

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 15th May 2007
7.00pm
City of Albany Council Chambers**

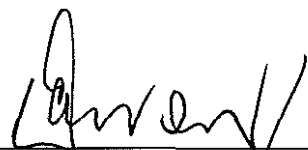
City of Albany

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Signed



Andrew Hammond
Chief Executive Officer

Date: 22nd May 2007

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.00pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	JR Byrne
Project Administration Officer	-	S Jamieson
Approximately 60 members of the public		
3 media representatives		

Apologies / Leave of Absence:

Nil

3.0 OPENING PRAYER

Mayor Goode asked all present to be upstanding and read aloud the opening prayer:

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following is a copy of the correspondence to Mrs Kim Stanton, in response to the questions she asked at the 17th April 2007 Ordinary Council Meeting.

‘I refer to the statements made by you at the Open Forum session of the Council meeting held on the 17th April 2007, regarding the Albany Waterfront Project (AWF).

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I have familiarised myself with the statements made to the press by the Chairman of the Western Australian Planning Commission on both the 9th February and the 3rd April 2007. Council has no issue with the Chairman's comments and I draw your attention to the "important steps in the implementation of the Plan" as identified by the WAPC. Council is conscious that:

- When site planning takes place (i.e. after the future landowner has submitted an application to develop one of the proposed lots, created through the subdivision process), each application will be subjected to Council scrutiny, following assessment of the application by City staff and those officers submitting a report to Council for consideration. Council is at liberty to undertake a peer review of aspects of that application, including design solutions. Each development application will be considered on its merits by Council, not by an officer of the City acting under delegated authority, thereby allowing for public input to, and scrutiny of, the decision-making process.
- The "digital simulation model" developed for the WAPC, and being promoted by the Chairman, is understood to have failed to deliver an accurate depiction of the impact of "potential hypothetical developments" on the proposed lots, hence the comment that it should be further developed. Council is aware that several computer generated models now exist of the landscape in proximity to the AWF and the City will be calling upon developers of projects on the AWF to avail themselves of that technology, in association with photomontages, as part of the process of submitting development applications to the City.
- The AWF Structure Plan (at pages 9 to 12) defines a number of primary design objectives for future developments on the AWF. Council will be calling upon developers to identify sightlines as part of their development applications. Council will then determine whether the impact of a future development upon sightlines meets the Structure Plan objectives (i.e. this requirement should not be read to mean that all sightlines must be preserved). As detailed by the WAPC Chairman, an unacceptable development may be capable of being modified (through re-orientation of building forms, modification of building positions and by changing the surface materials) to overcome unacceptable impacts upon sightlines.
- The Structure Plan identifies a single development site "to the west of the entertainment centre" and this site is located in the primary view from the rotunda to Princess Royal Harbour. Given the level of community concern over the potential impact of a future development on this site, Council is fully aware of its obligations to thoroughly scrutinise any development application upon this site.

On turning to your specific questions, I offer you the following replies;

1. *On what date did the CoA refer the Waterfront Structure Plan to the WAPC?*
On the 7th July 2006, the City of Albany provided the Department of Planning and Infrastructure with a complimentary copy of the Albany Waterfront Planning Framework (incorporating the Structure and Precinct Plans).

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2. *Why did the CoA refer the Waterfront Structure Plan to the WAPC if this was not required as part of the approval process?*

The City of Albany did not “refer” the adopted framework to the Department or the WAPC. Clauses 4.43 to 4.48 of the City of Albany Town Planning Scheme 1A outlines the process of adoption of a Structure and Precinct Plan and Council followed those procedures.

In 1997, Council adopted a Structure and Precinct Plans for an earlier concept plan for development on the AWF site. Interestingly, no WAPC endorsement of the Plans was sought at that time and the WAPC granted a subdivisional approval for development of the AWF site based upon the process employed by Council. The Scheme and WAPC policy has not altered over the intervening period.

3. *Does the CoA know why the WAPC held up the development by asking for Heritage Council and Landcorp reports? In doing so, it seems to indicate that WAPC felt it had a strong role in the approval process.*

The WAPC undertook an independent evaluation of the Albany Waterfront Planning Framework and in so doing sought additional information from Landcorp on heritage issues. As the WAPC is responsible for issuing a subdivisional approval for the creation of lots within the AWF, the Commission is at liberty to seek information from the developer on matters pertaining to that subdivision and to consult with other agencies as part of its decision making process.

4. *Has the CoA received a copy of the WAPC report to the Minister for Planning and Infrastructure, and if not, has one been requested?*

Agenda reports from Department of Planning and Infrastructure officers to the WAPC, and the subsequent report from the WAPC to the Minister, are internal documents of the Commission and not subject to public scrutiny. Previous requests from the City of Albany to the Commission to gain access to Commission documents have been denied and Council no longer asks for the reports. In the fullness of time, the City of Albany anticipates it will receive advice from the Minister or the Commission on the outcomes of the current deliberations.

5. *If so, will the report be made available to the public and if not why not?*
See above comment.

6. *What will be the City of Albany's involvement in any processes that quote... “may require modifications to the detailed configuration of the structures.”?*
See earlier comments.

7. *Have any such modifications already been discussed with Landcorp and if not, why not? Will they be, and when?*

There is a public misconception that Landcorp will be placing buildings upon the AWF. Landcorp, like any other property developer, is proposing to undertake the subdivision of the land, to service the proposed lots (i.e. build roads, lay water and sewer mains, etc) and to then sell the new lots to third parties. An agreement has been reached for Landcorp to construct a public toilet block within the AWF as part of the subdivision process and that is the exception. The Albany Waterfront Planning Framework establishes a set of rules to be applied to the assessment of future developments presented by

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third parties to the City of Albany and the City will be dealing directly with those future landowners on the configuration, etc of buildings.

8. *How does the CoA envisage actioning the important recommended steps identified by the WAPC in the implementation of the plan?*
Upon receipt of a letter from the Minister or the WAPC advising of any concerns, Council will be in a position to determine whether changes should be made to the Albany Waterfront Planning Framework. Clause 4.49 of Scheme 1A allows Council to review the content of the Precinct Plan at any time.
9. *Specifically, what will be the intensive process of "peer review and community consultation should continue intensively as the site planning, urban design and building design work is continues and refined"?*
See above comment. Please also note that the Chairman's comments related to future "site" developments, rather than to the subdivision process that Landcorp propose to undertake.
10. *When will "the digital simulation of the site, prepared for the WAPC's assessment process, be further developed and actively used to assist both in design work and in consultation with stakeholders and the public"?*
See earlier comment. Council has not been provided with a demonstration of the digital simulation and it is unreasonable to comment on the capacity of the simulation to assist in future decision-making.
11. *Whose responsibility will it be to accurately define the "sightlines to and from the water, the wharf and Stirling Terrace" so that "the form and orientation of structures can be assessed and optimised through modifying angles, envelopes and surfaces"?*
See earlier comments. The Albany Waterfront Planning Framework provides guidance on matters to be assessed and Council is under a statutory obligation to ensure that certain buildings are referred to the Heritage Council of WA prior to them being evaluated by Council.
12. *What values and what processes will be used to reconcile "the critical views into and beyond the waterfront" with the need to ensure that spaces and structures to the west of the entertainment centre fulfil their multiple purposes of viability, activity, continuity, shelter and scale"?*
Until a formal development application is received, it is not possible to provide you with information on the values that will be used to reconcile the competing objectives outlined above. Similarly, the processes used must be tailored to the application received and the statutory processes outlined in the Scheme, the Albany Waterfront Planning Framework and the Planning and Development Act.
13. *Why was a building licence issued for the building of the footbridge, when it is clear from this report that the WAPC does not consider that all the design elements had been sufficiently considered (particularly to the west of the Albany Entertainment Centre site) and " may require modification" as presented in the Structure Plan?*
A building licence has not been issued by the City of Albany for the footbridge as the structure is being built on behalf of the State Government and it is subject to the Public Works Act. The WAPC chairman has indicated that "the

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design of the spaces and structures should reconcile the multiple purposes of viability, activity, continuity, shelter, scale and critical views into and beyond the waterfront". The City understands that those matters were taken into consideration by Landcorp and the Minister during the initial design of the footbridge and its alignment and design was altered several times to reconcile heritage and other concerns.

Furthermore, the WAPC Chairman stated "it is desirable that the proposals contribute to the outstanding townscape of Albany and form well designed new elements in the harbour landscape. This may require modifications to the detailed configuration of the structures." Having not seen the report, and based upon the broad and positive statements made by the Chairman, I cannot accept your assertion that the WAPC has concluded that the design elements for the footbridge have not been sufficiently considered by Council or the State Government.

14. *Were any of the WAPC's concerns made known to you or any other Council officer, prior to the issuing of the building licence for the footbridge? (Note that in my previous questions in February to the CoA, Mr Fenn said you had written advice from the Heritage Council but not WAPC).*

It is unclear from the press release whether the WAPC has concerns over the footbridge. No concerns were raised during earlier meetings with Department of Planning and Infrastructure officers to discuss operational matters relating to the footbridge.

I trust that this information satisfies your inquiry.'

5.0 PUBLIC QUESTION TIME

***Mrs S Bezard**

Mrs Bezard addressed the Council in relation to the Waterfront Development as follows:

I would like to talk about the petition which was handed in at the last Council meeting. This requests that the City of Albany conduct a survey or referendum of all electors in the Albany Postal district. We now have 2,350 local signatures, 927 tourists, a total of 3,297 and are still going.

Why was this petition started? Because the waterfront project has been a mixture of misinformation, secrets, inadequate information and consultation.

In talking to people we have found out that many don't know much about the development because they have been shown aerial pictures and sketches and not been told basic facts.

There have been press releases by Alannah MacTiernan and Landcorp saying that the development will be good for jobs, make the waterfront exciting and vibrant and will attract locals and tourists.

Many people are not aware:

- Of the height plans of the buildings and the impact of those heights
- That the community reference group exists and that they are meant to be liaising with the public
- That pristine Emu Point bushland is to be sold to fund the entertainment centre and any profit will go to the Government
- That the money for the entertainment centre is conditional on it being placed on the waterfront
- That land on the foreshore will be sold to private developers
- That the wooden part of the jetty up to the lookout tower will be replaced by concrete and become a parking area
- That we have a Town Planning Scheme that says that Council will not support development which will detract from the Stirling Terrace heritage area and the views and vistas of the harbour.

The only consultation that I am aware of in regard to this project was the opportunity to write submissions. Many people are daunted by this. When people did write them about the precinct plan no notice was taken of those 85% who were not in favour of it.

Ross Holt, CEO of Landcorp admits the lack of communication.

He says, "I think we've fallen into the trap of telling a few people in Albany about it but not conveying it to the general community so we'll now be looking at quickly rectifying that omission." How can giving us the facts now help unless the people are consulted?

Why does Landcorp make a secret of what should be public events as the turning of the sod by Peter Watson, and the recent 'Celebration of the start of the waterfront at Albany?' I was phoned by one of the local reporters to find out the purpose and location of her visit. Is Landcorp afraid to face the people?

Item 5.0 continued

It has been said that it is too late to turn back because of all the work done so far. Already we have a bridge which is out of keeping with the surroundings, blocking views and which was chosen because it was the cheapest. Let us not make this worse by going ahead with a high rise development that the people of Albany do not want. Imagine if in the future, locals and tourists were saying, "What a shame they let that go ahead."

Here is an example of that already. At the markets on Saturday, a visitor photographed the AWAG picture taken from near the rotunda because the bridge was obscuring the view of the Railway Station area that he wanted a picture of.

If the consultation process is flawed then the project must stop now and the decision must go back to the people and be done properly. The Council has a chance tonight to start this process at a local level by finding out what the people want. A survey of all electors with factual information accompanying it, would give us the answer.

I ask you to give the people a voice and let them decide.

Madam Mayor I would like to table this speech and additional signatures to the original petition.

***Ms T Anderson**

Ms Anderson addressed the Council in relation to the Waterfront development issue as follows:

My name is Trudi Anderson. I am an Albany resident and local business owner.

In October 2005, I responded to an ad in the newspaper, from Landcorp, calling for members of the public to nominate for inclusion in a community reference group for the waterfront project.

I felt that it was a great opportunity for the thoughts and opinions of the general public to be brought into the planning and design of their foreshore.

I have a young family involved in many school and community activities. Which by its very nature brings me into contact with people from a different demographic of our town's population than is usually represented on such groups or committees. I felt that it was important that their feelings and ideas about the project be given a voice on the proposed reference group.

At the first meeting of the Community Reference Group (CRG) in February of 2006 I was surprised to be presented with very finalised looking plans of the waterfront precinct that showed hotel, commercial space, the entertainment centre and boat harbour. I had to wonder why we were there if it had all been planned and decided upon. And I have continued to struggle with the purpose of the group as anything other than a token gesture on the part of Landcorp and local government representatives, so that they could say that the community had been consulted.

We were brought in way too late in the planning and design components of this project, and were given the impression that any changes to these plans would be minimal and mostly superficial due to budget restraints.

Item 5.0 continued

In the CRG, Landcorp had chosen a group of people that amongst them have a wealth of knowledge and past experience with the waterfront especially in respect to the requirements for the marina. And were well able to represent the invaluable opinions of the community groups that they were there to represent. Unfortunately, I feel, that this was all largely ignored and that as a group we have not been involved in any meaningful or realistic decision making in this project. An example of this is the pedestrian bridge. The people of Albany were shown one thing and then given another. The CRG was not shown a brief, the budget, or any of the design submissions. Nor were any of their opinions, and those of the community, canvassed regarding this structure.

Part of our role as members of the CRG was to, and I quote, 'Bring to Landcorp's attention general community concerns or specific issues about the future of the site which may have the potential to impact its acceptance in the wider community'.

But when many of these concerns over such matters as building heights, heritage views, design of the marina etc have been put forward, they have been met with very trite and dismissive answers along the lines of 'well this is the way it is going to be, it has already been agreed upon, it is what the budget allows, so let's just get on with it.'

These are not the answers that satisfy the town's people that I take them back to. I no longer wish to be used by Landcorp as a community punching bag, as part of this ridiculous and ineffectual public relations exercise.

I will of course be resigning from the group as of today.

I feel strongly that Council has been fooled into believing that this Community Reference Group has been part of an adequate consultation process for this important project. And I would be more than willing to speak further with Councillors about specific examples of how and why I feel that this part of the process has failed to meet the expectations of the people of Albany. It certainly deserves more than this 4 minutes of your time.

Thank you.

***Mr T Demarteau**

Mr Demarteau addressed the Council on various matters as follows:

Good evening Madam Mayor and Councillors. My name is Tony Demarteau and I live at 24 Lorenzo Way Albany.

I wish to speak on three items on the agenda:

- Item 16.1 Mayoral allowance
- Item 11.1.4 Shopping Centre Orana; and
- Item 13.4.1 Purchasing Policy Tenders and Quotes

Madam Mayor and Councillors, we have conducted a couple of Mayoral elections for the City of Albany in the past, and we have always had a good field of candidates, 7 in 2001, 5 in 2003, and we already have 2 Councillors in Mayor Goode and Councillor Jamieson nominating for the next Mayoral race, and we are still 5 months away from election.

Item 5.0 continued

A jump from the \$12,000 allowance to the one being put forward tonight is significant. Every year the ratepayers have to endure rate increases, and it becomes harder and harder for the fixed income home owners to cover their rate expenses along with all the other increases that they face. If we are going to spend that kind of ratepayers dollars, then we still have a long way to go in repairing our footpaths, lighting and roads. I would rather spend that kind of money on those issues, or perhaps things such as security in the CBD, or even a weekly recycle collection as opposed to fortnightly. Recycling is becoming more and more popular in Albany, and that is one area where that kind of money would really benefit. Most of all though I would rather we just don't have this extra expense, and perhaps we could really minimise the impact of the local budget and rates.

If this item is passed by Council, I for one will be asking all potential Mayoral and Councillor candidates if they would support a rescission motion of the motion at the first Council meeting after the October election. The candidates that support a rescission will be the ones that get my vote and support, and I am sure that there will be many more electors voting the same way.

Councillors, we already have two candidates for the Mayor's position, and I am sure we will have a few more hands in the ring. Many people nominate for this position, and also Councillor positions because they have a passion for Albany, and they are from all sectors of life. Sure, the increase will make it attractive to many more candidates, however you could end up with a huge supply of nominations for the electors to consider. This may in fact have a negative impact. The system has worked well so far, why change?

I am not saying the Mayor and Councillors don't deserve remuneration, as I for one can say that the \$6,000 per year I received when I was a Councillor was certainly helpful in carrying out my duties. Please remember that the Mayor also gets a meeting fee and a car, and as far as I am aware that is not part of the suggested amount, but is on top of that amount. You reduced the number of Councillors at the next election from 14 to 12, saving approximately \$18,000 in Councillors fees, and yet you are considering an increase which would effectively wipe out the saving and create an increase in costs.

I urge you Councillors, please do not support the increase in the Mayoral allowance, and as a ratepaying citizen of Albany, I call on you please Mr Hammond to record the vote of this item of all the names of the Councillors who vote for and against so the people of Albany have a clear picture of who voted which way.

Item 11.1.4 Shopping Centre in Orana – I support this happening and encourage Councillors to vote for this item.

Item 13.4.1 Purchasing Policy Tenders and Quotes – I commend the officers motion to you. I deal with purchasing and tender issues every day as part of my work and this recommendation will bring the tender threshold into line with the State Government's threshold. It will reduce the workload of officers and Council also.

Thank you.

Item 5.0 continued

***Ms B Bassan**

Ms Bassan addressed the Council in relation to the Waterfront development as follows:

Madam Mayor and Councillors, I rise to speak about the Waterfront project.

On 15th March 2005, local ABC Radio broadcast this item:

'The Member for Albany, Peter Watson, says the City Council should reconsider the location for the planned entertainment and convention centre.

Mr Watson says the City should consider incorporating the entertainment centre into the waterfront development on the Albany foreshore.

"I had a meeting with [Planning Minister] Alannah MacTiernan last week and also LandCorp and put the proposal to them," he said.

"They were quite open about it and suggested we had a meeting with the City of Albany and with [Albany Chief Executive] Andrew Hammond to look at the viability of project shifting it down to there."

The City of Albany says the foreshore was considered as a site for the entertainment centre but was ruled out.

However, Mr Hammond says the City is always open to suggestions from the Government or members of the public.

"The foreshore was considered and ruled out, but I believe only in the context of what was planned at that time," he said.

"It's probably fair to say that the Albany waterfront project is different to what was proposed before, so Council obviously now will have to look at a proposal that LandCorp will develop".

On 26th September 2006, the Minister for Planning and Infrastructure was asked the following questions in the Legislative Assembly:

- 1) "Can the Minister confirm it was her decision to incorporate the entertainment centre in the waterfront redevelopment project?"
- 2) "Will she consider reverting to the original proposal from the City of Albany to build the entertainment centre on York Street?"

In her response, Minister MacTiernan said:

"After the last election, the member for Albany came to me seeking my advice because the feedback to him from his constituents was that the entertainment centre should be moved to the foreshore. The Council, not the State Government, made the decision to relocate that facility to the foreshore. It was not the State Government's decision to move that project; it was the City of Albany's decision."

Item 5.0 continued

The Weekender of December 2006 says:

Mayor Goode said Council was coerced into moving the AEC to the foreshore, but she saw it as an opportunity for Albany to finally get a world-class venue.

Is it true that Council was coerced into making this decision?

The Memorandum of Agreement was signed on 6 September 2005. The people of Albany believed that the survey consultation in 2004 was real, that what was put before the wider community at that time, was done so in good faith.

Now we have records showing that a 'bright idea' from the local MLA has been agreed to by the Minister, and subsequently, by this Council, without going back to the people. This means that the consultation process in 2004 was a sham.

The only consultation which has taken place since then has been in relation to the Precinct and Structure Plans which were 'fait accompli' if the Mayor was correctly quoted as saying the Council was 'coerced'. The Community Reference Group was a confidential process, and despite the good intentions of community members on that committee, they were constrained in what they could say. It was also suggested to one member that he resign if he wanted to continue writing letters to the paper. Most of the public didn't know about this group and their stated role.

This is simply not true consultation. The people of Albany look to the Council to represent their views based on consultation.

***Ms V Torr**

In light of the sacking of several members from Parliament has Council taken any investigative steps to ensure that the Memorandum of Agreement signed by Alannah MacTiernan, John Bowler and Alison Goode on the 5/9/2005 was not subject to any illegal influences? Any three of the sacked Ministers would have been able to manipulate aspects of the agreements as witnessed by the Smiths Beach episode.

The Chief Executive Officer responded no.

Does City of Albany have a secured bond from Grange Resources for work done by Council on its feasibility study?

The Chief Executive Officer responded by advising that the City of Albany has not done work for Grange Resources.

Does Council know that tourist self-contained units may be strata titled and sold to the public?

The Executive Director Development Services responded yes.

Is there any provision being provided to ensure people coming off the bridge are not pushed into the traffic?

The Executive Director Works and Services responded by advising that it has been considered and will be evaluated once the pedestrian bridge is completed.

Item 5.0 continued

Ms Torr made further statements about the cost and decision making in relation to the Albany Waterfront development and Entertainment Centre.

***Mr D Dufty**

How much of the \$35M cost of the entertainment centre will Council bear?

The Chief Executive Officer, Andrew Hammond, responded by advising that there is no cost to the Council for the construction of the entertainment centre. However, the City of Albany has agreed to pay \$1M for the site.

Where will ANZAC parades be held if the ANZAC Peace Park is built?

The Chief Executive Officer advised that the ANZAC Peace Park has been designed to accommodate the ANZAC Day Service and Parade.

Mr Dufty stated that he felt this was not possible. Mr Dufty further explained he had marked out the area of the ANZAC Peace Park prior to the 2007 ANZAC Day Service / Parade and people were spread out beyond the defined ANZAC Peace Park.

Mr Dufty also stated that he had undertaken a survey of his street in relation to the waterfront development, and that the majority were against it.

***Mr B Robinson**

Mr Robinson addressed the Council in relation to Item 11.1.2 – Development Application – Holiday Accommodation – Lot 2 (15-17) Earl Street, Albany.

Mr Robinson said that the site is far too steep to accommodate the garaging and car parking arrangements proposed, and that the proposed driveway was too narrow, compounded by the location of a gas meter that constituted a serious hazard. He suggested that these factors, combined with a lack of on-street parking would lead to illegal and undesirable parking by holidaying tenants.

Public Question Time was extended for a further 15 minutes by a majority show of hands of Council.

***Mrs T Webb**

Mrs Webb addressed the Council in relation to the Waterfront development and spoke against the development. Mrs Webb expressed her main concerns were associated with traffic conflicts and loss of views.

Mrs Webb commented that the heavy haulage nature of the traffic, combined with the volume of traffic along the Port Road, was dangerous when combined with residential and tourist traffic. She also felt that the transport industry was a significant regional employer and economic driver and the livelihoods of persons involved in this industry were under threat from the development of the waterfront, because she believed that it would impact on the operations of the Port.

Mrs Webb also stated that tourists she had spoken to cannot believe that it is proposed to build on the foreshore.

***Mrs K Stanton**

Mrs Stanton addressed the Council in relation to various matters as follows:

Item 5.0 continued

Mrs Stanton thanked the Council for its recycling efforts, and in particular, the greenwaste verge pickup currently being conducted. She said that many residents were taking advantage of this service and it was worthwhile.

Mrs Stanton also asked Council to consider establishing a Local Law to regulate burning of 'garden' refuse on the ground. She said recent 'burns' had created an environmental hazard.

Mrs Stanton stated she thought the Geraldton Local Law was a good start. However, she requested the Council consider improving on the City of Geraldton Cat Local Law by increasing the requirements, and possible ongoing subsidisation, for cat sterilisation.

***Mr Bill Crisp**

Mr Crisp addressed the Council in relation to Item 11.2.2 – Local Law – Consider Adoption of Cat Local Law. Mr Crisp stated that he doesn't own a cat, but is often subject to cats causing a nuisance around his home. He encouraged Council to adopt a local law controlling cats, as opposed to adopting the Geraldton model.

***Ms T Cleeve**

Ms Cleeve addressed the Council in relation to the Waterfront development as follows:

Great cities have great parks and Albany foreshore has the potential to become a world class park and should be preserved and enhanced for the enjoyment of current and future generations without the intrusion of commercial interests. This area should be for the public to use for passive recreation. Families and tourists alike would utilise this feature if created with vision.

Will the new development allow the residents of Albany to walk their dogs on the promenade?

Will cyclists be able to use the promenade? If not, where is the cycleway?

Can families play with a footy or a frisbee? If so, where?

Where can the people have a picnic overlooking the water or even a BBQ? Surely that iconic pleasure has not vanished.

A small scale affordable project will provide long term community benefits whereas a multimillion dollar folly which we cannot afford now or be able to maintain will be a millstone round our neck for many years to come. Protect the qualities that attract people to coastal cities and set Albany apart from other locations along the coast.

Again on behalf of AWAG I ask that you address the lack of consultation and rectify the situation with a full and informed survey.

***Mr J Boulwood**

Mr Boulwood addressed the Council and stated he was very concerned at a comment made by an elected member to him recently, that their vision was to see Albany potentially becoming the second largest city east of Melbourne.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 17th April 2007; as previously distributed be confirmed as a true and accurate record of proceedings, subject to the word 'December' being replaced with the word 'January', where it first appears in part (2) of the resolution, on page 82.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WALKER**

THAT the following minutes:

- **Ordinary Council meeting held on 17th April 2007; as previously distributed be confirmed as a true and accurate record of proceedings, subject to the word 'December' being replaced with the word 'January', where it first appears in part (2) of the resolution, on page 82.**

CARRIED 15-0

Reason:

It was intended that the CPI movement be assessed for the 12 month period of 1 January to 31 December 2007, not the month of December 2007 as recorded in the resolution.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item	Nature of Interest
Robert Fenn, Executive Director Development Services	11.1.4	Financial - Daughter is employed by Coles Supermarkets and Coles may be a potential tenant in the shopping centre
Councillor Merryn Bojcun	11.2.3	Financial - Shareholder in applicant company
Councillor John Walker	11.2.3	Financial - Shareholder in applicant company
Councillor Daniel Wiseman	11.3.5	Proximity – Owns property next to site

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 19.1 Analysis of Planning Scheme Consent – Barry Court
- 19.2 Albany Waterfront Structure and Precinct Plans – Validity of Adoption Process

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

- **Speed and Safety Concerns – Serpentine Road, Albany**
A petition containing 55 signatures has been received from Mrs Susan Price on behalf of residents of Serpentine Road, between Collie and Durham Streets, expressing their concerns about speeding and other traffic safety issues in that section of Serpentine Road.
- **Request for full public consultation on the current Albany Waterfront Project**
Additional signatures to the previously submitted petition were tabled, requesting full public consultation take place in the form of a referendum or survey to all households in the City of Albany in consultation with representatives of The Albany Waterfront Action Group.

Development Services

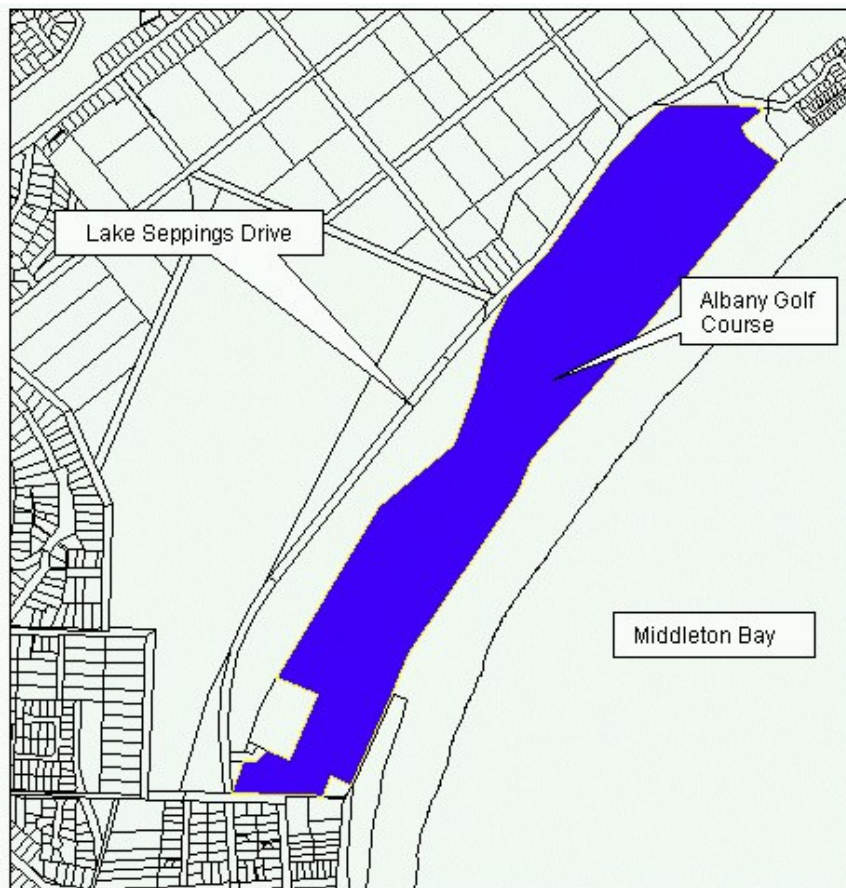
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Heritage Listing - Albany Golf Course

File/Ward	:	A186694, A145757, A136770, GOV032 (Breaksea Ward)
Proposal/Issue	:	Heritage Registration of Albany Golf Course
Subject Land/Locality	:	Reserves 412767 and 27629
Proponent	:	Heritage Council of WA
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Seek Exclusion Area from Registered Site
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. The Heritage Council of WA (HCWA) recently advised the City of its intentions to place the Albany Golf Course on the State Register of Heritage Places. City staff lodged an objection to the registration, highlighting that land at the southern extremity of the reserve is capable of being developed, and that development potential should not be fettered by the HCWA's actions to register the golf course. A similar objection was lodged by Tourism WA.
2. Prior to the Minister for Heritage agreeing to the Interim Registration, she has requested that the HCWA liaise with the City of Albany on the proposed curtilage of the registered site. The HCWA has also advised that it will only need to provide advice on works that may affect what is identified in the assessment document as significant (the course proper) and not general maintenance matters.

STATUTORY REQUIREMENTS

3. The *Heritage of WA Act 1990* requires any development within the curtilage of a heritage (State) registered site to be referred to the HCWA and any requirements of the HCWA are to be incorporated into Council's deliberations on the application.

POLICY IMPLICATIONS

4. Council has engaged the services of Patric de Villiers to review building heights throughout the City and any potential changes in policy may impact upon this item.

FINANCIAL IMPLICATIONS

5. The subject land is a Crown reserve and any financial benefits from the sale and development of the land will transfer to State Treasury.

STRATEGIC IMPLICATIONS

6. The southern extremity of the golf course adjoins residential and tourist related developments in Middleton Beach. Tourism WA is promoting the excision of a site from the golf course for a future tourism development.

COMMENT/DISCUSSION

7. The HCWA is proposing to exclude the reserve upon which the former clubhouse was located (Reserve 41267) and the intervening land backing onto Wollaston Road. The boundary recommended for that exclusion fails to recognise the actual layout of the course (it relies upon cadastral information), creating the potential for additional administrative processes, should the boundary be adopted.
8. Following this report are copies of plans showing the HCWA's recommended exclusion area and an alternate proposal developed by City staff. If a development site is created, it is desirable that some form of access (pedestrian) to Flinders Parade be provided from that site.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

9. There is an undeveloped portion of land, being Lot 841 with an area of 2024m², to the north of the CWA units and a Crown Grant was issued to the Australian Labour Party (WA) in 1957 for the land to be used for the purpose of “Convalescent and Rest Home”. A golf course tee has been developed close to the northern boundary of that land, removing the development of a physical access way to Flinders Parade. A pedestrian access way exists along the Southern boundary of Lot 841 and that access way should be developed as part of a tourism project.

RECOMMENDATION

THAT Council recommend to the Heritage Council of WA that the curtilage of the Albany Golf Course site to be included on the State Register of Heritage Sites be modified to exclude the area identified on the plan prepared by the City of Albany.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR EVANS**

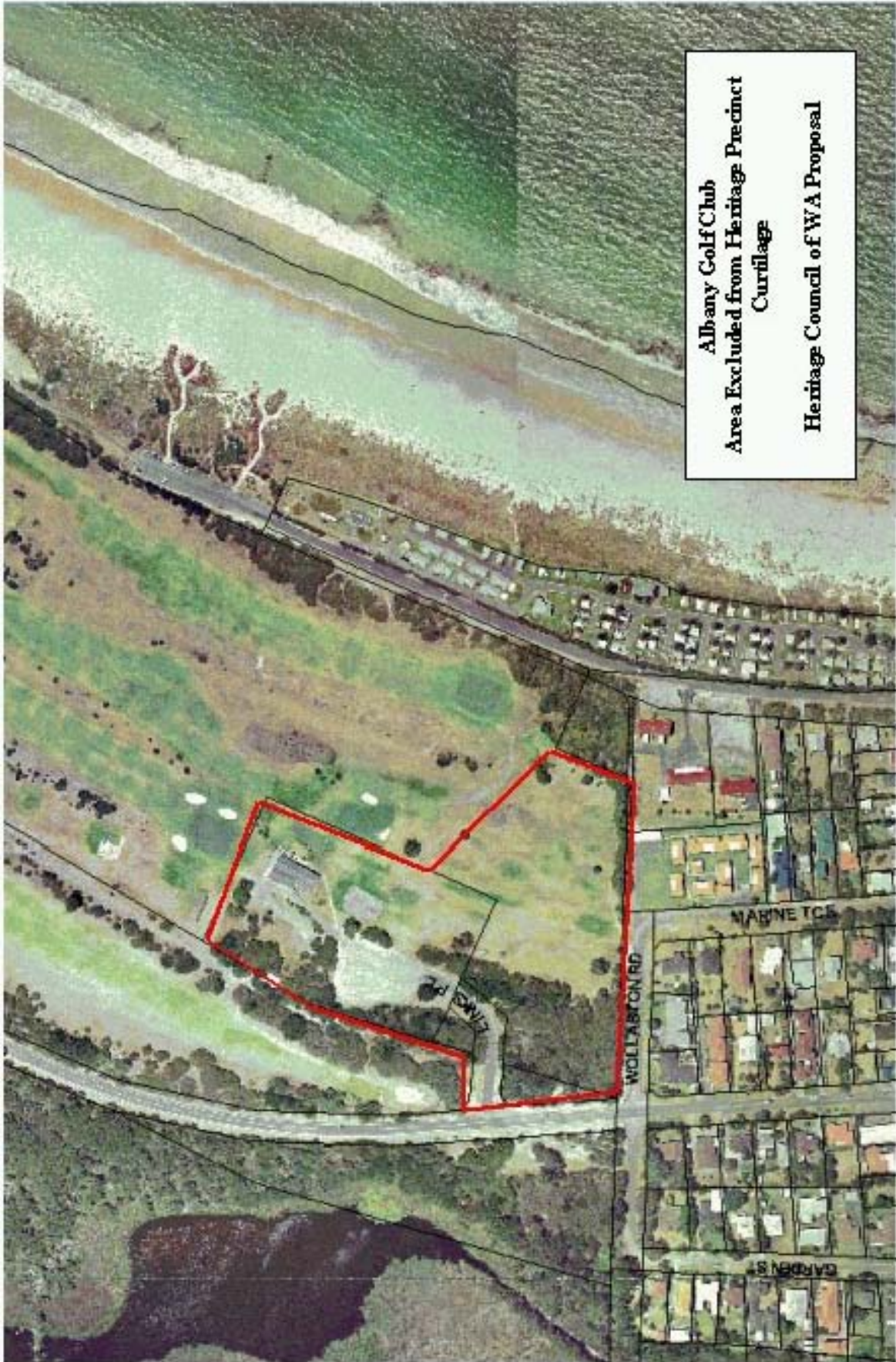
THAT Council lay this item on the table for a period of one month to provide adequate time for Council to gain detailed information from the Heritage Council of WA on the operational impacts of entering the golf course on the State Register of Heritage Places.

CARRIED 15-0

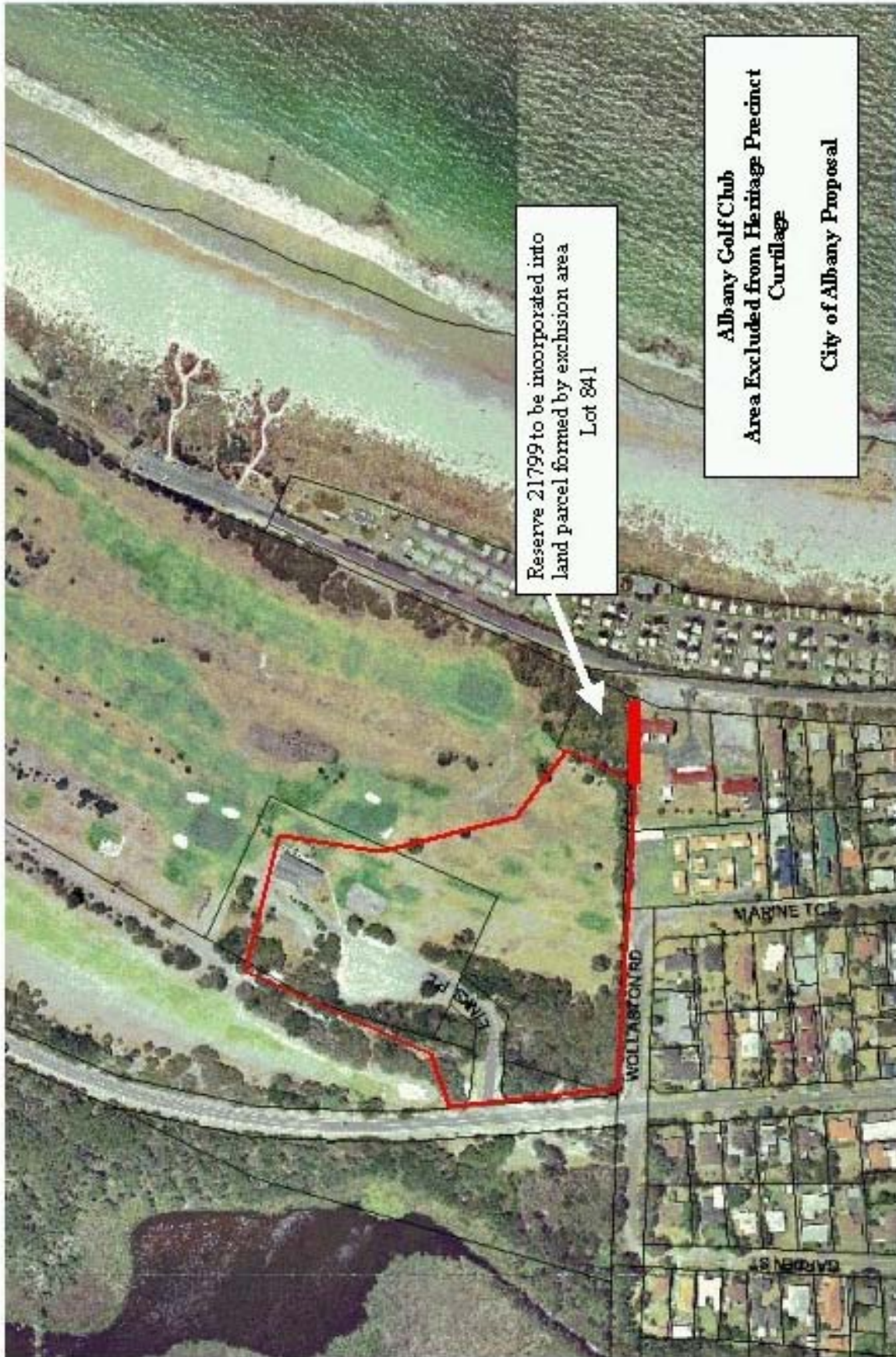
Reason:

Golf courses are comprised of grass fairways and adjacent rough (shrubs, trees, etc) and they are subject to continual change. It would be unreasonable to expect the Albany Golf Club to gain the approval of the Heritage Council of WA when the club wishes to undertake maintenance of the rough, to alter the position of a tee, or to modify the layout of the golf course. The impact of heritage listing needs to be clearly understood before Council debates this item.

Item 11.1.1 continued



Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application - Holiday Accommodation - Lot 2 (15-17) Earl Street, Albany

File/Ward	:	A141335 (Frederickstown Ward)
Proposal/Issue	:	Holiday Accommodation
Subject Land/Locality	:	Lot 2 (15-17) Earl Street, Albany
Proponent	:	M Wareing & L van Halteren
Owner	:	M Wareing & L van Halteren
Reporting Officer(s)	:	Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Submissions on Application
Locality Plan	:	Nil



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received for “Holiday Accommodation” at 15-17 Earl Street, Albany. A site plan is attached to the end of this report.
2. The proposal has been referred to Council for consideration, as a number of objections have been received following the advertising period. The submissions are included in the Elected Member’s Report/Information Bulletin.

STATUTORY REQUIREMENTS

3. The land is zoned “Residential R30” within Town Planning Scheme No. 1A.
4. “Holiday Accommodation” is an “SA” use within the Residential zone of Town Planning Scheme 1A, a use that is not permitted unless planning consent to it is granted by the Council after a notice has been given in accordance with Clause 7.5 of the scheme.

POLICY IMPLICATIONS

5. The property is located within the Urban Design Guidelines Policy area. That policy prescribes building heights for residential buildings and provides guidance on the interpretation of the performance standards of the Residential Design Codes.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

Excellent community infrastructure and services; and

- *Innovative development complementing Albany’s unique character, natural environment and heritage.*
- *Providing a complete tourism experience;*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

COMMENT/DISCUSSION

8. Three letters of objection were received regarding this application (copies included in Elected Member's Report/Information Bulletin) following the advertising period. A summary of the comments is as follows:
 - Concern regarding traffic/parking congestion;
 - Impact of carports on streetscape of Earl Street;
 - There is potential for large groups, which could result in noise, late night activities with a negative impact on residential amenity;
 - Devaluation of property;
 - Level of carparking proposed is excessive; and
 - Poor quality of drawings submitted.
9. This application questions the appropriateness of a change of use of two existing three bedroom/one bathroom dwelling units within a residential area to "Holiday Accommodation".
10. Town Planning Scheme 1A defines "Holiday Accommodation" as:

"accommodation which by way of trade or business or for the purpose of any trade or business is held out as being available or is being made available for holiday purposes for occupation by a person for not more than three (3) months in a twelve (12) month period".
11. "Holiday Accommodation" may only be permitted in the following zones: Residential, Tourist Residential, Central Area, Special Site/Special Use Zone or Additional Use Zone. The subject site is zoned "Residential" and is located close to the Central Area.
12. The subject site extends to 1007m², with the existing dwelling units set back approximately 7.0m from Earl Street. The site slopes sharply away from Earl Street.
13. The "Holiday Accommodation" use sought restricts the total number of guests to six (6) persons per dwelling. This could potentially see a maximum of twelve persons on the site at any one time. However, given the size and layout of the proposed three bedroom units, it is considered the units will typically be occupied by 2-4 persons or a total of 4-8 person in the site. It is considered that this will not result in any significant impact to the amenity of adjoining properties, as each unit could be let out to a similarly sized family at present.
14. In addition to the two car bays required for the dwelling, a minimum of one car parking bay per bedroom used for visitors should be provided. Bays shall be provided in a suitable location that does not inhibit vehicular movement. The subject site can accommodate six cars, which is adequate for the number of rooms proposed.
15. The proposed change of use will not alter the external or internal appearance of the dwelling or affect the streetscape of Earl Street. The proposed car parking bays will have no impact on the street scape as they are proposed to be located on an existing level area to the front of the dwelling.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

16. Given the limited scale of the use permitted as “Holiday Accommodation”, and the characteristics of both the subject site and Earl Street, staff consider that the proposal will not affect the amenity of the area through traffic hazard or excess noise. The use of the building as “Holiday Accommodation” is therefore acceptable, and due to its location close to the central York Street area, could be a valuable asset to the area.

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for Holiday Accommodation at Lot 2 (15-17) Earl Street, Albany subject to the following conditions:

- a) Vehicular parking and manoeuvring areas indicated on the approved plan are to be constructed, properly drained and sealed to the satisfaction of Council. All parking spaces are to be line marked and maintained in good repair.
- b) Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
- c) All runoff from impervious surfaces is to be disposed of to Council’s satisfaction.
- d) The total number of guests shall not exceed six (6) persons per unit at any one time.
- e) No signs are to be erected on the lot without Council’s approval, in accordance with the City of Albany’s Sign Local Laws.
- f) The holiday accommodation is to be used for short stay accommodation purposes only, with a maximum stay of three months occupancy per annum by any single tenant.
- g) The development is to comply with all relevant Health regulations.
- h) The new crossover being constructed to Council’s specifications, levels and satisfaction. A permit from Council is required prior to any work being carried out within the road reserve.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WATERMAN**

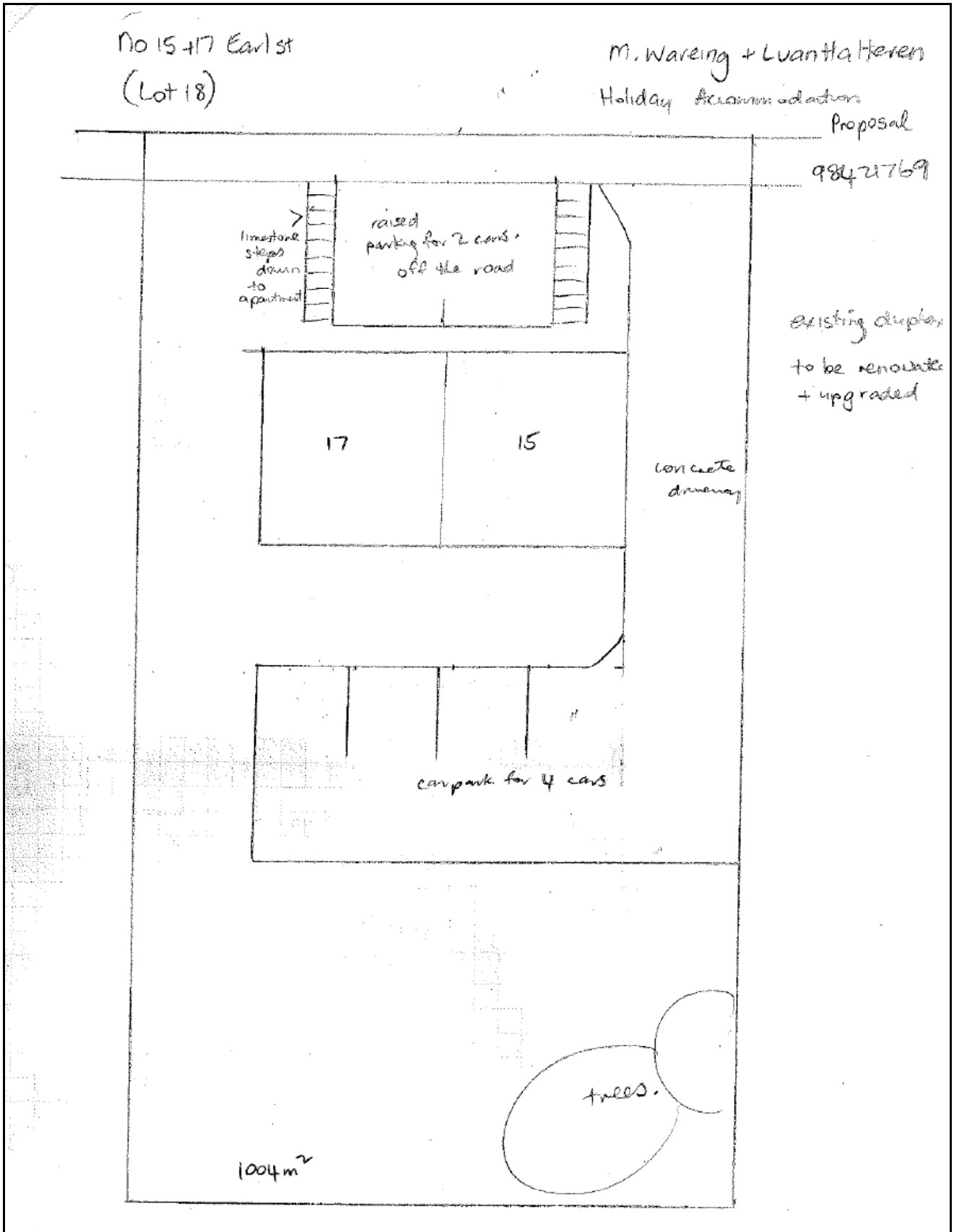
THAT Council resolves to issue a Notice of Planning Scheme Consent for Holiday Accommodation at Lot 2 (15-17) Earl Street, Albany subject to the following conditions:

- a) **Vehicular parking and manoeuvring areas indicated on the approved plan are to be constructed, properly drained and sealed to the satisfaction of Council. All parking spaces are to be line marked and maintained in good repair.**
- b) **Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.**
- c) **All runoff from impervious surfaces is to be disposed of to Council's satisfaction.**
- d) **The total number of guests shall not exceed six (6) persons per unit at any one time.**
- e) **No signs are to be erected on the lot without Council's approval, in accordance with the City of Albany's Sign Local Laws.**
- f) **The holiday accommodation is to be used for short stay accommodation purposes only, with a maximum stay of three months occupancy per annum by any single tenant.**
- g) **The development is to comply with all relevant Health regulations.**
- h) **The new crossover being constructed to Council's specifications, levels and satisfaction. A permit from Council is required prior to any work being carried out within the road reserve.**

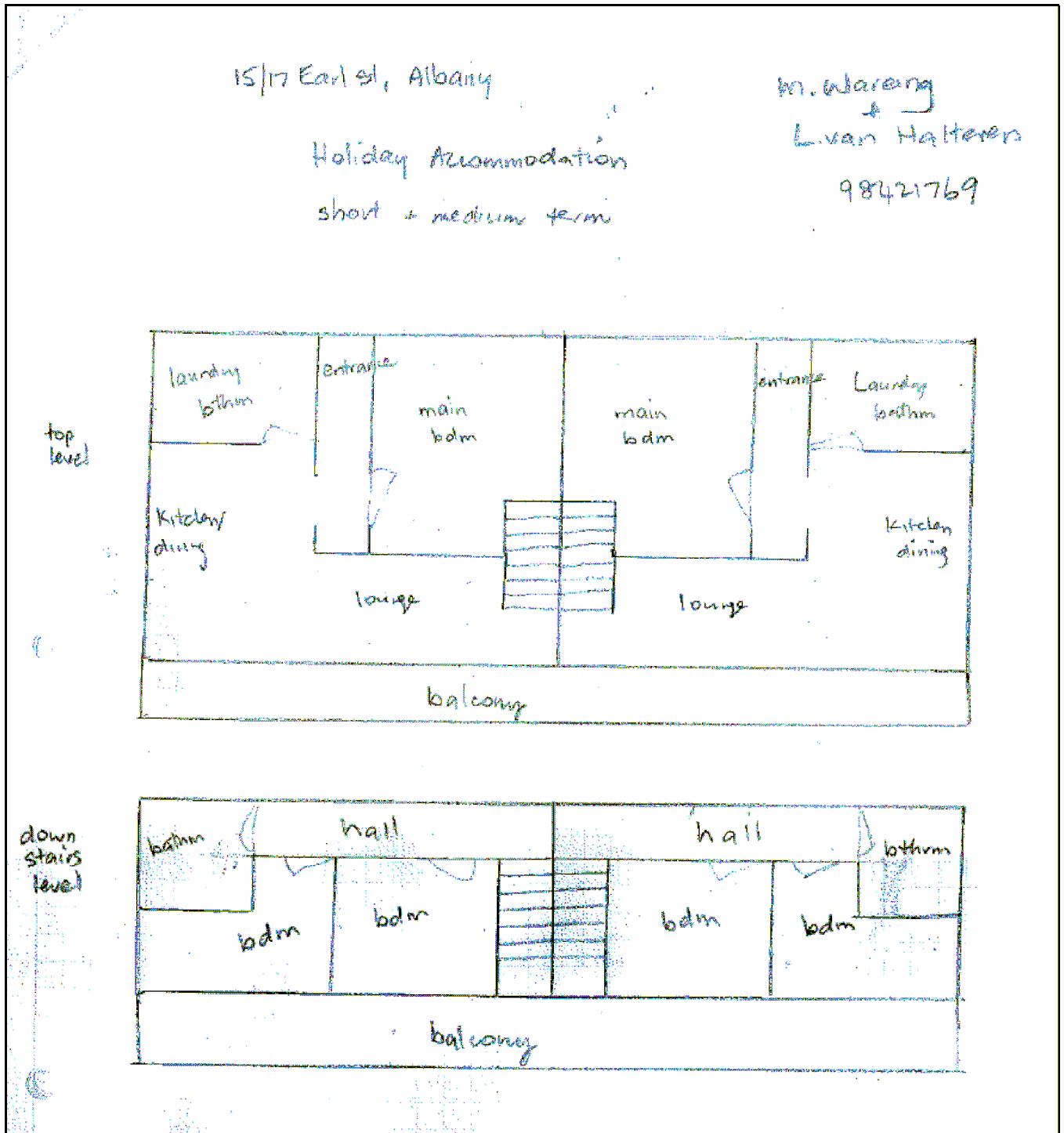
CARRIED 8-7

ORDINARY COUNCIL MEETING MINUTES – 15/05/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



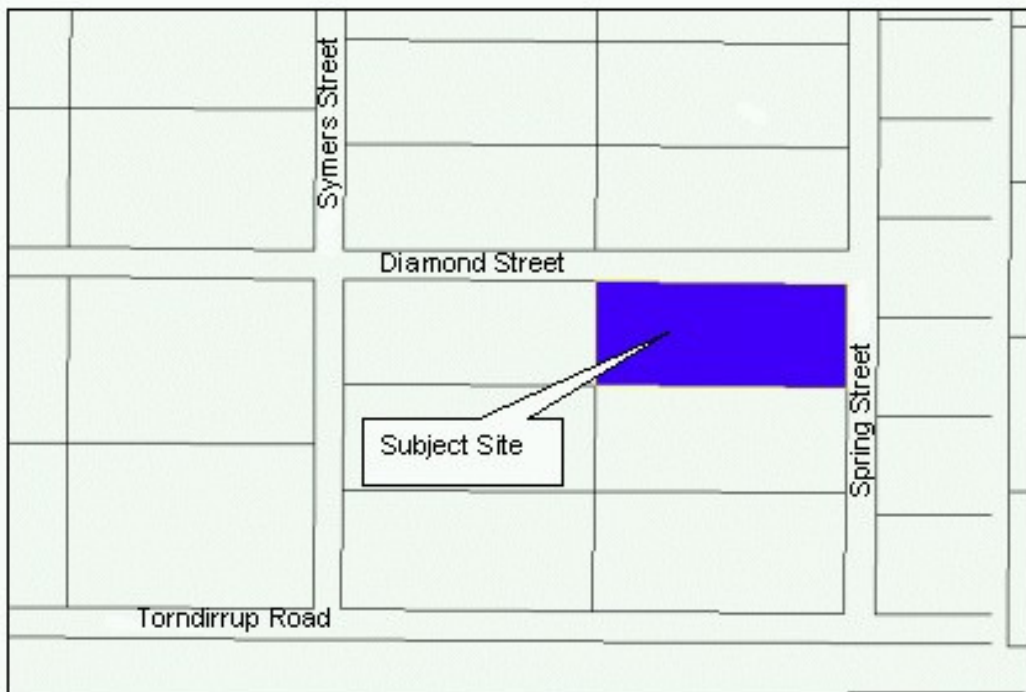
Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application - Non-complying Outbuilding and Home Occupation - 116 Spring Street, Little Grove

File/Ward	:	A22260 (Vancouver Ward)
Proposal/Issue	:	Oversize/Overheight Outbuilding & Home Occupation
Subject Land/Locality	:	116 Spring Street, Little Grove, Albany
Proponent	:	M & S Taylor
Owner	:	M & S Taylor
Reporting Officer(s)	:	Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received for an overheight and oversize outbuilding to accommodate a home occupation for a carpentry business at 116 Spring Street, Little Grove.
2. The proposal has been referred to Council for consideration, as approval is sought for an outbuilding, which contravenes Council's Outbuildings Policy.

STATUTORY REQUIREMENTS

3. The land is zoned "Rural" within Town Planning Scheme No 3.
4. Outbuildings are permitted within this zone subject to compliance with the Council's Outbuildings Policy. Home Occupation is an "A" use within the Rural zone of Town Planning Scheme 3 (i.e. a use which is not permitted unless approval is granted by the Council).
5. The subject site is also located within the Priority 2 (P2) water source protection area defined in the draft Albany Water Source Protection Plan. P2 areas are defined to ensure there is no increased risk of pollution to the water source.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. The application raises the issue of the appropriateness of a home occupation and an oversize and overheight outbuilding on this rural lot.
10. The applicant has stated that he currently runs his own carpentry business and requires the proposed outbuilding to store his work vehicle and trailer along with tools, scaffolding and timber. It is not proposed to operate the carpentry business or carry out manufacturing on the lot. It is considered that this home occupation will not reduce the character or amenity of the area. In addition the use will not:
 - i. include a retail sale or display of goods of any nature;
 - ii. create injury or prejudicially affect the amenity of the neighbourhood;
 - iii. entail the employment of any person not a member of the occupier's family, normally resident in the house;
 - iv. require the provision of any essential service of a greater capacity than normally required in the zone in which it is located;

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- v. occupy an area greater than 20m² and is not less than 6 metres from the nearest part of a habitable room within an adjacent or adjoining residence other than that within the curtilage of the lot upon which the workshop is erected;
- vi. result in the requirement of a greater number of vehicle parking facilities than normally required within the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and
- vii. entail the presence, parking or garaging of vehicles of more than four tonnes tare weight.

Accordingly the proposed home occupation is considered acceptable.

- 11. The applicant advises that the 15m x 12m dimension of the proposed outbuilding is required in order to store the applicant’s vehicle and trailer, tools and timber on racks, with a need for space around the vehicle for loading and unloading. The primary use of the shed will therefore be for undercover and secure vehicle and trailer storage with an area of 20m² set aside for storage of timber. The size of the proposed shed is reasonable given the size and length of timber to be stored and the size/length of a vehicle and trailer.
- 12. The proposed outbuilding extends to 180m² (resulting in a combined floor area of all outbuildings on the lot of 216m²). An existing 36m² shed on the lot is used solely for domestic storage associated with the existing dwelling. It has a wall height of 3.9m and a ridge height of 5.1m. As it is located on a site of less than 2 hectares the provisions of the Outbuildings Policy for the Special Rural Zone apply.

Zoning	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings on lot)	Special Requirements
Special Rural Zone	4.2 metres	4.8 metres	150m ²	Refer relevant planning scheme requirements for siting and materials.
Rural Zone				The siting of the outbuilding away from more obtrusive locations. If rural lot is less than 2 hectares the provisions of the “Special Rural” zone as stipulated above apply.

- 13. It is recognised that families have varying needs for outbuilding space. As a general rule people expect to be able to have larger outbuildings on larger lots. The subject lot is 1.22 hectares and heavily wooded. The proposed outbuilding will not be visible from the street or adjoining properties. The site can accommodate the proposed outbuilding without adverse impacts on visual character of the area. Given the location of the proposed outbuilding, and natural screening in place, there is limited potential for adverse impacts on the landscape.
- 14. The aim of the City of Albany’s Outbuildings Policy is: *“to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, or the City as a whole”.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

15. It is considered that the proposed outbuilding should be permitted given that the subject site is capable of accommodating the outbuilding with no negative impacts on the amenity or landscape quality of the area.
16. The proposed development will not result in an increased risk of pollution to the South Coast Water Reserve.
17. The subject lot is larger than a lot typically found in a Special Rural Zone and it is considered reasonable to allow a relaxation of the combined floor area and ridge height limit in this instance.

RECOMMENDATION

1. THAT Council resolves to issue a Notice of Planning Scheme Consent for a Home Occupation and Oversize/Overheight outbuilding at 116 Spring Street, Little Grove subject to the following conditions:
 - a) The outbuilding shall be constructed of materials which blend with the natural landscape with unpainted zincalume, white and off white colours not permitted.
 - b) The “Home Occupation” (Carpentry Business) shall be carried out within the approved outbuilding and, at all times:
 - (i) not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products.
 - (ii) not entail the employment of any person not a member of the occupier’s family.
 - (iii) not occupy an area greater than 20 square metres (not inclusive of the area where vehicles are parked).
 - (iv) not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to that street in which it is located.
 - (v) not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.
 - (vi) entail advertising on site not exceeding 0.2 square metres in area and the sign does not involve illumination.
 - (vii) complies with clause 5.12 of the Scheme text;
 - (viii) the storage of any material or product or waste products is wholly contained within a domestic outbuilding;
 - (ix) where commercial vehicles are to be kept on the site for a period longer than four hours they are to be stationed behind the building lines associated with the property;
 - (x) any communications installation associated with the activity is to be the subject of a separate application to Council for approval;

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- (xi) there is to be no retail sales or display of goods of any nature on the lot;
 - (xii) no parking or garaging of a vehicle of more than four tonnes tare weight is to occur on the approved site;
 - (xiii) no client or customer attendance is to occur on-site.
- c) A detailed floor plan be submitted for the proposed shed prior to issue of a building licence detailing vehicle parking areas, loading areas, and tool/timber storage areas.

Voting Requirement Simple Majority

MOVED COUNCILLOR WISEMAN

SECONDED COUNCILLOR LIONETTI

- 1. THAT Council resolves to issue a Notice of Planning Scheme Consent for a Home Occupation and Oversize/Overheight outbuilding at 116 Spring Street, Little Grove subject to the following conditions:**
- a) The outbuilding shall be constructed of materials which blend with the natural landscape with unpainted zincalume, white and off white colours not permitted.**
 - b) The “Home Occupation” (Carpentry Business) shall be carried out within the approved outbuilding and, at all times:**
 - (i) not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products.**
 - (ii) not entail the employment of any person not a member of the occupier’s family.**
 - (iii) not occupy an area greater than 20 square metres (not inclusive of the area where vehicles are parked).**
 - (iv) not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to that street in which it is located.**
 - (v) not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.**
 - (vi) entail advertising on site not exceeding 0.2 square metres in area and the sign does not involve illumination.**
 - (vii) complies with clause 5.12 of the Scheme text;**
 - (viii) the storage of any material or product or waste products is wholly contained within a domestic outbuilding;**
 - (ix) where commercial vehicles are to be kept on the site for a period longer than four hours they are to be stationed behind the building lines associated with the property;**
 - (x) any communications installation associated with the activity is to be the subject of a separate application to Council for approval;**

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- (xi) there is to be no retail sales or display of goods of any nature on the lot;**
 - (xii) no parking or garaging of a vehicle of more than four tonnes tare weight is to occur on the approved site;**
 - (xiii) no client or customer attendance is to occur on-site.**
- c) A detailed floor plan be submitted for the proposed shed prior to issue of a building licence detailing vehicle parking areas, loading areas, and tool/timber storage areas.**

CARRIED 14-1

DEVELOPMENT SERVICES REPORTS

Executive Director Development Services Robert Fenn declared a financial interest in Item 11.1.4 and left the Chambers at 7.55pm. The nature of Mr Fenn’s interest is that his daughter is employed by Coles Supermarkets and Coles are a potential tenant in the proposed shopping centre.

11.1.4 Development Application - Shop, Fast Food Takeaway and Service Station - 463- 475 Albany Highway, Orana

- File/Ward** : A182191 (Vancouver Ward)
- Proposal/Issue** : Shop, fast food takeaway and service station
- Subject Land/Locality** : Part Lot 400 (463 - 475) Albany Highway, Orana
- Proponent** : Howard Puddy Architects
- Owner** : Albany Retail Property Syndicate
- Reporting Officer(s)** : Planning Officer (I Humphrey)
- Disclosure of Interest** : EDDS wishes to declare an interest in this item, notwithstanding he had no involvement in the preparation of the Officer’s Report
- Previous Reference** : Nil
- Summary Recommendation** : Approve, subject to conditions
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

11.1.4 continued

BACKGROUND

1. An application has been received for a new retail development, including a 3200m² supermarket, twelve specialty shops, two fast-food takeaways and a service station. A site plan area is attached to the end of the report.
2. This application has required extensive negotiations with Main Roads WA (MRWA) and City staff since its original lodgement in July 2006, to resolve access and egress from the site. This has now been addressed in the revised plans.

STATUTORY REQUIREMENTS

3. Under the City of Albany’s Town Planning Scheme No. 1A (TPS 1A) the site is mostly zoned Local Shopping, with the supermarket and shop being a permitted use (P). The Fast Food and Service Station uses are not permitted unless the Council grants planning consent to those land uses (AA).
4. This application is the first application on the previous drive-in cinema site which is predominately zoned “Local Shopping”, with a small wedge of Lot 400 falling within the adjacent “Residential (R30)” zone. This zoning affects the car parking area and resulted from a previous subdivision. A small section of the access leg is also reserved for “Parks and Reserves”, however this is to remain undeveloped and is shown to be landscaped.
5. Section 4.51 of TPS 1A (Local Shopping Zone Provision) set the objectives of the zone as:
 - *To provide for shopping centres that in the opinion of Council are attractive and have potential as a focal point for the community;*
 - *To promote local employment opportunities;*
 - *To provide a reasonable level of accessibility to shops and to services.*
6. Section 4.51 and Table 1 under section 4.52 of TPS 1A, sets out the maximum net lettable area to apply specifically to the Orana Local Shopping Zone:

Centre Name*	Description of Land	Maximum Net Lettable Area (NLA)
Orana	Part of Lot 400 Plantagenet Location 222 Albany Highway and Le Grande Street, Orana	3500m ² NLA, but Council may approve up to 5,000m ² NLA where: <ol style="list-style-type: none"> i. In the opinion of Council the additional floor space is warranted; and ii. An economic impact assessment has demonstrated that there will not be significant detrimental impacts on existing or proposed shopping centres.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

POLICY IMPLICATIONS

7. The site is nominated in the Albany Local Planning Strategy (ALPS) as a Neighbourhood Centre. ALPS draws on the previous Retail Development Strategy to conclude and recommend that:

“To be from 1,800 to 2,500sqm anchored by a smaller supermarket of between 800 and 1500sqm and located at North Road, Spencer Park, Orana (Albany Highway) and Bayonet Head”.

8. Under Council’s development guidelines, staff cannot grant approval to this development as the value of the project exceeds \$1.5 million.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The draft Retail Strategy (2005) found that there was an immediate requirement for approximately 4000m² of food and grocery floor space in the study area. The Orana site was recognised as having *“inherent value as a neighbourhood centre”*.

COMMENT/DISCUSSION

11. Access and egress to the site has been agreed with MRWA and City staff and a detailed traffic impact assessment has been supplied. The developers have also been advised that upgrades of the nearby road network will be required, and a contribution to the costs of these works will be required by MRWA.
12. Vehicle and pedestrian movements within the site have been investigated and subsequently improved. The loading area is to be located to the rear of the supermarket, 10.0 m from the boundary of the adjacent zoned “Residential” land. A boundary wall is to be provided and further details of this wall, to limit any conflict, could be required by condition.
13. The total car parking bay numbers proposed are 372, which is 90 more than required under TPS 1A for all the proposed uses on the site. The landscaping principles shown on the submitted plans appear acceptable, however further details regarding final locations, species and percentage of site coverage will be required and can be addressed by a condition on the approval notice.
14. With regard to the access to the adjacent cinema (Lot 404 Albany Highway), a legal agreement will need to be provided to ensure the existing cinema exit is closed and an internal replacement access is provided.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

15. As stated under Orana part (ii) of Table 1 in Section 4.51 of TPS1A, the developer can construct as a permitted development up to 3500m² NLA, but Council may approve up to 5000m² NLA. That expansion requires an economic impact assessment to demonstrate that there will not be significant detrimental impacts on existing or proposed shopping centres. No internal floor plan has been submitted and the information supplied indicates the total GFA is approximately 5380m² (for all the retail, fast food and service station floor areas, not including the Arcade area). The Scheme requires an economic impact assessment plan to be submitted. The recent report by Schrapnel Urban Planning indicates that there is a food retailing shortfall and Council must decide whether that suffices for the purposes of determining this application. If Council considers it does not, then the following may assist in expediting the approval process.

RECOMMENDATION

THAT Council delegate authority to the Manager of Planning & Rangers to issue a Planning Scheme Consent for a Shop, fast food takeaway and service station, at 463 - 475 Albany Highway Orana, subject to the satisfactory receipt of acceptable revised plans and an economic impact assessment that demonstrates that there will not be significant detrimental impacts on existing or proposed shopping centres, and that the approval be subject to but not limited to the following conditions:

1. 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. All land indicated as landscaped area on the above landscaping plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter.
2. A schedule indicating design, colour and materials of the proposed development are to be submitted and approved in writing by the Council prior to the issue of a building licence.
3. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels; cover levels and pipe size and grade. The stormwater disposal system being designed and certified by a practicing civil engineer.
4. Details of the retaining walls (including a boundary wall to the loading dock) are to be provided and agreed in writing by the Council prior to the issue of a building licence.
5. A legal agreement being provided to ensure the closure of the existing exit from Lot 404 Albany Highway, prior to the construction and opening of the new/upgraded crossover onto Albany Highway.
6. Details of the pedestrian link (including grades and street lighting) to the adjacent residential zoned land being provided and agreed in writing by the Council prior to the issue of a building licence.

Voting Requirement Absolute Majority

.....

Item 11.1.4 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WATERMAN**

THAT Council, for the purposes of Clause 4.53 of the City of Albany Town Planning Scheme 1A, accept the findings of the Albany Retail Strategy 2005, prepared by Schrapnel Urban Planning, as the Economic Impact Statement providing verification that the additional floor space will not have a significant detrimental impact upon existing or proposed shopping centres.

CARRIED 14-1

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR JAMIESON**

THAT Council delegate authority to the Manager of Planning & Rangers to issue a Planning Scheme Consent for a Shop, Fast Food Takeaway and Service Station, at 463 – 475 Albany Highway Orana, subject to the satisfactory receipt of acceptable revised plans and that the approval be subject to but not limited to the following conditions:

- 1. 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. All land indicated as landscaped area on the above landscaping plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter.**
- 2. A schedule indicating design, colour and materials of the proposed development are to be submitted and approved in writing by the Council prior to the issue of a building licence.**
- 3. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels; cover levels and pipe size and grade. The stormwater disposal system being designed and certified by a practicing civil engineer.**
- 4. Details of the retaining walls (including a boundary wall to the loading dock) are to be provided and agreed in writing by the Council prior to the issue of a building licence.**
- 5. A legal agreement being provided to ensure the closure of the existing exit from Lot 404 Albany Highway, prior to the construction and opening of the new/upgraded crossover onto Albany Highway.**
- 6. Details of the pedestrian link (including grades and street lighting) to the adjacent residential zoned land being provided and agreed in writing by the Council prior to the issue of a building licence.**

**CARRIED 14-1
ABSOLUTE MAJORITY**

Reason:

Schrapnel Urban Planning prepared a detailed Retail Strategy for the City of Albany which was independent of retail interests. As detailed in paragraph 10 of the Officer's Report, there is currently a shortfall of food retailing floor space within the

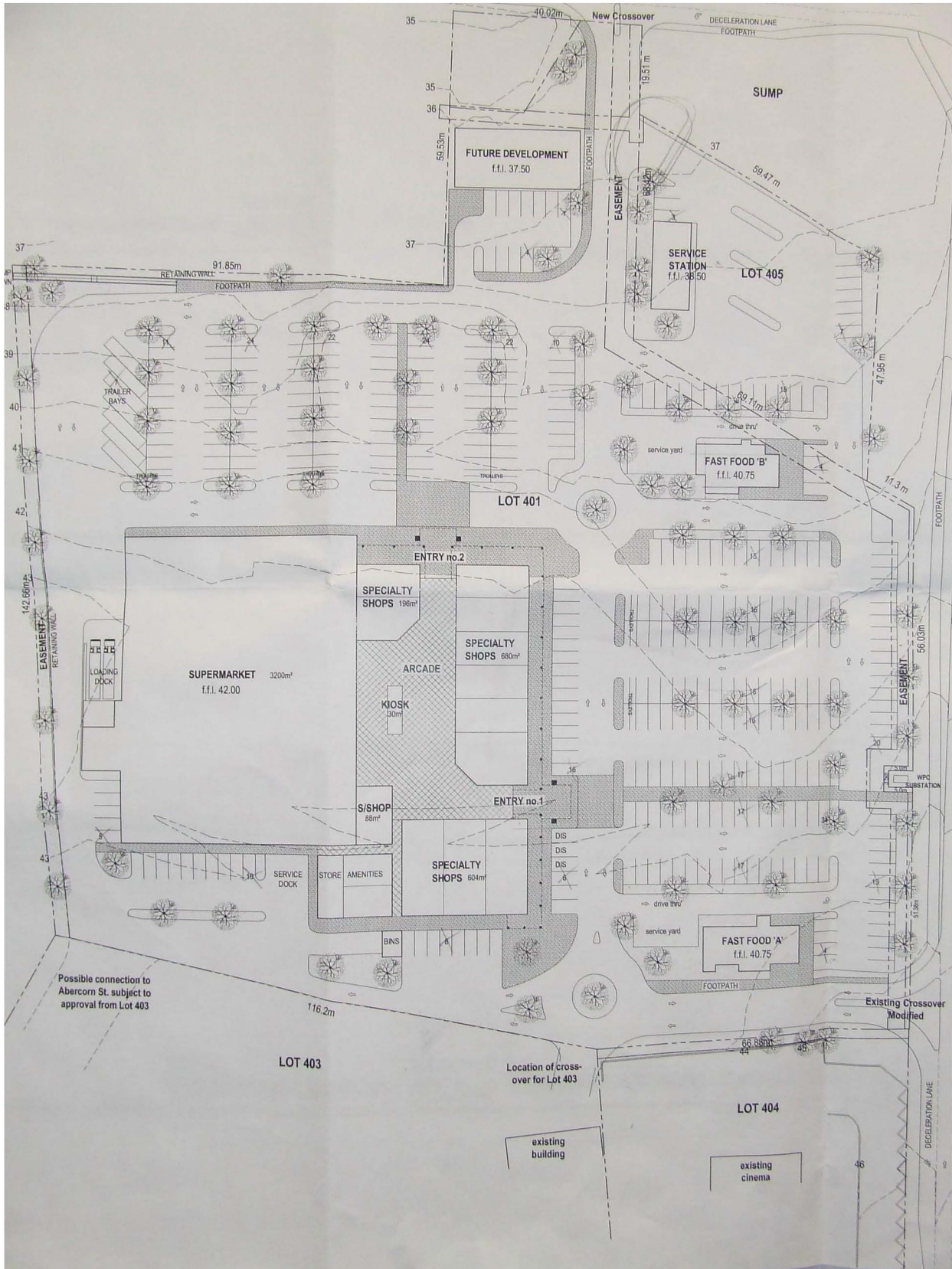
DEVELOPMENT SERVICES REPORTS

City and this project will add to the food retailing floor space on a site recognised in various strategies as being ideally located.

The Executive Director Development Services Robert Fenn returned to the meeting at 7.59pm following consideration of Item 11.1.4.

ORDINARY COUNCIL MEETING MINUTES – 15/05/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 City of Albany Community Recovery Management Plan - Adoption

File/Ward	:	MAN104 (All Wards)
Proposal/Issue	:	Albany Community Recovery Management Plan
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Emergency Management Coordinator (S Gray)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/2/06 - Item 11.2.1
Summary Recommendation	:	Adopt the Albany Community Recovery Management Plan
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Council currently does not have a Recovery Management Plan in place.
2. In December 2005 the *Emergency Management Act 2005* was proclaimed. The purpose of the Act is to establish the overarching emergency management arrangements for Western Australia's emergency services, providing direction on policy, planning and coordination matters. Significantly, the Act also created a range of legislative powers that will assist in the management and coordination of "emergency situations" and "states of emergency".
3. Council adopted the Albany Community Emergency Management Arrangements in February 2005. The Recovery Management Plan compliments "the Arrangements".
4. One of the requirements of the Act is that Local Government must prepare, and produce, a Recovery Management Plan for their area.
5. In November 2006, a draft of the Plan was circulated to the Albany Local Emergency Management Committee (LEMC) members and other agencies. Comments received were incorporated into the final draft for consideration at the 7 February 2007 meeting of the LEMC. The Committee endorsed the final draft of the Plan.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

6. The Plan has now been tabled, and accepted, by the Great Southern District Emergency Management Committee (DEMC) at its meeting on 5th April 2007.

STATUTORY REQUIREMENTS

7. Under the “*Emergency Management Act 2005*”, the City has a responsibility to prepare and produce a Community Recovery Management Plan.
8. Section 41 of the Emergency Management Act 2005 states:

“41. Emergency management arrangements in local government district

(1) A local government is to ensure that arrangements (“local emergency management arrangements”) for emergency management in the local government’s district are prepared.

(4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.

(5) A local government is to deliver a copy of its local emergency management arrangements and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared”.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. This Plan has been prepared in house and funded from the current Council emergency management budget.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Delivering excellent community services.*

Priority Projects:

Public Safety - Base emergency management upon national protocols.”

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

COMMENT/DISCUSSION

- 12. A number of other supporting plans will need to be produced to further support “the Arrangements”, and will be completed under the auspices of the Local Emergency Management Committee.
- 13. The Plan has been distributed under separate cover to Elected Members and a copy will be tabled at the meeting.

RECOMMENDATION

THAT;

- i) Council adopt the Albany Community Recovery Management Plan in accordance with Section 41 of the *Emergency Management Act 2005*;
- ii) A copy of the Albany Community Recovery Management Plan be delivered to the State Emergency Management Committee; and
- iii) Council appoint the Emergency Management Coordinator as the local recovery coordinator.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WELLINGTON**

THAT;

- i) Council adopt the Albany Community Recovery Management Plan in accordance with Section 41 of the *Emergency Management Act 2005*;**
- ii) A copy of the Albany Community Recovery Management Plan be delivered to the State Emergency Management Committee; and**
- iii) Council appoint the Emergency Management Coordinator as the local recovery coordinator.**

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.2.2 Local Law - Consider Adoption of Cat Local Law

File/Ward	:	MAN 049 (All Wards)
Proposal/Issue	:	To decide whether to advertise Cat Local Law
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/09/04 - Item 11.2.1 OCM 19/04/05 - Item 11.2.1 OCM 15/11/05 - Item 11.2.1 OCM 20/06/06 - Item 11.2.1
Summary Recommendation:	:	To prepare an amended version of Local Law
Bulletin Attachment	:	Draft City of Albany Local Law Relating to the Keeping and Welfare of Cats
Locality Plan	:	N/A

BACKGROUND

1. At it's meeting dated 20 June 2006 Council resolved the following:

"THAT Council;

- i) consider the allocation of \$7,000 in its 2006/07 budget to the Cat Sterilisation Society; and*
- ii) establish a Cat Law Working Committee comprising an elected Member and a representative each from The Friends of the RSPCA, The Albany Community and Environment Centre, The Albany Bushcarers Group, The Albany Bird Group, The Albany Residents and Ratepayers Association and the Frenchman Bay Association, to prepare for Council's consideration within nine months a draft local law on cat control with particular emphasis on the compulsory registration, identification and sterilisation of cats within the City of Albany."*

2. In accordance with the above resolution, the City of Albany Cat Law Working Committee has prepared a draft Local Law entitled "*Local Laws Relating to the Keeping and Welfare of Cats 2007*". The Committee has recently briefed Council on the purpose and effect of the proposed Local Law and now requests Council formally consider the advertising of the Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

3. The objectives of the Cat Local Law are to:
 - promote responsible cat ownership.
 - reduce the nuisance to the community caused by cats.
 - limit the damage to and loss of wildlife caused by cats.
 - promote the welfare and safety of domestic cats.
 - control the number of cats on premises.
 - provide for the impounding and disposal of cats.
 - reduce the number of unwanted kittens through compulsory cat sterilisation.
4. A copy of the draft Local Law can be found in the Elected Member's Report / Information Bulletin.

STATUTORY REQUIREMENTS

5. 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*

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

- 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 and any explanatory or other material relating to them."*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. If Council were to agree to adopt the Local Law as proposed and fully implement the Local Law, it is anticipated that the following costs would be incurred:

Cost / Resource	Expenditure	Income	Total Cost
Establishment Costs			
Additional Rangers Vehicle	\$12,000		
Construction of Cat Pound	\$12,000		
Cat Equipment (traps / cat poles)	\$8,000		
Advertising/ Education Campaign	\$2,000		
			\$34,000
Operational Costs			
Additional Ranger Income / Super etc	\$60,000		
Operating costs Vehicle (fuel, change-over and leasing costs)	\$10,000		
Keeping of Cats - Food/Cleaning Products / Pound Maintenance	\$4,000		
Euthanasia / Disposal of Cats	\$7,000		
Registration Fees		\$15,000	
Fines		\$2,000	
Total Expenditure – Year 1 (includes set up costs)	\$115,000	\$17,000	\$98,000
Total Expenditure – Year 2 and beyond	\$81,000	\$17,000	\$64,000

8. The Rangers Team is currently made up of 4 Rangers and 1 Administration Officer. In recent years, the number of customer service requests (predominantly in relation to dog control) actioned by the Rangers Department has risen significantly. There is considered to be little capacity to take on additional duties, as would be required should the Local Law be introduced. An additional staff member and associated vehicle would be needed to fully enforce the Local Law. The committee formed to draft the Local Law emphasised the desire in the community to take a pro-active approach to the reduction of cat numbers through the Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

9. Additional duties that would be expected include:
- Responding to customer complaints about nuisance cats.
 - Mediating between neighbours on cat nuisance issues.
 - Setting and recovering cat traps within local reserves.
 - Recovering cats that have been caught by landowners in traps or are situated on private property.
 - Transporting cats from private property to the pound, and where a home is not found, the pound to the vets, and then the vets to the pet cemetery.
 - Meeting cat owners at the pound to recover lost pets, or to display pets for possible re-housing.
 - Taking cat registration payments, and logging on registration details in Council’s computer system.
 - Maintaining a pound register.
 - Cleaning cat cages and monitoring food and water supplies.
10. Although the costs of euthanasia and body disposal for dogs is around \$5,000 per year, approximately 40% of all dogs taken to the pound are either returned to their owner or are rehoused. Consultation with other local governments who have cat laws have found that around 10% of all cats are reclaimed or rehoused, and therefore a destruction/disposal cost of \$7,000 has been proposed.
11. It is anticipated at this stage that a cat pound costing around \$12,000 (for a simple tilt-up concrete construction) could be constructed immediately adjacent to the dog pound, as long as there was adequate sound-proofing between the two areas.
12. Registration fees, working on a similar cost schedule to the Shire of Busselton (refer Table 1 below) is expected to generate approximately \$15,000 in fees annually. Other fees to reduce the cost of the program, such as a cat pick up fee (once a cat is caught in a trap), could be applied to further reduce anticipated expenditure.

TABLE 1

Fees	1 year	3 years
Sterilised	\$10	\$18
Unsterilised	\$30	\$75
Pensioners ½ the normal fee		

13. If Council were to consider a Local Law similar to that adopted by the City of Geraldton (refer attached document) no additional staff, nor the construction of a cat pound would be required. The Geraldton Local Law does not require cat registration, sterilisation or identification and is more focused on responsible cat ownership. This Local Law gives the Geraldton Council the ability to issue nuisance abatement notices and infringements for cat nuisances and it restricts the number of cats per household.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

STRATEGIC IMPLICATIONS

14. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision

A thriving city; Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...

- Excellent community infrastructure and services

Mission Statement

The City of Albany is committed to...

- Providing sound governance

Priority Projects

Nil.”

COMMENT/DISCUSSION

15. The proposed Local Law prepared by the City of Albany Cat Law Working Committee would, if adopted, represent the most stringent cat control legislation in Western Australia. Whilst the Shire of Capel Local Law was used as a model, the City of Albany version has additional requirements, which are detailed below. Reference to the Capel Cat Local Law is made simply because it is the most recently adopted Local Law containing similar provisions to other Cat Local Laws.

Compulsory Cat Sterilisation

16. The proposed Local Law requires the compulsory sterilisation of cats, and introduces a fine to the value of \$200 for keeping an unsterilised cat. The Local Law does not permit the registration of any cat unless it is sterilised, save for some health or licensed breeding reasons. The Shire of Capel approaches this issue differently by setting higher registration fees and infringement penalties for non-sterilised cats. The Capel approach is supported by staff as it will encourage a greater rate of registration, whilst ensuring owners of unsterilised cats are financially penalised. This approach is also consistent with the Dog Act.

Identification

17. The proposed Local Law requires all cats to be identified by a surgically inserted microchip. Whilst the Shire of Capel allows the wearing of collars as an alternative, the Committee has heard evidence from local veterinary surgeons that collars are rarely effective, and in some cases could cause the cat harm.

Cat Prohibited Areas

18. The proposed Local Law does not specify or enable the creation of cat prohibition areas. Rather, the Local Law states that any cat that is found in any place under the care and control of the City of Albany, that cat is wandering at large and may be detained by an authorised person (Council Ranger). The Shire of Donnybrook-Balingup has recently adopted their cat Local Law and inserted a similar clause. Should Council identify specific cat prohibition areas in the future, it would be required to amend its Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

Powers of Entry

19. The proposed Local Law introduces powers of entry provisions that are more powerful than those contained within the Dog Act. The Local Law would allow authorised persons to enter private land to seize and impound a cat, and to also enter a dwelling with a signed warrant. Under the Local Government Act no power is provided to seize on private property. Staff are concerned that the Delegated Legislation Committee would disallow such entry powers, especially when other Acts of Parliament (being the Dog Act) does not include or enable such rights.
20. Consistent with the Shire of Capel's Local Law, the City of Albany draft Local Law also includes the following features:
 - The ability for Rangers to seize and impound cats found on public land;
 - The ability to euthanase or rehouse cats that are held within the pound, and are not claimed within 72 hours;
 - Compulsory registration and microchip identification for all cats over 6 months of age;
 - The ability to issue nuisance abatement notices to cat owners;
 - The ability to trap cats on private (at landowner's request) or public land subject to compliance with trapping guidelines set by Council in conjunction with RSPCA;
 - The ability to accept cats from cat owners for destruction (subject to proof of ownership being established); and
 - The ability to issue infringements to cat owners for a variety of breaches identified within the Local Law.
21. In considering whether to place the proposed Local Law on advertising, staff believe there are 4 options available to Council, which are:

Option 1: Adopt Proposed Local Law in full
22. Adopt for the purposes of advertising the proposed Local Law as prepared by the City of Albany Cat Law Working Committee. It is likely that an additional Ranger would need to be employed should this option be pursued. However, a decision on the staff appointment could be delayed until 2008/09 budget deliberations, given the Local Law is not likely to be operational until the end of this year, and a period of education will follow, prior to widespread enforcement.
23. If Council were to pursue this option the building of a cat pound and the purchasing of equipment would need to take place within the 2007/08 financial year, meaning \$20,000 would need to be allocated for this purpose.
24. Council needs to determine whether the Local Law is clear, enforceable and able to meet community expectations. In this regard, staff have several areas of concern:

Clarity
25. As there is no state-wide legislation applicable to cat control, and no indication that the State Government will introduce such legislation, an issue of consistency across local government boundaries arises. If Council were to adopt the Local Law, the City of Albany would be the only LGA within the Great Southern with Cat Local Laws.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

26. Even with widespread, ongoing educational material, new residents to the City of Albany may not be aware of Council's cat controls, potentially leading to confusion and non-compliance. In a worst-case scenario a loved pet could be destroyed, due to a lack of knowledge as to Council's requirements to register, sterilise and microchip their pet.

Practicality, Costs & Entrapment

27. The introduction of the Local Law will require all cat owners to ensure their cat is contained on the land occupied by the cat owner. Where a cat strays from its home, it could be legitimately detained by Council's Rangers acting in accordance with the proposed Local Law.
28. In order to restrict the movements of their cats, owners will need to either keep their cat inside or construct an outside enclosure suitable for cats. Enclosures can be expensive to install, and for some people in the community, these costs could be prohibitive.
29. Whilst the registration costs identified in Table 1 aren't excessive, the requirement to sterilise a cat can cost up to \$150 (for a female). Whilst staff accepts sterilisation plays a valuable role in reducing the negative impact of cats on society and wildlife, without a sterilisation subsidy scheme in place, this cost could also be a barrier to community acceptance and cooperation. As mentioned earlier in this report, staff prefer the introduction of higher registration and infringement costs for owners of unsterilised cats.
30. There is also some concern that a small section of the community will use Council provided traps to purposely attract cats to their property via food inducement or other means. Such action could lead to neighbourly disputes (receiving infringement notices if the cat is identified) or cat destruction (where the owner of the cat is unknown).

Option 2: Adopt Proposed Local Law with modifications

31. Adopt for the purposes of advertising the proposed Local Law, subject to the modifications recommended by staff, specifically the removal of those clauses associated with the compulsory sterilisation of cats and the powers of an authorised person.

Option 3: Base Local Law on City of Geraldton Model

32. Direct staff to prepare a revised Cat Local Law based on the City of Geraldton Model and report back to Council. This model will have the least impact on the resources of the Ranger's team.
33. This option is preferred by staff as it raises the profile of responsible cat ownership, represents a low cost initiative for Council, and provides assistance to landowners seeking intervention on cat nuisance issues.

Option 4: Reject the Local Law

34. Reject the Local Law due to its content or on the principle that cat legislation, similar to dog legislation, is a state government responsibility that should be applied across the whole of Western Australia.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

35. If Council wishes to test community opinion, Council can resolve to make a Local Law relating to cat control and the community would then have the ability to lodge written submissions for or against that law (during the 6 week advertising process). After consideration of the submissions, Council could then resolve to adopt, modify or reject the Local Law.
36. It is also necessary for Council to formally disband the City of Albany Cat Law Working Committee as it has completed it's terms of reference in preparing a draft Local Law on cat control.

RECOMMENDATION

1. THAT Council direct staff to prepare a revised Cat Local Law, using the City of Geraldton's Local Law as a model and report back to Council for consideration.

AND

2. THAT Council resolves to disband the City of Albany Cat Law Working Committee, as its terms of reference have now been completed.

Voting Requirement Simple Majority

<p>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WALKER</p> <ol style="list-style-type: none">1. THAT Council direct staff to prepare a revised Cat Local Law, using the City of Geraldton's Local Law as a model and report back to Council for consideration. <p>AND</p> <ol style="list-style-type: none">2. THAT Council resolves to disband the City of Albany Cat Law Working Committee, as its terms of reference have now been completed. <p style="text-align: right;">CARRIED 13-2</p>

Record of Vote:

For: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Evans, Jamieson, Wolfe, Walker, West and Lionetti
Against: Councillors Paver and Wiseman

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

**LOCAL GOVERNMENT ACT 1995
CITY OF GERALDTON**

RESPONSIBLE CAT OWNERSHIP LOCAL LAW

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the City of Geraldton hereby records having resolved on the 28 February 2006 to adopt the following local law.

1. Citation

This local law may be cited as the *City of Geraldton Responsible Cat Ownership Local Law*.

2. Objects

The object of this local law is—

- (a) to encourage responsible cat ownership.
- (b) to reduce public and environmental nuisance caused by cats; and
- (c) to promote the effective management of cats.

3. Interpretation

In this local law—

“Act” means the *Local Government Act 1995*;

“authorised officer” means an officer of the City authorised by the Chief Executive Officer to administer and enforce the provisions of this local law;

“cat” means any member of the species *felix domesticus* (domestic cat) over the age of two months and includes all domestic, feral and stray cats;

“CEO” means the Chief Executive Officer of the City of Geraldton;

“City” means the City of Geraldton;

“Council” means the Council of the City of Geraldton;

“keeper” in relation to a cat means each of the following—

- (a) the owner of the cat;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being; or
- (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;

“nuisance” means if a cat—

- (a) is injurious or dangerous to the health of any person or domestic or Australian indigenous animal or is in the opinion of an authorised officer likely to be injurious or dangerous to the health of any person or domestic or Australia indigenous animal;
- (b) creates a noise which persistently occurs or continues to a degree or extent which in the opinion of an authorised person, and has or could have a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or
- (c) behaves in a manner that is contrary to a reasonable standard of behaviour expected of an animal in the locality of the premises where the cat is normally resident;

“premises” includes—

- (a) any land and any improvements; and
- (b) any part of any building as separate ownership or separate occupation, or any unit, flat, townhouse, duplex or apartment;

4. Cat not to be a Nuisance

4.1 A keeper shall not allow a cat to be or create a nuisance;

4.2 Where, in the opinion of an authorised officer, or the City receives signed complaints in the form of the Schedule 1 from two persons each of whom occupy different premises, that a cat is creating a nuisance the City may give written notice to the keeper of the cat requiring that person to abate the nuisance.

4.3 When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the City on the notice or until the City withdraws the notice.

4.4 A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

5. Limit of Cat Numbers

No person shall, without the prior written approval of Council keep more than three cats on premises.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

6. Authorised Officer

6.1 The City may appoint suitable persons to be authorised officers for the purpose of administering and enforcing this local law.

7. Giving of a Notice

A notice served under this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

8. Penalties

A person who contravenes or fails to comply with any provision of this local law is, upon conviction, liable to a penalty not exceeding \$1000.

9. Modified Penalties

9.1 An offence against any provision of this local law is a prescribed offence for the purpose of section 9.16(1) of the Act.

9.2 The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.

9.3 An infringement notice in respect of an offence against this local law may be given under section 9.13 of the Act and is to be in the form of Schedule 3.

9.4 A notice sent under section 9.2 of the Act withdrawing an infringement notice is to be in the form of Schedule 4.

Schedule 1
City of Geraldton
LOCAL LAW—RESPONSIBLE CAT OWNERSHIP
FORM 3—NUISANCE FORM

TAKE NOTICE THAT a cat, believed to be a (1).....
 has created a nuisance by (2).....
 the cat is believed to belong to (3).....
 and is kept at (4).....
 and I (5).....
 of

requests the Council to institute proceedings, if the nuisance does not stop, and undertake—

- (a) to give full information to the Council as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

Dated this day of 20

(to be signed by complainant)

- (1) Insert breed or kind of cat and, where possible, its sex and identifying marks.
- (2) Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance.
- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the cat is usually kept.
- (5) Insert name and address of complainant.

Schedule 2
City of Geraldton
LOCAL LAW—RESPONSIBLE CAT OWNERSHIP
PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item	Clause	Nature of Offence	Modified Penalty
1.	4	Keeper of a cat which is a nuisance	\$100
2.	5	Keeping more than the approved number of cats	\$100

DEVELOPMENT SERVICES REPORTS

Councillors Bojcun and Walker declared a financial interest in Item 11.2.3 and left the Chambers at 8.04pm. The nature of their interest is that they are shareholders of Grange Resources.

11.2.3 Recording of Easement on Crown Reserves - Grange Resources

File/Ward	:	SER208 (Frederickstown, Kalgan and Hassell Wards)
Proposal/Issue	:	Easement for Magnetite Slurry Pipeline
Subject Land/Locality	:	Princess Royal Drive, Princess Royal Harbour Foreshore, Harry Riggs Regional Airport and Corimup Road
Proponent	:	Grange Resources Limited
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Pipeline Easement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Grange Resources Ltd (Grange) propose to transport the magnetite ore, to be mined near Wellstead, to the Albany Port via a continuous steel pipeline buried approximately 1.0m below ground level. The pipeline corridor has been sited mainly on cleared farmland and the appropriate easements have been secured by Grange over affected properties.
2. Grange advises that there are a few areas where the pipeline alignment is proposed on land under City control and requires City of Albany support.

STATUTORY REQUIREMENTS

3. The properties in question are either Crown reserves or public roads. On the Crown reserves, Council has been provided the management order for the care and control of that reserve, however the Crown is required to “approve” the registration of an easement in favour of a third party. The Crown has delegated its authority to Landgate (previously the Department of Land Information) to approve and register the easements.
4. On the road reserves, agreements are usually provided to the third party to place private infrastructure within a road reserve. A public utility has a set alignment for its cable or pipe within the road reservation, a third party does not. Also public utilities generally survive in perpetuity whereas a private company can cease business at any time and abandon its infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.2.3 continued

POLICY IMPLICATIONS

5. Council has not accepted a policy position on the location of private infrastructure on reserves under its care and control.

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item. All costs associated with the registration of easements and preparing access agreements shall be borne by the applicant.

STRATEGIC IMPLICATIONS

7. The development of the Southdown mineral deposit at Wellstead by Grange is strategically important to the City of Albany for regional development and job creation.

COMMENT/DISCUSSION

8. There are four separate segments of the pipeline easement that are relevant to Council:

Princess Royal Drive (Albany):

9. Grange propose to cross from the southern side of Princess Royal Drive to an alignment parallel on the southern side of the railway line and then return to the southern side of Princess Royal Drive near the Dyufken Shed. The initial crossing is near the Residency Museum, then the pipeline proceeds across the lawns of the museum, under Residency Road, it runs parallel to the railway line within a Council controlled reserve and again crosses Princess Royal Drive near Wallice Engineering.

10. Princess Royal Drive is a road under the control of Main Roads WA and any approvals to cross or use that road reserve will be required from that agency. Council has previously given approval for an easement to be recorded on the Residency Museum reserve. Approvals are now required to place easements upon the two reserves located between the Princess Royal Drive and the rail reservation. Those reserves are of insufficient size to become local parks and are earmarked for drainage and landscaping purposes. The easement will also cross Residency Road and York Street road reservations with minimal impact on those roads.

Princess Royal Harbour Foreshore (Albany):

11. Grange is proposing to reclaim a 4.0m portion of Princess Royal Harbour directly adjacent to the Princess Royal Drive causeway, by moving the rock armour into the harbour and backfilling the reclaimed area. The pipe would be buried in that reclamation and the capacity exists for a multi use path to be placed on the resultant fill.

12. At Point Melville it is proposed that the pipeline be either drilled under the point or attached to a boardwalk structure constructed around the toe of Point Melville.

DEVELOPMENT SERVICES REPORTS

Item 11.2.3 continued

13. Whilst Grange is prepared to fully fund the construction of the land reclamation and seawalls, they advise that the City would be responsible for constructing any pathway placed above the pipeline. If a boardwalk structure is required at Point Melville, Grange propose a joint funding arrangement (provided the company can attach its pipe to the structure) with Council owning and maintaining the structure thereafter.
14. Having access to an expanded causeway, adjacent to Princess Royal Drive, on the northern shore of Princess Royal Harbour provides a route option for an integrated pathway network to link the CBD to Little Grove. Until the final design has been determined for the pipeline at Point Melville, it would be premature to make an assumption on the preferred method of constructing a pathway, the potential timing for that construction and the desirability of the City maintaining a potential boardwalk in perpetuity, if a boardwalk is constructed.

Harry Riggs Regional Airport Reserve (Drome):
15. It was previously intended to route the pipeline through the Council reserve adjacent to Albany Highway, leased to the Albany Kart Club, and on an alignment to the south of the club's racing circuit. The area through which the pipeline would have traversed contains some significant vegetation, in good condition.
16. Grange is requesting Council support to shift the future pipeline onto an alignment which is currently the firebreak that runs along the northern boundary of the same reserve. It is proposed to register a 5.0m easement along the northern boundary of the reserve and a similar sized easement along the southern boundary of the reserve for the Harry Riggs Regional Airport. The boundary (post and wire) fence would be removed, the pipe laid on that alignment and the boundary fence would be replaced above the pipe; the "air side" security fence (located inside the reserve) would not be disturbed and airport security would be maintained during the pipe construction.

Corimup Road:
17. In 2006, Grange approached City staff with a request to lay the proposed pipe within the Corimup Road reserve, to the north east of Manypeaks. That application was declined on the basis that staff wanted Grange to exhaust all reasonable avenues to negotiate an easement on private property before utilising the road reserve. The landholdings in the locality are being used for broad acre cereal cropping and for grazing. An all weather track exists within the Corimup Road reserve and the road verge contains remnant vegetation.
18. The negotiations were reconvened and it appeared that an outcome could be reached in December 2006. In January 2007, Grange were advised by the landowners, those in proximity to the general alignment of the pipeline, that they would not allow the company to access their land. As no feasible alternate exists to route the pipeline through this portion of the City, Grange seeks Council support to utilise the Corimup Road reservation. The pipe can either be laid directly below the road pavement (to minimise tree removal) or it can be placed above ground to avoid digging, particularly near the Lake Corimup "A class" Conservation Reserve.

DEVELOPMENT SERVICES REPORTS

Item 11.2.3 continued

- 19. Corimup Road carries small volumes of local traffic and the retention of roadside vegetation has added to the character of the road. That vegetation also provides a corridor for wildlife, without compromising the transport function. The farming properties adjacent to the road are extensively cleared, whereas the roadside vegetation is reasonably intact. Those values should not be eroded if Grange is afforded the opportunity to utilise the road reservation.

RECOMMENDATION

THAT Council advise Grange Resources Limited that:

- i. It raises no objection to the proposed adjustments to the alignment of the Southdown magnetite slurry pipeline as detailed in their letter of the 30th March 2007;
- ii. Council will approach Landgate and Landcorp, as part of the land assembly program for the Albany Waterfront Project, to provide a pipeline easement as detailed on Plan 12937-047E upon Reserve 36164 (lots 1566 and 1567);
- iii. Council supports the principle of extending the Princess Royal Drive causeway to the south, into Princess Royal Harbour, and that provision be made to construct a pathway above the slurry pipeline at a future date;
- iv. Council is not prepared to consider any funding support, or accept any future maintenance liability for infrastructure constructed adjacent to Princess Royal Drive until the pre-requisite approvals have been obtained for the required work, the construction details are known and the extent of Council’s liability can be determined;
- v. Council will approach Landgate to provide a pipeline easement as detailed on Diagrams 112-114 upon Reserve 8122 (Kart Club) and Lots 213 and 4861 (Harry Riggs Regional Airport).
- vi. Approval is granted to utilise Corimup Road for the purpose of laying the slurry pipeline provided;
 - a. the level of roadside vegetation removed is minimised;
 - b. the pipe is contained entirely below ground level;
 - c. the alignment of the pipeline within the reserve is agreed with the Executive Director Works and Services;
 - d. the road pavement is fully restored upon completion of the construction; and
 - e. appropriate consultation is provided with landowners in the locality to make them aware of construction programs, access arrangements, rehabilitation programs and the person responsible for handling landowner complaints.
- vii. All costs associated with the securing of easements, the preparation of agreements and obtaining approvals from approving agencies shall be borne by Grange Resources Limited.

Voting Requirement Simple Majority

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ADDENDUM

- 20. Staff attended a meeting with Grange representatives this afternoon and the alignment of the pipeline between Residency Road and the boundary of the Albany Port is still subject to on-going discussions with various agencies. Grange has requested that Council delay any action to record the pipeline easement in this locality and the recommendation has been adjusted accordingly.

DEVELOPMENT SERVICES REPORTS

Item 11.2.3 continued

AMENDED RECOMMENDATION

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WELLINGTON**

THAT Council advise Grange Resources Limited that:

- i. It raises no objection to the proposed adjustments to the alignment of the Southdown magnetite slurry pipeline as detailed in their letter of the 30th March 2007;**
- ii. Council supports the principle of extending the Princess Royal Drive causeway to the south, into Princess Royal Harbour, and that provision be made to construct a pathway above the slurry pipeline at a future date;**
- iii. Council is not prepared to consider any funding support, or accept any future maintenance liability for infrastructure constructed adjacent to Princess Royal Drive until the pre-requisite approvals have been obtained for the required work, the construction details are known and the extent of Council's liability can be determined;**
- iv. Council will approach Landgate to provide a pipeline easement as detailed on Diagrams 112-114 upon Reserve 8122 (Kart Club) and Lots 213 and 4861 (Harry Riggs Regional Airport).**
- v. Approval is granted to utilise Corimup Road for the purpose of laying the slurry pipeline provided;**
 - a. the level of roadside vegetation removed is minimised;**
 - b. the pipe is contained entirely below ground level;**
 - c. the alignment of the pipeline within the reserve is agreed with the Executive Director Works and Services;**
 - d. the road pavement is fully restored upon completion of the construction; and**
 - e. appropriate consultation is provided with landowners in the locality to make them aware of construction programs, access arrangements, rehabilitation programs and the person responsible for handling landowner complaints.**
- vi. All costs associated with the securing of easements, the preparation of agreements and obtaining approvals from approving agencies shall be borne by Grange Resources Limited.**

CARRIED 13-0

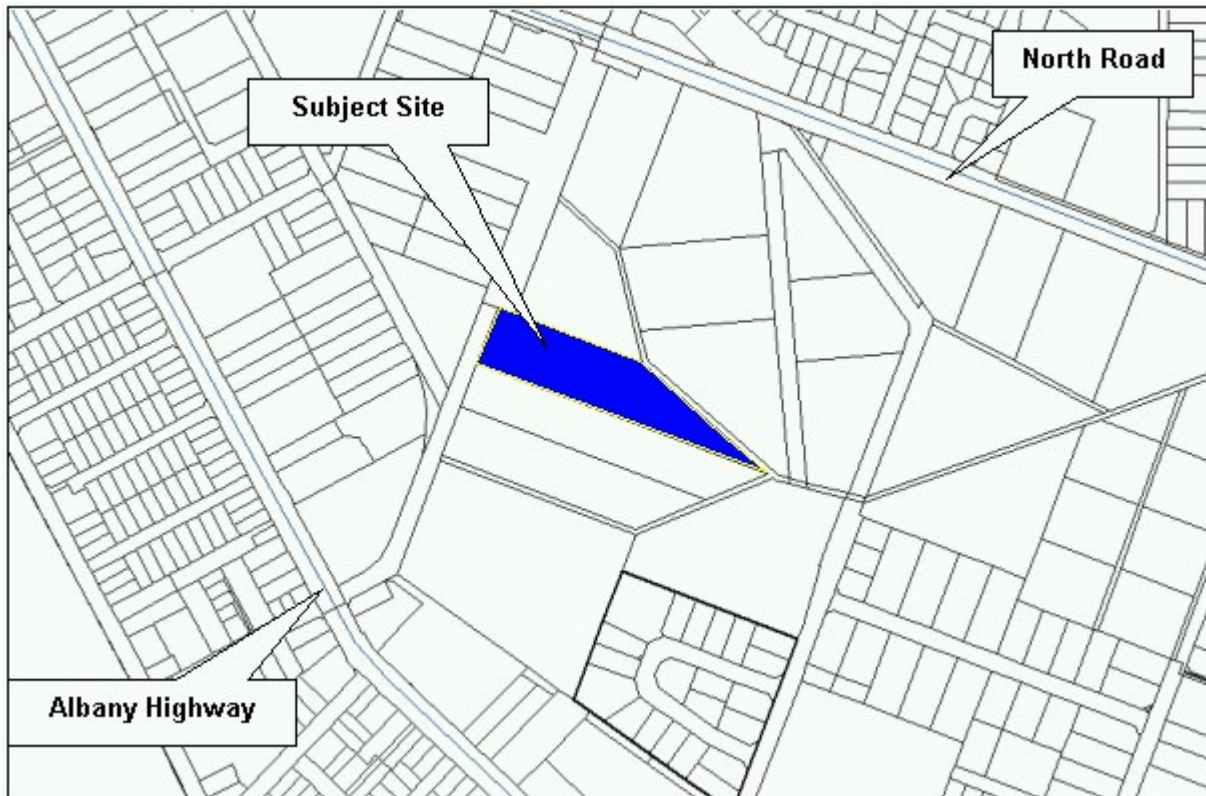
Councillors Bojcun and Walker returned to the meeting at 8.06pm following consideration of Item 11.2.3.

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request - Lot 731 Wellington Street, Centennial Park

File/Ward	:	SAR113 (Frederickstown Ward)
Proposal/Issue	:	Request to rezone Lot 731 Wellington Street, Centennial Park from “Clubs and Institutions” to “Residential R40”
Subject Land/Locality	:	Lot 731 Wellington Street, Centennial Park
Proponent	:	Harley Survey Group
Owner	:	Antimony Pty Ltd.
Reporting Officer(s)	:	Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Support the proposal
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to rezone Lot 731 Centennial Park from the current “Clubs and Institutions” zone to “Residential R40”. A copy of the SAR document is included in the Elected Member’s Report/Information Bulletin.
2. The subject land is 1.7777ha in area and is located approximately 1.8km northwest of Albany town centre, off Wellington Street. A road reserve of approximately 20m runs along the western frontage of the site, which is currently unconstructed. The subject site is slightly sloping to the east and contains a strip of remnant vegetation approximately 10m along the full length of the site. The north eastern boundary of the site adjoins a rock lined open drain.
3. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment and Conservation and the Water Corporation. No objections were reported.

STATUTORY REQUIREMENTS

4. Lot 731 is zoned “Clubs and Institutions” in Town Planning Scheme 1A (TPS1A). The lot is at present vacant and underutilised, therefore a rezoning to “Residential R40” is not expected to conflict with the “Clubs and Institutions” use at adjoining lot to the south, the Jehovah’s Witness Kingdom Hall.
5. A Scheme Amendment Request (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.
6. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

7. The WAPC Statements of Planning Policy No.’s 1 & 3 establish the general principle for planning in Western Australia. Their primary aim is to provide for the sustainable use and development of land by reducing energy consumption.
8. If the residential development was considered acceptable, the most sustainable form would be medium density residential development.

FINANCIAL IMPLICATIONS

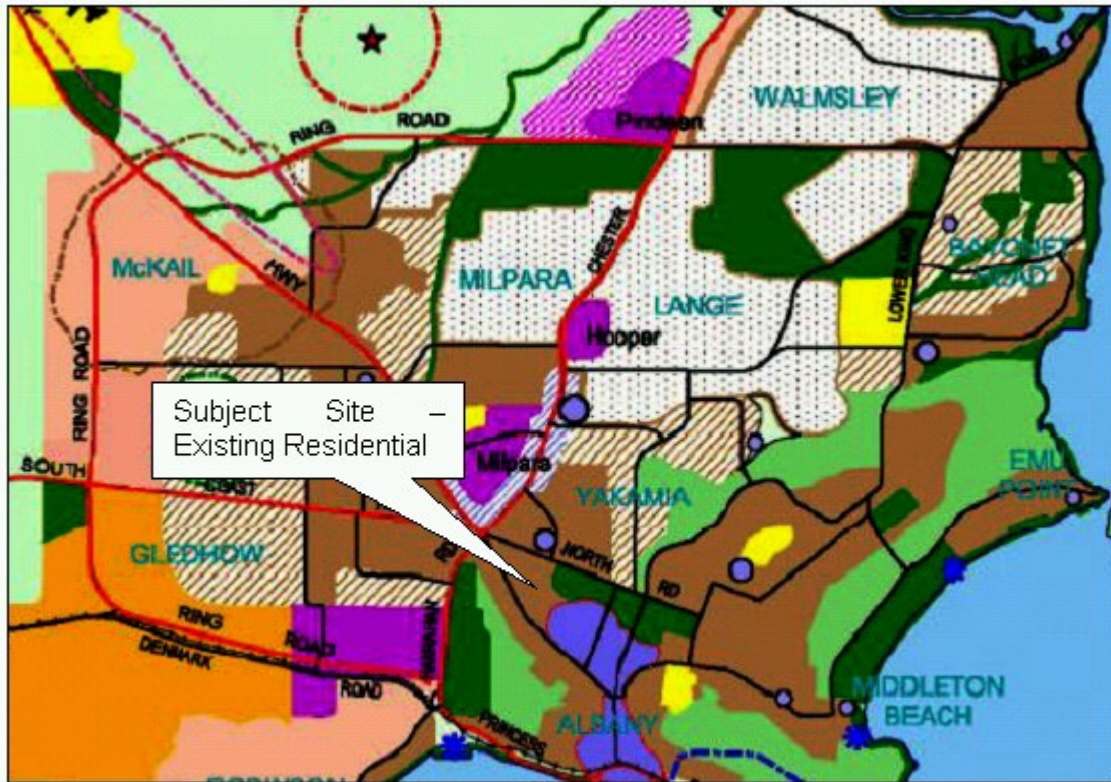
9. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

10. The (draft) Albany Local Planning Strategy document identifies the subject site as “Existing Residential”. ALPS recognises a shortage of housing suitable for the elderly and smaller households. ALPS promotes urban consolidation, recommends a smaller development footprint and the provision of a variety of housing types for Albany.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued



11. The Draft Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses, community development and the consolidation of settlements.
12. The State Planning Strategy recommends the consolidation of existing housing stock and provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

Proposal

13. The proposal will assist in the provision of a range of lot sizes with a density of R40 in a location, which will take advantage of existing facilities in the vicinity including Centennial Park and the North Road Shopping Centre (less than 400m north of the subject site).

Positives

14. The request complies with the policy and strategic planning for the area (Long Term Residential). The site is relatively level and clear of vegetation, with the exception of a single strip of remnant vegetation. A rezoning to “Residential R40” is not expected to impact on the visual amenity or environmental quality of the area. The site is close to the North Road neighbourhood centre (approximately 500m) and 1.8km from the town centre.

Negatives

15. The subject site has low capability for residential development, a high potential for Acid Sulphate soils and as the site is low-lying there is a risk of inundation/flooding,

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Conclusion

16. Due to the compatibility of the application with the strategic intent for the area, staff support the application to rezone the land to “Residential R40”.
17. The proposal seeks to rezone the subject land to more appropriate land use, which is particularly appropriate near the extensive parkland and recreation areas afforded by Centennial Park and the Leisure and Aquatic Centre nearby.

RECOMMENDATION

THAT, subject, but not limited to, the following matters being addressed subject to the satisfaction of Council:

- i) A detailed land capability assessment;
- ii) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;
- iii) An Integrated Water Management Plan to ensure that Water Sensitive design principles are adhered to;
- iv) Detailed flooding and drainage assessment prepared in consultation with the Department of Water; and,
- v) An acid sulphate soils site assessment be prepared in accordance with Guidance Statement A1.
- vi) The nearby vegetation contained within the adjacent Public Open Space to the north is adequately protected from possible damage during any future development at the site.

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the “Clubs and Institutions” zone to “Residential R40”.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILLIAMS**

THAT, subject, but not limited to, the following matters being addressed subject to the satisfaction of Council:

- i) A detailed land capability assessment;**
- ii) Identification of servicing needs and infrastructure requirements to accommodate future subdivision;**
- iii) An Integrated Water Management Plan to ensure that Water Sensitive design principles are adhered to;**
- iv) Detailed flooding and drainage assessment prepared in consultation with the Department of Water; and,**
- v) An acid sulphate soils site assessment be prepared in accordance with Guidance Statement A1.**
- vi) The nearby vegetation contained within the adjacent Public Open Space to the north is adequately protected from possible damage during any future development at the site.**

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the “Clubs and Institutions” zone to “Residential R40”.

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Approval for Amendment - Lot 15 Frederick Street, Albany

File/Ward	:	AMD158 (Frederickstown)
Proposal/Issue	:	Zoning Lot 15 Frederick Street from “Clubs and Institutions” to “Residential” with a density coding of R30
Subject Land/Locality	:	Lot 15 Frederick Street, Albany
Proponent	:	Harley Survey Group
Owner	:	G Hill
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 02/05/00 - Item 12.1.6 OCM 21/11/06 - Item 11.3.4
Summary Recommendation	:	Grant final approval
Bulletin Attachment	:	Submissions from agencies
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. Council resolved at the 21 November 2006 meeting to support a request to rezone Lot 15 Frederick Street from “Clubs and Institutions” to “Residential” with a density coding of R30.
2. The application was referred to the Environmental Protection Authority (EPA), the Department of Water and advertised for 42 days to the general public, up until the 12 April 2007. One submission was received and it has been tabled in the schedule attached to this report item.

STATUTORY REQUIREMENTS

3. Council is required under section 75 of the *Planning and Development Act 2005* to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. Proposal
Rezoning the lot from “Clubs & Institutions” to “Residential - R30” would enable residential development on the lot. Currently this is a use that is not permitted within the Clubs & Institutions zone. All lots adjoining the “Clubs & Institutions” zoned lots are zoned “Residential - R30” and therefore rezoning the lot to “Residential - R30” would be in keeping with the surrounding zoning.

8. Conclusion
The proposal to rezone Lot 15 Frederick Street is consistent with the adopted and proposed planning strategies and principles. The rezoning will allow for the development of high quality residential housing on an under-utilised allotment close to the Albany Town Centre.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, pursuant to Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 1A by:
 - i) Rezoning Lot 15 Frederick Street, Albany from "Clubs and Institutions" to "Residential - R30"; and
 - ii) Amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WALKER**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

AND

2. **THAT Council, pursuant to Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 1A by:**
 - i) Rezoning Lot 15 Frederick Street, Albany from "Clubs and Institutions" to "Residential - R30"; and**
 - ii) Amending the Scheme Maps accordingly.**

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Planning & Development Act 2005
Town Planning Scheme No. 1A - Amendment No. 158

Schedule of Submissions for rezoning Lot 15 Frederick Street from "Clubs and Institutions" to
"Residential" with a density coding of R30 and modifying the Scheme Map accordingly

No	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	a) The EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.	a) Nil	a) Noted

DEVELOPMENT SERVICES REPORTS

11.3.3 Final Approval for Amendment - Lot 7 Rufus Street, Milpara

File/Ward	:	AMD263 (Kalgan Ward)
Proposal/Issue	:	Formal request to rezone Lot 7 Rufus Street from the “Rural” zone to the “Residential Development” zone
Subject Land/Locality	:	Lot 7 Rufus Street, Milpara
Proponent	:	Harley Survey Group
Owner	:	Acetown Nominees Pty Ltd
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/1/07 - Item 11.3.9
Summary Recommendation	:	Grant Final Approval
Bulletin Attachment	:	Submissions from agencies
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. Council resolved at the 16 January 2007 meeting to support a request to rezone Lot 7 Rufus Street from the “Rural” zone to the “Residential Development” zone.
2. The application was referred to the Environmental Protection Authority (EPA) and the Department of Water and advertised for 42 days to the general public, up until the 12 April 2007. Two submissions have been received and are summarised in the schedule attached to this report item.

STATUTORY REQUIREMENTS

3. Council is required under section 75 of the *Planning and Development Act 2005* to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

4. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Applicable State Planning Policies are the “SPP1” (State Planning Framework Policy), “SPP2” (Environment and Natural Resources Policy) and “SPP3” (Urban Growth and Settlement).
5. The primary aim of SPP1 is “*to provide for the sustainable use and development of land*”. The primary aim of SPP2 is “*to protect and conserve the natural environment*”. The WAPC Draft SPP No. 3 Urban Growth and Settlement sets out principles that apply to the planning and urban growth of settlements in WA. The most relevant objective being:
 - “*To co-ordinate new development with the efficient, economic and timely provision of infrastructure and services.*”

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item. Contributions for road upgrading, dual use paths, public open space and drainage may be accommodated during the structure planning and subdivision stages of development.

STRATEGIC IMPLICATIONS

7. The Albany Local Planning Strategy (ALPS) Draft 2005 document indicates the subject land as being ideal for “Future Residential” development. As stated in the ALPS document; “*any development that leapfrogs the existing fully serviced urban front may be considered on the basis that the developer will have to pay the full development costs*”.

COMMENT/DISCUSSION

8. Proposal
The proposal is to rezone Lot 7 Rufus Street to “Residential Development” in order to accommodate a fully serviced residential living area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Opportunities

- 9. The site offers an opportunity for development to help ease the shortage of land available for 500 to 800m² residential lots. The site is located close to Albany Highway connecting to facilities such as the North Albany Senior High School and local shopping. Connection of services to the site, including deep sewer, will enable the surrounding lots to also be intensified for residential living.

Submissions

- 10. The EPA and DoW highlighted the necessity for the development of the site to incorporate “Water Sensitive” design principles for the drainage of the whole area and setbacks and rehabilitation to the foreshore area located at the northern end of the subject land. These comments have been noted and responded to in the schedule of submissions located at the end of this report.

Conclusion

- 11. The rezoning to “Residential Development” falls in line with land use characteristics of the area and strategic and policy requirements. Development of the site will help ease the pressure for residential lots and extend services (deep sewer) to the area; the land adjacent will also have the opportunity to intensify.

RECOMMENDATION

- 1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

- 2. THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany’s Town Planning Scheme No. 3 by rezoning Lot 7 Rufus Street from “Rural” to “Residential” and modifying the Scheme Map accordingly.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR WILLIAMS SECONDED COUNCILLOR BOJCUN</p> <ul style="list-style-type: none"> 1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed. <p>AND</p> <ul style="list-style-type: none"> 2. THAT Council, in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> resolves to amend the City of Albany’s Town Planning Scheme No. 3 by rezoning Lot 7 Rufus Street from “Rural” to “Residential” and modifying the Scheme Map accordingly. <p style="text-align: right;">CARRIED 15-0</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Planning & Development Act 2005
Town Planning Scheme No. 3 - Amendment No. 263

Schedule of Submissions for rezoning Lot 7 Rufus Street from the "Rural" zone to the "Residential Development" zone and modifying the Scheme Map accordingly

No	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	<p>a) The proposed scheme amendment does not require a formal assessment under Part IV of the Environment Protection Act.</p> <p>b) There is a likelihood of increased runoff as a result of fence lines, firebreaks, access tracks and building envelopes.</p> <p>c) The subdivider to make arrangements to the satisfaction of the DOW for a strategic replanting program of indigenous vegetation along Willyung Creek.</p> <p>d) Development is to be setback from Willyung Creek in accordance with advice from DOW and the EPA's Guidance Statement No.33.</p>	<p>a) Nil</p> <p>b) As a condition of subdivision, the design and development of the infrastructure is to employ "Water Sensitive Urban Design" principles. A foreshore management plan will also be required to make recommendations for drainage, nutrients, acid sulphate soil and other.</p> <p>c) As a condition of subdivision and development, a management plan is to be implemented for the designation, protection and rehabilitation of the foreshore area. This plan will make recommendations for the rehabilitation of endemic vegetation.</p> <p>d) At the subdivision and development stages, liaison will occur with the DOW to determine an appropriate setback for development to the foreshore area and 1:100 floodplain.</p>	<p>a) Noted</p> <p>b) Noted</p> <p>c) Noted</p> <p>d) Noted</p>

DEVELOPMENT SERVICES REPORTS

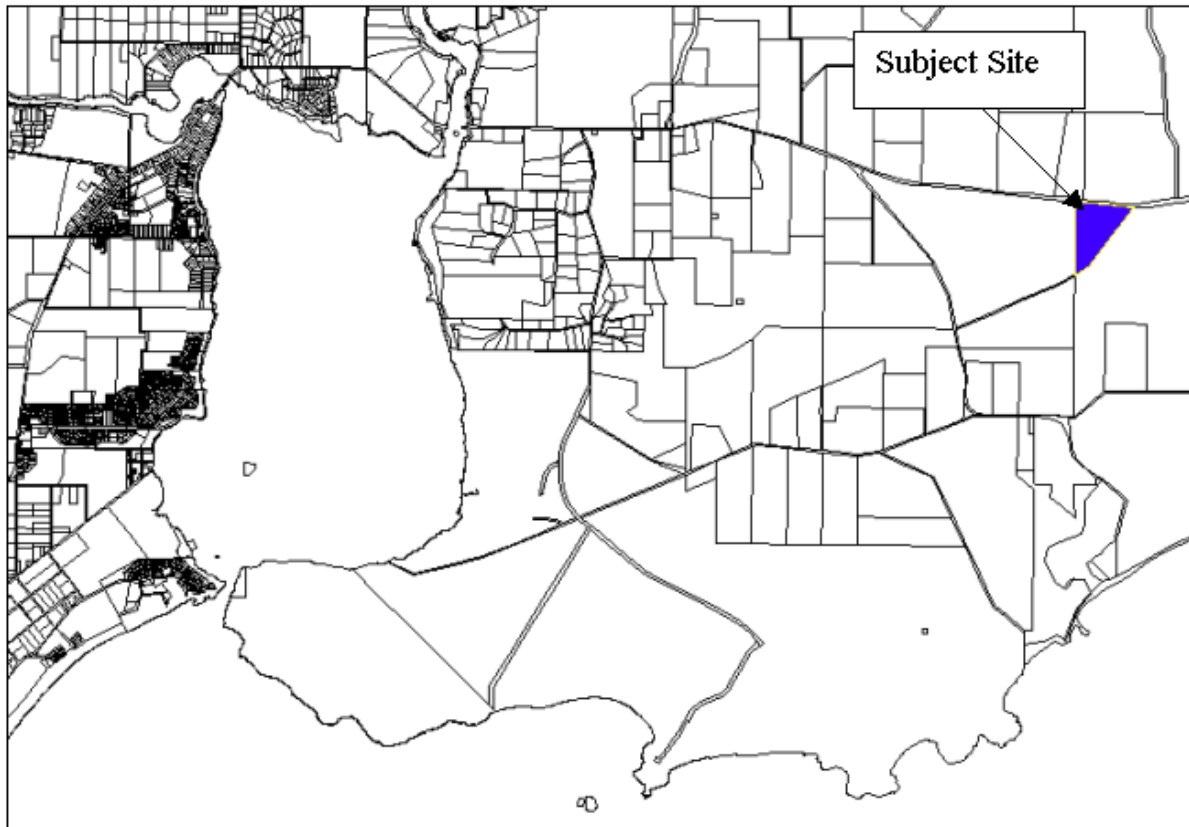
Item 11.3.3 continued

No	Submitter	Submission	Officer Comment	Council Recommendation
2.	Department of Water 5 Bevan Street ALBANY WA 6330	<p>a) An integrated urban water management plan is to be prepared and implemented at the subdivisional works stage.</p> <p>b) An area is to be set aside as “foreshore reserve or POS” alongside Willyung Creek to provide a buffer to development.</p> <p>c) Stormwater infrastructure is to be located above the 1:100 year floodplain.</p> <p>d) Landscaping within the foreshore area shall utilise endemic plant species.</p> <p>e) There may be Acid Sulphate Soils within the northern portion of the subject site.</p>	<p>a) As per the officers comment in section 1 (b)</p> <p>b) As per the officers comment in section 1 (c) and (d)</p> <p>c) As per the officers comment in section 1 (d)</p> <p>d) As per the officers comment in section 1 (d)</p> <p>e) As per the officers comment in section 1 (b)</p>	<p>a) Noted</p> <p>b) Noted</p> <p>c) Noted</p> <p>d) Noted</p> <p>e) Noted</p>

DEVELOPMENT SERVICES REPORTS

11.3.4 Final Approval for Amendment - Loc 6511, 304 Two Peoples Bay Road, Kalgan

File/Ward	:	AMD258 (Kalgan Ward)
Proposal/Issue	:	Formal request to rezone portion of Loc 6511 (Number 304) Two Peoples Bay Road from the “Rural” zone to a “Special Use” zone
Subject Land/Locality	:	Loc 6511, 304 Two Peoples Bay Road, Kalgan
Proponent	:	Harley Survey Group
Owner	:	K Rost and S Watson
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/06/06 - Item 11.3.3 OCM 19/12/06 - Item 11.3.3
Summary Recommendation	:	Grant final approval
Bulletin Attachment	:	Submissions from agencies
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. Council resolved at the 19 December 2006 meeting to support a request to rezone Loc 6511 (Number 304) Two Peoples Bay Road from the “Rural” zone to the “Special Use” zone.
2. The application was referred to the Environmental Protection Authority (EPA) and the Department of Water and advertised for 42 days to the general public, up until the 12 April 2007. Two submissions have been received and they are summarised in the schedule attached to this report item.

STATUTORY REQUIREMENTS

3. Council is required under section 75 of the *Planning and Development Act 2005* to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

4. Part of the intent of the amendment is to enable the subdivision of the subject land into two lots. “General Policy 33” (Local Rural Strategy) *“supports the subdivision of rural land for tourist...related development where...the development is an existing, approved development which has been rezoned.”* The subject land has an approved, developed and operational “Country Kitchen and Shop” and Council has supported in principle the rezoning of the site to a “Special Use” zoning.
5. More than three chalets are not permitted in the “Rural” zone as defined in the Local Rural Strategy policy document adopted under the scheme. A rezoning will therefore be required in order to accommodate the 12 chalets, the subject of this application.
6. Applicable State Planning Policies are the “SPP1” (State Planning Framework Policy) and “SPP2” (Environment and Natural Resources Policy). The primary aim of SPP1 is *“to provide for the sustainable use and development of land”*. The primary aim of SPP2 is *“to protect and conserve the natural environment”*. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The property is identified in the draft Albany Local Planning Strategy (ALPS) as being suitable for “General Agriculture”. To incorporate tourism uses in the “General Agriculture” area, the ALPS document requires:
 - *Protection of existing agriculture land from incompatible land use, developments and land management practices; and*
 - *Sustainable rural tourism uses and developments in locations that are compatible with existing land uses, especially agriculture activities.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

9. The agriculture land (tree plantations, grazing and cropping) is not expected to be impacted upon by the small scale tourist use proposed by this application. The chalets, restaurant and other incidental uses are expected to compliment the already existing country kitchen and marron ponds. Those uses are located within the site and some distance from adjacent agricultural activities.

COMMENT/DISCUSSION

Proposal

10. This amendment proposes to rezone a portion of Loc 6511, 304 Two Peoples Bay Road, Kalgan to “Special Use”, the purpose being to enable the development of a restaurant (expanded version of the existing), holiday accommodation (12 Chalets), caretakers dwelling, recreational fishing, a zoo (small animals...rabbits), equestrian uses, golf facilities. The proposed tourist uses are to be excised from the balance of the farming lot activities.
11. The additional uses consolidate the growing focus of tourism within the locality and promote the long-term growth and economy of Albany. The excision segregates the tourist uses from the rural use (aquaculture), therefore improving the opportunity to concentrate and intensify that activity.

Submissions

12. The Environmental Protection Authority made the comment that the management principles need to be provided for stocking rates, revegetation, landscaping, nutrients, pesticides and water. These comments have been noted and responded to in the Schedule of Submissions located at the end of this report. Generally, the City does not regulate stocking rates as it does not have the resources or expertise to do so. This is the domain of the DEC and DAF.

Conclusion

13. The proposal to rezone the land from “Rural” to “Special Use” complies with the City policy (Local Rural Strategy) and strategic (Albany Local Planning Strategy) objectives for the area.
14. The additional uses are not expected to impact on the existing and surrounding land uses of the area. The excision segregates the tourist uses from the rural use (aquaculture), therefore improving the opportunity to concentrate and intensify.
15. Suitable provisions have been put in place to maintain the character of the area, to improve amenity and to keep safety standards for the occupants and tourists at a premium.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 3 by:
 - i) Rezoning portion of Lot 6511 Two Peoples Bay Road, Kalgan from the "Rural" zone to the "Special Use" zone;
 - ii) Amending the Scheme Maps accordingly; and
 - iii) Inserting Land Particulars, Permitted Uses and Special Conditions into Schedule 3 of the Scheme.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WALKER**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

AND

2. **THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 3 by:**
 - i) **Rezoning portion of Lot 6511 Two Peoples Bay Road, Kalgan from the "Rural" zone to the "Special Use" zone;**
 - ii) **Amending the Scheme Maps accordingly; and**
 - iii) **Inserting Land Particulars, Permitted Uses and Special Conditions into Schedule 3 of the Scheme.**

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

Planning & Development Act 2005
Town Planning Scheme No. 3 - Amendment No. 258

Schedule of Submissions for rezoning Loc 6511 (Number 304) from the "Rural" zone
to the "Special Use" zone and modifying the Scheme Map accordingly

No	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	<p>a) The proposed scheme amendment does not require a formal assessment under Part IV of the Environment Protection Act.</p> <p>b) Stocking rates are to be managed to prevent erosion and impacts on remnant vegetation.</p> <p>c) Areas disturbed during construction to be rehabilitated and stabilised.</p> <p>d) Excess nutrients, pesticides and water are to be minimised and contained on site.</p>	<p>a) Nil</p> <p>b) At the approval stage of development, a condition can be applied to control stocking rates in accordance with Agriculture WA policy.</p> <p>c) At the approval stage of development and subdivision, a condition can be applied for the rehabilitation and stabilisation of vegetation and the landscape.</p> <p>d) At the approval stage of development and subdivision, a condition can be applied for the appropriate management of nutrients, pesticides and water.</p>	<p>a) Noted</p> <p>b) Noted</p> <p>c) Noted</p> <p>d) Noted</p>
2.	Department of Water 5 Bevan Street ALBANY WA 6330	<p>a) In the event that the City of Albany receives an application to expand the existing aquaculture business, the proposal is to be referred to the DoW for comment.</p> <p>b) Expansion of the aquaculture business should provide information on how</p>	<p>a) At the application stage of development/expansion, as a standard procedure, staff at the City will refer the application to the Department of Water asking for comment.</p> <p>b) During the application and referral stages and prior to approval of the development/expansion of</p>	<p>a) Noted</p> <p>b) Noted</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

No	Submitter	Submission	Officer Comment	Council Recommendation
		<p>the following environmental issues will be managed:</p> <p>Waste minimisation to avoid excessive nutrient enrichment of any water body close to the aquaculture project, i.e. development and implementation of an approved nutrient and irrigation management plan; efficient use of local water resources; understanding and effective protection of local ecological values; potential escape of diseases into the environment; and impacts from earthworks during pond construction, including run-off of turbid stormwater.</p>	<p>the aquaculture business, the applicant can be requested to provide the necessary environmental information as requested by the DoW. Additionally, as a condition of approval, prior to the occupation of use for the expansion component of development, the proponent will be required to implement environmental management techniques as requested by the DoW.</p>	

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a proximity interest in Item 11.3.5 and left the meeting at 8.09pm. The nature of Councillor Wiseman's interest is that he owns property directly next to the site.

11.3.5 Final Approval for Amendment - Lot 115 Flemington Street, McKail

File/Ward	:	AMD265 (West Ward)
Proposal/Issue	:	Formal request to rezone Lot 115 from the "Rural" zone to the "Residential Development" zone
Subject Land/Locality	:	Lot 115 Flemington Street, McKail
Proponent	:	Harley Survey Group
Owner	:	J Rowe
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/1/07 - Item 11.3.6
Summary Recommendation	:	Grant final approval
Bulletin Attachment	:	Submissions from agencies
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. Council resolved at the 16 January 2007 meeting to initiate the rezoning of Lot 115 Flemington Street, McKail from the “Rural” to “Residential Development” zone.
2. The application was referred to the Environmental Protection Authority (EPA) and the Department of Water and advertised for 42 days to the general public, up until the 12 April 2007. Two submissions have been received and they are summarised in the schedule attached to this report item. Copies of the submissions are included in the Elected Member’s Report / Information Bulletin.

STATUTORY REQUIREMENTS

3. Council is required under section 75 of the *Planning and Development Act 2005* to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

4. Applicable State Planning Policies are the “SPP1” (State Planning Framework Policy) and “SPP2” (Environment and Natural Resources Policy). The primary aim of SPP1 is “*to provide for the sustainable use and development of land*”. The primary aim of SPP2 is “*to protect and conserve the natural environment*”. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

5. There are no financial implications relating to this item. Contributions for road upgrading, dual use paths, public open space and drainage will be accommodated at the subdivision stage in accordance with the McKail Structure Plan.

STRATEGIC IMPLICATIONS

6. The Albany Local Planning Strategy (ALPS) Draft 2005 document indicates the subject land as being ideal for residential development.

COMMENT/DISCUSSION

7. Proposal
The rezoning to “Residential Development” is proposed to facilitate further staged development, in line with the adopted “McKail Structure Plan” and the Albany Local Planning Strategy.

8. Submissions
As indicated by the Environmental Protection Authority and the Department of Water, there are no environmental impediments relating to the application to rezone the site.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

Conclusion

9. The rezoning is considered appropriate and consistent with the direction set by Council in its planning documents. The rezoning will allow for the implementation of the area's McKail Structure Plan and the release of further stages of this emergent residential community to meet land demand.

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 3 by rezoning Lot 115 Flemington Street from "Rural" to "Residential Development" and modifying the Scheme Map accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MARSHALL**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

AND

2. **THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 3 by rezoning Lot 115 Flemington Street from "Rural" to "Residential Development" and modifying the Scheme Map accordingly.**

CARRIED 14-0

Councillor Wiseman returned to the meeting at 8.10pm following consideration of Item 11.3.5.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

Planning & Development Act 2005
Town Planning Scheme No. 3 - Amendment No. 265

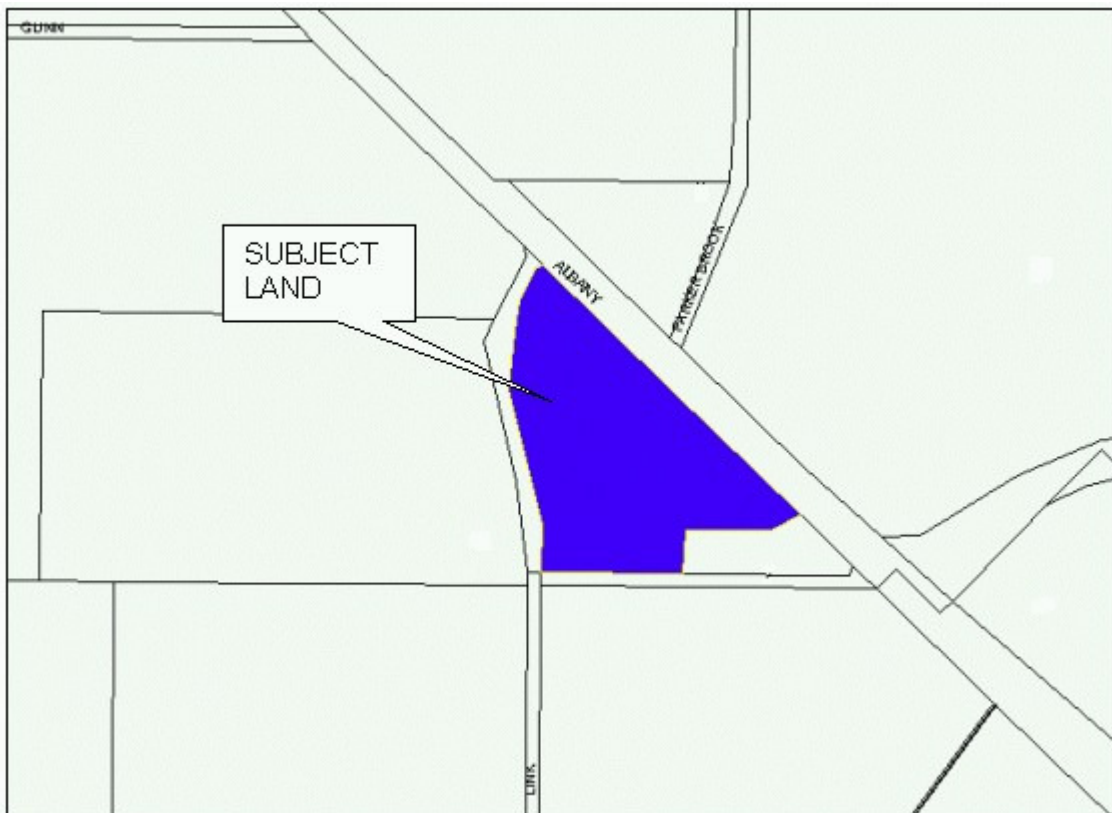
Schedule of Submissions for rezoning Lot 115 Flemington Street, McKail from "Rural" to "Residential Development" and modifying the Scheme Map accordingly

No	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	a) The EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.	a) Nil	a) Noted
2.	Department of Water 5 Bevan Street ALBANY WA 6330	a) The DOW does not object to the rezoning application. b) Suitable provisions need to be employed for drainage, nutrient and foreshore management. The lineal open space area should maintain a minimum width of 30m as recommended in the McKail Structure Plan.	a) Nil b) Provisions can be employed at the structure planning, subdivision and development stages.	a) Noted b) Noted

DEVELOPMENT SERVICES REPORTS

11.3.6 Final Approval for Amendment - Lot 6 Henderson Road, Drome

File/Ward	:	AMD264 (West Ward)
Proposal/Issue	:	Rezoning land from “Rural” to “Special Rural”
Subject Land/Locality	:	Lot 6 Henderson Road, Drome
Proponent	:	Ayton Taylor Burrell
Owner	:	P Newman
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/1/07 - Item 11.3.8
Summary Recommendation	:	Grant final approval
Bulletin Attachment	:	Priority Route Concept Plan (Main Roads WA) Subdivision Guide Plan (as amended) Submissions on Amendment
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. Council resolved at the 16 January 2007 meeting to support a request to rezone Lot 6 Henderson Road, Drome from the “Rural” to “Special Rural” zone.
2. The application was referred to the Environmental Protection Authority (EPA), the Department of Water, Department of Health, Main Roads WA and advertised for 42 days to the general public, up until the 12 April 2007. Five submissions have been received and they are summarised in the schedule attached to this report item. Copies of the submissions are included in the Elected Member’s Report / Information Bulletin.

STATUTORY REQUIREMENTS

3. Council is required under section 75 of the *Planning and Development Act 2005* to consider the submissions lodged on the scheme amendment and resolve to progress the amendment without change, to progress the amendment subject to the modifications or recommend that the amendment not proceed. The final decision on the scheme amendment rests with the Minister for Planning and Infrastructure.

POLICY IMPLICATIONS

4. There are a number of policy documents that need to be referred to because of:
 - The zoning of the property (Rural);
 - The close location of the property to Lot 7 Albany Highway, which has a current licence to keep a kennel establishment (“Rainbow Coast Boarding Kennels and Cattery”); and
 - Road plans being developed for heavy haulage vehicles (Albany Ring Road) linking along Henderson Road to Albany Highway and Link Road.

The policy documents include the following:

- The WAPC - Statement of Planning Policy No. 4.1 (State Industrial Buffer Policy);
- The EPA Guidance Statement No. 3 (Separation Distances between Industrial and Sensitive Land Uses); and
- The Government committed Albany Ring Road - Stages 2 and 3.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. The Albany Local Planning Strategy (ALPS) Draft 2005 twenty-year indicative plan illustrates the property in question as “Rural Residential”. The strategic objective for rural living as defined in the ALPS (draft) is to:

“Ensure that rural living areas are planned and developed in an efficient and coordinated manner as logical extensions of existing settlements that have adequate services and community infrastructure.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

7. The property in question is located on the eastern side of Link Road within close distance to Lots 50 and 51 Link Road, which are being finalised for a rezoning to “Special Rural” (AMD179). The rezoning is therefore a logical extension of existing settlements.

COMMENT/DISCUSSION

Proposal

8. The proposal is to rezone Lot 6 Henderson Road from the “Rural” to the “Special Rural” zone. The purpose being to allow for the subdivision and development of the site into nine lots of approximately 1.0ha each.

Submissions

9. The EPA supports the provisions defined within the amending document, including provisions 5.2, 8.2 and 10.2, which control the location of buildings for noise amenity, the use of suitable effluent disposal systems and the notification to prospective purchasers for the proximity of a dog kennel adjoining.
10. The EPA made the comment that prospective purchasers should be advised of measures (appropriate setback and building design) to overcome noise stemming from the Albany Highway. As per the schedule of submissions attached to this report, staff recommended that provision 10.2 be modified to address this issue with a notice advising prospective purchasers of the noise factors relating to transport noise.
11. Main Roads WA advised that they are currently undertaking planning for stages 2 and 3 of the Albany Ring Road. A “Priority Route Concept Plan” (Drawing No.0401-014) developed by MRWA for the Albany Ring Road indicates that the property in question is located outside of any impact zone. The plan (No. 0401-014) is included in the Elected Member’s Report / Information Bulletin.
12. Staff previously raised concern about the size (small) of certain building envelopes depicted on the subdivision guide plan and therefore the poor ability to develop on the lot. The applicant provided modifications to the guide plan and provision 5.1, which increases the building envelopes and therefore the potential for development. Refer to the Elected Member’s Report / Information Bulletin for the indicative subdivision guide plan.

Conclusion

13. The land use is supported by the City’s strategic planning document (ALPS) and is a logical development given the surrounding land use, availability of services and land capability. The constraints of noise, visual amenity, access, setbacks, fire management and the Albany Ring Road have all been taken into account in the design of the subdivision guide plan and the provisions to be attached.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

RECOMMENDATION

1. THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.

AND

2. THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 3 by rezoning Lot 6 Albany Highway/Link Road from the "Rural" zone to "Special Rural".

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

1. **THAT the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed.**

AND

2. **THAT Council, in pursuance of Section 75 of the *Planning and Development Act 2005* resolves to amend the City of Albany's Town Planning Scheme No. 3 by rezoning Lot 6 Albany Highway/Link Road from the "Rural" zone to "Special Rural".**

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Planning & Development Act 2005
Town Planning Scheme No. 3 - Amendment No. 264

Schedule of Submissions for rezoning Lot 6 Henderson Road, Albany from the "Rural" to "Special Rural" zone and modifying the Scheme Map accordingly

No.	Submitter	Submission	Officer Comment	Council Recommendation
1.	Environmental Protection Authority PO Box K822 Perth WA 6842	<p>a) The proposed scheme amendment does not require a formal assessment under Part IV of the Environment Protection Act.</p> <p>b) The EPA supports provisions 5.2, 8.2 and 10.2, which control the location of buildings for noise amenity, the use of suitable effluent disposal systems and the notification to prospective purchasers for the proximity of a dog kennel adjoining.</p> <p>c) The EPA made reference to the West Australian Planning Commission's policy on Road and Rail Transport Noise section 5.6, which states that <i>"where major transport routes pass through rural areas, noise impacts can often be satisfactorily addressed through the provisions of setbacks to housing and other noise sensitive designs"</i>. The EPA further commented that Internal spaces of residential premises</p>	<p>a) Nil</p> <p>b) Nil</p> <p>c) Provision 5.1 makes the requirement of a setback of 40m to Albany Highway. There is no provision relating to building design in order to overcome noise from the major transport along Albany Highway.</p>	<p>a) Noted</p> <p>b) Noted</p> <p>c) Uphold and modify provision 10.2 to read as follows: <i>"Section 70A Transfer of Land Act Notifications shall be placed on the titles of all proposed lots advising of; the proximity of dog kennels on the adjoining Lot 7 to the south; the proximity of Albany Highway to the east; and that residential premises should be designed such that the spaces comply with 51-55LaeqT Day and 41-45LaeqT Night"</i>.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
		should be designed such that the spaces comply with 51-55LaeqT Day and 41-45LaeqT Night. The EPA concluded that prospective purchasers be notified by way of certificates on titles of these noise factors.		
2.	Department of Water 5 Bevan Street ALBANY WA 6330	a) The Department of Water advised that it <i>“does not wish to provide comment in relation to Town Planning Scheme No. 3 Amendment No. 264”</i> .	a) Nil	a) Noted
3.	Department of Health PO Box 8172 Perth WA 6849	a) Provisions must be made for a buffer between residential developments and the dog kennel. The EPA guidelines recommend a minimum distance of 500m within a rural situation.	a) The EPA has provided a response to the amendment and support the provisions employed within the amendment to deal with noise related issues.	a) Noted
4.	Main Roads WA Great Southern Region Albany WA 6330	a) Main Roads provided the comment that planning for stages 2 and 3 of the Albany Ring Road are in progress.	a) A “Priority Route Concept Plan” for the Albany Ring Road has been developed by Main Roads WA (Drawing No.0401-014). The concept route does not impact on the subject land.	a) Noted
5.	Ayton Taylor Burrell 11 Duke Street ALBANY WA 6330	a) With the purpose to improve the development potential within each lot: the subdivision guide plan is to be amended; and provision 5.1 is to be amended to read	a) The variation to the lot boundaries of the subdivision guide plan and to provision 5.1 provide a much better outcome for development.	a) Uphold: Amend the subdivision guide plan (as attached) and provision 5.1 to read as follows: <i>“All buildings and structures (excluding fencing) shall be setback a</i>

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

No.	Submitter	Submission	Officer Comment	Council Recommendation
		<p>as follows: "All buildings and structures (excluding fencing) shall be setback a minimum of 40 metres from Albany Highway, 15 metres from Link Road and Henderson Road and 5 metres from all other lot boundaries".</p>		<p>minimum of 40 metres from Albany Highway, 15 metres from Link Road and Henderson Road and 5 metres from all other lot boundaries".</p>

DEVELOPMENT SERVICES REPORTS

11.3.7 Review of City of Albany Town Planning Scheme Policies - Various Policies

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Home occupations - Delegated Authority • Oversized Buildings • Breach of Scheme provisions / Non-compliance with conditions of approval • Development applications • New subdivisions - underground power
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Home occupations - Delegated Authority • Oversized Buildings • Breach of Scheme provisions / non-compliance with conditions of approval • Development applications • New subdivisions - underground power
Locality Plan	:	N/A

BACKGROUND

1. Council staff in the process of going through the Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Home occupations - Delegated Authority** - Adopted in 1995, this policy gave authority to the Director of Technical Services or his/her nominee to approve or disapprove applications for home occupations based on whether the business could comply with Council regulations, be of a contentious nature, or potentially affect the amenity of the area.
 - b. **Oversized Buildings** - Adopted in 1995, this policy gave authority to the Principal Planner and his/her Deputy to issues development consent with or without conditions for domestic outbuildings exceeding 46.5m².

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

- c. **Breach of Scheme provisions / non- compliance with conditions of approval** - Adopted in 1984, this policy enforced the Principal Planner to act upon any notification or observance of breaches of scheme provisions or conditions of a development and address them in the appropriate manner.
- d. **Development applications** - Adopted in 1989, this policy gives authority to the Principal Planner to process development applications in consultation with other Senior Planners; thus alleviating the necessity of presenting each application to Council when it may be dealt with outside that arena.
- e. **New subdivisions - underground power** - Adopted in 1989, this policy states that all new residential subdivisions will be supplied with underground power unless this service is available or viable, or will affect the visual amenity of the area.

STATUTORY REQUIREMENTS

2. The City of Albany Town Planning Scheme No 1A, Clause 7.21.3 and City of Albany Town Planning Scheme No 3, clause 6.9.3 states:

“A Town Planning Scheme policy may only be altered or rescinded by:

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

POLICY IMPLICATIONS

3. Council continues to have approximately 110 policies remaining in place that apply to land use development in Albany and surrounds. This report provides an opportunity for Council to review the number of policies in place and rationalise where possible.

FINANCIAL IMPLICATIONS

4. The cost of advertising the rescission of the policies will be borne by Council

STRATEGIC IMPLICATIONS

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- *Excellent community infrastructure and services.*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to:

- *Delivering excellent community services; and*
- *Providing sound governance.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Priority Projects:

- 21. *Development Control Function Review; and*
- 58. *Policy and Procedure Manual.*”

COMMENT/DISCUSSION

6. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.
7. **Policy 57 - Home occupations - Delegated Authority** - Staff have been delegated authority to approve home occupations pursuant to the Development Guidelines that Council reviews annually. When considering any development application, inclusive of home occupations, planning staff are required to assess each application upon its merit and where non-compliance exists, the procedures to remedy that non-compliance are established in the regulatory framework; the procedures outlined in the policy give no consideration to the issues surrounding the non-compliance and, if followed by staff, could result in an unsuccessful enforcement action.
8. **Policy 58 - Oversized Buildings** - Council has reviewed the policy framework relating to outbuildings on several occasions to provide a transparent set of standards and a decision-making framework by city staff. The more recent action supersedes this policy, which was adopted approximately 12 years ago.
9. **Policy 59 - Breach of Scheme provisions / non-compliance with conditions of approval** - This policy was adopted in 1984 and the meeting arrangements of Council have changed during the intervening period. Planning Staff at the City of Albany are called upon, almost on a daily basis, to investigate complaints regarding non-compliance with zoning provisions and conditions attached to planning scheme consents and also for general nuisance claims. Staff currently do not report to Council all actions that are taken to resolve neighbourly disputed and to do so would involve considerable resources; those resources are currently not available unless Council wishes to remove officers from their current priorities of assessing development applications and putting in place the future planning for the City.
10. With all compliance matters, judgement calls are made on the level of action that should be taken in response to those investigations and that decision-making cannot be converted into a simple policy. Simpler matters can generally be resolved administratively, whilst more blatant breaches need to be referred to Council for political and financial support to commence potentially protracted and costly proceedings. Enforcement procedures are also defined in various Acts and Regulations, plus the Scheme, further reducing the relevance of this policy.
11. **Policy 60 - Development applications** - This principles espoused in this operating procedure are legislative obligations laid out clearly in the Town Planning Scheme, the Planning and Development Act and the Local Government Act, therefore this policy has little relevance and should be rescinded.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

12. **Policy 61 - New subdivisions - underground power** - This policy was required in the 1990s when underground power was a discretionary requirement during the subdivision process. Western Power's protocols now require the installation of underground power on all urban subdivisions and the City's Development and Subdivision Guidelines cover power requirements for other forms of subdivision. There is no merit in retaining this policy.

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Home occupations - Delegated Authority - 1995
- Oversized Buildings - 1995
- Breach of Scheme provisions / non- compliance with conditions of approval - 1984
- Development applications - 1989
- New subdivisions - underground power - 1989

and, advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR EMERY**

THAT Council, rescind and not replace the policies entitled:

- **Home occupations - Delegated Authority - 1995**
- **Oversized Buildings - 1995**
- **Breach of Scheme provisions / non- compliance with conditions of approval - 1984**
- **Development applications - 1989**
- **New subdivisions - underground power - 1989**

and, advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.3.8 Review of City of Albany Town Planning Scheme Policies - Various Policies

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Planning Service fees • Development proposals - Major • Tree planting • General Relaxation - Landscape provisions • Applications for Planning Consent • Setback Provisions - Lots fronting more than one street • Open air storage areas - Screening
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Planning Service fees • Development proposals - Major • Tree planting • General Relaxation - Landscape provisions • Applications for Planning Consent • Setback Provisions - Lots fronting more than one street • Open air storage areas - Screening
Locality Plan	:	N/A

BACKGROUND

1. Council staff in the process of going through the 160 or so Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Planning Service fees** - Adopted in 1990, this policy outlined the Planning Service fees applicable at this time.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

- b. **Development proposals - Major** - Adopted in 1985, this policy ensured major development proposals were assessed for viability prior to the undertaking of the full planning process.
- c. **Tree planting** - Adopted in 1991, this policy sought to ensure that, in cooperation with the Shire of Albany, the ongoing visual amenity of the Town was retained in a cost effective manner and that Public Open Spaces were preserved in residential areas.
- d. **General Relaxation - Landscape provisions** - Adopted in 1982, this policy sought to allow new developments a 50% reduction in an area set aside for landscaping use, so long as this did not detract from the visual amenity of the area and was maintained appropriately.
- e. **Applications for Planning Consent - Landscaping Plans** - Adopted in 1982, this policy stipulated that all planning applications are accompanied by a full landscaping plan to ensure the visual amenity of the area is maintained.
- f. **Setback Provisions - Lots fronting more than one street** - Adopted in 1982, this policy gave authority to the Principal Planner, along with other Council Officers and reference to applicable policies, the decision determining the primary street frontage when a lot was fronted by two streets.
- g. **Open air storage areas - Screening** - Adopted in 1982, this policy prohibited the use of land for open air storage purposes unless appropriately screened from public view with consent from Council.

STATUTORY REQUIREMENTS

- 2. The City of Albany Town Planning Scheme No 1A, Clause 7.21.3 and City of Albany Town Planning Scheme No 3, clause 6.9.3 states:

“A Town Planning Scheme policy may only be altered or rescinded by:

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

POLICY IMPLICATIONS

- 3. Council continues to have approximately 105 policies remaining in place that apply to land use development in Albany and surrounds. This report provides an opportunity for Council to review the number of policies in place and rationalise where possible.

FINANCIAL IMPLICATIONS

- 3. The cost of advertising the rescission of the policies will be borne by Council.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

STRATEGIC IMPLICATIONS

4. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- *Excellent community infrastructure and services.*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to:

- *Delivering excellent community services; and*
- *Providing sound governance.*

Priority Projects:

- *21. Development Control Function Review; and*
- *58. Policy and Procedure Manual.”*

COMMENT/DISCUSSION

6. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.
7. **Policy 62 - Planning Service fees** - Each year Council reviews its fee schedule as part of the budget deliberations and there are Regulations applying within WA to set the maximum fees that may be applied to development proposals. This policy was made redundant by successive Council budget decisions.
8. **Policy 63 - Development proposals - Major** - The senior management team of the City is made aware of major development proposals before the Planning Team and developers are encouraged to brief Councillors at a Concept Briefing session. This policy was introduced in the 1980s when Council was actively pursuing economic development opportunities in the District; those economic and development conditions no longer exist in the region.
9. **Policy 64 - Tree planting** - Council has a Streetscape Committee working diligently to put in place a co-ordinated response to the planting and development of infrastructure within local streets to improve the visual amenity of the City. The City has also employed full time officers to plan urban parks and to develop management solutions for bush and coastal reserves. The introduction of a town planning policy should provide a mechanism to regulate development activity on private land parcels. However, this policy deals with activities within Council controlled reserves and those activities are not covered by the Scheme. This policy is general in its nature and lacks any specific planning outcome in relation to tree planting, therefore it is recommended that it be rescinded.

DEVELOPMENT SERVICES REPORTS

Item 11.3.8 continued

10. **Policy 65 - General Relaxation - Landscape provisions** - The principles in this policy have been transferred into the Development Guidelines which are reviewed by Council on an annual basis.
11. **Policy 66 - Applications for Planning Consent - Landscaping Plans** - The principles in this policy have been transferred into the Development Guidelines which are reviewed by Council on an annual basis. Planning Staff also visit the site of all new industrial and commercial developments, as part of the assessment process, and visual clarification of the site conditions is obtained at that time.
12. **Policy 67 - Setback Provisions - Lots fronting more than one street** - On corner lots, a decision must ultimately be taken which street is the primary street for setback calculation purposes. City staff determine setback primacy taking into consideration such factors as traffic safety, site conditions and the implications on landowners. This policy states the obvious. See also the comments in the previous agenda item.
13. **Policy 68 - Open air storage areas - Screening** - The principles in this policy have been transferred into the Development Guidelines which are reviewed by Council on an annual basis.

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Planning Service fees - 1990
- Development proposals - Major - 1985
- Tree planting - 1991
- General Relaxation - Landscape provisions - 1982
- Applications for Planning Consent - 1982
- Setback Provisions - Lots fronting more than one street 1982
- Open air storage areas - Screening - 1982

and, advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR BOJCUN**

THAT Council, rescind and not replace the policies entitled:

- **Planning Service fees - 1990**
- **Development proposals - Major - 1985**
- **Tree planting - 1991**
- **General Relaxation - Landscape provisions - 1982**
- **Applications for Planning Consent - 1982**
- **Setback Provisions - Lots fronting more than one street 1982**
- **Open air storage areas - Screening - 1982**

and, advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.3.9 Review of City of Albany Town Planning Scheme Policies – Various Policies

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Residential Setback Relaxations - Delegated Authority • Development Area and Street names
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Residential Setback Relaxations - Delegated Authority • Development Area and Street names
Locality Plan	:	N/A

BACKGROUND

1. Council staff, in the process of going through the 160 or so Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Residential Setback Relaxations - Delegated Authority** - Adopted in 1993, this policy clarified setback relaxations under the Residential Planning Codes that may be granted by the Principal Planner under delegated authority.
 - b. **Development Area and Street names** - Adopted in 1995, this policy gave this responsibility to the appropriate geographic, cartographic and administrative departments and outlined the processes to be followed in the selection of street names.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

STATUTORY REQUIREMENTS

2. The City of Albany Town Planning Scheme No 1A, Clause 7.21.3 and City of Albany Town Planning Scheme No 3, Clause 6.9.3 states:

“A Town Planning Scheme policy may only be altered or rescinded by:

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

POLICY IMPLICATIONS

3. Council continues to have approximately 100 policies remaining in place that apply to land use development in Albany and surrounds. This report provides an opportunity for Council to review the number of policies in place and rationalise where possible.

FINANCIAL IMPLICATIONS

4. The cost of advertising the rescission of the policies will be borne by Council.

STRATEGIC IMPLICATIONS

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- Excellent community infrastructure and services.*
- Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to:

- Delivering excellent community services; and*
- Providing sound governance.*

Priority Projects:

- 21. Development Control Function Review; and*
- 58. Policy and Procedure Manual.”*

COMMENT/DISCUSSION

6. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.

DEVELOPMENT SERVICES REPORTS

Item 11.3.9 continued

- 7. **Policy 69 - Residential Setback Relaxations - Delegated Authority** - The Residential Design Codes provide guidance on setback relaxations and the Codes have been amended on at least four occasions since they were first introduced. Measuring and determining setback requirements from side boundaries has changed with each review to take into consideration changing community attitudes, recognition of private open space areas and the impact of slope. A Council policy cannot over-rule the R Code provisions and this policy is in conflict with the Codes.
- 8. Council has provided delegated authority for staff to approve developments in compliance with the principles in the Development Guidelines that are reviewed by Council on an annual basis. Those guidelines have kept abreast of changes in the R Codes and this policy, adopted in 1993, is now over a decade out of date.
- 9. **Policy 70 - Development Area and Street names** - The only person authorised to apply a name to a street, feature or land parcel is the Minister for Lands, or her delegate, pursuant to the Land Administration Act. The Minister has put in place protocols relating to the naming of streets, suburbs, features, etc and Council is required to follow that protocol when initiating a request to apply a name. This policy is a duplicate of the protocols put in place for the Geographic Names Committee of Landgate (previously the Department of Land Information) and it should not have been submitted in the form of a Council policy. At best, it remains a set of guidance procedures for staff to take into consideration when reporting requests for changes in names to Council.

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Residential Setback Relaxations - Delegated Authority - 1993
- Development Area and Street names - 1995

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR MARSHALL**

THAT Council, rescind and not replace the policies entitled:

- **Residential Setback Relaxations - Delegated Authority - 1993**
- **Development Area and Street names - 1995**

and advertises the rescission pursuant to Clause 7.21.3 of the City of Albany Town Planning Scheme No 1A.

CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Change of Reserve Purpose - Expansion of Albany Racing Club Premises

File/Ward	:	A6791, A174427 (West Ward)
Proposal/Issue	:	Expansion of Albany Racing Club Premises
Subject Land/Locality	:	Reserve 30496 Roberts Road, Robinson
Proponent	:	Albany Race Club
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Not Support Request
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. The Albany Race Club has requested Council support to use a triangular shaped area of land located between the Percy Spencer Racecourse and the Albany Equestrian Centre. The land is 8.7ha in area and is a Crown Reserve with the management order issued in 1970 to the City of Albany for the purpose of "Recreation".
2. The Albany Race Club advises that the land is ideally suited for an additional exercise area for horses and would greatly enhance the Club's existing training facilities. The Club would also accept responsibility for maintaining a firebreak and ensure that fencing is kept to a desirable standard.

STATUTORY REQUIREMENTS

3. The subject land is located within the South Coast Water Reserve and it is identified as a Priority 1 area in the "*South Coast Water Reserve and Limeburners Creek Catchment Area Water Source Protection Plan*", prepared by the Waters and Rivers Commission.
4. Within the Water Source Protection Plan, the racecourse is identified as a potential pollution risk and the Plan proposes to "*manage the racecourse as a non-conforming land use*" and to "*oppose intensification of facility that increases groundwater contamination risks, through land planning process*".

POLICY IMPLICATIONS

5. There are no Policy Implications relating to this item.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

FINANCIAL IMPLICATIONS

- 6. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

- 7. The Albany Local Planning Strategy identifies the South Coast Water Reserve as a vital resource for the future development of Albany and has recommended that no intensification of land uses occur above the ground water resource.
- 8. Whilst no site has been identified in the strategy, it is recommended that the Albany Race Club be relocated at some future date to an alternate site where they can co-locate with the Pacing Club and also provide appropriate surrounding land for professional trainers to relocate their businesses to.

COMMENT/DISCUSSION

- 9. The Water Protection Plan lists all forms of recreational activities within a Priority 1 area as an incompatible land use. In addition, there would be more than 1.0ha of land that would need to be cleared to make the reserve suitable for an *“exercise area for horses”* and that clearing would require the approval of the Department of Environment and Conservation.
- 10. From a strategic perspective, it is inconsistent for Council to support the Albany Race Club’s request.
- 11. The club faces an enormous challenge to provide quality infrastructure for the trainers using the Percy Spencer Racecourse, thereby building confidence in the racing industry, whilst also being conscious of its community obligation to not pollute the City’s only viable water resource.
- 12. Funding to relocate the Albany Race Club and the Albany Pacing Club into a joint facility would be difficult to secure through current State Government funding programs. Nonetheless, the equine industry in Albany, a major employer and a wealth generator, has recently been placed on notice that environmental and growth pressures will threaten the survival of the industry in the long term. Further capital intensification and the expansion of racing and pacing facilities in their current locations is not a sustainable outcome and the current application is unlikely to be supported by environmental agencies, should the application proceed.
- 13. It should also be noted that there is a section of the existing Race Club reserve (the south east corner) which has not been developed. That portion of the reserve is towards the rear of the track, but is under the care and control of the Club.

RECOMMENDATION

THAT Council advise the Albany Race Club that it does not support the request to utilise Reserve 30496 Robinson Road, Robinson for the purpose of an exercise area for horses.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

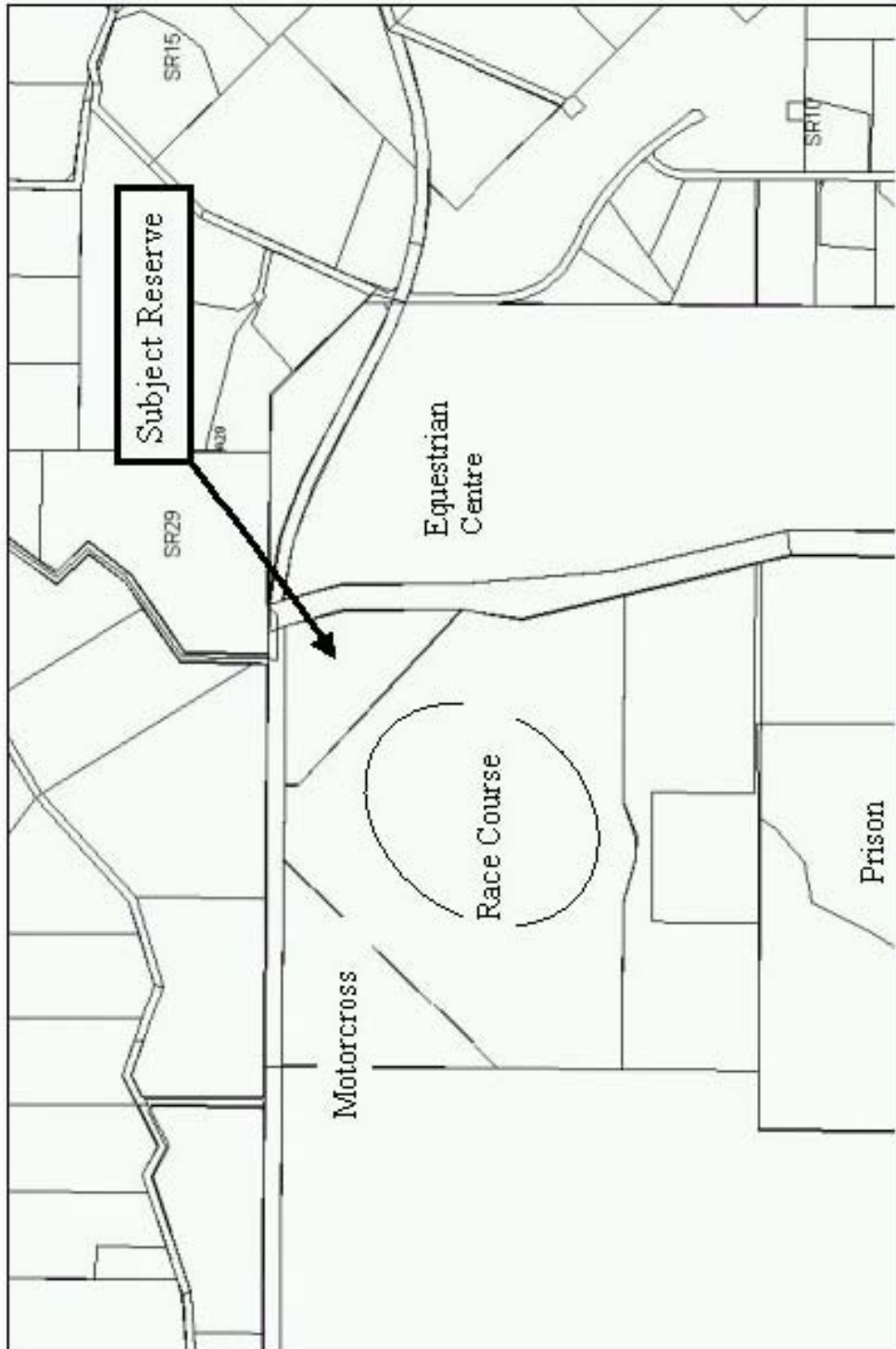
Item 11.4.1 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOJCUN**

THAT Council advise the Albany Race Club that it does not support the request to utilise Reserve 30496 Robinson Road, Robinson for the purpose of an exercise area for horses.

CARRIED 15-0

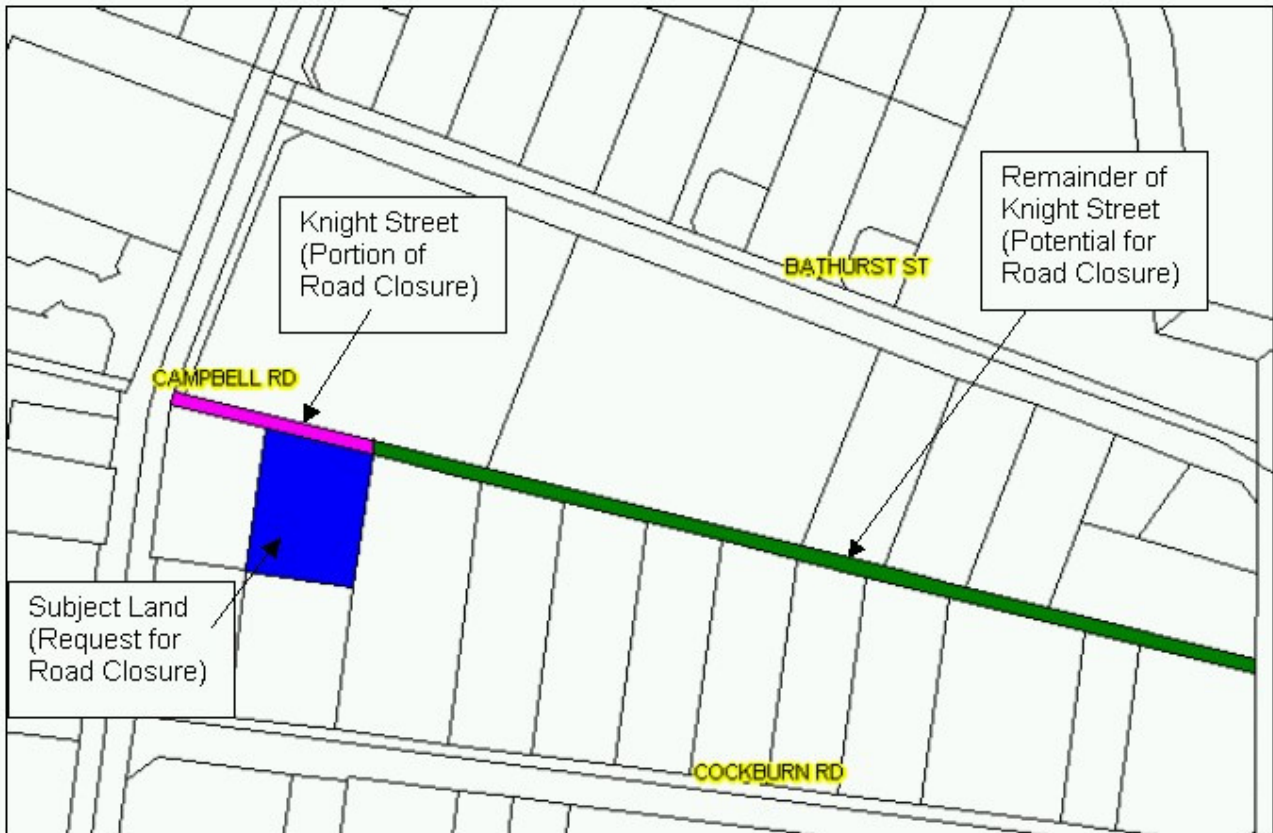
Item 11.4.1 continued



DEVELOPMENT SERVICES REPORTS

11.4.2 Closure of Road - Knight Street, Mira Mar

File/Ward	:	A138841 (Frederickstown Ward)
Proposal/Issue	:	Closure of Knight Street and Incorporation of the Road into Residential Lot
Subject Land/Locality	:	Lot 101 (29) Knight Street, Mira Mar
Proponent	:	D Stephenson
Owner	:	D & C Stephenson
Reporting Officer(s)	:	Planning Officer (L Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Advertise Closure
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. The landowners at Lot 101 Knight Street, Mira Mar have requested the City to initiate the road closure process in relation to the unconstructed portion of Knight Street which they currently use to obtain access to their property. The intention being to amalgamate the closed portion of road into their property title and become legally responsible for its maintenance.

STATUTORY REQUIREMENTS

2. Section 58 of the *Land Administration Act 1997* requires that the Local Authority must resolve to close a road reserve only after it has been subjected to a 35 day public advertising process and Council has considered any submissions received during that period.

POLICY IMPLICATIONS

3. There are no policy implications relating to this matter.

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this matter.

STRATEGIC IMPLICATIONS

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

Nil”

COMMENT/DISCUSSION

6. The proponent has discussed with City staff the planning and engineering requirements for the future construction of Knight Street. City staff have advised that it is unnecessary and undesirable to construct Knight Street for the following reasons:
 - The substandard road reserve width of 5.0 metres, and
 - The cost involved with the construction of this road will not result in improved traffic flow or substantial land use benefits.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

7. This road closure proposal concerns an 80m² portion of Knight Street that extends to the east of Campbell Road and concludes on the eastern boundary of the subject land.
8. This portion of road currently provides physical access and legal frontage to the proponent's land parcel, the only land along Knight Street that requires either of these rights; all other lots have access and frontage to alternative constructed roads.
9. Whilst seeking the comments of the community on the closure of a portion of Knight Street, City staff would like to take the opportunity to gauge comment on the closure of the remainder of Knight Street (Campbell Road to Bluff Street).
10. Should the closure of the remainder of Knight Street be supported by the community, and the amalgamation of the land proceed, the possible presence of drainage infrastructure and the appropriate easements will need to be given consideration, investigated further and arrangements made for placement on titles where necessary.

RECOMMENDATION

1. THAT Council, in accordance with Section 58 of the *Land Administration Act 1997*, advertise its intention to permanently close a portion of Knight Street, Mira Mar as per the plan included at the front of this report, with the closed portion of Knight Street to be amalgamated into Lot 101 Knight Street; and
2. THAT Council seek comment from adjoining landowners on the closure of Knight Street, between Campbell Road and Bluff Street, with the closed road being amalgamated into the adjoining lots on the southern side of the closed road.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

1. **THAT Council, in accordance with Section 58 of the *Land Administration Act 1997*, advertise its intention to permanently close a portion of Knight Street, Mira Mar as per the plan included at the front of this report, with the closed portion of Knight Street to be amalgamated into Lot 101 Knight Street;**

AND

2. **THAT Council seek comment from adjoining landowners on the closure of Knight Street, between Campbell Road and Bluff Street, with the closed road being amalgamated into the adjoining lots on the southern side of the closed road.**

CARRIED 15-0

11.5 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Council adopt the list of accounts for payment.
Bulletin Attachment	:	List of accounts for payment.
Locality Plan	:	N/A

COMMENTS / DISCUSSION

- The list of account for payment for the City of Albany is included within the Elected Members Report & Information Bulletin and contains the following:-

Municipal Fund			
Cheques		Totalling	\$92,297.63
Electronic Fund transfer		Totalling	\$2,569,713.56
Credit Cards		Totalling	\$5,377.37
Payroll		totalling	\$625,895.00
Total			<u>\$3,293,283.56</u>

- As at 27th April 2007, the total outstanding creditors, stands at \$247,277.04.
- Cancelled Cheques – 23002, 23016, 23024 and 23078.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment:-

Municipal Fund	Totalling	<u>\$3,293,283.56</u>
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Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 15/05/07
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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT the following City of Albany accounts be passed for payment:-

Municipal Fund	Totalling	<u>\$3,293,283.56</u>
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CARRIED 15-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Financial Activity Statement – Month Ending 30 April 2007**

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (M Brenton)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Note Financial Activity Statement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENT/DISCUSSION

1. The Financial Activity Statement was introduced by the Department of Local Government from 1st July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditure. It was also intended to link operating results with balance sheet items and reconcile with the end of month cash balances.

STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the regulations. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis, and that the report be noted by Council.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this item. The Financial Activity Statement is a report only.

STRATEGIC IMPLICATIONS

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

Item 12.1.2 continued

COMMENT/DISCUSSION

6. The Financial Activity Statement and report on major variances follow.

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month ending 30 April 2007.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Council note the attached Financial Activity Statement for the month ending 30 April 2007.

CARRIED 15-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – April 07

	Actual Year to Date 30-Apr-07	Current Budget Year to Date 30-Apr-07	Budget Variance
OPERATING INCOME			
Rates	16,717,004.19	16,654,130	62,874
Grants & Subsidies	2,778,559.00	2,794,499	(15,940)
Contributions. Reimb & Donations	284,258.56	283,459	800
Fees & Charges	6,425,945.25	6,424,104	1,841
Interest Earned	1,157,025.89	1,111,516	45,510
Other Revenue / Income	907,620.97	906,650	971
Net Controlled Trust Revenue	(69,146.13)	(69,146)	
	28,201,267.73	28,105,212	96,056
OPERATING EXPENDITURE (excluding depreciation) (excluding depreciation)			
Employee Costs	(9,108,677.08)	(9,073,346)	(35,331)
Utilities	(553,055.70)	(565,578)	12,522
Interest Expenses	(533,978.39)	(561,259)	27,281
Contracts & materials	(6,896,494.73)	(7,395,110)	498,615
Insurance expenses	(315,391.06)	(316,301)	910
Other Expenses	(744,225.90)	(751,855)	7,629
	(18,151,822.86)	(18,663,449)	511,626
CAPITAL INCOME			
Grants & Subsidies	3,286,711.46	3,227,339	59,372
Contributions. Reimb & Donations, Other	4,999,363.63	4,997,545	1,819
Proceeds from sale of assets	2,587,124.41	2,455,268	131,856
	10,873,199.50	10,680,152	193,048
CAPITAL EXPENDITURE			
Asset Masterplans	(4,301,048.18)	(4,093,802)	(207,246)
ALAC Redevelopment	(1,906,391.97)	(1,900,000)	(6,392)
Plant Replacement	(2,850,774.65)	(2,788,444)	(62,331)
Developers Subdivisions	(4,872,600.00)	(4,872,600)	-
Other Capital	(1,018,835.94)	(1,100,720)	81,884
	(14,949,650.74)	(9,882,966)	(5,066,685)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(390,027.11)	(362,584)	(27,443)
Proceeds from Self Supporting Loans	29,797.33	29,936	(139)
Proceeds from new loans	0.00	0	-
	(360,229.78)	(332,648)	(27,582)
OTHER BALANCE SHEET ITEMS			
Change in stock position	(238,673.93)		
Change in Debtors	1,070,437.40		
Change in Creditors	(2,628,501.03)		
	(1,796,737.56)		
NET CASH FLOW	3,816,026.29		
Opening Cash balance	15,968,783.53		
NET CASH AT BALANCE DATE	19,784,809.82		
Cash Summary			
Municipal Account	7,385,198.74		
Reserve Account	10,252,435.74		
Trust Account	2,147,175.34		
Total Bank / Investments	19,784,809.82		

Item 12.1.2 continued

Explanation of Variances on Financial Activity Statement – April YTD 2007

Nil variances of 10% or greater for the month.

*Please note that the analysis was done with the Budget figures adjusted to reflect the proposed Q3 Budget Review amendments.

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.3 2006/07 Third Quarter Budget Review

File/Ward	: FIN047 (All Wards)
Proposal/Issue	: Council requested to adopt the third quarter Budget Review
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Finance (S Goodman)
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: That Council adopt the 2006/07 third quarter budget review.
Bulletin Attachment	: Budget summary including proposed review adjustments
Locality Plan	: N/A

BACKGROUND

1. Council officers have reviewed the operating results for their areas together with determinations by Council for the first nine months of the 2006/07 financial year.
2. Variances in the anticipated full year results have been identified.

STATUTORY REQUIREMENTS

3. Under the Local Government Act, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - b) is authorised in advance by a resolution (absolute majority required); or
 - c) is authorised in advance by the mayor in an emergency.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires a local government to carry out a review of its annual budget. The Council is to consider the review and determine whether or not to adopt the review (Absolute Majority required). Within 30 days of the Council determination, a copy of the review and the determination is to be provided to the Department of Local Government and Regional Development.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Council has adopted a balanced budget for 2006/2007 and resolved to transfer any budget surplus into the ALAC Future Development Reserve. If there were an end of year deficit, it would require funding from the following year's budget.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. The original balanced budget has been adjusted by decisions made by Council since July 2006. The review conducted by officers in April 2007 identified savings, deferred projects and additional costs. Net savings of \$51,755 were identified, resulting in a projected net surplus of \$69,146 for 2006/07.

	Current Budget	Projection 06/07	Q3 Review Adjustment
OPERATING COST			
General Purpose Income	(20,518,639)	(20,592,786)	(74,147)
General Management	1,735,557	1,691,186	(44,371)
Corporate Services	5,205,217	5,234,256	29,039
ALAC Development - To Reserves	350,000	350,000	
Development Services	1,808,986	1,736,920	(72,066)
Works & Services	7,199,427	7,302,632	103,205
Loans	1,351,529	1,351,529	0
	(2,867,923)	(2,926,263)	(58,340)
CAPITAL COST			
General Management	134,940	137,240	2,300
Corporate Services	863,519	615,611	(247,908)
Land Sales - net of reserves	(808,000)	(555,806)	252,194
Development Services	0	0	0
Works & Services	660,073	660,073	(0)
Masterplan	2,000,000	2,000,000	0
	2,850,532	2,857,117	6,585
	(17,391)	(69,146)	(51,755)
	Surplus	Surplus	Surplus

8. A comprehensive list of the proposed reallocations is contained in the Elected Members Report and Information Bulletin.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued

9. The following is information on significant proposed adjustments:

- a) Subdivision Assets - Subdivision infrastructure provided by developers in 2006/07 is valued at \$4.872 million - an increase of \$3 million over the 06/07 budget. Subdivision works are at a much higher level than anticipated, and are now being brought into City assets when developed rather than at the end of the 12 month maintenance period.
- b) Fees for Inspection of subdivisions – Projected to be \$130,000 vs budget \$35,000.
- c) Peace Park – Minimal expenditure in 06/07 – Grants and projected lease revenue have been deferred to 2007/08.
- d) Masterplan land sales – \$238,000 Sales of blocks in Orana delayed by DPI response on zoning application.
- e) Subdivision loan – Cull Road - will only draw down \$700,000 of the \$3.3 million budget. The balance of \$7.3 million will be drawn down in 2007/08 to fund the works.
- f) Masterplan scope changes –
 - Drainage preservation & construction (350,000)
 - Henry – Rufus St – Deferred to 07/08 (100,000)
 - Lower Denmark Road (88,000)
 - Opal St 72,000
- g) Rectification maintenance - additional \$202,000 funding works identified in the Tungsten report.
- h) Albany Skate & BMX track- Additional grant of \$100,000 received to expand works
- i) ALAC Upgrade stage 1 - Grant received earlier than expected - \$150,000
- j) Kerbside hardwaste collection deferred \$135,000
- k) Sales of scrap metal well in excess of budget by \$78,000
- l) Software upgrade deferred to 2007/08 \$170,000

RECOMMENDATION

THAT Council adopt the third quarter budget review.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WALKER**

THAT Council adopt the third quarter budget review.

**CARRIED 14-1
ABSOLUTE MAJORITY**

Record of Vote:

For the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman.
Against the motion: Councillor Paver.

12.2 ADMINISTRATION**12.2.1 Cultural Planning Project**

File/Ward	:	MAN196 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	Executive Director Corporate & Community Services (WP Madigan)
Owner	:	Nil
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council provide in principle support to progressing the recommendation from the Cultural Mapping report through undertaking the cultural planning as the next step.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Through its budget for 2006/07, Council undertook a Culture Mapping exercise as the first part of a two stage process to develop a Cultural Plan for Albany.
2. Council appointed a Steering Committee consisting of:
 - Councillor Milton Evans
 - Bruce Manning, GSDC
 - Matt Benson, MLA
 - Graham McBeath
 - David Heaver, Heritage Architect
 - Stewart Gartland, Town Hall Manager

and additional community representatives:

- Sue Codee
- Lawrence Cuthbert, and
- Sally Malone

to oversee the project.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

3. The Cultural Mapping Report has been completed, and distributed to elected members.
4. There is considerable interest in cultural planning as a result of the cultural mapping project and it would now be an appropriate time to proceed to Stage 2 of the project in line with the recommendations of the Cultural Map, and develop the overall cultural plan.
5. The Steering Committee appointed at the commencement of the cultural mapping stage is a committee appointed by Council and will continue to oversee the project.
6. Sandra Krempf facilitated the cultural mapping project and has agreed to undertake the coordination of developing a cultural plan.
7. At the commencement of the Cultural Plan stage, Sandra Krempf would make a full presentation to Council of the findings and recommendations from the Cultural Mapping report, as well as delivering a public presentation.

STATUTORY REQUIREMENTS:

8. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. The total cost of the project is \$38,000, with CANWA being requested to provide funding of \$14,000 and the State Government \$15,000. An allocation of \$9,000 from the City will be included in the 2007/08 budget, with the balance being made up of in kind support.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Nil.

Mission Statement:

The City of Albany will always be renowned for....our high performance system of governance.

Priority Projects:

Nil.”

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

COMMENT/DISCUSSION

- 12. Council's receipt of the Cultural Mapping report, and in principle support to the Cultural Planning project, will be greater impetus to the opportunities for funding.
- 13. The project is expected to be undertaken during the first half of 2007/2008.

RECOMMENDATIONS

THAT Council provide in principle support to progressing the recommendation from the Cultural Mapping report through undertaking the cultural planning as the next step.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EMERY**

THAT Council provide in principle support to progressing the recommendation from the Cultural Mapping report through undertaking the cultural planning as the next step.

CARRIED 15-0

12.2.2 Review of Community Development Strategy

File/Ward	: STR215 (All Wards)
Proposal/Issue	: Adoption of reviewed strategy
Subject Land/Locality	: City of Albany
Proponent	: City of Albany
Owner	: NA
Reporting Officer(s)	: Manager Community Development (M Weller) Community Development Officer – Seniors (S Richardson Newton) Community Development Officer – Youth (T Flett)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/12/05 item 12.2.2 OCM 16/05/06 item 14.1.2
Summary Recommendation	: That Council adopt the reviewed community development strategy That Council extinguish policy NPO6647 – Seniors Policy
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. In December 2005 Council adopted the City of Albany Community Development Strategy.
2. In May 2006 Council adopted the City of Albany Policy on Corporate Documents with the aim “To ensure corporate documents are relevant, uniform, accessible and user friendly”.
3. In July 2006 Council restructured the City of Albany Community Development Department to include a Manager of Community Development, and Community Development Officers; Youth and Seniors respectively.
4. In December 2006, following the appointment of the Community Development Youth and Seniors Officers, a review of the Community Development Strategy was undertaken in line with Councils Corporate Document Policy.

STATUTORY REQUIREMENTS

5. There are no statutory requirements relating to this item.

Item 12.2.2 continued

POLICY IMPLICATIONS

6. The City of Albany Corporate Document Policy is applicable to this item.

FINANCIAL IMPLICATIONS

7. The Strategy includes projects, which have been estimated as being commensurate with Council's 5-year financial plan, community development projects estimates. The projects will however be subject to the 07/08 and subsequent budget deliberation and adoption.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Historic Albany – A vibrant, learning and culturally diverse City, nestled around a spectacular natural harbour in a region of unique beauty, enhanced by a spirit of generosity, enterprise and opportunity.

Mission Statement:

The City of Albany is committed to:-

- *Delivering excellent community services; and*
- *Promoting our Community's vision for the future.*

Priority Projects:

Community Development Strategy – Establish clear direction on Council's involvement in Community Development activities. Includes action plans for youth, seniors, disabled, Aboriginal Accord and volunteers.

COMMENT/DISCUSSION

9. The strategy was reviewed with reference to contemporary Australian community development principles and practice. The review involved consultation with the City of Albany Youth and Seniors committees and Albany agencies, groups and community contacts.
10. The reviewed strategy focuses on the facilitation model of community development. Under this model the main focus will be:
- Develop community members understanding and skills in relation to community development process - committee roles, project and event implementation
 - Develop 'Community Leaders'
 - Assist community groups and individuals access information and resources
 - Promote and offer beneficial Albany community development and training opportunities
 - Foster Community Networks
 - Assist through facilitation, community groups at key decision making points

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

The specific focus groups will be Seniors, Youth, Disability and Aboriginal, however additional assistance and projects will be undertaken.

11. The 'direct service delivery' model of Community Development is not focused on in the strategy as:
 - This model is not in the best interests of groups, as it does not focus on empowering and skilling community members and enhancing community linkages.
 - It has been seen to be outside the resources of the City of Albany Community Development department due to the sheer volume of service delivery work required by the community.
 - Service delivery is currently and will generally be undertaken by volunteers, community groups, State Government agencies and Council facilities such as ALAC and Departments such as Works and Services.
12. The Advocacy model of community development will be undertaken, but to a limited degree. The reason this will not be the focus of the strategy is that Government agencies are perceived to be responsible and accountable for their core business and should generally only require periodical engagement and feedback from the City of Albany at key policy decision points, not continuous direct involvement and advocacy.
13. The Strategy was condensed to improve readability and include only the areas in which Community Development Officers have control, influence and responsibility.
14. The document is framed within the strategic context of the "City of Albany 3D Corporate Plan 2004-2007"
15. The major aims and objectives of the current Seniors Policy have been incorporated into revised community development strategy.
16. According to the City of Albany Corporate Document Policy (2006), policies are intended to be "a governing principle, set of principles or rules that guides the City's practices and constrains procedures or delegated functions."
17. The current Seniors policy was developed before the corporate document policy was formulated. On review the area of 'Seniors' is seen as too broad to have a specific policy. It is recommended that the current seniors policy is discontinued. It is also recommended that a youth policy is not developed for the same reasons.
18. The majority of Councillors and the Mayor participated in an individual consultation session to give their feedback in relation to the reviewed strategy. Councillors were generally supportive of the direction of the strategy and specific focus areas. The feedback received has been incorporated into the reviewed strategy, which has been circulated to council.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

RECOMMENDATION

THAT Council:

- i) Adopt the reviewed Community Development Strategy
- ii) Discontinue the Seniors Policy (2006) as its major aims and objectives are incorporated into the reviewed Community Development Strategy.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WELLINGTON**

THAT Council:

- i) Adopt the reviewed Community Development Strategy**
- ii) Discontinue the Seniors Policy (2006) as its major aims and objectives are incorporated into the reviewed Community Development Strategy.**

CARRIED 15-0

Item 12.2.2 continued



Council Strategy

Community Development Strategy

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Adoption Date: 15/05/2007
Adoption Reference: Item 12.2.2
Review Date: 20 June 2010
Maintained By: Executive Director Development Services
Document Reference: NS06645_1

102 North Road, Yakamia WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

Executive Summary

The City of Albany Community Development Strategy outlines the general Community Development Principles guiding the operation of the City of Albany Community Development Department.

The Strategy recognises that there are three main models of community development: Service Delivery Model, a Self Driven Model and a Revolutionary Model (conflict).

The Service Delivery model is delivery of programs and services by individuals and agencies outside of the community. The Revolutionary Model assumes that change will only occur by a major shift in the power structure. For example the civil rights movement. The Community Development Department has adopted the Self Driven Model of community development. Assisting and supporting Albany residents to develop an awareness of issues, make collective decisions and take action to develop their community. Council has confirmed this model as having the greatest impact and that service delivery is beyond the scope and budget resources of the City of Albany community development department.

The strategy also recognises that the City of Albany as a whole is a community development organisation managing and offering services, infrastructure, facilities and governance. This strategy is framed within the context of the "City of Albany 3D Corporate Plan 2004-2007" and relates primarily to the direction and operation of the City of Albany community development department. The strategy details the goals, aims, activities, principles, projects and actions to be delivered under the 'Key Focus Areas' of Seniors, Youth, Disability, Aboriginal, Community Financial Assistance and Volunteering.

Development of community is a collaborative process conducted by community members, local government, government departments and other agencies. Advocacy will be undertaken in a limited form however government and other agencies are encouraged to take the lead in their core areas of responsibility.

The City of Albany believes that the Albany community is prepared and ready for community development. The recently held Relay for Life, a volunteer managed effort, which raised over \$138,000 to fight cancer, highlights how well the Albany community can mobilise its networks, motivation and level of participation (volunteering) for real existing community concerns.

Strategic Context

This strategy was developed in 2005 on the basis of information and feedback provided by the elected members of Albany City Council through their responses to a Community Development Survey Questionnaire and Service Matrix.

The strategy was reviewed in February 2007 by the Community Development Officer (Seniors), Community Development Officer (Youth) and Manager Community Development after consultation with the City of Albany Youth and Seniors committees and Albany agencies, groups and community contacts.

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

Key features of the review include the impact of recent council decisions and directions, inclusion of the general 'Community Development Principles', condensing of the strategy to include only the areas in which Community Development Officers have control, influence and responsibility and formatting the document in accordance with the City of Albany Corporate Document Policy (16th May 2006).

This document is framed within the strategic context of the "City of Albany 3D Corporate Plan 2004-2007"

Strategic Focus Areas

General Community Development Principles

These principles have been developed after review of effective community development practice throughout Australia and are designed to ensure that a broad section of the community can equitably be assisted with the resources available.

The Strategy recognises that there are three main models of community development: Service Delivery Model, a Self Driven Model and a Revolutionary Model (conflict).

The Service Delivery model is delivery of programs and services by individuals and agencies outside of the community. The Revolutionary Model assumes that change will only occur by a major shift in the power structure. For example the civil rights movement. The Community Development Department has adopted the Self Driven Model of community development. Assisting and supporting Albany residents to develop an awareness of issues, make collective decisions and take action to develop their community. Council has confirmed this model as having the greatest impact and that service delivery is beyond the scope and budget resources of the City of Albany community development department.

The strategy also recognises that the City of Albany as a whole is a community development organisation managing and offering services, infrastructure, facilities and governance. This strategy is framed within the context of the "City of Albany 3D Corporate Plan 2004-2007" and relates primarily to the direction and operation of the City of Albany community development department. The strategy details the goals, aims, activities, principles, projects and actions to be delivered under the 'Key Focus Areas' of Seniors, Youth, Disability, Aboriginal, Community Financial Assistance and Volunteering.

Development of community is a collaborative process conducted by community members, local government, government departments and other agencies. Advocacy will be undertaken in a limited form however government and other agencies are encouraged to take the lead in their core areas of responsibility.

Seniors (Persons Aged 55 Years or Older)

The City of Albany has one of the highest percentages of seniors population in Australia, at around 25%, compared to the current State and National averages of 17% and 18% respectively. The Albany proportion is expected to increase to around 30% by the year 2015 as the 'Baby Boomers' move into this demographic. Seniors are living longer, staying active longer, participating more in community and

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

becoming more vocal in relation to their needs and aspirations. Seniors can however be at risk of reduced physical activity, reduced mobility, social isolation and other issues. There is a strong need for consultation, programs and infrastructure, provided by council, to service Albany's 'Senior's' population.

Youth (Persons between 12 and 25 years)

Young people (aged 12 -24 years) make up approximately 19% of the City of Albany's population. These young people are moving through the difficult transitional period from childhood to adulthood, which can be straightforward, or extremely difficult depending on each individual's circumstances. Young People are restricted by low incomes, lack of independent transport and can be prey to bad influences as they strive to define themselves. Young people are a unique yet diverse demographic who need to be included in the decisions that affect their lives. This represents a strong need for consultation, programs and infrastructure provided by the City of Albany to service Albany's youth population.

Disability

A disability can result in a person having a substantially reduced capacity for communication, social interaction, learning or mobility and a need for continuing support services in daily life. Based on national figures provided by the ABS, around 20% of the population has some form of disability. Approximately 6.3% have a profound or severe core activity limitation. Extrapolating those figures, for Albany that would represent around 6,300 people with a disability and 1,984 with a profound or severe core activity limitation. Given the figures are relative to the age of a population, with the higher the percentage of seniors, the greater the percentage of people with disability, it is reasonable to assume that the figures for Albany are higher than the above estimates. While it is mandatory to cater for the access needs of people with disability in new infrastructure, older infrastructure may not cater for these needs. The City of Albany needs to consider people with disability in the design of new infrastructure, access and inclusion in its programs and systematically upgrade (where possible) older facilities and infrastructure to cater for this section of the community.

Aboriginal

Noongar people of the Meananger (or Mineng) group are the traditional owners of the City of Albany and have occupied this area for at least 18,000 years. Aboriginal people represent 3 per cent of Albany's population. Recognising the need to enhance the social and economic circumstances of its indigenous community, the Council has identified Aboriginal issues as a key priority area in its Community Development Strategy.

Other Priority Areas

Community Financial Assistance Program

The City of Albany has an estimated over 200 community organisations, clubs and associations. It is recognised that they provide valuable services to the Albany community, which would be beyond the capability of the City of Albany to provide without them. The City of Albany makes provision within its budget for the

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

Community Financial Assistance Grants Program, designed to assist community organisations, clubs and associations to develop and maintain facilities, to carry out their activities and to operate effectively. The program is designed to build the capacity of the community to meet its own needs and aspirations.

Volunteering

Volunteers are the lifeblood of the Albany community, contributing countless hours of unpaid work in a wide range of agencies and organisations. Over 150 Albany community organisations, staffed by volunteers own, manage or operate community facilities such as community halls, recreation facilities and play grounds or are established to promote specific interests such as bush care, animal welfare, seniors' interests, children's playgroups, emergency services, youth groups, community health and welfare. Finding, recruiting, training and retaining volunteers is a major challenge for the many organisations that require the services of volunteers.

In 2003 with the assistance of a State Government Grant, the City of Albany established a Volunteer Resource Centre to coordinate and improve the management of volunteers throughout the community.

Rural Communities

Albany is unique in that it has a blend of rural and city lifestyles. The recent centralisation of services to Albany town site and increasing mobility of Australians is impacting on the sense of community in the smaller outlying rural communities. There is a need for consultation, support and programs to assist with revitalising smaller communities in the City of Albany boundaries.

ORDINARY COUNCIL MEETING MINUTES – 15/05/07
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Key Action Plan Outline

Identifies goals activities/principles and projects/actions for each priority area. Projects actions are prioritised form completion in numerical order within each priority area, though it is recognised some projects will be undertaken concurrently.

1.0 General Community Development Principles

Our Goal: Community Capacity Building		
Aim: To develop the Albany Community as a whole by increasing the capacity, efficiency and activity of community groups and Individuals		
Activities/ Principles	<ul style="list-style-type: none"> • Develop community members understanding and skills in relation to community development process - effective group and committee skills, relationship building, and encouraging volunteering • Develop 'Community Leaders' • Assist community groups and individuals to access information and resources • Provide a facilitation session for community groups at key decision making points • Promote beneficial Albany community development and training opportunities • Foster Community Networks 	
Projects/ Actions	Priority	Funding
1. Community groups such as the Seniors and Youth Advisory council will have agendas, goals and projects reflecting the Community Development Strategy	1	COA
2. Officers will use most Community Development events and activities as opportunities to develop committee/ working group members understanding and skills in relation to community development process and their capacity as community leaders.	2	COA
3. Position descriptions/ duty statements will be prepared for City of Albany community development committee/ working group members; members will be briefed in relation to the commitment expected of them prior to undertaking a role. With a maximum term specified (generally 2 years) to ensure benefits are extended to a broad section of the community.	3	COA
4. Facilitate where requested/ required 'self help' session(s) for community groups at key decision-making points. The focus of the session would be guiding the group to identify the specific problems, options and goals and show them the steps/ process they would be required to undertake to achieve their goal(s).	4	COA
5. Develop and distribute a quarterly 'Community Newsletter' containing information on community activities, volunteering, events and training.	5	COA, Media outlet Gov.
6. Maintain databases and provide links to information likely to be frequently needed by groups (eg. Funding, community contacts etc)	6	COA
7. Develop a 'Welcome to Albany Pack' for new residents identified through the rates database or in conjunction with real estate agents	7	COA

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2.0 Seniors (Persons Aged 55 Years or Older)

Officer Responsible: The Community Development Officer (Seniors) is primarily responsible for the Seniors Community Development Strategy; where necessary other City of Albany staff may provide assistance to meet the strategy's aims and activities.

Resources/ Funding: Funding and sponsorship will be sourced from a range of opportunities including private sponsorship and, state, federal and local funding rounds.

Partnerships: Partnerships with other local agencies, government departments and businesses is acknowledged as good community development practise. The Community Development Team will seek willing and committed community partners who can contribute resources (energy, time, funding, people) and skills to projects.

Our Goal: Consultation and Participation		
Aim: To consult and involve seniors in City of Albany plans, policy, facilities and projects which affect them		
Specific Strategy and Actions	<ul style="list-style-type: none"> • Monitor and provide information on senior's demographics (eg. employed, volunteers, carers, self financed, pensioners, retirees, sea - changers, veterans, grey nomads, indigenous, migrants, disabilities and frail aged) and needs on a regular basis to internal and external customers. • Partner with the seniors community to increase our capacity and ability to cater for the seniors community. • Develop local leaders that can act as local champions for the senior's community. • Support council staff to meet seniors needs • Support council projects and policies in relation to seniors issues 	
Projects/ Actions	Priority	Funding
1. Facilitate Seniors Advisory Committee as a proactive group Providing a consultation mechanism and actively engaging on projects for the completion of the strategy	Current/ ongoing	COA
2. Encourage and support staff to include seniors on other appropriate COA committees and projects	Current/ ongoing	COA
3. Training for City of Albany customer service staff in awareness of dementia or other age related issues which may affect seniors who interact with Council.	8	COA
4. The CDO (Seniors) to stay abreast of current issues affecting seniors, pass on information as appropriate and be available for consultation on seniors issues to internal stakeholders.	Current/ ongoing	COA

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Our Goal: Health and Wellbeing		
Aim: To enhance seniors quality of life through accessible healthy lifestyle choices.		
Specific Strategy and Actions	<ul style="list-style-type: none"> • Support City of Albany built environments that encourage physical activity in everyday life • Identify participation barriers (including cost) in City of Albany facilities and assist with improving senior's access and participation to healthy lifestyle activities. • Support community groups to deliver senior's health and wellbeing programs • Develop & maintain links with health and wellbeing agencies. 	
Projects/ Actions	Priority	Funding
1. Maintenance of the Recreation Database (City of Albany) and Seniors Information Expo.	Current/ongoing	COA
2. The CDO (Seniors) to stay abreast of current healthy lifestyle trends affecting seniors, identify ways to increase participation and facilitate seniors community groups implementation of specific, sustainable, initiatives.	Current/ongoing	COA External
3. The CDO (Seniors) to be available for internal consultancy on the needs of seniors for officers completing projects which influence the built environment	Current/ongoing	COA

Our Goal: Lifestyle, Family and Relationships		
Aim: Develop and support positive (inclusive and diverse) lifestyles and relationships.		
Specific Strategy and Actions	<ul style="list-style-type: none"> • Build community networks between seniors and other sectors of the community, including intergenerational links. • Improve information and referrals on activities and services between organisations that positively promote seniors. • Support community groups to deliver a range of healthy activities (lifelong learning, sports, environment, family and health) for seniors • Actively promote the importance of seniors in our community • Facilitate the involvement of seniors in volunteering 	
Projects/ Actions	Priority	Funding
1. Biennial Seniors Expo	16	COA, Grant Funding and Sponsors
2. Harmony Week	10	COA Office of Multicultural Interest

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Our Goal: Lifestyle, Family and Relationships		
Aim: Develop and support positive (inclusive and diverse) lifestyles and relationships.		
3. Inter-Generational Program: Partnership with Office of Seniors Interest and Albany Volunteer Centre	2	Office of Seniors Interest Lottery West: Community Histories
4. Develop a semi-mobile seniors information stand (services and opportunities). Staffed by volunteers	13	COA and Active Ageing at the Local Level
5. Positive Ageing and Active Living Program/Festival	13	Festivals Australia
6. Community Development Officer (Seniors) to serve on the Albany Volunteer Centre board	Current/ongoing	COA

Our Goal: Creative Participation		
Aim: A lively and visible arts community that values senior's creative participation and interest in the arts.		
Specific Strategy and Actions	<ul style="list-style-type: none"> Partner with the arts community to increase our capacity and ability to cater for the senior's community. Assist with developing seniors arts projects and involving seniors in arts projects Explain pathways to obtain funding and resources for arts projects 	
Projects	Priority	Funding
1. Partner Vancouver Arts Centre (VAC) to deliver Seniors arts projects	9	City of Albany, State Government
2. Provide an internal consultancy service to the VAC in relation to the needs of seniors	Current/ongoing	COA

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Our Goal: Income, Employment and Lifelong Learning		
Aim: Develop a diverse mix of skilled and informed seniors community that can independently support their lifestyle options and choices.		
Specific Strategy and Actions	<ul style="list-style-type: none"> • Support computer and technology training • Support and find opportunities for programs and partnerships that develop older peoples skills in financial security, income generation and financial management. • Promote existing employment, education and training opportunities for seniors in Albany. 	
Projects	Priority	Funding
1. Review computing opportunities for seniors and look for new opportunities to deliver to seniors. Potential Partnership - Green PC, Senior Citizens Centre, PCYC, and Albany Men's Shed.	14	COA First Click

Our Goal: Age Friendly Environment		
Aim: A well-planned built environment that positively impacts on the independence, mobility and quality of life in old age.		
Specific Strategy and Actions	<p>Pedestrian</p> <ul style="list-style-type: none"> • Improve and maintain accessibility in relation to the footpath, pedestrian crossings and trails network <p>Mobility</p> <ul style="list-style-type: none"> • Explore alternative transport modes • Encourage volunteer transport scheme • Encourage local business to sponsor community shuttle services <p>Recreation Facilities, Parks and Trails</p> <ul style="list-style-type: none"> • Upgrade current parks and recreation facilities to be age friendly • Develop support facilities along trails and footpaths to enhance accessibility • Ensure that older people have access to recreation and fitness centres • Support programs that encourage older people to use parks and recreation facilities. 	
Projects/ Actions	Priority	Funding
1. CDO Seniors and Seniors Advisory Council to provide internal consultancy and advice to officers planning, completing and managing capital works/ facility projects such as Recreation facilities, parks and trails.	Current/ ongoing	COA
2. Support community groups in the implementation of age friendly walking programs	16	COA
3. Facilitate an annual walking audit; develop a road and footpath inspection program (similar to the playground inspection program) as a tool to identify and plan works	15	COA
4. Development Services and, Works and Services to have representation on the Seniors Advisory Committee.	Current/ ongoing	COA
5. Seniors representative on the Disability Advisory Working Group	Current/ ongoing	COA

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3.0 Youth (Persons between 12 and 25 years)

Officer Responsible: The Community Development Officer (Youth) is primarily responsible for the Youth Community Development Strategy; where necessary other City of Albany staff may provide assistance to meet the strategy's aims and activities.

Resources/ Funding: Funding and sponsorship will be sourced from a range of opportunities including private sponsorship and, state, federal and local funding rounds.

Partnerships: Partnerships with other local agencies, government departments and businesses is acknowledged as good community development practise. The Community Development Team will seek willing and committed community partners who can contribute resources (energy, time, funding, people) and skills to projects.

Our Goal: Consultation and Participation		
Aim: To consult and involve youth in City of Albany plans, policy, facilities and projects which affect them		
Activities	<ul style="list-style-type: none"> • Monitor and provide information on youth demographics and needs on a regular basis to internal and external customers. • Partner with youth to increase our capacity and ability to cater for the needs of this demographic. • Develop local leaders that can act as local champions for the youth community. • Support council staff to meet youth needs • Support council projects and policies in relation to youth issues 	
Projects/ Actions	Priority	Funding
1. Facilitate Youth Advisory Council as a proactive group providing a consultation mechanism and actively engaging on projects for the completion of the strategy	Current/ongoing	COA
2. Encourage and support staff to include youths on other appropriate COA committees and projects	Current/ongoing	COA
3. In-house training sessions on specific youth needs as required	Current/ongoing	COA
4. The CDO (Youth) to stay abreast of current issues affecting youth, pass on information as appropriate and be available for consultation on youth issues to internal stakeholders.	Current/ongoing	COA

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Our Goal: Positive Image		
Aim: To promote youth as valued members of the Albany community		
Specific Strategy and Actions	<ul style="list-style-type: none"> Promote positive image of youth through all media and City of Albany publications. Develop and support initiatives and programmes which positively promote youth To encourage the nomination of young people for recognition of their achievements (Sport, citizenship, academic, etc) Encourage and develop links between youth and other sectors of the community, including intergenerational programmes to reduce ageist stereotypes. 	
Projects/ Actions	Priority	Funding
1. Facilitate combined YAC/SAC Meetings	3	COA
2. Promote Youth achievements in media and on Youth webpage	Current/ongoing	COA
3. Community Development Officer Youth to actively seek out youth and encourage them to nominate for awards recognising their achievements	Current/ongoing	COA
4. Facilitate and conduct initiatives which positively promote and support youth and develop links between youth and other sections of the community	Current/ongoing	COA

Our Goal: Active, Healthy Youth		
Aim: To encourage Youth engagement in physical activity, recreation and sport		
Specific Strategy and Actions	<ul style="list-style-type: none"> Promote physical recreational opportunities to youth community. Educate and develop strategies and programs that reduce vandalism to COA recreation facilities. Consult youth in City of Albany recreation and parks facility planning and design. Encourage youth to be active & live healthy lifestyles 	
Projects/ Actions	Priority	Funding
1. Maintain COA Recreational Database	Current/ongoing	COA
2. CDO- (Youth) to stay informed of research on youth health and wellbeing and provide an internal consultancy service where required	Current/ongoing	COA
3. Support and/or run regular Skate/BMX competitions	5	COA
4. Advocate for the provision of youth health services	Current/ongoing	COA
5. Youth Advisory Council to be consulted and provide feedback in relation to recreation facility, infrastructure and parks design where appropriate	Current/ongoing	COA

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Our Goal: Active, Healthy Youth		
Aim: To increase drug & alcohol impact awareness		
Specific Strategy and Actions	<ul style="list-style-type: none"> Promote positive drug and alcohol free images of youth through all media and City of Albany publications. Develop and support drug and alcohol free initiatives and programmes which reduce drug and alcohol harm Encourage active & healthy lifestyles for young people Work with other youth agencies to inform youth of the dangers of drugs & alcohol. 	
Projects/ Actions	Priority	Funding
1. Support Alcohol and Drug information education in schools and youth community	Current/ongoing	COA
2. Maintain a youth health, drug and alcohol services database	Current/ongoing	COA
3. Development of Youth Information Card and Pack	2	COA
4. CDO- Y to stay informed of current trends and research on youth drug and alcohol issues. Providing an internal consultancy service where required.	Current/ongoing	COA
5. Maintain partnership with other community organisations that deliver youth programs to reduce drug and alcohol issues and promote activities during drug action week.	Current/ongoing	COA

Our Goal: Creative Participation		
Aim: To facilitate Youth engagement in culture and arts		
Specific Strategy and Actions	<ul style="list-style-type: none"> Encourage youth involvement in current and future culture and arts programs run at VAC and youth venue Support, develop and deliver youth art and culture opportunities Identify funding opportunities for culture and art events. 	
Projects	Priority	Funding
1. Encourage participation in youth radio station	1	COA
2. Harmony Week Brochure	6	COA
3. Support development of youth sound recording Studio	Current/ongoing	PCYC
4. Support and encourage cultural community events	Current/ongoing	COA

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Our Goal: Income, Employment and Lifelong Learning		
Aim: Successful futures and careers for Albany youth and an educated informed youth community able to make effective decisions		
Specific Strategy and Actions	<ul style="list-style-type: none"> Establish links with educational institutions and partner in the provision of programs which benefit youth Support and assist youth venue in providing life-skill training Promote existing employment, education and training opportunities for youth in Albany, through community development networks. Promote and support youth volunteering (awards, employment opportunities etc) 	
Projects	Priority	Funding
1. Provide initial project brief and promote local service providers to deliver life-skills training at youth venue (Girls Mechanic Course, Food Cents, Driver Education)	4	Grants/PCY C
2. Review training and vocational education opportunities for youth in Albany	Current/ongoing	COA
3. Support youth venue computer training room	Current/ongoing	CoA

Our Goal: Safety and Well Being		
Aim: Support the development of a Youth Friendly Albany Community		
Specific Strategy and Actions	<ul style="list-style-type: none"> Encourage and support relevant planning/works & services staff to meet with YAC when developing youth frequented spaces <p>Accommodation</p> <ul style="list-style-type: none"> Maintain City of Albany representation on the Board of Management for Albany Youth Support Association (Young House) Advocate for additional crisis accommodation/support services Advocate/support the introduction of student low cost housing <p>Public Open Space</p> <ul style="list-style-type: none"> Encourage and support youth consultation in the provision and design of public open space <p>Transport</p> <ul style="list-style-type: none"> Develop/Support initiatives for community shuttle/youth bus Support inclusion of youth consultation in footpath location and design 	
Projects/ Actions	Priority	Funding
1. Develop, distribute and promote youth information card	2	COA
2. Promote availability of external youth services through CD networks and community noticeboards	Current/ongoing	COA

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3.	Conduct Skate & BMX safety and helmet encouragement programs at CoA Skate & BMX facilities	Current/ongoing	Business Sponsorship
4.	Maintenance of the Recreation Database (City of Albany)	Current/ongoing	COA
5.	The CDO (Youth) to stay abreast of current healthy lifestyle trends affecting Youth, identify ways to increase participation and facilitate Youth implementation of specific, sustainable, initiatives.	Current/ongoing	COA External
6.	The CDO (Youth) will be available for internal consultancy on the needs of Youth for officers completing projects which influence the built environment	Current/ongoing	COA

Disability

Our Goal: Access, Inclusion, Participation, Health, Safety and Well Being		
Aim: To ensure the Facilities and Infrastructure of the City of Albany provide access to and include the needs of people with a disability		
Specific Strategy and Actions	<ul style="list-style-type: none"> Facilitate Disability access and advisory working group prioritisation of works to upgrade existing (aging) City of Albany facilities and infrastructure to cater for the needs of people with a disability Complete the Disability Access and Inclusion Plan Plan and implement projects that cater for the needs of people with disability, where relevant in specific operational areas 	
Projects/ Actions	Priority	Funding
1. Facilitate Disability access and advisory working group prioritisation of works to upgrade existing (aging) City of Albany facilities and infrastructure to cater for the needs of people with a disability (Executive Director Works and Services)	Current/ongoing	COA
2. Complete the Disability Access and Inclusion Plan (Executive Director Works and Services)	1	COA
3. City of Albany Managers and Officers to consider the needs of and implement projects and programs catering for the needs of persons with Disability, where relevant in their area of operation	Current/ongoing	COA

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Our Goal: Well Planned Facilities		
Aim: To include people with a disability, and their needs, in the planning process for City of Albany sport, recreation, community and tourism facilities and infrastructure		
Specific Strategy and Actions	<ul style="list-style-type: none"> • Include consultation with and provision for people with disabilities in all planned City of Albany infrastructure and services 	
Projects/ Actions	Priority	Funding
1. Consult with the Disability Access and Advisory Working Group and Involve a member on community consultation or project working groups during the feasibility study/ concept design for relevant City of Albany sporting, recreation, community and tourism facilities and infrastructure	Current/ongoing	COA
2. City of Albany Managers and Officers to consider the needs of people with disability as part of the design process for all new facilities and services	Current/ongoing	COA

Aboriginal

Our Goal: Engaging the Aboriginal Community		
Aim: To partner, engage and facilitate the aboriginal community for the implementation of the aboriginal accord and action plan		
Projects/ Actions	Priority	Funding
1. Facilitate the Aboriginal Accord Advisory Committee as a proactive group providing a consultation mechanism and actively engage and make recommendations to the Council in relation to the accord and other indigenous issues	Current/ongoing	COA/DIA
2. Facilitate the Aboriginal Accord advisory committee's role overseeing implementation of the Accord Action Plan and	Current/Ongoing	COA/DIA
3. Administer the City of Albany Aboriginal Education Scholarship Scheme to encourage local young Aboriginal people to continue with their education and training. Scholarships extend over a two-year period and the scholarship funds are used to offset the cost of books, fees and other student expenses.	Current/ongoing	COA
4. Develop and facilitate proposal to Council for ½ FTO Aboriginal Liaison Officer	1	COA

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Community Financial Assistance Program

Our Goal: Sustainable Community Projects and Facilities		
Aim: To provide financial assistance to worthwhile City of Albany community projects and facilities		
Projects/ Actions	Priority	Funding
1. Administer the City of Albany Community Financial Assistance Program in accordance with the Program Policy (adopted by Council) [Executive Director of Corporate and Community Services]	1	COA

The following key Community financial assistance policy directives are noted:

Policy Aims: Social, Cultural and Economic Development

- To attract and develop a broad range of social, cultural and economic entities.
- To encourage and assist community organizations to develop services and facilities that benefit the community.
- To identify and facilitate outstanding economic development opportunities for the City of Albany

Grant Categories

1. Donations: Grants up to \$200
2. Rate Rebates: Donations applied to the annual rate charge of community based properties
3. Minor Grants: between \$200 and \$10,000
4. Major Grants: Grants above \$10,000
5. Youth Crisis Services: Grants up to \$10,000

Eligibility

Not for profit organisations providing economic, social, community or environmental services and benefits to the citizens of the City of Albany. Organisations qualifying for funding from the State or Federal agencies must demonstrate substantial assistance from those organisations in the funding application.

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Volunteering

Our Goal: Sustainable Community Projects and Facilities		
Aim: To recognise the importance of volunteers to the Albany community and recruit and maintain volunteers for City and community projects and services		
Projects/ Actions	Priority	Funding
1. Community Development Officer to serve on the board of the Albany Volunteer Centre	Current/ongoing	COA
2. Explore and develop a volunteer training and reward programs to recruit and retain volunteers (community points reward system)	1	COA/ARVC
3. Implement volunteer best practise strategies	2	COA/ARVC
4. Recognise and reward the contribution of volunteers assisting with City of Albany projects and Services (can include training, etc)	Current/ongoing	COA
5. Where possible encourage and support seniors and youth to volunteer (CDOS, CDOY)	Current/ongoing	COA

Rural Communities

Our Goal: Vibrant Rural Communities		
Aim: To create a sense of belonging and community in surrounding rural communities.		
Projects/ Actions	Priority	Funding
1. Consultation meeting and site visit with local leaders and councillors in local communities.	Current/ongoing	COA Local Answers Funding
2. Audit of community assets and creation of a database resource for community organisations, service providers and council.	Current/ongoing	COA
3. Consult and gather local information to identify interests, additional assets not identified in the audit and community need.	Current/ongoing	COA
4. Develop programs in partnership with local service providers and community organisations.	Current/ongoing	COA

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Performance Measurement

General Community Development Principles

Each City of Albany community development project will relate to the identified strategy key area and be prioritised prior to commencement. Each project will have clearly identified, measurable aims and objectives including a measurable target. For example that participation will be increased by 20%.

The evaluation method will address the following criteria:

1. Was the project/activities appropriate for the target audience?
2. Were the activities implemented? (Did we deliver; was the process successful?)
3. What changes occurred as a result of participating in the project or activity?
4. In the long term what might be sustainable?

The City of Albany recognises the importance of evaluation for future planning and up to 5% of program budgets will be allocated to evaluation.

A variety of evaluation methods will be used to measure performance including

- Surveys and satisfaction rates
- Interviews and Focus Groups
- Attendance Numbers
- Seniors, Youth and other relevant City of Albany Advisory Committees will provide evaluation feedback.

Review

Manager Community Development to review on or before 30/6/2008

Associated Documents

- City of Albany Corporate Documents Policy (2006)
- City of Albany Financial Assistance Policy (2006)
- City of Albany Aboriginal Accord (2003)
- City of Albany Aboriginal Accord Action Plan (2003)
- City of Albany and Aboriginal community Statement of Understanding and Commitment (2006)
- City of Albany Disability Service Plan (2006)

References: Cavaye, Jim (2007); Capable Communities: A Guide to Community Development Cavaye Community Development

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12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

Nil

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Senior Advisory Committee meeting minutes – 22nd February 2007

- File/Ward** : MAN131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Community Development Officer - Senior (S Richardson-Newton)
- Summary Recommendation** : That the Minutes of Albany Senior Advisory Committee held on 22nd February 2007 be received.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 22nd February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Albany Senior Advisory Committee meeting of 22nd February 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 15-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Arts Advisory Committee meeting minutes – 11th April 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 11th April 2007 be received.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 11th April 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

- i) Item 6.3 – Guidelines : In House 9’ x 5’ Exhibition and Auction
- THAT Council adopt the In House 9’ x 5’ Exhibition and Auction Guidelines.
- ii) Item 6.4 – Emerging Artist Professional Development Fund : Funding Guidelines and Application / Acquittal Form
- THAT Council adopt the Emerging Artist Professional Development Fund : Funding Guidelines and Application / Acquittal Form
- iii) Item 6.5 – Artwork Collection Policy
- THAT Council adopt the Artwork Collection Policy and Guidelines.
- iv) Item 6.6 – Committee Representation
- THAT Council appoint Ms Ann Copeman as a member of the Albany Arts Advisory Committee.

Voting Requirement Absolute Majority

.....

Item 12.8.2 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Albany Arts Advisory Committee meeting of 11th April 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

i) Item 6.3 – Guidelines : In House 9’ x 5’ Exhibition and Auction

THAT Council adopt the In House 9’ x 5’ Exhibition and Auction Guidelines.

ii) Item 6.4 – Emerging Artist Professional Development Fund : Funding Guidelines and Application / Acquittal Form

THAT Council adopt the Emerging Artist Professional Development Fund : Funding Guidelines and Application / Acquittal Form

iii) Item 6.5 – Artwork Collection Policy

THAT Council adopt the Artwork Collection Policy and Guidelines.

iv) Item 6.6 – Committee Representation

THAT Council appoint Ms Ann Copeman as a member of the Albany Arts Advisory Committee.

**CARRIED 15-0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

13.1.1 General endorsement for heavy haulage use in Pendeen Estate

File/Ward	:	MAN166 (Kalgan Ward)
Proposal/Issue	:	Main Roads Department general endorsement for heavy haulage use in Pendeen Estate
Subject Land/Locality	:	Pendeen Estate – Local roads
Proponent	:	Stevemacs Bulk Haulage and Southern Regional Haulage
Owner	:	Nil
Reporting Officer(s)	:	Engineering Cadet (R Skipper)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approves Mallard Road, Pendeen Road and Copal Road be added to the Main Roads general endorsement system for all types of long vehicles up to 36.5 metres in length for all operators.
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.1.1 continued

BACKGROUND

1. Under sections of the Road Traffic Act the Commissioner of Main Roads is empowered to issue permits for the operation of combinations of vehicles that exceed the regulation mass and/or dimension limits. Local government has no legislative power to issue Heavy Haulage permits.
2. However, where the haul routes requested are Local Government roads, written permission from the relevant Local Government authority must accompany the application to Main Roads.
3. Following requests from Stevemacs Bulk Haulage and Southern Regional Haulage, approval was granted to operate long vehicle type road trains on Mallard Road, Pendeen Road and Copal Road.
4. The Department of Main Roads requests that these roads, with Councils' agreement, be added to the general endorsement system so that the full length of these roads may be used by all operators for all types of vehicles up to 36.5 metres in length.

STATUTORY REQUIREMENTS

5. Under Section 1107-3C of the Vehicle Standards Regulation 1977, all oversize/overmass vehicles, must obtain Main Road Department approval when hauling heavy loads on public roads.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. To improve the efficiency of the Main Roads Department administrative process, it is recommended Council seek a blanket approval for the nominated haulage operators to use Mallard, Pendeen and Copal Roads.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

RECOMMENDATION

THAT Council request Main Roads Department to include Mallard Road, Pendeen Road and Copal Road within their Class 2/3 Restricted Access Vehicles Period Permit Network (Heavy Haulage Vehicles).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WOLFE**

THAT Council request Main Roads Department to include Mallard Road, Pendeen Road and Copal Road within their Class 2/3 Restricted Access Vehicles Period Permit Network (Heavy Haulage Vehicles).

CARRIED 15-0

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Purchasing Policy (Tenders and Quotes)

File/Ward	:	GOV059 (All Wards)
Proposal/Issue	:	Adoption of a Purchasing Policy (Tenders and Quotes)
Subject Land/Locality	:	City of Albany
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Services (I Neil)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That the City of Albany adopts the Purchasing Policy (Tenders and Quotes)
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. In the past Local Government Regulations required the City to undertake a tender process for purchases expected to exceed \$50,000. Recent amendments to the regulations will allow Councils to increase this threshold to \$100,000 from the 31st March.
2. Municipalities wishing to work to the new threshold are required to adopt a Purchasing Policy that refers to certain matters.

STATUTORY REQUIREMENTS

3. The Local Government (Functions and General) Regulations 1996, Part 4 allows for the City to increase its tender threshold from \$50,000 to \$100,000

POLICY IMPLICATIONS

4. This policy will become the Council Policy for Purchasing (Tenders and Quotes), (Refer to copy attached) currently the provisions of the Act and Regulations drive Council policy in this regard.
5. The number of reports to Council in relation to tenders will decrease significantly.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

FINANCIAL IMPLICATIONS

- 6. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

- 7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets and delivering excellent community services

Priority Projects:

Nil.”

COMMENT/DISCUSSION

- 8. The Local Government industry has been working for some time to have the tender threshold raised to \$100,000.
- 9. Eastern state councils have been operating at this level successfully for a number of years now. The State Government also operates at this threshold.
- 10. The administration time involved in the tender process will be reduced. Of the tenders awarded in the last 12 months approximately half would not have been subject to a tender process under this policy.
- 11. The policy recommends the following categories of purchase.

Category	Value	Minimum Protocol
Minor Purchase	0-\$1,000	Purchase Order
Minor Quotation	\$1,001-4,999	2 Verbal Quotes*
	\$5,000-19,999	3 Verbal Quotes (Recorded as File Notes)*
Major Quotation	\$20,000-99,000	3 Written Quotes*
Tender	Over \$100,000	Tender Process

- 12. A number of procedures have been developed to complement the policy.

RECOMMENDATION

THAT the City of Albany adopts the Purchasing Policy (Tenders and Quotes) as attached.

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS

Item 13.4.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

**THAT the City of Albany adopts the Purchasing Policy (Tenders and Quotes)
as attached.**

CARRIED 15-0

Item 13.4.1 continued



Council Policy

Purchasing Policy

Tenders and Quotes

© City of Albany, 2007

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

102 North Road, Yorkania WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

WORKS & SERVICES REPORTS

Item 13.4.1 continued

Objective

To provide best value to Council and equity and transparency to suppliers of Council good and services

Scope

All staff with the authority to purchase goods and services, it defines the type of procurement applicable to different categories of procurement

Definitions

Minor Purchase	A purchase up to and including \$1,000
Minor Quote	A purchase from \$1,001 to \$19,999
Major Quote	A purchase from \$20,000 to \$99,999
Tender	A purchase above \$100,000
Procedure	A prescription of specific action oriented processes necessary to achieve strategic or policy objectives

Policy Statement

The following protocols will apply to each category.

Category	Value	Minimum Protocol
Minor Purchase	0-\$1,000	Purchase Order
Minor Quotation	\$1,001-4,999	2 Verbal Quotes (Recorded as File Notes)*
	\$5,000-19,999	3 Verbal Quotes (Recorded as File Notes)*
Major Quotation	\$20,000-99,000	3 Written Quotes*
Tender	Over \$100,000	Tender Process

* If a purchase is made and the minimum protocol for quotations is not met, a file note signed by the Executive Director needs to be made detailing the reasons for not meeting the protocol. In this instance a copy of the file note will be forwarded to the Corporate Governance Coordinator.

All records associated with the above categories will be recorded and retained in line with the provisions of the State Records Act 2000

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.
- Quotation documentation;
- Internal documentation ;

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

102 North Road, Yorkania WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

WORKS & SERVICES REPORTS

Item 13.4.1 continued

- File Notes; and
- Order forms and requisitions.

Legislative and Strategic Context

This Policy is required under Part 4 of the Local Government (Functions and General) Regulations 1996

The adoption of this policy under the above regulations allows the City of Albany to increase its tender threshold from \$50,000 to \$100,000

Review Position and Date

Executive Director Works and Services to review on or before 30/6/2008

Associated Documents

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996
- Tender/Contract procedure
- Quotation procedure
- Evaluation procedure (Tenders and Quotations)

CEO Authorisation: _____

Date: ___/___/___

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

102 North Road, Yorkania WA 6330
PO Box 464, Albany WA 6331
Tel: (+61 8) 9841 6333
Fax: (+61 8) 9841 4099
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www.albany.wa.gov.au

WORKS & SERVICES REPORTS

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 New Lease – Lotteries House

File/Ward	:	MAN071 (Frederickstown Ward)
Proposal/Issue	:	New Lotteries House lease
Subject Land/Locality	:	Lotteries House 211-217 North Road
Proponent	:	Lotteries House Management Committee
Owner	:	City of Albany
Reporting Officer(s)	:	Manager City Services (I Neil)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve a new lease for Albany Halfway House Association Inc for a 1 year term plus a 1 year option
Bulletin Attachment	:	Nil
Locality Plan	:	See map below



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. In September 1996 a 'Deed of Trust' was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located on Albany Suburban Lots 304 & 305, North Road Albany. Clause 16 of the 'Deed of Trust' requested that a Management Committee be formed to oversee the management of the property.
2. Part 3 of the schedule contained within the 'Deed of Trust' requires the Trustee, being the City of Albany to make and keep available the property for organisations to use for benevolent or charitable purposes, through the administration of the Management Committee.
3. The lessee, Albany Halfway House Association Inc. has previously held a lease over a portion of Lotteries House that expired on 31 January 2007. It has continued on a month-to-month basis since that time.
4. Albany Halfway House Association Inc. has requested a new lease for a period of one year plus a one-year option as this complies with their current funding arrangements. The Lotteries House Management Committee has approved this lease.

STATUTORY REQUIREMENTS

5. Section 3.58 of the Local Government Act deals with the 'disposing of property' (includes leasing) and requires Council to either dispose of property at auction or by public tender to the person who, in the opinion of Council, makes the most acceptable tender.
6. Council is, however, able to dispose of property by other means, provided that it gives statewide public notice (2 weeks) of the disposition and invites submissions on the proposal.
7. Clause 30 of the Local Government (Functions & General) Regulations 96 provides an exemption to Council under Section 3.58 of the Act if the land is being disposed of to a body, whether incorporated or not if the object of which is of a charitable, benevolent, cultural, educational, recreational, sporting or other like nature.
8. The lessee is considered to be either charitable or benevolent organisations and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

9. There are no policy implications relating to this matter.

FINANCIAL IMPLICATIONS

10. There are no financial implications as all rent is paid to the Lotteries House Management Committee, for operating expenses. Lotteries House aims to be self-supporting.
11. Any costs associated with the lease is payable by the applicant.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

STRATEGIC IMPLICATIONS

12. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

Community Vision:

Albany's community will enjoy economic growth and outstanding opportunities for our youth through excellent community and infrastructure and services.

Mission Statement:

The City of Albany will always be renowned for our customer focus.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

13. The lessee has requested approval to continue tenancy at Lotteries House under the same terms and conditions as previous lease, for a further term of one year plus a one-year option. The Lotteries House Management Committee has approved this request.
14. The Lotteries House Management Committee determines the rents by projecting operating expenses required for the financial year. These expenses are levied to each lessee, per square metre of leased area. These rents are reviewed annually on 1 July.

RECOMMENDATION

THAT Council agrees:

- i) To enter into new lease with the Albany Halfway House Association Inc for a term of one year plus a one year option retrospectively on 1 February 2007;
- ii) Rental be set per square metre of area leased as determined by the Lotteries House Management Committee, subject to GST, with rent reviews being carried out by the Lotteries House Management Committee annually on 1 July;
- iii) That all costs associated with leases be payable by the applicant; and;
- iv) The Common Seal of the City of Albany be attached to all relevant documentation.

Voting Requirement Simple Majority

.....

Item 13.5.1 continued

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WALKER**

THAT Council agrees:

- i) To enter into new lease with the Albany Halfway House Association Inc for a term of one year plus a one year option retrospectively on 1 February 2007;**
- ii) Rental be set per square metre of area leased as determined by the Lotteries House Management Committee, subject to GST, with rent reviews being carried out by the Lotteries House Management Committee annually on 1 July;**
- iii) That all costs associated with leases be payable by the applicant; and;**
- iv) The Common Seal of the City of Albany be attached to all relevant documentation.**

CARRIED 15-0

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

13.7.1 Proposed Road Closure - William Street, Little Grove

File/Ward	:	SER088 (Vancouver Ward)
Proposal/Issue	:	Request to temporarily close a section of road
Subject Land/Locality	:	Portion of William Street, Little Grove
Proponent	:	N/A
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20.03.07Item 13.7.1
Summary Recommendation	:	Council not support the temporary closure of the section of road
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.7.1 continued

BACKGROUND

1. At its December 2006 Council meeting, Council resolved -
“THAT Council;
 - i) In accordance with Section 3.50 of the Local Government Act 1995, proceed with the temporary closure to traffic of that portion of William Street, Little Grove for a period of four years;
 - ii) Ensure that the road is signed adequately to permit “Local Traffic Use Only” and advise that this is a “no through road”; and
 - iii) Authorise staff to finalise the legislative requirements of the closure, should no objections received.”
2. The proposal to close portion of William Street, Little Grove was advertised in the local newspapers, providing a 35-day submission period for written comments, which closed on 23 February 2007.
3. An item was prepared for the March 2007 Council meeting, but was subsequently withdrawn, as further investigations were deemed necessary to assess the impact of the temporary closure.

STATUTORY REQUIREMENTS

4. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:
 - (1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
 - (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
 - (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
 - [(3) *repealed*]
 - (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to*
 - (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
 - (b) *give written notice to each person who*
 - (i) *is prescribed for the purposes of this section; or*
 - (ii) *owns land that is prescribed for the purposes of this section;**and*
 - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*

WORKS & SERVICES REPORTS

Item 13.7.1 continued

- (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*
- [(7) *repealed*]
- (8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*

5. The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The City of Albany would be required to accept costs associated with advertising the road closure.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services; and innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

The City of Albany is committed to providing sound governance and promoting our Community’s vision for the future.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. There were 11 submissions received by close of the submission period on 23 February 2007, with three objections to the proposal.

10. Staff reviewed the contents of the three objections, which included concerns about restricted access to property, a possible detrimental effect on the resale value of land, and refuse truck access.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

11. A further investigation of these concerns and discussion with immediate neighbours, has led staff to the conclusion, that although there have been some minor issues, the temporary closure is not currently required.
12. Staff will ensure the area is monitored, to assess that should any future safety issues arise, these can be investigated and an appropriate decision made, that may require a review of this request.

RECOMMENDATION

THAT Council;

- i) Decline the request to proceed with the temporary closure to traffic of that portion of William Street, Little Grove for a period of four years;

AND

- ii) Monitor the area to assess what safety issues, if any arise, require Council intervention.

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS

Item 13.7.1 continued

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WATERMAN**

THAT Council;

- i) Decline the request to proceed with the temporary closure to traffic of that portion of William Street, Little Grove for a period of four years;**

AND

- ii) Monitor the area to assess what safety issues, if any arise, require Council intervention.**

CARRIED 15-0

WORKS & SERVICES REPORTS

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Streetscape Committee Meeting Minutes – 19 April 2007

File/Ward	:	MAN161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	That the minutes of the Streetscape Committee Meeting held on 19 April 2007, be received.

RECOMMENDATION

THAT the Minutes of the Albany Streetscape Committee held 19 April 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT the Minutes of the Albany Streetscape Committee held 19 April 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

CARRIED 15-0

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS**14.2 ORGANISATIONAL DEVELOPMENT****14.2.1 Operational Human Resources Policy**

File/Ward	: PER011 (All Wards)
Proposal/Issue	: Review of Human Resources Policy
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Executive Services (C Grogan)
Disclosure of Interest	: Manager Executive Services (C Grogan)
Previous Reference	: 16/03/2005 OCM Item 18.1
Summary Recommendation	: That the reviewed Operational HR Policy be adopted
Bulletin Attachment	: Operational Human Resources Policy
Locality Plan	: N/A

BACKGROUND

1. Albany offers an attractive environment in which to work and reside however other employers in the market place offer similar if not better conditions. If the City is to maintain its position as an employer of choice it is critical that we be vigilant in providing a contemporary workplace with competitive benefits and thus the operational Human Resources policy needs to be periodically reviewed and updated.
2. The Human Resources Policy was first developed and adopted in June 2001, and was amended in March 2005 to provide for the City's Professional Benefits program.
3. No other amendments have been made to this policy and therefore a number of allowances have not increased since June 2001, and as a result the real value of these allowances have been significantly eroded by inflationary increases totalling 18.34% (June 2001 - December 2006 CPI figures extracted from the Australian Bureau of Statistics).
4. The existing policy is silent on the arrangements and rules relating to employee use of mobile phones. As the use of mobile phones has become ubiquitous this has become an operational HR issue that requires addressing.
5. The existing policy refers to Enterprise Bargaining Agreement making processes. With the passing of the federal government's Workchoices Legislation in March 2006 the industrial relations mechanism has changed to Workplace Agreement making processes, and therefore the operational HR Policy needs to reflect these changes.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

STATUTORY REQUIREMENTS

6. Section 5.41 of the Local Government Act 1995 provides in part that the Chief Executive Officer shall be responsible for the employment, management, supervision, direction and dismissal of employees relevant to this matter.

POLICY IMPLICATIONS

7. Current Human Resource Operational Policies will require amendment to accommodate proposed changes.

FINANCIAL IMPLICATIONS

8. It is proposed to increase the allowances included in this policy to reflect the CPI increases since June 2001 (rounded up to 20% to allow for the effects of June 2007 CPI increases), however in overall terms the impact on operational budgets will be minimal.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Nil

Mission Statement:

We will value and develop our people

Priority Projects:

Operational Improvement Project Number 39, namely the development of HR Plan to ensure the City is well positioned to attract the skills and resources required to meet future strategic objectives.”

COMMENT/DISCUSSION

10. It is proposed to amend current HR Operational Policies and employment conditions to incorporate the following:
 - a. Replace references to ‘Enterprise Bargaining Agreements’ processes with ‘Collective Agreement’ making processes.
 - b. Increase relocation expenses from \$3,500 to \$4,200, plus CPI adjustment on an annual basis to be applied from June 2008 onwards. All other rules relating to this clause to remain unchanged.
 - c. Increase the maximum annual uniform allowance from \$200 to \$240, plus CPI adjustments on an annual basis to be applied from June 2008 onwards, with all other rules relating to this clause remaining unchanged.
 - d. Provide for occasional personal, and responsible, use of Council mobile phone, on the condition that the cost of such use is reimbursed by the employee, and does not interfere with the employees’ work obligations.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

11. A number of level 7 & 8 Officers have private use of Council vehicles (other than when they are on leave) and for a number of years \$15 per week has been deducted from their salaries for that private use. It is proposed that this figure now be increased to \$18 a week, plus CPI adjustments on an annual basis to be applied from June 2008 onwards, to reflect inflationary increases.

RECOMMENDATION

THAT Council endorse changes to the City of Albany Operational Human Resources Policy and employment conditions to incorporate the following:

- a. Replace references to 'Enterprise Bargaining Agreements' processes with 'Collective Agreement' making processes.
- b. Increase relocation expenses from \$3,500 to \$4,200, plus CPI adjustment on an annual basis to be applied from June 2008 onwards. All other rules relating to this clause to remain unchanged.
- c. Increase the maximum annual uniform allowance from \$200 to \$240, plus CPI adjustments on an annual basis to be applied from June 2008 onwards, with all other rules relating to this clause remaining unchanged.
- d. Provide for occasional personal, and responsible, use of Council mobile phone, on the condition that the cost of such use is reimbursed by the employee, and does not interfere with the employees' work obligations.
- e. Increase the weekly salary deduction from those level 7 & 8 Officers who have private use of Council vehicles (other than when they are on leave) from \$15 per week to \$18 per week, plus CPI adjustments on an annual basis to be applied from June 2008 onwards, to reflect inflationary increases.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR MARSHALL**

THAT Council endorse changes to the City of Albany Operational Human Resources Policy and employment conditions to incorporate the following:

- a. Replace references to ‘Enterprise Bargaining Agreements’ processes with ‘Collective Agreement’ making processes.**
- b. Increase relocation expenses from \$3,500 to \$4,200, plus CPI adjustment on an annual basis to be applied from June 2008 onwards. All other rules relating to this clause to remain unchanged.**
- c. Increase the maximum annual uniform allowance from \$200 to \$240, plus CPI adjustments on an annual basis to be applied from June 2008 onwards, with all other rules relating to this clause remaining unchanged.**
- d. Provide for occasional personal, and responsible, use of Council mobile phone, on the condition that the cost of such use is reimbursed by the employee, and does not interfere with the employees’ work obligations.**
- e. Increase the weekly salary deduction from those level 7 & 8 Officers who have private use of Council vehicles (other than when they are on leave) from \$15 per week to \$18 per week, plus CPI adjustments on an annual basis to be applied from June 2008 onwards, to reflect inflationary increases.**

CARRIED 15-0

GENERAL MANAGEMENT SERVICES REPORTS

14.3 ECONOMIC DEVELOPMENT

Nil

14.4. CORPORATE GOVERNANCE

Nil

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

Nil

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WATERMAN**

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

CARRIED 15-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Mayoral Allowance

Notice of Motion from Councillor Waterman

'THAT the Mayoral allowance be increased to \$60,000 per annum commencing immediately after the October 2007 Council elections.'

STATUTORY REQUIREMENTS

Local Government Act Section 5.98 (5) provides that the Mayor is entitled to be paid an allowance in addition to meeting attendance fees and the reimbursement of expenses.

Local Government Administration Regulations Clause 33 provides that:

- The minimum allowance for the Mayor is \$600 per annum
- The maximum allowance for the Mayor is 0.2% of operating revenue or \$60,000 whichever is the lesser.
- Projected operating revenue for 2007/08 is \$33,126,000 ($\$33.126 \times 0.2\% = \$66,252$)

Local Government Act Section 5.98A Local Government Regulations Clause 33A provides that Councils may pay up to 25% of the Mayoral Allowance to the Deputy Mayor.

Local Government Act Section 5.63 provides that a financial interest disclosure is not required as disclosure requirements to not apply to allowances payable under Section 5.98 and 5.98A.

FINANCIAL IMPLICATIONS

Should Councillor Waterman's motion be adopted the annual cost to Council would amount to:

Mayoral Allowance	\$60,000 (currently \$12,000)
Deputy Mayoral Allowance	\$15,000 (currently \$3,000)

This is an increase of \$60,000 per annum.

COMMENT

Mayoral Allowances for similar Councils are as follows:

Armadale	\$39,120 per annum
Belmont	\$37,710 per annum
Bunbury	\$23,300 per annum
Kalgoorlie	\$45,000 per annum

Item 16.1 continued

Amended Notice of Motion from Councillor Waterman

THAT the Mayoral Allowance be increased to \$45,000 per annum as at the commencement of the new Mayoral term immediately following the October elections recognising that Council reserves the right to review the allowance at any time should the Mayor not adequately or effectively undertake their role and responsibilities as prescribed in Section 2.8 of the Local Government Act 1995.

Footnote:

The role of the Mayor as prescribed in Section 2.8 of the Local Government Act 1995 is as follows:

‘2.8 The role of the mayor

The mayor

- a. presides at meetings in accordance with this Act;
- b. provides leadership and guidance to the community in the district;
- c. carries out civic and ceremonial duties on behalf of the local government;
- d. speaks on behalf of the local government;
- e. performs such other functions as are given to the mayor or president by this Act or any other written law; and
- f. liaises with the CEO on the local government’s affairs and the performance of its functions.’

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EMERY**

THAT the Mayoral Allowance be increased to \$45,000 per annum as at the commencement of the new Mayoral term immediately following the October elections recognising that Council reserves the right to review the allowance at any time should the Mayor not adequately or effectively undertake their role and responsibilities as prescribed in Section 2.8 of the Local Government Act 1995.

LOST 5-10

Record of Vote:

For the motion: Councillors Emery, Wellington, Waterman, West, and Wiseman
Against the motion: Mayor Goode, Councillors Marshall, Paver, Bojcun, Williams, Evans, Jamieson, Wolfe, Walker and Lionetti

16.2 Albany Waterfront Action Group – Request for Referendum

Notice of Motion from Councillor Paver

THAT Council conduct a referendum of ratepayers concurrently with the October Local Government election in regards to the Albany Waterfront Project and that the referendum question(s) be drafted in consultation with Landcorp and the Albany Waterfront Action Group.

STATUTORY REQUIREMENTS

To provide validity to the referendum outcomes, the Waterfront Structure and Precinct Plans may also need to be revoked.

FINANCIAL IMPLICATIONS

The conducting of the referendum concurrently with the Local Government elections should minimise the cost of the referendum.

COMMENT

Councillor Paver will speak to his motion at the meeting.

Amended Notice of Motion from Councillor Paver

THAT Council receive and give effect to the petition received at the April Council meeting by conducting a survey of all electors of the City of Albany to determine whether or not the community supports large scale high rise development on the foreshore.

Reason:

LandCorp has admitted that the community has not been properly consulted on the proposal to locate the Entertainment Centre and a Hotel on the foreshore.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council receive and give effect to the petition received at the April Council meeting by conducting a survey of all electors of the City of Albany to determine whether or not the community supports large scale high rise development on the foreshore.

PROCEDURAL MOTION

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR JAMIESON**

THAT Council suspend Standing Order 6.5 – Order of Call in Debate.

CARRIED 14-1

The Chief Executive Officer Andrew Hammond left the meeting at 8.48pm and returned at 8.50pm, during debate of Item 16.2.

Item 16.2 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EVANS**

THAT Council resume Standing Order 6.5 – Order of Call in Debate.

CARRIED 15-0

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

THAT Council receive and give effect to the petition received at the April Council meeting by conducting a survey of all electors of the City of Albany to determine whether or not the community supports large scale high rise development on the foreshore.

LOST 2-13

Record of Vote:

For the motion: Mayor Goode, Councillor Paver

Against the motion: Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman

17.0 MAYORS REPORT

'Fellow Councillors:

The highlight of this month was undoubtedly the first official visit to Albany of His Excellency Major General Michael Jeffery AC, CVO, MC, the Governor-General of the Commonwealth of Australia and Mrs Marlena Jeffery, on Friday 4th May. Born and raised in Western Australian, Michael Jeffery is a former Governor of Western Australia, a position he held from 1993 to 2000. He was sworn in as the 24th Governor-General of Australia on the 11th August 2003 and this was his first visit to Albany in that capacity.

It was my great pleasure to reacquaint Their Excellencies with the many beautiful sights of Albany, show them the development that has occurred since their last visit and brief them on the many exciting projects that are proposed for the future. Amongst the day's activities was a visit to Princess Royal Fortress, the Desert Mounted Corps Memorial and the Windfarm, an icon which particularly captivated them, both from the stunning coastal vistas and the environmental benefits that are being returned from the production of power by the wind-generated turbines. A briefing on the Waterfront Development and a tour of the Port facilities, concluded the day long tour.

The City hosted a Civic Reception for Their Excellencies at the Albany Golf Club, where they were proudly met by a contingent of Albany youth representatives of local cadet units, scout and guide groups and Year 12 school prefects, who formed in impressive guard of honour. Councillors had the opportunity to meet The Governor-General and Mrs Jeffery privately before the official ceremony, which commenced with a traditional 'welcome to country' from Noongar Elder, Sam Williams, accompanied on didgeridoo by Ryan Humphries.

The Governor-General presented the City with a plaque commemorating his visit and in return the City presented him with a photo montage of the sights he had visited over the day.

Their Excellencies were very impressed by the beauty of Albany, the promise it holds for the future as a City on the move and the vibrancy of the community and its citizens. They were most appreciative of the hospitality they received and consider this regional tour to be their best in office, which is high praise indeed for our City.

On the 16th April, Peter Watson presented the City with a cheque for the first payment of State Government funding for the Albany Leisure and Aquatic Centre redevelopment project, which is now well underway. Councillors were provided with the opportunity to look over the development and be updated on the progress of the project by Dean Wauters, Project Manager for Wauters Enterprises.

On Friday 27th April, I assisted The Hon Alannah MacTiernan, the Minister for Planning and Infrastructure, to officially open Stage One of the Albany Ring Road. The naming of the Ring Road "Menang Road" recognises the traditional owners of the land, the Menang Noongar tribe, which is a fitting tribute for such a significant piece of State infrastructure. Menang Road is the first stage of a planned road network that will guarantee the safe movement of regional freight to and from the Port of Albany. The City looks forward to a government announcement on the final design details and the construction date for the remaining stages of the road network.

Item 17.0 continued

Also on the 27th April, I had the pleasure of welcoming attendees at the 2007 Seniors Information Expo. Implemented by the City's Seniors Advisory Committee the event is now held bi-annually. This was the 4th Expo held and once again was an overwhelming success. I acknowledge the efforts of the Seniors Advisory Committee and Sam Richardson-Newton, the City's Community Development Officer for Seniors, for their successful coordination of the day.

Community leaders and the staff of Albany Plantation Export Company, Albany Port Authority and Albany Bulk Handling, came together on Friday 27th April to celebrate the maiden voyage of the 'Albany Pioneer', the first woodchip ship, purpose built for Albany.

And finally, I was very proud to lay wreaths at the RSL memorial services for Quarantup, Kapyong Day, the Anzac Day Dawn Service and the Anzac Day Memorial Service over the month. Numbers continue to grow each year at the Anzac Day services and it is heartening to see that an increasing number of youth are taking up the responsibility of carrying on the legacy of their ancestors, and indeed the veterans of all wars, who have fought and died so bravely for our freedom and to preserve our way of life. Lest we forget.

Thank you.

DRAFT MOTION

THAT the Mayor's Report dated 15th May 2007 be received.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR LIONETTI**

THAT the Mayor's Report dated 15th May 2007 be received.

CARRIED 15-0

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

Nil

19.0 CLOSED DOORS

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WATERMAN**

THAT the Council meet behind closed doors to consider Item 19.1 – Analysis of Planning Scheme Consent – Barry Court and Item 19.2 – Albany Waterfront Structure and Precinct Plans – Validity of Adoption Process, as confidential matters in accordance with Section 5.23(2)(d) of the Local Government Act 1995 – legal advice obtained.

CARRIED 15-0

Members of the public and media vacated the Council Chambers at 8.35pm.

19.1 Analysis of Planning Scheme Consent – Barry Court

Item 19.1 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(d) of the Local Government Act 1995 – legal advice obtained. The report and recommendations were issued under separate, confidential cover and the matter considered behind closed doors.

Councillor Lionetti left the meeting at 9.18pm and returned at 9.19pm during consideration of Item 19.1.

During debate of Item 19.1, Councillor Paver tabled a copy of his address to the Council. As the Item is a confidential matter, the address has been appended to the confidential papers.

19.2 Albany Waterfront Structure and Precinct Plans – Validity of Adoption Process

Item 19.2 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(d) of the Local Government Act 1995 – legal advice obtained, or being obtained. The report and recommendations were issued under separate, confidential cover and the matter considered behind closed doors.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

THAT Council open the meeting to the public.

CARRIED 15-0

19.1 Analysis of Planning Scheme Consent – Barry Court

FORESHADOWED MOTION

Councillor Paver foreshadowed the following motion:

That the Western Australian Planning Commission be requested to immediately review Clause 3.5.5 of the Country Coastal Planning Policy.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

1. **That the legal advice received on the Barry Court Development be received and endorsed.**
2. **That the Western Australian Planning Commission be requested to immediately review Clause 3.5.5 of the Country Coastal Planning Policy.**

CARRIED 14-1

Record of Vote:

For the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman
Against the motion: Councillor Paver

19.2 Albany Waterfront Structure and Precinct Plans – Validity of Adoption Process

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WALKER**

THAT Council advise McLeods Solicitors and Barristers that it has received advice that the processes it undertook in May and September 2006 to adopt the Albany Waterfront Structure Plan and Precinct Plan were valid, and that Council will utilise those documents to assess any future development application presented to Council under Clause 7 of the City of Albany Town Planning Scheme 1A.

CARRIED 14-1

Record of Vote:

For the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Evans, Jamieson, Wolfe, Walker, West, Lionetti and Wiseman

Against the motion: Councillor Paver

20.0 NEXT ORDINARY MEETING DATE

Tuesday 19 June 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.38pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Councillor Merryn Bojcun	11.2.3	Financial - Shareholder in applicant company
Councillor John Walker	11.2.3	Financial - Shareholder in applicant company
Councillor Daniel Wiseman	11.3.5	Proximity – Owns property next to site

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTERESTS DISCLOSED BY OFFICERS

Robert Fenn, Executive Director Development Services	11.1.4	Financial - Daughter is employed by Coles Supermarkets and Coles may be a potential tenant in the shopping centre
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[Agenda Item 12.1.1 refers]
[COUNCIL – 15th May 2007]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		Totalling	\$92,297.63
Electronic Fund transfer		Totalling	\$2,569,713.56
Credit Cards		Totalling	\$5,377.37
Payroll		totalling	\$625,895.00
Total			<u>\$3,293,283.56</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,293,283.56 which was submitted to each member of the Council on 15th May 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,293,283.56 which was submitted to the Council on 15th May 2007 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)