

MINUTES

ORDINARY MEETING OF COUNCIL

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

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 18th July 2007

TABLE OF CONTENTS

1.0	Declaration of Opening	4
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3.0	Opening Prayer	4
4.0	Response to Previous Public Questions Taken On Notice	5
5.0	Public Question Time	5
6.0	Confirmation Of Minutes of Previous Minutes	14
7.0	Applications For Leave Of Absence	14
8.0	Disclosure of Financial Interest	15
9.0	Matters for Which Meeting May Be Closed	15
19.1	Purchase of Land for Flood Mitigation Purposes	155
10.0	Petitions/Deputations/Presentations	16
11.0	Reports – Development Services	17
11.1	Development	
11.1.1	Development Application - Bulky Goods Outlet - 160 Chester Pass Road, Lange	18
11.1.2	Development Application - Change of Non-conforming Use from Service Store to Liquor Store - 116 Middleton Road, Middleton Beach	25
11.1.3	Development Application - Residential Design Code Relaxation - Over height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach	30
11.1.4	Development Application - Non-complying Outbuilding - 596 Frenchman Bay Road, Little Grove	39
11.2	Health, Building & Rangers	
11.2.1	Modifications to Parking Arrangements - Stirling Terrace, Albany	44
11.2.2	Local Law - Proposed City of Albany “Responsible Cat Ownership Local Law”	52
11.3	Development Policy	
11.3.1	Content of the Community Planning Scheme - Guidance on Scheme Provisions	56
11.3.2	Final Adoption of Strategy Document - Albany Local Planning Strategy	60
11.3.3	Scheme Amendment Request - Lot 100 Chester Pass Road, King River	75
11.4	Reserves Planning	
	Nil	81
11.5	Development Service Committee	
	Nil	81

11.6	Development Service Committees	81
	Nil	81
12.0	Reports – Corporate & Community Services	82
12.1	Finance	
	12.1.1 List of Accounts for Payment	83
12.2	Administration	
	12.2.1 Access and Inclusion Strategy for People with Disabilities	85
12.3	Library Services	
	Nil	89
12.4	Day Care Centre	
	Nil	89
12.5	Town Hall	
	Nil	89
12.6	Recreation Services	
	Nil	89
12.7	Visitors Centre	
	12.7.1 Amendment to Contract C05026 – Accommodation and Tour Booking Contract	90
12.8	Corporate & Community Services Committee	
	12.8.1 Albany Senior Advisory Committee meeting minutes – 21st June 2007	97
	12.8.2 Community Financial Assistance Committee meeting minutes Round 1 – 22nd June 2007	98
	12.8.3 Albany Arts Advisory Committee meeting minutes – 13th June 2007	100
13.0	Reports – Works & Services	103
13.1	City Assets - Asset Management	
	Nil	104
13.2	City Services – Waste Management	
	13.2.1 Waste Minimisation – Cleanaway – Change of Ownership	105
13.3	City Services – Airport Management	
	Nil	108
13.4	City Services – Contract Management	
	13.4.1 Contract C07003 – Provision of Electrical Services	109
	13.4.2 Contract C07008 – Provision of Mowing Services	112
	13.4.3 Contract C07001 – Supply, Maintenance & Management of Commercial Vehicles	115
13.5	City Services – Property Management	
	Nil	120

13.6	City Works – Capital Works	
	Nil	120
13.7	City Works – Reserves, Planning & Management	
	Nil	120
13.8	Works & Services Committees	
	13.8.1 Streetscape Committee Meeting Minutes – 21 June 2007	121
14.0	Reports – General Management Services	123
14.1	Strategic Development	
	Nil	124
14.2	Organisational Development	
	14.2.1 Contract C07009 – Provision of Catering Services	125
14.3	Economic Development	
	14.3.1 2007/08 Community Events Financial Assistance Program	128
	14.3.2 Review of 2007/08 City of Albany Events Program	139
14.4	Corporate Governance	
	Nil	146
14.5	General Management Services Committee	
	14.5.1 Albany Tourism Marketing Advisory Committee Meeting Minutes - 11 June 2007	147
15.0	Elected Members’ Monthly Report / Information Bulletin	148
16.0	Motions Of Which Previous Notice Has Been Given	148
17.0	Mayors Report	148
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	150
	18.1 Albany Art Prize Review	150
19.0	Closed Doors	155
	19.1 Purchase of Land for Flood Mitigation Purposes	155
20.0	Next Ordinary Meeting Date	156
21.0	Closure of Meeting	156

1.0 DECLARATION OF OPENING

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

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	SM Bojcun
	-	JD Williams
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Executive Director Development Services	-	R Fenn
Minute Secretary	-	SJ Jamieson and JR Byrne
Approximately 30 members of the public		
2 media representatives		

Apologies / Leave of Absence:
Councillor D Wolfe

3.0 OPENING PRAYER

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

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the 19th June 2007 Ordinary Council Meeting during Public Question Time, Mr Duffy asked several questions relating to the ANZAC Peace Park. A copy of those questions and the answers subsequently provided in writing to Mr Duffy follow:

Will the final design of the facility include performance space and sufficient area to accommodate future and current services and parades?

The final design of the facility will include performance space and sufficient area to accommodate future and current services and parades.

Has any revision of the original plans taken place taking into consideration the volume of stormwater channelled into the area?

Engineering designs for the containment and filtering the stormwater have been completed. These designs take into consideration all of the run-off from the top end of York Street. Final designs will be completed when funding becomes available.

If so, what is the project cost and annual maintenance cost?"

Extra costs including all of York Street catchment and drainage are estimated at \$250K. This amount has been allowed for in the Drainage Masterplan funding.

Maintenance will not have a serious impact on projected operational costs as all the design will be based on Water Sensitive Urban Design principles, and will be included in the City's annual maintenance budget.

5.0 PUBLIC QUESTION TIME

***Ms D Price**

Ms Price addressed the Council in relation to the Item 11.3.1 Content of the Community Planning Scheme Provisions as follows:

Madam Mayor, in March of this year, this Council took a decision to incorporate third party appeal rights into the Albany Community Planning Scheme..”to confer upon persons aggrieved by the exercise of a discretionary power a right to apply to the State Administrative Tribunal for a review of the exercise of the power; and to utilise all the means at the City’s disposal, including the recourse to law, to ensure the Minister gives effect to Council’s intention”.

Now we find before us tonight an alternate motion signed by Councillors Waterman, Wellington, Williams, Wiseman and Emery which, if adopted, would at the very least delay and possibly effectively rescind, what has been a legally adopted resolution of this Council. I submit that the effect would be to provide the City with rubber band planning policies which could be stretched, bent or twisted at the whim of some Councillors. We are told, ... “Good governance would dictate that we approach the Minister directly before wasting staff resources on this matter or committing to a course of action that may be doomed from the outset”. How can it be a waste of staff resources to enact a legally adopted motion of this Council? The only way this action could be “doomed from the outset” would be for this Council to fail to show strength, collective leadership and the courage of its convictions.

Item 5.0 continued

By attempting to dilute, defer or effectively rescind the adoption of third party appeal rights, the alternate motion, if ever adopted, would effectively disenfranchise those electors who reside in the former Shire of a right previously held for 28 years, and deprive the residents of the former Town of any hope of attaining that same right. It is, in my opinion, a negative, reactionary and retrograde step. Denying people the opportunity to challenge decisions is an outmoded concept which has no place in modern democracy. That it is brought before Council in an election year is, I believe, staggering in its audacity. Do these five Councillors seriously expect that their actions and names will not be brought to the attention of all voters before the 20th of October? Why would any Councillors want to disenfranchise the very electors they want to vote for them in three month's time?

Last year the Earl St issue demonstrated the need for, and value of, third party rights of appeal to the whole of Albany. Even then, those rights existed only on the backs of the rights of the developers because there was no third party right of appeal then existing in the former Town section of this City. Although we won the Earl St battle last year, we won because the developers appealed and we were fortunate enough to be joined to the matter in SAT. If the Council had approved Earl St, then we would not have been able to access the SAT processes because the developers, naturally, would not have appealed. This would not have made us wrong in law, just disenfranchised.

Statements have been made that third party rights of appeal could prove costly and time – consuming. However, this furphy is based on an assumption that third party appeal rights are unrestricted. They are not and never have been. The right was always limited, requiring the applicant to demonstrate they they have been aggrieved beyond any aggrievement which might have been felt by the general members of the public. Further, as the Officers' Report for tonight's meeting states, under Schedule 7, Clause 14 of the Planning and Development Act, there really exists only a right to seek a Review from the SAT, and these Reviews are never entertained for frivolous reasons. I would want to assert that the real answer to any Councillor concerns about third party rights, as well as the concerns of residents about some decisions of this Council, lies in the City of Albany making sure that it has duly constituted and consistently applied planning policies and guidelines which cater for all residents equally within the City boundaries. Moreover, one ought not to attempt to limit the rights of the populace in order to cater for any lack of foresight or consistency. The residents and ratepayers often perceive that there is a lack of clarity or consistency in the formulation or application of policies and guidelines, whether this occurs in the Council chamber or under delegated authority. This motion is nothing short of an attempt, I believe, to assert the rights of developers over the rights of the residents and ratepayers.

I thank all Councillors who voted to adopt third party rights in March and urge you to reject this motion or any like it. There is no need for doom and gloom. A community with rights is a flourishing community which grows together and develops harmoniously. This, I believe, is possible in Albany, and in any case, is nothing less than we deserve.

Item 5.0 continued

Mr Taylor

Mr Taylor of Lot 74 Adelaide Cres, addressed the Council in relation to Item 11.1.3 Development Application – Residential Design Code Relaxation – Over height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach.

Mr Taylor addressed the council and requested that the planned development/building at 79 Adelaide Cres comply with the R-Codes.

Mr Taylor pointed out that the following:

- The proposed development at 79 Adelaide Cres is 0.9m over height
- Topographic outlook and views should be shared
- No consultation has been offered by the developers of Lot 106 (79 Adelaide Cres)
- Lot 105 and Lot 107 have been asked to comment on misleading information
- Application for development is deficient
- Recommends that development application is not assessed till all information is confirmed as being correct

***Mr N Smithson**

Mr Neil Smithson of Smithson Planning, 364 Middleton Loop, Albany addressed Council in relation to Item 11.3.2 Albany's Draft Local Planning Strategy, as follows:

Thank you Madam Mayor / Councillors

Firstly, I note that the officers of the council have recommended that you the elected members dismiss out of hand Smithson Planning's submission of 9 October 2006, because, and I quote "it is not a specific submission on ALPS addressed to the City of Albany."

Our submission to ALPS via email, was directed to Premier Alan Carpenter's Principal Policy Adviser on Economic Matters, Mr Chris Rose, with a copy to the City of Albany, the Minister for Planning & Infrastructure, and the Chief Executive Officer of the Planning Institute of Australia.

Madam Mayor / Councillors - I am aware that a Table of Submissions forms part of the agenda, as does the Peer Review Report, but that Councillors have not been provided with a copy of all those submissions.

Item 5.0 continued

Smithson Planning's submission was on that same day referred to the then WA Leader of the Opposition, the Shadow Minister for Planning, the Shadow Minister for Local Government, the Federal Member for O'Connor, and the Western Australian Liberal Senators Adams, Campbell, Eggleston, Ellison, Johnston, and Lightfoot. It also eventually formed part of our submission to the Environmental Protection Authority in relation to the Grange Resources proposal.

Notwithstanding that our submission details several significant constraints for the future of transport accessibility to the Port of Albany, and the Albany Port Authority along with several other agencies have emphasised the importance of continuity of port access to the regional economy, I believe the EPA's cumulative impact assessment process will be far more inquiring and rigorous than the officers' blithe dismissal of our comments.

Further, if the officers are going to paraphrase our submission comments, they should get it right - our submission refers to the down-zoning of the CBD residential density from R160 (not R60).

Item 11.3.2 - Albany's Draft Local Planning Strategy - World Heritage

Secondly Madam Mayor / Councillors, if you conduct a word search of Item 11.3.1, Item 11.3.2, the ALPS Peer Panel Review, and the ALPS Table of Submissions, you will find the word 'Heritage' appearing on one occasion only, and you will not find the words 'Anzac' or 'Bicentennial' appearing anywhere in those reports.

As pointed out in Smithson Planning's ALPS submission, and not canvassed by the officer's comments in the Table of Submissions or the Peer Panel Review, you will not find the issues of 'European Heritage' and 'Risk Management' addressed anywhere. Arguably the most critical twenty years for Albany and Western Australian Heritage are now before us in the lead-up to Anzac 2014-18 and the Western Bicentennial 2026-27.

Further to my 'World Heritage - Convict Colonial Settlement' comments last month to Council and subsequently my presentation of the Rainbow 2000© Project at the International Cities, Town Centres & Communities Society Conference in Auckland, New Zealand, the following two questions were raised by delegates at the conference, to which I had no answer:

1. If the Minister for Heritage, the Hon. Michelle Roberts MLA participated in the process and endorsed on behalf of the State Government the UNESCO Nomination for Fremantle Prison (presumably with the advice of the Heritage Council of Western Australia); knowing that Albany is the oldest European heritage precinct in Western Australia based on Convict Colonial Settlement, the subject of registration on the State Heritage Register, and the bearer of State and Local Icon heritage status for its relationship with the Anzac legend; why did the Minister not move to include the Albany Heritage Precinct in the Commonwealth UNESCO nomination, or at the very least inquire from the City of Albany as to their position on such a proposal?

Item 5.0 continued

2. If the City of Albany resolved in 2000 to prepare a new planning scheme and local planning strategy (with attendant research and consultation on matters such as heritage), and in 2006 the officers of the City of Albany presented the third revised version of the Draft ALPS for public exhibition, why is there no discussion / debate of the proposed Commonwealth UNESCO Nomination for Convict Colonial Settlement and the possible inclusion of the Albany Heritage Precinct?

Question on notice #1 : Did the City of Albany refer the Draft Albany Local Planning Strategy to the Heritage Council of Western Australia, the National Trust of Western Australia, and the Albany Historical Society?

Madam Mayor / Councillors, I have been advised that the Commonwealth started the UNESCO World Heritage Convict Colonial Settlement nomination process in 2003/04, and I find it extraordinary that not one of those heritage bodies saw fit to provide comment to the City of Albany during the extended ALPS process.

Question on notice #2 : Between April 2000 and July 2007, what correspondence if any has the City of Albany received relating to the Commonwealth UNESCO World Heritage Nomination of Australia's Convict Colonial Settlements from :

1. The Federal Minister for Environment & Heritage
2. Any Western Australian Member of Federal Parliament
3. The State Minister for Heritage
4. Any Member of State Parliament
5. The Heritage Council of Western Australia; or
6. The National Trust of Western Australia?

Question on notice #3 : Do the Council of the City of Albany know who was the Chairman of the Heritage Council of Western Australia from October 2003 to May 2005? Answer : Patric de Villiers. And now - Gerry Gauntlet.

Madam Mayor / Councillors, any reasonable person would suggest that UNESCO World Heritage nomination as an Australian Convict Colonial Settlement would represent unprecedented recognition for the City of Albany in the context of global heritage tourism, and a solid foundation for the Albany Waterfront Project & Entertainment Centre.

Item 11.3.2 - Albany's Draft Local Planning Strategy - Wandgee Resort Hotel

Thirdly Madam Mayor / Councillors, when I briefed the Chief Executive Officer, Director Development Services and Manager Planning Services in December 2006 on the Wandgee Resort Hotel proposal, our covering letter specifically requested that the Scheme Amendment Request constitute a formal submission to ALPS, and we note that that matter does not appear on the Table of Submissions.

Item 5.0 continued

Conclusion

In conclusion Madam Mayor / Councillors, I would recommend the Council lay Item 11.3.2 on the table for at least one month so that you have sufficient time to digest the content of submissions to the ALPS.

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

If our comments are of interest, you may care to hear more about the Rainbow 2000© Project at the Sustainable Economic Growth in Regional Australia Conference in Wollongong, Australia (17-19 Sep 2007).

Thank you Madam Mayor / Councillors.

***Ms D Booker**

Ms Booker addressed Council in relation to Item 14.3.1 2007/08 Community Events Financial Assistance Program. Ms Booker spoke in favour of the Officers Recommendation and sought the Council's favour in approving the grant application for Denmark Greenskills. Further, she invited all Councillors to attend the proposed Conference later in the year, to which the grant funds will be applied.

***Mr J Davies**

Mr Davies of 79 Adelaide Cres addressed the Council in relation to Item 11.1.3 Development Application – Residential Design Code Relaxation – Over height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach.

Mr Davies is the proponent and requested that Council make an objective decision and made the following points:

- Proposed development is at the back of the block
- Building is 30 metres from the Road Frontage
- Accommodates the neighbours buildings
- Neighbour across the road supports development
- Sighted in accordance with WA building codes

***Mr D Dufty**

Mr Dufty address the Council in relation to the response to his questions raised at the last meeting held on 19 June 2007.

Mr Dufty thanked the Council officers for their written response and also meeting with him to discuss the issue. He noted that the plans for ANZAC Peace Park have been reviewed and the detention basins have been removed, as the storm water will be managed in a different way. He further stated that he feels the response and subsequent action justified his concerns and questioning the matter.

Item 5.0 continued

At 7.35pm Public Question Time was extended by a show of hands.

***Mrs K Stanton**

Mrs Stanton addressed the Council in relation to Item 11.3.1 Content of the Community Planning Scheme – Guidance on Scheme Provision.

Her Worship the Mayor advised Mrs Stanton that Item 11.3.1 had been withdrawn from the agenda.

Mrs Stanton responded that she wanted to address the Council, as she may not be available to attend the next council meeting.

Mrs Stanton address was as follows:

I am addressing Item 11.3.1 re: having the Right of Third Party Appeal included in the draft Community Planning Scheme.

Over the last 7 years I have been continually lobbying and giving Council speeches for this Right to be included in the combined TPS's of 1A & 3 of the City's draft document for the new CPS. So tonight I will briefly refresh your memories about the history of how & why Albany has this 3rd Party Right, not by accident as some people believe, but by deliberate planning.

In the late 1970's the Albany Shire council passed it's TPS 3, in order to deal with new planning issues in the growing Shire district, with provisions for non-conforming uses that were dealt with differently from TPS1, then in place for the Town of Albany.

Most importantly, the Shire's TPS 3 also differed from the Town's TPS 1 by giving in Section 6.7 Appeals "*a person aggrieved* by a decision of Council in the exercise of discretionary powers conferred on it by the Scheme, may appeal in accordance with Part v of the Town Planning and Development Act". Previously, this Appeal Right was given to *the Applicant* for planning approval in the Town of Albany's TPS1.

This TPS3 Section 6.7 Appeals is not an unlimited appeal right. Any person aggrieved does have a common law right but has to adequately show, they are a person aggrieved, which proves there are limitations. The person has to demonstrate to S.A.T. that their appeal should be held. All frivolous appeals will be thrown out at the first mediation hearing. As I have said many times before, if there is not a split recommendation in the agenda item and the City staff and Councillors stick to the necessary Policies, Regulations, TPS etc, the City of Albany will very rarely have an appeal against them.

The amalgamation of the Shire and Town into the City of Albany 1st July 1998 gave Albany a single local government, but still administers the two TPS's 1A and 3.

In the 28 years of the TPS 3 this 3rd Party Appeal Right has only been used once. That was the successful Woodyard Industry Appeal for Little Grove in 2000/01. You could hardly call that over using this Right or putting a financial burden on to the City of Albany. Any other appeals that occurred went directly to the Minister for a decision and most of them were developer driven.

Item 5.0 continued

Therefore, I fail to see why some Councillors, especially those in the old Shire district who have enjoyed this 3rd Party Right of Appeal of 29 years but are now voting against this Right to allow it into the whole Albany area, and to the 2 Albany City Councillors who do not support this Right, do they really understand that time has shown, this Right has not abused the system and has not cost the Town or City of Albany much money at all! And I believe never will, if agenda items are voted on correctly as I have already said.

During the March 2007 Council meeting a recommendation was carried to put this same TPS 3 Section 6.7 Appeal Right into the draft Community Planning Scheme and so allow it to go out for Public Consultation and consideration.

Councillors also passed that the City of Albany “utilise all means, including law to convince the Minister to allow this right for the whole Albany area in the new CPS”.

I would like to ask the Chief Executive Officer, just what has been done by the City staff to proceed with this March 2007 recommendation? This was voted on and carried so it could occur.

Why do we need this current July 11.3.1 recommendation? What was wrong with the March one? Because if the City of Albany staff and ratepayers ever hope to convince the Minister to allow this 3rd Party Right into the new CPS then common sense would tell us that we need to keep it simple. And keep it like it is now in TPS 3. Surely the Minister would be more inclined to pass the wording that has been in for 29 years that has hardly caused a problem, rather than new wording that clouds the issue and makes it more complicated and likely to be refused by the Minister just because it is different. The only wording that needs changing is the reference to the Planning and Development Act 2005 Clause 14 of Schedule 7.

The alternate motion of Jan Waterman’s and the City of Albany 11.3.1 recommendation must be thrown out. We don’t need them. The March decision is adequate to go out for public discussion.

Councillor Jan Waterman gives in her reason for the alternate motion that it would waste Council resources to put (it)*sic* into the scheme before we ask the Minister? Why move a resolution to do this when City of Albany staff can talk to the Minister if required? Why not force the Minister to deal with it, at the appropriate time. Fight it politically and use legal advice to get it into the Scheme. This is Albany’s long held 3rd Party Appeal Right, and we only want to extend it.

The alternate motion by Councillor Waterman has left me rather confused. Is this a new motion or a rescind motion? I note that it was signed by Councillors Emery, Williams, Wiseman, Wellington and Waterman. At the briefing night on Tuesday 10th July, Councillor Emery asked the Chief Executive Officer when was this Item originally passed, as he did not remember it, when in fact Councillor Emery had voted against the recommendation at that March 2007 meeting. There was some discussion re: some Councillors not happy with the July recommendation and at that point the Chief Executive Officer Mr Hammond suggested that if they wanted a change they could get 5 signatures and do a rescind motion.

Item 5.0 continued

I find this quite alarming that our Chief Executive Officer would even suggest to a Councillor, particularly in a public arena, that a problem could be sorted out in this manner. In my 7 years of attending Council meetings and briefings I have never heard this advice being given. In my view this sets a precedence and I would be interested to know if Mr Hammond will be suggesting this in the future when a contentious issue is being brought before Council. I sincerely hope not, as it is a matter that Councillors should figure out for themselves.

To the Councillors who don't want this 3rd Party Right of Appeal in the new CPS, please remember that this is your personal view. You have not asked your electorate what they want, and this is morally wrong. This document must go out for public consultation and must be dealt with in a proper manner. This is a significant policy document and ratepayers deserve to be fully informed.

***Ms D Baesjou**

Ms Baesjou addressed Council in relation to Item 11.3.2 Final Adoption of Strategy Document – Albany Local Planning Strategy.

Ms Baesjou congratulated and praised the Council's efforts in relation to the LPS; however requested that it be laid on the table for one calendar month to enable adequate consideration of the proposed changes.

POINT OF ORDER

Ms Price addressed the Mayor and asked for a Point of Order, stating that a Councillor had just mouthed an insult at her. She stated that as a member of the public she found this to be unprofessional.

Her Worship the Mayor apologised to Ms Price for the alleged actions and reminded the Council as a whole of their responsibility to comply with the code of conduct.

***Ms E Barton, Albany Rate Payer and Residents Association**

Ms Barton tabled an analysis report from the survey of the Albany Community in relation to the Albany Waterfront development.

POINT OF ORDER

Ms Cleve addressed the Mayor and asked for a Point of Order, stating that a Councillor had just 'pulled a face' at her and that she found this behaviour inappropriate.

Her Worship the Mayor apologised to Ms Cleve for the alleged action.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 19th June 2007; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WILLIAMS**

THAT the following minutes:

- **Ordinary Council meeting held on 19th June 2007; as previously distributed be confirmed as a true and accurate record of proceedings.**

CARRIED 13-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR JAMIESON**

THAT Councillor Emery be granted leave of absence from the 21 August 2007 Ordinary Council Meeting.

CARRIED 13-0

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item	Nature of Interest
Cr J Waterman	11.1.1 Development Application – Bulky Goods Outlet – 160 Chester Pass Road, Lange	Financial – Cr owns a retail outlet, which sells similar items (Not Bulky).
Cr D Wiseman	11.1.2 Development Application – Change of Non-conforming Use from Service Store to Liquor Store – 116 Middleton Road, Middleton Beach	Financial – Cr manages liquor store, and derives income from that store.
Cr M Bojcun	11.1.4 Development Application – Non-complying Outbuilding – 596 Frenchman Bay Road, Little Grove	Financial – Husband is a sub-contractor to Outdoor World
Cr MJ Evans, JP	12.8.2 Community Financial Assistance Committee meeting minutes Round 1-22 nd June 2007	Impartiality - Patron of Albany Band, Vice Chairman Hospice Board of Management, Wife member of Light Opera and Theatre Co, Wife member of Sinfonia.
P. Madigan	12.8.2 Community Financial Assistance Committee meeting minutes Round 1-22 nd June 2007	Impartiality - Executive member of committee, King River Pony Club
Cr J Jamieson	12.8.3 Albany Arts Advisory Committee meeting minutes – 13 June 2007	Impartiality - Wife leases studio space at the Vancouver Arts Centre.
CEO, A. Hammond	13.4.2 Contract C07008 – Provision of Mowing Services	Impartiality – Personal friend of one of the Directors of the Edenborn Pty/Ltd.
	14.3.2 Review of 2007/08 City of Albany Events Program	Impartiality – Member of the Princess Royal Sailing Club.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Purchase of Land for Flood Mitigation Purposes

POINT OF ORDER

At this point Councillor Paver sought the advice of the Mayor on a Point of Order. Councillor Paver asked at what point could he move a censure motion against Councillor Waterman for her earlier behaviour towards members of the public gallery?

The Mayor sought the advice of the Chief Executive Officer, who referred to the City’s Standing Orders Local Law. The Chief Executive Officer subsequently advised that the Mayor had the ability, in accordance with section 14.2 of Standing Orders, to determine at what point in the meeting the matter could be dealt with. Additionally, he advised that any censure motion would be to the effect that Councillor Waterman had not complied with section 4.2 (2) of the Standing Orders – Adverse Reflection.

Item 9.0 continued

**MOVED COUNCILLOR PAVER
SECONDED MAYOR GOODE**

THAT Councillor Waterman be censured for her behaviour towards members of the public gallery in contravention of Section 4.2(2) of the City of Albany Standing Orders Local Law.

CARRIED 7-6

RECORD OF VOTE:

For the motion: Mayor A Goode, Councillors Marshall, Paver, Bojcun, Evans, Jamieson and Walker

Against the motion: Councillors Emery, Wellington, Waterman, Williams, West and Wiseman

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

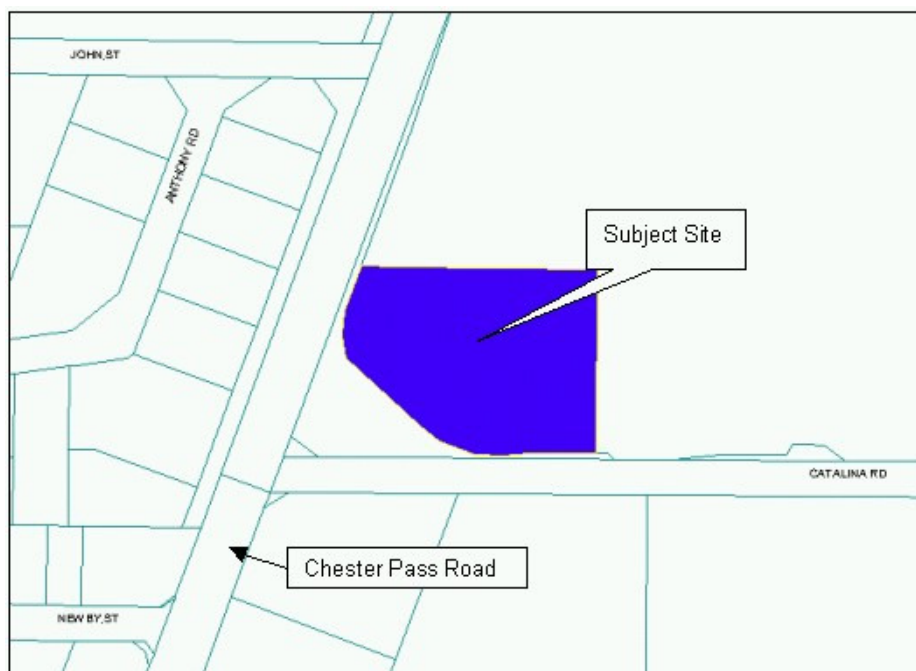
- R E P O R T S -

11.1 DEVELOPMENT

Councillor Waterman declared a financial interest in Item 11.1.1 and left the meeting at 7.56pm. The nature of Councillor Waterman’s interest is that she owns a retail outlet, which sells similar items to the proposed outlet.

11.1.1 Development Application - Bulky Goods Outlet - 160 Chester Pass Road, Lange

File/Ward	: A193744 (Yakamia)
Proposal/Issue	: Permission for Red Dot Stores to trade as a “Bulky Goods Outlet”
Subject Land/Locality	: (Brookes Garden) 160 Chester Pass Road, Lange
Proponent	: P Dodd
Owner	: Kingopen Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (I Humphrey)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Refuse Application
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for a business to locate inside the previously approved conversion of the old “Farm Fresh” Woolworth’s supermarket (Bulky Goods). The intention is to occupy tenancy T3 that has a floor area of 650sqm. A site plan area is attached to the end of the report.
2. The “Bulky Goods” use has previously been granted planning consent by Council (P275002) and there are several conditions outstanding preventing a building licence from being issued for the required building works. Details of the floor area breakdown for the bulky goods element were not included within the previous application, although a condition was included within the approval that limited the net leaseable area (NLA) to 3000sqm.

STATUTORY REQUIREMENTS

3. Under the City of Albany’s Town Planning Scheme No.3 (TPS 3) the use “Bulky Goods” is a Permitted use in a “Mixed Business” zone, in which the site is located.
4. With regard to the definition of a “Bulky Goods Outlet”, TPS3 defines the land use as:

“any building or part of a building used or intended for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature which require a large area for handling, storage of display or easy direct vehicular access to enable the goods to be collected by customers after sale, but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.”

5. Section 3.1.20 of TPS 3 (Mixed Business) defines the purpose of the zone as:

“To provide for a wide range of light and service industry, wholesale sales, showrooms, trade and professional services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, either the central area, local shopping or industrial zones.

To ensure that the form of development in this area is robust, enabling future adaptation and re-use, and presents an attractive street facade that will enhance the visual amenity of surrounding areas.”

6. Section 5.22 of TPS 3, sets out provisions to apply generally to all land included in the Mixed Business Zone:
 - *“No person shall carry out any development within the Mixed Business Zone unless such development is in accordance with a Precinct Plan which has first been adopted by Council.*
 - *A Precinct Plan may be prepared by the Council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- *'Office' developments are to be permitted only as a use incidental to the predominant land use on a site and are not to occupy an area exceeding 200m².*
 - *Development of a Discount Department Store is not permissible."*
7. This section then goes on to more specific provisions to apply to the land identified as the Catalina Central Mixed Business Zone:
- *"Preparation of a Stormwater Management Plan, to the satisfaction of Council, will be required prior to development (including subdivision).*
 - *No direct access to Chester Pass Road will be permitted from any lot.*
 - *No development is to be undertaken within the Catalina Central Mixed Business zone without arrangements being made to the satisfaction of the City of Albany and Main Roads Western Australia for the creation and construction of the re-aligned Catalina Road as indicated on the scheme map. A minimum separation distance of 170 metres is to be achieved between Newby Street and the re-aligned Catalina Road.*
 - *The cost of all road works (including land requirements) associated with access to the site, including the realignment of Catalina Road and the provision of deceleration lanes on Chester Pass Road, is to be met by the developer.*
 - *All development is to be in accordance with a structure plan adopted by Council."*
8. All of these provisions are addressed within the Catalina Central Planning Framework.

POLICY IMPLICATIONS

9. The whole Catalina site is subject to the Catalina Central Planning Framework (CCPF), which was adopted by Council in 2005 following several revisions/modifications. This structure plan was a requirement of TPS3, and divides the site into Precincts, of which this site falls under Precinct 1. The CCPF for Precinct 1 sets out not only design and location parameters, but also maximum floor areas for several uses, including "bulky goods" and "office". The CCPF sets out a maximum floor of:
- *5,000 sqm of retail floor space within the Neighbourhood Centre (new Woolworth's building)*
 - *6,500 sqm NLA of bulky goods/showroom floor space*
 - *500 sqm NLA of office*
 - *1,800 sqm NLA warehouse/warehouse sales outlet floor space*
 - *1,200 sqm Medical Centre*
10. This application seeks to use 650sqm of the previously approved 3,000sqm of bulky goods/showroom for the "Farm Fresh" building, and thus is not proposing to increase the overall maximum floor area of 6,500sqm NLA already approved for the CCPF site.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

13. The use of the “Farm Fresh” building for Bulky Goods has previously been approved. Subject to the original planning conditions being complied with, the location of a Bulky Goods Outlet within the building is supported. However, this application has been made by the Star Retail Group for a Red Dot Store, which appears not to conform to the definition of “Bulky Goods” under TPS3.
14. The applicant has submitted the following additional clarification to support their application. The range of products sold in a Red Dot store include:

Bulky Goods Category	Product Description	Size (if applicable)	
Automotive Spare Parts	Car Mats	4 piece set	
Carpets	Rugs	Up to 210 x 150cm	
Large Electrical Appliances	Window Air Conditioner	55 x 60cm	
	Portable Air Conditioner	80 x 50 x 30cm	
	1200 Watt Halogen Heater	58cm	
	Vacuum Cleaner (Bagless)	N/A	
Furniture	Reclining Chair	N/A	
	Home Office Desk (Glass & Metal)	150 x 95cm	
	Wrought Iron Beds (Single)	208cm x 110cm	
	Futon Sofa Beds	178 x 86 x 88cm	
	Ottomans & Footstools	33 x 33cm	
	TV Stands	Up to 171 x 40 x 60cm	
	Pictures and Mirrors	Up to 132 x 102cm	
	CD Racks	Up to 133cm	
	Picture Frames	Up to 175cm	
	Book Shelves	80 x 38cm	
	Other Bulky Goods	Storage Tubs	Up to 55 litres
		Wrought Iron Pet Beds	Up to 104 x 60 x 58cm
Seagrass Storage Containers		Up to 72cm x 42cm	
Dome Tent		2 person	
Bird Aviary		160 x 60 x 60cm	
Ironing Boards		120 x 47cm	
Laundry Sorter		72 x 63cm	
Clothes Stand		24 rung	
Pet Beds		Up to 76 x 60cm	
Cat Towers	Up to 120 x 50 x 50cm		

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

	Outdoor Patio Blinds	Up to 240 x 240cm
	Artist Canvas	Up to 100 x 75cm
	Luggage	All sizes
	Gazebo	3m x 3m
	Shade Sail	Up to 5m x 5m
	Reed Fencing	3m x 1.8m
	Garden Arch	2.3m x 1.4m
	Dog Kennels	Up to 66 x 59 x 47cm

15. Whilst it is acknowledged that some of these items may fall under the “Bulky Goods” definition, and the viability of their business model depends on the bulky, higher price ticket items, the majority of the items on the list are not seen as “Bulky Goods”. Some goods to be sold such as clothing, food produce, china and glassware (as advertised in their catalogues) are clearly in breach of the definition and staff consider that the land use does not conform to the definition of “Bulky Goods Outlet” under TPS3.
16. References have been provided by the applicant from other Red Dot stores that have been approved throughout WA in areas set aside for showrooms. Investigations by staff have revealed that these stores were either located within a zone where both a “Shop” or “Bulky Goods Outlet” is permitted, or no formal Planning Scheme Consent has been granted by the relevant local authority for the land use.
17. The Brookes Garden Neighbourhood Centre building has several unoccupied units that could be amalgamated to provide one larger unit, to provide the 600sqm the applicant requires. No detail has been forthcoming to indicate that the 5000sqm of “shop use” has been exhausted in the Neighbourhood Centre building. No spillage of shops use has been given by Council into other buildings in the CCPF area.
18. Due to the previous approval and subsequent building of the Neighbourhood Centre (including the smaller specialist shops), the splitting of the uses within both of the buildings would be unacceptable, leaving unusable floor areas within the Neighbourhood Centre and creating uncertainty over the floor space allocations for this site.
19. Staff believe the proposal is not a “Bulky Goods Outlet” and should be classified as a “Shop”. As the floor space allocation for a Shop use has previously been allocated amongst the buildings on-site in accordance with the Catalina Central Planning Framework, any additional “shop” floor space cannot be supported.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for a Red Dot “Shop” at 160 Chester Pass Road, Lange for the following reasons:

- a) The maximum floor space restrictions of 5000m² NLA identified in the Town Planning Scheme No. 3 and the Catalina Central Planning Framework document would be exceeded under the proposal.
- b) The assertion that the use represents a “Bulky Goods Outlet” is not supported, as the majority of products offered for sale are not bulky in nature as identified in the Bulky Goods Outlet definition in Town Planning Scheme No. 3.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

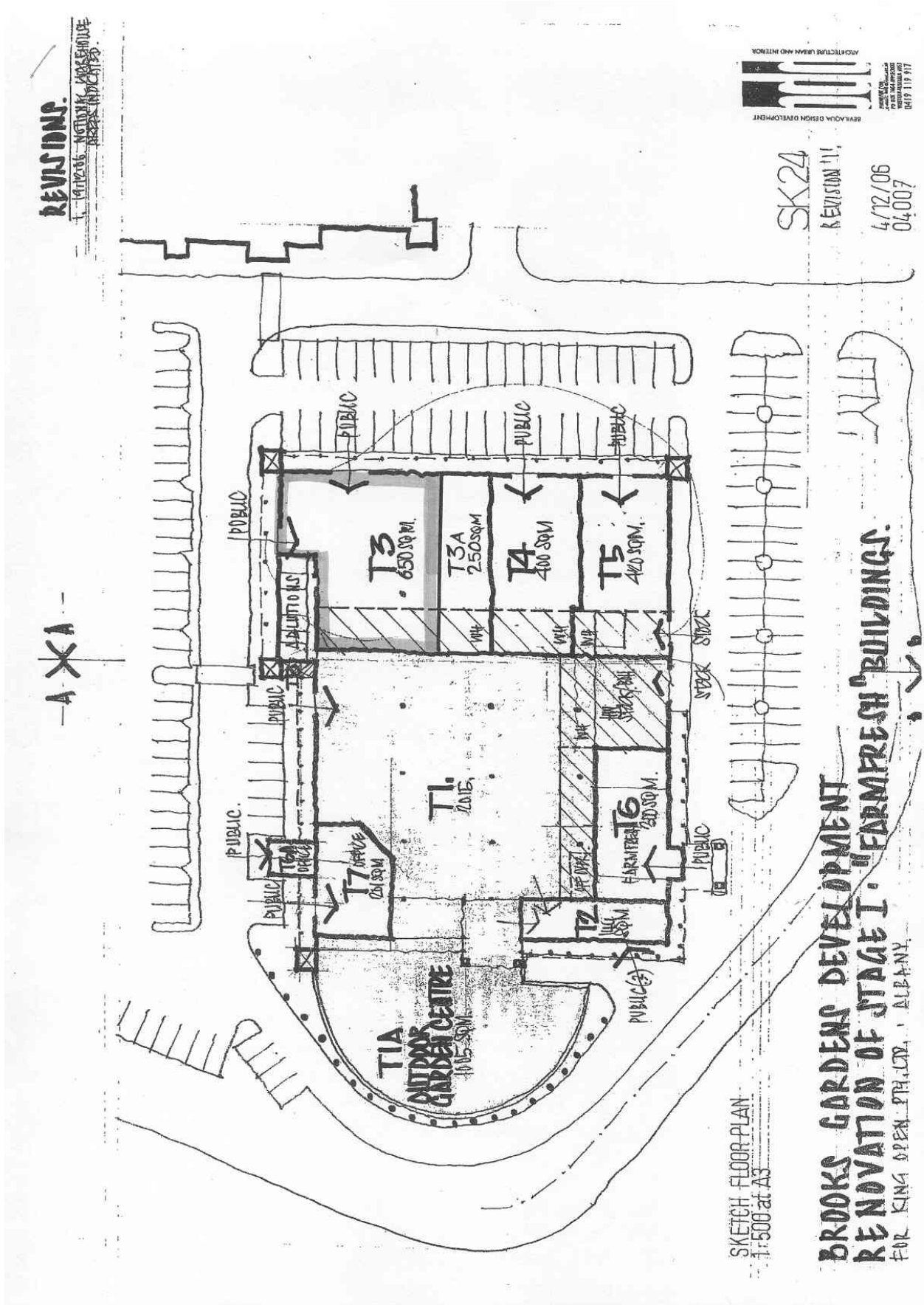
THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for a Red Dot “Shop” at 160 Chester Pass Road, Lange for the following reasons:

- a) The maximum floor space restrictions of 5000m² NLA identified in the Town Planning Scheme No. 3 and the Catalina Central Planning Framework document would be exceeded under the proposal.**
- b) The assertion that the use represents a “Bulky Goods Outlet” is not supported, as the majority of products offered for sale are not bulky in nature as identified in the Bulky Goods Outlet definition in Town Planning Scheme No. 3.**

CARRIED 11-1

Councillor Waterman returned to the meeting at 8:00pm after consideration of Item 11.1.1

Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a financial interest in Item 11.1.2 and left the meeting at 8.01pm. The nature of Councillor Wiseman's interest is that he manages a liquor store and derives income from that store.

11.1.2 Development Application - Change of Non-conforming Use from Service Store to Liquor Store - 116 Middleton Road, Middleton Beach

File/Ward	:	A135502 (Frederickstown Ward)
Proposal/Issue	:	Change of non-conforming use from Service Store to Liquor Store
Subject Land/Locality	:	116 Middleton Road, Middleton Beach
Proponent	:	W Hambley
Owner	:	AM Price
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Refuse application
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received to change a non-conforming use from a “Service Store” to “Liquor Store” at 116 Middleton Road, Middleton Beach. The application proposes to utilise the existing building with no extension to the actual floor area, but would included a covered drive-through lane. A site plan is attached to the rear of this report.

STATUTORY REQUIREMENTS

2. Section 5.3 of Town Planning Scheme 1A (TPS1A), addresses a change of a non-conforming use, and states:

“The Council may grant planning consent to the change of use of any land from one non-conforming use to another non-conforming use if the proposed use, is in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use and is, in the opinion of the Council, closer to the intended uses of the zone.”

3. The site is zoned “Residential” under TPS1A and a “Service Store” is an SA use. A “Service Store” is defined under the scheme as:

“a shop attached to a dwelling house designed and used principally to serve the residents of the immediate locality and where -

- (a) the dwelling house is occupied by the proprietor of the shop;*
- (b) the lot does not have access only from a road designated a major road by the Scheme.”*

4. The zoning table (appendix 1) of TPS 1A, states that a “Liquor Store” in Residential zone is an ‘X’ (non-permitted) use.
5. As stated under the Development Guidelines Scheme 1A (2006), section 1.1, Licensed Premises (where the serving of alcohol would be the predominant use) cannot be approved under Officer’s delegated powers and has to be approved by Council.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Being the regional retailing and services hub;*
- *Providing a complete tourism experience;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Mission Statement:

At all times we will...

- *Respect the Community's aspirations and resources;*

The City of Albany is committed to...

- *Providing sound governance"*

COMMENT/DISCUSSION

9. The current use would appear to comply with the definition of a service store as it principally serves the immediate locality, has a dwelling house attached and has access off Wollaston Road. This land use has never gained a formal Planning Consent and the use may pre-date the adoption of Scheme 1A. The existing use provides a foundation to assess it against other uses.
10. As stated under the Statutory Requirements section, a change of non-conforming use can be supported if the proposed use is less detrimental to the amenity of the neighbourhood than the existing use, and is closer to the intended uses of the zone.
11. It is believed that a liquor store (especially with a drive through element) would increase vehicular traffic to and from the site and provide a service that would be in a demand greater than that to serve the immediate locality. As stated previously, a Service Store in a "Residential" zone could be approved by Council, whereas a Liquor Store is a non-permitted use which cannot be considered by Council and therefore would be further from the intended use of the zone.

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for the application for the change of non-conforming use from Service Store to Liquor Store at 116 Middleton Road, Middleton Beach for the following reasons:

- a) The proposed change of non-conforming use is more detrimental to the amenity of the neighbourhood than the existing use, and is not closer to the intended uses of the zone, as required under Section 5.3 of Town Planning Scheme 1A.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR PAVER**

THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for the application for the change of non-conforming use from Service Store to Liquor Store at 116 Middleton Road, Middleton Beach for the following reasons:

- a) The proposed change of non-conforming use is more detrimental to the amenity of the neighbourhood than the existing use, and is not closer to the intended uses of the zone, as required under Section 5.3 of Town Planning Scheme 1A.**

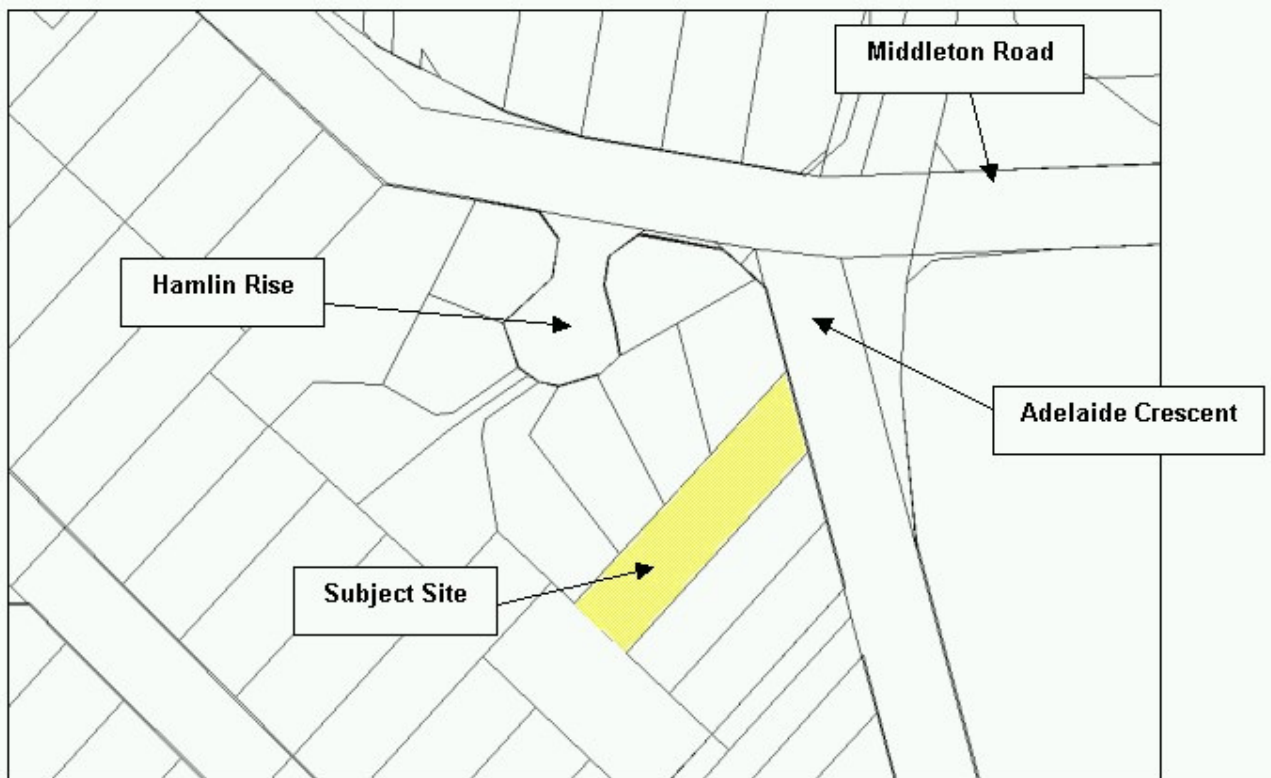
CARRIED 12-0

Councillor Wiseman returned to the meeting at 8:02pm after consideration of Item 11.1.2

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application - Residential Design Code Relaxation - Over Height, Overlooking and Side Setback at 79 Adelaide Crescent, Middleton Beach

File/Ward	:	A132902 (Frederickstown Ward)
Proposal/Issue	:	Residential Design Code Relaxation – Over height, Overlooking and Side Setback
Subject Land/Locality	:	79 Adelaide Crescent, Middleton Beach
Proponent	:	Roberts Gardiner Architects
Owner	:	JP Davies
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Letters of Objection
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received for a single dwelling which requires relaxations of the acceptable development criteria of the Residential Design Codes for building height, overlooking and retaining wall side setbacks at 79 Adelaide Crescent, Middleton Beach. A site plan and elevations are attached to the end of this report.
2. The proposal has been referred to Council for consideration, as approval is sought for design code relaxations and two objections have been received.

STATUTORY REQUIREMENTS

3. The land is zoned “Residential R20” within Town Planning Scheme No 1A.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. Two letters of objection were received regarding this application (copies included in Elected Members Report/Information Bulletin) following the advertising period. A summary of the comments is as follows:
 - inadequate setbacks;
 - excessive height;
 - negative impact resulting from height and scale;
 - loss of views; and
 - inappropriate position on block.
8. Planning approval is sought for a single dwelling, requiring assessment against the performance standards of design code. The subject site is zoned Residential R20 under Town Planning Scheme 1A and extends to 1285sqm. The minimum site area within this zone is 500sqm. The proposed development complies with the “Acceptable Development” criteria of the R Codes with regard to Housing Density.
9. The required street setback within the R20 zone is 6.0m. A front setback in excess of 30.0m is proposed. The proposed development complies with the “Acceptable Development” criteria of the R Codes with regard to Streetscape.
10. 19 Wittenoom Street is located to the rear of the subject site and is up to 3.0m higher than the rear of the subject site. The wall of the proposed building on this boundary is 5.0m in height and 4.5m in length, with no major openings, requiring a setback of 1.0m. A setback of 3.7m is proposed. The proposed development complies with the “Acceptable Development” criteria of the R Codes (and accordingly neighbour comments were not required).

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

11. The wall on the south eastern boundary with 77 Adelaide Crescent is 7.2m in height at its highest point and 12.0m in length, with no major openings, requiring a setback of 1.6m. A setback of 1.8m is proposed, reduced to 1.2m for a minor projection as permitted under Clause 3.3.1 A1 (iv) of the R Codes. A garage parapet wall is also proposed on this boundary with a maximum height of 2.4m and 7.0m in length in accordance with Clause 3.3.2 A2 (ii) of the R Codes. The proposed development complies with the “Acceptable Development” criteria of the R Codes.
12. The wall on the north-western boundary with No.s 5 & 7 Hamlin Rise is 7.6m in height at its highest point (6.5m from natural ground level on neighbouring boundary) and 11.0m in length with no major openings, requiring a setback of 1.6m. A setback of 1.5m is proposed, reduced to 900mm for a minor projection as permitted under Clause 3.3.1 A1 (iv) of the R Codes. Accordingly, a 0.1m relaxation has been sought. It is considered that this wall meets the performance criteria of the R Codes as the relaxation is minor and its application will have no negative impact on the adjoining property. It is important to note that natural ground level on the subject site is lower than on the adjoining property, which serves to further reduce the impact of this wall. The proposed development complies with the “Performance Criteria” of the R Codes.
13. A relaxation is also required for a parapet wall [5.8m in height (measured from natural ground level on the subject site) and 5.5m in length] on the boundary with No. 5 Hamlin Rise.
14. The owners of No. 5 have objected to the proposed development. There is a considerable difference in property levels between the application site and No. 5 Hamlin Rise, which is significantly higher than the subject site (1.2m-2.5m at this point). Staff have negotiated with the applicant and revised drawings were submitted to reduce the height of the proposed parapet wall (to 5.2m measured from natural ground level on the subject site) which corresponds to a height 2.7m above natural ground level on the adjoining property. It is considered that the amended parapet wall meets the “Performance Criteria” set out in Clause 3.3.2 of the R Codes as the parapet wall will:
 - make effective use of space on the subject site (facilitating an outdoor recreation/BBQ area);
 - enhance privacy of both properties; and
 - will not have a significant adverse effect on and will ensure adequate direct sun to habitable rooms and outdoor living areas of No.5 Hamlin Rise as the proposed parapet wall exceeds the height of a typical boundary fence by only 900mm.
15. Adequate open space and outdoor living areas are provided in the proposed development in accordance with Table 1. The proposed development complies with the “Acceptable Development” criteria of the R Codes with regard to Open Space.
16. A two-car garage is provided along with adequate space for visitor parking on the subject site. The proposed vehicular access from Adelaide Crescent is acceptable. The proposed development complies with the “Acceptable Development” criteria of the R Codes with regard to Access and Car Parking.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

17. No excavation or fill is proposed within the street setback area. The applicant proposes excavation to the rear of the block in accordance with Clause 3.6.1 A1.3. Retaining walls are proposed as follows: Retaining walls setback 1.95m from rear boundary. No views or overlooking is possible from the retained area to the property at the rear - accordingly a 1.5m minimum setback is required and that standard is exceeded by the applicant. The proposed development complies with the “Acceptable Development” criteria of the R Codes with regard to Site Works on the rear boundary.
18. Retaining walls are also required along both side boundaries in order to retain excavation. These retaining walls require neighbour consent for a relaxation of the required 1.5m setback. Neighbour consent from the owner of 77 Adelaide Crescent has been provided. However the owners of No.s 5 & 7 Hamlin Rise have objected to the development. It is considered that the proposed retaining walls have been designed to minimise the impact on the adjoining properties in that the proposed retaining walls are limited in height and the retained areas will be screened to protect privacy.
19. As the proposed building exceeds the 9.0m height limit for the roof within a residential area, as set out in Clause 3.7.1 of the R Codes, neighbour comments were requested. The owners of No. 77 Adelaide Crescent (south-eastern boundary) have no objection to the development. However the owners of No.s 5 & 7 Hamlin Rise located on the north-western boundary have objected. The proposed building reaches a maximum height of 9.3m above natural ground level in the vicinity of the objectors’ boundary. The building height performance criteria allow buildings in excess of 9.0m to *“achieve a building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including where appropriate: adequate direct sun to buildings and appurtenant open spaces; adequate daylight to major openings to habitable rooms; and access to views of significance”*.
20. A tiny portion of the proposed building exceeds the 9.0m height limit (to the front of the building). It is considered that this area, which is 300mm over height at its maximum, will have no more significant impact on sunlight, daylight or views than a dwelling in compliance with the “Acceptable Development” height criteria.
21. The proposed development will result in some overlooking of adjoining properties. However this can be addressed through the use of screening to prevent views into adjoining properties. The proposed development is an innovative design, which makes use of high level/obscure windows and appropriate setbacks to minimise its impact on adjoining properties. The proposed development has been assessed under Clause 3.8.1 of the R Codes and meets the “Performance Criteria” of the R Codes regarding privacy.
22. The proposed development has been assessed under Clause 3.9.1 of the R Codes and meets the “Acceptable Development” criteria of the R Codes regarding solar access for adjoining sites.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

23. It is considered that the proposed dwelling should be permitted, given the minor nature of the relaxations being sought against the overlooking, retaining walls and height standards of the R Codes, with the design solutions meeting the appropriate performance criteria. This application has been referred to Council at the request of the owners of No. 7 Hamlin Rise who object strenuously to the loss of a view from the first floor bedrooms of this property. Staff note that the development would remove the view currently enjoyed by the property if the “over height element” was removed and the development was fully compliant with the design codes. Staff are of the opinion that it is considered reasonable to support a minor relaxation in this instance.

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for Over Height, Overlooking and Side Setback relaxations in accordance with the Performance Criteria of the design codes for a single dwelling at 79 Adelaide Crescent, Middleton Beach subject to the following conditions:

- a) The height of the parapet wall adjacent to No. 5 Hamlin Rise being no greater than 5.2m in height from natural ground level on the subject site.
- b) Provision of appropriate boundary screening to prevent overlooking of adjoining properties.
- c) All stormwater drainage being retained on site or disposed off-site to the satisfaction of Council.

Voting Requirement Simple Majority

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MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON

THAT Council lay this matter on the table until an independent surveyor appointed by the CEO has determined exactly what is the discrepancy between the legally prescribed and actual height levels for the proposed development and reported back to the City of Albany.

Reason

Inconsistent site plans and statements concerning the extent to which the proposed development exceeds height levels prescribed by the R codes preclude Council from making a rational decision on the information before it.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

AMENDMENT

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

THAT the words ‘has determined exactly what is the discrepancy’ be replaced with the words ‘determines exactly whether there is a discrepancy’.

CARRIED 7-6

Reason:

Cr Waterman felt that the original motion implied that there is a discrepancy. The amendment seeks to determine if there is a discrepancy and if yes, the extent of that discrepancy.

The amended motion became the substantive motion and was put.

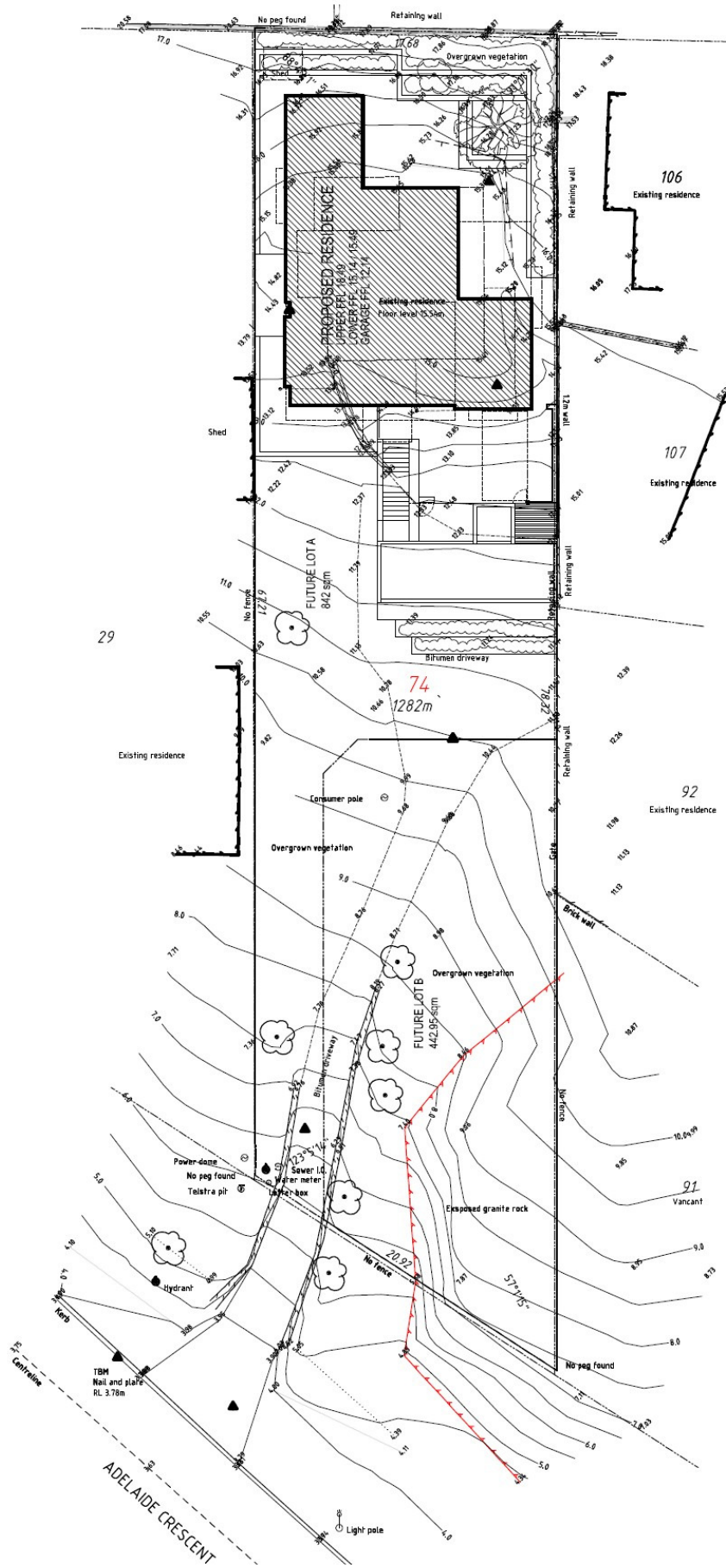
**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT Council lay this matter on the table until an independent surveyor appointed by the CEO determines exactly whether there is a discrepancy between the legally prescribed and actual height levels for the proposed development and reported back to the City of Albany.

CARRIED 12-1

ORDINARY COUNCIL MEETING MINUTES – 17/07/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

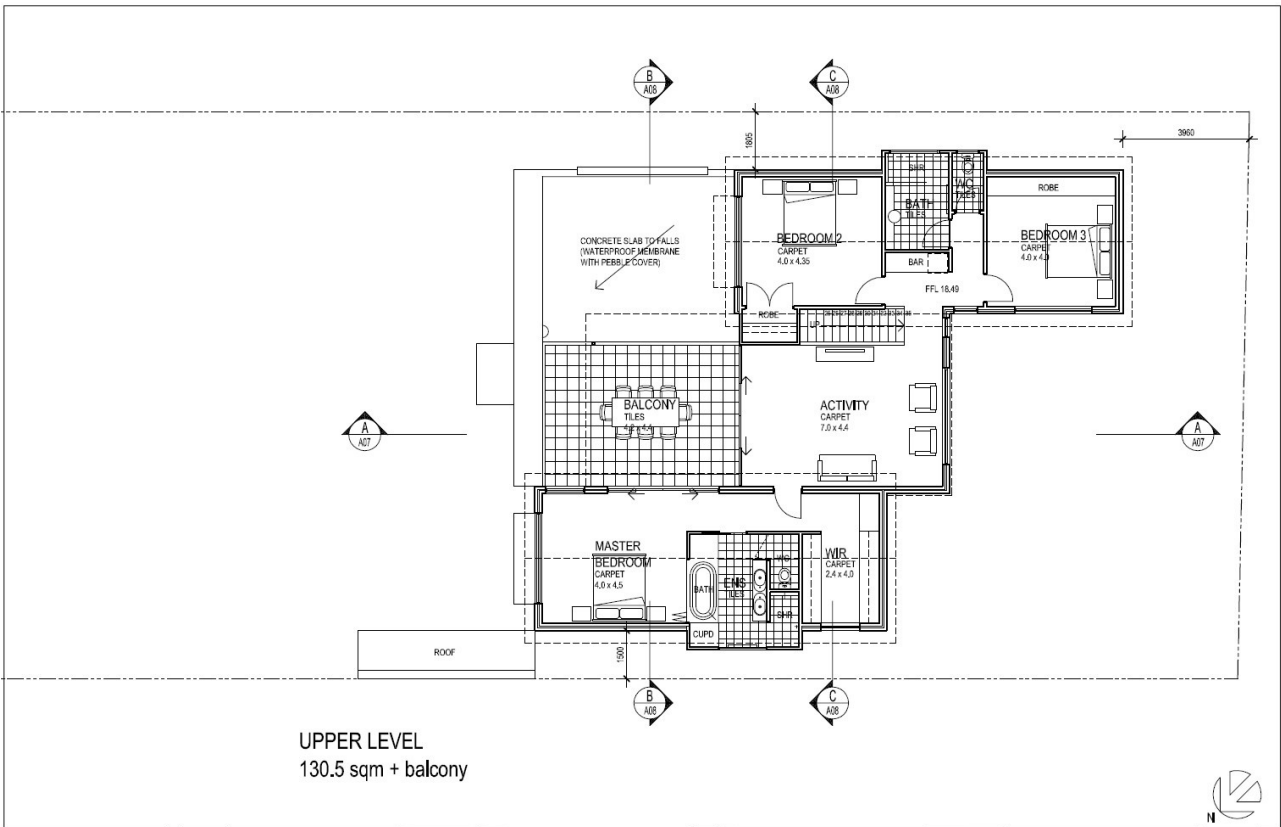
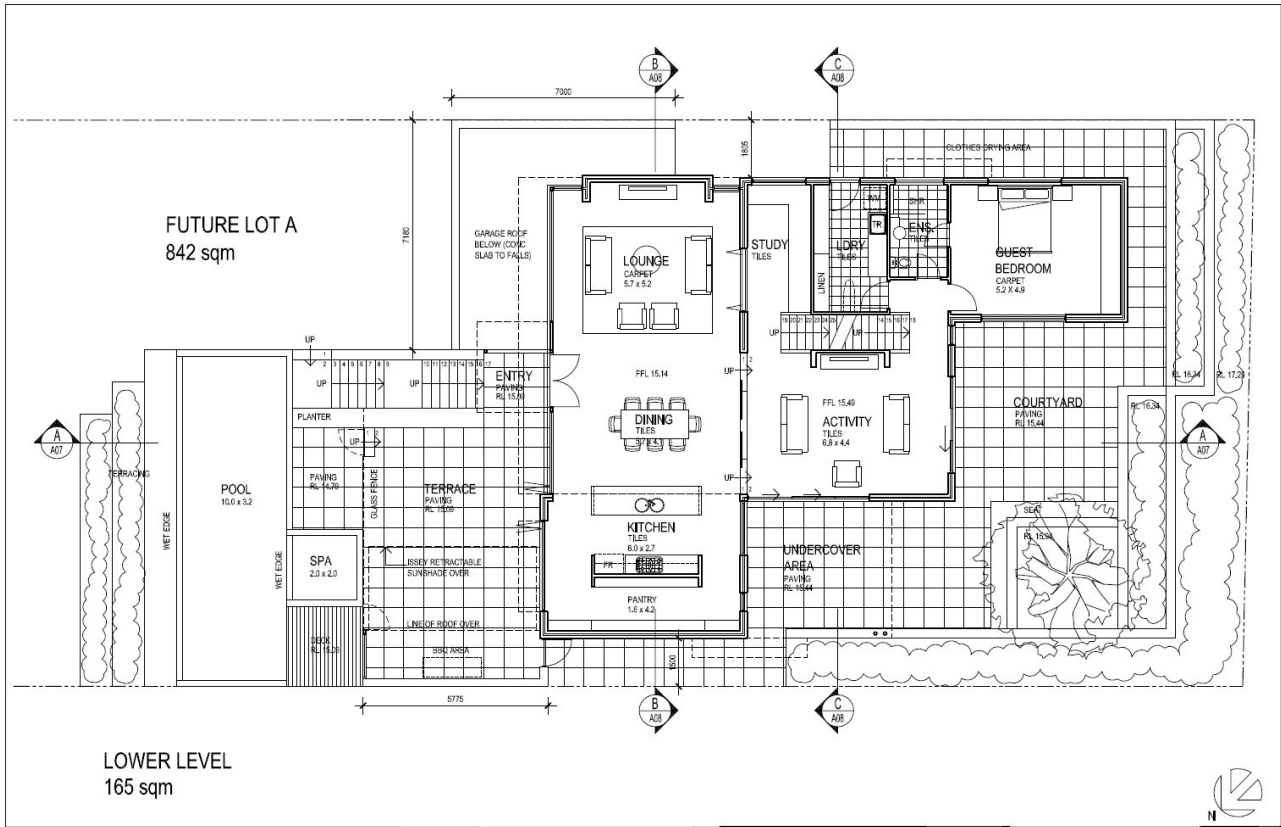
Item 11.1.3 continued



SITE PLAN
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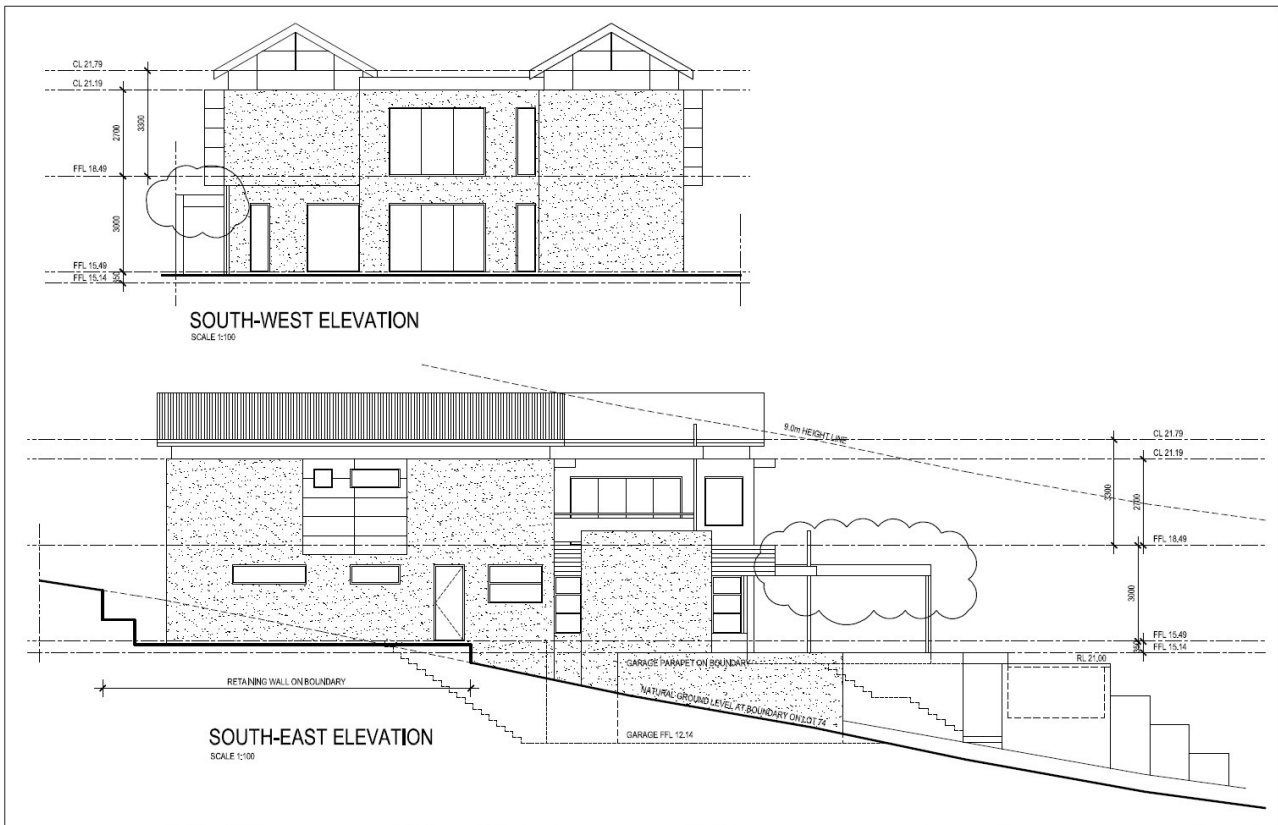
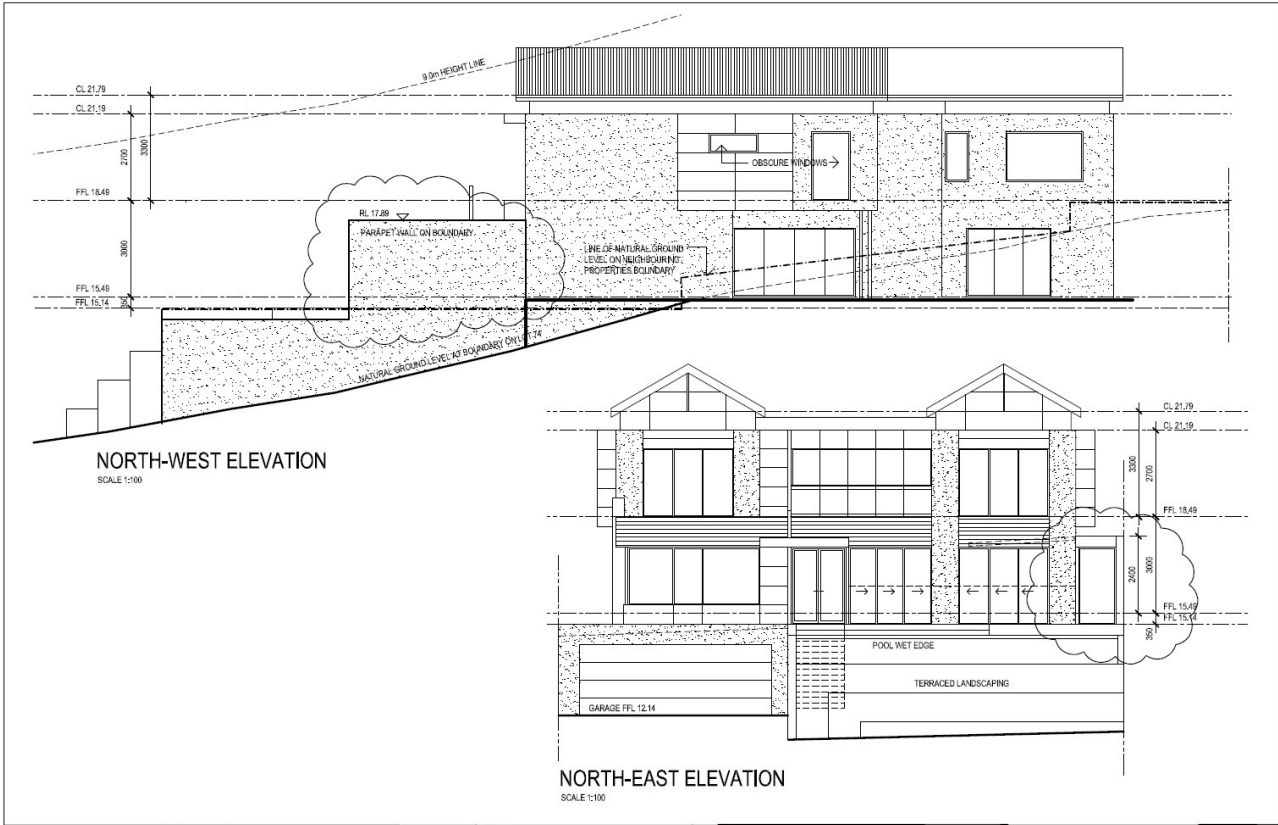
ORDINARY COUNCIL MEETING MINUTES – 17/07/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



ORDINARY COUNCIL MEETING MINUTES – 17/07/07
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

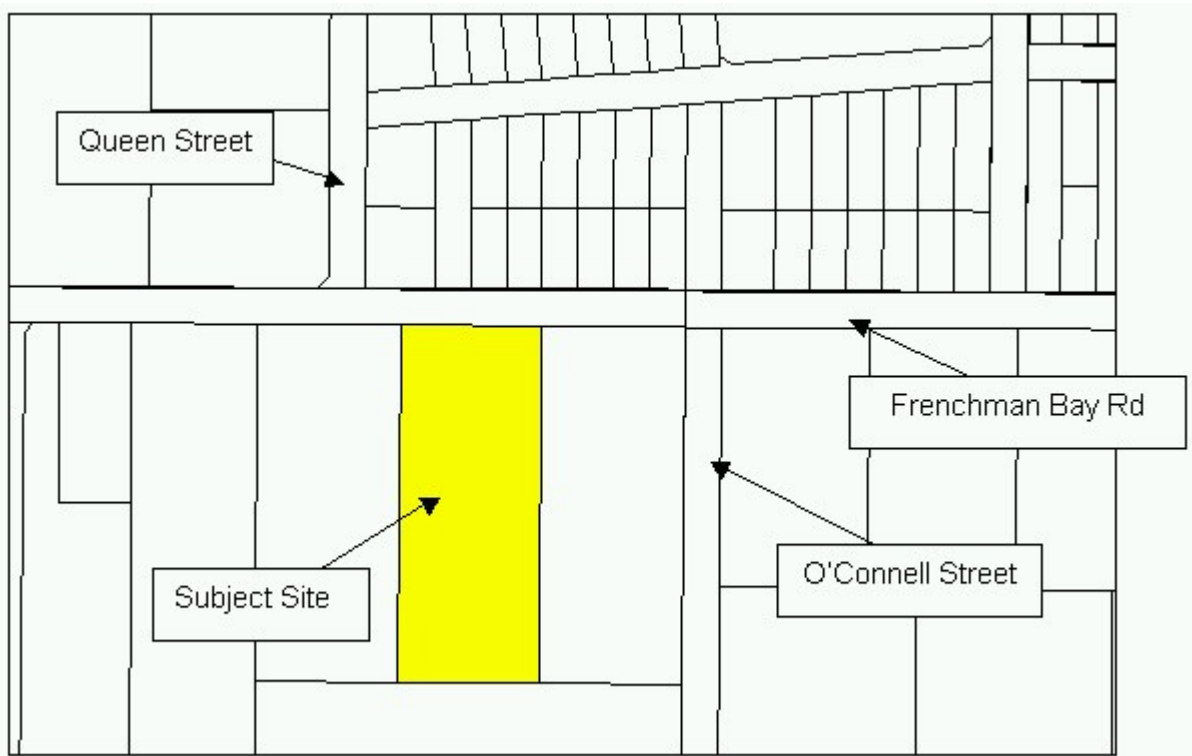


DEVELOPMENT SERVICES REPORTS

Councillor Bojcun declared a financial interest in Item 11.1.4 and left the meeting at 8.23pm. The nature of Councillor Bojcun’s interest is that her husband is a sub-contractor to Outdoor World, who is the proponent.

11.1.4 Development Application - Non-complying Outbuilding - 596 Frenchman Bay Road, Little Grove

File/Ward	:	A15237 (Vancouver Ward)
Proposal/Issue	:	Oversize Outbuilding
Subject Land/Locality	:	596 Frenchman Bay Road, Little Grove
Proponent	:	Outdoor World
Owner	:	M Argus
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Consent
Bulletin Attachment	:	Site plan and aerial photographs
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. An application has been received for an oversize outbuilding at 596 Frenchman Bay Road, Little Grove.
2. The proposal has been referred to Council for consideration, as approval is sought for an outbuilding that contravenes Council's Outbuildings Policy.

STATUTORY REQUIREMENTS

3. The land is zoned "Rural" within Town Planning Scheme No. 3.
4. Outbuildings are permitted within this zone subject to compliance with the Council's Outbuildings Policy.
5. The subject site is also located within the Priority 2 (P2) water source protection area defined in the draft Albany Water Source Protection Plan. P2 areas are defined to ensure there is no increased risk of pollution to the water source.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. The application raises the issue of the appropriateness of an oversize outbuilding on this rural lot. The proposed outbuilding extends to 81m², which along with three existing outbuildings on the lot results in a combined floor area of 256m².
10. It is noted that Council approved a similar proposal for an overheight and oversize outbuilding at 116 Spring Street, Little Grove under MINUTES Item 11.1.3 on 15 May 2007. In that case, a total combined outbuildings area of 216m² was permitted on a site of 1.22 hectares, while the current proposal is for a combined floor area of 256m² on a site of 1.6212 hectares.
11. As the subject lot is zoned "Rural" and is less than 2.0 hectares in area, the provisions of the Outbuildings Policy for the Special Rural Zone apply, limiting the total combined outbuilding floor area to 150m².

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

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

12. There are three existing outbuildings on the subject lot, which consist of two sheds (67.5m² & 54m²) used as domestic workshops, while family vehicles are stored in a 54m² detached car port.
13. The proposed shed extends to 81m² in area and has a wall height of 3.5m and a ridge height of 3.9m. The applicant has stated that the shed is required to house a work vehicle, a tractor, farm equipment and a boat.
14. The subject lot is quite steep and heavily wooded at the rear, where the existing dwelling and outbuildings are situated. The topography, existing vegetation and buildings restrict access and create difficulties for larger vehicles to manoeuvre.
15. The position of the shed on level ground, closer to the front of the property, has been chosen to minimise exposure to passing traffic. The shed is planned to be situated with a small wooded area between it and the road and screened from neighbours by vegetation and the topography of the land. The proposed shed to be clad in Woodland Grey colourbond, which combined with existing mature trees on the lot will reduce its visual impact. Aerial photograph images are included in the Elected Member's Report / Information Bulletin to illustrate the nature of the site.
16. It is recognised that families have varying needs for outbuilding space. As a general rule, people expect to be able to have larger outbuildings on larger lots. Council's policy was developed to reconcile community expectations with individual needs.
17. The subject lot is 1.6212 hectares and lightly wooded with mature trees. The proposed outbuilding will not have a significant impact, when viewed from the street or adjoining properties due to existing mature trees, topography, the proposed grey colourbond finish and the extensive setbacks proposed (45.0m from Frenchman Bay Road and 20.0m from the adjoining property). The site can accommodate the proposed outbuilding without adverse impacts on the visual character of the area.
18. The lots opposite the subject site, to the north, are zoned "Residential Development" and are currently occupied by more urban residential development with street setbacks of approximately 10-12m. Given the location of the proposed outbuilding, natural screening in place on the site and the prevalent pattern of development on this part of Frenchman Bay Road, there is limited potential for adverse impacts on the landscape.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

19. 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”*.
20. It is considered that the proposed outbuilding should be permitted, given the subject site is capable of accommodating the outbuilding with no negative impacts on the amenity or landscape quality of the area.
21. The proposed development will not result in an increased risk of pollution to the South Coast Water Reserve.
22. The subject lot is larger than a lot typically found in a Special Rural Zone and falls short of the 2.0 hectare threshold by 0.37 hectares. It is therefore considered reasonable to allow a relaxation of the combined floor area limit in this instance.

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for an Oversize outbuilding at 596 Frenchman Bay Road, Little Grove subject to the following conditions:

- i) The outbuilding shall be finished in Woodland Grey colourbond cladding as proposed in order to blend with the natural landscape.
- ii) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR PAVER**

THAT Council resolves to issue a Notice of Planning Scheme Consent for an Oversize outbuilding at 596 Frenchman Bay Road, Little Grove subject to the following conditions:

- i) The outbuilding shall be finished in Woodland Grey colourbond cladding as proposed in order to blend with the natural landscape.**
- ii) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**
- iii) The outbuilding shall be screened by dense planting of vegetation, capable of reaching the height of the proposed shed, in the area between the outbuilding and Frenchman Bay Road.**

CARRIED 12-0

Reason:

The shed is to be placed in the front setback and it should be screened from Frenchman Bay Road.

Councillor Bojcun returned to the meeting at 8:26pm after consideration of Item 11.1.4.

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Modifications to Parking Arrangements - Stirling Terrace, Albany

File/Ward	: SER115 (Frederickstown Ward)
Proposal/Issue	: Provision of new disabled bay outside Department of Planning and Infrastructure building and review of parking along Stirling Terrace
Subject Land/Locality	: Lot 2 Stirling Terrace, Albany
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/03/07 - Item 11.2.1
Summary Recommendation	: Parking Arrangements be Modified
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

BACKGROUND

1. At its meeting on 20 March 2007 Council considered converting a 30 minute limit bay into a disabled bay outside Lot 2 Stirling Terrace (the new Department of Planning and Infrastructure (DPI) building) and resolved the following:

“THAT this item lay on the table to allow sufficient time for the request to be considered at the next meeting of the Seniors Advisory Committee and for Council to receive a report from the Committee.”

2. The matter was taken to the Seniors Advisory Committee Meeting dated 21 June 2007, whereby the following motion was supported:

“The Seniors Advisory Committee supported the conversion of the bay directly opposite the Department of Planning and Infrastructure building on Stirling Terrace to a disabled bay and that suitable ramp access onto the footpath be provided to accommodate disabled users”

3. Since the March meeting, staff have reviewed the parking regime in that section of Stirling Terrace, fronting the DPI building and the Albany Courthouse complex. Two disabled bays are located at the front of the Courthouse within 20 metres of each other, and there are four unlimited timed bays in this area.

STATUTORY REQUIREMENTS

4. 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

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

FINANCIAL IMPLICATIONS

6. The cost of the proposed signage and provision for minor works to construct a wheelchair accessible ramp for the new bay would be funded from existing budgets.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. Staff recommend that a new disabled bay be provided opposite the DPI building, and to compensate for the loss of a standard bay, the disabled bay fronting the courthouse (closest to Collie Street) be converted to a 30 minute limited bay.
9. The proposal ensures there is no loss in the number of standard or disabled bays in this section of Stirling Terrace, rather a redistribution of disabled bays for improved access to a range of government services is provided.
10. The four unlimited bays fronting the courthouse should be replaced by 30 minute time limited bays to bring it in line with parking restrictions existing on Stirling Terrace.
11. The proposed modifications to the parking layout are shown in Attachment A, attached to the rear of this report.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

RECOMMENDATION

THAT Council resolves, pursuant to Clause 3.1 of the City of Albany Parking and Parking Facilities Local Law 2001, to change the existing parking arrangements on Stirling Terrace (in accordance with Attachment A) by modifying:

- i) one 30 minute bay, fronting the Department of Planning & Infrastructure building, to a Disabled Bay (Exempt to Senior Drivers displaying Special Permit);
- ii) one Disabled Bay fronting the courthouse (closest to Collie Street) to a 30 minute bay;
- iii) four unlimited timed bays to four, thirty minute bays;
- iv) erect signage and construct ramp access onto the footpath as per the above modifications; and
- v) advertise the restrictions.

Voting Requirement Simple Majority

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WELLINGTON**

THAT Council resolves, pursuant to Clause 3.1 of the City of Albany Parking and Parking Facilities Local Law 2001, to change the existing parking arrangements on Stirling Terrace by modifying:

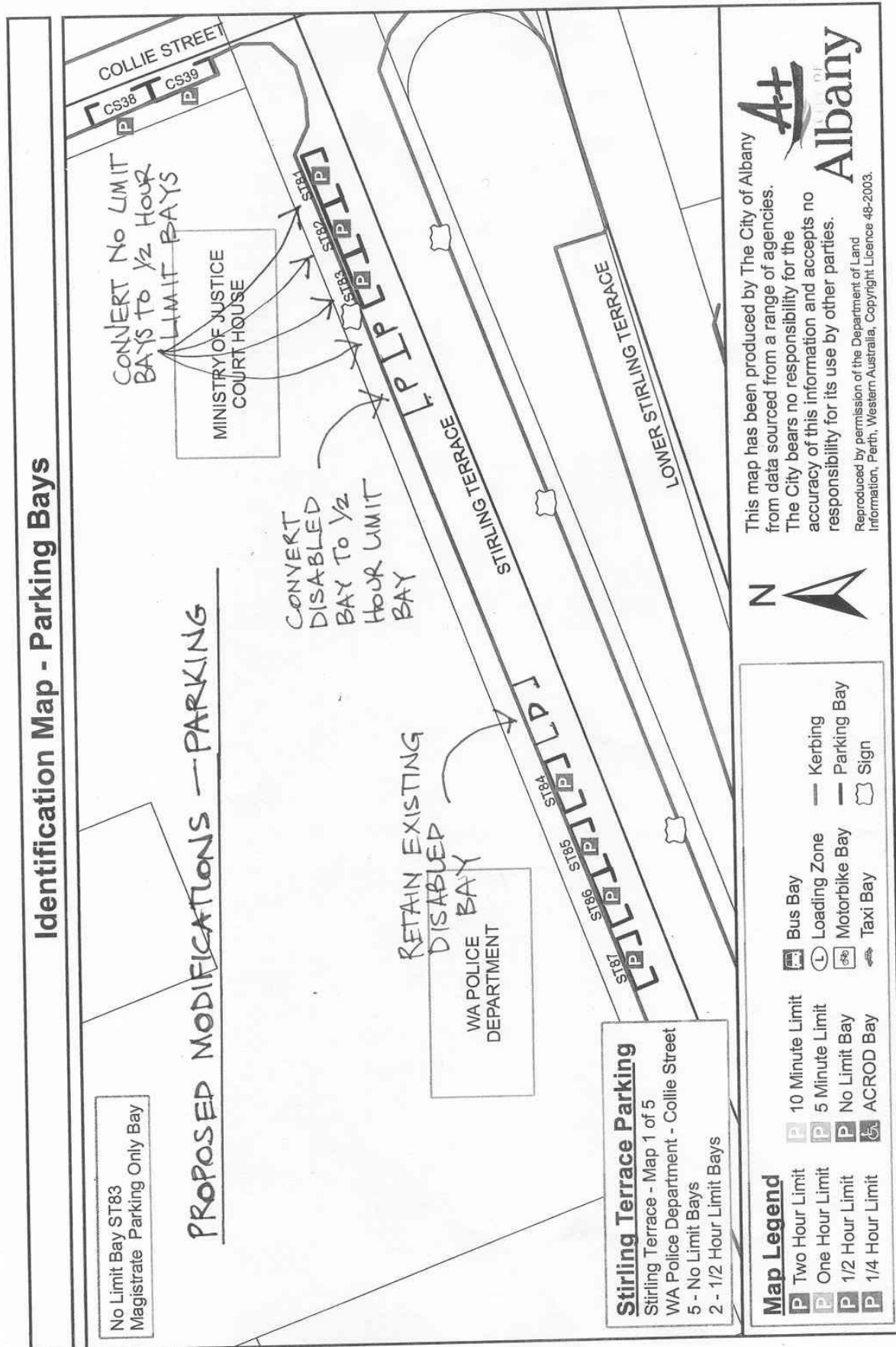
- i) one 30 minute bay, fronting the Department of Planning & Infrastructure building, to a Disabled Bay (Exempt to Senior Drivers displaying Special Permit) as shown on Plan XY2;**
- ii) one Disabled Bay fronting the courthouse (closest to Collie Street) to a 30 minute bay;**
- iii) eight unlimited timed bays to eight, thirty minute bays (as shown on Plan XY1);**
- iv) erect signage and construct ramp access onto the footpath as per the above modifications; and**
- v) advertise the restrictions.**

CARRIED 13-0

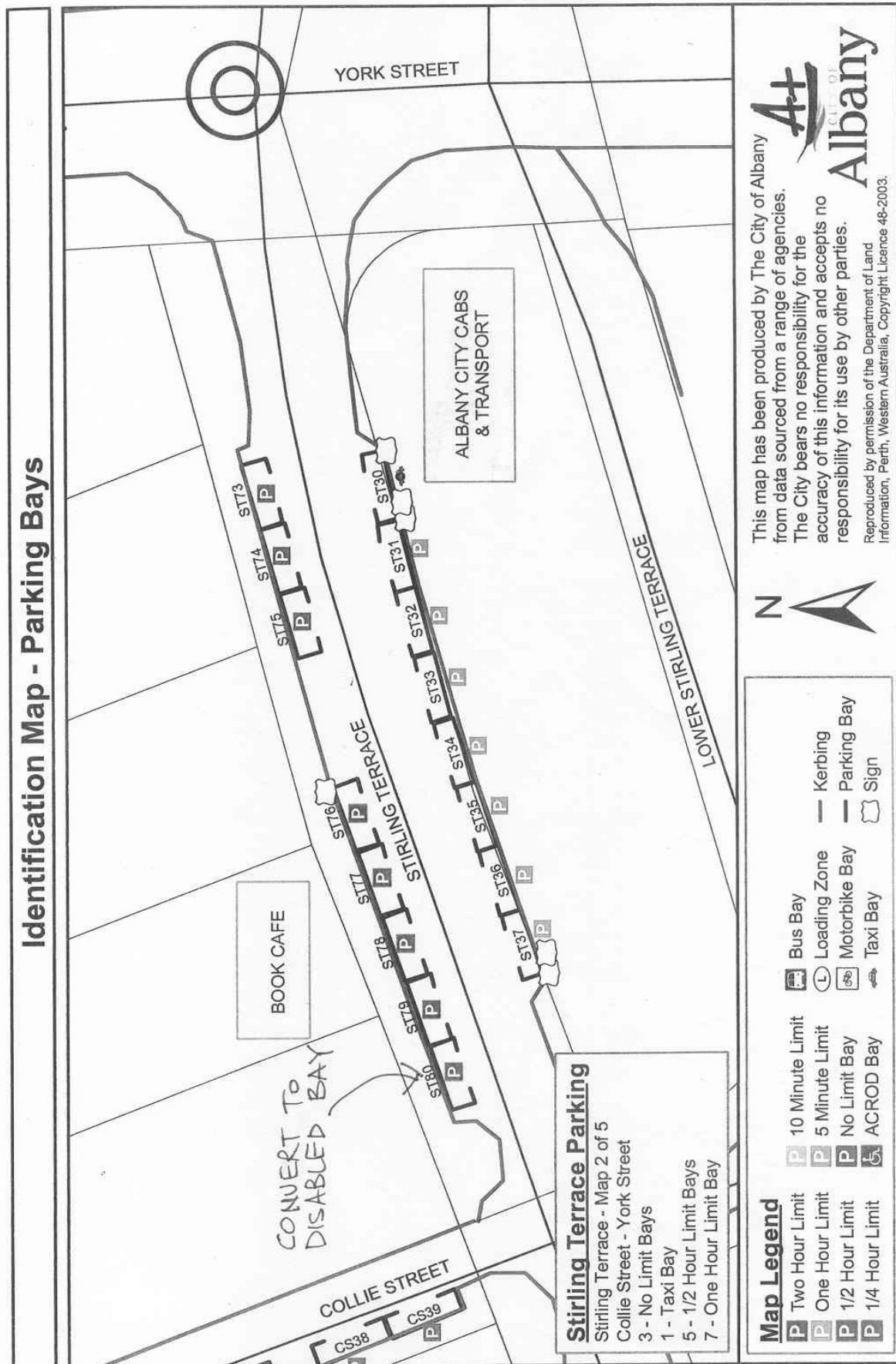
Reason:

Parking is at a premium in this location and all day parking adjacent to the Courthouse and Police Station restricts the ability for people to visit these services for short periods. There is an all day parking area on Lower Stirling Terrace, which would cater for staff parking and for people attending court.

Item 11.2.1 continued



Item 11.2.1 continued

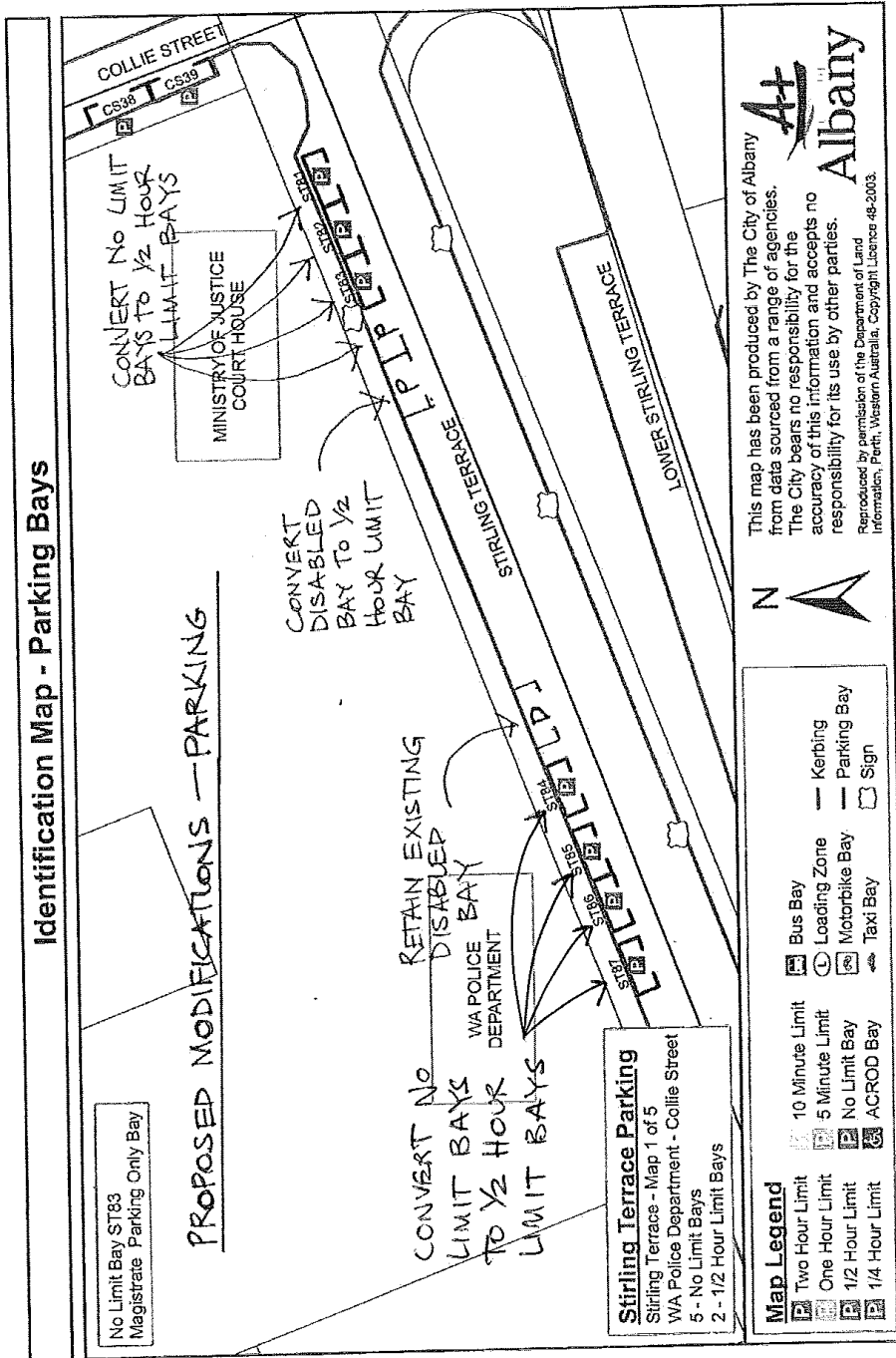


DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued



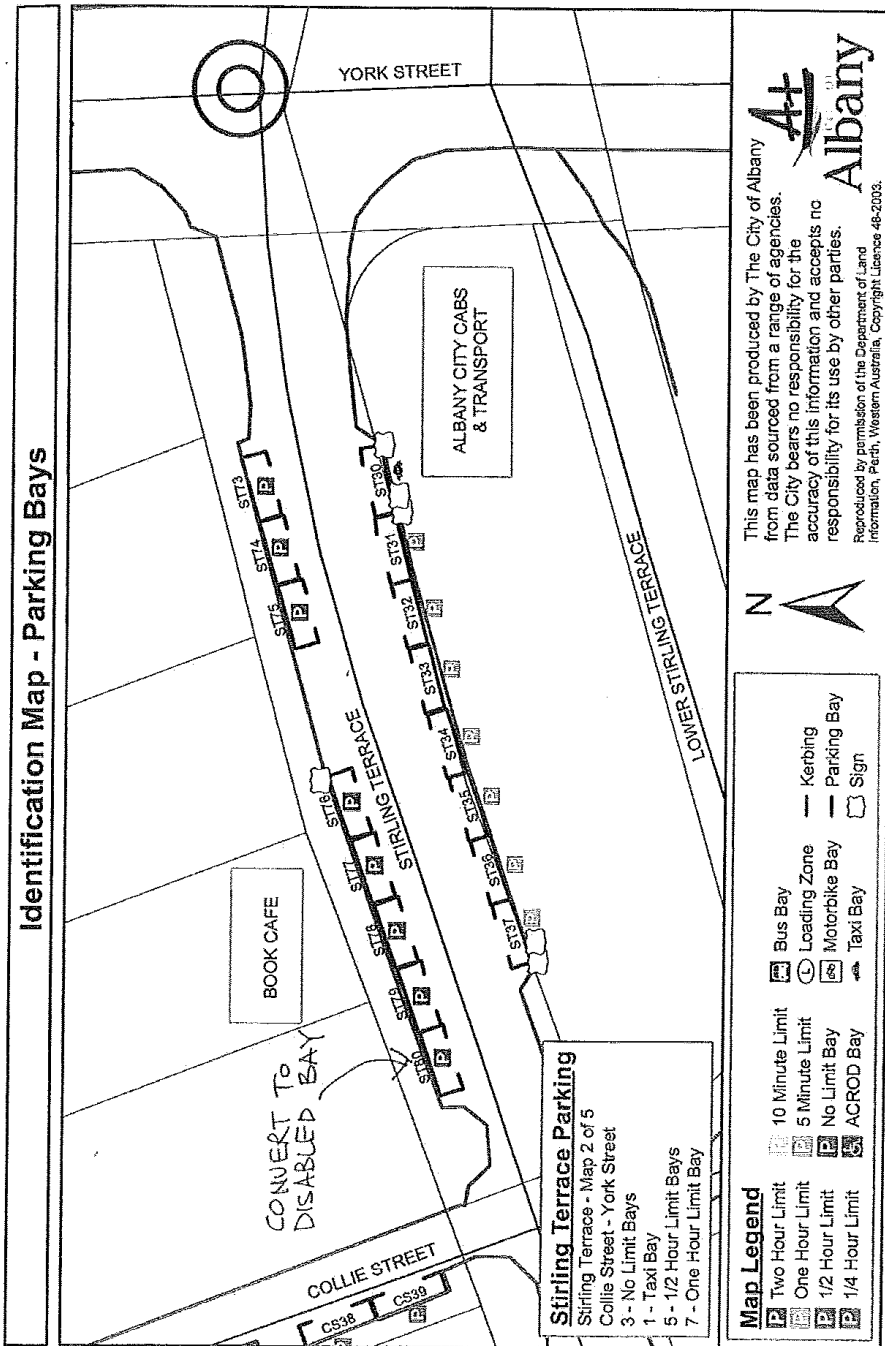
PLAN XY1

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued



PLAN XY2

DEVELOPMENT SERVICES REPORTS

11.2.2 Local Law - Proposed City of Albany “Responsible Cat Ownership Local Law”

File	:	MAN049 (All Wards)
Proposal/Issue	:	Consider the introduction of a local law pertaining to responsible cat ownership
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Previous Reference	:	OCM 21/09/04 - Item 11.2.1 OCM 19/04/05 - Item 11.2.1 OCM 15/11/05 - Item 11.2.1 OCM 20/06/06 - Item 11.2.1 OCM 15/05/07 - Item 11.2.2
Summary Recommendation:		That Council agrees to make the City of Albany Responsible Cat Ownership Local Law
Bulletin Attachment	:	Draft Responsible Cat Ownership Local Law
Locality Plan	:	N/A

BACKGROUND

1. At its meeting on 15 May 2007 Council resolved the following:

“THAT Council direct staff to prepare a revised Cat Local Law, using the City of Geraldton’s Local Law as a model and report back to Council for consideration.”
2. In accordance with the above resolution, staff have prepared a draft “Responsible Cat Ownership Local Law” based on the City of Geraldton model. A copy of the Local Law is included in the Elected Member’s Report / Information Bulletin.

STATUTORY REQUIREMENTS

3. Section 3.12 of the Local Government Act states:

*“3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
(2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

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

** Special Majority Required.*

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 5. There will be statutory advertising costs, which will be funded from the 2007/2008 budget.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision

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

- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement

The City of Albany is committed to ...

- *Delivering Excellent Community Services and Providing Sound Governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

7. The procedure for making Local Laws requires Council to, on at least two days, advertise Statewide, advising of its intention to make the Local Law and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Amendment Local Law is then to occur.
8. In addition, the procedure for making Local Laws requires the person presiding at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed Local Law.

Purpose

9. To provide for the regulation, control and management of cats within the district.

Effect

10. To establish the requirements of cat owners within the district which must be complied with and the means of enforcing those requirements.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, advertise its intention to make the City of Albany Responsible Cat Ownership Local Law.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WISEMAN**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, advertise its intention to make the City of Albany Responsible Cat Ownership Local Law.

CARRIED 13-0

N.B. The CEO acknowledged the efforts of the Cat Local Law Working Committee and stated that a formal letter will be sent to former members of that Committee, thanking them for their contribution.

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

Item 11.3.1 was withdrawn.

11.3.1 Content of the Community Planning Scheme - Guidance on Scheme Provisions

File/Ward	:	STR089 (All Wards)
Proposal/Issue	:	Content of Draft Community Planning Scheme - Appeal Rights
Subject Land/Locality	:	Entire District
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/01/07 - Item 11.3.3 OCM 20/03/07 - Item 11.3.3
Summary Recommendation	:	Limit Potential Third Party Appeal Rights
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. City staff continue to compile the first draft of a comprehensive Town Planning Scheme covering the entire City of Albany; that document to be known as the "Community Planning Scheme A" (CPS). The CPS is being written in line with the *Model Scheme Text* (MST), which was introduced through regulation in October 1999.
2. At the March 2007 meeting of Council, a decision was taken by Council on the desirability of incorporating third party appeal rights into the CPS and the following resolution was passed:

"THAT Council instructs staff;

- (1) *to utilise Clause 14 of Schedule 7 of the Planning and Development Act 2005 when drafting the Albany Community Planning Scheme, to confer upon persons aggrieved by the exercise of a discretionary power a right to apply to the State Administrative Tribunal for a review of the exercise of the power; and*
- (2) *to utilise all the means at the City's disposal, including the recourse to law, to ensure the Minister gives effect to Council's intention."*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

3. Consistent with part (2) of the Council's decision, legal advice was sought on the actions that needed to be taken by staff and Council to ensure that the capacity to incorporate third party appeal rights into the CPS were not jeopardised. A copy of the legal 'opinion' obtained from Council's solicitors has been distributed independently to Councillors.

STATUTORY REQUIREMENTS

4. The *Planning and Development Act 2005* sets out the legal framework involved in preparing a new Town Planning Scheme. The relevant sections from that Act are;

69. General objects of local planning scheme

- (1) *A local planning scheme may be made under this Act with respect to any land;*
 - (a) *with the general objects of making suitable provision for the improvement, development and use of land in the local planning scheme area; and*
 - (b) *making provision for all or any of the purposes, provisions, powers or works referred to in Schedule 7.*
- (2) *With those objects a local planning scheme may provide for planning, replanning, or reconstructing, the whole or any part of the local planning scheme area.*

73. Provisions of local planning scheme

- (1) *A local planning scheme is to;*
 - (a) *define in such manner as may be prescribed by the regulations the area to which the scheme is to apply;*
 - (b) *specify the local government to be responsible for enforcing the observance of the scheme, and for the execution of any works which, under the scheme or this Act, are to be executed by a local government;*
 - (c) *provide for matters which may be dealt with by general provisions prescribed under section 256;*
 - (d) *otherwise supplement, exclude or vary the general provisions to the extent approved by the Minister; and*
 - (e) *deal with any special circumstances or contingencies for which adequate provision is not made by the general provisions.*

236. Making and determining applications for review

- (2) *This Part applies if a written law or a town planning scheme or any other written law gives the State Administrative Tribunal jurisdiction to carry out a review in accordance with this Part.*
- (3) *Even if a town planning scheme does not expressly give a person a right to apply to the State Administrative Tribunal for a review, in accordance with this Part, of a decision or matter, the planning scheme is to be taken to give that right if –*
 - (a) *The planning scheme is expressed as conferring on the person a right to appeal against the decision, or to refer the matter, under this Act; or*
 - (b) *The planning scheme is expressed as conferring on the person a right to appeal or apply for review in respect of the matter and the matter involves the exercise by the responsible authority of a discretionary power.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Schedule 7 (Matters that may be dealt with by a planning scheme)

14. *Application for review:- Where a discretionary power is vested by the scheme in the responsible authority, the conferral on a person aggrieved by the exercise of the power of a right to apply to the State Administrative Tribunal for a review of the exercise of the power.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There may be Financial Implications relating to this item, if the Minister was to reject Council's request and part (2) of Council's motion is actioned. The magnitude of those costs is indicated in the legal advice.

STRATEGIC IMPLICATIONS

7. In addition to the principles outlined in the draft Albany Local Planning Strategy, this item also relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

- *2. Albany Local Planning Strategy and Town Planning Scheme.”*

COMMENT/DISCUSSION

8. The information contained in the legal advice is self-explanatory. Staff currently have a Council instruction and that instruction is being actioned, with the working draft of the CPS incorporating the wording contained in the minutes of the March 2007 Council meeting.

9. The legal advice indicates that Council may wish to strengthen its capacity to have the Minister incorporate third party appeal rights into the CPS by “*conceding certain restrictions in relation to the right such as those that apply in other Australian jurisdictions*”. Under separate cover, the writer has provided Councillors with extracts of the legislation in Queensland, New South Wales and South Australia relating to appeal rights. Each State's legislation is difficult to translate to Western Australian terminology and it must be read in the complete context of the respective legislation. Nonetheless, the information gained from an examination of those state's legislation would indicate (in general terms) that;

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Queensland - non-developer appeals appear to be limited to a person (submitter) who lodges a submission on a proposal and by an advice agency.

New South Wales - non-developer appeals appear to be restricted to “designated development” which is prescribed under the Act and Regulations.

South Australia - non-developer appeals are generally limited to a person who is entitled to be given notice of a decision in respect of a Category 3 development.

10. Council’s instruction is that the CPS provide an appeal right to “*persons aggrieved by the exercise of a discretionary power*”. Council (including the actions of staff when they utilise the delegated powers provided under the Scheme) currently exercises discretionary powers when considering applications to use the performance standards of the R Codes, when assessing every A, AA, SA and IP land use activity identified in the zoning table of the Scheme, when assessing an application against a Council policy, when granting approval for signage, land fill, etc, etc. Of the applications processed, as many as 90% may involve the exercise of a discretionary power provided by the Scheme.
11. An opportunity exists for Council to review its decision in light of the advice it has received. As mentioned earlier, staff have already actioned the decision taken in March 2007.

RECOMMENDATION

THAT

- a) Council instructs staff, when drafting the Albany Community Planning Scheme, to confer upon persons aggrieved by the exercise of a discretionary power, where that person has been invited to provide comment or has responded to a general request from Council to comment on the application that is before Council, the right to apply to the State Administrative Tribunal for a review of the exercise of the power; and
- b) Staff obtain legal advice on the terminology to be included in the Community Planning Scheme to achieve the aforementioned outcome; and
- c) Council utilise all the means at the City’s disposal, including the recourse to law, to ensure the Minister gives effect to Council’s intention.

Voting Requirement Simple Majority

.....

Item 11.3.1 was withdrawn.

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Adoption of Strategy Document - Albany Local Planning Strategy

File/Ward	:	STR078 (All Wards)
Proposal/Issue	:	City of Albany Local Planning Strategy
Subject Land/Locality	:	Entire District
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Contract Strategic Planner (R Hensel) and Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/12/05 - Item 11.3.9
Summary Recommendation	:	Endorse Final Strategy and Forward to WA Planning Commission for endorsement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. In 2000, Council resolved to prepare a new consolidated Town Planning Scheme for the District. The first stage of this process was to prepare a Local Planning Strategy to establish the planning framework for the new Scheme.
2. Council engaged the services of ERM Australia to prepare an initial consultation draft Albany Local Planning Strategy (ALPS) for community feedback. That document identified development options well beyond the recognised land use planning horizons. Based on community feedback, and an internal evaluation of the ERM report, further work was undertaken by City planning staff, in partnership with a Council committee, to develop the ALPS. Work on the ALPS was halted when the Minister announced that the WA Planning Commission (WAPC) would be preparing a regional strategy covering the Lower Great Southern; it was considered desirable to make the two documents compatible.
3. With on-going delays in the finalisation of the Lower Great Southern Regional Strategy, it was decided that Council would proceed with the in-house preparation of the ALPS, using information gained from previous reports and accumulated data. Early versions of the ALPS were discussed with government agencies in Perth and Albany and their feedback was incorporated into the final draft.
4. In December 2005, Council resolved to *“note & receive the draft ALPS and, subject to a final review of the contents of the draft ALPS, the strategy be forwarded to the Western Australian Planning Commission (WAPC) with a request that the document be assessed as soon as possible for compliance with the Regulation 12A(3) of the Town Planning Regulations and Council be permitted to advertise the Strategy in accordance with the Regulations.”*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

5. On 9 August 2006, the City was advised that the Commission had granted its consent for Council to advertise the draft ALPS, subject to various minor modifications being made to the document prior to inviting public and government agency comment.
6. In September 2006, the ALPS was referred to relevant government agencies and advertised for public comment for a period of three months. Following requests from government agencies and the community, this was further extended for an additional month. During the four (4) month advertising period, Council officers made special presentations to professional and community groups. There were 65 formal submissions made on the draft ALPS. A schedule of submissions, with officer comments, will be provided under separate cover prior to the meeting and tabled at the meeting.

STATUTORY REQUIREMENTS

7. Regulation 12A of the Town Planning Regulations 1967 state;
 - (1) *If a Scheme envisages the zoning or classification of land, the local government shall prepare a Scheme Report under Regulation 12 in the form of a Local Planning Strategy and forward the Local Planning Strategy to the Commission.*
 - (2) *Without limiting the operation of Regulation (1) a local government may prepare a Local Planning Strategy in respect of a Scheme approved by the Minister for which a Local Planning Strategy has not been prepared at any time it thinks fit and forward the Local Planning Strategy to the Commission.*
 - (3) *A Local Planning Strategy shall set out the long term planning directions for the local government, apply State and regional planning policies and provide the rationale for the zones and other provisions of the Scheme.*

Regulation 12B then advises that;

- (1) *When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(1) advertise the Local Planning Strategy as if it were part of the Scheme.*
- (2) *When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(2) publish a notice of the Local Planning Strategy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of where the Local Planning Strategy may be inspected and in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.*
- (3) *After the expiry of the submission period the local government shall review the Local Planning Strategy in light of any submissions made and received, adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and submit a copy of the Local Planning Strategy to the Commission for its endorsement.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

POLICY IMPLICATIONS

8. The ALPS draws together several existing Council policies, strategies and related studies into a single overarching land use planning framework. Once adopted by Council and the Commission, ALPS will become the strategy document driving private sector investment and promote sustainable development. It will also provide the framework for the new Community Planning Scheme and the legislative controls affecting development.

FINANCIAL IMPLICATIONS

9. The work undertaken on the ALPS has been funded from several annual budgets. The current work is within the budget constraints.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Albany Local Planning Strategy and Town Planning Scheme.”

COMMENT/DISCUSSION

11. The Final ALPS document has incorporated updated data and information to that contained in the draft ALPS and includes the modifications recommended from the public consultation period, including the Peer Review. There are also some corrections made by Council staff to correct drafting errors and respond to the drafting inconsistencies identified by the WAPC.

CONSULTATION

12. In September 2006, the draft ALPS document was sent to relevant government agencies and advertised for public comment for a total period of four months. During this period, over 200 printed and 300 electronic copies of the draft documents were distributed. Council officers also made themselves available for special presentations/briefing sessions to professional and community groups. There were 65 formal submissions made on the draft ALPS. The largest number was from planning consultants (19), followed by State Government agencies (12) and community organisations (6). The rest were submissions from individual landowners.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

13. Finalising the schedule of submissions, with officer comments, has been time consuming and the report will be distributed to Councillors prior to the MINUTES Briefing and tabled at the Council Meeting.
14. The following summary draws out the main issues raised in the submissions, and their implications;

Urban Development:

15. A number of submissions proposed changing parcels of land (approximately 588ha of land in total) in the draft ALPS from the “Rural Residential” and “Conservation” classifications to “Future Residential” land. Approximately 250ha of land to the north and south of the existing urban front in McKail is proposed to go from “Rural Residential” to “Future Residential”. This initiative is supported as it is consistent with the ALPS principles and will support the continuation of the existing development front, reduce the City’s ecological footprint and make services more viable in the locality. Another submission proposes that 276ha of land adjacent to Nananup Road, King River be set aside for the development of an urban village of over 300 lots; to achieve that objective, the current designation of the land in ALPS would need to be changed from “Rural Residential” to “Future Urban”. Staff recommend that the final ALPS identify this area as a long term urban development corridor and that its long term urban potential be protected by ensuring it is not fragmented into inappropriate “Rural Residential” development, without reticulated sewer, in the interim.

Rural Living

16. Submissions were lodged, proposing that 856ha of “Priority Agricultural” and “General Agricultural” land in the draft ALPS be designated to allow for 576ha of “Rural Residential” and 280ha of “Rural Small Holdings” development. The “Rural Residential” is proposed at the Kalgan Townsite (250ha), in Kalgan (133ha), Lower King (96ha), King River (156ha), Drome (65ha) and Marbellup (70ha). The “Rural Small Holdings” is proposed for a 280ha property, to replace “Priority Agriculture” at Elleker.

There is currently sufficient zoned “Rural Residential” (“Special Rural”/“Special Residential”) to satisfy the short to medium term demand, if that land was released into the market. Approximately 600 lots are currently zoned in the City’s Town Planning Scheme, have received subdivisional approval and are yet to be developed. Staff recommend that, in the future, a limited number of lifestyle lots (supporting a combination of lot sizes and land uses) only be supported and they be located adjacent to selected rural townsites. The townsite expansions should be the subject of detailed structure planning.

Creating low density “ad hoc” urban lots on the periphery of the City produces a major development windfall for the landowner, extends the ecological footprint of the City with non-sustainable uses, adds considerably to community costs to provide services to those lots and creates the potential for land use conflict with adjoining agricultural pursuits. There are currently over 2,000 lots scattered throughout the City of Albany between 1.0ha and 5.0ha in area, adequate to accommodate the needs of persons seeking that lifestyle option. Council is under no planning or policy obligation to add to the current inventory of lifestyle lots and if additional areas are to be created, there should be a strategic rationale for that decision.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

The only additional areas being promoted by staff for rural living purposes are the Gunn Road development (equine and aviation park) and the Lowanna Drive proposal. These two areas are on the western side of the Albany Ring Road and they are the last areas capable of being developed in close proximity to existing services, without impinging upon the City's valuable water reserves.

Conservation

17. Several submissions proposed that approximately 62ha of land in the draft ALPS be changed from the "Conservation" classifications to "Future Residential" land. They also sought confirmation that the "Conservation" classification in Big Grove would not compromise future subdivision. If so, the classification should be changed to allow for the subdivision of lots in the 2.0 to 5.0ha range.

The ALPS "Conservation Areas" are located in Little Grove, Big Grove, Torbay Hill and Nullaki, with many of those areas adjacent to major tourist routes. The "Conservation" classification was included in ALPS to reflect the visual sensitivity of the land and its position adjacent to either a National Park, the ocean, an inlet or harbour, above a groundwater reserve and in an area of high visual amenity. The area may also be subject to a fire risk that ranges from high to extreme. To retain the amenity and ecological sustainability of these areas, minimising the development/built form footprint is very important and ALPS does not seek to predetermine lot sizes for the respective areas. As a general principle, the identified "Conservation Areas" will not support the further break down of lot sizes or development intensification (grazing, home based business, etc.).

Peer Review

18. In May 2007, the City of Albany and the Great Southern Development Commission sponsored a comprehensive Peer Review of the draft Albany Local Planning Strategy. The Peer Panel (Patric DeVilliers, Sharni Howe, Geoff Klem and Brian Newman) acknowledged that the ALPS has provided an extremely comprehensive data base on which to base the future planning of Albany. The final Peer Panel report was not available at the time the MINUTES was prepared and will be distributed to Councillors prior to the meeting. The Panel has recommended a number of areas where the ALPS needs to be reinforced and has also recommended political actions beyond the scope of ALPS to resolve.

The production of a final ALPS document (incorporating the changes recommended in the Schedule of Submissions) has also been delayed to allow for the updating of demographic information, using the 2006 Census results, and will also be distributed to Councillors prior to the meeting.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

RECOMMENDATIONS

1. THAT;
 - i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either adopted or rejected as detailed;
 - ii) The report of the Peer Review Panel on the Draft Albany Local Planning Strategy be received and the recommendations contained therein be actioned;
 - iii) Council receive and endorse the modified Final Draft of the Albany Local Planning Strategy; and
 - iv) The Albany Local Planning Strategy be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible in compliance with the Regulation 12B(3) of the Town Planning Regulations.

Voting Requirement Simple Majority

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2. THAT the Chief Executive Officer actively pursue, through the State Government;
 - i) the establishment of a Ministerial Taskforce to create a short term mechanism to establish an integrated strategy for urban growth in the City of Albany; and
 - ii) the establishment of a Great Southern Planning Committee, with full delegated powers from the WA Planning Commission, similar to the Committee established in the South West.

Voting Requirement Simple Majority

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ADDENDUM

Discussions with Planning Consultants and Department of Planning and Infrastructure

19. Following presentations on this item at the Council Agenda Briefing on the 10th July 2007, Council officers held further discussions with Craig Pursey (Harley Survey Group), Delma Baesjou (Ayton Taylor Burrell) and Steve Petersen (Department of Planning and Infrastructure (DPI)) on those matters raised in their submissions and the additional issues of concern outlined at the briefing.
20. The following summarises the main issues raised in those discussions and the resultant outcomes.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Urban Development

21. There were two additional issues raised;
- a. The first concerned the omission of the land adjacent to Frenchman Bay Road as 'Future Urban' to reflect the 'Residential Development' zone in TPS No3 and an additional area (Lot114) currently the subject of a SAR, plus the areas to the south. Advice from the DPI supported the ALPS general classification for 'Rural Residential'; as the area has major servicing and environmental constraints, including priority water catchment areas, its low lying nature and priority one acid sulphate soils. These constraints will need to be evaluated prior to any consideration of fully serviced urban development. Those submissions impacted by this issue have been modified accordingly and Map 9B also modified. Refer to the attached modified response to submissions Nos **7 and 65** for details.
 - b. The second concerned the 'Future Urban' priority 5 classification, in that it restricts the opportunity for independent 'urban villages' to be established in the short term. Pg135 of the ALPS states that;
"The Priority 5 classification for Lower King and Kalgan have been based on current growth scenarios and within the context of urban development rolling out in a staged manner with supporting infrastructure and services. Priority 5 areas have been identified in ALPS to protect them from further fragmented development that would prejudice their potential for future long term urban development".
This does not preclude Council, the DPI and the WAPC from considering suitable self-contained, comprehensively structure planned and fully serviced urban villages outside the current development front. Structure planning for these villages will need to address the locations for housing, employment, commercial, recreational and other purposes, coordinated with the efficient and economic provision of transport, essential infrastructure and human services and be prepared at the developer's cost. These principles are consistent with Western Australian Planning Commission's Statement of Planning Policy No 3 *Urban Growth and Settlement*. These comments mainly relate to submissions **29(f) and 54**.

Conservation

22. The concern raised was to provide greater clarity in ALPS as to this classification. The ALPS current statement on conservation (pgs 139 & 140) should be further modified to include the additional material contained in the Schedule of Submissions:- Appendix 1 for consistency and further clarity.

Precinct and Structure Planning

23. A number of issues relating to Precinct and Structure planning were raised in various submissions;
- A request to recognise the King River tourist, function centre, hotel and a number of other facilities that provided services for the local community, as a settlement node, with the potential for further development within the locality (**Submission 49**). This area is located at the fringe of the 'Future Urban' area identified in ALPS and its development potential and timing will be addressed as part of the ongoing district structure planning process. Until the more detailed precinct planning process is completed, the future of this area needs to remain undefined (refer also to the comments of the Peer Review Panel).

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- The response to submission 46 was questioned. The officer's comment covered the issues raised during the discussion.
- Submission 43 was also discussed and the possibility of a reduced extension of the existing rural living zoning explored. The reasons for the officer's recommendation are still valid. However, the future precinct planning and structure planning of this area will determine the most appropriate use of this land.

Refer to Section 9:- 'Implementation' (pgs 168 to 171) of ALPS for precinct and structure planning recommendations. Other individual references are also made throughout the ALPS. It should be noted that, as the more detailed planning continues, the ALPS can be modified if there are strategic implications that need to be resolved.

Late Requests for Modifications to the ALPS

24. A number of letters were received by the City of Albany in May, June and July 2007 requesting either modifications to the strategic direction of small localities or requesting points of clarity. Those requests were not incorporated into the Schedule of Submissions for the ALPS as the information was received well after the closure of the extended January 2007 submission period. Nonetheless, there were no new substantive issues raised that were not contained in other submissions or reflected in the ALPS document.

Incomplete Planning Studies

25. Council recently engaged Pracsys to prepare an independent tourism strategy in response to the Ministerial Taskforce Report on Tourism Accommodation. The Pracsys report is soon to be submitted to Council in a final draft form and the project brief required the consultant to prepare a more rigorous evaluation of tourism sites for inclusion into ALPS. The current tourism strategy provisions reflect earlier "broad scale" planning undertaken as part of the Lower Great Southern Strategy.
26. ALPS recommends that a similar study be undertake, as a matter of urgency, to identify additional industrial land. On completion, the results of that study will require ALPS to be adjusted to reflect a potential alternate strategic direction, a direction which may also require adjustments to other land use decisions. There will be other strategic reports, plus changes in government policy that will occur from time to time and the regulations anticipate that ALPS will be amended, similar to the current town planning schemes, to respond to those changes.
27. ALPS is required by statute to be reviewed every five years. By undertaking regular reviews, the currency and relevance of ALPS is maintained and the statutory reviews become less arduous. To withhold the finalisation of ALPS until those other studies and reports are completed will leave a considerable strategy void for the development industry; Council is reminded that the ALPS (and future amendments to the strategy) only becomes part of the state planning framework after it has been finally adopted by the City and the WAPC.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

AMENDED OFFICER RECOMMENDATIONS

1. THAT;
 - i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either adopted or rejected as detailed;
 - ii) The report of the Peer Review Panel on the Draft Albany Local Planning Strategy be received and the recommendations contained therein be actioned;
 - iii) Council receive and endorse the modified Final Draft of the Albany Local Planning Strategy; and
 - iv) The Albany Local Planning Strategy be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible in compliance with the Regulation 12B(3) of the Town Planning Regulations.

Voting Requirement Simple Majority

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2. THAT the Chief Executive Officer actively pursue, through the State Government;
 - i) The establishment of a Ministerial Taskforce to create a short term mechanism to establish an integrated strategy for urban growth in the City of Albany; and
 - ii) The establishment of a Great Southern Planning Committee, with full delegated powers from the WA Planning Commission, similar to the Committee established in the South West.

Voting Requirement Simple Majority

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3. THAT, as a matter of policy, Council requires staff, when submitting future land use strategy documents for Council consideration, to detail the implications of that strategy on ALPS and that ALPS be modified at the earliest opportunity after the adoption of that strategy document to reflect the agreed change in Council's strategy position.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR MARSHALL**

THAT Council lay this report on the table for a period of one month to provide an opportunity for City of Albany Planning Staff to adequately brief Councillors on the content of the recommended final draft of the Albany Local Planning Strategy.

CARRIED 13-0

Reason:

Council has been supplied with a considerable amount of information relating to the status of the Albany Local Planning Strategy, together with a Peer Review Report, which reflects upon the final content of the strategy. Prior to determining the merits of individual submissions, Councillors should receive a comprehensive briefing from City staff on the principles outlined in the Officer's Report.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Schedule of Submissions for Albany Local Planning Strategy (ALPS)

Modifications

No.	Submitter	Submission	Officer Comment	Council Recommendation
7.	Ayton Taylor Burrell 11 Duke Street, ALBANY Lots 52 & 53 Frenchman Bay Road, Albany	a) Request that ALPS be modified to remove the subject land comprising two 3.5 ha lots from the “Local Reserve” classification to “Residential Development” or “Special Residential”.	a) Both lots have been cleared and developed. The subject land is not suitable as a “Local Reserve” and a road reserve (cycle path) segregates it from the foreshore reserve. “Residential Development” or “Special Residential” land uses are inconsistent with proposed larger lot adjoining land uses. <i>The land has major development constraints, including Acid Sulfate Soils, local flooding and servicing Issues.</i> <i>The land to be classified as ‘Rural Residential’ to be consistent with similar areas in Robinson.</i>	a) Support. On Map 9B include a portion of “Rural <i>Residential</i> ” between Frenchman Bay Road and the foreshore reserve.
8.	RE & VJ Savage Lot 19 Frenchman Bay Road ALBANY	a) Current Zoning of subject land, namely “Special Site-Holiday Accommodation” will not be changed. b) Confirmation that ALPS “Conservation” classification will not affect the possibility of subdivision of subject land.	a) This submission is not of a strategic nature and relates to the preparation of the Community Planning Scheme (CPS). b) The intent of the ALPS “Conservation” classification has been clarified. Refer to Appendix 1 for details. <i>The ALPS current statement on conservation (Ps 139 & 140) includes additional material from the Submissions Appendix 1 for consistency and further clarity.</i>	a) Noted b) Noted

DEVELOPMENT SERVICES REPORTS

No.	Submitter	Submission	Officer Comment	Council Recommendation
17.	R Pirotta 826 Frenchman Bay Road, ALBANY	a) ALPS does not clearly indicate that the “Conservation” classification supports further subdivision. Wishes to subdivide into 2ha lots.	a) The intent of the ALPS “Conservation” classification has been clarified. Refer to Appendix 1 for details. See submission 8(b)	a) Noted.
29.	Great Southern Development Commission PO Box 280 ALBANY	<p>a) Further vegetation studies may result in less future residential land than shown in ALPS.</p> <p>b) The estimated 183.24 dwelling per annum in ALPS does not accord with the average of 382 pa in previous four years.</p> <p>c) The actual number of future dwellings has been greater than estimated.</p> <p>d) Urban front development strategic objective implies urban sprawl. Albany should not have this character. Needs urban villages.</p> <p>e) Not enough industrial land shown in ALPS.</p> <p>f) Current proposal for Candyup be shown as “Residential” and not “Rural Residential” as shown in ALPS.</p>	<p>a) More detailed studies will be done as part of the District and Local Structure Planning Process. Yield may be reduced accordingly.</p> <p>b) Agreed. ALPS to be modified accordingly.</p> <p>c) Agreed. ALPS to be modified accordingly.</p> <p>d) Urban frontal will be structured planned and staged. Urban also includes integrating development within remnant vegetation, rivers, creeks etc.</p> <p>e) ALPS recommends that an Industrial Land Study be undertaken urgently.</p> <p>f) ALPS to recognise that Candyup can be sewered and more intensely developed. Classify as “Future Urban Development”.</p>	<p>a) Support. Modify ALPS to reflect the impact of vegetation retention on future lot yield.</p> <p>b) Support. Modify ALPS to reflect current growth trends.</p> <p>c) Support. Modify ALPS.</p> <p>d) Noted</p> <p>e) Noted</p> <p>f) Support. Change Map 9B to show land adjacent to Nanarup Road as “Future Urban”.</p>
43.	Ayton Taylor Burrell Lots 405 & 601 Gull Rock Rd and Mt Richard Rd, Kalgan	a) Include Lots 450 and 601, a total of 133 ha, to “Rural Residential” from “General Agriculture”.	a) There is currently an over supply of “Special Rural”/“Special Residential” zoned lots in the CoA. Refer to Appendix 2.	a) Dismiss
46.	Ayton Taylor Burrell 11 Duke Street, ALBANY Lots 2, 3, 10, 11 & 76 Mt Boyle Rd & Riverside Rd, Kalgan	a) Propose from “General Agriculture” to “Rural Residential”, “Rural Small Holdings” and “Local Reserve”	a) This area is indicated in the Lower Great Southern Regional Strategy as “Priority Agriculture”. The area would adjoin the Kalgan Townsite Structure Planning Process recommended in ALPS. [See also submission 42 c)]	a) Dismiss

DEVELOPMENT SERVICES REPORTS

No.	Submitter	Submission	Officer Comment	Council Recommendation
49.	Ayton Taylor Burrell 11 Duke Street, ALBANY Lots 13, 50, 111& 300 Chester Pass & Millbrook Roads, King River	a) Proposes the subject land be changed from the “General Agriculture” to “Rural Residential” classification as an extension of the existing “Special Rural” and “Special Residential” zones and the King River locality be shown as a “Rural Village” in ALPS.	a) The subject land adjoins the “Future Urban” area, classifying King River as a new “Rural Village” is not supported. Due to its location, the subject land may be considered for more intense development in the long term. <i>The future role of the King Rive as a tourist location, function/service centre and the surrounding locality will be addressed in the more detailed Precinct Planning and longer term Conceptual Urban Planning to be undertaken.</i> The development of the subject land to “Rural Residential” does not fit within the current ALPS strategic frame work. Refer to Appendix 2 for details.	a) Dismiss
54.	Ayton Taylor Burrell 11 Duke Street, ALBANY Lots 50 & 51 Nanarup Rd, Kalgan	a) Requesting that ALPS be modified to include the subject land for “Future Residential” development in association with tourist and rural living development subject to a comprehensive plan for the area being developed in consultation with the community.	a) Refer to submission 29 f).	a) Support. Change Map 9B to show land adjacent to Nanarup Road to “Future Urban”.

DEVELOPMENT SERVICES REPORTS

APPENDIX 1

There are parcels of land in Albany, held in freehold title, which should be resumed by the Crown for environmental purposes or by the City of Albany to protect important landscape values. The capacity to purchase those lots is beyond the Crown and the City and development pressures in the vicinity of those lots is growing. The lots have previously been zoned “Rural” and the removal of vegetation from the land to make way for agricultural pursuits would seriously compromise the important societal values that the land parcels provide.

The ALPS identifies areas as “Conservation Areas” in Little Grove, Big Grove, Torbay and Nullaki. Those areas are in close proximity to major tourist routes, are visual sensitive, are adjacent to the National Parks, the ocean, inlets and harbours, are located above groundwater reserves or are unsuitable for either closer development or rural purposes. By denoting those areas as “Conservation” in ALPS it is recognized that the landowner will be given potential subdivision and development rights, subject to very stringent environmental standards being applied to that development, not dissimilar to the conservation lots that can be produced in rural areas under development control policy DC3.4. The town planning scheme provisions and zonings to protect “Conservation” areas will be different for each area and will recognize the values that are to be protected though the subdivision and development process.

In determining an appropriate lot size for each conservation area, the primary determinant will be the fire risk in the area, which will generally range from high to extreme in these localities. To retain the amenity and sustainability of these areas, the minimization of the development and built form footprint is very important, but Council has a duty of care to the future inhabitants to ensure they can protect themselves from wildfire, using the Planning for Bushfire Guidelines.

As a general strategic principle, the ALPS Conservation Areas will require larger lot sizes than those prevailing in the locality, the installation of fencing and the clearing of lots for individual firebreaks will be discouraged and the further break down of lot sizes will not be supported.

APPENDIX 2

Within the City of Albany there are currently 1711 lots between 1.0ha and 8.0ha in area, held in single ownership, and a further 835 lots held as part of consolidated land parcels by the owner. Many of those lots are located within the broader rural landscape rather than in designated Special Rural estates. Owners of lots away from the urban fringe are less reliant upon City of Albany services, they form part of the rural community and are generally active members of volunteer fire fighting brigades and other community groups. With approximately 64% of all small lots located to the west of Albany Highway, in the higher rainfall area, the landowners are also more likely to be using their properties for the grazing of stock, for horticultural pursuits and other activities that derive some income from the property.

Peri-urban, small lot owners are generally more reliant upon City of Albany services (rubbish collection, etc) and generally use their properties for recreational pursuits (horse agistment) or as a bushland retreat close to their place of employment. Submission 32 reinforces that there has been a change in consumer demand and additional areas of rural living development should be focussed on meeting specific consumer requirements (refer to submission 20).

DEVELOPMENT SERVICES REPORTS

The City of Albany's Local Rural Strategy was prepared in 1996 and the selection of areas capable of being subdivided for "Special Rural" and "Special Residential" purposes was primarily driven by developer expectation. Without exception, the areas identified in that strategy were disjointed, were acknowledged to have environmental constraints and had lot sizes chosen based upon prevailing WAPC policies, rather than sound land capability analysis. The long term implications of expanding services and the upgrading of intervening roads was not taken into consideration during that assessment process.

There is currently in excess of 600 additional lots zoned for "Rural Residential" ("Special Rural" and "Special Residential") development purpose with a subdivisional approval in place, in addition to the figures mentioned above, which is adequate to meet the short to medium term demand for those lots, if that land was released into the market. The number of new house commencements on "Rural Living" lots would indicate that the current approvals would meet the next five year's demand, and there are additional areas that have been rezoned (in accordance with the Local Rural Strategy), or have not yet progressed with a subdivision application, to accommodate the demand beyond that period. A limited number of lifestyle lots (supporting a combination of lot sizes and land uses based upon quality land capability assessment) can only be supported in the future and ALPS recommends that they be located adjacent to selected rural townsites, where they can support existing local stores, schools and rural services. Those townsite expansions (refer to Table 7) will need to be the subject to detailed structure planning.

The containment of "Rural Residential" development in the City also:

- Minimises the 'development footprint' on the landscape;
- Assists in the protection of biodiversity, the environment and unwarranted removal of productive agricultural land;
- Promote energy conservation;
- Retains lifestyle and housing choice;
- Transfers the community cost of lifestyle blocks back to the consumer; and
- Reduces government expenditure on servicing current and future populations.

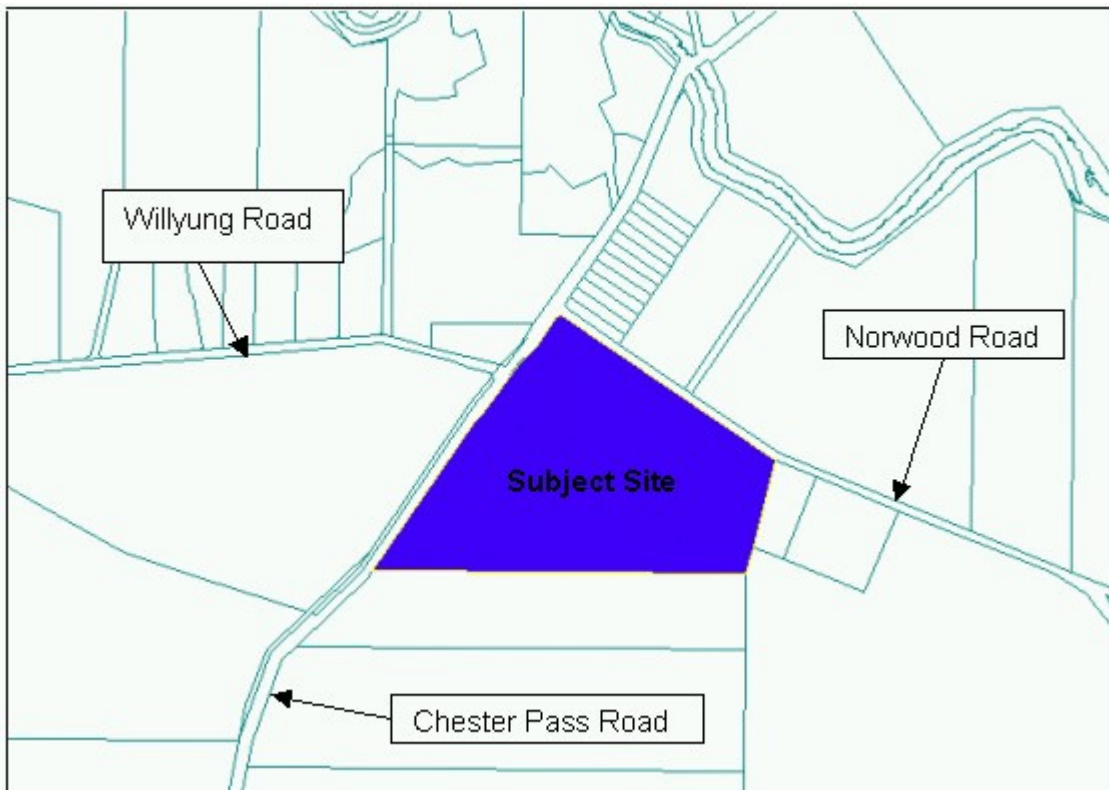
Creating low density "ad hoc" urban lots on the periphery of the City produces a major development windfall for the landowner, extends the ecological footprint of the City with non-sustainable uses, adds considerably to community costs to provide services to those lots and creates the potential for land use conflict with adjoining agricultural pursuits. The direction in which the Albany can grow in the future is limited and historical development of lifestyle lots on the peri-urban boundary is now seriously constraining urban growth.

Council is under no planning or policy obligation to add to the current inventory of lifestyle lots. If additional areas are to be created, there should be a strategic rationale for that decision and ALPS provides that rationale. Land to the north and north east of the city is particularly attractive for lifestyle lot development and it is that area that will ultimately supply the City's longer term urban land.

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment Request - Lot 100 Chester Pass Road, King River

File/Ward	: SAR118 (Kalgan Ward)
Proposal/Issue	: Request to rezone portion of land to “Special Residential”
Subject Land/Locality	: Lot 100 Chester Pass Road, King River
Proponent	: Dykstra Planning
Owner	: TR Addis
Reporting Officer(s)	: Senior Planning Officer (K Hughes)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Not support the rezoning to “Special Residential”
Bulletin Attachment	: Scheme Amendment Request
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to rezone a portion of Lot 100 Chester Pass Road from the “Rural” zone to the “Special Residential” zone. A copy of the request is included in the Elected Member’s Report/Information Bulletin.
2. The property is used for livestock grazing (sheep) and fodder production. A watercourse runs through the centre (north - south) of the property forming the boundary of the proposed rezoning. There are pockets of remnant vegetation on the land and access is available from both Chester Pass Road and Norwood Road (both sealed).
3. The SAR was referred to the Department for Planning and Infrastructure (DPI), Water Corporation, Department of Environment and Conservation, the Department of Water, the Department of Health, the Department of Agriculture and Food and Main Roads. No comments were received from the Department of Health.

STATUTORY REQUIREMENTS

4. The properties in question are currently zoned “Rural” in Town Planning Scheme 3. The purpose of this zoning is *“to ensure that high quality agricultural land is retained for primary production”*.
5. A Scheme Amendment Request (SAR) is not a statutory process under the Planning and Development Act 2005. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
6. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

7. One of the key objectives of the Statement of Planning Policy (SPP) No 2.5 ‘Agriculture and Rural Land Use Planning’ is *to “discourage land uses unrelated to agriculture from locating on agriculture land”*.
8. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

STRATEGIC IMPLICATIONS

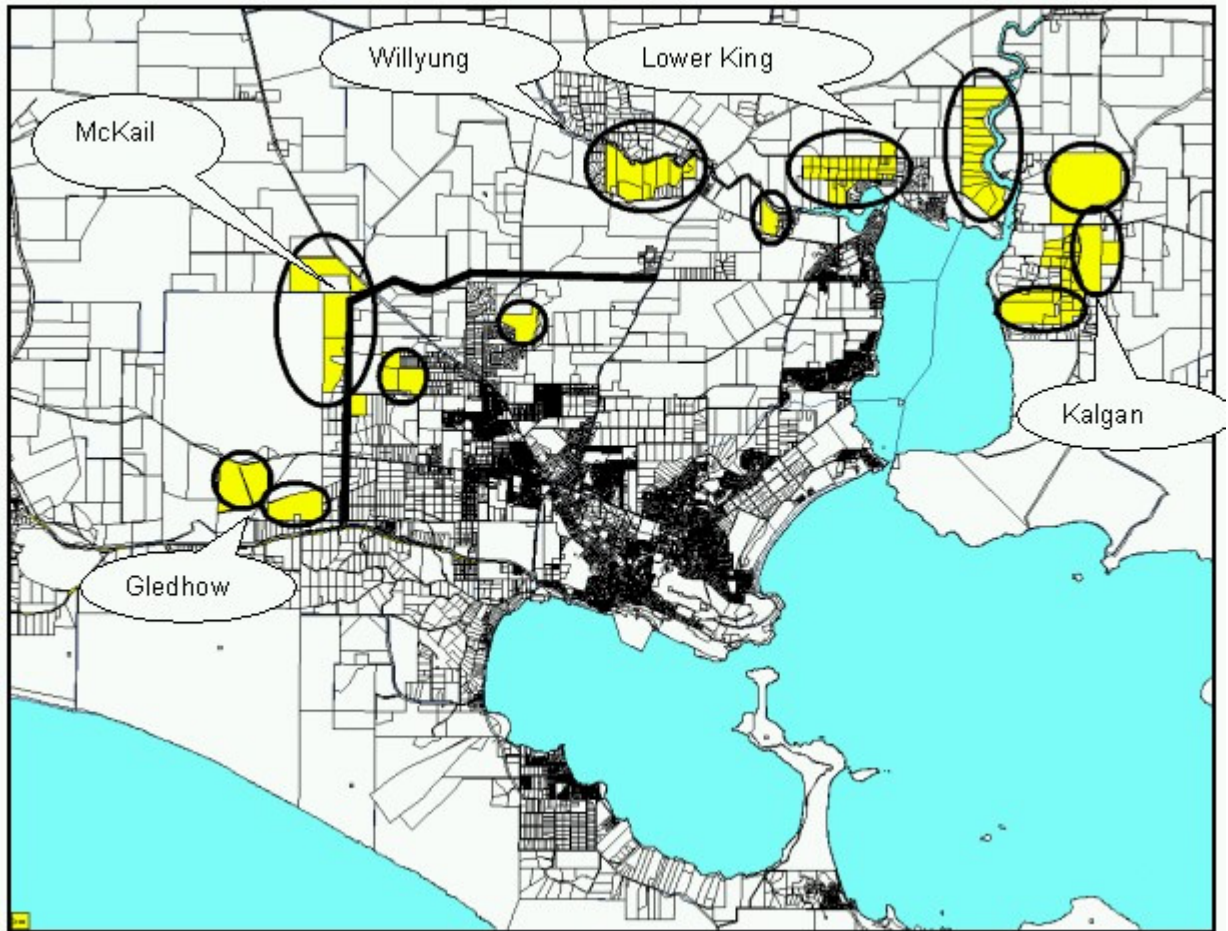
- 10. The Draft Albany Local Planning Strategy (ALPS) document provides a guide to strategic decision-making. This document indicates the area in question as being suitable for “Rural Residential”. Rural living areas, while offering a lifestyle choice, have the potential to have a negative effect on agricultural production and the natural environment. The draft ALPS recommends the following strategy actions, which should result in the development of the existing zoned rural/residential areas, prior to considering the creation of additional areas:

Development of the existing supply of rural living areas to be the first priority prior to considering the creation of additional areas (CoA, WAPC).
Review existing rural living areas to maximise opportunity to achieve higher sustainable lot yields based on land capability/suitability, service provision and local constraints to be the second priority to meet future demands (CoA, WAPC)
Determine criteria to determine the need, extent and location of rural living areas within the City of Albany. This to include the impact on existing agricultural land, the landscape, future urban expansion, fire risk; costs of providing and maintaining infrastructure, demand/ supply/ size of lots, availability of existing zoned land and extent of development (CoA)

- 11. Council staff are currently evaluating submissions on the Draft ALPS following its advertising for public comment. The officer’s report on the final adoption of ALPS appears in this MINUTES. Some of the submissions, along with the recent Peer Review of the Draft ALPS, have questioned the rationale of having larger lot “Special Rural” developments in strategic locations, without supporting infrastructure, community facilities and local employment opportunities. These proposals have the potential to prejudice Albany’s long-term urban development options.
- 12. The CoA Rural Planning Issues Review (Landvision, 2002) concluded that there was an over supply of Special Rural/Special Residential lots. The Review also found that Rural Residential subdivision used for speculation can impact on agriculture land values and increase rates.
- 13. The diagram below illustrates areas (Gledhow, McKail, Millbrook, Lower King and Kalgan) around the perimeter of Albany, which have been zoned for rural/residential living and have not been developed. Currently there are approximately 670 lots (30% of the total lots within existing “Special Rural” and “Special Residential” zones within Albany’s urban fringe) that do not have final subdivision approval.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued



COMMENT/DISCUSSION

Proposal

14. The application seeks to rezone a portion of a 32.85 hectare lot in the King River area from the “Rural” zone to “Special Residential”, the purpose being to accommodate rural/residential living. The subject land is in proximity to an existing Special Residential area.
15. Reticulated water, power and telecommunications are currently available. From the information available, it appears that the subject land has the potential for around 25 rural residential size lots (if the 0.8370ha average lot size is applied over the area to be rezoned).

Constraints

16. Placing rural/residential living on the subject site does not meet the aims and objectives of the draft ALPS document.
17. Although the draft ALPS indicates the area as being suitable for “Rural Residential”, the strategy recommends the development of the existing supply of rural/residential areas as the first priority, prior to considering the creation of additional areas. There is already a large supply of rural/residential zoned land available for development around Albany. Preliminary investigations indicate that only 40% of existing special rural/residential land has been developed.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

18. Consumer demand is moving away from large lots, which require high amounts of time and cost for maintenance and towards smaller lots close to supporting infrastructure. Consumers wishing the larger lots can secure those 'lifestyle' lots, albeit that a premium is paid for the lot.
19. The proposal does not address Statement of Planning Policy 2.5 - specifically Section 5.2.3 (Town Planning Scheme Provisions to Avoid Land Use Conflicts) and 5.4.2 (Integration of Land Use Planning, Catchment and Water Resource Management).
20. A number of significant environmental constraints have been identified for the lot (in its entirety) relating to land capability, acid sulphate soils, waste water disposal, visual amenity, flood levels, proximity to environmentally sensitive waterways/wetlands, remnant vegetation and foreshore management issues. These strategic constraints were not identified or addressed in the SAR report. With the extent of low lying land on the property, large areas of the site would appear to have poor capability to support development and would potentially require significant remedial measures to ensure development can meet environmental requirements.
21. The indicative subdivision lot layout and design would also appear to conflict with EPA Policy for Environmental Guidance for Planning and Development with regard to buffers and setbacks from waterways; the SAR is not intended to provide definitive advice on land capability and suitability, however it should highlight potential strategic constraints.
22. The integrity of Chester Pass Road as a heavy haulage route needs to be protected. This involves the minimisation of access points onto this highway. The creation of a new access onto Chester Pass Road cannot be supported; preventing urban encroachment into the Pendeen Industrial Estate buffer is also of paramount importance.

Conclusion

23. The application seeks to align itself with the "broad" strategic planning framework for Albany as defined in the Consultation draft of the Albany Local Planning Strategy. Based on the existing land supply of rural/residential land, staff can see no urgent reason to rezone more (this) land for rural residential living; the arguments contained in the SAR do not change that position.
24. The proposal is inconsistent with the underlying strategic objective of ALPS for rural living, which is to *"ensure that rural living areas are planned and developed in an efficient and coordinated manner as logical extensions of existing settlements that have adequate services and community infrastructure"*.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- 25. The lands adjoining the subject site are designated as “Long Term Residential” in the draft ALPS. This proposal does not address the overall strategic context of the balance of the site and could compromise the future development of the area. The proposal is premature, not justified and could prejudice the long term development options beyond the current framework of ALPS.

RECOMMENDATION

THAT Council advise the Proponent that it is unlikely to support a formal application for the rezoning of a portion of Lot 100 Chester Pass Road from the “Rural” zone to the “Special Residential” zone.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR JAMIESON**

THAT Council advise the Proponent that it is unlikely to support a formal application for the rezoning of a portion of Lot 100 Chester Pass Road from the “Rural” zone to the “Special Residential” zone.

CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil

11.5 EMERGENCY MANAGEMENT

Nil

11.6 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment

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

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques		Totalling	\$74,089.14
Electronic Fund transfer		Totalling	\$4,128,104.53
Credit Cards		Totalling	\$8,001.88
Payroll		Totalling	\$616,639.00
Total			<u>\$4,826,834.55</u>

- As at 27th June 2007, the total outstanding creditors, stands at \$550,823.35.
- Cancelled Cheques – 23226, 23259 and 23271.

RECOMMENDATION

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

Municipal Fund		Totalling	<u>\$4,826,834.55</u>
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Voting Requirement Simple Majority

.....

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

Item 12.1.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

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

Municipal Fund	Totalling	<u>\$4,826,834.55</u>
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CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

12.2.1 Access and Inclusion Strategy for People with Disabilities

File/Ward	: MAN135 (All Wards)
Proposal/Issue	: N/A
Subject Land/Locality	: N/A
Proponent	: Executive Director Corporate & Community Services (WP Madigan)
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT the City of Albany Access and Inclusion Strategy for People with Disabilities, be adopted
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. People with disabilities and their families and carers have the same rights as other people to access services within the community. These rights are built into State and Commonwealth legislation, which makes it unlawful to discriminate against a person with a disability.
2. To achieve these ends, an “Access & Inclusion Strategy for People with Disabilities” has been prepared and is attached.
3. The Strategy incorporates the following six underlying principles:
 - **Access to City Services and Events**
People with disabilities have the same opportunities as other people to access the services of, and any events organised by the City of Albany.
 - **Access to City Buildings and Facilities**
People with disabilities have the same opportunities as other people to access the buildings and other facilities of the City of Albany.
 - **Access to City Information**
People with disabilities have the opportunity to receive information from the City of Albany in a format that will enable them to access the information, as readily as other people are able to access it.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

- **Access to Quality Service**
People with disabilities have the same opportunities to receive the same level and quality of service from the staff of City of Albany as other people receive from the staff.
- **Access to City Complaints Procedure**
People with disabilities have the same opportunities as other people to make complaints to the City of Albany.
- **Participation in Public Consultation Process**
People with disabilities have the same opportunities as other people to participate in any public consultation by the City of Albany.

STATUTORY REQUIREMENTS

4. Public authorities in Western Australia have been required to have Disability Service Plans (DSPs) as part of the Disability Services Act (1993). DSPs have been in place for over 10 years, and a great deal of progress has been made by State and Local Government towards ensuring that their services, buildings, and information are accessible to people with disabilities.
5. The Disability Services Act (1993) was amended in December 2004, and requires public authorities to develop and implement Disability Access and Inclusion Plans (DAIPs). The requirements of DAIPs build on those of DSPs, so that people with disabilities can access services provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

POLICY IMPLICATIONS

6. The policy implications in relation to this item are set out in the strategy, and address the six principles.

FINANCIAL IMPLICATIONS

7. There are no direct financial implications in relation to this item.

STRATEGIC IMPLICATIONS

8. This strategic context for the City of Albany is set out in the City of Albany 3D Corp, which states...

“Community Vision:

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

Mission Statement

The City of Albany is committed to...

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

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

Priority Projects

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

Disability Services is a strategic focus area with the City's Community Development Strategy (2007).

COMMENT/DISCUSSION

9. The following Methodology was used in the development of the plan:

Consultation

In 2007, the City undertook to review its Disability Service Plan, consult with key stakeholders and draft a new Disability Access and Inclusion Plan Strategy to guide improvements to access and inclusion in the future.

The process included:

- Preparation of a draft strategy based on six underlying principles;
- Review by the City's Executive Management Team, Disability Services Commission and the Community Access and Information Branch;
- Community advised through the local newspapers and the City's website to provide comment on the proposed strategy; and
- Direct contact with the members of the Technical Working Group – Disabilities.

Submissions received have been incorporated in the document.

Promotion

The City of Albany Access and Inclusion Strategy for People with Disabilities will be promoted:

- Through the local media;
- Through the City's Internal newsletter;
- By inclusion on the City's website; and
- Agents and contractors who provide a service to the public on behalf of the City will be advised of the requirements of the Disability Access and Inclusion Plan.

The plan is available in alternative formats such as large print or electronic format (disk or emailed) and audio format on request.

Review and evaluation mechanisms

The Disability Service Act sets out the minimum review requirements for public authorities in relation to DAIPs. The City's DAIP will be reviewed at least every five years, in accordance with the Act. The DAIP Implementation Plan may be amended on a more regular basis to reflect progress and any access and inclusion issues, which may arise. Whenever the DAIP is amended, a copy of the amended plan will be lodged with the Disability Services Commission.

Reporting on the DAIP

The Disability Services Act set out the minimum reporting requirements for public authorities in relation to DAIPs.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

The City will report on the implementation of its DAIP through its Annual Report and the prescribed progress report template to the Disability Services Commission by 31 July each year, outlining:

- Progress towards the desired outcomes of its DAIP;
- Progress of its agents and contractors towards meeting the six desired outcomes; and
- The strategies used to inform its agents and contractors of its DAIP.

RECOMMENDATION

THAT the City of Albany Access and Inclusion Strategy for People with Disabilities be adopted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR BOJCUN**

THAT the City of Albany Access and Inclusion Strategy for People with Disabilities be adopted.

CARRIED 13-0

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

12.7.1 Amendment to Contract C05026 – Accommodation and Tour Booking Contract

File/Ward	: C05026 (All Wards)
Proposal/Issue	: Correction of previous item in relation to Amendment to Contract C05026 between City of Albany and Albany Inbound PL
Subject Land/Locality	: Albany Visitors Centre, Proudlove Pde, Albany
Proponent	: Albany Inbound PTY LTD (R and L Hammond)
Owner	: City of Albany
Reporting Officer(s)	: Manager of Community Development (M Weller) Manager of Economic Development (J Berry)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19.04.2005 – Item 14.3.2 OCM 21.06.2005 – Item 14.3.1 OCM 20.12.2005 – Item 14.3.1 OCM 20.03.2007 – item 12.7.1
Summary Recommendation	: Amend C05026 as detailed.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. In March 2007 Council resolved as follows:

'THAT Council:

- i) Approves Albany Inbound Pty Ltd to increase the commission on tour and accommodation booking services to between 15.1% and 20% (at the Contractors discretion, on a case-by-case basis) for bookings made through 'www.staynow.com.au' that uses the City's BookEasy domain licence.*
- ii) Approves an amendment of the payments Section 3.3 Payment of Contract CO5026 to read:*

Payment

The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of:

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

- (a) *1.5% of the total Commissions received for all reservations made and paid in full by persons through BookEasy ('Amazing Albany' domain license only);*
- (b) *2% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that reside within the boundaries of the City of Albany Local Government Municipality;*
- (c) *2.5% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for persons that resided within the boundaries of the Australia's Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality), during the previous month.*
- (d) *1% of the total Commissions received for all reservations made (including through BookEasy), and paid in full, for persons that resided during the previous month outside the boundaries of the Australia's Southwest (Inc) Tourism region.'*

- 2. Following the adoption an error was found in the wording of the motion which substantially changed the effect of the payment clause (section 3.3), from the intent of the item.
- 3. The error was a result of a superseded contract draft being utilised during the drafting of the March item.
- 4. Item i) of the motion is correct, item ii) of the should have read:

- ii) Approves an amendment of the payments Section 3.3 Payment of Contract CO5026 to read:

Payment

The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of:

- (a) 1.5% of the **total gross reservations** made and paid in full by persons through BookEasy ('Amazing Albany' domain license only);
- (c) 2% of the **total gross reservations** made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, **for reservations at the accommodation, hospitality and tour businesses that are located** within the boundaries of the City of Albany Local Government Municipality;
- (c) 2.5% of the total Commissions received for all reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, **for reservations at the accommodation, hospitality and tour businesses that are located** within the boundaries of the Australia's Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality);

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

- (d) 1% of the total Commissions received for all reservations made (including through BookEasy [‘Amazing Albany’ and ‘Stay Now’ domain licences), and paid in full, **for reservations at the accommodation, hospitality and tour businesses that are located** outside the boundaries of the Australia’s Southwest (Inc) Tourism region.

STATUTORY REQUIREMENTS

5. After entering into a contract, a variation must be agreed in writing by both parties.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. While the proprietor of Albany Inbound indicates he intends to honour the spirit of the agreement, in the event there was any dispute the original wording could result in reduced revenue.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Thriving City

The community will enjoy economic growth and outstanding opportunities for our youth through...

- *Dynamic promotion and marketing of Albany’s opportunities and advantages*
- *Providing a complete tourism experience.*

Mission Statement:

Nil.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. It is recommended that the wording is amended to ensure the intent of Council’s motion in relation to OCM 20.03.2007 – Item 12.7.1 is honoured.
10. The proprietor of Albany Inbound is in agreeance in relation to the proposed amendment.

N.B Movement of this motion will require the written support of five Councillors.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.1 continued

RECOMMENDATION

1. THAT Council retains and varies the decision made at its Ordinary Council Meeting dated 20 March 2007 – Item 12.7.1 - Amendment to Contract C05026 – Accommodation and Tour Booking Contract by replacing the words “*total commissions*” in clauses 2(a)(i), 2(a)(ii), with the words “*total gross reservations*”.

Voting Requirement Absolute Majority

.....
AMENDED RECOMMENDATION

THAT Council retains section i) and varies section ii) of the decision made at its Ordinary Council Meeting dated 20 March 2007 – Item 12.7.1 - Amendment to Contract C05026 – Accommodation and Tour Booking Contract by amending section 3.3 (a) Payments, of Contract CO5026 to read:

3.3 Payment

- (a) The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of (being GST–inclusive):
 - (i) 1.5% ¹ of the value of total gross reservations made and paid in full by persons through BookEasy (‘Amazing Albany’ domain license only);
 - ii) 2% of the value of total gross reservations made (including through BookEasy [‘Amazing Albany’ and ‘Stay Now’ domain licenses]), and paid in full, for reservations at the accommodation, hospitality and tour businesses that are located within the boundaries of the City of Albany Local Government Municipality;
 - iii) 2.5% of the value of total gross reservations made (including through BookEasy [‘Amazing Albany’ and ‘Stay Now’ domain licenses]), and paid in full, for reservations at the accommodation, hospitality and tour businesses that are located within the boundaries of the Australia’s Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality);
 - (iv) 1% of the value of total gross reservations made (including through BookEasy), and paid in full, for reservations at the accommodation, hospitality and tour businesses that are located outside the boundaries of the Australia’s Southwest (Inc) Tourism region;
 - (v) the transaction fees that become payable under the Licence as calculated under clause 3.2.1 of the Agreement Schedule to the licence.

Footnote:

¹ 1% representing the licence fee under Licence and 0.5% representing the fee under the Agreement, payable by the City to Queensberry under clause 5.15.1(c)

Item 12.7.1 continued

N.B.

- Movement of this motion will require the written support of five Councillors.
- It is noted that the body of the item – section 4.0 and the recommendation contained a wording error and that the recommendation above has been checked as correct.
- The recommendation is consistent with the original intent of item 12.7.1 OCM 20/03/07 to vary the percentage of fees based on the agreed contract.
- The error was a result of a superseded version of the contract being inadvertently utilised in the drafting of the item

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY**

THAT Council retains section i) and varies section ii) of the decision made at its Ordinary Council Meeting dated 20 March 2007 – Item 12.7.1 - Amendment to Contract C05026 – Accommodation and Tour Booking Contract by amending section 3.3 (a) Payments, of Contract CO5026 to read:

3.3 Payment

- (a) The Contractor shall remit within 28 days of month end to the City an amount comprising the sum of (being GST–inclusive):**
- (i) 1.5% ¹ of the value of total gross reservations made and paid in full by persons through BookEasy ('Amazing Albany' domain license only);**
 - (ii) 2% of the value of total gross reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for reservations at the accommodation, hospitality and tour businesses that are located within the boundaries of the City of Albany Local Government Municipality;**
 - iii) 2.5% of the value of total gross reservations made (including through BookEasy ['Amazing Albany' and 'Stay Now' domain licenses]), and paid in full, for reservations at the accommodation, hospitality and tour businesses that are located within the boundaries of the Australia's Southwest (Inc) Tourism region (excluding the City of Albany Local Government municipality);**
 - (iv) 1% of the value of total gross reservations made (including through BookEasy), and paid in full, for reservations at the accommodation, hospitality and tour businesses that are located outside the boundaries of the Australia's Southwest (Inc) Tourism region;**

Item 12.7.1 continued

- (v) the transaction fees that become payable under the Licence as calculated under clause 3.2.1 of the Agreement Schedule to the licence.**

**CARRIED 13-0
ABSOLUTE MAJORITY**

Item 12.7.1 continued



VARY A MOTION

In accordance with Regulation 10(1)(b) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have the Motion of Item 12.7.1 which was moved at the Ordinary Council Meeting held on 20/03/07, varied, in accordance with the Officer's Amended Recommendation for Item 12.7.1 of the Agenda of the Ordinary Council Meeting dated 17 July 2007.

<u>Judith Dawn Williams</u>	<u>[Signature]</u>	<u>16-07-07</u>
Name	Signature	Date
<u>DANIEL WISEMAN</u>	<u>[Signature]</u>	<u>16/7/07</u>
Name	Signature	Date
<u>Jan Waterman</u>	<u>[Signature]</u>	<u>16th July 2007</u>
Name	Signature	Date
<u>John Walker</u>	<u>[Signature]</u>	<u>17.7.07</u>
Name	Signature	Date
<u>Bob Emery</u>	<u>[Signature]</u>	<u>17.7.07</u>
Name	Signature	Date

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Senior Advisory Committee meeting minutes – 21st June 2007

- File/Ward** : MAN131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Community Development Officer - Senior (S Richardson-Newton)
- Summary Recommendation** : That the Minutes of Albany Senior Advisory Committee held on 21st June 2007 be received.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 21st June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Albany Senior Advisory Committee meeting of 21st June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS

Councillor Evans declared an impartiality interest in Item 12.8.2. The extent of Councillor Evans interest is that as he is a patron of the Albany Band, Vice Chairman of the Hospice Board of Management, and his wife is a member of the Light Opera and Theatre Co and Sinfonia.

The Executive Director Corporate and Community Services Peter Madigan declared an impartiality interest in Item 12.8.2. The extent of his interest is that he is an executive member of the King River Pony Club committee.

12.8.2 Community Financial Assistance Committee minutes Round 1 – 22nd June 2007

- File/Ward** : FIN022 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Community Financial Assistance Committee held on 22nd June 2007 be received and recommendations adopted.

RECOMMENDATION

THAT the minutes of Community Financial Assistance Committee meeting of 22nd June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendations adopted:

a) Rating for Community and Recreational Organisations

THAT

- i) all sporting clubs and community organisations within the City of Albany be rated as from 2008/09, pending receipt of the relevant valuations.
- ii) subsidies be granted to these clubs and organisations up to 100% of the rates levied, at the discretion of the Community Financial Assistance Committee.
- iii) the Council policy be amended accordingly.

b) Youth Crisis Services Grants

THAT the funding allocation available for Youth Crisis Services be increased to \$30,000 in 2008/09.

Voting Requirement Simple Majority

.....

Item 12.8.2 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR MARSHALL**

THAT the minutes of Community Financial Assistance Committee meeting of 22nd June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendations adopted:

a) Rating for Community and Recreational Organisations

THAT

- i) all sporting clubs and community organisations within the City of Albany be rated as from 2008/09, pending receipt of the relevant valuations.**
- ii) subsidies be granted to these clubs and organisations up to 100% of the rates levied, at the discretion of the Community Financial Assistance Committee.**
- iii) the Council policy be amended accordingly.**

b) Youth Crisis Services Grants

THAT the funding allocation available for Youth Crisis Services be increased to \$30,000 in 2008/09.

CARRIED 13-0

CORPORATE & COMMUNITY SERVICES REPORTS

Councillor Jamieson declared a financial interest in Item 12.8.3 and left the meeting at 8.44pm. The nature of Councillor Jamieson's interest is that his wife leases studio space at the Vancouver Arts Centre.

12.8.3 Albany Arts Advisory Committee meeting minutes – 13th June 2007

File/Ward	:	MAN116 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Albany Arts Advisory Committee held on the 13 th June 2007 be received and recommendations adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting held on the 13th June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendations adopted:

a) Item 7.1 - Studio Space

THAT the application for studio space by Marianne Jamieson be accepted.

b) Item 7.5 - Professional Development Mentoring Program

THAT the Guidelines for the Professional Development Mentoring Program be adopted.

c) Item 8.2 – Review City of Albany Artwork Collection Policy

In order to achieve tax deductibility status, the Australian Tax Office has requested certain amendments to the City's Artwork Collection Policy.

THAT the City of Albany Artwork Collection Policy be amended by:

i) Deleting

“To collect or commission selectively, works of art which enhance the civic buildings and public areas of the City and which foster an understanding, enjoyment and appreciation of the visual arts among members of the general public,” from the policy objectives.

ii) Inserting the following new clauses:

“4.6 Gift Fund

The City of Albany Art Collection will establish and maintain a gift fund to be used only for the purposes of taking gifts of money or property that will be used only in the furtherance of the objects of the organisation.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.3 continued

4.7 Gift fund dissolution

In the event of the gift fund being wound up or dissolved, any surplus assets remaining after the payment of the fund's liabilities shall be transferred to another fund, authority or institution which has similar objects and to which income tax deductible gifts can be made.

4.8 Non profit

The assets and income of the organisation shall be applied solely in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

4.9 Dissolution

In the event of the organisation being wound up, any surplus assets remaining after the payment of the organisation's liabilities shall be transferred to another organisation in Australia which is a public benevolent institution for the purposes of any Commonwealth taxation Act."

Voting Requirement Simple Majority

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR PAVER**

THAT the minutes of Albany Arts Advisory Committee meeting held on the 13th June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendations adopted:

a) Item 7.1 - Studio Space

THAT the application for studio space by Marianne Jamieson be accepted.

b) Item 7.5 - Professional Development Mentoring Program

THAT the Guidelines for the Professional Development Mentoring Program be adopted.

c) Item 8.2 – Review City of Albany Artwork Collection Policy

In order to achieve tax deductibility status, the Australian Tax Office has requested certain amendments to the City's Artwork Collection Policy.

THAT the City of Albany Artwork Collection Policy be amended by:

Item 12.8.3 continued

i) **Deleting**
“To collect or commission selectively, works of art which enhance the civic buildings and public areas of the City and which foster an understanding, enjoyment and appreciation of the visual arts among members of the general public,” from the policy objectives.

ii) **Inserting the following new clauses:**

4.6 Gift Fund

The City of Albany Art Collection will establish and maintain a gift fund to be used only for the purposes of taking gifts of money or property that will be used only in the furtherance of the objects of the organisation.

4.7 Gift fund dissolution

In the event of the gift fund being wound up or dissolved, any surplus assets remaining after the payment of the fund’s liabilities shall be transferred to another fund, authority or institution which has similar objects and to which income tax deductible gifts can be made.

4.8 Non profit

The assets and income of the organisation shall be applied solely in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

4.9 Dissolution

In the event of the organisation being wound up, any surplus assets remaining after the payment of the organisation’s liabilities shall be transferred to another organisation in Australia which is a public benevolent institution for the purposes of any Commonwealth taxation Act.”

CARRIED 12-0

Councillor Jamieson returned to the meeting at 8.46pm following consideration of Item 12.8.3

Works & Services

REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.2 CITY SERVICES – WASTE MANAGEMENT

13.2.1 Waste Minimisation – Cleanaway – Change of Ownership

File/Ward	: C02061, C02062A, SER 154 (All Wards)
Proposal/Issue	: Consenting to the change of ownership of Cleanaway
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council under the terms of its contracts consents to the change of ownership of Cleanaway
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council has contracts with Cleanaway in relation to its Waste Minimisation Strategy. Kohlberg Kravis Roberts and Co purchased Cleanaway in July 2006 and has now sold the business to Transpacific Waste Management Pty Ltd.
2. The terms of the contract require that the City consent to a change in the ownership.

STATUTORY REQUIREMENTS

3. There are no statutory requirements relating to this item

POLICY IMPLICATIONS

4. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

5. There are no financial implications relating to this item

WORKS & SERVICES REPORTS

Item 13.2.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Stabilise landfill streams and maximise diversion of waste from landfill.”

COMMENT/DISCUSSION

- 7. The United States private equity firm, Kohlberg, Kravis, Roberts and Co. have sold Cleanaway to Transpacific Waste Management Pty Ltd.
- 8. Transpacific have advised the City of the sale and asked for consent under the contracts’ conditions.
- 9. Transpacific Waste Management Pty Ltd in its own right owns a number of substantial businesses and assets in all jurisdictions throughout Australia, specialising in waste management. Within the last 12 months the company has acquired Waste Management NZ, as well as a number of other companies. The acquisition of Cleanaway complements its current structure.
- 10. The change of ownership will not affect the operation of the contract, and the risk of the new company not being in a financial position to perform the services is relatively low.
- 11. Cleanaway WA has advised that there will be no change to its current operations.
- 12. It is recommended that the Council consent to the change of ownership.

RECOMMENDATION

THAT Council under the terms of Contract C02061 and Contract C02061A consents to the change of ownership of Cleanaway to Transpacific Waste Management Pty Ltd.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

Item 13.2.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT Council under the terms of Contract C02061 and Contract C02061A consents to the change of ownership of Cleanaway to Transpacific Waste Management Pty Ltd.

CARRIED 13-0

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

3.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Contract C07003 – Provision of Electrical Services

File/Ward	:	C07003 (All Wards)
Proposal/Issue	:	Provision of Electrical Services for the City of Albany
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Services (I Neil), Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts tender C07003 from P&W Eloy Electrical Services for Electrical Services Triennial 2007/10
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council's current contract for electrical services expired on 30th June 2007. In order for Council to maintain the current level of service for these works, Council is required to re-tender the service. Works are carried out on an as needs basis.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.4.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Works are carried out on an as needs basis, with the financial impact being spread across various budget allocations. There is no singular budget allocation for this service.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 30th May 2007, the Albany Advertiser on 31st May 2007, and Albany Extra on 1st June 2007. Four tenders were issued with two submissions received at the close of tenders.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	Weight
Cost	40
Technical Compliance	20
Experience	20
Safety Management	10
Reliability	10
Total	100

WORKS & SERVICES REPORTS

Item 13.4.1 continued

10. The following table summarises those rates and charges (including GST) submitted by prospective tender applicants for the supply of electrical services.

Schedule of Rates/Prices	P&W Eloy	Southern Electrics
Rate/Hour	\$40.70	74.80
Minimum charge for Minor Call-out	\$33.00	27.50
After Hours Loading	\$49.50	93.50
Supply materials as required – adjusted for trade discount	Minus 10%	Plus 25%
Minimum Notice	30 minutes	30 minutes
Percentage Increase 08/09	6%	10%
Percentage Increase 09/10	6%	10%
Evaluation Weighting Score	773	422

11. The level of service Council has received from the current contractor P&W Eloy has been good. The contractor has been readily available to respond to any emergency and has provided a quality service.

RECOMMENDATION

THAT Council accepts tender C07003 from P&W Eloy Electrical Services for Electrical Services Triennial 2007/10.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILLIAMS**

THAT Council accepts tender C07003 from P&W Eloy Electrical Services for Electrical Services Triennial 2007/10.

CARRIED 13-0

WORKS & SERVICES REPORTS

The Chief Executive Officer Andrew Hammond declared an impartiality interest in Item 13.4.2 and left the meeting at 8.48pm. The nature of Mr Hammond's interest is that he is a friend of one of the Directors of Edenborn Pty Ltd.

13.4.2 Contract C07008 – Provision of Mowing Services

File/Ward	:	C07008 (All Wards)
Proposal/Issue	:	Provision of Mowing Services at various locations around the City of Albany
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Parks and Reserves Coordinator (M Swarbrick), Supervisor Park and Gardens (D Hatelie), Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	THAT Council accept Tender C07008 from Edenborn Pty Ltd for Mowing Services Biennial 2007/09 at a total cost of \$117,859.50 (incl GST) for the two year period
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council's current mowing contract expires in July 2007. In order for Council to maintain the current level of commitment for these works, Council is required to re-tender this service.
2. Council staff undertake the majority of mowing within Council managed areas. The Mowing Service contract supplements Council's operations by mowing the verges and median strips of the three major roads into the city as well as Middleton Road. These areas are difficult to mow because of their proximity to traffic and the narrow width of grassed areas. Council first tendered Mowing Services in 2001 and this has proven to be very successful. It has also allowed Council staff to maintain a consistent level of service within it's parks and gardens as well as providing neat presentation of major roads without the requirement to increase it's plant or labour requirements.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.4.2 continued

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. Funds for this service are budgeted each year in the City's Works & Services operating accounts. The costs presented in the recommended tender fall within recommended budget parameters.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. A Request for tender was published in the West Australian on Wednesday 30th May 2007, the Albany Advertiser on Thursday 31st May and Albany Extra Friday 1st June 2007.
10. The tender documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	Weight
Cost	30
Experience	20
Reliability	20
Technical Compliance	20
Safety Management	10
Total	100

WORKS & SERVICES REPORTS

Item 13.4.2 continued

11. Three tenders were issued, with one tender submission being received by close of tender.
12. The following table summarizes the submitted tender prices. Prices are inclusive of GST.

Service	Cost per month 2007/08	Cost per month 2008/09
South Coast Highway	\$483.25	\$512.25
Chester Pass Road	\$397.65	\$429.50
Albany Highway	\$1757.70	\$1893.30
Middleton Road	\$874.80	\$927.30
Collie St – Grey St West car park banks	\$282.20	\$299.15
Monthly Total	\$3795.60	\$4061.50
Totals per annum	\$56934.00	\$60922.50
Additional Mowing as required	\$81.80	\$84.75
Evaluation Weighted Score	815	

13. Edenborn Pty Ltd is the current contractor providing the mowing service. The company has shown itself to be reliable and competent. Edenborn Pty Ltd has also indicated their ongoing commitment to Occupational Safety & Health management.

RECOMMENDATION

THAT Council accept Tender C07008 from Edenborn Pty Ltd for Mowing Services Biennial 2007/09 at a total cost of \$117,859.50 (incl GST) for the two-year period.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT Council accept Tender C07008 from Edenborn Pty Ltd for Mowing Services Biennial 2007/09 at a total cost of \$117,859.50 (incl GST) for the two-year period.

CARRIED 13-0

Mr Hammond returned to the meeting at 8.49pm following consideration of Item 13.4.2

WORKS & SERVICES REPORTS

13.4.3 Contract C07001 – Supply, Maintenance & Management of Commercial Vehicles

File/Ward	:	C07001 (All Wards)
Proposal/Issue	:	Supply, Maintenance & Management of Commercial Vehicles by Public Tender
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach) Manager Finance (S Goodman) Contracts Officer (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council award the tender C07001 to Albany Toyota (17 vehicles) and Barnesby Ford (6 vehicles)
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The initial contract term for the supply, maintenance of Council's commercial vehicles expired on 30 June 2007; the contract included a mutually agreed option for a further twelve-month term. Market indications are that more competitive conditions exist, therefore it was decided to re tender and analyse the information received through this process to establish the most advantageous option to Council.

STATUTORY REQUIREMENTS

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
4. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

WORKS & SERVICES REPORTS

Item 13.4.3 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The Draft 2007/08 Budget has been based on estimated costs prior to receipt of the tender for commercial vehicles. If the tender recommendations are accepted, there will be considerable savings in plant replacement costs. These savings will be credited back to the Plant Reserve.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 9th May 2007 and in the Albany Advertiser on 10th May with a copy in the Albany Extra on 11th May 2007 for the supply, maintenance & management of Council’s commercial vehicles.
9. Tenderers were requested to supply whole of life asset costs for the provision of 41 commercial vehicles over a two-year period, with the provision for two extensions of 1 year each if mutually agreed. Council retained the right to exclude any or all vehicles from the tender.
10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	50
Technical Compliance and Experience	20
Safety Management	20
Reliability of Tenderer	10
TOTAL	100%

11. A total of 6 specifications were issued. Submissions were received from Albany Toyota, Barnesby Ford and Albany City Holden.

WORKS & SERVICES REPORTS

Item 13.4.3 continued

12. Each vehicle was tendered individually and suppliers were asked to provide whole of life costs for each, specifically these costs included:
 - Trade in Price for current vehicle
 - New Vehicle cost
 - Transfer of accessories
 - Servicing
 - Length of time between vehicle changeovers

13. The City then factored the following costs into the evaluation:
 - Fuel efficiency
 - Discounted Cash Flow
 - Probable trade in values at the end of the initial term
 - Tender evaluation criteria

14. In analysing the tender responses the proposed contracted costs as outlined above were compared to the option of Council retaining the vehicles for the initial term of the contract (two years). Within this period the vehicles still remain under factory warranty, however service costs are paid directly by Council. A lesser trade in value at the end of the contract will result, however in some cases this is offset by the savings over the term of the contract.

15. As a result of the comparison of the tender responses with the option of the City retaining vehicles, eighteen have been withdrawn from consideration under the proposed contract. These vehicles will be managed by City personnel and will be retained for a period of at least two years, after which a further analysis will be undertaken. The estimated savings as a result of retaining these vehicles is \$85,000 over two years.

16. The tender for the balance of the commercial vehicle fleet (23 vehicles), has been evaluated against the contract criteria, and the results are as follows:

Description	Quantity	Ford	Toyota	Holden	Recommended
Rangers	4	626	600		Ford
Assets	1	790			Ford
Fuel Ute	1	616			Ford
Co-ordinators	3	817	825	325	Toyota
Works	3	659	727	544	Toyota
Bushcare	1	584	634	604	Toyota
MCW	1	755	825	320	Toyota
Airport	1	606	712		Toyota
Works	3	783	825	320	Toyota
Supervisors	5	815	825		Toyota

17. Vehicles have been grouped and awarded in the above categories to suit the City of Albany structure and achieve a level of consistency

WORKS & SERVICES REPORTS

Item 13.4.3 continued

18. Both Ford and Toyota have proven to be competent providers of commercial vehicles in the past, and it is recommended that the tender be awarded as per the evaluation above. Holden currently provide the City’s passenger fleet, and its commercial vehicles were not competitive in this tender.

RECOMMENDATION

THAT under Contract C07001, Council award tenders for the provision of commercial vehicles for the next two years to Albany Toyota and Barnesby Ford as follow:

Vehicle	Awarded to
Senior Ranger	Ford
Ranger	Ford
Ranger	Ford
Ranger	Ford
Assets	Ford
Construction Supervisor	Toyota
Depot Services	Toyota
Parks Coordinator	Toyota
Works Coordinator	Toyota
Maintenance Supervisor	Toyota
Trades Coordinator	Toyota
Work Maintenance	Toyota
Bushcare	Toyota
Manager City Works	Toyota
Airport	Toyota
Works Construction	Toyota
Works Construction	Toyota
Works Construction	Toyota
Works Construction	Toyota
Works Maintenance	Toyota
Fuel Utility	Ford
Reserves Supervisor	Toyota
Parks Supervisor	Toyota

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

Item 13.4.3 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MARSHALL**

THAT under Contract C07001, Council award tenders for the provision of commercial vehicles for the next two years to Albany Toyota and Barnesby Ford as follow:

Vehicle	Awarded to
Senior Ranger	Ford
Ranger	Ford
Ranger	Ford
Ranger	Ford
Assets	Ford
Construction Supervisor	Toyota
Depot Services	Toyota
Parks Coordinator	Toyota
Works Coordinator	Toyota
Maintenance Supervisor	Toyota
Trades Coordinator	Toyota
Work Maintenance	Toyota
Bushcare	Toyota
Manager City Works	Toyota
Airport	Toyota
Works Construction	Toyota
Works Construction	Toyota
Works Construction	Toyota
Works Construction	Toyota
Works Maintenance	Toyota
Fuel Utility	Ford
Reserves Supervisor	Toyota
Parks Supervisor	Toyota

CARRIED 13-0

13.5 CITY SERVICES – PROPERTY MANAGEMENT

Nil

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Streetscape Committee Meeting Minutes – 21 June 2007

File/Ward	:	MAN161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	That the minutes of the Streetscape Committee Meeting held on 21 June 2007, be received.

RECOMMENDATION

THAT the Minutes of the Albany Streetscape Committee held 21 June 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

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AMENDED RECOMMENDATION

THAT the Minutes of the Albany Streetscape Committee held 21 June 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin), and the following recommendations be adopted:

- (i) THAT Council agrees to the design of the Entry Statement; and
- (ii) THAT a copy is sent to Friends of Emu Point with a letter stating that Council will contribute 50% of costs to the construction of an entry statement if they wish to proceed.

Voting Requirement Simple Majority

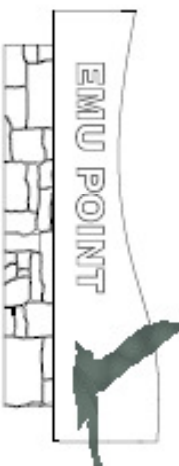
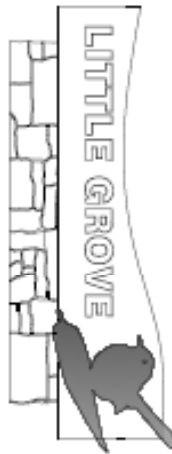
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<p>MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR BOJCUN</p> <p>THAT the Minutes of the Albany Streetscape Committee held 21 June 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin), and the following recommendations be adopted:</p> <ul style="list-style-type: none">(i) THAT Council agrees to the design of the Entry Statement; and(ii) THAT a copy is sent to Friends of Emu Point with a letter stating that Council will contribute 50% of costs to the construction of an entry statement if they wish to proceed. <p style="text-align: right;">CARRIED 12-1</p>
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WORKS & SERVICES REPORTS

Item 13.8.1 continued

ENTRY STATEMENT
C O N C E P T



THE FORM OF THE MAIN BODY REPRESENTS THE CRADLE BETWEEN THE TWO MOUNTS THAT IS ALBANY, A CONSTANT THEME THROUGHOUT.

THE PLINTH OF STONE GROUND THE MAIN BODY AND REPRESENTS THE GEOLOGY OF ALBANY, IN A PRACTICAL SENSE IT CAN TAKE MODERATE RETRIEVED KNOCKS BY LAWN MOWERS WITHOUT VISUAL DAMAGES.

ON EACH ENTRY STATEMENT IS THE LOCAL NAME EMBOSSED IN THE MAIN BODY, THIS IS COMPLEMENTED BY A GRAVEYARD CONCEPT AS AN ELEMENT OF THE LOCAL CHARACTER, THIS IS MADE OF HEAVY PLATE STEEL AND GALVANIZED AGAINST THE ELEMENTS AND REPRESENTATIVE OF A COMMON MANTLE MATERIAL.

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Contract C07009 – Provision of Catering Services

File/Ward	:	C07009 (All Wards)
Proposal/Issue	:	Provision of Biennial Catering Services for Council Functions and Events
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Mayoral Liaison Officer (V Dayman) Executive Assistant to CEO (L Thomson)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	THAT Council accept the tender C07009 from Eatcha Heart Out Pty Ltd for provision of Catering Services biennial 2007/09
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. This catering tender is applicable to all functions and events held at the North Road Administration and Civic Centre for which catering is required.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

FINANCIAL IMPLICATIONS

6. The adopted 2007/08 Budget provides sufficient resources to cover catering related costs for 2007/08. As this is a tender contract for 2 years, next year's budget deliberations will be required to accommodate 2008/09 related costs.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A Request for tenders was published in the West Australian on Wednesday 30th May 2007, the Albany Advertiser on Thursday 31st May and Albany Extra Friday 1st June 2007.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	Weight
Cost/Menu's	40
Technical Compliance	20
Experience	20
Reliability	20
Total	100

10. Three tenders were issued with three received at closing. Carlyle's Function Centre withdrew its submission prior to evaluation. A Tender Evaluation Team consisting of Cr Des Wolfe, Leanne Thomson and Veronica Dayman assessed the tenders.
11. The total tender costing on this contract cannot be calculated as it is not possible to determine the exact number of events and functions that will be held over the two year period, nor the number of people attending each event or function.
12. Tenderers were requested to provide a breakdown cost for hosting a Civic Reception for cost evaluation and were assessed on their ability to provide menus within the price ranges stipulated.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14 .2.1 continued

13. The following table summarizes the analysis of prospective tender applicants for the supply of catering services.

TENDER PRICES – PROVISION OF CATERING SERVICES CONTRACT - C07009		
CATERING COMPANY NAMES	EATCHA HEART OUT PTY LTD	TEMPTATIONS CATERING
Total cost for hosting a Civic Reception for 70 people	\$22.35 per head	\$23.95 per head
Ability to provide a variety of menus at set prices.	Yes	Yes
TOTAL EVALUATION SCORE	592.6	589.4

14. Both company's provided conforming tenders and after evaluation, less than three points separated the two. The Evaluation Team recognised that Temptations Catering provided greater experience and reliability, whilst Eatcha Heart Out provided a greater variation of meals.
15. The Evaluation Team recommends that Eatcha Heart Out Pty Ltd is awarded the tender for the Provision of Catering Services as it has rated highest and it has demonstrated that it provides a greater variety of food at a competitive price.

RECOMMENDATION

THAT Council accept the tender C07009 from Eatcha Heart Out Pty Ltd for provision of Catering Services biennial 2007/09.

Voting Requirement Simple Majority

<p>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR JAMIESON</p> <p>THAT Council accept the tender C07009 from Eatcha Heart Out Pty Ltd for provision of Catering Services biennial 2007/09.</p> <p style="text-align: right;">CARRIED 13-0</p>
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GENERAL MANAGEMENT SERVICES REPORTS**14.3 ECONOMIC DEVELOPMENT**

The Chief Executive Officer Andrew Hammond declared an impartiality interest in Item 14.3.1 and left the meeting at 8.58pm. The nature of his interest is that he is a member of the Princess Royal Sailing Club.

14.3.1 2007/08 Community Events Financial Assistance Program

File/Ward	:	FIN061 (All Wards)
Proposal/Issue	:	Recommendations for funding under the 2007/08 Community Events Financial Assistance Program
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager, Economic Development (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/07/03 - Item 14.3.2 OCM 20/07/04 - Item 14.3.1 OCM 19/07/05 – Item 14.3.2 OCM 20/06/06 – Item 14.3.1 OCM 21/11/06 – Item 12.6.2
Summary Recommendation	:	Council adopt the recommendations for funding under the 2007/08 Community Events Financial Assistance Program
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Community Events Financial Assistance Program is a competitive grants program of the City of Albany. The scheme is conducted in one round each year, with applications being invited in April and closing at the end of May. Council advertised its intention to consider applications for financial assistance under this scheme in local newspapers with all applications to be submitted by 31 May 2007.
2. Council provides a specific budget allocation for community event grants and in 2007/08 it is \$56,000 (subject to budget adoption). Funding for community event grants is provided on a dollar for dollar matching basis, with the community organisation being required to contribute the equivalent in cash or in-kind. The applicant must demonstrate that other funding opportunities have been investigated and that attempts to source other external funds have been or are being made.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

“Objective:

To increase the economic yield from tourism by sponsoring and developing significant events that become annual tourist drawcards.

To assist community based organisations and committees in conducting and managing events.

**Strategic Alignment:
Professional Excellence**

Community Events:

To promote Albany and facilitate the celebration of events and achievements of significance to the Albany Community.

Social Cultural and Economic Development

To encourage a vibrant community where all are encouraged to participate and contribute.

Tourism Development

To lead key tourism groups in establishing an integrated approach to visitor servicing district and area promotion and product development.

Grant Types:

Icon Events

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

Community Events

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

Sporting Events

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

Eligibility:

Not for profit organisations that are incorporated and can demonstrate the financial and human resources necessary to conduct the event applied for. Organisations qualifying for funding from State or Federal agencies must demonstrate assistance from those agencies in the funding application where practical.

Single Annual Funding Round:

Applications close on the 31st of May each year.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

Funding Pool:

The funding pool for Icon, Community and Sporting Events will be allocated via the annual budget process. Council may grant up to three years funding approval for Icon events (subject to annual funding submission).

Administration:

The Manager, Economic Development will make recommendations to Council on the allocation of events grants.

Delegation Of Authority:

Nil.”

The program policy and guidelines will be reviewed in 2007 to consider the merits of a second round of funding (example late November) in the 2008/09 financial year.

FINANCIAL IMPLICATIONS

5. Adoption of recommended funding approvals is subject to the expenditure limitation provided within the budget. In 2006/07, the limit is \$56,000 for the Community Event Financial Assistance Program. In addition to this budget, Council has previously resolved to allocate \$21,000pa to the Albany Car Classic on an annual basis.

STRATEGIC IMPLICATIONS

6. Community Events Objective
To promote Albany and facilitate the celebration of events & achievements of significance to the Albany community

Overall Performance Measure

Level of community support & participation.

Approach

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

COMMENT/DISCUSSION

7. Applications for the Community Events Financial Assistance Program closed on 31 May 2007. At the closing date there were 24 applications (including the Car Classic Event) seeking a total of \$147,799 financial assistance from Council. The Council budget for community events grants in 07/08 is \$56,000 plus (\$21,000 previously for the Albany Car Classic at OCM 21/11/06).
8. There was a high diversity of applications including major regional festivals, music productions, education and learning, recreational activities, heritage events, sporting and multi-cultural activities.
9. The funding recommendations presented are based on assessment against multiple criteria outlined in the Community Events Policy adopted in June 2003. Maintaining support for the diverse community-based activities which meet the Council's social equity and cultural development objectives have also been recommended.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

10. The Albany Classic Motor Event and the Perth International Arts Festival (Great Southern Program) were previously nominated by Council with Icon status for the three year period 2007, 2008 and 2009. The Albany Agricultural Show has Icon status for the three year period 2005, 2006 and 2007.
11. The Albany Car Classic Club wrote to the City of Albany on 14 June 2007 seeking a \$37,000 contribution to enable the 2008 event to proceed. It is recommended the City of Albany work with the Committee to source other grants before formally considering this request. The Manager Economic Development will meet the Executive Director of Eventscorp on 6 July 2007 to discuss further State Government assistance to this important event.

RECOMMENDATIONS

1. THAT Council adopt the recommended funding allocations for the 2007/08 Community Event Financial Assistance Program being:

<u>Applicant</u>	<u>Officer Recommendation</u>
Albany Agricultural Society Inc	\$8,000
Albany Aussi Masters Swimming Club Inc	\$2,000
Albany Bicycle Users Group (ABUG)	\$1,000
Albany Harness Racing Club	\$500
Albany Eisteddfod (Inc)	\$2,000
Albany Racing Club Inc	\$1,000
Albany Summer School Inc	\$2,300
Bibbulmun Track Foundation	\$2,000
Cancer Council of WA	\$1,000
Forum Advocating Cultural & Eco Tourism (FACET)	\$10,000
The Garden Lovers Circle/Great Gardens (Kaizan WA Inc)	\$1,000
Albany Vintage & Classic Motorcycle Inc	\$2,000
ArtsSouth WA Inc	\$3,000
Great Southern Region Marketing Association Inc	\$2,200
Creative Albany Inc	\$3,000
WA State Masters Games	\$1,000
Mens Resource Centre Inc	\$500
Shire of Denmark	\$2,500
Princess Royal Sailing Club Inc	\$2,000
Perth International Arts Festival Inc	\$8,000
The Major Lockyer Proclamation Soc Inc	\$1,000
TOTAL	\$56,000
Plus	
Albany Classic Motor Event Inc	\$21,000*

**Resolved at OCM 21/11/06 to grant this amount and subject to Council review of Request dated 14 June 2007 for a total of \$37,000 to sustain this event. Further investigation of other funding sources will be undertaken prior to consideration of request at future meeting.*

2. THAT Council gives Event 'Icon Status' to the Albany Agricultural Show for the years 2008, 2009 and 2010.

Voting Requirement Simple Majority

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In accordance with Section 6.4 of the City of Albany Standing Orders Local Law, the recommendations were put separately.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR PAVER**

1. THAT Council adopt the recommended funding allocations for the 2007/08 Community Event Financial Assistance Program being:

<u>Applicant</u>	<u>Officer Recommendation</u>
Albany Agricultural Society Inc	\$8,000
Albany Aussi Masters Swimming Club Inc	\$2,000
Albany Bicycle Users Group (ABUG)	\$1,000
Albany Harness Racing Club	\$500
Albany Eisteddfod (Inc)	\$2,000
Albany Racing Club Inc	\$1,000
Albany Summer School Inc	\$2,300
Bibbulmun Track Foundation	\$2,000
Cancer Council of WA	\$1,000
Forum Advocating Cultural & Eco Tourism (FACET)	\$10,000
The Garden Lovers Circle/Great Gardens (Kaizan WA Inc)	\$1,000
Albany Vintage & Classic Motorcycle Inc	\$2,000
ArtsSouth WA Inc	\$3,000
Great Southern Region Marketing Association Inc	\$2,200
Creative Albany Inc	\$3,000
WA State Masters Games	\$1,000
Mens Resource Centre Inc	\$500
Shire of Denmark	\$2,500
Princess Royal Sailing Club Inc	\$2,000
Perth International Arts Festival Inc	\$8,000
The Major Lockyer Proclamation Soc Inc	\$1,000
TOTAL	\$56,000
Plus	
Albany Classic Motor Event Inc	\$21,000*

**Resolved at OCM 21/11/06 to grant this amount and subject to Council review of Request dated 14 June 2007 for a total of \$37,000 to sustain this event. Further investigation of other funding sources will be undertaken prior to consideration of request at future meeting.*

CARRIED 13-0

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR PAVER**

THAT the matter concerning the issuing of Event 'Icon Status' lay on the table for one month and in the interim a report be presented, that details the criteria and requirements for an event to be declared 'Icon Status'.

LOST 2-11

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

2. THAT Council gives Event 'Icon Status' to the Albany Agricultural Show for the years 2008, 2009 and 2010.

CARRIED 12-1

The Chief Executive Officer returned to the meeting at 9.04pm after consideration of Item 14.3.1

GENERAL MANAGEMENT SERVICES REPORTS

2007/08 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Albany Agricultural Society Inc	Albany Agricultural Show & Trade Exhibition (9 - 10 November 2007)	\$10,000	\$82,923	\$7,000 Donations \$7,000 Sponsorship	\$8,000	Tourism benefit includes intra-regional and Perth. Has an excellent record and Council has nominated as an Icon event for 2007. A service agreement has been negotiated between the City and AAS Inc and funds are used for a combination of city services and sponsorship for the general event preparation and operation. The Society appears to be in a satisfactory financial position with a small operating surplus acknowledging significant volunteer effort has enabled this. <u>Recommendation:</u> Partly fund the request with an amount of \$8,000	Icon Status Approved 2005, 2006, 2007
Albany Aussie Masters Swimming Club Inc	Harbour Swim (Easter Saturday 2008)	\$3,000	\$8,575	\$500 sponsorship	\$2,000	Growing tourism benefit as numbers increasing. Competitors and families travel to Albany with good economic spin-off Naming rights given to City of Albany. <u>Recommendation:</u> Partly fund the request with an amount of \$2,000.	S
Albany Bicycle Users Group (ABUG)	Albany Bicycle Treasure Hunt (March 2008)	\$5,000	\$6,750	Healthways approached for \$2,500	\$1,000	Supports Go Cycle amazingalbany initiative and healthy community objective of City of Albany. <u>Recommendation:</u> Partly fund the request with an amount of \$1,000 (Support subject to Healthways contributing sufficient income to enable \$ for \$ funding).	C

GENERAL MANAGEMENT SERVICES REPORTS

2007/08 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Albany Harness Racing Club	Albany Harness Club February 1, 2008 Race Meeting (1 st February 2008)	\$1,100	N/A	Sponsors being sought incl. Healthway	\$500	Drivers and trainers from Perth will attend with promotion via Sky Channel, Racing Radio and Racing and Wagering WA. <u>Recommendation:</u> Partly fund the request with an amount of \$500.	S
Albany Racing Club Inc	City of Albany Handicap (26 th December 2007)	\$5,000	\$69,825	Nil	\$1,000	Medium tourism benefit. Major and regular regional sporting event. Major PR opportunity for the City of Albany given naming rights and proposed stakes of \$11,000. <u>Recommendation</u> Partly fund the request with an amount of \$1,000.	S
Albany Summer School (Inc)	The Albany Summer School 2008 (2 nd to 11 th January 2008)	\$4,300	\$94,150	N/A	\$2,300	Well attended event consistent with City's learning city objective. <u>Recommendation:</u> Partly fund the request with an amount of \$2,300.	C
Anglicare WA	Anglicare Community Christmas Concert (December 2007)	\$1,800	\$4,750	N/A	Nil	City of Albany proposes a Christmas concert as part of Christmas Pageant. Limited tourism benefit. <u>Recommendation:</u> Decline funding request.	C
Bibbulmun Track Foundation	10 th Anniversary of the new Bibbulmun Track – Community Celebration (15 – 16 July 2008)	\$4,385	\$9,335	TBA WA Regional Initiatives Fund of DLRGD	\$2,000	Major promotion of Albany expected from this event with Albany being the southern terminus of the track. <u>Recommendation:</u> Partly fund the request with an amount of \$2,000.	C
Cancer Council of WA	Relay for Life (April 2008)	\$10,000	\$36,700	TBA	\$1,000	Limited tourism benefit however very strong community involvement through fund raising for Cancer Council. <u>Recommendation:</u> Partly fund the request with an amount of \$1,000.	C

GENERAL MANAGEMENT SERVICES REPORTS

2007/08 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Forum Advocating Cultural & Eco Tourism Inc (FACET)	2007 FACET Regional Tourism Conference "Innovative Partnerships – A Great Adventure" (31 October – 2 November 2007)	\$10,000	\$63,165	TBA from Tourism WA Sport and Rec GSDC Lotterywest	\$10,000	Major state nature-based tourism conference for Albany. Meets business tourism objectives of City of Albany who have actively been bidding for this conference to be held here. <u>Recommendation:</u> Fully fund the request with an amount of \$10,000.	C
The Garden Lovers Circle in partnership with Great Gardens (Kaizan WA Inc)	Great Gardens – Free Public Workshop on Sustainable Gardening Practice – Albany (1 st September)	\$2,000	\$3,250	TBA Water Corp DoTARS Shire of Denmark	\$1,000	Small tourism benefit however supports sustainable gardening practices, best practice environmental management and professional development for horticulture practitioners. <u>Recommendation:</u> Partly fund the request with an amount of \$1,000 (Subject to other grant applications.)	C
Great Southern Region Marketing Association	Taste Great Southern 2008 (March 2008)	\$10,000	\$16,311	Business, community and Government sponsors	\$2,200	Taste Great Southern is a food and wine event, which attracts visitation from the Perth and regional markets. Recommend part funding and requirement for utilisation of amazingalby in the pre-event marketing program. Also must demonstrate program includes more Albany activities than was the case in 2007. <u>Recommendation:</u> Partly fund the request with an amount of \$2,200.	C

GENERAL MANAGEMENT SERVICES REPORTS

2007/08 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Creative Albany Inc	Jazz Masala – Live Concert Series (Oct 07 to Feb 08 – 3 concerts)	\$5,000	\$21,880	TBA Healthways and ArtsWA	\$3,000	Positive new cultural event for Albany focussed on a series of Jazz musical performances in a family friendly environment. Grant for equipment hire, travel and accommodation. <u>Recommendation:</u> Partly fund the request with an amount of \$3,000 (to leverage other sponsorship from Healthways and Arts WA).	C
Major Lockyer Proclamation Society Inc	Commemorates the original landing of Mayor Edmund Lockyer on 21/01/1827 (Held 21/01/08)	\$1,941	\$3,691	N/A	\$1,000	Added cultural experience for tourists in Albany and locals. Has significant heritage values that require City support. High level of volunteer support and adds colour and vibrancy to CBD and Amity precinct. <u>Recommendation:</u> Partly fund the request with an amount of \$1,000.	C
UWA Perth International Arts Festival 2008 Program	The UWA Perth International Arts Festival Great southern Programme	\$10,000	\$227,364	Business, community and Government sponsors	\$8,000	2008 Event will continue a major focus on Albany Audience numbers increasing. Council has nominated as Icon Event for years 2007, 2008, and 2009. <u>Recommendation:</u> Partly fund the request with an amount of \$8,000.	Icon Status Approved 2007, 2008, 2009 OCM 20/06/06
Men's Resource Centre (Inc)	Men's Resource Centre Fun Run and Family Walk (presented by Healthway and City of Albany) (30 th September 2007)	\$1,373	\$8,623	TBA Healthways \$5,000	\$500	New event to promote activity and exercise meeting the city's 'Healthy City' objective. <u>Recommendation:</u> Partly fund request with an amount of \$500 (to leverage Healthways funding).	C

GENERAL MANAGEMENT SERVICES REPORTS

2007/08 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
The Nook Folk Club	Promotion of Folk Music, Dance and spoken word in WA (Last Friday of every month)	\$2,400	N/A	N/A	Nil	Stage presentation of Folk music. Poetry and dance. Budget unclear. <u>Recommendation:</u> Decline funding.	C
Princess Royal Sailing Club	"Sail Albany" – inaugural Australia Day Regatta (26 – 28 January 2008)	\$6,500	22,400	TBA Sport and Recreation and Sponsors	\$2,000	Inaugural 'Sail Albany' Australia Day regatta with excess of 70 'off the beach' boats, which will visit for 3 days. <u>Recommendation:</u> Partly fund with an amount of \$2,000 (to leverage Department of Sport and Recreation and other sponsorship).	C
ArtSouthwa Inc	Southern Art & Craft Trail 2007 (14 th October 2007)	\$4,000	\$41,245	GSDC 7,000 Eventscorp 7,000	\$3,000	Strong cultural tourism benefits, which will promote longer visitation to Albany. City is pursuing. Well organised event which is growing each year and supported by other levels of Government and sponsorship. (Eventscorp being approached to assist) <u>Recommendation:</u> Partly fund with an amount of \$3,000.	C
Shire of Denmark	4 th Western Australian State Coastal Conference 2007 & WA State Coastal Awards Ceremony (30 th October – 2 November 2007)	\$5,000	\$202,600	\$86,000 from other sponsors	\$2,500	Conference is held in Denmark on the same dates as the WA nature-based conference (FACET) therefore economic spin-off benefits reduced. It is a major State conference, which has showcasing opportunities for Albany. <u>Recommendation:</u> Partly funding of \$2,500 as Bronze Sponsor. (Will received bronze sponsor benefits)	C

GENERAL MANAGEMENT SERVICES REPORTS

2007/08 COMMUNITY EVENTS FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request (ex gst)	Total Event Cost	Other grants sponsorship	Officer Recommendation	Rationale	Grant Type
Albany Eisteddfod (Inc)	Albany Music Eisteddfod 23-26 May 2006	\$2,000	\$10,120	Healthway	\$2,000	Well supported, good track record. Brings people from the metro area. Major cultural activity. Grant pays for contribution to cost of hiring the Town Hall and promotion. <u>Recommendation:</u> Fully fund the request with an amount of \$2,000.	C
Albany Vintage and Classic Motorcycle Club Inc	Vintage and Classic Motorcycle Hill climb (Sunday 4 November 2007)	\$2,000	\$21,977	Lotterywest \$2,000	\$2,000	Growing tourism event with two thirds of entrants travelling to Albany with their families to participate. <u>Recommendation:</u> Fully fund the request with an amount of \$2,000.	
WA State Masters Games Association Inc	WA State Masters Games 2008 (23 – 27 April 2008)	\$4,000		Sport and Rec \$1,000 Healthway TBA	\$1,000	Popular State wide event bring people from around the State. City funds to support hire of ALAC. Sufficient revenue from games fees to support other costs associated with this event. <u>Recommendation:</u> Partly fund the request with an amount of \$1,000.	S
TOTAL FUNDING ALLOCATION FOR 2007/08 is \$56,000					\$56,000		
Albany Classic Organising Committee	Albany Classic Motor Event and Classic Festival (June 2008)	\$37,000	\$146,955	\$10,000 Healthway \$8,000 VSCC \$1,000 Sponsorship Dinner Wind up \$7,000	\$21,000*	Event brings a significant number of visitors to Albany and has previously been categorised as an Icon event for the years 2007, 2008 and 2009. <u>Recommendation:</u> *Council has previously resolved to grant \$21,000 pa at its OCM 21/11/06. Manager Economic Development to work with the group to source additional grant funds prior to Council reconsidering a request for \$37,000.	

Grant Types

(refer Community Events Council Policy adopted 17 June 2003)

I = Icon (provides security of funding for three years from date of Council classification – subject to confirmation of annual event continuance)

C= Community

S = Sporting

GENERAL MANAGEMENT SERVICES REPORTS**14.3.2 Review of 2007/08 City of Albany Events Program**

File/Ward	:	REL021, REL110, REL132, REL137 & FIN025 (All Wards)
Proposal/Issue	:	Council review its 2007/08 City of Albany Events Program
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Economic Development (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/06/06
Summary Recommendation	:	THAT Council conduct the following events in 2007/08: <ul style="list-style-type: none">▪ Christmas Pageant parade followed immediately by a small family concert (reinstated)▪ New Years Eve Fireworks and reinstating family orientated entertainment on the Waterfront▪ Australia Day Family Fun Day followed by a fireworks display▪ US Sub-mariners service▪ Sportsperson of the Year
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued

BACKGROUND

1. The City of Albany conducts several events with the aim of fostering a healthy, vibrant community and recognising significant cultural, sporting, religious or heritage observances. In 2006/07 Council resolved to conduct the following events:

Event	Date	Venue	Cost to Council #
US Submariners Service	27 May 07	Forts	\$2,600
Christmas Pageant (No Concert)	16 Dec 06	CBD	\$12,000#
Turning of Christmas Lights	1 Dec 06	AHG	\$4,000
New Years Eve Fireworks (No Concert)	31 Dec 06	Foreshore	\$10,000
Australia Day Concert	26 Jan 07	ALAC	\$10,000#
Australia Day Fireworks	26 Jan 07	ALAC	\$12,000

\$10,000 grant from Lotterywest for Aust. Day Festival and \$1,700 revenue for Christmas Pageant achieved in 06/07. The City of Albany also runs other events/activities such as Sportsperson of the Year, Seniors Expo and small events at the Library and Leisure Centre.

2. In June 2006, Council resolved to discontinue the family concert immediately following the Christmas Pageant and the entertainment program immediately before the New Years Eve fireworks. It was resolved that the savings of ~\$14,000 be diverted to the Australia Day event and include a new fireworks display. The intent of this decision was to focus resources on events where there would be greater likelihood of families receiving greater enjoyment.
3. Staff and contractors had expressed concern that the New Years Eve Concert (7.30pm to midnight) held in 2006 had attracted some unruly behaviour and that it had the potential to erode enjoyment by the target group being families. Council resolved that given the time the Australia Day event is held (4.30pm) this problem would be reduced and warranted a greater focus for ratepayer's funds.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. There are no current policy implications for this item.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued

FINANCIAL IMPLICATIONS

6. In 2006/07 Council budgeted \$71,600 to conduct the following event program. A grant of \$10,000 was received from Lottery West for the Australia Day concert.

US Submariners Service	\$2,600
Christmas Pageant (No Concert)	\$12,000
Turning of Christmas Lights	\$4,000
New Years Eve Fireworks	\$10,000
Australia Day Concert	\$10,000*
Australia Day Fireworks	\$12,000
Total	\$67,600

*Total cost \$20,000

7. The City currently employs a Project Officer - City Events (averaged out to 3 days per week) remunerated at approx 30,000pa.
8. The implication of re-instating New Years Eve Entertainment and Christmas Pageant Concert in 2007/08 is approximately \$13,000 assuming Lotterywest and community/equipment and performances can be sourced. If it cannot then Council will need to consider a quarterly review of an additional \$10,000.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to.....

- *Delivering excellent community services*
- *Promoting our community’s vision for the future.*

The City of Albany will always be renowned for.....

- *Our strategic integration*

At all times we will...

- *Respect the community’s aspirations and resources*
- *Actively keep abreast of best practice*
- *Demonstrate integrity, leadership and teamwork*
- *Seek innovative approaches*

Priority Projects:

Nil.”

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued

COMMENT/DISCUSSION

10. Some community members and Councillors expressed concern that the Christmas Pageant Concert and New Years Eve entertainment had been discontinued in 2006. An elected member briefing session held on 29 May 2007 indicated a preference for the Christmas Pageant family concert and New Years Entertainment to be re-instated whilst continuing to provide a fireworks display after the Australia Day family event.
11. Discussions with several local musicians and radio stations have indicated the cost of New Years Eve entertainment could be reduced through provision of services at nominal community rates. In addition, early discussions with the Combined Churches of Albany has suggested church groups may be interested in performing at a Christmas Concert Pageant contingent upon sound, staging and lighting being made available by Council.
12. Staff have also contacted Lotterywest who have indicated an additional \$10,000 may be made available to assist New Years Eve Entertainment and the Pageant Concert (not fireworks) making it's contribution \$20,000 per annum.
13. It is proposed the following program of events be held for the 2007/08 year:

Turning On of the Christmas Lights

Proposed to be held on Saturday 1 December 2007

Christmas Pageant (and Concert)

Pageant and concert to be held on Saturday 8 December 2007

Feedback from float participants has indicated it is preferred to have the pageant prior to the commencement of school holidays (13 December) to increase participation in the parade and increase attendance.

New Years Eve

Conduct improved New Years Eve fireworks and re-introduce family orientated entertainment including radio broadcast and youth activities. Increased security at the New Years Eve entertainment would be required if Council resolves to re-instate an entertainment service.

Australia Day

Conduct the Australia Day free family concert and continue with a fireworks display.

Additional staff resources will be required to organise the program events with the Project Officer (City Events) requiring an extra two-days per week for approximately 12 weeks at a estimated cost of \$5000.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued

RECOMMENDATIONS

1. THAT Council conduct the following events in the 2007/08 year:
 - a) Turning on of the Christmas Lights on Saturday 1 December 2007 followed by a small celebration;
 - b) Christmas Pageant on Saturday 8th December 2007 with a small family concert;
 - c) New Years Eve Fireworks with entertainment provided in the lead up to the display and subject to Lotterywest funding support.
 - d) Australia Day family concert followed by a fireworks display on 26th of January 2008; and
 - e) US Submariners Service.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WALKER**

THAT Council conduct the following events in the 2007/08 year:

- a) **Turning on of the Christmas Lights on Saturday 1 December 2007 followed by a small celebration;**
- b) **Christmas Pageant on Saturday 8th December 2007 with a small family concert;**
- c) **New Years Eve Fireworks with entertainment provided in the lead up to the display;**
- d) **Australia Day family concert followed by a fireworks display on 26th of January 2008; and**
- e) **US Submariners Service.**

CARRIED 13-0

ABSOLUTE MAJORITY

Reason:

It is considered that the entertainment leading up to the New Years Eve Fireworks is an integral component of the New Years Eve event, as it is with the concert for the Christmas Pageant.

Nevertheless, Lotterywest funding should continue to be sought for the event.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued



VARY A DECISION

In accordance with Regulation 10(1)(b) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to vary the decision of OCM 20/06/06 Item 14.3.2 (Review of City of Albany Events Program)

<u>Paul Alban</u> Name	<u>[Signature]</u> Signature	<u>17.07.07</u> Date
<u>Tom Waterman</u> Name	<u>[Signature]</u> Signature	<u>17/7/07</u> Date
<u>JOHN JAMESON</u> Name	<u>[Signature]</u> Signature	<u>17/07/07</u> Date
<u>[Signature]</u> Name	<u>MULTON JOHN EVANS</u> Signature	<u>17/07/07</u> Date
<u>Bob Emery</u> Name	<u>[Signature]</u> Signature	<u>17/07/07</u> Date

Decision OCM 20/06/06:

MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR EVANS

THAT Council conduct;

- i. a 'Turning on of the Christmas Lights' on Friday the 1st of December with a small celebration,
- ii. the Christmas Pageant on Saturday 16th of December 2006 with no concert;
- iii. "New Years Eve Fireworks" with a countdown unit and no concert; and
- iv. a family concert with fireworks to follow on Australia Day between 6pm and 9pm (Friday the 26th of January).

MOTION CARRIED 10-1

Item 14.3.2 continued



MOTION

In accordance with Regulation 10(1)(b) of the Local Government (Administration) Regulations 1996, I Judith Williams hereby move to have the following motion presented for consideration.

- Alternate Motion by Councillor Williams -

14.3.2 Review of 2007/08 City of Albany Events Program

MOTION:

THAT Council conduct the following events in the 2007/08 year:

- a) **Turning on of the Christmas Lights on Saturday 1 December 2007 followed by a small celebration;**
- b) **Christmas Pageant on Saturday 8th December 2007 with a small family concert;**
- c) **New Years Eve Fireworks with entertainment provided in the lead up to the display;**
- d) **Australia Day family concert followed by a fireworks display on 26th of January 2008; and**
- e) **US Submariners Service.**

Voting Requirement Simple Majority

.....

Reason:

It is considered that the entertainment leading up to the New Years Eve Fireworks is an integral component of the New Years Eve event, as it is with the concert for the Christmas Pageant.

Nevertheless, Lotterywest funding should continue to be sought for the event.

GENERAL MANAGEMENT SERVICES REPORTS

14.4 CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Albany Tourism Marketing Advisory Committee Meeting Minutes 11 June 2007

- File/Ward** : STR206 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Tourism Marketing Advisory Committee held on 11 June 2007 be received.

RECOMMENDATION

THAT the minutes of the Albany Tourism Marketing Advisory Committee held on 11 June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....
MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON

THAT the minutes of the Albany Tourism Marketing Advisory Committee held on 11 June 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 13-0

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR MARSHALL**

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

CARRIED 13-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

'Fellow Councillors:

From 26th to 28th June, Chief Executive Officer, Andrew Hammond, and myself attended 'The Challenge of Global Warming and Peak Oil for Local Government' conference in Melbourne. The aim of the conference was to encourage Local Government authorities to work cooperatively with State and Federal Governments to identify and address the issues related to global warming and establish a 'way forward'.

There is no doubt that human activity, over the last century in particular, has altered the world's atmosphere. In today's society everything we consume has industrial processes and greenhouse gas emissions associated with it. The effect of global warming on rainfall, drought, rising sea levels and the resulting economic, social and environmental changes are serious indeed.

Human activity and industry has also put at risk global oil reserves, with remaining supplies unlikely to meet current and future demands. Prices will undoubtedly soar and oil will eventually become inaccessible.

Unless significant and sustainable global action is taken to forestall projected climate change trends, large-scale, irreversible damage to societies across the planet is likely to occur. Greater understanding and knowledge of the impacts of climate change will be required and a co-operative approach to the problem implemented by Commonwealth, State and Local Government.

Because local governments are at the forefront of many activities that both contribute to climate change and are likely to be impacted upon by climate change, it is vital that we as a Council become proactive in educating the community and eliciting their support at a local level.

Item 17.0 continued

Each and every citizen can make a difference to global warming and peak oil issues by broadening their thinking and making lifestyle changes for the benefit of the environment. By simply turning off switches; minimising power, lighting and vehicle usage; upgrading light globes to energy efficient varieties; planting trees; conserving water; recycling where possible and reducing landfill waste; through these and many other initiatives, we can make a difference.

Also over this month, the City of Albany was very proud to host an Industry Forum for Tourism WA on the 21st June. Executive Staff and Board members of Tourism Western Australia met with key tourism stakeholders to discuss the important tourism issues facing Albany and Australia's South West.

On 9th July I was delighted to host a tree planting ceremony at Lawley Park to honour the 100th birthday of Mr Samuel Arthur Sampson. Sam is a pioneer of this region who grew up on small farms in Torbay, Denmark and the Porongurups. He operated the very first motorised tractor and grader as a machinery operator at the Plantagenet Road Board, which inspired a love of machinery. In years to come Sam and his brother purchased a bulldozer and worked in the Albany, Tambellup and Kojonup areas clearing land and sinking dams. Sam was renowned for the quality of his workmanship. Married to Emma Steicke, his childhood sweetheart, for 64 years and remarrying again at age 95, Sam has lead a full and productive life. An accomplished musician, gardener, photographer and resourceful handyman, Sam is known to his family and friends to be a genuine and dedicated man of gentle, generous and gracious spirit. It was an honour indeed to recognise the life of this admirable gentleman with a commemorative tree planted in his honour.

On the 13th July I had the great pleasure of officially opening the Miniature House collection, which is to be temporarily housed at the Old Goal under the custodianship of the Albany Historical Society. Painstakingly hand-crafted by Bill and Edith Felber, this wonderful collection of doll's houses and its associated pieces has been generously gifted to the City of Albany so that they can remain in Albany to be enjoyed by the people of this community in years to come. On behalf of the community of Albany I would like to thank and recognise the Felber's for this gift. I would also like to publicly acknowledge the work of the Albany Historical Society volunteers in cataloguing, relocating, cleaning and preparing the collection for display. Their willing support to Council has been much appreciated.

Thank you.'

DRAFT MOTION

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

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MARSHALL**

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

CARRIED 13-0

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

18.1 Albany Art Prize Review

File/Ward	:	MAN116 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	Executive Director Corporate & Community Services (WP Madigan)
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That the recommendation of the Albany Arts Advisory Committee in relation to the Albany Arts Prize be adopted.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. The Art Prize has been in existence since 1963 when the late Ted Furlong initiated the 6VA Art Competition. In the early 1970's the Council took over the co-ordination of the event and it subsequently became known as the City of Albany Art Prize.
2. The overall aim of the City of Albany Art Prize has been to encourage artists to participate. The prize provides an opportunity for artists in Western Australia and interstate to display their work and to compete for awards in a broad range of media and categories. It also provides an opportunity for members of the public to view and enjoy an outstanding exhibition of visual art and offers a forum for debate and discussion.
3. Artists are invited to submit for judging and exhibition works under a variety of categories, subjects and media for awards and prizes.
4. The City of Albany Art Prize is to be conducted over Easter 2008.

STATUTORY REQUIREMENTS

5. There are no direct statutory implications in relation to this item.

Item 18.1 continued

POLICY IMPLICATIONS

6. There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

7. There are no direct financial implications in relation to this item.

STRATEGIC IMPLICATIONS

8. This strategic context for the City of Albany is set out in the City of Albany 3D Corp, which states...

“Community Vision:

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

Mission Statement

The City of Albany is committed to...

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

Priority Projects

Nil”

COMMENT/DISCUSSION

9. With the introduction of the new City of Albany Art Prize, it has been necessary to review the terms and conditions of the Albany Art Prize.
10. This review was undertaken by the Albany Arts Advisory Committee at its meeting held on the 11th July 2007, and the following recommendations supported –

Title of Competition: Naming Rights Sponsor (\$3,000) or Centennial Art Prize if no naming rights sponsor secured.

Categories / Prize Money:

- | | |
|---|---------------|
| • Open Prize.
Best work in Competition – any medium, any subject.
Non-Acquisitive.
All works entered automatically. | \$3000 |
| • Best Painting - Oil, Acrylic or Water Colour.
Non-Acquisitive. | \$1000 |
| • Best Drawing – any medium
Any subject. Non-Acquisitive. | \$1000 |
| • Best Print
Any subject. Non-Acquisitive. | \$1000 |

Item 18.1 continued

- **Best 3-Dimensional Work** **\$1000**
Any medium, any subject. Non-Acquisitive.
- **Best Photograph** **\$1000**
Any subject. Non-Acquisitive.
- **Best work in Mixed Media** **\$1000**
Any subject. Non-Acquisitive.
- **Popular Vote Award** **\$500**
Non-Acquisitive. All works entered automatically.

Entries per Person (Any category / categories): 2, with the guarantee that at least one of such works will be exhibited.

Commission on Sales: 30%

Sponsorship funding to be directed towards the acquisition of artworks for the City Collection.

11. Given the tight time frames associated with this competition, and the need to progress the scheduling at this point, the Mayor agreed for this item to be brought forward to this meeting.

RECOMMENDATION

THAT the recommendation of the Albany Arts Advisory Committee in relation to the Albany Arts Prize, as follows:

Title of Competition: Naming Rights Sponsor (\$3,000) or Centennial Art Prize if no naming rights sponsor secured.

Categories / Prize Money:

- Open Prize. **\$3000**
Best work in Competition – any medium, any subject.
Non-Acquisitive.
All works entered automatically.
- Best Painting - Oil, Acrylic or Water Colour. **\$1000**
Non-Acquisitive.
- Best Drawing – any medium **\$1000**
Any subject. Non-Acquisitive.
- Best Print **\$1000**
Any subject. Non-Acquisitive.

Item 18.1 continued

- Best 3-Dimensional Work \$1000
Any medium, any subject. Non-Acquisitive.
- Best Photograph \$1000
Any subject. Non-Acquisitive.
- Best work in Mixed Media \$1000
Any subject. Non-Acquisitive.
- Popular Vote Award \$500
Non-Acquisitive. All works entered automatically.

Entries per Person (Any category / categories): 2, with the guarantee that at least one of such works will be exhibited.

Commission on Sales: 30% (GST inclusive)

Sponsorship funding to be directed towards the acquisition of artworks for the City Collection.

be adopted, subject to the Commission on Sales fee being adopted in the 2007/2008 budget.

Voting Requirement Simple Majority

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WATERMAN**

THAT the recommendation of the Albany Arts Advisory Committee in relation to the Albany Arts Prize, as follows:

Title of Competition: Naming Rights Sponsor (\$3,000) or Centennial Art Prize if no naming rights sponsor secured.

Categories / Prize Money:

- **Open Prize. \$3000**
Best work in Competition – any medium, any subject.
Non-Acquisitive.
All works entered automatically.
- **Best Painting - Oil, Acrylic or Water Colour. \$1000**
Non-Acquisitive.
- **Best Drawing – any medium \$1000**
Any subject. Non-Acquisitive.
- **Best Print \$1000**
Any subject. Non-Acquisitive.

Item 18.1 continued

•	Best 3-Dimensional Work Any medium, any subject. Non-Acquisitive.	\$1000
•	Best Photograph Any subject. Non-Acquisitive.	\$1000
•	Best work in Mixed Media Any subject. Non-Acquisitive.	\$1000
•	Popular Vote Award Non-Acquisitive. All works entered automatically.	\$500
Entries per Person (Any category / categories): 2, with the guarantee that at least one of such works will be exhibited.		
Commission on Sales: 30% (GST inclusive)		
Sponsorship funding to be directed towards the acquisition of artworks for the City Collection.		
be adopted, subject to the Commission on Sales fee being adopted in the 2007/2008 budget.		
CARRIED 13-0		

19.0 CLOSED DOORS

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR JAMIESON**

THAT the Council meet behind closed doors to consider Item 19.1 – Purchase of Land for Flood Mitigation Purposes as a confidential matter in accordance with Section 5.23 (2)(c)(ii) of the Local Government Act 1995 – a matter that if disclosed, would reveal information that has a commercial value to a person.

CARRIED 13-0

Members of the public and media vacated the Council Chambers at 9.17pm.

19.1 Purchase of Land for Flood Mitigation Purposes

Item 19.1 is a CONFIDENTIAL matter in accordance with Section 5.23 (2)(c) (ii) of the Local Government Act 1995 – a matter that if disclosed, would reveal information that has a commercial value to a person. The report and recommendation was issued under separate, confidential cover.

The decision of the Council is recorded only.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT the Council open the meeting to the public.

CARRIED 13-0

The meeting was re-opened to the public and members of the public and media returned to the Council Chambers at 9.24pm.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WALKER**

THAT Council delegate authority to the Chief Executive Officer to negotiate the purchase of land for flood mitigation purposes and with funding to be sourced from the roads reserve.

**CARRIED 13-0
ABSOLUTE MAJORITY**

20.0 NEXT ORDINARY MEETING DATE

Tuesday 21 August 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.25pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cr J Waterman	11.1.1 Development Application – Bulky Goods Outlet – 160 Chester Pass Road, Lange	Financial – Cr owns a retail outlet, which sells similar items (Not Bulky).
Cr D Wiseman	11.1.2 Development Application – Change of Non-conforming Use from Service Store to Liquor Store – 116 Middleton Road, Middleton Beach	Financial – Cr manages liquor store, and derives income from that store.
Cr M Bojcun	11.1.4 Development Application – Non-complying Outbuilding – 596 Frenchman Bay Road, Little Grove	Financial – Husband is a sub-contractor to Outdoor World
Cr MJ Evans, JP	12.8.2 Community Financial Assistance Committee meeting minutes Round 1-22 nd June 2007	Impartiality - Patron of Albany Band, Vice Chairman Hospice Board of Management, Wife member of Light Opera and Theatre Co, Wife member of Sinfonia.
P. Madigan	12.8.2 Community Financial Assistance Committee meeting minutes Round 1-22 nd June 2007	Impartiality - Executive member of committee, King River Pony Club
Cr J Jamieson	12.8.3 Albany Arts Advisory Committee meeting minutes – 13 June 2007	Impartiality - Wife leases studio space at the Vancouver Arts Centre.
CEO, A. Hammond	13.4.2 Contract C07008 – Provision of Mowing Services	Impartiality – Personal friend of one of the Directors of the Edenborn Pty/Ltd.
	14.3.2 Review of 2007/08 City of Albany Events Program	Impartiality – Member of the Princess Royal Sailing Club.

APPENDIX B

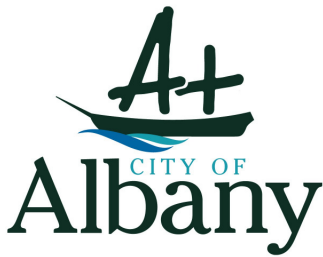
INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTERESTS DISCLOSED BY OFFICERS

P. Madigan	12.8.2 Community Financial Assistance Committee meeting minutes Round 1-22 nd June 2007	Impartiality - Executive member of committee, King River Pony Club
CEO, A. Hammond	13.4.2 Contract C07008 – Provision of Mowing Services	Impartiality – Personal friend of one of the Directors of the Edenborn Pty/Ltd.
	14.3.2 Review of 2007/08 City of Albany Events Program	Impartiality – Member of the Princess Royal Sailing Club.

[Agenda Item 12.1.1 refers]
[COUNCIL – 17TH July 2007]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	Totalling		\$74,089.14
Electronic Fund transfer	Totalling	\$4,128,104.53	
Credit Cards	Totalling		\$8,001.88
Payroll	Totalling		\$616,639.00
Total			<u>\$4,826,834.55</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$4,826,834.55 which was submitted to each member of the Council on 17th July 2007 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$4,826,834.55 which was submitted to the Council on 17th July 2007 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)