that the City's future transport needs are not compromised by inappropriate development or subdivision, hence the need for the proposed 'Development Exclusion Area' to protect this future local road alignment.

## **POLICY IMPLICATIONS**

25. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.

### **26. SPP 1 – State Planning Framework**

The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and therefore complies with the principles of SPP1.

### **27. SPP 3 – Urban Growth and Settlement**

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

The key policy objectives in SPP 3 are as follows:

- *To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.*
- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.*
- *To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

The Amendment proposal is consistent with the key policy measures identified in SPP 3.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

28. 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.*

29. 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**

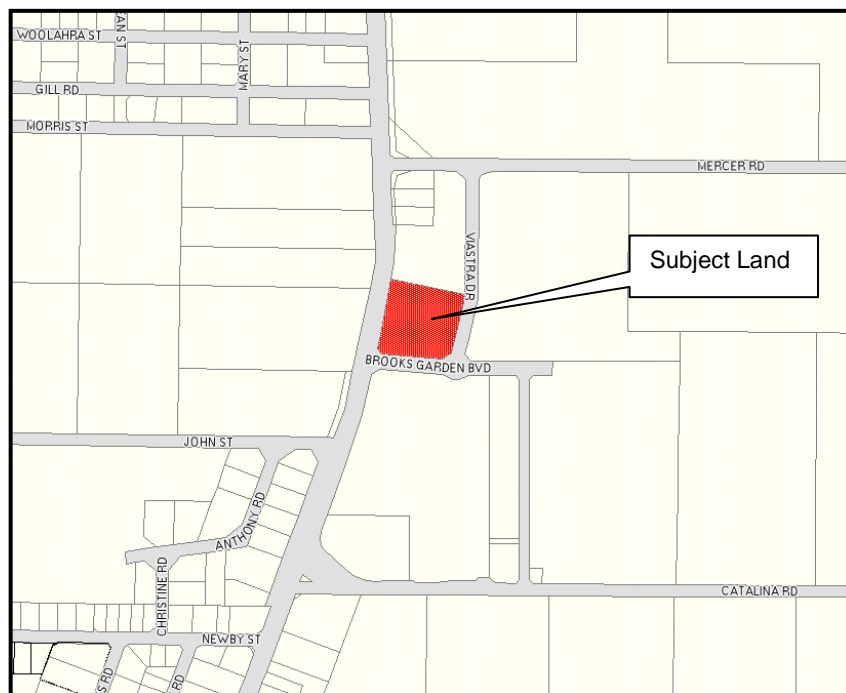
30. The proposed re-zoning will allow subdivision of the subject land to create ‘Special Rural’ lots of approximately 1ha, without prejudicing its future development potential to a full urban standard. Staff therefore recommend that the proposed Scheme Amendment be adopted for final approval, subject to modification.

<b>Consulted References</b>	WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) SPP1 & SPP 3
<b>File Number (Name of Ward)</b>	AMD261 (West Ward))
<b>Previous References</b>	OCM 15/08/06 – Item 11.3.1 (SAR 097) OCM 16/03/10 – Item 13.2.1

**1.6: LOCAL PLANNING POLICY – FINAL ADOPTION – CATALINA CENTRAL PLANNING FRAMEWORK (CCPF)**

- Land Description** : Lot 1003 Brooks Garden Boulevard, Lange  
**Proponent** : Greg Rowe and Associates  
**Owner** : Calardu Albany Pty Ltd  
**Directors of Owner Company** : Gerald Harvey; Kay Lesley Page; Chris Mentis; John Eryn Slack-Smith (All Directors reside in NSW)  
**Business Entity Name** : Harvey Norman  
**Attachment(s)** : Floor Plan of tenancies involved  
**Appendices** : Amended pages of revised CCPF  
**Councillor Workstation** : Floorspace Demand Study for 'Other Retail' (Bulky Goods) Revised Catalina Central Planning Framework Policy (full version)  
**Responsible Officer** : E/Director Planning and Development Services (G Bride)

**Maps and Diagrams:**



**IN BRIEF**

- Council has previously resolved to adopt the revised Catalina Central Planning Framework Policy for the purposes of advertising, which involves an increase in the maximum permitted floor area for Bulky Goods Outlets within Precinct 1 exceeding the prescribed cap of 6,500m<sup>2</sup> by 1,505m<sup>2</sup>.

**CEO:**

**RESPONSIBLE OFFICER:**

**ITEM 1.6: RESPONSIBLE OFFICER RECOMMENDATION 1**

**THAT in accordance with Clauses 5.25 and 6.9 of Town Planning Scheme No. 3 Council ADOPTS the revised Catalina Central Planning Framework Policy to supersede the existing Policy of the same name (with the amended pages identified in the Appendices Booklet) which increases the cap on Bulky Goods/Showroom floorspace within Precinct 1 from 6,500m<sup>2</sup> NLA to 8,005m<sup>2</sup> NLA, removes the 1,800m<sup>2</sup> of Warehouse Sales Outlet floorspace and references and appends the Floorspace Demand Study for Bulky Goods (2010) to the Policy document.**

**ITEM 1.6: RESPONSIBLE OFFICER RECOMMENDATION 2**

**THAT Council ISSUE Planning Scheme Consent for the Change of Use proposal to convert a portion of Tenancy A, and all of Tenancy B and C (as per the attachment) from Warehouse Sales Outlet to Bulky Goods Outlet within the existing building on Lot 1003 Brooks Garden Boulevard, Lange.**

- The revision to the Policy will facilitate the change of use of three existing tenancies adjacent to Harvey Norman from 'Warehouse Sales Outlet' to 'Bulky Goods Outlet'.
- A detailed analysis and justification from a retail planning consultant has been submitted to justify the increase in floor area beyond the restriction contained in Council's Policy.
- The analysis identifies that there is demand for Bulky Goods development in Albany, and that unlike shop/retail, the City's Activity Centres Planning Strategy does not promote a floor space cap for bulky goods development, but rather advocates for such development adjacent to major roads within mixed business zones.
- It is recommended that Council finally adopt the revised Catalina Central Planning Framework Policy, and subsequently grant planning scheme consent to the Change of Use proposal.

**BACKGROUND**

1. At its meeting on 15 February 2011 Council considered an application for a Change of Use for a portion of an existing building on Lot 1003 Brooks Garden Boulevard, Lange from 'Warehouse Sales Outlet' to 'Bulky Goods Outlet' and resolved:

*“ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION 1*

*THAT in accordance with Clauses 5.25 and 6.9 of Town Planning Scheme No. 3 Council ADOPTS for the purposes of advertising the revised Catalina Central Planning Framework (with amended pages identified in the Appendices Booklet) which increases the cap on Bulky Goods/Showroom floorspace within Precinct 1 from 6,500m<sup>2</sup> NLA to 8,005m<sup>2</sup> NLA, the removal of the 1,800m<sup>2</sup> of Warehouse Sales Outlet floorspace and the referencing and appending of the Floorspace Demand Study for Bulky Goods (2010) to the Policy document.*

*ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION 2*

*THAT in order to reflect the requirements of the Scheme, and particularly Clause 5.25 (Mixed Business Zone), the proponent is advised that the application for Planning Scheme Consent will be DEFERRED until such time as Council considers whether to finally adopt the altered Catalina Central Planning Framework (CCPF) as contained in Recommendation 1 above.”*

2. In accordance with the above Council resolution the revised Catalina Central Planning Framework Policy has been placed on public exhibition, with the advertising period closing on 10 March 2011. At the time of writing this report no submissions were lodged, however any submissions received will be circulated to Councillors prior to the Council meeting scheduled for 15 March 2011.

## **DISCUSSION**

3. Whilst a more comprehensive analysis was included in the previous officer report (considered by Council at its 15 February 2011 meeting), in summary the revision to the Central Catalina Planning Framework (CCPF) is justified on the basis that:
  - The original Economic Impact Statement (EIA) prepared in 2001 tested the notional development concept of 6500m<sup>2</sup> of bulky goods floorspace that was proposed at this time, and did not set a recommended overall maximum floorspace. The EIA determined that the 6,500m<sup>2</sup> envisaged would reinforce the locality as a mixed business destination and would not disadvantage the community.
  - To identify the impact of the additional 1,500m<sup>2</sup> of floorspace that would result from the proposed change of use, Syme and Co has identified through its Floorspace Demand Study for Bulky Goods within Albany (2010) that there is current shortfall of around 7,000m<sup>2</sup> of such floor space within Albany.
  - The Albany Centres Planning Strategy (ACPS) prepared in 2009 identified that between 2003 and 2015 that an additional 5,100m<sup>2</sup> NLA of bulky goods floorspace would be required. The Strategy did not specify a cap on bulky goods floorspace, but rather advised that such development should be located in appropriate locations.
  - The change of use proposal (and similarly the policy revision) would not be inconsistent with State Planning Policy 4.2 which recommends the location of bulky goods outlets as clusters in mixed business zones in close proximity to activity centres and regional roads.

4. The revision to the policy simply reallocates the floorspace designated for warehouse sales outlets to bulky goods outlets within Precinct 1 of the CCPF. It is important to note that the revision will not result in any additional building footprints within Precinct 1, but will facilitate a change of use within an existing portion of the building on Lot 1003 Brooks Garden Boulevard, Lange.
5. As previously discussed no objections have been received as a result of advertising and it is recommended that Council finally adopt the revised CCPF Policy.
6. It is also recommended that should Council finally adopt the CCPF Policy, that Council grant planning scheme consent to the Change of Use application lodged by the proponent.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

7. The revised policy has been advertised in accordance with Clause 6.9 of Town Planning Scheme No. 3.
8. At the time of writing this report no submissions have been received, however should submissions be received up to and including 10 March 2011, they will be circulated to Councillors prior to the Council Meeting.

#### **GOVERNMENT CONSULTATION**

9. The policy has been advertised in accordance with the Scheme, however as the proposal involves the change of use of an existing building no specific comments were sought from government agencies.

#### **STATUTORY IMPLICATIONS**

10. Clause 5.25 (Mixed Business Zones) of the Scheme identifies that development should be in accordance with an endorsed precinct plan. In this case the adopted precinct plan is the CCPF Policy. Should Council adopt the revised CCPF Policy, the change of use application would be in accordance with this scheme requirement.

#### **STRATEGIC IMPLICATIONS**

11. The site is identified for 'Mixed Business' in the ALPS and ACPS which supports bulky goods development along important regional roads with high exposure in strategic locations.

#### **FINANCIAL IMPLICATIONS**

12. The proponent has paid the appropriate fee for the application for the Change of Use application in accordance with the Planning Fees Schedule adopted by Council. Officer time was expended in processing the application.

### **POLICY IMPLICATIONS**

13. Council has recently adopted its Local Planning Policy Manual for advertising purposes, with this manual likely to be considered for final adoption at the April OCM. The Catalina Central Planning Framework, along with the Albany Waterfront Precinct Plans and the Stirling Terrace Conservation Area are the only additional policies that will not be incorporated into the manual given their size, but will be retained as policies in their own right.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council has the following options in relation to this application:

Option A: Resolve not to adopt the revised Catalina Central Planning Framework Policy, meaning the existing Policy would remain in place.

Option B: Resolve to adopt the revised Catalina Central Planning Framework Policy and grant planning scheme consent to the proposal for a Change of Use from Warehouse Sales Outlet to Bulky Goods.

### **SUMMARY CONCLUSION**

15. At its meeting on 15 February 2011 Council resolved to support the revised CCPF Policy for the purposes of advertising.
16. The proposed revisions to the Policy do not conflict with the ALPS or the ACPS which have not identified specific floorspace caps for bulky goods floorspace.

<b>Consulted References</b>	Existing Catalina Central Planning Framework Policy Activity Centres Planning Strategy (2009) WAPC State Planning Policy 4.2 Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	A193762 (Yakamia Ward)
<b>Previous Reference</b>	OCM 15/2/2011 – Item 1.2 OCM 21/6/2005 – Item 11.3.8



**1.7: UPDATE ON RECOMMENDATIONS FROM PLANNING SERVICES REVIEW**

**Proponent** : City of Albany  
**Attachment(s)** : Table One – First Report (actions against recommendations)  
**Consulted References** : Better Practice Review (Department of Local Government)  
Review of Planning Services by Planning Context  
**Responsible Officer** : E/Director Planning and Development Services (G Bride)

**IN BRIEF**

- Council has previously adopted the recommendations from the review of Planning and Development Services undertaken by Planning Context (Charles Johnson) in September 2010.
- This report updates Council on the implementation of the recommendations.

**ITEM 1.7: RESPONSIBLE OFFICER RECOMMENDATION**

**That the updated implementation schedule in response to the recommendations made by Planning Context in its report dated 1 October 2010 be NOTED.**

**BACKGROUND**

1. At its meeting dated 16 November 2010 Council considered the report by Planning Context in relation to review of the Planning and Development Services Directorate and resolved:

*“ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION 1*

*The recommendations made by Planning Context in its report dated 1 October 2010 be RECEIVED.*

*ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION 2*

*The initial actions/responses identified in Table 1 as attached be ACKNOWLEDGED and that an additional progress report be PRESENTED to Council by March 2011 on the status of the remaining recommendations, including the proposed form and function of strategic planning services at the City.*

**CEO:**

**RESPONSIBLE OFFICER:**

*ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION 3*

*The Directorate be RENAMED from “Development Services” to “Planning and Development Services” with the Executive Director’s title to be ‘Executive Director Planning and Development Services’ (EDPDS).”*

**DISCUSSION**

2. An update on the implementation of the recommendations are contained within the attachment to this Report.

**PUBLIC CONSULTATION / ENGAGEMENT**

3. Public consultation was not required, however Mr Johnson did speak to a range of industry stakeholders that utilise the services of the Development Service Directorate as part of the review.

**GOVERNMENT CONSULTATION**

4. Government consultation was not required, however Mr Johnson did consult with the Department of Planning and the Department of Local Government as part of the review.

**STATUTORY IMPLICATIONS**

5. There are no statutory implications related to this item.

**STRATEGIC IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. The cost to implement the recommendations involve improvements to processes, reporting benchmarks and the completion of key strategic documents which will be undertaken by the Directorate using existing staff resources within existing budget lines.

**POLICY IMPLICATIONS**

8. Staff have prepared a draft Local Planning Policy Manual which has been placed on public exhibition and will be considered at the April 2011 Council Meeting for final adoption.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

9. Nil.

**SUMMARY CONCLUSION**

10. It is recommended that the updated implementation schedule be noted.

<b>File Number (Name of Ward)</b>	GO.CLS.23 (All Wards)
<b>Previous Reference</b>	SCM 25/05/2010 - Item 6.2 OCM 16/11/2010 - Item 4.2

**1.8: CITY OF ALBANY KEEPING AND WELFARE OF CATS  
AMENDMENT LOCAL LAW 2011**

**Land Description** : Whole of Municipality  
**Proponent** : City of Albany  
**Councillor Workstation** : City of Albany Keeping and Welfare of Cats Local Law 2008 with amendments incorporated.  
**Responsible Officer** : E/Director Planning & Development Services (G Bride)

**IN BRIEF**

- To consider amendments to the City of Albany Keeping and Welfare of Cats Local Law 2008 as a result of a directive from the Joint Standing Committee on Delegated Legislation (JSCDL).

**ITEM 1.8: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council in accordance with Section 3.12 of the *Local Government Act 1995*:**

1. **RESOLVES TO MAKE** the City of Albany Keeping and Welfare of Cats Amendment Local Law 2011 as follows:

**LOCAL GOVERNMENT ACT 1995**

**CITY OF ALBANY**

**KEEPING AND WELFARE OF CATS AMENDMENT LOCAL LAW 2011**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on [Insert date] to make the following local law.

1. **Citation**  
This local law may be cited as the *City of Albany Keeping and Welfare of Cats Amendment Local Law 2011*.
2. **Commencement**  
This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.
3. **Principal Local Law**  
In this local law, the *City of Albany Keeping and Welfare of Cats Local Law 2008* as published in the *Government Gazette* on 9 June 2009 is referred to as the principal local law. The principal local law is amended as follows.

CEO:

RESPONSIBLE OFFICER:

4. **Commencement**  
This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.
5. **Principal Local Law**  
In this local law, the *City of Albany Keeping and Welfare of Cats Local Law 2008* as published in the *Government Gazette* on 9 June 2009 is referred to as the principal local law. The principal local law is amended as follows.
6. **Clause 2.1 amended**  
Delete clause 2.1(d).
7. **Clause 3.1 amended**
  - (a) In the definition of ‘Keeper’ after “kept” insert the words “who has care and control of the cat,”; and
  - (b) Delete the definition “Sterilised”
8. **Clause 4 amended**
  - (a) In the heading of clause 4—
    - (i) After “IDENTIFIED” insert the word “AND”; and
    - (ii) After “REGISTERED” delete “AND STERILISED”.
  - (b) Delete clause 4.2(e);
  - (c) Clause 4.2(f) is redesignated as clause 4.2(e);
  - (d) Delete clause 4.3;
  - (e) In clause 4.4 delete “(f)” after 4.2;
  - (f) In clause 4.4 insert (e) after 4.2;
  - (g) Delete clause 4.5;
  - (h) Clause “4.4” is designated as “4.3”; and
  - (i) Clauses “4.6” through to “4.11” are redesignated as “4.4” to “4.9” consequently.
9. **Clause 5.1 amended**
  - (a) In clause 5.1(b) delete “,” after the word “Cats”;
  - (b) In clause 5.1(b) insert “.” after the word “Cats”; and
  - (c) Delete clause 5.1(c);
10. **Clause 5.5 amended**
  - (a) Delete clause 5.5;
  - (b) Clauses “5.6” through to “5.13” are redesignated as “5.5” to “5.12” consequently.
11. **Clause 9 amended**  
After clause 9.8 insert—  
“9.9 A Keeper of a cat may apply to have their details omitted from the register referred to in clause 9.8 for their own protection or that of their family.”
10. **Clause 10.1 amended**  
In clause 10.1 delete the words “of contravening clause 5.12” after the word “offence”.
11. **Schedule 2 amended**
  - (a) Delete Item 2; and
  - (b) Items “3” through to “6” are redesignated as “2” to “5” consequently.

**Dated:** \_\_\_\_\_

**The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of:**

\_\_\_\_\_

\_\_\_\_\_

**Chief Executive Officer**

**Mayor**

2. **APPROVES** the giving of Statewide public notice of the proposed Keeping and Welfare of Cats Amendment Local Law 2011, in order to seek public comment.

## **BACKGROUND**

1. Council at its Ordinary Meeting of 18 November 2008 resolved to adopt the Keeping and Welfare of Cats Local Law 2008 (the Local Law) and in accordance with the *Local Government Act 1995* (the Act) the Local Law was published in the *Government Gazette* on 9 June 2009.
2. On 10 August 2009, Council received advice from JSCDL expressing concern over a number of clauses in the Local Law and requesting an undertaking from the City to amend the Local Law by:
  - (a) Amending the definition of a “Keeper”;
  - (b) Deleting the reference to clause 5.12 in clause 10.1; and
  - (c) Amending clause 9 to include the provision for a cat owner to apply to have their details omitted from the register for their own protection or that of their family.
3. On 22 September 2009, Council received a further letter from the JSCDL requesting an additional undertaking to amend the Local Law by:
  - (a) Deleting the definition of “Sterilised” in clause 3.1;
  - (b) Deleting clauses 2.1(d), 4.2(e), 4.3, 4.5, 5.1(c), and 5.5; and;
  - (c) Deleting the reference to sterilisation in the heading to clause 4; and
  - (d) Deleting Item 2 in Schedule 2.
4. The JSCDL was advised on 14 October 2009, that the Local Law would be amended as requested and the City would not rely on, or use, the previously mentioned clauses.
5. The *Keeping and Welfare of Cats Amendment Local Law 2011* has been prepared for Council consideration (refer Responsible Officer Recommendation).

## **DISCUSSION**

6. Section 3.12 of the Act requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed amendment local law.

**Purpose**

7. The purpose of the amendment to the Keeping and Welfare of Cats Local Law is to make amendments as requested by the Joint Standing Committee on Delegated Legislation

**Effect**

8. The effect of the amendment ensures consistency with similar local laws.

**PUBLIC CONSULTATION / ENGAGEMENT**

9. Under section 3.12 of the Act, the City is required to give Statewide publication of its intention to make the Local Law and to invite submissions from the public.

**GOVERNMENT CONSULTATION**

10. A copy of the draft Local Law will be forwarded to the Department of Local Government for consideration and comment before endorsement.

**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.*
- (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. Cost will be incurred with respect to the advertising and eventual publication in the Government Gazette of the Amendment Local Law. This cost would be approximately \$500 in addition to staff time preparing the advert and liaising with interested parties during the public submission period.

## **POLICY IMPLICATIONS**

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

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. The JSCDL was advised on 14 October 2009, that the Local Law would be amended as requested and the City would not rely on, or use, the subject clauses.
15. In order to honour the commitment given to the JSCDL it is recommended that Council resolves to make the amended local law. If Council does not progress the amendments within the two year timeframe the JSCDL could revoke/cancel the existing Local Law, leaving the City with no cat control legislation.
16. Should Council wish to reconsider its position on the local law (ie, to introduce powers to capture, hold and where necessary euthanize cats), it is recommended that such a process is undertaken separately.



**SUMMARY CONCLUSION**

17. In addition to the undertaking provided to the JSCDL, Council is required to amend the Local Law within two years of providing the undertaking.
18. The procedure for amending local laws requires Council to advertise Statewide advising of its intention to make amendment local laws and seeking submissions within a six-week period.
19. Council is then required to consider all submissions prior to adopting the Amendment Local Law.
20. To start the process and comply with the requirements of the JSCDL, it is recommended that Council resolve to make the Keeping and Welfare of Cats Amendment Local Law 2011.

<b>Consulted References</b>	City of Albany Keeping and Welfare of Cats Local Law 2008
<b>File Number (Name of Ward)</b>	All Wards
<b>Previous Reference</b>	PESPC 21/05/08 – Item 6.3 OCM 17/06/08 - Item 11.6.1 OCM 19/02/08 – Item 11.2.1 OCM 18/11/08 – Item 11.6.1 – 5 SCM 13/10/09 – Item 6.3

**1.9: ALBANY MOTORCYCLE CLUB INC – PROPOSAL TO OPERATE  
TWO NON-COMPLYING EVENTS DURING 2011**

<b>Land description</b>	: Reserve 30495, Plantagenet Location 7153, Roberts Road, Robinson
<b>Proponents</b>	: Albany Motorcycle Club Inc.
<b>Description of Organisation</b>	: Not for profit sporting club.
<b>Owner</b>	: Crown
<b>Appendices</b>	: Letter from Albany Motorcycle Club Inc.
<b>Responsible Officer</b>	: E/Director Planning and Development Services (G Bride)

**IN BRIEF**

- Consider a request from the Albany Motorcycle Club Inc to operate two non-complying events at the Roberts Road motorcycle track during 2011.

**BACKGROUND**

**ITEM 1.9: RESPONSIBLE OFFICER RECOMMENDATION**

***NB. OFFICER RECOMMENDATION AND REPORT AMENDMENT TO BE PROVIDED TO COUNCILLORS AFTER THE PUBLIC SUBMISSION PERIOD HAS CLOSED ON 4 MARCH 2011.***

1. The Albany Motorcycle Club has written to Council requesting approval to hold two non-complying events under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.
2. Council considered this request at its February 2011 meeting and resolved:
  - “1. *The Council note that in relation to the request by the Albany Motorcycle Club to hold two non-complying events on Reserve 30495, Roberts Road, community consultation will be undertaken with residents and property landowners within a radius of 1.5km;*
  2. *Where objections are received as a result of the community consultation the request shall be considered at the March Ordinary Council Meeting;*
  3. *Where no objections are received Council notes that the CEO will grant approval for two non-complying events in accordance with Regulation 18 of the Environmental Protection (Noise) Regulations 1997.”*

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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4. A letter inviting comment on the Albany Motorcycle Club Inc proposal was sent to residents and property owners within a 1.5km radius of the motorcross facility. At the time of writing this report an objection has been received, which requires the request from the Albany Motorcycle Club to be referred to Council as per Part 2 of the above resolution.

## **DISCUSSION**

5. The close of submission period is Thursday 4 March 2011. A report amendment including a copy of any submissions received and responses thereto will be circulated prior to the Council meeting.

## **PUBLIC CONSULTATION / ENGAGEMENT**

6. A letter inviting comment on the Albany Motorcycle Club Inc proposal to hold two non-complying events during 2011 has been sent to all residents/property owners within a 1.5 km radius of the motorcross facility. The submission period closes on Thursday 4 March 2011.

## **STATUTORY IMPLICATIONS**

7. Regulation 18 of the *Environmental Protection (Noise) Regulations 1979* states:

***“18. Venues used for sporting, entertainment purposes etc.***

- (1) *In this regulation—*

***approved non-complying event*** means an event approved under subregulation (3);

***noise*** means noise associated directly with the approved non-complying event and does not include noise normally emitted from the venue (such as noise from plant, pumps and machinery) when it is not being used for the purposes of an approved non-complying event;

***venue*** means any premises or public place.

- (2) *Despite any other regulation in this Part—*

- (a) an approval under subregulation (3) has effect according to its terms; and
- (b) except to the extent that the regulation is applied as a condition under subregulation (3), regulation 7 does not apply to noise resulting from an approved non-complying event.

- (3) *Where the Chief Executive Officer is satisfied that a proposed sporting, cultural or entertainment event that is to be open to the public —*

- (a) *is likely to result in the emission of noise in contravention of the standard prescribed under regulation 7; and*

(b) *would lose its character or usefulness if it were required to comply with that standard,*

*the Chief Executive Officer may approve the event, subject to such conditions as the Chief Executive Officer thinks fit, for the purposes of this regulation.*

(4) *If a condition imposed on an approved non-complying event under subregulation (3) or (8) is breached—*

(a) *the event ceases to be an approved non-complying event; and*

(b) *regulation 7 has effect in relation to that event.*

(5) *An approval under subregulation (3) may extend to a practice or rehearsal or sound system test relating to an event even though the practice, rehearsal or sound system test is not open to the public.*

(6) *An application for approval under subregulation (3) is to be—*

(a) *made not later than 60 days before the event to which the application relates is proposed to commence; and*

(b) *accompanied by an application fee of \$500.*

(7) *Conditions imposed under subregulation (3) may —*

(a) *limit the duration of practice and rehearsal sessions, sound system tests and the event;*

(b) *specify starting and completion times for practice and rehearsal sessions, sound system tests and the event;*

(c) *specify times when facilities such as stages, temporary seating and lighting towers can be erected and dismantled; and*

(d) *specify any other requirements, including maximum allowable noise levels, considered necessary to maintain the impact of noise emissions on other premises at an acceptable level.*

(8) *It is a condition imposed on the conduct of every event approved under subregulation (3) that, if the Chief Executive Officer determines that noise received as a result of the event —*

(a) *at any noise sensitive premises is likely to exceed 65 dB  $L_{A\ Slow}$  between 0700 hours and 1900 hours on any day or 60 dB  $L_{A\ Slow}$  between 1900 hours on any day and 0700 hours on the following day; or*

(b) *at any other premises is likely to exceed 75 dB  $L_{A\ Slow}$  at any time, the person to whom the approval is granted is to pay to the Chief Executive Officer, within the time specified by the Chief Executive Officer, a noise monitoring fee specified by the Chief Executive Officer.*

(9) *The Chief Executive Officer may amend any condition to which an approved non-complying event is subject, but must before doing so —*

- (a) *give to the person responsible for the conduct of the event at least 14 days' notice of the proposed amendment to enable the person to make written representations on the proposal; and*
  - (b) *where the condition was determined under subregulation (13), obtain the approval of the Minister.*
- (10) *A person to whom notice of a proposal is given under subregulation (9)(a) may by written agreement accept the proposal and waive the period of notice.*
- (11) *The Chief Executive Officer is not to approve the holding of more than 2 approved non-conforming events in or at a particular venue in any period of 12 consecutive months unless the Chief Executive Officer is satisfied that the majority of occupiers on whom the noise emissions will impact have no objection to the holding of the additional events.*
- (12) *An approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7 agrees to the proposed conditions applicable to the approval.*
- (13) *Where an agreement cannot be reached under subregulation (12) the conditions are to be determined by the Minister after receiving the advice of the Chief Executive Officer.*
- (14) *The Chief Executive Officer may, if satisfied that the noise from approved non-conforming events held at any 2 or more venues affects generally the same noise-sensitive premises, determine that those venues are to be treated as a single venue for the purposes of subregulation (3) in which case subregulation (11) applies to those venues as if they were one venue.*
- (15) *Notwithstanding subregulation (6)(b), the Chief Executive Officer may, in his or her discretion and if satisfied that an application for approval is made by an organization licensed under the Charitable Collections Act 1946, and that money received from the event will be substantially applied for a charitable purpose within the meaning of that Act, waive or reduce the application fee payable under that subregulation.*

#### **FINANCIAL IMPLICATIONS**

- 8. Beyond staff time incurred there are no other costs associated with this item unless Council requires the City's Environmental Health Officers to undertake noise monitoring.

#### **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

- 9. There are no strategic implications associated with this item.

#### **POLICY IMPLICATIONS**

- 10. There are no policy implications associated with this item.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

11. Council has three options in relation to the request from Albany Motorcycle club to hold two non-complying events at Roberts Rd site. These are:
- a. Option One. Note the objections but **GRANT** the Albany Motorcycle Club approval to hold two non-complying events during 2011 in accordance with Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.
  - b. Option Two. Accept the points raised in the objections and **REFUSE** the Albany Motorcycle Club approval to hold two non-complying events during 2011.

<b>File Number (Name of Ward)</b>	A174413; PH.NOT.3; PRO176 (West Ward)
<b>Previous Reference</b>	OCM 16/02/2010 Item 13.6.1 Recommendation 4 OCM 20/04/2010 Item 19.5 OCM 15/02/2011 Item 2.6

**2.1: LIST OF ACCOUNTS FOR PAYMENT**

**Appendices** : List of Accounts for Payment  
**Responsible Officer** : A/Executive Director (P Wignall)

**ITEM 2.1: RESPONSIBLE OFFICER RECOMMENDATION**

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 28th February 2011 totalling \$4,185,462.38 be **RECEIVED.**

**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 February 2011. 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	\$33,583.51
Cheques	Totalling	\$58,246.78
Electronic Fund Transfer	Totalling	\$3,214,811.44
Credit Cards	Totalling	\$10,867.37
Payroll	Totalling	\$867,953.28
	<b>TOTAL</b>	<b><u>\$4,185,462.38</u></b>

3. As at 28 February 2011, the total outstanding creditors, stands at **\$337,040.38**, and made up follows:

Current	\$333,313.77
30 Days	\$3,262.61
60 Days	\$79.00
90 Days	\$385.00
<b>TOTAL</b>	<b>\$337,040.38</b>

**CEO:**

**RESPONSIBLE OFFICER:**

4. Cancelled cheques – 27141 (cheque cancelled and EFT processed as no joint bank account in both names)

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 28 February 2011 has been incurred in accordance with the 2010/2011 budget parameters.

**POLICY IMPLICATIONS**

9. The City's 2010/2011 Annual Budget provides a set of parameters that guides the City's financial practices.

**SUMMARY CONCLUSION**

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

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**2.2: FINANCIAL ACTIVITY STATEMENT – 28 FEBRUARY 2011**

**Responsible Officer** : A/Executive Director (P Wignall)

**IN BRIEF**

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 28 February 2011

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION**

**The Financial Activity Statement for the period ending 28 February 2011 be RECEIVED.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 28 February 2011 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Performance, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.

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

**CEO:**

**RESPONSIBLE OFFICER:**

**6. STATEMENT OF FINANCIAL ACTIVITY – AS AT 28 FEBRUARY 2011**

	Actual Year to Date 28-Feb-11	Current Budget Year to Date 28-Feb-11	Current Budget vs Actual Variance	
<b>REVENUE</b>				
Operating Grants, Subsidies and Cont	2,030,561	2,700,813	-670,252	X
Fees and Charges	4,798,391	5,014,912	-216,521	X
Service Charges	3,731,943	3,706,640	25,303	√
Interest Earnings	531,195	514,559	16,636	√
Other Revenue	630,095	418,777	211,318	√
	<b>11,722,185</b>	<b>12,355,701</b>	<b>-633,516</b>	
<b>EXPENDITURE</b>				
Employee Costs	9,881,992	10,385,794	-503,802	√
Materials and Contracts	6,144,536	8,313,310	-2,168,774	√
Utility Charges	888,494	938,365	-49,871	√
Interest Expenses	534,705	532,982	1,723	X
Insurance Expenses	549,352	514,761	34,591	X
Other Expenditure	767,709	-207,403	975,112	X
Depreciation	7,489,877	8,219,296	-729,419	√
	<b>26,256,665</b>	<b>28,697,105</b>	<b>-2,440,439</b>	
<b>Adjustment for Non-cash Revenue and Expenditure:</b>				
Depreciation	<b>-7,489,877</b>	<b>-8,219,296</b>	<b>729,419</b>	
<b>CAPITAL REVENUE</b>				
Non-Operating Grants, Subsidies and Cont	5,669,573	6,451,833	-782,260	X
Proceeds from asset disposals	427,656	705,906	-278,250	X
Proceeds from New Loans	0	0	0	
Self-Supporting Loan Principal Revenue	14,282	14,282	0	
Transfers from Reserves (Restricted Assets)	5,616,073	5,611,786	4,287	√
	<b>11,727,583</b>	<b>12,783,807</b>	<b>-1,056,224</b>	
<b>CAPITAL EXPENDITURE</b>				
Capital Expenditure	9,093,170	16,193,019	-7,099,849	√
Repayment of Loans	522,644	522,644	0	√
Transfers to Reserves (Restricted Assets)	3,733,365	3,514,100	219,265	√
	<b>13,349,179</b>	<b>20,229,763</b>	<b>-6,880,584</b>	
Estimated Surplus B/fwd				
ADD Net Current Assets July 1 B/fwd	<b>1,578,986</b>	<b>n/a</b>	<b>n/a</b>	
LESS Net Current Assets Year to Date	<b>16,987,189</b>	<b>n/a</b>	<b>n/a</b>	
Amount Raised from Rates	<b>-24,074,404</b>	<b>-24,098,548</b>	<b>24,144</b>	

\* √ Is higher than expected revenue or lower than expected Expenditure

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

## 7. CITY OF ALBANY – NET CURRENT ASSETS – AS AT 28 FEBRUARY 2011

	Actual 28-Feb-11	Actual 30-Jun-10
<b>NET CURRENT ASSETS</b>		
Composition of Net Current Asset Position		
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	13,064,002	1,941,086
Cash - Restricted	6,017,023	8,268,976
Receivables	3,925,419	3,428,043
Inventories	4,440,526	4,607,191
<b>Total Current Assets</b>	<b>27,446,969</b>	<b>18,245,295</b>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	4,442,757	8,397,333
	<b>23,004,212</b>	<b>9,847,962</b>
Less: Cash - Restricted - Trust	(1,119,441)	(1,488,688)
Less: Cash - Restricted - Reserves	(4,897,582)	(6,780,288)
<b>NET CURRENT ASSET POSITION</b>	<b>16,987,189</b>	<b>1,578,986</b>
<b>NET CURRENT ASSETS PER BALANCE SHEET</b>	19,912,169	5,898,549
<b>Difference</b>	<b>2,924,979</b>	<b>4,319,563</b>
<b>Difference Represented by:</b>		
Restricted Cash (Trust)	1,119,441	1,488,688
Reserve Funds - Financial Assets	1,054,480	1,054,480
Reserve Funds - Other	3,843,102	5,725,809
Self Supporting Loans (part of Receivables and Other)	(14,282)	
	<b>6,002,741</b>	<b>8,268,976</b>
<b>Less:</b>		
Borrowings	2,009,462	2,532,106
Trust Liabilities	1,068,300	1,417,307
<b>Difference</b>	<b>2,924,979</b>	<b>4,319,563</b>

## 8. CITY OF ALBANY - BALANCE SHEET – AS AT 28 FEBRUARY 2011

	Actual 28-Feb-11	Budget 30-Jun-11	Actual 30-Jun-10	Actual 30-Jun-09
<b>CURRENT ASSETS</b>				
Cash - Municipal	13,064,002	1,800,755	2,445,735	477,330
Restricted cash (Trust)	1,119,441	1,483,498	1,488,688	1,987,438
Reserve Funds - Financial Assets	1,054,480	800,755	1,054,480	1,170,755
Reserve Funds - Other	3,843,102	7,197,963	5,725,809	7,360,046
Receivables & Other	3,911,137	1,600,000	3,428,043	2,912,825
Investment Land	3,523,483	0	3,523,483	0
Stock on hand	917,043	800,000	1,083,708	1,033,538
	<b>27,432,688</b>	<b>13,682,971</b>	<b>18,749,944</b>	<b>14,941,932</b>
<b>CURRENT LIABILITIES</b>				
Borrowings	2,009,462	5,638,175	2,532,106	5,887,897
Creditors prov - Annual leave & LSL	2,473,953	2,286,053	2,245,816	2,023,128
Trust Liabilities	1,068,300	1,546,383	1,417,307	1,930,516
Creditors prov & accruals	1,968,804	3,101,240	6,656,166	4,190,792
	<b>7,520,519</b>	<b>12,571,851</b>	<b>12,851,395</b>	<b>14,032,333</b>
<b>NET CURRENT ASSETS</b>	<b>19,912,169</b>	<b>1,111,120</b>	<b>5,898,549</b>	<b>909,599</b>
<b>NON CURRENT ASSETS</b>				
Receivables	77,272	150,000	77,272	106,322
Pensioners Deferred Rates	320,922	280,000	320,922	292,616
Investment Land	2,220,758	2,150,000	2,220,758	2,150,000
Property, Plant & Equip	74,704,486	72,666,174	68,034,400	67,901,036
Infrastructure Assets	183,582,203	196,047,672	188,881,619	186,048,239
Local Govt House Shares	19,501	19,501	19,501	19,501
	<b>260,925,142</b>	<b>271,313,347</b>	<b>259,554,473</b>	<b>256,517,714</b>
<b>NON CURRENT LIABILITIES</b>				
Borrowings	18,264,569	12,626,394	18,264,569	15,996,675
Creditors & Provisions	364,845	260,000	364,845	259,838
	<b>18,629,414</b>	<b>12,886,394</b>	<b>18,629,414</b>	<b>16,256,513</b>
<b>NET ASSETS</b>	<b>262,207,896</b>	<b>259,538,073</b>	<b>246,823,608</b>	<b>241,170,800</b>
<b>EQUITY</b>				
Accumulated Surplus	238,535,680	232,764,720	221,268,686	212,131,561
Reserves	4,897,582	7,998,719	6,780,289	10,264,605
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634	18,774,634
	<b>262,207,896</b>	<b>259,538,073</b>	<b>246,823,608</b>	<b>241,170,800</b>

## 9. INCOME STATEMENT FOR PERIOD ENDED – AS AT 28 FEBRUARY 2011

Nature / Type	YTD Actual 2010/11	Budget-Total 2010/11	Actual 2009/10
<b>INCOME</b>			
Rates	24,074,404	25,574,053	21,575,584
Grants & Subsidies	1,891,503	3,196,680	3,424,202
Contributions. Reimb & Donations	139,058	349,738	395,475
Fees & Charges	4,798,391	7,280,601	7,091,836
Service Charges	3,731,943	3,735,000	3,011,136
Interest Earned	531,195	680,000	904,653
Other Revenue / Income	630,095	520,615	399,264
	<b>35,796,589</b>	<b>41,336,687</b>	<b>36,802,149</b>
<b>EXPENDITURE</b>			
Employee Costs	9,881,992	15,240,526	14,308,136
Utilities	888,494	1,362,613	1,335,373
Interest Expenses	534,704	1,101,799	1,180,372
Depreciation on non current assets	7,489,877	12,334,000	11,226,465
Contracts & materials	6,144,536	13,274,398	10,516,730
Insurance expenses	549,352	511,098	476,810
Other Expenses	787,949	(273,177)	1,251,142
	<b>26,276,905</b>	<b>43,551,257</b>	<b>40,295,028</b>
<b>Change in net assets from operations</b>	<b>9,519,684</b>	<b>(2,214,570)</b>	<b>(3,492,878)</b>
Grants and Subsidies - non-operating	5,202,700	9,156,877	5,876,907
Contributions Reimbursements and Donations - non-operating	466,873	2,689,416	3,408,787
Profit/Loss on Asset Disposals	195,031	1,541,004	(23,732)
Fair value - Investments adjustment	0	0	(116,275)
Cash Backing of Reserves	0	0	1,651,060
	<b>15,384,288</b>	<b>11,172,727</b>	<b>7,303,869</b>

## 10. PORTFOLIO VALUATION – MARKET VALUE – AS AT 28 FEBRUARY 2011

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Dec 10	Market Value Jan 11	Market Value Feb 11	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
ANZ	3/06/2010	1,500,000	5.10%				
Bendigo	21/06/2010	1,000,000	5.30%				
NAB	21/06/2010	1,500,000	5.30%				
Bendigo	24/06/2010	1,000,000	5.20%				
Westpac	24/06/2010	1,500,000	4.60%				
Bankwest	3/11/2010	1,500,000	5.60%				
Bendigo	3/11/2010	1,000,000	5.60%				
Bankwest	23/11/2010	1,500,000	5.75%				
NAB	23/11/2010	1,000,000	5.60%				
ANZ	24/11/2010	1,500,000	5.85%				
ANZ	2/12/2010	1,500,000	5.85%				
Bankwest	23/12/2010	1,500,000	5.55%				
ANZ	24/12/2010	1,500,000	5.50%				
Bankwest	17/01/2011	1,000,000	5.85%	1,000,000			
Bankwest	27/01/2011	1,000,000	6.00%	1,000,000			
ANZ	28/01/2011	1,000,000	6.00%	1,000,000			
Bendigo	28/03/2011	1,000,000	6.05%	1,000,000	1,000,000	1,000,000	
NAB	4/03/2011	1,500,000	6.07%	1,500,000	1,500,000	1,500,000	
NAB	16/03/2011	1,000,000	6.07%	1,000,000	1,000,000	1,000,000	
CBA	16/02/2011	1,000,000	5.61%		1,000,000		
CBA	18/03/2011	1,000,000	5.70%			1,000,000	

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Dec 10	Market Value Jan 11	Market Value Feb 11	Latest Monthly Variation
CBA	28/03/2011	1,000,000	5.82%		1,000,000	1,000,000	
CBA	29/03/2011	1,000,000	5.82%		1,000,000	1,000,000	
Bankwest	7/04/2011	1,500,000	6.00%	1,500,000	1,500,000	1,500,000	
Bendigo	7/04/2011	1,000,000	6.00%	1,000,000	1,000,000	1,000,000	
ANZ	20/04/2011	1,000,000	6.20%	1,000,000	1,000,000	1,000,000	
NAB	11/05/2011	1,000,000	6.21%	1,000,000	1,000,000	1,000,000	
				<b>11,000,000</b>	<b>11,000,000</b>	<b>11,000,000</b>	n/a
<b>RESERVES ACCOUNT</b>							
Bankwest	24/06/2010	1,500,000	5.25%				
Bendigo	23/11/2010	1,500,000	5.85%				
Bendigo	16/12/2010	1,000,000	5.70%				
ANZ	12/05/2011	500,000	6.20%	500,000	500,000	500,000	
Bendigo	24/05/2011	1,500,000	6.30%	1,500,000	1,500,000	1,500,000	
ANZ	16/03/2011	1,000,000	6.10%	1,000,000	1,000,000	1,000,000	
				<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	n/a
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)**</b>							
Saphire (Endeavour) AAA	4/08/2011	413,160	9.10%	160,000	4	4	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
		<b>2,118,046</b>		<b>782,230</b>	<b>622,234</b>	<b>622,234</b>	<b>0</b>

Security	Maturity Date	Security Cost (Incl accrued interest)	Current Interest %	Market Value Dec 10	Market Value Jan 11	Market Value Feb 11	Latest Monthly Variation
<b>COMMERCIAL SECURITIES - CDOs - Other</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	144,500	144,500	144,500	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	11,000	11,000	0	11,000
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	68,750	68,750	68,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	48,000	123,000	123,000	0
		<b>1,324,656</b>		<b>272,250</b>	<b>347,250</b>	<b>336,250</b>	<b>0</b>
<b>PORTFOLIO TOTAL</b>		<b>3,442,702</b>		<b>15,054,480</b>	<b>14,969,484</b>	<b>14,958,484</b>	<b>0</b>

\*\* 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.

On 4th October 2010, the City of Albany was advised by CPG Advisory of revised CDO valuations for 30th June 2010. The revision arose due to the identification of a CPG Advisory system error at 30th June.



11. FINANCIAL RATIOS - 28<sup>th</sup> FEBRUARY 2011

CITY OF ALBANY FINANCIAL RATIOS	30-Jun-09	30-Jun-10	28-Feb-11	Benchmark
<b>Liquidity Ratios</b>				
Current Ratio <sup>1</sup>	73.7%	118.5%	481.7%	>100%
Untied Cash to trade creditors Ratio <sup>2</sup>	19.7%	45.4%	2930.2%	>100%
<b>Financial Position Ratio</b>				
Debt Ratio <sup>3</sup>	11.2%	11.2%	9.1%	<100%
<b>Debt Ratios</b>				
Debt Service Ratio <sup>4</sup>	11.1%	7.5%	6.0%	<10%
Gross Debt to Revenue Ratio <sup>5</sup>	63.2%	56.9%	56.7%	<60%
Gross Debt to Economically Realisable Assets <sup>6</sup>	26.2%	25.9%	19.6%	<30%
<b>Coverage Ratio</b>				
Rate Coverage Ratio <sup>7</sup>	58.5%	63.3%	71.7%	>33%
<b>Effectiveness Ratio</b>				
Outstanding Rates Ratio <sup>8</sup>	3.7%	5.4%	4.9%	<5%

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

**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.*

**FINANCIAL IMPLICATIONS** Expenditure for the period ending 28 February 2011 has been incurred in accordance with the 2010/11 current budget parameters. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

**13. Variances to Budget in excess of \$100,000 - as at 28 February 2011**

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
<b>DIRECTOR CORPORATE &amp; COMMUNITY</b>								
102720. IT-OPERATING COSTS	277,590	277,590	184,936	80,767	104,169	56%	✓	Expenses are below budget, mainly due to the timing of software maintenance costs. In some cases sub-contract work was carried out by internal IT staff which has been a saving. Annual costs are expected to be in line with budget.
103430. MAJOR PLANT-P/LOSS SALE OF ASSETS	529,277	529,277	529,275	12,367	516,908	98%	✓	Most major plant items are currently awaiting sale at auction. All plant is expected to be sold by June 30.
106640. INFORMATION TECHNOLOGY	537,833	532,333	352,868	12,187	340,681	97%	✓	New Radio Link Invoice due, Windows 7 and other Licences to purchase, hardware not yet purchased, generator upgrade due in May, SynergySoft modules to purchase.
134570. Contribution to Fishing Platform	280,000	280,000	0	250,000	(250,000)	-100%	x	This is a timing difference only. Budget had allocated costs to March, April and May.
134740. ALBANY ENTERTAINMENT CENTRE	500,000	625,000	625,000	115,083	509,917	82%	✓	This is a timing difference only. The carpark expenditure (\$125k) will be made on completion, possibly next month. The \$500k capital payment is anticipated to be made in June 2011.
144170. AEC - Contracts	396,508	500,000	400,000	0	400,000	100%	✓	This is a timing difference only. We are awaiting receipt of an invoice from AEG Ogden.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
174420. ROADS- DEPREC	8,301,762	8,301,762	5,532,288	4,855,116	677,172	12%	✓	Year to date depreciation is below budget. This is due to delays on road construction completion and capitalisation of assets.
199950. Grant - Recreation Masterplan	(3,024,983)	(3,024,983)	(2,015,848)	(2,774,983)	759,135	38%	✓	Receipts are above budget due to a timing difference on grant funding claims and settlement. Total grant receipts are expected to be in line with budget upon completion of the ALAC Stage 2 car park (estimated 28 February 2011). Budgeted funding was allocated evenly over the whole year, actual receipts of bulk of the funding was in the first half of the year.
<b>Total DIRECTOR CORPORATE &amp; COMMUNITY</b>	<b>7,797,987</b>	<b>8,020,979</b>	<b>5,608,519</b>	<b>2,550,537</b>	<b>3,057,982</b>	<b>64%</b>		
<b>DIRECTOR OF WORKS &amp; SERVICES</b>								
100040. ROAD SAFETY	589,000	589,000	589,000	48,422	540,578	92%	✓	Year to date expenditure is below budget. Work was scheduled from September to December, but was dependent on funding approval. Approvals are yet to be notified. Total costs for the year are expected to be in line with budget.
103360. DEVELOPED RESERVES MAINTENANCE	1,619,191	1,098,961	807,048	691,416	115,632	14%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
110270. CITY DESIGN - PROJECTS	286,228	285,597	161,831	14,742	147,089	91%	✓	All projects will have increase spending in remainder of the year. Budget is expected to be expended.
110920. CITY ASSETS PROJECTS	518,935	553,935	533,916	254,146	279,770	52%	✓	The main component of this work is the drainage management plan. The works are currently underway and will be completed by the end of the financial year.
118520. REFUSE-TIP MAINTENANCE	948,500	1,088,500	723,787	825,451	(101,664)	-14%	x	Cost of E Waste collection and processing was higher than expected. This item is expected to meet the full year Current Budget.
126920. REC'N-PARK/RESERVE MAINT	0	750,000	500,000	380,978	119,022	24%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.
131140. ROADS-CONSTRUCTION	501,000	501,000	485,976	23,382	462,594	95%	✓	Year to date expenses are currently below budget. Design work is still being completed, but the expenditure for the full year is expected to be in line with budget. Down Rd and Lower Denmark Rd jobs commenced.
132220. ROAD MAINTENANCE	3,692,000	3,692,000	2,460,336	2,116,982	343,354	14%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget. As above, account 131140.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
134830. Road Funds	(694,000)	(694,000)	(462,480)	0	(462,480)	-100%	x	Funding is currently below budget. The budget assumed an even monthly spread of funding throughout the year. Funding applications have been lodged with FESA, and we are now awaiting notification of approvals.
134850. ASSET FUNDING - REGIONAL ROAD GROUP	(759,167)	(812,670)	(651,500)	(1,034,067)	382,567	59%	✓	Funding receipts are currently higher than budget due to receipt of funds from 09-10. Main Roads closed their books to funding grants at the start of June 2010, this job was completed late June 2010, hence we did not receive funding for this job until the next year.
138070. Waste Minimisation Contract	2,070,000	2,070,000	1,429,480	1,303,707	125,773	9%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.
140150. Capital Grants - EDWS Other	(2,000,000)	(199,000)	(199,000)	0	(199,000)	-100%	x	Grant income is below budget. Funding was anticipated in September, but funding has now been declined. Budget adjustments will be made in the third quarter financial review.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
141050. Road Funding - Roads to Recovery	(844,968)	(844,968)	(650,000)	(385,000)	(265,000)	-41%	x	Funding is currently below budget due to timing of actual roadworks and associated timing of claims for funding. Subject to 40/40/20% funding split, so once significant work as been done, we send in funding requests. Jobs have started, expect funding to be received by the end of the year.
141150. Road Funding - Other	(117,000)	(2,300,000)	(514,568)	0	(514,568)	-100%	x	Funding is currently below budget due to timing of actual roadworks and associated timing of claims for funding. As per account 141050. Related projects, multiple funding sources.
141250. Road Funding - TIRES	(450,000)	(450,000)	(360,000)	(178,399)	(181,601)	-50%	x	Funding is currently below budget. The budget assumed an even monthly spread of funding throughout the year. Funding applications have been lodged, and we are now awaiting notification of approvals. As per accounts 141050 and 141150.
141750. Major Plant Proceeds	(600,000)	(620,000)	(429,000)	(186,967)	(242,033)	-56%	x	Most major plant items are currently awaiting sale at auction. All plant is expected to be sold by June 30.

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
144350. Federal Black Spot Funding	(456,000)	(456,000)	(456,000)	(182,400)	(273,600)	-60%	x	Funding is currently below budget. The budget assumed an even monthly spread of funding throughout the year. Funding applications have been lodged, and we are now awaiting notification of approvals. Subject to 40/40/20% funding payment as job stages completed.
144450. State Black Spot Funding	(392,562)	(392,562)	(392,562)	(157,023)	(235,539)	-60%	x	Funding is currently below budget. The budget assumed an even monthly spread of funding throughout the year. Funding applications have been lodged, and we are now awaiting notification of approvals.
147320. FUEL & OIL	703,677	703,677	468,928	357,678	111,250	24%	✓	Year to date expenditure is below budget due to fuel prices remaining relatively stable.
147520. PARTS	395,800	395,800	263,760	159,615	104,145	39%	✓	Year to date expenditure is below budget due to reduction in major plant breakdowns
147920. PLANT-ALLOCATE TO W/SERV.	(3,135,832)	(3,135,832)	(2,089,712)	(1,841,403)	(248,309)	-12%	x	Any under-recoveries in relation to Plant Charge-out are addressed in June. Additional charge-outs may be required to align with costs to be recovered. Plant cost recoveries for the year to date are lower than budgeted due to some Council plant being unavailable for use due to machine breakdowns.



Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
149120. WO-LESS ALLOC.W/SERVICES	(2,735,417)	(2,735,417)	(1,822,880)	(1,621,955)	(200,925)	-11%	x	Any under-recoveries in relation to Works Labour Charge-out are addressed in June. Additional charge-outs may be required to align with costs to be recovered.
149840. ASSET UPGRADE-REGIONAL RD	1,936,497	2,232,102	1,664,444	420,385	1,244,059	75%	✓	Year to date expenditure is below budget. This is only a timing difference, and annual costs are expected to be in line with budget. Jobs commenced, first invoices received, expect major expenditure over the next months to bring this back to budget.
149940. ASSET PRESERVATION	3,344,638	5,436,174	3,661,418	1,036,071	2,625,347	72%	✓	Year to date Costs are below budget. Limited work done so far this year, mainly due to adverse weather conditions. Annual costs are expected to be in line with budget.
150140. DRAINAGE CONSTRUCTION	1,834,247	1,719,495	1,178,835	258,734	920,101	78%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget.
152140. WASTE/TIPS PROJECTS	444,974	663,060	456,312	156,534	299,778	66%	✓	This is a timing difference related to expenditure on the Leachgate Management Project

Account	Original Budget	Current Budget	YTD Budgets	YTD Actuals	YTD Variance	YTD % Variance	Variance Ticks	
155850. Drainage Masterplan Income	(750,000)	(831,000)	(499,800)	(40,500)	(459,300)	-92%	x	Budget income relates to the water harvesting project. Budgeted funding was evenly spread throughout the year, but funding approval has now been declined. Budget adjustments will be made in the third quarter financial review.
167640. Peace Park	289,384	193,811	142,815	42,596	100,219	70%	✓	Year to date expenses are below budget. This is only a timing difference, and annual costs are expected to be in line with budget. This is a project involving various interest groups, once agreements and funding has been approved, work will commence.
<b>Total DIRECTOR WORKS &amp; SERVICES</b>	<b>6,239,125</b>	<b>8,501,663</b>	<b>7,000,384</b>	<b>2,463,125</b>	<b>4,537,259</b>	<b>65%</b>		

**POLICY IMPLICATIONS**

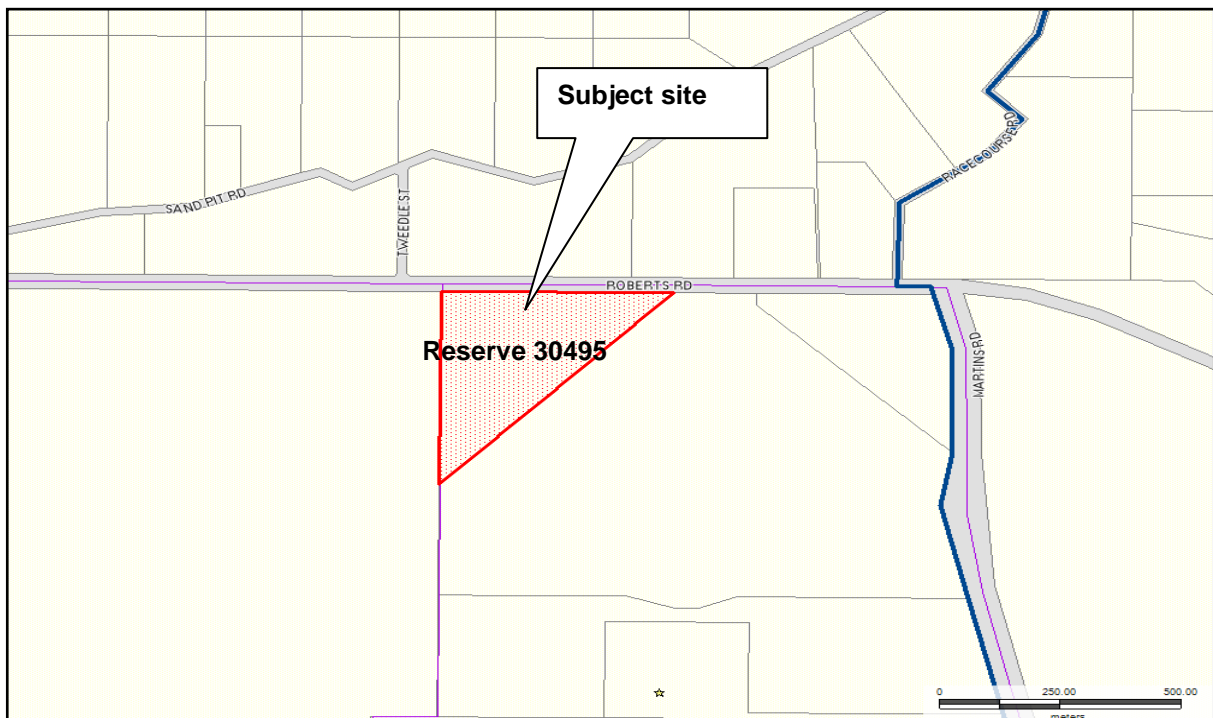
14. The City's 2010/11 Annual Budget provides a set of parameters that guides the City's financial practices.
15. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**2.3: ALBANY MOTORCYCLE CLUB INC – SURRENDER LEASE OVER RESERVE 30495 AND NEW LEASE OVER PORTION OF RESERVE 1947**

- Land Description** : Lot 7153 on Plan 210841 and being whole of land contained in Certificate of Title LR3082 Folio 763 – Reserve 30495 Roberts Road, Robinson  
Lot 8122 on Plan 26510 and being whole of the land contained in Certificate of Title LR3124 Folio 121 – Crown Reserve 1947 Parker Brook Road, Willyung
- Proponent** : Albany Motorcycle Club Inc.  
**Owner** : Crown  
**Attachment(s)** : Letter of Request – Albany Motorcycle Club Inc.  
**Appendices** : Great Southern Motorplex concept plan  
**Responsible Officer** : Acting E/Director Corporate & Community Services (P Wignall)

**Maps and Diagrams**



CEO:

RESPONSIBLE OFFICER:



**IN BRIEF**

- Consider request to surrender existing lease for Albany Motorcycle Club Inc. over Reserve 30495 located at Roberts Road, Robinson.
- Consider request for a new lease for Albany Motorcycle Club Inc. over portion of Reserve 1947 located at Parker Brook Road, Willyung.
- Lease term to be 10 years for purpose of establishment of grounds suitable for the riding of motorcycles and conducting motorcycle events.

**ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION**

The request from the Albany Motorcycle Club Inc. to surrender existing lease over Reserve 30495 and a new lease over portion of Reserve 1947 be **SUPPORTED** subject to:

1. Lease surrender date to be as soon as practical.
2. Lease surrender subject to remediation of Reserve 30495 to the satisfaction of the City of Albany.
3. All costs associated with the remediation of Reserve 30495 to be payable by the proponent.
4. Lease term being 10 years commencing as soon as practical.
5. Lease purpose being establishment of grounds suitable for the riding of motorcycles and conducting motorcycle events.
6. Lease rental being equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
7. All relevant approvals including Planning Scheme Consent being obtained prior to development or riding activities within the leased area.
8. Lease area being approximately 5 hectares, and not encroaching on Aboriginal Heritage listed creek site.
9. The Club received the approval of the appropriate Departments (State and

- Commonwealth) regarding usage of land next to an Aboriginal Heritage listed site.**
- 10. Lease is subject to a 5 metre access easement for Grange Resources pipeline.**
  - 11. Lease special condition will provide for the relinquishment of the lease once the Great Southern Motorplex Group has obtained all necessary approvals and is in a position to undertake the responsibility for the lease and management over the entire Reserve 1947 for development of the Motorsport complex.**
  - 12. Section 3.58 of the *Local Government Act 1995*, advertising requirements.**
  - 13. Section 18 of the *Lands Administration Act 1997*, Minister for Lands consent.**
  - 14. All costs associated with the development, maintenance and operations of the leased area to be payable by the proponent.**
  - 15. All costs associated with the development, execution and completion of the surrender and new lease to be payable by the proponent.**

## **BACKGROUND**

1. Reserve 30495 is under a Management Order H645992 and Reserve 1947 is under a Management Order H680343 issued to the City of Albany (the City) with the power to lease, sub-lease or licence for the purpose of "Recreation" for any term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Reserve 30495 is located at Lot 7153 Roberts Road, Robinson and is east of the Albany Town centre. The surrounding area is predominately rural in nature with houses well spread out.
3. Reserve 1947 is located at Lot 8122 Parker Brook Road, Willyung, adjacent to, and south of, Albany Regional Airport. The surrounding area is also rural in nature with houses well spread out.
4. In 1992 the former Shire of Albany granted a new lease to the Albany Motorcycle Club Inc. (the Club) over Reserve 30495 for the purpose of the establishment of grounds suitable for the riding of motorcycles and conducting other motorcycle events.
5. The leased area is commonly referred to as Miniup Park.
6. The lease term of 21 years commencing 1 July 1992 and expiring 30 June 2013 returns a nominal rental of \$10.00 per annum.
7. The Club developed the motocross track and infrastructure upon the Reserve. This includes the 1.7 km riding track, toilet block, timing tower and canteen facilities with undercover patio. Both timing tower and canteen are designed so that they are easily demountable.
8. In recent years the City has received numerous complaints regarding various aspects of the Club's operations. Several of those complaints related to noise.
9. In 2008 the City, with the support of the Department of Environment and Conservation undertook noise measurements of the Club's motocross activities. On the basis of the results

the City issued the Club with an Environment Protection Notice (EPN) on 14 November 2008.

10. The EPN prevents the Club from using the site and the Notice provisions required the Club to reduce noise emissions so that they meet the requirements of the *Environmental Protection (Noise) Regulations* by way of preparation and implementation of a plan to abate noise and monitor the effectiveness of the actions taken.
11. The Club appealed the Notice to the Minister for Environment, the Minister in determining the appeal allowed the Club to operate for ten days in the 2009 calendar year. This provided the opportunity for the Club to further monitor noise and to prove to the City and Minister that the Club's activities could be carried out in compliance of the regulations.
12. The report provided on by Lloyd George Acoustics Pty Ltd in December 2009 on further noise monitoring confirmed earlier investigations by the City that the level of noise emanating from the site is well in excess of the noise levels prescribed under the regulations.
13. The EPN remains in force until the Notice is removed or complied with.
14. At OCM 20 April 2010, Council supported the Club operating a further ten days in the 2010 calendar year on the same basis as 2009.
15. In January 2011, the Club wrote to the City requesting approval to hold two non-complying events under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* within their existing lease area on Reserve 30495, Roberts Road, Robinson.
16. Council considered the request at OCM 15 February 2011 and resolved to undertake community consultation with residents and property landowners within a radius of 1.5km. This matter will be reported to this Council meeting under separate Planning and Development Services Item 1.9.
17. Following a meeting with City staff and subsequent discussions with the Great Southern Motorplex Group, on 21 February 2011 the City received written correspondence from the Club formally requesting a new lease over portion of Reserve 1947 for a term of 10 years and the surrender the existing lease over Reserve 30495. The date of surrender of the lease will be subject to the outcome of Council Item 1.9 decision regarding the two non-complying events being held in 2011 on the existing lease area.
18. Pursuant to the existing lease obligations the Club will be required to remediate the lease area including removal of infrastructure, tyres and revegetate the site prior to lease being surrendered. The Club is aware of this obligation and have been in discussion with City staff on this matter.
19. The Club has requested the new lease area of approximately 5 hectares be in accordance with the Great Southern Motorplex concept plan which was supported by Council at OCM 15 February 2011.

20. The Club have advised that the proposed lease area will not encroach on the Aboriginal Heritage listed creek site which runs through the middle of Reserve 1947 from Albany Highway to Parker Brook Road boundaries. Planning Scheme Consent condition will require the Club to consult with the Department of Indigenous Affairs and gain approval under Section 18 of the *Aboriginal Heritage Act 1972*, if required.
21. The Albany City Kart Club lease area is currently located partially over the Aboriginal Heritage listed creek site. Minister for Indigenous Affairs approval under Section 18 of the *Aboriginal Heritage Act 1972* forms part of the Planning Scheme Consent P2105312 conditions, issued by the City's Planning team on 22 February 2011.
22. At OCM 15 February 2011, associated resolution of Council approved, subject to Minister for Lands consent, the Albany City Kart Club Inc. surrender of their existing lease over the whole of Reserve 1947 and simultaneously replace with a new lease over a portion of Reserve 1947 for a term of ten years. The Albany City Kart Club must obtain all approvals prior to commencing any track extension works.
23. The Albany City Kart Club surrender of lease over the whole of Reserve 1947 facilitates the relocation of the Albany Motorcycle Club from their existing location on Reserve 30495 to Reserve 1947, subject to conditions and Council and Minister for Lands consent.
24. Both the Albany City Kart Club and Albany Motorcycle Club agree to relinquish their leases over Reserve 1947 once the Great Southern Motorplex Group Inc. has obtained all necessary approvals and is in a position to undertake the responsibility for the lease and management over the entire Reserve for development of the Motorsport complex.
25. The Great Southern Motorplex Group Inc. is a incorporated body consisting of the following four motorsport entities:
  - i. Albany City Kart Club Inc.
  - ii. Albany Motorcycle Club Inc.
  - iii. Great Southern Street Machine Association Inc.
  - iv. Albany Motorsport Group Inc.
26. Council in 2009 provided in-principle support for the concept of the development of the Motorsport Complex subject to achievement of conditions and Council's satisfaction. This support was again confirmed at OCM 15 February 2011.

## **DISCUSSION**

27. Any new lease for the Albany Motorcycle Club and proposed future Great Southern Motorplex Group will include a provision for a 5 metre access easement that is required over the northern boundary of Reserve 1947 for the approved Grange Resources pipeline.
28. The Albany Motorcycle Club and Great Southern Motorplex Group have been made aware of and agree to this requirement.

29. In addition, the proposed new lease to the Albany Motorcycle Club will be subject to Minister for Lands consent and City of Albany as local authority Planning Scheme Consent approval.
30. Planning Scheme Consent will also address all of the following conditions resolved by Council at OCM 17 February 2009 and confirmed at OCM 15 February 2011:
- a. *'Environmental Noise Impact Assessment' demonstrating the design and management/ operational measures required and the ability of the concept to meet:*
    - *Environmental Protection Authority (EPA) Environmental Impact Assessment Requirements;*
    - *Requirements of the Environmental Protection Act 1986; and*
    - *Requirements of the Environmental Protection (Noise) Regulations 1997.*
  - b. *Site Design and Full 'Environmental Management Plan' of sufficient detail to be submitted to the EPA for Environmental Impact Assessment Approval.*
  - c. *Approval of the Site Design and 'Environmental Management Plan' by the EPA.*
  - d. *A facility/ operational management plan specifying and demonstrating the sustainable operation of the facility including but not limited to:*
    - *operation and functionality of the site management group*
    - *responsibilities and entitlements of co-located tenants*
    - *driver education and training facilities*
    - *noise management*
    - *waste management*
    - *water management*
    - *facility access and security management*
    - *asset maintenance and management*
    - *reserve flora and fauna management*
    - *principles for major event management at the site*
31. The Club has been advised that no development and or riding of motorcycles within the new lease area will be allowable until all approvals and Planning Scheme Consent conditions have been satisfied and the lease has been agreed and executed by all parties.
32. After reviewing the Reserve it was determined that it is preferable for the Albany Motorcycle Club to access the proposed new lease area from Parker Brook Road as the Albany City Kart Club Inc. will retain lease access from their existing front access off Albany Highway. This reduces the traffic directly from and to Albany Highway and avoids any sharing of access roads and gates
33. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases for this category of lease.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

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



35. This Section requires there to be local public notice of the proposal for a period of two 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.
36. Section 30 of the *Local Government (Functions & General) Regulations 1996* deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b) (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 profit from the body's transactions;*
37. The Albany Motorcycle Club is a not for profit sporting association, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.
38. However, given the nature of the request and implications for residents and landowners within the vicinity it is recommended the proposed lease be advertised for a period of two weeks inviting submissions from the public. Any submissions received will be considered by Council.
39. An application for Planning Scheme Consent for a permitted use does not require advertising however public comments can be sought if deemed appropriate.

### **STATUTORY IMPLICATIONS**

40. 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.
41. As this is Crown land, under a Management Order H680343 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation", Minister for Lands consent will be required.
42. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
43. Under the City's Town Planning Scheme 3, the area is zoned "Parks and Recreation". The proposed use for motorcycle riding activities and events is permitted use in accordance with the Scheme.
44. The Western Australian Planning Commission (WAPC) consent is not required as this is Crown land.

### **FINANCIAL IMPLICATIONS**

45. All costs associated with the development, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and market valuation (if required) will be borne by the proponent.
46. The new lease rental fee will be equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
47. The new lease rental will be directed to COA 190430 Income – Other Leases.

### **POLICY IMPLICATIONS**

48. 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.
49. The Policy section relevant to this category of lease – Sporting Associations requires the following:
  - Crown Reserve leases with or without City owned buildings on site, will incur a rental based on minimum land rate as set by Council per annum;
  - Must be Incorporated bodies and a copy of their Articles of Association/Constitution be provided;
  - Lease to be for a term not greater than 21 years;
  - Rental/Sublease agreements must be approved by the landlord;
  - Must have appropriate insurance pertaining to their particular sport, as a minimum; and
  - Maintenance of grounds/leased area is to be undertaken by the Lessee at the Lessee's cost.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

50. Council has the following options in relation to this item, which are:
  - a. Approve the request for a new lease over portion of Reserve 1947 subject to Planning Scheme Consent conditions being satisfied; and
  - b. Approve the request to surrender the existing lease over Reserve 30495 subject to lease obligations to remediate the lease area being fulfilled; or
  - c. Decline the request for a new lease; and
  - d. Decline the request to surrender the existing lease.
51. Council has previously provided in-principle support for the Motorsport Complex proposal on Reserve 1947 which requires the relocation of the Albany Motorcycle Club to this site subject to conditions.
52. Should Council decline the request for a new lease, the Albany Motorcycle Club could request Council to approve additional limited use of the existing track subject to community consultation, however this option does not provide the Club with sufficient use for rider training and events.

53. The Club has indicated if a new lease is not approved they may be forced to disband as the EPN prevents the Club from using the Miniup Park track and remains in force until removed or complied with.
54. Should Council decline the request to surrender the existing lease, the Albany Motorcycle Club Inc lease would remain static until expiry on 30 June 2013, however the Club is prevented from using the track.

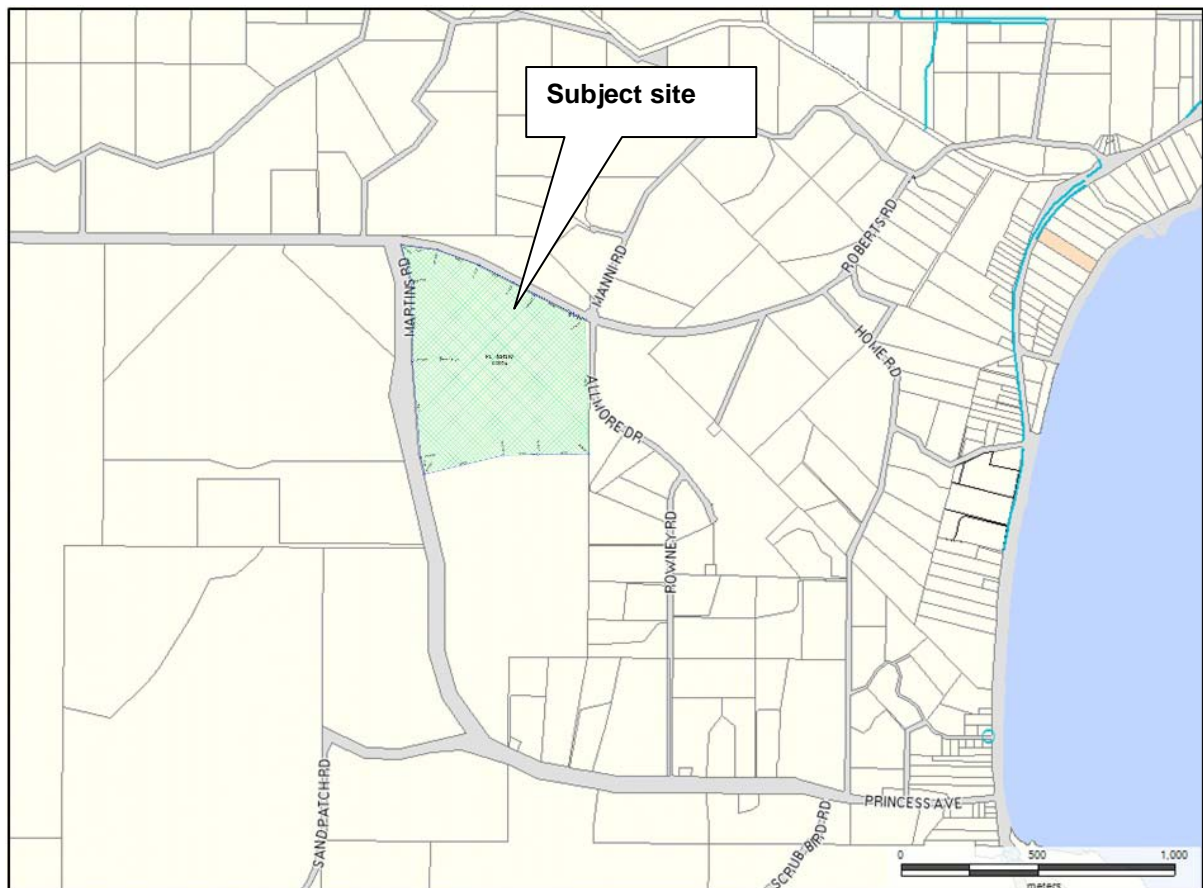
**SUMMARY CONCLUSION**

55. Given Council has previously provided in-principle support for Motorsport Complex, which provides for the relocation of the Albany Motorcycle Club to Reserve 1947 and the opportunity for the Club to be situated in a more suitable location, the Albany Motorcycle Club Inc. request to surrender the existing lease over Reserve 30495 and a new lease over portion of Reserve 1947 for a term of 10 years is recommended, subject to conditions.

<b>Consulted References</b>	<ul style="list-style-type: none"> <li>• Council's Policy – Property Management – Leases</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	PRO176 (West & Kalgan Ward)
<b>Previous Reference</b>	OCM 01.07.1992 OCM 17.02.2009 Item 12.8.2 Recommendation 6 OCM 16.06.2009 Item 18.2 OCM 16.02.2010 Item 13.6.1 Recommendation 4 OCM 24.04.2010 Item 19.5 OCM 15.02.2011 Item 2.6

**2.4: ALBANY EQUESTRIAN CENTRE INC. – NEW LEASE OVER  
PORTION OF RESERVE 34370**

- Land Description** : Lot 311 on Plan 48576 and being land contained in Certificate of Title LR3138 Folio 729 – Reserve 34370 Roberts Road, Robinson
- Proponent** : Albany Equestrian Centre Inc.
- Owner** : Crown
- Appendices** : Lease area survey plan
- Responsible Officer** : E/Director Corporate & Community Services (WP Madigan)
- Maps and Diagrams**



<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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**IN BRIEF**

- Consider request for a new lease to Albany Equestrian Centre Inc. over portion of Reserve 34370 located at Lot 311 Roberts Road, Robinson.

**ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION**

The request from the Albany Equestrian Centre Inc. for a new lease over portion of Reserve 34370 be **SUPPORTED** subject to:

1. Lease term being 21 years commencing 1 January 2011.
2. Lease purpose being horse riding and associated equestrian activities.
3. Lease rental being equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
4. Lease area being approximately 40.55 hectares.
5. Department of Water 'Environmental Guidelines for Horse Facilities and Activities' be incorporated into the lease.
6. Section 18 of the *Lands Administration Act 1997*, Minister for Lands consent.
7. All costs associated with the development, maintenance and operations of the leased area to be payable by the proponent.
8. All costs associated with the development, execution and completion of the new lease to be payable by the proponent.

**BACKGROUND**

1. Reserve 34370 is under a Management Order J711662 issued to the City of Albany (the City) with the power to lease, sub-lease or licence for the purpose of "Recreation" for any term not exceeding 21 years and subject to the consent of the Minister for Lands.
2. Reserve 34370 is located at Lot 311 Roberts Road, Robinson and is east of the Albany Town centre.
3. In 1992 the former Shire of Albany granted a new lease to the Albany Equestrian Centre Inc. (the Club) over portion of Reserve 34370 and adjacent Reserve 30496 for the purpose of the establishment of grounds suitable for the riding of horses and conducting other equestrian events.
4. The lease term of 21 years commenced on 1 January 1990 and expired on 31 December 2010 with a nominal rental fee of \$10.00 per annum.
5. The expired lease has been held over on a month-to-month tenancy basis, with the conditions of tenancy preserving the covenants and obligations of the lease, pending a decision by Council regarding a new lease.
6. As there has been a degree of uncertainty regarding the lease boundary City staff have been liaising with the Club to review lease area and establish a more suitable lease area over portion of Reserve 34370.

7. A written request has been received from the Club for new lease over a portion of Reserve 34370 of 40.55 hectares for a term of 21 years. The Club has formally advised they no longer require a lease over Reserve 30496.
8. The Club has developed the lease area by constructing a cross country course, an outdoor and indoor sand arena, a club house and kitchen and a number of enclosed riding and jumping areas.
9. The Club maintains all of the buildings and infrastructure upon the leased portion of the Reserve.
10. As Reserve 34370 was classified a Priority 1 Public Drinking Water Supply Catchment area by the Waters and Rivers Commission, the Clubs request for a new lease over this area was forwarded to the Department of Water ( now responsible for water matters) for comment.
11. The Department of Water have no objections to a new lease as the Club's horse facilities and activities are an existing use of the land. However, as there are several Water Corporation productions bores in close proximity to the area, it is important this area is well managed to avoid increasing any risk to the water resource.
12. Basically the Department of Water would not want to see any intensification of land use in the Reserve and have requested the "Environmental Guidelines for Horse Facilities And Activities' form part of the conditions of the lease.
13. The guidelines have been prepared in consultation with Horse Industry stakeholders to promote knowledge and understanding within the horse industry where there is a potential to affect the quality of land or water resources.
14. Existing horse activities in environmentally sensitive areas are requested to progressively adopt the best practices in the guidelines, but are not mandatory for established facilities, like the Albany Equestrian Centre.
15. The Albany Model Aero Club Inc. currently holds a lease for 19.80 hectares on the southern a portion of Reserve 34370 for a term of 21 years commencing 1 January 1992 and expiring 31 December 2013.

#### DISCUSSION

16. The Club was established in 1990 and currently has over 200 members. The Club is home to Albany Horseman's Club, Southern Districts Dressage Club, Albany Pony Club, Albany Natural Trail riders and is home base for the Stidwell Bridle Trails.
17. Horse riding is a very popular recreational pursuit and as the demand for areas to ride grew the Stidwell Bridle Trails were developed in the Albany bush region for community use.

18. The Club through its activities promotes all kinds of approved sport connected with horses and riding. The Club hosts one-day events, dressage competitions, hacking events, specialist riding lessons, visiting instructors and horsemanship clinics.
19. If the proposed new lease is approved the Club has indicated their commitment to upgrading their facilities and grounds to include new horse yards. The new yards will assist in attracting more visiting instructors and participants who currently travel from Perth, Esperance and the Great Southern Region to attend events.
20. The Club is aware they require City of Albany as Landlord prior consent in writing before making any improvements, alterations or additions to buildings and infrastructure on the leased area.
21. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases for this category of lease.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

22. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property including leased land and buildings.
23. This Section requires there to be local 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.
24. Section 30 of the *Local Government (Functions & General) Regulations 1996* deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section 30 (2) (b) (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 profit from the body's transactions;*
25. The Albany Equestrian Centre Inc. is not for profit sporting association, therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

#### **STATUTORY IMPLICATIONS**

26. 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.
27. As this is Crown land, under a Management Order J711662 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation", Minister for Lands consent will be required.



28. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land and buildings.
29. Under the City's Town Planning Scheme 3, the area is zoned "Parks and Recreation". The proposed use for horse riding and equestrian activities is permitted use in accordance with the Scheme.
30. The Western Australian Planning Commission (WAPC) consent is not required as this is Crown land.

#### **FINANCIAL IMPLICATIONS**

31. All costs associated with the development, execution and completion of the new lease documentation including but not limited to legal, advertising, survey and market valuation (if required) will be borne by the proponent.
32. The new lease rental fee will be equivalent to Minimum Land Rate as set by Council per annum. This is currently \$725.00 plus GST per annum.
33. The new lease rental will be directed to COA 190430 Income – Other Leases.

#### **POLICY IMPLICATIONS**

34. 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.
35. The Policy section relevant to this category of lease – Sporting Associations requires the following:
  - Crown Reserve leases with or without City owned buildings on site, will incur a rental based on minimum land rate as set by Council per annum;
  - Must be Incorporated bodies and a copy of their Articles of Association/Constitution be provided;
  - Lease to be for a term not greater than 21 years;
  - Rental/Sublease agreements must be approved by the landlord;
  - Must have appropriate insurance pertaining to their particular sport, as a minimum; and
  - Maintenance of grounds/leased area is to be undertaken by the Lessee at the Lessee's cost.
36. This land has a current zoning as "Parks and Recreation" Reserves, under the Town Planning Scheme No 3. Land is also identified as a local reserve in the Albany Local Planning Strategy.

#### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

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

- a. Approve the request for a new lease over portion of Reserve 34370; or
  - b. Decline the request.
38. Should Council decline the request for a new lease, the Albany Equestrian Centre would be required to remove all buildings and infrastructure and return the land to its original condition. Council could then invite expressions of interest to lease the portion of Reserve 34370.
39. The Albany Equestrian Centre would have to find an alternative location should they wish to continue providing this facility.

**SUMMARY CONCLUSION**

40. In view of the service being provided by Albany Equestrian Centre facilities to the Albany, Great Southern and wider communities, at no cost to Council, the Albany Equestrian Centre request for a new lease over portion of Reserve 34370 or a term of 21 years is recommended.

<b>Consulted References</b>	<ul style="list-style-type: none"><li>• Council's Policy – Property Management – Leases</li><li>• <i>Local Government Act 1995</i></li><li>• <i>Land Administration Act 1997</i></li></ul>
<b>File Number (Name of Ward)</b>	PRO199 (West Ward)
<b>Previous Reference</b>	OCM 01.01.1990

**2.5 REQUEST FROM CONTRACTOR TO SURRENDER CONTRACT –  
ALBANY VISITOR CENTRE**

<b>Land Description</b>	: Albany Visitor Centre, Proudlove Parade
<b>Business Entity Name</b>	: Albany Inbound Pty. Ltd. Director: Raymond John Hammond (Resident in Albany)
<b>Attachment(s)</b>	: Email from proponent requesting termination of contract Report: Commercial in Confidence, Proposed Surrender of booking and Accommodation Contract, Albany Visitors Centre, Option and Risk Analysis
<b>Responsible Officer</b>	: Executive Director Corporate and Community Services, P. Madigan

**IN BRIEF**

- The Managing Director of Albany Inbound Pty. Ltd., the entity contracted to provide a bookings service at the Albany Visitor Centre, has requested to surrender the contract.

**ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION**

**Commercial in Confidence information is still being prepared by City of Albany Staff and will be made available to Council prior to the Council meeting.**

**BACKGROUND**

1. On the first of February 2006 the City entered into contract with Tayson Pty Ltd (now Albany Inbound Pty Ltd) for the provision of accommodation and tour bookings services, based at the Albany Visitor Centre.
2. The basis of the contract is that the contractor provides the booking and accommodation service covering all outgoings and the City receives a percentage of income from customer bookings made through counter, telephone and website sales made by Albany Inbound.
3. The City manages the overall operation of the Albany Visitor Centre, including a free visitor information service, staffed by City employees. One aim of the joint service is to provide a seamless service to the public who should not be affected by the fact that different elements of the service are provided by the City and the contractor's staff, from the same location.

**CEO:**

**RESPONSIBLE OFFICER:**

4. The initial term for the agreement was for 36 months and was extended by Council for a further 36 months, expiring on 31 January 2012.

During the period of the contract there have been a number of variations approved by Council.

5. Mr Hammond has formally requested to surrender the contract.

## **DISCUSSION**

6. The termination of the contract provides the City with a number of options:
  - Option One – Council does NOT AGREE to the request to terminate Contract.
  - Option Two – Council AGREES to terminate the Contract: Contract is tendered for new Independent Operator.
  - Option Three – Council AGREES to terminate the Contract: provision of Accommodation Booking Services is discontinued.
  - Option Four – Council AGREES to terminate the Contract: City of Albany operates in full both Visitor Information Services and Accommodation Booking Services.
  - Option Five – Council AGREES to terminate the Contract: outsourcing both Visitors Information Services and accommodation Booking Services.
7. A separate Commercial in Confidence paper has been prepared and is attached to this Report. The Report identifies the risks associated with each of the options and possible transition plan and potential additional costs.  
Nb. Report still being prepared.
8. The contractor is prepared to transfer to the City the customer database and the “StayNow” brand, web site and the “Bookeasy” licence, together with prepared TV commercials, all at cost.
9. The contractor advises he employs one full time permanent staff member, a junior, and one permanent part time staff member.
10. Stock (merchandise) could be transferred at cost, and all other chattels at their written down value.

## **PUBLIC CONSULTATION / ENGAGEMENT**

11. Given the time constraints, the City has not undertaken public/ industry consultation.

## **FINANCIAL IMPLICATIONS**

12. The potential costs or benefits to the City associated with the above have been detailed in the Attached Commercial in Confidence paper for each of the options identified.

## **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“The City of Albany will... 4.3 Deliver excellent community services that meet the needs and interests of our diverse communities”*

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council could choose to accept any of the options outlined, or a possible amalgam of options.

**SUMMARY CONCLUSION**

15. It is recommended that the option detailed in the attached Commercial in Confidence Paper be adopted by Council.

<b>Consulted References</b>	Contract CO5026.
<b>File Number (Name of Ward)</b>	C05026 (Frederickstown Ward)
<b>Previous Reference</b>	OCM 19/04/2005 – Item 14.3.2 OCM 21/06/2005 – Item 14.3.1 OCM 20/12/2005 – Item 14.3.1 OCM 20/03/2007 – Item 12.7.1 OCM 17/07/2007 – Item 12.7.1 OCM 16/09/2008 – Item 12.7.1 OCM 07/05/2009 - Item 12.8.2

**2.6: COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) 2011/12 SMALL GRANT APPLICATIONS**

**Proponent** : Refer to paragraph 12 of the Officer’s Report  
**Responsible Officer** : Acting ED Corporate & Community Services (P Wignall)

**IN BRIEF**

- Council endorse the priority ranking for the submitted applications.

**ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council rank the six CSRFF applications received in the following order:**

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
<b>1</b>	Railways Football and Sporting Club	Connection to deep sewerage.
<b>2</b>	Albany City Kart Club	Extension of kart track
<b>3</b>	Albany Equestrian Centre	Installation of new holding pens
<b>4</b>	Albany Bowling Club	Installation of lighting system over bowling greens
<b>5</b>	Albany Speedway Club Inc	Upgrade to track and pit area
<b>6</b>	South Coast Tennis Club	Renovation and resurfacing of 3 tennis courts and knock-up area

**BACKGROUND**

1. The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Sport and Recreation. A change two years ago to the CSRFF introduced two rounds of available funds including a small grant funding round and its annual and forward planning funding round.
2. Applicants must be either a local government authority or a not for profit sport, recreation or community organisation incorporated under the WA Associations Incorporation Act 1987.
3. Clubs must demonstrate equitable access to the public on a short term and casual basis.
4. The land on which the facility is to be developed must be one of the following:
  - Crown reserve;
  - Land owned by a public authority.
  - Municipal property.
  - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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5. Applicants must liaise with their Local Government regarding planning and building approvals pertinent to their project.
6. The Local Government has an opportunity to assess all relevant applications and to rank applications in priority order for the municipality.
7. The current round of funding applications is for the small grant round with the financial value of the total project being from \$5,000 up to \$150,000.
8. The Department of Sport and Recreation application form calls for applications to be initially submitted to the Local Government within which the project proposal is located.
9. An element of the assessment process involves Council consideration and priority ranking of applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants prior to 31 March 2011.
10. Once the assessment process from Local Government Authorities are complete all applications received from Western Australian organisations are assessed by the Department of Sport and Recreation CSRFF committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

**COMMENT/ DISCUSSION**

11. The grant guidelines require Council to provide a ranking for the projects.
12. A total of six applications were received prior to the submission deadline.
13. A ranking recommendation has been given based on the merits of each project:

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>	<b>JUSTIFICATION</b>
<b>1</b>	Railways Football and Sporting Club	Connection to deep sewerage.	Project implementation will assist to mitigate health concerns Membership = 395 Facility is multi-use, accommodating for a range of sporting and community groups Project is considered part of the Centennial Park Recreation Precinct development which is a high priority and forms part of a State Government election commitment
<b>2</b>	Albany City Kart Club	Extension of kart track	Required to host State Titles however long term benefits exist for club. Membership = 80 (Membership is expected to grow with the completion of the track and hosting state titles) Project is considered part of the Great Southern Motorplex development
<b>3</b>	Albany Equestrian Centre	Installation of new holding pens	Safety concerns for horses, ponies and handlers Membership = 212 (membership and usage expected to grow upon project completion) Facility is multi use, accommodating for a range of equine sports and training Currently turning away some events and

			request for hire due to current facility inadequacy.
4	Albany Bowling Club	Installation of lighting system over bowling greens	Membership = 180 Corporate Bowls participation = 170
			The club has demonstrated that initiating this project will allow growth in the sport of bowls by allowing more night games, extending the available hours of operation of the facility
			Bowls is classified as a 'life sport' and popularity of intergenerational interaction through corporate bowls assists with social and community cohesion
5	Albany Speedway Club Inc	Upgrade to track and pit area	Track has deteriorated causing inconsistent surface and safety concerns
			Membership = 146 and has proven sustainable growth in membership
6	South Coast Tennis Club	Renovation and resurfacing of 3 tennis courts and knock-up area	Residential growth is expected in Little Grove however Membership is currently 19, some casual hire use also exists
			2 courts have been decommissioned, third does not have much life expectancy left. Lack of available facilities is one of the reasons why membership to the club is low.
			The tennis club (and hall area) constitutes for over half of Little Groves active public open space however it is mostly un-useable (excludes school space)

14. It is recommended that that Council review the ranking made by Officers.
15. An additional assessment and an overall project rating will be made by staff under the direction of the Executive Director for Corporate and Community Services prior to the submissions being finalised and submitted to the Department of Sport and Recreation, using the follow criteria:

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



16. Overall project rating, being:
- Well planned and needed by municipality;
  - Well planned and needed by applicant;
  - Needed by municipality, more planning required;
  - Needed by applicant, more planning required;
  - Idea has merit, more planning work needed; and
  - Not recommended.

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

19. The Recreation Planning Strategy adopted in 2008 has been applied in ranking the priority order of submissions.
20. It is considered that the submission from the Railways Football and Sporting Club will compliment the Centennial Park Recreation Precinct upgrade.

### FINANCIAL IMPLICATIONS

21. To facilitate this process approximately 24 hours (\$960.00) of one staff officer time has been conducted.
22. The following table provides detail of all applications received and indicates that none of the applicants have proposed City of Albany financial contribution.
23. Applicants were informed that they may ordinarily request funds for their project from Council through the Community Financial Assistance funding round; however at its Ordinary Council Meeting on 20 April 2011 Council introduced a moratorium on this grant category allocation (excluding rate rebates and events) until July 2012.

Organisation	Project detail	Total Project Cost (ex GST)	Applicant contribution (ex GST) [inc voluntary component]	CSRFF Grant (ex GST)	Proposed Other state or federal funding (ex GST)	Proposed Council contribution (ex GST)
Railways Football and Sporting Club	Connection to deep sewerage	\$29,000	\$ 14,500	\$14,500	Nil	Nil
Albany City Kart Club	Extension of kart track	\$140,708	\$95,708	\$50,000	Nil	Nil
Albany Equestrian Centre	Installation of new holding pens	\$41,721	\$13,907	\$13,907	\$13,907	Nil

Albany Bowling Club	Installation of lighting system over bowling greens	\$22,920	\$15,280	\$7,640	Nil	Nil
Albany Speedway Club Inc	Upgrade to track and pit area	\$98,500	\$65,636	\$32,864	Nil	Nil
South Coast Tennis Club	Renovation and resurfacing of 3 tennis courts and knock-up area	\$49,181	\$14,500	\$14,186	\$25,000	Nil

<b>Consulted References</b>	Recreation Planning Strategy Guidelines for Applicants 2011/2012 funding round
<b>File Number (Name of Ward)</b>	FIN038 (All Wards)
<b>Previous Reference</b>	17/08/2010 Item 2.5 18/08/2009 Item 14.1.3

**2.7: GREAT SOUTHERN MOTORPLEX GROUP INC. - REQUEST FOR FINANCIAL ASSISTANCE**

**Land description** : Lot 8122 on Plan 26510 and being whole of the land contained in Certificate of Title Volume LR3124 Folio 121

**Proponents** : Great Southern Motorplex Group Inc.

**Owner** : Crown

**Appendices** : Location maps

**Responsible Officer** : Executive Director, Corporate and Community Services (WP Madigan)

**IN BRIEF**

- Consider request from **Great Southern Motorplex Group Inc.** for funding assistance to complete a Fauna Assessment and Environmental Management Plan of Parker Brook Reserve.

**ITEM 2.7: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council AGREE to provide \$4,730 to the Great Southern Motorplex Group for the preparation of the Fauna Assessment and Site Environmental Management Plan of the Parker Brook reserve (Reserve 1947).**

**ABSOLUTE MAJORITY**

**BACKGROUND**

1. The Great Southern Motorplex Inc. (Motorplex Group) is a body consisting of four motorsport entities. These include:
  - a. Albany City Kart Club Inc.
  - b. Albany Motorsport Group Inc.
  - c. Great Southern Street Machine Association Inc.
  - d. Albany Motorcycle Club Inc.
2. The Motorplex Group has requested Council to:
  - Update its in-principle approval of the co-located facility, based on the updated Concept Plan; and
  - Allocate funding of \$4730 for the preparation of:
    - a) Fauna Assessment of Parker Brook Reserve; and
    - b) Site Environment Management Plan.

**CEO:**

**RESPONSIBLE OFFICER:**

3. This request was considered through the February 2011 OCM (Item 2.6) which Council resolved, inter alia, as follows:
- (i) *THAT Council affirms its previous support for the attached concept plan for the development of Reserve 1947 Parker Brook Road, Albany subject to achievement of and Council's satisfaction with the following:*
- a. *'Environmental Noise Impact Assessment' demonstrating the design and management/ operational measures required and the ability of the concept to meet:*
    - *Environmental Protection Authority (EPA) Environmental Impact Assessment Requirements;*
    - *Requirements of the Environmental Protection Act 1986; and*
    - *Requirements of the Environmental Protection (Noise) Regulations 1997.*
  - b. *Site Design and Full 'Environmental Management Plan' of sufficient detail to be submitted to the EPA for Environmental Impact Assessment Approval.*
  - c. *Approval of the Site Design and 'Environmental Management Plan' by the EPA.*
  - d. *A facility/ operational management plan specifying and demonstrating the sustainable operation of the facility including but not limited to:*
    - *operation and functionality of the site management group*
    - *responsibilities and entitlements of co-located tenants*
    - *driver education and training facilities*
    - *noise management*
    - *waste management*
    - *water management*
    - *facility access and security management*
    - *asset maintenance and management*
    - *reserve flora and fauna management*
    - *principles for major event management at the site*
  - e. *The availability of sufficient external funding by the Great Southern Motorplex Group to undertake each stage of the proposal.*
  - f. *A new/ amended lease over the site containing provisions that the facility is constructed and operated in accordance with EPA approval, council determinations in relation to the items above and any other relevant council strategies, policies, procedures and determinations.*
  - g. *Community consultation occurring and Council considering that feedback.*
- (ii) *The feasibility study is handed over to the 'Great Southern Motorplex Group' consisting of City of Albany, Albany Motorcycle Club, Great Southern Street Machine Association and Albany City Kart Club who will:*
- *lead and undertake responsibility for the development of the project (including but not limited to the items in recommendation (i)).*
  - *undertake responsibility for the lease and management of the site.*

4. The request for funding by the Great Southern Motorplex Group to complete a Fauna Assessment and Site Environmental Management Plan of the Parker Brook Reserve was laid on the table for a period of one month to allow further investigation by Council of funding options.

#### **DISCUSSION**

5. The group maintains it needs to determine whether the site is suitable for its use prior to committing funds to the project, and is therefore seeking Council's financial assistance in the preparation of the necessary reports.
6. While the Motorplex Group have requested funding of **\$4,730** to complete a Fauna Assessment and Site Environmental Management Plan of Parker Brook Reserve Council has previously resolved that:

*"The achievement of sufficient external funding to undertake each stage of the proposal" and "Council funding, if any, towards the project being directed towards the components of the driver training and education."* Extracts from Ordinary Council Meeting 17<sup>th</sup> February 2011.

7. Furthermore, Council has a moratorium on funding through Community Financial Assistance program for which this funding would normally be made available.
8. This request relates to the provision of funding to undertake Fauna Assessment and Environmental Management Plan of Parker Brook Reserve, and no public consultation has been undertaken.

#### **STATUTORY IMPLICATIONS**

9. Were Council agree to the request and provide funding, Section 6.8 of the Local Government Act requires:
  - (i) *"A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
    - a. *is incurred in a financial year before the adoption of the annual budget by the local government;*
    - b. *is authorised in advance by resolution\*;* or
    - c. *is authorised in advance by the mayor or president in an emergency."*

*\*Absolute majority required.*

#### **FINANCIAL IMPLICATIONS**

10. Council has no budget allocation for these matters and Council resolved on the 20 April 2010 to imposed a moratorium on such funding for two years, being:

*"THAT Council INTRODUCES a moratorium on the grant category allocations under the Financial Assistance Program to the years 2010/11 and 2011/12 with the exclusion of rate rebates and Events".*
11. Request is not in accordance with Council budget.

\*\*REFER DISCLAIMER\*\*

12. Were Council to agree to the request, funding could be provided from within current budget surplus.

### **POLICY IMPLICATIONS**

13. Council adopted the Albany Motorsport Complex Feasibility Study 17/02/2009.

14. Council adopted the Recreation Planning Strategy, which specifically states:

*“Incorporated community organisations shall be responsible for undertaking the feasibility, design, funding and construction of facilities such as clubrooms and specialised surfaces such as tennis courts and motorsport tracks, in accordance with relevant actions within this strategy and other council strategies, policies, conditions, procedures and guidelines. (Organisations may be eligible to apply for financial assistance under the community financial assistance fund)”*

15. Council adopted on 20/04/2010:

*“THAT Council INTRODUCES a moratorium on the grant category allocations under the Financial Assistance Program to the years 2010/11 and 2011/12 with the exclusion of rate rebates and Events”.*

16. On 15/02/2011 Council affirmed its support for the concept plan for the development of Reserve 1947 Parker Brook Road.

### **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. Council has three options in relation to the request from Great Southern Motorplex Group for funding to assist in a Fauna Assessment of Parker Brook Reserve and Environmental Management Plan. These are:

- a. **Option One.** Provide funding of **\$4,730**.
- b. **Option Two.** Provide part funding up to a specific amount.
- c. **Option Three.** Provide NO funding.

<b>Consulted References</b>	Residential Design Codes (R-Codes) Little Grove Structure Plan Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	PRO170, PRO176 (West Ward)
<b>Previous Reference</b>	OCM 01/07/1992 OCM 17/09/2002 Item 12.2.5 OCM 17/02/2009 Item 12.8.2 OCM 16/06/2009 Item 18.2 OCM 16/02/2010 Item 13.6.1 OCM 20/04/2010 Item 19.5 OCM 15/02/2011 Item 2.6

**2.8: HOST PORT OPPORTUNITY 2011 CLIPPER ROUND THE WORLD  
YACHT RACE**

- Proponent** : Albany Tourism Marketing Advisory Committee  
**Business Entity Name** : Clipper Ventures Plc (Yacht Race Organisers). A Public Limited Company in the UK  
**Appendices** : Clipper Host Port Proposal (Clipper Ventures Plc)  
Stakeholder Letters of Support (various authors)  
**Councillor Workstation** :  
• Application for Funding to Eventscorp (City of Albany)  
• Clipper Fact Pack (Clipper Venture Plc)  
• The Clipper Race – A Unique Global Marketing Platform (Clipper Ventures Plc)  
**Responsible Officer** : Acting EDCCS (P Wignall)

**Maps and Diagrams:**



**IN BRIEF**

- Consider committing a financial contribution of up to \$50,000 in the 2011/12 budget to secure Albany as the Western Australian stop-over port for the 2011/12 Clipper Yacht Race.
- Take a leadership role in negotiations with the Race Organisers and in mobilising community, business and government assistance

**CEO:**

**RESPONSIBLE OFFICER:**



**RECOMMENDATION**

**ITEM 2.8 – RESPONSIBLE OFFICER RECOMMENDATION**

**THAT COUNCIL:**

- i. **ALLOCATE** a provisional sum of up to \$50,000 (ex gst) in the 2011/12 budget as its cash contribution to a Host Port proposal for the 2011/12 Clipper Round the World Yacht Race; and
- ii. **AUTHORISE** the Chief Executive Officer to:
  - Prepare by 30 March 2011, an **Initial Offer** submission to Clipper Ventures Plc outlining the minimum level of services that will be provided by community, business and government agencies, including services that will be required to be purchased up to an amount of \$50,000 (ex gst);
  - Negotiate by 30 August 2011, a **Final Offer** submission to Clipper Ventures Plc outlining a detailed schedule of services that will be provided through community, government and business sponsorships;
  - Co-ordinate a Memorandum of Agreement between government, community and business organisations detailing the contributions each organisation will make to the event in cash and value in-kind.

**(ABSOLUTE MAJORITY)**

**BACKGROUND**

1. The City of Albany has been approached by Clipper Ventures Plc to consider its interest in being the Western Australian crew change-over point between Leg 3 and Leg 4 of the 2011/12 Clipper Around the World Yacht Race. The stop-over will involve ten 68 foot yachts, with 18 crew each, support staff and media, staying over in Albany for around ten days.
2. Upon the recommendation of the Albany Tourism Marketing Advisory Committee, Council resolved the following at its 15 February 2011 meeting:
  - ENDORSE 'in-principle' the preparation of a bid document nominating Albany to be the Western Australian 'host-port' for the 2011 Clipper Round the World Yacht Race;
  - SEEK grant funding from Eventscorp Regional Events Scheme (closes 21 February 2011) and Great Southern Development Commission Regional Grants Scheme (closes 10 March 2011), and;
  - CONSIDER a full 'host-port proposal' (including its own financial contribution in 2011/12) at the 15 March 2011 Ordinary Council Meeting.

3. An application to Eventscorp has subsequently been prepared and submitted by the closing date of 21 February 2011 seeking a contribution of \$20,000 (ex gst). A GSDC submission for \$40,000 (ex gst) was being prepared at the time of writing and will be advised mid July 2011. Other business and community sponsorship is also being considered via a local project working group.
4. The scope of this Item includes information on:
  - the Clipper Race event itself
  - Host Port requirements and activities that require local sponsorship
  - proposed preliminary program of stop-over activities
  - economic and community benefits of the proposed event
  - proposed preliminary budget for the event
  - risk assessment

## **DISCUSSION**

### The Clipper Race

5. The Clipper Round the World Race is the only yacht race which has non-professional crews sailing a fleet of identical, internationally sponsored yachts around the globe. Accompanied by a professional skipper, many of the crew have little or no sailing experience until they start their training. In a Grand Prix format, calling at international ports in six continents, gives the Clipper Round the World Yacht Race a truly global appeal, on and off the water, on an affordable scale for crew, sponsors and commercial partners. The overall race is divided into eight legs and 15 individual races. Further information can be found at [www.clipperroundtheworld.com](http://www.clipperroundtheworld.com).
6. The Clipper 11-12 Race is scheduled to start in the UK in August 2011 and finish back in the UK in July 2012, shortly before the London 2012 Olympic Games. It is anticipated that the Clipper Fleet will be in Western Australia in mid November 2011. The exact schedule will not be confirmed until all the Host Ports are secured. Half of the legs are now completely sold out, including Legs 3 and 4 which incorporate the Western Australia stopover. The organisers currently have 23 Australians signed up to take part in the Clipper 11-12 Race.
7. The race is biennial and has previously stopped in Western Australia in both Fremantle (05/06 and 07/08) and Geraldton (09/10).
8. Albany is being considered to be the host port stopover point between Leg 3 (South Africa to Western Australia) and Leg 4 (Western Australia to New Zealand). This is principally because of its new marina facilities and its geographic location.
9. There is expected to be around 600 international crew, staff and media directly associated with the event. The provision of a program of community events to welcome the fleet and engage the regional community, will supplement the visit and have the potential to broaden visitation numbers from WA and the wider region to about 5,000 (based on the experience of Geraldton in 09/10). The involvement of schools in an educational program has worked in other international destinations and would provide further community and educational

benefits. Significant national and international media attention is provided to this event which will profile Albany globally resulting in further tourism and economic benefit (see further discussion below).

10. The organisers of the Clipper race realise that significant economic and community benefits accrue to those communities where the vessels stopover and accordingly ports are encouraged to bid for the privilege of being the host. Albany's new waterfront facilities will provide suitable facilities for the fleet and will be completed before the expected stopover.

#### Host Port requirements and activities that require local sponsorship

11. A Host Port is required to enter a contract with Clipper Ventures Plc, which specifies the level of assistance to be provided in return for a range of associated rights and benefits. The Host Port Rights and Benefits Sponsor package is included in the Host Port Proposal document provided by Clipper Ventures Plc and is included in the Appendices. The better the experience Albany can provide to the crew, staff and media whilst in Albany, the greater the likelihood of winning a stop-over for Albany in future years.
12. The activities requiring local sponsorship support are outlined below and are the subject of current investigations by the local working group.
  - Manpower and Points of Contact
  - Security availability
  - Yacht Berthing
  - Support Facilities for Yachts
  - Crew Facilities
  - Offices and working spaces
  - Media Office and Arrangements
  - Communications
  - Accommodation for Race Officials and Visiting Media
  - Race Finish and Re-start Arrangements
  - Permits, Permissions & Vessel Entrance/Exit Fees
  - Hospitality and Awards Ceremonies
  - Transport
  - Event Marketing and Promotions
  - Branding
13. The above list of support measures may be supplied by the provision of cash or in-kind support. The local working group is drafting a package of assistance that may be negotiated with Clipper Ventures Plc.

#### Preliminary Local Event Concepts

14. A preliminary program of activities would supplement the race visit and attract tourists and locals to Albany and the CBD to welcome the fleet. The extent of community festivities will be dependent upon the success or otherwise in grant applications and business sponsorship. A preliminary program of activities may include:
  - An official Welcome Parade of international skippers and crews down York Street, over the pedestrian bridge arriving at the new entertainment centre entry courtyard and marina for a community festival

- A community festival of the sea celebrating Albany's rich maritime history with displays in the Entertainment Centre foyer (overlooking the berthed yachts). This event could also include multi-cultural food stalls and entertainment including fresh produce and regional wines. Music could have an international flavour recognising the various countries of origin of the Clipper Yachts. A carnival atmosphere could be created by posting flags and banners along toll place to add colour and vibrancy.
- A civic reception in the Albany Entertainment Centre for crews, officials and VIP's and including an official prize giving for the first three yachts to arrive in Albany. An indigenous welcome to country with music and dance may be included, similar to the recent opening of the Perth International Arts Festival in February in Albany.
- Individual welcomes to visiting yachts could be provided with tourism and trade information about Albany. This will be particularly important for visiting media officials. Public inspection of the yachts moored at the new marina would also be arranged. An information and trade marquee could be erected to promote Albany products and services. This may include indigenous art, local manufactured goods such as sandalwood oil products, local wines and whiskey, agricultural produce and seafood. Concessions could be made available to regional vendors showcasing regional produce. Visitor information on tourism experiences would be provided through the mobile visitor information van owned by the City of Albany. Proactive promotion of Albany to the visiting media would ensure Albany is profiled in a range of international, national and domestic electronic and print media.
- An Adopt a Yacht school program involving school students who could monitor a yacht's movements online from the race commencement in the UK until arriving in Albany. Students could meet with the crew and inspect the yachts during the race stop-over. This would be a daily activity to maximise the number of regional schools participating. Competitions could be conducted with the prize being a sail on a Clipper yacht.
- Re-start race viewing areas along Marine Drive could be established including the firing of a canon and engagement of the community and media. In the morning of the departure of the yachts the community would be invited to farewell the skippers and crews at the marina with music, markets and festivities around the waterfront and at the ANZAC Peace Park. Investigation with the RAAF could be undertaken to have a special flyover the race re-start zone.

#### Economic and community benefits

15. Overall there is expected to be between 5,000-6,000 people participating in the event and the associated festivities. This is consistent with estimates provided by the City of Geraldton Greenough for the 2009/10 stopover. The Albany Festival of the Sea also reports this type of visitation to its annual community event, so this estimate may be considered conservative.

- *Benchmarking Geraldton (WA)*

The City of Geraldton Greenough conducted a survey of the clipper crew (only) in 09/10 and estimated the following:-

- 986 crew bed nights
  - 1,252 family/friend bed nights
  - AU\$2,227.63 average crew spend per head
  - \$316, 323 (Total crew spend)
  - \$187,800 (Visitors/friends/family spend on accommodation only)
  - Total of \$504,123 (excludes expenditure other than accommodation, by visitors/friends/family and does not include expenditure by other visitors who were either in the city at the time or who travelled to see the yachts)
- *Benchmarking Cape Breton (Canada) – Stopover point*
- Email communication with Enterprise Cape Breton reported \$1 million economic spinoff to the Cape Breton economy, mostly as a result of the Clipper staff, crews and friends and family being in port.
- *Benchmarking Humber (UK) – Race Start*
- 150,000 people attracted
  - 9.3 million pounds economic activity
  - Average spend per person per day on food, drink, attraction and shopping was 41.96 pounds
  - 99.5% of those surveyed would return for similar events
16. The economic impact of the Albany event is likely to be between \$600,000 and \$800,000, depending on the level of additional tourism visitation. The non-race visitation will likely be strengthened if there is an associated community festival to supplement the Race visit.
17. The event is planned to be staged in mid-November which is a shoulder season for visitation to Albany and will therefore assist accommodation providers and other business. Surveys from the Cork (Ireland) and Cape Breton (Canada) Clipper festivals indicate the largest proportion of expenditure at their events is in food and drink (benefiting cafes, hotels and restaurants) and in accommodation.
18. Clipper Ventures Plc has a significant global media program for the Race. A snapshot of the marketing value is provided below.
- 524 million people followed the race
  - \$265 million US Public Relations value
  - \$106 million US undiscounted media value
  - 8,473,529 page views on the Clipper Race website
  - 450,000 cumulative race village visitors
  - 395,801 unique visitors to the website
  - 100,504 players of the virtual Clipper Race online
  - 441 crew from 41 nations and more than 230 professions
  - 199 countries followed the race
  - 14 markets
  - 10 yachts
  - 6 continents
  - international trade agreements
  - 1:7 example return on investment

19. According to Tourism WA, the UK remains the number one international market to Western Australia in visitor numbers and spend. Throughout the challenging economic conditions, WA has maintained its market share of UK visitors at around 25 per cent. There is a significant UK audience that follows the Clipper Race which augers well for the promotion of Albany into this key market.
20. No attempt has been made at quantifying the dollar value of media that may accrue to Albany as an outright destination. Notwithstanding this, an independent profile of media exposure for 2009/10 Race for Western Australia is provided in the Councillors Lounge. The undiscounted media value to Western Australia for the 09/10 was estimated at:-
- In the Press £130,581
  - On TV News £197,746
  - Online £34,472 (from the top ten websites, excluding:  
[www.clipperroundtheworld.com](http://www.clipperroundtheworld.com))
  - On radio £13,639
  - WA TV series
  - (Discovery Channel) £5,524,500

#### PUBLIC CONSULTATION / ENGAGEMENT

21. The City of Albany has taken a leadership position by establishing a working group that consists of the City of Albany, Great Southern Development Commission, Albany Chamber of Commerce and Industry Inc, Albany Port Authority, Department of Transport, Albany Maritime Foundation Inc, Princess Royal Sailing Club Inc and Southern Ocean Sailing.
22. The working group has assessed Albany has the technical and service capability to host the event and is working through a package of assistance measures that may be contributed. Further negotiation is required before a final schedule of support services is offered.
23. An overview of community group engagement is provided below:

<b>Community Group</b>	<b>Role</b>	<b>Nature of Involvement</b>	<b>Comments</b>
Albany Maritime Foundation Inc	Lessee and operator of the Albany Boat Shed	Provision of in-kind support	Has offered the use of the Albany Boat shed as the base for the crew and office services
Perth Theatre Trust/AEG Ogden	Owner/Operator of the AEC	Venues for events and media liaison	Formal negotiation is yet to be undertaken, however a proposal will seek some in-kind assistance
Albany Chamber of Commerce and Industry Inc	Business development advocate	Potential sponsor and support in advocating to business to support	Supports the event – A proposal seeking financial and in-kind support will be considered in late March
Princess Royal Sailing Club	Advocate for sailing events	Possible in-kind assistance	Supportive. Specific in-kind services (e.g provision of race vessels to be determined by its Board in late March

<b>Community Group</b>	<b>Role</b>	<b>Nature of Involvement</b>	<b>Comments</b>
Australia's South West Inc	Regional Tourism Organisation	Potential Sponsor in-kind	Has offered to facilitate a media familiarisation program, including international visits. To be negotiated by late March
Southern Ocean Sailing	Sail training and advocate for yachting	Technical Assistance in planning and on arrival	In-kind assistance subject to further discussion and confirmed late March

## GOVERNMENT CONSULTATION

24. Government organisations consulted to date include the following:

<b>Government agency</b>	<b>Role</b>	<b>Nature of Involvement</b>	<b>Comments</b>
Great Southern Development Commission	Regional development	Financial Sponsorship	Requires a submission to the Regional Grants Scheme by 10 March 2011
Department of Transport	Marina owner	Berthing and technical services to yachts	Supportive:- Technical assessments and prospective in-kind sponsor (eg pens, vessels etc)- fees waived subject to application through Minister
Eventscorp	Supports major regional events	Financial Sponsorship	A submission was lodged on 21 February 2011
Landcorp	Developer of the Waterfront project on behalf of Government	Prospective Financial Sponsor	Meetings have been held between City staff and Landcorp resulting in \$10,000 being provisionally allocated.
Albany Port Authority	Manages port and marine traffic in King George Sound and Princess Royal harbour	Potential sponsor and provision of support services	Supportive – may assist in-kind and with some support services to be negotiated by late March

## STATUTORY IMPLICATIONS

25. There are no Statutory Implications arising out of this Item.

## FINANCIAL IMPLICATIONS

26. It is proposed that by 30 March 2011, a Letter of Offer document be submitted to Clipper Ventures Plc, listing the services the Albany community is able to provide to the Race. Cash payments are not made directly to the Race organisers, rather a negotiated level of value in-kind services and activities are mutually agreed. It is proposed that a Memorandum of Agreement between local organisations and Clipper Ventures Plc be prepared to formally define the financial and in-kind contributions of each organisation. It is proposed that a Final Offer be made to Clipper Ventures Plc by 30 August 2011.

27. One of the key aspects to the quantum of sponsorship offered by a host-port is to make a memorable stop-over for the crew and media, which can lead to return visits of the Race and provide a more significant international and national media exposure. It also generates community pride (social capital) and ancillary promotional benefits such as opportunities to promote the hotel site on the Waterfront.
28. It is recommended that Council makes a maximum provisional allocation of \$50,000 (ex gst) as a line item in its 2011/12 budget to support the Albany Host Port proposal. This amount may be reduced subject to the success of external funding and business sponsorships. Management and project contingencies will be built into a final budget to manage negotiations on event scope and unforeseen costs. Up to \$10,000 of City of Albany staff time would also be required as value in-kind assistance for local liaison, co-ordination, visitor information and public relations.
29. Other cash revenues are being sought from the GSDC (\$40,000 as an overall contribution), ACCI (\$5,000 as an overall contribution), Landcorp (\$10,000 as an overall contribution); Healthways (\$5,000 for community festivities), Eventscorp (\$20,000 as an overall contribution) and Business Sponsorships of \$15,000. Value in-kind is being sought from the Department of Transport (pen fees and vessels), Albany Maritime Foundation (Albany Boat Shed); Perth Theatre Trust (AEC); Australia's South West (Media Familiarisations), Princess Royal Sailing Club (Race start/finish volunteers and equipment), community volunteers (visitor greetings) and arrange of business sponsorship.
30. Should Council resolve to support the Officers recommendation, a detailed budget will be prepared. A preliminary budget has been prepared for the Eventscorp application lodged on 21 February 2011.

#### Risk Assessment

RISK	(L)	(C)	RISK RATING	TREATMENT
In-kind and cash sponsorships are not confirmed by potential sponsors by 30 March 2011	Almost certain	Moderate	High	<ul style="list-style-type: none"> <li>To secure the event, prepare an Initial Offer to Clipper Ventures Plc that limits the commitment of services to an amount of \$50,000 (ex gst) plus any committed grants/sponsorships as at 30 March 2011;</li> <li>Articulate the City's intention to secure further community, government and business assistance</li> <li>Do not sign contracts.</li> </ul>
The City is unsuccessful with its grant applications to the GSDC and Eventscorp (advised in July 2011)	Possible	Moderate	Medium	Enter a second round of negotiations with Clipper Ventures Plc offering a level of services commensurate with the assistance formalised by 30 August 2011.
Sponsors do not honour their pledges	Unlikely	Moderate	Medium	Enter a Memorandum of Agreement with community organisations to formalise offers of assistance



## **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

### Community Vision:

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

### Strategic Documents

Economic Development Strategy (2010-2015) - Adopted OCM 01/12/2009

- Key Focus Area (3): Community-based Economic and Enterprise Development
- Strategic Objective: Council will partner with community, business and industry groups to identify economic and enterprise growth opportunities
- Action (3.3): Support the preparation of bids for major sporting and cultural events, conventions and conferences

## **POLICY IMPLICATIONS**

32. Council has adopted a Community Financial Assistance and Events Policy to facilitate financial assistance to not for profit organisations that provide social, economic or environmental benefits to the City of Albany. At OCM 20/04/2010, Council introduced a moratorium on the grant category allocations to the years 2010/11 and 2011/12 with the exclusion of rate rebates and events.
33. Because the 2011/12 Clipper Race is not a regular event for Albany, rather a unique tourism and promotional opportunity, where the proponent is the City of Albany (on behalf of the community), it is not recommended the proposal be assessed and financed from the limited funding allocation available through the CFAP.

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

**Option 1:** Decline any financial assistance and simply invite Clipper Ventures to stopover in Albany with no Council support and no associated welcome or festivities.

### Comment

This is a no cost option to Council, however may jeopardise the opportunity for an international event and will likely result in a poor reception, negative local PR and a future lost economic opportunity for Albany.

**Option 2:** Budget a greater amount than \$50,000 and prepare a much stronger proposal with better support services, higher quality festivals and greater media facilitation and support.

### Comment

This is a higher cost option to Council, however a value judgement must be made with regard to what is an 'appropriate' contribution of Council's scarce resources to attract this event and leverage external sponsorship

**Option 3:** Budget a lesser amount than \$50,000 and reduce the scope of services offered in negotiations.

Comment

This is a viable option, however, it may threaten the competitiveness of Albany’s proposal. If expenses prove to be higher than forecast, then there will be no management or project contingency available.

**Option 4:** Budget up to \$50,000 and negotiate a win-win outcome with Clipper Ventures Plc, whereby a package of support services is co-ordinated in collaboration with other community, government and business stakeholders.

Comment

This will result in the lodgement of an Offer that is more likely to be acceptable to the Race organisers and to a level commensurate to an event of this stature. This option limits the liability of the City of Albany to a maximum of \$50,000 (ex gst) plus staff time in organisational assistance and liaison in the lead up and during the event.

**SUMMARY CONCLUSION**

34. It is recommended Council make a provisional allocation of up to \$50,000 in the 2011/12 budget as its maximum cash contribution to a Host Port proposal package offered to Clipper Ventures Plc for the 2011 Round the World Yacht Race.
35. This amount will be used to underwrite a total support package, which cannot be determined until grant applications are considered by late July 2011 and business and community sponsorship is pledged and agreed in writing. The Council allocation will be accumulated with all other cash and in-kind allocations known as at 30 March 2011, to form an Initial Offer to Clipper Ventures Plc, which would include limited support services and minor community and civic event programs. A Final Offer document would then be prepared by 30 August 2011, providing a detailed schedule of support services and associated events and would be guided by a Memorandum of Agreement between community, government and business organisations.

<b>Consulted References</b>	Residential Design Codes (R-Codes) Little Grove Structure Plan Town Planning Scheme No. 3
<b>File Number (Name of Ward)</b>	ED.PLA.1 (All Wards)
<b>Previous Reference</b>	OCM 15/02/2011 Item 4.9: ATMAC Recommendation 3

### **3.1: PROPOSED RE-ALIGNMENT OF PALMDALE ROAD RESERVE**

<b>Land Description</b>	: Lot 5949 No 2425 Palmdale Road, Palmdale
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Johnson (Perpetual Lessee of Crown Lease 351/1966)
<b>Attachment(s)</b>	: Map: <ul style="list-style-type: none"><li>• Drawing no 14512-01A</li></ul>
<b>Responsible Officer</b>	: Executive Director Works & Services (K Ketterer)

#### **IN BRIEF**

- Approval to re-align the Palmdale Road reserve to reflect the current alignment of the road, as a portion has been constructed outside of the dedicated road reserve.

#### **ITEM 3.1: RESPONSIBLE OFFICER RECOMMENDATION**

##### **THAT Council:**

- i) **SUPPORTS** the Taking by Agreement, under section 168 of the *Land Administration Act 1997*, of a 1.57ha portion of land from Lot 5949 No 2425 Palmdale Road, Palmdale, which is the current alignment of Palmdale Road (refer Drawing No 14512-01A);
- ii) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to close a 1.65ha portion of Palmdale Road reserve, as shown in Drawing No 14512-01A) and the amalgamation of this closed road with the adjoining Lot 5949 No 2425 Palmdale Road, Palmdale;
- iii) **SEEKS** approval under Section 168 of the *Planning & Development Act 2005* to dedicate the 1.57ha portion of land to be taken from Lot 5949 No 2425 Palmdale Road, Palmdale, as a public road, through the lodgement of a subdivision application;
- iv) **INDEMNIFIES** the Minister for Lands from any claims for compensation, as is required under Section 56 of the *Land Administration Act 1997*; and
- v) **AUTHORISE** staff to forward the required applications to the Minister for Lands and the Western Australian Planning Commission without the need for a further item to Council, should there be no objections received.

CEO:

RESPONSIBLE OFFICER:

## **BACKGROUND**

1. Palmdale Road serves the South Stirling rural communities and plays an important connecting role onto the South Coast Highway and Main Road network. The road is partially surfaced with the remainder gravelled.
2. A portion of the road has been constructed outside the official cadastral road reserve and is irregularly occupying Crown reserve land in perpetual lease. This report is the first stage in regularising this situation.

## **DISCUSSION**

3. The adjoining land is Crown Land held in Perpetual Lease by Johnson. Both the lessees and Elders Rural Bank Ltd, the holders of the mortgage for the land, have provided written consent to surrender the land.
4. The consent of the Perpetual Lessees for the surrender of the land has been granted without the need for a financial payment of compensation, as the area of land that will be amalgamated with Lot 5949 Palmdale Road is greater than the area to be excised. This meets the requirements for a Taking by Agreement under section 168 of the *Land Administration Act 1997*.
5. The Department of Regional Development and Lands have advised that there are a number of other interests in Lot 5949 Palmdale Road, including a Profit a Prendre, Caveat and Sub-lease, however these interests do not apply to the portion of land affected by the proposed road reserve re-alignment. The advice of this agency states that the consent of the other parties with an interest in the land is not required.
6. The re-alignment of the Palmdale Road reserve includes closure of the 1.65ha road reserve that is no longer required and amalgamating the closed road reserve with the surrounding Lot 5949 Palmdale Road.
7. In addition, a 1.57ha portion of Lot 5949 Palmdale Road which is the location of the constructed road will be excised and dedicated as a public road.

## **PUBLIC CONSULTATION / ENGAGEMENT**

8. Sections 56 and 58 of the *Land Administration Act 1997* set the procedure for dedicating and closing roads. It is a requirement of the Act that the proposed road re-alignment be advertised in a local newspaper for a period not less than 35 days. Notification will also be sent to neighbouring landowners and to relevant public utility service providers.

## **GOVERNMENT CONSULTATION**

9. The proposal has been discussed with the Department for Regional Development and Lands, as it is this agency that will process the road closure request. They have not raised any objections to the proposal, provided that all requirements of the *Land Administration Act 1997* and *Planning and Development Act 2005* are addressed.

10. Public utility service providers must be contacted as part of the consultation process and invited to comment on the proposal.

### **STATUTORY IMPLICATIONS**

11. Section 56 of the *Land Administration Act 1997* provides that, where land is acquired for use by the public as a road, the local government may request the Minister for Lands to dedicate that land as a road. In doing so, the Local Government must indemnify the Minister against any claim for compensation.
12. Section 58 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to close a road. This section specifies the public consultation processes that must be observed prior to the submitting the request to the Minister.
13. Section 168 of the *Land Administration Act 1997* sets the procedure for acquiring land for public works through a Taking by Agreement. Part 10 of the Act states that every person having an interest in land taken under the Act is entitled to compensation, however the Act does allow for non-monetary compensation i.e. the transfer of property.
14. The creation of a road occurs through the subdivision process detailed under Part 10 of the *Planning and Development Act 2005*. Section 168 of this Act states all land shown on a diagram or plan of survey of a subdivision shown as a new road or road widening will be dedicated as a road.

### **FINANCIAL IMPLICATIONS**

15. The re-alignment of the Palmdale Road reserve will include costs to Council which will be funded from the 2010/11 land acquisition budget and are estimated to be in the order of \$7,000. Sufficient funds are available for this purpose.
16. There will be no costs to Council for the road or fencing works, as they are already in place, and a non-monetary compensation agreement has been negotiated with the affected lease holders.

### **STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

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

*“4. Governance.....*

*4.2 Manage our municipal assets to endure they are capable of supporting our growing community.”*

### **POLICY IMPLICATIONS**

18. Not Applicable.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

19. There are not considered to be any alternate options in this circumstance. The City must ensure that the public works for which they are responsible are held in appropriate land tenure.

**SUMMARY CONCLUSION**

20. The proposed re-alignment of the Palmdale Road reserve will be effected to reflect the current construction of the road. The adjoining leaseholders have provided their written consent to a Taking by Agreement in exchange for the transfer of the land that will be created by the road closure. Council's resolution to enact the closure and road dedication processes is sought to meet the requirements of the *Land Administration Act 1997* and the *Planning & Development Act 2005*.

<b>Consulted References</b>	Land Administration Act 1997 Planning and Development Act 2005
<b>File Number (Name of Ward)</b>	RD.ACQ.1 (All Wards)

**3.2: ADOPTION OF THE DRAFT ASSET MANAGEMENT PLAN –  
DRAINAGE**

<b>Land Description</b>	: City of Albany Municipality
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Councillors Workstation</b>	: Draft Asset Management Plan – Drainage; Oyster Harbour West Bank Drainage Asset Management – Final Report
<b>Responsible Officer</b>	: Executive Director Works & Services (K Ketterer)

**IN BRIEF**

- Adoption of draft Asset Management Plan – Drainage for public consultation

**ITEM 3.2: RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

1. **RECEIVE** the draft Asset Management Plan – Drainage;
2. **ADVERTISE** the draft Asset Management Plan - Drainage for 21 days, to the public and key stakeholders; to pursue comment;
3. **RECEIVE** the responses and subsequent proposed amendments to the Asset Management Plan – Drainage to be brought to a future meeting of Council for consideration;
4. **CONSIDER** the funding requirements identified in the Plan in Council deliberations of the 2011/12 budget, and
5. **AMEND** the plan should any funding constraints and amendments be identified from the public consultation process or as part of the 2011/12 budget deliberations.

**BACKGROUND**

1. At the February 2008 Ordinary Council Meeting an item was adopted by Council to support the introduction of the WA Asset Management Improvement Program (WAAMI) for the City's asset management infrastructure.

**CEO:**

**RESPONSIBLE OFFICER:**

2. The City of Albany's strategic approach to the asset management of its stormwater drainage network became a high priority following extreme rainfall events in 2005 and 2008 when consultants were commissioned to identify deficiencies in the stormwater network. A Flood Management Strategy was developed to address the need to prioritise and remedy these system failures and was adopted by Council in April 2010.
3. Additional funding has been set aside for the preparation of a Drainage Asset Management Plan involving detailed drainage infrastructure data pick up and condition reviews of individual catchments. The Oyster Harbour West Bank catchment has recently been completed and the Munster Hill catchment is currently in progress.
4. The Asset Management Plan represents the City's first ever attempt to strategically map our drainage assets and prepare for future management of the network. The Oyster Harbour West Bank catchment has been completed and Munster Hill catchment is currently being audited and assessed. The remaining five catchments will be analysed over future years.

### **DISCUSSION**

5. This Asset Management Plan – Drainage takes into account the recommendations contained in the Oyster Harbour West Bank Report in relation to improving the City's Drainage Asset Management systems, including continuing the condition inspection program, inspecting poor condition assets and scoping more accurately replacement works, and providing detailed renewal and maintenance priorities over the next four (4) years.
6. This Asset Management Plan is based on the Opus report centered on the Oyster Harbour West Bank catchment. Currently Cardno Consultants are completing a study into the Munster Hill Catchment, and over future years the City of Albany needs to continue to conduct studies of the remaining catchments. This will enable later revisions of the Asset Management Plan to be more accurate and representative of the City's entire storm water drainage network.

### **PUBLIC CONSULTATION/ENGAGEMENT**

7. It is proposed that the draft Asset Management Plan - Drainage be adopted, after advertised for a period of 21 days to seek community feedback. The document will also be sent to the key stakeholders listed in the plan.
8. Comments received will be collated and the item returned to Council for final adoption.

### **GOVERNMENT CONSULTATION**

9. No government agency stakeholders have been identified in the plan and therefore government consultation is not required.



**STATUTORY IMPLICATIONS**

10. Under section 3.18 of the *Local Government Act 1995*, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

**FINANCIAL IMPLICATIONS**

11. The cost of the initiatives highlighted in the Asset Management Plan – Drainage requires an increase in Council's expenditure on maintenance and renewal/upgrade of drainage assets to clear a backlog of network failures over a five year period and will be presented annually for consideration as part of the budget processes.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

12. 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**

13. This document complies with the Council adopted Asset Management Policy.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Council can adopt or not adopt the draft asset management plan.
15. There are no legal implications associated with this item.

**SUMMARY CONCLUSION**

16. The adoption of the Asset Management Plan – Drainage will provide the City with a strategic direction for the management of its drainage network over a five (5) year period.

<b>Consulted References</b>	Local Government Act 1995
<b>File Number (Name of Ward)</b>	CP.PLA.1 (All Wards)

### **3.3: REVIEW OF DELEGATION FOR CROWN RESERVES**

**Summary of Key Point** : Review of Council delegation for Crown Reserves  
**Responsible Officer** : Executive Director Works & Services (K Ketterer)

#### **IN BRIEF**

- Review of Council Delegations for Crown Reserves

#### **ITEM 3.3: RESPONSIBLE OFFICER RECOMMENDATION**

That Council **ADOPT** the reviewed delegation for Crown Reserves as follows:

**(ABSOLUTE MAJORITY)**

That, under section 3.54 of the *Local Government Act 1995* and under Part 4 of the *Land Administration Act 1997 (Reserves)* the CEO be delegated authority to process requests related to Crown Reserves.

#### **Conditions:**

- Creation and Change of Purpose of a Crown Reserve must be compliant with City Town Planning Schemes.
- Authority to approve and comment on requests from the Crown be limited to leases not requiring any structures to be built.
- Asset Management Plans adopted by Council – Roads, Reserves – Natural and Developed, and Drainage
- City of Albany Bushfire strategy

#### **Applicable legislation/policy:**

- City of Albany 2020 Strategic Plan
- City of Albany Town Planning Scheme
- Asset Management Plans adopted by Council – Roads, Reserves – Natural and Developed, and Drainage
- City of Albany Bushfire strategy

**CEO:**

**RESPONSIBLE OFFICER:**

## **BACKGROUND**

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

## **DISCUSSION**

3. The Department of Lands is receiving regular requests from government departments and private citizens, about possible amendments to Crown reserves that are referred to the local authority for comment. These requests are in addition to the normal number of requests of this nature received from the Department, which are very few annually. It is clear that the Department is considering all their land holdings, and making an attempt to "regularise" their management and allocate this responsibility to the most appropriate authority, or to dispose of the land. These requests are sent to most authorities for comment, and the Department makes a final decision regarding any land in question upon receipt of all comments.
4. In this regard, the City is being requested input on proposed disposal of land, amendments to management orders, combining of areas under management and similar matters. Some specific examples of the type of minor requests are:
  - Re-alignment of reserve boundaries
  - Changes of purpose of Reserves
  - Closure of Right Of Ways
  - Management order changes and
  - Potential land sales by the Crown
5. Many of the requests are of a minor nature, which could be dealt with administratively, as direction is provided via adopted Council documents such as:
  - City of Albany 2020 Strategic Plan
  - City of Albany Town Planning Scheme
  - Asset Management Plans adopted by Council – Roads, Reserves – Natural and Developed, and Drainage
  - City of Albany Bushfire strategy
6. Where a request would require a strategic decision, not covered by an existing policy or strategy, such a request would be referred to Council for consideration. Examples in this category include items such as The Waterfront development, Landcorp Emu Point land development, requests for changes to A class reserves.

## **STATUTORY IMPLICATIONS**

### **Delegation to CEO**

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

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

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

### **Delegations to be reviewed every financial year**

8. Under the provisions of section 5.46 (2) of the Act, delegations must be reviewed by the delegator at least once every financial year.
9. The current delegation for Crown Reserves approved by Council in December 2010 is as follows -

#### **“CROWN RESERVES**

That, under section 3.54 of the *Local Government Act 1995* the CEO be delegated authority to process requests related to Crown Reserves.

Conditions:

- Creation and Change of Purpose of a Crown Reserve must be compliant with City Town Planning Schemes.
- Authority to approve and comment on requests from the Crown be limited to leases not requiring any structures to be built.

Applicable legislation/policy:

- *Local Government Act 1995, sections 5.43 (Limits on delegation to CEO) 3.54 (Reserves under control of local government)*
- *Land Administration Act 1997*
- *Parks and Reserves Act 1895*

<b>Consulted References</b>	Local Government Act 1995 (Act) Interpretation Act 1984 Land Administration Act 1997 Better Practice Review – City of Albany – Interim Report – July 2010
<b>File Number (Name of Ward)</b>	PE.AUT.1 (All Wards)
<b>Previous Reference</b>	OCM 14.12.10 item 4.3

**3.4: PANEL OF SUPPLIERS CONSTRUCTION EQUIPMENT – CONTRACT C10027**

**Proponent** : City of Albany  
**Business Entity Name** : Various, detailed at Paragraph 5.  
**Responsible Officer** : Executive Director Works and Services (K Ketterer)

**IN BRIEF**

- Tender C10027 – Panel of Suppliers Construction Equipment - be AWARDED to various suppliers.

**ITEM 3.4: RESPONSIBLE OFFICER RECOMMENDATION**

**The Panel of Suppliers Construction Equipment Tender (C10027) – be AWARDED in the following suppliers :**

- **Albany Industrial Services for acceptance of the tendered rates.**
- **Bill Gibbs Excavations for acceptance of the tendered rates.**
- **Palmer Earthmoving Pty Ltd for acceptance of the tendered rates.**
- **Great Southern Sands for acceptance of the tendered rates.**

**Condition:**

**Allocations of work be assigned to the lowest tenderer in each equipment classification, and should the equipment not be available as required, the next lowest tenderer be approached.**

**(ABSOLUTE MAJORITY)**

**BACKGROUND**

1. The City of Albany is seeking to establish a Panel of Suppliers for the supply of construction plant and equipment for a twelve month term. The availability of this type of equipment will be accessed to augment the City of Albany's own resources during peak construction and maintenance periods. The City of Albany's current contract for the Panel of Suppliers expired in October 2010.

**DISCUSSION**

2. Tenders were asked to provide hire rates for items of plant, with an operator supplied. These preferred suppliers will be used on an 'as and when' basis with no guarantee of the amount of work required by the City of Albany.

**CEO:**

**RESPONSIBLE OFFICER:**

3. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender.
4. The tenders were assessed in two stages.
  - **Stage 1** – Compulsory Compliance – provide evidence of current insurances and evidence of an In House Safety Management Plan.  
Tenders must comply with the Compulsory Stage 1 before further evaluation is carried out. In the case of this tender, all tenderers were compliant with Stage 1 of the assessment.
  - **Stage 2** – Assessment of Cost, Technical Compliance and Reliability of Contractor
5. The criteria used for this stage of the assessment is documented below

Criteria	% Weight
Cost	60%
Technical Compliance & Experience	20%
Reliability of Contractor	20%
<b>TOTAL</b>	<b>100%</b>

6. Tenderers were required to submit rates per hour, as well as standby rates and mobilisation/demobilisation rates.
7. For the purposes of the assessment, the allocations of working and standby times comprising the standard 40 hour evaluation week, have been set at 38hrs working and 2 hours stand-by, with 2 occurrences of mobilisation/remobilisation.
8. Tenders from a total of four suppliers were received. These suppliers are listed below

Tenderer	Abbreviation for Evaluation Purposes	Local Preference Qualification
Bill Gibbs Excavations	Bill Gibbs	Yes
Palmer Earthmoving Pty Ltd	Palmer	Yes
Great Southern Sands	GSS	Yes
Albany Industrial Services Pty Ltd	AIS	Yes

9. The following tables summarize the tender evaluation scores.. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are “commercial in confidence”, and should not be made publically available.

**Excavator 18 Ton**

Tender	Equipment	Score
Bill Gibbs	Kobelco SK200	503.37
Palmer	Cat 318BL	416.8

**Excavator 20 Ton**

Tender	Equipment	Score
AIS	Hitachi ZX230	465.60
Bill Gibbs	Komatsu PC220	421.00
Palmer	Cat 318BL	383.20
GSS	Volvo EC 210C	530.20

**Excavator 25 Ton**

Tender	Equipment	Score
Palmer	Cat 322CL	360.40
GSS	Volvo EC 240B	559.60

**Excavator 30 Ton**

Tender	Equipment	Score
GSS	Volvo EC 290C	602.20
Bill Gibbs	Hyundai 290	501.40
Palmer	Volvo EC360CL	277.00

**Bulldozer 8.6 Ton**

Tender	Equipment	Score
AIS	Komatsu D53	420.00

**Bulldozer 22 Ton**

Tender	Equipment	Score
AIS	Komatsu D85	420.00

**Bulldozer 37 Ton**

Tender	Equipment	Score
GSS	Cat D7R	526.00
Palmer	Komatsu D85A-21	394.00



***Bulldozer 45 Ton***

<b>Tender</b>	<b>Equipment</b>	<b>Alt A Score</b>
GSS	Cat D9R	506.20
Palmer	Komatsu D155A-2	469.00
Palmer	Cat D9N	404.80

***Padfoot Roller***

<b>Tender</b>	<b>Equipment</b>	<b>Alt A Score</b>
GSS	Cat CP563	587.20
Palmer	Dynapac	332.80

***Loader***

<b>Tender</b>	<b>Equipment</b>	<b>Alt A Score</b>
AIS	Komatsu WA250	498.00
GSS	Volvo 150F	433.00
Bill Gibbs	Hyundi 760-7	409.00

***Truck (Semi Tipper)***

<b>Tender</b>	<b>Equipment</b>	<b>Alt A Score</b>
GSS	Nissan UD 445	506.80
AIS	Nissan UD 400	459.60
Palmer	FH12	431.80
Bill Gibbs	Iveco Powerstar	401.80

***Truck (Tandem)***

<b>Tender</b>	<b>Equipment</b>	<b>Alt A Score</b>
GSS	Nissan UD 385	513.40
AIS	Nissan UD 300	496.20
Palmer	Nissan UD	395.80
Bill Gibbs	Iveco 4300	394.00

10. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.
11. In practice it is often the case that equipment ordered from a recommended successful supplier is often not available due to it being allocated to another contractor or is working on another site. It is then standard practice to approach another supplier who has the same or equivalent equipment to supply the equipment, even though this second supplier is not the lowest tenderer. It would therefore be recommended that more than one tenderer be approved per item of equipment in order to satisfy the operational requirements of the Works Department.
12. In these cases, the lowest tenderer would be the default contractor, with the second and third contractors being approached only if the required equipment is not available from the lowest tenderer when required.

**PUBLIC CONSULTATION/ENGAGEMENT**

13. A request for tenders was published in the West Australian on 9 October 2010 and the Albany Weekender on 7 October 2010.

**GOVERNMENT CONSULTATION**

14. Nil

**STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

18. The expected value of plant hire in the 2011/12 financial year is expected to be in excess of \$250 000. The approval of this tender is therefore referred to Council for consideration and award.
19. Tenderers were required to provide a schedule of rates for their services, including a standby rate and mobilisation / demobilisation rates. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

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

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

## **POLICY IMPLICATIONS**

21. Council Policy – Buy Local (Regional Price Preference) is applicable to this item.
22. This policy has been considered in the evaluation of the weighted scores.

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

23. 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**

24. The City has undergone a competitive process in line with the relevant legislation and established policies. All the contractors that submitted tenders have provided construction plant and equipment to Council previously. To date, the quality of service has been acceptable to Council.

<b>Consulted References</b>	Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	C10027 (All Wards)
<b>Previous Reference</b>	OCM 14/12/10 Item 3.3

## **4.1.1: STREETScape ADVISORY COMMITTEE MEETING**

**Appendices** : Committee Meeting Minutes 8 February 2011  
**Responsible Officer** : Chief Executive Officer (F James)

### **IN BRIEF**

- Receive the minutes of Council's Committee.

### **MOTION 1: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT** the following items be **CARRIED** en bloc:

- **Item 4.1.2-Streetscape Advisory Committee Meeting Minutes**
- **Item 4.1.3-Local Emergency Management Committee Meeting Minutes**
- **Item 4.1.4-Airport Emergency Management Committee Meeting Minutes**
- **Item 4.1.6-Seniors Advisory Committee Meeting Minutes**
- **Item 4.1.7-Audit Committee Meeting Minutes**

### **ITEM 4.1.1: COMMITTEE RECOMMENDATION**

**THAT** the **UNCONFIRMED** minutes of the Streetscape Advisory Committee meeting held on 8 February 2011 be **RECEIVED**.

**CEO:**

**4.1.2: LOCAL EMERGENCY MANAGEMENT COMMITTEE**

**Appendices** : Committee Meeting Minutes – 02/03/2011  
**Responsible Officer** : A/Executive Director Corporate & Community Services  
(P Wignall)

**IN BRIEF**

- Receive the minutes of the Local Emergency Management Committee held 2 March 2011

**ITEM 4.1.2: COMMITTEE RECOMMENDATION**

**THAT the CONFIRMED minutes of 01/12/2010 and the UNCONFIRMED minutes of 02/03/2011 be RECEIVED.**

**CEO:**

**RESPONSIBLE OFFICER:**

**4.1.3: AIRPORT EMERGENCY MANAGEMENT COMMITTEE**

**Appendices** : Committee Meeting Minutes –  
**Responsible Officer** : A/Executive Director Corporate & Community Services  
(P Wignall)

**IN BRIEF**

- Receive the minutes of the Airport Emergency Management Committee.

**ITEM 4.1.3: COMMITTEE RECOMMENDATION**

**THAT the CONFIRMED minutes of 14/12/2010 and UNCONFIRMED minutes of 02/03/2011 be RECEIVED.**

**CEO:**

**RESPONSIBLE OFFICER:**

**4.1.4: SENIORS ADVISORY COMMITTEE**

**Appendices** : Minutes of the Seniors Advisory Committee meeting held on 17 February 2011  
**Responsible Officer** : A/Executive Director Corporate & Community Services (P Wignall)

**IN BRIEF**

- Receive the minutes of the Seniors Advisory Committee.

**ITEM 4.1.4: COMMITTEE RECOMMENDATION**

The UNCONFIRMED minutes of the Seniors Advisory Committee meeting held on Thursday 17 February 2011, be RECEIVED.

CEO:

RESPONSIBLE OFFICER:



**4.1.5: AUDIT COMMITTEE MEETING**

**Appendices** : Minutes of the Audit Committee meeting held on 1 march  
2011  
**Responsible Officer** : Chief Executive Officer (F James)

**IN BRIEF**

- Receive the minutes of the Audit Committee.

**ITEM 4.1.5: COMMITTEE RECOMMENDATION**

**THAT the Audit Committee UNCONFIRMED minutes of 01/03/2011 and the CONFIRMED minutes of 01/02/11 be RECEIVED.**

**CEO:**

**4.1.6: FINANCE STRATEGY AND ADVISORY COMMITTEE MEETING**

**Appendices** : Minutes of the Finance Strategy and Advisory Committee meeting held on 24 February 2011  
**Responsible Officer** : Chief Executive Officer (F James)

**IN BRIEF**

- Receive the minutes of the Finance Strategy and Advisory Committee meeting

**ITEM 4.1.6: COMMITTEE RECOMMENDATION**

The UNCONFIRMED minutes of the Finance Strategy and Advisory Committee meeting held on Tuesday 24<sup>th</sup> February 2011, be RECEIVED.

**CEO:**

## **4.2: LOCAL PUBLIC NOTICE – COUNCIL MEETING CALENDAR**

**Attachment** : City of Albany Meeting, Briefing & Key Date Calendar  
2011/12 – Version 5 as at 23/02/11  
**Responsible Officer** : Chief Executive Officer (F James)

### **IN BRIEF**

- Consider reintroduction of ordinary meetings of Council in the month of January.

### **4.2: REVOCATION MOTION BY COUNCILLOR LEAVESLEY VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT the Motion resolved at Report Item 4.1 – Local Public Notice – Council Meeting Calendar dated 17 February 2011 (attached) be amended to include a briefing session and ordinary meeting of Council in January as follows:**

- **Briefing Session, Tuesday 3 January 2012 at 7pm.**
- **Ordinary Council Meeting, Tuesday 17 January 2012 at 7pm.**

### **BACKGROUND**

1. On 17 February 2011 Council resolved to adopt a new meeting schedule.
2. Councillor Leavesley requested that an item be considered at the March meeting regarding reintroducing an ordinary meeting in the month of January.
3. Prior to January 2011, a meeting was traditionally held in January.

**CEO:**

## DISCUSSION

4. At its February 2011 Ordinary meeting, Council resolved:

### THAT:

- (i) **Agenda Briefing session be held two weeks (14 days) prior to Ordinary meetings of Council.**
- (ii) **Agenda Briefing Sessions and Ordinary meetings of Council are to be held at 7.00pm.**
- (iii) **The proposed changes to take effect after the March ordinary meeting of Council.**
- (iv) **The following ordinary meetings of Council dates be APPROVED:**

Month	Year	Tue Briefing (6pm)	Tue Meeting (7pm)
Mar	2011	8/03/11	15/03/11
Month	Year	Tue Briefing (7pm)	Tue Meeting (7pm)
Apr	2011	05/04/11	19/04/11
May	2011	03/05/11	17/05/11
Jun	2011	07/06/11	21/06/11
Jul	2011	05/07/11	19/07/11
Aug	2011	02/08/11	16/08/11
Sep	2011	06/09/11	20/09/11
Oct	2011	27/09/11	11/10/11
Nov	2011	01/11/11	15/11/11
Dec	2011	29/11/11	13/12/11
Jan	2012	Nil	Nil
Feb	2012	07/02/12	21/02/12
Mar	2012	06/03/12	20/03/12

## CAUSE AND EFFECT

- 5. If no meeting is held in January 2012 elected members will incur a greater work load (more items to consider at the ordinary meeting of Council) in the month of February.

## STATUTORY IMPLICATIONS

### *Local Government (Administration) Regulations 1996*

- 6. **Meetings – Local Public Notice (LPN).** LPN is to be given at least once each year of Council and Committee meetings that the public may attend, to be held in the next 12 months. (Admin Reg 12)
- 7. If an amendment is supported local public notice is required.
- 8. **Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e).** A revocation motion is not required as the effect of the change is not substantially different from the previous decision. (Admin Reg 10)
- 9. It is considered that this change is significantly different; therefore a revocation motion is required. (A copy of the revocation motion will be distributed separately).

## FINANCIAL IMPLICATIONS

- 10. Financial implications for this item are minimal as Councillors receive an annual fee for attendance at meetings (not based on attendance at meetings). However, extra resourcing required to administer the meeting cost approximately \$950.00 dollars.

**Cost Breakdown:**

<b>Item</b>	<b>Cost</b>	<b>Remarks</b>
Minute taker	\$310.92	(hr rate of \$25.91) x 12 hours to cover briefing and meeting.
Reproduction of Agenda & Minutes (Labour)	\$207.28	(hr rate of \$25.91) x 8 hours to cover production of agenda, attachments, appendices, bulletin and minutes
Catering (Meal for briefing session)	\$351.00	(\$27.00 per head), qty 13 Elected Members and 6 Staff.
Catering (Refreshments & Supper)	\$80.00	For briefing and Council Meeting and supper for Briefing Session
<b>Total</b>	<b>\$949.20</b>	

<b>Consulted References</b>	<i>Local Government Act 1995 (Act), s5.25(1)(g)</i> <u><i>Local Government (Administration) Regulations 1996, Reg 12.</i></u>
<b>File Number (Name of Ward)</b>	:A55479 (Vancouver Ward)
<b>Previous Reference</b>	OCM 17/02/11 Item 4.1 OCM 17/08/10 Item 4.7

### **4.3: ANNUAL COMPLIANCE AUDIT RETURN 2010**

**Attachment** : Copy of Compliance Audit Return 2010  
**Responsible Officer** : Chief Executive Officer (F James)

#### **IN BRIEF**

- Present the Compliance Audit Return to Council for adoption in compliance with the final submission date; being: 31 March 2011.

#### **RECOMMENDATION**

#### **ITEM 4.3: RESPONSIBLE OFFICER RECOMMENDATION**

##### **THAT:**

- 1. The Compliance Audit Return for the City of Albany for the period of 1 January 2010 to 31 December 2010 be ADOPTED; and**
- 2. The Certificate contained within the Compliance Audit Return be ENDORSED by the CEO and the Mayor and be SUBMITTED to the Department of Local Government before 31 March 2011.**

#### **BACKGROUND**

1. Local Government Authorities are required to undertake an audit of compliance for the preceding calendar year. A copy of the 2010 Compliance Audit Return is included as an Attachment to this report.
2. The Compliance Audit Return is to be:
  - a. Presented to Council at a meeting of Council;
  - b. Adopted by Council; and
  - c. Recorded in the minutes of the meeting at which it is adopted.

#### **DISCUSSION**

3. The Compliance Audit Return forms an important part of the City's compliance monitoring program. The Compliance Audit Return commences in January 2011, with the initial distribution of questions.
4. The Assistant Business Governance Officer distributes relevant sections of the Compliance Audit to Responsible Officers for completion.
5. The completed questions are then returned by the Responsible Officer to the Assistant Business Governance Officer for compilation. Any questions being answered with a "No" response require an explanation for non compliance. by the Responsible Officer

##### **CEO:**

**Identified areas of non compliance.**

6. The identified areas of non compliance are:

a. **Delegation of Power / Duty:**

- **No. 1. Ref: s5.46(2). Delegation of Power/Duty.** *Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2009/2010 financial year?*
- **No. 5. Ref: s5.18.** Has Council reviewed delegations to its committees in the 2009/2010 financial year?

**Response:** Delegations review initiated and conducted in 2009/10 reporting period; however not finalised by Council in the period (30/6/09 to 01/07/10).

- Delegations reviewed by full Council on 21/04/09 and 16/11/10.
- With effect 16/11/10 no Committee of Council has delegated authority.

b. **Executive Functions:**

**No. 4. Ref: s3.18(3)(b).** *Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector?*

**Response:** Ongoing review of services and facilities is in progress, formally facilitated through elected member workshops and the Audit Committee.

c. **Finance:**

**No. 5. Ref: s5.56 Admin Reg 19C(2).** *Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years)?*

**Response:** Five Year Financial Plan under development. Updated Plan to be submitted for adoption in early 2011.

d. **Local Government Employees:**

**No. 10. Ref: s5.38.** *Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment?*

**Response:** No. Two reviews were not completed. One is outstanding and the other relates to the Interim CEO, who was acting in an interim position and not subject to review.

e. **Local Laws:**

**No. 6. Ref: s3.16(1).** *Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years?*

**Response:** No.

**Status:**

- Animal Local Law 2001 to be presented for consideration by Council in early 2011;
- The Former Perth 2001 to be presented for consideration by Council in early 2011.

**PUBLIC CONSULTATION/ENGAGEMENT**

7. Nil.

**GOVERNMENT CONSULTATION**

8. Nil.

**STATUTORY IMPLICATIONS**

9. Section 7.13(1)(i) of the **Local Government Act 1995** and Regulation 14 of the **Local Government (Audit) Regulations 1996** establish the requirements for Local Governments to undertake an annual compliance audit and submit a copy of that audit to the Department of Local Government (DLG).

10. Regulation 14 of the **Local Government (Audit) Regulations 1996** states:

*14. Compliance audit return to be prepared*

*(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

*(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

*(3) A compliance audit return is to be —*

*(a) presented to the council at a meeting of the council;*

*(b) adopted by the council; and*

*(c) recorded in the minutes of the meeting at which it is adopted.*

**FINANCIAL IMPLICATIONS**

11. There is no direct cost to Council for this Audit. Internal staff time for The Assistant Business Governance Officer amounted to eight hours.

**POLICY IMPLICATIONS**

12. Nil.



<b>Consulted References</b>	<i>Local Government Act 1995.</i>
<b>File Number (Name of Ward)</b>	GR.STL.6
<b>Previous Reference</b>	OCM 16/03/10 Item 16.4.1

**4.4: PLANNING AND BUILDING REPORTS FEBRUARY 2011**

**Responsible Officer** : Chief Executive Officer (F James)  
**Attachment** : Planning and Building Reports February 2011

**IN BRIEF**

- Note the contents of the Planning and Building Reports for February 2011.

**ITEM 4.4: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the contents of the Planning and Building Reports for February 2011 be NOTED.**

**CEO:**

**4.5: COMMON SEAL REPORTS**

**Responsible Officer(s)** : Chief Executive Officer (F James)  
**Attachments** : Common Seal Report

**IN BRIEF**

- Note the Common Seal Reports for February 2011, which include decisions made by Delegated Authority

**ITEM 4.5: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Common Seal Reports for February 2011 be NOTED.**

**CEO:**

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

**XV. URGENT BUSINESS APPROVED BY DECISION OF THE MEETING**

**XVI. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

Nil.

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

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

**XIX. NEXT ORDINARY MEETING DATE**

Tuesday 19<sup>th</sup> April 2011.

**XX. CLOSURE OF MEETING**

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

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
15/06/2010	15.2.3	Lot 5 Rufus Street - Compensation for Subdivision Design Changes. <b>WAITING ON ADVICE FROM LGIS.</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL.</b>
14/12/2010	3.3	Panel of Suppliers Construction Equipment. <b>TO BE PRESENTED AT THE MARCH 2011 OCM.</b>
15/02/2011	2.5	Request from Contractor to Surrender Contract-Albany Visitor Centre. <b>TO BE PRESENTED AT THE MARCH 2011 OCM.</b>
15/02/2011	2.6	Great Southern Motorplex Inc/Albany Kart Club/Albany Motorcycle Club Inc. <b>TO BE PRESENTED AT THE MARCH 2011 OCM.</b>
15/02/2011	4.11	Padre White Lookout Project. <b>CEO TO UNDERTAKE FURTHER INVESTIGATION OF THIS PROJECT, INCLUDING DETAILED BUDGET ANALYSIS FOR PROJECT SCOPE AND PROVIDE FURTHER ADVICE TO MARCH 2011 OCM.</b>