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# MINUTES

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## ORDINARY MEETING OF COUNCIL

Held on  
Tuesday, 16<sup>th</sup> June 2009  
7.00pm  
City of Albany Council Chambers

**SYNERGY REF: AM808580**

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**1.0 DECLARATION OF OPENING**

The Mayor declared the meeting open at 7:00:41 PM

Mayor Evans addressed Council in regards to the new audio system within the Chambers.

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

**Mayor** M Evans, JP

**Councillors:**

Breaksea Ward	VACANT
Frederickstown Ward	VA Torr
Frederickstown Ward	D Price
Kalgan Ward	J Walker
Vancouver Ward	K Stanton
West Ward	D Duffy
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	G Kidman

**Staff:**

Chief Executive Officer	P Richards
Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Executive Manager Planning Services	G Bride
Manager Executive Services	S Jamieson
Minutes Secretary	S Smith

**Public Gallery and Media:**

3 media representatives were in attendance; and  
Approximately 11 members of the public.

**Apologies/Leave of Absence:**

Breaksea Ward	J Bostock
Vancouver Ward	R Paver
Kalgan Ward	R Buegge

**3.0 OPENING PRAYER**

Cr Stanton read the opening prayer.

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

**4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## 5.0 PUBLIC QUESTION TIME

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

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

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

Public Forum commenced at 7:09:53 PM

**Speaker One** - Mr Dennis Wellington – 7 McKenzie street

Mr Wellington addressed Council in regards to the new audio system and asked the following questions:

- Were the screens purchased from a local IT supplier?
- Was the induction loop system supplied by a local supplier?
- Was the audio system supplied by a local supplier?
- Was travel and accommodation taken into account for the cost of the installation?
- Were three quotes obtained and authorised by the City?

Mr Wellington stated that he was disgusted that local businesses were not engaged to complete the upgrade of the chamber in accordance with the buy local policy, as local businesses are rate payers. Mr Wellington advised that his company has installed similar systems in Albany, such as the court house and could have provided the service. Mr Wellington stated that he believed the Mayor's opening comments in regards to the installation of the new system were pathetic.

*CEO Response: Through the Mayor, the CEO asked that if Mr Wellington had a series of questions, the CEO would take the questions on notice. Mr Wellington stated that he would supply a list of questions on Wednesday 17<sup>th</sup> June 2009.*

**Speaker Two** - Mr Richard Vogwill – Le Perouse Road, Goode Beach

Mr Vogwill addressed Council in regards to the Frenchman Bay resort development proposal and tabled his comments (File Ref: FN8083154). The items presented were:

- a. View of proposed development from Whalers Beach, discussed at the 12 May 09 Agenda meeting.
- b. Councillors and Community Representation at the State Administration Tribunal hearing for the Frenchman Bay 5-star Resort application. Mr Vogwill stated that he assumes:
  - (1) The City of Albany will be represented at SAT by only Council staff (and not the Councillors);
  - (2) The Community will not be invited to participate in the tribunal process.

So in essence the, the arbitration process will occur between the proponent and Council staff.

Item 5.0 continued.

Mr Vogwill recommending that the following motions are moved by Council:

“That Council (not Council staff) appoint a Planning Consultant and Landscape Architect to defend the City of Albany’s position at the SAT proceedings; and

That Council appoint two Councillors, who opposed the current development design at Frenchman Bay, to represent the City of Albany’s position at the SAT proceedings”

*Mayor’s response: Mr Vogwill are these your motions or have they been presented on behalf of someone else?*

Mr Vogwill’s response: These are my words and suggested motions.

**Speaker Three** – Mr Neil Smithson, Smithson Planning – 364 Middleton Road

Mr Smithson addressed Council in regards agribusiness managed investment schemes and tabled his comments for inclusion within the minutes (File Ref: FN8083154). Additional points raised by Mr Smithson, were:

- a. The inquiry into agribusiness managed investment schemes and the response received to Mr Smithson’s formal submissions;
- b. Peak Oil Gas & Nuclear Power;
- c. Manypeaks Transitional Governance;
- d. Anzac 2014-18 – a National Celebration Strategy;
- e. Albany Industrial Seaport Relocation Plan;
- f. Albany’s UNESCO World Heritage Nomination;
- g. Planning Instruments of Western Australia; and
- h. Global Warming & Sea Level Change.

**Speaker Four** – Mr Henry Dykstra

Mr Dykstra addressed Council in regards to item 11.1.2. Mr Dykstra advised that his client purchased the subject land on the basis that it was shown in the advertised version of the Albany Local Planning Strategy (ALPS) as ‘Special Rural’. The previous proposal that was submitted was declined by Council on the basis that it was not in accordance with the version of ALPS that was pier reviewed.

It is requested that Council assess this proposal on the advertised version of ALPS; which shows the land as being classified ‘Special Rural’.

**Speaker Five** – Mr Neil Smithson, Smithson Planning.

Mr Smithson thanked Council for conducting and coordinating the 'Planning Processes Review' forum. Mr Smithson also raised the point that the proposed change to the state planning regulations will make it impossible to introduce a third party appeal clauses within it's new Town Planning schemes.

**Speaker Six** – Mr John Moore

Mr Moore addressed Council in regards to the control of soil movement and distribution of weed seeds. Mr Moore requested Council to invest more resources towards the regulation and control of soil movement from development sites, as soil movement contributes to the spreading of weed seeds.

Public Forum finished at 7:25:25 PM

## **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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

**DRAFT MOTION:**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR MATLA**

**THAT the minutes of the Ordinary Council Meeting held on the 19<sup>th</sup> May 2009 as previously distributed be confirmed as a true and accurate record of proceedings.**

**MOTION CARRIED 9-0**

## **7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **8.0 DISCLOSURE OF FINANCIAL INTERESTS**

Councillor Price – Item 11.3.1 - Impartial interest

## **9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil

## **10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil



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# **DEVELOPMENT SERVICES**

## **Reports**

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## **11.0 REPORTS – DEVELOPMENT SERVICES**

### **11.1 - DEVELOPMENT**

Nil.

## 11.2 – DEVELOPMENT POLICY

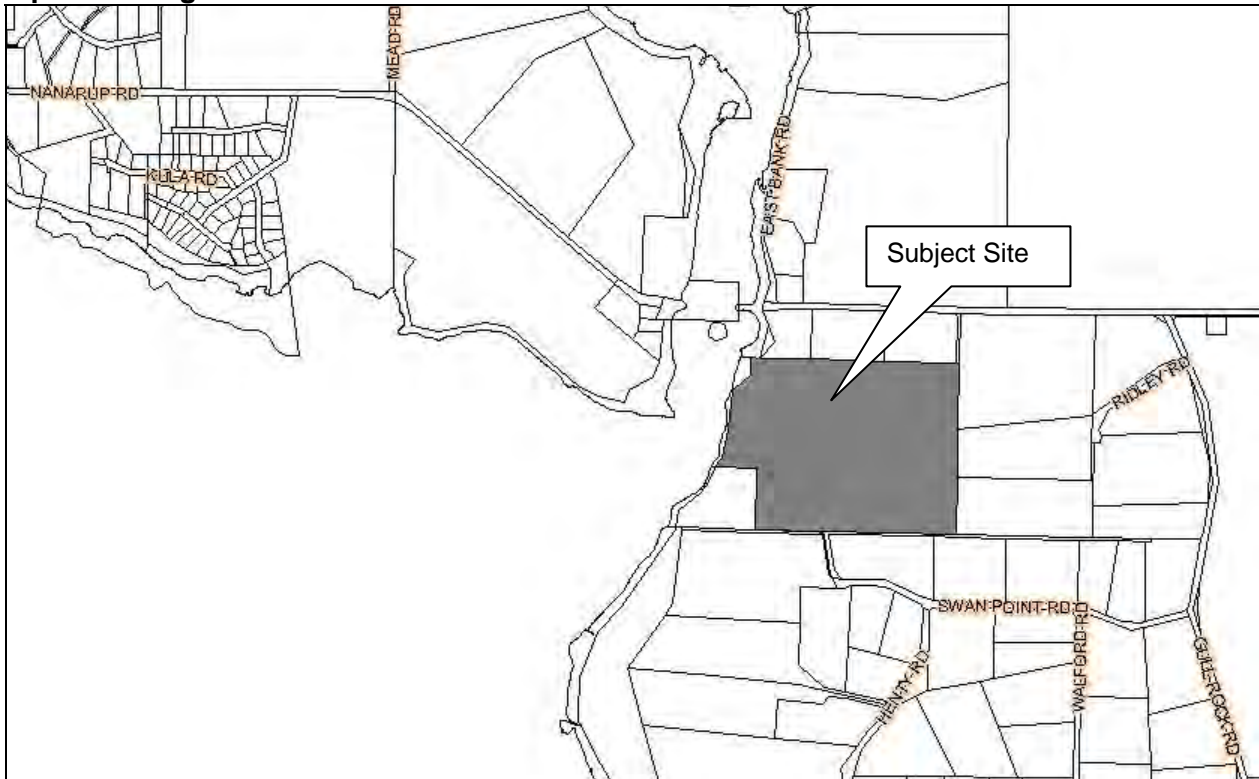
**ITEM NUMBER:** 11.2.1  
**ITEM TITLE:** SCHEME AMENDMENT REQUEST – LOT 422 SWAN POINT ROAD, KALGAN

### THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

- File Number or Name of Ward** : SAR 140 (Kalgan Ward)  
**Summary of Key Points** : To consider a SAR proposal to rezone Lot 422 Swan Point Road, Kalgan from ‘Rural’ to ‘Special Rural’ and to include the land within a Special Control Area relating to Subdivision Overlay Guidelines.  
**Land Description** : Lot 422 Swan Point Road, Kalgan  
**Proponent** : Dykstra Planning  
**Owner** : Golden Eight (WA) Pty Ltd  
**Reporting Officer(s)** : Planning Officer (C McMurtrie)  
**Disclosure of Interest** : Nil  
**Previous Reference** : OCM 19/06/07 – Item 11.3.7  
**Bulletin Attachment(s)** : Scheme Amendment Request document and agency submissions  
**Consulted References** : Albany Local Planning Strategy.  
**Councillors Lounge** : Nil

### Maps and Diagrams:



Item 11.2.1 continued.

## **BACKGROUND**

1. Scheme Amendment Request (SAR) 140 has been submitted for Council to assess the potential to rezone Lot 422 Swan Point Road, Kalgan from the 'Rural' Zone to the 'Special Rural' Zone and to include the land within a Special Control Area relating to Subdivision Overlay Guidelines under Town Planning Scheme (TPS) No.3.
2. A SAR was submitted to Council for the subject land on a previous occasion, though it simply asked that a rezoning from 'Rural' to 'Special Rural' be considered. Council considered the SAR at its ordinary meeting on 19 June 2007 and resolved:

*“THAT Council advises that it is not prepared to entertain the submission of a formal application for the rezoning of Lot 422 Affleck Road, Kalgan from the “Rural” zone to the “Special Rural” zone.”*

3. The reasons for not supporting the SAR as contained in the officer's report included:

*“Based on the existing land supply of rural/residential land, staff can see no reason to rezone more land for rural residential living; the arguments contained in the SAR do not change that position.....The proposal is inconsistent with the overall strategic objective of ALPS for rural living, which 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.....Council will shortly be required to review a submission on ALPS relating to the locality of the subject site which may require a review of the draft ALPS. The proposal is premature, not justified and could prejudice the long term development options beyond the current framework of ALPS.”*

4. Following the lodgement of the previous SAR, the proponent met with staff to propose an alternative option, which involved rezoning the subject land to Special Rural (as before), but with the inclusion of a subdivision overlay plan, showing how the land could be further subdivided into standard urban lots in the future when sewer became available. This SAR proposal has included an overlay plan and has recommended planning controls be applied to the amendment, to ensure, for example, building envelopes are positioned outside of future road alignments and areas of public open space.
5. Council is now required to determine its support, or otherwise, for the current SAR proposal.

## **DISCUSSION**

6. The lot covers an area of 40.46ha with its western boundary abutting the foreshore reserve along the eastern bank of Oyster Harbour and the mouth of the Kalgan River. The land rises gently from the north and west, towards the centre of the lot, where it levels out. The level area then continues towards the south-east.
7. Much of the lot has been cleared of vegetation in the past and is now under pasture. However, there are still substantial stands of remnant native vegetation, with the largest of these extending along the southern boundary before reaching north in a reverse L-shape, in the eastern half of the lot. Another substantial area of remnant vegetation stands adjacent to the northern boundary at its mid-point.

Item 11.2.1 continued.

8. A dwelling and associated outbuildings stand in a loose cluster between the western boundary and the centre of the lot. Access to Nanarup Road is proposed from an unconstructed section of Affleck Road, which reaches the lot at its north-west corner. There is also a 10m wide Right of Way connecting the north-east corner of the lot back to Nanarup Road. Whilst the southern boundary abuts the Swan Point Road Reserve the constructed road ends approximately 180m from the lot boundary.
9. The land to the north, east and south of the subject lot forms Special Rural Zone No. 6, which comprises Special Rural lots of 2ha and above. The area has been identified as being suitable for Future Urban development in the draft Albany Local Planning Strategy (ALPS). This land is within the future catchment of the water supply and sewerage reticulation area and would add to the viability of extending those services.
10. The overlay design submitted as part of the proposal has not been supported by the government agencies consulted. The Department of Environment and Conservation (DEC) were especially critical of the design and its impact on the remnant vegetation on the site. The Department of Planning and Infrastructure (DPI) has additionally recommended that all land on the southern side of Nanarup Road should not be developed for residential purposes, which is inconsistent with the direction within the ALPS and the Department's previous advice regarding Big Grove when a similar application was lodged.
11. In staff's experience subdivision overlay plans as proposed by the SAR rarely result in future residential development, as the cost of connecting sewer to individual lots of the size proposed would be prohibitive unless the majority of landowners cooperated simultaneously to fund the sewer connection; that action has not been experienced in the past.
12. Staff acknowledges that there may be merit in rezoning the land south of Nanarup Road as 'Special Rural', without a mechanism to allow for future urban residential development, in order to protect remnant vegetation and local biodiversity and to maintain the amenity of that area. However, before consideration of this decision in isolation, a review of the ALPS needs to occur to assess the rationale and merit of long term residential to the south of Nanarup Road. Moreover, a superior overlay could have been produced with no impact on vegetation had the proponent sacrificed lot yield in the short and long term.
13. Staff therefore recommends that the scheme amendment request not be supported until a review of the ALPS is undertaken; ALPS is required to be reviewed on a five yearly basis and Council can determine that this issue be reviewed at that time or during the intervening period. This issue could in the interim be referred to the Planning and Environment Strategy and Policy Committee for consideration.

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

14. Not applicable to this stage of rezoning process.

#### **GOVERNMENT CONSULTATION**

15. The SAR was referred to the Department for Planning and Infrastructure (DPI), the Department of Agriculture and Food, the Department of Water and the Department of Environment and Conservation. No response was received from the Department of Agriculture and Food. The other Departments responded as follows:

Item 11.2.1 continued.

**Department for Planning and Infrastructure:**

16. DPI supports the rezoning of the land to Special Rural. However they have advised that the proposed Subdivision Guide Plan submitted with the SAR is not supported, as it does not respond to the preservation of the environmental or amenity values afforded by the existing vegetation on site. DPI submitted a hand drawn Subdivision Guide Plan (which is attached) and have advised that a plan similar to this would be supported, as it demonstrates development of the site in accordance with these parameters.
17. DPI advises that in relation to the future redevelopment of the land to a fully serviced urban residential standard, it is considered that all the land in the locality to the south of Nanarup Road should be identified as Special Rural, with future urban residential development being confined to the locality to the north of Nanarup Road in recognition of the existing land uses, lot pattern, and Special Rural approvals to the south of Nanarup Road.

**Department of Water (DOW):**

The DOW advises the following:

18. *Foreshore Reserve* – A suitable foreshore reserve and development setback would have to be established from the adjacent waterway (Oyster Harbour and the Kalgan River mouth). Section 4.1 of the proposal acknowledges that a suitable width for the proposed foreshore reserve needs to be determined based on a Land Capability Assessment (LCA). While this is supported, additional factors such as the extent of flood prone land and fringing vegetation will need to be considered in addition to the LCA in determining the extent of the foreshore reserve.
19. *Foreshore Management* – Once the extent of the foreshore reserve has been determined, the preparation of a Foreshore Management Plan is recommended. This should detail issues such as access, revegetation and weed management, fire management and removal of material including old fence lines.
20. *Stormwater Management* – The undertaking of a detailed drainage design at the time of subdivision, in accordance with water sensitive design principles, is confirmed in Section 5.3 of the proposal and is supported. However, a Local Water Management Strategy (LWMS) will be required in order to guide the Urban Water Management Plan required at subdivision. The preliminary subdivision sketch indicates that the north-eastern and south-western drainage detention basins may be located in wetland areas. The LWMS therefore needs to consider the location of these away from any wetland vegetation or areas of shallow groundwater, as determined by the LCA.
21. *Land Capability* – Section 4.1 of the proposal commits to undertaking a detailed LCA as part of a formal Scheme Amendment. This should demonstrate the land's capability and suitability for the development, including the appropriate lot sizes that the land can support. This study should also address potential flooding, nutrient retention, distance to groundwater and the suitability for effluent disposal.
22. *Remnant Wetland Vegetation* – Part of Lot 422 appears to contain wetland vegetation that occurs as a response to a perched or shallow groundwater table. It is recommended that minimal disturbance is made to these areas. Furthermore, DoW objects to the principle of creating lots entirely within areas of remnant vegetation, given the potential to impact on the hydrology of adjoining wetland and foreshore areas that result from clearing of vegetation for fence lines and building envelopes.

Item 11.2.1 continued.

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

23. Based on a review of the documents provided and an inspection of the site, the DEC advises the following issues should be addressed in any future scheme amendment proposal:

- *Oyster Harbour is a nationally listed wetland and is regionally significant.*
- *The cadastral boundary between Lot 422 and the UCL/foreshore reserve along the Kalgan River/Oyster Harbour is not clearly defined and there are discrepancies between the document figures themselves as well as the field situation.*
- *Whilst there appears to be a reasonable corridor of fringing native vegetation abutting the lower Kalgan River, the foreshore adjoining Oyster Harbour appears to be extremely narrow and virtually non-existent in parts, especially in the vicinity of the existing house site. The western boundaries of Lot 422 therefore need to be accurately delineated in revised proposals, if necessary using enlargements for clarity. There also needs to be a clear indication of the location and condition of any fencing along this boundary. Steps may well need to be taken to enhance and protect the foreshore, preferably through reserve status rather than as Unallocated Crown Land. Some re-establishment of native vegetation is highly desirable, possibly in the public land and in the western fringes of the property.*
- *There appears to be a mixture of good quality remnant vegetation and more open parkland cleared vegetation within the property. The former appears to be largely located along the central section adjacent to the northern boundary as well as in a roughly 'boot-shaped' area adjacent to the southern boundary. The more open vegetation tends to run in a north-north-westerly direction from the 'boot-shaped' area of vegetation. Although there is some woody weed encroachment, it appears likely that all of these areas will have reasonable value for nature conservation and biodiversity. Parts of the vegetation blocks may well prove to be of 'Excellent' condition upon closer examination. It is a major concern that the present grid-style subdivision proposal pays no attention whatsoever to the native vegetation occurrence.*
- *The Environmental Protection Authority (EPA) has clearly expressed a view that new land use proposals in the City of Albany should be pursued in cleared areas that are not subject to environmental constraints, particularly intact remnant vegetation.*
- *It is of further concern that the proposed initial re-zoning to 'Special Rural' is described as a stepping stone to a large number of even smaller urban style lots. Such future subdivision would almost totally remove the native vegetation.*
- *A number of threatened fauna species are known to occur within the general vicinity including the Western Ringtail Possum, Forest Red-tailed Black Cockatoo, Baudin's Black Cockatoo and Carnaby's Black Cockatoo.*
- *An on-ground survey by a qualified botanist is required in order to clarify if any threatened flora or special habitats occur on the property as well as to accurately map the native vegetation condition across the property. No botanical advice is currently included in the proposal.*
- *The indicative drainage detention site in the south-west corner of the property is shown superimposed over a small paper-bark swamp containing mature trees and should be relocated.*
- *There will need to be consideration of the likely presence of acid sulphate soils in the western third of the property for which an indicative management plan will need to be prepared for consideration by DEC Contaminated Sites Branch.*
- *Presently the scheme amendment request falls seriously short in recognizing the attention required towards native vegetation. The whole philosophy of the re-zoning proposal and its indicative design needs to be reconsidered in a manner that properly recognises the environmental setting of the subject land and which seeks to minimise impacts upon nature conservation and biodiversity values.*

Item 11.2.1 continued.

### **STATUTORY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

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

27. The City's decision on the SAR proposal should be consistent with the outcomes of the draft ALPS as the principal land use planning strategy for the City.
28. ALPS section 8.3.4 – Protection of Future Urban Land contains the following strategic objective:  
  
*“Protect future fully serviced urban areas from inappropriate land uses, subdivision and development”.*
29. The ALPS outlines the importance of protecting and planning the future fully serviced urban areas of Albany in order to accommodate urban growth within and beyond its own time frame, or to facilitate urban growth above current estimates. These areas have therefore been identified as 'Future Residential – Urban' Priority Development Areas.
30. The ALPS currently identifies the subject land as part of a Priority Development 5 Area, which indicates that it is of longer-term strategic importance.
31. ALPS Section 8.3.5 – Rural Living contains the following two strategic objectives:  
  
*“Encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential”;* and  
  
*“Ensure that future rural living areas are planned and developed in an efficient and co-ordinated manner as logical extensions of existing rural townsites along with adequate services and community infrastructure”.*
32. The ALPS objectives for Rural Living Areas are to:
  - *Avoid the development of productive agricultural land, other important natural resource areas, areas of high bushfire risk, flooding and environmental sensitivity;*
  - *Avoid future and potential long-term urban areas;*
  - *Provide compact extensions of existing rural townsites, based on land capability and available services and facilities; and*
  - *Minimise potential for generating land use conflicts.*



Item 11.2.1 continued.

33. The proposal is judged to be contrary to the objectives of the ALPS outlined above, as a rezoning to 'Special Rural' would prejudice the potential for the subject land to be developed to a full urban residential standard at a future date. However, the government consultation process has highlighted a number of environmental issues that may prove an impediment to any proposal to develop the site to such an extent.

### **POLICY IMPLICATIONS**

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

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

35. Council has the following options in relation to this item, which are:
- To support the SAR proposal (with or without a list of issues to be addressed as part of a formal scheme amendment);
  - To reject the SAR proposal; or
  - To defer consideration of the SAR proposal.
36. The SAR process is not a statutory process under any planning legislation. It is used by the City (and other adjoining Local Governments in the region) as a precursor to the formal scheme amendment process. It is designed to provide the proponent with a simple and informal assessment of a proposal to gauge the views and comments of the City and other Government agencies on the merits and likely support to be expected.
37. Should Council support the SAR proposal, it will progress to a formal scheme amendment; the amendment undergoes a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. All scheme amendments require the endorsement of the WA Planning Commission and approval from the Minister for Planning.
38. If Council were to reject the SAR proposal, the proponent would have the following options:
- To not proceed with the SAR proposal;
  - To lodge a formal scheme amendment and request consideration by Council, irrespective of the outcome of the SAR.

### **SUMMARY CONCLUSION**

39. The ALPS identifies the land as long term residential, and although government agency responses have identified environmental constraints relating to the site, a more sympathetic overlay plan (including the retention of remnant vegetation within public open space) could overcome many of these concerns.
40. The subject land is one of several lots that are designated as "long term" residential on the southern side of Nanarup Road, and it is logical that a decision on this proposal should be made after a review of this component of the ALPS is undertaken. The DPI's advice that all land south of Nanarup Road should be designated as Special Rural in the ALPS gives further weight to the need to analyse and seek agreement on the preferred long term use of this land.
41. In conclusion it is recommended that the SAR not be supported until such time as Council has reviewed its position as to the merits of retaining or removing the long term residential area to the south of Nanarup Road as designated within the ALPS.

Item 11.2.1 continued.

**ITEM NUMBER 11.2.1 – ALTERNATE MOTION BY COUNCILLOR TORR  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TORR  
SECONDED: COUNCILLOR DUFTY**

- i) THAT Council in response to the advice received from the Department of Planning and Infrastructure and the Department of Environment and Conservation agrees that land on the south side of Nanarup Road should not be designated as ‘Future Urban’ in the Albany Local Planning Strategy (ALPS), and such designation should be removed from ALPS and the approval of the Western Australian Planning Commission be sought to replace it with a ‘Rural Residential’ designation.**
- ii) THAT subject to WAPC approval being obtained, Council advise the proponent that it is prepared to entertain the submission of a formal scheme amendment to rezone Lot 422 Swan Point Road, Kalgan from the “Rural” zone to the “Special Rural” zone subject to the following information being included in the amendment document:**
  - (a) A subdivision guide plan that protects the remnant vegetation on the site similar to the concept plan prepared by the Department of Planning and Infrastructure;**
  - (b) A detailed land capability report;**
  - (c) An assessment of acid sulphate soils;**
  - (d) A traffic management plan;**
  - (e) A foreshore management plan (inclusive of the assessment of the need to widen the existing foreshore reserve); and**
  - (f) A flora and fauna study and associated management plan.**

**MOTION LOST 3-6**

**RECORD OF VOTE**

**For the Motion:** Councillor Torr, Wolfe and Dufty

**Against the Motion:** Mayor Evans, Councillors Kidman, Matla, Price, Stanton and Walker

**Councillors Reason:**

The Department of Planning and Infrastructure (DPI) and the Department of Environment and Conservation (DEC) have both advised Council that they do not support the conversion of the land to fully serviced urban lots in order to preserve the environmental and visual amenity values of the area.

The area is surrounded by Special Rural development and the rezoning of this land to Special Rural will ‘round-off’ the zoning in this area.

**OFFICERS REPORT**

Author: Executive Services Manager – Planning and Councillor Liaison (G Bride)

Item 11.2.1 continued.

### **STATUTORY IMPLICATIONS**

1. The proposed motion is in two parts; the first being to modify the Albany Local Planning Strategy (ALPS) and the second to support the Scheme Amendment Request (SAR) which is the correct order in dealing with this matter.

### **POLICY IMPLICATIONS**

2. No Change.

### **FINANCIAL IMPLICATIONS**

3. No Change.

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

4. The proposal is not consistent with the current version of the ALPS, however Council does have the ability to modify ALPS if it believes changes to the document are required. The Western Australian Planning Commission will ultimately need to support the modification; however in this case given the advice received from the Department of Planning and Infrastructure (DPI's) it is likely to do so.

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

5. The alternate option would be staff's recommendation.

### **COMMENT**

6. The alternate motion pre-empts Council's decision on whether to retain the future urban designation south of Nanarup Road, without taking this issue back through the Planning and Environment Strategy and Policy Committee for consideration as suggested by staff.

**ITEM NUMBER – 11.2.1 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STANTON**  
**SECONDED: COUNCILLOR WALKER**

**THAT Council ADVISE the proponent that it is not prepared to entertain the submission of a formal scheme amendment to rezone Lot 422 Swan Point Road, Kalgan from the 'Rural' zone to the 'Special Rural' zone until such time as a review of the merits of the long term residential area south of Nanarup Road as designated in the Albany Local Planning Strategy is undertaken by Council.**

**MOTION CARRIED 9-0**

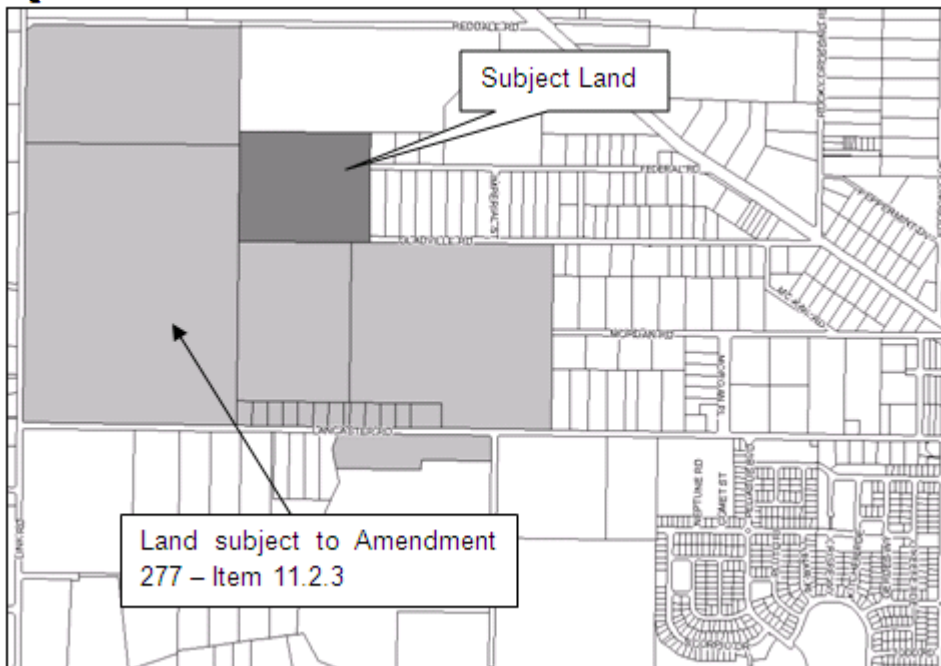
**ITEM NUMBER:** 11.2.2  
**ITEM TITLE:** FINAL APPROVAL OF SCHEME AMENDMENT – LOT 124 GLADVILLE ROAD, MCKAIL

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

- File Number or Name of Ward** : AMD 267 (West Ward)  
**Summary of Key Points** : Consider the submissions received from the public consultation period and determine whether to seek final approval to the amendment to rezone the subject land at Lot 124 Gladville Road, McKail from the ‘Special Rural’ Zone to the ‘Residential Development’ Zone.
- Land Description** : Lot 124 Gladville Road, McKail  
**Proponent** : Harley Survey Group  
**Owner** : Forgione Family Trust  
**Reporting Officer(s)** : Planning Officer (C McMurtrie)  
**Disclosure of Interest** : Nil  
**Previous Reference** : OCM 20/02/2007 - Item 11.3.1 – SAR 105  
OCM 21/08/2007 - Item 11.3.5
- Bulletin Attachment(s)** : 1. Amending Documents  
**2. Copy of Submissions**  
3. Speedway Noise Buffer Area Policy (2006)  
**4. Acoustic Assessment**
- Consulted References** : 1. Albany Local Planning Strategy  
2. WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) SPP1, SPP2, SPP2.5 and SPP 3  
3. WAPC Liveable Neighbourhoods
- Councillor Lounge** : Nil

**Maps and Diagrams:**



Item 11.2.2 continued.

## **BACKGROUND**

1. Amendment 267 proposes to rezone Lot 124 Gladville Road, McKail from the 'Special Rural' Zone to the 'Residential Development' Zone under Town Planning Scheme No.3.
2. A Scheme Amendment Request (SAR 105) to rezone the subject land to 'Residential Development' was considered by Council at its meeting dated 20 February 2007. Council resolved to advise the applicant that it was prepared to entertain the submission of a formal application subject to the following matters being addressed to the satisfaction of Council:
  - (a) A land capability assessment;
  - (b) Management of noise generated from the Attwell Park Speedway;
  - (c) Outline development planning; and
  - (d) An identification of servicing needs and infrastructure requirements to accommodate future subdivision.
3. The formal Scheme Amendment was initiated by Council at the Ordinary Meeting held on 21 August 2007.
4. The successful completion of this amendment will facilitate the future subdivision and development of the land for Residential purposes.

## **DISCUSSION**

5. The subject land is a 15.5ha lot located approximately 7km from the Albany CBD. It is currently under pasture and slopes gently downward from south to north, with some remnant vegetation in its northern half. There is an intermittent drainage line running roughly east to west, close to the northern boundary and there are also two dams on the lot; one close to the centre and another in the south-east corner. A shed stands close to the centre of the lot, which is associated with some small-scale horticultural activities.
6. The scheme amendment has generally been supported by the Government Departments. However, additional information has been sought by the Department of Water and concerns have been voiced by Main Roads WA. The issues raised in the submissions can be effectively addressed through the Structure Planning stage as discussed and as listed in the attached Schedule of Submissions.
7. Issues relevant to the amendment raised within the submissions are as follows:
  - Effective management of noise generated from Attwell Park Speedway;
  - A co-ordinated approach to future Structure Planning;
  - Protection of vegetation and waterways; and
  - The likely impact of a future increase in traffic.
8. The Albany Local Planning Strategy (ALPS) identifies the subject land as future urban land with a short to medium-term development priority coding. This is intended to "protect future fully serviced urban areas from inappropriate land uses, subdivision and development".
9. The subject lot lies within the Attwell Park Speedway noise buffer area, as defined in the *Speedway Noise Buffer Area Policy (2006)*. The Policy is discussed in further detail in Paragraph 24.

Item 11.2.2 continued.

10. An acoustic assessment was undertaken by Herring Storer Acoustics to establish the necessary design parameters for new houses in accordance with the 'quiet house' guidelines set out in the Policy. In addition to the application of 'quiet house' principles in the construction of individual houses, landscape features designed to attenuate noise can also be introduced at the Structure Planning stage.
11. Despite the requirement for noise attenuation it is considered that this proposal, in conjunction with Amendment No. 277, would round off the existing residential development around Lancaster Road and to the east at Federal Street and Gladville Road. It is also considered that the land is suitable for this type of development, provided that concerns regarding future Structure Planning, protection of vegetation and waterways and the likely impact of a future increase in traffic can be addressed.
12. Staff would therefore recommend that the Scheme Amendment be finalised.

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

13. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 24 December 2008 to 4 February 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
14. A total of six (6) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

#### **GOVERNMENT CONSULTATION**

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

#### **STATUTORY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

Item 11.2.2 continued.

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

19. The draft Albany Local Planning Strategy (ALPS) identifies the subject land as part of a Priority Development 3 Area, which indicates that it is of short-to-medium-term strategic importance.
20. ALPS section 8.3.4 – Protection of Future Urban Land contains the following strategic objective:  
*“Protect future fully serviced urban areas from inappropriate land uses, subdivision and development”.*
21. The ALPS outlines the importance of protecting and planning the future fully serviced urban areas of Albany in order to accommodate urban growth within and beyond its own time frame, or to facilitate urban growth above current estimates. These areas have therefore been identified as ‘Future Residential – Urban’ Priority Development Areas.
22. It would therefore seem prudent to re-zone the subject land to the ‘Residential Development’ Zone, as this would require the preparation of a Local Structure Plan, thereby protecting it from ad-hoc development and ensuring its strategic position as a future urban development area.
23. The Western Australian Planning Commission’s SPP 3 – Urban Growth and Settlement (Draft) sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The objectives of SPP 3 are:

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

The key policy measures in SPP 3 that apply to the City are centred on the following:

- *Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.*
- *Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.*
- *Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.*

Item 11.2.2 continued.

- *Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.*

As outlined previously, the subject land has been identified within the ALPS as future urban land. The Scheme Amendment is therefore consistent with the strategic aims of the ALPS and SPP 3. Any subsequent Structure Plan will be prepared, and subdivision of the land undertaken, in accordance with the provisions of Liveable Neighbourhoods, which complements these sustainable urban growth strategies.

## **POLICY IMPLICATIONS**

24. As outlined above, the subject lot lies within the Attwell Park Speedway noise buffer area, as defined in the *Speedway Noise Buffer Area Policy 2006*. The objectives of the policy are to:
- *Allow for the ongoing operations of the speedway at Attwell Park and encourage the operators to incorporate additional noise attenuation measures to reduce noise impacts into adjoining residential developments;*
  - *Acknowledge and recognise existing approved residential developments within the buffer area; and*
  - *Ensure that new developments incorporate measures to advise purchasers within the buffer area of the speedway operations and noise generated during their events.*
25. Residents are encouraged to consider the following information and methods of noise attenuation in planning the construction of new residences within the buffer area:
- *The AS/NZS 2107:2000 Standard 'Acoustics – Recommended design sound levels and reverberation times for building interiors' recommends the following maximum internal noise levels (LA, eq):*
    - *Common areas 55dB(A)*
    - *Living areas 45dB(A)*
    - *Sleeping areas 40dB(A)*
  - *The technique known as 'quiet house' design and construction methods/materials should be considered to achieve practical reduction in internal noise levels in new residences:*
  - *Locating habitable rooms such as bedrooms on the opposite side of dwelling to speedway;*
  - *Locating non-habitable rooms such as laundries/bathrooms on same side of dwelling as speedway;*
  - *Protect main entrance from speedway noise;*
  - *Insulation of the dwelling including enclosed eaves, insulate roof spaces or double brick construction; and*
  - *The erection of internal property fences between the speedway and dwelling so that it forms a continuous and solid barrier (recommended density is a minimum of 10kg/m<sup>2</sup>).*



Item 11.2.2 continued.

The acoustic assessment undertaken by Herring Storer Acoustics takes account of the recommended maximum internal noise levels set out in the Policy and establishes a set of 'quiet house' design principles for any future development on Lot 124. Additionally, at the Structure Planning stage, landscape features designed to attenuate noise can be incorporated into the development, while at the subdivision stage, a notation can be requested by the City advising of the relationship between the land and the speedway, and of this Policy.

#### ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

#### SUMMARY CONCLUSION

28. The finalisation of the proposed Scheme Amendment is recommended as the proposal is consistent with the strategic direction identified in the ALPS.

**ITEM NUMBER – 11.2.2 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

i) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 25(i)(c) of the Town Planning Regulations 1967* resolves to ADOPT WITHOUT MODIFICATION Amendment No. 267 to Town Planning Scheme No. 3 as follows:**

a) **Re-zoning Lot 124 Gladville Road, McKail from the 'Special Rural' Zone to the 'Residential Development' Zone;**

**AND**

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

**MOTION CARRIED 6-3**

#### RECORD OF VOTE:

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

**Against the Motion:** Councillor Stanton, Torr and Price

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 267  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	<p>The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provided advice and recommendations regarding the following:</p> <p>Environmental Issues:</p> <ul style="list-style-type: none"> <li>• Separation distance – noise</li> </ul> <p>The proposed amendment area, Lot 124 Gladville Road, lies within the City of Albany's 'Speedway Noise Buffer Area Policy', but no noise study was included in the Scheme Report. The EPA has serious concerns that the recommendations of the City's Policy will not achieve acceptable noise levels for new residences so close to a speedway, particularly given the non-mandatory nature of the Policy.</p> <p>The EPA therefore recommends that before the amendment is finalised, a report be prepared by an acoustic consultant, detailing a suitable combination of:</p> <ul style="list-style-type: none"> <li>• A buffer distance; and</li> <li>• Mandatory acoustic insulation/quiet house design parameters, to achieve the indoor noise criteria listed in the City's Policy.</li> </ul>	<p>The EPA advice and recommendations were considered and a noise assessment undertaken by an acoustic consultant, that has established the requirements for noise attenuation through 'quiet house' design.</p> <p>In addition to these design parameters, landscaping devices can be introduced at the Structure Planning stage to further contribute to noise attenuation.</p>	The submission is noted.
2	WestNet Energy PO Box 8491 PERTH BC 6849	<p>No objections.</p> <p>The developer will be responsible for funding any changes to the existing gas network and should contact WestNet Energy in the first instance.</p>	Nil.	The submission is noted.
3	Water Corporation Great Southern Regional Office 215 Lower Stirling Terrace ALBANY WA 6330	<p>No objections.</p> <p>Lot 124 Gladville Road is located within the Water Corporation's Water Operating License Area. However, Lot 124 is outside the Corporation's Sewerage Operating License Area (SOLA).</p> <p>If sewerage is required, the developer will be required to write to the Corporation with a request that the Water Corporation is given preferred wastewater supplier status. The Corporation will consider the request and if economically viable and practical will contact the Economic Regulation Authority (ERA) requesting the SOLA be extended to include Lot 124. Should the ERA approve the change to the SOLA, sewerage services will be made available.</p>	<p>Connection to reticulated water can be accommodated, while connection to reticulated sewer can be explored by the Water Corporation.</p> <p>The developer may be required to contribute to any necessary infrastructure improvements.</p>	The submission is noted.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 267  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
3	Department of Environment Conservation 120 Albany Highway ALBANY WA 6330	<p>No objections.</p> <p>The remnants of native vegetation located in the northern half of the lot are in a degraded condition. It is noted that the proponents wish to retain mature trees for incorporation into the eventual development design where possible and this is supported.</p> <p>It is noted that the indicative options for managing speedway noise impacts (Figure 06-53-NOISE(c) April 08 included in Local Planning Scheme Amendment No. 3 Amendment No. 277 – Ayton Taylor Burrell) suggest a <i>'heavily landscaped continuous earthen bund along the (northern) boundary (of Lot 124) integrated into POS and drainage feature'</i>. Although not included in the proposal under discussion, it will be necessary for co-ordination between the two scheme amendment proposals to address this concept further.</p> <p>In the event that revegetation does occur in the area, it is recommended that care be taken to avoid any non-endemic species which may spread into native vegetation within the adjoining uncleared Reserve No. 23290, which appears to be in Very Good to Excellent condition in its western half away from the speedway section.</p>	<p>This proposal seeks to re-zone the land. However, at the subdivision and/or development stage the protection of any remnant native vegetation on the site can be considered by the Department of Environment and Conservation (DEC). Any proposed clearing would be subject to the approval of DEC. At the Structure Planning stage, the layout of development and landscaping across the subject land of both scheme amendment proposals (including the land within Amendment 277) can be considered together in a co-ordinated manner.</p> <p>Any revegetation can be controlled at the subdivision stage to ensure that only native species are used.</p>	<p>The submission is noted.</p>
4	Department of Water PO Box 525 ALBANY WA 6331	<p>No objections.</p> <p>The subject land is located within the upper headwaters of the Willyung Creek catchment, which drains to the regionally significant Oyster Harbour. A tributary to the Willyung Creek is located on the subject site, and will receive runoff from the lots and roads.</p> <p>The waterway and the adjacent remnant vegetation should be protected through the ceding of this land into public open space. At the subdivision stage, the DoW will be requesting the preparation of a foreshore management plan for this area, which will address issues such as public access, recreation, revegetation and weed control.</p> <p>The rezoning proposal will need to demonstrate that the land intensification process will not have a detrimental impact on this waterway and the Willyung catchment. Management of the waterway should be detailed in the Local Water Management</p>	<p>A foreshore management plan for the waterway to the north of Lot 124 can be produced at the subdivision stage.</p> <p>A Local Water Management Strategy and Urban Water Management plan will be required at the Structure Planning stage.</p>	<p>The submission is noted.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 267  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>Strategy, which is required to support a scheme amendment. This should include the following information:</p> <ul style="list-style-type: none"> <li>• Land capability assessment (including winter testing and identification of flood risk areas);</li> <li>• Identification and mapping of waterways and wetland areas; and</li> <li>• A conceptual storm water management plan that considers such things as land area required to cater for stormwater infrastructure and how infiltration at source will be achieved.</li> </ul> <p>An Urban Water Management Plan will be required at the subdivision stage and should be prepared in accordance with the DoW <i>Stormwater Management Manual for WA</i> and demonstrate best practice water sensitive urban design.</p>		
5	Main Roads WA (Great Southern Region) PO Box 503 ALBANY WA 6331	<p>No objections.</p> <p>However, Main Roads raises the following concerns:</p> <ul style="list-style-type: none"> <li>• The additional traffic generated by development of the re-zoned land, from Special Rural to Residential Development, will severely impact the level of service for the Federal Street and Gladville Road intersections with Albany Highway.</li> <li>• Safe intersection sight distances for an 80km/h speed zone are not met by traffic exiting north along Albany Highway from Gladville Road and traffic exiting south from Federal Street along Albany Highway.</li> <li>• There is no Structure Plan showing connectivity with adjacent properties suitable for future development, integrated with an arterial road network.</li> </ul>	The Albany traffic model is being prepared, taking into account the land identified for future urban development in the ALPS. Local urban distributor roads will be established in accordance with this, minimising intersections with major routes such as Albany Highway and the future Ring Road. North-south permeability and connections to these future distributor routes will be considered at the Structure Planning stage.	The submission is noted.
6	Department of Education and Training 151 Royal Street EAST PERTH WA 6004	No objections.	Nil.	The submission is noted.

**ITEM NUMBER:** 11.2.3  
**ITEM TITLE:** FINAL APPROVAL OF SCHEME AMENDMENT – LOTS 1-10, 12, 13, 66, 300, 507, 526, 1918 LANCASTER ROAD AND LOT 123 LINK ROAD, MCKAIL FROM THE 'RURAL' AND 'SPECIAL RURAL' ZONES TO THE 'RESIDENTIAL DEVELOPMENT' ZONE

#### THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

**File Number or Name of Ward** : AMD 277 (West Ward)  
**Summary of Key Points** : Consider the submissions received from the public consultation period and determine whether to seek final approval to the amendment to rezone the subject land at Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road, McKail from the 'Rural' and 'Special Rural' Zone to the 'Residential Development' Zone.

**Land Description** : Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road, McKail

**Proponent** : Ayton Baesjou Planning  
**Owner** : Various Owners  
**Reporting Officer(s)** : Planning Officer (C McMurtrie)  
**Disclosure of Interest** : Nil  
**Previous Reference** : OCM 21/11/2006 Item 11.3.2 – SAR 100  
OCM 18/03/2008 Item 11.3.4  
OCM 16/09/2008 Item 11.6.1  
OCM 21/04/2009 Item 11.6.1

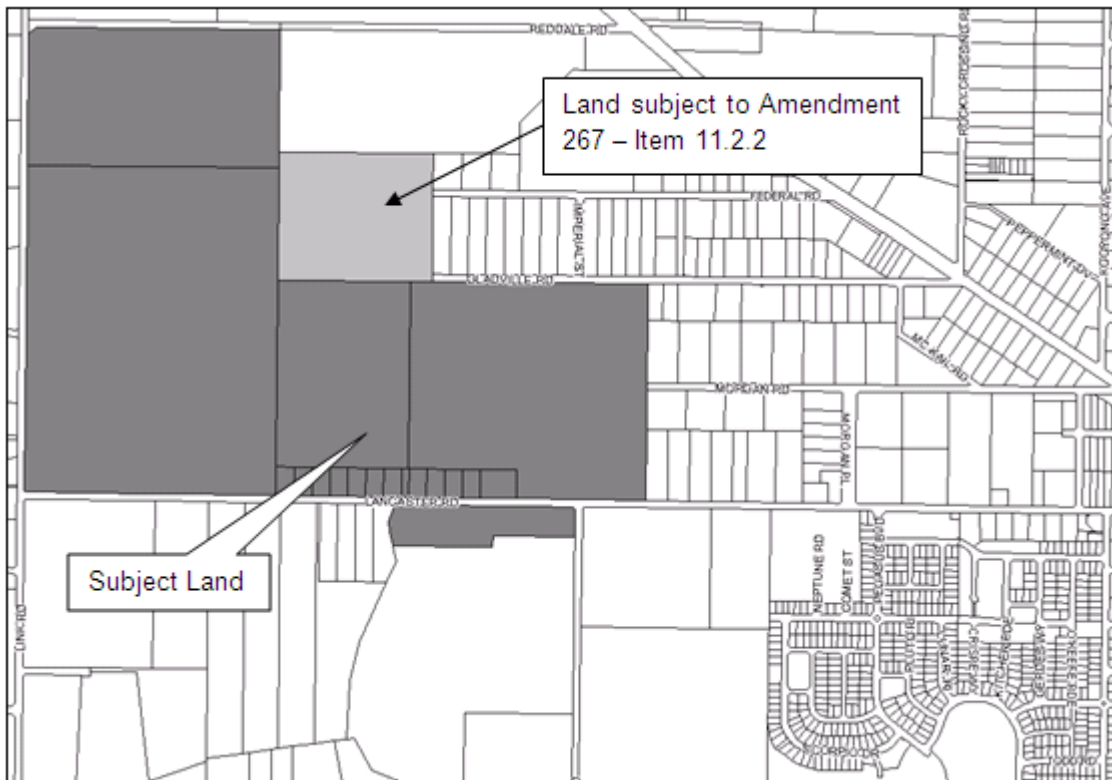
**Bulletin Attachment(s)** : 1. Amending Documents  
2. Copy of Submissions  
3. WAPC modifications (30/04/08)  
4. WAPC review of modifications (29/01/09)  
5. Acoustic Assessment  
6. Speedway Noise Buffer Area Policy (2006)

**Consulted References** : 1. Albany Local Planning Strategy  
2. WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1, SPP2, SPP 2.5, SPP 3 and SPP4.1 (Draft).  
3. WAPC Liveable Neighbourhoods

**Councillor Lounge** : Nil

Item 11.2.3 continued.

**Maps and Diagrams:**



**BACKGROUND**

1. Amendment 277 proposes to rezone Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road, McKail from the 'Rural' and 'Special Rural' Zones to the 'Residential Development' Zone under Town Planning Scheme No.3.
2. A Scheme Amendment Request (SAR 100) that proposed to rezone the subject land to 'Residential Development' was considered by Council's at it's ordinary meeting dated 21 November 2006. Council resolved to advise the applicant that it was prepared to entertain the submission of a formal application subject to the following matters being addressed to the satisfaction of Council:
  - (a) A clearly defined zoning boundary to be adopted and justified (potentially including lots 1 to 13 Lancaster Road);
  - (b) A land capability assessment;
  - (c) A conceptual structure plan;
  - (d) An identification of servicing needs and infrastructure requirements to accommodate future subdivision; and
  - (e) The planning of the subject land taking into consideration the Albany Speedway Buffer requirements.
3. The formal Scheme Amendment was initiated by Council at the Ordinary Meeting held on 18 March 2008.

Item 11.2.3 continued.

4. The successful completion of this amendment will facilitate the future subdivision and development of the land for Residential purposes.

## DISCUSSION

5. The subject land covers a total area of 160ha. Lots 123, 300, 526 and 527 are all large cleared lots used for grazing and hay production. These lots are all vacant of any residential dwellings or any substantial buildings.
6. Lots 1918 and 123 are similarly cleared and used for rural activities, principally grazing and hay production. However, these lots also accommodate substantial dwellings and associated outbuildings.
7. Although they are zoned 'Rural', Lots 1-10, 12 and 13 are used for residential purposes and accommodate single dwellings and associated outbuildings. Lot 66 is a vacant land parcel that has not yet been formally used or developed for its gazetted use as a Right of Way.
8. The scheme amendment has generally been supported by the Government Departments. However, additional information has been sought by the Department of Water and concerns have been voiced by Water Corporation and Main Roads WA. The issues raised in the submissions can be effectively addressed through the Structure Planning stage, as discussed and as listed in the attached Schedule of Submissions.
9. Issues relevant to the amendment raised within the submissions are as follows:
  - Effective management of noise generated from Attwell Park Speedway;
  - Proximity of the Albany Wastewater Treatment Plant odour buffer;
  - A co-ordinated approach to future Structure Planning;
  - Protection of vegetation and waterways;
  - The likely impact of a future increase in traffic; and
  - The potential to impact on future food security.
10. At the time this amendment was initiated by Council (18 March 2008) the Albany Local Planning Strategy (ALPS) identified the subject land as future urban with a short to medium-term development priority coding. Council has since resolved (21 April 2009), after considerable discussion and debate, to modify ALPS to designate a 1km strip on the eastern side of the ring road as 'Rural Residential', and therefore Lots 123 and 1918 would be located within this designation. The remaining lots are within the 'Future Urban' designation. Paragraphs 24 to 29 of this report discuss this issue further.
11. The subject lot is lies within the Attwell Park Speedway noise buffer area, as defined in the *Speedway Noise Buffer Area Policy 2006*. The Policy is discussed in further detail in Paragraph 31.
12. An acoustic assessment was undertaken by Herring Storer Acoustics to establish the necessary design parameters for new houses in accordance with the 'quiet house' guidelines set out in the Policy. In addition to the application of 'quiet house' principles in the construction of individual houses, landscape features designed to attenuate noise can also be introduced at the Structure Planning stage.

Item 11.2.3 continued.

13. Despite the requirement for noise attenuation it is considered that this rezoning, in conjunction with Scheme Amendment No. 267, would round off the existing residential development around Lancaster Road and to the west of existing developments fronting Federal Street and Gladville Road. It is also considered that the land is suitable for this type of development, provided that concerns regarding future Structure Planning, protection of vegetation and waterways and the likely impact of a future increase in traffic can be addressed.
14. Staff would therefore recommend that the Scheme Amendment be finalised.

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

15. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 24 December 2008 to 4 February 2009 by placement of sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
16. A total of nine (9) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

#### **GOVERNMENT CONSULTATION**

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

#### **STATUTORY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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



Item 11.2.3 continued.

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

21. The draft Albany Local Planning Strategy (ALPS) currently identifies the subject land as part of a Priority Development 3 Area, which indicates that it is of short-to-medium-term strategic importance.
22. ALPS section 8.3.4 – Protection of Future Urban Land contains the following strategic objective:

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

23. The ALPS outlines the importance of protecting and planning the future fully serviced urban areas of Albany in order to accommodate urban growth within and beyond its own time frame, or to facilitate urban growth above current estimates. These areas have therefore been identified as ‘Future Residential – Urban’ Priority Development Areas.
24. Councillors will note that the Western Australian Planning Commission (WAPC) requested a number of modifications to the ALPS in its correspondence dated 30 April 2008 (refer attachment in Information Bulletin). Modification 8 of this correspondence is specifically relevant to this application which stated:

*“ISSUE*

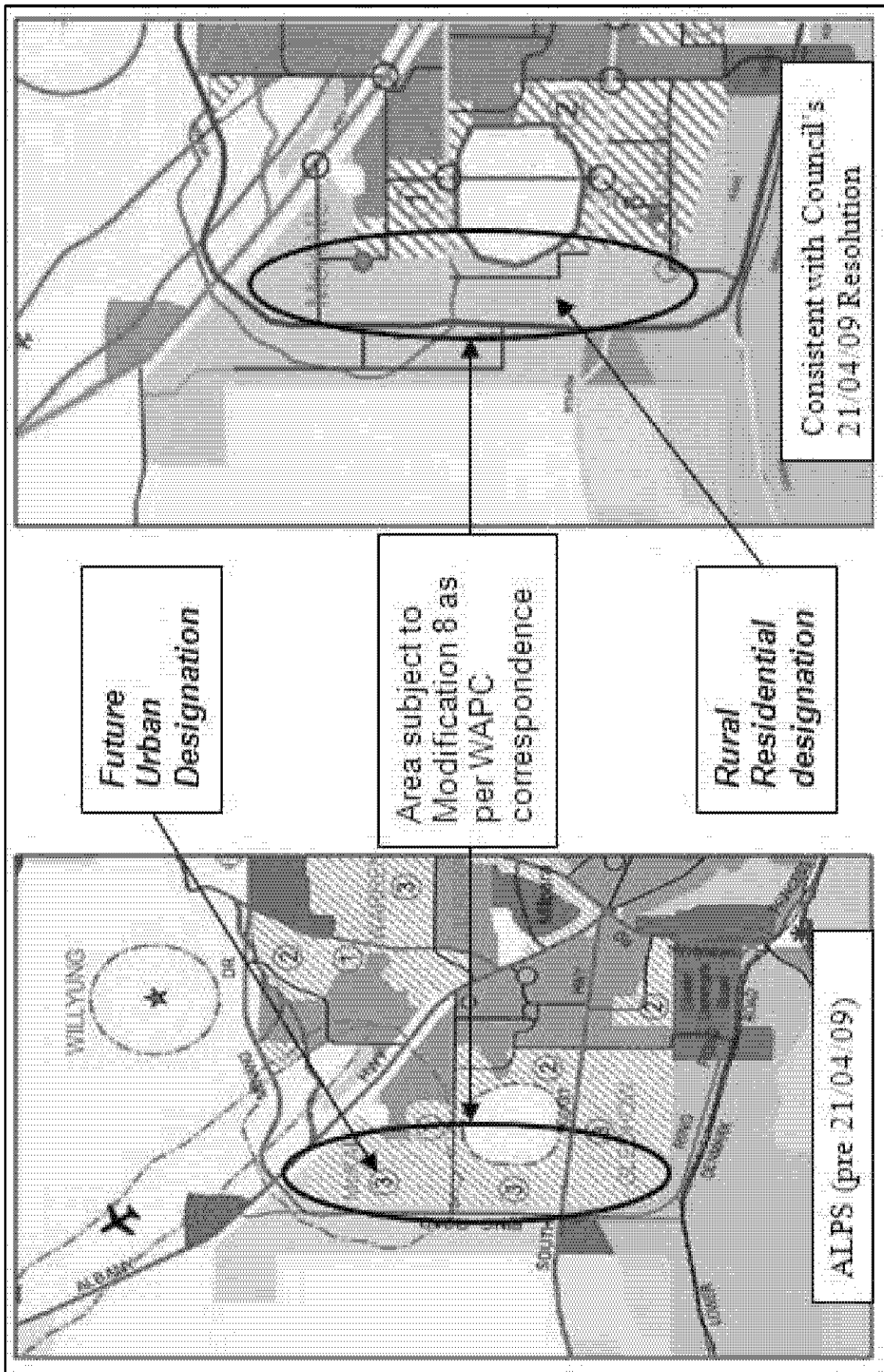
*Delete from ALPS the identification of land adjacent to the ring road as Future Urban and reinstate the rural living category as indicated on the advertised version of ALPS.*

*COMMENT*

*The development of urban residential land adjacent to the ring road may compromise the efficient function of the ring road as a priority heavy freight route to the Albany Port.”*

25. The area of land affected by this modification extends 1km east of the ring road alignment (refer below maps). Staff did not support the modification as ALPS makes the case that the City has an oversupply of land zoned for rural living purposes. It was considered that designating the land for ‘Future Urban’ development was the highest and best use of the land, and that the future road network was designed to direct traffic away from the ring road. The structure planning process would be undertaken with a primary objective being to protect the Ring Road’s function as a priority freight route.

Item 11.2.3 continued.



Item 11.2.3 continued.

26. Taking into account the above staff recommendation, at it's meeting dated 16 August 2008, Council resolved:

*“THAT Council:*

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

27. The WAPC reviewed Council's request in it's correspondence dated 29 January 2009 in relation to Modification 8 and advised the following:

*“Council's position is not supported. The analysis of the amount of rural residential land to be allocated within the City was contained within the advertised version of the draft ALPS which, in consideration of this analysis, included this land in the Rural Living designation. There is adequate land in the city to provide for the development of urban residential land in the future. The Commission strongly considers it a priority that the function of the future ring road when constructed is ensured. The Commission's decision is strongly reiterated.”*

28. Council at it's meeting dated 21 April 2009 considered WAPC's position and resolved:

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

29. As background to the above Council resolution, as per the minutes of the PESP Committee of 4 March 2009 (attached to the minutes of the April 2009 Council Meeting), staff reported:

*“In regards to the outstanding 'Issue No. 8', staff consider that there is no benefit in undertaking a protracted argument with the WAPC. Considering an abundance in the allocation of land for 'Future Urban' purposes, the allocation of the land east of the 'Ring Road' as 'Rural Residential' is not expected to impact on the availability of land for living purposes”.*

30. Despite Council's resolution staff still consider it prudent to rezone the subject land to the 'Residential Development' Zone, as this would require the preparation of a Local Structure Plan, thereby protecting it from ad-hoc development and allowing a variety of lot sizes and density codes to be allocated. The concerns expressed by DPI and Main Roads WA (in their submission) can ultimately be overcome through detailed road design and through the application of a lower density code (to reduce traffic generation and to buffer housing from noise associated with the ring road). Such an approach will also promote co-ordinated future development.

Item 11.2.3 continued.

## **POLICY IMPLICATIONS**

31. As outlined above, the subject lot lies within the Attwell Park Speedway noise buffer area, as defined in the *Speedway Noise Buffer Area Policy 2006*. The objectives of the policy are to:

- *Allow for the ongoing operations of the speedway at Attwell Park and encourage the operators to incorporate additional noise attenuation measures to reduce noise impacts into adjoining residential developments;*
- *Acknowledge and recognise existing approved residential developments within the buffer area; and*
- *Ensure that new developments incorporate measures to advise purchasers within the buffer area of the speedway operations and noise generated during their events.*

Residents would be encouraged to consider the following information and methods of noise attenuation in planning the construction of new residences within the buffer area:

- *The AS/NZS 2107:2000 Standard ‘Acoustics – Recommended design sound levels and reverberation times for building interiors’ recommends the following maximum internal noise levels (LAeq):*
  - *Common areas 55dB(A)*
  - *Living areas 45dB(A)*
  - *Sleeping areas 40dB(A)*
- *The following techniques known as ‘quiet house’ design and construction methods/materials should be considered to achieve practical reduction in internal noise levels in new residences:*
  - *Locating habitable rooms such as bedrooms on the opposite side of dwelling to speedway;*
  - *Locating non-habitable rooms such as laundries/bathrooms on same side of dwelling as speedway;*
  - *Protect main entrance from speedway noise;*
  - *Insulation of the dwelling including enclosed eaves, insulate roof spaces or double brick construction; and*
  - *The erection of internal property fences between the speedway and dwelling so that it that forms a continuous and solid barrier (recommended density is a minimum of 10kg/m<sup>2</sup>).*

The acoustic assessment undertaken by Herring Storer Acoustics takes account of the recommended maximum internal noise levels set out in the Policy and establishes a set of ‘quiet house’ design principles for any future development on the subject lots. Additionally, at the Structure Planning stage, landscape features designed to attenuate noise can be incorporated into the development, while at the subdivision stage, a notation shall be provided on each zoning certificate issued by the City advising of the relationship between the land and the speedway, and of this Policy.

Item 11.2.3 continued.

32. WAPC's SPP 2.5 – Agriculture and Rural Land Use Planning seeks to ensure the identification and protection of high quality agricultural resource areas for future production. The WAPC and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas.

However, in this instance, the land is not considered to be a high quality agricultural resource area and has been identified within the ALPS as future urban land with a short term development priority coding.

33. WAPC's SPP 3 – Urban Growth and Settlement (Draft) sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The objectives of SPP 3 are:

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

The key policy measures in SPP 3 that apply to the City are centred on the following:

- *Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.*
- *Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.*
- *Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.*
- *Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.*

Any subsequent Structure Plan will be prepared, and subdivision of the land undertaken, in accordance with the provisions of Liveable Neighbourhoods, which complements these sustainable urban growth strategies.

Item 11.2.3 continued.

34. WAPC's SPP 4.1 – State Industrial Buffer (Draft) supports the principles on which the *State Planning Strategy* is based – managing the impacts of growth by seeking a balance with the environment around us, the community we live in and the wealth we enjoy, by outlining the environmental, social and economic aspects to be considered when determining buffer areas around industry and essential infrastructure.

*The objectives of SPP 4.1 are:*

- *To avoid conflict between industry and essential infrastructure and sensitive land uses.*
- *To protect industry and essential infrastructure from encroachment by incompatible land uses that would adversely affect their efficient operation.*
- *To provide for the development of industry and the provision of essential infrastructure in a way that minimises amenity and health impacts on, and takes account of risk to, nearby sensitive land uses.*
- *To promote compatible uses within areas affected by off-site impacts of industry and infrastructure.*

The odour buffer around the Albany Waste Water Treatment Plant on Timewell Road has been identified as potentially affecting the southern portion of Lot 300. The proponent will therefore be required to liaise with the Water Corporation to ascertain how this will affect the future development of the land and the structure plan.

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

35. Council has the following options in relation to this item, which are:
- To seek final approval to the scheme amendment without modifications;
  - To seek final approval to the scheme amendment with modifications; or
  - To not seek final approval to the scheme amendment.
36. Council may wish to reduce the area of the proposed “Residential Development” zone to comply with the direction of the WAPC through the removal of Lots 123 and 1918 from the amendment proposal. Alternatively Council could recommend that Lots 123 and 1918 be rezoned to Special Rural. This will more than likely require the proposal to be readvertised (this call would be made by the WAPC). Staff are confident the proposed zoning does not advocate against or diminish the planning objectives of the Commission.
37. Council's decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

#### **SUMMARY CONCLUSION**

38. The finalisation of the proposed Scheme Amendment, with modifications to address the relevant matters raised within the submissions, is recommended.
39. Staff believe that all of the subject land should be rezoned ‘Residential Development’. The concerns expressed by DPI and Main Roads WA (in their submission) can ultimately be overcome through detailed road design and through the application of a lower density codes on the western portion of the subject land (to reduce traffic generation and to buffer housing from noise associated with the ring road). Such an approach will also promote co-ordinated future development.

Item 11.2.3 continued.

**ITEM NUMBER 11.2.3 – ALTERNATE MOTION BY COUNCILLOR PRICE**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE**  
**SECONDED: COUNCILLOR STANTON**

i) THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 25(i)(c) of the Town Planning Regulations 1967* resolves to **ADOPT WITH MODIFICATIONS** Amendment No. 277 to Town Planning Scheme No. 3 as follows:

a) Re-zoning Lots 1-10, 12, 13, 66, 300, 507, 526, Lancaster Road, McKail from the 'Rural' and 'Special Rural' Zones to the 'Residential Development' Zone; and

**AND**

ii) THAT Council **RECEIVE** the Schedule of Submissions and **ADOPTS** the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions, except that in response to Submission No. 6 from Main Roads WA, Council adopts the following position:

'Submission is Upheld. Lots 123 and 1918 to be removed from the amendment, and the conceptual structure plan within the amendment to be replaced with an opportunities and constraints plan.'

**MOTION CARRIED 5-4**

**RECORD OF VOTE:**

**For the Motion:** Mayor Evans, Councillor Price, Stanton, Torr and Walker

**Against the Motion:** Councillors Dufty, Kidman, Matla and Wolfe

**Councillors Reason:**

Main Roads WA and the Western Australian Planning Commission have both expressed strong concerns in allowing residential development within 800m to 1km of the Albany Ring Road. Encroachment of residential development into this buffer area has the potential to prevent the Ring Road from fulfilling it's intended primary function as an uninterrupted heavy transport route to the Port of Albany.

Council at it's 21 April 2009 Council Meeting has accepted WAPC's position on this issue, effectively agreeing that ALPS should be amended to remove the 'future urban' designation for up to 1 kilometre on the eastern side of the Ring Road; and replacing this designation with 'rural residential'.

**OFFICERS REPORT**

**Author:** Executive Services Manager – Planning and Councillor Liaison (G Bride)

**STATUTORY IMPLICATIONS**

1. No change.

Item 11.2.3 continued.

**POLICY IMPLICATIONS**

2. No change.

**FINANCIAL IMPLICATIONS**

3. No change.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

4. No change.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

5. No change (This motion represents that option identified in paragraph 36 of the officer's report).

**COMMENT**

- 6. The eastern boundary of Lots 1918 and 123 is approximately 720 metres from the ring road, marginally short of the WAPC's recommended 800m to 1km buffer. Removal of these lots would be consistent with WAPC and Main Roads WA's position. The other 80m to 200m buffer area could be addressed as part of the detailed structure planning stage for those lots that would retain the residential development zoning.
- 7. The motion will mean that Lots 1918 and 123 remain under the 'rural' zoning.
- 8. As advised in the officer's report (paragraph 30), the function of the Ring Road could be protected at the detailed structure planning stage through road design and application of a lower density areas over Lot 1918 and 123.

ITEM NUMBER 11.2.3 OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

- i) THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 25(i)(c) of the Town Planning Regulations 1967* resolves to ADOPT WITH MODIFICATIONS Amendment No. 277 to Town Planning Scheme No. 3 as follows:
    - a) Re-zoning Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road, McKail from the 'Rural' and 'Special Rural' Zones to the 'Residential Development' Zone; and
- AND
- ii) THAT Council RECEIVES the Schedule of Submissions and ADOPTS the officer's recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.



**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 277  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	<p>The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provided advice and recommendations regarding the following:</p> <p>Environmental Issues:</p> <ul style="list-style-type: none"> <li>• Watercourse buffer and stormwater drainage</li> <li>• Separation distance – noise</li> </ul> <p>The intention to incorporate the seepage area to the north within a public open space buffer combined with a drainage feature is supported. The buffer width should be based on analysis of attributes such as slope, soil drainage and fringing vegetation. At the same time, EPA expects that stormwater drainage will be managed according to the principles contained in DoW's <i>Stormwater Management Manual for Western Australia</i>.</p> <p>The proposed amendment area lies within the City of Albany's 'Speedway Noise Buffer Area Policy', but no noise study was included in the Scheme Report. The EPA has serious concerns that the recommendations of the City's Policy will not achieve acceptable noise levels for new residences so close to a speedway, particularly given the non-mandatory nature of the Policy.</p> <p>The EPA therefore recommends that before the amendment is finalised, a report be prepared by an acoustic consultant, detailing a suitable combination of:</p> <ul style="list-style-type: none"> <li>• A buffer distance; and</li> <li>• Mandatory acoustic insulation/quiet house design parameters, to achieve the indoor noise criteria listed in the City's Policy.</li> </ul>	<p>The EPA advice and recommendations were considered and a noise assessment undertaken by an acoustic consultant, that has established the requirements for noise attenuation through 'quiet house' design.</p> <p>In addition to these design parameters, landscaping devices can be introduced at the Structure Planning stage to further contribute to noise attenuation.</p>	The submission is noted.
2	Water Corporation	No objections.	Connection to reticulated water can be	The submission is noted

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 277  
SCHEDULE OF SUBMISSIONS**

<b>No.</b>	<b>Name/Address of Submitter</b>	<b>Summary of Submission</b>	<b>Officer Comment</b>	<b>Council Recommendation</b>
	<p>Great Southern Regional Office 215 Lower Stirling Terrace ALBANY WA 6330</p>	<p>The subject lots are located within the Water Corporation's Water Operating License Areas and some of the lots within the Sewerage Operating License Area (SOLA).</p> <p>Lots 1-7, 526 and 1918 Lancaster Road and Lot 123 Link Road are outside the SOLA. If sewerage is required, the developer will be required to write to the Corporation with a request that the Water Corporation is given preferred wastewater supplier status. The Corporation will consider the request and if it economically viable and practical will contact the Economic Regulation Authority (ERA) requesting the SOLA be extended to include Lot 124. Should the ERA approve the change to the SOLA, sewerage services will be made available.</p> <p>The area that it is proposed to re-zone lies in close proximity to Albany's Wastewater Treatment Plant (WWTP) at Timewell Road. The WWTP provides an essential community service that underpins the growth of Albany and is critical to the continued protection of public health and the regional environment. The WWTP has a buffer that has been developed in accordance with WA EPA requirements from odour modelling using winds measured adjacent to the treatment plant. The Water Corporation considers any proposed residential development within the buffer as a 'non-compatible' use that should not be permitted.</p> <p>There is a potential conflict with the residential development proposed for Lot 300. The Corporation has a legal agreement with the owner of Lot 300 that there will be no residential development within the Albany WWTP buffer. However, to avoid any future conflict, the Corporation recommends to the City that the parcel of land comprising part of Lot 300, within the buffer, remains rural.</p>	<p>accommodated, while connection to reticulated sewer can be explored by the Water Corporation.</p> <p>The developer may be required to contribute to any necessary infrastructure improvements.</p> <p>The comment regarding the WWTP is noted and the amending document shall be modified accordingly, if necessary.</p>	<p>and upheld. It is recommended that the Scheme Amendment be finalised subject to modification of the amending document to include a reference to the Albany Waste Water Treatment Plant (WWTP) on Timewell Road, pending discussion with the Water Corporation.</p>

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 277  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
3	Department of Housing	No objections.	Nil.	The submission is noted.
4	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	<p>No objections.</p> <p>There are only minor remnants of native vegetation remaining adjacent to Link Road in the north-west corner of Lot 1918 and a second more degraded area in the SW corner of the same lot. Both of these areas are currently unfenced and being accessed by cattle. It is recommended that the consultants seek to incorporate the former, more intact, area into the eventual subdivision design.</p> <p>It is noted that the indicative options for managing speedway noise impacts (Figure 06-53-NOISE(c) April 08) suggest a <i>'heavily landscaped continuous earthen bund along the (northern) boundary (of Lot 124) integrated into POS and drainage feature'</i>. Although not included in a current scheme amendment proposal (No. 267) for Lot 124, it will be necessary for co-ordination between the two scheme amendment proposals to address this concept further.</p> <p>In the event that revegetation does occur in the area, it is recommended that care be taken to avoid any non-endemic species which may spread into native vegetation within the adjoining uncleared Reserve No. 23290, which appears to be in Very Good to Excellent condition in its western half away from the speedway section.</p>	<p>This proposal seeks to re-zone the land. However, at the subdivision and/or development stage the protection of any remnant native vegetation on the site can be considered by the Department of Environment and Conservation (DEC). Any proposed clearing would be subject to the approval of DEC.</p> <p>At the Structure Planning stage, the layout of development and landscaping across the subject land of both scheme amendment proposals can be considered together in a co-ordinated manner.</p> <p>Any revegetation can be controlled at the subdivision stage to ensure that only native species are used.</p>	The submission is noted.
5	Department of Water PO Box 525 ALBANY WA 6331	<p>No objections.</p> <p>The subject land is located on the ridgeline of two catchment areas, Willyung Creek, draining to Oyster Harbour and Five Mile Creek, draining to Torbay Inlet. A minor drainage line, draining towards Willyung Creek is located on the site. The re-zoning process will need to demonstrate that the land intensification process will not have a detrimental impact on these receiving waterways.</p>	A Local Water Management Strategy and Urban Water Management plan will be required at the Structure Planning stage.	The submission is noted.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 277  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>Management of the waterway should be detailed in the Local Water Management Strategy. This should include the following information:</p> <ul style="list-style-type: none"> <li>• Land capability assessment (including winter testing and identification of flood risk areas);</li> <li>• Identification and mapping of waterways and wetland areas; and</li> <li>• A conceptual storm water management plan that considers such things as land area required to cater for stormwater infrastructure and how infiltration at source will be achieved.</li> </ul> <p>It is noted that in the soil feature information in the amendment document, that the site has very low absorption ability, which could compromise the capacity to infiltrate stormwater.</p> <p>An Urban Water Management Plan will be required at the subdivision stage and should be prepared in accordance with the DoW <i>Stormwater Management Manual for WA</i> and demonstrate best practice water sensitive urban design.</p>		
6	Main Roads WA (Great Southern Region) PO Box 503 ALBANY WA 6331	<p>Main Roads has undertaken a traffic demand assessment as part of the recently completed Albany Ring Road planning design. This assessment has shown that local traffic demand as a result of proposed residential development adjacent to the Ring Road as envisaged in the City of Albany's most recent version of the Interim Draft Albany Local Planning Strategy (ALPS), has the potential to prevent the Ring Road from fulfilling its intended primary function as an uninterrupted heavy transport route to the Port of Albany, instead of becoming a congested urban distributor road.</p> <p>Recent modifications required by the Western Australian Planning Commission to the Interim Draft ALPS require land within approximately 800m to 1km of the Ring Road</p>	<p>The Albany traffic model is currently being prepared, taking into account the land identified for future urban development in the ALPS. Local urban distributor roads will be established in accordance with this, minimising intersections with major routes such as Albany Highway and the future Ring Road. North-south permeability and connections to these future distributor routes will be determined at the Structure Planning stage. It is recommended however that the indicative concept plan be removed from the amendment to remove the expectation that Lots 123 and 1918 can be developed to such an extent, and replaced with an opportunities and constraints plan.</p>	<p>The submission upheld in part. The indicative concept plan contained within the amendment be replaced with an opportunity and constraints plan to remove the perception that Lots 123 and 1918 can be developed to the extent and density depicted on the concept plan given the concerns of Main Roads WA..</p>

CITY OF ALBANY TOWN PLANNING SCHEME No. 3 AMENDMENT No. 277 SCHEDULE OF SUBMISSIONS					
No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Council Recommendation
			<p>alignment to be retained as Rural Living as shown on the advertised version of ALPS. This will discourage excessive use of the Ring Road by urban commuter traffic, thereby retaining the Ring Road's primary function as a priority freight route to the Albany Port. The land within this proximity of the Ring Road alignment is to be designated as 'Special Rural / Rural Residential' and 'Rural Smallholding'.</p> <p>Given that the above Scheme Amendment does not reflect this requirement, Main Roads has no alternative but to oppose Scheme Amendment 277.</p>		
7	Department of Education and Training 151 Royal Street EAST PERTH WA 6004		No objections.	Nil.	The submission is noted.
8	Mr B & Mrs M Thomas 230 Lancaster Road MCKAIL WA 6330		<p>There is no reason for a change of zoning on our property (Lot 8). The area where our property lies is not connected to the town sewerage system or town gas and does not have streetlights, footpaths, kerbing and verges that can be used safely by pedestrians. In addition, there is no stormwater drainage system to cope with these upgrades. An increase in rates that will inevitably come with re-zoning is not justified without these services.</p>	<p>Although the proposal seeks to re-zone the land, a Structure Plan would be required prior to subdivision. This would detail the provision of footpaths, kerbing and verges in addition to landscaping and public open space.</p> <p>A Local Water Management Strategy and an Urban Water Management Plan will also be required as part of the Structure Planning process, to satisfy the requirements of the DoW. These documents would provide a conceptual scheme for managing stormwater.</p> <p>Detailed design of sewerage and stormwater drainage and the provision of gas and streetlighting would be addressed at the subdivisions stage.</p>	The submission is noted.
9	Ms P Lincoln 198 Link Road MARBELUP WA 6330		Re-zonings and developments of this type, on productive agricultural land close to large population groups, have the potential to threaten the future food security of the city of	The highest and best use of the subject land, given it's location on the periphery of the existing urban front is considered to be residential	The submission is noted.

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 277  
SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>Albany.</p> <p>Having a large number of houses along Link Road would create the potential for injury due to car crashes, as the road is used by trucks and large vehicles travelling at significant speed (often over the 90km/h limit).</p> <p>The local area is subject to significant 'noise pollution' from the nearby speedway during summer evenings, and unless there is a caveat or some other warning on the land for sale, many hundreds of people would find to their surprise that one's enjoyment of life outdoors is severely compromised during this period. I would imagine that in time the City would receive an increased number of complaints that may require the speedway to be relocated further out.</p>	<p>development as per the draft ALPS. The ALPS does protect all areas that are considered priority agriculture.</p> <p>As Link Road will be upgraded as part of the future Ring Road, individual crossovers will be prohibited. The majority of traffic generated by any future development will use local distributor roads that run east to Albany Highway, or west to the Ring Road, joining at a limited number of engineered intersections.</p> <p>The potential for noise disturbance from the speedway has been addressed by the acoustic assessment that was undertaken as part of the scheme amendment process. Mitigation measures will be introduced at the Structure Planning and subdivision stages.</p>	

### 11.3 – HEALTH, BUILDING & RANGERS

**ITEM NUMBER:** 11.3.1  
**ITEM TITLE:** IMPLEMENTATION OF PARKING RESTRICTIONS - EARL STREET

#### THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

**File Number or Name of Ward** : SER 115 (Frederickstown Ward)  
**Summary of Key Issues** : Implement a “No Standing” restriction on the south side of Earl Street from Bridges Street to Spencer Street and a small portion of the thoroughfare on the north side of Earl Street.  
**Land Description** : N/A  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Reporting Officer(s)** : Manager Building & Health Services (K Barnett)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Submissions  
**Consulted References** : City of Albany Parking and Parking Facilities Local Law 2001  
**Councillor Lounge** : Nil

#### Maps and Diagrams:



Item 11.3.1 continued.

## **BACKGROUND**

1. Following several complaints regarding parking issues in Earl Street, it was found that the signs indicating a “No Standing” restriction on the south side of Earl Street, between Spencer and Bridges Streets were dilapidated and creating uncertainty due to incorrect markings.
2. The parking restriction has been in place for more than ten years, however the Council resolution adopting the restriction cannot be found and the extent of the restriction is not known.
3. In addition, the resident at Lot 3 (5) Earl Street has indicated the he has difficulty reversing on to Earl street if vehicles are parked opposite his crossover.
4. It is therefore proposed that a “No Standing” restriction be implemented on the south side of Earl Street from Spencer Street to Bridges Street and that portion of the thoroughfare from the western boundary of Lot 455 to the eastern boundary of Lot 456 on the north side of Earl Street.
5. Lots 455 and 456 are Crown Land and undeveloped.

## **DISCUSSION**

6. The south side of Earl Street has been chosen as the preferred location for the “No Standing” restriction due to a greater number of crossovers on that side of street which reduces the amount of available on-street parking.
7. The restriction will provide residents on the south side of the street a safer environment in which to exit their property and should reduce any parking conflict.

## **PUBLIC CONSULTATION/ENGAGEMENT**

8. Twenty (20) letters outlining the proposal to implement a “No Standing” restriction were sent to those property owners affected by the proposal and three responses were received.
9. Two responses were received supporting the proposal.
10. The single respondent opposing the proposal stated that:
  - (i) the proposal would severely curtail the capacity of family and friends to park outside their dwelling; and
  - (ii) disallowing parking on the south side of the street would make it easier for people to speed along Earl Street.

## **GOVERNMENT CONSULTATION**

11. Nil.



Item 11.3.1 continued.

### **STATUTORY IMPLICATIONS**

12. Clause 1.8 of the Parking and Parking Facilities Local Law 2001 states:

#### ***“Powers of Local Government***

*The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.”*

### **FINANCIAL IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

15. There are no policy implications relating to this item

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

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

- To resolve to implement the proposed “No Standing” restrictions.
- To resolve to modify the proposed “No Standing” restriction; or
- To resolve not to implement the proposed “No Standing” restriction.

### **SUMMARY CONCLUSION**

17. It is recommended that the parking restrictions as proposed be implemented.

#### **ITEM NUMBER 11.3.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MATLA**

**SECONDED: COUNCILLOR DUFTY**

**THAT Council resolve to implement a “No Standing” restriction:**

- i) on the south side of Earl Street from Spencer Street to Bridges Street;**
- ii) on a portion of thoroughfare on the north side of Earl Street between the western boundary of Lot 455 to the eastern boundary of Lot 456; and**
- iii) advertise the restrictions.**

**MOTION CARRIED 9-0**

Councillor Price declared an impartial interest in this item and remained within the chambers. The nature of her interest is that she is acquainted with one of the submitters.

#### **11.4 – EMERGENCY MANAGEMENT**

Nil

**11.5 – DEVELOPMENT SERVICE COMMITTEES**

**ITEM NUMBER: 11.5.1**

**ITEM TITLE: BUSHCARERS ADVISORY COMMITTEE MEETING – 28 JANUARY 2009**

**File Number or Name of Ward** : MAN 235 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Executive Director Development Services (R Fenn)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : Minutes from Bushcarers Advisory Committee Meeting – 28<sup>th</sup> January 2009.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WALKER**

**THAT Committee Recommendation 1 and 2 be resolved en bloc with the exception of item 6.1.**

**COUNCIL'S ROLE: LEGISLATIVE FUNCTION**

**ITEM 11.5.1 - COMMITTEE RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Item 3.0 Confirmation of Minutes**

**THAT the minutes of the meeting of the 12<sup>th</sup> September 2008 be confirmed as a true and accurate record of the proceedings.**

**COUNCIL'S ROLE: LEGISLATIVE FUNCTION**

**ITEM 11.5.1 - COMMITTEE RECOMMENDATION 2  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**Item 6.1 Movement of Soil Contaminated With Invasive Species**

**THAT Council address the problem of the movement of soil contaminated with invasive species to and from development sites.**

**MOTION CARRIED 9-0**

**ITEM 11.5.1 - OFFICER RECOMMENDATION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STANTON  
SECONDED: COUNCILLOR PRICE**

**Item 6.1 Movement of Soil Contaminated With Invasive Species**

**THAT the Subdivision Guidelines be amended to address the movement of soil contaminated with invasive species.**

**THAT conditions be placed on developers by the City of Albany that restrict the movement of soil contaminated with invasive species.**

**MOTION CARRIED 9-0**

Item 11.5.1 continued.

## **OFFICERS REPORT**

### **BACKGROUND**

To date, the City has not placed conditions on developers to control the movement of soil contaminated with invasive species.

### **DISCUSSION**

An opportunity has been identified by the Bushcarers Advisory Committee to reduce the risk of spreading environmental weeds within the City of Albany. This opportunity involves the City of Albany having more control over the movement of soil contaminated with invasive species within the City of Albany.

At this stage, there is no control over where soil contaminated with invasive species is taken and how it might be used in the future. Currently, soil removed from development sites can be sold on to be used anywhere by anyone. Given this soil may contain environmental weeds or plant species declared under the *Agriculture and Related Resources Protection Act 1976*, the risk of spread of these plants is extremely high.

Given the City of Albany is controlling environmental weeds and Declared plants on land vested with the City, through the implementation of the *Environmental Weeds Strategy for City of Albany Reserve 2005*, it makes sense that the City also controls the movement of soil contaminated with these same species on freehold land where possible. A number of other Government Departments and many community members are also doing all they can to control these species within the City of Albany. It is very frustrating and disheartening to these people when they witness soil containing invasive species being spread to new areas.

For example, Gorse *Ulex europaeus* is a Weed of National Significance and is only known from the Albany area in Western Australia. A project funded by the Federal Government is currently being implemented to research and control this species. Most sites of this plant are known, and it is thought that this species could be eradicated from Western Australia (John Moore, Department of Food and Agriculture). However, if the seed of this plant continues to be spread from contaminated sites to other sites, then the eradication of this species will be near impossible. The current Gorse problem in Western Australia could escalate and become a much larger and more expensive problem in the future.

Future development sites can be inspected by City of Albany staff to identify if any species of concern are present. Conditions can then be placed on developers on how to appropriately dispose of contaminated soil. A condition can also be placed on all developers regarding the management of weeds on site before sites are developed. This latter condition is necessary, as in some cases, sites are not developed for many months, and during that time, weeds can colonise the site and become a risk for spreading that species within the City.

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# **CORPORATE & COMMUNITY SERVICES Reports**

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**12.1 FINANCE – CORPORATE & COMMUNITY SERVICES**

**ITEM NUMBER:** 12.1.1

**ITEM TITLE:** LIST OF ACCOUNTS FOR PAYMENT

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:**

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

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

**BACKGROUND**

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

**DISCUSSION**

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

Municipal Fund			
Cheques		Totalling	\$124,389.02
Electronic Fund transfer		Totalling	\$5,304,513.52
Credit Cards		Totalling	\$3,505.16
Payroll		Totalling	<u>\$760,719.00</u>
		<b>Total</b>	<b>\$6,193,126.70</b>

4. As at the 29<sup>th</sup> May 2009, the total outstanding creditors, stands at \$288,521.73
5. Cancelled cheques – 25366, 25388 & 25456.

**PUBLIC CONSULTATION / ENGAGEMENT**

6. Nil

**GOVERNMENT CONSULTATION**

7. Nil

Item 12.1.1 continued.

### **STATUTORY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

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

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

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

***“Community Vision:***

*Nil*

***Priority Goals and Objectives:***

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

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

***City of Albany Mission and Values Statement:***

*At the City of Albany we apply Council funds carefully.”*

### **POLICY IMPLICATIONS**

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

### **1. ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Nil

### **SUMMARY CONCLUSION**

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

Item 12.1.1 continued.

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

**MOVED: COUNCILLOR MATLA  
SECONDED: COUNCILLOR PRICE**

**RECOMMENDATION**

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

**MOTION CARRIED 9-0**



**ITEM NUMBER:** 12.1.2  
**ITEM TITLE:** FINANCIAL ACTIVITY STATEMENT – 31<sup>st</sup> MAY 2009

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:**

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

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

**BACKGROUND**

2. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide Council with a greater insight in relation to the ongoing financial performance of the local government.
3. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2008/09 variations in excess of 10% are reported to the Council.

**DISCUSSION**

4. The Statement of Financial Activity for the period ending 31<sup>st</sup> March 2009 has been prepared and is listed below.
5. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**STATEMENT OF FINANCIAL ACTIVITY – AS AT 31<sup>st</sup> MAY 2009**

6. See appendix 1 to report item 12.1.2

**CITY OF ALBANY - BALANCE SHEET**

7. See appendix 2 to report item 12.1.2

**CITY OF ALBANY – INCOME STATEMENT**

8. See appendix 3 to report item 12.1.2

Item 12.1.2 continued

## INVESTMENT SUMMARY & COMMENT

9. All floating rate notes (FRNs) and subordinated debt (Sub Debt) securities have now been sold. The “Lehman” Portfolio now consists of eight collateralised debt obligations (CDOs). Of the eight CDOs, four have been terminated and are in the hands of a trustee in London (current valuation \$647,779). Future action on these securities is held pending Trustee’s issues regarding future Lehman litigation. The remaining four CDOs are currently valued at \$310,090 and at least two of the four are expected to be terminated in the near future. A meeting of Creditors of Lehman Asia was held in May. Council’s legal advisors advised that the best result for Council would be to put Lehman Asia into liquidation. The majority at the meeting voted in favour of a Deed of Company Arrangement (DOCA) which was proposed at the last moment, and contained very little detail. The DOCA could result in a minor payout to all Council creditors, but restrict Council’s entitlement to take further legal action. Council’s solicitors are reviewing possible options for an improved recovery.
- 3.
10. See appendix 4 to report item 12.1.2.

## PUBLIC CONSULTATION / ENGAGEMENT

11. Nil

## GOVERNMENT CONSULTATION

12. Nil

## STATUTORY IMPLICATIONS

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

Item 12.1.2 continued

- IV. *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*  
*(a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*  
*(b) recorded in the minutes of the meeting at which it is presented.”*

#### **FINANCIAL IMPLICATIONS**

4.

13. Year to date expenditure has been incurred in accordance with the 2008/09 budget parameters with no major variations after the 3rd Quarter review.

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

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

***“Community Vision:***

*Nil*

***Priority Goals and Objectives:***

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

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

***City of Albany Mission and Values Statement:***

*At the City of Albany we apply Council funds carefully.”*

#### **POLICY IMPLICATIONS**

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

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

17. Nil

#### **SUMMARY CONCLUSION**

18. Nil

Item 12.1.2 continued

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

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

**RECOMMENDATION**

**THAT Council RECEIVES the Financial Activity Statement for the period ending 31<sup>st</sup> May 2009.**

**MOTION CARRIED 9-0**

ORDINARY COUNCIL MEETING MINUTES – 16/06/09

\*\* REFER DISCLAIMER \*\*

APPENDIX 1

STATEMENT OF FINANCIAL ACTIVITY  
YEAR TO DATE 31-May-09

Original Budget 08/09	Current Budget 08/09		Actual Year to Date 31-May-09	Current Budget Year to Date 31-May-09	Current Budget vs Actual Variance
<b>REVENUE</b>					
3,597,831	3,640,537	Operating Grants, Subsidies and Cont	3,612,299	3,482,033	130,266
7,095,514	7,167,550	Fees and Charges	6,373,733	6,517,860	-144,127
2,649,000	2,649,000	Service Charges	2,697,480	2,690,150	7,330
608,000	677,416	Interest Earnings	630,505	604,333	26,172
324,500	343,525	Other Revenue	501,351	407,014	94,337
<b>14,274,845</b>	<b>14,478,028</b>		<b>13,816,369</b>	<b>13,701,390</b>	<b>113,979</b>
<b>EXPENDITURE</b>					
13,853,782	13,811,360	Employee Costs	12,312,141	12,631,758	-319,617
12,263,994	12,150,126	Materials and Contracts	9,749,892	9,588,828	161,064
755,110	1,110,640	Utility Charges	975,687	1,048,862	-72,975
1,332,219	1,332,216	Interest Expenses	788,813	797,955	-9,143
483,839	495,309	Insurance Expenses	409,675	433,462	-23,787
-321,579	-279,929	Other Expenditure	-141,705	-138,111	-3,594
10,653,000	10,726,639	Depreciation	9,769,135	9,901,830	-132,695
<b>39,020,365</b>	<b>39,346,361</b>		<b>33,863,637</b>	<b>34,264,384</b>	<b>-400,747</b>
<b>Adjustment for Non-cash Revenue and Expenditure:</b>					
-10,663,000	-10,726,639	Depreciation	-9,769,135	-9,901,830	132,695
<b>CAPITAL REVENUE</b>					
9,527,112	9,355,248	Non-Operating Grants, Subsidies and Cont	4,791,516	4,552,542	238,974
6,285,116	2,235,116	Proceeds from asset disposals	1,205,638	1,188,965	16,673
5,100,000	5,100,000	Proceeds from New Loans	0	0	0
46,230	46,230	Self-Supporting Loan Principal Revenue	33,081	46,230	-13,149
7,459,666	8,925,671	Transfers from Reserves (Restricted Assets)	9,748,792	9,748,792	0
<b>28,418,124</b>	<b>25,662,165</b>		<b>16,779,027</b>	<b>15,536,529</b>	<b>242,498</b>
<b>CAPITAL EXPENDITURE</b>					
26,586,266	26,625,359	Purchase Plant, Equipment and Infrastructure	13,087,869	12,497,768	590,101
2,523,215	2,523,215	Repayment of Loans	2,179,260	2,185,532	-6,272
2,146,413	1,547,913	Transfers to Reserves (Restricted Assets)	3,007,980	3,008,480	-500
<b>31,255,894</b>	<b>30,696,487</b>		<b>18,275,109</b>	<b>17,691,780</b>	<b>583,329</b>
2,200,000	0	Estimated Surplus B/fwd			
		ADD Net Current Assets July 1 B/fwd	-1,815,676	n/a	n/a
		LESS Net Current Assets Year to Date	4,675,373	n/a	n/a
<b>19,130,290</b>	<b>19,180,290</b>	Amount Raised from Rates	-19,266,266	-19,263,631	-2,635

## APPENDIX 2

## CITY OF ALBANY

## BALANCE SHEET

31-May-09

	Actual 31-May-09	Budget 30-Jun-09	Actual 30-Jun-08
<b>CURRENT ASSETS</b>			
Cash - Municipal	4,357,955	1,853,283	574,704
Restricted cash (Trust)	2,107,616	1,778,000	1,824,396
Reserve Funds - Financial Assets	3,064,865	2,700,000	4,246,363
Reserve Funds - Other	2,086,180	951,095	6,904,276
Receivables & Other	2,621,706	1,753,371	1,865,213
Investment Land	46,400	160,000	46,400
Stock on hand	806,151	720,000	799,624
	<b>15,090,873</b>	<b>9,915,749</b>	<b>16,260,976</b>
<b>CURRENT LIABILITIES</b>			
Borrowings	(1,156,045)	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,922,577	2,230,000	1,692,860
Trust Liabilities	2,060,864	1,748,000	1,778,124
Creditors prov & accruals	1,176,497	2,877,047	3,362,517
	<b>4,003,892</b>	<b>8,118,047</b>	<b>7,856,716</b>
<b>NET CURRENT ASSETS</b>	<b>11,086,981</b>	<b>1,797,702</b>	<b>8,404,260</b>
<b>NON CURRENT ASSETS</b>			
Receivables	152,865	106,549	152,865
Pensioners Deferred Rates	265,945	263,870	265,945
Investment Land	2,150,000	2,005,000	2,150,000
Property, Plant & Equip	72,409,558	263,020,245	63,312,024
Infrastructure Assets	176,153,677		183,067,893
Local Govt House Shares	19,501	19,501	19,501
	<b>251,151,545</b>	<b>265,415,165</b>	<b>248,968,228</b>
<b>NON CURRENT LIABILITIES</b>			
Borrowings	23,384,572	25,721,573	23,384,572
Creditors & Provisions	262,041	150,000	217,433
	<b>23,646,613</b>	<b>25,871,573</b>	<b>23,602,006</b>
<b>NET ASSETS</b>	<b>238,591,913</b>	<b>241,341,294</b>	<b>233,770,483</b>
<b>EQUITY</b>			
Accumulated Surplus	213,876,128	218,415,565	202,313,885
Reserves	5,941,151	4,151,095	12,681,963
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	<b>238,591,913</b>	<b>241,341,294</b>	<b>233,770,483</b>

## APPENDIX 3

## INCOME STATEMENT FOR THE PERIOD ENDED

31-May-09

Nature / Type	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
<b>INCOME</b>			
Rates	19,266,266	19,130,290	17,915,530
Grants & Subsidies	3,232,885	3,278,000	3,071,233
Contributions, Reimb & Donations	379,414	319,831	452,799
Fees & Charges	6,373,733	7,095,514	5,100,832
Service Charges	2,697,480	2,649,000	2,517,352
Interest Earned	630,505	608,000	739,330
Other Revenue / Income	501,831	324,500	920,121
	<b>33,082,114</b>	<b>33,405,135</b>	<b>30,717,198</b>
<b>EXPENDITURE</b>			
Employee Costs	12,312,141	13,853,782	12,212,590
Utilities	975,687	755,110	748,982
Interest Expenses	788,813	1,332,219	1,169,598
Depreciation on non current assets	9,769,135	10,653,000	9,672,516
Contracts & materials	9,749,892	12,262,994	9,681,306
Insurance expenses	409,675	483,839	443,417
Other Expenses	(141,705)	(320,579)	487,688
	<b>33,863,637</b>	<b>39,020,365</b>	<b>34,416,097</b>
<b>Change in net assets from operation</b>	<b>(781,523)</b>	<b>(5,615,230)</b>	<b>(3,698,900)</b>
Grants and Subsidies - non-operating	3,965,032	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	826,484	5,006,300	10,734,755
Profit/Loss on Asset Disposals	70,221	4,291,116	804,688
Fair value - Investments adjustment	741,218		(1,531,324)
	<b>4,821,431</b>	<b>8,202,998</b>	<b>10,571,775</b>

ORDINARY COUNCIL MEETING MINUTES – 16/06/09

\*\* REFER DISCLAIMER \*\*

APPENDIX 4  
Portfolio Valuation - Market Value

31-May-09

Security	Maturity Date	Security Cost (incl accrued int)	Current Interest %	Market Value Mar-09	Market Value Apr-09	Market Value May-09	Latest Monthly Variation
<b>MUNICIPAL ACCOUNT</b>							
Bendigo			4.15%	1,000,000			
Bendigo	12/06/2009	1,000,000	3.50%		1,000,000	1,000,000	
Westpac	17/05/2009	1,000,000	4.20%	1,000,000	1,000,000		
Westpac	18/06/2009	1,000,000	4.22%	1,600,000	1,600,000	1,600,000	
NAB	17/05/2009	1,000,000	3.10%	1,000,000	1,000,000		
Bankwest			3.65%	1,000,000			
CBA			3.16%	500,000			
CBA			3.34%	500,000			
				<b>6,600,000</b>	<b>4,600,000</b>	<b>2,800,000</b>	n/a
<b>RESERVES ACCOUNT</b>							
<b>BANK - TERM DEPOSITS</b>							
Bankwest	12/06/2009		4.00%	1,054,624	1,054,624	1,054,624	
				<b>1,054,624</b>	<b>1,054,624</b>	<b>1,054,624</b>	n/a
<b>COMMERCIAL SECURITIES - FRNs, Sub Debt</b>							
Suncorp Metway FRN	22/06/2018	503,090	7.66%	Retrieved	Retrieved	Retrieved	
Suncorp Metway Sub Debt	22/06/2018	802,272	8.17%	664,000	664,000	Retrieved	-3,072
St George Bank Sub Debt	26/07/2016	506,660	8.08%	440,000	Retrieved	Retrieved	
Macquarie Bank Sub Debt	15/09/2014	503,325	8.14%	330,000	330,000	Retrieved	-70,000
ANZ Principal Protected Yield Curve	17/07/2017	200,000	8.25%	Retrieved	Retrieved	Retrieved	
		<b>2,515,347</b>		<b>1,434,000</b>	<b>994,000</b>	<b>0</b>	<b>-73,072</b>
<b>COMMERCIAL SECURITIES - CDOs (New York Mellon)</b>							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	240,000	240,000	240,000	0
Zircon (Merimbula AA)	20/06/2013	502,450	8.87%	167,779	167,779	167,779	0
Zircon (Coolangatta AA)	20/09/2014	1,002,080	9.12%	130,000	130,000	130,000	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	110,000	110,000	110,000	0
		<b>2,118,046</b>		<b>647,779</b>	<b>647,779</b>	<b>647,779</b>	<b>0</b>
<b>COMMERCIAL SECURITIES - CDOs - Other</b>							
Magnolia (Flinders AA)	20/03/2012	171,994	9.32%	134,840	134,840	134,840	0
Start (Blue Gum AA-)	22/06/2013	276,708	8.77%	49,500	49,500	49,500	0
Corsair (Kakadu AA)	20/03/2014	273,710	8.37%	35,750	35,750	35,750	0
Hellum (C=Scarborough AA)	23/06/2014	602,244	8.77%	90,000	90,000	90,000	0
		<b>1,324,656</b>		<b>310,090</b>	<b>310,090</b>	<b>310,090</b>	<b>0</b>
<b>SUB PRIME MORTGAGES</b>							
SPRC (Federation AAA)	10/02/2047	505,230	8.32%	Retrieved	Retrieved	Retrieved	
		<b>505,230</b>					
<b>PORTFOLIO TOTAL</b>				<b>9,398,714</b>	<b>6,958,714</b>	<b>3,964,714</b>	<b>-73,072</b>



**12.2 – ADMINISTRATION**

Nil

**12.3 – LIBRARY SERVICES**

Nil

**12.4 – DAY CARE CENTRE**

Nil

**12.5 – TOWN HALL**

Nil

**12.6 – RECREATION SERVICES**

Nil

## 12.7 – ECONOMIC DEVELOPMENT

**ITEM NUMBER:** 12.7.1

**ITEM TITLE:** **ASSESSMENT OF SUBMISSIONS ON A PROPOSAL TO LEVY A DIFFERENTIAL RATE ON CBD PROPERTY OWNERS FOR THE PURPOSES OF ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT PROGRAM**

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

<b>File Number or Name of Ward</b>	:	STR 247 (Frederickstown Ward)
<b>Summary of Key Points</b>	:	Council resolved to seek submissions from property owners on a proposal by the Central Albany Business Owners Alliance (CABOA) for a differential rate of 15% to be levied on CBD properties.
<b>Land Description</b>	:	Selected properties zoned ‘Central’ in the Albany Local Planning Scheme and properties having a business fronting Lockyer Avenue
<b>Proponent</b>	:	Central Albany Business Owners Alliance (CABOA)
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Economic Development (J Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/04/09 – Item 14.3.1
<b>Bulletin Attachment(s)</b>	:	Letter to Affected Property Owners / Submission form Letter from Central Albany Business Owners Alliance.
<b>Consulted References</b>	:	Nil.
<b>Councillors Lounge</b>	:	Business Improvement Districts Submissions

## BACKGROUND

Through its April 2009 meeting, Council resolved:

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

- On 23 April 2009 the City advertised the proposal in the *Albany Advertiser* newspaper and on 30 April 2009 formally wrote to affected property owners outlining the proposal and stating the estimated amount of the levy liable for each property. Submissions on the proposal were invited until 5pm 22 May 2009. City staff also hand-delivered a letter and submission form outlining the proposal to all individual businesses in the affected area.

Item 12.7.1 continued.

The statement posed on the survey form was:-

*'I support the proposal by the Central Albany Business Owners Alliance for Council to impose a Differential Rate of 15% in the CBD (commencing 2009/10) for the purpose of establishing a Business Improvement District Program'*

A tick the box option was used with options being YES, NO or UNSURE

## SURVEY ANALYSIS

### **1. Analysis of submissions received by the CLOSING DATE of 22 May 2009**

#### Property Owners

Total Number of Affected Property Owners from Rates Database= 238

Number of Respondents = 63 (this represents a 26.5% response rate)

- Yes = 25 or 39.7% of property owners responding
- No = 37 or 58.7% of property owners responding
- Unsure = 1 or 1.6% of property owners responding

Did Not respond = 177 or 74.4% of property owners

#### Other Respondents (Business owners/managers or lessees)

Total Number of 'Other Respondents' = 40

- Yes = 14 or 35% of other respondents
- No = 25 or 62% of other respondents
- Unsure = 1 or 3% of other respondents

#### Total Respondents

Total Number of All Respondents = 103

- Yes = 39 or 37.8% of all respondents
- No = 62 or 60.2% of all respondents
- Unsure = 2 or 2.0% of all respondents

### **2. Analysis Including LATE SUBMISSIONS received as at 29 May 2009**

13 submissions were late. The analysis including late submissions is:-

#### Total Respondents

Total Number of Submissions = 116

- Yes = 47 or 40.5% of all submissions
- No = 66 or 56.9% of all submissions
- Unsure = 3 or 2.6% of all submissions

5. On 25 May 2009 CABOA wrote to the City of Albany advising it wishes to withdraw the request for the differential rate to be levied in 2009/10 and that it intends to resubmit a revised proposal in readiness for the 2010/11 budget considerations when economic conditions are expected to improve.

## DISCUSSION

6. The role of a BID Program has been previously outlined in the Council Agenda and Minutes of 21 April 2009.

Item 12.7.1 continued.

7. A 15% differential rates levy over the boundary recommended by CABOA would impact property owners in the range \$88 (lowest) to \$52,000 (highest). The median levy would be \$571.

## **PUBLIC CONSULTATION / ENGAGEMENT**

8. Detailed in point 2 above.

## **GOVERNMENT CONSULTATION**

9. No Government consultation is required regarding this proposal.

## **STATUTORY IMPLICATIONS**

10. Section 6.36 (1) of the Local Government Act 1995 provides -

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

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

## **FINANCIAL IMPLICATIONS**

11. Nil.

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

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

### ***“Community Vision***

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

### ***Priority Goals and Objectives***

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

*3.1 Family and pedestrian friendly;*

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

*3.3 A unique and accessible retail experience, and;*

*3.4 Serviced by regular and affordable public transport service.*

### ***City of Albany Mission Statement***

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

*The benefits from the BID concept also support the goals that have been set out in the Albany Community Vision, which seeks to develop a strong, vibrant town centre.”*

Item 12.7.1 continued

**POLICY IMPLICATIONS**

13. Nil.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

14. Nil.

**SUMMARY CONCLUSION**

15. There were a total of 116 submissions to the differential rate proposal. Sixty-six (66) or 56.9% of all submissions did not support the proposal. Forty-seven (47) or 40.5% of all submissions supported the proposal.

**ITEM 12.7.1 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE  
SECONDED: COUNCILLOR WOLFE**

**RECOMMENDATION**

**THAT in view of the submissions received, Council NOT IMPOSE the proposed differential rate to establish a CBD Business Improvement District Program in 2009/2010.**

**MOTION CARRIED 9-0**

**12.8 - TOURISM & VISITORS CENTRE**

Nil

**12.9 – AIRPORT MANAGEMENT**

Nil

## 12.10 - CONTRACT MANAGEMENT

**ITEM NUMBER:** 12.10.1

**ITEM TITLE:** CONTRACT C09005 – PLUMBING SERVICES BIENNIAL (2009/11)

### THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

<b>File Number or Name of Ward</b>	: C09005 (All Wards)
<b>Summary of Key Points</b>	: Plumbing Services Biennial
<b>Land Description</b>	: Various wards
<b>Proponent</b>	: Nil
<b>Owner</b>	: Nil
<b>Reporting Officer(s)</b>	: Parks & Trades Coordinator (D Hatelie) and Manager, Works (M Richardson)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Bulletin Attachment(s)</b>	: Nil
<b>Consulted References</b>	: Nil
<b>Councillors Lounge</b>	: Nil

### BACKGROUND

1. As Council does not employ a qualified licensed plumber on staff, it is necessary for this service to be sourced from outside the organisation. The current Plumbing Services contract is due for completion on the 30<sup>th</sup> June 2009.

### STATUTORY REQUIREMENTS

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

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

Item 12.10.1 continued

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

*Nil.*

**Priority Goals and Objectives:**

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

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

**City of Albany Mission Statement:**

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

**COMMENT/DISCUSSION**

8. A request for tenders was published in the West Australian on 29<sup>th</sup> April 2009 and the Albany Advertiser on 30<sup>th</sup> April 2009 with a copy in the Albany Extra on 1<sup>st</sup> May 2009.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

<b>Criteria</b>	<b>% Weighting</b>
Cost	40
Relevant Skills and Experience	30
Work Capabilities	20
Safety Management	10
<b>Total</b>	<b>100</b>

10. A total seven tenders were downloaded off the City of Albany website with three received at the close of tenders. All company’s claim fully against the Regional Price Preference Policy.
11. The following table summarises the tenders received:

<b>ALL CLASSIFICATIONS OF PLUMBING SERVICES WORK (ALL COSTS INC. GST)</b>	<b>MARSHALL SMITH PLUMBING</b>	<b>ACTIVE PLUMBING</b>	<b>KNOTTS PLUMBING</b>
Rate/Hour	\$77.00	\$71.50	\$55.00
Minimum Charge for Call Out	\$77.00	\$71.50	\$55.00
After Hours Loading	\$115.50	\$132.00 – min. 4 hrs (\$528.00)	Plus \$33.00 per call out
Supply Materials as required at current Trade List Price	Plus 15%	Plus 20%	Plus 10%
Minimum Notice	2 hours	1 hour	As required
<b>WEIGHTINGS</b>	<b>471</b>	<b>553.4</b>	<b>685.6</b>



Item 12.10.1 continued

12. Active Plumbing and Knotts Plumbing demonstrated their capacity to undertake the City's scope of works and their submissions were well documented and compliant with tender specifications. Marshall Smith Plumbing also demonstrated their capacity to undertake Council's scope of works, however were rated lower due to a failure to include any documentation relevant to safety management.

Council's current contracted plumbing service, Knotts Plumbing, have to date performed well and achieved the best overall weighting. The hourly charge tendered of \$55.00 per hour for this service is in line with current industry charges.

**ITEM NUMBER: 12.10.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WALKER**

**SECONDED: COUNCILLOR DUFTY**

**THAT Council award the tender C09005 for Plumbing Supplies Biennial (2009/2011) to Knotts Plumbing at the tendered rates.**

**MOTION CARRIED 9-0**

**ITEM NUMBER:** 12.10.2  
**ITEM TITLE:** CONTRACT C09007 – PURCHASE AND REMOVAL OF SCRAP METAL TO 30<sup>TH</sup> JUNE 2010

### THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

**File Number or Name of Ward** : C09007 (All Wards)  
**Summary of Key Points** : Purchase and Removal of Scrap Metal to 30<sup>th</sup> June 2010  
**Land Description** : Hanrahan Road and Bakers Junction Waste Sites  
**Proponent** : Nil  
**Owner** : Nil  
**Reporting Officer(s)** : Procurement Officer (W Male),  
Manager City Assets (P Brown); and  
Engineer Asset Planning (G Hoey)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Nil  
**Consulted References** : Nil  
**Councillors Lounge** : Nil

### 1.0 BACKGROUND

1. Scrap metal is sourced from the community in various forms, such as car bodies, white goods, drums, sheet iron etc and stockpiled at the City's Waste Sites at Hanrahan Road and Bakers Junction (car bodies to Bakers Junction only). This waste is on sold to scrap metal dealers for recycling purposes. This practice is in line with the City's Waste Minimisation Strategy designed to minimise waste to landfill. It also provides a source of income to Council.

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

4. The City of Albany's Waste Minimisation Strategy applies to this Item.

### 5. FINANCIAL IMPLICATIONS

5. \$200,000 revenue is budgeted for disposal of scrap metal for this coming financial year.

Item 12.10.2 continued

6. **STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

*Nil.*

**Priority Goals and Objectives:**

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

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

**City of Albany Mission Statement:**

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

2.0 **COMMENT/DISCUSSION**

7. A Request for Tenders was published in the West Australian Newspaper on Wednesday 29<sup>th</sup> April 2009, in the Albany Advertiser on 30<sup>th</sup> April 2009 and a copy in the Albany Extra on Friday 1<sup>st</sup> May 2009.
8. The tender documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tenderer. The criteria used for this is documented below:

<b>Criteria</b>	<b>Weight</b>
Price	40
Technical Compliance & Experience	30
Reliability	30
<b>Total</b>	<b>100</b>

9. A total of four specifications were issued, with two being received at the close of tenders.

10. The following table outlines tenderers and their final scores

<b>Tenderer</b>	<b>Price Per Tonne (Inc GST)</b>	<b>Score</b>
Simsmetal	\$138.05	<b>822</b>
Aussie Scrap Metal	\$91.30	<b>433</b>

11. The global market price for scrap metal has decreased significantly over the past 12 months and is expected to continue to be volatile. As a consequence this tender is only for one year.
12. Simsmetal submitted a competitive procurement price for scrap metal and provided a quality submission. Checks on Simsmetal performance indicated the company worked well on site and provided a good reliable service.

Item 12.10.2 continued

**ITEM NUMBER: 12.10.2 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WOLFE**  
**SECONDED: COUNCILLOR STANTON**

**THAT Council accept the tender from Simsmetal for C09007, for the purchase and removal of Scrap metal to 30<sup>th</sup> June 2010.**

**MOTION CARRIED 9-0**

**ITEM NUMBER:** 12.10.3  
**ITEM TITLE:** DECLINE TENDER FOR THE SUPPLY OF ASPHALT

### THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

<b>File Number or Name of Ward</b>	:	C09006 (All Wards)
<b>Summary of Key Points</b>	:	Decline submitted tenders for the supply of asphalt
<b>Land Description</b>	:	All wards
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Manager City Works (Mike Richardson), Works Coordinator (Murray Swarbrick) and Procurement Officer (Wayne Male)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Bulletin Attachment(s)</b>	:	Nil

### BACKGROUND

1. Tenders were called for the supply of asphalt for Councils requirements for road and pathway construction proposed for the 2009/10 capital works program. Council's current contract for the supply of asphalt expires 30<sup>th</sup> June 2009.
2. During the tender evaluation process, inconsistencies were noted with the information supplied by the tenderers relating to the calculation and formatting of costs for traffic management. The quality of information has presented difficulties for the evaluation panel to make a decision fair to all tenderers.
3. To achieve the information required to make an informed decision components of the tender documentation will need to be rewritten and a new tender called.

### PUBLIC CONSULTATION / ENGAGEMENT

4. A request for tenders was published in the West Australian on 29<sup>th</sup> April 2009, the Albany Advertiser on 30<sup>th</sup> April 2009 and Albany Extra on 1<sup>st</sup> May 2009. Nine sets of tender documents were downloaded from Council's website.

### GOVERNMENT CONSULTATION

5. Nil

### STATUTORY IMPLICATIONS

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

Item 12.10.3 continued

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

#### **FINANCIAL IMPLICATIONS**

9. Nil

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

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

***“Community Vision***

*Nil.*

***Priority Goals and Objectives***

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

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

***City of Albany Mission Statement***

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

#### **POLICY IMPLICATIONS**

11. Councils Policy “Regional Price Preference Policy – Buy Local” is applicable to this item.
12. Tender Contract Procedure 4(1)(c). Evaluation Criteria. It is important to define how you are going to select the preferred tenderer. This must be defined clearly and concisely as it allows the criteria to be addressed by the tenderer in its submission.

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

13. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.
14. If Council were to decline this tender outright, small quantities of asphalt could be purchased if required. However, the majority of asphalt work is scheduled for February 2010 which will allow Council ample time to call for new tenders.

Item 12.10.3 continued

**SUMMARY CONCLUSION**

15. The City has undergone a competitive process in line with the relevant legislation and established policies. However, due to the inconsistencies that have arisen in the course of the evaluation, Council has determined that to make a decision fair to all tenderers, the current tender should be declined and a new tender rewritten and subsequently called .

**ITEM 12.10.3 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE  
SECONDED: COUNCILLOR MATLA**

**RECOMMENDATION**

**THAT Council DECLINE the tenders for the supply of asphalt – C09006.**

**MOTION CARRIED 9-0**

**12.11 – PROPERTY MANAGEMENT**

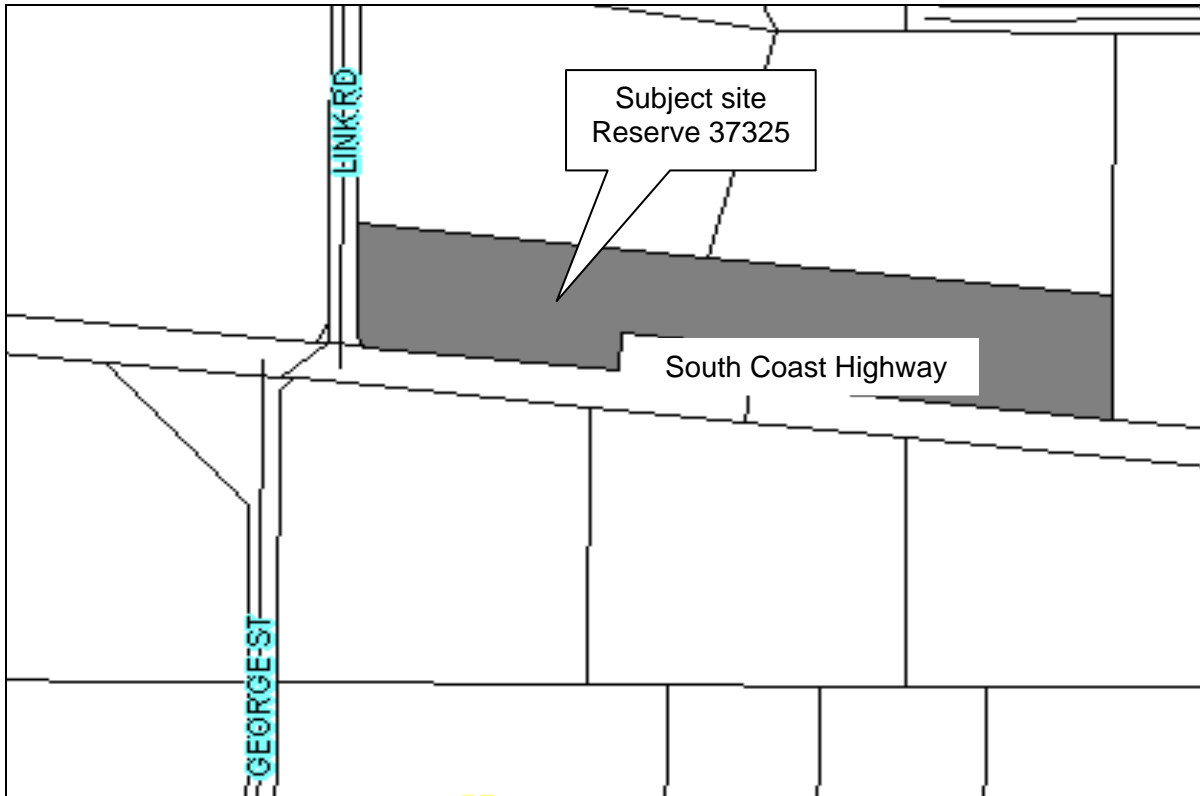
**ITEM NUMBER:** 12.11.1

**ITEM TITLE:** APPROVE THE SURRENDER OF LICENCE ISSUED TO J LUCAS FOR GRAZING STOCK ON RESERVE 37325

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

- File Number or Name of Ward** : PRO 209 (West Ward)
- Summary of Key Points** : Consider request to surrender licence issued to J Lucas for grazing stock on Reserve 37325, South Coast Highway, McKail effective from 1 February 2009
- Land Description** : Crown Reserve 37325, South Coast Highway, McKail
- Proponent** : J Lucas
- Owner** : Crown
- Reporting Officer(s)** : Property Officer (T Catherall)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Nil
- Consulted References** : Council’s Policy - Property Management - Leases
- Maps and Diagrams** :





Item 12.11.1 continued

### **BACKGROUND**

1. Reserve 37325 commonly known as 'Daniels Park' is under a Management Order issued to the City of Albany for the purpose of public recreation.
2. Daniels Park is situated on the corner of South Coast Highway and Link Road, McKail. The land area is 4.6 hectares in size.
3. Since February 1996, J Lucas has held a licence to graze stock on Daniels Park on a year to year basis with rental being equivalent to Minimum Land Rate as set by Council per annum.
4. The licensee was responsible for the fencing, firebreaks and maintenance of this property during the licence term.
5. A written request has been received from J Lucas to surrender the licence over Reserve 37325 as at 1 February 2009 due to a change in circumstances, the subsequent sale of stock and no longer requires the use of the land.

### **DISCUSSION**

6. The licence term issued in February 1996 was on a year to year basis allowing for termination by either party at any time after the expiry of the first year.
7. The licensee shall within 3 months of the termination of the licence remove any buildings, structures, improvements and leave the land in a clean, neat and tidy condition.
8. Consideration is currently being given to the possible future use of the land and a further report will be referred to Council in due course.
9. All costs associated with the preparation of the surrender of licence documentation will be met by the proponent.

### **PUBLIC CONSULTATION / ENGAGEMENT**

10. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
11. This Section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
12. The surrendering the licence is not subject to the advertising requirements of this section as the licence does not create any interest in the land and therefore not considered a disposal of property.

Item 12.11.1 continued

### **GOVERNMENT CONSULTATION**

13. As this is Crown land Ministerial approval is required.

### **STATUTORY IMPLICATIONS**

14. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.

### **FINANCIAL IMPLICATIONS**

15. Council has been receiving a rental equivalent to the Minimum Land Rate as set by Council per annum.

16. All costs associated with the preparation of the surrender of licence documentation will be borne by the proponent.

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

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

***“Community Vision***

*Nil.*

***Priority Goals and Objectives***

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

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

***City of Albany Mission Statement***

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

### **POLICY IMPLICATIONS**

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

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

19. There are no alternative options or legal implications relating to this item.

Item 12.11.1 continued

**SUMMARY CONCLUSION**

20. The proposed request to surrender the licence is recommended as at no cost to Council, the licensee is in compliance with the terms of the licence and no longer requires the use of the land.

**ITEM 12.11.1 - OFFICER RECOMMENDATION  
VOTING REQUIREMENT – SIMPLE MAJORITY**

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

**THAT Council subject to section 18 of the Land Administration 1997;**

- i) APPROVES the surrender of licence for grazing stock on Reserve 37325 effective from 1 February 2009 in compliance with Council's Policy – Property Management – Leases; and**
- ii) all costs associated with the preparation of the surrender of licence documentation being met by the proponent.**

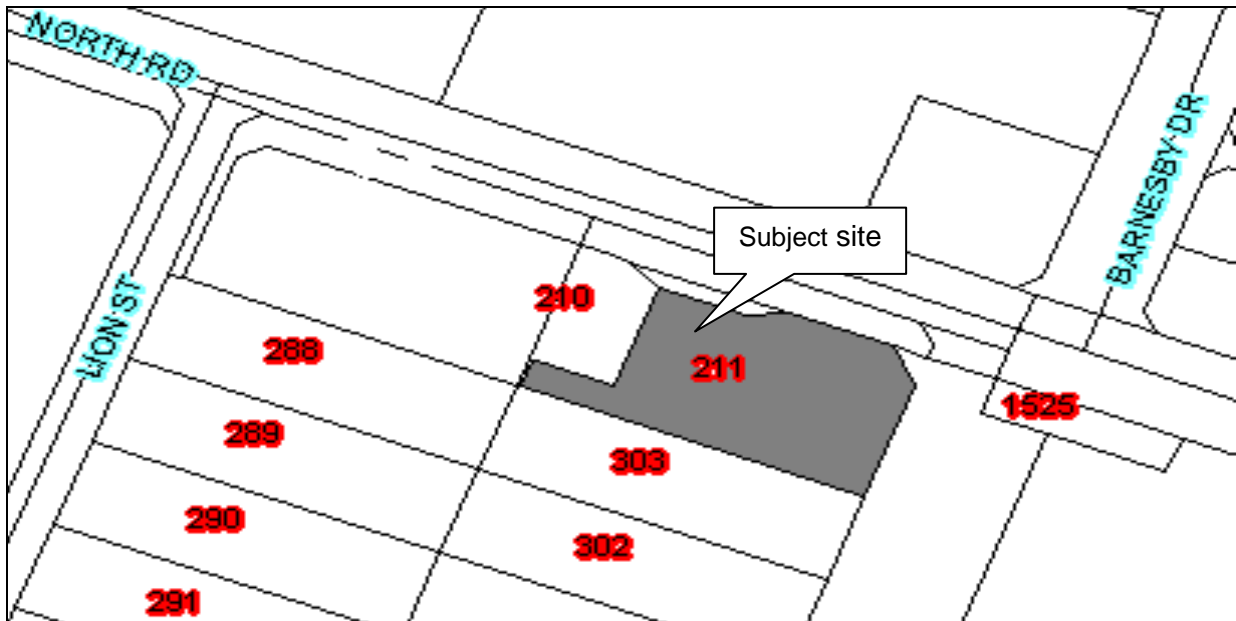
**MOTION CARRIED 9-0**

**ITEM NUMBER:** 12.11.2  
**ITEM TITLE:** GRANT NEW LEASES FOR LOTTERIES HOUSE

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

**File Number or Name of Ward** : MAN 071 (Frederickstown Ward)  
**Summary of Key Points** : Consider new leases for Lotteries House  
**Land Description** : Albany Suburban Lots 304 & 305 and being Lot 211 on Diagram 94113, North Road  
**Proponent** : Lotteries House Management Committee  
**Owner** : City of Albany  
**Reporting Officer(s)** : Property Officer (T Catherall)  
**Disclosure of Interest** : Nil  
**Previous Reference** : Nil  
**Bulletin Attachment(s)** : Nil  
**Consulted References** : Council's Policy - Property Management - Leases  
**Maps and Diagrams** :



**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 known as 211-217 North Road Albany.
2. The Deed required a Management Committee to be formed to oversee the management of the property.

Item 12.11.2 continued

3. The City of Albany (“the Trustee”), through the administration of the Management Committee is to make and keep available the property for eligible organisations to use exclusively for accommodation for benevolent or charitable purposes.
4. The following existing leases expire on 30 June 2009 and 17 August 2009. The lessees have requested new leases over the areas they currently occupy at Lotteries House for terms up to three years:

Lessee	Expiry Date	Term years
Albany Community Radio Inc.	30.6.2009	1
Albany Summer School Inc.	30.6.2009	3
Arthritis Foundation of WA	30.6.2009	3
Association for the Blind Inc.	30.6.2009	3
Great Southern Family Violence Intervention Council Inc.	30.6.2009	3
Lower Great Southern Family Support Association Inc.	30.6.2009	1
Neurological Council of WA	30.6.2009	3
Samaritan Befrienders Inc.	30.6.2009	3
Rainbow Coast Neighbourhood Centre Inc.	17.08.2009	3

5. The Lotteries House Management Committee has approved these leases.
6. *Albany Halfway House Association Inc. also currently leases a portion of Lotteries House.*

## DISCUSSION

7. The lessees have requested approval to continue tenancy at Lotteries House under the same terms and conditions as existing leases.
8. The Lotteries House Management Committee determines the rents by projecting operating expenses required for the financial year. These expenses are levied as rental to each lessee, per square metre of leased area.
9. The current rental rate is \$104.30 per square meter, reviewed annually on 1 July. Lotteries House aims to be self supporting.
10. Any costs associated with the preparation of the lease documentation will be met by the applicants.

## PUBLIC CONSULTATION / ENGAGEMENT

11. Section 3.58 of the Local Government Act 1995 deals with the disposal of property including leased land and buildings.
12. This Section requires there to be state-wide public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
13. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which the advertising requirements of section 3.58 of the Act does not apply. Section (2) (b) states that Section 3.58 of the Act is exempt if:

Item 12.11.2 continued

- (b) The land is disposed of to a body, whether incorporated or not –
  - (i) the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;

- 14. The proposed new leases are considered to be either charitable or benevolent organisations and therefore exempt from the advertising requirements of Section 3.58.

## **GOVERNMENT CONSULTATION**

- 15. Nil.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

- 17. All rental paid is used for Lotteries House operating expenses, including a \$5,000.00 annual service fee paid to Council to cover the City Officers time for managing the facility on behalf of the committee.
- 18. Any costs associated with the preparation of the lease documentation will be met by the applicants.

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

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

***“Community Vision***

*Nil.*

***Priority Goals and Objectives***

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

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

***City of Albany Mission Statement***

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

## **POLICY IMPLICATIONS**

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

Item 12.11.2 continued

## **ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

21. There are no alternative options or legal implications relating to this item.

## **SUMMARY CONCLUSION**

22. In view of service provided to the community by the organisations at no cost to Council, the proposed request for new leases is recommended.

### **ITEM 12.11.2 - OFFICER RECOMMENDATION VOTING REQUIREMENT – SIMPLE MAJORITY**

**MOVED: COUNCILLOR WALKER  
SECONDED: COUNCILLOR MATLA**

**THAT Council GRANTS the following leases in accordance with Council's Policy – Property Management – Leases to:**

- i) Albany Summer School Inc., Arthritis Foundation of WA, Association for the Blind Inc., Great Southern Family Violence Intervention Council Inc., Neurological Council of WA, Samaritan Befrienders Inc. for a term of three years commencing 1 July 2009;**
- ii) Albany Community Radio Inc. and Lower Great Southern Family Support Association Inc. for a term of 1 year commencing 1 July 2009;**
- iii) Rainbow Coast Neighbourhood Centre Inc. for a term of three years commencing 18 August 2009;**
- iv) Rental to 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; and**
- v) Any costs associated with the preparation of the lease documentation will be met by the applicants.**

**MOTION CARRIED 9-0**

**12.12 – CORPORATE & COMMUNITY SERVICES COMMITTEE**

**ITEM NUMBER: 12.12.1**

**ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 21 MAY 2009**

**File Number or Name of Ward** : MAN 131 (All Wards)  
**Summary of Key Points** : Receive the minutes of the Seniors Advisory Committee.  
**Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : Committee minutes dated 21<sup>st</sup> May 2009

**COUNCIL'S ROLE: EXECUTIVE FUNCTION**

**ITEM 12.12.1 - COMMITTEE RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE**

**SECONDED: COUNCILLOR DUFTY**

**THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 21<sup>st</sup> May 2009 be RECEIVED (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 9-0**



**ITEM NUMBER:** 12.12.2  
**ITEM TITLE:** COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 22<sup>nd</sup> MAY 2009

**File Number or Name of Ward** : MAN 233 (All Wards)  
**Summary of Key Points** : Committee Items for Council Consideration.  
**Reporting Officer(s)** : Executive Director Corporate and Community Services (WP Madigan)  
**Disclosure of Interest** : Nil  
**Bulletin Attachment(s)** : Committee minutes dated 22<sup>nd</sup> May 2009

**MOVED: MAYOR EVANS**  
**SECONDED COUNCILLOR WOLFE**

**THAT** the following items be resolved en bloc.

**ITEM 12.12.2 - COMMITTEE RECOMMENDATION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT** the UNCONFIRMED minutes of the Community and Economic Development Strategy and Policy Committee held on Friday 22 May 2009 be RECEIVED (copy of minutes are in the Elected Members Report/Information Bulletin).

**ITEM 12.12.2 - COMMITTEE RECOMMENDATION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT** subject to the feedback items being included, the Princess Royal Fortress Business Plan be submitted to Council for ADOPTION.

**ITEM 12.12.2 - COMMITTEE RECOMMENDATION 3**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT** the introduction of a non-smoking area, incorporating the footpath to the front and side of the Albany Regional Airport terminal, be SUPPORTED.

**ITEM 12.12.2 - COMMITTEE RECOMMENDATION 4**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT**

- i) Council pursue THE COMPLETION of the tabled revised scope of the ALAC stage II project (subject to QS confirmation) with the balance of funds being directed to drainage works in accordance with the discussed plan, pursuing best value for money, and a focus on the Centennial Park area; and
- ii) the City immediately informs groups within the precinct, on these initiatives.

**CARRIED 8-1**

**RECORD OF VOTE:**

**For The Motion:** Mayor Evans, Councillors Dufty, Kidman, Matla, Price, Stanton, Walker & Wolfe.

**Against:** Cllr Torr

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# **WORKS & SERVICES**

## **Reports**

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**13.0 REPORTS – WORKS & SERVICES**

**13.1 WASTE MANAGEMENT**

Nil

**13.2 – CAPITAL WORKS****ITEM NUMBER: 13.2.1****ITEM TITLE: ADOPTION - ASSET MANAGEMENT IMPROVEMENT STRATEGY****THE NATURE OF COUNCIL'S ROLE IN THIS MATTER**

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

<b>File Number or Name of Ward</b>	: MAN 236 (All Wards)
<b>Summary of Key Points</b>	: Adoption of the draft Asset Management Improvement Strategy
<b>Land Description</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Assets (P Brown)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 15/07/08 – Item 13.4.2
<b>Bulletin Attachment(s)</b>	: Draft Asset Management Improvement Strategy
<b>Consulted References</b>	: N/A
<b>Councillors Lounge</b>	: Nil

**BACKGROUND**

1. At the Ordinary Council Meeting of 15<sup>th</sup> July 2008 an Interim Strategy for Asset Management was adopted. This document has been modified following feedback from the internal Asset Management Working Group and the Western Australian Asset Management Improvement Programme (WAAMI) consultant. The modifications made now align the document to formal policy and therefore the document is being re-presented for adoption as policy.
2. The Asset Management Improvement Strategy is a new document compiled by staff in response to the WAAMI programme. The document was presented to the Asset Management and City Services Policy and Strategy Committee on 2<sup>nd</sup> December 2008.

**DISCUSSION**

3. The draft Asset Management Policy represents a statement of purpose that reflects the City's commitment to asset management activities and outlines how objectives will be achieved.
4. The draft Asset Management Improvement Strategy outlines our current position and how the City will undertake improvements to our asset management activities over the life of the WAAMI programme.

**PUBLIC CONSULTATION/ENGAGEMENT**

5. There has been no public consultation associated with this item as this is not required due to the nature of the document.

Item 13.2.1 continued.

### **GOVERNMENT CONSULTATION**

6. The documents align with the WAAMI programme which is supported by the Western Australian Local Government Association (WALGA), Department of Local Government and Regional Development (DLGRD), Local Government Manager's Association (LGMA) and the Institute of Public Works Engineers Australia (IPWEA).

### **STATUTORY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

8. There are no financial implications associated with this policy.

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

9. The Asset Management Policy and Improvement Strategy aligns with the Albany Insight ~ Beyond 2020 under the following section.

*“Item 4 – Governance*

*The City of Albany will be an industry leader in good governance and service delivery”*

### **POLICY IMPLICATIONS**

10. The Asset Management Policy will provide staff and Council with foundation for asset management activities.

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

11. There are no alternative options associated with the policy.

### **SUMMARY CONCLUSION**

12. The adoption of Asset Management Policy and the Improvement Strategy satisfies the requirements of the WAAMI programme and will assist staff and Council to recognise the importance of good asset management principles and activities.

**ITEM NUMBER –13.2.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE**

**SECONDED: COUNCILLOR MATLA**

**THAT Council:**

- i) ADOPT the Asset Management Policy; and**
- ii) ADOPT the Asset Management Improvement Strategy.**

**MOTION CARRIED 9-0**

**ITEM NUMBER:** 13.2.2  
**ITEM TITLE:** FINAL ADOPTION OF THE ASSET MANAGEMENT PLAN - PATHWAYS

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER**

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

<b>File Number or Name of Ward</b>	: MAN 236 (All Wards)
<b>Summary of Key Points</b>	: Final adoption of the Asset Management Plan - Pathways
<b>Land Description</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Assets (P Brown)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 17/02/09 – Item 13.1.1
<b>Bulletin Attachment(s)</b>	: Asset Management Plan - Pathways
<b>Consulted References</b>	: N/A
<b>Councillors Lounge</b>	: Nil

**BACKGROUND**

1. At the February 2009 Ordinary Council Meeting the draft Asset Management Plan – Pathways was received with the following resolution;

*“THAT Council:*

- i) RECEIVE the draft Asset Management Plan Pathways, as tabled;*
- ii) ADVERTISE for comment the draft Asset Management to the public and key stakeholders for 21 days;*
- iii) RECEIVE the responses and subsequent proposed amendments to the Asset Management Plan – Pathways be brought to Council for consideration; and*
- iv) INCLUDE the first year of the Asset Management Plan – Pathways in the 2009/10 budget.”*

2. The document has been advertised and circulated to key stakeholders with six (6) responses received.

**DISCUSSION**

3. The table represents at the end of this report is a summary of the comments received and commentary in response.

**PUBLIC CONSULTATION/ENGAGEMENT**

4. Stakeholder engagement and consultation has been completed with the details of responses tabled.

**GOVERNMENT CONSULTATION**

5. The document was referred the Department of Sport and Recreation and the Department of Planning and Infrastructure.

Item 13.2.2 continued.

### **STATUTORY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

7. The cost of the initiatives highlighted in the Asset Management Plan – Pathways will be presented for budget deliberations on an annual basis.

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

8. The Asset Management Plan – Pathways aligns with the Albany Insight – Beyond 2020. The City plans to operate and maintain its pathway network to achieve the following strategic objectives;

*“Item 4 – Governance*

*The City of Albany will be an industry leader in good governance and service delivery.”*

### **POLICY IMPLICATIONS**

9. Council has adopted an Interim Strategy on Asset Management. This plan aligns with the document.

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

10. There are no alternative options associated with this item.

### **SUMMARY CONCLUSION**

11. The adoption of the Asset Management Plan – Pathways will provide the City with a strategic direction for the management of this asset over a fifteen (15) year period.

**ITEM NUMBER – 13.2.2 OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MATLA**  
**SECONDED: COUNCILLOR STANTON**

**THAT Council ADOPT the Asset Management Plan – Pathways.**

**MOTION CARRIED 9-0**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Lower King and Bayonet Head Progress Association	<ul style="list-style-type: none"> <li>• Path Requested on Elizabeth Street from Francis Street to existing path at Paul Terry Drive.</li> <li>• Shared Path requested along Nanarup Road from Lower King Bridge to the Grammar School.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Path has been identified to be constructed in conjunction with future development.</li> <li>➤ Reference Bayonet Head Structure Plan.</li> <li>➤ This section of road reserve is too narrow to accommodate a shared path with the Water Main Running along the road verge to the North, the road verge to the South is too steep from the road edge to the property boundary. Any path along this section of road would require either land resumptions or an easement over private property.</li> <li>➤ A more favourable option would be to construct a path along the foreshore reserve, this would extend the Albany Harbours Dual Use Path Planning Strategy, (Produced in 1996 by in conjunction with Bikes West and The Town and Shire of Albany) making for a safer and more scenic route. This option would also require an easements or land resumptions along the foreshore.</li> </ul>	The submission is noted.
2	Brian and Judie Flynn	<ul style="list-style-type: none"> <li>• Priorities, they believe we construct paths on easy not need.</li> <li>• The proposed path on Chipana Dr not as important as a cycle lane along Frenchman Bay Rd.</li> <li>• Would prefer Asphalt opposed to concrete for a smoother ride.</li> <li>• Not enough community consultation.</li> <li>• Specific Routes.</li> <li>• Cycle lane along Frenchman Bay Rd from Princess Ave to Frenchman Bay.</li> <li>• Princess to Chipana not a high priority as an alternate route exists along Bay view Dr.</li> <li>• Chipana to Frenchman Bay, disappointed that a cycle lane was not included in the AMPP.</li> <li>• Proposed Path 509 &amp; 513 Chipana Dr, Quiet Rd path not required and a path from Paulas way to Chipana Dr is required.</li> <li>• Bay View Dr should be Asphalt not Concrete.</li> <li>• Woolstores PI should be a low priority.</li> <li>• Path 115 and 217 Grey St West (Carlyle St)</li> <li>• Vital Missing Paths, Hanrahan Rd Frenchman Bay to Festing St.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Cycle land will be considered as part of The Asset Master Plan Roads (AMPR).</li> <li>➤ Concrete is easier and cheaper to maintain. Asphalt is extremely hard to keep weeds from growing through especially Kikuyu.</li> <li>➤ Liveable Neighbour Hoods was used as a guide along with correspondence from the community highlighting the need for a path.</li> <li>➤ Not seen as a priority as it has limited residential access and does not link to Schools or recreation pursuits in the area.</li> <li>➤ The completion of the Bay View Dr path seen as a higher priority as it serves the need of a community and is in keeping with the Albany Harbours Dual Use Path Planning Strategy.</li> <li>➤ Cycle lanes alongside roads will be considered in AMPR</li> <li>➤ Path 513 is proposed to be a Shared use zone with the reduction of the speed limit and the inclusion of traffic calming devices as in AustRoads94 part 13 &amp; 14. Path 509 links to path 527 and then to the shared zone. Paulas way to Chipana Dr is planned for 2022/23.</li> <li>➤ Shared Path section is planned for Asphalt and the section from Chipana to Frenchman Bay Rd is planned to be a concrete footpath.</li> </ul>	



No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<ul style="list-style-type: none"> <li>• Grange Pipeline to Festing St.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Road is in poor condition, and a path still needs to be formalized along this section of the road. Priority has dropped off due to the down turn in the resource industry and Grange Resources shelving there operations for the near future.</li> <li>➤ This is currently part of the Bibbulmun track and creates a link with Hanrahan Rd. Alignment is indicative only and will rely on the final Ring Rd alignment from MRWA.</li> <li>➤ MRWA controlled road, the road verge has steep decline on the South side and is very limited for space on the North side, Anything we do along here would not be safe.</li> <li>➤ Route to be determined and timing is reliant on Grange Resources.</li> </ul>	
3.	Albany Users Group (ABUG) Bicycle Group	<ul style="list-style-type: none"> <li>• Commend the City for using Royalties for Regions monies on pathways.</li> <li>• “ABUG represents the interests of recreational bicycle users” Incorrect statement in AMPP. ABUG advocate on behalf of all cyclists – Recreational, Commuter, Mountain Bike, BMX and Racing. Request an upgrade to the Cities records.</li> <li>• Recommend that the City develops a cycling plan that outlines strategies to encourage more people to cycle.</li> <li>• Incorporate Cycle lanes in roundabouts</li> <li>• Include signage in the plan.</li> <li>• Shared paths at intersection and crossings to be coloured.</li> <li>• Include the review of Cycle lanes in the AMPR.</li> <li>• Upgrade of crossings.</li> <li>• Recommend Cycle lanes on Roads:               <ul style="list-style-type: none"> <li>○ Princess Royal drive – MRWA</li> <li>○ Albany Hwy - Shared path proposed as part of Road upgrade.</li> <li>○ Ulster rd complete length – Shared path planned, Road Reserve is lacking width Steep Inclines and declines along sections of road would be difficult to accommodate.</li> <li>○ Chester Pass Rd - MRWA</li> <li>○ Lower Denmark Rd to Elleker - To be considered in AMPR</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Enter a definition of a Shared Zone. (A shared zone refers to a section of street in Australia where pedestrians, cyclists and motorised traffic share the same road space. Special rules and speed limits apply for shared zones.)  <a href="http://en.wikipedia.org/wiki/Shared_Zone">://en.wikipedia.org/wiki/Shared_Zone</a>  <a href="http://www.walk.com.au/pedestriancouncil/Page.asp?PageID=557">://www.walk.com.au/pedestriancouncil/Page.asp?PageID=557</a></li> <li>➤ Shared paths link around roundabouts, AustRoads Standards – Part 14 – 5.5.2.</li> <li>➤ All paths to be designed and constructed as per AustRoads Standards part 13 and 14.</li> <li>➤ No reference found in AustRoads</li> <li>➤ Pram ramps have been reviewed and are up graded as required.</li> <li>➤ The CBD is typically a low speed environment. The thinking is that we get cyclists to the CBD and from then they have the use of the road network.</li> <li>➤ Financial and environmental restrictions.</li> <li>➤ Financial and environmental restrictions.</li> <li>➤ In 2009/10 Program.</li> <li>➤ Proposed for 2012/13.</li> <li>➤ For consideration when current path life expires.</li> <li>➤ This is a footpath (All Paths are considered Footpaths Unless otherwise signed).</li> <li>➤ Large portion of this road is subject to development. The City will as pat of the development conditions require a shared path to be constructed or the very least contributions from the developers for the City to construct a Path.</li> </ul> <p><b>97</b> Paths will be upgraded as they come to the end of their use full life.</p>	

		<ul style="list-style-type: none"> <li>○ Golf Link Rd, needs to be maintained at 1meter - To be considered in AMPR.</li> <li>○ Troode St – Currently .5 mtr needs shoulder maintenance and upgrade to 1 mtr.</li> <li>○ Drew Lane – I think they mean Drew St, Shared Path Proposed.</li> <li>○ Cycle Lane signage Required on Hanrahan Rd – MRWA</li> <li>● Shared paths within the CBD.</li> <li>● Princess Royal drive, Residents from South and West of Albany should not have to wait for an Industrial Pipeline to have to wait for an Industrial Pipeline to have safe access to the CBD.</li> <li>● Continuation of Shared Path, from Peace Park to woolstore.</li> <li>● Brunswick rd to Stirling Tce.</li> <li>● Collingwood Rd from Mokare to Burville.</li> <li>● Angove Rd from Collingwood to Hardie.</li> <li>● Albany Hwy Chester Pass Rd to York St clarification.</li> <li>● Elizabeth St Baker Rd to Esplanade.</li> <li>● Bayonet Head Rd / Allwood Pde, Link to Flinders Park primary school.</li> <li>● Cockburn Rd, Campbell Rd to Bluff St</li> <li>● Path linking Cunningham St to Emu Beach Rd.</li> <li>● Reinstate the Harbours Shared Path Plan from Frenchman Bay to Oyster Harbour.</li> <li>● Reinstate proposed shared path from lower King to Lower Kalgan along foreshore.</li> <li>● Reinstate the Frenchman Bay Rd – Quaranup Rd link through Shoal Bay to Goode Beach and Whale World</li> </ul>	<ul style="list-style-type: none"> <li>➤ Path Planned for 2015/16.</li> <li>➤ In 2009/10 Program.</li> <li>➤ The City has considered this plan and it has been an annual inclusion in the pathways construction program.</li> <li>➤ This path is being considered for a future connection. There are private land and native title issues to be considered along the foreshore.</li> <li>➤ These are low traffic environments; there is an existing sealed shared path / Strategic Fire Break connecting these areas. This is also included in the dual Harbours Shared Path Plan.</li> </ul>	
4.	Albany's Youth Advisory Committee	<ul style="list-style-type: none"> <li>● Lack of path between ALAC and the Skate Park and BMX track.</li> <li>● Lack of Path to the Great Southern Grammar school</li> </ul>	<ul style="list-style-type: none"> <li>➤ There is a path planned to link ALAC with Sanford Rd this will follow the proposed new road link from Sanford. This path will link with the existing path in the park opposite PCYC and create a link to PCYC, the Skate Park and the BMX Club.</li> </ul>	The submission is noted.

ORDINARY COUNCIL MEETING MINUTES – 16/06/2009

\*\*REFER DISCLAIMER\*\*

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
			<ul style="list-style-type: none"> <li>➤ This section of road reserve is too narrow to accommodate a shared path with the Water Main running along the road verge to the North; the road verge to the South is too steep from the road edge to the property boundary. Any path along this section of road would require either land resumptions or an easement over private property.</li> <li>➤ A more favourable option would be to construct a path along the foreshore reserve, this would extend the Albany Harbours Dual Use Path Planning Strategy, (Produced in 1996 by in conjunction with Bikes West and The Town and Shire of Albany) making for a safer and more scenic route. This option would also require an easements or land resumptions along the foreshore.</li> </ul>	
5	Albany Seniors Advisory Committee	<ul style="list-style-type: none"> <li>• Completing the gaps in the Network for footpaths dual use paths and Cycleway's.</li> <li>• Concerns over dangerous crossing points and no footpaths at bus stops.</li> <li>• Recommend that suburban hubs and the CBD be given priority to enable good access by foot, gopher or bike.</li> <li>• Crossing point on major arterial roads not considered.</li> </ul>	<ul style="list-style-type: none"> <li>➤ This has been the main focus of the AMPP</li> <li>➤ Crossing point maybe a consideration for the AMP. Unfortunately the Bus stops have been an over site in this review we will endeavour to include them in the next review planned to be finalized in 2012/13.</li> <li>➤ This has been considered using Liveable Neighbourhoods as a guide. We collect data from the developers as the Outline Development Plans are submitted and ensure that the proposed pathways link with the existing network of pathway, special attention is given to Public Open Space and Neighbourhood Centres.</li> <li>➤ Maybe a consideration for AMPR.</li> </ul>	The submission is noted.
6	Gaylene O'Keefe	<ul style="list-style-type: none"> <li>• Footpath urgently required on Festing St at the Southern end of the Old Woollen Mill Site.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Request has been considered and a path has been planned for Festing St from Bay St to Parade St, proposed construction year is 2017/18.</li> </ul>	The submission is noted.
7	Trevor Terry	<ul style="list-style-type: none"> <li>• Footpath required on Munster Ave, dangerous section of road close to CBD and High School.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Request has been considered and a path has been planned for Munster Ave from Serpentine Rd to Hill St, proposed construction Year is 2014/15.</li> </ul>	The submission is noted.

**ITEM NUMBER: 13.2.3**

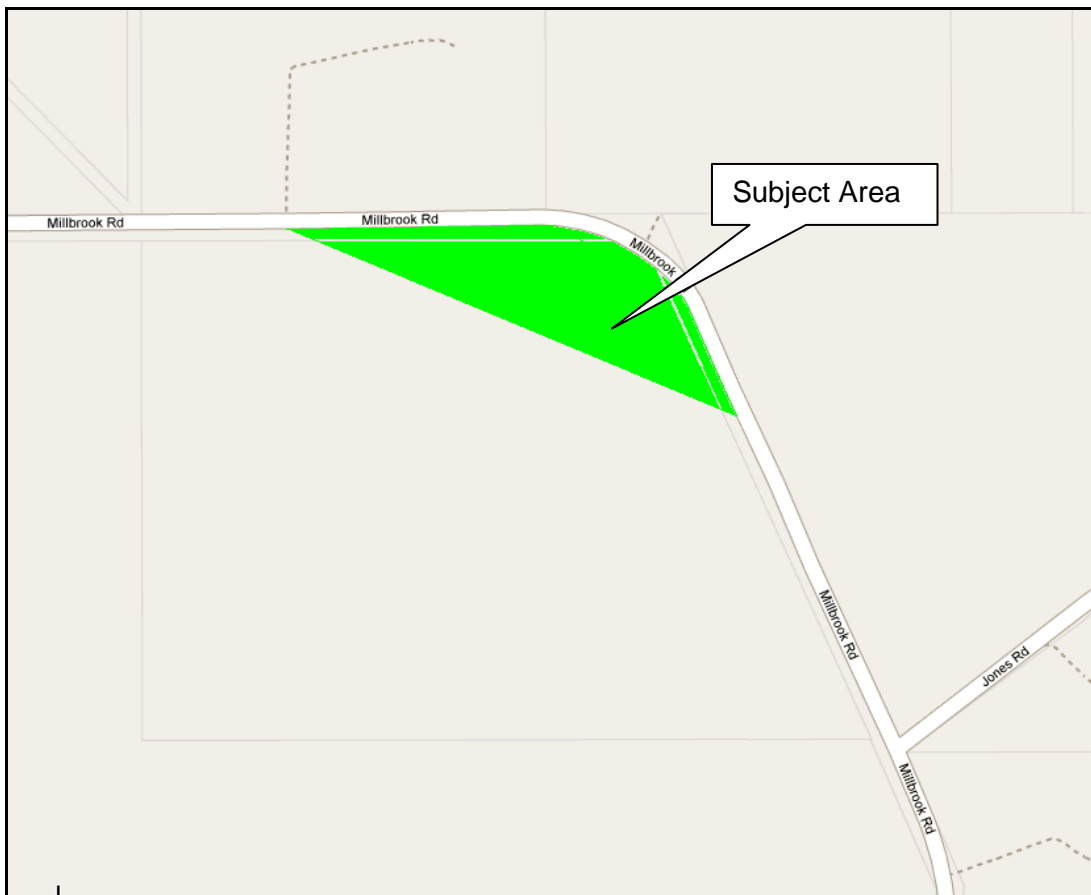
**ITEM TITLE: PROPOSAL TO EXCISE PORTION OF LAND FOR MILLBROOK ROAD RESERVE**

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER**

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

<b>File Number or Name of Ward</b>	: SER 095 (Kalgan Ward)
<b>Summary of Key Points</b>	: Proposal to excise portion of Lot 5882 Millbrook Rd, Kalgan, for road reserve.
<b>Land Description</b>	: Portion Lot 5882 Millbrook Road, Kalgan
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: M & H Adams
<b>Reporting Officer(s)</b>	: Engineering Administration Officer (J Haigh)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Bulletin Attachment(s)</b>	: Nil
<b>Consulted References</b>	: Nil
<b>Councillor Lounge</b>	: Nil

**Maps and Diagrams:**



Item 13.2.3 continued.

## **BACKGROUND**

1. While completing the design for a road widening a portion of Millbrook Rd, City Assets staff identified a section of roadway that when constructed, would require an encroachment on to private property. It has been identified that, in the interests of safety, a portion of Lot 5882 is required to be acquired to enable widening of Millbrook Road.

## **DISCUSSION**

2. A survey of affected land has identified an area of 1090 square metres for acquisition. Staff have negotiated and reached agreement with the current landowners to acquire this portion of land for road purposes.
3. An independent sworn valuation has been obtained and funds will be sourced from the road budget.

## **PUBLIC CONSULTATION / ENGAGEMENT**

4. The owners of Lot 5882 Millbrook Road have been consulted about the road realignment. An independent sworn valuation for the purchase of the required land has been obtained and the landowners have agreed to this arrangement. The Executive Director for Works and Services has delegated authority to approve the compensation amount.

## **GOVERNMENT CONSULTATION**

5. As the road realignment and subsequent resumption is required, approval from the Department Land Administration will be sought once Council has agreed to the land resumption.

## **STATUTORY IMPLICATIONS**

6. Under the Land Administration Act 1997, section 56, Dedication of Roads –

*“(1). If in the district of a local authority –*

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;*
- (b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –*
  - (i) the holder of the freehold in that land applies to the local government, requesting it to do so; or*
  - (ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*  
*or*
- (c) land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.”*

Item 13.2.3 continued.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

7. Not applicable

**POLICY IMPLICATIONS**

8. Not applicable.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

9. Council has the following options in relation to the proposal:
- a. continue to acquire portion of Lot 5882 for road reserve purposes, and seek approval to dedicate the resultant land as road reserve.
  - or
  - b) Should Council choose to leave the situation in its current state, there is a possibility of public liability issues arising, should an accident occur on the private land, rather than a dedicated road reserve.
  - or
  - c) Do nothing and reduce road speed on affected corner.

**SUMMARY CONCLUSION**

10. It is recommended a portion of Lot 5882 Millbrook Rd, Kalgan be excised, as per drawing number 09036, and the resultant land be amalgamated with the current road reserve, to allow the construction and dedication of the road.

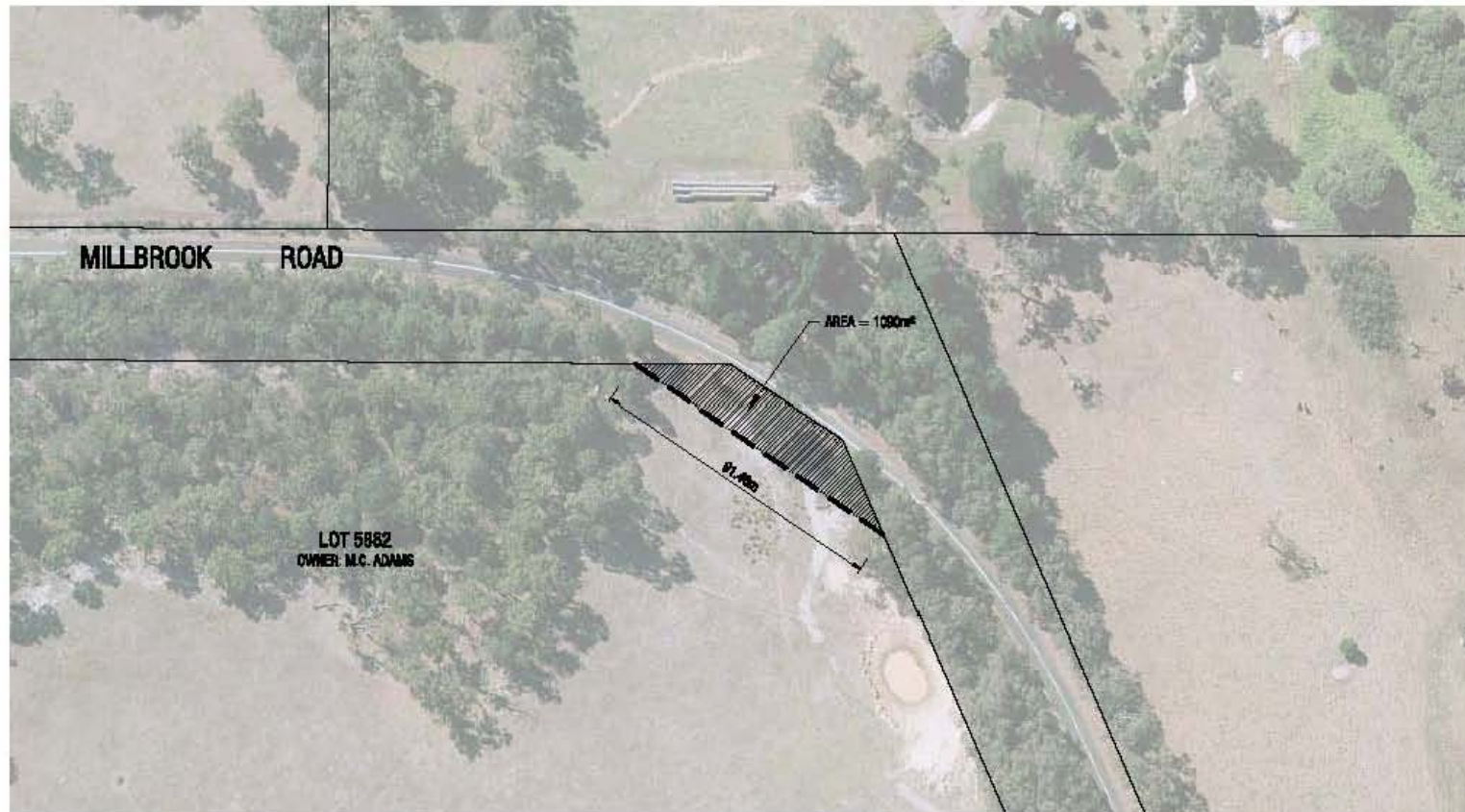
**ITEM NUMBER –13.2.3 OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council:**

- i) proceed to acquire;**
- ii) seek WAPC approval to subdivide required land from balance lot 5882;**
- iii) upon the Diagram of Survey identify the acquired land as ‘Public Road’ to be incorporated into Millbrook Rd; and**
- iv) indemnify the Department for Planning and Infrastructure against all claims and costs related to the creation of the road.**

**MOTION CARRIED 9-0**



REVISION	APPROVED	DATE	SURVEYED	BY	DATE	APPROVED	DATE	WORKS AND SERVICES	
-	-	-	-	-	-	-	-	DATUM	SCALE 1:125D (A3)
-	-	-	DESIGNED	AUTHORISED M.C.A.	-	-	-	FILE REF.	JOB No. -
-	-	-	DRAWN	J.P.	PRO DG	ACCEPTED E.L.W.J.	-	DRAWING No.	09038 SHEET 1/1 REV. 0
<small>                     This drawing has been prepared by the City of Albany Planning Department. It is the responsibility of the City of Albany Planning Department to ensure that the information contained herein is accurate and complete. The City of Albany Planning Department is not responsible for any errors or omissions in this drawing.                 </small>									
<b>MILLBROOK ROAD</b> <b>LAND RESUMPTION DRAWING</b>  <b>LAYOUT PLAN</b> STATUS: APPROVAL								WORKS AND SERVICES	

### 13.3 – RESERVES, PLANNING & MANAGEMENT

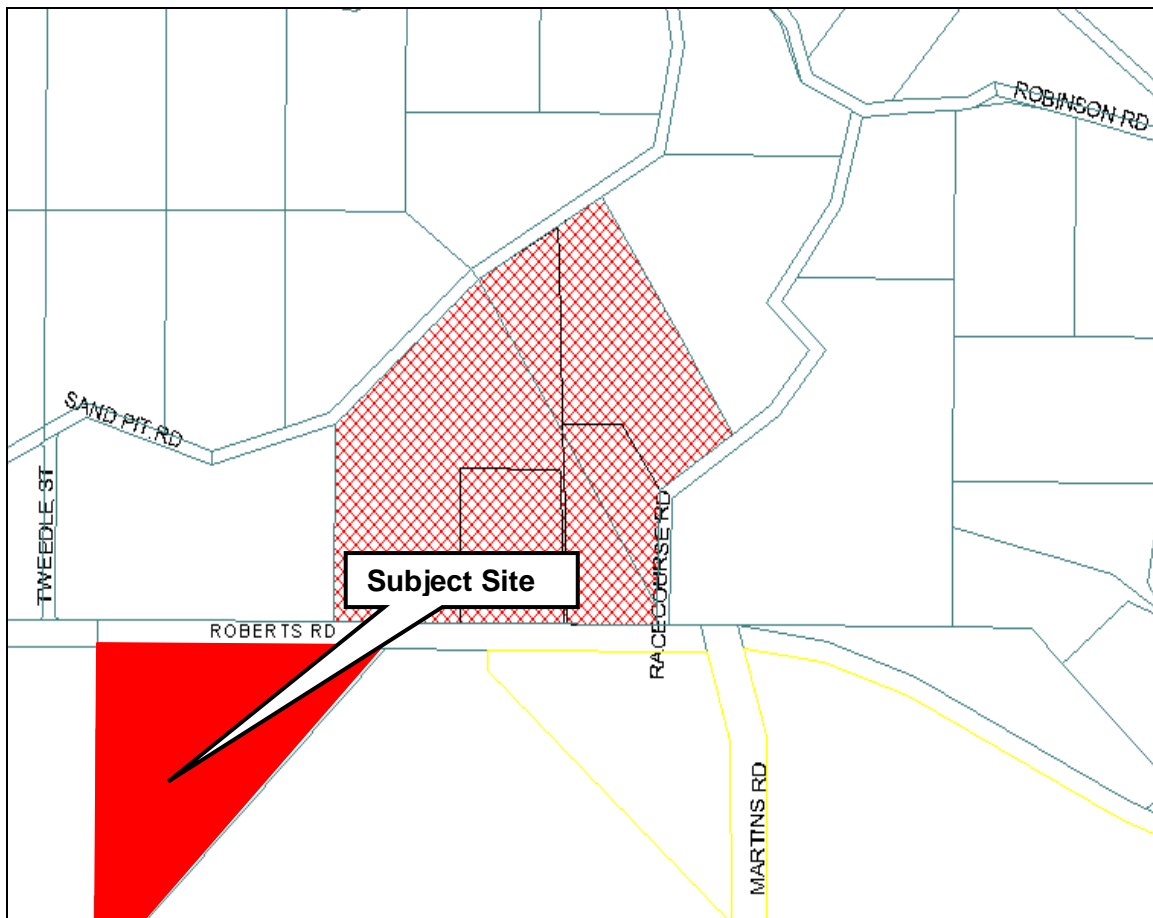
**ITEM NUMBER:** 13.3.1  
**ITEM TITLE:** CHANGE OF RESERVE PURPOSE – EXPANSION OF ALBANY RACING CLUB PREMISES

#### THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

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

<b>File Number or Name of Ward</b>	: A6791, A174427 (West Ward)
<b>Summary of Key Issues</b>	: Expansion of Albany Racing Club Premises
<b>Land Description</b>	: Reserve 30496 Roberts Road, Robinson
<b>Proponent</b>	: Albany Race Club Inc
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 15/05/07 - Item 11.4.1
<b>Bulletin Attachment</b>	: Nil
<b>Consulted References</b>	: Nil
<b>Councillor Lounge</b>	: Nil

#### Maps and Diagrams:





Item 13.3.1 continued.

## **BACKGROUND**

1. The Albany Race Club Inc. (ARC) has requested Council support to use a triangular shaped area of land located between the Percy Spencer Race course and the Albany Equestrian Centre for horse training. The Crown Reserve is 8.7ha in area with the management order issued in 1970 to the City of Albany for the purpose of "Recreation".
2. A similar request from the ARC in May 2007 was considered by Council and it was resolved that:  
*"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"*.
3. The ARC has requested that Council reconsider its decision and advises that;
  - a) *The ARC has a large number of horses being trained at its facilities;*
  - b) *The outer boundary firebreaks are used in addition to the main training and racetrack on a daily basis;*
  - c) *The centre of the course is used for educating young horses daily;*
  - d) *The addition of reserve 30496 would enable better options for the club and trainers in the training of horses;*
  - e) *The south end of the racecourse is limited due to the noise and excavation work being carried out on the block next to it and it is very unsafe riding horses close to the works;*
  - f) *The DoW has very strict guidelines and policy on the existing racecourse and the ARC manages all its land and facilities in accordance with these regulations;*
  - g) *The racecourse and the subject Reserve are on the same water catchment area and the same guidelines would apply;*
  - h) *ARC facilities are in full use all year around with heavier use from August to May; and*
  - i) *The additional area would provide safer work areas for riders and horses and allow the ARC to better utilise their facilities for the purpose of training thoroughbred horses.*

## **STATUTORY REQUIREMENTS**

4. 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.
5. Within the Water Source Protection Plan (WSPP), the racecourse is identified as a potential pollution risk and the WSPP proposes to "*manage the race course as a non-conforming land use*" and to "*oppose intensification of facility that increases groundwater contamination risks, through land planning process*".

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

7. There are no financial implications relating to this item. Any change in reserve purpose or the transfer of the management order to the ARC would be undertaken by the Department of Planning and Infrastructure at no cost to the City.

Item 13.3.1 continued.

### STRATEGIC IMPLICATIONS

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

### COMMENT/DISCUSSION

10. The WSPP lists all recreational activities within a Priority 1 area as an incompatible land use. In addition, any clearing required to make the reserve suitable for an “exercise area for horses” would require the approval of the Department of Environment and Conservation.
11. From a strategic perspective, it is inconsistent for Council to support the Albany Race Club’s request. However, the ARC faces an enormous challenge to provide quality infrastructure for the trainers using the Percy Spencer Race Course, thereby building confidence in the racing industry, whilst also being conscious of its community obligation to not pollute the City’s only viable potable 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 capital works 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 have the capacity to 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.
13. In 2007, the Department of Water advised the City that “...*the Department would not support any expansion of the existing facility to utilise the adjacent reserve, particularly if this would involve the clearing of native vegetation, as this would be increasing the risk to the groundwater resource. The DoW would however be supportive of any proposed development of the existing facility, if the proposal would reduce the risk of contamination of the groundwater resource*”.
14. No additional information has been forthcoming from the ARC to Council, from that which was presented in 2007, to encourage a reversal of Council’s previous decision.

ITEM NUMBER: 13.3.1 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADVISE the Albany Race Club Inc that it DOES NOT support the request to utilise Reserve 30496 Robinson Road, Robinson for the purpose of an exercise area for horses in association with the facilities provided by the Albany Race Club Inc. on Percy Spencer Race Course.

**Item 13.3.1 was withdrawn at the advice of the applicant.**

**13.4 – WORKS & SERVICES COMMITTEES**

Nil

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**GENERAL MANAGEMENT  
SERVICES  
Reports**

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**14.1 CORPORATE GOVERNANCE**

Nil

**14.2 GENERAL MANAGEMENT SERVICES COMMITTEE**

**ITEM NUMBER: 14.2.1**

**ITEM TITLE: CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE MEETING MINUTES FOR THE 28<sup>th</sup> May 2009**

**File Number or Name of Ward** : MAN 234 (All Wards)  
THAT Council RECEIVES the UNCONFIRMED  
**Summary of Key Points** : Minutes of the Corporate Strategy and Governance  
Strategy and Policy Committee meeting held on the  
28<sup>th</sup> May 2009  
**Reporting Officer(s)** : Manager Executive Services (S Jamieson)  
**Disclosure of Interest** : Nil.  
**Bulletin Attachment(s)** : Minutes of the meeting held on the 28<sup>th</sup> May 09  
Appendix A – Scoping Paper for the proposed WA  
Regional Cities Alliance Group  
Appendix B – Draft Elected Member Communication  
Protocols Policy

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:**

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

**ITEM NUMBER 14.2.1 – COMMITTEE RECOMMENDATION 1**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: CLLR PRICE**

**SECONDED: CLLR MATLA**

**THAT Council RECEIVES the UNCONFIRMED Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on the 28<sup>th</sup> May 2009.**

**MOTION CARRIED 8-1**

**MOVED: MAYOR EVANS**

**SECONDED: COUNCILLOR PRICE**

**THAT the following items be resolved en bloc.**

**ITEM NUMBER 14.2.1 – COMMITTEE RECOMMENDATION 2**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council RECEIVES and ADOPTS the ‘Elected member communications protocols policy.**

Item 14.2.1 continued.

**ITEM NUMBER 14.2.1 – COMMITTEE RECOMMENDATION 3**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

- i) THAT Council APPOINT Mr Robin Fagent and Mr David Hosking as MEMBERS of the Albany CBD Masterplan Steering Committee.
- ii) THAT Council APPOINT Mr Murray Thornhill (1<sup>st</sup> Deputy) and Mr Drew Good (2<sup>nd</sup> Deputy) as DEPUTIES of the Albany CBD Masterplan Steering Committee.

**MOTION CARRIED 9-0**  
**ABSOLUTE MAJORITY**

**15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR PRICE**

**SECONDED: COUNCILLOR DUFTY**

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

**MOTION CARRIED 9-0**

**16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**17.0 MAYORS REPORT**

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR WALKER**

**SECONDED: COUNCILLOR WOLFE**

**THAT the Mayor's Report dated 16<sup>th</sup> June 2009 be received.**

**MOTION CARRIED 9-0**



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

**ITEM NUMBER:** 18.1

**ITEM TITLE:** CONTRACT C09008 – DESIGN AND CONSTRUCT OF THE PIER OF REMEMBRANCE AT ANZAC PEACE PARK

### THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

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

<b>File Number or Name of Ward</b>	: STR 274 (Frederickstown Ward)
<b>Summary of Key Points</b>	: Design and Construction of The Pier of Remembrance at ANZAC Peace Park
<b>Land Description</b>	: ANZAC Peace Park
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Project Co-ordinator (R Taylor), Project Liaison Officer (A Buchanan), Project Superintendent (D Beasley OPUS)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 16/12/09 – Item 14.3.2
<b>Bulletin Attachment(s)</b>	: Nil
<b>Consulted References</b>	: Nil
<b>Councillors Lounge</b>	: Nil

### BACKGROUND

1. In November 2008, the Federal Government, through the Regional and Local Community Infrastructure Program (RLCIP), allocated funding to local authorities based on a methodology which included relative need, population and growth. The City of Albany was allocated \$626,000 under the program.
2. Staff prepared a report for the December 2008 Council meeting, identifying the Anzac Pier of Remembrance (\$500,000), Mt Clarence Anzac Interpretation (\$100,000) and Mt Clarence All Terrain Cycling Area (\$26,000) as potential projects for this funding opportunity.
3. The submission was successful and the funding contract was signed on 20<sup>th</sup> April 2009. As part of the construction of The Pier of Remembrance, the City of Albany sort tenders to design and construct The Pier of Remembrance.

### STATUTORY REQUIREMENTS

4. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.
5. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

Item 18.1 continued.

6. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

### **POLICY IMPLICATIONS**

7. The City of Albany Regional Price Preference Policy is applicable to this item.

### **FUNDING**

8. The City submitted a grant application to RLCIP and was successful in being granted for \$500,000 (ex GST) to construct The Pier of Remembrance (included in the RLCIP \$626,000 grant above).
9. Due to the many unknowns and high risk, a contingency allowance of 15% has been provided for within this project.
10. Supervision of construction costs are estimated at \$20,000.

### **STRATEGIC IMPLICATIONS**

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

***“Lifestyle & Environment”:***

*1.5 Development*

- *Responds to our unique historical and environmental values.*

***“Economic Development”:***

*2.5 Our unique cultural heritage attractions deliver world class tourism experiences.*

***City of Albany Mission Statement:***

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

### **COMMENT/DISCUSSION**

12. A request for tenders was published in the West Australian on 29<sup>th</sup> April 2009, the Albany Advertiser on 30<sup>th</sup> April 2009, and Albany Extra on 1<sup>st</sup> May 2009. After the tender had closed clarifications were sought from all tenderers. All tenderers were required to review the scope of works and their lump sum prices as they exceeded the available budget. To reduce the lump sum prices to meet budget a decision was made to reduce the pier length from 96 metres to 70 metres.
13. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Item 18.1 continued.

Criteria	% Weighting
Cost	50
Experience	15
Aesthetic value and technical compliance	15
Current workload and resources	10
Whole of life costs	10
<b>Total</b>	<b>100</b>

14. A total of thirty three tenders were downloaded off the City of Albany website with three received at the close of tender.

15. The following table summarises the revised tenders received:

Tenderer	Total Cost	Score
Walcon Marine	\$416,146.50	<b>888.1</b>
Engineered Water Systems (EWS)	\$632,515.00	<b>771.75</b>
Advanteering Civil Engineers	\$1,460,200.00	<b>213.2</b>

16. The tender evaluation team consisted of Ryan Taylor, David Beasley and Andrew Buchanan with Wayne Male overseeing the tender process in his position of Contracts Procurement Officer.

**FINANCIAL SUMMARY**

17. A summary of the financial implications are as follows:

Budget – Pier of Remembrance		\$500,000
This tender	\$416,146	
Contingencies	\$63,854	
Supervision costs	\$20,000	
<b>Total</b>	<b>\$500,000</b>	<b>\$500,000</b>

**ITEM NUMBER – 18.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WALKER  
SECONDED: COUNCILLOR PRICE**

**THAT Council ACCEPTS the tender from Walcon Marine for \$416,146.50 including GST.**

**AND**

**THAT Council AUTHORISE the expenditure of the balance of the \$500,000 budget to supervisory and contingency allowances in the amount of \$20,000 and \$63,854 respectively.**

**MOTION CARRIED 9-0  
ABSOLUTE MAJORITY**

**ITEM NUMBER:** 18.2  
**ITEM TITLE:** APPOINTMENT OF COUNCILLOR REPRESENTATIVES TO 'GREAT SOUTHERN MOTORPLEX GROUP'

**REASON FOR URGENT BUSINESS:**

The submission of this late item was requested by the Mayor.

**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER**

**Advocacy:** Council advocating on behalf of the community on matters affecting the betterment of the City.

<b>File Number or Name of Ward</b>	:	MAN 194 (West Ward)
<b>Summary of Key Points</b>	:	Nomination of Councillors to External Committee
<b>Land Description</b>	:	Reserve 1947 Parker Brook Road
<b>Proponent</b>	:	Great Southern Motorplex Group
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Executive Director Corporate and community Services (P Madigan) Executive Director Development Services (R Fenn) Manager Community Development (M Weller)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 17/02/09 – Item 12.8.2
<b>Bulletin Attachment(s)</b>	:	Nil
<b>Consulted References</b>	:	Nil
<b>Councillors Lounge</b>	:	Nil
<b>Maps and Diagrams</b>	:	Nil

**BACKGROUND**

1. At the Ordinary Council Meeting of the 17<sup>th</sup> February 2009 council resolved the following:

*“Item 5.4 – Albany Motor sport Facility Feasibility Study*

(A) THAT Council RECEIVES the 'Motor sports Complex Feasibility Study' and supports the concept of the development of a Motor-Sport Complex on Parker Brook Reserve (reserve 1947), subject to achievement of and council's satisfaction with the following:

1. 'Environmental Noise Impact Assessment' demonstrating the design and management/ operational measures required and the ability of the concept to meet:
  - Environmental Protection Authority (EPA) Environmental Impact Assessment Requirements;
  - Requirements of the Environmental Protection Act 1986; and
  - Requirements of the Environmental Protection (Noise) Regulations 1997.
2. Site Design and Full 'Environmental Management Plan' of sufficient detail to be submitted to the EPA for Environmental Impact Assessment Approval.
3. Approval of the Site Design and 'Environmental Management Plan' by the EPA.

Item 18.2 continued.

4. *A facility/ operational management plan specifying and demonstrating the sustainable operation of the facility including but not limited to:*
    - *- operation and functionality of the site management group*
    - *- responsibilities and entitlements of co-located tenants*
    - *- driver education and training facilities*
    - *- noise management*
    - *- waste management*
    - *- water management*
    - *- facility access and security management*
    - *- asset maintenance and management*
    - *- reserve flora and fauna management*
    - *- principles for major event management at the site*
  5. *The achievement of sufficient external funding to undertake each stage of the proposal.*
  6. *A new/ amended lease over the site containing provisions that the facility is constructed and operated in accordance with EPA approval, council determinations in relation to the items above and any other relevant council strategies, policies, procedures and determinations.*
- (B) *The feasibility study is handed over to the 'Great Southern Motorplex Group' consisting of City of Albany, Albany Motorcycle Club, Great Southern Street Machine Association and Albany City Kart Club who will:*
- *lead and undertake responsibility for the development of the project (including but not limited to the items in recommendation A).*
  - *undertake responsibility for the lease and management of the site.*
- (C) *Council funding, if any, towards the project being directed towards the components of the driver training and education."*

## **DISCUSSION**

2. Item (A) outlines the process and approvals required in order for the proposal to be progressed.
3. Item (B) deals with the responsibility for leading and managing the development of the project.
4. Item (C) details that Council funding, if any, would be directed towards the components for driver training. It is estimated that preliminary expenditure for design, acoustic solutions, motocross infrastructure and other elements prior to the development of driver training and education would be in the order of \$700,000 - \$1,500,000.
5. The total cost of the proposed motorsport facility is currently estimated at \$3,070,000.

Item 18.2 continued.

6. Currently there are no proposed allocation of planning, development, capital funding or staff resources towards the proposed Motorsport Complex within the City's 09/10 budget or 5-year forward plan projections.
7. Given:
  - The wording of the recommendation
  - The joint nature of responsibility for development
  - Current level of Council resource allocation
  - The responsibilities and requirements of the 'Great Southern Motorplex Group' being an official 'Committee of Council' the (the project would in effect become the majority responsibility of Council in contradiction to the joint nature of Councils adopted motion)
  - The increased flexibility achieved and desire of the 'Great Southern Motorplex Group' that the committee be external of council

It is believed that the most appropriate status is for the the 'Great Southern Motorplex Group' to function as an external committee.

8. The City's involvement in the development of the project must be in the context of council policy, procedures, strategies, resource and funding allocation and project development systems.
9. Given the context of these and the items listed in point 8 the City's responsibility as part of the committee would be to attend and provide the following at committee meetings:
  - To act in an advocacy capacity for the project (Councillor representatives)
  - Provide impartial feedback to the committee in the capacity of elected representatives of the community (Councillor representatives)
  - To report back to Councillors and Council Committees in relation to the status of the proposal and outcomes discussed at committee meetings (Councillor and staff representatives)
  - To provide technical, procedural and timeline related advice advice in relation to aspects of the proposal raised at committee meetings, within the context of allocated resources (Staff representatives)
10. Undertaking of any additional roles would be subject to approval and allocation of additional resources via Councils budgetary and project management systems.
11. The Committee will be chaired by a member of one of the represented motorsport groups and will be responsible for the following:
  - Determining the frequency of meetings (currently Monthly)
  - Determining its terms of reference
  - Recording of minutes
  - Pursuing the requirements detailed in OCM17/02/2009, Item 12.8.2 – Committee recommendation 6
12. The Committee would not have the power to commit council to funding, resource allocation or approval of any aspect of the proposal.

Item 18.2 continued.

13. The current status of the proposal is that the 'Great Southern Motorplex Group' has submitted a funding request to the Great Southern Development Commission to provide funding towards the required 'Environmental noise impact assessment' and 'Environmental noise Management Plan' elements of the proposal.
14. The funding and completion of these elements are required prior to the proposal proceeding further.
15. The group is functioning cohesively, positively and effectively and is believed to be an asset to the project and community.

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

16. The project was recently discussed at a meeting attended by the Mayor, Deputy Mayor, representatives of three entities involved in the 'Great Southern Motorplex Group' ('Great Southern Street machine Association INC', 'Great Southern Go-Karts and the Albany Motorcycle club respectively).
17. This item has been prepared in the content of and with reference to this discussion.
18. This item does not involve a statutory requirement for public consultation

#### **GOVERNMENT CONSULTATION**

19. While this item does not require government consultation, achievement of the project will require EPA consultation and approval and is also likely to require achievement of Government funding.

#### **STATUTORY IMPLICATIONS**

20. This item involves appointment of councillors to an external committee (as opposed to a committee of council) and therefore the provisions of the Local Government Act 1995, Part 5 Division 2, 5.8 are not applicable in this instance.

#### **FINANCIAL IMPLICATIONS**

21. Currently there are no proposed allocation of planning, development, capital funding or staff resources towards the proposed Motorsport Complex within the City's 09/10 budget or 5-year forward plan projections.
22. Adoption of the recommendation of this item does not commit council to further expenditure on the project.

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

23. Not applicable

Item 18.2 continued.

### **POLICY IMPLICATIONS**

24. Not applicable

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

25. If Council desired a greater involvement in the development of the 'Motorplex' proposal this would require the rescission and amendment of the motion reproduced in point 1. of the 'Background' section of this item as well as allocation of financial and staffing resources within the 09/10 budget and 5 or 15 year financial plan. In this instance it would be recommended that consideration of the item be suspended to allow officers to investigate and fully brief council in relation to alternatives, prior to reconsideration.
26. If council desired lesser involvement in the development of the Motorplex proposal this would require rescission of section (B) contained within the motion reproduced in point 1. of the 'Background' section of this item and its amendment to remove the 'City of Albany' from service as part of the 'Great Southern Motorplex Group'

### **SUMMARY CONCLUSION**

27. Council supports the concept of development of a 'Motorsport' complex on reserve 1947 Parker Brook Road subject to conditions detailed within this item.
28. A committee has been formed to oversee the development of the project and has already achieved positive outcomes in the form of completing and submitting a proposal for funding to the 'Great Southern Development Commission'.
29. The recommendation within this item allows for the nomination of two councillors to assist the 'Great Southern Motorplex Group' and confirms the role which would be undertaken by Councillors and City staff, based on Council determinations and current levels of resource allocation.



Item 18.2 continued.

**ITEM NUMBER 18.1 NOTICE OF MOTION BY MAYOR EVANS  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MATLA  
SECONDED: COUNCILLOR PRICE**

**THAT Council APPOINT Mayor Evans and Cr Wolfe as Council representatives to the “Great Southern Motorplex Group” (external committee).**

**THAT Council CONFIRMS the terms of reference for Councils role on the Great Southern Motorplex Group committee as:**

**Elected representatives:**

- a. To act in an advocacy capacity for the Motorplex project; and
- b. To report back to Council in relation to the status of the proposal and outcomes discussed at the Great Southern Motorplex Group

**City Staff representatives:**

- c. To provide technical, procedural and scheduling advice specific to the Motorplex project proposals.

**MOTION CARRIED 9-0**

Nominations received: Mayor Evans (7), Councillor Kidman (2) and Councillor Wolfe (7).

**19.0 CLOSED DOORS**

Nil

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 21<sup>st</sup> July 2009, 7.00pm

**21.0 CLOSURE OF MEETING**

There being no further business to discuss, the meeting closed at :28:42 PM

**APPENDIX A**

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

<b>Meeting Date</b>	<b>Report Item</b>	<b>Status</b>
	Nil.	

**APPENDIX B.**

**WRITTEN NOTICE OF DISCLOSURE**

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

**INTEREST DISCLOSED DURING THE COURSE OF THE MEETING**

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>
Cllr Price	11.3.1	Impartial interest. Has an acquaintance with one of the submitters.

**INTEREST DISCLOSED BY OFFICERS**

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

**APPENDIX C.**

Agenda Item 12.1 refers

**SUMMARY OF ACCOUNTS  
CERTIFICATE**

**Municipal Fund**

Municipal Fund

Cheques	Totalling	\$124,389.02
Electronic Fund transfer	Totalling	\$5,304,513.52
Credit Cards	Totalling	\$3,505.16
Payroll	Totalling	<u>\$760,719.00</u>
	<b>Total</b>	<b>\$6,193,126.70</b>

**CHIEF EXECUTIVE OFFICER**

This schedule of accounts to be passed for payment totalling \$6,193,126.70 which was submitted to each member of the Council, dated 16<sup>th</sup> June 2009, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

---

**Paul Richards**

Chief Executive Officer

**MAYOR**

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$6,193,126.70, dated 16<sup>th</sup> June 2009, was submitted to the Council, and that the amounts are recommended to the Council for payment.

---

**Milton John Evans, JP**

Mayor

## MAYOR'S REPORT

## APPENDIX D.

A main occurrence during the month of June was the Local Government Reform Review workshop held here on 11<sup>th</sup> and 12<sup>th</sup> at the invitation of the City of Albany. The workshop involved Shire Presidents and Chief Executive Officers from member Councils of the Great Southern Zone of WALGA who are our neighbouring Councils and regional partners.

The workshop was convened in line with the Reform Guidelines Timetable to facilitate the collection and collation of information to enable Councils to meet the Minister Castrilli's reform agenda timelines and was facilitated by experienced local government facilitator, Mr Stephen Goode.

I consider the process was very successful with attendees conducting open and frank discussion. It has now been proposed to all Great Southern Zone members that we retain Mr Goode as our consultant over the next 2 weeks, in order to scope options available and acceptable to member Councils.

My opening and closing comments as presented to the workshop attendees are attached and give a broad appreciation of the purpose and outcomes to date.

Other engagements of the Mayoral office throughout the month outside the scope of regular meetings included:

- Memorial Service for Dr Joe Lubich, former City councillor and former Deputy Mayor of the Town of Albany.
- Comment and Filming for the Albany Port Authority promotional DVD which will be launched at the upcoming W.A. Port Authority Conference in Geraldton and used to promote Albany as the venue for the next conference.
- Speech at official opening of the Albany Spotlight store on Saturday, 30<sup>th</sup> May.
- Welcome address at the U.S. Submariners Memorial Service on 31<sup>st</sup> May.
- Albany Classic wind up function 31<sup>st</sup> May.
- On Wednesday, 3<sup>rd</sup> June, Executive Director Development Services, Robert Fenn and I met in Perth with Albany Plaza Developers, CS Partners:
  1. We were briefed on the considerable work that has taken place behind the scenes to plan for the construction of the building;
  2. They outlined the difficulties they have experienced with their Australian-based consultants; and
  3. CS Partners enforced that they are still keen to undertake the project and will be briefing their planning consultant to obtain the necessary approvals.
- Robert Fenn and I also met with Landcorp on the afternoon of 3<sup>rd</sup> June to discuss a number of projects relating to the City including:
  1. Release of land at Wellstead. Landcorp advised they will maintain a watching brief on the Grange Project;
  2. Clean up of the old Albany Gas Works Site. Landcorp has agreed upon an environmental solution and will undertake work in accordance with EPA instructions in order to ultimately release the land for development; and
  3. In response to an earlier inquiry from the City, they have done some preliminary

investigations on the release of additional land at Cheyynes Beach.

- Also on 3<sup>rd</sup> June I was invited by the Lord Mayor of Perth to attend the City of Perth Winter Arts Launch.
- Library Board in Perth, 4<sup>th</sup> June.
- Scitech Launch at ALAC – Friday, 5<sup>th</sup> June.
- On Saturday, 6<sup>th</sup> June I attended the Royal West Australian Regiment Officers' Annual Regimental Dinner in Perth which presented excellent networking opportunities including discussions with the Mayor of Geraldton Ian Carpenter regarding Regional Groupings; also Brigadier Hands and RSL representatives regarding important upcoming military celebrations in Albany such as the Centenary of the departure of troops from Albany and the Centenary of Anzac Day.
- Speech at Safety in Schools Launch at Flinders Park Primary School – Tuesday, 9<sup>th</sup> June.
- Meeting with Hon. Colin Holt, Member for the South West in the Upper House, who has recently opening an office in Albany – Wednesday, 10<sup>th</sup> June.
- MC duties at the Big Fiddle Gig on both Saturday and Sunday, 13<sup>th</sup> and 14<sup>th</sup> June.
- Finally I would also like to thank the Deputy Mayor and Councillors who attended and officiated at other functions throughout the month.

## APPENDIX E. - TABLED DOCUMENTS

TABLED DOCUMENT  
BY MR NEIL  
SMITHSON.



[<< Return to previous page](#) | [Parliamentary Joint Committee on Corporations and Financial Services](#)

### **Inquiry into Agribusiness Managed Investment Schemes**

Submissions received by the Committee as at 16 Jun 2009

#### **Sub No.**

- 1 Kelly Ag Services Pty Ltd ([PDF\\_67KB](#))
- 2 Smithson Planning ([PDF\\_334KB](#))

#### **For further information, contact:**

Committee Secretary  
Parliamentary Joint Committee on Corporations and Financial Services  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Phone: +61 2 6277 3583  
Fax: +61 2 6277 5719  
Email: [corporations\\_joint@aph.gov.au](mailto:corporations_joint@aph.gov.au)

[Top](#)

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Comments to: [web.senate@aph.gov.au](mailto:web.senate@aph.gov.au)  
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Images courtesy of AUSPIC

**Committee Secretary  
Parliamentary Joint Standing Committee  
Corporations and Financial Services  
Parliament House  
Canberra ACT Australia**

**Committee Secretary  
Parliamentary Senate Select Committee  
Agriculture and Related Industries  
Parliament House  
Canberra ACT Australia**

**Good morning – please accept this email and attachments as a formal submission to both Inquiries.**

**I would like to see a hearing (or hearings) of both Inquiry Committees conducted in Albany, Western Australia to allow relevant parties to give evidence in the matter.**

**In my opinion, the Joint Standing Committee Inquiry into '*Agribusiness Managed Investment Schemes*' and the Senate Select Committee Inquiry into '*Food Production in Australia*' (along with any current or future ASIC investigation) should be deferred to a Royal Commission under the auspices of the Governor-General of Australia. This would circumvent the duplication and waste of resources associated with any potential witch-hunt, where the government (local, state and federal) and business can best be described as '*stupid-is-as-stupid-does*'.**



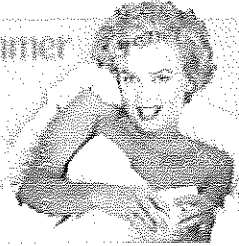
# The West Australian

**Moroccan feast**  
Exotic recipes to fire up your imagination

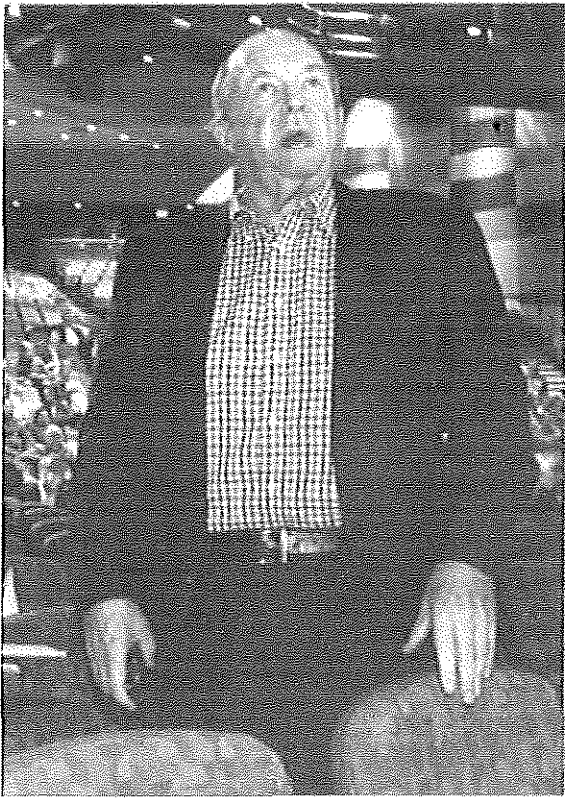
Fresh Offcut

**Under the hammer**  
Rushy and furious  
in general, but  
up in auction

Page 10



# BURKE STUNG



Cracking up Kevin Rudd talks back during the first of two news conferences following the loss of the Western Australian leadership to Mark McGowan at a press conference in Perth.

## Ex-premier stands up for underdog in corporate failure

**By Peter Burrows**

Kevin Rudd, former prime minister and current leader of the Opposition, has emerged as a high-profile supporter of the underdog in the collapse of Energy and Services, a major Victorian power utility.

Mr Rudd, who is understood to have a \$250 million stake in the company, has been vocal in his support for the company's underdog CEO, Mark McGowan, who is facing a takeover bid from a consortium of investors.

Mr Rudd's support has been particularly vocal in the wake of the company's announcement that it would be sold to a consortium of investors, including the Commonwealth Bank, ANZ, and Westpac.

"I've been in here for the last 45 minutes, and I've been told that I'm not allowed to speak," Mr Rudd said. "I'm not allowed to speak because I'm not a shareholder."

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"I've been in here for the last 45 minutes, and I've been told that I'm not allowed to speak," Mr Rudd said. "I'm not allowed to speak because I'm not a shareholder."



**You may care to examine the Rainbow 2000© Project Major Statements File as a holistic review of the past decade focussing on Albany, but with overtones for regional, state, national and international development.**

**I have attached a letter from the Hon. Gary Gray AO MP – Minister for Regional Development and Northern Australia for your consideration.**

**Please call if you would care to discuss the Rainbow 2000© Project – there is a standing offer to brief political parties, government and industry groups – and our recent submission to Infrastructure Australia is a relatively succinct explanation of project evolution (and governance failure – both public and private).**

Yours faithfully  
SMITHSON PLANNING

*Neil R. Smithson*

Neil R. Smithson

Managing Director  
PIA<sup>CPP</sup>, EIANZ, NELA, LGPA, AAPC, NTWA, FDI, CSC 2003

TABLED DEC  
BY MR  
RICHARD  
VOGWILL.  
@ 7.17 AM

## Memorandum

Date: 16/06/2009  
To: Mayor, Councillors and CEO, City of Albany  
From: Richard Vogwill  
RE: Proposed 5-Star Resort Development, Frenchman Bay

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Mr Mayor,

For tonight's Council Meeting, I would like to discuss two aspects of the subject development.

I repeat (as I have numerous times before) that I am not against future development on this site; an iconic recreational venue for the Albany Community for decades. I am only against the currently proposed development at the site for the reasons previously discussed by many members of the Community - such as scale, visual impact, lack of studies before approval, no environmentally sensitive design, etc.

I refer you to the full page ads by the Proponent - in each of the Albany Advertiser (4 June 09) and Weekender (4 June 09), admonishing Council for voting against the proposed development.

### Item 1 - View of Proposed Development from Whalers Beach, Discussed at 12 May Agenda Meeting

At the 12 May Agenda Meeting, Councillor Price repeatedly asked you why there were no photomontages (or views) of the proposed development from Whalers Beach. Councillor Price indicated that such views were necessary to assess the visual impact of the proposed development. The reply from the CofA staff was that there were many possible views of the development and the Proponent had decided not to show any views from the beach. Strange isn't it?

I refer you to the Weekender ad (a portion of which is attached to this memo) and specifically to the pictures at the top of this ad. The bottom right hand photograph appears to show a view of the proposed development from near the old whaling station foundations. Where did this miraculously come from?

Why can't there be a series of views of the proposed development from Whalers Beach, as they appear to be easy to produce.

How would you like to be having a family picnic at the beach with this imposing, two-storey, glass-fronted, structure behind you? Rest assured that during holidays you

may have trouble finding a picnic spot, as there will be a lot of competition for spots from the 100 to 200 people staying at the proposed Resort.

Based on the picture in this ad, how can anyone say that there is only a minimal visual impact from the currently proposed development?

Item 2 - Councillors and Community Representation at SAT

I am assuming that the subject matter (Frenchman Bay 5-Star Resort) will eventually go before the State Administrative Tribunal (SAT) to be resolved.

I am also assuming that: (i) the City of Albany will be represented at SAT by only Council staff (and not the Councillors); and (ii) the Community will not be invited to participate in the Tribunal process. So, in essence, the arbitration process will occur between the Proponent and Council staff.

If this is correct, how will Councillors or the Community have any input to this process?

From my perspective, there is the potential for the Councillors and the Community to not be involved in any future SAT process concerning this development. Therefore, I feel that it would be advantageous to move the following motions:

- *"That Council (not Council staff) appoint a Planning Consultant and Landscape Architect to defend the City of Albany's position at the SAT proceedings", and*
- *"That Council appoint two Councillors, who opposed the current development design at Frenchman Bay, to represent the City of Albany's position at the SAT proceedings".*

I feel that, if passed, these motions would ensure that at least the Councillors are involved in the SAT process.

\*\*\*\*\*

Thank you for the opportunity to present my thoughts.

Richard Vogwill

# At Frenchman Bay

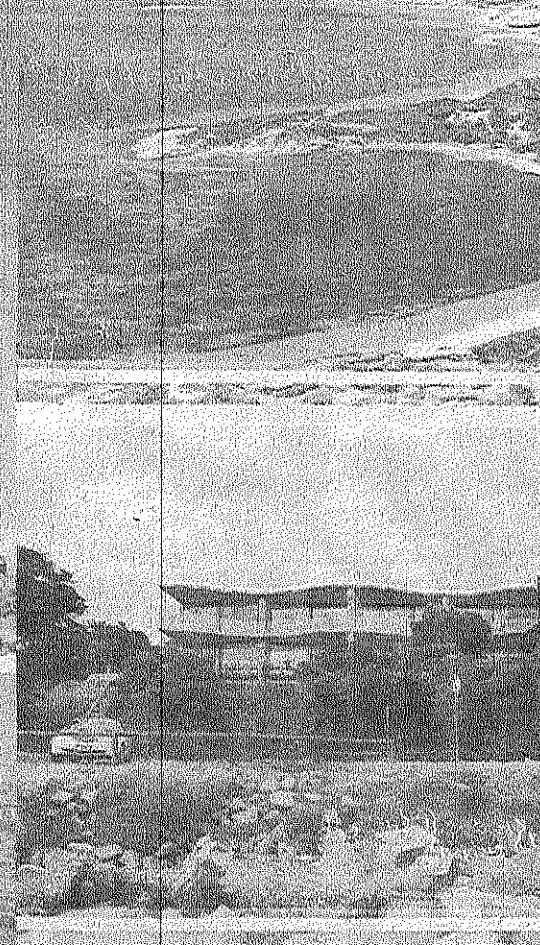
A proposed five-star resort is set to enhance the stunning coastal area of Frenchman Bay, providing accommodation and services to tourists as well as local residents and their visitors.

The landowner, who has been involved in numerous construction developments in Albany for nearly two decades, thinks of Albany as the "eighth wonder of the world" and has had the dream of developing a five-star resort here for a number of years.

It's the perfect setting. The 3.27ha Frenchman Bay Caravan Park site at Lot 7584 Frenchman Bay Road provides the ideal landscape for this dream development - a playground for area residents, an ideal opportunity for investors and a gorgeous, well-placed haven from which tourists will be able to enjoy all the area has to offer.

The site fronts Whalers Beach and is accessed via Frenchman Bay Road near its connection with Whaling Station Road. Given that the Frenchman Bay Caravan Park has been declining for some time and is now no longer in use, the proposed resort development answers several needs, including:

- Short stay holiday accommodation for visitors to Whale World (one of the most visited tourist attractions in WA) and the Torndirrup National Park.
- Close, convenient accommodation for area residents' out-of-town guests
- Services for local residents, including a convenience shop and restaurant
- An attractive convention facility prime-positioned in one of the most beautiful settings in Australia.
- Delivering all of this with attention to Best Practice in terms of water and energy efficiency.



## FRENCHMAN BAY FIVE STAR RESORT

### WHAT DOES IT MEAN FOR ALBANY?

#### 1. Albany needs 5-Star Accommodation

A Five Star Resort in an iconic location - The City of Albany's Tourism Accommodation Strategy expressly recognises the need for four and five star accommodation in Albany, and also recognises the old Frenchman Bay Caravan Park site as one of the prime strategic tourist sites in the Albany region. The Frenchman Bay Five Star Resort would have offered a

### WHAT DOES COUNCIL'S REFUSAL MEAN?

#### 1. The demand for 5-Star is ignored.

The identified demand and need for quality four and five star accommodation in Albany will remain unsatisfied for the foreseeable future. Further, one of Albany's prime strategic destinations will remain either undeveloped or will be under-utilised and not achieve its full tourist potential for the benefit of the Albany region.