



MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 17th June 2008
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed 
Andrew Hammond
Chief Executive Officer

Date: 23rd June 2008

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1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

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

Mayor -	MJ Evans, JP
Councillors -	JM Walker
	J Bostock
	DR Wiseman
	RC Buegge
	R Paver
	EK Stanton
	DJ Wolfe
	NE Williams
	J Matla
	GA Kidman
	CA Morris
Chief Executive Officer	A Hammond
Acting Executive Director Works & Services	P Brown
Executive Director Development Services	R Fenn
Executive Director Corporate & Community Services	WP Madigan
Minute Secretary	S Jamieson
Training Occupation Health & Safety Coordinator	F Paech

Approximately 37 members of the public were in attendance and 2 media representatives.

Apologies/Leave of Absence:
Councillor

DM Price

3.0 OPENING PRAYER

Mayor Evans asked all in attendance to be upstanding and Councillor Williams to read the opening prayer.

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

***Vera Torr**

At the Ordinary Council Meeting of 20th May 2008 you raised a number of questions during Public Question time in relation to the Albany Entertainment Centre.

The following responses have been prepared in relation to the questions raised:

Question One: *Photographic montages of the Albany Entertainment Centre. Are they a realistic portrayal?*

The photo montages tabled have been forwarded to the Department of Housing and Works for consideration and feedback by the project architects.

Question Two: *At the last Council meeting my question on notice concerning Crown Land received no response. Will I get a response?*

A response was included in the May Agenda.

Question Three: *Who at the City of Albany advised the Department of Planning and Infrastructure of the willingness to relinquish the management Order over Lot 1512?*

The staff had several discussions with Landcorp Officers following a request from the Minister to relinquish land at Emu Point.

Landcorp Officers were advised that Council staff would be happy to place the proposal for Council consideration but any proposal to change the land use would be subject to a separate town planning process involving a rezoning pursuant to Council's Town Planning Scheme. Any statement prior to the 30th August 2005 that provided that the City was prepared to relinquish the land at Emu Point was incorrect and certainly not based upon any communication from the City of Albany providing that Council had approved such a relinquishment. City staff do not have the delegated authority to make such decisions on behalf of Council.

Question Four: *What is Lot 1512 and Lot 1523 paying for at the Albany Waterfront Development?*

Council is not involved in the process of the release of this land and this question should be directed to Landcorp or the Office of the Minister for Planning and Infrastructure.

Item 4.0 continued

Question Five: *Why was the Albany Entertainment Centre shifted to the waterfront?*

Council received a request from the Minister for Planning and Infrastructure and Local Member Peter Watson to consider relocating the Albany Entertainment Centre from the York Street location to the waterfront location. Council convened a committee to consider the benefits of the relocation and recommended to Council that subject to several conditions and land transactions the Albany Entertainment Centre would be constructed as a component of the Albany Waterfront Development.

***Ms Albany**

At the Ordinary Council Meeting held on 20th May 2008, you requested that a notice board listing Council Meeting times and dates and Committee meeting times be placed in the foyer of the City offices.

In response to your request a calendar has been placed in the Council foyer detailing the list of Council meeting dates. For Committees that are open to the public, in addition to the advertisement in the local newspaper, a copy of the advertisement will be placed on the notice board in the foyer.

***Mr Roy Winslow, Harley Survey Group**

At the Ordinary Council Meeting held on 20th May 2008, at the May Agenda Briefing Session, the Mayor agreed to accept on notice two questions that you asked of Council.

The following responses have been prepared in relation to the questions raised:

Question One. *Is Council aware that alternatives to removal of lot 3 exist?*

In your presentation to Council, you clearly spelt out that alternatives to the removal of lot 3 were available, should Council wish to pursue an alternate outcome to that identified by City staff in the Officer's Recommendation. The acceptability of allowing the lot to remain on the subdivision guide plan revolved around the development potential of the lot in its current configuration and that issue was further canvassed in a memorandum from the reporting officer, a copy of which was provided to you prior to Council deliberating on the report item.

Question Two. *Will Council consider an alternate to removal of Lot 3 given the proposal relates to a Subdivision Guide Plan only and adequate controls can be put in place to ensure Lot 3 is created only where it is proven that on-site effluent disposal is appropriate?*

During the debate on the Officer's Report, Councillors argued for and against the subdivision guide plan as submitted in the Scheme Policy. The Officer's Recommendation was ultimately accepted on a 7 for / 5 against vote, requiring Lot 3 to be removed from the plan.

The proposed policy is now being subjected to a public advertising process and you are welcome, on behalf your client, to lodge more detailed submissions on these matters as part of the final approval process for the policy.

Item 4.0 continued

***Mr Neil Smithson, Smithson Planning, 364 Middleton Loop**

At the Ordinary Council Meeting held on 20th May 2008, during public question time you asked will the City of Albany be lobbying State government to provide a forward capital works program that includes extension of the gas pipeline from Bunbury to Albany in the next term of state government.

In response to your comments raised during Public Question Time at the 20th May 2008 Ordinary Council Meeting.

The City of Albany is currently undergoing a strategic planning process “Albany Insight – Beyond 2020”.

Part of that strategic planning process includes establishing economic development objectives for the City over the next 20 years. The matter of lobbying for the extension of the gas pipeline from Bunbury to Albany will come under consideration as part of that process, particularly in terms of the development of an advocacy strategy for major city infrastructure.

CEO left the Chamber at 7.03pm

5.0 PUBLIC QUESTION TIME

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

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

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

CEO returned to the Chamber at 7.04pm

***Vera Anne Torr, 18 Sussex St, Albany WA 6330**

Prior to the meeting Ms Torr submitted the following questions to Council regarding the Waterfront Development. The following details the submitted statement and questions:

From my statement at OCM May 2008 and the response to my question of who at the City of Albany was willing to relinquish the Management Order over Emu Point, prior to 30 August 2005, is that any statement that says this is in error.

From correspondence received from Landcorp they repeat that train movements at the Princess Royal and York St intersection have not been updated since the Opus Report of early 2004. Transwest has not supplied them with any figures.

Item 5.0 continued

Question 1. Is the City of Albany saying that The Hon. Alannah MacTiernan and Landcorp made a mistake in their submission to Cabinet in July 2005, some eight weeks before it went to Council?

CEO Response, through the Mayor. Yes.

Question 2. How can the City of Albany justify that the traffic study used in adopting the precinct plan is incomplete and does not take into account the true traffic situation has been accepted when adopting the Waterfront precinct plan.

In both traffic reports used, Opus and Riley, neither heed the Proudlove Parade exit traffic flow. The monitor used in the week 3 March 2008 was placed between the entrance and exit points of Proudlove Parade so would not be a useful guide to assessing the movements of exiting traffic.

EDDS Response, through the Mayor as follows:

The AWF traffic report was prepared in 2006 and was accepted at that time by MRD, the DPI and the City of Albany as a suitable evaluation of the current and predicted traffic arrangements for the intersection of Princess Royal Drive and York Street. The Report only concerned itself with the traffic entering and exiting York Street from Princess Royal Drive and that is standard traffic planning protocols to focus only on the traffic flows through the primary intersection

The traffic counts carried out in 2008 were undertaken to determine overall traffic movements on York Street and the traffic counter was placed in its optimum location to achieve that objective. Overall traffic flows within York Street have not changed substantially since the 2006 report was prepared and that result would be expected.

Question 3. Why has no attention been paid to this obvious traffic impediment from exiting traffic from Proudlove Parade when Council deliberated the concept plan for the Waterfront?

EDDS Response:

The traffic flowing to and from Proudlove Parade onto York Street is no different to the traffic flows that would be experienced from the Albany Plaza or the Woolworths car park on Lockyer Avenue. Recognised traffic planning focuses on the impact of the traffic flows at the entry point to a development and at the nearest intersections. The impact of traffic flowing from Proudlove Parade into Princess Royal Drive was not factored into the report, nor was the traffic flowing from Stirling Terrace.

Question 4. What solution is the City of Albany going to recommend to address the problem of locked in traffic at the Proudlove Parade exit lane?

EDDS Response:

Traffic locked in Proudlove Parade is not causing a backup of traffic throughout the CBD road network and the duration of the traffic delays is within accepted traffic standards. Greatest delays are experienced when the York Street rail crossing is closed due to a train movement. The position of the exit from Proudlove Parade onto York Street cannot be relocated and those delays will continue whilst the railway crossing remains in its current position.

Item 5.0 continued

Question 5. Does the City of Albany believe it should protect the business interests of the occupants of Proudlove Parade such as IGA and the Albany Visitors Centre by ensuring they do not become landlocked by any action taken by Council or the City or Landcorp?

EDDS Responded, through the Mayor as follows:

Any traffic congestion in Proudlove Parade is the result of the relationship of existing entry and exit points onto York Street and the position of businesses in Proudlove Parade is no different to the other businesses mentioned earlier in Lockyer Avenue.

Thank you for answering these questions Vera Torr.

***Ms Susan Meakin, Alison Parade**

Ms Meakin addressed Council in regards to Item 11.1.2 – Development Application – Park Home Park (230 Unit Lifestyle Village) – Lot 500 Alison Parade, Bayonet Head and submitted the following statement.

Traffic to Wells Lane is of a major concern as each park home owner is likely to have a minimum of one vehicle. Expected age of home owners being 45 & over is consistent with either party still being employed. This equates to at least 460 vehicular movements per day, excluding visitors, staff & accessing of boating & recreational facilities etc. (or 1,150 potential vehicle movements if you counted friends, staff, family and each resident conducting two return trips per day).

Given that no accidents have occurred whilst the existing entrance to the caravan park via Alison Parade has been in use, there is a strong argument for continued use of that entrance rather than Wells Lane, or at least the use of Alison Parade as an alternative exit. This will reduce the traffic along Wells Lane “It’s not Wells Highway”.

Likely placement of initial park homes, levels for groundwork, placement of retaining walls & boundary fences are all of concern to adjoining landholders.

Height of park homes, style of homes & density are all issues that require clarification.

Will lake views be obstructed?

Is there going to be a colour & style variation as in other park homes visited in the Albany area?

The original proposal illustrated only three rows of park homes on the far eastern boundary not five as in the new proposal. With outdoor living in the warmer months of the year in addition to local traffic, it is likely that birdlife will be affected to the detriment of all those in the near vicinity.

Will the swans continue to nest and raise their cygnets as they have done in the past for all of use to enjoy?

Submitted by adjoining landowners of Lots 29, 30 & 31 Alison Parade, Bayonet Head.

Lorelle & Joe Colangelo
Susan & Phil Meakin
Rosalie & Wayne Tranter

Item 5.0 continued

*** Ms Thea Rogister, proponent**

Ms Rogister addressed Council in regards to Agenda Item 11.3.3 – Scheme Amendment Request No. 131 – Lot 49 Mason Road, Lange and submitted the following statement:

Good evening, I am speaking on Item 11.3.3 of the Agenda. My name is Thea Rogister I am responding to the city officer's suggestion that my property is in some way remote and removed from necessary services. The services in the vicinity of my property include:- The Woolworths Complex on Chester Pass Road providing pharmaceutical, banking, petrol and retail services; I can in fact see this building from my front paddock and it is located 2.5km from my doorstep. The Oyster Harbour Store which is my local shop. I walk there to get the paper. The nearest school to my property is Flinders Park which is located approximately 3 kilometres away. I have a bus service running down Mercer Road. My children catch the school bus from the Oyster Harbour Store and attend Great Southern Grammar. The Albany Regional Hospital is located 5 kilometres from my property and I am in fact closer to the hospital than the P3 zoned properties on Chester Pass Road, McKail, Warrenup and most definitely the Peet & Co property located some 15 kilometres from its nearest service in Big Grove. My property is also conveniently located to the TAFE farm. This property is owned by the Crown and has been since 2000 reserved for the future University. As previously stated, power runs through my property from the TAFE farm and the water main is some 50 metres away from my front gate. Sewerage is available at the bottom of my property.

To suggest that I am in anyway remote or removed from necessary services is ridiculous. Oh and if necessary Allambie Park Cemetery is just down the hill.

Councillors as my property is currently zoned rural I operate a farming enterprise of the production of meat from South African Boer goats. My property is presently fenced into four paddocks and is run on organic farming principles. I have not used superphosphate or any chemicals on my property as I am mindful of their leaching capabilities into the water table. I have a great respect for the environment. When I decided run South African Boer goats I had my wetland and remnant bush areas fenced to protect them. As we all well know goats are potentially very destructive. Ultimately I had envisaged the wet land would become a nature reserve and I have already acknowledged ceding that area to the Crown for that purpose. In the subdivision structure planning phase I envisage the remnant bush areas would remain as nature corridors and public open space.

I acknowledge my speech last week was forthright. However, I was frustrated that city officers for the past few months had verbally supported my scheme amendment request and at the last moment reneged on their support. Had a known that I would not be supported I would not have spent thousands on preparing the scheme amendment request.

In regard to the allegation that this scheme amendment request is premature. I think not. It takes years as you would all well know to rezone a property and given that I am a single mother with two children to support I hardly think I have the financial means to make it happen quickly.

Again Councillors I remind you that this is a scheme amendment request. It is not the initiation of a scheme amendment and there is much to be done to arrive at that phase. I again suggest that there is no evidence to support the city officer's claim that my scheme amendment request cannot proceed and your support of my application is appreciated.

Item 5.0 continued

***Ms Delma Baesjou, Ayton Taylor Burrell (Consultant)**

Ms Baesjou addressed Council in support of Item 13.7.1 – Request to use road reserve – Lower Denmark Road & Bornholm South Road and tabled the following statement:

In support of the request to utilise the verge of the Lower Denmark and Bornholm South Roads to lay irrigation pipe I wish to make the following comments.

Subsequent to the Council Briefing on 10 June 2008, Main Roads WA has advised that it has no interest in the section of Lower Denmark Road the subject of this application. In discussion with Terry White – Planning and Asset Manager, he confirmed that the road is under the care and control of the City of Albany, and is not Main Roads responsibility.

- The area is well beyond the proposed Ring Road/George St
- The proposal won't result in closure or realignment and doesn't affect any intersections or signage/posted traffic speed.

Main Roads WA has no objections to the proposal.

Seed potato production provides a major contribution to the local economy and to global food production. Almost 40% of Australia's potato exports come from this region.

Markets exist for high quality seed potato, in particular, China and Vietnam. Seed potatoes have been exported to Hong Kong, Malaysia, Mauritius, Sri Lanka and Thailand.

As well as proximity to Asia and a well established export oriented horticultural industry, this region also has natural resource advantages.

Local conditions are ideal for potato production. The area is free from winter frost and major potato diseases. This is Priority Agricultural land, and it should be used for agriculture - in this case potato production.

Securing a water supply to the property in Piggot-Martin Rd by laying a pipe from Bornholm South Rd will assist the upgrading and growth of this important rural enterprise.

The option of laying the pipe in freehold land has been explored; however there are a number of constraints:

- The lot boundaries don't line up
- There area multiple land owners and multiple Titles
- There is significant remnant vegetation
- The boundary fire breaks along the Lower Denmark Road contain up to 4 Telstra cables

By comparison, the road verge provides a logical and relatively direct route with few restrictions:

- It is already cleared.
- There are no underground services. The power is overhead, (no existing or likely mains sewer or water in the area)
- No irrigation drains on the south side of this section of the reserve.
- One responsible, neutral owner.

The proponent is not actually seeking a lease.

The request is for permission to use the Lower Denmark and Bornholm South Road reserves for the laying of irrigation pipe.

Item 5.0 continued

***Mr Tony Demarteau, 24 Lorenzo Way**

I would like to speak on 4 items tonight:

First of all I would like to say well done to Council, and all that were involved in the development of the new Albany Leisure and Aquatic Centre. The centre is very futuristic and I believe a credit to the city. If this is what we can expect to see within our public buildings in the future, then you are certainly heading in the right direction. Hopefully the new Entertainment Centre Building will be just as nice, if not better.

The Albany Advertiser on the 05th June ran a story on page 7 regards "City backs ban on outdoor smoking". Mayor Evans and councillors, I am particularly happy to see the city support such a move, and hope that council has in place a total ban of smoking on all their sites. I support the ban of smoking in public places for very personal reasons, reasons that greatly affect my health. Smoke can aggravate my Asthma, and if it aggravates it bad enough I have to have prescription steroids to combat the asthma attack (asthma can kill). When I take the steroids I have to be very careful as to how they affect my diabetes, as they can send my blood sugar levels very high and can take ages to settle down if not managed properly. So as you can see, I have very good reasons to want to ban smoking in public places, and there are many, many more people like me in our communities. Please councillors, support a total ban of smoking in all public spaces.

On the 01st July this year the city celebrates its 10th birthday. I note that we have the crest for the city, but still no chains for the Mayor.

Perhaps this could be expedited, and as a celebratory gesture for our 10th anniversary we could invite the Governor Dr Ken Michaels, who was our Chief of Commissioners when Albany became a city, to present our Mayor with the chains.

The chains are symbolic, as are the robes, and I would like very much to see our Mayor wearing the chains and robes at civic events.

Finally, I note that there have been some concerns about the prayer at the beginning of each council meeting. I strongly oppose any attempt to remove the prayer from the beginning of council meetings, and I also oppose any changes to it. When the pray as developed in the early stages of the city being formed, I recall there was a lot of thought went into the wording, and I believe the wording to be most appropriate. Please don't change or remove it. Leave it alone.

Thank you
Tony Demarteau

***Mr Colin Ayres, proponent**

Mr Ayres addressed Council in support of Item 13.7.1 – Request to use road reserve – Lower Denmark Road & Bornholm South Road.

Mr Ayres reiterated the points highlighted by Ms Baesjou's previous address, emphasising the importance of quality seed potatoes as an export and that the laying of the 6 to 8 inch pipe would be out of everyone's way.

Item 5.0 continued

***Mr Murray Fields, Albany**

Mr Fields addressed Council in regards to the Development of the Esplanade Site, commercial sites at Middleton Beach.

Mr Field queried if it was still the intent of the developer to build a 80 room hotel with 30 strata units.

EDDS response: Yes, with the strata unit being positioned at the rear of the site and occupied for permanent residential.

Will the strata units have a separate title to the hotel?

EDDS response: that will depend on the type of Strata and that details are not yet provided.

Could the occupants of the Strata Units be forced to sell in the future to accommodate expansion of the hotel to accommodate for car parking etc.

EDDS response: The plan is to build the units above the car-parking and owners of the Strata units would be unlikely to be forced to sell.

Mr Fields commented that he believes the height restriction should be lifted to allow the developer to build a larger hotel that would ensure that it is commercially viable in 30 years time.

EDDS response: The developer only wants to build 4 stories; however approval was given to build 5 stories. It should be noted that there is provisions for street level commercial development within the Esplanade development and elsewhere in Middleton Beach as part of the work recently completed by Mr DeVilliers.

***Ms Elizabeth Barton, Albany Ratepayers and Residents Association**

I speak on behalf of the Albany ratepayers and Residents Association.

Parking in Central Albany has long been an issue of interest and concern to the Association. At the April Council meeting, I asked a series of questions, one of which related to Parking Requirements in the CBD area.

As yet the Association have not received any reply to any of these questions.

When will these answers be forthcoming??

At the Ordinary Council meeting of the 18th of March 2008, Item 11.1.2 - a Development Application for 112-140 Stirling Terrace, Albany was considered by Council and my questions relate to the passing of this item and in particular its parking requirements and its implications for orderly development within the CBD area.

It was stated at point 6 of the Officers Report on this item, under the heading Statutory Requirements that Section 4.10 of TPS1A applied to this application.

This clause describes the circumstances under which Council may lawfully approve applications that fail to comply with the Statutory Requirements of the Scheme.

Why were the requirements of clause 4.10.1 and 4.10.2 - namely, to advertise a variation to these Statutory requirements and to consult with affected owners and occupiers - not complied with and whose responsibility is it to make sure that such requirements are met?

How did Council satisfy itself that the variation contained in the application would be appropriate or that it would not have an adverse effect on inhabitants of the locality and the likely future development of the locality - as required by law?

How does failure to adhere to the requirements of Clause 4.10.1 and 4.10.2 affect this decision and does it make it unlawful? And if so - How will this decision be remedied and will it set a precedent for future decisions?

Item 5.0 continued

What is the value of the concession given in relation to the assessed Statutory requirements of the scheme if the developer had been required to provide cash in lieu payment for failure to adhere to the Scheme requirements?

What legal mechanism exists to require the current proponent or any other future developer to address this parking shortfall as required by the Scheme, particularly given the argument put forward during the limited debate on this item that it would be addressed if and when any future development stages are proposed?

The above questions were taken on notice.

*** Rosalie Tranter, Lower King**

Ms Tranter addressed Council in regards to Item 11.1.2 – Development Application – Park Home Park (230 Unit Lifestyle Village) – Lot 500 Alison Parade, Bayonet Head.

Ms Tranter questioned the height of the Park Homes and if there would be variations in the external colours and styles, and will the keeping of pets be regulated.

EDDS responded, through the Mayor, that the Park Homes are single storey; similar to what is found in the Mount Melville caravan park, they will consist of a multitude of colours and styles; however have consistent external cladding products.

The EDDS explained that residents of the Lifestyle Village will have to comply with self imposed regulations (laws) similar to what is found Strata Title developments. It was unknown whether animal control will be part of those regulations.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Special Council Meeting held on the 3rd June 2008; and
- Ordinary Council Meeting held on 20th May

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

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the following minutes:

- **Special Council Meeting held on the 3rd June 2008; and**
- **Ordinary Council Meeting held on 20th May**

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

MOTION CARRIED 12-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MORRIS**

THAT Council grant leave of absence from the July 08 Ordinary Council meeting for:

- **Councillor Paver;**
- **Councillor Kidman; and**
- **Councillor Williams.**

MOTION CARRIED 12-0

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item Number	Nature of Interest
Councillor Paver	11.1.3	<u>Financial.</u> Councillor supplies marketing services to applicant. Cr abstained from the debate, discussion and voting on this item.
Councillor Wiseman	11.2.1	<u>Financial.</u> Councillor manages a conflicting business as proponent sells packaged liquor and Councillor is employed under the same liquor act. Cr abstained from the debate, discussion and voting on this item.
	13.4.1	<u>Impartiality.</u> Councillor employs one of the security companies detailed in the agenda item. Cr abstained from the debate, discussion and voting on this item.
Councillor Kidman	13.4.1	<u>Financial.</u> Councillor's Wife is employed by proprietor and is a good friend. Cr abstained from the debate, discussion and voting on this item.
Councillor Wolfe	13.7.1	<u>Financial.</u> Councillor is a potato grower. Cr abstained from the debate, discussion and voting on this item.
CEO – Mr Andrew Hammond	11.3.1	<u>Proximity.</u> CEO owns property adjoining the subject site. CEO abstained from the debate, discussion and voting on this item.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 9.1 Item 19.1 - Motion to revoke decision 11.1.2 of Ordinary Council Meeting 18/03/08
 [5.23 (2)(d) of the Local Government Act 1995]

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green –
See Pages 18-113]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow –
See Pages 114-123]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink –
See Pages 124-169]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff –
See Page 170-184]

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 State Administrative Tribunal Review - Holiday Accommodation Units & Caretakers Dwelling - 29 Barry Court, Collingwood Park

File/Ward	:	A185917 (Breaksea Ward)
Proposal/Issue	:	State Administrative Tribunal Review - 3 Holiday Accommodation Units & Caretaker's Dwelling.
Subject Land/Locality	:	Lot 31 (No. 29) Barry Court, Collingwood Park
Proponent	:	Roberts Gardiner Architects
Owner	:	JP & MS Sugg
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/01/08 - Item 11.1.2 OCM 18/03/08 - Item 11.1.1
Summary Recommendation	:	Set aside previous decision, and approve the revised proposal.
Bulletin Attachment	:	Further information from applicant
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application for a three (3) Holiday Accommodation units and a Caretaker's accommodation unit at Lot 31 (No. 29) Barry Court, Collingwood Park was previously submitted to Council for determination. The application was refused at the 15 January 2008, Council meeting for the following reasons:
 - i) *The development exceeds the maximum allowable plot ratio identified in Town Planning Scheme No. 1A and the Residential Design Codes.*
 - ii) *The front setback proposed by the development does not meet the specified setback required in Town Planning Scheme No. 1A, and any relaxation of this standard would be detrimental to the existing streetscape.*
 - iii) *The side setback relaxations proposed by the development are significantly less than the acceptable criteria of the Residential Design Codes, and do not meet the performance criteria specified in Clause 3.3.1 of the Codes.*
 - iv) *The development does not cater for sufficient landscaping as identified in Council's Town Planning Scheme No. 1A.*
 - v) *The height of the development is significantly higher than the acceptable criteria of the Residential Design Codes, and does not meet the performance criteria specified in Clause 3.7.1 of the Codes.*
 - vi) *The development does not adequately address sections (i), (n), (o), (v) and (y) of Clause 7.8A of Town Planning Scheme No. 1A (Matters to be Considered by Council).*
2. The applicant then requested a Review (appeal) of this decision at the State Administration Tribunal (SAT), where mediation between the applicant and the City was directed. During the mediation session, several alternative development option proposals were discussed, including this revised proposal.
3. The SAT convenor determined, at the mediation session, that the application be referred back to Council to assess the revised proposal that had been discussed. A copy of the additional information submitted by the applicant has been included in the Elected Member's Report / Information Bulletin.
4. The main differences between the previous and the current proposal have been summarised by the proponent as;

Front Setback

Front boundary setback has been increased to provide an average of 4.0m which complies with the provisions of the R-Codes. The revised set back also provides for additional landscape screening of car parking for visitors vehicles.

Side Setbacks

Side setbacks have been increased from 1.685m to 1.80m and localised projections of 900mm have been removed and replaced with localised setbacks to 1.9m. They submit that the increased side setbacks and the placement of highlight windows and privacy screens maintain adequate privacy to neighbouring properties. The proposed setbacks are comparable with adjoining two storey residential buildings.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Plot Ratio

The revised design has resulted in a reduction of Plot Ratio from the previous submission of 0.67 (11% over prescribed plot ratio) to a new plot ratio of 0.625 (approximately 4% over prescribed plot ratio). Council's discretion is sought to allow an increase of the plot ratio for this development from 0.6 to 0.625. The minor increase in plot ratio from 0.6 to 0.625 will have little or no impact upon the Barry Court streetscape.

Building Heights

The revised design has resulted in an overall reduction of 770mm in height of the roof at the rear portion of the proposed development.

STATUTORY REQUIREMENTS

5. The *State Administrative Tribunal Act 2004*, gives SAT the jurisdiction to review decisions made by a local government under the *Planning and Development Act 2005*. The original decision is subject to this review, and Section 31 of the *State Administrative Tribunal Act 2004* states:
 31. *Tribunal may invite decision-maker to reconsider:*
 - (1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
 - (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
 - a. *affirm the decision;*
 - b. *vary the decision; or*
 - c. *set aside the decision and substitute its new decision.*
 - (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.*
6. If Council decides to affirm its previous decision, Roberts Gardiner Architects (proponent) can request that the review proceed to a formal hearing where the application will be considered 'de novo' (heard afresh) by a member of the SAT.
7. The statutory process of assessing the application has been addressed in the previous report (OCM 18/03/08 - Item 11.1.1), however a further R Codes assessment has been undertaken on the revised proposal and several of the Acceptable Development Criteria can now be met including:
 - *Setback of Buildings Generally (front) 6.2.1 (previously 3.2.1).*
 - *Landscaping of visitor bays 6.4.5 (previously 3.4.5).*

The outstanding issues that the proponent has sought to have considered under the Performance Criteria of the Codes are:

- *Building setback from boundary 6.3.1 (previously 3.3.1).*
- *Over-height 6.7.1 (previously 3.7.1).*

[Note: Minor variations were made to the R Codes by the WAPC and became operative from the 1st May 2008; the new and the previous clauses are referred to.]

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

POLICY IMPLICATIONS

8. The Coastal Development – Lot Privacy Policy was introduced to provide greater clarity on standards relating to overlooking on private property in a coastal location, where there is a greater emphasis to orient dwellings to the coast rather than the street. The 1998 policy has largely been superseded by the increased amenity provisions incorporated into the Residential Design Codes in 2002 and has no direct relevance to the application currently before Council.
9. The site is not located within any of the stated locations of the recently adopted “Residential Design Code Policy”, which provides guidelines for development, in terms of building heights, setbacks and streetscapes.

FINANCIAL IMPLICATIONS

10. If the mediation fails to deliver a mutually agreed outcome, the SAT can (at the request of the proponent) arrange for the review to proceed to a final hearing. Council will be required to be legally represented and may require the attendance of an expert witness (independent Town Planning professional).

STRATEGIC IMPLICATIONS

11. Under the Albany Local Planning Strategy (ALPS) the site is identified as a “Tourist Accommodation Node”, which aims to *“Promote the development of sustainable tourist accommodation”*.

COMMENT/DISCUSSION

12. The SAT has requested that the application be reviewed by Council, predominately on the basis that a revised proposal has been put forward. The number and type of accommodation units is unchanged, as is the number of carparking bays. The application has to be assessed under the Development Standards of TPS1A, and the relevant parts of the R Codes; these can be divided into separate issues, where the Performance Criteria apply where applicable.
13. Plot ratio
Clause 4.36 of TPS 1A allows “Tourist Accommodation” to be developed to an R50 density code whereby a maximum plot ratio of 0.6 applies. The applicant is seeking Council's discretion to increase the plot ratio for this development to 0.625 (approximately 4% over prescribed plot ratio). The proponent states that the minor increase in plot ratio from 0.6 to 0.625 will have little or no impact upon the Barry Court streetscape, and has included various 3D images to highlight this, (copies included in the Elected Member’s Report / Information Bulletin).
14. The revised proposal has taken into consideration Council’s previous concerns and has reduced the footprint of the building along with reducing the floor area of each individual unit in an effort to reduce the plot ratio. The result is still an architecturally designed building that does not dominate, but adds interest into the street scene and still respects the overall scale of the buildings in the locality.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Building Setback from Boundary

15. As stated in previous reports, TPS 1A requires a 7.5m rear and 4.0m to 6.0m (2.0m per level) side setback which would be excessive, impracticable and out of keeping with the locality. The R Codes required side setback is 2.5m, with the revised proposal seeking a setback of 1.8m, which is not uncommon in the locality. The proponent therefore still seeks Council approval under the Performance Criteria of the R Codes, which state:

Buildings set back from boundaries other than street boundaries so as to:

- *provide adequate direct sun and ventilation to the building;*
 - *ensure adequate direct sun and ventilation being available to adjoining properties;*
 - *provide adequate direct sun to the building and appurtenant open spaces;*
 - *assist with protection of access to direct sun for adjoining properties; and*
 - *assist in protecting privacy between adjoining properties.*
16. The proponent has previously obtained the comments from the neighbouring property owners of whom neither object. The proposed revision is closer to the acceptable criteria of the R Codes, and the proposed setback is now more consistent with the other buildings in the locality (which in several cases includes parapet walls on the boundary). The rear setback is the same as previously proposed, however this overlooks a golf driving range and does not create any privacy or amenity issues, due to the lack of development.

Building Height

17. Table 3 of Element 7 of the R Codes allows the proponent to undertake a development with a wall height of 7.0m with a concealed (flat) roof above/behind, within the "Acceptable Development" provisions of the Codes. The revised proposed development has the majority of the walls being at 8.7m, with a concealed/flat roof above/behind, with the highest point being a wall height of 9.2m (for approximately only 1/3 of the front of the third storey element as main an architectural feature). The Performance Criteria for this element of the proposal criteria states;

"Building height consistent with the desired height of buildings in the locality, and to recognize the need to protect the amenities of adjoining properties, including where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
 - *adequate daylight to major openings to habitable rooms; and*
 - *access to views of significance."*
18. The revised proposal has increased the majority of the wall height (from 8.0m to 8.7m), but has reduced the majority of the overall height by 1.0m. As no properties exist on the adjoining lots (also with no objection being received from the relevant landowners), and none of the surrounding properties will suffer any impact on any views of significance, the only part of the performance criteria that needs to be addressed is whether the proposed revised building height is consistent with the desired height of buildings in the locality.
19. The nearby 33 Barry Court (the closest currently built structure on the same side of the road) is approximately 8.0m high to the ridgeline. It is important to remember that the currently vacant lots either side of this development can be built to a height of 9.0m with a wall height of 6.0m, and that the proposed section of wall between 8.7m and 9.1m is at the rear of the proposal. The wall height facing onto the Barry Court Road and within the first 21.5 m of the site is 5.5m, well within the Acceptable Development Criteria, which along with the future development of the adjoining lots will predominantly screen the rear section of the proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

20. Comparison elevations between the previously refused proposal and this revised proposal are included in the Elected Member's Report / Information Bulletin. The proponent has also provided a computer graphic 'fly through' of the site, with several stills (showing possible 9.0m high structures on the adjoining properties) included within the Elected Member's Report / Information Bulletin.

Landscaping

21. The Scheme states a landscaping minimum of 50%. The proponent is proposing to provide 256sqm representing 25.6% of soft landscaping and not including private paved courtyards etc) due to the proposed reduction of the building footprint and landscaping of the visitor bays. The R Codes do not actually set a percentage for landscaping, but has a requirement for 45% open space (at R50), of which the proposed revised development provides 58%.
22. The proposal complies with the Acceptable Development standards of section 3.4.5 of the R Codes and the proponent has stated that the landowner will use high quality landscaping, and now proposes to landscape to the front of the proposed visitor bays. The proposed level and type of landscaping now appears consistent to that within the locality.

Summary

23. It is the officer's view that the revised design has increased not only the front and side setbacks, and the percentage of landscaping. It has also reduced the overall height of the proposal the footprint of the proposal and the plot ratio.
24. The amended development can meet the 'Performance Criteria' of R Codes for building setbacks and building heights. Discretion exists for Council to determine plot ratio requirements and the landscaping percentage.
25. In conclusion the modified proposal still manages to provide a high quality Tourism development (a preferred use in the zone) and consistency to the surrounding streetscape, whilst proposing a realistic plot ratio and a building height with setbacks that complies with the Performance Criteria of the R Codes.

RECOMMENDATION

THAT Council resolves to set aside the original decision and advise the State Administration Tribunal that it will issue a Notice of Planning Scheme Consent for a "Three Holiday Accommodation & Caretaker's Dwelling" development at Lot 31 (No. 29) Barry Court, Collingwood Park, subject to the following requirements being incorporated into the approval:

- i) vehicular parking, manoeuvring and circulation areas indicated on the plans being constructed prior to occupancy of any of the units, and being drained and sealed and maintained in good repair for the duration of the proposed land use;
- ii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade. The stormwater disposal system shall be designed and certified by a practicing civil engineer;

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- iii) plans stating the final details of the level of fill and/or retaining walls being submitted and approved in writing prior to the issuing of a building licence;
- iv) landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence;
- v) a legal agreement being entered into prior to the issue of a building licence to ensure the use of the caretaker's unit (shown as unit 4 on the plans) is either occupied solely by a manager of the three on-site Holiday Accommodation units or is to be occupied as a unit of Holiday Accommodation and that any strata plan has this requirement noted on it. The legal agreement to be prepared by Council's solicitors at the applicant's cost;
- vi) the holiday accommodation is to be used for short stay accommodation purposes, with a maximum of three months occupancy per annum by any single tenant;
- vii) all land indicated as landscaped area on the approved plan submitted under condition iv being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. All landscaped areas are to be maintained in good condition thereafter;
- viii) the new crossover/s being constructed to Council's specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve;
- ix) two (2) car parking bays being marked and set aside permanently as visitor/staff parking;
- x) 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; and
- xi) no signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WILLIAMS**

THAT Council resolves to set aside the original decision and advise the State Administration Tribunal that it will issue a Notice of Planning Scheme Consent for a “Three Holiday Accommodation & Caretaker’s Dwelling” development at Lot 31 (No. 29) Barry Court, Collingwood Park, subject to the following requirements being incorporated into the approval:

- i) vehicular parking, manoeuvring and circulation areas indicated on the plans being constructed prior to occupancy of any of the units, and being drained and sealed and maintained in good repair for the duration of the proposed land use;**
- ii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade. The stormwater disposal system shall be designed and certified by a practicing civil engineer;**
- iii) plans stating the final details of the level of fill and/or retaining walls being submitted and approved in writing prior to the issuing of a building licence;**
- iv) landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence;**
- v) a legal agreement being entered into prior to the issue of a building licence to ensure the use of the caretaker’s unit (shown as unit 4 on the plans) is either occupied solely by a manager of the three on-site Holiday Accommodation units or is to be occupied as a unit of Holiday Accommodation and that any strata plan has this requirement noted on it. The legal agreement to be prepared by Council’s solicitors at the applicant’s cost;**
- vi) the holiday accommodation is to be used for short stay accommodation purposes, with a maximum of three months occupancy per annum by any single tenant;**
- vii) all land indicated as landscaped area on the approved plan submitted under condition iv being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. All landscaped areas are to be maintained in good condition thereafter;**
- viii) the new crossover/s being constructed to Council’s specifications, levels and satisfaction in accordance with drawing nos. 97024 to 97028. A permit from Council is required prior to any work being carried out within the road reserve;**
- ix) two (2) car parking bays being marked and set aside permanently as visitor/staff parking;**
- x) 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; and**
- xi) no signs are to be erected on the lot without Council’s approval, in accordance with the City Of Albany’s Sign Bylaws.**

MOTION CARRIED 10-2

DEVELOPMENT SERVICES REPORTS

**11.1.2 Development Application – Park Home Park (230 Unit Lifestyle Village) - Lot 500
Alison Parade, Bayonet Head**

File/Ward : A47232 (Yakamia Ward)

Proposal/Issue : Park Home Park (230 Unit Lifestyle Village)

Subject Land/Locality : Lot 500 Alison Parade, Bayonet Head

Proponent : National Lifestyle Village Pty Ltd

Owner : National Lifestyle Village Pty Ltd

Reporting Officer(s) : Manager Planning & Ranger Services (G Bride)

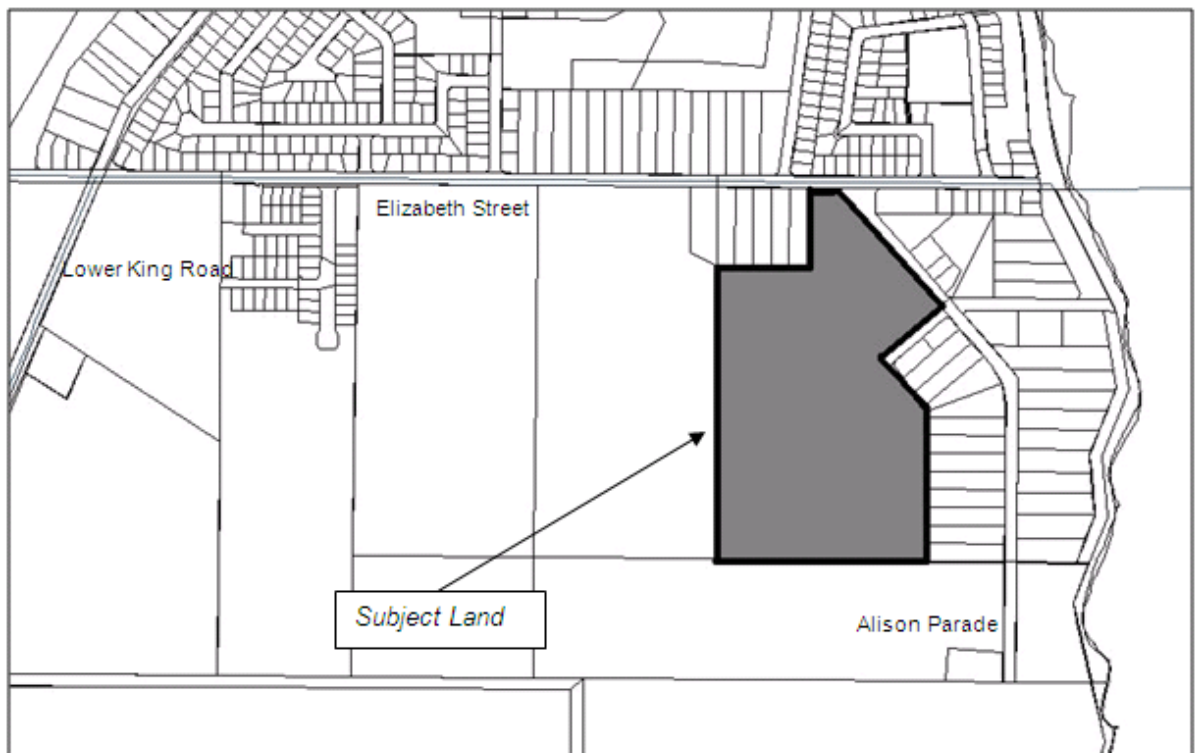
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Delegate Planning Scheme approval to the
Manager of Planning and Ranger Services

Bulletin Attachment : Letters from Residents

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received from National Lifestyle Village Pty Ltd seeking Planning Scheme Consent to develop a Lifestyle Village on Lot 500 Alison Parade, Bayonet Head utilising Park Houses. A complete copy of the application is located in the Councillor's Lounge. The site plan showing the layout of the development is attached to the rear of this report.
2. The Proponent seeks to site 230 Park Home Units on the subject land, which is aimed towards the 45yr+ (but predominately between 55yr and 70yrs) age group to provide a facility for people too young, fit or active for a traditional retirement village. The total area of the property is 18.08ha.
3. The proposed development involves the following infrastructure on the site:
 - 230 park home units;
 - Internal road network;
 - Club House and resort activities;
 - Recreational activities (ie. bowling green and tennis courts);
 - A communal residents' workshop area; and
 - Boat and caravan parking.
4. Each park home site will contain a storage shed, an open sided carport and a functional courtyard area accessible from a living area.
5. The main entry to the site will be via Wells Lane, off Alison Parade, which is an existing road reserve providing direct access to Lot 5 Wells Lane.
6. The estimated cost of the development has been stated as \$5 million, which exceeds staff's delegation powers. The application is presented to Council for deliberation.

STATUTORY REQUIREMENTS

7. The land is zoned "Special Use – Caravan Park" within Town Planning Scheme No. 3 (TPS3). The use "Caravan Park" is a "P" permitted use under Clause 3.7 (Special Sites Zone) of the Scheme. This means that Council cannot refuse the application, but can apply conditions or request modifications where it sees fit.
8. Although not required under the Scheme, the application was advertised to surrounding landowners given the scale and type of development. The application was also referred to the Department of Water (DOW), Department of Environment and Conservation (DEC) and was formally assessed by the Environmental Protection Agency (EPA). The EPA has decided not to subject this proposal to the formal environmental impact assessment process (a copy of their correspondence is attached at the rear of this report).
9. A Caravan Park is not specifically defined under TPS3, however under Section 1.6 (interpretation), unless the context otherwise requires, words and expressions used in the scheme have the same meaning as they have in the *Planning and Development Act 2005*, which defines a "Caravan Park" as having the same meaning as contained in the *Caravan Parks and Camping Grounds Act 1995*.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

10. The *Caravan Parks and Camping Grounds Act 1995* states a caravan park means; *“an area of land on which caravans, or caravans and camps, are situated for habitation”*.
11. The *Caravan Parks and Camping Grounds Regulations 1997* which provides further details and clarification, defines a “Park Home Park” (of which the proposed units are, due to their inability to be drawn by another vehicle) as; *“a caravan park at which park homes, but not any other caravans or camps, are situated for habitation”*.
12. Legal advice sought by City Staff states that park homes are “vehicles” and are therefore a form of “caravan” for the purposes of TPS3. Consequently, a “Park Home Park” may be considered to be a form of “Caravan Park”.
13. Section 5.4 (matters to be considered by Council) within TPS3 states (not the complete list) that;

“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 Council relevant to the use or development the subject of the application;

- *any approved Statement of Planning Policy of the Commission;*
- *any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;*
- *any Town Planning Scheme Policy adopted by the Council under clause 6.9, and any other plan or guideline adopted by the Council under the Scheme;*
- *the compatibility of a use or development with its setting;*
- *any social issues that have an effect on the amenity of the locality*
- *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- *the preservation of the amenity of the locality;*
- *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- *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;*
- *whether public utility services are available and adequate for the proposal*
- *whether adequate provision has been made for the access for pedestrians and cyclists;*
- *whether adequate provision has been made for access by disabled persons;*
- *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- *whether the proposal is likely to cause soil erosion or land degradation;*
- *any relevant submission received on the application;*
- *the comments or submissions received from any authority consulted under clause 5.1A;*
- *any other planning consideration the Council considers relevant.”*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

14. The West Australian Planning Commission's "Planning Bulletin 49;- Caravan Parks", provides advice on the matters to be considered in regards to planning for the development of caravan parks. The key planning objectives are;
- *“to provide short-term accommodation for tourists in locations which complement existing tourist and recreation facilities;*
 - *to provide long-term accommodation for permanent residents in locations with access to services normally available to conventional residential development; and*
 - *to encourage development of caravan parks in a manner which is compatible with existing land uses, and which does not have a detrimental impact on the environment or the amenity of the locality.”*
15. The proponent has provided a full environmental assessment including a Water Management Strategy, a Land Capability Assessment (including the assessment of acid sulphate soils), and a Wetland Management Plan. Other documents that have been submitted by the proponent include the Planning Application report (which includes a fire management strategy), a Construction Management Plan and a detailed Traffic Study which focuses on the impacts from the increase in traffic movements generated by the development. All of the reports submitted are discussed in this report, with copies located in the Councillors Lounge.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

17. As a condition of the development, the proponent will be required to upgrade existing roads external to the subject land and construct new paths, at their cost, to service the vehicular and pedestrian demands generated by the development.
18. The wetland areas on the site currently provide an important drainage function which is set to grow in importance with the advent of residential development on adjoining land parcels, as per the Bayonet Head Outline Development Plan (BHODP). As part of the BHODP contribution schedule, improvements to the drainage network in this area, inclusive of accommodating a larger culvert under Allison Parade, raising the height of Allison Parade to give greater flood protection to neighbouring properties and improving the outflow into Oyster Harbour will need to be undertaken by the developers of the land within the BHODP area (the majority land owners in this area are the Department of Housing and Works and Heath Development Company). It is important to note that the subject land is not included with the BHODP area.
19. Given the importance of the wetland from a drainage and passive recreation perspective, it is recommended that a legal agreement be entered into between the City and the proponent in relation to the ongoing management of the wetland. Whilst the proponent would draft the agreement at their expense a review by Council's solicitors will need to be undertaken.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

STRATEGIC IMPLICATIONS

20. Albany Local Planning Strategy (ALPS) identifies the land for possible future Residential Development, and states that the proportion of Albany's population in the 50yrs+ age group is likely to increase. Under Section 6.2 (Housing) an identified planning principle is to:

“Encourage a diversity of housing choices to match our changing population needs”.

COMMENT/DISCUSSION

21. At the close of advertising, a total of thirteen (13) individual letters of comment were received, with ten (10) raising objections. Since the project was placed on advertising, the development has been revised marginally to reflect changes requested by Council staff and other state government agencies, or as a result of the detailed environmental reporting that was required to satisfy the concerns of the EPA. As there are no major modifications to the original project, the proposal was not readvertised.

22. A copy of the submissions are included in the Elected Member's Report / Information Bulletin and a précis of their comments follows:

- The proposal is at a higher density, that is not in keeping with the secluded nature of area;
- The park homes are unattractive forms of housing;
- Views over the lake will be blocked/affected by the development;
- The main entrance should not be off Wells Lane;
- Significant upgrades to infrastructure are required in the area (paths, road upgrades, traffic safety improvements);
- The wetlands need to be protected;
- More landscaping and larger setbacks are needed from Allison Parade to allow for a buffer to the development;
- The proposal will generate significant increase in traffic volumes; and
- Reduction in traffic speeds will need to be brought into place.

23. In response to the concerns raised by the community, and in addressing the technical aspects of the proposal, staff provide the following advice:

Density / Amenity

24. The subject land is 18.08 hectares in size of which approximately 50% is wetlands, the 230 park homes would therefore represent a density equivalent to R25 or an average lot size of around 400m². Given the land will be connected to sewer and the surrounding area will be developed at a density of at least R20 (average lot size of 500m²), the development would be consistent with the desired density of development in the locality.

25. As the development meets the definition of 'Caravan Park' under the Scheme there are no specific density restrictions that apply (the Residential Planning Codes only apply to residential development). The only requirement in relation to density and the siting of park homes is contained under the Caravan Park and Camping Ground Regulations 1997 which requires a minimum 10 percent open space across the site and building setbacks of 3.0 metres between units. These requirements have been met.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

26. In relation to the appearance of the park homes, staff have visited three lifestyle villages constructed by the proponent in the Perth Metropolitan Area, and found the presentation of the units to be of a high standard. The quality of road treatment, pedestrian access and landscaping added significantly to the presentation of the villages visited. Photographs of the units have been previously circulated to Councillors and are available on request. Similar developments exist in the Albany Holiday Village and the Mt Melville Caravan Park sites.
27. One submission requested increased development setbacks to Alison Parade to reduce the impact on the streetscape. Currently the development is positioned approximately 15 metres from Allison Parade, and is separated by an internal private road. The proponent is proposing to construct a fence on the boundary which will screen the development from the street (based on the villages visited an articulated stone or brick fence will be proposed). As a condition of planning approval it is suggested that full details of the fence be provided prior to the issue of a building licence for the project.

Infrastructure Upgrades / Traffic Safety

28. A number of submissions expressed concern over the impacts of the development on the existing infrastructure. As discussed below, based on the increase in pedestrian and vehicular traffic volumes various infrastructure upgrades have been recommended by Staff.
29. The traffic study submitted by the proponent has identified that the development will generate approximately 820 vehicle movements per day on Allison Parade and 1720 movements per day on Elizabeth Street (at Hubble Street) once the development is completed. Traffic counts undertaken in 2004 identified that Elizabeth Street carries approximately 1160 vehicles per day, thereby an increase in traffic movements of 50% will be experienced. In relation to Allison Parade, the proponent has calculated that the road carries approximately 245 vehicles per day, thereby an increase in traffic movements of over 300% will be experienced in the short term.
30. The proponent has proposed to upgrade a small portion of Allison Parade, between Wells Lane and the emergency exit point, to an access street standard as described within Council's Subdivision and Development Guidelines. This standard would involve a 6 metre sealed pavement, kerbing and underground drainage. It is a common requirement that where traffic volumes will be substantially increased by a development, and road upgrading is considered necessary, the upgrade should relate to the entire portion of road fronting the subject land. The western boundary of the subject land is approximately 130 metres further west of the emergency exit point. Given traffic from the development will proceed along Alison Parade/Elizabeth Street and exit onto Lower King Road in order to access Albany's CBD, staff believe it is fair and reasonable that the upgrade should relate to the subject land's frontage. Further upgrades to Elizabeth Street, west of the subject land, will be met by the developers associated with the BHODP.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

31. Whilst staff are supportive of the construction standard involved in the road upgrade, some widening of the sealed pavement will be required at the intersection of Elizabeth Street and Alison Parade to ensure turning vehicles can be passed without slowing. Alison Parade at this section is also on a bend and it is therefore recommended that road widening of 5.0 metres be given up by the proponent from the western boundary of the subject land through to the emergency access point. The road widening would not affect the proposed layout of the development, but allow Council greater flexibility in siting infrastructure in the future.
32. Considerable concern has been expressed by the land owner fronting Wells Lane, that this road will form the main entry to the development. The road is currently built to a gravel standard, is narrow and winds through a thin band of vegetation. As identified in the proponent's traffic study, this road will be upgraded to an access street standard inclusive of a 6.0 metre bitumen seal, kerbing and underground drainage. The road will also be serviced by lighting, landscaping and a new dual use path. Whilst the owner of Lot 5 Wells Lane will experience a significant increase in traffic movements, the road will be upgraded to accommodate these movements. It is also recommended that, as part of the road upgrading, a new crossover be constructed by the proponent to cater for Lot 5. From staff's perspective, the road reserve is already in place and the upgrading of the road to a higher standard is supported.
33. In relation to the four-way intersection of Wells Lane/Allison Parade and Simmons Street the proponent has recommended that a round-a-bout would not be required based on traffic volumes and the intersection achieving adequate site lines in accordance with Austroad Standards. Staff have reviewed this position and believe that the construction of Wells Lane would necessitate an upgraded intersection particularly into the future, when Allison Parade is connected with Bayonet Head and associated traffic volumes increase. In this respect it is recommended that the proponent provide a contribution representing 50% of the cost of constructing a round-a-bout in this location. A truncation to cater for the future round-a-bout will also be required.
34. The construction of a dual use path along that section of Allison Parade/Elizabeth Street fronting the subject land is required. The proponent has provided two options. Option A would involve the location of a path along the frontage of Allison Parade to the intersection with Elizabeth Street, whereas Option B involves an alternative path route being established along Simmons Street through to the Oyster Harbour foreshore area. Staff recommend that Option A be proposed as this will provide the most benefit to existing residents in the area (submissions received expressed concerns with the pedestrian environment in this area) whilst allowing residents of the village to walk to the intersection with Elizabeth Street. From this point, it is a short walk through to the Oyster Harbour Foreshore area along existing roads.
35. Main Roads WA is the responsible authority to set traffic speeds, and once the development has been completed this authority will be able to undertake an audit (based on concerns raised by the community or Council staff) to determine the safest speed for vehicles.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

36. The development will be required to connect to reticulated sewerage and reticulated water (inclusive of fire hydrants) which will ensure no contamination of ground water and cater for water consumption and fire fighting obligations.

Wetland Management

37. A Wetland Management Strategy and a Wetland Management Plan have been prepared as part of the application to address any perceived impacts of the development on the water quality and fringing vegetation associated with the wetland, and to document the rehabilitation procedures to be undertaken by the proponent.
38. The reports include a detailed analysis of the soil types across the site, ground water clearances, an acid sulphate soil assessment and surface drainage. Test pits over the proposed development area revealed that soil acidity was negligible to low, ground water was in all but one case more than 500mm from the surface, and the soils are sandy, allowing good filtration and permeability. Based on the information received from the test pits the proponent is confident that water sensitive urban design measures (such as vegetated swales, bio-retention cells and rain water harvesting and re-use systems) could be incorporated into the drainage regime for the site to ensure run-off into the wetland is limited and is stripped of nutrients. The proponent has identified that, as part of the detailed stormwater design, the testing of ground water quality will be undertaken prior to development commencing on site and monitored by the proponent thereafter.
39. The DOW recommends a minimum development setback of 50 metres to any wetlands and 15 metres to creek and drainage lines, however on-site inspections are advocated to determine whether lesser or greater setbacks are required. Prior to the lodgement of the application, representatives of the DOW, DEC and the City of Albany walked the site to assess the setbacks and pegged out a development boundary, which has been adhered to by the proponent. There is only one area on the eastern edge of the wetland where a reduction in the 50 metre setback was proposed due to the fact that this foreshore area had previously been significantly modified; this reduction was supported by DOW, DEC and the EPA. No wetland vegetation will be disturbed under the proposal.
40. The proponent has won a number of environmental and sustainability awards and has committed to rehabilitate the wetland through a revegetation and weed removal program. Some infrastructure will be installed in and around the wetland, inclusive of a boardwalk and bird watching platform/hide. Restricted public access has been proposed by the proponent in the south western corner of the wetland where a second bird hide will be located and usable by the public.
41. The long term management of the wetland is important from a drainage and public recreation perspective given that Council has an ongoing involvement with this wetland. There are several options that Council could consider in relation to the long term maintenance of the Wetland/Drainage system, including:
- (a) The wetland being ceded to the Crown, free of any costs, as a recreation reserve, with the City taking all reasonable steps to have registered on the reserve the appropriate access rights to the proponent;
 - (b) The proponent providing to the City a drainage easement over the land containing the wetland system, giving the City and, in one location, the general public access to the wetland for the purposes of carrying out work defined within a legal agreement; or

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- (c) The proponent providing the City with a long term lease over the land containing the wetland system.
42. Staff believe the best mechanism to protect Council's long term interests in the wetland system is for a drainage easement to be registered in favour of the City of Albany. This would mean that access to the wetland for drainage works would be available to the City in perpetuity if and when such works are required. As a condition of planning scheme consent, it is recommended that a legal agreement be entered into between the proponent and the City addressing a wide range of issues including restricted public access (to the bird hide in the south west corner), and maintenance obligations relating to matters inclusive of the type and frequency of drainage works, fencing, mosquito control, weed removal and fire management regimes.
43. Staff are supportive of the initiatives by the proponent, as contained within the Wetland Management Plan, to undertake significant rehabilitation and maintenance work on the wetland system, and it is recognised that the improvements will add to the amenity of residents within the Village. The commitments by the proponent are above and beyond the maintenance regime usually undertaken by Council on its Reserves; it is therefore recommended that the wetland system stay in private ownership, with the ability for Council to access the land when required for drainage purposes (through a drainage easement).

Flood Management

44. The proponent's engineering consultant has modelled the 1:100 flood line, and with the exception of a portion of the boardwalk and an access road to the caravan and boat parking area, all development is located outside of the flood path. The proponent has also advised that the future drainage works to be undertaken by developers within the BHODP area, (the raising of Allison Parade, the installation of a larger culvert and an improved piped drainage system with outflow into Oyster Harbour) would not impact on the identified flood line, and indeed a larger culvert is expected to reduce the height of this line further. The raising of Allison Parade in relation to the drainage works may not be required (an increase in the size and/or number of culverts may suffice) and is subject to further drainage assessment by the developers associated with the BHODP area.
45. The proposal involves a number of sites which can only be accessed via a boardwalk. The boardwalk will need to be constructed to a standard able to withstand the force associated with flood waters, in the event that a 1:100 year flood occurs. If this structure is compromised, there is the potential that residents could have difficulty leaving their units. It is recommended that a detailed design be prepared by a structural engineer to allay concerns in this area.

Fire Management

46. Consultants for the proponent have prepared a fire management strategy for the site. The majority of the development is located away from vegetated areas and has a relatively low fire risk. The proponent has placed a secondary emergency access point onto Allison Parade to provide residents with an alternate emergency access route to Wells Lane.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

47. The area requiring additional fire protection measures relates to the thirteen (13) boardwalk units. These units are isolated from the balance of the development, via a boardwalk in excess of 100 metres in length, and are surrounded by vegetation, particularly to the north and south. The units are setback between 5 and 10 metres from the western boundary shared with Lot 40 Elizabeth Street. Whilst Lot 40 is predominantly cleared opposite the proposed units, the subject land has considerable vegetation which could present a fire threat to the boardwalk units.
48. To address the fire threat, the proponent has proposed the following mitigation measures:
- The units will be constructed to the specifications of Australian Standard 3959 (Buildings in Bushfire Prone Areas);
 - The subspace (between the ground and bottom of unit floor level) shall be enclosed;
 - A building protection zone of 20 metres shall be installed to the north and south of the units, in addition to further fuel reduction strategies outside of this zone (parkland clearing);
 - The boardwalk will be made fire resistant (through the use of either steel, a compliant hardwood, or the application of a fire retardant paint) to retain its structural integrity in the event of a fire;
 - Two (2) trafficable limestone tracks, one to the north connecting with the boat and caravan parking area, and the other to the south connecting with the internal road network adjacent to the club house, being provided to accommodate emergency access vehicles and provide residents with an alternative pedestrian escape route in the event of an emergency; and
 - The existing fire breaks being maintained and upgraded.
49. The Australian Standard 3959 has been applied by Council in the past to protect dwellings in bush fire prone areas, specifically in Conservation Zones such as Nullaki Estate and Rainbows End. The Standard essentially requires a building to withstand direct heat and protection against ember attack associated with a bushfire. Measures such as mesh fly-screens, toughened glass and enclosing subfloor space protects the building against combustion allowing an occupant to remain in the dwelling until the fire front has passed. Given the buildings will be steel clad structures, the ability to upgrade the units to meet this Standard is not expected to be difficult. It is also recommended by staff that an external sprinkler system, to be operated by on-site management, be installed to provide an additional layer of protection.
50. The proposed vegetation that would be cleared as part of the building protection zone is degraded open woodland, and is infested with weeds such as Sydney Golden Wattle. No rare or endangered species would be affected by the clearing in this location.
51. The Fire and Emergency Services (FESA) were invited to comment on the proposal, given the distance of the internal road network to the boardwalk units and the potential logistical issues of responding to a structural fire in these circumstances. FESA has advised that in order to provide a suitable response, the proponent would need to install a hydrant and associated fire service pump within close proximity to the boardwalk entry with a hose reel located on the boardwalk adjacent to the units.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

52. The proponent has advised that a ramped access down to the limestone emergency track will be available from the northern and southern end of boardwalk, overcoming a difference in levels and allowing residents of all physical abilities to access the firebreaks in the event of an emergency.

Construction Management

53. The proponent has also provided Council with a Construction Management Plan which details matters such as dust mitigation measures, the demolition program of permanent structures existing on site, how the units will be moved around the site and proposed working hours. The purpose of this document is to protect the amenity of neighbours and the wider public during the construction phase of the project.

Waste Management

54. The proponent has advised that waste from the site will be contained in an on-site facility which promotes recycling and re-use. Organic wastes from kitchens and gardens will be composted on-site. Landfill rubbish will be collected by the village caretaker and maintenance team, and will therefore not be serviced by Council's waste pick up system.

Conclusion

55. In conclusion, Staff believe sufficient information has been provided by the proponent to prove the land is capable of accommodating the development. The development is consistent and compatible with its current zoning, ALPS, and state government policy (Planning Bulletin 49) and legislation (Caravan and Camping Grounds Regulations 1997). The development will also result in improved infrastructure in the area and will help support future shopping and community facilities identified in the Bayonet Head Outline Development Plan.

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for a 'Park Home Park (Lifestyle Village)' at Lot 500 Allison Parade, Bayonet Head subject to, but not limited to, the following conditions:

- i) all vehicular access ways and car parking areas shall be sealed, drained and line marked to the satisfaction of Council;
- ii) the section of Allison Parade/Elizabeth Street fronting the subject land is to be upgraded to an urban standard (access street), inclusive of kerbing, sealed pavement and underground drainage to the satisfaction of Council. As part of the upgrade a wider pavement will be needed at the intersection of Allison Parade and Elizabeth Street to accommodate passing movements of vehicles;
- iii) a 5 metre road widening, between the identified emergency access point and the western boundary of the subject land, is to be ceded free of cost as road reserve;
- iv) a contribution representing 50% of the cost is to be provided by the proponent for the construction of a future round-a-bout at the intersection of Allison Parade/Wells Lane and Simmons Street;
- v) a truncation being provided on the corner of Wells Lane and Allison Parade to accommodate the future construction of a round-a-bout;
- vi) Wells Lane is to be upgraded to an urban standard (access street) inclusive of kerbing, sealed pavement and underground drainage, in addition to a dual use path, sufficient lighting and landscaping being provided in the reserve, to the satisfaction of Council. The upgrade is to include the retention and upgrading of existing crossovers;

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- vii) a 2.5 metre dual use path as identified in the Traffic Study as Option A, is to be designed and constructed to the satisfaction of Council;
- viii) a drainage easement is to be registered on the certificate of title over the wetland system to the satisfaction of Council;
- ix) a legal agreement, is to be prepared at the proponent's cost, specifying the maintenance and usage obligations of the wetland system subject to the drainage easement;
- x) the development is to be connected to reticulated sewer;
- xi) the development is to be connected to reticulated water, inclusive of fire hydrants to the satisfaction of Council and the Fire and Emergency Services Authority;
- xii) a detailed stormwater management plan, using water sensitive urban design principles outlined in the Water Management Strategy, is to be prepared and implemented to the satisfaction of Council;
- xiii) the proponent is to implement measures outlined in the Water Management Strategy, inclusive of monitoring pre-development groundwater;
- xiv) an earthworks plan identifying the extent of earthworks on the site, inclusive of retaining walls is to be prepared and implemented to the satisfaction of Council;
- xv) a detailed landscaping plan is to be prepared and implemented to the satisfaction of Council;
- xvi) the commitments contained with the Construction Management Plan is to be applied to the process of construction on the site;
- xvii) full details of the external boundary fencing is to be provided prior to the issue of a building licence to the satisfaction of Council;
- xviii) the 13 boardwalk units to be constructed to the standards and specifications identified in Australian Standard 3959 – Buildings in Bushfire Prone Areas;
- xix) the 13 boardwalk units are to be serviced by an external sprinkler system for fire protection purposes consistent with the specifications outlined in Council's information sheet titled 'Fire Protection - High Risk Fire Areas – External Sprinklers';
- xx) the boardwalk connecting the internal road network to the units is to be either constructed of steel, a compliant hardwood timber or coated with an endorsed fire retardant paint to address the standards specified in Australian Standard 3959 – Buildings in Bushfire Prone Areas;
- xxi) a 20 metre building protection zone to the north and south of the boardwalk units is to be installed and maintained thereafter by the proponent;
- xxii) the existing firebreaks and proposed trafficable limestone access tracks identified on the Fire and Emergency Access Plan is to be upgraded/constructed to the satisfaction of Council;
- xxiii) a hydrant and hose reel to FESA's specifications is to be provided in a location adjacent to the units to allow the authority to adequately respond in the event of a structural fire;
- xxiv) the footings and columns associated with the boardwalk is to be designed and constructed to a structural engineers specification to withstand the forces associated with flood waters in a 1:100 flood event; and
- xxv) 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.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

MOVED COUNCILLOR MATLA**SECONDED COUNCILLOR BOSTOCK**

THAT Council resolves to issue a Notice of Planning Scheme Consent for a 'Park Home Park (Lifestyle Village)' at Lot 500 Allison Parade, Bayonet Head subject to, but not limited to, the following conditions:

- i) all vehicular access ways and car parking areas shall be sealed, drained and line marked to the satisfaction of Council;**
- ii) the section of Allison Parade/Elizabeth Street fronting the subject land is to be upgraded to an urban standard (access street), inclusive of kerbing, sealed pavement and underground drainage to the satisfaction of Council. As part of the upgrade a wider pavement will be needed at the intersection of Allison Parade and Elizabeth Street to accommodate passing movements of vehicles;**
- iii) a 5 metre road widening, between the identified emergency access point and the western boundary of the subject land, is to be ceded free of cost as road reserve;**
- iv) a contribution representing 50% of the cost is to be provided by the proponent for the construction of a future round-a-bout at the intersection of Allison Parade/Wells Lane and Simmons Street;**
- v) a truncation being provided on the corner of Wells Lane and Allison Parade to accommodate the future construction of a round-a-bout;**
- vi) Wells Lane is to be upgraded to an urban standard (access street) inclusive of kerbing, sealed pavement and underground drainage, in addition to a dual use path, sufficient lighting and landscaping being provided in the reserve, to the satisfaction of Council. The upgrade is to include the retention and upgrading of existing crossovers;**
- vii) a 2.5 metre dual use path as identified in the Traffic Study as Option A, is to be designed and constructed to the satisfaction of Council;**
- viii) a drainage easement is to be registered on the certificate of title over the wetland system to the satisfaction of Council;**
- ix) a legal agreement, is to be prepared at the proponent's cost, specifying the maintenance and usage obligations of the wetland system subject to the drainage easement;**
- x) the development is to be connected to reticulated sewer;**
- xi) the development is to be connected to reticulated water, inclusive of fire hydrants to the satisfaction of Council and the Fire and Emergency Services Authority;**
- xii) a detailed stormwater management plan, using water sensitive urban design principles outlined in the Water Management Strategy, is to be prepared and implemented to the satisfaction of Council;**
- xiii) the proponent is to implement measures outlined in the Water Management Strategy, inclusive of monitoring pre-development groundwater;**
- xiv) an earthworks plan identifying the extent of earthworks on the site, inclusive of retaining walls is to be prepared and implemented to the satisfaction of Council;**
- xv) a detailed landscaping plan is to be prepared and implemented to the satisfaction of Council;**
- xvi) the commitments contained with the Construction Management Plan is to be applied to the process of construction on the site;**
- xvii) full details of the external boundary fencing is to be provided prior to the issue of a building licence to the satisfaction of Council;**
- xviii) the 13 boardwalk units to be constructed to the standards and specifications identified in Australian Standard 3959 – Buildings in Bushfire Prone Areas;**

DEVELOPMENT SERVICES REPORTS

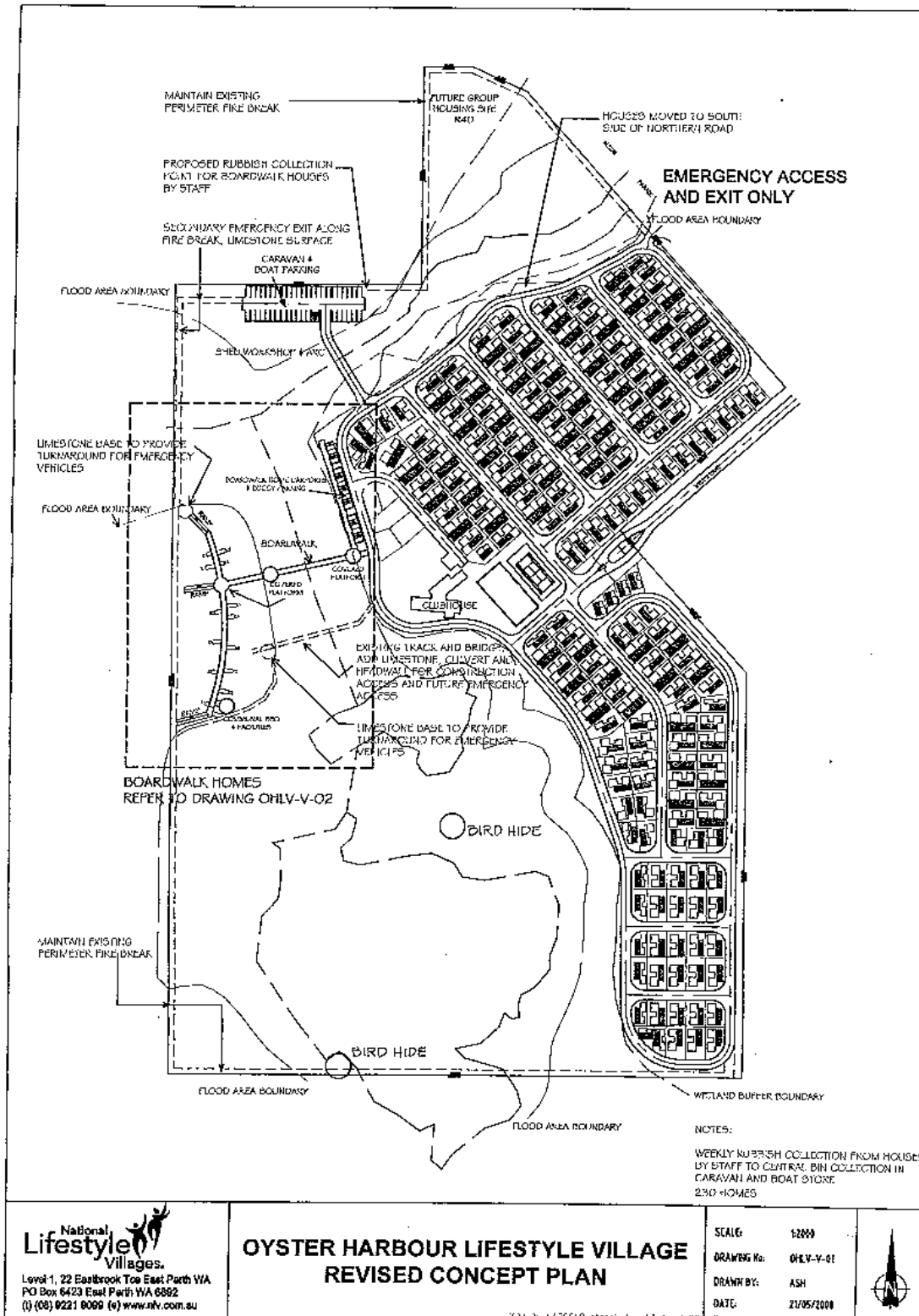
Item 11.1.2 continued

- xix) the 13 boardwalk units are to be serviced by an external sprinkler system for fire protection purposes consistent with the specifications outlined in Council's information sheet titled 'Fire Protection - High Risk Fire Areas – External Sprinklers';**
- xx) the boardwalk connecting the internal road network to the units is to be either constructed of steel, a compliant hardwood timber or coated with an endorsed fire retardant paint to address the standards specified in Australian Standard 3959 – Buildings in Bushfire Prone Areas;**
- xxi) a 20 metre building protection zone to the north and south of the boardwalk units is to be installed and maintained thereafter by the proponent;**
- xxii) the existing firebreaks and proposed trafficable limestone access tracks identified on the Fire and Emergency Access Plan is to be upgraded/constructed to the satisfaction of Council;**
- xxiii) a hydrant and hose reel to FESA's specifications is to be provided in a location adjacent to the units to allow the authority to adequately respond in the event of a structural fire;**
- xxiv) the footings and columns associated with the boardwalk is to be designed and constructed to a structural engineers specification to withstand the forces associated with flood waters in a 1:100 flood event; and**
- xxv) 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.**

MOTION CARRIED 10-2

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



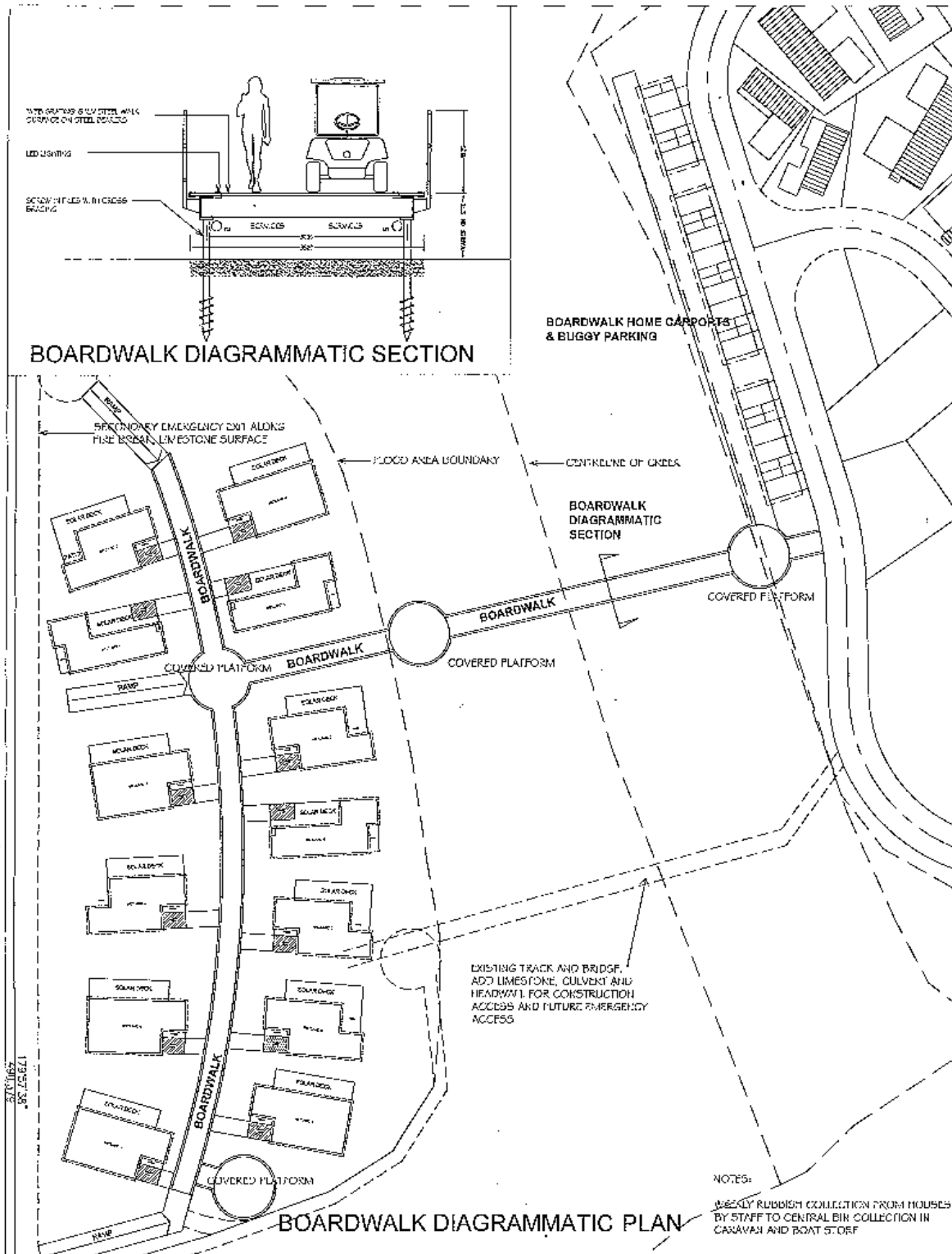
National Lifestyle Villages.
 Level 1, 22 Eastbrook Terrace East Perth WA
 PO Box 6423 East Perth WA 6862
 (t) (08) 9221 9099 (e) www.nlv.com.au

**OYSTER HARBOUR LIFESTYLE VILLAGE
 REVISED CONCEPT PLAN**

SCALE: 1:2000
 DRAWING No: OHLV-V-01
 DRAWN BY: ASH
 DATE: 21/05/2008



Item 11.1.2 continued



National Lifestyle Villages.
 Level 1, 22 Eastbrook Tce East Perth WA
 PO Box 8423 East Perth WA 6882
 (t) (08) 9221 5089 (e) www.nlv.com.au

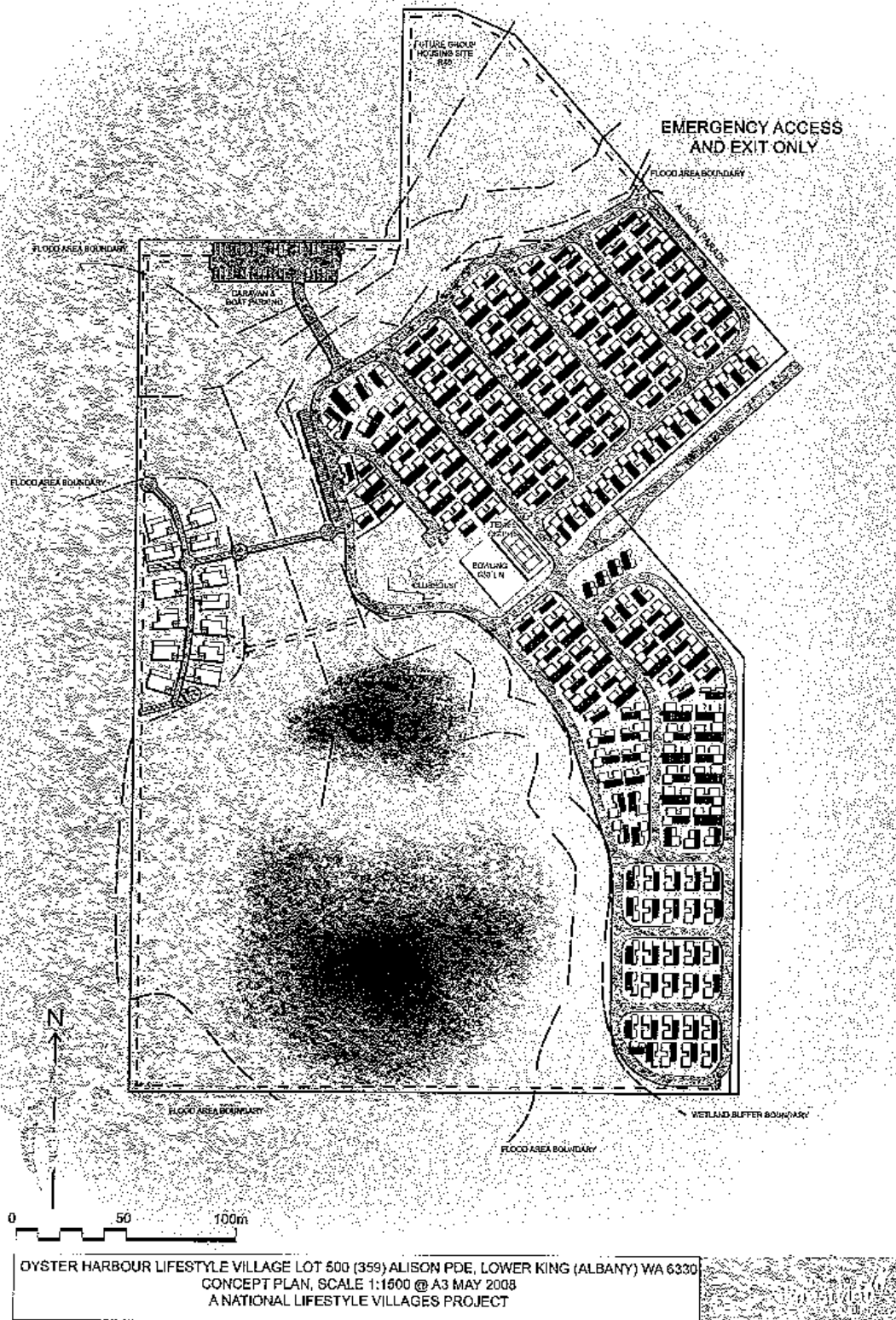
**OYSTER HARBOUR LIFESTYLE VILLAGE
 BOARDWALK CONCEPT PLAN**

SCALE: 1200 / 150
 DRAWING No: OH-V-V-02
 DRAWN BY: ML
 DATE: 21/05/2008



ORDINARY COUNCIL MEETING MINUTES – 17/06/08
REFER DISCLAIMER
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



Environmental Protection Authority

City of Albany Records
Doc No: ICR8057689
File: A47232
Date: 19 MAY 2008
Officer: PLAN10
Attach:

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

Our Ref: CRN221019
Enquiries: Mark Jefferies (6467 5403)

Att: Graeme Brice

Dear Sir/Madam

PUBLIC ADVICE

PROPOSAL: OYSTER HARBOUR PARK HOME VILLAGE
LOCALITY: BAYONET HEAD
PROPONENT: NATIONAL LIFESTYLE VILLAGES PTY LTD
ASSESSMENT: NOT ASSESSED – PUBLIC ADVICE GIVEN

Further to my letter dated 21 April 2008 with regard to the above proposal, the EPA advises that no appeals were received against the EPA's determination that the proposal should be treated as *Not Assessed-Public Advice Given*.

Accordingly, the EPA Service Unit has provided advice to the proponent. Attached please find a copy of the advice and recommendations provided to the Proponent.

The EPA expects the relevant decision-making authorities to consider and implement this advice through the approvals process. If you have any enquiries, please contact the person cited above.

Yours faithfully

C J Murray
A/Director
Environmental Impact Assessment

15 May 2008

Encl.



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6564 6500.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au

National Lifestyle Villages Pty Ltd
C/O Opus International Consultants Ltd
PO Box 5236
ALBANY WA 6332

Our Ref: CRN221019
Enquiries: Mark Jefferies, tel: 6467 5403

Dear Sir/Madam

PUBLIC ADVICE

PROPOSAL: OYSTER HARBOUR PARK HOME VILLAGE
LOCALITY: BAYONET HEAD
PROPOSER: NATIONAL LIFESTYLE VILLAGES PTY LTD
ASSESSMENT: NOT ASSESSED – PUBLIC ADVICE GIVEN

Further to the Environmental Protection Authority (EPA) letter of 21 April 2008 with regard to the above proposal, the EPA Service Unit (EPASU) advises that no appeals were received against the EPA's determination that your proposal should be treated as Not Assessed-Public Advice Given.

Accordingly, the EPASU provides the following advice:

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

a. Wetlands

2. Advice and Recommendations regarding Environmental Issues

a. Wetlands

The wetland to the south west of the development area is significant and is classified as a Conservation wetland for indigenous cultural reasons and as a Resource Enhancement wetland for its environmental values. The proposed drainage on the subject land has the potential to impact the wetland through input of nutrients and potential overflow of contaminated water into the wetland, therefore the drainage design must adequately address those issues. Significant wetlands such as this and their buffers should not be used to dispose of excess stormwater runoff from developed areas. Noting this, the EPA supports the proposed drainage plans in the subject area.

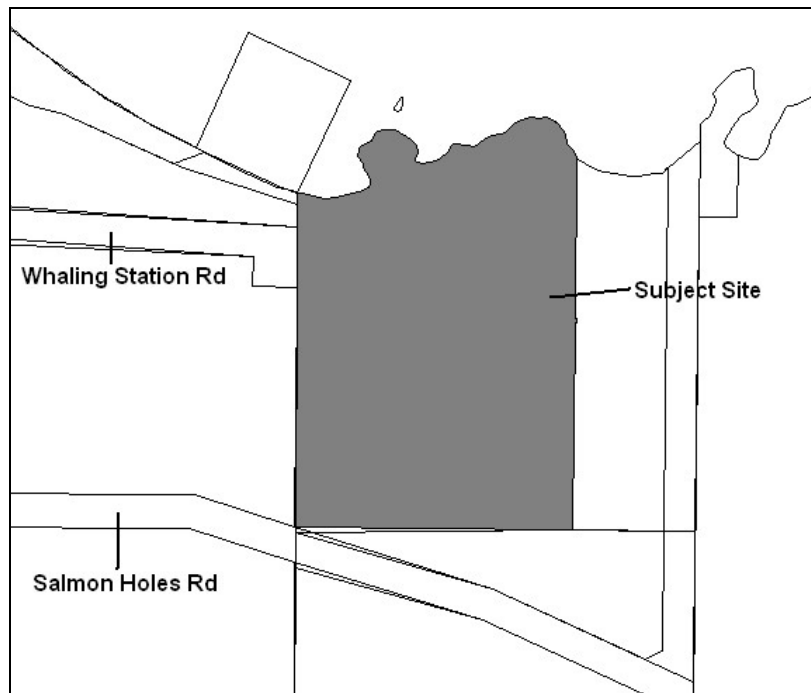
In addition, it should be noted that the remainder of the site is subject to significant environmental constraints. Given the location of the wetland on the site and the good condition of the fringing remnant vegetation, any further proposals for rezoning or development within this area will have to be considered individually by the EPA, which may include them being found incapable of being made environmentally acceptable.

DEVELOPMENT SERVICES REPORTS

Councillor Paver declared a Financial Interest in Item 11.1.3 and left the Chamber at 7.58pm. The nature of Councillor Paver's interest is that he provides marketing services to the proponent.

11.1.3 Development Application - Proposed Fauna Enclosure, Nocturnal House, and Amphitheatre – Lot 7900 Whaling Station Road, Frenchman Bay

- File/Ward** : A162430 (Vancouver Ward)
- Proposal/Issue** : Proposed fauna enclosure, nocturnal house, amphitheatre and associated landscaping, car parking and amenities.
- Subject Land/Locality** : Lot 7900 Whaling Station Road, Frenchman Bay
- Proponent** : Les Bail
- Owner** : Management Order to Jaycees Community Foundation Inc.
- Reporting Officer(s)** : Senior Planning Officer (I Humphries)
Gray & Lewis Landuse Planners (Consultant)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/11/2007 - Item 11.1.4
- Summary Recommendation** : That Council grant conditional planning scheme consent.
- Bulletin Attachment** : Elevations and site plan.
Schedule of Submissions
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

BACKGROUND

1. An application has been lodged for the installation of additional tourist facilities at 'Whaleworld' including a fauna enclosure, nocturnal house, amphitheatre and associated landscaping, car parking and amenities.
2. The proponent has advised that 6 concept workshops were held in 2005 involving the Department of Environment and Conservation, City of Albany, Great Southern Development Commission, Great Southern Area Consultative Committee, Great Southern TAFE, Murdoch University and other community representative stakeholders which assisted in developing concept plans for "Albany Diversity Park".
3. It is proposed to develop the degraded land south of the 'Whale World heritage precinct' into an eco-sustainable, educational tourism precinct and re-brand the site as Discovery Bay.
4. At its meeting dated 20 November 2007, Council resolved to receive and consider a development application for a Native Fauna Enclosure and Amphitheatre and associated additional uses at Lot 7900 Whaling Station Road, Frenchman Bay.
5. The application has been advertised for public comment from 3 – 24 April 2008. A schedule of submissions is included in the Elected Members Report and Information Bulletin.

STATUTORY REQUIREMENTS

6. The subject lot is zoned 'Special Use' and is subject to specific provisions under Schedule III of the City of Albany Town Planning Scheme No 3 ("the Scheme").
7. Council has the ability to vary any standard or requirement in accordance with Clause 5.16 of the Scheme.
8. The site is on the State Heritage list and Council's Municipal Heritage Inventory and therefore has been referred to the Heritage Council of Western Australia.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The City of Albany's Local Planning Strategy (ALPS) highlights the site as 'Local Reserve'.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

COMMENT/DISCUSSIONDescription of Application

12. The proponents have advised that there has been a decline in visitors to the site and the development is proposed to broaden its appeal to tourists and visitors.
13. The application includes 'Faunatopia' and 'Floracopia'.
14. Faunatopia will involve a cut and fill pad of approximately 8000m² into the west end of the existing airstrip which is predominantly devoid of vegetation. It will consist of a captive breeding and rehabilitation facility with a nocturnal house, a sub tropical area, open animal enclosures, an extensive free range area and associated parking and amenities.
15. The built form of Faunatopia is more than 220 metres from the existing Whaleworld complex with a 5920m² footprint comprising;
 - Approximately 3405m² of open and semi netted enclosures with viewing rotunda;
 - Approximately 1750m² of netted open range; and
 - Approximately 765m² fully enclosed nocturnal house.
16. Floracopia will include an amphitheatre approximately 135 metres from the Whale World complex with;
 - A footprint of approximately 2610m²;
 - A permanent wild flower display area (approximately 240m²).

Building Height – Scheme Variation

17. Under Schedule III of the Scheme a height limitation of 5.0 metres applies to all development on the site.
18. The majority of structures proposed in the development exceed 5.0 metres. The tallest structures include the central koala enclosure with bird exclusion netting under a polycarbonate roof (11.2 metres) and the fully enclosed nocturnal house (6 - 8.2 metres high).
19. Council has the ability to vary the height requirement in accordance with Clause 5.16 of the Scheme however must have regard for matters such as;
 - (i) Any views expressed during public advertising;
 - (ii) The ultimate intended purpose for the reserve;
 - (iii) The relationship of the proposal to development on adjoining land
 - (iv) The visual impact of the development from public activity nodes;
 - (v) Provisions for amenities and landscaping; and
 - (vii) Whether the non compliance will have any adverse impact.
20. It is recommended that the proposed building heights be supported as;
 - (i) The majority of the structures are open netted areas or are constructed out of colours and materials that will not be prominent;
 - (ii) The structures do not dominate the landscape from public activity nodes;
 - (iii) The cut and fill approach minimises visual impact.
 - (iv) The height for the koala structure is required to accommodate mature fodder eucalypts for southern and northern warm climate koalas;

Parking

21. There are no specific car parking requirements applicable to the proposed landuse under the Scheme, therefore car parking is at the discretion of Council.
22. There is a car parking requirement for 'Zoological Gardens' with a ratio of 1 bay per every 200m² of public space. This has been used as a rough guide, combined with the aggregate footprints of the main areas for the car parking assessment;

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Description of public area	Comparable land use ratio	Requirement
Faunatopia 5920m ² footprint	1 bay per every 200m ²	30 bays
Floracopia Amphitheatre footprint 2610m ²	1 bay per every 200m ²	14 bays
Floracopia Wildflower display footprint 240m ²	1 bay per every 200m ²	3 bays
Total		47 bays

23. The proposed development will be serviced with a total of 136 carparking bays and includes two designated bus/coach areas. 80 bays are adjacent to Faunatopia and 56 bays are adjacent to Floracopia.
24. In considering parking, Council should have regard to the proponent's plan to use the amphitheatre for public events.
25. The seating capacity of the amphitheatre is unknown. However, the applicant has indicated that the anticipated daily visitation rates will likely vary between 88 and 263 people based on historic peaks and falls.
26. Based on the anticipated visitation rates and comparable carparking assessment, it is considered that 136 carparking bays will sufficiently cater for the development acknowledging that;
- (i) The proposal includes coach/ bus parking areas;
 - (ii) The majority of tourists will probably be couples or families therefore each car will likely have 2-4 people.
 - (iii) Based on a 2 people per car ratio, the 136 car parking bays could cater for up to 272 visitors, exceeding the peak anticipated visitor rate of 263 people.
 - (iv) Visitors to the site will likely be staggered over the whole day.

Heritage

27. The application was referred to the Heritage Council of Western Australia for comment and the Council advised it has no objection subject to a number of conditions being imposed on the approval.

Drainage

28. All stormwater is proposed to be collected and retained on site. All surface stormwater from the new roads and car park will be directed and collected to the constructed wetland ponds where the stormwater will be treated.
29. The constructed wetlands will also be part of an eco tourist experience enabling visitors to view local flora.
30. Detailed stormwater plans will require separate approval at the building licence stage.

Conclusion

31. The proposed development has been designed to complement the existing topography and heritage values of the site. The application has been generally supported by Department of Water and the Heritage Council.
32. Accordingly, it is recommended that the application be approved subject to conditions.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

RECOMMENDATION

THAT Council grants Planning Scheme Consent for the use not listed 'Fauna Enclosure, Nocturnal House, and Amphitheatre' on Lot 7900 Whaling Station Road, Frenchman Bay Road subject to the following conditions:

- i) landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence;
- ii) all land indicated as landscaped area on the approved plan submitted under condition 1, being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter;
- iii) a detailed vehicle parking, manoeuvring and circulation plan being submitted to Council for approval prior to the issue of a building licence;
- iv) vehicular parking, manoeuvring and circulation areas indicated on the approved plan submitted under condition 3 being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair thereafter;
- v) no goods or materials being 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;
- vi) 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;
- vii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade. The stormwater disposal system has to be designed and certified by a practicing civil engineer;
- viii) a Geotechnical Report being submitted and earthworks certified by an Engineer to the satisfaction of the Executive Director Works and Services prior to the issue of a building licence;
- ix) any lighting device being so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;
- x) the design, materials and colours of the new development harmonising with those of the existing development and blending into the surrounding environment/landscape. A schedule indicating design, colour and materials of the proposed development and any associated works is to be submitted prior to the issue of a building licence;
- xi) the applicant is to implement and continue measures outlined in the Water Management Strategy submitted with the application including monitoring of pre-development groundwater;
- xii) the applicant is to implement and continue measures outlined in the Fire Management Plan submitted with the application to the satisfaction of the City's Fire Emergency Management Co-ordinator; and
- xiii) the applicant is to lodge a written detailed outline to the Heritage of Council of WA, prior to commencement of site works, explaining actions for monitoring the site works for historical archaeological material, and actions to be undertaken if such material is revealed.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOSTOCK**

THAT Council grants Planning Scheme Consent for the use not listed 'Fauna Enclosure, Nocturnal House, and Amphitheatre' on Lot 7900 Whaling Station Road, Frenchman Bay Road subject to the following conditions:

- i) landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence;**
- ii) all land indicated as landscaped area on the approved plan submitted under condition 1, being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m² of area. All landscaped areas are to be maintained in good condition thereafter;**
- iii) a detailed vehicle parking, manoeuvring and circulation plan being submitted to Council for approval prior to the issue of a building licence;**
- iv) vehicular parking, manoeuvring and circulation areas indicated on the approved plan submitted under condition 3 being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair thereafter;**
- v) no goods or materials being 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;**
- vi) 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;**
- vii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels, cover levels and pipe size and grade. The stormwater disposal system has to be designed and certified by a practicing civil engineer;**
- viii) a Geotechnical Report being submitted and earthworks certified by an Engineer to the satisfaction of the Executive Director Works and Services prior to the issue of a building licence;**
- ix) any lighting device being so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries;**
- x) the design, materials and colours of the new development harmonising with those of the existing development and blending into the surrounding environment/landscape. A schedule indicating design, colour and materials of the proposed development and any associated works is to be submitted prior to the issue of a building licence;**
- xi) the applicant is to implement and continue measures outlined in the Water Management Strategy submitted with the application including monitoring of pre-development groundwater;**
- xii) the applicant is to implement and continue measures outlined in the Fire Management Plan submitted with the application to the satisfaction of the City's Fire Emergency Management Co-ordinator; and**
- xiii) the applicant is to lodge a written detailed outline to the Heritage of Council of WA, prior to commencement of site works, explaining actions for monitoring the site works for historical archaeological material, and actions to be undertaken if such material is revealed.**

MOTION CARRIED 11-0

Councillor Paver returned to the Chamber at 8.01pm.

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a Financial Interest in Item 11.2.1 and left the Chamber at 8.02pm. The nature of Councillor Wiseman's interest is that Councillor is employed under the same liquor act and manages a conflicting business to the proponent.

11.2 HEALTH, BUILDING & RANGERS**11.2.1 Request for Support to Change Liquor Licence Conditions - 244-248 York Street, Albany (Albany Hotel)**

File/Ward	:	A146463 (Frederickstown Ward)
Proposal/Issue	:	Request for support to change the liquor licence conditions for the Albany Hotel alfresco-dining area.
Subject Land/Locality	:	Lot 18 (244-248) York Street, Albany
Proponent	:	D & C McLean
Owner	:	First Western Administration Pty Ltd
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19.12.95 (TOA) - Item 7.39.2
Summary Recommendation:		Reaffirm a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The management of the Albany Hotel has requested Council to support their application to the Department of Racing, Gaming and Liquor (DRGL) for an extended trading permit which will allow the consumption of alcohol in the alfresco-dining area without a meal.
2. In 1993, a conditional planning consent was issued by the Council of the then Town of Albany allowing the owner of the Albany Hotel to create an alfresco-dining area upon the York Street footpath.
3. The owner of the Albany Hotel was also advised that approval was granted with the intention of allowing the consumption of alcohol only with meals in the alfresco-dining area (which is in the road reserve) subject to annual review. A copy of this advice was passed on to the then Office of Racing and Gambling (ORG).
4. Due to an oversight, the ORG issued a licence in 1994 to use the alfresco-dining area for the consumption of alcohol with no specific conditions attached to the licence. This decision was subsequently reviewed and in 1995 the ORG attached conditions to the liquor licence to prevent the serving of alcohol without a meal.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

5. Following a request from the management of the Albany Hotel, Council reviewed its 1993 decision and at its December 1995 meeting resolved:

“THAT Council reaffirm its previous decision for the Albany Hotel to serve liquor only with meals in the Alfresco Dining area.”

6. In May 2007, the Liquor Control Act 1988 (the Act) was amended to allow the consumption of alcohol in areas such as the Albany Hotel alfresco-dining area without a meal under certain conditions.
7. As the alfresco-dining area is located on a City of Albany controlled footpath, the management of the Albany Hotel require Council support to obtain an extended trading permit from the DRGL to allow the serving of alcohol in the alfresco-dining area without a meal.

STATUTORY REQUIREMENTS

8. Section 60 (4) (ca) of the Act states:

“(4) The purpose for which an extended trading permit may be issued are –

(ca) a restaurant, authorising the licensee of a restaurant to sell liquor for consumption on the premises, whether or not ancillary to a meal, during hours which are permitted hours under a hotel licence.”

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil.

Mission Statement

The City of Albany is committed to

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

Priority Projects

Nil.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

COMMENT/DISCUSSION

- 12. It would appear that the 1995 decision was partially based on submissions received opposing the consumption of alcohol in the alfresco-dining area without a meal as it was considered that a precedent would be established if Council allowed the bar area of the hotel to expand onto the public domain (the road reserve).
- 13. In considering applications for a “liquor without meals” permit Section 38 of the Act requires an applicant to demonstrate that the application is in the public interest, having regard to the following principal factors:
 - a) the harm, or ill-health that may be caused to people, or any group of people due to the use of liquor; and
 - b) the impact on the amenity of the locality within which the licensed premises are situated; and
 - c) whether offence, annoyance, disturbance or inconvenience might be caused to people who reside, or work in the vicinity of the licensed premises; and
 - d) any other matters that may be prescribed.
- 14. Should an application be determined as being in the public interest the DRGL may impose conditions on a licence.
- 15. Council has two options to consider:
 - a) Advise the Albany Hotel that Council will support their application for an extended trading permit to allow the serving of alcohol in the alfresco-dining area without a meal, subject to:
 - 1. alcohol only being consumed by patrons while seated at a table, or a fixed structure used as a table;
 - 2. 50% of the tables provided in the alfresco-dining area always being availability for patrons wanting to consume a meal; and
 - 3. the renewal of the City of Albany alfresco-dining licence prior to 1st July each year.

OR

- b) Reaffirm a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area.

RECOMMENDATION

THAT Council reaffirms a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

ALTERNATE MOTION BY COUNCILLOR BUEGGE

i) THAT Council advise D & C McLean that it will support their application for an extended trading permit to allow the serving of alcohol in the alfresco dining area without a meal, subject to:

1. alcohol only being consumed by patrons while seated at a table, or a fixed structure used as a table;
2. 50% of the tables provided in the alfresco dining area always being availability for patrons wanting to consume a meal; and
3. the renewal of the City of Albany alfresco dining licence prior to 1st July each year.

Councillor's Reason:

Allowing access to the alfresco dining areas in the Central Business District for patrons wishing to consume liquor at a limited number of the allocated tables will add to the vitality of the street, it will invigorate the Central Business District and add additional eyes on the street for security. The decision is unlikely to add to or reduce any potential impacts of liquor to individuals or groups, it has a positive effect on the amenity of the locality and it will have a negligible impact on people residing in the vicinity of the hotel.

Officer's Report

Author: Executive Director Development Services (R Fenn)

Statutory Requirements

The alfresco dining area at the Albany Hotel is located on the street (public land) and is one of several alfresco dining areas that are associated with licensed premises. Licenses are also provided to Nonnas Restaurant, Café CBD and Bar Cino. To modify their licence conditions for the alfresco dining areas, the respective licensees require the endorsement of the landowner (Council) to the required changes.

The bars associated with the Albany Hotel and The Premier Hotel operate under a "Hotel Licence" issued by the Office of Racing, Gaming and Liquor. However, the alfresco areas for these two hotels and the entire businesses of Nonnas Restaurant and

Bar Cino operate under a "Restaurant Licence" issued under the *Liquor Control Act 1988*.

Policy Implications

In considering this application, Council needs to be conscious of the impacts of that decision on other alfresco licenses.

Financial Implications

No additional Comment

Strategic Implications

No additional Comment

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

Comment

The Office of Gaming, Racing and Liquor has defined a series of matters to be considered and they are described in paragraph 13 of the report. In addition, there are a number of social issues, for and against the consumption of alcohol in the public domain.

It can be argued that:

- The alfresco dining areas allow adjoining businesses to expand their business operations into the public domain and to “exclusively occupy” a portion of the footpath;
- Pedestrians using that public domain should not be subjected to intoxicated patrons, spilling out into footpath from the adjoining business;
- The use of the footpath for the adjoining business is a privilege and it is not unreasonable that the public define the activities that occur within the designated alfresco area;
- Adequate commercial space is provided in the adjoining business and the consumption of alcohol should be confined to the private property, where a clearly defined built form exists;
- Adequate opportunities exist in the urban environment for residents to gain access to alcohol and allowing drinking in full view of families using the footpath sends the wrong message to minors; and
- Not all alfresco dining areas are well defined spaces and regulating the area where alcohol consumption can occur becomes problematic.

In support of the application:

- It is incongruous that a person can consume alcohol on one side of the wall of the premises but not the other;
- Most patrons using the alfresco area would consume small quantities of alcohol and they are seeking to do so in an active and changing environment;
- Extended trading permits have been granted in the past to expand the business into the street (as occurs during the Albany Classic event) without concern and with a higher propensity for conflict;
- Many Albany residents take an esky to the local park and have a wine or beer with their barbecue / picnic and that level of drinking in the public domain is accepted;
- Societal values are changing and recent amendments to licence rules allow restaurants to sell liquor without the patron having to order a meal; and
- Most cosmopolitan areas encourage alfresco dining in their CBD and for alcohol to be served in the alfresco areas to encourage patronage and add life to their city centres.

There are numerous other arguments for and against this proposal. The ultimate decision on the merits of the application before Council rests upon societal values concerning the drinking of alcohol in designated public places. Council also needs to determine what criteria it will apply to other applications which may follow (eg. will approvals only be granted where the alfresco dining area is defined by a wall or structure?).

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR MATLA**

THAT Council advise D & C McLean that it will support their application for an extended trading permit to allow the serving of alcohol in the alfresco dining area without a meal, subject to:

- 1. alcohol only being consumed by patrons while seated at a table, or a fixed structure used as a table;**
- 2. 50% of the tables provided in the alfresco dining area always being availability for patrons wanting to consume a meal; and**
- 3. the renewal of the City of Albany alfresco dining licence prior to 1st July each year.**

MOTION LOST 3-8

FORESHADOWED MOTION

Councillor Walker foreshadowed the Officer's Recommendation, as follows:

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MORRIS**

THAT Council reaffirms a previous decision for the Albany Hotel to serve liquor only with meals in the alfresco-dining area.

MOTION CARRIED 8-3

Councillor Wiseman returned to the Chamber at 8.11pm.

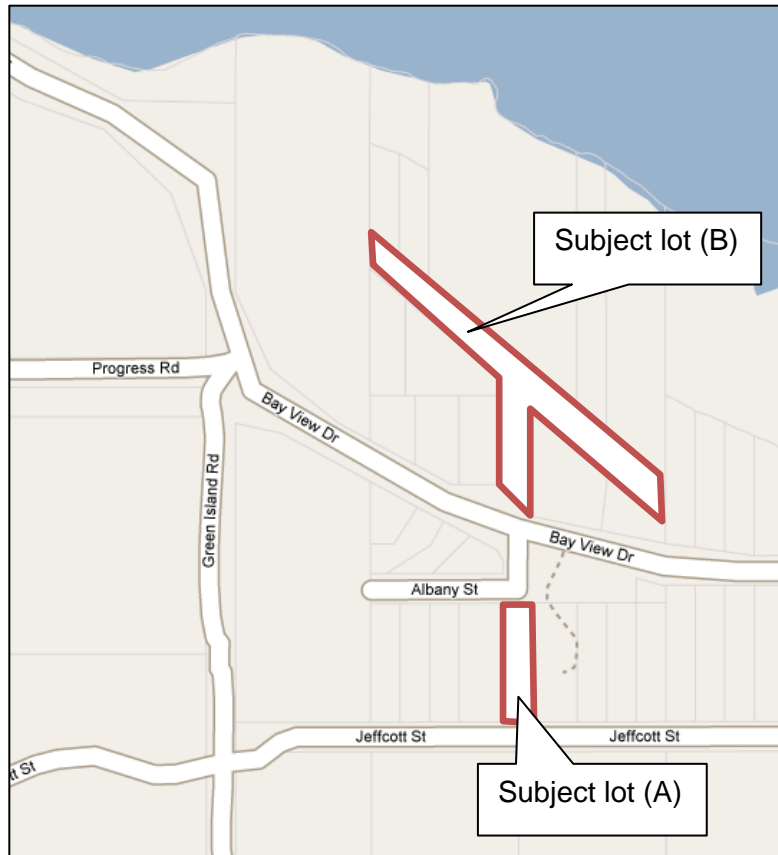
DEVELOPMENT SERVICES REPORTS

The CEO declared a proximity interest and left the Chamber at 8.11pm.
The nature of the CEO's interest is that he owns the property adjoining the subject land.

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request - Lot 123 Bayview Drive, Little Grove

- File/Ward** : SAR 124 (Vancouver Ward)
- Proposal/Issue** : Scheme Amendment Request to support the preparation of a formal Amendment to TPS No.3 for Lot 123 Bayview Drive to be zoned to 'Residential' and a portion to 'Parks and Recreation'
- Subject Land/Locality** : Lot 123 Bayview Drive, Little Grove.
- Proponent** : Harvey Survey Group
- Owner** : RC Lindsay
- Reporting Officer(s)** : Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : N/A
- Summary Recommendation** : Support the scheme amendment request
- Bulletin Attachment** : Scheme Amendment Request
- Locality Plan** :

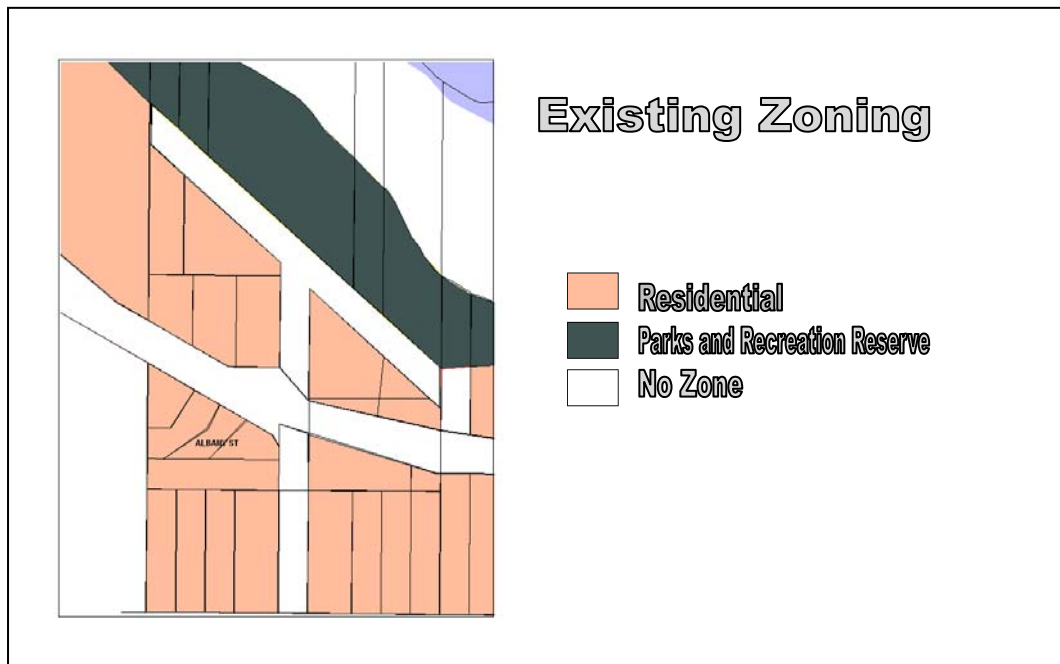


DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. This Scheme Amendment Request is in relation to Lot 123 Bayview Drive, Little Grove.
2. The subject land, Lot 123 is located approximately 7 kilometres from the Albany CBD. The subject land has a total land area of 8346m², and is divided into two portions being:
 - (Site A) Portion of the former Albany Street road reserve south of Bayview Drive with an area of 1630m² and;
 - (Site B) Portion of the former Albany Street and The Esplanade road reserve to the north of Bayview Drive with an area of 6716m².
3. The proposal is to assess the potential of rezoning the subject land currently from local road reserve (no zone) under the City of Albany Town Planning Scheme 3, to Residential R20' and 'Parks and Recreation'.
4. The portion of land that will be rezoned to "Parks and Recreation" will be ceded to the Crown at no cost
5. Lot 123 was sold to the current landowner in 1967 by the then Shire of Albany, which considered it to be surplus to its requirements. In 2001, a portion of the land was acquired by the City of Albany to form part of a realigned Albany Street. The remainder of the former road reserve remained in the ownership of Mr Lindsay.
6. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment and Conservation (DEC), the Water Corporation, and the Department of Water.



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STATUTORY REQUIREMENTS

7. A Scheme Amendment Request (SAR) is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
8. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

POLICY IMPLICATIONS

9. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The subject site is designated as “Existing Urban” within the Albany Local Planning Strategy (ALPS).
12. The subject site is located outside of the Little Grove Structure Plan area. However any development should take into consideration the character of the existing and future developments and their potential developmental needs e.g. access to Public Open Space.

COMMENT

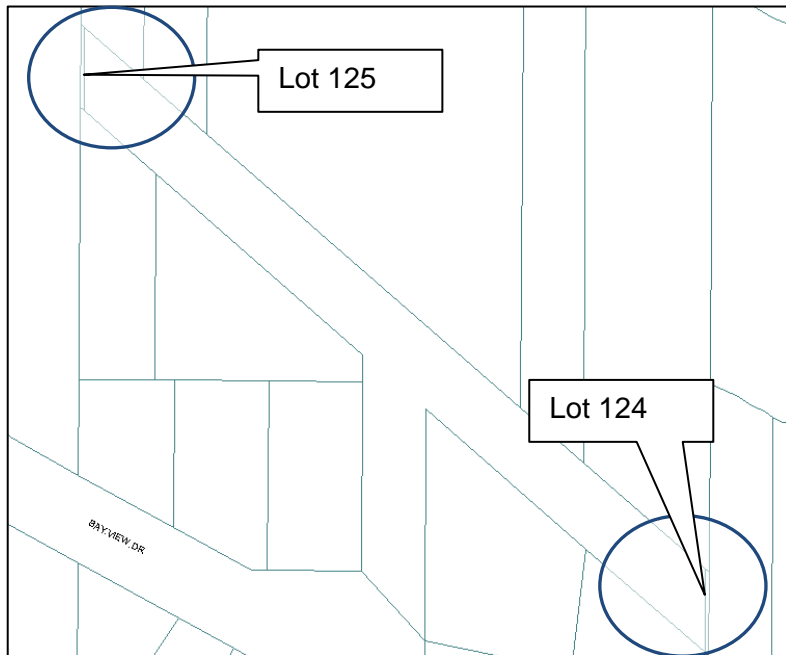
13. Comments were received from all the referral agencies and they are all ‘in principal’ supportive of the proposed amendment, with some concerns listed as discussed below.
14. Department of Planning and Infrastructure (DPI), would support the proposed rezoning, and in addition would like to propose that the amendment documentation include the rezoning of a portion of Albany Street currently Zoned “Residential” to the “No Zone”
15. The Department of Environment and Conservation (DEC) is supportive of the proposed rezoning of Lot A, however DEC would like to see :
 - a. The balance of Lot B having a 3.0-4.0m access way.
 - b. An acid sulphate soil assessment being undertaken at the time of development.
16. The Water Corporation has no objections to the proposal and listed a number of issues that would need to be taken into account at the time of development.
17. The Department of Water (DOW), is in support of the proposed rezoning especially the proposed ceding of the land as reserve, DOW has listed some issues to be taken into account at the time development.

DEVELOPMENT SERVICES REPORTS

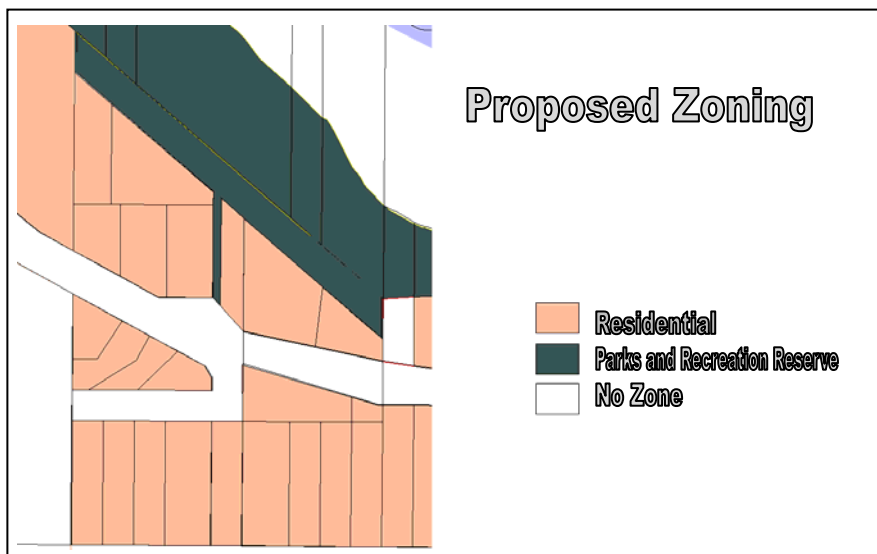
Item 11.3.1 continued

Conclusion

18. Staff have assessed the proposal and has taken into consideration the opinions and concerns raised by the referral agencies. Staff would be supportive of the proposed rezoning subject to a number of conditions being met.
19. General concerns about drainage and land capability on the site can be addressed by a storm water management plan.
20. Small lots namely lot 124 and 125 on either side of the northern part of Lot 123 (B) should be included in the amendment and should be zoned 'Parks and Recreation' and ceded to the Crown at no cost.



21. The proposed area of land to be rezoned to "Parks and Recreation Reserve" should also include a portion of land between Bayview Drive and the foreshore (4.0m in width) to allow for a pedestrian and maintenance access.



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

RECOMMENDATION

THAT, Council advises that it is prepared to entertain the submission of a formal Amendment to TPS No.3 for the rezoning of Lot 123 Bayview Drive to 'Residential' and 'Parks and Recreation' subject to but not limited to, the following matters being addressed to the satisfaction of Council:

- i) Lot 124 and 125 being included in the amendment and to be rezoned to "Parks and Recreation Reserve" and ceded to the Crown at no cost;
- ii) the proposed area of land to be rezoned to "Parks and Recreation Reserve" should also include a portion of land between Bayview drive and the foreshore (4.0m in width) to allow for a pedestrian and maintenance access;
- iii) include the rezoning of the road reserve, north of Jeffcott Street that connects to Albany Street from "Residential" to the "No Zone"; and
- iv) a Geotechnical Report and a Stormwater management plan should be prepared on the subject lots.

Voting Requirement Simple Majority

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ALTERNATE MOTION BY COUNCILLOR STANTON

THAT Council advise Harley Survey Group that it is unlikely to support a request to initiate an amendment for Lot 123 Bayview Drive to rezone the lot "Residential R20" from its current "Reservation for Parks and Recreation Purposes" and "No Zone" on the basis that:

- a) The portion of the lot marked A on the Locality Plan should not be developed for residential purposes due to:
 - i. the impact of the water main for Little Grove that has been constructed on the property and the impact of the earthworks on the sewer mains and inspection man-hole at the front property boundary for driveway access;
 - ii. the gradient of the land being excessive and any development would require extensive earthworks to accommodate sealed driveways and building curtilages;
 - iii. the land is well vegetated and that vegetation acts as a wildlife corridor and visual element in the landscape; and
 - iv. any development on the lot would be visually exposed within the landscape and be inconsistent with the objectives being promoted in the Little Grove Conceptual Structure Plan.
- b) The portion of the lot marked B on the Locality Plan is unsuitable for residential development due to the stormwater drainage systems that exist on the subject land and affect adjoining properties, the land is likely to contain acid sulphide soils, provision will need to be made for access through the land to the foreshore beyond and to provide access for emergency vehicles and to foreshore walkways and considerable fill will be required on the land to make the site developable. The land also contains significant and rare native wetland vegetation (Taxadria Juniperina).

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Councillor's Reason

State Government services and local government drainage have been laid within the subject land when it was a road reserve, and those services will need to be protected or relocated upon the development of the land. The subject land contains a well vegetated ridge and the Little Grove Structure Plan is seeking to deny other residents the right to develop on the same ridge line as this land. The northernmost section of the subject land is located within a wetland buffer area and this section of land has rare and important vegetation for nutrient stripping and environmental protection and inherent constraints if it is to be used for residential development. Upon removing the areas that are in need of protection, the land available for development is limited and Council should not establish a development right on constrained land.

Officer's Report

Author: Executive Director Development Services (R Fenn)

Statutory Requirements

The application before Council is a non-statutory decision making phase, designed to provide advice to the Applicant on the merits of the request and to outline any major issues that will need to be addressed if a formal scheme amendment is to be pursued. Should the Applicant wish to pursue a scheme amendment, Council is required to consider that request.

If the land remains within the current zoning, and a development application was to be lodged with the City of Albany to develop the land, Clause 2.2 of the Scheme states:

- (b) *Except as otherwise provided in this part, a person shall not carry out any development on land reserved under the Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written approval of Council;*
- (c) *In giving its approval the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purpose of a public authority confer with that authority before giving its approval;*
- (d) *No provision of this Part shall prevent the continued use of the land for the use for which it was being lawfully used immediately prior the scheme having the force of law, or the repair or maintenance, for which the prior consent in writing of the Council has been obtained, or buildings or works lawfully existing on the land.*

Policy Implications

The subject land was transferred from the Crown to the current owner in 1963 and no action was taken to reconcile the zoning of the land to that change in ownership. When the Scheme was prepared in 1980, the future use of the land was also overlooked. An amendment was recently progressed through Council to deal with zoning issues that arise from the partial closure of local road reserves and the amalgamation of that land into the adjoining title (not applicable in this instance). The amalgamated portion will be considered, upon the gazettal of the amendment, in a zoning context as if it were zoned the same as the parent lot.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Financial Implications

Whilst the subject land is reserved under the scheme and is in private ownership, the issue of development opportunities arises. Clause 2.3 of the Scheme state:

- (a) *Where Council refuses approval for the development of land reserved under the Scheme on the grounds that the land is reserved for public purposes, or grants approval subject to conditions that are not acceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.*
- (b) *Claims for such compensation shall be lodged at the office of the Council no later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.*
- (c) *In lieu of paying compensation the Council may purchase that land affected by such decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.*

A decision not to rezone the land may have financial implications for Council, albeit that position has not changed since 1980.

Strategic Implications

No additional comments.

Comment

It is unfortunate that a previous Council agreed to close these sections of road and allow the land contained therein to be made available to the adjoining landowner.

The two sections of land have different characteristics and it is appropriate that they be considered in isolation, as per Councillor Stanton's motion seeks to do.

Area 'A':

The value of area 'A' for residential purposes is derived from a local sand ridge at the southern extremity of the site. The lot rises approximately 18m above the road level in both Jeffcott Street and Bayview Drive; the 1 in 4 gradient from Bayview is trafficable but the 1 in 2 gradient from Jeffcott Street is not. The site would require considerable re-contouring to provide vehicular access to a potential house site, if access from Jeffcott Street is proposed. Maximum driveway gradients accepted by the City for a two wheel drive motor vehicle are 1 in 4. The access off Bayview Drive meets City standards, but construction would be compounded by a large "dip" in the road verge between Bayview Drive and the property boundary.

A water main has been laid by the Water Corporation within this portion of the land, just inside the property boundary. Water Corporation staff have advised that they would not be averse to that main remaining in position and a bitumen driveway being constructed above the pipe (subject to the ground level remaining unaltered). The water main would need to be protected by an easement approximately 3.0m in width, reducing the developable portion of the lot to 17.0m. With the R Code setbacks, this width is still adequate for the construction of a substantial dwelling. The degree of earthworks that are associated with that construction will then determine the overall impact of the development on the locality,

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

on adjoining properties and on the water main. No detail is available on the dwelling design, or the location of a future dwelling, at this stage of the approval process. It would be preferable that a pole home be constructed on the slope, rather than a future landowner under taking extensive earthworks, installing retaining walls and transitioning the driveway into terraces that would be created following earthworks.

Councillor Stanton has highlighted the development restrictions being promoted in the Little Grove Structure Plan and that plan seeks to retain ridge lines free of development. On a lot to the west of this land parcel, a landowner was recently issued with a Notice of Planning Scheme Consent Refusal for an application to construct his residence on the ridge. Provided land area 'A' is not subdivided into two separate titles, there is capacity for a dwelling to be built on the northern slope of the land and at a level which is consistent with neighbouring development; that decision is unlikely to be popular with the landowner, as a dwelling located on the ridge would provide the maximum investment return for a future developer.

Area 'B':

This area is completely different in character to area 'A'. A large open drain has been dug along the length of the land and the area is low lying. No easement was recorded on the title of the land to secure access to that drain by the former Shire when the former road reserve was converted into a freehold title. A minimum easement requirement would be 3.0m and that standard would need to be increased if an open drain is to be retained.

Attached is a plan showing the existing opportunities for the public to access the foreshore reserve from the road network, together with the location of area 'B'. Whilst it would be desirable to also provide public access to the foreshore area opposite Albany Street, the capacity to do so needs to be questioned. Public Rights of Way (ROW) need to be a minimum width of 8.0m under WAPC policies. If the drain was piped, the ROW and the drainage could co-exist within the same corridor, if an open drain is retained, they need to be separate areas.

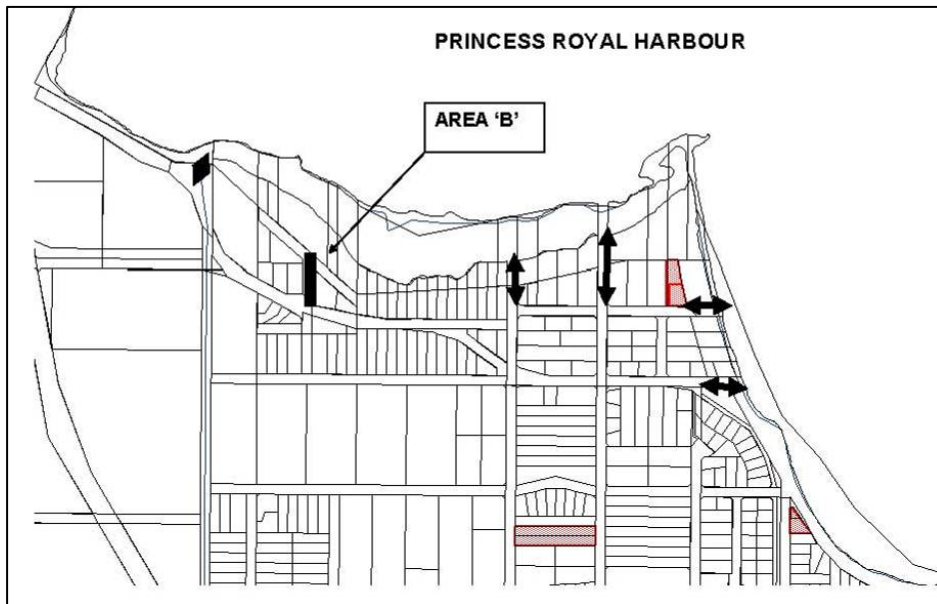
Conclusion:

Council has a drainage outlet on area 'B' that is not protected by easement. The Water Corporation has a water main on area 'A' that is not protected by easement and restrictions would need to be applied to any development over that main. Area 'B' is low lying and requires fill if it is to be developed for residential purposes. Area 'A' comprises a steep sloping sand hill and any future development would require extensive earthworks, unless the development is required to comply with Council's Sloping Land policy. Whilst government agencies would encourage the development of a pedestrian access path through Area 'B', the need for that path is questioned and the mechanisms to secure the tenure of the path are limited.

Development of the two land parcels for residential purposes is feasible (if a path is not developed on Area 'B'), although in both instances the width of the land parcels will be constrained. Irrespective of whether the land remains as a reservation in the Scheme or is zoned for a residential purpose, Council will need to negotiate and resolve the identified infrastructure deficiencies. An alternate solution would be to negotiate the purchase of the land and return the land to the Crown.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued



**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR WILLIAMS**

THAT Council advise Harley Survey Group that it is unlikely to support a request to initiate an amendment for Lot 123 Bayview Drive to rezoned the lot “Residential R20” from its current “Reservation for Parks and Recreation Purposes” and “No Zone” on the basis that:

- a) **The portion of the lot marked A on the Locality Plan should not be developed for residential purposes due to:**
 - i. **the impact of the water main for Little Grove that has been constructed on the property and the impact of the earthworks on the sewer mains and inspection man-hole at the front property boundary for driveway access;**
 - ii. **the gradient of the land being excessive and any development would require extensive earthworks to accommodate sealed driveways and building curtilages;**
 - iii. **the land is well vegetated and that vegetation acts as a wildlife corridor and visual element in the landscape; and**
 - iv. **any development on the lot would be visually exposed within the landscape and be inconsistent with the objectives being promoted in the Little Grove Conceptual Structure Plan.**
- b) **The portion of the lot marked B on the Locality Plan is unsuitable for residential development due to the stormwater drainage systems that exist on the subject land and affect adjoining properties, the land is likely to contain acid sulphide soils, provision will need to be made for access through the land to the foreshore beyond and to provide access for emergency vehicles and to foreshore walkways and considerable fill will be required on the land to make the site developable. The land also contains significant and rare native wetland vegetation (Taxadria Juniperina).**

MOTION CARRIED 10-2

The CEO returned to the Chamber at 8.22pm.

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request – Lots bounded by Home, Bramwell & Harding Roads, Robinson

- File/Ward** : SAR 133 (Vancouver Ward)
- Proposal/Issue** : Request to rezone various lots bounded by Home, Bramwell & Harding Roads, Robinson from “Rural” to “Special Rural” under TPS No. 3.
- Subject Land/Locality** : Lots bounded by Home, Bramwell & Harding Roads, Robinson
- Proponent** : Ayton Taylor Burrell
- Owner** : Various Owners
- Reporting Officer(s)** : Senior Planning Officer (J van der Mescht)
Gray & Lewis Land Use Planners (Consultants)
- Disclosure of Interest** : Nil.
- Previous Reference** : N/A
- Summary Recommendation** : Support the Scheme Amendment Request
- Bulletin Attachment** : Scheme Amendment Request
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. The Scheme Amendment Request is to rezone five lots within the precinct bounded by Home, Harding and Bramwell Roads, Robinson from “Rural” to “Special Rural”. The rezoning will allow for the creation of lots of approximately one hectare.
2. The SAR was referred to the Environmental Protection Authority and the following departments: Planning and Infrastructure; Agriculture and Food; Water and Environment and Conservation; as well as the following service providers: Alinta Gas; Telstra; Water Corporation; Western Power and FESA.

STATUTORY REQUIREMENTS

3. The subject lots are zoned “Rural” in Town Planning Scheme No. 3. The purpose of this zoning is *“to ensure that high quality agricultural land is retained for primary production. To regulate uses which conflict with farming interests, and foster uses which are complimentary to such interests. To preserve rural land within easy reach of urban areas.”*
4. A Scheme Amendment Request (SAR) is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
5. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.

POLICY IMPLICATIONS

6. There are two policy documents that are applicable to the amendment request being the Albany Local Planning Strategy (ALPS) and Local Rural Strategy (LRS).
7. The ALPS identifies the subject land for Rural Residential purposes (Rural Retreat lots generally 1.0ha minimum lot size).
8. The LRS identifies the subject land as suitable for rezoning and subdivision down to 1.0ha subject to requirements such as appropriate precinct planning, capability, suitability and servicing.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

COMMENT/DISCUSSIONSite Description

11. The lots are developed with a single dwelling with the exception of Lot 18 which also accommodates an ancillary dwelling. The Lots accommodate a mix of parkland clearing and open pasture with stables and other small scale lifestyle improvements.
12. The land is sandwiched between the Almore Park estate to the west zoned for “Special Rural” purposes and lots fronting Frenchman Bay to the east (zoned for “Residential Development”). In the main these lots are used for rural retreat purposes but are currently zoned for much more intensive use and development. Land to the north and south of the precinct is zoned “Rural” and used for rural retreat purposes.
13. The land is within the Priority 3 Area of the South Coast Water Reserve. Subject to land capability constraints, subdivision to a minimum of 1.0ha is a compatible use.
14. The land is located within the proclaimed Albany Groundwater Area. Licences are required for domestic, stock and household garden use.
15. The lots are all situated well above the 2.5m AHD contour, considered by Council as the minimum for development in the area.
16. The land is not deep sewerred. There are no Council or other Authority plans to connect the area to the reticulated sewer system.

Concept Plan

17. The precinct consists of eight (8) lots. At this stage, only five (5) landowners wish to pursue rezoning. The request includes a Precinct Concept Plan which demonstrates how the zoning and applicable controls can be extended over the entire area and provide for these lots at a time when the landowners wish to pursue subdivision.
18. The Concept Plan has been prepared and included for the precinct based on 1.0ha Special Rural development .

Consultation

19. No objection was received from Government and service agencies consulted. Issues raised by these agencies will be required to be addressed under a formal application to initiate an amendment. These include:
 - Retention of remnant vegetation where possible;
 - Relocation of suggested boundary on Lot 51 to minimise the crossing of contours and the destruction of native vegetation by future fencing;
 - Planning in accordance to Bushfire Protection; and
 - The telecommunications network in the area does not have the capacity to increase density and upgrading will require trenching from Frenchman Bay Road.

Justification/Planning Merit

20. The request is consistent with the strategic intent for the area under the ALPS and LRS.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- 21. The proposed zoning of “Special Rural” is consistent with the predominant use and zoning within the area.
- 22. This area of land bound by Home, Bramwell and Harding Roads forms an obvious and discreet planning unit.
- 23. The land is located close to the Albany City Centre and close to amenity and recreation areas.

Conclusion

- 24. The request is supported in principle subject to certain matters being addressed under a formal application to amend the Scheme.

RECOMMENDATION

THAT Council advises that it is prepared to entertain the submission of a formal application subject, but not limited to, the following matters being addressed to the satisfaction of Council:

- i) a fauna and flora assessment;
- ii) a land capability assessment and drainage management to determine, among others, siting and management of wastewater disposal systems;
- iii) an identification of servicing needs and infrastructure requirements to accommodate future subdivision. In particular, opportunities to upgrade the Telstra network be explored through means such as developers contributions etc;
- iv) a Precinct Concept Plan to illustrate, among others, how Planning for Bushfire Protection is to be applied and remnant vegetation protected where possible; and
- v) the amendment to include all lots within the precinct.

Voting Requirement Simple Majority

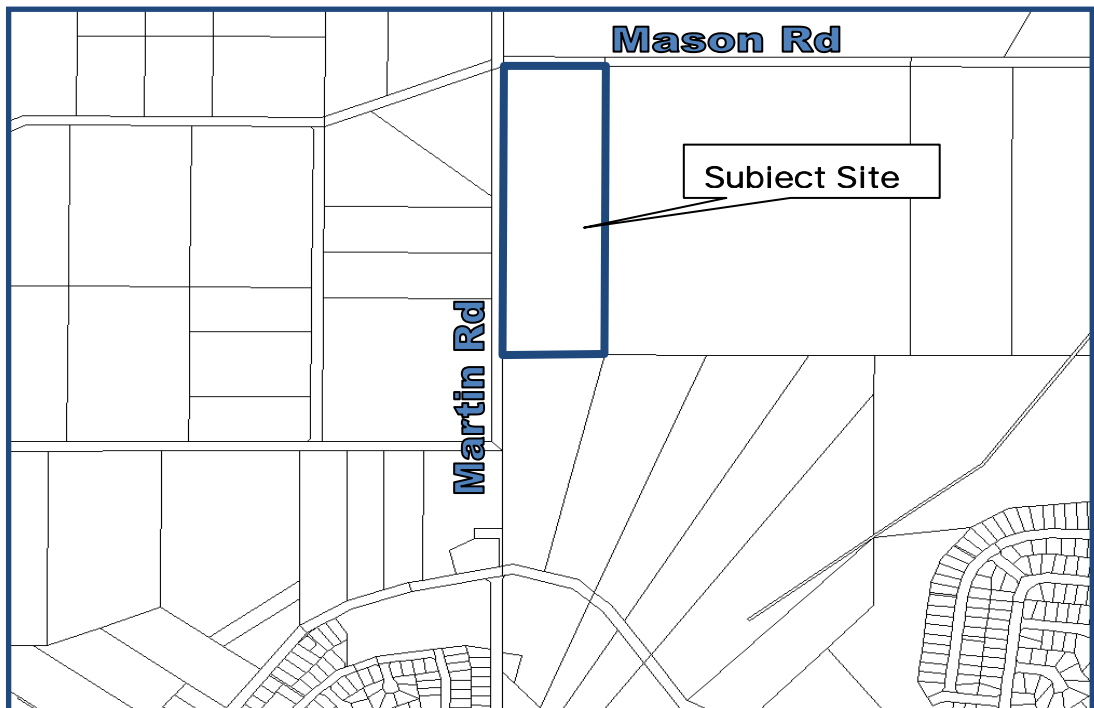
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<p>MOVED COUNCILLOR WALKER SECONDED COUNCILLOR STANTON</p> <p>THAT Council advises that it is prepared to entertain the submission of a formal application subject, but not limited to, the following matters being addressed to the satisfaction of Council:</p> <ul style="list-style-type: none"> i) a fauna and flora assessment; ii) a land capability assessment and drainage management to determine, among others, siting and management of wastewater disposal systems; iii) an identification of servicing needs and infrastructure requirements to accommodate future subdivision. In particular, opportunities to upgrade the Telstra network be explored through means such as developers contributions etc; iv) a Precinct Concept Plan to illustrate, among others, how Planning for Bushfire Protection is to be applied and remnant vegetation protected where possible; and v) the amendment to include all lots within the precinct. <p style="text-align: right;">MOTION CARRIED 12-0</p>
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DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment Request No. 131 – Lot 49 Mason Road, Lange.

- File/Ward** : SAR 131 (Yakamia Ward)
- Proposal/Issue** : Request to rezone Lot 49 Mason Road Yakamia from 'Rural' to 'Residential Development'
- Subject Land/Locality** : Lot 49 Mason Road, Lange
- Proponent** : Harley Survey Group
- Owner** : TM Register
- Reporting Officer(s)** : Senior Planning Officer (J Van Der Mescht) & Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council not support the request to rezone Lot 49 Mason Road, Lange to 'Residential Development' zone at this stage
- Bulletin Attachment** : Scheme Amendment Request
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. Council has received a 'Scheme Amendment Request' (SAR) to rezone Lot 49 Mason Road, Lange from the present 'Rural' zone to 'Residential Development' zone to facilitate the future structure planning and subdivision/development of the land. A copy of the SAR document is included in the Elected Members Report/Information Bulletin.
2. The SAR was referred to the Environmental Protection Authority (EPA), Department of Planning and Infrastructure (DPI), Alinta Gas, Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Water and Department of Education and Training for comment. The responses are discussed in the Comment/Discussion section below and a schedule of the Submissions follows this report.

STATUTORY REQUIREMENTS

3. Lot 49 Mason Road is zoned 'Rural' under Town Planning Scheme No. 3 (TPS3). The broad objectives for the Rural zone are to:
 - *Ensure that high quality agricultural land is retained for primary production.*
 - *Regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests.*
 - *Preserve rural land within easy reach of urban areas.*
4. The broad objective for the proposed Residential Development zone is to facilitate the orderly and equitable development for residential purposes of areas where the existing subdivisional pattern, multiple ownership, or other factors make this objective unobtainable by the normal methods of subdivision and development.
5. Whilst the SAR process is not a statutory process, should Council decide that the SAR proposal will progress to a formal scheme amendment, the processes of preparing and considering a scheme amendment is guided by the *Planning and Development Act* and *Town Planning Regulations*.

POLICY IMPLICATIONS

6. The SAR has been prepared and considered in accordance with Council's adopted process.

FINANCIAL IMPLICATIONS

7. The applicant has paid the SAR fee in accordance with Council's Planning Fee and Charges.

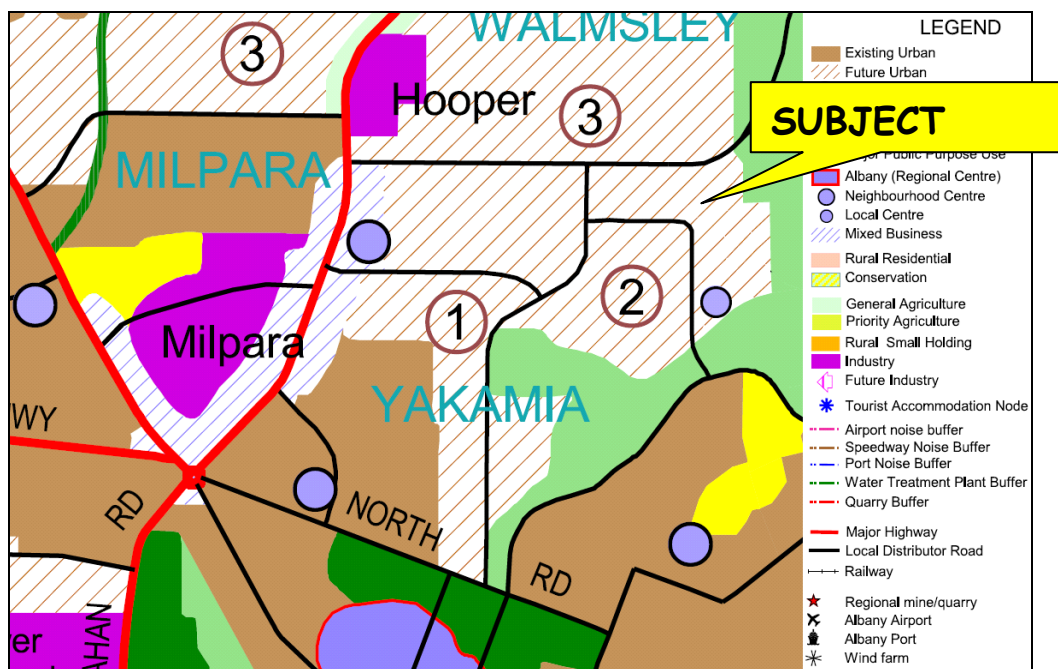
STRATEGIC IMPLICATIONS

8. The (draft) Albany Local Planning Strategy (ALPS) document identifies the subject site as 'Future Urban' (copy of map attached) and it is shown in the Category '2' for Priority Development (Note: Categories are shown from 1 (High) – 5 (Low)). In terms of residential growth, the ALPS Settlement Strategy (Section 8.3) lists the Actions to achieve the Objectives of the Strategy, which includes:

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- Prepare precinct and structure plans to provide a planning framework, having regard to the development priorities for those areas identified for 'Future Urban' in the Strategy (CoA).
 - Prepare precinct and local structure plans to determine densities and land use, provide for servicing infrastructure and resolve development issues to integrate urban infill within existing built up and less densely developed surrounding areas in consultation with service providers and other stakeholders.
 - Develop and implement a long term planning framework, including the preparation of District Structure Plan and Strategic Policies for those areas identified for 'Future Urban'.
9. Given the Priority 2 classification applied to the land in ALPS (predicted timeframe 4 – 8 years) and the length of the process to achieve rezoning and structure plan approval (it is likely to take 3+ years), the proposal is not necessarily considered premature. However, the ALPS objectives encourage the inclusion of larger areas for zoning changes and this proposal, in isolation, does not assist or promote urban consolidation and it deals with a smaller development footprint at this stage. The inclusion of the land over time is supported by staff but should be subject to the substantial completion of the Yakamia Structure Plan.
 10. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.
 11. The proposal is consistent with the Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) which identifies the importance of sustainable land uses, community development and the consolidation of settlements.
 12. The proposal also complies with the State Planning Strategy recommendation that local government pursue consolidation of existing housing stock and provision for a variety of housing available to residents in the City.



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

COMMENT/DISCUSSION

13. The subject land is 10.96ha in area and located immediately north of Mason Road at the intersection with Martin Road (see Locality Plan). The property currently gains access from Mason Road (unsealed) in the north-east corner of the lot which services the existing dwelling.
14. The site slopes downwards from the north (42m AHD) towards Yakamia Creek (3.5mAHD) with the sloped area being visually prominent in the local area and clearly visible across the Yakamia Creek from various locations along Ulster Road etc. The property contains a mixture of remnant vegetation and cleared/pastured areas. The flat low lying area in the southern part of the property forms part of the drainage/waterway system of Yakamia Creek and is vegetated.
15. The surrounding uses include mainly small-scale limited rural pursuits. Activities associated with the Great Southern Regional College Farm are located to the north of the property on Mason Road.
16. The proposal will assist Council in delivering the outcomes of ALPS. All of the matters raised in the agency comments represent issues that need to be addressed during the subsequent amendment/ODP stage. The linking of areas of good quality/high value remnant vegetation and protecting the integrity of Yakamia Creek has long been the goal of the City and will be incorporated into future proposals for the land. This will require the ceding of the wetland area to foreshore reserve accompanied with vegetation protection and other planning controls to address these issues.
17. Whilst the SAR proposal complies with the long-term strategic planning for the area staff are concerned the application is premature at this stage.

RECOMMENDATION

THAT:

- i) Council advise the proponents that whilst it support the future use of Lot 49 Mason Road, Lange for fully serviced residential development as outlined in the Albany Local Planning Strategy (ALPS) it is not prepared to support a rezoning of the land to the 'Residential Development' zone as it is considered premature at this stage; and
- ii) in accordance with ALPS, Council supports the substantial completion of the development proposed within the Priority Development Area 1 (Yakamia District Structure Plan) prior to the inclusion of the land in Priority Development Area 2 and would require the broader area (not just Lot 49) to be subject to an application for a zoning change.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

FORESHADOWED MOTION

Councillor Walker foreshadowed the following motion:

THAT this item is laid on the table to the next ordinary council meeting.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WISEMAN**

THAT this item is laid on the table to the next ordinary council meeting.

MOTION LOST 5-7

FORESHADOWED MOTION

Councillor Paver foreshadowed the following motion:

THAT Council is prepared to entertain a scheme amendment.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WALKER**

THAT Council is prepared to entertain a scheme amendment.

MOTION CARRIED 9-3

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

AGENCY	SUMMARY	STAFF RESPONSE
Environmental Protection Authority	Preliminary assessment undertaken. Oppose the proposal and comment on: <ul style="list-style-type: none"> • The significant wetland area (part of Yakamia Creek System). • Significant areas of vegetation on the site. • The zoning is pre-emptive without structure planning. • No detailed vegetation or fauna survey for the site has been prepared to look at the wider Albany context. • The existing vegetation provides an opportunity to connect other areas of remnant vegetation around the location. 	The inclusion of this land within the Council to require the preparation of a Development Plan. This would ensure that the EPA's requirements are met.
Department of Water	Do not support the proposal. Similar comments to the EPA's.	See above.
Department of Education and Training	No objections.	Nil.
Water Corporation	No objection. The proponents will be required to design and construct extensions for water and sewer to the lot.	Agree. The future development of the area is supported by ALPS.
Department of Planning and Infrastructure	Acknowledge that the land is shown for future urban development within ALPS, the proposal is premature. Believe that the proposal represents the zoning of this land in isolation and that any future proposal must be made within the wider district to ensure physical and social infrastructure is provided to service the area.	Whilst the proposal assists to achieve the objectives of Category 2, at this stage the Council is not sufficiently supported to require this zoning. Clearly, given the long list of planning conditions of which appear to be to satisfy external agencies, it is suggested that the proposal be approved between 12-24 months to complete. If approved, the proponent will be required to submit a Development Plan (clause 5.5 of the ALPS) by the WA Planning Commission within 12 months or so to complete. The concern is that it is isolated from the surrounding area (to be finalised) and existing development. The Category 1 area would be suitable for residential use. The Category 2 area was being zoned for residential use.
Western Power	No objections.	Nil.

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Scheme Amendment – Lot 14 Spencer St, Albany

- File/Ward** : AMD 167 (Fredericktown Ward)
- Proposal/Issue** : Formal request to:
1. Rezone Lot 14 Spencer St from “Clubs and Institutions” to “Special Site” with a base Residential Density Coding of R60 and Additional Uses of “Shop” and “Office”.
 2. Amend Appendix II – ‘Schedule of Special Sites’ to incorporate provisions relating to Lot 14 Spencer Street, Albany (S41).
- Subject Land/Locality** : Lot 14 Spencer Street, Albany
- Proponent** : Harley Survey Group
- Owner** : Activ Foundation Inc
- Reporting Officer(s)** : Senior Planning Officer (I Humphries)
Gray & Lewis Land Use Planners
- Disclosure of Interest** : Nil.
- Previous Reference** : OCM 19/02/08 – Item 11.3.2
- Summary Recommendation** : Initiate Amendment 167
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. An application has been received to :
 - a) Rezone Lot 14 Spencer St from “Clubs and Institutions” to “Special Site” with a base Residential Density Coding of R60 and Additional Uses of “Shop” and “Office”.
 - b) Amend Appendix II – ‘Schedule of Special Sites’ to incorporate provisions relating to Lot 14 Spencer Street, Albany (S41).
2. A Scheme Amendment Request (SAR125) was considered by Council on 19 February 2008 to rezone Lot 14 Spencer Street from “Clubs and Institutions” to “Special Site” with a base Residential Density Coding of R60 and Additional Uses of “Shop” and “Office”.
3. Council advised the Proponent that it was prepared to entertain the submission of a formal application for the rezoning.
4. The site is currently used for retail purposes (Activ shop front and Trift Shop) and located at the corner of Spencer Street and Frederick Street and extend down Spencer Street. The facades of these buildings are ‘Art Deco’ in character. The remainder of the site is used for light industrial purposes being manufacturing, propagation of plants and storage.
5. The site slopes downward in a south western direction. The natural slope of the site has been modified to allow development of the existing buildings. The rear of the site has been levelled using a number of retaining walls.
6. The subject site is currently devoid of native vegetation.
7. The site is not listed on the City’s Municipal Inventory or Heritage List or the State Register of Heritage Places.

STATUTORY REQUIREMENTS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

POLICY IMPLICATIONS

11. There are a number of State and Local Government policies that have relevance to this amendment i.e.:
 - State Planning Policies (SPP) 1 - State Planning Framework Policy and SPP3 – Urban Growth and Settlement
 - Liveable Neighbourhoods 2007
 - City of Albany Urban Design Policy (CAUDP)
 - City of Albany Local Planning Strategy (ALPS)
12. SPP 1 and SPP3 establish the general principles for planning in Western Australia. The primary aim is to provide for the sustainable use and development of land by reducing energy consumption. The proposed amendment and subsequent development will meet SPP1 and SPP3 as it provides for the sustainable mixed use of the land in an area that is within walking distance of the Albany CBD.
13. Liveable Neighbourhoods advocates a mix of densities and housing types as elements of sustainable development and particularly emphasises increases in densities close to recognised centres. The proposed amendment will delivery such sustainable outcomes.
14. The City of Albany Urban Design Policy (CAUDP) (2007) divides the policy area into two precincts types, being Central Business District and Residential Areas. The subject land lies within the residential precinct and is adjacent to the Central Business District precinct. The policy primarily deals with objectives in streetscape, building height and form, access and car parking, sustainability and heritage. The CAUDP will be used to guide the design and development of the site should rezoning be achieved.
15. The draft Albany Local Planning Strategy (ALPS) (2007) recommends consolidation of urban areas. It realises that higher residential densities must be provided in close proximity to the city centre in order to make it viable and sustainable in the long term.
16. The proposed rezoning meets the objectives relating to the Regional Centre land under the ALPS as it will support urban infill development. It will also result in the provision of greater housing choice adjacent to the city centre which will encourage sustainable transport modes such as walking and cycling and maximise efficient use of existing services and infrastructure.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

18. The proposed amendment is in accordance with the strategic intent of the area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

COMMENT/DISCUSSION

19. There are two parts to the amendment:
- To rezone the subject land to ‘Residential R60’ with special additional uses of shop and office; and
 - To amend the Scheme Text by amending Appendix II – Schedule of Special Sites and inserting the subject land as S41. A number of development conditions are proposed under the Schedule relating to:
 - Development of office/shop uses fronting Spencer Street on the ground floor;
 - the approval of a Development Concept Plan prior to approval of development which stipulates certain development standards;
 - vehicular access; and
 - conformity with Central Albany Urban Design Policy.
20. The amendment document includes a Development Concept Plan for illustration purposes only. It is envisaged that the resultant development would provide for shops and offices on the ground floor level fronting Spencer Street. The residential component of the site would be located behind and above the commercial part of the development. A mix of grouped and multiple dwellings would be provided depending upon market demand.
- Assessment
21. The proposed amendment complies with State and City of Albany planning policies.
22. The rezoning will enable the redevelopment of the subject land in accordance with the strategic objectives for the area.
23. The amendment will allow for mixed use development of residential, office and shops suitable to the locality. The proposed commercial activities at street level and increased density will support and add to the vibrancy of the CBD. The higher density will result in diversification of housing on the fringes of the Albany CBD allowing more people to live within walking distance from the centre.
24. It is recommended that Council adopt the amendment for the purpose of initiating advertising.

RECOMMENDATION

THAT Council resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 167 to the City of Albany Town Planning Scheme No.1A by:

- i) rezoning Lot 14 Spencer Street from “Clubs and Institutions” to the “Residential R60” “Special Zoning” with additional uses of “Shop” and “Office” and amending the Scheme Map accordingly; and
- ii) amending Appendix II – ‘Schedule of Special Sites’ to incorporate provisions relating to Lot 14 Spencer Street, Albany (S41).

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR MORRIS**

THAT Council resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 167 to the City of Albany Town Planning Scheme No.1A by:

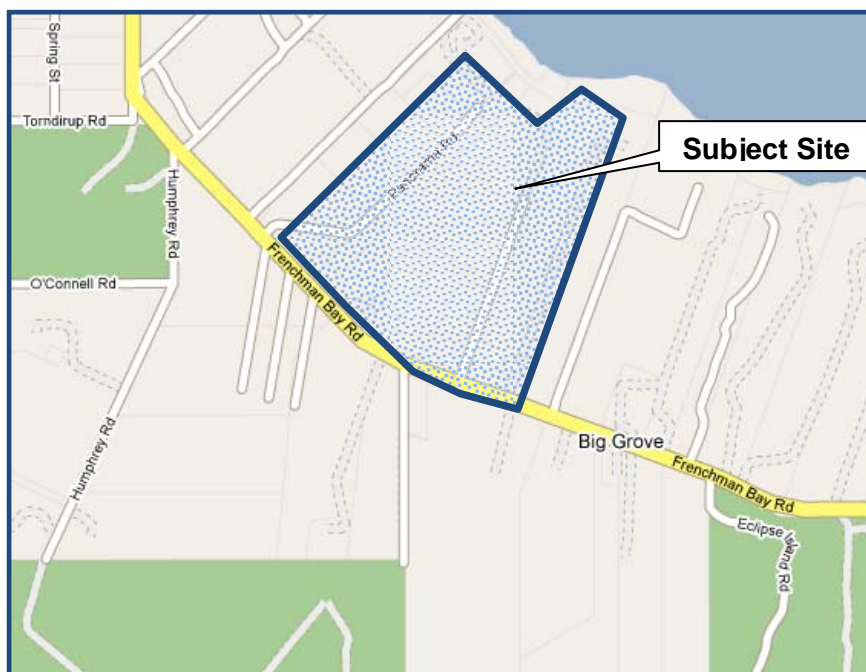
- i) rezoning Lot 14 Spencer Street from “Clubs and Institutions” to the “Residential R60” “Special Zoning” with additional uses of “Shop” and “Office” and amending the Scheme Map accordingly; and**
- ii) amending Appendix II – ‘Schedule of Special Sites’ to incorporate provisions relating to Lot 14 Spencer Street, Albany (S41).**

MOTION CARRIED 10-2

DEVELOPMENT SERVICES REPORTS

11.3.5 Initiate Scheme Amendment – Lots 2, 11, 16, 301 and 302 Frenchman Bay Road and Panorama Road, Big Grove

- File/Ward** : AMD 279 (Vancouver Ward)
- Proposal/Issue** : Rezone Lots 2, 11, 16, 301 and 302 Frenchman Bay Road and Panorama Road, Big Grove to 'Residential Development', amend the Scheme Map accordingly and introduce mechanisms to allow for density development in accordance with an endorsed Outline Development Plan.
- Subject Land/Locality** : Lots 2, 11, 16, 301 & 302 Frenchman Bay Road and Panorama Road, Big Grove
- Proponent** : Ayton Taylor Burrell
- Owners** : P & B Corporation, P & B Services and MD King
- Reporting Officer(s)** : Senior Planning Officer (I Humphries)
Gray & Lewis Land Use Planners (Consultants)
- Disclosure of Interest** : Nil.
- Previous Reference** : OCM 21/6/05 - Item11.3.9
OCM 18/4/06 - Item11.3.5
OCM 20/6/06 – Item 11.3.1
- Summary Recommendation** : Initiate Amendment
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. An application has been received to :
 - a) To rezone Lots 2, 11, 16, 301 and 302 Frenchman Bay Road and Panorama Road, Big Grove to 'Residential Development', amend the Scheme Map accordingly; and
 - b) To introduce mechanisms to allow for density development in accordance with an endorsed ODP.
2. The subject land constitutes approximately 20ha. The area is generally undeveloped apart from the rural residential dwellings and associated outbuildings. All lots have been cleared at one time for agricultural purposes.
3. At its meeting dated 21 June 2005 Council resolved (Amendment 232) to seek final approval to rezone Lots 1, 2, 16 and Pt Lot 109 Frenchman Bay Road, Big Grove subject land from 'Rural' to 'Special Rural'. The Hon Minister for Planning and Infrastructure decided not to approve the amendment on the basis that the land was more suitable for fully serviced urban development.
4. At its meeting dated 18 April 2006 Council resolved to note the Hon Minister for Planning and Infrastructure's decision and inform the landowners thereof.
5. A Scheme Amendment Request (SAR 093) was considered by Council on 20 June 2006 to rezone Lots 1, 2, 16 and Pt 109 Frenchman Bay Road, Big Grove from the 'Rural' to the 'Residential Development' zone.
6. The amendment under consideration however, varies from the above mentioned SAR in that the subject lots are Lots 2, 11, 16, 301 & 302 (SAR Lots 1, 2, 16 and Pt 109) Frenchman Bay Road and Panorama Road, Big Grove.
7. In considering the SAR in June 2006, Council advised that it was prepared to entertain the submission of a formal application subject to, but not limited to, the following matters being addressed to the satisfaction of Council:
 - a) *a clearly defined zoning boundary to be adopted and justified;*
 - b) *a detailed environmental assessment, including a flora and fauna survey with areas identified on environmental grounds being excluded from development;*
 - c) *a review of existing foreshore reserve widths and an accompanying foreshore management plan;*
 - d) *a fire management plan;*
 - e) *a visual management plan;*
 - f) *a conceptual structure plan based on the identified land constraints;*
 - g) *a sustainability assessment;*
 - h) *a land demand assessment;*
 - i) *a community assessment; and*
 - j) *an infrastructure and services assessment.*

STATUTORY REQUIREMENTS

8. The subject land is proposed to be rezoned to 'Residential Development'. Clause 5.5.1 of the Scheme requires the preparation of an ODP approved by Council and the WAPC.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

9. An ODP for the Big Grove locality is currently being prepared by Chappell Lambert Everett and Koltaz Smith which includes a detailed environmental assessment by Coffey Environmental. The study area comprises lots within the Big Grove precinct and provides the mechanism to comprehensively plan the entire area and ensure the co-ordinated provision of essential services and infrastructure.

POLICY IMPLICATIONS

10. There are two policy documents that are applicable to the amendment i.e. the Albany Local Planning Strategy (ALPS) and Local Rural Strategy (LRS).
11. The current draft of the ALPS shows the subject land as 'Future Urban' Priority 3 and a logical extension to the existing urban area. With the sewerage of Little Grove, the subject land effectively becomes the development front to the south east of the Little Grove townsite. The strategy argues for the efficient use of serviceable and developable land close to or within the existing urban area. This includes providing for the intensification / re-subdivision of Special Residential areas and the creation of fully serviced (sewered) residential development wherever possible within the urban expansion areas.
12. The LRS identifies the subject land within Princess Royal Harbour Policy Areas 6 and 10. The strategy recognises the development potential of the area and specifically refers to the need for further detailed study to determine the most appropriate uses. The LRS will be superseded by ALPS upon final endorsement by the WAPC.

FINANCIAL IMPLICATIONS

13. Residential development will place pressure on the need to improve the road infrastructure within the vicinity. The ODP should assess traffic impact, particularly on Frenchman Bay Road and detail potential cost sharing arrangements with the City.

STRATEGIC IMPLICATIONS

14. The proposed amendment is consistent with the strategic intent for the area.

COMMENT/DISCUSSION

15. Matters to be addressed by the applicant (identified in SAR)
The SAR required the applicant to address a number of matters as listed under paragraph 7. Since that decision, staff requested the proponent to keep the amendment document concise and address the various 'design and detailed environmental' matters through the ODP. The proponent has advised that the ODP under preparation will address the following issues in detail:
 - a) environmental assessment;
 - b) foreshore width;
 - c) visual management;
 - d) concept plan based on constraints;
 - e) sustainability;
 - f) land demand;
 - g) community assessment;
 - h) infrastructure and services; and
 - i) fire management.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

16. The following table lists those items under the SAR and a summary of the proponents response.

Item identified in SAR	Summary of Proponent response	Comment
Adoption of a clearly defined zoning boundary and justified	<p>The Proponent states that the subject land:</p> <ul style="list-style-type: none"> • Consists of a cluster of adjoining lots that form a logical first stage of the Big Grove precinct. • Forms part of a natural precinct which is bounded by Public Purpose and Park and Recreation reserves, the Panorama Caravan park and rural lifestyle lots. • Reflects land owners preferences and intentions. • Was determined in consultation with CoA officers. 	Agreed. The ODP will coordinate overall development of the precinct which will enable landowners to proceed independently if necessary.
Provision of a detailed environmental assessment, including a flora and fauna survey with areas identified on environmental grounds being excluded from development.	A detailed environmental assessment is being undertaken by Coffey Environmental as part of the preparation of the ODP. The assessment addresses land capability, vegetation type and condition, fauna, biodiversity, foreshore setbacks, hydrology, groundwater protection and acid sulphite.	Noted. The conceptual structure plan prepared as part of the amendment document considers environmental opportunities and constraints in the future development of the area.
A review of existing foreshore reserve widths and an accompanying foreshore management plan	The above mentioned environmental assessment will assist in determining the boundary of the foreshore reserve (consolidation of the foreshore) in the ODP.	Noted.
A fire management plan	The amendment document considers the essential elements of Planning for Bush Fire Protection (2001) and the WAPC Planning Policy DC 3.7. The ODP address these issues in more detail.	Noted.
A visual management plan	The draft ODP for Big Grove undertook a visual management plan.	Noted.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

A conceptual structure plan based on the identified land constraints	A conceptual structure plan has been prepared as part of the amendment document. The plan shows the general layout of major roads, indicative residential densities, foreshore reserves and public open space and responds to the opportunities and constraints presented by the site and indicate linkages and connections to adjoining areas.	Council should note that the applicant is not bound by the Indicative Concept Local Structure Plan. It however, shows their general intention for future development on the lots.
A sustainability assessment	The draft ODP for Big Grove undertook a sustainability assessment.	Noted.
A land demand assessment	The draft ODP for Big Grove undertook a land demand assessment.	Noted.
A community assessment	The draft ODP for Big Grove undertook a community assessment.	Noted.
An infrastructure and services assessment	<p>The amendment document undertook an assessment of roads, power, water and telecommunications, sewerage, stormwater/drainage.</p> <p>Engineering Consultants Wood and Grieve have been appointed to investigate and address service and drainage requirements and detailed design associated with the future subdivision of the precinct. The findings are contained in the draft ODP.</p>	Noted.

Assessment

17. The matters raised by Council as part of the SAR process have generally been addressed by the applicant and/or will be addressed under a comprehensive Outline Development Plan (ODP) to be prepared.
18. The purpose of the rezoning to ‘Residential Development’ is to provide a framework and mechanism for the preparation and implementation of an ODP to guide the integrated and comprehensive urban development of the area.
19. The proposed rezoning will allow for urban expansion in accordance with the strategic intent for development of the precinct and forms a logical extension of the Little Grove townsite. The residential development will maximise efficient use of existing services and infrastructure (sewer, drainage, roads etc) and be developed in accordance to the principles of Liveable Neighbourhoods.

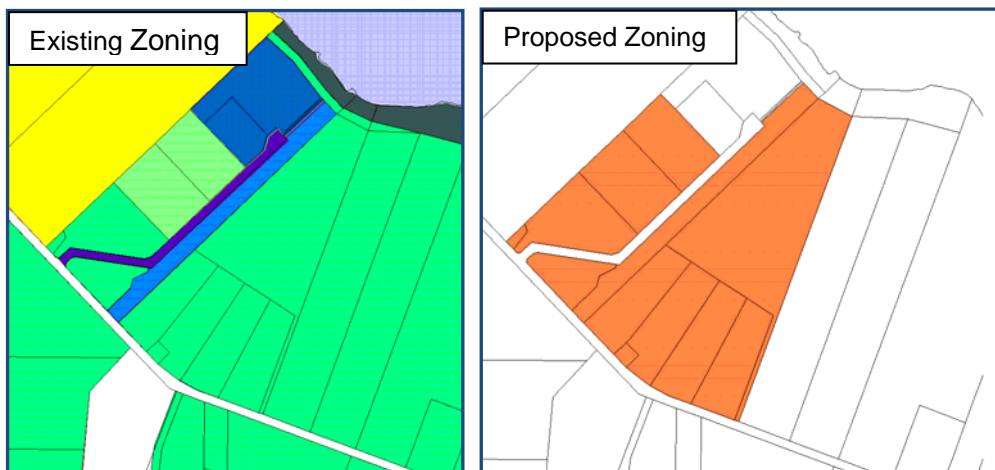
DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

20. Under Clause 5.7 of the TPS No. 3, R20 residential coding applies to sewered lots within the scheme area. This blanket coding has resulted in limited flexibility to vary lot sizes and siting control has tended to result in a limited range of housing product. The amendment will update the Scheme and provide Council will greater flexibility to support higher density development within the Residential Development zone.
21. It should further be noted that an application for the rezoning of a number of lots to the east will be submitted in the near future and will form part of the ODP for the area.

Conclusion

22. It is recommended that Council initiate the amendment (with modifications) for the purpose of initiating advertising.
23. The Amendment documents should be modified to include Lots 4, 5,303 and 9000 Frenchman Bay Road and Lots 9,10, and 12 Panorama Road within the “Residential Development” zoning as they are immediately adjacent to the subject land ,share similar site characteristics and will create a consolidated zoning front. These lots are all designated “Future Urban” within Albany Local Planning Strategy (ALPS).



RECOMMENDATION

THAT Council:

- i) resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 279 to the City of Albany Town Planning Scheme No. 3 (with modifications) for the purposes of:
 - a) Rezoning Lot 2 Frenchman Bay Road, Big Grove from ‘Tavern’ to ‘Residential Development’ zone;
 - b) Rezoning Lot 9 ,10, Panorama Road, Big Grove from ‘Rural’ to ‘Residential Development’ zone;
 - c) Rezoning Lot 11 and 12 Panorama Road, Big Grove from ‘Special Rural Area 7’ to ‘Residential Development’ zone;
 - d) Rezoning Lots, 4,5,16, 301, 302, 303 and 9000 Frenchman Bay Road, Big Grove from the ‘Rural’ zone to ‘Residential Development’ zone;
 - e) Deleting Special Rural Area 7 from Schedule 1 of Town Planning Scheme No.3;
 - f) Amending the Scheme Map accordingly;

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

- g) Inserting Clause 5.8 (c) as follows:
“The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan that clearly identifies proposed variations to the residential design codes as is approved by Council and endorsed by the Western Australian Planning Commission”; and
- h) Including the following row in Table III – Residential Design Codes Density Applicable to Land Within the Scheme Area:

Lots	Zoned	Residential	Density as depicted on the endorsed Structure Plan
------	-------	-------------	--

- ii) advise the applicant that modified amendment documents are required to be submitted prior to the Amendment being referred to the Environmental Protection Authority; and
- iii) on receipt of correspondence from the Environmental Protection Authority, refer the amendment to surrounding land owners for comment and relevant servicing authorities including but not limited to the Department of Water, Department of Health, Water Corporation and Western Power.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR PAVER**

THAT Council:

- i) resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 279 to the City of Albany Town Planning Scheme No. 3 (with modifications) for the purposes of:
 - a) Rezoning Lot 2 Frenchman Bay Road, Big Grove from ‘Tavern’ to ‘Residential Development’ zone;
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 - d) Rezoning Lots, 4,5,16, 301, 302, 303 and 9000 Frenchman Bay Road, Big Grove from the ‘Rural’ zone to ‘Residential Development’ zone;
 - e) Deleting Special Rural Area 7 from Schedule 1 of Town Planning Scheme No.3;
 - f) Amending the Scheme Map accordingly;
 - g) Inserting Clause 5.8 (c) as follows:
“The provisions of the Residential Design Codes may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Detailed Area Plan that clearly identifies proposed variations to the residential design codes as is approved by Council and endorsed by the Western Australian Planning Commission”; and
 - h) Including the following row in Table III – Residential Design Codes Density Applicable to Land Within the Scheme Area:

Lots	Zoned	Residential	Density as depicted on the endorsed Structure Plan
- ii) advise the applicant that modified amendment documents are required to be submitted prior to the Amendment being referred to the Environmental Protection Authority; and
- iii) on receipt of correspondence from the Environmental Protection Authority, refer the amendment to surrounding land owners for comment and relevant servicing authorities including but not limited to the Department of Water, Department of Health, Water Corporation and Western Power.

MOTION CARRIED 12-0

11.4 RESERVES PLANNING

Nil

11.5 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Planning and Environment Strategy and Policy Committee Meeting – 21st May 2008

File/Ward	:	MAN 235 (All Wards)
Proposal/Issue	:	Committee Item for Council Consideration
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 21 st May 2008 be received
Bulletin Attachment	:	Nil

RECOMMENDATION

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

- 6.1 Review of Draft Evaluation Sheets for Tourism Strategy
THAT Council endorse the draft Tourism Evaluation Sheets as the basis for land use planning component required to compile the initial draft of the City of Albany Tourism Strategy and that the draft strategy be prepared for the consideration of committee, for recommendation to Council for adoption, prior to it being subjected to a public consultation process.
- 6.2 Public Open Space Policy for Between 3 and 5 Lots
THAT the committee recommends to Council the adoption of the policy titled “Public Open Space Contribution Policy (3 to 5 Lots)” for the purpose of advertising in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No.3.
- 6.3 City of Albany Local Law Relating to the Keeping and Welfare of Cats
THAT the Committee recommends to Council, subject to the modification being made to introduce a definition for ‘microchip’ and ‘microchip certificate’, the adoption of the draft Local Law in accordance with Section 3.12 of the *Local Government Act 1995*, and advertise its intention to make the Local Law titled “City of Albany – Local Law relating to the Keeping and Welfare of Cats 2008”.
- 6.4 Car Parking Strategy
THAT the recommendation from the meeting of the 16th April 2008 not be implemented until an appropriate strategic direction has been established and the relevance of the actions confirmed.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

7.0 Matters for Consideration at next Committee Meeting

THAT the EDDS seek to complete a first draft of the City of Albany Community Planning Scheme by the 30th June 2008 and provide a copy to each Councillor, together with a list of the clauses that remain in contention (subject to on-going studies, etc) and that a period of two months be provided for Councillors to review the draft, then independent briefings sessions be held to address any concerns raised by Councillors, prior to the draft being referred to the committee for recommendation to Council for initiation.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR STANTON**

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

6.1 Review of Draft Evaluation Sheets for Tourism Strategy

THAT Council endorse the draft Tourism Evaluation Sheets as the basis for land use planning component required to compile the initial draft of the City of Albany Tourism Strategy and that the draft strategy be prepared for the consideration of committee, for recommendation to Council for adoption, prior to it being subjected to a public consultation process.

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6.3 City of Albany Local Law Relating to the Keeping and Welfare of Cats

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6.4 Car Parking Strategy

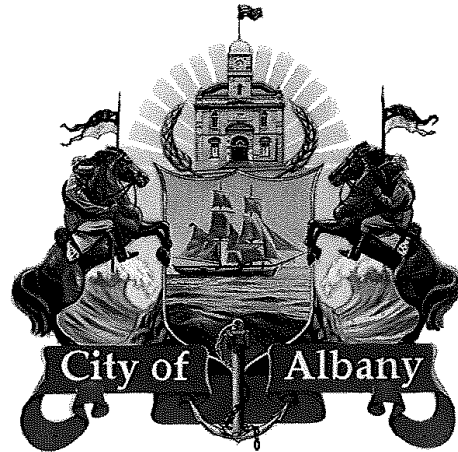
THAT the recommendation from the meeting of the 16th April 2008 not be implemented until an appropriate strategic direction has been established and the relevance of the actions confirmed.

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**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

Item 11.6.1 continued



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

Held on
Wednesday, 21st May 2008
12.00noon

City of Albany Margaret Coates Boardroom

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 21/05/08

** REFER DISCLAIMER **

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DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 21/05/08

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

The Chairperson, Joy Matia, declared the meeting open at 12.05pm.

2.0 ATTENDANCES

J Matia	Chairperson
M Evans	Mayor
K Stanton	Councillor
D Price	Councillor
R Paver	Councillor (Observer)
R Fenn	Executive Director Development Services
G Bride	Manager Planning and Ranger Services
K Barnett	Manager Building and Health Services
A Nicoll	Strategic Planner

3.0 APOLOGIES

C Morris	Councillor
N Williams	Councillor
R Buegge	Councillor
J Bostock	Councillor

4.0 DECLARATION OF INTEREST

Nil

5.0 CONFIRMATION OF MINUTES OF MEETING OF 16TH APRIL 2008

The EDDS expanded upon the officer comments included in the agenda for the Ordinary Meeting of Council on the 20th April 2008, relating to the Car Parking Strategy. It was noted that the minute relating to this item reflected the previous decision of the committee.

MOVED: COUNCILLOR EVANS

SECONDED: COUNCILLOR PRICE

THAT the minutes of the meeting of the 16th April 2008 be confirmed as an accurate record of the meeting.

MOTION CARRIED: 4 - 0

6.0 INFORMATION SESSION

The EDDS briefed the committee on the requirement to prepare a Tourism Strategy for the City of Albany, the relationship between State Strategic Tourism Sites, local strategic sites and other tourism site classifications. Discussion followed on the relationship between the strategy and the land use controls to be incorporated into the Community Planning Scheme (CPS) to implement the objectives of the strategy.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 21/05/08

** REFER DISCLAIMER **

Item 6.0 continued.

In completing the strategy, it was noted that:

- the relationship between the site classifications at state and local levels needs to be further clarified in the draft report;
- sites are not intended to be zoned for tourism development in the CPS where compensation issues may arise;
- a new suite of zones are to be introduced into the CPS to more accurately define the preferred forms of tourism product on lots and additional clauses incorporated to define the level of permanent residential on specific sites;
- a review of the Local Rural Strategy is encouraged to remove the artificial barrier that requires small and medium scale tourism developments in rural areas to undertake a scheme amendment prior to development approvals proceeding;
- small scale tourism ventures (less than eight rooms) were not included in the evaluation due to the complexity of identifying and evaluation projects at this scale; and
- consideration needs to be given to planning mechanisms to encourage tourism sites to be identified in the Structure Plans for emerging suburbs.

6.1 Review Of Draft Evaluation Sheets For Tourism Strategy

The EDDS presented initial drafts of the site evaluation sheets for 26 sites and development areas within the City, highlighting that a degree of subjectivity is associated with the evaluation process. The Strategic Planner tabled a plan showing the location of the sites recorded in the evaluation sheets.

It was agreed that a site evaluation sheet should be developed for the former Lot 401 at Goode Beach to reflect the Ministerial decision relating to that property.

**MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR EVANS**

THAT Council endorse the draft Tourism Evaluation Sheets as the basis for land use planning component required to compile the initial draft of the City of Albany Tourism Strategy and that the draft strategy be prepared for the consideration of committee, for recommendation to Council for adoption, prior to it being subjected to a public consultation process.

MOTION CARRIED: 4 – 0

6.2 Public Open Space Policy For Between 3 And 5 Lots

The MPRS tabled a draft Town Planning Scheme policy to define developer obligations for public open space contributions where a subdivision involves 3 to 5 lots. The committee discussed the protocol for the allocation of POS and/or taking of cash payments for larger subdivisions and of the need to table a plan at a future meeting detailing the distribution and function of open space reserves throughout existing and future suburbs.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 21/05/08

** REFER DISCLAIMER **

Item 6.2 continued.

MOVED: COUNCILLOR PRICE
SECONDED: COUNCILLOR STANTON

THAT the committee recommends to Council the adoption of the policy titled “Public Open Space Contribution Policy (3 to 5 Lots)” for the purpose of advertising in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No.3.

MOTION CARRIED: 4 - 0

6.3 City Of Albany Local Law Relating To The Keeping And Welfare Of Cats

The MPRS tabled a revised City of Albany Cat Local Law in response to Council's resolution of the 19th February 2008, together with the advice of Council's solicitors on that draft. In accordance with Council's resolution, City Staff sent a revised version of the Cat Local Law Working Committee's draft to Minter Ellison, leaving only those clauses which related to compulsory registration, identification and sterilization.

The committee noted that, if Council wished to expand the Local Law in the future, the balance of the Cat Local Law Working Committee's draft remains available for review. An additional clause was agreed to be inserted defining “microchip certificate and microchip”.

MOVED: COUNCILLOR EVANS
SECONDED: COUNCILLOR STANTON

THAT the Committee recommends to Council, subject to the modification being made to introduce a definition for ‘microchip’ and ‘microchip certificate’, the adoption of the draft Local Law in accordance with Section 3.12 of the *Local Government Act 1995*, and advertise its intention to make the Local Law titled “City of Albany – Local Law relating to the Keeping and Welfare of Cats 2008”.

MOTION CARRIED: 4 - 0

6.4 Car Parking Strategy

The Strategic Planner provided to the committee a plan showing the distribution of car parking bays within the Central Business District, segregated into on-street, landowner supplied and public parking bays. The EDDS sought clarification from the committee on the strategy outcomes being sought, to avoid delays and focus the limited resources.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 21/05/08

** REFER DISCLAIMER **

Item 6.4 continued.

In discussion it was highlighted that;

- Many CBD businesses are providing no car parking due to the historic nature of buildings on those sites.
- Landowners who had not developed their properties were providing car parking for other businesses and were then being penalized when they seek to develop their land.
- Any development upon vacant CBD lots will reduce the number of CBD car parking bays.
- Tenants within CBD businesses often require dedicated car parking bays to be provided as part of any lease agreement and policing of private and public car parking bays becomes problematic.
- There is no mechanism to levy businesses not providing car parking to compensate those landowners who currently provide car parking and achieve no commercial return from their property.
- Council has no strategic position on the provision of decked car parking within the CBD and costs per bay could exceed \$20,000.
- A large percentage of CBD car parking bays are being occupied by staff working in CBD businesses.
- Landowners in the CBD are unlikely to solve any perceived car parking deficiency through the development process.
- Public transport options or shuttle buses are unlikely to provide an effective solution to the transfer of all day staff parking within the CBD.
- Additional car parking can be provided within the CBD by reconfiguring existing car parking areas and that action will require active intervention.
- Any public money spent on CBD car parking upon private lots would need to be protected by legal access agreements and tenure guarantees.

R Paver left the meeting.

A deputation from the Albany Chamber of Commerce and Industry has requested approval to address the committee and it was agreed that a small delegation be invited to attend the next meeting of the committee.

**MOVED: COUNCILLOR STANTON
SECONDED: COUNCILLOR EVANS**

THAT the recommendation from the meeting of the 16th April 2008 not be implemented until an appropriate strategic direction has been established and the relevance of the actions confirmed.

MOTION CARRIED: 4 - 0

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 21/05/08

** REFER DISCLAIMER **

7.0 MATTERS FOR CONSIDERATION AT NEXT COMMITTEE MEETING

The EDDS outlined the projects being developed within the Development Services team and raised concern over the constraints faced by committee in being adequately briefed on those projects and participating in their development. The projects include the York Street Masterplan (first draft completed), policy deficiency on Itinerant Vendors (background paper distributed), Little Grove Structure Plan, South Lockyer Structure Plan, Demographic Survey Report, draft Tourism Strategy, Other Detailed Area Plans and Community Planning Scheme.

In response to comments made at the May Ordinary Council meeting, the EDDS sought clarification from the committee on the preferred methodology for the committee to review the Detailed Area Plans (Subdivision Guide Plans, Outline Development Plans, Structure Plans) and recreation planning that is currently being considered on a site by site basis.

RESOLVED that the agenda for the next of the Committee comprise:

- Presentation from ACCI delegation on CBD car parking.
- Car Parking Strategy.
- Itinerant Vendors – establish policy objectives.
- York Street Master Plan – consider draft plan.
- Presentation from Water Corporation on sewerage capacity at Little Grove
- Detailed Area Plans – Staff to outline process to allow committee to review and understand details within DAPs

MOVED: COUNCILLOR EVANS

SECONDED: COUNCILLOR PRICE

THAT the EDDS seek to complete a first draft of the City of Albany Community Planning Scheme by the 30th June 2008 and provide a copy to each Councillor, together with a list of the clauses that remain in contention (subject to on-going studies, etc) and that a period of two months be provided for Councillors to review the draft, then independent briefings sessions be held to address any concerns raised by Councillors, prior to the draft being referred to the committee for recommendation to Council for initiation.

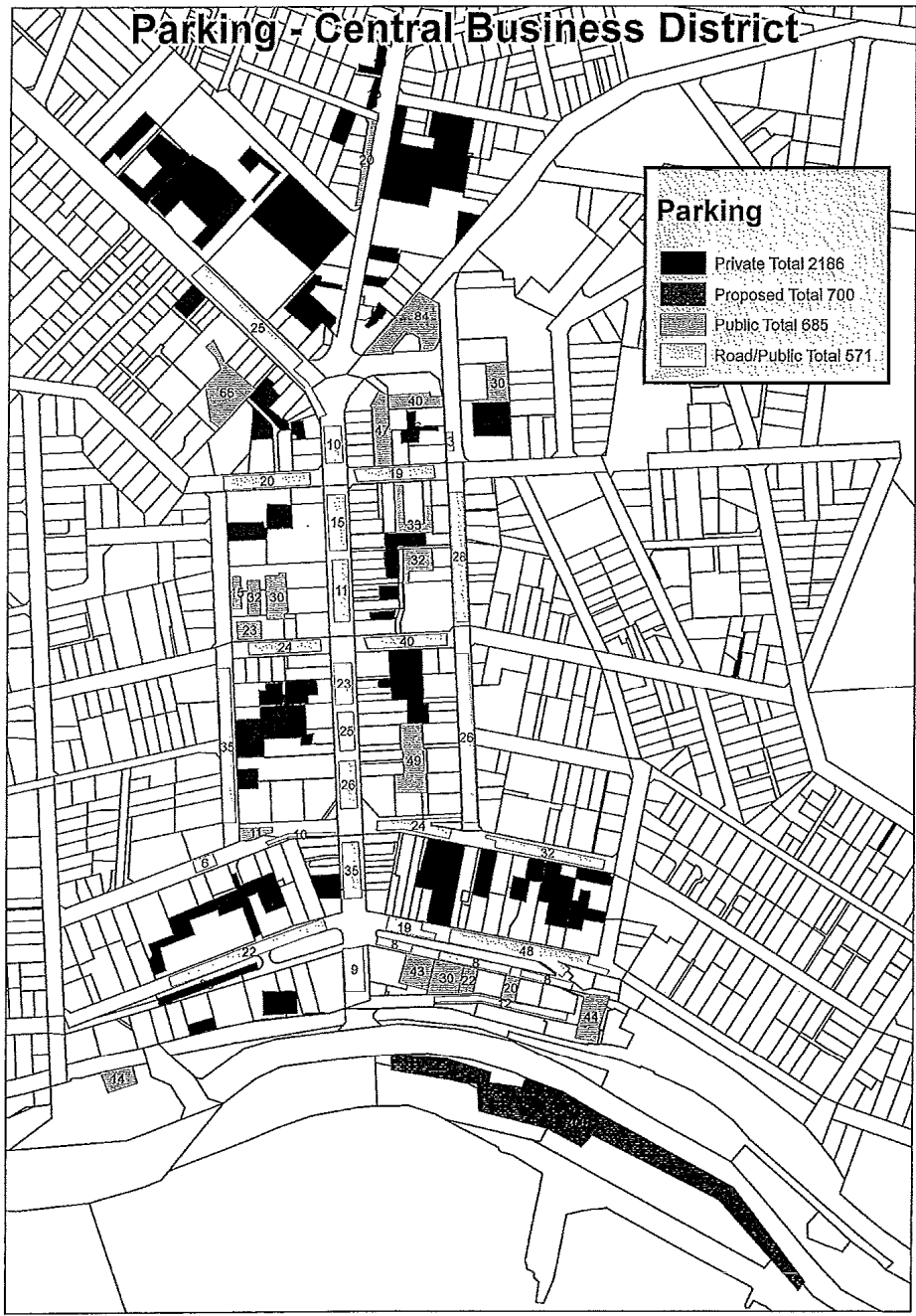
MOTION CARRIED: 4 – 0.

8.0 CLOSURE OF MEETING

There being no further business, the meeting was declared closed at 2.35 pm.

Item 11.6.1 continued

Annex A



Item 11.6.1 continued

Annex B



Council Policy

Public Open Space Contribution Policy (3 to 5 Lots)

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Adoption Date:
Adoption Reference:
Review Date: 30 June 2011
Maintained By: Executive Director of Development Services
Document Reference:

102 North Road, Yakamia WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

1. Background

Under the Planning and Development Act 2005, contributions for Public Open Space (POS) can only be requested where a subdivision seeks to create more than 2 lots. If a subdivision creates in excess of 5 lots it has been a consistent policy and practice of the Western Australian Planning Commission and their predecessors, since the 1950's, that 10% of the land be set aside as POS.

The Western Australian Planning Commission's Development Control Policy 2.3 allows the Commission to place a condition requiring POS on subdivisions creating between 3 and 5 lots where one of the following occurs:

- the imposition of the condition would yield an area of land which the Commission and Council agree is adequate and suitable for public open space purposes;
- the local government has identified an existing or potential deficiency of public open space and has an adopted strategy to improve or provide open space by land acquisition in the locality of the subdivision; or
- similar proposals containing five lots or less would be likely to eventuate in the locality.

Whilst Council does not have an adopted POS strategy, contributions for POS have been requested where other similar sized lots in the locality have the potential to be subdivided.

The City of Albany has a number of low density residential areas that through lack of services (particularly sewer provision) or limited road connectivity have not been subdivided to their full potential. Many of these lots are of a size between 1350m² and 2500m² in area which could allow the subdivision of between 3 and 5 lots. Without contributions being taken to ensure the provision of POS, or the upgrade of existing POS areas, future residents may not have convenient access to high quality recreation areas.

2. Objective

The main objective of this Policy is to ensure that sufficient POS is provided for the enjoyment of local residents in areas of the City subject to infill subdivision.

The Policy will specifically resolve the following issues:

- (a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.
- (b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

3. Scope

This policy applies to all green-title and survey strata subdivision proposals in the Residential zone that create between 3 and 5 lots.

Adoption Date:
Adoption Reference:
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DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

4. Policy Statement

4.1 Where a Contribution Is required

Council will request a contribution towards the upgrade or provision of POS for all residential subdivisions (both green title and survey strata proposals) creating between 3 and 5 lots, except in the following circumstances:

- (a) Similar proposals containing more than 2 lots are unlikely to eventuate in the locality; or
- (b) The subject land is within an endorsed structure plan area which includes provision for public open space; or
- (c) A subdivider can demonstrate that the required 10% POS has been previously provided as part of an earlier subdivision of the original landholding.

4.2 Where provision of land can be considered

Where there is high active recreational value associated with an adjacent reserve, Council may support the amalgamation of land equivalent to 10% of the gross subdividable area of the subject lot, into such a reserve in lieu of making a contribution.

4.3 How a Contribution Is calculated

4.3.1 The contribution amount should be calculated in accordance with the requirements of the Planning & Development Act 2005, except that the contribution amount should be based on the following sliding scale, linked to the maximum lot yield:

- (a) Creation of 3 lots shall require a POS contribution representing 5% of the value of the gross subdividable land;
- (b) Creation of 4 lots shall require a POS contribution representing 7.5% of the value of the gross subdividable land;
- (c) Creation of 5 lots shall require a POS contribution representing 10% of the value of the gross subdividable land.

4.3.2 Where it can be demonstrated that a higher yield can be obtained from the parent lot (ie. subdivision of only 3 lots to avoid payment) the POS contribution shall be based on the maximum subdivisional yield and made payable upon the initial subdivision.

5. Legislative and Strategic Context

- Residential Planning Codes (2002) or updated version;
- Western Australian Planning Commission's Development Control Policy 2.3;
- Town Planning Scheme's No. 1A & 3; and
- Planning & Development Act 2005.

6. Review Position & Date

Executive Director Development Services to review on or before 30/06/2011.

CEO Authorisation: _____ Date: ___/___/_____

Adoption Date:
Adoption Reference:
Review Date: 30 June 2011
Maintained By: Executive Director of Development Services
Document Reference:

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DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

Annex C



City of Albany

Local Government Act 1995

**LOCAL LAWS RELATING TO THE
KEEPING AND WELFARE OF CATS 2008**

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of the City of Albany resolved to make the following local laws on the Keeping and Welfare of Cats.

**PART I
PRELIMINARY**

1. CITATION

1.1 This local law may be cited as the Keeping and Welfare of Cats Local Law 2008.

2. OBJECTIVES

2.1 The objectives of this local law are to:-

- (a) promote responsible cat ownership
- (b) limit the damage to and the loss of wildlife caused by cats
- (c) promote the welfare and safety of domestic cats
- (d) reduce the number of unwanted kittens through compulsory cat sterilisation.

3. INTERPRETATION

3.1 In this local law unless the context otherwise requires:-

- "Act"* means the Local Government Act 1995;
- "Applicant"* means the occupier of the premises who makes an application for a Permit under this law
- "Authorised Person"* means a person authorised by the Chief Executive Officer of the City of Albany to perform the functions conferred on an Authorised Person under this local law;
- "Business Day"* means any day other than a Saturday, Sunday or a public holiday;
- "Cat"* means any member of species *Felis Catus* (domestic cat) of the family *Felidae*. This includes all domestic, feral and stray cats but does not include any other feline species, e.g. lions, tigers, etc;
- "Cattery"* means a premises which has a valid planning approval and the necessary Permit issued pursuant to Schedule A for the keeping, boarding, training or breeding of 3 or more Cats;

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

<i>"CEO"</i>	means the Chief Executive Officer of City of Albany;
<i>"Council"</i>	means the City of Albany;
<i>"District"</i>	means the District of the City of Albany;
<i>"Keeper"</i>	means the owner of the Cat, the occupier of the dwelling where the Cat is normally kept or the last person recorded as the registered owner;
<i>"Local Government"</i>	means the City of Albany;
<i>"Permit"</i>	means a Permit issued by City of Albany under Clause 5.5
<i>"Permit Holder"</i>	means a person who holds a Permit granted under this local law;
<i>"Premises"</i>	means:- <ul style="list-style-type: none">(a) any land and any improvements used for any purpose; and,(b) any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex or apartment;
<i>"Registered and Identified Cat"</i>	means a Cat which is registered and identified under Clause 4;
<i>"RSPCA"</i>	means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
<i>"Sterilised"</i>	means rendered sterile:- <ul style="list-style-type: none">(a) in the case of a female Cat, by ovariectomy or ovari-hysterectomy; and(b) in the case of a male Cat, by castration; And 'Sterilisation' has the same meaning and 'unsterilised' has the opposite meaning;
<i>"Veterinary Surgeon"</i>	means a Veterinary Surgeon registered under the Veterinary Surgeons Act 1960;
<i>"Veterinary Surgery"</i>	means any premises at which animals receive treatment, nursing care, and other services required for the reception, treatment and care of animals suffering from disease or injury or in need of surgical or medical treatment or assistance

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

PART 2 - KEEPING OF CATS

4. **CATS TO BE IDENTIFIED REGISTERED AND STERILISED**
- 4.1 Subject to Clause 4.10, a Keeper of a Cat must register the Cat with the City of Albany.
- 4.2 An application to register a Cat with the City of Albany must include details of:-
- (a) the current name, address and telephone number of the owner;
 - (b) the location of the premises at which the Cat is kept;
 - (c) the sex of the Cat;
 - (d) the breed of the Cat;
 - (e) the sterilization of the Cat.
 - (f) the inserted Microchip.
- 4.3 No Keeper of a Cat for registration purposes may be under 18 years of age.
- 4.4 The requirements of subclause 4.2(f) will be met if:
- (a) the Microchip contains information that can be used to obtain the name of a Keeper of the Cat and a current address or telephone number of the Keeper; and
 - (b) the application for registration is accompanied by a copy of the Microchip Certificate and includes the registration number of the Microchip.
- 4.5 Unless a Permit has been obtained from the City of Albany under Clause 5.1 to keep an unsterilised Cat, the Cat cannot be registered with the City of Albany.
- 4.6 The City of Albany may by resolution of its Council prescribe a fee to be paid by the Keeper of a Cat upon registration of a Cat.
- 4.7 The City of Albany may by a resolution of its Council set the period of registration and date of renewal.
- 4.8 The Keeper of the Cat must notify the City of Albany of any change in registration details as outlined in Clause 4.2
- 4.9 A Cat will be taken to be identified if it has a microchip implanted in its body containing the name, current address and telephone number of the Keeper of the Cat.
- 4.10 The requirements of Clause 4 to be registered and identified do not apply to a Cat:-
- (a) while at any refuge conducted by the RSPCA or any other approved animal welfare organisation;
 - (b) while at an animal pound, which has been approved by the City of Albany;
 - (c) while at a pet shop;
 - (d) while at a Veterinary Surgery;
 - (e) which is less than 6 months of age;
 - (f) until the Cat has been kept within the District for more than 28 days;
 - (g) until the Keeper has been a resident of the District for more than 28 days; or

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

- (h) where an exemption has been granted by the City of Albany in accordance with a policy published by the City of Albany.
- 4.11 Except for a Veterinary Surgeon a person must not, without reasonable excuse, interfere with or remove the means by which a Cat is identified under this local law.
- 5. **CATS FOR WHICH PERMIT IS REQUIRED.**
- 5.1 Subject to Clause 5.2, a Keeper is required to have a Permit:-
 - (a) to use any premises as a Cattery;
 - (b) to keep an unsterilised Cat.
- 5.2 A Permit is not required under Clauses 5.1(a) where the Cat is less than 6 months old and is kept at:
 - (a) a refuge of the RSPCA or of any other animal welfare organisation;
 - (b) an animal pound, which has been approved by the City of Albany;
 - (c) a Veterinary Surgery;
 - (d) a pet shop; or
 - (e) a Cattery.
- 5.3 An application for a Permit under clause 5.1 is to be made by the Keeper in relation to those premises and:-
 - (a) must be in a form approved by the CEO, and accompanied by the application fee for the Permit determined by the City of Albany from time to time;
 - (b) must be deemed not to have been made until the application fee has been paid;
 - (c) is to be accompanied by the plans to the specification and satisfaction of the City of Albany of the premises to which the application relates;
 - (d) must specify the number of Cats to be kept on premises;
 - (e) must include a description of the Cats;
 - (f) must be accompanied by consent in writing from the owner of the Premises were the Keeper is not the owner of the Premises;
 - (g) must be accompanied by a covering letter justifying why City of Albany should grant the Permit.
- 5.4 Unless otherwise specified a Permit commences on the date of issue and is valid until it is revoked.
- 5.5 An application to keep an unsterilised Cat as per Clause 5.1(b) will only be considered where:-
 - (a) the Cat is contained within a Cattery;
 - (b) a qualified veterinarian provides written advice that sterilization should not be undertaken on medical grounds; or
 - (c) the Keeper of the Cat is a registered breeder.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

- 5.6 The City of Albany may:-
- (a) approve an application for a Permit subject to conditions; or
 - (b) refuse to approve an application for a Permit.
- 5.7 In determining an application for a Permit the City of Albany may have regard to:-
- (a) the physical suitability of the Premises for the proposed use;
 - (b) the suitability of the zoning of the Premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the Premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any Cat is to be kept;
 - (e) the likelihood of a Cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
 - (f) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use;
 - (g) the Applicant's infringement history with the City of Albany or any other Local Government; and
 - (h) such other factors which the City of Albany may consider to be relevant in the circumstances of the particular case.
- 5.8 Where a Permit issued under this Local Law relates to a Cat or Cats at a Cattery, the additional conditions contained in Schedule 1 must apply.
- 5.9 Any Cat to which a Permit relates must be a Registered and Identified Cat.
- 5.10 A Permit may be revoked by the City of Albany where there is a breach of any condition of that Permit, or if the Permit Holder fails to observe any provision of this local law, or a condition of a Permit, or if he is convicted of a breach of any provision of this local law.
- 5.11 A Permit relates to specific Premises and to a specific Permit Holder and is not transferable on:-
- (a) the sale or lease of the Premises to which the Permit relates; or
 - (b) the sale or lease of a Cattery.
- 5.12 A person shall not contravene a condition of a Permit.
- 5.13 Unless otherwise specified on a Permit, a Permit commences on the date of issue and expires on the 30th day of June next following.

PART 6 - MISCELLANEOUS

6. SERVING OF NOTICES

- 6.1 A notice given under this local law may be served:-

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

- (a) in person to the Keeper;
 - (b) by leaving it with any person at the Keeper's address or last known address;
 - (c) by leaving it in the letterbox of the Premises in which the Cat is at that time ordinarily kept, or ordinarily permitted to live; or
 - (d) by posting the notice to the Keeper at the Keeper's address, by prepaid post.
- 6.2 Where any notice is required to be given under this local law, the address of the Keeper of a Cat will be taken to be, in the case of a registered Cat, the address shown on the register kept by the City of Albany as the Keepers address, unless the City of Albany has been advised in writing by the Keeper of a change in address.
- 6.3 A notice served by post under Clause 6.1(d) shall be taken as having been served on the second Business Day after it is posted.
7. EVIDENCE
- 7.1 In proceedings for an offence against any provision of this local law:-
- (a) an allegation in the complaint that at a specified time a person was the Keeper of the Cat is evidence of that fact in the absence of proof to the contrary;
 - (b) the onus of proving that a Cat was at a specified time under the age of 6 months lies on the person making that assertion; and
 - (c) a copy of an entry in a register certified by an Authorised Person will, without proof of the signature of the person appearing to have signed the copy or that he or she is an Authorised Person be evidence of the matters relevant to the proceedings set out in that certified copy.
8. OBJECTIONS AND APPEALS
- 8.1 When the City of Albany makes a decision to,
- (a) grant or refuse to grant a person a Permit under this local law; or
 - (b) renew, vary or cancel a Permit that a person has under this local law;
- the provisions of Division 1 of Part 9 of the Act and Regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.
9. GENERAL OFFENCE AND PENALTY PROVISIONS
- 9.1 Any person failing to do any act required to be done, doing any act forbidden to be done by any provision under this local law, or failing to comply with any notice or order given or made ,under any provision of this local law, commits an offence.
- 9.2 An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(a) of the Act.
- 9.3 Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$2,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$200 for each day or part of a day during which the offence has continued.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

- 9.4 The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.
- 9.5 An infringement notice in respect of an offence against this local law may be given under Section 9.13 of the Act and is to be in the form of Schedule 3.
- 9.6 A notice sent under Section 9.20 of the Act withdrawing an infringement notice is to be in the form of Schedule 4.
- 9.7 A penalty for an offence against this local law may be recovered by the City of Albany taking proceedings against the alleged offender in the Magistrates Court.
- 9.8 The City of Albany shall cause to be kept adequate records of all infringement notices given, and all penalties received under this local law.
- 9.9 No proceedings, whether civil or penal, will lie against the City of Albany or an Authorized Person or any person for any act, matter or thing done or commanded to be done in the exercise or purported exercise of a power or the performance of a duty under the provision of this Local Law or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, commanded to be done or omitted to be done maliciously or without reasonable and probable cause.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

SCHEDULE 1

ADDITIONAL CONDITIONS APPLICABLE
TO PARTICULAR PERMITS

A PERMIT TO USE PREMISES AS A CATERY

ADDITIONAL CONDITIONS

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the City of Albany.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins and running hot and cold water are to be available to the satisfaction of the City of Albany.
- (7) The maximum number of Cats to be kept on the premises stated on the Permit is not to be exceeded.
- (8) An entry book is to be kept recording in respect of each Cat the -
 - (a) Date of admission;
 - (b) Date of departure;
 - (c) Breed, age, colour and sex; and
 - (d) The name and residential address of the Keeper;
- (9) The entry book is to be made available for inspection on the request of an Authorised Person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing Cat is to be kept on the premises.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

SCHEDULE 2

KEEPING AND WELFARE OF CATS LOCAL LAW

Item No.	Clause No.	Nature of Offence	Penalty
1	4.1	Failure of a Keeper to register a Cat	\$100.00
2	4.10	Failure of a Keeper to identify a Cat	\$100.00
3	5.1	Failure of an occupier to hold a Permit	\$150.00
4	5.14	Breach of a condition of a Permit	\$100.00
5	4.12	Interference with or removal of a Cats identification	\$100.00
6	4.5	Keeping of an unsterilised Cat	\$200.00

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

SCHEDULE 3

Local Government Act 1995

KEEPING AND WELFARE OF CATS LOCAL LAW

INFRINGEMENT NOTICE

Serial No.

Date/...../.....

To: ⁽¹⁾
of:

It is alleged that on/...../..... at ⁽³⁾

.....
at ⁽⁴⁾
you committed the following offence –

.....
contrary to Clause of the Keeping and Welfare of Cats Local Law.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid within a period of 28 days after the giving of this notice. The modified penalty may be paid by either posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Albany, 102 North Road, Albany or by paying the amount of the modified penalty to an Authorised Person at City of Albany (North Road Office) between the hours of 9.00am to 4.00pm Monday to Friday.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Name and title of Authorised Person giving the notice

Signature:

Insert

- (1) Name of alleged offender
- (2) Address of alleged offender
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

SCHEDULE 4

Local Government Act 1995

Keeping and Welfare of Cats Local Laws

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

Date/...../.....

To: (1)

of: (2)

Infringement Notice No..... dated/...../..... for the alleged offence
..... has been withdrawn.

The modified penalty of \$

- * Has been paid and a refund is enclosed.
- * Has not been paid and should not be paid.
- * Delete as appropriate

Name and title of Authorised Person giving the notice

signature:

Insert

(1) Name of alleged offender to whom infringement notice was given

(2) Address of alleged offender

THE COMMON SEAL OF THE CITY OF ALBANY was hereunto affixed by a resolution of Council in
the presence of -

Mayor
Chief Executive Officer

DATED this _____ day of _____ 200.

Corporate & Community Services

REPORTS

CORPORATE & COMMUNITY SERVICES REPORTS

12.1 FINANCE

12.1.1 List of Accounts for Payment

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

STATUTORY REQUIREMENTS

1. 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 had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.
2. The Chief Executive Officer has delegated authority to authorise payments.
3. 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 should be presented to Council meetings and recorded in the minutes.

COMMENTS / DISCUSSION

4. The list of accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.
5. A summary of payments is as follows:

Municipal Fund			
Cheques		Totalling	\$255,224.80
Electronic Fund transfer		Totalling	\$2,682,693.65
Credit Cards		Totalling	\$34,271.55
Payroll		Totalling	\$685,077.00
Total			<u>\$3,657,267.00</u>

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

6. As at the 30th May 2008, the total outstanding creditors, stands at \$523,448.03.
7. Cancelled cheques – 24243

RECOMMENDATION

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Financial Activity Statement – Month Ending (31 May 2008)

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	Financial Activity Statement
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	The Financial Activity Statement be received.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The monthly Financial Activity Statement has been prepared, and forms part of this item.

STATUTORY REQUIREMENTS

2. Section 34 of the Local Government (Financial Management) Regulations 1996 provide:
 - I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b) budget estimates to the end of the month to which the statement relates;
 - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e) the net current assets at the end of the month to which the statement relates.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

- II. Each statement of financial activity is to be accompanied by documents containing –
 - a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c) such other supporting information as is considered relevant by the local government.
- III. The information in a statement of financial activity may be shown –
 - a) according to nature and type classification;
 - b) by program; or
 - c) by business unit

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany is committed to providing Sound Governance.

Priority Projects:

Nil”

RECOMMENDATION

THAT the Financial Activity Statement for the month ending 31 May 2008 be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR MORRIS**

THAT the Financial Activity Statement for the month ending 31 May 2008 be received.

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT **May-08**

Current Budget Total Year		Actual Year to Date 31-May-08	Current Budget Year to Date 31-May-08	Budget Variance
	OPERATING INCOME			
17,892,464	Rates	17,902,141	17,872,214	29,927
3,020,490	Grants & Subsidies	3,015,709	3,021,636	(5,927)
7,981,075	Fees & Charges	7,131,782	7,308,141	(176,359)
1,316,310	Interest Earned	1,185,682	1,222,147	(36,465)
595,761	Other Revenue / Income	838,811	747,968	90,843
(232,321)	Net Controlled Trust Revenue	(232,321)		(232,321)
30,573,779		29,841,804	30,172,106	(330,302)
	OPERATING EXPENDITURE (excluding depreciation)			
(11,745,234)	Employee Costs	(10,167,463)	(10,897,419)	729,956
(784,393)	Utilities	(654,294)	(670,750)	16,456
(1,168,768)	Interest Expenses	(633,606)	(675,271)	41,665
(11,562,544)	Contracts, materials & other	(8,975,663)	(9,806,601)	830,938
(25,260,939)		(20,431,026)	(22,050,041)	1,619,015
	CAPITAL INCOME			
4,147,717	Grants & Subsidies	2,066,532	2,012,317	54,215
7,977,800	Contributions, Reimb & Donations, Other	4,483,486	4,648,745	(165,260)
2,749,983	Proceeds from sale of assets	1,742,024	1,622,749	119,275
	Other Income	1,487,708	1,082,708	405,000
14,875,500		9,779,750	9,366,519	413,231
	CAPITAL EXPENDITURE			
(5,504,948)	Asset Masterplans	(4,535,291)	(4,360,545)	(174,746)
(10,156,946)	ALAC Redevelopment	(9,603,109)	(10,056,946)	453,837
(2,971,288)	Plant Replacement	(3,014,347)	(2,956,188)	(58,159)
(7,303,800)	Developers' Subdivisions			
(3,850,103)	Other Capital	(4,818,042)	(4,669,711)	(148,331)
(29,787,085)		(21,970,789)	(22,043,390)	72,601
	CASH FLOWS FROM FINANCING ACTIVITIES			
(4,030,083)	Loan Principal Repayment	(2,084,797)	(1,938,475)	(146,322)
58,952	Loan Principal Reimbursements	43,585	43,685	(100)
8,029,000	Proceeds from new loans	4,100,000	2,600,000	1,500,000
4,057,869		2,058,788	705,210	1,353,578
	OTHER BALANCE SHEET ITEMS			
	Change in stock position	(22,096)		
	Change in Debtors	84,174		
	Change in Creditors	(2,273,335)		
		(2,211,257)		
	NET CASH FLOW	(2,932,729)		
	Opening balance	17,673,710		
	NET FUNDS AT BALANCE DATE	14,740,981		

Funds Summary

Municipal Account (Commonwealth Bank)	867,139
Reserve Account (Commonwealth Bank)	2,422,138
Trust Account (Commonwealth bank)	1,772,401
Fixed Term Investments (Aust Banks) Muni	2,059,374
Fixed Term Investments (Aust Banks) Reser	1,118,642
Financial Instruments (at June 07 Valuation)	6,501,286
Total Bank / Investments	14,740,981

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY

INCOME STATEMENT FOR THE PERIOD ENDED

31-May-08

(a) Function / Activity

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
General Purpose Funding	22,102,566	21,819,463	21,351,621
Governance	86,944	76,800	278,427
Law Order & Public Safety	229,623	468,717	295,670
Health	57,119	47,500	49,873
Education & Welfare	615,866	775,772	664,115
Community Amenities	4,432,047	5,576,700	3,940,231
Recreation and Culture	2,530,432	5,675,585	2,349,058
Transport	6,680,909	11,542,352	9,451,800
Economic Services	600,262	3,558,600	1,168,592
Other Property and Services	916,787	551,080	1,089,906
	38,252,554	50,092,569	40,639,293
EXPENDITURE			
General Purpose Funding	232,947	405,263	602,000
Governance	4,066,920	2,293,724	2,230,643
Law Order & Public Safety	1,015,349	1,252,434	1,210,826
Health	315,242	399,729	413,043
Education & Welfare	920,674	1,222,911	957,737
Community Amenities	4,335,283	6,354,109	5,406,069
Recreation and Culture	5,868,095	8,052,444	6,990,788
Transport	11,122,823	13,454,248	12,617,408
Economic Services	970,360	1,911,203	1,968,601
Other Property and Services	467,080	375,976	489,107
	29,314,773	35,722,041	32,886,220
Change in net assets from operations	8,937,781	14,370,528	7,753,072

(b) Nature / Type

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
Rates	17,902,241	17,786,405	16,720,703
Grants & Subsidies	6,803,227	10,564,472	7,666,764
Contributions, Reimb & Donations	3,137,961	8,417,684	5,391,320
Fees & Charges	7,039,937	8,026,820	7,502,688
Interest Earned	1,258,255	1,145,058	1,484,777
Profit (loss) on asset disposal	66,158	3,615,230	735,816
Other Revenue / Income	6,188,360	14,009,485	8,174,508
less: applicable to loan capital	(4,143,585)	(13,472,585)	(7,037,284)
	38,252,554	50,092,569	40,639,293
EXPENDITURE			
Employee Costs	11,857,131	12,844,626	12,758,807
Utilities	702,944	537,726	839,629
Interest Expenses	733,800	1,371,125	1,048,582
Depreciation on non current assets	8,576,881	9,840,000	9,164,626
Contracts & materials	28,716,947	45,144,850	28,015,358
Insurance expenses	443,431	384,837	389,791
Other Expenses	2,339,225	12,641,624	5,568,108
less: capital works & loan capital repayment	(24,055,586)	(47,042,747)	(24,898,680)
	29,314,773	35,722,041	32,886,220
Change in net assets from operations	8,937,781	14,370,528	7,753,072

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY

BALANCE SHEET

31-May-08

	Actual 31-May-08	Budget 30-Jun-08	Actual 30-Jun-07
CURRENT ASSETS			
Cash	2,926,513	1,271,680	1,574,493
Restricted cash (Trust)	1,772,401	2,146,786	2,376,093
Reserve Funds - Financial Assets (at cost)	6,501,286	4,795,204	13,723,123
Reserve Funds - Other	3,540,780		
Receivables & Other	2,397,237	2,450,742	2,524,996
Investment Land	1,115,000	1,130,000	1,115,000
Stock on hand	683,022	750,000	660,926
	18,936,239	12,544,412	21,974,632
CURRENT LIABILITIES			
Borrowings	(1,233,713)	1,060,904	851,084
Creditors prov - Annual leave & LSL	1,626,048	2,051,208	1,609,095
Trust Liabilities	1,741,823	1,900,000	2,113,195
Creditors prov & accruals	1,489,847	2,784,874	3,316,038
	3,624,004	7,796,986	7,889,412
NET CURRENT ASSETS	15,312,235	4,747,426	14,085,220
NON CURRENT ASSETS			
Receivables	200,760	154,350	200,760
Pensioners Deferred Rates	258,533	274,279	258,533
Investment Land	2,150,000	2,150,000	2,150,000
Property, Plant & Equip	237,994,741	257,343,029	226,276,699
	240,604,034	259,921,658	228,885,993
NON CURRENT INVESTMENTS			
Local Govt House Shares	19,501	19,501	19,501
NON CURRENT LIABILITIES			
Borrowings	23,657,787	28,746,884	19,557,787
Creditors & Provisions	141,494	230,000	234,219
	23,799,282	28,976,884	19,792,006
NET ASSETS	232,136,488	235,711,701	223,198,707
EQUITY			
Accumulated Surplus	203,883,493	212,141,863	190,676,982
Reserves	9,478,362	4,795,204	13,747,092
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	232,136,488	235,711,701	223,198,707

ORDINARY COUNCIL MEETING MINUTES – 17/06/08
 ** REFER DISCLAIMER **
 CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

Summary of Invested Funds												
Portfolio Valuation - Market Value											Income Paid to Date	
Security	Credit Rating S & P	Maturity Date	Volume Held	Security Cost (incl accrued Int)	Current Interest %	Market Value				Latest Monthly Variation	Income Paid to Date	
						Jan-08	Feb-08	Mar-08	Apr-08			May-08
MUNICIPAL ACCOUNT												
CBA - Term Deposit	A1	18/03/2008	n/a	3,076,197	7.02%	3,076,197	3,076,197				n/a	49,690
CBA - Term Deposit	A1	17/03/2008	n/a	3,100,000	6.93%	3,100,000	3,100,000				n/a	26,507
CBA - Term Deposit	A1	18/04/2008	n/a	3,112,287	n/a	3,112,287	3,112,287				n/a	36,090
BankWest Term Deposit	A1	8/02/2008	n/a	n/a	7.03%	2,000,000					n/a	48,490
BankWest Term Deposit	A1	11/03/2008	n/a	2,046,225	7.33%	2,046,225					n/a	46,225
BankWest Term Deposit	A1	9/06/2008	n/a				2,059,374	2,059,374	2,059,374	2,059,374	n/a	402,422
Other - including bank Balances						8,176,197	8,222,422	5,171,652	2,059,374	2,059,374		609,423
TOTAL MUNICIPAL ACCOUNT												
RESERVES ACCOUNT												
BANK - TERM DEPOSITS												
Bendigo bank - Term Deposit	A2	19/05/2008		1,078,731	7.42%	1,078,731	1,078,731	1,078,731	1,078,731	1,078,731	n/a	51,334
						1,078,731	1,078,731	1,078,731	1,078,731	1,078,731		51,334
COMMERCIAL SECURITIES												
Suncorp Metway FRN	A	22/06/2018	500,000	503,090	8.23%	496,245	487,330	487,075	495,555	Not yet Avail	8,480	27,491
Suncorp Metway Sub Debt	A	22/06/2018	800,000	802,272	8.11%	781,232	778,896	759,776	775,989	Not yet Avail	16,213	43,495
St George Bank Sub Debt	A+	26/07/2016	500,000	506,660	7.51%	483,980	482,120	478,310	476,790	Not yet Avail	(1,520)	52,589
Macquarie Bank Sub Debt	A	15/09/2014	500,000	503,325	8.23%	473,880	464,715	451,315	459,172	Not yet Avail	7,857	27,388
ANZ Principal Protected Yield Curve	AA	17/07/2017	200,000	200,000	8.25%	183,432	183,424	182,346	177,989	Not yet Avail	(4,357)	12,432
Saphir (Endeavour) AAA	AAA	4/08/2011	400,000	413,160	8.73%	361,416	345,992	347,356	377,874	Not yet Avail	30,518	32,931
Magnolia (Flinders) AA	AA	20/03/2012	170,000	171,994	9.28%	125,820	96,409	110,976	147,612	Not yet Avail	36,636	10,657
Zircon (Merimbula) AA	AA	20/06/2013	500,000	502,450	9.28%	284,105	292,870	249,525	267,803	Not yet Avail	18,278	31,611
Zircon (Coolangatta) AA	AA	20/09/2014	1,000,000	1,002,060	9.08%	552,990	572,230	503,890	523,067	Not yet Avail	19,177	62,367
Start (Blue Gum AA-)	AA-	22/06/2013	275,000	276,708	9.18%	184,489	181,093	161,263	182,394	Not yet Avail	21,131	17,184
Corsair (Kakadu AA)	AA	20/03/2014	275,000	273,710	8.78%	135,561	137,538	120,684	136,303	Not yet Avail	17,619	16,208
Helium (C-Scarborough AA)	BBB-	23/06/2014	600,000	602,244	9.08%	382,842	380,298	343,494	383,980	Not yet Avail	40,486	36,645
Beryl (AAA Global Bank Note)	AAA	20/09/2014	200,000	200,376	8.38%	176,038	162,512	161,936	178,836	Not yet Avail	16,900	11,403
				5,958,049		4,622,030	4,575,427	4,357,946	4,585,366		227,420	382,402
SUB PRIME MORTGAGES												
SPRC (Federation AAA)	CCC	10/02/2047	500,000	505,230	8.51%	84,215	65,850	75,710	49,065	Not yet Avail	(26,645)	39,480
				505,230		84,215	65,850	75,710	49,065		(26,645)	39,480
Portfolio Cost / Other income												
TOTAL RESERVE ACCOUNT												
						5,784,976	5,720,008	5,512,387	5,713,161		200,774	563,705
PORTFOLIO TOTAL												
						13,961,173	13,942,429	10,684,048	7,772,535		200,774	1,173,128

12.2 ADMINISTRATION

Nil

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Senior Advisory Committee meeting minutes – 15th May 2008

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Community Development Officer - Senior (G Martin)
- Summary Recommendation** : That the Minutes of Albany Senior Advisory Committee held on 15th May 2008 be adopted.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 15th May 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR MATLA**

THAT the minutes of Albany Senior Advisory Committee meeting of 15th May 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 12-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Town Hall Theatre Advisory Committee meeting minutes – 7th May 2008

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on the 7th May 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 7th May 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee meeting held on the 7th May 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 12-0

12.8.3 Community and Economic Development Strategy and Policy Committee meeting minutes – 21 May 2008

- File/Ward** : MAN 233 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate and Community Services
- Summary Recommendation** : That the Minutes of Community and Economic Development Strategy and Policy Committee meeting held on 21 May 2008 be adopted.
- Comment** : The Council does not issue approvals in the subdivision process, and does not consult with other agencies in this process. This is undertaken by the Department for Planning & Infrastructure, and the recommendation has been amended to reflect this.

RECOMMENDATION

THAT the minutes of the Community and Economic Development Strategy and Policy Committee held on Wednesday 21 May 2008 be received and the following recommendations adopted:

- i) Item 5.1 - CCTV on Council Infrastructure
- a) THAT the committee affirm Council's previous decision to develop a designing out crime strategy which aims to reduce the opportunities for crime through the design and management of the built and landscaped environment.
- b) THAT Council request Department for Planning & Infrastructure, as a part of the subdivision approval process, to consult with the Albany Police in addition to other government instrumentalities to ensure that proposed developments compliment designing out crime principles.
- ii) Item 5.2 - Office of Crime Prevention
- a) THAT Ms Kate Bennett from the Office of Community Safety and Crime Prevention be invited to the next meeting of the Community and Economic Development Strategy and Policy Committee on Wednesday 18 June 2008 to discuss establishing a crime prevention partnership with the State Government.

Voting Requirement Simple Majority

.....

Item 12.8.3 continued

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee held on Wednesday 21 May 2008 be received and the following recommendations adopted:

i) Item 5.1 - CCTV on Council Infrastructure

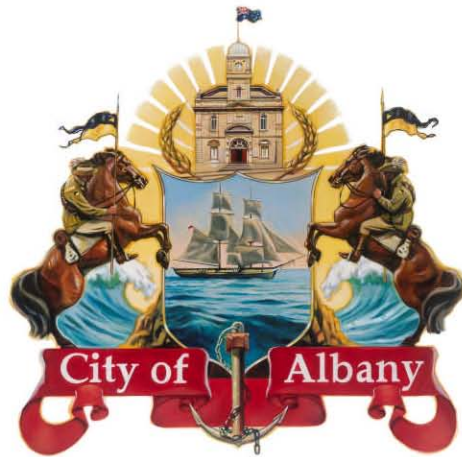
- a) THAT the committee affirm Council's previous decision to develop a designing out crime strategy which aims to reduce the opportunities for crime through the design and management of the built and landscaped environment.**
- b) THAT Council request Department for Planning & Infrastructure, as a part of the subdivision approval process, to consult with the Albany Police in addition to other government instrumentalities to ensure that proposed developments compliment designing out crime principles.**

ii) Item 5.2 - Office of Crime Prevention

- a) THAT Ms Kate Bennett from the Office of Community Safety and Crime Prevention be invited to the next meeting of the Community and Economic Development Strategy and Policy Committee on Wednesday 18 June 2008 to discuss establishing a crime prevention partnership with the State Government.**

MOTION CARRIED 10-2

Item 12.8.3 continued



MINUTES

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

Held on
Wednesday, 21 May 2008
3.00pm

Margaret Coates Boardroom

Item 12.8.3 continued

City of Albany

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Signed _____



Andrew Hammond
Chief Executive Officer

Date: 21 May 2008

ORDINARY COUNCIL MEETING MINUTES – 17/06/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.3 continued

COMMITTEE MEETING MINUTES – 21/05/2008
** REFER DISCLAIMER **

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.3 continued

COMMITTEE MEETING MINUTES – 21/05/2008

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

Councillor Walker declared the meeting open at 3.05pm. Councillor Walker reminded committee members that as a committee of Council, this committee was required to operate within the Standing Orders Local Law and as such, each member would only be allowed to address the committee for 5 minutes at a time on each issue.

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

Attendances:

Mayor	MJ Evans, JP
Chairperson	J Walker
Councillors	D Price
	J Matla
	R Paver
Executive Director Corporate and Community Services	P Madigan
Manager Customer Services – Minutes	B Parker
Manager Economic Development	J Berry

Observers:

Councillor	EK Stanton
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Apologies/Leave of Absence:

Councillor	D Wiseman
	G Kidman
	N Williams

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 16 April 2008 were a true and accurate record of proceedings.

VOTE 5-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.3 continued

COMMITTEE MEETING MINUTES – 21/05/2008

** REFER DISCLAIMER **

5.0 ITEMS FOR DISCUSSION

5.1 CCTV on Council Infrastructure

At the April 2008 Ordinary Council Meeting, Council resolved to “develop a designing out crime strategy which aims to reduce the opportunities for crime through the design and management of the built and landscaped environment”.

This motion was resolved in response to a request from the Albany Chamber of Commerce and Industry to install CCTV equipment on City infrastructure. The reason for the motion was that it “would be inappropriate to continue with the CCTV Project prior to developing our Crime Strategy”.

Councillor Williams requested that the CCTV issue be discussed again to seek further clarification with regard to the issue of the installation of CCTV equipment on City infrastructure. Councillor Williams indicated in an email to the Executive Director Corporate and Community Services that the elected group were not aware of what they were voting for when they passed the motion.

The committee reinforced its position on CCTV and indicated that it would be inappropriate to commit to this form of crime prevention/apprehension without strategic direction in the form of a strategy document. Councillors have not dismissed the concept of CCTV, however they would only consider the installation if it were aligned with the Designing Out Crime Strategy currently being developed in consultation with the Albany Police.

The committee also discussed the responsibility of business owners and specifically the business owners that operate within industries that contribute towards antisocial behaviour. The Committee also highlighted the responsible serving of alcohol to reduce antisocial behaviour in the community.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR EVANS**

THAT the committee affirm Council’s previous decision to develop a designing out crime strategy which aims to reduce the opportunities for crime through the design and management of the built and landscaped environment.

VOTE 5-0

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR PRICE**

THAT Council, as a part of the subdivision approval process, consult with the Albany Police in addition to other government instrumentalities to ensure that proposed developments compliment designing out crime principles.

VOTE 5-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.3 continued

COMMITTEE MEETING MINUTES – 21/05/2008

** REFER DISCLAIMER **

5.2 Office of Crime Prevention

The City of Albany has received a request from Ms Kate Bennett from the Office of Community Safety and Crime Prevention to establish a partnership with the State Government that recognises the strong role that Local Government can play in facilitating and supporting activities that make our communities safer.

Ms Bennett has requested to attend a meeting of the Community and Economic Development Strategy and Policy Committee to discuss this partnership in detail.

Mr Madigan indicated that the Council had declined the State Governments invitation to participate in past programs and encouraged discussion within the committee to determine if Ms Bennett should be invited to the next committee meeting.

The committee raised a number of concerns in relation to establishing a crime prevention partnership with the State Government and specifically questioned if local government should play a lead role in crime prevention in Albany.

Councillor Price indicated that Ms Bennett should attend the next meeting and whilst in attendance could possibly provide statistics on;

- a) What are the average percentage increases/decreases in crime when a local authority implements improvements to lighting?
- b) What are the average percentage increases/decreases in crime when a local authority implements improvements to landscaping and design?
- c) If a local authority implements a lighting or design strategy to reduce opportunities for crime in specific areas, do the instances of crime simply shift to a new area?
- d) Are there any other measures that a local authority can take to reduce crime?
- e) What are the projected costs of establishing a partnership with the State Government over 5 years?
- f) Once signing a partnership agreement with the State Government, can the City still operate autonomously, or is the City required to implement all projects under the partnership?
- g) What are the statistics in Albany for crimes against people verses crimes against property?
- h) What are the average percentage increases/decreases in crime after a local authority implements a crime reduction partnership with the State Government?
- i) What actions are local police taking against businesses that contribute towards antisocial behaviour?

Councillor Price also requested that if the City were to implement a crime prevention strategy, what the cost would be per ratepayer. Mr Madigan indicated that when the extent of the program had been realised, he could then specify a cost per rateable property.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR PRICE**

THAT Ms Kate Bennett from the Office of Community Safety and Crime Prevention be invited to the next meeting of the Community and Economic Development Strategy and Policy Committee on Wednesday 18 June 2008 to discuss establishing a crime prevention partnership with the State Government.

MOTION CARRIED 5-0

Item 12.8.3 continued

COMMITTEE MEETING MINUTES – 21/05/2008

** REFER DISCLAIMER **

5.3 Economic Development Strategy

The Manager of Economic Development, Mr Berry attended the committee meeting and provided the committee with an overview of the current Economic Development Strategy. Mr Berry explained that the current strategy was aligned to the former strategic plan, Albany 3D and that the strategy would need to be reviewed so that it aligned with the objectives of the new strategic plan, Albany Insight – Beyond 2020.

The committee agreed that Mr Berry should review the current document and draft a new Economic Development Strategy and present this at a future meeting of the committee for comment.

6.0 TIME AND DATE OF NEXT MEETING

Next meeting is scheduled for Wednesday, 18 June 2008 at 3.00pm.

7.0 CLOSURE OF MEETING

The meeting closed at 4.40pm.

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.4 Finance Strategy Advisory Committee meeting minutes – 30th May 2008.

File/Ward	:	FIN 066 (All Wards)
Proposal / Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of the Finance Strategy Advisory Committee meeting held on 30 th May 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting of 30th May 2008 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

1) Item 5.0 Policy – Cash / Investment Backing for Reserve Accounts

RECOMMENDATION
THAT Council

- i) Adopt the Policy on Cash / Investment backing for Reserve Accounts.

Voting Requirement Simple Majority

.....

2) Item 5.0 Policy – Cash / Investment Backing for Reserve Accounts

RECOMMENDATION
THAT Council

- i) Delegate authority for the implementation of the Cash / Investment Backing for Reserve Accounts to the Chief Executive Officer in accordance with the Local Government Act 1995.

Voting Requirement Absolute Majority

.....

Item 12.8.4 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MATLA**

THAT the minutes of the Finance Strategy Advisory Committee meeting of 30th May 2008 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following recommendations adopted:

1) Item 5.0 Policy – Cash / Investment Backing for Reserve Accounts

THAT Council

- i) Adopt the Policy on Cash / Investment backing for Reserve Accounts.**

2) Item 5.0 Policy – Cash / Investment Backing for Reserve Accounts

THAT Council

- i) Delegate authority for the implementation of the Cash / Investment Backing for Reserve Accounts to the Chief Executive Officer in accordance with the Local Government Act 1995.**

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY
EN BLOC**

Councillor Williams left the chamber at 8.45pm.

Item 12.8.4 continued



FINANCE STRATEGY ADVISORY COMMITTEE

**Minutes of a meeting held in the Margaret Coates Boardroom
City of Albany Administration Building on 30th May 2008**

1.0 MEETING COMMENCEMENT 8:51 am

Committee: Clr Des Wolfe - Chairperson
Clr Robert Buegge - Deputy Chairperson
Mayor Milton Evans
Clr Dot Price

Council Staff: Mr Peter Madigan
Mr Stan Goodman
Ms Pam Wignall

2.0 APOLOGIES

Clr Jill Bostock
Clr Joy Matla

3.0 DISCLOSURES OF INTEREST

There were no disclosures of interest

4.0 MINUTES OF THE PREVIOUS MEETING

RECOMMENDATION

That the minutes of the meeting held on the 30th April 2008 be accepted as a true and correct record of that meeting.

**Moved: Clr Price
Seconded: Mayor Evans
CARRIED 4 - 0**

5.0 POLICY – CASH / INVESTMENT BACKING FOR RESERVE ACCOUNTS

Mr Goodman noted that the City has historically maintained cash or investment accounts equal to the total value of reserves.. The market value of reserve account investments is currently considerably below cost. This has resulted in a requirement to develop a policy which acknowledges such a shortfall and provides guidelines for annual account disclosure and rectification of the situation over a set period of time, in accordance with Financial Management Regulations.

The proposed policy has been developed in co-operation with the City's external auditors, and provides the framework for dealing with the current situation.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.4 continued

A copy of the draft policy is attached

RECOMMENDATION

THAT Council

- i. Adopt the Policy on Cash / Investment backing for Reserve Accounts.
- ii. Delegate authority for the implementation of the Cash / Investment Backing for Reserve Accounts to the Chief Executive Officer in accordance with the Local Government Act 1995 (Absolute Majority Required)

Moved: Cllr Price
Seconded: Mayor Evans
CARRIED 4 - 0

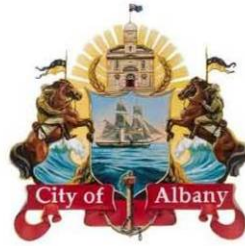
6.0 ITEMS FOR FUTURE DISCUSSION

There were no items for future discussion.

7.0 MEETING CLOSED

9:27 am

Item 12.8.4 continued



Council Policy

Cash / Investment Backing for Reserve Accounts

© City of Albany, 2008

Adoption Date:
Adoption Reference:
Review Date:
Maintained By: Executive Director Corporate and Community Services
Document Reference:

102 North Road, Yakamia WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
Fax: (+61 8) 9841 4099
staff@albany.wa.gov.au
www.albany.wa.gov.au

Page 1 of 3

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.4 continued

1. Objective

The policy is intended to ensure that where possible, all reserve accounts are backed by cash or investments.

The objectives of the Policy on Cash / Investment Backing for Reserve Accounts are:

- To provide a framework in which future Reserve accounts are fully backed by acceptable funds
- To confirm that cash or investments are an acceptable form of funds to support reserve accounts.
- To ensure that, where reserve accounts are not currently fully backed by cash or investments, a strategy is in place to identify, report and manage any shortfalls with the aim of achieving 100% cash/investment backing.

2. Scope

The policy applies to all City of Albany Reserve Accounts.

3. Definitions

Reserve Account - amounts set aside (generally for a specific purpose) for use in a future financial year.

Reserve Funds - cash/investments which represent (or back) the amounts in Reserve Accounts.

Reserve Shortfall - occurs when total Reserve Funds are less than the amounts held in Reserve Accounts

4. Policy Statement

Although there is no statutory requirement, it is the policy of the City of Albany that where possible, Reserve Accounts will be 100% backed by either cash, or investments made under the "Policy on Investment of Surplus Funds"

Where, due to the erosion of the fair value of investments, reserve accounts are not fully cash/investment backed (a funding shortfall), the City will in the next annual accounts identify;

- the amount of any shortfall
- the reason for the shortfall
- the process whereby the shortfall will be eliminated
- when the shortfall is likely to be eliminated

Acceptable methods of eliminating shortfalls are:

- to apply interest earned on reserve fund investments to the shortfall
- to apply annual operating surpluses to offset investment shortfalls
- loss mitigation action (eg legal action)
- Council borrowings

Adoption Date:
Adoption Reference:
Review Date:
Maintained By: Executive Director Corporate and Community Services
Document Reference:

102 North Road, Yakamia WA 6330
PO Box 484, Albany WA 6331
Tel: (+61 8) 9841 9333
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www.albany.wa.gov.au

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.4 continued

Council borrowings shall be used as a last resort should the reserve funds be required for operational purposes.

5. Legislative and Strategic Context

Legislation covering reserves funds includes:

- Local Government (Financial Management) Regulations 1996 – Regulation 38 (1) (f).

6. Review Position and Date

Chief Executive Officer to review on or before 30/06/2011

7. Associated Documents

City of Albany Policy on Investment of Surplus Funds

CEO Authorisation: _____

Date: ___/___/___

Adoption Date:
Adoption Reference:
Review Date:
Maintained By: Executive Director Corporate and Community Services
Document Reference:

102 North Road, Yakamia WA 6330
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Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

Councillor Kidman declared a financial interest in Item 13.4.1 and left the Chamber at 8.47pm. The nature of Councillor Kidman's interest is that his Wife is employed by the proprietor and is a good friend.

Councillor Wiseman declared an impartiality interest in Item 13.4.1 and left the Chamber at 8.47pm. The nature of Councillor Wiseman's interest is that he employs one of the security companies detailed in the agenda item.

13.4 CITY SERVICES – CONTRACT MANAGEMENT**13.4.1 Contract C08001 – Provision of Security Services**

File/Ward	:	C08001 (All Wards)
Proposal/Issue	:	Provision of Security Services
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Procurement Officer (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accept the tender C08001 from Southcoast Security Services for two years for the provision of security services to Council Buildings
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council's current contract for security services expire at the end of June 2008. In order for Council to maintain its current level of commitment to providing a security service, it is required to re-tender this service. The major components of this service are a night watch patrol of Council buildings and opening, closing and securing public toilets.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.4.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Funds for this service are budgeted for each year in the relevant departments operating account.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 16th April 2008, the Albany Advertiser on 17th April 2008 and a copy in the Extra on 18th April 2008. A total of seven documents were issued with two tender submissions received at the close of tenders.
8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weighs their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	45
Technical Compliance and Experience	25
Safety Management	10
Reliability	20
	100

9. An evaluation team comprising the Manager City Services and Customer Service Manager evaluated the submissions using the above criteria.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

10. The following table summarises the prices of the tenders received together with the overall evaluation score applicable to each submission.

Tenderer	Total Evaluated Price	Total Evaluation Score
Southcoast Security Services	\$176,169.00	633.15
BRS Manpower Australia	\$197,599.74	466.85

11. The tender also called for a schedule of rates for call outs and specific tasks requested from time to time, these prices were similar.
12. Southcoast Security’s submission demonstrated it had the resources to undertake the requirements of the contract. Southcoast Security is Council’s current Contractor and has to date performed well.

RECOMMENDATION

THAT Council accept the Tender from Southcoast Security Services and award contract C08001 for the supply of security services to Council buildings and properties for a two year period from July 2008 to June 2010 at a cost of \$176,169.00.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council accept the Tender from Southcoast Security Services and award contract C08001 for the supply of security services to Council buildings and properties for a two year period from July 2008 to June 2010 at a cost of \$176,169.00.

MOTION CARRIED 9-0

Councillors Williams, Kidman and Wiseman returned to the Chamber at 8.49pm.

WORKS & SERVICES REPORTS

13.4.2 Contract C08004 – Provision of Traffic Management

File/Ward	:	C08004 (All Wards)
Proposal/Issue	:	Provision of Traffic Management Services
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Procurement Officer (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender C08004 from Advanced Traffic Management for provision of Traffic Management Services.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The City employs a specialist company to carry out traffic management procedures at road works and some other types of Council operation which impact on traffic movement. Provision of traffic management is expected to exceed \$100,000. In order to be compliant with regulations, Council is required to tender for this service.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

4. The City of Albany Regional Price Preference Policy is applicable to this Item.

FINANCIAL IMPLICATIONS

5. Cost for traffic management is confined within the works program budget and forms a component of each project. The extent of traffic management varies greatly depending on the extent and nature of works and the traffic volumes. At the location of the works for evaluation purposes and to represent typical costs, a one week period of traffic management has a cost of approximately \$9,000.

WORKS & SERVICES REPORTS

Item 13.4.2 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. A Request for Tender was published in the Western Australian on 16th April 2008 and the Albany Advertiser on 17th April 2008 with a copy in the Albany Extra on 18th April 2008.

8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weighs their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

CRITERIA	WEIGHT
Cost	40
Relevant Experience	20
Technical Compliance	20
Other Considerations	20
TOTAL	100

9. A total of nine documents were issued with three tender submissions received at the close of tenders. Two submissions were received from local suppliers which claimed fully against the Regional Price Preference Policy.
10. Tenderers submitted a schedule of rates, which detailed the quantity of Traffic Controllers and equipment required to perform traffic control during normal hours of work, weekday night works and weekend/public holiday overtime rates. Tenderers were required to submit a price against each item.
11. The schedule of rates encompassed a range of labour and equipment to be supplied. To ensure value to Council and equity in evaluation, an evaluated price was developed for each submission based on the most common traffic management plan used by Council. This plan requires three controllers, for a one week period, 9.5 hours per day, including Saturday, 20 signs and 50 cones over the plans period.

WORKS & SERVICES REPORTS

Item 13.4.2 continued

12. Tenders were assessed overall against the weighted criteria and the following scores resulted:

TENDER	EVALUATED PRICE	OVERALL SCORE
Advanced Traffic Management	\$8,788.16	757.2
Albany Traffic Control	\$9,152.00	722
WARP	\$9,321.22	660.8

13. Advanced Traffic Management is a well-established company and has been working for Council for the past two years. The company has provided a good service over this period.

RECOMMENDATION

THAT Council accept the tender from Advanced Traffic Management for the provision of traffic management and award Contract C08004 for a two year period from July 2008 to June 2010 at a typical evaluated price of \$8,788.16.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MATLA**

THAT Council accept the tender from Advanced Traffic Management for the provision of traffic management and award Contract C08004 for a two year period from July 2008 to June 2010 at a typical evaluated price of \$8,788.16.

MOTION CARRIED 12-0

WORKS & SERVICES REPORTS

13.4.3 Contract C08007 – Purchase and Removal of Scrap Metal to 30th June 2009

File/Ward	: C08007 (All Wards)
Proposal/Issue	: Purchase and Removal of Scrap Metal to 30 th June 2009
Subject Land/Locality	: Hanrahan Road and Bakers Junction Waste Sites
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Procurement Officer (W Male)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council award Contract C08007 to Simsmetal for procurement and removal of scrap metal until 30 th June 2009
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. Scrap metal is sourced from the community in various forms such as car bodies, white goods, drums, sheet iron etc and stockpiled at the City's Waste Sites at Hanrahan Road and Bakers Junction (car bodies to Bakers Junction only). This waste is on sold to scrap metal dealers for recycling purposes. This practice is in line with the City's Waste Minimisation Strategy designed to minimise waste to landfill. It also provides a source of income to Council.

STATUTORY REQUIREMENTS

2. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
3. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

4. The City of Albany's Waste Minimisation Strategy applies to this Item.

FINANCIAL IMPLICATIONS

5. \$200,000 is budgeted for removal of scrapmetal for this coming financial year.

WORKS & SERVICES REPORTS

Item 13.4.3 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. A Request for Tenders was published in the West Australian Newspaper on Wednesday 16th April 2008, in the Albany Advertiser on 17th April 2008 and a copy in the Albany Extra on Friday 18th April 2008.
8. The tender documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weighs their importance to determine an overall point score for each tenderer. The criteria used for this is documented below:

Criteria	Weight
Price	40
Technical Compliance & Experience	30
Reliability	30
Total	100

9. A total of six specifications were issued, with two being received at the close of tender.
10. The following table outlines tenderers and their final scores

Tenderer	Price Per Tonne (Inc GST)	Score
Simsmetal	\$275.45	575.5
Aussie Scrap Metal	\$275.00	394.6

11. The market price for scrap metal has increased significantly over the past two years and is expected to continue to rise; as a consequence this tender is only for one year.
12. Simsmetal submitted a competitive procurement price for scrap metal and provided a quality submission. Checks on Simsmetal performance indicated the company worked well on site and provided a good reliable service.

WORKS & SERVICES REPORTS

Item 13.4.3 continued

RECOMMENDATION

THAT Council accept the tender from Simsmetal and award contract C08007, for the purchase and removal of scrap metal to 30th June 2009 for a cost of \$275.45 per tonne.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MORRIS**

THAT Council accept the tender from Simsmetal and award contract C08007, for the purchase and removal of scrap metal to 30th June 2009 for a cost of \$275.45 per tonne.

MOTION CARRIED 12-0

WORKS & SERVICES REPORTS

Mayor Evans and Councillors Stanton and Paver declared an impartiality interest in Item 13.5.1 and remained in the Chamber.

The nature of interest is that the Mayor and Councillors Stanton and Paver are members of the Albany Historical Society.

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Property Management – New Lease for Albany Historical Society Inc.

- File/Ward** : PRO 015 (Fredrickstown Ward)
- Proposal/Issue** : Lease for Albany Historical Society Inc. for Old Gaol
- Subject Land/Locality** : Reserve 22375. 255 to 267 Stirling Terrace
- Proponent** : City of Albany
- Owner** : Crown
- Reporting Officer(s)** : Manager City Services (I Neil)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council enter into a lease for the Albany Historical Society Inc. for the Old Gaol, subject to conditions.
- Bulletin Attachment** : Nil
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. In September 1990, Reserve 22375, Albany Lot 874, a Management Order was issued to the City of Albany for the purpose of the Care, Control and Management of Historic Buildings. The historic building on the land consists of the “Old Gaol”, and the City provided facilities to enable the Albany Historical Society Inc (the Society) to manage the building on the City’s behalf.
2. On 19th January 2006 the Secretary of the Society requested the City provide a lease agreement with the Society to provide security of tenure and to allow the Society to take some ‘ownership’ and control of the site. Consideration of the request was deferred until the Amity Heritage Precinct Plan was further developed.
3. As the land is Crown Reserve 22375, Ministerial Approval from the Minister of Planning and Infrastructure will be required for this lease.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 deals with the disposal of property. This includes the disposal under a lease.
5. Section 30 of the Local Government Act (Functions and General) Regulations 1996 deals with dispositions to which section 3.58 of the Act does not apply. Section (2) (b) states that Section 3.58 of the Act is exempt if:

*“the land is disposed of to a body, whether incorporated or not –
(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature...”*
6. The Albany Historical Society Inc. fits into this category and is therefore exempt.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. All costs associated with the development and implementation of this lease will be the Lessee’s cost.
9. Rental is to be set at \$10 per annum.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through innovative development complementing Albany’s unique character, natural environment and heritage and by providing a complete tourism experience.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets.

Priority Projects:

Nil”

COMMENT/DISCUSSION

11. The Society has been managing the Old Gaol on behalf of the City of Albany for many years. The request received in January 2006 brought to light the fact that the Management Order for Reserve 22375 did not provide the City with the power to lease.
12. This has been addressed, and the Management Order changed to allow the City power to Lease for a period up to and including 21 years.
13. The City, as the holder of the Management Order, currently carries out all maintenance of the building and surrounding infrastructure according to the guidelines set by the Heritage Council of WA. A lease agreement with the Society will allow for minor maintenance to be carried out by the Society in consultation with the Heritage Council of WA, however the City will still remain responsible for major maintenance and structural maintenance, in consultation with the Heritage Council of WA.
14. The Society currently hold a lease over Reserve 42401, the old Westrail Barracks on Frederick Street, for which they pay a \$10 per annum rental. It is proposed that the rental for the Old Gaol also be set at a \$10.00 per annum.

RECOMMENDATION

THAT Council enter into a lease agreement with the Albany Historical Society Inc. subject to the following conditions:

- i) Ministerial Approval by the Minister of Planning & Infrastructure;
- ii) the agreement by the Albany Historical Society Inc. to the payment of a \$10 rental; and
- iii) the Albany Historical Society Inc. taking on the maintenance of the building & infrastructure under the guidance of the Heritage Council of WA.

Voting Requirement Simple Majority

.....

WORKS & SERVICES REPORTS

Item 13.5.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BUEGGE**

THAT Council enter into a lease agreement with the Albany Historical Society Inc. subject to the following conditions:

- i) Ministerial Approval by the Minister of Planning & Infrastructure;**
- ii) the agreement by the Albany Historical Society Inc. to the payment of a \$10 rental per annum; and**
- iii) the Albany Historical Society Inc. taking on the maintenance of the building & infrastructure under the guidance of the Heritage Council of WA.**

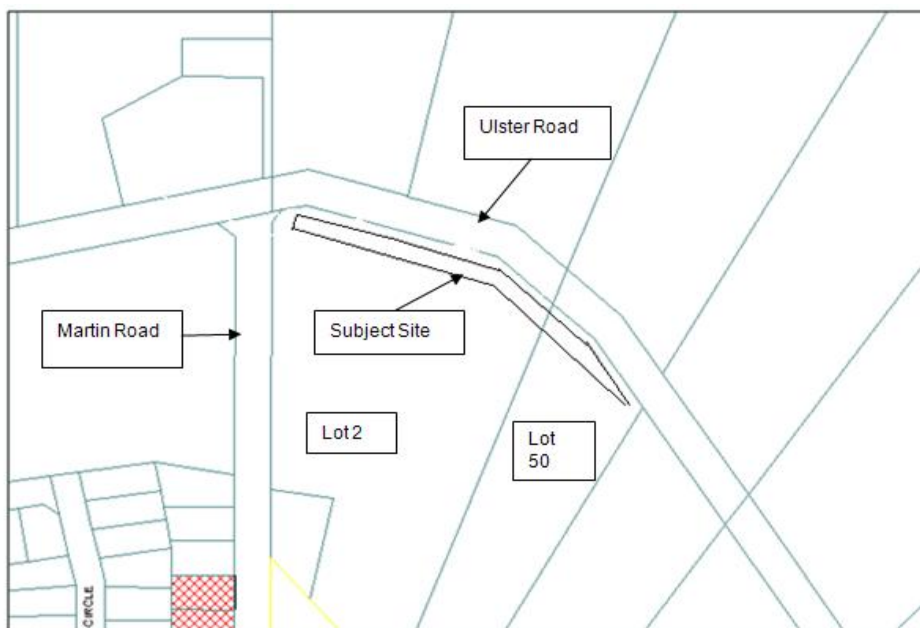
MOTION CARRIED 12-0

WORKS & SERVICES REPORTS

13.6 CITY WORKS – CAPITAL WORKS

13.6.1 Request for approval to obtain road widening – portion of Lots 2 & 50 Ulster Road

- File/Ward** : SER 095 (Breaksea Ward)
- Proposal/Issue** : Request for approval to obtain a road widening from portion of lots 2 and 50 Ulster Road
- Subject Land/Locality** : Lot 2 and 50 Ulster Road
- Proponent** : The Community in WA of St Joseph of the Apparition
- Owner** : The Community in WA of St Joseph of the Apparition and The Roman Catholic Church
- Reporting Officer(s)** : Executive Support Officer Grant Funding and Finance (S Pepper)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approves a road widening from lots 2 and 50 Ulster Road.
- Bulletin Attachment** : Nil
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.6.1 continued

BACKGROUND

1. In 2004/05, Council was successful in obtaining funds under the Regional Road Group's Black Spot Program, to address safety issues at the intersection of Ulster and Martin Roads.
2. Part of the roadworks improvements included a requirement to resume portion of lots 2 and 50 Ulster Road.

STATUTORY REQUIREMENTS

3. Under the Land administration Act 1997, section 56, Dedication of Roads –

(1) " If in the district of a local authority –

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under care, control and management of the local government;

(b) in the case of land comprising a private road constructed and maintained to the satisfaction of the local government –

(i) the holder of the freehold in that land applies to the local government, requesting it to do so; or

(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

or

(c) land comprises a private road of which the public has had uninterrupted use for a period not less than 10 years,

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Any costs relating to the road resumption process would be sourced from the Roadworks Reserve.

STRATEGIC IMPLICATIONS

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

"Community Vision

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

WORKS & SERVICES REPORTS

Item 13.6.1 continued

Mission Statement

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

Priority Projects

Nil.”

COMMENT/DISCUSSION

- 7. Approval for the two resumptions was obtained, subject to appropriate compensation being paid (in accordance with the Land Administration Act 1997), and the necessary works were completed. With staff changes occurring in 2004/05, the legislative and administrative processes were not completed.
- 8. The affected landowner is now seeking compensation, and as the current delegation to obtain road widening is capped at \$50,000, the matter is referred to Council for approval.

RECOMMENDATION

THAT Council in accordance with Section 56 of the Land Administration Act 1997:

- i) proceed with the road widening of Ulster Road;
- ii) delegate authority to the Chief Executive Officer to negotiate with affected landowners; and
- iii) re-allocate funds associated with any compensation and legal costs required for the road dedication from the Roadworks Reserve.

Voting Requirement Absolute Majority

AMENDED OFFICER RECOMMENDATION

THAT Council in accordance with Section 56 of the Land Administration Act 1997:

- i) Complete the administrative processes relating to the road widening of portion of lots 2 and 50 Ulster Road;
- ii) Delegate authority to the Chief Executive Officer to negotiate with affected landowners; and
- iii) Re-allocate funds associated with any compensation and legal costs required for the road dedication from the Road works Reserve.

Voting Requirement Absolute Majority

The CEO recommended withdrawing this item from the Agenda.

WORKS & SERVICES REPORTS

Item 13.6.1 continued

FORESHADOWED MOTION

Councillor Paver foreshadowed the following motion:

That Council lay this matter on the table.

Reason:

As negotiations are still in progress and Council needs to be informed of the final compensation cost before making a decision.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MORRIS**

THAT Council lay this matter on the table.

MOTION CARRIED 12-0

WORKS & SERVICES REPORTS

Councillor Wolfe declared a financial interest and left the Chamber at 8.56pm.
The nature of Councillor Walker's interest is that he is a potato grower.

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT**13.7.1 Request to use road reserve – Lower Denmark Road and Bornholm South Road**

File/Ward	:	SER 100 (West Ward)
Proposal/Issue	:	Request for approval to utilise the road reserve along the southern side of Lower Denmark Road and Bornholm South Road, to install an irrigation pipe for private use
Subject Land/Locality	:	Road reserve along Lower Denmark Road and Bornholm South Road
Proponent	:	G P Ayres and Sons
Owner	:	Crown
Reporting Officer(s)	:	Executive Support Officer Grant Funding and Finance (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council declines the request to utilise the road reserve along the southern side of Lower Denmark Road and Bornholm South Road, to install an irrigation pipe for private use.
Bulletin Attachment	:	Nil
Locality Plan	:	Follows this report

BACKGROUND

1. GP Ayres and Sons are intending to acquire property in Piggot-Martin Road to expand their business, which is primarily the growing of high quality certified seed potatoes.
2. Their current business operation operates on land along Bornholm South Road, and it is intended to pipe the necessary water for irrigation from this property along the road reserves of Bornholm South and Lower Denmark Roads to the Piggot-Martin Road property.
3. The applicant has advised the expanded operations will use more efficient technology and will incorporate water wise programs to maximize effectiveness and water efficiency.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

STATUTORY REQUIREMENTS

4. Under the Land Administration Act, Section 57, Lease in relation to roads –
- (1) *The Minister may –*
 - (a) *Grant a lease in respect of land above or below a road; or*
 - (b) *With the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the Public Works Act 1902, as the case requires, grant a lease in respect of land comprising a road, if*
 - (i) *There are structures above the road; or*
 - (ii) *The purpose of that lease is consistent with the use of the road by the public.*
 - (2) *When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown land until it terminates in accordance with law.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision

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

Mission Statement

The City of Albany is committed to:

- *sustainably managing Albany’s municipal assets, and*
- *Promoting our Community’s vision for the future.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

8. Under the current legislation, a lease may be granted by the Minister, if the purpose of that lease is consistent with the use of the road by the public. In this instance the request to utilize the road reserve to pipe water for a private use is not considered appropriate.
9. While the applicant has indicated he will take full responsibility for the installation and ongoing maintenance of the pipe, staff are concerned, this sets a precedent for further requests for private use of road reserves, that could impact on other public utility service provision.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

10. The applicant has an alternative method of piping water for irrigation, by seeking easements from the adjoining landowners to the proposed new property.

RECOMMENDATION

THAT Council declines the request to utilise the road reserve along the southern side of Lower Denmark Road and Bornholm South Road, to install an irrigation pipe for private use.

Voting Requirement Simple Majority

.....

AMENDED OFFICER RECOMMENDATION

Comment

1. Supplementary information provided by the applicant at the Council Briefing dated 10 June 2008, indicate the proposed pipe could be progressed through private property, with approval for two road crossings being sought from Council.
2. An inspection of the area under discussion was completed, and it has been identified that an irrigation pipe has been laid through a culvert under Bornholm South Road, without the permission of Council. Staff will be contacting the landowner/s in question, to resolve this matter.

THAT Council:

- i) declines the request to utilise the road reserve along the southern side of Lower Denmark road and Bornholm South Road, to install an irrigation pipe for private use, but
- ii) in accordance with the provisions of the Local Government Act 1995, Local Government (Uniform Local Provisions) Regulations 1996 Schedule 9.1, clause 8, section 17 - Private works on, over, or under public places, supports any proposal to cross Tennessee South and Piggot-Martin Roads, to facilitate the proposed irrigation pipe request, with all costs being borne by the applicant.

Voting Requirement Simple Majority

.....

ALTERNATE MOTION BY COUNCILLOR WILLIAMS

THAT Council approve the request to utilise the road reserve for the installation of an irrigation pipe.

Councillor's Reason

1. GP Ayres & Sons are a long established, successful family entity growing high quality certified seed potatoes. They are wishing to expand their business by the purchase of neighbouring land which is highly suitable, currently available and would compliment their existing operation well. The irrigation of this new land acquisition would need to occur through the pumping of water from their current property along Lower Denmark Road to the new land on the corner of Piggot Martin Road.

WORKS & SERVICES REPORTS

Item 13.7.1 continued

2. Utilising the road reserve is of no obstruction and all costs would be borne by the applicant.

Officer's Report

Author: Executive Support Officer Grant Funding and Finance (S. Pepper)

Statutory Requirements

3. The pertinent points relating to the above legislative extract are –
 - The Minister for Planning and Infrastructure may grant a lease i.e.: between the applicant and the Crown (not Council);
 - The local authority's consent/comment is sought, prior to the Minister's consideration of the proposal; and
 - The purpose of any such lease is to be consistent with the use of the road by the public.
4. Under the Local Government Act 1995, Local Government (Uniform Local Provisions) Regulations 1996 Schedule 9.1, clause 8, section 17 - Private works on, over, or under public places –
 - (1) *A person who constructs anything on, over, or under a public thoroughfare or other public place that is local government property without first obtaining written permission from the local government commits an offence.*
 - (2) *A local government may –*
 - (a) *grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property; and*
 - (b) *impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.*
 - (3) *It is a condition of the permission that the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed.*
 - (4) *A person who fails to comply with a condition of the permission commits an offence.*
 - (5) *A person who constructs anything in accordance with permission under this section is required to –*
 - (a) *maintain it; and*
 - (b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*
 - (6) *A person who fails to comply with sub regulation (5) commits an offence.*
 - (7) *The penalty for an offence under sub regulation (1), (4), or (6) is \$1,000.*

WORKS & SERVICES REPORTS

Item 13.7.1 continued

5. Should Council agree to the proposed pipe crossing under roads under the care, control and management of the Council, it would be appropriate to have a legal agreement prepared, addressing both parties obligations, and to lodge a caveat on the said titles of those properties affected by the agreement. All costs should be borne by the applicant.

Policy Implications

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

Financial Implications

7. There are no financial implications relating to this item that affect the City of Albany, if the Crown lease is approved. Should Council agree to the request for any road crossings, there will be financial implications, as the proposed works will require Council design, approval and works supervision, and supervision of any ongoing maintenance for both the pipe and potential road deterioration. Costs for any proposed road crossings have not been investigated, as the detail is not to hand.
8. Should a lease be granted by the Crown, the legal costs, and any such rental fees determined by the Crown, would be payable by the applicant.

Strategic Implications

9. No additional comments.

Comment:

10. The applicant has an alternative method of piping water for irrigation, by seeking easements from the adjoining landowners to the proposed new property. The option of seeking easements across private property would minimize disruption to public roads, should there be any works/ maintenance required on pipes.
11. The need to use public roads for piping is drastically reduced, and Council could approve access across the two roads affected by the proposal, utilising the Local Government (Uniform Local Provisions) Regulations 1996.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR BUEGGE**

THAT Council approve the request to utilise the road reserve for the installation of an irrigation pipe.

MOTION LOST 4-7

WORKS & SERVICES REPORTS

Item 13.7.1 continued

FORESHADOWED MOTION

Councillor Morris foreshadowed the following motion:

THAT Council lay this item on the table.

Reason:

Further information is required to be gathered prior to making a decision, in particular the legalities with regard to the Councils and proponents liability in case of damage to road infrastructure from a burst pipe.

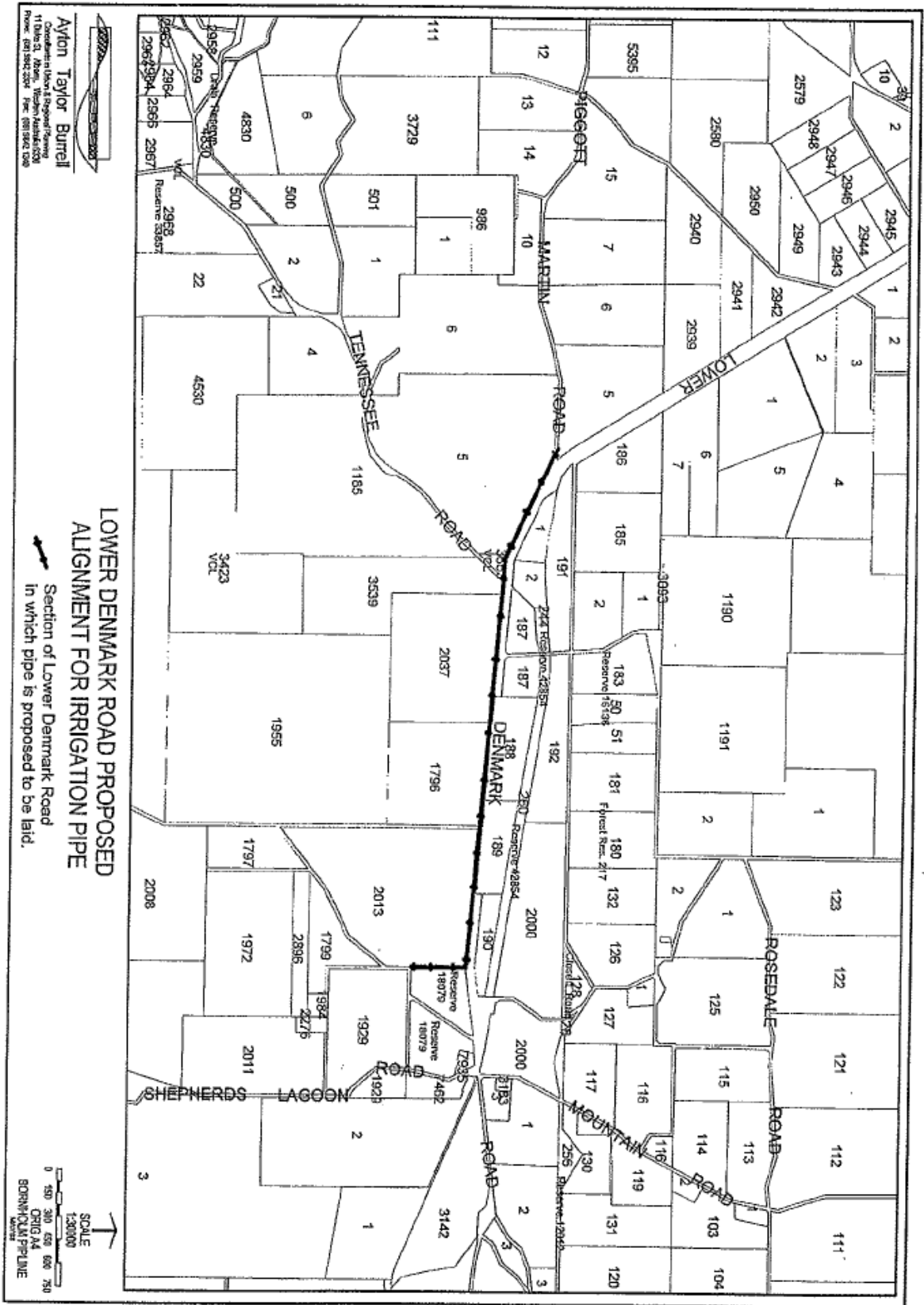
**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR BOSTOCK**

THAT Council lay this item on the table.

MOTION CARRIED 11-0

Councillor Wolfe returned to the Chamber at 9.09pm.

Item 13.7.1 continued



WORKS & SERVICES REPORTS

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Streetscape Committee Meeting Minutes – 20 May 2008

File/Ward	:	MAN 161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (P Brown)
Summary Recommendation	:	That the minutes of the Streetscape Committee Meeting held on 20 May 2008, be adopted.
Bulletin Attachment	:	Minutes of the Streetscape Committee meeting held on 20 May 2008.

RECOMMENDATION

THAT the Minutes of the Albany Streetscape Committee held 20 May 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin) and the following recommendation be adopted:

- i) THAT staff seek funding options on signage for municipal boundaries; and
- ii) Develop entry statements in 3 concept locations:
 - 1) Rocky Crossing Road.
 - 2) Chester Pass Road.
 - 3) South Coast Highway.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

THAT the Minutes of the Albany Streetscape Committee held 20 May 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin) and the following recommendation be adopted:

- i) THAT staff seek funding options on signage for municipal boundaries; and**
- ii) Develop entry statements in 3 concept locations:**
 - 1) Albany Highway in the vicinity of Rocky Crossing Road.**
 - 2) Chester Pass Road.**
 - 3) South Coast Highway.**

MOTION CARRIED 11-1

WORKS & SERVICES REPORTS

13.8.2 Minutes of the Airport User Group Committee

- File/Ward** : SER 097 (Kalgan Ward)
- Proposal/Issue** : Committee items for Council Consideration
- Reporting Officer(s)** : Manager City Services (I Neil)
- Summary Recommendation** : That the minutes of the Airport User Group Committee meeting held on 8th April 2008 be received.
- Bulletin Attachment** : Minutes of the Airport User Group Committee meeting held on 8th April 2008.

RECOMMENDATION

THAT the minutes of the Airport User Group Committee held on 8th April 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR BUEGGE**

THAT the minutes of the Airport User Group Committee held on 8th April 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin).

MOTION CARRIED 12-0

General Management Services

REPORTS

- R E P O R T S -

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – 22nd May 2008

- File/Ward** : MAN 234 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the Minutes of Corporate Strategy and Governance Strategy and Policy Committee meeting held on 22nd May 2008 be received.

RECOMMENDATION

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 22nd May 2008 be received.

Voting Requirement Simple Majority

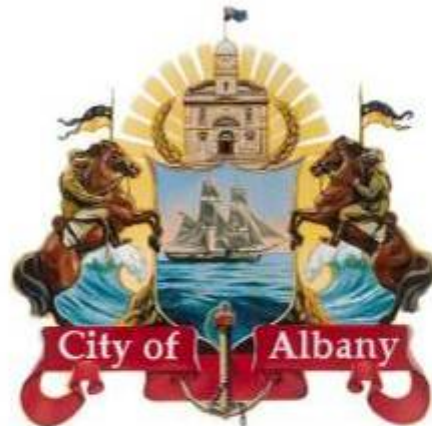
.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BUEGGE**

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 22nd May 2008 be received.

MOTION CARRIED 12-0

Item 14.5.1 continued



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/AM805365)

**Held on
Thursday, 22nd May 2008
4.30pm**

City of Albany Margaret Coates Boardroom

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 22/05/08
MAN234

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 22/05/08
MAN234

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 4.05pm.

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

Attendances:

Mayor -	M Evans, JP
Chair -	D Price
Councillors -	D Wiseman
	R Paver
	N Williams
	(Arrived 4.38pm) J Matla
	(Arrived 4.40pm) R Buegge
Chief Executive Officer	A Hammond
Corporate Governance Coordinator - Minutes	S Jamieson

Observers:

Councillor K Stanton
Councillor G Kidman

Apologies/Leave of Absence:

Councillor – D Wolfe (Deputy – Cr Williams)
Councillor – J Bostock (Deputy – Cr Wiseman)
Manager Executive Services – C Grogan

3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

**MOVED MAYOR EVANS
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 17th April 2008, as previously distributed, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 5-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

The Chair addressed the Committee and stated that the aim of the meeting was to have at least the draft standing orders as an output of the meeting.

Councillor Paver submitted a working document titled "Procedure for dealing with amendments to the City of Albany Standing Orders" detailed at annex A.

Councillor Williams submitted a working document titled "My synopsis on Standing Orders Joondalup vs Albany/Melville/Perth"

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 22/05/08
MAN234

5.0 ITEMS FOR DISCUSSION

The Chair asked if there are any comments.

Councillors Paver and Williams presented their documents to be included in the review process.

5.1 Review of the City of Albany Standing Orders Local Law

CEO requested the Committee administer the preliminary draft through the CEO, prior to presentation to Council and legal review.

Councillor Wiseman left the meeting at 5.35pm.

Councillor Buegge presented the following motion:

That each point is discussed and a show of hands is used to record the vote of what is to be included in the City of Albany Standing Orders.

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR WILLIAMS**

That each point is discussed and a show of hands is used to record the vote of what is to be included in the City of Albany Standing Orders.

MOTION CARRIED 7-0

Councillor Paver presented the following motion:

That the prepared document titled "Procedure for dealing with amendments to the City of Albany Standing Orders" and the Document titled "My synopsis on Standing Orders Joondalup vs Albany/Melville/Perth" are incorporated into the Joondalup Standing Orders and presented as a draft document to the CEO, Mr Hammond;

That a working committee consisting of two or three members is established to work on this draft document; and

That the Draft is brought back to this committee for endorsement prior to presentation to Council.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT the Committee:

(a) Utilise the prepared documents titled "Procedure for dealing with amendments to the City of Albany Standing Orders" and the Document titled "My synopsis on Standing Orders Joondalup vs Albany/Melville/Perth" are incorporated into the Joondalup Standing Orders and presented as a draft document to the CEO, Mr Hammond;

(b) That a working committee consisting of two or three members is established to work on this draft document; and

(c) That the Draft is brought back to this committee for endorsement prior to presentation to Council.

MOTION LOST 2-4

The CEO through the Chair addressed the Committee and recommended that the Committee establish the Principals, Rules, and Guidelines, and present this information to the administration to compile the Draft Document.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 22/05/08
MAN234

Item 5.1 continued

Councillor Paver suggested that each Councillor put their suggestions in writing.

The Chair directed the committee to take the following course of action:

- (1) That the Committee submit all points (Views, Principals, Thoughts) on the review of the Standing Orders to the CEO, Mr Hammond.
- (2) The CEO, Mr Hammond, provide the administrative support to collate all the comments.
- (3) The collated document is to clearly show the different points of view.
- (4) That a follow up working group meeting is to be scheduled within the next two weeks if necessary.

6.0 TIME AND DATE OF NEXT MEETING

Next formal committee meeting is scheduled for Thursday 19th June 2008 at 4.30pm.

7.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

- 7.1 Review of the City of Albany Standing Orders Local Law; and
- 7.2 Review of City of Albany Code of Conduct.

8.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 6.25pm.

Annexes:

- A. Councillor Paver's submitted document titled "Procedures for dealing with amendments to the City of Albany Standing Orders".
- B. Councillor William's submitted document titled "My synopsis on Standing Orders Joondalup vs Albany/Melville/Perth".

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

Annex A

Procedure for dealing with amendments to the City of Albany Standing Orders.

Adopt Joondalup SO's format and content and modify with reference to City of Albany SO's and submissions by Councillors.

Suggest Councillors appoint and brief an administrative lawyer to amend Joondalup SO in accordance with Councillor submissions. Lawyer then to present amended document to Councillors explaining the extent to which it gives effect (or cannot give effect) to Councillor submissions.

Submissions by Councillor Paver

Definitions, Pg 2 Joondalup SO

To be reviewed in light of content.

Under notice of meeting, Pg 3 Joondalup SO add

A provision that at least seven days notice shall be given for any meeting to decide a planning or development application.

Under Giving Documents to persons, Pg 4 Joondalup SO add

a provision making it clear that documents may be delivered to Councillors by insertion in their pigeon holes, the documents to be stamped with the date of delivery on the front face.

Under Public Access to agendas and supporting information, Pg 5 Joondalup SO

After Regulation 14 (2) add a provision corresponding to clause 3.1 of CoA SO to the effect : Information withheld under Reg. 14(2) is to be a) identified....., and b) marked "confidential".....

Under Order of Business Pg 8 Joondalup SO use

Joondalup order of business supplemented by items from the CoA and other recommendations. Order of business for committees needs to be decided upon. Content of Part 3 Business of Meetings should be as it is in Joondalup SO subject to additions to take into account items included from CoA and other recommendations as agreed.

Suggested Order of Business

- a) Declaration of opening/announcement of Visitors
- b) Opening payer / statement of purpose

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

- c) Response to previous questions without notice
- d) Public question time
- e) Public statement time
- f) Record of attendance, apologies, leave of absence (previously approved)
- g) Applications for leave of absence
- h) Confirmation of minutes of previous meeting
- i) Announcements by the presiding person without discussion
- j) Declarations/disclosure of interests
- k) Questions or personal explanations of members without discussion
- l) Identification of matters for which the meeting may sit behind closed doors
- m) Petitions, deputations and presentations
- n) Reports
- o) Report/information bulletin
- p) Motions of which previous notice has been given
- q) Urgent business approved by decision of the meeting
- r) Announcements of notices of motion for the next meeting
- s) Mayors report
- t) Behind closed doors
- u) Next ordinary meeting date
- v) Closure

Under Disclosure of financial and proximity interests / Closely associated persons, Pg 15 Joondalup SO.

Notifiable gifts as defined in regulations may be considered too lax a standard. We may want to introduce a provision to ensure that gifts to the value of say \$200 when made to the relevant person within say a month(2 months) of the matter being decided, while not “notifiable” under the act, are nevertheless gifts that under the City of Albany’s standing orders will need to be declared and will preclude the relevant person from participating in the matter.

Under Reports, Pg 21 Joondalup SO make provision for

Agenda Reports.

1) Agenda reports shall draw Councillors’ attention to all information relevant to the item to be decided including but not limited to relevant provisions in the LGA and LGA Regulations, in State Policies and in the City’s Town Planning Scheme, strategies and Policies.

2) Relevant information is to be presented fully and unambiguously in agenda reports or in the bulletin with the exception of legal opinions and confidential documents which are to be delivered to Councillors under separate cover at the time the agenda and bulletin are delivered to them.

3) Relevant information relating to town planning agenda items that is not presented in agenda reports or in the bulletin, or, being legal opinions or confidential documents, has not been delivered to Councillors at the time the

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

agenda and bulletin are delivered to them, or having been presented is presented in a manner that is misleading, shall cause the item to which they relate to be withdrawn from the agenda.

Under Motions of which previous notice has been given, Pg 22 Joondalup SO
make provision for

Staff recommendations and Councillor motions that if passed will result in a substantial departure from the relevant provisions of the City's town planning scheme, and of its strategies and policies, shall cause the item to which they relate to be withdrawn from the agenda unless and until those provisions have been revoked or altered by a motion on notice to do so.

"Substantial departure" needs to be defined - 10%?

Also, for the purpose of this provision "motions of which previous notice has been given" needs to be defined as only those officer recommendations or Councillor motions that appear in the agenda.

Under Part 4 Conduct of meetings, Pg 24 Joondalup SO add

- 1) Provision equivalent to CoA SO 4.3 - Recording of proceedings.
- 2) Provision equivalent to CoA SO 5.1 - Members to rise.
- 3) Provision equivalent to CoA SO 5.9 - Reopening discussion on decisions.

Under Part 5 Motions and Amendments, Pg 28 Joondalup SO

Under Recommendations in reports

Clause 47 (1) may need to be qualified to take account of new provisions in the standing orders, and

A provision should be added to the effect that recommendations and motions shall not be presented as alternatives.

Under Motions Pg 28 Joondalup SO add

New subclause (3) equivalent to CoA SO 6.8

After Motions to be seconded PG 29 Joondalup SO

A new provision should be added equivalent to CoA SO 6.5 - Order of Call in Debate. This new provision should also state that this clause (the Order of Call in Debate clause) may be suspended by a majority decision of Council upon a motion to do so but that such a suspension shall not, without the consent of the mover of the motion deprive him or her of either the right to speak first to the motion or the right of reply.

A provision should be added that makes it clear that as long as a member wishes to speak he or she is to be given the opportunity to do so by the Presiding

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

Member and that whenever a motion to suspend the Order of Call in Debate is put and voted upon the Presiding Member must exercise his or her casting vote in favour of the liberty of speech.

Under Limitations on members speaking, Pg 29 Joondalup SO

Clause 54.(5) needs amending so as to exclude it operating to suspend clause 54 (2).

Under Amendments Pg 30 Joondalup SO add

Provisions equivalent to CoA SO's 6.10 to 6.12.

After Amendments Pg 30 Joondalup SO add

Provisions equivalent to CoA SO's 6.16 and 6.17.

Under Revocation Motions Pg 30 Joondalup SO add

A provision that Staff recommendations and Councillor motions that are inconsistent with an existing decision of Council, shall cause the item to which they relate to be withdrawn unless and until a motion to revoke or vary the resolution has been passed in accordance with the procedure laid down in the LGA.

Under Council sit behind closed doors Pg 35 Joondalup SO add

A provision that makes it clear that all SO's continue to apply, and that any SO shall only be capable of being waived expressly and specifically upon a motion to do so.

Create new heading called Delegations to precede Delegation of some powers and duties to committees, Pg 40 Joondalup SO.

1) Staff recommendations and Councillor motions that seek to delegate authority to staff to make decisions that are inconsistent with the City's town planning scheme or its strategies and policies shall be withdrawn from the agenda.

2) Staff recommendations and Councillor motions that seek to delegate authority to staff to make decisions subject to the receipt of relevant information from government agencies shall be withdrawn from the agenda.

Under Procedural motions, Pg 33 Joondalup SO consider

The differences between the Joondalup and the CoA SO's. There are two main ones.

1) Under the Joondalup SO's a procedural motion may only be put at the conclusion of a speech or any business. Under the CoA SO's it can be moved at any time.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

2) The CoA SO's contain two procedural motions that are not in the Joondalup SO's.

Miscellaneous

Late Items

- a) There needs to be a definition of what is a late item. If notice is to be regarded as covering recommendations and Councillor motions in the agenda then presumably any recommendations or motions on new business are late.
- b) Amended recommendations and alternate motions are generally speaking not to be treated as late items.
- c) However, amended recommendations and alternative motions that negate or depart substantially from an original recommendation or motion dealing with a planning and / or development application should not only not be treated as late items but as totally inadmissible.
- d) The Mayor should not have the power to admit late items. The admissibility of late items should be by the majority decision of Council only and in accordance with the standing orders.
- e) There needs to be a provision that makes it clear that late items to Council whether by staff or Councillors shall be admissible only where consideration of the item is necessitated by extreme urgency and this should as far as possible be defined in the definition clause.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

Annex B

To:

Mayor Evans, Cr Paver, Cr Price, Cr Bostock, Cr Matla, Cr Buegge, Cr Wolfe,
Chris Grogan & Andrew Hammond

Please find following my notes for the upcoming meeting. I have kept them short and to the point, I may have missed items and made errors, but I hope that it makes sense.

I feel that if we all look at the Standing Orders and the Code of Conduct in this way it will make the process much easier and more succinct to move this process ahead.

Thank you and see you all at the meeting
Cr Nicolette Williams

15 May 2008

**My synopsis on Standing Orders
Joondalup vs Albany/Melville/Perth**

Albany includes *section 2.1 Business to be specified on Notice Paper*
(P & M include, JOONDALUP DOES NOT)

Albany includes *opening prayer* (P includes, M & JOONDALUP DO NOT)

Albany includes *response to previous public questions taken on notice* (M, P & JOONDALUP DO NOT)

Albany includes *mayoral report* (M, P & JOONDALUP DO NOT)

Albany includes *urgent business approved by mayor or by declaration of the meeting* (M, P & JOONDALUP DO NOT)

Albany includes *section 2.3 public question time section (3)a question may be taken on notice by the Council or committee for later response* (P includes, M & JOONDALUP DO NOT)

Albany includes *section 2.7 urgent business approved by the mayor or by decision* (P & M includes, JOONDALUP DOES NOT)

Albany includes *section 4.3 recording of proceedings* (P & M includes, JOONDALUP DOES NOT)

Albany includes *section 5.1 members to rise* (M includes, P & JOONDALUP DO NOT)

Albany includes under procedural motions in *section 7.1 (a) that the council (or committee) proceed to the next business & (e) that the member no longer be heard* (P & M includes, JOONDALUP DOES NOT)

Albany includes *section 14.1 suspension of standing orders* (P & M includes, JOONDALUP DOES NOT)

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

Albany includes section *14.2 cases not provided for in standing orders* (M includes, P & JOONDALUP DO NOT)

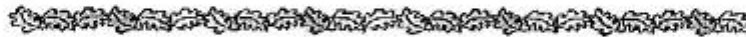
Conclusion

As all the above items ARE NOT in JOONDALUP I believe that these items must be firstly addressed under the following:

Do we wish to continue these processes?

Are they necessary?

If Joondalup (and most likely WALGA who are using Joondalup's version) aren't including these items, should we?



**My synopsis on Code of Conduct
WALGA vs Albany/Joondalup/Melville**

Albany includes section *3.5 acceptable workplace behaviour* (J includes but M & WALGA DO NOT)

Albany includes section *3.9 relationships between elected members and staff* (J includes but M & WALGA DO NOT)

Conclusion

The codes were very similar; Joondalup included significantly more sections than any other. WALGA covered most of Albany, all of Melville and a significant portion of Joondalup.

I believe that the above items must be firstly addressed under the following:

Do we wish to include these guidelines?

Are they necessary?

If WALGA aren't including these items, should we?

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

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

MOTION CARRIED 12-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT – 17TH JUNE 2008

Fellow Councillors:

I would like to start by bringing to your attention the City of Albany's recent success in being awarded the 2007 National Award for Local Government. These awards highlight not only the excellent work local governments are involved in, but the innovation they are generating to create better working practices and services. The City was awarded the National Award for Outstanding Achievement for the innovation of the Technology Transfer Eco Toilet. The Eco Toilet, as it has become known is located at Lower King on the Esplanade and is a low cost, durable structure that is suitable for use in remote areas. The City of Albany is now receiving interest from Australia wide to have the design used by other Councils as an affordable public amenity for remote areas which lack scheme water and reticulated sewerage.

Delays to the development of the old Esplanade site at Middleton Beach has been of some concern to Council and to the broader community. I am pleased to advise that the project is set to proceed on the original development application. Forward construction is set to begin later this year, with full construction expected to commence early next year. The project is expected to be concluded by the end of 2010. City of Albany tourism and development staff have worked closely with developers for several months. Once completed, the Esplanade will position Albany as the pre-eminent tourism destination in Australia's South West.

Item 17.0 continued

One of the highlights of this month was undoubtedly the official opening of Albany's newly redeveloped Leisure and Aquatic Centre and the end of two and a half year's of dedicated work. It is difficult not to be impressed by the major rebuild and extension that the Centre has undergone. The changes are just astronomical. We have gone from a centre that was urgently in need of repairs to a state of the art facility that will become the back bone of community recreation programs. Albany can now embrace a future of community sports and recreation that incorporates the centres core values of Fun, Fitness & Family. A facility such as the Albany Leisure and Aquatic centre will become an integral aspect in the promotion of healthy living. The newly redeveloped leisure centre is not only important in terms of the sporting benefits it generates, but also in the social climate that will be born and the community togetherness that will be created.

Some of the other significant events that took place over the month were:-

- The 2008 US Submariners Memorial Service in remembrance of our US Allies stationed in Albany During World War II
- I was honoured to be part of the launch of the Great Southern Football Association Soccer Academy
- The Albany Classic which in its 72nd year becomes bigger and better as one of Western Australia's most important motoring events and one of Albany's most popular and historic community events.
- And the celebration of the Albany Historical Society's 40th Anniversary of Tenure at the Albany Convict Gaol which highlighted the tireless commitment and dedication of our volunteers and the importance we must place on ensure volunteer's and their efforts do not diminish.

Once again, I acknowledge and thank Deputy Mayor Des Wolfe and those Councillors who have officiated at community events on my behalf.

Before closing I would like to acknowledge the local recipients of The Queen's Birthday 2008 Honours. Mr Lawrence Edmund Fraser MBE received an Order of Australia Medal for his services to veterans and their families as well as to the Freemasonry movement. Ms Valerie Anne Milne also received an Order of Australia Medal for her service to our community, in particular through the preservation of local history and heritage. And from the Shire of Plantagenet, Councillor Kevin Malcolm Forbes was recognised with an Australian Medal for his service to local government and the community of Mount Barker. On behalf of the City of Albany, I offer my congratulations for your well deserved achievements. As a community we commend and thank you all for your contribution

Item 17.0 continued

I would like to finish by recognising Mr Bob Howard and his contribution to the education of Minang Noongar History and Culture. Unfortunately, due to ill health, Mr Howard's lectures on this topic have had to be cancelled. On behalf of the City of Albany, I would like to convey to Mr Howard our best wishes.

Thank you.

DRAFT MOTION

THAT the Mayor's Report dated 17th June 2008 be received.

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR WISEMAN**

THAT the Mayor's Report dated 17th June 2008 be received.

MOTION CARRIED 12-0

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

18.1 Freedom of Entry Rights and Privileges to HMAS Albany

File/Ward	:	REL011 (All Wards)
Proposal/Issue	:	Granting of Freedom of Entry
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	THAT Council agree to grant Freedom of Entry rights and privileges to the Royal Australian Navy Armidale Class Patrol Boat, HMAS Albany.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany currently has five military units who have the right of the Freedom of Entry – the 11th/28th Battalion The Royal Western Australian Regiment (initially granted in 1987), HMAS ANZAC (initially granted in 1996), RAAF No 5 Flight Air Training Corp (initially granted in 1980), Royal Australian Air Force No 2 Flying Training School (2002) and TS Vancouver Naval Cadets (initial grant date unknown).
2. The City of Albany has a rich military history with strong ties to the Fremantle based Naval Ship HMAS ANZAC, our local army unit The 11th/28th RWAR, local cadet unit TS Vancouver Naval Cadets and the No 2 and No 5 RAAF Flight Air Training Corp. The proposed alliance with HMAS Albany will continue to foster relationship with the Royal Australian Navy and formalise the adoption of an in-service RAN vessel bearing the name of Albany.
3. The Patrol Boat Albany is the first RAN vessel to bear the name and was selected by the Chief of Navy to commemorate our City. The only other craft to bear the name Albany was a small, part time auxiliary patrol vessel that operated in Victoria during WWII but which was not a commissioned ship in the Royal Australian Navy.
4. The Ship was officially named Albany on February 2006 by Mrs Annette Knight AM, former Mayor of the Town of Albany, at a ceremony held at the Austral Ships facility, in Henderson, Western Australia. The ship was formally commissioned HMAS Albany at a ceremony held in Albany on 15th July 2006.

Item 18.1 continued

5. The conferring of Freedom of Entry rights onto the unit will formalise the alliance, strengthen and encourage continuation of the relationship already in place with the City of Albany.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Estimated costs for the Freedom of Entry Parade was for HMAS ALBANY.

Production of commemorative booklet/program & flyers	\$1,800
Hire of sound equipment (PA systems, set up, dismantle)	\$ 850
Hire of seating and staging (delivery and pick up)	\$ 550
Advertising (street closures)/promotion	\$ 250
Production and framing of Freedom of Entry Scroll	\$ 250
Total	\$3,700

9. Funding for this event is available under the Special Events budget.

STRATEGIC IMPLICATIONS

10. Nil

COMMENT/DISCUSSION

11. HMAS Albany does not currently hold the right of Freedom of Entry to any other municipality in Australia. Authorisation for HMAS Albany to exercise her right of Freedom of Entry to the City of Albany under the command of Lieutenant Commander Viktor Pilicic, RAN, has been granted by Rear Admiral Nigel Coates, AM, RAN (correspondence dated 29th February 2008 attached). Permission now needs to be granted by Council.
12. In modern times the granting of “Freedom of Entry” bestows no legal right nor privilege on the recipient body so honoured but is accepted that the conferment is the most honourable distinction that a City may bestow.
13. Council’s responsibility is to assist in staging parades and to host receptions upon the awarding of the initial privilege and once every so many years (there is no set term) invite the unit to exercise their Right to the Freedom of Entry.

Item 18.1 continued

RECOMMENDATION

THAT Council confer upon the Commanding Officer, Officers and Men of the Australian Navy Patrol Boat HMAS Albany in perpetuity, the privilege, honour and distinction of the freedom of the City of Albany with the right of entry on ceremonial occasions in full panoply.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR MORRIS
SECONDED COUNCILLOR STANTON**

THAT Council confer upon the Commanding Officer, Officers and Men of the Australian Navy Patrol Boat HMAS Albany in perpetuity, the privilege, honour and distinction of the freedom of the City of Albany with the right of entry on ceremonial occasions in full panoply.

MOTION CARRIED 12-0

Councillor Morris left the Chamber at 9.28pm.

Item 18.1 continued



City of Albany Records
Doc No: ICR8051055
File: REL011
Date: 07 MAR 2008
Officer: MAYOR1
Attach:

ROYAL AUSTRALIAN FLEET COMMAND

14-18 WYLDE STREET, POTTS POINT NSW 2001

LT 8015262

2007/1056062/1
FLEET/S939202

His Worship The Mayor Milton Evans, JP
City of Albany
PO Box 484
ALBANY WA 6331

Your Worship,

Thank you for your letter of 31 January 2008 inviting HMAS ALBANY to the City of Albany to exercise her right of Freedom of Entry to the city. I am delighted to advise that HMAS ALBANY, with the Patrol Boat Crew ATTACK FOUR under the command of Lieutenant Commander Viktor Pilicic, RAN will be available to visit Albany from 19 to 23 June 2008. It will be an honour for HMAS ALBANY to exercise Freedom of Entry during the visit. Saturday 21 June is suggested as a suitable date for the Freedom of Entry Ceremony.

Unfortunately I will be unable to attend personally due to other commitments, but I will endeavour to identify a suitable representative to attend on my behalf.

Thank you for your ongoing support in fostering good relations with the Royal Australian Navy and the Patrol Boat fleet in particular. Albany is always viewed by our ships' companies as a warm and welcoming city and this honour will be very well received by the crew.

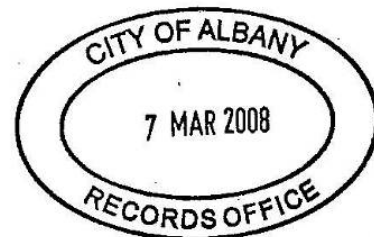
I wish you fair weather for the visit and the Ceremony.

Yours sincerely

N.S. COATES, AM
Rear Admiral, RAN
Fleet Commander

Tel: 02 9359 4609

29 Feb 2008



Councillor Morris returned to the Chamber at 9.29pm.

19.0 CLOSED DOORS

19.1 Motion to revoke decision 11.1.2 of Ordinary Council Meeting 18/03/08

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council meet behind closed doors to consider revocation of item 11.1.2 of Ordinary Council Meeting 18/03/08 in accordance with section 5.23 (2)(d) of the Local Government Act 1995, a matter relating to legal advice.

MOTION LOST 5-7

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOSTOCK**

THAT Council Standing Order 6.5, Order of Call in Debate, be suspended.

**MOTION TIED 6-6
MAYOR EXERCISED CASTING VOTE
MOTION LOST**

Record of Vote:

For: Councillors Paver, Buegge, Bostock, Kidman, Williams and Stanton.

Against: Mayor Evans, Councillors Matla, Walker, Wolfe, Morris, and Wiseman.

The application to rescind the motion was then presented and Councillor Paver tabled his Alternate Motion.

Mayor directed that the Motion to revoke decision 11.1.2 of Ordinary Council Meeting 18 Mar 08 is to be dealt with first.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BUEGGE**

THAT in accordance with Regulation 10(1)(a) of the Local Government (Administration) Regulations 1996, that the four motions of Item 11.1.2 which were moved at the Ordinary Council Meeting held on 18th March 2008, be rescinded.

**MOTION TIED 6-6
ABSOLUTE MAJORITY NOT ACHIEVED
MOTION LOST**

Record of Vote:

For: Councillors Paver, Morris, Bostock, Buegge, Williams and Kidman.

Against: Mayor Evans, Councillors Matla, Wolfe, Stanton, Walker, and Wiseman.

Item 19.0 continued

Motion 3 of Item 11.1.2 to be rescinded

THAT Council supports the issuing of a Notice of Planning Scheme Consent for Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany, subject to, but not limited to, the following requirements being incorporated into the approval:

- (i) Vehicular parking, manoeuvring and circulation areas indicated on the plans being appropriately constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.
- (ii) The area shown as "secure storage" on drawing number sk1 dated Nov07, shall be reserved as an area set aside for the provision of facilities or services to the land and such facilities are not for the exclusive use of occupiers of individual tenants upon the land.
- (iii) A traffic management/Impact study being submitted and agreed in writing by Council prior to the issue of a building licence.
- (iv) An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.
- (vi) Final details of the roof form of the new buildings shall comply with the Central Albany Urban Design Policy.
- (vii) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- (viii) No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
- (ix) The design, materials and colours of the new development harmonising with those of the immediate vicinity. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence.

Motion 4 of Item 11.1.2 to be rescinded

THAT, subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany and empowers the Manager to incorporate any further conditions that he considers necessary.

New motion for consideration

That Council deal with the development application for 112 - 140 Stirling Terrace in accordance with the provisions of Section 4.10 of Town Planning Scheme 1A.

AP Williams 5.06.08

Item 19.1 continued

Councillor Paver tabled the following alternate motion:

Amended Councillor Motion
Councillor Paver

Item 19.1 Ordinary Council Meeting 17 June 2008 - Confidential Item.

That Council

Acknowledges the advice received from Neil Douglas that its decision of 18th March 2008 to approve the development application for 112 - 140 Stirling Terrace was unlawful, and resolves to

- a) reprocess the application in accordance with the procedures prescribed by Section 4.10 of its Town Planning Scheme 1A;
- b) engage immediately a second legal firm to receive oral and / or written submissions from staff and Councillors on the circumstances surrounding the aforementioned decision and to provide the City with an opinion not later than one week before the next ordinary Council meeting on the likely success of a Supreme Court application by the City to have the planning consent issued to the applicant on 3rd April 2008 annulled; and
- c) advise the applicant of the contents of this resolution.

Reason : The Council believes

- 1) that the applicant has been aware from the outset that the decision to approve his development application for 112 - 140 Stirling Terrace was unlawful, or at least was of doubtful legal validity;
- 2) that the opinion provided the City by McLeods Barristers and Solicitors omitted to examine the facts surrounding the decision and accordingly expressed no view on whether or not the presumption of validity would be upheld in all the circumstances of this case; and
- 3) that to fulfill its statutory obligations it should seek a second opinion from a different legal firm that will address the aforementioned deficiency in the advice of McLeods.

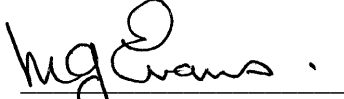
20.0 NEXT ORDINARY MEETING DATE

Tuesday 15th July 2008, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 10.08pm.

Confirmed as a true and correct record of proceedings.

A handwritten signature in black ink, appearing to read 'MJ Evans', written over a horizontal line.

MJ Evans, JP

Mayor

APPENDIX A
WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Councillor Paver	11.1.3	<u>Financial.</u> Councillor supplies marketing services to applicant. Cr abstained from the debate, discussion and voting on this item.
Councillor Wiseman	11.2.1	<u>Financial.</u> Councillor manages a conflicting business as proponent sells packaged liquor and Councillor is employed under the same liquor act. Cr abstained from the debate, discussion and voting on this item.
	13.4.1	<u>Impartiality.</u> Councillor employs one of the security companies detailed in the agenda item. Cr abstained from the debate, discussion and voting on this item.
Councillor Kidman	13.4.1	<u>Financial.</u> Councillor's Wife is employed by proprietor and is a good friend. Cr abstained from the debate, discussion and voting on this item.
Councillor Wolfe	13.7.1	<u>Financial.</u> Councillor is a potato grower. Cr abstained from the debate, discussion and voting on this item.

APPENDIX B

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Mayor Evans	11.1.3	<u>Impartiality.</u> The Mayor is a member of the Albany Historical Society.
Councillor Stanton	11.1.3	<u>Impartiality.</u> Councillor is a member of the Albany Historical Society.
Councillor Paver	11.1.3	<u>Impartiality.</u> Councillor is a member of the Albany Historical Society.

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
CEO – Mr Andrew Hammond	11.3.1	<u>Proximity.</u> CEO owns property adjoining the subject site. CEO abstained from the debate, discussion and voting on this item.

[Agenda Item 12.1 refers]
[Council – 17th June 2008]

SUMMARY OF ACCOUNTS

Municipal Fund

Cheques	Totalling	\$255,224.80
Electronic Fund transfer	Totalling	\$2,682,693.65
Credit Cards	Totalling	\$34,271.55
Payroll	Totalling	\$685,077.00
	Total	<u>\$3,657,267.00</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$3,657,267.00**, which was submitted to each member of the Council, dated 30th May 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.



CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$3,657,267.00**, dated 30th May 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.



MAYOR
(M Evans, JP)