



MINUTES

**ORDINARY MEETING
OF COUNCIL**

**Held on
Tuesday, 17th March 2009
7.00pm
City of Albany Council Chambers**

SYNERGY REF: AM808577

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TABLE OF CONTENTS

	Pg#
1.0 Declaration of Opening	5
2.0 Record of Attendance/Apologies/Leave of Absence (Previously Approved)	5
3.0 Opening Prayer / Mayor's Report	6
4.0 Response to Previous Public Questions Taken On Notice	8
5.0 Public Question Time	8
6.0 Confirmation Of Minutes of Previous Meeting	9
7.0 Applications For Leave Of Absence	10
8.0 Disclosure of Financial Interests	10
9.0 Matters for Which Meeting May Be Closed	10
10.0 Petitions/Deputations/Presentations	10
11.0 Reports – Development Services	10
11.1 DEVELOPMENT	10
11.1.1 Development Application - Proposed Institutional Home (Respite Facility) – 73 Hardie Road, Spencer Park	11
11.2 HEALTH, BUILDING & RANGERS	
Nil.	17
11.3 DEVELOPMENT POLICY	
11.3.1 Final Approval of Scheme Amendment No. 168 – Lot 731 Wellington Street, Centennial Park	18
11.3.2 Initiation of Scheme Amendment No. 290 – Introduction of „Rural Village’ zone and rezoning of various lots in Kalgan to „Rural Village’	26
11.3.3 Final Approval of Scheme Amendment No. 271 – Lot 55 Lancaster Road, McKail	35
11.4 RESERVES PLANNING	44
11.4.1 Dedication of Right of Way as Public Road - Lot 302 Houghton Boulevard, Bayonet Head	44
11.5 EMERGENCY MANAGEMENT	
Nil.	47
11.6 DEVELOPMENT SERVICE COMMITTEES	
11.6.1 Planning and Environment Strategy and Policy Committee Meeting Minutes – 4 February 2009	48
11.6.2 Planning and Environment Strategy and Policy Committee Meeting Minutes – 19 February 2009	68
11.7 CITY WORKS – RESERVES, PLANNING AND MANAGEMENT	
Nil.	100

12.0 Reports – Corporate & Community Services	101
12.1 FINANCE	
12.1.1 List of Accounts for Payment	102
12.1.2 Financial Activity Statement – Month Ending 28 th February 2009	105
12.2 ADMINISTRATION	
12.2.1 Tender Acceptance for Supply of Information Technology Support Services	113
12.2.2 Extended Trading Hours within the City of Albany	117
12.3 LIBRARY SERVICES	
Nil.	120
12.4 DAY CARE CENTRE	
Nil.	120
12.5 TOWN HALL	
Nil.	120
12.6 RECREATION SERVICES	
Nil.	120
12.7 VISITORS CENTRE	
Nil.	120
12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE	
12.8.1 Albany Senior Advisory Committee Meeting Minutes – 19 th February 2009	121
12.8.2 Community And Economic Development Strategy And Policy Committee Meeting Minutes – 3 rd March 2009	122
12.8.3 Finance Strategy Advisory Committee Minutes – 3 rd March 2009	130
13.0 REPORTS – WORKS & SERVICES	132
13.1 CITY ASSETS - ASSET MANAGEMENT	
Nil.	133
13.2 CITY SERVICES – WASTE MANAGEMENT	
Nil.	133
13.3 CITY SERVICES – AIRPORT MANAGEMENT	
Nil.	133
13.4 CITY SERVICES – CONTRACT MANAGEMENT	
13.4.1 Tender Acceptance for the Supply of Plants for Anzac Peace Park	134
13.5 CITY SERVICES – PROPERTY MANAGEMENT	
Nil.	138
13.6 CITY WORKS – CAPITAL WORKS	
Nil.	138

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT	
Nil.	138
13.8 WORKS & SERVICES COMMITTEES	
Nil.	138
14.0 REPORTS – GENERAL MANAGEMENT SERVICES	139
14.1 STRATEGIC DEVELOPMENT	
Nil.	140
14.2 ORGANISATIONAL DEVELOPMENT	
Nil.	140
14.3 ECONOMIC DEVELOPMENT	
Nil.	140
14.4 CORPORATE GOVERNANCE	
14.4.1 Extraordinary Election – Councillor Wiseman	141
14.4.2 Annual Compliance Audit Return 2008	145
14.4.3 Governance And Meeting Framework – Meeting Timings	149
14.4.4 Appointment to Vacant Committees	155
14.5 GENERAL MANAGEMENT SERVICES COMMITTEES	
14.5.1 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes – 18 th February 2009	161
14.5.2 Amity Heritage Precinct Enhancement Committee Meeting Minutes – Monday 23 rd February 2009	167
15.0 MONTHLY REPORT/INFORMATION BULLETIN	168
16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
Nil.	168
17.0 MAYORS REPORT	
	168
18.0 URGENT BUSINESS APPROVED BY DECISION OF THE MEETING	
18.1 Lot 2 Mason Road and Lot 9000 Lower King Road, Lange – Fire Management	169
18.2 Appointment to Strategy and Policy Committee Vacancies	176
19.0 CLOSED DOORS	
Nil.	180
20.0 NEXT ORDINARY MEETING DATES	
21 st April 2009	180
21.0 CLOSURE OF MEETING	180

APPENDIX

A. STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS	181
B. DISCLOSURE OF INTEREST	182
C. SUMMARY OF ACCOUNTS CERTIFICATE	183
D. TABLED DOCUMENTS	184

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)

Deputy Mayor	M Evans, JP
Councillors:	
Breaksea Ward	VACANT
Frederickstown Ward	VA Torr
Kalgan Ward	J Walker
Vancouver Ward	K Stanton
West Ward	D Dufty
West Ward	D Wolfe
Yakamia Ward	J Matla
Yakamia Ward	G Kidman
Staff:	
Chief Executive Officer	P Richards
Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Executive Manager	G Bride
Manager Executive Services	S Jamieson
Minutes Secretary	S Smith
Public Gallery and Media:	
3 media representatives were in attendance and approximately 25 members of the public.	
Apologies/Leave of Absence:	
Breaksea Ward	J Bostock
Frederickstown Ward	D Price
Kalgan Ward	R Buegge
Vancouver Ward	R Paver
Staff:	Nil

3.0 OPENING PRAYER

The Deputy Mayor 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.”

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT the Mayors report be presented as the first item on the Agenda.

MOTION CARRIED 8-0

NOTES FOR MAYOR'S REPORT

ORDINARY COUNCIL MEETING – TUESDAY 17TH MARCH 2009

Members of Council / visitors

It is my pleasure to report to you once again on Mayoral office activities for February/March outside the scope of Council Committee meetings.

- Firstly welcome to our 2 new Councillors – Cr Vera Ann Torr and Cr Don Dufty to their first Ordinary Council meeting.
- On the 18th February I joined our Aboriginal community by attending the march up York Street and activities in the Alison Hartman Gardens, celebrating the 1st Anniversary of Prime Minister Kevin Rudd's apology to the Aboriginal people on behalf of the nation.
- I attended and layed a wreath on behalf of Council at The Returned and Services League Viner Brooke Memorial Service at the Residency on 20th February. The RSL has expressed the desire to see more City of Albany Councillors attend these services. If you have misplaced the schedule and RSVP notices circulated by the RSL, please see my PA and she will provide you with a copy.
- On 25th February 3 Aboriginal Students were presented with City of Albany Education Scholarships at a small function in the Mayoral Office.
- The Great Southern Marketing Association's Taste Great Southern Launch in Denmark was an excellent function particularly as the guest speaker was from the Ulysses Club which will be holding its AGM in Albany in 2010 and will attract thousands of visitors to Albany and the region over 7 to 10 day period.
- I attended the Albany Chamber of Commerce and Industry Awards Night on Friday 27th February and presented the City of Albany sponsored Tourism Award which was won by Beach House at Bayside – our congratulation to Janet and Keith Hillam along with all the other category winners.
- Saturday 28th started with the launch of Paperartzi 09 when I was presented with a very imaginative addition to the Mayoral Regalia in the form of a luggage tag chain. This was followed by the launch of the Albany Community Vision which from all accounts to date generated interest, both ongoing and new. Later that afternoon I attended the Annual Memorial Service for HMAS Perth.
- The Annual City of Albany Sportsperson of the Year Awards were held on Wednesday 4th March. Congratulations go to the winners: Junior, Kathryn Slattery; Veteran, Geoff Faulkes; Senior Sportsperson, Steve Hurley and the Mike Stidwell medal for sports administration, Tony Wilson.
- Minister Tuck Waldron and Hon. Robyn McSweeney visited Council briefly on 5th March providing opportunity to discuss a variety of topics of mutual interest including future sporting facility initiatives for the City.

- On 10th March I launched the Youth Focus Hawaiian Ride for Youth 2009 which left from NASHS. This was the 7th year of the ride which raises funds to help prevent suicide, depression and self harm in young people aged 12-18 years.
- Along with the Manager Economic Development, Jon Berry, I met with the U.S. Consul-General Dr Kenneth Cherne on 11th March. This was a fruitful meeting which focused on strengthening ties between Albany and the United States, covering topics such as promoting U.S. Navy ship visits to Albany; expanding the Albany stream of the Perth International Arts Festival to bring US artists to Albany; U.S. participation at the inauguration of the Peace Park in 2010 and possibly ANZAC Day 2009 or a Coral Sea commemorative service. Dr Cherne has also expressed ongoing interest in the unique renewable energy project trials being undertaken around Albany.
- The Japanese Consul-General, Perth visited Albany on 12th and 13th March. Council held a joint Civic Luncheon with the Albany Chamber and Port Authority and assisted to facilitate a variety of meetings and functions, both economic and cultural, over the 2-day visit.
- On Saturday 14th I opening the VIBE 3on3 Aboriginal Youth Festival at ALAC.
- Council hosted a Civic Reception last night, 16th March, in recognition of Australia's Local Hero 2009, local man Graham Drew and on a closing note:
- The recent trial in Perth highlighted the hazards police face in their daily duties. I regard police officers with a great deal of respect and I support their role in our town.

The rule of law is one of the foundations of any civil society and we undermine it at our peril.

Anyone who is not a lawbreaker will view police with a great deal of confidence and will find their presence engenders a feeling of security.

I urge local people to acknowledge the authority of police officers as an essential and integral part of our community.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT the Mayors Report be received.

MOTION CARRIED 8-0

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

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

Speaker One. John Tonkin, Goode Beach

Mr Tonkin addressed council in regards to Report Item 11.1.1 – Development Application – Holiday Accommodation (100 Unit Resort) that was deferred at the Ordinary Council Meeting held on the 19 Feb 09. Mr Tonkin stated that this development is not in the interest of Albany. A copy of this address is attached in Appendix D of the minutes.

Executive Director Development Service declared an interest in this item and left the Chambers at 7.16pm. The nature of his interest is that his wife works for the applicant.

Speaker Two. Mr Jim Wright, Orana

Mr Wright addressed Council in regards to report item 11.1.1 and asked that Council support the application. Mr Wright stated that the Respite Care unit is a great asset to Albany and surrounding region.

Speaker Three. Mr Brown

Mr Brown addressed Council in regards to item 11.1.1 and thanked the Council for scheduling a site inspection. He asked that Council approve the application and appreciated the Council decision and work involved with this project.

Speaker Four . Mr Tony Demarteau , Orana

Mr Demarteau addressed Council in regards to item 11.1.1 and asked Council to support this application. The Lions Club of Albany and this application will be of great benefit to the Community.

Mr Demarteau also asked Council to investigate the increasing illegal parking within the Emu Point area.

Speak Five. Mr Peter Cooksey

Mr Cooksey addressed Council in regards to report item 11.3.3. Mr Cooksey stated that the Officer's report does not mention there is a buffer zone for water and that it is essential that a buffer zone is maintained.

Speaker Six. Mr Martin Beeck, Goode Beach

Mr Beeck, former Councillor of the City of Subiaco, addressed Council in regards to the Frenchman Bay Resort application. A copy of his address and questions is attached in Appendix D of the Minutes.

Executive Director Development Services returned to the Chambers at 7.31pm.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

THAT the following minutes of the;

Ordinary Council Meeting held on the 17 Feb 09 as previously distributed be CONFIRMED as a true and accurate record of proceedings; pending the inclusion of the requested additional information being appended to page 83 of the 20 Jan 09 minutes; being:

“In response to Councillor Price's request for an elected members entitlement to all relevant information the CEO stated the following:

The Planning and Development Act 2005, Division 3 – Relevant consideration in preparation or amendment of local planning scheme:

77. Effect of State planning policy

(1) Every local government in preparing or amending a local planning scheme-

(a) is to have due regard to any State planning policy which affects its district, and

(b) may include in the scheme a provision that a specified State planning policy, with such modifications as may be set out in the scheme, is to be read as part of the scheme, or a provision however expressed to the same effect.”

MOTION CARRIED 8-0

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

Special Council meeting held on 10th March 2009, as previously distributed be CONFIRMED as a true and accurate record of proceedings.

MOTION CARRIED 8-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

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

Name	Item Number	Nature of Interest
Councillor Dufty	11.6..2	Impartial Interest. Cllr Dufty is a member of the Cottage Scheme Board.
Executive Director Development Services (R Fenn)	11.1.1	Financial Interest. Mr Fenn's wife derives an income from the proponent.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

DEVELOPMENT SERVICES Reports

DEVELOPMENT SERVICES REPORTS

11.0 REPORTS – DEVELOPMENT SERVICES

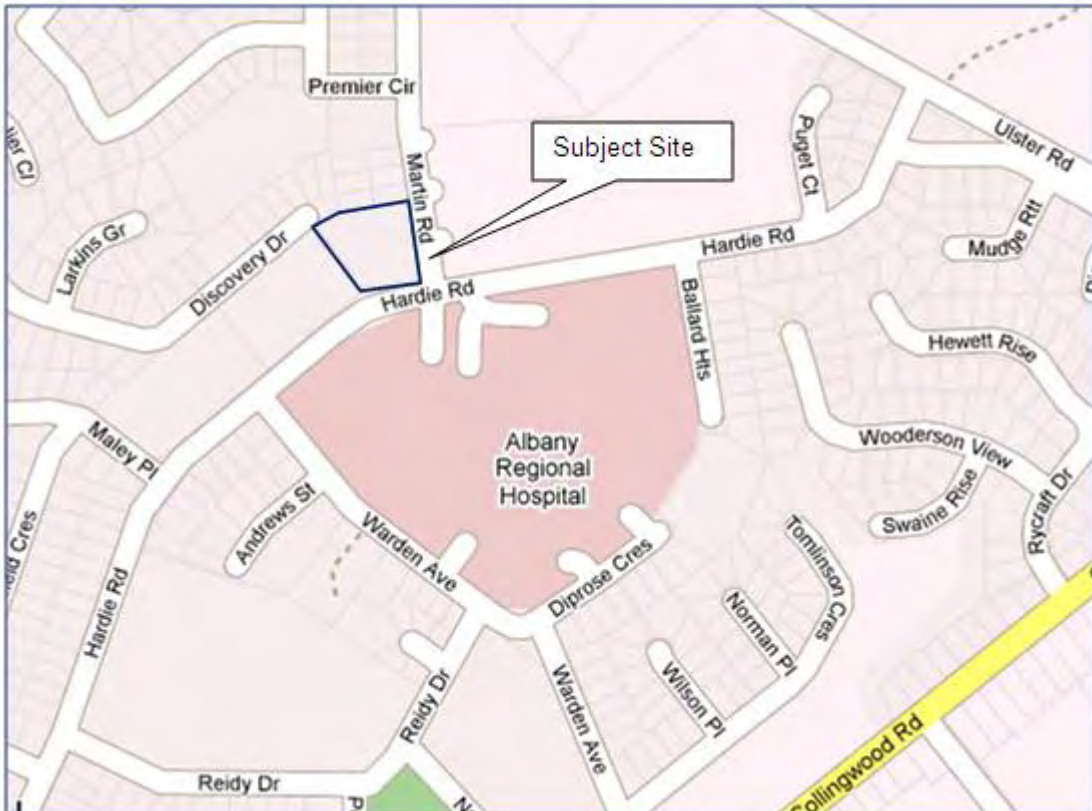
11.1 - DEVELOPMENT

ITEM NUMBER: 11.1.1
ITEM TITLE: DEVELOPMENT APPLICATION - PROPOSED INSTITUTIONAL HOME (RESPIRE FACILITY) – 73 HARDIE ROAD, SPENCER PARK

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward** : A164876 (Breaksea Ward)
- Summary of Key Points** : Consideration of application for institutional home within Clubs and Institutions Zone and relaxation of front setback requirement
- Land Description** : Lot 1446 (73) Hardie Road, Spencer Park
- Proponent** : Albany Lions Community Care Centre (WA) Inc
- Owner** : Albany Lions Community Care Centre (WA) Inc
- Reporting Officer(s)** : Executive Services Manager - Planning and Councillor Liaison (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Bulletin Attachment(s)** : Site Plan / Elevations & Submissions
- Consulted References** : Nil
- Councillor Lounge** : Planning Scheme Consent Application
- Maps and Diagrams**



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

BACKGROUND

1. An application has been received from Albany Lions Community Care Centre (WA) Inc to develop an Institutional Home (Respite Facility) at 73 Hardie Road, Spencer Park.
2. The proposed respite facility includes 4 bedrooms, 2 bathrooms and 1 ensuite, meeting room, living room, family room, kitchen and alfresco area.
3. The purpose of the building is to provide short term respite care for persons afflicted by a range of low care disabling conditions. The facility will assist full time carers, who on occasions need individual time to attend to appointments, events etc. The facility will allow for overnight care and has been specifically designed to appear and feel like a standard residential dwelling.
4. At any one time the facility will provide care for up to 4 people, with one carer being on site. On this basis, at full occupancy up to 1460 overnight stays could be accommodated each year.
5. The subject land slopes west to east from approximately 45 meters AHD (on the south western boundary) down to 39 metres AHD adjacent to Martin Road. The proposed development will be constructed at the same finished floor level as the existing building (being 43m AHD), meaning a retaining wall up to a metre in height, adjacent to the eastern most point of the building, is proposed on the front boundary facing Hardie Road. Although a stepped retaining wall has been proposed at the rear of the building to reduce its bulk, a 3.0 metre high retaining wall over two sections will be visible from Martin Road.
6. The building is proposed to be located in-between the existing Lions Community Care building and the front boundary facing Hardie Road. The proposed front setback is 1.5 metres, rather than the 11.0 metres specified within Town Planning Scheme No. 1A for the Clubs and Institutions Zone.

DISCUSSION

7. The proposed front setback of 1.5 metres represents a significant setback relaxation (9.5m) from the specified standard of 11.0 metres. The prevailing front setbacks along Hardie Road, adjacent to this site, range from 6 metres (for small portions of the Clarence Estate development, although the building has an average setback of 11.0 metres) through to around 25.0 metres (inclusive of the Albany Regional Hospital and St Josephs School). The residential areas to the west are setback at least 6.0 metres. Based on the open streetscape it is believed that the proposed development forward of all other buildings will dominate the view from Hardie Road and detrimentally affect the areas character. It is therefore recommended that the proposed setback relaxations not be supported to the extent proposed.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

8. A previous proposal submitted by the proponent (for preliminary feedback only) sought a setback of 5.0 metres, which included significant landscaping between the building and the front boundary, and was given in principle support by staff. The proponent has advised that the previous proposal did not meet their operational needs and the increased width of the building is essential to accommodate a meeting room, suitable passage widths and room for equipment.
9. Staff also met with the proponent's builder on site to discuss whether the building could be positioned on the eastern side of the existing building (which includes an area around 15.7 metres in width), however due to increased building costs (earthworks and retaining) this option was not pursued. It is noted that the width of the proposed building is 14.5 metres (inclusive of eaves), and with some minor modifications to the design, staff are of the opinion it could physically be accommodated within this area.
10. The proponent has advised that they would be prepared to landscape the front verge area and install an open style fence on the front boundary to lessen the impact of the building.
11. It is important to note that whilst staff have no objection to the land use of 'Institutional Home', and believe that the facility would be of great benefit to the Albany community, the positioning of the structure is considered to be too close to the front boundary.

PUBLIC CONSULTATION / ENGAGEMENT

12. In accordance with Clause 4.10 and 7.5 of Town Planning Scheme No. 1A the proposed land use and front setback relaxation were advertised and at the close of the advertising period 14 submissions and a petition bearing 281 signatures, were received. With the exception of one submission, all other submissions supported the development, mainly on the basis that it was a required service in Albany. A copy of all submissions are included in the Information Bulletin.
13. One objection was received from Hall and Prior, on behalf of the owner of the adjacent Clarence Estate. They believe the location of the building forward of all other buildings in the area will negatively affect the streetscape and impact on the view shed from their development down Hardie Road (through to views towards Oyster Harbour and the rural hinterland). They also believe the appearance of a standard residential dwelling, located within the front setback area, will take away from the existing Lions building which is an attractive and well designed structure.

GOVERNMENT CONSULTATION

14. No referral to government agencies was required.

STATUTORY IMPLICATIONS

15. The use 'Institutional Home' is defined within Town Planning Scheme No. 1A as:

"...means a residential building for the care and maintenance of children, the aged or the infirm, and includes a benevolent institution, but does include a hospital or mental institution."
16. The use 'Institutional Home' is a 'SA' use within the Clubs and Institutions Zone, meaning a use that is required to be advertised and may be approved at the discretion of Council.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

17. Clause 4.10 of Town Planning Scheme No. 1A allows Council to consider a relaxation to a scheme standard (in this case a front setback requirement). All adjoining landowners which may have been affected by the proposed relaxation were consulted as per the requirements of the Clause. Council has the option to relax the front setback taking into account the submissions received as part of the advertising process.
18. As the subject land has two street frontages, being Hardie and Martin Road, Clause 4.8 of Town Planning Scheme No. 1A is also applicable. This Clause allows Council to specify which street frontage shall be used for the purpose of measuring the front setback, and provides that a 50% reduction of the front setback may be applied to the other street frontage. Staff have utilised Hardie Road as the frontage to which the front setback requirement applies, on the basis that Hardie Road is a major road and the existing and proposed development gains its primary vehicular access from this road. Should Council decide that Martin Road be used to calculate the front setback, an 11 metre setback would be required from this frontage, and 5.5 metres required from Hardie Road (representing 50% of the 11 metre setback). The proposed development would achieve the 11 metre setback from Martin Road, but would still need a relaxation under Clause 4.10 for the setback relaxation to Hardie Road.
19. Advertising of the use „Institutional Home’ was undertaken in accordance with Clause 7.5 of the Scheme, which requires the placement of an advertisement in the paper, a sign to be positioned on site and referral of the proposal to surrounding landowners.
20. The land use „Institutional Home’ is also required under the Scheme to be connected to reticulated sewer and to accommodate one parking bay per 5 beds. There are currently 16 parking bays on the site, and the 1 bay required for this proposal can be accommodated within existing parking areas.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

21. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan:

*“Community Vision
Nil*

Priority Goals and Objectives:

Goal 1: Lifestyle and Environment.....Albany will be Western Australia’s regional City of first choice offering a diverse range of healthy and active lifestyle opportunities, with energy efficient housing and development that respects our environment.

Objective 1.1 Albany will be a City where our health services are significantly improved in order to accommodate the real needs of the region.

City of Albany Mission Statements:

At the City of Albany we operate within our strategic and policy framework”

22. The land is designated in the Albany Local Planning Strategy as „Existing Urban’.

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Council has the following options in relation to this proposal:
- a. Approve the proposal subject to a condition requiring the setback on the front boundary to be increased (as per officer recommendation);
 - b. Approve the proposal at its proposed setback (ie 1.5 metre setback); or
 - c. Refuse the proposal on the basis that Council does not support the proposed land use and/or a setback relaxation to the setback requirements within the Scheme.
25. Should Council refuse the application the proponent can appeal to the State Administrative Tribunal (SAT) to have the decision reviewed.

SUMMARY CONCLUSION

26. Staff recommend that the application for an „Institutional Home’ be supported subject to a condition being imposed that the building be repositioned to attain a setback of at least 5 metres from the front boundary (the setback previously supported in principle by staff), and/or the building is repositioned to the east or north of the existing Lions Community Care Centre building.

ITEM 11.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENTS: SIMPLE MAJORITY

THAT, subject to the building being modified and repositioned to attain a minimum setback of 5.0 metres from the front boundary of Hardie Road, Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for an Institutional Home (Respite Facility) at 73 Hardie Road, Spencer Park, subject to, but not limited to, the following conditions:

- i) a landscaping plan being prepared to the satisfaction of Council prior to the issue of a building licence identifying the location and type of species to be planted on the site and within road verge;
- ii) the landscaping plan shall be implemented prior to the occupancy of the building;
- iii) fencing along the front boundary should be of an open, visually permeable nature; and
- iv) the development is to be connected to reticulated sewer.

ITEM NUMBER 11.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council DELEGATES its authority to the Executive Director Development Services, pursuant to 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for an “Institutional Home” at 73 Hardie Road, Spencer Park and empowers the Executive Director to incorporate any further conditions that he considers necessary.

Rob Fenn, Executive Director Development Services Declared an interest in this item and left the Chambers at 7.32pm. The nature of his interest is that his wife draws an income from the applicant.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

**ITEM NUMBER 11.1.1 – ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council SUPPORTS the issuing of a Notice of Planning Scheme Consent for an Institutional Home (Respite Facility) at 73 Hardie Road, Spencer Park, subject to, but not limited to, the following conditions:

- v) a landscaping plan being prepared to the satisfaction of Council prior to the issue of a building licence identifying the location and type of species to be planted on the site and within road verge;**
- vi) the landscaping plan shall be implemented prior to the occupancy of the building;**
- vii) fencing along the front boundary should be of an open, visually permeable nature; and**
- viii) the development is to be connected to reticulated sewer.**

MOTION CARRIED 7-1

For the Motion: Mayor Evans, Councillors Walker, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Torr

Executive Director Development Services returned to the Chambers at 7.40pm.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR DUFTY**

**ITEM NUMBER 11.1.1 - ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council DELEGATES its authority to the Senior Planning Officer (I Humphrey), pursuant to 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for an “Institutional Home” at 73 Hardie Road, Spencer Park and empowers the Senior Planning Officer to incorporate any further conditions that he considers necessary.

MOTION CARRIED 8-0

Councillors Reason:

The setback relaxation is supported by the majority of the submissions received during the advertising period, and with suitable landscaping being placed within the road verge area, which is relatively wide at this point, the building would be screened, and not stand out when viewed from Hardie Road.

DEVELOPMENT SERVICES REPORTS

11.2 – HEALTH, BUILDING & RANGERS

Nil

DEVELOPMENT SERVICES REPORTS

11.3 – DEVELOPMENT POLICY

ITEM NUMBER: 11.3.1

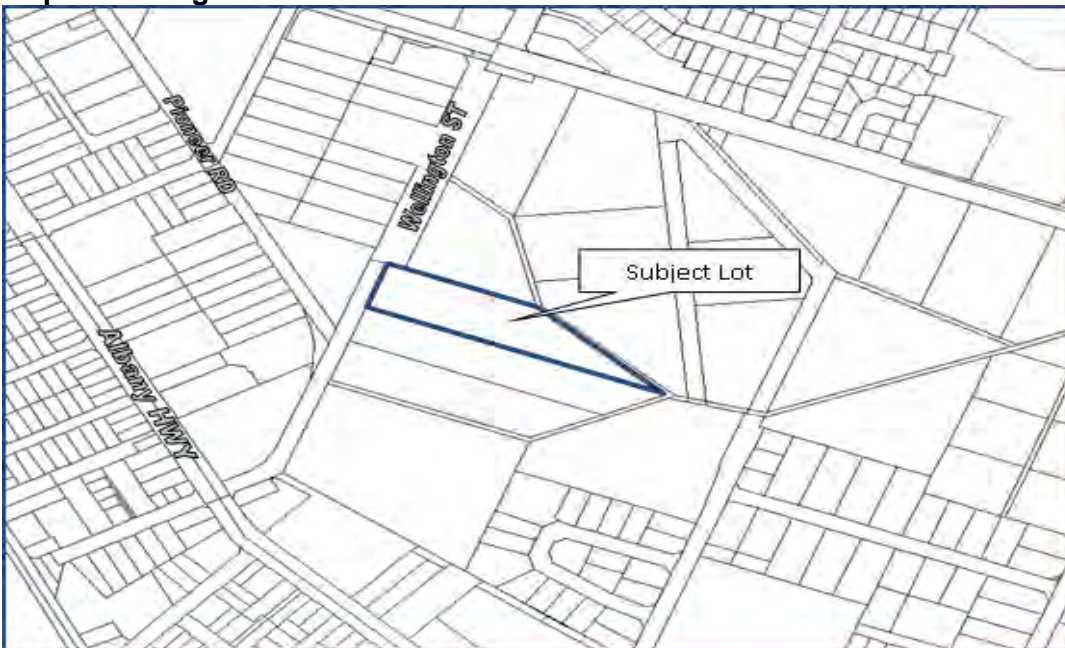
ITEM TITLE: FINAL APPROVAL OF SCHEME AMENDMENT NO. 168 – LOT 731 WELLINGTON STREET, CENTENNIAL PARK

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 168 (Frederickstown Ward)
- Summary of Key Issues** : Consider the submissions received during the public consultation period and determine whether to grant final approval to the amendment to:
1. Rezone Lot 731 Wellington Street, Centennial Park from „Clubs and Institutions’ to „Residential R60’; and
 2. Designate Lot 731 (52) Wellington Street, Centennial Park as „Special Site S45’.
- Land Description** : Lot 731 Wellington Street, Centennial Park
- Proponent** : Harley Survey Group
- Owner** : Antimony Pty Ltd
- Reporting Officer** : Senior Planning Officer (J Van Der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 15/05/07 Item 11.3.1
OCM 16/09/08 Item 11.3.3
- Bulletin Attachment(s)** : Copy of Submissions
- Consulted References** : WA Planning Commission (WAPC)
Statements of Planning Policy (SPP’s):
SPP1 & SPP 3
- Councillor Lounge** : 1. Amendment Document
2. Copy of OCM 15/05/07 Item 11.3.1
3. Copy of OCM 16/09/08 Item 11.3.3

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

BACKGROUND

1. Council initiated Amendment 168 to Town Planning Scheme No. 1A at its Ordinary Meeting held on 16 September 2008. A Scheme Amendment Request was previously supported by Council at its Ordinary Meeting held on 15th May 2007.
2. The amendment seeks to rezone Lot 731 Wellington Street, Centennial Park from „Clubs and Institutions’ to „Residential R60’ and in addition designating Lot 731 (52) Wellington Street, Centennial Park as „Special Site (S45)’.
3. A special designation within the Scheme allows for greater statutory controls at the subdivision and development stage. The scheme provisions of this proposal will ensure the proper management of environmental issues such as the analysis and treatment of acid sulphate soils, utilisation of water sensitive urban design and ensuring adequate protection of, and setbacks to, the Yakamia creek /drain.
4. The provisions will also require the preparation of detailed design guidelines to control the physical appearance of the development on the site.
5. The successful completion of this amendment will facilitate the future subdivision and development of the land for residential purposes in accordance with the residential design codes to a density coding of R60.
6. Council is now required to consider and determine the submissions received during the 42 day public consultation period.

DISCUSSION

7. The major issues raised during the advertising period were the:
 - management of environmental issues such as acid sulphate soils, water sensitive urban design and setbacks to Yakamia Creek/Drain; and
 - overall design of the development and possible impacts on surrounding uses.
8. The subject site is well located, accessible and in close proximity to local centres, educational facilities, employment opportunities and is adjacent to a variety of recreational facilities.
9. The proposed amendment is consistent with contemporary planning principles and State policies dealing with growth and development.
10. It is believed that the issues raised in the submissions can be addressed via the planning controls included under the special site provisions. Staff therefore recommend that the scheme amendment be finalised without modifications.

PUBLIC CONSULTATION/ENGAGEMENT

11. The scheme amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners and groups, relevant State Government agencies and advertisement in the local newspaper.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

12. A total of five (5) written submissions were received and are discussed with a recommendation for each submission in the attached Schedule of Submissions.

GOVERNMENT CONSULTATION

13. The scheme amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the amendment has been reviewed and does not require formal assessment.
14. The amendment was referred to WestNet energy (Alinta Gas), Telstra, Water Corporation, Western Power, Department of Environment and Conservation, Department of Water for assessment and comment. Responses were received from Water Corporation, WestNet energy (Alinta Gas), Department of Water, Department of Environment and Conservation and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

15. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council has previously decided that an amendment to the Scheme is required (initiation). This stage of the process involves a review of that decision in light of the submission received. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

FINANCIAL IMPLICATIONS

16. There are no financial implications related to this item.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

17. The Albany Local Planning Strategy (ALPS) Section 8.3 Settlement Strategy has the following Objectives:
- *“Facilitate and manage sustainable growth for the urban area in the City of Albany;*
 - *Support the consolidation of serviced urban areas and facilitate staged fully serviced urban incremental development cells;”*
18. ALPS proposes the following action and strategies:
- “The CPS to provide for a variety of residential densities, with higher densities located around the CBD, neighbourhood and local centres (CoA).”*
19. In relation to residential development generally ALPS states:
- “8.6.2 Housing Strategic Objective:*
- *Facilitate a diversity of housing to align with future population and social needs”*
 - *The ALPS recommends that housing choice be facilitated by providing for a greater variety of residential densities, with higher densities around the CBD, neighbourhood and local centres. Strategic housing outcomes are also discussed in Section 8.3 Settlement Strategy.”*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

20. The subject lot is within an area identified by ALPS as „Existing Urban’. It is well located and in close proximity to the CBD and North Road shopping centre, recreational areas and employment opportunities and it is therefore suited to higher density development.

POLICY IMPLICATIONS

21. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) that apply to the scheme amendment.
22. SPP 1 – State Planning Framework
SPP 1 brings together adopted State and regional strategies, plans and policies within a central planning framework to guide decision making in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning. Because it sets out land use principles (ie proper and orderly planning), there are no specific requirements applying to this amendment.
23. SPP 3 – Urban Growth and Settlement – Draft
SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The following objectives of SPP 3 apply to this amendment:

- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

The key policy measures in SPP 3 that apply to the City are centred on the following:

- Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.
- Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.

The policy details the key requirements for sustainable communities as:

- *“Affordable land for housing and affordable housing products in both Greenfield and Brownfield locations to ensure the housing needs of all the community can be met including those with special needs;*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

- *Making the most efficient use of land in existing urban areas through the use of vacant and under-utilised land and buildings, and higher densities where these can be achieved without detriment to neighbourhood character and heritage values;*
- *Supporting higher residential densities in the most accessible locations, such as, in and around town and neighbourhood centres, high frequency public transport nodes and interchanges, major tertiary institutions and hospitals, and adjacent to high amenity areas such as foreshores and parks;...*

The ALPS has been developed in accordance with the principles of SPP3, which designates the land as existing urban. The amendment proposes to introduce a high density in a highly accessible location which will promote a mix of housing types, and is therefore consistent with this SPP.

24. The subject land is also contained within the policy boundary of the City of Albany Residential Design Code Policy. The lot is part of the Centennial Park Precinct (Clause 4.3) and the policy sets the following objectives for this precinct:

- *“To provide a mechanism to manage the orderly transition of land use within the locality.*
- *To rationalize the use of, and improve the quality of, open space and sporting facilities in the city.*
- *To broaden the range of housing available within close proximity to the town centre.*
- *To encourage mixed use and adaptable buildings along Lockyer Avenue, Sanford Road and Campbell Road.*
- *To assist urban consolidation in close proximity to the city centre.*

The proposed amendment is in line with the overall policy objectives for this precinct; a further requirement of the amendment is for the proponent to prepare design guidelines which will ensure that specific and detailed design objectives are adequately addressed.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

25. Regulation 17(2) of the *Town Planning Regulations 1967* states:

“After considering the submissions made pursuant to regulation 16(1) or if no submissions have been lodged within the period specified under regulation 15(5) for making submissions, the responsible authority shall pass a resolution either -

- (a) that the Scheme be adopted with or without modification; or*
- (b) that it does not wish to proceed with the Scheme.”*

26. Council’s decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

27. The scheme amendment has been prepared to support the planning principles in ALPS and State policies, there are no planning issues raised in the submissions and staff recommend the scheme amendment be adopted without modifications.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

ITEM NUMBER: 11.3.1- OFFICER RECOMMENDATION (ADOPT)

VOTING REQUIREMENT: SIMPLE MAJORITY

i) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and Regulation 25(1)(c) of the *Town Planning Regulations 1967* resolves to ADOPT WITHOUT MODIFICATIONS Amendment No. 168 to Town Planning Scheme No. 1A as follows:**

- a. **Rezone Lot 731 Wellington Street, Centennial Park from ‘Clubs and Institutions’ to ‘Residential R60’.**
- b. **Designate Lot 731 (52) Wellington Street, Centennial Park as ‘Special Site S45’;**
- c. **Amend Appendix II – ‘Schedule of Special Sites’; and**
- d. **Amend the Scheme Maps accordingly.**

AND

i) **THAT Council RECEIVE the Schedule of Submissions and ADOPTS the officer’s recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**

MOTION CARRIED 8-0

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 1A

AMENDMENT No. 168

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed and no advice or recommendations is required.	Nil.	The submission is noted.
2	Water Corporation (Great Southern Regional Office) 215 Lower Stirling Terrace ALBANY WA 6330	No objection to the amendment. Advises the proponents will be required to have discussions with the Water Corporation at the appropriate development application stage, regarding the associated servicing requirements.	Nil.	The submission is noted.
3	WestNet Energy 12-14 The Esplanade PERTH WA 6000	The proposal affects distribution pipelines and the applicant should contact 'Dial Before You Dig' before commencing any works.	Nil.	The submission is noted.
4	Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330	The Department has minimal comment to make and advises; a) That advice/comment should be sought from the Department on Acid sulphate soil issues prior to any site works or development. b) Surviving native vegetation should be considered for retention and be planned for as part of the future development.	a) The proposed scheme provisions include a requirement for a detailed site assessment for Acid Sulphate Soils (ASS) and the ability to request the preparation of ASS management plans at the time of subdivision or development. b) From recent aerial photos it appears that the vegetation mentioned and clearly shown on some older aerial photos has been cleared. The proposed Scheme provisions include the requirement for the preparation of design guidelines. The design guidelines will need to address matters like landscaping.	a) The submission is noted. b) The submission is noted.
5	Department of Water PO Box 525 ALBANY WA 6330	Does not object to development and provides the following additional advice. <u>Storm water management</u> a) The location of stormwater infrastructure needs to be reconsidered. b) An urban storm water management plan is required at a subdivision stage.	The proposed Scheme provisions include a list of matters for the developer to deal with at the time of development or subdivision To the satisfaction of the City and in consultation with the Department of Water. These requirements include: a) implementation of water sensitive urban design principles; b) drainage and landscaping; c) upgrading of the creek; and	The submission is noted.

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 1A

AMENDMENT No. 168

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p><u>Yakamia creek</u> c) Restoration of the creek to become a “living stream” and should include the revegetation of the riparian area and the removal of weeds. d) A development setback of 15 M from the creek is recommended with a formal separation of public and private land e.g. footpath.</p> <p><u>Flood risk</u> e) An appropriate setback from Yakamia creek is required to ensure that development or stormwater management infrastructure is not located within the flood risk area.</p>	<p>d & e) setbacks to and addressing the interface between the creek and the private land. The scheme provisions adequately deal with all of the comments made at this stage of the planning process.</p>	
6	<p>Ayton Baesjou Planning 11 Duke Street ALBANY WA 6330 On Behalf of Mr D Tadj. Lot 14 Pioneer Road.</p>	<p>Advises that their client has no objection to the rezoning and would however like to draw attention to the following:</p> <p>a) Section 2.6 of the document incorrectly refers to Lot 14 as undeveloped and requests that the document be modified to reflect the existing substantial development on the land. b) The intention to develop a Day Hospital on the lot and the potential land use conflict that may arise from the proposed rezoning and subsequent development.</p> <p>In relation to this concern suggest that with the appropriate design e.g. the orientation of building to the north overlooking the POS will reduce potential conflicts/concerns.</p>	<p>a) Section 2.6 states “To the west of the subject land is land zoned ‘Clubs and Institutions’ and ‘Residential’ with a density coding of ‘R20’. This land is not yet developed to its prescribed density due to historical development of the land.” Reference in this section is more specific to the R20 residential lots that are not yet developed to the prescribed density.</p> <p>b) The proposed Scheme provisions include a requirement for preparation of design guidelines that will deal with the design of buildings, building materials, access, parking and landscaping. It is also assumed that the buildings will be north facing and predominantly orientated to have a view over the Park and open space areas (which would be addressed in the preparation of these guidelines). The proposal for a day hospital on the adjacent land will need to ensure noise, traffic and lighting issues are accommodated within the boundaries of its land.</p>	<p>Noted</p> <p>Noted</p>

DEVELOPMENT SERVICES REPORTS

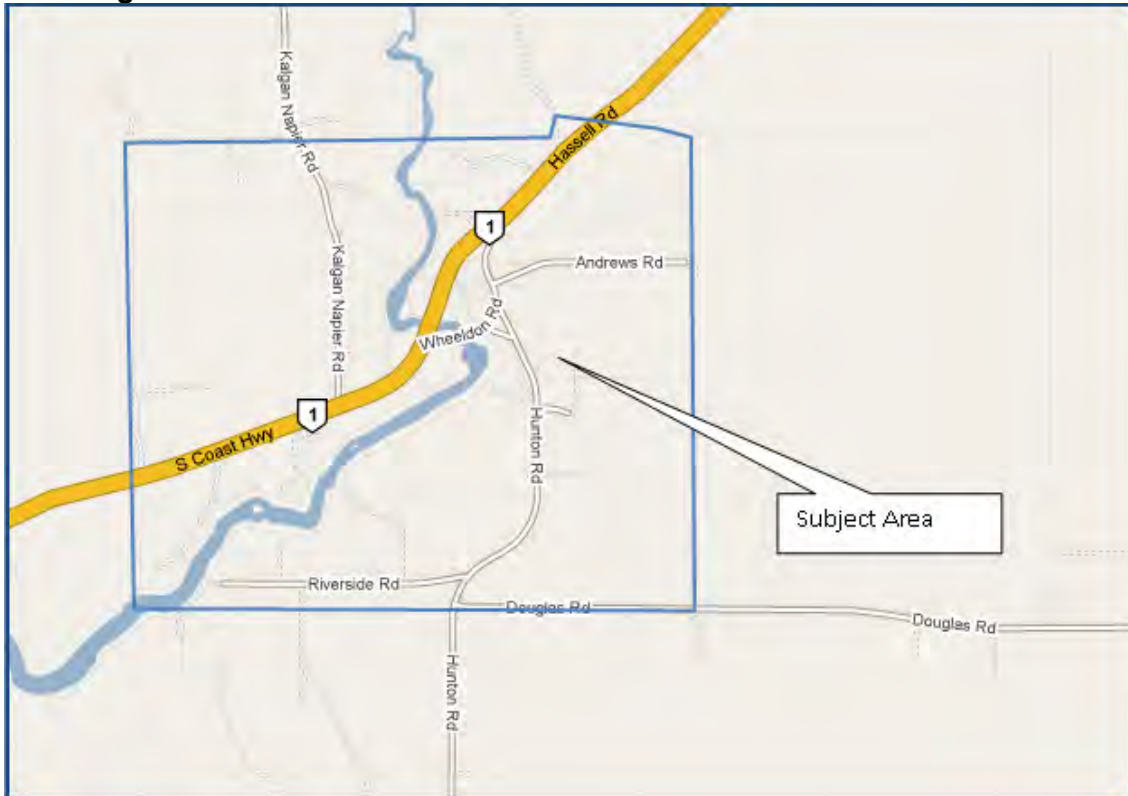
ITEM NUMBER: 11.3.2
ITEM TITLE: INITIATION OF SCHEME AMENDMENT NO. 290 – INTRODUCTION OF ‘RURAL VILLAGE’ ZONE AND REZONING OF VARIOUS LOTS IN KALGAN TO ‘RURAL VILLAGE’

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires performing its function as a Local Government.

- File Number or Name of Ward** : AMD 290 (Kalgan Ward)
Summary of Key Issues : Scheme Amendment to introduce a „Rural Village’ zone into Town Planning Scheme 3 and rezoning various lots in the Kalgan area to „Rural Village’
- Land Description** : Various
Proponent : Ayton Baesjou Planning
Owner : Various
Reporting Officer(s) : Senior Planning Officer (J Van Der Mescht)
Disclosure of Interest : Nil
Previous Reference : OCM 21/10/08 - Item 11.3.2
Bulletin Attachment(s) : Amendment Document
Consulted References : 1. WA Planning Commission (WAPC) Statements of Planning Policy (SPP’s) SPP1; SPP2; SPP2.5; SPP 2.9 & SPP 3
2. Lower Great Southern Strategy
Councillor Lounge : OCM Item - Scheme Amendment Request

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

BACKGROUND

1. An application has been received from Ayton Baesjou Planning (planning consultants) seeking to amend Town Planning Scheme No. 3 by introducing a „Rural Village’ zone into the Town Planning Scheme No. 3 and secondly to rezone various lots in Kalgan to the „Rural Village’ zone. This application also includes the rezoning of various crown lots to Parks and Recreation Reserve.
2. Council’s decision to support the Scheme Amendment Request in October 2008 was subject to the following matters being addressed within the amendment document:
 - a. access arrangements to and from South Coast Highway to be subject to consultation and negotiation with Main Roads WA;
 - b. scheme controls relating to the inclusion of the new “Rural Settlement” zone being accommodated;
 - c. an indicative Outline Development Plan being included in the amendment, notwithstanding that a detailed Outline Development Plan will be required as a separate proposal; and
 - d. detailed land capability information proving the land can accommodate the increased density proposed and support additional effluent disposal systems and waste loads.
3. All matters raised above have been addressed within the amendment documentation except for the issue of access arrangements. It is anticipated that a detailed level of discussion and studies would be required to resolve this issue. It would therefore be more appropriately dealt with as part of the proposed Outline Development Plan process (a requirement of the proposed zone).

DISCUSSION

4. The first part of this amendment deals with the creation of a „Rural Village’ zone. This part of the amendment also inserts and deals with the „Rural village’ zone objectives, land-uses, and introduces mechanisms to allow and control development in accordance with an endorsed Structure Plan. The land uses that are “Permitted” activities are Single House and Single Bedroom Dwelling. A range of land uses have been identified as discretionary land uses (with or without advertising) allowing Council to consider each proposal on its merits, where issues such as land use conflict and scale can be assessed. Such discretionary uses include:
 - Horticulture;
 - Museum;
 - Rural Storage Yard;
 - Holiday Accommodation;
 - Dry Industry;
 - Rural Industry;
 - Service Industry;
 - Petrol Filling Station;
 - Garden Centre;
 - Motel;
 - Restaurant;
 - Tavern;
 - Service Station;
 - Shop;
 - Sport Ground.
5. The above land use mix and statutory controls accords with the intention of ALPS and is consistent with the wording within the draft City of Albany Local Planning Scheme 1. The new Scheme does designate the use „Tavern’ as a prohibited land use in the Rural Village zone, however a boutique brewery could be an asset to an area such as Kalgan and should be able to be considered on its merits.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

6. The strategic intent for rural villages according to ALPS is to retain the existing infrastructure and improve the viability and range of services, facilities and rural commerce within the rural community.
7. The proposed objectives for the Rural Village Zone are to:
 - a. *Create a strong sense of community by providing for residents to work, live and recreate within the zone;*
 - b. *Accommodate limited expansion within and adjacent to existing Rural settlements to support the community, educational and sporting assets within those communities;*
 - c. *Provide for a range of lot sizes and activities within the zone to achieve self-buffering of uses within the rural settlement to adjoining rural zone;*
 - d. *Provide for the development of rural villages in accordance with individual Structure Plans;*
 - e. *Allow for a mix of residential, commercial, industrial and other uses appropriate to the needs of the community within the Rural Village zone; and*
 - f. *Achieve self-sustaining settlements by requiring self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs. To facilitate the orderly and proper development of Rural Settlements in a socially, economically and environmentally sustainable manner.*
8. The proposed new clauses to be inserted into the Scheme require the preparation of an Outline Development Plan to be developed to locate infrastructure and land uses within a new Rural Village zone, promoting mixed uses and an appropriate sustainable level of servicing.
9. The second part of this amendment proposes to rezone various lots in Kalgan to the proposed „Rural Village’ zone. The zoning boundary has been determined on the basis of topography, areas of remnant vegetation and the desire to create a relatively compact village, and is supported by staff.
10. The amendment document discusses and includes;
 - i) an indicative ODP;
 - ii) environmental constraints and issues;
 - iii) servicing requirements inclusive of methods and calculations for rainwater collection;
 - iv) a land capability & geotechnical assessment with recommendations prepared by Landform Research consultants in October 2008 (included as an appendix to the document);
 - v) an initial flora assessment (included in the land capability report.);and
 - vi) a preliminary fire management plan.
11. The indicative ODP attached to the amendment has identified 3 main settlement precincts (Historical Village, Rural Settlement 2 and Rural Settlement 3). Lot sizes within the Historical Village Precinct are envisaged to be 1000m² to 2000m² as they will form the core of the village centre, lots within Rural Settlement 2 (area to the east and south of the Kalgan River) will be within the vicinity of 2000m² and 5000m², and within Rural Settlement 3 limited subdivision is proposed based on land capability. The indicative layout is based on the land capability study and preliminary environmental reporting included in the amendment documents.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

12. Main Roads WA has raised some preliminary concerns over access onto South Coast Highway, inclusive of sightlines, intersection treatments, road upgrades, traffic speeds etc which would need to be resolved as part of the ODP process. The proponent is currently working through these issues with MRWA.
13. The amendment is consistent with the strategic intent as listed in the Lower Great Southern Strategy and ALPS. The document furthermore adequately addresses the matters raised by Council at the SAR stage. Staff therefore recommend that the amendment be initiated for public and Government consultation.

PUBLIC CONSULTATION/ENGAGEMENT

14. Should Council initiate the amendment, and the Environmental Protection Authority decides not to assess the proposal, the amendment will be advertised to all affected and surrounding landowners.

GOVERNMENT CONSULTATION

15. Should Council initiate the amendment, it will be referred to all relevant government agencies for comment.

STATUTORY IMPLICATIONS

16. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.
17. Council's resolution under Regulation 25(i)(c) of the *Town Planning Regulations 1967* is required to amend the Scheme.
18. 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.
19. 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.
20. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

22. The Western Australian Planning Commission has prepared the Lower Great Southern Strategy to guide land use planning decisions within the region. The scheme amendment is consistent with the actions identified in the Lower Great Southern Strategy for rural Villages, as detailed below:

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

Rural Villages

*“Identifies the existing rural villages of: - Wellstead, Elleker, Cheynes Beach, Torbay Hill, **Kalgan**, Manypeaks, South Stirling, Redmond, Torbay, Youngs Siding in the City of Albany;...*

The strategy recommends that the majority of settlement growth in the region be in the urban areas of Albany, Denmark, Mount Barker, Cranbrook and Frankland. The potential for growth of rural villages identified will be assessed in the context of each local government’s local planning strategy. Urban development outside the settlement hierarchy is not proposed.

Actions - In local planning strategies or separate settlement strategies consider whether there is potential for growth and development of rural villages after considering the following:

- *existing size and function;*
- *economic drivers;*
- *land capability and environmental constraints;*
- *available infrastructure and cost of servicing and upgrades; and*
- *community aspirations (local government, WAPC/DPI).*

For rural villages identified for expansion local government need to prepare and have endorsed by the WAPC a Townsite strategy and/or conceptual structure plan (local government, WAPC/DPI).”

23. Within the Albany Local Planning Strategy the following strategic objectives and/or actions are relevant to this proposal:

Section 8.3.5 - Settlement Strategy – Rural Living

“Encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential;

Ensure that future rural living areas are planned and developed in an efficient and coordinated manner as logical extensions of existing rural townsites along with adequate services and infrastructure;

The ALPS objectives for Rural Living Areas are:

- *Avoid productive agricultural land, other important natural resource areas, areas of high bushfire risk, flooding and environmental sensitivity;*
- *Avoid future and potential long-term urban areas;*
- *Provide compact extensions of existing rural townsites, based on land capability and available services and facilities; and*
- *Minimise potential for generating land use conflicts”*

Actions specified to achieve these objectives include:

“Kalgan, Manypeaks and Elleker are to be the first priority town sites to be evaluated for limited “Rural Residential” development within the context of the above criteria. This is in addition to Wellstead that already has an existing town site strategy to guide growth.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

The theme of rural living is further discussed in ALPS under Sections 6.2.4 (Rural Townsites) and 8.3.6 (Rural Villages).

Part 6.2.4 states:

“The planning and development of rural towns is to be based on promoting appropriate development options to maintain their function and determining the availability of infrastructure and community facilities to support their role” and “... existing “Rural Villages” will expand as a result of development projects, such as mining or tourism activities. Closer rural settlement can provide for a lifestyle choice and more labour intensive agricultural uses have the potential to increase the “Rural Village” populations. Maintaining the character and resolving servicing needs are major determining factors for the potential expansion of existing rural towns. The City proposes to include the existing towns as “Rural Townsite” zones within the CPS and undertake structure planning for each of them. Additional remote settlement proposals will be determined on a case by case basis, within a sustainability framework.

24. Kalgan is included as one of these Rural Settlements and the proposed “Rural Village” zone as outlined in the amendment will assist Council achieve the objectives of the ALPS.

POLICY IMPLICATIONS

25. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the scheme amendment. Any amendment to the planning scheme will be assessed by the WAPC to ensure consistency with the following State and regional policies.

26. SPP 1 – State Planning Framework
The Policy establishes state-wide key land use planning principles and informs the Commission, Local Government and others involved in the planning process in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning.

The proposal is consistent with the Lower Great Southern Strategy and the Albany Local Planning Strategy and is therefore in line with SPP1.

27. SPP 2 – Environment and Natural Resources Policy
SPP2 refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.

The objectives of SPP 2 are:

- To integrate environment and natural resource management within broader land use planning and decision-making;
- To protect, conserve and enhance the natural environment; and
- To promote and assist in the wise and sustainable use and management of natural resources.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

The proposal includes an indicative ODP which identifies environmental constraints, inclusive of low lying areas, areas of remnant vegetation to be protected, need to establish vegetation corridors and protection and enhancement of foreshore areas. More detailed land capability analysis and flora reporting will be required prior to any development to ensure areas designated for development will not adversely affect the environmental and scenic values found within the area.

28. SPP 2.5 – Agriculture and Rural Land Use Planning
SPP 2.5 seeks to ensure the identification and protection of high quality agricultural resource areas for future production. The WAPC and Local Government are required to have regard to SPP 2.5 in planning for the development of rural areas.

The Policy advises that:

“Agricultural production from rural areas is a significant part of the Western Australian economy. It provides essential food and fibre products, and employment and value adding opportunities. Agricultural production in Western Australia is worth nearly \$5 billion per annum. Careful planning is required to maintain these benefits to regional economies and to encourage ongoing investment in agriculture and the supporting resource base.”

The 4 key objectives of SPP 2.5 are:

- Protect significant agricultural resources within the State from inappropriate land use and development;
- Provide for sustainable rural settlement growth within community expectations and ensure adequate community service and infrastructure is available to support the growth;
- Minimise potential land use conflicts between incompatible land uses; and
- Manage natural resources and prevent land degradation.

The area generally to the north and west of Kalgan is designated by SPP 2.5 as Agricultural Priority Management Areas within the State and these are required to be protected for future agricultural production purposes.

This amendment provides for sustainable settlement growth and is therefore consistent with SPP2.5. The amendment will be referred to the EPA, Department of Environment and Conservation and the Department of Agriculture and Food for comment.

29. SPP 2.9 – Water Resources
SPP 2.9 advises that our water resources which include wetlands, waterways, floodplains, estuaries, groundwater aquifers and the marine environments are subject to impacts and demands that affect both quality and quantity. The policy highlights the fundamental need to protect these resources due to their social, environmental and economic importance to the community.

This Amendment will need to be referred to the Department of Water as the Kalgan River is an important waterway that dissects the proposed rezoning area. Issues such as foreshore reserve widths, public access, protection of natural drainage lines, stormwater and nutrient management and development setbacks will be assessed by DOW as part of this amendment process and the ODP.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

30. SPP 3 – Urban Growth and Settlement – Draft
SPP 3 sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The key policy measures in SPP 3 that apply to the City are centred on the following:

- Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.
- Managing urban growth and settlement across Western Australia through the implementation of the Lower Great Southern Strategy recommendations.
- Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.
- Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.
- Managing rural residential growth such that it is located and designed in a sustainable manner which integrates with an overall pattern of settlement and reduces any potential negative impacts such as conflict with traditional rural uses, ensures services can be provided economically and does not occupy areas suitable for urban developments.

The amendment proposal is consistent with the key policy measures identified in SPP 3.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

31. Council has the following options in relation to this item, which are:
- To resolve to Initiate the scheme amendment (with or without modifications);
 - To resolve to not initiate the scheme amendment.
32. A Town Planning Scheme initiated by resolution of Council is to be referred to the Environmental Protection Authority (EPA) for assessment of its environmental impacts.
33. 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.

SUMMARY CONCLUSION

34. It is recommended that the amendment proposal be initiated without modifications pursuant to Regulation 25(1)(c) of the *Town Planning Regulations 1967*.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

ITEM NUMBER: 11.3.2 OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council in pursuance of Section 75 of the Planning and Development Act 2005 and Regulations 25(1)(c) of the Town planning Regulations 1967 resolves to INITIATE Amendment No. 290 to Town Planning Scheme No. 3 for the purpose of;

- i) introducing the Rural Village zone into the Scheme by inserting a new Objective at Clause 3.1.21, a new Column 22 into the Zoning Table and new provisions at Clause 3.13 to link development to an endorsed Structure Plan and address water, effluent and power;**
- ii) rezoning various lots in Kalgan to 'Rural Village';**
- iii) including various crown lots in the Parks and Recreation Reserve; and**
- iv) amending the Scheme Map accordingly.**

MOTION CARRIED 8-0

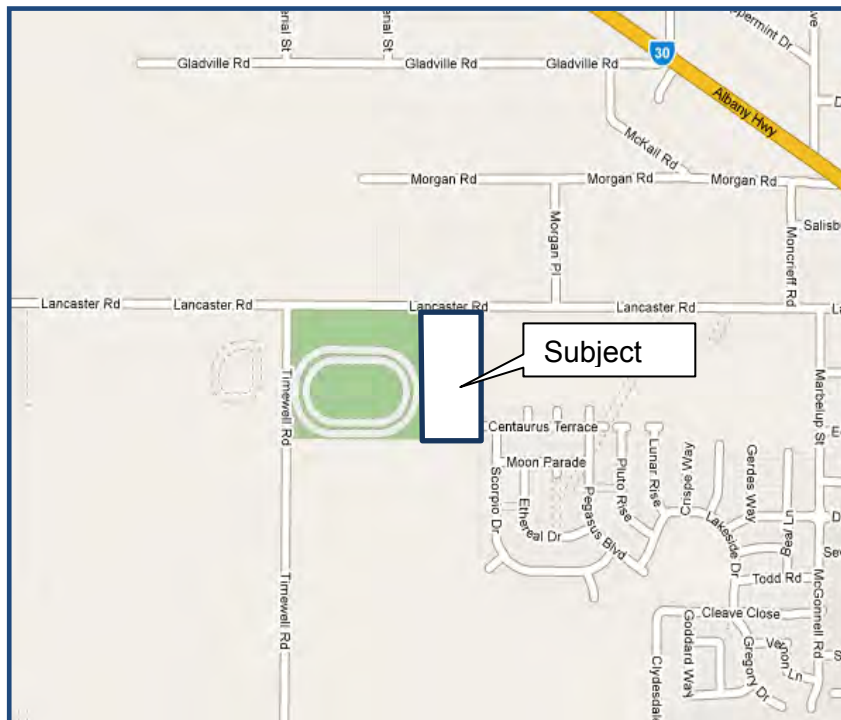
DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.3.3
ITEM TITLE: **FINAL APPROVAL OF SCHEME AMENDMENT NO. 271 – LOT 55 LANCASTER ROAD, MCKAIL**

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Legislative function: Council making and reviewing the legislation it requires to perform its function as a Local Government.

- File Number or Name of Ward** : AMD 271 (West Ward)
Summary of Key Points : Consider the submissions received during the public consultation period and determine whether to grant final approval to the amendment to rezone Lot 55 Lancaster Road, McKail from the „Rural’ Zone to the „Residential Development’ Zone.
- Land Description** : Lot 55 Lancaster Road, McKail
Proponent : Ayton Baesjou Planning
Owner : Albany Drainage & Construction Pty Ltd
Reporting Officer : Planning Officer (C McMurtrie)
Disclosure of Interest : Nil
Previous Reference : OCM 19/06/2007 Item 11.3.8
OCM 19/08/2008 Item 11.3.5
- Bulletin Attachment(s)** : Copy of Submissions
Consulted References : 1. Albany Local Planning Strategy
2. WA Planning Commission (WAPC) Statements of Planning Policy: SPP1; SPP2; SPP 3 and SPP 4.1
3. WAPC Liveable Neighbourhoods
- Councillor Lounge** : 1. Amendment Document
2. Copy of OCM 19/06/2007 Item 11.3.8
3. Copy of OCM 19/08/2008 Item 11.3.5
- Maps and Diagrams:**



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

BACKGROUND

1. Amendment 271 proposes to re-zone Lot 55 Lancaster Road, McKail from the „Rural’ Zone to the „Residential Development’ Zone under Town Planning Scheme No.3.
2. A Scheme Amendment Request (SAR 119) that proposed to re-zone the subject land to „Residential Development’ and „Special Residential’ was considered at the Ordinary Council Meeting held on 19 June 2007. The split in zoning was required on the western portion of the site due to the noise impact from the adjacent harness racing club. However, Council resolved to advise the applicant that it was prepared to entertain the submission of a formal application subject to the area identified as „Special Residential’ being retained as „Rural’.
3. The Scheme Amendment proposes to re-zone Lot 55 from „Rural’ to „Residential Development’ in its entirety and was initiated by Council at the Ordinary Meeting held on 19 August 2008.
4. The successful completion of this amendment will facilitate the future subdivision and development of the land for Residential purposes.

DISCUSSION

5. The subject land is a 5.5 ha lot located in the suburb of McKail, approximately 6.0 km from the centre of Albany. It is currently under pasture, with some remnant vegetation, primarily in its north-west extent and along the northern and western boundaries. An existing house and shed stand towards the north-western corner of the lot.
6. The scheme amendment has generally been supported by government agencies. However, objections to the proposal have been received from a neighbouring landowner and the Water Corporation. The issues raised in the submissions can be effectively addressed through modifications as discussed and as listed in the attached Schedule of Submissions.
7. Issues relevant to the amendment raised within the submissions are as follows:
 - Loss of residential amenity;
 - Housing density;
 - Protection of fauna and native vegetation; and
 - Proximity to Albany Wastewater Treatment Plant (extent of buffer)
8. The Albany Local Planning Strategy (ALPS) identifies the subject land as future urban land with a short term development priority coding. This is intended to “protect future fully serviced urban areas from inappropriate land uses, subdivision and development”.
9. The ALPS calls for noise monitoring to be undertaken at the harness racing track should urban development be considered on adjacent land. This has been completed and has revealed that a 75.0 m buffer must be put in place across the western extent of the lot, in order to mitigate the impacts of noise disturbance. Should the Scheme Amendment be approved, the subsequent Outline Development Plan (ODP) would identify this land as being unsuitable for the development of housing until such time as the adjacent land use is modified or discontinued, or other suitable mitigation measures are put in place, so as to avoid any noise nuisance to residents.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

10. Despite the requirement for a noise buffer, it is considered that this rezoning would “round off” the existing residential development adjacent to the south side of Lancaster Road. It is also considered that the land is suitable for this type of development, provided that concerns regarding loss of residential amenity, housing density, protection of fauna and native vegetation and proximity to Albany Wastewater Treatment Plant can be resolved.
11. Staff would recommend that the Scheme Amendment be finalised subject to modification of the amending document to alter any references to the Albany Waste Water Treatment Plant on Timewell Road, pending verification from the Water Corporation.

PUBLIC CONSULTATION/ENGAGEMENT

12. The Amendment was advertised in accordance with the requirements of the *Town Planning Regulations 1967* from 24 December 2008 to 4 February 2009 by placement of a sign on-site, direct referral to affected and adjoining/nearby landowners, relevant State Government agencies and advertisement in the local newspaper.
13. A total of seven (7) written submissions were received as attached. The submissions received are summarised and discussed with a recommendation for each submission in the attached Schedule of Submissions.

GOVERNMENT CONSULTATION

14. The Amendment documents were initially referred to the Environmental Protection Authority (EPA) as required by the *Planning and Development Act 2005* for environmental assessment. The EPA has advised that the Amendment has been assessed and does not require further formal review. Additional advice and recommendations were provided by the EPA, as outlined in the attached Schedule of Submissions.
15. The Amendment was also referred to WestNet Energy (Alinta Gas), Telstra, Water Corporation, Western Power, Department of Agriculture and Food, Department of Health, Department of Environment and Conservation, Department of Education and Training, Fire and Emergency Services Authority, Main Roads WA (Great Southern Region) and Albany Police station for assessment and comment. Responses were received from Telstra, Main Roads WA, Western Power, Water Corporation, Department of Education and Training and Department of Environment and Conservation and are summarised in the attached Schedule of Submissions.

STATUTORY IMPLICATIONS

16. All scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Town Planning Regulations 1967*. Council has previously decided that an amendment to the Scheme is required (initiation). This stage of the process involves a review of that decision in light of the submission received. Council's decision on the final approval of the amendment requires endorsement by the WA Planning Commission and approval of the Minister for Planning.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

18. The amendment is consistent with the Albany Local Planning Strategy as per paragraphs 8 and 9 of this report.

POLICY IMPLICATIONS

19. Council is required to have regard to any WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) that apply to the Scheme Amendment.
20. SPP 1 - State Planning Framework
SPP 1 brings together adopted State and regional strategies, plans and policies within a central planning framework to guide decision making in relation to sustainable land use and development across the State. It is designed to ensure there is coordination and integrated decision-making across all spheres of planning. Because it sets out land use principles (ie proper and orderly planning), there are no specific requirements applying to this amendment.
21. SPP 2 – Environment and Natural Resources Policy refines the principles of the State Planning Strategy and incorporates the recommendations of the Western Australian State Sustainability Strategy (2002) to ensure that planning decisions meet the needs of current and future generations through simultaneous environmental, social and economic improvements through the integration of land use planning and natural resource management.

The proposal is judged to be in keeping with the objectives of SPP 2, as the subject land is currently under pasture and does not hold any natural resources. Although there is some remnant vegetation on and around the lot, it will not be significantly affected by the Scheme Amendment and can be given further protection by means of a subsequent ODP.

22. SPP 3 – Urban Growth and Settlement (Draft) sets out the key principles and planning considerations that apply to planning for urban growth and expansion of settlements in the State.

The objectives of SPP 3 are:

- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints; and
- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

The key policy measures in SPP 3 that apply to the City are centred on the following:

- Creating sustainable communities that provide high levels of employment and economic growth; strong, vibrant and socially inclusive communities; protect the environment and use resources prudently.
- Planning for liveable neighbourhoods such that all required facilities and services are provided in a comprehensively planned and integrated settlement pattern.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

- Coordination of cost efficient services and infrastructure to support the growth of communities including roads, public transport, water supply, sewerage, electricity, gas, telecommunications, drainage, open space, schools, health and recreational facilities.

As outlined previously, the subject land has been identified within the ALPS as future urban land. The Scheme Amendment is therefore consistent with the strategic aims of the ALPS and SPP 3. Any subsequent ODP will be prepared, and subdivision of the land undertaken, in accordance with the provisions of Liveable Neighbourhoods, which complements these sustainable urban growth strategies.

23. SPP 4.1 – State Industrial Buffer (Draft) supports the principles on which the *State Planning Strategy* is based – managing the impacts of growth by seeking a balance with the environment around us, the community we live in and the wealth we enjoy, by outlining the environmental, social and economic aspects to be considered when determining buffer areas around industry and essential infrastructure.

The objectives of SPP 4.1 are:

- To avoid conflict between industry and essential infrastructure and sensitive land uses.
- To protect industry and essential infrastructure from encroachment by incompatible land uses that would adversely affect their efficient operation.

The odour buffer around the Albany Waste Water Treatment Plant on Timewell Road, as shown on the Scheme Amendment plans, does not correspond with the latest information from Water Corporation. The Corporation has advised that the buffer extends further than indicated in the amending document, covering part of the subject land. The proponent will therefore be required to liaise with the Water Corporation to ascertain the correct extent of the buffer and how this will affect the proposal. If necessary, the amending document could be modified in order to comply with the provisions of SPP 4.1.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

24. Regulation 17(2) of the Town Planning Regulations 1967 states:

“After considering the submissions made pursuant to regulation 16(1) or if no submissions have been lodged within the period specified under regulation 15(5) for making submissions, the responsible authority shall pass a resolution either -

- (c) that the Scheme be adopted with or without modification; or*
- (d) that it does not wish to proceed with the Scheme.”*

25. Council’s decision on the scheme amendment is in effect a recommendation to the WA Planning Commission and Minister for Planning. The Minister for Planning is empowered under the *Planning and Development Act 2005* to make the final decision on the scheme amendment.

SUMMARY CONCLUSION

26. The finalisation of the proposed Scheme Amendment, with modifications to address the relevant matters raised within the submissions has been prepared to support the planning principles in ALPS and State policies and therefore staff recommend the scheme amendment be adopted.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR MATLA**

**ITEM NUMBER – 11.3.3 OFFICER RECOMMENDATION: ADOPT
VOTING REQUIREMENT: SIMPLE MAJORITY**

i) **THAT Council in pursuance of section 75 of the *Planning and Development Act 2005* and Regulation 25(i)(c) of the Town Planning Regulations 1967 resolves to ADOPT WITH MODIFICATIONS Amendment No. 271 to Town Planning Scheme No. 3 as follows:**

a) **Re-zone Lot 55 Lancaster Road, McKail from the Rural Zone to the Residential Development Zone.**

AND

ii) **THAT Council RECEIVE the Schedule of Submissions and ADOPTS the Officer's Recommendation to either dismiss, uphold or note each individual submission as contained within the Schedule of Submissions.**

MOTION CARRIED 8-0

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 271

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
1	Environmental Protection Authority PO Box K822 PERTH WA 6842	The Environmental Protection Authority (EPA) has determined that the scheme amendment is not required to be formally assessed. They provided advice and recommendations regarding the following: <ul style="list-style-type: none"> • Environmental Issues – Noise 	The EPA advice and recommendations were incorporated into the special provisions and included into the amending document prior to advertisement.	The submission is noted and upheld.
2	Telstra Forecasting & Area Planning South Western Access Network & Technology Locked Bag 2525 PERTH WA 6001	No objections.	Nil.	The submission is noted.
3	Main Roads WA Great Southern Region PO Box 503 ALBANY WA 6331	No objections.	Nil.	The submission is noted.
4	Western Power Locked Bag 2511 PERTH WA 6001	No objections. The developer will be responsible for funding any changes to the existing power system.	Nil.	The submission is noted.
5	Department of Education and Training 151 Royal Street EAST PERTH WA 6004	No objections.	Nil.	The submission is noted.
6	Water Corporation Great Southern Regional Office 215 Lower Stirling Terrace ALBANY WA 6330	Water Corporation objects to the re-zoning of land within the Albany Waste Water Treatment Plant (A2WWTP) odour buffer for residential uses, as this may lead to complaints that could prejudice the future operation or capacity of the plant. The City of Albany has been advised previously that the buffer requires protection in the Local Planning Strategy and Town Planning Scheme. Under SPP 4.1 – State Industrial Buffers Policy, land situated within the buffer may only be used for activities that are not sensitive to odour such as rural pursuits, industry,	The submission is noted and the amending document shall be modified accordingly, if necessary.	The submission is noted and upheld. It is recommended that the Scheme Amendment be finalised subject to modification of the amending document, altering any references to the Albany Waste Water Treatment Plant (A2WWTP) on Timewell Road, pending verification

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 271

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
		<p>some forms of recreation, conservation and open space.</p> <p>Water Corporation Requests that the City of Albany progresses a special control area or equivalent control restriction to the town planning scheme to identify, protect and control the buffer and surrounding land uses into the future.</p> <p>Water Corporation has no objection to the re-zoning of the land outside the A2WWTP buffer area. However, the proponents will be required to engage a consulting engineer to discuss with the Corporation the servicing of the area with water and waste water services at the appropriate development planning stage.</p>		<p>from the Water Corporation.</p>
7	<p>Department of Environment and Conservation 120 Albany Highway ALBANY WA 6330</p>	<p>A narrow strip of remnant native vegetation exists along the Lancaster Road frontage as well as along the north-west boundary with the harness club property. It is recommended that this visual / amenity belt be retained where possible. The total clearing of the road verge and property frontages further east along Lancaster Road presents a stark interface and loss of amenity.</p>	<p>The submission is noted and shall be used to inform any future Outline Development Plan and subdivision.</p>	<p>The submission is noted and upheld. It is recommended that any remnant native vegetation on the site is protected by the future ODP and subdivision processes.</p>
8	<p>Peter & Jean Cooksey 150 Lancaster Road MCKAIL WA 6330</p>	<p>Do not support the amendment for the reasons outlined below:</p> <ul style="list-style-type: none"> • Previous housing developments have already encroached upon the existing rural properties leading to a loss of amenity. • The density of the proposed development further erodes the amenity and character of the area. • Further development will spoil the existing environment and lead to the loss of wildlife. 	<p>The submission is noted.</p> <p>The previous developments to the south side of Lancaster Road and the current scheme amendment proposal are consistent with the ALPS. The land to the north of Lancaster Road remains in a rural zoning and cannot be subdivided without first being rezoned. The rural land is separated from the subject land by a wide road reserve and two bands of remnant native vegetation. In addition, the objectors' property is positioned</p>	<p>The submission is noted.</p>

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY TOWN PLANNING SCHEME No. 3

AMENDMENT No. 271

SCHEDULE OF SUBMISSIONS

No.	Name/Address of Submitter	Summary of Submission	Officer Comment	Council Recommendation
			<p>opposite the proposed 75m noise buffer area.</p> <p>The proposed rezoning would eventually lead to the creation of R20 residential lots, in keeping with previous developments along Lancaster Road. The proposal rounds off this residential development, as it is curtailed by the harness racing track to the west, the A2WWTP odour buffer to the south and the rural zoning to the north.</p> <p>The proposed rezoning covers 5.57ha of pasture, edged by a small amount of remnant native vegetation to the west and north. The remnant vegetation, which forms the primary habitat on the land, can be protected through the future ODP and subdivision process. It is likely that a 2000m² detention basin would be employed as part of a sustainable urban drainage system and located on the public open space to the north-east corner of the subject land, creating a new wildlife habitat.</p>	

DEVELOPMENT SERVICES REPORTS

11.4 – RESERVES PLANNING

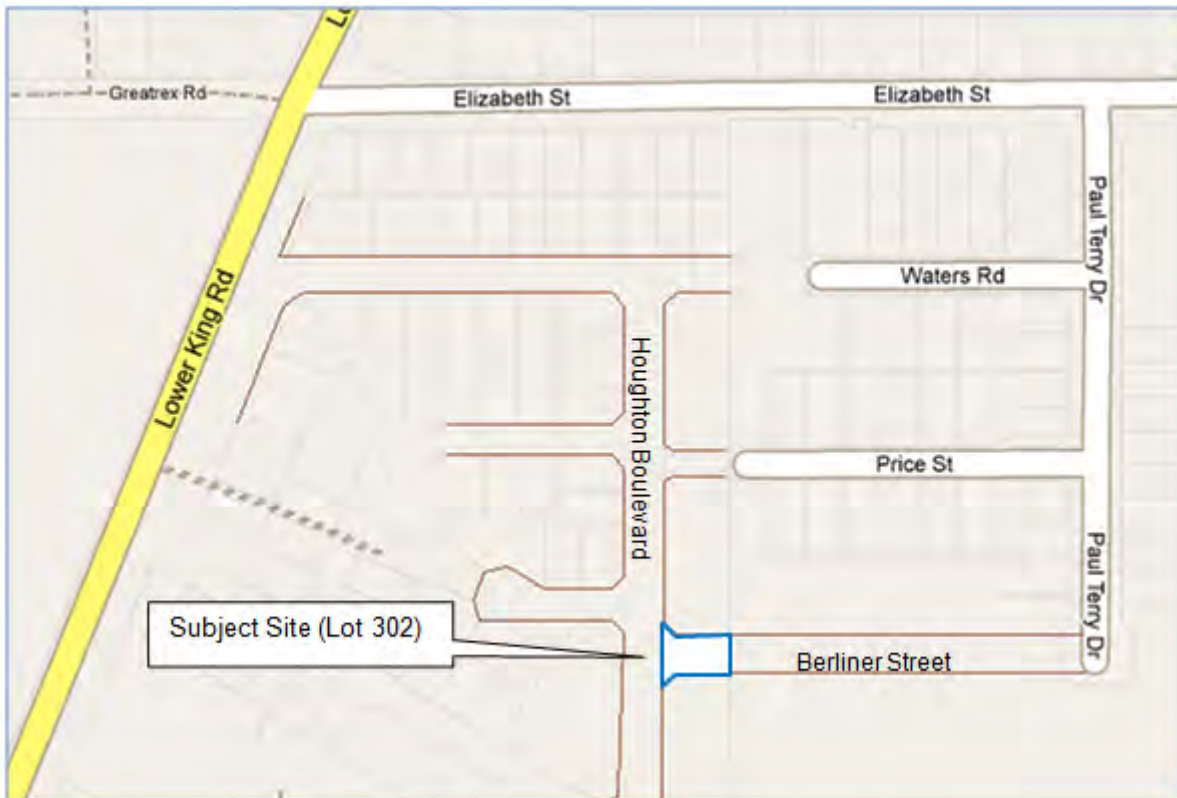
ITEM NUMBER: 11.4.1
ITEM TITLE: DEDICATION OF RIGHT OF WAY AS PUBLIC ROAD - LOT 302 HOUGHTON BOULEVARD, BAYONET HEAD

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Quasi-Judicial Function: Council determining an application within a clearly defined statutory framework, abiding the principles of natural justice, acting only within the discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand.

- File Number or Name of Ward : A203832 / SER 141 (Yakamia Ward)
- Summary of Key Issues : Council’s recommendation is sought to dedicate a Right of Way at Lot 302 Houghton Boulevard, Bayonet Head as a public road
- Land Description : Lot 302 Houghton Boulevard, Bayonet Head
- Proponent : Harley Survey Group
- Owner : Crown
- Reporting Officer : Planning Assistant (D Delury)
- Disclosure of Interest : N/A
- Previous Reference : Nil
- Bulletin Attachment Reference : Copies of submissions.
- Consulted References : N/A
- Councillors Lounge : Request from Harley Survey group

Maps and Diagrams:



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued.

BACKGROUND

1. The Right of Way (ROW) at Lot 302 Houghton Road, Bayonet Head now connects to a constructed road reserve (Berliner Street), hence the need for the dedication as public road. A resolution from Council is required to request the Minister for Lands to dedicate the Right of Way (ROW) as a public road.

DISCUSSION

2. The ROW being Lot 302 Houghton Boulevard was created under Section 152 of the *Planning and Development Act 2005* at the time of subdivision. The ROW is contained within Reserve 49335, along with Lots 300 and 301 with the purpose of that reserve being a ROW. These lots were created to allow for the construction of roads in subsequent stages of the subdivision. Lot 302 adjoins Berliner Street which is now fully constructed. The proponent, Harley Survey Group, is requesting that this ROW now be dedicated as a public road. Lots 300 and 301 do not require dedication at this stage.

PUBLIC CONSULTATION / ENGAGEMENT

3. The proposal to dedicate this ROW as a public road has been advertised in a local newspaper and separate letters were sent, to adjoining landowners and service providers. One landowner responded, supporting the proposal.

GOVERNMENT CONSULTATION

4. All service providers support the proposal. A written response was not received from Telstra but they did advise verbally that there are conduits within the lot, ready for connection along Berliner Street but that this network should not be compromised. Copies of the responses are included in the Information Bulletin. The Department of Planning and Infrastructure (Albany office) was also consulted and supports the dedication.

STATUTORY IMPLICATIONS

5. Section 56(1) of the *Land Administration Act 1997* (LAA) allows for a local government to request the Minister to dedicate as a road, land that is reserved as a road under the care, control and management of the local government. By definition, ROW's are private roads under the LAA. Being a private road under the LAA, ROWs created under Section 152 of the *Planning and Development Act 2005* also come within the definition of „thoroughfare” under Section 1.4 of the *Local Government Act 1995*. As such, all ROWs come within the control and management of Local Governments under Section 3.53 of that Act.
6. Section 56(4) of the LAA states that the relevant local government is liable to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonable incurred by the Minister in considering and granting the request.

FINANCIAL IMPLICATIONS

7. The ongoing maintenance of the road will be the responsibility of Council. No compensation is expected and the construction of a pavement on the ROW will be negotiated as part of the adjoining subdivision.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

8. There are no strategic implications related to this item.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

10. To facilitate the adjoining subdivision and development, the ROW needs to be dedicated as a road.

Council could decide not to progress the dedication and the proponent could then seek Ministerial intervention.

SUMMARY CONCLUSION

11. The ROW is now physically connected to Berliner Street and requires dedication as a public road. Prior to applying to the Minister for Lands to begin this process, a resolution from Council is required requesting this dedication.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

**ITEM NUMBER – 11.4.1 OFFICER RECOMMENDATION (APPROVAL)
VOTING REQUIREMENT: (SIMPLE MAJORITY)**

THAT Council resolve to request the Minister for Lands to dedicate Right of Way known as Lot 302 Houghton Boulevard Bayonet Head as a public road to be known as Berliner Street.

MOTION CARRIED 8-0

DEVELOPMENT SERVICES REPORTS

11.5 – EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

11.6 – DEVELOPMENT SERVICE COMMITTEES

ITEM NUMBER: 11.6.1
ITEM TITLE: PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 4 FEBRUARY 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Nil

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 5.0 Final Adoption of Town Planning Scheme Policy – Revised Subdivision Guide Plan for Lots 201 & 202 Pony Club Road, Willyung

THAT, pursuant to clause 6.9.2 of the City of Albany Town Planning Scheme 3, Council adopt without modification for final approval the Town Planning Scheme Policy and Modified Subdivision Guide Plan (HSG Ref 14272-01H) for Lots 201 and 202 Pony Club Road, Willyung and advertise its adoption in accordance with Clause 6.9.2 of Town Planning Scheme 3.

Committee Recommendation 1

This item was withdrawn at the request of the proponent.

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 6.0 Amendments To Development Guidelines

THAT subject to Guideline 2.4 of Development Guidelines 1A being amended to remove the development standards for a 'House of Worship', Council in pursuance of Clause 7.21.2 of Town Planning Scheme 1A and Clause 6.9.2 of Town Planning Scheme 3, resolves to finally adopt the revised Development Guidelines 1A and 3, replacing the existing policies of the same name.

MOTION CARRIED 8-0

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued.

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 7.0 - Draft Prevention and Abatement of Sand Drift Local Law 2009

THAT Council, in accordance with Section 3.12 of the *Local Government Act 1995* (as amended), agrees to give public notice of its intention to make the *City of Albany Prevention and Abatement of Sand Drift Local Law 2009*.

THAT Council seek support of South Coast zone of WALGA to obtain legislative changes to allow powers of entry to remedy sand drift problems.

MOTION CARRIED 8-0

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 11.6.1 - COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 9.0 York Street Master Plan - Review of Submissions

THAT the report from Mr de Villiers be noted, that a suitable response be sent to those persons who lodged submissions and that any long term development of the area bounded by Grey Street West, York Street, Serpentine Road and Collie Street be considered within the upcoming plan for the development of Albany's Central Business District.

MOTION CARRIED 8-0

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR DUFTY**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.1 - COMMITTEE RECOMMENDATION 5

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 11.0 - Reflective Roof Policy

THAT Council does NOT adopt the Use of Reflective Building Materials Policy in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

MOTION CARRIED 7-1

For the Motion: Mayor Evans, Councillors Walker, Stanton, Wolfe, Dufty, Matla and Kidman

Against the Motion: Councillor Torr

Item 11.6.1 continued



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

**Held on
Wednesday, 4 February 2009
6.00 pm**

Margaret Coates Boardroom

MAN235 (AM807385)

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
 ** REFER DISCLAIMER **

TABLE OF CONTENTS

1.0	Record of Attendance	3
2.0	Apologies	3
3.0	Declaration of Interest	3
4.0	Confirmation of Minutes of Previous Meeting	3
5.0	Final Adoption of Town Planning Scheme Policy - Revised Subdivision Guide Plan for Lots 201 & 202 Pony Club Road, Willyung	3
6.0	Amendments to Development	6
7.0	Little Grove Structure Plan (LGSP)	12
8.0	Outline Development Plan (ODP002) - Boundary Street, Flemington Street and Le Grande Avenue, McKail	18
9.0	Outline Development Plan (ODP001) - Silver Street, Constigan Street, Junction Street and Le Grande Avenue, McKail	22
10.0	South Inceker Structure Plan	29
11.0	Proposed Town Planning Scheme Policy - Modified Subdivision Guide Plan - Special Residential Area No. 18 - Rivervale Chase (Norwood Road) Lower King	31
12.0	Initiation of Amendment to Town Planning Scheme Policy - Detailed Area Plans for Lots Mason Road/Lower King Road, Lange	21
15.0	Matters for Consideration at Next Committee Meeting	43
16.0	Closure of Meeting	43

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

DECLARATION OF OPENING

The Chairperson declared the meeting open at 6.00pm.

1.0 ATTENDANCES

Attendances:

Councillors -

J Matia (Chairperson)
D Wolfe (Deputy Mayor)
K Stanton
D Price
R Fenn
G Bride
A Nicoll
I Humphrey
J Van Der Mescht

Executive Director Development Services
Manager Planning and Ranger Services
Strategic Planner
Senior Planning Officer
Senior Planning Officer

Observers:

Nil

2.0 APOLOGIES

M Evans	Mayor
K Evans	Minute Taker
R Buegge	Councillor
J Bcstock	Councillor

3.0 DECLARATION OF INTEREST

Nil

4.0 CONFIRMATION OF MINUTES OF MEETING 22 JANUARY 2009

MOVED: WOLFE
SECONDED: PRICE

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 22 January 2009, as previously distributed, be confirmed as a true and accurate record of proceedings.

Carried 4/0

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

**5.0 FINAL ADOPTION OF TOWN PLANNING SCHEME POLICY – REVISED
SUBDIVISION GUIDE PLAN FOR LOTS 201 & 202 PONY CLUB ROAD, WILLYUNG**

Proposal

To consider the submissions received on draft Town Planning Scheme Policy

Attachments

Draft Town Planning Scheme Policy

Copy of Submission

Purpose

To finalise the draft Town Planning Scheme Policy for Lots 201 & 202 Pony Club Road, Willyung

Locality Plan



Background

The public comment period for the draft Town Planning Scheme Policy to consider a revision of the existing Subdivision Guide Plan (SGP) for the above 'Special Residential' lots has now been completed in accordance with Council's decision at the 20 May 2008 meeting.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/08
** REFER DISCLAIMER **

Following receipt of the altered SGP, as required in Council's May decision, the draft Town Planning Scheme Policy was advertised for public comment for a period of 21 days in accordance with Town Planning Scheme No. 3 requirements.

Statutory Requirements

Special Provision 1.2 of the Wilyung Road Special Residential Zone Area No. 11 allows Council to consider modifications to the SGP as follows:

"The Council will not recommend lot sizes less than 4,000m². Subdivision shall generally be in accord with the lot sizes and layout shown on the Subdivision Guide Plan. Any significant variation to the Subdivision Guide Plan will need to be justified in terms of land capability, visual impact, retention of views, vegetation retention, emergency access/egress and setbacks from King River and creeks. Consultation with and general support of surrounding landowners will be a prerequisite to consideration of any variation to the Subdivision Guide Plan."

This Clause gives Council the discretion to consider adopting a modified SGP for the zone.

Clause 6.9 of Town Planning Scheme No. 3, gives Council the power to make a Town Planning Scheme Policy as follows:

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

Clause 6.9.2 of Town Planning Scheme No. 3 requires the procedure to be undertaken to make a Town Planning Scheme Policy operative:

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/08
 ** REFER DISCLAIMER **

The scheme allows Council to adopt Town Planning Scheme Policies to assist in the control of development (including subdivision) and Council may use this mechanism to adopt the modified SGP.

Comment/Discussion

At the conclusion of the public comment period, one (1) submission had been received. The submission is summarised and discussed in the following table:

SUBMITTER	SUMMARY	STAFF RESPONSE
Harley Survey Group on behalf of Affected Landowners	<p>They represent the owners of the affected properties and were responsible for preparing the draft Policy and accompanying SGP.</p> <p>The submission requests that the draft Policy be modified as follows:</p> <ul style="list-style-type: none"> • To provide for an additional lot, and • The tree planting required by Council is excessive and should be reduced accordingly. <p>The submission contains land capability information supplied by Coffey Environmentalists to support the proposed additional lot.</p> <p>The submission also requests that Council reduce the amount of revegetation required to be undertaken for the following reasons:</p> <ul style="list-style-type: none"> • It will increase fire hazards. • It will increase snake habitat near houses. • Locating trees too near dwellings can lead to increased housing maintenance and damage during storm events. 	<p>The additional lot being requested was originally required to be deleted from the draft SGP by Council at its May 2008 meeting was due to no part of the building envelope being considered capable/suitable for on-site effluent disposal. The additional information from Coffey Environmentalists establishes that there is an area of approximately 800m² available outside of the building envelope and effluent disposal exclusion zone capable for effluent disposal purposes on the proposed lot.</p> <p>Staff still believes that the proposed additional lot has an overall poor capability rating for on-site effluent disposal.</p> <p>For example within all other lots in the revised SGP there is at least the aforementioned area of 800m² available that is both within the building envelope and outside of the effluent disposal exclusion zone.</p>
<ul style="list-style-type: none"> • Heavy landscaping will reduce passive surveillance of the street • Tree planting required on the existing SGP is not as widespread. 		<p>In relation to the landscaping, staff do not believe that the tree planting areas requested by Council in its May 2008 decision are excessive and simply reflect the areas both from the original SGP requirements and to assist in reducing the winter water table levels in the area. The concerns raised in the submission do not reflect these objectives for the landscaping and clearly no tree planting should be undertaken in areas that would cause future problems to residents or adversely affect future road maintenance etc.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
 ** REFER DISCLAIMER **

	<ul style="list-style-type: none"> The character of the location will be severely compromised. <p>Recommend that the tree planting be concentrated along side and rear lot boundaries.</p>	<p>To ensure these matters are considered and resolved, it is recommended that Council require the tree planting to be undertaken in accordance with an overall landscaping plan prepared by the proponents for the subdivision before planting occurs.</p>
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In conclusion staff recommend that the Town Planning Scheme Policy be adopted for final approval without change.

Committee Discussion

Moved STANTON
Seconded PRICE

THAT, pursuant to clause 6.9.2 of the City of Albany Town Planning Scheme 3, Council adopt without modification for final approval the Town Planning Scheme Policy and Modified Subdivision Guide Plan (HSG Ref 14272-01H) for Lots 201 and 202 Pony Club Road, Willyung and advertise its adoption in accordance with Clause 6.9.2 of Town Planning Scheme 3.

4 / 0

6. AMENDMENTS TO DEVELOPMENT GUIDELINES

Proposal

Agree to finally adopt the revised Development Guidelines

Previous Reference

- PESPC 16/07/08 – Item 9.0
- OCM 19/08/08 – Item 9.1 to 9.6
- PESPC 19/09/08 – Item 5.0
- OCM 21/10/08 – Item 11.6.2

Attachments

Copy of single public response

Background

At its meeting held on 19 September 2008 the PESPC Committee supported the advertising of the amended Development Guidelines which this was subsequently endorsed at the October Council Meeting

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

Statutory Requirements

The policies provide additional guidance to the requirements of the Schemes, and set out the types of developments that Councillors wish to determine at a formal Council Meeting.

Clause 7.21.2 of Town Planning Scheme 1A and Clause 6.9.2 of Town Planning Scheme 3 provide guidance on the process to adopt a town planning scheme policy. Now that advertising has concluded, Council now has the option to:

1. Finally adopt the policy without changes;
2. Finally adopt the policy with changes; or
3. Decide not to adopt the policy.

Comment/Discussion

The only comment received relates to the intent of the policies and not to the actual content (see attachment 3). The only change proposed to the content is to the Development Guidelines Scheme 1A, where Guideline 2.4 has been amended to remove the reference to 'a house of worship' as this use cannot be considered in a 'Residential' zone.

As such the policies should be adopted as set out under attachments 1 and 2.

Committee Discussion

Moved STANTON
Seconded WOLFE

THAT subject to Guideline 2.4 of Development Guidelines 1A being amended to remove the development standards for a 'House of Worship', Council in pursuance of Clause 7.21.2 of Town Planning Scheme 1A and Clause 6.9.2 of Town Planning Scheme 3, resolves to finally adopt the revised Development Guidelines 1A and 3, replacing the existing policies of the same name.

4 / 0

7. DRAFT PREVENTION AND ABATEMENT OF SAND DRIFT LOCAL LAW 2009

Proposal

To consider the making of the above Local Law

Previous Reference

Nil

Attachments

MAN 235 (AM806901)

8

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/08
** REFER DISCLAIMER **

Draft Prevention and Abatement of Sand Drift Local Law 2009
Current Prevention and Abatement of Sand Drift Local Law

Background

Under the provisions of Section 3.10 of the *Local Government Act 1995*, all local laws must be reviewed within an eight-year period following their commencement to determine whether they should remain, be repealed or amended.

The City's current *Prevention and Abatement of Sand Drift Local Law (Local Law)* was adopted at the ordinary meeting of Council held on the 23rd November 2000 and published in the Government Gazette on the 5th December 2000. An amendment to the Local Law was adopted by Council at its ordinary meeting held on the 20th September 2005.

The Local Law provides the City with the authority to control the escape of sand/dust drift from any property.

While the current Local Law has been effective in reducing the number of complaints received relating to sand drift, the City is required remove all clauses dealing with the power of entry onto privately owned land to undertake any work should the owner/occupier fail to comply with a notice issued under the Local Law.

It is therefore recommended that Council repeal the current Local Law and make a new Local Law.

Statutory Requirements

The adoption of local laws is dealt with under Division 2 of Part 3 of the *Local Government Act 1995*. The procedure for making local laws is set out in section 3.12 of the *Local Government Act 1995*.

Comment/Discussion

In 2003, the Joint Standing Committee on Delegated Legislation (JSCDL) presented a report to the State Parliament in relation to "Powers of Entry and Powers to Make Local Laws that Affect Private Land Under the Local Government Act 1995".

The JSCDL concluded that when making local laws, local governments were restricted to those matters specified in Schedules 3.1 and 3.2 of the *Local Government Act 1995*. The report also indicated that any local law submitted for endorsement and found to be inconsistent with those Schedules would result in the JSCDL recommending to the State Parliament that the local law be disallowed under Section 47(2) of the *Interpretation Act 1984*.

A draft local Law with the following clauses removed has been prepared for consideration:

7. Where the owner or occupier:

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

- (a) fails to comply with a notice issued pursuant to section 5; or
- (b) fails to comply with any conditions specified in a notice issued pursuant to section 6,

The City may undertake or cause to be undertaken the requirement not complied with."

- 3 (a) *Where the City undertakes or causes to be undertaken any work pursuant to section 7, it may give to the owner or occupier of the land written notice of the amount expended by the City in carrying out that work.*
- (b) *The amount specified in the notice must be paid to the City within 14 days of the service of notice.*
- (c) *(deleted).*
- (d) *If the amount specified is not paid to the City within 14 days from the giving of the notice, the City may recover it, as well as the costs of proceedings, and interest thereof, in a court of competent jurisdiction.*

and

- 10. (a) *The City may lawfully enter upon any land for the purpose of giving effect to, or carrying out, any provision of this Local Law.'*

Under the provisions of Section 3.12 of the *Local Government Act 1995*, the person presiding at the ordinary meeting of Council is required to give notice of the purpose and intent of the proposed Local Law.

Purpose

The purpose of this Local Law is to provide for the regulation, control and managements of sand drift on land within the district so as to protect the amenity of the area.

Effect

The effect of this Local Law is to establish requirements for the prevention and abatement of sand drift.

Committee Discussion

Moved MATLA
Seconded PRICE

THAT Council, in accordance with Section 3.12 of the *Local Government Act 1995* (as amended), agrees to give public notice of its intention to make the *City of Albany Prevention and Abatement of Sand Drift Local Law 2009*.

THAT Council seek support of South Coast zone of WALGA to obtain legislative changes to allow powers of entry to remedy sand drift problems.

4 / 0

0. REVIEW OF CENTRAL ALDANY URBAN DESIGN POLICY

MAN 235 (AM806901)

10

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

Previous Reference

N/A

Attachments

Memo from Patric de Villiers dated 10 December 2000

Background

The Central Albany Urban Design Policy (CAUDP) was adopted by Council in 2005 and has been operating over the past 3 years.

More than 40 applications have been assessed against this policy, ranging from dwelling additions, new dwellings, mixed use and purely commercial development.

In Late 2008, two new dwelling applications that were approved under delegation, being 61B Vancouver Street and 32 Cliff Street did receive some opposition from surrounding landowners. The landowners who raised the concerns were not requested to comment on the development as they were not immediate neighbours (i.e. shared a boundary with the development site) or there was no relaxation that required their comment, as per the requirements of the Residential Design Codes 2008.

Such complaints primarily focused on the height of the buildings which were effectively 3 storeys at their highest points. The complainants argued that such high buildings were not consistent with the heritage character of the area, were detrimental to the existing street scene and resulted in a loss of views of the Harbour. Both buildings were inside the height parameters specified in the CAUDP, which allows height datums to be set at either street level for blocks lower than a street, or at the centre on the lot for blocks above a street, rather than at natural ground level as set out in the R-Codes.

The other concerns raised included the shape and form of roofs (the Vancouver Street dwelling proposed a flat roof profile, rather than a more traditional roof pitch) and the lack of ground floor level controls which allowed new dwellings to sit higher than existing dwellings within a street.

Based on the concerns raised by the complainants, staff raised these issues with the author of the Policy (Mr de Villiers). A response to these concerns has been documented in the attached memo. As a result Mr de Villiers has provided the following recommendations:

- Further clarification to the height datums that allows Council to permit the use of the height datum criteria where it can be demonstrated that a proposal meets the objectives of the policy.
- A new clause to restrict the ground floor level to be no higher than 200mm above the level of the street;
- The existing clause relating to roofs being of a similar scale is to be retained, as it is not the pitch of the roof that is important but it's physical size.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/08
** REFER DISCLAIMER **

- The extent of the residential policy area being reduced to match up with extent of residential development in the inner area of Albany
- Provide improved clarity on front setback requirements for the first floor of a dwelling on a block above the level of the street.

Statutory Requirements

Should Council support any changes to the existing CAUDP, the revised policy would need to be advertised for public comment and after such advertising has concluded a resolution of Council would be required to adopt the modified policy. The policy would become operational after Council publishes its adoption in the local newspaper with details on where a copy of the policy can be obtained.

Comment/Discussion

The purpose of this report is to table the document for consideration at the next Committee Meeting. Should Councillors wish to raise any preliminary issues with the document there will be the opportunity at this meeting and/or the next meeting in February.

Committee Discussion

Moved PRICE
Seconded WOLFE

THAT the memorandum from Patric de Villiers in regards to a minor review of some of the provisions within the Central Albany Urban Design Policy be tabled for consideration at the next Planning and Environment Strategy and Policy Committee.

4 / 0

9. YORK STREET MASTER PLAN - REVIEW OF SUBMISSIONS

Previous Reference
N/A

Attachments
Report from Patric de Villiers

Background

The decision to initiate the York Street master Plan was taken by the City of Albany at its meeting of the 21 November 2006 when the Council resolved to engage Patric de Villiers of Urbanizma to conduct workshops to prepare site specific design guidelines and an overall Master Plan was required to address the following issues.

MAN 235 (AM806901)

12

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES – 04/02/09
** REFER DISCLAIMER **

- Appropriate land use for the site
- The density and scale of residential apartments
- Civic open space and the effective integration and utilisation of all of the proposed uses on the site
- The required design relationships between the Town Hall Theatre, new buildings and York Street
- The protection of the heritage values and general amenity of the Town Hall
- The impacts of residential activity on the site and the York Street area generally and recommendation of the maximum number of apartments for the site.
- The retention of sufficient civic space to maintain the present civic focus and importance as the hub of social, cultural and civic activity in Albany

The area to be covered by the Master Plan encompasses the whole of the block bounded by York Street, Serpentine Road, Collic Street and Grey Street West.

Following a series of workshops, Mr de Villiers prepared a draft York Street Master Plan and Council invited public comments on the Master Plan.

Almost 50 submissions were received and Mr de Villiers was invited to address Council on those submissions, plus prepare a written report on his review of the submissions. A copy of that report is attached.

Statutory Requirements

There are no statutory requirements relating to this item. Council sought a Master Plan of the civic space it owns in Albany's CBD to assist in any decision it wished to take on the development or sale of land in that precinct.

Comment/Discussion

Council has indicated that it requires a Master Plan to be prepared over the entire CBD and the York Street master Plan forms part of that larger planning unit.

Any plans to develop or sell land in the CBD have also been placed on hold by Council, thereby reducing the urgency or need to resolve the planning of the precinct.

Committee Discussion

Moved PRICE
Seconded STANTON

THAT the report from Mr de Villiers be noted, that a suitable response be sent to those persons who lodged submissions and that any long term development of the area bounded by Grey Street West, York Street, Serpentine Road and Collic Street be considered within the upcoming plan for the development of Albany's Central Business District.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

4 / 0

10. DECLARATION OF RESTRICTED BURNING PERIODS

Proposal

To regulate open burning within Albany's urban areas.

Background

From the months of November to April there are processes in place to regulate open air burning. For the autumn and winter months (May to October) a landowner is under no obligation to obtain a permit or seek approval to set fire to materials stored on his/her property.

In recent winters, windrows of timber have been set alight causing smoke drift into adjoining suburbs and forcing people with asthmatic or respiratory problems to retreat to their homes.

Neither the Environmental Protection Act, nor Local Government Local Laws have been effective mechanisms to control these practices in the past. Staff will update the Committee on the recent attempt to use the Bush Fires Act to regulate this practice.

Committee Discussion

Moved WOLFE
Seconded PRICE

THAT this matter be considered in more detail at the next meeting of the Planning and Environment Strategy and Policy Committee.

4 / 0

11. REFLECTIVE ROOF POLICY

Proposal

Agree to NCT adopt the revised Reflective Roof Policy.

Previous Reference

PFSPC 16/07/08 – Item 9.4

OCM 19/08/08 Item 11.6.1

PESPC 19/09/08 – Item 7.0

OCM 21/10/08 – Item 11.6.2

Attachments

The proposed Policy document

Copies of 5 letters of comment (including one petition).

MAN 235 (AM806901)

14

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/08
** REFER DISCLAIMER **

Background

Following a review of the Councils Development Guidelines, Councilors at the August Council meeting requested that reflective materials should be assessed, and that a separate policy to address this issue should be investigated. At its meeting held on 19 September 2008 the PESP Committee supported the advertising of the Reflective Roof material which this was subsequently endorsed at the October Council Meeting.

Statutory Requirements

In accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, a planning policy shall only become operational once Council has:

1. Resolved to advertise the policy;
2. After considering submissions, adopts the policy; and
3. Once a notice has been published that the policy was adopted by Council.

The purpose of this report is to consider whether Council wishes to adopt the policy following the consideration of submissions, and if so to formally publish that the policy is adopted.

Comment

Following the advertising of the draft policy for public comment, five letters have been received, including one petition. The petition is from twelve Practising Architects of Albany, with three of the other letters from the construction and project management industry. A copy of these letters is attached to this report, with a précis of their comments being:

- Zincalume has a lower carbon footprint than colorbond;
- Zincalume and light toned colorbond absorb significantly less energy and are required for efficient sustainable housing.
- Disappointing City of Albany would introduce a policy preventing energy efficient materials;
- Materials will oxidize over a short period of time and develop a dull grey patina, which is accelerated in Albany's marine environment;
- Materials represented on a large proportion of Albany's buildings, and is part of Australian heritage;
- Understand that very few complaints over the years have been received regarding reflectance;
- Reflectance usually only occurs in short periods each day and for a week or two of each year, increasing and diminishing as the angle of the sun changes,

A letter has also been received from the Frenchman Bay Association (copy attached) that has requested several amendments to the draft policy including:

- Policy preamble is confusing as not only Zincalume and Surfmetal colorbond that is reflective, but it is all roofing material with a solar reflectance value greater than 50%.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

- "Adjoining" should be replaced with "adjoining or surrounding lots which may be affected"

It would appear that in general there is little community support for the policy, especially outside of the locality of Goode Beach, of which a further specific reflective materials policy is being prepared and will be presented to this committee in due course.

The industry specialists and professionals have no support for the policy and raise valid concerns. In particular regarding the environmental impacts, such as requiring the use of a material with a larger carbon footprint and possibly prohibiting a material that can provide greater solar passive design and energy conservation.

It is also suggested that adopting this policy may be contrary to one of the CEO's key performance indicator 5b, that was adopted at the August Council Meeting and states: *Undertake an immediate audit of entire statutory and strategic planning framework to ensure accommodation, mitigation or amelioration of climate change short medium and long term effects.*

As such it is recommended that the policy not be adopted, and that the issues raised by the Frenchman Bay Association response can be addressed at a later stage once the policy specific to that locality has been completed.

If however Councillors are minded to adopt the draft policy, it has been slightly amended to include "Tourist Residential" zoned land, however the suggested amendment to include "surrounding lots" has not been included due to the vagueness that this would create as surrounding could imply any distance.

Committee Discussions

Moved PRICE
Seconded WOLFE

THAT Council does NOT adopt the Use of Reflective Building Materials Policy in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

4 / 0

5.0 MATTERS FOR CONSIDERATION AT NEXT COMMITTEE MEETING

- South Lockyer Structure Plan
- Review of Central Albany Urban Design Guidelines

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

- Burning Restrictions
- Independent Edit of ALPS document
- Bayonet Head Limited Development Area Plan
- Munster Hill Policy
- Extractive Industry Local Law Review
- Parking Facilities Local Law Review

- Report on Status of Amendments affected by ALPS
- Report on reviews currently before SAT
- Consideration of Submissions on Morgan place ODP

- Council Response to Subdivision Proposals in Development/Future Urban Areas

- Council's position on Land Banking/Speculative Developments
- Substantial Commencement of Projects

- Request from Harley Survey Group to address committee on Rezoning and Structure Plan for land north of Henry Street.

6.0 CLOSURE OF MEETING

It was agreed that the next meeting of the Planning and Environment Strategy and Policy Committee be held on Thursday 19 February 2009. It was decided that the following format will be followed:

- 5:15pm Meet to conduct inspection of properties affected by City of Albany's Urban Development Plan.
 - 6:00pm Planning and Environment Strategy and Policy Committee Meeting to Commence.
 - 7:30pm Harleys Survey Group to address committee on Rezoning and Structure Plan for north of Henry Street.
- Meeting was declared closed at 4:16pm

DEVELOPMENT SERVICES REPORTS

ITEM NUMBER: 11.6.2
ITEM TITLE: PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 19 FEBRUARY 2009

File Number or Name of Ward : MAN 235 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Development Services (R Fenn)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Parking and Parking Facilities Local Law 2009
Extractive Industries Local Law 2009

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the unconfirmed minutes of the Planning and Environment Strategy and Policy Committee Meeting Held on the 19th February 2009 be received.

And

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 4 February 2009, as previously distributed, be confirmed as a true and accurate record of proceedings with the addition of Keith Barnett (Manager Building and Health Services) as an attendee.

And

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 22 January 2009, as previously distributed, be confirmed as a true and accurate record of proceedings with the addition of Paul Richards, CEO as an attendee and it being noted at item 7 of the minutes that the CEO received correspondence from Mr Nesbitt requesting that this item not be considered at the February meeting of Council.

MOTION CARRIED 8-0

Executive Director Development Services read the following purpose and effect in accordance with the Local Government Act 1995.

Under the provisions of Section 3.12 of the Local Government Act 1995, the person presiding at the ordinary meeting of Council is required to give notice of the purpose and intent of the proposed Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued.

Purpose

The purpose of this local law is to establish the requirements and conditions with which any persons parking or standing a vehicle within the district must comply.

Effect

The effect of this local law is to provide for the regulation, control and management of parking and standing of vehicles generally and for the regulation, control and management of parking facilities

Item 11.6.2 continued.

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR WOLFE**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 5.0 - Draft Parking and Parking Facilities Local Law 2009

THAT Council, in accordance with Section 3.12 of the *Local Government Act 1995* (as amended), advertises its intention to make the *City of Albany Parking and Parking Facilities Local Law 2009*, with the penalty for Commercial Vehicles changed to \$120.

MOTION CARRIED 8-0

Executive Director Development Services read the following purpose and effect in accordance with the Local Government Act 1995.

Under the provisions of Section 3.12 of the Local Government Act 1995, the person presiding at the ordinary meeting of Council is required to give notice of the purpose and intent of the proposed Local Law.

Purpose

The purpose of this local law is to establish the requirements and conditions with which extractive industry proposals within the district must comply.

Effect

The effect of this local law is to provide for the regulation, control and management of extractive industry proposals.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 11.6.2 - COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 6.0 - Draft Extractive Industries Local Law 2009

THAT Council, in accordance with Section 3.12 of the *Local Government Act 1995* (as amended), advertises its intention to make the *City of Albany Extractive Industries Local Law 2009*.

MOTION CARRIED 8-0

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 11.6.2 - COMMITTEE RECOMMENDATION 4
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 7.0 - Proposed Local Planning Policy - Subdivision & Development - Munster Hill Drainage Catchment Area

THAT Council in pursuance of Clause 7.21.2 of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme 3 adopts for the purposes of advertising the policy titled 'Subdivision & Development – Munster Hill Drainage Catchment Area'.

MOTION CARRIED 7-1

For the Motion: Mayor Evans, Councillors Walker, Stanton, Wolfe, Dufty, Matla and Kidman
Against the Motion: Councillor Torr

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 11.6.2 - COMMITTEE RECOMMENDATION 5
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 8.0 - Detailed Area Plan (Dap001) - Oyster Harbour Estate, Lower King Road, Bayonet Head.

THAT Council finally adopt the amended Detailed Area Plan Policy, by including Lots 42 and 47 Lower King Road, Bayonet Head within Schedule 1 as detailed below and advertises its adoption in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

MOTION CARRIED 8-0

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WALKER**

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

**ITEM 11.6.2 - COMMITTEE RECOMMENDATION 6
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 9.0 Review of Central Albany Urban Design Policy

THAT Council supports the recommendations contained within the Comment/Discussion section of this report and agrees to consider amendments to the Central Albany Urban Design Policy as detailed in the report

AND

THAT the operative components of the Urban Design and Streetscape Guidelines Policy be incorporated.

MOTION CARRIED 8-0

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued.

COUNCIL'S ROLE: LEGISLATIVE FUNCTION

ITEM 11.6.2 - COMMITTEE RECOMMENDATION 7

VOTING REQUIREMENT: SIMPLE MAJORITY

Item 10.0 - South Lockyer Structure Plan

THAT Council resolves that;

- i) The submissions be received and the „schedules of submissions’ and the „schedule of recommended amendments’ be adopted;
- ii) Pursuant to clause 5.2.2 of the City of Albany Town Planning Scheme 3, and clause 4.35 of the City of Albany Town Planning Scheme 1A Council receive and endorse the amended South Lockyer Structure Plan; and
- iii) The amended South Lockyer Structure Plan be forwarded to the Western Australian Planning Commission with a request that the document be endorsed as soon as possible.

Councillor Dufty declared an impartial interest in this item. He remained within the Chambers. The nature of his interest is that he is a member of the Cottage Scheme Board.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

**ITEM NUMBER: 11.6.2 – COMMITTEE RECOMMENDATION 7
VOTING REQUIREMENT: SIMPLE MAJORITY**

Item 10.0 – South Lockyer Structure Plan

THAT Council DEFER consideration of the South Lockyer Structure Plan until such time as all submissions received during the advertised period have been assessed, a site visit is undertaken and the Plan is reconsidered by the Planning and Environment Strategy and Policy Committee.

MOTION CARRIED 8-0

REASON:

As Councillors have requested a site visit, and there is a need to thoroughly assess two additional submissions not captured during the advertising process, it is believed prudent that the Plan be brought back to the Planning and Environment Strategy and Policy Committee, and ultimately Council, once this additional information has been provided.

Item 11.6.2 continued



MINUTES

**PLANNING AND ENVIRONMENT STRATEGY
AND POLICY COMMITTEE**

**Held on
Thursday 19 February 2009
6.00pm**

Margaret Coates Boardroom

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09

** REFER DISCLAIMER **

TABLE OF CONTENTS

1.0	Record of Attendance	3
2.0	Apologies	3
3.0	Declaration of Interest	3
4.0	Confirmation of Minutes of Previous Meeting	3
5.0	Draft Parking and parking Facilities Local Law 2009	4
6.0	Draft Extractive Industries Local Law 2009	6
7.0	Proposed Local Planning Policy - Subdivision & Development - Munster Hill Drainage Catchment Area	7
8.0	Detailed Area Plan (DAP001) - Cyster Harbour Estate, Lower Kinga Road, Bayonet Head	7
9.0	Review of Central Albany Urban Design Policy	10
10.0	South Lockyer Structure Plan	13
11.0	Restricted Burning Periods	27
12.0	Rezoning and Structure Planning of Land North of Henry Street	27
13.0	Matters for Consideration at Next Committee Meeting	28
14.0	Closure of Meeting	28

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

DECLARATION OF OPENING

The Chairperson declared the meeting open at 6.15pm following a site inspection (commenced at 5:15pm) of buildings in the CBD relating to item 9.0 on the agenda.

1.0 ATTENDANCES

Attendances:

Councillors -

J Matla (Chairperson)
D Wolke (Deputy Mayor)
K Stanton (from 6.40pm)
D Price
J Bostock
R Fenn
G Bride
K Evans
C Pursey (from 7.40pm)
R Winslow (from 7.40pm)

Executive Director Development Services
Manager Planning and Ranger Services
Minute Taker
Harley Survey Group, Senior Planning Consultant
Harley Survey Group, Senior Planning Consultant

Observers:

Nil

2.0 APOLOGIES

M Evans Mayor
R Buegge Councillor
A Nicoll Strategic Planner

3.0 DECLARATION OF INTEREST

Nil

4.0 CONFIRMATION OF MINUTES OF MEETING 4 FEBRUARY 2009

MOVED: PRICE
SECONDED: WOLFE

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 4 February 2009, as previously distributed, be confirmed as a true and accurate record of proceedings with the addition of Keith Barnett as an attendee.

Carried 4/0

4.1 CONFIRMATION OF MINUTES OF MEETING 22 JANUARY 2009

MOVED: PRICE
SECONDED: WOLFE

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 22 January 2009, as previously distributed, be confirmed as a true and accurate record of proceedings with the addition of Paul Richards, CEO as an attendee and it being noted at item 7 of the minutes that the

3

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

CEO received correspondence from Mr Nesbitt requesting that this item not be considered at the February meeting of Council.

Carried 4/0

5.0 DRAFT PARKING AND PARKING FACILITIES LOCAL LAW 2009

Proposal

To consider the making of the above Local Law

Previous Reference

Nil

Attachments

Draft Parking and Parking Facilities Local Law 2009
Current Parking and Parking Facilities Local Law 2001

Background

Under the provisions of Section 3.16 of the *Local Government Act 1995*, all local laws must be reviewed within an eight year period following their commencement to determine whether they should remain, be repealed or amended.

The City's current *Parking and Parking Facilities Local Law 2001* (Local Law) was published in the Government Gazette on the 17th April 2002.

The Local Law provides the City with the authority to control the parking of vehicles within the district.

Statutory Requirements

The adoption of local laws is dealt with under Division 2 of Part 3 of the *Local Government Act 1995*. The procedure for making local laws is set out in section 3.12 of the *Local Government Act 1995*.

Comment/Discussion

Whilst the current Local Law has been effective in providing the statutory framework to control parking within the district, the new Local Law proposes to:

- Introduce parking controls for special events;
- Update definitions, especially where they refer to an Australian Standard or state legislation;
- Introduce the ability for Council to issue residential parking permits (which will be more applicable as inner city residential projects proceed);
- Provide additional clarification in relation to when an offence is committed; and
- Increase applicable fines to deter illegal parking.

The increase in parking fines from \$35 to \$45 for minor offences, and from \$40-\$50 to \$60 for the more significant offences is well below CPI increases since the local law was introduced in 2002, and is comparable to parking fines issued by other regional Councils across Western Australia.

Whilst there are no meters or ticketing machines within City, it seems reasonable to leave clauses within the local law should Council pursue this option into the future.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

It is therefore recommended that Council repeal the current Local Law and make a new Local Law. Under the provisions of Section 3.12 of the *Local Government Act 1995*, the person presiding at the ordinary meeting of Council is required to give notice of the purpose and intent of the proposed Local Law.

Purpose

The purpose of this local law is to establish the requirements and conditions with which any persons parking or standing a vehicle within the district must comply.

Effect

The effect of this local law is to provide for the regulation, control and management of parking and standing of vehicles generally and for the regulation, control and management of parking facilities.

Committee Discussion

- MPRS provided a copy of the Draft Parking and Parking Facilities Local Law 2009.
- MPRS provided brief overview of the additional controls introduced into the Draft Parking and Parking Facilities Local Law 2009 from those currently contained in 2001 version of the document.
- In general discussion;
 - The question about the revenue from fines was raised, it was noted that the revenue raised was approximately \$15,000 per year.
 - Parking Controls for events was supported.
 - Longer Vehicle Parking and where it is available to park a longer vehicle was raised as an issue.
 - Charge for Residential Permits (becomes a budget issue) was promoted.
 - Item 53 Clause 45 - Variation in fines for commercial vehicles. Fines should be double of the normal fine, staying in line with the Traffic Act.
 - What a 'Long Vehicle' is was clarified.
 - The Draft Parking and Parking Facilities Local Law 2009 provides greater clarity on what an offence is and what the penalty should be.
- EDDS raised the issue of Senior Parking and put it to the committee for opinions, it was decided that Senior Parking was too difficult to resolve.

Councillor Stanton entered the room at 6:40pm

Moved STANTON
Seconded WOLFE

THAT Council, in accordance with Section 3.12 of the *Local Government Act 1995* (as amended), advertises its intention to make the *City of Albany Parking and Parking Facilities Local Law 2009*, with the penalty for Commercial Vehicles changed to \$120.

Carried 5/0

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

6.0 DRAFT EXTRACTIVE INDUSTRIES LOCAL LAW 2009

Proposal

To consider the making of the above Local Law

Previous Reference

Nil

Attachments

Draft Extractive Industries Local Law 2009
Current Extractive Industries Local Law 2000

Background

Under the provisions of Section 3.16 of the *Local Government Act 1995*, all local laws must be reviewed within an eight year period following their commencement to determine whether they should remain, be repealed or amended.

The City's current *Extractive Industries Law 2000* (Local Law) was published in the Government Gazette on the 28th August 2000.

The Local Law provides the City with the authority to control the extractive industry proposals within the district.

Statutory Requirements

The adoption of local laws is dealt with under Division 2 of Part 3 of the *Local Government Act 1995*. The procedure for making local laws is set out in section 3.12 of the *Local Government Act 1995*.

Comment/Discussion

Whilst the current Local Law has been effective in providing the statutory framework to control extractive industry proposals within the district, the new Local Law proposes to:

- Introduce modified penalties of \$500 where pit operators fail to meet certain requirements of the local law;
- Provide improved clarity as to where certain application requirements can be exempted for smaller pits.
- Update definitions, especially where they refer to state legislation;

The introduction of modified penalties will allow Council to issue infringements for breaches of the Local Law, whereas under the existing local law, Council would need to take a person to court which for minor offences is a long and costly process.

The proposed application requirements are extensive, and it is not appropriate that proposals seeking to extract a small amount of material should be required to meet all application criteria. Council currently has a policy which deals with this issue under the current Local Law titled *'Extractive Industry Policy – Applying for an Extractive Industry Licence: A guideline for developers'*. A clause has been inserted, in extractive industry local laws used by other local governments that exempts the requirement for certain information for pits smaller than 7500m² and where the total extracted material is estimated to be less than 7500m³.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

It is therefore recommended that Council repeal the current Local Law and make a new Local Law.

Under the provisions of Section 3.12 of the *Local Government Act 1995*, the person presiding at the ordinary meeting of Council is required to give notice of the purpose and intent of the proposed Local Law.

Purpose

The purpose of this local law is to establish the requirements and conditions with which extractive industry proposals within the district must comply

Effect

The effect of this local law is to provide for the regulation, control and management of extractive industry proposals.

Committee Discussion

- MPRS provided a brief overview on the modifications made and noted that the changes were minimal.
- The committee supported the introduction of modified penalties.
- Road Maintenance - An increase in the bond paid at the time of gaining approval was supported. (to be discussed at budget review)

Moved PRICE

Seconded STANTON

THAT Council, in accordance with Section 3.12 of the *Local Government Act 1995* (as amended), advertises its intention to make the *City of Albany Extractive Industries Local Law 2009*.

Carried 5/0

7.0 PROPOSED LOCAL PLANNING POLICY - SUBDIVISION & DEVELOPMENT - MUNSTER HILL DRAINAGE CATCHMENT AREA

Proposal

To consider adoption for the purposes of advertising a new planning policy under Town Planning Scheme No 1A and 3 titled "Subdivision & Development – Munster Hill Drainage Catchment Area".

Attachments

Draft Policy

Purpose

To adopt the Local Planning Policy for the purposes of advertising.

Background

The Munster Hill drainage catchment includes portions of the localities of Lockyer, Gledhow and Robinson. The catchment is generally low lying, affected in parts by acid sulfate soils and has a series of drains which ultimately outfall into Princess Royal Harbour.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

The land within this catchment has been slow to develop, primarily due to the low lying, wet nature of the land which would require the application of fill, removal of acid sulfate soils or extensive earthworks to enable development to occur. The majority of the land is under private ownership and includes a significant industrial area in Gledhow.

In recent years, landowners within this catchment have not developed their land due to the sluggish demand for either housing or industrial lots. Emerging demand has meant that it is now viable to develop these lots, despite the high costs to make the land developable.

Statutory Requirements

Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 gives Council the power to make a Town Planning Scheme Policy. If Council supports the below recommendation the policy will be advertised to relevant landowners and government agencies before being considered for final adoption by Council.

Comment/Discussion

In consultation with the Department of Water the need for a policy has arisen to ensure acid sulfate soils and sediment are not washed down into neighbouring properties and ultimately into the Harbour, that new buildings are above the 1:100 year flood level and drains are protected in perpetuity (through reservation) and improved.

The policy would prohibit the practices of dewatering where developers would cut channels to drain the land instead of using fill for the purposes of development.

The policy will ensure that development within this catchment is undertaken in a way which protects buildings and infrastructure from flooding and ensures water quality and environmental impacts of development are mitigated.

Committee Discussion

- MPRS handed out a coloured map to accompany the item.
- In general discussion it was clarified that low lying land is not classified as Wetlands;
- Land fill would be monitored.

Moved PRICE
Seconded WOLFE

THAT Council in pursuance of Clause 7.21.2 of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme 3 adopts for the purposes of advertising the policy titled 'Subdivision & Development – Munster Hill Drainage Catchment Area'.

Carried 4 / 1

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

6.0 DETAILED AREA PLAN (DAP001) - OYSTER HARBOUR ESTATE, LOWER KING ROAD, RAYONNET HEAD.

Proposal

To consider the submissions received on draft Town Planning Scheme Policy Detailed Area Plan for Contage Lots in Rayonnet Head

Attachments

Detailed Area Plans 1-5

Purpose

To finalise the draft Town Planning Scheme Policy to include the subject land within Schedule 1 of Council's Detail Area Plan Policy

Locality

Refer to attached Detailed Area Plan

Background

The public comment period for the draft Town Planning Scheme Policy to consider the inclusion of the Detailed Area Plans for Lots 42 and 47 Lower King Road, Bayonet Head within Schedule 1 of Council's Detail Area Plan Policy has now been completed, in accordance with Council's decision at the 18 November 2008 meeting.

The draft Town Planning Scheme Policy was advertised for public comment for a period of 21 days in accordance with Town Planning Scheme No. 3 requirements.

Statutory Requirements

Clause 6.9.2 of Town Planning Scheme No. 3 requires the procedure to be undertaken to make a Town Planning Scheme Policy operative:

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
 ** REFER DISCLAIMER **

This part of the scheme allows Council to adopt Town Planning Scheme Policies to assist in the control of development.

Comment/Discussion

At the conclusion of the public comment period, no submissions had been received.

Staff now recommend that the Town Planning Scheme Policy be adopted for final approval without change.

Moved PRICE
 Seconded BOSTOCK

That Council finally adopt the amended Detailed Area Plan Policy, by including Lots 42 and 47 Lower King Road, Bayonet Head within Schedule 1 as detailed below and advertises its adoption in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3:

Schedule 1

No	Locality	Lots
4	Bayonet Head	Lots 42 and 47 Lower King Road, Bayonet Head (as per WAPC Approval 134711).

Carried 5 / 0

9.0 REVIEW OF CENTRAL ALBANY URBAN DESIGN POLICY

Previous Reference
 N/A

Attachments
 Memo from Patric de Villiers dated 10 December 2008
 Copy of approved plans for 61b Vancouver Street and 32 Cliff Street dwellings

Background
 The Central Albany Urban Design Policy (CAUDP) was adopted by Council in 2005 and has been operating over the past 3 years.

More than 40 applications have been assessed against this policy, ranging from dwelling additions, new dwellings, mixed use and purely commercial development.

In Late 2008, two new dwelling applications that were approved under delegation, being 61B Vancouver Street and 32 Cliff Street did receive some opposition from surrounding landowners. The landowners who raised the concerns were not requested to comment on the development as they were not immediate neighbours (i.e. shared a boundary with the development site) or there was no relaxation that required their comment, as per the requirements of the Residential Design Codes 2008.

Such complaints primarily focused on the height of the buildings which were effectively 3 storeys at their highest points. The complainants argued that such high buildings were not

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

consistent with the heritage character of the area, were detrimental to the existing street scene and resulted in a loss of views of the Harbour. Both buildings were inside the height parameters specified in the CAUDP, which allows height datums to be set at either street level for blocks lower than a street, or at the centre on the lot for blocks above a street, rather than at natural ground level as set out in the R-Codes.

The other concerns raised included the shape and form of roofs (the Vancouver Street dwelling proposed a flat roof profile, rather than a more traditional roof pitch) and the lack of ground floor level controls which allowed new dwellings to sit higher than existing dwellings within a street.

Based on the concerns raised by the complainants, staff raised these issues with the author of the Policy (Mr de Villiers). A response to these concerns has been documented in the attached memo. As a result Mr de Villiers has provided the following recommendations:

- Further clarification to the height datums that allows Council to permit the use of the height datum criteria where it can be demonstrated that a proposal meets the objectives of the policy.
- A new clause to restrict the ground floor level to be no higher than 200mm above the level of the street;
- The existing clause relating to roofs being of a similar scale is to be retained, as it is not the pitch of the roof that is important but its physical size.
- The extent of the residential policy area being reduced to match up with extent of residential development in the inner area of Albany.
- Provide improved clarity on front setback requirements for the first floor of a dwelling on a block above the level of the street.

Statutory Requirements

Should Council support any changes to the existing CAUDP, the revised policy would need to be advertised for public comment and after such advertising has concluded a resolution of Council would be required to adopt the modified policy. The policy would become operational after Council publishes its adoption in the local newspaper with details on where a copy of the policy can be obtained.

Comment/Discussion

In relation to each issue, staff provides the following commentary:

Building Height

It is accepted that in most instances the height datum clauses within the CAUDP will not have a detrimental impact on the streetscape when viewed by persons on the street opposite the building. This is because the height would be hidden on the down slope side or the building will be articulated (broken up) on the up slope side (refer to diagram in the memorandum).

Issues occur however when the building is a corner block (or close to a corner block) as the building can be visually dominant from that side street. The extra height on the downhill side especially has the potential to dominate the view from adjacent land, even with increased rear setbacks being met.

Mr de Villiers has recommended that a way to control these issues is to give Council the discretion to apply the height datum levels where in its opinion the development meets the

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

objectives of the policy. Whilst this approach would allow Council to choose how it measures height, it could be deemed subjective and open to interpretation.

The Residential Design Codes require height to be measured from natural ground level, which encourages buildings to follow the slope, promotes split level development and ensures floor levels are positioned closer to the natural level.

Whilst the height datum philosophy works exceptionally well in Mt Clarence, where there is a range of modern, two storey residences its application in the Central Area, where there is a significant portion of single storey residences, a number of historically important buildings and multiple view corridors, may not be worth the merits of its use.

It is staff's recommendation that height measurement in the CAUDP be modified to meet the Category B – height limits within the Residential Design Codes, with height being measured from natural ground level only.

Ground Level Heights

It is agreed that a restriction on ground level heights should be introduced to ensure dwellings are not built significantly higher than the street. The application of the height criteria within the Residential Design Codes will also assist in ensuring floor levels are closer to natural ground level.

Roof Size and Pitch

The vast majority of roof pitches within the central area of Albany are traditional in design being hipped or gabled roofs with a pitch between 25 degrees and 40 degrees. Mr de Villiers makes the point that it's the scale of the roof, rather than its pitch which ensures that the roof form does not detract from an area's character.

There is an expectation in the community that new development should have a traditional pitch. This came out of the recent complaints received (as per above), particularly in relation to the Vancouver Street dwelling. It is recommended that where hipped and/or gabled roofs are proposed their pitch should be between 25 and 40 degrees.

Skillion roofs (roofs with a single pitch) are commonly used in contemporary architecture and as long as its size is appropriate the use of these roofs in the central area of Albany is not objected to. Flat/Skillion roofs with a pitch less than 10 degrees however are not supported unless the roof is hidden behind parapets or the roof represents a secondary roof element. Curvilinear roofs are also not supported.

It is recommended that the existing clause within the CAUDP be maintained, especially in regards to requiring roofs to be articulated to ensure their scale is comparable to existing roofs in the locality, however it should be supplemented to provide further direction as per the above.

Extent of Policy

It is agreed that the boundary associated with the residential area of the policy be reduced to match up with existing residential areas. The future residential areas identified in Centennial Park are generally on flat land and are controlled to a large extent by the Residential Design Code Policy. It is recommended that the red lined boundary within the memorandum be adopted.

Front 5m setback (for land rising above street level)

The change is agreed as it provides additional clarification as to how to interpret the clause, and ensures that existing setbacks are the main driver for the positioning of the dwelling.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

Committee Discussion

In general discussion, the following points were brought up:

- The suitability of nominating minimum and maximum roof pitches.
- The impacts of developments on streetscapes and on private individuals.
- The appropriateness of the changes suggested by Staff.
- The relationship of the R Codes, the CAUDP and the Urban Design and Streetscape Guideline Policy.

Moved: WOLFE

Seconded: STANTON

THAT Council supports the recommendations contained within the Comment/Discussion section of this report and agrees to consider amendments to the Central Albany Urban Design Policy as detailed in the report and

That the operative components of the Urban Design and Streetscape Guidelines Policy be incorporated.

Carried 5 / 0

10.0 South Lockyer Structure Plan

The Council adopted in 2006 (OCM 19/12/06 Item 11.3.2) a 'Conceptual Plan' to guide development in the locality of South Lockyer.

The 'Conceptual Plan' was modified as requested by the WAPC and adopted for the purpose of advertising (OCM 18/11/08 Item 11.6.1).

The now modified document was advertised for a period of 52 days (closed 22 January 2009) and as a result, several issues were raised. The following is a summary of the concerns that came out of the submissions, a detailed schedule of the submissions, a schedule of the amendments recommended for the structure plan and an officer's recommendation:

Summary of Concerns

Concerns were raised regarding the following:

- 1 it was argued that without any detailed analysis available at the structure planning stage, it is too unrealistic to apply contribution percentage values for the development of infrastructure. This was dismissed considering new detailed information provided by the Department of Water illustrating wetland and vegetation areas to be protected.
- 2 Main Roads WA requires an 'Access Strategy'. This was dismissed considering the Structure Plan and the Albany Local Planning Strategy already provide analysis for transport, including an indicative plan and requirements for a 'Main Link' road and intersection treatments in the locality.
- 3 Loss of access due to the closure of Cumming Road. It was always understood that any future closure of Cumming Road would occur only after access for each lot currently fronting Cumming Road has been obtained to the 'Main Link' road (Cull and Mueller). It is recommended that a clause be included to clarify this point.
- 4 DEC, DoW and the public require a greater level of protection over the wetland, remnant vegetation and acid sulfate soil areas. It is recommended that data provided by the DoW and DEC be included in the Structure Plan.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES– 04/02/09
** REFER DISCLAIMER **

- 5 The public are concerned that development upstream may increase the potential for flooding downstream. The structure plan makes requirements for the management of drainage in accordance with the *Stormwater Management Manual for Western Australia*.
- 6 The public are concerned that there is a lack of detail for drainage, flora and fauna management. The DoW and DEC have provided additional information for the management of the environment. Further details will be required at the development or subdivision stages.
- 7 There is a request for an opportunity to develop at a higher density (R40) to compensate the loss of developable land as a result of wetlands and waterways. A clause has been included to support higher density to the satisfaction of the Western Australian Planning Commission's Liveable Neighbourhoods document.
- 8 The public are concerned that the allocation of active public open space on their land takes away the potential for development. The plan illustrates where active open space should be provided and a preference for size in accordance with principles identified in the Western Australian Planning Commission's Liveable Neighbourhoods document. A clause has been included stating that variations to this may be supported subject to complying with the objectives of the structure plan.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 04/02/09
REFER DISCLAIMER

Schedule of Submissions

Submissions	Issue	Recommendation	Modification
1. Western Power	No Issue	No Recommendation	No modification
2. Water Corporation	No Issue	No Recommendation	No modification
3. Telstra	No Issue	No Recommendation	No modification
4. West Net Energy	No Issue	No Recommendation	No modification
5. Department of Water	a). The document does not accurately reflect the extent and location of wetland areas.	a). It is recommended that the document illustrate the wetland areas and include clauses to manage development in these areas.	a). Modify text in section 2.1.2 Drainage/Wetlands. Modify Figure 3 to reflect waterways and wetlands as illustrated by the Department of Water. Modify 'Objectives' C and E. Include new requirement 1.4 D. Modify PDS plans and Structure Plan.
6. Department of Environment and Conservation	a). The document needs to have stronger recognition of the importance of remnant vegetation and a greater degree of caution regarding wetlands and acid sulfate soils in the southern section of the area.	a). It is recommended that the document illustrate the remnant vegetated areas and include clauses for the protection of these areas. It is recommended that the document be modified to show a greater degree of caution to those areas identified as wetland and possible acid sulfate soils.	a). Modify text in section 2.1.3 Soils and 2.1.4 Vegetation. Modify 'Objectives' and include new clause 4.4B.
7. Main Roads WA	a). There is a concern over the lack of an 'Access Strategy' for the South Lockyer area to outline connectivity, a delivery timeframe and a funding mechanism to the State Road Network.	a). The structure plan considers the increasing demand for movement through the locality and as a result has proposed the construction of a 'Main Link' road with appropriate intersection treatments at South Coast Highway and Hanrahan Road. This road network is seen as suitable for local traffic demands and is not intended to replace the function of South Coast Highway (distributing traffic from the west into Albany). There is a Traffic Modelling Project underway, which is projected to be completed in 2009. This will help to provide a quantitative basis for future traffic demand and provide a rationale to determine development options.	a). Modify clause 4.6D to reflect the need for intersection treatments.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES- 04/02/09
** REFER DISCLAIMER **

6. Aylor Burrell	<p>a). There is concern as to the way cost contributions have been devised. Until detailed assessment of the area is undertaken, it is not possible to come up with a fair and equitable distribution of costs.</p> <p>b). There is concern that the structure plan does not provide the opportunity for housing choice including R40 density.</p>	<p>Funding is to be acquired at the time of subdivision or development for the development of the 'Main Link' road and for intersection treatments at Cull Road/Le Grand Avenue/South Coast Highway and Mueller Street/Hanrahan Road. The final design of these treatments is to occur in consultation with Main Roads WA.</p> <p>The Department of Environment and Conservation (DEC) and the Department of Water (DOW) have expressed concern regarding the evaluation and level of protection for vegetation, soils and wetlands within the structure plan area. These departments have made recommendations to change the structure plan to reflect details and the level of protection required for wetlands, waterways and remnant vegetation. It has been recommended that the details and recommendations provided by DoW and DEC be adopted (refer to submissions 5 and 6). It is recommended that the method of contribution planning and the contribution percentage values be made more accurate by using information given by the DoW and DEC.</p> <p>It is recommended that a clause be included to support R40 density.</p>	<p>a). A new section 4.12 being included to address contribution planning. The new section will provide collaborative requirements to address contribution planning. A table is to be added to clarify the method of calculations for contribution. Figure 15 is to be amended to reflect the additional information provided by DEC and DoW. The columns illustrating the cost of contributions is to be deleted as these will be calculated at the time of subdivision and development.</p> <p>b). Modify clause 4.3A.</p>
9. 78 Cumming Rd	<p>a). There is a concern over a potential loss of access to lots due to the proposal to close Cumming Road.</p>	<p>It was always understood that any future closure of Cumming Road would occur only after access for each lot currently fronting Cumming Road has been obtained to the 'Main Link' road (Cull and Mueller). It is recommended that a clause be included to clarify this point.</p>	<p>a). Make a new clause at 4.6F.</p>
10. Lot 200 Cull Rd	<p>a). The DoW and CoA engineers need</p>	<p>The design and management of drainage</p>	<p>a). NO modification required.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 04/02/09
 REFER DISCLAIMER

	<p>to look for a practical way of dealing with water runoff.</p> <p>b). The Department for Planning and Infrastructure (DPI) have agreed that the allocation of POS at the north western corner of Lot 280 may be amended to show residential.</p>	<p>is the responsibility of the developer. The structure plan makes the requirement for drainage systems to be designed in accordance with objectives, principles and delivery approach outlined in the <i>Stormwater Management Manual for Western Australia</i>.</p> <p>b). It is recommended that that the document be amended to reflect DPI's support for development at lot 280.</p>	<p>f). Modify the POS plan, contribution plan and structure plan. Figures 12 and 13 are to be changed to reflect new requirements at section 4.5 for POS.</p>
<p>11. Lot 75 Cull Rd</p>	<p>a). We are concerned that the amount of traffic generated along the 'Main Link' road will impact on our peaceful lifestyle.</p> <p>b). We are concerned that developers will choose to pay cash in lieu of the 10% land requirement for POS.</p> <p>c). We are concerned as to the amount of water that may be coming onto our property as a result of development up stream.</p> <p>d). The plan does not illustrate accurately the location of creek lines in the area.</p> <p>e). We are concerned as to the amount of vegetation being knocked down.</p> <p>f). We are concerned as to the method of contribution planning.</p> <p>g). We are concerned that we are contributing to infrastructure (e.g. intersection treatments) that benefits the greater area.</p> <p>h). There are no details drawn to illustrate the location of sewerage or drainage infrastructure.</p> <p>i). The plan is lacking in report data such as flora, fauna and soil.</p>	<p>a). The area has been zoned to accommodate 'Future Urban' type land uses. The Albany Local Planning Strategy, which has been adopted by the City of Albany, illustrates a 'Main Link' road through this area. It is inevitable that infrastructure (roads) to support future urban development will be required and that the character of the area will change.</p> <p>b). The POS plan requires the development of active space, strategically located in accordance with the WAPC Liveable Neighbourhoods document. The plan also requires space for passive recreation, strategically located where remnant vegetation exists. Unless required by the WAPC, cash will be required where active and passive space is not identified. Land required for the protection of wetlands and waterways is not deducted from the 10% POS contribution requirement.</p> <p>c). The structure plan makes the requirement for drainage systems to be designed in accordance with objectives, principles and delivery approach outlined in the <i>Stormwater Management Manual for Western Australia</i>. This manual makes the requirement for development to retain</p>	<p>a). No modification</p> <p>b). Modify the requirements for POS to make clear the 10% POS requirement at the time of development or subdivision.</p> <p>c). No modification</p> <p>d). Refer to submissions 5 and 6.</p> <p>e). Refer to submissions 5 and 6.</p> <p>f). Refer to submission 8.</p> <p>g). Include a new clause D at new section 4.12.</p> <p>h). Modify section 4.7 to include a notification.</p> <p>i). No modification.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES 04/02/00
 REFER DISCLAIMER

		<p>the post development hydrology as close as possible to the pre development hydrology.</p> <p>d). The DoW has provided information to identify the location of wetlands and waterways. It has been recommended that the structure plan be amended to reflect the DoW submission (refer to submission 5).</p> <p>e). In support of the DoW and DEC, additional areas have been allocated for the protection of vegetation (refer to submissions 5 and 8).</p> <p>f). Amendments to the method of contribution planning have been recommended to make clear and equitable (refer to submission 8).</p> <p>g). It is recommended that the City of Albany and the Main Roads Department contribute a proportion of the cost of roads to take into consideration the benefit gained by the greater area. The amount for this can be determined at the subdivision or development stages.</p> <p>h). The location of sewer and drainage infrastructure is to be resolved on behalf of the developers/subdividers in consultation with the Water Corporation and DoW.</p> <p>i). The plan provides an overview of these issues. More detailed assessment is required at the subdivision and/or development stages.</p>	
<p>12. Lot 134 Cumming Rd</p>	<p>a). We disagree with the allocation of active space at Lot 134 Cumming Road. This takes away our development potential, especially considering a large proportion is</p>	<p>a). The West Australian Planning Commission and the Planning and Development Act require 10% of the gross subdivisional area to be given up as Public Open Space. The WAPC DC</p>	<p>a). No modification. b). Refer to submission 9. c). Refer to submission 11g). c). Refer to submission 11g).</p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued


COMMITTEE MEETING MINUTES – 04/02/09
 REFER DISCLAIMER

	<p>located in a wetland area.</p> <p>b). We disagree with the closure of Cuming Road.</p> <p>c). The costs for the development of the 'Main Link' road should be borne entirely by the City of Albany.</p> <p>d). The contribution for deep sewerage and water should be made more open and transparent and fall within the realm of the Water Corporation.</p>	<p>Policy 2.3 (sec 3.1.3), recommends that preferences are made for the location and type of open space as a means to achieve an overall balance between incidental open space, readily accessible to all residents, and recreational open space in large units suitable for active leisure pursuits. The WAPC Liveable Neighbourhoods document does not include wetlands and waterways in the 10% calculation for POS.</p> <p>b). Refer to submission 9.</p> <p>c). Refer to submission 11g).</p> <p>d). The development of sewer and water infrastructure is developer driver and therefore in accordance with Water Corporation policy should be the responsibility of the developers.</p>	
13. Lot 47 Cull Rd	<p>a). A roundabout is required at the intersection of Cull Road and South Coast Highway.</p>	<p>a). The structure plan makes requirements for intersection treatments to occur at the intersection of Cull Road and South Coast Highway</p>	<p>a). No modification required.</p>
Department for Planning and Infrastructure	<p>a). In 4.2 Land Use; it would be preferential to provide a small explanation of what type of land use is envisaged in each designation; and mention in the residential areas that innovative designs (like the one Council has done) are needed to get densities above the R 20.</p> <p>b). In the contributions section it is preferential that a current value of the works be given with an explanation saying that the value is to be annually updated.</p>	<p>a). The structure plan illustrates and describes the type of land uses envisaged for each area. It is recommended that the land use information portrayed on the structure plan also be noted at clause 4.2 and a clause be added requiring innovative designs for development greater than the R20 density code.</p> <p>b). The Local Government have employed consulting engineers to provide a cost value for road infrastructure. Quotations have also been provided for sewer and water infrastructure. These can be implemented as part of the structure plan and reviewed periodically</p>	<p>a). Provide additional clauses at 4.2 dealing with land use and at 4.3 dealing with development design.</p> <p>b). Include table at 4.12 illustrating costs and a notation requesting a periodical update of the costs</p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued (a full copy of Fig 3 Waterways and Wetlands is detailed in the Information Bulletin).

Schedule of Recommended Amendments

<p>2.1.2 Waterways and Wetlands</p>	<p>The SI SP area is characterised by surface runoff into well defined drainage lines forming southerly flowing creeks, and groundwater seepage across the lower southern slopes that has formed extensive areas of wetland. The surface flow from these wetland areas has been distributed by removal of native vegetation, and by the construction of drains on either side of Cumming Road.</p> <p><i>Stormwater infrastructure such as biofiltration areas and stormwater infiltration and detention basins will need to be located in accordance with an Urban Water Management Plan to ensure no direct discharge occurs into wetlands and waterways. Preliminary wetland boundaries have been mapped by DoW and these need to be finalised in consultation with DoW to determine development capability, protect remaining wetland vegetation and to guide the management of stormwater.</i></p> <p>Fig 3 Waterways and Wetlands</p> 
<p>2.1.3 Soils</p>	<p>An additional factor is the identification of high risk acid sulfate soils within the OVI soil units in the southern section of the structure plan area. <i>Any impacts from acid sulfate soils must be retained on site.</i></p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

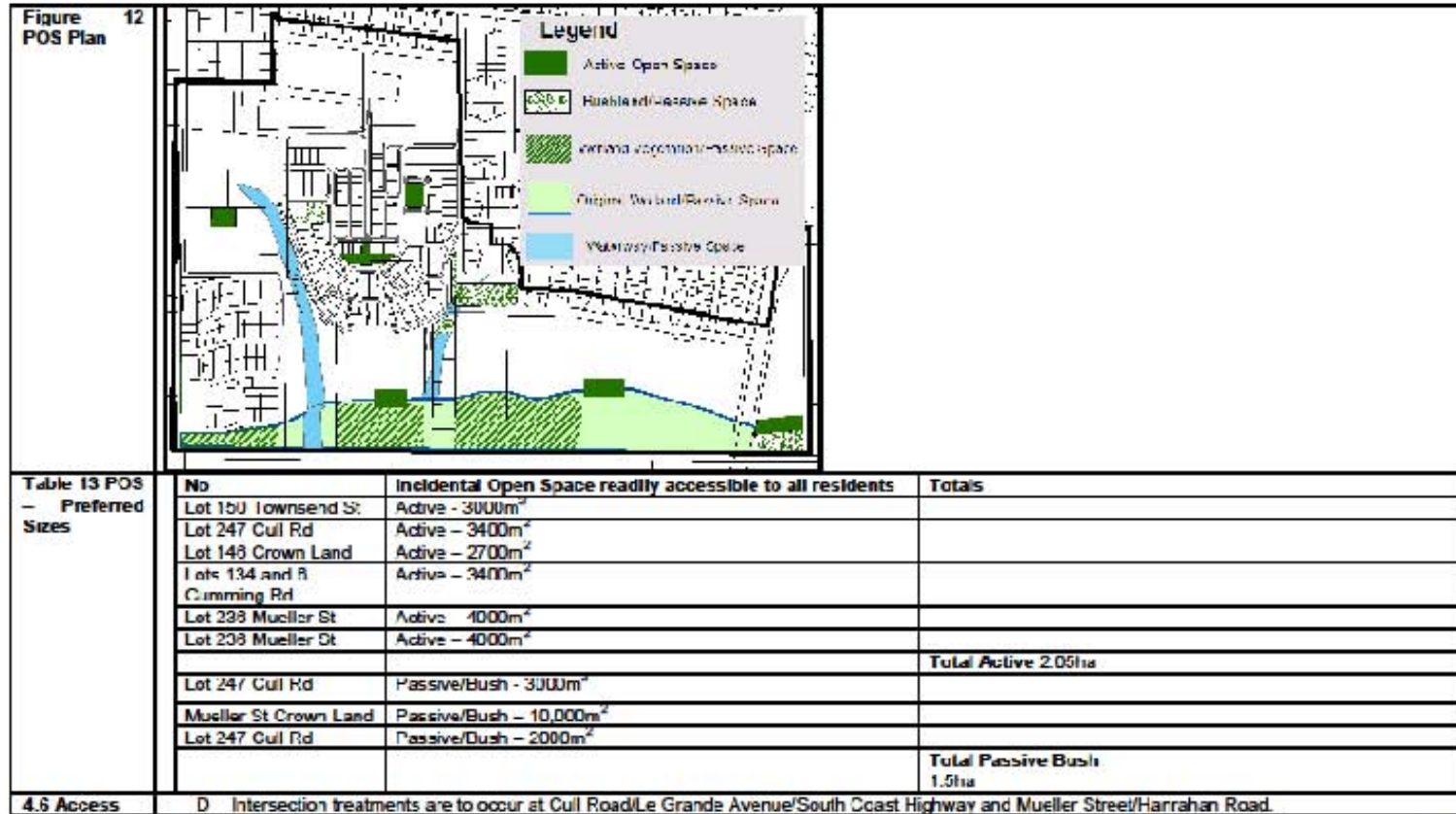
COMMITTEE MEETING MINUTES- 04/02/09
REFER DISCLAIMER

<p>2.1.4 Vegetation</p>	<p>The vegetation within the structure plan area ranges from good to degraded. The land in the middle and northern portions of the study area is largely regenerated bush from previously cleared areas. Substantial areas of remnant vegetation, including tall stands of trees and associated wetland vegetation, occur in the southern areas (on the northern side of Cumming Road) located within the CW1 soil unit.</p> <p><i>Recommendation:</i> <i>In wetland areas that have been cleared, vegetation should be reinstated to establish a corridor that runs parallel to and north of Cumming Road.</i></p> <p><i>Substantial vegetated areas and vegetation adjacent to the creeks and wetlands should be retained, protected and utilised for passive recreation and as a means to manage erosion and maintain biodiversity and water quality values.</i></p>
<p>Objectives</p>	<p>C To respond to the natural constraints including the steep topography, the natural vegetation and the waterways, wetlands and cleared seepage areas. E To provide a stormwater system that minimises risk to public health and amenity, protects the built environment from flooding and water logging, protects existing waterways and wetlands and is economically viable in the long term.</p>
<p>4.2 Land Use</p>	<p>The areas illustrated as 'Residential' at Figure 18 'Structure Plan', are to be developed for residential living purposes. Community services may be supported within these areas subject to complying with principles detailed in the Western Australian Liveable Neighbourhoods document.</p>
<p>4.3 Density</p>	<p>A The Council will support areas being developed or subdivided into lot sizes not less than 300m² with a min average of 500m². Variation to allow R40 density may be supported subject to complying with the objectives of the structure plan, incorporating innovative design and to the satisfaction of the Western Australian Planning Commission's Liveable Neighbourhoods document.</p>
<p>4.4 Vegetation</p>	<p>B In wetland areas that have been cleared, vegetation should be reinstated to establish a corridor that runs parallel to and north of Cumming Road.</p>
<p>4.5 Public Open Space (POS)</p>	<p>A A minimum of 10% of a development or subdivision area is to be provided as either land or cash for the purpose of POS. B Land for the purpose of POS is to be located and sized in accordance with figure 12 and table 13. Variations may be supported subject to complying with the objectives of the Structure Plan. C Unless POS is required in accordance with clause 4.5B, cash for the purpose of developing and maintaining PCS and for compensating developers that provide more than the minimum 10%, is to be provided where the development or subdivision of more than three (3) dwellings or lots is occurring.</p> <p><i>Note: Open Space given up in the area indicated as wetland or waterway is not included as part of the 10% open space requirement.</i></p>

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued (a full copy of Fig 12 POS Plan is detailed in the Information Bulletin).

COMMITTEE MEETING MINUTES- 04/02/09
** REFER DISCLAIMER **



DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES- 04/02/09
REFER DISCLAIMER

	<p>F Cumming Road is to be closed at a future date once access can be obtained from the 'Main Link' road.</p> <p><i>Note: The location of sewer infrastructure is to be resolved on behalf of future subdividers in consultation with the Water Corporation.</i></p>
<p>4.7 Reticulated Sewerage, Potable Water and Underground Electricity</p>	
<p>4.12 Contribution Planning</p>	<p>A Contributions may be taken at the time of subdivision and development for the purpose of developing the following:</p> <ol style="list-style-type: none"> a. the 'Main Link' road; b. Intersection treatments at Cull Road/Le Grande Avenue/South Coast Highway and Mueller Street/Hanrahan Road; c. infrastructure for reticulated sewerage and water. <p>B The value of the contribution mentioned at clause 4.12A is to be determined by the developer or subdivider at the time of subdivision or development to the satisfaction of the Local Government, based upon the estimated cost of providing those services (refer to table 15) at the time of subdivision and using the "percentage of total land area" mentioned in column 4 of table 17.</p> <p>C The owner's liability to pay the contribution mentioned at clause 4.12A arises on the earlier of the following:</p> <ol style="list-style-type: none"> a. Council confirming to the Commission that conditions of subdivision approval supervised by the Local Authority and imposed on the application to subdivide the owner's land within the structure plan area have been complied with; or b. At the time of carrying out any new development (other than a single house or the provision of outbuildings associated with a single house) or extending the use on the owner's land within the structure plan area." <p>D A deduction is to be attributed to the cost value of the 'Main Link' road and the intersection treatments to the satisfaction of the Local Government and the Main Roads Department (this is due to the overall vehicle movement benefit gained by the locality). The deduction is to be agreed to at the development and subdivision stages.</p> <p><i>Note: A periodic update of the 'Cost of developing infrastructure' (refer to table 15) will be required to aid in the process of development and subdivision.</i></p>
<p>Table 14 Contribution Plan – Method of Calculation</p>	<p>Gross Area Structure Plan (Lot sizes) = 62.8 hectares</p> <p>Net developable area of Lot = Gross area of lot minus 10% FOS, wetlands and waterways.</p> <p>Wetland areas include (m²):</p> <ul style="list-style-type: none"> • Lot 230 Hanrahan Rd (08000) • Lot 252 Mueller St (16000) • Lots 1 and 2 Mai St (Total Wetland) • Lot 3 Mai St (800) • Lot 4 Mai St (980) • Lot 5 Mai St (1500) • Lot 6 Cumming Rd (7000)

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES- 04/02/09
** REFER DISCLAIMER **

	<ul style="list-style-type: none"> • Lot 134 Cumming Rd (16000) • Lot 75 Cull St (16000) • Lot 247 Cull St (3000) • Lot 260 Cull St (8000) • Lot 51 Cull St (1600) • Lot 54 Cull St (2000) <p>Net Area Structure Plan (Net developable area of lots added up together) = 70.2 hectares</p> <p>Percentage of each net developable lot = (Net area of Lot) divided by (Net area of structure plan).</p> <p>Contribution – Calculated costs for items at 4.12A multiplied by percentage.</p>																																																																																																							
<p>Table 15 Cost Estimate of Infrastructure</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: center;">South Lockyer Structure Plan Cost (\$) of Infrastructure 2009</th> </tr> <tr> <th style="width: 40%;">Development of Main Link Road (does not include cost of site supervision and drawing of plans).</th> <th style="width: 15%;">Intersection Treatment @ Cull Rd, Le Grande Avenue and South Coast Highway</th> <th style="width: 15%;">Intersection Treatment @ Mueller Street and Hanrahan Road.</th> <th style="width: 10%;">Sewerage</th> <th style="width: 10%;">Water</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">3,194,861.32</td> <td style="text-align: center;">Yet to be determined</td> <td style="text-align: center;">Yet to be determined</td> <td style="text-align: right;">1,000,000</td> <td style="text-align: right;">76,823</td> </tr> </tbody> </table>								South Lockyer Structure Plan Cost (\$) of Infrastructure 2009					Development of Main Link Road (does not include cost of site supervision and drawing of plans).	Intersection Treatment @ Cull Rd, Le Grande Avenue and South Coast Highway	Intersection Treatment @ Mueller Street and Hanrahan Road.	Sewerage	Water	3,194,861.32	Yet to be determined	Yet to be determined	1,000,000	76,823																																																																																	
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ORDINARY COUNCIL MEETING MINUTES – 17/03/2009

REFER DISCLAIMER

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

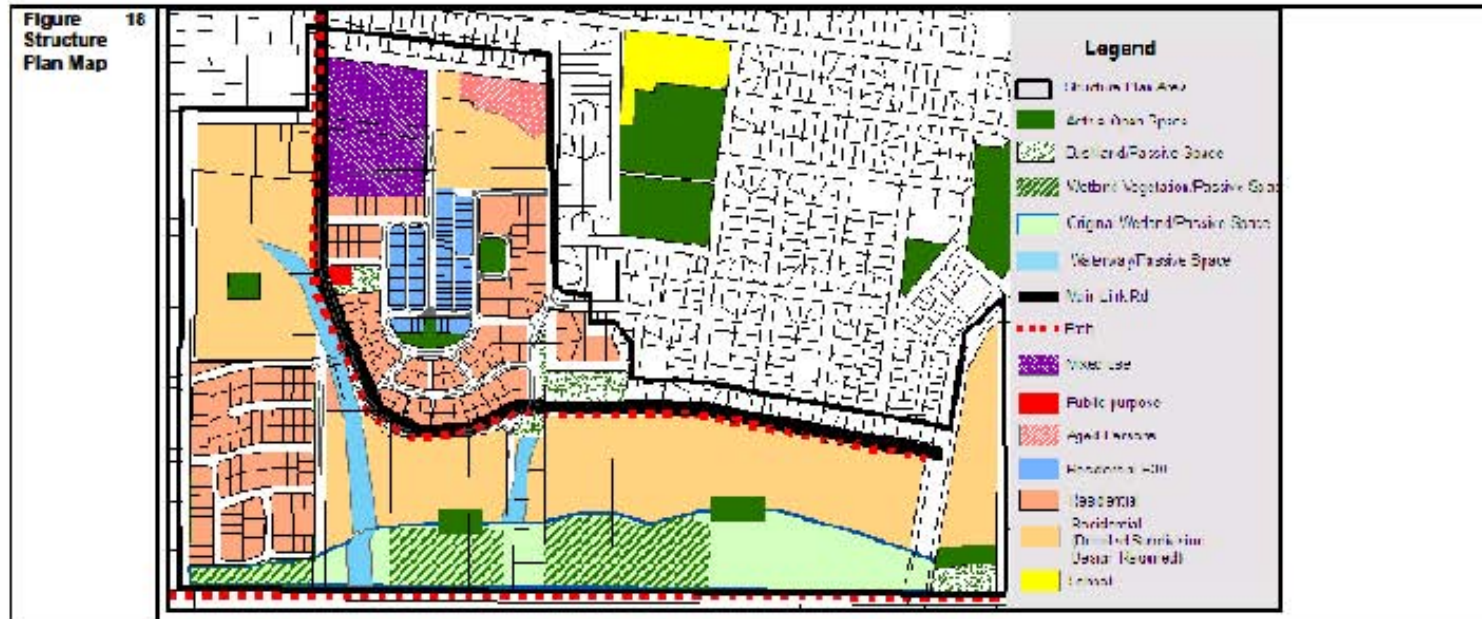
COMMITTEE MEETING MINUTES- 04/02/09
REFER DISCLAIMER

46 Cull	946	351.4	0.12%	Lot 24 / Cull	123000	107700	15.34%
45 Cull	946	351.4	0.12%	75 Cull	40400	20360	2.87%
37 Wolfe	009	720.1	0.10%	45 Dryson	4047	3842.3	0.52%
38 Wolfe	809	728.1	0.10%	#12 Mai	Wetland 3124	Wetland	Wetland
40 Wolfe	792	712.3	0.10%	123 Hanrahan	38000	34200	4.87%
160 Townsend	58700	52830	7.62%	302 Staines	1100	1070.1	0.16%
121 Mckeown	36800	34820	4.97%	381 Sinclair	619	737.1	0.10%
45 Bryson	4047	3842.3	0.52%	380 Sinclair	1100	1070.1	0.15%
303 Townsend	033	330.7	0.12%	238 Hanrahan	173000	87700	12.40%
300 Staines	019	737.1	0.10%	Howson St/Lot 0	POG 0603	POG	POG
388 Staines	865	778.5	0.11%	252 Mueller	44500	24050	3.42%
390 Staines	865	778.5	0.11%	150 Townsend	58000	52200	7.43%
381 Staines	065	770.5	0.11%	151 Mckeown	30000	34200	4.07%
Total					526981	702285	100.00%

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued (a full copy of Figure 18 Structure Plan Map is detailed in the Information Bulletin).

COMMITTEE MEETING MINUTES- 04/02/09
REFER DISCLAIMER



DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 04/02/09
** REFER DISCLAIMER **

14.0 MATTERS FOR CONSIDERATION AT NEXT COMMITTEE MEETING (4th March 2009)

- Restrictive Burning Periods
- Independent edit of ALPS document
- Report status of amendments affected by ALPS
- Report on reviews currently before SA
- Consideration of submissions on Morgan Place ODP
- Council response to subdivision proposals in Development/Future Urban areas
- Council's position on Land Banking / Speculative Developments
- Substantial commencement of projects.

15.0 CLOSURE OF MEETING

It was agreed that the next meeting of the Planning and Environment Strategy and Policy Committee be held on Wednesday 4 March 2009 at 3.30pm.

Meeting was declared closed at 8.10pm.

DEVELOPMENT SERVICES REPORTS

11.7 - CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

CORPORATE & COMMUNITY SERVICES Reports

12.0 FINANCE – CORPORATE & COMMUNITY SERVICES

ITEM NUMBER: 12.1.1

ITEM TITLE: LIST OF ACCOUNTS FOR PAYMENT

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Reporting Officer(s) : Senior Finance Officer (P Wignall)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : List of Accounts for Payment

BACKGROUND

1. The List of Accounts for Payment is a list of the accounts which have been paid since the last report.

DISCUSSION

2. The Chief Executive Officer has delegated authority to pay accounts on behalf of Council, and a list of these accounts is to be presented to Council meetings and recorded in the minutes.
3. A summary of payments is as follows:

Municipal Fund			
	Cheques	Totalling	\$403,474.23
	Electronic Fund transfer	Totalling	\$3,336,726.21
	Credit Cards	Totalling	\$3,500.90
	Payroll	Totalling	<u>\$790,815.42</u>
		Total	\$4,534,516.76

4. As at the 28th February 2009, the total outstanding creditors, stands at \$434,336.23
5. Cancelled cheques – 25106,25107,25137, & 25170

PUBLIC CONSULTATION / ENGAGEMENT

6. Nil

GOVERNMENT CONSULTATION

7. Nil

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

STATUTORY IMPLICATIONS

8. 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.
9. The Chief Executive Officer has delegated authority to authorise payments.
10. 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.

FINANCIAL IMPLICATIONS

11. The accounts for payment are in accordance with the adopted Annual Budget and approved amendments.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

12. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

Community Vision:
Nil

Priority Goals and Objectives:

Goal 4: Governance..... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.

POLICY IMPLICATIONS

13. The City's 2008/09 Annual Budget applies to this item, as it provides a set of parameters that guides the City's financial.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. Nil

SUMMARY CONCLUSION

15. The list of accounts payed by delegated authority be received.

Item 12.1.1 continued.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR DUFTY**

**ITEM 12.1.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

RECOMMENDED

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 8-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.1.2
ITEM TITLE: FINANCIAL ACTIVITY STATEMENT –28th February 2009

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : FIN 040 (All Wards)
Summary of Key Points : Detailed Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 28 February 2009
Reporting Officer(s) : Finance Manager (S Goodman)
Disclosure of Interest : Nil
Previous Reference : N/A
Bulletin Attachment(s) : Nil

BACKGROUND

1. In accordance with section 34(1) of the Local Government (Financial Management) Regulations 1996, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide Council with a greater insight in relation to the ongoing financial performance of the local government.
3. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. For the financial year 2008/09 variations in excess of 10% are reported to the Council.

DISCUSSION

4. The Statement of Financial Activity for the period ending 28th February 2009 has been prepared and is listed below.
5. In addition to the statutory requirement to provide the elected group with a Statement of Financial Performance, the City provides the Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

STATEMENT OF FINANCIAL ACTIVITY – AS AT 28th February 2009

6. See appendix 1 to report item 12.1.2

CITY OF ALBANY - BALANCE SHEET

7. See appendix 2 to report item 12.1.2

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

INVESTMENT SUMMARY & COMMENT

8. There were no significant movements in investment valuations in February 2009. The latest market values indicate an increase of \$18,584 attributable to accrued interest. The City's solicitors are continuing to monitor and advise on activities such as the meeting of Lehman's creditors and negotiations with the London trustees of four of the securities.
9. See appendix 4 to report item 12.1.2.

PUBLIC CONSULTATION / ENGAGEMENT

10. Nil

GOVERNMENT CONSULTATION

11. Nil

STATUTORY IMPLICATIONS

12. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:
 - 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.*
 - 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);*
 - 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*
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –*
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) recorded in the minutes of the meeting at which it is presented.”*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

FINANCIAL IMPLICATIONS

13. Year to date expenditure has been incurred in accordance with the 2008/09 budget parameters with variations in excess of 10% detailed below. A quarterly review was carried out in January 2009 and the current budgets incorporate the adjustments adopted by Council in February 2009.

Section of Financial Activity Statement	Reason for Variation	Total Variation Amount
Operating Revenue No material variances		
Operating Expenditure No material variances		
Capital Revenue	FESA - non cash item – new tanker received for South Stirling Brigade - \$ 229,167 - offset by charge against capital expenditure.	
Capital Expenditure No material variances other than new tanker.		

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

14. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

Community Vision:

Nil

Priority Goals and Objectives:

Goal 4: Governance..... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.1: The City of Albany will be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.

City of Albany Mission and Values Statement:

At the City of Albany we apply Council funds carefully.

POLICY IMPLICATIONS

15. The City’s 2008/09 Annual Budget applies to this item, as it provides a set of parameters that guides the City’s financial practices. Given that the expenditure for the reporting period has been incurred in accordance with the 2008/09 budget parameters and any major variations are due to timing issues only, it is recommended that the Statement of Financial Activity be received.
16. The Investment of Surplus Funds Policy applies to this item, as this policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. Nil

SUMMARY CONCLUSION

18. Nil

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WALKER**

**ITEM 12.1.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

RECOMMENDATION

THAT Council RECEIVES the Financial Activity Statement for the period ending 28th February 2009.

MOTION CARRIED 8-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 1

STATEMENT OF FINANCIAL ACTIVITY

YEAR TO DATE

28-Feb-09

Original Budget 08/09	Current Budget 08/09		Actual Year to Date 28-Feb-09	Current Budget Year to Date 28-Feb-09	Current Budget vs Actual Variance
REVENUE					
3,537,831	3,640,537	Operating Grants, Subsidies and Cont	2,690,035	2,654,555	35,478
7,095,514	7,167,550	Fees and Charges	4,522,126	4,726,883	(204,757)
2,649,000	2,649,000	Service Charges	2,662,919	2,690,150	(27,231)
608,000	677,416	Interest Earnings	522,181	501,005	21,176
324,600	343,526	Other Revenue	322,310	320,665	1,645
14,274,945	14,478,028		10,719,671	10,893,268	(173,597)
EXPENDITURE					
10,653,762	10,811,360	Employee Costs	9,335,619	9,194,564	141,055
12,263,994	12,150,126	Materials and Contracts	6,810,639	7,112,016	(301,377)
755,110	1,110,640	Utility Charges	739,039	733,959	5,080
1,332,219	1,332,216	Interest Expenses	627,669	634,565	(6,896)
483,533	495,309	Insurance Expenses	426,308	466,003	(39,695)
(321,579)	(272,929)	Other Expenditure	6,061	(178,275)	184,336
10,653,000	10,726,639	Depreciation	7,086,531	7,137,925	(51,394)
39,020,365	39,345,361		25,035,294	25,100,746	(65,452)
Adjustment for Non-cash Revenue and Expenditure:					
(10,653,000)	(10,726,639)	Depreciation	(7,086,531)	(7,137,925)	71,394
CAPITAL REVENUE					
2,527,112	9,355,248	Non Operating Grants, Subsidies and Cont	2,330,963	1,945,831	384,332
8,285,116	2,235,116	Proceeds from asset disposals	708,256	718,000	(7,744)
5,100,000	6,100,000	Proceeds from New Loans	0	0	0
46,230	46,230	Self-Supporting Loan Principal Revenue	25,297	25,965	(668)
7,159,866	8,926,571	Transfers from Reserves (Restricted Assets)	6,883,313	5,704,313	1,179,000
28,418,124	26,662,165		9,947,829	8,392,809	1,555,020
CAPITAL EXPENDITURE					
28,586,266	26,625,359	Purchase Plant, Equipment and Infrastructure	7,523,865	7,869,631	(345,766)
2,523,215	2,523,215	Repayment of Loans	515,549	524,185	(8,636)
2,146,413	1,547,913	Transfers to Reserves (Restricted Assets)	1,553,984	1,553,984	(0)
31,255,894	30,696,487		9,593,398	9,947,800	(354,402)
2,200,000	0	Estimated Surplus B/fwd			
		ADD Net Current Assets July 1 B/fwd	(1,815,576)	n/a	n/a
		LESS Net Current Assets Year to Date	10,557,826	n/a	n/a
19,130,290	19,190,290	Amount Raised from Rates	(15,247,062)	(19,202,795)	(44,267)

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 2

CITY OF ALBANY

BALANCE SHEET

28-Feb-09

	Actual 28-Feb-09	Budget 30-Jun-09	Actual 30-Jun-08
CURRENT ASSETS			
Cash - Municipal	9,437,391	1,853,283	574,704
Restricted cash (Trust)	1,894,987	1,778,000	1,824,396
Reserve Funds - Financial Assets	4,033,738	2,700,000	4,246,363
Reserve Funds - Other	2,575,866	951,095	6,904,276
Receivables & Other	3,654,032	1,753,371	1,865,213
Investment Land	46,400	160,000	46,400
Stock on hand	704,217	720,000	799,624
	22,346,631	9,915,748	16,260,976
CURRENT LIABILITIES			
Borrowings	508,686	1,263,000	1,023,215
Creditors prov - Annual leave & LSL	1,962,245	2,230,000	1,692,860
Trust Liabilities	1,848,235	1,748,000	1,778,124
Creditors prov & accruals	1,252,609	2,877,047	3,362,517
	5,569,756	8,118,047	7,856,716
NET CURRENT ASSETS	16,776,875	1,797,702	8,404,260
NON CURRENT ASSETS			
Receivables	152,865	106,549	152,865
Pensioners Deferred Rates	265,945	263,870	265,945
Investment Land	2,150,000	2,005,000	2,150,000
Property, Plant & Equip	67,992,998	263,020,245	63,312,024
Infrastructure Assets	178,042,618		163,067,893
Local Govt House Shares	19,501	19,501	19,501
	248,623,926	265,415,165	248,968,228
NON CURRENT LIABILITIES			
Borrowings	23,364,672	25,721,573	23,384,672
Creditors & Provisions	265,850	150,000	217,433
	23,650,422	25,871,573	23,602,006
NET ASSETS	241,750,379	241,341,294	233,770,483
EQUITY			
Accumulated Surplus	215,618,111	218,415,565	202,313,885
Reserves	7,357,634	4,151,095	12,681,963
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	241,750,379	241,341,294	233,770,483

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 3

INCOME STATEMENT FOR THE PERIOD ENDED

28-Feb-09

(b) Nature / Type

	YTD Actual 2008/09	Budget-Total 2008/09	Actual 2007/2008
INCOME			
Rates	19,247,062	19,130,290	17,915,530
Grants & Subsidies	2,397,321	3,278,000	3,071,233
Contributions, Reimb & Donations	292,712	319,831	452,799
Fees & Charges	4,522,128	7,095,514	5,100,832
Service Charges	2,692,919	2,649,000	2,517,352
Interest Earned	522,181	608,000	739,330
Other Revenue / Income	322,790	324,500	920,121
	29,997,113	33,405,135	30,717,198
EXPENDITURE			
Employee Costs	9,335,619	13,853,782	12,212,590
Utilities	759,639	755,110	748,982
Interest Expenses	627,669	1,332,219	1,169,598
Depreciation on non current assets	7,066,531	10,653,000	9,672,516
Contracts & materials	6,810,539	12,263,994	9,681,306
Insurance expenses	426,306	483,839	443,417
Other Expenses	8,991	(321,579)	487,688
	25,035,294	39,020,365	34,416,097
Change in net assets from operation	4,961,820	(5,615,230)	(3,698,900)
Grants and Subsidies - non-operating	1,587,642	4,520,812	4,262,556
Contributions Reimbursements and Donations - non-operating	743,321	5,006,300	10,734,755
Profit/loss on Asset Disposals	(96,180)	4,291,116	804,688
Fair value - Investments adjustment	783,294		(1,531,324)
	7,979,896	8,202,998	10,571,775

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

APPENDIX 4

Portfolio Valuation - Market Value

28-Feb-09

Security	Maturity Date	Security Cost (Incl accrued Int)	Current Interest %	Market Value Dec-08	Market Value Jan-09	Market Value Feb-09	Latest Monthly Variation
MUNICIPAL ACCOUNT							
Bendigo			5.40%	1,044,416	1,044,416		
Bendigo			6.90%	1,000,000	1,000,000		
Westpac			5.12%	1,000,000	1,000,000		
Westpac	17/05/2009	1,000,000	4.20%			1,000,000	
NAB	18/03/2009	1,000,000	5.80%	1,000,000	1,000,000	1,000,000	
NAB	18/03/2009	1,000,000	4.90%	1,000,000	1,000,000	1,000,000	
ANZ	18/03/2009	1,000,000	5.50%	1,000,000	1,000,000	1,000,000	
ANZ		500,000	4.05%	500,000			
CBA		1,307,268	4.26%	1,004,268		1,000,000	
CBA						500,000	
CBA						500,000	
Bankwest		1,300,000	3.80%		1,300,000		
Bankwest	31/03/2009	1,300,000	3.80%			1,000,000	
Bankwest	28/04/2009	1,300,000	3.85%			1,000,000	
CBA	29/04/2009	500,000	3.16%			500,000	
				7,546,662	7,044,416	8,000,000	n/a
RESERVES ACCOUNT							
BANK - TERM DEPOSITS							
Bendigo bank - Term Deposit		1,163,638	4.75%	1,166,588	1,166,688		
Barkwest		1,041,172	5.40%	1,041,172	1,041,172		
Barkwest	9/03/2009					1,051,030	
				2,207,360	2,207,860	1,051,030	n/a
COMMERCIAL SECURITIES - FRNs							
Suncorp Motway FRN	22/06/2018	503,090	7.99%	492,379	495,632	496,770	2,938
Suncorp Motway Sub Debt	22/06/2018	802,272	6.17%	773,393	776,045	783,859	5,014
St George Bank Sub Debt	28/07/2018	505,860	8.06%	499,436	502,859	505,061	3,032
Macquarie Bank Sub Debt	15/09/2014	503,325	8.14%	448,060	451,295	454,218	2,923
ANZ Prindpa Protected Yield Curve	17/07/2017	200,000	8.25%	Retrieved	Retrieved	Retrieved	
		2,515,347		2,213,168	2,228,631	2,242,597	13,956
COMMERCIAL SECURITIES - CDOs							
Saphir (Endeavour) AAA	4/08/2011	413,160	9.10%	240,000	240,000	240,000	0
Mayoola (Flinders AA)	20/03/2012	171,994	9.32%	130,934	132,279	133,495	1,215
Zircon (Merimbula AA)	20/06/2013	502,450	6.67%	167,901	160,610	164,012	3,402
Zircon (Coolangatta AA)	20/09/2014	1,002,060	9.12%	130,000	130,000	130,000	0
Star (Blue Gum AA-)	22/06/2013	276,708	8.77%	49,500	49,500	49,500	0
Corsair (Kakadu AA)	20/03/2014	273,770	8.37%	35,750	35,750	35,750	0
Helium (C=Scarborough AA)	23/06/2014	602,244	8.77%	90,000	90,000	90,000	0
Beryl (AAAGlobal Bank Note)	20/09/2014	200,376	8.42%	110,000	110,000	110,000	0
		3,442,702		954,884	948,140	952,757	4,618
SUB PRIME MORTGAGES							
SPRC (Federation AA)	10/02/2047	595,230	6.32%	Retrieved	Retrieved	Retrieved	
		595,230					
PORTFOLIO TOTAL				12,923,755	12,429,046	12,746,384	18,584

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 – ADMINISTRATION

ITEM NUMBER: 12.2.1
ITEM TITLE: TENDER ACCEPTANCE FOR SUPPLY OF INFORMATION TECHNOLOGY SUPPORT SERVICES

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : C09002
Summary of Key Points : Acceptance of tender for supply of Information Technology support services
Land Description : n/a
Proponent : Nil
Owner : Nil
Reporting Officer(s) : IT Administrator (I McLoughlin)
Disclosure of Interest : Nil
Previous Reference : Nil
Bulletin Attachment(s) : Nil
Consulted References : Nil

BACKGROUND

1. In line with the City’s purchasing policy, officers identified a need to prepare a tender document for the supply of Information Technology support services to cover the new virtualized system environment including all software and hardware. The City’s intent was to establish a panel of suppliers for the supply and delivery of Information Technology support services for a two-year period, with a price negotiated and mutually agreed continuance for a further twelve months.

DISCUSSION

2. It is imperative that the City’s new virtualized computer systems are properly supported and maintained. Without this support these systems would not function correctly which would have a direct effect on the smooth operation of the City’s computer network. All future hardware and software purchases for this equipment will have to be purchased through official channel partners to ensure continued warranty and support.
3. The tender documentation stated that the following criteria and weightings would be used to evaluate the submissions.

Criteria	% Weighting
Cost	20
Technical Compliance and Experience	80
Total	100

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

4. Only one tender was received and evaluated as follows;

Tenderer	Score
Saxxon I.T.	692.5

5. The City distributed twenty seven copies of the tender documents to interested companies. Only one formal response from Saxxon I.T. was received.

PUBLIC CONSULTATION / ENGAGEMENT

6. A request for tenders was published in the West Australian on 21 January 2009, the Albany Advertiser on 22 January 2009 and Albany Extra on 23 January 2009.

GOVERNMENT CONSULTATION

7. Nil

STATUTORY IMPLICATIONS

8. Regulation 11 of the Local Government (Functions and General) Regulations 1996 requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.
9. 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.
10. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

FINANCIAL IMPLICATIONS

11. The City's tender document required the submission of a schedule of rates for labour and training. The rates are as per the table below for a term of 12 months with a price negotiated and mutually agreed continuance for a further one plus one years.

Description	\$ per hr
Remote labour costs (Business Hours)	132.00
Remote labour costs (After Hours)	132.00
Onsite labour costs (Business Hours)	154.00
Onsite labour costs (After Hours)	154.00
Remote (dial-in/internet) training costs	132.00
Onsite (physical) training costs	165.00
On-call rate (ie To ensure availability at a particular time).	27.50

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

12. This tender is for future support services and hardware. These items will form part of the future budgets for the next 3 years in accordance with the 5 year business plan.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

13. This item directly relates to the following elements from the City's IT Strategy:
- *Align the City's ICT platforms to those recommended by software suppliers provided that they are in line with market trends and have readily available ICT skill sets.*
 - *To maintain a consistent and common infrastructure comprising a reliable and effective desktop architecture to enable city staff to optimise their service delivery, productivity and efficiency.*
 - *To catalogue, rationalise, prioritise and ensure that back up procedures and disaster recovery plans are in place for all corporate databases.*
 - *To provide a multi server infrastructure that is robust, efficient and capable of expansion to capitalise on market opportunities.*
 - *To formalise disaster recovery and contingency plans for all IT equipment, applications and data.*
 - *To reduce the risk of failure/data corruption through the application of new software/hardware.*

POLICY IMPLICATIONS

14. Councils Policy "Purchasing Policy – Tenders and Quotes" and associated procedures apply to this item.
15. Tender Contract Procedure 4(1)(c). Evaluation Criteria.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

16. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.
17. These systems must be properly supported to ensure the reliability and continued running of the City's computer systems and network.

SUMMARY CONCLUSION

18. The City has undergone a competitive process in line with the relevant legislation and established policy resulting in a tender from a reputable supplier under budget expectations.
19. Previous dealings indicate that Saxxon I.T. provide a reliable service, technical expertise and value for money. It is concluded that the tender be awarded to Saxxon I.T. for the supply and delivery of Information Technology support services.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

**ITEM 12.2.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY.**

THAT COUNCIL ACCEPTS the tender from Saxxon I.T. for the supply and delivery of Information Technology support services.

The rates are as per the table below for a term of 12 months with a price negotiated and mutually agreed continuance for a further one plus one years.

Description	\$ per hr
Remote labour costs (Business Hours)	132.00
Remote labour costs (After Hours)	132.00
Onsite labour costs (Business Hours)	154.00
Onsite labour costs (After Hours)	154.00
Remote (dial-in/internet) training costs	132.00
Onsite (physical) training costs	165.00
On-call rate (ie To ensure availability at a particular time).	27.50

MOTION CARRIED 8-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.2.2
ITEM TITLE: EXTENDED TRADING HOURS WITHIN THE CITY OF ALBANY

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	:	LEG 005 (All Wards)
Summary of Key Points	:	Extended trading hours for General Retail Shops for Monday April 27 th 2009
Land Description	:	Municipality of Albany
Proponent	:	ACCI
Owner	:	N/A
Reporting Officer(s)	:	Manager Customer Services (A Carney)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/09/06 – Item 12.2.1 OCM 21/08/07 – Item 12.2.1 OCM 20/01/08 – Item 18.2
Bulletin Attachment(s)	:	Letter from Albany Chamber of Commerce and Industry dated 25 th February 2009
Consulted References	:	Nil

BACKGROUND

1. Anzac Day falls on a Saturday this year, which creates an unusual pattern in which General Retail Shops would be closed for three days in a row. The decision has been taken in the Perth Metropolitan Area to allow General Retailers to open on Monday 27th April.
2. This provides the opportunity for Council to follow suit, under the provisions of the Retail Trading Hours Act, where:

“Local Government Authorities outside the Perth Metropolitan Area can, subject to Ministerial Approval, extend trading hours for General Retail Shops (only).”

DISCUSSION

3. Proposed application to Minister for extended trading hours for General Retail Shops for Monday April 27th 2009.
4. The hours requested are 8 am to 6 pm.
5. This proposal would affect all retailers covered under the Retail Trading Hours Act within the municipality of Albany; however it will not be compulsory to trade on this day.
6. Approval would benefit trade and tourism and reduce the economic impact on business caused by a three day closure.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

PUBLIC CONSULTATION / ENGAGEMENT

7. The Albany Chamber of Commerce and Industry made a request and no further consultation has been undertaken.

GOVERNMENT CONSULTATION

8. Department of Consumer and Employment Protection have been informed and have stated their intention to grant approval based on the will of the Council.

STATUTORY IMPLICATIONS

9. N/A

FINANCIAL IMPLICATIONS

10. Nil

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

“Community Vision:

Nil

Priority Goals and Objectives:

Goal 3: City Centre..... Albany’s City Centre will be the most vibrant, safe, accessible and liveable in regional WA.

Objective 3.3 A unique and accessible retail experience.

City of Albany Mission and Values Statement:

Nil”

POLICY IMPLICATIONS

12. Nil

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. Nil

SUMMARY CONCLUSION

14. A three day closure of general retail shops has the potential to impact negatively on trade and tourism in the City. The general convenience of the populace would also be affected. A successful application for extended trading hours would alleviate these concerns.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

**ITEM NUMBER 12.2.2 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council SUPPORTS the application to extend trading hours on Monday April 27th 2009 to allow trade between 8 am and 6 pm for General Retail Shops (only).

MOTION CARRIED 8-0

CORPORATE & COMMUNITY SERVICES REPORTS

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

ITEM NUMBER: 12.8.1

ITEM TITLE: SENIORS ADVISORY COMMITTEE MEETING MINUTES – 19th February 2009

File Number or Name of Ward : MAN 131 (All Wards)
Summary of Key Points : Receive the minutes of the Seniors Advisory Committee.
Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Committee minutes dated 19th February 2009

Councillor Torr queried to accuracy of the Seniors Minutes in regards to Cllr Buegge's availability at future meetings.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

**ITEM 12.8.1 - COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the UNCONFIRMED minutes of the Senior Advisory Committee held on the 19th February 2009 be RECEIVED (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 8-0

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.8.2
ITEM TITLE: COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE MEETING MINUTES – 3rd March 2009

File Number or Name of Ward : MAN 233 (All Wards)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Executive Director Corporate and Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Council Strategy - Customer Service

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR DUFTY

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.2 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the Community and Economic Development Strategy and Policy Committee held on Tuesday 3rd March 2009 be RECEIVED and the following Committee Recommendations adopted.

MOTION CARRIED 8-0

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER

COUNCILS ROLE: EXECUTIVE FUNCTION
ITEM 12.8.2 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT: SIMPLE MAJORITY
STRATEGIES AND POLICIES

THAT the following Strategies and Policies:
i) Customer Service Strategy, Policy and Commitment;
ii) Aboriginal Accord Strategy; and
iii) Extended Trading Hours Policy;
be ADOPTED

MOTION CARRIED 8-0

Item 12.8.2 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MATLA**

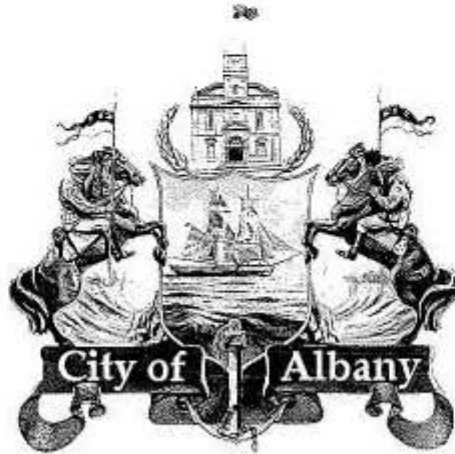
**COUNCILS ROLE: EXECUTIVE FUNCTION
ITEM 12.8.2 – COMMITTEE RECOMMENDATION 3**

**VOTING REQUIREMENT: SIMPLE MAJORITY
ALBANY CULTURAL DEVELOPMENT COMMITTEE**

THAT;

- i) the minutes of the Albany Cultural Development Committee meeting of the 17th December 2008 be received;**
- ii) Council not provide a separate budget for the Albany Cultural Development Committee; and**
- iii) the minutes of the Albany Cultural Development Committee meeting of 4th February 2009 be received.**

MOTION CARRIED 8-0



MINUTES

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

**Held on
Tuesday, 3rd March 2009
6.00pm**

Margaret Coates Boardroom

ORDINARY COUNCIL MEETING MINUTES – 17/03/2009
REFER DISCLAIMER
CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 3/03/2009
** REFER DISCLAIMER **

TABLE OF CONTENTS

1.0	Declaration of Opening	2
2.0	Record of Attendance/Apologies/Leave of Absence	2
3.0	Confirmation of Previous Meetings Minutes	2
4.0	Disclosure of Financial Interests	2
5.0	Items for Discussion	3
5.1	Customer Service Strategy, Policy and Commitment	3
5.2	Aboriginal Accord	3
5.3	Minutes of the Albany Cultural Development Committee meeting of the 17 th December 2008	3
5.4	Minutes of the Albany Cultural Development Committee meeting of the 4 th February 2009	4
5.5	Extended Trading Hours Policy	4
6.0	Time & Date of Next Meeting	4
7.0	Closure of Meeting	4

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 3/03/2009

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

Chairperson, Councillor John Walker declared the meeting open at 6.00pm.

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

Attendances:

Mayor	M Evans (from 5.32pm)
Councillors	J Walker (Chairperson)
	D Wolfe
	J Matla
	D Price
	J Bostock
Executive Director Corporate & Community Services	P Madigan
Manager Community Development	M Weller
Manager Customer Service	A Carney

Apologies/Leave of Absence:

Councillor	K Stanton
	G Kidman
	R Paver

Executive Director Briefing

The EDCCS reported that through staff meetings to identify possible areas of savings or increased revenue opportunities, some 200 suggestions had been made and these were currently being evaluated.

He also reported that functions were also being reviewed with a view to locating these in the most appropriate sections of Council.

A project review team has been created from within existing resources, and a governance unit comprising planning governance, legislative governance and financial governance set up in the CEO's area.

This has resulted in the relocation of some staff to different locations within the building.

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 27 January 2009 were a true and accurate record of proceedings.

VOTE 5-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 3/03/2009
** REFER DISCLAIMER **

5.0 ITEMS FOR DISCUSSION

5.1 Customer Service Strategy, Policy and Commitment

In order to provide excellent customer service, it is necessary to support our people and engage our community. This Customer Service Strategy prescribes a set of clear objectives and the actions required to achieve them, including measurement and resourcing.

The Customer Service Policy encompasses a set of guiding principles for best practice in Customer Service as prescribed by the Customer Service Strategy, divided into four key points:-

- Adherence to the Customer Service Commitment and the Service Standards contained therein.
- City of Albany staff are provided with appropriate initial and ongoing Customer Service Training;
- There is a framework for Internal Communication;
- Continuous engagement in a two way conversation with the residents of Albany to ensure relevance and shared vision.

Customer Service Commitment

The Customer Service Commitment had been revised, and a more concise document written in everyday language prepared.

**COMMITTEE RECOMMENDATION
MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PRICE**

THAT the Customer Service Strategy, Policy and Commitment be adopted.

VOTE 5-0

5.2 Aboriginal Accord

The Aboriginal Accord has been referred to the Aboriginal community for comment and revision and a more inclusive document developed.

**COMMITTEE RECOMMENDATION
MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR BOSTOCK**

THAT the revised Aboriginal Accord Strategy be adopted.

CARRIED 5-0

5.3 Minutes of the Albany Cultural Development Committee meeting of the 17th December 2008

**COMMITTEE RECOMMENDATION
MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT;

- i) the minutes of the Albany Cultural Development Committee meeting of the 17th December 2008 be received;**
- ii) Council not provide a separate budget for the Albany Cultural Development Committee.**

CARRIED 5-0

CORPORATE & COMMUNITY SERVICES REPORTS

COMMITTEE MEETING MINUTES – 3/03/2009

** REFER DISCLAIMER **

- 5.4 Minutes of the Albany Cultural Development Committee meeting of the 4th February 2009**
(Mayor Evans arrived)

**COMMITTEE RECOMMENDATION
MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Albany Cultural Development Committee meeting of the 4th February 2009 be received.

CARRIED 6-0

- 5.5 Extended Trading Hours Policy**

A policy document has been prepared, encapsulating all of the recent Council decisions in relation to Extended Trading Hours.

**COMMITTEE RECOMMENDATION
MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT the Extended Trading Hours Policy be adopted.

CARRIED 6-0

- 6.0 TIME AND DATE OF NEXT MEETING**

Time and date of the next committee meeting is to be advised.

Prior to the close of meeting, a formal recognition of the excellence in customer service by the library staff at a recent book launch was registered.

- 7.0 CLOSE OF MEETING**

5.43pm.

City of Albany Customer Service Commitment

Our Commitment

We take pride in providing excellent customer service at every opportunity.

Our Service Standards

In all circumstances

We use clear and concise language.

Our name badges are clearly visible and we greet you in a courteous, professional and friendly manner

We find the right officer to assist you – and if we can't find them right away, we keep trying until we do.

Our conversation with you is not over until we are sure we understand what you mean.

Your privacy is our priority – we handle your issues with confidentiality and discretion

In the field

If we don't have the answer to your query, we provide you with a Freepost Enquiry Form to fill out so our Customer Service Team can determine the right person to help you.

At the counter

Within 60 seconds, you are acknowledged, even if we are all busy with other customers.

If we find out you are in for a wait, we will let you know and where possible offer you an alternative method of contact.

On the telephone

During normal business hours, we answer the phone within 10 rings.

If you leave a message, we get back to you in one working day.

For correspondence and applications

We respond within 10 working days with either a resolution or a time frame for a resolution.

Anything you'd like to tell us? We're here to listen to your ideas, concerns and feedback. Contact the Manager of Customer Service on staff@albany.wa.gov.au , 08 9841 9630 or drop into 102 North Road, Yakamia.

CORPORATE & COMMUNITY SERVICES REPORTS

ITEM NUMBER: 12.8.3
ITEM TITLE: FINANCE STRATEGY ADVISORY COMMITTEE MINUTES – 3rd March 2009

File Number or Name of Ward : FIN 066 (All Wards)
Summary of Key Points : Receive the minutes of the Finance Strategy Advisory Committee
Reporting Officer(s) : Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Finance committee minutes dated 3 Mar 09

MOVED COUNCILLOR MATLA
SECONDED MAYOR EVANS

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 12.8.3 - COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the Finance Strategy Advisory Committee held on Tuesday 3rd March 2009 be RECEIVED and the following committee recommendations adopted.

MOTION CARRIED 8-0

COUNCILS ROLE: EXECUTIVE FUNCTION
ITEM 12.8.3 – COMMITTEE RECOMMENDATION 2

VOTING REQUIREMENT SIMPLE MAJORITY
BUDGET PARAMETERS 2009-2010

THAT;

- i) draft budget rates increase be based on projected Consumer price Index plus 1%;
- ii) the draft budget by prepared utilizing a differential rate for vacant land with a common rate increase applied to all rates categories;
- iii) in creation of the 2009/2010 Draft Budget, officers look for savings across the board without adversely impacting Council services; and
- iv) the 2009/2010 Draft Budget include masterplan project funding from Council resources of \$2.3 million plus a one year inflation increase.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.3 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

**ITEM NUMBER: 12.8.3 – AMENDED COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

BUDGET PARAMETERS

THAT;

- i) proposed draft budget rates increase be deferred at this stage based on recently received reform guidelines;
- ii) the draft budget by prepared utilizing a differential rate for vacant land with a common rate increase applied to all rates categories;
- iii) in creation of the 2009/2010 Draft Budget, officers look for savings across the board without adversely impacting Council services; and
- iv) the 2009/2010 Draft Budget include masterplan project funding from Council resources of \$2.3 million plus a one year inflation increase.

MOTION CARRIED 8-0

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

**COUNCILS ROLE: EXECUTIVE FUNCTION
ITEM 12.8.3 – COMMITTEE RECOMMENDATION 3**

**VOTING REQUIREMENT SIMPLE MAJORITY
LIQUIDATION – FLOATING RATE SECURITIES**

THAT Council authorize the liquidation of the four Floating Rate Securities and Subordinated Debt (Suncorp Metway (2), St George, and MacQuarie) and the reinvestment of the funds in accordance with the City's Investment Policy.

MOTION CARRIED 8-0

WORKS & SERVICES

Reports

WORKS & SERVICES REPORTS

13.0 REPORTS – WORKS & SERVICES

13.1 ASSET MANAGEMENT

Nil

13.2 – WASTE MANAGEMENT

Nil

13.3 – CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS**13.4 – CITY SERVICES – CONTRACT MANAGEMENT****ITEM NUMBER:** 13.4.1**ITEM TITLE:** TENDER FOR THE SUPPLY OF PLANTS FOR ANZAC PEACE PARK**THE NATURE OF COUNCIL'S ROLE IN THIS MATTER**

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	:	C08022
Summary of Key Points	:	Reject the tender from Albany Farm Tree Nursery for supply of plants for Peace Park.
Land Description	:	All wards
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Manager City Works (M Richardson), City Parks and Trades Co-ordinator (D Hatelie) and Procurement Officer (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Bulletin Attachment(s)	:	Nil
Consulted References	:	Nil
Councillors Lounge	:	Nil

BACKGROUND

1. The 2008/2009 budget provides a Capital Works Program for Anzac Peace Park that requires the use of external contractors to supply plant species for the landscaping of the park.

DISCUSSION

2. A request for tenders was advertised for the supply of plants for Anzac Peace Park.
3. The tender documentation stated that the following criteria and weightings would be used to evaluate the submissions.

Criteria	% Weighting
Cost	35
Technical Compliance & Experience	25
Reliability	20
Safety Management	20
Total	100

WORKS & SERVICES REPORTS

Item 13.4.1 continued

4. The following table summarises the tenders received

Tenderer	Cost
Albany Farm Tree Nursery	\$236,000

5. Tenderer's were requested to provide a cost for the propagation and supply of 101,000 plants of varying species to be delivered to Anzac Peace Park as they became available.

6. The submission from Albany Farm Tree Nursery was the lone tender and the cost was considerably higher than expected.

PUBLIC CONSULTATION / ENGAGEMENT

7. A request for tenders was published in the West Australian on 7th January 2009, the Albany Advertiser on 8th January 2009 and Albany Extra on 9th January 2009. As a result only one set of tender documents was received.

GOVERNMENT CONSULTATION

8. Nil

STATUTORY IMPLICATIONS

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

10. 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.

11. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.

FINANCIAL IMPLICATIONS

12. Provision was made for the Peace Park in the budget, but with no specific provision for planting.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

13. This item directly relates to the following elements from the Albany Insight – Beyond 2020 Corporate Plan:

“Priority Goals and Objectives:

Goal 4: Governance... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.2... The City of Albany will manage our municipal assets to ensure they are capable of supporting our growing community.

City of Albany Mission Statement:

At the City of Albany we provide best value in applying council and community resources and apply Council funds carefully.”

POLICY IMPLICATIONS

14. Councils Policy “Purchasing Policy – Tenders and Quotes” and associated procedures apply to this item.
15. Councils Policy “Regional Price Preference Policy – Buy Local” is applicable to this item.
16. Tender Contract Procedure 4(1)(c). Evaluation Criteria. It is important to define how Council is going to select the preferred tenderer. This must be defined clearly and concisely as it allows the criteria to be addressed by the tenderer in its submission.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

17. The City is not bound to accept the lowest or any tender and has the right to accept any tender or part of any tender.
18. If the City were to accept this tender it would result in additional expenditure.

SUMMARY CONCLUSION

19. The City has undergone a competitive process in line with the relevant legislation and established policies resulting in one tender from a reputable supplier, however this tender does not meet budget expectations.

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

ITEM 13.4.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY.

THAT COUNCIL

- i) REJECT the tender from Albany Farm Tree Nursery for the propagation and supply of plants for the Anzac Peace Park Project as the cost to Council of \$236,000 is beyond originally envisaged provision; and
- ii) instruct staff to seek alternative suppliers and also engage the Albany Farm Tree Nursery to seek substantially reached costs.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MATLA**

**ITEM 13.4.1 - OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT COUNCIL REJECT the tender from Albany Farm Tree Nursery for the propagation and supply of plants for the Anzac Peace Park Project as the cost to Council of \$236,000 is beyond originally envisaged provision.

MOTION CARRIED 8-0

REASON:

The landscape design of the Peace Park will be finalised in the coming weeks. Therefore an alternate proposal will be submitted for implementation which fits in the current estimated cost of \$ 100,000 dollars.

WORKS & SERVICES REPORTS

13.5 – CITY SERVICES – PROPERTY MANAGEMENT

Nil.

13.6 – CITY WORKS – CAPITAL WORKS

Nil

13.7 - CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

13.8 – WORKS & SERVICES COMMITTEES

Nil

**GENERAL MANAGEMENT
SERVICES
Reports**

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.4 CORPORATE GOVERNANCE

ITEM NUMBER: 14.4.1

ITEM TITLE: EXTRAORDINARY ELECTION – COUNCILLOR WISEMAN

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City

File Number or Name of Ward	:	MAN 016 (Breaksea Ward)
Summary of Key Points	:	It is recommended that the Breaksea Ward Councillor vacancy remains vacant till the October 2009 Ordinary Elections.
Proponent	:	City of Albany
Reporting Officer(s)	:	Manager Executive Services (S Jamieson)
Disclosure of Interest	:	Nil
Previous Reference:	:	OCM 18/11/08 - Item 18.1 OCM 15/06/06 - Item 12.2.1 OCM 20/02/07 - Item 14.4.1
Bulletin Attachment(s)	:	Nil
Consulted References	:	Nil.
Councillors Lounge	:	Nil.
Maps and Diagrams	:	Nil.

BACKGROUND

1. As a result of Councillor Wiseman’s resignation on Monday 10th February 2009 a vacancy now exists for the Breaksea Ward.
2. The Manager Executive Services contacted the Western Australian Electoral Commission (WAEC) to seek approval for the vacancy to remain unfilled.
3. The Electoral Commissioner considered the request and advised that approval is given under section 4.17(2) of the Local Government Act 1995 to defer filling this vacancy until the 2009 Local Government ordinary elections.
4. The Breaksea Ward is still represented by Councillor Bostock and Councillor Wiseman’s term of office would have expired in October 2009.

DISCUSSION

5. Council should consider the following:
 - a. The cost of running an extraordinary election; and
 - b. The position could not be filled prior to June 09 and the care-taker term would expire in October 2009.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

6. If Council decided to proceed with filling the vacancy, it is recommended that the WAEC is engaged to run the election as a postal election.

PUBLIC CONSULTATION/ENGAGEMENT

7. There is no requirement to conduct public consultation for this item.

GOVERNMENT CONSULTATION

8. In accordance with section 4.17 of the Local Government Act 1995, The Manager Executive Services contacted the WAEC to seek approval for the vacancy to remain unfilled till the October 2009 ordinary election.

STATUTORY IMPLICATIONS

9. Section 4.17(2) of the Local Government Act 1995; states:

4.17. Cases in which vacant offices can remain unfilled...

(2) If a member's office becomes vacant under section 2.32 —

(a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but

(b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

(3) If a councillor's office becomes vacant under section 2.32 —

(a) in a district that has no wards; and

(b) at least 80% of the number of offices of member of the council in the district are still filled,

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

FINANCIAL IMPLICATIONS

10. If the position remains vacant there is no additional financial cost.
11. An additional extraordinary election conducted by the Western Australian Electoral Commission would incur additional cost, approximately \$15,000; which is not budgeted.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

12. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan:

“Community Vision:

Nil

Priority Goals and Objectives:

Goal 4: Governance ... The City of Albany will be an industry leader in good governance and service delivery.

City of Albany Mission Statement:

At the City of Albany we are results driven and accountable. We provide best value in applying council and community resources, and we apply Council funds carefully.”

POLICY IMPLICATIONS

13. There is no policy implications relating to this item, however there is a legislative requirement.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

14. **Option One.** Concur with the Officers recommendation to defer filling the position till the Local Government ordinary election in October 09;
15. **Option Two.** Conduct a "postal election" administered by the WAEC.; or
16. **Option Three.** Conduct a "voting in person election" in accordance with regulations, administered by the City of Albany.

SUMMARY CONCLUSION

17. Approval has been sought and obtained from the Electoral Commissioner to defer filling this vacancy till the 2009 Local Government ordinary elections.
18. The Breaksea Ward has Council representation.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

**ITEM NUMBER: 14.4.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- i) **ACKNOWLEDGE** the Electoral Commissioner’s approval to defer the filling of the Council vacancy, Breaksea Ward, till the October 2009 ordinary elections; and
- ii) **DEFER** filling the Council vacancy, Breaksea Ward, till the 2009 Local Government ordinary elections.

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued



WESTERN AUSTRALIAN Electoral Commission

LGE 282

Level 2 111 St George's Tce
Perth Western Australia 6000
GPO Box F316 Perth
Western Australia 6841
PHONE (08) 9214 0400
EMAIL waec@waec.wa.gov.au
WEBSITE www.waec.wa.gov.au
FAX (08) 9226 0577

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



Doc No: City of Albany Records
CF:8076183
File: M/N018
Date: 25 FEB 2009
Officer: MES1
Attach:

Attention: Stuart Jamieson

Dear Mr Richards

Request to Leave Vacancy Unfilled

I refer to your email received on 17 February 2009 in which you advise of the resignation of Councillor Daniel Wiseman and requesting that the council vacancy remain unfilled until the October 2009 ordinary elections.

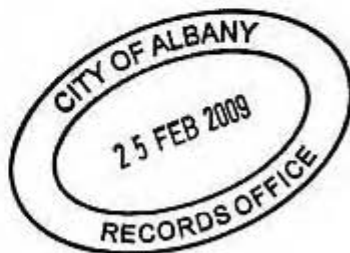
I have considered the information provided in your correspondence and advise that approval is given under section 4.17(2) of the *Local Government Act 1995* to defer filling this vacancy until the 2009 Local Government ordinary elections.

Should you require any further information please contact Phil Richards, Project Manager Local Government Elections on 9214 0443.

Yours sincerely


Warwick Gately AM
ELECTORAL COMMISSIONER

20 February 2009



106061



GENERAL MANAGEMENT SERVICES REPORTS

ITEM NUMBER: 14.4.2
ITEM TITLE: ANNUAL COMPLIANCE AUDIT RETURN 2008

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City

File Number or Name of Ward : GOV 039 (All Wards)
Summary of Key Points : Council is required to undertake an Annual Compliance Audit Return
Proponent : City of Albany
Reporting Officer(s) : Manager Executive Services (S Jamieson)
Disclosure of Interest : Nil
Previous Reference: : OCM 18/03/09
Bulletin Attachment(s) : Copy of Compliance Audit Return 2008
Consulted References : Nil.
Councillors Lounge : Nil.

BACKGROUND

1. Local Government authorities are required to undertake an audit of compliance for the preceding calendar year. A copy of the 2008 Compliance Audit Return is included in the Elected Members Report / Information Bulletin.
2. The compliance audit return is to be:
 - a. Presented to council at a meeting of council;
 - b. Adopted by the council; and
 - c. Recorded in the minutes of the meeting at which it is adopted.

DISCUSSION

3. The Compliance Audit Return forms an important part of the City's compliance monitoring program.
4. The identified areas of non compliance are:
 - a. **Caravan Parks and Camping Ground.** One caravan park was not inspected during the reporting period.

Reason: Lack of resourcing.

Status: The City's Environmental Health Team will conduct an inspection of the subject caravan park by 31st March 2009.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued.

b. **Local Laws.**

The review of local laws was initiated, however was not finalised within the specified 8 year review period. All local laws are being reviewed via the relevant Policy and Strategy committees.

Status of Local Laws requiring 8 year review:

(1) **Standing Order Local Law** (Gazetted 30/06/2000).

Status: This local law has been reviewed over a 12 month period by the Corporate Governance Strategy and Planning Committee.

At the 17 February 2009 Ordinary Council meeting, Council resolved, in accordance with section 3.12 of the Local Government Act 1995, to give public notice of its intention to make the City of Albany Standing Orders Local Law 2009.

(2) **Parking and Parking Facilities** (Gazetted 26/03/1999)

Status: Recommendation to make updated Local Law has been supported at committee level.

Council, at its Ordinary Meeting in March 2009, will consider a recommendation that it give public notice of its intention to make the Parking and Parking Facilities Local law 2009.

(3) **Extractive Industries** (Gazetted 28/08/2000)

Status: Recommendation to make updated Local Law has been supported at committee level.

Council, at its Ordinary Meeting in March 2009, will consider a recommendation that it give public notice of its intention to make the Extractive Industries Local Law 2009.

(4) **Prevention and Abatement of Sand Drift Local Law** (Gazetted 5/12/2000)

Status: The current local law has been reviewed and revised.

Council, at its Ordinary Meeting in March 2009, will consider a recommendation that it give public notice of its intention to make the *Prevention and Abatement of Sand Drift local Law 2009* and request public submissions.

PUBLIC CONSULTATION

5. Nil.

GOVERNMENT CONSULTATION

6. Nil.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued.

STATUTORY IMPLICATIONS

7. Section 7.13(1)(i) of the Local Government Act 1995 and Regulations 14 of the Local Government (Audit) Regulations 1996 establish the requirements for Local Governments to undertake an annual compliance audit and submit a copy of that audit to the Department of Local Government and Regional Development (DLGRD).
8. Regulations 14 of the Local Government (Audit) Regulations 1996 states:

14. Compliance audit return to be prepared

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3) *A compliance audit return is to be —*
 - (a) *presented to the council at a meeting of the council;*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

FINANCIAL IMPLICATIONS

9. Nil

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

10. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan:

“Community Vision:

Nil

Priority Goals and Objectives:

Goal 4: Governance ... The City of Albany will be an industry leader in good governance and service delivery.

City of Albany Mission Statement:

At the City of Albany we are results driven and accountable. We provide best value in applying council and community resources, and we apply Council funds carefully.”

POLICY IMPLICATIONS

11. Nil.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

12. Nil.

SUMMARY CONCLUSION

13. The Compliance Audit final submission date is the 31st March 2009.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

**ITEM NUMBER: 14.4.2 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- i) ADOPT the Compliance Audit Return for the City of Albany for the period 1 January 2008 to 31 December 2008; and**
- ii) ENDORSE the Certificate contained within the Compliance Audit Return, being endorsed appropriately by the Mayor and Chief Executive Officer and submitted to the Department of Local Government and Regional Development.**

MOTION CARRIED 8-0

GENERAL MANAGEMENT SERVICES REPORTS

ITEM NUMBER: 14.4.3

ITEM TITLE: GOVERNANCE AND MEETING FRAMEWORK – MEETING TIMINGS

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: MAN186 (All Wards)
Summary of Key Points	: Review of meeting arrangement for City of Albany’s Strategy and Policy Committee meetings. Conduct committee meeting during normal working hours.
Reporting Officer(s)	: Manager Executive Services (S Jamieson)
Disclosure of Interest	: Nil
Previous Reference	: OCM 18 Nov 08 Item 14.4.1 OCM 19 Feb 08, Item 14.1.1 OCM 21 Oct 08 Item 16.3
Bulletin Attachment(s)	: Nil.
Consulted References	: Nil.
Councillors Lounge	: Nil.

BACKGROUND

1. Council adopted the Governance and Meeting Framework Policy in February 2008 which established four strategy and policy committees.
2. At the 18 Nov 08, Council resolved that:

“The strategy and policy committee meetings are not convened earlier than 6.00pm.”
3. At the Corporate Governance Strategy and Policy meeting held on the 18 Feb 09 it was determined that the Strategy and Policy committee meeting times need to be reviewed, to address:
 - a. Elected member attendance; and
 - b. Reduce the requirement to supply catering.

DISCUSSION

4. It is proposed that:
 - a. Changes to committee meetings dates are determined at Committee level; and
 - b. Committees meeting times are to be scheduled between the hours of 8am to 5pm;

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued

5. In terms of reviewing the cycle of meetings the following factors have been taken into consideration:
 - a. Ensuring that Councillors have sufficient preparation time for Agenda Briefing Meetings and Ordinary Council Meetings;
 - b. Ensuring that those Committees with the more pressing strategy and policy items are programmed in such a way as to allow timely and smooth flow of business from Committee to Council meetings; and
 - c. The efficiency of the administration of the entire meeting cycle.

6. The proposed regular times and dates of Council and Strategy & Policy Committee meetings are shown below:
 - a. The Asset Management and City Services Strategy and Policy Committee to meet on the first Tuesday of the month at 12 noon.
 - b. The Corporate Strategy and Governance Strategy & Policy Committee to meet on the first Tuesday of the month at 3.00pm;
 - c. Council Agenda Briefing meetings to occur at 6 pm on the 2nd Tuesday of the month;
 - d. Ordinary Council Meetings to occur at 7pm on the 3rd Tuesday of the month;
 - e. The Planning and Environment Strategy & Policy Committee to meet on the Thursday immediately following the Ordinary Council meeting at 12 noon; and
 - f. The Economic and Community Development Strategy & Policy Committee to meet on the Thursday immediately following the Ordinary Council meeting at 3.00pm.

PUBLIC CONSULTATION / ENGAGEMENT

7. Nil.

GOVERNMENT CONSULTATION

8. Nil.

STATUTORY IMPLICATIONS

9. The Local Government Act 1995 Division 2 and the Local Government (Administration) Regulations 1996 cover all aspects of Council meetings and Committees.

FINANCIAL IMPLICATIONS

10. The proposed meeting cycle will reduce costs incurred by alleviating the requirement to supply catering.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

“Community Vision:

Nil

Priority Goals and Objectives:

Goal 4: Governance ... The City of Albany will be an industry leader in good governance and service delivery.

Objective 4.2 The City of Albany will manage our municipal assets to ensure they are capable of supporting our growing community.

City of Albany Mission Statement:

At the City of Albany we are results driven and accountable. We provide best value in applying council and community resources, and we apply Council funds carefully.”

POLICY IMPLICATIONS

12. The Governance and meeting framework policy will require to be amended.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. There are numerous options for the programming of regular Council meetings, however this proposed cycle has been designed to ensure that Councillors have sufficient uninterrupted preparation time for Agenda Briefing Meetings and Ordinary Council Meetings, and provides for those Committees that generally deal with the more pressing strategy and policy items to be programmed in such a way as to allow timely and smooth flow of business from Committee to Council meetings.
14. The proposed timings will help promote a better work life balance for staff and elected members.

SUMMARY CONCLUSION

15. In conclusion, not being able to schedule committee meetings prior to 6pm lacks flexibility and has proved to be inefficient and burdensome.
16. The revised meeting cycle and timings promotes a better work life balance for staff and elected members.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

**THAT the previous decision resolved at the Ordinary Council Meeting dated 21 Oct -08;
being:**

***“THAT Strategy and Policy Committee Meetings not be convened earlier than 6.00 pm
and that Governance and Meeting Framework Council Policy be amended
accordingly.”***

Be RESCINDED.

MOTION CARRIED 8-0

ITEM NUMBER – 14.4.3 OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

- i) THAT Council amend the Council Policy – Governance and meeting framework as follows:
 - a. Changes to committee meetings dates are determined at Committee level;
 - b. Committees meeting times are scheduled between the hours of 8am to 5pm;

- ii) THAT the following committee dates and timings are used for the purpose of planning the committee meetings and briefing cycle:
 - a. The Asset Management and City Services Strategy and Policy Committee to meet on the first Tuesday of the month at 12 noon.
 - b. The Corporate Strategy and Governance Strategy & Policy Committee to meet on the first Tuesday of the month at 3.00pm;
 - c. Council Agenda Briefing meetings to occur at 6 pm on the 2nd Tuesday of the month;
 - d. Ordinary Council Meetings to occur at 7pm on the 3rd Tuesday of the month;
 - e. The Planning and Environment Strategy & Policy Committee to meet on the Thursday immediately following the Ordinary Council meeting at 12 noon; and
 - f. The Economic and Community Development Strategy & Policy Committee to meet on the Thursday immediately following the Ordinary Council meeting at 3.00pm.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

**ITEM NUMBER – 14.4.3 ALTERNATE MOTION BY COUNCILLOR WOLFE
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT COUNCIL AMEND the Council Policy – Governance and meeting framework as follows:

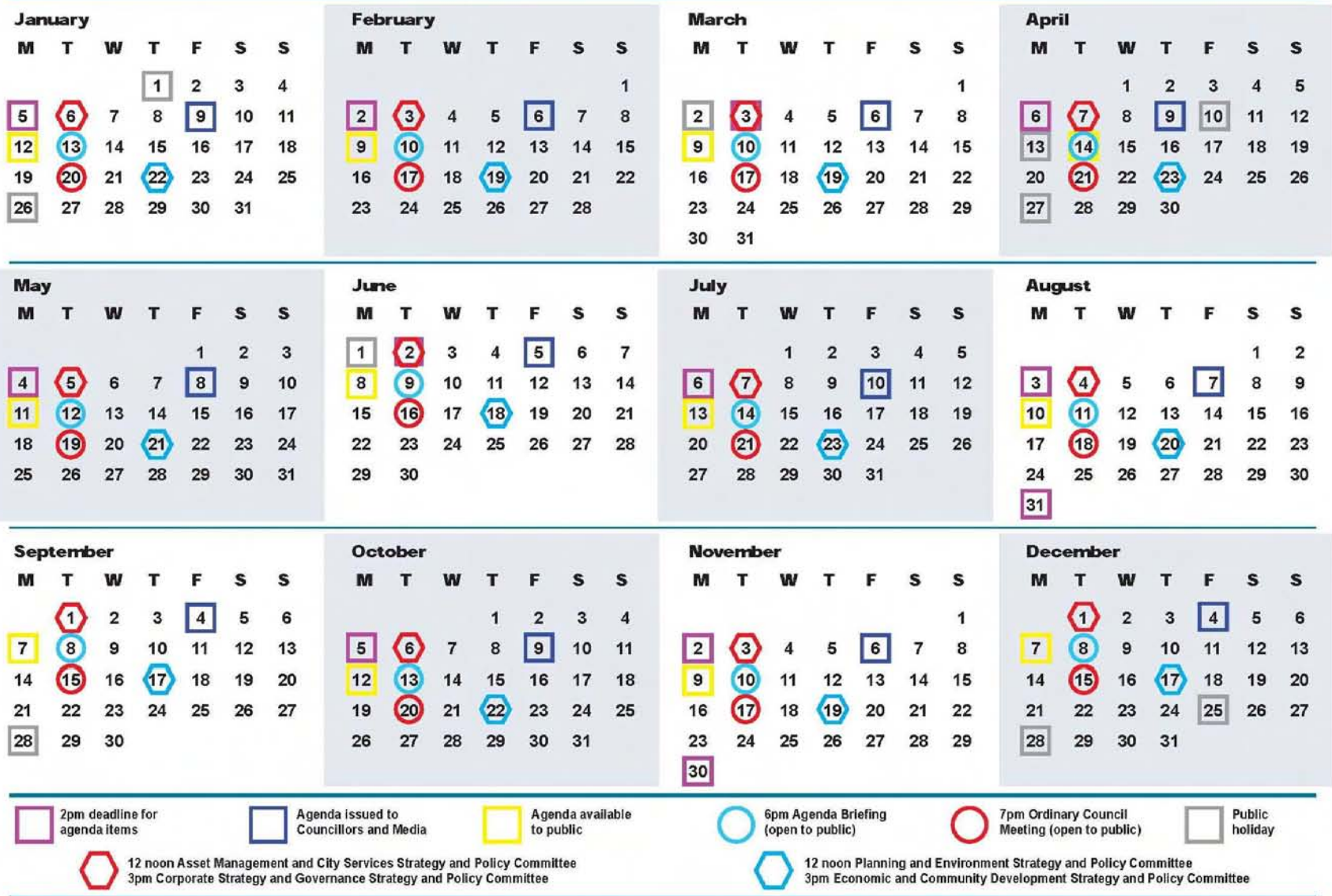
- a. The four strategy and policy committee be responsible for deciding the date and meeting timings; which are to be held during business hours, excluding the week of the scheduled Agenda Briefing and Ordinary Council meeting and the 3rd Thursday of the month;**
- b. Council Agenda briefing meetings are to occur at 6pm on the 2nd Tuesday of the month; and**
- c. Ordinary Council meetings are to occur at 7pm on the 3rd Tuesday of the month.**

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

Councillor Reason:

To provide more flexibility for the committees to decide and ensure that lead up to the Ordinary Council meeting is not interrupted.

CITY OF ALBANY MEETINGS AND BRIEFINGS CALENDAR 2009



GENERAL MANAGEMENT SERVICES REPORTS

ITEM NUMBER: 14.4.4
ITEM TITLE: APPOINTMENT TO VACANT COMMITTEES

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward : MAN200 (All Wards)
Summary of Key Points : Appoint members to committees that have no Councillor representation.
Hold vacancies on existing committee until the review of committee is completed.
Reporting Officer(s) : Manager Executive Services (S Jamieson)
Disclosure of Interest : Nil
Previous Reference : OCM 16 Dec 08 – Item 14.4.1
OCM 19 Feb 08 – Item 14.2.2
OCM 15 Jan 08 - Item 14.3.1
SCM 6/11/07 - Item 6.2

Bulletin Attachment(s) : Nil
Consulted References : Local Government Act 1995

BACKGROUND

1. At the Ordinary Council meeting held on the 16 Dec 08, council resolved:

THAT Council NOT APPOINT any Councillors to fill the vacancies till after the Extraordinary Election scheduled to be conducted on the 28th February 2009. MOTION CARRIED 10 – 0
2. The Corporate Governance Strategy and Policy Committee is currently reviewing all committees.
3. It is recommended that only the committees that have no elected member representation are filled.
4. The committees that have no elected member representation are:
 - a. Sportsperson of the Year Judging Panel;
 - b. The Youth advisory committee; and
 - c. Airport Users Group Advisory Committee.

DISCUSSION

5. It is recommended that no representatives be appointed to committees that have representatives till the review process has been completed by the Corporate Governance Strategy and Policy committee.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.4 continued

6. The terms of reference for the vacant committees follow this report.

PUBLIC CONSULTATION / ENGAGEMENT

7. Nil.

GOVERNMENT CONSULTATION

8. Nil.

STATUTORY IMPLICATIONS

9. The Local Government Act 1995 states that the voting requirement for appointment of committee is Absolute Majority.

“5.10. Appointment of committee members (1) A committee is to have as its members — (a) persons appointed by the local government to be members of the committee (other than those referred to in paragraph (b)); and (b) persons who are appointed to be members of the committee under subsection (4) or (5). * Absolute majority required.”*

FINANCIAL IMPLICATIONS

10. Nil.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

11. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan:

Community Vision: Nil

Priority Goals and Objectives: Goal 2: Economic Development ... Albany will be Western Australia's first choice for regional investment offering a wide range of development, employment and learning opportunities within a robust economy.

City of Albany Mission Statement:

At the City of Albany we are accountable and act as a custodian with respect to Council assets.

POLICY IMPLICATIONS

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

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

13. Option One. Fill the vacancies that exist on the three committees that have no elected member representation.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.4 continued

14. Option Two. Do not fill the vacancies till after the Committee review has been completed.

SUMMARY CONCLUSION

15. Option One is the preferred option as these committee facilitate community engagement.

The Mayor called for nomination to fill the vacant positions. Only one nominee was received for the Youth Advisory committee; however a ballot was conducted for other committees. The result of the ballots conducted are as follows:

Sports Person of the Year Judging Panel committee:

Nominees: Councillors Matla and Torr.

Result of Ballot: Councillor Matla 8 votes, Councillor Torr 0 votes.

Youth Advisory Committee:

Only one nomination received, being: Councillor Kidman.

Airport Users Group Advisory Committee:

Nominees: Councillors Wolfe and Dufty.

Result of Ballot: Councillor Wolfe 5 votes, Councillor Dufty 3 votes.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

ITEM NUMBER: 14.4.4 OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

- i) THAT Council APPOINT Councillor Matla to the Sports Person of the year judging panel committee.**
- ii) THAT Council APPOINT Councillor Kidman to the Youth Advisory committee.**
- iii) THAT Council APPOINT Councillor Wolfe to the Airport Users Group advisory committee.**

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.4 continued

Sportsperson of the Year Judging Panel – Terms of Reference

File Reference: REL009

Purpose: To facilitate the selection of the Sport Person of the year.

Scope and limitations: Represent the City as a judging member of the selection panel.

Membership: 1 Councillor:

Council Officer: Manager Community Development and Community Development Officer Youth.

Appointment references:

Special Council Meeting 06/11/2007 Resolution 6.2.9

Ordinary Council Meeting 16/09/08 Resolution 14.4.1

Community Representation:

Albany Advertiser Sports Reporter

Indigenous Police Liaison Officer (Mr Dallas Coyne)

Department of Sport & Recreation Regional Officer

Community Representative - Ms Alice Rule

Application Policy and Legislation: Local Government Act 1995

Meeting dates, times and venue:

Monthly as advised by the Department of Sport and Recreation (DSR), through the Albany Advertiser, Collie Street.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.4 continued

Youth Advisory Committee – Terms of Reference

File Reference: REL 092

Purpose: To act as a consultative forum for Council, Youth Organisations and State/Federal Government in relation to youth issues.

Scope and limitations: Plan and initiate youth programs and events.

Membership – 1 x Elected member.

Council Officer: Community Development Officer Youth

Appointment reference: Special Council Meeting 06/11/2007 Resolution 6.2.15

Community Representation: Informal Committee, interested youth can apply at any time.

Restricted to the age group 12 - 25 years.

Office for Youth - Regional Officer.

Application Policy and Legislation: Local Government Act 1995

Meeting dates, times and venue:

Fortnightly on a Wednesday, 5pm – 6pm at the PCYC or CoA.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.4 continued

Airport Users Group Advisory Committee – Terms of Reference

File Reference: MAN 007

Purpose: To oversee all services provided at the Airport.

Scope and limitations: Not defined.

Membership: 1 x Elected member.

Council Officer: Manager City Services

Appointment reference: Special Council Meeting 06/11/2007 Resolution 6.1.3

Community Representation

Users of the Airport - Key Stake Holders.

- Lee Mason, Albany Airport
- Steve Johnson, Skywest
- Mike Crawshaw, Avis, Albany
- Greg McFarlane, Airport User
- Ian Williams, Albany Aviation
- Ralph Burnett, Flying Schools
- Lindsay Joyce, Commercial Operator
- Tyrone James, Refueller
- Kevin Watkins, Airport User
- Bob Hannington, Airport User
- Steve Chaplin, Senior Reporting Officer, Albany Regional Airport
- Anne Johnson, Skywest
- Brian Holman, Airport User
- Wing Commander John Wood, RAAF
- Mark Fairclough, Albany Police

Application Policy and Legislation: Local Government Act 1995

Meeting dates, times and venue:

Quarterly at City's office at 10.30am

GENERAL MANAGEMENT SERVICES REPORTS

14.5 GENERAL MANAGEMENT SERVICE COMMITTEES

ITEM NUMBER: 14.5.1

ITEM TITLE: CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE MEETING MINUTES FOR THE 18TH FEBRUARY 2009

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City

File Number or Name of Ward : MAN 234 (All Wards)
THAT Council RECEIVES the UNCONFIRMED
Summary of Key Points : Minutes of the Corporate Strategy and Governance
Strategy and Policy Committee meeting held on the
18th February 2009
Reporting Officer(s) : Manager Executive Services (S Jamieson)
Disclosure of Interest : Nil.
Bulletin Attachment(s) : Appendix A – consolidated committee listing
Appendix B – consolidated delegations listing

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR DUFTY**

**ITEM NUMBER 14.5.1 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVES the UNCONFIRMED Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on the 18th February 2009.

MOTION CARRIED 8-0

Item 14.5.1 continued



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE (MAN234/ AM807439)

Held on
Wednesday, 18th February 2009
6pm

City of Albany Margaret Coates Boardroom

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 18/02/09
MAN234/ AM807439

TABLE OF CONTENTS

1.0	DECLARATION OF OPENING	2
2.0	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	2
3.0	CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING	2
4.0	DISCLOSURE OF FINANCIAL INTEREST.....	2
5.0	MINOR POLICY AMENDMENTS.....	2
6.0	ITEMS FOR DISCUSSION.....	3
6.1	Review of Council committees	3
6.2	Review of Council delegations	3
6.3	Councillor Stanton's discussion topics	3
7.0	TIME AND DATE OF NEXT MEETING.....	4
8.0	ITEMS TO BE DISCUSSED AT NEXT MEETING.....	4
9.0	CLOSURE OF MEETING.....	4

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 18/02/09
MAN234/ AM807439

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 6.15pm.

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

Attendance:

Councillor D Price (Chair)
Councillor D Wolfe
Councillor J Matla
Councillor K Stanton
Councillor J Bostock

P Richards (Chief Executive Officer)
S Jamieson (Manager Executive Services – Minutes)

Apologies/Leave of Absence/Absent: Nil

Mayor M Evans JP
Councillor R Buegge
Councillor R Paver

3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 21 JAN 09, as previously distributed, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 5-0

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

5.0 MINOR POLICY AMENDMENTS

Nil

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 18/02/09
MAN234/ AM807439

6.0 ITEMS FOR DISCUSSION

6.1 Review of Council committees

The committee reviewed the committee listing, detailed at appendix A.

The committee directed that all committees are to be reviewed over a three month period.

The committee requested staff to work with elected members and staff to:

- (a) Define members roles and responsibilities;
- (b) Define the elected members role and responsibilities;
- (c) Ensure the terms of reference have a common:
 - (1) Style
 - (2) Standard version control
 - (3) Identifies the Chair of each committee
 - (4) Identified specific roles
 - (5) Demonstrates the requirement for the committee
 - (6) Frequency and location of meetings

6.2 Review of Council delegations

The committee received the CEO delegated authority listing (minus the Town planning delegations, which are to be reviewed via the Planning Committee).

The delegations listing is detailed at appendix B.

6.3 Councillor Stanton's discussion topics

The committee discussed the topics presented by Councillor Stanton and agreed to take the following actions:

Topic One. *Revoking or changing decisions made at council or committee meetings*

That the City of Albany analyse the issue raised by Councillor Stanton and provide a recommendation and course of action at the next committee meeting. If the committee determines this appropriate, the issue will be raised at the Aug 09 WALGA zone agenda.

That the Administrative Regulations number 10; being:

"10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)

Include a clause that a decision can only be effected if new information is brought forward to limit 'Grievance' rescision motions.

The Manager Executive Services, through the Chair detailed that this issue is addressed by regulation 10 of the Administrative Regulations 1996. That the rescision motion requires an absolute majority to be put into effect. However, a guideline could be formulated to ensure that elected members understand the ramification of rescinding a motion that may have a financial or legal consequence.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.1 continued

CORPORATE STRATEGY AND GOVERNANCE STRATEGY
AND POLICY COMMITTEE MINUTES – 18/02/09
MAN234/ AM807439

Topic Two. Allocation of a 5 minute timeslot is provided at the start of all Strategy and Policy Committee meeting, to allow time for the servicing Executive Director or proxy to brief elected members on current issues or work being undertaken by the City, Staff or contractors.

The committee agreed to put this into effect.

The CEO advised the committee this administrative action would be put into effect immediately and the Policy and Strategy Agenda would be amended accordingly.

Topic Three. That the City of Albany introduces a process to report sub-division applications to elected members and neighbours.

The committee requested the staff to look at the sub-division reporting processes and ascertain if a process can be implemented.

The CEO advised the committee that the application for sub-division process is administered by the WAPC and feedback will be provided at the next committee meeting.

7.0 TIME AND DATE OF NEXT MEETING

Next committee meeting is to be held 6.00 pm on Wednesday, 18th March 2009

8.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

- 8.1 Review of Council Committees
- 8.2 Review of Council Delegations
- 8.3 Feedback on Councillor Stanton's discussion topics

9.0 CLOSURE OF MEETING

Apologies extended for the 18 Mar 09 meeting from Councillors Price and Bostock.

There being no further business, The Chair, Councillor Price, declared the meeting closed at 8.02pm.

Appendices:

- A. City of Albany consolidated committee listing.
- B. City of Albany consolidated delegations listing.

GENERAL MANAGEMENT SERVICES REPORTS

ITEM NUMBER: 14.5.2
ITEM TITLE: AMITY HERITAGE PRECINCT ENHANCEMENT COMMITTEE MEETING MINUTES – MONDAY 23RD FEBRUARY 2009

File Number or Name of Ward : STR 206 (Frederickstown Ward)
Summary of Key Points : Committee Items for Council Consideration.
Reporting Officer(s) : Manager Economic Development (J Berry)
Disclosure of Interest : Nil
Bulletin Attachment(s) : Amity Heritage Precinct Enhancement Committee Meeting Minutes held on Monday 23 February 2009

MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE

COUNCIL'S ROLE: EXECUTIVE FUNCTION

ITEM 14.5.2 – OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the UNCONFIRMED minutes of the Amity Heritage Precinct Enhancement Committee held on Monday 23 February 2009 be RECEIVED (copy of minutes are in the Information Bulletin).

MOTION CARRIED 8-0

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

**MOVED COUNCILLOR KIDMAN
SECONDED COUNCILLOR WOLFE**

VOTING REQUIREMENT: SIMPLE MAJORITY

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

MOTION CARRIED 8-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

The Mayors Report was presented under item 3.0

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

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT items

- i) 18.1 – Lot 2 Mason Road and Lot 9000 Lower King Rover, Lange – Fire Management; and**
- ii) 18.2 – Appointment to strategy and Policy Committee vacancies;**

be considered by Council as urgent business.

MOTION CARRIED 8-0

18.1 ITEM TITLE: Lot 2 Mason Road and Lot 9000 Lower King Road, Lange – Fire Management

THE NATURE OF COUNCIL’S ROLE IN THIS MATTER

Review: Council reviewing a decision made under a local law or regulation upon the request of a person affected by that decision. These decisions are reviewable by the State Administrative Tribunal.

File Number or Name of Ward	:	A15750S & A173209 (Yakamia Ward)
Summary of Key Points	:	Implementation of fire management plan for residential subdivision
Land Description	:	Lot 2 Mason Road and Lot 9000 Lower King Road, Lange
Proponent	:	Triumph Nominees Pty Ltd
Owner	:	Triumph Nominees Pty Ltd and City of Albany
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/02/09 Item 11.6.1(9)
Bulletin Attachment(s)	:	Nil

BACKGROUND

1. Triumphant Nominees Pty Ltd has obtained the approval of the Western Australian Planning Commission (WAPC 121858) to subdivide Lot 2 Mason Road into 68 residential lots. Condition 27 of the approval required the Applicant to “*prepare and implement a fire management plan for the land in accordance with the requirements for Planning for Bushfire and the proposed vegetation, flora and fauna management plan, in consultation with the local government and the Department of Environment and Conservation.*” The agency responsible for clearing this condition (to allow titles for the new lots to be issued) was the Fire and Emergency Services Authority (FESA) and that agency had issued the required clearance documents on the understanding that the work identified in the fire management plan (FMP) would be undertaken no later than October 2009 and outside the current fire season.

Item 18.1 continued.

2. A Fire Management Plan (FMP) was prepared by FirePlan WA, with input from the relevant staff at the City of Albany, and that document was endorsed by the FESA as satisfying the requirements of condition 27 of the approval notice; the FMP identified that certain work should be undertaken on Council owned land to achieve adequate separation distances between fire sources and future houses on the subject lots. The detail and content of the FMP became known to Elected Members on the Planning and Environment Strategy and Policy Committee when development control mechanisms were required to be introduced over lots within the subdivision to implement the findings of the FMP (see attached modified Detailed Area Plan (DAP)).
3. Council is the owner of the adjoining land parcel and certain immediate and on-going work was identified on Council's land within the FMP. At the February meeting of Council, it was resolved *"that Council advise the Proponent and the Department of Planning and Infrastructure (DPI) that Council requires all fire mitigation to be contained entirely on the developer's land and that an alternate strategy be developed for the land."* Council's decision was communicated to the Proponent and to the DPI.
4. The Western Australian Planning Commission (WAPC) has since been approached by the Proponent regarding the clearances on the subdivision and the WAPC has recently advised the City:
"The Commission resolved:
 1. *To advise the proponents, DEC and the City of Albany that in relation to the current stage of the subdivision of 37 lots, the Commission considers Condition 28 to be met; and*
 2. *To request the City of Albany to reconsider its decision in relation to the subdivision of Lot 2, Lower King Road, (WAPC Ref 121858) as conveyed in their letter of 18 Feb 09 in relation to acceptance of the fire hazard reduction measures required to be undertaken on the land adjacent to the subdivision owned by the City in accordance with the FESA endorsed Fire Management Plan, or other minor modification to the Fire Management Plan acceptable to FESA. The City is requested to consider the matter at its Council meeting on 17 March 09 and advise the Commission of its decision accordingly. In consideration of this matter Council is reminded that it did not object to the subdivision design prior to the Commission approving same, and that Council has signed off as approving agency on the S 70 A Notifications on Titles advising lots owners adjacent to Council's land of a bush fire hazard and the existence of a Fire Management Plan for the land."*

DISCUSSION

5. The original FMP submitted for approval proposed that a section of Council's land be parkland cleared (approximately a 20 m wide strip to an internal access track), be subjected to a slow burn and that it be burnt regularly over time. That requirement was later downgraded to the development of a 6.0m wide firebreak on the southern boundary of Council's land (a 4.0m break already exists), a controlled burn be undertaken, the housing on the northern most lots within the subdivision be built to AS 3959 *"Construction of Buildings in Bush Fire Prone Areas"* and a Section 70A Notification be placed on the Certificate of Titles for those lots that are located adjacent to the POS reserve (provided by the Proponent within his land) and Council's land.

Item 18.1 continued.

6. The Proponent submitted the required road designs and a draft FMP to City staff as part of the obligations under the subdivision approval notice and had those documents assessed against appropriate technical standards and guidelines. Approvals were issued for those technical aspects and the subdivision work (roads, drainage, property retention, extension of infrastructure, site rehabilitation, etc) was subsequently undertaken. In progressing with those works, the Proponent was under the impression that “Council” had endorsed all aspects of the FMP and he was not aware that a separate approval was required to be gained from Council in its capacity as the landowner.
7. The creation of the titles for the lots within stage 1 of the Mason Road subdivision has been delayed for several months, notwithstanding that all the obligations imposed by the DPI on the Proponent have been met. The Proponent has agreed to meet all the costs associated with mulching the additional firebreak width and completing a “cool burn” within a small portion of Council’s property. Appropriate registration documentation is in place to record the Section 70A memorials (a recommendation of the FMP) on the individual lot titles, once they are created. A spring survey of the vegetation within the proposed burn area has been undertaken and no Priority flora species were in existence.
8. The impact on the Council land of implementing the fire management requirements within the FMP would be negligible. The build up of leaf matter within the identified section of land is considerable and a control burn would be expected to be undertaken on this land in the near future.

PUBLIC CONSULTATION / ENGAGEMENT

9. No public consultation is required or has been undertaken regarding the implementation of the FMP. The DAP modifications, brought about by the requirements of the FMP, are required to be advertised and Council will reconsider the DAP in response to any submissions received.

GOVERNMENT CONSULTATION

10. The Western Australian Planning Commission, Department of Planning and Infrastructure, Department of Environment and Conservation and the Fire and Emergency Services Authority have all been involved in the assessment of the Plan, the impact of burning on the floristic values of Council’s land and the safety aspects resulting from the interface of remnant bush and residential lots.

STATUTORY IMPLICATIONS

11. The Proponent has met all the statutory obligations imposed by the DPI on the subdivisional approval and the WAPC has confirmed that condition 28 of the approval has been met. There are no legal impediments to prevent the issuing of the titles for the lots within the subdivision; the documentation to allow that action to be completed is currently being withheld.
12. Section 70A(1) of the *Transfer of Land Act 1893* provides that:
“Where, in relation to land under the operation of this Act — (a) the local government of the district in which the land is situated; or (b) a public authority considers it desirable that proprietors or prospective proprietors of the land be made aware of a factor affecting the use or enjoyment of the land or part of the land, the local government or the public authority may, on payment of the prescribed fee, cause a notification of the factor to be prepared in an approved form and lodged with the Registrar.”

Item 18.1 continued.

13. Regulation 10 of the *Local Government (Administration) Regulations 1996* provides that:

“If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported — (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.”

A request to rescind a previous decision has been received from the Mayor and Councillors Wolfe, Stanton, Matla and Walker.

FINANCIAL IMPLICATIONS

14. The Proponent has invested considerable funds in the creation of the stage 1 subdivision lots from the parent title and the obligations that he was required to be met as part of the subdivision approval have been fulfilled. The Proponent, the WAPC and the City are in unknown territory in respect to potential liability for loss of sales and the holding costs being incurred by the Proponent.
15. The Proponent has agreed to meet all reasonable costs incurred on Council’s land to implement the Plan.

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

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

POLICY IMPLICATIONS

17. There is a requirement to modify the DAP (a policy adopted under the Scheme) to provide town planning control mechanisms to ensure the required houses are built to fire protection standards.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

18. A request has been submitted under Regulation 10 of the *Local Government (Administration) Regulations* for Council to reconsider its decision of February. Additional information that has been presented by the WAPC to justify a review of that decision.
19. A private landowner is not obligated to undertake work upon his/her land to provide adequate fire protection measures for the adjoining subdivision unless a civil agreement is reached between the parties to do so. In this instance, the Proponent had prepared appropriate documentation to meet the subdivision conditions imposed on him, those documents were considered, modified and approved by City of Albany staff and no information was transmitted to the Proponent that drew his attention to a requirement that he needed to obtain a separate approval for entry to Council’s land. From his position, it was assumed that the granting of approvals to the documentation by the City of Albany also provided the required rights of entry to Council owned land to undertake the work identified in the FMP. Appropriate administrative measures have now been put in place to ensure that situation does not arise in the future.

Item 18.1 continued.

20. The Proponent is now facing potential cash flow impediments and a continuation of that predicament may result in legal action being commenced. The capacity of the WAPC to continue withholding the clearance documentation is also unclear, given that the requirements imposed on the Proponent have been fulfilled and confirmed in writing by the WAPC.

SUMMARY CONCLUSION

21. The staff responsible for processing the technical aspects of subdivisions had no guidelines in place to ensure that a Proponent was aware of his / her obligations to seek independent approvals from Council, in its capacity as the owner of the land, to undertake work on Council's land. Where a Proponent has land abutting private property, there is a clear understanding that the Proponent would negotiate with the adjoining landowner to seek approval to gain access to that property or to undertake work that would modify that property; the segregation of roles within a local government are less obvious. Arrangements have been put in place to ensure that position is more clearly defined for future dealings with subdividers.
22. The impact of the work on Council's land would be negligible, and the legal position confronting the WAPC and Council regarding any on-going delay in issuing the titles for the lots created within the subdivision is far from clear.
23. When this item was originally submitted for consideration at the Planning and Environment Strategy and Policy Committee, additional policy provisions were recommended for adoption to ensure the fire protection measures required in buildings on the perimeter lots can be imposed.
24. A rescision motion was submitted by Mayor Evans in accordance with Section 10 (1)(a) of the Local Government (Administration) Regulations 1996.
25. Councillors Matla, Wolfe, Stanton, Walker and Mayor Evans supported the rescision motion in writing.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

ITEM NUMBER – 18.1 VOTING REQUIREMENT: ABSOLUTE MAJORITY THAT Council in accordance with Regulation 10(1)(a) of the Local Government (Administration) Regulations 1996, that Committee Recommendation 9 of Item 11.6.1 (Planning and Environment Strategy and Policy Committee Meeting Minutes – 22 January 2009) which was moved at the Ordinary Meeting of Council held on 17th February 2009 be rescinded:-

“THAT Council advise the Proponent and the Department of Planning and Infrastructure (DPI) that Council requires all fire mitigation to be contained entirely on the developer's land and that an alternate strategy be developed for the land.”

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

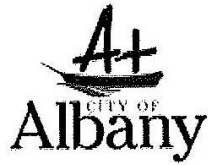
Item 18.1 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

ITEM NUMBER – 18.1 VOTING REQUIREMENT: SIMPLE MAJORITY THAT Council;

- i) subject to all costs being met by the subdivision Proponent and the works being supervised by City of Albany staff, the fire protection measures outlined in the Fire Management Plan for Lot 2 Mason Road, Lange upon Lot 9000 Lower King Road be implemented; and**
- ii) in pursuance of Clause 7.21.2 of Town Planning Scheme No. 1A and Clause 6.9.2 of Town Planning Scheme 3 adopts for the purposes of advertising the modifications to the Detailed Area Plan, Lot 2 Mason Road/Lower King Road, as listed in Schedule 1 of the Detailed Area Plan Policy.**

MOTION CARRIED 8-0



RESCIND A MOTION

In accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have the **Planning and Environment Strategy and Policy Committee Meeting Minutes – 22nd January 2009 – Committee Recommendation 9 - Report Item 11.6.1 – Initiation of Amendment to Town Planning Scheme Policy – Detailed Area Plans for Lots Mason Road / Lower King Road, Lange** which was moved at the Ordinary Council Meeting held on 17th February, 2009 be reconsidered.

<u>JOY MARA</u> Name	<u></u> Signature	<u>6/3/09</u> Date
<u>JES WOLFE</u> Name	<u></u> Signature	<u>6.3.09.</u> Date
<u>Kim Stanton</u> Name	<u></u> Signature	<u>6.3.09</u> Date
<u>John Walker</u> Name	<u></u> Signature	<u>9.3.09</u> Date
<u>WILTON EVANS</u> Name	<u></u> Signature	<u>10th MAR 2009</u> Date

ITEM NUMBER: 18.2
ITEM TITLE: Appointment to Strategy and Policy Committee Vacancies

REASON FOR URGENT BUSINESS:

The Strategy and Policy Committees make recommendations to Council on the preparation, adoption, review and performance assessment of Council Policies, Strategies, Business Plans, Local Laws and other corporate and strategic documents. These Committees currently have vacancies.

With the February 2009 Extraordinary Elections finalised and two new Councillors elected, these vacant positions should be filled.

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER

Legislative Function: Council making and reviewing the legislation it requires to perform its function as Local Government.

File Number or Name of Ward	: MAN 186 (All Wards)
Summary of Key Points	: Appointment of Councillors to Committees
Land Description	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager – Executive Services (S Jamieson)
Disclosure of Interest	: N/A
Previous Reference	: OCM 19/02/08 – Item 14.2.1
Bulletin Attachment(s)	: N/A
Consulted References	: N/A
Maps and Diagrams	: N/A

BACKGROUND

1. An extraordinary election was held in February 2009. As a result of this election, vacancies on the Strategy and Policy committees can now be filled.
2. Councillors Wiseman's resignation from Council will remain vacant until the Ordinary Council election to be held in October 2009.

DISCUSSION

3. N/A

PUBLIC CONSULTATION / ENGAGEMENT

4. N/A

GOVERNMENT CONSULTATION

5. N/A

Item 18.2 continued

STATUTORY IMPLICATIONS

- 6. The Local Government Act 1995 Division 2 and the Local Governance (Administration) Regulations 1996 cover all aspects of Council meetings and Committees.

FINANCIAL IMPLICATIONS

- 7. N/A

STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN

- 8. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan:

“Mission Statement:

The City of Albany is committed to providing sound governance.”

POLICY IMPLICATIONS

- 9. In accordance with the Governance and Meeting Framework, adopted by Council on 19 February 2009, an appointed member and deputy member are appointed from each ward to the strategy and policy committees. If an appointed member is unable to attend the meeting, the Deputy member can attend the meeting and vote on issues arising.
- 10. The newly elected Councillors replace the vacancies that exist for each ward on the respective committees. Therefore Councillor Dufty replaces Councillor Williams and Councillor Torr replaces Councillor Morris.

ALTERNATE OPTIONS & LEGAL IMPLICATIONS

- 11. N/A

SUMMARY CONCLUSION

- 12. The Governance and Meeting Framework – Meeting Times for these Committees, is being considered under item 14.4.3 at the March 2009 Ordinary Council Meeting.
- 13. A full breakdown of members and deputies are detailed as follows:
(Note: The Mayor sits on all committees).

Asset Management and City Service Strategy and Policy Committee

Executive Officer: Executive Director Works and Services

Members	Deputy Members	Ward
Vacant	Cllr Bostock	Breaksea
<u>Cllr Torr</u>	Cllr Price	Fredericktown
Cllr Walker	Cllr Buegge	Kalgan
Cllr Stanton	Cllr Paver	Vancouver
Cllr Wolfe	<u>Cllr Dufty</u>	West
Cllr Kidman	Cllr Matla	Yakamia

Item 18.2 continued

Community and Economic Development Strategy and Policy Committee

Executive Officer: Executive Director Corporate & Community Services

Members	Deputy Members	Ward
Vacant	Cllr Bostock	Breaksea
Cllr Price	<u>Cllr Torr</u>	Fredericktown
Cllr Walker	Cllr Buegge	Kalgan
Cllr Paver	Cllr Stanton	Vancouver
<u>Cllr Dufty</u>	Cllr Wolfe	West
Cllr Kidman	Cllr Matla	Yakamia

Corporate Strategy and Governance Strategy and Policy Committee

Executive Officer: Chief Executive Officer

Members	Deputy Members	Ward
Cllr Bostock	Vacant	Breaksea
Cllr Price	<u>Cllr Torr</u>	Fredericktown
Cllr Buegge	Cllr Walker	Kalgan
Cllr Paver	Cllr Stanton	Vancouver
Cllr Wolfe	<u>Cllr Dufty</u>	West
Cllr Matla	Cllr Kidman	Yakamia

Planning and Environment strategy and Policy Committee

Executive Officer: Executive Director Development Services

Members	Deputy Members	Ward
Cllr Bostock	Vacant	Breaksea
<u>Cllr Torr</u>	Cllr Price	Fredericktown
Cllr Buegge	Cllr Walker	Kalgan
Cllr Stanton	Cllr Paver	Vancouver
<u>Cllr Dufty</u>	Cllr Wolfe	West
Cllr Matla	Cllr Kidman	Yakamia

14. The Officer Recommendation relates to the appointment of the new Councillors to vacant positions only. Previously appointed Councillors and there position on the committee remain the same.

Item 18.2 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

ITEM NUMBER – 18.2 OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

- i) THAT Council APPOINT Councillor Torr as the WARD MEMBER to the:
 - a. Asset Management and City Service Strategy and Policy Committee; and**
 - b. Planning and Environment strategy and Policy Committee****

- ii) THAT Council APPOINT Councillor Torr as the WARD DEPUTY to the:
 - a. Community & Economic Development Strategy and Policy Committee; and**
 - b. Corporate Strategy and Governance Strategy and Policy Committee.****

- iii) THAT Council APPOINT Councillor Dufty as the WARD MEMBER to the:
 - a. Community & Economic Development Strategy and Policy Committee**
 - b. Planning and Environment strategy and Policy Committee****

- iv) THAT Council APPOINT Councillor Dufty as the WARD DEPUTY to the:
 - a. Asset Management and City Service Strategy and Policy Committee.**
 - b. Corporate Strategy and Governance Strategy and Policy Committee****

**MOTION CARRIED 8-0
ABSOLUTE MAJORITY**

19.0 CLOSED DOORS

Nil.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 21st April 2009, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business the Mayor declared the meeting closed at 8.30pm

Confirmed as a true and accurate record of proceedings.

Milton John Evans, JP
MAYOR

STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS

Nil.

DISCLOSURE OF INTEREST

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Cllr Don Dufty	11.6.2	Impartial Interest Member of the Cottage Scheme Board

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Nil.		

INTEREST DISCLOSED BY OFFICERS

Name	Item Number	Nature of Interest
R Fenn Executive Director Development Services	11.1.1	Impartial Interest Wife draws an income from the proponent.

**SUMMARY OF ACCOUNTS
CERTIFICATE**

Municipal Fund

Municipal Fund			
Cheques		Totalling	\$403,474.23
Electronic Fund transfer		Totalling	\$3,336,726.21
Credit Cards		Totalling	\$3,500.90
Payroll		Totalling	<u>\$790,815.42</u>
		Total	\$4,534,516.76

CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$4,534,516.76** which was submitted to each member of the Council, dated 17TH March 2009, 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.

Paul Richards
Chief Executive Officer

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$4,534,516.76**, dated 17th March 2009, was submitted to the Council, and that the amounts are recommended to the Council for payment.

Milton John Evans, JP
Mayor

TABLED DOCUMENTS

Statement re Proposed Frenchman Bay Development (100 room Holiday accommodation)

Martin Beeck
23 St. Georges Cres. Goode beach

I wish to make the following comments regarding the 5 Star , 100 unit development proposed for Frenchman Bay currently under assessment by the City of Albany.

According to this document (Albany Local Planning Strategy or ALPS)
Albany will remain the premier tourism destination on the south coast and will provide the complete tourism experience,

Both this document (ALPS) and the Residential Design Code Policy, single out Frenchman Bay as one of the most iconic tourism sites in the Albany region.

Both documents emphasis the need to treat this site with the utmost care.
They provide not only clear cut policy and guidelines they also provide strategies for its protection.

Obviously a great deal of effort has been involved in the preparation of these documents in particular and it is a credit to the City that you have adopted such comprehensive documents as the basis of the strategic control of developments such as this one at Frenchman Bay.

It is therefore puzzling why a development that is so contrary to most of the objectives laid out in these policies , can be assessed as being approvable, in its present form.

If the following questions, consistent with sections of these two and other policies and guidelines are asked of the development, they require a positive answer to conform to policy.

Does the development

1. conserve the outstanding natural and environmental values of the area.
2. provide innovative tourism in the area
3. restrict the footprint of development appropriate to the area.
4. ensure the development is not viewed from the beach only from the eastern carpark
5. sustainable environmentally
6. sustainable financially
7. meet community, both local and wider, expectations
8. enhance the tourism aspects of the area.
9. comply with the both the spirit and the intent of the zoning of the site
10. satisfy the detail provisions of the various relevant authorities.
11. has the wider community been canvassed for its views
12. has the various tourist organizations been approached to comment on need
13. has the impact of the density been examined in relation to surrounding areas

This is a sample of the questions that must be answered in the positive if the development is going to be a success and provide enhanced tourism to the area.

Time does not permit me to provide detail as to why the answer to these and other questions is quite clearly in the negative.

I will however undertake to provide that detail before the next council meeting.

A development on a site as sensitive and important as this is to Albany tourism, requires a particularly high level of responsibility by all those involved.

1. The developer in proposing something that is both viable and suitable to the site.
2. Albany planning and administration staff to assess the proposal with the utmost objective scrutiny,
3. The community to provide proper and detailed feedback to the City.
4. Councillors to approve the final form of the development.

It is incumbent on all those involved in the process to assist in helping create the most appropriate development on this site.

The need for a development of some type on this site is unquestioned. However the size and density of the current proposal appears to be in serious conflict with the aims and strategies of the various policies.

As described in the residential design code policy, a low impact, small scale holiday accommodation would be appropriate for this site, the proposal before council is anything but low impact or small scale.

I would ask all councillors to carefully consider the comments of those in the wider community who have taken the time to do so. It is by considering these comments along with objective assessments by staff that the City can tailor the eventual development to not only be appropriate for the site, but actually enhance tourism by providing something special to the area.

It is a once in a life time opportunity for you as councillors to assist in creating something that the City of Albany and the community can be proud of. There are very, very few tourism sites in the region that are as important to the industry as this site is. It is therefore critical the an appropriate development be created.

**STATEMENT BY JOHN TONKIN
RESIDENT & RATEPAYER OF ALBANY
REGARDING THE PROPOSED REDEVELOPMENT
OF THE FRENCHMAN BAY CARAVAN PARK**

Your Worship the Mayor and Councillors of the City of Albany. I would like to talk to you tonight about the proposed redevelopment of the caravan park at Frenchman Bay.

At the outset I would like to say that I am not “anti-development”, rather I would like to see Albany developed in a sustainable way which preserves this place for the use and enjoyment of all into the future. Quite sincerely I don’t believe that the 5 star glass monstrosity proposed for the Frenchman Bay caravan park site does this.

The sheer size and prominence of the development threatens the visual amenity of the place. Moreover the 5 star tag indicates an exclusiveness about the development which will preclude the area from your average bloke on the street and his family to enjoy.

When many 5 star resorts are failing and up for sale, one really wonders about the financial viability of such a resort. “Not our problem” I hear you say, however, if the resort is found to be unviable, then what? Do we look at a ‘fire sale’ of the existing development as residential?

Eco-tourism is the now the trend and visitors will “pay” for the experience. With that in mind, a low key development which caters for all is what should be considered for the Frenchman Bay caravan park and definitely not the development proposal in its present format!

I also worry about the impacts of such a large scale development on the recreation opportunities afforded by Whalers Cove. For years now Albany residents have used Whalers Cove as a popular picnic spot and sheltered swimming spot. On those days during summer when we howling south easterlies Whalers Cove is comparatively sheltered. Additionally because of its layout, the aged and those with physical mobility problems are attracted to the spot because you can almost drive to the water’s edge.

As Councillors you must sometimes feel intimidated by decisions you make and the possible flow on effects such as litigation. I believe that you have the right and responsibility to make balanced and long term decisions on behalf of the Albany Community without any fear of those decisions being challenged. To that end, I exhort you to refuse the present development application for the 5 star resort at the Frenchman Bay caravan park site.

Please consider the future of Albany and its natural beauty when making the decision in relation to the subject development.

Thank you for your time.

JOHN TONKIN