

# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 18<sup>th</sup> July 2006  
7.30pm  
City of Albany Council Chambers**

## City of Albany

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Signed \_\_\_\_\_

**Andrew Hammond**  
Chief Executive Officer

Date: 20<sup>th</sup> July 2006

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**1.0 DECLARATION OF OPENING**

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

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	J Waterman
	-	S Marshall
	-	J Walker
	-	D Wiseman (arrived at 7.50pm)
	-	R Paver
	-	J Jamieson
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Manager Development Services	-	R Fenn
Minute Secretary	-	R Batten
Approximately 17 members of the public		
2 media representatives		

<u>Apologies / Leave of Absence:</u>	-	P Lionetti
	-	I West
	-	RH Emery

**3.0 OPENING PRAYER**

Mayor Goode read the opening prayer

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

**4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**5.0 PUBLIC QUESTION TIME**

**\*A Carter**

Mr Carter addressed Council in regard to item 12.8.1 and spoke against the motion.

**\*B Kneebone**

Mr Kneebone addressed Council in regard to item 13.7.1 and raised several issues in regards to activities within the Lowlands Reserve.

**\* D Price**

Mrs Price addressed Council in regard to planning issues and asked for clarification on what strategies Council has in place in regards to planning.

**\* J Price**

Mr Price addressed Council in regard to a letter he had sent to Council in regards to Seachange, still awaiting a reply.  
Councillor Wiseman arrived at 7.50pm.

**\*V Antoniak**

Mr Antoniak addressed Council in regards to item 12.2.1 and asked that Council delay the sale of land to allow further investigation.

**THAT open forum be extended.**

**\*K Stanton**

Mrs Stanton addressed Council in regards to 12.8.1 and asked that Council support Mr Carters comments.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 20<sup>th</sup> June 2006;  
as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR  
SECONDED COUNCILLOR BOJCUN**

**THAT the following minutes:**

- Ordinary Council meeting held on 20<sup>th</sup> June 2006;  
as previously distributed be confirmed as a true and accurate record of proceedings.

**MOTION CARRIED 12-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillors West and Paver applied for leave of absence from the August OCM.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WALKER**

**THAT Councillors West and Paver be granted leave of absence from the August 2006 OCM.**

**MOTION CARRIED 12-0**

**8.0 DECLARATIONS OF FINANCIAL INTEREST**

Councillor Wiseman – Item 11.1.4 & Item 12.2.1

Councillor Paver – Item 11.1.4

Councillor Williams - Item 11.1.4

Councillor Bojcun – Item 13.7.2

**9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

# **Development Services**

## **REPORTS**

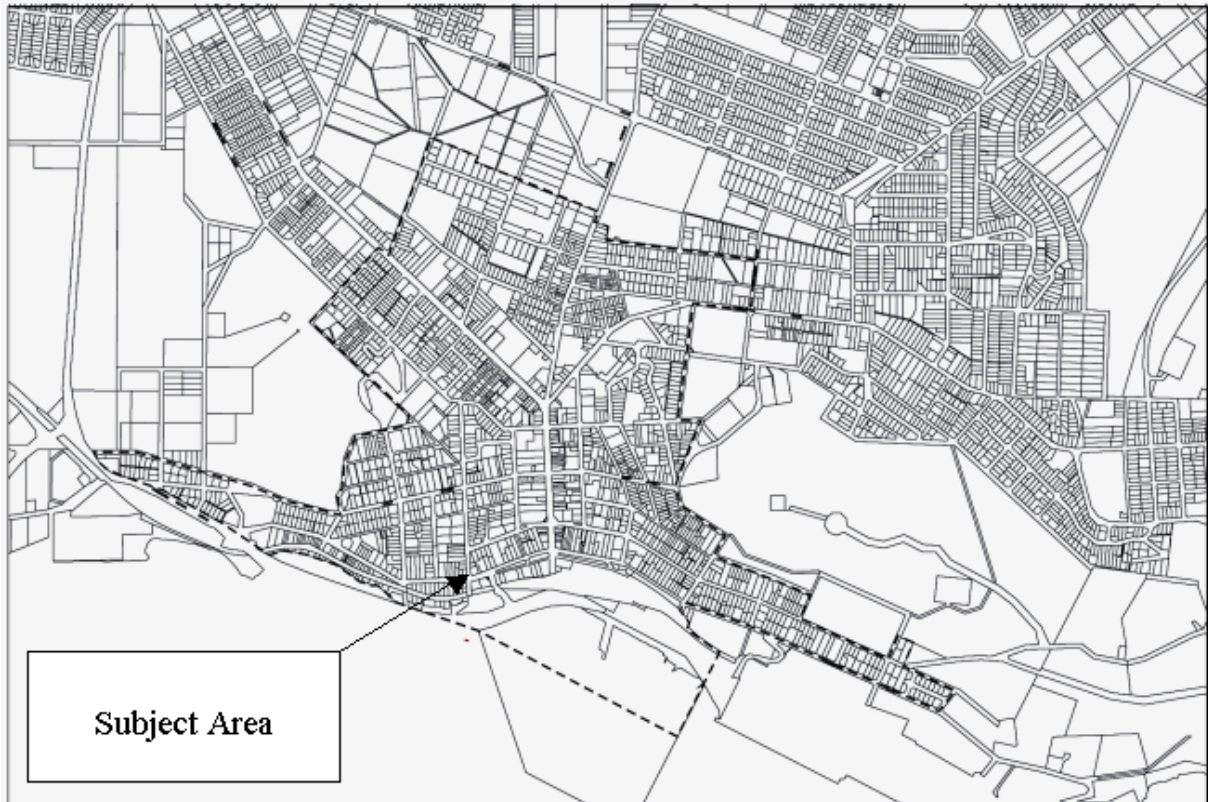


## - R E P O R T S -

### 11.1 DEVELOPMENT

#### 11.1.1 Review of Residential Density Coding – Central Area Zone

<b>File/Ward</b>	:	STR 048 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Review of Residential Density Coding
<b>Subject Land/Locality</b>	:	Albany Central Business District and immediate areas.
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Various
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 18/04/06 - Item 11.3.2
<b>Summary Recommendation</b>	:	Establish Forum to Review Residential Density Codes
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. At the April meeting of Council the following resolution was passed;

“*THAT;*

- i) Council, pursuant to clause 7.21.2(b) of the City of Albany Town Planning Scheme, resolves to grant final approval to the Central Albany Urban Design Policy subject to the modifications suggested by Mr DeVilliers being made to the document; and*
- ii) a comprehensive report be submitted to Council at the earliest opportunity on the potential to adjust the Residential Density Coding over the CBD and near CBD areas.”*

2. The following report details a method to progress part ‘ii)’ of that resolution.

**STATUTORY REQUIREMENTS**

3. The process to modify the codes is to undertake a scheme amendment.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Despite the potential for a reduction in the R Coding to reduce the development potential on a parcel of land, there is no compensation payable to a landowner (or betterment payment received) if the coding is changed. A scheme amendment will be required and that can be undertaken with existing staff resources.

**STRATEGIC IMPLICATIONS**

6. The City of Albany draft Local Planning Strategy, at Section 8.5.2, “*supports the growth of the Albany town centre and surrounding urban area as the main service, retail and office employment centre for the next 20 years. A retail core is proposed in the vicinity of upper York Street, Albany Highway and Lockyer Avenue roundabout. The central part of York Street is ideally positioned for shops, offices and mixed use developments. The southern portion of York Street is best placed to accommodate community and tourism activity, linking with the proposed Albany foreshore development.*”

**COMMENT/DISCUSSION**

7. In May 1983, a report was prepared for the then Council of the Town of Albany on the selection of appropriate Residential Density Codes. Within that report, it was noted that a number of points needed to be taken into consideration when selecting codes for particular areas. Those points include;

- Desired residential character of the locality
- The existing residential character
- Lot sizes
- Townscape and landscape
- Land values

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- Type and rate of development existing and desired
- Land use mix, both existing and desired
- Development variety, and
- The extent of the particular area.

8. Interestingly, the decision to introduce the R160 coding in 1983 was based upon the premise that;

*“The Central Area originally contained a number of zones and areas creating a rather complex development control situation. Council decided to simplify the situation by the introduction of a Central Area zone permitting the various uses one would expect to find in a central business district. All forms of residential uses are permitted in the Central Area zone (hotels, motels, multiple dwellings, group and single dwellings). To avoid encouraging some form of development to the detriment of other forms (i.e. commercial instead of residential) Council considers it is important to permit a sufficient density of residential development in the Central Area to enable the return obtainable by a developer/investor to roughly equate with that from a commercial development on the same lot. It is considered pointless to permit residential development in the Central Area zone if the permitted density is so low as to make a residential development as an alternate to commercial development extremely unlikely. Council therefore allocated a Residential Density Code of R160 to the area contained within the Central Area zone.”*

9. The report then went on to state, in response to the submissions that were received;

*“The character of the area adjacent to and surrounding the Central Area zone by approximately one block varies from established homes in good condition to houses in poor condition and some areas of vacant or near vacant land. It is considered the existing allocation of R30 Code is a satisfactory provision for most of the area identified, however, a higher coding permitting multiple dwellings would be appropriate for the block contained by Vancouver, Collie, Cuthbert and Duke Streets and the land to the west of Spencer Street, between Frederick and Grey Street East.”*

*There is certainly scope for greater variety and flexibility to be provided for by the allocation of intermediate codes to particular areas. However, because of the importance the selected codes have with respect to land values and development potential, no further changes should be made to the selection without adequate public comment. Council intends to initiate an amendment to Town Planning Scheme 1A after it receives final approval, to introduce the R60 Code to the areas adjoining the Central Area zone.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

10. It is acknowledged that this report was written in 1983, when the scheme text was about to be finally adopted by the Minister and the R Codes needed to be incorporated into the scheme literally at the “eleventh hour”. The report appears to provide a “quick fix” to get the codes into the scheme, but the planning logic of the report’s author must be seriously questioned. It is evident from this amendment report, that the author was proposing that the town’s main business district “be strengthened” by encouraging residential land uses in favour of commercial developments in the town centre. The highest available density coding in the State was then applied with the intention of luring developers into investing in CBD residential development; the entire report appears to be driven by a subjective economic argument, rather than by addressing the criteria the WAPC identified as important assessment criteria for determining the most appropriate density coding.
11. Ironically, the amendment report then goes on to acknowledge that the applied R Code over lots surrounding the Central Area was inappropriate. It appears the Council, the WAPC and the Minister proceeded, despite that confession, to adopt those codes into the Scheme. Whilst there is a written undertaking to revisit the designated Codes immediately after the scheme was adopted, that commitment has not been actioned.
12. Until very recently, CBD land was valued on the basis that its highest and best use was for commercial development. The migration of larger format retail activities to the north, combined with the appeal that inner city living now provides, has resulted in that situation being brought under review. It could be argued that some CBD land is ideally located for it to achieve greater value if was to be used for medium and higher density residential purposes.
13. Recent reports produced for the City of Albany by prominent urban designers Bill Burrell (Defining Central Albany) and Patric DeVilliers (Central Albany Urban Design Policy) have reinforced the need to retain the urban character elements that make Albany’s town centre unique. Those urban designers also actively encouraged Council to maintain policies that would promote and retain active lot frontages (i.e. provide for commercial developments at street level) and provide for inner city living above and behind those commercial spaces; they argue that residential development at street level has the capacity to break the continuity of shops along the footpath (in a similar fashion to a vacant lot), adversely affecting foot traffic and other retail activities on that street.
14. Some divergence of opinion existed in the recommendations from Mr Burrell, Mr DeVilliers and Mr Bain (draft Albany Housing Strategy) over the most appropriate density for residential units in and adjacent to the City’s CBD. That divergence is understandable, given the briefs that each consultant was asked to address. Nonetheless, there is consensus amongst them that the significance of the CBD and near CBD areas, as cultural heritage areas for the City, is considerable.

**DEVELOPMENT SERVICES REPORTS**

## Item 11.1.1 continued

15. Those buildings referred to in the 1983 report, that were in poor condition at that time, have either been demolished or rejuvenated and most are now being used for commercial purposes (Aberdeen Street). The DeVilliers' policy has now provided the community with an understanding of development expectations into the near future. By approving the three storey development in Aberdeen Street, and rejecting a four storey (later adjusted to five / six) development fronting Earl Street, Council has signalled to landowners and developers that a density of approximately R100 is more appropriate in the CBD. The question then remains whether an R60 coding (the same as applying to Flinders Parade, Middleton Beach) should be introduced to provide a buffer between the inner city and the surrounding residential areas. The State Administrative Tribunal felt strongly that intermediate coding should apply. If that intermediate code is introduced, what area should it be applied to and what impact will it have on cultural heritage values?
16. On returning to the factors affecting the allocation of Codes, DeVilliers has provided to Council a policy to prescribe the desired residential and commercial character of the locality. That policy would make it difficult for a developer to achieve a density higher than R100. The existing residential character is clearly evident in "near CBD" areas and is predominantly double storey single dwelling units. The number of group and multiple housing units in the locality is not great. Similarly, there is a low incidence of single dwellings in the Central Area zone and that situation is not likely to increase due to the high cost of CBD land.
17. Lot sizes in the locality range considerably, from small CBD lots of 350m<sup>2</sup> (near Albany House and on Earl Street) to larger parcels of 4000m<sup>2</sup> (car yard and York St lots). To place the issue of lot size into perspective, upon the current Albany City Holden site (approx. 4000m<sup>2</sup>), a density coding of R160 would allow for 64 dwelling units, R100 would produce 40 units, R80 provides 32 units, R60 provides 24 units and R30 provides 12 units. Burrell and DeVilliers have analysed the current and desired townscape and landscape values that should apply to the CBD and near CBD areas. In their respective reports, the consultants have reinforced the cultural heritage values of the area and recommended that Council place restrictions on the built form.
18. No detailed analysis of land values has been undertaken as part of this report or for the purpose of determining the appropriateness of the R160 coding. The Albany Local Planning Strategy has detailed the type and rate of development existing and desired in the CBD and adjoining residential areas. It also identifies the land use mix, both existing and desired, taking on board the findings of the Retail Development Strategy (Shrapnel report) and the Housing Strategy (Bain report).
19. Major stakeholders have previously expressed a desire to be involved in providing direction to Council on the development variety that landowners would be seeking to create within particular zones and the extent of the particular area that should be subject to a designated code. Those stakeholders can also workshop issues such as the implications of using a split code solution, whether transitional areas are viable and whether special character areas and heritage / urban design precincts should be established. These issues were planned to be workshopped in the near future as part of the preparation of the planning process for ALPS Precinct 6 (Mt Melville, Albany and Centennial Park).

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

RECOMMENDATION

THAT Council seek stakeholder input, via a facilitated workshop, on the most appropriate residential density coding to be applied to the Central Business District and the adjacent residential areas and the workshop be held no later than the 1 October 2006, and a report be tabled at the November meeting of Council.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR JAMIESON**

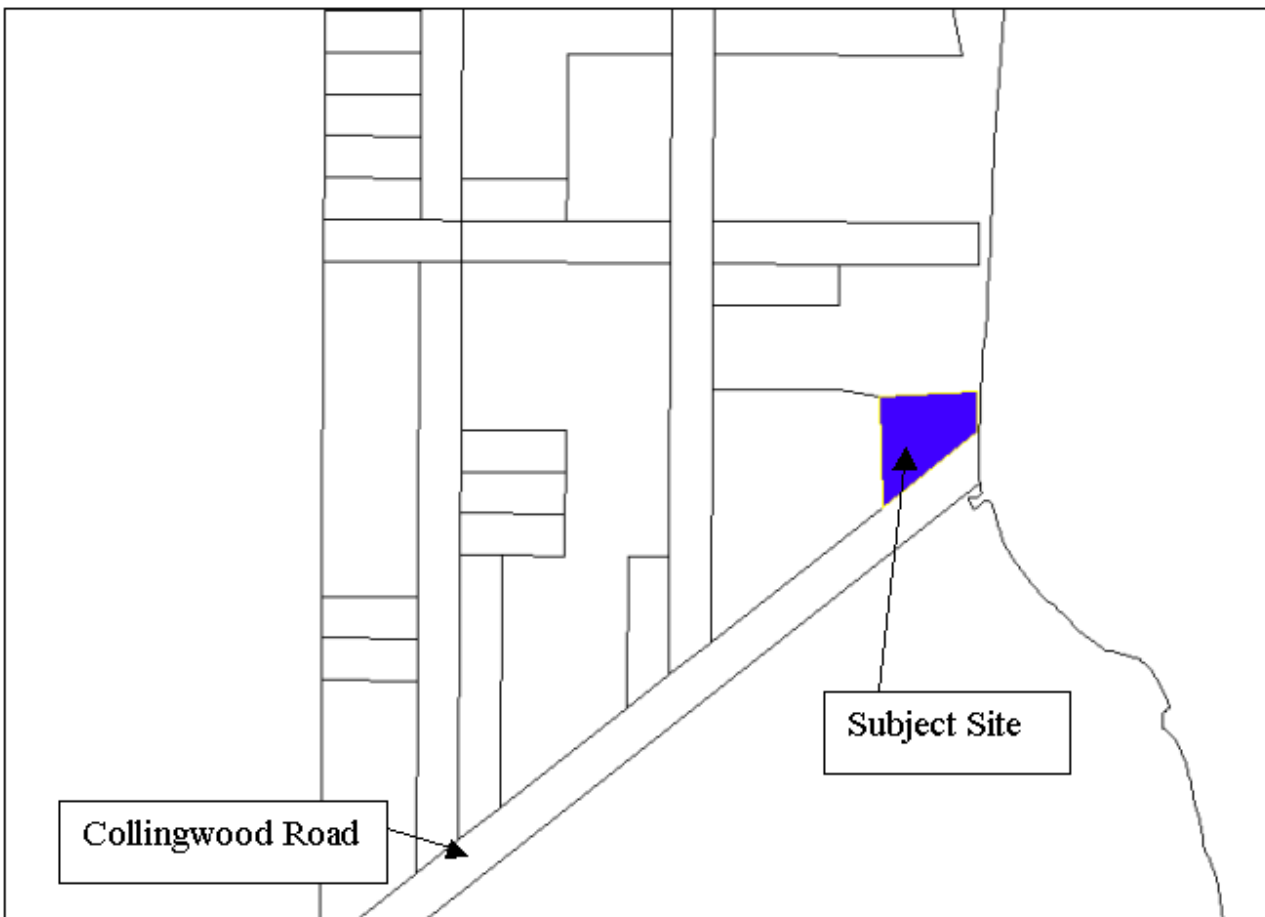
**THAT Council seek stakeholder input, via a facilitated workshop under the Chairmanship of DeVilla, on the most appropriate residential density coding to be applied to the Central Business District and the adjacent residential areas and the workshop be held no later than the 1 October 2006, and a report be tabled at the November meeting of Council.**

**MOTION CARRIED 12-0**

**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Development Capacity – Lot 15 (441) Collingwood Road, Collingwood Heights**

<b>File/Ward</b>	:	A18625 (Yakamia Ward)
<b>Proposal/Issue</b>	:	Development Capacity of Land at Eastern Extremity of Collingwood Road.
<b>Subject Land/Locality</b>	:	Lot 15 (441) Collingwood Road, Collingwood Heights
<b>Proponent</b>	:	FJ Buktenica
<b>Owner</b>	:	FJ Buktenica
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Council Acquire Land
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. Mr Buktenica owns a 1719 m<sup>2</sup> parcel of land at the eastern extremity of Collingwood Road, Collingwood Heights. His property has frontage to Oyster Harbour and it is surrounded by land either owned by the Crown or previously acquired by the City of Albany.
2. The Collingwood Road pavement extends for a distance of 1500m from Troode Street in an easterly direction, terminating approximately 980m from Mr Buktenica's western boundary. The subject land has no constructed road access, it is not connected to the reticulated water, power or sewerage network and it is currently subject to inundation during a high tide and during periods when Yakamia Creek floods.
3. Mr Buktenica has recently written to the City of Albany, seeking immediate action to provide his land with road access.

**STATUTORY REQUIREMENTS**

4. The subject land is Reserved for "Parks and Recreation" purposes in the City of Albany Town Planning Scheme 1A. Development of the land should be in accordance with the reservation provided in the Scheme for the land. Where a land parcel is held in freehold title and a development opportunity is denied, Council is required under the Scheme to purchase the subject land for the stated purpose of the Scheme.

**POLICY IMPLICATIONS**

5. Council has previously refused to construct all weather access roads to isolated land parcels, particularly where the capacity to develop the land is questioned. Should Council decide to construct the road, the only property gaining an advantage would be Lot 15.

**FINANCIAL IMPLICATIONS**

6. Mr Buktenica advised the City in 2004 that he would withhold his rates payment until he either received appropriate services to his land (ie. road access) or arrangements could be made to purchase the land from him. By a letter dated the 17 September 2004, City staff agreed to leave the rates outstanding whilst the issue of acquisition could be explored; an earlier valuation indicated the costs of servicing the land would be comparable to any value the land would have at sale, if in fact it could be developed. An update of that valuation report has been sought.

**STRATEGIC IMPLICATIONS**

7. The subject land is identified in the Lower Great Southern Strategy and the Albany Local Planning Strategy as regional Open Space.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**COMMENT/DISCUSSION**

8. Lot 15 is generally at a level of 0.7m AHD (Australian Height Datum) and it has direct property frontage to Oyster Harbour. Information supplied by the Department of Environment indicates that the Yakamia Creek flows at a height of 1.10m AHD across the subject land during a 1% ARI flood incident. The combined factors of a high tide and storm surge can also produce a water level of 1.23m AHD in Oyster Harbour, forcing saline water over the land during such an event. As a consequence of existing circumstances and the predicted sea level rise of 500mm, a minimum floor level of 2.3m has been set for all buildings in the Lake Seppings basin. A minimum of 1.2m of fill would be required around all buildings, effluent disposal systems, access driveways, etc. to ensure any future buildings and structures were not subjected to inundation. The current zoning of the land discourages the development of the subject land.
9. The development of the land and the provision of services will have considerable impact upon the Oyster Harbour foreshore, the local environment and the locality. It is for that reason that Council acquired most of the freehold lots in this locality prior to and during the amalgamation period; Mr Buktenica's land remains the only outstanding land parcel.
10. Staff would be concerned if any services or infrastructure was extended to the land and Council will be encouraged to prevent any development of the lot.

**RECOMMENDATION**

THAT Council advise Mr Buktenica that;

- i) it will not be funding the extension of Collingwood Road to the east to provide constructed road access to Lot 15 Collingwood Road;
- ii) Lot 15 Collingwood Road has limited development potential under the provisions of the City of Albany Town Planning Scheme 1A and current environmental legislation;
- iii) Council agrees to leave the rates levied for the lot outstanding for a period of 12 months whilst the issue of acquisition is explored; and
- iv) acquisition of the land will be undertaken in accordance with a sworn valuation obtained from a competent Licensed Land Valuer and acknowledging the constraints applying to the land.

*Voting Requirement Simple Majority*

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This item was withdrawn.

**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Development Application – Medical Centre (Pharmacy Addition) - 2-18 Pioneer Road, Centennial Park**

**File/Ward** : A133463 (Frederickstown Ward)

**Proposal/Issue** : Medical Centre (Pharmacy Addition)

**Subject Land/Locality** : 2 – 18 Pioneer Road, Centennial Park

**Proponent** : Murray Philip Kartell Contracting

**Owner** : David Tadj

**Reporting Officer(s)** : Planning Officer (I Humphrey)

**Disclosure of Interest** : Nil

**Previous Reference** : N/A

**Summary Recommendation** : Approve, subject to conditions.

**Bulletin Attachment** : N/A

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. The Pioneer Road medical centre was conditionally approved at the 15 January 2002 Council meeting with a pharmacy (260sqm) element within the proposed building. This was subsequently renewed and approved again at the Council meeting on the 20 January 2004, however the plans were revised to remove the pharmacy (167sqm) from inside the building to a separate structure, linked however under the roof of the main building.
2. The proposal was then scaled down and the significantly smaller medical centre was approved (after further public consultation) under delegated powers on the 22 September 2004. This approval did not include a pharmacy element.
3. This proposal seeks to construct a pharmacy addition on the site in a similar position to that previously approved (Jan 2004), and would be connected to the existing building by a covered walkway. The proposed pharmacy has a footprint of 205sqm.

**STATUTORY REQUIREMENTS**

4. The land on which the pharmacy is proposed is zoned “Clubs and Institutions”, with the use being defined as Medical Clinic. This is an SA use under the Scheme and has been advertised accordingly. The proposal conforms to the development standards set out in the Town Planning Scheme, with excess car parking bays being provided.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...*

- *Major regional health services providing a complete range of quality health services, for all ages.*

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

- *Excellent community infrastructure and services.*

***Mission Statement:***

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

- *Delivering excellent community services.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

***Priority Projects:***

*Nil*

**COMMENT/DISCUSSION**

8. This application is similar to those previously approved on the site, which have now expired. The occupier only proposes to use a small portion of the building's floor area for retail sales.
9. The occupying pharmacist intends to offer several services that are over and above what would normally be conducted at a regular pharmacy, such as medical reviews for GP's (requiring a counselling room and filing space), and providing medical packs for silver chain and other nursing homes in and around Albany. The pharmacist will also continue to offer important diagnosis and therapy trials for sleep Apnoea (CPAP). This service is provided for the whole of the Great Southern and would avoid the need for patients to travel to Perth. A dedicated room fitted with a bed and counselling facilities is required for this service. The applicant has also agreed to a planning condition limiting the floor space for their general retail element.
10. The design and location of the building appears acceptable and the car parking provision is more than adequate. According to the pharmacist, the building cannot be internally connected, due to security and safety reasons, however a dedicated covered walkway is provided from the existing clinic and does also provide a visible link between the existing buildings. The additional crossover is deemed unnecessary; the applicant is aware of this and it will be deleted from the proposal. The proposal has been advertised with a sign on site and letters sent to those previously notified about past applications on the site; with no submissions being received.
11. Council cannot condition the approval to require future pharmacists to undertake certain services aligned with the adjoining medical practice. A 'stand alone' pharmacy would be classified as a 'Shop' under the Scheme and would be a Prohibited land use on the site. The current application retains the Medical Clinic on the land and the Pharmacy as an incidental component of that primary land use. To ensure that the new building does not become a separate land use in the future, the built form should ensure the various tenancies cannot be easily subdivided from the parent lot and the ancillary uses should be closely allied to the Medical Clinic on the land. This application meets those principles.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**RECOMMENDATION**

THAT Council issue a Notice of Planning Scheme Consent for the use of Medical Centre (Pharmacy Addition) at 2 – 18 Pioneer Road, Centennial Park, subject to the following conditions:

- i) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair;
- ii) no more than 10% of the gross floor area shall be used for display of non medicinal goods;
- iii) detailed plans and specifications of the proposed method of storm water disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels; cover levels and pipe size and grade; and
- iv) the activities carried out in the new building shall be limited to a 'Pharmacy' and any change in tenancy shall be subject to a separate application for Planning Scheme Consent.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WILLIAMS**

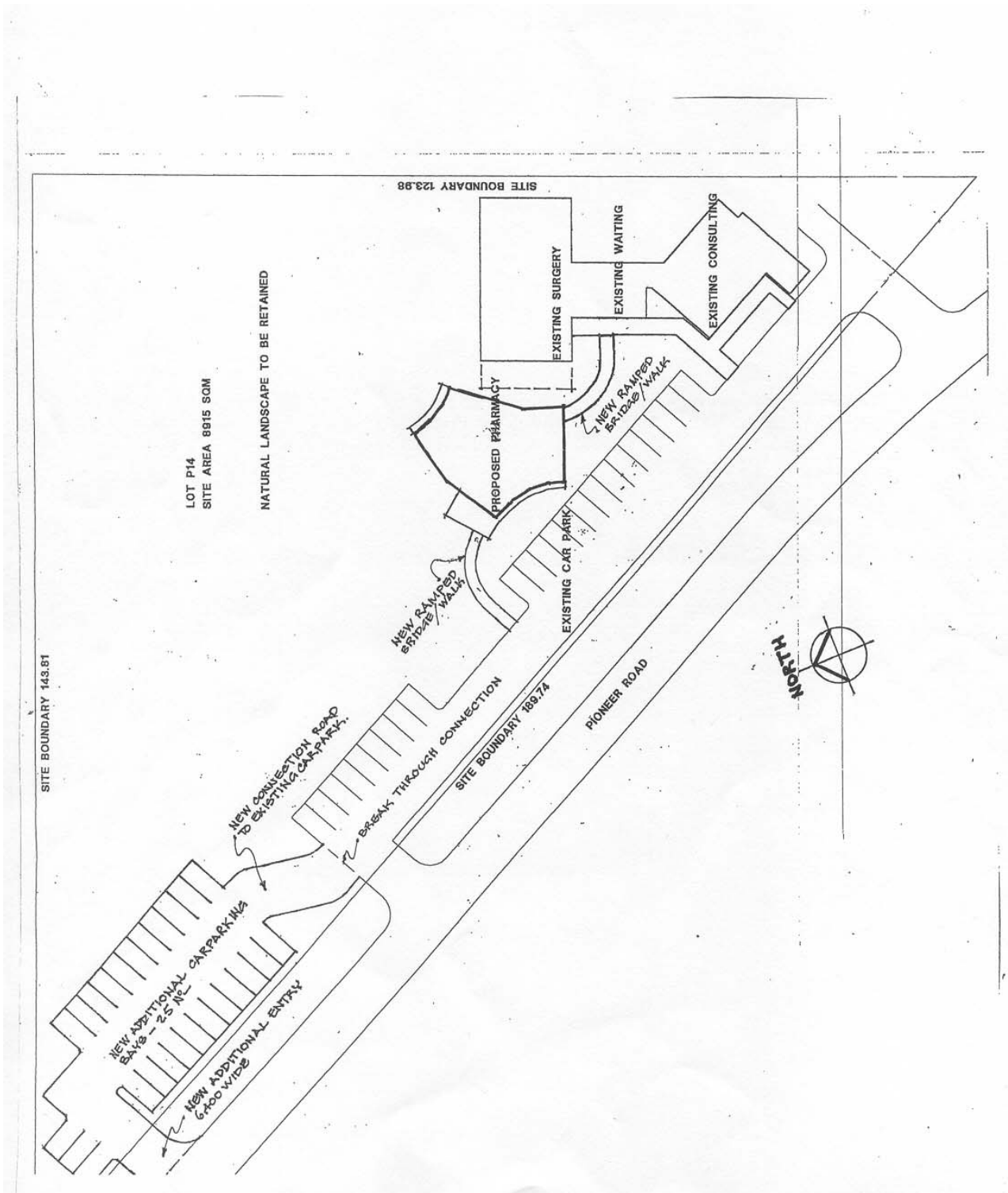
**THAT Council issue a Notice of Planning Scheme Consent for the use of Medical Centre (Pharmacy Addition) at 2 – 18 Pioneer Road, Centennial Park, subject to the following conditions:**

- i) vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair;**
- ii) no more than 10% of the gross floor area shall be used for display of non medicinal goods;**
- iii) detailed plans and specifications of the proposed method of storm water disposal being submitted for approval by Council prior to the issue of a building licence. Such plans should identify invert levels; cover levels and pipe size and grade; and**
- iv) the activities carried out in the new building shall be limited to a 'Pharmacy' and any change in tenancy shall be subject to a separate application for Planning Scheme Consent.**

**MOTION CARRIED 12-0**

ORDINARY COUNCIL MEETING MINUTES – 18/07/06  
\*\* REFER DISCLAIMER \*\*  
DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.4 Development Application – Ancillary Use (Function Centre) - 182-188 Grey Street, Albany**

**File/Ward** : A103917 (Frederickstown Ward)

**Proposal/Issue** : Function Centre

**Subject Land/Locality** : 182-188 Grey Street, Albany

**Proponent** : Noelene Evans

**Owner** : The Rocks Holdings

**Reporting Officer(s)** : Planning Officer (A Nicoll)

**Disclosure of Interest** : Nil

**Previous Reference** : OCM 18/04/06 - Item 11.1.2  
OCM 16/05/06 - Item 11.1.1

**Summary Recommendation** : Council dismiss the application to modify a condition of approval

**Bulletin Attachment** : Nil

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. Staff at the City received an application for Planning Scheme Consent on the 9 February 2006 for an “Ancillary Use (Function Centre)” at Lot 1475, 182-188 Grey Street.
2. At the Council Meeting dated 16 May 2006, Council supported the application subject to conditions. On the 18 May 2006, Planning Scheme Consent (PSC) was issued subject to the conditions stated in the minutes, which included the following:

*“vi) no funeral services are to be undertaken upon the site”*

3. On the 2 June 2006, 15 days after the PSC was issued, the proponent sent a letter to the City of Albany requesting that this condition be changed to read as follows (a copy of the letter follows this report):

*vi) ‘no public funeral services are to be undertaken upon the site’*

**STATUTORY REQUIREMENTS**

4. In accordance with the Planning and Development Act (2005), the proponent has a right of appeal to the State Administrative Tribunal, provided it is lodged within 28 days of the date of issue of the PSC.
5. In accordance with clause 7.9 (e) of the Town Planning Scheme 1A:

*“The local government may, on written application from the owner of land in respect of which planning consent has been granted, revoke or amend the planning consent, or any of the attached conditions, prior to the commencement of the use or the development the subject of the planning consent.”*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

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

- *Innovative development complementing Albany’s unique character, natural environment and heritage.*



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

***Mission Statement:***

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

- *Providing sound governance*

***Priority Projects:***

*Nil*".

**COMMENT/DISCUSSION**

9. During the advertising process for the 'Function Centre', the local residents voiced their concern over the detrimental impact on their amenity of regular funeral services being conducted at "The Rocks". Subsequently, Council included the condition to restrict the capacity for the property to conduct funeral services on a fee paying basis.
10. The proponent is concerned that the condition restricts the property to no funeral services whatsoever. This is certainly the case if the proponent wishes to utilise the property for funeral services on a commercial basis. The proponent is also arguing that, if the wording of the planning condition was changed to allow for private funeral services only, the numbers of persons attending and the noise being created can be limited, therefore reducing the impact on the local residents
11. Regardless of the amount of persons attending, or the amount of noise created, the conduct of funeral services at 'The Rocks' will impact on local residents. Funeral services are more appropriately conducted in places of worship and not on private residential properties.
12. Staff therefore recommend that the condition remain as is.

**RECOMMENDATION**

THAT Council pursuant to Clause 7.9 (e) of the City of Albany Town Planning Scheme 1A, dismiss the request to change the Planning Scheme Consent (P265066) condition (vi) and advise the proponent that Council's decision is subject to the State Administrative Tribunal Review process.

*Voting Requirement Simple Majority*

.....  
Councillors Paver, Williams and Wiseman declared an interest in this item and left the Chambers at 8.10pm.

The nature of Councillor Paver's interest is that he supplies tourist information for the proponent.

The nature of Councillor William's interest is that she performs marriage ceremonies at this venue.

The nature of Councillor Wiseman's interest is that he supplies alcohol to the proponent.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR EVANS**

**THAT Council pursuant to Clause 7.9 (e) of the City of Albany Town Planning Scheme 1A, dismiss the request to change the Planning Scheme Consent (P265066) condition (vi) and advise the proponent that Council's decision is subject to the State Administrative Tribunal Review process.**

**MOTION CARRIED 9-0**

Councillors Paver, Williams and Wiseman returned at 8.12pm.

**DEVELOPMENT SERVICES REPORTS**

CITY OF ALBANY RECORDS	
FILE:	A103917
FILE:	
02 JUN 2006	
DOC:	ICR608627
OFFICE:	PLAN 3
ATTACH:	



PO Box 5155 - Albany  
Western Australia 6332  
phone 61 8 9842 5969  
therocksalbany.com.au

2 June 2006

Mr Adrian Nicholl  
Planning Officer  
City of Albany  
102 North Rd.  
Albany W.A. 6330

Dear Adrian,

**Re: Proposed Use Not Listed – Function – Centre-182-188 Grey Street Albany**

Thank you for your letter of 18<sup>th</sup> May 2006 informing us of the approval of this application subject to conditions stipulated on Planning Scheme Consent P265066.

We wish to appeal against paragraph B6 which states that "No Funeral Services are to be undertaken upon the site".

We would like this to be changed to "No **Public** Funeral Services to be undertaken upon the site" so that we may hold small private funeral services if requested.

We consider that private funeral services can be conducted in the same dignified manner as any other function that we hold at The Rocks, Albany and of course other requirements with regard to noise and parking would be adhered to.

We understand that "Funeral Services" indicates public services which anyone can attend and numbers can not be controlled. However, private services are by invitation only and therefore we can restrict the number of attendees to the limits required by the conditions stipulated on Planning Consent P265066.

By not allowing us to conduct any funeral services on the property means that this would be the only property in Albany that is restricted from doing so. I feel that this is quite discriminatory and would not allow us to even hold family or a close friend's funeral should the need arise.

Yours Sincerely

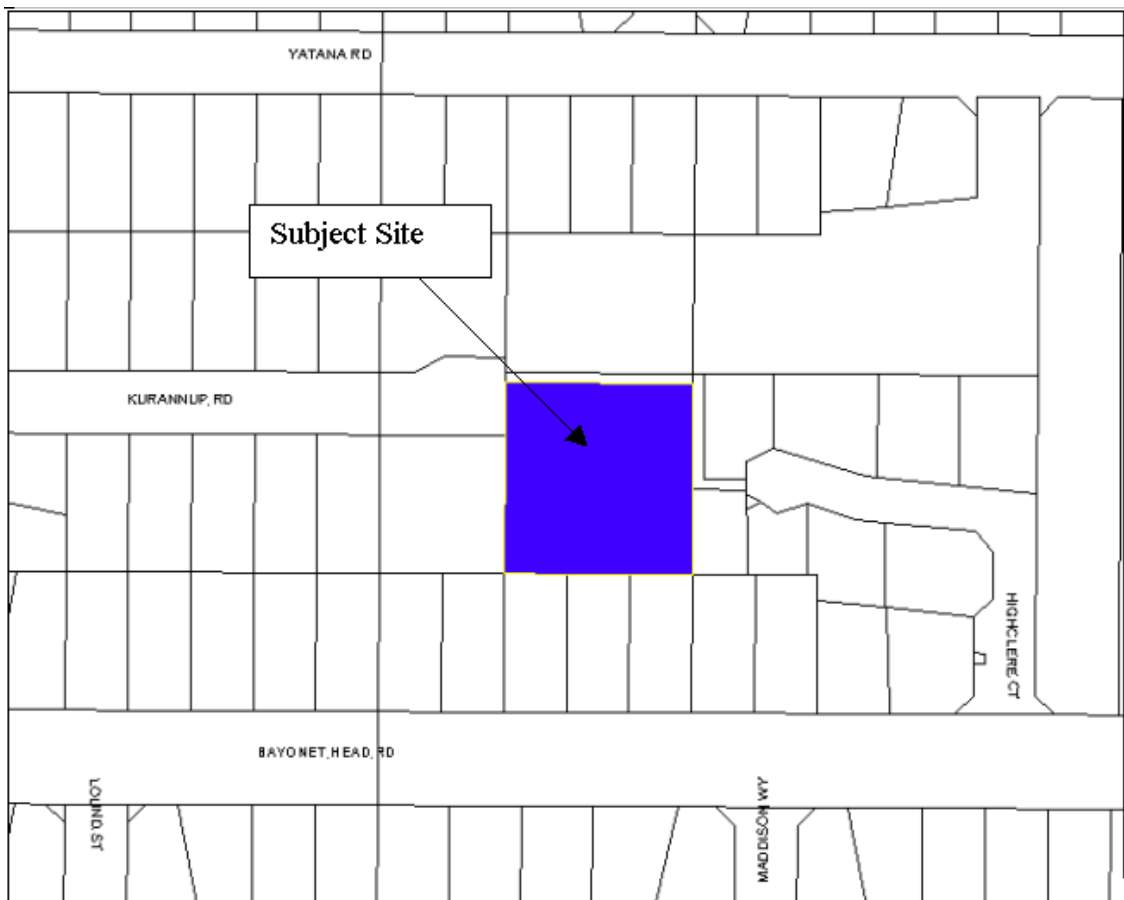
for  
Christine Evans

Owner

**DEVELOPMENT SERVICES REPORTS**

**11.1.5 Development Application – Outbuilding- 15 Kurannup Rd, Bayonet Head**

- File/Ward** : A63210 (Yakamia Ward)
- Proposal/Issue** : Proposal to construct a outbuilding that does not comply with the City’s Outbuilding Policy
- Subject Land/Locality** : 15 Kurannup Road, Bayonet Head
- Proponent** : Roger Thurecht
- Owner** : Roger Thurecht
- Reporting Officer(s)** : Senior Planning Officer (J Devereux)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Issue Notice of Planning Scheme Refusal
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**BACKGROUND**

1. An application has been received for an outbuilding at 15 Kurannup Road, Bayonet Head that does not comply with City of Albany's Outbuildings Policy (Policy). A site plan is attached at the rear of this report.
2. The subject land is zoned "R20" within Town Planning Scheme No. 3 and is 3704m<sup>2</sup> in area.
3. There is an existing 84m<sup>2</sup> outbuilding on the property and the proposal is to construct a further 54m<sup>2</sup> outbuilding, bringing the total floor area of outbuildings on the property up to 138m<sup>2</sup>. This does not comply with the maximum 100m<sup>2</sup> floorspace allowable restriction, in the residential zone, under the policy.
4. A letter from the proponent justifying the relaxation has previously been distributed to all Councillors.

**STATUTORY REQUIREMENTS**

5. The land is zoned "Residential" and therefore any proposed outbuildings must comply with the residential provisions of the policy. Planning Scheme Consent and substantial justification is required where the provisions of the policy cannot be met.

**POLICY IMPLICATIONS**

6. The aim of the Policy is:

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

7. This policy objective is achieved by enforcing the (height, area and other) requirements of the Outbuildings Policy.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***Community Vision:***

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

- *Innovative development complementing Albany's unique character, natural environment and heritage.*

***Mission Statement:***

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

- *Providing sound governance*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**Priority Projects:**

*Nil*”.

**COMMENT/DISCUSSION**

- 10. The proponent has explained that one of the main reasons he purchased the property was due to its large size giving the ability to build another outbuilding on the property to house his belongings. He claims that he was not aware of the Policy at the time when he purchased the property. Attached to the rear of the report is a copy of the correspondence received from the proponent stating his reasoning for the proposed outbuilding.
- 11. The applicant has consulted with his adjoining neighbours to the north, northwest and west. He has supplied letters from them showing that they have no objections to the proposal.
- 12. Since the adoption of the policy, Council has been consistent with its determination on outbuildings. Any variation from the policy will weaken its effectiveness. The subject property is surrounded by smaller residential zoned properties and has the potential to be used as a precedent to support larger outbuildings on surrounding properties. For these reasons, Staff feel the proposal should not be supported.

**RECOMMENDATION**

THAT Council resolves to support the issuing of a Notice of Planning Scheme Refusal for the outbuilding at 15 Kurannup Road, Bayonet Head, as:

- i) it does not comply with the City of Albany’s Outbuildings Policy; and
- ii) it would have a detrimental impact upon the residential amenity of the locality.

*Voting Requirement Simple Majority*

.....

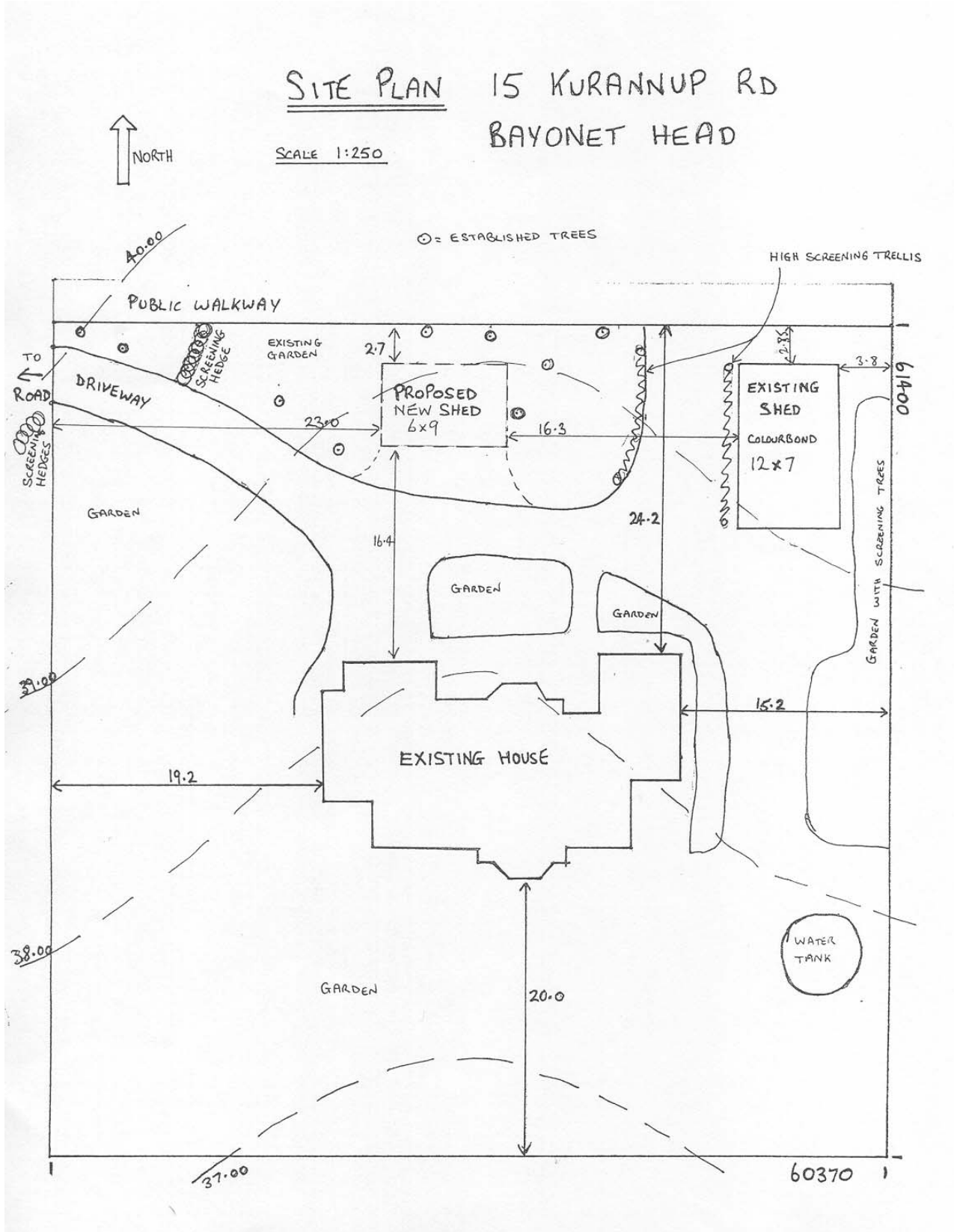
**MOVED COUNCILLOR JAMIESON  
SECOMDED COUNCILLOR WALKER**

**THAT Council resolves to support the issuing of a Notice of Planning Scheme Refusal for the outbuilding at 15 Kurannup Road, Bayonet Head, as:**

- i) it does not comply with the City of Albany’s Outbuildings Policy; and**
- ii) it would have a detrimental impact upon the residential amenity of the locality.**

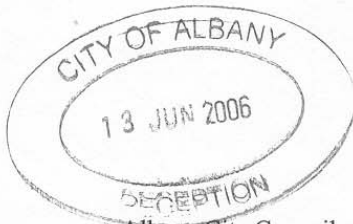
**MOTION CARRIED 12-0**

Item 11.1.5 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued



Albany City Council  
Planning Department

Roger Thurecht  
15 Kurannup Rd  
Bayonet Head  
Albany 6330  
Ph 98449553

To Whom It May Concern:

This letter is part of my application to build an additional outbuilding ( 3 bay shed) on the above property.

To have this application approved I request that a Policy relaxation be applied by council for the following reasons.

15 Kurannup Rd Bayonet Head is an unusual block in this area in that it is almost 1 acre in size . We purchased this property recently & one of the reasons was that there was plenty of room to build an additional shed to house our trailers and belongings . (At the time of purchasing I was unaware of the Councils Outbuildings policy ). Our immediate neighbours to the West & North also have larger than normal blocks.

The property is very private , being at the end of the cul-de-sac of Kurannup Rd. The majority of the land is taken up by extensive gardens which hide not only the house but the existing shed, from the road & Neighbours.

The Reason I want to build another shed it to store my property , mainly being 1) Camper Trailer 2) 3.85m Boat& trailer , 3) my 8x6 tandem box trailer. Storage of these items out of the weather is very important .

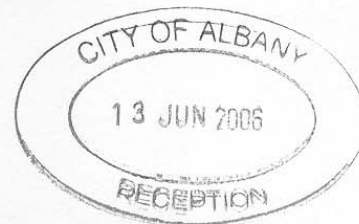
The existing shed has a small workshop area at the back of it & although large, it will then only store my 6.0m Powerboat, and my 14 ft Sailing Catamaran . ( In all we have 5 trailers & 2 vehicles)

The Proposed shed is to be a 3 bay shed with 3 rollerdoors, Standard 2.4m height, Colourbond Construction , with the colour being a dark green (so it fits in well with the existing garden landscape. (Cottage Green C/B)

As this shed is only being used for storage to keep my possessions out of the elements it will not have power connected to it.

The position that I have chosen for the shed as outlined on the site plan, is the most level on the block requiring minimal siteworks, it also has direct access to the existing driveway. As you can see there are existing trees along the boundary & to either side of the proposed site that will all remain & be able to provide instant screening.

From the road there is a screening hedge already in place shielding the site.





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

I have spoken to each of our 3 neighbours on the West , Northwest & North side of our property , who may be able to see a part of the new shed , and have told them what I am proposing. I have given each of them a copy of the site plan with the proposed shed located on it. ( See Certificate of title attached to view location of neighbours – they are on lots 1,2,&4)

I have asked each of them to sign a letter of consent if they have no concerns regarding the proposed construction.

These letters I will attach to this submission.

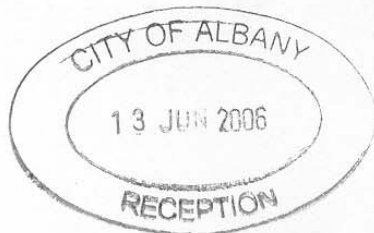
As you can see on the site plan this additional shed will take up a very small portion of the land, be well screened & have minimal impact .

I therefore request that a policy relaxation be recommended.

Yours Sincerely



Roger Thurecht  
15 Kurannup Rd  
Bayonet Head  
Albany 6330



**DEVELOPMENT SERVICES REPORTS**

**11.1.6 Development Application – Commercial (Pylon Sign) - Lot 9000 Chester Pass Road, Lange**

**File/Ward** : A193758 (Yakamia Ward)

**Proposal/Issue** : Commercial (Pylon Sign)

**Subject Land/Locality** : Lot 9000 Chester Pass Road, Lange

**Proponent** : Kim Bevilaqua

**Owner** : King Open Pty Ltd

**Reporting Officer(s)** : Planning Officer (I Humphrey)

**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation** : Refuse Application

**Bulletin Attachment** : Nil

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

**BACKGROUND**

1. An application has been received for a main pylon sign for the Catalina retail centre that was approved by Council on the 6 November 2003. A previous planning approval on the site (for 5 signs including two pylon signs) was issued on the 29 August 2003 (P235253). That application was presented to Council due to the issue of the roof signs included within the application; the pylon signs however conformed to the City's Sign Bylaws. All the signs were approved.

**STATUTORY REQUIREMENTS**

2. The proposed development is not included under Part 5.1.2 (Permitted Development) of Town Planning Scheme 3; therefore a formal planning application is required.

**POLICY IMPLICATIONS**

3. There are two documents that have relevance to this application being the Sign Bylaws No13 and the Catalina Central Planning Framework, incorporating the Catalina Central Structure Plan (CCSP), Precinct 1 – Precinct Plan, Precinct 2 – Precinct Plan and Design Guidelines.

Local Sign Bylaws No13

*Bylaw 18, section (1) states that a pylon sign shall:*

- a. *not have any part thereof less than 2.75metres or more than six meters above the level of the ground immediately below it;*
- b. *Not exceed 2.6 metres measured in any direction across the face of the sign or have a superficial area than 4 square metres.*

4. The proposed sign is 12.5 metres high and with sign panels at 2.4 metres wide, clearly does not comply with the above bylaws.

Catalina Central Planning Framework

5. This document states that under section 5.0 Design Guidelines, 'Signage, Design consideration', that:

- *Pylon signs shall not be permitted due to the proximity and availability of building facades to display corporate signage;*
- *The exception is any combined centre signs established by the developer in the locations identified within Plan 3 (copy attached). These signs may exceed the height limit set for buildings;*
- *Signage shall comply with City of Albany Local Laws and Policies.*

6. The building height is set under 'Height and Design in Landmark Locations, Design consideration' which states:

- A benchmark height restriction of 9 metres shall apply over the area covered by the CCSP;
- Council at its discretion may permit a building height in excess of 9 metres for portions of a landmark site situated at the locations nominated on the landmark site (as shown on Plan 1, copy attached), subject to compliance with the rationale. However, no part of a landmark building shall exceed 12m in height.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

7. The pylon sign is located within an acceptable location under Plan 3 as set out under the structure plan. However the proposed site of the sign is not identified as a landmark site under the structure plan (Plan 1). Therefore, the benchmark height restriction of 9 metres applies.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

- *Being the regional retailing and services hub*

***Mission Statement:***

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

- *providing sound governance*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

10. The proposed sign is clearly over the height limit set out under the Local Sign Bylaws at 6m and has a superficial area greater than 4sqm. The Catalina Central Structure Plan (CCSP) requires signage to comply with Council’s Local Laws and Policies. The CCSP does state that a correctly sited pylon may exceed the height limit for buildings, which implies that it is at Council’s discretion. The benchmark building height set by the Structure plan is 9m, with a provision of up to 12m in landmark sites. However the pylon sign is not within an approved landmark site and thus a ‘maximum’ 9m height limit would apply.
11. The only justification for the height of the pylon has been verbal with the applicant, who stated a larger sign should be permitted for this regional/sub-regional centre. However, currently the site is only a neighbourhood centre, similar to that at North Road and Spencer Park Shopping Centres, although larger in floor space. Under the Albany Local Planning Strategy (ALPS) it states ‘Farm Fresh/Brooks Garden has the potential to be a sub-regional centre’, which implies it could become one in the future. The State Government’s Liveable Neighbourhoods document states that, sub regional centres should include non-retail commercial, services businesses, medical centres and community service employment.
12. The site is not a regional/sub-regional centre, and no relevant justification has been submitted as to why the Council should permit a sign that exceeds the height limit set out under the current Sign Bylaws. The area at present is relatively uncluttered and a 6m high pylon sign should be sufficient to indicate the site with minor exceptions, all other signs in the City are lower than 6.0m in height.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

13. Worthy of note is that the sign would also not comply to the current draft sign policy, and for consistency the height of the sign should be taken from natural ground level, as was imposed on the Target pylon sign at Council.

**RECOMMENDATION**

THAT Council support the issuing of a Refusal of Planning Scheme Consent for a Commercial (Pylon Sign) at Lot 9000, Chester Pass Road, Lange, for the following reasons:

- i) the proposal is inconstant with the City of Albany Signs Bylaw No13 and the Catalina Central Planning Framework as implemented under the power of Town Planning Scheme 3.

*Voting Requirement Simple Majority*

.....

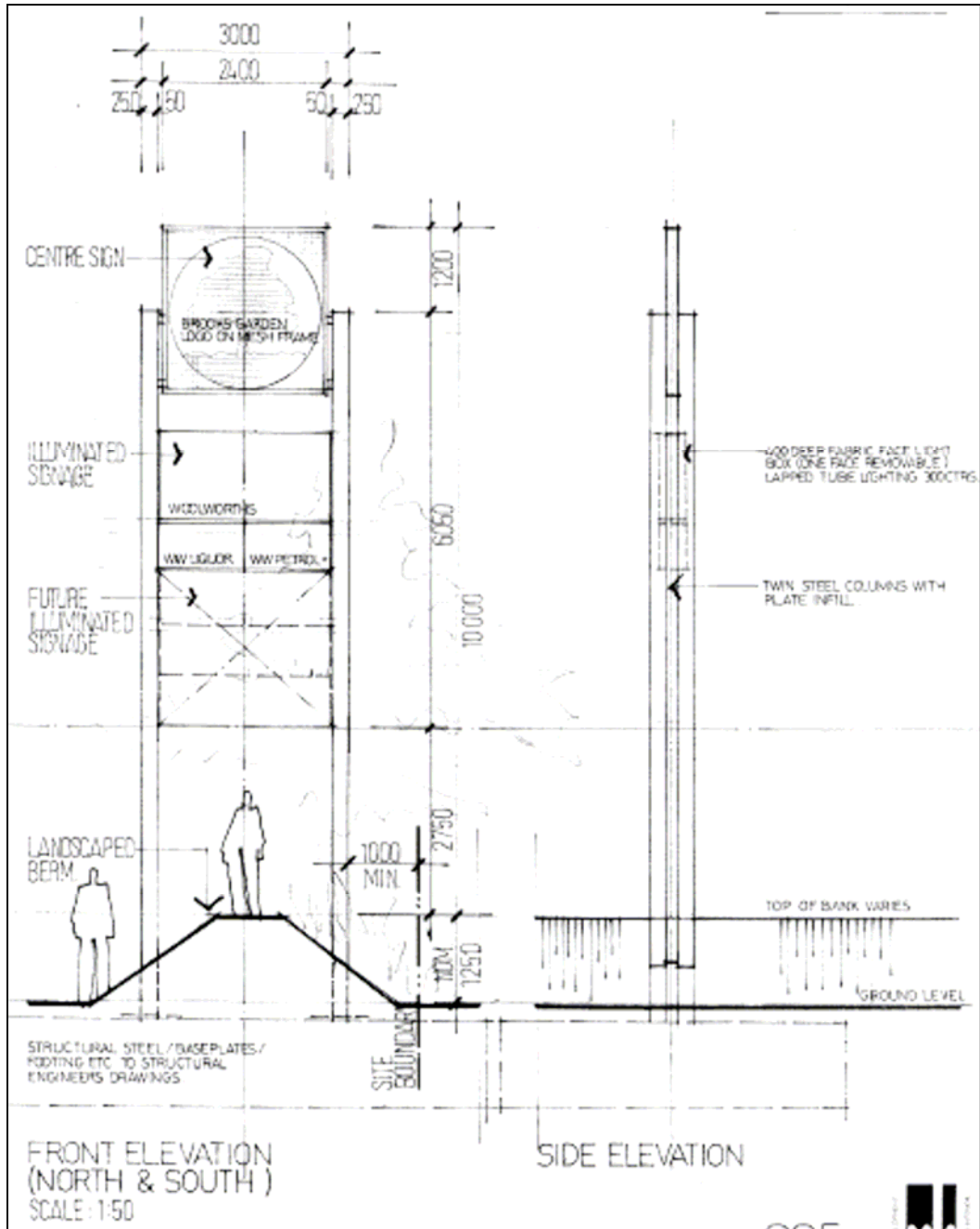
**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WISEMAN**

**THAT Council support the issuing of a Refusal of Planning Scheme Consent for a Commercial (Pylon Sign) at Lot 9000, Chester Pass Road, Lange, for the following reasons:**

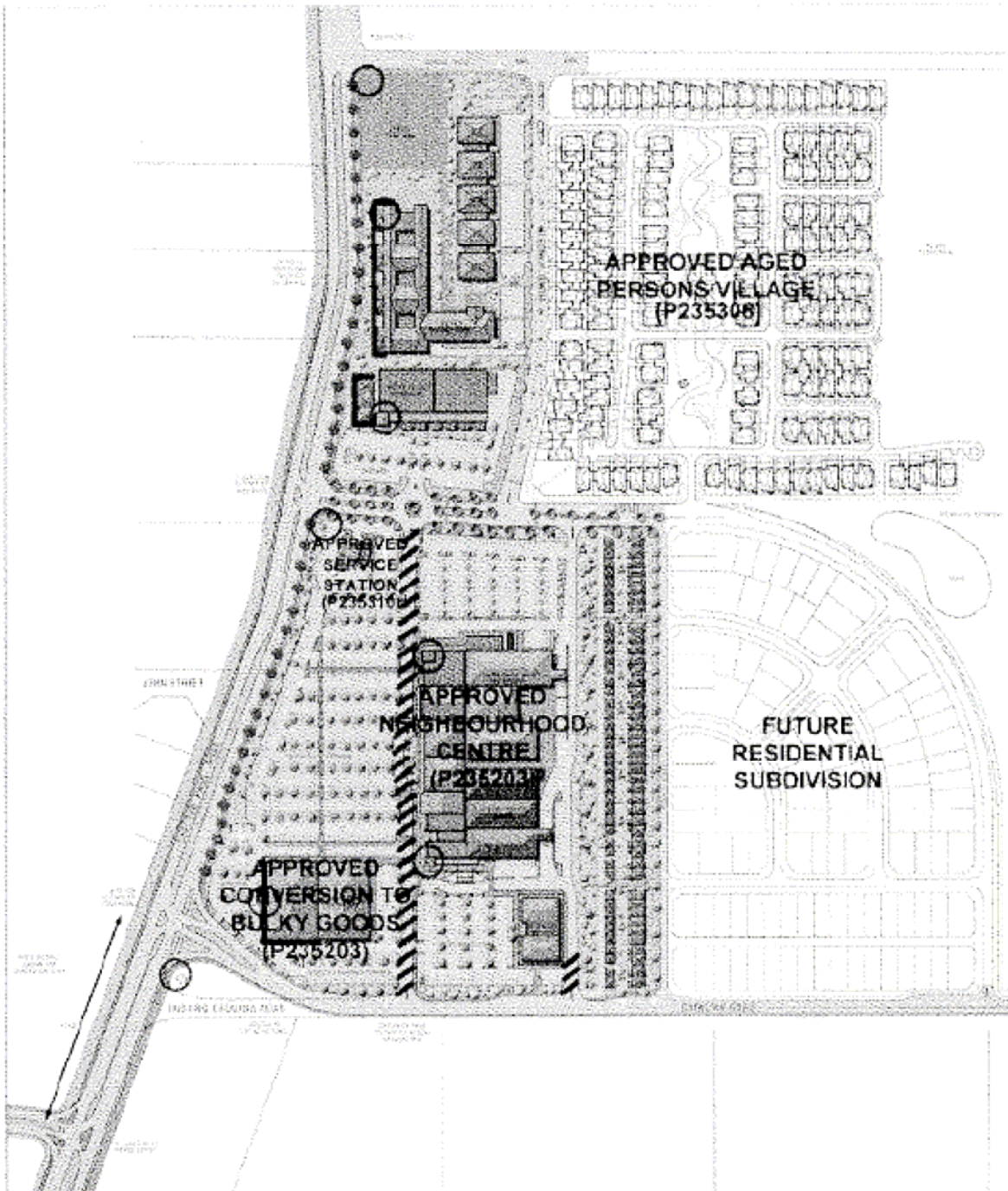
- i) the proposal is inconsistent with the City of Albany Signs Bylaw No13 and the Catalina Central Planning Framework as implemented under the power of Town Planning Scheme 3.**

**MOTION CARRIED 12-0**




Item 11.1.6 continued

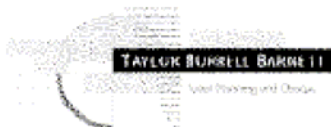


Item 11.1.6 continued



SCALE 1:4000 @ A4

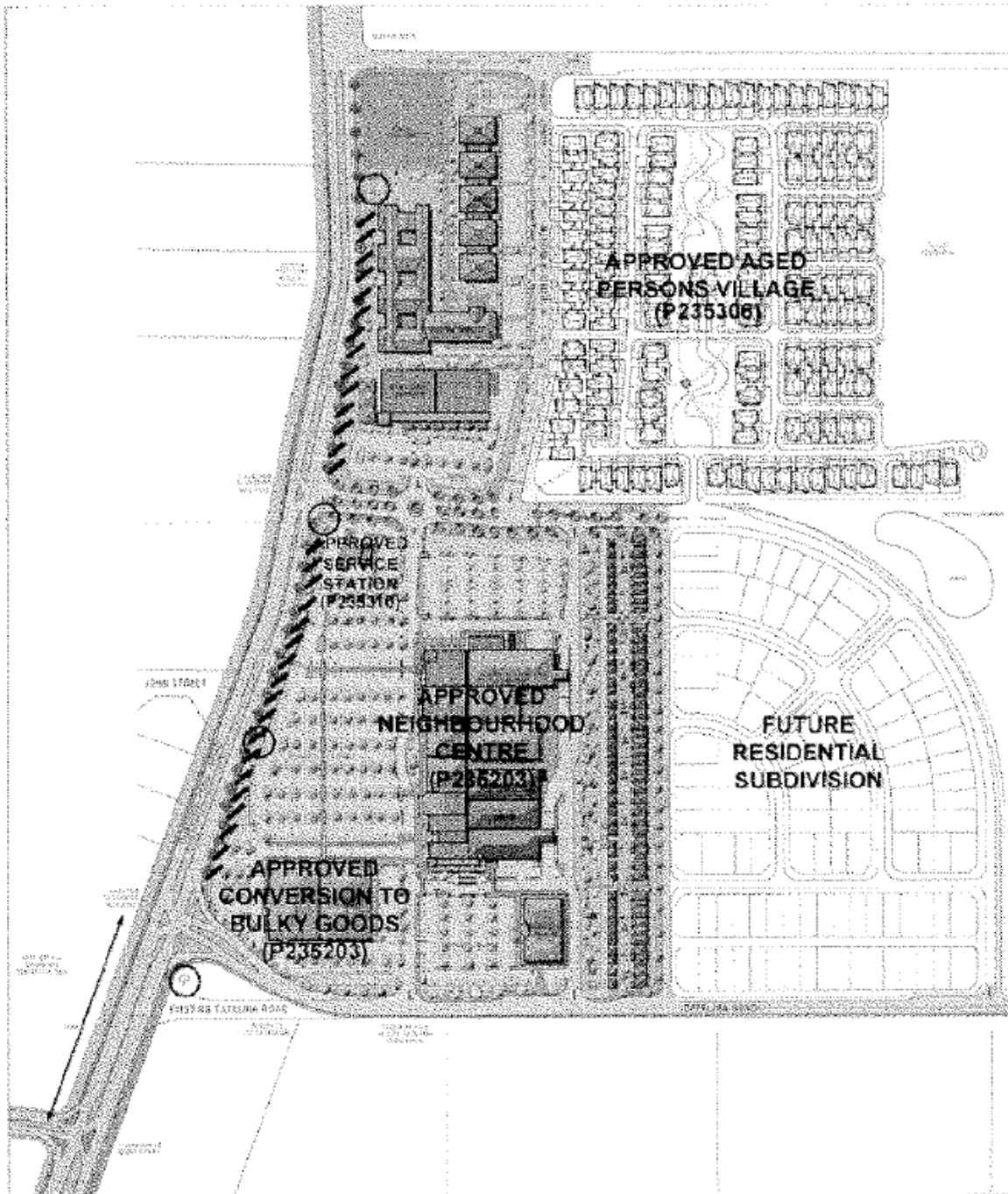
-  OPPORTUNITIES FOR REDUCED SETBACKS
-  LANDMARK LOCATIONS
-  POSSIBLE EASEMENT IN GROSS



**Catalina Central**  
 OPPORTUNITIES

PLAN 1

Item 11.1.6 continued



SCALE 1:4000 @ A4



LANDSCAPE BUFFER MINIMUM 10 METRES IN WIDTH UNLESS OTHERWISE APPROVED BY COUNCIL

LOCATION OF COMBINED SIGNAGE

NOTE: CARPARKING IS EXCLUDED FROM THE LANDSCAPE BUFFER AREA UNLESS OTHERWISE APPROVED BY COUNCIL



**Catalina Central**  
 LANDSCAPE BUFFER

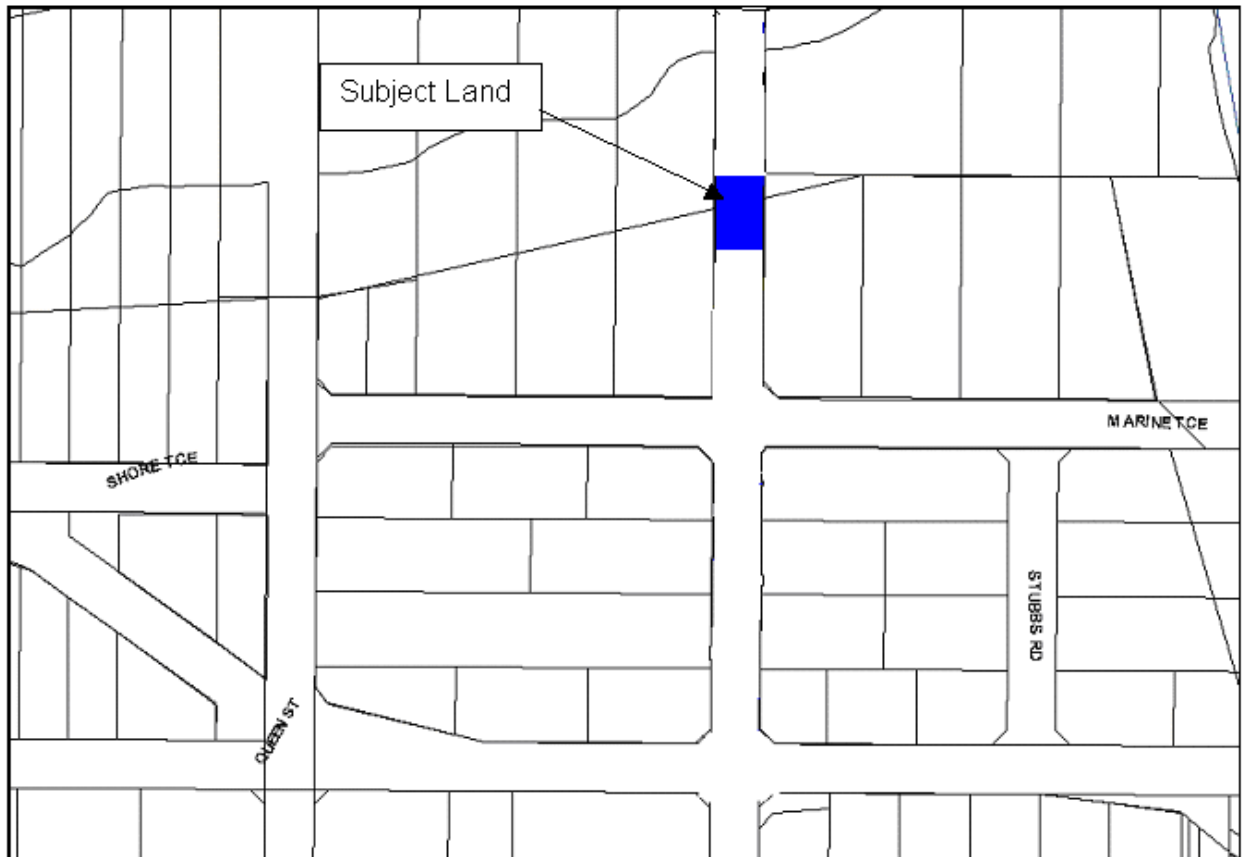
PLAN 3



**DEVELOPMENT SERVICES REPORTS**

**11.1.7 Road Closure – O’Connell Street (North), Little Grove**

<b>File/Ward</b>	:	SER 088 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Request to close a section of road
<b>Subject Land/Locality</b>	:	O’Connell Street (North), Little Grove
<b>Proponent</b>	:	Water Corporation
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/04/06 - Item 11.4.4
<b>Summary Recommendation</b>	:	Council support the closure of the section of road subject to modifications.
<b>Bulletin Attachment</b>	:	Letters of comment
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

**BACKGROUND**

1. The Water Corporation has requested that Council support the closure of a portion of O'Connell Street (North), Little Grove. The section of closed road to be vested in the Water Corporation for the purpose of a "Drainage Reserve". O'Connell Street (North) is partly vegetated and also has an all weather track to a navigation beacon at the northern extremity of the road reserve.
2. The application was referred to the Council meeting dated 19 April 2006 where it was resolved to:  
  
*"advertise its intention to close a portion of O'Connell Street pursuant to Section 58 of the Land Administration Act 1997."*
3. The Water Corporation has consulted with the Port Authority and is proposing to provide physical access and easements for power to the navigation beacon. The proposal was advertised in the local newspaper and letters were sent to the surrounding landholders. The two adjoining landowners have raised their concerns over the loss of potential access to the rear of the properties upon the closure of the gazetted roadway.
4. Staff contacted the Water Corporation and highlighted the need to provide legal and physical access available to all parties, including the public. The Water Corporation advised that it is prepared to make restricted access available for other government authorities via the use of a key to boom gates. However, the Corporation does not want the proposed pump station site used as a vehicle thoroughfare by the public due to the increased potential for damage to the utility. It is proposed not to fence off the area and the Corporation has advised that the opportunity for pedestrian access would still remain.
5. Staff have spoken to adjoining landowners to clarify their concerns in relation to the location of the proposed drainage reserve and pump station. The actual section of road to be closed remains unclear and the neighbours are concerned that their capacity to subdivide in the future may be compromised. If the road is completely closed, access to the rear of the adjoining lots will only be available via battle-axe-access legs off the constructed portion of O'Connell Street.

**STATUTORY REQUIREMENTS**

6. Under Section 58 of the *Land Administration Act 1997*, Council must advertise its intention to close a road in the local newspaper and advise adjoining landowners and public utilities that they can comment on the proposal within 35 days. Council is then required to consider any objections regarding the request to close the road, and resolve to either close the road or not proceed with the closure action.
7. The advertising process has been completed in accordance with the *Land Administration Act 1997*.

**POLICY IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

- *Excellent community infrastructure and services;*

***Mission Statement:***

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

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

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

11. The proposed “Drainage Reserve” is to be excised from the road reserve to provide property tenure to a sewer pump station with effluent storage tanks placed underground and electrical cabinets above ground. A large, underground “overflow” storage systems will be built adjacent to the pump station, within the existing road reserve and that system can remain within the road reserve.
12. In order to develop the sewer infrastructure, the Corporation requires land tenure to be secured over the development area and the existing two-wheel track to be upgraded to a bitumen seal standard.
13. The reservation and pump station development has created some concerns for the neighbouring landowners over the potential loss of access to the rear of their properties. Staff believe that access can still be accommodated to the rear of the properties if their land is subdivided, either via battleaxe-access lot configuration or with direct property frontage to O’Connell Street.
14. In more detailed discussions with Corporation staff, it was apparent that the actual area occupied by the sewer pump station is substantially less than the area identified in the plan forwarded to Council for consideration (copy attached). The extent to which the area of road closure can be constrained has not been fully explored with the Corporation, however there would be considerable advantage gained if only half the width of the road reserve was to be closed; the section remaining open would provide legal road frontage to potential lots created from the adjoining property, it would retain public (rather than restricted private) access to both the navigation light and the foreshore reserve at the northern extremity of O’Connell Street.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

RECOMMENDATION

THAT Council pursuant to Section 58 of the Land Administration Act 1997 resolves to support the closure of that section of 'O'Connell Street (North)' shown on the amended road closure plan, for the purpose of 'Drainage Reserve'.

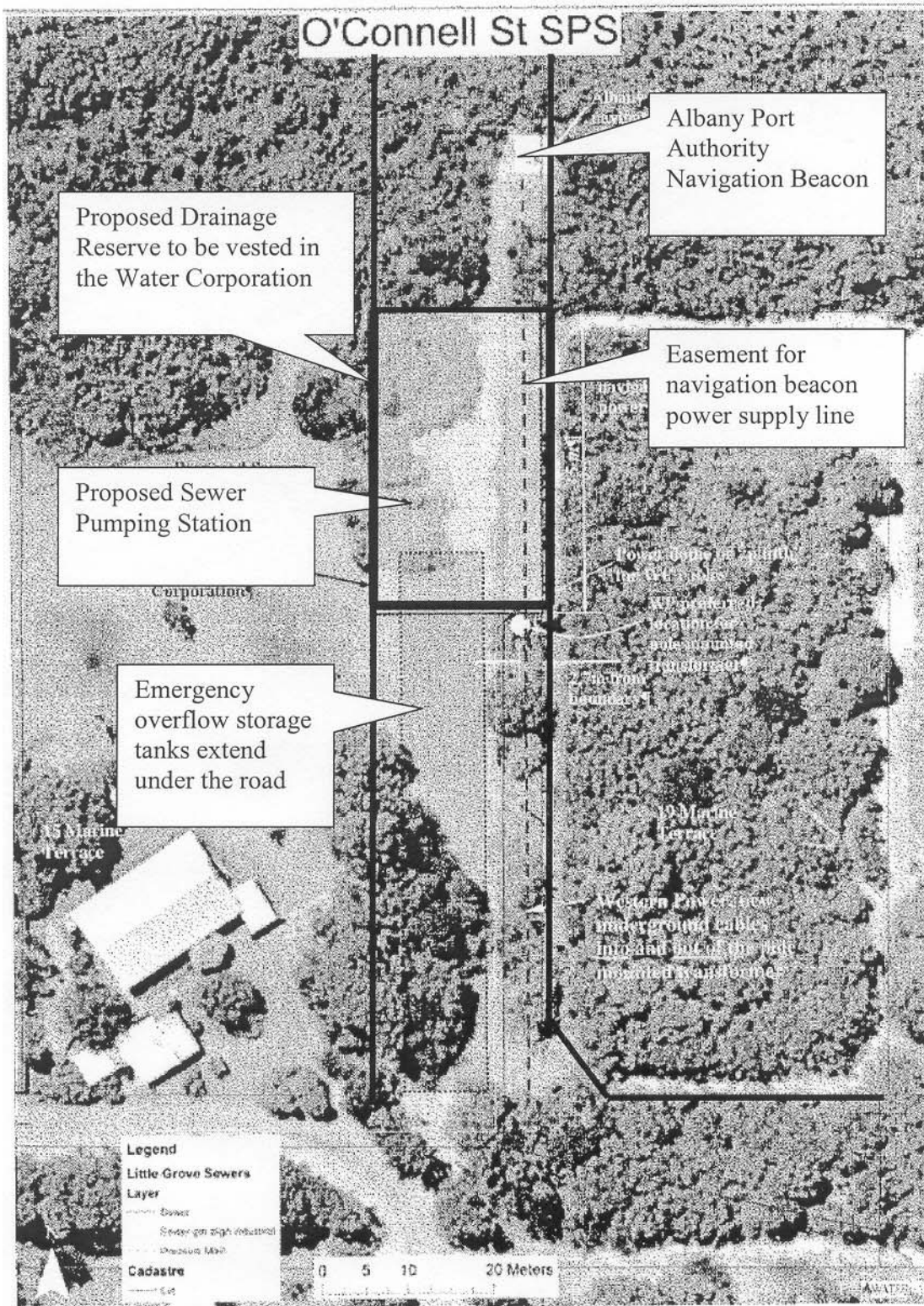
*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR MARSHALL SECONDED COUNCILLOR PAVER</b></p> <p><b>THAT Council pursuant to Section 58 of the Land Administration Act 1997 resolves to support the closure of that section of 'O'Connell Street (North)' shown on the amended road closure plan, for the purpose of 'Drainage Reserve'.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 12-0</b></p>
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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued



Western Power transformer location and power supply layout agreed on site with Ray Potter 11 November 2005.

S:\ProjMgmt\Project\OC-S00771 Albany Little Grove\3C-1-Communications-PTW Vol1-AuthoritiesandOrganisations\Western Power\LowRes image - O'Connell St Pumping Station - WP transformer site.doc  
Printed on Wednesday, 23 November 2005 at 12:02

**DEVELOPMENT SERVICES REPORTS**

**11.2 HEALTH, BUILDING & RANGERS**

**11.2.1 Modification to Parking Arrangements – Frederick Street, Albany**

<b>File/Ward</b>	:	SER 115 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Parking arrangements in Frederick Street
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	D Titterton
<b>Owner(s)</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Manager Planning & Rangers (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Parking Arrangements be Modified
<b>Bulletin Attachment</b>	:	Submissions from adjacent businesses
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**BACKGROUND**

1. Correspondence has been received from the proprietor of Valiant Drycleaners (Mr Titterdon) requesting Council's support to modify parking arrangements within Frederick Street. The request involves the conversion of a 15 minute parking bay to a 5 minute bay opposite the dry cleaning business and the review of the number of 2 hour parking bays within the Street.
2. The proponent has provided the following reasons for the request:
  - Numerous vehicles park within the 15 minute bay for longer than 15 minutes, leading to a lack of convenience parking for clients.
  - Many clients are aged, some with disabilities, and when carrying loads of bedding, doona's and blankets often need assistance from staff.
  - The lack of drop-off and pick-up parking means that customers and couriers often park illegally on the footpath and in other dangerous locations adjacent to the building.
  - 5 minutes is a sufficient period for customers to drop-off or pick up their items.
  - Surrounding businesses are concerned with a lack of 2 hour parking bays on Frederick Street.
3. Frederick Street, between Aberdeen Street and Spencer Street has the following parking arrangements (please refer existing parking plan attached to the rear of this report – Attachment A):
  - 1 x 15 minute car parking bay (north side of road);
  - 6 x 2 hour car parking bays (north side of road); and
  - 25 x unlimited bays (north and south of road).
4. On the advice of Staff, the proponent has provided correspondence from surrounding businesses (a copy of the correspondence is attached in the Elected Members Report / Information Bulletin).

**STATUTORY REQUIREMENTS**

5. Clause 3.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:

*"3.1 The local government may by resolution constitute, determine and vary and also indicate by signs - :*

- (a) parking stalls;*
- (c) permitted time and condition of parking stalls...which may vary with the locality;*
- (e) permitted classes of persons who may park in specified parking stalls.; and*
- (f) the manner of parking in parking stalls...."*

**POLICY IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**FINANCIAL IMPLICATIONS**

7. The cost of erecting new signs will be funded from existing budgets.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision***

*A thriving city; Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:*

- *Excellent community infrastructure and services*

***Mission Statement***

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

- *Providing sound governance*

***Priority Projects***

*Nil.”*

**COMMENT/DISCUSSION**

9. A survey of local businesses that may be affected by Mr Titterdon’s request produced the following comments:

- A 5 minute parking bay to accommodate the business arrangements of valiant drycleaners and the adjacent Chinese restaurant was supported.
- There was a need for an additional short-term bay (being 15 minutes) to allow customers of Frederick House to drop-off documents.
- The need to retain 2 hour parking bays, and convert a proportion of the unlimited bays into 2 hour bays to accommodate meetings within Frederick House.

**Five Minute Bay**

10. There are currently 3 bays within the City of Albany that are signposted as 5 minute bays. These bays are located outside of the Albany Regional Day Care building on Collie Street to accommodate parent’s dropping off, and picking up their children.
11. The sign-posting of 5 minute bays is generally discouraged by Staff, as they are difficult and time intensive to enforce, are more likely to be contravened, and attract unrealistic expectations from surrounding shop owners. A parking restriction sign would be adhered to by most drivers, and is expected to assist in alleviating a parking shortage for drop-off/pick-up purposes.
12. The nature of the drycleaning operation is that customers are required to carry clothing and items to be cleaned to and from their vehicle with little or no waiting period applying. From the advice received from the proponent, it is anticipated that a 5 minute time period would be sufficient to allow customers time to access the dry cleaning service, without contravening Council’s parking local law.
13. It is recommended that the bay be supported, subject to the proponent being made aware that enforcement of the bay will be on a rotational basis in line with Council’s parking patrol regime and other competing inspection priorities.



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

Parking Arrangements (Frederick Street)

14. Staff have reviewed the surrounding parking arrangements in Frederick Street and believe that the conversion of a 2 hour bay into a 15 minute parking bay adjacent to Frederick House, and the conversion of 8 unlimited bays into 2 hour bays on the south-side of Frederick Street will provide improved parking availability in the area. Even with the conversion of 8 unlimited bays, 17 bays within Frederick Street will remain unlimited, providing opportunities for residents or employees to occupy these bays for longer periods. A copy of the proposed parking plan is attached to the rear of this report (Attachment B).
15. Lincoln's accounting firm (a tenant within Frederick House) expressed concern that paid parking may be introduced within the Lifestyle Centre car park (adjacent to the old Harris Scarfe building), which would in turn place additional pressure on Frederick Street parking. Staff are not aware of any plans to introduce paid parking within the above mentioned car park/ The City has recently agreed to patrol this car park and paid meters would not be acceptable under the current arrangement.

RECOMMENDATION

THAT Council

- i) pursuant to Clause 3.1 of the City of Albany's Parking and Parking Facilities Local Law 2001, resolves to:
- a) change the existing parking arrangements in Frederick Street as per the proposed parking plan attached within this report (Attachment B);
  - b) erect signage accordingly; and
  - c) advertise the restrictions;

AND

- ii) advise the proponent that enforcement of the 5 minute parking bay will be on a rotational basis in line with Council's parking patrol regime and other competing inspection priorities.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR WATERMAN**

**THAT Council**

**i) pursuant to Clause 3.1 of the City of Albany's Parking and Parking Facilities Local Law 2001, resolves to:**

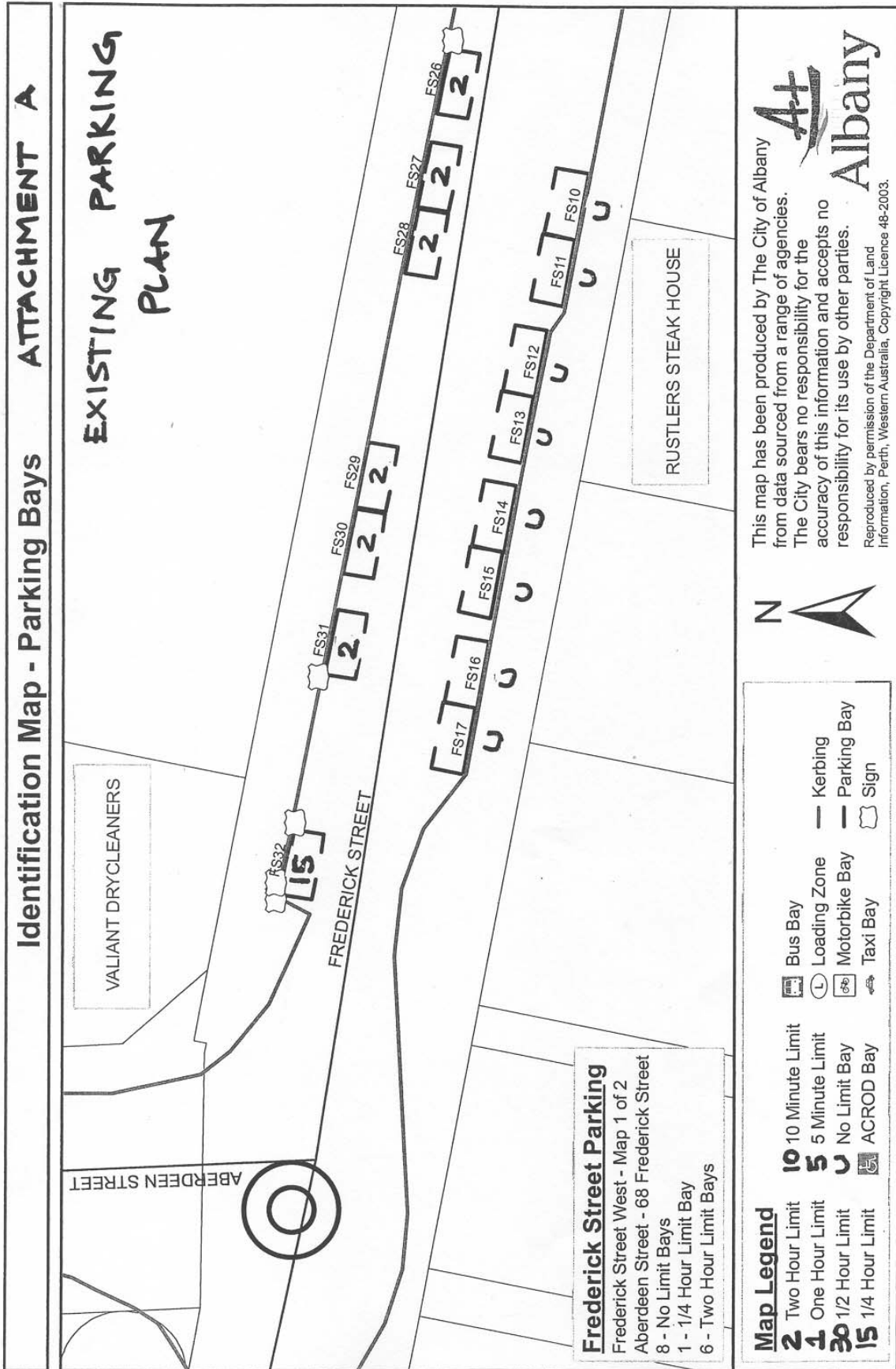
- a. change the existing parking arrangements in Frederick Street as per the proposed parking plan attached within this report (attachment B);**
- b. erect signage accordingly; and**
- c. advertise the restrictions;**

**AND**

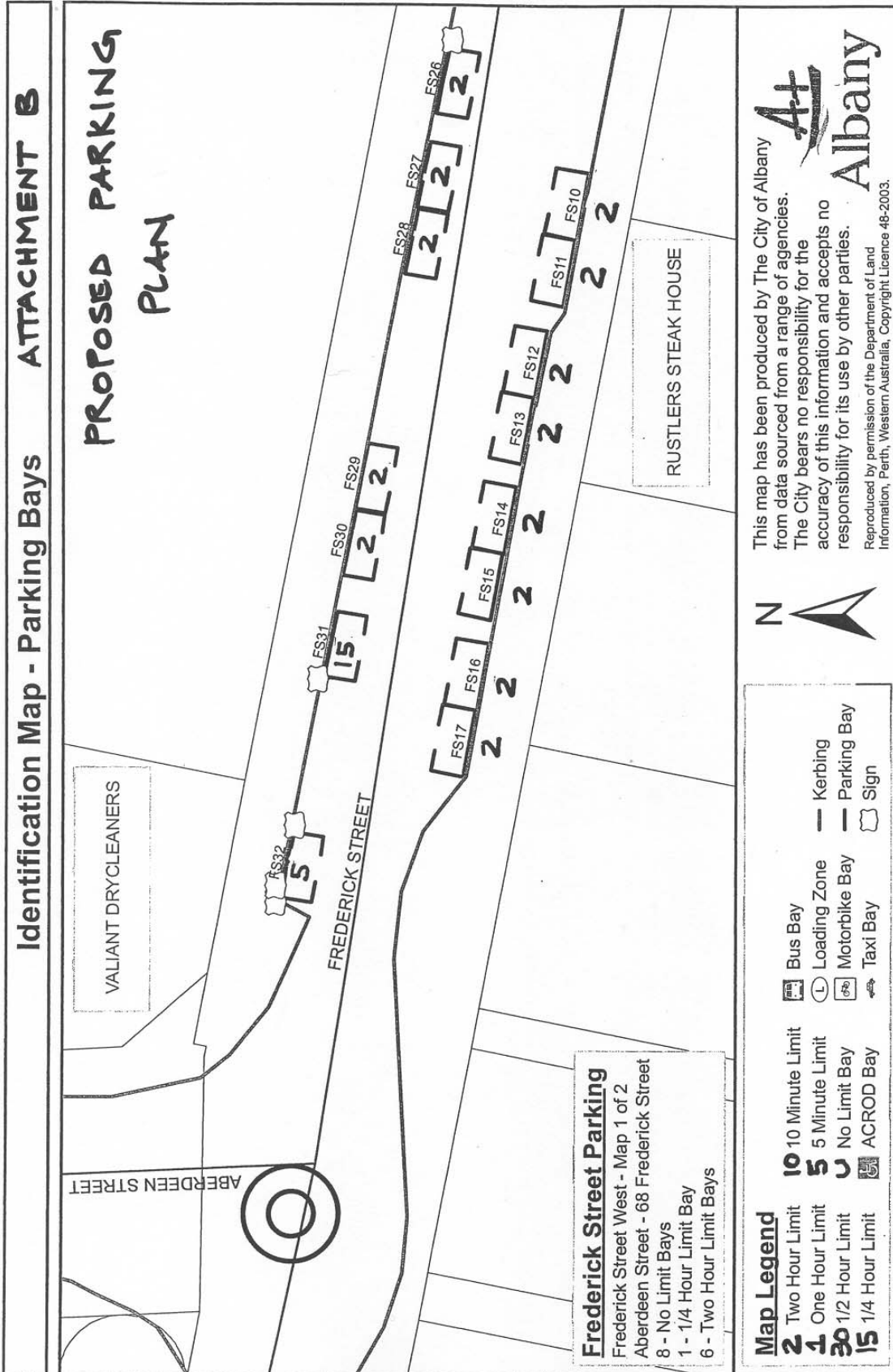
**ii) advise the proponent that enforcement of the 5 minute parking bay will be on a rotational basis in line with Council's parking patrol regime and other competing inspection priorities.**

**MOTION TIED 6-6  
MAYOR HAD CASTING VOTE  
MOTION CARRIED 7-6**

Item 11.2.1 continued



Item 11.2.1 continued



**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Modifications to Policy – Residential Activities within Tourism Sites**

<b>File/Ward</b>	: STR 103, STR 127 (All Wards)
<b>Proposal/Issue</b>	: Review Existing Guidelines on Residential Components Within Tourism Sites.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Modify Policy
<b>Bulletin Attachment</b>	: Amended Residential Activity on Tourism Sites Policy
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. Attached to this item is a copy of Council's "*philosophy when dealing with applications for tourism projects throughout the City of Albany*".
2. Council has recently received applications from the owners of land at Barry Court and adjacent to Frenchman Bay Road to construct large developments on sites zoned for tourism activities.
3. Developers are continually seeking to incorporate a "residential" component within their development to provide the necessary cash flows to undertake the development of the project. That requirement lead to the introduction of Council's philosophy on assessing an appropriate level of residential activity. New tourism developments (of a substantial size) are almost exclusively strata titled from the outset and each unit is privately owned but managed as part of the overall site.
4. The developers of the Barry Court site are seeking to create a development almost entirely of a residential nature and the Frenchman Bay project developers will be seeking approval to increase the residential component beyond limit noted in the current guideline.

**STATUTORY REQUIREMENTS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**POLICY IMPLICATIONS**

6. The Ministerial Taskforce to the Minister for Planning and Infrastructure released a draft report in July 2003, entitled “*Investigation of the Impact of Combining Tourist and Permanent Residential Accommodation on Tourist Zoned Land and the Impact of Strata Titling.*” A copy of the executive summary of that report has been distributed independently to Councillors.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

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

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

**Mission Statement:**

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

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

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

9. In the Ministerial Taskforce’s report, amongst the many conclusions reached, are the comments;
- *On balance it is considered that there are detrimental implications associated with allowing a mix of tourist and permanent accommodation on tourist zoned land, where there is an inherent tourist value and/or is one of a limited number of development opportunities in the locality (i.e. a strategic tourist site); and*
  - *The financial justification put forward by developers are generally considered valid in respect to project initiation, reflecting the conservative position of lending institutions for tourist developments. The introduction of a residential component to achieve project initiation was not however accepted as necessarily being in the best interest of the resulting tourism product, the ongoing sustainability of a project, or in benefiting the overall tourism industry.*

**DEVELOPMENT SERVICES REPORTS**

## Item 11.3.1 continued

10. Not unreasonably, the report is focussed on the optimal outcome from the tourism industry perspective, but it identifies the very problem of reconciling the financial difficulties faced by developers (either the final operator or a private individual / company) in progressing developments in a very competitive and often uncertain market place. The developer often requires a large site, in a location that suits their marketing requirements and that site should ideally be zoned for immediate development.
11. Council is often confronted with the current owner of a prime tourism site, or a developer who has purchased the land as an investment, claiming they are left to “hold” the land for long periods of time. Within the entire State, only one or two new tourism projects are undertaken each year and those projects have historically been in proven tourism markets (eg. south west). Frustration by those landowners often leads to the sites being subdivided or sold at a reduced price and then developed with smaller scale tourism products.
12. Council’s guidelines were created following a visit of south west Local Authorities and meetings with policy makers in the metropolitan area by Council staff. The Task Force’s report was made public shortly after the guidelines were developed.
13. The majority of the principles contained in the guidelines remain valid. However, point three needs to be further examined, in light up the upcoming projects at Collingwood Park and Frenchman Bay. An understanding needs to be developed on what is a “prime” tourism site, to which the tighter residential restriction should apply. The simple relationship of the site to a water feature is an inappropriate and crude determinant of whether a site is “prime”.
14. The Barry Court development area was excised from the Albany Golf Club reserve in the late 1980s, as a 3.6ha site, on the understanding that a “country club” tourism development would immediately be built on a newly created freehold title. It was anticipated that, on an adjacent freehold site (also excised from the reserve) the Albany Golf Club would build a new clubhouse to complement the tourism site. The delays in creating the land, plus a change in the nation’s economic situation resulted in the tourism developer abandoning the project and the site sat idle for several years. The Albany Golf Club actively canvassed tourism developers, without success and the land was ultimately sold to Erujin Pty Ltd. That developer obtained Council approval to create 19 medium density housing site at the eastern extremity of the development to finance the extension of roads and services into the site (to make it more attractive for a major tourism developer). With the efflux of time, the balance of the land was subdivided by Erujin Pty Ltd and several short stay accommodation units have been developed on lots sold to smaller investors / operators. The remaining land (a site of 6100m<sup>2</sup>) has been promoted to several tourism operators who are now interested in investing in Albany and it is seen as totally unviable. A consortium of local investors has now purchased the land and the consortium wishes to use it primarily for permanent residential purposes (the capacity for strata owners to rent their units will remain).
15. The Frenchman Bay site has an area of 3.2ha and a substantial tourism development is before Council. The developer will be seeking Council approval to identify a substantial percentage of the units within that development as being available for permanent living (with the option of them also being managed as short stay units). This site immediately adjoins a coastal reserve and, as a “prime” site, would be restricted to a maximum 10% residential component.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

16. The concept of what constitutes a “prime” tourism site is dependent upon a number of variables, including;
  - Land size;
  - Location (urban / remote / peri urban);
  - Availability of supporting infrastructure;
  - Development controls affecting land; and
  - Market forces (current and future).
17. A 1.0ha zoned tourism site within the Albany Waterfront development is a prime site (close to CBD, fully serviced, capable of supporting a medium sized hotel development). A similar site at Barry Court would be marginal, given the site is more remote to services, on-site recreation facilities would need to be built, etc. A similar site at Frenchman Bay would be ignored by major tourism operators. Each of these examples would be considered under Council’s guidelines as having the capacity to incorporate 10% residential activity.
18. The Minister’s Task Force report suggests that Council needs to make a more informed decision on which sites should be given iconic status. Council then needs to determine the level, if any, of residential activity it supports upon its tourism sites, reconciling the conflicting demands of current owners, developer and community expectations, future tourism requirements and economic reality. An amended policy is included in the Elected Members Report / Information Bulletin.
19. It should be noted that numerous ‘conventional residential lots’ at Middleton Beach are also included in the Tourist Residential Zone. Those lots are used exclusively for residential purposes and the policy needs to acknowledge those lots.

**RECOMMENDATION**

THAT Council adopt the draft policy, entitled “Residential Activity on Tourism Sites”, as a policy pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A and clause 6.9 of the City of Albany Town Planning Scheme 3 for the purposes of advertising the draft policy.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council adopt the draft policy, entitled “Residential Activity on Tourism Sites”, as a policy pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A and clause 6.9 of the City of Albany Town Planning Scheme 3 for the purposes of advertising the draft policy.**

**MOTION CARRIED 8-4**

For the motion: Councillors Marshall, Paver, Jamieson and Emery

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**Council Adopted Guidelines:**

THAT Council adopts the following philosophy when dealing with applications for tourism projects throughout the City of Albany:

- Council not support requests for the conversion to freehold of those Crown reserves throughout the City of Albany over which Council maintains the management order and the reserve is leased to private individuals for the purpose of developing and operating tourism activities.
- The terms “short stay” and “tourism accommodation” shall mean any residential activity where an individual person/family does not occupy the premises for more than 3 months in any 12 month period, whether that period is consecutive or intermittent.
- Prime tourism sites are those freehold, zoned land parcels which front, or are only separated by a coastal and/or road reserve, the coast or Albany’s harbours.
- The percentage of residential units in a tourism development should be inversely proportionate to the tourism value and prime nature of the site with maximum percentages of 10% for prime sites and 50% for less attractive locations. The residential units should be evenly distributed throughout the site (with no accumulation of residential units along particular frontages, or the development of residential enclaves).
- Where residential units are being mooted within a tourism site, the subject land must be connected to a reticulated sewer system operated by the Minister for Water Resources.
- Where units within tourism sites are to be sold to investors, the transfer of ownership should only be by way of a built strata and no strata clearances should be supported by Council until the resort infrastructure (restaurant, landscaping, recreational facilities, etc) has been completed in accordance with the approved plans.
- Council advise the West Australian Planning Commission that it will not generally support any request from developers to subdivide tourism sites to create freehold or vacant survey allotments.

When considering requests from landowners to rezone sites for tourism projects, the sites be zoned “Tourism Development” and appropriate clauses be inserted into the Scheme(s) requiring the preparation of an outline development plan for the site prior to any development being approved by Council.



## DEVELOPMENT SERVICES REPORTS

**11.3.2 Local Planning Policy – Signs, Hoardings and Billposting**

<b>File/Ward</b>	:	MAN 052 (All Wards)
<b>Proposal/Issue</b>	:	Introduce new policy to control signage on private land
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owners</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/03/06 – Item 11.3.1 OCM 16/05/06 – Item 11.3.3
<b>Summary Recommendation</b>	:	Adopt Signage Policy
<b>Bulletin Attachment</b>	:	Proposed Signage Policy
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At it's meeting dated 21 March 2006 Council resolved as follows:

*“THAT Council resolves to;*

- i) adopt the draft policy titled ‘Local Planning Policy – Signs, Hoardings and Billposting’ for public comment pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.”*
2. The draft local planning policy was referred to a number of stakeholders, inclusive of real estate agents, sign writers and building companies and placed on advertising for 3 weeks. At the close of the advertising period, 3 submissions were received.
  3. At it's meeting dated 16 May 2006, a report was tabled for Council deliberation but was subsequently withdrawn by the Executive Director Development Services. The report was withdrawn to allow a representative of the signage industry (Mr Kevin Organ of Eyerite Signs) to brief Council, via a concept briefing session, on his concerns with some aspects of the draft policy.
  4. Staff have undertaken additional consultation with Mr Organ, inclusive of a signage tour, to discuss the merits of each signage type. During the consultation exercise it became evident that the size of a sign should be linked to the setting and location of the property. Where modest signage is appropriate in the CBD, larger signage within industrial areas could be accommodated without any detrimental impact on amenity.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

5. Staff have made several modifications to the policy which are discussed in detail in the comment section. Mr Organ has advised that a briefing session is no longer required, given the modifications made to the Policy address the majority of his concerns.

**STATUTORY REQUIREMENTS**

6. Council has the power to create planning policies under Section 7.21 of Town Planning Scheme No. 1A and Section 6.9 of Town Planning Scheme No. 3.
7. As the advertising period is closed, Council will need to resolve either to pursue the policy, with or without modification, or resolve not to support the policy.

**POLICY IMPLICATIONS**

8. An existing policy titled '*Local Planning Policy – Signs, Hoardings and Billposting*' was adopted in June 2003. If Council adopts the revised policy, this policy will need to be rescinded.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

- *innovative development complementing Albany’s unique character, natural environment and heritage.*

***Mission Statement:***

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

- *providing sound governance*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

11. Staff have made the following modifications to the Policy, since it was presented to Council in May:

General

- Deleted reference to a ‘hoarding sign’ and replaced it with a ‘wall sign’ with new standards.
- Deleted reference to a ‘wall panel’ and replaced it with an ‘information panel’ with same definition and standards.
- Exempted car-parking signs on private land erected by the local government or where Council has agreed to patrol a car park on behalf of a private landowner.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

- Deleted reference to 'visual pollution' in Clause 2.3 (acceptable deviation) as the same clause requires that a sign is not to be in conflict with the amenity of an area.

Development Signs

- Divided 'development signs' into two distinct categories, being established and new estate areas recognising that the careful positioning of development signs plays a key role in protecting the amenity of existing residents.
- Increased the size of 'development signs' within new estate areas (18m<sup>2</sup>), and decreased the size in established areas adjacent to existing houses (9m<sup>2</sup>).
- Allowed 'development signs' within new estate areas to be exempt from Planning Scheme Consent.

Semaphore Signs

- Increased the height of 'semaphore signs' from 1.2 to 1.8 metres (to allow for variety), subject to the same maximum area applying (1.5m<sup>2</sup>).

Horizontal Signs

- Maintained maximum of 4 'horizontal signs' for 'stand-alone' shopping centres, and allowed one horizontal per tenancy for a multi-tenanted building.
- Allowed 'horizontal signs' within Industrial zones and other commercial zones to span the entire width of the building, where as 'horizontal signs' in all other zones are to be setback 600mm from either end of the building.
- Allowed height of any logos (non-word based) associated with a 'horizontal sign' to be a maximum of 2.5 metres where sign above 7.5 metres in height and 2 metres where sign is below 7.5 metres in height.
- Restricted the area covered by 'horizontal signs' to no more than 20% of the façade.

Property Transaction Signs

- Increased the size of property 'transaction signs' from 1.5m<sup>2</sup> to 1.7m<sup>2</sup> for residential properties to accommodate the majority of real estate signs in the market place.
- Allowed for the erection of 'property transaction signs' for commercial/industrial properties after planning scheme consent has been issued, rather than after a building licence has been issued.

Monolith Signs

- Increased the maximum sign area from 8m<sup>2</sup> to 10m<sup>2</sup> for 'monolith signs', given there are no poles associated with this type of sign and a height of 6 metres will allow for a modest 1.6m wide sign.

Vertical Signs

- Increased the maximum height of 'vertical signs' from 2.0 metres to 2.5 metres if sign is located within an industrial or other commercial zone.
- Increased the maximum sign face area from 3.0 to 4.0 m<sup>2</sup> to accommodate larger vertical sign in industrial and other commercial areas.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

12. Staff believe the proposed modifications will provide greater flexibility in signage control, recognising that a sign's setting ultimately determines its impact on amenity.
13. It is anticipated that the policy will result in an improved sign compliance rate, as it is more in tune with the practicalities of commercial exposure for businesses. The exemptions proposed under the policy are also expected to reduce the workload for Council's Planning Section, who will no longer be required to issue Planning Scheme Consent for the majority of sign applications received.

**RECOMMENDATION**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 resolves to finally adopt the policy titled 'Local Planning Policy – Signs, Hoardings and Billposting', subject to the modifications outlined in paragraph 11, and rescinds the existing policy of the same name.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WATERMAN**

**THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3 resolves to finally adopt the policy titled 'Local Planning Policy – Signs, Hoardings and Billposting', subject to the modifications outlined in paragraph 11, and rescinds the existing policy of the same name.**

**MOTION CARRIED 12-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Amendment Request – Lot 31 Nanarup Road, Kalgan**

<b>File/Ward</b>	: SAR 095 (Kalgan Ward)
<b>Proposal/Issue</b>	: Rezoning land from 'Rural' to 'Special Rural'
<b>Subject Land/Locality</b>	: Lot 31 Nanarup Road, Kalgan
<b>Proponent</b>	: Ayton Taylor Burrell
<b>Owner</b>	: J Keays
<b>Reporting Officer(s)</b>	: Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Recommend Non Support
<b>Bulletin Attachment</b>	: Scheme Amendment Request
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. A Scheme Amendment Request (SAR) has been lodged by Ayton Taylor Burrell seeking Council's preliminary support to rezone Lot 31 Nanarup Road, Kalgan from the 'Rural' zoning to the 'Special Rural' zoning.
2. The property is 4.3 hectares in area and accommodates one holiday chalet and a manager's residence. Approximately 50% of the site is covered by remnant vegetation.
3. The SAR was referred to the Department for Planning and Infrastructure (DPI) and the Department of Environment. The responses advise:
  - the land is not identified in the current Local Rural Strategy or the draft ALPS for rural residential, therefore there is no strategic basis for the proposal;
  - if this application were supported it would create a strong precedent for all the other similarly located small rural holdings to also be rezoned to special rural just because they are located adjacent to a special rural zone; and
  - such smaller rural holdings provide a good buffer to prevent conflict between rural residential areas and rural areas.

**STATUTORY REQUIREMENTS**

4. The property is currently zoned 'Rural' in accordance with Town Planning Scheme 3 (TPS3). The objective of the rural zoning is:

*"To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas."*
5. Given the land is only 4 hectares in area, the potential for the use of agriculture is reduced and the land is used primarily for rural living purposes.
6. The proponent was advised that Council may consider supporting an application to rezone the land to a 'Special Use' zoning to accommodate tourism. The ALPS (Draft) document supports tourism activities in the City of Albany rural areas as it broadens the economic base and provides additional employment opportunities, especially within or near existing townsites and settlements. The proponent has advised staff that they do not want to entertain a development for tourism purposes.
7. A Scheme Amendment Request is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents. If an applicant decides to pursue a Scheme Amendment, then Council will be required to formally consider that request.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**POLICY IMPLICATIONS**

8. Local Government is to have regard to Statements of Planning Policy prepared by the WA Planning Commission when preparing a Town Planning Scheme or Town Planning Scheme Amendment. None of the existing policies have specific clauses relating to Council's assessment of this application.
9. The minimum lot size within a "Special Rural" zone is 1.0 hectare. If the application was supported a maximum of four (4) special rural lots would be created.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

11. The Albany local Planning Strategy identifies this locality as being at the interface between rural living and general agricultural land uses; the capacity of those areas to co-exist relies upon the land uses at the interface providing an effective buffer between two uses that normally do not comfortably co-locate.
12. The ALPS (Draft) supports "Special Rural" development in close proximity to fully serviced urban areas (such as McKail and Gledhow on either side of the Link Road), where current lot sizes, servicing constraints and noise buffer areas between residential development areas and major transport routes have been accommodated.
13. The ALPS (Draft) does not support the continued growth of rural living areas as fragmented isolated developments within priority and general agriculture areas. The proponent argues that the property is located adjacent to a "Special Rural" zoning (to the south) and therefore the rezoning of Lot 31 to "Special Rural" is not in isolation and should be supported. The counter argument is that the property, including the areas surrounding to the north and east, are identified for the purpose of general agricultural and therefore those properties need to be protected for that purpose from rural living encroachment.

**COMMENT/DISCUSSION**

- Strategic Assessment

- 14. As detailed above, the property is located at the planned interface of the rural living and the general agricultural areas. The interface between those areas, if appropriately planned, would ensure that larger rural living lots are designed at the boundary to buffer the two land uses. The current lot size of 4.3 hectares is an appropriate size for that purpose.
- 15. The ALPS proposes that detailed Precinct Plans be developed over the existing suburbs to co-ordinate the transformation of existing land uses into the nominated future built form. The "Special Rural" lots to the south and west may be nominated for closer subdivision or they may become the desired interface between the two land use areas. Promoting the fragmentation of isolated lots in advance of that more detailed planning is contrary to sound strategic planning principles.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

16. The question then remains as to whether the ALPS should be amended to provide a strategic framework for the development of the subject land. It is the opinion of City staff that there is no justification to alter the ALPS (Draft) to acknowledge a development opportunity on the land; the proponent may wish to lodge a submission on the strategy when the WAPC agrees to the formal process; that submission will be considered by both Council and the WAPC. Otherwise, the development potential of the locality will be reconsidered as part of a subsequent review of the ALPS (5 years hence).

Special Site Considerations

17. The decision of Erujin Pty Ltd to indefinitely delay the subdivision of their land on the northern and southern side of Nanarup Road (to the west and south of the subject land) has delayed the provision of the necessary water supply infrastructure to service this locality into the future. That decision has also left the intervening land between the subject lot and the Swan Point estate in a broad-acre agricultural state.
18. A 4.3 hectare land parcel is already created as a “Special Rural” lot and the desire to further fragment the property will ultimately lead to the land becoming even less rural in character. The WAPC will not support lot sizes below 1.0 hectares without an appropriate planning framework and that framework does not currently exist; the application must therefore be seen as opportunistic.

SAR Report

19. The consultant’s report does not provide any extenuating circumstances to support the amendment request. The arguments progressed can equally be applied to numerous smaller lots in the locality and therefore the strategic framework to support this application must be questioned.

RECOMMENDATION

THAT Council advises the proponent that it is not prepared to entertain the submission of a formal application for rezoning Lot 31 Nanarup Road, Kalgan from the ‘Rural’ zone to the ‘Special Rural’ zone.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR JAMIESON**

**MOTION LAPESED DUE TO NO SECONDER**

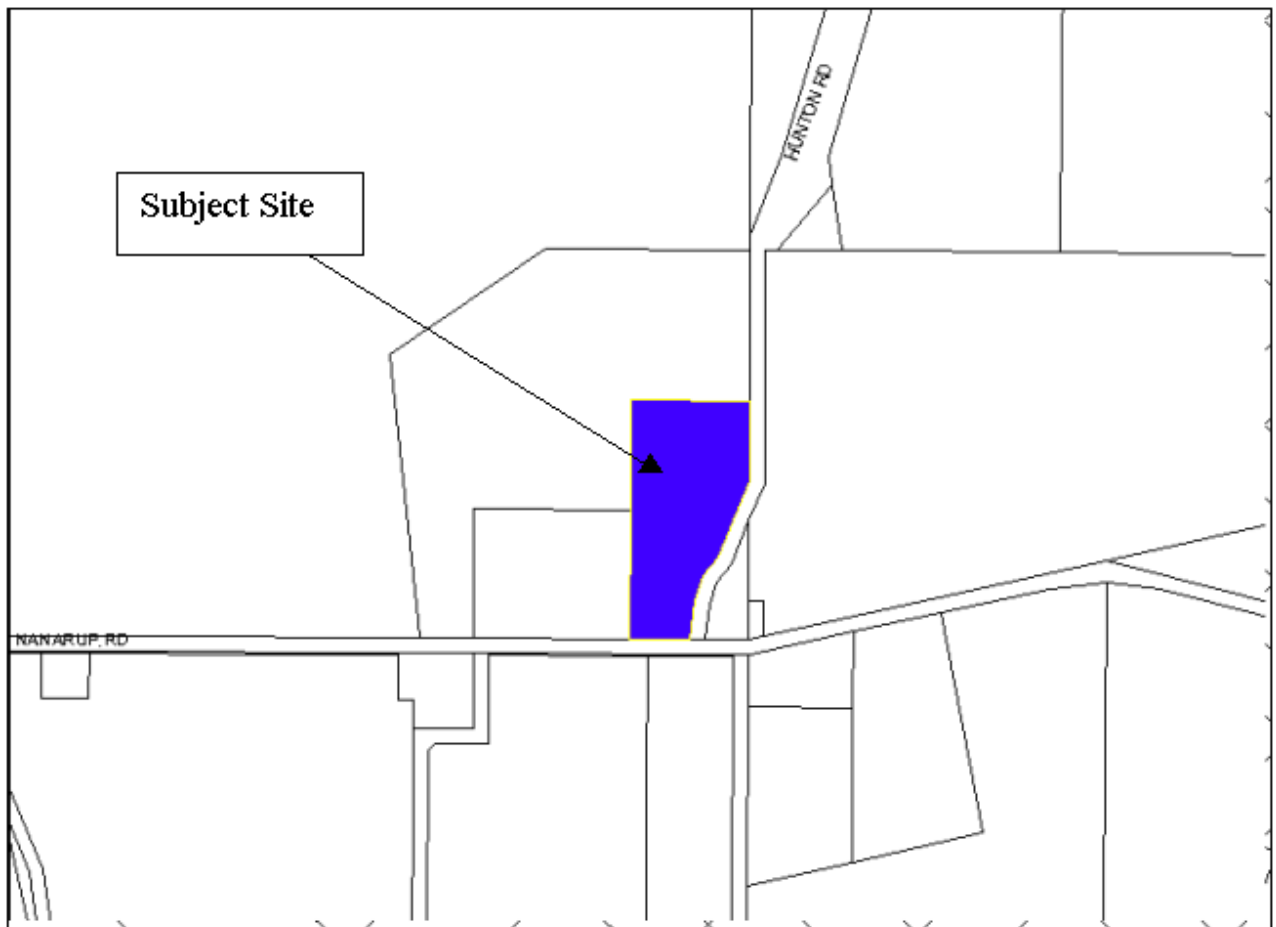
**THAT Council advises the proponent that it is not prepared to entertain the submission of a formal application for rezoning Lot 31 Nanarup Road, Kalgan from the ‘Rural’ zone to the ‘Special Rural’ zone.**



**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Scheme Amendment Request – Lot 2 Hunton Road, Kalgan**

<b>File/Ward</b>	: SAR 088 (Kalgan Ward)
<b>Proposal/Issue</b>	: Rezoning land from 'Rural' to 'Special Rural'
<b>Subject Land/Locality</b>	: Lot 2 Hunton Road, Kalgan
<b>Proponent</b>	: Greg Rowe and Associates
<b>Owner</b>	: C Mckay
<b>Reporting Officer(s)</b>	: Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Recommend Non Support
<b>Bulletin Attachment</b>	: Scheme Amendment Request
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. A Scheme Amendment Request (SAR) has been lodged by Greg Rowe and Associates seeking Council's preliminary support to rezone Lot 2 Hunton Road, Kalgan from the 'Rural' zoning to the 'Special Rural' zoning.
2. The property is 9 hectares in area, is predominantly covered by remnant vegetation and accommodates one shed.
3. Following the referral of the application to the Department for Planning and Infrastructure (DPI) and the Department of Environment (DOE), the following comments were received:
  - *The City of Albany Local Planning (Draft) and Local Rural Strategies do not support rezoning of this land for rural-residential purposes;*
  - *The existing lot size provides a buffer between potential rural-residential and predominantly rural zonings;*
  - *Direct access to Hunton Road from all the lots would be inappropriate for safety (poor line of site) reasons; and*
  - *The proposal is likely to have significant impacts on the remnant vegetation.*

**STATUTORY REQUIREMENTS**

4. The property is currently zoned 'Rural' in accordance with Town Planning Scheme 3. (TPS3). The objective of the rural zoning is:

*“To ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas.”*
5. A Scheme Amendment Request is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents. If an applicant decides to pursue a Scheme Amendment, then Council will be required to formally consider that request.

**POLICY IMPLICATIONS**

6. Local Government is to have regard to Statements of Planning Policy prepared by the WA Planning Commission when preparing a Town Planning Scheme or Town Planning Scheme Amendment. None of the existing policies have specific clauses relating to Council's assessment of this application.
7. The minimum lot size within a "Special Rural" zone is 1 hectare. If the application was supported, nine (9) "Special Rural" lots could be created; the plan attached to the Scheme Amendment Request shows the landowner's intention is to create only five (5) lots, ranging in area from 1.6 hectares to 3.1 hectares..

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

9. The Albany local Planning Strategy identifies this locality as being rural in nature, but at the interface between rural living and general agricultural land uses; the land uses at the interface generally provide the buffer between the two land use activities which normally do not comfortably co-locate.
10. The ALPS (Draft) supports “Special Rural” development in close proximity to fully serviced urban areas (such as McKail and Gledhow on either side of the Link Road), where current lot sizes, servicing constraints and noise buffer areas between residential development areas and major transport routes have been accommodated.
11. The ALPS (Draft) does not support the continued growth of rural living areas as fragmented isolated developments within priority and general agriculture areas.

**COMMENT/DISCUSSION**

Strategic Assessment:

12. Many of the arguments progressed for the previous agenda item equally apply to this proposal. This property is located to the east of the proposed Candyup development, the subdivision guide plan for which provided larger allotments on its eastern boundary. That rezoning proposal was abandoned when the Environmental Protection Authority declared the site could not be made environmentally acceptable. The current lot, at 9.0 hectares, is capable of supporting modest rural land uses (eg. grazing) and it is surrounded by rural land uses on lots of various sizes.
13. The ALPS proposes that detailed Precinct Plans be developed over the existing suburbs to co-ordinate the transformation of existing land uses into the nominated future built form. The “Special Rural” area identified in the strategy to the west requires considerably more environmental analysis to be undertaken before a clearer picture emerges on the final configuration and lot pattern over that land. Promoting the fragmentation of isolated lots in advance of that more detailed planning is contrary to sound strategic planning principles.
14. The question then remains as to whether the ALPS should be amended to provide a strategic framework for the development of the subject land. It is the opinion of City staff that there is no current justification to alter the ALPS (Draft) to acknowledge a development opportunity on the land. The proponent may wish to lodge a submission on the strategy when the WAPC agrees to the formal process; that submission will be considered by both Council and the WAPC. Otherwise, the development potential of the locality will be reconsidered as part of a subsequent review of the ALPS (5 years hence).

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

Special Site Considerations

15. The decision of Erujin Pty Ltd to indefinitely delay the subdivision of their land to the west of the subject land has delayed the provision of the necessary water supply infrastructure to service this locality into the future. That decision has also left all the land surrounding the subject lot in a broad-acre agricultural state. The rezoning of the subject lot would therefore constitute a spot rezoning, rather than an extension of the existing Special Rural development front.
16. A 9.0 hectare land parcel is “Special Rural” in character and the desire to further fragment the property will ultimately lead to the land becoming less rural in character. The WAPC will not support its subdivision into five lots without an appropriate broader planning framework and that framework does not currently exist.

SAR Report

17. The consultant’s report does not provide any extenuating circumstances to support the amendment request. The arguments progressed can equally be applied to numerous smaller lots in the locality and therefore the strategic framework to support this application must be questioned.

**RECOMMENDATION**

THAT Council advises the proponent that it is not prepared to entertain the submission of a formal application for rezoning Lot 2 Hunton Road, Kalgan from the ‘Rural’ zone to the ‘Special Rural’ zone.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR PAVER**

**THAT Council advises the proponent that it is not prepared to entertain the submission of a formal application for rezoning Lot 2 Hunton Road, Kalgan from the ‘Rural’ zone to the ‘Special Rural’ zone.**

**MOTION TIED 6-6  
MAYOR HAD CASTING VOTE  
MOTION CARRIED 7-6**

**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Initiate Scheme Amendment – Lots 1, 2, 3 and 61 Chester Pass Road, Orana**

<b>File/Ward</b>	:	AMD 148 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Initiate the amendment application to rezone Lots 1, 2, and 3 from 'Service Station' and 'Industry' to 'Other Commercial' and Lot 61 from 'Public Use' reserve to 'Other Commercial'.
<b>Subject Land/Locality</b>	:	Lots 1, 2, 3 and 61 Chester Pass Road, Orana
<b>Proponent</b>	:	Ayton Taylor Burrell
<b>Owners</b>	:	CA & CP Remaj
<b>Reporting Officer(s)</b>	:	Planning Officer (A Nicoll)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 20/7/04 - Item 11.3.2
<b>Summary Recommendation</b>	:	Support the initiation
<b>Bulletin Attachment</b>	:	Scheme Amendment Document
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**BACKGROUND**

1. A Scheme Amendment Request (SAR) was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Lots 1 & 2 Chester Pass Road from 'Service Station' and 'Industry' to the 'Other Commercial' zone.
2. The SAR was supported at the Council meeting dated the 20 July 2004 subject to the following being addressed:
  - i) the decommissioning of the service station site in accordance with Department of Environment requirements; and
  - ii) access arrangements being established in consultation with Main Roads WA.
3. The proponent has now lodged scheme amendment documentation and requested that Council initiate the amendment.
4. The service station is no longer in operation and an environmental assessment has been undertaken. The assessment confirmed that the soil has been contaminated with residual hydrocarbon, which according to the assessment does not pose an unacceptable health risk to future users or workers at the site. If the amendment is initiated, the application, including the environmental assessment would need to be submitted to the Environmental Protection Authority for their approval.
5. Main Roads WA has advised that one access only is to be arranged off Chester Pass Road and that resumption for road widening is not required at this stage. An arrangement for road widening is best accommodated for at the development stage of the lots.
6. Since Council supported the SAR, staff have requested the proponent to include adjacent Lots 3 and 61 within the rezoning proposal to rationalise zoning boundaries. An updated copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

7. The properties are currently zoned 'Service Station', 'Industry' and 'Public Use' reserve in accordance with Town Planning Scheme 1A. These zonings are restrictive in nature and do not permit other commercial type activities. A rezoning to 'Other Commercial' will increase the options for the use of the land.
8. Council's resolution under the Planning & Development Act (2005) is required to amend the Scheme.
9. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
10. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
11. A resolution to amend a Town Planning Scheme should not be construed to mean the final approval will be granted to that amendment.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

14. The most relevant strategies to this proposal include:
- The Commercial Strategy Review (2000);
  - The Retail Development Strategy (Draft); and
  - The Albany Local Planning Strategy (Draft 2005).
15. The Commercial Strategy recognises the existence of mixed business areas such as bulky goods retail, warehousing, showrooms, service industries located along the major roads into Albany. Both the Retail Development and Albany Local Planning Strategies (Draft) identify Chester Pass Road as being suitable for the further development of 'Mixed Business' type activities.

**COMMENT/DISCUSSION**

16. The land uses permitted under the Other Commercial zoning are in keeping with the direction (mixed business) portrayed in strategic documentation for the area and the current use of the adjacent land. The 'Other Commercial' zone permits uses (bulky goods, service industry and warehouse sales) that will potentially provide a better opportunity for development than those permitted under the current zonings.
17. The service station is no longer in operation and an environmental report has been provided to verify that the site is suitable for other commercial uses.
18. The requirement of Main Roads WA for access can be accommodated at the development stage of the Lots.
19. Staff recommend that the application to rezone the properties be supported and referred onto the Environmental Protection Authority for assessment.

**RECOMMENDATION**

THAT Council in pursuance Section 75 of the Planning and Development Act (2005) resolves to amend the City of Albany's Town Planning Scheme No. 1A by recoding Lots 1, 2, and 3 from the 'Service Station' and 'Industry' to 'Other Commercial' zone and Lot 61 from 'Public Use' reserve to the 'Other Commercial' zone and to amend the Scheme Map accordingly.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WALKER**

**THAT Council in pursuance Section 75 of the Planning and Development Act (2005) resolves to amend the City of Albany's Town Planning Scheme No. 1A by recoding Lots 1, 2, and 3 from the 'Service Station' and 'Industry' to 'Other Commercial' zone and Lot 61 from 'Public Use' reserve to the 'Other Commercial' zone and to amend the Scheme Map accordingly.**

**MOTION CARRIED 12-0**



**DEVELOPMENT SERVICES REPORTS**

**11.4 RESERVES PLANNING**

Nil

**11.5 DEVELOPMENT SERVICE COMMITTEES**

Nil.

# **Corporate & Community Services**

## **REPORTS**

**- R E P O R T S -**

**12.1 FINANCE**

**12.1.1 List of Accounts for Payment**

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

**COMMENTS / DISCUSSION**

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

Municipal Fund			
Cheques	Totalling	91,894.90	
Electronic Fund transfer	Totalling	2,665,186.31	
Credit Cards	Totalling	6,658.23	
Payroll	totalling	749,721.74	
<b>Total</b>			<b><u>\$3,513,461.18</u></b>

- As at 3<sup>rd</sup> July 2006, the total outstanding creditors, stands at \$479,173.99.

**RECOMMENDATION**

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

Municipal Fund	Totalling	<b><u>\$3,513,461.18</u></b>
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*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR WELLINGTON  
 SECONDED COUNCILLOR WATERMAN**

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

<b>Municipal Fund</b>	<b>Totalling</b>	<b><u>\$3,513,461.18</u></b>
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**MOTION CARRIED 12-0**

**12.1.2 Accounting Policy - IFRS**

<b>File/Ward</b>	: A181400
<b>Proposal/Issue</b>	: Amend Accounting Policies to Comply with IFRS
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager – Finance (S Goodman)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council amend certain accounting policies to comply with International Accounting Standards.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. Australia has chosen to adopt International Financial Reporting Standards (IFRS). In order to comply with IFRS, the City is required to review certain accounting policies in relation to asset valuation and reporting and make amendments as necessary.

**STATUTORY REQUIREMENTS**

2. Section 6.5 (a) of the Local Government Act 1995 states that the CEO has a duty to ensure that accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
3. Local Government (Financial Management) Regulations 1996 4 (1) requires local governments to comply with the requirements of AAS 27 and any other Australian Accounting Standard referred to in, and necessary to the interpretation of, AAS 27.

**POLICY IMPLICATIONS**

4. It is proposed to amend City accounting policies with regard to asset valuation and reporting.

**FINANCIAL IMPLICATIONS**

5. The proposed changes will result in amendments to the presentation of the City’s annual accounts for the years 2004/05 and future years, but will have no impact on the “cash bottom line” of the city. All changes are book figures only.

Item 12.1.2 continued.

### STRATEGIC IMPLICATIONS

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

### COMMENT/DISCUSSION

7. There are four policy areas, which are impacted by the change in accounting standards.

- Assets which are deemed to be “impaired”
- Basis of valuation of fixed assets
- Treatment of investment land
- Names of statements

8. It should be noted that none of the reporting changes will impact Council’s actual financial position, or its ability to fund activities by loans or any other source. The changes are required to conform to the new Australian Accounting Standards.

9. An asset is considered to be impaired under AASB 136 when its carrying amount (written down value in the books of account) exceeds its recoverable amount. Other tests used to determine impairment include a decision on whether the asset would be replaced should it be destroyed, or in the case of a business venture, where the expected return from the assets (future economic benefit) is considerably less than the value in the books of account. In not-for-profit entities such as the City of Albany, the recoverable amount of an asset may be based on the higher of the “fair value less costs to sell” and its depreciated replacement cost. Most City assets, which would be replaced should they be destroyed, would not be considered to be impaired. The City and its Auditor have reviewed the position of major assets including the Administration Building – York St, the Brig Amity, the Old Post Office, The Town Hall, the Mercer Road Office Building, The Liquid Waste facility, and the Albany Artificial Reef (former HMAS Perth)

10. After review, it is proposed that the following assets be deemed to be impaired for book purposes. Note the only impact of the proposed IFRS adjustments will be to reduce the non-current fixed assets balance, and the accumulated surplus.

- i. Administration building – York St (from 1/5/05) –

Book value - Cost	\$1,599,288.83
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Depreciation	\$360,135.51
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Net write-off	\$1,239,153.32
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(impacts 04/05 accounts)

- ii. Albany Artificial Reef (former HMAS Perth)

Book value - Cost	\$1,288,452.27
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Depreciation	\$60339.37
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Net write-off	\$1228112.90
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(Impacts 04/05 and 05/06 opening balances and 04/05 depreciation charges)

11. Under previous accounting standards, the Town and Shire were required to revalue certain fixed assets. Subsequent purchases were capitalised at cost. IFRS provides a once off opportunity to use the current carrying cost (whether it be based on a revaluation or historical cost) and deem that value to be the “cost” for reporting purposes based on AASB 1 “First Time Adoption of Australian Equivalents to International Financial Reporting Standards”.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.2 continued.

The effective date of this decision is required to be 1<sup>st</sup> July 2004. The alternative is to spend money on frequent revaluations of classes of assets. It is proposed that the current book values be maintained as the deemed cost. The only impact on the City's accounts would be to move the Asset Revaluation Reserve into Accumulated Surplus.

12. Under IFRS, land held for investment purposes should be reported separately from fixed assets, with the cost of the land to be sold in the next 12 months to be reported under current assets on the City's annual accounts. As it is intended to sell certain properties in Orana/McKail and the York Street Admin Office land in 06/07, those properties will be reported in current assets in the 30 June 2006 accounts. The value of the Yakamia Subdivision land will be reported separately under non current assets.
13. For information purposes only, Council is informed that the following annual accounts statements will have name changes only in future reporting
- Operating Statement - will be – Income Statement
  - Statement of Financial Position – will be – Balance Sheet

**RECOMMENDATION**

THAT;

- i) Council note the changes to Council's reporting requirements under International Financial Reporting Standards, and declare the following assets to be "*impaired*" under IFRS definitions.
- York St Administration building
  - Albany Artificial Reef (former HMAS Perth); and
- ii) from 1<sup>st</sup> July 2004, Council deem the carrying amount of all assets to be their cost, in accordance with Accounting Standard AASB 1 "*First-time Adoption of Australian Equivalents to International Financial Reporting Standards*".

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WALKER**

**THAT;**

- i) Council note the changes to Council's reporting requirements under International Financial Reporting Standards, and declare the following assets to be "*impaired*" under IFRS definitions.**
- York St Administration building**
  - Albany Artificial Reef (former HMAS Perth); and**
- ii) from 1<sup>st</sup> July 2004, Council deem the carrying amount of all assets to be their cost, in accordance with Accounting Standard AASB 1 "*First-time Adoption of Australian Equivalents to International Financial Reporting Standards*".**

**MOTION CARRIED 12-0**

**12.1.3 Request to review Return on Investment requirements and pen fees – Emu Point Business unit**

<b>File/Ward</b>	:	SER 187 (Breaksea Ward)
<b>Proposal/Issue</b>	:	Review of return on investment requirements
<b>Subject Land/Locality</b>	:	Emu Point Boat Harbour
<b>Proponent</b>	:	Emu Point Boat Pen Holder's Group
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Executive Director of Corporate & Community Services (P Madigan) Recreation Development Officer & Marine Services (M Weller)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	OCM 18/05/04 – Item 12.2.3
<b>Summary Recommendation</b>	:	That Council Split the Emu Point Business Unit for budgeting purposes, fee increases are staged over a greater period of time and return on investment is discontinued after two years with surplus funds contributed to the reserve for replacement of pens.
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	Nil.

**BACKGROUND**

1. At the Ordinary Council Meeting of 21/12/04 Council resolved:  
*"THAT the draft Emu Point Business Plan be adopted"*
2. The business plan addresses items such as:-
  - a. Boat pens – historical costs;
  - b. Replacement costs;
  - c. Facilities;
  - d. Land use planning;
  - e. Condition reports;
  - f. Fees and charges;
  - g. 15 year Financial Plan.
3. The plan included the following key assumptions:
  - i) as from 1<sup>st</sup> July 2004, Commercial Vessels be charged in accordance with the size of the pen occupied;
  - ii) effective immediately, pensioner discounts be discontinued for future pen holders, with existing discounts maintained;
  - iii) as from 1<sup>st</sup> July 2004, a financial assistance grant be extended to the Sea Rescue Squad equivalent to the pen fees levied;
  - iv) as from 1<sup>st</sup> July 2004, all fees be increased to a comparable level to fees currently raised by the DPI and these be phased in over a 5 year period;

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.3 continued.

- v) in order to provide for future long term maintenance and redevelopment, operating surpluses by transferred to the Emu Point Boat Harbour Reserve, on an annual basis with operation losses being met from this account;
- vi) the pen fees have been adjusted to ensure that City rates equal DPI rates within 4 years. It is assumed existing pensioner discounts on 22 boats will be phased out over 10 years as new boat replace the existing pensioner boats;
- vii) allowance has been made to replace the pens in 20 years at a cost of \$370,000;

viii) allowances have been made for City business rules as follows:-

- City administration costs \$4,000 per years;
- Return on investment at 10.5% (on \$384,000); and
- Tax equivalent payment 30%.

A typical year therefore would show

• Total income	\$109,000
• Operating expenditure	(10,500)
• Pen replacement T/F to res	(14,500)
• City administration	(4,000)
• Return on City investment	(40,000)
• Tax equivalent payment	(12,000)
• Net add transfer to Reserve	\$28,000)

- after tax income ; and

ix) risk factors

Pen vacancy rate

No allowance has been made for vacancies. The waiting list is currently 15 boats.

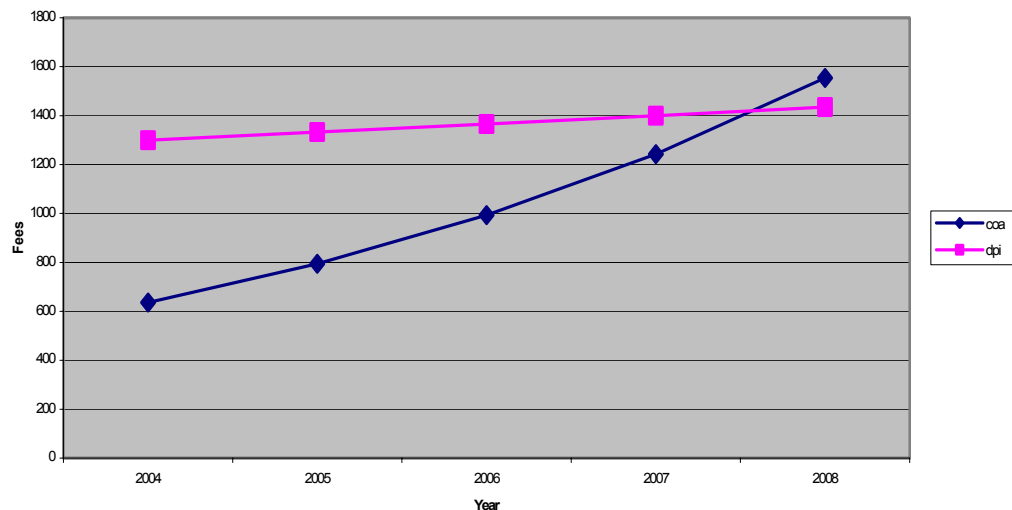
*Impact on Albany Harbour project*

No negative impact is expected. If DPI shut down their existing pens in favour of spots on the Albany Foreshore, demand for Emu Point berths would be expected to increase.

*Physical damage to infrastructure*

Existing facilities are fully insured to allow for replacement if necessary. Recent technology of floating jetties would be cheaper than the existing infrastructure. The city carried limited business interruption insurance.

4. The plan called for the following average fee increase for boat pens:



5. As part of the fee review process a meeting was called with Pen Holders to inform them of the proposed fee increases and 06/07 budget.



**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.3 continued.

6. Pen Holders formed an Emu Point Boat Pen Holder's Group and forwarded a letter to council raising nine issues in relation to the business unit (shown in italics) these issues these are addressed as follows:

1. *The group accepts a policy of Full cost recovery for all recreation facilities.*

Council does not have a policy of full cost recovery for all recreation facilities, some recreation facilities such as the Albany Leisure and Aquatic Centre and Cricket Fields are operated at a deficit, some facilities such as the Hockey Turf are operated at a break even and some such as the ALAC Gymnasium and Emu point business unit are operated under a return on investment.

2. *Boat Pen fees to reflect actual costs*

The current basis for Pen fees and costs has been set out earlier in this item.

3. *Boat Pens stakeholders do not agree with and will not support the City of Albany claiming any return on investment for recreational facilities, i.e. Emu Point Boat Pens*

The City of Albany currently has a policy of claiming a return on investment at 10.5% (on \$384,000) of 40,300.

After review it is proposed that from 2006/2007 the business unit be split for budgeting purposes. This gives a return on investment requirement of \$28,511 for the boat pens, based on \$262,692 spent on Pens Refurbishment in 97/98 and \$8845 spent on lighting in 2002.

The other elements of the business unit (leases etc) would retain a return on investment requirement of \$11,789 based on \$112,463 invested in their infrastructure.

It is noted that forward planning City budget estimates take into account income from these returns on investment.

After review it is recommended that the \$28,511 return on investment on boat pens is discontinued after two (2) years and surplus is contributed towards the replacement of the pens. To ensure the amount contributed is adequate for future replacement.

4. *Boat Pens stakeholders require the City of Albany to involve their members in any tendering process relating to the pens and that all work that is done is put out to open tender*

The group has clarified that they wish to tender/ quote to complete maintenance work at the pens. The group would be able to quote and tender on works subject to:

- supplying proof that they are incorporated, have appropriate insurance, qualifications and equipment to do the works
- they do not serve on any quotation/ tender evaluation panel

It is noted that the majority of minor works are completed by the City of Albany trades and Building department without being submitted for external quotation.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.3 continued.

5. *No work is carried out until consultation and agreement has been reached with the Boat Pens Stakeholders committee*

Maintenance to be completed on the pens is based on reports completed by Martin Seerle, GHD and ongoing assessment by the City of Albany Works and Services Department. As the City of Albany holds the lease for the pens it is ultimately responsible that they are maintained.

While the stakeholders group will be consulted in relation to unplanned major additions, improvements or maintenance, the final decision rests with the City of Albany.

The Pen holder's group have suggested that maintenance could be increased on the facility so that its replacement is never required.

This claim is not supported by the Seerle report. It is not recommended that funds be expended on further engineering studies.

6. *To facilitate clauses 4 and 5 the group agrees to meet with senior management who are directly concerned with the Emu Point Boat Pens*

The group have met with the Executive Director for Corporate and Community Services.

7. *Boat Pens Fees directly relate to Boat Length*

Boat pen fees currently relate to pen length. This system is seen as the most efficient for long-term pens. Pen holders are able to house a smaller boat in a larger pen according to their requirements (i.e. greater manoeuvrability requirements) as long as they pay for the larger pen size. Any benefits from system charging fees based on boat length would be offset by administration difficulty in ensuring all boats were housed at all times in appropriately sized pens and customer inconvenience as a result of frequent movements of vessels from pen to pen as different sizes became available.

8. *Boat Pens Stakeholders to allocate Pens*

The ultimate responsibility for ensuring vessels allocated with a pen comply with local law, insurance, payment and documentation requirements and that pen allocation is fair and without bias rests with the City of Albany.

As such it is recommended pen allocation remains with the City of Albany.

On being granted a pen new pen, pen-holders are directed to the resident Authorised officer for familiarisation. Any current pen-holders requests for pen reallocation are considered when a pen becomes available, before persons on the waiting list are offered a pen.

9. *Pensioner fees at 50% rate and limited to ten pens and one per family*

Council's current adopted policy is for those currently receiving pensioner discount to continue to do so and the discount is to be phased out with no new pensioner discounts are to be offered.

**STATUTORY REQUIREMENTS**

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

Item 12.1.3 continued.

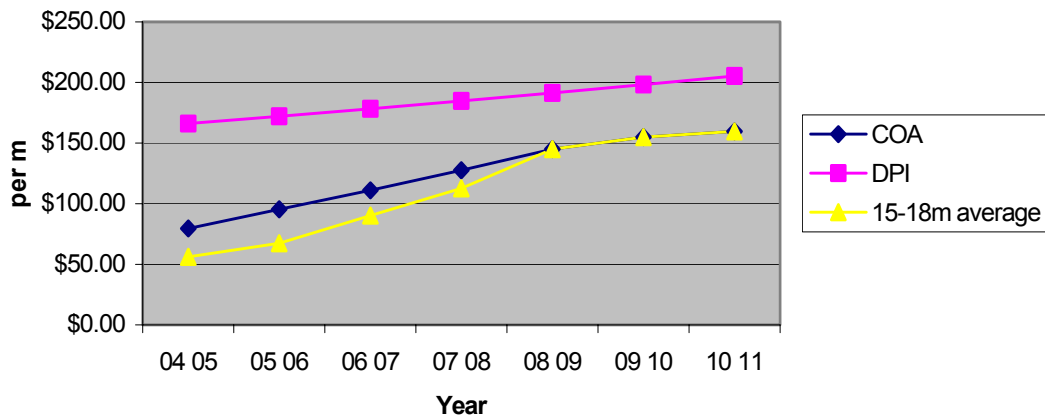
**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

- 9. As part of a review for the budget it was found that smaller pens were being charged proportionally more than larger pens. It was proposed that two new categories (15m and 18m) be introduced to more equitably spread the fees across the pen sizing categories. It is proposed that the price of the categories is phased in until they are comparable with other sized pens
- 10. A review has been conducted to determine the effects should council agree with the recommendation to split the business unit for budgeting purposes.
- 11. Potential consumer price sensitivity has been taken into account and it is recommended that the price increases are phased in over a greater period of time.
- 12. The review gives the proposed fee increases over time (includes the effect of CPI):

**Comparitive Fees (per m)**



\*Note on assessing comparative fees – DPI fees have been used because their operational model is based on proven full cost recovery

11. The following fee structure would result for the 06/07 financial year:

<u>Emu Point Pens</u>		
Pens - to 8m in length	per month	\$89
	per 6 months	\$522
	per 12 months	\$888
Pens - to 9m in length	per month	\$101
	per 6 months	\$568
	per 12 months	\$999
Pens - to 10m in length	per month	\$111
	per 6 months	\$632
	per 12 months	\$1,110

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Item 12.1.3 continued.

Pens - to 10.5m in length	per month	\$116
	per 6 months	\$664
	per 12 months	\$1,166
Pens – to 13.2 m in length	per month	\$145
	per 6 months	\$823
	per 12 months	\$1,443
Pens – to 15m in length	per month	\$148
	per 6 months	\$838
	per 12 months	\$1,470
Pens – to 18m in length	per month	\$152
	per 6 months	\$861
	per 12 months	\$1,510

12. The 06/07 budget would be amended as follows:

**Pens**

06 07	Proposed	Expenditure	Income
T/F Ex Res--Boat Pens Replace		669	
Emu Pt-Boat Pens Income			53,780
Boat Pens Maint - Emu Point		3,000	
Boat Pens Electrical		4,500	
Emu Pt Boat Pens-Utilities		3,600	
Emu Point Admin/Compliance		13,500	
Emu Point - City Investment		28,511	
		<b>53,780</b>	<b>53,780</b>

**Leases/other**

06 07	Expenditure	Income
T/F Reserve (leases maint)		
Building Maint - Emu Point	3,500	
Other utilities	500	
Admin/Compliance	500	
City Investment	11,789	
Emu Point Maritime Leases		16,850
Fish cleaning station/ other	561	0
	<b>16,850</b>	<b>16,850</b>

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

***Mission Statement:***

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

***Priority Projects:***

*Maritime Services Plan.”*

**COMMENT/DISCUSSION**

15. At the June 2006 Ordinary Council Meeting, Council resolved to lay this matter on the table until a further briefing from the Emu Point Boating Group. This briefing took place on 27<sup>th</sup> June.

Item 12.1.3 continued.

RECOMMENDATION

THAT;

- i) from the 1<sup>st</sup> July 2006 the Boat Pens and Leases/ Other sections of the Emu Point Business Unit be split for budgeting purposes;
- ii) the return on investment requirement is altered to \$28,511 per annum for the boat pens, based on 10.5% on \$262,692 spent on Pens Refurbishment in 97/98 and \$8,845 spent on lighting in 2002;
- iii) the leases/ other elements of the business unit retain a return on investment requirement of \$11,789 per annum based on 10.5% of \$112,463 invested in their infrastructure;
- iv) that given predicted price sensitivity the fee increases are phased in over a greater period than adopted in the Emu Point Business Plan, as per the financial section of this item;
- v) the 2006/2007 fees and charges and budget are amended as per the financial implications section of this item and presented to council for adoption with the 2006/2007 budget;
- vi) the boat pens are to continue to be operated in line with councils adopted business rules, including the requirement to cover all outgoings, return on investment (for two years), admin/ compliance and transfer to reserve for future replacement;
- vii) The return on investment for boat pens (\$28,511) be discontinued after two (2) years and contributed to maintenance and pens replacement; and
- viii) An updated estimate of replacement costs is obtained for the purpose of calculating funds contributed to reserve in years 2008/09 & onwards.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WATERMAN**

**AT the officers recommendation is adopted as it concerns the management of the pens in the interim period before any change may be made in relation to the management body for the pen system:**

- i) from the 1<sup>st</sup> July 2006 the Boat Pens and Leases/ Other sections of the Emu Point Business Unit be split for budgeting purposes;**
- ii) the return on investment requirement is altered to \$28,511 per annum for the boat pens, based on 10.5% on \$262,692 spent on Pens Refurbishment in 97/98 and \$8,845 spent on lighting in 2002;**
- iii) the leases/ other elements of the business unit retain a return on investment requirement of \$11,789 per annum based on 10.5% of \$112,463 invested in their infrastructure;**
- iv) that given predicted price sensitivity the fee increases are phased in over a greater period than adopted in the Emu Point Business Plan, as per the financial section of this item;**
- v) the 2006/2007 fees and charges and budget are amended as per the financial implications section of this item and presented to council for adoption with the 2006/2007 budget;**
- vi) the boat pens are to continue to be operated in line with councils adopted business rules, including the requirement to cover all**

- outgoings, return on investment (for two years), admin/ compliance and transfer to reserve for future replacement;**
- vii) The return on investment for boat pens (\$28,511) be discontinued after two (2) years and contributed to maintenance and pens replacement; and**
- viii) An updated estimate of replacement costs is obtained for the purpose of calculating funds contributed to reserve in years 2008/09 & onwards.**
- MOTION CARRIED 9-3  
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WATERMAN**

**THAT the City of Albany write to each individual pen holder outlining the basis by which the City intends to manage the marina and request pen holders respond as to whether they would prefer the City of Albany to manage the Marina on this basis or for the management of the marina to be undertaken by the Department of Planning and infrastructure.**

**MOTION CARRIED 8-4**

Reason:

- In the event that pen holders do not support the sustainable management of the Emu Point Boat pens by the City of Albany then it would be preferable for the City to indicate to the Department of Planning and Infrastructure that it does not intend to renew its lease when it expires in August 2007

**12.1.4 Municipal Fund Budget 2006/07**

<b>File/Ward</b>	:	FIN 021 (All Wards)
<b>Proposal/Issue</b>	:	Municipal Fund Budget 2006/07
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That the 2006/07 Budget be adopted.
<b>Bulletin Attachment</b>	:	Draft budget distributed.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The draft annual budget for 2006/07 has been prepared in accordance with the Local Government Act 1995.

**STATUTORY REQUIREMENTS**

**Adoption of Budget**

2. Section 6.2(1) of the Local Government Act 1995 requires that prior to 31<sup>st</sup> August 2006, Council adopt a budget for its municipal fund for the year ending 30<sup>th</sup> June 2007.
3. The annual budget is to incorporate:-
  - a) particulars of the estimated expenditure proposed to be incurred by the local government;
  - b) detailed information relating to the rates and service charges which will apply to land within the district including:-
    - i. the amount it is estimated will be yielded by the general rate; and
    - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
  - c) the fees and charges proposed to be imposed by the local government;
  - d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
  - e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;
  - f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
  - g) such other matters as are prescribed.

Item 12.1.4 continued.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

5. The adopted budget will form the financial basis for operations of the City of Albany in 2006/07. Once adopted, the budget will be reviewed in October 2006 and February/March 2007 and such other dates as directed by Council.

### **STRATEGIC IMPLICATIONS**

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

#### ***Community Vision***

**Nil**

#### ***Mission Statement***

*The City of Albany is committed to sustainably managing Albany's municipal assets, delivering excellent community services and providing sound governance.*

#### ***Priority City Projects***

*Albany Leisure and Aquatic Centres, Albany Entertainment Centre, and Asset Masterplan expenditure.*

### **COMMENT/DISCUSSION**

#### ***Rating***

6. The proposed increase in 2006/07 rates is 4.9%.

#### ***Capital Works Programme***

7. Total Programme \$ 23.5 million

#### ***Funding Sources***

Municipal Fund	\$ 2.3 million
External Sources (mainly grants & asset trade-ins)	\$12.2 million
Loan Funds	\$ 2.5million
Land Sales	\$ 1.7 million
City Reserve Funds	\$ 4.8 million

#### ***Major Projects***

ALAC Redevelopment  
 Albany Entertainment Centre  
 Peace Park  
 Assets Management Strategy Roads Programme  
 Various Parks / Reserves  
 Plant Replacement

#### ***Loans***

8. Loan funding is proposed for the Albany Leisure and Aquatic Centre Redevelopment ( \$ 2.53 million).



**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.4 continued.

**Reserve Funds**

9. City reserve funds show an estimated balance as at 30<sup>th</sup> June 2007 of \$ 8.2 million.

**Fees and Charges**

10. The proposed schedule of fees and charges is included in the Draft budget document.

**Waste Charges**

11. In determining a refuse collection/recycling fee for 2006/07, the following components of the proposed waste budget were considered:-

Operation of Tips/Transfer stations (net)	489,000	
Waste minimisation Contract	1,175,000	
Greenwaste Operations	469,000	
Tip Rehabilitation/Capital	498,000	
Transfers ex reserve - Rehabilitation/Capital	(278,000)	
Other	74,000	
<b>Income Required</b>		<b>2,427,000</b>
Urban Residential		
Number of Services	12,055	
Recommended Refuse Collection/Recycling Fee	\$199.00	
Total Waste Charge	\$2,399,000	
Less: Bio-insert bin reduction	( 24,000)	
Net revenue – Urban Residential	\$2,375,000	
Rural Residential		
Number of Services	1,486	
Recommended Refuse Collection/Recycling Fee	\$35	
Total Waste Charge	\$52,000	

**Mayor & Councillor Fees**

12. It is proposed that annual Councillor fees and allowances remain unchanged from 2005/06 as follows:

Mayoral Sitting Fee	14,000
Mayoral Allowance	12,000
Deputy Mayor Allowance	3,000
Councillor Sitting Fees	7,000
Telecommunications Allowance	1,800
Information Technology Allowance	600

**RECOMMENDATION**

- i) Budget Adoption
 

That the 2006/07 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) and has incorporated AAS27 principles, be adopted.
- ii) General Rates
  - a) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 11.2366 cents in the dollar be imposed on Gross Rental Valuations for those properties to be rated on Gross Rental Value.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.4 continued.

- b) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of .5424 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value
- iii) **Discount for Early Payment**  
That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 3% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 13<sup>th</sup> September 2006.
- iv) **Minimum Rates – All Properties**  
That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$508 for all categories.
- v) **Refuse Service Charges (Rubbish Disposal & Recycling Service)**  
That the domestic Urban Refuse Services Charge for 2006/07 be \$199.00 per annum.
- vi) **Rural Waste Service Charge**  
That the Rural Waste Services Charge for 2006/07 be \$35.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.
- vii) **Instalment Options**  
That in accordance with Section 6.45 of the Local Government Act 1995, the following payment options are available:
- Option 1      Payment in full up to 35 days after date of issue of Rate Notice – Due Date 13<sup>th</sup> September 2006.
- Option 2      Payment of two equal or nearly equal instalments:  
1<sup>st</sup> Instalment Due Date 13<sup>th</sup> September 2006;  
2<sup>nd</sup> Instalment Due 4 months after 1<sup>st</sup>  
Due date: 15<sup>th</sup> January 2007.  
(Instalment interest payable on rate amount only, all arrears to be paid in 1<sup>st</sup> instalment)
- Option 3      Payment of four equal or nearly equal instalments:  
1<sup>st</sup> Instalment Due 35 days after date of issue of Rate Notice.  
Due date 13<sup>th</sup> September 2006.  
2<sup>nd</sup> Instalment Due 2 months after 1<sup>st</sup>. Due date 13<sup>th</sup> November 2006.  
3<sup>rd</sup> Instalment Due 2 month after 2<sup>nd</sup>. Due Date 15<sup>th</sup> January 2007.  
4<sup>th</sup> Instalment Due 2 months after 3<sup>rd</sup>. Due Date 19<sup>th</sup> March 2007.  
(Instalment interest payable on rate amount only, all arrears to be paid in 1<sup>st</sup> Instalment)

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.4 continued.

**Instalments – Interest Rates & Administrative Charges**

That in accordance with Section 6.45 of the Local Government Act 1995:

- a) an additional charge by way of interest where payment of a rate is made by instalments with the rate of interest being set at 5.5%;
- b) an additional charge by way of an instalment fee, where payment of a rate is made by instalment be set at \$3.00 for each instalment excluding the first of any payment option. Therefore option 2 will attract a total administration charge of \$3.00 and option 3 will attract a total administration charge of \$9.00.

viii) **Late Payment Interest Rates**

- a) **Interest on Overdue Rates ,Service Charges.**  
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears rates and service charges, and current rates and service charges that remain unpaid after 35 days from the date of issue.
- b) **Interest on Overdue Rubbish Collection Fees**  
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears Rubbish Collection Fees, and current rubbish charges that remain unpaid after 35 days from the date of issue.
- c) **Interest on Overdue Debtors Accounts.**  
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 35 days from the date of issue.

ix) **Early Payment Prize**

THAT prizes be awarded as follows:

- \* A \$2000 Commonwealth Bank Streamline account
- \* Minor prizes to be sought from suppliers

In order to be eligible to enter the draw for the prizes, all rates and charges on the individual assessment must be paid in full 2 weeks prior to the due date (ie on or before 29<sup>th</sup> August 2006)

x) **Fees and Charges**

That the schedule of fees and charges for the City of Albany be adopted.

xi) **Mayor & Councillor Fees**

THAT annual Councillor fees and allowances for 2006/07 be:

Mayoral Sitting Fee	14,000
Mayoral Allowance	12,000
Deputy Mayor Allowance	3,000
Councillor Sitting Fees	7,000
Telecommunications Allowance	1,800
Information Technology Allowance	600

xii) **Budget Surplus**

THAT any budget surplus arising from 2006/07 operations be transferred to the ALAC Future Development Reserve.

*Voting Requirement Absolute Majority*

Item 12.1.4 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR JAMIESON**

- i) **Budget Adoption**  
That the 2006/07 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) and has incorporated AAS27 principles, be adopted.
- ii) **General Rates**  
a) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 11.2366 cents in the dollar be imposed on Gross Rental Valuations for those properties to be rated on Gross Rental Value.  
b) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of .5424 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value
- iii) **Discount for Early Payment**  
That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 3% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 13<sup>th</sup> September 2006.
- iv) **Minimum Rates – All Properties**  
That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$508 for all categories.
- v) **Refuse Service Charges (Rubbish Disposal & Recycling Service)**  
That the domestic Urban Refuse Services Charge for 2006/07 be \$199.00 per annum.
- vi) **Rural Waste Service Charge**  
That the Rural Waste Services Charge for 2006/07 be \$35.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.
- vii) **Instalment Options**  
That in accordance with Section 6.45 of the Local Government Act 1995, the following payment options are available:
- |                 |   |
|-----------------|---|
| <b>Option 1</b> | <b>Payment in full up to 35 days after date of issue of Rate Notice – Due Date 13th September 2006.</b>   |
| <b>Option 2</b> | <b>Payment of two equal or nearly equal instalments:<br/>1<sup>st</sup> Instalment Due Date 13th September 2006;<br/>2<sup>nd</sup> Instalment Due 4 months after 1<sup>st</sup> Due date: 15<sup>th</sup> January 2007.<br/>(Instalment interest payable on rate amount only, all arrears to be paid in 1<sup>st</sup> instalment)</b> |
| <b>Option 3</b> | <b>Payment of four equal or nearly equal instalments:</b>   |

**1<sup>st</sup> Instalment Due 35 days after date of issue of Rate Notice. Due date 13<sup>th</sup> September 2006.**

**2<sup>nd</sup> Instalment Due 2 months after 1<sup>st</sup>. Due date 13<sup>th</sup> November 2006.**

**3<sup>rd</sup> Instalment Due 2 month after 2<sup>nd</sup>. Due Date 15<sup>th</sup> January 2007.**

**4<sup>th</sup> Instalment Due 2 months after 3<sup>rd</sup>. Due Date 19<sup>th</sup> March 2007.**

**(Instalment interest payable on rate amount only, all arrears to be paid in 1<sup>st</sup> Instalment)**

**Instalments – Interest Rates & Administrative Charges  
That in accordance with Section 6.45 of the Local Government Act 1995:**

**a) an additional charge by way of interest where payment of a rate is made by instalments with the rate of interest being set at 5.5%;**

**b) an additional charge by way of an instalment fee, where payment of a rate is made by instalment be set at \$3.00 for each instalment excluding the first of any payment option. Therefore option 2 will attract a total administration charge of \$3.00 and option 3 will attract a total administration charge of \$9.00.**

**viii) Late Payment Interest Rates**

**a) Interest on Overdue Rates ,Service Charges.**

**Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears rates and service charges, and current rates and service charges that remain unpaid after 35 days from the date of issue.**

**b) Interest on Overdue Rubbish Collection Fees**

**Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears Rubbish Collection Fees, and current rubbish charges that remain unpaid after 35 days from the date of issue.**

**c) Interest on Overdue Debtors Accounts.**

**Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 35 days from the date of issue.**

**ix) Early Payment Prize**

**THAT prizes be awarded as follows:**

- A \$2000 Commonwealth Bank Streamline account**
- Minor prizes to be sought from suppliers**

**In order to be eligible to enter the draw for the prizes, all rates and charges on the individual assessment must be paid in full 2 weeks prior to the due date (ie on or before 29<sup>th</sup> August 2006)**

**x) Fees and Charges**

**That the schedule of fees and charges for the City of Albany be adopted.**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**xi) Mayor & Councillor Fees**

**THAT annual Councillor fees and allowances for 2006/07 be:**

<b>Mayoral Sitting Fee</b>	<b>14,000</b>
<b>Mayoral Allowance</b>	<b>12,000</b>
<b>Deputy Mayor Allowance</b>	<b>3,000</b>
<b>Councillor Sitting Fees</b>	<b>7,000</b>
<b>Telecommunications Allowance</b>	<b>1,800</b>
<b>Information Technology Allowance</b>	<b>600</b>

**xii) Budget Surplus**

**THAT any budget surplus arising from 2006/07 operations be transferred to the ALAC Future Development Reserve.**

**MOTION CARRIED 12-0  
ABSOLUTE MAJORITY**

**12.2 ADMINISTRATION****12.2.1 Disposal of Land**

<b>File/Ward</b>	: A112552, A112520, A112372 & A114001 (Vancouver Ward)
<b>Proposal/Issue</b>	: Sale of Land
<b>Subject Land/Locality</b>	: Various
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 18/04/06 – Item 12.7.1
<b>Summary Recommendation</b>	: That Council receive the petition; and Postpone the sale of land (lot 71 Katoomba St)
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. At the Ordinary Council meeting, 18<sup>th</sup> April 2006, Council adopted both the ‘Disposal of Land’ Policy and the ‘Land Development (Subdivision)’ Policy.
2. In addition, the Council resolved that:-  
*“the following properties be offered for sale by public auction in accordance with the ‘Disposal of Council Land’ policy.*
  - 54 Katoomba Street, Orana;
  - 40 Katoomba Street, Orana;
  - 38 Katoomba Street, Orana;
  - 66-70 Carbine Street, Orana;
  - 70 McKail Street, Orana; and
  - 49, 51, 55, 57, 69 Minor Road, Orana.”
3. On 15<sup>th</sup> May 2006, a petition signed by 48 signatories and supported by a further 36 form letters was received by Council.
4. The petition stated:-  
*“We the undersigned do not want land (lots 70, 71 and 143 Katoomba Street, Orana, and Lot 17 Carbine Street) currently owned by the City of Albany sold for development, but retained and maintained by the City for public use, since:*
  - i) *pedestrians regularly use this land as access between the North and South sides of the above roads;*
  - ii) *adults and children regularly use this land for recreation; and*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

*iii) endangered White Tailed Black Cockatoos regularly visit to feed off the trees.”*

5. Copies of the petition and attachments were distributed to elected members prior to the Council meeting on 16<sup>th</sup> May 2006.

**STATUTORY REQUIREMENTS**

6. Section 3.58 (2) of the Local Government Act (1995) (Disposing of Property) states that a Local Government can dispose of property to the highest bidder at public auction, or to the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
7. Section 3.58 (3,4) allows for the disposal of property other than by public auction or by tender. It requires Council to give local public notice of its intention to dispose of the property, and consider any submissions which are received within the specified period.
8. Section 3.59 of the Local Government Act (1995) (Commercial Enterprises by Local Government) states if regulations prescribe that the proposed sale is a major land transaction, the local government is required to prepare a business plan, give Statewide public notice of the plan, allow six weeks for public submissions on the plan, and consider any public submissions before determining to proceed with the sale.
9. Part 3, Regulations 7 and 8 of the Local Government (Functions and General) Regulations identify the minimum value of a major land transaction and transactions which are exempt land transactions.
10. Part 6, Regulations 30 and 31 of the Local Government (Functions and General) regulations identify dispositions of property to which section 3.58 of the Local Government Act (1995) does not apply and an anti-avoidance provision about dispositions.
11. Town Planning Scheme requirements:-

2.2 Except as otherwise provided in this part a person shall not carry out development on any land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written approval of Council.

2.3 In giving its approval to carry out development the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving its approval.



Item 12.2.1 continued.

### **POLICY IMPLICATIONS**

12. Council's policy in relation to the Disposal of Council Land (April 2006) provides:-
- a) the land must be appropriately zoned for the anticipated use of the property;
  - b) all matters relating to the development and servicing of the land shall be identified and made known in writing to the selling agent;
  - c) all legal requirements such as easements or caveats must be identified and in place;
  - d) the boundary of the property shall be surveyed and missing property markers replaced and highlighted;
  - e) land will not be sold for an amount less than a value provided by a licensed professional valuer undertaken with six months of the resolution by Council to sell the property;
  - f) individual properties valued in excess of the Major Land Transaction amount as specified in Local Government (Functions and General) Regulations Part 3, Regulation 7 will not be offered for sale until all Major Land Transaction pre sale requirements are completed.

### **FINANCIAL IMPLICATIONS**

13. The immediate impact of withdrawing one block from the market could be a net reduction in revenue of \$100,000 to \$140,000. This could be offset by higher than valuation prices for the other blocks to be marketed, or the substitution of another property when it becomes available.

### **STRATEGIC IMPLICATIONS**

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

***Community Vision:***

*Nil.*

***Mission Statement:***

*The City of Albany is committed to sustainably managing Albany's municipal assets, delivery excellent community services and providing sound governance.*

***Priority Projects:***

*Albany Leisure & Aquatic Centre, Albany Entertainment Centre and Asset Masterplan expenditure.*

### **COMMENT/DISCUSSION**

15. The Executive Director Development Services has reported the City of Albany secured the land parcels in freehold title over two decades ago and has held the land since its acquisition. The requirements to use the land for the original purposes can no longer be sustained and the land has been determined to be excess to Council requirements; the petition of Orana residents has not changed the situation. Council has determined that it will sell the land and apply the proceeds from the sale of land for the benefit of all City residents. Like any freehold landowner, Council is at liberty to dispose of property it owns to suit operational requirements.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

16. The zoning of the land is:-
- Lot 70 Katoomba (38) – Residential ‘R20’;
  - Lot 71 Katoomba (40) – Parks and Recreation;
  - Lot 143 Katoomba (54) – Part Residential ‘R20’ and local road;
  - Lot 17 Carbine (66-70) – Residential ‘R20’
17. Although Lot 71 and Lot 143 Katoomba Street are not zoned as Residential, the Manager Planning and Ranger Services has reported:-

*“Clause 2.2 and 2.3 of Town Planning Scheme No. 1A allows Council to approve development on any land that is reserved under the Scheme. Lots 71 and 143 are affected by a reservation in part or whole and therefore any application for development of the land would require the issuing of Planning Scheme Consent. As these properties are surplus to requirements, in that public open space and a local road are not required from a locality planning perspective, the test under Clause 2.3 would be met.*

*There have been many instances in the past where a privately owned property has been affected by a reservation. In these instances, the erection of a single dwelling has been supported as long as the development complied with Residential Planning Codes and met effluent disposal requirements where applicable.”*

18. While it is possible to continue with the sale of land for residential development, it is nevertheless considered reasonable that Lot 71 Katoomba Street, Orana be withdrawn from sale at this point in time.

**RECOMMENDATION**

**THAT;**

- i) the petition be received; and
- ii) lot 71 Katoomba Street, Orana be withdrawn from sale at this time, pending re-zoning.

*Voting Requirement Simple Majority*

.....

Councillor Wiseman declared an interest in this item and left the Chambers at 8.54pm. The nature of his interest is that he owns property within the vicinity.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WELLINGTON**

**THAT;**

- i) the petition be received; and**
- ii) lot 71 Katoomba Street, Orana be withdrawn from sale at this time, pending re-zoning.**

**MOTION CARRIED 11-0**

Councillor Wiseman returned to the Chambers at 8.57pm.

**12.3 LIBRARY SERVICES**  
Nil.

**12.4 DAY CARE CENTRE**  
Nil.

**12.5 TOWN HALL**  
Nil.

**12.6 RECREATION SERVICES**  
Nil.

**12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.7.1 Albany Arts Advisory Committee meeting minutes – 14<sup>th</sup> June 2006**

<b>File/Ward</b>	:	MAN 116 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer(s)</b>	:	Executive Director Corporate & Community Services (WP Madigan)
<b>Summary Recommendation</b>	:	That the Minutes of Albany Arts Advisory Committee held on 14 <sup>th</sup> June 2006 be adopted.

RECOMMENDATION

THAT;

- i) the minutes of Albany Arts Advisory Committee held on 14<sup>th</sup> June 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR JAMIESON**

**THAT the minutes of Albany Arts Advisory Committee held on 14<sup>th</sup> June 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

**MOTION CARRIED 12-0**

- ii) Dr Barbie Greenshields be appointed as a member of the Albany Arts Advisory Committee.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WALKER**

**THAT Dr Barbie Greenshields be appointed as a member of the Albany Arts Advisory Committee.**

**MOTION CARRIED 12-0  
ABSOLUTE MAJORITY**

**12.8 COUNCIL REPRESENTATION****12.8.1 Council External Committee Representation – DEIC Biosphere Sub-Committee**

<b>File/Ward</b>	: GOV 097 (All Wards)
<b>Proposal/Issue</b>	: Request for Council representation on Committee.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: THAT Council decline request to be represented.
<b>Bulletin Attachment</b>	: Copy of Correspondence relating to the request.
<b>Locality Plan</b>	: N/A

**BACKGROUND**

- In making recommendations on external Committee representation, Council has adopted the following criteria:-
  - The regional context of the Committee and the relevance to development of the region or its essential infrastructure;
  - The affiliation with the WA Local Government Association;
  - The activity (or otherwise) of the Committee and its relevance to Local Government operations; and
  - The previously conducted survey results demonstrating that the Committee response and majority of Councillors desire representation to continue.
- Using this criteria, the Council has decided to:-
  - Maintain representation due to a regional context;
  - Maintain representation due to WALGA affiliations;
  - Cease representation on other committees but a staff member or Councillor will attend meetings on an as needed basis when City of Albany issues are listed on the agenda for discussions;
  - Treat nominations for all statutory appointments to Ministerial Advisory Committees on their merits when received from time to time; and
  - Encourage individual Councillors to apply for and site on Committees with Statewide WALGA affiliation.

Item 12.8.1 continued.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. This item directly relates to sound governance under the City's 3D Corporate Plan.

**COMMENT/DISCUSSION**

7. A DEIC Committee has recently been formed made up of local government, non-government, business and community members in the region.
8. Their aims are to continue the process of researching the potential for the Wilson Inlet Catchment to become a Biosphere Reserve through consultation, presentations and education regarding Biosphere Reserves.
9. The Committee also intends to begin formulating an administrative model to make any potential accreditation effective for all in the region.
10. Council has been invited to nominate an elected member to represent it on the DEIC Sub-Committee (copy of the request is included within the Elected Members Report and Information Bulletin).
11. As Councillor Jamieson represents on the Wilson Inlet Management Committee, it is not seen as necessary to be represented on this particular sub-committee.

**RECOMMENDATION**

THAT Council not be represented on the DEIC Biosphere Sub-Committee.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WOLFE**

**THAT Council not be represented on the DEIC Biosphere Sub-Committee.**

**MOTION LOST 0-12**

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council nominate Councillor Jamieson to represent Council on the DEIC Biosphere Sub-Committee.**

**MOTION CARRIED 12-0**

# **Works & Services**

## **REPORTS**

**WORKS & SERVICES REPORTS**

**- R E P O R T S -**

**13.1 CITY ASSETS - ASSET MANAGEMENT**

Nil.



**WORKS & SERVICES REPORTS**

**13.2 CITY SERVICES – WASTE MANAGEMENT**

**13.2.1 Waste Minimisation Strategy – Proposed Verge Pick Ups**

<b>File/Ward</b>	:	SER 154 (All wards)
<b>Proposal/Issue</b>	:	Recommend acceptance of one hard waste and one green waste pick up for 2006/2007
<b>Subject Land/Locality</b>	:	Nil
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Manager City Services (I Neil)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/7/05 - Item 11.2.1
<b>Summary Recommendation</b>	:	Council agree to verge side pick ups
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. Since the introduction of it's Waste Minimisation Strategy in 2004 the City has undertaken a hard waste verge collection in each financial year.
2. In 2004 the City undertook a verge collection of goods that were recyclable and reusable. At the time this was felt to best reflect the intent of the waste minimisation to reduce the amount of waste deposited in landfill. Only goods that could be reused could be placed for collection, therefore these goods would not be placed in landfill as other users could be found for them.
3. The collection was not successful as residents were confused about what types of goods could be placed for collection. Consequently the amount collected was minimal and caused a number of complaints to be registered with Council.
4. In response to the concerns with the above collection the City undertook a different type of collection in 2005. This collection allowed general household "junk" to be placed on the verge as well as reusable and recyclable items.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**FINANCIAL IMPLICATIONS**

7. Budget provisions have been made for both a hard waste and a greenwaste collection. Additional pick-ups would need to be negotiated.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

***Mission Statement:***

*The City of Albany is committed to sustainably managing Albany’s municipal assets and delivering excellent community services.*

***Priority Projects:***

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

**COMMENT/DISCUSSION**

9. The verge site collection was well publicised and items were collected over a seven day period. The pick up was well received by residents that chose to place items for collection, however, across the municipality only 25% of household presented items to be taken away. The average amount of goods placed on the verge was 85 kilograms.
10. After the collection an informal survey was conducted to ascertain why there was not a greater participation rate in the service. Most residents stated that they were unaware of the collection or had nothing to place for collection.
11. It is the staff’s opinion that residents were not used to having such a collection and there may still be some confusion in relation to the first collection undertaken. For this reason it is felt that another collection should be undertaken and hopefully there will be a better participation rate.
12. The City has been receiving an increasing number of requests for Council to provide a greenwaste verge collection. Such a collection would allow residents to place tree prunings and associated greenwaste on the verge for collection. The amount allowed would be approximately the equivalent of two standard trailer loads. There will be conditions on the collection such as the size of branches and no contaminated waste.
13. Council at the July OCM requested that Works & Services staff investigate the possibility of implementing a green waste pick up in the coming financial year as a result of requests to put into practice a fire burning ban.
14. Staff will determine after consultation with relevant service provider and users the appropriate time to undertake these collections.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

RECOMMENDATION

THAT Council accepts the proposed one hard waste and one green waste pick up for the financial year 2006/2007.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR WALKER</b> <b>SECONDED COUNCILLOR WOLFE</b></p> <p><b>THAT Council accepts the proposed one hard waste and one green waste pick up for the financial year 2006/2007.</b></p> <p><b>MOTION CARRIED 12-0</b> <b>ABSOLUTE MAJORITY</b></p>
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**WORKS & SERVICES REPORTS**

**13.3 CITY SERVICES – AIRPORT MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.4 CITY SERVICES – CONTRACT MANAGEMENT**

**13.4.1 Contract C06008 – Hire of Loader for Two Years (06/08)**

<b>File/Ward</b>	:	C06008 (All Wards)
<b>Proposal/Issue</b>	:	Hire of Machinery (Loader)
<b>Subject Land/Locality</b>	:	Hanrahan Road Waste Site
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Contracts Administrator (W Male); Parks & Reserves Coordinator (M Richardson); and Reserves Supervisor (M Ford)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council award Contract C06008 to AD Contractors
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. In June 2005, Council called for tenders for dry hire of a loader for use at the Hanrahan Road Waste Site, to augment Councils existing Plant & Machinery fleet. This Contract is due to expire in June 2006 and therefore tenders were called for the renewal or replacement of the existing contract.

**STATUTORY REQUIREMENTS**

2. Regulation 11 of the Local Government (Functions & General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be more than \$50,000.
3. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
4. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**“Community Vision:**

*A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles and a flourishing natural environment through restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

**Mission Statement:**

*The City of Albany is committed to delivering excellent community services.*

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

8. A Request for Tenders was published in the West Australian on Saturday 13<sup>th</sup> May 2006 and Wednesday 17<sup>th</sup> May 2006; and in the Albany Advertiser on 11<sup>th</sup> May 2006 with a copy in the Albany Extra on 12<sup>th</sup> May 2006.
9. Tender documents included evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tenderer. The criteria used for this is documented below.

<b>Criteria</b>	<b>% Weight</b>
Cost	70
Reliability of Tenderer	30
<b>Total</b>	<b>100</b>

10. A total of 9 specifications were issued with 3 being received at the close of tenders. Tenderers were requested to supply a monthly dry hire fee. (Dry Hire being the hire of equipment without the driver – existing Council staff to drive the equipment)
11. The following table outlines tenderers their submitted prices and their final scores, the highest score being the most favourable to Council:

<b>Tenderer</b>	<b>Price Per Month</b>	<b>Score</b>
AD Contractors	\$3,400.00	840
Great Southern Sands	\$5,500.00	539
Ultimate Drainage	\$14,850.00	160

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

12. AD Contractors currently hold the contract for the supply of this equipment. They have proven themselves to be reliable and cooperative. This combined with their favourable tender price indicates a strong desire on their part to continue with the current arrangements.

**RECOMMENDATION**

THAT Council accept the tender from AD Contractors for the Dry Hire of Loader for the period to 30<sup>th</sup> June 2008 at the rate of \$3,400.00 per month.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR JAMIESON**

**THAT Council accept the tender from AD Contractors for the Dry Hire of Loader for the period to 30<sup>th</sup> June 2008 at the rate of \$3,400.00 per month.**

**MOTION CARRIED 12-0**

**13.5 CITY SERVICES – PROPERTY MANAGEMENT**

Nil.



**WORKS & SERVICES REPORTS**

**13.6 CITY WORKS – CAPITAL WORKS**

**13.6.1 Salary Variation – Review of Outside Workers Salary**

<b>File/Ward</b>	:	IND 007 (All wards)
<b>Proposal/Issue</b>	:	Salary review of outside workers staff
<b>Subject Land/Locality</b>	:	Nil
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Executive Director Works & Services (L Hewer)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council agree to pay increase for outside workers
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. The City of Albany currently operates under a Enterprise Bargaining Agreement, namely Certified Enterprise (Outside Workers) Agreement 2004 with the Works & Services outside staff.
2. The Agreement is due to expire in March 2007.
3. Through the enterprise bargaining agreement staff have received annual salary increases in line with the increases to base award rate of pay as determined by the Industrial Relations Commission in the National Wage Case decisions, which traditionally have occurred in March each year. The resultant pay increases normally become effective on the 1<sup>st</sup> July for outside works.
4. With the introduction of the federal government's Work Choices industrial relations legislation in March 2006 the National Wage Case process has now been replaced with the Fair Pay Commission determination.
5. We have been informed that the Fair Pay Commission will meet for the first time in October/November 2006 to review and determine the Federal Minimum Wage.

**STATUTORY REQUIREMENTS**

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

**WORKS & SERVICES REPORTS**

Item 13.6.1 continued

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. The 2006/2007 budget has allowed for 4% increase in staff salaries.

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

*A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.*

***Mission Statement:***

*The City of Albany at all times we will demonstrate integrity, leadership and teamwork, value and develop our people. The City of Albany is committed to providing sound governance. The City of Albany will always be renowned for our high-performance system of governance..*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

10. With the introduction of the new legislation the outside works have been disadvantaged when it comes to a pay increase, which would normally have occurred in July as per the current EBA.
11. Over the past 5 years the average weekly increase has been approximately \$18.00 or 3.2%.
12. At this time it is has not been confirmed what the pay increment will be.
13. Currently CPI is at 4.2% as of March 2006.
14. The staff over the past 12 months have worked with and changed their work culture to embrace the EBA initiatives. An interim increase of 2% to the Outside staff would be in the spirit of the EBA.

**WORKS & SERVICES REPORTS**

Item 13.6.1 continued

RECOMMENDATION

THAT Council;

- i) agree to a 2% pay increase back dated to the 1st July 2006;
- ii) should the Fair Pay Commission hand down an increase higher than the 2%, then back pay will be provided to the 1<sup>st</sup> July 2006; and
- iii) should the Fair Pay Commission hand down an increase lower than the 2% the difference to be deducted from the 2007 wage review.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR MARSHALL**

**THAT Council;**

- i) agree to a 2% pay increase back dated to the 1st July 2006;**
- ii) should the Fair Pay Commission hand down an increase higher than the 2%, then back pay will be provided to the 1<sup>st</sup> July 2006; and**
- iii) should the Fair Pay Commission hand down an increase lower than the 2% the difference to be deducted from the 2007 wage review.**

**MOTION CARRIED 12-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT**

**13.7.1 Change of Reserve Purpose – Lowlands Reserve**

<b>File/Ward</b>	:	STR 108 / A175069 (West Ward)
<b>Proposal/Issue</b>	:	Change the Purpose of the Lowlands Reserve.
<b>Subject Land/Locality</b>	:	Reserve 17464, Location 7697 Gilge Road, Youngs Siding
<b>Proponent</b>	:	Youngs Siding Progress Association Inc.
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Support change in Reserve Purpose.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. The Management Plan for the Lowlands Reserve recommended a change of purpose for the reserve from “Common” to “Recreation and Landscape Protection” as a priority (short term) action. The Youngs Siding Progress Association Ltd has requested that Council action that recommendation, citing the significance of the reserve within the coastal reserve system and highlighting the inappropriateness of the current purpose as a Common (an English term used to describe a parcel of land for the pasturing of animals, belonging to everyone within the community).

**STATUTORY REQUIREMENTS**

2. A request is required from the agency holding the management order, before the Department of Planning and Infrastructure will commence the process to change the purpose of an existing reserve.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.7.1 continued

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

***Mission Statement:***

*The City of Albany is committed to providing sound governance; and promoting our Community’s vision for the future.*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

- 6. Many of the City’s coastal reserves where originally taken by the Crown as Commons and were used by graziers for that purpose. Action has been taken in recent times to change those reserve purposes to something more environmentally acceptable; the Sandpatch Reserve is a case in point. The soil types and vegetation on those reserves will not sustain continued grazing without suffering considerable degradation of the land and vegetation.
- 7. In their submission, the Association highlights that recreational activities in coastal reserve systems continue to increase from all sources, particularly for off road vehicle users. The Association claims that the current reserve purpose sends a negative “use and abuse it” signal to the public which is contradictory to the reserve’s importance for environmental and recreational purposes.

**RECOMMENDATION**

THAT Council request the Department of Planning and Infrastructure undertake the necessary processes to change the purpose of Reserve 17464 (Lowlands Reserve) from “Common” to “Recreation and Landscape Protection” at the earliest opportunity.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WELLINGTON</b></p> <p><b>THAT Council request the Department of Planning and Infrastructure undertake the necessary processes to change the purpose of Reserve 17464 (Lowlands Reserve) from “Common” to “Recreation and Landscape Protection” at the earliest opportunity.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 12-0</b></p>
--

**WORKS & SERVICES REPORTS****13.7.2 Easements upon Crown Reserves – Southdown Magnetite Project – Slurry Pipeline**

<b>File/Ward</b>	: SER 208 (Various Wards)
<b>Proposal/Issue</b>	: Dedication of Easement upon Crown Reserve for Slurry Pipeline.
<b>Subject Land/Locality</b>	: Reserves A4156 (Residency Road) and Point Melville, Napier Creek and Napier River UCL.
<b>Proponent</b>	: Department of Planning and Infrastructure
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Support Registration of Easements on Reserves
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. Grange Resources Ltd. is seeking to develop the Southdown Magnetite Resource, located near Wellstead, and to transport the magnetite ore from the mine site to the Albany Port within a steel pipeline. The company has negotiated with landowners along the pipeline route to secure access to their land for the construction phase and they also sought easements over those properties to provide on-going security for the pipeline.
2. Along its route (approximately 95km.) the pipeline will cross several Crown Reserves and the City has been asked to provide comment on the registration of easements over those reserves in favour of Grange Resources. Attached are diagrams 12937 –105A (Residency Road), 12937-074A (Point Melville), 12937-091A (Napier Creek) and 12937-093A (Napier River) showing the extent of the easements being sought at the respective locations. The Department of Planning and Infrastructure is seeking Council support for the easements to be registered.

**STATUTORY REQUIREMENTS**

3. The Department of Planning and Infrastructure will undertake the administrative processes to register the easements under the Land Act 1997, once it receives Council's support.

**WORKS & SERVICES REPORTS**

Item 13.7.2 continued

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

***“Community Vision:***

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

***Mission Statement:***

*The City of Albany is committed to providing sound governance and promoting our Community’s vision for the future.*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

7. Reserve 4156 is an “A” class reserve for the purpose of Museum and Park with the management order allocated to the City of Albany. As part of the management agreement the City has the power to sub-lease the reserve and it has done so to the WA Museum. Agreement of the lessee is also required by the Department and the City has written to the WA Museum seeking that agreement.
8. Council has engaged consultants to prepare the “Heritage Precinct Master Plan” for the long-term development of the Residency Museum Precinct and the report is yet to be tabled with Council. The proposed pipeline will affect a small portion of the Residency Museum reserve and it will be positioned well below ground level, meaning the disruption to the site will only occur during the construction phase.
9. The Point Melville, Napier Creek and Napier River reserves are all unallocated Crown land and the impact of the easements or the pipeline upon those reserves will be negligible.

**WORKS & SERVICES REPORTS**

Item 13.7.2 continued

RECOMMENDATION

THAT;

- i) Council;
  - a) subject to the WA Museum endorsing the proposal, advise the Department of Planning and Infrastructure that it raises no objection to an easement being registered over Reserve 4156, as recorded on Drawing 12937-105A, provided;
  - b) the reserve is appropriately reinstated following the construction of the pipeline; and
  - c) any markers required to identify the alignment of the pipeline are compatible with the signage and visual appearance of the reserve; and
- ii) Council advise the Department of Planning and Infrastructure that it raises no objection to easements being registered over the Point Melville, Napier Creek and Napier River unallocated Crown Land as identified in Drawings 12937-074A (Point Melville), 12937-091A (Napier Creek) and 12937-093A (Napier River).

*Voting Requirement Simple Majority*

.....

Councillors Bojcun & Walker declared an interest in this item and left that Chambers at 9.07pm.

The nature of Councillor Bojcun's interest is that she owns affected land.

The nature of Councillor Walker's interest is that the pipeline goes through his land.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WOLFE**

**THAT;**

- i) **Council;**
  - a) subject to the WA Museum endorsing the proposal, advise the Department of Planning and Infrastructure that it raises no objection to an easement being registered over Reserve 4156, as recorded on Drawing 12937-105A, provided;**
  - b) the reserve is appropriately reinstated following the construction of the pipeline; and**
  - c) any markers required to identify the alignment of the pipeline are compatible with the signage and visual appearance of the reserve; and**
- ii) **Council advise the Department of Planning and Infrastructure that it raises no objection to easements being registered over the Point Melville, Napier Creek and Napier River unallocated Crown Land as identified in Drawings 12937-074A (Point Melville), 12937-091A (Napier Creek) and 12937-093A (Napier River).**

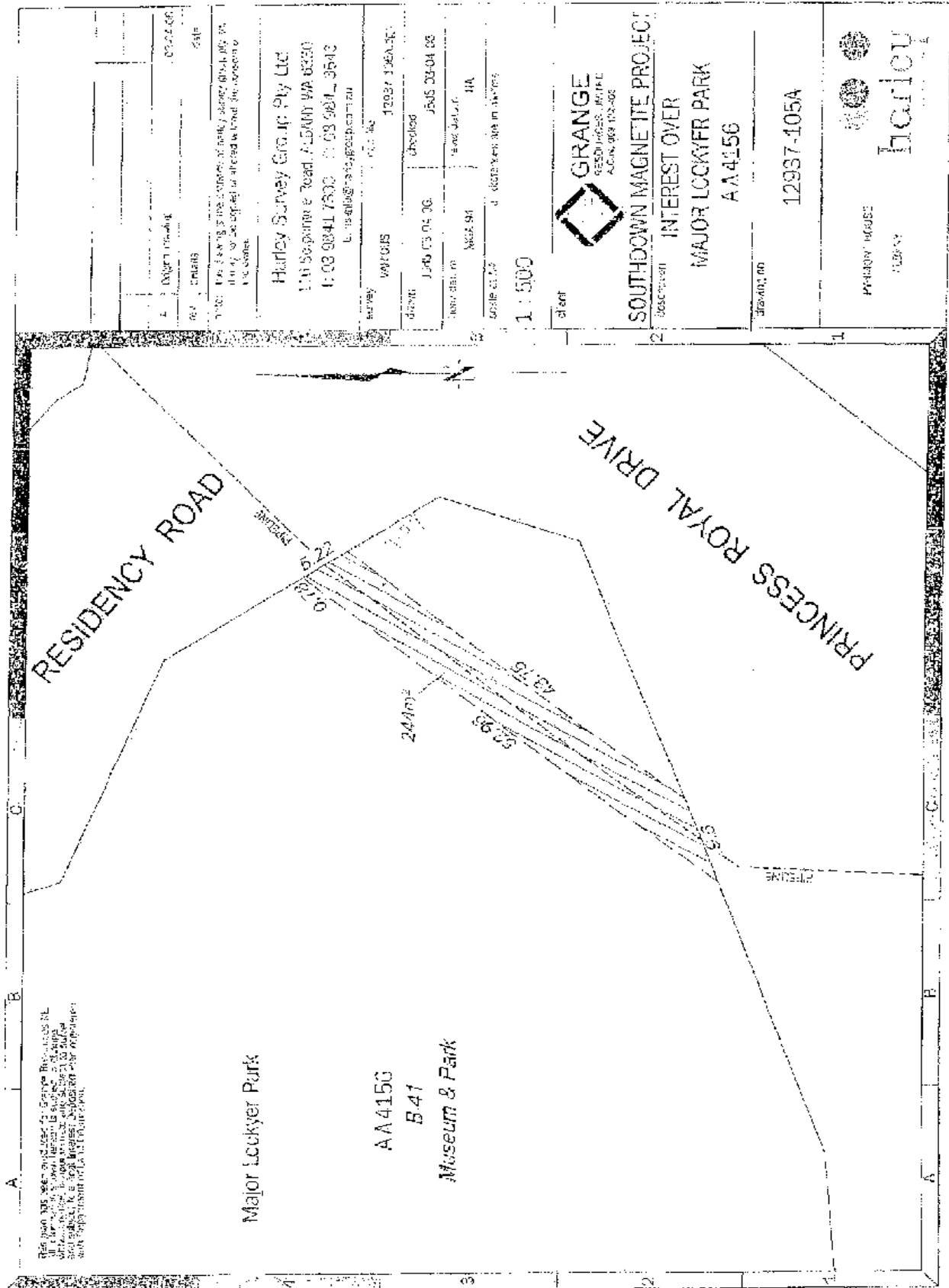
**MOTION CARRIED 9-1**

Councillor Bojcun and Councillor Walker returned to the Chambers at 9.10pm.

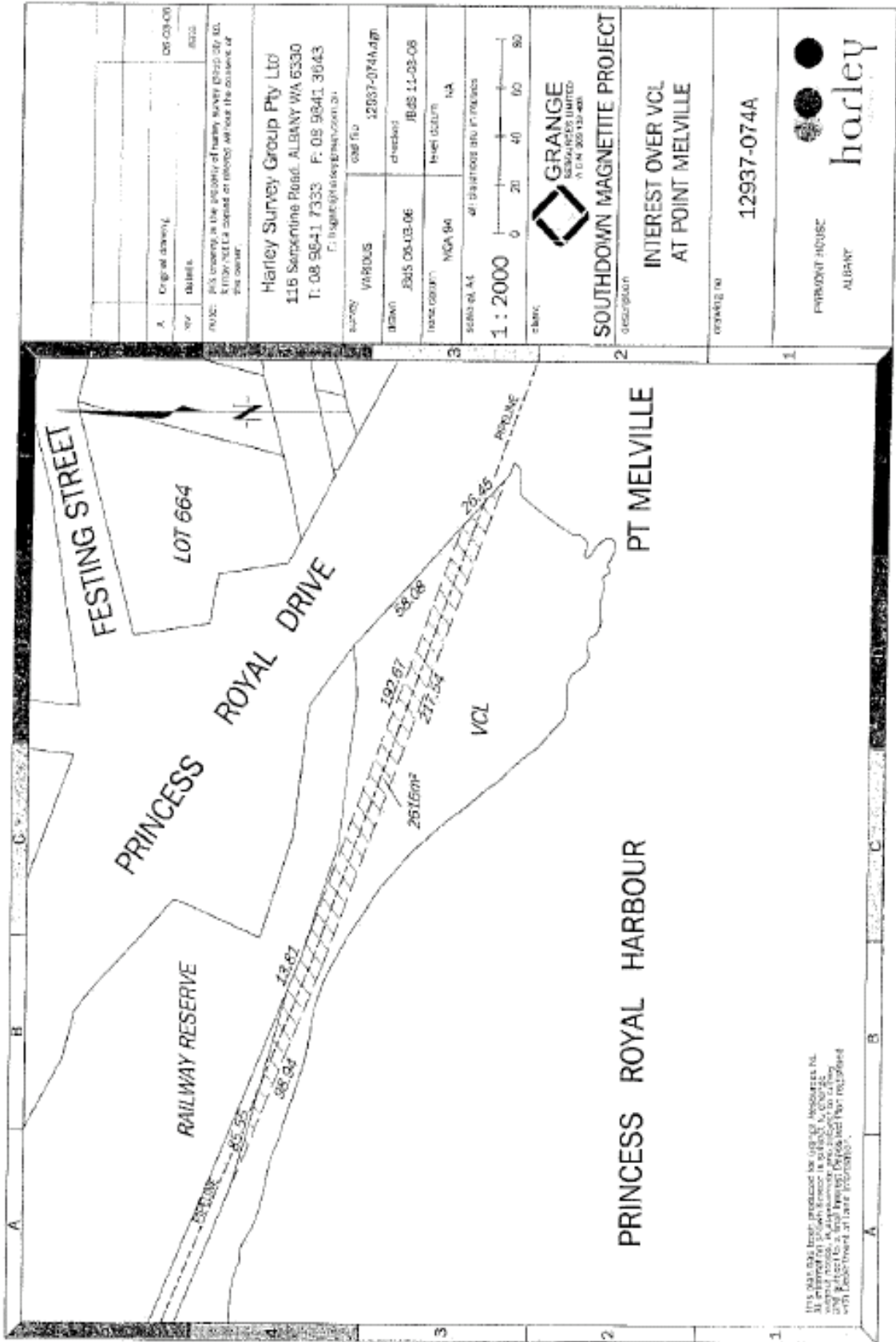


ORDINARY COUNCIL MEETING MINUTES-18/07/06  
 \*\* REFER DISCLAIMER \*\*  
 WORKS & SERVICES REPORTS

Item 13.7.2 continued

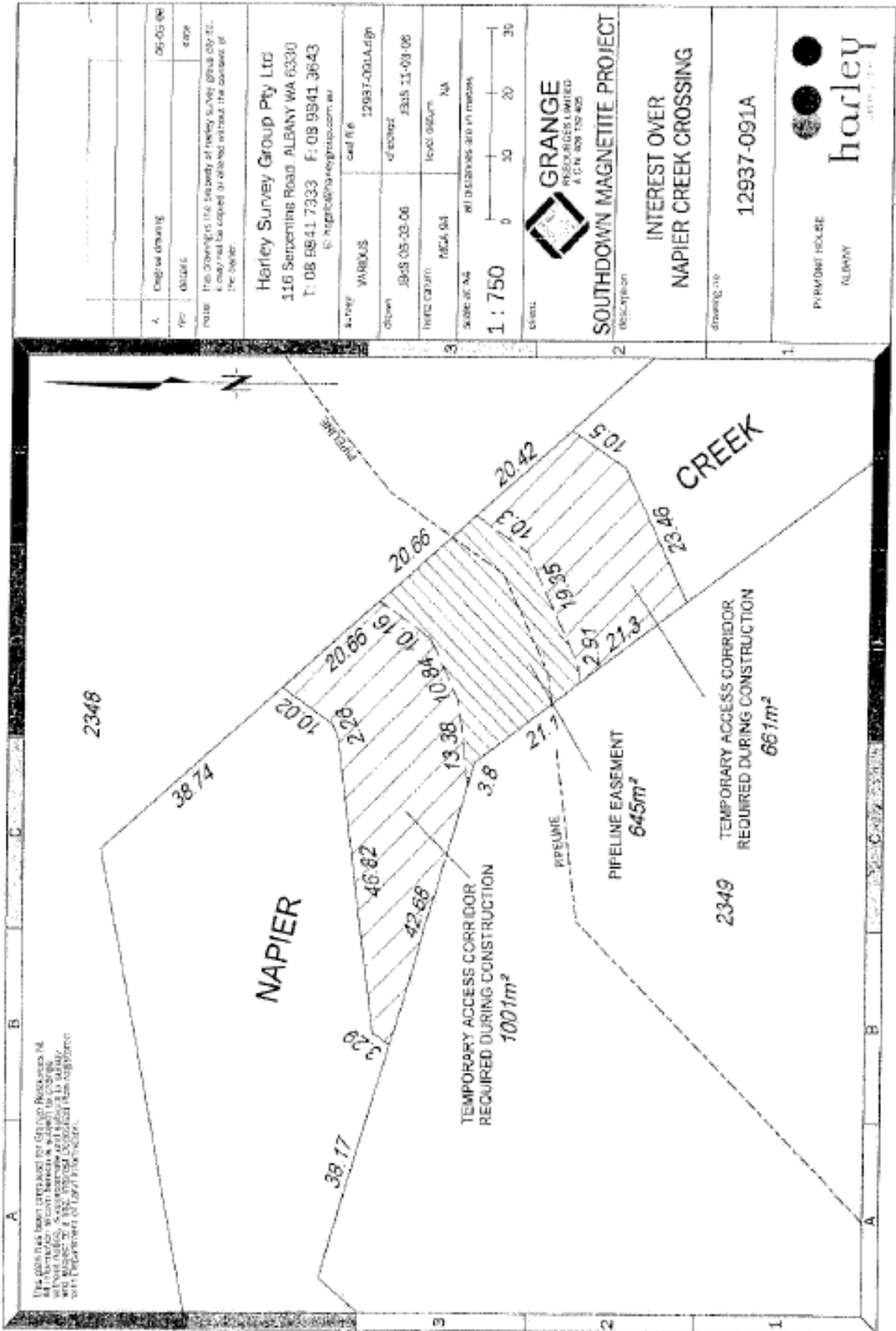


Item 13.7.2 continued



ORDINARY COUNCIL MEETING MINUTES-18/07/06  
 \*\* REFER DISCLAIMER \*\*  
 WORKS & SERVICES REPORTS

Item 13.7.2 continued



Original drawing	05-05-08	date
no.	0001	stage
note: this drawing is the property of harley survey group Pty Ltd. it may not be copied or altered without the consent of the client.		
<b>Harley Survey Group Pty Ltd</b> 116 Serpentine Road ALBANY WA 6330 T: 08 9841 7333 F: 08 9841 3643 G: harley@harleysurvey.com.au		
client	VARIOUS	contract no.
date of issue	05-05-08	contract no.
issue no.	0001	contract no.
scale	1:750	contract no.
Scale: all dimensions are in meters. 0 10 20 30		
<b>GRANGE</b> RESOURCES LIMITED A.C.N. 109 139 405		
<b>SOUTHDOWN MAGNETITE PROJECT</b> (sub-section)		
<b>INTEREST OVER</b> <b>NAPIER CREEK CROSSING</b>		
drawing no. <b>12937-091A</b>		
PROJECT HOUSE ALBANY		



**WORKS & SERVICES REPORTS**

**13.6 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 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.4.1 Albany Entertainment Centre Steering Committee meeting minutes – 12<sup>th</sup> June 2006 & 3<sup>rd</sup> July 2006**

<b>File/Ward</b>	:	MAN 076 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer(s)</b>	:	Manager Economic Development (J Berry)
<b>Summary Recommendation</b>	:	That the minutes of the Albany Entertainment Centre Steering Committee meeting held on 12 June 2006 and 3 July 2006 be received.

RECOMMENDATION

THAT the minutes of the Albany Entertainment Centre Steering Committee meetings held on 12 June 2006 and 3 July 2006 be received (copy of minutes are included in the Elected Members Report/Information Bulletin) and the following motion adopted:-

MOTION (12/6/06 – as amended on 3/7/06)

Item 5.1 – Project Review Report

Acknowledge the Project Review Report (*Ferguson Architects – 9 June 2006*) that confirms the following parameters to be used in the Project Definition Plan and by short-listed tenderers for the detailed design of the proposed Albany Entertainment Centre building:-

- 620 seats in theatre/auditorium;
- Proscenium Arch with fly-tower;
- Functional areas and spaces to be in accordance with the Albany Waterfront MOA and the report's accommodation schedule (Version 1) as recommended by Graeme Walne Theatre consultant (*refer schedule attached to Committee minutes of 12 June 2006*).

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT the minutes of the Albany Entertainment Centre Steering Committee meetings held on 12 June 2006 and 3 July 2006 be received (copy of minutes are included in the Elected Members Report/Information Bulletin) and the following motion adopted:-**

**MOTION (12/6/06 – as amended on 3/7/06)**

**Item 5.1 – Project Review Report**

**Acknowledge the Project Review Report (*Ferguson Architects – 9 June 2006*) that confirms the following parameters to be used in the Project Definition Plan and by short-listed tenderers for the detailed design of the proposed Albany Entertainment Centre building:-**

- **620 seats in theatre/auditorium;**
- **Proscenium Arch with fly-tower;**

**Functional areas and spaces to be in accordance with the Albany Waterfront MOA and the report's accommodation schedule (Version 1) as recommended by Graeme Walne Theatre consultant (*refer schedule attached to Committee minutes of 12 June 2006*).**

**MOTION CARRIED 12-0**



**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4.2 Amity Heritage Precinct Enhancement Committee meeting minutes - 16 June 2006**

<b>File/Ward</b>	:	STR 206 (All Wards)
<b>Proposal/Issue</b>	:	Council receive the Committee Minutes
<b>Reporting Officer(s)</b>	:	Manager Economic Development (J Berry)
<b>Summary Recommendation</b>	:	That the Minutes of the Amity Heritage Precinct Enhancement Committee held on 16 June 2006 be received.

RECOMMENDATION

THAT the minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 16 June 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WELLINGTON**

**THAT the minutes of the Amity Heritage Precinct Enhancement Committee meeting held on 16 June 2006 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 12-0**

**15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN**

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR BOJCUN**

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

**MOTION CARRIED 12-0**

**16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**17.0 MAYORS REPORT**

*"Fellow Councillors:*

*What an historic week this has been as we celebrated the Commissioning of the first Royal Australian Navy Ship called Albany. The City of Albany considers it a great honour that the Navy has acknowledged our place in Australia's maritime and military history, and our ongoing hospitality to visiting Naval Ships, by naming a ship after our City.*

*HMAS Albany arrived in Albany on Thursday 13<sup>th</sup> July. Cr John Jamieson was amongst a group of 8 VIPs taken out by zodiac to meet the Ship in King George Sound and sail into Port with her. The City hosted a Civic Reception for the Ship's personnel on Thursday evening, at which a framed photograph of Albany's harbour vista was presented to the Ship, along with a mounted "Albany Highway" street sign, marked with the number "86", to match the Ship's number.*

*At the Civic Reception I extended a formal invitation to the Commanding Officer of HMAS Albany, to undertake Freedom of Entry to the City on the Ship's next visit to Albany, to further strengthen the spirit of friendship established during this initial visit.*

*I acknowledge the hospitality shown by the Naval Association (Albany Sub Section) to the Ship's personnel and for their coordination of commemorative Port bottles, crocks, decanters and coffee mugs which were presented to crew members and were also available for purchase as items of memorabilia. The Naval Association also coordinated an informal 'Brunch' for the Ship with the TS Vancouver Cadets on Sunday 16<sup>th</sup> July.*

*Also over the last month, on the 29<sup>th</sup> June the City celebrated the launch of the new look Visitor Centre. Since the City of Albany commenced running the Centre in October 2005, the Visitors' Centre has evolved into a more modern, functional and welcoming facility for the many visitors who come to Albany and the region. The new look Visitor Centre also represents a first in the brandscaping of Albany using the "amazingalbany" logo. In the new financial year, Council plans to apply the brand to other City amenities, such as the Airport, and combine this branding with high quality advertising campaigns to promote Albany as a truly "amazing" place to visit.*

*At its February 2006 Meeting, Council passed a motion to support the transfer of vesting of the Mt Martin and Voyager Park reserves from the City of Albany to the Conservation*

*Commission of Western Australia. On the 5<sup>th</sup> July, the official transfer of these two Council managed reserves took place. It was the final step in combining the Mt Martin, Voyager Park and Gull Rock reserves, securing their ecological intactness and entrusting the ongoing management of the area to an entity who can best protect its significant environmental and cultural heritage values. On the same day, the Hon Mark McGowan MLA, Minister for the Environment, formally announced that the area would be called the 'Gull Rock National Park' and is Western Australia's 97<sup>th</sup> National Park.*

*I sincerely commend the community on the valuable work they have carried out within the Reserves; the Mt Martin Regional Botanic Park Committee, who were successful in having Mt Martin recognised as an Australian National Botanic Garden; the Kalgan Progress Association who were active in developing parts of the Gull Rock reserve and numerous other individuals who contributed to the cataloguing and protection of the extensive flora, fauna and birdlife in the area. The area is, I believe, a very important regional asset that is yet to realise its potential as a significant EcoTourism destination.*

*Thank you.*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR BOJCUN**

**THAT the Mayor's report be received.**

**MOTION CARRIED 12 - 0**

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

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT the late item be considered by Council.**

**MOTION CARRIED 12-0**

### 18.1 Initiate Scheme Amendment – Future Urban Zone Provisions

<b>File/Ward</b>	: AMD 157 (Breaksea, Vancouver & Yakamia Wards)
<b>Proposal/Issue</b>	: Provide Consistency Between Schemes 1A and 3 with Frontal Development.
<b>Subject Land/Locality</b>	: Various
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Initiate Scheme Amendment
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. Within the growth suburbs of Albany, a different arrangement is on place to deal with the subdivision of land. In the Scheme 3 area, a developer can progress to a subdivision application once a structure plan has been prepared over an area identified as “Residential Development” in the scheme. Examples are the areas of McKail and Bayonet Head where subdivision and lot development occurs on Residential Development zoned land.
2. In the Scheme 1A area, on land that is zoned “Future Urban”, the development of land is contingent upon the preparation of a structure plan (endorsed by the City, the WA Planning Commission and the Department of Environment), then the rezoning of the land and then the subdivision process. This additional step adds approximately 18 months to 2 years to the land release program.

#### STATUTORY REQUIREMENTS

3. Clause 4.35 of Scheme 1A states;

*“Land included in the Future Urban Zone is recognised by the Council as being suitable for urban purposes in the future. Council shall initiate zoning changes to allow for development and promote subdivision proposals where the subdivision*

*and/or development proposal put forward is in accordance, or will not conflict, with a Local Structure Plan approved by Council and*

*submitted in a form consistent with Commission Guidelines for approval of the Western Australian Planning Commission.”*

4. Scheme 1A also lists group and multiple dwellings as Prohibited land uses in the Future Urban zone, preventing any lot created in accordance with a Local Structure Plan from being developed with more than one dwelling unit.
5. Clause 5.2.1 of Scheme 3 however requires:

Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:

- (a) the major road systems under the Scheme;
- (b) topographic conditions;
- (c) land holdings adjacent to or in the vicinity of the subject land;
- (d) the necessity of providing civic and public facilities;
- (e) preservation of the environment.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

7. A development area severed by the scheme boundary can add considerable financial costs and delays to one developer and not the other. A market disparity has been created through the current scheme provisions.

#### **STRATEGIC IMPLICATIONS**

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

“Community Vision:

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

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

Mission Statement:

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

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

Priority Projects:

*Nil.”*

**COMMENT/DISCUSSION**

9. The amendment seeks to remove four words (“initiate zoning changes to”) from clause 4.35 and to amend the zoning table to show “Group Dwelling” and Multiple Dwelling” as discretionary land uses in the Future Urban zone.

**RECOMMENDATION**

THAT Council, pursuant to Section 75 of Planning and Development Act 2005, resolves to amend Town Planning Scheme 1A by;

- a) altering the text of clause 4.35; and
- b) altering the zoning table as it relates to a group dwelling or a multiple dwelling in the Future Urban zone.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR JAMIESON**

**THAT Council, pursuant to Section 75 of Planning and Development Act 2005, resolves to amend Town Planning Scheme 1A by;**

- a) altering the text of clause 4.35; and**
- b) altering the zoning table as it relates to a group dwelling or a multiple dwelling in the Future Urban zone.**

**MOTION CARRIED 10-2**

**19.0 CLOSED DOORS**  
Nil.

**20.0 NEXT ORDINARY MEETING DATE**  
Tuesday 15<sup>th</sup> August 2006, 7.30pm

**21.0 CLOSURE OF MEETING**  
There being no further business, the meeting closed at 9.25pm. .

Confirmed as a true and correct record of proceedings.

---

**A Goode, JP**  
*Mayor*

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
-------------	-------------	---------------------------

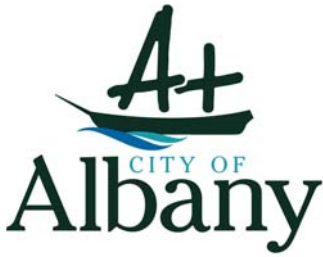
**APPENDIX B**

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING**

Nil.

**INTERESTS DISCLOSED BY OFFICERS**

Nil.



**[Agenda Item 12.1.1 refers]**  
**[COUNCIL –18<sup>th</sup> July 2006]**

**SUMMARY OF ACCOUNTS**

Municipal Fund		
Cheques	Totalling	91,894.90
Electronic Fund transfer	Totalling	2,665,186.31
Credit Cards	Totalling	6,658.23
Payroll	totalling	749,721.74
<b>Total</b>		<b><u>\$3,513,461.18</u></b>

**CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER**

This schedule of accounts to be passed for payment totalling \$3,513,461.18 which was submitted to each member of the Council on 18<sup>th</sup> July 2006 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**  
**(A Hammond)**

**MAYOR**

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,513,461.18 which was submitted to the Council on 18<sup>th</sup> July 2006 and that the amounts are recommended to the Council for payment.

\_\_\_\_\_  
**MAYOR**  
**(A Goode JP)**



**15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN**

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR BOJCUN**

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

**MOTION CARRIED 12-0**

**16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**17.0 MAYORS REPORT**

*"Fellow Councillors:*

*What an historic week this has been as we celebrated the Commissioning of the first Royal Australian Navy Ship called Albany. The City of Albany considers it a great honour that the Navy has acknowledged our place in Australia's maritime and military history, and our ongoing hospitality to visiting Naval Ships, by naming a ship after our City.*

*HMAS Albany arrived in Albany on Thursday 13<sup>th</sup> July. Cr John Jamieson was amongst a group of 8 VIPs taken out by zodiac to meet the Ship in King George Sound and sail into Port with her. The City hosted a Civic Reception for the Ship's personnel on Thursday evening, at which a framed photograph of Albany's harbour vista was presented to the Ship, along with a mounted "Albany Highway" street sign, marked with the number "86", to match the Ship's number.*

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*I acknowledge the hospitality shown by the Naval Association (Albany Sub Section) to the Ship's personnel and for their coordination of commemorative Port bottles, crocks, decanters and coffee mugs which were presented to crew members and were also available for purchase as items of memorabilia. The Naval Association also coordinated an informal 'Brunch' for the Ship with the TS Vancouver Cadets on Sunday 16<sup>th</sup> July.*

*Also over the last month, on the 29<sup>th</sup> June the City celebrated the launch of the new look Visitor Centre. Since the City of Albany commenced running the Centre in October 2005, the Visitors' Centre has evolved into a more modern, functional and welcoming facility for the many visitors who come to Albany and the region. The new look Visitor Centre also represents a first in the brandscaping of Albany using the "amazingalbany" logo. In the new financial year, Council plans to apply the brand to other City amenities, such as the Airport, and combine this branding with high quality advertising campaigns to promote Albany as a truly "amazing" place to visit.*

*At its February 2006 Meeting, Council passed a motion to support the transfer of vesting of the Mt Martin and Voyager Park reserves from the City of Albany to the Conservation*

*Commission of Western Australia. On the 5<sup>th</sup> July, the official transfer of these two Council managed reserves took place. It was the final step in combining the Mt Martin, Voyager Park and Gull Rock reserves, securing their ecological intactness and entrusting the ongoing management of the area to an entity who can best protect its significant environmental and cultural heritage values. On the same day, the Hon Mark McGowan MLA, Minister for the Environment, formally announced that the area would be called the 'Gull Rock National Park' and is Western Australia's 97<sup>th</sup> National Park.*

*I sincerely commend the community on the valuable work they have carried out within the Reserves; the Mt Martin Regional Botanic Park Committee, who were successful in having Mt Martin recognised as an Australian National Botanic Garden; the Kalgan Progress Association who were active in developing parts of the Gull Rock reserve and numerous other individuals who contributed to the cataloguing and protection of the extensive flora, fauna and birdlife in the area. The area is, I believe, a very important regional asset that is yet to realise its potential as a significant EcoTourism destination.*

*Thank you.*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR BOJCUN**

**THAT the Mayor's report be received.**

**MOTION CARRIED 12 - 0**

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

### 18.1 Initiate Scheme Amendment – Future Urban Zone Provisions

<b>File/Ward</b>	:	AMD 157 (Breaksea, Vancouver & Yakamia Wards)
<b>Proposal/Issue</b>	:	Provide Consistency Between Schemes 1A and 3 with Frontal Development.
<b>Subject Land/Locality</b>	:	Various
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Various
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Initiate Scheme Amendment
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Within the growth suburbs of Albany, a different arrangement is on place to deal with the subdivision of land. In the Scheme 3 area, a developer can progress to a subdivision application once a structure plan has been prepared over an area identified as “Residential Development” in the scheme. Examples are the areas of McKail and Bayonet Head where subdivision and lot development occurs on Residential Development zoned land.
2. In the Scheme 1A area, on land that is zoned “Future Urban”, the development of land is contingent upon the preparation of a structure plan (endorsed by the City, the WA Planning Commission and the Department of Environment), then the rezoning of the land and then the subdivision process. This additional step adds approximately 18 months to 2 years to the land release program.

#### STATUTORY REQUIREMENTS

3. Clause 4.35 of Scheme 1A states;

*“Land included in the Future Urban Zone is recognised by the Council as being suitable for urban purposes in the future. Council shall initiate zoning changes to allow for development and promote subdivision proposals where the subdivision and/or development proposal put forward is in accordance, or will not conflict, with a Local Structure Plan approved by Council and*

*submitted in a form consistent with Commission Guidelines for approval of the Western Australian Planning Commission.”*

4. Scheme 1A also lists group and multiple dwellings as Prohibited land uses in the Future Urban zone, preventing any lot created in accordance with a Local Structure Plan from being developed with more than one dwelling unit.
5. Clause 5.2.1 of Scheme 3 however requires:

Before granting approval for any of the uses permitted within the Development Zones subject to Council approval under Table No. 1 or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan for such areas as are the subject of an application to develop or subdivide being not less than the area shown within the outer edge of the green border on the part of the scheme map containing the subject land, together with other areas determined by the Council having regard to:

- (a) the major road systems under the Scheme;
- (b) topographic conditions;
- (c) land holdings adjacent to or in the vicinity of the subject land;
- (d) the necessity of providing civic and public facilities;
- (e) preservation of the environment.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

7. A development area severed by the scheme boundary can add considerable financial costs and delays to one developer and not the other. A market disparity has been created through the current scheme provisions.

#### **STRATEGIC IMPLICATIONS**

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

“Community Vision:

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

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

Mission Statement:

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

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

Priority Projects:

*Nil.”*

#### **COMMENT/DISCUSSION**

9. The amendment seeks to remove four words (“initiate zoning changes to”) from clause 4.35 and to amend the zoning table to show “Group Dwelling” and Multiple Dwelling” as discretionary land uses in the Future Urban zone.

RECOMMENDATION

THAT Council, pursuant to Section 75 of Planning and Development Act 2005, resolves to amend Town Planning Scheme 1A by;

- a) altering the text of clause 4.35; and
- b) altering the zoning table as it relates to a group dwelling or a multiple dwelling in the Future Urban zone.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR JAMIESON**

**THAT Council, pursuant to Section 75 of Planning and Development Act 2005, resolves to amend Town Planning Scheme 1A by;**

- a) altering the text of clause 4.35; and**
- b) altering the zoning table as it relates to a group dwelling or a multiple dwelling in the Future Urban zone.**

**MOTION CARRIED 10-2**

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT the late item to extend the public consultation period in relation to the Frenchman Bay Caravan Park and Tea Rooms development proposal be considered by Council.**

**MOTION CARRIED 12-0**

**18.2 Extension of Public Consultation Period – Frenchman Bay Caravan Park and Tea Rooms Development Proposal**

**BACKGROUND**

Councillor Paver expressed his concern that the current submission period of 21 days was inadequate for a development proposal of this complexity and that many of the surrounding property owners did not reside in the locality. He sought to extend the submission period to enable greater opportunity to consult with the community.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT Council extend the public consultation period by one (1) month from 21 July 2006, in relation to the Frenchman Bay Caravan Park and Tea Rooms development proposal.**

**MOTION CARRIED 12-0**

**19.0 CLOSED DOORS**  
Nil.

**20.0 NEXT ORDINARY MEETING DATE**  
Tuesday 15<sup>th</sup> August 2006, 7.30pm

**21.0 CLOSURE OF MEETING**  
There being no further business, the meeting closed at 9.25pm. .

Confirmed as a true and correct record of proceedings.

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**A Goode, JP**  
**Mayor**

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
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**APPENDIX B**

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING**

Nil.

**INTERESTS DISCLOSED BY OFFICERS**

Nil.



[Agenda Item 12.1.1 refers]  
[COUNCIL –18<sup>th</sup> July 2006]

**SUMMARY OF ACCOUNTS**

Municipal Fund		
Cheques	Totalling	91,894.90
Electronic Fund transfer	Totalling	2,665,186.31
Credit Cards	Totalling	6,658.23
Payroll	totalling	749,721.74
<b>Total</b>		<b><u>\$3,513,461.18</u></b>

**CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER**

This schedule of accounts to be passed for payment totalling \$3,513,461.18 which was submitted to each member of the Council on 18<sup>th</sup> July 2006 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.

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**CHIEF EXECUTIVE OFFICER**  
**(A Hammond)**

**MAYOR**

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,513,461.18 which was submitted to the Council on 18<sup>th</sup> July 2006 and that the amounts are recommended to the Council for payment.

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**MAYOR**  
**(A Goode JP)**