



MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday, 17 July 2012
6.00pm
City of Albany Council Chambers**

CITY OF ALBANY STRATEGIC PLAN (2011-2021)

The City of Albany Strategic Plan was adopted by Council on 16 August 2011 and is available at www.albany.wa.gov.au

The Plan states our vision and values as:

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

The values of the City of Albany apply to elected members and staff who commit to:

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL MEETING
MINUTES – 17/07/2012
** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [6:00:57 PM](#)

II. OPENING PRAYER

The Mayor read the opening prayer.

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

ITEM 2.0: RESOLUTION

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR ATTWELL**

THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.

CARRIED 9-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

[6:02:25 PM](#) Mayors Report

ITEM 3.0: RESOLUTION

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HAMMOND**

THAT The Mayor’s Report be RECEIVED.

CARRIED 9-0

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

Nil.

V. PUBLIC QUESTION AND STATEMENT TIME

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

[6:04:28 PM](#) **Mr Nick Ayton, 11 Duke Street, Albany**

Summary of key points:

- Item 2.7: Endorsed the Officer Comment made in response to Councillor Bostock's Alternate Motion
- Item 2.9: Supported the Alternate Motion by Councillor Attwell, but queried the Officer's Comment regarding the use of Luke Lane.
- Closing access will reduce width of Luke Lane. This matter can be reviewed in the future.

[6:08:18 PM](#) **Ms Diana Barrett, 37 Karrakatta Road, Goode Beach**

Summary of key points:

- Addressed Council regarding Item 2.4
- Property has been running as holiday accommodation for long period of time
- More tenants in the last week occupying the house, despite assertions from the proponent that no further occupancy would occur until approval had been granted
- Difficult to make the business sufficiently non intrusive
- Negative impact on surrounding properties

[6:10:16 PM](#) **Ms Megan Wright, 33 Karrakatta Road, Goode Beach**

Summary of key points:

- Addressed Council regarding Item 2.4
- Long history of property being used for holiday accommodation
- If conditions can be complied with it will assist in making business more tolerable for surrounding residents
- Structure of the building in question provides a challenge for surrounding residents with regard to noise and visual intrusion

6:12:37 PM Mr Gordon Bragg, 121 Heytsbury Road, Subiaco

Summary of key points:

- Addressed Council regarding Item 2.4
- Apologised for the retrospective application for approval as holiday accommodation
- Surprised that neighbours had expressed such a negative attitude to the application
- No adverse comments directed to him as the owners
- No further additions to management plan submitted to Council, has a local resident to meet and greet visitors
- Supportive of town, residents and community
- Surprised at the adverse response
- In the last financial year the house was only used for 79 nights
- Shortage of short stay accommodation in the Goode Beach area
- Property attractive to family groups and young families

6:17:48 PM Mr Warren Marshall, Cliff Street, Albany

Summary of key points:

- Referred to the radio interview between Faileen James and ABC Radio on 27 June 2012
- Questioned comments made by Ms James regarding irreconcilable differences, lack of understanding of obligations, reporting Council to Department of Local Government and CCC
- On how many occasions did Faileen James report the Council to Department of Local Government as required under the Act? Question taken on notice.
- What is the status of the report to the CCC, is it resolved, is it ongoing, what is the nature of the report and what City's resources, if any, legal and otherwise are involved with this report?

Mayor Wellington responded that no City resources were being expended. Council is not permitted to comment on the report. Report is now the mandate of the CCC.

- In the radio interview, Faileen James said ...four months in breach of my employment contract, not complied with procedural steps. Is this true, and if so, is this breach not of itself a prima facie case for the City itself repudiating the position of the CEO rather than has been presented, that is the CEO, by speaking publically repudiating her contract.

Mayor Wellington responded that Council would not be making any comment.

- Faileen James stated that she was told her mandate by the then Council who employed her was to 'clean it up', and that was repeated a couple of times. She made reference to employee benefits that were not transparent and poor decisions coming home to roost. To date, how much money has the City lost on its investment, including losses attributed to having to try to recoup its investment through legal means?

Mayor Wellington responded that he was unable to give a specific answer, as the losses were incurred a long time before Faileen James came to the City. There is an Australia wide effort to recover funds from the collapse of Lehman Bros.

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Executive Director Corporate Services responded that he was in contact with those agencies attempting to recoup monies on behalf of the City. It is difficult to make a determination of how great the losses are, as some of those losses are still being negotiated and will not be finalised for some time yet.

- What legal advice did the City seek and receive prior to the public repudiation statement that was made

Mayor Wellington responded that legal advice had been sought and received.

- Why is the City so bloody minded and belligerent with respect to the CEO, when some grace and humility might just avoid the 'laughing stock' tag being revisited in 2012?

Mayor Wellington responded that the matter was both litigious and commercial in confidence. Council's side of the story is not able to put in the public arena at this stage. There are always two sides to every story and it would be prudent to wait until both sides of the story are revealed before making a judgement.

[6:24:49 PM](#) There being no further speakers, the Mayor declared the Public Question and Statement Time closed.

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VI. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor	D Wellington
Councillors:	
Breaksea Ward	R Hammond
Kalgan Ward	C Holden
Kalgan Ward	Y Attwell
West Ward	G Gregson
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles

Staff:

Acting Chief Executive Officer	L Hill
Executive Director Community Services	C Woods
Executive Director Planning & Development Services	D Putland
Executive Director Works & Services	S Grimmer
Executive Director Corporate Services	G Adams
Minutes	J Williamson

Apologies:

Breaksea Ward	V Calleja
Frederickstown Ward	G Stocks
West Ward	D Dufty
Frederickstown Ward	C Dowling

VII. APPLICATIONS FOR LEAVE OF ABSENCE

ITEM 7.0: RESOLUTION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR HAMMOND**

THAT Councillor Dowling be granted Leave of Absence from 16 July 2012 to 3 August 2012 (inclusive).

CARRIED 9-0

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION 1

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR SUTTON**

THAT the minutes of the Ordinary Council Meeting held on 19 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

ITEM 8.0: RESOLUTION 2

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR BOWLES**

THAT the minutes of the Special Council Meeting held on 5 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

ITEM 8.0: RESOLUTION 3

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR GREGSON**

THAT the minutes of the Special Council Meeting held on 28 June 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 9-0

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IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor S Bowles	4.1	Impartiality. Councillor Bowles has a sponsorship arrangement with Paper Bark Merchants through Great Southern Factor Inc. Councillor Bowles remained in the Chamber and participated in the discussion and vote.

X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil.

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

XII. ADOPTION OF RECOMMENDATIONS EN BLOC

Nil.

RISK MANAGEMENT FRAMEWORK

The City of Albany Organisational Risk Management Framework, which will be used as a Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members.

17/07/2012

REFER DISCLAIMER

1.1: AUDIT AND FINANCE COMMITTEE

Proponent : City of Albany
Responsible Officer : Acting Chief Executive Officer (L Hill)

**ITEM 1.1: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNMCILLOR ATTWELL
SECONDED: COUNCILLOR GREGSON**

THAT Council meet with Mr Gary Hunt to further discuss the selection process for the appointment of the new Chief Executive Officer of the City of Albany.

CARRIED 9-0**ITEM 1.1: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GREGSON**

THAT one weeks leave be GRANTED to the Acting Chief Executive Officer, and the City reimburse the cost of a return flight from Brisbane for Ms Hill during this period of leave.

CARRIED 9-0

17/07/2012

REFER DISCLAIMER

1.1.1: GOVERNANCE COMMITTEE

Proponent : City of Albany
Attachments : Minutes of the Governance Committee Meeting held on 28 May 2012
Responsible Officer(s) : Acting Chief Executive Officer (L Hill)

**ITEM 1.1.1: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR BOWLES**

THAT the confirmed minutes of the Governance Committee meeting held on 28 May 2012, be RECEIVED.

CARRIED 9-0**ITEM 1.1.1: COMMITTEE RECOMMENDATION 2**

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR ATTWELL**

THAT Councillor Holden and Councillor Calleja be appointed as members to the Planning and Development Committee.

CARRIED 9-0



GOVERNANCE COMMITTEE

MINUTES

for the meeting held from 8.05pm on Monday 28 May 2012,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: CM.MEE.6)

Terms of Reference: *The Committee is established under section 7.1A of the Local Government Act 1995 (the Act) and its Regulations. The Committee does not have any delegated authority from Council.*

1.0 ATTENDANCE

Mayor	D Wellington(Chair)
Councillors:	
R Hammond	Member
Y Attwell	Member
D Bostock	Member
S Bowles	Member
V Calleja	Member
D Dufty	Member
G Gregson	Member
A Hortin	Member
G Stocks	Member
R Sutton	Member
C Holden	Member
C Dowling	Member
Staff:	
Chief Executive Officer	F James
Executive Director Works and Services	S Grimmer
Executive Director Community Services	L Hill
Executive Director Planning and Development Services	D Putland
Manager HR	D Baker
Minutes	J Williamson

Apologies/Leave of Absence:

ITEM 2.0: CONFIRMATION OF MINUTES

**MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR STOCKS**

The unconfirmed minutes of the Governance Committee meeting held on 23 April 2012, as previously distributed, be confirmed as a true and accurate record of proceedings.

CARRIED 13-0

3.0 STANDING ITEMS

3.1 Staff Movements

4.0 ITEMS FOR DISCUSSION

4.1 Council Committee Functioning and Implications for Staff Operational Implementation

- (non) delegations
- (non) budget
- Instruction to staff by Committee members
- Resourcing of staff time for secretariat

Discussion between Committee members and Executive Staff-no papers.

4.2 Community Strategic Plan:

- Finance Plan
- Asset Management Plan
- Workforce Plan
- Operational Plan
- Business Continuity Plan

Discussion led by the Chief Executive Officer

***Please bring your Department of Local Government Integrated Planning Framework booklet. Alternatively, a copy may be obtained at <http://dlq.wa.gov.au/Content/Publications/PublicationSearch.aspx>**

The Committee support this project, to be led by Council in partnership with staff.

4.3 Communications between Councillors and Staff

- Information sought by Councillors
- Work Requests/Resident Complaints

Discussion between Committee members and Executive Staff-no papers

4.4 Grievance Policy and Procedures-Presentation by HR Manager
Council noted the Grievance Policy and Procedures.

4.5 "Exit" Survey of Employees-draft web survey attached.
Council noted the Exit Survey to be presented to Council.

ITEM 16.3: MOTION 2 BY COUNCILLOR SUTTON

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GREGSON**

1. All permanent staff who have resigned in the past 12 months, where they are reasonably able to be contacted, and any permanent staff who resign in the future from the City are requested to complete an exit questionnaire developed by the City of Albany HR Manager in conjunction with the Governance Committee.
2. The exit questionnaire will be approved by Council.
3. A copy of that information be provided to the relevant Executive Director, with Councillors being able to discuss exit questionnaires with that Executive Director.
4. A reporting mechanism to Council regarding exit questionnaire information be developed by the City of Albany HR Manager in conjunction with the Governance Committee.
5. The release of that information to any Councillor must be with the consent of the employee.

CARRIED 12-1

- 4.6 Employee Sick Leave Report-Council received a verbal update and explanation from Manager HR.
- 4.7 Employee EEO Demographics-Council noted the report.
- 4.8 Succession Planning for Executive Director Community Services Directorate. Paper attached. Reporting Officer: Chief Executive Officer
- All staff excluding the CEO left the meeting for discussion on this item.
- This matter was laid on the table following confidential discussion.
- Staff returned to the meeting.
- 4.9 Staff Workload Expectations-please see attached email dated 6 May 2012. Council noted the email, and requested that Executive staff present their work/project priorities to Council for consideration.
- 4.10 Rescinded HR Policies-Attached for Noting by Committee
- 4.11 Policy-Handling of Complaints By or Against Elected Members-Possible rescission of Policy.

ITEM 4.11: RECOMMENDATION

**MOVED: COUNCILLOR BOSTOCK
SECONDED: COUNCILLOR DUFTY**

THAT this item be laid on the table.

CARRIED 13-0

- 4.12 Councillor Hammond's Motion of 17/04/2012-the CEO understands that WALGA have informed the City that this resolution is ultra vires. The Governance Committee should consider rescission of this resolution of Council.

ITEM 16.4: MOTION BY COUNCILLOR HAMMOND

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SUTTON**

THAT the Governance Committee establish a Complaints Panel as soon as practicable prior to the next Ordinary Council Meeting in order to facilitate and specifically consider any behavioural issues arising in the workplace that may be characterised as discriminatory, harassment or bullying.

CARRIED 13-0

ITEM 4.12: RECOMMENDATION

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR STOCKS**

THAT Council instruct the Department of Local Government to request a ruling on this matter from the State Solicitors Office.

CARRIED 13-0

- 4.13 Local Law-Meeting Procedure. Reporting Officer: Chief Executive Officer
- 4.14 Outcome of General Workers Enterprise Agreement Ballot-HR Manager, verbal update
- 4.15 Advice received from Department of Local Government, Governance and Legislation.

The Committee agreed unanimously that Council may instruct the CEO under the *Local Government Act 1995* and the *Occupational Safety and Health Act 1985*.

5.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

- 5.1 Amended Code of Conduct
5.2 Governance Framework

6.0 GENERAL DISCUSSION (in the absence of staff). Staff left the meeting at 9.55pm.

- 6.1 CEO Appraisal and KPIs

7.0 DATE OF NEXT MEETING: 25 June 2012

8.0 CLOSURE OF MEETING

1.2: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS

Responsible Officer : Acting Chief Executive Officer (L Hill)
Attachments : Common Seal Report

IN BRIEF

- Receive the Common Seal Reports for June 2012, which include decisions made by Delegated Authority

ITEM 1.2: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR SUTTON

THAT the Common Seal Report for June 2012 be RECEIVED.

CARRIED 9-0

NCSR1224586 A44862

COPY OF COMMON SEAL

ITEM: N/A

REF: WITHDRAW ABSOLUTE CAVEAT H87519 AND LODGE NEW CAVEAT

PARTIES: CITY OF ALBANY

SIGNED BY MAYOR AND CEO 2 COPIES

NCSR1224744 C12007

ITEM: N/A

REF: C12007 -ALBANY REGIONAL AIRPORT SECURITY UPGRADE

PARTIES: CITY OF ALBANY AND AUSSIE MODULAR SOLUTIONS PTY LTD

SIGNED BY MAYOR AND CEO 2 COPIES

NCSR1224810 GS.APC.13

ITEM: 4.6 OCM: 15.03.11

REF: GRANT AGREEMENT FOR SAIL ABILITY PROGRAM FOR PEOPLE WITH
DISABILITIES

PARTIES: CITY OF ALBANY AND DISABILITIES SERVICE COMMISSION AND

PRINCESS ROYAL SAILING CLUB

SIGNED BY CEO 2 COPIES

NCSR1224817 1009-10

ITEM: N/A

REF: SECTION 70A NOTIFICATION SURVEY STRATA 1009-10, LOT 2 62 LEONORA ST,
YAKAMIA

PARTIES: CITY OF ALBANY AND COOLE INVESTMENTS PTY LTD

SIGNED BY CEO AND MAYOR 2 COPIES

NCSR1224818 127165

ITEM: N/A

REF: FORM A5 APPLICATION VARY SECTION 167 43G.5 EASEMENTS FOR
DRAINAGE. EASEMENT DP67389

PARTIES: CITY OF ALBANY

SIGNED BY CEO AND MAYOR 2 COPIES

NCSR1224819 140131

ITEM: N/A

REF: SECTION 70A NOTIFICATION FOR SUBDIVISION WAPC 140131, LOT 35 THE
ESPLANADE

PARTIES: CITY OF ALBANY AND HARRY ERNEST GRIFFITHS AND LYNETTE EDITH
WELSH

SIGNED BY CEO AND MAYOR 2 COPIES

NCSR1224878 FM.LOA.1

ITEM: N/A

REF: LOAN AGREEMENT FOR \$1,500,000.00 - DATED 28 JUNE 2012 MATURITY
DATED 28 JUNE 2013

PARTIES: CITY OF ALBANY AND WESTERN AUSTRALIAN TREASURY CORPORATION

SIGNED BY CEO AND MAYOR

NCSR1224920 PRO357
ITEM: 4.6 OCM: 15.03.11
REF: SALE OF LOT 405(10) GIFFORD STREET, LOCKYER - TRANSFER OF LAND
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP
SIGNED BY CEO AND MAYOR

NCSR1224921 PRO357
ITEM: 4.6 OCM: 15.03.11
REF: SALE OF LOT 437 (9) GIFFORD STREET, LOCKYER - AUTHORITY TO ACT
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP
SIGNED BY CEO AND MAYOR

NCSR1224922 PRO357
COPY OF COMMON SEAL
ITEM: 4.6 OCM: 15.03.11
REF: SALE OF LOT 445 (8) RAYBOLD STREET, LOCKYER - AUTHORITY TO ACT
PARTIES: CITY OF ALBANY AND HHG LEGAL GROUP
SIGNED BY CEO AND MAYOR

NCSR1224923 136275
COPY OF COMMON SEAL
ITEM: 4.6 OCM: 15.03.11
REF: SECTION 70A NOTIFICATION OF SUBDIVISION WAPC 136275, LOT 29
GREATREX ROAD
PARTIES: CITY OF ALBANY AND SCORPIO NOMINEES PTY LTD, IMALA HOLDINGS
PTY LTD, HEMSLEY NOMINEES AND IAN MURRAY CHARLES PALMER
SIGNED BY CEO AND MAYOR

NCSR1224924 136275
COPY OF COMMON SEAL
ITEM: 4.6 OCM: 15.03.11
REF: RESTRICTIVE COVENANT OF SUBDIVISION WAPC 136275, LOT 29 GREATREX
ROAD
PARTIES: CITY OF ALBANY AND SCORPIO NOMINEES PTY LTD, IMALA HOLDINGS
PTY LTD, HEMSLEY NOMINEES AND IAN MURRAY CHARLES PALMER
SIGNED BY CEO AND MAYOR

NCSR1224950 AMD308
COPY OF COMMON SEAL
ITEM: 2.4 OCM: 19.06.12
REF: AMD308 - REZONING OF LOT 4 COSY CORNER ROAD, KRONKUP FROM RURAL
TO SPECIAL RURAL
PARTIES: CITY OF ALBANY AND A & P LONDON
SIGNED BY CEO AND MAYOR 3 COPIES

NCSR1224979 FM.LOA.1
COPY OF COMMON SEAL
ITEM: N/A OCM: N/A
REF: LOAN AGREEMENT WITH WA TREASURY CORPORATION DATED 29 JUNE 2012
PARTIES: CITY OF ALBANY AND WA TREASURY CORPORATION
SIGNED BY ACTING CEO L HILL AND MAYOR 2 COPIES

EDR1224605 C12007
EXECUTED DOCUMENT
ITEM: N/A
REF: PURCHASE ORDER 60495 - AIRPORT MODULAR BUILDING
PARTIES: CITY OF ALBANY AND AUSSIE MODULAR SYSTEMS
SIGNED BY CEO 1 COPY

EDR1224606 RD.ACQ.1
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.2011
REF: ACQUITTAL OF \$1000 GRANT RECEIVED FOR ALBANY YOUTH ADVISORY
COUNCIL
PARTIES: CITY OF ALBANY AND DEPARTMENT FOR COMMUNITIES
SIGNED BY CEO 1 COPY

EDR1224622 RC.SPV.4
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
REF: SPORTS MARKETING AUSTRALIA STUDY CAPACITY AND CAPABILITY
PARTIES: CITY OF ALBANY AND SPORTS MARKETING AUSTRALIA PTY LTD
SIGNED BY CEO 1 COPY

EDR1224623 GS.PRG.21
EXECUTED DOCUMENT
ITEM:4.6 OCM: 15.03.11
REF: BLACKSPOT FUNDING FOR RR GROUP
PARTIES: CITY OF ALBANY AND MAIN ROADS
SIGNED BY CEO 1 COPY AND MAYOR

EDR1224631 PS.TEN.1
EXECUTED DOCUMENT
ITEM: N/A
REF: NON-CONFORMING FILE NOTE - ALBANY AIRPORT UPGRADE
PARTIES: CITY OF ALBANY AND GLASS SUPPLIERS
SIGNED BY CEO 1 COPY

EDR1224632 IT.TEN.1
EXECUTED DOCUMENT
ITEM: N/A
REF: NON-CONFORMING FILE NOTE - ALBANY AIRPORT UPGRADE
PARTIES: CITY OF ALBANY AND ABA SECURITY
SIGNED BY CEO 1 COPY

EDR1224647 GS.PRG.1
EXECUTED DOCUMENT
ITEM: 4.6 OCM 15.03.11
REF: ANTI HOON SPEED BUMP FUNDING
PARTIES: CITY OF ALBANY AND MAIN ROADS
SIGNED BY CEO 1 COPY AND MAYOR

EDR12244708 SD.DEC.3
EXECUTED DOCUMENT
ITEM: N/A
REF: PLANNING CONSENT APPLICATION
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1224713 IT.ACQ.1
EXECUTED DOCUMENT
ITEM: N/A
REF: ANNUAL AUDIT ON SOFTWARE LICENCE REQUIREMENTS
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1224714 GS.PRG.8
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.11
REF: GRANT AGREEMENT FOR TAG FREE ALBANY TAKE II PROJECT
PARTIES: CITY OF ALBANY AND WA POLICE STRATEGIC CRIME PREVENTION
DIVISION
SIGNED BY CEO 1 COPY

EDR1224716 C12007
EXECUTED DOCUMENT
ITEM: N/A
REF: INVOICE 4661 - AIRPORT MODULAR BUILDING
PARTIES: CITY OF ALBANY AUSSIE MODULAR SOLUTIONS
SIGNED BY CEO 1 COPY

EDR1224783 GS.APC.1
EXECUTED DOCUMENT
ITEM: 4.6 OCM 15.03.11
REF: GRANTS ACQUITTAL FOR LOTTERYWEST AND KALGAN RIVER VOLUNTEER
BUSHFIRE BRIGADE
PARTIES: CITY OF ALBANY LOTTERYWEST AND KALGAN BUSHFIRE BRIGADE
SIGNED BY CEO 1 COPY

EDR1224825 RD.DEC.1
EXECUTED DOCUMENT
ITEM: N/A
REF: SIGNING OF CLEARING PERMIT FORM - FRENCHMAN BAY ROAD
PARTIES: CITY OF ALBANY LOTTERYWEST AND DEPARTMENT ENVIRONMENT
CONSERVATION
SIGNED BY CEO 1 COPY

EDR1224839 RC.PRG.11
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.03.2011
REF: CITY OF ALBANY ART COLLECTION - PROPOSED SELECTION OF ARTWORK
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1224855 C11016
EXECUTED DOCUMENT
ITEM: N/A
REF: LETTER OF VARIATION C11016 - TRANSPORT AND PROCESSING OF E -
WASTE.
PARTIES: CITY OF ALBANY AND TRANSPACIFIC CLEANAWAY
SIGNED BY CEO 1 COPY

EDR1224856 DES259
EXECUTED DOCUMENT
ITEM: 4.6 OCM 15.03.11
REF: PALMDALE ROAD RECONSTRUCTION: CONTRACT C11020
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1224857 IM.PUB.24
EXECUTED DOCUMENT
ITEM: N/A
REF: APPROVAL FOR 2012-13 BUDGET TO BE PLACED ON WEBSITE
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

EDR1224858 C12006
EXECUTED DOCUMENT
ITEM: N/A
REF: PURCHASE ORDER FOR CONTRACT C12006
PARTIES: CITY OF ALBANY AND GREAT SOUTHERN SAND AND LANDSCAPING
SIGNED BY CEO 1 COPY

EDR1224859 C10007
EXECUTED DOCUMENT
ITEM: N/A
REF: LETTER OF CONTINUANCE FOR CONTACT C10007 - MOWING SERVICE
PARTIES: CITY OF ALBANY AND EDENBORN PTY LTD
SIGNED BY CEO 1 COPY

EDR1224862 RC.TEN.2
EXECUTED DOCUMENT
ITEM: N/A
EQUIPMENT FOR ALAC
PARTIES: CITY OF ALBANY
SIGNED BY CEO 1 COPY

AGENDA ITEM 1.2 REFERS

EDR1224877 GS.APC.7
EXECUTED DOCUMENT
ITEM: 4.6 OCM 15.3.11
REF: ALBANY PORT AUTHORITY SPONSORSHIP - CENTENNIAL ART PRIZE
PARTIES: CITY OF ALBANY AND ALBANY PORT AUTHORITY
SIGNED BY CEO 1 COPY

EDR1224899 C12006
EXECUTED DOCUMENT
ITEM: N/A
REF: CLAIM NO 1 - INVOICE FOR CONTACT C12006.
PARTIES: CITY OF ALBANY AND GREAT SOUTHERN SANDS AND LANDSCAPING
SIGNED BY CEO 1 COPY

EDR1224926 RC.TEN.2
EXECUTED DOCUMENT
ITEM: N/A
REF: NON CONFORMING FILE NOTE - MINOR QUOTE - LITTLE GROVE BOAT
TRAILER CAR PARK
PARTIES: CITY OF ALBANY AND WOOD AND GRIEVE
SIGNED BY CEO 1 COPY

EDR1224395 DES242
EXECUTED DOCUMENT
ITEM: 5.5 OCM 21.02.12
REF: LOWER DENMARK ROAD RECONSTRUCTION, ELLEKER TOWNSITE,
CONTRACT C12003
PARTIES: CITY OF ALBANY AND A.D. CONTRACTORS
SIGNED BY CEO 1 COPY

EDR1224980 GS.APC.1
EXECUTED DOCUMENT
ITEM:N/A
REF: GRANT SUBMISSION FOR \$1000 TO INJURY CONTROL COUNCIL OF WA
PARTIES: CITY OF ALBANY AND INJURY CONTROL COUNCIL OF WA
SIGNED BY ACTING CEO L HILL 1 COPY

1.4: ANNUAL REVIEW OF DELEGATIONS

Attachment	: City of Albany - Delegations Register
Appendices	: Nil
Responsible Officer(s)	: Acting Chief Executive Officer (L Hill) Manager Compliance & Community Safety (S Jamieson)

IN BRIEF

- Annual Review of Council Delegations

RECOMMENDATION

ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HORTIN

SECONDED: COUNCILLOR GREGSON

That the delegations detailed in the Register of Delegations (Report Item 1.4 attachment) be ADOPTED.

ITEM 1.4: MOTION

MOVED: COUNCILLOR BOSTOCK
SECONDED: COUNCILLOR HAMMOND

THAT this item lay on the table to allow more time for consideration by Council.

CARRIED 6-3

Record of Vote

Against the Motion: Mayor Wellington, Councillors Hortin and Holden

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committee's of Council to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.
3. On 28 May 2012 the Audit & Finance committee reviewed the proposed delegations and recommended that the delegations be presented to Council for adoption.

DISCUSSION

4. A register of Delegations of Authority is essential in order to inform the public of the activities, functions, powers and duties of the Local Government as well meeting the requirements of Section 5.46 of the *Local Government Act 1995* (the Act).
5. This Act requires the Chief Executive Officer (CEO) of the Local Government to keep a Register of Delegations made by the Council to a Committee or the Chief Executive Officer, and by the CEO to other employees.

6. The compilation of the content of this Register was prepared through references to the Act, the Complete Guide to The Local Government Act 1995 (which is a joint production of the Western Australian Municipal Association, the Institute of Municipal Management (WA Division) and the Western Australia Department of Local Government.
7. The Delegations of Authority Register is maintained by the Office of the Chief Executive Officer.
8. Section 5.42 of the *Local Government Act 1995* allows Council to delegate to the Chief Executive Officer and/or Committee.
9. Delegations have been grouped by functional areas.

STATUTORY IMPLICATIONS

10. It is a statutory requirement to review the delegations every financial year.

Delegation to CEO

11. Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer:

“1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegation to Committees

12. Section 5.16 and 5.17 of the Act enables the delegation of some powers and duties to a committee:

“1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;

2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

Delegations to be reviewed every financial year

13. Under the provisions of section 5.46 (2) of the Act, delegations must be reviewed by the delegator at least once every financial year.

Appointment of authorised persons

14. Section 9.10 of the Act. The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

Transfer of Authority Due to Absence

15. Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.
16. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Executive Director or Senior Manager for the period of absence.

17/07/2012

REFER DISCLAIMER

Proposed Delegations

17. Proposed delegations are detailed in the attachment.

Consulted References	<i>Local Government Act 1995 (Act)</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i> <i>Interpretation Act 1984</i> <i>Local Government Local Law Register</i>
File Number (Name of Ward)	PE.AUT.1 (All Wards)
Previous Reference	OCM 14/12/10 Item 4.3 Audit & Finance Committee 28 May 2012

17/07/2012

REFER DISCLAIMER

1.5: LOCAL EMERGENCY MANAGEMENT COMMITTEE

Proponent : City of Albany
Attachments : LEMC Minutes dated 8 December 2011
LEMC Minutes dated 20 June 2012
Responsible Officer(s) : Acting Chief Executive Officer (L Hill)
Manager Compliance & Community Safety (S Jamieson)

**ITEM 1.5: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR ATTWELL**

THAT the minutes of the Local Emergency Management Committee held on 8 December 2011 and 20 June 2012 be RECEIVED.

CARRIED 9-0**ITEM 1.5: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR ATTWELL**

Council NOTE that the Bush Fire Advisory Group has appointed Mr Morgan Sounness as the Chair and Mr Julian Cole as the Deputy Chair.

CARRIED 9-0

17/07/2012

REFER DISCLAIMER

ITEM 1.5: COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES

- (1) Council APPOINT:
- Mr Ross Fenwick as the Chief Bush Fire Control Officer
 - Mr Ken Johnson be appointed Deputy Chief Bush Fire Control Officer (South West)
 - Mr Alan Lubcke be appointed Deputy Chief Bush Fire Control Officer (North East)
 - Mr Kevin Martin be appointed Senior Bush Fire Control Officer (South West)
 - Mr Terry Bradshaw be appointed Senior Bush Fire Control Officer (North East)
 - The Chief Bush Fire Control Officer and the Deputy Bush Fire Control Officers as Fire Weather Officers.
 - Fire Control Officers as Radio Schedule Officers.
- (2) Council APPOINT that the following members as Fire Weather Recording Officers:
- South West Sector: Mr Chris Norton, Mr Keith Smith, Mr John Bocian, Mr Kevin Martin, Mr Jim Whitem and Mr Don Tomlinson.
 - North East Sector: Mr Brian Lester, Mr John Hood, Mr Morgan Sounness, Mr Ian Smith, Mr Alan Lubcke, Mr Graeme Pyle and Mr Steven Hall.
- (3) Council NOTE that Fire Control Officer for the South West Sector and North East Sector will be appointed under delegated authority by the Chief Executive Officer.

CARRIED 9-0
ABSOLUTE MAJORITY

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	ES.MEE.5
Previous Reference	:	OCM 21/02/2012 Item 1.6



**LOCAL EMERGENCY MANAGEMENT COMMITTEE
UNCONFIRMED MINUTES**

For the meeting held on Wednesday 20 June 2012 from 8.30am
City of Albany Civic Room

(File Ref: ES.MEE.5, Synergy Reference: AM1268677)

1. ATTENDANCE:

Present:

- Faileen James – Chief Executive Officer City of Albany
- Councillor Gerry Gregson – City of Albany
- Stuart Jamieson - Manager Compliance & Community Safety
- Brian Pickford - Coordinator Emergency Management and Community Safety
- Zoe Sewell - Ranger and Emergency Service Administration Officer (Minutes)
- Andrew Collins – ABC Radio
- Terri Woolhouse – Clarence Estate
- Alan Whittle – ATCO Gas Australia
- Stuart White – ATCO Gas Australia
- Dave Higgs – Department of Child Protection
- Nathan Hallett – Department of Environment and Conservation
- Andrew Smith – Albany Police
- Steven Childs – Water Corporation
- Kevin Parsons – FESA
- Danial Pell – Department of Transport
- Councillor – David Bostock
- Matt Bird - Manger of Tourism Development and Services
- Ross Fenwick – City of Albany – Chief Bush Fire Control Officer

Apologies:

- Peter McLean – Deputy Chair – WAPOL - Officer in Charge – Albany Police Station
- Garry Turner – Fire Safety Officer
- Steve Dean – Southwest Regional Education Office
- Kim Bunny – Western Power
- Deborah Walker – Senior Airport Reporting Officer
- Adam Smith – FESA

2. DECLARATION OF OPENING AND ANNOUNCEMENT

The Chair, Councillor Gerry Gregson declared the meeting open at 8.30am

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 3.0: COMMITTEE RESOLUTION

**MOVED: FAILEEN JAMES
SECONDED: ANDREW SMITH**

That the minutes of the Local Emergency Management Committee meeting held on 08/12/2011 be confirmed as a true and accurate record of proceedings.

CARRIED

4. DISCLOSURE OF INTEREST: Nil

5. **BUSINESS ARISING FROM PREVIOUS MEETING:** Nil
6. **AGENDA ITEMS FOR DISCUSSION**
- 6.1 **UPDATE ON ALBANY AIRPORT UPGRADE AND PLANNED EMERGENCY MANAGEMENT EXERCISE**
Reporting Officer: City of Albany, Manager of Tourism Development and Services, Matt Bird.

Through the Chair, Matt Bird provided an overview of the building activity at the Albany Airport.

The Committee were advised: *The Federal Government has introduced legislation that will take effect from 1 July 2012, whereby regional airports that handle jet or public transport aircraft over twenty thousand kilograms must operate as a certified security screened airport. This legislation affects Airports such as Esperance, Albany and Busselton.*

Office of Transport Security (OTS) will visit next week to certify the modifications.

Matt Bird gave an overview of the new security protocols and that the draft Airport Emergency Action Plan will be presented for LEMC review.

City of Albany, Manager Compliance & Community Safety, Stuart Jamieson advised the Committee: *The District Emergency Management Committee (DEMC) has requested that an Emergency Exercise is conducted in 2012. The proposed exercise will be based on an Aircraft incident to be conducted in the September/October 2012.*

City of Albany, Councillor David Bostock questioned: *How the airport upgrade would affect friends and relatives seeing off people at the airport.*

Matt Bird response: *The Cafe and current departure area will remain the same.*

- 6.2 **PRESENTATION OF LOCAL RECOVERY MANAGEMENT PLAN**
Reporting Officer: City of Albany, Manager Compliance & Community Safety, Stuart Jamieson.

Through the Chair, Stuart Jamieson gave an overview and presented an electronic copy of the Local Recovery Management Plan and read the recommended composition of the proposed recovery committee.

The Committee were advised: *The Albany Leisure and Aquatic Centre and the Police Community Youth Centre (PCYC) are still identified as the main community recovery centres.*

Committee members representing hazard management agencies were requested to confirm arrangements made for access to backup power supplies and confirm their capacity to ensure agencies are not competing for the same equipment from local hire companies.

Water Corporation representative, Steven Childs advised that Water Corp have generators.

City of Albany, Chief Executive Officer, Faileen James suggested a survey to all of the agencies to find out who has substantial portable generators, and also advised that the Airport is being looked at as a potential alternate City of Albany recovery centre site.

Item 6.2 continued.

Actions Required:

- (1) Hazard management agencies to provide backup power supply return, noting generator capacity and supplier.
- (2) City of Albany to coordinate the return, which will also encompass the review of the Resource Management Resource Book.

The Committee recommended that council endorse the composition of the recovery committee with the following amendments and confirmation of the list with listed agencies:

- Add: Water Corporation and Department of Transport.
- Delete: The WA Police Service.

Action Required: Amendments or suggestions to be submitted to the City of Albany, Manager Compliance & Community Safety: stuartj@albany.wa.gov.au.

ITEM 6.2: COMMITTEE RECOMMENDATION 1

**MOVED: KEVIN PARSONS
SECOND: ALAN WHITTLE**

THAT Council adopt the draft Local Recovery Management Plan.

CARRIED

The Committee were advised: *That it is proposed that the Local Government Coordinator be the City of Albany Manager Compliance & Community Safety and the Coordinator Emergency Management & Community Safety, fill the role as Deputy.*

FESA Representative, Kevin Parsons suggested that it may be more appropriate for Council to delegate the appointment of the Local Government Coordinator to City of Albany Manager Compliance & Community Safety, who could then appoint the Local Government Coordinator based on the type of incident on the day of the event.

Committee agreed in principle to an amendment to Local Recovery Management Plan, being: *The appointment of a Local Government Coordinator to be sub-delegated by Council to the Manager Compliance & Community Safety and appointment to be based on type of incident and authorised on the day of the event.*

ITEM 6.2: COMMITTEE RECOMMENDATION 2

**MOVED: KEVIN PARSONS
SECOND: ALAN WHITTLE**

THAT Council adopt the draft Local Management Plan with the following amendments:

- (1) The appointment of a Local Government Coordinator be sub-delegated by Council to the Manager Compliance & Community Safety.
- (2) Appointment to be based on type of incident and authorised on the day of the event.
- (3) The proposed Recovery committee composition list is reviewed, with the following additions: Water Corporation and Department of Transport and remove the WA Police service, and to include other suggestion made by members of the LEMC.

CARRIED

6.3 PRESENTATION OF LOCAL RECOVERY MANAGEMENT PLAN RESOURCE BOOK
Reporting Officer: Manager Compliance and Community Safety, Stuart Jamieson.

Through the Chair, Stuart Jamieson provided an overview of the content of the resource book and requested Hazard Management Agencies to update content.

Action Required: Amendments or suggestions to be submitted to the City of Albany, Manager Compliance & Community Safety: stuartj@albany.wa.gov.au.

6.4 RECOMMENDATION FROM THE BUSH FIRE ADVISORY GROUP
Reporting Officer: Manager Compliance and Community Safety, Stuart Jamieson.

6.4.1 Bushfire Management Committee

Through the Chair, Stuart Jamieson advised the Committee that the sub-committee titled the Bushfire Management Committee has not met since being established in accordance with the Council adopted LEMC Terms of Reference (TOR) and that the normal membership of this committee consists of:

- Chief Bush Fire Control Officer, Ross Fenwick;
- Deputy Chief Bush Fire Control Officer, North East Sector: Alan Lubcke;
- Deputy Chief Bush Fire Control Officer, South West Sector: Ken Johnston;
- Senior Fire Control Officer North East Sector: Terry Bradshaw;
- Senior Fire Control Officer South West Sector: Kevin Martin;
- Chair Bush Fire Advisory Group: Morgan Sounness;
- FESA District Manager: Kevin Parsons; and
- Department of Environment and Conservation (DEC) Representative: Vince Hilder.

As the Chief Bush Fire Control Officer, is a member of the LEMC, the Committee was asked if they still considered it necessary to have the Bushfire Management Committee as the recommendation of the Bush Fire Advisory Group is presented to LEMC prior to being presented to Council.

The Chair, Councillor Gerry Gregson requested the Committee to provide feedback on the future of the Bushfire Management Committee and reporting lines to him.

Action Required: Feedback to be provided by members to the Chair of the LEMC Committee, through: stuartj@albany.wa.gov.au

6.4.2 Harmonisation of Australia Wide Occupational Health and Safety Laws and impact on volunteers

Through the Chair, City of Albany Manager Compliance & Community Safety, Stuart Jamieson advised that one of the new proposed legislative changes is that Volunteers will now be classed as unpaid workers and that complaints had been raised with the City in regards to traffic management duties being undertaken by City of Albany Bush Fire Brigade Members and hazard mitigation of smoke on roads resulting from prescribed burn activities.

The Committee was advised that an update would be provided at the next LEMC meeting in regards to actions to address issued raised by the public.

6.4.3 Endorsement of Bushfire Advisory Group Recommended Appointments

Through the Chair, City of Albany Manager Compliance & Community Safety, Stuart Jamieson read out the proposed names for appointment and endorsement by Council.

The Chair, requested that the Bushfire Advisory Group Recommendations be reviewed and noted by the Committee.

Item 6.4.3 continued.

Through the Chair, the Chief Bush Fire Control Officer, Ross Fenwick gave an overview of the roles and responsibilities of the Fire Weather Officers.

The Committee noted:

- The proposed Fire Control Officer Appointments .
- The new Bush Fire Advisory Group (BFAG) appointments are: Chair person is Morgan Sounness and Deputy Chair Julian Cole.
- BFAG recommended appointments:
 - Returning Chief Bush Fire Control Officer, Ross Fenwick.
 - Returning Deputy Chief Bush Fire Control Officer for the South West Sector: Ken Johnson
 - Returning Deputy Chief Bush Fire Control Officer for the North East Sector: Alan Lubcke,
 - Senior Bush Fire Control Officer for South West Sector: Kevin Martin
 - Senior Bush Fire Control Officer for North East Sector: Terry Bradshaw.
 - That the Southwest and North East sector Fire Control Officers as proposed are approved after the 30 June 2012.
 - Alan Lubcke, Ken Johnson and Ross Fenwick be appointed as Fire Weather Officers.

ITEM 6.4: COMMITTEE RECOMMENDATION

**MOVED: DAVID BOSTOCK
SECOND: KEVIN PARSONS**

THAT Council:

- (1) Note the appointment of Morgan Sounness as the Chair and Julian Cole as the Deputy Chair of the Bush Fire Advisory Group.
- (2) Appoint the nominations as proposed by the Bush Fire Advisory Group.

CARRIED

7. ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

Reporting Officer: Councillor Gerry Gregson

7.1 Lessons learnt and Action Items – Little Grove Fire in 2010, Post Incident Analysis.

7.2 LEMC Special Meeting to review:

- Local Emergency Management Plan full revision.
- Local Emergency Management Business Plan.

7.3 Annual LEMC Business Plan and Annual Return for 2011/12.

8. GENERAL DISCUSSION

Through the Chair, the Coordinator Emergency Management & Community Safety, Brian Pickford, requested that attendees update any change in their details on the contact list being circulated.

Through the Chair, Councillor Bostock mentioned the long list of apologies, and suggested we see if these people are interested in continuing to attend LEMC meetings in the future and that the City formally write to all agencies.

Action Required: City of Albany to write to all agencies and confirm points of contact.

Item 8.0 continued.

The Committee discussed the actions taken by various agencies in response to the severe weather conditions experienced over the past months.

9. DATE OF NEXT MEETING:

The Committee determined that the next LEMC Ordinary Meeting will be held on 21 September 2012 at 8:30am.

10. CLOSURE OF MEETING:

There being no further business the Chair, Councillor Gerry Gregson declared the meeting closed at 10.00 am.

Attachments:

- A. Minutes of the Local Emergency Management Committee meeting held on 08/12/2011.
- B. Draft Local Recovery Management Plan
- C. Draft Local Recovery Management Plan Resource Book



**LOCAL EMERGENCY MANAGEMENT COMMITTEE
MINUTES**

For the meeting held on Thursday 08 December 2011 at 8.30am
City of Albany Civic Rooms

(File Ref: ES.MEE.5, File Reference: AM1121104)

1.0 ATTENDANCE:

City of Albany – Councillor (Chair)	Gerry Gregson
Albany Police – Officer in Charge (Deputy Chair)	Peter McLean
ABC Radio	John Cecil
Albany Police	Andrew Smith
Albany Regional Hospital	Fiona Berger
Albany Sea Rescue	Kerrin Digney
Annie Bryson McKeown Lodge and Gwen Hardie Lodge	Beth Lewis
Bureau of Meteorology	Jason Balhorn
City of Albany – Chief Bushfire Control Officer	Ross Fenwick
City of Albany – Councillor	David Bostock
Dept of Environment and Conservation	Vince Hilder
Dept of Child Protection	Sarah Tup Evans
Dept of Education	Steven Dean
FESA – District Manager	Kevin Parsons
Silver Chain	Christine Hunter
Water Corporation	Steven Childs
Staff:	
Chief Executive Officer	F James
Manager Tourism Development and Services	M Bird
City of Albany – Senior Airport Reporting Officer	Deborah Walker
Executive Manager Compliance & Community Safety	S Jamieson (Minutes)
Apologies/Leave of Absence:	
FESA	Adam Smith
CO Gas Australia	Alan Whittle
ABC Radio	Andrew Collins
Telstra	Brad Nelson
Dept of Transport	Danial Pell
Department of Food and Agriculture	Danny Roberts
Westnet Rail	Fred Steer
Albany State Emergency Service	Kate Russell
Dept of Housing	Ken Carter

Item 1.0 continued.

Western Power	Kim Bunney
Silver Chain	Lesley Pearson
Main Roads	Malcolm Mallaby
Water Corporation	Michael Sillifant
Surf Life Saving	Pat McSweeney
Dept of Environment and Conservation	Richard Petty
Western Power	Shane Adams
St John Ambulance	Stacy Abbott
CO Gas Australia	Steven Casey
Albany Port Authority	Sumanth Surendra
Department of Transport	Tony Fitzpatrick

2.0 ELECTION OF CHAIR AND DEPUTY CHAIR

Local Emergency Management Committee (LEMC) – the local government is to establish a LEMC for the local government district, based on local government boundaries. The committee is chaired by a nominee of the local government, and the Local Emergency Coordinator, whose jurisdiction covers the local government area concerned, is a member. The LEMC is established by the local government to ensure that local emergency management arrangements are written and placed into effect for its district [s. 38 of the *Emergency Management Act 2005* (the Act)].

Local Emergency Coordinator – the Officer in Charge of each Police subdistrict is appointed by the State Emergency Coordinator (the Commissioner of Police) for the local government district in which they are situated [s. 37(1) of the Act]. The Local Emergency Coordinator provides advice and supports to its LEMC in the development and maintenance of local emergency management arrangements, assists Hazard Management Agencies (HMAs) in the provision of a coordinated response during an emergency in the district, and carries out other emergency management arrangements directed by the State Emergency Coordinator [s. 37(2) of the Act].

The Committee received the following nominations:

- City of Albany – Councillor Gerry Gregson (Chair)
- WAPOL – Officer in Charge - Albany Police Station (Deputy Chair)

ITEM 2.0: COMMITTEE RECOMMENDATION

MOVED COUNCILLOR DAVID BOSTOCK

THAT Council APPOINT:

- (1) Councillor Gerry Gregson as the Chair; and
- (2) The Officer in Charge – Albany Police Station, Senior Sergeant Paul McLean as the Deputy Chair.

CARRIED UNANIMOUSLY

3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**ITEM 3.0: COMMITTEE RESOLUTION 1**

**MOVED ROSS FENWICK
SECONDED KERRIN DIGNEY**

The unconfirmed minutes of the Local Emergency Management Committee meeting held on 24 August 2011 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

ITEM 3.0: COMMITTEE RESOLUTION 2

**MOVED PETER MCLEAN
SECONDED DAVID BOSTOCK**

That the unconfirmed minutes of the Special Local Emergency Management Committee meeting held on 6 October 2011 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

4.0 DISCLOSURE OF INTEREST: Nil

5.0 BUSINESS ARISING FROM PREVIOUS MEETING: Nil

6.0 ITEMS FOR DISCUSSION**6.1 OVERVIEW OF EACH MEMBER ORGANISATION**

- **Reporting Officer: Executive Manager Compliance and Community Safety**

Each agency represented on the Committee was requested to provide an overview of their individual agencies responsibility in regards to Emergency Management and support to the Local Emergency Management Plan.

Agency representatives were reminded of the following identified risks as per the Draft Local Emergency Management Plan submitted to the LEMC for comment in March 2011.

Hazard (Risk)	Hazard Management Agency	Local Combat Role	City of Albany Support Role	WESTPLAN
Flood	FESA	Albany SES	Yes	Westplan Flood
Bushfire	FESA	COA DEC FRS	N/A	Westplan Bushfire
Road Crash	WA Police	FESA VFRS	Yes	Westplan Road Crash
Urban Fire	FESA	FRS VFRS	N/A	Westplan Urban Fire
Marine Search	WA Police	Albany Police	Yes	Westplan Marine Search
Marine Oil Pollution	Department of Transport	Department of Transport	Yes	Westplan Marine Oil Pollution
Animal & Plant Biosecurity	DAFWA	DAFWA		Westplan Animal & Plant Biosecurity

These arrangements are based on the premise that the HMA responsible for the above risks will develop, test and review appropriate emergency management plans for their hazard.

Item 6.1 continued.

It is recognised that the HMAs and Combat agencies may require City of Albany resources and assistance in emergency management. The City of Albany is committed to providing assistance/support if the required resources are available through the Incident Support Group when and if formed.

Executive Manger Compliance and Community Safety advised the Committee on the status of the plan.

Actions:

- (1) City of Albany staff to distribute latest copy of the Draft Local Emergency Management Plan to be to LEMC membership, including the Bluff Creek Post Incident Analysis and the action list from the Perth Fires (Keelty) report, titled: 'A Shared Responsibility'.
- (2) Each agency represented on the Committee was requested to provide an overview of their individual agencies responsibility in regards to Emergency Management and support to the Local Emergency Management Plan.

6.2 LESSONS LEARNT FROM THE TRAINING EXERCISE – LITTLE GROVE

- **Reporting Officer:** Officer in Charge, Albany Police Station, Peter McLean.

Members of the Committee who participated in the exercise gave an overview of the lessons learnt from Phase 1 of the training exercise.

WAPOL representatives, Peter McLean and Andrew Smith provided the Committee with an overview of the findings of the recent partly completed "Green Bag" exercise in Little Grove, as Phase 2 (Mock Evacuation) did not occur as a result of real time declared emergencies in the Great Southern Regional conflicting with the date of the planned exercise.

Even though the exercise was terminated at Phase 1, valuable information for a number of LEMC representatives was found and could be considered a desktop exercise.

Action: WAPOL Albany Policy be requested to provide results of the questionnaire on emergency response readiness (fire) and lessons learnt (including observations) to be collated and distributed to LEMC representatives.

6.3 TERMS OF REFERENCE FOR SUB COMMITTEES OF LEMC

- **Reporting Officer:** Chief Executive Officer, Faileen James

The revised terms of reference for the Airport Management Committee was presented to the Committee for review, noting the minutes of this committee will be reported to the Local Emergency Management Committee.

The Committee were advised that the LEMC Chair, Councillor Gerry Gregson as also the City of Albany elected member representative on this Committee.

Action: Committee representatives to provide feedback on the terms of reference to the City of Albany, Executive Manger Compliance and Community Safety, Stuart Jamieson on email: stuartj@albany.wa.gov.au

7.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

- Local Emergency Management Arrangements, Contacts and the City of Albany appointment of a recovery coordinator.
- Presentation on the Role of the Local Emergency Management Committee, Incident Control Structure.
- Recommendation to Council to be made on the revised Local Emergency Management Plan (which is to include: the lessons learnt from Margaret River Fires 2011 and the Post Incident Analysis & Action Items from the Little Grove Fire in 2010).

8.0 GENERAL DISCUSSION

Nil

9.0 DATE OF NEXT MEETING:

The City of Albany, Chief Executive Officer, proposed to the Committee to meet as a minimum on the Fourth Tuesday every 3 months.

The Committee resolved to hold the next meeting on Tuesday 20 March 2012, or at a time to be advised.

10.0 CLOSURE OF MEETING: The Chair declared the meeting closed at 10.00am.

Note: Reports and associated attachments follow in Report Item Numerical Order.

2.1: PLANNING AND DEVELOPMENT COMMITTEE

Proponent : City of Albany
Responsible Officer(s) : Executive Director Planning and Development Services

IN BRIEF

- Receive the confirmed minutes of the Planning and Development Committee meeting held on 22 May 2012.

ITEM 2.1: COMMITTEE RECOMMENDATION 1

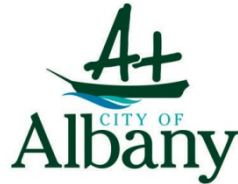
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BOWLES

THAT the confirmed minutes of the Planning and Development Committee meeting held on 22 May 2012 be RECEIVED.

CARRIED 9-0



PLANNING AND DEVELOPMENT COMMITTEE

MINUTES

for the meeting held on Tuesday 22nd May 2012,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: FM.MEE.1 / AM1224399)

1.0 ATTENDANCE

Councillors:	
D Wellington	Mayor
G Stocks (Acting Chairperson)	Councillor
R Sutton	Councillor
S Bowles	Councillor
Committee Members:	
Mr Rod Harris	Member
Staff:	
D Putland	Executive Director Planning and Development Services
J Cobbold	PA to Executive Director Planning and Development Services.
S Lenton	Manager Planning Services
T Wenbourne	Senior Planning Officer
A Nichol	Senior Project Planner
Apologies/Leave of Absence:	
D Dufty	Councillor
Y Attwell	Councillor
R Hammond	Councillor
F James	Chief Executive Officer

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION:

**MOVED: MAYOR WELLINGTON
SECONDED: CR BOWLES**

THAT the unconfirmed minutes of the Planning and Development Committee Meeting, held on 22 May 2012, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

Carried: 4-1

3.0 DISCLOSURE OF INTEREST - NIL

4.0 ITEMS FOR DISCUSSION

4.1 Councillor Bowles requested information regarding Public Open Space/Cash In Lieu of Public Open Space from a State Government and Local Government perspective.

ITEM 4.1:

Item was discussed by the Committee, Simon Lenton passed on to Cr Bowles the following items:

- a) Legislation**
- b) State Planning Policy**

Simon is still waiting on information from the Local Branch for Dept of Planning.

ACTION: Wait for all information and discuss again at next meeting.

4.2 Development Application – Outbuilding – (Lot 15) No. 55 Barry Court, Collingwood Park

ITEM 4.2: COMMITTEE RECOMMENDATION 1

THAT the Responsible Officer Recommendation for Item 2.3 Development Application – Outbuilding (Lot 15) No.55 Barry Court, Collingwood Park be AMENDED to include the following clause:

- f) THAT an additional condition be added to the application – “Not to be used for any form of human habitation”**

**MOVED: MR HARRIS
SECONDED: MAYOR WELLINGTON**

CARRIED: 5-0

RECOMMEDED TO COUNCIL

**MOVED:MAYOR WELLINGTON
SECONDED: MR HARRIS**

CARRIED: 3-2

ITEM 4.2: COMMITTEE RECOMMENDATION 3

THAT the City of Albany Outbuilding Policy be reviewed by Council.

4.3 Development Application – Livestock Grazing and Stables – Lot 195 (140) Lowanna Drive, Marbellup

ITEM 4.3 OFFICER’S RECOMMENDATION SUPPORTED

MOVED: CR SUTTON

SECONDED: MR HARRIS

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Livestock Grazing and Stables at Lot 195 (140) Lowanna Drive, Marbellup subject to the following conditions:

- a) **The effluent storage and disposal system/s for the use hereby approved shall be designed and constructed to the satisfaction of the City of Albany.**
- b) **A dust management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.**
- c) **A nutrient management plan shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.**
- d) **A landscaping plan detailing the size, species and their location shall be submitted for approval in writing, implemented and maintained to the satisfaction of the City of Albany. This shall include a minimum 3m wide landscape buffer along the southern boundary of the lot and plant specimens shall be of advanced growth.**
- e) **Stormwater disposal and earthwork plans/details shall be submitted for approval and implemented to the satisfaction of the City of Albany.**
- f) **A vehicular parking and access plan shall be submitted for approval and implemented to the satisfaction of the City of Albany.**
- g) **The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.**
- h) **No signs are to be erected on the lot without the City of Albany’s approval, accord with the City of Albany’s Sign Policy.**
- i) **The use and development shall comply with the City of Albany’s *Animals Local Law 2001*.**
- j) **The keeping of livestock shall be restricted to fenced pastured areas of the lot.**
- k) **No development or stock grazing is permitted within the ‘Re-vegetation and Drainage Protection Area’ as shown on the Subdivision Guide Plan for Special Rural Area No.22.**
- l) **Outbuildings shall be designed and constructed of materials which are in character with the landscape. Unpainted zincalume and off-white colours are not permitted.**
- m) **The combined floor area for all outbuildings on site shall not exceed 240m².**
- n) **All outbuildings on the site shall comply with the heights contained within Council’s Outbuilding’s Policy for Special Rural lots over four hectares in size.**
- o) **The maximum number of horses on the property shall not exceed ten (not including the owner’s horses), The number of horses on the site are subject to complying with stocking rates recommended by the Department of Agriculture and Food Western Australia.**

- p) The loading and unloading of stock shall occur entirely within the site.
 - q) Horse lessons shall be one on one training and shall not exceed more than eight in any given week.
 - r) A suitable water supply shall be provided for the use hereby approved, to the satisfaction of the City of Albany.
 - s) Areas of significant remnant vegetation, revegetation, and landscape protection as shown on the Subdivision Guide Plan are to be protected, to the satisfaction of the City of Albany.
- CARRIED: 5-0

4.4 Final Approval of Amendment – Lot Cosy Corner Road, Kronkup

- ITEM 4.4: OFFICER RECOMMENDATION SUPPORTED**
- MOVED: MAYOR WELLINGTON**
SECONDED: CR SUTTON
- THAT Council:**
- 1) In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No. 308 to Town Planning Scheme No. 3 for the purposes of:
 - i. Rezoning Lot 4 Cosy Corner Road, Kronkup from the Rural zone to Special Rural zone and amending the Scheme Maps accordingly;
 - ii. Including Lot 4 Cosy Corner Road, Kronkup in Special Rural Area No. 30, Schedule 1 – Special Rural Zones – Provisions Relating to Specified Areas;
 - iii. Amending Schedule I – Special Rural Zones – Provisions Relating to Specified Areas, Special Rural Area No. 30 by amending provisions 4.1 and, 10.4;
 - iv. Amending Schedule I – Special Rural Zones – Provisions Relating to Specified Areas,
 - v. Special Rural Area No. 30 by deleting provision 5.1 (a); and
 - vi. Inserting provision 3.3 (d) and 11.0 (d) in Schedule I – Special Rural Zones – Provisions Relating to Specified Areas Schedule, Rural Area No. 30.
 - 2) **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.
- CARRIED: 5-0

4.5 Development Application – Restaurant Additions/Alterations

- ITEM 4.5: OFFICER RECOMMENDATION SUPPORTED**
- MOVED: CR SUTTON**
SECONDED: MAYOR WELLINGTON
- THAT Council resolves to ISSUE a Notice of Planning Scheme consent for the change in use ,extensions and alterations subject to the following conditions:**
- a) The proposal shall comply with any details and/or amendments marked in red as shown on the approved plan.
 - b) Prior to commencement of development a schedule of materials and colours to be used on the development hereby approved shall be submitted for approval by the City of Albany.
 - c) Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All

- parking spaces being marked out and maintained in good repair.
- d) The dual use path/cycleway as shown on the approved plan shall be constructed by the applicant to the satisfaction of the City.
 - e) Stormwater disposal plans and details shall be submitted for approval and constructed to the satisfaction of the City of Albany.
 - f) The stormwater disposal system shall be maintained as per the approved stormwater details and plans to the satisfaction of the City of Albany.
 - g) Landscaping of the areas shown on the plan shall be completed with species acceptable to the City and maintained for a period of at least three years.
 - h) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or service courts, where provided.
 - i) The loading and unloading of goods to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
 - j) Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
 - k) No processes shall be conducted in the approved structure or machinery, installed, that may cause a detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
 - l) No signs shall be erected on the lot without City's approval, in accordance with the City Of Albany's Sign Bylaws.

CARRIED: 5-0

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

5.1 In relation to Councillor Bowles previous request for information regarding Public Open Space/Cash In Lieu of Public Open Space from a State Government and Local Government perspective, Simon Lenton advised that he was waiting on information from the Local Branch of the Dept of Planning. Dale Putland will discuss with Works and Services.

5.2 Outbuilding policy review

6.0 GENERAL DISCUSSION

6.1 Planning Scheme Progress Report – From Phil Shephard. D Putland and P Shephard have been visiting local areas, (Big Grove) giving advice on how to put their submissions to Council.

The planning staff are holding information sessions at shopping centres.

Submissions to go to Council by January 2013

All submitters are sent a letter acknowledging their submission which invites them to meet with the planners to discuss.

6.2 CR Sutton had a query on parking, would like to know why the Colour Purple coffee shop on the corner of Wollaston and Middleton Rd after 60 years has had “**No Parking signs**” painted there with no consultation with the shop owner.

Simon Lenton will follow up and respond at the next meeting.

6.3 CR Bowles raised the issue of why an artist who wishes to exhibit her art in her home during the Southern Art Trail is not allowed, she is not selling.

Discussions were held in relation to Public Liability, Disability Access, Parking issues. It was suggested to Councillors that they consider a council building in the area and make those available to Southern Art Trail. Clarification of garage sales was asked and Dale Putland explained the difference, garage sales are occasional use, and is not deemed as a commercial activity.

Recommendation –Council to write a letter to Southern Art Trail Committee regarding the issues related to residential exhibition and sales during the Southern Art Trail for residential houses

Moved: Cr Bowles
Seconded: Cr Sutton

6.4 Middleton Road - scooters for hire and selling cars, running a business from home.

An infringement notice was initiated for the sign. A second one for renting and selling scooters from the site. S Lenton and A Nichol met with the owner and negotiated, the infringement was withdrawn and the sign was removed, and the operation of hiring and selling has been discontinued.

7.0 DATE OF NEXT MEETING:

Tuesday 26 June 2012

8.0 CLOSURE OF MEETING

The Chair declared the meeting closed at 6.45 pm.

2.2: PLANNING AND SERVICES REPORTS JUNE 2012

Responsible Officer : Executive Director Planning and Development
Services (D Putland)
Attachment : Planning and Services Reports June 2012

IN BRIEF

- Receive the contents of the Planning and Services Report for June 2012.

ITEM 2.2: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR BOWLES

THAT the Planning and Services Report for June 2012 be RECEIVED.

CARRIED9-0

CITY OF ALBANY

REPORT

To : His Worship the Mayor and Councillors
From : Administration Officer - Development
Subject : Building Activity – June 2012
Date : 03 July 2012

1. In June 2012, Seventy two (72) building permits were issued for building activity worth \$8,217,878, this included (1) demolition licences and (2) sign licences.
It is brought to council's attention that these figures included building licence #120073 for a Warehouse /Showroom, estimated value: \$1,200,00.
2. The two (2) attached graphs compare the current City activity with the past three (3) fiscal years. One compares the value of activity, while the other compares the number of dwelling units.
3. A breakdown of building activity into various categories is provided in the Building Construction Statistics form.
4. Attached are the details of the permits issued for June 2012, the twelfth month of activity in the City of Albany for the financial year 2011/2012.



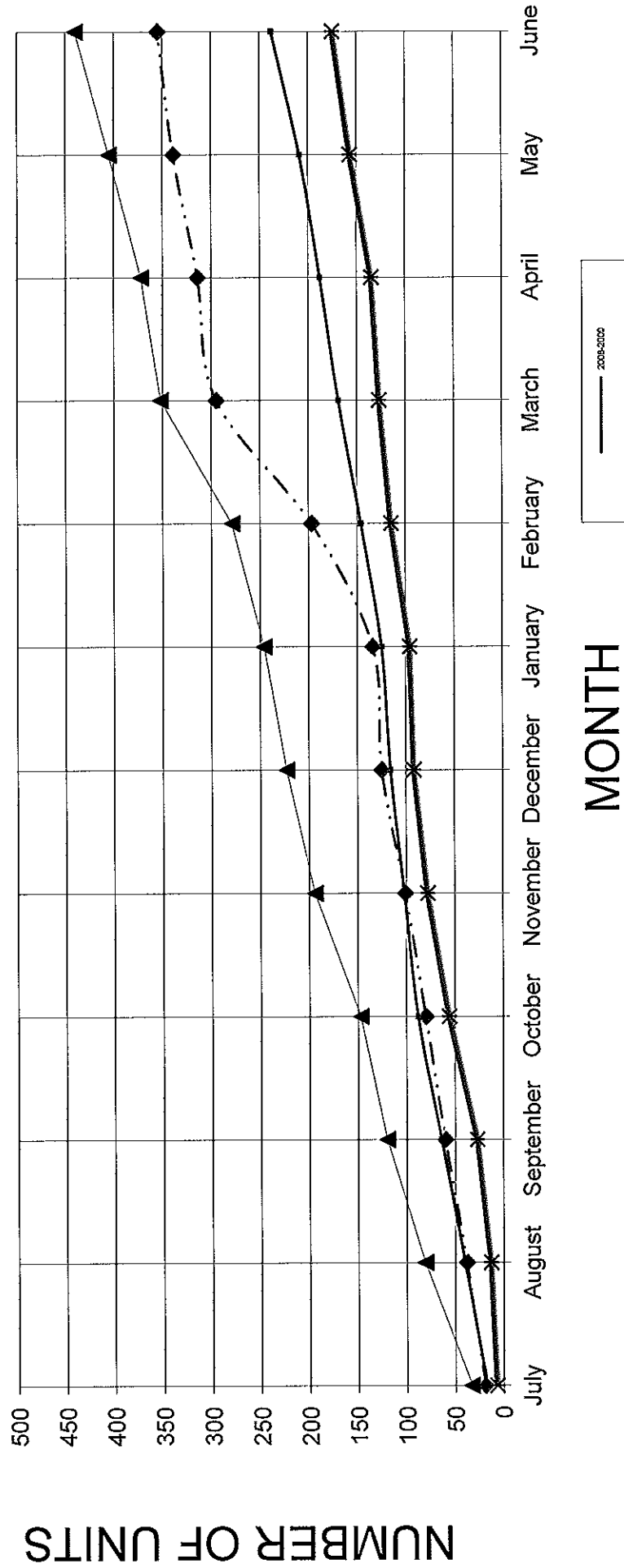
Jenny Cobbold
PA to ED Planning and Development

CITY OF ALBANY

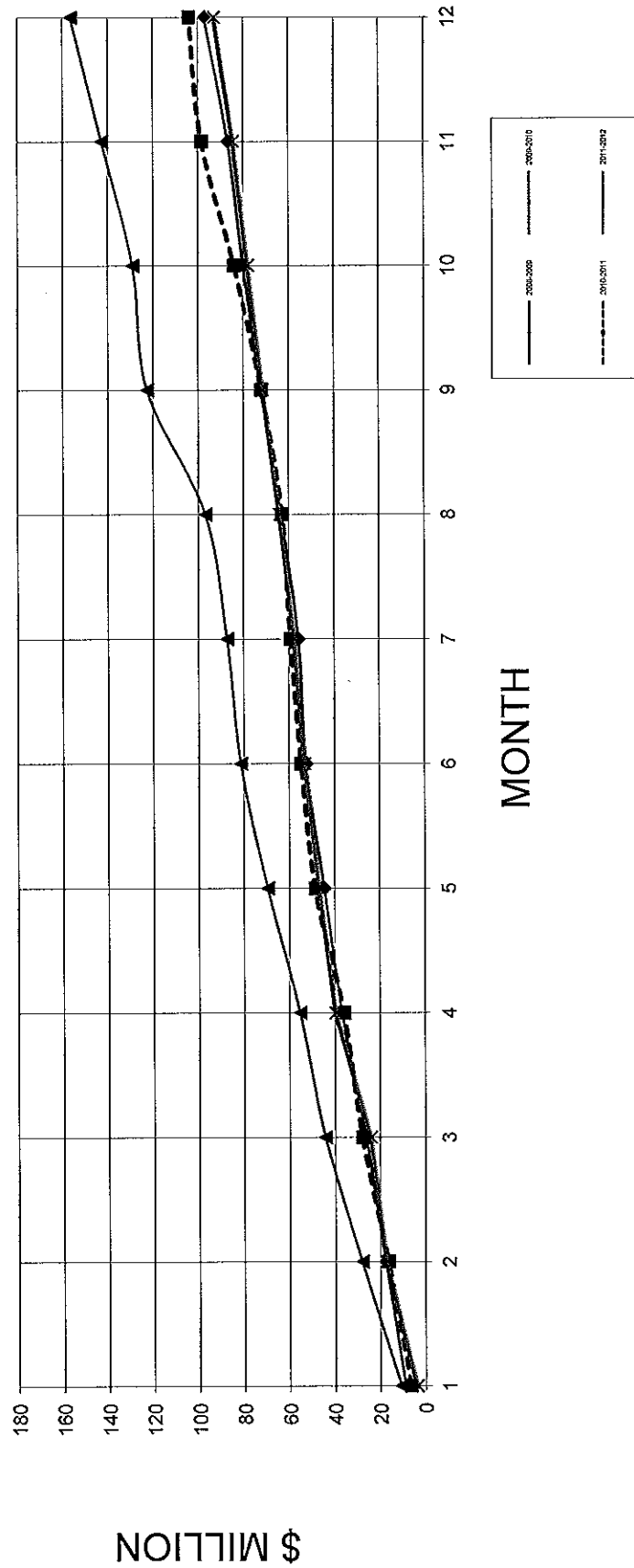
BUILDING CONSTRUCTION STATISTICS FOR 2011 - 2012

2010/2011	SINGLE DWELLING		GROUP DWELLING		DOMESTIC/ OUTBUILDINGS		ADDITIONS/ DWELLINGS		HOTEL/ MOTEL		NEW COMMERCIAL		ADDITIONS/ COMMERCIAL		OTHER		TOTAL \$ VALUE	
	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value	No	\$ Value		
JULY	7	2,030,335			7	14	253,722	22	547,734			1	30,000	3	953,927	5	35,000	3,850,718
AUGUST	13	3,921,741			13	7	123,878	8	71,080	1	420,000			7	8,839,775	3	23,800	13,400,274
SEPTEMBER	13	3,430,898	1	775,000	14	17	236,818	21	508,779					5	921,642	11	784,400	6,657,537
OCTOBER	18	4,021,693	11	1,122,000	29	13	166,187	26	335,425			1	9,500,000	3	525,000	6	64,100	15,734,405
NOVEMBER	12	2,964,229	10	1,600,000	22	18	338,943	20	651,957					8	1,251,332	6	157,000	6,963,461
DECEMBER	14	3,948,628			14	19	437,720	22	618,341			16	1,371,698	1	100,000	9	157,540	6,633,927
2011																		
JANUARY	4	1,048,284				10	361,591	24	851,381			2	454,860	3	1,509,750	5	145,000	4,370,866
FEBRUARY	16	4,400,121	3	1,020,430	19	15	285,033	20	390,902			2	237,670			7	35,800	6,369,956
MARCH	12	4,558,171			12	16	230,165	25	645,991			1	318,952	5	1,551,607	7	72,880	7,377,766
APRIL	8	2,076,653	0		0	3	56,000	11	500,212	0		1	300,000	1	3,500,000	3	16,600	6,449,465
MAY	22	5,046,590	0		22	21	246,546	8	727,242	0		1	29,500	1	400,000	4	31,385	6,481,263
JUNE	17	4,831,555	1	400,000	18	16	209,168	29	920,273			1	1,200,000	2	620,000	6	36,882	8,217,878
TOTALS TO DATE	156	42,278,898	26	4,917,430	182	169	2,945,771	236	6,769,317	1	420,000	26	13,442,680	39	20,173,033	72	1,560,387	92,507,516

DWELLING UNITS



BUILDING ACTIVITY
\$M Value



BUILDING, SIGN & DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY

Applications determined for June 2012

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120102	ALBANY SCAFFOLD HIRE	R L SHEPHERDSON & J J SHEPHERDSON & B W	SCAFFOLDING	23-25	Location SL40 Lot 163	ALBANY HIGHWAY	ALBANY
120097	OUTDOOR WORLD	Owner's Name and address	SHED - UNCERTIFIED	59	Lot 5	VANCOUVER STREET	ALBANY
120085	PULS PATIOS	<i>not shown at their request</i> E O WILKINSON & M W	PATIO - UNCERTIFIED	92-94	Location AT346 Lot 4	SPENCER STREET	ALBANY
120111	ALBANY SIGNS	LEWIS N M & P J LEAMON	SIGNS X 2 - UNCERTIFIED	31-33	Location SL40 Lot 61	ALBANY HIGHWAY	ALBANY
120054	AR & DA DOCKING	P G HARDIE	ALTERATIONS AND ADDITIONS - UNCERTIFIED	178-180	Lot 50	GREY ST WEST	ALBANY
120130	MATTHEW POCOCK	R A ADAMSON	DWELLING - UNCERTIFIED	38	Lot 18	MELVILLE STREET	ALBANY
120118	ECOFIT HOMES	ALBANY LIFESTYLE	PARK HOME - UNCERTIFIED	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120119	ECOFIT HOMES	VILLAGE PTY LTD ALBANY LIFESTYLE	PARK HOME - UNCERTIFIED	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120114	TURPS STEEL FABRICATIONS	VILLAGE PTY LTD D E S & S L MAIN	UNCERTIFIED PATIO - UNCERTIFIED	500 9	Location 283 Lot 9	WARTHMYKE COURT	BAYONET HEAD
120151	D G CHILCOTT	D G & M CHILCOTT	PATIO - UNCERTIFIED	27	Lot 190	YATANA ROAD	BAYONET HEAD
120128	RYDE BUILDING	LOWE PTY LTD &	DWELLING - UNCERTIFIED	53	Location 4790 Lot 751	GRENFELL DRIVE	BAYONET HEAD
120150	COMPANY PTY LTD OWNER BUILDER	HOUSING AUTHORITY F D & L M EDWARDS	UNCERTIFIED PATIO - UNCERTIFIED	10	Location 3470 Lot 360	LANGE STREET	BAYONET HEAD
120155	ECOFIT HOMES	ALBANY LIFESTYLE	PARK HOME - UNCERTIFIED	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD
120164	ECOFIT HOMES	VILLAGE PTY LTD ALBANY LIFESTYLE VILLAGE PTY LTD	UNCERTIFIED PARK HOME - UNCERTIFIED - SITE 012	20	Location 359 Lot 500	ALISON PARADE	BAYONET HEAD

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120110	OWNER BUILDER	A & R GLIOSCA	RETAINING WALL -	226-228	Lot 29	ALBANY HIGHWAY	CENTENNIAL
120125	SAMUEL KING	PERPETUAL TRUSTEES AUSTRALIA LTD	UNCERTIFIED SIGN - UNCERTIFIED	70-88	Location ALB TOWN Lot 105	ALBANY HIGHWAY	PARK CENTENNIAL
120144	WREN (WA) PTY LTD	TUCSON PTY LTD	ADDITIONS - BATHROOM -	45	Lot 9	BARRY COURT	PARK COLLINGWOOD
120136	OUTDOOR WORLD	C & A TRICHILLO	UNCERTIFIED SHED - UNCERTIFIED	239-245	Lot 348	EMU POINT DRIVE	PARK COLLINGWOOD
120121	D W PLUMMER	D W PLUMMER	SHED - UNCERTIFIED	31	Lot 34	WRIGHT STREET	PARK ELLEKER
120122	KOSTERS STEEL CONSTRUCTION PTY LTD	L R WOLFENDEN & J	PATIO - UNCERTIFIED	199	Location 366 Lot 130	SOUTH COAST HIGHWAY	ELLEKER GLEDHOW
120107	TOWNER BUILDER	CROKER T G BURGESS	ALTERATIONS AND ADDITIONS	25	Location 811 Lot 110	GEORGE STREET	GLEDHOW
120038	J & TW DEKKER PTY LTD	P C DIELESEN & P A BARTLETT	DWELLING 2 STOREY- UNCERTIFIED	9	Location 2471 Lot 145	RUNNYMEDE STREET	GOODE BEACH
302137	WILLIAM WATSON	Owner's Name and address	DWELLING ADDITIONS	52	Location 2471 Lot 190	KARRAKATTA ROAD	GOODE BEACH
120147		not shown at their request C A BUTLER	ADDITIONS TO DWELLING - BUILDING APPROVAL	70	Lot 18	HUNTON ROAD	KALGAN
301949	TECTONICS CONSTRUCTIONS GROUP PTY LTD	Owner's Name and address	DWELLING AND GARAGE SHED AND RAINWATER TANK		Location TAA 34	MIGO PLACE	KRONKUP
120112	OWNER BUILDER	not shown at their request S P & D M TAYLOR	WATER TANK -		Lot 208 Lot 1	KILLINI ROAD	KRONKUP
120145	DAKINA INVESTMENTS PTY LTD	CPT CUSTODIAN PTY LTD	UNCERTIFIED ALTERATIONS - SHOP	160	Lot 1007	CHESTER PASS ROAD	LANGE
120083	RYDE BUILDING PTY LTD	Owner's Name and address	FIITOUT - CERTIFIED NEW DWELLING GARAGE	5	Lot 245	LORIKEET WAY	LITTLE GROVE
120116	COMPANY PTY LTD	not shown at their request IV RICHARDS	CARPORT - UNCERTIFIED	3	Location 24 Lot 202	SPRING STREET	LITTLE GROVE

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120067	OWNER BUILDER	C D JAMIESON & A M SHANKS	RETAINING WALL - UNCERTIFIED	623	Lot 151	FRENCHMAN BAY ROAD	LITTLE GROVE
120140	RANBUILD GREAT	G G & M W FULFORD	CARPORT - UNCERTIFIED	11	Location 228 Lot	CLIFTON STREET	LOCKYER
120100	SOUTHERN KOSTERS STEEL CONSTRUCTION PTY LTD	A J & R W ALLISON	PATIO - UNCERTIFIED	20	6559 Location 7 Lot	THORNE STREET	LOWER KING
120033	Colquhoun William Roy	M B & F J GOULDTHORP	ALTERATIONS AND ADDITIONS - UNCERTIFIED	70	140 Location 1077 Lot	PRIDEAUX ROAD	LOWER KING
120105	METROOF ALBANY	M & T A MEHRER	CARPORT - UNCERTIFIED	21	61 Location 520 Lot	ELIZABETH STREET	LOWER KING
120123	KOSTERS STEEL CONSTRUCTION PTY LTD	F P REICH & S G MORTON	SHED - UNCERTIFIED	80	111 Location 50 Lot	BUSHBY ROAD	LOWER KING
120079	NATHAN & VANESSA BRAY & PETER & MARYA HA	P D & M J HAVEL & N H & RUTH HEADY	ADDITIONS TO DWELLING - UNCERTIFIED	41	305 Location 50 Lot	PRIDEAUX ROAD	LOWER KING
301805	MARYA HA	V A BRAY	DWELLING - UNCERTIFIED	51	Location 3715	GILGE ROAD	LOWLANDS
120104	DENMARK SHEDS & PATIO	not shown at their request A T & J A PILGRIM	CARPORT & PATIO - UNCERTIFIED	3172	Lot 186	LOWER DENMARK ROAD	LOWLANDS
120057	WA COUNTRY BUILDERS PTY LTD	J J AZZOPARDI & L E HUGHES	DWELLING AND GARAGE - UNCERTIFIED	129	Location 401 Lot	LAITHWOOD CIRCUIT	MARBELUP
120106	RYDE BUILDING	not shown at their request R & T A CASTLEHOW	SHED - UNCERTIFIED	5	Lot 343	SATELLITE CLOSE	MCKAIL
120064	K & T CASTLEHOW BUILDERS	not shown at their request R & T A CASTLEHOW	DWELLING AND GARAGE - UNCERTIFIED	30	Location 492 Lot	CENTAURUS TERRACE	MCKAIL
120124	TURPS STEEL FABRICATIONS	N R FISHER & D J DOGGETT	SHED & PATIO - UNCERTIFIED	247	6 Location 381 Lot	PENTER WAY	MCKAIL
120139	RYDE BUILDING	H HUTCHINSON	DWELLING - UNCERTIFIED	139	698 Lot 383	LANCASTER ROAD	MCKAIL
120142	COMPANY PTY LTD OWNER BUILDER	J M BURNS	ENCLOSE CARPORT - UNCERTIFIED	3	Lot 300	ETCHINSON LINK	MCKAIL

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street/Address	Suburb
120060	K & E NIELSEN	A J & W J PENSON	DWELLING AND GARAGE	10	Lot 311	BYLUND PLACE	MCKAIL
120129	RICHARD PETERSON	P N & C L CAMINS	UNCERTIFIED SHED - UNCERTIFIED	36	Location SA14 Lot 44	GARDEN STREET	MIDDLETON BEACH
120107	OWNER BUILDER	S P MARTIN & T M MARTIN	SHED - MACHINERY - UNCERTIFIED	22	Location 5756 Lot 301	MILLBROOK ROAD	MILLBROOK
120133	TURPS STEEL FABRICATIONS	C & F C SAURIN	UNCERTIFIED SHED - UNCERTIFIED	22	Location 7507/51	THE VINTAGE WAY	MILLBROOK
120073	Wauters Enterprises Pty Ltd	REECE PTY LTD (ACN 004 097 090)	WAREHOUSE	135	Location 384 Lot 322	CHESTER PASS ROAD	MILPARA
120154	RYDE BUILDING Ltd	G W & O H PARNELL	SHOWROOM - CERTIFIED GARAGE & VERANDAH -	217	Location 251 Lot 110	CHESTER PASS ROAD	MILPARA
120099	COMPANY PTY LTD PAUL LENEGAN	A L & N J FILIPOWSKI	UNCERTIFIED PATIO - UNCERTIFIED	19	Location 45 Lot 1	MCLEOD STREET	MIRA MAR
120092	OWNER BUILDER	L A PEARSON	CARPORT - UNCERTIFIED	6	Lot 707	BORONIA STREET	MT CLARENCE
120103	COLIN BRINHAM	T W MEWS	RETAINING WALL - UNCERTIFIED	33	Lot 2	LION STREET	MT MELVILLE
120131	OUTDOOR WORLD	L P TRAINOR	SHED - UNCERTIFIED	6	Location SL48 Lot 123	MEYERS WAY	MT MELVILLE
120004	R & E SCHLAGER	DJ BARR	NEW DWELLING GARAGE	17	Location 1609 Lot 3	NULLAKI DRIVE	NULLAKI
120089	ALEXANDER & MARGARET DICKIE	A & M J DICKIE	AND RAINWATER TANK SHED & CARPORT - UNCERTIFIED	27	Location 220 Lot 152	CANNING STREET	ORANA
120108	OWNER BUILDER	E P & Y A KENT	SHED - UNCERTIFIED	24	Location 231 Lot 3	LURLINE STREET	ORANA
120148	OUTDOOR WORLD	J I CLAY & J C HANDS	CARPORT - UNCERTIFIED	17	Location 8073	MCKAIL STREET	ORANA
120063	AIKEN PTY LTD	A D'ADDARIO	GROUP DWELLING X 2 - UNCERTIFIED	95	Location 384 Lot 67	CHESTER PASS ROAD	ORANA

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120094	GLENHAY HOLDINGS	J L CRAWFORD & M A	VERANDAHS X 2 AND REPLACE ROOF CLADDING -	324	Location 387 Lot	FRENCHMAN BAY ROAD	ROBINSON
12005	PTY LTD R & E SCHLAGER	FISHER A D A SCHLAGER & H M QUINN	UNCERTIFIED NEW DWELLING	170	Location 42 Lot 2	ULSTER ROAD	SPENCER PARK
120138	NEIL BERRIDGE	N F BERRIDGE	PATIO - UNCERTIFIED	51	Location 42 Lot	BATELIER CLOSE	SPENCER PARK
120149	TURPS STEEL FABRICATIONS	R A & G J OSBORN	SHED & CARPORT - UNCERTIFIED	142	Location PL42 Lot	ULSTER ROAD	SPENCER PARK
120162	T VANDERLEER	T & H K VAN DER LEER	SHED - UNCERTIFIED	130	Location 42 Lot	ULSTER ROAD	SPENCER PARK
120160	DOWNRITE	HOUSING AUTHORITY	DEMOLITION	175	Location PL42 Lot	MALEY PLACE	SPENCER PARK
120157	DEMOLITION NATHAN LEWIS &	N C LEWIS & P J POLLETT	GRANNY FLAT ADDITION	51	Location PL42 Lot	ANGOVE ROAD	SPENCER PARK
120115	PAULA POLLETT JR GOMM	D A COOPER & T J	UNCERTIFIED DWELLING ALTERATIONS	468	Lot 212	HUNWICK SOUTH ROAD	TORBAY
301602	Peter Jakob	COOPER P JAKOB (SNR)	& ADDITIONS DWELLING	244	Location TAA Lot	PERKINS BEACH ROAD	TORBAY
120120	PAUL LENEGAN	G T MURRAY	SHED - UNCERTIFIED	189	Lot 326	DELORAIN DRIVE	RRENUP
120117	METROOF ALBANY	P R CLEMENTSON	GARAGE - UNCERTIFIED		Lot 208	GREENWOOD DRIVE	WILLYUNG
120156		CITY OF ALBANY & H A	UPGRADE - SECURITY		Location 5650 Lot	ALBANY HIGHWAY	WILLYUNG
120091	KOSTERS STEEL CONSTRUCTION PTY LTD	WIGHT & J SCHMIDT G S & K D SMITHSON	BUILDING - CERTIFIED SHED - UNCERTIFIED	44	Location 474 Lot	SUSAN COURT	YAKAMIA
120095	OWNER BUILDER	L S & S CUNLIFFE	PATIO AND PERGOLA - UNCERTIFIED	380	Location 356 Lot	MEARS ROAD	YAKAMIA
				127			

Application Number	Builder	Owner	Description of Application	Street #	Property Description	Street Address	Suburb
120126	GS & LA IRONMONGER	A N MARRIOTT & A W	ALTERATIONS -	18	Location 243 Lot	GRANDIS WAY	YAKAMIA
		MARRIOTT	UNCERTIFIED		751		

CITY OF ALBANY

REPORT

To : His Worship the Mayor and Councillors
From : Administration Officer - Planning
Subject : Planning Scheme Consents – June 2012
Date : 3 July 2012

1. The attached report shows Planning Scheme Consents issued under delegation by a planning officer for the month of June 2012.
2. Within the period there was a total of seventeen (17) decisions made on active Planning Scheme Consents;
 - Sixteen (16) Planning Scheme Consents were approved under delegated authority; and
 - One (1) Planning Scheme Consent was refused.

Jessica Davidson
Administration Officer – Planning

PLANNING SCHEME CONSENTS ISSUED UNDER DELEGATED AUTHORITY

Applications determined for June 2012

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120116	13/06/2012	Puls Patios	Spencer Street	Albany	Single House (carport extension - side setback relaxation)	Delegate Approved	19/06/2012	Taylor Gunn
P2120089	1/05/2012	G & R Cugley	View Street	Albany	Single Dwelling (Design Codes Relaxation)	Delegate Approved	21/06/2012	Tom Wenbourne
P2120082	24/04/2012	L Marchesani	Earl Street	Albany	Multiple Dwelling (x40)	Delegate Approved	28/06/2012	Tom Wenbourne
P2120033	27/02/2012	GJ Elliott	Innes Street	Albany	Single House - Additions - Design Codes (front setback side setback and overlooking) and Policy (overheight roof pitch) Relaxations	Delegate Approved	29/06/2012	Taylor Gunn
P2120108	7/06/2012	S K & C T Orr	Lound Street	Bayonet Head	Home Occupation (Art Studio)	Delegate Approved	18/06/2012	Deb Delury
P2120128	22/06/2012	Ryde Building Company Pty Ltd	Lamont Grange	Bayonet Head	Single House (Sign)	Delegate Approved	27/06/2012	Adrian Nicoll
P2120103	23/05/2012	SM Muscat	Albany Highway	Centennial Park	Change of Use - Bulky Goods Outlet	Delegate Approved	12/06/2012	Taylor Gunn
P2120125	19/06/2012	JC Manley	Sanford Road	Centennial Park	Service Industry	Delegate Approved	27/06/2012	Adrian Nicoll
P2120127	22/06/2012	J Mitchell	Sanford Road	Centennial Park	Private Recreation	Delegate Approved	27/06/2012	Adrian Nicoll
P2120121	18/06/2012	L Hook	Sanford Road	Centennial Park	Warehouse Office and Car Park	Delegate Approved	29/06/2012	Tom Wenbourne
P2120032	23/02/2012	Wren (WA) Pty Ltd T/A Zac Caramia Homes	Barry Court	Collingwood Park	Single House - Outbuilding	Refused	21/06/2012	Adrian Nicoll
P2120096	14/05/2012	J Dekker	Runnymede Street	Goode Beach	Single House - Design Codes Relaxation (Front Setback and Overlooking Relaxation) & Outbuilding	Delegate Approved	21/06/2012	Taylor Gunn
P2120113	11/06/2012	P Camins	Garden Street	Middleton Beach	Single House - Addition (Outbuilding)	Delegate Approved	15/06/2012	Tom Wenbourne
P2120105	30/05/2012	B Turpin	The Vintage Way	Millbrook	Single House - Outbuilding	Delegate Approved	6/06/2012	Deb Delury

AGENDA ITEM 2.2 REFERS

Application Number	Application Date	Applicant	Street Address	Locality	Description of Application	Decision	Decision Date	Assessing Officer
P2120006	16/01/2012	James Stockwell Architect	Nullaki Drive	Nullaki	Caretakers Accommodation (Modify existing Building Envelope)	Delegate Approved	8/06/2012	Taylor Gunn
P2120118	18/06/2012	DJ Armstrong	Allerton Street	Robinson	Industry - Noxious	Delegate Approved	27/06/2012	Adrian Nicoll
P2120037	29/02/2012	Torbay Catchment Group	Hunwick South Road	Torbay	Agricultural and Recreation Hall - Additions (Toilet Block)	Delegate Approved	6/06/2012	Deb Delury

**2.3: DEVELOPMENT APPLICATION – SINGLE HOUSE LOT 478 (NO. 15)
BERLINER STREET, BAYONET HEAD**

Land Description : (Lot 478) No. 15 Berliner Street, Bayonet Head
Proponent : David Pyle and Gemma Hitchcock
Owner : David Pyle and Gemma Hitchcock
Business Entity Name : None given
Attachments : Site Plan, Elevations and Covering Letter
Neighbours Comments
Responsible Officer(s) : Executive Director Planning and Development Services
(D Putland)

Maps and Diagrams:



IN BRIEF

- This Lot is subject to the City of Albany Sloping Land Policy, which seeks to discourage the recontouring of land as the preferred method of construction, encourages sympathetic (split level) house design and restricts excessive cutting and filling.
- The application seeks consent for a cut within 4m of the boundary of this sloping site greater than the 1m permitted under the Sloping Land Policy.
- Although outside of the specific parameters of the policy, the design of the house is considered by City Staff to meet the objectives of the policy.

RECOMMENDATION

**ITEM 2.3: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BOWLES**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a Single House at Lot 478 (15) Berliner Street, Bayonet Head subject to the following conditions:

- a) Development shall be carried out in accordance with the approved plans, including any details and/or amendments marked in red.
- b) Stormwater disposal shall be designed and installed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.
- c) The new crossover shall be constructed to the City of Albany specifications, levels and satisfaction in accordance with the 'City of Albany's Subdivision and Development Guidelines'. A 'Permit' from the City of Albany is required prior to any work being carried out within the road reserve.
- d) The windows in the west elevation shall be maintained with obscure glazing to a minimum height of 1.65m above internal floor level to the satisfaction of the City of Albany.

CARRIED 9-0

BACKGROUND

1. The subject site is in a Residential Development zoned area within Town Planning Scheme No.3. It is 705m² in area and is located on the south side of Berliner Street. Berliner Street has an approximate gradient of 10% with a resulting rise in ground level of 2m from east to west across the frontage of this lot. The lot also slopes with a 6m rise in ground level from front to rear. The result of this is a diagonal cross fall on this lot from southwest to northeast.
2. The City of Albany Sloping Land Policy came from a desire to promote development sensitive to the natural topography and character of Albany and to minimise the recontouring of land as being the preferred method of developing sloping sites. The Sloping Land Policy sets a maximum height for retaining cut and fill, depending on the proximity to the boundary of the lot. It also permits a building height bonus for house design that meets the requirements of the policy.
3. Sloping sites that the City considers require these controls and could benefit from inclusion in the Sloping Land Policy Schedule are identified at subdivision stage and are incorporated into the Policy Schedule. Currently there are only two subdivisions that have lots subject to the controls and requirements of the Sloping Land Policy.
4. This proposal is referred to Council as it seeks consent for retaining a cut greater than the permitted limit as set out in the policy. Such a relaxation is contrary to the policy and City staff have no delegation to approve such an application.

DISCUSSION

5. The proposed development is for a single house, which needs to be assessed against the Residential Design Codes of Western Australia as well as the Local Planning Scheme 1A and 3 Policy Manual, specifically policy 6D – Sloping Land.
- 6.

Assessment against the Residential Design Codes (R-Codes) Acceptable Development

Criteria	Codes Requirement	Compliance
Site Area for R20	<ul style="list-style-type: none"> • Min 440m² 	Yes, site is 705m ² .
Setback of building generally	<ul style="list-style-type: none"> • 6m primary street setback 	Yes, first floor setback 6m, lower ground floor set back 7.5m.
Setback of garage	<ul style="list-style-type: none"> • Behind setback line 	Yes, undercroft element setback 8.35m from street.
Surveillance of the street	<ul style="list-style-type: none"> • One habitable room window has clear view of street 	Yes, Main Bedroom and Family room overlook the street.
Garage doors	<ul style="list-style-type: none"> • Garage doors and supporting structure not to exceed 50% of the frontage 	Yes, at 6.11m wide the garage is approximately 30% of the front boundary.
Building setback from the boundary	<ul style="list-style-type: none"> • In compliance with R-Codes table based on wall length and height with or without major openings. • General setback from west boundary 1.7m • General setback from east boundary 4.9m 	No (see comment below table) West boundary setback is 2.0m. East boundary setback is 4.06m.
Setback of retaining walls	<ul style="list-style-type: none"> • In compliance with R-Codes table based on wall length and height • Setback required 1.5m 	No, proposed 1m in from the east boundary (see comment below table).
Open Space (areas not covered by buildings)	<ul style="list-style-type: none"> • 50% minimum open space. 	Yes, the footprint of the building is approximately 244m ² which equates to 35% being covered
Outdoor Living Areas	<ul style="list-style-type: none"> • Minimum 30m² with minimum dimension of 4m and directly accessible from a habitable room. 	No (see comment below table).
Onsite parking	<ul style="list-style-type: none"> • 2 parking spaces 	2 car garage plus driveway.
Vehicular Access	<ul style="list-style-type: none"> • Minimum width of 3m at street frontage boundary and no wider than 6m • No closer than 0.5m to side boundary • At right angles to the street • Avoids trees and poles 	Yes, meets all of these requirements.
Excavation or Fill	<ul style="list-style-type: none"> • Excavation within a site 	Yes, but does not comply with

Criteria	Codes Requirement	Compliance
	and behind a street setback line shall have no limit.	Sloping Land Policy limit of maximum 1m within 4m of side boundary.
Building Height	<ul style="list-style-type: none"> Category B of the R-Codes (buildings to be less than 9m in height to ridge and 6 m to eaves or 7m with a concealed roof such as parapet). This is varied by Sloping Land Policy to allow additional 1.5m where design meets policy objectives. 	Yes, maximum eaves height of 5.3m and maximum ridge height of 7.4m. Proposal does not seek to utilise additional height allowance under the sloping land policy.
Visual privacy	<ul style="list-style-type: none"> Setback in direct line of sight within cone of vision from the boundary a minimum of: <ul style="list-style-type: none"> 4.5m from bedrooms and studies; 6m for habitable rooms other than bedrooms and studies; 7.5m for unenclosed outdoor active habitable spaces Unless screened to restrict views within cone of vision 	<p>No, obscure glazing is proposed to windows on the west elevation to meet this requirement, but on the east elevation;</p> <ul style="list-style-type: none"> the Bedrooms are setback 4.06m requiring a relaxation of 0.44m; the Family room is setback 5.36m requiring a relaxation of 0.64m; the Alfresco is setback 4.06m requiring a relaxation of 3.44m. <p>The adjoining landowner has given their consent to these relaxations.</p>
Solar access for adjoining sites	<ul style="list-style-type: none"> Development designed so its shadow cast at midday on 21 June does not exceed 25% of any one adjoining lot 	Yes, although not calculated by the proponent, the shadow would be cast to the rear and with the rising slope would not fall far beyond the site, if at all.
Stormwater disposal	<ul style="list-style-type: none"> Where conditions allow to be retained onsite directed to garden areas, sumps and rainwater tanks 	Can be achieved and is subject of an appropriate planning condition.
Essential facilities	<ul style="list-style-type: none"> Adequate clothes drying area screened from view from street 	Yes, space for clothes drying to rear of building accessed from laundry

7. There are parts of the R-Codes where this proposal does not meet the acceptable development criteria and consideration under the performance criteria or associated relaxations are required.

Building setback from the boundary

8. The setbacks from the east and west boundaries have already been stated at 4.06m and 2m respectively. The adjoining owner of Lot 479 to the east has given their consent to the requested 0.84m side setback relaxation.

Setback of Retaining Walls

9. The retaining wall is proposed to retain a cut of the slope 1m in from the west boundary. For the height and length of the wall the required setback is 1.5m. Given that the purpose of the retaining wall is to retain a cut of the slope rather than retain fill on the lot, the height of the retaining wall will have no visual impact on the future occupiers of this adjoining vacant lot. City staff consider this meets the performance criteria to minimize the impact on adjoining properties and is acceptable.

Outdoor Living Areas

10. The topography of the lot makes compliance with the acceptable development criteria difficult without further alteration of the landform. The design of the house, with the habitable space on one plane, results in only one corner of the habitable floor level meeting the ground. The laundry is located in close proximity to this corner and utilizes a ramp to provide external access. The laundry is not a habitable room and the ramp cannot be considered to provide direct access.
11. However, both the Family room and main bedroom 1 have access to the extensive alfresco deck area above the garage and workshop at the front of the house. This faces north and would be open to the winter sun. City staff consider this meets the performance criteria.

Visual Privacy

12. The required setbacks of these various elements and the requested relaxations are stated in table above. These all relate to the adjoining land to the east. The greatest relaxation requested is from the alfresco deck area and is a relaxation of 3.44m. The adjoining owner of Lot 479 to the east has given their consent to the requested 3.44m overlooking relaxation.

Sloping Land Policy

13. The sloping land policy sets clear objectives:
- Encourage a philosophy that discourages the recontouring of land as being the preferred method of undertaking the development of sloping sites.
 - Restrict excessive cutting and filling of steeply sloping land and encourage house design sympathetic (split level) to the natural topography.
 - Reduce neighbour conflict by encouraging a reduction in the level of cutting and filling on development sites and the size of the retaining walls that need to be constructed along the common property boundary(s).
 - Promote development that is sensitive to the natural topography and character of Albany.
 - Promote housing designs which complement the slope of the land to reduce the building's bulk and visual impact.

14. The policy aims to achieve this by limiting the extent of cut and fill to a maximum 1m change from the natural ground level within 4m of the property boundary and 1.5m elsewhere on a lot. Where such retaining is undertaken for the purpose of constructing a building any retaining shall be confined within the building footprint so as to be incorporated as part of the building. Where a building design accords with this requirement a height bonus of 1.5m over and above the Residential Design Codes (Category B) height limits is permitted.
15. The proposal seeks consent for retaining walls up to 1.7m high to retain a cut of the slope parallel with the west boundary 1m beyond the building footprint and across the lot below the proposed house. The retaining walls will taper in height along their lengths from the highest point where the two walls converge. The highest point of the walls will be set back into the slope of the hillside.
16. The proposed retaining walls do not comply with the Sloping Land Policy insofar as at their highest point they are higher than the policy limit of 1m within 4m of the boundary and are also outside the building footprint.
17. As the retaining walls are intended to retain a cut of the slope and not for imported fill, they will be set back into the slope and will not have a significant visual impact outside of the site. In addition, the house has been designed taking advantage of the slope incorporating the garage and workshop in an undercroft element with the habitable floorspace above. It is City staff opinion that the design of the house together with the proposed retaining walls meets the objectives of the policy despite not strictly meeting the policy requirements.

GOVERNMENT CONSULTATION

18. No government consultation was required.

PUBLIC CONSULTATION / ENGAGEMENT

19. The proponent provided a proforma signed by the adjoining landowner to the east stating they have no objection to the requested relaxations.
20. As the proposal is minor in nature and only affects the immediate adjoining landowners, no other public consultation was required.

STATUTORY IMPLICATIONS

21. The subject site is 705m² in area and is zoned "Residential Development" under Town Planning Scheme No. 3. A single house is a use/development that is not permitted unless approval is granted by the Council.
22. The Sloping Land Policy is a Town Planning Scheme Policy adopted under the Scheme. Clause 6.9.4 of TPS 3 states;
 - a) *A Town Planning Scheme Policy shall not bind the council in respect of an application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
 - b) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submission lodged, before making its decision."*

23. The Sloping Land Policy does not require a requested relaxation to be advertised.

STRATEGIC IMPLICATIONS

24. This item relates to the following elements of the City of Albany Strategic Plan (2011- 2021):

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*
- *Regularly review all policies in consultation with community and key stakeholders.*

POLICY IMPLICATIONS

25. Although not strictly complying with the policy requirements, it is considered that this proposal meets the objectives of the policy and a relaxation can be justified.

RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The applicant appeals to a State Administrative Tribunal if the proposal is refused.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>If a decision is made to refuse the application, sound reasoning is required to provide solid defence at a State Administrative Tribunal.</i>

FINANCIAL IMPLICATIONS

27. The proponent has paid the appropriate fee and the application has been processed within identified timelines and budget constraints.

LEGAL IMPLICATIONS

28. If Council refuses the application and the applicant appeals, the City of Albany may be required to defend reasons for refusal at a State Administrative Tribunal hearing.

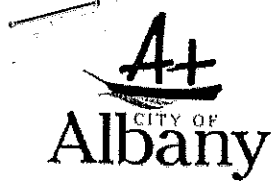
ALTERNATE OPTIONS

29. Council may refuse the application as it does not strictly adhere to the requirements of the policy. A detailed reason for a refusal would need to be provided as part of the determination.

SUMMARY CONCLUSION

30. The proposal seeks planning scheme consent for a single house on a lot subject to the Sloping Land Policy requirements. The proposed house meets the Residential Design Codes of Western Australia requirements, but the associated earthworks and retaining walls do not strictly adhere to the requirements of the Sloping Land Policy. However, it is the opinion of City staff that the proposal does satisfy the objectives of the Sloping Land Policy.

Consulted References	:	City of Albany Sloping Land Policy Town Planning Scheme No. 3 Residential Design Codes
File Number (Name of Ward)	:	A210946 (Yakamia Ward)
Previous Reference	:	NIL



Postal Doc No: City of Albany Records
File: ICR1264298
Date: A210946
Officer: 30 APR 2012
BS9

Attach:
Box:
Vol:
Box+Vol:

**ADJOINING OWNER'S COMMENT F
VARIATION TO THE DESIGN C**

PLEASE BE AWARE THAT YOU ARE UNDER NO OBLIGATION TO SIGN THIS PROFORMA

Where a development does not meet the Acceptable Development standards prescribed under the Residential Design Codes the applicant must demonstrate to Council that the performance criteria can be met. In considering whether to support a variation to the Codes Council wishes to seek the views of adjacent neighbours, which may be affected by the development. Please take the time to view the applicant's plans in detail prior to either objecting or supporting the variation, and should you wish to provide additional comments please attach them to this form. Should you wish to discuss the variation with Council prior to signing the form please contact Council's Planning Department on 9841 9383.

It should be advised that in determining the application for a variation under the Residential Design Codes your comments will be taken into account, however Council is not obliged to support your views. If requested by the applicant Council is required to forward a summary of your comments to them, and should they wish to respond they must do so in writing within seven (7) days.

ADJOINING PROPERTY OWNER DETAILS

Name: DAVID CHARLES PLASTOWE
Lot No: 479 Street No: 13 Street Name: BERLINER ST
Suburb: BAYONET HEAD Post Code: 6330

Residential Address (if different to above property address)
40 ELIZABETH ST, BAYONET HEAD, ALBANY 6330.

LOCATION OF PROPOSED DEVELOPMENT

Name: DL PYLE & AL HITCHCOCK
Lot No: 478 Street No: 15 Street Name: BERLINER ST
Suburb: BAYONET HEAD Post Code: 6330

DETAILS OF VARIATION TO WHICH COUNCIL DISCRETION IS REQUIRED

Plan Attached (Please attach the proposed plan with signature and date signed specified)

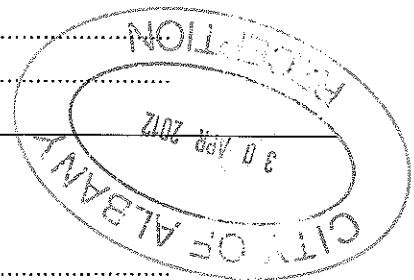
The following to be completed by applicant and sited by the adjoining owner:

What variation is being sought (eg. side setback relaxation, overlooking)? SIDE SETBACK & OVERLOOKING.
What is the Acceptable Development standard, for the variation being sought? 4.5 to SIDE
7.5 to BALCONY
What setback/relaxation is being proposed? 4.06 SIDE SETBACK.
4.06 to BALCONY

ADJOINING OWNER'S COMMENTS

- I do not object
- I object for the following reasons:

Signed: [Signature] Date: 31.3.2012 Phone: 9844 9786
Signed: _____ Date: _____ Phone: _____



22 May 2012

To whom it may concern

RE: BL 120065

Pyle/Hitchcock

Application for Planning Scheme Consent

We wish to apply for planning scheme consent for our proposed residence at 15 Berliner Street, Elizabeth Heights.

We have elevated the house to avoid as much retaining as possible. The incorporation of the Workshop and Carport underneath the house has been so designed to maximise and utilise what, without such retaining, would be the 'unused' ground space. In doing so, however, it will require some cutting and filling.

The alternative to build the above mentioned areas separately would still require earthworks, and subsequently affect more 'ground area' of the block.

As much cutting, filling and retaining as possible has been designed to fall within the buildings' footprint, majority being hidden by the external walls. Street impact is minimal and we feel we have placed the house in the most appropriate position on the block to maximise its potential, whilst keeping as much of the natural fall as possible.

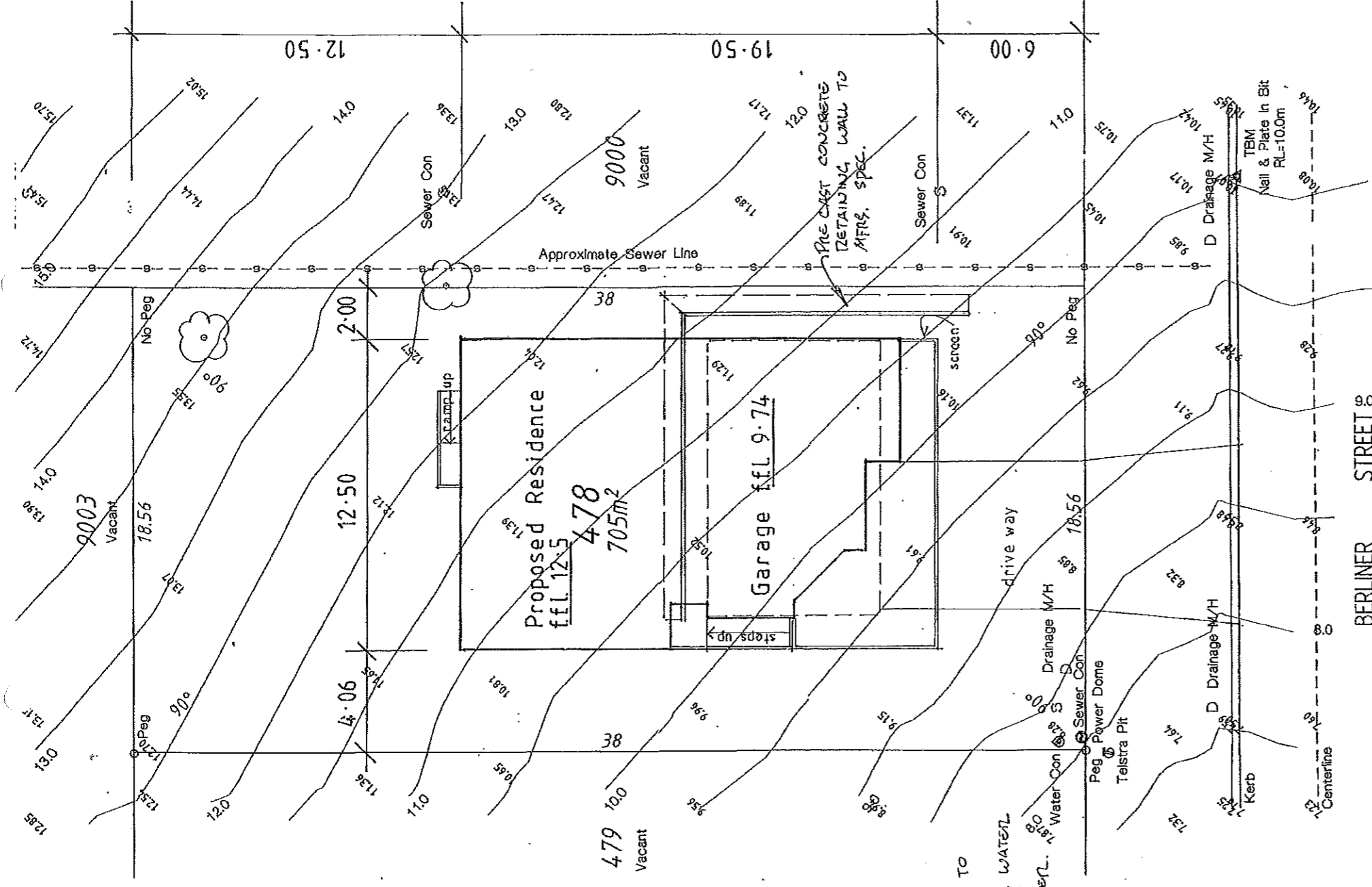
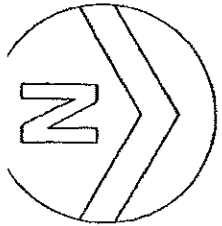
The house will be timber framed, clad in a light colour (cream) and a slightly darker (brown) colorbond roof, although the exact colours will be confirmed closer to construction.

We hope that this clarifies our plans and request, and that you look favourably towards granting us an exception to the policy.

Kind regards,

David Pyle & Gemma Hitchcock





NOTE:
 CONNECT WASTE TO SEWER
 CONNECT STORM WATER TO DRAINAGE IN APPROVED MANNER.

BERLINER STREET

NOTE:
 This is a site survey and the boundaries shown should be used as a reference only as they have not been re-established as part of this survey.

Areas & dimensions are subject to final survey.
 Station heights are assumed, TBM = 10.0m.

Sewer information is as supplied by the Water Corporation of W.A. and has not been surveyed on site.

Explanation of tree codes:
 PEP 1, 1d, 1zh, 8s, 2t means a Peppermint Tree of trunk diameter 1.1m, height 12m, spread of 8m and 2 trunks.

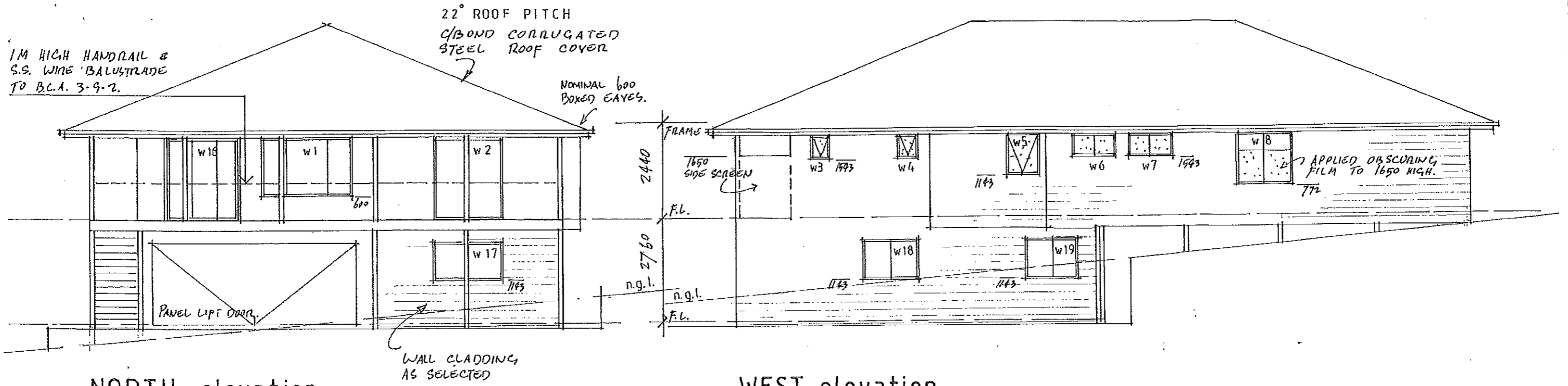
- SOIL - N/A
- VEGETATION - cleared
- KERB - fully mountable (good condition)
- WIND - N/A
- SEWER - yes

0 2 4 6 8 10
 Scale 1:200 (A3)

JOHN KINNAR & ASSOCIATES
 Consulting Surveyors
 234 STRLING TERRACE
 PO BOX 293
 ALBANY WA 6331
 PHONE (08) 9842 1353 FAX (08) 9842 1570
 JKA REF. B375

- LEGEND
- FENCE
 - - - - - TOP OF BANK
 - - - - - BOTTOM OF BANK
 - - - - - OVERHEAD POWERLINE
 - ⊙ TREE

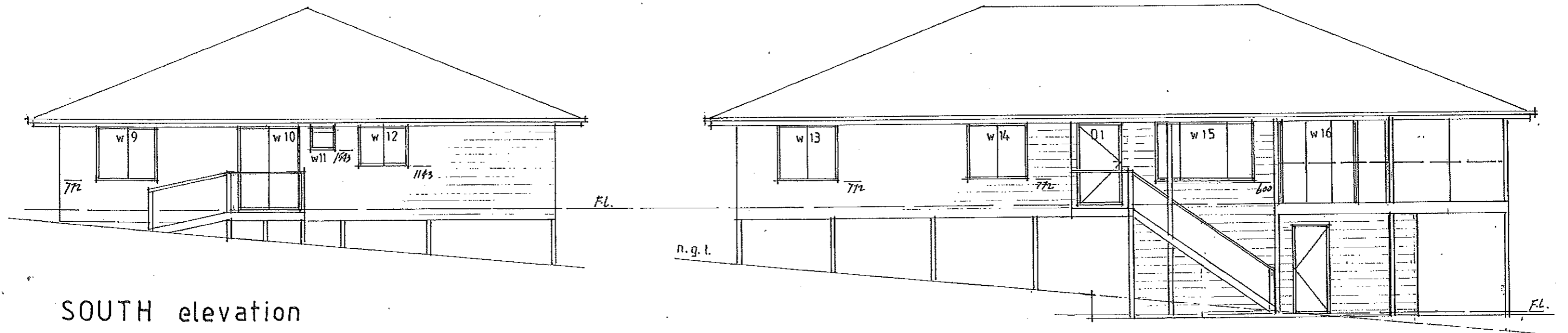
CLIENT: DAVID PYLE		LOT. 478 BERLINER STREET, BAYONET HEAD, ALBANY		764 11	
DP. 54720	C/T Vol.Fol. 2714/44	AUTHORITY: CITY OF ALBANY		A5 15	
SCALE. 1:200 (A3)	MAP REF. BK26 (2)-14.11	JOB NUMBER. B375	SHEET SIZE. A3	SHEET 1 OF 1	
				SURVEY DATE. 14/1/2011	



NORTH elevation

1:100

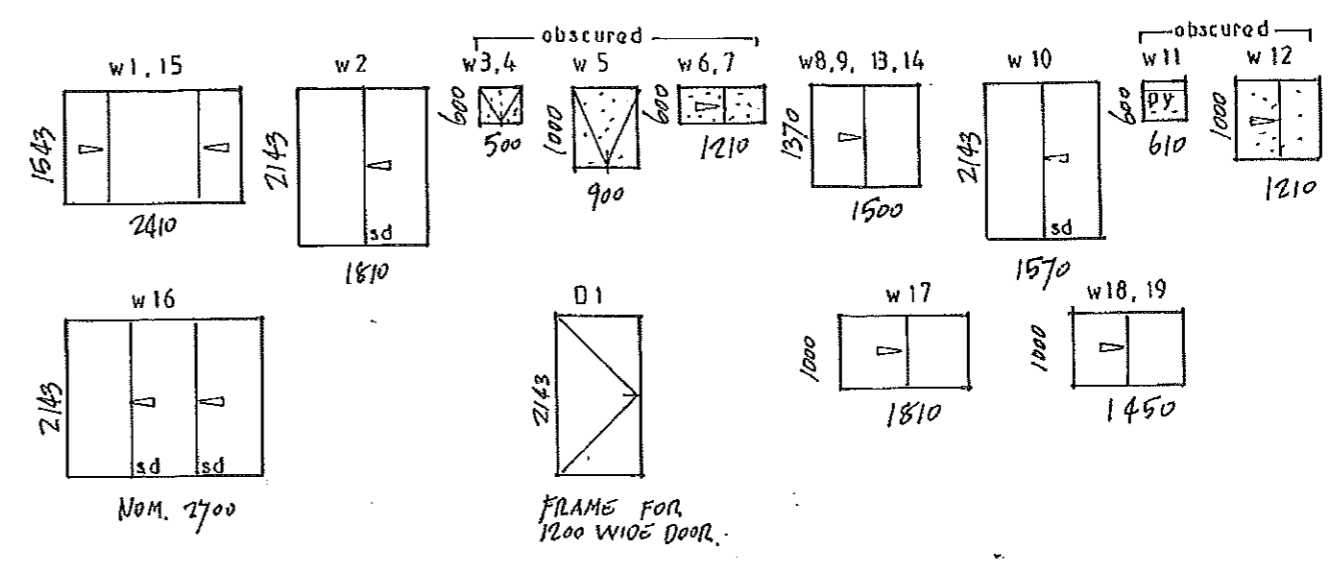
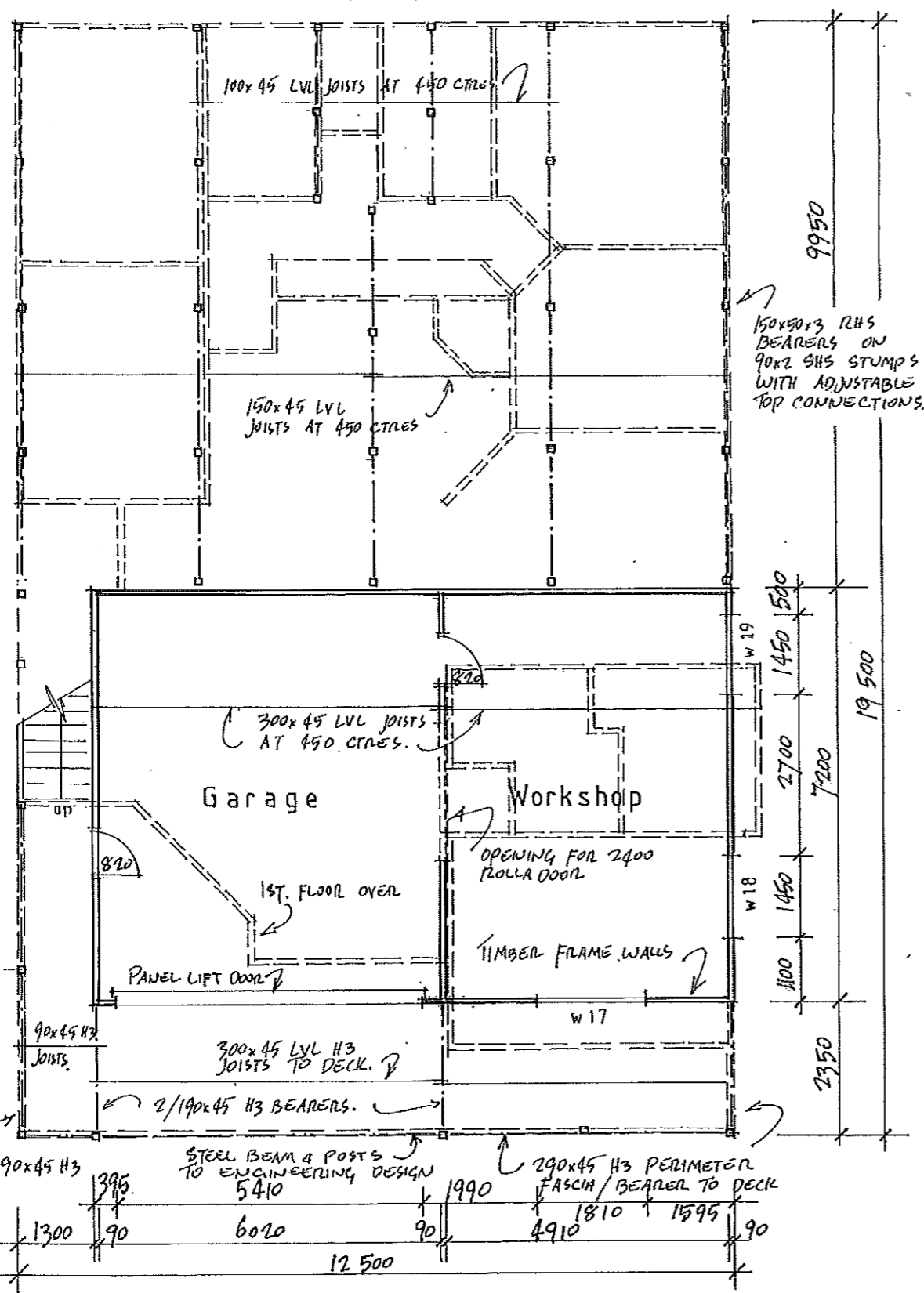
WEST elevation



SOUTH elevation

EAST elevation

WET AREA FLOOR ON
19 'SCYON' SHEET
WATER PROOFED TO
BCA PART 3-8



WINDOW SCHEDULE

1:100

ALUMINIUM WINDOW FRAMES TO A.S. 2047
GLAZING TO A.S. 1288

NOTE W8, W9 - LOW 'E' GLASS
REMAINDER STANDARD GLAZING.

GLAZING CALCULATOR FOR USE WITH PART 3.12.2, BCA VOLUME TWO (HOUSING)

Climate zone: 6 Building name/description: LOT 478 BERLINER STREET, BAYONET HEAD, 784 11

Storey: 1 Floor type: Type A Type B Area of floor: 192m² Air movement: S Glazing area: 33.2m² (17% of area of floor Type B)

CONSTANTS Type A Type B C_g/C_{ext}: 1.1/0.10 ALLOWANCES C_g x Area: 211.0 C_{ext} x Area: 38.4

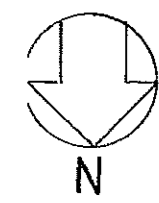
Note: Air movement level must be separately verified

GLAZING ELEMENTS, ORIENTATION, SIZE and PERFORMANCE CHARACTERISTICS											SHADING				CALCULATION DATA		CALCULATED OUTCOMES - OK (if inputs are valid)			
ID	Description (optional)	Sector faced	Floor type	Floor type B	Height (m)	Width (m)	Area (m ²)	Performance		P&H or device			Exposure	Size	Conductance - PASSED		Solar heat gain - PASSED			
								Total U-Value (NFRC)	SHGC (NFRC)	P (m)	H (m)	P/H factor			E factor	U x Area	Element share of % of allowance used	SHGC x Area	Element share of % of allowance used	
1	w1 family	N			1.54	2.41	6.5	0.76	3.58	1.54	2.27	0.14	3.71	24.1	12% of 99%	0.4	4% of 24%			
2	w2 bed 1	N			2.14	1.81	6.4	0.75	2.08	2.14	0.93	0.23	3.87	24.6	12% of 99%	0.7	8% of 24%			
3	w3,w4 bed 1	W			0.60	1.00	6.6	0.66	0.60	0.60	1.00	0.56	0.60	4.0	2% of 99%	0.2	3% of 24%			
4	w5 ens	W			1.00	0.90	6.6	0.66	0.10	1.00	1.26	0.90	0.90	6.9	3% of 99%	0.7	8% of 24%			
5	w6,w7 lounge	W			0.60	2.42	6.5	0.76	0.60	0.60	1.00	0.56	1.45	9.4	5% of 99%	0.6	7% of 24%			
6	w8 office	W			1.37	1.50	5.0	0.54	0.60	1.37	0.44	0.87	2.08	10.3	5% of 99%	0.4	4% of 24%			
7	w9 bed 2	S			1.37	1.50	5.0	0.54	0.60	1.37	0.44	0.36	2.08	10.3	5% of 99%	0.4	4% of 24%			
8	w10 laundry	S			2.14	1.57	6.4	0.75	0.60	2.14	0.28	0.41	3.88	21.5	10% of 99%	1.0	12% of 24%			
9	w11 wo	S			0.60	0.61	6.5	0.76	0.60	0.60	1.00	0.23	0.37	2.4	1% of 99%	0.1	1% of 24%			
10	w12 bathroom	S			1.00	1.21	6.5	0.76	0.60	1.00	0.60	0.31	1.21	7.9	4% of 99%	0.3	3% of 24%			
11	w13 bed 3	E			1.37	1.50	6.5	0.76	0.60	1.37	0.44	0.69	2.08	13.4	6% of 99%	1.1	12% of 24%			
12	w14 bed 4	E			1.37	1.50	6.5	0.76	0.60	1.37	0.44	0.69	2.08	13.4	6% of 99%	1.1	12% of 24%			
13	w16 family	E			1.64	2.41	6.5	0.54	1.90	1.64	1.23	0.36	3.71	24.1	12% of 99%	0.7	8% of 24%			
14	w16 family	NE			2.14	2.70	6.4	0.54	3.80	2.14	1.78	0.18	5.78	37.0	18% of 99%	0.6	0% of 24%			

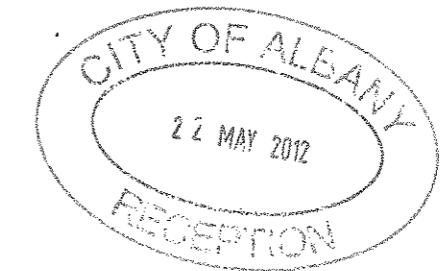
IMPORTANT NOTICE AND DISCLAIMER IN RESPECT OF THE GLAZING CALCULATOR

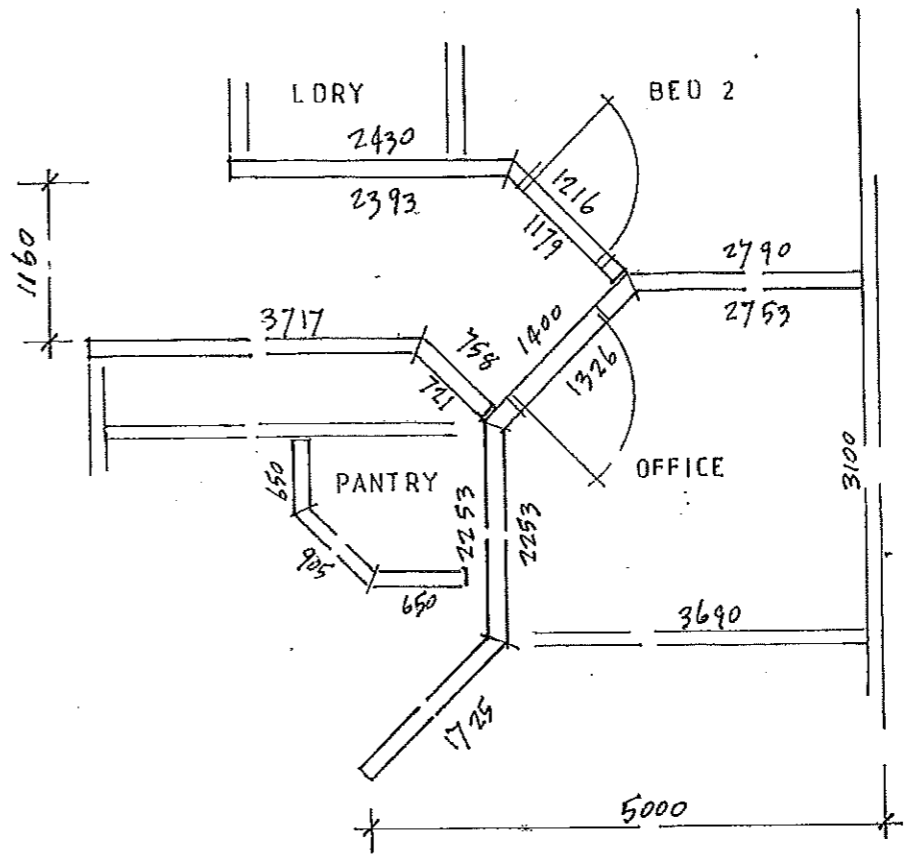
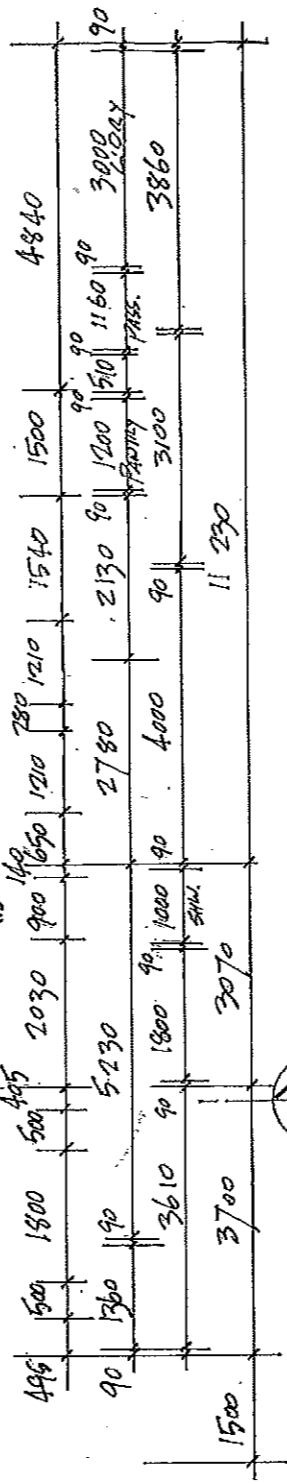
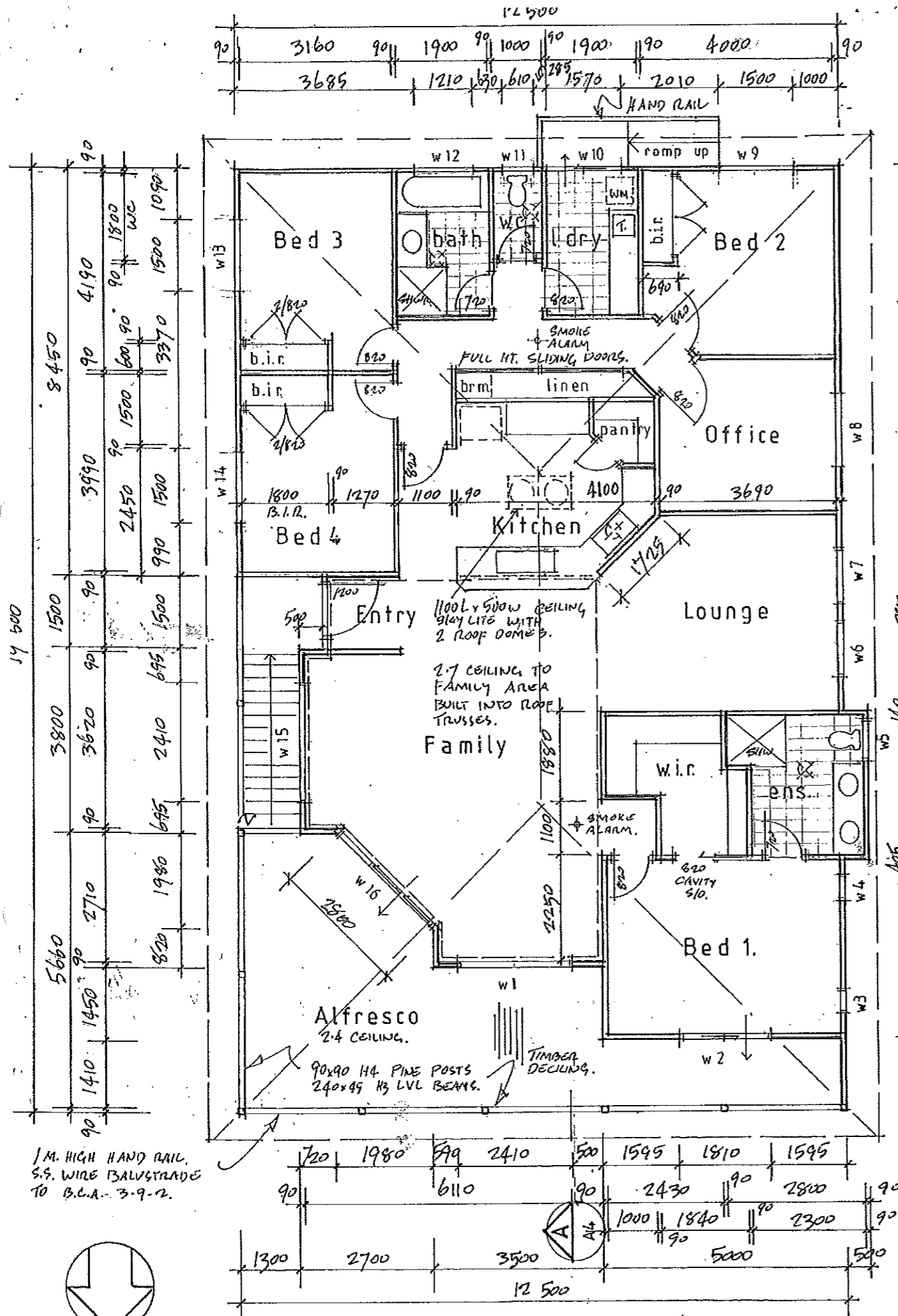
The Glazing Calculator has been developed by the ABCB to assist in developing a better understanding of glazing energy efficiency parameters. While the ABCB believes that the Glazing Calculator, if used correctly, will produce accurate results, it is provided "as is" and without any representation or warranty of any kind, including that it is fit for any purpose or of merchantable quality, or functions as intended or at all. Your use of the Glazing Calculator is entirely at your own risk and the ABCB accepts no liability of any kind.

If inputs (including air movement levels) are valid



LOWER GROUND FLOOR PLAN
1:100

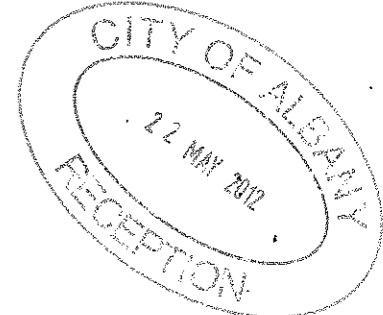




B
A4

INSULATION TO COMPLY WITH BCA PART 3.12
 CEILING'S R3-5 BATT'S
 WALLS RBM + R1.5 BATT'S
 FLOOR R1.5 AIRCELL OVER JOISTS.

AREAS HABITABLE
 ALFRESCO & PORCH 197.24 m²
 GARAGE & W/SHOP 22.81 m²
 UNDER 80.64 m²
 TOTAL 300.69 m²



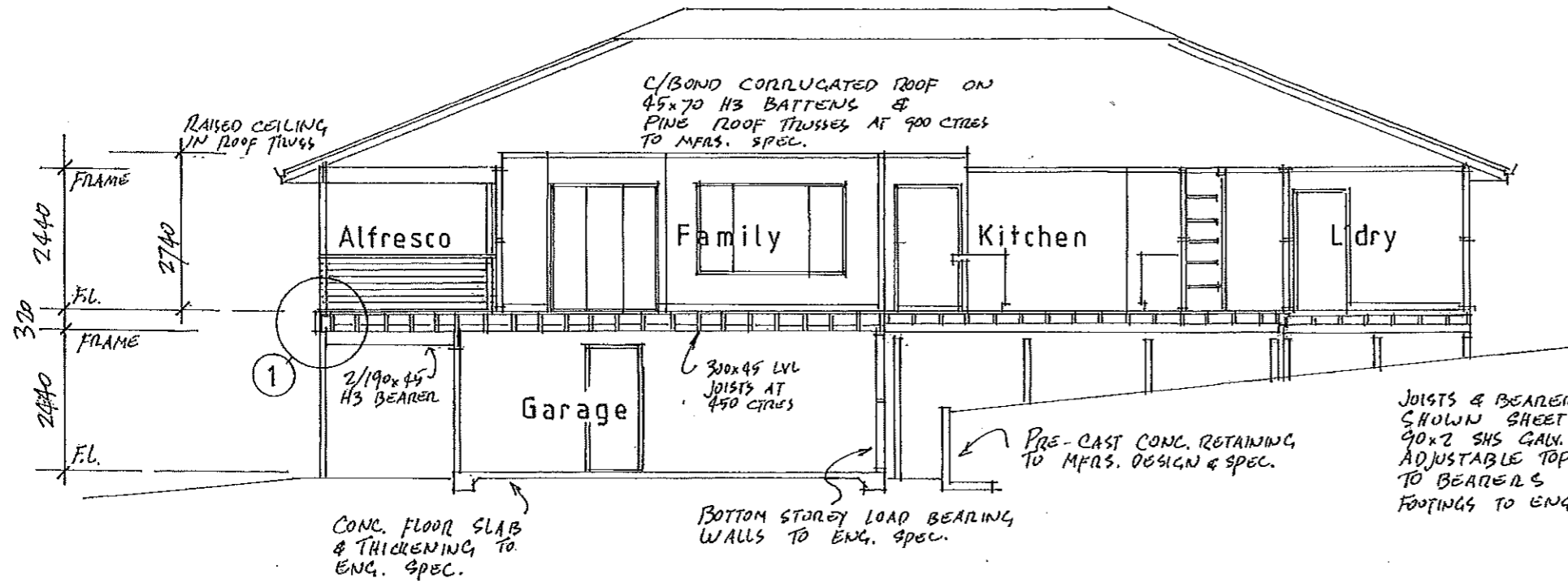
Proposed RESIDENCE for
 D.PYLE & J.HITCHCOCK
 LOT 478 BERLINER ST,
 BAYONET HEAD

Swift
 Drafting
 Service
 ph 98425350

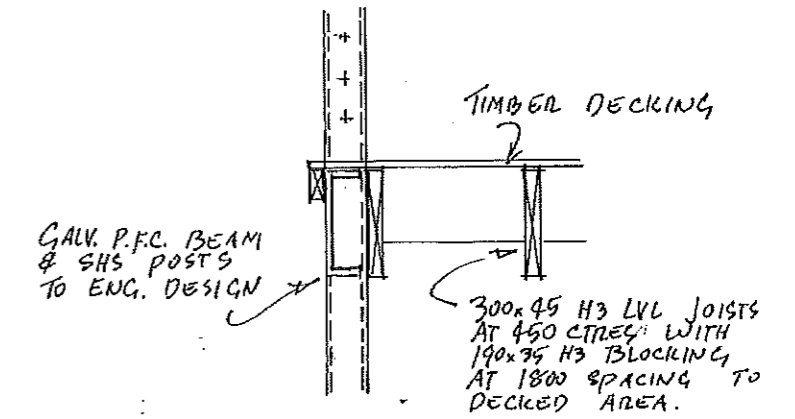
Date March 2011
 Scale 1:100

764 11 A1/5

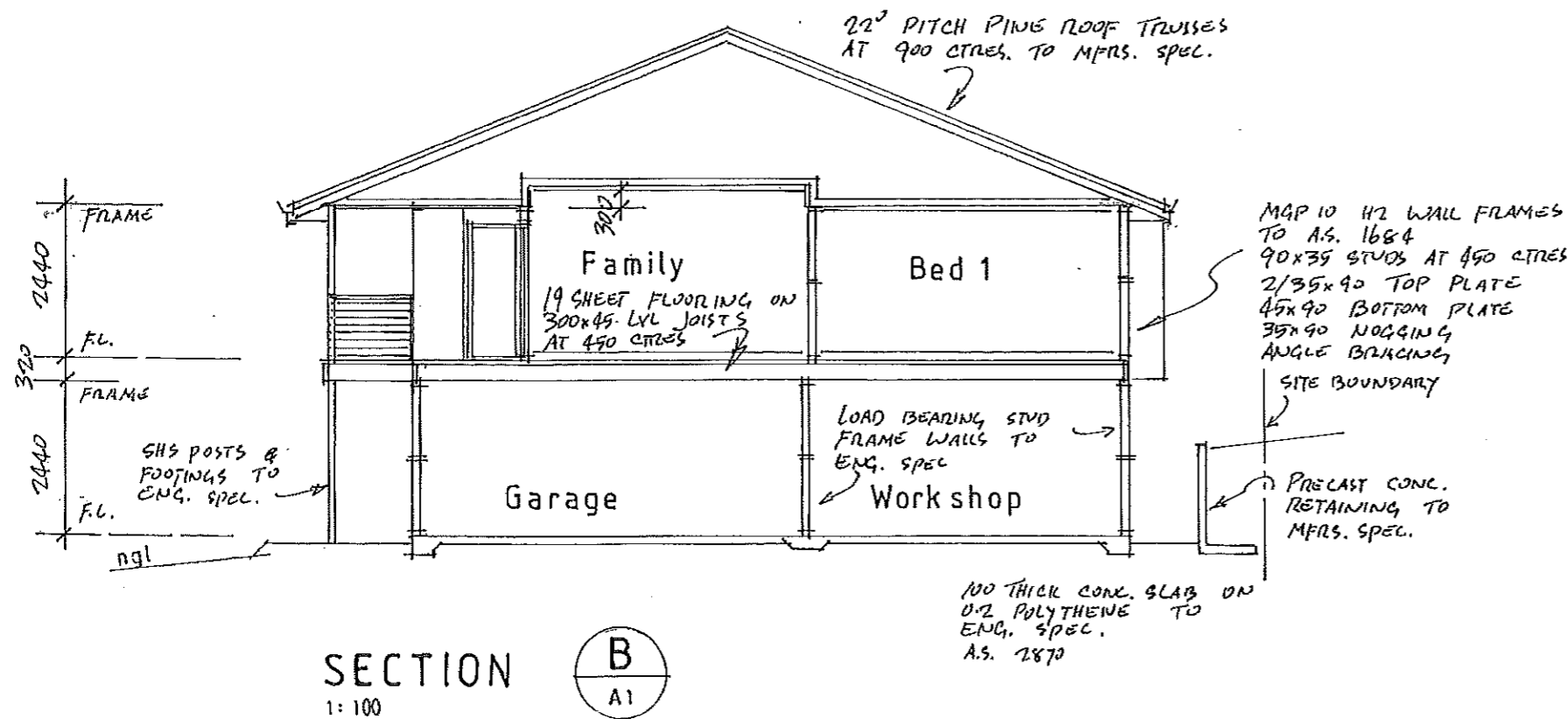
Upper GROUND FLOOR FLOOR PLAN



SECTION A
1:100



DETAIL 1
1:20

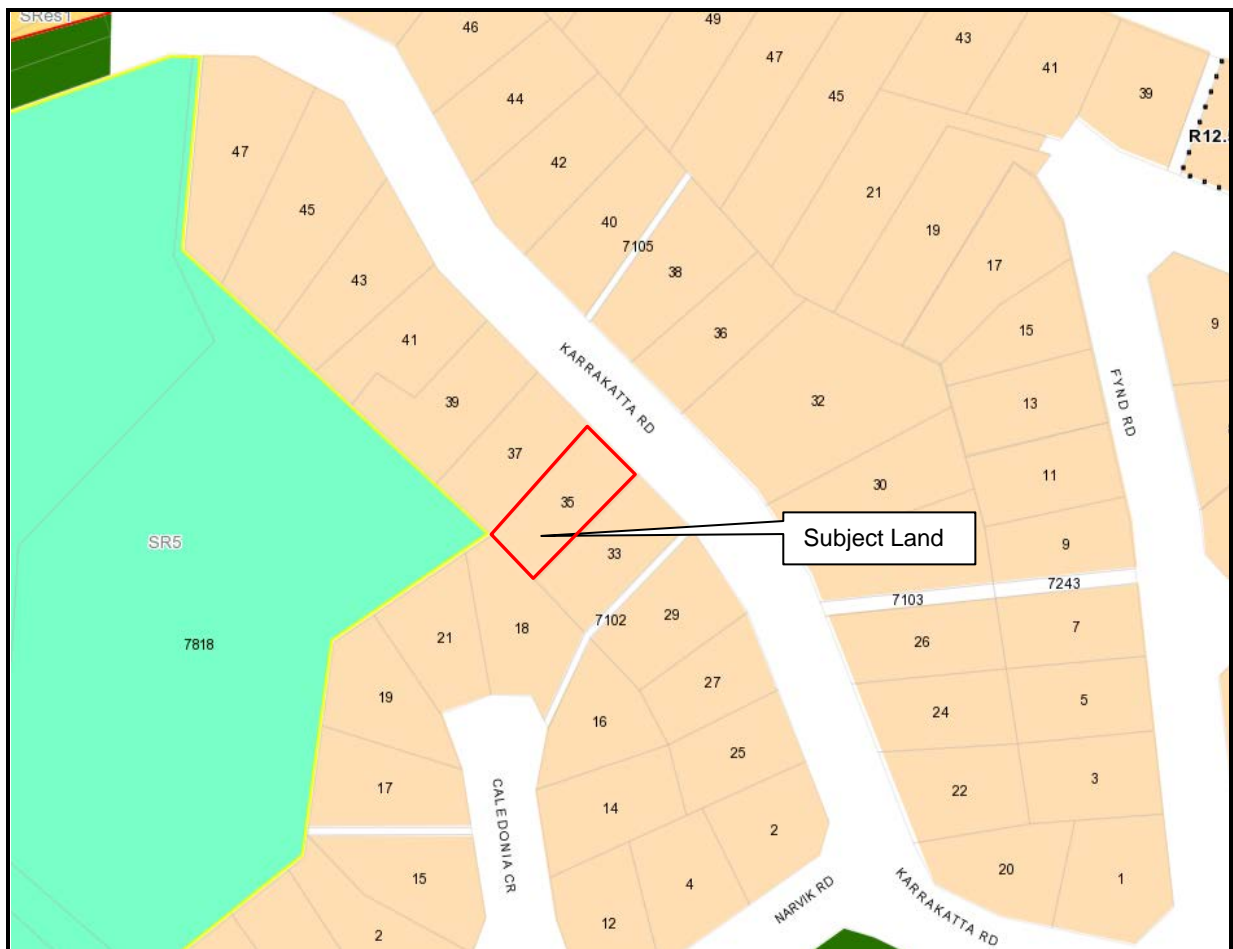


SECTION B
1:100

**2.4: DEVELOPMENT APPLICATION – TOURIST ACCOMMODATION 35
KARRAKATTA ROAD, GOODE BEACH**

Land Description	: 35 Karrakatta Road, Goode Beach
Proponent	: Gordon Bragg
Owner	: Gail Bragg
Attachments	: Planning Application Plan & Supporting Information.
Appendices	: Neighbour consultation responses.
Responsible Officer(s)	: Executive Director Planning & Development Services (Dale Putland)

Maps and Diagrams:



IN BRIEF

- A retrospective application for a change of use from Residential to Tourist Accommodation –Holiday Home has been received.
- Council is required to determine whether to approve the proposed use taking into account the appropriateness of the proposed use within the locality and the potential to create land use conflict and the potential to affect the amenity of the neighbourhood.

RECOMMENDATION

ITEM 2.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR ATTWELL

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a 'Tourist Accommodation' at 35 Karrakatta Road, Goode Beach subject to the following conditions:

Conditions to be complied with prior to the commencement of the use

1. Prior to the commencement of the land use hereby approved, the building shall be insulated to prevent the emission of sound above the level normally expected in a residential area, so as to avoid nuisance, and to ensure compliance with the Environmental Protection (Noise) Regulations 1997, and maintained in perpetuity to the satisfaction of the City of Albany.
2. The management plan shall be updated to include the following to the satisfaction of the City of Albany;
 - i. Contact details of a nominated local caretaker
 - ii. A clear statement that only the parking bays provided shall be used and parking on the street is not permitted.
 - iii. A Statement requiring all visitors to at all times respect the privacy of the adjoining residential properties and that the Caretaker should be contacted for any onsite assistance.

Conditions of an ongoing nature:

3. The Tourist accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any calendar year.
4. The operator or manager of the premises hereby approved for holiday accommodation are to provide and maintain a register of all people who utilise the holiday accommodation during the year to the satisfaction of the City of Albany. A receipt book must be kept.
5. No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.

6. A minimum of 2 parking spaces shall be provided to the satisfaction of the City of Albany and maintained in good repair thereafter no parking on the street is permitted.
7. The holiday/tourist accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
8. The maximum number of persons residing in the holiday/tourist accommodation shall be restricted to 6 at any one time, exclusive of the owner/operator.
9. The operation of the holiday/tourist accommodation shall be in accordance with an approved management plan which shall be reviewed and updated at the time of any change of ownership or management.

ADVICE TO THE APPLICANT:

It is recommended that an Acoustic Consultant be engaged in the sound proofing design aspect before any work is carried out.

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or may result cancellation of a registration.

All development is required to comply with the Building Regulations and the Building Code of Australia; particular regard should be paid to those matters outlined on the attached 'Preliminary Building Assessment';

Development is required to comply with all relevant Health regulations, particular regard should be paid to those matters outlined on the attached 'Environmental and Health Conditions';

Please be advised that this approval is for a formal change of use from permanent residential to short stay holiday/tourist accommodation. If you would like to revert back to the permanent residential use after use as short stay holiday/tourist accommodation has commenced, Planning Scheme Consent will be required from the City of Albany.

ITEM 2.4: AMENDMENT BY COUNCILLOR HAMMOND

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR BOWLES**

THAT the Responsible Officer Recommendation be AMENDED to include the following:

- 9. The operation of the holiday/tourist accommodation shall be in accordance with an approved management plan and letting conditions, which shall be reviewed and updated at the time of any change of ownership or management.**

CARRIED 6-3

Record of Vote

Against the Motion: Councillors Bostock, Gregson and Sutton

ITEM 2.4: AMENDED RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR ATTWELL**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a 'Tourist Accommodation' at 35 Karrakatta Road, Goode Beach subject to the following conditions:

Conditions to be complied with prior to the commencement of the use

- 10. Prior to the commencement of the land use hereby approved, the building shall be insulated to prevent the emission of sound above the level normally expected in a residential area, so as to avoid nuisance, and to ensure compliance with the Environmental Protection (Noise) Regulations 1997, and maintained in perpetuity to the satisfaction of the City of Albany.**
- 11. The management plan shall be updated to include the following to the satisfaction of the City of Albany;**
 - iv. Contact details of a nominated local caretaker**
 - v. A clear statement that only the parking bays provided shall be used and parking on the street is not permitted.**
 - vi. A Statement requiring all visitors to at all times respect the privacy of the adjoining residential properties and that the Caretaker should be contacted for any onsite assistance.**

Conditions of an ongoing nature:

- 12. The Tourist accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three months in any calendar year.**
- 13. The operator or manager of the premises hereby approved for holiday accommodation are to provide and maintain a register of all people who utilise the holiday accommodation during the year to the satisfaction of the City of Albany. A receipt book must be kept.**

14. No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
15. A minimum of 2 parking spaces shall be provided to the satisfaction of the City of Albany and maintained in good repair thereafter no parking on the street is permitted.
16. The holiday/tourist accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust to any extent greater than what is to be expected within a residential zone.
17. The maximum number of persons residing in the holiday/tourist accommodation shall be restricted to 6 at any one time, exclusive of the owner/operator.
18. The operation of the holiday/tourist accommodation shall be in accordance with an approved management plan **and letting conditions**, which shall be reviewed and updated at the time of any change of ownership or management.

ADVICE TO THE APPLICANT:

It is recommended that an Acoustic Consultant be engaged in the sound proofing design aspect before any work is carried out.

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or may result cancellation of a registration.

All development is required to comply with the Building Regulations and the Building Code of Australia; particular regard should be paid to those matters outlined on the attached 'Preliminary Building Assessment';

Development is required to comply with all relevant Health regulations, particular regard should be paid to those matters outlined on the attached 'Environmental and Health Conditions';

Please be advised that this approval is for a formal change of use from permanent residential to short stay holiday/tourist accommodation. If you would like to revert back to the permanent residential use after use as short stay holiday/tourist accommodation has commenced, Planning Scheme Consent will be required from the City of Albany.

CARRIED 6-3

Record of Vote

Against the Motion: Councillors Bostock, Gregson and Sutton

BACKGROUND

1. An application for Planning Scheme Consent (retrospective approval) for Tourist accommodation use has been received for 35 Karrakatta Road, Goode Beach.
2. Amended floor plan was received on 25 May 2012 changing a bedroom to a study and reducing the number of bedrooms to 3.
3. The subject site is located on Karrakatta Road, Goode Beach It is approximately 754m² in area and is zoned 'Residential' under Town Planning Scheme No. 3 and retained under the draft Local Planning Scheme No. 1 as "Residential".
4. The interpretation of the tourist accommodation use is included in Town Planning Scheme 3 as;

"Tourist accommodation - means accommodation specifically catering for tourists and includes bed and breakfast accommodation, chalets, farmstay, guesthouses, caravan parks etc, but does not include hotels, or motels. "

5. The use of Tourist accommodation is however not listed in the use class table of Table 1- Zones of Town Planning Scheme 3.
6. The use of an existing dwelling for tourist accommodation– Holiday Home can therefore be considered as a "use not listed" -Tourist accommodation in accordance with clause 3.2 b the Town planning scheme 3.

"3.2 ...b) may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 5.1.4 in considering an application for planning approval; or..."
7. The City of Albany has adopted a Town planning scheme policy for Holiday Homes in accordance with the WAPC' s Holiday home guidelines. The objective of this policy is *"to encourage good quality, well managed holiday accommodation for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents."*
8. The policy includes the following definition; "Holiday Home (standard)" means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).
9. The subject site contains an approved single dwelling that was approved in the year 2000.
10. This dwelling has been used for tourist accommodation – Holiday Home without the approval of the City.
11. The City received a number of complaints about the Holiday home use from land owners in the vicinity of the property.
12. As part of a subsequent planning scheme enforcement / compliance process staff requested that formal planning application be submitted for consideration.

13. This application was lodged and staff has been informed by the owner that the use have ceased and will only recommence if approved.
14. In accordance with Council's adopted *Planning Applications Guidelines* the proposal has been referred to Council as objections have been received as a result of the required advertising. Council is required to consider the strength of the arguments raised in those submissions and determine whether the scale and intensity of the use is appropriate within the locality and whether the proposed conditions will be adequate to address the concerns raised.

DISCUSSION

15. The application seeks retrospective approval for a "Tourist Accommodation "- Holiday Home use of the existing dwelling.
16. The City's Holiday Home Policy contains preferred areas for Holiday Homes and the Goode Beach area is included as one of the preferred areas.
17. This policy also lists a number of matters that should be considered in assessing and determining applications of this nature.
18. In assessing a holiday accommodation application the following factors (fully detailed in the Policy section of this report) should be considered;
 - a) effective on-going management;
 - b) appropriate location and compatibility with adjoining/nearby uses; and
 - c) access and car parking.
19. A holiday/tourist accommodation management plan has been provided with the application this plan includes most of the information required.
20. A specific local caretaker is not nominated and the plan does not include a local Caretaker's contact details. The presence of a local caretaker is however mentioned in the plan.
21. The management plan includes information on the following matters as required ;
 - o Details of how nuisance issues such as noise will be addressed by the manager;
 - o How bookings will be taken, and where people will enquire about the property
 - o Generally how the property will be managed (i.e. "in house rules"); and
 - o A fire and emergency response plan.
22. The application was advertised from 15 May 2012 to 4 June 2012 with letters written to 12 surrounding landowners and a sign being placed onsite. A total of nine (9) responses were received, one (1) of which was supportive. The other eight (8) responses raised objections or concerns and are summarised as follows (For detail information please refer to the responses that are attached to this report)
 - o Lack of Noise insulation from the Dwelling
 - o Noise created by the Use e.g. Music, loud voices.
 - o Refuse bins use and rubbish disposal
 - o Privacy

- Lack of a local Caretaker
 - Motor vehicles and boats being parked in the road and associated impacts on pedestrians and other road users.
 - Increased traffic
 - Overlooking
 - Accommodating 10 people
23. It is clear from the responses received that a conflict between the holiday home and the residential dwellings already exists.
24. It is however possible for most of the concerns raised to be solved by the improved management of the property and caretaker and having a local property manager/caretaker available.
25. However the concerns of the surrounding landowners regarding the overlooking/privacy and noise emanating from the house are not something that can be resolved by improved management of the use.
26. The noise matter although exacerbated to an inappropriate level when used by holiday makers is a matter that relate directly to the standard of construction of the dwelling rather than to the tourist accommodation use.
27. In accordance with the WAPC holiday home guidelines section “ 2.5 Where the existing standard of a dwelling is considered to be inappropriate, consent to the use of the facility as a holiday home may not be granted until the dwelling is upgraded to a satisfactory standard.”
28. This matter could be resolved by requiring the installation of noise attenuating insulation to the satisfaction of the City as a condition of a Planning approval.
29. Concerns about overlooking and privacy can extent also be addressed through requiring the installation of screening e.g. opaque film being installed on windows.

GOVERNMENT CONSULTATION

30. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

31. Public consultation was undertaken in accordance with Council’s Town Planning Scheme No. 3, with a sign placed onsite, an advertisement in the Public Notices section of a local newspaper and letters sent to twelve of the surrounding landowners.
32. A total of nine written submissions were received. One of the responses was supportive of the application and the other eight objected or raised concerns. The objections and concerns can be summarised as (For detail information please refer to the responses that are attached to this report);
- Lack of Noise insulation from the Dwelling ;
 - Noise created by the Use e.g. Music, loud voices;
 - Refuse bins use and rubbish disposal;
 - Privacy ;
 - Lack of a local Caretaker;

- Motor vehicles and boats being parked in the road and associated impacts on pedestrians and other road users;
- Increased traffic;
- Overlooking;
- Accommodating 10 people.

33. The letter of support supports tourist accommodation in the Goode Beach area and recognises the commercial benefit that tourist to Albany.

STATUTORY IMPLICATIONS

34. The Proposed use is classed as Tourist accommodation.

35. The interpretation of the tourist accommodation use is included in Town Planning Scheme 3 as;

“Tourist accommodation - means accommodation specifically catering for tourists and includes bed and breakfast accommodation, chalets, farmstay, guesthouses, caravan parks etc, but does not include hotels, or motels. “

36. The use of Tourist accommodation is not listed in the use class table of Table 1-Zones of Town Planning Scheme 3.

37. The use of an existing dwelling for tourist accommodation should therefore be considered as a “use not listed” -Tourist accommodation in accordance with clause 3.2 b the Town planning scheme 3.

“3.2 ...b) may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 5.1.4 in considering an application for planning approval; or...”

38. Clause 7.8A of the Scheme details the matters to be considered by Council and states:

7.8A The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:

- (b) the requirements of orderly and proper planning;*
- (c) any approved Statement of Planning Policy of the Commission;...*
- (e) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;...*
- (i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality;*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

- (y) *any relevant submission received on the application;*
- (z) *any other planning consideration the Council considers relevant.*

STRATEGIC IMPLICATIONS

This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Sustainability and Development

Community Priority

Tourism development

Proposed Strategies

- *Improve and expand tourism infrastructure and attractions*
- *Encourage diversity in tourism product, including food and wine, indigenous tourism, heritage tourism, through partnerships with key tourism stakeholders*

POLICY IMPLICATIONS

39. The WAPC published Holiday Home Guidelines in September 2009. The guidelines have been developed in response to the growing number of holiday homes - particularly in popular tourism destinations over the past decade. The guidelines propose possible changes to local planning schemes and the preparation of policies tailored to address specific issues encountered by local governments in their region. Other key proposals include holiday homes being formalised as a land-use class in local planning schemes, local governments developing local planning policies on holiday homes And the identification of preferred areas for holiday homes.

40. The most pertinent sections from the guideline includes the following;

“... 2.4 Amenity

A key concern with respect to the occupation of dwellings as holiday homes is to ensure that any such uses will not adversely impact on residential amenity currently enjoyed by residents in surrounding properties. Any activities that result in a loss of enjoyment by neighbouring properties, for instance, unacceptable levels of noise, will be considered a breach of this approval.

2.5 Building standard

Dwellings should comply with the Building Code of Australia and local government policies and standards. Where the existing standard of a dwelling is considered to be inappropriate, consent to the use of the facility as a holiday home may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for holiday house use, the application will be refused....

3.3 Approval period

Initial approval should be granted for a limited period of one year, and renewed on a three year to five year period subject to compliance as determined by the local government to ensure that there is minimal impact on the amenity of neighbouring properties. This is designed to provide a degree of certainty to operators, while providing a degree of control to the local government. Existing holiday homes where it can be demonstrated that there is a history of minimal or no conflicts

should be considered for the identified longer approvals subject to the requirements of the relevant local government...

4.2 Non compliance and cancellation

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or cancellation of a registration. A new application may be considered after a 12 month period.

A breach of a planning approval may be brought to the attention of local government as a result of an inspection or report by local government staff, a police report or by a member of the public..."

41. The City of Albany has adopted a Town planning scheme policy for Holiday Homes in accordance with the WAPC' s Holiday home guidelines.
42. The objective of this policy is *"to encourage good quality, well managed holiday accommodation for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents."*
43. The policy includes the following definition; "Holiday Home (standard)" means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).
44. This policy also lists a number of matters that should be considered in assessing and determining applications of this nature.
45. In assessing a holiday accommodation application the following factors should be considered;

"2.3 Protecting the Residential Character of Neighbourhoods

In order to protect and retain the predominant residential nature and character of neighbourhoods, Council shall consider the cumulative impact thereof on a location's residential character, functioning and amenity as a criterion in the assessment of planning applications. Holiday homes should not become the predominant use within neighbourhoods.

F2.4 Ongoing Management

- 1) *It is considered that the responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise) to adjoining/nearby properties.*
- 2) *Suitable on-going management is, of course, more difficult if owners live a considerable distance from the application site. Accordingly, as part of the planning application, the local government will require the proponent to outline how the site will be managed, especially if the owners do not live nearby.*
- 3) *A management statement will need to be submitted to address matters including:*
 - a) *the amenity of adjoining/nearby land uses;*
 - b) *managing noise impacts of visitors;*
 - c) *the submission of a code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour;*
 - d) *outlining how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing onsite assistance and confirming arrangements for cleaning/waste management);*
 - e) *relevant site specific matters including fire management/emergency response plans for visitors and managing risks for visitors; and*

- f) *the handling of complaints (it is expected that the tenant be contacted by phone immediately and the proponent visit the property as soon as possible).*
- 4) *Should it be demonstrated that the establishment is not being appropriately managed and matters are not quickly rectified, the local government may not issue planning approval renewal for the on-going operation of the use.*

F2.5 Access & Car Parking

- 1) *All car parking is to be contained on-site and no verge area should be used for car parking.*
 - 2) *At a minimum, it will be necessary to provide 2 on-site car parking bays for up to 6 guests. Tandem parking will only be permitted for a maximum of one vehicle behind another vehicle.*
 - 3) *It is common for holiday makers to have a boat, trailer, caravan etc. and there should be additional space allocated for such.*
 - 4) *All vehicle access (including crossovers) and car parking areas are to be sealed and drained to the approval of the local government.”*
46. This policy also lists the following typical conditions that can be imposed as part of conditions of approval;
- 1) *“ The maximum number of persons to be accommodated is restricted to 6 exclusive of the owner/operator.*
 - 2) *The consent is issued only to the specific owner of the particular parcel of land and is not transferable to any other person or to any other land parcel. Should there be a change of the owner on the land in respect of which the planning approval was issued the approval shall no longer be valid.*
 - 3) *The maximum stay for any tenant is restricted to 3 months within any 12 month period.*
 - 4) *Operators must provide and maintain a register of all people who utilise the holiday accommodation during the year to Council’s satisfaction. A receipt book must be kept”.*

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The proponent may lodge an application for review to the State Administrative Tribunal of the City’s decision to refuse the proposal.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>The decision is based on sound planning grounds.</i>
<i>The affected parties may lodge an application for review to the State Administrative Tribunal of the City’s decision to Approve the proposal.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Refusal or Approval with Appropriate conditions to address concerns raised.</i>

FINANCIAL IMPLICATIONS

47. The standard fee has been paid by the proponent for a non-retrospective application. For retrospective applications, the fee shall be “*by way of a penalty to be twice the amount of the maximum fee payable*”, (ie, the original application cost, plus two times that amount by way of penalty) in accordance with the City’s Schedule of Fees and Charges 2011-12. Payment of this fee will be required prior to issue of the decision.

LEGAL IMPLICATIONS

48. Should Council follow the alternate recommendation and refuse the proposal, the proponent has the ability to seek review of Council’s decision at the State Administrative Tribunal. Such an appeal would be a Class 1 appeal which does not involve legal representation, and therefore such costs would be mainly staff time.
49. Affected parties may lodge an application for review to the State Administrative Tribunal of the City’s decision to Approve the proposal such an appeal would be a Class 1 appeal which does not involve legal representation, and therefore such costs would be mainly staff time.

ALTERNATE OPTIONS

50. Council could determine that the use is unacceptable
Part 1 of Alternate Recommendation

THAT Council resolves to ISSUE a Notice of Planning Scheme refusal for a ‘Home Business – Landscaping’ at 15 Bethel Way, Yakamia, for the following reason:

The proposed use and associated activity is incompatible with the residential setting of the area, giving rise to a detrimental impact on the residential amenity of the neighbourhood.

Part 2 of Alternate Recommendation

THAT Council NOTES that the Chief Executive Officer, who is delegated by Council to issue planning enforcement notices, will issue such a Notice under the Planning and Development Act 2005 to the proponent to cease the existing unlawful use, identifying a period of not less than 30 days for the proponent to cease the use. to allow a sufficient period of time to transition the business to an appropriately zoned area.

SUMMARY CONCLUSION

51. Based on the submissions received from adjacent residents staff are of the opinion that:
- Most of the concerns raised can be addressed by improving the management of the property and having a dedicated local caretaker available.
 - The Noise concerns and impacts on the amenity of the neighbourhood could arise from the general residential use of the property as well , this matter can however be resolved by requiring the installation of noise attenuating insulation to the satisfaction of the City as a condition of a Planning approval.
 - Concerns about overlooking and privacy can also be addressed through appropriate screening like opaque film being fitted on windows. Additional house rules to raise awareness and deal with this matter.

- 52. The retrospective application for Tourist accommodation can be approved and appropriate conditions can minimise the negative amenity impacts that already exist and may be created by Tourist accommodation use.
- 53. Use does comply with the intent of the definition of 'home business' and that

Consulted References	Town Planning Scheme 3
File Number (Name of Ward)	A14122 (VANCOUVER WARD)
Previous Reference	Nil

Guidelines

Holiday Homes - short stay use of residential dwellings

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1 Objectives and definitions

1.1 Objectives

The objectives of this policy are:

- 1.1.1 To establish clear guidelines for the short stay use of holiday homes for tourism accommodation. The policy excludes short term accommodation where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- 1.1.2 To ensure that short stay use of residential homes occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all new holiday home rental accommodation is in accordance with relevant legislation, local planning schemes and policies, and management plans.

1.2 Definitions

For the purpose of this policy the following definitions apply:

Holiday home (standard) means a single house (excluding ancillary accommodation), which might also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

Holiday home (large) means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

Short stay means that no person is to stay for more than three months in any 12 month period.

Landowner/manager means the owner of the premises for short stay purposes.

Grouped dwelling means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate

otherwise, and includes a dwelling on a survey strata with common property.

Multiple dwelling means a dwelling in a group of more than one dwellings on a lot where any part of a dwelling is vertically above part of any other but does not include a group dwelling.

2 Planning application and approval considerations

2.1 Application

An application for planning approval should be lodged with local government where holiday homes are a D or SA use in the zoning table of a local planning scheme.

In assessing applications, the local government shall have due regard to its local planning scheme, policies, tourism strategy and relevant standards such as the Building Code of Australia.

2.2 Advertising

If holiday homes are a SA use in a local planning scheme, the local government will advertise the proposal for public comment.

During the advertising period, the local government will notify, in writing, the owners and occupiers of adjoining and nearby properties likely to be impacted by the proposal. Comments received during any consultation process will be considered in the assessment of the application.

2.3 Location

It is recognised that, in certain locations, the renting of residential premises for short stay holiday accommodation is a legitimate way in which alternative, short stay tourism accommodation can be provided.

To reduce conflict between holiday homes and ordinary dwellings, particularly in the residential zone, ideally holiday homes should be within preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy. As a guide, holiday homes are most appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas. Suburban

locations may not be appropriate. In general, holiday homes should be residential dwellings on freehold lots and not units or apartments unless the entire complex is established for this purpose.

For those already operating in an area that was previously approved for holiday home letting, and where new approvals will no longer be granted, the holiday home use can continue as a non conforming use.

2.4 Amenity

A key concern with respect to the occupation of dwellings as holiday homes is to ensure that any such uses will not adversely impact on residential amenity currently enjoyed by residents in surrounding properties.

Any activities that result in a loss of enjoyment by neighbouring properties, for instance, unacceptable levels of noise, will be considered a breach of this approval.

2.5 Building standard

Dwellings should comply with the Building Code of Australia and local government policies and standards. Where the existing standard of a dwelling is considered to be inappropriate, consent to the use of the facility as a holiday home may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for holiday house use, the application will be refused.

2.6 Approval

Approval may be granted for either a holiday home (standard) or a holiday home (large) subject to compliance with relevant legislation, local planning schemes and policies.

Local government should be notified of any changes to a holiday home that may be deemed to affect the approval of the dwelling for such a purpose.

2.7 Grouped or multiple dwellings

The use of grouped or multiple dwellings will generally not be supported for holiday home accommodation given the potential impacts on adjoining residents, unless all owner are in agreement.

3 Approval conditions

Conditions in relation to the approval of applications for holiday homes may include the following.

3.1 Management

A holiday home management plan should be submitted as part of the planning application and prior to the commencement of business. In the case of an established business, the management plan should be submitted to local government within 12 months from the adoption of the local planning policy.

The management plan may include:

- Nomination of a local manager/ caretaker within the vicinity of the property. Where properties are remote from a town site or CBD, alternative arrangements for a manager/caretaker may be considered.
- Details of how nuisance issues such as noise will be addressed by the manager.
- A fire and emergency response plan

Other matters such as car parking provision, signage, the number of people occupying the premises, maximum period of stay can be imposed as part of the planning approval and subsequently enforced as pursuant to the *Planning and Development Act 2005*.

3.2 Fire and emergency response plans

In all cases, an emergency response plan (ie fire escape route maps) is required to be clearly displayed in a conspicuous location within the dwelling, plus:

- each bedroom is to be fitted with a hard wired smoke detector;
- a fire extinguisher, in a clearly visible location, is to be maintained in proper working order;
- outside barbeques are to be gas or electric.

3.3 Approval period

Initial approval should be granted for a limited period of one year, and renewed on a three year to five year period subject to compliance as determined by the local government to ensure that there is minimal impact on the amenity of neighbouring properties. This is designed to provide a degree of certainty to operators, while providing a degree of control to the local government. Existing holiday homes where it can be demonstrated that there is a history of minimal or no conflicts should be considered for the identified longer approvals subject to the requirements of the relevant local government.

4 Holiday homes register, non compliance and voluntary accreditation

4.1 Holiday homes register

A register of approved holiday homes should be established and maintained by the local government. The register should record basic details of the property including the contact details of the owner and/or manager; property address; and configuration (number of bedrooms, number of beds, bathrooms, car parking spaces etc). These matters should be considered for inclusion in the approved management plans for the operation of the holiday home.

4.2 Non compliance and cancellation

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or cancellation of a registration. A new application may be considered after a 12 month period.

A breach of a planning approval may be brought to the attention of local government as a result of an inspection or report by local government staff, a police report or by a member of the public.

4.3 Voluntary accreditation

Holiday home owners/managers are encouraged to attain accreditation from the Tourism Council of Western Australia.

Accreditation is a non regulatory, voluntary means of addressing the identified customer service and consumer protection issues. The benefits of accreditation include improvements in the quality of accommodation product through the application of standards, capture of accommodation provider details.

5 Other matters

It is recommended that landowners/managers seek independent legal advice on legislative requirements regarding the use and management of holiday homes. This would include, but is not limited to, checking the requirements of the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.

As many residential public liability insurance policies exclude the use of premises for short term rentals, it is recommended that landowners/managers check this matter with their insurance providers.

6 Contact details

For more information contact:

Your local government

Western Australian Planning Commission
Phone: 9264 7777
www.planning.wa.gov.au

Tourism Western Australia
Planning section
Phone: 9262 1700
www.tourism.wa.gov.au

Tourism Council WA
Phone: 9416 0700
www.tourismcouncilwa.com.au

Australian Tourism Accreditation Program
www.atap.net.au

1 Introduction

Holiday homes are a component of the short stay accommodation sector in some parts of Western Australia and an important aspect of the overall mix of tourism accommodation, particularly in popular tourist destinations within the State. Over the past decade a growing number of holiday homes have been made commercially available, resulting in an increasing trend to purchase or build homes for holiday home use.

The informal development of this section of the tourist accommodation market has meant that holiday homes have so far operated with minimal regulation, resulting in an uncertain legal environment, issues of inequity with other service providers and land use conflict. The issue of impact on neighbouring residential amenity has caused particular concern in the community.

In response to these issues the Minister for Planning and Infrastructure formed the Holiday Homes Working Group in 2005. The role of the working group was to investigate issues surrounding the operation of holiday homes and matters raised by the group have been taken into consideration in the preparation of this bulletin.

2 Background

This bulletin sets out the interim position of the Western Australian Planning Commission (WAPC) in relation to the planning and regulation of holiday homes in Western Australia. The bulletin provides guidance to local governments when dealing with issues associated with holiday homes in the local government planning framework.

The bulletin proposes possible changes to local planning schemes and the preparation of local planning policies, tailored to address the specific issues encountered by local governments.

3 Objectives

The objectives of this planning bulletin are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia.
- To support the tourism industry by the promotion of voluntary accreditation of holiday homes.
- To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of holiday homes as part of the tourism industry.

4 Proposed guidelines

4.1 Overview

Given that holiday homes are a legitimate part of the tourist accommodation industry and a desirable use in areas of high tourism amenity, it is recommended that holiday homes be formalised as a land use and dealt with via the local planning framework in the following ways:

- Introduction of a Model Scheme Text definitions for holiday homes.
- Introduction of holiday homes as a use class in the zoning table of local planning schemes.
- Identification of preferred areas for holiday homes in local planning strategies based on sound planning principles.
- The preparation of local planning policies to deal with the potential issues associated with holiday homes.

These guidelines may be applied in different ways by different local governments depending on the

local planning scheme and policies already in effect.

4.2 Local planning schemes

4.2.1 Definitions

It is proposed that the following definitions for holiday homes should be used in local planning schemes and adopted in the Model Scheme Text:

Holiday home (standard) means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

Holiday home (large) means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

4.2.2 Holiday homes as a use class

It is recommended that holiday homes be introduced as a use class in the zoning table of local planning schemes, and be made a D or an SA use (discretionary or discretionary subject to advertising).

Initial approval should be granted for a limited period of one year, and renewed on a three year to five year period subject to compliance as determined by a local government, to ensure that there is minimal impact on the amenity of neighbouring properties. This is designed to provide a degree of certainty to operators, while also enabling the local government flexibility to terminate approvals of non compliant operators.

Existing holiday homes (where it can be demonstrated that there is a history of operation with minimal or no conflicts) should be considered for the identified longer approval subject to the requirements of the relevant local government.

In general, holiday homes should be residential dwellings on freehold lots.

4.3 Local planning policy

As well as including holiday homes as a controlled use in local planning schemes, local governments are encouraged to develop a local planning policy on holiday homes.

The content of a local planning policy may include:

- objectives
- definitions
- planning application and approval considerations
- conditions of approval
- establishment of a holiday homes register
- non compliance
- voluntary accreditation

The Department of Planning has prepared guidelines to assist local governments in the preparation of local planning policies.

4.4 Preferred locations for holiday homes

To reduce conflict between holiday homes and ordinary dwellings, particularly in residential zones, ideally they should be located in preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy. As a guide, holiday homes are more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.

4.5 Holiday homes register

A register of approved holiday homes should be established and maintained by the local government. The register should record basic details of the property including the contact details of the owner and/or manager; property address; and configuration (bedroom number, number of beds, bathrooms, car parking spaces etc). These matters should be considered for inclusion in the approved management plans for the operation of the holiday home.

4.6 Voluntary accreditation

Local governments are encouraged to promote voluntary accreditation of holiday homes from the Tourism Council of Western Australia. Accreditation is a non regulatory, voluntary means of addressing identified customer service and consumer protection issues. The benefits of accreditation include improvements in the quality of accommodation product through the application of standards, capture of accommodation provider details.

4.7 Transitional arrangements

It is recommended that local governments allow owner operators up to 12 months, after a local planning policy has been adopted, to apply for and obtain approval for the operation of existing holiday homes and implement the recommended regulatory measures.

6 Comment

Any comment on this bulletin should quote the title: Holiday Homes Guidelines and reference number: 801/6/1/44 V2 and be directed to:

Western Australian Planning Commission
469 Wellington Street
Perth WA 6000

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2.5: DEVELOPMENT APPLICATION – DEMOLITION - (SINGLE HOUSE LISTED ON MUNICIPAL HERITAGE INVENTORY) - LOT 49 (45) SEYMOUR STREET, MIRA MAR

Land Description : Lot 49 (45) Seymour Street, Mira Mar
Proponent : A Bremner & A Barrett-Lennard
Owner/s : P Bremner
Business Entity Name : Nil
Director of Owner Company : Nil
Attachment(s) : Covering letter/s
: Heritage Assessment
: Extract from the City's Municipal Heritage Inventory
Councillor Workstation : Nil
Responsible Officer(s) : E/Director Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- A development application has been received to demolish an existing single house which is currently listed on the City of Albany's Municipal Heritage Inventory at lot 49 (45) Seymour Street, Mira Mar.

RECOMMENDATION

ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a Notice of Planning Scheme Refusal for Demolition - (Single House listed on Municipal Heritage Inventory) at lot 49 (45) Seymour Street, Mira Mar as:

- a. The proposal does not comply with the requirements for the 'Demolition of Heritage Buildings' contained within Councils Local Planning Policy 2H – *Heritage Protection*.
- b. The development does not satisfy Town Planning Scheme No.1A, section 7.8A (Matters to be Considered by Council) Part (k) with regard to *“the cultural significance of any place or area affected by the development”* as the proposal would result in the loss of building that has cultural heritage significance.
- c. The development does not satisfy Town Planning Scheme No.1A, section 7.8A (Matters to be Considered by Council) Part (n) with regard to *“the preservation of the amenity of the locality”*, as the proposal will have a detrimental impact on the amenity of the locality and on the streetscape.

ITEM 2.5: ALTERNATE MOTION BY MAYOR WELLINGTON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR ATTWELL

THAT this item lay on the table.

CARRIED 9-0

Mayor's Reason:

A development plan is essential for Council to be aware of the proposed future for the site. Another vacant block of land is not a positive for the City as we have too many of those in inner city areas now.

Officer's Comment (Executive Director Planning and Development Services):

As Town Planning Scheme No.1A currently has no 'Deemed Refusal' requirements, the City is not required under legislation to determine the application within a certain period of time. Given this the applicant is unable to take the matter to the State Administrative Tribunal. However this could result in the application being in 'pending' indefinitely.

Staff have already requested the applicant/s on several occasions to submit redevelopment plans. However the applicant/s have been unwilling to do so and have advised through correspondence that they want Council to determine the application based on the current information provided. Given the request by the applicant/s, staff would recommend the application be determined as per the officer's recommendation. The determination could also include an advisory note to the effect of;

“The City is open to considering an application for demolition, however are unwilling to do so until suitable redevelopment plans have been approved by Council.

BACKGROUND

1. This application is to demolish an existing single house which is currently listed on the City of Albany's Municipal Heritage Inventory (MHI) as a category 'C' at Lot 49 (45) Seymour Street, Mira Mar.
2. According to the City's records the subject site is 2023m² in area and is zoned 'Residential' with a Residential Design Code Density of R20 under the City of Albany's Town Planning Scheme No. 1A (TPS 1A).
3. The proposal was referred to the City's Regional Heritage Adviser for comment. The response received will be discussed in further detail under the Government Consultation section of this report; a full copy of the comments is within the agenda attachment section.
4. Council is required to determine whether the demolition of the single house is considered appropriate.

DISCUSSION

5. The subject site is relatively flat and is located on the western side of Seymour Street directly to the north of the gravesite of Sir Richard & Lady Spencer's. The grave site has heritage significance and is listed under *Appendix VIII – Schedule of Places of Heritage Value* of TPS 1A, the City's MHI and is on the State Heritage Register. Any new redevelopment on the subject land will be referred to the State Heritage Office for comment/advice.
6. The existing house is setback approximately twenty metres from the front boundary and located near centrally on the block. A large timber framed outbuilding is located behind the building. There are also a number of mature trees and shrubs on the property.

7. Below is an aerial showing the subject site and the location of Sir Richard and Lady Spencer's Grave.



8. The house itself is in fair condition and is a single storey cottage constructed from formed brickwork walls with wide mortar joints and areas of fibre cement cladding (which has been noted to contain asbestos). The cottage consists of two different abutting sections both with hipped roofs, tall brick chimneys and is clad in corrugated metal. The front facade of the cottage is asymmetrical with a wide verandah on the western end and a section of fibre cement cladding at the eastern end. The verandah on the northern and western facade has been in filled to create additional internal rooms.
9. Throughout the internal of the building there are concrete floors, painted plaster and fibre cement walls and ceilings with exposed timber battens.

10. The house is listed as a category 'C' building on the City's MHI and is considered to have cultural heritage significance for the following reasons:

- Aesthetic value for its contribution to the streetscape;
- Value as part of a group/precinct;
- In addition it has some value for its architectural merit and rarity value.

11. The management recommendations for this house under the MHI are;

“Retain and conserve if possible: make every endeavour to conserve the significance of the place through the provisions of the City of Albany Planning Scheme. A Heritage Assessment/Impact Statement will be required before approval given for any development. Photographically records the place prior to development”.

12. The proponent has submitted a Heritage Assessment (HA) along with the application which was prepared by H + H Architects, a full copy of this can be found within the agenda attachment section. The HA states that the house is a fair example of a simple holiday cottage from the inter war period, it has some social heritage significance. There appears to be no other simple cottages on the MHI that were constructed from the 1930's on the MHI. The HA concludes that the details contained within the current listing for 45 Seymour Street on the MHI are incorrect and states the following;

“Given the buildings condition, integrity and significance we believe that it is appropriate to either remove the building from the inventory or adjust it to management category D – “Significant but not essential to an understanding of the history of the district” In line with the Municipal Heritage Inventory's recommendations an archival photographic record of the place should be completed prior to any major redevelopment or demolition”

13. (In spite of the historical information in the MHI being incorrect), the HA prepared for the proponents, which provided more accurate historical record fails to demonstrate that the place has no cultural heritage significance. While the HA demonstrates that its significance is slightly different from that stated in the MHI, the significance attributed in the HA is not necessarily of lesser value and rests on being a rare example of an Inter-War holiday cottage.

14. The proponents justification for demolishing the house is (in summary);

- Their intention is to subdivide and redevelop the site, to do so we need to have the confidence that the existing residence will not restrict the subdivision or development options.
- The existing building is not suitable for retention because it is largely constructed from asbestos and will not meet any current building codes for energy efficiency without major alterations, which would destroy the heritage significance of the place.
- Assessing the application against the information in the MHI is inappropriate as the information in the MHI is misleading and does not reflect the construction date or history.

15. It should be noted that the City cannot retrospectively enforce new requirements of the Building Code of Australia on existing developments. New development including additions and alterations are required to comply with current standards/requirements.
16. Councils Local Planning Policy 2H – *Heritage Protection* requires that prior to demolition, an acceptable redevelopment proposal (including subdivision) is approved, refer to policy implication section below. Although staff have urged the proponents to defer this application until such a time as a redevelopment proposal has been provided, no proposals have been submitted.
17. As there are no redevelopment plans the development may not occur subsequent to demolition of the building. There is the possibility that the site could remain vacant for a long period of time or sold on to another party for financial gain after removal of the house. Two examples where this has previously occurred include the old 'Esplanade' site where the previous hotel was demolished, and a dwelling previously located adjacent to 'Dog Rock' at 298 Middleton Road. The application for demolition of the existing dwelling at 298 Middleton Road was presented at the Ordinary Council Meeting 15 January 2002 where an alternate recommendation was put forward and it was resolved;

"THAT delegated authority be issued to the Manager Development to grant a conditional Planning Scheme Consent for the demolition of the existing dwelling at 298 Middleton Road, Centennial Park once an application for a replacement building to house Professional Offices has been approved".

The dwelling was subsequently demolished in August 2004, however both this site and the 'Esplanade' site remain vacant.

GOVERNMENT CONSULTATION

18. The application was referred to the City's Regional Heritage Advisor. A summary of her comments are below:
 - Although the historical information in the MHI is incorrect, the HA which provided a more accurate historical record fails to demonstrate that the place does not have cultural heritage significance. While significant now it demonstrates that its significance is slightly different, (it is not necessarily of lesser value either); Significance now rests more on it being a rare example of an Inter-War holiday cottage.
 - The current management category does not preclude demolition, however it discourages demolition unless there is no prudent and feasible option that allows full or part retention.
 - Council will need to make the final decision whether it supports the demolition.
 - The owner's justification for wanting to demolish the building would be that the existing cottage is not habitable and cannot be accommodated in the owner's redevelopment plans.
 - If Council does support the application there are several options/considerations with regard to progressing the issue:

- That only planning approval is granted but not a demolition permit until subdivision/redevelopment plans are approved by Council, in order to avoid the empty block scenario.
- The City requires surety that the owners do not demolish and then sell the vacant land.
- The City refuses to issue a demolition permit without receiving the planning application for subdivision/redevelopment.

PUBLIC CONSULTATION / ENGAGEMENT

19. The application has not been subject to public consultation given that it was unlikely to be recommended for approval. Should Council be prepared to consider approval for the application, it is recommended that consultation be undertaken prior to any determination being made..

STATUTORY IMPLICATIONS

20. Clause 6.1 *Creation of Places of Heritage Value* of TPS 1A states;

“There are hereby created Places of Heritage Value as specified in the Schedule contained in Appendix VIII and delineated on the Scheme Map according to the legend thereon.

Appendix VIII of TPS 1A lists only the name and address of the place. Although the subject site is not listed in Appendix VIII the site is listed in the MHI, which provides information and informs why a place has heritage significance.

21. Clause 7.2 section (c) (iii) of TPS 1A requires an application for Planning Scheme Consent where any building or structure that is included on the Municipal Inventory is proposed to be demolished.

STRATEGIC IMPLICATIONS

22. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Sustainability and Development

Community Priority

A Preservation of Albany’s uniqueness

- *Preserve Albany’s heritage buildings through incentives and advocacy*

POLICY IMPLICATIONS

23. The objectives of Councils Local Planning Policy 2H – *Heritage Protection* are:

- *To ensure that development does not adversely affect the significant of heritage places.*
- *To conserve and protect places of heritage and cultural significance.*
- *To preserve and where possible rehabilitate development that portrays the early settlement periods.*
- *To provide incentives to encourage the conservation of heritage buildings and the maintenance and adaptive reuse of existing buildings which contribute to the urban character of a locality.*

24. Section H2.2 (Demolition of Heritage Buildings) of Councils Local Planning Policy 2H – *Heritage Protection* states;

“Approval for demolition will require the prior approval of an acceptable redevelopment proposal.

Demolition of places having heritage significance should be avoided whenever possible and any proposed demolition will require clear justification to be provided by the applicant, via the submission of a heritage impact statement.

Consideration of any proposed demolition will be based on the significance of the place, and the feasibility of restoring or adapting it, the possible incorporation of all or parts of the structure into a new development, and any potential incentives that can be provided to facilitate its retention, or relevant policy.

25. The City has not been presented with any redevelopment proposals for the site. As such the application does not comply with the Heritage Protection Policy. The application is also considered to be contrary to several of the objectives and intent of the Policy.

RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council's support for the proposal could create a precedent for the demolition of other heritage places.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<p><i>Should Council support the proposal it should consider whether Council policy should be reviewed to accommodate similar applications.</i></p> <p><i>Council should also consider that suitable conditions be implemented on the approval ensuring that a demolition permit is not issued until such a time that redevelopment plans have been approved by the City to avoid the empty block scenario.</i></p>
<i>If the application is refused the applicant could appeal the decision to the State Administrative Tribunal.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>The decision is based on sound planning grounds.</i>

FINANCIAL IMPLICATIONS

27. The proponent has paid the appropriate fee as per the Planning Application Fees Schedule adopted by Council. This fee is non-refundable.

LEGAL IMPLICATIONS

28. If Council refused the application, the proponent would then be entitled to seek a review of that decision with the State Administrative Tribunal.

ALTERNATE OPTIONS

29. Council has the option to approve the application for Demolition - (Single House listed on Municipal Heritage Inventory).

If Council chooses to approve the application for demolition, it is recommended that Council adopt the Alternative Recommendation below.

Part 1 of Alternate Recommendation

That Council resolves to ISSUE a Notice of Planning Scheme Consent for Demolition - (Single House listed on Municipal Heritage Inventory) at lot 49 (45) Seymour Street, Mira Mar, subject to the following condition/s:

A demolition permit will not be issued for the single house until redevelopment plans (including subdivision) are approved by Council and the owners are ready to proceed with the redevelopment, to the satisfaction of Council.

SUMMARY CONCLUSION

30. The proponent proposes to demolish the existing house at 45 Seymour Street, Mira Mar which is currently listed on the City’s Municipal Heritage Inventory as a category ‘C’.
31. The proponent’s main justification for the application is that the house is a category ‘C’ building (which is at the lower end of heritage significance on the MHI), there are traces of asbestos in the cladding, it is inhabitable for certain times of the year given and the location of the house restricts redevelopment. The proponents are unwilling to consider redeveloping the site and retaining the house.
32. Demolition of the house is contrary to Councils Local Planning Policy 2H – *Heritage Protection*. If the application is supported it will result in the loss of a rare example of an Inter-War holiday cottage in Albany. There are few if any examples remaining of similar houses that were built in the same era in the Mira Mar area. There is also potential for the building to be demolished and for the site to remain vacant for a long period of time or sold on to another party after demolition has occurred. This could have a detrimental impact on the amenity of the area and streetscape particularly in relation to the adjacent gravesite of Sir Richard & Lady Spencer’s Grave which has State heritage significance. For these reasons staff recommend that the proposal not be supported.

Consulted References	Councils Local Planning Policy 2H – <i>Heritage Protection</i> Town Planning Scheme No. 1A City of Albany Municipal Heritage Inventory Review – Inner Albany Places
File Number (Name of Ward)	A143915 (Breaksea Ward)
Previous References	OCM 15/01/2002 – Item 11.1.5

**CITY OF ALBANY
MUNICIPAL HERITAGE INVENTORY**

Man Cat

C

PLACE RECORD FORM (Inner Area)

Lot/Loc	Number	Street Name	Locality	Type/Name of Place
	41-45 (45)	Seymour St	Mira Mar	House/Residence



LOCATION	
HCWA Reference Number	
Other Reference Number	A143915
Type/Name of Place	House/Residence
Other names	
Address	41-45 Seymour St
Suburb/Town	Mira Mar
Local Government Authority	City of Albany

OWNERSHIP & LAND DESCRIPTION			
<i>Owner details are kept on the rates database at the City of Albany.</i>			
Reserve No.	Lot/Location No.	Plan/Diagram	Vol/Folio

PERIOD	Federation (c1890-c1915)
Design Style	Federation Georgian
Construction Date	c1900-1905
Source/Details	1994 Heritage Database – Town of Albany

USE(S) OF PLACE	
Original	Residence
Present	Residence
Other	

HISTORICAL NOTES

This cottage, believed to have been built during the Federation period, survived the subdivision of part of the Strawberry Hill Farm. The cottage is located behind the gravesite of Sir Richard Spencer. The open gardens and grounds of the dwelling give the area around the gravesite space. The cottage in 1994 was being used as a holiday home for a Beverley farmer.

DESCRIPTION

Some of the notable features of this place include:

- Small scale cottage on large block
- Situated behind the grave of Sir Richard Spencer
- Hipped corrugated iron roof
- Rendered brick walls
- Small verandah

Some obvious modifications include:

- Side of the house enclosed with fibreboard
- Brick chimneys appeared to be replaced and not original
- Window treatments

ASSOCIATIONS

ASSOCIATION TYPE

HISTORIC THEME/Subtheme

CATEGORIES OF SIGNIFICANCE

Demographic Settlement/ <i>Residential land subdivision</i>	Aesthetic
	Historic
	Representative

RATING AND ASSESSMENT

High

Low

Aesthetic value (streetscape, setting)	1	2 ✓	3	4	5
Architectural merit (design features)	1	2	3 ✓	4	5
Rarity value	1	2	3 ✓	4	5
Value as part of a group/precinct	1	2 ✓	3	4	5
Condition	1	2 ✓	3	4	5
Integrity	1	2	3	4 ✓	5

MANAGEMENT RECOMMENDATIONS

Management Category: C

Retain and conserve if possible: make every endeavour to conserve the significance of the place through the provisions of the City of Albany Planning Scheme. A Heritage Assessment/Impact Statement will be required before approval given for any development. Photographically record the place prior to development.

HERITAGE LISTINGS

So that Heritage Listings can be up dated regularly, a separate appendix of these Listings is located at the end of this report. For current information it will be important to check the various listings for the places with the Heritage Council of WA, National Trust and Australian Heritage Commission, as they are continually expanding their databases.

SUPPORTING INFORMATION/BIBLIOGRAPHY

- *Heritage TODAY* Site visit and Assessment 1999.
- 1994 Heritage Database – Town of Albany
- Town of Albany Heritage Survey 1994

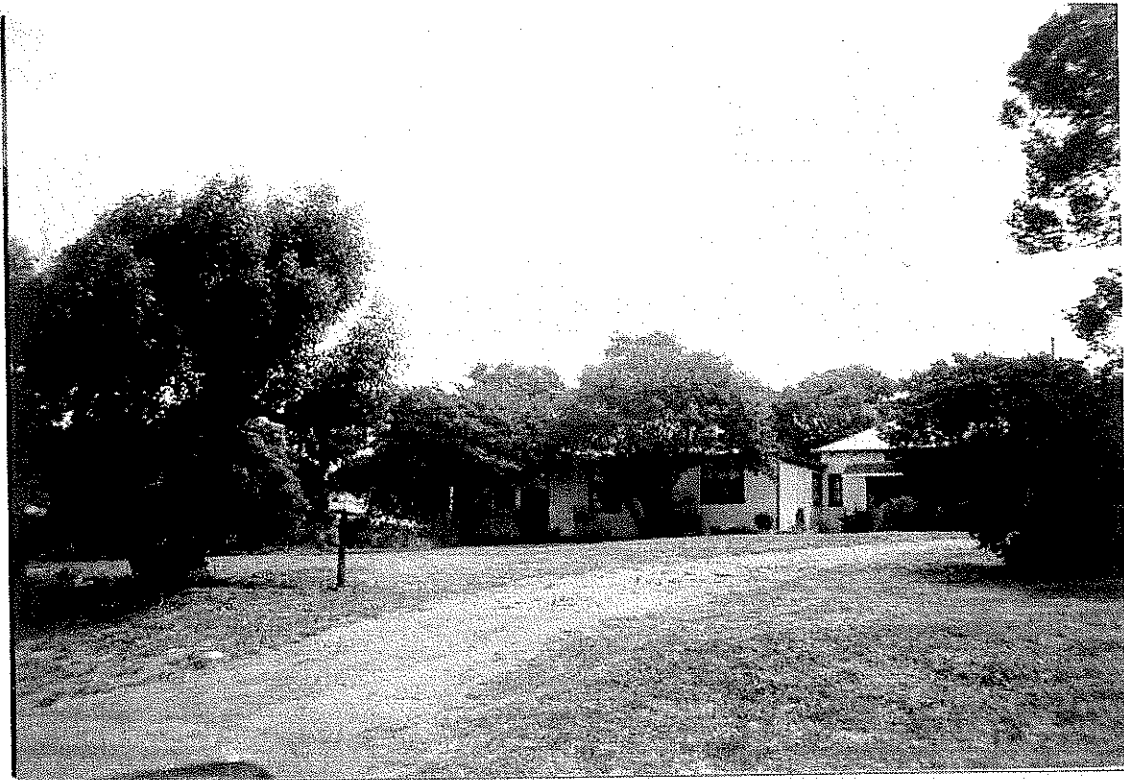


Photo of property taken in 1994
(Town of Albany)

Subject House, proposed to be demolished.



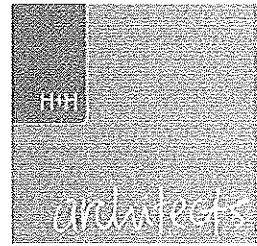
Thursday, 14 June 2012

1:628

This map has been produced by the City of Albany using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no responsibility for its use by other parties



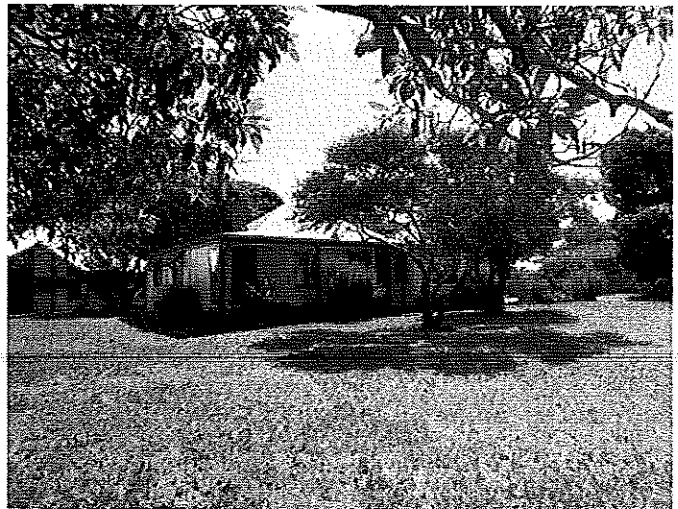
AGENDA ITEM 2.5 REFERS



PO BOX 5427 ALBANY WA 6332
T 9842 5558
F 9842 3936
E admin@hharchitects.com.au
W www.hharchitects.com.au

HERITAGE ASSESSMENT

45 SEYMOUR STREET



25-Jan-11
8045-09

58 SERPENTINE RD, ALBANY WA 6330
Howard & Heaver Pty Ltd, Trading as H+H ARCHITECTS
ABN 96 121 961 939

AGENDA ITEM 2.5 REFERS

45 SEYMOUR STREET
HERITAGE ASSESSMENT

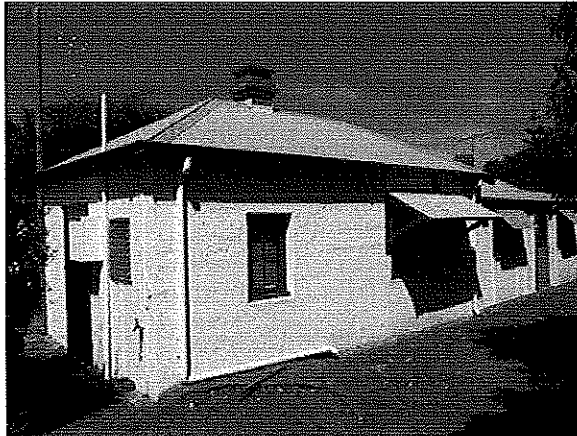


Photo 3 View of the rear (west) elevation of 45 Seymour Street.

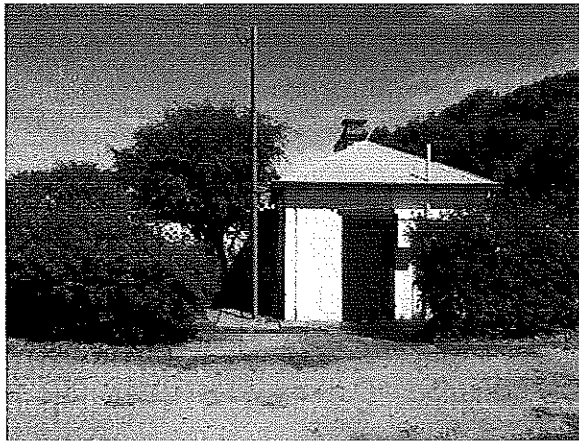


Photo 4 View of the north elevation of 45 Seymour Street.

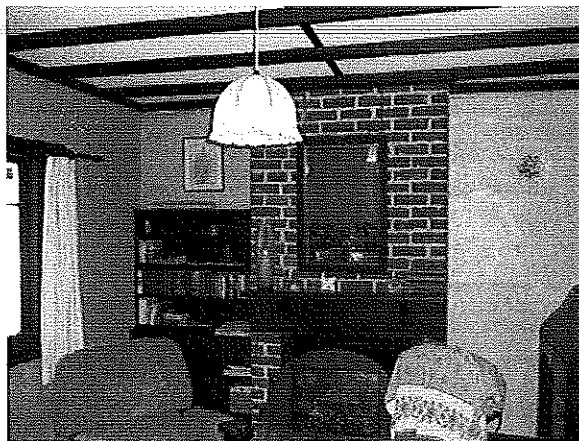


Photo 5 View of the main living area at 45 Seymour Street.

45 Seymour Street

45 Seymour Street is situated on the western side of Seymour Street, close to the junction with Nelson Street and immediately adjacent to the gravesite of Sir Richard Spencer

The house at 45 Seymour Street is setback from the Street by approximately 20 metres. The building is a single storey cottage constructed from formed brickwork walls with wide mortar joints and areas of fibre cement cladding. The building consists of two distinct sections both with hipped roofs clad in corrugated metal and tall brick chimneys.

The front façade of 45 Seymour Street, facing Seymour Street, is asymmetrical with a wide verandah on the western end and a section of fibre cement cladding at the eastern end. The verandah on the western and northern facade has been infilled to form additional rooms internally.

At the rear of the building is a large timber framed shed.

45 Seymour Street is surrounded by a large garden containing lawns and a number of mature trees and shrubs.

Internally the building is simply decorated consistent with the buildings age. There are concrete floors throughout, painted plaster and fibre cement walls and fibre cement ceilings with expressed timber battens.

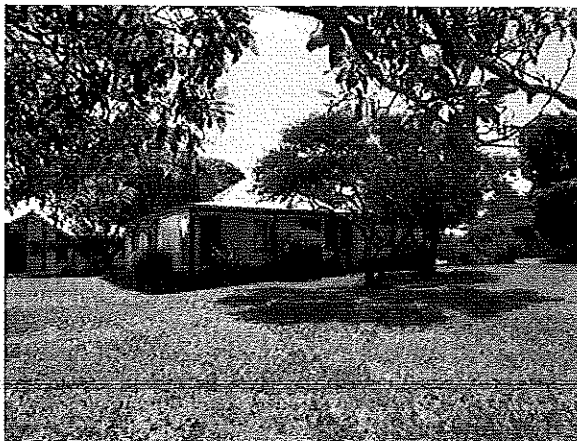


Photo 1 View of the front elevation of 45 Seymour Street looking north west.

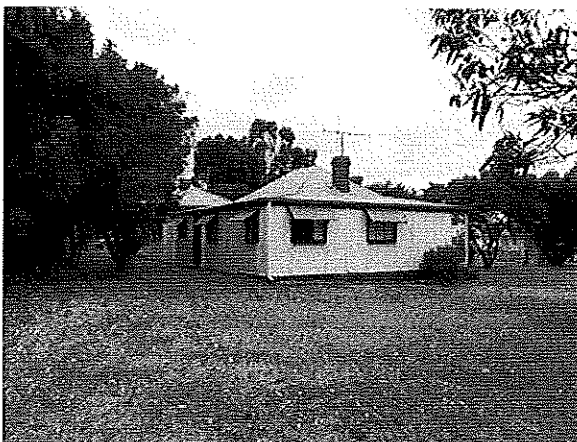


Photo 2 View of the south elevation of 45 Seymour Street.

Introduction

H+H Architects have been appointed by the owners of 45 Seymour Street to carry out a review of its Municipal Heritage Listing consisting of a brief heritage assessment, followed by recommendations on the appropriate listing of the house.

A site visit was carried out by Howard and Heaver Architects in February 2009. The photographs included in this report were taken at that time.

The historical research including in this report was undertaken by Malcolm Traill, Historian and consisted of research at the Albany Local History Collection.

Current Heritage Listing

45 Seymour Street is listed on the City of Albany's Municipal Heritage Inventory under management category level C – Maintain and Conserve if possible.

45 Seymour Street is considered by the City of Albany Municipal Heritage Inventory to have cultural heritage significance for the following reasons:

Aesthetic value for its contribution to the streetscape;

value as part of a group / precinct;

In addition it has some value for its architectural merit and rarity value.

The property is considered to be in fair condition with a moderate level of integrity.

The cottage is described in the Municipal Heritage Inventory as being a federation Georgian building built between 1900 -1905 as part of the Strawberry Hill Farm complex. The cottage is located to the east of the gravesite of Sir Richard Spencer and the open gardens and grounds of the dwelling are described as giving 'the area around the gravesite space.'

Historical Research

The Rate Books, contained within the Albany Local History Collection, show that in the early 1930's 45 Seymour Street was vacant land owned by 'Faulkner.'

The block is listed as lot 80 Nelson Street. The listing changed from 'land' to 'house and land' in 1934, indicating that the property on the site was constructed in this year. In 1936 the ownership changed from 'Faulkner' to 'Bremner', the grandparents of the current owners.

The current owners have confirmed these details and also that the original access to the house used to be from Nelson Street.

Extracts of the Rate Books are included at the rear of this report.

Significance

45 Seymour Street is a fair example of a simple holiday cottage dating from the inter war period. It is typical of a number of buildings in the Albany area. It has some social heritage significance for its contribution to the development of the area.

The building is in a fair condition and has a high level of integrity.

Comparative

There are a large number of simple single storey cottages on the City of Albany's municipal heritage inventory. Most of these properties are federation style buildings dating from late in the nineteenth and early in the twentieth century.

There does not appear to be any other simple cottages dating from the 1930's on the Municipal Heritage Inventory. One example that appears to be of similar significance is 216 Middleton Road. This building is listed under management category C/D.

Conclusion

Based on the site visit and historical research undertaken we can confirm that the details contained within the current listing for 45 Seymour Street on the City of Albany's Municipal Heritage Inventory are incorrect.

As discussed above we believe that the property at 45 Seymour Street has some social heritage significance

Given the buildings condition, integrity and significance we believe that it is appropriate to either remove the building from the inventory or adjust it to management category D – "Significant but not essential to an understanding of the history of the district."

In line the Municipal Heritage Inventory's recommendations an archival photographic record of the place should be completed prior to any major redevelopment or demolition.

AGENDA ITEM 2.5 REFERS

45 SEYMOUR STREET
HERITAGE ASSESSMENT

1934 Rates Book Extract

45		NO. 45		Ward		NO. 45		Ward	
Lot	Area	Owner	Occupier	Use	Rate	Rate	Rate	Rate	Rate
NS1	1/2	Self	Self	Land					
NS2	1/2	Bluff	J. Davidson	Land					
NS3	1/2	Bluff	J. Davidson	Land					
NS4	1/2	Bluff	J. Davidson	Land					
NS5	1/2	Bluff	J. Davidson	Land					
NS6	1/2	Bluff	J. Davidson	Land					
NS7	1/2	Bluff	J. Davidson	Land					
NS8	1/2	Bluff	J. Davidson	Land					
NS9	1/2	Bluff	J. Davidson	Land					
NS10	1/2	Bluff	J. Davidson	Land					
NS11	1/2	Bluff	J. Davidson	Land					
NS12	1/2	Bluff	J. Davidson	Land					
NS13	1/2	Bluff	J. Davidson	Land					
NS14	1/2	Bluff	J. Davidson	Land					
NS15	1/2	Bluff	J. Davidson	Land					
NS16	1/2	Bluff	J. Davidson	Land					
NS17	1/2	Bluff	J. Davidson	Land					
NS18	1/2	Bluff	J. Davidson	Land					
NS19	1/2	Bluff	J. Davidson	Land					
NS20	1/2	Bluff	J. Davidson	Land					
NS21	1/2	Bluff	J. Davidson	Land					
NS22	1/2	Bluff	J. Davidson	Land					
NS23	1/2	Bluff	J. Davidson	Land					
NS24	1/2	Bluff	J. Davidson	Land					
NS25	1/2	Bluff	J. Davidson	Land					
NS26	1/2	Bluff	J. Davidson	Land					
NS27	1/2	Bluff	J. Davidson	Land					
NS28	1/2	Bluff	J. Davidson	Land					
NS29	1/2	Bluff	J. Davidson	Land					
NS30	1/2	Bluff	J. Davidson	Land					

Reference to 45 Seymour Street Highlighted.
1934 Rate Book, City Of Albany Library Collection

AGENDA ITEM 2.5 REFERS

45 SEYMOUR STREET
HERITAGE ASSESSMENT

1936 Rates Book Extract

North Ward									
Year	Month	Street	Property	Owner	Land	Rate	Value	Assessment	Total
1936	11	Seymour St	Plot 10	W. Grace	Land	50	7.44	11.1	
1936	11	Seymour St	Plot 11	W. Grace	Land	60	8.52	12.1	
1936	11	Seymour St	Plot 12	W. Grace	Land	70	9.60	13.1	
1936	11	Seymour St	Plot 13	W. Grace	Land	80	10.68	14.1	
1936	11	Seymour St	Plot 14	W. Grace	Land	90	11.76	15.1	
1936	11	Seymour St	Plot 15	W. Grace	Land	100	12.84	16.1	
1936	11	Seymour St	Plot 16	W. Grace	Land	110	13.92	17.1	
1936	11	Seymour St	Plot 17	W. Grace	Land	120	15.00	18.1	
1936	11	Seymour St	Plot 18	W. Grace	Land	130	16.08	19.1	
1936	11	Seymour St	Plot 19	W. Grace	Land	140	17.16	20.1	
1936	11	Seymour St	Plot 20	W. Grace	Land	150	18.24	21.1	
1936	11	Seymour St	Plot 21	W. Grace	Land	160	19.32	22.1	
1936	11	Seymour St	Plot 22	W. Grace	Land	170	20.40	23.1	
1936	11	Seymour St	Plot 23	W. Grace	Land	180	21.48	24.1	
1936	11	Seymour St	Plot 24	W. Grace	Land	190	22.56	25.1	
1936	11	Seymour St	Plot 25	W. Grace	Land	200	23.64	26.1	
1936	11	Seymour St	Plot 26	W. Grace	Land	210	24.72	27.1	
1936	11	Seymour St	Plot 27	W. Grace	Land	220	25.80	28.1	
1936	11	Seymour St	Plot 28	W. Grace	Land	230	26.88	29.1	
1936	11	Seymour St	Plot 29	W. Grace	Land	240	27.96	30.1	
1936	11	Seymour St	Plot 30	W. Grace	Land	250	29.04	31.1	
1936	11	Seymour St	Plot 31	W. Grace	Land	260	30.12	32.1	
1936	11	Seymour St	Plot 32	W. Grace	Land	270	31.20	33.1	
1936	11	Seymour St	Plot 33	W. Grace	Land	280	32.28	34.1	
1936	11	Seymour St	Plot 34	W. Grace	Land	290	33.36	35.1	
1936	11	Seymour St	Plot 35	W. Grace	Land	300	34.44	36.1	
1936	11	Seymour St	Plot 36	W. Grace	Land	310	35.52	37.1	
1936	11	Seymour St	Plot 37	W. Grace	Land	320	36.60	38.1	
1936	11	Seymour St	Plot 38	W. Grace	Land	330	37.68	39.1	
1936	11	Seymour St	Plot 39	W. Grace	Land	340	38.76	40.1	
1936	11	Seymour St	Plot 40	W. Grace	Land	350	39.84	41.1	
1936	11	Seymour St	Plot 41	W. Grace	Land	360	40.92	42.1	
1936	11	Seymour St	Plot 42	W. Grace	Land	370	42.00	43.1	
1936	11	Seymour St	Plot 43	W. Grace	Land	380	43.08	44.1	
1936	11	Seymour St	Plot 44	W. Grace	Land	390	44.16	45.1	
1936	11	Seymour St	Plot 45	W. Grace	Land	400	45.24	46.1	

Reference to 45 Seymour Street Highlighted.

1936 Rate Book, City Of Albany Library Collection

Peter Bremner,
PO Box 7
Beverly
WA 6304.

City of Albany ,
Planning Department,
Post: PO Box 484,
ALBANY,
WA 6331

8.02.2012

FAO Taylor Gunn

Dear Taylor,

RE proposed demolition 45 Seymour Street, Albany.

Following our recent discussions with the City and the Heritage Council Representative we have discussed the matter with our heritage consultants H+H architects and confirm that we wish to proceed with the demolition application for 45 Seymour Street.

Our Intention is to subdivide the site and develop it in the future to provide new residences for use by our family and to do so we need to have the confidence that the existing residence will not restrict the subdivision or development options available to us.

The existing building is not suitable for retention as part of any redevelopment of the site because it is largely constructed from asbestos and will not meet any current building codes for energy efficiency without major alterations and reconstruction. This would largely destroy any heritage significance that the place may have.

We also request that the property is immediately removed from the City of Albany's Municipal Heritage Inventory (MHI).

Assessing the demolition of the house against the listing in the MHI is inappropriate as the information contained within the MHI is misleading and does not reflect the actual construction date or history of the building. This has been confirmed through the Heritage Assessment prepared by H+H Architects in January 2011.

Yours Sincerely,

A Barrett-Lennard
(ANISON BARRETT-LENNARD)
daughter
on behalf of
Peter Bremner,

Cc Cr Ray Hammond
cc Cr Vince Calleja
Cc Mayor Dennis Wellington



Part of the EnviroLab Group



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email: laboratory@mpl.com.au
www.envirolabservices.com.au
EnviroLab Services (WA) Pty Ltd ABN 63 140 099 207

CERTIFICATE OF ANALYSIS 122486

Client:

Cash Sales
1 Warrenup Place
WA 6330

Attention: K Brown

Sample log in details:

Your Reference:
No. of samples:
Date samples received:
Date completed instructions received:
Location:

A1 Demolition & Contractors

1 material
18/05/12
18/05/12

Analysis Details:

Please refer to the following pages for results, methodology summary and quality control data.
Samples were analysed as received from the client. Results relate specifically to the samples as received.
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.
Please refer to the last page of this report for any comments relating to the results.

Report Details:

Date results requested by: 22/05/12
Date of Preliminary Report: Not sent
Issue Date: 22/05/12

NATA accreditation number 2901. This document shall not be reproduced except in full.
Accredited for compliance with ISO/IEC 17025.

Tests not covered by NATA are denoted with *.

Results Approved By:


Lalane Rupasinghe
Approved Signatory

MPL Reference: 122486
Revision No: R 00



AGENDA ITEM 2.5 REFERS

Client Reference: A1 Demolition & Contractors

Asbestos ID - materials		
Our Reference:	UNITS	122486-1
Your Reference	-----	Sample 1
Type of sample	-----	Material
Date analysed	-	18/05/2012
Sample Dimension	mm	60x30x5mm
Sample Description	-	Fibre Cement
Asbestos ID in materials	-	Chrysotile asbestos detected
Trace Analysis	-	Not applicable

MPL Reference: 122486
Revision No: R 00



MethodID	Methodology Summary
ASB-001	Asbestos ID - Qualitative Identification of asbestos in bulk samples using Polarised Light Microscopy and Dispersion Staining Techniques, including Synthetic Mineral Fibres (SMF) and Organic Fibres, as per Australian Standard AS4984-2004.

MPL Reference: 122486
Revision No: R 00



AGENDA ITEM 2.5 REFERS

Client Reference: A1 Demolition & Contractors

Report Comments:

Asbestos was analysed by Approved Identifier: Lalane Rupasinghe
Airborne fibres were analysed by Approved Counter: Not applicable for this job

MPL Reference: 122486
Revision No: R 00



Regional Heritage Advisory Service

15 March 2012

Attention: **Taylor Gunn, Planning Officer**

Proposed Demolition 45 Seymour Street Albany

With regard the letter you received from Amy Barrett Lennard (08/02/12), on behalf of her father, Peter Bremner (the owner) regarding the above matter I have the following advice and information to provide:

Removal from a Municipal Heritage Inventory (MHI)

Inclusion or exclusion in an MHI should only be on the basis of cultural heritage significance and nothing else. Even in spite of the historical information in the current listing being incorrect, the heritage assessment that H&H Architects prepared for the owner which provided the more accurate historical record does not actually demonstrate that the place does not have cultural heritage significance – what it has done is demonstrate that its significance is slightly different (but not necessarily of lesser value either); it rests more on it being a rare example of an Inter-War holiday cottage in (central) Albany.

Further, as it happens, the new historical information does not really affect the values attributed to the place (its significance) either, as outlined in the H&H assessment and reflected in the MHI listing:

Aesthetic value for its contribution to the streetscape

Value as part of a group/precinct

In addition it has some value for its architectural merit and rarity value.

Just to reinforce that inclusion on an MHI is not subject to, nor does it require, "owner consent" under the legislation. Nor should Council be responding to requests to have a place removed from the MHI in order to open up greater development potential for the owner. As far as I'm aware, the owners did not object to the listing of the place in 1994 when the MHI was first prepared nor in 2000 when the MHI was last reviewed.

As you know, the current management category for this place (C) does not necessarily preclude demolition, although neither does it encourage it unless there is no prudent and feasible solution to a place's retention in full or part. So the City does not need to remove it from the MHI in order to facilitate discussions about potential demolition and redevelopment of the Lot.

However, probably more important than the MHI listing, you will need to check whether this place is included in the Heritage List in your TPS, because that adds a layer of planning control that an MHI listing, by itself, does not have.

Regional Heritage Advisory Service

I would therefore suggest the owners just lodge their planning application for demolition only, and leave out any discussion about removal from the MHI.

Other Heritage Considerations

Regardless of whether this place is on your MHI/TPS or not, it is adjacent to a Registered Site – Spencer's Grave – so any redevelopment on this Lot will still need to be referred to the Heritage Council for advice. (You might need to check but it could also back onto Old Farm Strawberry Hill which means it could be adjacent to 2 registered places??)

Assessing a demolition application for an MHI listed place

You would need to check your policies and what kind of delegated authority you have, but I would say that an application to demolish a place listed on the MHI would need to go to full Council for approval. The Council will need to make the final decision on whether it supports demolition. Given that this isn't a matter that comes up often, you would need to ensure that your Councilors are fully aware of what the City's policies are in relation to considering demolition of an MHI listed place. Again, you need to check if it is included in the TPS Heritage List.

I'm not really sure what the premise for demolition would need to be, but I would guess that it would be on the basis that the existing cottage is not in any way habitable as it is and can in no way be accommodated in the owner's proposed redevelopment plans for the Lot. It's a difficult situation because it's not like anyone is making them redevelop the Lot – that is just their desire to (although they knew the place was heritage listed). However, at the same, as owners they have a right to develop their property.

They would probably also need to state that they are wanting to proceed with development now.

Given its moderate heritage value, it could be argued that this value is outweighed by other matters that make retaining the place untenable in any redevelopment. However, Council would need to be satisfied that all redevelopment options have been considered. (*I refer here to the Activ redevelopment on Spencer Street where it was eventually determined that the office building could be retained when at first it was considered that it couldn't and would have to be removed.*)

I'm not really sure what kind of BCA requirements would be imposed upon them given it is a residence now and will continue to be a residence should it be kept (i.e. they're not proposing a change of use to convert to a commercial premise), but I don't believe that ability to demonstrate energy efficiency would be a valid reason. If this was the case then most existing housing would fail this requirement I would think. Please also note that the H&H assessment talks about the place containing "fibre cement sheeting", but the letter from Ms Barrett Lennard mentions asbestos.

Regional Heritage Advisory Service

These are not necessarily the same things so this would need to be clarified as they have very different connotations.

Regardless of the heritage listing, removing a place from the MHI will not necessarily give the owners surety that they will be able to proceed with their redevelopment as they desire it. There are many other issues besides heritage that need to, and will be, taken into consideration.

RHA Liaison with the Owners

Please note that the letter (as you attached) states that they (the owners) have discussed this with the "Heritage Council Representative". I am not sure if they are referring to me? The only conversations I have had with the owners have been during a site meeting (c2007/8) with Peter Bremner (owner) - but I did not give any indication of where I stood on supporting his request to have the place taken off the MHI - and I also spoke to Andrew Bremner (on the phone) last year, but that was only in relation to organising getting the key from him so I could make another site visit with Tom Stevens and yourself, which we did last year. Although Andrew outlined the issue at hand in our phone conversation, again I gave no response or indication of my opinion or what my advice might be.

SUMMARY

In summary, these are the main issues as I see them:

- The place remains in the MHI, however the place record form is updated to reflect the correct historical information. The heritage values attributed to the place remain the same and the category remains as a "C".
- You need to check if this place is included in the Heritage List in the TPS.
- The owners formally apply for planning approval to demolish and this is presented to Council.
- That Council is presented with the "amended" MHI place form for this place so that they have the correct historical information to consider.
- That should demolition be approved by Council the place remains on the MHI but is amended to say "demolished".

Without knowing the full legalities of your planning approvals process – and not being entirely sure what the owners have "formally" submitted to-date – in the event that Council does support demolition, there are possibly several options/considerations with regard progressing this issue:

- That only "planning approval" to demolish is granted but the demolition licence is not issued until the subdivision/redevelopment plans are approved by Council and the owners are ready to proceed with the redevelopment. This avoids the empty block scenario.

Regional Heritage Advisory Service

- The City would also need to have some surety that the owners won't demolish and then sell the vacant land. Obviously once the redevelopment has been done the owner can keep or sell as they like.
- That you don't accept just a demolition application without receiving the planning application for the subdivision/redevelopment.

I hope this advice and information is of some assistance. Please don't hesitate to contact me if you require anything further.

regards

Helen Munt
Regional Heritage Advisor

**2.6: DEVELOPMENT APPLICATION – CHANGE OF USE - TAVERN LOT
119 (NO. 1309) LOWER DENMARK ROAD, ELLEKER**

Land Description : (Lot 119) No. 1309 Lower Denmark Road, Elleker
Proponent : M & G Parsons
Owner : M & G Parsons
Business Entity Name : Elleker General Store
Attachments : Site Plan and Covering Letter
Responsible Officer(s) : E/Director Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- A development application has been received for a Change of Use to include Tavern at Lot 119 (1309) Lower Denmark Road, Elleker.
- The existing approved uses are General Store (which includes a bottle shop) and Restaurant which currently are licensed to operate under two separate Liquor Licences. Extended trading is currently allowed for the General Store and Bottle Shop under two extended trading permits.
- The operation of the business is not intended to change. The purpose of this application is to combine the two Liquor Licences and two extended trading permits into one liquor licence. The only liquor licence that the Department for Racing, Gaming and Liquor can issue for this purpose is a Tavern licence.
- Under the City of Albany's Planning Processes Policy, a Tavern is a "3C" whereby City staff have no delegation and the application is required to be determined by Council.

RECOMMENDATION

ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

RECOMMENDATION 1:

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for a Tavern at Lot 119 (1309) Lower Denmark Road, Elleker subject to the following conditions after the Department of Racing, Gaming and Liquor issues a tavern liquor licence:

- a) The tavern must always be set up and presented for dining.
- b) Tables can't be removed or shifted in order to create dance floors.
- c) The kitchen must be open and operating at all times liquor is available and the regular full menu must be available at all times.
- d) Liquor may only be consumed by patrons seated at a dining table.
- e) Liquor for consumption on the premises shall be by table service only by staff, there shall not be bar service.

RECOMMENDATION 2:

THAT Council AUTHORISES the Executive Director of Planning and Development Services to ISSUE a Section 40 Certificate indicating that a Tavern is supported and planning scheme consent will be issued once a liquor licence is granted subject to the conditions above in Recommendation 1.

ITEM 2.6: AMENDED OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR ATTWELL

- 1. THAT COUNCIL resolves to ISSUE a Notice of Planning Scheme Consent for a Tavern at Lot 119 (No.1309) Lower Denmark Road, Elleker after the Department of Racing, Gaming and Liquor issues a Tavern liquor licence.**
- 2. THAT Council AUTHORISES the Executive Director of Planning and Development Services to ISSUE a Section 40 Certificate indicating that a Tavern is supported and planning scheme consent will be issued once a liquor licence is granted.**

CARRIED 9-0

Officer's Reason (Executive Director Planning and Development Services):

Following the Agenda Briefing Meeting the applicant has provided additional clarification on the proposal and advised that he wishes to operate a full tavern without the current restrictions on his Liquor without a Meal Permit. Specifically; the restriction on table service only and not being able to advertise that customers can consume liquor onsite without having a meal are seen as significant limitations on the operation of the business.

The Amended Officer Recommendation acknowledges the additional explanation provided and the original report outlines the acceptability of approving a Tavern on this site under the Town Planning Scheme.

BACKGROUND

1. The subject site is a 1.98ha lot located on the south side of Lower Denmark Road in Elleker. It is zoned 'Special Use' under Town Planning Scheme No.3 and is area No.10 under this 'Special Use' zoning.
2. Under the Special Use 10 provisions relating to this zone, with Council's permission the following can be considered:
 - Shop
 - Petrol filling station
 - Cafe/restaurant
 - Caretakers house
 - Home occupation
 - Variety of tourist and commercial tenancies
 - Holiday accommodation
 - Travellers rest area
3. The site currently operates as a Restaurant and a General Store. The General Store incorporates a bottle shop / liquor store. The Restaurant and General Store operate under separate Liquor Licence and Extended Trading Permits. The applicant wishes to combine these licences and permits into one. The only liquor licence that can be issued by the Department of Racing, Gaming and Liquor that combines these licensed activities is a Tavern Licence.
4. The applicant is not proposing any changes to how the business operates but requires the change of use to Tavern to enable a Tavern Liquor Licence to be granted.
5. "Tavern" is defined in Town Planning Scheme No.3 as *"a premises in respect of which a tavern licence has been granted under the provision of the Liquor Act 1970 (as amended)*.
6. The City has recently been advised that a liquor licence must be granted before the City can approve the use. However, the Department of Racing, Gaming and Liquor requires confidence that the City has or is likely to grant the use before issue of a liquor licence.

DISCUSSION

7. The current Restaurant Liquor Licence and Extended Trading Permit for Liquor without a Meal permits sale and consumption of liquor on the premises provided the premises remain set up as a restaurant with tables and chairs; provision of liquor is by table service only (no bar service). Liquor is only available whilst the restaurant kitchen is open and the full regular menu is available.
8. The Liquor Store Liquor Licence and Extended Trading Permit for Sunday Trading permits sale of packaged liquor for consumption off-premises.

9. The proponent seeks Planning Scheme Consent for a change of use from Restaurant and General Store to a mixed use of Tavern and General Store. The purpose of this change of use is to combine the two existing Liquor Licences and two Extended Trading Permits into one Liquor Licence covering the same activities. The nature of current activities onsite would not alter as a result of this proposed change of use.
10. The Department of Racing, Gaming and Liquor require confirmation of compliance with planning requirements before they will progress a Liquor Licence application.
11. Under the Special Use zone No.10, the provisions state that the following can be considered with Council's permission:
 - Shop
 - Petrol filling station
 - Cafe/restaurant
 - Caretakers house
 - Home occupation
 - Variety of tourist and commercial tenancies
 - Holiday accommodation
 - Travellers rest area
12. A suitably conditioned tavern approval can be considered as a hybrid of the shop and restaurant uses listed.
13. Under the provisions of Town Planning Scheme No.3 a Tavern is an "AA" use within the Rural zone which means it is "*A use that is not permitted unless approval is granted by Council and not before advertising has been undertaken*".
14. The required advertising has been undertaken as detailed in paragraph 19 below.
15. The proposal is considered as a straight conversion/amalgamation of the existing restaurant and liquor store. The approval should be conditioned such that there would be no change in how it would/could operate. This would require conditions restricting the sales of liquor for consumption on the premises to table service only and only whilst the kitchen is open with the full main menu available.
16. Alternatively, the proposal could be considered acceptable as a full tavern without such restrictions and a bar could be used for sale of liquor direct to patrons without food required to be available.
17. Council may also refuse the application, however this is not supported as the applicant has stated that he does not intend to change how the business currently operates.

GOVERNMENT CONSULTATION

18. The applicant has received advice from The Department of Racing, Gaming and Liquor, regarding combining their existing licences and permits. The City is not required to consult Government Agencies on this matter.

PUBLIC CONSULTATION / ENGAGEMENT

19. The application was referred to all landowners within a 500m radius of the site by mail, a notice was placed in a local newspaper and a sign was placed onsite. The 21 day advertising period commenced on Thursday 31 May 2012 and finished on Wednesday 20 June 2012.
20. Only one submission has been received in response to the consultation. This supports the proposal and states “I agree, good for all”.

STATUTORY IMPLICATIONS

21. The subject site is zoned ‘Special Use’ under Town Planning Scheme No.3 and is area No.10 under this ‘Special Use’ zoning.
22. Under Special Use zone No.10, the provisions state that the following can be considered with Council’s permission:
 - Shop
 - Petrol filling station
 - Cafe/restaurant
 - Caretakers house
 - Home occupation
 - Variety of tourist and commercial tenancies
 - Holiday accommodation
 - Travellers rest area
23. Although a Tavern is not specifically listed within the permitted uses, it is the opinion of City staff that there is scope for it to be assessed under the “Variety of tourist and commercial tenancies” use.
24. The adjoining lots are zoned “Rural”. Within TPS3 a Tavern is an “AA” use within a Rural zone which means it is “*A use that is not permitted unless approval is granted by Council and not before advertising has been undertaken*”. Therefore it is a use that can be considered by Council.

STRATEGIC IMPLICATIONS

25. This item relates to the following elements of the City of Albany Strategic Plan (2011- 2021):

Key Focus Area

Sustainability and Development

Community Priority

A Sustainable Future

Proposed Strategies

- *Establish satellite township hubs in areas such as Young’s Siding, Redmond, Manypeaks and Wellstead to provide services (basic shopping necessities and recreational areas.)*

Community Priority

Tourism Development

Proposed Strategies

- *Improve and expand tourism infrastructure and attractions.*

- *Encourage diversity in tourism product, including food and wine, indigenous tourism, heritage tourism, through partnerships with key tourism stakeholders.*

POLICY IMPLICATIONS

26. There are no Policy implications.

RISK IDENTIFICATION & MITIGATION

27. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The applicant appeals to a State Administrative Tribunal if the proposal is refused.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>If a decision is made to refuse the application, sound reasoning is required to provide solid defence at a State Administrative Tribunal.</i>
<i>Concerns that "Tavern" may cause anti social behaviour etc.</i>	<i>Low</i>	<i>Minor</i>	<i>Low</i>	<i>Condition to allow continuation of existing use.</i>

FINANCIAL IMPLICATIONS

28. The proponent has paid the appropriate fee and the application has been processed within identified timelines and budget constraints.

LEGAL IMPLICATIONS

29. If Council refuses the application, the proponent would then be entitled to seek a review of that decision with the State Administrative Tribunal and the City of Albany may be required to defend the reasons for refusal at a State Administrative Tribunal hearing.

ALTERNATE OPTIONS

30. Council may refuse the application as it is not expressly stated that a tavern is a use that can be considered in the Special Use Zone No.10.

31. Council may also choose to approve the proposal without the restrictive conditions and allow the operator greater flexibility in their future use of the property.

SUMMARY CONCLUSION

32. The proponent seeks planning consent for a change of use from General Store and Restaurant to General Store and Tavern.
33. The business currently operates under two separate Liquor Licences and two Extended Trading Permits.
34. The applicant wishes to combine these licences and permits into one. The only liquor licence that can be issued by the Department of Racing, Gaming and Liquor that combines these licensed activities is a Tavern Licence.
35. The proponent is not proposing any changes to the operation of the business.
36. Although a Tavern is not specifically listed within the permitted uses of the zone, it is the opinion of City staff that there is scope for it to be assessed under the “Variety of tourist and commercial tenancies” use.
37. City staff consider that a Tavern is consistent with the current approved uses and is consistent with the objectives of the zone and can be supported.

Consulted References	:	Town Planning Scheme No. 3
File Number (Name of Ward)	:	A186789 (West Ward)
Previous Reference	:	NIL

SHEET REFERENCE

AGENDA ITEM 2.6 REFERS

PROJECT

CLIENT

ELLEKER GENERAL STORE
ELLEKER W.A.

DRAWING TYPE

SITE PLAN

SCALES

1 in 500

DESIGN

A & T DOTTER

DRAWN

JDJS JUNE 1977

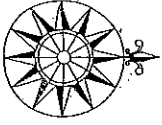
LOCAL AUTHORITY

SHIRE OF ALPANY

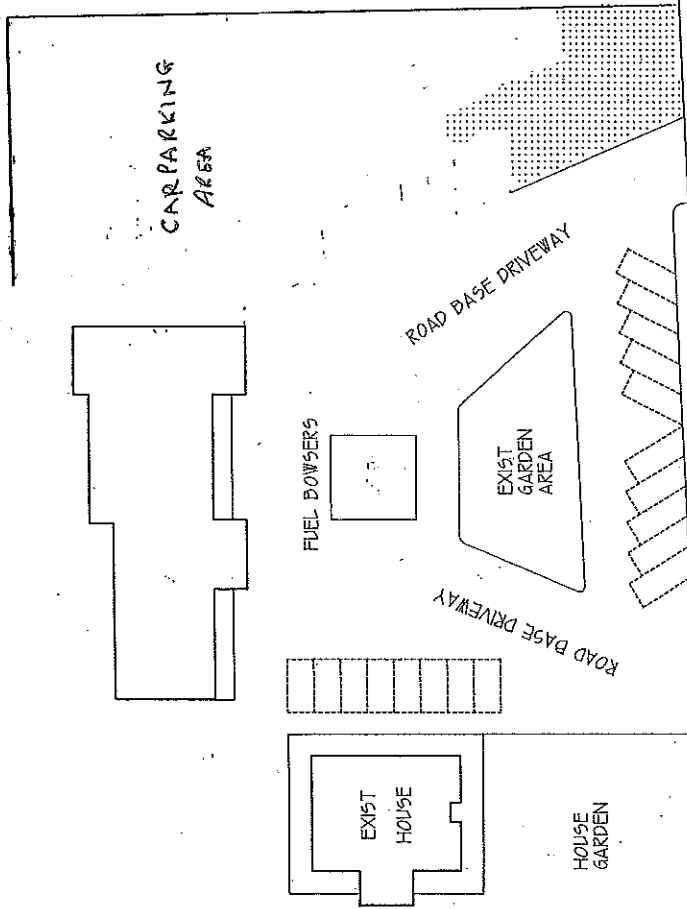
DRAWING & SHEET No.

9706 - 183

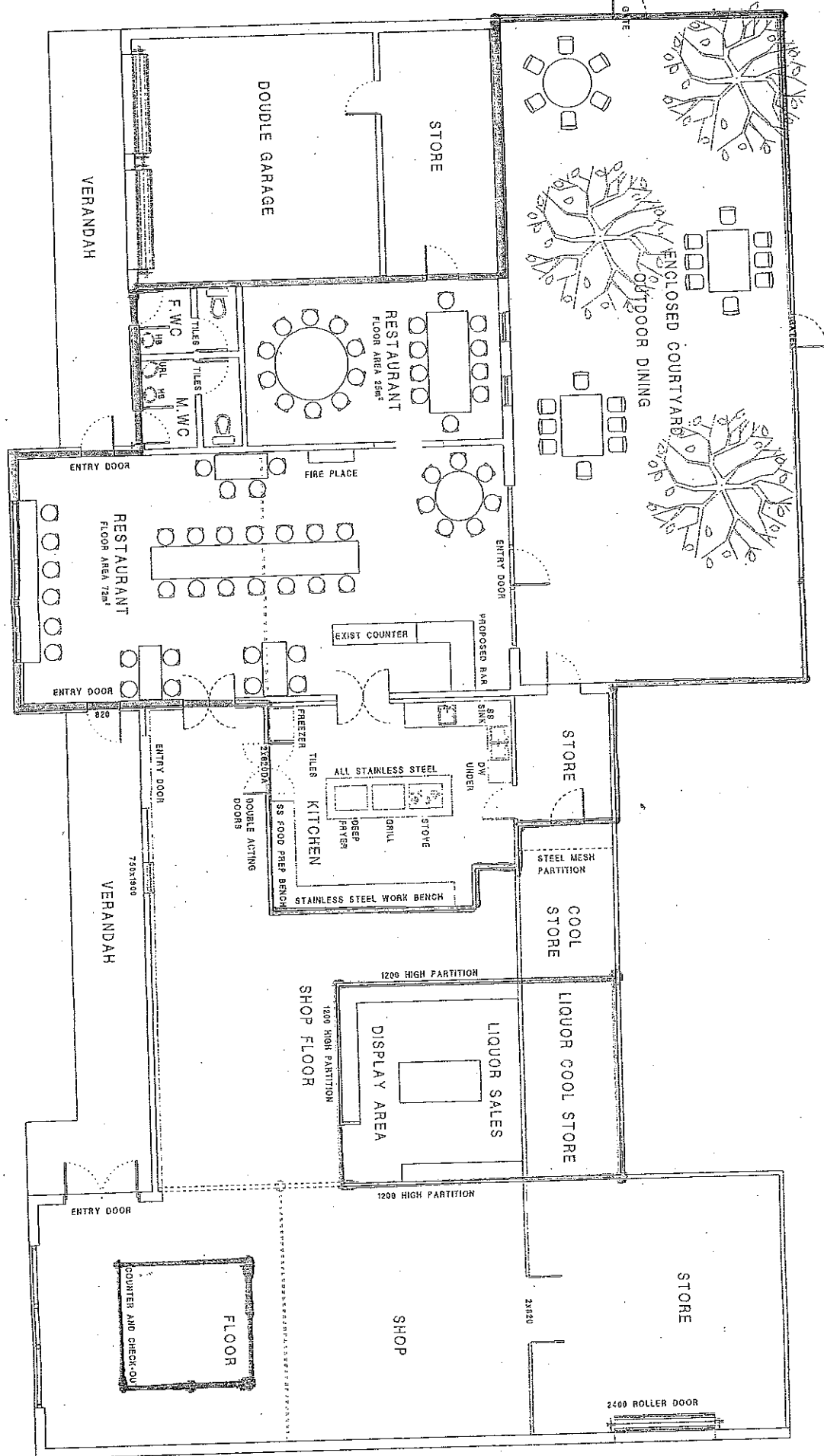
REVISION



EXISTING BLUE GUM PLANTATION



LIQUOR LICENSING ACT 1988



10240

6500

35050

1810

6500

16290

35050

18575

AT PRESENT THE SHOP & RESTAURANT OPERATE UNDER TWO SEPERATE LIQUOR LICENCES, RESTAURANT & LIQUOR STORES & TWO SEPERATE PERMITS, ONE FOR SUNDAY TRADING IN THE LIQUOR STORE & THE SECOND ONE FOR LIQUOR WITHOUT A MEAL IN THE RESTAURANT.

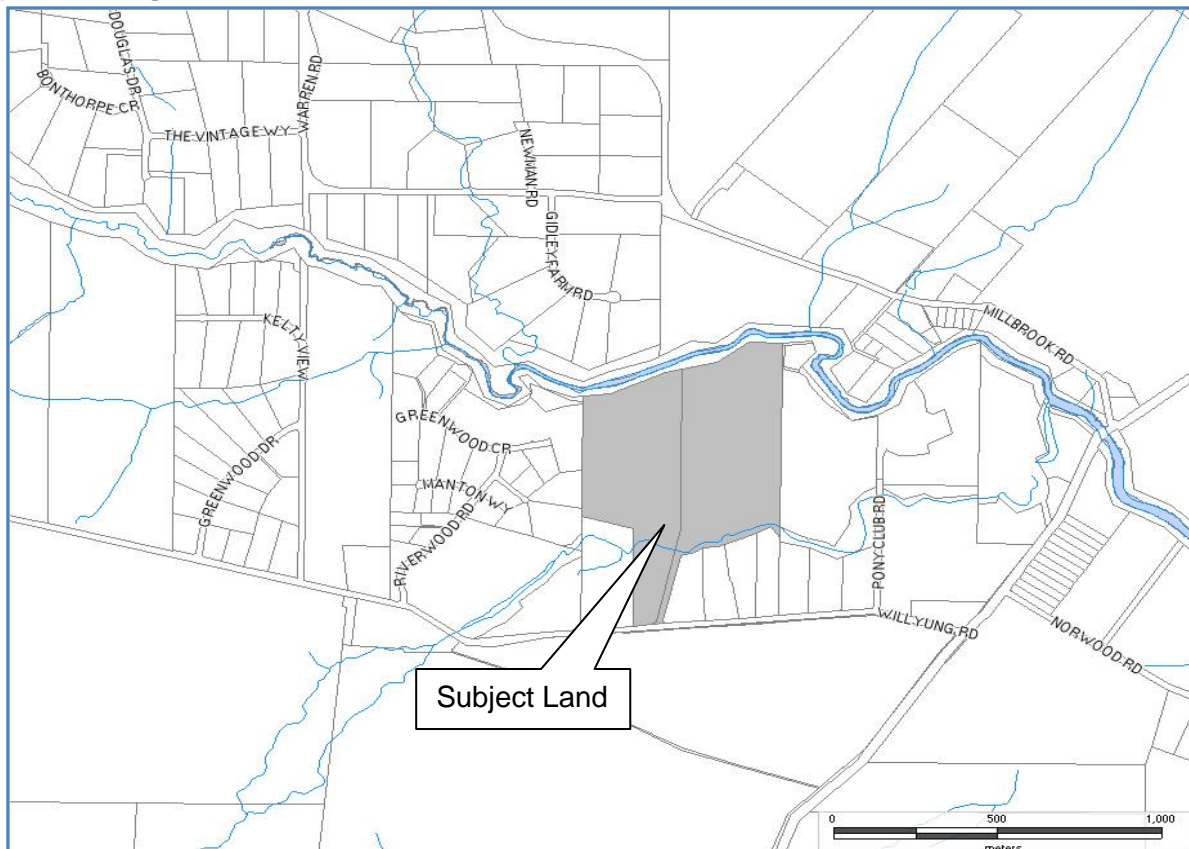
IT IS PROPOSED TO OBTAIN A TAVORN LICENCE WHICH WILL ALLOW FOR ONE SINGLE LICENCE TO REPLACE THE PRESENT 2 LICENCES & 2 PERMITS. HAVING A TAVORN LICENCE WOULD NOT ALTER THE PRESENT OPERATION OF THE BUSINESS, EXCEPT FOR A REDUCTION IN HOURS THAT LIQUOR CAN BE SOLD IN THE RESTAURANT.

IT IS ALSO HOPEO THAT A NAME CHANGE WILL ATTRACT MORE TOURIST TO THE AREA & MONDI BINDE BILE TRAIL.

**2.7: LOCAL PLANNING SCHEME POLICY – SPECIAL RESIDENTIAL
AREA NO. 11 (LOTS 104 AND 105 WILLYUNG ROAD)**

Land Description	: Lots 104 and 105 Willyung Road, Willyung
Proponent	: Ayton Baesjou Planning
Owner/s	: Mr B J Panizza
Business Entity Name	:
Attachment(s)	: Draft Local Planning Scheme Policy – Special Residential Area No. 11 (Lots 104 and 105 Willyung Road, Willyung)
Councillor Workstation	: Copy of Planning and Environment Strategy and Policy Committee 19/10/09 – Item 8.3 : Copy of O.C.M. 15/12/09 – Item 13.5.1 : Copy of proponent's submission
Responsible Officer(s)	: Executive Director – Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- Consider whether to adopt the draft modified Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road) for the purpose of public advertising.

**ITEM 2.7: ALTERNATE MOTION BY COUNCILLOR BOSTOCK
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BOSTOCK
SECONDED: COUNCILLOR GREGSON**

THAT Council does NOT adopt the Draft Local Scheme Policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road) for public advertising.

LOST 3-6

Record of Vote

For the Motion: Councillors Bostock, Sutton, Gregson

Councillor's Reason:

There is a detailed description in TPS3 of the required setbacks for this subdivision, which is situated in a very sensitive area subjected to periodic flooding from the King River. The Scheme has the force of law and cannot be overridden by a Council Policy, which has no official status and can be altered at any time.

The requirements of the Scheme include minimum boundary setbacks of 15 metres with 30 metres for lots fronting Willyung Road and 50 metres from the King River footpath. There is a provision in the Scheme for Council to alter these setbacks in exceptional circumstances and it has been suggested that this can be applied to the entire subdivision if individual lots have not yet been sold.

The wording of the Scheme, at paragraph 6.3 is as follows:

Council may approve a lesser boundary setback if Council is of the opinion that:

- (i) The topography or shape of the lot, or natural vegetation on it, makes it desirable to alter this provision; and*
- (ii) That the location of the building or structure will not detract from the environmental quality of the area or from the amenity of existing or future residences on adjoining lots. Council may require hydrological testing for footings and alternative waste water effluent disposal systems.*

It is obvious from this paragraph that changes to setbacks can only be made on an individual building basis after due consideration of the factors affecting that lot and cannot apply across the board, as no two individual lots will be identical.

As there is no mention in paragraph 6.3 of problems caused by increasing the overall lot yield, from 33 to 55 lots, and if that has resulted in difficulties meeting the boundary setbacks which were in force at the time, it must mean that the increase in lot numbers was not sustainable.

It is not the role of Council to maximise developer's profits but to do what is best for the people of the Albany, both present and future. The reasons for these large setbacks are not only environmental but also because the area is part of the King River flood plain and changes to the setback requirements are likely to result in serious future problems, as has been experienced in many parts of the world when inappropriate development on flood plains has been approved.

Officer's Comment (Executive Director Planning and Development Services):

The City already has a town planning scheme policy (*60 Modifications to Subdivision Guide Plans*) over the subject land, which varies the setback requirements on a number of lots through the application of development envelopes. This policy was adopted by a previous resolution of Council.

I would also refer to paragraphs 24 and 25 of the officer's report, which explain the statutory mechanisms that allow Council to adopt or, as in this case, modify a town planning scheme policy over the subject land:

24. The subject lot is zoned 'Special Residential' and is contained within the Special Residential Area No. 11, under Town Planning Scheme No. 3. Special Provision 1.2 of the zone controls allows Council to consider modifications to the SGP as follows:

"The Council will not recommend lot sizes less than 4000m². Subdivision shall generally be in accord with the lot sizes and layout shown on the Subdivision Guide Plan. Any significant variation to the Subdivision Guide Plan will need to be justified in terms of land capability, visual impact, retention of views, vegetation retention, emergency access/egress and setbacks from King River and creeks. Consultation with and general support of surrounding landowners will be a prerequisite to consideration of any significant variation to the Subdivision Guide Plan."

25. Clause 6.9 of TPS No. 3 set out the processes to adopt and alter Town Planning Scheme Policies and also provide direction on what function the policies have in the decision-making process.

"6.9 POWER TO MAKE POLICIES

6.9.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.*

6.9.2 *A Town Planning Scheme policy shall become operative only after the following procedures have been completed:*

- (A) *The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (B) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*

- (C) *Following Final Adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.*

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

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

6.9.4

- (A) *A Town Planning Scheme policy shall not bind the Council in respect of any application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the Policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
- (B) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve any submissions lodged, before making its decision."*

The intention of the amended policy is to ensure certainty for landowners and a consistency of development across the subject area, as it should negate the need for landowners to seek individual planning approvals. The need to vary the setbacks has arisen from previous decisions of Council and the Western Australian Planning Commission varying the lot sizes and original subdivision guide plan, while remaining consistent with Special Provision 1.2 above. The smaller lot sizes have resulted in a situation where most lots cannot accommodate 15m boundary setbacks (or 30m from Willyung Road) and maintain a development envelope with a minimum dimension of 16m and a minimum area of 800m², as specified in the current subdivision guide plan.

With regard to the issue of flood risk, the subdivision guide plan takes account of the most recent flood mapping available and ensures that development envelopes are located outside areas that are subject to inundation or flooding during a 1 in 100 year event.

ITEM 2.7: RESOLUTION

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR SUTTON**

THAT Council adopts the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road), for the purpose of public advertising, subject to the following modifications:

- i) Replacement of the words “7.5m from the front boundary” with “10m from street boundaries” in the “Development Envelope” notation on the subdivision guide plan;**
- ii) Revision of the subdivision guide plan to illustrate 10m street setbacks on all lots, including the Greenwood Drive street setback on Lots 706, 716 and 828; and**
- iii) Revision of the subdivision guide plan to illustrate a 15m street setback on the southern boundary of lot 701 (adjacent to Willyung Road).**

CARRIED 6-3

Record of Vote

Against the Motion: Councillors Bostock, Hammond and Gregson

BACKGROUND

26. The draft Local Planning Scheme policy proposes to modify the existing Local Planning Scheme policy for Special Residential Area No. 11 (Lots 104 and 105 Willyung Road).
27. The existing policy was considered by Council at the Planning and Environment Strategy and Policy Committee on 19 November 2009 and the following resolution was reached:

“THAT Council resolve to FINALLY ADOPT the Town Planning Scheme Policy titled ‘Subdivision Guide Plan – 104 and 105 Willyung Road, Willyung – Special Residential Area 11’ in accordance with Clause 6.9 of Town Planning Scheme No. 3, subject to the following addition to the policy text:

“At the time of subdivision, the City of Albany will require a notification on the titles of all lots advising that the use of Alternative Treatment Units (ATU’s) for effluent disposal may be required subject to the outcome of site-specific soil tests.”

28. The Committee minute was then reported to the Ordinary Council Meeting on 15 December 2009, with the Local Planning Scheme Policy presented as ‘Committee recommendation 4’, and it was resolved:

“THAT Committee Recommendations 1, 2, 3, 4 and 5 are CARRIED en bloc.”

29. Council is now requested to consider the draft modified Local Planning Scheme Policy and determine whether to adopt the policy for the purpose of public advertising.

DISCUSSION

30. The subject lots cover an area of 30.1ha to the north side of Willyung Road, approximately 9km north of Albany town centre. The land is largely cleared and has been previously used for grazing. Willyung Creek crosses both lots at their southern end, where they narrow (to an access leg in the case of Lot 105) towards Willyung Road. The land then slopes gently upward to the north, reaching a high point near the centre of Lot 104, before sloping gently back downward toward the King River, which flows just beyond the northern lot boundaries. There is remnant vegetation along the banks of Willyung Creek and the King River, and a small stand of trees by the south-western corner of Lot 104. There are more trees scattered across the southern half of both lots, and in the north-eastern corner of Lot 105, and windrows stand along the north-south lot boundaries. An existing house, shed and water tank stand in a cluster near the centre of Lot 104 and another, larger, shed stands to the north-west of these.
31. The surrounding land is primarily covered by the 'Special Residential' zoning. However, the land to the south of Willyung Road is within the 'Rural' zone and the King River and its foreshore areas are designated as a 'Parks and Recreation' reserve. Similarly, Willyung Creek and its foreshore areas are also designated as a 'Parks and Recreation' reserve. The land to the north of the King River is zoned 'Special Rural' to the west and 'Private Clubs and Institutions' to the east.
32. The subject lot is currently undergoing subdivisional works, including the construction of roads and the fencing of lots. The land to the west has already been subdivided and is now being gradually developed with private dwellings and associated outbuildings, etc. The smaller lots between the subject land and Willyung Road are mostly developed with private dwellings, while the land to the east remains undeveloped.
33. The subdivision guide plan contained within the original policy was designed to allow for an increase in lot yield, from 33 lots to 55 lots, and to improve access linkages and movement networks through Special Residential Area No. 11.
34. The proponent has submitted the draft modified policy for assessment, for the following reasons:
 - To reflect the lot numbers, configuration and agreed foreshore reserves shown on the draft deposited plan;
 - To vary setbacks due to the impracticality of achieving 15m boundary setbacks on predominantly 4000m² lots with 40m frontages;
 - To include additional information on the subdivision guide plan to specify preferred setbacks across the estate; and
 - To standardize setbacks in order to negate the need for individual owners to seek variations, which will provide them with a degree of certainty and streamline the processing of applications.

35. The layout of the subdivision guide plan contained within the draft modified policy is broadly consistent with that contained in the original policy, with the exception of very minor adjustments to the foreshore reserves and floodway mapping, the addition of lot numbering consistent with the remainder of Special Rural Area No. 11, and the addition of one lot in the north-east corner of Lot 104.
36. The most significant change to the subdivision guide plan is the nomination of 7.5m street setbacks and 5m side setbacks on all lots, with the exception of the Greenwood Drive street setbacks on Lots 706, 716 and 828, which have also been reduced to 5m. This is intended to address the problems that arise when attempting to accommodate 15m setbacks on 4000m² lots with 40m frontages, and to provide landowners with a degree of certainty.
37. The notations from the original subdivision guide plan remain, although the provision relating to building exclusion areas has now been updated to reference a more recent flood study undertaken on Willyung Creek in 2009.
38. The notation on building envelopes has been expanded to reference the reduced setbacks and an additional notation has been added on fire safety, which cross-references the subdivision guide plan with Special Residential Area No. 11, provision *11.0 Fire Management*, which is contained within Town Planning Scheme No. 3, *Schedule IV – Special Residential Zones – Provisions relating to specified areas*.
39. Although Special Residential Area No. 11, provision *6.0 Location of Buildings and Structures* refers to building envelopes taking into account “*15 metre boundary setbacks with the exception of 30 metres for lots abutting Willyung Road*”, Council has previously supported reduced setbacks on subdivision guide plans pertaining to this area, including the previous subdivision guide plan over Lots 104 and 105.
40. 15m setbacks have been applied consistently throughout Special Residential Area No. 11, with the exception of a number of highly constrained lots on the eastern side of Lot 105 and on Lot 9002 Pony Club Road, which abuts the eastern boundary of Lot 105. On these lots, 10m front setbacks have been permitted. Similarly, side setbacks have been consistently applied wherever possible, with 5m setbacks prescribed only on those same, highly constrained lots and a further three lots to the west of the subject land, owing to their size and shape.
41. When assessing individual applications for Planning Scheme Consent that seek variations to the setback provisions contained within the Town Planning Scheme, the objectives of provision *6.0 Location of Buildings and Structures*, have been complied with by permitted only very minor variations. Typically this has meant that setbacks are never reduced to less than 10m, unless the subdivision guide plan specifically prescribes a lesser setback.
42. As described in paragraph 11, the draft modified policy seeks to generally reduce street setbacks and side setbacks to 7.5m and 5m respectively, with the exception of the Greenwood Drive street setbacks on Lots 706, 716 and 828, which it seeks to reduce to 5m. The draft modified policy seeks to reduce the Willyung Road street setback on Lot 701 from 30m to 7.5m.

43. As outlined above, numerous problems have arisen as a result of the incompatibility between the requirement for 15m boundary setbacks and the prevailing lot size of 4000m², most of which have a 40m frontage. Applying 15m setbacks on a lot with a 40m frontage leaves a 10m-wide building envelope, which is insufficient for a modern family home and associated outbuildings and water tanks. This is often compounded by the depth of the lot and/or the orientation of the lot, as those with a narrow east-west dimension do not allow developers to take full advantage of solar gain from the north.
44. In view of the above issues the subdivision guide plan contained within the previously adopted Local Planning Scheme Policy and the approved subdivision guide plan over Lot 9002 Pony Club Road, it is considered that reduced setbacks can be supported. The proposed street setbacks are considered to be inconsistent with the objectives of provision *6.0 Location of Buildings and Structures*, and unsuitable for a 'Special Residential' zone, as they are more typical of a 'Residential' zone with the R5 density coding. Furthermore, the previously adopted Local Planning Scheme Policy and the approved subdivision guide plan over Lot 9002 Pony Club Road do not reduce street setbacks below 10m.
45. Should Council resolve to reduce the street setbacks within the draft modified Local Planning Scheme Policy to 7.5m, there is a risk of setting an undesirable precedent for adjoining subdivisions within Special Rural Area No. 11, where developers may seek significant variations to the prescribed 15m setback requirement. Should this precedent be set and setback variations on adjoining subdivisions subsequently refused, the City may be challenged at the State Administrative Tribunal and Council would most certainly be open to complaint.
46. In order to avoid this situation, maintain a consistent semi-rural streetscape and remain consistent with the objectives of the Scheme, Council may resolve to adopt the draft modified Local Planning Policy, for the purpose of public advertising, subject to the following modifications:
- i) Replacement of the words "7.5m from the front boundary" with "10m from street boundaries" in the "Development Envelope" notation on the subdivision guide plan;
 - ii) Revision of the subdivision guide plan to illustrate 10m street setbacks on all lots, including the Greenwood Drive street setback on Lots 706, 716 and 828; and
 - iii) Revision of the subdivision guide plan to illustrate a 15m street setback on the southern boundary of lot 701 (adjacent to Willyung Road).

GOVERNMENT CONSULTATION

47. Should Council resolve to adopt the draft Local Planning Policy for the purpose of public advertising, it will be referred to relevant State Government agencies as part of the advertising process.

PUBLIC CONSULTATION / ENGAGEMENT

48. Should Council resolve to adopt the draft Local Planning Policy for the purpose of public advertising, it will be advertised in accordance with Clause 6.9 of Town Planning Scheme (TPS) No. 3 (see paragraph 26 below).

STATUTORY IMPLICATIONS

49. The subject lot is zoned 'Special Residential' and is contained within the Special Residential Area No. 11, under Town Planning Scheme No. 3. Special Provision 1.2 of the zone controls allows Council to consider modifications to the SGP as follows:

“The Council will not recommend lot sizes less than 4000m². Subdivision shall generally be in accord with the lot sizes and layout shown on the Subdivision Guide Plan. Any significant variation to the Subdivision Guide Plan will need to be justified in terms of land capability, visual impact, retention of views, vegetation retention, emergency access/egress and setbacks from King River and creeks. Consultation with and general support of surrounding landowners will be a prerequisite to consideration of any significant variation to the Subdivision Guide Plan.”

50. Clause 6.9 of TPS No. 3 set out the processes to adopt and alter Town Planning Scheme Policies and also provide direction on what function the policies have in the decision-making process.

“6.9 POWER TO MAKE POLICIES

- 6.9.1 *In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.*
- 6.9.2 *A Town Planning Scheme policy shall become operative only after the following procedures have been completed:*
- (D) *The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (E) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
- (F) *Following Final Adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.*
- 6.9.5 *A Town Planning Scheme policy may only be altered or rescinded by:*
- (C) *Preparation and Final Adoption of a new Policy pursuant to this Clause, specifically worded to supersede an existing Policy.*

- (D) *Publication of a Formal Notice of Rescission by the Council twice in a newspaper circulating in the area.*
- 6.9.6 (A) *A Town Planning Scheme policy shall not bind the Council in respect of any application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the Policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
- (C) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve any submissions lodged, before making its decision.”*

STRATEGIC IMPLICATIONS

51. This item relates to the following elements from the City of Albany Strategic Plan (2011-2021):

Key Focus Area:

Sustainability and Development

Community Priority

Single Town Planning Scheme

Proposed Strategies

- *Provide greater flexibility in housing options so there is greater property diversity.*
 - *Provide definitions of the type and location of future residential housing.*
 - *Protect natural reserves.*
 - *Develop strategies to retain prime agricultural land.*
52. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.
53. Section 8.3.1 – *Strategic Settlement Direction* sets the following Strategic Objective:
- “Facilitate and manage sustainable settlement growth for the urban area in the City of Albany”.*

This objective is supported by a set of aims that have been devised to contain the spread of fragmented urban and rural living areas in the City. They are as follows:

- *Providing for growth in urban areas, rural townsites and rural living areas as designated in ALPS.*
- *Minimising the development footprint on the landscape to help protect biodiversity and the environment.*
- *Promoting energy conservation.*
- *Providing greater housing choice.*
- *Minimising journey length from home to work/school/services and encouraging the use of public transport, cycling and walking.*

- *Reducing government expenditure on servicing current and future populations.*

54. Section 8.3.5 – *Rural Living* sets the following Strategic Objective in the ALPS:

“In the long term encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.”

The ALPS expands on this by stating that: “The strategy’s objectives for Rural Living areas are to:

- *Discourage the creation of additional rural townsites for living purposes.*
- *Avoid the development of Rural Living areas on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity.*
- *Avoid the development of Rural Living areas on future and potential long-term urban areas.*
- *Provide compact growth of selected existing rural townsites in accordance with Table 5, based on land capability and available services and facilities.*
- *Minimise potential for generating land-use conflicts.*

Existing Rural Residential areas in the ALPS are mainly on the fringe of the proposed Future Urban area.

Existing Special Rural and Special Residential zones in the City’s current Town Planning Scheme are fragmented and located within or next to rural areas on the periphery of the Albany urban area, along the King and Kalgan Rivers and around Princess Royal and Oyster Harbours. These zones are at different stages of development and not required to be connected to reticulated sewerage. Some of the outer areas, such as Millbrook and most of Gull Rock, are also not connected to reticulated water”.

55. The proposal is considered to be consistent with Section 8.3.5 of the ALPS, as it:

- discourages the creation of additional rural town sites for living purposes;
- avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
- avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Residential purposes; and
- will create lot sizes similar to those adjoining the subject land, which are being used for similar rural residential living purposes, therefore minimising the potential for generating land-use conflicts.

POLICY IMPLICATIONS

56. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the proposal.

57. **SPP 1 – State Planning Framework**

The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

SPP1 describes the factors which represent good and responsible decision-making in land use planning:

“Environment

The protection of environmental assets and the wise use and management of resources are essential to encourage more ecologically sustainable land use and development. Planning should contribute to a more sustainable future by:

- i. promoting the conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;*
- ii. assisting in the conservation and management of natural resources, including air quality, energy, waterways and water quality, land, agriculture and minerals, to support both environmental quality and sustainable development over the long term;*
- iii. protecting areas and sites with significant historic, architectural, aesthetic, scientific and cultural values from inappropriate land use and development;*
- iv. adopting a risk-management approach which aims to avoid or minimise environmental degradation and hazards; and*
- v. preventing environmental problems which might arise as a result of siting incompatible land uses close together.*

Community

Planning anticipates and responds to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities. Planning should recognise the need for and, as far as practicable, contribute towards more sustainable communities by:

- i. accommodating future population growth and providing housing choice and diversity to suit the needs of different households, including specialist housing needs, and the services they require;*
- ii. providing land for a range of accessible community resources, including affordable housing, places of employment, open space, education, health, cultural and community services;*
- iii. integrating land use and transport planning and promoting patterns of land use which reduce the need for transport, promote the use of public transport and reduce the dependence on private cars;*
- iv. encouraging safe environments, high standards of urban design and a sense of neighbourhood and community identity;*
- v. promoting commercial areas as the focus for shopping, employment and community activities at the local, district and regional levels; and*

- vi. *providing effective systems of community consultation at appropriate stages in the planning and development process.*

Economy

Planning should contribute to the economic well-being of the State, regions and local communities by supporting economic development through the provision of land, facilitating decisions and resolving land use conflicts. In particular, planning should provide for economic development by:

- i. *providing suitable zoned and serviced land for industry, business and other employment and wealth generating activities;*
- ii. *protecting agricultural land resources from inappropriate uses;*
- iii. *avoiding land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts;*
- iv. *promoting local employment opportunities in order to reduce the time and cost of travel to work;*
- v. *providing sites for tourism accommodation and facilities taking account of their special location and servicing needs; and*
- vi. *ensuring that plans and policies are clear and certain, decisions are made in accordance with plans and policies, and decisions are made expeditiously.*

Infrastructure

Planning should ensure that physical and community infrastructure by both public and private agencies is coordinated and provided in a way that is efficient, equitable, accessible and timely. This means:

- i. *planning for land use and development in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes and essential services;*
- ii. *protecting key infrastructure, including ports, airports, roads, railways and service corridors, from inappropriate land use and development;*
- iii. *facilitating the efficient use of existing urban infrastructure and human services and preventing development in areas which are not well serviced, where services and facilities are difficult to provide economically and which creates unnecessary demands for infrastructure and human services; and*
- iv. *encouraging consultation with providers of infrastructure, to ensure they have regard to planning policies and strategic land use planning when making their investment decisions, in order to ensure that land use and development are closely integrated with the provision of infrastructure services.”*

The proposal:

- adopts a risk-management approach which aims to avoid or minimise environmental degradation and hazards;
- prevents environmental problems which might arise as a result of siting incompatible land uses close together;
- provides housing choice and diversity to suit the needs of different households;
- avoids land use conflicts by separating sensitive and incompatible uses from industry and other economic activities with off-site impacts; and
- will ensure that decisions are made in accordance with plans and policies, and decisions are made expeditiously.

58. SPP 3 – Urban Growth and Settlement

SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The key policy objectives in SPP 3 are as follows:

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

The proposal will:

- build on an existing community with established local and regional economies and enhance the quality of life in that community;
- manage the growth and development of the area in recognition of relevant climatic, environmental and community values and constraints
- promote the development of a sustainable and liveable neighbourhood form, while providing choice of housing and creating an identifiable sense of place for the community.

RISK IDENTIFICATION & MITIGATION

59. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Not adopting the draft Local Planning Scheme policy may lead to complaint from the proponent.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation is entirely dependent on Council's decision.</i>
<i>Adopting the draft Local Planning Scheme policy in its current form will likely set an undesirable precedent for adjoining subdivisions within Special Rural Area No. 11, where developers may seek significant variations to the prescribed 15m setback requirement. Should this precedent be set and setback variations on adjoining subdivisions subsequently refused, the City may be challenged at the State Administrative Tribunal and Council would most certainly be open to complaint, possible public embarrassment and local news coverage.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation is entirely dependent on Council's decision.</i>
<i>Adopting the draft Local Planning Scheme policy, subject to the recommended modifications, should achieve a balance between the proponent's objectives and the objectives of the Scheme, while avoiding the creation of an undesirable precedent. There is still some potential</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>This option presents the least risk to Council and the City, although it cannot be completely mitigated.</i>

<i>for complaint, but this is less likely to cause public embarrassment or warrant local news coverage.</i>				
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FINANCIAL IMPLICATIONS

60. Staff have processed the application within existing budget lines.

LEGAL IMPLICATIONS

61. There are no legal implications in relation to this item.

ALTERNATE OPTIONS

62. Council has the following options:

- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, without modification;
- Adopt the draft Local Planning Scheme policy for the purpose of public advertising, subject to modification; or
- Not adopt the draft Local Planning Scheme policy for the purpose of public advertising.

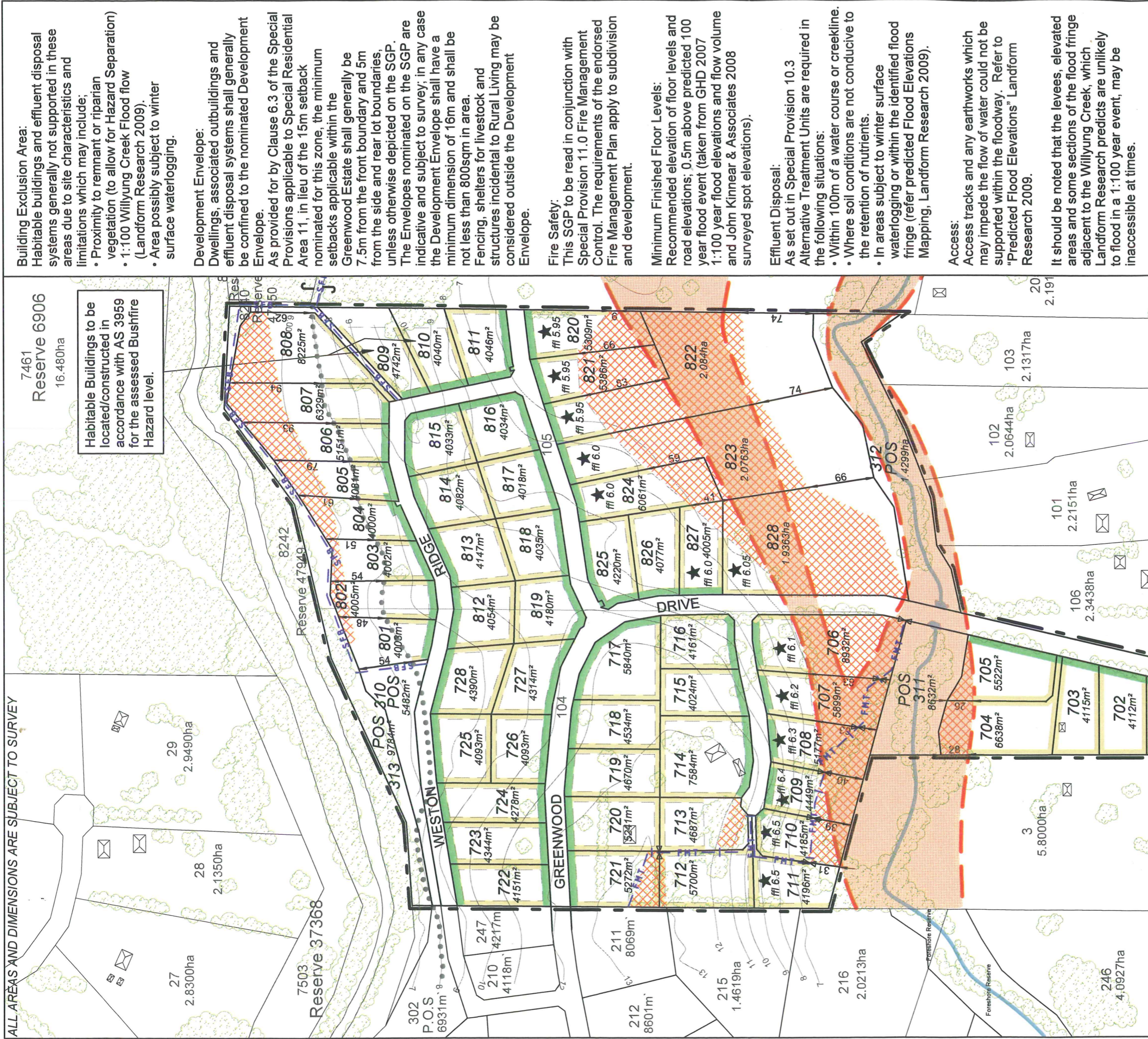
SUMMARY CONCLUSION

63. The draft policy is broadly consistent with the objectives of the ALPS and SPP's 1 and 3. Its adoption, subject to modifications, will ensure that:

- It more accurately reflects the lot numbers, configuration and agreed foreshore reserves shown on the draft deposited plan;
- Address the impracticality of achieving 15m boundary setbacks on predominantly 4000m² lots with 40m frontages;
- Include additional information on the subdivision guide plan to specify preferred setbacks across the estate; and
- Standardize setbacks in order to negate the need for individual owners to seek variations, which will provide them with a degree of certainty and streamline the processing of applications.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	A55398; A171598 (Kalgan Ward)

AGENDA ITEM 2.7 REFERS



Building Exclusion Area:
 Habitable buildings and effluent disposal systems generally not supported in these areas due to site characteristics and limitations which may include:

- Proximity to remnant or riparian vegetation (to allow for Hazard Separation)
- 1:100 Willuyung Creek Flood flow (Landform Research 2009).
- Area possibly subject to winter surface waterlogging.

Development Envelope:
 Dwellings, associated outbuildings and effluent disposal systems shall generally be confined to the nominated Development Envelope.

As provided for by Clause 6.3 of the Special Provisions applicable to Special Residential Area 11, in lieu of the 15m setback nominated for this zone, the minimum setbacks applicable within the Greenwood Estate shall generally be 7.5m from the front boundary and 5m from the side and rear lot boundaries, unless otherwise depicted on the SGP. The Envelopes nominated on the SGP are indicative and subject to survey; in any case the Development Envelope shall have a minimum dimension of 16m and shall be not less than 800sqm in area.

Fencing, shelters for livestock and structures incidental to Rural Living may be considered outside the Development Envelope.

Fire Safety:
 This SGP to be read in conjunction with Special Provision 11.0 Fire Management Control. The requirements of the endorsed Fire Management Plan apply to subdivision and development.

Minimum Finished Floor Levels:
 Recommended elevation of floor levels and road elevations; 0.5m above predicted 100 year flood event (taken from GHD 2007 1:100 year flood elevations and flow volume and John Kinnear & Associates 2008 surveyed spot elevations).

Effluent Disposal:
 As set out in Special Provision 10.3 Alternative Treatment Units are required in the following situations:

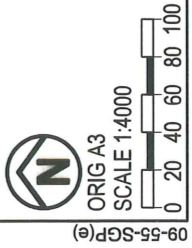
- Within 100m of a water course or creekline.
- Where soil conditions are not conducive to the retention of nutrients.
- In areas subject to winter surface waterlogging or within the identified flood fringe (refer predicted Flood Elevations Mapping, Landform Research 2009).

Access:
 Access tracks and any earthworks which may impede the flow of water could not be supported within the floodway. Refer to "Predicted Flood Elevations" Landform Research 2009.

It should be noted that the levees, elevated areas and some sections of the flood fringe adjacent to the Willuyung Creek, which Landform Research predicts are unlikely to flood in a 1:100 year event, may be inaccessible at times.

LEGEND

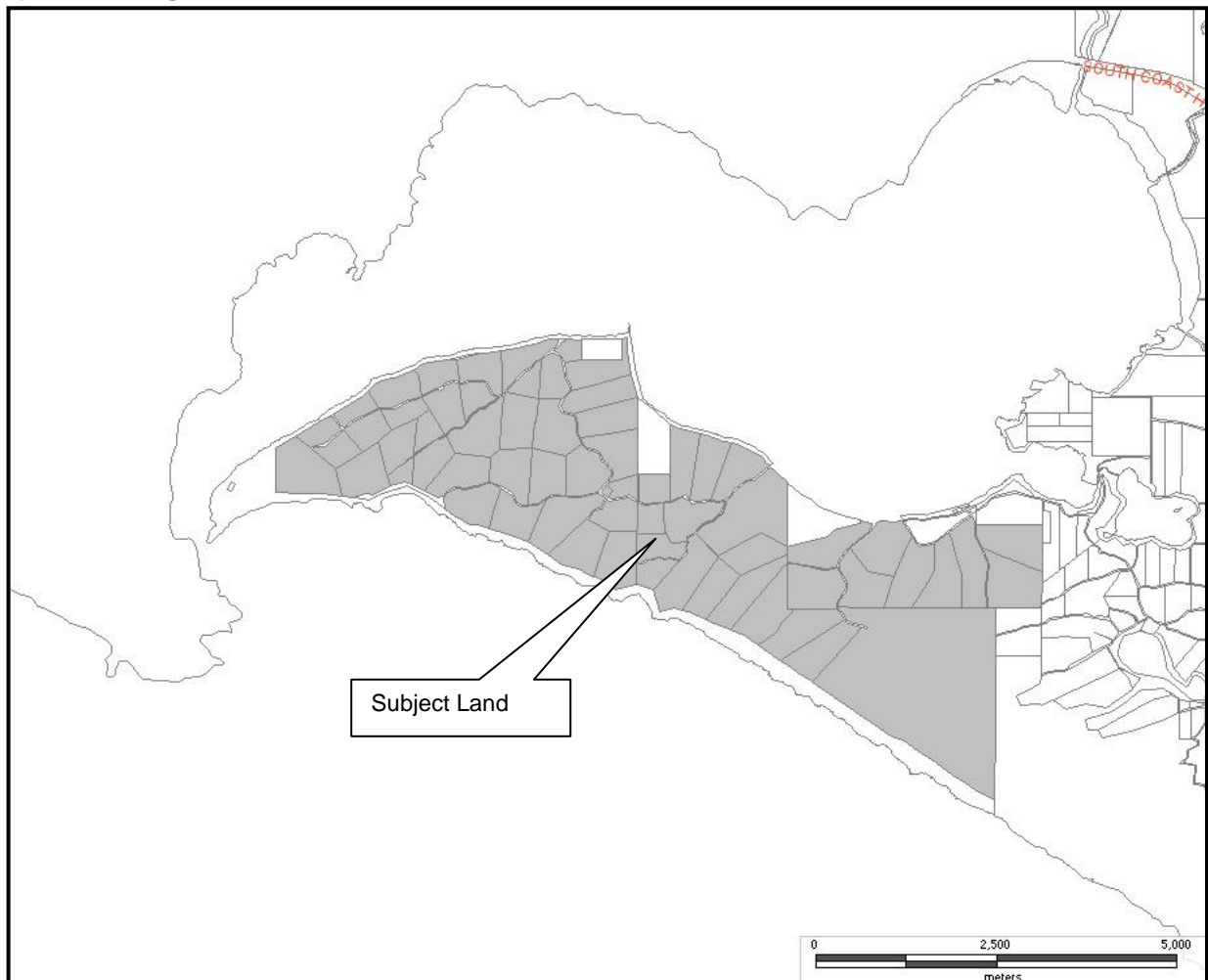
	Subject Land		Development Envelope
	Existing Vegetation		7.5m Setback
	Existing Buildings		5m Setback
	Strategic Fire Break / Multi Use Trail		Min FFL Nominated (Refer to Predicted Flood Elevation Plan.) (Derived from GHD 2007)
	Fire Management Track		Building Exclusion Area
	Unlocked Fire Gate (to be provided if fence is erected)		1:100 Year Flood Level, for King River Alignment based on detailed site survey 2008
			Extent of Willuyung Creek floodway (Interpreted 2009)



2.8:FINAL ADOPTION OF AMENDMENT – LOCATIONS 1609, 1828, 1947, 1990-1992, 2064, 2229 & 3102 EDEN ROAD, YOUNGS SIDING

Land Description	: Locations 1609, 1828, 1947, 1990-1992, 2064, 2229 and 3102 Eden Road, Nullaki
Proponent	: Ayton Baesjou Planning
Owner/s	: G J Robertson & S Dzwonnik (main landowners)
Business Entity Name	: N/A
Attachments	: Submissions : Example Development Area AS3959
Responsible Officer(s)	: Executive Director Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- Final approval is sought for the proposed scheme amendment that will modify the scheme provisions of Conservation Zone Area No. 1 in such a way that caretaker dwellings will be allowed on all lots within the Conservation Zone area 1.

ITEM: 2.8 RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BOWLES

SECONDED: COUNCILLOR ATTWELL

THAT Council:

1. In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2) of the Town Planning Regulations 1967* **FINALLY ADOPTS WITH MODIFICATIONS** Amendment No.309 to Town Planning Scheme No. 3 for the purpose of:
 - i. Deleting existing clause 3.1 dot point two and replacing it with the following;

Caretaker's Accommodation (maximum floor area 150m²) to be located between the main residential house and the front gate, utilising shared access. In assessing applications and determining the location of Caretaker's Accommodation consideration is to be given to the objectives of the zone, clause 8.0 Vegetation and Habitat Protection, clause 11.0 Fire Protection and the aim to provide the greatest security and management benefit to the property and the peninsula.
 - ii. Deleting existing clause 4.1 and replacing it with the following;

The Development Area refers to the area within which all development on each lot (including sheds, water storage, low fuel areas and effluent disposal areas) must be confined and is not to exceed 1.0ha.
 - iii. Modifying clause 4.4 to include reference to the EPA's Guidance statement No. 56 - Terrestrial Fauna Surveys for EIA in WA.
2. **NOTES** the staff recommendations within the attached Schedule of Submissions and **ENDORSES** those recommendations.

CARRIED 9-0

BACKGROUND

1. Amendment No. 309 proposes to amend the special provisions of Conservation Zone Area No. 1 by allowing one caretakers dwelling per lot and providing direction on the size and positioning of building envelopes for caretakers dwellings. Currently a maximum of six for the entire Estate applies.
2. Council initiated Amendment 247 at its Ordinary Meeting on 19 July 2005 (Item 11.3.6). This amendment proposed to modify the subdivision guide plan and scheme provisions associated with the Nullaki Conservation Zone. One of the provisions made allowance to increase the number of caretakers dwellings throughout the Estate from six to sixty to allow a caretakers dwelling on each lot.

3. The Environmental Protection Authority (EPA) and the Minister for Planning considered the additional caretakers' dwellings to be inconsistent with the objectives of the zone, as they could potentially have detrimental impacts on flora, fauna, surface water and groundwater. Consequently the amendment was rejected and Council was appropriately notified of that decision.
4. Following this decision the proponent prepared Amendment No. 259. This amendment removed the provision allowing for additional caretakers' dwellings, but retained the modifications to the subdivision guide plan and other proposed scheme provisions that formed part of Amendment 247. The EPA supported the modifications and the amendment was finally approved by the Minister for Planning on 17 March 2011 and gazetted on 25 March 2011.
5. The proponent, through Amendment 309, is now seeking to revisit the issue of caretakers accommodation and has identified the following information in support of that position:
 - An analysis of existing effluent disposal systems within the Nullaki Estate (specifically Lot 133) has determined that a second effluent disposal system per lot will not detrimentally impact groundwater; and
 - A reduced development area of one hectare for caretakers and main dwellings down from 1.5 hectares to limit the amount of clearing involved.
6. The table below identifies what Council has previously supported as part of Amendment 247 and what is proposed under Amendment 309.

Amendment 247	Amendment 309
<p><i>3.1 Within Conservation Zone Area No. 1 the following uses shall be permitted subject to the Special Approval of Council:</i></p> <ul style="list-style-type: none"> - <i>Caretakers Accommodation (max permissible floor area of 150m²):- Located subject to application for and granting of Planning Scheme Consent. Caretakers accommodation shall:</i> <ol style="list-style-type: none"> a. <i>be located no more than 300m from the principal dwelling; and</i> b. <i>be located in a situation adjacent to the driveway between the principal dwelling and the public road access so as to provide strategic surveillance of access to/from the lot as well as visual surveillance of the principal dwelling;</i> c. <i>Notwithstanding clauses a & b above, in the case where a lot is bisected by a public roadway, Council may approve caretakers accommodation not located within 300m of the primary dwelling and not located adjacent to the driveway serving the primary dwelling on the basis that it is demonstrated that the caretakers accommodation can provide and maintain visual surveillance over the principal</i> 	<p><i>3.1 Within Conservation Zone Area No. 1 the following uses shall be permitted subject to the Special Approval of Council:</i></p> <ul style="list-style-type: none"> - <i>Caretakers Accommodation (maximum floor area 150m²) to be located between the main residential house and the front gate, utilising shared access. In assessing applications and determining the location of Caretaker's Accommodation consideration is to be given to the objectives of the zone, clause 8.0 Vegetation and Habitat Protection, clause 11.0 Fire Protection and the aim to provide the greatest security and management benefit to the property and peninsula.</i> <p><i>4.1 The Development Area refers to the area in which all development on each lot (including sheds, water storage, low fuel areas and effluent disposal areas) must be confined and is not to exceed 1.0ha.</i></p>

<p><i>residence. In the instance where caretakers accommodation is located between Nullaki Drive and the Wilson Inlet Foreshore Reserve, any such caretakers accommodation shall be located and designed such that it is not visible from a foreshore node or the Bibulmun Track.</i></p> <p><i>4.1 The Development Area refers to the area within which all development on each lot (including sheds and water storage) must be confined and is not to exceed 1.0 hectare on lots where caretakers accommodation is not approved or 1.5 hectares where caretakers accommodation is approved subject to provision 3.1.</i></p>	
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7. The current special provisions applying to Conservation Zone Area No. 1 are:

“3.0 Land use

3.1 Within Conservation Zone Area No. 1 the following uses shall be permitted subject to the Special Approval of Council:

- Single House*
- Caretakers Accommodation (maximum floor area 150m²) limited to six within Conservation Zone Area No. 1, located subject to specific application and approval. In assessing applications for caretakers accommodation, Council will aim to provide the greatest security and management benefit and shall have regard to relevant issues including the need to ensure caretakers accommodation is strategically located throughout the Peninsula in order to maximise surveillance and security of house sites, public use nodes and environmentally sensitive areas such as Anvil Beach and the sand blowouts....”*

4.0 Development Area

4.1 The Development Area refers to the area within which all development on each lot (including sheds, water storage, low fuel areas and effluent disposal areas) must be confined and is not to exceed 1.0 hectare on lots where caretakers accommodation is not approved or 1.5 hectares where caretakers accommodation is approved subject to Provision 3.1.

4.2 The Development Area may be split to allow the separate development of the main residential house and the caretakers accommodation...”

8. The objective of Conservation Zone Area No. 1 is to:

- protect, enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula;*
- provide for controlled public access to the Peninsula, the Wilson Inlet Foreshore and Anvil Beach; and*
- Provide for limited wilderness retreat subdivision and development in a manner that is compatible with the conservation values of the Peninsula.*

9. At the Ordinary Council Meeting on 13 December 2011 it was resolved:

THAT Council determines that initial public consultation, prior to referral to the EPA, and outside of the statutory framework set down by the Town Planning Regulations 1967 is not required and in pursuance of Section 75 of the Planning and Development Act 2005 resolves to INITIATE Amendment No. 309 to Town Planning Scheme No. 3, without modification, for the purposes of:

Deleting existing clause 3.1 dot point two and replacing it with the following;

Caretaker's Accommodation (maximum floor area 150m²) to be located between the main residential house and the front gate, utilising shared access. In assessing applications and determining the location of Caretaker's Accommodation consideration is to be given to the objectives of the zone, clause 8.0 Vegetation and Habitat Protection, clause 11.0 Fire Protection and the aim to provide the greatest security and management benefit to the property and the peninsula.

Deleting existing clause 4.1 and replacing it with the following;

The Development Area refers to the area within which all development on each lot (including sheds, water storage, low fuel areas and effluent disposal areas) must be confined and is not to exceed 1.0ha.

10. Council is required to consider the submissions received from the consultation period and determine whether to grant final approval to the proposed scheme amendment.

DISCUSSION

11. The current allocation of Caretaker's Accommodation is limited to six dwellings under the existing scheme provisions. The six Caretakers dwellings allowed in the provisions have already been allocated/approved on Lots 104, 107, 115, 116, 122 and 134 (as per the attached map).



12. This proposal will allow for caretaker dwellings on each of the sixty lots (subject to the purchaser wishing to take advantage of this option). This could ultimately represent an increase of 54 dwellings within the Nullaki Estate.
13. The proponent has advised that the majority of Nullaki landowners are often away from their properties for extended periods of time. The remote location of the Peninsula and high level of absenteeism raises a security and safety risk to property. This is further exacerbated by boundary fencing being minimal/precluded and a general lack of surveillance.
14. Caretakers that permanently reside in the estate would assist in overcoming these issues and allow for an improved response to a bushfire by turning on sprinkler systems, improving bushfire surveillance and providing an instant volunteer fire-fighting team.
15. The proposed modifications will limit the total clearing allowed on each of the lots to 1ha regardless of whether the lot is developed with a single dwelling only or with a single dwelling (main residential house) and caretakers dwelling. This is a reduction of 0.5 hectares from that identified in the current provisions.
16. Where two single dwellings (main residential house) and caretakers dwellings are developed, a higher level of construction in accordance with Australian Standard 3959 (Buildings in Bushfire Prone Areas) may be required where hazard separation and building protection zones cannot be achieved due to the one hectare clearing restriction. A detailed fire report is required to be submitted for each dwelling as part of any application for planning scheme consent.

17. The proposed modifications will potentially result in 54 additional effluent disposal systems throughout the area. Given that the lot sizes are predominantly 40ha in area this will result in one effluent disposal system for every 20 hectares. The standard in other “Conservation” Zones is one effluent disposal system for every ten hectares.
18. The proponent has recently engaged an environmental consultant to undertake soil and groundwater testing adjacent to an existing residence at the Nullaki (Lot 133). The residence is positioned within close proximity to the Wilson Inlet foreshore and has been on the site for 20 years. The testing has revealed that effluent from the existing septic system had not leached into the groundwater, with no bacterial contamination being found. The consultant has concluded, based on the laboratory results, the size of lots at the Nullaki and that the majority of house sites being on or adjacent to ridge lines (being 50 to 100 metres higher than known ground water tables), that the concerns about effluent disposal systems should not form the basis for an argument to restrict additional caretaker cottages.
19. As per Paragraph 6 above, the proposed provisions are very similar to those previously supported by Council as part of Amendment 247 (OCM 19 July 2005). The differences are:
 - a. The maximum development area is to be reduced from 1.5 hectares to 1 hectare in size for all lots, regardless whether a caretakers dwelling is proposed.
 - b. The requirement for the caretakers dwelling to be within 300m of the main house has been omitted, however all other requirements such as sharing access are retained.
 - c. The amendment documents provide evidence that the additional caretakers dwellings, and associated effluent disposal systems, are not likely to impact on groundwater.
20. The proposed provisions are supported by staff on the basis that:
 - a. The retention of a one hectare clearing limit will ensure no additional clearing to that contemplated under the existing provisions will result. A higher level of construction for dwellings under Australian Standard 3959 may be required.
 - b. The new proposal is more practical given the size of the lots their topography and the capability of using areas on the lots already cleared or sparsely vegetated.
21. The main concern that has been raised during advertising has been in respect to the proposed reduction of the maximum amount of clearing allowed for a Development Area from 1.5 HA to 1HA.
22. A Development area of less than 1Ha is considered appropriate for the development of primary residence and the caretakers dwelling when its co-located within the same development area and will normally require development at a AS3959 level of 12.5 or lower
23. Where collocation is not possible and separate development areas are required. Higher levels of constructing in accordance with AS 3959 is appropriate and provides adequate protection to allow the development of a Primary dwelling and a Caretakers dwelling. (Examples explaining the amount of clearing and AS 3959 is attached for information)

GOVERNMENT CONSULTATION

24. The EPA provided a response to the City containing comments and advice on the proposed scheme amendment. The comments include a requirement to modify existing clause 4.4 in such a way that it includes a reference to the EPA's Guidance statement No. 56 - Terrestrial Fauna Surveys for EIA in WA.
25. The amendment was referred to WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Water, Department of Environment and Conservation, Department of Regional Development and Land and the Shire of Denmark for assessment and comment. Responses were received from Telstra, Water Corporation, Western Power, Department of Water, and Department of Environment and Conservation and the Department of Regional Development and Lands these submissions are summarised, discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.
26. No objections have been received, advice and recommendations have however been provided by the Government Departments and Agencies.
27. The most pertinent comments were received from the Department of Environment and Conservation who comments on the appropriateness and effectiveness of Caretakers dwellings as an effective way to manage the risk to properties. The Department in their submission suggests alternatives that according to them are considered more effective in managing risk and protecting the environment.

PUBLIC CONSULTATION / ENGAGEMENT

28. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 5 April 2012 to 17 May 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in a local newspaper.
29. Four submissions were received from adjoining landowners/members of the public. These submissions support the amendment to allow Caretakers dwellings on all the lots. However, some also raised concern over the proposed reduction of the maximum amount of clearing allowed for a Development Area from 1.5 HA to 1HA.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

31. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Lifestyle and Environment

Community Priority

Preservation of Albany's uniqueness

Proposed Strategies

Preserve Albany's coastline through its Town Planning Scheme, regulation and monitoring. Protect remnant vegetation (particularly in urban areas) to preserve Albany's beauty and uniqueness.

32. The Albany Local Planning Strategy (ALPS) identifies this area as an “*environmental protection area*”; the key element being to protect biodiversity, natural character and resources and to reduce the environmental impacts from land use and development.

33. Section 8.3.5 – *Rural Living* sets the following Strategic Objective:

“The Conservation Areas in the ALPS are in the Big Grove, Torbay Hill and Nullaki localities with many along major tourist routes. This classification is a reflection of the visual importance of land often next to a national park, ocean, inlet, harbour or groundwater reserves. A major issue is fire risk ranging from high to extreme in these localities. Minimisation of the development footprint is very important to retain the amenity and sustainability of these areas, so as a general rule, additional subdivision of these areas will not be supported.”

34. The proposal is considered to be consistent with the above objectives on the basis that the development areas will not result in additional clearing and the additional dwellings contemplated are not likely to impact on groundwater.

POLICY IMPLICATIONS

35. The recommendation is consistent with relevant Council Policy.

RISK IDENTIFICATION & MITIGATION

36. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The proposal could result in exposing more people to existing fire risk.</i>	<i>Possible</i>	<i>Extreme</i>	<i>Extreme</i>	<i>Ensure all new dwellings are constructed to Australian Standard 3959 with sprinkler systems installed.</i>
<i>Community concerns, particularly from outside of the Nullaki Estate about the impact of additional dwellings on environmental values.</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>Consider concerns as part of formal advertising process, post advice from the EPA, or undertake preliminary informal consultation pre referral to EPA.</i>

FINANCIAL IMPLICATIONS

37. The appropriate planning fee has been paid by the proponent. The proposal has been assessed by staff using in-house resources.

LEGAL IMPLICATIONS

38. Section 75 of the *Planning Development Act 2005* allows Council to amend its Town Planning Scheme.

39. Regulation 17(2)(a) of the *Town Planning Regulations 1967* allows Council to adopt the Scheme with or without modification.

ALTERNATE OPTIONS

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

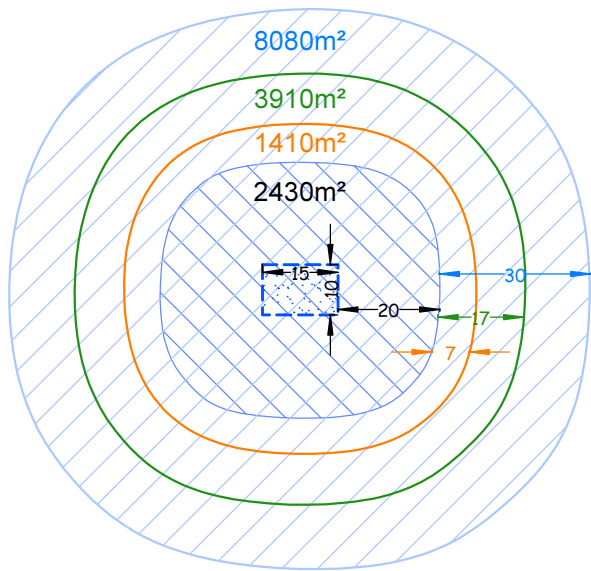
- To adopt the Scheme Amendment without modifications;
- To adopt the Scheme Amendment with modifications; or
- To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

SUMMARY CONCLUSION


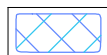

41. The proposal is consistent with Council's previous resolution of 19 July 2005 in seeking to allow all landowners within the Nullaki Estate the ability to have a caretakers dwelling.

42. In order to address the previous concerns of the EPA, the proponent has undertaken groundwater monitoring and has proposed to restrict the development area to 1 hectare per lot, so that no additional clearing is proposed.

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	AMD 309 (West Ward)
Previous References	OCM 21/12/04 - Item 11.3.2 OCM 19/07/05 - Item 11.3.6 OCM 19/12/06 - Item 11.3.4 and 11.1.3 OCM 18/09/07 – Item 11.3.5 OCM 19/02/08 – Item 11.3.4 OCM 13/12/11 – Item 2.2



LEGEND

-  Indicative House Site
-  Building Protection Zone
-  Hazard Separation Zone

BUILDING PROTECTION ZONE

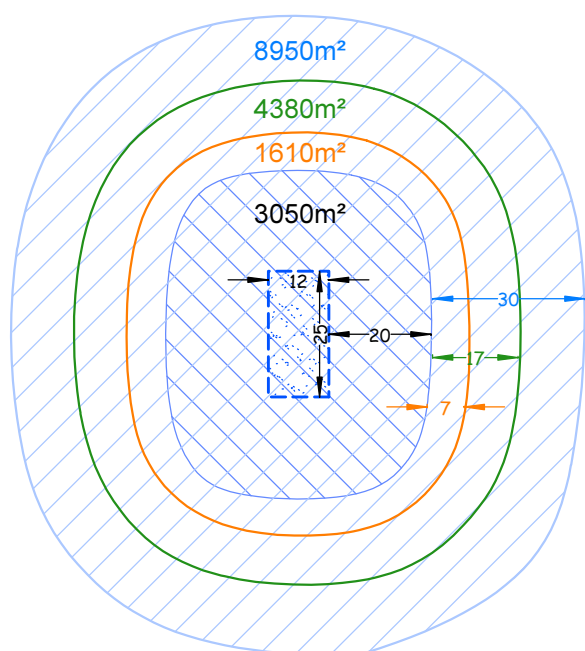
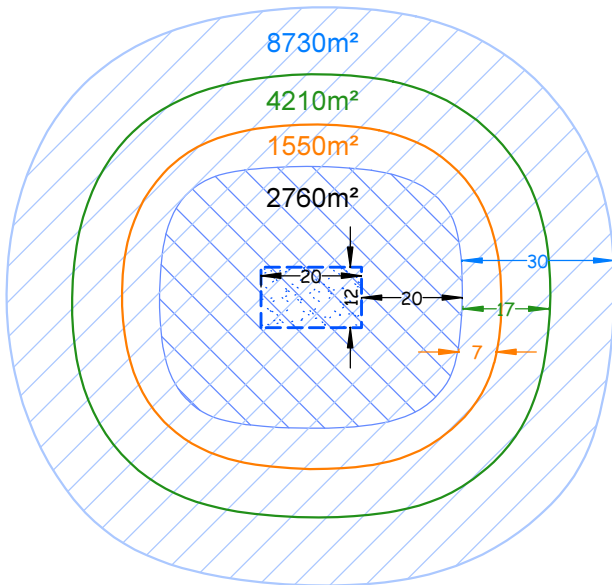
- 20m around all primary buildings.
- Bush & grass maximum height 50mm.
- 5m Clear flammable material around all buildings.
- All log and tree debris removed.
- Branches which may fall on buildings removed.
- Trees to be 15m apart.
- Wood heaps, storage of paints, petrol etc 10m from buildings.
- Minor outbuildings.

HAZARD SEPARATION ZONE

- 30m additional to BPZ
- No buildings
- Maintain bushfire fuels to 4-6t/ha

The default minimum distance of 100 meters (from vegetation rated 'Moderate' or 'Extreme') may be reduced in compliance with AS 3959. Under AS 3959 as the distance from the vegetation is reduced, the construction standard must be increased. Table 2.4.3 of AS 3959 sets out this relationship and Section 2 of AS 3959 details the methodology of determining the Bushfire Attack Level (BAL).

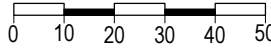
BAL (Bushfire Attack Level) Determination using methodology from Section 2.2.1 of current adopted AS 3959 - 2009 and Table 2.4.3 using Fire Danger Index 80 is reflected in the following Table:



Vegetation Class	Setback from Vegetation	Slope	BAL	Construction Standard AS 3959-2009	BPZ	HSZ
A - Open Forest	50m	0° - 5°	12.5	S. 3 & 5	20m	30m
A - Open Forest	37m	0° - 5°	19	S. 3 & 6	20m	17m
A - Open Forest	27m	0° - 5°	29	S. 3 & 7	20m	7m

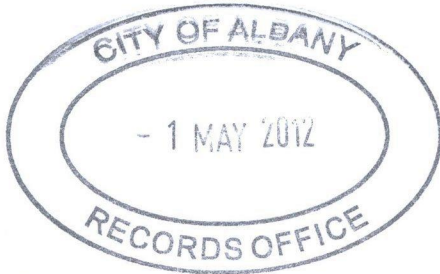
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SCALE 1:1500





Government of **Western Australia**
 Department of **Environment and Conservation**



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

Attention: Craig McMurtrie

Dear Sir

**CITY OF ALBANY, TOWN PLANNING SCHEME NO 3 AMENDMENT NO 309,
 CARETAKER'S ACCOMMODATION, NULLAKI, CONSERVATION ZONE NO. 1, CITY OF
 ALBANY**

You have invited comment from the Department of Environment and Conservation (DEC) South Coast Region, with regard to a proposed scheme amendment that would permit up to 54 additional 'cottage' residences within the Nullaki Wilderness Estate. Currently, only six caretaker cottages are approved out of the 60 lots within the estate. This equates to a potential total number of 120 building lots instead of the current maximum of 60, but achieved without formal subdivision processes and associated safeguards.

SPECIFIC COMMENTS

Section 4.3

Paragraph 3 suggests that increased fire surveillance opportunities would arise from the presence of caretaker cottages on each lot. Conversely, however, increased occupation and new construction activity also potentially increase the fire risk. Furthermore, the Nullaki peninsula is highly visible from Denmark and other habitation around the Wilson Inlet, hence smoke from wildfire may well be spotted more quickly from outside the area than from within it.

In terms of managing risk and protecting the environment, a much more effective alternative strategic and coordinated approach could be to engage a ranger/security team presence operating from one location with a mix of routine and random patrols on a 7/24 basis as is undertaken variously for the State's extensive national park system, by local government authorities and by the community at large for both home and a business security management level.

AGENDA ITEM 2.8 REFERS

Your ref: AMD309/PA37657/AMD309
 Our ref: 27.2.1.3.309 (11/0011234)
 Enquiries: John Watson
 Phone: (08) 9842 4500
 Fax: (08) 9841 7105
 Email: John.Watson@dec.wa.gov.au



Doc No: City of Albany Records
 File: ICR1264403
 Date: AMD309
 Officer: 01 MAY 2012
 SPLAN2

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A security HQ or base/office, with or without live in facilities, and ideally located near the estate entrance through the already existing security fence across the peninsula, would be far less of an environmental impact on native vegetation than the establishment of up to 54 additional cottage dwellings with associated edge effects and scattered in an un-coordinated manner across the peninsula. Unlike a professional ranger/security team, individual 'caretakers' will almost certainly have greatly varying skills that may or may not be relevant to their suggested fire surveillance and environmental protection function and, unlike a professional team, there would presumably be no prerequisite for coordination of their day to day presence, training and general activities.

Paragraph 5 states that 1.0 ha (10,000 sq meters) is more than sufficient for buildings and associated low fuel/hazard separation zones. It certainly should be as such large building/clearing envelopes would be considered extravagant nowadays with a maximum of 3,000 sq metres generally being considered to be adequate, *ie* less than a third of the size for Nullaki.

As a general comment, the focus preferred by this office is to see minimization of the width of hazard separation zones by requiring fire protection building standards to be set at a minimum BAL 29.

DEC Albany is not in a position to comment on potential ground water or waste disposal aspects of the amendment and presumably you have sought advice from the Department of Water on those issues.

Thank you again for referring this scheme amendment proposal for comment.

Yours sincerely



Adnaan Abrahams
A/REGIONAL MANAGER

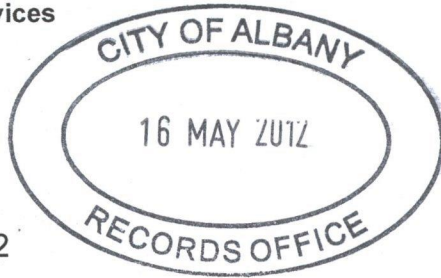
27 April 2012

AMD309
Jan



Government of **Western Australia**
Department of **Regional Development and Lands**

State Land Services



10 May 2012

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

Your ref:
Our ref: 03545-1980 (Job No. 121008)
Enquiries: Ph: (08) 6552 4663
Terri Newman Fax: (08) 6652 4415
Email: terri.newman@rdl.wa.gov.au



Doc No City of Albany Records
File: ICR1265344
Date: AMD309
Officer: 16 MAY 2012
SPLAN2

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Dear Sir/Madam

NULLAKI CONSERVATION AREA – TOWN PLANNING SCHEME AMENDMENT NO. 3

I refer to your letter dated 5 April 2012 regarding the abovementioned proposed Town Planning Scheme Amendment No. 3 within the Nullaki Conservation Area.

The Department of Regional Development and Lands thanks you for the report and has no comment in regards to the proposal.

If you have any further enquiries, please do not hesitate to contact me on (08) 6552 4663.

Yours faithfully

**TERRI NEWMAN
STATE LAND OFFICER
STATE LANDS - SOUTH EAST
STATE LAND SERVICES**

Enc.

AGENDA ITEM 2.8 REFERS

From: [glenda.odonnell](#)
To: [Planning \(External Use ONLY\)](#)
Subject: EF1263673 - AMD309 - Consideration of amendment to Town Planning Scheme 3
Date: Wednesday, 18 April 2012 3:48:15 PM

I am one of the owners of Lot 147 of the Nullaki Peninsular and the sole director, sole secretary of Ben Jer Mel Pty Ltd being one of the other owners of Lot 147.

My husband and I are very much in favour of each property in the Nullaki Conservation Area being permitted to have a Caretaker's Accommodation. The reasoning is simple. The cottage can be let out to someone in residence thereby protecting ones residence and also being available to notify the relevant authority in times of fire, flood, damage to property etc. We believe that with a regulated number of properties on the conservation area which will bring a limited number of occupants and part time occupants it makes the Nullaki a viable investment, part time holiday area for a limited number of people and protects ones property and bushland. At present there are so few people there that there is no deterrent to would be burglars, fire, or help for an individual who requires it.

We are not in favour of reduction in size of the development area from 1.5ha to 1ha.

Glenda O'Donnell

16th May 2012

Mr Craig McMurtrie
Planning Officer
City of Albany

Re: Town Planning Scheme No3, Amendment No 309

Dear Mr McMurtrie

I would like to formally advise my overwhelming support in relation to the above Amendment.

I am currently a resident of the Nullaki the area of which is subject to this Amendment. My address is 1542 (Lot 117) Eden Road. We have owned the property for some years and in July of 2011 my wife and two children aged 4 and 6 years relocated from Sydney and took up residence on the property.

We feel that if the Amendment is passed that there are a number of benefits for both our family and the Nullaki peninsula.

Firstly, we feel that with a greater number of "caretaker cottages" in the area that there is a greater capacity for the area to be better protected. This is achieved through potential improvement in early fire detection (assuming more people are residing on the Nullaki) and minimisation of any unwelcome behaviour which may adversely affect the delicate environment. I refer here to unwelcome 4WD joyrides or motorbike intrusions and the damage such activities create.

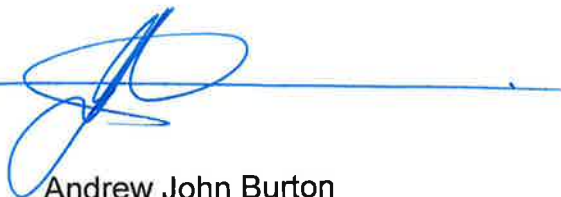
Secondly, we also feel that with a potential increase in the number of people living on the Nullaki that we would see an improvement in security of property and possessions. There are many times that we are away from our home for extended periods and given the isolation of the area, potential for theft is quite high.

Finally and on a personal note, the ability to build a caretakers cottage affords us the opportunity to assist the housing of aged family members later in life which is something that is simply not an option under the current planning arrangements.

In summary, this proposed amendment carries our full support.

In the event that you require any further information from me you can reach me on my mobile 0401 716 318.

Your sincerely



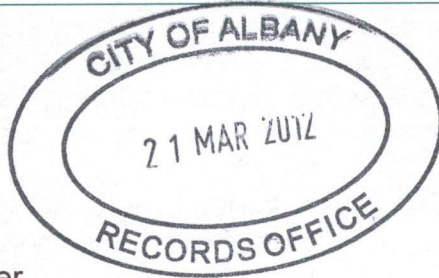
Andrew John Burton



Environmental Protection Authority

AGENDA ITEM 2.8 REFERS

AMD309
The Atrium,
Murray



Doc No: City of Albany Records
File: ICR1261762
Date: AMD309
Officer: 22 MAR 2012
PLAN20
Attach:
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Box+Vol:

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

Our Ref A465077
Enquiries Teresa Bryant
Phone 6467 5444

Attn: Jan van der Mescht

Dear Sir/Madam

DECISION UNDER SECTION 48A(1)(a) *Environmental Protection Act 1986*

SCHEME AMENDMENT TITLE: City of Albany Town Planning Scheme 3 Amendment 309 - to modify Special Provisions relating to Caretaker's Accommodation within Nullaki Conservation Area
RESPONSIBLE AUTHORITY: City of Albany
DECISION: Scheme Amendment Not Assessed - Advice Given (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. **Environmental Issues**
 - Vegetation and Fauna
 - Surface and Groundwater Quality
2. **Advice and recommendations regarding Environmental Issues**

Vegetation and Fauna

The EPA acknowledges that the first objective of the Conservation Zoned Area is "to protect enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula".

It is the EPA's view that whilst retaining the 1 hectare Development Area (DA) will limit the amount of clearing, the requirement for the DA to include all development including sheds, water storage, effluent disposal and low fuel areas is a major consideration of its decision to not assess this amendment.

The EPA's understands that Councils definition of 'low fuel areas' includes both the Building Protection and Hazard Separation Zones and that Council is cognizant that a higher level of building construction in accordance with Australian Standard 3959 may be necessary where the extent of low fuel areas needs to be reduced to contain vegetation clearing and modification to 1 ha.

Although the EPA is concerned that the potential consequences of separating the DA in areas of native vegetation may result in fragmentation of vegetation and fauna habitat, the spread of dieback and increase weed invasion, it is satisfied that the changes proposed to the provisions through this amendment and existing provisions are adequate to ensure environmental values are identified and considered when determining DAs.

The EPA expects that where vegetation clearing and modification for development and fire management requirements threaten vegetation and fauna habitat values, that selection of alternative sites to reduce impacts will be investigated and decisions will be based on the meeting the objectives of the Conservation Zone Area.

The EPA notes that Provision 4.4 currently refers to the EPA's Guidance Statement (GS) No.51 – *Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment (EIA) in Western Australia* being required to determine the presence of rare, endangered and/or threatened flora or fauna species. As GS No. 51 pertains only to flora and vegetation surveys, the presence of fauna species should be undertaken in accordance with the EPA's GS No. 56 - *Terrestrial Fauna Surveys for EIA in WA*. The EPA recommends that Provision 4.4 be amended accordingly.

Surface and Groundwater Quality

Following review of the report by Aurora Environmental and the existing Provisions for effluent disposal aimed at protecting the surface and groundwater quality, it is the EPA's view that potential impacts to surface and groundwater quality can be effectively managed.

The EPA has assessed the potential impacts of the amendment as referred, should clearing of remnant vegetation be proposed beyond that required for the construction of the subdivision and building envelope a clearing permit must be obtained from the Department of Environment and Conservation, unless it is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulation) of the *Environmental Protection Act 1986*.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.

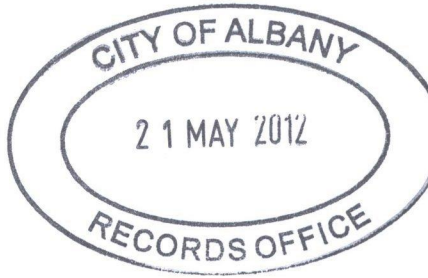
- There is no appeal right in respect of the EPA's decision on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'A. Sutton', with a stylized flourish at the end.

Anthony Sutton
Director
Assessment and Compliance Division

19 March 2012



City of Albany Records
Doc No: ICR1265695
File: AMD309
Date: 22 MAY 2012
Officer: SPLAN2
Attach:
Box:
Vol:
Box+Vol:

15 May 2012

Chief Executive Office
City of Albany
PO Box 484
Albany, WA 6331

Dear Chief Executive,

I am writing to express my opposition to the Amendment to Town Planning Scheme no. 3, Amendment No. 309.

While I support the right of every landowner on the Nullaki Peninsula to have a caretaker's accommodation, I do not support decreasing the maximum size of the development area to 1.0 ha. I think that many of us will get caught between conflicting regulations, specifically the requirement to comply with bushfire standards and also the limited development area. On our property, we needed a full 1.0 ha for the bushfire standard. Thus, it would be impossible to have a caretaker's accommodation as we have already "used" the maximum allowed development area. I suspect this would be the case with other property owners as well.

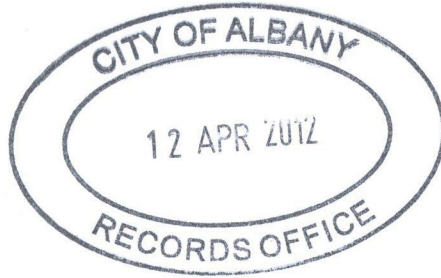
I also think if 1.5 ha was the amount thought not to impact negatively on the conservation goals of the estate, it doesn't and shouldn't matter what that area contains—one house or two.

Thank you.

Sincerely,

Joann Gren
39 Andante St
Falcon, WA 6210

Owner Lot 250



Darren Pateman
PO Box 482
SOUTH PERTH WA 6951

PH: 0418 928 680

10 April 2012



City of Albany Records
Doc No: ICR1263212
File: AMD309
Date: 12 APR 20 12
Officer: PLAN18

The Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

Attach:
Box:
Vol:
Box+Vol:

Dear Sir/Madam

RE: TOWN PLANNING SCHEME NO.3, AMENDMENT NO 309

I am writing **in support** of the proposed scheme amendment.

My wife and I are owners of 1335 Eden Road, Nullaki. Our property is located on the Nullaki Peninsula and is one of the lots directly affected by the proposed scheme.

We have owned our lot since 2002. In 2009 we finished construction of a home where we enjoy the premises for all major school holidays, long weekends, and the occasional weekend.

As mostly casual occupants of a property located in a high fire risk wilderness estate, our biggest concern is one of fire management and security. Whilst we have gone to great expense in setting up a very robust and sophisticated bush fire suppression system, if there were to be a fire on the peninsula, we would still need to rely on one of very few full time peninsula residents to activate the system at the most appropriate time, and these residents would likely (and understandably) be defending their own homes. It would leave our property, the estate, and those of other part time residents, exposed and at risk.

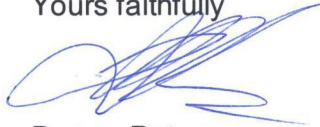
Furthermore, there have been several occasions over the past 10 years that I have happened across tourists lighting campfires or exposed flame barbeques within the wilderness estate during total fire bans. I have never seen a City of Albany Ranger patrol the estate so again it is the land owners that provide the policing of these matters. The tourist numbers visiting Anvil Beach and the Boat Ramp have noticeably increased in recent years.

I believe that a number caretakers residences spread throughout the peninsula would be a very practical and effective method of increasing the level of eyes-on management of the peninsula, and give a more immediate and practical response and effect to the management

of bush fires using the fire systems and various privately owned fast attack fire vehicles. Full time caretakers would also provide an additional layer of management and security to the peninsula in general and be of benefit to all owners, whether or not they are one of the owners with caretaker's accommodation on their property.

As such I urge the City Executive and Council to support the proposed scheme amendment.

Yours faithfully



Darren Pateman

AGENDA ITEM 2.8 REFERS

From: [Walkerden, Norm F](#)
To: [Planning \(External Use ONLY\)](#)
Subject: EF1263106 - AMD309 - Town Planning Scheme No.3, Amendment No.309
Date: Wednesday, 11 April 2012 11:02:32 AM
Attachments: [Picture \(Device Independent Bitmap\) 1.jpg](#)

Attn: Craig McMurtrie

Ref: AMD309/PA37657/AMD309

TOWN PLANNING SCHEME NO.3, AMENDMENT NO.309 - NULLAKI CONSERVATION AREA

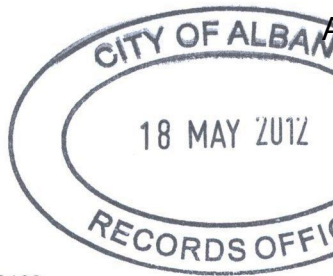
Thank you for the above advice. At present, Telstra Corporation Limited has no objection.

Regards,



Norm Walkerden - Strategic Forecaster
Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology,
Telstra Operations
Postal: Locked Bag 2525 Perth WA 6001 **Phone:** 08 6224 6272 **Email**
Norman.F.Walkerden@team.telstra.com

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AGENDA ITEM 2.8 REFERS

Doc No: ICR1265527
File: AMD309
Date: 18 MAY 2012
Officer: SPLAN2
Attach:
Box:
Vol:
Box+Vol:

Your Ref: AMD309/PA37657/AMD309
Our Ref: JT1 2011 10822 V01
Enquiries: Ross Crockett
Phone: 08 9420 2013 Facsimile 08 9420 3193

**Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331**

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Western Australia
PO Box 100
Leederville 6902
Perth Western Australia
Tel (+61 8) 9420 2420
www.watercorporation.com.au
ABN 28 003 434 917

15th May 2012

Attention: **Craig McMurtrie**

TOWN PLANNING SCHEME NO. 3 AMENDMENT NO. 309

Thank you for your letter of 5th April 2012 regarding the above amendment.

The Corporation has no objection to this amendment.

If you have any further queries on these comments please phone Ross Crockett on (08) 9420 2013


Peter Howard
Manager
Land Planning
Development Services Branch



From: [Leanne Slater](#) on behalf of [Works Admin General](#)
To: [Planning \(External Use ONLY\)](#)
Subject: EF1263105 - AMD309 - Ref: AMD309/PA37657/AMD309- Town Planning Scheme No. 3 Amendment No. 309
Date: Wednesday, 11 April 2012 10:20:11 AM
Attachments: [ATT00001.gif](#)
[General Conditions for Working in Close Proximity to Overhead Transmission Lines.pdf](#)
[Standard Easement Conditions for Transmission Lines.pdf](#)



There are no objections, however, there are overhead powerlines and/or underground cables, adjacent to or traversing the property. Therefore, the following should be considered, prior to any works commencing at the above site/development/property.

Working in proximity to Western Power Distribution Lines

All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines.

If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted.

For more information on this please visit the Western Power Website links below:

http://www.westernpower.com.au/safety/Electrical_Safety_at_Work.html
<http://www.westernpower.com.au/safety/DialBeforeYouDig.html> or www.1100.com.au
<http://www.commerce.wa.gov.au/WorkSafe/>

Working in proximity to Western Power Transmission Lines

All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines.

Our standard conditions for working in close proximity to overhead transmission lines are attached for your information.

For more information on this please visit the Western Power Website link below:

http://www.westernpower.com.au/safety/Safety_Transmission_Lines.html

Please note:

Western Power must be contacted on 13 10 87, if your proposed works involve:

- A) Any changes to existing ground levels around poles and structures.
- B) Working under overhead powerlines and/or over underground cables.

Western Power is obliged to point out that any change to the existing(power) system, if required, is the responsibility of the individual developer.

Regards,
Customer Service Officer
Connections Administration
Western Power - Locked Bag 2520 PERTH 6001 [\[map\]](#)

T: 13 10 87 | **F:** (08) 9225 2073
E: works.admin.general@westernpower.com.au
W: <http://www.westernpower.com.au/>

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**CITY OF ALBANY TOWN PLANNING SCHEME No. 3
 AMENDMENT No. 309
 SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	<p>The Environmental Protection Authority (EPA) has determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act), but nevertheless provides the following advice and recommendations:</p> <p><u>Advice and recommendations regarding Environmental Issues</u> · Vegetation and Fauna The EPA acknowledges that the first objective of the Conservation Zoned Area is;</p> <p>"to protect enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula".</p> <p>It is the EPA's view that whilst retaining the 1 hectare Development Area (DA) will limit the amount of clearing, the requirement for the DA to include all development including sheds, water storage, effluent disposal and low fuel areas is a major consideration of its decision to not assess this amendment.</p> <p>The EPA's understands that Councils</p>		<p>The submission is upheld.</p> <p><u>Modifications required:</u></p> <p>Provision 4.4 be modified to include reference to the EPA's GS No. 56 - Terrestrial Fauna Surveys for EIA in WA</p>

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No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			<p>definition of 'low fuel areas' includes both the Building Protection and Hazard Separation Zones and that Council is cognizant that a higher level of building construction in accordance with Australian Standard 3959 may be necessary where the extent of low fuel areas needs to be reduced to contain vegetation clearing and modification to 1ha.</p> <p>Although the EPA is concerned that the potential consequences of separating the DA in areas of native vegetation may result in fragmentation of vegetation and fauna habitat, the spread of dieback and increase weed invasion, it is satisfied that the changes proposed to the provisions through this amendment and existing provisions are adequate to ensure environmental values are identified and considered when determining DAs.</p> <p>The EPA expects that where vegetation clearing and modification for development and fire management requirements threaten vegetation and fauna habitat values, that selection of alternative sites to reduce impacts will</p>	<p>It is recommended that Provision 4.4 be modified to include reference to the EPA's Guidance statement No. 56 - Terrestrial Fauna Surveys for EIA in WA.</p>	

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>be investigated and decisions will be based on the meeting the objectives of the Conservation Zone Area.</p> <p>The EPA notes that Provision 4.4 currently refers to the EPA's Guidance Statement (GS) No.51 - <i>Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment (EIA) in Western Australia</i> being required to determine the presence of rare, endangered and/or threatened flora or fauna species.</p> <p>As GS No. 51 pertains only to flora and vegetation surveys, the presence of fauna species should be undertaken in accordance with the EPA's GS No. 56 - <i>Terrestrial Fauna Surveys for EIA in WA</i>. The EPA recommends that Provision 4.4 be amended accordingly.</p> <p><u>Surface and Groundwater Quality</u> Following review of the report by Aurora Environmental and the existing Provisions for effluent disposal aimed at protecting the surface and groundwater quality, it is the EPA's view that potential impacts to surface and groundwater</p>		

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>quality can be effectively managed.</p> <p>The EPA has assessed the potential impacts of the amendment as referred, should clearing of remnant vegetation be proposed beyond that required for the construction of the subdivision and building envelope a clearing permit must be obtained from the Department of Environment and Conservation, unless it is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulation) of the <i>Environmental Protection Act 1986</i>.</p> <p>General Advice</p> <ul style="list-style-type: none"> • For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act. 		
2	Department of Regional Development and Lands PO Box 1143, West Perth WA 6872	No Comments with regards to the Proposal.	Nil.	The submission is noted.

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.8 REFERS

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
3	Telstra – Forecasting & Area Planning – South Western Access Team Manager – Forecasting Network & Technology Locked Bag 2525 PERTH WA 6001	No objections.	Nil.	The submission is noted.
4	Water Corporation PO Box 915 ALBANY WA 6331	No objections.	Nil.	The submission is noted.
5	Western Power Locked Bag 2520 PERTH WA 6001	No objections. However, there are overhead powerlines and/or underground cables adjacent to, or traversing, the subject land.	Nil.	The submission is noted.
6	Department of Water PO Box 525 ALBANY WA 6331	No objections.	Nil.	Nil.
7	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	The DEC provided the following comments ; You have invited comment from the Department of Environment and Conservation (DEC) South Coast Region, with regard to a proposed scheme amendment that would permit up to 54 additional 'cottage'		The submission is noted.

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>residences within the Nullaki Wilderness Estate. Currently, only six caretaker cottages are approved out of the 60 lots within the estate. This equates to a potential total number of 120 building lots instead of the current maximum of 60, but achieved without formal subdivision processes and associated safeguards.</p> <p>SPECIFIC COMMENTS Section 4.3 Paragraph 3 suggests that increased fire surveillance opportunities would arise from the presence of caretaker cottages on each lot. Conversely, however, increased occupation and new construction activity also potentially increase the fire risk. Furthermore, the Nullaki peninsula is highly visible from Denmark and other habitation around the Wilson Inlet, hence smoke from wildfire may well be spotted more quickly from outside the area than from within it.</p> <p>In terms of managing risk and protecting the environment, a much more effective alternative strategic and coordinated approach could be to engage a ranger/security team presence operating from one location with a mix of routine and random patrols on a 7/24 basis as is undertaken variously for the State's extensive national park system, by local government</p>	<p>These comments are noted.</p> <p>Given the level of risk and scale and rate of development the concept of caretakers dwellings if legitimately used for this purpose appears to be the most efficient solution.</p>	

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No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			<p>authorities and by the community at large for both home and a business security Management level.</p> <p>A security HQ or base/office, with or without live in facilities, and ideally located near the estate entrance through the already existing security fence across the peninsula, would be far less of an environmental impact on native vegetation than the establishment of up to 54 additional cottage dwellings with associated edge effects and scattered in an un-coordinated manner across the peninsula. Unlike a professional ranger/security team, individual 'caretakers' will almost certainly have greatly varying skills that may or may not be relevant to their suggested fire surveillance and environmental protection function and, unlike a professional team, there would presumably be no prerequisite for coordination of their day to day presence, training and general activities.</p> <p>Paragraph 5 states that 1.0 ha (1 0,000 sq meters) is more than sufficient for buildings and associated low fuel/hazard separation zones. It certainly should be as such large building/clearing envelopes would be considered extravagant nowadays with a maximum of 3,000 sq metres generally being considered to be adequate, ie less than a third of the size</p>		

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>for Nullaki.</p> <p>As a general comment, the focus preferred by this office is to see minimization of the width of hazard separation zones by requiring fire protection building standards to be set at a minimum BAL 29.</p> <p>DEC Albany is not in a position to comment on potential ground water or waste disposal aspects of the amendment and presumably you have sought advice from the Department of Water on those issues.</p>	<p>This preference is noted.</p> <p>The Lots, vegetation and topography is quite varied in the Nullaki, site specific fire assessments is therefore considered more appropriate.</p> <p>Noted</p>	
8	<p>Joann Gren (Owner Lot 250) 39 Andante St Falcon WA 6210</p>	<p>Objects to the proposed reduction of the development area to 1HA and provides the following comments in support of the objection;</p> <p>While I support the right of every landowner on the Nullaki Peninsula to have a caretaker's accommodation, I do not support decreasing the maximum size of the development area to 1.0 ha. I think that many of us will get caught between conflicting regulations, specifically the requirement to comply with bushfire</p>	<p>One of the Main objectives of the Nullaki Conservation zone is; "To protect enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula".</p> <p>The current provisions allow all the lots in the area to clear a development area of 1HA. An additional 0.5 Ha can be cleared if a caretaker's dwelling is approved. The current provisions only allow 6 caretakers dwellings.</p>	<p>The submission is noted.</p>

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>standards and also the limited development area. On our property, we needed a full 1.0 ha for the bushfire standard. Thus, it would be impossible to have a caretaker's accommodation as we have already "used" the maximum allowed development area. I suspect this would be the case with other property owners as well.</p> <p>I also think if 1.5 ha was the amount thought not to impact negatively on the conservation goals of the estate, it doesn't and shouldn't matter what that area contains-one house or two.</p>	<p>If caretakers dwellings are allowed on all the lots (additional 54 lots) and if the ability to clear and additional 0.5 HA remains an additional 27 HA can be potentially be cleared.</p> <p>This additional clearing is not considered in line with Objectives of the Conservation Zone.</p> <p>The EPA's comments in this regard should also be noted;</p> <p><i>"It is the EPA's view that whilst retaining the 1 hectare Development Area (DA) will limit the amount of clearing, the requirement for the DA to include all Development including sheds, water storage, effluent disposal and low fuel areas is a major consideration of its decision to not assess this amendment."</i></p> <p>The reduction of the maximum amount of clearing allowed should therefore result in no additional clearing to that already allowed in the zone. Although allowing an additional care takers dwelling may result in the</p>	

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No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
				fragmentation of vegetation and fauna habitat.	
9	Darren Pateman PO Box 482 SOUTH PERTH WA 6951		<p>Support the proposal and provided the following comments;</p> <p>My wife and I are owners of 1335 Eden Road, Nullaki. Our property is located on the Nullaki Peninsula and is one of the lots directly affected by the proposed scheme. We have owned our lot since 2002. In 2009 we finished construction of a home where we enjoy the premises for all major school holidays, long weekends, and the occasional weekend.</p> <p>As mostly casual occupants of a property located in a high fire risk wilderness estate, our biggest concern is one of fire management and security. Whilst we have gone to great expense in setting up a very robust and sophisticated bush fire suppression system, if there were to be a fire on the peninsula, we would still need to rely on one of very few full time peninsula residents to activate the system at the most appropriate time, and these residents would likely (and understandably) be defending their own homes. It would leave our</p>	Nil	The submission is noted.

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No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			<p>property, the estate, and those of other part time residents, exposed and at risk.</p> <p>Furthermore, there have been several occasions over the past 10 years that I have happened across tourists lighting campfires or exposed flame barbeques within the wilderness estate during total fire bans. I have never seen a City of Albany Ranger patrol the estate so again it is the land owners that provide the policing of these matters. The tourist numbers visiting Anvil Beach and the Boat Ramp have noticeably increased in recent years.</p> <p>I believe that a number caretakers residences spread throughout the peninsula would be a very practical and effective method of increasing the level of eyes-on management of the peninsula, and give a more immediate and practical response and effect to the management of bush fires using the fire systems and various privately owned fast attack fire vehicles. Full time caretakers would also provide an additional layer of management and security to the peninsula in general and be of benefit to all owners, whether or not they are one of the</p>		

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>owners with caretaker's accommodation on their property.</p> <p>As such I urge the City Executive and Council to support the proposed scheme amendment.</p>		
10	Andrew John Burton 1542 (Lot 117) Eden Road Nullaki	<p>Supports the amendment and provides the following comments;</p> <p>I would like to formally advise my overwhelming support in relation to the above Amendment.</p> <p>I am currently a resident of the Nullaki the area of which is subject to this Amendment. My address is 1542 (Lot 117) Eden Road. We have owned the property for some years and in July of 2011 my wife and two children aged 4 and 6 years relocated from Sydney and took up residence on the property.</p> <p>We feel that if the Amendment is passed that there are a number of benefits for both our family and the Nullaki peninsula.</p> <p>Firstly, we feel that with a greater number of "caretaker cottages" in the area that there is a greater capacity for the area to be better protected. This is achieved through potential improvement in early fire detection (assuming more people are residing on the Nullaki) and minimisation of any unwelcome</p>	Nil	The submission is noted.

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No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			<p>behaviour which may adversely affect the delicate environment. I refer here to unwelcome 4WD joyrides or motorbike intrusions and the damage such activities create.</p> <p>Secondly, we also feel that with a potential increase in the number of people living on the Nullaki that we would see an improvement in security of property and possessions. There are many times that we are away from our home for extended periods and given the isolation of the area, potential for theft is quite high.</p> <p>Finally and on a personal note, the ability to build a caretakers cottage affords us the opportunity to assist the housing of aged family members later in life which is something that is simply not an option under the current planning arrangements.</p> <p>In summary, this proposed amendment carries our full support.</p>		
11	Glenda O'Donnell Lot 147 Nullaki		<p>Supports the Amendment however does not support the reduction of the maximum clearing allowed and provides the following comments;</p> <p>I am one of the owners of Lot 147 of the Nullaki Peninsular and the sole director, sole secretary of Ben Jer Mel Pty Ltd being one of the other owners of Lot 147.</p>	<p>One of the Main objectives of the Nullaki Conservation zone is; "To protect enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula".</p> <p>The current provisions allow all the</p>	The submission is noted.

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No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
		<p>My husband and I are very much in favour of each property in the Nullaki Conservation Area being permitted to have a Caretaker's Accommodation.</p> <p>The reasoning is simple. The cottage can be let out to someone in residence thereby protecting ones residence and also being available to notify the relevant authority in times of fire, flood, damage to property etc.</p> <p>We believe that with a regulated number of properties on the conservation area which will bring a limited number of occupants and part time occupants it makes the Nullaki a viable investment, part time holiday area for a limited number of people and protects ones property and bushland.</p> <p>At present there are so few people there that there is no deterrent to would be burglars, fire, or help for an individual who requires it.</p> <p>We are not in favour of reduction in size of the development area from 1.5ha to 1ha.</p>	<p>lots in the area to clear a development area of 1HA. An additional 0.5 Ha can be cleared if a caretaker's dwelling is approved. The current provisions only allow 6 caretakers dwellings.</p> <p>If caretakers dwellings are allowed on all the lots (additional 54 lots) and if the ability to clear and additional 0.5 HA remains an additional 27 HA can be potentially be cleared.</p> <p>This additional clearing is not considered in line with Objectives of the Conservation Zone.</p> <p>The EPA's comments in this regard should also be noted;</p> <p><i>"It is the EPA's view that whilst retaining the 1 hectare Development Area (DA) will limit the amount of clearing, the requirement for the DA to include all Development including sheds, water storage, effluent disposal and low fuel areas is a major consideration of its decision to not assess this amendment."</i></p> <p>The reduction of the maximum</p>	

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.8 REFERS

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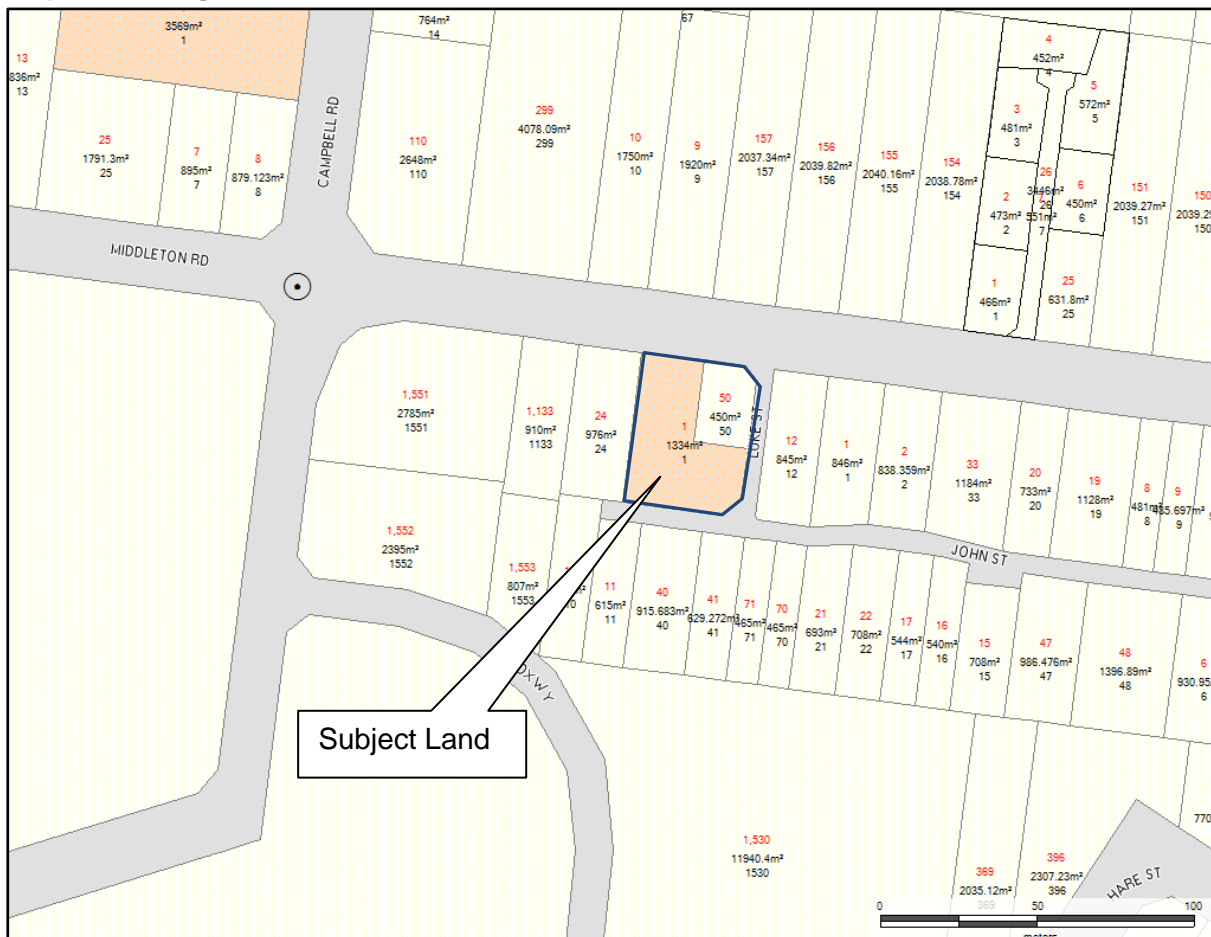
SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of Summary of Submission	Officer Comment	Staff Recommendation
			amount of clearing allowed should therefore result in no additional clearing to that already allowed in the zone. Although allowing an additional care takers dwelling may result in the fragmentation of vegetation and fauna habitat.	

2.9: FINAL ADOPTION OF AMENDMENT – LOTS 50 & 51 MIDDLETON ROAD, MT CLARENCE

Land Description	: Lots 50 & 51 Middleton Road, Mt Clarence
Proponent	: Ayton Baesjou Planning
Owner/s	: Kendi Nominees Pty Ltd ATF And The Darcy Smith Family Trust, Trading as The Hillside Family Practice
Business Entity Name	: Kendi Nominees Pty Ltd
Directors	: Darcy Peter Smith
Councillor Workstation	: Amendment Document (AMD178)
Responsible Officer(s)	: Executive Director Planning and Development Services (D Putland)

Maps and Diagrams:



IN BRIEF

- Final adoption is sought for the proposed scheme amendment to rezone Lots 50 & 51 Middleton Road, Mt Clarence as a 'Special Site' with the additional use 'Medical Clinic'.

**ITEM:2.9: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2)* of the *Town Planning Regulations 1967* FINALLY ADOPTS WITH MODIFICATIONS Amendment No.178 to Town Planning Scheme No.1A for the purposes of:

- 1) Designating Lots 50 & 51 Middleton Road, Mt Clarence as a 'Special additional use Site' S47.
- 2) Amending Appendix II – 'Schedule of Special Sites' to include the following:

	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S47	47	Lots 50 & 51 Middleton Road	Residential	Medical Clinic	<p>On site car parking to be Provided in accordance with Council's car parking requirements.</p> <p>Car park shall be designed in such a way that access is restricted to Middleton Road.</p> <p>All Development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments</p>

- 3) Amending the Scheme Maps accordingly.

**ITEM 2.9: ALTERNATE MOTION BY COUNCILLOR ATTWELL
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR HAMMOND**

THAT Council resolves to AMEND the proposed condition 2 in Appendix II-‘Schedule of Special Sites’ as follows:

In pursuance of section 75 of the *Planning and Development Act 2005* and *Regulation 17(2)* of the *Town Planning Regulations 1967* FINALLY ADOPTS WITH MODIFICATIONS Amendment No.178 to Town Planning Scheme No.1A for the purposes of:

- 1) Designating Lots 50 & 51 Middleton Road, Mt Clarence as a ‘Special additional use Site’ S47.
- 2) Amending Appendix II – ‘Schedule of Special Sites’ to include the following:

	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S47	47	Lots 50 & 51 Middleton Road	Residential	Medical Clinic	On site car parking to be Provided in accordance with Council’s car parking requirements. “All car parking shall be designed in such a way that access is restricted to Middleton Road with the exception of the existing seven staff bays which have their access from Luke Lane”. All Development on the

- 3) Amending the Scheme Maps accordingly.

CARRIED 9-0

Councillor’s Reason:

- The staff bays are separated from the public car bays on Lot 51 in order to avoid them being taken up by the public;
- The staff bays have been accessing Luke Lane for several years without problems or complaints;
- Compared to the public bays, the staff bays do not generate frequent movement to and from the site. A doctor may occasionally be called to the hospital, but otherwise there is minimal access to and from Luke Lane;

- The access from Luke Lane to the staff car park acts as a passing bay on Luke Lane which is only wide enough for one way traffic. If the staff car park was fenced off then there would be limited ability for two way access along Luke Lane;
- If the proposed modification to the condition is accepted there will be no more access permitted onto Luke Lane as a result of further expansion of the medical centre.

Officer's Comment (Executive Director Planning and Development Services):

- The restriction with the exception of the existing seven staff bays which have their access from Luke Street" will reduce the potential impact on the residential uses in the area.
- However it is difficult to police or to practically control the use of these bays to ensure that the traffic on Luke Street does not become a nuisance.
- As this is an application for Rezoning, the Officers recommendation is made in the context of the long-term future use of the property rather than the existing use.
- Given the potential for land use conflict, the preference is for access associated with future development to be restricted to Middleton Road only as this will limit the possible impact or increased traffic on nearby residents.

BACKGROUND

1. An application has been received from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 1A by including a "Special Site" with the additional use of 'Medical Clinic' on Lots 50 & 51 Middleton Road, Mt Clarence.
2. The subject site is currently zoned "Residential" with an applicable R-code density of R20.
3. The surrounding land is zoned "Residential (R20)".
4. The subject site is located approximately 1.5 km from the Albany CBD via Middleton Road.
5. The subject site has been operating as The Hillside Family Practice for more than 15 years.
6. The current use was originally approved as 'consulting rooms' which only allows for a maximum of two medical practitioners.
7. The Hillside Family Practice would like to expand and provide a more comprehensive service; it therefore needs to rezone the subject land to enable an additional use of 'Medical Clinic' in order for the City to allow the practice to accommodate more than two medical practitioners.
8. Lot 51 is 1334m² in area and has been strata titled into two lots, Pt 1 being 389m² and used as a residence and Pt 2 being 945m² and used for 'Consulting Rooms'.
9. Lot 50 is 450m² in area and contains an existing residence. The property was acquired to facilitate expansion of the practice, particularly in relation to provision of car parking. The residence is currently used to house locums who work for the practice when doctors are on leave.
10. The proposed amendment was initiated at the Ordinary Council Meeting on 21 February 2012.

11. Council is now required to consider the submissions received from the consultation period and determine whether to grant final approval to the proposed scheme amendment.

DISCUSSION

12. The use 'Medical Clinic' would allow for more than two medical practitioners to operate from the site.
13. The proposed rezoning will facilitate the development and use of the entire building on lot 51 to include space for six consulting rooms, reception, administration, nurses' room, allied health, pathology collection, common room/staff room and waiting room.
14. Access to the subject lot is currently from Middleton Road and Luke Street and is considered adequate for the proposed zoning and future use as proposed.
15. The subject lot is currently connected to all the necessary services and it is not anticipated that any major upgrades would be required.
16. Parking requirements for the subject lot and proposed special site use would have to be in accordance with section 13.2.1 of the City of Albany adopted Policy Manual – LPP7.
17. According to the policy for a medical clinic, six bays per consultant are required for the first two consultants plus two bays for each additional consultant.
18. A total of 28 car bays are currently provided with 18 plus a disabled car bay on Lot 51 and 9 on Lot 50. The car parking on Lot 50 is reserved for staff parking with public parking confined to Lot 51. The parking provided is considered sufficient to cater for six medical practitioners.
19. The Albany Local Planning Strategy earmarks the area for existing urban use.
20. The Strategy also recommends that smaller offices and consulting rooms be located as incremental extensions on the periphery of the CBD to reduce strip development along Middleton Road; and encourage thorough precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres.
21. While the proposed amendment not in line with the strategic direction included in Albany Local Planning Strategy. The proposed special site zoning and use 'Medical Clinic' to allow for the limited expansion of the established use is however considered appropriate for the locality and as it is not likely to have an unmanageable impact on the area and adjoining land uses.
22. Luke Street and John Street are under width roads appropriate for residential use only. The proposed intensification of the land use could create a negative traffic impact on Luke street and John street. A condition could be added to address this requiring the Car park to be designed in such a way that access to the subject lot is limited to Middleton Road.

GOVERNMENT CONSULTATION

23. The amendment was referred to WA Gas Networks, Telstra, Water Corporation, Western Power. Responses were received from Telstra, Water Corporation, Western Power, these submissions are summarised, discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.
24. No objections have been received.

PUBLIC CONSULTATION / ENGAGEMENT

25. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 26 April 2012 to 17 June 2012 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and advertisement in a local newspaper.
26. The main objection and concern raised at the conclusion of the advertising is the potential for this type of land use and zone to set in motion a spread of commercial activities in the area and the negative impact this will have on the existing residential use. A restriction on Height and restricting access via Luke Street and John Street is also requested.
27. With reference to concerns about height it is considered appropriate that the conditions be modified to include provisions relevant to ensure that development is compatible with height bulk and scale of surrounding developments
28. One submission was received from landowner that resides in the area. The Landowner objects to the proposal and raised concerns that relates to the potential for this type of land use and zoning to set in motion a spread of commercial activities in the area and the negative impact this will have on the existing residential use. A restriction on Height and to reduce the potential traffic conflict a request is also made to restrict non residential access from using Luke Street and John Street.
29. This submission is summarised, discussed and accompanied by appropriate recommendations in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

31. Council's decision on the Scheme Amendment should be consistent with the objectives of the Albany Local Planning Strategy as the principal land use planning strategy for the City.
32. Section 8.5 Economic Strategy ,sub Section 8.5.2 – **Commerce** sets the following Strategic Objective:

“Promote the continued viability of the Albany City Centre as the regional commercial and retail centre of the district and Lower Great Southern.” ; and

“Retain existing and develop new staged neighbourhood and local centres incorporating retailing as a primary focus.”

The strategy further states;

5.2.2 Other Business Activity

Planning Objective:

“Provide appropriate locations for establishing and growing business activity.

There is a significant amount of what is termed “other business activity” within the City in the form of bulky-goods outlets, office developments, consulting rooms and home-based businesses....

The Activity Centres Planning Strategy expects most future office development to be in the City centre, mainly in the York Street precinct, to be accompanied by a mix of shopping, commercial and residential development. There has been a trend in recent years of small offices and consulting rooms replacing residential use in homes on the fringe of the City centre, notably on Aberdeen Street, Albany Highway and Middleton Road. This has created issues over the impact of street parking and access and compatibility with adjoining uses. Although this trend is concentrated in the CBD, it is spreading out on both sides of Middleton Road past the cemetery...

ALPS proposes the following relevant actions

“Locate smaller offices and consulting rooms as incremental extensions on the periphery of the CBD to reduce strip developments along Middleton Road (CoA).

6.4.5 Health

Planning Objective:

“To provide and promote health care facilities to cater for community needs and be located within or near major centres and connected to a major public transport system.”

Action - Undertake structure/precinct planning and develop policies to promote the dispersal of general medical facilities into suburban locations to be co-located with other community services (CoA, WAPC, HDWA).

Encourage through precinct and structure plans in the LPS1 development of smaller offices and consulting rooms within neighbourhood centres (CoA)."

33. The proposed amendment is generally not in accordance with the strategic direction included in Albany Local Planning Strategy, it is however an existing use and it is unlikely that the limited expansion as proposed will detrimentally affect the strategic direction included in Albany Local Planning Strategy.

POLICY IMPLICATIONS

34. Council is required to have regard to any Western Australian Planning Commission Statements of Planning Policy (SPP) that apply to the scheme amendment. Any amendment to the Town Planning Scheme will be assessed by the Western Australian Planning Commission to ensure consistency with the following State and Regional Policies.

SPP 3 – Urban Growth and Settlement

SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The policy objectives in SPP 3 that are relevant to this proposal are as follows:

- *To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.*
- *To coordinate new development with the efficient, economic and timely provision of infrastructure and services.*

It is considered that the proposal will achieve the above objectives.

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Possible complaints arising from adverse impacts experienced by neighbouring residential properties.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>By following the formal statutory scheme amendment process which includes consultation with public and government agencies. And responding to valid concerns with appropriate conditions to limit any negative impacts on existing residential uses</i>
<i>An increase in traffic as a result of the intensification of the use.</i>	<i>likely</i>	<i>Minor</i>	<i>Low</i>	<i>Ensure that sufficient parking spaces are provided and traffic access to the site is safe.</i>

FINANCIAL IMPLICATIONS

35. The appropriate planning fee has been paid by the proponent. The proposal has been assessed by staff using in-house resources.

LEGAL IMPLICATIONS

36. Section 75 of the *Planning Development Act 2005* allows Council to amend its Town Planning Scheme.

37. Regulation 17(2)(a) of the *Town Planning Regulations 1967* allows Council to adopt the Scheme with or without modification.

ALTERNATE OPTIONS

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

- To adopt the Scheme Amendment without modifications;
- To adopt the Scheme Amendment with modifications; or
- To resolve not to adopt the Scheme Amendment and advise the WAPC of the reasons for not doing so.

39. Should Council determine not to finally adopt the proposed Scheme amendment it is recommended that the following recommendation be included after the refusal recommendation:

THAT Council NOTES that the Chief Executive Officer, who is delegated by Council to issue planning enforcement notices, will issue such a Notice under the Planning and Development Act 2005 to the proponent to cease the existing unlawful use of having more than two practitioners operating from the subject lot at any one point in time within a period of 30 days from the date of the notice.

SUMMARY CONCLUSION

40. Although the proposed amendment is not in line with the strategic direction included in ALPS, the zoning and resultant limited intensification of the current use is not likely to have an adverse impact on the area and adjoining land uses it and can be supported with the following changes ;

- that a condition be added to the special conditions requiring the Car park to be designed in such a way that access to the subject lot is limited to Middleton Road ; and
- All Development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments

Consulted References	WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3
File Number (Name of Ward)	AMD178 (Frederickstown Ward)
Previous References	Item 2.10 OCM 21/02/12

**CITY OF ALBANY TOWN PLANNING SCHEME No. 3
 AMENDMENT No. 309
 SCHEDULE OF SUBMISSIONS**

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
1	Environmental Protection Authority Locked Bag 33 Cloisters Square PERTH WA 6850	The Environmental Protection Authority (EPA) has determined that the proposed scheme amendment should not be assessed under Part IV Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act), without recommendations:	Nil.	The submission is noted.
3	Telstra – Forecasting & Area Planning – South Western Access Team Manager – Forecasting Network & Technology Locked Bag 2525 PERTH WA 6001	No objections.	Nil.	The submission is noted.
4	Water Corporation PO Box 915 ALBANY WA 6331	No objections.	Nil.	The submission is noted.
5	Western Power Locked Bag 2520 PERTH WA 6001	No objections. However, there are overhead powerlines and/or underground cables adjacent to, or traversing, the subject land. correct procedures must followed when working in close proximity to these cables	Nil.	The submission is noted.
6	Mr M. McMullan & Ms J	In June 2011 we made big sacrifices to		

AMENDMENT No. 309

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Staff Recommendation
	Holmes 37 John St Mt Clarence WA 6331	<p>purchase' a house in John St. Mt Clarence knowing it is a residential area relatively quiet & safe for our special needs child, schooling & retirement.</p> <p>We are disappointed & do not support the proposed amendment to a special site S47 status. Generally these developments erode into unnecessary commercial trends which are well catered for in the close CBD city. (eg. Some citizens travel from outer regions for a simple hair style - again in a residential area.) We also hope that a S47 status does not represent a change to the single storey restriction that is presently in place for this location?</p> <p>Although against the proposed changes - if the proposal were to proceed we would only be in favour of access to any higher density residential and medical clinic carpark entry & exit only possible via Middleton Road. In other words if the development does receive approval from council, please respect the integrity of the existing residential status, by limiting building height & access to Luke Lane & John St to existing residential traffic only as it exists at</p>	<p>The Comments are noted</p> <p>The strategic direction included in ALPS does not earmark the area for further commercial development; the only reason that this rezoning may be considered acceptable is because it is the limited intensification of use that already exists in the area.</p> <p>With reference to concerns about height the conditions can be modified to include provisions relevant to ensure that development is compatible with height bulk and scale of surrounding developments</p> <p>Concerns raised about traffic impact are quite valid. Luke Street and John Street are under width roads appropriate for residential use only. the proposed intensification of the land use could create a negative traffic impact on Luke street and John street it is therefore recommended that a condition be added to the special provisions requiring the Car park to be designed in such a way</p>	<p>The submission is upheld in part and it is recommended that the scheme provisions be modified to include the following;</p> <ul style="list-style-type: none"> i. that a condition be added to the special conditions requiring the Car park to be designed in such a way that access to the subject lot is limited to Middleton Road ; and ii. All Development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AGENDA ITEM 2.9 REFERS

AMENDMENT No. 309

SCHEDULE OF SUBMISSIONS

No.	Name/Address Submitter	of	Summary of Submission	Officer Comment	Staff Recommendation
			present.	that access to the subject lot is limited to Middleton Road.	
11					

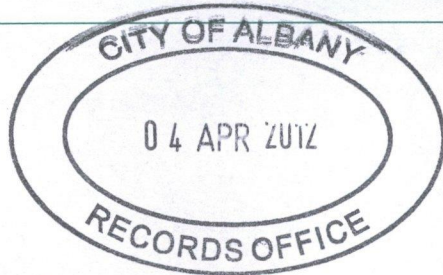
AMD178
Taylor

AGENDA ITEM 2.9 REFERS

The Atrium,
Level 18, 169 St. George's Terrace



Environmental Protection Authority



City of Albany Records
 Doc No: iCR1262740
 File: AMD178
 Date: 04 APR 2012
 Officer: PLAN20

Attach:
 Box:
 Voi:
 Box+Voi:

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

Our Ref: A485048
 Enquiries: Gary Williams
 Phone: 6467 5425

Attn: Jan Van Der Mescht

Dear Sir/Madam

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME AMENDMENT TITLE: City of Albany Town Planning Scheme 1A
 Amendment 178 - Special Site (Medical Clinic)

LOCATION: Lots 50 & 51 (227 & 229) Middleton Road
LOCALITY: Mount Clarence
RESPONSIBLE AUTHORITY: City of Albany
DECISION: Scheme Amendment Not Assessed (no appeals)

Thank you for referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme amendment.

- This letter will be made available to the public on request.

Yours faithfully

A handwritten signature in blue ink, appearing to read "A. Sutton".

Anthony Sutton
Director
Assessment and Compliance Division

2 April 2012

Your Ref. AMD178/PA37794/AMD178

CEO
CITY OF ALBANY
PO BOX 484
ALBANY WA 6331

10 MAY 2012

Dear Madam/Sir

Re: Submission Town Planning Scheme No. 1A, Amendment No. 178

In June 2011 we made big sacrifices to purchase a house in John St. Mt Clarence knowing it is a residential area relatively quiet & safe for our special needs child, schooling & retirement.

We are disappointed & do not support the proposed amendment to a special site S47 status.

Generally these developments erode into unnecessary commercial trends which are well catered for in the close CBD city. (eg. Some citizens travel from outer regions for a simple hair style - again in a residential area.)

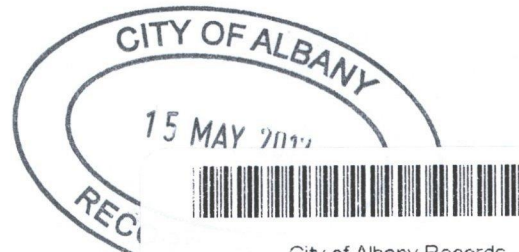
We also hope that a S47 status does not represent a change to the single storey restriction that is presently in place for this location?

Although against the proposed changes - if the proposal were to proceed we would only be in favour of access to any higher density residential and medical clinic carpark entry & exit only possible via Middleton Road.

In other words if the development does receive approval from council, please respect the integrity of the existing residential status, by limiting building height & access to Luke Lane & John St to existing residential traffic only as it exists at present.

Yours faithfully Mr M. McMullan & Ms J Holmes

37 John St
Mt Clarence WA 6331



City of Albany Records
Doc No. ICR1265254
File: AMD178
Date: 15 MAY 2012
Officer: SPLAN2

Attach:
Box
Voi:
Box+Voi.

Two handwritten signatures in blue ink. The first signature is a stylized, cursive signature, likely belonging to Mr M. McMullan. The second signature is also cursive and appears to be 'J Holmes', belonging to Ms J Holmes.

Jan Van Der Mescht

From: Records
Sent: Thursday, 26 April 2012 3:47 PM
To: Planning (External Use ONLY)
Subject: EF1264149 - AMD178 - FW: TPS No.1A, Amendment No.178 - Lot 50,51 Middleton Road, Mt Clarence

From: Walkerden, Norm F [<mailto:Norman.F.Walkerden@team.telstra.com>]
Sent: Thursday, 26 April 2012 3:07 PM
To: Records
Subject: TPS No.1A, Amendment No.178 - Lot 50,51 Middleton Road, Mt Clarence

Ref: AMD178/PA37794/AMD178
Attn: Jan Van Der Mescht

TPS No.1A, Amendment No.178 - Lot 50,51 Middleton Road, Mt Clarence

Thank you for your correspondence re above. At present Telstra has no objection to make regarding the proposed application.

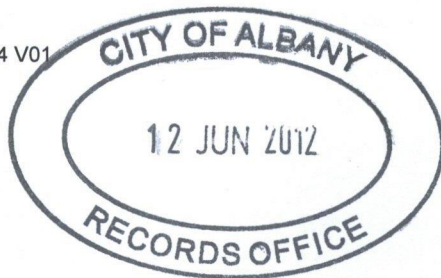
Regards,



Norm Walkerden - Strategic Forecaster
Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology, Telstra Operations
Postal: Locked Bag 2525 Perth WA 6001 **Phone:** 08 6224 6272 **Email** Norman.F.Walkerden@team.telstra.com

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Your Ref: SF323471
Our Ref: JT1 2010 03044 V01
Enquiries: Niamh Lowe
Telephone: 94202392



06 June 2012

City Of Albany
PO BOX 484
ALBANY WA 6330

628 Newcastle Street
Leederville 6007
Western Australia

PO Box 900
Leederville 6002
Perth Western Australia

Tel: (+61 8) 9430 2120
www.watercorporation.com.au
ABN 28 003 434 917

Town Planning Scheme NO.1A Amendment NO.178-
Lots 50 and 51 Middleton Road - Mount Clarence

Attention: Jan van der Mescht

Thank you for letter dated 24 April 2012. The Corporation's response is detailed below.

The above Town Planning Scheme amendment does not present any impacts to the Corporation's water or wastewater service infrastructure and therefore the Corporation does not object to the application.

Should you have any queries with respect to the above, please do not hesitate to contact the undersigned via the contact detail provided.

Niamh Lowe
Land Servicing Consultant
DEVELOPMENT SERVICES



City of Albany Records
Doc No. ICR1267094
File AMD178
Date 12 JUN 2012
Officer SPLAN2

Attach
Box
Vol
Box+Vol

Jan Van Der Mescht

From: Leanne Slater [leanne.slater@westernpower.com.au] on behalf of Works Admin General [works.admin.general@westernpower.com.au]
Sent: Thursday, 26 April 2012 2:07 PM
To: Planning (External Use ONLY)
Subject: EF1264147 - AMD178 - Ref: AMD178/PA37794/AMD178 Town Planning Scheme Amendment No. 1A, Amendment No. 178



There are no objections, however, there are overhead powerlines and/or underground cables, adjacent to or traversing across the proposed area of works. Therefore, the following should be considered, prior to any proposed works commencing .

Working in proximity to Western Power Distribution Lines

All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted.

For more information on this please visit the Western Power Website links below:

http://www.westernpower.com.au/safety/Electrical_Safety_at_Work.html
<http://www.westernpower.com.au/safety/DialBeforeYouDig.html> or www.1100.com.au
<http://www.commerce.wa.gov.au/WorkSafe/>

Please note:

Western Power must be contacted on 13 10 87, if your proposed works involve:

- A) Any changes to existing ground levels around poles and structures.
- B) Working under overhead powerlines and/or over underground cables.

Western Power is obliged to point out that any change to the existing (power) system; if required, is the responsibility of the individual developer.

Regards,
Customer Service Officer
Connections Administration
Western Power - Locked Bag 2520, Perth WA 6000 [\[map\]](#)

T: 13 10 87 | **F:** (08) 9225 2073
E: works.admin.general@westernpower.com.au
W: <http://www.westernpower.com.au/>

 Please consider the environment before you print this email.

Electricity Networks Corporation, trading as Western Power
ABN: 18 540 492 861

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Any claim to confidentiality is not waived or lost by reason of mistaken transmission of this email.

AGENDA ITEM 2.9 REFERS

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4.1: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2012

File Number (Name of Ward) : FM.FIR.2 - All Wards
Appendices : List of Accounts for Payment
Responsible Officer : Executive Director Corporate Services (G Adams)

ITEM 4.1: RESOLUTION

MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR GREGSON

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2012 totalling \$4,580,193.76 be RECEIVED.

CARRIED 9-0

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2012. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

Municipal Fund

Trust	Totalling	\$0.00
Cheques	Totalling	\$82,471.21
Electronic Fund Transfer	Totalling	\$3,624,344.89
Credit Cards	Totalling	\$5,979.15
Payroll	Totalling	\$867,398.51
	TOTAL	<u>\$4,580,193.76</u>

3. As at 15 June 2012, the total outstanding creditors, stands at **\$629,597.24** and made up follows:

Current	\$252,695.71
30 Days	\$379,221.44
60 Days	-\$195.35
90 Days	-\$2,124.56
TOTAL	\$629,597.24

4. Cancelled cheques: Cheques 28071 and 28106 paid by EFT. Cheque 28138 incorrect amount – replaced with 28144. Cheque 28120 – incorrect name - replaced with 28161 and cheque 28121 - incorrect name replaced with 28162.

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 June 2012 has been incurred in accordance with the 2011/2012 budget parameters.

POLICY IMPLICATIONS

9. The City's 2011/2012 Annual Budget provides a set of parameters that guides the City's financial practices.

SUMMARY CONCLUSION

10. That list of accounts have been authorised for payment under delegated authority.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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AGENDA ITEM 4.1 REFERS

EFT	Date	Name	Description	Amount
EFT74494	24/05/2012	ABA SECURITY	SECURITY SERVICES	88.00
EFT74495	24/05/2012	ACTIV FOUNDATION INC.	COTTON RAGS	60.01
EFT74496	24/05/2012	AD CONTRACTORS PTY LTD	LITRES OF CATAMOL	4,719.00
EFT74497	24/05/2012	AGCRETE ALBANY	Being for the supply of three(3) pair of seat ends	1,122.00
EFT74498	24/05/2012	ALBANY ADVERTISER LTD	ADVERTISING	2,812.73
EFT74499	24/05/2012	ALBANY INDUSTRIAL SERVICES PTY LTD	Hours Hire of Semi Tipper	664.95
EFT74500	24/05/2012	OPTEON (ALBANY AND GREAT SOUTHERN WA)	VALUATION FEE - LOT 2 ALBANY HWY DROME	330.00
EFT74501	24/05/2012	ALBANY V-BELT AND RUBBER	FILTERS/VEHICLE PARTS	132.26
EFT74502	24/05/2012	ALBANY SWEEP CLEAN	SWEEPING OF CARPARKS, PATHWAYS AND BOARDWALKS FOR MARCH AND APRIL 2012	4,968.00
EFT74503	24/05/2012	ALBANY DRILLING	Construct 150mm bore hole - Lockyer Ave	5,400.00
EFT74504	24/05/2012	ALBANY REFRIGERATION	Kitchen ceiling exhaust fan requires replacement.- LOTTERIES HOUSE	242.00
EFT74505	24/05/2012	ALBANY SKIPS AND WASTE SERVICES	SKIP BIN HIRE	225.00
EFT74506	24/05/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	NORTH ROAD STATIONERY	631.00
EFT74507	24/05/2012	ALBANY QUALITY LAWNMOWING	LAWN MOWING AT LOTTERIES HOUSE	100.00
EFT74508	24/05/2012	ALBANY COMBINED CABS PTY LTD	TAXI FARES YAC	31.10
EFT74509	24/05/2012	ALBANY MILK DISTRIBUTORS	MILK DELIVERIES - REFUSE SITE	61.77
EFT74510	24/05/2012	ALBANY JUNIOR SOCCER ASSOCIATION	KIDSPORT APPLICATIONS	2,520.00
EFT74511	24/05/2012	ALINTA	GAS USAGE CHARGES - 5/4/12 - 11/5/12 186 COLLIE STREET	381.50
EFT74512	24/05/2012	ALLFLOW INDUSTRIAL	OIL SEPARATOR QUARTERLY SERVICE	323.35
EFT74513	24/05/2012	PAPERBARK MERCHANTS (FORMERLY ANGUS AND ROBERTSON BOOK WORLD)	NEWSPAPERS/BOOKS/MAGAZINES/STATIONERY	311.31
EFT74514	24/05/2012	ATC WORK SMART	TEMPORARY STAFF	2,157.05
EFT74515	24/05/2012	BARNESBY FORD	VEHICLE PARTS	154.54
EFT74516	24/05/2012	BAREFOOT CLOTHING MANUFACTURERS	FORTS MERCHANDISE	500.75
EFT74517	24/05/2012	BENNETTS BATTERIES	BATTERY PURCHASES	770.00
EFT74518	24/05/2012	CARDNO (WA) PTY LTD	Conduct a Due Diligence Report on Lot 2 Hanrahan Rd	5,785.16
EFT74519	24/05/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	SAFETY EQUIPMENT	49.77
EFT74520	24/05/2012	MARK BYRNES	LEGAL COSTS	2,450.00
EFT74521	24/05/2012	CALIBRE CARE	EXTENSION GRABS	72.60
EFT74522	24/05/2012	CAMLYN SPRINGS WATER DISTRIBUTORS	WATER CONTAINER REFILLS	156.00
EFT74523	24/05/2012	CAMPBELL CONTRACTORS	CONTRACT C11013 CONSTRUCTION OF CONCRETE PATHWAY - ULSTER ROAD	9,480.00
EFT74524	24/05/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	1,370.66
EFT74525	24/05/2012	BIS CLEANAWAY LIMITED	RUBBISH REMOVAL CONTRACTS	598.51
EFT74526	24/05/2012	COCA-COLA AMATIL PTY LTD	SOFT DRINKS FOR ALAC	4,538.99
EFT74527	24/05/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	716.20
EFT74528	24/05/2012	CONNECTION REALTY	THE RIDGE LAND ESTATE CULL ROAD LOCKYER	17,718.55
EFT74529	24/05/2012	COVS PARTS PTY LTD	VEHICLE PARTS	467.97
EFT74530	24/05/2012	HOLCIM (AUSTRALIA) PTY LTD	Supply 5.4m3 of footpath mix concrete	2,720.52
EFT74531	24/05/2012	CGS QUALITY CLEANING	CONTRACT CLEANING	21,646.31
EFT74532	24/05/2012	DEPARTMENT OF ENVIRONMENT AND CONSERVATION	ANNUAL LICENCE FEE - HANRAHAN LANDFILL	9,943.53
EFT74533	24/05/2012	DEPARTMENT OF TRANSPORT	VEHICLE OWNERSHIP SEARCH	111.00
EFT74534	24/05/2012	DOWN TO EARTH TRAINING & ASSESSING	White Card training on line for David King	50.00
EFT74535	24/05/2012	ENVISION WARE PTY LTD	Warranty/Maintenance 2012/13 - Envisionware Suite	680.61

AGENDA ITEM 4.1 REFERS

EFT74536	24/05/2012 ENVIRONMENTAL HEALTH ASSOCIATION AUSTRALIA	SAFE POOL OPERATIONS - GERALDTON 2 & 3 JULY 2012 - K BROWN TO ATTEND	600.00
EFT74537	24/05/2012 FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	90.71
EFT74538	24/05/2012 ALBANY FILTER CLEAN	FILTERS CHANGED AND CLEANED	28.00
EFT74539	24/05/2012 ALBANY FOOTBALL AND SPORTING CLUB	KIDSPORT APPLICATIONS	1,200.00
EFT74540	24/05/2012 AMELDA READ-FORSYTHE	CITY OF ALBANY ART PRIZE - UNSTOPPABLE ECHO	2,546.00
EFT74541	24/05/2012 FUELS WEST PETROLEUM	Litres DIESEL FUEL	9,327.18
EFT74542	24/05/2012 GORDON WALMSLEY PTY LTD	METRES OF ASHPHALT	23,100.00
EFT74543	24/05/2012 GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	2,019.71
EFT74544	24/05/2012 GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	TRAINING FEES - CERT IV BUSINESS - E ASLETT	313.10
EFT74545	24/05/2012 GREAT SOUTHERN SAND AND LANDSCAPING SUPPLIES	Hours Hire of Dozer	8,560.00
EFT74546	24/05/2012 GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	346.94
EFT74547	24/05/2012 HALLMARK EDITIONS PTY LTD	ADVERTISMENT PACKAGE DEAL FOR INDUSTRY/JOBS SUITE OF EMPLOYMENT	3,575.00
EFT74548	24/05/2012 HANSON EXECUTIVE MANAGEMENT	SUBCONTRACTOR PAYMENT - CORPORATE SERVICES - AMANDA BROOKS 15-25 MAY 2012	6,050.00
EFT74549	24/05/2012 ISIS CAPITAL LIMITED	MONTHLY GYM EQUIPMENT	3,494.82
EFT74550	24/05/2012 JEREMY JONGSMA	FMP SESSION 1 CREATE WITH JEREMY	195.00
EFT74551	24/05/2012 JIMS TEST AND TAG	TEST AND TAG FOR LIBRARY	2,674.10
EFT74552	24/05/2012 JOHN KINNEAR AND ASSOCIATES	Additional survey works on Bayview Drive	335.50
EFT74553	24/05/2012 JUST SEW EMBROIDERY	LOGO EMBROIDERY DEPOT	71.50
EFT74554	24/05/2012 KANGAS NETBALL CLUB	KIDSPORT APPLICATIONS	1,155.00
EFT74555	24/05/2012 KESTON TECHNOLOGIES PTY LTD	PREPARATION OF A SCOPING STUDY FOR THE DEPARTURE OF THE CONVOYS	15,950.00
EFT74556	24/05/2012 KINJARLING INDIGENOUS CORPORATION	WELCOME TO COUNTRY	200.00
EFT74557	24/05/2012 BETH KIRKLAND	CITY OF ALBANY ART PRIZE SALE OF ARTWORK - BUTTERFLY ON BROADWAYS	2,010.00
EFT74558	24/05/2012 KLB SYSTEMS	LENOVO C20 CAD WORKSTATION	21,428.00
EFT74559	24/05/2012 KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	496.95
EFT74560	24/05/2012 LOWER KING LIQUOR & GENERAL STORE	WINE FOR THE VAC EVENT	284.30
EFT74561	24/05/2012 MASTERY OF FX	FMP Mastery of FX WORKSHOP 14/5/2012	800.00
EFT74562	24/05/2012 MEERILINGA YOUNG CHILDRENS FOUNDATION INCORPORATED	UN RIGHT'S POSTERS	16.00
EFT74563	24/05/2012 JODIE LISA MELDRUM	Rates refund for assessment A217738	894.13
EFT74564	24/05/2012 MERRIFIELD REAL ESTATE	TENANT ID 580 RENT ON STAGE UNIT MAY 2012	381.82
EFT74565	24/05/2012 METROCOUNT PTY LTD	ROAD SAFETY AUDITS	1,527.90
EFT74566	24/05/2012 MIDALIA STEEL PTY LTD	STEEL SUPPLIES	24.62
EFT74567	24/05/2012 MY PLACE COLONIAL ACCOMMODATION	FMP Accommodation for Mastery of Effects	120.00
EFT74568	24/05/2012 OKEEFE'S PAINTS	PAINT & PAINTING SUPPLIES	10.56
EFT74569	24/05/2012 ORICA AUSTRALIA P/L	CHLORINE SUPPLIES	2,581.70
EFT74570	24/05/2012 JACQUELINE PEMBERTON	MERCHANDISE ORDER	127.05
EFT74571	24/05/2012 PETER GRAHAM AND COMPANY LTD	PESTICIDES	932.00
EFT74572	24/05/2012 PFD FOOD SERVICES PTY LTD	CATERING SUPPLIES	452.00
EFT74573	24/05/2012 BRIAN PICKFORD	REIMBURSEMENT OF RELOCATION EXPENSES	7,653.89
EFT74574	24/05/2012 PLANT SUPPLY COMPANY	NURSERY SUPPLIES	991.76
EFT74575	24/05/2012 RAMPED TECHNOLOGY	IT SUPPORT FEBRUARY	29,780.00
EFT74576	24/05/2012 REXEL AUSTRALIA	INSECT LIGHT	29.02
EFT74577	24/05/2012 MIKE RICHARDSON	REIMBURSEMENTS - ATTEND WASTE FACILITY INSPECTION TOUR AND CONFERENCE - 29/4/0212	128.50
EFT74578	24/05/2012 VICKI SANGSTER	CITY OF ALBANY ART PRIZE SALE OF ARTWORK - CENTRAL STOPOVER	1,608.00

AGENDA ITEM 4.1 REFERS

EFT74579	24/05/2012	SEEK LIMITED	ADVERTISING	236.50
EFT74580	24/05/2012	SERENITY PARK	DISPOSAL OF DOGS	120.00
EFT74581	24/05/2012	G & L SHEETMETAL	LOUVRES FOR GENERATOR SHED	506.00
EFT74582	24/05/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	1,221.83
EFT74583	24/05/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	6,178.04
EFT74584	24/05/2012	SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES	238.20
EFT74585	24/05/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	1,979.04
EFT74586	24/05/2012	SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	411.40
EFT74587	24/05/2012	STATEWIDE BEARINGS	PLANT REPAIRS	87.88
EFT74588	24/05/2012	STIRLING CONFECTIONERY PLUS	CONFECTIONERY SUPPLIES	830.24
EFT74589	24/05/2012	ST JOHN AMBULANCE AUSTRALIA	FIRST AID TRAINING	295.00
EFT74590	24/05/2012	SYNERGY	POWER USAGE	84,021.25
EFT74591	24/05/2012	T4 TECHNOLOGY	IPAD SKIN/COVER	100.00
EFT74592	24/05/2012	T & C SUPPLIES	BAGS QUICK SET CEMENT/HARDWARE/TOOL SUPPLIES	1,510.52
EFT74593	24/05/2012	T-QUIP	VEHICLE PARTS	194.10
EFT74594	24/05/2012	C.Y. O'CONNOR COLLEGE OF TAFE	SHORT VOCATIONAL COURSE - FIREARMS TRAINING	8,450.00
EFT74595	24/05/2012	TAYLOR RH & ML	CENTENNIAL ART PRIZE - SALE OF ARTWORK - THE LOVERS	315.00
EFT74596	24/05/2012	THE VEGIE SHOP	GROCERIES	164.71
EFT74597	24/05/2012	CRAIG GEOFFREY RONALD TONKIN	CROSSOVER APPLICATION A211934	170.33
EFT74598	24/05/2012	TOTAL EDEN	RETICULATION SUPPLIES	1,078.25
EFT74599	24/05/2012	TRAILBLAZERS	SAFETY PROTECTIVE BOOTS	137.00
EFT74600	24/05/2012	ALBANY TYREPOWER	TYRE PURCHASES/MAINTENANCE	1,730.70
EFT74601	24/05/2012	UNITED EQUIPMENT PTY LTD	The purchase of 2 Yellow EWP Safety check and Routine maintenance logbooks	64.88
EFT74602	24/05/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	BULK GREEN WASTE	17,179.80
EFT74603	24/05/2012	VISIT MERCHANDISE PTY LTD	VISITORS CENTRE MERCHANDISE	232.82
EFT74604	24/05/2012	WESTERN AUSTRALIAN CRICKET ASSOCIATION INC	TONS OF PITCH SOIL	6,468.00
EFT74605	24/05/2012	KENNETH WADROP	CITY OF ALBANY ART PRIZE SALE OF ARTWORK - PLACE OF RAIN	2,211.00
EFT74606	24/05/2012	WATKINS CONTRACTORS	MULCH SUPPLIES	5,951.00
EFT74607	24/05/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	560.37
EFT74608	24/05/2012	LANDMARK LIMITED	SUPPLY OF POLES/FERTILIZER SUPPLIES	2,357.52
EFT74609	24/05/2012	WESTERN STABILISERS PTY LTD	DOWN RD (SLK 0.30 - 3.60) CONTRACT AS PER TENDER C10018	228,066.19
EFT74610	24/05/2012	WESTSHRED DOCUMENT DISPOSAL	DOCUMENT DISPOSAL/SHARPS DISPOSAL	313.50
EFT74611	24/05/2012	WESTERN WORK WEAR	SAFETY PROTECTIVE BOOTS	160.00
EFT74612	24/05/2012	WILSON MACHINERY	VEHICLE PARTS	507.41
EFT74613	24/05/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	123.48
EFT74614	24/05/2012	ANNABEL JANE ARNOLD	CLASS FACILITATION - THE ARTISTS WAY 23/5/2012	247.50
EFT74615	31/05/2012	AD CONTRACTORS PTY LTD	LOWER DENMARK ROAD - AS PER CONTRACT	270,489.12
EFT74616	31/05/2012	AEG OGDEN (PERTH) PTY LTD	DEPOSIT - NAIDOC WEEK AWARDS DINNER @ AEC	2,109.00
EFT74617	31/05/2012	AERODROME MANAGEMENT SERVICES PTY LTD	Provide a gap analysis on the Albany Airport to allow unrestricted Code 3 jet operations	9,823.00
EFT74618	31/05/2012	ALBANY PRINTERS	ALAC STICKERS	60.00
EFT74619	31/05/2012	ALBANY STATIONERS	PRINTER CARTRIDGES	141.70
EFT74620	31/05/2012	ALBANY INDOOR PLANT HIRE	INDOOR PLANT HIRE	980.31
EFT74621	31/05/2012	ALBANY CHAMBER OF COMMERCE & INDUSTRY	ACCA 2012 BUSINESS AWARDS PRESENTATION DINNER	270.00
EFT74622	31/05/2012	ALBANY REFRIGERATION	REFRIGERATION & AIRCONDITIONING REPAIRS & MAINTENANCE	302.50

AGENDA ITEM 4.1 REFERS

EFT74623	31/05/2012	HOME TIMBER & HARDWARE	Rubber chair tips 25mm	277.13
EFT74624	31/05/2012	ALBANY AUTO 1	CAR PARTS	60.00
EFT74625	31/05/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY SUPPLIES	1,068.10
EFT74626	31/05/2012	ALBANY PONY CLUB	KIDSPORT	150.00
EFT74627	31/05/2012	ALINTA	GAS USAGE CHARGES 5/4/2012 - 11/5/2012 52 BARKER RD	25,830.80
EFT74628	31/05/2012	ALL EVENTS PROSOUND HIRE	US SUBMARINERS MEMORIAL 2012 - AUDIO EQUIPMENT	514.00
EFT74629	31/05/2012	AMITY PAINTING & DECORATING	VAC PAINTING	6,325.00
EFT74630	31/05/2012	ANNETTE DAVIS	CITY OF ALBANY ART PRIZE	6,000.00
EFT74631	31/05/2012	ARDESS NURSERY	NURSERY SUPPLIES	1,682.41
EFT74632	31/05/2012	ART ON THE MOVE	ART ON THE MOVE MEMBERSHIP	110.00
EFT74633	31/05/2012	ART ALMANAC	ADVERTISING	183.15
EFT74634	31/05/2012	ARTCRAFT PTY LTD	SIGNAGE	3,363.80
EFT74635	31/05/2012	ASPERMONT LIMITED	WME MAGAZINE 2 YEARS	338.01
EFT74636	31/05/2012	ATC WORK SMART	TEMPORARY STAFF	10,128.24
EFT74637	31/05/2012	BARNESBY FORD	VEHICLES/VEHICLE PARTS/REPAIRS	3,341.65
EFT74638	31/05/2012	BARKERS TRENCHING SERVICES	WORKS AS REQUIRED ON FLINDERS PARADE	5,225.00
EFT74639	31/05/2012	SOPHIE BEECH	TRAVEL REIMBURSEMENT - LOCAL GOVERNMENT FINANCIAL TRAINING	337.35
EFT74640	31/05/2012	BENNETTS BATTERIES	BATTERY PURCHASES	242.00
EFT74641	31/05/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire Traffic Control	6,124.10
EFT74642	31/05/2012	BIO DIVERSE SOLUTIONS	STATISTICS COLLECTION FOR CITY OF ALBANY CAMPSITES	3,960.00
EFT74643	31/05/2012	BLACKWOODS	UNIFORMS	324.72
EFT74644	31/05/2012	BLOOMIN FLOWERS	SUPPLY WREATH FOR US SUBMARINERS SERVICE	140.00
EFT74645	31/05/2012	JA & NL BOCCAMAZZO	1ST PROGRESS PAYMENT FOR SUPPLY AND INSTALL NEW FLOORING ALBANY SENIOR CITIZENS CENTRE FUNCTION ROOM	23,342.00
EFT74646	31/05/2012	BROCKS	VERTICAL BLIND REPAIRS	55.00
EFT74647	31/05/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	312.83
EFT74648	31/05/2012	CAMPBELL CONTRACTORS	CONSTRUCTION OF CONCRETE PATHWAY	67,829.00
EFT74649	31/05/2012	J & S CASTLEHOW ELECTRICAL SERVICES	BEING FOR THE REPAIR OF STREET LIGHTS ON PRINCESS ROYAL DRIVE	4,102.91
EFT74650	31/05/2012	COCA-COLA AMATIL PTY LTD	SOFT DRINK FOR ALAC CAFE	1,227.65
EFT74651	31/05/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	404.25
EFT74652	31/05/2012	COURIER AUSTRALIA	FREIGHT COSTS	727.92
EFT74653	31/05/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS/MAINTENANCE	1,457.79
EFT74654	31/05/2012	DATA #3 LIMITED	MS Access 2010 SNGL OLP NL Academic (AHC)	177.70
EFT74655	31/05/2012	DAVE POLETTE PHOTOGRAPHY	ANZAC DAY PHOTOGRAPHY	500.00
EFT74656	31/05/2012	35 DEGREES SOUTH	SURVEYING	913.00
EFT74657	31/05/2012	DIGITAL MAPPING SOLUTIONS	IT SERVICES	8,360.00
EFT74658	31/05/2012	EASIFLEET MANAGEMENT	ESP BUREAU FEE -NOVATED LEASE	444.46
EFT74659	31/05/2012	SIMON EDWARDS	STAFF MILEAGE REIMBURSEMENT	21.08
EFT74660	31/05/2012	EVERTRANS	VEHICLE PARTS	1,193.50
EFT74661	31/05/2012	EYERITE SIGNS	SIGNAGE	376.20
EFT74662	31/05/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	28.94
EFT74663	31/05/2012	ALBANY CAMERA HOUSE	PANASONIC BATTERY	79.95
EFT74664	31/05/2012	FORTE AIRPORT MANAGEMENT	FORTE AIRPORT MANAGEMENT SERVICES TO REVIEW DOCUMENTATION	1,760.00
EFT74665	31/05/2012	ANGELA DIANA FRYER-SMITH	REIMBURSE FEE FOR APPLICATION FOR PLANNING SCHEME CONSENT FOR 57-59 BURGOYNE RD WHICH IS NOT REQUIRED	270.00

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EFT74666	31/05/2012	FUELS WEST PETROLEUM	Litres DIESEL FUEL	14,885.66
EFT74667	31/05/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	4,794.89
EFT74668	31/05/2012	GREAT SOUTHERN INSTITUTE OF TECHNOLOGY	Provide training program for Asbestos Identification	462.00
EFT74669	31/05/2012	GREEN SKILLS INC	TEMPORARY STAFF	19,250.00
EFT74670	31/05/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING GOODS	598.79
EFT74671	31/05/2012	GREAT SOUTHERN LIQUID WASTE	PUMP OUT AND REMOVAL OF LIQUID WASTE FROM WASTE OIL INTERCEPTOR	7,452.00
EFT74672	31/05/2012	HANSON EXECUTIVE MANAGEMENT	DEVELOPMENT AND REPUTATION SEMINAR	5,225.00
EFT74673	31/05/2012	HAVOC BUILDERS PTY LTD	BUILDING WORKS TO THE AIRPORT UPGRADE	4,906.00
EFT74674	31/05/2012	HELEN LEEDER-CARLSON	WEDNESDAY PAINTING WITH HELEN	550.00
EFT74675	31/05/2012	HOWARD AND HEAVER ARCHITECTS	ARCHITECTURAL SERVICES RENDERED IN RELATION TO THE ALBANY AIRPORT	3,388.00
EFT74676	31/05/2012	IDEAL OFFICE FURNITURE PTY LTD	OFFICE FURNITURE	4,378.00
EFT74677	31/05/2012	JOHN KINNEAR AND ASSOCIATES	SET-OUT FOR LINE MARKING AT BATHURST	825.00
EFT74678	31/05/2012	JUDE CODNER	EA TO THE CEO	7,019.00
EFT74679	31/05/2012	JUST SEW EMBROIDERY	EMBROIDERY	82.50
EFT74680	31/05/2012	PAULA KEENAN	HEALTH AND FITNESS MANAGEMENT CONSULTANT	3,200.00
EFT74681	31/05/2012	KESTON TECHNOLOGIES PTY LTD	ASSISTANCE WITH THE CLGF SUBMISSION FOR THE CENTENNIAL PARK	6,699.00
EFT74682	31/05/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	1,576.78
EFT74683	31/05/2012	LANDFILL GAS AND POWER PTY LTD	LANDFILL GAS AND POWER SUPPLY	16,043.98
EFT74684	31/05/2012	LOCK N STORE SELF STORAGE - ALBANY	UNIT 041 3 MONTHS RENTAL 20/5/2012 - 20/8/2012	450.00
EFT74685	31/05/2012	LORLAINE DISTRIBUTORS PTY LTD	CLEANING GOODS	58.95
EFT74686	31/05/2012	LOWER KING LIQUOR & GENERAL STORE	ALCOHOL PURCHASES FOR VAC EVENTS	180.52
EFT74687	31/05/2012	M & B SALES PTY LTD	BUILDING SUPPLIES	38.01
EFT74688	31/05/2012	ALBANY PARTY HIRE	EQUIPMENT HIRE - SUBMARINERS EVENT	779.50
EFT74689	31/05/2012	JAMES MCLEAN	SCULPTURE AND POTTERY CLASSES	835.00
EFT74690	31/05/2012	METROOF ALBANY	SUPPLY AND DELIVERY OF ROOFING MATERIALS AS PER QUOTE	771.68
EFT74691	31/05/2012	METROCOUNT PTY LTD	KFIG8L - 10 Pack Large Figure-8 Road Cleats	408.10
EFT74692	31/05/2012	MIDALIA STEEL PTY LTD	STEEL SUPPLIES	170.84
EFT74693	31/05/2012	MT BARKER COMPUTERS & ELECTRONICS	JAYCAR ELECTRONICS USB 2.0 DVD MAKER CAT. NO. XC4867	69.95
EFT74694	31/05/2012	MT MANYPEAKS HORSE & PONY CLUB INC	KIDSPORT	1,200.00
EFT74695	31/05/2012	PN & ER NEWMAN QUALITY CONCRETE PRODUCTS	SOAKWELL	840.40
EFT74696	31/05/2012	OKEEFE'S PAINTS	PAINT & PAINTING SUPPLIES	129.46
EFT74697	31/05/2012	OPUS INTERNATIONAL CONSULTANTS LTD	VARIATION TO WORKS - DESIGN, SUPERINTENDENCE AND TENDER	16,637.50
EFT74698	31/05/2012	CORR ART	ARTISTIC DEVELOPMENT X 2 WEEKS	280.00
EFT74699	31/05/2012	OTIS ELEVATOR COMPANY P/L	LIFT MAINTENANCE	1,467.84
EFT74700	31/05/2012	PAUL ARMSTRONG PANELBEATERS	PANEL BEATER REPAIRS	2,147.43
EFT74701	31/05/2012	PERPETUAL TRUSTEES WA LTD	Rates refund for assessment A5492	271.20
EFT74702	31/05/2012	AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LIMITED	LICENCE FEES	986.88
EFT74703	31/05/2012	PETER GRAHAM AND COMPANY LTD	PEST CONTROL	195.00
EFT74704	31/05/2012	PHILLIP BEST PLUMBING PTY LTD	PLUMBING MAINTENANCE / REPAIRS	53.04
EFT74705	31/05/2012	BRIAN PICKFORD	TRANSPORTATION OF CAR FROM VIC TO WA	1,679.63
EFT74706	31/05/2012	PIONEER HEALTH ALBANY	FLU CLINIC DEPOT	891.00
EFT74707	31/05/2012	ROYAL LIFE SAVING SOCIETY AUSTRALIA	WATCH AROUND WATER WRISTBANDS	660.00
EFT74708	31/05/2012	ILEANA ROZITIS	CENTENNIAL ART PRIZE - SALE OF ARTWORK - WHAT DOESN'T KILL YOU	413.00
EFT74709	31/05/2012	KAITLYN SEYMOUR	ADMIN ASSISTANCE 1/5/2012 - 18/5/2012	599.04
EFT74710	31/05/2012	SHEILAH RYAN	ART ASSISTANCE	390.00

AGENDA ITEM 4.1 REFERS

EFT74711	31/05/2012	SIGNS PLUS	NAME BADGES	102.85
EFT74712	31/05/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	19,530.27
EFT74713	31/05/2012	SMITHS ALUMINIUM & 4WD CENTRE	THE REPAIR OF TWO ALUMINIUM ROLLERS FOR PLAY	220.00
EFT74714	31/05/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	419.10
EFT74715	31/05/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	1,365.43
EFT74716	31/05/2012	SPRAYLINE SPRAYING EQUIPMENT	Purchase of 5SDE-400 Single reel Quikspray	11,951.91
EFT74717	31/05/2012	STEWART AND HEATON CLOTHING PTY LTD	WABFS JACKETS AND PANTS	1,231.43
EFT74718	31/05/2012	ALBANY LOCK SERVICE	The re-key and assembly of the fuel cap for the Ford Transit	102.55
EFT74719	31/05/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	323.59
EFT74720	31/05/2012	THE VEGIE SHOP	GROCERIES	165.77
EFT74721	31/05/2012	TOTAL GREEN RECYCLING	E WASTE RECYCLING	2,570.48
EFT74722	31/05/2012	TRAILBLAZERS	Protective Safety Boots	101.15
EFT74723	31/05/2012	TRADELINK PLUMBING SUPPLIES	STORMWATER SUPPLIES	7.96
EFT74724	31/05/2012	ALBANY TYREPOWER	TYRE PURCHASES	242.15
EFT74725	31/05/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	SCREENED TOP SOIL	33.00
EFT74726	31/05/2012	SARAH VALLENTINE	INDUCTION & RELIEF AT VAC	137.50
EFT74727	31/05/2012	DAVID & GREER WADE	Rates refund for assessment A212265	683.41
EFT74728	31/05/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	1,069.42
EFT74729	31/05/2012	TOM WENBOURNE	TRAVEL EXPENSES - HERITAGE AND PLANNING MANAGEMENT SEMINAR	285.00
EFT74730	31/05/2012	WESTRAC EQUIPMENT PTY LTD	VEHICLE PARTS	804.65
EFT74731	31/05/2012	LANDMARK LIMITED	BAGS TURF FERTILISER	187.99
EFT74732	31/05/2012	WESTERN STABILISERS PTY LTD	RECOUP OF RETENTION	116,644.53
EFT74733	31/05/2012	YAKKA PTY LTD	UNIFORMS	175.68
EFT74734	31/05/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	19.57
EFT74735	07/06/2012	ALBANY COMMUNITY HOSPICE	Payroll deductions	66.00
EFT74736	07/06/2012	AMP SUPERANNUATION LIMITED	Superannuation contributions	2,353.85
EFT74737	07/06/2012	AUSTRALIAN TAXATION OFFICE	Payroll deductions	345,868.28
EFT74738	07/06/2012	AUSTRALIAN SERVICES UNION WA BRANCH	Payroll deductions	5,722.70
EFT74739	07/06/2012	PRIME SUPER	Superannuation contributions	479.82
EFT74740	07/06/2012	AUSTRALIAN SUPER	Superannuation contributions	2,266.97
EFT74741	07/06/2012	AUSTRALIAN ETHICAL SUPERANNUATION FUND	Superannuation contributions	342.21
EFT74742	07/06/2012	BANSCOTT SUPER FUND	Superannuation contributions	859.39
EFT74743	07/06/2012	BT SUPER FOR LIFE	Superannuation contributions	572.04
EFT74744	07/06/2012	CHILD SUPPORT AGENCY	Payroll deductions	590.62
EFT74745	07/06/2012	COLONIAL FIRST STATE ROLLOVER & SUPER FUND	Superannuation contributions	579.42
EFT74746	07/06/2012	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	1,106.10
EFT74747	07/06/2012	COLONIAL FIRST STATE WHOLESALE SUPER FUND	Superannuation contributions	270.97
EFT74748	07/06/2012	COLONIAL FIRST STATE FIRSTCHOICE PERSONAL SUPER	Superannuation contributions	1,368.18
EFT74749	07/06/2012	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	113.80
EFT74750	07/06/2012	GENERATIONS PERSONAL SUPER FUND	Payroll deductions	674.55
EFT74751	07/06/2012	GENERATIONS PERSONAL SUPER FUND	Superannuation contributions	63.22
EFT74752	07/06/2012	HBF OF WA	Payroll deductions	1,074.10
EFT74753	07/06/2012	ING INTEGRA SUPER	Superannuation contributions	298.34
EFT74754	07/06/2012	ING ONE ANSWER PERSONAL SUPER	Superannuation contributions	636.50
EFT74755	07/06/2012	ING INTEGRA SUPER	Superannuation contributions	264.63

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EFT74756	07/06/2012	MACQUARIE BANK LIMITED	Superannuation contributions	4,318.68
EFT74757	07/06/2012	OAK TREE SUPERANNUATION FUND	Superannuation contributions	76.60
EFT74758	07/06/2012	ONEPATH MASTERFUND	Superannuation contributions	2,221.77
EFT74759	07/06/2012	REST SUPERANNUATION	Superannuation contributions	8,612.85
EFT74760	07/06/2012	MARITIME SUPER	Superannuation contributions	213.67
EFT74761	07/06/2012	SPECTRUM SUPER	Superannuation contributions	445.83
EFT74762	07/06/2012	SUMMIT MASTER TRUST PERSONAL SUPERANNUATION PLAN	Superannuation contributions	46.74
EFT74763	07/06/2012	THE UNIVERSAL SUPER SCHEME	Superannuation contributions	966.06
EFT74764	07/06/2012	WA LOCAL GOVT SUPERANNUATION	Superannuation contributions	160,030.35
EFT74765	07/06/2012	WAYNE JOHN STEAD PTY LTD SUPERANNUATION FUND	Payroll deductions	2,492.19
EFT74766	07/06/2012	WESTSCHEME	Superannuation contributions	3,681.55
EFT74767	07/06/2012	A1 ROADLINES PTY LTD	DRAIN VALVE	324.19
EFT74768	07/06/2012	ABA SECURITY	SECURITY SERVICES	196.90
EFT74769	07/06/2012	ADVANCED PERSONNEL MANAGEMENT	EMPLOYEE SCREENING	284.16
EFT74770	07/06/2012	ADVERTISER PRINT	ADVERTISING	1,115.00
EFT74771	07/06/2012	AGCRETE ALBANY	Concrete drainage products	1,144.00
EFT74772	07/06/2012	AIRPORT LIGHTING SPECIALISTS PTY LTD	WINDSOCK WHITE X 2	366.30
EFT74773	07/06/2012	ALBANY BRAKE AND CLUTCH	VEHICLE MAINTENANCE	29.70
EFT74774	07/06/2012	OPTEON (ALBANY AND GREAT SOUTHERN WA)	VALUATION FEE 198 HANRAHAN ROAD MOUNT ELPHINSTONE	330.00
EFT74775	07/06/2012	ALBANY SOIL AND CONCRETE TESTING	SITE INVESTIGATE FOR ALBANY AIRPORT INCLUDING TECHNICIAN FEE	1,223.75
EFT74776	07/06/2012	ALBANY V-BELT AND RUBBER	VEHICLES/VEHICLE PARTS/REPAIRS	1,039.09
EFT74777	07/06/2012	ALBANY SWEEP CLEAN	SWEEP DRIVEWAYS, ROAD ACCESS AND PARKING AREARS IN FRONT OF MAIN TERMINAL	346.50
EFT74778	07/06/2012	ALBANY MONUMENTAL MASONS	TO SUPPLY AND ERECT GREY GRANITE PANEL/ROCK WITH BLACK INSCRIPTION	723.98
EFT74779	07/06/2012	HOME TIMBER & HARDWARE	HARDWARE ITEMS	116.83
EFT74780	07/06/2012	ALBANY AUTO 1	GIFT VOUCHER FOR IAN GROCOE - 13 YEARS OF SERVICE	195.00
EFT74781	07/06/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY SUPPLIES	2,769.45
EFT74782	07/06/2012	ALBANY PSYCHOLOGICAL SERVICES	CONSULTATION	187.00
EFT74783	07/06/2012	ALBANY MILK DISTRIBUTORS	MILK DELIVERIES	406.26
EFT74784	07/06/2012	ANNABEL JANE ARNOLD	ARTISTS WAY CLASS FACILITAION 7/6/2012	247.50
EFT74785	07/06/2012	ARTCRAFT PTY LTD	SIGNAGE	616.83
EFT74787	07/06/2012	AMS (AUSSIE MODULAR SOLUTIONS)	SUPPLY AND DELIVERY OF TRANSPORTABLE MODULAR	20,741.93
EFT74788	07/06/2012	BARNESBY FORD	VEHICLES/VEHICLE PARTS/REPAIRS	4,254.53
EFT74789	07/06/2012	BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	465.96
EFT74790	07/06/2012	BARRETT'S MINI EARTHMOVING & CHIPPING	THE TOTAL REMOVAL OF TWO LARGE EUCALYPTUS TREES	6,270.00
EFT74791	07/06/2012	BARKERS TRENCHING SERVICES	WORKS AS REQUIRED ON FLINDERS PARADE	7,600.00
EFT74792	07/06/2012	BATTERY WORLD	BATTERY PURCHASES	100.00
EFT74793	07/06/2012	TERRY ROBERT BELL	Rates refund for assessment A131059	354.36
EFT74794	07/06/2012	BENNETTS BATTERIES	BATTERY PURCHASES	232.32
EFT74795	07/06/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire of Traffic Control	1,939.96
EFT74796	07/06/2012	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES	1,275.36
EFT74797	07/06/2012	BINDOON TRACTORS PTY LTD	SETS OF FLAILS, NUTS, BOLTS, BUSHES AND WASHERS TO SUIT REACH MOWER	2,004.80
EFT74798	07/06/2012	BLACKWOODS	SAFETY UNIFORMS	90.29
EFT74799	07/06/2012	ALBANY BOBCAT SERVICES	BOBCAT HIRE FOR A PATH CONSTRUCTION AND SPREADING OF MULCH IN CHEYNES BEACH DAY AREA	960.00

AGENDA ITEM 4.1 REFERS

EFT74800	07/06/2012	BOOKMARKETING - GARY SPELLER	LOCAL STOCKS FOR LIBRARY	14.00
EFT74801	07/06/2012	AIR BP	AVGAS PURCHASES	881.56
EFT74802	07/06/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	285.05
EFT74803	07/06/2012	BUILDING AND CONSTRUCTION IND TRAINING FUND	BCITF LEVY FOR THE MONTH OF MAY 2012	4,735.92
EFT74804	07/06/2012	BUILDING COMMISSION	BSL LEVY FOR THE MONTH OF MAY 2012	3,243.13
EFT74805	07/06/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	HARDWARE	1,236.57
EFT74806	07/06/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	19,012.29
EFT74807	07/06/2012	CJD EQUIPMENT PTY LTD	VEHICLE PARTS	388.55
EFT74808	07/06/2012	COCA-COLA AMATIL PTY LTD	SOFT DRINK FOR ALAC CAFE	1,258.58
EFT74809	07/06/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	171.63
EFT74810	07/06/2012	COURIER AUSTRALIA	FREIGHT CHARGES	1,662.72
EFT74811	07/06/2012	COUNTRY ARTS WA	FEE FOR CANCELLED FLIGHT	55.00
EFT74812	07/06/2012	DOWNER EDI WORKS PTY LTD	Drops of Hot-Mix to repair around sump lid	308.26
EFT74813	07/06/2012	HOLCIM (AUSTRALIA) PTY LTD	WASHED METAL	4,111.97
EFT74814	07/06/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS/MAINTENANCE	148.06
EFT74815	07/06/2012	DENMARK NETBALL ASSOCIATION	KIDSPORT VOUCHERS	240.00
EFT74816	07/06/2012	LANDGATE	RURAL VALUATION	1,599.82
EFT74817	07/06/2012	DON MILLAR PROJECTS	CONTRACTOR PAYMENTS	5,342.33
EFT74818	07/06/2012	SIMON EDWARDS	REIMBURSEMENTS FOR SECURITY LICENCE & POLICE CLEARANCE	78.30
EFT74819	07/06/2012	ELITE POOL COVERS	Commercial Pool Blanket Thermal/ Roller Tandem extra heavy duty Roller Brake	63,310.50
EFT74820	07/06/2012	EMMA MEGAN EVANS	PROFESSIONAL FEES	1,625.00
EFT74821	07/06/2012	EVERTRANS	VEHICLES/VEHICLE PARTS/REPAIRS	2,018.50
EFT74822	07/06/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	CATERING SUPPLIES	134.61
EFT74823	07/06/2012	FIRE AND EMERGENCY SERVICES AUTHORITY OF WA	ESL 4TH QUARTER	210,627.01
EFT74824	07/06/2012	ALBANY FILTER CLEAN	FILTERS CLEANED AND CHANGED	28.00
EFT74825	07/06/2012	HAYLEY FLETCHER	SET UP EXHIBITION	63.00
EFT74826	07/06/2012	FUELS WEST PETROLEUM	LITRES OF DIESEL FUEL	9,453.47
EFT74827	07/06/2012	GRAPEVINE MARKETING PTY LTD	VISITORS CENTRE MERCHANDISE	67.80
EFT74828	07/06/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING SUPPLIES	787.05
EFT74829	07/06/2012	GT BEARING AND ENGINEERING SUPPLIES	VEHICLE PARTS	340.00
EFT74830	07/06/2012	HANSON EXECUTIVE MANAGEMENT	SUBCONTRACTOR PAYMENT - CORPORATE SERVICES - AMANDA BROOKS 28/5 - 8/6/12	6,737.50
EFT74831	07/06/2012	PROTECTOR FIRE SERVICES PTY LTD	FIRE EQUIPMENT MAINTENANCE	109.45
EFT74832	07/06/2012	HEADSETERA	HEAD SET PURCHASE	632.50
EFT74833	07/06/2012	HELEN LEEDER-CARLSON	PAINTING GROUP	240.00
EFT74834	07/06/2012	HERITAGE COUNCIL OF WESTERN AUSTRALIA	HERITAGE SEMINAR FEES 3-4 MAY 2012 - TOM WENBOURNE ATTENDING	418.00
EFT74835	07/06/2012	JOHN HOBBS	FORTS VOLUNTEER TRAVEL ALLOWANCE	12.00
EFT74836	07/06/2012	HORNE, MC & YC	GRAVEL	2,745.60
EFT74837	07/06/2012	HUDSON SEWAGE SERVICES	QUARTERLY SEPTIC MAINTENANCE - AIRPORT	1,894.50
EFT74838	07/06/2012	JJ'S HIAB SERVICES	DELIVERY OF CONCRETE PRODUCTS FROM YARD	616.00
EFT74839	07/06/2012	JOHN KINNEAR AND ASSOCIATES	SURVEYING	192.50
EFT74840	07/06/2012	JULENNI	VISITORS CENTRE MERCHANDISE	38.23
EFT74841	07/06/2012	JUST SEW EMBROIDERY	EMBROIDERY	16.50
EFT74842	07/06/2012	KESTON TECHNOLOGIES PTY LTD	CONSULTING FEES	11,165.00
EFT74843	07/06/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	345.62

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EFT74844	07/06/2012	LATRO LAWYERS	LEGAL FEES	907.50
EFT74845	07/06/2012	LEASE CHOICE	SCANNER LEASE	689.70
EFT74846	07/06/2012	DAVID LEECH	VISITORS CENTRE MERCHANDISE	200.00
EFT74847	07/06/2012	STATE LIBRARY OF WA	LOST/DAMAGED BOOKS	146.30
EFT74848	07/06/2012	LORLAINE DISTRIBUTORS PTY LTD	CHAMPAGNE FLUTE GLASSES CARTON	323.15
EFT74849	07/06/2012	M & B SALES PTY LTD	BUILDING SUPPLIES	13.32
EFT74850	07/06/2012	MASTERY OF FX	FINDING MY PLACE WORKSHOP	170.00
EFT74851	07/06/2012	METROOF ALBANY	Being for Classic Cream colourbond ROOFING MATERIALS	3,198.30
EFT74852	07/06/2012	MIDALIA STEEL PTY LTD	Being for 8 metres of 40x40 x2mm GAL box tube one sheet of F63 mesh for the Normans Beach toilet	109.51
EFT74853	07/06/2012	JOHN MOIR	RUBBISH REMOVAL	600.00
EFT74854	07/06/2012	CORBAN JAMES MORAN	FORTS VOLUNTEER TRAVEL ALLOWANCE	549.12
EFT74855	07/06/2012	MT BARKER COMMUNICATIONS	ALL STATIONS OUTAGE AT BORNHOLM	363.00
EFT74856	07/06/2012	NATALIE RADIVOJEVIC	ADMIN ASSISTANCE	891.91
EFT74857	07/06/2012	PN & ER NEWMAN QUALITY CONCRETE PRODUCTS	Being for the supply of One (1) septic tank with lids	484.00
EFT74858	07/06/2012	ALBANY COMMUNITY PHARMACY	FIRST AID SUPPLIES	14.90
EFT74859	07/06/2012	OTIS ELEVATOR COMPANY P/L	LIFT MAINTENANCE	193.32
EFT74860	07/06/2012	ANNA PAGE	REIMBURSEMENTS FOR SECURITY LICENCE & POLICE CLEARANCE	78.30
EFT74861	07/06/2012	PAULS PET FOODS	BAGS OF DRY DOG FOOD	57.00
EFT74862	07/06/2012	PAUL ARMSTRONG PANELBEATERS	PANEL BEATING	2,216.70
EFT74863	07/06/2012	ALBANY POLICE AND CITIZENS YOUTH CLUB	VENUE HIRE	550.00
EFT74864	07/06/2012	ANGELA POULISH	CONTRACTOR PAYMENTS	5,041.67
EFT74865	07/06/2012	PROTEK ELECTRONICS PTY LTD	Proximity Keys	325.38
EFT74866	07/06/2012	RAILWAYS FOOTBALL CLUB	KIDSPORT VOUCHERS	705.00
EFT74867	07/06/2012	RICOH	PHOTOCOPIER CHARGES APRIL 2012	12,844.06
EFT74868	07/06/2012	BG, E AND KE RUSS	EQUIPMENT HIRE	330.00
EFT74869	07/06/2012	JEROME RICHARD RYAN	RETURN OF TIP FEES	30.00
EFT74870	07/06/2012	SAXXON IT	VNX INSTALLATIONS, MIGRATION OF WORKLOADS	13,754.40
EFT74871	07/06/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	4,235.67
EFT74872	07/06/2012	SOS SWITCHED ON TO SAFETY	CHEM FFX LICENSE	2,453.00
EFT74873	07/06/2012	SOUTHERN ELECTRICS	ELECTRICAL REPAIRS/MAINTENANCE	2,610.54
EFT74874	07/06/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	1,557.24
EFT74875	07/06/2012	SOUTHERN EDGE ARTS INC	KIDSPORT APPLICATIONS	585.00
EFT74876	07/06/2012	SPOTLIGHT	Metre of Hessian Fabric - Plain	13.98
EFT74877	07/06/2012	STAR SALES AND SERVICE	ROLL OF CORD	580.00
EFT74878	07/06/2012	STATEWIDE BEARINGS	VEHICLE PARTS	6.00
EFT74879	07/06/2012	SAI GLOBAL LTD	INTERNET DOWNLOAD	167.49
EFT74880	07/06/2012	STIRLING CONFECTIONERY PLUS	CATERING SUPPLIES	1,583.08
EFT74881	07/06/2012	SUBWAY	CATERING SUPPLIES	142.80
EFT74882	07/06/2012	ALBANY LOCK SERVICE	LOCK SERVICES	136.20
EFT74883	07/06/2012	SYNERGY	ELECTRICITY CHARGES LOT 7353 AUSTIN RD GOODE BEACH 22/3/12 - 24/5/12	38.15
EFT74884	07/06/2012	T4 TECHNOLOGY	WIRELESS KEYBOARD FOR IPAD	75.00
EFT74885	07/06/2012	T & C SUPPLIES	BAGS QUICK SET CEMENT/HARDWARE/TOOL SUPPLIES	1,363.95
EFT74886	07/06/2012	T-QUIP	BUS STOP SUPPLIES	317.45
EFT74887	07/06/2012	THE NAKED BEAN COFFEE ROASTERS	CATERING SUPPLIES	150.00

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EFT74888	07/06/2012	TOTAL PACKAGING (WA) PTY LTD	CARTONS OF DOGGY POOCH POUCHES/DOOGY DUMPAGE DISPOSAL UNIT	289.30
EFT74889	07/06/2012	TRADELINK PLUMBING SUPPLIES	ELECTRIC HWS FOR FORTS CAFE	491.66
EFT74890	07/06/2012	TRADE SALES	5 X MK1HAND WINDER HANDLES FOR fire units	334.75
EFT74891	07/06/2012	TRU-BLU GROUP PTY LTD	EQUIPMENT HIRE	363.33
EFT74892	07/06/2012	TWO MILE PROJECTS	PROFESSIONAL SERVICES MAY 2012	11,854.80
EFT74893	07/06/2012	ALBANY TYREPOWER	TYRE PURCHASES	491.35
EFT74894	07/06/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	GREEN WASTE SERVICES	750.00
EFT74895	07/06/2012	SARAH VALLENTINE	ADMIN RELIEF VAC	75.00
EFT74896	07/06/2012	WADE MARSHALL PLUMBING	PLUMBING REPAIRS/MAINTENANCE	345.40
EFT74897	07/06/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	1,187.56
EFT74898	07/06/2012	WESTERBERG PANEL BEATERS	TOWING OF RED HONDA - REG 9HG962	88.00
EFT74899	07/06/2012	LANDMARK LIMITED	BLACK POSTS	62.15
EFT74900	07/06/2012	WESTERN WORK WEAR	Protective Safety Boots	555.30
EFT74901	07/06/2012	WIZID PTY LTD	WRISTBANDS FOR ALAC	277.20
EFT74902	07/06/2012	WOOD AND GRIEVE ENGINEERS	PALMDALE ROAD UPGRADE	4,204.57
EFT74903	07/06/2012	YAKKA PTY LTD	UNIFORMS	52.82
EFT74904	07/06/2012	ZENITH LAUNDRY	LAUNDRY SERVICES/HIRE	23.40
EFT74905	14/06/2012	ACTIV FOUNDATION INC.	INDUSTRIAL BROOM HEADS	700.00
EFT74906	14/06/2012	ADVERTISER PRINT	DL WINDOWFACE ENVELOPES PRINTED	4,476.00
EFT74907	14/06/2012	EDENBORN PTY LTD	MOWING CONTRACT FOR MAY 2012	4,534.10
EFT74908	14/06/2012	ALBANY FARM TREE NURSERY	SUPPLY OF NATIVE PLANT SEEDLINGS FOR LAKE SEPPINGS REVEG PROJECT	2,499.75
EFT74909	14/06/2012	ALBANY V-BELT AND RUBBER	VEHICLES/VEHICLE PARTS/REPAIRS	513.65
EFT74910	14/06/2012	ALBANY STATIONERS	STATIONERY	10.80
EFT74911	14/06/2012	COASTAL CRANES ALBANY	18 TONNE CRANE HIRE	704.00
EFT74912	14/06/2012	ALBANY COMMUNITY RADIO INC.	MAST RENTAL MT CLARENCE	1,397.68
EFT74913	14/06/2012	ALBANY REFRIGERATION	FUJITUS AST14RSH MERCER ROAD TRAINING ROOM	907.75
EFT74914	14/06/2012	ALBANY LANDSCAPE SUPPLIES	SUPPLY AND DELIVER 6M3 OF BLUE METAL DUST	330.00
EFT74915	14/06/2012	ALBANY AUTO 1	Seat covers/Car Mats	106.00
EFT74916	14/06/2012	ALBANY SKIPS AND WASTE SERVICES	RUBBISH REMOVAL CONTRACT	175.00
EFT74917	14/06/2012	ALBANY OFFICE PRODUCTS - NORTH ROAD	STATIONERY SUPPLIES	1,148.40
EFT74918	14/06/2012	ALBANY ABORIGINAL CORPORATION	HIRE OF ALBANY ABORIGINAL HALL FOR REVIEW COA ACCORD WITH NOONGARS	150.00
EFT74919	14/06/2012	ALBANY CENTRAL CABINETS	To construct and install young birch panel in entry to North Rd back door	313.50
EFT74920	14/06/2012	ALBANY MILK DISTRIBUTORS	CITY OF ALBANY WEEKLY MILK ORDER DELIVERED TO NORTH ROAD	385.00
EFT74921	14/06/2012	ALISON TEEDE (VANCOUVER CAFE)	VOLUNTEERS SUNDOWNER	3,440.25
EFT74922	14/06/2012	AMITY CRAFTS	ART COLLECTION UPKEEP	550.00
EFT74923	14/06/2012	AMPAC DEBT RECOVERY (WA) PTY LTD	RATES DEBT RECOVERY	6,000.41
EFT74924	14/06/2012	ATC WORK SMART	TEMPORARY STAFF	11,571.77
EFT74925	14/06/2012	AUSTRALIA POST	POSTAGE FEES - RATES	860.91
EFT74926	14/06/2012	AMS (AUSSIE MODULAR SOLUTIONS)	SUPPLY AND DELIVERY OF TRANSPORTABLE MODULAR BUILDING FOR THE ALBANY	183,514.87
EFT74927	14/06/2012	BAIL SAND & GRAVEL SUPPLIES	COMPACTION SAND	1,430.00
EFT74928	14/06/2012	BAREFOOT CLOTHING MANUFACTURERS	UNIFORMS	149.83
EFT74929	14/06/2012	BARRETT'S MINI EARTHMOVING & CHIPPING	THE PRUNING AND REMOVAL OF TREES	3,564.00
EFT74930	14/06/2012	JOHN BEAMON	FORTS VOLUNTEER TRAVEL ALLOWANCE	110.40
EFT74931	14/06/2012	BENNETTS BATTERIES	200 LITRE DRUM OF RUBIA 15W40 ENGINE OIL	1,456.40

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EFT74932	14/06/2012	ADVANCED TRAFFIC MANAGEMENT (WA) PTY LTD	Hours Hire of Traffic Control	7,499.51
EFT74933	14/06/2012	BERTOLA HIRE SERVICES ALBANY PTY LTD	EQUIPMENT HIRE	138.60
EFT74934	14/06/2012	BEST OFFICE SYSTEMS	IDEAL 3104 A3 SHREDDER	2,134.00
EFT74935	14/06/2012	BP BIRD PLUMBING & GAS	PLUMBING REPAIRS	304.91
EFT74936	14/06/2012	BLACKWOODS	SAFETY EQUIPMENT	497.94
EFT74937	14/06/2012	ALBANY BOBCAT SERVICES	Bobcat Hire for spreading mulching in Goode Beach	760.00
EFT74938	14/06/2012	AIR BP	AVGAS PURCHASES	484.53
EFT74939	14/06/2012	BROWNES FOODS OPERATIONS PTY LTD	CATERING SUPPLIES	355.73
EFT74940	14/06/2012	BUFF N POLISH	CLEANING CONTRACT	150.00
EFT74941	14/06/2012	BUNNINGS BUILDING SUPPLIES PTY LTD	Lengths of 50mm x 6m Grey PVC pipe for survey works Hanrahan Rd Landfill	631.97
EFT74942	14/06/2012	MARK BYRNES	LEGAL FEES	1,855.00
EFT74943	14/06/2012	J & S CASTLEHOW ELECTRICAL SERVICES	ELECTRICAL REPAIRS/MAINTENANCE	3,147.82
EFT74944	14/06/2012	CJD EQUIPMENT PTY LTD	VEHICLE PARTS	110.55
EFT74945	14/06/2012	BIS CLEANAWAY LIMITED	RUBBISH REMOVAL CONTRACT	424,831.55
EFT74946	14/06/2012	COCA-COLA AMATIL PTY LTD	CATERING SUPPLIES	1,220.57
EFT74947	14/06/2012	COLES SUPERMARKETS AUSTRALIA PTY LTD	GROCERIES	863.99
EFT74948	14/06/2012	COURIER AUSTRALIA	FREIGHT CHARGES	281.17
EFT74949	14/06/2012	ALBANY SIGNS	SIGNAGE	649.00
EFT74950	14/06/2012	COUNTRYWIDE PUBLICATIONS	ADVERTISING VISITORS CENTRE	675.00
EFT74951	14/06/2012	COVS PARTS PTY LTD	VEHICLE PARTS	604.06
EFT74952	14/06/2012	CROKER LACEY GRAPHIC DESIGN	DEVELOPMENT AND PRODUCTION OF FOUR INTERPRETATIVE SIGNS FOR LAKE VANCOUVER	8,140.00
EFT74953	14/06/2012	HOLCIM (AUSTRALIA) PTY LTD	CUBIC METRES OF CONCRETE	809.82
EFT74954	14/06/2012	AL CURNOW HYDRAULICS	VEHICLE PARTS/MAINTENANCE	297.00
EFT74955	14/06/2012	CYNERGIC COMMUNICATIONS	WEB SITE MAINTENANCE	493.90
EFT74956	14/06/2012	D & K ENGINEERING	TIPPER REPAIRS ON TRUCK AS REQUIRED	1,606.00
EFT74957	14/06/2012	DE JONGE MECHANICAL REPAIRS	INSPECTION OF COMMUNITY SAFETY VEHICLES	750.00
EFT74958	14/06/2012	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENCES	67.26
EFT74959	14/06/2012	DIGITAL MAPPING SOLUTIONS	GIS CONSULTING SERVICES 18 & 19 JUNE 2012	3,762.00
EFT74960	14/06/2012	SIMON EDWARDS	STAFF MILEAGE CREIMBURSEMENTS	10.30
EFT74961	14/06/2012	ELLEKER GENERAL STORE	FUEL PURCHASES	210.48
EFT74962	14/06/2012	FARM FRESH W/SALERS (VIOLET PARK HOLDINGS P/L	GROCERIES	81.96
EFT74963	14/06/2012	FARMERS CENTRE (1978) PTY LTD	VEHICLE PARTS	245.35
EFT74964	14/06/2012	FAT CATS CARWASH	CAR DETAILING 9002A	44.00
EFT74965	14/06/2012	ALBANY FIREBREAK AND SLASHING CO. PTY LTD	TRAVEL AND SLASH 19 WARLOCK RD BAYONET HEAD	132.00
EFT74966	14/06/2012	THE FIXUPPERY	WINDOW CLEANING NORTH ROAD	560.01
EFT74967	14/06/2012	FRANEY & THOMPSON	TIMBER SUPPLIES	91.08
EFT74968	14/06/2012	FRIDGE AND WASHER CITY	Haier Fridge	689.00
EFT74969	14/06/2012	FUELS WEST PETROLEUM	Litres DIESEL FUEL	10,826.35
EFT74970	14/06/2012	SANDRA GILFILLAN	CONSULTANCY FEES	1,680.00
EFT74971	14/06/2012	GLASS SUPPLIERS	REGLAZE WINDOWS/DOORS	293.70
EFT74972	14/06/2012	GORDON WALMSLEY PTY LTD	Metres Asphalt supplied & laid	58,592.50
EFT74973	14/06/2012	GRANDE FOOD SERVICE	CATERING SUPPLIES	295.10
EFT74974	14/06/2012	GRANT THORNTON AUSTRALIA LIMITED	AUDIT OF LOTTERIES REPORT	916.30
EFT74975	14/06/2012	GREAT SOUTHERN GROUP TRAINING	TEMPORARY STAFF	4,552.08

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EFT74976	14/06/2012	GREEN SKILLS INC	TEMPORARY STAFF	20,034.03
EFT74977	14/06/2012	GREAT SOUTHERN PACKAGING SUPPLIES	CLEANING SUPPLIES	856.90
EFT74978	14/06/2012	GREENWAY ENTERPRISES	GARDEN SUPPLIES	5,478.00
EFT74979	14/06/2012	GREENMAN TRADING COMPANY	THE PRUNING AND REMOVAL OF TREES	8,057.50
EFT74980	14/06/2012	HANSON EXECUTIVE MANAGEMENT	ALBANY AIRPORT UPGRADE PROJECT - MILESTONE4	12,309.00
EFT74981	14/06/2012	PROTECTOR FIRE SERVICES PTY LTD	ANNUAL FIRE EQUIPMENT MAINTENANCE	11,633.05
EFT74982	14/06/2012	HARVEY NORMAN ELECTRICAL ALBANY	LC70LE735X SHARP 70 INCH QUATTRON IPTV LCD	3,280.95
EFT74983	14/06/2012	HAYNES ROBINSON	LEGAL FEES	990.00
EFT74984	14/06/2012	HELEN LEEDER-CARLSON	ART FACILITATION	240.00
EFT74985	14/06/2012	HISTORY COUNCIL OF WA INC	MEMBERSHIP 2012-13	100.00
EFT74986	14/06/2012	CHRISTOPHER HOLDEN	QUARTERLY MILEAGE CLAIMS	362.30
EFT74987	14/06/2012	TERESA MARY HUGHES	MUSIC FOR VOLUNTEERS SUNDOWNER	350.00
EFT74988	14/06/2012	INFORMA AUSTRALIA PTY LTD	SUBSCRIPTION FOR EARTH M & CIVIL CONT HC & GUIDE	242.00
EFT74989	14/06/2012	FAILEEN JAMES	PERTH BUSINESS TRIP	116.90
EFT74990	14/06/2012	JIMS TEST AND TAG	TEST AND TAG	3,922.34
EFT74991	14/06/2012	JOHN KINNEAR AND ASSOCIATES	SURVEY SETOUT FOR ALBANY HIGHWAY PATH - LANCASTER TO BOTTRELL	1,199.00
EFT74992	14/06/2012	JUST SEW EMBROIDERY	EMBRIODERY	84.15
EFT74993	14/06/2012	JUST A CALL DELIVERIES	INTERNAL MAIL DELIVERIES FOR MAY 2012	1,013.10
EFT74994	14/06/2012	KANDOO WINDSCREENS	TINTING OF SIX PANELS IN THE BAGGAGE SEARCH AREA AT THE ALBANY AIRPORT	695.20
EFT74995	14/06/2012	PAULA KEENAN	HEALTH AND FITNESS CONSULTANT	2,106.00
EFT74996	14/06/2012	KING RIVER BUSHFIRE BRIGADE	SWISSPHONE WITH CHARGER	709.23
EFT74997	14/06/2012	KLB SYSTEMS	LEIBERT GXT3 1500VA UPS	3,091.00
EFT74998	14/06/2012	KNOTTS PLUMBING PTY LTD	PLUMBING REPAIRS/MAINTENANCE	7,226.39
EFT74999	14/06/2012	LA FREEGARD	HOURS OF VERGE PRUNNING & CHIPPING	22,550.00
EFT75000	14/06/2012	LEASE CHOICE	SCANNER LEASE	970.20
EFT75001	14/06/2012	CALTEX ENERGY WA	FUEL CHARGES	9,841.08
EFT75002	14/06/2012	THE LOCALS TRADING PTY LTD	VISITORS CENTRE MERCHANDISE	181.50
EFT75003	14/06/2012	LORLAINE DISTRIBUTORS PTY LTD	CLEANING SUPPLIES	54.70
EFT75004	14/06/2012	LOWER KING LIQUOR & GENERAL STORE	BAGS OF ICE	3.64
EFT75005	14/06/2012	M & B SALES PTY LTD	TIMBER SUPPLIES	548.86
EFT75006	14/06/2012	ALBANY CITY MOTORS	VEHICLES/VEHICLE PARTS/REPAIRS	462.01
EFT75007	14/06/2012	MARSHALL MOWERS	Fertilizer spreader	399.00
EFT75008	14/06/2012	JAMES MCLEAN	ART FACILITATION	1,105.00
EFT75009	14/06/2012	S MEDBURY PAINTING	REPAIR AND PAINT SENIOR CITIZENS HALL	2,375.00
EFT75010	14/06/2012	METROOF ALBANY	HARDWARE SUPPLIES	251.99
EFT75011	14/06/2012	MIDALIA STEEL PTY LTD	STEEL SUPPLIES	10.93
EFT75012	14/06/2012	MISS MAUD SWEDISH HOTEL	2 NIGHTS ACCOMMODATION - 23RD & 24TH MAY 2012 - LIBRARY CONFERENCE	440.20
EFT75013	14/06/2012	MOSTERT, DJ & H	Hours Hire of Truck & Tractor for rehabilitation works	1,650.00
EFT75014	14/06/2012	MT BARKER COMMUNICATIONS	RADIO SUPPLY AND ANTENNA TO EMERGENCY DEPT	12,017.00
EFT75015	14/06/2012	ALBANY NEAT AND TRIM LAWNS	MOW LAWNS AT VAC	170.00
EFT75016	14/06/2012	OKEEFE'S PAINTS	PAINT AND PAINT SUPPLIES	967.31
EFT75017	14/06/2012	CORR ART	ART FACILITATION	420.00
EFT75018	14/06/2012	WILLIAM MITCHELL PARKER	Rates refund for assessment A39275	21.24
EFT75019	14/06/2012	PAUL G ROBERTSON AND ASSOCIATES	CONSULT ENGINEER FOR ROAD ASSESTS	6,598.68

AGENDA ITEM 4.1 REFERS

EFT75020	14/06/2012	FULTON HOGAN INDUSTRIES	15.8kgs EzStreet Cold Asphalt pothole patch	3,960.00
EFT75021	14/06/2012	PLATTERS GOURME	CATERING FOR DEVELOPMENT ASSESSMENT PANEL	320.00
EFT75022	14/06/2012	PLASTICS PLUS	10 X 120 LITRE GREEN WITH RED LIDS BINS	935.00
EFT75023	14/06/2012	RAMPED TECHNOLOGY	RAMPED IT CONTRACTING FOR MAY 2012	27,834.92
EFT75024	14/06/2012	W P REID	INSTALL 120m2 OF BRICK PAVING	5,330.00
EFT75025	14/06/2012	RICOH	PHOTOCOPIER CHARGES	15,711.23
EFT75026	14/06/2012	EILEEN HAYWOOD RICHARDSON	VAC EMERGING ARTIST FUND	1,000.00
EFT75027	14/06/2012	ALBANY TRAFFIC CONTROL	HIRE OF TRAFFIC CONTROL	1,507.00
EFT75028	14/06/2012	RV SPORT PTY LTD	EVENT - BOOMERS VS CHINA	750.00
EFT75029	14/06/2012	UNITED TOOLS ALBANY	REPAIRS ON A 9' ANGLE GRINDER AND A BOUSH DRILL	182.70
EFT75030	14/06/2012	SAXXON IT	IT SUPPORT/MAINTENANCE	10,857.96
EFT75031	14/06/2012	SEEK LIMITED	ADVERTISING - BUILDING SERVICES LIAISON OFFICER	236.50
EFT75032	14/06/2012	SKILL HIRE WA PTY LTD	TEMPORARY STAFF	11,038.53
EFT75033	14/06/2012	SOUTHERN TOOL & FASTENER CO	HARDWARE SUPPLIES	567.98
EFT75034	14/06/2012	SOUTHWAY DISTRIBUTORS (WA) PTY LTD	CATERING SUPPLIES	1,577.19
EFT75035	14/06/2012	SOUTHCOAST SECURITY SERVICE	SECURITY SERVICES	10,666.43
EFT75036	14/06/2012	SPOTLIGHT ALBANY PTY LTD	SUPPLY CURTAIN FOR REVEALER IN IMPACT SOFTWEAVE/BLACK	160.00
EFT75037	14/06/2012	SPORTS MARKETING AUSTRALIA PTY LIMITED	ALBANY CAPACITY AND CAPABILITY STUDY	30,250.00
EFT75038	14/06/2012	STAR SALES AND SERVICE	HARDWARE/VEHICLE PARTS	25.20
EFT75039	14/06/2012	STATEWIDE BEARINGS	VEHICLE PARTS	10.10
EFT75040	14/06/2012	PETER STEWART	REIMBURSEMENT OF FEES PAID FOR MR LICENCE	87.90
EFT75041	14/06/2012	STIRLING CONFECTIONERY PLUS	CONFECTIONERY	595.54
EFT75042	14/06/2012	SYNERGY	ELECTRICITY CHARGES - GROUPED ACCOUNT	75,565.48
EFT75043	14/06/2012	T & C SUPPLIES	HARDWARE/TOOL SUPPLIES	833.93
EFT75044	14/06/2012	TELSTRA LICENSED SHOP ALBANY	Unident Dect 1515 + 1 phone	59.95
EFT75045	14/06/2012	DAVID THEODORE	STAFF TRAVEL REIMBURSEMENT	279.22
EFT75046	14/06/2012	THE VEGIE SHOP	GROCERIES	305.27
EFT75047	14/06/2012	DIANE MARIE THOMAS	CROSSOVER SUBSIDY	155.60
EFT75048	14/06/2012	TOPCON POSITIONING SYSTEMS (AUSTRALIA) PTY LTD	civilcad dongle upgrade	220.00
EFT75049	14/06/2012	ALBANY TYREPOWER	TYRE PURCHASES/MAINTENANCE	28.00
EFT75050	14/06/2012	VANCOUVER WASTE SERVICES (ARMOGEDIN PTY LTD)	GREEN WASTE SERVICES	265.00
EFT75051	14/06/2012	IT VISION AUSTRALIA PTY LTD	MAPPING AND CONVERSION OF ASSETS ACCESS DATABASE	32,053.77
EFT75052	14/06/2012	WA KOOKABURRAS FLOORBALL CLUB INC	KIDSPORT	260.00
EFT75053	14/06/2012	WAVESOUND PTY LTD	PARTIAL CONTRIBUTION TO WAVESOUND SUBSCRIPTION	4,991.25
EFT75054	14/06/2012	ALBANY & GREAT SOUTHERN WEEKENDER	ADVERTISING	1,302.03
EFT75055	14/06/2012	WELLSTEAD COMMUNITY RESOURCE CENTRE INC.	SUBSCRIPTIONS AND TELEPHONE CALLS	34.10
EFT75056	14/06/2012	WESTRAC EQUIPMENT PTY LTD	VEHICLE PARTS	318.30
EFT75057	14/06/2012	WA LOCAL GOVERNMENT ASSOCIATION	ATTENDANCE AT THE EMERGENCY MANAGEMENT FORUM - G TURNER	190.00
EFT75058	14/06/2012	LANDMARK LIMITED	HARDWARE SUPPLIES	150.15
EFT75059	14/06/2012	WESTERN POWER CORPORATION	SP035671 688 LOWER DENMARK ROAD CUTHBERT RELOCATED WP ASSETS	3,910.00
EFT75060	14/06/2012	WESTERN WORK WEAR	SAFETY BOOTS & UNIFORMS	505.13
EFT75061	14/06/2012	WEST COAST ANALYTICAL SERVICES	CLAIM 11 & 12 FOR CONTRACT WATER TESTING	7,559.90
EFT75062	14/06/2012	THE WINDOW WASHER MAN	CLEANING CONTRACT	47.50
EFT75063	14/06/2012	WIZID PTY LTD	WRISTBANDS FOR ALAC	154.00
EFT75064	14/06/2012	DIANNE WOLFER	LIBRARY WORKSHOP	880.00

AGENDA ITEM 4.1 REFERS

EFT75065 14/06/2012 FOREST WOODBURY
EFT75066 14/06/2012 YAKKA PTY LTD
EFT75067 14/06/2012 ZENITH LAUNDRY
EFT75068 14/06/2012 AUSTRALIA POST
EFT75069 14/06/2012 CHILD AUSTRALIA

STALL REFUND 76.00
WORKWEAR 137.72
LINEN HIRE/LAUNDRY SERVICES 73.39
POSTAGE FEES 2,992.24
PROFESSIONAL DEVELOPMENT WORKSHOP - PRACTICE TO PAPER - AIMEE CONDRON & DANIKA BELTRAMA 50.00

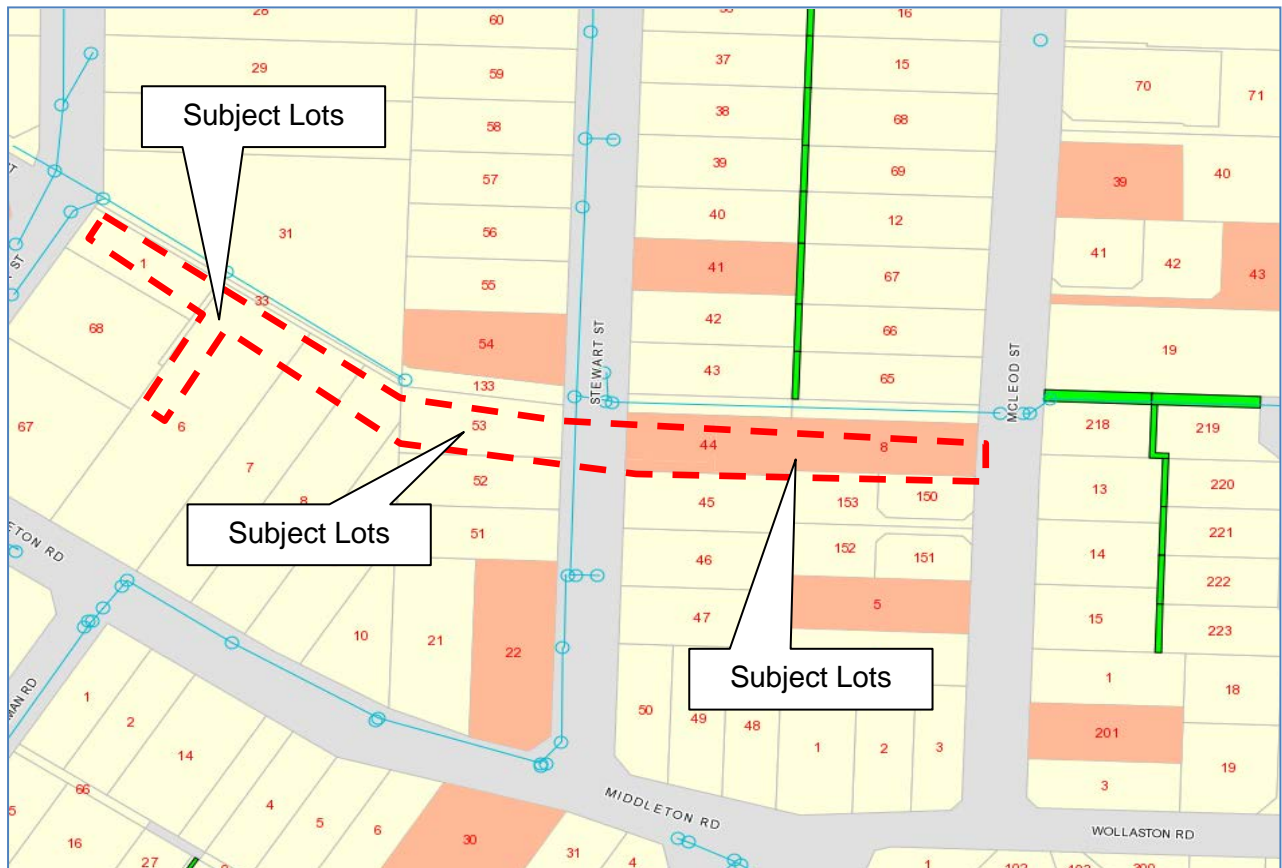
TOTAL

\$ 3,624,344.89

**4.3: ACQUISITION OF ALIENATED LAND FOR DRAINAGE PURPOSES –
LOTS 33, 100 & 133 MCLEOD, STEWART AND SEYMOUR STREETS,
MIRA MAR**

Land Description : Lots 33, 100 and 133 McLeod, Stewart & Seymour Streets, Mira Mar
Proponent : City of Albany
Owner : Elizabeth Timewell (deceased); Charlotte & Denis O’Halloran (deceased); Mary Cameron (deceased)
Responsible Officer(s) : Executive Director Corporate Services (G Adams)

Maps and Diagrams:



Existing easements over freehold title for drainage City drainage infrastructure

IN BRIEF

- Council is requested to consider the acquisition of freehold land that is currently being used for the City’s drainage purposes. This land remains in the ownership of the original subdividers of the area and all are now deceased. The land should have been transferred to the Crown at the time of subdivision (1950s-60s), as they are shown as drainage reserves on the relevant deposited plan, however this has not occurred. The City may now request, under the provisions of the *Land Administration Act 1997*, that this land is acquired as a Crown Reserve to reflect the use of the land.

ITEM 4.3: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR ATTWELL

THAT Council:

- i) **SUPPORTS** the initiation of the public advertising period required under section 52 of the *Land Administration Act 1997* to allow the acquisition of the freehold Lot 100 McLeod Street, Lot 133 Stewart Street and Lot 33 Seymour Street, Mira Mar, as Crown Land for the purpose of drainage;
- ii) **REQUESTS** under section 52 of the *Land Administration Act 1997* that the Minister for Lands acquires as Crown land the following freehold land parcels:
 - a. Lot 100 McLeod Street, Mira Mar contained on Certificate of Title 2648/292 on Plan P053063;
 - b. Lot 133 Stewart Street, Mira Mar contained on Certificate of Title 1140/646 on Plan P006964; and
 - c. Lot 33 Seymour Street, Mira Mar contained on Certificate of Title 1092/352 on Diagram D010747.
- iii) **AUTHORISE** the Chief Executive Officer to forward the land acquisition request to the Minister for Lands without the need for a further item to Council, should no objections be received during the required advertising period (legislative requirement);
- iv) **REQUESTS** under section 46 of the *Land Administration Act 1997* that the Minister for Lands issues the management order for the created Crown Reserves to the City of Albany for drainage purposes.

CARRIED 9-0

BACKGROUND

1. In September 2011, the City and the Department for Regional Lands and Development (RDL) were contacted by the owner of 13 McLeod Street about a parcel of land (Lot 100 McLeod Street) that they had been maintaining for a number of years but was not in their ownership. This owner advised both parties that they were no longer capable of maintaining this land and raised the question as to who was responsible for its continued maintenance.
2. RDL then wrote to the City and advised that Lot 100 was part of a freehold subdivision and was designated as a "Drainage Reserve" on the deposited plan, however it was never formally transferred to the Crown. As such, Lot 100 remains in the ownership of the original subdivider of the land. RDL advised that the City could seek the acquisition of this land under the provisions of the *Land Administration Act 1997*.
3. As Lot 100 McLeod Street was part of a larger drainage system moving through Seymour, Stewart and McLeod Streets, the land tenure of these other adjoining parcels was also investigated. It was then determined that Lots 33 and 133 Stewart Street also remained in the private ownership of the original developers of the land.

4. As an interim measure and pending the resolution of this land tenure issue, the City has assumed the maintenance of this land (mowing a 387m² portion of land). The concerns of the owner of 13 McLeod Street have been addressed.

DISCUSSION

5. While the concerns of the owner of 13 McLeod Street were addressed as a high priority, the resolution of the land tenure concerns were given a lower priority and have been addressed as time and resources permit.
6. Titles searches on the three Lots 33, 100 and 133 have been undertaken and it has been confirmed that all three land parcels are shown as “Drainage Reserve” on the associated deposited plans / plans (Ref: 53063; 10747, 6964). All lots are in freehold title and it has been confirmed with the Registry of Births, Deaths and Marriages that all landowners are now deceased.
7. A probate search has now been undertaken to identify the persons that the land would have passed to and ancestors for Mary Louisa Cameron and Charlotte & Denis O'Halloran have been successfully identified. No living ancestors for Elizabeth Timewell have been located, as it would appear that the family migrated to the United Kingdom in the 1950s.
8. The available ancestors will be contacted during the advertising period required under the *Land Administration Act 1997*. Evidence of the unsuccessful search for Elizabeth Timewell will be submitted to the Department for Regional Development and Lands following the advertising period.
9. The City's Works & Services Division have advised that the Lots 33, 100 and 133 contain a buried stormwater pipe and the land is also an overland flood route. As this land provides an essential drainage function, it should be under the care, control and management of the City.

GOVERNMENT CONSULTATION

10. This matter has been discussed with the Department for Regional Development and Lands to seek correct information and clarify the process to be observed to acquire this land.
11. The Department for Regional Development and Lands has advised that it is not possible to determine why land shown as a drainage reserve on a deposited plan was not transferred from freehold title to the Crown, though these errors are common state-wide.
12. It is a requirement of the *Land Administration Act 1997* that all public utility providers and the Western Australian Planning Commission are consulted as part of the public advertising period.

PUBLIC CONSULTATION / ENGAGEMENT

13. It is a requirement of the *Land Administration Act 1997* that prior to forwarding the request to the Minister for Lands to acquire freehold land as Crown land, that the owners of the subject land and the owners of adjoining land parcels are advised of the intention and provided a 30 day period to make an objection, if they wish to do so.

STATUTORY IMPLICATIONS

14. Section 41 of the *Land Administration Act 1997* allows the Minister for Lands to reserve Crown land for one or more purposes in the public interest.
15. Section 46 of the *Land Administration Act 1997* allows the Minister for Lands to place the care, control and management of a reserve in a person or management body, subject to any conditions the Minister may specify.
16. Section 52(1) of the *Land Administration Act 1997* allows a local government to request the Minister for Lands to acquire as Crown land any freehold land designated for a public purpose on a survey or sketch plan lodged with the Registrar.
17. Section 52(3) of the *Land Administration Act 1997* states that before a local government makes a request to acquire freehold land as Crown land, the following steps must be undertaken:
 - a. Take all reasonable steps to give notice of that request to the owner of the land; the owners of the adjoining land; and the suppliers of public utility services;
 - b. Provide a 30 day period for all interested persons to lodge objections against the making of the request to the Minister for Lands; and
 - c. The request must be accompanied by a plan of survey or sketch plan which has been endorsed by the Western Australian Planning Commission.

STRATEGIC IMPLICATIONS

18. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

Develop clear processes and policies and ensure consistent, transparent application across the organisation.

POLICY IMPLICATIONS

19. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

20. The risk identification and categorisation relies on the City's Risk Management Framework;

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>If Council does not support the proposal to acquire land, City assets will remain in freehold ownership and the City has no clear legal right to access the land.</i>	<i>Possible</i>	<i>Moderate – Council assets will remain in freehold ownership by external parties</i>	<i>Medium</i>	<i>Support the proposal to acquire the land currently being used for drainage purposes.</i>

FINANCIAL IMPLICATIONS

21. There are minor administrative costs associated with obtaining clearances from the Registry of Births, Deaths and Marriages and advertising the proposal to adjoining owners and relevant servicing agencies. A plan of survey must also be created at a cost of \$440. These costs can be accommodated in the budget allocation for drainage design.

LEGAL IMPLICATIONS

22. The acquisition of these Lots 33, 100 and 133 McLeod, Stewart and Seymour Streets to create drainage reserves vested in the City of Albany will legitimise the existing use of these land parcels for drainage purposes.

ALTERNATE OPTIONS

23. Council can:
- a. Decline the request to acquire Lots 33, 100 and 133 McLeod, Stewart and Seymour Streets and the land will remain in private ownership as it has done for many years, however the legality of the use of this land for drainage purposes will not be correct or officially under the control of the City; or
 - b. Support the request to acquire these land parcels and legitimately reserve this land for drainage purposes, with the management order being held by the City of Albany.

SUMMARY CONCLUSION

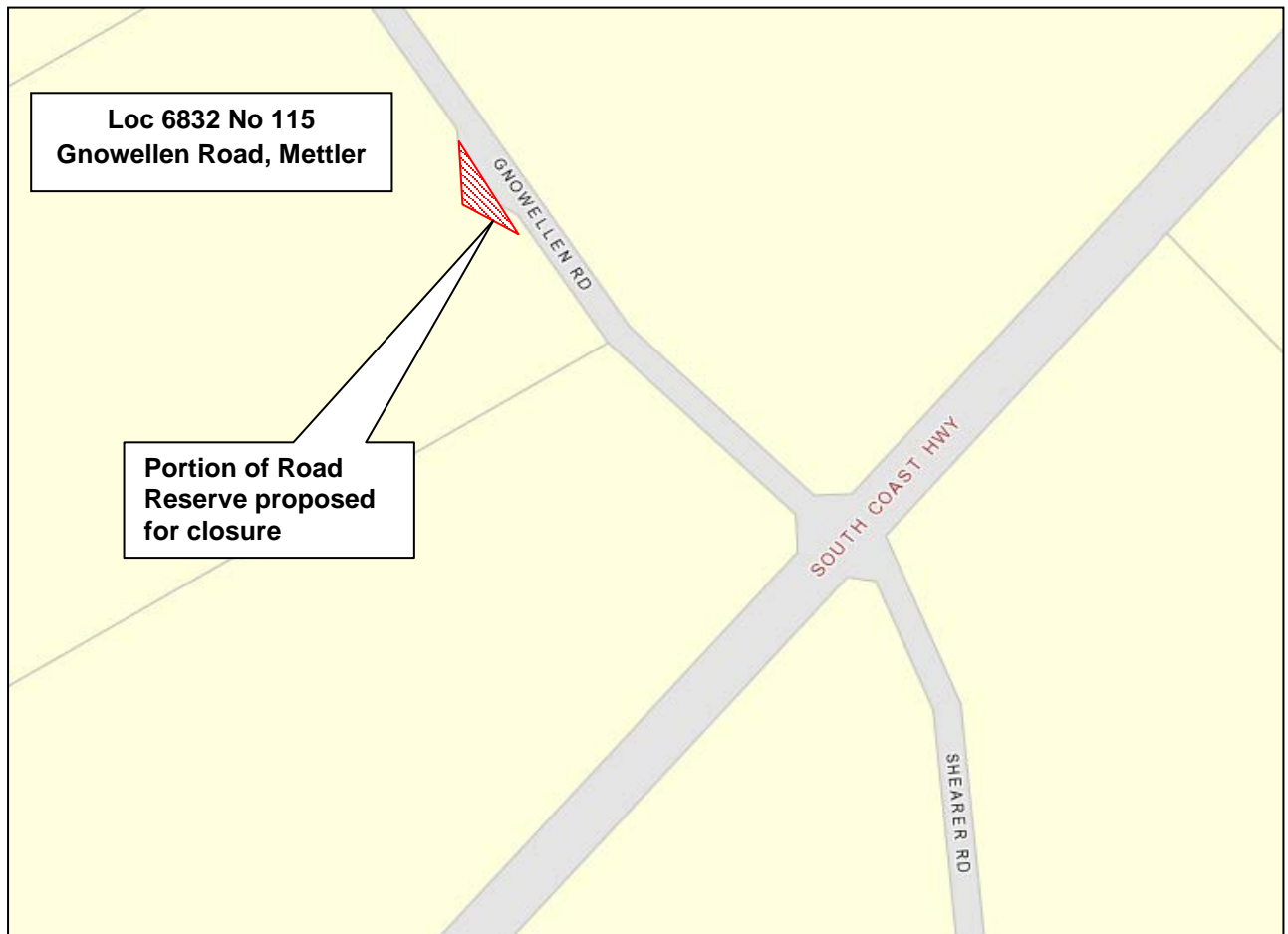
24. When land in Mira Mar was original subdivided, Lot 100 McLeod Street, Lot 133 Stewart Street and Lot 33 Seymour Street, Mira Mar were created as drainage reserves and the land parcels have then been used for this purpose. It is only through administrative error at the State Government level that the land has not been transferred to the Crown. As such, it is recommended that the land be acquired as Crown reserves so that their care, control and management can be granted to the City of Albany.

Consulted References	:	<i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	GR.STL.39, SD.AGR.1
Previous Reference	:	No previous reference

**4.4: PROPOSED PERMANENT CLOSURE OF PORTION OF
GNOWELLEN ROAD**

Land Description	: Portion of Gnowellen Road adjoining Loc 6832 No 115 Gnowellen Road, Mettler
Proponent	: Grange Resources Limited
Owner	: State of WA
Attachment	: Aerial Photograph
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider the permanent closure of a 2 hectare portion of Gnowellen Road, Mettler. The portion of road reserve is contained within the fence line of Loc 6832 No 115 Gnowellen Road which is the proposed site of the Southdown Magnetite Project. Grange Resources Limited has sought the closure of this portion of road reserve to allow its amalgamation with Loc 6832 No 115 Gnowellen Road in order to facilitate the future development of this land.

ITEM 4.4: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR GREGSON

THAT Council:

- i) **SEEKS** the Minister for Lands approval, under section 58 of the *Land Administration Act 1997*, to permanently close a 2 hectare portion of Gnowellen Road contained within the fence line of Loc 6832 No 115 Gnowellen Road, Mettler;
- ii) **AUTHORISE** the Chief Executive Officer to forward the road closure request to the Minister for Lands without the need for a further item to Council, should no objections be received during the required advertising period (legislative requirement); and
- iii) **ADVISE** the Department for Regional Development and Lands that it supports the disposal of this land to the adjoining landowner, Grange Resources Limited, for its amalgamation into Loc 6832 No 115 Gnowellen Road, Mettler.

CARRIED 9-0

BACKGROUND

1. Grange Resources Limited has submitted a request to close a 2 hectare portion of Gnowellen Road which is contained within the fence line of Loc 6832 No 115 Gnowellen Road, Mettler. Grange Resources have indicated their willingness to purchase the land to allow its amalgamation into Loc 6832 No 115 Gnowellen Road, Mettler.
2. The subject land is the site of the proposed Southdown Magnetite Project. Grange Resources Limited has advised that the proposed road closure will facilitate the construction, management and maintenance of the tailings storage facility which is planned to be located adjacent to Gnowellen Road.

DISCUSSION

3. It appears from aerial photography that the 2 hectare portion of Gnowellen Road reserve proposed to be closed is contained within the fence line of Loc 6832 No 115 Gnowellen Road and has been farmed as part of the previous general farming use of this land parcel.
4. The reason for this deviation in the road reserve is unknown, though the City has other similar land tenure anomalies. Notwithstanding, the closure of this portion of road reserve will leave a 100m wide road reserve which can easily accommodate the current road pavement and any future plans to widen the constructed road. Wide road reserves are a common feature in the areas of Gnowellen, Wellstead, Mettler etc and they were likely created to provide a stock route and nature corridor through general farming areas.

5. The City's Works & Services division have no objections to the proposed road closure and advise that the 100m wide road reserve is sufficient to accommodate any future upgrading works on Gnowellen Road.

GOVERNMENT CONSULTATION

6. As part of the road closure advertising requirements specified by the *Land Administration Act 1997*, public utility service providers must be contacted directly and invited to comment on the proposal.
7. No other consultation with government agencies has occurred at this time and contact will be made with relevant agencies during the advertising period.

PUBLIC CONSULTATION / ENGAGEMENT

8. Section 58 of the *Land Administration Act 1997* sets the procedure for permanently closing roads. It is a requirement of the Act that the proposed road closure be advertised in a local newspaper for a period of not less than 35 days. Notification will also be sent to nearby landowners and to relevant public utility service providers.

STATUTORY IMPLICATIONS

9. Section 58 of the *Land Administration Act 1997* allows the local government to request the Minister for Lands to close a road.
10. Section 74 of the *Land Administration Act 1997* grants the Minister for Lands the power to sell Crown land.

STRATEGIC IMPLICATIONS

11. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

Develop clear processes and policies and ensure consistent, transparent application across the organisation.

POLICY IMPLICATIONS

12. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

13. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>If this request is not supported, this will impact on the proposed Southdown Magnetite Project which could result in negative exposure for the City.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Support the road closure request and allow the land to be amalgamated into the adjoining property, facilitating the development of the Southdown Magnetite Project.</i>

FINANCIAL IMPLICATIONS

14. If Council supports the proposed road closure, the applicant will be required to pay a \$450 fee, in line with the City of Albany's Schedule of Fees and Charges adopted as part of the 2011/12 budget. This fee will cover all costs associated with advertising the road closure, including staff time.
15. Any other costs associated with the disposal of the land and its amalgamation into the adjoining land title will be borne by the Department for Regional Development and Lands and Grange Resources Limited.

LEGAL IMPLICATIONS

16. At present, the subject road reserve is contained within the fence line of the adjoining property. The use of this public land for private purposes is not supported in legislation and should Council resolve not to proceed with the road closure request, action must be taken to address this situation.

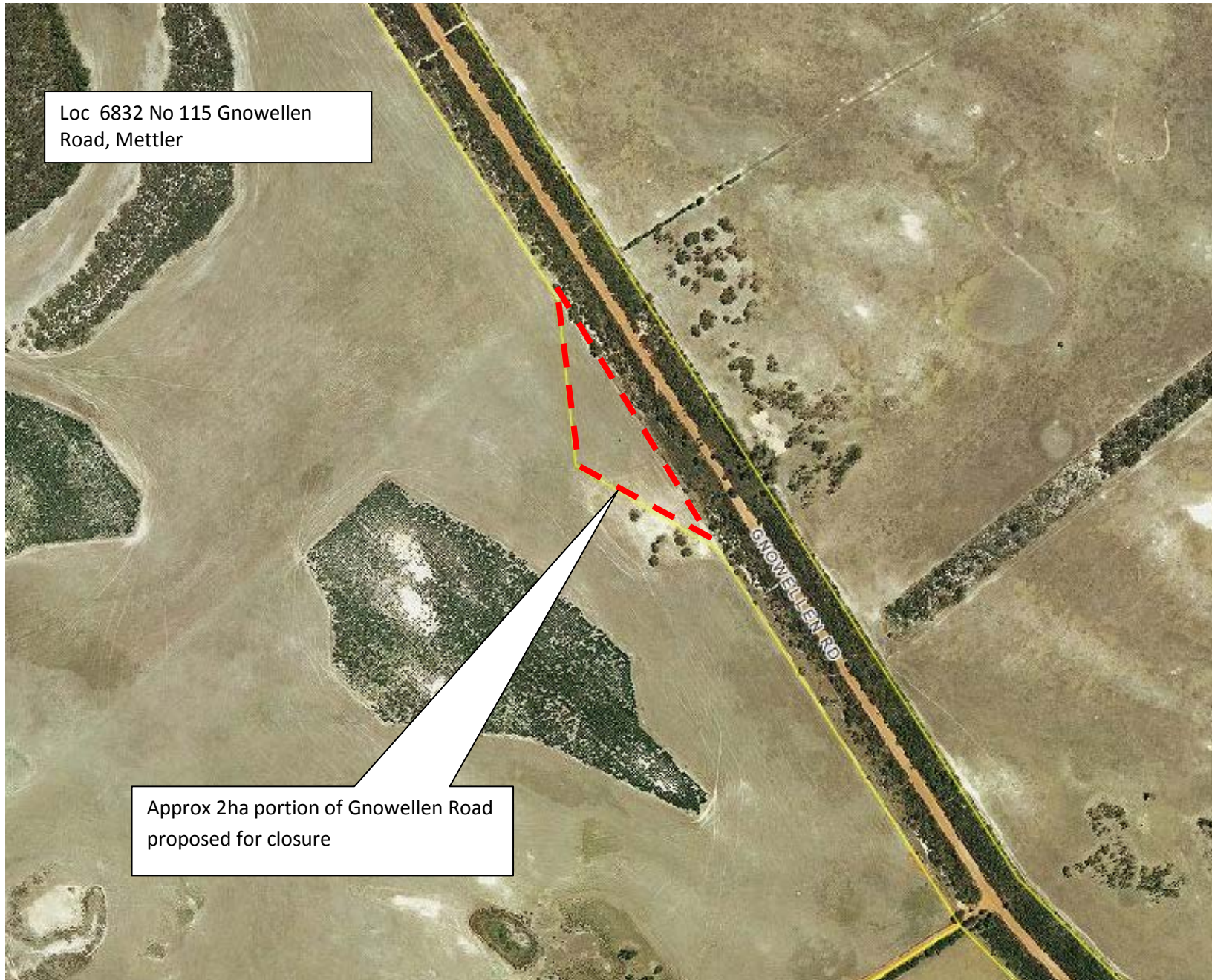
ALTERNATE OPTIONS

17. Council may:
- a. Support the request to close the 2 hectare portion of Gnowellen Road, Mettler and allow Grange Resources to purchase the resultant land and amalgamate it with Loc 6832 No 115 Gnowellen Road; or
 - b. Refuse the request to close portion of Gnowellen Road and the land will remain as a road reserve. In this circumstance, the City will need to address the private use of this public land.

SUMMARY CONCLUSION

18. The 2 hectare portion of Gnowellen Road is excess to the City's road requirements and is currently contained within the existing fence line boundaries of the adjoining property. This land is also required to facilitate the development of the Southdown Magnetite Project, which is an important development in the City of Albany in terms of creating employment and economic opportunities. As such, the request by Grange Resources to close this portion of road and amalgamate it with Loc 6832 No 115 Gnowellen Road, Mettler, is supported.

Consulted References	:	Land Administration Act 1997
File Number (Name of Ward)	:	A1016
Previous Reference	:	No previous references



Attachment to Council Item – Aerial Photograph of Proposed Closure of Portion of Gnowellen Road

4.5: CONTRACT C12009 – PROVISION OF CLEANING SERVICES

Proponent : City of Albany
Owner : City of Albany
Responsible Officer : Executive Director Corporate Services (G Adams)

IN BRIEF

- Contract C12009 – Provision of Cleaning Services be AWARDED to OCS Services Pty Ltd for an initial period of two years with an option for renewal for a further year.

ITEM 4.5: RESOLUTION**VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR GREGSON****SECONDED: COUNCILLOR ATTWELL**

THAT Council ACCEPT the Tender from OCS Services Pty Ltd and award contract C12009 for the Provision of Cleaning Services for an initial period of two years with an option for renewal for a further year.

CARRIED 9-0**BACKGROUND**

1. Due to the expiry of the current Provision of Cleaning Services contract, tenders were called for the provision of cleaning services for a period of up to three years (including option). The tender is for the following Council buildings:
 - Albany Airport
 - Library – York Street
 - Mercer Road Depot
 - Albany Regional Day Care Centre
 - Lotteries House
 - North Road Administration Building
 - Albany Visitor Centre
 - Vancouver Arts Centre
 - Hanrahan Landfill Site and AWARE Centre
2. An Addendum was sent out on 30 May 2012 to all those who requested Tender Documents. They were asked to omit Item 3 Town Hall/Intimate Theatre, as cleaning at this location would be on an “as requested” basis and the time required would be difficult to quantify. Any cleaning to be done at this facility is to be done under Additional Cleaning hourly rate applicable.

17/07/2012

REFER DISCLAIMER

DISCUSSION

3. Tenderers were asked to provide an Annual Lump Sum and also Monthly Breakdown of cleaning costs for each of the Council facilities, plus an additional schedule of rates for Additional and Urgent Response cleaning services.
4. 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 are tabled below:

Criteria	% Weight
Cost	25%
Technical Compliance and Experience	25%
Safety Management	20%
Reliability	30%
TOTAL	100%

5. Tenders from a total of three service providers were received. These suppliers are listed below:

Tenderer	Local Preference Qualification
OCS Services Pty Ltd	Yes
CGS Quality Cleaning	Yes
Great Southern Personnel	Yes

6. Each company claimed against the City of Albany's Regional Price Preference Policy. The following table details the evaluation ratings as scored, and the resulting overall evaluation weighted score applicable to each submission.

Tenderer	Cost	Technical Compliance & Experience	Safety Management	Reliability	Total Evaluation Score
OCS Services Pty Ltd	175.46	175	150	210	710.46
CGS Quality Cleaning	156.23	162.50	150	210	678.73
Great Southern Personnel	43.32	87.50	100	120	350.82

7. The evaluation panel was made up of Procurement Officer (Corporate Services) and the Mayoral Liaison Officer (Office of CEO) who independently scored the tenderers submissions before jointly determining the final scores. On the basis of the total evaluation score, which considers the tender evaluation criteria of Cost, Technical Compliance and Experience, Safety Management and Reliability, the most suitable company is considered to be OCS Services Pty Ltd. Their submission provides competitive pricing and they are deemed to be an established and reliable local operator.

GOVERNMENT CONSULTATION

8. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

9. A request for tenders was published in the West Australian on 23 May 2012 and the Great Southern Weekender on 24 May 2012.

STATUTORY IMPLICATIONS

10. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.
11. Regulation 18 of the Regulations 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.
12. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

STRATEGIC IMPLICATIONS

This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Organisational Performance

Community Priorities

Policy and Procedures

Proposed Strategies

Develop clear processes and policies and ensure consistent, transparent application across the organisation.

City of Albany Mission Statement: "At the City of Albany we are results driven and accountable. We provide best value in applying council and community resources, and we apply Council funds carefully."

POLICY IMPLICATIONS

13. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

17/07/2012

REFER DISCLAIMER

RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Contract personnel have access to facilities after hours and could access confidential information or steal items</i>	<i>Possible</i>	<i>Medium</i>	<i>Medium</i>	<i>Importance is given to the experience and reliability of the tenderer in the evaluation process</i>
<i>Non compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply services</i>

FINANCIAL IMPLICATIONS

15. Each location maintains individual budgets for cleaning purposes with the tendered price being shared across the organisation. Each department or building "owner" will provide for the cleaning services applicable in their budgets.
16. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration and award.

LEGAL IMPLICATIONS

17. Legal implications are addressed in the City of Albany General Conditions of Contract which forms part of the tender documents.

ALTERNATE OPTIONS

18. Council can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

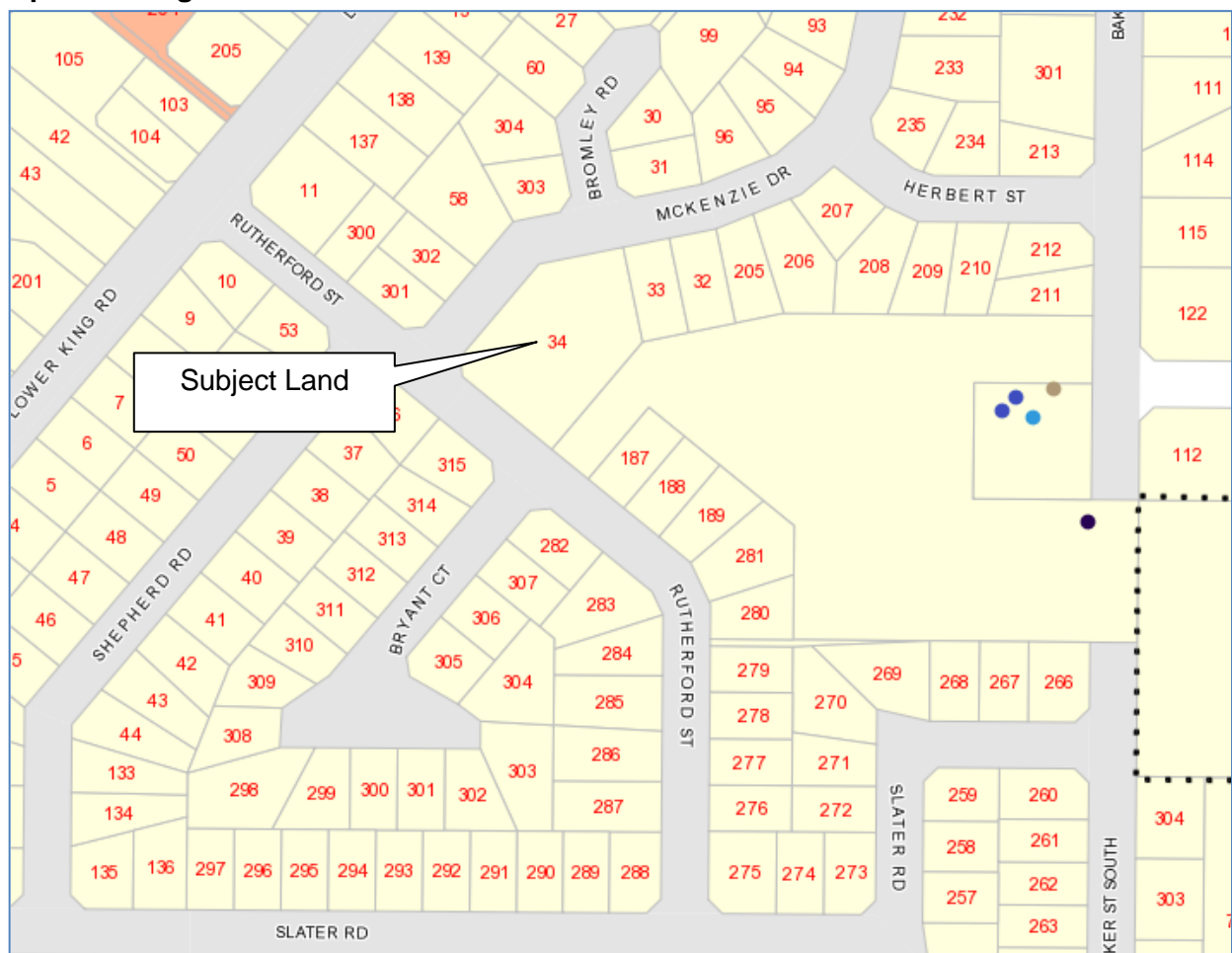
19. On reviewing the submissions the evaluation team assessed OCS Services Pty Ltd as being the most suitable tenderer across the evaluation criteria in terms of Cost, Technical Compliance, Experience, Safety and Reliability.

Consulted References	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	C12009 (All Wards)

4.6: APPLICATION TO PURCHASE COUNCIL OWNED LAND – PORTION OF LOT 34 NO 9 RUTHERFORD STREET, LOWER KING

- Land Description** : Lot 34 No 9 Rutherford Street (corner McKenzie Drive), Lower King
- Proponent** : K Arnol
- Owner** : City of Albany (freehold title)
- Attachments** : Aerial Photograph
Submission received from Lower King Community Kindergarten (dated 10 June 2012)
- Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider an application to purchase portion of Lot 34 Rutherford Street, Lower King. This land is held in freehold title by the City of Albany and portion of the lot is leased to the Albany Kindergarten Association (site of the Lower King Kindergarten). The land subject to the offer to purchase is not part of the lease-hold and is currently undeveloped.

ITEM 4.6: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR SUTTON

That Council:

- i) **SUPPORT** the proposed sale of the vacant portion of land currently forming Lot 34 Rutherford Street, Lower King, ensuring that all future actions to enable this to occur comply with the requirements of the *Local Government Act 1995* and the Council's *Disposal of Council Land Policy*.
- ii) **ADVISE** the proponent, being the owner of Lot 33 McKenzie Drive, that their request to purchase this land is supported in principle, however the land must be sold via public tender and they are welcome to participate in this process.
- iii) **ADVISE** the Lower King Community Kindergarten that, while Council supports their community and environmental endeavours, the land to the rear of their existing leasehold will be sold. However, the Council is willing to further discuss with the Lower King Community Kindergarten the use of the adjoining Reserve 32523 for their community endeavours.
- iv) **AUTHORISE** the Chief Executive Officer to finalise all dealings on this matter, in the event that no public submissions are received objecting to the proposed disposal of the land.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor Bostock

BACKGROUND

1. The owner of Lot 33 McKenzie Drive has asked whether they could purchase the vacant land adjoining their property.
2. This vacant land forms part of Lot 34 Rutherford Street. This land is held in freehold title by the City of Albany and has a total area of 4008m².
3. A 2750m² portion of Lot 34 Rutherford Street is leased to the Albany Kindergarten Association and is the site of the Lower King Community Kindergarten (LKCK). This lease expires in 2017 and there is an option for a further term of 20 years expiring in 2037.

DISCUSSION

Planning Requirements

4. Lot 34 Rutherford Street is zoned 'Residential R5/20' under the City of Albany Town Planning Scheme No 3 and will be similarly zoned under the draft Local Planning Scheme No 1.
5. The higher density code of R20 becomes available if the land is connected to reticulated sewer. Where a property is capable of being connected to sewerage services, a minimum lot size of 440m² would apply under the Residential Design Codes.
6. It is expected that conditions requiring that the new lot be connected to the reticulated water and sewer mains will be required as part of the future subdivision of the land.
7. The Water Corporation's gravity mains do pass to the rear of Lot 33 McKenzie Street, however preliminary advice from the Water Corporation has been obtained. This agency has advised that a sewer mains extension of between 25-35m is likely to be required. It is expected that these works will be approximately \$25,000.
8. The water mains run along McKenzie Street and a new lot could easily connect into this service. Water Corporation has advised that a new water meter will be approximately \$1200.

Future Use of Land

9. Works & Services have assessed the proposal. The subject land has constructed road frontage to McKenzie Drive and the vacant land slopes downward from the road. While it is not required for any drainage function in the short term, it is being used as a short cut through to the adjoining parkland and to a bus stop situated on Rutherford Street.
10. It is considered that while there is no impediment to the sale of the land in terms of drainage or infrastructure, the City may wish to retain a strip of land adjoining the rear fence of the kindergarten to be used as a public access-way and retain pedestrian links through to the park. This would also provide land available for future drainage works if required in the future.
11. In discussing the proposal with the LKCK (refer comments in Public Consultation), one of their concerns was the potential for complaints from any future residents because of the noise that might come from the kindergarten. The proposed access-way would provide some separation between the kindergarten and any future residential development. It is also considered that, should Council support the sale of the land, prospective purchasers can be advised of the location of the kindergarten and the possible noise that might arise from this use via a notification on title.

GOVERNMENT CONSULTATION

12. Initial advice from the Water Corporation on providing services to any created lot has been obtained.
13. Should Council support the proposed disposal of the subject land, the City must first subdivide Lot 34 Rutherford Street to create two separate titles. As part of the subdivision process, the Western Australian Planning Commission will refer the proposal to servicing agencies for comment prior to making a determination.

PUBLIC CONSULTATION / ENGAGEMENT

14. Prior to presenting this matter to Council, the City consulted with the LKCK, who hold a lease over portion of Lot 34 Rutherford Street. The submission received from this group is attached to this item and is summarised, as follows:
 - a. The LKCK have been working to grow their community involvement over the years. They have successfully used community support to fundraise to improve the kindergarten and have started a monthly produce swap;
 - b. The long term goal of the LKCK is to have a community garden, which could be located in the vacant land behind the kindergarten;
 - c. The LKCK are also interesting in pursuing the idea of a nature-play environment where children can learn about native plants, foods, weed disposal etc. The land to the rear of the kindergarten could be considered for this purpose and discussions have occurred with South Coast NRM on funding options for fencing, weed disposal and re-vegetation; and
 - d. LKCK requests that Council defers the sale of this land to provide the group time to explore these community orientated options, which will be of benefit to the whole public.
15. While the endeavours of the LKCK have value and may result in both community and environmental benefits, it is noted that the kindergarten does not currently utilise the whole of its leasehold. There is approximately 420m² of land to the south-east of the existing fence that could be utilised for such purposes. In addition, the adjoining property is a City managed Reserve (32523). It is possible that such endeavours, particularly the nature-play area, could be accommodated in this Reserve 32523.

STATUTORY IMPLICATIONS

16. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property. The Act requires the following:
 - a. A local government must dispose of property to the highest bidder at public auction or to the most acceptable tender made through public tender;
 - b. A local government can only dispose of property other than at public auction or tender if it first gives notice of the proposed disposal and Council considers any submissions made.

****REFER DISCLAIMER****

17. Section 3.59 of the *Local Government Act 1995* defines the requirements for commercial enterprises undertaken by local governments, specifically relating to Major Land Transactions. The *Local Government (Functions and General) Regulations 1996* state that a Major Land Transaction in a major regional centre is a transaction valued at greater than \$10,000,000 or 10% of the operating expenditure.

Comment: It is not anticipated that the sale of this property would constitute a Major Land Transaction and as such, this part of the Act does not apply.

18. Section 135 of the *Planning and Development Act 2005* allows the Western Australian Planning Commission to approve the subdivision of land, provided that the subdivision complies with the provisions of the relevant local planning scheme.
19. The subject land is zoned 'Residential R5/20' under the City of Albany *Town Planning Scheme No 3*. The *State Planning Policy 3.1 - Residential Design Codes* specify a minimum lot size of 440m² and an average lot size of 500m² be achieved within the R20 density coding.
20. The Draft Country Sewer Policy requires that any development at a density of greater than a R5 density coding (i.e. having a lot size less than 2000m²) should be connected to reticulated sewer services.

STRATEGIC IMPLICATIONS

21. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

Develop clear processes and policies and ensure consistent, transparent application across the organisation.

POLICY IMPLICATIONS

22. The Council's Policy *Disposal of Council Land* applies to this proposal. This policy has a number of requirements that are relevant to this item, which are summarised as follows:
- a. Council may decide to sell individual properties where there is a one-off approach from a prospective buyer if Council determines that:
- The land is surplus to Council's strategic requirements;
 - The land cannot be developed by Council to add value, due to the nature of the property or lack of resources;
 - The future value of the land is not predicted to significantly rise above normal property increases; and

****REFER DISCLAIMER****

- A requirement for funding of projects is identified in the current business plan.

Comment: This land has not been identified by Council as necessary to future strategic requirements. Council's recent review of Land Assets considered that this land should be retained for use by the kindergarten, though no specific comment was made regarding the vacant land to the rear of the kindergarten. It is not expected that property prices in this area will significantly increase in the near future.

- b. Before individual blocks may be sold, must comply with the following criteria:
- The land must be appropriately zoned for the anticipated use of the property;
 - All matters relating to the development and servicing of the land shall be identified and made known to the selling agent;
 - All legal requirements such as easements and caveats must be identified and in place;
 - The boundary of the property shall be surveyed;
 - Land will not be sold for an amount less than a value provided by a licenced professional valuer;
 - Individual properties valued in excess of a Major Land Transaction will not be offered for sale until the requirements of the *Local Government Act 1995* are achieved.

Comment: The land is currently zoned Residential R5/20 and may be appropriately developed for such residential purposes, though it must be connected to reticulated sewer. This is not a Major Land Transaction as defined by the *Local Government Act 1995* (in excess of \$10,000,000). All requirements of this part can be achieved as part of the future sale of the land.

- c. Land which is capable of being independently developed will be sold by public auction or tender and the City will give local notice of its intention to sell. Properties which fail to see at auction or tender may be sold by negotiation. The City may impose conditions on the sale of the property but will not accept any conditional purchase offers.

Comment: These requirements are noted and will be observed, should Council resolve to sell the land. Public tender would be the preferred option for the sale, to allow the proponent the best chance at securing the land and to avoid the appointment of a selling agent that would then require the payment of a commission.

- d. A levy from every land disposal shall be paid into the Reserve for Future Land Acquisition. The levy shall be 10% of the net profit arising from the sale.

RISK IDENTIFICATION & MITIGATION

23. The risk identification and categorisation relies on the City's Risk Management Framework:

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>By offering the land to the adjoining owner only, Council may be seen as showing undue bias.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council observe the requirements of its Disposal of Council Land Policy and offer the land for sale by public tender or auction.</i>
<i>Possible public perception that Council has not served the community appropriately by seeking financial gain from Council land over the land being used for community purposes (by the LKCK)</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Manage public backlash through further negotiations with the LKCK to use part of the adjoining Council managed reserve.</i>

FINANCIAL IMPLICATIONS

24. Vacant land in the Lower King area is currently priced between \$110,000 and \$165,000 for single house lots. Should Council resolve to proceed with the sale of the land, an independent valuation would be obtained.

25. Any profit that is made from the sale of this land must consider the expenses incurred in preparing the land for sale, which would include:

- a. Obtaining a valuation (\$330);
- b. The costs of surveying and subdivision, including Landgate and WAPC lodgement fees (approximately \$8000);
- c. Connecting property to reticulated sewer (approximately \$25,000);
- d. Connecting property to reticulated water (approximately \$1200);
- e. Settlement fees (approximately \$1600); and
- f. Legal preparation of contract for sale (approximately \$1800).

Assuming an average sale price of \$130,000 and given the above deductions, the City may gain in the order of \$90,000.

LEGAL IMPLICATIONS

26. There is no legal requirement for the Council to consider the sale of this land, however should Council wish to sell the subject land, it must ensure that the legislative requirements of the *Local Government Act 1995* and Council's *Disposal of Council Land Policy* are appropriately addressed.

ALTERNATE OPTIONS

27. Council may:
- a. Refuse the request to purchase the vacant portion of Lot 34 Rutherford Street and the land will remain vacant, though there is potential for the land to be used for community purposes in conjunction with the adjoining Lower King Community Kindergarten; or
 - b. Support the sale of the subject land, allowing the adjoining owner to participate in any public auction or tender to buy this land. In this circumstance, the Council may permit the Lower King Community Kindergarten to use portion of the adjoining Reserve 32523 for their potential future community endeavours.

SUMMARY CONCLUSION

28. The subject land is currently under-utilised and is not required for any future strategic use by the Council.
29. While the LKCK have expressed an interest in utilising this land for community purposes, there is available space within their existing leasehold and in the adjoining Reserve 32523 that could accommodate such community uses.
30. The sale of this land could net the City approximately \$90,000 which could then be channelled into other strategic projects.
31. All requirements of the Local Government Act 1995 and Council's Disposal of Council Land Policy can be complied with provided that the land is offered for sale via public auction or tender. Public tender is the preferred option for the sale.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>Planning and Development Act 2005</i> <i>City of Albany Policy – Disposal of Council Land</i>
File Number (Name of Ward)	:	A5879
Previous Reference	:	No previous references



MCKENZIE DR

Lot 33

Subject Land

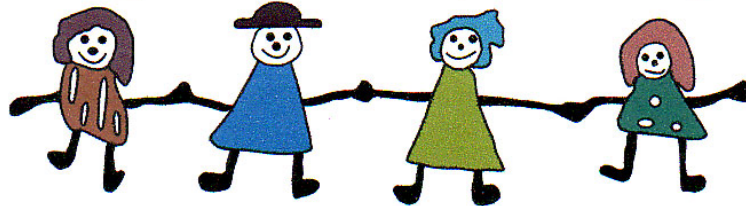
Lower King Kindergarten

Reserve 32523

RUTHERFORD ST

MCKENZIE DR

Lower King Community Kindergarten



34 Rutherford Street
Albany W.A. 6330
98447238

10 June 2012

Dear Nicole

In response to your letter dated 27 March 2012 reference A5879/LT1257129 re: Expression of Interest to Purchase Portion of Lot 34 No.9 Rutherford Street, Lower King.

The Lower King Community Kindergarten have been working to grow their community involvement over the years. As a result we have been successful in using community support to fundraise for re-cladding our building and improving the playground. This year we have started holding a monthly produce swap, open to the whole community, aiming to introduce the community to our little kindergarten through sharing locally grown produce, ideas and knowledge of how to grow our own food - essential knowledge for children as we begin to face global food security issues. A long term goal would be a community garden in Lower King which could possibly be grown on that portion of Lot 34 behind the Kindergarten. We have been discussing these ideas with Sarah Hilder the coordinator of the successful Albany Community garden.

Another project we have been interested in pursuing is the idea of a nature-play native environment where children (and adults) can learn about native plants, foods and also how to identify weeds and dispose of them. Taking children on excursions can be logistically difficult as well as expensive due to bus costs. What we would like to do is create a native nature reserve on the block listed above where children could explore and learn about nature as part of their kindergarten learning. The benefits would also spread through to the Albany Community Kindergarten Association, as well as the local community.

We have been talking with South Coast NRM as they have a variety of grants that we could apply for to help with fencing, identifying weeds and re-vegetation. We have also been talking with a group called Nature Play WA who have set up areas in Perth to assist in creating these natural learning environments for children to understand how an eco system works. Again, really important learning tools to help increase the resilience of the community.

Before you approve the council land to be sold may we please have some time to explore these two community oriented options, where the benefit will be to the whole public and especially our Community Kindergarten children?

We look forward to your response.

Thanks and regards

Laura Bird
President
Lower King Community Kindergarten

4.7: NEW LEASE TO THE ASSOCIATION FOR THE BLIND OF WA INC. AT LOTTERIES HOUSE

Land Description	: Lot 211 on Diagram 94113 being whole of land contained in Certificate of Title Volume 2172 Folio 740
Proponent	: Association for the Blind of WA Inc.
Owner	: City of Albany and the Lotteries Commission
Responsible Officer	: Executive Director Corporate Services (G Adams)
Maps and Diagrams	



IN BRIEF

- Consider a new lease to the Association for the Blind of WA Inc. at Lotteries House.
- Lease term being three years.

ITEM 4.7: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR GREGSON

THAT Council APPROVE the request for a new lease to the Association for the Blind of WA Inc. at Lot 211 on Diagram 94113 known as Lotteries House subject to:

- i) Lease term being three years.**
- ii) Lease area being fifteen square metres.**
- iii) Lease purpose being office space.**
- iv) Lease rental being \$1,805.55 plus GST per annum as determined by the Lotteries House Management Committee.**
- v) Lease rent reviews being carried out annually on 1 July by the Lotteries House Management Committee.**
- vi) Any costs associated with the preparation and implementation of the lease to be payable by the proponent, the Association for the Blind of WA Inc.**

CARRIED 9-0

BACKGROUND

1. In September 1996 a Deed of Trust was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located at 211-217 North Road, Albany.
2. The Deed required a Management Committee to be formed to oversee the management of the premises.
3. The City of Albany (the Trustee) through the administration of the Management Committee is to make and keep available the property for eligible organisations defined in Section 19 of the *Lotteries Commission Act 1990* to use exclusively for accommodation for benevolent or charitable purposes.
4. At the Ordinary Council Meeting 16 June 2009, Council resolved to enter into a new lease with the Association for the Blind of WA Inc. A lease agreement was entered into by the City of Albany and the Association for the Blind of WA Inc. on the 1 July 2009 for a period of three years. This agreement expires on 30 June 2012.
5. The Association for the Blind of WA Inc. has approached the City and the Lotteries House Management Committee for a new lease over the area currently occupied by the Association for a further term of three years.
6. The lease submission has been considered and approved by the Lotteries House Management Committee at its meeting on the 20 June 2012.

7. The Lotteries House Management Committee set the rents to be charged per square metre of leased area. The Committee determines the rental rate by:
 - Reviewing the rents charged by other Lotteries House Management Committees;
 - Reviewing current commercial lease rents for similar type buildings; and
 - Reviewing operational expenditure costs of the building.The new rate for rent is then adopted by the Management Committee and applied annually from 1 July.
8. Under the Deed of Trust for the building, any surplus rent generated annually is placed in trust for Lotteries House major building maintenance projects. At present there is \$38,574 in trust. An annual report, including audited financial statements is submitted to Lotterywest as per the Deed.
9. The Association for the Blind of WA Inc. fifteen square metre lease area will return a rental of \$1,805.55 plus GST per annum. This is based on a rate of \$120.38 plus GST per square metre as determined by the Lotteries House Management Committee.
10. The City of Albany has ten other leases with benevolent or charitable organisations at Lotteries House.
11. Ownership of the Lotteries House building is on an undivided share basis between the Lotteries Commission and the City of Albany as Trustee.
12. The City in accordance with the Deed of Trust is responsible for structural maintenance of the entire building and the cleaning, gardening and minor maintenance of common areas. The tenants are responsible for the cleaning and minor maintenance of their individual lease areas.
13. The City in accordance with the Deed of Trust insures the buildings, plate glass and City owned fixtures, fittings and contents at a cost of \$2,199 per annum for 2011/12. Additionally the City is also responsible for the Public Liability insurance over the common areas. As the City's Public Liability Insurance contribution is based on the whole of the City of Albany and its entire activities the individual cost to Lotteries House cannot be determined.
14. The tenants are responsible for insuring their own individual fixtures, fittings and contents and are required to hold a minimum of not less than \$10 million Public Liability Insurance. The tenant provides to the City a copy of insurance policies prior to the commencement of the lease.

DISCUSSION

15. The Association for the Blind of WA Inc. is a not for profit association providing a community based service to Western Australians who are blind or vision impaired.
16. The Association's team offers specialist skills, training and advice to help people with vision loss to regain confidence and achieve fulfilled and independent lives.
17. The services include , but are not limited to:
 - Braille and talking book library services
 - Orientation and mobility services
 - Vision Management Centre
 - Independent living services in the home
 - Confident Living Program (leisure, sport and recreation services)
 - Early intervention support for young and school aged children
 - Training leading to qualifications
 - Braille beginner and development training
 - Vocation advocacy assistance
 - Guide Dog Program
 - Association newsletters
18. The services are provided from regional offices in Albany Lotteries House, Bunbury, Geraldton and Mandurah with the main office in Victoria Park.

GOVERNMENT CONSULTATION

19. No government consultation is required.

PUBLIC CONSULTATION / ENGAGEMENT

20. Section 3.58 of the *Local Government Act 1995* requires there to be local public notice of the proposed licence inviting submissions from the public, for a period of two weeks. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
21. Section 30 of the *Local Government (Functions and General) Regulations 1996* deals with dispositions to which the advertising requirements of Section 3.58 of the Act does not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
 - (b) *The land is disposed of to a body, whether incorporated or not –*
 - (i) *The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and*
 - (ii) *The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,*
22. The Association for the Blind of WA Inc. is a not for profit benevolent organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

23. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including leased land buildings.
24. Under the City's Town Planning Scheme 1, the land is zoned 'Clubs and Institutions'. The proposed use for office space is in accordance with the Scheme.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

25. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

- *Community Focussed Organisation.*

Community Priority

- *Services for Seniors and the Disabled.*

Proposed Strategies

- *Improve accessibility to City services/facilities for seniors and people with disabilities.*

POLICY IMPLICATIONS

26. Council adopted a Property Management – Leases Policy in 2008.
27. A revised Property Management – Leases and Licences Policy was considered at the Special Audit and Finance Committee meeting on 7 June 2012. The Policy is currently being reviewed for legal compliance prior to being released for community feedback and endorsement at the next available Council meeting.
28. This Policy aims to ensure that all requests for leases and licences, for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
29. The recommendation is consistent with Council's existing and revised Policy.

RISK IDENTIFICATION & MITIGATION

30. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not approve a new lease – loss of operating income for Lotteries House</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate closely with the Association for the Blind of WA to assure them that the City will work towards mutually agreeable outcomes. Seek alternative tenant as last resort.</i>
<i>Council does not approve a new lease – loss of premises for Association for the Blind of WA</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Support the new lease proposal.</i>

FINANCIAL IMPLICATIONS

31. Any costs associated with the preparation and implementation of the new lease documentation will be borne by the proponent, the Association for the Blind of WA.
32. All rental collected is used for Lotteries House operating expenses, including a \$5,000.00 annual service fee paid to the City to cover the City's Officers time for managing the property on behalf of the Lotteries House Management Committee.
33. There is no cost to the City to operate Lotteries House other than the City Officers time and current insurance cost of \$2,199 per annum for 2011/12. Indicative insurance premium for 2012/13 is \$2,170 per annum.
34. The new lease rental income of \$1,805.55 plus GST per annum will be directed to COA 120930 – Lotteries House Income.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

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

- a. Approve the request for a new lease, or
 - b. Decline the request.
35. Should Council decline the request, the Association for the Blind of WA Inc. will need to vacate Lotteries House and find alternative premises should they wish to continue providing the current services to the community.
36. The City would then advertise the vacant area and risk a loss of rental during this process that may impact negatively on the operations of Lotteries House.

SUMMARY CONCLUSION

37. In view of the community service provided by the Association for the Blind of WA Inc. to Albany and the wider community, the Association requests a new lease for three years at Lotteries House.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases • <i>Local Government Act 1995</i> • Lotteries House Management Committee meeting minutes of 20 June 2012 • Deed of Trust – Albany Lotteries House
File Number (Name of Ward)	PRO383 (Frederickstown Ward)
Previous Reference	OCM 16 June 2009 Item 12.11.2

5.1: QUOTATION – SUPPLY AND DELIVERY OF ROADSWEEPER

Proponent : City of Albany
Responsible Officer(s) : Executive Director Works & Services (S Grimmer)

IN BRIEF

- WALGA quotation P12001 for the supply and delivery of Road Sweeper be AWARDED to MacDonald Johnston Pty Ltd.

RECOMMENDATION

ITEM 5.1 RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR HOLDEN

THAT Council ACCEPT the Tender from MacDonald Johnston Pty Ltd for the purchase and delivery of a road sweeper

CARRIED 9-0

BACKGROUND

1. Council at its meeting held on 18th June 2002, adopted the Asset Replacement Program – Plant. This strategy predicted replacement times for Council's plant and equipment over a ten year life cycle.
2. In line with budget preparations for new financial years, this strategy is reviewed, amended and updated to determine long term requirements, optimal replacement times and maintenance of each individual item of plant in line with industry benchmarks and best practice methodology.
3. A further revised draft Asset Management Plan – Fleet and Plant went out for public consultation in February and March 2011, however this management plan was not subsequently adopted by Council.
4. WALGA has established a number of Preferred Supply Contracts for plant and equipment and have established a Preferred Supplier Panel for the Supply and Delivery of Sweeping Equipment. All Local Governments in Western Australia can access these contracts without going to tender.

DISCUSSION

5. Quotations were sent to those suppliers listed on the WALGA Preferred Supplier Panel that were able to supply and deliver a truck mounted road sweeper to Council.

6. The following table summarises the tenderers and overall evaluation scores applicable to the submissions.

	Total Evaluation Score
MacDonald Johnston	520.93
Rosmech – Option 2	511.52
Rosmech – Option 1	497.55

7. 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 are tabled below:

Criteria	% Weight
Cost	50
Technical Compliance and Operational Suitability	40
Reliability	10
Total	100

8. It is best practice in both the private and Government industries to replace plant and equipment at an identified optimum replacement point. The optimum replacement point in the life of the machine is when the depreciation slows and the repairs and maintenance costs increase substantially.
9. On the basis of the total evaluation score the submission from MacDonald Johnston was considered to be the most advantageous offer to Council.

GOVERNMENT CONSULTATION

10. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

11. Nil.

STATUTORY IMPLICATIONS

12. Provided for under the Local Government (Function and General) Regulations which provides a tender exemption to WALGA's Preferred Supplier Contracts.

STRATEGIC IMPLICATIONS

13. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

Key Focus Area
Sustainability and Development

Community Priority
Road improvements

POLICY IMPLICATIONS

14. The City of Albany Tender and Quotation Policy is applicable to this item.

RISK IDENTIFICATION & MITIGATION

15. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Non compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods & services</i>

FINANCIAL IMPLICATIONS

16. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.

17. The purchase price of \$320,600 (exc. GST) will be funded from the Plant Replacement Reserve and was included in the budget for the 2011/2012 financial year.

LEGAL IMPLICATIONS

18. Nil

ALTERNATE OPTIONS

19. Council is not bound to accept the lowest or any tender and can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

20. On reviewing the submissions, the evaluation team assessed the submission from MacDonald Johnston Pty Ltd as providing the most advantageous offer for the delivery of a truck mounted road sweeper.

Consulted References	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes)
File Number (Name of Ward)	:	P12001 - WALGA
Previous Reference	:	OCM 18/06/02 - Item 13.2.6 OCM 15/02/11 - Item 3.3

XIV. MOTIONS WITH NOTICE

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

18.1: NOTICE OF MOTION FROM COUNCILLOR BOSTOCK

THAT when the final draft of TPS 1 is endorsed by Council, it shall not include any rezoning of freehold land into a category less advantageous to the owner than already exists in the current TPS1(a) or TPS3, without prior specific written agreement from the owner. Examples include the rezoning of land from the “Rural” to “Conservation” classification, or to “Parks and Recreation from any other category.

Councillor’s Reason:

Approximately 92% of the land in WA is vested in the Crown, with only 8% of land alienated.

Private individuals have bought this 8% in good faith, with funds upon which they have already paid tax and the government of the day accepted and spent those funds. The current owners, therefore, have a legitimate expectation that the present government will respect their right to retain the land with the same uses as when it was purchased and any attempt to diminish that use represents a serious breach of contract.

There may be an argument for compulsory purchase of land if an urgent and immediate public benefit can be demonstrated, but even then it should be used only in exceptional circumstances and following fair compensation.

The changing of an existing zone on alienated land to one which restricts its use to a greater extent than the existing category represents a form of compulsory purchase which is underhand, unfair and against natural justice and should not be allowed to proceed in any state which prides itself on the freedom of its citizens.

XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

XX. NEXT ORDINARY MEETING DATE

Tuesday 21 August 2012.

XXI. CLOSURE OF MEETING

ITEM 21.0: RESOLUTION

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR BOWLES

THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.

CARRIED 9-0

[7:17:12 PM](#) There being no further business the Presiding Member declared the meeting closed.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

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

Meeting Date	Item Number	Details/Status
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. PENDING - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.
19/06/2012	2.4	Development Application-Livestock Grazing and Stables-Lot 195 (140) Lowanna Drive, Marbelup. LAI D ON THE TABLE FOR A PERIOD OF ONE MONTH OR UNTIL ADVICE IS RECEIVED REGARDING THE STOCKING RATES.