

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 17th April 2007
7.00pm
City of Albany Council Chambers**

City of Albany

**** Disclaimer ****

No responsibility whatsoever is implied or accepted by the City of Albany for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. The City of Albany disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the City of Albany during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Albany. The City of Albany warns that anyone who has an application lodged with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

Signed _____

Andrew Hammond
Chief Executive Officer

Date: 18th April 2007

TABLE OF CONTENTS

1.0	Declaration of Opening	4
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3.0	Opening Prayer	4
4.0	Response to Previous Public Questions Taken On Notice	4
5.0	Public Question Time	4
6.0	Confirmation Of Minutes of Previous Meeting	12
7.0	Applications For Leave Of Absence	12
8.0	Disclosure of Financial Interests	12
9.0	Matters for Which Meeting May Be Closed	12
19.1	Internal Review Committee meeting minutes – 3 rd April 2007	78
19.2	Chief Executive Officer’s Performance Appraisal	82
10.0	Petitions/Deputations/Presentations	12
11.0	Reports – Development Services	13
11.1	Development	
11.1.1	Development Application - Holiday Accommodation - 40-42 Cliff Street, Albany	14
11.2	Health, Building & Rangers	
	Nil	20
11.3	Development Policy	
11.3.1	Scheme Amendment Request - Lot 6 Chester Pass Road, Warrenup	21
11.3.2	Strategic Land Use Planning - Regional Vegetation Survey	26
11.3.3	Review of City of Albany Town Planning Scheme Policies - Various Policies	29
11.3.4	Review of City of Albany Town Planning Scheme Policies - Various Policies	33
11.4	Reserves Planning	
	Nil	38
11.5	Development Service Committee	
	Nil	38
12.0	Reports – Corporate & Community Services	39
12.1	Finance	
12.1.1	List of Accounts for Payment	40
12.1.2	Financial Activity Statement	42
12.2	Administration	
12.2.1	Queen’s Birthday Holiday 2007	46
12.3	Library Services	

	Nil	48
12.4	Day Care Centre	
	Nil	48
12.5	Town Hall	
	Nil	48
12.6	Recreation Services	
	Nil	48
12.7	Visitor Centre	
	Nil	48
12.8	Corporate & Community Services Committee	
	12.8.1 Albany Town Hall Advisory Committee meeting minutes – 7 th March 2007	49
	12.8.2 Albany Arts Advisory Committee meeting minutes – 14 th March 2007	50
	12.8.3 Albany Aboriginal Accord Advisory Committee meeting minutes – 21 st March 2007	51
	12.8.4 Albany Arts Advisory Committee meeting minutes – 28 th March 2007	52
13.0	Reports – Works & Services	53
13.1	City Assets - Asset Management	
	Nil	54
13.2	City Services – Waste Management	
	13.2.1 Allocate funds for Middleton Beach Foreshore Recycling Trial	55
13.3	City Services – Airport Management	
	Nil	58
13.4	City Services – Contract Management	
	Nil	58
13.5	City Services – Property Management	
	13.5.1 Extension of Lease – Albany Business Centre	59
13.6	City Works – Capital Works	
	Nil	63
13.7	City Works – Reserves, Planning & Management	
	Nil	63
13.8	Works & Services Committees	
	13.8.1 Streetscape Committee Meeting Minutes – 22 March 2007	64
14.0	Reports – General Management Services	65
14.1	Strategic Development	
	Nil	66
14.2	Organisational Development	
	Nil	66

14.3	Economic Development	
	Nil	66
14.4	Corporate Governance	
	Nil	66
14.5	General Management Services Committee	
	14.5.1 Minutes of the Amity Heritage Precinct Enhancement Committee – 20 th March 2007	67
	14.5.2 Albany Tourism Marketing Advisory Committee meeting minutes – 2 April 2007	70
15.0	Elected Members’ Monthly Report / Information Bulletin	71
16.0	Motions Of Which Previous Notice Has Been Given	71
17.0	Mayors Report	71
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	73
	18.1 Recruitment of Planning Officers – Changes to Team Structure	73
19.0	Closed Doors	77
	19.1 Internal Review Committee meeting minutes – 3 rd April 2007	78
	19.2 Chief Executive Officer’s Performance Appraisal	82
20.0	Next Ordinary Meeting Date	83
21.0	Closure of Meeting	83

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
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	J Jamieson
	-	I West
Acting Chief Executive Officer	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	JR Byrne
Approximately 58 members of the public		
2 media representatives		

Leave of Absence

Councillor - R Paver

Apologies

Councillor - P Lionetti

Councillor - D Wiseman

Chief Executive Officer – AC Hammond

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

***Ms J Austin**

Ms Janet Austin presented a petition on behalf of the Albany Waterfront Action Group (AWAG) requesting full public consultation on the current Albany Waterfront Project.

Item 5.0 continued

Ms Austin read aloud the petition as follows:

To Her Worship the Mayor and all councillors

We, the undersigned ask that you take into account the following before proceeding any further with the Albany Waterfront Project.

We do want on the waterfront:

- Harbour village including marina and tourist type shops no more than two levels high.
- Restaurant, café, coffee shop
- Landscaped park west of the jetty

We don't want on the waterfront:

- Multi level buildings
- The Albany Entertainment centre, hotel and short stay or commercial and retail buildings west of the jetty

We request that full public consultation take place in the form of a referendum or survey to all households in the City of Albany in consultation with representatives of The Albany Waterfront Action Group.

Ms Austin went on to read aloud the supporting statement:

People who have signed this petition come from a cross section of the community and include Albany and Great Southern residents and visitors. The numbers are as follows: Albany residents 2,022; Great Southern 119; Visitors 638; Total 2,779.

We from AWAG started this petition because we believe that the majority of people whether local or visiting are opposed to the current waterfront project. While speaking to people we were constantly hearing that they do not want high buildings on the waterfront. They cannot understand the rationale for putting an entertainment centre, hotel or commercial retail buildings on the foreshore when they could go elsewhere.

Local people are angry that they are likely to lose unique views and vistas as well as open space which has potential for parkland. They are also concerned about the potential dangers in increasing traffic crossing over a busy port road. They are particularly frustrated about the lack of proper consultation and information. They have expressed that they have not been listened to when giving their opinions.

Tourists are amazed that a project such as this is even being considered for our waterfront, in fact they would be most disappointed to see the charm and heritage of Albany compromised. Visitors from Queensland in particular, have asked us not to let Albany become like much of the Queensland coast, which they say has been spoiled by highrise.

It seems that if the project were to go ahead as planned, there would be a lot of unhappy residents and disillusioned tourists in our town. This does not make for a harmonious community.

Item 5.0 continued

In light of the above, we hope that by presenting this petition, you will realise that the people are desperate to be heard. The need to be shown respect, and given full consultation in the form of a comprehensive survey to all households in the Albany postal district. We request that you do this in conjunction with the Albany Waterfront Action Group.

I would like to table the petition and we request that consideration of this petition be put as an agenda item at the next Council meeting on 15th May. Thank you.

***Mr I Skalko**

Mr Skalko thanked and congratulated the Council and staff on its recent improvements to the standard of kerbing, access ramps and pathway infrastructure at the small neighbourhood shopping centre on the north east corner of Hardie Road and Angove Street.

***Mr S Dougherty**

Mr Dougherty addressed the Council seeking the continuation of the New Year's Eve foreshore concert and fireworks. Mr Dougherty identified three main points:

1. The foreshore concert and fireworks has become a successful family event, over several years prior to 2007. It was designed to be an exciting family attraction that would become an iconic event for Albany. Unfortunately in 2006 it was voted that the concert be discontinued. Since then I have had many people ask me why it wasn't on? Eg Gaze family from Ongerup has two car loads of people including grandkids that come across from Bremer Bay. There are numerous other examples.
2. Point Two concerns budget. Daryl Yates and I have the expertise and equipment to run a family concert for less than half the 2005/06 budget. This would be a cost of seven thousand dollars. It would be relatively straight forward for the events person to find most of this amount in various grants and sponsorships. Tammy Flett has indicated there are numerous funding possibilities if we involve a youth component. Healthways. Arts WA. Lotteries etc.
3. Point three concerns bureaucratic will. Jon Berry and Karen Couper have misrepresented the event in claiming that there were excessive drugs and alcohol as well as behavioural issues involved in running this event. This has not been the case. I'm finding a huge lack of vision and effort on display from the city offices. I'm proud of Albany and think we can do something great.

In summary, this is an event which is up and running and is already very successful. With funding and sponsorship in place the cost to the Council will be about three thousand dollars. New Year's Eve is a great opportunity for Albany to be seen as a place for families. The one night when kids stay up and extended families get together.

This concert has the opportunity to be a fantastic iconic family event, a joyful celebration of being in Albany for the locals, regional people and tourists.

Please vote this event back onto Amazing Albany's calendar.

Item 5.0 continued

***Mrs K Stanton**

Firstly, I would like to sincerely thank the Councillors who voted for the adoption of the 3rd Party Right of Appeal to be included in the new CPS. The City of Albany has, by voting for the right, shown that we are an enlightened local government. We have shown that we are a progressive City and hopefully the rest of WA will follow the lead, so we all “catch up” with every other jurisdiction in Australia who has this 3rd Party Right.

On behalf of the Albany Ratepayers & Residents Assoc and myself, I would like to speak and ask questions about the recent Press Release by the WAPC, concerning the Albany Waterfront Project. This was issued on their website on the 5th April 2007.

The press release states, that following legal advice, the WAPC was not required to approve the waterfront structure plan.

It goes on to say that:

“Accordingly the WAPC finalised its assessment of the Albany proposals by preparing advice on the structure plan for the Minister for Planning and Infrastructure.”

It refers to the desirability of the need for, quote “...the proposals to contribute to the outstanding townscape of Albany and form well designed new elements in the harbour landscape. This may require modifications to the detailed configuration of the structures.”

Reference was also made to the ‘Memorandum of Agreement between the State Government and the City of Albany’ and quotes “...which envisages a lively waterfront, with major facilities, to make the most of the city’s setting and to restore the significance of the historic city centre, saying this will require high quality site planning, urban design and architecture.”

It went on to identify important steps in the implementation of the plan as being:-

- The processes of peer review and community consultation should continue intensively as the site planning, urban design and building design work is continued and refined.
- The digital simulation of the site, prepared for the WAPC’s assessment processes, should be further developed and actively used, to assist both in design work, and in consultation with stakeholders and the public.
- Specifically, sightlines to and from the water, the wharf and Stirling Terrace should be accurately defined so that the form and orientation of structures can be assessed and optimised through modifying angles, envelopes and surfaces.
- In particular, the design of the spaces and structures to the west of the entertainment centre should ensure that their multiple purposes – viability, activity, continuity, shelter, scale – are reconciled with critical views into, and beyond the waterfront.

The Ratepayers of Albany are having a great deal of difficulty in understanding all the issues involved in this project and to answer all the many residents who have contacted ARRA since the WAPC press release and local newspaper article, we would appreciate if Mr Hammond could answer the following questions.

Item 5.0 continued

However, due to the complexity of the many questions I am going to ask, I do not expect an answer now, but would appreciate it in writing to me and would hope that the questions and answers be put in the Minutes and would also ask that because of the large public interest in the Project, that a summary of this could possibly be put out by the City of Albany as a press release.

1. On what date did the CoA refer the Waterfront Structure Plan to the WAPC?
2. Why did the CoA refer the Waterfront Structure Plan to the WAPC if this was not required as part of the approval process?
3. Does the CoA know why the WAPC held up the development by asking for Heritage Council and Landcorp reports? By doing so, it seems to indicate the WAPC felt it had a strong role in the approval process.
4. Has the CoA received a copy of the WAPC report to the Minister for Planning and Infrastructure, and if not, has one been requested?
5. If so, will the report be made available to the public and if not why not?
6. What will be the City of Albany's involvement in any processes that quote says "...may require modifications to the detailed configuration of the structures"?
7. Have any such modifications already been discussed with Landcorp and if not – why not – will they be – and when?
8. How does the CoA envisage actioning the important recommended steps identified by the WAPC in the implementation of the plan?
9. Specifically – what will be the *intensive process* of quote "...peer review and community consultation should continue *intensively* as the site planning, urban design and building design work is continued and refined"?
10. When will quote "...the digital simulation of the site, prepared for the WAPC's assessment processes, ...be further developed and actively used to assist both in design work and in consultation with stakeholders and the public"?
11. Whose responsibility will it be to accurately define the quote "...sightlines to and from the water, the wharf and Stirling Terrace" so that "...the form and orientation of structures can be assessed and optimised through modifying angles, envelopes and surfaces"?
12. What value and what processes will be used to reconcile quote "...the critical views into and beyond the waterfront" with the need to ensure that spaces and structures to the west of the entertainment centre fulfil their "...multiple purposes of viability, activity, continuity, shelter, scale"?
13. Why was a building licence issued, for the building of the footbridge, when it is clear from this report that the WAPC does not consider that all the design elements had been sufficiently considered (particularly to the west of the Albany Entertainment Centre site) and "...may require modification" as presented in the Structure Plan.

Item 5.0 continued

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

Thank you.

***Mr I Hill**

Mr Hill addressed the Council on the issue of the Albany Waterfront Development as follows:

Madam Mayor and Councillors

I have two questions and I ask that these questions be tabled and form part of the record of this meeting.

1. Will planning consent be required to be obtained under clause 7.1 of City of Albany Town Planning Scheme No. 1A, for the Albany Waterfront Project, including the hotel component?
2. How could the Council have approved the Precinct Plan if it did not take (into) consideration of the Stirling Terrace Conservation Plan or the Stirling Terrace Guidelines which are still adopted policies of the Council?

Thank you for the opportunity to pose these questions.

With your consent Madam Mayor, I would now like to table them.

The Executive Director Development Services responded as follows:

1. *Landcorp is proposing to simply subdivide land in the Albany Waterfront Project and to then sell the lots. Individual landowners will be required to submit Applications for Planning Scheme Consent pursuant to Clause 7.1 for development on the lots.*
2. *The Stirling Terrace Conservation Plan makes general statement regarding views to and from Stirling Terrace, particularly in regard to the impact of developments in the Station Precinct. The Conservation Plan does not state that development should not take place on the foreshore.*

***Ms T Cleeve**

Ms Cleeve addressed the Council in regards to the Albany Waterfront Development as follows:

Madam Mayor, Councillors and Ratepayers.

Deception or incompetence. That is the burning question.

Either way ratepayers of Albany and taxpayers of WA should be asking why the City of Albany Council and the WAPC did not know their own rules, regulations and policies.

This whole debacle has cost us all thousands of wasted dollars and in the process has muddied the waters of many of the crucial issues.

Item 5.0 continued

How is it that a loophole can suddenly be found that allows the so called representatives of the residents and ratepayers of Albany the arrogant right to make decisions which contradict and throw out the window many of the state and even local policies which were put in place to protect the long term future of Albany.

The role of a councillor is “to represent the interests of the residents and ratepayers and to facilitate between community and council”.

Is this happening – I don't think so. Councillors you are on notice...October is just around the corner and the general public are not happy. I repeat my challenge to the council and to Mr Watson to take this issue to the people.

You keep telling us that thousands of emails and telephone calls have been received in support of the proposal. Where is the proof and where are those people?

Landcorp have stated today that they will distribute an information leaflet to households in Albany so let them stand up and be counted and have the courage to add a survey form with full consultation questions not leading ones like “do you want the foreshore developed?”

I would also like to ask Landcorp and the other groups why you put your Waterfront update in the paper that has the lowest circulation and that one has to buy. Do they think we are incapable of working out their tactics. This will not be forgotten when the state elections loom.

We can go down the path where we won't look any different from all the built up areas around the coast of Australia and in 20years time we'll (look) back and say “we could have avoided that”, or we can hang on to what we have, which is so unique and so spectacular.

We should retain the atmosphere which is integral to Albany's future and if we have to be labelled as a museum as was so succinctly put by Mr Holt of Landcorp so be it.

Beautiful museums around the world have stood the test of time and are still focal points in almost every major city of the world. For society as a whole a museum (and therefore Albany) can provide intangible benefits as sources of national, regional and local identity.

I am not anti development – I am an opponent of the project as it is being pushed on us. This is not an appropriate development for the site and will not attract the day to day visitors to Albany and will certainly not serve the best interests of the local community.

Clever and quality development has the capacity to reflect both continuity and change, to preserve and protect cultural and natural heritage whilst illustrating the progression of human imagination.

Clean up the city you have, deal with the antisocial behaviour, fix the pavements etc, upgrade the public ablutions, get rid of the rats and I am talking about the ones living under the rotunda, put in the CCTV cameras that we need to make the CBD safer.

Item 5.0 continued

These are the issues of now and when you have truly consulted the people about the waterfront then we can develop the foreshore and please do not insult our intelligence about how this will delay the project. The Marina should be started first and no one will argue with that and the services of power and water will still be needed for parks and restaurants etc. so again I say listen to the people and do not let human greed destroy Albany.

***Mr D Yates (Uptown Music)**

Mr Yates addressed the Council in support of Mr Dougherty's request to reinstate foreshore events and concerts. He expressed disappointment that the Council had previously voted against holding further events on the foreshore. He indicated that his music shop was a significant supporter of previous foreshore events.

***Mr D Ferguson**

Mr Ferguson was opposed to the development of a residential hotel on the Albany Waterfront as the foreshore was a particularly narrow area and any activity would be limited. In addition, the Albany Port is an active and growing port, with trains and roadtrains accessing the Port 24 hours, 7 days a week. He stated that the development of a residential hotel alongside a growing and busy port would restrict the economic activity of the Port. He urged Council to consider the economic welfare of the Albany Port.

***Mrs B Bassan**

Mrs Bassan addressed the Council and asked two questions;

1. when will the website be updated?
2. Will Council policies be available on the website?

The Acting Chief Executive Officer responded and advised that the website was undergoing the final stages of testing and there was a few areas where it was not working correctly. The City would not implement the new website until it was fully functional. Despite this, he anticipated that the website would be live within the next 4 weeks.

In addition, he noted that all Council policies would be available on the new website, from a central repository of Council documents.

Mrs Bassan then asked a further question; Will there be fireworks on New Years Eve this year?

The Mayor responded by advising that any decision to hold fireworks on New Years Eve will be determined as part of the annual budget process in July / August.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 20th March 2007; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR MARSHALL**

THAT the following minutes:

- **Ordinary Council meeting held on 20th March 2007; as previously distributed be confirmed as a true and accurate record of proceedings.**

CARRIED 12-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Nil

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Internal Review Committee meeting minutes – 3rd April 2007

19.2 Chief Executive Officer's Performance Appraisal

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mrs Janet Austin presented a petition on behalf of the Albany Waterfront Action Group (AWAG) requesting full public consultation on the current Albany Waterfront Project.

The petition contains 2,779 signatures.

Development Services

REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application - Holiday Accommodation - 40-42 Cliff Street, Albany

File/Ward	:	A105696 (Frederickstown Ward)
Proposal/Issue	:	Holiday Accommodation
Subject Land/Locality	:	40-42 Cliff Street, Albany
Proponent	:	R Fenny
Owner	:	R Fenny
Reporting Officer(s)	:	Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Submissions on Application
Locality Plan	:	Nil



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for Holiday Accommodation at 40-42 Cliff Street, Albany. A site plan is attached to the end of this report.
2. The proposal has been referred to Council for consideration, as a number of objections have been received following the advertising period. The submissions are included in the Elected Member's Report/Information Bulletin.

STATUTORY REQUIREMENTS

3. The land is zoned "Residential R30" within Town Planning Scheme No 1A.
4. Holiday Accommodation is an "SA" use within the Residential zone of Town Planning Scheme 1A, a use that is not permitted unless planning consent to it is granted by the Council after a notice has been given in accordance with Clause 7.5 of the scheme.
5. No. 40-42 Cliff Street is included on the City of Albany Municipal Heritage Inventory as a Category B building (i.e. of considerable local significance).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Excellent community infrastructure and services; and

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

COMMENT/DISCUSSION

9. Three letters of objection were received regarding this application (copies included in Elected Members Report/Information Bulletin) following the advertising period. A summary of the comments is as follows:
 - Narrow width of Cliff Street, which due to the lack of a footpath is used for walking and cycling. Given the nature of the street and existing on-street parking the proposed development could have a negative impact on traffic safety;
 - There is potential for large groups or two families at a time, which could result in noise, late night activities with a negative impact on residential amenity;
 - The proposed three car parking spaces within the existing shed could result in a traffic hazard arising from vehicle movements onto and from Cliff Street;
 - Poor quality of map submitted; and,
 - Lack of information on management of the accommodation, occupancy rates, length of occupancy, car parking, lighting, privacy screening, signage, and possible future improvements to the property.
10. The application raises the issue of the appropriateness of a change of use of a five bed/two bathroom dwelling within a residential area to “Holiday Accommodation”.
11. Town Planning Scheme 1A defines “Holiday Accommodation” as:

“accommodation which by way of trade or business or for the purpose of any trade or business is held out as being available or is being made available for holiday purposes for occupation by a person for not more than three (3) months in a twelve (12) month period”.
12. Holiday Accommodation may only be permitted in the following zones: Residential; Tourist Residential; Central Area or Special Site/Special Use Zone or Additional Use Zone. The subject site is zoned Residential and is located close to the Central Area.
13. The subject site extends to 2734m², with the existing dwelling set back approximately 25m from Cliff Street. The rear of the property is also well screened by existing vegetation.
14. No objections were received from the immediately adjoining properties.
15. The Holiday Accommodation use sought restricts the total number of guests to six (6) persons.
16. In addition to the two car bays required for the dwelling, a minimum of one car parking bay per bedroom used for visitors should be provided. Bays shall be provided in a suitable location that does not inhibit vehicular movement. The subject site can accommodate eight cars, which is adequate for the number of rooms proposed.
17. The proposed change of use will not alter the external or internal appearance of the dwelling and will not compromise its setting as a Category B heritage building.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

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

RECOMMENDATIONS

THAT Council resolves to issue a Notice of Planning Scheme Consent for Holiday Accommodation at 40-42 Cliff Street subject to the following conditions:

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

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

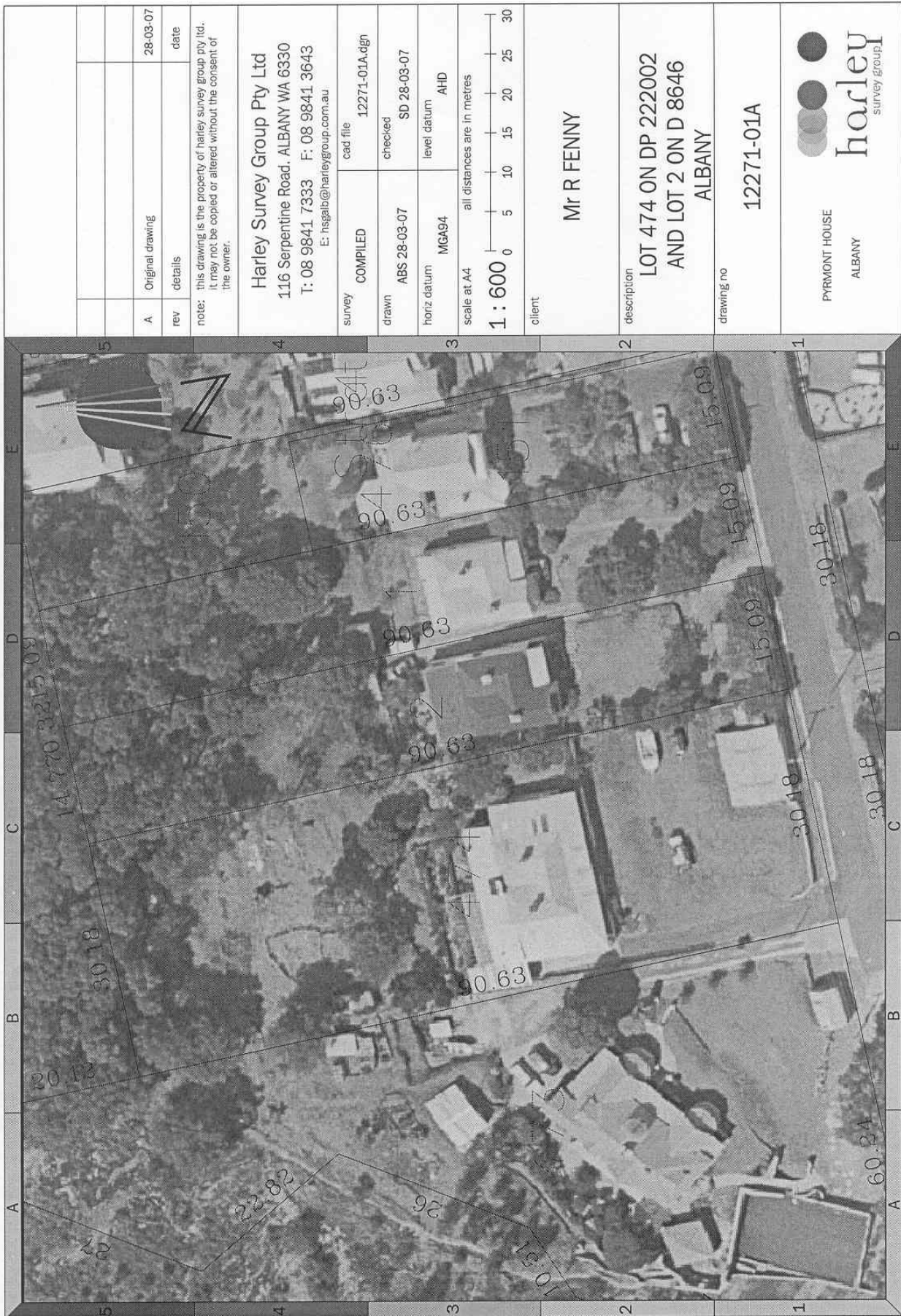
THAT Council resolves to issue a Notice of Planning Scheme Consent for Holiday Accommodation at 40-42 Cliff Street subject to the following conditions:

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

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



rev	details	date
A	Original drawing	28-03-07

note: this drawing is the property of harley survey group Pty Ltd. It may not be copied or altered without the consent of the owner.

Harley Survey Group Pty Ltd
 116 Serpentine Road, ALBANY WA 6330
 T: 08 9841 7333 F: 08 9841 3643
 E: hsgalb@harleygroup.com.au

survey	COMPILED	cad file	12271-01A.dgn
drawn	ABS 28-03-07	checked	SD 28-03-07
horiz datum	MGA94	level datum	AHD

scale at A4
 1 : 600
 all distances are in metres

client
Mr R FENNY

description
**LOT 474 ON DP 222002
 AND LOT 2 ON D 8646
 ALBANY**

drawing no
12271-01A

PYRMONT HOUSE
 ALBANY

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

Nil

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request - Lot 6 Chester Pass Road, Warrenup

File/Ward : SAR111 (Kalgan Ward)

Proposal/Issue : Request to rezone Lot 6 Chester Pass Road from “Rural” to “Residential”

Subject Land/Locality : Lot 6, Chester Pass Road, Warrenup

Proponent : Harley Survey Group

Owner : T&T Gorman Pty Ltd

Reporting Officer(s) : Planning Officer (K Hughes)

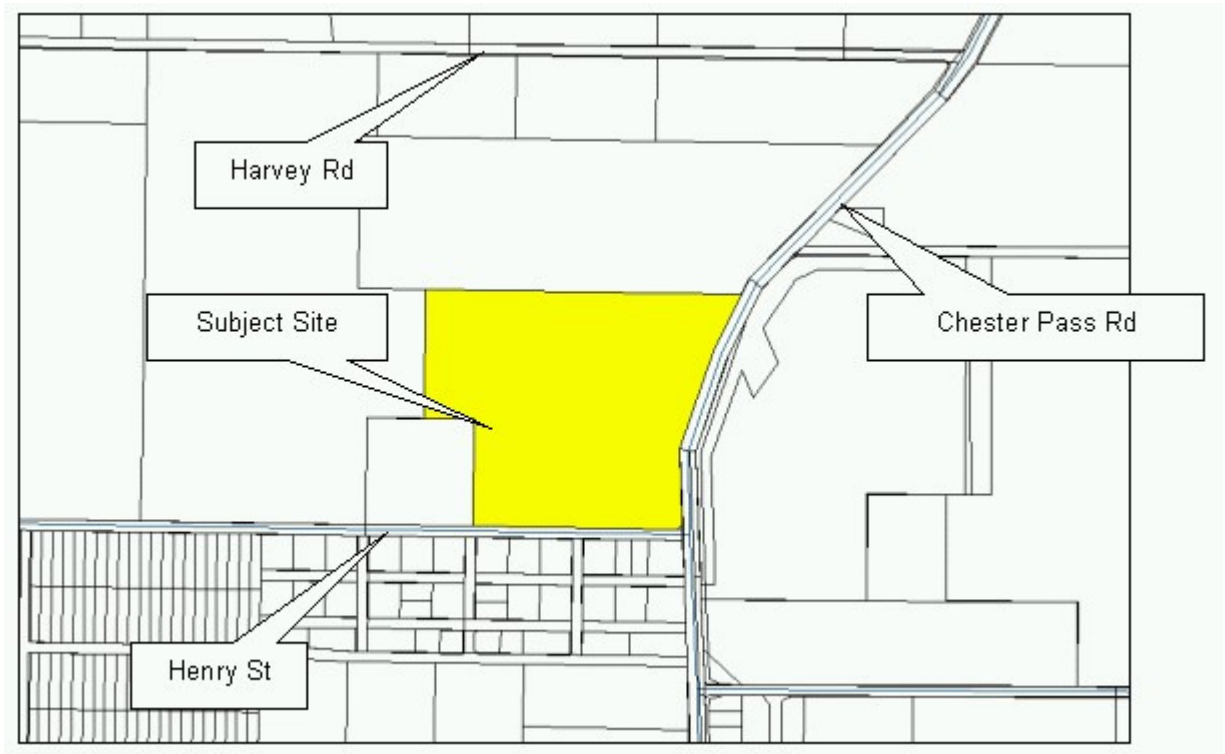
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Support the proposal to fully serviced (sewered) “Residential Development”

Bulletin Attachment : Scheme Amendment Request

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to rezone Lot 6 Chester Pass Road from the current “Rural” zone to “Residential”. A copy of the request is included in the Elected Members Report/Information Bulletin.
2. The subject land is located approximately 5.5 km north of Albany town centre on Chester Pass Road. The subject site slopes down to the east, is fully cleared, with the exception of small, sparse pockets of remnant vegetation. It has a small non-permanent drainage line located in the north-eastern corner of the subject land. A dam, shared with Lot 271 to the north, is located on this drainage line.
3. Currently a dwelling and a small scale rural industry operates from the north-eastern portion of the property.
4. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment, Main Roads, the Water Corporation and the Department of Water. No objections were reported.
5. No response has been received from the Water Corporation.

STATUTORY REQUIREMENTS

6. Lot 6 is zoned “Rural” as defined in Town Planning Scheme 3 (TPS3). The objective of the rural zoning in TPS3 identified under clause 3.1.13 is:

“To ensure that high quality agricultural land is retained for primary production. To regulate uses which conflict with farming interests, and foster uses which are complimentary to such interests. To preserve rural land within easy reach of urban areas.”
7. The area is not identified or used for “high quality agriculture”, therefore a rezoning to “Residential” is not expected to conflict with farming interests.
8. 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.
9. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

10. The WAPC Statements of Planning Policy 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.
11. If the residential development was considered acceptable, the most sustainable form would be at fully serviced residential (R20) rather than unsewered lesser density lots.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

12. The 1996 Local Rural Strategy identified the site within “Precinct Area No. 4”. The Policy Statement for the Oyster Harbour 4 area confirms that

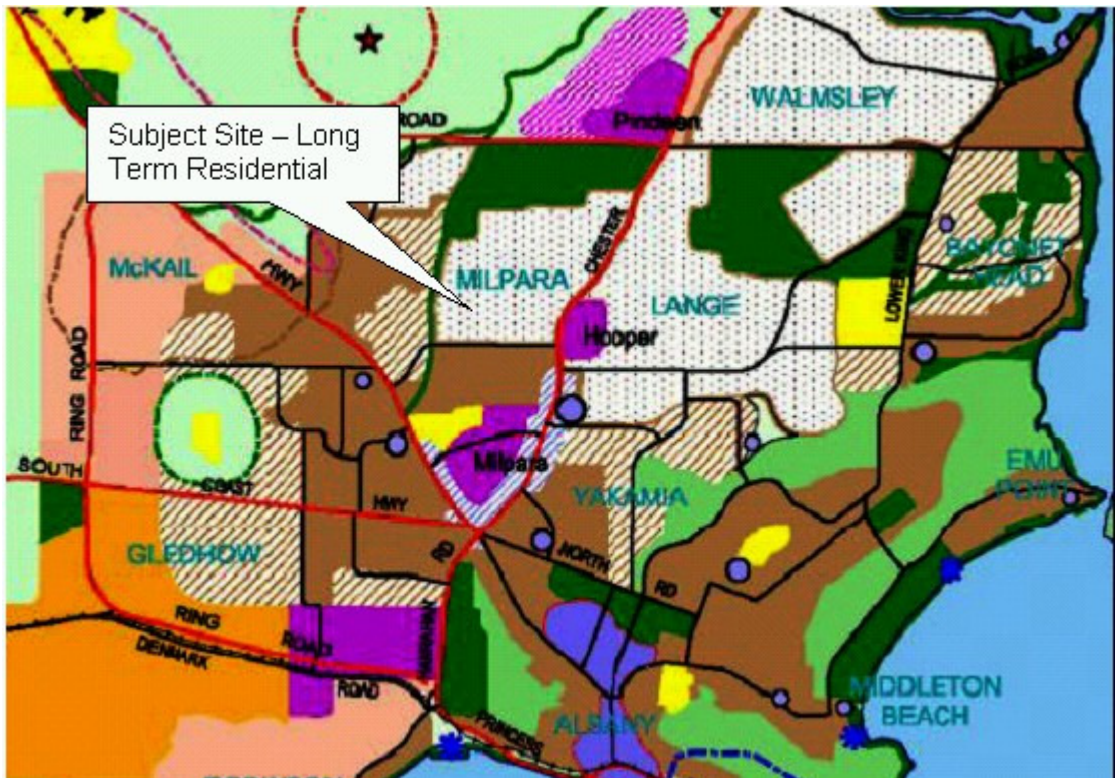
“following consultation with land owners Council will rezone the area to Future Urban and utilise associated zoning provisions to preclude interim uses which would prejudice the use of the land for future urban development”.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

14. The (draft) Albany Local Planning Strategy (ALPS) document identifies the subject site as “Long Term Residential” to facilitate fully serviced (sewered) residential development. ALPS requires planning and development of such areas in an efficient and co-ordinated manner as logical extensions of existing settlements that have retail, service and community infrastructure.



15. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses and buffering of Chester Pass Road.
16. Main Roads’ recommendations for Chester Pass Road include road upgrading, land acquisitions (10m) for road widening, limiting of access points and the buffering of Chester Pass Road.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

17. The State Planning Strategy recommends the consolidation of existing housing stock and provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

Proposal

18. The proposal will assist in the provision of a range of lot sizes with a density range of R20 to R30/40 in strategically located places to take advantages of facilities to be provided under the ALPS.

Positives

19. The request complies with the policy and strategic planning for the area (Long Term Residential). The site is relatively level and fully cleared, with the exception of small, sparse pockets of remnant vegetation. A rezoning to “Residential Development” is not expected to impact on the visual amenity or environmental quality of the area. The site is close to the Catalina neighbourhood centre (approximately 1 km) and 2.4 km from the nearest school (NASHS).

Negatives

20. The area is not at present connected to mains sewer, the water supply network requires upgrading and regional recreational facilities are not within walking distance.

Conclusion

21. Due to the compatibility of the application with the strategic intent for the area, staff support the application to rezone the land to fully serviced (sewered) “Residential Development”.
22. Town Planning Scheme 3 requires the preparation of a structure plan for the land zoned “Residential Development”. The objective of the plan being to illustrate the density of development, the provision of community and service infrastructure (sewer required) and the linkages (e.g. roads and open spaces) to the surrounding areas.

RECOMMENDATION

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

- a) A clearly defined zoning boundary (inclusive of the lots to the north, northwest and west) being adopted and justified;
- b) A land capability assessment;
- c) A conceptual district structure plan showing the land’s connection to the existing urban front, relationship with and appropriate buffering (consisting of endemic native vegetation) to Chester Pass Road;
- d) Identification of servicing needs and infrastructure requirements to accommodate future subdivision; and
- e) An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to,

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the “Rural” zone to the fully serviced (sewered) “Residential Development” zone.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WALKER**

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

- a) **A clearly defined zoning boundary (inclusive of the lots to the north, northwest and west) being adopted and justified;**
- b) **A land capability assessment;**
- c) **A conceptual district structure plan showing the land’s connection to the existing urban front, relationship with and appropriate buffering (consisting of endemic native vegetation) to Chester Pass Road;**
- d) **Identification of servicing needs and infrastructure requirements to accommodate future subdivision; and**
- e) **An Integrated Water Management Plan being prepared across the whole site prior to subdivision to ensure that water sensitive design principles are adhered to,**

Council advises that it is prepared to entertain the submission of a formal application for rezoning this land from the “Rural” zone to the fully serviced (sewered) “Residential Development” zone.

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Strategic Land Use Planning - Regional Vegetation Survey

File/Ward	:	STR241 (All Wards)
Proposal/Issue	:	Preparation of Regional Vegetation Report on Biodiversity Values
Subject Land/Locality	:	Entire District
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Fund Project in 2007/08 budget
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. At the November 2006 meeting of Council, funding was allocated to undertake a comparative assessment of the vegetation communities within the Yakamia Structure Plan area, against similar communities through the District. The Environmental Protection Authority (EPA) required qualitative information on the representativeness of those communities to determine their biodiversity value and to make an informed decision on whether the vegetation was at risk.
2. Council allocated the funding to undertake the Yakamia survey and also met with the then Chairman of the EPA to gain an insight into the Authority's expectations for the remainder of the District. Prior to any additional urban growth cells containing remnant vegetation being rezoned or subdivided, the EPA will require a comprehensive review of regional vegetation, similar to the Bush Forever program that was prepared for the Perth metropolitan area.

STATUTORY REQUIREMENTS

3. The EPA can "call in" any rezoning or development proposal that it considers may affect environmental biodiversity and determine an appropriate level of environmental reporting on that development.

POLICY IMPLICATIONS

4. The Western Australian Planning Commission (WAPC) has prepared regional reports on biodiversity values in the Peel and South West regions of the state as part of regional planning obligations. The Lower Great Southern Strategy is not recommending that a regional plan be prepared for the South Coast and a similar study for Albany may be some considerable time into the future if the City relies upon the Commission.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

FINANCIAL IMPLICATIONS

5. The project is estimated to cost in the vicinity of \$240,000 to complete and an approach has been made to South Coast Regional Implementation Planning Team (SCRIPT) to fund the work, utilising the Albany office of the Department of Environment and Conservation as the supervisory agency and botanists from within government agencies to undertake the work. Indicative funding support to the value of \$190,000 has been arranged and a commitment of \$50,000 from the City is required in 2007/08 for the project to be undertaken within the next 12 months.

STRATEGIC IMPLICATIONS

6. The City of Albany Local Planning Strategy (ALPS) states;

“Where land clearing is required for urban and other developments it is to be consistent with sustainable land use and development practices. Whilst one approach may be to limit future urban growth only to cleared areas this is not supported as it has the potential to provide for fragmented urban growth and a greater development footprint. The early identification of species thresholds is critical for intervention and protection.”

COMMENT/DISCUSSION

7. At a recent meeting, involving the various agencies responsible for land use and environmental planning in the region, it was agreed that this project warranted urgent financial and resource support. For the persons undertaking the project to obtain meaningful data, the botanists need to conduct an in-field survey of the floristic communities during Spring (September to November). Prior to progressing into the field, considerable background research needs to be undertaken and that work needs to commence in June / July. In turn, the recruitment of botanists should occur as soon as possible.
8. Approximately \$85,000 in funds can be released immediately to commence the recruitment and preliminary analysis of data. The project brief is being drafted in consultation with the Department of Environment and Conservation (DEC) to ensure the outputs meet EPA guidelines and the Albany office of DEC will host the staff engaged in the project. The ability to complete this project by June 2008 is now reliant upon supporting SCRIPT funding and the budget deficit of \$50,000 being secured.
9. The capacity of developers to subdivide vegetated land on the City’s urban front in the short or medium term is in jeopardy until the region evaluation of vegetation can be completed and biodiversity values set; the three areas identified in the November report are receiving “special treatment” and other developments are likely to be rejected by the EPA until the work is completed.
10. Whilst Council cannot commit funding until the 2007/08 budget has been adopted, it can foreshadow this sum as a priority project for funding. Approximately \$100,000 is provided to the Development Services Directorate each year for project work and the priority projects identified to date are the Municipal Inventory update (approximately \$20,000) and the Demographic Survey (approximately \$50,000). Projects requiring future funding include an industrial area review, transport modelling, a local rural policy review, additional flood modelling, structure planning for Gledhow and townsite strategies for rural settlements.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

11. An indication is sought from Council on its preparedness to support the funding contribution.

RECOMMENDATION

THAT Council advise the Department of Environment and Conservation of its intention to seek the inclusion of a \$50,000 contribution in the 2007/08 budget for the completion of a regional vegetation report, in accordance with a brief endorsed by the Environmental Protection Authority, and that the Department be encouraged to take the appropriate actions to ensure the work is completed by July 2008.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WATERMAN**

THAT Council advise the Department of Environment and Conservation of its intention to seek the inclusion of a \$50,000 contribution in the 2007/08 budget for the completion of a regional vegetation report, in accordance with a brief endorsed by the Environmental Protection Authority, and that the Department be encouraged to take the appropriate actions to ensure the work is completed by July 2008.

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

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

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Proposed parking standards for special site - Professional Offices, medical clinics and massage clinics • Building Materials and Finishes • Developer contribution to footpath upgrading • Subdivision plans creating roads • Place of Heritage value - Advertising requirements • Road Closure Procedures
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies.
Bulletin Attachment	:	Copies of current policies
Locality Plan	:	N/A

BACKGROUND

1. Council staff in the process of going through the Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Proposed parking standards for special site - Professional Offices, medical clinics and massage clinics** - Adopted in 1990, this policy sought to provided sufficient parking areas to cater for the needs of specialist professional businesses.
 - b. **Building Materials and Finishes** - Adopted in 1995, this policy sought to maintain the visual amenity of an area through the regulation of building materials and finishes.
 - c. **Developer contribution to footpath upgrading** - Adopted in 1988, this policy sought to provide financial equality between Council and developers with regard to the upgrade of footpaths in the Central Area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- d. **Subdivision plans creating roads** - Adopted in 1989, this policy sought to ensure plans for new roads built in subdivisions complied with Council's standards and were approved prior to plans being provided to the Western Australian Planning Commission.
- e. **Place of Heritage value - Advertising requirements** - Adopted in 1986, this policy sought to regulate development to Heritage listed properties with appropriate consultation and approval processes being followed.
- f. **Road Closure Procedures** - Adopted in 1993, this policy sought to ensure Council was notified of road closures and that closures were necessary and complied with Council and Government legislation. This was assessed on a case by case basis and may have incurred a fee prior to advertisement of the closure.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

3. Council continues to have approximately 120 policies remaining in place that apply to land use development in Albany and surrounds. This report provides an opportunity for Council to review the number of policies in place and rationalise where possible.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Community Vision:

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

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

Mission Statement:

The City of Albany is committed to:

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Priority Projects:

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

COMMENT/DISCUSSION

6. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.
7. **Policy 46 - Proposed parking standards for special site - Professional Offices, medical clinics and massage clinics** - As part of the delegation process, Council introduced development guidelines to set parameters within which staff can exercise the delegated power. The standards set out in the policy statement have been modified over time and standards are now found within the City of Albany Guidelines for Schemes 1A & 3. Retention of the policy generates confusion and therefore it is recommended that the policy be rescinded.
8. **Policy 47 - Building Materials and Finishes** - The intention behind the policy is commended. However the capacity to implement the policy is seriously flawed. For example, a single residence that is fully compliant with the R Codes is a Permitted development and the applicant is not required to gain Planning Scheme Consent for that development. The opportunity for Council to consider the type of building finish and the materials used is denied. Where the development is not fully compliant with the R Codes, Council is only required to consider that part of the development that is not fully compliant. Council can then only evaluate those non-compliant elements against the performance standards set by the Codes or a local policy prepared pursuant to the R Codes (e.g. the DeVillier’s guidelines on height).
9. The current policy is vague and provides no clarity on community expectations. There are clear guidelines within Council’s development guidelines which address the type of building materials allowed in the facades of buildings in industrial zones. Council has also adopted the design guidelines for properties in the CBD and adjacent residential areas. This policy is no longer required.
10. **Policy 48 - Developer contribution to footpath upgrading** - This policy is an engineering requirement, which is no longer standard practise by the City. Footpath requirements have been incorporated into the City’s Subdivision and Development Guidelines, recently adopted by Council.
11. **Policy 49 - Subdivision plans creating roads** - The policy sets out an internal operating protocol to handle the process of clearing a diagram of survey when the subdivision of land is undertaken. A more comprehensive protocol is in place and has been operational for several years. This document is not a policy and it should not have been adopted under the provisions of the Scheme.
12. **Policy 50 - Place of Heritage value - Advertising requirements** - These procedural requirements are detailed in both the Scheme and in the Development Guidelines adopted by Council. The policy cannot over-ride the statutory obligations spelt out in the Scheme and the delegated functions given to City staff are clearly defined.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

13. **Policy 51 - Road Closure Procedures** - This policy sought to ensure Council was notified of road closures and that closures were necessary and complied with Council and Government legislation. Council is required to pass a resolution to close a road (that function cannot be delegated under the Land Administration Act) and when agenda items are submitted for Council's consideration the officer's report includes the rationale for the closure of the road. Council's Schedule of Fees and Charges, adopted as part of the annual budget, sets out the fee that is paid when a landowner seeks to progress a road closure.

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Proposed parking standards for special site - Professional Offices, medical clinics and massage clinics - 1990
- Building Materials and Finishes - 1995
- Developer contribution to footpath upgrading - 1988
- Subdivision plans creating roads - 1989
- Place of Heritage value - Advertising requirements - 1986
- Road Closure Procedures - 1993

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

Voting Requirement Simple Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILLIAMS**

THAT Council, rescind and not replace the policies entitled:

- **Proposed parking standards for special site - Professional Offices, medical clinics and massage clinics - 1990**
- **Building Materials and Finishes - 1995**
- **Developer contribution to footpath upgrading - 1988**
- **Subdivision plans creating roads - 1989**
- **Place of Heritage value - Advertising requirements - 1986**
- **Road Closure Procedures - 1993**

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

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

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

File/Ward	:	STR127 (Various Wards)
Proposal/Issue	:	Rescission of Policies relating to: <ul style="list-style-type: none"> • Incentives for Heritage reconstruction, restoration or adaption • Buildings - Showroom / Warehouse and Light Industrial Zone • Traffic Management - Development • Procedure - Development without Council approval • Control of objects on footpaths and road reserves
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council rescind policies
Bulletin Attachment	:	<ul style="list-style-type: none"> • Incentives for Heritage reconstruction, restoration or adaption • Buildings - Showroom / Warehouse and Light Industrial Zone • Traffic Management - Development • Procedure - Development without Council approval • Control of objects on footpaths and road reserves
Locality Plan	:	N/A

BACKGROUND

1. Council staff in the process of going through the Local Planning policies, have identified a number of policies in place that they believe are no longer needed. Those policies are included in the Elected Member's Report / Information Bulletin and relate to:
 - a. **Incentives for Heritage reconstruction, restoration or adaption** - Adopted in 1995, this policy sought to reflect and maintain the importance of Albany's unique heritage, and its contribution to the social and economic health of the town through financial and non financial incentives.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- b. **Buildings - Showroom / Warehouse and Light Industrial Zone** - Adopted in 1989, this policy sought to ensure new showrooms or industrial buildings conformed to fire ratings and regulations through the use of fire retardant or non-combustible materials.
- c. **Traffic Management - Development** - Adopted in 1985, this policy enforced the requirement of traffic management studies to be conducted for large scale retail developments.
- d. **Procedure - Development without Council approval** - Adopted in 1981, this policy sought to discourage developers from commencing work prior to Council's approval of the plans and the development.
- e. **Control of objects on footpaths and road reserves** - Adopted in 1995, this policy sought to ensure the placement of objects (i.e. potted plants, furniture) on footpaths or road reserves, did not negatively impact on visual amenity or the safety of pedestrians.

STATUTORY REQUIREMENTS

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

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

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

- 3. The City of Albany Town Planning Scheme No 3, Clause 6.9.3 states:

"A Town Planning Scheme Policy may only be altered or rescinded by:

- (a) Preparation and Final Adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.*
- (b) Publication of a Formal Notice of Rescission by the Council twice in a newspaper circulating in the area."*

POLICY IMPLICATIONS

- 4. Council continues to have approximately 120 policies remaining in place that apply to land use development in Albany and surrounds. This report provides an opportunity for Council to review the number of policies in place and rationalise where possible.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

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:

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

Mission Statement:

The City of Albany is committed to:

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

Priority Projects:

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

COMMENT/DISCUSSION

7. The references to policy numbers below is for internal referencing purposes only and assists the Development Services Team track the progress of the policy review process. Considerable resources have been allocated to “cleaning up” the town planning policy position of Council prior to the introduction of the new Community Planning Scheme.
8. **Policy 52 - Incentives for Heritage reconstruction, restoration or adaption** - This policy was created to distribute Council funds to CBD landowners wishing to replace building facades and replace verandas over York Street. The budget for this program was withdrawn approximately eight years ago. A financial incentive program is still required to encourage the owners of heritage listed properties to improve their building. Subject to budget support, Council agreed at the March meeting to contribute to the WALGA Heritage Loan Scheme and to provide dedicated funding through the Community Assistance Grants Program and this policy is no longer relevant.
9. **Policy 53 - Buildings - Showroom / Warehouse and Light Industrial Zone** - As detailed in the previous report (policy 47), a number of policies were generated in the 1980s and 1990s to regulate finishes on buildings to resolve aesthetic, fire protection and other concerns on private building developments. Many of those policies were never tested through appeal and in probability would have been rejected as they cover matters to which the Town Planning Scheme had superior status. This policy has some relevance and it has been incorporated within Council's Development Guidelines Policies for Schemes 1A & 3. This version of the policy is therefore no longer required.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- 10. **Policy 54 - Traffic Management - Development** - When assessing larger retail developments in the CBD, and elsewhere throughout the City, developers are called upon to produce traffic management reports to satisfy staff that the development will have minimal impact upon the local road network. Delivery vehicles, customer access and traffic safety are all assessed for larger group housing projects, showrooms, industrial developments and the like as part of the due diligence and the accepted planning assessment process. The requirement to produce a traffic report is also now contained in Council's Subdivision and Development Guidelines. Staff consider the policy is too limiting in its application (only relates to CBD), that the requirement to have a traffic report prepared is adequately covered by Section 7.8A of Scheme 1A and that the content deals with an administrative procedure, rather than a policy requirement.
- 11. **Policy 55 - Procedure - Development without Council approval** - Due to the potential for substantial costs to be incurred, staff would bring to Council any matter which they felt required a punitive action. When presented with an Officer's Report, Council must consider its position on that matter and make an informed decision on whether it wishes to proceed with a prosecution; the preparation of a policy does not overcome the need to assess each application placed before Council.
- 12. The Planning and Development Act has provisions which will allow infringement notices to be issued in the future (once the appropriate Regulations are drafted and proclaimed) where minor breaches of the Planning Scheme occur. Those breaches are likely to be limited to areas such as failure to install landscaping, not setting out car parking bays, etc. It is at that time, that a policy may need to be developed to define situations where Council wants staff to infringe landowners. In the mean time, this policy has little relevance and should be rescinded.
- 13. **Policy 56 - Control of objects on footpaths and road reserves** - When a shopkeeper or landowner places materials on a road verge, without first gaining Council approval, they are in breach of the City's Thoroughfares Local Law. Prosecuting a shopkeeper or a landowner for a breach of this policy would be ineffectual and the value of the policy must therefore be questioned.

RECOMMENDATION

THAT Council, rescind and not replace the policies entitled:

- Incentives for Heritage Reconstruction, Restoration or Adaption - 1995
- Buildings - Showroom / Warehouse and Light Industrial Zone - 1989
- Traffic Management - Development - 1985
- Procedure - Development without Council approval - 1981
- Control of Objects on Footpaths and Road Reserves - 1995

And advertises the rescission pursuant to Clauses 7.21.3 of the City of Albany Town Planning Scheme No 1A and 6.9.3 of the City of Albany Town Planning Scheme 3.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR EMERY**

THAT Council, rescind and not replace the policies entitled:

- **Incentives for Heritage Reconstruction, Restoration or Adaption - 1995**
- **Buildings - Showroom / Warehouse and Light Industrial Zone - 1989**
- **Traffic Management - Development - 1985**
- **Procedure - Development without Council approval - 1981**
- **Control of Objects on Footpaths and Road Reserves - 1995**

And advertises the rescission pursuant to Clauses 7.21.3 of the City of Albany Town Planning Scheme No 1A and 6.9.3 of the City of Albany Town Planning Scheme 3.

CARRIED 12-0

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil

11.5 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

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

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques	Totalling		\$100,994.32
Electronic Fund transfer	Totalling		\$2,940,827.21
Credit Cards	Totalling		\$7,928.95
Payroll	totalling		\$632,203.00
Total			<u>\$3,681,953.48</u>

- As at 29th March 2007, the total outstanding creditors, stands at \$207,422.38.
- Cancelled Cheques – 22933 and 22960

RECOMMENDATION

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

Municipal Fund	Totalling	<u>\$3,681,953.48</u>
----------------	-----------	------------------------------

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 17/04/07
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

MOVED COUNCILLOR EVANS		
SECONDED COUNCILLOR WILLIAMS		
THAT the following City of Albany accounts be passed for payment:-		
Municipal Fund	Totalling	<u>\$3,681,953.48</u>
		CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS**12.1.2 Financial Activity Statement – Month Ending 31 March 2007**

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

COMMENT/DISCUSSION

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

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Item 12.1.2 continued.

COMMENT/DISCUSSION

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

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month ending 31 March 2007.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT Council note the attached Financial Activity Statement for the month ending 31 March 2007.

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – MAR 07

	Actual Year to Date 31-Mar-07	Current Budget Year to Date 31-Mar-07	Budget Variance
OPERATING INCOME			
Rates	16,728,756.93	16,654,130	74,627
Grants & Subsidies	2,758,857.00	2,762,190	(3,333)
Contributions. Reimb & Donations	233,566.36	235,436	(1,870)
Fees & Charges	5,918,104.74	5,908,130	9,975
Interest Earned	1,066,649.98	1,024,709	41,941
Other Revenue / Income	797,447.78	744,176	53,272
Net Controlled Trust Revenue	(69,146.13)	(69,146)	
	27,434,236.66	27,259,625	174,612
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(8,265,199.25)	(8,188,737)	(76,462)
Utilities	(520,156.03)	(537,097)	16,941
Interest Expenses	(482,462.70)	(489,903)	7,440
Contracts & materials	(6,271,766.24)	(6,552,034)	280,268
Insurance expenses	(331,709.60)	(353,771)	22,061
Other Expenses	(755,802.90)	(795,836)	40,033
	(16,627,096.72)	(16,917,378)	290,281
CAPITAL INCOME			
Grants & Subsidies	2,988,287.46	2,837,156	151,131
Contributions. Reimb & Donations, Other	126,263.63	124,445	1,819
Proceeds from sale of assets	2,301,390.49	2,300,946	444
	5,415,941.58	5,262,547	153,395
CAPITAL EXPENDITURE			
Asset Masterplans	(3,792,800.16)	(3,618,525)	(174,275)
ALAC Redevelopment	(1,232,763.19)	(1,232,000)	(763)
Plant Replacement	(2,450,108.88)	(2,398,000)	(52,109)
Developers Subdivisions	0.00	0	-
Other Capital	(909,857.45)	(900,585)	(9,272)
	(8,385,529.68)	(8,149,110)	(236,420)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(303,378.39)	(324,429)	21,051
Proceeds from Self Supporting Loans	23,010.97	23,264	(253)
Proceeds from new loans	0.00	0	-
	(280,367.42)	(301,165)	20,798
OTHER BALANCE SHEET ITEMS			
Change in stock position	(240,444.26)		
Change in Debtors	5,357.84		
Change in Creditors	(2,618,930.43)		
	(2,854,016.85)		
NET CASH FLOW	4,703,167.57		
Opening Cash balance	15,968,783.53		
NET CASH AT BALANCE DATE	20,671,951.10		

Cash Summary

Municipal Account	12,036,742.92
Reserve Account	6,533,179.79
Trust Account	2,102,028.39
Total Bank / Investments	20,671,951.10

Item 12.1.2 continued

Explanation of Variances on Financial Activity Statement – February YTD 2007

Nil variances of 10% or greater for the month.

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Queen's Birthday Holiday 2007

File/Ward	:	LEG005 (All Wards)
Proposal/Issue	:	Request for alternative dates to celebrate Queen's Birthday Public Holiday
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	Department of Local Government and Regional Development
Owner	:	City of Albany
Reporting Officer(s)	:	Manager Customer Services (B Parker)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18 January 2005 Item 12.2.3 OCM 15 March 2005 Item 12.2.2
Summary Recommendation	:	That Council resolves to celebrate the Queen's Birthday Public Holiday on Monday 1 st October 2007
Bulletin Attachment	:	Circular Number 07-2007
Locality Plan	:	N/A

BACKGROUND

1. The Governor has declared that Monday 1st October 2007 will recognise the observance of Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday public holiday) under the Public and Bank Holidays Act 1972 (WA) in the State of Western Australia.
2. Local Governments within Western Australia may request that this public holiday is celebrated on an alternative date of significance within their Municipality, in lieu of the date proclaimed as the public holiday for the rest of the State.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany is committed to... Providing sound governance

Priority Projects:

Nil

COMMENT/DISCUSSION

7. A similar item was presented to Council in January 2005. At this meeting Council resolved to undertake a random survey to gauge the popularity of celebrating the Queen’s Birthday Public Holiday on the Friday of the Albany Show as an alternative date to the date proclaimed by the Governor.
8. As a result of this Council decision, City staff circulated 1000 random surveys to Albany residents designed to gauge the popularity of moving the Queen’s Birthday Public Holiday from Monday 26th September 2005 to the Friday of the Albany Show (Friday 11th November 2005).
9. 47% of the surveys were returned resulting in 247 surveys supporting the Queen’s Birthday Public Holiday to remain on the 26th September 2005 and 218 supporting the Queen’s Birthday Public Holiday being moved to the 11th November (Friday of Albany Show).
10. Statistically, the 2005 survey results remain relevant and it is anticipated that further surveys on this issue would obtain similar results. For this reason it is recommended that Council resolves to celebrate the Queen’s Birthday Public Holiday on the date proclaimed by the Governor, Monday 1st October 2007.

RECOMMENDATION

THAT Council resolves to celebrate the Queen’s Birthday Public Holiday on the date proclaimed by the Governor, Monday 1st October 2007.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WILLIAMS**

THAT Council resolves to celebrate the Queen’s Birthday Public Holiday on the date proclaimed by the Governor, Monday 1st October 2007.

CARRIED 12-0

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

Nil

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Town Hall Theatre Advisory Committee meeting minutes – 7th March 2007

- File/Ward** : SER047 (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 7th March 2007 be received.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on 7th March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on 7th March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Arts Advisory Committee meeting minutes – 14th March 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 14th March 2007 be received.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 14th March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR MARSHALL**

THAT the minutes of Albany Arts Advisory Committee meeting of 14th March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.3 Aboriginal Accord Advisory Committee meeting minutes – 21st March 2007

- File/Ward** : MAN134 (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 Aboriginal Accord Advisory Committee meeting held on 21st March 2007 be received.

RECOMMENDATION

THAT the minutes of the Albany Aboriginal Accord Advisory Committee meeting held on 21st March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR MARSHALL**

THAT the minutes of the Albany Aboriginal Accord Advisory Committee meeting held on 21st March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.4 Albany Arts Advisory Committee meeting minutes – 28th March 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 28th March 2007 be received.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting of 28th March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Albany Arts Advisory Committee meeting of 28th March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 12-0

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.2 CITY SERVICES – WASTE MANAGEMENT

13.2.1 Allocate funds for Middleton Beach Foreshore Recycling Trial

File/Ward	: SER151 (Frederickstown Ward)
Proposal/Issue	: Allocate funds for a public place recycling trial at Middleton Beach foreshore.
Subject Land/Locality	: Portion of Reserve 14789 Flinders Parade, Middleton Beach
Proponent	: Australian Food and Grocery Council
Owner	: Crown
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council approves expenditure of \$22,000 for the trial of public place recycling at Middleton Beach foreshore, \$15,000 will be funded by the Australian Food and Grocery Council and \$7,000 to be transferred from the Refuse Reserve.
Bulletin Attachment	: Nil
Locality Plan	:



BACKGROUND

1. The Packaging Stewardship Forum (PSF) of the Australian Food and Grocery Council (AFGC), formerly the Beverage Industry Environment Council (BIEC), has been in negotiations with Council to establish a jointly funded public recycling trial.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

2. The program is to establish six recycling stations consisting of a waste and recycling bin on the Middleton Beach foreshore area between the Beachside Café and the Surf Life Saving Club.
3. The AFGC will provide funds for purchase of the bin infrastructure including signage utilising the public education strategy of the 'Do The Right Thing' campaign.
4. Council will be required to meet any other costs, which may arise from this trial.
5. AFGC requests that a Memorandum of Understanding be signed prior to the commencement of the trial to formalise the agreement.

STATUTORY REQUIREMENTS

6. Under the Local Government Act 1995, 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

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

FINANCIAL IMPLICATIONS

8. The AFGC has indicated it would provide \$15,000 to cover the cost of purchasing the bin surrounds.
9. The cost of freight, installation and maintenance costs is to be met by the City at a cost of \$7,000. Funding can be allocated from the Refuse Reserve.

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 sustainably managing Albany’s municipal assets.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

Priority Projects

Operational Improvement Projects - Non IT Based – Departmental, No.55 Waste Management, namely stabilise landfill streams and maximise diversion of waste from landfill.”

COMMENT/DISCUSSION

- 11. The AFGC funding offer for the recycling trial requires the bin infrastructure to be in place by 30 June 2007.
- 12. AFGC, Cleanaway and the City will monitor the trial with a case study report produced detailing the effectiveness of the program including project development, implementation, performance monitoring, outcomes and cost benefits.
- 13. This report will be presented to Council to allow it to assess the effectiveness of the program and decide whether it wishes to introduce further programs.
- 14. Once installation is complete the City will be responsible for the bin infrastructure. These costs are minimal and can be absorbed within the current operational budget.

RECOMMENDATIONS

- 1. THAT Council approves expenditure of \$22,000 for the trial of public place recycling at Middleton Beach foreshore, \$15,000 to be funded by the Australian Food and Grocery Council and \$7,000 to be transferred from the Refuse Reserve; and
- 2. THAT Council enters into a Memorandum Of Understanding with the Packaging Stewardship Forum (PSF) of the Australian Food and Grocery Council (AFGC).

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WALKER
 SECONDED COUNCILLOR MARSHALL**

- 1. THAT Council approves expenditure of \$22,000 for the trial of public place recycling at Middleton Beach foreshore, \$15,000 to be funded by the Australian Food and Grocery Council and \$7,000 to be transferred from the Refuse Reserve; and**
- 2. THAT Council enters into a Memorandum Of Understanding with the Packaging Stewardship Forum (PSF) of the Australian Food and Grocery Council (AFGC).**

**CARRIED 12-0
ABSOLUTE MAJORITY**

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

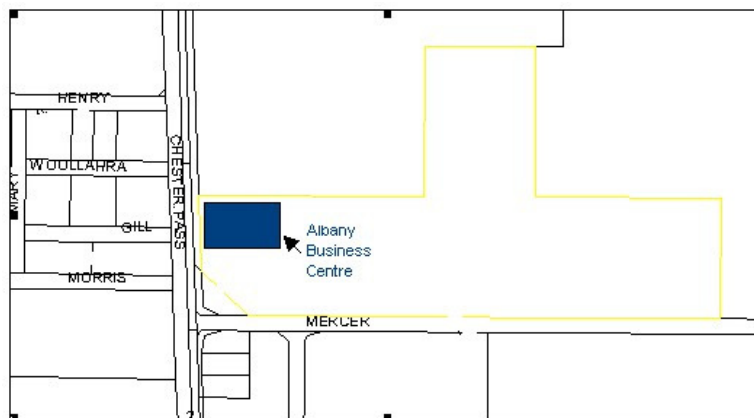
13.4 CITY SERVICES – CONTRACT MANAGEMENT

Nil

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Extension of Lease – Albany Business Centre

- File/Ward** : PRO140 (Yakamia Ward)
- Proposal/Issue** : Variation for extension to existing lease.
- Subject Land/Locality** : Part Lot 5 on Diagram 59369 and being the whole of the land comprised in CT Volume 1633 Folio 591 situated at corner of Chester Pass and Mercer Roads, Albany.
- Proponent** : Albany Business Centre
- Owner** : City of Albany
- Reporting Officer(s)** : Property Officer (H Tasker)
- Disclosure of Interest** : N/A
- Previous Reference** : Nil
- Summary Recommendation** : To prepare a variation to the existing lease to provide for a further 10 year tenure to be taken up as from 31 December 2007 to allow for the building of three more studio's.
- Bulletin Attachment** : Nil
- Locality Plan** :



BACKGROUND

1. In January 1998 a lease agreement was made between the Shire of Albany and the Albany Enterprise Group Inc (later known as the Albany Business Incubator and Albany Business Centre) for the development and management of an area of land to be used to promote the development of small business within the community.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

2. Albany Enterprise Group Inc was developed by a group of people from the Albany business community in conjunction with the Shire of Albany, the Shire providing the land on which the enterprise is located.
3. The Albany Enterprise Group Inc built a series of studios of varying size and rented them at nominal charges to new and small business to enable them to become established in a less commercial environment. Once established, these businesses would then be required to find accommodation in the commercial market.
4. The land on which this is situated, being Lot 5, corner Chester Pass and Mercer Roads, is the same land on which the large animal pound, Mercer Road former City offices and the City Depot are all located. The land is owned by the City of Albany and attracts a \$10.00 per annum 'peppercorn' rental.

STATUTORY REQUIREMENTS

5. Section 3.58(5)(d) of the Local Government Act 1995 refers to the disposal of property. Local Government Functions & General Regulation 1996, regulation 30(2)(b)

"A disposition of land is an exempt disposition if –

- (b) The land is disposed of to a body, whether incorporated or not –
 - (i) the object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. As per clause 4.22 of the existing lease, all costs associated with the preparation of a Variation to Extend the Lease will be recouped from the Lessee through Council's Recoverable Costs.
8. The Lessee has no outstanding debts to the City of Albany.
9. The land on which this enterprise is located is classified 'non rateable'.

STRATEGIC IMPLICATIONS

10. 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 a regional retailing services hub.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

Mission Statement:

At all times we will respect the community's aspirations and resources.

Priority Projects:

Nil."

COMMENT/DISCUSSION

11. In August 2006 the City of Albany's City Services were approached by Albany Enterprise Group, now know as Albany Business Centre (the Centre) regarding the need for development of further studios on the area occupied by the Centre. The ongoing success of the Centre has seen an almost full occupancy rate for several years, with a completely full occupancy for the past two years. This high occupancy rate has led to proposed small business enterprises being turned away due to lack of room.
12. The Centre identified an area of land under the lease which is currently used for car parking which they feel would be better utilized if developed into three additional commercial accommodation studios.
13. On 24th October 2006 a letter was received from the Centre requesting a longer period of tenure in order to attract Commonwealth Grant Funding assistance to contribute towards the cost of building the new studios.
14. The Centre anticipates the cost of building to be in the vicinity of \$90,000 with \$35,000 coming from it's own reserves and with the intention to apply for Commonwealth funding for a further \$45,000. For the final \$10,000 the Centre intends to seek funds from the City's Community Financial Assistance Program.
15. The current lease is due to expire on 31 December 2007, but provides for a further 5-year option, which ensures tenure for the next 6 years only. In order to attract the Commonwealth funding needed, the Centre has requested a renewal option of the lease for a further 10 years to replace the 5-year option.
16. Lot 5 Chester Pass Road forms part of the Mercer Road depot, animal pound and former administration centre. This area has been identified as strategically significant to the Council's future financial planning strategy.
17. The Lessee has been made aware that the lease will not be renewed after this variation.
18. If Council approve a variation to the existing lease to allow for a further 10 year option from December 2007 this will provide the opportunity for the Lessee to hold tenure until 2017 and apply to the Commonwealth for the grant funding required for expansion.
19. The Albany Business Centre is a not for profit organization designed specifically to nurture independent small business operatives within the Albany community.
20. It is suggested that all other aspects of the lease remain the same.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

RECOMMENDATIONS

1. THAT a variation of lease be prepared for the existing lease of Part Lot 5 on Diagram 59369 and being the whole of the land comprised in CT Volume 1633 Folio 591 situated at corner of Chester Pass and Mercer Roads Albany, between the City of Albany and Albany Enterprise Group Inc. (trading as Albany Business Centre), to allow for a further 10 year option of tenure to be taken up as from 31 December 2007, in place of the existing 5 year option, on confirmation of the Commonwealth providing grant funding for \$45,000 and \$10,000 from the City's Community Financial Assistance Program to assist with the building of three more studios for the purpose of encouraging small business enterprise within Albany.
2. THAT the Lessees acknowledge that the lease will terminate at the end of the 10-year term.
3. THAT the City of Albany's Common Seal be affixed to the Variation of Lease.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR EMERY**

THAT Council not negotiate beyond the current terms and conditions of the current lease and further that Council endeavour to locate an appropriate parcel of crown land for the Albany Business Centre to relocate to.

CARRIED 11-1

Reason:

That the City not encourage further consolidation on the land given its significant strategic financial importance and the current five year option provides reasonable time for the Centre to relocate to a more suitable location.

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Streetscape Committee Meeting Minutes – 22 March 2007

File/Ward	:	MAN161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	That the minutes of the Streetscape Committee Meeting held on 22 March 2007, be received.

RECOMMENDATION

THAT the Minutes of the Albany Streetscape Committee held 22 March 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOJCUN**

THAT the Minutes of the Albany Streetscape Committee held 22 March 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

CARRIED 12-0

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Minutes of the Amity Heritage Precinct Enhancement Committee - 20 March 2007

File/Ward	:	STR206 (Frederickstown Ward)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Manager Economic Development (J Berry)
Summary Recommendation	:	That the Minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 20 March 2007 be received and recommendations adopted.

RECOMMENDATIONS

1. THAT the minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 20 March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).
2. THAT Council:-
 - i) Receives stakeholder comment on the draft Amity Heritage Precinct Master Plan report dated September 2006 [copy of submissions are appended to these Committee minutes and report previously circulated to Councillors];
 - ii) Receives the consultants report and recommendations as a working document to guide enhancement of the precinct as a visitor destination, noting the following:-
 - (a) A preference by the WA Museum and Albany Historical Society Inc for new public ablution facilities to be located on the North side of the railway line.
 - (b) The recommendation to relocate the Albany Visitor Centre to the precinct is not supported.
 - (c) The draft integrated parking option prepared by City staff and shown in Figure 10 of the report be further assessed at the time detailed design of the Anzac Peace Park commences.
 - (d) A preference by the WA Museum to locate the proposed Welcome Wall within the precinct
 - (e) The theme of 'Arrival' should not be used as the principal interpretation theme
 - iii) Uses relevant sections of the report to guide resource allocation and advocacy efforts to relevant State and Australian Government funding programs and undertakes ongoing consultation with the WA Museum and Albany Historical Society Inc in the implementation of works;
 - iv) Commences negotiations with the State Government and Albany Historical Society Inc on development of a Memorandum of Understanding, which will guide resource allocation for a staged implementation plan that is consistent with WA Museums strategic plan (work in progress);

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

- v) Disbands the Amity Heritage Precinct Enhancement Committee and thanks members of the Committee for their contribution
- vi) Supports participation of City Staff (as directed by the Chief Executive Officer) on the recommended Precinct Management Committee* (refer Section 9.9.1 of the report) and nominates Councillor _____ to participate on the Committee.

* *the Precinct Management Committee would not be a Committee of Council under the Local Government Act, rather a stakeholder co-ordination group with its own legal structure (if required).*

Voting Requirement Simple Majority

.....

Councillor Marshall advised that Councillor Paver had indicated his desire to be the Councillor representative on the Committee.

Councillor Walker nominated to be the Councillor representative on the Committee, given his previous involvement with heritage issues.

A ballot was conducted and the Acting Chief Executive Officer subsequently declared Councillor Walker elected to be the Councillor representative to the Committee.

<p>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR WELLINGTON</p> <p>1. THAT the minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 20 March 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).</p> <p>2. THAT Council:-</p> <ul style="list-style-type: none">i) Receives stakeholder comment on the draft Amity Heritage Precinct Master Plan report dated September 2006 [copy of submissions are appended to these Committee minutes and report previously circulated to Councillors];ii) Receives the consultants report and recommendations as a working document to guide enhancement of the precinct as a visitor destination, noting the following:-<ul style="list-style-type: none">(a) A preference by the WA Museum and Albany Historical Society Inc for new public ablution facilities to be located on the North side of the railway line.(b) The recommendation to relocate the Albany Visitor Centre to the precinct is not supported.(c) The draft integrated parking option prepared by City staff and shown in Figure 10 of the report be further assessed at the time detailed design of the Anzac Peace Park commences.(d) A preference by the WA Museum to locate the proposed Welcome Wall within the precinct(e) The theme of 'Arrival' should not be used as the principal interpretation theme
--

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

- iii) **Uses relevant sections of the report to guide resource allocation and advocacy efforts to relevant State and Australian Government funding programs and undertakes ongoing consultation with the WA Museum and Albany Historical Society Inc in the implementation of works;**
- iv) **Commences negotiations with the State Government and Albany Historical Society Inc on development of a Memorandum of Understanding, which will guide resource allocation for a staged implementation plan that is consistent with WA Museums strategic plan (work in progress);**
- v) **Disbands the Amity Heritage Precinct Enhancement Committee and thanks members of the Committee for their contribution**
- vi) **Supports participation of City Staff (as directed by the Chief Executive Officer) on the recommended Precinct Management Committee* (refer Section 9.9.1 of the report) and nominates Councillor Walker to participate on the Committee.**

** the Precinct Management Committee would not be a Committee of Council under the Local Government Act, rather a stakeholder co-ordination group with its own legal structure (if required).*

CARRIED 12-0

GENERAL MANAGEMENT SERVICES REPORTS

14.5.2 Albany Tourism Marketing Advisory Committee meeting minutes – 2 April 2007

- File/Ward** : STR208 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of Albany Tourism Marketing Advisory Committee meeting held on 02 April 2007 be received and recommendations adopted.

RECOMMENDATIONS

1. THAT the minutes of Albany Tourism Marketing Advisory Committee held on 02 April 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

2. THAT COUNCIL:-

Set the following prices for amazingalbany branded calico bags:-

- Wholesale price of \$2.00
- Recommended Retail Price of \$3.00 (sale price through City of Albany outlets)

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

1. THAT the minutes of Albany Tourism Marketing Advisory Committee held on 02 April 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 12-0

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

2. THAT Council set the following prices for amazingalbany branded calico bags:-
- Wholesale price of \$2.00
 - Recommended Retail Price of \$3.00 (sale price through City of Albany outlets)

**CARRIED 12-0
ABSOLUTE MAJORITY**

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 WILLIAMS
SECONDED COUNCILLOR MARSHALL**

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

CARRIED 12-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

Fellow Councillors:

Three major City of Albany sponsored events took place over the last month, which included the Sportsperson of the Year, the City of Albany Art Prize and the City of Albany Harbour Swim.

Our up and coming local athletes were well represented and acknowledged at the Sportsperson of the Year awards on Wednesday 28th March. I congratulate this year's prize winners; Matthew Mitchell (Lawn Bowls) and Jessica Jasper (Equestrian) who were joint winners of the junior category; Geoff Faulkes (Shooting) who won the senior category and Peter Muller (Table Tennis) the winner of the veteran category. It seems that every year the level of success being achieved by our local sportsmen and women increases at local, state, national and even international level. I congratulate all of the winners and nominees of this year's Sportsperson of the Year awards for their success. I would also like to acknowledge the efforts of Tammy Flett, the City's Community Development Officer for Youth, for coordinating such a successful event.

The City of Albany Art Prize, now in its 45th year, has established a reputation as being a significant, cultural event on the art calendar. This year there were 368 entrants; slightly less than the record number entered last year, but still a very positive response. The bringing together of so many contemporary and traditional art pieces made for quite a spectacular exhibition for local art lovers. I congratulate Annette Grant, and the volunteers who assist with the coordination of the event annually, for their tireless work again this year.

The City of Albany Harbour Swim took place in near perfect weather conditions on Easter Saturday with Nicholas Cuthbert completing the 4km swim in a time of 50.14 minutes. Albany's Reece Child was a very close second with only 50 seconds separating the two swimmers. Barbara Pellick was the first woman swimmer to cross the line in a time of 56.10. I would like to thank Councillor John Jamieson for representing Council at this event.

Item 17.0 continued

Thanks also to Deputy Mayor Dennis Wellington and Cr Jan Waterman for officiating at the 4X Gold - Albany Cup and the Paperartzi exhibition, which were also held over the Easter period.

Yesterday I was delighted to accept a cheque for \$495,000 from Mr Peter Watson MLA, the first payment of Western Australian State Government funding for the Albany Leisure and Aquatic Centre redevelopment. Councillors and the media were provided with the opportunity of a site visit after the cheque presentation. Dean Wauters, the Director/Operational Manager of Wauters Enterprises explained that the project is on-track and that the structure walls would soon be going up which will provide external visuals of the shape and size of the redevelopment.

And finally, I would like to urge Councillors and the general public to support the very worthy community fundraising initiative 'Relay for Life' being held this weekend to raise funds for the fight against cancer. I doubt that there would be anyone within this community who has not been touched either directly or indirectly by the devastating disease that is cancer. The enthusiasm with which the entire Albany community has embraced and supported this fundraising event, reflects the depth of feeling people have to find a cure for cancer, or at least make a difference to the life of a cancer sufferer. I congratulate all of the teams and individuals who have supported this very worthy cause and wish them luck in undertaking the 24 hour event from 3.00pm Saturday to 3.00pm Sunday.

Thank you.

DRAFT MOTION

THAT the Mayor's Report dated 17 April 2007 be received.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT the Mayor's Report dated 17 April 2007 be received.

CARRIED 12-0

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

18.1 Recruitment of Planning Officers - Changes to Team Structure

File/Ward	:	PER010 (All Wards)
Proposal/Issue	:	Recruitment of Planning Officers
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adjust Team Structure and Remuneration
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. To supply an appropriate level of service to the Albany community, the Town Planning Team at the City of Albany has been established with four (4) planners and one (1) Senior Planning Officer under the management control of the Manager of Planning and Ranger Services. An additional Planning Officer (Strategic) reports to the Executive Director of Development Services and is responsible for the project consultancies and the preparation of strategic documents.
2. Of the five (5) planners reporting to the Manager of Planning and Ranger Services, three (3) planners have recently tendered their resignations. Advertisements run in planning journals and through newspapers indicate that several Councils are seeking to recruit planning officers and the salary package offered by the City of Albany may no longer be competitive. Advertisements run by the City to attract a planning officer failed to attract a single applicant; attempts to recruit from overseas also failed to attract a suitable applicant.

STATUTORY REQUIREMENTS

3. Section 5.23 of the Local Government Act 1995 allows Council to close the meeting to the public if part of the meeting deals with a matter affecting an employee or employees.

Item 18.1 continued

4. Section 6.8 of the Act also states that a Local Government is not to incur expenditure from its municipal funds for an additional purpose unless it is authorised in advance by resolution of Council (Absolute Majority required).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The change of team structure for the Planning Team detailed in the remainder of the report has the potential to add a maximum of \$45,000 to the wages bill for the team and have a year one cost of \$18,000 to provide a car, followed by an annual operating and replacement cost of \$5,800.

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. The current team structure involves one (1) Senior Planning Officer (level 7 wage) and four (4) Planning Officers (levels 5 or 6 depending on qualifications and experience). A four cylinder motor vehicle (with use restrictions) is also available for the Senior Planning Officer as part of the salary package.
9. With the recent resignations, the Senior Planning Officer and two Planning Officers need to be recruited. An advertisement is to appear in the local press shortly, calling for two (2) people to undertake a planning cadetships to replace one Planning Officer; a Certificate IV - Local Government (Planning) is now offered externally through the TAFE system. This decision will have no budgetary impact and has the potential to provide Planning Technicians for the future.

Item 18.1 continued

10. Staff would like to adjust the salaries paid to the qualified staff in current positions up one level and replace one Planning Officer position with a second Senior Planning Officer. Both Senior Planning Officer's positions can be filled internally and the work will be distributed into two potential streams dealing with either development assessment or policy and compliance.
11. If the above proposal is accepted by Council, staff would begin recruitment for two Planning Officers at level 7 (\$54,000 to \$57,000), instead of the current arrangements which would only allow for level 5/6 job offers (\$46,000 to \$53,000) to be made. The overall budget impact would be in the vicinity of \$45,000 in additional wages and on-costs, plus \$18,000 in year one for another vehicle. The additional wages incurred for the balance of the 2006/07 financial year should be met from wage savings during the recruitment period.

RECOMMENDATIONS

1. THAT the following adjustments be made to the remuneration offered to qualified members in the planning team;
 - (a) An additional Senior Planning Officer's position be created within the Planning Team and the number of Planning Officers be reduced by one;
 - (b) An appropriate segregation of responsibilities and tasks being allocated to both Senior Planning Officers;
 - (c) The salary levels of Planning Officers and Senior Planning Officers be increased by one level; and
 - (d) A cadet program be implemented to replace one Planning Officer and two cadet planning technicians be employed immediately.
2. THAT, pursuant to Section 6.8 of the Local Government Act, \$18,000 be funded from additional planning revenue within the 2006/07 budget for the purchase of a vehicle for the second Senior Planning Officer and that additional wages resulting from the salary increases be absorbed from within the existing Planning budget.
3. THAT these funding changes be reflected in the 2006/07 Q3 budget review.

Voting Requirement Absolute Majority

.....

Item 18.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

1. **THAT the following adjustments be made to the remuneration offered to qualified members in the planning team;**
 - (a) **An additional Senior Planning Officer's position be created within the Planning Team and the number of Planning Officers be reduced by one;**
 - (b) **An appropriate segregation of responsibilities and tasks being allocated to both Senior Planning Officers;**
 - (c) **The salary levels of Planning Officers and Senior Planning Officers be increased by one level; and**
 - (d) **A cadet program be implemented to replace one Planning Officer and two cadet planning technicians be employed immediately.**

2. **THAT, pursuant to Section 6.8 of the Local Government Act, \$18,000 be funded from additional planning revenue within the 2006/07 budget for the purchase of a vehicle for the second Senior Planning Officer and that additional wages resulting from the salary increases be absorbed from within the existing Planning budget.**

3. **THAT these funding changes be reflected in the 2006/07 Q3 budget review.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

19.0 CLOSED DOORS

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

**THAT the Council meet behind closed doors to consider the following items:
Item 19.1 – Internal Review Committee meeting minutes – 3rd April 2007; and
Item 19.2 – Chief Executive Officer’s Performance Appraisal
as confidential matters in accordance with Section 5.23(2) of the Local
Government Act 1995.**

CARRIED 12-0

Members of the public and media vacated the Council Chambers at 8.00pm.

Items 19.1 and 19.2 were considered behind closed doors.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR EMERY**

THAT Council open the meeting to the public.

CARRIED 12-0

The meeting was reopened to the public at 8.03pm and Mrs Kim Stanton returned to the public gallery.

19.1 Internal Review Committee meeting minutes – 3rd April 2007

File/Ward	:	MAN180 (All Wards)
Proposal/Issue	:	Internal Review Committee meeting minutes for Council consideration.
Reporting Officer(s)	:	Manager Customer Services (B Parker)
Summary Recommendation	:	That the Minutes of Internal Review Committee held on 27 th March 2007 & 3 rd April 2007 be received and the recommendations adopted.

Item 19.1 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(f) of the Local Government Act 1995 – impairment of investigation. The report and recommendations were issued under separate, confidential cover.

Below is the recommendations of the Internal Review Committee and subsequent decisions of the Council only.

RECOMMENDATIONS

1. THAT Council
 - i) Will take no action with regard to the request to reinstate the watercourse that had been diverted by the developers of lots 1 & 2 Thomas Street, as the drainage plans were in place when the subdivision was approved and therefore would have been available to prospective purchasers for inspection. It is therefore unreasonable to expect the current owners of lots 1 & 2 to reinstate an open watercourse.
 - ii) In accordance with condition A2 (iv) of the Tomlinson's Planning Scheme Consent, actively pursue the submission of the landscaping plan showing size, species and the location of the proposed plantings. The landscaping plan is to contain plantings that are compatible with and complimentary to the plantings in the immediate vicinity.
 - iii) In accordance with condition A3 of the Tomlinson's Planning Scheme Consent, negotiate with the owners to select a non-reflective, or less reflective roofing material than zincalume.
 - iv) Actively follow up the unauthorised removal of trees on the Thiel/Knight and Tomlinson property and negotiate appropriate replantings.
 - v) Write to the complainants outlining the findings of the Internal Review Committee.

Voting Requirement Simple Majority

.....

Item 19.1 continued

2. THAT Council

- i) Acknowledge that this issue has not been effectively dealt with by staff particularly in terms of the resources and direction provided to the Environmental Health Team to pursue active enforcement of the Noise Regulations and other relevant legislation.
- ii) Issue an Environmental Protection Notice (EPN) to the offending landowners relating to their requirement to comply with the Noise Regulations.
- iii)
 - (a) Issue a notice of breach of the Planning Scheme Consent regarding non-compliance with the Noise Regulations and prohibiting the use of the current bird-scaring device.
 - b) Advise the offending landowners that should they wish to use such a device in the future then they are required to obtain approval before 31st August 2007. The use of any audible bird-scaring device on the property will be subject to onsite detailed testing and analysis by Council's authorised consultants at the expense of the proponent.
- iv) Delegate authority to the CEO to immediately commence prosecution should any further breach occur.
- v) Direct staff to prepare a Noise Management and Compliance Strategy for subsequent consideration and adoption by Council that incorporates specified processes and procedures for dealing with noise complaints and also identifies the resources required both internally and externally that will deliver the strategy's objectives effectively.
- vi) As a part of the 2007/08-budget process, consider the allocation of ongoing financial resources for the effective implementation of the Noise Management and Compliance Strategy
- vii) Write to the complainants outlining the findings of the Internal Review Committee.

Voting Requirement Absolute Majority

.....
**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WEST**

1. THAT Council

- i) Will take no action with regard to the request to reinstate the watercourse that had been diverted by the developers of lots 1 & 2 Thomas Street, as the drainage plans were in place when the subdivision was approved and therefore would have been available to prospective purchasers for inspection. It is therefore unreasonable to expect the current owners of lots 1 & 2 to reinstate an open watercourse.**

Item 19.1 continued

- ii) In accordance with condition A2 (iv) of the Tomlinson's Planning Scheme Consent, actively pursue the submission of the landscaping plan showing size, species and the location of the proposed plantings. The landscaping plan is to contain plantings that are compatible with and complimentary to the plantings in the immediate vicinity.
- iii) In accordance with condition A3 of the Tomlinson's Planning Scheme Consent, negotiate with the owners to select a non-reflective, or less reflective roofing material than zincalume.
- iv) Actively follow up the unauthorised removal of trees on the Thiel/Knight and Tomlinson property and negotiate appropriate replantings.
- v) Write to the complainants outlining the findings of the Internal Review Committee.

CARRIED 11-1

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR MARSHALL**

2. THAT Council

- i) Acknowledge that this issue has not been effectively dealt with by staff particularly in terms of the resources and direction provided to the Environmental Health Team to pursue active enforcement of the Noise Regulations and other relevant legislation.
- ii) Issue an Environmental Protection Notice (EPN) to the offending landowners relating to their requirement to comply with the Noise Regulations.
- iii)
 - (a) Issue a notice of breach of the Planning Scheme Consent regarding non-compliance with the Noise Regulations and prohibiting the use of the current bird-scaring device.
 - b) Advise the offending landowners that should they wish to use such a device in the future then they are required to obtain approval before 31st August 2007. The use of any audible bird-scaring device on the property will be subject to onsite detailed testing and analysis by Council's authorised consultants at the expense of the proponent.
- iv) Delegate authority to the CEO to immediately commence prosecution should any further breach occur.
- v) Direct staff to prepare a Noise Management and Compliance Strategy for subsequent consideration and adoption by Council that incorporates specified processes and procedures for dealing with noise complaints and also identifies the resources required both internally and externally that will deliver the strategy's objectives effectively.

Item 19.1 continued

- vi) **As a part of the 2007/08-budget process, consider the allocation of ongoing financial resources for the effective implementation of the Noise Management and Compliance Strategy**
- vii) **Write to the complainants outlining the findings of the Internal Review Committee.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

19.2 Chief Executive Officer’s Performance Appraisal

File/Ward	: PF (Hammond, Andrew) (All Wards)
Proposal/Issue	: CEO Performance Appraisal
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Chief Executive Officer (A Hammond)
Previous Reference	: OCM 20.02.2007 Item 19.1
Summary Recommendation	: THAT conditions of contract be accepted.
Bulletin Attachment	: N/A
Locality Plan	: N/A

Item 19.2 is a CONFIDENTIAL matter 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 were issued under separate, confidential cover.

Below is the decision of the Council only.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT the Performance Appraisal Committee’s recommendations as follows be adopted:

- 1) **The Chief Executive Officers employment contract for 1 January 2008 to 31 December 2012 be amended as follows:**
 - a) **reference to the recoup of fees associated with undertaking of a Master Business Administration be deleted.**
 - b) **An achievement bonus be paid in addition to the basic remuneration package to recognise exceptional performance or contribution. The bonus to be only recommended at the sole discretion of Council and based on the recommendation of the Performance Review Committee.**
- 2) **The commencing salary at 1 January 2008 be based upon the current salary plus the CPI movement from 1 December 2007 to 31 December 2007.**

**CARRIED 12-0
ABSOLUTE MAJORITY**

20.0 NEXT ORDINARY MEETING DATE

Tuesday 15th May 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 8.07pm.

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
Nil		

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTERESTS DISCLOSED BY OFFICERS

Andrew Hammond, Chief Executive Officer	Written disclosure made in report – Item 19.2 (confidential)	Financial interest – Chief Executive Officer’s employment contract.
---	--	---



[Agenda Item 12.1.1 refers]
[COUNCIL – 17th April 2007]

SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		Totalling	\$100,994.32
Electronic Fund transfer		Totalling	\$2,940,827.21
Credit Cards		Totalling	\$7,928.95
Payroll		totalling	\$632,203.00
Total			<u>\$3,681,953.48</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,681,953.48 which was submitted to each member of the Council on 17th April 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,681,953.48 which was submitted to the Council on 17th April 2007 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)