



MINUTES

ORDINARY MEETING OF COUNCIL

on
Tuesday, 17th December 2002
7.30pm
City of Albany - Mercer Road Office

PLEASE NOTE THESE MINUTES HAVE YET TO BE ADOPTED BY COUNCIL AS A TRUE
RECORD OF PROCEEDINGS

City of Albany

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Signed _____

Date: 23rd December 2002

Andrew Hammond
Chief Executive Officer

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1.0 DECLARATION OF OPENING

Deputy Mayor Evans declared the meeting open at 7.30pm and extended a welcome to all present.

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

Attendance:

Councillors

- M.J. Evans JP
- S.M. Bojcun
- A.H.M. Demarteau
- D.M. Evers
- D.J. Wolfe
- D.W. Wellington
- I.A. West
- G Sankey
- J.D. Williams
- R.H. Emery
- I.W. Wilson
- J. Cecil
- J Walker
- E.A. Barton

Chief Executive Officer - A.C. Hammond

Executive Director –
Development Services - R. Fenn

Executive Director –
Works & Services - B Joynes

Minute Secretary - L J Lewis

Approximately 6 members of the public
2 media representatives

Apologies/Leave of Absence:

Mayor - A.E. Goode JP

Executive Director –
Corporate & Community Services - W.P. Madigan

3.0 OPENING PRAYER

Deputy Mayor Evans read the opening prayer.

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

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

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

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

***Mr Paul Lionetti**

Mr Lionetti referred to Item 11.1.5 – Application for Planning Scheme Consent – Façade Modifications – Lots 28, 29 and 30 Stirling Terrace, Albany.

Mr Lionetti was representing Primeking Pty Ltd, the owners of the ex-Harris Scarfe building. He said Rivers' management advised that if approval was not granted for the Rivers' corporate colours, they would not be coming to Albany. He said fifteen (15) jobs would be created with the opening of the Rivers store in Albany. He requested that Council support the application.

***Mr Brian Cunningham**

Mr Cunningham referred to Item 11.1.3 – Request to move a garden shed – Lot 10 (4) Symers Street, Mira Mar.

Mr Cunningham said this matter had been ongoing for quite some time, and would now like the matter cleared.

***Ms Christine Sweetman**

Ms Sweetman referred to Item 11.1.1 – Application for Planning Scheme Consent – Relocated Group Dwelling – Lot 13 (34) Alfred Street, McKail.

Ms Sweetman assured Council she would do her best to renovate the property to an excellent standard and requested Council to support her application.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

DRAFT MOTION:

THAT the following Minutes of the Ordinary Council meeting held on 19th November 2002 as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR BOJCUN**

THAT the following minutes:

- **Ordinary Council meeting held on 19th November 2002;**

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

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DECLARATIONS OF FINANCIAL INTEREST

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

Item 19 – Salary Review: Executive Director – Development Services - R. Fenn

Item 19 – Salary Review: Executive Director – Works & Services - B Joynes

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 19 – Salary Review for the Executive Director Development Services and the Executive Director Works & Services.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

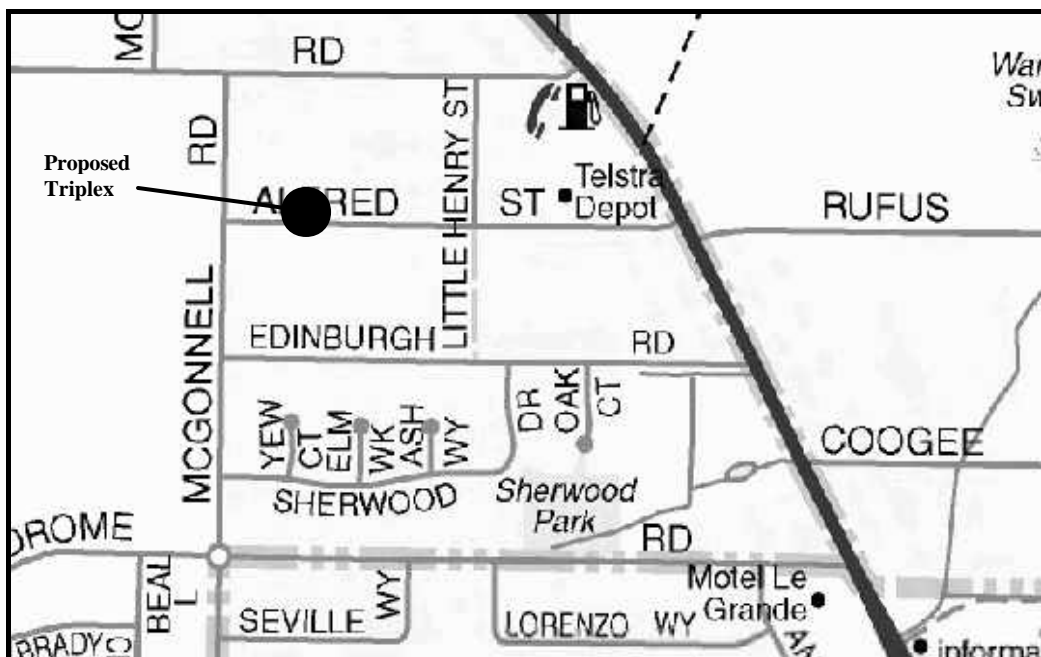
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Application for Planning Scheme Consent – Relocated Group Dwelling - Lot 13 (34) Alfred Street, McKail

- File/Ward** : A24610 (West Ward)
- Proposal/Issue** : Relocated Group Dwelling (Triplex)
- Subject Land/Locality** : Lot 13 (#34) Alfred Street, McKail
- Proponent** : C Sweetnam
- Owner** : C Sweetnam
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Approve the development subject to conditions
- Bulletin Attachment** : Correspondence
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Application has been received by Mrs Sweetman to relocate an existing fibro duplex from Lot 28 (#9) Hardie Road, Spencer Park to Lot 13 (#34) Alfred Street, McKail.
2. Lot 13 Alfred Street, McKail is zoned “Residential” within Town Planning Scheme No. 3 and is 2206m² in size. A brick and tile dwelling already exists on the property. This application would create a triplex on the site.
3. The application was referred to neighbours on 24 October 2002 and two (2) letters of objection have been received, along with a petition with 22 signatures (refer to submissions in the Elected Members Report/Information Bulletin). The letters and petition opposed the proposal on the following grounds:
 - The condition of the dwellings are sub-standard for the area;
 - The low cost dwellings are likely to attract the ‘wrong’ type of tenants;
 - The dwellings would affect property values in the area; and
 - The density of dwellings on the lot would impact on privacy.
4. Since the advertising period closed the applicant has provided a more detailed site plan which has been attached to this report. Please note the attachment has been reduced and is not to scale.

STATUTORY REQUIREMENTS

5. The use ‘Triplex’ is an ‘AA’ use within Town Planning Scheme No. 3 and therefore is a use that requires advertising, and Council’s special approval. Whilst Town Planning Scheme No. 3 sets minimum lot area requirements for a duplex and quadruplex, the Scheme is silent on triplex developments.
6. Under the Scheme a quadruplex (4 units) can be considered on a sewerred residential property if it is a minimum of 1500m². As the subject land is 2206m² a triplex development is well within acceptable density standards.
7. While this area of the City is not controlled by the Residential Design Codes, which provide guidance on unit developments, the units would need to meet appropriate town planning standards. In particular, the units should provide:
 - 4m² store rooms for each dwelling;
 - A 4m wide bitumen sealed access leg;
 - A courtyard area of 24m² per dwelling;
 - 2 parking bays per unit with appropriate manoeuvring areas; and
 - landscaping, primarily between the side boundary and access leg.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

8. Clause 5.17 of the Scheme spells out the criteria for assessing relocated dwellings. Council is required to have special regard to:
- a) the appearance and external materials of the dwelling, and any proposed alterations thereto;
 - b) the amenity of the locality;
 - c) the visual prominence of the site;
 - d) any proposed landscaping or screening of the site; and
 - e) all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the relocated dwelling and the lot upon which it is to be located following transportation.

POLICY IMPLICATIONS

9. Despite consideration of the above criteria, refusal of a structurally sound relocated dwelling is difficult. In the past, Council rejection of relocated dwellings has been confined to areas where a brick covenant or design guidelines have been applied to the title of the land, which is not the case in this instance.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. Approval for relocated dwellings are based on a case-by-case assessment, as amenity and character differs from street to street.

COMMENT/DISCUSSION

12. The duplex building located on Hardie Road is in poor condition, however the applicant has advised that the following will be undertaken to improve the external appearance and streetscape, once it is relocated:
- Once separated, each unit will have a new wall built and clad in hardie flex, and an extra lounge window installed;
 - The asbestos roof is to be replaced with new zincalume roof;
 - A carport consisting of zincalume and white posts is to be added to the side of each unit;
 - New fencing is to be installed down the common driveway and between the units and the house, using cream colorbond neetascreen;
 - Common driveway is to be bitumen sealed if required;
 - Landscaping is to be cottage gardens consisting of small trees and shrubs.
13. Should Council resolve to support the proposal a \$5000 bond for each unit would need to be paid by the applicant to ensure the above, plus any structural improvements are undertaken within a six month period. If the works have not been undertaken within this time period, the bond will be withheld and action under the Town Planning Scheme No.3 would commence.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

14. Whilst the majority of dwellings in the street are brick and tile, the proposed units will be primarily screened from the street by the existing dwelling. For this reason the development is unlikely to have a detrimental impact on the streetscape.
15. In terms of density, the Scheme would allow, subject to Council's discretion, a quadruplex on the property given it is larger than 1500m². As the residential lots in the locality are considerably large and have access to reticulated sewer (from around 1990) the density of development is likely to increase in the future.
16. As the proposed units are single storey, are to be built on flat ground and will be separated from neighbouring properties by an adequate dividing fence, no overlooking will be facilitated.
17. Open space, parking, vehicle manoeuvring, storage areas, clothes drying areas, driveway widths and landscaping are in accordance with the Residential Design Codes and would need to be provided prior to the use of the buildings for residential purposes.
18. Staff's only concern, besides the present condition of the duplex, is that the separated units are considerably smaller in floor area than a standard residential unit or dwelling. The addition of a carport should assist in increasing the bulk of each unit.

RECOMMENDATION

THAT Council delegate to the Executive Director Development Services authority to issue a conditional planning scheme consent for a group dwelling (triplex) at Lot 13 (#34) Alfred Street, McKail, subject to the following conditions being incorporated into the approval;

- i) a (\$10,000) bond being lodged with Council prior to the release of building plans to ensure the submitted 'schedule of works', inclusive of the applicant's commitment for the refurbishment of the relocated dwellings, is completed;
- ii) prior to relocation, the structure is to be inspected to assess whether the asbestos sheeting requires replacement or temporary covering during transportation;
- iii) the site is to be landscaped and fenced in accordance with the approved plan prior to the occupation of the additional units on the site; and
- iv) the driveway and car parking bays are to be bitumen sealed, kerbed and suitably drained prior to the occupation of the additional units on the site.

Voting Requirement Absolute Majority

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DEVELOPMENT SERVICES REPORTS

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WELLINGTON**

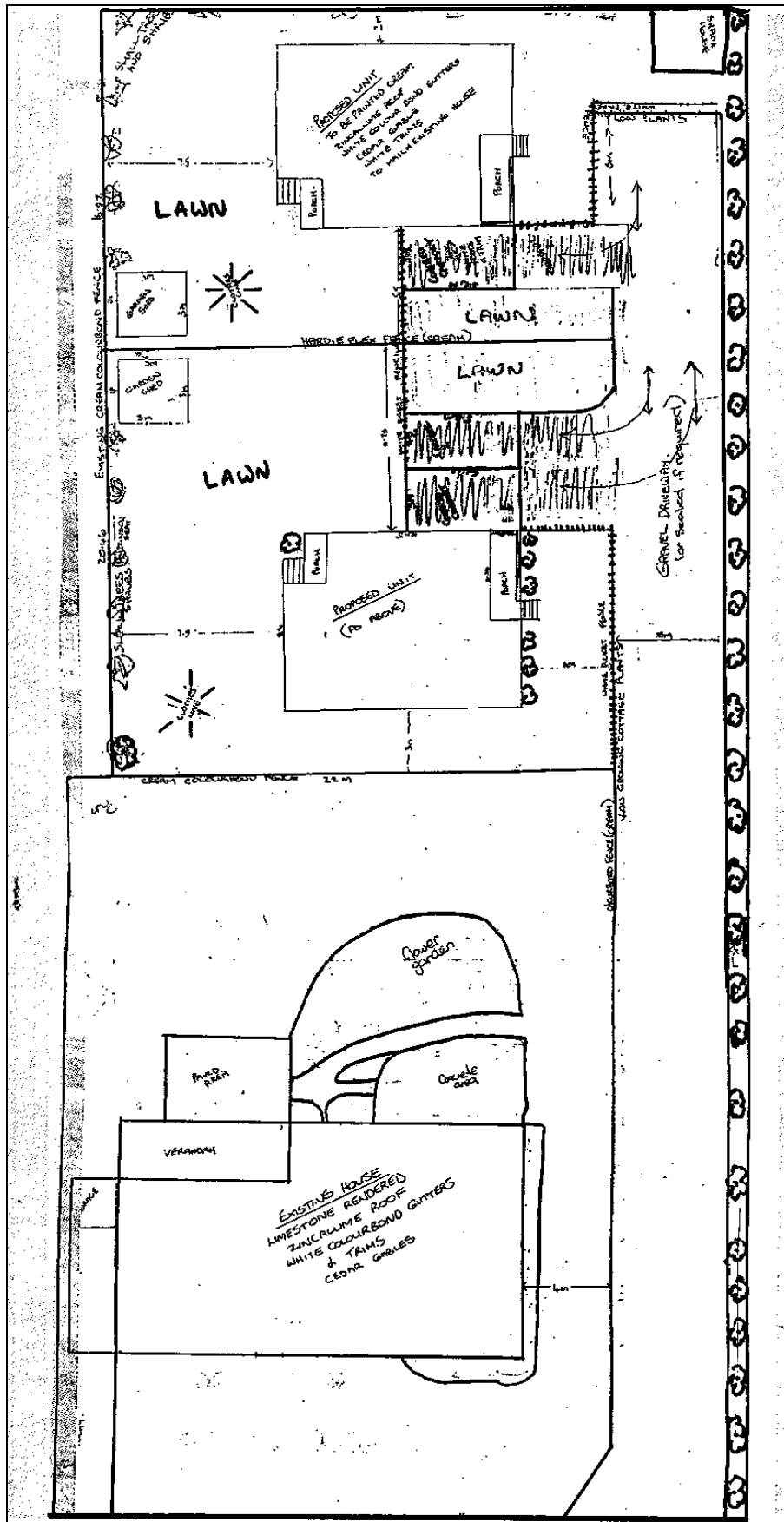
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- ii) prior to relocation, the structure is to be inspected to assess whether the asbestos sheeting requires replacement or temporary covering during transportation;**
- iii) the site is to be landscaped and fenced in accordance with the approved plan prior to the occupation of the additional units on the site; and**
- iv) the driveway and car parking bays are to be bitumen sealed, kerbed and suitably drained prior to the occupation of the additional units on the site.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

PROPOSED RENOVATIONS

UNITS ARE TO BE SEPARATED, WITH NEW WALL TO BE BUILT OF HARDIE FLEX AND EXTRA LOUNGE WINDOW INSTALLED IN LOUNGE ROOM FOR ADDED LIGHT.

ASBESTOS ROOF IS TO BE REMOVED IMMEDIATELY AFTER THE TRANSPORTATION OF THE UNITS AND REPLACED WITH NEW ZINCALUME ROOFING AND WHITE COLOURBOND GUTTERING AND DOWNPIPES AS ON EXISTING HOUSE.

A CARPORT CONSISTING OF ZINCALUME ROOF AND WHITE POSTS IS TO BE ADDED TO THE SIDE OF EACH UNIT.

ALL OUTSIDE WALLS ARE TO BE PAINTED IN TUSCAN EFFECTS CREAM PAINT. FASCIAS, WINDOW SURROUNDS, VERANDAH POSTS AND RAILS AND RAILINGS AT BOTTOM OF HOUSE THAT HIDE STUMPS ARE ALL TO BE PAINTED WHITE.

NEW FENCING IS TO BE INSTALLED DOWN COMMON DRIVEWAY AND BETWEEN EXISTING HOUSE AND UNITS IN CREAM COLOURBOND NEETASCREEN. FENCING BETWEEN UNITS IS TO BE IN SUPER SIX PAINTED CREAM. IN FRONT OF UNITS FENCING IS TO BE WHITE PICKETS.

COMMON DRIVEWAY IS TO BE EITHER SEALED BITUMEN IF REQUIRED OR WASHED GRAVEL.

LANDSCAPING IS TO BE COTTAGE GARDENS CONSISTING OF SMALL TREES AND SHRUBS AND LOTS OF DAISIES AND EASY CARE FLOWERING PLANTS. MOST PERIMETER GARDENS ARE ESTABLISHED NOW AND ALREADY PROVIDE SUBSTANTIAL SCREENING FROM NEIGHBOURING PROPERTIES.

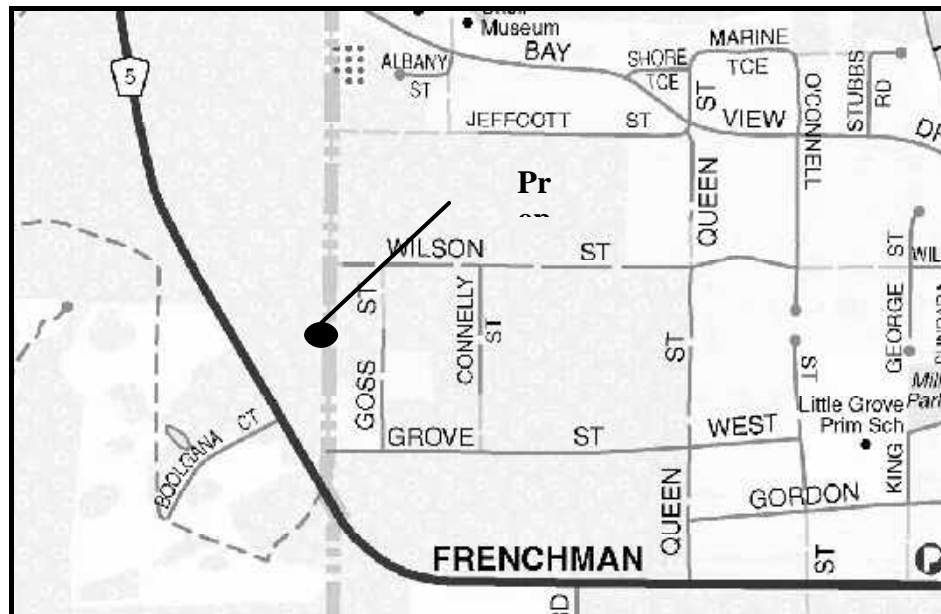
INSIDE THE UNITS ARE TO HAVE POLISHED JARRAH FLOORS, NEW PAINT, RENOVATIONS TO KITCHEN, BATHROOM AND LAUNDRY AND NEW WINDOW TREATMENTS THROUGHOUT.

A CONSIDERABLE AMOUNT OF TIME, LOVE AND MONEY HAS GONE INTO THE RENOVATION OF THE EXISTING HOUSE AND GARDEN. IT IS MY INTENTION TO RENOVATE THESE UNITS TO BE CHARMING LITTLE COTTAGES THAT BLEND WITH THE EXISTING HOUSE AND NO WAY DETRACT FROM THE LOOK AND VALUE OF MY NEIGHBOURHOOD.

DEVELOPMENT SERVICES REPORTS

11.1.2 Policy Variation - Outbuilding – Lot 36 Goss Street, Little Grove

File/Ward	:	A20068 (Vancouver Ward)
Proposal/Issue	:	Overheight Outbuilding with Setback Relaxation
Subject Land/Locality	:	Lot 36 Goss Street, Little Grove
Proponent	:	R van Boxtel
Owner	:	R van Boxtel
Reporting Officer(s)	:	Planning Officer (W Carter)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Refuse Application
Bulletin Attachment	:	Correspondence
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. Application has been received from R van Boxtel to establish a brick render and colorbond outbuilding upon Lot 36 Goss Street, Little Grove.
2. The subject land is zoned “Residential Development” under Town Planning Scheme No. 3, and is 1472m² in size.
3. The proposed shed has a floor area of 88m² and is 6.6m in height (measured from pad level to ridge/gable height). A copy of the site plan and elevation follows this report.
4. Neighbours have not objected to the setback relaxation proposed (copy of letters has been included in the Elected Members Report/Information Bulletin).

STATUTORY REQUIREMENTS

5. Council’s Outbuilding’s Policy (Development Guideline 4 within Town Planning Scheme No. 3) is utilised by Staff when assessing proposed outbuildings.
6. Under this Policy, the maximum height of an outbuilding is 5.0m, which is measured from natural ground level to the ridge/gable, with openings less than 3.3m. The proposed shed will be 6.6m in height, with openings of 5.0m. The applicant has requested Council’s consideration of this application.
7. The minimum front setback required under Town Planning Scheme 3, as defined by Table 2, is 7.5m. The proposed shed will be 5.1m from the front boundary, setback more consistent with the Residential Design Codes when applied to greenfields subdivisions.

POLICY IMPLICATIONS

8. The proposed outbuilding is 1.6m in excess of the maximum height limit and 1.7m in excess of the maximum opening height stated within Development Guideline No. 4 of Town Planning Scheme No. 3.
9. Staff are not delegated to approve applications which require a relaxation of standards, without the prior approval of Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. Approval for the outbuilding as proposed may set a precedent for overheight outbuildings throughout the City.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

COMMENT/DISCUSSION

12. The applicant has provided the following justification for the relaxation of Council’s Outbuilding Policy and Town Planning Scheme 3 (refer to their letter dated 22nd November 2002, following this report):
 - i. that the purpose of the shed is to house a work vehicle;
 - ii. the vehicle needs to be housed in a secure shed for insurance purposes;
 - iii. the applicant has stated that the shed’s design is to compliment the existing architecture of the buildings, using similar materials and roof pitch; and
 - iv. in meeting the required setback, removal of vegetation would be required.
13. The applicant has further advised that the height of their truck is below 3m, however most large trucks require larger shed openings, such as the 4.7metres being sought.
14. A site inspection to the property revealed that earthworks for the proposed shed had already necessitated the removal of vegetation, and further clearing may be necessary.
15. Site inspection also revealed that the proposed setback was out of character with the existing streetscape, which had generous front setbacks.
16. For the reasons outlined, Staff believe the application should be refused as the proposed outbuilding does not meet the criteria stated in Council’s Outbuilding’s Policy and does not conform with the front setback defined by Town Planning Scheme 3.

RECOMMENDATION

THAT Council issues a Planning Scheme Consent Refusal Notice for the proposed over height outbuilding and setback relaxation on Lot 36 Goss Street, Little Grove due to the following reasons:

- i) the shed does not meet the requirements of Council’s Outbuilding’s Policy (Development Guideline No. 4 within Town Planning Scheme No. 3);
- ii) the shed does not meet the required front setback under Council’s Town Planning Scheme No.3;
- iii) approval for the outbuilding is likely to set an undesirable precedent for shed heights within the “Residential Development” zone and in the streetscape; and
- iv) the parking and repairs of large commercial is inconsistent with the primary residential land usage on adjoining lots.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR WALKER**

THAT delegated authority be issued to the Executive Director Development Services to issue a planning scheme consent with appropriate conditions for the establishment of a brick render and colour bond outbuilding upon Lot 36 Goss Street, Little Grove.

MOTION LOST 2-12

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR BOJCUN**

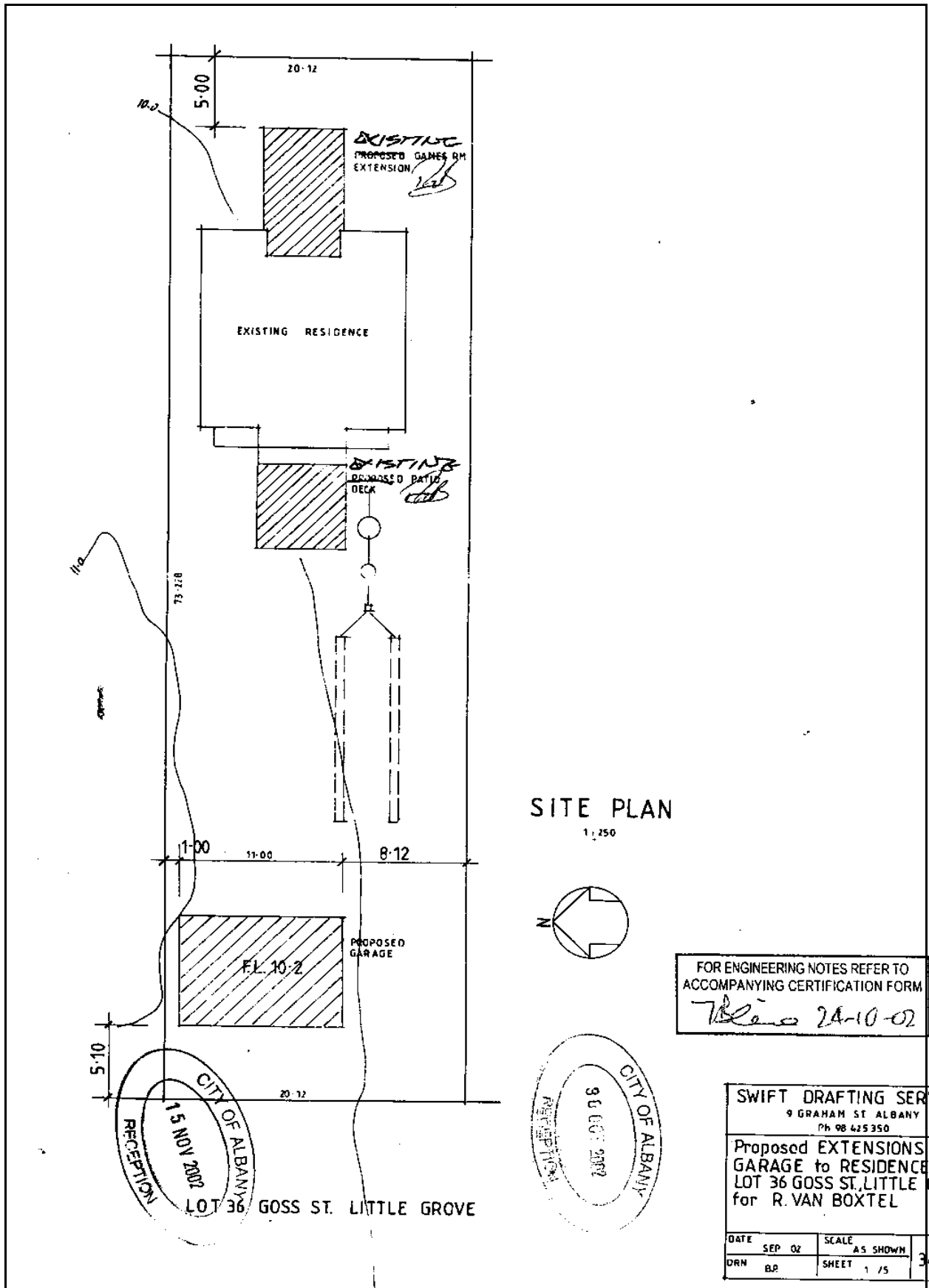
THAT Council issues a Planning Scheme Consent Refusal Notice for the proposed over height outbuilding and setback relaxation on Lot 36 Goss Street, Little Grove due to the following reasons:

- i) the shed does not meet the requirements of Council’s Outbuilding’s Policy (Development Guideline No. 4 within Town Planning Scheme No. 3);**
- ii) the shed does not meet the required front setback under Council’s Town Planning Scheme No.3;**
- iii) approval for the outbuilding is likely to set an undesirable precedent for shed heights within the “Residential Development” zone and in the streetscape; and**
- iv) the parking and repairs of large commercial is inconsistent with the primary residential land usage on adjoining lots.**

MOTION CARRIED 12-2

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Rene van Boxtel
Lot 104 Henry Street
Little Grove
Albany W.A. 6330

Ph: (08) 9844 4535
Mb: 0419 049 953

22nd November 2001

City of Albany
221 York Street
Albany W.A. 6330

To Whom It May Concern,

This letter is in regards to a building proposal of a constructed shed at "Lot 36 (No 18) Goss Street Little Grove. This application was submitted on the 15th November 2001, application number 220954.

We have requested that this shed be constructed 5.1 metres from the boundary instead of the standard setback of 7.5metres. This is due to the home which has been constructed at the back of the 1500 square metre block, due to two large areas of fully grown Peppermint Tree's on the left side of the block. Prior to construction of the home, enquiries were made, to the Albany Shire, as in regards to the shed and home placement, and the response was of a positive nature to these position's. The following points are set out to inform you of our reason's for this request of the setback and the position of the shed.

To place the shed 7.5 mt of the boundary, one set of Peppermint trees would need to be removed and destroyed hence leaving the block quite bare.

To swap the positions of the shed and house , one wouldn't be able to drive past the house to get to the shed to park the car.

Six Letters have been presented to the shire from our new neighbours in regards to the setback and each have no issues or problems with this setback.

We would like the shed to match in with the house as far as appearance. Currently the house is brick rendered and painted a Sandstone colour and the roof and second storey is colourbond in Slate Grey and Mountain Blue. The shed will be constructed in the same materials and colour.

We would like the shed to be a feature as much as the house is and the pitch of the roof of the shed would need to correlate with the home. The current height of the house is of

CITY OF ALBANY - RECEIVED		
RECORDS OFFICE		
25 NOV 2002		
FILE	CURRU NO.	OFFICER
Ad20068	I210030	1 DARYL OF ALBANY
CC	ATTACHMENTS	2 OFFICER

25 NOV 2002
RECEPTION

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

course higher than the shed due to the second storey. The shed therefore will not be as high, only the roof pitch will be as the same as the house. Letters of approval can also be obtained from the neighbours if desired.

The back of the shed is slightly cut into the side of the hill and will actually appear lower than is. This illusion will create a lesser appearance and in reality will actually be lower for our left side neighbours who are not concerned about the height or placement of the shed. A letter can also be obtained for this if desired.

The two front shed doors may not necessarily appear as in the diagram. We would like to construct them in Jarrah and make this as a focal point and feature of the shed.

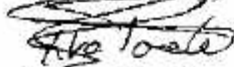
As far as the shed needing to be disguised from the road is concerned, there is currently a fully established and grown Peppermint Tree to the side and front of the shed. Six Gum Tree's, a large weeping Bottle Brush, a Banksia Tree, a native Wedding bush, ten white Daisy bush's in a row and smaller pink and yellow Daisy's in between have all been planted at the front and side of the shed. As these progress and grow if more plants are required and there is any room, more will be planted as needed.

A Post and Rail Timber fence will be constructed behind the daisy bushes and in front of the shed on the boundary line as a feature to the residence.

As far as the height or setback of the shed is concerned to the appearance on the street, some issues need to be taken into consideration. One is the fact that we appear to be the only residence on the street that have taken the time to plant grass, tree's, bush's and construct a decent garden on the verge edge, one only needs to look at our neighbouring neighbour or certain homes down the road which have been overgrown with weeds and wild oats and grass. Broken down vehicles have been left to die on the road verge with weeds fully established around this vehicle. It also appears that we are the only residence that is attempting to build a solid shed to correspond to the home, other sheds in the vicinity are constructed of Zincalume. The road is currently unsealed with large potholes to which no one it seems, wishes to take responsibility for this. We as the local residence appear to rectify this situation ourselves.

We are currently trying to establish ourselves a beautiful home with a beautiful corresponding shed that is appealing and pleasant to the eye. No-one appears to have a problem or an issue with this, either with the pitch of the roof or the setback. I hope that this is sufficient information for you, I look forward to constructing my new shed as planned. For any more information, please feel free to contact myself or my partner on the above number's.

Your's sincerely,



R.A. van Boxtel

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Rene van Boxtel
Lot 104 Henry Street
Little Grove
Albany W.A. 6330

Ph: (08) 9844 4535
Mb: 0419 049 953

4th December 2001

City of Albany
221 York Street
Albany W.A. 6330

To Whom It May Concern,

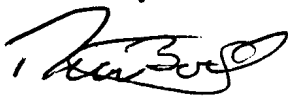
This letter is in regards to a building proposal of a constructed shed at "Lot 36 (No 18) Goss Street Little Grove. This application was submitted on the 15th November 2001, application number 220954.

We have previously submitted a letter dated the 22nd November, stating the reasons as to why we would like the shed erected 5.1 metres from the verge rather than 7.5 metres. We have also stated the reasons as to why we would like the shed to have a higher pitch roof than standard.

To add to this proposal, we currently own a Ford Louisville Truck which will be housed in this shed. The truck is 2.4 metres wide by 8 metres long and 3 metres in height. Due to insurance reasons the truck requires to be shedded and locked. There is also the convenience of the work vehicle being close at hand, one to go to work and the other for minor repairs and maintenance. Particular maintenance will only relate to servicing and tune-ups and will only be attempted in the closure of the shed. All other repairs will be done at a mechanics workshop. There is no reasons for the truck to be left outside at any time.

For any further information please feel free to contact us on the above number.

yours sincerely

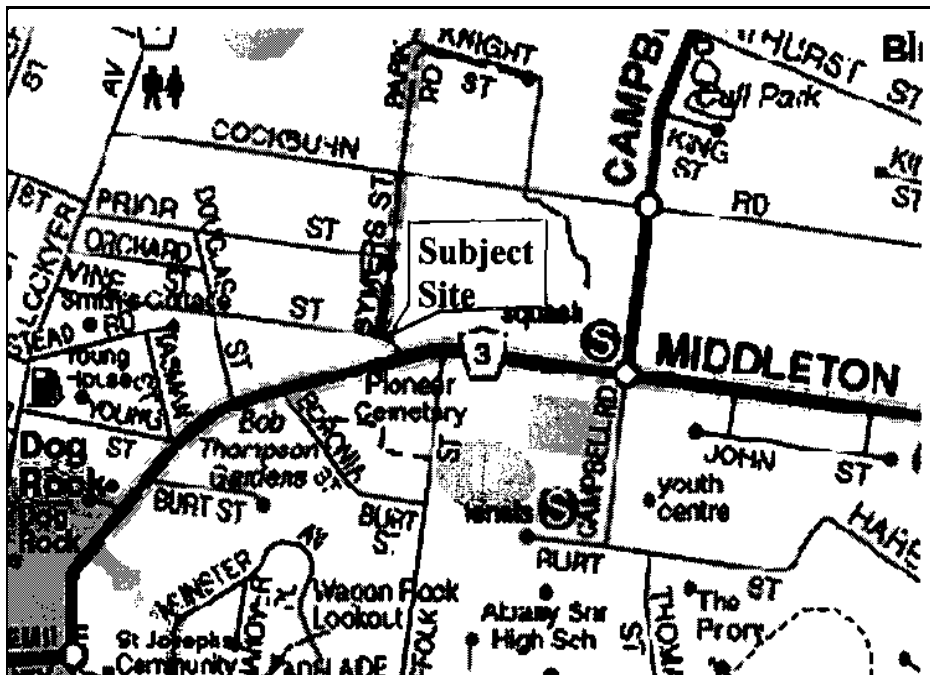


Rene A van Boxtel

DEVELOPMENT SERVICES REPORTS

11.1.3 Request to Move a Garden Shed – Lot 10 (4) Symers Street, Mira Mar.

File/Ward	:	A95661 (Frederickstown Ward)
Proposal/Issue	:	Council is requested to issue a Notice to force the movement of a shed to facilitate the construction of a dividing fence.
Subject Land/Locality	:	Lot 10 (4) Symers Street and Lot 14 (268) Middleton Road, Mira Mar.
Proponent	:	Ms Lesley Glasgow
Owner	:	BJ & SD Cunningham
Reporting Officer(s)	:	Manager Development (C Pursey)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Refuse to issue a Notice to move the garden shed.
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. Council has been requested to consider issuing a Notice to move a garden shed. The shed is located 0.2m within the boundary of Lot 10 (4) Symers Street. The owner of Lot 14 (268) Middleton Road (Ms Glasgow) has requested that the shed be moved to allow the construction of a small portion of dividing fence.
2. A survey of the subject land and a photo of the shed follow this report.
3. The shed is located 0.2m inside Lot 10 Symers Street (Cunningham) boundary. The dividing fence between the neighbours has been constructed just within Lot 10 Symers Street. The dividing fence between Lot 10 Symers (Cunningham) and Lot 14 Middleton Road (Glasgow) is a new steel fence that finishes at the small garden shed; the shed then serves as part of the dividing fence. Whether or not the fence was constructed following the correct procedure is not the subject of this report as the shed has been in place for over two decades.
4. The dividing fence between Lot 14 Middleton Road and Lot 24 Symers Street is constructed of fibro-cement, appears to be located along the boundary and therefore slightly in front of the garden shed.
5. This request has considerable background information concerning the interaction between the owners of the adjoining lots and Council staff, which is summarised in the following time line. There have been many issues develop along the common boundary between the two neighbours. This report considers the request before it only.

Date	Activity
May 2002	Building Inspector requested by Ms Glasgow to inspect new dividing fence for structural integrity, invasive tree roots and claims that a shed had been moved to form part of the new fence.
17 May 2002	Letter sent to neighbours, Mr & Mrs Cunningham requesting explanation on the points raised. Given the understanding that the fence had been moved closer to the boundary to form part of the fence a request was made to move the shed 1 metre from the boundary.
July 2002	Cunningham's inform Council that the shed has been in place for at least twenty years, they would not want to see it moved and that there are considerable issues between the two property owners arising over their dividing fence.
4 July 2002	Letter sent to Ms Glasgow stating that staff would not require the shed to be moved for the following reasons: <ol style="list-style-type: none"> 1. The shed has stood for at least 20 years and today's setback requirements are not going to be applied to such an old building; 2. Sheds/parapet walls often form part of dividing fences; and 3. It is not within Council jurisdiction to make a decision on dividing fence issues, it is the Department of Local Government under the Dividing Fences Act 1961. Advice was also given that there were approvals in place for the shed at this time. This was subsequently proved to be an officer error.

DEVELOPMENT SERVICES REPORTS

July 2002 to September 2002	Various correspondence from Ms Glasgow requesting that the shed be moved as it is not possible to construct a fence in front of it without moving it, and that the shed is unapproved.
13 August 2002	Letter sent confirming that the small garden shed does not have approval from Council.
27 September 2002	Chief Executive Officer writes to Ms Glasgow stating that legal advice will be sought regarding Council's responsibilities in regard to the position of the shed. Direction to use the free mediation service offered by the Albany Legal Centre forwarded to both neighbours.
10 October 2002	Legal Advice from Minter Ellison received. If Council wishes to move the shed then a Notice under section 401(1)(c) of the Local Government (Miscellaneous Provision) Act 1960 should be used. More on this in the Statutory and Comments sections of this report.
7 November 2002	Following legal advice, information was sought from an independent source as to whether the dividing fence could be completed without moving the shed. This was received from R.R. Unger Pty Ltd, Consulting Civil, Structural and Municipal Engineers stating that there were a number of ways in which to construct the fence without moving the shed. This advice is at the pages following this report.
12 November 2002	Letter sent to Ms Glasgow stating that Council staff were unwilling to issue a Section 401 Notice on the shed but were willing to put the matter before Council if Ms Glasgow viewed this response as unreasonable.
18 November 2002	Letter received stating that three different quotes have been received from tradesman that the fence could not be constructed and that the issue should be presented to Council for a decision.

STATUTORY REQUIREMENTS

6. The process to have a structure that has been constructed without the approval of Council removed, is to issue a Notice under section 401(1)(c) of the Local Government (Miscellaneous Provision) Act 1960. This section states:

“A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written Notice of anything, in the construction of the building – ...

(c) which, where permission of the local government is required for carrying it out, has been carried out without that permission;”

7. Legal advice indicated that the use of the word ‘may’ in section 401(1) indicates that Council has discretion as to whether or not to issue a Notice. Minter Ellison recommended that factors to consider in determining if a Notice should be issued include:
- whether the shed is structurally sound;
 - whether the garden shed complies with the Building Codes of Australia;
 - whether it is causing problems with the neighbouring property (such as causing water runoff to flow into the neighbour's yard); and
 - the length of time which it has been constructed.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

8. Staff under delegated authority usually issue Notices when issues of public safety and serious issues of non-compliance are brought to Council's attention.
9. The Dividing Fences Act 1961 covers dividing fences issues and is the Department for Local Governments responsibility to administer. Council is requested to consider the moving of the shed and by association, its relationship to the dividing fence only.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. There are no financial implications apparent for Council. Costs have been incurred to date to gain the legal opinion and the engineers report.

STRATEGIC IMPLICATIONS

12. The issue of precedent is to be considered when judging whether or not to issue a Notice for the removal of the shed. There are likely to be many structures throughout the City of Albany that were constructed under the Uniform Building By-Laws in the 1970's and 80's without approvals being sought from the Council at that time.
13. If Council is to support the issuing of a 401 Notice it should do so after ensuring that the site specific conditions are such that it will not lead to many similar requests through the City.

COMMENT/DISCUSSION

14. It is clear that the garden shed should have had approvals under the current legislative requirements. It is also clear that Council has no record of ever issuing an approval for the shed. It is therefore feasible to issue section 401(10(c) Notice upon the owners of Lot 10 (4) Symers Street to move or pull down that garden shed.
15. Using the shed as part of the fence appears to detract from the amenity of the adjoining lot as shown in the photo following this report. However, as the shed is located 0.2m within the boundary, there seems to be options to screen it under the provisions of the Dividing Fences Act 1961.
16. The garden shed is also small and solidly built and appears as though it could be moved reasonably easily. There is however a concrete floor to the shed that would require some work to remove and reinstate.
17. When considering the legal advice received, staff concluded that:
 - a) The shed appears to be structurally sound;
 - b) The garden shed appears to comply with the Building Code of Australia in terms of its structural adequacy and the setback from the boundary;

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- c) It does not appear to be causing problems such as causing water runoff to flow into the neighbour's yard, however it may be preventing the neighbour from constructing a dividing fence in the conventional manner (i.e. digging a trench, placing a new fibro-cement sheet in and back filling and compacting *both sides* of the new fence); and
 - d) The garden shed appears to have been constructed at least twenty years ago. This information was ascertained from the current owners of the property and a visual appraisal of the shed.
18. Point (c) above required further investigation, as it is the claim of Ms Glasgow and three other tradesmen, that the shed is preventing the construction of the dividing fence. To solve this issue staff sought the advice of an independent civil and structural engineer, R.R. Unger Pty Ltd, on whether a fence could practically be constructed in front of the existing garden shed without necessitating the moving of the shed or affecting its structural integrity.
19. Mr Unger has provided his advice to Council staff and it is clear that there are a number of ways in which to construct a fence in front of the garden shed, along the existing boundary, without moving the shed or entering onto the property at 4 Symers Street.
20. In conclusion, whilst recognising that the garden shed does not have the required approvals, staff recommend that Council exercise its discretion under section 401(1)(c) of the Local Government (Miscellaneous Provision) Act 1960 and refuse to issue a Notice on the garden shed in question. A dividing fence can be constructed in front of the shed; the shed appears to be structurally sound and has existed without issue for approximately twenty years. Therefore the garden shed appears to have little real impact upon Ms Glasgow, the owner of Lot 14 (268) Middleton Road, Mira Mar.
21. Ms Glasgow has the option of constructing the portion of fencing in front of the shed either from the south in fibro cement or the north in metal in accordance with the Dividing Fences Act 1961.

RECOMMENDATION

THAT Council refuse to issue a Notice under section 401(1)(c) of the Local Government (Miscellaneous Provision) Act 1960 to move the garden shed at Lot 10 (4) Symers Street, Mira Mar.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT Council refuse to issue a Notice under section 401(1)(c) of the Local Government (Miscellaneous Provision) Act 1960 to move the garden shed at Lot 10 (4) Symers Street, Mira Mar.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

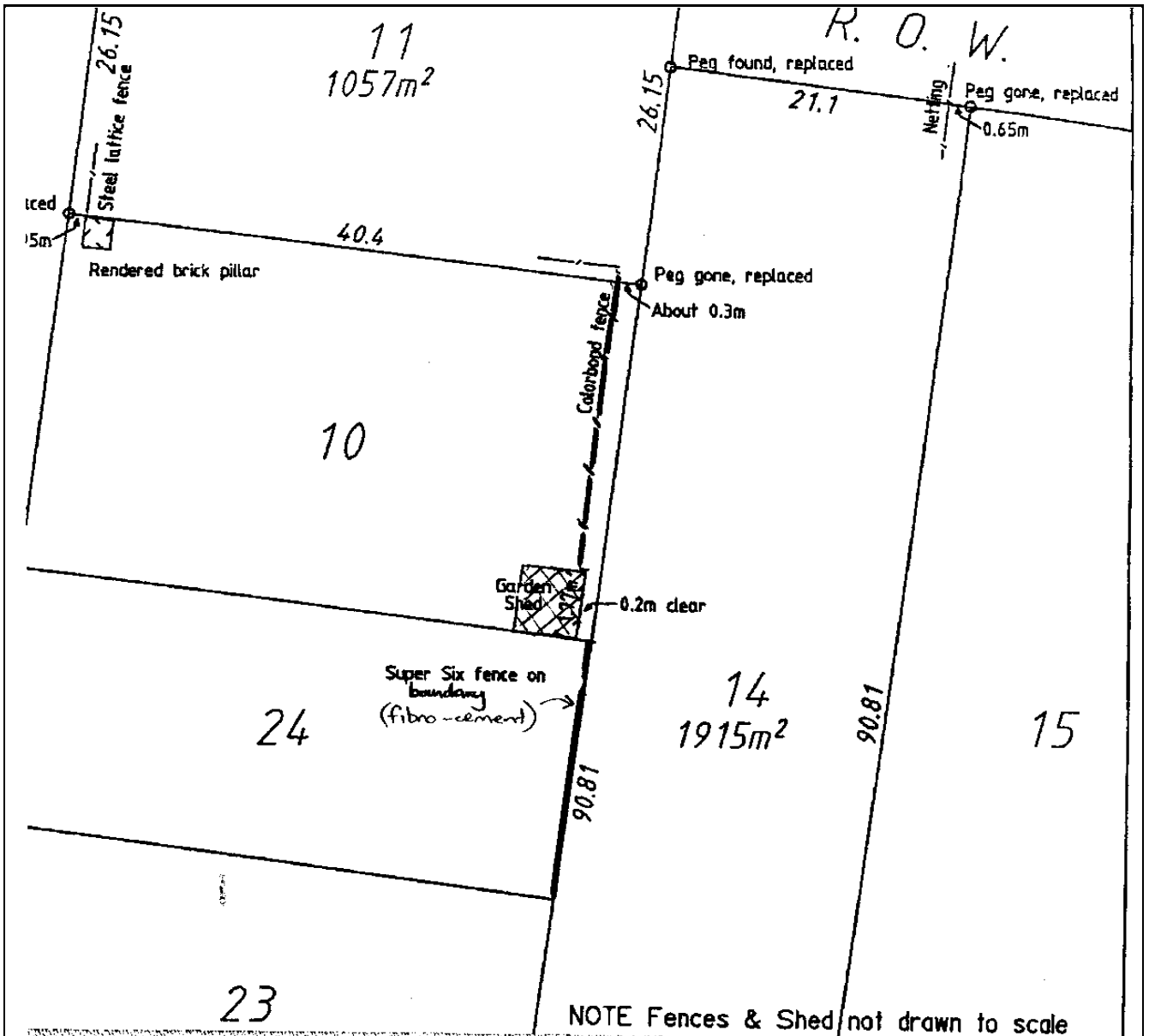
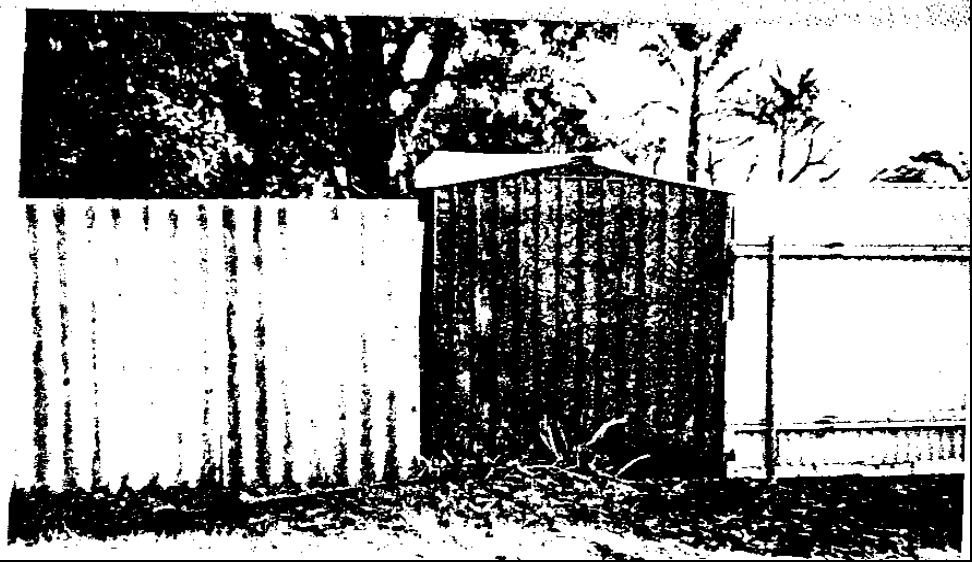


PHOTO 1

Existing situation, fibro-cement fence in front and metal fence finishes flush with the shed.



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Our Ref : C-553-02/03
Your Ref : A95661

Mr. Craig Pursey,
Manager Development,
City of Albany,
P.O. Box 484,
ALBANY WA 6331.

Dear Mr. Pursey,

**SHED & DIVIDING FENCE
SYMERS STREET, ALBANY**

Thank you for your instructions relating to a dividing fence issue located on Lot 10 (#4) Symers Street and forming a division to Lot 14 (#268) Middleton Road.

Following our joint site inspection in the afternoon on October 22, 2002, accompanied by Mrs. Lesley Glasgow (the part owner of Lot 14) and a follow-up site visit on 23/10/02, we submit our opinions and comments as under – **relating specifically to your brief only.**

The existing garden shed on Lot 10 is located in the near proximity of the south-eastern corner of the lot.

A boundary re-establishment survey by 35 Degrees South Land Surveying depicts the garden shed to be 0.2 m clear of the Lot 14 boundary.

The total cross-sectional width of the metal fence erected wholly within Lot 10, but near the boundary of Lot 14, is 135 mm.

Metal posts supporting the fence are set on a 3.000 m module. The last post is 0.26 m north from the garden shed.

Consequently a continuation of the metal fence should fit between the cadastral boundary between the said lots and the eastern wall of the garden shed.

Conventional on-site fence construction would not be possible.

The last fence panel could however be prefabricated, suitably braced on the girts and inserted from Lot 14. The centre line of this panel to coincide with the cadastral boundary separating the lots. Appropriate offset arrangements for the concrete post footings would need to be made to achieve clearances.

Alternatively the existing Super-Six fence forming the division between Lot 14 and Lot 24 could be extended northward to join up with the present end of the metal fence.

Access again would only be possible from Lot 14.

R.R. UNGER PTY. LTD.
ABN 37 367 643 213
CONSULTING CIVIL, STRUCTURAL
AND MUNICIPAL ENGINEERS

RALPH R. UNGER
B.E., F.I.E. Aust., CPEng, F.ASCE,
F.A.I.M., GradCertMgt., R.P.E.Q.,
NPER - Civil Structural Management
Member of the Association of
Consulting Engineers Australia
Registered Builder 9243

'PASATIEMPO' HOMESTEAD
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PO Box 168, ALBANY
WESTERN AUSTRALIA 6331

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DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- 2 -

SHED & DIVIDING FENCE, SYMERS STREET, ALBANY – continued...

Erection could be accomplished by setting the fence panels in a high slump fine aggregate concrete in a pre-constructed trench.

Based on the foregoing comments it is our opinion the existing garden shed located on Lot 10 Symers Street, near the boundary of Lot 14, would not be required to be moved to enable the construction of a dividing fence between the two properties.

We trust the above meets the intent of your brief and we thank you for the opportunity to be of service.

Yours truly,



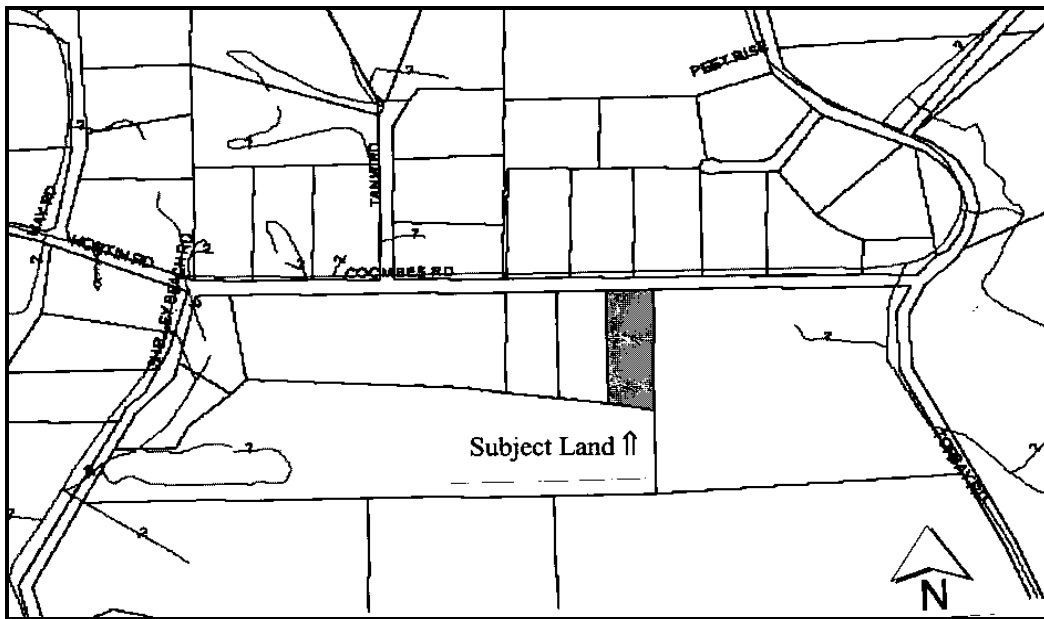
R.R. UNGER

RRU:MU

DEVELOPMENT SERVICES REPORTS

11.1.4 Liquor Licence Application – Lot 61 Coombes Road, Kronkup

- File/Ward** : A73613 (West Ward)
- Proposal/Issue** : Application to sell wine with food and possible review of staff delegations in relation to licensed premises
- Subject Land/Locality** : Lot 61 Coombes Road, Torbay
- Proponent** : N Ham
- Owner** : N Ham
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To issue a Section 40 Certificate to allow premises to sell wine with food and revise delegations for licensed premises
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. Application has been received from the owner of The Torbay Anchorage (Neville Ham) to sell wine with meals at Lot 61 Coombes Road, Torbay.
2. The property is zoned ‘Private Clubs & Institutions’ and is 2 hectares in size. Planning Scheme Consent for an ‘Integrated Tourist Development (Museum, Educational Establishment/Seminar Centre, Café and Caretakers Dwelling)’ was granted to the site on 21 October 1997.
3. In order to sell wine with food on the premises, the owner needs to apply for a restaurant licence from the Department of Racing, Gaming & Liquor. In order to meet the application requirements for this agency, the owner needs to submit a Section 40 Certificate from Council. The issuing of a Section 40 Certificate indicates that Council has no objection to the sale of liquor from the premises.
4. Under the delegations associated with Town Planning Schemes 1A and 3, staff are not authorised to approve a ‘Licensed Premises’. This application also provides an opportunity for the Development Guidelines for both Town Planning Scheme No. 1A and Town Planning Scheme No. 3 to be reviewed to reflect the differences between a tavern/hotel and an application to sell liquor with food.

STATUTORY REQUIREMENTS

5. As The Torbay Anchorage is legally operating as a ‘Café’ and the selling of wine would be incidental to the development, the issuing of a Section 40 Certificate would be in accordance with the Scheme.
6. The Development Guidelines are policies linked to each of the Schemes, and should any modification be proposed, formal advertising to the public would be required. In Town Planning Scheme No. 1A advertising would need to be in accordance with Clause 7.21, and in Town Planning Scheme No. 3 Clause 6.9.

POLICY IMPLICATIONS

7. In order to allow staff to process minor liquor licence applications, whilst continuing to refer major proposals to Council for deliberation a minor change to the Development Guidelines are proposed; the policy could read as follows:

“Guideline 1.1

For the purposes of Schedule 1 to Council’s Delegated Authority notice, authority to issue planning consents or refusals, with or without conditions shall be restricted to those uses nominated in(relevant to each Town Planning Scheme)...but excluding:

g) Licensed Premises (not applicable to applications where the serving of alcohol is not the predominant use).”

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

FINANCIAL IMPLICATIONS

8. In order to comply with the advertising requirements of both Town Planning Schemes, the placement of two advertisements in the paper, one inviting comment and one advising of the change to the policy, would be required.

STRATEGIC IMPLICATIONS

9. There are not strategic implications relating to this item.

COMMENT/DISCUSSION

10. Staff believe the issuing of a Section 40 Certificate for The Torbay Anchorage at Lot 61 Coombes Road, Torbay is of a minor nature given the serving of alcohol would not be the predominant use. In order to process similar requests in a timely manner, an amendment to the Development Guidelines for both Town Planning Scheme No. 1A and Town Planning Scheme No. 3 is recommended.

RECOMMENDATION

THAT Council:

- i) issue a Section 40 Certificate for The Torbay Anchorage at Lot 61 Coombes Road, Kronkup; and
- ii) modify the delegations issued to the Chief Executive Officer and the City of Albany Development Guidelines for Schemes 1A and 3 to note that “Licensed Premises” in Guideline 1 (item 1.1) should read “Licensed Premises (only where the serving of alcohol would be predominant use)” and the change in policy be advertised in accordance with clause 7.21 of the Town Planning Scheme 1A and clause 6.9 of the Town Planning Scheme 3.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR DEMARTEAU**

THAT Council:

- i) issue a Section 40 Certificate for The Torbay Anchorage at Lot 61 Coombes Road, Kronkup; and**
- ii) modify the delegations issued to the Chief Executive Officer and the City of Albany Development Guidelines for Schemes 1A and 3 to note that “Licensed Premises” in Guideline 1 (item 1.1) should read “Licensed Premises (only where the serving of alcohol would be predominant use)” and the change in policy be advertised in accordance with clause 7.21 of the Town Planning Scheme 1A and clause 6.9 of the Town Planning Scheme 3.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

THE TORBAY ANCHORAGE

TEAHOUSE & PIONEER HISTORY DISPLAY
BED AND BREAKFAST
WILDERNESS 4WD TOURS



Lot 61 Coombes Rd Torbay Hill
ALBANY WA 6331
Tel/Fax 0898 451313
email: ham@wn.com.au

Nov.14th 2002

Graham Bride
Senior Planning Officer
City of Albany
221 York St
ALBANY WA 6331

CITY OF ALBANY - RECEIVED		
RECORDS OFFICE		
A73613 15 NOV 2002		
FILE	CORRO NO.	OFFICER
	209716	1. DAI
CC	ATTACHMENTS	OFFICER
		2.

GB

Dear Graham,

Attached is our application together with the cheque to seek planning approval to sell wine with meals at the Teahouse during daylight hours.

We are now an established tourist destination within the outer Western area of the City and wish to add this dimension to the attraction. Further it will provide an opportunity to promote locally produced wines to tourists and locals. Over the last three years we have had a large number of customer referrals from local wine producers the licence if approved by the Liquor Licencing Board and your planning approval would benefit the producers and the Tourist Industry.

The licence type for which we would apply is for wine only, no spirits or beer and the wine would be served with meals only.

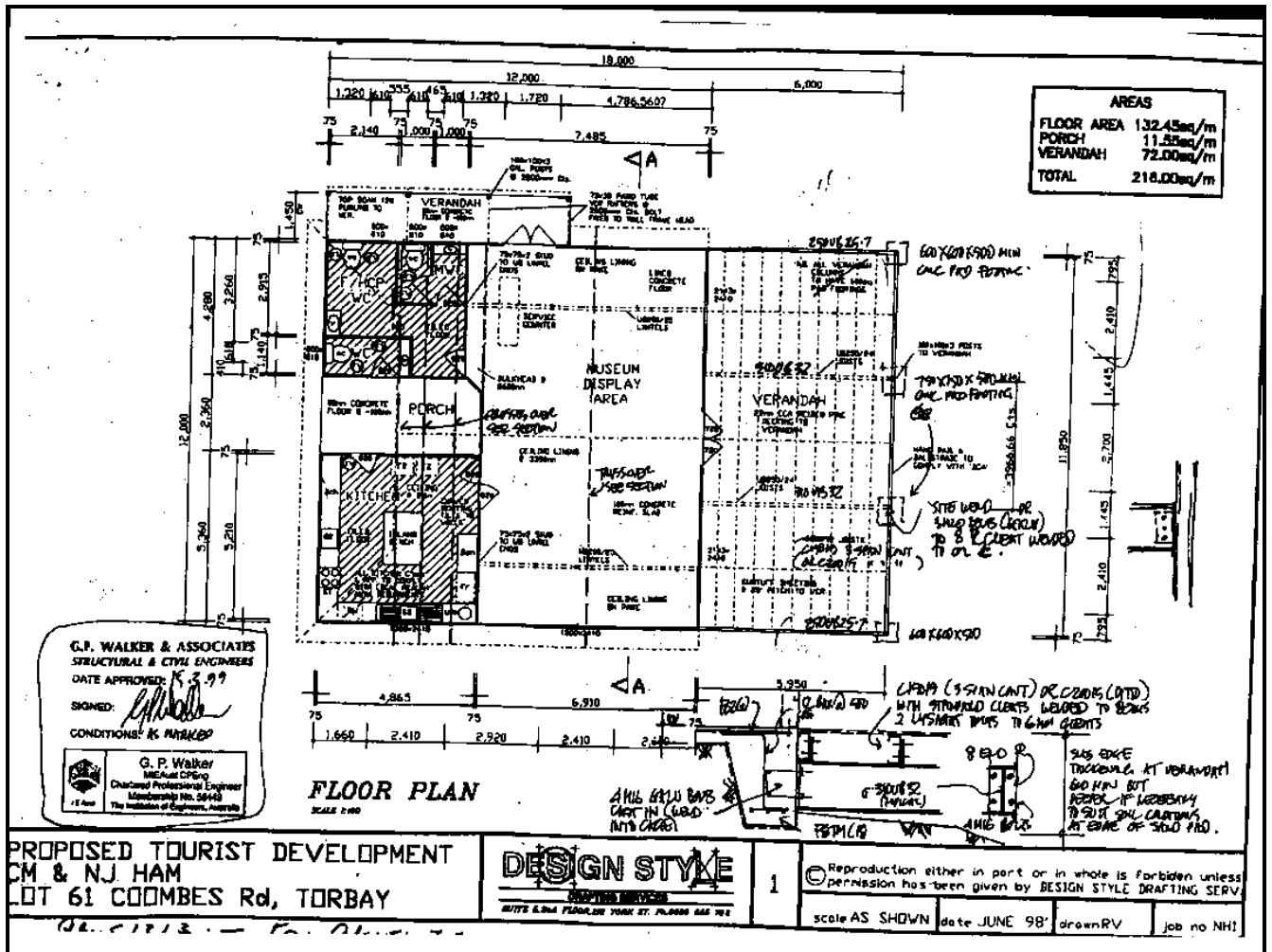
Attached also is the plan of the Teahouse, we look forward to your response.

Yours faithfully,

Neville J Ham

DEVELOPMENT SERVICES REPORTS

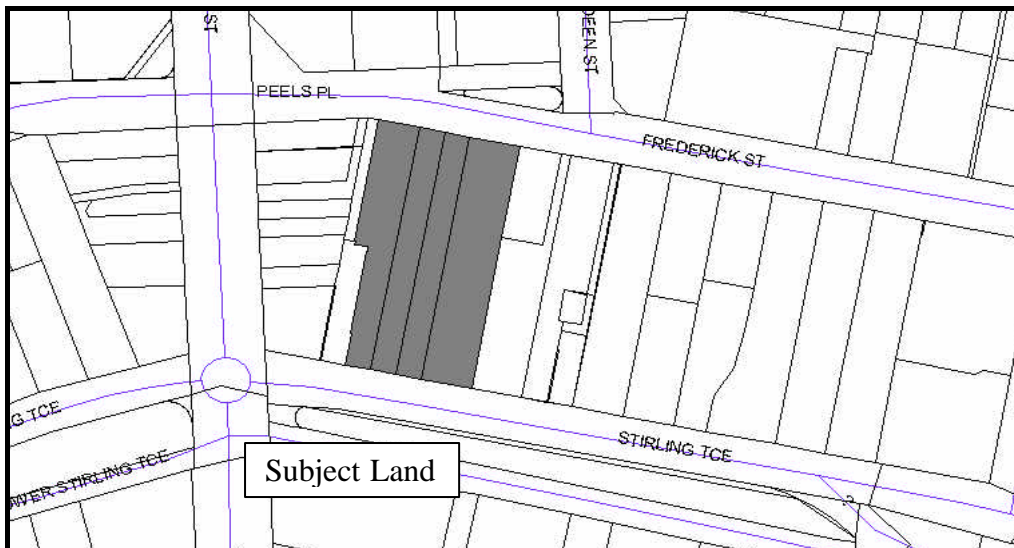
Item 11.1.4 continued



DEVELOPMENT SERVICES REPORTS

11.1.5 Application for Planning Scheme Consent – Façade Modifications – Lots 28, 29 and 30 Stirling Terrace, Albany

- File/Ward** : A74057 (Frederickstown Ward)
- Proposal/Issue** : Façade colours and corporate signage – Rivers and Home Timber & Hardware
- Subject Land/Locality** : Albany Town Site Lot 28, 29 & 30 (#120-140) Stirling Terrace, Albany
- Proponent** : Rivers & Home Timber and Hardware
- Owner** : Primeking Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To grant conditional planning scheme consent for Rivers and require Home Timber and Hardware to repaint portion of the façade.
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. Application for Planning Scheme Consent has been received from Rivers to occupy the bottom level of the former Harris Scarfe building (#140 Stirling Terrace, Albany) and to alter the existing façade facing Stirling Terrace. The applicant is seeking to paint the entire façade, and a side portion of the building (facing the car park) purple with the exception of the window treatments on the first floor (dark green) and those areas covered by corporate signage.
2. The adjacent building (#120 – 128 Stirling Terrace, Albany) recently occupied by Home Timber and Hardware has had it's façade painted turquoise and orange without prior Council approval.
3. Both applications are affected by the Stirling Terrace Conservation Plan ('The Conservation Plan') which has been adopted by Council as a policy pursuant to Town Planning Scheme No. 1A. The Plan contains the following with regards to the two facades:

“Former Harris Scarfe Building West (Proposed Rivers Store)

- *The façade at the first level remains in the same form as indicated in the documentary evidence apart from the fact that the stucco has been repainted (page 69).*
- *The façade is of considerable significance along Stirling Terrace (Figure 4 – page 148).*
- *The walls are in a fair to good condition, are of high authenticity and it is recommended that they be conserved (Appendix 1 – Harris Scarfe West).*
- *There is a need to investigate the condition of the original stucco reveal, or explore, original paint colours to whole of building (Design Guidelines – Fig. 2b).*

Former Harris Scarfe Building East (Home Timber and Hardware)

- *The superstructure was re-supported and the present shop front installed in the 1970's. The façade contains no doors or decorative treatments.*
 - *The façade is of little significance along Stirling Terrace (Figure 4 – page 148).*
 - *The walls are intrusive and should be replaced in due course (Appendix 1 – Harris Scarfe East).*
 - *Development to respect neighbours and be in a contemporary idiom (Design Guidelines – Figure 2b).”*
4. The Conservation Plan also includes design guidelines that are applicable to any new development along Stirling Terrace including signage and colour schemes. In this regard the following provisions are relevant to the Rivers and Home Timber and Hardware sites:

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

“4.14 – Materials & Colours

Although many buildings now have a painted finish, most were originally designed with material that required no painting. Paint colours on significant buildings should be based on paint scrapes.”

“6. Sign Guidelines

6.3 Principles

Colours of signs are to complement the overall colour scheme for the building. Fluorescent paints are not appropriate for heritage buildings and are not to be used.

The size of lettering for a sign is to be of a size so as not to be a dominant building element. As a guide, lettering of 380mm in height is usually adequate.

6.4 General Guidelines for Buildings with Verandahs

Signs above verandah roofs are permitted provided that:

- If the sign is on a parapet, that advertising make use of the parapets advertising panels in preference to other locations;*
- Parapet signs are well detailed, of appropriate size and do not dominate the façade;*
- Signs do not totally obscure windows, signs to the first floor display windows are not to impede the pedestrians view into a shop, and signs to the first floor windows only cover part of a window; and*
- Signs do not obscure decorative building elements.”*

5. The buildings are also listed within Appendix Eight of Town Planning Scheme No. 1A (Schedule of Places of Heritage Value). Clause 6.2 of the Scheme states that *“where a building or place is contained within the Schedule of Places of Heritage Value no person shall without the special consent of Council carry out any development including the erection, demolition or alteration of the building or structure”*. As Home Timber & Hardware have altered the façade, a breach of the Town Planning Scheme No. 1A has occurred, giving Council the option to serve a notice on the owner of the building requiring remediation.

STATUTORY REQUIREMENTS

6. Both sites are zoned “Central Area” within Town Planning Scheme No. 1A and allow the uses ‘Shop’ (Rivers) and ‘Showroom Sales’ (Home Timber and Hardware) to be considered. Council records indicate that Home Timber and Hardware has not applied for planning scheme consent to occupy the former warehouse, and therefore has committed an offence under the Scheme.
7. The use ‘Shop’ is a permitted use within the Central Area zone and therefore Council must approve the use with or without conditions.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

8. In addition to the signage requirements contained within the Stirling Terrace Conservation Plan, Council's Town of Albany Sign By-Laws No. 38 is also applicable.
9. In regards to Home Timber and Hardware Council has the ability to issue a "Section 10 Notice" pursuant to clause 7.14 of Town Planning Scheme No. 1A. That clause states:-

"7.14 Twenty eight days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act before the Council exercises the powers conferred by that Section:

a) to remove, pull down or alter any building or other work in the Scheme Area, which has been commenced or continued after the Gazettal date and which is such as to contravene the Scheme, or in the erection or carrying out of which any provision of the Scheme has not been complied with;

b) to execute any work which it is the duty of any person to execute under the Scheme, in any case where it appears to the Council that delay in the execution of the work would prejudice the efficient operation of the Scheme;

and any expenses incurred by the Council under that section may be recovered from the person in default in a court of competent jurisdiction."

POLICY IMPLICATIONS

10. The Stirling Terrace Conservation Plan is a policy which specifically applies to Stirling Terrace primarily between Collie Street (to the west) and Spencer Street (to the east). It is intended that this area may ultimately be protected through listing in the Heritage Council of Western Australia's Register of Heritage Places, plus its inclusion in Council's Town Planning Scheme as a Local Heritage Area with specific development controls (as currently exists).

11. The approval of colours and signage not in accordance with Council's policy, and lack of enforcement where breaches have occurred, may set a precedent for other buildings of high heritage value to undertake inappropriate alterations.

FINANCIAL IMPLICATIONS

12. Should Council issue a Section 10 Notice and the matter proceeds to the District Court, solicitor's fees would be applicable.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued.

COMMENT/DISCUSSION

14. Staff have been involved in extensive discussions with both retail outlets in order to seek a compromise between heritage conservation and corporate identity. As a result of these discussions, which are clarified further below, the following colour schemes and signs are recommended for each store:

Rivers Store

A heritage architect was employed by Council to assess the proposed colour scheme, as submitted by Rivers, and to come up with a solution that would meet the needs of both parties. After taking paint scrapings of the façade it was found that a similar colour (dark in nature) was never applied to the building, thereby a precedent had not been created.

The façade plan prepared by that heritage architect (colour version will be tabled at meeting) recommended that the light colours be maintained above the verandah with the exception of the finer work associated with the window frames, which could be in Rivers' corporate colours. Below the verandah it is recommended that light colours be used with the exception of the six panels above the windows, the brick wall leading to the entrance and the brick work below the windows.

In regards to signage, the applicant has advised that the signs will be manufactured off-site and affixed to the building. As the signs will be attached to the building it is recommended that the sign at the gable end of the façade be refused as it would block out intricate decorative building elements, and the larger Rivers sign facing the car park be reduced by a third so that it would not dominate the side wall or have a detrimental impact on the streetscape (refer attached signage plan).

Home Timber and Hardware

After the building was painted, Council staff contacted the agents for Home Timber and Hardware, John Danks & Son Pty Ltd, to advise that a breach of the Town Planning Scheme had occurred and that unless a compromise could be reached with Council, a notice under the Scheme could be served.

Staff advised the applicant that the primary concern with the colour scheme was that it was not complementary to the Stirling Terrace streetscape or with surrounding buildings, particularly the neighbouring portion of the former Harris Scarfe building. To improve the aesthetics of the façade, staff recommended the following:

- The area underneath the existing architectural feature running east-west across the façade being primarily repainted to a light cream;
- The orange and white line running through the top of the window being moved to match to the architectural feature on the façade; and
- The extent of signage be reduced to a discrete panel.

15. Staff have not received a revised plan as discussed with the applicant. Council can either accept the suggested compromise staff had conveyed to the company, allow the colours to stay or require that the entire façade be returned to a complementary colour in accordance with the Stirling Terrace Conservation Plan.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued.

16. Staff believe the above approaches represent a fair and equitable solution to the treatment of the two facades.
17. In regards to the occupation of the building by Home Timber and Hardware an application for planning scheme consent would need to be lodged, otherwise a notice could be served.

RECOMMENDATION

THAT:

- i) Council grant a Planning Scheme Consent for modification to the façade of the Place of Heritage Value, being 140 Stirling Terrace, Albany subject to the following conditions:
 - a) the façade of the building be painted in light colours with the exception of the finer work associated with the window frames (on upper storey), the verandah fascia, the six panels above the ground floor windows, the brickwork leading to the lower level entrance and the brick work below the lower level windows which can be in the ‘Rivers’ corporate colours;
 - b) the signage on the verandah fascia being affixed as requested, the signage affixed to the gable end being deleted and/or reduced in size so that it does not cover or detract from the intricate decorative building elements and the sign attached to the eastern wall (facing the carpark and down Stirling Terrace) being reduced in size by one third;
- ii) Council pursuant to clause 7.14 of the City of Albany Town Planning Scheme 1A and Section 10 of the Town Planning and Development Act serve Notice on Primeking Pty Ltd for
 - failing to obtain a Planning Scheme Consent for the change in land usage of the premises at 120-128 Stirling Terrace, Albany from ‘Warehouse’ to ‘Showroom Sales’ and
 - failing to gain the special consent of Council to carry out development on a Place of Heritage Value pursuant to clause 6.2 of the Scheme.and that the Notice require the landowner to, within 28 days;
 - a) cease operating the business from that premise unless Council’s special consent has since been sought and obtained;
 - b) to paint the Stirling Terrace façade and the brick portion of the eastern wall of the premises in light colours (to the reasonable satisfaction of Council, after receiving advice from a qualified heritage architect) with the exception of the architectural feature (the extension of the verandah façade on the adjoining building) and the bottom half of the fascia above that feature which can be in Home Timber and Hardware corporate colours;

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued.

- c) restrict corporate signage to the area painted in Home Timber and Hardware corporate colours and identified in point (b) above, plus an additional area comprising a maximum of 15% of the balance of the Stirling Terrace façade below the level of the verandah façade; and
- iii) the Executive Director Development Services be delegated authority pursuant to clause 7.14 of the City of Albany Town Planning Scheme 1A to engage painting contractors to repaint the Stirling Terrace façade should the landowner not comply with the Section 10 notice and that any costs incurred be recovered in a court of competent jurisdiction.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR BOJCUN**

THAT in accordance with Section 14.1 of Standing Orders, Council temporarily suspend Standing Order 5.5 (Limitation of Number of Speeches) and 6.5 (Order of Call in Debate) for Item 11.1.5 until such time as a formal motion is put at which time all standing orders will resume.

MOTION CARRIED 14-0

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT standing orders will resume.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

THAT:

- i) Council grant a Planning Scheme Consent for modification to the façade of the Place of Heritage Value, being 140 Stirling Terrace, Albany subject to the following conditions:-**
 - a) that the façade (and especially the detail of the façade such as the quoins around the windows) of the building not be altered in any way with the exception of the colour scheme;**
 - b) that the owner of 140 Stirling Terrace, Albany make an unconditional guarantee that should River’s Clearance Warehouse vacate the premises, the building will be repainted in a colour scheme in accordance with the “Design Parameters for Stirling Terrace Heritage Area” policy of Council to the satisfaction of Council.**

MOTION LOST 6-8

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT Council seek an urgent meeting with the proponents of the Rivers development to discuss signage and corporate livery issues.

MOTION CARRIED 14-0

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

THAT:

- i) the owner of 120-128 Stirling Terrace, Albany be required to lodge an application for a Change of Use from “Warehouse” to “Showroom Sales”; and**
- ii) Delegated authority be issued to the Executive Director Development Services to grant a conditional Planning Scheme Consent for a “Change of Use” at the premises at 120-128 Stirling Terrace, Albany from ‘Warehouse’ to ‘Showroom Sales’ subject to the following condition, including but not limited to:**
 - a) that the owner of 120-128 Stirling Terrace, Albany make an unconditional guarantee that should Home Hardware vacate the premises that the building will be repainted in a colour scheme in sympathy with the “Design Parameters for Stirling Terrace Heritage Area” policy of Council to the satisfaction of Council.**

MOTION LOST 6-8

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILSON**

THAT the owners of 120-128 Stirling Terrace, Albany, be required to lodge an application for a change of use from “Warehouse” to “Showroom Sales”.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

YORK STREET

Approximate line of tower

Window frames can be painted in corporate colours

Potential development envelope

Area for signage

Area of facade that can be painted in Rivers corporate colours

Just Arrived
#5/2002
S.COM.AU

Corporate colour
Dulux 50YY 83/114

Generally on lower panels, canopy fascia and lower dable
Dulux 40YY 83/107

Generally on walls
Dulux 45YY 72/230

Generally on Detail

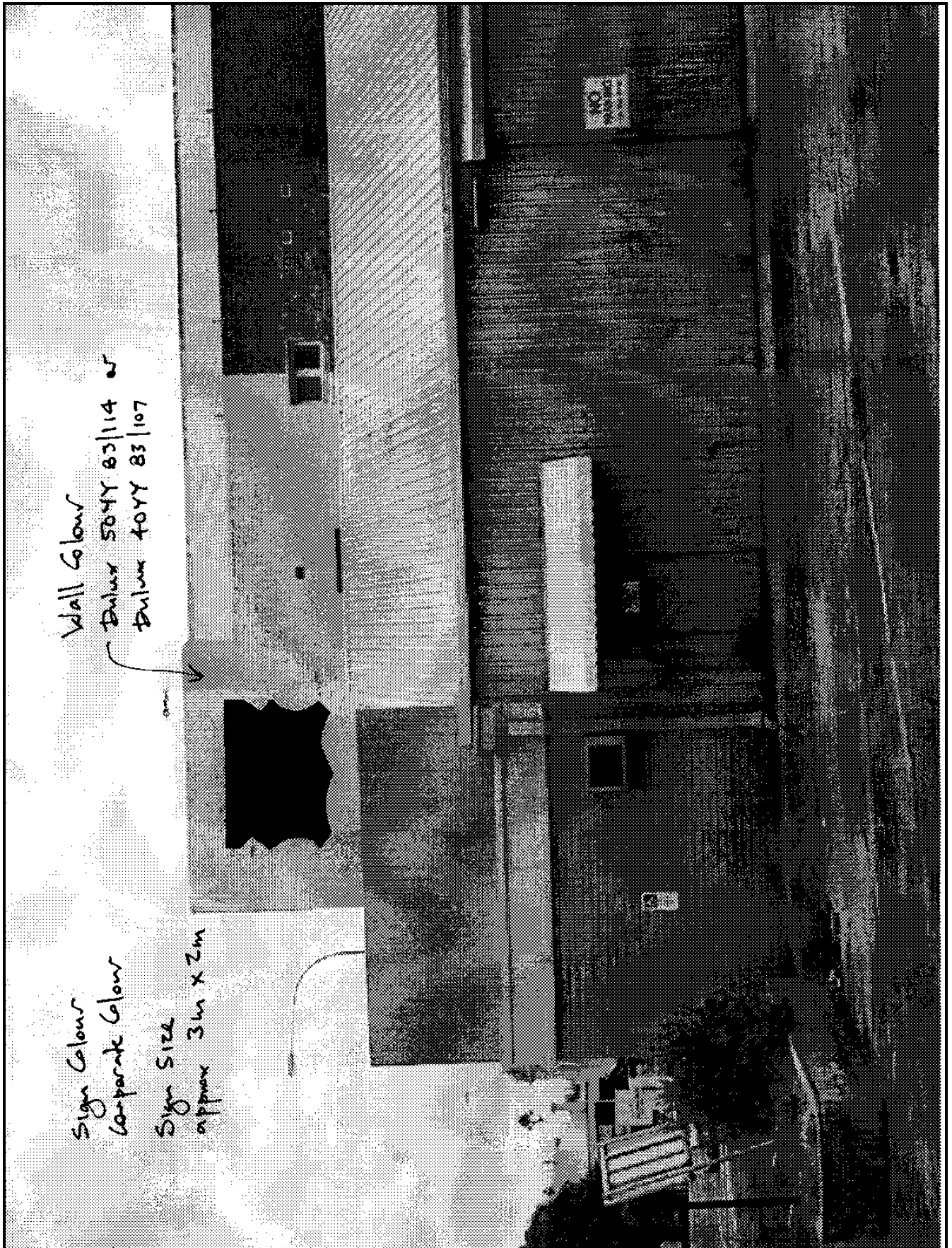
Legend

or

or

DEVELOPMENT SERVICES REPORTS

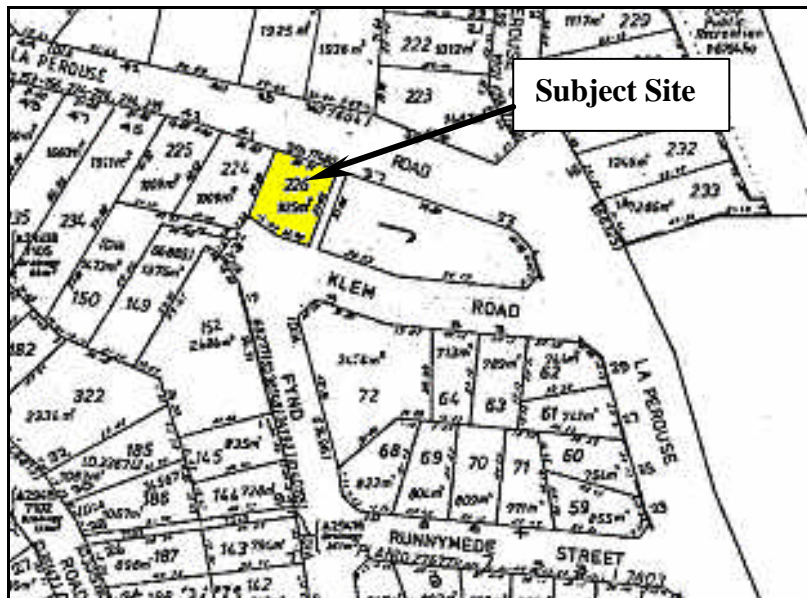
Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

11.1.6 Final Approval Scheme Amendment – Lot 226 La Perouse Road, Goode Beach

File/Ward	:	A5942A/ A227 (Vancouver Ward)
Proposal/Issue	:	Final approval of Amendment to Rezone subject land from ‘Local Shopping’ to ‘Residential’
Subject Land/Locality	:	Lot 226 (39) La Perouse Road, Goode Beach
Proponent	:	City of Albany
Owner	:	EA & W Harley
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/8/2002 – Item 11.3.2
Summary Recommendation	:	Grant Final Approval
Bulletin Attachment	:	Submissions (four)
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

BACKGROUND

1. At the meeting on 20 August 2002, Council resolved that:

“Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme 3 by rezoning Lot 226 La Perouse Road, Goode Beach from ‘Local Shopping’ to ‘Residential’.”

2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed – Advice Given” and was advertised for public inspection until 28 November 2002.
3. At the close of the advertising period four submissions had been received.

STATUTORY REQUIREMENTS

4. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council resolves to initiate a scheme amendment and then placed the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning & Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
5. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning & Infrastructure. The Minister can accept Council’s recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if she considers Council’s decision is not consistent with orderly planning. Council’s resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8);
 - The Commercial Strategy Review (2000); and
 - The Draft Albany local Planning Strategy.
7. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

8. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

11. At the close of advertising for the Amendment four (4) submissions had been received. One submission was received from an adjoining landowner and a further three submissions were received from government agencies.
12. Attached is a copy of the Schedule of Submissions on the scheme amendment. The schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council's consideration.

RECOMMENDATION

THAT;

- i) Council grant final approval to Amendment 227 to the City of Albany Town Planning Scheme No. 3 by rezoning Lot 226 La Perouse Road, Goode Beach from 'Local Shopping' to 'Residential';
- ii) the Schedule of Submissions be received, the comments on individual submissions are tabled and the recommendations contained therein are Noted, Modified and Dismissed as detailed; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE**

THAT:

- i) Council grant final approval to Amendment 227 to the City of Albany Town Planning Scheme No. 3 by rezoning Lot 226 La Perouse Road, Goode Beach from ‘Local Shopping’ to ‘Residential’;**
- ii) the Schedule of Submissions be received, the comments on individual submissions are tabled and the recommendations contained therein are Noted, Modified and Dismissed as detailed; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Town Planning & Development Act 1928

Town Planning Scheme No. 3

Proposed Amendment No. 227

Schedule of Submissions

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	Western Power Chester Pass Road ORANA WA 6330	(a) No objections (b) Notes that the cost of any changes to the existing power system will, if required, be the responsibility of the individual developer.	(a) No comment required (b) Standard requirement	(a) Noted (b) Noted
2.	Water Corporation PO Box 915 ALBANY WA 6331	(a) No objections	(a) No comment required	(a) Noted
3.	Michael Hourd Rice 21 Fynd Street FRENCHMAN BAY WA 6330	(a) No objections (b) Request retention of pathway on the eastern boundary of the subject site.	(a) No comment required (b) Access way is separate to the subject site and should not be impacted on by proposal.	(a) Noted (b) Noted
4.	Department Of Health PO Box 8172 Perth Business Centre PERTH WA 6849	(a) No objections	(a) No comment required	(a) Noted

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CHIEF EXECUTIVE OFFICER

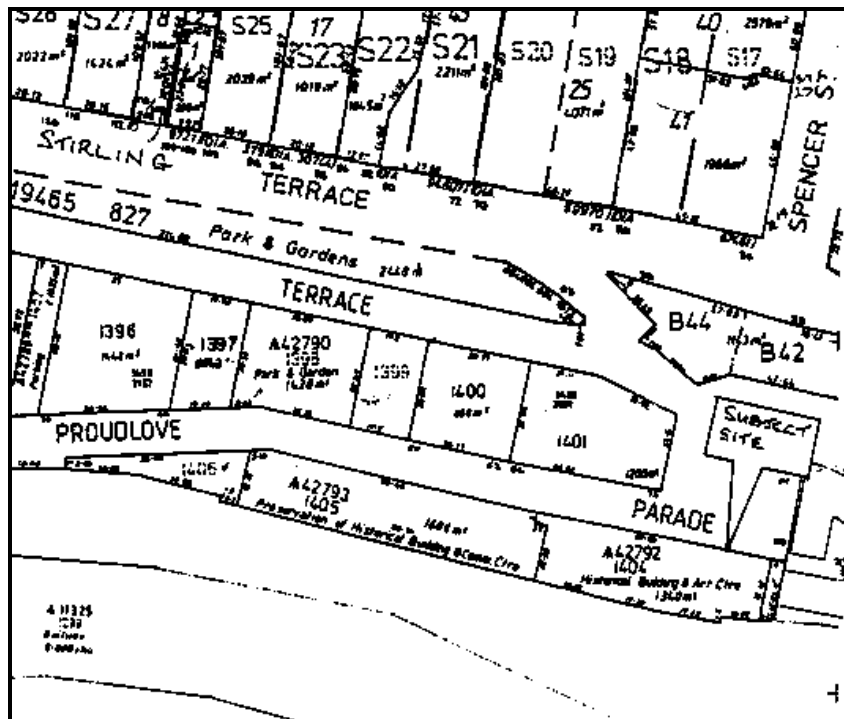
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DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Parking Facilities – Implementation of Restrictions – Proudlove Parade

- File/Ward** : SER 044 (Frederickstown Ward)
- Proposal/Issue** : Implementation of parking restrictions.
- Subject Land/Locality** : Reserve 42792, Proudlove Parade, Albany
- Proponent** : University of Western Australia
- Owner** : City of Albany
- Reporting Officer(s)** : Manager Inspection Services (K Barnett)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Approve the implementation of proposed parking restrictions.
- Bulletin Attachments** : Nil.
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

BACKGROUND

1. The University of Western Australia (UWA) is in the process of constructing a 20 bay carpark on Reserve 42792, Proudlove Parade for the use of staff and students.
2. The carpark will be utilized by UWA from 9.00am to 6.00pm, Monday to Friday from March until the end of November each year by means of a permit system, and the public will be permitted access to the area at all other times.
3. As Reserve 42792 comes under the control of the City, Council approval is required to restrict the use of the carpark to those vehicles displaying a UWA parking permit and for the erection of appropriate signage at the entry point.
4. A site plan and the proposed sign follow this report.

STATUTORY REQUIREMENTS

5. Clause 3.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:
"3.1 The local government may by resolution constitute, determine and vary and also indicate by signs -:
 - (a) parking stalls;*
 - (c) permitted time and conditions of parking stalls which may vary with the locality;*
 - (e) permitted classes of persons who may park in specified parking stalls..; and*
 - (f) the manner of parking in parking stalls..."*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The cost of the proposed signage would be funded by UWA.

STRATEGIC PLAN IMPLICATIONS

8. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
"The continual development of Council services & facilities to meet the needs of all stakeholders."

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

COMMENT/DISCUSSION

9. The carpark will reduce the demand for parking currently experienced in the vicinity of UWA.

RECOMMENDATION

THAT Council resolve pursuant to the City's Parking and Parking Facilities Local Law 2001 to:

- i) reserve the 20 bay carpark on Reserve 42792, Proudlove Parade, Albany for the exclusive use of University of WA permit holders from 9.00am to 6.00pm, Monday to Friday between March and November each year;
- ii) grant approval for the erection of appropriate signage; and
- iii) advertise the restrictions

Voting requirement Simple Majority

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**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WILLIAMS**

THAT Council resolve pursuant to the City's Parking and Parking Facilities Local Law 2001 to:

- i) reserve the 20 bay carpark on Reserve 42792, Proudlove Parade, Albany for the exclusive use of University of WA permit holders from 9.00am to 6.00pm, Monday to Friday between March and November each year;**
- ii) grant approval for the erection of appropriate signage; and**
- iii) advertise the restrictions.**

MOTION CARRIED 14-0



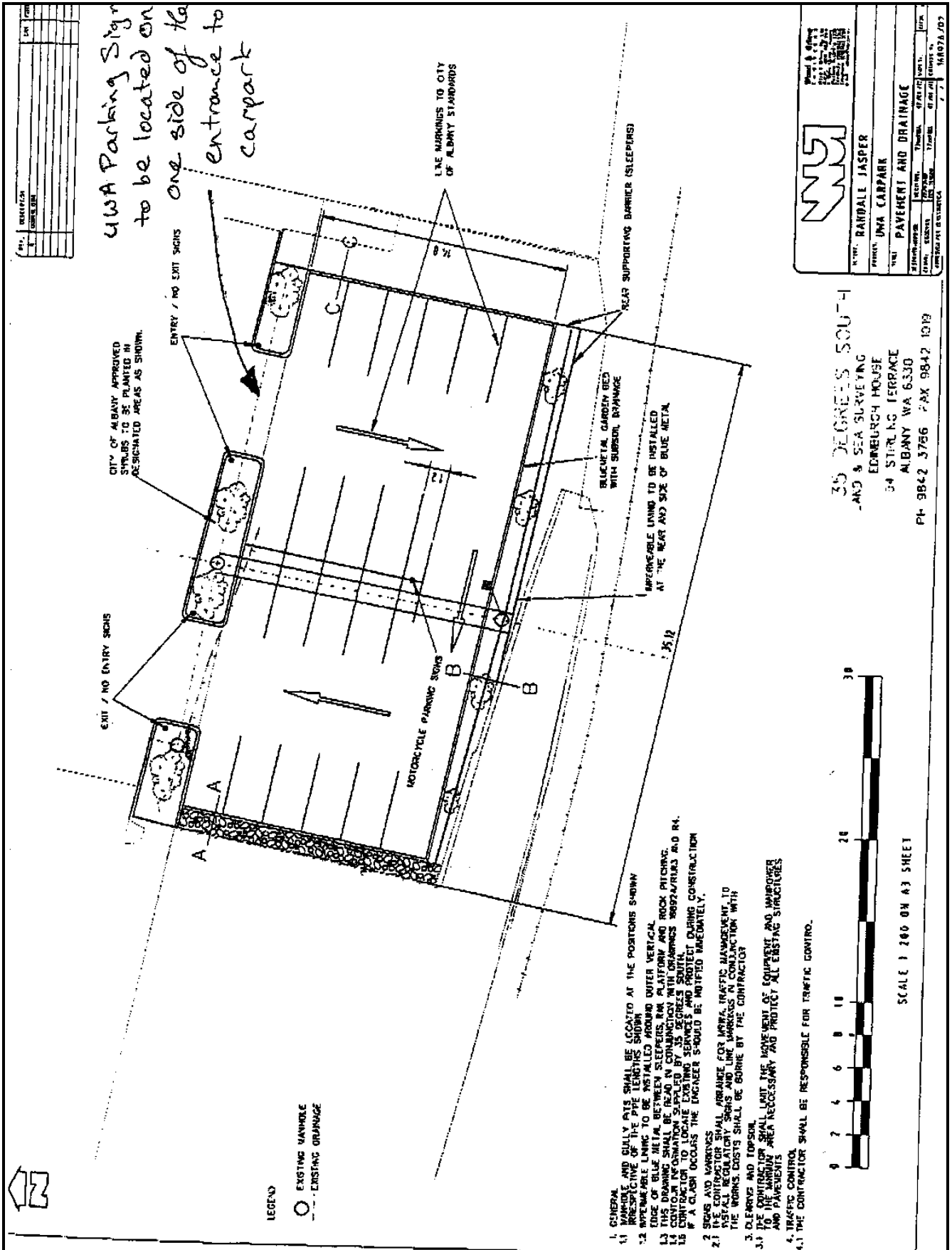
THE UNIVERSITY OF
WESTERN AUSTRALIA



UWA Permit Parking Only
9am – 6pm
Monday – Friday
March – November

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued



W&A

W & A SURVEYING
 100/102
 100/102
 100/102

NAME: RANDALE JASPER
 PROJECT: UWA CARPARK
 TITLE: PAVEMENT AND DRAINAGE

DATE:	SCALE:	PROJECT:	DATE:
19/11/02	1:200	UWA CARPARK	19/11/02

CONTRACT NO: 16807A/02

35 DEGREES SOUTH
 AND SEA SURVEYING
 EDENBURGH HOUSE
 84 STIRLING TERRACE
 ALBANY WA 6330
 PH: 9842 3756 FAX: 9842 1019

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Outbuildings Policy

File/Ward	:	STR 018 & STR 046 (All Wards)
Proposal/Issue	:	Revised outbuildings policy
Subject Land/Locality	:	All land within City
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Planning Officer (Policy) (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Request that policy is advertised in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme No. 3.
Bulletin Attachment	:	Nil.
Locality Plan	:	N/A

BACKGROUND

1. Council currently administers two separate policies dealing with the processing of applications for outbuildings. This situation has arisen with one policy being applicable to land affected by the provisions of Town Planning Scheme No. 1A and the other to land affected by the provisions of Scheme No. 3.
2. Issues relating to the current outbuilding policies were raised at a briefing session with Councillors. The briefing outlined many of the problems associated with the current policies and the inconsistencies that can occur. One of the main themes of this briefing was that it was the use rather than the outbuilding that caused the majority of problems.
3. The following table shows the policy provisions as they currently apply to the City, the issues that have arisen as consequence of the existing policies and the proposed policy response:

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

	Current Policy	Issues	New Policy
1	Two policies – one each for old Town and Shire areas	Inconsistency and confusion – different rules across City	Single policy for whole City
2	Little explanation of the problems that sometimes arise and the broad aim of Council Policy	Public and other users of the policy may not understand the reason/need for Council Policy	Includes brief statement which summarises the issues and the aim of the policy
3	Objectives and requirements for different zones not clearly separated	Requirements for specific sites are not easily accessible to the public	Objectives and requirements are delineated according to zone
4	Many complicated prescriptive standards (areas, heights, etc) and little emphasis on whether or not an outbuilding is to be used for legitimate use (domestic or approved home business use)	<ul style="list-style-type: none"> • Non-permitted outbuildings may be for legitimate uses • Compliant outbuildings may accommodate illegal uses 	<ul style="list-style-type: none"> • All applications are to specify use; • Makes use of outbuildings a key assessment criteria (use must be consistent with Scheme) • Streamlines standards
5	Inconsistent with Residential Design Codes (R-Codes) which in Residential areas allow outbuildings: <ul style="list-style-type: none"> • up to 60m² with 2.4m walls & 4.2m ridge height • larger if don't detract from "streetscape or visual amenity of residents or neighbouring properties" 	Inconsistency between Scheme (which cross references to Codes) and Council Policy will be confusing	Consistent with R-Codes
6	Floor areas controlled through requirements for both individual outbuilding areas (i.e. per outbuilding) and total areas of outbuildings (i.e. greater than one)	May unnecessarily force two outbuildings rather than one (expense, little visual amenity gain)	Single total area standard so applicants can build up to that total as they wish

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

7	Preclude the use of reflective materials on outbuildings larger than 15m ²	Unnecessary expense if outbuildings screened and there are no reflection problems	<ul style="list-style-type: none"> • Allow reflective materials on outbuildings up to 60m² with walls up to 2.4m • Non-reflective materials required if larger
8	Outbuildings are not permitted if no house is on the lot	Questionable benefit and difficult to police	Allows outbuildings without house provided use and size complies.

4. A copy of the draft policy is attached to this report.

STATUTORY REQUIREMENTS

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

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

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

POLICY IMPLICATIONS

7. The City of Albany – Outbuilding Policy will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

8. Council is required to advertise the draft policy in a local newspaper for two consecutive weeks at it’s own cost.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS

- 9. This policy represents the drawing together of two separate policies under each Scheme to provide a consistent approach across the entire City.

COMMENT/DISCUSSION

- 10. The draft policy was formulated in consultation with Councillors and has been extensively reviewed by Council Officers.

RECOMMENDATION

THAT Council adopts the ‘City of Albany – Outbuilding Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme No. 3.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WELLINGTON**

THAT Council adopts the ‘City of Albany – Outbuilding Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme No. 3.

MOTION CARRIED 12-2

Item 11.3.1 continued

CITY OF ALBANY - OUTBUILDINGS POLICY

Applies to: Outbuildings in Residential, Residential Development, Future Urban, Special Residential, Special Rural and Rural zones.

1.0 Background

Outbuildings are Class 10a buildings under the Building Code of Australia (1996) which are not substantially connected to a dwelling. The City of Albany knows that families have varying needs for outbuilding space (areas and heights) for garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc. As a general rule people expect to be able to have larger outbuildings on larger lots.

The City is also aware that in some instances outbuildings may result in problems including:

- Use of outbuildings for illegal commercial or industrial purposes which may result in adverse noise, traffic and visual impacts for neighbours and the locality. With the exception of those used for commercial farming purposes on rural lots, or approved home businesses, outbuildings may only be used for domestic purposes.
- Illegal use of outbuildings as residences, which often incorporate inadequate health and building standards for human habitation.
- Unlike most dwellings, outbuildings are usually very bland metal clad structures devoid of architectural features such as windows, verandas, etc. Construction of large and/or high sheds may have adverse impacts on visual character of streets and neighbourhoods, neighbours and scenic rural or coastal landscapes.
- When outbuildings incorporate reflective materials such as zincalume and are sited in visually prominent locations there is greater potential for adverse impacts on the landscape, and in some instances reflection can cause a serious nuisance for surrounding/nearby residents.

2.0 Aim

The aim of the City of Albany's Outbuildings Policy is:

To achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, or the City as a whole.

3.0 Specific Policy Requirements

The specific policy objectives and requirements for the different zones are set out in table form as follows:

Table 1	Residential, Residential Development and Future Urban Zones
Table 2	Special Residential Zones
Table 3	Special Rural Zones
Table 4	Rural Zones

DEVELOPMENT SERVICES REPORTS

4.0 Application Details

Applications for outbuildings must include the following:

- (a) Completed Building Licence or Planning Consent application form (refer tables 1-4);
- (b) Details of intended uses of the outbuilding;
- (c) Scale site plan showing contours, existing buildings, area of outbuilding and setbacks; and
- (d) Plans and elevations detailing the area, wall and ridge heights and the cladding materials and colours to be used.

5.0 Definitions

“Outbuilding” - for the purpose of this policy “outbuilding” means any Class 10a building under the Building Code of Australia (1996) Volume 2 which is not substantially connected to a dwelling.

“Reflective materials” - include factory applied finishes such as zincalume, galvabond and light colorbond colours such as white, off-white and smooth cream.

DEVELOPMENT SERVICES REPORTS

TABLE 1 OUTBUILDINGS IN RESIDENTIAL, RESIDENTIAL DEVELOPMENT AND FUTURE URBAN ZONES	
1. OBJECTIVE	<p>The objective of these controls is to achieve a balance between:</p> <ul style="list-style-type: none"> • Providing for the legitimate garaging, storage and other domestic needs of people living in residential areas; and • Minimising the adverse impacts outbuildings may have on the amenity (eg peace and quiet), appearance and character of residential neighbourhoods, and on neighbours.
2. PERMITTED USES OF OUTBUILDINGS	<p>(a) Must be for legitimate residential purposes as detailed on application</p> <p>(b) Use of outbuildings for commercial/business uses is not permitted (except where Council has granted approval for a home business)</p> <p>(c) Use of outbuildings for human habitation is not permitted</p>
3. STANDARD REQUIREMENTS	<p>(a) Building Licence Application required</p> <p>(b) Setbacks in accordance with Town Planning Scheme unless variation approved</p> <p>(c) Maximum area of outbuilding per lot - 60m²;</p> <p>(d) Maximum wall height - 2.4 metres; and</p> <p>(e) Maximum ridge height - 4.2 metres</p>
4. NON COMPLYING OUTBUILDINGS	<p>Applications for outbuildings that do not comply with the above standards will be assessed on a case by case basis and may be permitted subject to the following:</p> <p>(a) Application being made for Planning Consent;</p> <p>(b) Demonstration that the larger size is required to satisfy specific domestic needs as detailed on the application submitted;</p> <p>(c) Must be sited behind the front setback line for the dwelling;</p> <p>(d) Use of non-reflective materials as detailed on the application;</p> <p>(e) Siting behind the front setback line for the dwelling;</p> <p>(f) The sizes not exceeding the following:</p> <ul style="list-style-type: none"> • Area - 100m² • Wall height - 3.0 metres • Ridge height - 4.2 metres; and <p>(g) Screening from the street and neighbours to the satisfaction of the City</p>
5. NON PERMITTED OUTBUILDINGS	<p>Outbuildings which do not meet the above requirements will not be permitted.</p>

DEVELOPMENT SERVICES REPORTS

TABLE 2 OUTBUILDINGS IN SPECIAL RESIDENTIAL ZONES	
1. OBJECTIVES	<p>The objectives of these controls are to:</p> <ul style="list-style-type: none"> • Provide for the legitimate garaging, storage, work area and other domestic needs of people living in Special Residential zones; • Where justified, allow for larger outbuildings than those allowed on the smaller lots in Residential zones; and • Minimise the adverse impacts outbuildings may have on the amenity, appearance and character of special residential neighbourhoods, and on neighbours.
2. PERMITTED USES OF OUTBUILDINGS	<ul style="list-style-type: none"> (a) Must be for legitimate domestic purposes as detailed on application (b) Use of outbuildings for commercial/business uses (except where Council has granted approval for a home business) (c) Use of outbuildings for human habitation is not permitted
3. STANDARD REQUIREMENTS	<ul style="list-style-type: none"> (a) Building Licence Application required; (b) Sizes, setbacks and materials must conform with any relevant Town Planning Scheme requirements (see Schedule IV in Scheme 3); (c) Maximum area of outbuilding per lot - 100m²; (d) Maximum wall height - 3.0 metres; and (e) Maximum ridge height - 4.2 metres
4. NON COMPLYING OUTBUILDINGS	<p>Applications for outbuildings that do not comply with the above standards will be assessed on a case by case basis and may be permitted subject to the following:</p> <ul style="list-style-type: none"> (a) Application being made for Planning Consent; (b) Compliance with Scheme requirements; (c) Demonstration larger size is required to satisfy specific domestic needs as detailed on the application submitted; (d) Use of satisfactory non-reflective materials as detailed on the application; (e) Siting behind the front setback line for the dwelling; (f) The maximum sizes being: <ul style="list-style-type: none"> • Area - 120m² • Wall height - 3.0 metres • Ridge height - 4.2 metres; and (g) Screening from the street and neighbours to the satisfaction of the City
5. NON PERMITTED OUTBUILDINGS	<p>Outbuildings which do not meet the above requirements will not be permitted.</p>

DEVELOPMENT SERVICES REPORTS

TABLE 3 OUTBUILDINGS IN SPECIAL RURAL ZONES	
1. OBJECTIVES	<p>The objectives of these controls are to:</p> <ul style="list-style-type: none"> • Provide for the legitimate garaging, storage and other domestic needs of people living in Special Rural zones; • Where justified, allow for larger outbuildings than those allowed on the smaller lots in Residential and Special Residential zones; and • Minimise the adverse impacts outbuildings may have on amenity, landscape, rural character, native vegetation and neighbours.
2. PERMITTED USES	<ul style="list-style-type: none"> (a) Must be for legitimate domestic purposes as detailed on application (b) Use of outbuildings for commercial/business uses is not permitted (unless Council has granted approval for a home business) (c) Use of outbuildings for human habitation is not permitted unless Council has granted approval for temporary accommodation
3. STANDARD REQUIREMENTS	<ul style="list-style-type: none"> (a) Building Licence Application required (b) Sizes, setbacks and materials must conform with any relevant Town Planning Scheme requirements (see Schedule 1 in Scheme 3) (c) Must be sited to minimise adverse impacts on the landscape and native vegetation; (d) Maximum area of outbuilding per lot - 120m²; (e) Maximum wall height - 3.3 metres; (f) Maximum ridge height - 4.2 metres
4. NON COMPLYING OUTBUILDINGS	<p>Applications for outbuildings that do not comply with the above standards will be assessed on a case by case basis and may be permitted subject:</p> <ul style="list-style-type: none"> (a) Application being made for Planning Consent; (b) Compliance with Scheme requirements; (c) Demonstration the larger size is required to satisfy specific domestic needs as detailed on the application submitted; (d) Must be sited to minimise adverse impacts on the landscape and native vegetation; (e) Use of non-reflective materials which blend in with the landscape; (f) The maximum sizes being: <ul style="list-style-type: none"> • Area - 150m² • Wall height - 3.3 metres • Ridge height - 4.5 metres; and (g) Screening from the street, other public vantage areas and neighbours
5. NON PERMITTED OUTBUILDINGS	<p>Outbuildings which do not meet the above requirements will not be permitted.</p>

DEVELOPMENT SERVICES REPORTS

TABLE 4 OUTBUILDINGS IN RURAL ZONES	
1. OBJECTIVES	<p>The objectives of these controls are to:</p> <ul style="list-style-type: none"> • Provide for the legitimate agricultural/farming, garaging, storage and other needs of people living in Rural zones; and • Minimise the adverse impacts outbuildings may have on the landscape, rural character and native vegetation.
2. PERMITTED USES	<p>(a) Must be for legitimate farming or domestic purposes as detailed on application</p> <p>(b) Use of outbuildings for non-agricultural/rural commercial/business uses is not permitted (unless Council approval has been granted for a home business)</p> <p>(c) Use of outbuildings for human habitation is not permitted unless approved by Council</p>
3. STANDARD REQUIREMENTS - RURAL OUTBUILDINGS	<p>(a) Where outbuilding is to be used for legitimate agricultural/farming purposes the standard requirements are:</p> <ul style="list-style-type: none"> • Application for Building Licence Application; • Setbacks to comply with Town Planning Scheme <p>(b) In special instances the City may encourage or require the following to minimise or reduce the impacts of the outbuilding on the landscape, rural character and/or remnant vegetation:</p> <ul style="list-style-type: none"> • The siting of the outbuilding in a less obtrusive location (eg away from crests and ridge lines); and/or • The use of non-reflective materials and/or screen planting to minimise visual impacts
4. REQUIREMENTS - NON-RURAL OUTBUILDINGS	<p>In instances where the outbuilding is to be used in association with other uses such as farm machinery servicing/wrecking/sales, tourist development, rural processing industries, home business, etc, the following requirements apply:</p> <p>(a) The Planning Consent of the City is required;</p> <p>(b) The City may require the following to minimise or reduce the impacts of the outbuilding on the landscape, rural character and/or remnant vegetation:</p> <ul style="list-style-type: none"> • The siting of outbuildings in less obtrusive locations or outside of vegetated areas; and • The use of non-reflective materials and/or screen planting to minimise visual impacts.
5. NON PERMITTED OUTBUILDINGS	<p>Outbuildings which do not meet the above requirements will not be permitted.</p>

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Approval Scheme Amendment – Commercial & Residential Provisions

File/Ward	:	STR 126 /AMD 137 & 226 (All Wards)
Proposal/Issue	:	Final approval of Amendments to modify the commercial and residential provisions of Town Planning Schemes 1A and 3; and include provisions for consultation with other authorities when determining applications.
Subject Land/Locality	:	Applies to all land identified in Town Planning Schemes No.1A and 3.
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 04/07/00 – Item 11.3.3 OCM 17/07/01 – Item 11.1.5 OCM 20/08/02 – Item 11.3.4 OCM 19/09/02 – Item 11.3.1
Summary Recommendation	:	Grant Final Approval
Bulletin Attachments	:	Nil.
Locality Plan	:	N/A

BACKGROUND

1. At its meeting of 20th August 2002 a report was presented to Council supporting the initiation of Amendments 137 and 226. These amendments were developed to provide consistency in the dealings of applications relating to residential and commercial development between both Scheme areas. The following was resolved by Council:

“THAT this matter lay on the table pending a detailed briefing at the next Council briefing session.”

The reason provided for the above resolution was:

“It is necessary for discussions to be held before any decisions are made.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

2. At the meeting on 19th September 2002 another report was presented to Council supporting the initiation of Amendments 137 and 226. At this meeting the following was resolved by Council:

“THAT:

- i) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 1A to:*
- a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;*
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;*
 - c) including definitions relating to commercial development;*
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and*
 - e) amending the scheme provisions relating to residential development.*

AND -

- ii) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 3 to:*
- a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review; with the exception of the Oyster Harbour centre which shall be included as a neighbourhood centre to recognise the existing development;*
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;*
 - c) including definitions relating to commercial development;*
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;*
 - e) including the residential planning codes to apply to residential development; and*
 - f) including provision relating to applications for planning consent.”*

3. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed – Advice Given” and was advertised for public inspection until 5th December 2002.
4. At the close of the advertising period no submissions had been received.
5. To provide further context to this report Councillors are encouraged to review the earlier agenda items of the August and September meetings.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

STATUTORY REQUIREMENTS

6. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council resolves to initiate a scheme amendment and then places the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning & Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
7. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning & Infrastructure. The Minister can accept Council's recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if she considers Council's decision is not consistent with orderly planning. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to these proposals. They include:
 - Residential Design Codes (R-Codes) (2002)
 - Commercial Centres Strategy for Albany (1994)
 - The Albany Commercial Strategy Review (2000)
 - The Draft Albany Local Planning Strategy
9. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
10. The Albany Commercial Strategy Review is adopted as a policy under both Town Planning Schemes 1A and 3.
11. The R-Codes are to be adopted by reference under Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

STRATEGIC IMPLICATIONS

13. The Commercial Strategy Review (2000) provides strategic direction for commercial development within Albany. The findings will be incorporated into the Lower Great Southern Region Strategy being prepared by the Department of Planning and Infrastructure and the Albany Local Planning Strategy.

COMMENT/DISCUSSION

14. To comply with Council's resolution the amendment was modified to include reference to the proposed Centre at Bayonet Head. This centre was included in Table II – Shopping Centres as 'Oyster Harbour II' with a maximum NLA of 4320m².
15. At the close of the advertising period on the 5th December 2002 no submissions had been received.
16. These amendments provide the essential tidy ups needed to bring both Schemes in line with each other, ensuring consistency across the City when dealing with commercial and residential development.

RECOMMENDATION

THAT:

- i) Council grant final approval to Amendment 137 to the City of Albany Town Planning Scheme No. 1A by:
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
 - c) including definitions relating to commercial development;
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and
 - e) amending the scheme provisions relating to residential development.
- ii) Council grant final approval to Amendment 226 to the City of Albany Town Planning Scheme No. 3 by:
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review; with the exception of the Oyster Harbour centre which shall be included as a neighbourhood centre to recognise the existing development;
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

- c) including definitions relating to commercial development;
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;
 - e) including the residential planning codes to apply to residential development; and
 - f) including provision relating to applications for planning consent; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR CECIL**

THAT:

- i) Council grant final approval to Amendment 137 to the City of Albany Town Planning Scheme No. 1A by:**
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;**
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;**
 - c) including definitions relating to commercial development;**
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and**
 - f) amending the scheme provisions relating to residential development.**

- ii) Council grant final approval to Amendment 226 to the City of Albany Town Planning Scheme No. 3 by:**
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review; with the exception of the Oyster Harbour centre which shall be included as a neighbourhood centre to recognise the existing development;**
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;**

contd...

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

- c) including definitions relating to commercial development;**
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;**
 - e) including the residential planning codes to apply to residential development; and**
 - f) including provision relating to applications for planning consent; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

MOTION CARRIED 13-1

ORDINARY COUNCIL MEETING MINUTES – 19/11/02
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

11.4 DEVELOPMENT SERVICES COMMITTEE

Nil.

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	:	FIN 022 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Approve accounts for payment
Bulletin Attachment	:	Summary of Accounts
Locality Plan	:	N/A

COMMENT/DISCUSSION

- The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

Municipal Fund			
Cheques	totalling		123,627.51
Electronic Fund Transfer	totalling		1,367,095.99
Payroll	totalling		649,961.14
TOTAL			\$2,140,684.64

- As at 2nd December 2002, the total outstanding creditors, stands at \$550,379.79.

ORDINARY COUNCIL MEETING MINUTES – 17/12/02
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

RECOMMENDATION

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

Municipal Fund	totalling	\$2,140,684.64
Total		<u>\$2,140,684.64</u>

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY**

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

Municipal Fund	totalling	\$2,140,684.64
Total		<u>\$2,140,684.64</u>

MOTION CARRIED 14-0

12.2 ADMINISTRATION

12.2.1 Annual General Meeting of Electors – 12th November 2002

File/Ward	:	REL 113 (All Wards)
Proposal/Issue	:	Annual General Meeting of Electors
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	PA/Executive Director Corporate & Community Services (S Day)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	That Council receive the minutes of the Annual General Meeting of Electors
Bulletin Attachment	:	Annual General Meeting of Electors Minutes
Locality Plan	:	N/A

BACKGROUND

1. The Annual General Meeting of Electors was held on 12th November 2002 and a copy of the minutes are included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

2. Section 5.33 of the Local Government Act, states –

“(1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable –

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, which ever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

Item 12.2.1 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. The City's Albany 2020 Objectives, Port of Call – A reputation for professional excellence, highlights the need to comply with statutory requirements of the organisation.

COMMENT/DISCUSSION

6. There were two motions carried at the Annual General Meeting of Electors held on the 12th November, one confirming the 2000/01 Electors meeting minutes, and the second adopting the Annual Report for the 2001/02 Financial Year.
7. Neither of these motions requires further consideration by Council.

RECOMMENDATION

THAT the minutes of the Annual General Meeting of Electors held on 12th November 2002 be received.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of the Annual General Meeting of Electors held on
12th November 2002 be received.**

MOTION CARRIED 14-0

12.2.2 Council Representation – Albany Maritime Foundation Board

File/Ward	:	STR 123 (All Wards)
Proposal/Issue	:	Council representation on board
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Customer Services (S Langford)
Disclosure of Interest	:	Nil
Previous Reference	:	SCM 08/02/01 - Item 6.2.5
Summary Recommendation	:	A Councillor be nominated to sit on the Albany Maritime Foundation Board.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Councillor Emery accepted a nomination to represent Council on the Albany Maritime Foundation Board at a SCM held on 8 May 2001 (Item 6.2.5), however, has now tendered his resignation.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Item 12.2.2. continued

STRATEGIC IMPLICATIONS

5. This request complies with Council’s Albany 2020 Plan which states as follows:

“The attraction and development of a broad range of social, cultural and economic activities – Economic Development and Tourism Development”

COMMENT/DISCUSSION

6. Councillor Emery has tendered his resignation as representative on the Albany Maritime Foundation Board.
7. The Albany Maritime Foundation Inc is a not for profit organisation whose objective is to act as a catalyst for the development of the tourism and employment associated with Albany’s unique maritime heritage.
8. The term of appointment to the board is not defined at present; however, the Albany Maritime Foundation Board meets on a bi-monthly basis, on Wednesday evenings.

RECOMMENDATION

THAT Councillor _____ be nominated to represent Council as a member of the Albany Maritime Foundation Board.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR CECIL**

THAT Councillor Wilson be nominated to represent Council as a member of the Albany Maritime Foundation Board.

MOTION CARRIED 14-0

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Arts Advisory Committee meeting minutes – 21st November 2002

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 21st November 2002 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 21st November 2002.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 21st November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendations adopted:-

Item 14.2 Draft Public Art Policy

RECOMMENDATION

THAT the draft Public Art Policy be advertised for public comment.

Item 5.0 Access and Equity Statement

RECOMMENDATION

THAT the Access and Equity Statement be adopted.

Item 6.0 Business Plan Review

RECOMMENDATION

THAT the Business Plan be advertised for public comment.

Voting Requirement Simple Majority

.....

Item 12.7.1 continued

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Arts Advisory Committee held on 21st November 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendations adopted: -

Item 14.2 Draft Public Art Policy

RECOMMENDATION

That the draft public art policy be advertised for public comment with the following amendments.

Project Approval

Artworks associated with the approval are to be approved by Council after considering recommendations from the Public Art Committee before referral to the respective team at the City of Albany or before instructions are issued to go ahead with the commission or acquisition.

Funding the Public Art Program

The City of Albany in the 2003/2004 budget deliberations will consider the allocation of \$50000 to establish the Public Art program for the initial period of two years.

Item 5.0 Access and Equity Statement

RECOMMENDATION

THAT the Access and Equity Statement be adopted.

Item 6.0 Business Plan Review

RECOMMENDATION

THAT the Business Plan be advertised for public comment.

MOTION CARRIED 14-0

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

13.1.1 Asset Management Strategy - Waste

File/Ward	:	SER 154 (All Wards)
Proposal/Issue	:	Asset Management Strategy - Waste
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (B Joynes)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/07/02 Item 13.1.1
Summary Recommendation:		That Council adopt the Waste Management Plan and proceed with its implementation.
Bulletin Attachment :		Nil.
Locality Plan	:	N/A

BACKGROUND

1. In July 2002 a draft Waste Management Plan was adopted in principle by Council, with public consultation required. The Plan evaluated specific objectives:
 - i. Provide the City of Albany with a guiding document that will map out and direct waste activities for the next 15 years including recommendations on future alternative proposals.
 - ii. Meet the requirements of the Department of Environmental Protection and other legislative requirements.
 - iii. Align with the City of Albany strategic plan.
 - iv. Align with Waste 2020 – A Western Australian Government Initiative.
 - v. Determine the operational life of waste management facilities and related assets.
 - vi. Set out a time frame for the initiation of regional activities while providing infrastructure in support of future regional management.
 - vii. Provide direction in the form of future waste collection and provide financial modelling based on a 15 year development plan.
 - viii. Set initiatives and goals for waste minimization and recycling.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

2. The Plan was put to Community Consultation through the local media and radio. Only three submissions were received by the closing date. It was then decided that this level of engagement had not been sufficient, so a Waste and Recycle Workshop was held on Saturday 23rd November 2002, at 9am at the Hanrahan Recycling Shed on Hanrahan Road. This was preceded by extensive advertising and letter invitations (160 in total) to those that had participated in previous workshops, had expressed an interest previously, or were involved in the industry.
3. The workshop was well attended by some 60 residents and ratepayers. The summary results from the Workshop have been included in the attachments. The Workshop in general was very supportive of the second option in the draft Plan – to provide a full suite of services, and reduce the size of the domestic waste bin. The major points of concern were participation in green waste processing and hence contamination of the smaller bins, and general public education of the new system prior to the roll out of services.
4. A further 9 submissions were received after the workshop, a summary of which is also attached for perusal.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. The adoption of the Asset Management Strategy – Waste will provide strategic guidelines for the development and implementation of expenditure programs.

FINANCIAL IMPLICATIONS

7. Financial implications will depend upon the Tender price received for the supply of services. Whilst this has been estimated to cost the ratepayer \$216 per urban household and \$30 per rural rate holding, this may vary by up to 20%. For this reason, Tenders will be evaluated and reported to Council, as per the Local Government Tender Regulations, for final adoption before proceeding. The cost for the rural landfill operations, conversion to transfer stations, and the commencement of the closure of Hanrahan Road, amongst others, have already been included in the 2002/03 budget.

STRATEGIC IMPLICATIONS

8. Albany 2020 – Charting our Course the City of Albany's strategic plan recognizes waste activities in the following ways:

WORKS & SERVICES REPORTS

Item 13.1.1 continued

Port of Call

Managed healthy land / harbour environment

Objective:

Waste Management

- To participate in a regional waste program, which is environmentally responsible, cost efficient and effective.

Port of Call

The continual development of Council services and facilities to meet the needs of all stakeholders

Objective:

Waste Collection

- To provide a clean, efficient and effective waste collection service.

9. The Asset Management Strategy - Waste links the objectives of Albany 2020 to cost-effective expenditure programs.

COMMENT/DISCUSSION

10. The workshop and submissions have given tacit Community approval for the Plan (scenario 2) to proceed, with the following services:
 - Weekly 140L domestic Bin kerbside collection
 - Fortnightly 240L recycling Bin kerbside collection
 - 3 Green Waste bulk Kerbside Collection Year (however more flexible options must also be considered in the Tender)
 - Processing of Clean Green Waste
 - One Hard Waste Kerbside Collection per Year
 - Recycling at the Tip face (Scavenging) with a hard waste Centre (or second hand yard) processing the annual hard waste collections and Scavenging materials.
 - Semi automating of the Recycling Shed to accommodate larger volumes of recyclables.
 - Rural Transfer Stations.
11. There still exists a challenge in the participation of residents in the smaller bin for weekly collections. Three submissions received were opposed to the smaller bins. Education is seen as the key to the solution to this, as well as a green waste service that is as flexible as possible. The green waste flexibility could range from an on-call service, to a fortnightly private collection, of which all will be explored during the Tender process.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

12. As previously discussed, with a focus on best practise facility management and improvements in participation rates for the collection of recycled goods, the life of existing facilities can be maximised, as long as the landfills are managed according the DEP license conditions and minimises Environmental Harm. As these landfills are critically important to the operation of the Plan, the operation of the landfills alone, are seen to be too critical to outsource by Tender, and it is therefore envisaged that they both (Hanrahan and Bakers Junction) be managed and run by internal service provisions. This would also provide a level of security on the volumes being reduced by the Waste Minimisation Contract, and set quantity targets within the Contract
13. A number of initiatives from submissions and the Workshops proposed to be added to the Plan are as follows:
 - Offer a rebate to Households that purchase a Compost Bin or Worm farm (one per Household) of \$20 per unit, to encourage at-source recycling. (This can be administered by Council quite easily, by production of a receipt from an approved provider, along with a rate notice.)
 - Use different Coloured Bins for domestic refuse Collections (red or blue) to clearly distinguish between the recycle and refuse bin. Also place a sticker or heat brand on to the existing 240l bin to clearly label it Recycling only.
 - Look at an on call green waste service or more flexibility with the timing of collections.
 - Education Campaign prior to launch, and ongoing, including and education area in the recycling shed itself for groups, tours and schools.
14. In recognising the capital required to provide these services, it is envisaged that a contract term long enough to provide ability for a contractor to amortise their costs over an appropriate period that gives both a cost effective solution, and apportions risk appropriately, would be in the order of eight years. This is seen in the industry as the ideal length of term to disperse the capital costs of purchasing trucks, fitting out and upgrading the recycling shed, and other capital outlays.
15. As this industry employs a large number of local people, and assists a number of local businesses, it is appropriate that the Buy Local Policy is implemented, and weighting given within the Tender towards local employment and business participation.
16. The major aim of the Contract is to provide a service that has the main aim of Waste Minimisation - reducing waste to landfill by maximising recycling, maximising at source recycling, and public education / participation. Therefore, the Tender is to be compiled such that one contractor provides all of the following services:

WORKS & SERVICES REPORTS

Item 13.1.1 continued

- Weekly and fortnight refuse and recycling kerbside collections,
 - Education and Complaints / Services Request Centre incorporated into Hanrahan Rd,
 - Materials Recovery Facility – Recycling Compound (upgraded to handle the expected larger volumes),
 - Hard Waste Collections and Hard Waste Facility (including Scavenging) at Hanrahan Road, and
 - Collection, Manning and maintenance of all Rural Transfer Stations.
17. The only exception to this is seen to be the Green Waste collection and processing, as the long term viability of this (sustainability) is to encourage local usage of the processed product. This is seen as relatively different in knowledge and plant requirements, to the general waste contract, and can operate as a second contract over a smaller period.
18. It is envisaged that it could take until March 31st to formulate appropriate Tender documentation, with Tenders able to be called and evaluated, for presentation in the March or June meeting of Council. There may be up to a lag period of up to 5 months whilst the successful Tenderers source and build the appropriate plant and equipment, from date of award of the Contracts. This may mean a Contract commencement date between September and November 2003, however the exact start date would be known at the Tender award stage.

RECOMMENDATION

THAT Council;

- i) adopt the Waste Management Plan, scenario two (2) as tabled;
- ii) include the following points in addition to scenario two:
 - a. A rebate to Households that purchase a Compost Bin or Worm farm (one per Household) of \$20 per unit, to encourage at-source recycling;
 - b. Use a different Coloured Bin for domestic refuse Collections (red or blue), and use a sticker or heat brand on to the existing 240l bin to clearly label it Recycling only;
 - c. Build in as much flexibility in the Green Waste Collections as possible within budget limits;
 - d. Begin an Education Campaign prior to the full launch (and ongoing during the Contract Period), including an education area in the recycling shed itself for groups, tours and schools; and
- iii) formulate tender documents and call tenders for the supply of the Waste Minimisation Contract, and Green Waste Collection and Processing Contract, as soon as possible.

Voting Requirement Simple Majority

Item 13.1.1 continued

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WALKER**

THAT Council:

- i) adopt the Waste Management Plan, scenario two (2) as tabled;**
- ii) include the following points in addition to scenario two:**
 - a) A rebate to Households that purchase a Compost Bin or Worm farm (one per Household) of \$20 per unit, to encourage at-source recycling;**
 - b) Use a different Coloured Bin for domestic refuse Collections (red or blue), and use a sticker or heat brand on to the existing 240l bin to clearly label it Recycling only;**
 - c) Build in as much flexibility in the Green Waste Collections as possible within budget limits;**
 - d) Begin an Education Campaign prior to the full launch (and ongoing during the Contract Period), including an education area in the recycling shed itself for groups, tours and schools; and**
- iii) formulate tender documents and call tenders for the supply of the Waste Minimisation Contract, and Green Waste Collection and Processing Contract, as soon as possible.**

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

Item 13.1.1 continued

REPORT OF GROUP DISCUSSION

The City of Albany Council wished to get feedback from the community about the long term option for waste disposal it preferred at this stage. To provide this feedback, the participants discussed three questions :

“What are the good features of the proposed Option 2 waste management system?”

“What does your group see as the main difficulties and challenges?”

“What are some ideas your group has to overcome some of these difficulties?”

The following is a record of the ideas submitted by participants to these questions. The statements are generally transcribed as presented by the reporters. In some cases, however, explanatory notes are included in brackets.

The notes on the final page summarise some of the key ideas which were common across the four discussion groups and lists additional challenges noted by participants.

Four groups were formed to provide the following feedback:

Group 1:

What are the good features of the proposed Option 2 waste disposal system ?

- Environmental friendly
- Sustainable
- Encourages responsibility – ratepayers

What does your group see as the main difficulties and challenges in Option 2 ?

- Elderly units
- Cost control (concern about rising costs over time)
- Green waste ! people inclined to dump in bush
- Compost bin not enough

What are some ideas your group has to overcome some of these difficulties ?

- Encourage youth – participation. (e.g., education tours)
- Use limited contract – fixed
- On-call green waste pick up – bales (instead of 3 times/year)
- Education - update . Use of newsletter.
- Site : consultation : community and EPA (before choosing)
- Community bins
- Regional agreement and participation

WORKS & SERVICES REPORTS

Item 13.1.1 continued

Group 2:

Good features of Option 2

- Maximises recycling
- Creates employment
- Increases education
- Lengthens tip life
- We accept more responsibility for our rubbish
- Tries to address environment issues and social issues – not just economic issues
- Gets community involved – including businesses

Difficulties and challenges

- EDUCATION - changing entrenched attitudes and behaviours
- Changing entrenched attitudes and behaviours
- Green waste – household disposal
- Contamination (small items such as batteries can have far-reaching effects)
- Participation

Ideas to overcome some of these difficulties

- Community service announcements on radio, TV and editorial
- Tours and open days at recycling sheds – including schools
- Council subsidised compost bins and worm farms
- Recycling bins in parks and reserves
- Green waste collection on demand (2–3 week wait) – possibly 2/year
- Self delivery green waste
- Discounts for pensioners
- Red bin for Rubbish
- Sticker with list of recyclables on big bin
- Recyclable collectors put stickers on bins

WORKS & SERVICES REPORTS

Item 13.1.1 continued

Group 3:

Good features of Option 2

- Sustainable
- Educational
- Bin is easier than bags
- Improved service

Difficulties and challenges

- Storage of green waste between pick ups – especially when green waste is larger per cent of waste
- Education
- Car batteries

Ideas to overcome difficulties

- To deal with difficulty 1. above :
Seasonal pick ups – not in winter
Purchase second green bin for extra green waste, possibly colour coded : two verge collections
- To deal with difficulty 2. above :
Community groups (as a way of having a wide and faster impact)

Group 4:

Good features of Option 2 :

- Will both encourage and force people to recycle
- Reduce total waste to landfill
- Allows closing of problem tips
- Three times green waste pick up means less pollution

Difficulties and challenges

- Education is needed
- May miss one pick up at kerbside
- Contamination – non-conforming is a problem

Ideas for overcoming difficulties

- Some flexibility to kerbside pick ups : phone ahead
- Deterrent : inspect and fine
- Poisons/contaminants/batteries/oils : Education or separate house pick up by phone
- Stickers or heat stencil on green bin lid
- Coloured new bin – stick with green

WORKS & SERVICES REPORTS

Item 13.1.1 continued

Some recurring themes

Good features of Option 2

- People will have the opportunity to take responsibility. This option encourages them - two groups used the term “educational”.
- One group noted that Option 2 was socially inclusive- it involved businesses as well as householders.
- The Option will enhance the environment – “sustainable” was used.

Difficulties/challenges involved in Option 2

Community attitudes :

- Groups recognised that people are set in their ways
- Some people are non-conforming – this is crucial with contaminants such as batteries. This was recognised when groups referred in this section to “education”, implying that this will be needed to effect a change of attitude
- The system should be equitable.

Green waste :

- This emerged frequently in the groups, touching on issues such as the volume, the difficulties some people will have (e.g. the elderly), seasonal variations and contamination.
- A flexible approach was called for

Ideas for dealing with difficulties/challenges in Option 2

- “Education” was the most frequently used word here – in some cases, the word was probably interchangeable with “community awareness” .

Three groups noted that education should begin with school students.

Challenges

At one stage in the workshop, participants were invited to identify challenges in implementing Option 2 in addition to those already raised in the presentation. These were the observations :

- Educating people as a priority – in six months
- Community awareness should focus also on children and senior people
- Dealing with the highly seasonal demand for disposing of green waste
- The concern of people that introducing private tender would raise costs

WORKS & SERVICES REPORTS

Item 13.1.1 continued

Waste Management Strategy - Comments

<p>Before issuing everybody with a small bin for household rubbish, I think you should consider the number of elderly people who use their bin for garden refuse. A lot of elderly can't get to the tip or tow a trailer. How are you going to work the 3 greenwaste collections a year. Where do the elderly keep their green refuse and who and where do they put it out for collection. Most importantly HOW do they put it out. I agree with a bin for recycling but it should be a big one with a different coloured lid, as they do in Belmont. I am sure the amount of garden waste put into landfill is not a problem. I certainly agree with replacing the current blue bag with a bin, PLEASE make it a big one.</p>
<p>I am concerned about the size of the small bin, our bin is usually full every week. We only have one bag of rubbish, but the rest is lawn clippings and garden refuse. It's not enough to warrant a trip to the dump. We always recycle where we can. I wish the government would make it law not to have shiny printed paper used for advertising and outlaw plastic bags.</p>
<p>We have grave concerns if the small bin is introduced for garbage. We recycle everything permissible however we usually have the big bin at least three quarters full to full every week. There are always shrubs, grass clippings etc which we compost unless we have a surplus. Small bins will lead to rubbish being dumped on vacant blocks or taken to shopping centres or similar to be disposed of. We attended the meeting on Saturday 23rd but had to leave before discussion. We found it quite informative. Thought Option 1, better management was OK or ideally Option 2 but with large rubbish bin.</p>
<p>Kerbside domestic waste 140 ltr once weekly. Kerbside greenwaste 240 fortnightly. Kerbside recycling 140 fortnightly. Problems should be looked at from source, not at the end. Plastic bags should be replaced with string bags. All plastics should be recycled. If chipped or shredded could be transported pressed into packs. Industry should be made to make their packaging recyclable or bear the cost of disposal. People who take waste to the tip should not be charged so much that it discourages the use of the tip and gets dumped where others have to remove it. Take away shops should educate their customers how to dispose of the waste or contribute to the cost.</p>
<p>Use 140ltr bin for general waste. Use existing 240ltr bin for recycling every 2 weeks with sticker (sponsored) and/or heat stencil. Do verge green waste pick up 2 – 3 times per year. Hard waste and poisons on request. Sponsored public area bins for recycling green waste over above should be paid for by individual house – polluter pays. Use contractor. Police recycling bin contamination – adopt local law and fine offenders. Cameras on truck discharge entry. Process building waste for re use – lesser charge for well sorted waste – not free. Education – reduce Plastic shopping bags – encourage reuse or charge retailers. Extend life of Hanrahan Road and Bakers Junction.</p>
<p>Submission 1 propose small bin for household waste, large bin for recyclables. Three greenwaste collections per year. Annual collection of used broken and unwanted household goods. Submission 2 – separate bin for greenwaste only. Canvas holders available for greenwaste. Encourage use of compost bins (Council subsidised). More frequent collections per annum.</p>
<p>Offer incentive to public i.e. 5c deposit on drink containers, charged by supermarkets and refunded at tip gate when personally delivered. Put \$30 fee for transfer station use onto rates to make everyone pay otherwise there will be more illegal dumping in bush. Go ahead with the super tip as you are only delaying the issue. Prolonging the life of Hanrahan and Bakers Tips for 10 and 15 years is not a long time. As rate payers money has been spent to buy the Chillinup Site it should go ahead. Not happy with the way Council is avoiding the issue of a super tip etc etc.</p>
<p>Waste Strategy Workshop was highly commendable. In agreement with it all. Main concerns which were raised at the workshop, public education regards low income earners and pensioners and cost involved that may cause or lead to economic hardship. Perhaps rates costs can be implemented so that it doesn't impact too harshly. Would like to see fair balance between social issues and private interest to work in harmony. Would like schools to be involved in implementing ideas and projects regarding reusing recyclable materials. Unemployed should be used to help teach and gain employment opportunities. Scrap at the tip should be sold to the public to create new enterprises. Free tip entry for salvaging. Information gathered regarding salvage collected to give information on how other salvageable goods may be dealt with. Keep fees and charges low to avoid hardship and it unemployed can gain skills and balance should be found that will not harm existing businesses.</p>

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

Nil

13.3 WORKS

Nil

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil

13.6 WORKS AND SERVICES COMMITTEES

Nil

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Executive Directors Salary Review

File/Ward	: PER 014 (All Wards)
Proposal/Issue	: Executive Directors Salary Review
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: N/A
Previous Reference	: Nil
Summary Recommendation	: Nil at this time, recommendation will be provided prior to the meeting.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The employment contract of all three Executive Directors includes the requirement to undertake an annual review of salary and conditions. To facilitate this process Norman Venus has been engaged to undertake an industry comparison of wage levels for Executive Directors.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications at this stage. Any recommendations arising from this item will be addressed through normal budgetary processes.

STRATEGIC IMPLICATIONS

5. Albany 2020 Charting Our Course includes the Port of Call

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

“A Reputation for Professional Excellence” and the related Organisational Development objective “To create a quality environment in which to work and develop/deliver services to the Community, and to develop programs for the continual development of Councillors and Council’s most important assets, our staff members.”

COMMENT/DISCUSSION

6. Norman Venus will complete the research into the comparative salary levels of Executive Directors (or equivalent) in Local Government prior to the meeting. Details of the research and the related recommendations will be circulated in confidence to Councillors prior to the meeting for Councillor consideration.

RECOMMENDATION

Nil. Recommendations will be circulated to Councillors, in confidence, prior to the meeting.

14.3 ECONOMIC DEVELOPMENT

14.3.1 Sponsorship of Perth International Arts Festival, Albany Program

File/Ward	: GOV 029 (All Wards)
Proposal/Issue	: Sponsorship of Perth International Arts Festival, Great Southern Program
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Economic Development Manager (J Berry)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Summary Recommendation	: That Council sponsor the 2003 Perth International Arts Festival Albany Program by an amount of \$2,000
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. The Perth International Arts Festival (PIAF) is Australia's oldest and largest international arts festival. In 2003 it will be the 50th Golden Anniversary and to recognise this a first time initiative of visits to selected regional venues has been organised.
2. In 1953 the then Festival of Perth was initiated by the University of Western Australia as a means of offering evening entertainment for those from the country attending the UWA Summer School. 50 years later in 2003 the renamed Perth International Arts Festival will complete the circle but taking the festival back to regional WA in a significant and meaningful way.
3. The new PIAF regional festival will be devised to take place in the Great Southern between 18 January and 2 February 2003, with an emphasis on Albany as the festival centre. Broome and Kalgoorlie have also been invited to participate in the regional program.
4. The festival will comprise elements across the variety of art forms drawn from benchmark local, national and international artists that reflects and responds to the needs of local residents. The program will be an innovative mix of popular and cutting edge designed to appeal to diverse audiences.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

5. PIAF has worked closely and communicated significantly with City of Albany and Albany based organisations and has developed partnerships with the local arts community, business and residents. PAIF has also consulted with a volunteer working group whose members include representatives from:
 - Town Hall Theatre
 - Albany Chamber of Commerce Industry
 - Albany Visitors Centre
 - Southern Edge Arts
 - Great Southern Development Commission
 - Albany fine Music Society
 - Vancouver Arts Centre
6. PIAF has also been working with the UWA Albany Centre and the Albany Public Library to identify opportunities to maximise the promotion of the launch of the Albany Library redevelopment in January 2003.

STATUTORY REQUIREMENTS

7. Section 6.8 of the Local Government Act requires an absolute majority when a reallocation occurs.

POLICY IMPLICATIONS

8. This invitation for sponsorship is a request for financial assistance, which would normally be considered through the Community Financial Assistance Program (CFAP). Due to the timing of the report in relation to the CFAP and the significance of this initiative being an inaugural event it is considered appropriate to have a financial allocation considered by Council outside the CFAP process and sourced from the existing economic development budget.

FINANCIAL IMPLICATIONS

9. The working budget for the visit to the Great Southern is approximately \$160,000. In addition to this budget PIAF will provide a support team of 28 full time staff to cover areas of administration, production, marketing, graphic design, media and programming.
10. The funding received by PIAF to date includes

• Perth International Arts Festival	\$55,000
• Great Southern Development Commission	\$55,000
• Department of Local Government and Regional Development	\$15,000
• Skywest	\$12,000 (contra in flights).
11. The Shire of Denmark is considering an application for cash and contra support to the value of approximately \$5,000.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

STRATEGIC IMPLICATIONS

11. In the City of Albany’s 2020 – Charting Our Course, the following Ports of Call are identified:

“The attraction and development of a broad range of social, cultural and economic identities”

12. The City has a commitment to this Port of Call to support the attraction and development of the City’s, social, cultural and economic infrastructure by focusing on the following objectives:

- **Economic Development**

To identify and facilitate outstanding economic development opportunities for the City of Albany.

- **Recreational Planning**

To encourage a healthy and active community through the development of a range of recreational and cultural pursuits.

13. The proposal is also consistent with the tourism development objective as it is expected to bring visitors to Albany as a cultural experience.

COMMENT/DISCUSSION

14. The program for the regional PIAF will be launched on 11 December 2002 and will include:-

<i>Great Southern Festival 18 January – 02 February 2003</i>		
Programme	Date	Venue
Patricia Rozario (India/UK) In Recital	Sat 18 Jan, 8pm	St Johns, Albany
Patricia Rozario – master class	Sun 19 Jan, 11am	Albany Town Hall
Derek Lee Ragin (USA) In recital	Sun 19 Jan, 1pm	St Johns, Albany
Jazz workshops: Garry Potter & Janet Seidel	Tue 21 Jan, 3-5pm	Albany Town Hall, Lesser Hall and Town Hall Theatre
Jazz by Night - Garry Potter (UK) and the Janet Seidel Quartet (Sydney)	Wed 22 Jan	Albany Town Hall Theatre
Bremer Bay – proposed one day tour with Boglap and a Perth band	Wed 22 Jan	Bremer Bay - tbc
Mahotella Queens (watershed act) – South African Afro-pop band	Thu 23 Jan	Vancouver Arts Centre, Albany
PIAF welcome – official opening event * Library opening (non PIAF) * Bizircus with Boglap * Library entertainment (non PIAF) * PIAF welcome, outdoor concert	Fri 24 Jan 10am 11am 11.30-5.30pm 5.30pm start	Albany Library York Street, Albany Albany Library Alison Hartman Gardens

GENERAL MANAGEMENT SERVICES REPORTS

A Night in November (Ireland) Australian Premiere	Fri 24 & Sat 25 Jan, 8pm	Albany Town Hall Theatre
Seven Beauties Symposium	Fri 24- Sun 26 Jan	Various venues in Albany, Spectrum Theatre, Windfarm, Gorepani Gallery & Old Quarantine Station
Marianne Faithfull	Sun 26 Jan	Mclean Park, Denmark
Indian Ocean (watershed act) – 4 piece band from India	Fri 31 Jan	Strawberry Farm, Albany - tbc
Great Southern Chamber Music Classic	Sat 1-Sun 2 Feb	The Observatory Restaurant, Denmark

15. There are a number of economic, social and environmental impacts that are associated with this proposal.

16. Economic Impact

- Direct expenditure by PIAF in the Great Southern region is estimated at \$42,000. The vast majority of this will be spent within the City of Albany through hotel accommodation, transport, hospitality and staff employment.
- The event will attract visitors to the region and generate tourism expenditure and employment.
- The project will receive wide media and market coverage throughout Australia and overseas promoting Albany as a cultural and tourism centre. It has the potential to act as a catalyst for securing other large scale corporate, sporting and cultural events for Albany in the future.

17. Social Impact

- The festival program is designed to be a unifying community celebration that will enrich Albany’s residents through exposure to the highest calibre of cultural events that they would not otherwise have the opportunity to experience.
- PIAF will facilitate cultural collaborations between visiting and local artists, schools and other community groups. A series of workshops and master classes will provide an extraordinary opportunity for the professional development of Albany’s artists to learn from some of the worlds leading arts practitioners.
- Increased profile and positioning of Albany in the international marketplace by inclusion in PIAF’s marketing collateral.

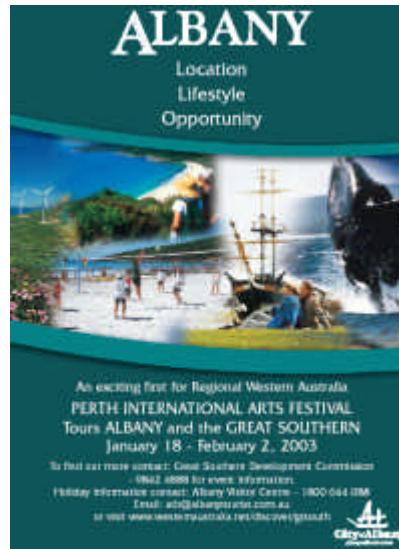
18. Environmental Impact

- PIAF has developed a standard procedure for citing new installations in new venues which includes site reconnaissance, occupational health and safety compliance, risk assessment and facilities inventory, environmental considerations are incorporated into PIAF’s risk management plans. PIAF consults with and adheres to all environmental regulations and permits.
- The Great Southern Festival program is expected to have a minimal environmental impact on the City of Albany beyond the existing impact of increased tourism traffic to establish precincts and venues.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

- One festival event in particular will facilitate discussion on a number of environmental themes and issues. “Seven Beauties” is a three-day symposium conducted in partnership with Edith Cowan University that will explore the idea of beauty or its abuse in contemporary society. Albany’s natural and man made features such as the Albany Wind Farm will feature as a backdrop for the series of talks by national guest speakers.
19. The City of Albany’s financial support will be used to assist in costs associated with presenting events and the City will be profiled as a sponsor in promotional activities. Support by the City of Albany for this event will reinforce our commitment to possible further regional PIAF activities and is consistent with the City’s current efforts to attract funding for a regional entertainment and convention centre, which will attract new conventions and other major events.
20. The occurrence of the event has been used by the City as a generic advertising initiative to be displayed in the newspaper ‘Have a Go News’ that will be displayed in the 9 December 2003 issue and will feature Albany as a major tourist destination for the coming year. (see below)



21. PIAF’s administration marketing, media production and program teams will manage and implement the Albany program. PIAF has appointed a regional festival coordinator and two staff are now based in Albany to facilitate local partnerships and logistical arrangements.

RECOMMENDATION

THAT Council allocate \$2,000 from the 2002/03 economic development budget as sponsorship to the Perth International Arts Festival as a contribution to the Albany Program.

Voting Requirement Absolute Majority

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR CECIL**

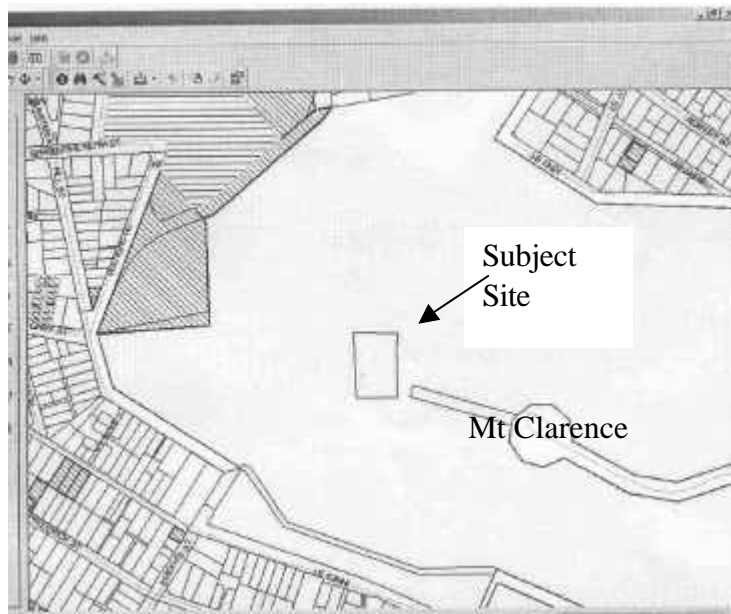
THAT Council allocate \$2,000 from the 2002/03 economic development budget as sponsorship to the Perth International Arts Festival as a contribution to the Albany Program.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.3.2 Endorsement of Access 31 to Broadcast New Television Facilities using Redundant SBS Transmitter

File/Ward	: PRO 253 (All Wards)
Proposal/Issue	: Access 31 in Albany
Subject Land/Locality	: Reserve 16692 – Albany Lot 1449
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Project Administration Officer (B Parker)
Disclosure of Interest	: N/A
Previous Reference	: N/A
Summary Recommendation	: Endorse Staff Decision to Allow Access 31 to Broadcast New Television Facilities using Redundant SBS Transmitter
Bulletin Attachment	: N/A
Locality Plan	: See below



14.3.2 continued

BACKGROUND

1. Since commencing its broadcasts in June 1999, Access 31 Perth has received ongoing enquiries about the possibility of introducing its community TV service to regional Western Australia.
2. The cost of distributing a full-length video signal throughout the State is very expensive and therefore has been a major obstacle in Access 31 expansion to regional centers.
3. The Western Australian Trotting Association (WATA) and the State Government has recently provided funding and facilities to support a possible rural Access 31 Pilot Program. Under this initiative, transmissions of Access 31 would be received in Albany, Kalgoorlie and Bunbury. The Pilot Program will be in operation for 12 months.
4. The redundant ex-SBS TV transmitter on Mt Clarence will be used to relay the signal. No new infrastructure or electrical equipment is required.
5. The new television services will be run in conjunction with Westlink. Westlink is a State Government satellite TV service that has 24-hour access to an Optus satellite transponder with national coverage. Westlink currently only utilises an average of about 7 hours per weekday for its own transmissions. Under this Pilot, Access 31 will use time not utilised by Westlink.

STATUTORY REQUIREMENTS

6. There are no statutory requirement relating to this item

POLICY IMPLICATIONS

7. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

8. The financial implications are insignificant.

STRATEGIC IMPLICATIONS

9. In the City of Albany's 2020 – Charting our Course, the following ports of call are identified:

“The continual development of Council services and facilities to meet the needs of all stakeholders”

“The attraction and development of a broad range of social, cultural and economic entities”

GENERAL MANAGEMENT SERVICES REPORTS

14.3.2 continued

COMMENT/DISCUSSION

10. As all necessary infrastructures are already in place, it is a good opportunity to provide extra community services for a minimal cost.
11. The Pilot Project will provide a temporary service until such time as a permanent facility is available. The City of Bunbury has submitted an application with the Department of Local Government, on behalf of the City of Albany for a permanent Access 31 station.
12. If the Pilot is unsuccessful, the City of Albany has no obligation to proceed with a permanent facility.

RECOMMENDATION

THAT Council subject to the necessary Australian Broadcasting Authority approvals being obtained, endorse the broadcast of Access 31, to be transmitted from the redundant ex-SBS TV transmitter Lot 1449 Mt Clarence.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WALKER**

THAT Council subject to the necessary Australian Broadcasting Authority approvals being obtained, endorse the broadcast of Access 31, to be transmitted from the redundant ex-SBS TV transmitter Lot 1449 Mt Clarence.

MOTION CARRIED 14-0

14.4 GENERAL MANAGEMENT SERVICE COMMITTEE

Nil

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BOJCUN**

**THAT the elected Members' Report/Information Bulletin, as circulated,
be received and the contents noted.**

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 DEPUTY MAYORS REPORT

“Fellow Councillors:

I would like to start by updating you all on the condition of our Mayor – Alison Goode. Alison is still unwell with recurring side effects from the operation on her back in August. However, I understand that she is receiving the best of care from her doctors and is improving gradually day by day. I thank Councillors and staff of the City of Albany and the general community for the many expressions of concern, warm wishes and prayers that have been offered to her. I know these have been received by Alison with heartfelt gratitude. I particularly would like to extend our sincere best wishes to her and her family over the Christmas period with the hope that we will see her resume her duties in the New Year back in full health.

The last month or so of the year is traditionally a little less busy than the rest of the year as community groups and organisations prepare for the Christmas and end of year festivities. During the month I have attended graduation assemblies for Albany Senior High School, North Albany Senior High School, Yakamia Primary School and tomorrow I finish up with assemblies at Albany Primary and Little Grove.

I was pleased to be invited to join in a few Christmas celebrations around the City from organisations which demonstrate the incredible diversity and scope of services provided to our community. The Albany Hospice, University of Western Australia, The Albany Visitor Centre and the Albany Chamber of Commerce and Industry – I

certainly appreciated the opportunity to meet with representatives and members in an informal environment.

During the month the arts featured prominently with the Great Southern Launch of the 2003 Perth International Arts Festival held at the Gorepani Gallery. We are fortunate see some terrific acts scheduled for the region during the festival and I would encourage everyone to support this initiative to ensure that it becomes a regular and growing event on the local calendar.

Last week also saw the launch of the “Celebrate Albany 2003 Festival” which again promises to be an exciting time centred around ANZAC Day activities.

On Saturday, Albany’s creativity was displayed in full glory with the Christmas Pageant parade and concert. I was unfortunately out of town on the weekend, however, I have heard many, many accolades for a terrific evening of entertainment in the true tradition of fostering the Christmas spirit.

A couple of major development milestones took place within the last couple of weeks. The first was the opening of the OJI Paper Research facility which strengthens Albany’s position in being able to continue to provide local economic benefits through the wood chip industry. The second milestone was the signing of the Albany Small Boat Harbour Memorandum of Agreement between the City of Albany, the GSDC and the Department of Planning and Infrastructure. The signing was witnessed by Premier Geoff Gallop and outlines the roles and responsibilities for progressing towards a detailed management strategy for this project.

As we approach the festive season and the end of 2002, I would like to offer my sincere thankyou to all Councillors, management and staff of the City of Albany for a productive and valuable year. We have faced some interesting and sometimes complicated challenges throughout the last twelve months, however, I feel certain that all our decisions have been with the very best of intentions for the ratepayers and community of Albany as a whole. It is with deep pride that I see Albany growing and prospering and I look forward with confidence to 2003 and beyond.

I would personally like to thank those Councillors who have put in the effort to attend the many events and functions that took place during the year. I know that it is often a difficult task to juggle family, a job and responsibilities that come with being a Councillor, but your attendance is crucial to maintaining trust, honesty and accessibility for the community. I also thank those Councillors who have been called upon to deputise for me when events clash – your support has been invaluable.

In closing, I wish all our Albany citizens the very best for Christmas and the New Year. Please take care on the roads and god bless.

**MOVED COUNCILLOR BARTON
SECONDED COUNCILLOR WALKER**

THAT the Deputy Mayor’s Report be received

MOTION CARRIED 14-0

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

Nil

19.0 CLOSED DOORS

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR DEMARTEAU**

THAT Council go behind closed doors to discuss:

19.1 Salary packages for Executive Director Development Services and Executive Director Works & Services.

MOTION CARRIED 14-0

19.1 Salary packages for Executive Director Development Services and Executive Director Works & Services.

RECOMMENDATION

THAT:

- i) The Executive Director Development Services and Executive Director of Works & Services cash component be increased to \$93,000 per annum effective at contract anniversary date; and
- ii) The Executive Director of Corporate & Community Services cash component be adjusted in line with CPI movement over the 12 months prior to last contract anniversary date.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT Council come out from behind closed doors.

MOTION CARRIED 14-0

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT:

- i) The Executive Director Development Services and Executive Director of Works & Services cash component be increased to \$93,000 per annum effective at contract anniversary date; and**
- ii) The Executive Director of Corporate & Community Services cash component be adjusted in line with CPI movement over the 12 months prior to last contract anniversary date.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

20.0 NEXT ORDINARY MEETING DATE

Tuesday 21st January 2003, 7.30pm

21.0 CLOSURE OF MEETING

9.17pm.

Confirmed as a true and correct record of proceedings.

AE Goode, JP
Mayor

APPENDIX A

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST
MINUTES OF THE ORDINARY COUNCIL MEETING 17th December 2002**

Name	Item	Nature of Interest
Nil	Nil	Nil

APPENDIX B

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING 17th December 2002**

Name	Item	Nature of Interest
Nil	Nil	Nil

APPENDIX C

**CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)
DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING 17th December 2002**

Name	Item	Nature of Interest
Executive Director Development Services, Mr Robert Fenn	Item 19.1.1 – Salary package	Mr Fenn is the Executive Director Development Services.
Executive Director Works & Services, Mr Brett Joynes	Item 19.1.1 – Salary package	Mr Joynes is the Executive Director of Works & Services

[Agenda Item 12.1.1 refers]
[COUNCIL – 17th December 2002]



SUMMARY OF ACCOUNTS

Municipal Fund Vouchers			
Cheques	totalling		123,627.51
Electronic Fund Transfer	totalling		1,367,095.99
Payroll	totalling		649,961.14

TOTAL

\$2,140,684.64

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,140,684.64 which was submitted to each member of the Council on 17th December 2002 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 \$2,140,684.64 which was submitted to the Council on 17th December 2002 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)