



AGENDA

**For the Ordinary Meeting of Council
To be held on
Tuesday 18 June 2013
6.00pm
City of Albany Council Chambers**

CITY OF ALBANY STRATEGIC PLAN (2011-2021)

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

The Plan states our vision and values as:

VISION

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

VALUES

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

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL MEETING
 AGENDA – 18/06/2013
 ** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

II. OPENING PRAYER

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

ITEM 2.0: MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

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

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

ITEM 3.0: MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

The Mayor’s Report be RECEIVED.

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

V. PUBLIC QUESTION AND STATEMENT TIME

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

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

Deputy Mayor Y Attwell

Councillors:

| | |
|---------------------|-------------|
| Breaksea Ward | R Hammond |
| Breaksea Ward | V Calleja |
| Frederickstown Ward | C Dowling |
| Frederickstown Ward | G Stocks |
| Kalgan Ward | C Holden |
| West Ward | G Gregson |
| Yakamia Ward | R Sutton |
| Yakamia Ward | A Hortin JP |
| Vancouver Ward | S Bowles |
| Vancouver Ward | D Bostock |

Staff:

| | |
|---|--------------|
| Chief Executive Officer | G Foster |
| Executive Director Planning & Development Services | D Putland |
| Executive Director Works & Services | M Thomson |
| Executive Director Corporate Services | G Adams |
| Executive Director Community Services | C Woods |
| Minutes | J Williamson |

Apologies:

| | |
|------------------|----------------------------|
| Mayor Wellington | Leave of Absence |
| West Ward | D Dufty (Leave of Absence) |

VII. APPLICATIONS FOR LEAVE OF ABSENCE

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

**ITEM 8.0: MOTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the minutes of the Ordinary Council Meeting held on 21 May 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

**ITEM 8.0: MOTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the minutes of the Special Council Meeting held on 6 June 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

ORDINARY COUNCIL MEETING
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IX. DECLARATIONS OF INTEREST

| Name | Item Number | Nature of Interest |
|-------------|--------------------|---------------------------|
| | | |
| | | |
| | | |

- X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS
- XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS
- XII. ADOPTION OF RECOMMENDATIONS EN BLOC

RISK MANAGEMENT FRAMEWORK

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

1.1: AUDIT AND FINANCE COMMITTEE

Proponent : City of Albany
Attachment : Confirmed Minutes of Audit and Finance Committee
Meeting held 8 April 2013
Responsible Officer : Acting Chief Executive Officer (G Foster)

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

THE CONFIRMED minutes of the Audit and Finance Committee meeting held on 8 April 2013, as previously distributed, be RECEIVED.

18/06/2013

REFER DISCLAIMER

1.1.1: GOVERNANCE COMMITTEE

Proponent : City of Albany
Attachment : Confirmed Minutes of Governance Committee Meeting held on 9 May 2013
Responsible Officer(s) : Acting Chief Executive Officer (G Foster)

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

THAT the CONFIRMED minutes of the Governance Committee Meeting held on 9 May 2013, be RECEIVED.

1.1.4: CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE

| | |
|-----------------------------------|---|
| File Number (Name of Ward) | : CS.MEE.6 |
| Proponent | : City of Albany |
| Appendices | : <ul style="list-style-type: none"> • Minutes of the Cultural and Community Development Committee 23 October 2012 (Confirmed) • Aboriginal Accord Strategy |
| Responsible Officer | : Executive Director Community Services (C Woods) |

IN BRIEF

- Receive the minutes of the Cultural and Community Development Committee.

**ITEM 1.1.4: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

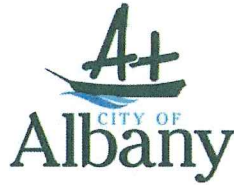
THAT the CONFIRMED minutes of the Cultural and Community Development Committee meeting held on Tuesday 23 October 2012, be RECEIVED.

**ITEM 1.1.4: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the City of Albany develops a resource to manage the community liaison requirements of ANZAC Centenary events and other activities.

**ITEM 1.1.4: COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT a Working Group be established to review Council's Aboriginal Accord Strategy with a view to determining the City's strategic direction and developing more relevant and meaningful outcomes for the Noongar Community.



CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

For the meeting held from 3.30pm to 5.30pm on Tuesday 23 October 2012,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: CS.MEE.6/AM1227295)

Cultural and Community Development 5 Identified Priority Areas

| |
|-----------------------------|
| Community Capacity Building |
| Motivating the Community |
| Community Engagement |
| Creating Change |
| Meeting Places |

1.0 ATTENDANCE

| | |
|------------------------------------|--|
| Councillors: | |
| Cr Sarah Bowles | Chair |
| Cr Don Dufty | Councillor |
| | |
| Committee Members: | |
| Dr Dell Dennis | Community Representative |
| Ms Rachel Wilsher-Saa | Community Representative |
| Mr Tim Riessen | Community Representative |
| | |
| Staff: | |
| Adam Cousins | Manager, Cultural and Community Development |
| Emily Hubble | Administrative Assistant, Community Services |
| | |
| Apologies/Leave of Absence: | |
| Cameron Woods | Executive Director, Community Services |
| Cr Chris Holden | Councillor |
| | |
| | |

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.0: RESOLUTION

**MOVED: DELL DENNIS
SECONDED: CR SARAH BOWLES**

THE UNCONFIRMED MINUTES OF THE CULTURAL AND COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD ON 10 AUGUST 2012 AS PREVIOUSLY DISTRIBUTED, BE CONFIRMED AS A TRUE AND ACCURATE RECORD OF PROCEEDINGS.

CARRIED 5-0

3.0 DISCLOSURE OF INTEREST

NIL

4.0 ITEMS FOR DISCUSSION

4.1 ANZAC CENTENARY PROJECTS – UPDATE (STANDING ITEM)

Chair discussed ANZAC Centenary Projects. Noted concurrent projects and feasibility were moving at a rapid pace and would require Council resolutions in the future.

Rachel Wilsher-Saa noted that the Albany Museum is progressing an online education program on the 100 years of ANZAC.

4.2 COMMUNITY FUNDING

Adam Cousins gave brief outline on the current stage of Community Funding Program, with \$35,000 distributed between 11 community groups. Issue was raised by committee members regarding the complexity of the application process. Noted that assistance or workshop could be offered to groups and individuals applying for funding. Comment was made that the Department of Sport and Recreation hold similar workshops.

It was suggested that funding recommendations could come from the CCD committee to Council for the next funding round. It was noted that to allow adequate time to communicate the program Council may need to commit funds to the program outside of the normal budget cycle.

ACTION: Adam Cousins to prepare a report for the next meeting to review Community Funding application process prior to 2013/2014 budget.

4.3 PATHWAYS, CYCLEWAYS AND TRAILS

Current Recreation and Sport project, funding available from Department of Sport and Recreation as well as Department of Transport with strong support from all stakeholders.

4.4 CENTENNIAL PRECINCT

Centennial Precinct Master Plan currently is out for public comment. Committee requested an invitation go out to the Manager of Recreation Services and/or Manager Major Projects provide an overview of the project for the next committee meeting.

ACTION: Adam Cousins to request Manager of Recreation Services and/or Manager Major Projects provide a presentation to the CCD committee at its next meeting.

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETING

- 5.1 ANZAC Centenary projects – update (standing Item)
- 5.2 Community Funding
- 5.3 Community Development Strategy
- 5.4 Aboriginal Accord

Councillor Don Dufty exited meeting at 4.55pm

6.0 GENERAL DISCUSSION

6.1 RESIGNATION COMMITTEE MEMBER

Committee acknowledged the resignation of committee member, Dianne Loftus-Taylor. Committee made the decision to not replace member at present but to review as required.

6.2 ABORIGINAL ACCORD

Dr Dell Dennis questioned the term of reference and how the committee could focus more on the Aboriginal Accord. Requested more information to be brought to next committee meeting.

ACTION: Adam Cousins to brief committee on Aboriginal Accord at next meeting.

6.3 AUSTRALIA DAY AWARDS

Adam Cousins advised there was no updates available.

ACTION: Adam Cousins to email Committee members as Award Information becomes available.

6.4 ACCESS AND INCLUSION PLAN

Council have endorsed the Access and Inclusion Plan.

6.5 COMMUNITY SERVICES RECRUITMENT

Adam Cousins advised that the City had recently recruited new staff to key portfolios within the Community Services Directorate as follows:

- Samantha Stevens – Manager Recreation Services
- John Toomey – Manager Albany Leisure and Aquatic Centre
- Paul Nielsen – Manager Library Services

6.6 CITY OF ALBANY CHRISTMAS PAGEANT

Annual City of Albany Christmas Pageant has moved back to the York Street precinct and will be held on 1 December 2012.

6.7 ART AWARDS

Jack Family Trust has agreed to the Albany Art Prize taking place in October 2013.

6.8 TOWN HALL PROGRAM


Adam Cousins gave a brief overview of programming that had been delivered at the Town Hall.

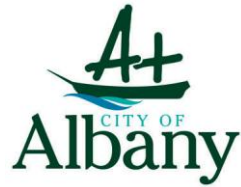
6.9 SALIABILITY PROGRAM FUNDING

Adam Cousins advised that the City had been successful in receiving funding to support a Saliability program delivered by the Princess Royal Sailing Club. The project is active and the PRSC has recruited a coordinator.

7.0 DATE OF NEXT MEETING
20 FEBRUARY 2013

8.0 CLOSURE OF MEETING
5.20PM

Confirmed:  Date: 17.5.13



Council Strategy

Aboriginal Accord

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Version Control

| Version | Date | Status | Distribution | Comment |
|---------|----------|---------|-------------------|-----------------------------|
| 01 | 18/03/03 | Adopted | Internal/External | OCM Item 12.2.1 |
| 02 | 19/05/09 | Adopted | Internal/External | OCM Item 12.12.2(4) |
| 03 | 17/01/11 | Amended | Internal/External | Formatting only & File Ref. |

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1. Executive Summary

On the 30 November 1999 representatives from the City of Albany, the Aboriginal community and the wider Albany community signed a 'Statement of Understanding and Commitment'. This document committed the parties involved to establish a strategic accord that would provide a greater understanding of Aboriginal and non Aboriginal history and culture.

On 18 March 2003, the City of Albany adopted an Aboriginal Accord and Action Plan recognising the role that the City must play in the provision of services and facilities for the Aboriginal community.

The adoption of the initial Aboriginal Accord and associated Action Plan has been partially implemented with varying success. A number of successful outcomes have been achieved including the employment of an Aboriginal Liaison Officer and the development of staff training sessions to promote a greater understanding of Aboriginal culture and customs. However, in its capacity as a service provider, the City has experienced difficulty engaging the Aboriginal community to assist with the Accord's implementation.

This difficulty in engaging and stimulating participation within the local community can be attributed to a number of factors including the capacity of the City to deliver upon the aspirations of the local Aboriginal community. Feedback received through the consultation process indicates priority issues within the local community are the provision of housing and employment (both of which the City can only have little direct involvement).

This strategy document builds upon the foundations and situation analysis of the original accord adopted in March 2003, however recognises the City's limitations in delivering upon the aspirations of the local community and therefore focuses on an advocacy role in relation to the services and facilities provided by other government agencies and organisations.

2. Definitions

Aboriginal Term pertaining to members of the indigenous people of Australia.

3. Strategic Context

Within the corporate hierarchy of strategy development and implementation, this strategic document is positioned at the strategic business unit or SBU level. This document is aligned to the City's corporate strategy and relates to the following elements from the 3D Corporate Plan:

The Vision for Albany: Albany Insight – Beyond 2020

The major goals for Albany – Albany will be a City where...

Lifestyle & Environment...1.4 Our cultural and artistic communities are valued, celebrated and supported.

Economic Development...2.4 Our strategic proximity to Antarctica is exploited to its maximum potential.

Governance...4.3 Deliver excellent community services that meet the needs and interests of our diverse communities.

4. Strategic Focus Areas

Cross Cultural Awareness & Understanding

As a service delivery organisation, the City has identified that traditional service delivery and transaction methods may impede the City's interaction with the local Aboriginal community. In order to effectively provide services and facilities to the Aboriginal community, a greater cultural awareness and understanding is required.

Advocacy

The City has identified that independently, it cannot deliver on the high priority aspirations of the Aboriginal community such as the provision of housing and employment. However, through its distribution channels, consultation methods and proximity to the local community, the City is perfectly positioned to provide a communication and service delivery conduit between the Aboriginal community and the government agencies and organisations that can satisfy the community's aims and objectives.

Consultation, Engagement & Liaison

Given the constructive nature of the projects that the City's works teams facilitate, the City must be exhaustive and consistent from a consultation and liaison perspective during the planning stages of remediation works and major projects. At times, these projects may impact upon places of significance and therefore consultation, engagement and liaison with the local community is required to ensure the culture of Aboriginal people and places of historical significance are sustained.

Social & Economic Planning

Representatives from the Aboriginal community rarely participate in the strategic, social and economic planning processes convened by the City of Albany. Through increased participation and involvement in these processes, the aims and objectives of the local Aboriginal community can be recognised, considered and potentially implemented.

Environment

Given the historical connection between the Aboriginal people and the location of Albany, a number of places of significance exist.

In the City's operational capacity, a number of opportunities exist to protect and enhance these venues and facilities for future generations to enjoy, appreciate and connect with their culture.

Arts & Culture

The City's involvement with the arts community and the provision of art facilities provides opportunities for the promotion and recognition of indigenous art and its contribution towards the artistic fabric of Albany.

Employment Education & Training

The City recognises the difficulty that local Aboriginal people experience in completing educational and vocational training programs and the subsequent difficulty finding permanent employment.

Young People

The City recognises that youth generally regardless of culture are vulnerable to external influences. Opportunities exist within the community to provide recreational and cultural engagement programs to engage youth throughout these formative and influential years.

5. Key Action Plan

Cross Cultural Awareness & Understanding

| 1. To improve awareness and understanding of Aboriginal culture and customs amongst Elected Members and the City of Albany staff. | |
|--|--|
| Timeframe | Ongoing |
| Resources | Incorporation into induction procedures. |
| Officer | EDCCS |
| References | |
| | |

| 2. To establish a series of service delivery protocols that encourages community engagement and establishes partnerships with the local Aboriginal community. | |
|--|---------------------------|
| Timeframe | December 2008 |
| Resources | |
| Officer | MCS |
| References | Customer Service Strategy |
| | |

Advocacy

| 3. To provide assistance to the local Aboriginal community from an advocacy perspective to deliver upon housing and employment aspirations. | |
|--|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | ILO |
| References | |
| | |
| | |

| 4. To capitalise on the City's proximity to the local Aboriginal community by acting as a conduit between the community and the government departments that provide the relevant services and facilities. | |
|--|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | ILO |
| References | |
| | |
| | |

Consultation, Engagement & Liaison

| | |
|--|------------------------------|
| 5. To formalise the City's consultation procedures with the Aboriginal community to ensure that remediation works and major projects do not adversely impact upon Aboriginal culture or places of significance. | |
| Timeframe | December 2008 |
| Resources | |
| Officer | EDCCS |
| References | Aboriginal Heritage Act 1972 |
| | |

| | |
|--|---------|
| 6. To provide an ongoing avenue of liaison and consultation between Council and the Aboriginal Community. | |
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

Social & Economic Planning

| | |
|---|---------|
| 7. To provide Aboriginal people with an opportunity to be actively involved in social and economic planning processes of the City of Albany. | |
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

| | |
|--|-------------|
| 8. To increase the involvement of Aboriginal people in civic and community affairs. | |
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS & MLO |
| References | |
| | |

Environment

| | |
|--|---------------|
| 9. To formalise the traditional and cultural links that Aboriginal people have with the environment and to develop programs to ensure these links continue. | |
| Timeframe | December 2008 |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

| | |
|---|---------|
| 10. To ensure that Aboriginal people are given the opportunity to provide input in relation to works completed in City of Albany reserves. | |
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

| | |
|--|---------|
| 11. To incorporate indigenous flora into street scapes, parks and reserves where appropriate. | |
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

Arts & Culture

| 12. To provide programs that raise awareness of all forms of Aboriginal art and culture. | |
|---|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

| 13. To encourage the involvement of young Aboriginal people in artistic and cultural pursuits. | |
|---|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

| 14. To incorporate themes into public art displays and general works that reflect Aboriginal culture. | |
|--|---------------|
| Timeframe | December 2008 |
| Resources | |
| Officer | EDCCS |
| References | |
| | |

Employment Education & Training

| 15. To improve employment opportunities for Aboriginal people within the City's administration and outdoor work forces | |
|---|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | HRS |
| References | |
| | |

Young People

| 16. Provide assistance to programs that increase self-esteem and pride within the young Aboriginal Community. | |
|--|--|
| Timeframe | Ongoing |
| Resources | |
| Officer | EDCCS |
| References | Community Financial Assistance Program |
| | |

| 17. To increase the involvement of young Aboriginal people in recreational activity. | |
|---|---------------------|
| Timeframe | Ongoing |
| Resources | |
| Officer | MCD |
| References | Recreation Strategy |
| | |

| 18. To improve the employment prospects of young Aboriginal people at the City of Albany. | |
|--|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | HRS |
| References | |
| | |

| 19. To participate in programs that reduce the incidence of crime and anti-social behaviour involving young Aboriginal people. | |
|---|---------|
| Timeframe | Ongoing |
| Resources | |
| Officer | MCD |
| References | |
| | |

6. Performance Measurement

Cross Cultural Awareness & Understanding

- Number of staff participating in cultural awareness training.
- Creation of an annual survey completed by the Aboriginal Community to assess the City's effectiveness from a service delivery perspective.

Advocacy

- Establish a scorecard to determine the number of referrals to more appropriate service providers.

Consultation, Engagement & Liaison

- Annual assessment on trends and feedback from the Aboriginal community with regard to works commencing whereby no consultation has occurred.

Social & Economic Planning

- Annual reporting on the number of Aboriginal people that participate in planning workshops facilitated by the City of Albany.

Environment

- Incorporation of traditional Aboriginal plantings into streetscapes, parks and reserves.

Arts & Culture

- Participation of Aboriginal people in Vancouver Arts Centre programs.
- Number of Aboriginal Art Submissions in Albany Art Prize.

Employment Education & Training

- Number of Aboriginal people employed by the City of Albany.
- Number of traineeships offered to Aboriginal people by the City of Albany.

Young People

- Number of programs offered at the Aboriginal Corporation for Aboriginal youth.
- Reduction of youth related crime.

7. Review

Executive Director Corporate and Community Services to review on or before 30/6/2011

8. Associated Documents

List related policies, procedures, references, guidelines or other documents that have a bearing on this strategy and that may be useful reference material for users of this strategy.

- Customer Service Strategy
- Human Resources Strategy
- Recreation Strategy

2.2: PLANNING AND BUILDING REPORTS MAY 2013

Responsible Officer : Executive Director Planning and Development
Services (D Putland)
Attachment : Planning and Building Reports May 2013

IN BRIEF

- Receive the contents of the Planning and Building Report for May 2013

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

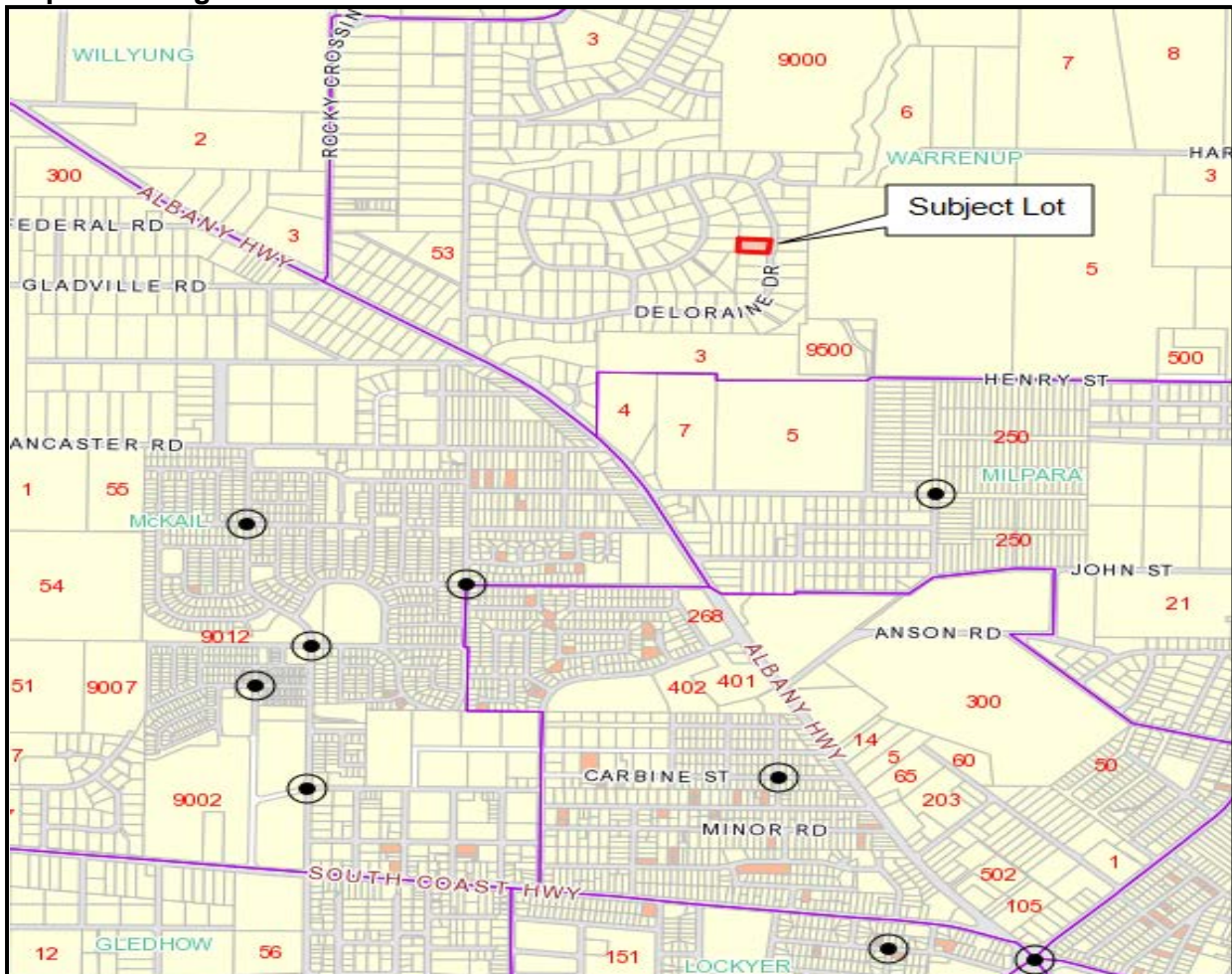
THAT the Planning and Building Report for May 2013 be RECEIVED.

**ATTACHMENTS FOR THE PLANNING AND BUILDING REPORTS WILL BE MADE
AVAILABLE PRIOR TO THE ORDINARY COUNCIL MEETING.**

2.3: LAND USE APPLICATION – TEMPORARY ACCOMMODATION – LOT 169 DELORAINE DRIVE

Land Description : Lot 169 Deloraine Drive
Proponent/Owner : William Casserly
Attachment : Temporary Accommodation Policy
Responsible Officer(s) : Executive Director Planning and Development Services (Dale Putland)

Maps and Diagrams:



IN BRIEF

- An application was received for temporary accommodation at Lot 169 Deloraine Drive.
- The proposal does not comply with Council Policy 2G Temporary Accommodation, Clause G1, which states; *'The applicant must be an owner-builder'*.
- The applicant has a building permit for a dwelling to be built by a 'registered builder' and not an "owner builder".
- Staff do not have necessary the delegation to relax a provision of a Policy.
- Council may decide to relax a Policy provision after considering the objective of the Policy and submissions.
- The objective of the Temporary Accommodation Policy is: *to provide guidelines for landholders seeking to live on their property whilst constructing their permanent housing.*
- Neighbouring properties were consulted and at the close of the advertising period (8 May), one letter of support was received.

RECOMMENDATION

ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

- 1) **THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for 'Temporary Accommodation' at Lot 169 Deloraine Drive subject to the following conditions:**
 - 1) **Temporary Accommodation must be in a caravan either containing or connected to a laundry, shower and toilet facilities that meet the requirements of Environmental Health and Building Services and comply with the Caravan Parks and Camping Grounds Regulations 1997.**
 - 2) **The building site being clearly demarcated and appropriately fenced to prevent unauthorised access to the satisfaction of the City;**
 - 3) **Safe access being provided to the temporary accommodation;**
 - 4) **The Building site to complying with all Work safe requirements.**
 - 5) **The Temporary accommodation approval being limited to 1 year and meeting the following criteria**
 - a. **Floor slab being laid within three months;**
 - b. **Dwelling being at wall plate height within eight months;**
 - c. **Dwelling being at lock-up stage within 12 months;**
- 2) **THAT Council resolves to commission staff to undertake a review of the 'Temporary Accommodation Policy'**

BACKGROUND

1. An application was received for temporary accommodation at Lot 169 Deloraine Drive subsequent to compliance investigations and discussions with the Owner of the Lot.
2. An anonymous member of the community brought to the attention of staff at the City that an outbuilding at 169 Deloraine Drive was being used for human habitation purposes.
3. Property owner was contacted and advised that an outbuilding is a Class 10a building under the Building Code of Australia (1996), which is a non-habitable building. Staff advised the owner that the City may consider temporary accommodation within a caravan in accordance with Council's 'Temporary Accommodation' Policy.
4. The owner has since acquired and is now living in a caravan on site.

DISCUSSION

5. The application for temporary accommodation complies with the City's Policy on the following grounds:
 - The property in question is greater than 4000m² (4617m²); and
 - The property is zoned 'Special Residential';
6. The application for temporary accommodation does not comply with the policy requirement that requires the occupant to be an owner builder
7. The requirement for the applicant to be an owner builder does not relate to any other legislation and does not facilitate the ultimate intent, which is to support temporary accommodation (max 12 months) whilst a dwelling is being constructed.

8. The major concern is for the health and safety of the occupier of the temporary accommodation whilst living on an active building site. These matters can however be addressed through the proposed number of conditions.
9. Staff at the City undertook research to ascertain how other Local Governments deal with requests for temporary accommodation. Research revealed that the City of Busselton, Town of Port Headland, Shire of Ravensthorpe, Shire of Manjimup, City of Gosnells, Shire of Northam, Shire of Harvey and Shire of York have Policies to assist owners in the building of their dwelling and to ensure the temporary accommodation commensurate with building and health standards. None of these policies required the applicant to be an owner builder.
10. On review of temporary accommodation policies adopted by other Local Governments, the following conditions are consistently applied:
 - The temporary accommodation is to be located in rural and rural residential zones – no size limit stipulated;
 - Temporary Accommodation must be in a caravan either containing or connected to a laundry, shower and toilet facilities that meet the requirements of Environmental Health and Building Services;
 - Accommodation is limited to 12 months;
 - The occupant has legal write to camp in a caravan on the land; and
 - Temporary Accommodation approval will be given when a Building License has been issued for the proposed dwelling.
11. Staff will be reviewing this policy in light of these investigations and also in light other concerns relating to the impact that this use has on the amenity of the area and the potential for land use conflict especially in areas with smaller lots.

GOVERNMENT CONSULTATION

12. There is no requirement or need to consult with government organisations in relation to this application.

PUBLIC CONSULTATION / ENGAGEMENT

13. Properties within the vicinity of Lot 169 Deloraine Drive were consulted and at the close of advertising, one letter of support from a direct neighbouring property was received. The following comments were made:

My property abounds the one in question on the western side. My partner and I have met several times 'over the fence' with our neighbour and discussed his plans to build and his desire to reside on the block until his house is completed. They keep their premises very neat and tidy and have made terrific inroads in establishing an orchard and landscaping around the rest of the property, all obvious indicators that Roley and Linda intend to push for their house to be finished as soon as possible so they can move in. To this end, please be advised that Nory and I have no problems whatsoever with Roley and Linda living on-site and in their caravan until their home is finished.

STATUTORY IMPLICATIONS

14. *Caravan and Camping Grounds Regulations 1997 (CCGR) and the Building Codes of Australia 2012 deal with living in caravans*. The CCGR supports a person camping on land for a period specified by the local government if such approval will not result in the land being camped on for longer than 12 months, the person owns or has a legal right to occupy the land and the person camps in a caravan on the land while a permit has effect in relation to the land. The *Building Codes of Australia 2012* defines a permit as: *'The person who is named as the builder on a building permit'*.

STRATEGIC IMPLICATIONS

15. *"This item relates to the following elements of the City of Albany Strategic Plan (2011 2021):*

Community Priority

Policy and Procedures

Proposed Strategies

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

POLICY IMPLICATIONS

16. Council has adopted Policy 2G 'Temporary Accommodation'. The application for temporary accommodation does not comply with the City's Policy as the applicant is not an owner builder.
17. In accordance with Clause 6.9.4 (A) of Town Planning Scheme 3 the Council is not bound by a policy when considering a planning application, however Council in considering a variation is to take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision.
18. The objective of the Temporary Accommodation Policy is: *to provide guidelines for landholders seeking to live on their property whilst constructing their permanent housing.*
19. Neighbouring properties were consulted and at the close of advertising, one letter of support from a direct neighbouring property was received.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|---------------|---|---------------|---|
| <i>Toilet, bathroom and laundry facilities need to comply with standards required by the Building Code of Australia and the Health Act.</i> | <i>Likely</i> | <i>Health impacts to humans and environment if not developed to required standards.</i> | <i>Low</i> | <i>Councils Environmental Health Officers and Building Surveyors assess toilet, bathroom and laundry facilities to make compliant with standards.</i> |
| <i>Council's support for the proposal could create a precedent for other applications and devalue the policy.</i> | <i>Likely</i> | <i>Minor</i> | <i>Medium</i> | <i>Should Council support the proposal, it should consider whether the policy should be reviewed to accommodate similar applications.</i> |

FINANCIAL IMPLICATIONS

21. There are no financial issues in relation to this planning application an Temporary Accommodation application fee of \$200 still needs to be paid to the Environmental Health service team if this application is approved.

LEGAL IMPLICATIONS

22. Opportunity exists for an applicant to appeal a planning decision and/or condition to the State Administrative Tribunal.

ALTERNATE OPTIONS

23. The Council may refuse the application as it does not comply with Council's adopted Policy.

SUMMARY CONCLUSION

24. The application complies with Council Policy other than a requirement that the builder is an 'Owner Builder'.
25. This requirement does not relate to any other legislation and does not facilitate the ultimate intent, which is to support temporary accommodation (max 12 months) whilst a dwelling is being constructed.
26. Recommend that the Council support the application subject to conditions and direct staff to amend the 'Temporary Accommodation Policy' to make it more appropriate to the intent of the policy.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | Policy 2G 'Temporary Accommodation' <i>Caravan and Camping Grounds Regulations 1997</i> <i>Building Codes of Australia 2012</i> |
| File Number (Name of Ward) | : | P2130103 |
| Previous Reference | : | Nil |

2.4: DEVELOPMENT APPLICATION – OVERSIZE SHED (GENERAL PURPOSE) – 110 RIVERSIDE ROAD, KALGAN

| | |
|-------------------------------|---|
| Land Description | : 110 Riverside Road, Kalgan |
| Proponent | : Mr Richard Walker |
| Owner | : Mr R & Mrs J Walker |
| Attachments | : Statement of Justification Site Plan/Elevations Adjoining Owner Comment |
| Responsible Officer(s) | : Executive Director Planning & Development Services (D Putland) |

Maps and Diagrams:



IN BRIEF

- This is a development application for a non habitable structure at 110 Riverside Road, Kalgan, requesting a relaxation of the City of Albany Non-habitable Structures Policy.
- The Non-habitable Structures Policy has two size allowances in the Rural Village zone depending on the lot size. 150m² for lots under 4,000m² and 170m² for lots over 4,000m². The subject lot is over 22,000m².
- The proposed shed is 115m² in area, which together with an existing approved shed of 90m² is 35m² over the allowance permitted in the Non-habitable Structures Policy for this size lot in the Rural Village zone as per the Policy.
- Council is required to determine the application as a variation to this policy is not delegated to Staff.

RECOMMENDATION

ITEM 2.3: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to:

1. **VARY provision 2 C i of the Non-habitable Structures Policy as it relates to construction of an additional 115m² shed at 110 Riverside Road, Kalgan;**

And

2. **ISSUE a Notice of Planning Scheme Consent for the Shed at 110 Riverside Road, Kalgan; subject to the following conditions:**

- A. **Development shall be undertaken in accordance with the submitted detail and subject to any amendments made in red on the approved plans.**
- B. **Prior to the commencement of construction stormwater disposal plans and details shall be submitted to and approved in writing by the City of Albany.**
- C. **Development shall be carried out in accordance with the details approved pursuant to Condition B.**
- D. **Prior to the commencement of development, a schedule of external materials and colours shall be submitted to and approved in writing by the City of Albany.**
- E. **The development hereby approved shall be used for domestic storage only and shall not be used for commercial or business related activity or for human habitation, unless otherwise approved in writing by the City of Albany.**

BACKGROUND

1. The former City of Albany Outbuildings Policy did not include an allowance for outbuildings within the Rural Village zone as there were no Rural Village zones in any of the City's Town Planning Schemes at the time the policy was written and adopted.
2. The new Non-habitable Structures Policy has included provisions for this zone and set the incremental allowances based on the predominant lots sizes that would be created through subdivision as permitted through the structure plan. The allowances given are directly comparable to the lot size allowances in other similar zones.
3. There was no allowance for very large lots within Rural Village zones made in the policy as the larger lots within the Structure Plan area are for the most part already developed, and the majority of development within the zone would be the creation of smaller lots then falling within the ranges covered by the new policy. It was considered that there would be limited requests outside the lot sizes covered by the new policy and any such requests could be dealt with on a case by case basis on their individual merits.

4. The subject site is 2.23ha in area and is zoned Rural Village under Town Planning Scheme 3. Under the terms of the Kalgan Rural Village Structure Plan further subdivision of this lot can be considered subject to land capability and this would go through the normal subdivision application process.
5. This application is for a shed to be used for storage in connection with the occupation and maintenance of the property, located at 110 Riverside Road, Kalgan. The development does not comply with Council's Non-habitable Structures Policy in terms of the proposed cumulative floor area of the proposed shed together with an existing approved shed.
6. Council's Non-habitable Structures Policy sets the permitted development criteria for outbuildings according to the zone and lot area. It follows the general principle that the larger the lot size, the larger the footprint of structures you can have within certain parameters and limits.

DISCUSSION

7. The proponent seeks Planning Scheme Consent for a variation of the Non-habitable Structures Policy in respect of the floor area allowance for this large Rural Village Zoned lot.
8. The dimensions and floor area limits set within the Non-habitable Structures Policy for the Rural Village zone are set out in the following table:

| Zoning | Max. Wall Height | Max. Ridge Height | Max. Floor Area |
|---|-------------------------|--------------------------|------------------------|
| Rural Village Lots <4000m ² | 3 Metres | 4.5 Metres | 150m ² |
| Rural Village Lots >4000m ² | 4.2 Metres | 4.8 Metres | 170m ² |

9. Council will recall discussions during development of the policy whereby the general principle was considered that the larger the lot within any zone, the larger the floor area of structures could be accommodated without detriment to the amenity of the zone. This is demonstrated elsewhere in the table of the policy where other zones have a greater range in lot sizes and a resulting greater incremental range in structures floor area allowance.
10. The policy has two site area increments for the Rural Village zone with a lot area of 4000m² being the step from one to the other. This reflects the intention of the zone to permit limited subdivision to create a range of lot sizes to enable/encourage the continued viability of the village/townsite. The lot sizes chosen in the policy and their respective maximum floor area allowances match other similar zones such as the Residential, Future Urban and Special Residential zones.

11. The subject site is within Precinct 2C of the Kalgan Rural Village Structure plan where a minimum lot size of 2000m² is set. The subject lot is currently 2.23ha and the owner asserts that they require the additional covered storage area for their vehicles and equipment required for maintenance of the lot. They also state they would like additional roof area for capture of rainwater for use on the property and in case of a fire fighting emergency.
12. As further justification they have obtained written agreement from the adjoining landowner stating they have no concerns over the proposed size or location. They also claim the location will have no visual impact from any public vantage point.
13. The proposed development is a single structure 8.44m wide x 13.57m long with a wall height of 3.9m and maximum ridge height of 4.645m. It therefore complies with the height limits set within the policy, but at 115m² together with the existing 90m² shed, the cumulative floor area of 205m² seeks a 35m² relaxation of the maximum floor area.
14. The proposed development is intended to be located to the north of the existing shed setback in excess of 5m from the northern boundary of the lot. This setback complies with the requirements as set out in the Kalgan Rural Village Structure Plan. The proponent has stated the shed will be colour co-ordinated with the house, but exact details have not been provided and can be subject of a condition on any approval.
15. The proposed development has been advertised for 21 days (expiring on 28 March 2013) in accordance with the Town Planning Scheme requirements with a sign onsite, advertisement in a local newspaper and letters sent to thirteen (13) surrounding landowners. No responses have been received as a result of this public consultation.
16. The assertions advanced by the proponent that the additional space requested is required partly for machinery and equipment required for maintenance of the property is accepted. Also their assertion that in this location the proposed structure can be accommodated in the visual landscape without detriment to the locality or neighbours is borne out by the lack of response to the public consultation.
17. Should the lot be subdivided in the future, these circumstances would no longer prevail and it would be appropriate that the area of non-habitable structures be reduced in accordance with the policy requirements depending on the lot size being created. This is standard practice during the subdivision process and an advice note to this effect should be placed on any approval issued.
18. Staff recommend that this application be supported given its low impact and the specific circumstances that exist.

GOVERNMENT CONSULTATION

19. No government consultation is required.

PUBLIC CONSULTATION / ENGAGEMENT

20. The application was advertised for public comment from 7 March 2013 to 28 March 2013. This was undertaken with a sign onsite, an advertisement in a local newspaper on Thursday 7 March 2013 and letters sent to thirteen (13) surrounding landowners.
21. No responses were received in response to this public consultation.

STATUTORY IMPLICATIONS

22. As the land is zoned 'Rural Village' under TPS No. 3, the proposed shed for domestic storage is permissible under the Scheme.
23. The *Non-habitable Structures Policy* is a Town Planning Scheme Policy adopted under the Scheme. Clause 6.9.4 of TPS 3 states that;
- a) *A Town Planning Scheme Policy shall not bind the council in respect of an application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
 - b) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submission lodged, before making its decision.*

STRATEGIC IMPLICATIONS

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

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

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

POLICY IMPLICATIONS

- 25. The Non-habitable structures policy includes the following policy provisions;
 - 2. Except as otherwise provided, the following development requires planning approval:
 - c) Where development varies from the following policy requirements.
 - i Except as provided below, the size of a non-habitable structure shall comply with the provisions in Table 1.
- 26. The aim of the Non-habitable Structures Policy is to achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts non-habitable structures may have on the locality.
- 27. Council can consider applications outside the guidelines but in doing so it is important that the aim of the policy is not compromised. Staff consider that the size of the subject lot and the floor area of the structure requested is comparable to other allowances for similar sized lots under other zones within the policy. The chosen location on the lot will minimise any adverse visual impact on the locality and can be considered consistent with the aims and objectives of the Non-habitable Structures Policy.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-------------------|--------------------|----------------------|--|
| <i>Council's support for the proposal could create a precedent for other applications and devalue the policy.</i> | <i>Likely</i> | <i>Minor</i> | <i>medium</i> | <i>Should Council support the proposal, it should consider whether the policy should be reviewed to accommodate similar applications or increase staff delegation on such minor relaxations.</i> |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

30. If Council refused the application, the proponent would then be entitled to seek a review of that decision with the State Administrative Tribunal. Such an appeal would be a Class 1 appeal which does not involve legal representation, and therefore costs would be mainly staff time.

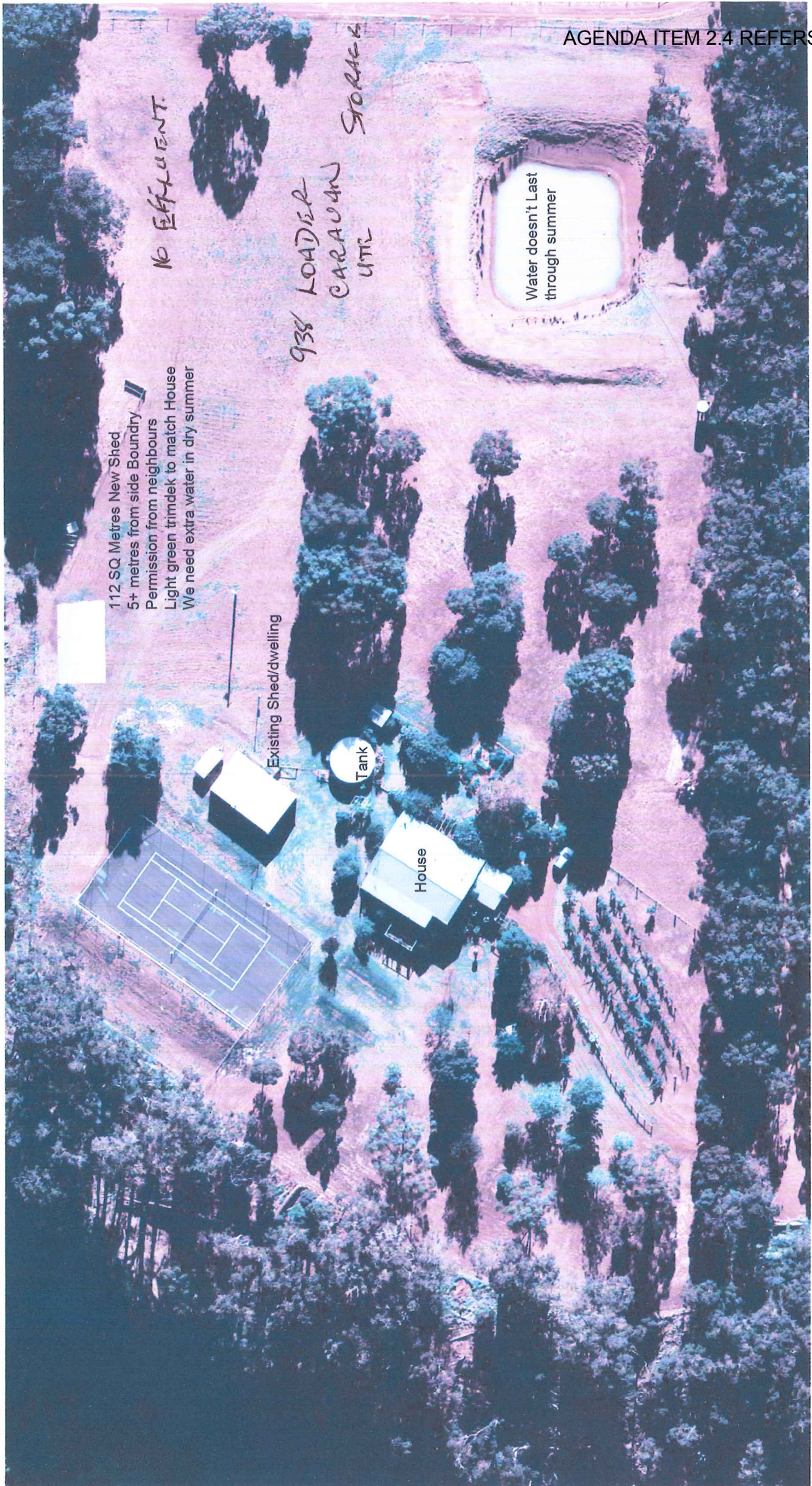
ALTERNATE OPTIONS

31. Council has the option to Refuse Planning Scheme Consent for the 35m² floor area relaxation requested.

SUMMARY CONCLUSION

32. The proponent intends to construct an additional shed of 115m² to be used for storage purposes connected with their occupation and maintenance of a 2.23ha lot in the Rural Village zone at Kalgan. This shed together with the existing 90m² shed is 35m² over the prescribed floor area allowance for a lot over 4000m² in this zone under the Non-habitable Structures Policy.
33. The relaxation requested is comparable to the allowance for other similar sized lots under different zones within the Non-habitable Structures Policy.
34. The requested relaxation has been advertised for public comment with no responses received.
35. Staff recommend that this application be supported given its low impact and the specific circumstances that exist.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | Council's Non-habitable Structures Policy Town Planning Scheme No. 3 |
| File Number (Name of Ward) | : | A54459 (Kalgan Ward) |
| Previous Reference | : | Nil |



112 SQ Metres New Shed
5+ metres from side Boundary
Permission from neighbours
Light green trimdek to match House
We need extra water in dry summer

Existing Shed/dwelling

Tank

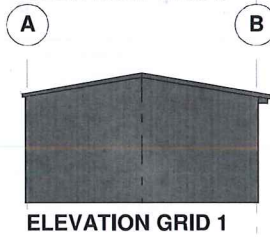
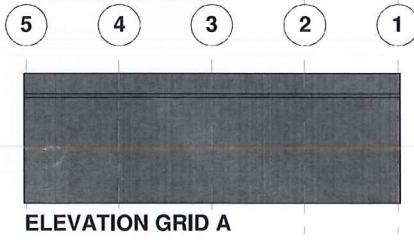
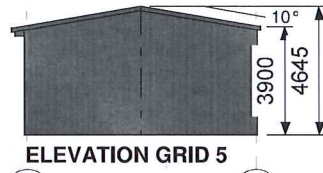
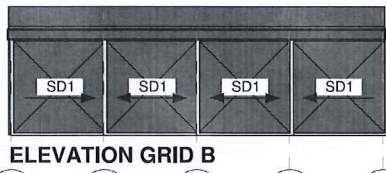
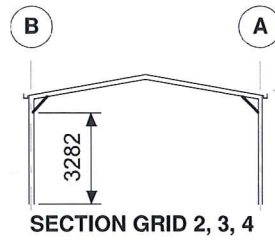
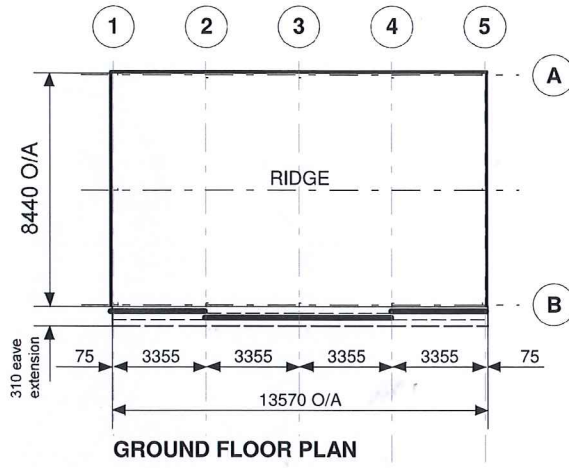
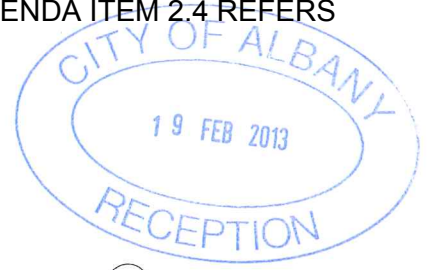
House

NO EFFLUENT

938 LOADER
CARAVAN
UTV
STORAGE

Water doesn't Last
through summer

KINGAN RIVER
↙



Subject: EF1391545 - A54459 - Application for shed

SynergySoft: EF1391545 - A54459

This is a note in support of our application for a new shed to built on our 2.5 hectare (5 acre) property on

We have discussed the following points in relation to a small increase in total roof area.

We are bomb barded daily on the drying climate and the need to conserve more water - as we plan to increase our orchard and vegetable garden we will need more water. The existing dam cannot be relied on through summer, all we are asking for is an extra 25 square metres!!

If we have a fire we could use a vast amount very quickly. We cannot rely on scheme water or the Council to get here on time.

We have a storage need for a 938 Ranger Loader that needs a clearance height of 3.6 Metres.

A Caravan.

A Utility.

Which leaves one bay for servicing/work area.

We have agreement and endorsement from our only neighbour. The shed will be colour coordinated with the House and be screened from the neighbour by existing trees and vegetation.

In short, Storage, water, 5 acres, fire insurance, agreement from neighbour, absolutely no impact on anybody passing on indeed from any vantage point at all.

Will forward the neighbours email on the 20th 2 013.

regards

Sent: Wednesday, 20 February 2013 10:18 AM
To: Craig McMichael
Subject: EF1391546 - A54459 - Fwd: re shed
SynergySoft: EF1391546 - A54459

----- Original Message -----

Subject:re shed
Date:Wed, 20 Feb 2013 09:45:42 +0800
From
Reply-To
To

To City of Albany

· has discussed the details of the shed he wishes to build.

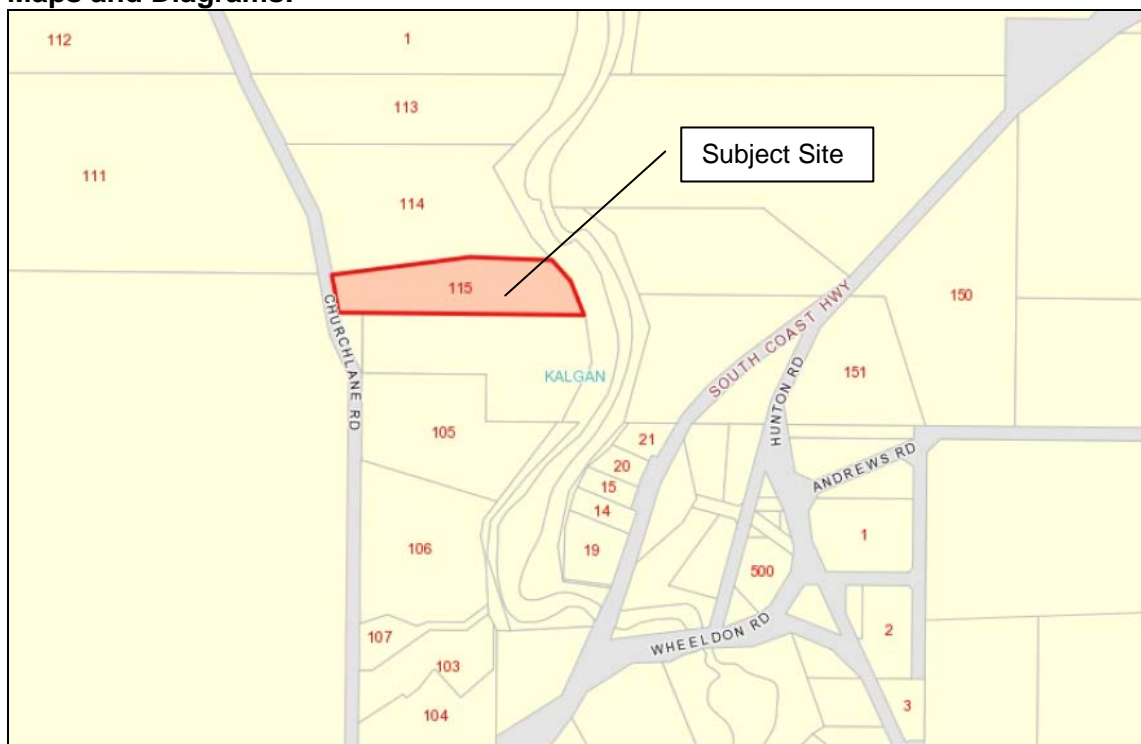
As his only immediate neighbour I do not have any concerns with the either the location or the size of the proposed construction.

Regards

2.5: DEVELOPMENT APPLICATION – OVERSIZE SHED (DOMESTIC STORAGE) – LOT 115 CHURCHLANE ROAD, KALGAN

Land Description : Lot 115 Churchlane Road, Kalgan
Proponent : Koster's Steel Construction
Owner : Mr M & Mrs G O'Keefe
Attachments : Letter of Justification
Site Plan/Elevations
Public Consultation responses
Responsible Officer(s) : Executive Director Planning & Development Services
(D Putland)

Maps and Diagrams:



IN BRIEF

- This is a development application for a non habitable structure at Lot 115 Churchlane Road, Kalgan, requesting a relaxation of the City of Albany Non-habitable Structures Policy.
- The Non-habitable Structures Policy has two size allowances in the Rural Village zone depending on the lot size. 150m² for lots under 4,000m² and 170m² for lots over 4,000m². The subject lot is over 27,000m².
- The proposed shed is 200m² in area, which is 30m² over the allowance under the Non-habitable Structures Policy for this size lot in the Rural Village zone as per the Policy.
- Council is required to determine the application as a variation to this policy is not delegated to Staff.

RECOMMENDATION

ITEM 2.5: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to

- 1. VARY provision 2 C i of the Non-habitable Structures Policy as it relates to construction of a 200m² shed at Lot 115 Churchlane Road, Kalgan;
And**
- 2. ISSUE a Notice of Planning Scheme Consent for the Shed at Lot 115 Churchlane Road, Kalgan; subject to the following conditions:**
 - A. Development shall be undertaken in accordance with the submitted detail and subject to any amendments made in red on the approved plans.**
 - B. Prior to the commencement of construction stormwater disposal plans and details shall be submitted to and approved in writing by the City of Albany.**
 - C. Development shall be carried out in accordance with the details approved pursuant to Condition B.**
 - D. The development hereby approved shall be used for domestic storage only and shall not be used for commercial or business related activity or for human habitation, unless otherwise approved in writing by the City of Albany.**

BACKGROUND

1. The former City of Albany Outbuildings Policy did not include an allowance for outbuildings within the Rural Village zone as there were no Rural Village zones in any of the City's Town Planning Schemes at the time the policy was written and adopted.
2. The new Non-habitable Structures Policy has included provisions for this zone and set the incremental allowances based on the predominant lots sizes that would be created through subdivision as permitted through the structure plan. The allowances given are directly comparable to the lot size allowances in other similar zones.
3. There was no allowance for very large lots within Rural Village zones made in the policy as the larger lots within the Structure Plan area are for the most part already developed, and the majority of development within the zone would be the creation of smaller lots then falling within the ranges covered by the new policy. It was considered that there would be limited requests outside the lot sizes covered by the new policy and any such requests could be dealt with on a case by case basis on their individual merits.
4. The subject site is 2.74ha in area and is zoned Rural Village under Town Planning Scheme 3. It is a newly created vacant lot having been excised from the land hosting the original dwelling following a subdivision approval pursuant to the requirements of the Kalgan Rural Village Structure Plan.

5. Under the terms of the Kalgan Rural Village Structure Plan further subdivision of this newly created lot will not be supported.
6. This application is for a shed to be used for domestic storage, located at Lot 115 Churchlane Road, Kalgan. The development does not comply with Council's Non-habitable Structures Policy in terms of the proposed floor area of the shed.
7. Council's Non-habitable Structures Policy sets the permitted development criteria for outbuildings according to the zone and lot area. It follows the general principle that the larger the lot size, the larger the floor area of structures you can have within certain parameters and limits.

DISCUSSION

8. The proponent seeks Planning Scheme Consent for a variation of the Non-habitable Structures Policy in respect of the floor area allowance for this large Rural Village Zoned lot.
9. The dimensions and floor area limits set within the Non-habitable Structures Policy for the Rural Village zone are set out in the following table:

| Zoning | Max. Wall Height | Max. Ridge Height | Max. Floor Area |
|---|-------------------------|--------------------------|------------------------|
| Rural Village Lots <4000m ² | 3 Metres | 4.5 Metres | 150m ² |
| Rural Village Lots >4000m ² | 4.2 Metres | 4.8 Metres | 170m ² |

10. Council will recall discussions during development of the policy whereby the general principle was considered that the larger the lot within any zone, the larger the floor area of structures could be accommodated without detriment to the amenity of the zone. This is demonstrated elsewhere in the table of the policy where other zones have a greater range in lot sizes and a resulting greater incremental range in structures floor area allowance.
11. The policy has two site area increments for the Rural Village zone with a lot area of 4000m² being the step from one to the other. This reflects the intention of the zone to permit limited subdivision to create a range of lot sizes to enable/encourage the continued viability of the village/townsite. The lot sizes chosen in the policy and their respective maximum floor area allowances match other similar zones such as the Residential, Future Urban and Special Residential zones.
12. However, the subject site is within Precinct 3 of the Kalgan Rural Village Structure plan where a minimum lot size of 2ha is set. The subject lot is 2.74ha and the owner asserts that whilst the allowance of 170m² is adequate for a 4000m² lot, the needs on a 2.74ha lot are greater especially as the structure plan encourages home businesses, rural industry and value adding enterprises. They also state that this relatively minor relaxation can easily be accommodated on their lot without detriment to the visual amenity of the area.

13. The proposed development is a single structure 10m wide x 20m long with a wall height of 3.4m and maximum ridge height of 4.8m. It therefore complies with the height limits set within the policy, but at 200m² seeks a 30m² relaxation of the maximum floor area.
14. The proposed development is intended to be located 230m into the lot from the west boundary and 30m in from the northern boundary. It is to be orientated with its longest side on a roughly east/west axis. It is proposed to be externally clad in 'Dune' Colorbond on both the walls and the roof.
15. The requested relaxation has been advertised for 21 days (expiring on 9 May 2013) in accordance with the Town Planning Scheme requirements with a sign onsite, advertisement in a local newspaper and letters sent to thirteen (13) surrounding landowners. Two (2) responses have been received both stating they have no objection to the requested relaxation.
16. The assertions advanced by the owners that the requested 30m² relaxation is minor in proportion to the lot size and is comparable to other similar allowances for similar sized lots within the Non-habitable Structures Policy is accepted. Also their assertion that in this location the proposed structure will not be disproportionate to its context and can be accommodated in the visual landscape without detriment to the locality or neighbours is borne out by the response to the public consultation
17. Staff recommend that this application be supported given its low impact and the specific circumstances that exist.

GOVERNMENT CONSULTATION

18. No government consultation is required.

PUBLIC CONSULTATION / ENGAGEMENT

19. The application was advertised for public comment from 15 April 2013 to 9 May 2013. This was undertaken with a sign onsite, an advertisement appearing in the public notices section of the Weekender on Thursday 18 April 2013 and letters sent to thirteen (13) surrounding landowners.
20. Two (2) responses were received. Both stated they have no objection to the requested relaxation.

STATUTORY IMPLICATIONS

21. As the land is zoned 'Rural Village' under TPS No. 3, the proposed shed for domestic storage is permissible under the Scheme.

22. The *Non-habitable Structures Policy* is a Town Planning Scheme Policy adopted under the Scheme. Clause 6.9.4 of TPS 3 states that;

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

STRATEGIC IMPLICATIONS

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

Key Focus Area

Organisational Performance

Community Priority

Policy and Procedures

Proposed Strategies

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

POLICY IMPLICATIONS

24. The Non Habitable Structures Policy includes the following policy provisions;

2. Except as otherwise provided, the following development requires planning approval:

c) Where development varies from the following policy requirements.

i Except as provided below, the size of a non-habitable structure shall comply with the provisions in Table 1.

25. The aim of the *Non-habitable structures policy* is to achieve a balance between providing for various legitimate storage needs of residents whilst minimising any adverse impacts non-habitable structures may have on the locality.

- 26.
27. Council can consider applications outside the guidelines but in doing so it is important that the aim of the policy is not compromised. Staff consider that the size of the subject lot and the floor area of the structure requested is comparable to other allowances for similar sized lots under other zones within the policy. The chosen location on the lot will minimise any adverse visual impact on the locality and can be considered consistent with the aims and objectives of the Non-habitable Structures Policy.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-------------------|--------------------|----------------------|--|
| <i>Council's support for the proposal could create a precedent for other applications and devalue the policy.</i> | <i>Likely</i> | <i>Minor</i> | <i>medium</i> | <i>Should Council support the proposal, it should consider whether the policy should be reviewed to accommodate similar applications or increase staff delegation on such minor relaxations.</i> |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

30. If Council refused the application, the proponent would then be entitled to seek a review of that decision with the State Administrative Tribunal. Such an appeal would be a Class 1 appeal which does not involve legal representation, and therefore costs would be mainly staff time.

ALTERNATE OPTIONS

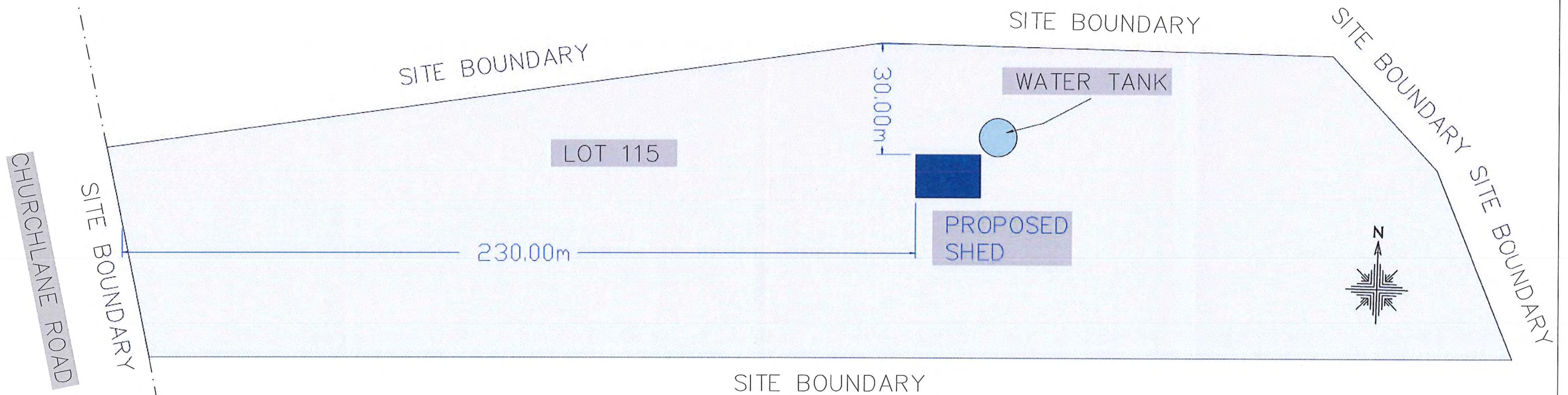
31. Council has the option to Refuse Planning Scheme Consent for the 30m² floor area relaxation requested.

SUMMARY CONCLUSION

32. The proponent intends to construct a shed to be used for domestic storage purposes on a 2.74ha vacant lot in the Rural Village zone at Kalgan. This shed is 30m² over the prescribed floor area allowance for a lot over 4000m² in this zone under the Non-habitable Structures Policy.

33. The relaxation requested is comparable to the allowance for other similar sized lots under different zones within the Non-habitable Structures Policy.
34. The requested relaxation has been advertised for public comment with no objection received from the two (2) respondents.
35. Staff recommend that this application be supported given its low impact and the specific circumstances that exist.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | Council's Non-habitable Structures Policy Town Planning Scheme No. 3 |
| File Number (Name of Ward) | : | A225187 (Kalgan Ward) |
| Previous Reference | : | Nil |



KOSTERS
 STEEL CONSTRUCTIONS PTY LTD
 19 GRAHAM STREET, ALBANY W.A. 6330
 TEL. (08) 9842 2650 * FAX (08) 9841 6306
 sales@kosters.com.au

PROJECT
 PROPOSED SHED

TITLE
 BLOCK PLAN

BUILDER
 KOSTERS

IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE. THIS DRAWING SHALL REMAIN THE PROPERTY OF KOSTERS STEEL PTY LTD AND MUST NOT BE GIVEN, LENT, RESOLD OR OTHERWISE COPIED WITHOUT THE PERMISSION IN WRITING OF KOSTERS STEEL PTY LTD.

DATE
 20/2/2013

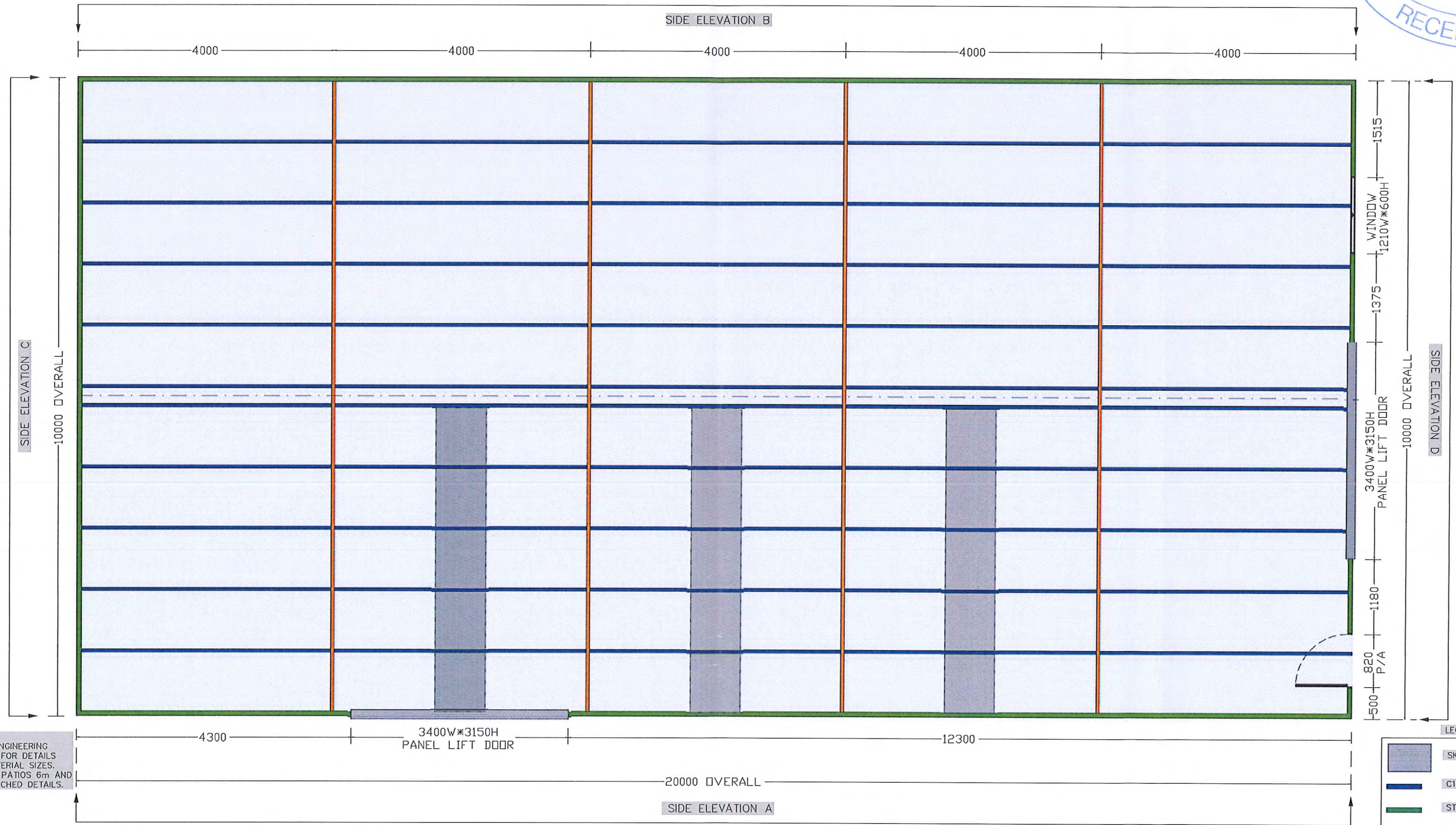
SIZE
 A3

SCALE
 NTS

DRAWN
 DN

REV
 0

SHEET No
 A1



PLEASE NOTE:
SEE SEPARATE ATTACHED ENGINEERING AND SPECIFICATION SHEETS FOR DETAILS ON CONSTRUCTION AND MATERIAL SIZES. CARPORT COVERED UNDER PATIOS 6m AND UNDER. WORKSHOP BY ATTACHED DETAILS.

KOSTERS
STEEL CONSTRUCTIONS PTY LTD
19 GRAHAM STREET, ALBANY W.A. 6330
TEL. (08) 9842 2650 * FAX (08) 9841 6306
sales@kosters.com.au

PROJECT

TITLE

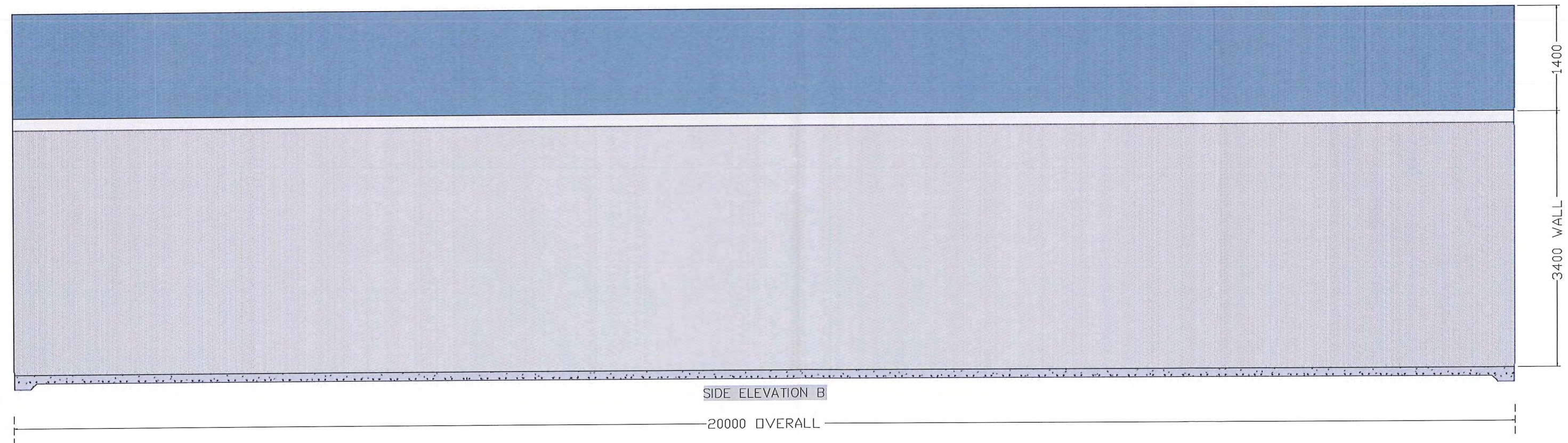
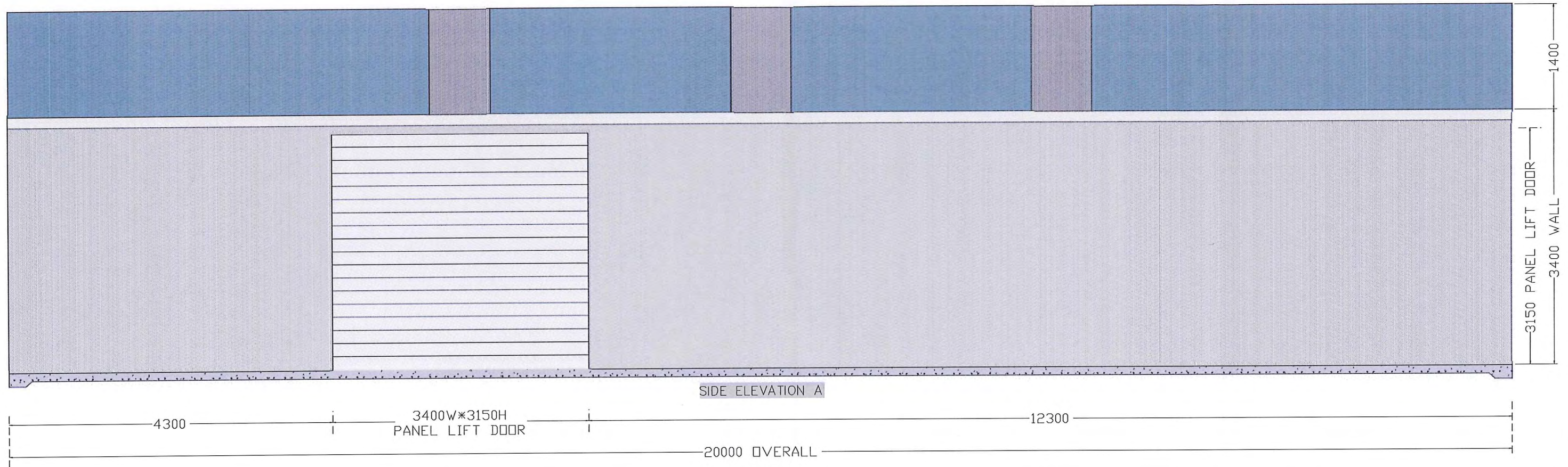
PLAN VIEW

BUILDER

KOSTERS

IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE. THIS DRAWING SHALL REMAIN THE PROPERTY OF KOSTERS STEEL PTY LTD AND MUST NOT BE GIVEN, LENT, RESOLD OR OTHERWISE COPIED WITHOUT THE PERMISSION IN WRITING OF KOSTERS STEEL PTY LTD.

| | | | | | | | | | | | |
|------|-----------|------|----|-------|---------|-------|----|-----|---|----------|----|
| DATE | 20/2/2013 | SIZE | A3 | SCALE | 1:50@A3 | DRAWN | DN | REV | 2 | SHEET No | A2 |
|------|-----------|------|----|-------|---------|-------|----|-----|---|----------|----|



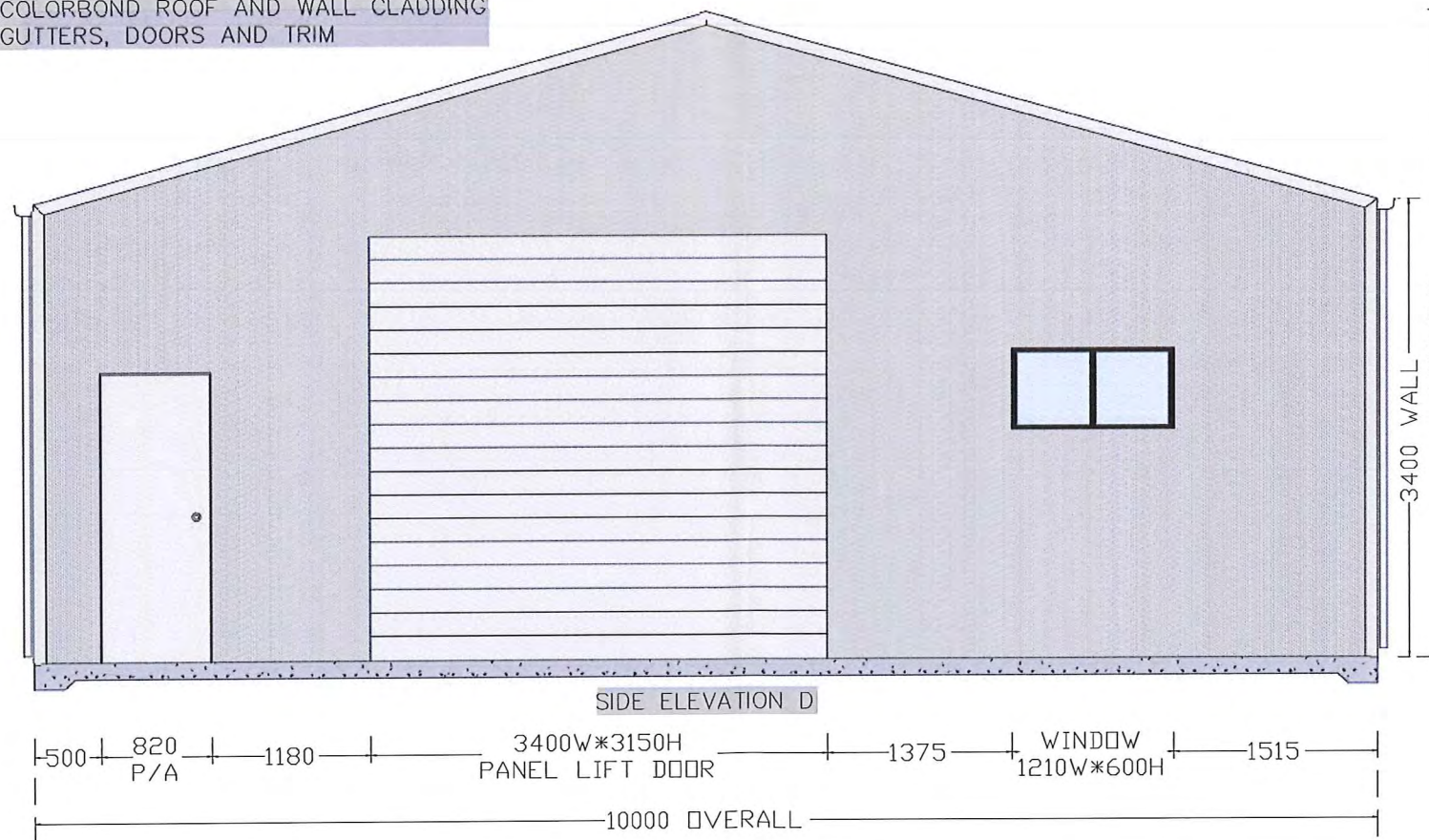
| | | | | | | | | |
|---|--|------------------------|-----------|------|------|-------|-------|-----|
| KOSTERS STEEL CONSTRUCTIONS PTY LTD 19 GRAHAM STREET, ALBANY W.A. 6330 TEL. (08) 9842 2650 * FAX (08) 9841 6306 sales@kosters.com.au | PROJECT | TITLE | BUILDER | | | | | |
| | IT REMAINS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ALL DIMENSIONS AND DETAILS ARE WORKABLE. THIS DRAWING SHALL REMAIN THE PROPERTY OF KOSTERS STEEL PTY LTD AND MUST NOT BE GIVEN, LENT, RESOLD OR OTHERWISE COPIED WITHOUT THE PERMISSION IN WRITING OF KOSTERS STEEL PTY LTD. | SIDE ELEVATION A AND B | KOSTERS | DATE | SIZE | SCALE | DRAWN | REV |
| | | | 20/2/2013 | A3 | 1:50 | DN | 1 | A3 |



COLORBOND ROOF AND WALL CLADDING
GUTTERS, DOORS AND TRIM



COLORBOND ROOF AND WALL CLADDING
GUTTERS, DOORS AND TRIM



KOSTERS
STEEL CONSTRUCTIONS PTY LTD
19 GRAHAM STREET, ALBANY W.A. 6330
TEL. (08) 9842 2650 * FAX (08) 9841 6306
sales@kosters.com.au

PROJECT

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TITLE

SIDE ELEVATION C AND D

BUILDER

KOSTERS

DATE

20/2/2013

SIZE

A3

SCALE

1:50

DRAWN

DN

REV

1

SHEET No

A4



Senior Planning Officer
The City of Albany
PO Box 484
Albany WA 6330

City of Albany Records
Doc No: ICR1395686
File: A225187
Date: 02 APR 2013
Officer: SPLAN1;EDPD;AOP1

Attach:
Box:
Vol:
Box+Vol:

Dear Sir

Ref: P2130079 Application for Building Permit, Lot 115 Churchlane Road, Kalgan.

We would like to appeal the decision of the City of Albany, to reject the application lodged 26th February 2013 for a 200m² shed to be constructed on the above 2.74 Hectare Lot.

We are advised that on March 19th the City of Albany adopted new Non-Habitable Structure specifications with the maximum size shed for the zoning of Rural Village set at 170m². When making enquiries at the City prior to lodging our application, we were advised that each plan would be looked at on its merits and as a size had not been adopted at the time of lodgement we felt that 200m² was an appropriate size for our needs.

We feel the Non-Habitable Structure Specifications for Rural Village Zoning of Lots > 4000m² is very restrictive at 170m² especially when dealing with a block of 2.74ha considering that both the Rural and Special Rural Zonings (Lots > 2ha) is set at a maximum of 220m². We believe the size and shape of our block supports the construction of the proposed 200m² shed without having an impact on the area in respect to streetscape, aesthetics, neighbouring properties or the environment in general.

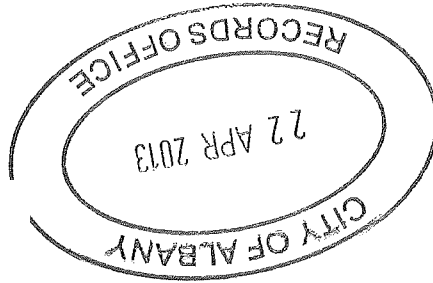
The W.A. Planning Commission has endorsed the Kalgan Rural Village Structure Plan and Precinct 3 - Rural Village North (11.4.4) of the Plan advocates for the development of home business, value adding enterprises and tourism within the area which is where the block is located. We feel limiting the size of the shed places restrictions on these future opportunities.

In order to decrease the shed size by 30m² to the maximum of 170m², we would need to reduce the length by 3metres, this reduction to us also means not being able to store a great deal of our personal belongings and machinery which are currently stored privately.

We therefore request the City of Albany review their decision to reject our application.

If you require any further information regarding our Application, please don't hesitate to contact us on

Yours truly,



Chief Executive Officer,
PO Box 484,
Albany WA6331,

Ref: P2130079

City of Albany Records
Doc No: ICR1397646
File: ~~50-000-0~~ A225187
Date: 22 APR 2013
Officer: AOP1,EDPD
Attach:
Box:
Vol:
Box+Vol:

Dear Sir,

We would like to inform you that we have no objections to the application of: Ref P2130079, for a shed 200m2 being constructed on lot 115 Churchlane Road Kalgan for by KOSTERS STEEL CONTRUCTIONS PTY LTD

Yours Sincerely

Tom Wenbourne

From:
Sent: Thursday, 18 April 2013 1:23 PM
To: Planning (External Use ONLY)
Subject: EF1397834 - A225187 - Notice of Application for Planning Consent

Attention Tom Wenbourne,

We wish to advise that we have no objection to the Shed application and size as proposed for Lot 115 Churchlane Road, Kalgan.

Regards

**2.6: DEVELOPMENT APPLICATION – BED AND BREAKFAST – 26
HENLEY GROVE, MIRA MAR**

- Land Description** : Lot 234, 26 Henley Grove, Mira Mar
Proponent : Adrian Tamas and Daniela Iudita Tamas
Owner : Adrian Tamas and Daniela Iudita Tamas
Attachments : Copy of development application; and copy of City of Albany policies 'Bed and Breakfast Accommodation'; and 'Holiday Homes'.
Councillor Workstation : Copies of submissions received
Responsible Officer(s) : Executive Director Planning & Development Services (D Putland)



IN BRIEF

- An application has been received for Bed and Breakfast accommodation in a Residential zone at 26 Henley Grove, Mira Mar.
- The City of Albany Local Planning Policy 'Bed and Breakfast Accommodation' states that such a use will only be approved on a lot where general support from adjoining landowners can be demonstrated.
- The application for a Bed and Breakfast was advertised, the City has received objections to the proposed use from adjoining landowners.
- The concerns were subsequently discussed with the applicant and an alternative has been proposed by the applicant.
- Council is required to consider the submissions received and decide whether to vary the provisions of this policy and determine the application taking into consideration the changes proposed by the owner in response to the objections received.
- The subject lot is ideally located close to the nearby tourist attractions of Lake Seppings, Middleton Beach, cafes, restaurants, local parks and walkways, making it a suitable location for short term holiday accommodation.
- The modified proposal and proposed conditions suitably addresses the concerns of the adjoining lot owners and is recommended for approval.

RECOMMENDATION

**ITEM 2.6: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ISSUE a Notice of Planning Scheme Consent for Bed and Breakfast Accommodation at 26 Henley Grove, Mira Mar, subject to the following conditions:

- The bed and breakfast accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than three (3) months in any calendar year;**
- The bed and breakfast accommodation hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise to any extent greater than what is to be expected within the locality;**
- One (1) parking space shall be provided to the satisfaction of the City of Albany and maintained in good repair thereafter;**
- One (1) bedroom only being used for short term accommodation purposes and the total number of guests shall not exceed three (3) guests, at any one time;**
- The owner/manager of the bed and breakfast accommodation hereby approved shall reside on site;**
- No signs are to be erected on the lot without the City of Albany approval, in accordance with the City of Albany's Sign Bylaws;**
- Any existing crossovers that do not form part of the development hereby approved shall be closed and the kerb and the verge reinstated to the satisfaction of the City of Albany; and**
- A directional sign being installed at the expense of the applicant, to the satisfaction of the City of Albany.**

**Please refer to paragraph 26 for alternative recommendation.*

BACKGROUND

1. An application has been received for Bed and Breakfast accommodation in the Residential zone at 26 Henley Grove, Mira Mar.
2. The proposal was advertised to the general public and neighbours were consulted.
3. Submissions objecting to the proposal and raising a number of concerns were received from four (4) neighbouring landowners. Staff had also raised a number of concerns during assessment of the application.
4. The concerns were subsequently discussed with the applicant and an alternative was proposed by the applicant.
5. Council is required to consider the submissions received and decide whether to vary the provisions of this policy and determine the amended application.

DISCUSSION

6. The subject lot is 606m² and is zoned Residential in Town Planning Scheme 1A. It is located in a cul-de-sac within a small subdivision that is nearing full development.
7. Also the use of Bed and Breakfast is not listed in the zoning table of Town Planning Scheme 1A, the proposal was advertised for comment.
8. The definition of Bed and Breakfast, as outlined in City of Albany Local Planning Policy 'Bed and Breakfast Accommodation' (the Policy), states *"a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast"*.
9. The existing two storey dwelling has four (4) bedrooms, all with ensuites; three (3) (including the master bedroom) are on the first floor and the other is on the ground floor.
10. The original application was for two (2) upstairs bedrooms to be allocated to the Bed and Breakfast with parking proposed on the opposite side boundary to the existing driveway with access via a second crossover and driveway.
11. The Policy states that Bed and Breakfast Accommodation should occupy a maximum of two bedrooms of a dwelling house ... where it can be demonstrated that:
 - i. The proposal is consistent with surrounding land use activities and can demonstrate general support from adjoining landowners;
 - ii. The owner/manager of the Bed and Breakfast accommodation will reside on-site;
 - iii. The proposal provides addition on-site car parking bays at the ratio of 1 bay per bedroom and shall not interfere with vehicular access; and
 - iv. Access/egress to the site and car parking shall not adversely impact...local vehicular or pedestrian traffic.
12. During the comment period, four objections to the use were received. All objections were from neighbouring landowners, two (2) of which have asked that their details not be released publicly, therefore, a summary of the objections is listed below:
13. The proposal for bed and breakfast accommodation has been modified as a result of public consultation, as follows:
 - The intensity of the use has been reduced from two (2) bedrooms within the house, to one bedroom;
 - Only one driveway and crossover to be permitted on the subject lot; and
 - Parking for one vehicle only permitted in front of existing garage, within the lot boundaries.

14. The provision of directional signage as a condition of approval should eliminate any confusion as to the whereabouts of the bed and breakfast.

| Objection | Staff Comment |
|---|--|
| <p>(a) The business will cause more vehicles to use the road, creating more noise in the area.</p> <p><i>All of the submissions stated that they believed they had bought land within a Private Estate and had paid a premium for the privilege of living in a quiet area with less drive by traffic, on a road with cul-de-sac at both ends.</i></p> | <p>The business will create extra vehicular traffic, however, the applicant has reduced the number of bedrooms to be used for accommodation to one (1) meaning one more car on occasions than would ordinarily be expected in that vicinity.</p> <p><i>The City of Albany does not assess the location as other than being within the Residential zone, however, it is acknowledged that the area may have been marketed to prospective purchasers as a Private Estate.</i></p> |
| <p>(b) An extra driveway would increase the number in that cul-de-sac to five (5); the extra traffic reversing or entering is a potential hazard to pedestrians and other vehicles.</p> | <p>The proposed second access way would not be approved by the City of Albany – comment received from the City’s Development Engineer confirmed that it would not be appropriate for the layout of the cul-de-sac.</p> <p>In addition to this, the combination of the crossover widths exceeded the allowance deemed acceptable under the Residential Design codes (<i>no more than 40% of frontage</i>) and would not meet the performance criteria either (<i>Vehicular access provided so as to minimise the number of crossovers..., to be safe in use and not detract from the streetscape</i>).</p> <p>It should be noted that the applicant had already constructed this access way and crossover without a permit. It is recommended that it be removed and the curb and verge reinstated.</p> |
| <p>(c) Approval of this use will set a precedent within the area.</p> | <p>The subject lot is within an area considered suitable for holiday homes, which could be argued as having a greater impact on the neighbourhood than a Bed and Breakfast use.</p> <p>It is a policy requirement (City of Albany Holiday Homes policy) that the location of holiday homes be considered so that the use does not become the predominant use within neighbourhoods.</p> <p>A Bed and Breakfast was approved (in 2007) nearby, in Lake Seppings Drive for one (1) bedroom only.</p> |
| <p>(d) There is only entry and exit point to Henley Grove, which is at a point midway along its length. Visitors to the street often are confused as to which way to go and this creates more vehicular movements than necessary. The addition of a Bed and Breakfast would only increase the existing confusion.</p> | <p>A request has been put forward to arrange for house numbers to be added to the existing road name sign for Henley Grove in order to remove the existing confusion.</p> <p>Any future confusion may be prevented through the use of directional signage for the bed and breakfast.</p> |

GOVERNMENT CONSULTATION

15. Not applicable to this application.

PUBLIC CONSULTATION / ENGAGEMENT

16. Council does have discretion to permit a use that is not listed in the zoning table of Town Planning Scheme 1A in any zone it considers appropriate (*in accordance with Clause 3.6 of Town Planning Scheme 1A*).
17. Because Council's discretion is required, the proposed use was advertised to the general public by a notice in a local newspaper; a sign on site; and consultation with the neighbouring landowners. A total of ten (10) neighbouring landowners were consulted. Following the advertising period of twenty one (21) days, four (4) submissions were received. All submissions objected to the proposed use and a summary of their objections is included at clause 13 of this report.

STATUTORY IMPLICATIONS

18. City of Albany Town Planning Scheme 1A gives Council the discretion to vary policy requirements to the degree stated in the following clause:

7.21.4 A Town Planning Scheme policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.

STRATEGIC IMPLICATIONS

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

Key Focus Area

Sustainability and Development

Community Priority

Tourism Development

Proposed Strategies

- *Improve and expand tourism infrastructure and attractions.*
- *Encourage investment in quality hotel accommodation.*

POLICY IMPLICATIONS

20. The City of Albany policy "Bed and Breakfast Accommodation" applies to the proposal under consideration. The objectives of this policy are:
- To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to establish Bed and Breakfast accommodation from their homes;
 - To secure the amenity, health and convenience of both visitors and surrounding residents through appropriate development requirements; and

- To ensure that the Bed and Breakfast accommodation is incidental to the predominant use of the property in order to maintain the amenity of the immediate area.

Refer to clauses 9 – 12 of this report for references to Bed and Breakfast definition and the Policy Statement.

RISK IDENTIFICATION & MITIGATION

21. The risk identification and categorisation relies on the City’s Risk Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-------------------|----------------------|----------------------|--|
| <i>Should Council decide not to follow the recommendation and refuse the proposal, the proponent may lodge an application for review to the State Administrative Tribunal.</i> | <i>Likely</i> | <i>Insignificant</i> | <i>Low</i> | <i>Should Council decide not to follow the recommendation and refuse the proposal, the proponent may lodge an application for review to the State Administrative Tribunal.</i> |
| <i>Relaxation of the policy requirements may set a precedent that could cause development to be approved in the future that does not meet the objectives of the policy.</i> | <i>Possible</i> | <i>Insignificant</i> | <i>Low</i> | <i>The recommendation is based on sound planning grounds and Council would have to justify its decision.</i> |

FINANCIAL IMPLICATIONS

22. The appropriate planning fee has been paid by the proponent and planning staff have processed the proposal within existing budget lines.

LEGAL IMPLICATIONS

23. Should Council not follow the recommendation and refuse the development the proponent has the ability to seek review of Council’s decision at the State Administrative Tribunal. Such an appeal would be a Class 1 appeal which does not involve legal representation, and therefore such costs would be mainly staff time.

ALTERNATE OPTIONS

- 24. Clause 7.9 (c) of Town Planning Scheme 1A states “*The Council may limit the time for which planning consent remains valid*”.
- 25. In the event that Council considers that a time limit may be appropriate for this proposal in order to gauge the impact of the use on the local neighbourhood the following Alternative Recommendation can be considered.
- 26. **ALTERNATIVE RECOMMENDATION 2 (ADDITIONAL CLAUSE)**

- i. **The bed and breakfast accommodation hereby approved shall be limited to a period of twelve (12) months from the date of approval.**

Advice: Upon expiry of the Planning Scheme Consent for bed and breakfast accommodation, a new application is to be lodged and assessed by the City of Albany.

- 27. It should be noted that an approval without this clause would protect the neighbourhood by way of condition (ii). If this condition was breached, Council may revoke the consent (in accordance with Clause 7.9 (b) “*If the Council grants planning consent subject to conditions and any condition is not fulfilled or complied with to the satisfaction of the Council, the Council may revoke its consent*”.

SUMMARY CONCLUSION

- 28. The subject lot is ideally located close to the nearby tourist attractions of Lake Seppings, Middleton Beach, cafes, restaurants, local parks and walkways, making it a suitable location for short term holiday accommodation.
- 29. Council’s decision is sought to vary the Bed and Breakfast Accommodation policy with regard to the support of adjoining landowners. The proposal, as amended, is considered acceptable and is recommended for approval.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | City of Albany Town Planning Scheme 1A |
| File Number (Name of Ward) | : | A196083 (Breaksea Ward) |
| Previous Reference | : | N/A |



Deb.

AGENDA ITEM 2.6 REFERS

City of Albany Records
 Doc No: ICR1393939
 File: A196083
 Date: 14 MAR 2013
 Officer: AOP1.EDPD

Postal
 Attach:
 Box:
 Vol:
 Box+Vol:

APPLICATION FOR GRANT OF PLANNING

PLEASE NOTE THAT PAYMENT MUST BE MADE BEFORE PROCESSING THIS APPLICATION

LANDOWNER

Name: _____
 Address: _____
 Telephone: Work _____ Home 0422115192 Mobile 0413423391
 Email: _____ Fax: _____
 Is there a business currently operating from this property? YES/NO
 If yes, what type of business is being operated? _____
 State the name of the business: _____
 Signature: _____ Date: 13.02.2013

(NOTE: APPLICATION MUST BE SIGNED BY LANDOWNER)

APPLICANT

(if different from landowner)

Name of Contact Person regarding this application: _____
 Address: _____
 Telephone: Work _____ Home _____ Mobile _____
 Email: _____ Fax: _____
 Signature: _____ Date: _____

DESCRIPTION OF LAND

AND NATURE OF PROPOSAL

House No: 26 Lot No: 234 Location No: -
 Street: HENLEY GROVE Locality/Suburb: MIRA - MAR
 Type of Development/Use Proposed: BED & BREAKFAST ACCOMMODATION
- 2 ROOMS
 Estimated Date of Completion: _____ Estimated Development Cost: \$ NIL

THREE COPIES OF BUILDING PLANS AND SITE PLAN OF PROPOSAL MUST BE SUBMITTED WITH THIS FORM

OFFICE USE

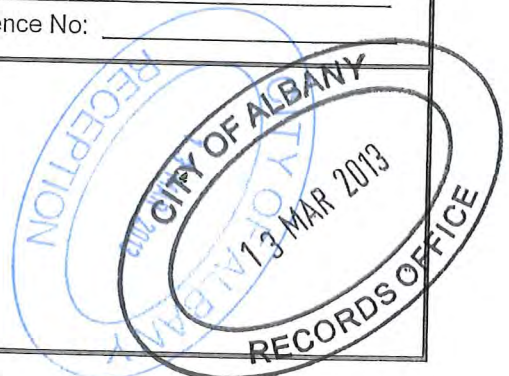
TPS No: 1A Zone: Residential Other: R20
 Use Type: Use Not Listed
 Description: Bed and breakfast
 Assessment No: A196083 Building Licence No: _____

CASHIER

G/L 124830

Application No: P2130112
 Receipt No: 326829
 Amount: \$ 270.00
 Signature: a
 Date: 13/3/13

RECEPTION RECEIVAL STAMP



Sent: Friday, 3 May 2013 8:46 AM
To:
Cc:
Subject: EF1373617 - A196083 - RE: B&B Licence application for 26 Henley Grove Mira Mar

Adrian

Thank you for confirming your willingness to amend your application. I will now proceed with my report to Council. You will be advised when the report is made public and you will also be invited to attend the Council meeting, where you will be able to speak to support your proposal.

Regards

Deb Delury
Planning Assistant

Tel: (08) 9841 9211
Fax: (08) 9841 4099



PO Box 484 | Albany | WA | 6331 (102 North Rd Yakamia) | www.albany.wa.gov.au

Please consider the environment before printing this email.

From:
Sent: Thursday, 2 May 2013 1:31 PM
To: Deb Delury
Subject: B&B Licence application for 26 Henley Grove Mira Mar

To Deb Delury
Planning Assistant

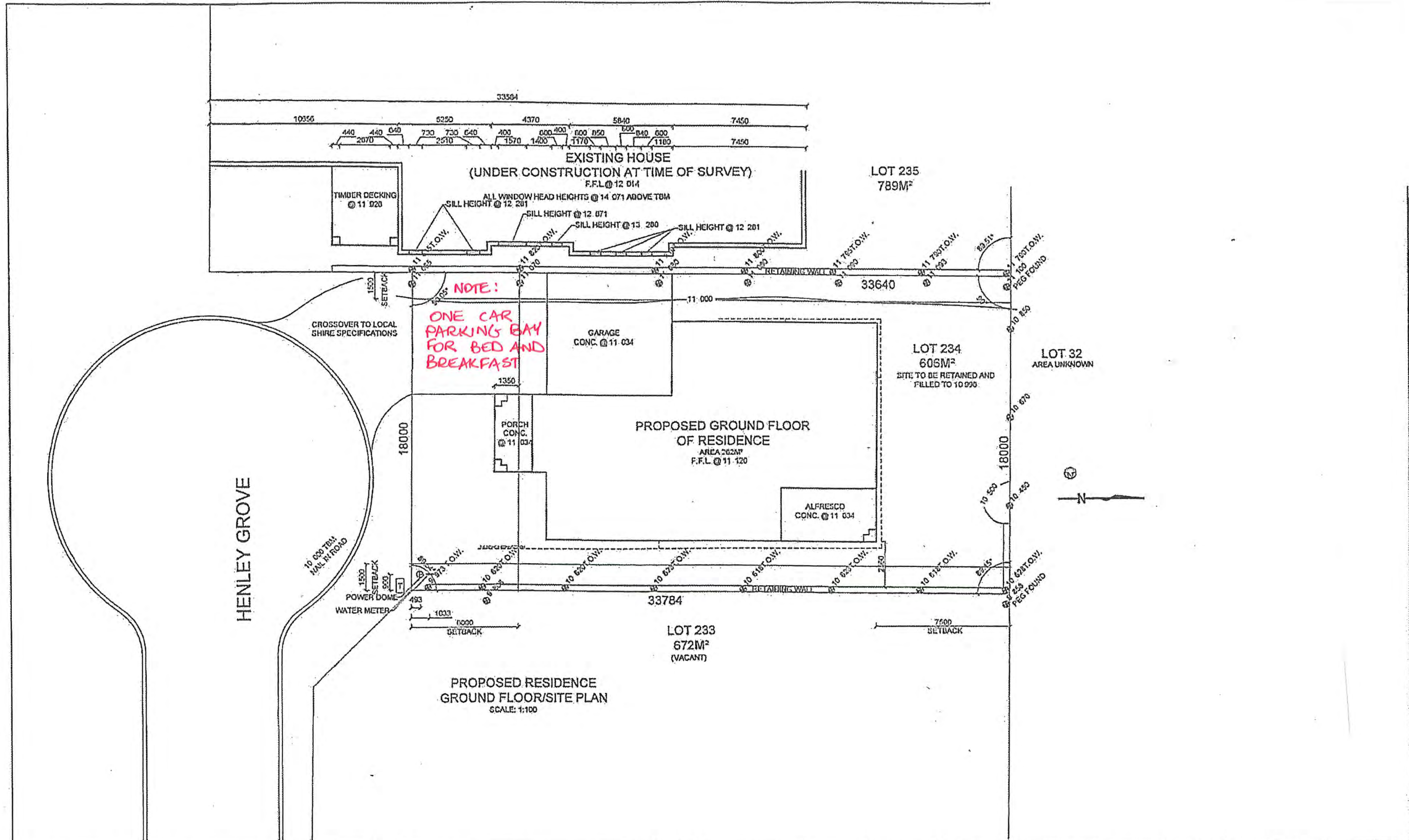
In relation to my application for a B & B Licence for No 26 Henley Grove, Mira Mar

Following our discussion this morning and taking into account the objections raised by some community members I would like to make the following changes to my application to accommodate the issues raised and get to an acceptable compromise in regards to my application.

- no longer applying for 2 rooms for the purpose of B&B, but only 1 (ONE) - which will be the Master bedroom at Level 1 of the property
- the parking bay for this purpose will now be on the driveway right in front of the Garage of the property, where there is plenty of space within my lot boundary for this purpose

Thank you

Regards



JOB:
PROPOSED RESIDENCE LOT 234 HENLEY GROVE

CLIENT: _____

DRAWING:
GROUND FLOOR/SITE PLAN

ADDRESS:
26 HENLEY GROVE, MIRA MAR ALBANY WA

DATE:
16/6/2011

SCALE:
1:200

DRAWN BY:
BEN MITCHELL

©SHABDEN DESIGN AND DRAFTING SERVICES

PHONE: 0402 421 200 OR (08)9892 8774

SHEET NO.
7



NOTE:
 ALL MASONRY TO COMPLY WITH AS3700 AND THE BUILDING CODES OF AUSTRALIA.
 ALL FLOOR, WALL AND ROOF FRAMING TO COMPLY WITH AS1684 AND THE BUILDING CODE OF AUSTRALIA TO SUIT N1 WIND LOADING.
 ALL CONNECTIONS TO PROPRIETY SPECIFICATIONS AND ENGINEERS DETAILS.
 ALL SIZES OF STRUCTURAL MEMBERS INDICATIVE ONLY. FINAL SIZE TO ENGINEERS SPECIFICATIONS. SLAB THICKNESS, FOOTING SIZES AND REINFORCEMENT TO BE CONFIRMED BY ENGINEER TO SUIT 'A' CLASS SITE.

JOB:
 PROPOSED RESIDENCE
 LOT 234 HENLEY GROVE

DRAWING:
 GROUND FLOOR PLAN
 ADDRESS:
 26 HENLEY GROVE,
 MIRA MAR
 ALBANY WA

DATE:
 16/6/2011
 SCALE:
 1:100

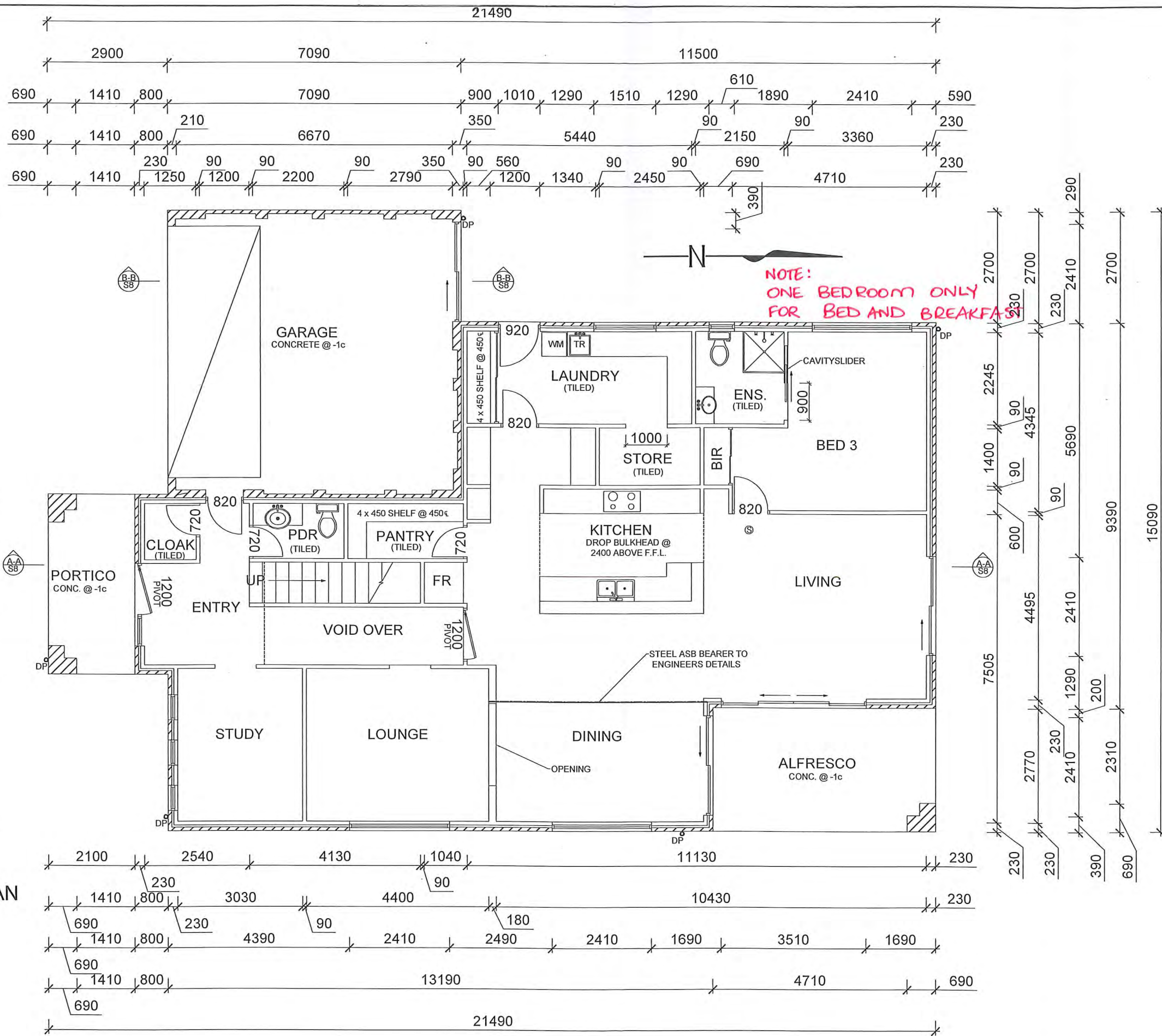
DRAWN BY:
 BEN MITCHELL

©SHABDEN DESIGN AND DRAFTING SERVICES

PHONE: 0402 421 200
 OR (08)9892 8774

SHEET NO.

1



GROUND FLOOR PLAN
 SCALE 1:100

NOTE:
 ALL MASONRY TO COMPLY WITH AS3700 AND THE BUILDING CODES OF AUSTRALIA.
 ALL FLOOR, WALL AND ROOF FRAMING TO COMPLY WITH AS1684 AND THE BUILDING CODE OF AUSTRALIA TO SUIT N1 WIND LOADING.
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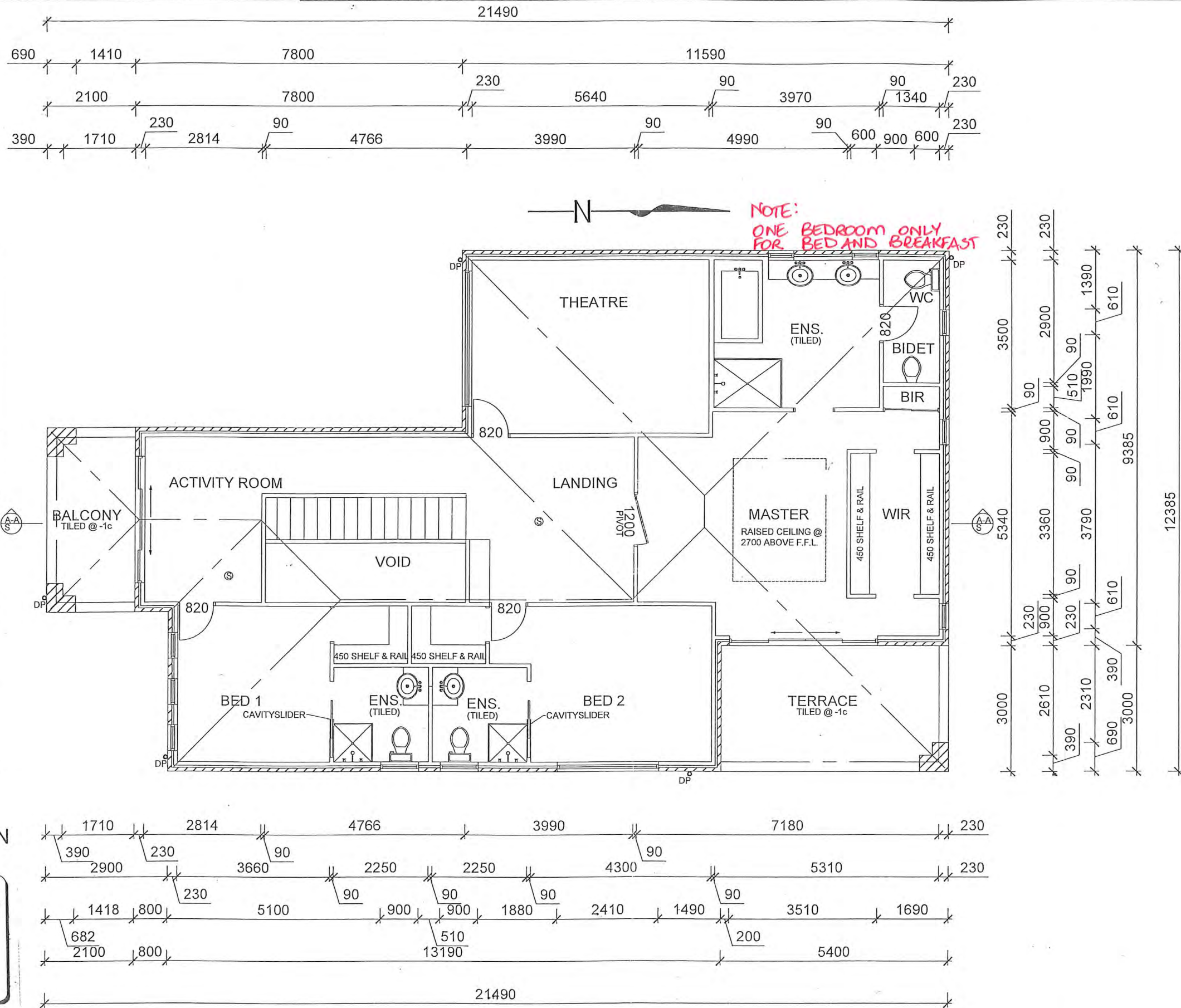
JOB:
 PROPOSED RESIDENCE
 LOT 234 HENLEY GROVE

DRAWING:
 FIRST FLOOR PLAN
 ADDRESS:
 26 HENLEY GROVE,
 MIRA MAR
 ALBANY WA

DATE:
 16/6/2011
 SCALE:
 1:100
 DRAWN BY:
 BEN MITCHELL

©SHABBEN DESIGN AND DRAFTING SERVICES
 PHONE: 0402 421 200
 OR (08)9892 8774

SHEET NO.
 2



FIRST FLOOR PLAN
 SCALE 1:100

FIRST FLOOR AREA
 BUILDING AREA: 204.442M²
 ALFRESCO: 16.200M²
 PORTICO: 9.209M²
 TOTAL: 229.851M²
 GROSS AREA: 508.236

City of Albany

Planning Policy

BED AND BREAKFAST ACCOMMODATION

2E BED AND BREAKFAST ACCOMMODATION

Objectives:

- 1) **To promote the orderly and proper development of land by making suitable provisions to guide applicants who wish to establish Bed and Breakfast accommodation from their homes;**
- 2) **To secure the amenity, health and convenience of both visitors and surrounding residents through appropriate development requirements; and**
- 3) **To ensure that the Bed and Breakfast accommodation is incidental to the predominant use of the property in order to maintain the amenity of the immediate area.**

E1 Definitions

“Bed and Breakfast Accommodation” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

E2 Policy Statement

Bed and Breakfast Accommodation should occupy a maximum of two bedrooms of a dwelling house and be made available for short-stay accommodation for a maximum of six guests at any one time and will only be approved on a lot where it can be demonstrated that:

- 1) The proposal is consistent with surrounding land use activities and can demonstrate general support from adjoining landowners;
- 2) The owner/manager of the Bed and Breakfast accommodation will reside on-site;
- 3) The proposal provides additional on-site car parking bays at the ratio of 1 bay per bedroom and shall not interfere with vehicular access; and
- 4) Access/egress to the site and car parking shall not adversely impact on with local vehicular or pedestrian traffic.

City of Albany

Planning Policy

HOLIDAY HOMES

2K HOLIDAY HOMES

Objective:

To encourage good quality, well managed holiday accommodation for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.

F1 Definitions

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

F2 Policy Statement

F2.1 General

- 1) Matters to be considered in assessing, determining and renewing applications include:
 - a) effective on-going management;
 - b) appropriate location and compatibility with adjoining/nearby uses; and
 - c) access and car parking.
- 2) Planning approvals are issued only to the specific owner of the parcel of land and is not transferable to another person or to another land parcel. Should there be a change in landowner in respect of which the planning consent was issued the approval will no longer be valid.
- 3) Holiday homes are restricted to a maximum number of 6 guests in order to protect the amenity of the residents in the vicinity.
- 4) Where more than 6 guests are proposed, the premises is classified under the Health Act 1911 as a “*lodging house*” and will require further approval. An application for a Lodging House shall be treated as a “Use Not Listed” under the provisions of Scheme No. 1a and 3.
- 5) Holiday homes shall be limited to detached single residential dwellings on freehold lots.

F2.2 Location

- 1) To reduce conflict between holiday homes and residential dwellings, particularly in residential zones, ideally they should be located in preferred areas identified either through the tourism component of the relevant local planning strategy, or in a local planning policy.
- 2) As a guide, holiday homes are more appropriate in areas of high tourism amenity and close proximity to key tourism attractions such as the beach, town centre or rural areas, but may not be appropriate in suburban locations.
- 3) The area identified on Figure A below is considered to be the most appropriate priority area for the establishment of holiday homes given these areas are within close proximity to the town centre and popular swimming beaches. Other areas, within 400 metres (typically a 5 minute walk) of an activity centre may be considered provided they are located in an area within an interconnected network of streets which facilitates safe, efficient and pleasant walking, cycling and driving.
- 4) The underlying factor in determining an appropriate location for a holiday home is the proximity of the premises to where a holiday maker would desire to stay and proponents should address this in their application.

F2.3 Protecting the Residential Character of Neighbourhoods

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

F2.4 Ongoing Management

- 1) It is considered that the responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise) to adjoining/nearby properties.
- 2) Suitable on-going management is, of course, more difficult if owners live a considerable distance from the application site. Accordingly, as part of the planning application, the local government will require the proponent to outline how the site will be managed, especially if the owners do not live nearby.
- 3) A management statement will need to be submitted to address matters including:
 - a) the amenity of adjoining/nearby land uses;
 - b) managing noise impacts of visitors;
 - c) the submission of a code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour;
 - d) outlining how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing onsite assistance and confirming arrangements for cleaning/waste management);
 - e) relevant site specific matters including fire management/emergency response plans for visitors and managing risks for visitors; and
 - f) the handling of complaints (it is expected that the tenant be contacted by phone immediately and the proponent or their representative visit the property, preferably within 12 hours).

F2.5 Access & Car Parking

- 1) All car parking is to be contained on-site and no verge area should be used for car parking.
- 2) At a minimum, it will be necessary to provide 2 on-site car parking bays for up to 6 guests. Tandem parking will only be permitted for a maximum of one vehicle behind another vehicle.
- 3) It is common for holiday makers to have a boat, trailer, caravan etc. and there should be additional space allocated for such.
- 4) All vehicle access (including crossovers) and car parking areas are to be sealed and drained to the approval of the local government.

F2.6 Holiday Homes Register

Council shall maintain a holiday homes register. The register shall provide information on the owner and/or manager, property address, configuration (bedroom numbers, number of beds, bathrooms, carparking spaces).

F2.7 Application Requirements

Applications shall include a site plan, internal floor plan and elevations along with a management statement and information detailing how the proposed location is appropriate.

F2.8 Conditions of Approval

Council in considering a Holiday Home may impose conditions based on the following:

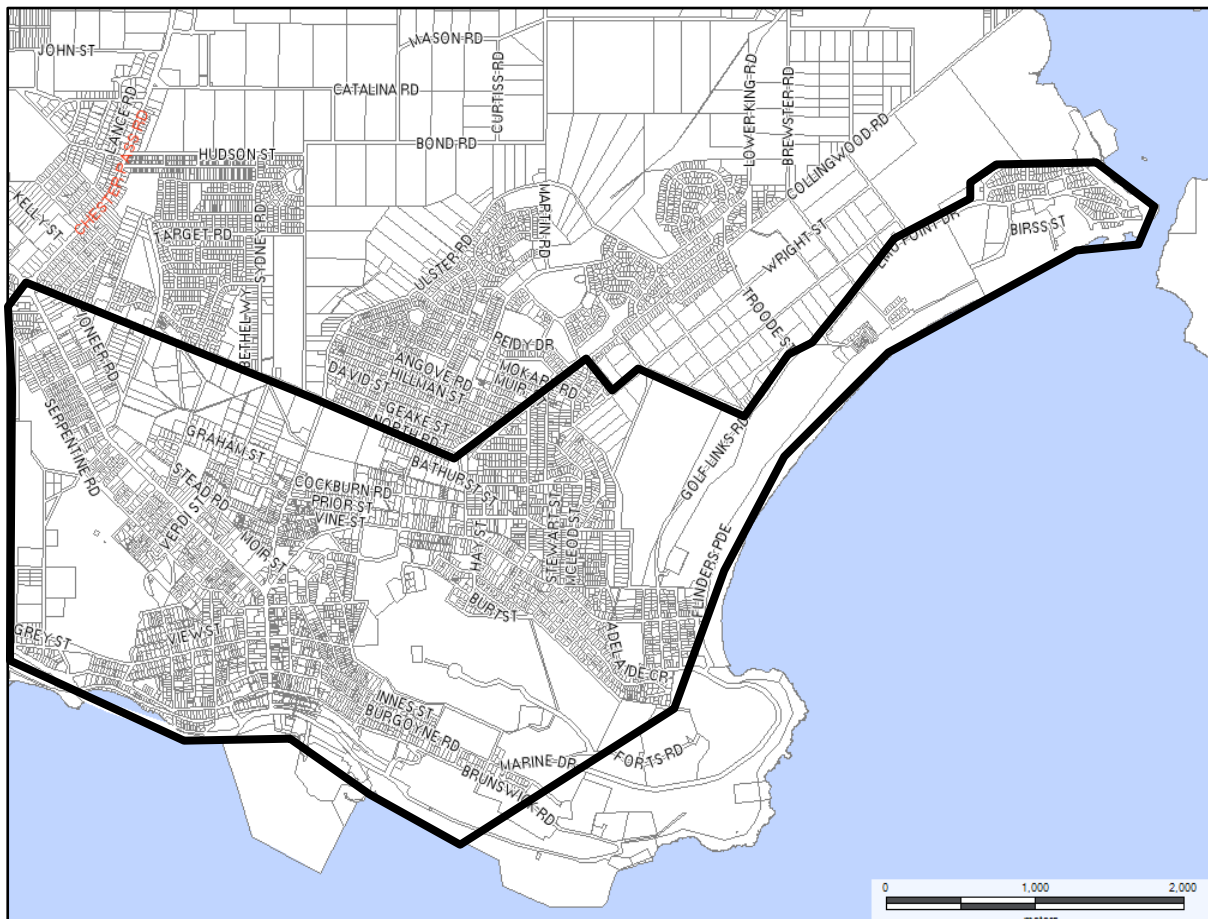
- 1) The maximum number of persons to be accommodated is restricted to 6 exclusive of the owner/operator.

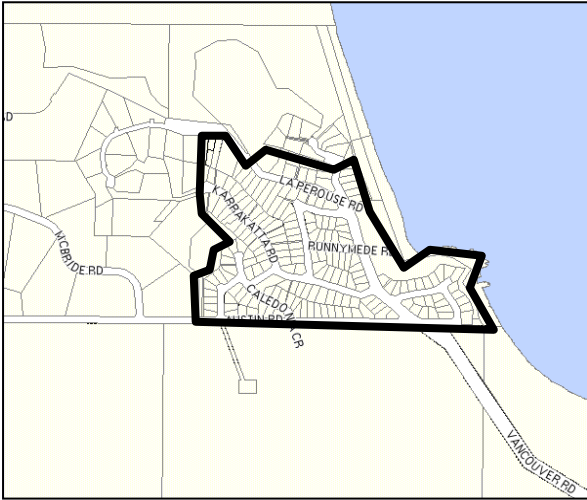
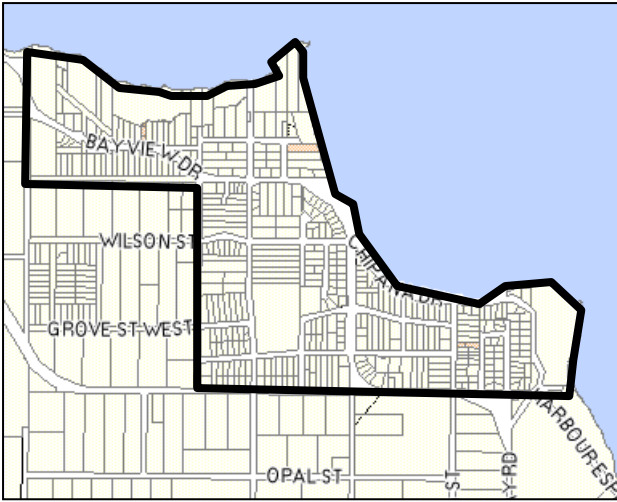
- 2) The consent is issued only to the specific owner of the particular parcel of land and is not transferable to any other person or to any other land parcel. Should there be a change of the owner on the land in respect of which the planning approval was issued the approval shall no longer be valid.
- 3) The maximum stay for any one person is restricted to 3 months within any 12 month period.
- 4) Operators must provide and maintain a register of all people who utilise the holiday accommodation during the year to Council's satisfaction. A receipt book must be kept.

F2.9 Advertising Requirements

The use 'Holiday Home' falls under the wider definition of 'Holiday Accommodation' which is a use that requires advertising under Town Planning Scheme No. 1A. Where the use is proposed within a residential zone there is a 21 day advertising period inviting comment from adjacent landowners in accordance with Council's Planning Processes Guidelines is required.

Figure A - Preferred Areas for Holiday Homes

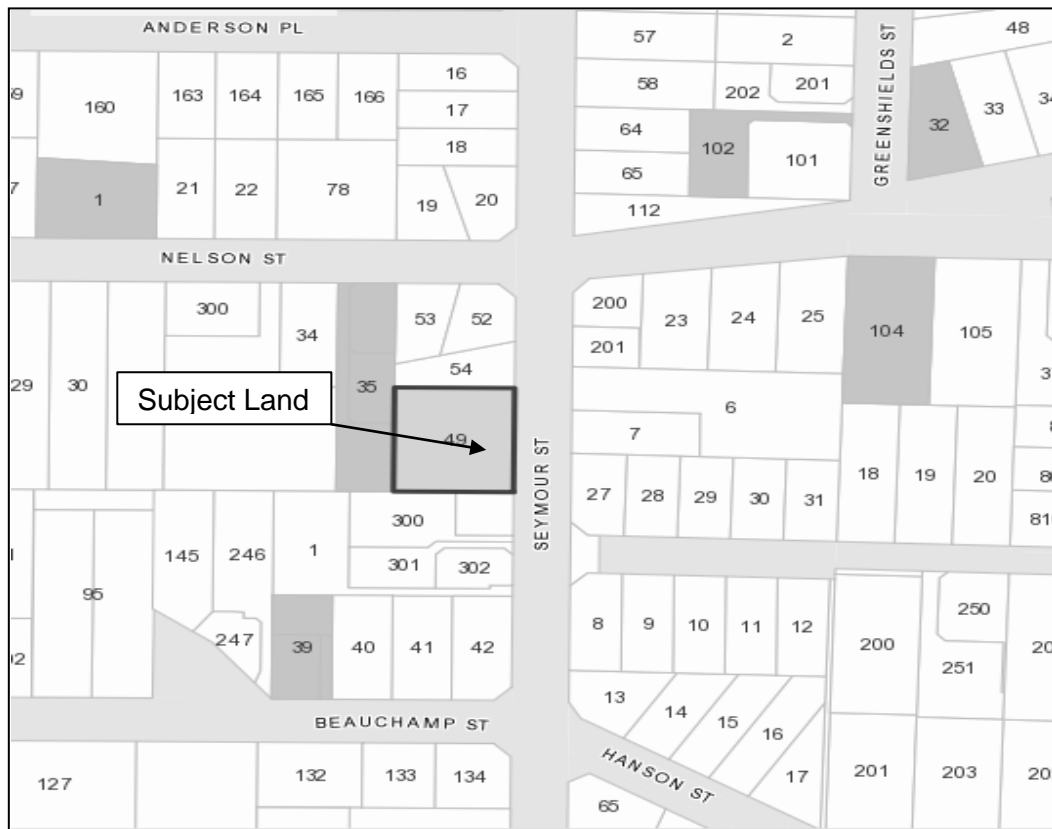




2.7: MUNICIPAL HERITAGE INVENTORY – REVIEW OF LISTING OF 45 (LOT 49) SEYMOUR STREET, MIRA MAR

Land Description : 45 (Lot 49) Seymour street, Mira Mar
Proponent : A, Bremner & A Barrett-Lennard
Owner/s : P Bremner
Attachment(s) : Heritage Assessment
: Extract from the City's Municipal Heritage Inventory
: Responses from Heritage Review Working Group
Responsible Officer(s) : Executive Director Planning and Development Services
(D Putland)

Maps and Diagrams:



IN BRIEF

- The Municipal Heritage Inventory Review Working Group has been requested to review the listing and associated information related to 45 (Lot 49) Seymour Street, Mira Mar.
- The members of the Review Working Group had mixed opinions on this matter, but have made a clear recommendation for Council to maintain the property on the Heritage Inventory.

RECOMMENDATION

**ITEM 2.7: RESPONSIBLE OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to MAINTAIN 45 Seymour Street on the Municipal Heritage Inventory with a Management Category C (or equivalent) and to update and correct the information in the listing on the Municipal Heritage Inventory to reflect the findings in the provided Heritage Assessment and comments on its content.

**RESPONSIBLE OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council requests the Executive Director of Planning & Development Services to ISSUE a Notice of Planning Scheme Refusal for Demolition - (Single House listed on Municipal Heritage Inventory) at 45 (lot 49) Seymour Street, Mira Mar.

BACKGROUND

1. This matter is presented to Council further to a previous referral at the July 2012 Ordinary Council Meeting (Item 2.5) where it was resolved that a request to demolish the property be laid on the table. The intent behind this was for the proponents to provide a plan for redevelopment of the site to in part meet the requirements of the City's Heritage Protection Policy.
2. The proponents have stated they will not provide a redevelopment plan as requested and have approached Councillors to request this matter be reconsidered.
3. Following discussions with Councillors and the proponents this the City's Heritage Review Committee has undertaken a review of the Municipal Heritage Inventory listing details for the Management Category 'C' listed place at 45 (lot 49) Seymour Street, Mira Mar.
4. The Municipal Heritage Inventory is an inventory of buildings within the municipality that are considered to be, or that may become of cultural heritage significance and has been determined and accepted as such through public consultation. Any proposed change to a listing or entry is referred to Council for consideration and determination.

DISCUSSION

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

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



8. The house itself is in fair condition for its age and is a single storey cottage constructed from formed brickwork walls with wide mortar joints and areas of fibre cement cladding (which has been noted to contain asbestos). The cottage consists of two different abutting sections both with hipped corrugated metal roofs with tall brick chimneys. The front facade of the cottage is asymmetrical with a wide veranda on the southern end and a section of fibre cement cladding towards the northern end. The verandas on the northern and western facades have been in filled to create additional internal rooms.
9. The house is listed as a Management Category 'C' building on the City's MHI and is considered to have cultural heritage significance for the following reasons:
- Aesthetic value for its contribution to the streetscape;
 - Value as part of a group/precinct;
 - In addition it has some value for its architectural merit and rarity value.

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

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

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

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

12. While the Heritage Assessment demonstrates that its significance is slightly different from that stated in the MHI, the significance attributed in the Heritage Assessment may not necessarily be of lesser value and rests on being a rare example of an Inter-War holiday cottage.
13. The City has been working on a Review of its Municipal Heritage Inventory with the assistance of a Working Group formed with membership of local residents/landowners with an interest in Albany's heritage. This review working group was formed by Council resolution Item 2.1 at the June 2011 Ordinary Council Meeting.
14. The Review Working Group members were sent copies of the existing MHI entry, the Heritage Assessment and photographs taken throughout and around the cottage. They were asked to consider if the information in the current listing, identified in the Heritage Assessment as inaccurate, affects the level of significance and the management category applied to the property. A site meeting to allow internal inspection of the property was also arranged for Friday 3 May 2013.
15. Following the site meeting, the Working Group members have given their feedback. Copies of the received responses are contained in the agenda attachments with a summary provided in the Public Consultation/Engagement section of this report.

16. The opinions from the Review Working Group were mixed, but a majority opinion was that the property should remain on the inventory and be protected from development pressures to demolish it. Two members of the Review Working Group suggested it should be removed from the Inventory to allow for possible re-development and the remaining four members suggested the place be retained with its current listing and status, but with the inaccurate detail corrected. The responses supporting retention were more detailed in their consideration and justification for their viewpoint.
17. Although it was not a unanimous opinion, the Review Working Group has now provided a recommendation. This now falls to Council to make the final decision of whether or not to accept the recommendation of the Review Working Group to keep the property on the inventory. It is clear there are inaccuracies in the current MHI listing. This property is of cultural significance in telling the story of development of Albany. However the listing for this property should be corrected to be an accurate record for this property.

GOVERNMENT CONSULTATION

18. No Government referral is required, however, if changes to an entry are proposed, the Heritage Council of Western Australia must be advised of such changes once endorsed by Council.

PUBLIC CONSULTATION / ENGAGEMENT

19. Consultation on potential changes to the Heritage Listing under the Municipal Heritage Inventory was undertaken with the Municipal Heritage Inventory Review Working Group. The existing listing of the property, the Heritage Assessment and the photographs were sent to the six (6) members of the Working Group for comment on the implications of the identified inaccuracies and their views/suggestions on any changes to the listing or Management Category applied to the property.
20. A summary of the responses are:
 - Member 1 – It is an old cottage and he wouldn't want to live there. To keep it would be an unnecessary financial burden and he thinks the place should be demolished to make way for something new.
 - Member 2 – No problem reducing the Heritage standing as the place retains little of its integrity in its surroundings. We should encourage retention of Heritage Places where possible and provide development incentives and relaxations for best use of the land whilst protecting heritage buildings. In this instance there would be considerable cost in renovating with little benefit to the wider public, it would rarely be seen and the little contribution to public amenity would result from inordinate cost to the owners.
 - Member 3 – Agree that the MHI listing detail is not accurate and the Heritage Assessment is more accurate regarding the detail of the building's history. However, the Heritage Assessment is also inaccurate in terms of some elements of the building's construction – some painted cloth ceilings and not fibre cement throughout as stated. The cottage is an unusual, but simple construction reflecting its owner built

holiday cottage status. Such holiday cottages are an important part of Albany's history. This property should have a greater rarity value than current MHI listing. It is difficult to argue the Management Category should be reduced or removed from the MHI entirely. Other assertions put forward for reducing or removing the listing are not accepted. Architectural merit and Heritage significance is not just for grand and spectacular, the simple can be just as important. This place remains significant as a good and early example of a seaside holiday cottage important in the history of Albany. It should remain on the Municipal Heritage Inventory with its current C rating.

- Member 4 – Although the historical information in the MHI is incorrect, the Heritage Assessment which provided a more accurate historical record fails to demonstrate that the place does not have cultural heritage significance. It demonstrates that its significance is slightly different, (it is not necessarily of lesser value); Significance now rests more on it being a rare example of an Inter-War holiday cottage.
- Member 5 –The cottage is unique with a high level of integrity and an example from the 1930's which is period not otherwise represented on the MI due to fewer homes constructed during the recession and hardship of the inter war years. The cottage is set on a significant site with commanding views across King George Sound and the City. By comparison to the surrounding modern homes it has an exaggerated significance exemplifying a simpler more spacious and leisurely life. This is an essential component of understanding the social history of the area, holidays and the city and should be conserved. There should be a comprehensive report under taken by an impartial heritage advisor.
- Member 6 (e-mail and follow up telephone conversation)– Favours retention. Considers the cottage is representative of the era. Although the site is commanding and there may be re-development pressure, he feels that a re-development around and retaining the existing cottage can be achieved and the City should consider development concessions and relaxations to achieve this. The cottage could be kept as small holiday accommodation for instance.

STATUTORY IMPLICATIONS

21. Section 45 of the *Heritage of Western Australia Act 1990* states;

“1) A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.

2) The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be – (a) updated annually; and (b) reviewed every 4 years after compilation.

3) A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.

4) A local government shall ensure that the inventory required by this section is compiled with proper public consultation.”

STRATEGIC IMPLICATIONS

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

Key Focus Area

Sustainability and Development

Community Priority

A Preservation of Albany's uniqueness

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

POLICY IMPLICATIONS

23. This matter has no direct Policy implications, however, if the property is retained on the Municipal Heritage Inventory any development or re-development will be subject to the City's Local Planning Policy 2H – *Heritage Protection*.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-------------------|--------------------|----------------------|---|
| <i>If Council were to resolve to remove the property listing from the Municipal Heritage Inventory it could create a precedent for requests for the de-listing of other MHI Management Category C Heritage Places.</i> | <i>Likely</i> | <i>Low</i> | <i>Low</i> | <i>Any decision must be made on a sound basis with reasoned justification. Referral to the Review Working Group would constitute proper public consultation and usually result in a sound recommendation.</i> |
| <i>If Council resolved to retain the property on the Municipal Heritage Inventory the property owners would require planning scheme consent for any re-development proposals for the site.</i> | <i>Likely</i> | <i>Low</i> | <i>Low</i> | <i>This is no different to any other Heritage Listed property and is currently the case for the subject property.</i> |

FINANCIAL IMPLICATIONS

25. The ongoing review of the Municipal Heritage Inventory is part of the continuing Development Services function utilising existing resources and budget lines.

LEGAL IMPLICATIONS

26. There are no legal implications arising from this matter.

ALTERNATE OPTIONS

27. Although the Review Working Group has made a clear recommendation the decision now falls to Council to determine if the property stays on the Municipal Heritage Inventory or is removed. Should Council not accept the Review Working Group recommendation, there is the following alternate option:

THAT Council resolves to REMOVE 45 Seymour Street from the Municipal Heritage Inventory SUBJECT to the following conditions:

- A. Prior to the removal from the Municipal Heritage Inventory and any work or redevelopment carried out to the property; a full archival report and photographic record of the Place being carried out to the satisfaction of the City of Albany with a copy of the report and photographic record provided to the City of Albany.*

SUMMARY CONCLUSION

28. This matter results from a request to review the current Municipal Heritage Inventory listing for a property at 45 Seymour Street, Mira Mar which is currently listed on the City's Municipal Heritage Inventory as a Management Category 'C'.
29. The relevant information to review the current listing was sent to the members of the Municipal Heritage Inventory Review Working Group for consideration of changes to the listing content and possibly the management category applied to the property.
30. The Review Working Group member's opinions were mixed, but a majority considers the property should remain on the Heritage Inventory with the current management category retained and the inaccurate information and detail being corrected.
31. The final decision now rests with Council whether or not to accept the recommendation from the Review Working Group.

| | |
|-----------------------------------|---|
| Consulted References | City of Albany Municipal Heritage Inventory – Inner Albany Places |
| File Number (Name of Ward) | A143915 (Breaksea Ward) |
| Previous References | OCM 17/07/2012 – Item 2.5 |

CITY OF ALBANY MUNICIPAL HERITAGE INVENTORY

Man Cat

C

PLACE RECORD FORM (Inner Area)

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



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

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

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

| | |
|------------------------|-----------|
| USE(S) OF PLACE | |
| Original | Residence |
| Present | Residence |
| Other | |

HISTORICAL NOTES

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

DESCRIPTION

Some of the notable features of this place include:

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

Some obvious modifications include:

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

ASSOCIATIONS**ASSOCIATION TYPE**

| | |
|--|--|
| | |
| | |

HISTORIC THEME/Subtheme**CATEGORIES OF SIGNIFICANCE**

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

RATING AND ASSESSMENT**High****Low**

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

MANAGEMENT RECOMMENDATIONS

Management Category: C

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

HERITAGE LISTINGS

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

SUPPORTING INFORMATION/BIBLIOGRAPHY

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



Photo of property taken in 1994
(Town of Albany)

15 March 2012

Attention: **Taylor Gunn, Planning Officer**

Proposed Demolition 45 Seymour Street Albany

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

Removal from a Municipal Heritage Inventory (MHI)

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

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

Aesthetic value for its contribution to the streetscape

Value as part of a group/precinct

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

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

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

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

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

Other Heritage Considerations

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

Assessing a demolition application for an MHI listed place

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

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

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

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

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

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

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

RHA Liaison with the Owners

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

SUMMARY

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

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

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

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

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

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

regards

Regional Heritage Advisor



ALBANY HISTORICAL SOCIETY (INC)
CUSTODIANS OF THE BIRTHPLACE OF A STATE

9 May 2013

Our Ref:

Your Ref:

Postal Address:
P.O Box 411
Albany 6331
Western Australia

Ph: 08 9841 5403
Fax: 08 9841 5403

Web Site:
www.historicalbany.com.au

Email:
admiralbhst@bigpond.com

Tom Wenbourne
Senior Planning Officer
City of Albany
PO Box 484
ALBANY WA 6330

Dear Tom,

45 Seymour Street, Albany

Thank you for the opportunity to contribute to the discussion regarding the cottage at 45 Seymour Street and its inclusion on the Municipal Heritage Inventory (MHI). We would be grateful if you could provide copies of this letter to the Mayor and all Councillors, as well as to the owners of the cottage so that our views can be considered in discussions regarding the future of the property.

Our response is based on a review of the relevant documents (Original MHI listing, report by H+H Architects, report by letter by to Council 8/12/12, Staff report to Council Item 2.5 17/7/12) as well as a site visit attended by representing Albany Historical Society (AHS) on 9/5/13.

We will restrict our comments to the historic value of the cottage and issues associated with the MHI generally as that is our area of expertise. We will not comment on general planning issues and considerations because while those issues are important they are not within our expertise.

45 Seymour Street

Firstly we agree that the details of the property in the MHI do not accurately represent its history and heritage value. We concur that the report by H+H more accurately details the building's history. This is supported by the owners own knowledge of the building as it was built by their family and has been in their possession for over 70 years. However, it should be noted that even H+H's report has some minor inaccuracies stating that "there are concrete floors throughout and fibre cement ceilings" (p3) when in fact some of the central floors are timber and some ceilings are painted cloth (hessian?). (This description is repeated in the Staff report.)

What the H+H report establishes is that the cottage is approximately 75 years old and is a typical example of an inter war holiday cottage. Such holiday cottages are an important aspect of the history not only of Albany but also many coastal towns throughout Western Australia. Most were owner built as this one was and were of simple style so sadly they are slowly disappearing. The cottage has clearly been well loved and looked after by the family over its lifetime as it appears to be in good condition for its age. The fact that its cloth ceilings remain intact testifies to that. Such ceilings were once common but due to their fragility, few remain.

The central core of the cottage is also unusual in its construction method in that it appears to have been built by formwork around brickwork which suggests an amateur builder, not completely confident in his bricklaying skills, a representation of its owner built, holiday cottage, status.

The house is unusual also in that its hipped roof style is typical of a much earlier time (19th century) which is likely to have contributed to the MHI confusion about its history. This may also be representative of an owner builder, not versed in building styles and techniques and seeking a very simple construction style.

The H+H report points out that "there are a large number of simple single storey cottages on the City of Albany's MHI. Most of these properties are federation style buildings dating from late in the nineteenth and early in the twentieth century. There does not appear to be any other simple cottages dating from the 1930's on the MHI" (p5). The report then goes on to mention a cottage at 216 Middleton Rd although this is confusing in that this is a significantly different type of timber and iron house that seems more likely to have been a normal residence than a holiday cottage.

It is our view that based on this assessment that this gives the cottage greater rarity value than the original MHI assessment so it is difficult to argue that its C rating should be diminished or that it should be removed from the MHI.

In regard to [redacted] report, we would dispute some of his assertions. He refers to "the deteriorating condition of the cottage" (p4). It is our view that the cottage has been well maintained by the owners (for which they should be given credit as we would not wish to encourage the notion of "demolition by neglect" that is sometimes pursued by less scrupulous developers).

He also states that it is "completely incongruous with the streetscape of Seymour St" (p4) and has "no streetscape appeal" (p.5). While this might be a matter of taste, sitting as it does on the crest of the hill it does appear to fit well with its surroundings. Many people are familiar

with the cottage which is illustrated by the fact that when talking to others about it, just describing it as the little old cottage at the top of Seymour St is often sufficient to trigger recognition of the property, indicating that it does register in peoples minds.

We dispute his assertions that the cottage "contributes to the interpretation of the history of urban growth in the District to no greater or lesser degree than all the other houses in Albany" and that "the cottage has limited architectural merit and it is not rare" (p.6), as we describe in our response to the H+H conclusion above. It is important to bear in mind that architectural merit and heritage significance does not just apply to the grand and spectacular. Simple can be just as important.

In summary of the cottage's history and heritage value, we believe that it does remain significant in that it is an early and good example of the seaside holiday cottage beloved by many West Australians throughout the latter half of the twentieth century and as such is important in the development and history of Albany. We believe it should remain on the MHI with its current C rating and that it would be unfortunate if the city were to loose one of the few remaining buildings of this type.

MHI Generally

The discussion of this cottage illustrates what we believe to be some serious problems with the maintenance of the MHI generally. As [....] points out in his report, the MHI has not been reviewed since 2000, despite there being a statutory obligation to do so at regular intervals. It does contain other inaccuracies. There are places not on it that probably should be and there may be places on it that do not need to be. It is our view that there should be a permanent working group reviewing and updating the MHI so that it can become a more accurate and useful document. We are more than happy to contribute to that process. The recent unfortunate experience with an outside paid consultant reviewing the MHI might suggest that Council would do better to utilise local commitment and expertise, which we can provide on a voluntary basis.

Our desire to see this occur is not just based on our appreciation of history. It is also based on our appreciation of Albany as a place to live and a desire to see the City progress. We believe that it is important to Albany's future prosperity to develop a cogent marketing plan. To do so the City needs to develop a recognisable brand. Albany's major point of difference from other regional centres is our heritage and to capitalise on this, Council needs to demonstrate that it is taking that seriously. We believe that there would be significant economic benefits to Albany if we were to develop ourselves as a

major heritage centre in Australia and we would encourage Council to consider the benefits of that.

In regard to 45 Seymour St, we believe that the central core of the existing structure could be incorporated into a new development. This may require some flexibility or concessions by Council but if these were to assist by preserving the City's heritage this would be of benefit to all parties. We encourage Council to think more broadly about heritage issues and as stated we would welcome the opportunity to assist in that process.

We would appreciate notification of when the discussions about 45 Seymour St are to come before Council so our representatives can attend that discussion to clarify any issues arising from this letter.

Warmest regards

From:
Sent: Friday, 3 May 2013 12:24 PM
To: Tom Wenbourne
Subject: EF1399301 - LP.PRG.1 - Re: EF1373542 - LP.PRG.1 - Site Visit 10am Friday 3 May 2013 - 45 Seymour Street

Hi Tom,
I was unable to attend on Friday Morning. I have conducted a drive by and my own investigations.
I have no problem with reducing the Heritage standing of the property in the Municipal Heritage inventory. It retains little of its integrity in the surrounding developments.
I would expect that the owners are preparing to put in an application to demolish and develop the property.
I would have no serious objection. It is my position, that we should encourage retention of heritage property where possible and provide incentives and relaxations for developers to gain best utilisation of their land areas whilst protecting heritage buildings.
I see little compulsion for us to demand this of developers in this instance. If the property were to be retained considerable cost would be entailed by the developer in renovating as well as considerable loss of utility of the land area.
As well, at the end of the exercise, little benefit by rate payers would entail. The property would rarely be seen by the public. Little contribution to the public amenity would result from an inordinate cost to the property owner.
I see a very skewed cost benefit.

On 1/05/2013 12:46 PM, Tom Wenbourne wrote:

- > Dear Members of the City of Albany MHI Review Working Group,
- >
- > I am writing further to the detail sent to you on 23 April 2013 regarding the request to review the listing of the cottage at 45 Seymour Street. A member of the Review Working Group has requested a site visit to enable better understanding of the place and its context.
- > This has now been arranged with relatives of the owner for this coming Friday morning at 10am. Anyone interested in attending can come along and I will meet you onsite at 10am.
- >
- > Following the site visit, I request you provide me with your considered views on this listing and any suggested change(s) as early as possible next week as set out in my letter of 23 April.
- >
- > Mr Mayor and Councillors, you are also invited to attend if you wish.
- >
- > I look forward to seeing as many of you as possible there on Friday morning.
- >
- > Kind regards,
- >

> Tom.
>
> Tom Wenbourne
>
> Senior Planning Officer
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>
> Tel:
>
> (08) 9841 9268
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> Fax:
>
> (08) 9841 4099
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> [cid:image001.png@01CE4665.467B9AF0]<<http://www.albany.wa.gov.au/>>
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>
> PO Box 484 | Albany | WA | 6331 (102 North Rd Yakamia) |
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> 04/29/13

Albany WA 6330

Tom Wenbourne
Senior Planning Officer
City of Albany

Dear Tom

RE: Municipal Heritage Inventory Review Working Group – review of 45 Seymour Street

My thoughts on the review of 45 Seymour Street are as follows:

1. Conflict of interest – I understand that the Heritage Assessment has been undertaken by architects associated with the development proposal. While appreciating that their observations may be relevant I would oppose their recommendations based upon my belief that they have a conflict of interest in proposing a Heritage Assessment and are involved in a development proposal. Not long ago the same architects refused to defend a Conservation Plan for the old Police Sergeants quarters in Duke Street that they had written on the basis of conflict of interest, which in that case I must admit I failed to understand. However in this case there is clearly a need for an independent Assessment to be done by a knowledgeable person not connected to any redevelopment proposals. Thus I do not support the Heritage Assessment (HA).
2. Secondly I feel that this 1934 cottage is not only unique as noted in the HA sections - Significance and Comparative ie. A building with 'a high level of integrity' and an example from the 1930s a period which is not otherwise represented on the Municipal Inventory; but also because of its site, setting and gardens. The cottage represents today, a period of frantic if not over-development, a period in history when gardens were large and homes set well back from the street. This is particularly important here as the cottage has an extremely significant site with commanding views across King George's Sound and the City, with some modern adjacent homes jostling for space and views, which gives it an exaggerated significance for exemplifying a simpler more spacious and leisurely life. It is in my view an essential component of understanding the social history of the area, holidays and the city and should be conserved.
3. The commanding views of this site unfortunately also mean that there will be strong pressures brought to bear on Council to allow this cottage to be demolished. Reason again in my view for a comprehensive report undertaken by an impartial heritage advisor.
4. It is my understanding that few homes were built during the years of recession and hardship in the interwar period. This home in all its simplicity should therefore be included on the inventory and conserved with a full review, any development being added to rather than altering the structure.

Kind Regards

Tom Wenbourne

From:
Sent: Thursday, 16 May 2013 11:23 AM
To: Tom Wenbourne
Subject: EF1399845 - A143915 - RE: EF1374087 - A143915 - Request for Review of 45 Seymour Street Heritage Listing

SynergySoft: EF1399845 - A143915

Dear Tom

I am aware of the property/ external only. I tend to favour retention for the following reasons.

1. Contiguous with?/ close proximity to the Spencer Grave site and strawberry hill?
2. Representative of the cottages of the era.
3. Is there redevelopment pressure?
4. The site is commanding ... retention would send a powerful message that Albany's proud and defining heritage will not be compromised. Eg a true heritage viewshed
5. If there is redevelopment pressure what safeguards can the City put in place to keep the historic gravesite with a true sense of place were redevelopment to occur? Form/ height/ sympathy with the history?
6. What % of the original fabric is left? How representative is it still?

Regards

-----Original Message-----

From: Tom Wenbourne [<mailto:tomw@albany.wa.gov.au>]
Sent: Thursday, 16 May 2013 10:46 AM
To: undisclosed-recipients:
Subject: EF1374087 - A143915 - Request for Review of 45 Seymour Street Heritage Listing

Dear

I have not received a response from you on your views regarding the Municipal Heritage Inventory listing for 45 Seymour Street following the detail sent out to you on 23 April 2013.

I am trying to finalise a report to Council for the June Ordinary Council Meeting and it would greatly assist me if I could have a response from you, even if that is a no comment.

The current responses I have from the Review Working Group are mixed with an equal split, resulting in no clear recommendation to Council on this matter.

Your views on this matter would be welcomed and much appreciated.

Kind regards,

Tom.

Tom Wenbourne

Senior Planning Officer

Tel:

(08) 9841 9268

Tom Wenbourne

To: Tom Wenbourne
Subject: FN1330843 - A143915 - File Note of Telephone Conversation with regarding Heritage Listing of 45 Seymour Street, Mira Mar

SynergySoft: FN1330843 - A143915

Following receipt of an e-mail from [redacted] I telephoned him at approximately 12 noon on Thursday 16 May 2013.

We discussed the content of his emailed response and some of the questions he raised. I confirmed it was now the City's understanding that the property was not linked to Old Farm Strawberry Hill. It may have once been part of the farm, but had been subdivided from it some time prior to construction of this holiday cottage.

[redacted] asked if there was redevelopment pressure and I confirmed the City had received a request to allow demolition of the cottage. [redacted] asked if retention and incorporating the cottage into any re-development had been considered. I advised that this had been requested by the City and although initially the proponents had said they would provide a development plan, they had since refused to do so.

I advised that given the setbacks of the cottage he was sure something could be built that was complimentary to the cottage and retain the cottage either as an outbuilding or some sort of 'Coach house' accommodation and if required the City could consider and grant development concessions to enable retention. With regard to the adjoining gravesite, I advised [redacted] that although adjoining, the gravesite is on its own lot and this site is not connected in anyway to the gravesite except proximity of location –for instance the Spencer's had not resided here as the cottage had not existed in their lifetime.

[redacted] confirmed he was of the view that the cottage should be retained on the MHI at a Management Category C with the information updated to correct the errors in the current listing.

Tom Wenbourne
Senior Planning Officer

Tel: (08) 9841 9268
Fax: (08) 9841 4099



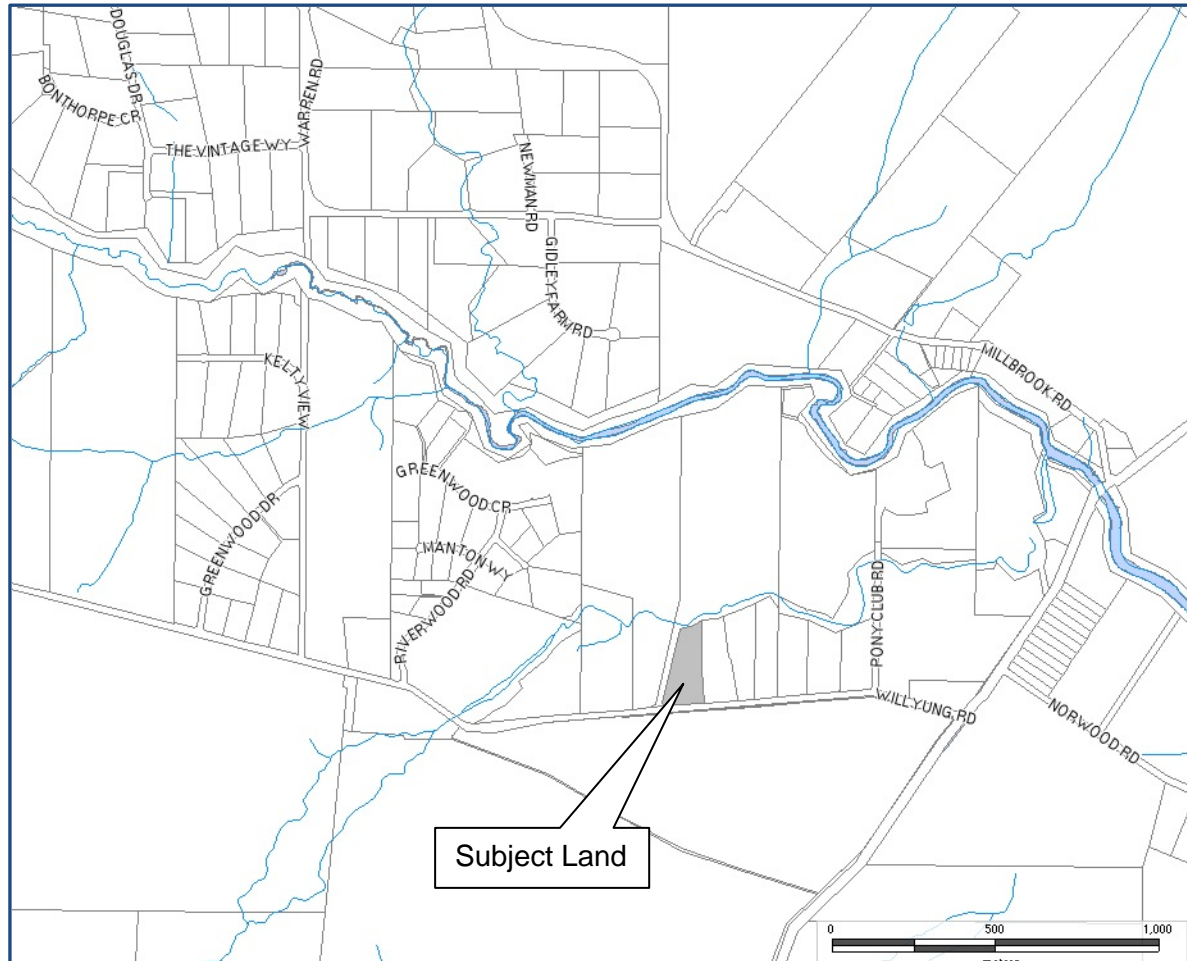
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**2.8: LOCAL PLANNING SCHEME POLICY – SPECIAL RESIDENTIAL
AREA NO. 11 (LOT 106 WILLYUNG ROAD)**

| | |
|-------------------------------|---|
| Land Description | : Lot 106 Willyung Road, Willyung |
| Proponent | : Ayton Baesjou Planning |
| Owner/s | : Mr G J & Mrs C L Bergersen |
| Attachment(s) | : Draft Local Planning Scheme Policy – Special Residential Area No. 11 Subdivision Guide Plan (Lot 106 Willyung Road, Willyung) |
| Councillor Workstation | : Copy of O.C.M. 19/04/2011 – Item 1.1 : Copy of O.C.M. 19/03/2013 – Item 2.5 : Copy of proponent’s submission |
| Responsible Officer(s) | : Executive Director Planning and Development Services (D Putland) |

Maps and Diagrams:



IN BRIEF

- Consider whether to finally adopt the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lot 106 Willyung Road).

ITEM 2.8: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council adopts the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lot 106 Willyung Road), subject to consolidation of the plans for Lot 106 and Lots 104 and 105 and the following modifications:

- Widening of the foreshore reserve between 'Lot A', as depicted on plan and the foreshore reserve to Willyung Creek by 10 to 15 metres, in consultation with Department of Water and City of Albany;
- Provision of a subdivisional road through Lot 106 between Greenwood Drive and Lot 101, south of the 'Building Exclusion Area' shown on plan;
- Alteration of the notation that reads "*Habitable Buildings to be located/constructed in accordance with AS 3959 for the assessed Bushfire Hazard level*", to read as "*Habitable Buildings to be located/constructed in accordance with AS 3959 for the assessed Bushfire Attack Level (BAL)*";
- Alteration of the bullet point within the notation referring to "*Building Exclusion Area*" that reads "*1:100 Willyung Creek Flood flow*", to read as "*1:100 Willyung Creek floodway*";
- Alteration of the notation referring to "*Access*" that reads "*Access tracks and any earthworks which may impede the flow of water could not be supported in the floodway*", to read as "*Access tracks and any earthworks which may impede the flow of water will not be supported in the floodway*"; and
- Alteration of the notation referring to "*Development Envelope*" that reads "*Fencing, shelters for livestock and other structures incidental to Rural Living may be considered outside the Development Envelope*", to read as "*Fencing, shelters for livestock and other structures incidental to Rural Living may be considered outside the Development Envelope, provided that they do not impede the flow of water in the floodway*".

BACKGROUND

1. The draft Local Planning Scheme policy proposes to add a supplementary subdivision guide plan for Special Residential Area No. 11 (Lot 106 Willyung Road) into Local Planning Scheme policy 60 *Modifications to Subdivision Guide Plans*.
2. The existing policy was considered by Council at its ordinary meeting on 19 April 2011 and the following resolution was reached:

*"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 ADOPT policy LPP6(O) *Modifications to Subdivision Guide Plans within the Local Planning Policy Manual (April 2011) as per Paragraph 47 and 48 of the officer's report.*"*

3. Council was requested to consider the draft modified Local Planning Scheme Policy at its Ordinary Meeting on 17 July 2012 and resolved:

"THAT Council ADOPTS the draft Local Planning Scheme policy for Special Residential Area No. 11 (Lot 106 Willyung Road), for the purpose of public advertising."

4. Council is now requested to consider the submissions received from the public advertising period and determine whether to finally adopt the draft Local Planning Policy.

DISCUSSION

5. The subject lot covers an area of 2.34ha to the north side of Willyung Road, approximately 9km north of Albany town centre. The land is largely cleared and under pasture, although some large mature trees remain on the northern extent of the western boundary, on the southern boundary and scattered across the eastern extent of the lot. There is also a shelter belt running across the south-western quarter on a north-south axis. A large house, outbuilding and stables stand in the south-eastern quarter. The remainder of the lot is used for the keeping of horses. The lot is relatively level, with a gentle slope downward from Willyung Road to Willyung Creek, which flows past the northern end of the lot. A portion of the lot lies within the identified floodway (see plan).
6. The subject lot is zoned 'Special Residential', while the Willyung Creek foreshore area to the northern end is designated under the 'Parks and Recreation' Local Scheme Reserve. The surrounding land is primarily zoned 'Special Residential'. However, the 'Parks and Recreation' Local Scheme Reserve extends along the creekline and the land to the south of Willyung Road is within the 'Rural' zone.
7. The land to the north is currently undergoing subdivisional works, including the construction of roads and the fencing of lots. Council has recently adopted a modified subdivision guide plan for these lots, which varied the setback requirements and adjusted the layout from the original subdivision guide plan.
8. The draft addition to the Local Planning Scheme Policy will facilitate the subdivision of Lot 106 Willyung Road to create five 'Special Residential' lots, ranging in size from 4000m² to 5800m² and has been submitted for assessment on the basis that it will achieve the following:
 - Encourage the efficient use of existing rural living areas;
 - promote consolidation and sustainable development;
 - encourage a range of lot sizes;
 - co-ordinate subdivision and development;
 - provide protection of creeklines; and
 - provide adequate fire protection.
9. In the context of the Albany Local Planning Strategy (ALPS), the draft addition is considered to achieve these objectives.
10. Although Special Residential Area No. 11, provision 6.0 *Location of Buildings and Structures* refers to building envelopes taking into account "15 metre boundary setbacks with the exception of 30 metres for lots abutting Willyung Road", Council has previously supported reduced setbacks on subdivision guide plans pertaining to this area, including the recently adopted subdivision guide plan over Lots 104 and 105 Willyung Road. The lot sizes and setbacks prescribed in the draft subdivision guide plan are consistent with those of the subdivision guide plan for Lots 104 and 105.

11. When the draft modified policy was advertised for public comment and referred to public agencies, advice was received from the Department of Planning, Department of Health and Department of Water.
12. The Department of Planning have advised that they do not support the creation of a separate Subdivision Guide Plan for Lot 106 and that the plan should be integrated with the existing Subdivision Guide Plan for Lots 104 and 105 Willyung Road.
13. The Department of Planning has also recommended that provision is made for a subdivisional road through Lot 106 to Lot 101, in order to facilitate the future subdivision of Lot 101, without having to take direct access from Willyung Road. The Department considers the design to be unsatisfactory without this inclusion and they have also recommended that the existing plan needs to be similarly revised to include subdivisional road access to Lot 3, below Lots 704 and 705. Although this would be preferable the City recognises that it would be unreasonable to ask for a significant modification to the existing plan in retrospect.
14. The Department of Planning also noted that:
 - The revegetation requirement on the original 1999 SGP for lots fronting King River has been omitted;
 - The notes on the subdivision guide plan for Lots 104 and 105 refer to a 1:100 Willyung Creek “*Flood flow*” and that it should be clarified whether this is intended to be “*floodway*” as per the legend or “*flood plain*”;
 - There is a need to include in the notations on the subdivision guide plan for Lots 104 and 105 that fencing, shelters, etc. are not to impede the flow of water within the floodway; and
 - That the notation regarding habitable buildings on the subdivision guide plan for Lots 104 and 105 should refer to “*assessed Bushfire Attack Level (BAL)*.”
15. It is acknowledged that Council’s adoption of a modified subdivision guide plan for Lots 104 and 105 Willyung Road, at its Ordinary Meeting on 19 March 2013, and the subsequent adoption of this plan would be somewhat unwieldy. Staff would therefore support the Department of Planning’s position that the supplementary plan for Lot 106 should be combined with the plan for Lots 104 and 105 and that this plan is superseded within the Subdivision Guide Plans policy.
16. Replacement of the adopted plan with a consolidated plan for all three lots does present an opportunity to make minor modifications to the notations on the existing plan. These include:
 - Alteration of the notation that reads “*Habitable Buildings to be located/constructed in accordance with AS 3959 for the assessed Bushfire Hazard level*”, to read as “*Habitable Buildings to be located/constructed in accordance with AS 3959 for the assessed Bushfire Attack Level (BAL)*”, as this is the accepted terminology;
 - Alteration of the bullet point within the notation referring to “*Building Exclusion Area*” that reads “*1:100 Willyung Creek Flood flow*”, to read as “*1:100 Willyung Creek floodway*”, for consistency in the terminology used;
 - Alteration of the notation referring to “*Access*” that reads “*Access tracks and any earthworks which may impede the flow of water could not be supported in the floodway*”,

to read as “Access tracks and any earthworks which may impede the flow of water will not be supported in the floodway”, as this should be clearly prohibited; and

- Alteration of the notation referring to “Development Envelope” that reads “Fencing, shelters for livestock and other structures incidental to Rural Living may be considered outside the Development Envelope”, to read as “Fencing, shelters for livestock and other structures incidental to Rural Living may be considered outside the Development Envelope, provided that they do not impede the flow of water in the floodway”, in order to better reflect the notation referring to “Access”.

17. The Department of Health have advised that the City may wish to give some consideration to the incorporation of buffer areas to protect residents from lifestyle and public health impacts from mosquitoes and ongoing agricultural practices in the area. Although the City acknowledges these concerns, there are currently no special provisions for ‘Special Residential’ zone area no. 11 that pertain to these matters and it is not possible to add special provisions by means of a local planning policy. Similarly, the other subdivision guide plans that apply to ‘Special Residential’ zone area no. 11 do not include buffers, so it would be unreasonable to apply buffers solely to Lot 106.
18. The Department of water has advised that where Lot 106 adjoins Willyung Creek, the width of the foreshore reserve is insufficient to protect the creek from the increased recreational pressures that are accompanying the development of the surrounding area. The Department has recommended that the width of the foreshore reserve adjacent to Lot 106 is increased by around 10-15 metres and that restoration works are undertaken. The Department reasons that widening of the foreshore reserve will allow for further revegetation to protect the creek banks from erosion, improving water quality and increasing the habitat value of the creek for native fauna and birds.
19. The Department of Water’s advice is supported by staff and it is recommended that the plan is modified accordingly. It is also noted that the size of ‘Lot A’, as it appears on plan, and the extent of the ‘building exclusion area’ would facilitate both the widening of the foreshore reserve and the construction of a connecting road, as per the Department of Planning’s advice, while maintaining the required minimum lot size of 4000m². It is recommended that this modification is also incorporated into the plan.
20. In view of the above issues and the direction set by the previously adopted Local Planning Policy and the recently approved modified subdivision guide plan over Lots 104 and 105 Willyung Road, it is considered that the draft modified Local Planning Policy can be supported, subject to the consolidation of the plans and the modifications described in paragraphs 12 to 17.

GOVERNMENT CONSULTATION

21. The draft modified Local Planning Scheme Policy was referred to the Department of Planning Great Southern Regional Office, WA Gas Networks, Telstra, Water Corporation, Western Power, Department of Health, Department of Water, Department of Environment and Conservation and Department of Regional Development and Lands for assessment and comment. No objections were raised, although advice was provided by the Department of Planning, Department of Health and Department of Water, which is discussed in detail in paragraphs 12 to 15.

PUBLIC CONSULTATION / ENGAGEMENT

22. The draft modified Local Planning Scheme Policy was advertised in accordance with Clause 6.9 of Town Planning Scheme (TPS) No. 3 (see paragraph 23 below), between 4 April 2013 and 2 May 2013.
23. No submissions were received during the public consultation period.

STATUTORY IMPLICATIONS

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

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

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

"6.9 POWER TO MAKE POLICIES

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

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

STRATEGIC IMPLICATIONS

26. The proposal is considered to be consistent with Section 8.3.5 – *Rural Living* of the ALPS, as it:
- discourages the creation of additional rural town sites for living purposes;
 - avoids the development of a Rural Living area on productive agricultural land, other important natural resource areas and areas of high bushfire risk, flooding and environmental sensitivity;
 - avoids the development of a Rural Living area on future and potential long-term urban areas, as the land has been identified in the ALPS as suitable for Special Residential purposes; and
 - will create lot sizes similar to those adjoining the subject land, which are being used for similar rural residential living purposes, therefore minimising the potential for generating land-use conflicts.

POLICY IMPLICATIONS

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

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

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

29. **SPP 3 – Urban Growth and Settlement**

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

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|-------------------|--------------------|----------------------|--|
| <i>Not adopting the draft Local Planning Scheme policy may lead to complaint from the proponent.</i> | <i>Possible</i> | <i>Moderate</i> | <i>Medium</i> | <i>Mitigation is entirely dependent on Council's decision.</i> |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

33. Council has the following options:

- Finally adopt the draft Local Planning Scheme policy, without modification;
- Finally adopt the draft Local Planning Scheme policy, subject to modification; or
- Not adopt the draft Local Planning Scheme policy.

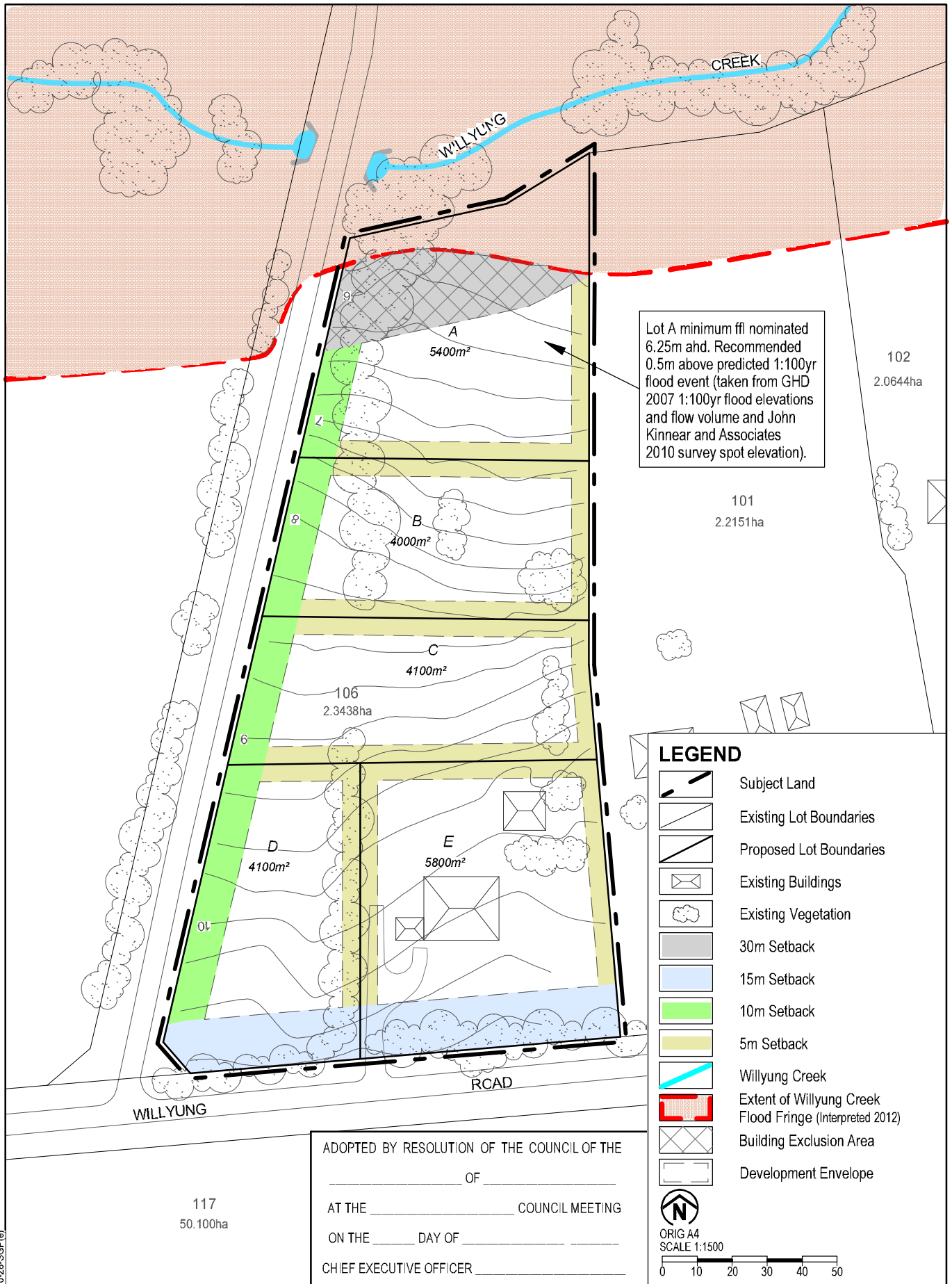
SUMMARY CONCLUSION

34. The draft policy is broadly consistent with the objectives of the ALPS and SPP's 1 and 3. Its final adoption will:

- Encourage the efficient use of existing rural living areas;
- promote consolidation and sustainable development;
- encourage a range of lot sizes;
- co-ordinate subdivision and development;
- provide protection of creeklines; and
- provide adequate fire protection.

It is therefore recommended that the draft addition to the Local Planning Scheme Policy is finally adopted, subject to consolidation of the plans for Lot 106 and Lots 104 and 105 and modifications.

| | |
|-----------------------------------|--|
| Consulted References | WA Planning Commission (WAPC) Statements of Planning Policy (SPP's) SPP1 & SPP 3 |
| File Number (Name of Ward) | A171601 (Kalgan Ward) |



Lot A minimum ffl nominated 6.25m ahd. Recommended 0.5m above predicted 1:100yr flood event (taken from GHD 2007 1:100yr flood elevations and flow volume and John Kinnear and Associates 2010 survey spot elevation).

102
2.0644ha

101
2.2151ha

106
2.3438ha

117
50.100ha

2.9: REVIEW OF DELEGATIONS CONCERNING DEVELOPMENT APPROVALS

Responsible Officer(s) : Executive Director Planning and Development Services
(D Putland)

IN BRIEF

- Council is requested to consider the review of delegations that relate to development approvals where they involve minor variation to policies.
- The additional delegation is proposed with a view of increasing the efficiency with which Planning applications that require minor variations to policy are handled.

ITEM 2.9: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the following delegation that relate to development approvals where they involve minor variation to policies be **ADOPTED**.

To determine whether to vary a Planning Scheme Policy guideline or provision and/or grant approval with or without conditions where;

1. **Adjacent landowners, ward Councillors, and in some matters the community generally have been consulted and the concerns raised have been “adequately addressed” in the following ways;**
 - **Where no submissions were received the application can be determined on its merits.**
 - **Where Submissions objecting or seeking changes to the proposal were lodged, but were non-substantive, and subject to further liaison with the person(s) who lodged the submission prior to determining the application the Executive Director Planning and Development Services shall determine if it warrants Council’s consideration.**
 - **Where Submissions were lodged with substantive arguments against the proposal then the Executive Director Planning and Development Services may refuse the application or refer the application to Council for determination.**

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer to facilitate the services it provides to the community.
2. Planning delegations are provided through the provisions of the City’s Town Planning Schemes and relate to matters under the Planning and Development Act 2005. Both Schemes provide for delegations to be made to Committees of Council or directly to Officers.

3. Council at its OCM 11/10/11 meeting adopted the Planning Processes Policy which effectively guides the delegation path for development applications at the City.
4. The City maintains a Register of Delegations. These delegations are reviewed annually and Council last considered this review at its meeting held on 18 September 2012, where the revised Register of Delegations was adopted.
5. The City currently has over 140 delegations and while the annual review considers the relevance and operation of each delegation, it does not have the scope for a detailed review relative to legislative change and the effectiveness of individual functions of the City.

DISCUSSION

6. A number of development applications are received that require variations to adopted local planning policies and these applications are currently assessed in accordance with the Planning Processes Policy guideline.
7. In accordance with current Council policy where a development application does not fully comply with an adopted local planning policy staff shall either refuse the application, or where there is significant merit to relax the provisions of such a policy the item will be presented to Council for consideration.
8. The requirement to take it to Council often results in applications that require minor variations that are of low impact being unnecessarily delayed.
9. The new delegation is proposed to improve the efficiency with which planning applications that require minor variations to policy or are of low impact are processed.
10. During the past 6 months Council has considered a number of these applications. These applications rarely raise issues or concerns and generally the officer recommendation is adopted without debate.
11. It is proposed that the additional delegated authority will include processes of public/neighbour and Ward Councillor consultation.
12. The functionality of the proposed delegation is summarised below:

a. Delegation:

Details: The application will be determined by the Executive Director Planning and Development Services after adjacent landowners, ward Councillors, and where appropriate the community generally have been consulted and the concerns raised can be adequately addressed * (refer process and clarification below).

Delegation

To vary a Planning Scheme Policy guideline or provision and grant approval with or without conditions where;

1. Adjacent landowners, ward Councillors, and where appropriate the community generally have been consulted and the concerns raised can be adequately addressed * (refer process and clarification below).
 - Where no submissions were received the application is to be determined on its merits.
 - Where submissions objecting or seeking changes to the proposal were lodged, but were non-substantive, planning officers shall liaise with the person(s) who lodged the submission prior to determining the application. The Executive Director Planning and Development Services shall determine if it warrants Council's consideration.
 - Where submissions were lodged with substantive arguments against the proposal then the Executive Director Planning and Development Services may refuse the application or refer the application to Council for determination.

GOVERNMENT CONSULTATION

13. This matter has not been referred to any government agency for comment, as it relates to the City's internal processes only.

PUBLIC CONSULTATION / ENGAGEMENT

14. There is no requirement for this matter to be advertised for public comment.

STATUTORY IMPLICATIONS

15. Section 5.42 of the *Local Government Act 1995* enables the delegation of some powers and duties to the Chief Executive Officer.
16. Section 9.10 of the *Local Government Act 1995* allows the appointment of persons or classes of persons to be authorised for the purpose of performing particular functions.
17. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Planning and Development Act 2005. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.

STRATEGIC IMPLICATIONS

18. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)
 - Key Focus Area**
 - Organisational Performance*
 - Community Priority**
 - Policy and Procedures*
 - Proposed Strategies**
 - Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

POLICY IMPLICATIONS

19. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Rating | Mitigation |
|--|-------------------|--------------------|--------------------|---|
| <i>If the revised delegations are not supported, this will limit improvement to efficiency and maintain incorrect references to current legislation and practices.</i> | <i>Unlikely</i> | <i>Minor</i> | <i>Low</i> | <i>Adopt the revised and new delegations, as recommended.</i> |

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

22. The revised and new delegations reflect the correct provisions of the *Local Government Act 1995* and the *Land Administration Act 1997*.

ALTERNATE OPTIONS

23. Council may:

- a. Resolve not to adopt the new delegations and the current delegations will remain in place; or
- b. Adopt the new and revised delegations, allowing greater efficiency for the handling of Development applications.

SUMMARY CONCLUSION

24. The additional delegation is proposed with a view of increasing the efficiency with which Planning applications that require minor variations to policy are handled. These applications rarely raise issues or concerns and generally the officer recommendation is adopted without debate or change. Council is therefore requested to consider the review of delegations that relate to development approvals where they involve minor variation to policies.

| | | |
|-----------------------------------|---|--|
| Consulted References | : | Local Government Act 1995 Planning and Development Act 2005 |
| File Number (Name of Ward) | : | |
| Previous Reference | : | |

4.1: LIST OF ACCOUNTS FOR PAYMENT – MAY 2013

File Number (Name of Ward) : FM.FIR.2 - All Wards
Appendices : List of Accounts for Payment
Responsible Officer : Executive Director Corporate Services (G Adams)

**ITEM 4.1: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 31 May 2013 totalling *to be advised* be RECEIVED.

The final version of this report will be provided prior to the Ordinary Council Meeting.

4.2: FINANCIAL ACTIVITY STATEMENT – 30 April 2013

Responsible Officer : Executive Director Corporate Services (G Adams)

IN BRIEF

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 30 April 2013.

ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION**VOTING REQUIREMENT: SIMPLE MAJORITY**

The Financial Activity Statement for the period ending 30 April 2013 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 April 2013 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

6. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b) budget estimates to the end of the month to which the statement relates;

- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e) the net current assets at the end of the month to which the statement relates.
- II. Each statement of financial activity is to be accompanied by documents containing –
- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c) such other supporting information as is considered relevant by the local government.
- III. The information in a statement of financial activity may be shown –
- a) according to nature and type classification;
 - b) by program; or
 - c) by business unit
- IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

FINANCIAL IMPLICATIONS

Expenditure for the period ending 30 April 2013 has been incurred in accordance with the 2012/13 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

POLICY IMPLICATIONS

- 7. The City's 2012/13 Annual Budget provides a set of parameters that guides the City's financial practices.
- 8. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

| | |
|-----------------------------------|----------------------|
| File Number (Name of Ward) | FM.FIR.2 - All Wards |
|-----------------------------------|----------------------|

City of Albany
MONTHLY FINANCIAL REPORT
For the Period Ended 30th April 2013
ITEM 4.2 OF THE ORDINARY COUNCIL MEETING

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Note 2 Cash Investments

Note 2A Graphical Representation - Cash Investments

Note 3 Major Variances

AGENDA ITEM 4.2 REFERS

City of Albany
STATEMENT OF FINANCIAL ACTIVITY
 (Nature or Type)
 For the Period Ended 30th April 2013

| Note | Original Annual Budget | Revised Annual Budget 4 | YTD Budget (a) | YTD Actual (b) | Var. \$ (b)-(a) 3 | Var. % (b)-(a)/(b) 3 | |
|--|------------------------|----------------------------|---------------------|---------------------|-------------------------|----------------------------|---|
| Operating Revenues | | | | | | | |
| Grants & Subsidies | 2,732,950 | 1,872,797 | 1,421,015 | 1,481,449 | 60,435 | 4.1% | ▲ |
| Contributions, Donations & Reimbursements | 373,610 | 774,713 | 708,417 | 864,380 | 155,963 | 18.0% | ▲ |
| Fees and Charges | 14,432,869 | 14,521,262 | 13,038,668 | 13,428,903 | 390,235 | 2.9% | ▲ |
| Interest Earnings | 825,368 | 902,743 | 893,393 | 933,526 | 40,133 | 4.3% | |
| Other Revenue | 115,000 | 107,500 | 55,000 | 46,981 | (8,019) | (17.1%) | |
| Total (Excluding Rates) | 18,479,797 | 18,179,015 | 16,116,493 | 16,755,239 | 638,746 | | |
| Operating Expense | | | | | | | |
| Employee Costs | (18,739,930) | (19,113,323) | (15,730,517) | (15,081,151) | 649,366 | 4.3% | ▼ |
| Materials and Contracts | (14,259,030) | (15,481,719) | (10,793,451) | (10,517,282) | 276,169 | 2.6% | ▼ |
| Utilities Charges | (1,729,483) | (1,785,802) | (1,363,914) | (1,353,731) | 10,184 | 0.8% | |
| Depreciation (Non-Current Assets) | (11,812,900) | (11,812,900) | (9,840,120) | (9,840,120) | 0 | 0.0% | |
| Interest Expenses | (909,431) | (909,431) | (432,987) | (432,493) | 494 | 0.1% | |
| Insurance Expenses | (722,187) | (722,187) | (601,590) | (558,590) | 43,000 | 7.7% | |
| Loss on Asset Disposal | (269,049) | (269,049) | 0 | 0 | 0 | | |
| Other Expenditure | (1,721,311) | (1,399,182) | (964,334) | (862,092) | 102,242 | 11.9% | ▼ |
| Less Allocated to Infrastructure | 446,022 | 446,022 | 372,808 | 867,827 | 495,019 | (57.0%) | ▲ |
| Total | (49,717,299) | (51,047,571) | (39,354,105) | (37,777,631) | 1,081,454 | | |
| Contributions for the Development of Assets | | | | | | | |
| Grants & Subsidies | 6,994,797 | 10,712,453 | 4,913,341 | 4,655,644 | (257,697) | (5.5%) | ▼ |
| Contributions, Donations & Reimbursements | 2,500,000 | 2,969,480 | 425,000 | 439,300 | 14,300 | 3.3% | |
| Net Operating Result Excluding Rates | (21,742,705) | (19,186,623) | (17,899,271) | (15,927,448) | 1,462,503 | | |
| Funding Balance Adjustment | | | | | | | |
| Add Back Depreciation | 11,812,900 | 11,812,900 | 9,840,120 | 9,840,120 | 0 | 0.0% | |
| Adjust (Profit)/Loss on Asset Disposal | 269,049 | 269,049 | 0 | 0 | 0 | | |
| Funds Demanded From Operations | (9,660,756) | (7,104,674) | (8,059,151) | (6,087,328) | 1,462,503 | | |
| Capital Revenues | | | | | | | |
| Proceeds from Disposal of Assets | 2,543,100 | 2,110,373 | 1,139,493 | 601,124 | (538,369) | (89.6%) | ▼ |
| Total | 2,543,100 | 2,110,373 | 1,139,493 | 601,124 | (538,369) | | |
| Acquisition of Fixed Assets | | | | | | | |
| Land and Buildings | (3,487,640) | (1,863,952) | (438,812) | (393,853) | 44,959 | 11.4% | ▼ |
| Plant and Equipment | (4,522,518) | (4,864,206) | (2,145,457) | (1,996,558) | 148,899 | 7.5% | ▼ |
| Furniture and Equipment | (464,700) | (475,235) | (217,560) | (172,487) | 45,073 | 26.1% | ▼ |
| Infrastructure Assets - Roads | (7,726,442) | (7,979,583) | (3,717,332) | (3,442,808) | 274,524 | 8.0% | ▼ |
| Infrastructure Assets - Other | (8,207,641) | (12,383,106) | (4,279,268) | (3,296,016) | 983,253 | 29.8% | ▼ |
| Total | (24,408,941) | (27,566,082) | (10,798,429) | (9,301,722) | 1,496,707 | | |
| Financing/Borrowing | | | | | | | |
| Debt Redemption | (1,586,608) | (1,586,608) | (458,251) | (1,227,240) | (768,989) | (62.7%) | ▲ |
| Profit on Sale of Investments | 0 | 0 | 0 | 2,105,390 | 2,105,390 | 100.0% | ▲ |
| Self-Supporting Loan Principal | 0 | 0 | 0 | 16,331 | 16,331 | 100.0% | |
| Total | (1,586,608) | (1,586,608) | (458,251) | 894,481 | 1,352,732 | | |
| Demand for Resources | (33,113,205) | (34,146,991) | (18,176,338) | (13,893,445) | 3,773,574 | | |
| Restricted Funding Movements | | | | | | | |
| Opening Funding Surplus(Deficit) | 2,589,921 | 5,735,963 | 5,735,963 | 5,735,963 | 0 | 0.0% | |
| Transfer from Restricted Funds - Grants | 85,000 | 0 | 0 | 0 | 0 | | |
| Transfer to Reserves | (2,765,935) | (3,332,008) | (131,400) | (140,289) | (8,889) | (6.3%) | |
| Transfer from Reserves | 6,097,197 | 4,717,233 | 0 | 0 | 0 | | |
| Rate Revenue | 27,107,022 | 27,084,022 | 27,054,542 | 27,062,787 | 8,245 | 0.0% | |
| Closing Funding Surplus(Deficit) | 0 | 58,219 | 14,482,767 | 18,765,016 | 3,772,930 | | |

City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30th April 2013

Note 1: NET CURRENT FUNDING POSITION

| | Positive=Surplus (Negative=Deficit) | | | |
|-------------------------------------|-------------------------------------|-------------|-------------------|--------------------------|
| | 2012-13 | | | |
| | Note | This Period | Last Period | Same Period Last Year |
| | \$ | \$ | \$ | |
| Current Assets | | | | |
| Cash Unrestricted | 18,849,714 | 21,625,323 | 20,340,272 | |
| Cash Restricted | 10,373,026 | 10,365,480 | 4,170,734 | |
| Receivable - Rates and Rubbish | 1,588,573 | 1,924,528 | 1,369,368 | |
| Receivables - Other | 1,899,233 | 2,128,755 | 938,550 | |
| Investment Land | 1,312,138 | 1,312,138 | 1,997,982 | |
| Stock on Hand | 504,961 | 476,337 | 668,178 | |
| | 34,527,644 | 37,832,560 | 29,485,084 | |
| Less: Current Liabilities | | | | |
| Payables | (4,016,757) | (4,473,998) | (8,651,677) | |
| Income in advance | (416,822) | (388,474) | 0 | |
| Provisions | (2,938,473) | (2,642,138) | (2,466,197) | |
| Retentions | (6,849) | (25,222) | 0 | |
| | (7,378,901) | (7,529,831) | (11,117,874) | |
| Add Back: Loans | 2,059,366 | 2,883,074 | 6,710,066 | |
| Less: Cash Restricted | (9,147,286) | (9,138,800) | (5,063,270) | |
| Restricted Other - Unspent Grants | 0 | (2,753,521) | 0 | |
| Self Supporting Loans | 16,331 | 16,331 | 15,271 | |
| Investment land | (1,312,138) | (1,312,138) | (1,997,982) | |
| Net Current Funding Position | 18,765,016 | 19,997,675 | 18,031,295 | |

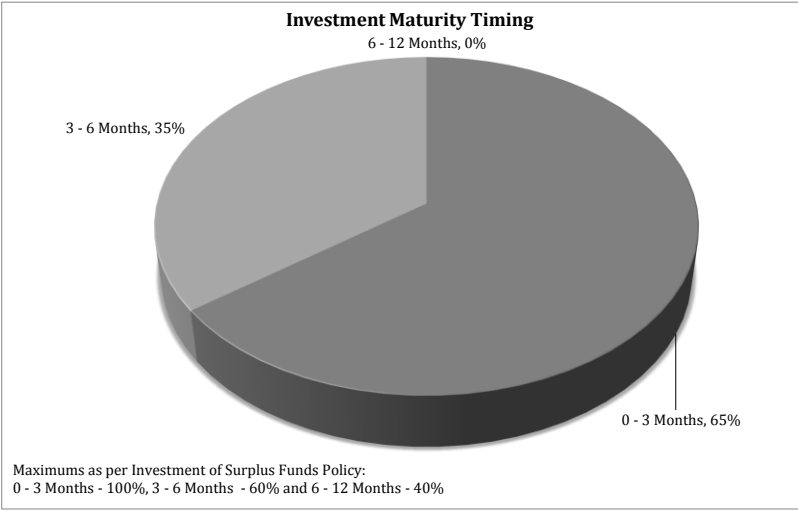
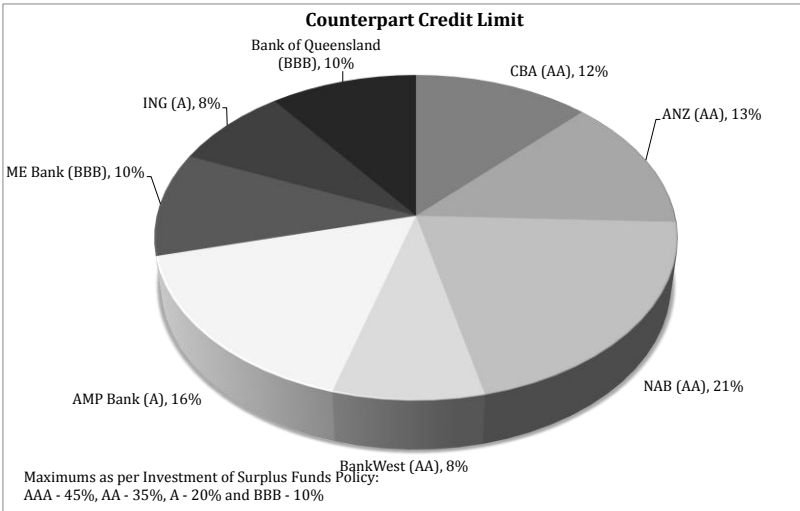
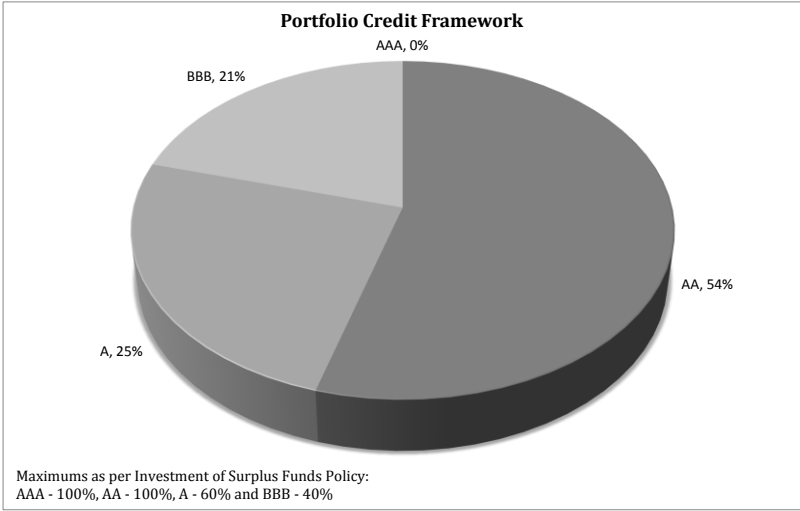
City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30th April 2013

Note 2: CASH INVESTMENTS

| Deposit Ref | Institution | Rating | Deposit Date | Term (Days) | Invested Interest rates | Amount Invested | Expected Interest | Amount Invested (Days) | | | Comparative rate | | Budget v Actual | | | | |
|-------------------------------------|--------------------|--------|--------------|-------------|-----------------------------|-------------------|-------------------|------------------------|------------------|---------------|---------------------------|---------------------------------|---------------------|---------------------|----------------|---------------|--|
| | | | | | | | | 0 - 3 Months | 3 - 6 Months | 6 - 12 Months | Prior Month Interest Rate | Interest Rate at time of Report | Year to Date Budget | Year to Date Actual | Var.\$ | | |
| General Municipal | | | | | | | | | | | | | | | | | |
| Call 4108 | CBA | AA | 26/02/2013 | 30 | 3.25% | 500,000 | 1,336 | 500,000 | | | 3.37% | 3.25% | | | | | |
| TD 33768604 | CBA | AA | 8/04/2013 | 30 | 3.95% | 2,000,000 | 6,493 | 2,000,000 | | | 3.94% | 3.95% | | | | | |
| TD 4081410 | BWA | AA | 5/04/2013 | 31 | 4.10% | 2,000,000 | 6,964 | 2,000,000 | | | 4.15% | 4.10% | | | | | |
| TD 9926 | NAB | AA | 28/11/2012 | 180 | 4.65% | 1,000,000 | 22,932 | | 1,000,000 | | 4.65% | 4.65% | | | | | |
| TD 5478 | NAB | AA | 6/02/2013 | 120 | 4.35% | 3,000,000 | 42,904 | | 3,000,000 | | 4.35% | 4.35% | | | | | |
| Call 2031 | NAB | AA | 6/02/2013 | 30 | 3.14% | 1,000,000 | 2,581 | 1,000,000 | | | 2.72% | 3.14% | | | | | |
| Call 6654 | ANZ | AA | 21/09/2012 | 30 | 3.11% | 200,000 | 2,669 | 200,000 | | | 3.31% | 3.11% | | | | | |
| TD 40714 | ANZ | AA | 4/02/2013 | 91 | 4.40% | 3,000,000 | 32,910 | 3,000,000 | | | 4.40% | 4.40% | | | | | |
| TD 35190 | ME Bank | BBB | 21/02/2013 | 90 | 4.40% | 2,500,000 | 27,123 | 2,500,000 | | | 4.40% | 4.40% | | | | | |
| | | | | | Subtotal | 15,200,000 | 145,912 | 11,200,000 | 4,000,000 | - | | | | 600,000 | 519,131 | 80,869 | |
| Restricted | | | | | | | | | | | | | | | | | |
| Call 4108 | CBA | AA | 26/02/2013 | 30 | 3.25% | 500,000 | 1,336 | 500,000 | | | 3.37% | 3.25% | | | | | |
| TD ING | ING | A | 15/03/2013 | 180 | 4.48% | 2,000,000 | 44,186 | | 2,000,000 | | 4.48% | 4.48% | | | | | |
| TD 253918 | AMP Bank | A | 21/02/2013 | 90 | 4.15% | 4,000,000 | 40,932 | 4,000,000 | | | 4.15% | 4.15% | | | | | |
| TD BoQ | Bank of Queensland | BBB | 21/02/2013 | 120 | 4.35% | 2,500,000 | 35,753 | | 2,500,000 | | 4.35% | 4.35% | | | | | |
| | | | | | Subtotal | 9,000,000 | 76,685 | 4,500,000 | 4,500,000 | - | | | | 151,400 | 140,289 | 11,111 | |
| Commercial Securities - CDOs | | | | | | | | | | | | | | | | | |
| Corsair (Kakadu) | Corsair | CCC | 21/12/2009 | | BBSW+1% | 68,750 | - | | | 68,750 | BBSW+1% | BBSW+1% | | | | | |
| | | | | | Subtotal | 68,750 | - | - | - | 68,750 | | | | | | | |
| | | | | | Total Funds Invested | 24,268,750 | 222,597 | 15,700,000 | 8,500,000 | 68,750 | | | | 751,400 | 659,420 | 91,980 | |

City of Albany
Monthly Investment Report
For the Period Ended 30th April 2013

Note 2A: GRAPHICAL REPRESENTATION - CASH INVESTMENTS



City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30th April 2013

Note 3: MAJOR VARIANCES

| |
|---|
| Comments/Reason for Variance in excess of \$50,000 |
|---|

3.1 OPERATING REVENUE (EXCLUDING RATES)**3.1.1 GRANTS & SUBSIDIES**

Two small grants received, not budgeted year to date. Timing issue.

3.1.2 CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

This variance is due to a number of smaller individual variances. Insurance reimbursements, workers compensation payment reimbursement, and some smaller sundry grant/sponsorship funding being received.

3.1.3 FEES AND CHARGES

With the legislated changes to the airport screening process, and increase in passenger levy, there was some degree of uncertainty about the impact this would have on airport usage and revenue. The budgeted revenue was set at the lower end of expectations. This has been exceeded year-to-date, and will exceed the total yearly budget.

3.1.4 INTEREST EARNINGS

Under variance threshold

3.1.5 OTHER REVENUE

Under variance threshold

3.2 OPERATING EXPENSES**3.2.1 EMPLOYEE COSTS**

Employee costs are under budget for year to date end of April due to timing issue of pay runs. May has three pay runs, and it is anticipated that the variance at the end of May will be much less.

3.2.2 MATERIAL AND CONTRACTS

Tip maintenance and rural road side verge maintenance under budget year to date, timing issue, expect to be on budget for the whole year.

3.2.3 UTILITY CHARGES

Under variance threshold

3.2.4 DEPRECIATION (NON CURRENT ASSETS)

Under variance threshold

3.2.5 INTEREST EXPENSES

Under variance threshold

3.2.6 INSURANCE EXPENSES

Under variance threshold

3.2.7 LOSS ON ASSET DISPOSAL

Under variance threshold

3.2.8 OTHER EXPENDITURE

Election expenses allowed for, but no Council election undertaken during the year (\$40 000), balance of variance is spread over a number of accounts and directorates.

3.2.9 LESS ALLOCATED TO INFRASTRUCTURE

Additional internal resources used for capital works.

3.3 CONTRIBUTIONS FOR THE DEVELOPMENT OF ASSETS**3.3.1 GRANTS & SUBSIDIES**

Primarily grant funding receipt timing for ANZAC project. Anticipate this will be to budget, however, timing issue as to actual receipt. Dependent on project completion and milestones.

3.3.2 CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30th April 2013

Note 3: MAJOR VARIANCES

Comments/Reason for Variance in excess of \$50,000

Under variance threshold

3.4 CAPITAL REVENUES

3.4.1 PROCEEDS FROM DISPOSAL OF ASSETS

As utes are sold at auction or traded in, anticipate that this will be closer to budgeted amounts.

3.5 ACQUISITION OF FIXED ASSETS

3.5.1 LAND AND BUILDINGS

Under variance threshold

3.5.2 PLANT AND EQUIPMENT

Ute replacement being done now, delivery expected over the next 8 weeks. May partly carry over to 2013/14.

3.5.3 FURNITURE AND EQUIPMENT

Under variance threshold

3.5.4 INFRASTRUCTURE ASSETS - ROADS

As projects enter completion, actual expenditure is anticipated to be close to budget by year end. Dependent on individual project completion and payment schedules.

3.5.5 INFRASTRUCTURE ASSETS - OTHER

As projects enter completion, actual expenditure is anticipated to be close to budget by year end. Dependent on individual project completion and payment schedules.

3.6 FINANCING/BORROWING

3.6.1 DEBT REDEMPTION

Timing issue. Budgeted for \$800 000 of debt payment in June, actual payment made in April.

3.6.2 PROFIT ON SALE OF INVESTMENTS

Proceeds from Lehmans Bros. CDO repayment.

3.6.3 SELF-SUPPORTING LOAN PRINCIPAL

Under variance threshold

3.7 RESTRICTED FUNDING MOVEMENTS

3.7.1 OPENING FUNDING SURPLUS(DEFICIT)

Under variance threshold

3.7.2 TRANSFER FROM RESTRICTED CASH FUNDS - GRANTS

Under variance threshold

3.7.3 TRANSFER TO RESERVES

Under variance threshold

3.7.4 TRANSFER FROM RESERVES

Under variance threshold

3.7.5 RATE REVENUE

Under variance threshold

5.1: CONTRACT C12024 – SUPPLY OF GRAVEL - CRUSHING

Proponent : City of Albany
Responsible Officer : Executive Director Works & Services (M Thomson)

Maps and Diagrams:

Nil

IN BRIEF

- Contract C12024 – Supply of Gravel - Crushing be AWARDED to AD Contractors and Palmer Earthmoving for the various gravel pits during 2013/2014.

RECOMMENDATION

ITEM 5.1: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- ACCEPT** the Tender from AD Contractors and **AWARD** contract C12024 for the Supply of Gravel – Crushing for the following gravel pits:
 - S007 - Kuch Road;
 - S016 - Takenup Road;
 - S022 - South Coast Highway;
 - S023 - Wilcox Road;
 - S039 - Redhen Road
- ACCEPT** the Tender from Palmer Earthmoving and **AWARD** contract C12024 for the Supply of Gravel – Crushing for the following pits:
 - S008 - Chillinup Road,;
 - S019 - Lilydale Road;
 - S021 - Gnowellen Road;
 - S034 - Hunwick Road;
 - S036 - Old Boundary Road;
 - S037 - Redmond Hay/Davy Road

BACKGROUND

- As part of the Works & Services construction and maintenance programs, it is necessary to source gravel for use in construction and routine maintenance of existing roads. A number of strategic gravel sources have been identified and Council will operate these pits within the conditions and guidelines of the Extractive Industry Licence. Contractors are now required to extract, crush and stockpile the gravel for Council's use.

DISCUSSION

- A total of twelve tender documents were issued for this Contract.
- Four submissions and one alternative submission were received on or before the stipulated closing date and time. Of these five submissions, the alternative submission received from Palmer Earthmoving was removed from final evaluation because this submission was based on Palmer Earthmoving being awarded the tender for all of the gravel pits.
- The tender submissions from Great Southern Sands and Peel Resource Recovery Pty Ltd have been excluded as they were considered not to be advantageous due to the large price deviation, and the cost evaluations unreasonably skewed the weightings for the rest of the evaluation process (as can be seen on Table 1).

18/06/2013

REFER DISCLAIMER

Table 1

| Tenderer | Total Evaluation Score |
|--------------------------------|-------------------------------|
| Great Southern Sands | 300.00 |
| AD Contractors | 791.95 |
| Palmer Earthmoving | 786.89 |
| Peel Resource Recovery Pty Ltd | 360.57 |

5. The following tables summarise the two tender submissions that were evaluated and the overall evaluation scores applicable to their submissions.

| PIT LOCATION | WEIGHTED SCORE |
|--|-----------------------|
| KUCH ROAD PIT – S007 | |
| AD Contractors | 557.00 |
| Palmer Earthmoving | 543.00 |
| | |
| CHILLINUP ROAD PIT – S008 | |
| Palmer Earthmoving | 550.50 |
| AD Contractors | 549.50 |
| | |
| TAKENUP ROAD PIT - S016 | |
| AD Contractors | 576.50 |
| Palmer Earthmoving | 523.50 |
| | |
| LILYDALE ROAD PIT – S019 | |
| Palmer Earthmoving | 565.00 |
| AD Contractors | 535.00 |
| | |
| GNOWELLEN ROAD PIT – S021 | |
| Palmer Earthmoving | 570.00 |
| AD Contractors | 530.00 |
| | |
| SOUTH COAST HIGHWAY ROAD PIT – S022 | |
| AD Contractors | 566.00 |
| Palmer Earthmoving | 534.00 |
| | |
| WILCOX ROAD PIT – S023 | |
| AD Contractors | 576.50 |
| Palmer Earthmoving | 523.50 |
| | |
| HUNWICK ROAD PIT – S034 | |
| Palmer Earthmoving | 551.00 |
| AD Contractors | 549.00 |
| | |
| OLD BOUNDARY ROAD PIT – S036 | |
| Palmer Earthmoving | 572.00 |
| AD Contractors | 528.00 |
| | |
| REDMOND HAY RIVER ROAD PIT – S037 | |
| Palmer Earthmoving | 554.50 |
| AD Contractors | 545.50 |
| | |
| REDHEN ROAD PIT – S039 | |
| AD Contractors | 562.50 |
| Palmer Earthmoving | 537.50 |

6. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

| Criteria | % Weight |
|------------------------------|------------|
| Cost | 50 |
| Relevant Skills & Experience | 20 |
| Tenderer's Resources | 20 |
| Demonstrated Understanding | 10 |
| Total | 100 |

7. Each of the pits were individually evaluated and awarded to the contractor that represented the highest weighted score and is considered to be the most advantageous option to Council.
8. All of the tenderers have performed this type of work for Council over preceding years.
9. On the basis of the total evaluation score which considers cost, technical compliance, relevant skills and experience, resources and management systems, this contract will be divided between two local contractors.

GOVERNMENT CONSULTATION

10. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

11. A request for tenders was published in the West Australian on 27 March 2013 and the Great Southern Weekender on 28 March 2013

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

15. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

Key Focus Area

Lifestyle and Environment

Community Priority

Road Improvements

POLICY IMPLICATIONS

16. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|---|-----------------|---------------|---------------|---|
| <i>Non compliance with contract or business failure</i> | <i>Unlikely</i> | <i>Medium</i> | <i>Medium</i> | <i>General conditions of contract allow for contract termination on the basis of failure to supply goods & services</i> |

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
18. The cost for these works is factored into the current price that Council charges to the construction and maintenance teams for their gravel supplies. This price is reviewed annually and includes the cost of the gravel crushing, a royalty payment to the land owner and a contribution towards rehabilitation of the extraction area.

LEGAL IMPLICATIONS

19. Nil

ALTERNATE OPTIONS

20. Council is not bound to accept the lowest or any tender and can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

21. On reviewing the submissions, the evaluation team determined that splitting this tender across two local contractors would be the most advantageous. AD Contractors and Palmer Earthmoving are recommended to be awarded the supply of gravel crushing for the various pits as detailed.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference) |
| File Number (Name of Ward) | : | C12024 |

XIV. MOTIONS WITH NOTICE Nil.

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

15.1: NOTICE OF MOTION BY COUNCILLOR ATTWELL

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR ATTWELL
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Item 2.5: Development Application-Demolition-(Single House Listed on Municipal Heritage Inventory)-Lot 49 (45) Seymour Street, Mira Mar, deferred at the Ordinary Council Meeting held on 17 July 2012, be lifted from the table and that the application be considered.

**ITEM 15.1: DRAFT MOTION BY COUNCILLOR ATTWELL
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RESOLVE to issue a Notice of Planning Scheme Consent for Demolition-(Single House listed on Municipal Heritage Inventory) at Lot 49 (45) Seymour Street, Mira Mar, subject to:

- 1. The proponent obtaining the appropriate building licence and complying with all Occupation Health and Safety requirements.**

Councillor's Reason:

This item was laid on the table by resolution of Council at the OCM 17 July 2012, to give the proponents the opportunity to further investigate options.

This item is listed in Appendix A of our Agenda, with an update reading ***“the Proponent has refused to prepare and submit development plans”***. It was not a condition of Council's resolution that the Proponents were to lodge development plans before we would reconsider this application.

However, Council has been advised since January 2013 that the Proponent's report has been received and there appears to be no further action being taken to bring the matter forward in order that Council may assess the merits, or otherwise, of both the Proponent's report or the original information provided to Council in 2012.

Heritage is important to a town like Albany, but we must be realistic if we are to be taken seriously. We cannot save every building, especially on privately held land. The owners have had this property for many decades and need to be able to utilize this property to their needs and financial ability.

Society is not prepared to contribute to the costs to maintain an old cottage that was built with “scraps” over a pre war period as a holiday cottage for a wheat belt family, and the public will never have an interest in the cottage. The report commissioned by the Proponents clearly indicates that the building does not hold sufficient significance to justify Council delaying this application.

Council has required that this item be given attention as soon as possible and I consider that enough time has gone by and we now need to make a decision on this application.

Officer's Response (D Putland):

It is recommended that a review of the Municipal Heritage Inventory (MHI) listing be considered to determine whether the house should remain on the MHI.

The MHI Review Working Group has been requested to review the listing applied to this property as a matter of priority. Full documentation has been prepared for each member of the Working Group including the current listing, the Heritage Assessment prepared by H+H Architects and photographs taken by officers of both the interior and exterior of the building.

Members of the Working Group will be encouraged to view the site from the street in addition to assessing the documentation. A site visit will also be scheduled should the Working Group members find this advantageous. Councillors will be invited to join with the Working Group members to inspect the property if a site visit can be organised with the owners of the property.

The Working Group's review of the listing of 45 Seymour Street will be presented to Council at the June 2013 Ordinary Council Meeting. Council may then consider whether the house should be retained on the MHI or removed.

15.2: NOTICE OF MOTION BY COUNCILLOR BOSTOCK

ITEM 15.2: NOTICE OF MOTION BY COUNCILLOR BOSTOCK

THAT the City of Albany rates on all categories of property for the 2013-14 financial year be increased by no more than inflation over those set in 2012-13.

Councillor's Reason:

To increase rates by more than inflation every year is clearly unsustainable in the long term. That the financial climate has deteriorated is recognised by both Federal and State governments and many people who do not enjoy the benefit of annual, inflation busting pay rises are already struggling to cope. These include pensioners, small retailers, estate agents, farmers and property developers and to add to their financial burden at this time can only make matters worse.

It has been suggested that if rates are not increased on a regular basis the City will be unable to provide those services which the people have come to expect, which may be true, but they have to understand that much of our extra expenditure is a direct result of State policies and we must make a determined effort to cut our suit according to our cloth.

- XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**
- XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**
- XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.**
- XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**
- XX. NEXT ORDINARY MEETING DATE**

6.00pm 16 July 2013

ITEM 21.0: MOTION

THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.

- XXI. CLOSURE OF MEETING**

**STATUS REPORT ON DEFERRED ITEMS
FROM PREVIOUS MEETINGS**

| Meeting Date | Item Number | Details/Status |
|---------------------|--------------------|---|
| 16/11/2010 | 2.6 | Surrender Lease over Hangar Site 2 at Albany Airport. Council resolved that further consideration by Council pending the completion of the Airport Masterplan/Business Plan. Update: The Airport Masterplan/Business Plan has not been finalised. |
| 20/11/2012 | 2.5 | Precinct Plan-Special Site S46-Spencer Park Neighbourhood Centre Precinct. Update: Laid on the table at the November 2012 OCM. Waiting on commitment from the Department of Housing to contribute to necessary infrastructure upgrades and potential traffic hazards. |