

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 16th October 2007
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Peter Madigan
Executive Director Corporate
And Community Services

Date: 18th October 2007



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 20th November 2007 in the Council Chambers, North Road, Yakamia commencing at 7.00 pm.

(Signed)

Peter Madigan
EXECUTIVE DIRECTOR
CORPORATE AND COMMUNITY SERVICES

18th October 2007

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1.0 DECLARATION OF OPENING

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

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

Mayor	- A Goode, JP
Councillors	- DW Wellington
	- MJ Evans, JP
	- JD Williams
	- SM Bojcun
	- DJ Wolfe
	- RH Emery
	- J Waterman
	- S Marshall
	- J Walker
	- D Wiseman
	- R Paver
	- J Jamieson
	- I West
Executive Director Corporate & Community Services	- WP Madigan
Executive Director Development Services	- R Fenn
Community Services Manager of City Services	- I Neil
Minute Secretary	- S Jamieson
Approximately 21 members of the public	
2 media representatives	

Apologies / Leave of Absence:

Councillor P Lionetti

3.0 OPENING PRAYER

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

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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 Her 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.

- **Mr Noel Grover, Youngs Siding**

Mr Grover addressed Council in regards to Item 11.1.1, Development Application (Junior Motorcycle Riding Training). Mr Grover advised the Council that his research uncovered three declared species of fauna on property; which is inconsistent with Officers report. Mr Grover stated the believed this type of development would cause ground water pollution and noise would effect existing livestock and people.

- **Mrs Dot Price, 70 Spencer Street**

Mrs Price addressed Council in regards to Item 11.3.2, Adoption of Policy relating to Performance Standards Under R Codes. The following was read to Council:

Madam Mayor and Councillors, along with many other residents, I am greatly concerned about the need to rush this policy through as the lasts act of a retiring Council. It is to be the newly formed Council, which will have carriage of this policy, so why rush it through the week before the new Council is to be formed?

If we accept that the objective of town planning is to maximise the benefits of land use in harmony with the ethos of the community, as one submission so clearly articulates, then how is the pressing need to plan for higher rise demonstrated as being in harmony with the ethos of Albany? Where and how has this need been demonstrated by the wider community? What are the anticipated benefits of an increase to four storeys?

Where are the economic pressures to consolidate development in the form of higher density and higher rise developments coming from? How are those implied imperatives making themselves manifest in Albany's community? Higher density housing is a solution for land shortage and for huge service costs. How are these demonstrated in Albany's community? The only beneficiaries at the moment would be some landowners and developers.

Item 5.0 continued

If our community is to increase significantly through nearby mining and industrial activities, then younger families will require the infrastructure to meet family needs. Increased density housing puts pressure on existing facilities such as schools, where 300 extra families equate to the need for a new school the size of Little Grove. If the higher density housing is to be built within existing suburbs, how and where are these school children to be catered for?

The community of Albany needs more time to consider the subject of buildings that have the potential to impact negatively on Albany's skyline, views and infrastructure. This impact will be particularly strong in areas such as Big Grove, Frenchman Bay and Emu Point.

The officer report prepared for this agenda item concludes with the following statement: "Failure to put in place a policy could result in a policy void on maximum building heights which developers will exploit upon appeal". This is true, but the answer need not lie in increasing heights for any policy, but in stipulating why we do not need higher rise in Albany, in applying the CAUDG to the whole of Albany's urban area, and in applying any policy consistently. What are the anticipated benefits of an increase to four storeys? Why not three, which is generally accepted height limit on residential development in coastal areas around Australia? Councillors, what information has been given to you to justify this radical change? What reports have been completed which establishes the community's attitude to higher residential development?

Having been a City for over seven years, we do not need this new policy before Saturday night. No developer is going to appeal before then! This proposal has the potential to impact negatively on the character of Albany. Why is this being driven through tonight? If there is justification for the increase in heights and the need to adopt this policy tonight, let this information be put before the Council and the public in writing. Much more thought needs to be given to the proposed policy than is detailed in this report. No reason has been given to justify this policy. It is perfectly reasonable to ask these questions and utterly unreasonable not to supply this information to the Council and the community.

If this policy is adopted tonight without this information any new Council elected on Saturday night would be well within its right to thoroughly re-examine this policy with the community before implementing it.

Dot Price
Resident and Ratepayer

- **Mr Tony Demarteau, Lorenzo Way, Orana**

Mr Demarteau addressed the Council and thanked them for their efforts during the term of their office and wished all Councillors and Candidates all the best for the future.

Item 5.0 continued

- **Mr Neil Smithson, 364 Middleton Loop, Albany**

Mr Neil Smithson of Smithson Planning, addressed council in regards to Item 11.1.4, Albany's UNESCO World Heritage Nomination – Australian Convict Colonial Settlements and Item 14.3.1 – Albany Anzac Day Dawn Service & Parade. He read and tabled the following document:

Further to my comments in June, July and August 2007 relating to the Commonwealth's 'UNESCO World Heritage Nomination – Australian Convict Colonial Settlements'.

I thank the Director Development Services for listing the item on the October agenda, and for naming myself as the proponent : it is indeed an honour to serve the Nation.

Needless to say, I do not support the officer's recommendation, and I am not alone in that regard. However, I would suggest that there are certain obligations under the Commonwealth Environmental Protection and Biodiversity Conservation Act that the Council should consider in relation to this matter which have not been addressed in the Officer's report.

I do believe in light of the unanimous endorsement of the five Mayoral candidates to champion this cause for Albany, it is entirely appropriate that the outgoing Council's opinion be recorded for posterity.

I trust that the incoming council will also consider the cumulative experience of serving councillors to reach such a conclusion when they too are charged with carrying this project forward.

The Albany Historical Society, and Council Candidate Andrew Eyden have both clearly expressed their support through recent media.

I would expect the Western Australian and Australian Councils of the National Trust to do likewise, but can not confirm that at this time.

Last Friday, an email was circulated to :

- ❖ The Hon. Wilson Tuckey MHR, Federal Member for O'Connor
- ❖ All known other candidates for the federal seat of O'Connor
- ❖ All Western Australian serving Senators
- ❖ All known candidate senators for the federal election
- ❖ Senator the Hon. Alan Ferguson, President of the Senate.

Also last Friday, a facsimile was circulated to :

- ❖ The Hon. Alan Carpenter MLA, Premier of Western Australia
- ❖ The Hon. Michelle Roberts MLA, Minister for Heritage
- ❖ The Hon. Paul Omodei MLA, Leader of the Liberal Party in WA
- ❖ The Hon. Robyn McSweeney MLC, Shadow Minister for Heritage.

And just yesterday, another separate email was circulated to :

- ❖ The Hon. John Howard MHR, Leader of the Liberal National Coalition
- ❖ The Hon. Malcolm Turnbull MHR, Coalition Spokesperson for Heritage
- ❖ The Hon Kevin Rudd MHR, Leader of the Australian Labor Party
- ❖ Mr Peter Garrett MHR, Labor Spokesperson for Heritage.

Item 5.0 continued

In each case, the proposition of support for Albany's World Heritage nomination was canvassed, and to date, I have received confirmed endorsement, support, or support-in-principle from :

- ❖ O'Connor Liberal Party (Wilson Tuckey)
- ❖ O'Connor National Party (Philip Gardiner)
- ❖ Senate WA Labor Party (Ruth Webber)
- ❖ Senate WA Liberal Party (Judith Adams & Mathias Cormann)
- ❖ Senate WA National Party (Tony Crook)
- ❖ Senate WA Christian Democrats (Gerard Goiran)
- ❖ Senate WA Australian Democrats (Erica Lewin & Rob Olver)
- ❖ South-West MLC Liberal Party (Robyn McSweeney).

Madam Mayor / Councillors – as time permits before the federal election, I am sure that more and more candidates will come forth with their expressed support for Albany's world heritage nomination.

I would encourage the Council of the City of Albany to embrace and support the State & Federal Government's World Heritage nomination, and take-up Senator Webber's proposition of an amendment to include Albany's Residency Museum, the Old Gaol, Eclipse Museum and the Amity Heritage Precinct as a world class example of a convict colonial settlement – Western Australia's first.

Item 14.3.1 – Albany Anzac Day Dawn Service & Parade

I congratulate the Council for extending Icon Heritage status over the next three years to the Anzac tradition, and would encourage the new Council to start putting aside some money and ideas in preparation for Albany Anzac 2014-18 and the Albany Bicentennial 2026-27.

It's never too early to start planning for momentous events.

Thank you for your time Madam Mayor / Councillors.

• **Mr Peter Holmberg, Thomson Road, Youngs Siding**

Mr Holmberg addressed Council against the proposal detailed at Item 11.1.1, Development Application (Junior Motorcycle Riding Training). Mr Holmberg stated that 20 letters of complaint against the proposal represents a high percentage of residents opposed to the development and the fact that operating two stroke engines are very noisy and would upset the natural quite ambience of the rural setting.

• **Ms Kim Stanton, Chipana Drive, Little Grove**

Ms Stanton addressed Council in regards to Item 11.1.1, Development Application (Junior Motorcycle Riding Training). The following was read to Council:

I wish to speak about Agenda Item 11.1.1, Junior Motorcycle Rider Training. I urge the Councillors here tonight, to support the Alternate Motion put forward by Cr Jamieson.

Cr Jamieson's motion asks that the meeting here tonight vote for a Refusal for this proposed Motorcycle Training School.

A number of issues support this recommendation:

Item 5.0 continued

Noise – This application does not differ a great deal from the problem we had in Little Grove in 1999 when a chain-sawing – firewood industry was given Council approval to operate. This resulted in the use of the TPS#3 Right of Third Party Appeal to go to a Tribunal Hearing. This Resident's Appeal as upheld and the Industry stopped.

This appeal was won on the "amenity of the area" but it was noted in the appeal that even though the original conditions put by the City of Albany on the chain-sawing industry did not limit the noise operation to certain hours in the day, it pointed out that by doing so, the nearby residents were basically "waiting " and "aware" of the time of the day, for this noise to commence. Because of this, the residents were more likely to be aware of this noise than if a nearby resident or farmer went out in his normal farm operations doing work with machinery etc. In fact, if this industry is given permission to operate based on certain hours in the day, this finding by the Tribunal would indeed apply. And noise does travel quite a distance on a quiet day or with the right wind.

Noise does at times frighten stock animals, and native fauna and particularly birds, especially if they are nesting and feeding in that locality.

Some of the submissions put in by residents against the industry, point out that red and white tailed black cockatoos frequent the areas and do nest in the locality. I rang fire different experts on cockatoos and a Mr Tony Kirby from the WA Museum is at the moment doing a survey for South coast Natural Resource Management (the old script) to put together a map just where the different cockatoos go , feed and nest in this southern area of the state. He told me that noise can be upsetting to nesting birds, that contrary to what the Agenda Item says re the species not being fully protected, they are in fact for the red-tailed listed as vulnerable and the other white tailed like the Carnaby and Baudin species are listed as endangered Schedule 1, and if this industry was to be given permission, a formal Environmental Review WOULD have to be done by the Dept of Envir & Conservation to find out hose many were nesting in the area etc bore C/A approval was given. The nest over the next 3 months. In fact all the Black Cockatoos are on the Threatened List and Western Power has put a grew deal of money into a recovery programme to save these birds.

Amenity – this industry does not preserve the amenity of the area and the reason the residents brought here in the first place. It is not a compatible use of the land compared with resident's passive use, cattle breeding or farming.

The problems of starting bush – fires though fuel or hot exhausts must be considered.

The problems of no mobile phone coverage in this areas if an emergency occurs.

The problems for the City of Albany being forced to upgrade a winding gravel road to cope with all this extra traffic. And what about children that exercise their horses along these roads and the safety issues with it?

This proposed industry will seriously impact on the lives of all who live here and I believe their rights MUST be considered. I ask the Councillors to refuse this Industry.

Item 5.0 continued

- **Mr Mark Parre, Piggot Martin Road, Youngs Siding**

Mr Parre addressed Council against the proposal detailed at Item 11.1.1, Development Application (Junior Motorcycle Riding Training). Mr Parree stated that this proposed business would impact on the peace and tranquillity of the area, by exposing the existing community to persistent noise and limit future tourism ventures such as Home Stays and Chalet developments by existing residents.

- **Ms Jill Bostock, Rainbows End, Little Grove**

Ms Bostock addressed council in regards to Items: 11.1.2, Development Application – Biomass Fuel Pellet Plant, 11.1.3 Development Application, Alfresco Area, 125 York Street, Albany, and 11.3.2, Adoption of Draft Policy (Final), Residential Design Code Policy.

Ms Bostock raised concern that the council had delegated authority in relation to Items 11.1.2 and 11.1.3.

Ms Bostock requested that more detailed environmental reports be sourced in relation to Item 11.1.2, Development Application – Biomass Fuel Pellet Plant.

Ms Bostock emphasised to Council that the following issues need to be resolved or addressed in relation to Item 11.3.2, Adoption of Draft Policy (Final), Residential Design Code Policy before it is adopted:

- Council has an obligation to get more public comment and believes that the inception of this policy without further public review and consultation is undemocratic and unlawful; and
- The majority of the electorate are unaware of the implication of the Draft Policy

Ms Bostock also raised concern that she believes there are definitely more than 19 submissions against the policy as stated in Agenda Item 11.3.2 and that it appears that the City and this Council is rushing through Urban Design Policy, prior to the election.

- **Mr Phillip Morgan, Forestville**

Mr Morgan addressed the Council as the proposer of the development detailed in Item 11.1.1, Development Application (Junior Motorcycle Riding Training).

Mr Morgan read from the recommendation from the Town Planning Officer, detailing the strict compliance issues that have to be met, such as compliance to the City of Albany's, Acoustic Engineering Report standard.

Mr Morgan addressed the issues raised by Mr Parre of Youngs Siding and stated that few people in the community have an understanding of what is being proposed.

Mr Morgan reiterated that his proposed business would be limited to:

- A two hour session in the morning and afternoon; and

Item 5.0 continued

- Maximum of eight participants (noting that on average there will be a maximum of three);
- That four stroke motorbikes limited to 80cc will be utilised (not two stroke engines) as stated by Mr Parre, and are similar to the motor bikes used by Australia Post and Golf Karts.

Councillor Paver retired from the Chambers at 7.30pm.

The Mayor requested Council to extend question time. By show of hands Councillors supported the extension.

- **Mr Tony Harrison, Little Grove**

Mr Harrison addressed the Council in regards to Item 11.1.1, Development Application (Junior Motorcycle Riding Training).

Mr Harrison reminded Council of a previous residents proposal to establish a motorcycle track, and stated that support might be achieved if this operation was located in a different location.

- **Mr Don Dufty, McKail**

Mr Dufty addressed Council and thank the current Council for their efforts and wished them all the best for the forth coming election and will accept the result, whatever it may be.

Councillor Paver returned to the meeting at 7.32pm.

- **Ms Sharon Pearson, Piggot Martin Road, Youngs Siding**

Ms Pearson addressed Council against the proposal detailed at Item 11.1.1, Development Application (Junior Motorcycle Riding Training) and tabled a signed petition from 20 residents opposed to the development.

- **Ms Vera Torr, Sussex Street**

Ms Torr addressed Council and raised concern over the Residential Design Code Policy detailed at Item 11.3.2. Ms Torr stated that she cannot see the City of Albany's point of view.

Ms Torr also raised the issue that there are more than 3 submissions related to this item and queried why they were not referenced in the subject item.

EDDS (Mr Fenn) responded to Ms Torr advising that additional comment maybe contained on these issues in the submissions received on the York St Master Plan and that staff have not analysed these submissions.

Ms Torr thanked Mr Fenn for his response.

Public questioned time closed at 7.38pm.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 18th September 2007;

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

AMMENDED RECOMMENDATION

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 18th September 2007;

as previously distributed be confirmed as a true and accurate record of proceedings, noting that Cllr Evans Impartiality Interest in Item 19.1 is due to his role of Chairman of Albany (WA) Community Financial Services Ltd.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR BOJCUN**

THAT the following minutes:

- **Ordinary Council meeting held on 18th September 2007;**

as previously distributed be confirmed as a true and accurate record of proceedings, noting that Cllr Evans Impartiality Interest in Item 19.1 is due to his role of Chairman of Albany (WA) Community Financial Services Ltd.

CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item	Nature of Interest
Cr MJ Evans, JP	11.3.6	Impartiality - Councillor declared Impartiality as his wife is a member of Albany Sinfonia (Inc); and Councillor is a patron of the City of Albany Band (Inc).
Cr J Walker	11.1.2	Impartiality – Councillor has leased land to a tree company. Councillor does not know if the company will be involved with this Pellet Plant.
	11.3.2	Impartiality – Councillor lives at Middleton Beach.
Cr S Marshall	12.6.2	Impartiality – Councillor is an Administrator of the Albany Basketball Association, Major user of ALAC.
	13.4.1	Financial – Councillor employed as a Traffic Controller for Albany Traffic Control who are currently supplying Traffic Management to AD Contractors and Palmer & Rayner.
Cr Wiseman	11.1.3	Financial – Councillor supplies goods and services to business involved.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 19.1 - Collective Agreements for General, Outside and Day Care Employees in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 – a matter affecting an employee or employees. The report and recommendations have been issued under separate, confidential cover.

Item 19.2 - Internal Review Committee meeting minutes – 11th September 2007 in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 – a matter affecting an employee or employees. The report and recommendations have been issued under separate, confidential cover.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

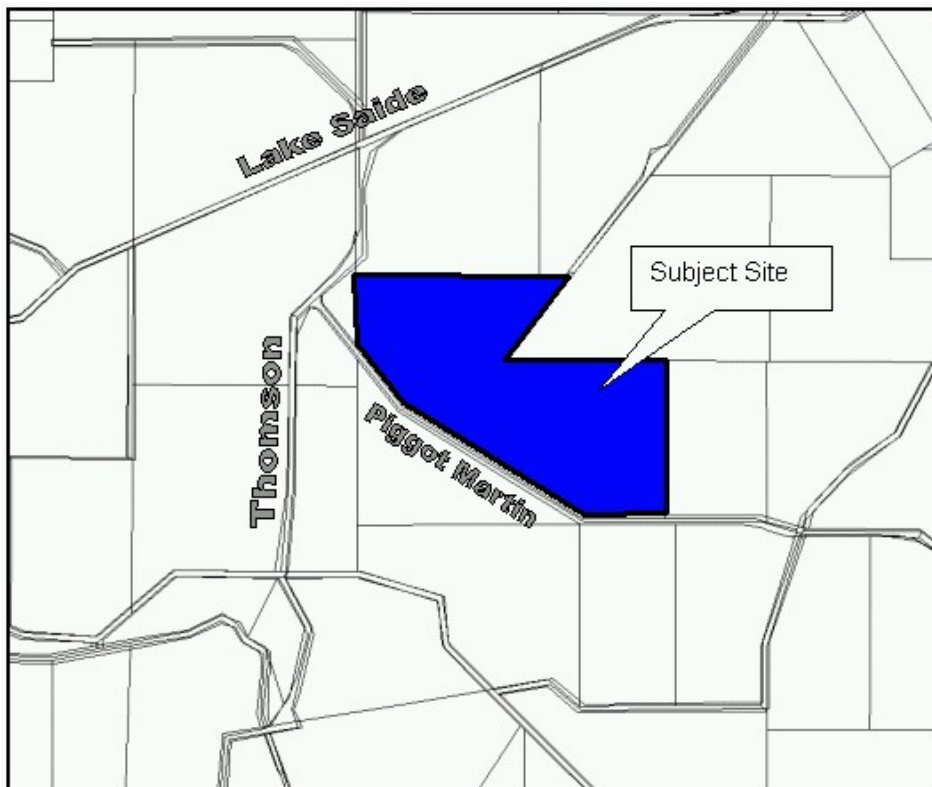
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application - Private Recreation (Junior Motorcycle Rider Training) - 290 Piggot Martin Road, Lowlands

File/Ward	: A70491 (West Ward)
Proposal/Issue	: Planning Consent application - Private Recreation (Junior Motorcycle Rider Training)
Subject Land/Locality	: 290 Piggot Martin Road, Lowlands.
Proponent	: P Morgan
Owner	: P Morgan
Reporting Officer(s)	: Senior Planning Officer (I Humphrey) & Planning Officer (J Van Der Mescht)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Approve subject to conditions and satisfactory noise abatement measures
Bulletin Attachment	: Submissions
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for a Private Recreational Use of a Junior Motorcycle Rider Training School at 290 Piggot Martin Road, Lowlands. The subject land is zoned “Rural” within Town Planning Scheme No.3, is 52ha in area, and is currently used for agricultural purposes.
2. The proposed use will involve training children of various ages in the safe use of Motorcycles, with approximately 6-12 small motorcycles and will be operational in the daytime over school holidays and weekends. A statement has been submitted by the applicant regarding the details of operation of the school, a copy of which is included in the Elected Members Report / Information Bulletin.
3. A subsequent meeting was requested by the applicant, which was attended by Planning Officers from the City of Albany.

STATUTORY REQUIREMENTS

4. The land is zoned “Rural”, under Town Planning Scheme 3 (TPS3) which has the following objective:

“To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas.”
5. The proposed use is not specifically listed under the zoning table (Table 1) of TPS3 and was therefore advertised in line with Section 3.2 which states:

“Where an application is received for permission to use land for a proposed use which is not contained in the “Use Class” table and the table does not, in the opinion of the Council contain a use class with which the proposed use is comparable, Council may determine that the proposed use:

 - a) *is consistent with the objectives of the particular zone and may be permitted;*
 - b) *is generally consistent with the objectives of the particular zone and may be permitted following advertising in accordance with Clause 5.1.4; or*
 - c) *is not consistent with the objectives of the particular zone and shall not permitted.”*
6. Clause 5.4 (Matters to be considered by Council) of TPS 3 states that in considering a planning application, Council is to have due regard to various factors including (but not limited to);
 - The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
 - The compatibility of a use or development with its setting;
 - The preservation of the amenity of the locality;
 - The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
 - Potential impacts of noise, dust, light, risk and other pollutants on surrounding land uses; and
 - Any relevant submission received on the application.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

POLICY IMPLICATIONS

7. The site is within an area identified for “General Agriculture” purposes by Albany Local Planning Strategy (ALPS). “General Agriculture” areas contain land that is suitable for a wide range of agricultural activities including animal husbandry, grazing, cropping, tree farming and other rural pursuits.
8. The Local Rural Strategy does not specifically address the issue of Private Recreational Uses on Rural zoned land, however the following polices are relevant in terms of assessing the impact on agriculture:

GP 28 Impact of Land Uses of Agriculture

All non-agricultural land use proposals will be assessed in terms of their potential impact on or conflict with;

- a) Existing agricultural land uses and management practises including potential expansion of those uses; and
- b) Likely development of adjoining land by ‘P’ uses.

GP29 Treatment of Land Use Proposals in Agricultural Areas

- a) Where a non-agricultural land use proposal would cause unacceptable adverse impacts on or conflicts with agricultural land uses, the proposal will not be supported; and
- b) Where a non-agricultural land use proposal would affect land within an agricultural area but would not cause unacceptable conflicts with agricultural land uses, the proposal may be supported by Council, subject to conditions which would minimise the potential for land use conflicts (e.g. setbacks from agricultural uses and limits on the scale of development).

FINANCIAL IMPLICATIONS

9. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance;*

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

COMMENT/ DISCUSSION

11. This application has been advertised in accordance with the requirements of TPS 3, and a total of 22 individual letters of which 20 of objection have been received. A précis of their comments is as follows:
 - a) Higher levels of Noise; the area is considered a quiet area and the anticipated raised levels of noise will be disruptive and lower property values, hours of operation will be on weekends and school holidays when most people are at home and therefore will contribute to the effects of the noise.
 - b) Increase risk of Bushfires in the area. The Bush fire brigade would require a comprehensive fire management plan and a mobile fire-fighting unit.
 - c) Raised levels of water and soil pollution for the Wilson Inlet area.
 - d) Noise will contribute to undue duress to stock animals
 - e) Activity will scare wild animals. The property was previously revegetated by the previous owner to attract wildlife. Property has breeding populations of red tail and white tail cockatoos and other wild life such as brown bandicoots, honey and ringtail possums, long necked tortoises, bats and owls that will be scared off.
 - f) Additional traffic volumes will put more pressure on current road infrastructure.
 - g) Activity will lead to more unlicensed riders on roads and coastal dunes in the area.
 - h) Residents and owners wish to enjoy the peace and pleasure of a country location.
 - i) Topographical features: surface and subterranean drainage of water from the proposed training area that might be damaged or lead to pollution of ground water.
 - j) Traffic will inevitably increase, which will increase dangers to pedestrians.
 - k) Will set an unwanted precedent for the area.
12. With reference to addressing the statutory requirements under TPS 3, the proposal does not directly conflict with the objectives of the rural zone. The land is not deemed as prime agricultural and the proposed use is not on a full time basis, which would allow the land to be used for general agricultural uses when the proposed use is not in operation.
13. The issue of impact on the amenity of the locality appears to be the main concern raised in the letters of objectors especially in terms of noise. The earlier site meeting did result in a demonstration of a typical bike to be used at the facility, which would appear that the machines may be able to comply with acceptable noise levels, however to confirm this an acoustic noise assessment could be requested as a condition of approval, to protect the nearby residential amenities.
14. The applicant also put forward several other solutions at the site meeting to lessen the impact on the nearby properties, these include limiting the hours of operation to only two hours per day (one hour in the morning and one hour in the afternoon), limiting the number of attendees and limiting the machines to less noisy 4 stroke machines. These appear to be acceptable comprises, and along with operating only at weekends and during Western Australian school holidays would considerably lessen any noise impacts.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

15. With regards to possible dust impacts and bush fire risks, these could be controlled by planning conditions, in terms of satisfactory receipt of acceptable contingency plans and compliance with them.
16. The issue of increased vehicular traffic has been assessed by Council's Works and Services section who have raised no objections, and by reducing the sessions to two one hour sessions per day would also help regularise and reduce this further.
17. The site is not within a designated water catchment area, and due to the reduction in operating times for the motorcycle school; the possible contamination of the groundwater would be minimal. However if this was to occur the owner would be liable and is bound under the relevant Environmental Protection Act.
18. The possible impact on protected wildlife is a planning consideration, however it would appear that none of the species mentioned within the submissions are formally protected, and it is not expected that this proposal will directly impact on a unique habitat that is not already present elsewhere in the locality.
19. In conclusion this is a finely balanced decision that is not "clear cut". It must be remembered that this is a rural area and that agricultural practices that could be undertaken on the lot (without the need of an approval) could be considered noisy. The EPA's Noise Regulations also allow for two hours of "noise", between the hours of 7am and 7pm Monday to Saturday and 9am to 7pm Sunday. It is felt that due to the uniqueness of the proposal, and if a satisfactory noise assessment can be obtained, the proposed motorcycle training school could be operated on a restricted timetable without having a detrimental impact on the area.

RECOMMENDATION

That Council resolves to support the issuing of a Notice of Planning Scheme Consent for the use of private recreational use (junior motorcycle rider training school) at 290 Piggot Martin Road, Lowlands subject to, but not limited to, the following conditions:

- i) The Applicant providing Council with a satisfactory Acoustic Engineer's report stating there will be no severe additional impact on the area prior to commencement of the activity on the site.
- ii) The Applicant reducing the hours of operation to 2 hours a day, with a morning and an afternoon session.
- iii) The Applicant limiting the number of motorcycles to a maximum of 8 to be used at any one time and to be low noise 4 stroke engines of a capacity not over 80 cc.
- iv) That only the motorcycles provided by the applicant that complies with the set conditions are to be used on the site.
- v) All undertakings provided by the applicant in the submission for planning approval are to be undertaken to the reasonable satisfaction of Council.

Voting Requirement Simple Majority

Item 11.1.1 continued

ALTERNATE MOTION BY COUNCILLOR JAMIESON

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for the use of private recreational use (junior motorcycle rider training school) at 290 Piggot Martin Road, Lowlands for the following reasons:

- a) the proposed land use is inconsistent with the objectives for the Rural zone as identified in the City of Albany Town Planning Scheme 3;**
- b) the proposed land use is incompatible with the use and development of land in the locality;**
- c) the proposed land use will affect the amenity of the locality;**
- d) the proposed land use will impact negatively upon adjoining land uses due to the levels of noise, dust and other pollutants that will be generated; and**
- e) there has been considerable community opposition to the proposed development.**

CARRIED 14-0

Reason:

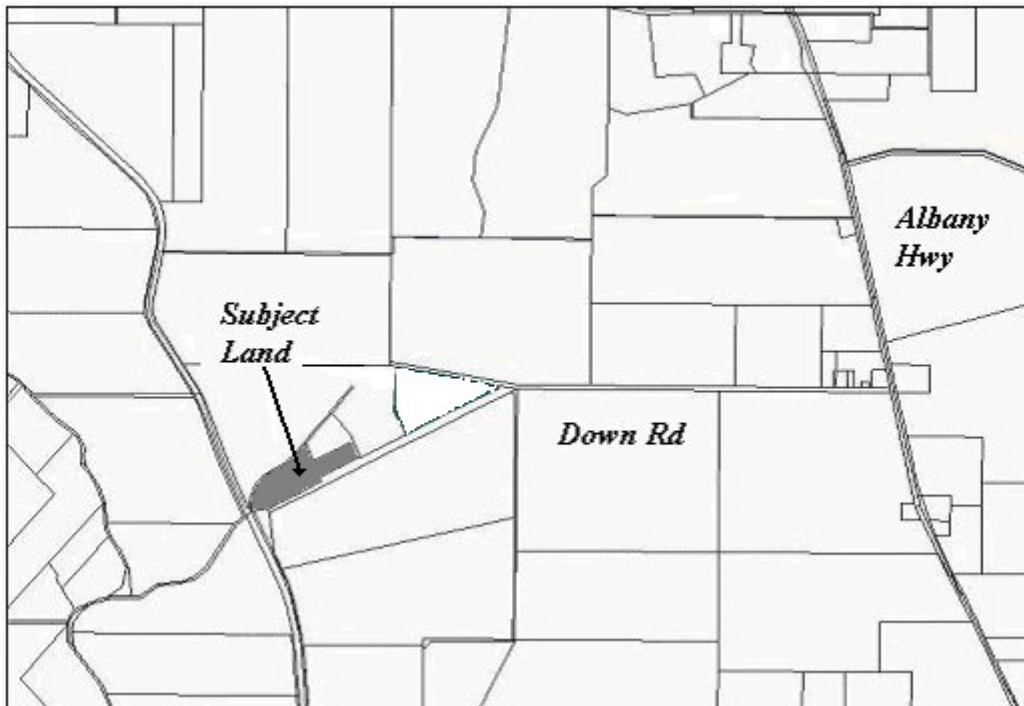
The property is located close to the coast where soil erosion risks are increased. The continuous movement of motorcycles over the property will remove the surface vegetation from the property and result in dust nuisances and noise impacts on adjoining land. The movement of additional traffic along the local road network to access the site will also change the character of the locality. Development of a motorcycle riding school in a rural locality is inconsistent with the legitimate agricultural pursuits that are undertaken on adjoining properties and there is general community opposition to the development of this private recreational activity on this land parcel.

DEVELOPMENT SERVICES REPORTS

Councillor Walker declared impartiality in Item 11.1.2 as he has leased land to a tree company. Cr does not know if the company will be involved with this Pellet Plant.

11.1.2 Development Application - Biomass Fuel Pellet Plant - Lot 4 Down Road, Drome

File/Ward	:	A195699 (West Ward)
Proposal/Issue	:	Proposal to construct Biomass Fuel Pellet Plant
Subject Land/Locality	:	Lot 4 Down Road, Drome
Proponent	:	Plantation Energy Ltd
Owner	:	Plantation Energy Ltd
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Planning Scheme Consent subject to satisfactory receipt of acceptable acoustic attenuation report
Bulletin Attachment	:	Planning Scheme Consent Application, and copies of submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received from Plantation Energy Ltd seeking Planning Scheme Consent for a “Biomass Fuel Pellet Plant” on Lot 4 Down Road, Drome, see the Elected Members Report / Information Bulletin.
2. The facility will utilise Blue Gum plantation harvest residues to produce the biomass fuel pellets, which are primarily used as a fuel for domestic or industrial heating and combustion purposes. This is proposed as stage one, with a possible second plant in the future on the site (subject to a separate Development Application at that time).
3. The proposed development involves the following infrastructure on the site:
 - The main processing building.
 - One settling pond.
 - A fuel reclaimer.
 - Two silos.
 - One stack.
 - Storage yard.
4. The processing building has a floor area of approximately 2000 m² and at its highest point is 22 metres, with the silos (where the finished product is to be stored) being no higher than the main building. The only stack on the site (as part of the dryer) will be 10m high, and again will be under the ridgeline of the main building.
5. The fuel (raw material) re-claimer floor area is 6.2 metres x 3.5 metres with the floor set 1.2 metres below ground level with 2 metre high side and end walls. The side and end walls will be concrete with a 0.8 metre wall showing above ground. The finish will be formed concrete.
6. The raw material (6 day supply of chip or mulch) would be stockpiled within the 1.4ha storage yard, which is proposed to be fully sealed and would drain into the settling pond. The area will be sprayed, if and when required, to alleviate dust problems.
7. The development will employ approximately 15 people once operational in mid 2008.
8. The estimated cost of the development has been stated as \$1.5 million, however this excludes plant, and the actual cost would clearly exceed staff’s delegation powers. The application is therefore presented to Council for deliberation.

STATUTORY REQUIREMENTS

9. The land is zoned “Special Use” (Code No. 17) within Town Planning Scheme No. 3. The use “Biomass Energy Plant” is a discretionary use, meaning Council has the ability to approve or refuse the proposed development.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

10. The provisions contained within Special Use Code No. 17 requires the applicant to forward the following information with any application for development:
 - An Environmental Management Plan;
 - A Landscaping Plan;
 - A Traffic Management Plan;
 - Establishment of a Spill Response Procedure;
 - A Visual Resource Protection Plan;
 - A Dust Management Strategy;
 - A Waste Management Strategy;
 - A Hazardous Materials Management Strategy; and
 - Demonstration of Noise Attenuation Measures.
11. In accordance with requirements stipulated in the Scheme, the applicant has provided all the necessary documentation for Council's assessment, and compliance with any additional information can be controlled by planning conditions.
12. The proposal was advertised and referred, for a period of 21 days, to surrounding landowners and government agencies. Whilst responses have been received from Western Power, Main Roads WA, Water Corporation and the Civil Aviation Safety Authority, responses from, the Department of Water, Fire and Emergency Services and Health Department of Western Australia are still outstanding. Any responses received prior to the Council Meeting will be forwarded to Councillors. Only three public submissions were received, all objecting to the proposal.
13. The Department of Environment and Conservation (DEC) have previously been consulted regarding this proposal by the applicant and they have determined that a works approval or licence is not required, as the proposal is not seen as a prescribed premise.

POLICY IMPLICATIONS

14. Council adopted the policy entitled the "*Down Road Timber Processing Precinct - Noise and Hazard Management*". This policy mapped the hypothetical noise emissions that would be emitted by the timber processing industries, identifying the extent of the 35dB(A) noise level (maximum recommended noise level) on surrounding properties.
15. The policy resulted in Landcorp negotiating with surrounding landowners on compensation for those landowners containing a portion of the noise buffer within their landholdings.

FINANCIAL IMPLICATIONS

16. In order to facilitate the development of the Timber Processing Precinct, the State Government has committed \$16.5 million to fund infrastructure works in the area. A new intersection at the junction of Down Road and Albany Highway to accommodate the significant increase in heavy vehicle movements will be constructed as part of the State Government's infrastructure package.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Being the regional retailing and services hub;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

18. This application has been advertised in accordance with the requirements of TPS 3, and a total of 3 individual letters of objection have been received. A précis of their comments is as follows:
- a. Development is a heavy industry, which is not suitable in the “Marbellup Water Reserve”, which is an internationally significant water catchment area.
 - b. Concerns over pollution having an affect on our lifestyle and land value.
 - c. Lack of information and protection from noise in the locality from the Timber processing precinct.
19. Staff’s assessment of the proposal is based on four (4) key issues being:
- a. Environmental Impact;
 - b. Noise Emissions;
 - c. Visual Impact & Landscaping; and
 - d. Traffic Management.

Environmental Impact

20. The applicant has undertaken an environmental management plan, which addresses the issues of wastewater from the plant, the treatment of solid waste, flora and fauna assessments, and air emissions.
21. The development site is located within the Marbellup Creek Water Catchment area, which is a recognised future public drinking water source. The pellet production process produces no wastewater; with any moisture being released though the stack during the drying process, with the main sewerage and grey water being produced by the employees.
22. The Department of Water have been consulted, but as of yet no formal response has been received. However regarding the nearby Liqnor Development Approval they raised no objection subject to no wastewater being generated from the premises, no contaminated stormwater leaving the site, no solid waste being stored in the open, stormwater being discharged after retention and the monitoring of groundwater and surface waters being undertaken, all of which the applicant within their application documentation has agreed to.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

23. Most of the site will however be sealed, including the raw material storage yard, and to ensure this water resource is not compromised by the development, the applicant proposes to deposit stormwater into a lined holding pond that would capture sediment, litter, oil and other soluble and insoluble materials. The applicant intends to pump regularly from this basin and reuse the stormwater on site, for dust suppression. Clean water will be captured from roof runoff and stored separately, with the sewerage and grey water treatment systems being established and operated in accordance with the requirements of the City's Environmental Health Section.
24. In relation to solid waste, the plant is expected to generate operational waste of wood residues, ash, oily wastes, packaging, old equipment, food waste, general office waste and wastewater treatment plant sludges. All solid wastes, other than wood residues to run the dryer, will be managed and disposed of, off-site by experienced contractors.
25. The air pollutants from the plant could involve particles from the dryer stack and general dust. The stack is to release the moisture content as well as combustion of low value residues to fuel the dryer, however these emissions will be directed to a cyclone particulate removal system prior to exiting the stack. The Department of Environment and Conservation have reviewed the particulate proposed emissions, expected to be in the order of 100mg/Nm³, and are satisfied that air quality in the area will not be detrimentally affected.
26. With regard to the dust issues, several mitigation measures are proposed, such as all chipping of raw material taking place off site within the plantation prior to transportation to the pellet plant, and all pellet production will occur within a fully enclosed facility. The stockpiles, unsealed roads and exposed areas are to be wetted down (using the stormwater stored on site where possible), with the permanent access roads and storage yards being sealed. Transportation of residue to and from the site will be via trucks with enclosed trays to prevent dust lift-off during transport.
27. The flora and fauna studies have indicated that no protected species exist on the site, and the removal of a small amount of remnant vegetation will have a minimal impact on the immediate environment.

Noise Emissions

28. The "*Down Road Timber Processing Precinct - Noise and Hazard Management*" policy sets the framework for noise emissions from the proposed Timber Precinct. A maximum 35dB(A) noise level has been defined in the policy based on broad noise modelling. The applicant is currently finalising detailed noise modelling for this development and a copy of this report will be forwarded to the Department of Environment and Conservation for assessment. It is anticipated however that it will be satisfactory due to the housing of all the machinery inside of the main processing building, and regular monitoring to ensure compliance is achieved.

Visual Amenity / Landscaping

29. The main building is 22.3 metres in height and is setback approximately 35 metres from the verge of Down Road West. To put the heights into context, the nearby recent approval for the Lignor building was 35 metres.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

30. The applicant does not appear to have submitted details of external finishes of the main building, or details regarding the landscaping of the site. This however can be controlled by planning conditions on the Planning Scheme Consent.
31. The stacks are outside the recognised flight path for Albany airport and will not interfere or pose a safety risk with airport operations. All lighting associated with the plant will be directional to prevent light spill from encroaching beyond the property boundary.
32. The building will not be visible from Albany Highway, which is approximately 5 kilometres to the east or the Albany townsite, which is 15.0 kilometres to the south. Given the setbacks from Down Road West and the conditioning of the external finish of the building, along with a requirement of a landscaping plan, the impact of the building from Down Road West will be reduced significantly. The building will however be visible from some surrounding properties, but not to a detrimental level.

Traffic Management

33. The Great Southern railway line between Albany and Perth is located to the west of the development site with a spur currently servicing the Wood Chip Mill. Whilst the spur line may be extended further east to service the subject land in the future, initially all materials will be transported via trucks. It is anticipated that stage one (proposal as submitted) will produce 56 truck movements a day, which will significantly add to the number of vehicle movements along Down Road.
34. Down Road West is currently bitumen sealed and is of a suitable standard to cater for the additional truck movements generated by the development. The road will need to be upgraded and widened at entrance points to cater for turning pockets into the site and acceleration lanes on exit from the site. In order to ensure longevity of the road surface, asphalt surfacing at turning points would be needed.
35. Two access points to the site have been proposed; to incorporate safe vehicle movements, especially road trains entering and exiting in a forward gear. The truck entrance and internal truck movements will have to be engineered to cater for pocket road trains, and for employees vehicles, which could be requested as a planning condition. The car park contains 15 parking bays, which is more than sufficient for the 15 staff.

Summary

36. The proposed development has been accompanied by sufficient detail to enable an informed decision to be made, with the further technical and environmental information being required as a planning condition. The use of the land complies with the principles of the Town Planning Scheme and subsequent policies, and therefore subject to the placement of conditions, staff recommends that Council supports the development.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

THAT, Council resolves to delegate authority to the Manager of Planning and Ranger Services authority to issue a Notice of Planning Scheme Consent subject to the noise modelling for the development being undertaken to the satisfaction of the Department of Environment and Conservation for a “Biomass Fuel Pellet Plant” at Lot 4 Down Road, Drome subject to, but not limited to, the following conditions:

- i) The development shall be undertaken in accordance with the plans, reports and undertakings provided by the applicant in the information supplied with the Development Application.
- ii) A detailed traffic movement plan being supplied and approved, prior to the issue of a building licence. This should include details of Down Road West being upgraded by the applicant adjacent to the designated truck access/egress point, inclusive of asphalt surfacing for truck turning movements, to provide a right turn pocket and an acceleration lane for trucks exiting the property.
- iii) A schedule of materials and colours for the buildings silos and stacks being supplied and approved, prior to the issue of a building licence.
- iv) A detailed landscaping plan being supplied and approved, prior to the issue of a building licence.
- v) The machinery used and activities conducted on-site shall at all times comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Management Plan for the Down Road Timber Processing Precinct Environmental Management Plan.
- vi) A detailed stormwater management plan being submitted to the satisfaction of Council and the Department of Water prior to any site works being undertaken.

Voting Requirement Simple Majority

.....

Item 11.1.2 continued

Councillor Paver requested an Alternate Motion to lay this item on the table for a two-month period, motivated by the address from the Public Gallery by Ms Jill Bostock.

ALTERNATE MOTION BY COUNCILLOR PAVER

**MOVED COUNCILLOR PAVER
SECONDED MAYOR GOODE**

THAT Council lay this item on the table for a two month period.

MOTION LOST 2-12

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

THAT, Council resolves to delegate authority to the Manager of Planning and Ranger Services authority to issue a Notice of Planning Scheme Consent subject to the noise modelling for the development being undertaken to the satisfaction of the Department of Environment and Conservation for a “Biomass Fuel Pellet Plant” at Lot 4 Down Road, Drome subject to, but not limited to, the following conditions:

- i) The development shall be undertaken in accordance with the plans, reports and undertakings provided by the applicant in the information supplied with the Development Application.**
- ii) A detailed traffic movement plan being supplied and approved, prior to the issue of a building licence. This should include details of Down Road West being upgraded by the applicant adjacent to the designated truck access/egress point, inclusive of asphalt surfacing for truck turning movements, to provide a right turn pocket and an acceleration lane for trucks exiting the property.**
- iii) A schedule of materials and colours for the buildings silos and stacks being supplied and approved, prior to the issue of a building licence.**
- iv) A detailed landscaping plan being supplied and approved, prior to the issue of a building licence.**
- v) The machinery used and activities conducted on-site shall at all times comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Management Plan for the Down Road Timber Processing Precinct Environmental Management Plan.**
- vi) A detailed stormwater management plan being submitted to the satisfaction of Council and the Department of Water prior to any site works being undertaken.**

MOTION CARRIED 12-2

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a financial interest as he supplies goods and services to business involved.

Councillor Wiseman left the chamber at 7.57pm.

11.1.3 Development Application - Alfresco Area- 125 York Street, Albany

File/Ward	:	A106111 (Frederickstown Ward)
Proposal/Issue	:	Proposal to construct alfresco area for the London Hotel
Subject Land/Locality	:	125 York Street, Albany
Proponent	:	J Pages
Owner	:	J Lembo
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey) and Planning Cadet (T Gunn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue a notice of Planning Scheme Consent subject to approval from the Heritage Council
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received for an alfresco area for the London Hotel. However the proposed area will actually be located on the property to the right of the Hotel, which is owned by J. Lembo who has agreed with the location of the proposal. The designated alfresco area will be approximately 90 m² with a removable plastic screen, across the southern boundary, and will be finished with the same colour of the existing hotel.
2. The building is classified as Category B within the municipal Heritage Inventory; and is “a building of high heritage value”. Staff undertook a meeting on site with Council’s Regional Heritage Advisor, the applicant and their builder to discuss the application due to the Stirling Terrace precinct being on the State Heritage List, and thus any development must be referred to the Heritage Council for their approval.
3. The application is presented to Council due to the alfresco area becoming licensed premises and therefore cannot be approved under staff’s delegated powers.

STATUTORY REQUIREMENTS

4. Under part VI- Places Of Heritage Value of Town Planning Scheme 1A (TPS 1A), clause 6.2 states that “*Despite any other provision of the scheme a person is not to:*
 - (a) *Erect, demolish, or alter any building or structure.*

Unless in accordance with planning consent granted by Council.
5. Clause 7.8A (Matters to be considered by Council) of TPS 1A states that in considering a planning application, Council is to have due regard to various factors including (but not limited to);
 - (h) *the conservation of any place that has been entered in the register of places under the Heritage of Western Australia Act 1990 or is included in Schedule 8 - Places of Heritage Value, and the effect of the proposal on the character or appearance of a heritage area;*
 - (j) *any social issues that have an effect on the amenity of the locality; and*
 - (n) *the preservation of the amenity of the locality;*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. There are no Financial Implications relating to this item.

Item 11.1.3 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities;*

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

- *Innovative development complementing Albany’s unique character, natural environment and heritage.*
- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance;*

Priority Projects:

Nil’.

COMMENT/DISCUSSION

9. This application involves the construction of a temporary alfresco area.
10. The proposal will not have a negative impact on the streetscape within that area due to the proponent being able to remove the structure at any given time and it will only be fixed into place during opening hours of the London Hotel.
11. Representatives from the Heritage Council of Western Australia have previously inspected the site and the proposed alfresco area, and have raised no major concerns or objections to the proposal in principle, however a formal consultation has been referred to them for their approval. For these reasons, Staff feel the proposal should be supported, subject to the approval of the Heritage Council and compliance with any conditions they see fit.

RECOMMENDATION

THAT subject to receiving approval from the Heritage Council of Western Australia, Council resolves to delegate authority to the Manager of Planning and Ranger Services to issue a notice of Planning Scheme Consent for the alfresco area at 125 York Street, Albany, subject to the following conditions:

- i) The alfresco area being in use only when the London Hotel is open to the public.
- ii) The area being well lit during periods of use outside of daylight hours.
- iii) The upgraded male and female toilet facilities to serve only the alfresco area and new upgraded bar as demonstrated on the plans lodged by the applicant.

Voting Requirement Simple Majority

Item 11.1.3 continued

Mayor Goode requested EDDS to brief council on what information was outstanding.

EDDS stated that the primary issue that was outstanding was how the screen would attach to the fabric of the building; however there is general support that this would not be an issue and the approval would be granted.

MOVED COUNCILLOR PAVER

THAT this item is laid on the table till formal support is received from the Heritage council.

MOTION LAPSED

Reason:

Motion lapsed due to no seconder.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**


THAT subject to receiving approval from the Heritage Council of Western Australia, Council resolves to delegate authority to the Manager of Planning and Ranger Services to issue a notice of Planning Scheme Consent for the alfresco area at 125 York Street, Albany, subject to the following conditions:

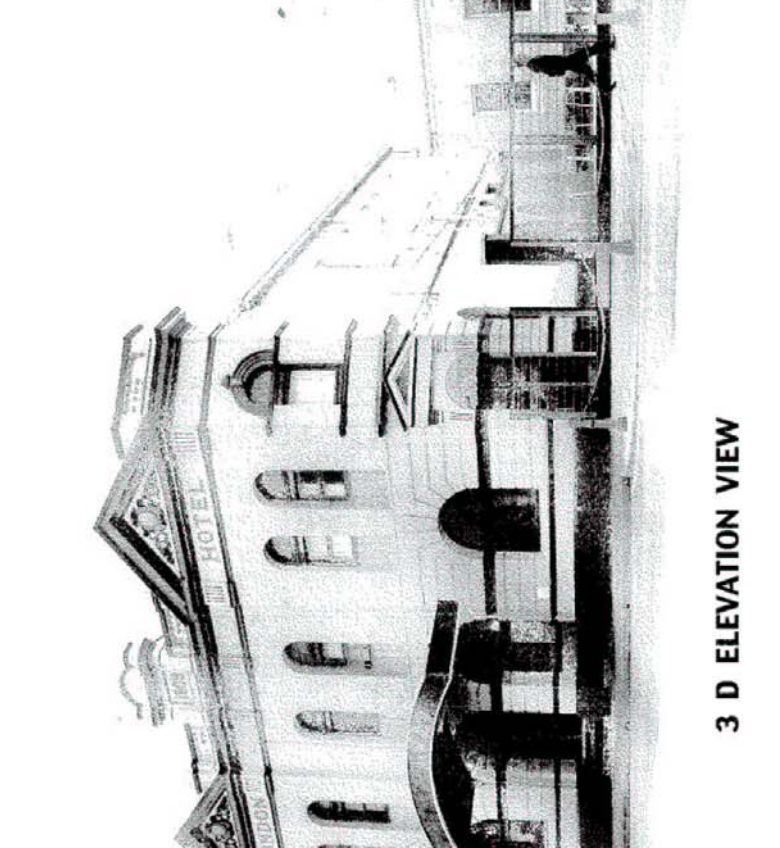
- i) The alfresco area being in use only when the London Hotel is open to the public.**
- ii) The area being well lit during periods of use outside of daylight hours.**
- iii) The upgraded male and female toilet facilities to serve only the alfresco area and new upgraded bar as demonstrated on the plans lodged by the applicant.**

MOTION CARRIED 12-1

Councillor Wiseman returned to the chamber at 8.04pm.

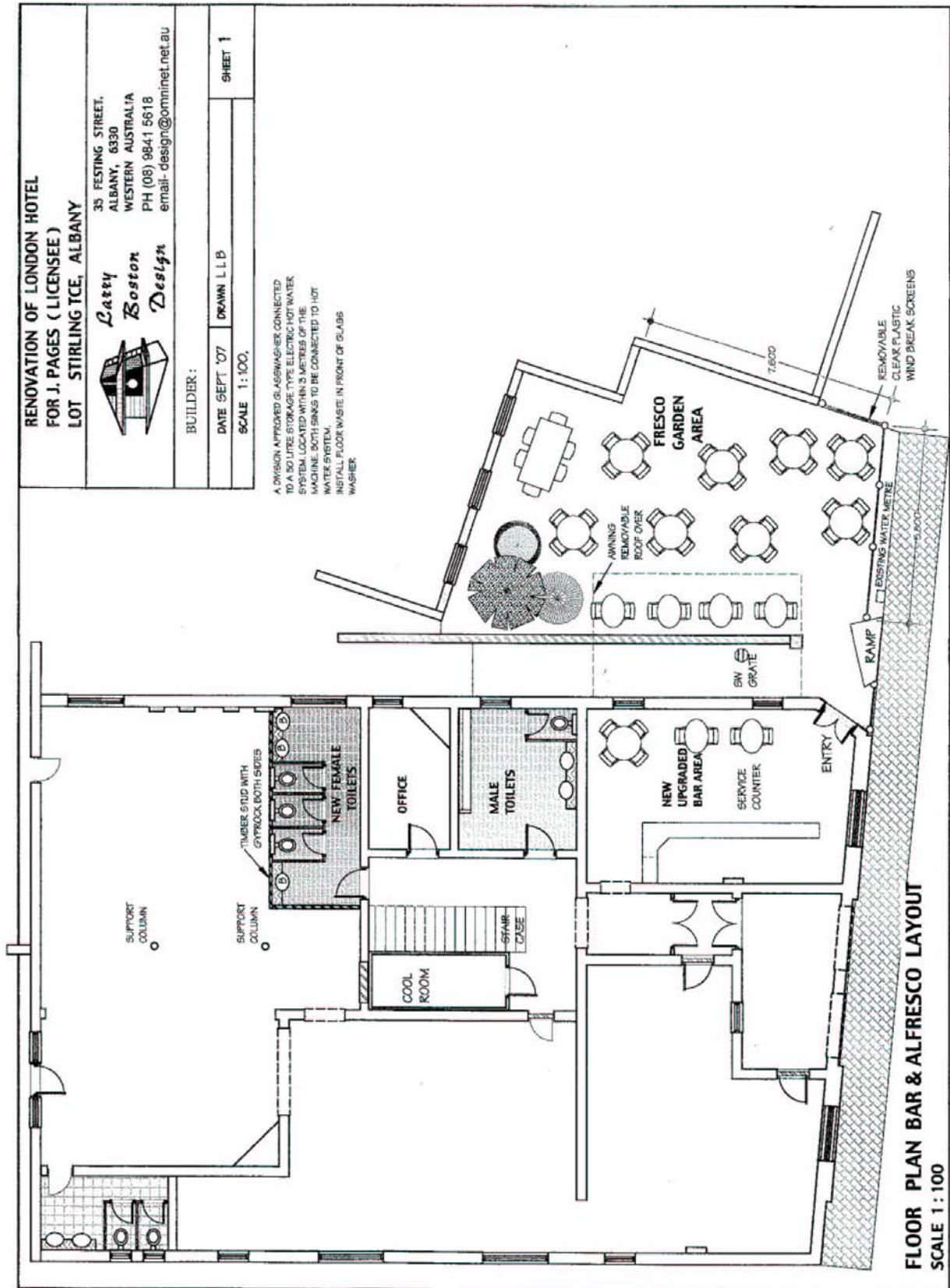
Item 11.1.3 continued

RENOVATION OF LONDON HOTEL FOR J. PAGES (LICENSEE) LOT STIRLING TCE, ALBANY	
	35 FESTING STREET, ALBANY, 6330 WESTERN AUSTRALIA PH (08) 9841 5618 email- design@omninet.net.au
BUILDER:	
DATE SEPT '07	DRAWN L L B
SCALE 1:100,	SHEET 2



3 D ELEVATION VIEW

Item 11.1.3 continued



11.1.4 Heritage Listing - Residency Museum and Old Gaol

File/Ward	:	PRO084, PRO015 (Frederickstown Ward)
Proposal/Issue	:	Elevation of Heritage Listing
Subject Land/Locality	:	Reserve 4156 Residency Road and Reserve 22375 Stirling Terrace
Proponent	:	N Smithson
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Not Seek UNESCO Listing
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. During several Open Forum sessions, Mr Smithson has made inquiries of Council on the potential for UNESCO heritage listing of the Residency Museum and the Old Gaol complex. The recognition of these sites was seen by Mr Smithson as an opportunity to provide greater recognition of Albany's convict heritage and a marketing opportunity.
2. It was drawn to Council's attention that the Fremantle Gaol was in the process of receiving UNESCO listing and the Old Gaol in Albany was built around the same era, but that Albany was settled in advance of Fremantle.

STATUTORY REQUIREMENTS

3. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) maintains the "World Heritage List" and places are unlikely to be placed on that list unless they are already on State and National heritage lists and promoted as national iconic places / sites.
4. There are currently 17 places in Australia on the World Heritage List and those places are the Great Barrier Reef, Kakadu, Willandra Lakes Region, Lord Howe Island Group, Tasmanian Wilderness, Gondwana Rainforests of Australia, Uluru-Kata Tjuta National Park, Wet Tropics of Queensland, Shark Bay, Fraser Island, Australian Fossil Mammal Sites, Heard and MacDonalld Islands, Macquarie Island, Greater Blue Mountains Area, Purnulu National Park, Royal Exhibition Building and Carlton Gardens and Sydney Opera House.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

POLICY IMPLICATIONS

5. Council has adopted the Amity Heritage Precinct Master plan, with the intention of enhancing the precinct under the City's tourism strategy to improve the tourism experience in Albany.

FINANCIAL IMPLICATIONS

6. There are considerable reporting requirements to UNESCO to maintain a World Heritage listing.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. UNESCO is currently examining an addition to its listing to include “Australian Convict Sites”. The single listing is intended to cover a number of recognised sites across Australia, namely the First Government House Site (NSW), Hyde Park Barracks (NSW), Great North Road Complex (NSW), Darlington Probation Station (Tas), Port Arthur (Tas), Coal Mines Historic Site (Tas), Ross Female Convict Station Historic Site (Tas) and Fremantle Prison (WA).
9. The Interim Registration states, *“the Australian Convict Sites nomination consists of a series of sites that, in combination, express the key aspects of the Australian convict experience that are of outstanding universal value from the point of view of global history.”*
10. Both the Old Gaol and the Residency Museum are on the State and National Heritage Registers. It is unlikely however, that they would progress through the threshold tests to qualify for world heritage listing. The historical values of the Fremantle Gaol are far in excess of those associated with the Old Gaol in Albany. It is also acknowledged that the Fremantle Gaol is only under consideration due to its association with a number of other historical penal facilities across Australia.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

11. In the Australian Heritage Database, the “Old Gaol” (ID 9295) is recorded as being completed in 1873 and it forming part of the convict hiring depot on the site. It was the third of five gaols that have been used in the town. The “Residency Building” (ID 9312) predates the Old Gaol and is recorded as being built between 1852 and 1860. At that time it was the original superintendent’s residence and administration block associated with the convict-hiring depot. The residence was converted into the official residence for the town magistrate upon the completion of the Old Gaol.
12. Given the criteria that must be met to achieve UNESCO world heritage listing, it is recommended that no further action be taken on this matter.

RECOMMENDATION

THAT Council note the information relating to UNESCO World Heritage Listing and resolves that no action be taken to pursue listing of the Old Gaol and the Residency Museum with UNESCO.

Voting Requirement Simple Majority

.....

ALTERNATE MOTION BY COUNCILLOR JAMIESON

<p>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR MARSHALL</p> <p>THAT Council note the information relating to UNESCO World Heritage Listing and resolves to pursue, through the Heritage Council of WA and the Australian Heritage Council, support for World Heritage Listing of the Old Gaol and the Residency Museum in Albany with UNESCO as part of the Australian Convict Story.</p> <p style="text-align: right;">MOTION LOST 3-11</p>

Reason:

Albany is the site of the first European settlement on the western coast of Australia and the Residency building and the Old Goal comprise an important part of the national convict and settlement history.

Item 11.1.4 continued

ALTERNATE MOTION BY COUNCILLOR WELLINGTON

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

THAT Council note the information relating to UNESCO World Heritage Listing and resolves that further information be gathered to determine the suitability of submitting the old gaol and residency museum for registration.

And

That Council seek the nomination of the role played by Albany in the ANZAC tradition (In the form of a heritage trail) and the recording of that nomination on the National Heritage Register.

MOTION CARRIED 13-1

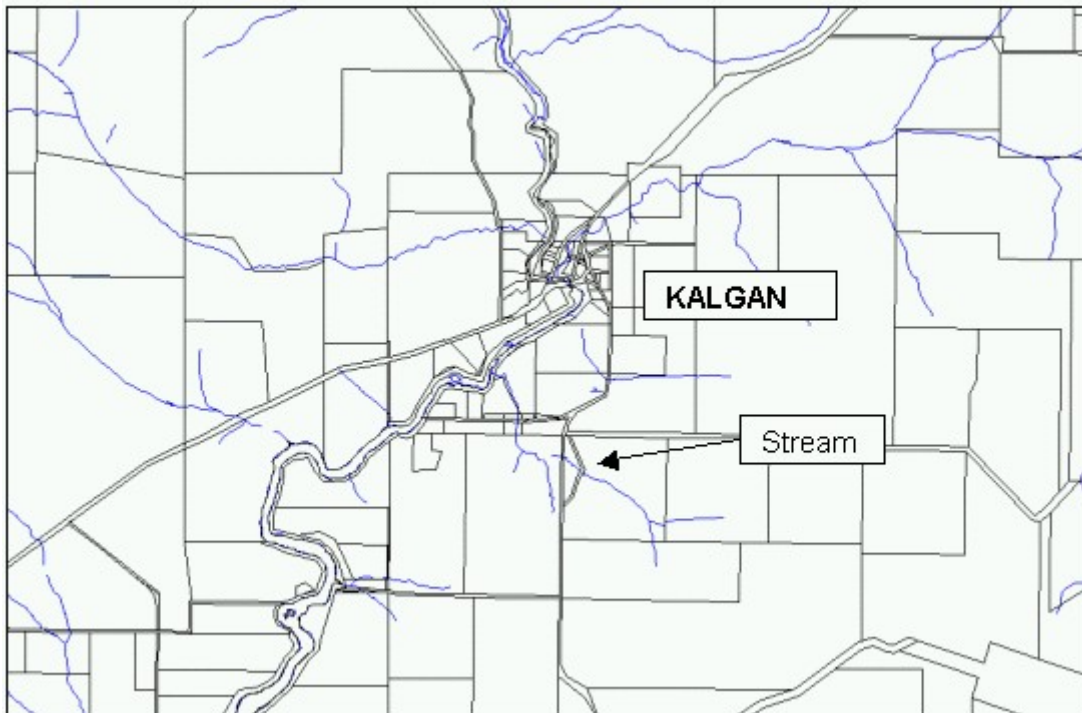
Reason:

Albany's role in the ANZAC story is still poorly recognised at the National Level.

DEVELOPMENT SERVICES REPORTS

11.1.5 Nomenclature - Local Stream - Kalgan

File/Ward	:	GOV037 (Kalgan Ward)
Proposal/Issue	:	Naming of Stream
Subject Land/Locality	:	Kalgan
Proponent	:	FR Douglas
Owner	:	Various
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Request
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. Mr Douglas has written to Landgate (formerly the Department of Land Administration) requesting that the Geographic Names Committee name a stream, flowing from Hunton Road to the Kalgan River as shown on the locality plan, as “Baudin Stream”.
2. Landgate prefers the name “Baudin Creek” (stream being used more as a descriptive term) and seeks Council’s confirmation on either of these names prior to them assessing the application.

STATUTORY REQUIREMENTS

3. The official naming of places and features is the province of the Minister for Lands and the Minister has delegated that function to the Geographic Names Committee.

POLICY IMPLICATIONS

4. There is no City of Albany Policy Implication relating to this item. The Geographic Names Committee has guidelines on naming features and this application would appear to fit within those guidelines.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. The name selected by Mr Douglas acknowledges the French explorer, Nicholas Baudin who sailed up the Kalgan River in the early 19th century to the mouth of this un-named stream.
8. The naming of streams throughout the District is an indiscriminate process and there is no protocols or policies of Council to deal with applications of this nature. The request does not appear to be unreasonable.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

RECOMMENDATION

THAT Council advise the Geographic Names Committee that is supports the request to name the unnamed watercourse that flow across Hunton Road into the Kalgan River “Baudin Creek”.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WISEMAN**

THAT Council advise the Geographic Names Committee that is supports the request to name the unnamed watercourse that flow across Hunton Road into the Kalgan River “Baudin Creek”.

MOTION CARRIED 13-1

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Local Law – Amendment to Signs Local Law 2006

File/Ward	:	MAN048 (All Wards)
Proposal/Issue	:	Consider an amendment to the City of Albany Signs Local Law 2006
Subject Land/Locality	:	City of Albany
Proponent	:	Joint Standing Committee on Delegated Legislation
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21.03.06 - Item 11.3.1 OCM 19.04.06 - Item 11.2.1 OCM 19.09.06 - Item 12.2.1 OCM 18.09.07 - Item 11.2.1
Summary Recommendation	:	That Council agrees to make the City of Albany Signs (Amendment) Local Law 2007
Bulletin Attachment	:	Draft Signs (Amendment) Local Law 2007
Locality Plan	:	N/A

BACKGROUND

1. At its September 2007 meeting, Council considered a report on a proposal to make the City of Albany Signs (Amendment) Local Law 2007 and resolved:

“That Council lay this matter on the table for a period of one month, during which time Staff be required to prepare an amendment to the Signs Local Law 2006 which provides:
 - (i) *the capacity for Council to renew, vary or cancel a licence issued to a person under the Local Law; and*
 - (ii) *the capacity to impose or amend a condition to which a licence is subject.”*
2. The City of Albany Signs Local Law 2006 was adopted by Council at its September 2006 meeting, gazetted on 23rd February 2007 and took effect from 12th March 2007.
3. On the 17th May 2007 correspondence was received from the Joint Standing Committee on Delegated Legislation (JSCDL) advising that while Clause 15 of the local law provides for an appeal from decisions to renew or vary a licence and to vary an existing condition of a licence, there is no provision in the local law permitting those decisions.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

4. The JSCDL further advised that it requires the City to either delete the reference to renewal and variation in Clause 15 or amend the local law to provide for such decisions to be made.
5. A Signs (Amendment) Local Law has been prepared which provides Council with the capacity to:
 - i) renew, vary or cancel a licence; and
 - ii) impose or amend a condition to which a licence is subject.
6. It is recommended that the local law be amended as described below:

Item 1 In Clause 12 Insert the words “, or as a condition imposed on the licence, the period of the licence shall be for a maximum of three years and during that period” immediately after the word “law” in Clause 12.

Item 2 Immediately following Clause 12. and before Clause 13. insert the following new Clause 12A –

“Renewal

Clause 12A. Prior to the expiry of a licence, the licensee may apply for the renewal of a licence without having to resubmit details required at the time of the initial application providing there is no substantial change to the operation of the activity and any associated facilities.”

Item 3 Immediately following Clause 14 and before Clause 15 insert the following new Clause 14A and Clause 14B -

“Compliance with Conditions

Clause 14A. (1) Where an application for a licence has been approved subject to conditions, or where a licence is to be taken to be subject to conditions under this local law, the licensee shall comply with each of those conditions.

(2) The local government may vary the conditions of a licence, and the licensee shall comply with those conditions as varied.

Clause 14B. (1) A licensee may apply in writing to the local government to amend any of the conditions of the licence.

(2) The local government may, in respect of an application under subclause (1) -

- (a) amend the licence, either in accordance with the application or otherwise as it sees fit; or
- (b) decline to amend the licence.

(3) decline to amend the licence.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

- (4) If the local government amends a licence under this clause, it is to notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended condition of the licence applies from the date of the notification.
 - (5) The local government amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made, to give to the licensee written notice of, and written reasons for, its decision to amend.”
7. A draft Signs (Amendment) Local Law and the Signs Local 2006 with the proposed Clauses inserted has been included in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

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

"3.12 Procedure for Making Local Laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to -*
 - a) give State-wide public notice stating that -*
 - i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

* *Absolute Majority Required.*

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice -*
 - a) *stating the title of the local law;*
 - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made*

POLICY IMPLICATIONS

9. The proposed amendment local law will not have an effect on the policy titled “Local Planning Policy - Signs, Hoardings and Billposting” which was adopted by Council at its Ordinary Meeting held on 18th July 2006.

FINANCIAL IMPLICATIONS

10. There will be statutory advertising costs which will be funded from the 2007/2008 budget.

STRATEGIC IMPLICATIONS

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

Community Vision:

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

- *Innovative development complementing Albany's unique character, natural environment and heritage.*

Mission Statement

The City of Albany is committed to ...

- *Providing Sound Governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

12. The procedure for amending local laws requires Council to advertise State-wide, advising of its intention to make amendment Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making an Amendment Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

13. In addition, the procedure for making Amendment local Laws requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed amendment local law.

Purpose

The purpose of the amendment to the Signs Local Law is to ensure compliance with the recommendations of the Joint Standing Committee on Delegated Legislation.

Effect

The effect of the amendment to the Signs Local Law will be to implement the recommendations of the Joint standing Committee on Delegated Legislation.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), advertises its intention to make the City of Albany Signs (Amendment) Local Law 2007 (as detailed in the Elected Members' Report / Information Bulletin).

Voting Requirement Simple Majority

.....

EDWS left chamber at 8.32pm and returned at 8.34pm.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), advertises its intention to make the City of Albany Signs (Amendment) Local Law 2007 (as detailed in the Elected Members' Report / Information Bulletin).

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Policy Amendment - Central Albany Urban Design Policy

File/Ward	:	STR128 (Frederickstown Ward)
Proposal/Issue	:	Amendments to Current Policy to Include Multiple Dwellings Provisions and to Introduce Additional Design Guidelines for Albany Town Lots S110 and S112
Subject Land/Locality	:	Southern Slopes of Mounts Clarence and Melville
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Strategic Planner (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/06/07 - Item 11.3.2 OCM 21/11/06 - Item 12.7.4
Summary Recommendation	:	Adopt Amendments to Policy
Bulletin Attachment	:	Submissions
Locality Plan	:	N/A

BACKGROUND

1. At the Council meeting dated 19 June 2007, it was resolved:

“THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to adopt the draft modifications to the Central Albany Urban Design Policy that;

- (a) introduce Clauses into sections 9.5.3 to 9.5.6 of the policy relating to the design requirements for multiple dwellings; and*
- (b) introduce urban design principles for the Collie Street site (portions of Albany Town Lots S110 to S112).”*

2. The new controls being introduced were advertised in accordance with the requirement of the scheme and at the closing date, three submissions were received (refer to the Elected Members Report / Information Bulletin).

STATUTORY REQUIREMENTS

3. Section 7.21 of the City of Albany Town Planning Scheme 1A sets out the procedure to adopt a Town Planning Scheme Policy and that process is in three parts. Council must adopt the draft policy, the draft is then advertised and public comment sought. Council must then resolve to adopt the final policy, taking into consideration any comments received during the public advertising period.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

POLICY IMPLICATIONS

4. When adopted, Council must give consideration to the policy when considering development proposals, but the policy provisions do not necessarily bind Council.

FINANCIAL IMPLICATIONS

5. The provision of consultancy services to prepare the draft policies has been achieved within existing budget provisions.

STRATEGIC IMPLICATIONS

6. ALPS promotes the expansion of residential housing types within the City, plus urban consolidation to reduce the ecological footprint of the City. Very little of the City's housing stock is currently provided as multiple dwellings.

COMMENT/DISCUSSION

Multiple Dwelling Amendment

7. The modifications were recommended by the State Administrative Tribunal to address a deficiency in the current Central Albany Urban Design Policy. The current policy does not have any provisions relating to multiple dwellings. With possible demand (Earl Street application) for higher-density dwelling units to be placed on top of each other (multiple dwellings) in and around the central business district, it is paramount that the City has suitable controls in place to regulate this form of development.
8. The draft clauses provided by Mr De Villiers sought to regulate multiple dwellings on larger lots within the same parameters that applied to Grouped Housing projects on the southern slopes of Mounts Clarence and Melville.

Collie Street

9. Council requested City staff to undertake a number of actions to prepare a site on the corner of Collie Street and Grey Street West for sale. One of those actions called for "supplementary controls" to be written to regulate any future development on the site, should it be offered for sale and purchased. Those additional controls were not intended to usurp the Central Albany Urban Design Policy, but to provide a greater layer of relief to Council and the community that an inappropriate development could not be undertaken on the site.
10. In recognition of the public facilities (public library, town hall and passive recreation) that exist adjacent to the Collie Street site and in acknowledgement of the site constraints (steep gradient, heritage listing and difficult access), design provisions have been introduced for Albany Town Lots S110 to S112 that address townscape, streetscapes, sustainability and design. These provisions are to be included in the Central Albany Urban Design Policy as a site specific attachment to guide future development and they can also form part of any future contract of sale, should Council decide to proceed with the sale of the land.

Submissions

11. Three submissions were received, two relating to the supplementary clauses to be applied to the Collie Street site and one relating to the amended provisions for Multiple dwellings.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

12. Mr De Villiers was provided the opportunity to respond to those submissions and he states;

Draft Amendments to the Central Albany Urban Design Policy

The submission received on the proposed amendments suggests that:

- *The amendments will vary the height provisions of the policy*
- *Multiple dwelling provisions are unnecessary*

The proposed amendment will not involve ANY change to the height provisions of the current policy.

In the review of the Earl Street development the State Administrative Tribunal clearly rejected the contention that the current policy dealt effectively with multiple dwellings:

“the policy (Central Albany Urban Design Policy) does not in fact contemplate proposed form of development (multiple dwelling) on the site. Although Mr Adam considers that the height controls which are applicable to single houses and group dwellings in the residential precinct of the policy, of which the site forms part, can be interpolated to apply to this proposal, we do not agree.”

In this context it would strengthen the position of the Council should it in the future have to deal with any proposed development similar to that previously put forward for Earl Street.

Collie Street Guidelines

The submissions received on the Collie Street Guidelines suggest that:

- *The original Central Albany Urban Design Policy clearly does deal with the issue of multiple dwellings.*
- *No further guidelines are needed and any proposal should be fully compliant with the Central Albany Urban Design Policy.*
- *That this policy is an attempt to rezone portion of the site.*
- *The suggested changes will reverse the recommendations of the consultant and the Central Albany Urban Design Policy.*

The multiple dwellings issue has been dealt with above.

The only variation suggested is an attempt to encourage commercial development on the ground floor on Grey Street West. This applies a general principle underpinning the Central Albany Urban Design Policy that one should seek to achieve similar development on both sides of the street. On urban design grounds Grey Street West facing commercial development is NOT an ideal location for housing.

The guidelines for Collie Street do NOT constitute a rezoning. More importantly, policies should not be applied so inflexibly that where a variance may be appropriate it is simply rejected.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

The guidelines will not reverse the recommendations of the consultant or undermine the principles of the Central Albany Urban Design Policy.

Conclusion

13. The modifications proposed to the current policy will improve the City’s capacity to defend a State Administrative Review against inappropriate future development and provide greater control over a future development on the land on the corner of Collie Street and Grey Street West, should that land be sold. They do not change the underlying urban design principles set out by Mr De Villiers in the Central Albany Urban Design Policy.

RECOMMENDATION

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to finally adopt the modifications to the Central Albany Urban Design Policy that;

- i) introduce Clauses into sections 9.5.3 to 9.5.6 of the policy relating to the design requirements for multiple dwellings;
- ii) introduce additional urban design principles for the land on the corner of Collie Street and Grey Street West (portions of Albany Town Lots S110 to S112); and
- iii) renumber clauses in the Central Albany Urban Design Policy to reflect the additional provisions.

Voting Requirement Simple Majority

.....

Item 11.3.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A, resolves to finally adopt the modifications to the Central Albany Urban Design Policy that;

- i) introduce Clauses into sections 9.5.3 to 9.5.6 of the policy relating to the design requirements for multiple dwellings;**
- ii) introduce additional urban design principles for the land on the corner of Collie Street and Grey Street West (portions of Albany Town Lots S110 to S112); and**
- iii) renumber clauses in the Central Albany Urban Design Policy to reflect the additional provisions.**

MOTION CARRIED 12-2

Record of Vote:

Against: Mayor Goode, Councillor Paver

DEVELOPMENT SERVICES REPORTS

Councillor Walker declared impartiality as he lives at Middleton Beach and left the chamber at 8.39pm.

11.3.2 Adoption of Draft Policy (Final) - Residential Design Code Policy

File/Ward	:	STR239 (Various Wards)
Proposal/Issue	:	Adoption of Policy Relating to Performance Standards under R Codes
Subject Land/Locality	:	Various Properties
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Strategic Planner (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/06/07 - Item 11.3.1 OCM 19/09/06 - Item 11.1.1
Summary Recommendation	:	Submissions
Bulletin Attachment	:	Residential Design Code Policy
Locality Plan	:	N/A

BACKGROUND

1. At the September 2006 meeting, Council resolved to fund a consultancy to examine the urban character of the entire city and to prepare a policy to regulate development in areas where the consultant felt that Council could consider buildings with additional height beyond the two-storey height limit imposed by the Residential Design Codes.
2. In the scope of works provided to the consultant, it was agreed that a policy would need to be written to:
 - improve the City's capacity to defend a State Administrative Tribunal Review against an inappropriate future development;
 - encompass the urban and peri-urban fringe of the city where demand is greatest; and
 - guide building height ("mid-rise" or 4 storeys), bulk and scale in a manner that actively addresses articulation and ensures that a human scale is maintained.
3. Mr Patric DeVilliers was engaged to undertake the review and to write a policy. At the Ordinary Council meeting dated June 19 (item 11.3.1) Council resolved:

"THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to adopt the draft "Residential Design Code Policy" for the purposes of advertising the policy for public comment."

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

4. The policy was advertised for a period of 21 days as required by the schemes and 19 submissions were received (refer to the Elected Members Report / Information Bulletin to view those submissions).

STATUTORY REQUIREMENTS

5. Pursuant to Clause 3.7.1 of the Residential Design Codes, a landowner constructing a residential building can elect to design the building to meet the “Acceptable Development” provisions of the Code (in which case they are not required to obtain a planning scheme consent) or they can elect to have their development assessed against the “Performance Criteria” provisions of the Codes. The Codes state:

“Except where otherwise provided for in an adopted Local Planning Policy, development that complies with the following is deemed to meet the relevant Performance Criteriatop of external wall (wall Above) – 6.0m... top of external wall (concealed roof) – 7.0m top of roof pitch – 9.0m”

6. Pursuant to clause 2.6.2 of the Residential Design Codes, *“the Codes permit Local Planning Policies to be prepared to address local requirements”*.
7. Clauses 7.21 of Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3 set out the procedure to adopt a Town Planning Scheme Policy and that process is in three parts. Council must adopt the draft policy, the draft is then advertised and public comment sought. Council must then resolve to adopt the final policy, taking into consideration any comments received during the public advertising period.

POLICY IMPLICATIONS

8. Policies exist that create confusion on the height provisions applying in the area covered by the Coastal Building Heights policy, the Barry Court policy, and the Residential Design Codes, for a geographic area located between Middleton Beach and Emu Point.
9. The Coastal Building Heights policy and the Barry Court policy restrict height to 7.5m. The Residential Design Codes allow building heights to 9.0m “as of right”. The proposed Residential Design Code policy would allow heights of certain buildings at Middleton Beach (north of Wollaston Road) to 3 storeys and at Emu point (indicative village centre) to 4 storeys.
10. Due to these inconsistencies, it is suggested that the Coastal Building Heights and Barry Court policies may need to be revoked, leaving the Residential Design Codes as the base control mechanism and the Residential Design Code policy as a *“Policy... prepared to address local requirements”*.
11. The small amount of lots still yet to be developed at Barry Court can adequately be guided by the Residential Design Codes which prescribe a height limit (9.0m), not too dissimilar (1.5m) from the Barry Court Policy (7.5m).

FINANCIAL IMPLICATIONS

12. Financial implications relating to this item can be undertaken within existing budget parameters.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STRATEGIC IMPLICATIONS

13. The following objectives of the policy comply with the principles espoused in the City of Albany Local Planning Strategy (ALPS):
- protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
 - provide for public foreshore areas and access to the coast;
 - ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and
 - ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

COMMENT/DISCUSSION

14. Purpose
The policy sets out a logical framework and a set of guiding principles against which future development applications can be assessed within the urban and peri-urban fringe of the city. The ultimate adoption of the draft policy will improve the City's capacity to defend a State Administrative Tribunal Review against an inappropriate future development. It complements the policies adopted for the Central Area and the Albany Waterfront.

15. Submissions
The submissions received were forwarded to the consultant and a review was provided by Mr De Villiers. He states;

"The substantive issue raised in the submissions was the question of building height. Most submissions focussed on the coastal areas and in objecting to the proposed heights set out in the draft policy argued for one of the two following principles:

- *That development no higher than two storeys should be permitted in coastal areas.*
- *That development should be no higher than three storeys in coastal areas, although a number of these submissions suggested two storeys would be preferable.*

The only potential variation to this general response was the suggestion of two submissions that four storeys may be possible at the Wool stores (the draft policy suggests the majority of this site should be three storey with limited components of four and five storeys).

Essentially a section of the Albany community is philosophically opposed to development over two or three storeys. This is understandable and obviously their right.

The current policy clearly proposed development higher than this. It would be difficult to rationally argue that the areas suggested for such development are extensive or that the proposed height limits are widely at variance, at least with the three storey limit some are proposing. Such logic will not, of course, overcome a philosophical objection.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

The difficulty for the Council is that they are required to reach a position on the issue which in their view represents an appropriate outcome for the city and all of its ratepayers. And the matter therefore reverts to one requiring a political value judgement.

A further issue were submissions, which appeared to misread the draft policy. One submission suggested vacant blocks in Emu Point could be developed to five storeys (no change is proposed), and one implied height limits in the city centre would be increased (no change is proposed).

Finally, a number of submissions sought to lodge a formal complaint about the inadequacy of notice to make submissions on the policy, and one suggested an "independent in-depth investigation" was required on the issues prior to developing such a policy."

Conclusion

- 16. Mr De Villiers undertook an independent review of the urban character of the City prior to him formulating his policy on areas where he considered additional building scale could be incorporated without affecting Albany’s unique character. That work also involved extensive consultation with local architects, estate agents and other key stakeholders. His response to the submissions indicates that Council is now faced with a philosophical decision on where it wishes to direct the urban character of the city. Failure to put in place a policy could result in a policy void on maximum building heights, which developers will exploit upon appeal.

RECOMMENDATION

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to:

- i) finally adopt the “Residential Design Code Policy”; and
- ii) rescind the policies covering “Coastal Development - Building Height Restrictions” and “Design Guidelines - Barry Court”.

Voting Requirement Simple Majority

.....

Item 11.3.2 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme 3, resolves to:

- i) finally adopt the “Residential Design Code Policy”; and**
- ii) rescind the policies covering “Coastal Development - Building Height Restrictions” and “Design Guidelines - Barry Court”.**

MOTION CARRIED 10-3

Councillor Walker returned to the chamber at 8.42pm.

DEVELOPMENT SERVICES REPORTS

11.3.3 Review of Outbuildings Policy

File/Ward	:	STR047 (All Wards)
Proposal/Issue	:	Scheme Policy - Outbuildings Policy
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/08/07 - Item 11.3.4
Summary Recommendation	:	Finally Adopt Modified Outbuildings Policy
Bulletin Attachment	:	Final Version of Outbuildings Policy
Locality Plan	:	

BACKGROUND

1. At it's meeting dated 21 August 2007, Council resolved the following:

“THAT Council:

Adopts the revised Outbuilding Policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.”

2. The policy was placed on advertising and at the close of public submissions two (2) submissions were received.
3. The advertised policy sought to modify the existing Outbuildings policy by allowing more outbuilding floor space on large residential lots.
4. The current Outbuildings Policy was adopted by Council in September 2005, and the review at that time was based solely on outbuilding wall and opening heights. Floor area requirements applicable to Outbuildings have not been reviewed since February 2003.
5. The submissions received during the advertising period have also requested that Council review the outbuilding sizes for other zones.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

STATUTORY REQUIREMENTS

6. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.
- “(a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
7. Clause 7.21.3 of Town Planning Scheme No. 1A requires the following procedure to be undertaken when altering or rescinding a Town Planning Scheme Policy.
- “(a) Preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy.*
- (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.”*
8. Clauses 6.9.2 and 6.9.3 of Town Planning Scheme No. 3 requires the same procedure as Clause 7.21.2 and 7.21.3 of Town Planning Scheme No. 1A to be undertaken to make a policy operative.

POLICY IMPLICATIONS

9. Any alterations to the City of Albany - Outbuilding Policy would be an amended Town Planning Scheme policy to be adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

10. Council is required to advertise the final adoption of the policy in the local newspaper at it's own cost.

Item 11.3.3 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. The submissions received during the advertising period did not object to the increase in outbuilding floor area for larger residential lots. For this reason it is recommended that the proposed changes as contained in the draft policy for residential zoned land be adopted by Council, except that a reduction of 10m² for residential lots greater than 4000m² be applied to maintain consistency with the Special Residential zone requirements (as these lots are generally around 4000m²).
13. One submission received by Council requested a review of maximum outbuilding floor areas for Special Residential zoned land. Rather than looking at Special Residential land in isolation, staff have undertaken a review of outbuilding sizes applicable to all zones relevant to the Outbuildings Policy.
14. Staff have researched outbuilding sizes allowable in other Local Government Areas, which is contained in Table 1 below.

Table 1

Local Authority	Zoning	Max. Outbuilding Size
Shire of Busselton	Residential	90m ²
	Special Rural	160m ²
	Conservation	160m ²
Shire of Harvey	Residential	120m ²
	Special Residential	120m ²
	Special Rural	150m ²
Shire of Denmark	Residential	80m ²
	Special Residential	100m ²
	Special Rural	150m ²

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

City of Geraldton-Greenough		
	Residential (<2000m ²)	120m ²
	Residential (>2000m ²)	180m ²
	Special Residential	180m ²
	Special Rural	240m ²
Shire of Manjimup		
	Residential	150m ²
	Special Residential	150m ²
	Special Rural	200m ²
City of Albany (existing)		
	Residential	100m ²
	Special Residential	120m ²
	Special Rural	150m ²
	Conservation	120m ²

15. Whilst landscape protection issues differ between local authorities, it is clear from the survey undertaken (Table 1) that the City's existing policy may be seen as restrictive in relation to Special Rural zones in particular, with Busselton, Manjimup and Geraldton all allowing larger outbuildings in this zone. Whilst Manjimup and Geraldton allow for larger outbuildings on Special Residential zones the majority of Council's surveyed restrict outbuilding sizes to around 120m².
16. Since the floor area requirements for outbuildings were last reviewed in 2003 staff have witnessed a growing trend by the community seeking larger outbuildings to accommodate private vehicles, caravans, boats, trailers, workspace and storage.
17. Staff believe that as per the proposal to allow larger outbuildings in the Residential zone based on lot area, this philosophy should be applied to the Special Residential and Special Rural zones. Special Residential lot sizes throughout the City can range between 2000m² and 1 hectare, and similarly Special Rural lot sizes can range between 1 hectare and 6 hectares. In order to ensure outbuilding sizes are more closely linked to lot area, a further breakdown in outbuilding categories has been proposed (refer Table 2 below). It is important to note that outbuilding sizes for smaller special residential lots will remain the same, with a 10m² increase being proposed for smaller Special Rural lots.
18. It is also recommended that outbuilding sizes for the Conservation Zone (which in the case of Nullaki represent 40 hectare lots) could be increased by 20m², without compromising the objective of the Outbuildings Policy; namely:
- “To achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, or the City as a whole.”*
19. The following modifications to the existing Outbuilding's Policy, inclusive of the proposed changes within residential zoned areas, are identified with underline bold, below:

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Table 2

Zoning	Max. Wall Height	Max. Ridge Height	Max. Total Floor Area for all outbuildings on lot)	Special Requirements
Residential / Future Urban / Residential Development Zone (Lots < 1000m ²)	3 metres	4.2 metres	100m ²	If floor area of outbuildings is to exceed 60m ² the use of non-reflective materials is required.
Residential / Future Urban / Residential Development Zone (Lots 1000m ² – 4000m ²)	<u>3 metres</u>	<u>4.2 metres</u>	<u>120m²</u>	If floor area of outbuildings is to exceed 60m ² the use of non-reflective materials is required.
Residential / Future Urban / Residential Development Zone (Lots >4000m ²)	<u>3.5 metres</u>	<u>4.5 metres</u>	<u>140m²</u>	If floor area of outbuildings is to exceed 60m ² the use of non-reflective materials is required.
Yakamia Creek Zone	3.5 metres	4.5 metres	120m ²	If floor area exceeds 100m ² the use of non-reflective materials is required.
Conservation Zone	3.5 metres	4.5 metres	<u>140m²</u>	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots <4000m ²)	4.2 metres	4.8 metres	<u>120m²</u>	Refer relevant planning scheme requirements for siting and materials.
Special Residential Zone (Lots >4000m ²)	4.2 metres	4.8 metres	<u>140m²</u>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots <2ha)	4.2 metres	4.8 metres	<u>160m²</u>	Refer relevant planning scheme requirements for siting and materials.
Special Rural Zone (Lots > 2ha)	4.2 metres	4.8 metres	<u>180m²</u>	Refer relevant planning scheme requirements for siting and materials.
Rural Zone (Lots <2 ha)	4.2 metres	4.8 metres	<u>180m²</u>	The siting of the outbuilding away from more obtrusive locations.
Rural Zone (Lots >2ha)				The siting of the outbuilding away from more obtrusive locations.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

20. It is recommended that Clause 7.0 of the existing policy be amended to ensure that where an applicant wishes to erect a larger outbuilding than identified in the above table they are aware that they will need to provide significant justification and the application will be referred to Council. The proposed new Clause is as follows:

“7.0 Planning Scheme Consent

Planning Scheme Consent will be only be required where the above criteria cannot be complied with. Any variations to the above Policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an ordinary meeting of Council.”

21. The submission received from S & K Weatherhead requests that Council should allow for outbuildings larger than 150m² on special residential land. Staff believe an increase from 120m² to 140m² on special residential lots greater than 4000m² is appropriate to cater for the increasing domestic needs of residents in these zones, with any increase in outbuilding size over 140m² likely to affect the amenity of the area.
22. In summary staff believe the proposed Policy is fair and equitable which more closely links the size of an outbuilding with the size of the property. A copy of staff’s recommended policy incorporating the above changes is attached in the Elected Members Report / Information Bulletin.

RECOMMENDATION

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 resolves to finally adopt the policy titled “Outbuildings Policy”, and rescinds the existing policy of the same name.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BOJCUN**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 resolves to finally adopt the policy titled “Outbuildings Policy”, and rescinds the existing policy of the same name.

MOTION CARRIED 14-0

ORDINARY COUNCIL MINUTES – 16/10/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

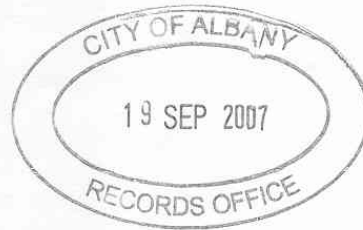


City of Albany Records
Doc No: ICR7038629
File: STR047
Date: 19 SEP 2007
Officer: MPR
Attach:

13th September 2007

SA & KM Weatherhead
76 Gladville Road
ALBANY WA 6330

Cheif Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331



TO WHOM IT MAY CONCERN

RE: No 1a & 3 REVISED OUTBUILDINGS POLICY

I am writing to you in relation to the proposed revision of the outbuildings policy for Residential Properties. I do not understand why this should be allowed on a Residential Property but not "Special" Residential Properties.

I am an owner of a Special Residential Zoned property greater than 4000m². I have trouble understanding why our land is zoned as such when some surrounding properties are zoned Residential, some Special Residential, some Special Rural and some Rural.

I also have trouble understanding why Residential Properties are possibly going to be allowed to construct larger outbuildings when we have the same size land, used for the same purpose. Considering we are in a more isolated location than a lot of these properties it certainly does not make sense.

I feel we should not be classed the same as Residential blocks between 1000m² and 4000m² with the proposed limit of 120m² of outbuildings.

I strongly feel that each application should be considered on it's individual merit. It should depend on location, neighbours consent and incorporate each individual applicants lifestyle. I also feel that it should be considered to increase outbuildings to more than the proposed 150m² for blocks over 1 acre if the applicant can justify a good reason for doing so.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

There is no limit on the size of your dwelling so why restrict outbuildings to a such a minute size.

As for a few rulings surely we are not that different to Residential. I ask that you strongly consider the same ruling for Special Residential Properties or better still draft a proposal for an appropriate outbuilding size for this type of property.

Yours faithfully,

Handwritten signatures of Kaylene and Sam Weatherhead.

KAYLENE & SAM WEATHERHEAD.

ORDINARY COUNCIL MINUTES - 16/10/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued



City of Albany Records
Doc No: ICR7038908
File: STR047

Date: 20 SEP 2007
Officer: MPR/PA
20/9/07

COUNCIL PLANNING DEPARTMENT; SUBMISSION REGARDING MODIFYING RESTRICTIONS OF OUT BUILDINGS ZONED RURAL/SPECIAL RURAL.

DEAR COMMITTEE MEMBERS;

WE BELIEVE COUNCIL SHOULD MODIFY THE CURRENT RESTRICTIONS APPLYING, FOR THE FOLLOWING REASONS:

SPEAKING PERSONALLY WE HAVE NEED TO GARAGE A ~~TRUCK~~ ~~CARAVAN~~ MOTORHOME; A CARAVAN; NUMEROUS VEHICLES & ITEMS REQUIRED TO MAINTAIN OUR 6,600 sq.m. PROPERTY - SUCH AS RIDE ON LAWN MOWER, GROUND CULTIVATOR, LARGE CEMENT MIXER; CAMPER TRAILER - ALL ITEMS OWNED BY MEMBERS OF THE FAMILY LIVING HERE.

WE WILL NOT BE USING THE GARAGE FOR PURPOSES OF BUSINESS OR INDUSTRY (AS SOME OF US ARE JUST RETIRED DUE TO HEALTH CONDITIONS (EXPECTED TO DETERIORATE) THEREBY REQUIRING SUPPORT OF OUR SONS/FAMILY - ALL BEING THE COLLECTIVE PROPERTY OWNERS) THEREFORE - ONCE BUILDING IS COMPLETED - THERE WILL NOT BE AN INCREASE IN TRAFFIC THROUGH OUR NEIGHBOURHOOD.

WE BELIEVE OUR NEED FOR THIS GARAGE IS GENUINE TO PROTECT THE VALUE OF OUR ASSETS.

WE INTEND TO PLANT FRUIT TREES & GARDEN TREES, & NATIVE PLANTS ON THE PROPERTY AND SO CAN ENSURE THE SHED WILL BE DISCREET.

IT IS A BLUE COLOUR BOND GARAGE AND WILL NOT BE GLARE REFLECTIVE INTO ANY NEIGHBORING PROPERTY, OR HAVE NEGATIVE VISUAL IMPACT - BEING SITUATED AT

ORDINARY COUNCIL MINUTES – 16/10/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

REAR OF THE BLOCK. PROPERTIES
MANY RURAL / SPECIAL RURAL A REQUIRE SUFFICIENT
GARAGING OF SIZE TO INCLUDE MOTOR HOMES, CARAVANS,
BOATS; TRAILER; TRACTORS ETC; SO WE RESPECTFULLY
REQUEST COUNCIL TO AGREE TO MODIFYING ITS
RESTRICTIONS AS IS PROPOSED.

Thank you for your consideration. +

Yours sincerely.

Sandy Phillips.

on behalf of WARREN, TIMOTHY & BRADLEY PHILLIPS
5359 SYDNEY ST
GLEEDHOD.



11.3.4 Sea Containers/Relocatable Storage Units Policy

File/Ward	:	STR047 (All Wards)
Proposal/Issue	:	Scheme Policy - Sea Containers/Relocatable Storage Units Policy
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt Sea Containers/Relocatable Storage Units Policy for advertising
Bulletin Attachment	:	Proposed Sea Containers/Relocatable Storage Units Policy
Locality Plan	:	N/A

BACKGROUND

1. In recent years there has been an increased use of sea containers/relocatable storage units within the City of Albany as sheds on properties throughout the City. Sea containers can serve a useful purpose, however they have the potential to have a significant adverse effect on visual character of streets and neighbourhoods and scenic rural or coastal landscapes.
2. The existing Outbuildings policy does not differentiate between Sea Containers/Relocatable Storage Units and typical outbuildings.
3. The purpose of this report is to propose a new policy to regulate the use of sea containers to ensure that they do not detract from the amenity of the area.
4. This policy applies to all land zoned within the City of Albany and should be read in conjunction with the Outbuildings Local Planning Policy. The Policy does not address the placement of transportable dwellings, relocated dwellings, railway carriages, or transportable offices.

STATUTORY REQUIREMENTS

5. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- “(a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*

6. Clauses 6.9.2 and 6.9.3 of Town Planning Scheme No. 3 requires the same procedure as Clause 7.21.2 and 7.21.3 of Town Planning Scheme No. 1A to be undertaken to make a policy operative.

POLICY IMPLICATIONS

7. The proposed Sea Containers/Relocatable Storage Units Policy would be a Town Planning Scheme policy to be adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

8. Council is required to advertise the adoption of the policy in the local newspaper at its own cost for two consecutive weeks.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

COMMENT/DISCUSSION

10. Applications for Sea Containers/Relocatable Storage Units are processed against Council's existing "Outbuildings Policy", which has been operational since its adoption in September 2005.
11. Controlling the location, appearance and number of sea containers permitted in the City will help to ensure that an appropriate and desirable level of visual amenity is maintained.
12. It is proposed to provide for the placement of sea containers on Rural, Industrial, Mixed Business and Commercial and to prohibit sea containers on any land zoned Residential, Residential Development, Tourist Residential, Future Urban, Yakamia Creek, Conservation, Landscape Protection, Special Rural or Special Residential.

RECOMMENDATIONS

THAT Council adopts the Sea Containers/Relocatable Storage Units Policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.

Voting Requirement Simple Majority

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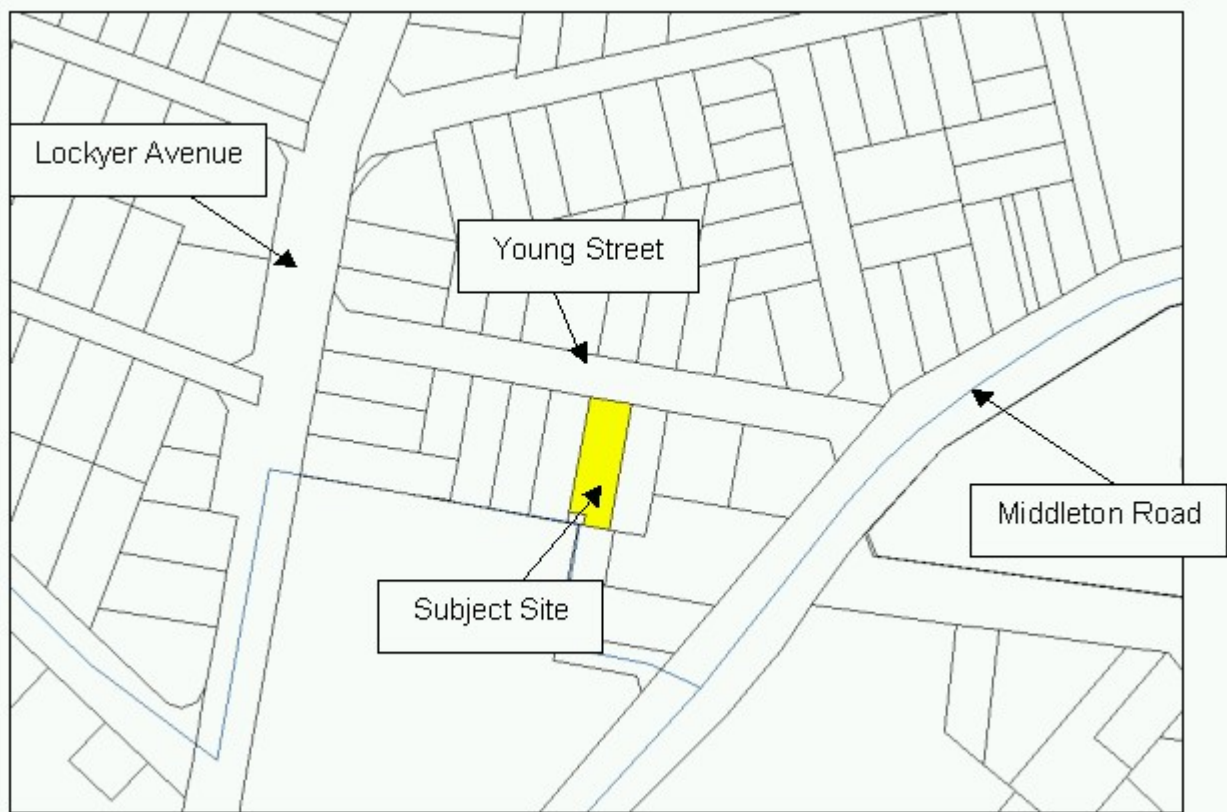
**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT Council adopts the Sea Containers/Relocatable Storage Units Policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3 and Clause 7.21.2 of Town Planning Scheme No 1A.

MOTION CARRIED 14-0

11.3.5 Scheme Amendment Request - Lot 1 (7) Young Street, Centennial Park

File/Ward	:	A92930 (Frederickstown Ward)
Proposal/Issue	:	Scheme Amendment Request - to add "Professional Office" as an Additional Use
Subject Land/Locality	:	Lot 1 (7) Young Street, Centennial Park
Proponent	:	P Davies
Owner	:	Catalano Biagio
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support scheme amendment to include Lots 1, 2, 3, 7 and 8 Young Street within Special Site No. 19
Bulletin Attachment	:	Copy of Scheme Amendment Request document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to add “Professional Office” as an Additional Use on Lot 1, 7 Young Street, Centennial Park. A copy of the request is included in the Elected Members Report/Information Bulletin.
2. The subject land is currently zoned Residential under the City of Albany Town Planning Scheme 1A and is currently used as a dwelling. The immediate vicinity of the site is characterised by a number of commercial uses.
3. The SAR was referred to the Department for Planning and Infrastructure (DPI) for comment.

STATUTORY REQUIREMENTS

4. A Scheme Amendment Request (SAR) is not a statutory process under the Town 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.
5. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - Western Australia Planning Commission’s Liveable Neighbourhoods policies on Home Business or Office uses for residential premises.
7. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. SPP1 encourages: the provision of zoned and serviced land for industry, business and other employment and wealth generating activities; and promotion of local employment opportunities in order to reduce the time and cost of travel to work.
8. Liveable neighbourhoods operates as a development control policy to facilitate the development of sustainable communities. Relevant to this SAR is the following principle:

“to facilitate mixed-use urban developments which provides for a range of living, employment and leisure opportunities capable of adapting over time as the community changes and which reflects appropriate standards of health, safety and amenity.”

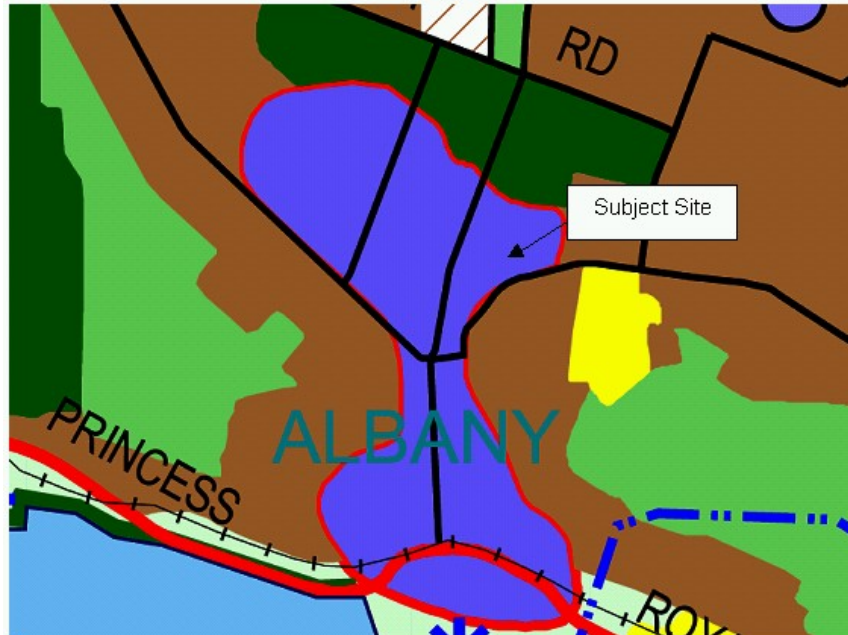
FINANCIAL IMPLICATIONS

9. There are no Financial Implications relating to this proposal.

Item 11.3.5 continued

STRATEGIC IMPLICATIONS

10. The site falls within an area identified as a Regional centre by the Albany Local Planning Strategy (ALPS).



11. The ALPS strategy seeks to facilitate opportunities for local employment and economic growth by providing appropriate locations for establishing and growing business through the following strategic objective:

“Support the growth in other business activity, in the form of bulky goods outlets, office developments, consulting rooms and home bases businesses, that do not have an adverse impact on existing uses.”

COMMENT/DISCUSSION

12. Lot 1, 7 Young Street is located close to the Albany CBD in an area zoned Residential but characterised by a number of commercial uses. A number of existing properties in the locality currently zoned residential have an additional use for Professional Office including Lots 4, 5, 7 and part of Lot 8 Middleton Road, which adjoins the subject lot to the rear.
13. The Western Australia Planning Commission have confirmed that the proposed use is in accordance with Liveable Neighbourhoods policy and have expressed their support for the proposed rezoning.
14. Staff in principle supports the proposed amendment given the future strategic vision expressed in ALPS and the existing character of the area. Lots 5, 7 and part of Lot 8 Middleton Road adjoining the subject site are zoned Special Site to include “Professional Office” as an additional use.
15. Due to the compatibility of the application with the strategic intent for the area, staff support the application to rezone the land to include “Professional Office” as an Additional Use.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

16. However staff consider that the “Professional Office” use should be made available to other lots on the south side of Young Street and accordingly it is recommended that Special Site No. 19 be extended to include Lots 2, 3, 7 and 8 Young Street in addition to the subject site Lot 1 Young Street.

RECOMMENDATION

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

- i) Compliance of the proposal with TPS 1A (inclusive of car parking provision); and
- ii) Site servicing requirements and current infrastructure availability.

Council advises that it is prepared to entertain the submission of a formal application for rezoning to include Lots 1, 2, 3, 7 and 8 Young Street within Special Site No. 19, which allows “Professional Office” as an Additional Use.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

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

- i) Compliance of the proposal with TPS 1A (inclusive of car parking provision); and**
- ii) Site servicing requirements and current infrastructure availability.**

Council advises that it is prepared to entertain the submission of a formal application for rezoning to include Lots 1, 2, 3, 7 and 8 Young Street within Special Site No. 19, which allows “Professional Office” as an Additional Use.

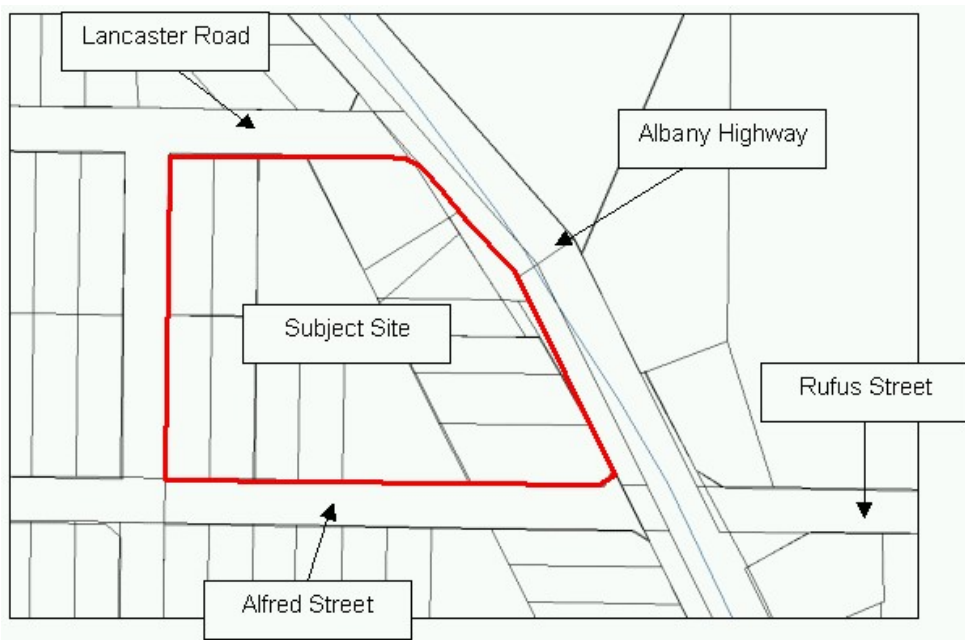
MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Councillor Evans declared impartiality to Item 11.3.6, as his wife is a member of Albany Sinfonia (Inc); and Councillor is a patron of the City of Albany Band (Inc).

11.3.6 Scheme Amendment Request - 7 Lancaster Road, McKail

- File/Ward** : SAR122 (West Ward)
- Proposal/Issue** : Request to rezone land from Place of Public Assembly, Public Purposes Reserve, Local Shopping Zone, Service Station & Residential R20 to “Special Site”
- Subject Land/Locality** : Lots 23-25 Lancaster Road, Lots 26, 27, 29, 31, 33 Alfred Road & Lots 35, 37, 57-60 Albany Highway, McKail
- Proponent** : Ayton Taylor Burrell
- Owner** : City of Albany Band Inc/ Albany Sinfonia Inc, AV Addis, McKail’s Investments Pty Ltd, Housing Authority, H & D Ford and Cape Grazing Estate Pty Ltd.
- Reporting Officer(s)** : Senior Planning Officer (K Hughes)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Support rezoning of subject land to part “Residential (R30)” and part “Special Use Site”
- Bulletin Attachment** : Scheme Amendment Request
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to rezone Lots 23-25 Lancaster Road, Lots 26, 27, 29, 31, 33 Alfred Road & Lots 35, 37, 57-60 Albany Highway, McKail (currently zoned “Place of Public Assembly”, “Local Shop”, “Residential”, “Service Station” and “Public Purposes”) to “Special Site”. A copy of the request is included in the Elected Members Report / Information Bulletin.
2. The site is located 5 km northwest of the CBD and is bounded by Albany Highway, Lancaster Road, Little Henry Street and Alfred Street. It is currently used for a number of commercial (including convenience store, car rental, storage depot) and residential uses.
3. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment and Conservation (DEC), Main Roads and the Water Corporation. No response has been received from the Department of Environment and Conservation (DEC).

STATUTORY REQUIREMENTS

4. The subject lots are zoned as follows in Town Planning Scheme 3:
 - Lots 23 & 24 Lancaster Road Place of Public Assembly Zone
 - Lots 29, 31 & 33 Alfred Street Public Purposes Reserve

 - Lot 60 & Part Lot 59 Albany Highway Local Shopping Zone
 - Lot 35 & Part Lot 59 Albany Highway Service Station Zone
 - Lot 25 Lancaster Road / Lots 37, 57 & 58 Albany Highway / Lots 26 & 27 Alfred Street Residential R20
5. A Scheme Amendment Request (SAR) is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
6. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

PROPOSAL

7. This SAR proposes rezoning to “Special Site” with a base zoning of Residential R30 to encompass the following additional uses:
- Aged person’s dwelling;
 - Club premises;
 - Day care centre;
 - Fast food outlet;
 - Laundromat;
 - Office;
 - Plant nursery;
 - Private recreation;
 - Restaurant;
 - Service station;
 - Shop;
 - Vehicle hire; and
 - Veterinary clinic.

POLICY IMPLICATIONS

8. The WAPC Statements of Planning Policy (SPP) No.’s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
9. WAPC Statement of Planning Policy (SPP) 4.2 *Metropolitan Centres Policy* provides the policy framework to guide retail development in metropolitan Local Planning Strategies and Schemes. The key feature of the Policy is the *Metropolitan Centres Hierarchy* comprising of strategic regional, regional, district, neighbourhood and local centres. Whilst not directly related to regional centres, this hierarchy has provided the basis for centres planning of WA regional towns, including Albany.
10. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

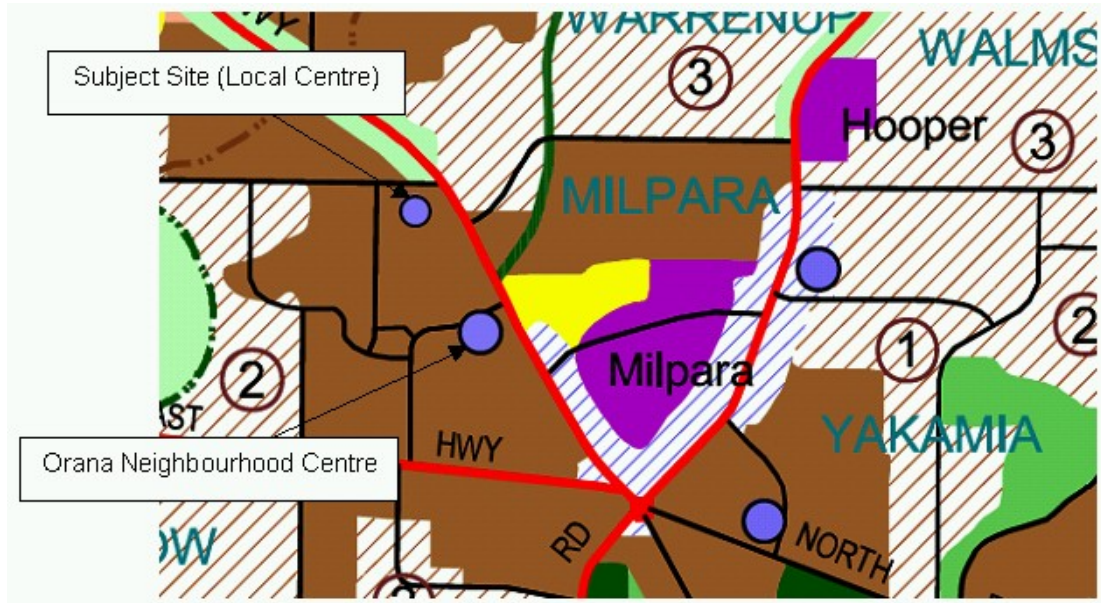
FINANCIAL IMPLICATIONS

11. There are no financial implications relating to this proposal.

STRATEGIC IMPLICATIONS

12. The subject site is designated as a “Local Centre” within the Albany Local Planning Strategy. The economic strategy set out in ALPS includes a number of objectives, which are relevant to this proposal including:
- Retain existing and develop new staged neighbourhood and local centres incorporating retailing as a primary focus;
 - Local centres will provide for local shopping needs catering for daily small scale convenience retailing and the service needs of the local community; and
 - Local Centres are to have a local convenience function with an upper limit of 600m² of retail and located at McKail, Middleton Beach, Emu Point, Lower King, Little Grove, Bayonet Head and Yakamia.

Item 11.3.6 continued



13. The Draft Retail Development Strategy 2005 provides a strategic direction for commercial and retail planning policy in Albany until 2021. The strategy identified the subject site as a local centre and proposes that this level of centre accommodate retail floor space of 600 m² and recommends that *“where possible, within a 100m radius of neighbourhood and local centres, facilitate increase residential density of at least R20, preferably R30.”*

COMMENT/DISCUSSION

14. Main Roads and the Water Corporation have raised no objection to the proposed SAR. However the Department for Planning and Infrastructure is not supportive of rezoning the entire site to “Residential R30” with the Special Site zoning introducing additional permitted land uses as this creates the potential for the elimination of the commercial “local centre” use from the area. The DPI also recommends that a Detailed Area plan be prepared to form part of the amendment documents.
15. Staff in principle support the proposal to rationalise the mix of zonings surrounding the existing commercial area known as Touristville. However it is considered that the areas must be viewed as two separate zones; a local centre commercial area and an adjoining residential zone. In addition a number of uses proposed by the proponent are not appropriate to a local centre.
16. A density of R30 is considered appropriate for the residential zone given its proximity to the local centre.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

17. A special use site can accommodate a range of appropriate “local centre” uses and allow for the continued operation of the existing businesses. It is recommended that a special use site be added to Schedule III of Town Planning Scheme 3 as follows:

LAND PARTICULARS	ADDITIONAL USES	SPECIAL CONDITIONS
Portion of Lot 35, 37, 59 & 60 Albany Highway	All uses which may be permitted in the Local Shopping Zone with the following additional uses: -Day care centre -Laundromat	All development to be in accordance with an approved Outline Development Plan. Development provisions of the Local Shopping zone apply. Access to this development from Albany Highway will be limited to a location which does not impede future proposed intersection treatment works and is to be approved by the regional Manager, Main roads Great Southern. A maximum retail floor space of 600 sq. m.

CONCLUSION

18. The proponent is proposing a Special site zone over the entire street block to encompass a wide range of activities and residential uses at R30.
19. Staff have considered this proposal and recommend the creation of a Residential R30 zone and a Special Use Site to accommodate a local centre area.

RECOMMENDATION

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

- i) Identification of servicing needs and infrastructure requirements to accommodate future development.
- ii) The preparation of an Outline Development Plan to address the configuration of the proposed residential lots and any internal roads; location of retail floor space on the ODP configured to complement existing and proposed land uses on the site; buffer zones and/or separation distances between commercial and residential uses.
- iii) Identification of a suitable scheme mechanism to permit mixed use development (residential and commercial development) within the “Special Use Site” area.

Council advises that it is prepared to entertain the submission of a formal application for the rezoning this land to part “Residential R30” and part “Special Use Site”.

Voting Requirement Simple Majority

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Item 11.3.6 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MARSHALL**

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

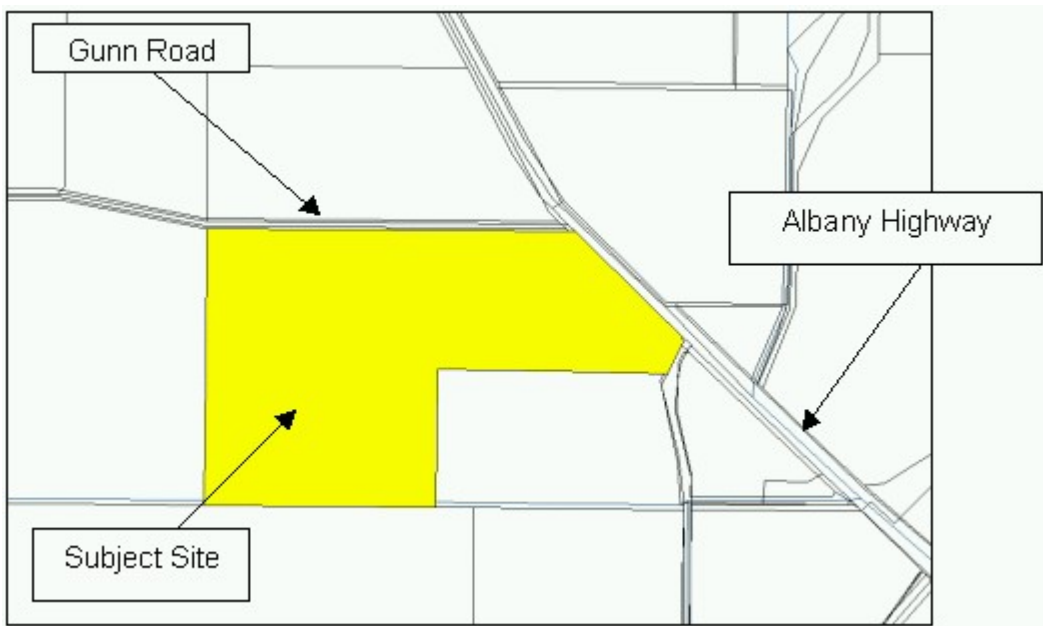
- i) Identification of servicing needs and infrastructure requirements to accommodate future development.**
- ii) The preparation of an Outline Development Plan to address the configuration of the proposed residential lots and any internal roads; location of retail floor space on the ODP configured to complement existing and proposed land uses on the site; buffer zones and/or separation distances between commercial and residential uses.**
- iii) Identification of a suitable scheme mechanism to permit mixed use development (residential and commercial development) within the “Special Use Site” area.**

Council advises that it is prepared to entertain the submission of a formal application for the rezoning this land to part “Residential R30” and part “Special Use Site”.

MOTION CARRIED 14-0

11.3.7 Initiate Scheme Amendment - Lot 2 Albany Highway, Drome

File/Ward	:	AMD270 (West Ward)
Proposal/Issue	:	Formal request to re-zone Lot 2 Albany Highway, Drome, from “Rural” to “Special Rural” with special conditions in Schedule 3 of the Scheme
Subject Land/Locality	:	Lot 2 Albany Highway, Drome
Proponent	:	Harley Survey Group
Owner	:	Newseason Nominees Pty Ltd
Reporting Officer(s)	:	Senior Planning Officer (K Hughes) and Gray & Lewis Land use Planners
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/08/06 - Item 11.3.2
Summary Recommendation	:	That subject to modifications to the amending documents, Council initiates the Amendment for the purpose of referral to the EPA and subsequent advertising
Bulletin Attachment	:	Amendment Document
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) was lodged in June 2006 to change the zoning of Lot 2 Albany Highway, Drome, from “Rural” to “Special Rural”; the SAR was considered by Council on 15 August 2006.
2. Council advised the applicant that it was prepared to conditionally entertain the submission of an Amendment subject to:
 - (i) concurrently with the preparation of the amending documents, the proponent take all reasonable steps to have the draft Albany Local Planning Strategy amended to reflect the use of the subject land for “Special Rural” purposes;
 - (ii) the amendment documents incorporate detailed soil analysis to verify that the site and each of the proposed lots has the environmental and hydrological capacity to retain and safely manage stormwater and effluent disposal on-site;
 - (iii) the amending documents clearly identify the arrangements that are to be put in place to provide the ongoing management, maintenance and future replacement of infrastructure including bridal paths, the landing field, fencing to outer paddocks and buffer plantings; and
 - (iv) the appropriate approvals are obtained from the Civil Aviation Safety Authority for the landing field and verification that the operational arrangements for the Harry Riggs Albany Regional Airport will not be compromised.
3. The matters have generally been addressed by the applicant. It is recommended that, subject to modifications, Council adopt the Amendment for the purpose of initiating advertising.

STATUTORY REQUIREMENTS

4. Council’s resolution under Section 75 of the *Planning and Development Act 2005* is required to amend the Scheme.
5. An Amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
6. Advertising of an Amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

9. The land is earmarked for “Special Rural” within the Albany Local Planning Strategy (ALPS).

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

COMMENT/DISCUSSION

Proposal

10. The application is to:
- Re-zone Lot 2 Albany Highway, Drome, from “Rural” to “Special Rural”; and
 - To list the Lot, permissible uses, and special conditions in Schedule 3 of the Scheme.

Site Description

11. The majority of Lot 2 that has an area of approximately 77.802 ha has been cleared of native vegetation; introduced species have been planted to act as a windbreak.
12. Larger private properties to the south and west are currently utilised for cattle grazing.
13. To the east is the Harry Riggs Albany Regional Airport and Sprint Kart Track. Directly to the north lies a blue gum plantation used by the Water Corporation to disperse treated effluent from the Corporation’s wastewater treatment plant.

Development Concept

14. The re-zoning is proposed to facilitate development incorporating residential uses, an airport, and equestrian activities.
15. The main elements of the concept plan include:
- Two separate housing clusters with a common entry from Gunn Road. The cluster lots are to be created as survey-strata lots with the balance of the land held as common property.
 - One cluster of thirty-five 2,000m² lots will be located on the eastern portion of the site and each Lot will have an aircraft hanger. The cluster lots would be developed around a central grass landing field.
 - A second housing cluster consisting of forty-two 2,000m² lots each with stables is centred on equestrian facilities such as exercise and agistment yards.
 - Larger areas of common property will be developed in the initial development with bridle trails, grazing areas etc.
 - A caretaker / manager’s dwelling is included.
16. The residential density is approximately one dwelling per hectare [78 dwellings (77 in two clusters plus a caretaker / manager’s dwelling) on 77.802 ha].

Matters to be addressed by the applicant (identified in SAR)

17. The applicant was requested through the SAR process to address a number of matters and these are summarised in Table 1.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Table 1 -Issues identified in SAR

Item identified in SAR	Comment
Proponent to take steps to amend the draft Albany Local Planning Strategy to reflect the proposed "Special Rural" use.	The applicant has lodged a submission on the Strategy and the land is earmarked for "Special Rural".
Include detailed soil analysis to verify that the site and each of the proposed lots has the environmental and hydrological capacity to retain and safely manage stormwater and effluent disposal on-site.	A Land Capability Report has been lodged.
The documents to identify clearly the arrangements that are to be put in place to provide the ongoing management, maintenance, and future replacement of infrastructure.	The applicant has advised that infrastructure in common property will be constructed in the initial development, and the Amendment includes a provision requiring a strata management plan addressing ongoing maintenance before Council recommends any approval to the WAPC.
The appropriate approvals are obtained from the Civil Aviation Safety Authority for the landing field and verification that the operational arrangements for the Harry Riggs Albany Regional Airport will not be compromised.	The applicant has submitted a report by Aviation Industry Consultants addressing CASA's guidelines and flying procedures to show flight paths do not cross the regional flight paths. If Council initiates the Amendment it is recommended that it be formally referred to CASA and Albany Regional Airport inviting submissions.

Aircraft Noise

18. Noise assessment reports have been prepared to assess potential noise impact from the proposed landing field and conclude that;
- There will not be enough air traffic to generate Australian Noise Exposure Forecast (ANEF) figures.
 - Dwellings are not to be located under the approach or departure track.
19. In considering aircraft noise it is noted that the applicant proposes to construct hangers in the initial development, that only light planes will be accommodated, and 1 to 2 aircraft movements daily are anticipated.

Land use Compatibility - Interaction between Uses

20. This matter was examined in the SAR, and Council supported the proposed land uses.
21. The applicant has provided a supporting letter by an equestrian centre manager with examples of equestrian activities near or adjacent to airports, and the issue is also discussed in the Noise Impact Assessment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

Stables

22. Horses are to be kept in stables that are to be provided and maintained under the City’s Animals Local Laws 2001. It will be necessary to increase the site area for the cluster lots with stables, to comply with the City’s Animals Local Laws that preclude the keeping of a horse on a site that is less than 2,020 m². This can readily be accommodated in future plans of subdivision.

Proposed Amendment

23. Minor modifications to the Amendment are suggested, as summarised in Table 2:

Table 2 – Recommended modifications to the amendment

Item identified in SAR	Comment
The size of the hangers (to be constructed by the developer) restricts the size of aircraft to be accommodated. The noise report is also based on the development accommodating light planes.	As ‘hangers’ are proposed as a permitted use it is recommended that the Amendment include a new Clause 1.5 stating “ <i>There shall be a maximum of one light aircraft per aircraft lot in accordance with the Development Plan.</i> ”
The applicant proposes development guidelines to control the design of all proposed dwellings. The developer can be responsible for the guidelines through covenants on the title.	If Council does not want to be responsible for implementation of the development guidelines then no reference should be made to them in the Town Planning Scheme and Clause 7.3 should be deleted.

24. The applicant has addressed the issues raised by Council in the SAR, and subject to the minor modifications referred to above; the Amendment is supported for the purpose of referral to the Environmental Protection Authority and subsequent advertising.

DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

RECOMMENDATION

THAT COUNCIL:

- i) Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment 270 to the City of Albany Town Planning Scheme 3 (subject to modifications) for the purposes of:
 - a) Re-zoning Lot 2 Albany Highway, Drome from “Rural” to “Special Rural” as depicted on the Scheme Amendment Map; and
 - b) Include Lot 2 Albany Highway, Drome in Schedule 3 as Special Use Zone No 20 and include permissible uses and special conditions.
- ii) Advise the applicant that modified Amendment documents incorporating the modifications summarised in paragraph 24 are to be submitted prior to the Amendment being referred to the Environmental Protection Authority.
- iii) On receipt of correspondence from the EPA, invite submission on the Amendment from:
 - a) Surrounding land owners;
 - b) Relevant servicing authorities including but not limited to the Civil Aviation Safety Authority (CASA), Albany Regional Airport, the Department of Agriculture and Food and the Fire and Emergency Services Authority.

Voting Requirement Simple Majority

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Item 11.3.7 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR BOJCUN**

THAT COUNCIL:

- i) Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate Amendment 270 to the City of Albany Town Planning Scheme 3 (subject to modifications) for the purposes of:
 - a) Re-zoning Lot 2 Albany Highway, Drome from “Rural” to “Special Rural” as depicted on the Scheme Amendment Map; and**
 - b) Include Lot 2 Albany Highway, Drome in Schedule 3 as Special Use Zone No 20 and include permissible uses and special conditions.****
- ii) Advise the applicant that modified Amendment documents incorporating the modifications summarised in paragraph 24 are to be submitted prior to the Amendment being referred to the Environmental Protection Authority.**
- iii) On receipt of correspondence from the EPA, invite submission on the Amendment from:
 - a) Surrounding land owners;**
 - b) Relevant servicing authorities including but not limited to the Civil Aviation Safety Authority (CASA), Albany Regional Airport, the Department of Agriculture and Food and the Fire and Emergency Services Authority.****

MOTION CARRIED 14-0

11.4 RESERVES PLANNING

11.4.1 Use of Council Land - ABC Regional Office Temporary Building

File/Ward	:	A129256 (Frederickstown Ward)
Proposal/Issue	:	Replacement of Temporary Building on City of Albany Land
Subject Land/Locality	:	4 (Lot 32) St Emilie Way, Albany
Proponent	:	Australian Broadcasting Commission
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Conditionally Support Request
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. The ABC developed their Albany regional broadcasting facility on a site in St Emilie Way in 1996 to accommodate four staff. The staff numbers grew to a point where, in 2000, the ABC successfully approached the City for permission to buy land from the City, adjacent to their property, with a view to a future expansion.
2. To ease the short-term accommodation problem faced by the ABC, the City agreed in 2000 to allow the ABC to locate a “temporary” transportable building on their land.
3. The ABC is now in a position to upgrade their Albany regional facility and is seeking City of Albany support to replace the existing transportable with a larger structure (Approximately 14.0m x 4.0m) as a short-term office. Furthermore, the ABC would like to rent some land from the City to locate that building on; the indications are that the site would be required for a period of two (2) years.

STATUTORY REQUIREMENTS

4. There are no Statutory Requirements relating to this item.

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

FINANCIAL IMPLICATIONS

6. There is the potential for a positive financial return to the City if a short term rental is provided.

STRATEGIC IMPLICATIONS

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

Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil."

COMMENT/DISCUSSION

8. ABC radio provides a valuable service to the Great Southern Region of WA and Council recognised that service in 2000 when it agreed to sell land to the broadcaster.
9. The existing transportable building has remained on-site considerably longer than originally planned and that is a direct result of the ABC failing to provide the capital funding needed at that time to undertake the building expansion required to house the expanding workforce in the regional office.
10. In commercial areas, it is not uncommon for builders to seek local authority approval to temporarily take over part of an adjoining road reserve or property during the construction phase. Examples include the recent work on Albany Plaza and the Court / Police complex. In this case, it is requested that space on Council land, used for occasional parking, be temporarily taken for the duration of the building contract.
11. Should Council agree to this request, it is recommended that a date be set from the outset for the building to be removed from Council's land, that a commercial rental be negotiated and that a bond be deposited to allow Council to remove the structure should the capital works not proceed.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

RECOMMENDATION

THAT Council advise the Australian Broadcasting Commission that Council will support a relocated structure being placed upon portion of Lot 32 (4) St Emilie Way and for a portion of that land to be rented to the Commission subject to:

- i) The rental agreement shall not extend beyond a period of 24 months;
- ii) The commercial rental shall be paid for the land area rented from the City of Albany, with the value of that rental shall be determined through commercial valuation;
- iii) The City supports a relocated building being placed on the area rented from the City and that building shall be removed at the conclusion of the rental period; and
- iv) The Commission shall pay to the City a bond of \$10,000 to provide for the removal of the relocatable building, in the event that the rental period has expired and the building has not been removed from the City's land.

Voting Requirement Simple Majority

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MOVED COUNCILLOR MARSHALL

SECONDED COUNCILLOR EMERY

THAT Council advise the Australian Broadcasting Commission that Council will support a relocated structure being placed upon portion of Lot 32 (4) St Emilie Way and for a portion of that land to be rented to the Commission subject to:

- i) The rental agreement shall not extend beyond a period of 24 months;**
- ii) The commercial rental shall be paid for the land area rented from the City of Albany, with the value of that rental shall be determined through commercial valuation;**
- iii) The City supports a relocated building being placed on the area rented from the City and that building shall be removed at the conclusion of the rental period; and**
- iv) The Commission shall pay to the City a bond of \$10,000 to provide for the removal of the relocatable building, in the event that the rental period has expired and the building has not been removed from the City's land.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 City of Albany Local Emergency Management Committee

File/Ward	:	MAN104 (All Wards)
Proposal/Issue	:	Adopt the Albany Local Emergency Management Committee (LEMC) as an Internal Council Committee
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Emergency Management Coordinator (S Gray)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt the Albany Local Emergency Management Committee (LEMC) as an Internal Council Committee
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany Local Emergency Management Committee (LEMC) is currently an “External Council Committee”.
2. Currently, Councillor Des Wolfe chairs the LEMC, with the Deputy Chair being the OIC of the local WA Police Station (Local Emergency Coordinator) and Executive Officer is the City of Albany Emergency Management Coordinator.
3. In December 2005 the *Emergency Management Act 2005* was proclaimed. The purpose of the Act is to establish the overarching emergency management arrangements for Western Australia’s emergency services, providing direction on policy, planning and coordination matters. Significantly, the Act also created a range of legislative powers that will assist in the management and coordination of “emergency situations” and “states of emergency”.
4. Section 38(1) of the Emergency Management Act 2005 requires a local government to establish a local emergency management committee for the local government district.
5. State Emergency Management Policy No. 2.5 - Emergency management in Local government districts provides responsibilities and functions of a LEMC (see attached).

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

STATUTORY REQUIREMENTS

6. Under the *Emergency Management Act 2005*, the City is required to establish a local emergency management committee for its local government district.

7. Sections 38 and 39 of the *Emergency Management Act 2005* state:

“38. Local emergency management committees

(1) A local government is to establish one or more local emergency management committees for the local government’s district.

(3) A local emergency management committee consists of-
a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.

(4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC”.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established -

(a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;

(b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and

(c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. This will continue to be funded from the current Council emergency management budget.

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Public Safety – Base emergency management upon national protocols.”

COMMENT/DISCUSSION

11. A number of other supporting plans will need to be produced to further support these Arrangements, and will be completed under the auspices of the Local Emergency Management Committee.

12. That the following from SEMP 2.5 be adopted as the procedures for LEMC:

“LEMCs shall meet every three (3) months and as required. Each meeting of the LEMC should consider, but not be restricted to, the following matters, as appropriate:

a. Every meeting:

- i. Confirmation of local emergency management arrangements contact details and key holders;*
- ii. Review any of post-incident reports and post exercise reports generated since last meeting;*
- iii. Progress of emergency risk management process;*
- iv. Progress of treatment strategies arising from emergency risk management process;*
- v. Progress of development or review of local emergency management arrangements; and*
- vi. Other matters determined by the local government.*

b. First calendar quarter:

- i. Development and approval of next financial year LEMC exercise schedule (to be forwarded to relevant DEMC);*
- ii. Begin developing annual business plan.*

c. Second calendar quarter:

- i. Preparation of LEMC annual report (to be forwarded to relevant DEMC for inclusion in the SEMC annual report);*
- ii. Finalisation and approval of annual business plan.*

d. Third calendar quarter:

- i. Identify emergency management projects for possible grant funding.*

Item 11.5.1 continued

e. Fourth calendar quarter:

i. National and State funding nominations.

The LEMC shall determine other procedures as it considers necessary”.

RECOMMENDATION

THAT:

- i) Council endorse the City of Albany Local Emergency Management Committee in accordance with Section 38 of the Emergency Management Act 2005;
- ii) The Chairman continues to be a City of Albany Councillor Section 38(3);
- iii) The Deputy Chairman continue to be the WA Police Local Emergency Coordinator;
- iv) Council's Emergency Management Coordinator continue as the Executive Officer; and
- v) The current local emergency management committee members remain the same.

Voting Requirement Absolute Majority

.....
AMENDED OFFICER RECOMMENDATION

THAT:

- i) Council endorse the formation of the City of Albany Local Emergency Management Committee in accordance with Section 38 of the Emergency Management Act 2005 based upon the membership of the current Emergency Management Committee, and
- ii) The Chairman be a City of Albany Councillor;
- iii) The Deputy Chairman be the WA Police Local Emergency Coordinator; and
- iv) Council's Emergency Management Coordinator be appointed the Executive Officer.

Voting Requirement Absolute Majority

.....

Item 11.5.1 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT:

- i) Council endorse the formation of the City of Albany Local Emergency Management Committee in accordance with Section 38 of the Emergency Management Act 2005 based upon the membership of the current Emergency Management Committee, and**
- ii) The Chairman be a City of Albany Councillor;**
- iii) The Deputy Chairman be the WA Police Local Emergency Coordinator; and**
- iv) Council's Emergency Management Coordinator be appointed the Executive Officer.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

11.6 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council adopt the list of accounts for payment.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques	Totalling		\$52,532.42
Electronic Fund transfer	Totalling		\$3,096,597.22
Credit Cards	Totalling		\$0.00
Payroll	totalling		\$637,961.00
Total			<u>\$3,787,090.64</u>

2. As at 28th September 2007, the total outstanding creditors, stands at \$324,323.64.

RECOMMENDATION

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

Municipal Fund	Totalling	<u>\$3,787,090.64</u>
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Voting Requirement Simple Majority

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ORDINARY COUNCIL MINUTES – 16/10/07
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

RECOMMENDATION

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

Municipal Fund	Totalling	<u>\$3,787,090.64</u>
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MOTION CARRIED 14-0

12.1.2 2007/2008 Budget Review

File/Ward	: FIN 047 (All Wards)
Proposal/Issue	: Council requested to adopt a Budget Review
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Finance (S Goodman)
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: That Council adopt the 1 st Quarter Budget Review
Bulletin Attachment	: Proposed Review adjustments
Locality Plan	: N/A

BACKGROUND

1. In July 2007, Council officers conducted a review of 2006/07 projects for their areas and determined required carryovers. A macro review of 2007/08 budget items was also conducted and items for review were identified.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. Carryovers for 2006/07 have been transferred to reserves and the corresponding 07/08 expenditure is funded from those reserve transfers. Any surplus for 2007/08 will be credited to the Master plan Funding Reserve as per the budget direction.

Item 12.1.2 continued.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 6. The budget review is necessary to incorporate carryovers from 2006/07 into the 2007/08 budget. Most of the carryovers result from projects, which were not complete at the end of the 2006/07 financial year. Some projects are deferred to 2007/08 due to funding delays. There is no net impact on the balanced budget for 2007/08 as all costs were provided for in 2006/07 by reserve transfers
- 7. In addition to the carryovers, there are a number of required amendments which will provide a year end surplus of \$ 42,952. \$ 45,000 is the result of actual general purpose and local roads funding from the WA Grants Commission, which was in excess of the estimate in the budget. The proposed amendments also include a provision of \$ 120,000 to cover estimated reduced reserves interest as a result of the July 2007 Collateralised Debt Obligation (CDO) issues.

RECOMMENDATION

THAT Council adopt the 1st Quarter Budget Review.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT Council adopt the 1st Quarter Budget Review.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

12.2 ADMINISTRATION

12.2.1 Annual Electors Meeting

File/Ward	: FIN 047 (All Wards)
Proposal/Issue	: Council requested to set a date for the Annual Electors Meeting
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Finance (S Goodman)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council hold the Annual Electors Meeting on 4 th December 2007
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council is required to convene an Annual Meeting of Electors each year and publicly advertise its intention of holding such a meeting

STATUTORY REQUIREMENTS

2. Section 5.27 of the Local Government Act 1995 requires that a General Meeting of the electors of a district be held once every financial year, not more than 56 days after the Local Government accepts the annual report for the previous financial year, and any other nominated general business.
3. The Chief Executive Officer is required to give at least 14 days local public notice of an electors meeting.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Item 12.2.1 continued.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 7:00pm on Tuesday 4th December 2007 in the William Finlay Room in the City's North Road Office and that the meeting be advertised locally.

RECOMMENDATION

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the William Finlay Room in the City's North Road Office at 7:00pm on 4th December 2007, for the purpose of receiving the 2006/2007 Annual Report of the City of Albany and other General Business as listed.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WALKER**

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the William Finlay Room in the City's North Road Office at 7:00pm on 4th December 2007, for the purpose of receiving the 2006/2007 Annual Report of the City of Albany and other General Business as listed.

MOTION CARRIED 14-0

12.2.2 Contract C07012 – Supply and Delivery of Information Technology Hardware

File/Ward	:	C07012 (All Wards)
Proposal/Issue	:	Supply and delivery of Information Technology hardware
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager Customer Services (B Parker)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accept the tender from KLB Systems to supply Information Technology hardware to the City of Albany
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. In line with the City's new purchasing policy, officers identified a need to prepare a tender document for the supply of Information Technology hardware. The City's intent was to establish a panel of suppliers for the supply and delivery of Information Technology hardware for a two-year period, with a price negotiated and mutually agreed continuance for a further twelve months.
2. Officers prepared a schedule of requirements from an Information Technology hardware perspective. The schedule of requirements contained elements such as new desktop computers, servers and laptops that are regularly purchased by the City.

STATUTORY REQUIREMENTS

3. 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.
4. 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.
5. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

Item 12.2.2 continued

POLICY IMPLICATIONS

6. The City of Albany's Regional Price Preference Policy applies to this Item. KLB Systems did not claim the Buy Local Policy.

FINANCIAL IMPLICATIONS

7. The City's tender document required the submission of a schedule of rates for six items that the City purchases regularly.
8. All items to be purchased under this agreement have been budgeted for.

STRATEGIC IMPLICATIONS

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

Community Vision:

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

Mission Statement:

The City of Albany is committed to sustainable managing Albany's municipal assets: and at all times we will respect the Community's aspirations and resources.

Priority Projects:

Nil."

COMMENT/DISCUSSION

10. A request for tenders was published in the West Australian on 29th August 2007 and in the Albany Advertiser on 30th August 2007 with a copy in the Albany Extra on 31st August 2007 for Supply and Delivery of Information Technology.
11. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	40
Technical Compliance and Experience	40
Reliability	20
TOTAL	100%

12. A total thirty-three copies of tender documents were issued to interested companies. Only one formal response from KLB Systems was received.

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Item 12.2.2 continued

13. The following table summarizes the submission received by the close of the tender period.

Criteria	Weight	KLB Systems	Weighted
Cost	40	5	200
Technical Compliance & Experience	40	8	320
Reliability	20	9	180
Total	100		700

14. KLB Systems have an existing relationship with the City of Albany. KLB Systems currently supply the City with Information Technology hardware. Previous dealings indicate that KLB Systems provide a reliable service, technical expertise and value for money.
15. KLB Systems have indicated as a part of their tender that they will commission local onsite support.

RECOMMENDATION

THAT Council accepts the tender from KLB Systems (C07012), for the supply of Information Technology hardware for a two-year period, with a price negotiated and mutually agreed continuance for a further twelve months.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
 SECONDED COUNCILLOR EMERY**

THAT Council accepts the tender from KLB Systems (C07012), for the supply of Information Technology hardware for a two-year period, with a price negotiated and mutually agreed continuance for a further twelve months.

MOTION CARRIED 14-0

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

12.6.1 Community Sporting and Recreation Facilities Fund (CSRFF) 2007/08 – 2009/10 Triennium Applications

File/Ward	:	FIN 022 (All Wards)
Proposal/Issue	:	Assessment of CSRFF Applications
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Of Community Development (M Weller)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That consideration be given to the CSRFF applications received by Council and these be given a priority ranking.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Community Sport and Recreation Facilities Fund (CSRFF) is administrated by the Department of Sport and Recreation, with applications being called each year. Part of the assessment process involves Council consideration of the applications with a priority ranking being given to the applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants.
2. Assessment and priority ranking on a regional level is then made by the Great Southern Regional Recreation Advisory Group. Communication from the Department of Sport and Recreation Regional Manager (Great Southern) is that the group ranks projects considering factors such as:
 - Application of Department of Sport and Recreation Fund Criteria
 - High priority for basic standard of provision (Grassed level playing field; Multi-marked hard stand area and extended use through provision of lighting)
 - Whether or not the project has a major regional significance

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Item 12.6.1 continued

3. The future inclusion of Albany projects in the regional advisory group review process is subject to council adopting the Great Southern Regional Recreation Advisory Groups new terms of reference. A report is being compiled in relation to this and will be submitted to council at the November meeting. If the Terms of reference were not adopted the Regional review process would be skipped.
4. All applications received from Western Australian organisations are assessed and recommendation made by the Department of Sport and Recreation CSRFF committee with the final decision on funding at the discretion of the Minister for Sport and Recreation.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The following table provides detail of all applications received and indicates the proposed Local Government contribution, which may be requested of Council in relation to a Community Financial Assistance funding round.
8. While no Council decision has been made, or may be made, in relation to any of these contributions at this time, the Department of Sport and Recreation's CSRFF guidelines require Council to provide an indicative priority ranking and to assess each project's financial viability.

Organisation	Project detail	Total Project Cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Proposed Council contribution/ private sponsorship (ex GST)
City of Albany/ Flinders Park P&C.	Joint Use – Community/ Sporting facility at Flinders Park, servicing the Bayonet and Lower King Communities	\$1,070,08	\$280,320 (made up of \$200,000 Confirmed Education Dept. Sourcing of \$80,320 pending.	\$337,76	\$452,000 By Heath Develop. Co. (cash and in- kind – no capital cash or in kind from the City of Albany)
Emu Point Sporting Club	Resurfacing of 6 Tennis courts at Emu Point with synthetic surface. The existing surface is in need of immediate refurbishment. The new surface is aimed at increasing the number of people using the courts.	\$140,73	\$83,873	\$46,86	\$10,000

Item 12.6.1 continued

9. Council contributions to any project would be subject to separate application under the Community Financial Assistance Fund.
10. The Flinders park application has been resubmitted for reasons discussed in the comments/ discussion section of this item. An index of 1% per month from June 2006 to September 2008 (28 months = 28%) has been applied to account for escalation increase during the projects delay.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Healthy City: Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through:

- *Diverse and affordable cultural, recreational and sporting opportunities.*

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

- *excellent community infrastructure and services.*

City of Albany Mission Statement

The City of Albany is committed to...

- *Sustainably managing Albany's municipal assets*
- *Delivering excellent community services*

At all times we will...

- *Actively keep abreast of best practice*
- *Respect the Community's aspirations and resources.*

Priority Projects

Nil.”

Item 12.6.1 continued

COMMENT/ DISCUSSION

12. Copies of project summaries completed by the applicants have been circulated to councillors. The grant guidelines require Council to provide a ranking for the projects i.e. first, second, third etc, as well as providing an assessment of how well the applicants have addressed the following criteria.

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

13. Project Rating:
- i. Well planned and needed by municipality;
 - ii. Well planned and needed by applicant;
 - iii. Needed by municipality, more planning required;
 - iv. Needed by applicant, more planning required;
 - v. Idea has merit, more preliminary work needed; and
 - vi. Not recommended.
14. It is suggested that Council rank the applications in priority order and refer the completion of assessment criteria to the Manager of Community Development prior to submission of applications to the Department of Sport and Recreation.
15. A ranking recommendation has been given based on the merits of each project as demonstrated in the submitted CSRFF application.

While both projects are worthwhile priority one ranking has been recommended for the Flinders Park Oval Upgrade. The project received number 1 City of Albany and then Regional Priority in the October 2005, CSRFF round. Confirmation of full funding from developer Heath and Co, the Education Department and the Department of Sport and Recreation was achieved early in early 2006 (without requirement for council capital contribution).

Despite this construction of the project was delayed since that time due to unforeseen requirement by the Environmental Protection Authority (EPA) for a high level of environmental review. All avenues of appeal were exhausted by the developer and the requirement for additional, further flora and fauna survey was placed.

All extensions for funding were exhausted and the City was forced to relinquish the Community Sport and Recreation Facilities Fund (CSRFF) Grant achieved in partnership with the local P and C association, and reapply for funding (including an amount for additional escalation) for the project in the current CSRFF round.

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Item 12.6.1 continued

RECOMMENDATION

THAT:

- i) Council rank the two CSRFF applications received in the following order:

	ORGANISATION	PROJECT DETAIL
1	City of Albany/ Flinders Park P&C.	Joint Use – Community/ Sporting facility at Flinders Park, servicing the Bayonet and Lower King Communities
2	Emu Point Sporting Club	Resurfacing of 6 Tennis courts at Emu Point with synthetic surface. The existing surface is in need of immediate refurbishment. The new surface is aimed at increasing the number of people using the courts.

- ii) all applications be referred to the Manager of Community Development for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and
- iii) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council's budget process for the relevant year of CSRFF program, and that the Council's priority ranking does not indicate funding will or will not be approved.
- iv) any late applications received before the last working day in October be ranked after the above projects, in the order they are received.

Voting Requirement Simple Majority

.....

Item 12.6.1 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT:

- i) Council rank the two CSRFF applications received in the following order:

	ORGANISATION	PROJECT DETAIL
1	City of Albany/ Flinders Park P&C.	Joint Use – Community/ Sporting facility at Flinders Park, servicing the Bayonet and Lower King Communities
2	Emu Point Sporting Club	Resurfacing of 6 Tennis courts at Emu Point with synthetic surface. The existing surface is in need of immediate refurbishment. The new surface is aimed at increasing the number of people using the courts.

- ii) all applications be referred to the Manager of Community Development for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and
- iii) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council's budget process for the relevant year of CSRFF program, and that the Council's priority ranking does not indicate funding will or will not be approved.
- iv) any late applications received before the last working day in October be ranked after the above projects, in the order they are received.

MOTION CARRIED 14-0

Councillor Marshall declared impartiality to Item 12.6.2, as he is an Administrator of the Albany Basketball Association, Major user of ALAC and left the chamber at 8.52pm.

12.6.2 Replacement of auxiliary pool heater

File/Ward	: PRO002 (All Wards)
Proposal/Issue	: Replacement of auxiliary pool heater
Subject Land/Locality	: Albany Leisure and Aquatic Centre, Barker Rd, Albany.
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager, Albany Leisure and Aquatic Centre (David Schober)
Disclosure of Interest	: N/A
Previous Reference	: Nil
Summary Recommendation	: That Council accepts the quotation supplied to replace and repair the auxiliary boiler at the Leisure and Aquatic Centre.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The pool operates at a temperature of 28.5 degrees Celsius. The auxiliary boiler assists the main heating unit to control and maintain this temperature. Without the auxiliary boiler the temperature drops substantially.
2. The pool is now 22 years old and the auxiliary boiler is the original unit installed when the centre first opened.
3. Recently the auxiliary boiler unit broke down due to excessive corrosion and has been temporarily repaired to enable the centre to remain open. No further repairs can be made and the unit needs to be replaced immediately. The gas burner that heats the boiler is still in good working order and can be retained and integrated with a new a boiler.
4. All work proposed will be re-used after the redevelopment of ALAC. This unit will not be superseded or replaced during the redevelopment process. This unit will continue to heat the existing 25m pool when the new centre opens.

STATUTORY REQUIREMENTS

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

Item 12.6.2 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. There has been no allowance for replacement in the current budget.
8. A quotation detailing all expenses is attached for reference.

STRATEGIC IMPLICATIONS

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

“Community Vision: a Healthy City” Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities.*

Mission Statement:

The City of Albany is committed to...Sustainably managing Albany’s municipal assets, and ...Delivering excellent community services.

Priority Projects:

Nil”

COMMENT/DISCUSSION

RECOMMENDATION

That Council accepts the quotation of \$16,665 from Matt Goodwin Plumbing and Gas to replace the auxiliary boiler at the Leisure and Aquatic Centre, with the necessary funding being subject to the next quarterly review.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EMERY**

That Council accepts the quotation of \$16,665 from Matt Goodwin Plumbing and Gas to replace the auxiliary boiler at the Leisure and Aquatic Centre, with the necessary funding being subject to the next quarterly review.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

Councillor Marshall returned to the chamber at 8.53pm.

Item 12.6.2 continued

MATT GOODWIN PLUMBING & GAS



5 KARRAKATTA RD
GOODE BEACH
ALBANY WA 6330.
FAX : 98444516
MOBILE : 0408939220
E-MAIL : ma22477@bigpond.net.au

Plumbing License 6773
Gas License No 007252
Electrical License EW138822

26/09/2007

Following is a report and an estimated costing for the cast iron boiler that heats the pool at the Albany Leisure and Aquatic Centre.

- 1.) The unit was examined along with a Southern Electrics staff member. It was deemed at this stage that the 2 rear seals (the unit has a total of 6) had failed and required renewal.
- 2.) The unit was then examined in detail by myself and was found to have failed in another seal. The faces that create the seal had corroded, therefore seal replacement was deemed futile as the subsequent leaks would increase with this procedure.
- 3.) A replacement boiler unit has been sourced from the eastern states, although the existing model has been superseded and will not retrofit completely with the existing unit therefore increasing installation costs.
- 4.) The actual gas burner that heats the boiler is in reasonable order for its age and can be fitted to the replacement unit.
- 5.) Water quality will be assessed and appropriate anti corrosion/calcification measures undertaken to improve efficiency and longevity of the proposed unit.

Assuring you of my best attention at all times.

Matt Goodwin.

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Item 12.6.2 continued

QUOTE

Matt Goodwin Plumbing And Gas

5 Karrakatta Rd
 Goode Beach
 Phone: 0408939220
 E-Mail: ma22477@bigpond.net.au



Quote Number 45
 DATE September 21, 2007
 CUSTOMER ID ALAC
 EXPIRATION DATE

TO

TRADESPERSON	JOB	PAYMENT TERMS	DUE DATE
Matt	ALAC	7 Days	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
	Remove old pool heating boiler.		
	Transport and fit new boiler. Renew flow and return connections from pool heat exchanger. Engage stainless welder to fit flue		
	Send water sample to NATA certified Lab for analysis.		
	Re commission boiler and test.	12,650.00	12,650.00
	Engage Type B gas fitter from Perth to re fit existing burner and submit paperwork to the Office of Energy	2,500.00	2,500.00
	Allow 2 weeks for delivery of boiler unit.		
	Payment for boiler is required before dispatch		
	The cost component of the boiler is \$9150.00		

SUBTOTAL	\$	15,150.00
GST		0.10
TOTAL	\$	16,665.00

This quotation does not allow for: Rock removal. Rectification to any existing plumbing fault. Rectification to any existing non conforming plumbing fault if found. De watering of trenches if required. This quote is valid for 60 days upon receipt as material price fluctuations may occur or machinery hire pricing or labour rates may change. All care is taken to replace existing lawns and gardens to their previous state and in some circumstances this cannot be achieved. Payment for the quoted project is required upon completion. Signing of this quote means that the owner understands the above conditions and accepts them.

SIGNED AND ACCEPTED.

THANK YOU FOR YOUR BUSINESS!

12.7 VISITORS CENTRE

Nil

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Arts Advisory Committee meeting minutes – 12th September 2007

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on the 12th September 2007 be accepted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting held on the 12th September 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

Voting Requirement Simple Majority

.....

AMMENDED OFFICER RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting held on the 12th September 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

Item 8.1.1 Residency – Tom Hall

MOTION:

THAT as part of the Centre's Professional Development Program, the residency of Tom Hall be approved.

Item 8.1.3 Residency – Julie Monro-Allison

MOTION:

THAT as part of the Centre's Professional Development Program, the residency of Julie Monro-Allison be approved.

Voting Requirements Simple Majority

.....

Item 12.8.1 continued

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Arts Advisory Committee meeting held on the 12th September 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted:

Item 8.1.1 Residency – Tom Hall

THAT as part of the Centre's Professional Development Program, the residency of Tom Hall be approved.

Item 8.1.3 Residency – Julie Monro-Allison

THAT as part of the Centre's Professional Development Program, the residency of Julie Monro-Allison be approved.

MOTION CARRIED 14-0

12.8.2 Albany Town Hall Theatre Advisory Committee meeting minutes – 12th September 2007

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on the 12th September 2007 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 12th September 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 12th September 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

13.2.1 Building Rubble Crushing Project – Funding Approval

File/Ward	:	SER068 (Frederickstown)
Proposal/Issue	:	Request for approval of grant funds to trial a building rubble crushing project
Subject Land/Locality	:	Hanrahan Landfill Site
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Support Officer Grant Funding and Finance (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approves the grants funding of \$20,000 to trial a building rubble crushing project at the Hanrahan Landfill Site
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Staff have been crushing building rubble delivered to the Hanrahan landfill site and then using the product as road base for the site's internal roads. The process has proven to be quite successful in reducing this type of waste that would normally be deposited in landfill.
2. The quantity of rubble produced per annum is approximately 4,000 tonnes. This amount is well in excess of Council requirements for internal roads. If the rubble were processed to an Australian Standard, it would be used as commercial road base and be sold as such.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 5. Council has budgeted \$80,000 for Recyclable Building Rubble Crushing, with an offset of costs in the sale of the recycled rubble. The Department of Environment and Conservation’s Strategic Waste Initiatives Scheme funding totalling \$20,000.00, could be a saving in this offset.

STRATEGIC IMPLICATIONS

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

“Community Vision

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through excellent community infrastructure and services.

Mission Statement

The City of Albany is committed to sustainably managing Albany’s municipal assets, and promoting our Community’s vision for the future.

Priority Projects

Nil.”

COMMENT/DISCUSSION

- 7. The Department of Environment and Conservation has offered funding for projects that support waste management initiatives under its Strategic Direction and the Waste Management and Recycling Fund.
- 8. A project has been identified that supports the waste management initiatives of the Department, whereby recycled building materials can be re-used in the construction of secondary roads, by a further refinement of the current process of crushing building rubble, to meet appropriate Australian Standards.
- 9. Staff were pro-active in seeking funding of funding for the trailing of the further refinement to crush building rubble, establish a potential recycling outlet to supplement the cost of road works throughout the area. The total will see an additional step in the crushing process which will screen the rubble and separate contaminants.

RECOMMENDATION

THAT Council approves the grants funding of \$20,000 to trial a building rubble crushing project at the Hanrahan Landfill Site.

Voting Requirement Absolute Majority

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Item 13.2.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

**THAT Council approves the grants funding of \$20,000 to trial a
building rubble crushing project at the Hanrahan Landfill Site.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

13.4 CITY SERVICES – CONTRACT MANAGEMENT

Councillor Marshall declared a financial interest in Item 13.4.1, as he is employed as a Traffic Controller for Albany Traffic Control who are currently supplying Traffic Management to AD Contractors and Palmer & Rayner and left the chamber at 8.55pm.

13.4.1 Contract C07011 – Winning and Supply of Gravel - 2007/08

File/Ward	: C07011 (All Wards)
Proposal/Issue	: Winning and Supply of Gravel – Various Pits 2007/08
Subject Land/Locality	: Nil
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Manager City Services (I Neil), Depot Services Co-ordinator (J Harbach), Contracts Officer (W Male)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council award the tender C07011 to Armogedin Pty Ltd and A.D. Contractors for the winning and supply of gravel from various pits during 2007/08 as indicated.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

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

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under 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 and not accept any tender.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

4. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The budget for gravel is included in the overall road construction and routine maintenance programs. The tendered prices are within those allocations.

STRATEGIC IMPLICATIONS

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

Community Vision:

A healthy City: Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

Mission Statement

The City of Albany is committed to sustainably managing Albany's municipal assets: and at all times we will respect the Community's aspirations and resources.

Priority Projects

Nil.

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 22nd August 2007 and in the Albany Advertiser on 23rd August 2007 with a copy in the Albany Extra on 24th August 2007 for the processing and supply of gravel from various pits.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	45
Relevant Skills, Experience & Reliability	45
Reliability of Tenderer	10
TOTAL	100%

10. A total of seven specifications were issued. The tenderers were asked to tender on varying amounts of gravel production – dependant on the pit location – with associated works. The following table summarizes those submissions received by the close of the tender period.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

Pit Location	Tendered Price	Score
WILCOX ROAD PIT - 6000m³	(inc. GST)	
AD Contractors	\$23,600.00	631.10
Armogedin Pty Ltd	\$24,750.00	611.75
Palmer and Rayner	\$31,040.00	464.65
SOUTH COAST HIGHWAY PIT – 15,000m³		
AD Contractors	\$54,200.00	657.65
Armogedin Pty Ltd	\$61,600.00	606.80
Palmer and Rayner	\$79,480.00	443.05
DAWSON ROAD PIT – 12,000m³		
AD Contractors	\$48,200.00	622.55
Armogedin Pty Ltd	\$51,425.00	595.10
Palmer and Rayner	\$59,040.00	490.30
GNOWELLEN ROAD PIT – 8,000m³		
AD Contractors	\$31,800.00	618.05
Armogedin Pty Ltd	\$33,000.00	602.30
Palmer and Rayner	\$38,750.00	487.15
VENNS ROAD PIT – 8,000m³		
Armogedin Pty Ltd	\$35,600.00	628.40
Palmer and Rayner	\$38,950.00	550.60
AD Contractors	\$44,400.00	528.50
MARBELLUP HILL PIT – 7,000m³		
AD Contractors	\$32,300.00	601.40
Armogedin Pty Ltd	\$34,650.00	570.35
Palmer and Rayner	\$34,230.00	535.75
SOUTH COAST HIGHWAY/SANDLEWOOD ROAD PIT - 7,000m³		
Armogedin Pty Ltd	\$29,150.00	610.85
AD Contractors	\$31,500.00	577.10
Palmer and Rayner	\$32,720.00	519.55
OLD BOUNDARY ROAD PIT – 10,000m³		
Armogedin Pty Ltd	\$41,800.00	614.45
AD Contractors	\$45,000.00	582.05
Palmer and Rayner	\$48,130.00	511.00
LILYDALE ROAD PIT – 5,000m³		
Armogedin Pty Ltd	\$11,220.00	617.60
AD Contractors	\$11,400.00	610.85
Palmer and Rayner	\$13,887.50	479.05

WORKS & SERVICES REPORTS

Item 13.4.1 continued

Pit Location	Tendered Price	Score
MILLBROOK ROAD PIT – 5,000m³		
AD Contractors	\$21,500.00	648.65
Armogedin Pty Ltd	\$26,400.00	560.90
Palmer and Rayner	\$27,700.00	497.95

11. An alternative submission was received from Palmer and Rayner for the total cost to win & supply gravel from all of the gravel pits. In order to evaluate on a whole of works cost, the evaluation team totalled the costing of all pits for AD Contractors and Armogedin Pty Ltd. The amount was still significantly higher than the combined other contractors.
12. The evaluation team decided not to award all pits to one company, as Council would receive greater value for money by awarding each pit on an individual basis.
13. All of the tenderers have performed this type of work for Council over preceding years. The companies are considered capable of undertaking the work.
14. Each pit was individually evaluated and represents the highest weighted score and is recommended to be the most advantageous option for Council.

RECOMMENDATION

THAT Council award the tender C07011 for the winning and supply of gravel from various pits during 2007/08 to the following tenderers:

- i) AD Contractors Pty Ltd for pits:
 - Wilcox Road at a scheduled rate of \$23,600.00
 - Southcoast Highway at a scheduled rate of \$54,200.00
 - Dawson Road at a scheduled rate of \$48,200.00
 - Gnowellen Road at a scheduled rate of \$31,800.00
 - Marbellup Hill at a scheduled rate of \$32,300.00, and
 - Millbrook Road at a scheduled rate of \$21,500.00.
- ii) Armogedin Pty Ltd for pits:
 - Venns Road at a scheduled rate of \$35,600.00
 - Southcoast Highway/Sandlewood Road at a scheduled rate of \$29,150.00
 - Old Boundary Road at a scheduled rate of \$41,800.00 and
 - Lilydale Road at a scheduled rate of \$11,220.00

Voting Requirement Simple Majority

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Item 13.4.1 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WOLFE**

THAT Council award the tender C07011 for the winning and supply of gravel from various pits during 2007/08 to the following tenderers:

- i) AD Contractors Pty Ltd for pits:**
- **Wilcox Road at a scheduled rate of \$23,600.00**
 - **Southcoast Highway at a scheduled rate of \$54,200.00**
 - **Dawson Road at a scheduled rate of \$48,200.00**
 - **Gnowellen Road at a scheduled rate of \$31,800.00**
 - **Marbellup Hill at a scheduled rate of \$32,300.00, and**
 - **Millbrook Road at a scheduled rate of \$21,500.00.**
- iii) Armogedin Pty Ltd for pits:**
- **Venns Road at a scheduled rate of \$35,600.00**
 - **Southcoast Highway/Sandlewood Road at a scheduled rate of \$29,150.00**
 - **Old Boundary Road at a scheduled rate of \$41,800.00 and**
 - **Lilydale Road at a scheduled rate of \$11,220.00**

MOTION CARRIED 13-0

Councillor Marshall returned to the chamber at 8.56pm.

13.5 CITY SERVICES – PROPERTY MANAGEMENT

Nil

13.5 CITY WORKS – CAPITAL WORKS

Nil

13.6 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

13.7 WORKS & SERVICES COMMITTEES

Nil

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

14.3.1 Event Funding for ANZAC Day Dawn Service and Mid-Morning Services

File/Ward	:	FIN 061 (All Wards)
Proposal/Issue	:	Approval of a funding contribution to Albany's 2008 ANZAC Day Dawn and Mid-Morning Services
Subject Land/Locality	:	N/A
Proponent	:	Returned and Services League (Albany Sub-Branch)
Owner	:	N/A
Reporting Officer(s)	:	Manager Economic Development (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/03/06 – Item 14.3.1 (Event Funding to RSL for Anzac Day services and nomination of icon event for 2006, 2007 and 2008) OCM 17/07/07 – Item 14.3.1 (Community Event Funding allocations for 2007/08)
Summary Recommendation	:	THAT Council provide financial assistance of \$4,510 (ex gst) to the RSL (Albany sub-branch) for the 2008 ANZAC Day Dawn and Mid-Morning Services
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. At its 21 March 2006 meeting Council resolved to nominate the ANZAC Day Dawn and Mid-Morning Services conducted by the Returned and Services League (Albany sub-branch) as 'icon' events for the years 2006, 2007, 2008.
2. Council's policy on Community Events defines 'Icon Events' as events of regional significance that can demonstrate on past performance that they will generate significant tourism activity, stimulate large-scale community interest and involvement and are conducted annually at the same time of the year.
3. The Program guidelines state that a limited number of events will be approved as Icon events and that Council may grant up to three years funding approval for Icon events, subject to an annual proposal updating Council on the status and operation of the forthcoming event.
4. In assessing applications for the 2007/08 round of the Community Event Financial Assistance Program a proposal on the 2008 Anzac Day services was not received and therefore a funding allocation to the RSL was not considered by Council at its 17 July 2007 meeting.

Item 14.3.1 continued

5. Albany has a significant military heritage associated with ANZAC legend being the place of the first Dawn service and the assembly and departure point for some 30,000 Australian and NZ troops heading to the Great War. Albany will be the focus of the nation as we head toward 2014, the centenary of the departure of the troops from Albany. Dawn and mid-morning services continue to be well attended.

STATUTORY REQUIREMENTS

6. Financial regulations require that funding of Community Financial Assistance applications is subject to prior budget approval and budgeted expenditure limitation.

POLICY IMPLICATIONS

7. Council adopted a Community Events Policy on 17 June 2003. The policy is outlined below:-

Objective:

- To increase the economic yield from tourism by sponsoring and developing significant events that become annual tourist drawcards.
- To assist community based organisations and committees in conducting and managing events.

Grant Types:

Icon Events

- Events of State or Regional significance that can demonstrate on past performance that they will generate significant tourism activity, stimulate large scale community interest and involvement and are conducted annually at the same time of the year

Community Events

- Events of local or regional significance that stimulate community involvement and interest.

Sporting Events

- Significant, and preferably the major event on a sporting organisations annual program.

FINANCIAL IMPLICATIONS

8. The Community Event Financial Assistance Program budget is fully committed for 2007/08. Savings in the 2007/08 economic development budget have been identified in the area of 'other special events' which was previously used for bus hire to promote cruise ship visitation to Albany. This function is now performed by the Albany Port Authority enabling savings in the 2007/08 budget. It is recommended \$4,510 be allocated from this line item.

STRATEGIC IMPLICATIONS

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

Item 14.3.1 continued.

“Community Events Objective

- *To promote Albany and facilitate the celebration of events & achievements of significance to the Albany Community*

Overall Performance Measure

- *Level of community support & participation.*

Approach

- *Recognise events and achievements through a program of appropriate events, for the benefit of the general community.*
- *Promote Albany by supporting suitable community events.”*

COMMENT/DISCUSSION

10. ANZAC Day Dawn Service and mid morning services are conducted every year to commemorate and to give thanks to the many thousands of Australian men and women, who in the past have served their country with pride, many paying the supreme sacrifice. The first official ANZAC Day Dawn Service was conducted in St John’s Anglican Church in 1930. The West Australian State Government has awarded this most significant event Heritage Icon status for the WA.
11. The Albany Sub-branch of the returned and Services League conducts annual commemorative services under the guidance of a constitutionally elected ‘Special Function Committee’ under the chairmanship of the ‘Parade Marshall’.
12. The President of the Albany branch of the RSL recently advised that there was a misunderstanding regarding the Council giving the event ‘Icon Status’. The RSL understood funding was automatically provided for the years 2006, 2007 and 2008. Given the nature of this situation coupled with the significance of the event to the Albany community it is recommended the request for \$4,510 (ex gst) be approved by Council from the existing 2007/08 economic development budget (other special events).
13. Council’s contribution will be used to pay for the hire of essential equipment thus enabling the RSL to conduct the two events in the dignified manner and high level of competency that the citizens of the City of Albany have come to expect.

RECOMMENDATION

THAT Council:

- i) Provides funding of \$4,510 (ex gst) from the 2007/08 budget to the RSL (Albany sub branch) for the ANZAC Day Dawn and mid-morning services; and
- ii) Nominates the ANZAC Day Dawn and mid-morning services run by the RSL (Albany sub-branch) as “Icon Events’ for the years 2009, 2010, 2011.

Voting Requirement Absolute Majority

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Item 14.3.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council:

- i) Provides funding of \$4,510 (ex gst) from the 2007/08 budget to the RSL (Albany sub branch) for the ANZAC Day Dawn and mid-morning services; and**
- ii) Nominates the ANZAC Day Dawn and mid-morning services run by the RSL (Albany sub-branch) as “Icon Events’ for the years 2009, 2010, 2011.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

14.3.2 City of Albany Local Tourism (Land Use) Planning Strategy

File/Ward	: STR0078/All Wards
Proposal/Issue	: Receive 'City of Albany Local Tourism Planning Strategy' draft report prepared by Pracsys
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Economic Development (J. Berry) Executive Director Development Services (R. Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/03/05 (Item 14.3.1) OCM 16/01/07 (Item 14.3.1)
Summary Recommendation	: That Council receive the draft report ' <i>City of Albany Local Tourism Planning Strategy</i> ' and issue for public comment
Bulletin Attachment	: Draft Report prepared by Pracsys and Landvision
Locality Plan	: N/A

BACKGROUND

1. In 2004, a Ministerial Taskforce, established by the Minister for Planning and Infrastructure prepared a report entitled "*Investigation of the Impact of Combining Tourist and Permanent Residential Accommodation on Tourist Zoned Land and the Impact of Strata Titling of Tourist Accommodation*". The report recommended that Local Governments prepare a Local Tourism Planning Strategy as a framework for decision-making on tourism proposals. This Report was endorsed by Cabinet in January 2006 and renamed "*Tourism Planning Taskforce Report*". The report is available at www.dpi.wa.gov.au/cityregionalplanning/1689.asp
2. The need for a strategy on tourism development (in the context of land use planning) was also stated in the City of Albany Tourism Strategy as Strategic Focus Area - "Planning and Development Facilitation". The strategy adopted by Council on 15 March 2005 states the following as a key action:-

"Engage consultants to undertake analysis of tourism development land in the City and establish a database of available land and recommend action for sites currently constrained by inappropriate zoning or land tenure".

Item 14.3.2 continued.

3. At its 16 January 2007 meeting, Council appointed Pracsys, in association with Landvision, to prepare the proposed strategy and site assessment methodology. The consultant's brief was to lead the community and tourism industry through a strategic planning process culminating in the production of a tourism development component for the Albany Local Planning Strategy (ALPS). ALPS is the principal land use planning document for the City for Albany and guides the land use controls and zoning principles within the City of Albany Community Planning Scheme (currently in draft form).
4. The consultant's brief detailed a range of objectives and outcomes for the consultancy which are outlined in the following four broad objectives:
 - Develop a dynamic accommodation supply and demand model that enables the City to reasonably predict the future demand for specific categories of accommodation relative to market trends and to identify gaps in the accommodation market.
 - Develop a site assessment methodology that will provide a transparent, internally consistent framework for assessing the relative tourism value of identified sites and the preferred development options for each.
 - Apply the site assessment methodology to a shortlist of sites to arrive at a determination of the priority tourism development sites in the City and refer the analysis and findings back to the supply and demand analysis.
 - Review the City's planning policy and strategy environment with a view to providing recommendations on planning scheme amendments and mechanisms to enable the optimal protection and planning guidance for prospective tourism sites in the city.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. There are several land use planning policies introduced by Council, which may need to be revisited upon the adoption of this strategy.

FINANCIAL IMPLICATIONS

7. Council has entered a contract with Pracsys for \$42,318 (ex gst) and has budgeted these funds. \$20,000 of these funds were sourced from Tourism WA as a grant.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Item 14.3.2 continued.

Mission Statement:

Making the Difference for Albany

Priority Projects:

Major Planning Projects

Number 2 – Develop a 20-year land use and development strategy

Number 4 – Establish clear direction on Council's involvement in activities relating to major public infrastructure, tourism, learning, investment and employment attraction

COMMENT/DISCUSSION

9. The City of Albany recognises the need to preserve and plan for tourism infrastructure into the future, to promote Albany as a viable tourism investment and visitor destination that has the capability to attract and cater for a broad range of tourism market segments.
10. Of primary importance is the planning for a range of accommodation styles and star ratings throughout the City to facilitate tourism growth and the recognition that the development of sites for tourism purposes is complicated by competing land uses, which may deliver higher short term benefits to the owner.
11. When adopted, the report will provide planning staff and elected members with a robust methodology for making informed planning decisions relating to tourism development.
12. The draft report has been prepared by the consultants in liaison with an internal Project Control Group consisting:
 - Chief Executive Officer;
 - Executive Director Development Services;
 - Manager Economic Development, and;
 - Planning Officer (Strategic)

Tourism WA also provided input to the consultants.
13. The draft report findings were presented to elected members at a Concept briefing on 25 September 2007. In addition, an industry breakfast briefing was provided to key stakeholders including property owners, developers, planners and Government agencies on 26 September 2007.
14. The report is divided into four main parts being:-
 - Accommodation Supply and Demand Analysis
15. Pracsys has reviewed available data and estimated visitor demand according to a range of visitor market segments. It has also examined current and future supply by estimating likely functional capacity for Albany accommodation. In order to ensure accuracy in projections it is important that visitor surveys be undertaken on an ongoing basis.
 - Tourism Site Assessment Methodology

Item 14.3.2 continued.

16. The Tourism Taskforce Planning Report recommended a site assessment methodology to provide a consistent, transparent and defensible framework to assess the relative tourism value of prospective development sites. The draft report by Pracsys proposes an alternative, more robust assessment methodology to the strategic site assessment outlined by the Tourism Taskforce Report.
17. The methodology proposed in the Pracsys study recognises the need for site assessments to be informed by accommodation supply and demand analysis and to consider the relative value and uses of prospective sites in the context of the most appropriate development for a site. The following site assessment categories are suggested using the Pracsys methodology;-
 - **Priority 1 Tourism Development Sites** - High value, accessible, unique sites that contribute to the market positioning of Albany
 - **Priority 2 Tourism Development Sites** - Sites that support and contribute to the overall tourism capacity of Albany
 - **General Non Priority Development Sites** - Sites with no obvious or apparent tourism value
18. The assessment methodology comprises a two part, 100 point scoring system designed to provide a quantitative system for site rankings. Part A deals with site attributes and features, while Part B addresses the development logistics of the site. Sites are assigned a score out of 50 points for each part.
 - Site Assessments
19. The draft report assesses 16 sites using the proposed Site Assessment Framework and assigns them as either Priority 1, Priority 2 or Non Priority site. These are listed in Section 8 of the report.
20. A computer based planning tool has been developed by Pracsys to assist the Planning team (and Council) make such assessments if other sites are to be considered.
 - Planning Policy and Development Mechanisms
21. The draft report provides an overview of planning controls Council can use to maintain a broadly based range of tourism accommodation and development opportunities. Once adopted, the report can be used to make modifications to the final ALPS document and be incorporated into the development control provisions of the Community Planning Scheme.

RECOMMENDATION

THAT Council receive the draft report ‘*City of Albany Local Tourism Planning Strategy*’ prepared by Pracsys in association with Landvision and that it make the report available for public comment for a period of 28 days prior to considering its adoption.

Voting Requirement Simple Majority

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Item 14.3.2 Continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT Council receive the draft report '*City of Albany Local Tourism Planning Strategy*' prepared by Pracsys in association with Landvision and that it make the report available for public comment for a period of 28 days prior to considering its adoption.

MOTION CARRIED 12-2

Record of Vote:

Against: Councillors Paver and Jamieson

14.4 CORPORATE GOVERNANCE

Nil

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

Nil

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WOLFE**

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

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

**MAYOR'S REPORT
FOR ORDINARY COUNCIL MEETING – 16th OCTOBER 2007**

Fellow Councillors:

In my report last month I mentioned that Albany had been chosen as a finalist in the GWN Top Tourism Town Awards. The judges visited Albany on Monday 24th September to assess our City on its merits as a "quality visitor experience". Whilst the weather was less than favourable on the day, I think the judges were impressed by the range of activities and experiences that can still be enjoyed in Albany, regardless of the weather conditions.

I am also happy to announce that Albany has been named a finalist in the Tourism Council of Western Australia's, WA Tourism Awards. The City of Albany has been selected along with 5 other finalists in the "destination promotion" category for the 'amazingalbany' brand promotion and advertising. Once again, I congratulate the tourism team for the successful work they have undertaken in raising the profile of Albany as an award winning, must see tourism destination.

Item 17.0 continued

Also on 24th September, it was my great honour to officially launch the 2008 Relay for Life initiative. The inaugural 2007 Relay for Life exceeded the expectations of everyone involved. It seemed that the entire community got behind the event in some way, either through participation, fundraising, sponsorship or volunteering their time to assist with the coordination of the event. The overwhelming response to the 2007 Relay for Life showed this community's determined desire to "make a difference" in the fight against cancer. It also clearly showed how much of an impact the disease has on all of our lives. I urge businesses, community groups and individuals to get behind the 2008 Relay for Life initiative to make it even more successful than it was this year.

On the 28th September, I hosted a Group Citizenship Ceremony for seven new Australian Citizens. It is always a great pleasure to welcome new Australians into our community and to share with them all that it means to be an Australian. We truly are fortunate to live in this "lucky country" and we are even more privileged to be surrounded by the beauty, environment, lifestyle and safety of magnificent Albany.

On Tuesday 2nd October the City of Albany held a prize presentation for the winners of our ratepayers' 'early payment' prizes. I congratulate this year's winners and acknowledge the generosity of our sponsors for the provision of the prizes, many of whom have supported the City of Albany over a number of years.

Finally, I would like to acknowledge the considerable effort and contribution that has been made by you, my fellow Councillors, to the development and progression of the City of Albany, over your term as a Councillor. The role of a Councillor requires a great deal of responsibility and commitment. It can be an extremely rewarding and at the same time thankless role. On behalf of the City of Albany, I thank you and congratulate you for the personal contribution you have made to this Council.

Item 17.0 continued

For those of you who are not standing again, I wish you success in the next stage of your life. For those of you who have re-nominated for another term, I wish you luck at the Polls on Saturday.

Thank you again for your contribution to Council and good luck.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

THAT the Mayor's Report dated 16 October 2007 be received.

MOTION CARRIED 14-0

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

Nil

19.0 CLOSED DOORS

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT the Council meet behind closed doors to consider Item 19.1 - Collective Agreements for General, Outside and Day Care Employees; and Item 19.2 – Internal Review Committee meeting minutes – 11th September 2007 both are a CONFIDENTIAL matter in accordance with an employee or employees.

MOTION CARRIED 14-0

Members of the public, media and staff vacated the Council Chambers at 9.11pm.

Councillor Paver left the meeting at 9.42pm prior to the consideration of Item 19.2.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WATERMAN**

THAT Council open the meeting to the public.

MOTION CARRIED 13-0

Councillor Paver returned to the meeting at 9.47pm after the consideration of Item 19.2.

Item 19.0 continued

The meeting was re-opened to the public and members of the public, media and staff returned to the Council Chambers at 9.48pm.

Below are the decisions of the Council only:

Item 19.1 - Collective Agreements for General, Outside and Day Care Employees in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 – a matter affecting an employee or employees. The report and recommendations have been issued under separate, confidential cover.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council

- (i) Authorise the Chief Executive Officer, or his delegate, to finalise the Day Care Employee Collective Agreement, with future wage increases in the Agreement linked to the Consumer Price Index (as it is determined for Perth at the preceding March quarter);**
- (ii) Authorise the Chief Executive Officer, or his delegate, to finalise the Outside Union Collective Agreement and the General Union Collective Agreements subject to:**
 - a. The wage claims being contained within Management's offer for year one as tabled for Council, with the exception of a further 0.6% increase applying to the Outside Union Collective Agreement and to Levels 4 – 9 of the General Union Collective Agreement;**
 - b. The wage increases for years two and three of the Agreement being based upon the Consumer Price Index (as it is determined for Perth at the preceding March quarter) and those wage increases to become effective on the 1st July;**
 - c. That an increase in Council contributions for superannuation be implemented over a three year period, commencing in the 2008/09 financial year and based upon the proposal submitted by management; and**
 - d. The impact of the wage claims being contained within the Operational Budget established with the City of Albany five Year Business Plan.**
- (iii) Subject to the agreements being legally drafted, and endorsed by all parties in line with the procedures established by current industrial relations legislation, that the CEO be authorised to implement the agreements.**

**MOTION CARRIED 13-1
ABSOLUTE MAJORITY**

Record of Vote:
Against: Councillor Paver

Item 19.0 continued

Item 19.2 - Internal Review Committee meeting minutes – 11th September 2007 in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 – a matter affecting an employee or employees. The report and recommendations have been issued under separate, confidential cover.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT:

- i) After having reviewed the processes followed and acknowledging that there were some apparent shortcomings, these are considered to be minor in nature and no further action will be taken on this matter.**

MOTION CARRIED 13-0

20.0 NEXT ORDINARY MEETING DATE

Tuesday 20th November 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.49pm.

Confirmed as a true and correct record of proceedings.

**A Goode, JP
Mayor**

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cr MJ Evans, JP	11.3.6	Impartiality - Councillor declared Impartiality as his wife is a member of Albany Sinfonia (Inc); and Councillor is a patron of the City of Albany Band (Inc).
Cr J Walker	11.1.2	Impartiality – Councillor has leased land to a tree company. Councillor does not know if the company will be involved with this Pellet Plant.
	11.3.2	Impartiality – Councillor lives at Middleton Beach.
Cr S Marshall	12.6.2	Impartiality – Councillor is an Administrator of the Albany Basketball Association, Major user of ALAC.
	13.4.1	Financial – Councillor employed as a Traffic Controller for Albany Traffic Control who are currently supplying Traffic Management to AD Contractors and Palmer & Rayner.
Cr Wiseman	11.1.3	Financial – Councillor supplies goods and services to business involved.

APPENDIX B

INTEREST DISCLOSED DURING THE COUSE OF THE MEETING

Nil

INTEREST DISCLOSED BY OFFICERS

Nil

[Agenda Item 12.1 Refers]
[Council – 16th October 2007]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	Totalling		\$52,532.42
Electronic Fund transfer	Totalling		\$3,096,597.22
Credit Cards	Totalling		\$0.00
Payroll	totalling		\$637,961.00
Total			<u>\$3,787,090.64</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$3,787,090.64** which was submitted to each member of the Council on 18th September 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

ACTING CHIEF EXECUTIVE OFFICER
(WP Madigan)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$3,787,090.64** which was submitted to the Council on 18th September 2007 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)