



MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 18th March 2008
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed 

Andrew Hammond
Chief Executive Officer

Date: 20th March 2008

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1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

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

Mayor -
Councillors -

MJ Evans, JP
DR Wiseman
DM Price
CA Morris
RC Buegge
JM Walker
R Paver
EK Stanton
DJ Wolfe
NE Williams
J Matla
GA Kidman

Executive Director Works & Services -
Executive Director Development Services -
Executive Director Corporate & Community Services -
Minute Secretary -

L Hewer
R Fenn
WP Madigan
S Jamieson

Approximately 35 members of the public were in attendance.

2 media representatives.

Apologies/Leave of Absence:

Councillor J Bostock
Chief Executive Officer, A Hammond.

3.0 OPENING PRAYER

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

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

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

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

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

The Mayor reiterated that the Statements were to be taken first followed by Questions.

***Mr John Odea, Lower King**

Mr Odea addressed Council in regards to Item 11.2.1 Noise Management – Purchase of Monitoring Equipment and raised his concern that funds are being diverted from mosquito control to affect the purchase of a noise monitoring device.

Mr Odea stated that he has requested information since Nov 07 on where the mosquito baits have been laid; however has never received a response from the City.

Mr Odea expressed his concern that Developers are not put through the same rigours of compliance in protecting natural habitat, in particular trees as normal residents. Mr Odea pointed out the situation of the clearing in Andrew Street, Lower King.

***Ms Veronica Sochacki-Kennedy, Little Grove.**

Ms Sochacki-Kennedy appealed to Council to aid the community in addressing the current random acts of violence. The following details Ms Sochacki-Kennedy address:

The Honourable Mayor Milton Evans and Councillors of the City of Albany.

My name is Veronica Sochacki-Kennedy, resident of Little Grove and mother of Jansz Sochacki-Kennedy whom was attacked on the same night as Matthew Palmer and only minutes after this first incident – Jansz was left bashed, bleeding and unconscious – thankfully his injuries were not as severe as Matthews; however Jansz sustained cuts, bruising and a fractured skull, furthermore non-attendance of his apprenticeship TAFE block release, loss of two weeks employment, ambulance and additional medical costs have been the result of this random act of violence which is totally unacceptable.

Since our sons unsettling attack, we have learnt of the many unreported incidences and assaults and the magnitude of violence happening in the popular nightspot, Stirling Terrace. I understand that this social issue has been prevalent over a number of years, it has now escalated and to date has not been specifically addressed – action must be taken now.

Council and the Community at all levels need to collectively and co-operatively work together, to send the message of ZERO TOLERANCE towards anti-social behaviour, alcohol/drug abuse, spiked drinks, intimidation, assaults and bashings.

Item 5.0 continued

Council and the Community at all levels need to collectively and co-operatively work together, to enable our Police Force to effectively and efficiently undertake their job of Law Enforcement.

Mayor Milton Evans and Councillors, we, my husband and family together with the many members of the community whom have made contact with us ask Council our local governing body, the representatives of our community to please take action to clean up Stirling Terrace – to work towards providing a safe social, recreational, tourist, user friendly environment.

Recommendations:

- EXTENSIVE LIGHTING within the darkened areas, the black spots, outside drinking outlets and particularly over the after hours outlets – the night club/s
- SIGNAGE – throughout Stirling Terrace on all drinking outlets. This signage to be endorsed/badged by the participating relevant authorities, a visual message, an awareness education targeting no room for ignorance of Zero Tolerance. Signage stating:
- ZERO TOLERANCE OF:
 - Anti-social behaviour – Penalties apply
 - Underage Drinking – on the Spot \$200 fine
 - Report any form of incident to the Police, contact number provided.

And

- Work through our 'Community Safety – Crime and Prevention Program'

To which I ask the question of Council – Do we have this program implemented and if not why not?

Truly we just want to assist to stop the current aggressive culture that is being fuelled by alcohol and drugs, to keep Albany safe and Attractive as 'must see' tourist destination.

Thank you for your time.

***Ms Emily Elsasser, Collingwood Park**

Ms Elsasser appealed to Council to take the appropriate action in response to increasing random acts of violence, and reminded Council that not all of the attacks are reported. The following details Ms Elsasser's address to Council:

I would like speak tonight about the increase in the violent nature of crimes reported in the CBD, and suggest that the Council introduce a ZERO TOLERANCE RESPONSE POLICY.

The zero tolerance response in Albany means that in all violent incidents, appropriate action will be taken to protect the community from the effects of such behaviour, and to ensure as effectively as possible the prevention of recurrence.

The whole of the community must comply with local violence prevention policies and strategies report all violent incidents, know their options when confronted with violence exercise them consistently and know that they will be appropriately supported in doing so.

Item 5.0 continued

The Albany City Council, local Politicians, businesses and local Police should work towards establishing and maintaining a culture of zero tolerance to violence, as well as work systems and environments that enable, facilitate and support the zero tolerance response.

Creating a zero tolerance culture

In order for the zero tolerance response to be successful, everyone in our community needs to recognise and acknowledge that violence is unacceptable and that united we are committed to addressing this issue.

However, the message cannot be delivered in isolation, and the operational success of the zero tolerance response is based on the principles that businesses and the community:

- *know how to report a violent incident and are encouraged and supported in doing so*
- *have access to training, work environments, equipment and procedures to enable them to respond confidently in violent situations*
- *know that their response will be supported at all levels and by the local Authorities and Police*
- *know that the local Authorities and Police will respond appropriately after an incident.*

Commitment, particularly that of the Local Council, Government and Police is vital to the success of creating a zero tolerance culture. Without the visible support of these organisations, it is likely that such an approach will meet with only limited success. The CEO's and senior staff should also be seen to take an active interest and role in establishing a zero tolerance culture and, most importantly, lead by example.

We must adopt a zero tolerance response to violence.

Commitment

Violence is not an acceptable part of our community.

We need to have protocols for reporting violent incidents, and an environment that supports zero tolerance.

All levels of the community need to be committed to the zero tolerance response.

Item 5.0 continued

If our behaviour consistently reflects these messages then the offenders will start to get the message that violence is unacceptable.

- Keep 'zero tolerance' on the agenda and encourage the community to feed back on how local protocols and procedures are working.
- Key messages to all of the community should include:
 - putting up with violence in our town IS NOT an acceptable part of life (if you don't get the message, neither will the offenders)
 - know your options when confronted with violence and exercise them consistently (the most effective way of protecting yourself AND getting the message to the offender)
 - Local Authorities will support you in utilising these options (that is part of their responsibility)
 - report all violent incidents (offences that don't get reported go un-noticed)

Item 5.0 continued

- be vigilant of factors contributing to the risk of violence (prevention is better than cure).
- If the community's behaviour consistently reflects these messages, offenders will start to get the message that violence is not acceptable.

I have some ideas about how we can put the message out there:

- Information for businesses and the community summarising local procedures for getting assistance in an emergency and response options, eg small pamphlets or laminated cards in relevant areas reminding them of their options including key phone numbers ensuring that violence risk management is a regular item for discussion at community and Police staff meetings
- pamphlets that are provided to the community clearly outlining their rights and responsibilities
- placing copies of related materials in all relevant organisations.
- encouraging local media to promote initiatives aimed at providing violence free environments
- posters placed on display in relevant areas clearly stating that violence will not be tolerated.

Local incident reporting

A core requirement of violence risk identification and assessment is access to good information and data.

Our community should have in place a local system for reporting and recording violent incidents regardless of whether or not the incident resulted in an injury.

Reporting is required to ensure that:

- Police and relevant authorities have access to information necessary to the risk management process.
- Information being used is an accurate reflection of the incidence of violence.
- Incidents can be investigated, their causes and contributing factors identified, and their recurrence prevented

Violence within our community is significantly under reported, especially drunken abuse and bullying. This results in reduced opportunities for information gathering, incident investigation and prevention activities.

The community and businesses need to be aware of reporting requirements, and be actively encouraged and supported in reporting all violent incidents. A readily accessible, simple to use reporting procedure will encourage reporting, as will prompt, sensitive and appropriate follow-up.

The community needs to know that putting up with violence is not acceptable.

We need to know what to do when confronted with violence and know that our response will be supported.

Item 5.0 continued

This is not about how high, or how much or what colour. This is about our families welfare, your son or my daughter, or your wife – leaving a restaurant late at night on the weekend – at what risk?

Councillors, I put it to you all tonight that you ensure this receives high priority on your agenda. Please enable us to help you realise a Zero Tolerance Response to Violence in Albany.

***Mr Ken Clark, Albany Surf Life Saving**

Mr Clark addressed Council and publicly thanked the City of Albany for their support, contrary to what was insinuated in the press.

Mr Clark reiterated that the City of Albany remains one of Albany's Surf Life Saving Club's primary stake-holders, and they would remain as such.

Mr Clark sought to clarify some of the comments in the Agenda Item presented to council at the February Ordinary Council Meeting and requested a point of contact at the City.

***The Mayor responded to Mr Clark, and advised that the Executive Director Corporate and Community Services, Mr Peter Madigan is the point of contact.*

***Ms Vera Torr, Sussex Street, Albany**

The following details Ms Torr's address to Council:

Mayor, Councillors and City Staff.

WHAT DOES THIS MEAN TO YOU

- ALBANY IS ONE OF ONLY 25 BIO-DIVERSITY HOT SPOTS IN THE WORLD.
- IN THE WORLD. IT IS A RARITY.
- ALBANY IS ONE OF ONLY 3 TRIFURCATED HARBOURS IN THE WORLD.
- IN THE WORLD. IT IS A RARITY.

We are the first settlement in Western Australia.
We are the shores that fare welled our sons to war.
We have heritage, soul and a city to human scale.

We have the honour.
We have the honour
We have the honour

BUT WHO CARES? (ad lib: As stated by John – a previous speaker- we need to introduce environmental guidelines in to our planning. We need to let developers and Government infrastructure implentors know that we value our environment and expect and DEMAND from them their respect.) It is fun circumnavigating the taxation laws but no fun planning with planning laws. They seem to just get changed to fit the plan. Some good – some bad.

I am beside myself with the enormity of tonights' Agenda. Subdivision of Frances Street into 440 odd square metre blocks. A vague illusion to the retention of the lake system which presumably will take care of itself. Where is the attention to lifestyle and environment?

Item 5.0 continued

The Barry Court Policy and Building Heights Policy. Is it in or out. There are vacant blocks at Barry Court. Will they be allowed to develop buildings visible from the beach. This beach stretch is recognized as an extremely important asset to tourism.

The York St Policy. Is there a new plan for York St? Planning and Environment Strategy and Policy Committee held on Tuesday 26th February 2008 made recommendations. Do councillors agree with this type of decision making. Seven councillors. Are these councillors then forced to vote at council for the decision made at the committee meeting. The brotherhood code of Honour?

The exciting Peel Place development. Councillors must not relinquish their responsibilities at this early stage of such an important development. Don't worry too much about the parking. Patrons can walk over the bridge from the foreshore.

Grange Resources depositing of spoil in our sound. They could not tell me where the sand currently coming into the harbour is from. So how do they know where theirs will go? We cannot afford a mistake here. Take the time to make them get it right.

A cause of concern was the auction on Saturday when the City of Albany set a benchmark of \$180,000 dollars reserve for nearly half an acre of fully serviced land with guaranteed immediate subdivision potential. Is the value of our land overpriced on the open market?

A news report in to-days Advertiser has Mr Harvey ACCI reported as saying they are trying to attract high level people who want a TREE CHANGE. He is using the computer skills of Ramped Technology whose director is Mr Shayne Bartlett. I wish them well in their venture.

Item 5.0 continued

I would very much like to thank Mr Les Hewer and his staff for attending to matters I have addressed to his department. They have been attended with sincerity.

Thank you

***Mr Tony Harrison, Little Grove**

Mr Harrison spoke in regards to Grange Resources dredging of King George Sound.

Mr Harrison spoke passionately about protecting the marine creatures and the delicate eco-system that exists in the Sound, and that currents will move dumped sand at all depths.

Mr Harrison stated that the 28 issues raised in the submission presented to the Port Authority still have not been addressed.

Mr Harrison stated that he is not against the project, just wants the project to progressed in an environmentally sound way.

***Mr Don Dufty,**

Mr Don Dufty addressed Council on the ANZAC Peace Park. Mr Dufty explained that he has reviewed the ANZAC Peace Park proposal and rated it as diarrhoea.

Mr Dufty refuted the feedback from Council Project Officer, Mr Jon Berry that the park will be able to accommodate thousands of spectators by incorporating 'Hillocks' (small hills) in the design.

At the last Council Meeting in the Public Forum Mrs Bassan asked Council if a sign could be erected at the beginning of the footbridge to notify people that there is no Disabled access to the Visitor Centre from the bridge.

Item 5.0 continued

Mr Dufty appealed to Council to look carefully at the development and ensure they have a full understanding of what is going on.

Mr Dufty pointed out that there are two choices:

1. A practical park; versus
2. A pretty park.

Mr Dufty suggested to Council that the areas identified to be used as ponds and garden beds in the proposed Peace Park site are pegged and made off limits prior to the 2008 ANZAC Day Service to show the impact on accommodating the growing crowd numbers in limited space.

Amendment, confirmed at the 15 Apr 08 Ordinary Council Meeting.

- *Mrs Bassan*

Ms Bassan asked Council if a sign could be erected at the beginning of the footbridge to notify people that here is no disabled access to the Visitors Centre from the bridge.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council Meeting held on 19th February 2008;

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

Item 6.0 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

THAT the following minutes:

- **Ordinary Council Meeting held on 19th February 2008;**

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

MOTION CARRIED 12-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item Number	Nature of Interest
Councillor Williams	11.4.2	<u>Proximity</u> . Councillor lives in the vicinity of the proposed site, namely no. 13 Kitcher parade. Cr abstained from the debate, discussion and voting on this item.
Councillor Wiseman	11.4.1	<u>Proximity</u> . Councillor owns property near subject site. Cr abstained from the debate, discussion and voting on this item.
Councillor Wiseman	11.4.2	<u>Proximity</u> . Councillor owns property adjoining the subject site. Cr abstained from the debate, discussion and voting on this item.
EDDS – Mr Robert Fenn	11.4.2	<u>Proximity</u> . Officer resided in Granada Crescent on lot created at the same time reserve created. Officer left the chamber for the debate, discussion and voting on this item.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

13.4.1 - Contract C08002 – Provision of Cleaning Service in accordance with Section 5.23 (2) (c) of the Local Government Act 1995.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 13-79]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 80-106]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 107-114]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Page 115-135]

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application - Holiday Accommodation Units & Caretakers Dwelling - 29 Barry Court, Collingwood Park

File/Ward	:	A185917 (Breaksea Ward)
Proposal/Issue	:	3 Holiday Accommodation Units & Caretaker's Dwelling
Subject Land/Locality	:	Lot 31 (No. 29) Barry Court, Collingwood Park
Proponent	:	Roberts Gardiner Architects
Owner	:	JP & MS Sugg
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/01/08 - Item 11.1.2
Summary Recommendation	:	Approve, subject to conditions
Bulletin Attachment	:	Neighbour's comments Further information from applicant
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. This application is for three Holiday Accommodation units and a Caretaker's accommodation unit at Lot 31 (No. 29) Barry Court, Collingwood Park and remains unchanged since its previous presentation to Council. At its meeting dated 15 January 2008, Council resolved:

“to lay the matter on the table for a period of not less than one month and that the following matters be addressed during that period:

- *The application be advertised to gain community feedback on the third storey component of the development and the reduction in street setback alignment;*
- *Clear commitments being obtained from adjoining landowners on their desire or otherwise to fill their land to a level commensurate with the subject land; and*
- *The subsequent report from City Officers clearly identifying and reporting on the policy framework against which this application should be assessed.”*

2. The application has been advertised in the form of a letter drop to all landowners of the Barry Court area, and a notice being placed in a local newspaper. The 21 day advertising period expired on 14 February 2008.

STATUTORY REQUIREMENTS

3. The site is zoned “Tourist Residential” under Town Planning Scheme 1A (TPS 1A) which lists “Holiday Accommodation” as an “AA” use that is not permitted unless planning consent is granted by the Council. A “Caretakers House” is an “IP” use.
4. TPS 1A sets out under “Holiday Accommodation”, Section 4.36 that:

“The development of holiday accommodation shall comply with the provisions relating to the development of multiple dwellings in whichever is the greater of the R-50 Residential Density Code Area or the Residential Density Code Area depicted on the Scheme Map except that it shall not be necessary to comply with the Residential Design Codes relating to the provision of storage areas”.

5. Appendix III - Zone Development Table of TPS 1A sets out the required development standards as:

ZONE DEVELOPMENT TABLE									
ZONE	MIN LOT AREA	MIN EFFECTIVE FRONTAGE	MAX PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MIN CAR PARKING SPACES	MIN LAND SCAPING	OTHER REQUIREMENTS
	(sq. metres)	(metres)		FRONT metres	REAR metres	SIDES metres		(%) of site	
TOURIST RES	2000	20	0.5	9	7.5	2 per storey	2	50	As for Residential
RES	As per Residential Design Codes								Piping and ducting concealed.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

6. Section 4.10 of TPS1A (variations to site and development standards and requirements) allows Council to consider variations to the above table, and states:

“Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

In considering an application for planning consent under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 7.5; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 7.8; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”*

7. Section 7.8A of TPS 1A (Matters to be considered by Council) sets out the matters that Council is to have due regard to when considering the application. They include;

- “(a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;*
- (c) any approved Statement of Planning Policy of the Commission;*
- (f) any Town Planning Scheme Policy adopted by the Council under clause 7.21, and any other plan or guideline adopted by the Council under the Scheme;*
- (i) the compatibility of a use or development with its setting;*
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (x) the potential loss of any community service or benefit resulting from the planning approval;*
- (y) any relevant submission received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 7.8; and*
- (zb) any other planning consideration the Council considers relevant.”*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

8. The R Codes state in Part 1, Section 1.3.3, variations to the Codes, that:

“where, for historical or special circumstances, variations to the Codes are included in the town planning scheme, these provisions would prevail over the Codes”.

A detailed R Codes assessment has been undertaken and several of the Acceptable Development Criteria could not be met. The proponent has sought to have the following matters considered under the Performance Criteria of the Codes:

- a. Setback of Buildings Generally 3.2.1
- b. Building setback from boundary 3.3.1
- c. Landscaping of visitor bays.3.4.5
- d. Over-height 3.7.1

The Proponent was requested to detail how the Performance Criteria had been met, as required under part 2.4.6, section (i), and the response has been included in the Elected Members Report/Information Bulletin.

POLICY IMPLICATIONS

9. The proposed development was originally designed to meet the principles espoused in the “revoked” Barry Court Design Guidelines and no detailed assessment of the application has been made by City staff against those guidelines. A cursory review of the principles in the policy indicates that the proposed development would be substantially compliant with that policy if it was still applicable. Nonetheless, Council may want to add the requirements of the policy, acknowledging that the design was substantially completed whilst this Policy was still current, and when assessing the proposal against the relevant Performance Criteria of the R Codes, seeking compliance with the policy will also ensure the development harmonises with the existing developments in the area.
10. The Coastal Development – Lot Privacy Policy was introduced to provide greater clarity on standards relating to overlooking on private property in a coastal location, where there is a greater emphasis to orient dwellings to the coast rather than the street. The 1998 policy has largely been superseded by the increased amenity provisions incorporated into the Residential Design Codes in 2002 and has no direct relevance to the application currently before Council.
11. The “revoked” Coastal Development - Building Height Restrictions policy sought to establish an appropriate maximum height for developments in close proximity to Middleton Beach to address overlooking of community assets such as Middleton Beach. The proposed development will be built approximately 2.3m lower than the golf clubhouse and positioned approximately 50 metres further back from the coastline. There is no capacity for this development to overlook the beach or for it to be seen from the beach.
12. The site is not located within any of the stated locations of the recently adopted “Residential Design Code Policy”, which provides guidelines for development, in terms of building heights, setbacks and streetscapes.

FINANCIAL IMPLICATIONS

13. There are no Financial Implications relating to this item.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

15. The application has to be assessed under the Development Standards of TPS1A, and the relevant parts of the R Codes. Variations to the development standards of the scheme can be considered under section 4.10 of TPS1A. Where Council supports those variations, the R Codes (plus potentially the rescinded Barry Court Guidelines) are then used as a guide to ascertain an acceptable level of relaxation.
16. Following the advertising period, 2 letters of support have been received. The general feedback from the advertising period has been positive, and has highlighted other general issues within the immediate locality, such as car parking and the overall zoning of the area.
17. Both the neighbouring landowners have responded, and have stated that they wish to fill their properties, and plan on undertaking the filling at the same time as the proposed development to benefit from the bulk earthworks. Neither neighbour has objected to any part of the proposal, (copies of their response is included in the Elected Members Report/Information Bulletin).
18. The assessment of the application under the Development Standards of TPS1A, and the relevant parts of the R Codes, can be divided into separate issues, where the Performance Criteria apply:

Plot ratio
19. The Town Planning Scheme development standards state a maximum plot ratio of 0.5. Clause 4.36 of TPS 1A allows tourist accommodation to be developed to an R50 density code whereby a maximum plot ratio of 0.6 applies. The applicant is seeking Council's discretion to increase the plot ratio for this development to 0.67 and in support of this states:
 - “*The actual zoning for this site (R50) allows five units (Multiple Dwellings) to be constructed; however for this development only four units are proposed.*”
 - “*The design of this development has been created in recognition of the Barry Court Design Guidelines in respect to streetscape.*”
20. The R Codes also has a requirement for 45% open space (at R50), with the proposed development providing 56%. To meet the Scheme provisions, the total floor area would need to be reduced by 70m² (the area of the second floor of the unit).

DEVELOPMENT SERVICES REPORTS

Item 11.1.1. continued

Setbacks of Buildings Generally

21. The Scheme requires a 9.0m front setback. Due to the size of the lot and the character of the area, this setback would be excessive. The R Codes requires a 4.0m setback (that could be averaged under 3.2.1 A1 (i)), and the proposal would comply with the Acceptable Development Criteria of the Codes. No objections have been received from the neighbouring landowners.
22. The proposal provides an “open interface with the street” and could be interpreted to create “a streetscape with a friendly, holiday village type atmosphere”, as stated in the streetscape element of the previous Barry Court Design Guidelines.

Building Setback from Boundary

23. With regard to the side and rear setback relaxations, the Scheme requires a 7.5m rear and 4.0 to 6.0m (2.0m per level) side setback. Due to the size of the lot, and the prevailing setbacks in the estate, this would again be excessive. The R Codes required side setback is 2.5m. The proposal seeks setbacks of 1.1m for 6.0m length, and 1.68m for the main wall; the proponent has obtained the comments from the neighbouring properties of which neither object. For the rear, a 7.5m setback is required, due to the privacy section of the R Codes (the balcony on unit 3, level 3). The proposal is for a 2.6m rear setback and this wall only overlooks the practice driving range of the golf club, and privacy concerns are avoided. The proponent seeks Council approval under the Performance Criteria of the R Codes, which state:

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

- *provide adequate direct sun and ventilation to the building;*
- *ensure adequate direct sun and ventilation being available to adjoining properties;*
- *provide adequate direct sun to the building and appurtenant open spaces;*
- *assist with protection of access to direct sun for adjoining properties; and*
- *assist in protecting privacy between adjoin properties.*

Car parking

24. Sufficient car parking bays have been provided on the site (2 per unit and 2 visitor bays) as required under both the Scheme and the R Codes. Although not all car parking is located behind the building line, as required under the former Barry Court design guidelines, to ensure the proposal harmonises with the surroundings. The proponent is proposing to landscape the areas adjacent to the bays so they blend into the streetscape.

Landscaping

25. The Scheme states a landscaping minimum of 50% and the proponent is proposing 254sqm (25%) of the site be landscaped. The R Codes do not actually set a percentage for landscaping, but as stated previously, has a requirement for 45% open space (at R50), with the proposed development providing 56%; for the purposes of the R Codes “Open Space” comprises an area not occupied by a building (pergolas excluded).

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

26. The proposal complies with the Acceptable Development standards of section 3.4.5 of the R Codes and the proponent has stated that the landowner will use high quality landscaping, including a mature tree as the centrepiece, which integrates the landscaping into the heart of the site. The central open turnaround space, will also provide not only a sense of space for the occupants, but also a sense of connection and consistency to the streetscape of Barry Court. Bin storage would be within the carports & garages of each of the units.

Building Height

27. The third storey to units 3 & 4, which were previously acceptable under the Barry Court Design Guidelines, have been assessed under the criteria of the R Codes. Table 3 of Element 7 of the Residential Design Codes allows the proponent to undertake a development with a wall height of 6.0m and a roof height of 9.0m under the “Acceptable Development” provisions of the Codes. In this instance, the proposed development has a third storey section covering 99.7m² (approximately 10%) of the land, with a wall height of 8.0m and a roof height of 10.0m.
28. The Proponent has requested that this element of the application be assessed against the “Performance Criteria” of the Codes and those criteria state;
“Building height consistent with the desired height of buildings in the locality, and to recognize the need to protect the amenities of adjoining properties, including where appropriate:
- *adequate direct sun to buildings and appurtenant open spaces;*
 - *adequate daylight to major openings to habitable rooms; and*
 - *access to views of significance.”*
29. The above criterion established four (4) parameters against which the development must be tested. Firstly, is the proposed building height “consistent with the desired height of buildings in the locality”? The buildings should generally comply with Table 3 of the Residential Design Codes along Middleton Beach, other than for one four storey site within a possible future urban development between Griffiths Street and Medcalf Parade. There is currently an approval for a four storey apartment building to be built adjacent to the Albany Golf Club clubrooms (approved in accordance with the Barry Street Design Guidelines) and the Golf Clubhouse has been built previously with a roof height of 10.7m and wall heights up to 7.6m. However, in relative terms, this building would sit approximately 1.0m higher in the landscape than existing residential buildings in Barry Court, would be approximately 2.3m lower than the actual level of the Golf Clubhouse and approximately 5.5m lower than the approved, but not yet constructed, apartment development. The previous Barry Court Design Guidelines Policy did support 3 storey taller buildings adjacent to the driving range, where impacts on views, overlooking etc were lessened.
30. Two further tests need to be applied and they relate to the protection of the amenity of adjoining properties in regards to solar access to open spaces and to habitable rooms. Neighbour comments have been sought and the height relaxations have been supported. As both adjoining lots are currently vacant, potential impact on adjacent properties cannot be measured. Lastly, access to views from adjoining properties can be considered and in this instance no impacts exist. The third storey component of the development is located in excess of 4.5m from adjoining property boundaries.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Summary

- 31. It is the officer’s view that the issues of plot ratio and building height need to be considered specifically by Council. Although several relaxations are being sought, the application performance standards have been set and the proposed development complies with the principles of the scheme and the performance criteria of the R Codes. The application is an architecturally designed proposal that provides a high quality development which has been generally accepted by the community and provides consistency to the surrounding streetscape. The matters listed in clause 7.8A of TPS1A provide that Council take into consideration a number of matters and this project has the capacity to be approved under the Scheme; it is for this reason that reference is made to the revoked Barry Court Design Guidelines.

RECOMMENDATION

- i) THAT Council supports the issuing of a Notice of Planning Scheme Consent for a “Three Holiday Accommodation & Caretaker’s Dwelling” development at Lot 31 (No. 29) Barry Court, Collingwood Park, subject to, but not limited to, the following requirements being incorporated into the approval:
 - (a) Vehicular parking, manoeuvring and circulation areas indicated on the plans being constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.
 - (b) An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.
 - (c) Final details of the level of fill and/or retaining walls being submitted and approved in writing prior to the issuing of a building licence.
 - (d) Appropriate landscape plans, showing the size, species, location and method of reticulation of trees and shrubs being submitted for approval prior to the issue of a building licence.
 - (e) A legal agreement being entered into prior to the issue of a building licence to ensure the use of the caretaker’s unit (shown as unit 4 on the plans) is occupied solely by a manager of the three on-site Holiday Accommodation units and that any strata plan has this requirement noted on it. The legal agreement to be prepared by Council’s solicitors at the applicant’s cost.
 - (f) The holiday accommodation (shown as units 1-3 on the plans) is to be used for short stay accommodation purposes, with a maximum of three months occupancy per annum by any single tenant.

Voting Requirement Simple Majority

.....

- ii) THAT subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a “Three Holiday Accommodation units & Caretaker’s Dwelling” development at Lot 31 (No. 29) Barry Court, Collingwood Park and empowers the Manager to incorporate any further conditions that he considers necessary.

Voting Requirement Absolute Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

ADDENDUM TO OFFICERS REPORT

32. Since the agenda item was prepared staff received letters of opposition to the development (which have been circulated to Councillors). In the letters received the following concerns were expressed:

- The building will be too high, with 2 stories being the prevailing building height in the area;
- The building is setback too close to the street;
- The plot ratio should be adhered to, to reduce the bulk of the building; and
- The car parking is not sufficient for the development.

33. Whilst the issues of building height (paragraphs 27-30), plot ratio (paragraphs 19 & 20) and car parking (paragraph 24) have been detailed in the existing officers report, the issue of front setbacks needs to be further explored. It is important to note that the existing 'Beach House at Bayside' development on Barry Court has a front setback ranging from 2.1 metres to 5.5 metres for half of it's frontage, and the residential dwellings at the eastern extent of the Barry Court estate have setbacks of between 3 and 4 metres. The proposed development has an average setback of 4 metres, and staff believe the positioning of the building will not have a detrimental impact on the existing streetscape.

AMENDED OFFICERS RECOMMENDATION

RECOMMENDATION

- i) THAT Council supports the issuing of a Notice of Planning Scheme Consent for a "Three Holiday Accommodation & Caretaker's Dwelling" development at Lot 31 (No. 29) Barry Court, Collingwood Park, subject to, but not limited to, the following requirements being incorporated into the approval:
- (a) Vehicular parking, manoeuvring and circulation areas indicated on the plans being constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.
 - (b) An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.
 - (c) Final details of the level of fill and/or retaining walls being submitted and approved in writing prior to the issuing of a building licence.
 - (d) Appropriate landscape plans, showing the size, species, location and method of reticulation of trees and shrubs being submitted for approval prior to the issue of a building licence.
 - (e) A legal agreement being entered into prior to the issue of a building licence to ensure the use of the caretaker's unit (shown as unit 4 on the plans) is occupied solely by a manager of the three on-site Holiday Accommodation units and that any strata plan has this requirement noted on it. The legal agreement to be prepared by Council's solicitors at the applicant's cost.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- (f) A Section 70A Memorial being placed on the title denoting that the caretakers dwelling shall be occupied solely by a manager of the three on-site Holiday Accommodation units and that the three on-site Holiday Accommodation units shall be used for short stay accommodation purposes, with a maximum of three months occupancy per annum by any single tenant.
- (g) The holiday accommodation (shown as units 1-3 on the plans) is to be used for short stay accommodation purposes, with a maximum of three months occupancy per annum by any single tenant.

Voting Requirement Simple Majority
.....

- ii) THAT subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a “Three Holiday Accommodation units & Caretaker’s Dwelling” development at Lot 31 (No. 29) Barry Court, Collingwood Park and empowers the Manager to incorporate any further conditions that he considers necessary.

Voting Requirement Absolute Majority
.....

ALTERNATE MOTION BY COUNCILLOR WILLIAMS

THAT Council resolves to issue Planning Scheme Consent Refusal for a “Three Holiday Accommodation & Caretaker’s Dwelling” development at Lot 31 (No. 29) Barry Court, Collingwood Park due to the following reasons:

- i) The development exceeds the maximum allowable plot ratio identified in Town Planning Scheme No. 1A and the Residential Design Codes.
- ii) The front setback proposed by the development does not meet the specified setback required in Town Planning Scheme No. 1A, and any relaxation of this standard would be detrimental to the existing streetscape.
- iii) The side setback relaxations proposed by the development are significantly less than the acceptable criteria of the Residential Design Codes, and do not meet the performance criteria specified in Clause 3.3.1 of the Codes.
- iv) The development does not cater for sufficient landscaping as identified in Council’s Town Planning Scheme No. 1A.
- v) The height of the development is significantly higher than the acceptable criteria of the Residential Design Codes, and does not meet the performance criteria specified in Clause 3.7.1 of the Codes.
- vi) The development does not adequately address sections (i), (n), (o), (v) and (y) of Clause 7.8A of Town Planning Scheme No. 1A (Matters to be Considered by Council).

Voting Requirement Simple Majority
.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Reason:

Of the responses received in January and March on this development application, only 3 property owners are in support and a staggering 11 property owners have objected.

In light of this overwhelming opposition to this design, in particular the setbacks and third storey component, the relaxations requested by the applicant should not be supported.

**MOVED BY COUNCILLOR WILLIAMS
SECONDED BY COUNCILLOR PRICE**

THAT Council resolves to issue Planning Scheme Consent Refusal for a “Three Holiday Accommodation & Caretaker’s Dwelling” development at Lot 31 (No. 29) Barry Court, Collingwood Park due to the following reasons:

- i) The development exceeds the maximum allowable plot ratio identified in Town Planning Scheme No. 1A and the Residential Design Codes.**
- ii) The front setback proposed by the development does not meet the specified setback required in Town Planning Scheme No. 1A, and any relaxation of this standard would be detrimental to the existing streetscape.**
- iii) The side setback relaxations proposed by the development are significantly less than the acceptable criteria of the Residential Design Codes, and do not meet the performance criteria specified in Clause 3.3.1 of the Codes.**
- iv) The development does not cater for sufficient landscaping as identified in Council’s Town Planning Scheme No. 1A.**
- v) The height of the development is significantly higher than the acceptable criteria of the Residential Design Codes, and does not meet the performance criteria specified in Clause 3.7.1 of the Codes.**
- vi) The development does not adequately address sections (i), (n), (o), (v) and (y) of Clause 7.8A of Town Planning Scheme No. 1A (Matters to be Considered by Council).**

**MOTION TIED 6-6
MAYOR EXERCISED CASTING VOTE
MOTION CARRIED**

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application - Shop - Alterations/Additions (Stage 1) - 112-140 Stirling Terrace, Albany

File/Ward : A74057 (Fredrickstown)

Proposal/Issue : Shop, Alterations/Additions (Stage 1)

Subject Land/Locality : 112-140 Stirling Terrace, Albany

Proponent : Robert Gardiner Architects

Owner : Primeking Pty Ltd

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

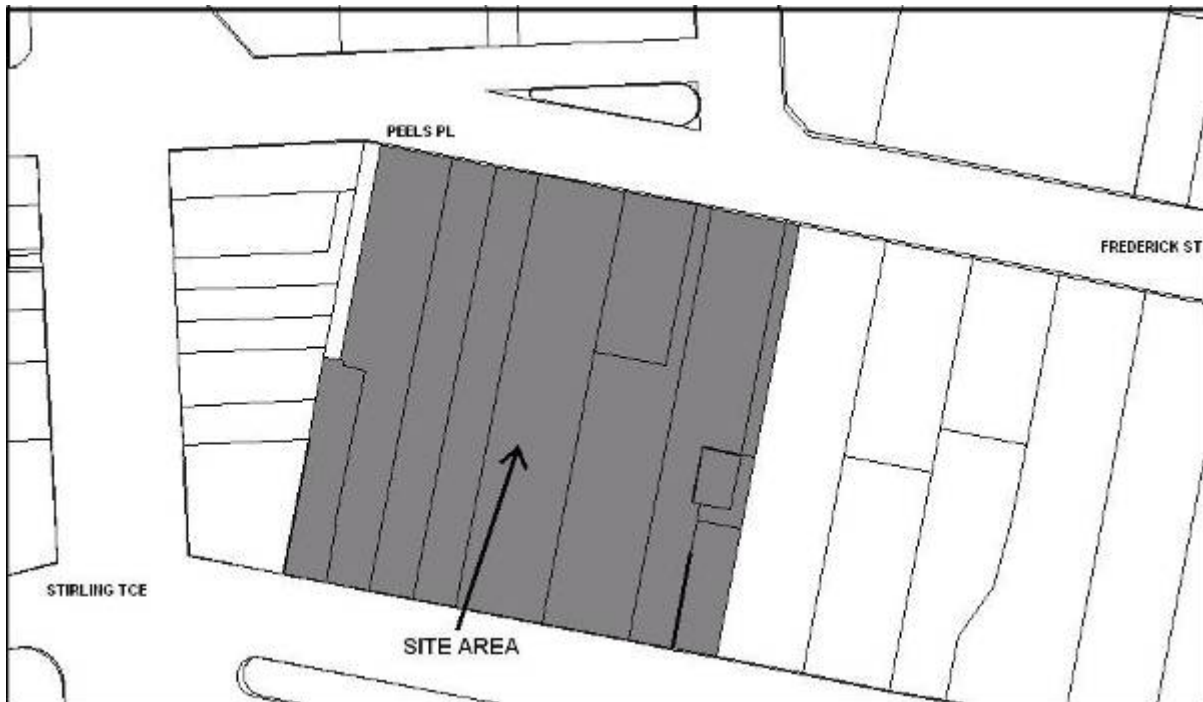
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Approve, subject to conditions

Bulletin Attachment : Elevations and site plans
Letters from HCWA

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received for 112-140 Stirling Terrace which proposes to;
 - Make good the existing department store building (Old Harris Scarfe), with new shop fronts and a canopy over the footpath on Peels Place.
 - Construct an elevated walkway and access to the upper floor level from the eastern side of the existing building.
 - Build new concrete retaining walls across the existing car park and create a level pad adjacent to Peels Place for a temporary car park.
 - Demolish the buildings at the rear of lot S26 (Snowball's Auctions) and extend the existing car park.
 - Construct a new 2 storey commercial/retail building and covered walkway over the footpath along Peels Place.
 - Construct a new driveway and crossover at the existing roundabout.

2. This is a two stage development, with the second stage being subject to a separate development application, which would include;
 - Demolition of the existing hardware building.
 - Construction of a new 3 Storey commercial/retail building on Stirling Terrace with access to a two level car park at rear.
 - Extension of the pedestrian access from Stirling Terrace to Peels Place.
 - Construction of a new two storey commercial/retail building adjacent to the existing roundabout on the corner of Frederick St and Aberdeen St.

3. The site is currently on 12 different titles (which are to be amalgamated into one lot), which have a total size of 9963m². The break up of the proposed development is as follows:

• Gross Floor Area Existing Department Store (upper level)	2,315m ²
• Existing Department Store (lower level)	778m ²
• Existing Fredrickstown Markets	760m ²
• Existing Hardware Store	650m ²
• Existing 2 storey commercial (110 Stirling Tce)	1050m ²
• Existing 2 storey commercial (144 Stirling Tce)	348m ²
• New Commercial/Retail Peels Place	1566m ²
TOTAL Gross floor area	7,467m²

4. Part of the site is located within the Stirling Terrace Heritage Precinct (although no building works under Stage1 shall take place within it), which is now on the State Heritage Register. The application was referred to the West Australian Heritage Council, and a copy of their comment is included in the Elected Members Report / Information Bulletin.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

STATUTORY REQUIREMENTS

5. The area is zoned Central Area under Town Planning Scheme 1A (TPS1A), with the proposed use being “Shop” which is a “P” (permitted) use under TPS1A. The proposal will need to comply with the Development Standards, as set out under Appendix III (Zone Development table) of TPS1A.

ZONE DEVELOPMENT TABLE									
ZONES	MIN LOT AREA sq. metres	MIN FRONTAGE metres	MAX PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MIN CAR PARK SPACE	MIN LAND SCAPING % of site	OTHER REQUIREMENTS
				FRONT metres	REAR metres	SIDE metres			
CENTRAL AREA	-	5	1.5	Nil	Nil	Nil	1 per 40m ² gross floor area	10	

6. Section 4.10 of TPS1A (variations to site and development standards and requirements) allows Council to consider variations to the above table, and states:

“Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

In considering an application for planning consent under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 7.5; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 7.8; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

7. The definition of Net Lettable Area (NLA) under TPS1A states;
“the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas –
- (a) *all stairs, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;*
 - (b) *lobbies between lifts facing other lifts servicing the same floor;*
 - (c) *areas set aside as public open space or thoroughfares and not for the exclusive use of occupiers of the floor or building;*
 - (d) *areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.”*

POLICY IMPLICATIONS

8. The Development Guidelines Scheme 1A policy, provides further details for development proposed within the “Central Area” zone:

Carparking Standards (6.2)

- (a) *Upon lots zoned “Central Area” carparking shall be provided at the following rates:*

USE	MINIMUM CAR PARKING SPACES FOR PUBLIC PARKING
<i>Supermarkets</i>	<i>1 per 16.7 sqm gross floor area</i>
<i>Other Retail</i>	<i>1 per 35 sqm gross floor area</i>
<i>Offices</i>	<i>1 per 30 sqm gross floor area</i>
<i>Public Uses</i>	<i>1 per 50 sqm gross floor area</i>
<i>Hotels/Motels (excluding bedrooms), Restaurants etc.</i>	<i>1 per 35 sqm gross floor area</i>
<i>Hotel/Motel Bedrooms</i>	<i>1 per bedroom</i>
<i>Other Residential</i>	<i>as per “R” Codes</i>
<i>Other Commercial</i>	<i>1 per 100 sqm gross floor area</i>

- (b) *If, at the discretion of the assessing officer, a proposed use does not match a use stipulated in the Central Area Parking Requirement Table, the parking requirements of Appendix IV of Town Planning Scheme 1A shall prevail.*

Landscaping Provisions (6.3)

The landscaping requirements set out in Appendix III and IV of the Scheme may be reduced by 50% of the area required where a developer can demonstrate that he/she is incorporating building features that contribute to the overall well being of the Central Area Zone (eg high quality pedestrian access) and the vegetation is provided in a single mass adjacent to pedestrian traffic areas. Landscaping may be provided in the form of courtyards, plazas or landscaped areas.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Weather Protection (6.4)

Wherever possible developments within the Central Area Zone abutting a road frontage or Right of Way shall incorporate a verandah, awning or colonnade to provide weather protection for pedestrian movements. Where a development includes an arcade providing strategic connection between rear of lot public carparking and a public street, a development or density bonus may be provided.

Parking (6.5)

Each development in the Central Area zone shall provide the required number of car parking bays, consistent with the proposed use as part of the development. Where it is not practical to provide the additional car parking, Council may accept a cash payment or the transfer of land (free of cost) for car parking to be provided on the site provided:

- (a) cash in lieu rates are calculated on the basis of 26 sq.m. per parking bay and include the cost of land within the development site, asphalt paving on a suitable base course, drainage, line making, landscaping and, where applicable, lighting: and*
- (b) the additional site coverage will not preclude the integration of access and car parking across lot boundaries.*

9. The site is also within the Central Albany Urban Design Policy, and falls within the “Central Business District” area. The objective of this area is to:
 - *Reinforce the existing townscape which is characterised by buildings with similar massing, common building lines and relatively uniform height and scale.*
 - *Ensure that new development is articulated to respond to the scale of the existing townscape – particularly when seen looking down from the surrounding residential areas.*
 - *To ensure that the height of new buildings is not out of scale with the existing fabric of the central business district.*
 - *To establish streets with continuous built edges clearly defining the public domain and, where appropriate, the continuity of cover over footpaths.*
 - *To establish active edges to the public domain.*
 - *To rationalise access and parking provision.*
10. The Central Albany Urban Design Policy also provides details on townscape, streetscape, built form, building height and access and car parking.
11. Clause 7.8A of TPS1A lists the matters that Council is to have regard to when considering the application. They include; a, f, h, i, j, n, o, p, q, v, zb.
12. Section 7.21 (Power to make policies), part 4 of TPS1A states;
“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.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

13. The Guidelines for the assessment of off-site, verge and cash-in-lieu carparking policy adopted under TPS1A, provides a framework in which proposals for off-site, verge and cash-in-lieu carparking can be assessed in a consistent manner and facilitate the approval of such proposals where appropriate. The policy applies to all land within the City of Albany, including the area defined as “Albany Central Area”, of which this site is within.

FINANCIAL IMPLICATIONS

14. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance;*

Priority Projects:

Nil”

COMMENT/DISCUSSION

16. Once approved, this application has the potential to support 7467m² of GFA for retail purposes on a 9963m² land parcel upon an appropriately zoned Central Area lot. To assist in the assessment of this application, this report splits the development into separate elements;

Landscaping

17. The Proponent has stated that he wishes the development to be assessed under the criteria set out under the City’s “Development Guidelines” (refer to paragraph 8). The proposal provides sufficient area, and includes street trees and a courtyard for alfresco dining to the Northern facing setback to Peels Place and would comply with this policy.

Plot Ratio and Setbacks

18. These have both been easily met under the Development Standards of TPS1A.

Compliance with the Central Albany Urban Design Policy

19. The proposed development satisfies the objectives of the Central Business provisions of the Central Albany Urban Design Policy, and addresses the individual design criteria. The proposed design provides an active built edge along Peels Place and provides a covered walkway as required under the Policy. The new and refurbished buildings address the street and provide clearly defined entry points, which promote activity and informal surveillance of the street. Details of the materials and the other external finishes can be controlled by condition, along with the further details of the covered link.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

20. The height of the development clearly complies with the policy, as it is only two storeys high, however details of the articulation of the roof has not been clarified within the proposal as no roof plan was submitted.

Carparking

21. A total of 141 bays are to be provided for Stage 1 of the development, with no final number being confirmed for Stage 2 due to the absence of a final design solution for this stage (NLA and GFA). The Proponent states that the final (total) number of car parking spaces for stages 1 and 2 will be subject to future application and that car parking will need to be calculated and assessed on a 'whole of project basis'.
22. As detailed in paragraph 3, the GLA for the current floor space and the proposed addition has been calculated to be 7467m². If that floor space is converted to NLA it would become 6082m². The Proponent claims this figure should be further reduced to 5367m² as secure storage is also to be provided on-site. The "Secure Storage" area is 715m² in area and is theoretically made available for all businesses on the property to share. Staff feel that this storage area will ultimately be segmented and individual floor space allocated to businesses.
23. The Proponent has requested that the number of carparking bays for Stage 1 be compiled using **NLA**, which according to his calculations would be 5367m². The Proponent states that it is common practice that car parking is calculated on NLA, as GFA includes common areas such as toilets (public), shared access etc. where no business / operators / customers can trade. This would set a carparking rate at 1 per 35m² and deliver 153.3 (rounded up to 154) bays. He states that the Stage 1 development will produce a (temporary) shortfall of 13 bays out of a total of 154 required or less than 10% of the required number. He asks that Council consider a request to allow the (temporary) shortfall.
24. According to Section 6.2 part (a) of the "Development Guidelines" of TPS 1A, the number of carparking bays should be calculated as "Other Retail" at a rate of 1 per 35m² of **GFA** (7467m²), which would set the number of bays at 214; a shortfall of 73 bays would be created. Part (b) of this section of the "Development Guidelines", does allow the assessing officer (at their discretion) to use the parking requirements of the Development Standards of TPS 1A (still calculated using GFA) were the proposed use does not match the "Other Retail" use. However, as the tenancy of each unit has not be finalised, and to ensure that future occupiers and the growth of the area is not impinged (tenancies may fluctuate over time) the "Other Retail" description has been utilised.
25. Staff are concerned that this application does not provide a mechanism to determine the final number of carparking bays for the whole development (stages 1 and 2), and that the applicant is not tied to actually commencing Stage 2 of the development. Even if it were to be submitted, the Stage 2 development could be some time in the future, and a parking shortfall will exist for several years. It is also worthy of note that Stage 2 of the development could also be seen as a separate application and thus legally would only need to fulfil the carparking requirements for that specific application.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

26. To secure the future parking requirement Council may seek to impose a condition that a bond is required to ensure that adequate carparking is provided for the development. This would be similar to a cash in lieu payment for carparking, and would be calculated using the same rational and policy. However, the amount would be held, and only returned once sufficient car parking has been provided for the whole development, (stages 1 and 2).
27. Staff suggest that the application be assessed on its merits as submitted, which (with the exception of the carparking) is acceptable, however Councillors will need to determine if they are willing to calculate the number of carparking bays using NLA instead of GFA. Council then must determine if the application be refused or it proceed on the basis that Council will either allow the relaxation of carparking bays (13 if using NLA, or 73 if using GFA) or request a bond.
28. The overall development will assist in revitalising the southern end of the CBD, access into the current site will be improved, new floorspace will be added into the CBD and the Peels Place streetscape will be improved. Traffic connectivity between Stirling Terrace and Peels Place across this lot will be removed.

RECOMMENDATION

- i) THAT Council supports the issuing of a Notice of Planning Scheme Consent for Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany, subject to, but not limited to, the following requirements being incorporated into the approval:
 - A bond being paid for the shortfall of the 73 parking bays, to the amount agreed by Council (in line with the off-site, verge and cash-in-lieu carparking policy), to ensure the provision of adequate car parking bays being provided for the development hereby approved.
 - Vehicular parking, manoeuvring and circulation areas indicated on the plans being appropriately constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.
 - The area shown as “secure storage” on drawing number sk1 dated Nov07, shall be reserved as an area set aside for the provision of facilities or services to the land and such facilities are not for the exclusive use of occupiers of individual tenants upon the land.
 - A traffic management/impact study being submitted and agreed in writing by Council prior to the issue of a building licence.
 - An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.
 - Final details of the roof form of the new buildings shall comply with the Central Albany Urban Design Policy.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
- The design, materials and colours of the new development harmonising with those of the immediate vicinity. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence.

Voting Requirement Simple Majority

-
- ii) THAT, subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany and empowers the Manager to incorporate any further conditions that he considers necessary.

Voting Requirement Absolute Majority

ALTERNATE MOTION BY COUNCILLOR PAVER

THAT Council defers consideration of the proposal for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany for a period of one month to allow the proponent to submit the following information, prior to Council making a decision on the project:

- (a) Final details of the roof form for the proposed additions along Peels Place;
- (b) A detailed car parking audit, calculated against Council's policy on car parking within the Central Area, to be based on all proposed floor space across the subject land; and
- (c) The application being amended to include Stage 2 of the development, with appropriate additional fees being paid, to allow for the consideration of the project, and the relaxations requested, in it's entirety.

Voting Requirement Simple Majority

Reason:

The development application lodged is still incomplete in relation to the built form and in order to ensure there is adequate car parking provided across the site, the entire development proposal needs to be considered and conditioned accordingly.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED BY COUNCILLOR PAVER
SECONDED BY COUNCILLOR PRICE**

THAT Council defers consideration of the proposal for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany for a period of one month to allow the proponent to submit the following information, prior to Council making a decision on the project:

- (a) Final details of the roof form for the proposed additions along Peels Place;**
- (b) A detailed car parking audit, calculated against Council's policy on car parking within the Central Area, to be based on all proposed floor space across the subject land; and**
- (c) The application being amended to include Stage 2 of the development, with appropriate additional fees being paid, to allow for the consideration of the project, and the relaxations requested, in it's entirety.**

MOTION LOST 5-7

Record of Vote:

For: Councillors Paver, Buegge, Stanton, Williams and Price.

Against: Mayor Evans, Councillors Kidman, Matla, Wolfe, Walker, Morris, Wiseman,

ALTERNATE MOTIONS BY COUNCILLOR WISEMAN

MOTION 1:

THAT pursuant to Clause 4.10 of the City of Albany Town Planning Scheme 1A, consideration of the car parking requirements for stage 1 of the proposed development at 112 - 140 Stirling Terrace, Albany be calculated using the Net Lettable Area (NLA) floor space of the proposed development.

Reason:

When calculating the car parking requirements for neighbourhood shopping centres in the Scheme 3 area, the calculation is based upon the NLA floor space calculation for that development. Requiring the CBD landowners to provide a higher level of car parking severely disadvantages those landowners and does not encourage investment in buildings in the CBD.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

MOTION 2:

THAT Council resolves to delay a decision on the parking shortfall for the development of 112 - 140 Stirling Terrace until the development application for stage 2 of the site redevelopment has been lodged, thereby allowing the extent of any potential car parking deficiency to be accurately calculated, and Council has had the opportunity to establish a policy position on car parking within the CBD.

Reason:

The current site provides the public car parking for numerous businesses in the locality and it is used by shop assistants for all day parking and it is unreasonable for this landowner to provide public car parking for the benefit of other CBD businesses. The NLA calculation provides a car parking deficiency of 13 bays for stage 1 and that deficiency may be reduced or overcome if the design for the second stage is altered or Council's policy position on CBD car parking was to change. Taking a bond or receiving a cash in lieu payment for any car parking deficiency will not deliver additional car parking bays in the short term for this or any other CBD development.

Voting Requirement Simple Majority

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MOTION 3:

THAT Council supports the issuing of a Notice of Planning Scheme Consent for Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany, subject to, but not limited to, the following requirements being incorporated into the approval:

- (i) Vehicular parking, manoeuvring and circulation areas indicated on the plans being appropriately constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.
- (ii) The area shown as "secure storage" on drawing number sk1 dated Nov07, shall be reserved as an area set aside for the provision of facilities or services to the land and such facilities are not for the exclusive use of occupiers of individual tenants upon the land.
- (iii) A traffic management/impact study being submitted and agreed in writing by Council prior to the issue of a building licence.
- (iv) An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.
- (v) Final details of the roof form of the new buildings shall comply with the Central Albany Urban Design Policy.
- (vi) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.
- (vii) No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.
- (viii) The design, materials and colours of the new development harmonising with those of the immediate vicinity. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Reason:

The deletion of condition 1 from the Officer's Recommendation reflects the above decisions.

MOTION 4:

THAT, subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany and empowers the Manager to incorporate any further conditions that he considers necessary.

Voting Requirement Absolute Majority

At 8.07pm Councillor Paver sought clarification from Mr Fenn: How long have we had this Parking Policy?

Mr Fenn responded: Since 1983.

Councillor Paver requested the Executive Director Development Services to explain why the item was broken down into a series of motions as this does not comply with the normal process of passing a development application.

Mr Fenn responded that he was comfortable with and endorsed the contents of the report.

MOTION 1:

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR MATLA**

THAT pursuant to Clause 4.10 of the City of Albany Town Planning Scheme 1A, consideration of the car parking requirements for stage 1 of the proposed development at 112 - 140 Stirling Terrace, Albany be calculated using the Net Lettable Area (NLA) floor space of the proposed development.

**MOTION TIED 6-6
MAYOR EXERCISED CASTING VOTE
MOTION CARRIED**

Record of Vote:

For: Mayor Evans, Councillors: Kidman, Matla, Wolfe, Walker, and Wiseman
Against: Councillors Paver, Price, Williams, Stanton, Buegge and Morris

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council Standing Order 6.5, Order of Call in Debate, be suspended.

MOTION LOST 5-7

Record of Vote:

For: Councillors Williams, Price, Buegge, Stanton and Paver.

Against: Mayor Evans, Councillors: Kidman, Matla, Wolfe, Walker, Morris and Wiseman

MOTION 2:

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR WALKER**

THAT Council resolves to delay a decision on the parking shortfall for the development of 112 - 140 Stirling Terrace until the development application for stage 2 of the site redevelopment has been lodged, thereby allowing the extent of any potential car parking deficiency to be accurately calculated, and Council has had the opportunity to establish a policy position on car parking within the CBD.

MOTION CARRIED 7-5

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

MOTION 3:

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR WILLIAMS**

THAT Council supports the issuing of a Notice of Planning Scheme Consent for Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany, subject to, but not limited to, the following requirements being incorporated into the approval:

- (i) Vehicular parking, manoeuvring and circulation areas indicated on the plans being appropriately constructed, drained and sealed and maintained in good repair for the duration of the proposed land use.**
- (ii) The area shown as “secure storage” on drawing number sk1 dated Nov07, shall be reserved as an area set aside for the provision of facilities or services to the land and such facilities are not for the exclusive use of occupiers of individual tenants upon the land.**
- (iii) A traffic management/impact study being submitted and agreed in writing by Council prior to the issue of a building licence.**
- (iv) An appropriate method of storm water disposal being submitted for approval prior to the issue of a building licence.**
- (vi) Final details of the roof form of the new buildings shall comply with the Central Albany Urban Design Policy.**
- (vii) Landscape plans, showing size, species, location and reticulation of trees and shrubs to be planted or retained, being submitted to Council for approval prior to the issue of a building licence.**
- (viii) No signs are to be erected on the lot without Council’s approval, in accordance with the City Of Albany’s Sign Bylaws.**
- (ix) The design, materials and colours of the new development harmonising with those of the immediate vicinity. In this regard a schedule indicating design, colour and materials of the proposed development are to be submitted prior to the issue of a building licence.**

MOTION CARRIED 9-3

Record of Vote:

For: Mayor Evans, Councillors Williams, Wiseman, Walker, Wolfe, Morris, Buegge, Kidman and Matla.

Against: Councillors Stanton, Paver and Price.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

At 8.12pm Councillor Buegge left the Chamber.

At 8.12pm Councillor Paver left the Chamber.

At 8.17pm Councillor Paver returned to the Chamber.

MOTION 4:

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR WALKER**

THAT, subject to the requirements of the previous resolution, Council delegates its authority to the Manager of Planning and Ranger Services, pursuant to Section 7.22 of the City of Albany Town Planning Scheme 1A, to issue a Notice of Planning Scheme Consent for a Shop, Alterations/Additions (Stage 1) at 112-140 Stirling Terrace, Albany and empowers the Manager to incorporate any further conditions that he considers necessary.

**MOTION CARRIED 8-3
ABSOLUTE MAJORITY**

At 8.17pm Councillor Paver returned to the Chamber.

Record of Vote:

For: Mayor Evans, Councillors Kidman, Matla, Williams, Wolfe, Walker, Morris, and Wiseman.

Against: Councillors Paver, Stanton and Price.

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman left the Chamber at 8.27pm.

Executive Director Works & Services left the Chamber at 8.27pm.

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Noise Management - Purchase of Monitoring Equipment

File/Ward	:	PRO176 (Vancouver Ward)
Proposal/Issue	:	Noise Management Throughout District
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/02/08 - Item 19.2
Summary Recommendation	:	Reallocate funds to purchase equipment
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At the February meeting of Council, a resolution was passed which contained the following component:

“Direct the Chief Executive Officer as a matter of urgency to prepare a report for Council on the feasibility of the City purchasing noise monitoring equipment.”

STATUTORY REQUIREMENTS

2. The State Government introduced the *Environmental Protection (Noise) Regulations 1997* to provide for the control of unreasonable noise within the environment.
3. Under Regulation 5, noise is determined to be unreasonable if;
 - a. it is determined by a police officer or an authorised person that the noise is unreasonable; or
 - b. have regard to the duration, frequency of the noise and the time of day, the noise unreasonably interferes with the health, welfare, convenience, comfort or amenity of the occupier making the complaint.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

4. Section 6.8(1) of the *Local Government Act 1995* states that:
- “A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure -*
- a. *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - b. *is authorised in advance by resolution*;* or
 - c. *is authorised in advance by the mayor or president in an emergency.*
- * Absolute majority required.”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Within the 2007/08 operational budget, the City of Albany allocated \$35,000 for the purpose of undertaking investigation of health related nuisances and effecting mosquito control. A large percentage of that budget remains unspent.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. The Department of Environment and Conservation (DEC) maintains a noise assessment division within its Perth office and that division provides advice on noise issues. The DEC also assumes responsibility for monitoring the environmental impact (inclusive of noise) of premises where an operating licence is issued by the Department.
9. To provide for effective control of noise across the remainder of the State, the Director has authorised and trained local authority Environmental Health Officers (EHO) to record noise and implement the legislation. Acoustic Engineers also operate within the private sector, providing a higher level of expertise to the recording and interpretation of noise related complaints.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

10. The City of Albany currently maintains a hand held noise recorder and that machine is used on a regular basis to take an immediate reading of the noise experienced at a complainant's house; the use of these "one off" noise readings for future prosecutions has been problematic in the past and funding was set aside in 2007/08 to allow the EHO to engage a firm of acoustic engineers to supplement and/or confirm if the noise generated is compliant with the Regulations. It is neither effective nor practical to have an EHO working around the clock to record the noise from a premise with the equipment supplied by the City.
11. Where a noise nuisance is being created on a regular basis, the engagement of an acoustic engineer is an effective and expedient way to gain accurate and defensible information. However, where a noise nuisance is created intermittently, considerable resources may be brought to the task and no outcome achieved.
12. The DEC has a small number of "yellow brick" noise recorders which it makes available to local authorities throughout the State to measure the characteristics of the noise over a longer time period. The availability of those recorders is contingent on previous bookings for the devices, with delays of several months not being uncommon. After the recordings are taken, there may then be a further delay whilst DEC officers analyse the recordings and report back to the local authority.
13. City of Albany staff have been concerned for some time over their ability to manage noise complaints when they have inconclusive information about the characteristics of noise being created. As detailed in Regulation 5, it is necessary to know the duration of the noise, its frequency characteristics and the time of day that the noise is being created. Those characteristics can only be collected through a data logger ("yellow brick") device and the City is reliant upon the DEC or private consultancies to supply that equipment.
14. Where a noise nuisance has been reported to the City's EHO, the complaint can be resolved very quickly and with certainty once the characteristics of the noise can be documented. If Council purchased its own "yellow brick", the EHO can set the device up during the day and return to it several days later; in the meantime, recordings can be taken at the times when the nuisance is perceived to be the most offensive. Appropriate computer software is available to then fully analyse the data collected, or it can be transferred to an acoustic engineer for verification and/or further analysis. If the noise levels do not breach the Regulations, the complainant can be quickly informed of his/her options. If the analysis demonstrates that there is a breach of the Regulations, then the EHO is in a better position to identify and remedy the nuisance.
15. To purchase a "yellow brick", inclusive of computer software, spare batteries and other accessories has been quoted at \$27,000. No funding is provided within the 07/08 capital works budget to purchase this equipment and staff propose that the funding be provided from within the current operating budget. Once purchased, some supplementary training will be required for the SEHO and the device will need to be returned bi-annually to the manufacturer for calibration (as does the existing hand recorder).

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

Councillor Wiseman returned to the Chamber at 8.29pm

Executive Director Works & Services returned to the Chamber at 8.30pm.

RECOMMENDATION

THAT, pursuant to Section 6.8(1) of the *Local Government Act 1995* Council transfer \$27,000 from the Heath operating budget (account 119520) for the purchase of a “yellow brick” noise measuring device and its associated accessories and software.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MORRIS**

THAT, pursuant to Section 6.8(1) of the *Local Government Act 1995* Council transfer \$27,000 from the Heath operating budget (account 119520) for the purchase of a “yellow brick” noise measuring device and its associated accessories and software.

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Councillor Williams left the Chamber at 8.31pm.

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request - 241-247 Ulster Road, Collingwood Heights

File/Ward	:	SAR128 (Yakamia Ward)
Proposal/Issue	:	Request to incorporate a “Yakamia Creek” Zone into Town Planning Scheme No. 3 and rezone Lot 34 Ulster Road from the “Rural” Zone to part “Yakamia Creek” Zone and part “Parks and Recreation” local reserve
Subject Land/Locality	:	Lot 34 (No. 241-247) Ulster Road
Proponent	:	Harley Survey Group
Owner	:	B Myers
Reporting Officer(s)	:	Senior Planning Officer (K Hughes)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	Not support the Scheme Amendment Request
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. The application received is a “Scheme Amendment Request” (SAR) to incorporate a “Yakamia Creek” Zone into Town Planning Scheme No. 3 and rezone part of Lot 34 Ulster Road from the “Rural” Zone to “Yakamia Creek” Zone and “Parks and Recreation” local reserve. A portion of the landholding will remain zoned “Rural”. A copy of the request is included in the Elected Member’s Report/Information Bulletin.
2. The subject site is situated approximately 3km north east of the Albany CBD and has frontage to Ulster Road. The site has a total area of 8.5412 ha.
3. The SAR was referred to the Department for Planning and Infrastructure (DPI), Water Corporation, the Department of Water and the Department of Agriculture and Food. No comments were received from the Department of Environment and Conservation.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

7. One of the key objectives of the Statement of Planning Policy (SPP) No 2.5 “Agriculture and Rural Land Use Planning” is *to “discourage land uses unrelated to agriculture from locating on agriculture land”*.
8. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.
9. The Albany Local Planning Strategy (ALPS) document provides a guide to strategic decision-making. The area north of Ulster Road is generally designated as “Regional Reserve” in the ALPS.

FINANCIAL IMPLICATIONS

10. There are no Financial Implications relating to this proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS

- 11. A significant portion of the subject land is located within the Yakamia Creek floodplain. This proposal would result in the creation of a “Parks and Recreation” Reserve and a “Rural” zoned area within the 1:100 year flood plain and allow for the subdivision of a limited number of lots onto Ulster Road. This proposal would support arbitrary boundaries being created that cut across the floodplain and it is a “one lot” solution to an area that needs a more comprehensive planning approach to development.
- 12. The Department for Planning and Infrastructure has advised that it does not support the spot rezoning of land particularly in urban areas. The DPI also raise concerns regarding the capability of the land to accommodate on site effluent disposal; a sewer pump station exists approximately 300m to the west.

Conclusion

- 13. Not withstanding the comments raised in the submission report, this request represents a spot rezoning which the DPI have indicated it does not support in principle; the proposal does not address land use issues on adjoining land parcels and it has no strategic advantage for the City.
- 14. Introducing a complete zone into Scheme 3 to address the development issues on one land parcel is unnecessary and introducing multiple zones over a single land parcel is problematic.

RECOMMENDATION

THAT Council advises the proponent that it is not prepared to entertain the submission of a formal application to incorporate a “Yakamia Creek” Zone into Town Planning Scheme No. 3 and rezone part Lot 34 Ulster Road from the “Rural” Zone to “Yakamia Creek” Zone and “Parks and Recreation” local reserve.

Voting Requirement Simple Majority

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AMENDED OFFICER RECOMMENDATION

RECOMMENDATION

THAT Council defers consideration of this item to allow further discussion to take place between the proponent and staff on a more appropriate strategic framework for the future development of part Lot 34 Ulster Road and surrounding lots, with a view to considering an amended request at an upcoming Council Meeting.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PAVER**

THAT Council defers consideration of this item to allow further discussion to take place between the proponent and staff on a more appropriate strategic framework for the future development of part Lot 34 Ulster Road and surrounding lots, with a view to considering an amended request at an upcoming Council Meeting.

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request - Lots 6, 7, 9, 10 & 11 McBride Road, Goode Beach

- File/Ward** : SAR129 (Vancouver Ward)
- Proposal/Issue** : Request to amend the scheme provisions and the Subdivision Guide plan for Special Rural area 5
- Subject Land/Locality** : Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach
- Proponent** : Ayton Taylor Burrell
- Owner** : Various owners
- Reporting Officer(s)** : Planning Officer (J van der Mescht)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Support the scheme amendment request
- Bulletin Attachment** : Scheme Amendment Request
- Locality Plan** :

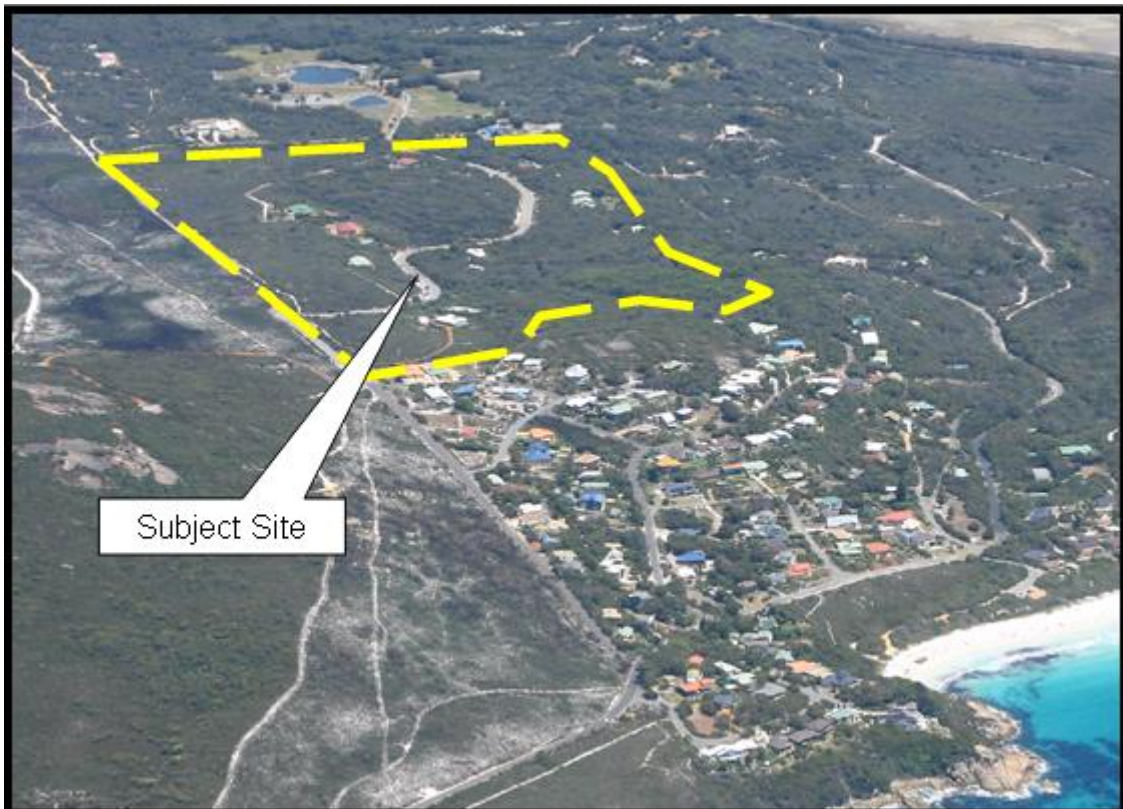


DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) was received for Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach. The SAR proposes to assess the potential to amend the scheme provisions and the subdivision guide plan for “Special Rural Area No. 5”.
2. The land is currently zoned “Special Rural” (Special Rural Are No. 5) in Town Planning Scheme 3.
3. The “Special Rural Area No. 5” currently contains 12 lots of approximately 2.0ha each.
4. By amending the scheme provisions and the subdivision guide plan for “Special Rural Area No. 5, the area would have the potential to be developed at a higher density with lot sizes not smaller than 6000m².
5. The lot sizes in the adjacent residential areas range between 1000m² and 6000m².
6. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment and Conservation (DEC), the Water Corporation, the Department of Agriculture and Food, the Department of Water and the Department of Health.
7. The proponent states that of the 12 lots in the existing special rural area 5, six are involved in the process and a further five, although not directly involved do not object to the proposal. Formal consultation will occur as part of the statutory Scheme Amendment process.



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STATUTORY REQUIREMENTS

8. The subject lots are zoned “Special Rural” in Town Planning Scheme 3. The objective of the “Special Rural” zoning in TPS3 identified under Clause 3.1.14 is:

“To provide areas where members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in "Schedule 1" to this Scheme), which might include hobby farming, horse breeding, rural residential retreats and intensive agriculture, if it is considered that such use is consistent with the preservation of the rural landscape and amenity.”

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

POLICY IMPLICATIONS

11. The Western Australia Planning Commission (WAPC) Statement of Planning Policy (SPP) No.'s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
12. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

FINANCIAL IMPLICATIONS

13. There are no Financial Implications in relation to this proposal.

STRATEGIC IMPLICATIONS

15. The Subject site area is identified within the Albany Local Planning Strategy (ALPS) for “Rural Residential” use.
16. ALPS in principal support the intensification of existing rural residential areas.

Section 8.3

“The development of the existing rural living areas, i.e. ‘Special Residential and Special Rural’ within the CoA current TPS is to be the first land supply development priority. (CoA, WAPC).”

“Maximise the opportunities of existing rural living areas that do not have the potential for future urban development to achieve higher sustainable lot yields based on land capability/suitability, service provision and local constraints to be the second priority to meet future demands (CoA, WAPC)”

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

COMMENT

17. The following comments (as summarised) were received from the Government Agencies;
- Reticulated water would have to be provided and
 - Waste water services are not available in the area.
 - Concerns expressed over the clearing of vegetation;
 - Bushfire protection is problematic in a high risk area;
 - Additional waste water facilities potentially compromising ground water resources.
 - Suitable access and egress points needed in the event of a fire,
 - Dedicated fire fighting equipment required in the locality; and
 - Fire hazard separation required.
18. The request to rezone the subject land to allow for infill subdivision complies with the strategic intent for the area (Rural Residential) which is to intensify existing “Rural Residential” areas as set out in the Albany Local Planning Strategy (ALPS).
19. Staff support the principle of the amendment to amend the scheme provisions and the Subdivision Guide plan for Special Rural Area No. 5. The proposed conceptual subdivision guide plan however proposes lot sizes down to 6000m² which is considerably less than the 1.0ha minimum for special rural areas. The proposed concept subdivision plan should be amended to this standard.
20. Concerns raised around the loss of visual amenity, land capability, loss of vegetation and fire management, although valid can potentially be addressed and managed as part of the development; the concerns listed should be explored further and comprehensively addressed by specialist studies as part of a formal amendment application. Recommendations made by those studies, on mitigating the concerns, can then be incorporated into the amendment.

RECOMMENDATION

THAT, Council advises that it is prepared to entertain the submission of a formal application for Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach, seeking to amend the scheme provisions and the Subdivision Guide plan for Special Rural Area No. 5, subject to but not limited to, the following matters being comprehensively addressed to the satisfaction of Council:

1. The development of a Visual Impact assessment report for the area and additional recommended landscape protection measures.
2. A vegetation study and protection plan.
3. A land capability study.
4. A fire management plan.
5. The Subdivision Guide Plan to be amended with lot sizes not being smaller than 1.0ha, were the reduction in lot size can be supported by the land capability study.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

**MOVED BY COUNCILLOR PRICE
SECONDED BY COUNCILLOR PAVER**

THAT, Council advises that it is prepared to entertain the submission of a formal application for Lots 6, 7, 8, 9, 10 & 11 McBride Road, Goode Beach, seeking to amend the scheme provisions and the Subdivision Guide plan for Special Rural Area No. 5, subject to but not limited to, the following matters being comprehensively addressed to the satisfaction of Council:

- 1. The development of a Visual Impact assessment report for the area and additional recommended landscape protection measures.**
- 2. A vegetation study and protection plan.**
- 3. A land capability study.**
- 4. A fire management plan.**
- 5. The Subdivision Guide Plan to be amended with lot sizes not being smaller than 1.0ha, were the reduction in lot size can be supported by the land capability study.**

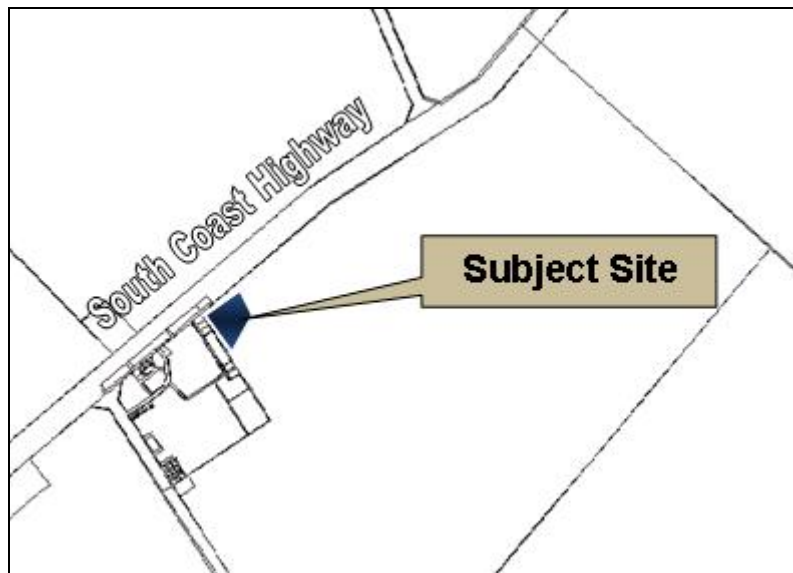
MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 was withdrawn at the request of the applicant.

11.3.3 Scheme Amendment Request - Lots 200 South Coast Highway, Wellstead

File/Ward	:	SAR126 (Hassel Ward)
Proposal/Issue	:	Request to rezone Lot 200 South Coast Highway, Wellstead from "Rural" to "Special Residential"
Subject Land/Locality	:	Lot 200 South Coast Highway, Wellstead
Proponent	:	Whelans
Owner	:	SJ & JE Hall
Reporting Officer(s)	:	Planning Officer (J van der Mescht)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Not support the scheme amendment request
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) has been seeking Council's support to rezone Lot 200 South Coast Highway, Wellstead from "Rural" to "Special Residential".
2. The subject land is located adjacent to the rural town site of Wellstead in the City of Albany.
3. The area around Wellstead is characterized by large rural properties (typically ranging from 500 to 1200 hectares) on which cropping, grazing and tree farming occurs.
4. The SAR was referred to the Department of Planning and Infrastructure (DPI), the Department of Environment and Conservation (DEC), the Water Corporation, Department of Agriculture and Food, the Department of Water and Main Roads WA.

STATUTORY REQUIREMENTS

5. The subject lots are zoned "Rural" in Town Planning Scheme 3. The objective of the "Rural" zoning in TPS3 identified under Clause 3.1.13 is:

"To ensure that high quality agricultural land is retained for primary production. To regulate uses which conflict with farming interests, and foster uses which are complimentary to such interests To preserve rural land within easy reach of urban areas."
6. A Scheme Amendment Request (SAR) is not a statutory process under the *Planning and Development Act 2005*. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
7. If an applicant decides to pursue a Scheme Amendment, Council will be required to formally consider that request.
8. The general objective of the "Special Residential" zone is *"to permit the creation of lots between 2000m² and 1 hectare in suitable locations so as to provide for a range of residential opportunities and lot sizes, and to ensure that development proposals are appropriate to the physical and landscape conditions of the zone and subject to applicable standards and controls."*

POLICY IMPLICATIONS

9. The WA Planning Commission (WAPC) Statement of Planning Policy (SPP) No.'s 1 & 3 establish the general principles for planning in Western Australia. Their primary aim being to provide for the sustainable use and development of land by reducing energy consumption.
10. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment. Advice given should be consistent with these policies and strategies.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

FINANCIAL IMPLICATIONS

11. There are no Financial Implications in relation to this proposal.

STRATEGIC IMPLICATIONS

12. The subject area is located **outside** of the Wellstead Townsite Boundary as defined in the Structure plan.
13. The subject area is designated for use as an Agricultural/Rural area by the Albany Local Planning Strategy (ALPS).
14. Albany local Planning Strategy (ALPS) suggests the following strategic direction for townsites;
- a. “Encourage the efficient use of existing rural living areas, based on land capability to maximise their development potential.
 - b. Maximise the use of the existing lot supply potential in existing defined rural living areas and to encourage new areas as limited developments **in selected existing rural townsites** to support existing communities and the utilisation of existing services and infrastructure.
 - c. Ensure that future rural living areas are planned and developed in an efficient and coordinated manner as logical extensions of existing rural townsites along with adequate services and infrastructure.”

COMMENT

15. The following comments were received from referral agencies;
- would not support the proposed amendment for special residential.
 - the site has some potential for light industrial use.
 - some concern about the provision of access to the site and the clearing of vegetation.
 - the vacant land within the town site should be developed before additional land on the fringe of the town.
 - not able to provide reticulated to the proposed development.
 - potential for wind erosion on the site and therefore proposes the protection of existing vegetation.
 - concerned about the final positioning of the access to the area from South Coast Highway.
16. Should the Grange project proceed, residents at Wellstead are concerned that there will be inadequate land available to meet any projected need for housing lots. There are currently limited opportunities available to accommodate growth of the Wellstead townsite.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

17. After due consideration and assessment of the proposal, and taking into the comments received from other Government bodies and agencies, Staff advise that we cannot support the proposal for the following reasons.
 - a. The proposal does not conform to the current strategic intent for the area.
 - b. The proposal will not encourage the efficient use of existing rural living areas.
 - c. The proposal will not maximise the use of existing lot supply potential and encourage new developments to be confined to existing Townsites.
 - d. A Rural Settlement zone is proposed in the City's new scheme and the zoning should be considered in the context of the new zone.
 - e. The abutting land is zoned Industrial and land use conflicts may arise.

RECOMMENDATION

THAT Council advises that it is not prepared to entertain the submission of a formal application for the rezoning of Lot 200 South Coast Highway, Wellstead from "Rural" to "Special Residential" until such a time as the structure plan strategy for the area is amended and the zoning of the land is placed within an appropriate strategic context.

Voting Requirement Simple Majority

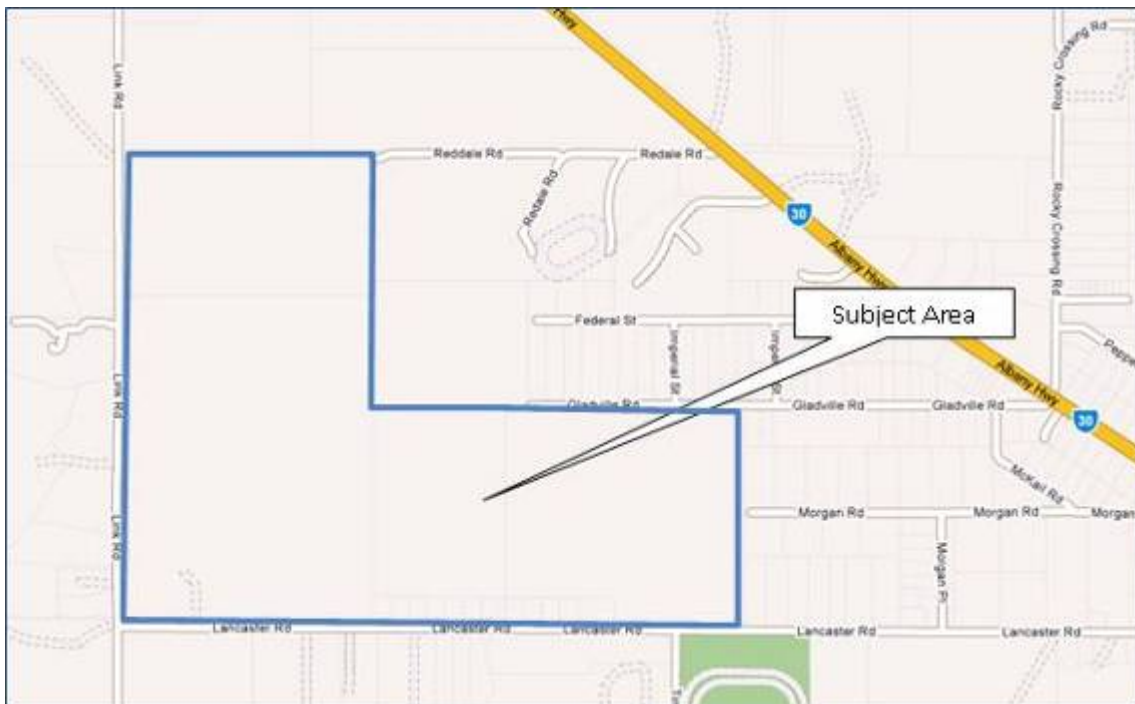
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Item 11.3.3 was withdrawn at the request of the applicant.

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Scheme Amendment - Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road, McKail

- File/Ward** : AMD 277 (West Ward)
- Proposal/Issue** : Initiate Proposed rezoning of Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road from “Rural” and “Special Rural” zones to “Residential Development” zone
- Subject Land/Locality** : Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road, McKail
- Proponent** : Ayton Taylor Burrell
- Owner** : Various Owners
- Reporting Officer(s)** : Planning Officer (Jan van der Mescht) and Gray & Lewis Land Use Planners
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/11/06 - Item 11.3.2
OCM 19/10/04 - Item 11.3.3
- Summary Recommendation** : That Council initiate the amendment for the purpose of commencing advertising
- Bulletin Attachment** : Amendment document (includes Indicative Concept Local Structure Plan)
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. An application has been received to rezone Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road from “Rural” and “Special Rural” zones to the “Residential Development” zone.
2. A Scheme Amendment Request (SAR) to rezone Lots 300, 507 and 526 Lancaster Road from “Rural” and “Special Rural” zones to “Residential Development” zone was considered by Council on 21 November 2006.
3. Council advised the applicant that it was prepared to entertain the submission of a formal amendment subject to the following matters being addressed to the satisfaction of Council;
 - a. a clearly defined zoning boundary to be adopted and justified (potentially including lots 1 to 13 Lancaster Road);
 - b. a land capability assessment;
 - c. an identification of servicing needs and infrastructure requirements to accommodate future subdivision; and
 - d. the planning of the subject land taking into consideration the Albany Speedway Buffer requirements.
4. The matters have generally been addressed by the applicant however, some changes of the amendment document are suggested in this report.

STATUTORY REQUIREMENTS

5. The subject land is zoned “Rural” and “Special Rural” under the City of Albany TPS No.3.
6. Clause 5.5 of the Scheme requires the following for the “Residential Development” Zone:
 - Council and WAPC approval of an Outline Development Plan (Structure Plan) for at least the extent of the contiguous residential development zoning.
 - That the Outline Development Plan (Structure Plan) defines the form, structure and principles of development as well as residential landuse mix, road network, non residential land uses including open space, servicing including deep sewerage and other issues specific to the context and qualities of the subject land.

POLICY IMPLICATIONS

7. The City of Albany’s ‘Speedway Noise Buffer Area Policy’ applies to the amendment.
8. The policy defines a noise buffer area and makes recommendations on how existing and future sensitive land uses (residential) within the buffer zone will be considered. The vast majority of subject land is located within this buffer area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

FINANCIAL IMPLICATIONS

9. Residential development will place pressure on the need to improve the road infrastructure within the vicinity. As part of the structure planning for the area, a transport study will need to be undertaken to determine the level of improvements required and the potential cost sharing arrangements.

STRATEGIC IMPLICATIONS

10. The draft Albany Local Planning Strategy earmarks the subject land for “Future Urban” and represents the north western urban development front in Albany. The document requires the preparation of a Local Structure Plan to guide the planning and development of the area in an efficient and coordinated manner with retail, service and community infrastructure.

COMMENT/DISCUSSION

11. Proposal
It is proposed to rezone Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road from “Rural” and “Special Rural” zones to “Residential Development” zone.
12. Site Description
Lots 123, 300, 526 & 527 are all large cleared lots used for grazing and hay production. These lots are vacant of any residential dwellings or any substantial buildings.
13. Lots 1918 and 124 are similarly cleared and used for rural (grazing/hay production) activities. These lots however, also accommodate substantial dwellings and associated rural outbuildings.
14. Lots 1-10, 12 & 13 accommodate single dwellings and associated sheds/garages. These lots, although zoned “Rural” are used for residential purposes. Lot 66 is a vacant parcel not yet formally used or developed for its gazetted Right of Way (ROW) use.
15. Surrounding private land is generally zoned “Rural” to the North, “Special Rural” to the West, and “Special Residential” and “Residential” zones to the east. Non residential based zonings in the area include “Private Clubs and Institutions” over an area of open space and the Atwell Park Speedway and an area reserved for “Public Purpose” which accommodates the Western Power McKail substation.
16. Development Concept
The proposed amendment complies with the strategic intent for the area as provided for in the Draft Albany Local Planning Strategy. The proposed “Residential Development” zone is an appropriate zone to facilitate the future urban development of the subject land and is therefore supported.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

17. The “Indicative Concept Local Structure Plan” is provided as part of the amendment document and gives an indication of the possible form and layout of development. The plan generally indicates major roads, residential densities, community, commercial and other non residential land uses, public open space and integrated stormwater management. This plan should be treated as a “preliminary concept” and it will be modified following detailed studies to be undertaken through the preparation of a Local Structure Plan.

Matters to be addressed by the applicant (identified in SAR)

18. The applicant was requested to address a number of matters as part of the original SAR and these are summarised in the table below:

Item identified in SAR	Summary of applicant response	Comment
A clearly defined zoning boundary to be adopted and justified (potentially including Lots 1-13 Lancaster Road).	Zoning boundaries has been addressed by the incorporation of Lot 1-10, 12, 13, 66, 1918 Lancaster Road and Lot 123 Link Road.	The wider zoning area provides opportunity to comprehensively plan these contiguous landholdings using the logical planning boundaries of Lancaster Road, Link Road/Ring Road and Reddale Road.
A land capability assessment.	Section 3.5 of the Amendment Document addresses land capability.	This section adequately addresses land capability of the subject land.
A conceptual structure plan.	An Indicative Concept Local Structure Plan was prepared as part of the Amendment Document.	Agreed. Council should however note that the applicant is not bound by the Indicative Concept Local Structure Plan however; it shows their general intention for future development on the lots.
An identification of servicing needs and infrastructure requirements to accommodate future subdivision.	Section 3.3 Roads, Access and Servicing of the Amendment Document adequately address servicing and infrastructure requirements.	This section adequately addresses servicing needs and infrastructure requirements to accommodate future subdivision.
The planning of the subject land taking into consideration the Albany Speedway Buffer requirements.	The Amendment Document identifies the Albany Speedway as a major issue to be addressed by the Local Structure Plan however, no further detailed discussion/justification and illustration in the Indicative Concept Structure Plan are provided.	Given that the subject land is located within the buffer zone, as identified in the City’s Speedway Noise Buffer Area Policy, the amendment document requires modification to explore potential noise impacts from the speedway in more detail. This includes amending the Indicative Concept Structure Plan to illustrate how POS, roads and non sensitive uses could be used to buffer and/or reduce potential impacts on sensitive uses and some justification provided. It is essential that this issue is addressed and provided at public advertising stage to mitigate community concern for the long term preservation of the Atwell Park Speedway.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

RECOMMENDATION

THAT Council:

1. Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 277 to the City of Albany Town Planning Scheme No. 3 (with modifications) for the purposes of rezoning Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road from the “Rural” and “Special Rural” zones to the “Residential Development” zone.
2. Advise the applicant that the amendment document is required to be amended as per paragraph 18 of the officers report and to be submitted to the City of Albany prior to the amendment being referred to the Environmental Protection Authority.
3. On receipt of correspondence from the Environmental Protection Authority, refer the amendment to surrounding land owners for comment and relevant servicing authorities including but not limited to the Department of Water, Department of Health, Water Corporation and Western Power.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT Council:

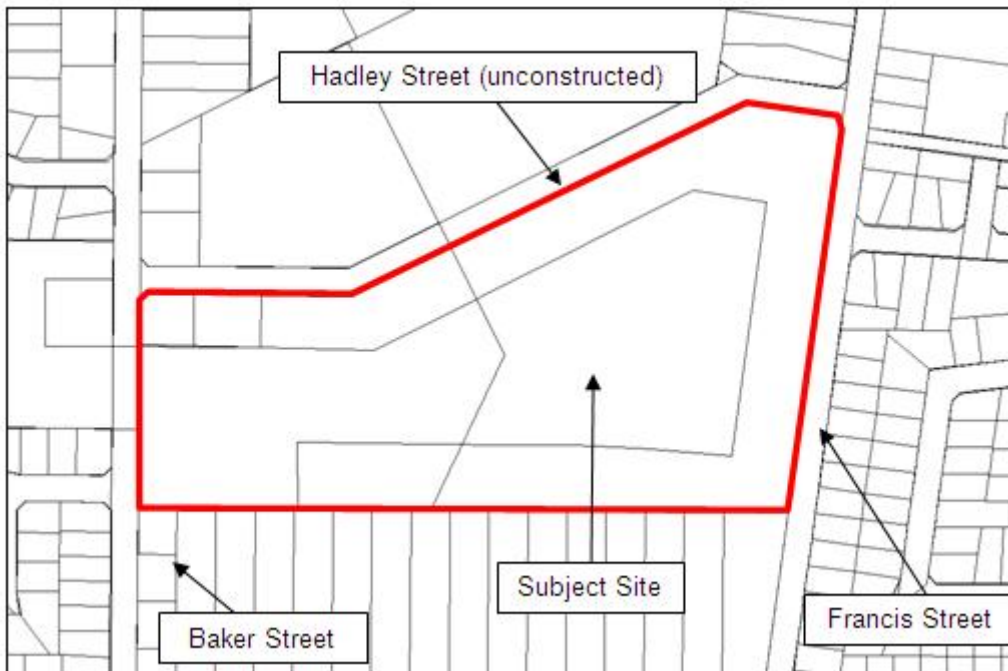
1. **Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 277 to the City of Albany Town Planning Scheme No. 3 (with modifications) for the purposes of rezoning Lots 1-10, 12, 13, 66, 300, 507, 526, 1918 Lancaster Road and Lot 123 Link Road from the “Rural” and “Special Rural” zones to the “Residential Development” zone.**
2. **Advise the applicant that the amendment document is required to be amended as per paragraph 18 of the officers report and to be submitted to the City of Albany prior to the amendment being referred to the Environmental Protection Authority.**
3. **On receipt of correspondence from the Environmental Protection Authority, refer the amendment to surrounding land owners for comment and relevant servicing authorities including but not limited to the Department of Water, Department of Health, Water Corporation and Western Power.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.3.5 Initiate Scheme Amendment - 41 Francis Street and 18 Hadley Road, Lower King

- File/Ward** : AMD276 (Kalgan Ward)
- Proposal/Issue** : Rezoning from “Rural” to “Residential” Zone
- Subject Land/Locality** : Lot 107 (41) Francis Street and portion of Lot 120 (18) Hadley Road, Lower King
- Proponent** : Planning Solutions
- Owner** : Anchorage Park Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (K Hughes) and Thompson McRobert Edgeloe - Planning Consultants
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Initiate the amendment
- Bulletin Attachment** : Amendment Documentation
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

BACKGROUND

1. The application received is a request to initiate a Scheme Amendment to rezone Lot 107 Francis Street and Lot 120 Hadley Road, Lower King from “Rural” to “Residential” Zone.
2. The two lots are majority cleared (pasture) with some remnant vegetation mainly contained on Lot 107 Francis Street. A lake has been constructed in a natural depression on Lot 107 and is surrounded by mostly native wetland vegetation.
3. The sites are gently undulating with a fall from approximately 15.0m AHD in the north western corner of Lot 120 to 5.0m AHD on the south east boundary of Lot 107 with Francis Street. Contour plans indicate that this is a fall of approximately 10.0m over the entire combined site (a distance of approximately 400m).
4. Both Lot 107 Francis Street and Lot 120 Hadley Road have previously been developed with a single house and associated outbuildings.
5. The combined area of the two sites is 14.6912 hectares.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

10. The WAPC Statements of Planning Policy (SPP) No’s 1 and 3 establish the general principles for planning in Western Australia. The primary aim of the SPP’s being to provide for the sustainable use and development of land by reducing energy consumption, consolidating development where there are existing services, supplying a range of suitable land for a variety of housing and to coordinate new development with the efficient, economic and timely provision of infrastructure and services.

FINANCIAL IMPLICATIONS

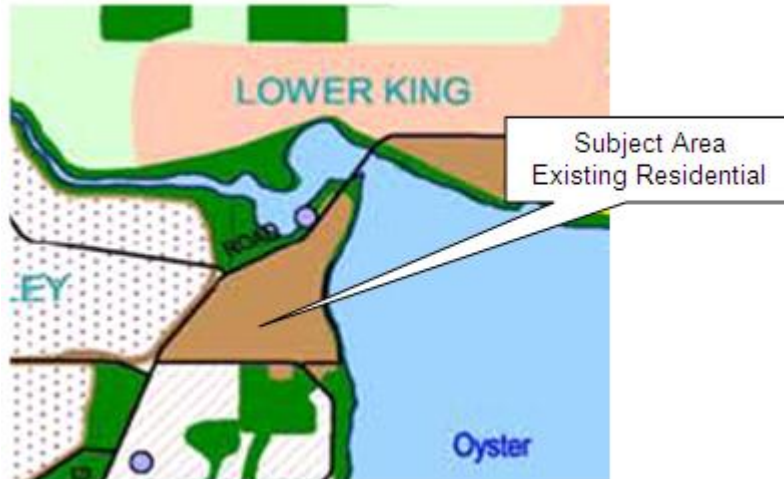
11. There are no immediate financial implications relating to this item, however, further residential development places pressure on the need to improve supporting infrastructure (e.g. roads and drainage) within the vicinity. The cost of extending the required infrastructure will be borne by landowners at the subdivision stage.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

STRATEGIC IMPLICATIONS

12. The subject site is identified within the Albany Local Planning Strategy (ALPS) document (Map 9B) as being within an area noted as “Existing Residential”. The document requires planning and development of the area in an efficient and coordinated manner, as a logical extension of existing settlements and with retail, service and community infrastructure.



13. The Lower Great Southern Strategy (20-30 year strategy for the Great Southern Region) identifies the importance of sustainable land uses. The State Planning Strategy recommends the consolidation of existing housing stock and the provision for a variety of housing available to residents in the City.

COMMENT/DISCUSSION

14. The application received is a request to initiate a Scheme Amendment to rezone Lot 107 Francis Street and Lot 120 Hadley Road, Lower King from “Rural” to “Residential” Zone.
15. The “Residential” zoning complies with the strategic intent (8.3.2 - “Urban Lot Consolidation and Frontal Development”) for the area. The objective of the rezoning is to rectify a historical anomaly and allow for fully serviced lots at a higher density (500m² average) than what is permitted under the current zoning of Rural. An opportunity exists for the development of the area subject to the connection of all services and infrastructure required to develop fully serviced residential lots.
16. Power, reticulated sewer and water will be available to the two sites subject to appropriate engineering.
17. The conceptual subdivision plan that has been included with this proposal generally outlines the possibilities for the site and also the adjoining land contained within the area bounded by the existing residential zoned land to the south, Andrew Street to the north, Baker Street to the east and Francis Street to the west.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

18. The applicant has submitted that site specific issues and the lot design will be submitted at the time of subdivision application and should be considered via that process as opposed to during the amendment process. Generally, the lots as indicated on the conceptual subdivision plan are located within mainly cleared and pastured areas.
19. It is likely that the artificial lake located on Lot 107 would be retained for drainage and may form part of a combined POS and drainage reserve.
20. The applicant refers to the Department of Water (DoW) “Albany Wetland Mapping and Evaluation Project” and draft report in relation to the remnant wetland vegetation and constructed lake contained within Lot 107 Francis Street. The site is categorised as a ‘M’ class within this draft document and the following management/objective statements are made in relation to the various categories (specifically note the highlighted text);

“These categories follow the existing system used in WA, whereby the level of significance is linked to a management category according to the objective for management:

- *Conservation (C) - Wetlands which support a high level of ecological attributes and functions. The objective of management for these wetlands is primarily for conservation purposes.*
- *Resource Enhancement (R) - Wetlands which may have been partially modified but still support substantial ecological attributes and functions. The wetland can be restored to a state which could be managed for conservation purposes*
- *Multiple Use (M) - Wetlands with few important ecological attributes and functions remaining. The wetland can be used for a variety of purposes.”*

21. It therefore may be appropriate in this instance for the artificial lake to be utilised for drainage purposes and again details could be dealt with at time of subdivision application and via comment from DoW during the advertising of the amendment or during the subdivision application process.
22. Development to a residential density and the construction of required roads to service the development as indicated on the conceptual subdivision concept plan may require the clearing of remnant vegetation at the site. Closer examination/comment regarding the appropriateness of any proposal to clear remnant vegetation would be made by agencies such of Department of Water (DoW) and Department of Conservation (DEC) during the advertising of the amendment. This issue would further be addressed at time of subdivision application.
23. The applicant is proposing to rezone the whole of the subject site as a “Residential” zone in preference to reserving any portion of the site (e.g. for recreation) as the requirement for public open space can be dealt with at time of subdivision.

Conclusion

24. Due to the compatibility of the application with the strategic intent for the area it is recommended that Council initiate the Town Planning Scheme amendment to rezone the site to a fully serviced (deep sewer) “Residential” zone.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

RECOMMENDATION

THAT Council, in pursuance with Section 75 of the Planning and Development Act resolves to initiate Amendment 276 to Town Planning Scheme No. 3 to rezone a portion of Lot 120 (18) Hadley Road and Lot 107 (41) Francis Street Lower King from “Rural” to “Residential” with an applicable density code of “R20”.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PRICE**

THAT Council, in pursuance with Section 75 of the Planning and Development Act resolves to initiate Amendment 276 to Town Planning Scheme No. 3 to rezone a portion of Lot 120 (18) Hadley Road and Lot 107 (41) Francis Street Lower King from “Rural” to “Residential” with an applicable density code of “R20”.

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.3.6 Initiate Scheme Amendment - Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup

File/Ward	:	AMD 274 (West Ward)
Proposal/Issue	:	Proposed re-zoning of Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from 'Rural' to 'Special Rural'
Subject Land/Locality	:	Lots 2, 3, 4 and 5 Shelly Beach Road, Kronkup
Proponent	:	Ayton Taylor Burrell
Owner	:	Timberfield, De Filippis Holdings Pty Ltd, Brilliant
Reporting Officer(s)	:	Senior Planning Officer (K Hughes) and Gray & Lewis Landuse Planners
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/03/07 - Item 11.3.5
Summary Recommendation	:	That Council initiate the amendment for the purpose of commencing advertising
Bulletin Attachment	:	Amendment Documents
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

BACKGROUND

1. A Scheme Amendment Request (SAR) to change the zoning of Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from “Rural” to “Special Rural” was considered by Council on the 20 March 2007. Council advised the applicant that it was prepared to entertain the submission of a formal amendment subject to a number of matters being addressed.
2. The applicant has generally complied with the SAR however some refinements of the amendment document are suggested in this report. It is recommended that Council adopt the amendment for the purpose of initiating advertising, subject to modifications.
3. The majority of Lots 2 and 5 are cleared however portions of Lots 3 and 4 contain larger pockets of vegetation.

STATUTORY REQUIREMENTS

4. If Council initiates the amendment, it will be referred to the Environmental Protection Authority for consideration, prior to commencement of formal advertising.
5. Following advertising, a further report will be referred to Council to consider whether to adopt the amendment for final approval (with or without modifications).

POLICY IMPLICATIONS

6. The City of Albany’s Draft Local Planning Strategy applies to this Item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. Proposal
The application is to:
 - a. Re-zone Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from “Rural” to “Special Rural” and amending the Scheme Amendment maps accordingly;
 - b. List the lots in Schedule 2 of the Scheme as Special Rural Zone No 36 (shown as 266 in the amending documents) with landuse controls, including a requirement for a subdivision guide plan.
10. The applicant has also lodged a structure plan and supporting information such as a land capability report, fire management plan and draft subdivision guide plan.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Matters to be addressed by the applicant (identified in SAR)

11. The applicant was requested to address a number of matters as part of the original SAR and these are summarised in the table below;

Item identified in SAR	Summary of applicant response	Comment
A land capability assessment proving that the site is capable of development and unsuitable for "high quality agriculture"	A comprehensive land capability report has been lodged.	Complies.
A conceptual structure plan to address the overall development capability and suitability of the Torbay Hill settlement and includes the subject land.	The applicant has lodged a separate comprehensive conceptual structure plan report.	Complies. The plans have been included in the amendment document and there is reference to the draft structure plan.
A Fire Management Plan.	A Fire Management Plan has been lodged.	Complies.
Justification for alternative water supply services (alternative to reticulated)	The amendment includes requirements for each dwelling to be provided with a 120, 000 water supply.	Complies.
An identification of servicing needs and infrastructure requirements to accommodate future subdivision and development	The amendment includes information on servicing.	Complies.
A set of provisions and subdivision guide plan to control landuse, subdivision and development – including suitable access, effluent disposal, setbacks, fire management and other.	The amendment includes specific provisions proposed to be included in Schedule 2 of the Scheme.	Complies.
Proof that sufficient demand for rural/residential lots exists in Albany and in particular Torbay Hill.	Issue of demand addressed in the scheme amendment documents.	Complies.

Structure Plan

12. Section 9.1 of the amendment document briefly discusses the structure plan and refers to a process of advertising, adoption of the structure plan by Council and the WAPC.
13. There are currently no plans to progress or advertise the structure plan separately to the amendment, as its purpose is to demonstrate how the proposed amendment strategically fits in with surrounding Torbay Hill Settlement area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

Subdivision Guide Plan

14. The subdivision guide plan proposes as follows;
- 29 lots ranging from 1.0 to 4.5 hectares;
 - Proposed closure of Malima Road to be replaced by a loop road with 2 access points to Shelley Beach Road. The loop road includes two cul-de-sac roads in an east-west direction.
 - Nominated building envelopes with areas unsuitable for effluent disposal highlighted.
 - A north south road reserve nominated for 'future construction to enable infill development'.
 - A water supply tank and reserve to be vested to the City, strategic firebreaks, PAW's and an easement giving access to an existing dam.
 - Existing vegetation and indicative revegetation areas.
15. The subdivision guide plan included with the amendment documents includes an underlay showing potential for future subdivision of the proposed lots and also includes two building envelopes on a number of lots. This underlay and additional building envelopes should be removed.

Conclusion

16. The applicant has addressed all the matters listed in the SAR. It is recommended that the amendment be supported subject to modifications as outlined in this report.

RECOMMENDATION

THAT Council

- i) Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 274 to the City of Albany Town Planning Scheme No. 3 (with modifications) for the purposes of:
- (a) Re-zoning Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from "Rural" to "Special Rural" and amending the Scheme Amendment maps accordingly;
 - (b) List the lots in Schedule 2 of the Scheme as "Special Rural" Zone No 36 with landuse controls, including a requirement for a subdivision guide plan.
- ii) Amendment 274 to include the following modification to the;
- (a) Provision of one building envelope per lot on the subdivision guide plan (Diagram 6):
 - (b) Removal of 'future subdivision potential' underlay on the subdivision guide plan (Diagram 6); and
 - (c) Record the "Special Rural" Zone as number 36 in Schedule 2.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

THAT Council

- i) Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 274 to the City of Albany Town Planning Scheme No. 3 (with modifications) for the purposes of:**
 - (a) Re-zoning Lots 2, 3, 4 and 5 Shelley Beach Road, Kronkup from “Rural” to “Special Rural” and amending the Scheme Amendment maps accordingly;**
 - (b) List the lots in Schedule 2 of the Scheme as “Special Rural” Zone No 36 with landuse controls, including a requirement for a subdivision guide plan.**

- ii) Amendment 274 to include the following modification to the;**
 - (a) Provision of one building envelope per lot on the subdivision guide plan (Diagram 6):**
 - (b) Removal of ‘future subdivision potential’ underlay on the subdivision guide plan (Diagram 6); and**
 - (c) Record the “Special Rural” Zone as number 36 in Schedule 2.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a proximity interest in Item 11.4.1 and left the Chamber at 8.39pm. The nature of Councillor Wiseman's interest is that he owns property in the vicinity of the subject site.

11.4 RESERVES PLANNING

11.4.1 Closure of Unconstructed Pedestrian Access Way - Lot 157 Larkins Grove, Spencer Park

File/Ward	:	SER088/Breaksea Ward
Proposal/Issue	:	Close Pedestrian Access Way
Subject Land/Locality	:	Lot 157 Larkins Grove, Spencer Park
Proponent	:	R Poliwka
Owner	:	Crown
Reporting Officer(s)	:	Planning Assistant (D Delury)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support closure of pedestrian access way at Lot 157 Larkins Grove, Spencer Park
Bulletin Attachment	:	Letters from agencies and landowners
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

17. A request has been received from Mr Poliwka advising that he would like to purchase the pedestrian access way (Lot 157) adjacent to his lot (Lot 411) with the intention of amalgamating it with his property.
18. Pedestrian Access Ways (PAW) are required by the Western Australian Planning Commission, as part of the subdivision of freehold land, as a means of providing pedestrian access between public roads, and for providing a corridor for public utility services. The PAW is no longer able to be used for its intended purpose as the land it leads to has been subdivided and fenced. The land no longer serves a useful purpose.
19. The proposal has been advertised in a local paper and the neighbouring landowners and service authorities have been advised.

STATUTORY REQUIREMENTS

20. In 1967 the *Town Planning & Development Act 1928* was amended by insertion of Section 20A, providing for Right of Ways and Pedestrian Access Ways to be vested directly to the State, upon approval of a plan of subdivision. This section has been superseded by Section 152 of the *Planning and Development Act 2005*, the land is vested in the Crown and is dealt with as a private road, in accordance with the *Land Administration Act 1997*.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

22. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

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

Mission Statement:

The City of Albany is committed to

- *Promoting our Community's vision for the future*

Priority Projects:

Nil."

COMMENT/DISCUSSION

24. Mr Poliwka originally requested that the PAW at the end of Larkins Grove be closed with the intention of amalgamating with his property which is vacant land adjacent to the PAW. The proposal was advertised and the City received no comments from the general public. The City also received no objections from the service providers that were consulted, or Department of Planning and Infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

- 25. PAW will not be considered for closure if the land cannot be sold or reserved. It is normal protocol for the land within the closed PAW to be offered to both adjoining landowners by the Department of Planning and Infrastructure (State Land Services) in the event of closure. The landowners whose property lies adjacent to the access way on the opposite side to Mr Poliwka have also shown interest in purchasing the lot.

- 26. As the access way has been terminated by the approval of a subdivision, it no longer serves the purpose it was intended for. There will be no impact on the surrounding area by way of lack of connectivity, another access way exists just two lots to the west, connecting Larkins Grove to Premier Circle.

RECOMMENDATION

THAT Council resolves to support the proposal to close the pedestrian access way situated at Lot 157 Larkins Grove Spencer Park.

Voting Requirement Simple Majority

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**MOVED BY COUNCILLOR WALKER
SECONDED BY COUNCILLOR MORRIS**

THAT Council resolves to support the proposal to close the pedestrian access way situated at Lot 157 Larkins Grove Spencer Park.

MOTION CARRIED 9-0

Councillor Wiseman returned to the Chamber at 8.40pm.

DEVELOPMENT SERVICES REPORTS

Councillor Wiseman declared a proximity interest in Item 11.4.2 and left the Chamber at 8.40pm. Councillor Williams declared an impartiality interest in Item 11.4.2 and had already left the chamber at 8.31pm.

Executive Director Development Services, Mr Fenn, declared a proximity interest in Item 11.4.2 and left the Chamber at 8.40pm.

The nature of Councillor Wiseman’s interest is that he owns property adjoining the subject site. The nature of Councillor William’s interest is that she lives in the vicinity of the proposed site, namely No. 13 Kitcher parade.

The nature of Mr Fenn’s interest is that he resides in Granada Crescent on a Lot created at the same time the reserve was created.

11.4.2 Provision of Land for Pumping Station - Reserve 36517 Le Grande Avenue, Orana

File/Ward	:	A124602 (Vancouver Ward)
Proposal/Issue	:	Excision of Sewerage Pumping Station from Land set aside for Recreation Purposes
Subject Land/Locality	:	Reserve 36517 Le Grande Avenue, Orana
Proponent	:	Water Corporation
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	The writer resides in Granada Crescent on a Lot created at the same time the reserve was created.
Previous Reference	:	Nil
Summary Recommendation	:	Support Request
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. Officers from the Water Corporation recently briefed Council on the long term planning of sewerage infrastructure within the City of Albany and of the need to commence the process of securing the land required for the future provision of major pumping stations. One of the most strategic land parcels that is required is a pumping station site adjacent to Le Grande Avenue in Orana, see attached copy of letter from the Water Corporation.

STATUTORY REQUIREMENTS

2. Reserve 36517 is a “C” class reserve set aside for the purpose of “Public Recreation” in 1980. The reserve has a total area of 4.2074 ha and it was created through the subdivisional process and ceded to the Crown as a condition of subdivisional approval.
3. Where Section 20A reserves are created, the Government Land Policy manual states that there is a strong moral argument for retaining these reserves for their vested purpose given that;
 - a. *The original subdivider would have an expectation that the land would be used for the purpose that it was provided; and*
 - b. *Purchasers of blocks would have been influenced in their decision to acquire land by the existence of such reserve.*
4. Nonetheless, the policy goes on to state that such reserves are created under and owe their existence to the *Land Administration Act 1997* and may be legally dealt with under that Act. The Department of Planning and Infrastructure will give consideration to the clear intentions of the planning legislation when dealing with Section 20A reserves.
5. Section 46 of the *Land Administration Act 1997* states;

“(1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under Section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

“(2) The Minister may, with the consent of the management body of the reserve and of the holders of any interests within the reserve, by order vary any condition to which the care, control and management of the reserve is subject.”

POLICY IMPLICATIONS

6. Government policy states that Section 20A reserves should be retained in Crown ownership for their reserved purposes to the greatest degree possible. Any variation in the Crown’s interest should be strictly in accordance with the Cabinet approved guidelines.
7. The policy goes on to state that *“excisions of minor areas for public utilities such as Western Power padmounts or Water Corporation pumping stations may be permissible where an easement is not a reasonable alternative”*.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

FINANCIAL IMPLICATIONS

8. There is an obligation to make the adjoining residents aware of the potential change in the size and function of the reserve, should Council accede to the request. That notification is in the form of a sign on the reserve and written advice to residents in the locality.

STRATEGIC IMPLICATIONS

9. The reserves master planning undertaken to date identifies this land as having a value as an artificial wetland / bushland or a possible site for active sporting purposes. The Lake McKail reserve has been developed as a family park and there are a number of smaller reserves throughout McKail and Orana where single items of playground equipment can be placed.

COMMENT/DISCUSSION

10. To progress this proposal, Council needs to agree to relinquish portion of the reserve and then request the Minister to support that proposal. In submitting the request to the Minister, Council will need to demonstrate;
 - a. The reasons for requesting the disposal of that portion of the reserve;
 - b. If alternate replacement land is to be provided;
 - (1) Identification of the land involved and detail what negotiations are in place for its purchase
 - (2) Demonstration that the additional land is of equal area and suitability and that the support of the DPI has been achieved.
 - c. Details of the level of consultation undertaken and the results of that consultation.
11. The Councillors who attended the briefing were made aware of the significance of this sewerage pumping station and of the limitations placed on its siting. The facility needs to be in close proximity to the existing Le Grande pumping station, to allow for existing sewer mains to gravity feed the new facility, and it must be separated from the nearest permanent residence to avoid potential odour nuisances. No suitable alternate site exists for the development of this facility.
12. Of the original land parcel of 4.2074ha, it is proposed to excise 3940m² (9.4%) of the reserve. Development within the proposed Water Corporation Reserve would be extensively screened from Le Grande Avenue and the value of the remaining reserve as a wetland / bush reserve should not be seriously diminished. Any loss to the community could be minimised if the Water Corporation was to undertake a bush replenishment program and wetland development program on the remaining portion of the public "Recreation Reserve" and minimise perimeter fencing.
13. To progress this application, Council needs to determine whether it wishes to support in principle this request and then seek public comment on the proposal.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

RECOMMENDATION

THAT Council;

- i) Advise the Water Corporation that, in principle, it is not opposed to the excision of 3940m² from Reserve 36517 Le Grande Avenue for the purpose of developing a waste water pumping station at a future date;
- ii) Acknowledge that Reserve 36517 was created under Section 20A of the *Town Planning and Development Act 1928* and there is an obligation to seek comment from those residents that purchased lots adjacent to the reserve, together with relevant government agencies;
- iii) Require the Water Corporation to prepare and distribute, under Council instructions, an information pack to all landowners referred to in the above clause; and
- iv) Advertise the proposal outlined above by means of local newspaper notices and a sign on the site and that a period of not less than 30 days be provided for comment.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR STANTON SECONDED COUNCILLOR WOLFE</p> <p>THAT Council;</p> <ul style="list-style-type: none">i) Advise the Water Corporation that, in principle, it is not opposed to the excision of 3940m² from Reserve 36517 Le Grande Avenue for the purpose of developing a waste water pumping station at a future date;ii) Acknowledge that Reserve 36517 was created under Section 20A of the <i>Town Planning and Development Act 1928</i> and there is an obligation to seek comment from those residents that purchased lots adjacent to the reserve, together with relevant government agencies;iii) Require the Water Corporation to prepare and distribute, under Council instructions, an information pack to all landowners referred to in the above clause; andiv) Advertise the proposal outlined above by means of local newspaper notices and a sign on the site and that a period of not less than 30 days be provided for comment. <p style="text-align: right;">MOTION CARRIED 9-0</p>
--

Councillor Wiseman returned to the Chamber at 8.45pm.

Councillor Williams returned to the Chamber at 8.45pm.

Executive Director Development Services returned to the Chamber at 8.45pm.

11.5 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Planning and Environment Strategy and Policy Committee Meeting 26 February 2008

File/Ward	:	MAN235/All Wards
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer	:	Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 26 February 2008 be received
Bulletin Attachment	:	Minutes of the Planning and Environment Strategy and Policy Committee meeting held on 26 February 2008

RECOMMENDATION

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 26 February 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin), and the following recommendations be adopted:

- i) Item 5.1 - THAT the Committee proceed with the development of the York Street Masterplan and the Tourism Strategy as the highest priority projects but acknowledges the importance of completing the Albany Local Planning Strategy, the Community Planning Scheme and the Yakamia Structure Plan at the earliest opportunity.
- ii) Item 5.2 - THAT the Committee meet on the third (3rd) Wednesday of each month, commencing at 12 noon. Further resolved that 30 minutes be set aside at the commencement of the meeting for staff to brief the Committee on strategic planning issues.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR MORRIS**

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 26 February 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin), and the following recommendations be adopted:

- i) Item 5.1 - THAT the Committee proceed with the development of the York Street Masterplan and the Tourism Strategy as the highest priority projects but acknowledges the importance of completing the Albany Local Planning Strategy, the Community Planning Scheme and the Yakamia Structure Plan at the earliest opportunity.
- ii) Item 5.2 - THAT the Committee meet on the third (3rd) Wednesday of each month, commencing at 12 noon. Further resolved that 30 minutes be set aside at the commencement of the meeting for staff to brief the Committee on strategic planning issues.

AMENDMENT BY COUNCILLOR PAVER

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT in part i) of the recommendation the word 'the' prior York Street Masterplan is replaced with the word 'a'.

AMENDMENT CARRIED 11-0

Reason: The York Street Masterplan is still being developed.

The amended motion then became the substantive motion.

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR MORRIS**

THAT the minutes of the Planning and Environment Strategy and Policy Committee Meeting held on 26 February 2008 be received (copy of the minutes in the Elected Members Report / Information Bulletin), and the following recommendations be adopted:

- i) Item 5.1 - THAT the Committee proceed with the development of a York Street Masterplan and the Tourism Strategy as the highest priority projects but acknowledges the importance of completing the Albany Local Planning Strategy, the Community Planning Scheme and the Yakamia Structure Plan at the earliest opportunity.**
- ii) Item 5.2 - THAT the Committee meet on the third (3rd) Wednesday of each month, commencing at 12 noon. Further resolved that 30 minutes be set aside at the commencement of the meeting for staff to brief the Committee on strategic planning issues.**

MOTION CARRIED 11-0

Corporate & Community Services

REPORTS

CORPORATE & COMMUNITY SERVICES REPORTS**12.1 FINANCE****12.1.1 List of Accounts for Payment**

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

STATUTORY REQUIREMENTS

1. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the Municipal fund or a trust fund if the Local Government had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.
2. The Chief Executive Officer has delegated authority to authorise payments.
3. Regulation 13 of the Local Government (Financial Management) provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments should be presented to Council meetings and recorded in the minutes.

COMMENTS / DISCUSSION

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

Municipal Fund		
Cheques	Totalling	\$67,122.06
Electronic Fund transfer	Totalling	\$3,160,887.29
Credit Cards	Totalling	\$15,048.00
Payroll	Totalling	\$687,485.00
Total		<u>\$3,930,542.35</u>

6. As at 29th February 2008, the total outstanding creditors, stand at \$639,306.76.
7. Cancelled cheques – 23868, 23886, 23887 and 23934

Item 12.1.1 continued.

RECOMMENDATION

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members report and bulletin be received.

Voting Requirement Simple Majority

.....

**MOVED BY COUNCILLOR MATLA
SECONDED BY COUNCILLOR WALKER**

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members report and bulletin be received.

MOTION CARRIED 11-0

12.1.2 Financial Activity Statement – Month Ending (29 February 2008)

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

BACKGROUND

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

STATUTORY REQUIREMENTS

2. Section 34 of the Local Government (Financial management) Regulations 1996 provide:
 - I. A local government is to prepare each month a statement of financial activity reporting on the sources and applications 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;

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

- b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- c) such other supporting information as is considered relevant by the local government.

III. The information in a statement of financial activity may be shown –

- a) according to nature and type classification;
- b) by program; or
- c) by business unit

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Mission Statement

5. *The City of Albany is committed to providing Sound Governance*

COMMENT/DISCUSSION

6. The following major variance from the current budget has been identified:

Other Revenue / Income

Interest Income	77,000
Primarily Reserves Interest ex Grange Investments – continuing to pay coupons	

RECOMMENDATION

That the Financial Activity Statement and supporting documents for the month ending 29 February 2008 be received.

Voting Requirement Simple Majority

.....

<p>MOVED BY COUNCILLOR PRICE SECONDED BY COUNCILLOR WOLFE</p> <p>That the Financial Activity Statement and supporting documents for the month ending 29 February 2008 be received.</p> <p style="text-align: right;">MOTION CARRIED 11-0</p>

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT

Feb-08

Current Budget Total Year		Actual Year to Date 29-Feb-08	Current Budget Year to Date 29-Feb-08	Budget Variance
	OPERATING INCOME			
17,865,964	Rates	17,853,345	17,799,300	54,045
2,974,724	Grants & Subsidies	2,309,609	2,201,486	108,123
8,061,657	Fees & Charges	5,799,027	6,116,728	(317,701)
1,016,301	Interest Earned	650,406	573,705	76,701
752,823	Other Revenue / Income	566,207	584,518	(18,311)
	Net Controlled Trust Revenue	288,303		288,303
30,671,469		27,466,897	27,275,737	191,160
	OPERATING EXPENDITURE (excluding depreciation)			
(11,757,184)	Employee Costs	(7,792,735)	(7,964,740)	172,005
(805,101)	Utilities	(465,029)	(473,718)	8,689
(1,168,768)	Interest Expenses	(490,186)	(539,382)	49,196
(12,263,825)	Contracts, materials & other	(6,444,228)	(7,075,106)	630,878
(25,994,878)		(15,192,178)	(16,052,946)	860,769
	CAPITAL INCOME			
4,135,769	Grants & Subsidies	1,689,892	1,600,671	89,221
8,042,800	Contributions, Reimb & Donations, Other	1,161,635	854,092	307,543
5,386,470	Proceeds from sale of assets	982,539	1,050,000	(67,461)
	Other Income	(17,747)	1,195	(18,942)
17,565,039		3,816,319	3,505,958	310,361
	CAPITAL EXPENDITURE			
(5,539,625)	Asset Masterplans	(3,016,689)	(2,751,982)	(264,707)
(10,156,946)	ALAC Redevelopment	(7,231,881)	(7,156,946)	(74,935)
(2,939,288)	Plant Replacement	(1,664,416)	(1,838,321)	173,905
(7,303,800)	Developers' Subdivisions			
(4,505,441)	Other Capital	(1,416,277)	(1,513,952)	97,675
(30,445,100)		(13,329,263)	(13,261,201)	(68,062)
	CASH FLOWS FROM FINANCING ACTIVITIES			
(4,030,083)	Loan Principal Repayment	(430,899)	(401,712)	(29,187)
58,952	Loan Principal Reimbursements	24,223		24,223
8,029,000	Proceeds from new loans	2,600,000	2,600,000	
4,057,869		2,193,324	2,198,288	(4,964)
	OTHER BALANCE SHEET ITEMS			
	Change in stock position	22,607		
	Change in Debtors	(783,451)		
	Change in Creditors	(1,570,382)		
		(2,331,227)		
	NET CASH FLOW	2,623,874		
	Opening balance	17,673,710		
	NET FUNDS AT BALANCE DATE	20,297,584		
	Funds Summary			
	Municipal Account (Commonwealth Bank)	781,909		
	Reserve Account (Commonwealth Bank)	1,119,342		
	Trust Account (Commonwealth bank)	2,593,893		
	Fixed Term Investments (Aust Banks) Muni	8,222,422		
	Fixed Term Investments (Aust Banks) Rese	1,078,731		
	Financial Instruments (at June 07 Valuation)	6,501,286		
	Total Bank / Investments	20,297,584		

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY

BALANCE SHEET

29-Feb-08

	Actual 29-Feb-08	Budget 30-Jun-08	Actual 30-Jun-07
CURRENT ASSETS			
Cash	9,004,331	1,271,680	1,574,493.10
Restricted cash (Trust)	2,593,893	2,146,786	2,376,093.34
Reserve Funds - Financial Assets	6,501,286	4,795,204	13,723,123.46
Reserve Funds - Other	2,198,073		
Receivables & Other	3,284,225	2,450,742	2,524,996.27
Investment Land	1,115,000	1,130,000	1,115,000.00
Stock on hand	638,319	750,000	660,925.86
	25,335,127	12,544,412	21,974,632.03
CURRENT LIABILITIES			
Borrowings	420,185	1,060,904	851,084.01
Creditors prov - Annual leave & LSL	1,667,845	2,051,208	1,609,095.00
Trust Liabilities	2,029,691	1,900,000	2,113,194.85
Creditors prov & accruals	1,807,110	2,784,874	3,316,038.10
	5,924,831	7,796,986	7,889,411.96
NET CURRENT ASSETS	19,410,296	4,747,426	14,085,220.07
NON CURRENT ASSETS			
Receivables	200,760	154,350	200,760.28
Pensioners Deferred Rates	258,533	274,279	258,533.48
Investment Land	2,150,000	2,150,000	2,150,000.00
Property, Plant & Equip	232,543,054	257,343,029	226,276,698.93
	235,152,348	259,921,658	228,885,992.69
NON CURRENT INVESTMENTS			
Local Govt House Shares	19,501	19,501	19,501.00
NON CURRENT LIABILITIES			
Borrowings	22,157,787	28,746,884	19,557,787.30
Creditors & Provisions	197,519	230,000	234,219.00
	22,355,307	28,976,884	19,792,006.30
NET ASSETS	232,226,839	235,711,701	223,198,707.46
EQUITY			
Accumulated Surplus	204,753,409	212,141,863	190,676,981.93
Reserves	8,698,795	4,795,204	13,747,091.53
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634.00
	232,226,839	235,711,701	223,198,707.46

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY

INCOME STATEMENT FOR THE PERIOD ENDED

29-Feb-08

(a) Function / Activity

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
General Purpose Funding	20,791,550	21,819,463	21,351,621
Governance	86,060	76,800	278,427
Law Order & Public Safety	161,558	468,717	295,670
Health	16,790	47,500	49,873
Education & Welfare	472,549	775,772	664,115
Community Amenities	3,680,125	5,576,700	3,940,231
Recreation and Culture	1,945,004	5,675,585	2,349,058
Transport	1,951,734	11,542,352	9,451,800
Economic Services	401,910	3,558,600	1,168,592
Other Property and Services	1,133,574	551,080	1,089,906
	30,640,854	50,092,569	40,639,293
EXPENDITURE			
General Purpose Funding	169,449	405,263	602,000
Governance	2,912,063	2,293,724	2,230,643
Law Order & Public Safety	741,915	1,252,434	1,210,826
Health	263,644	399,729	413,043
Education & Welfare	674,230	1,222,911	957,737
Community Amenities	3,097,812	6,354,109	5,406,069
Recreation and Culture	4,395,414	8,052,444	6,990,788
Transport	8,036,359	13,454,248	12,617,408
Economic Services	659,065	1,911,203	1,968,601
Other Property and Services	662,772	375,976	489,107
	21,612,723	35,722,041	32,886,220
Change in net assets from operations	9,028,131	14,370,528	7,753,072

(b) Nature / Type

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
Rates	14,903,877	17,786,405	16,720,703
Grants & Subsidies	4,687,366	10,564,472	7,666,764
Contributions, Reimb & Donations	1,529,865	8,417,684	5,391,320
Fees & Charges	6,426,209	8,026,820	7,502,688
Interest Earned	618,191	1,145,058	1,484,777
Profit (loss) on asset disposal	190,310	3,615,230	735,816
Other Revenue / Income	4,909,259	14,009,485	8,174,508
less: applicable to loan capital	(2,624,223)	(13,472,585)	(7,037,284)
	30,640,854	50,092,569	40,639,293
EXPENDITURE			
Employee Costs	8,717,398	12,844,626	12,758,807
Utilities	798,736	537,726	839,629
Interest Expenses	516,244	1,371,125	1,048,582
Depreciation on non current assets	6,251,588	9,840,000	9,164,626
Contracts & materials	2,190,821	45,144,850	28,015,358
Insurance expenses	264,896	384,837	389,791
Other Expenses	16,614,111	12,641,624	5,568,108
less: capital works & loan capital repayment	(13,741,072)	(47,042,747)	(24,898,680)
	21,612,723	35,722,041	32,886,220
Change in net assets from operations	9,028,131	14,370,528	7,753,072

Item 12.1.2 continued

Summary of Invested Funds

Portfolio Valuation - Market Value

	Security	Credit Rating S & P	Maturity Date	Volume Held	Security Cost	Current Interest %	Market Value Dec-07	Market Value Jan-08	Market Value Feb-08	Latest Monthly Variation
MUNICIPAL ACCOUNT										
		A1	18/03/2008	n/a	3,076,197	7.02%	3,076,197	3,076,197	3,076,197	n/a
		A1	17/03/2008	n/a	3,100,000	6.93%	3,100,000	3,100,000	3,100,000	n/a
		A1	8/02/2008	n/a	n/a	7.03%	2,000,000	2,000,000		
		A1	11/03/2008	n/a	2,046,225	7.33%	2,000,000	2,046,225	2,046,225	n/a
		A2	6/01/2008	n/a	n/a	6.95%	3,049,690			
		A1	17/01/2008	n/a	n/a	6.87%				
					8,222,422		8,149,690	8,176,197	8,222,422	
RESERVES ACCOUNT										
		A2	19/05/2008		1,078,731	7.42%	1,078,731	1,078,731	1,078,731	n/a
					1,078,731		1,078,731	1,078,731	1,078,731	
BANK - TERM DEPOSITS										
					501,925	7.71%	493,420	496,245	Not Avail Yet	2,825
		A	22/06/2018	500,000	801,128	7.55%	780,392	781,232	Not Avail Yet	840
		A+	26/07/2016	500,000	500,370	7.61%	494,445	483,980	Not Avail Yet	(10,465)
		A	15/09/2014	500,000	506,055	7.24%	482,450	473,880	Not Avail Yet	(8,570)
		AA	17/07/2017	200,000	200,000	8.25%	184,130	183,432	Not Avail Yet	(698)
		AAA	4/08/2011	100,000	407,628	8.73%	391,692	361,416	Not Avail Yet	(30,276)
		AA	20/03/2012	70,000	171,229	8.80%	136,450	125,820	Not Avail Yet	(10,630)
		AA	20/06/2013	500,000	500,000	8.35%	338,010	284,105	Not Avail Yet	(53,905)
		AA-	20/09/2014	1,000,000	1,000,000	8.60%	692,990	552,990	Not Avail Yet	(140,000)
		AA-	22/06/2013	150,000	275,891	8.62%	222,324	184,489	Not Avail Yet	(37,835)
		AA	20/03/2014	275,000	273,158	8.30%	159,885	135,561	Not Avail Yet	(24,324)
		AA	23/06/2014	600,000	601,266	8.52%	468,498	382,842	Not Avail Yet	(85,656)
		AAA	20/09/2014	200,000	200,000	7.90%	180,016	176,038	Not Avail Yet	(3,978)
					5,938,650		5,024,702	4,622,030	(402,672)	
SUB PRIME MORTGAGES										
		CCC	10/02/2047	500,000	500,000		85,775	84,215	84,215	(1,560)
					500,000		85,775	84,215	(1,560)	
Portfolio Cost										
					15,739,802		14,338,898	13,961,173	(404,232)	
PORTFOLIO TOTAL										

12.2 ADMINISTRATION

12.2.1 Council Business Plan – Vancouver Arts Centre

File/Ward	: MAN116 (All Wards)
Proposal/Issue	: Revised Council Business Plan – Vancouver Arts Centre.
Subject Land/Locality	: Nil
Proponent	: City of Albany
Owner	: Nil
Reporting Officer(s)	: Executive Director Corporate and Community Services (P Madigan)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19.06.07 – Item 12.2.1
Summary Recommendation	: That Council adopt the revised Vancouver Arts Centre Business Plan
Bulletin Attachment	: Council Business Plan – Vancouver Arts Centre.
Locality Plan	: Nil

BACKGROUND

1. The Vancouver Arts Centre provides a venue and supporting services so that the community of Albany can experience art. The facility provides equitable access and serves as a focal point for artistic experience, offering opportunities for full participation and cultural expression for all.
2. At the June 2007 Ordinary Council Meeting, Council considered an item that investigated the future direction of the Vancouver Arts Centre. At this meeting a number of recommendations were adopted by Council including the cessation of the Arts Advisory Committee and the creation of the Vancouver Arts Centre Focus Group.
3. As a result of these operational changes, staff have amended the Vancouver Arts Centre Business Plan. The revised business plan complies with the City’s Corporate Document Policy in terms of the formatting and required content.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. The City’s Corporate Document Policy applies to this item.

Item 12.2.1 continued.

FINANCIAL IMPLICATIONS

- 6. There are no financial implications that relate to this item.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A thriving City, Albany's community will enjoy... excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to... Making a difference for Albany by Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects:

Nil”

COMMENT/DISCUSSION

- 8. The business plan has been revised to ensure that the VAC maintains its sense of place within the community, its market position and ongoing financial viability.

RECOMMENDATION

That Council adopts the amended Vancouver Arts Centre Business Plan.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR PRICE SECONDED COUNCILLOR STANTON</p> <p>That Council adopts the amended Vancouver Arts Centre Business Plan.</p> <p>MOTION CARRIED 11-0</p>

CORPORATE & COMMUNITY SERVICES REPORTS**12.2.2 Princess Royal Fortress – Donation of a proportion of Ellam-Innes collection**

File/Ward	:	MAN029/Fredrickstown
Proposal/Issue	:	Offer of donation of a proportion of 'Ellam-Innes Collection' to be displayed at Forts married quarters.
Subject Land/Locality	:	Princess Royal Fortress
Proponent	:	Mr Allan Ellam
Owner	:	Crown reserve, vested in City of Albany.
Reporting Officer(s)	:	Manager Community Development (M Weller) Forts Curator (D Theodore)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Authorise the use of the married quarters for curatorial purposes. Accept a donation of \$5000 and allocate to installation of the donated collection. Authorise additional expenditure of \$6,000. Accept a proportion of the 'Ellam-Innes' collection. Authorise the retail of a commemorative photograph.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Located in Mt Lawley the private 'Ellam-Innes' collection entails:
 - In excess of 50 large framed displays each containing photographs and memorabilia of soldiers who served in the 11th Battalion and 10th Light Horse regiment.
 - extensive files including personal histories and accounts on individual soldiers in the 11th Battalion and 10th Light Horse
 - other military memorabilia relevant to the 11th Battalion and 10th Light Horse
2. The collection has been open to the public for over 15 years and has been described as one of the finest private collections of military memorabilia in Western Australia.
3. In late 2007 Mr Ellam contacted the City and indicated interest in donating a proportion of his collection, to be displayed at the Princess Royal Fortress.
4. Following several discussion, the Forts curator has paid an extended visit to Mr Ellam and assessed the scope of the collection as well as discussed the potential for display in Albany.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

5. In February of this year Mr Ellam sent a letter to the City indicating his intention to donate a proportion of the collection and the sum of \$5,000 to the City.
6. Mr Ellam also has the wholesale rights to a famous photograph of 740 members of the 10th Battalion on the Cheops Pyramid in Egypt (*Colloquially known as the 'boys on the pyramid'*). Mr Ellam has offered to supply copies of the photograph at a wholesale price, to be on sold by the City to the public. The photograph would serve as a memento of the collection and profit from the sale could be utilised by the City towards the maintenance of the collection.

STATUTORY REQUIREMENTS

7. Nil

POLICY IMPLICATIONS

8. Nil

FINANCIAL IMPLICATIONS

9. A budget of \$7,000 is recommended for the transport, preservation, purchase of complimentary materials, lighting and installation of sufficient proportion of the collection to fill the front two rooms of the eastern married quarters.
10. A further \$4,000 is recommended to install fire and intrusion alarm system for the whole of the married quarters.
11. Once installed the maintenance of the collection would be catered for as part of the annual forts curatorial budget.
12. The 'boys on the pyramid' photograph poster would be purchased at a price of \$27 and retailed for \$47. An Initial order would be placed for 12 photos with resupply dependant on sales.

STRATEGIC IMPLICATIONS

13. Nil

COMMENT/DISCUSSION

Strategic Planning

14. A draft strategic plan for the forts is currently being undertaken, to be presented to council for consideration and input. The recommendations of this item are in keeping with the current forts planning and practice and it is envisaged that their adoption will not compromise future planning.

Acceptance of a portion of the 11th Battalion collection

15. The material in the collection is of high quality with well researched and documented supporting information

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

16. The significance of the 11th Battalion for the Princess Royal Fortress is than many of its members originated from Albany and the surrounding districts. While the collection is extensive it is recommended that the proportion accepted has a focus on soldiers from Albany and surrounding area.
17. It is recommended that the material accepted would be at the discretion of the forts curator and be sufficient to be displayed with a high level of quality in the front two rooms of the eastern married quarters.
18. Private collections often consist of material donated or on loan from several sources. Acceptance of any material would be subject to that material being the property of Mr Ellam prior to the donation.

Acceptance of 10th Lighthorse display materials

19. It is also recommended that 10th light horse display materials are accepted in consultation with the Albany 10th Light Horse association, to augment the current 10th light horse display at the forts.

Potential for addition to the collection subject to external funding and budget allocation

20. Mr Ellam has indicated that he would like to donate extensive files of information on soldiers in the 11th Battalion and further portions of the collection.
21. Acceptance of an initial proportion of the collection would allow this to be displayed with a high level of quality, within a reasonable budget.
22. Further displays and a computerised database of soldier's history, with a touch screen interface, could help form an exceptional display. A budget estimate to complete the data entry, program design and display design for this is a further \$10,000 - \$15,000.
23. As such it is recommended that acceptance of further proportions of the collection be subject to sourcing of external and internal capital funding.

Role of the Married quarters

24. The forts married quarters consists of two 4 room adjoined units commissioned as part of the fortress. The married quarters have been recently refurbished and it was planned that they could be utilised as short stay holiday accommodation, potentially in conjunction with the operation of the Carlyles function area.
25. After assessment and discussion with the operator of Carlyles it is recommended against this use because:
 - The forts are locked at nights, automated access gates would need to be installed at a high cost
 - Persons staying at the quarters would have access to the whole forts. There are many unlit areas, trenches and gun pits which could pose a significant risk to people moving within the forts at night.
 - In the event of a party or large gathering by people inside the forts, having gained access through someone's use of the quarters, there is a significant risk of damage to the forts.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

- The above risks and their mitigation outweigh any income which could be generated from lease of the married quarters

26. It is therefore recommended that the quarters are opened for curatorial use. Initially this would be for the indicated proportion *to be* used for the *Ellam-innes* collection. The strategic plan will investigate further use which could include consideration of display space as well as curatorial rooms (preservation, cataloguing and storage).

RECOMMENDATION

THAT Council:

- i) Authorise the use of the Forts married quarters for curatorial and display purposes.
- ii) Accept the donation of \$5000 from Mr Ellam to be spent on installation of the accepted proportion of the collection.
- iii) Authorise the allocation of \$6,000 from the second quarter review surplus to be spent on an alarm system for the married quarters and installation of the accepted proportion of the collection.
- iv) Accept a proportion of the Ellam collection, at the discretion of the forts curator (with a focus on soldiers from Albany and surrounding area), sufficient to be displayed with a high level of quality in the front two rooms of the married quarters, within the allocated budget.
- v) Authorise the wholesale purchase and resale of the ‘boys on the pyramid’ photograph at a retail price of \$47.

Voting Requirement Absolute Majority

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

ALTERNATE MOTION BY COUNCILLOR PAVER

THAT Council:

- i) Authorise the use of the Forts married quarters for curatorial and display purposes.
- ii) Accept the donation of \$5000 from Mr Ellam to be spent on installation of the accepted proportion of the collection.
- iii) Authorise the allocation of \$6,000 from the second quarter review surplus to be spent on an alarm system for the married quarters and installation of the accepted proportion of the collection.
- iv) Accept a proportion of the Ellam collection, at the discretion of the forts curator (with a focus on soldiers from Albany and surrounding area), sufficient to be displayed with a high level of quality in the front two rooms of the married quarters, within the allocated budget.
- v) Authorise the wholesale purchase and resale of the ‘boys on the pyramid’ photograph at a retail price of \$47.
- vi) Authorise officers to accept further portions of the collection for display at the Married quarters if Mr Ellam chooses to donate these. Dependant on the wishes of Mr Ellam these can be accepted by the City on the condition that either:
 - 1) They are then stored at the Fortress or other suitable location with the intention that they are displayed when sufficient external and internal funding is identified for their display; or
 - 2) They are accepted only after the sufficient external and internal funding is identified.

Voting Requirement Absolute Majority

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Reason:

- Given the stature, quality and relevance of the Ellam Collection, the housing of further proportions presents an excellent opportunity to compliment existing displays at the Princess Royal Fortress. Given that Mr Ellam approached the City to donate the first proportion and he may want to house the majority of the collection in one place in future, the alternate motion signals the City’s willingness to accept further proportions of the collection and allows for flexibility of the conditions of acceptance dependant on Mr Ellam’s wishes.
- In adopting this alternate motion it is noted that in accepting items under option vi) 1) the cost of display the remaining items which Mr Ellam may choose to donate has not been fully quantified. A preliminary figure of \$24,000 - \$30,000 has been estimated and it is likely that there may be some expectation that they are displayed within 2 years of donation.

Item 12.2.2 continued

**MOVED BY COUNCILLOR PAVER
SECONDED BY COUNCILLOR WALKER**

THAT Council:

- i) Authorise the use of the Forts married quarters for curatorial and display purposes.**
- ii) Accept the donation of \$5000 from Mr Ellam to be spent on installation of the accepted proportion of the collection.**
- iii) Authorise the allocation of \$6,000 from the second quarter review surplus to be spent on an alarm system for the married quarters and installation of the accepted proportion of the collection.**
- iv) Accept a proportion of the Ellam collection, at the discretion of the forts curator (with a focus on soldiers from Albany and surrounding area), sufficient to be displayed with a high level of quality in the front two rooms of the married quarters, within the allocated budget.**
- v) Authorise the wholesale purchase and resale of the ‘boys on the pyramid’ photograph at a retail price of \$47.**
- vi) Authorise officers to accept further portions of the collection for display at the Married quarters if Mr Ellam chooses to donate these. Dependant on the wishes of Mr Ellam these can be accepted by the City on the condition that either:
 - 1) They are then stored at the Fortress or other suitable location with the intention that they are displayed when sufficient external and internal funding is identified for their display; or**
 - 2) They are accepted only after the sufficient external and internal funding is identified.****

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

Councillor Paver commended Council Officer, Mr Mark Weller for his efforts in securing this collection for Albany.

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

12.6.1 Albany Leisure and Aquatic Centre Open Day

File/Ward	: MAN205 (All Wards)
Proposal/Issue	: ALAC Open Day
Subject Land/Locality	: Albany Leisure and Aquatic Centre, Barker Rd, Albany.
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager, Albany Leisure and Aquatic Centre (David Schober)
Disclosure of Interest	: N/A
Previous Reference	: Nil
Summary Recommendation	: That Council endorses a free “Open Day” as the first official day of opening the new Leisure and Aquatic Centre to the public.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. As part of the formal re-opening of the Albany Leisure and Aquatic Centre, it is proposed to conduct an “Open Day” for the patrons.
2. By offering the public the opportunity to use the facilities and partake in a range of organised activities it is anticipated the following benefits will result:
 - Promotional opportunity to increase centre patronage
 - Promotional opportunity for user groups and sporting associations
 - Community goodwill
 - Increased sales in café and sports shop
3. The concept of an “Open Day” involves Sporting Associations, user groups and ALAC offering the general public an opportunity to participate in a wide range of activities free of charge to promote the centre and the respective groups who reside within centre.
4. The day most suitable for this event to be conducted would be Saturday April 12th, the first day the centre is re-opened to the public.

STATUTORY REQUIREMENTS

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

Item 12.6.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 7. It is anticipated that approximately \$800 in entry fee income will be foregone in promoting an Open Day at the Centre. This sum can be accommodated through existing budgets.

This is based on the average income received by ALAC for a Saturday during School Holidays.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- Diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to...Sustainably managing Albany’s municipal assets, and ...Delivering excellent community services.

Priority Projects:

Nil

COMMENT/DISCUSSION

RECOMMENDATION

That Council endorses an open day to be conducted at the Albany Leisure and Aquatic Centre on April 12th 2008.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

That Council endorses an open day to be conducted at the Albany Leisure and Aquatic Centre on a date to be advised.

Voting Requirement Simple Majority

.....

<p>MOVED BY COUNCILLOR MATLA SECONDED BY COUNCILLOR STANTON</p> <p>That Council endorses an open day to be conducted at the Albany Leisure and Aquatic Centre on a date to be advised.</p> <p style="text-align: right;">MOTION CARRIED 11-0</p>

12.7 VISITORS CENTRE

Nil

CORPORATE & COMMUNITY SERVICES REPORTS

EDDS, Mr Fenn left the Chamber at 8.58pm.

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Senior Advisory Committee meeting minutes – 21st February 2008

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Community Development Officer - Senior (G. Martin)
Summary Recommendation	:	That the Minutes of Albany Senior Advisory Committee held on 21 st February 2008 be adopted.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 21st February 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Absolute Majority

.....

**MOVED BY COUNCILLOR MATLA
SECONDED BY COUNCILLOR PAVER**

THAT the minutes of Albany Senior Advisory Committee meeting of 21st February 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Community and Economic Development Strategy and Policy Committee meeting minutes – 26th February 2008

- File/Ward** : MAN 233 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Community and Economic Development Strategy and Policy Committee meeting held on 26th February 2008 be received.

RECOMMENDATION

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 26th February 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Absolute Majority

.....

**MOVED BY COUNCILLOR WALKER
SECONDED BY COUNCILLOR PRICE**

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 26th February 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.3 Finance Strategy Advisory Committee meeting minutes – 27th February 2008.

- File/Ward** : FIN 066 (All Wards)
- Proposal / Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Finance Strategy Advisory Committee meeting held on 27th February 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting of 27th February 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

i) Item 5.0 Rating of Not-For-profit Retirement Villages

RECOMMENDATION

That the City note the Minister's response to the Local Government Advisory Board Report into the rating of Land used for Charitable Purposes and write to the Minister and WALGA (Southern Zone) requesting financial consideration for Council's loss of revenue due to the rates exemption.

Item 6.0 City Investment Update

RECOMMENDATION

THAT:

- a. Council adopt the attached Policy on Investment of Surplus Funds
- b. Current "Grange" investments be held as per the recommendation by the independent advisor, and liquidated, where necessary, when indicated by the independent advisor.
- c. Council initiate a meeting with other affected Councils and investigate action with regard to Lehman Brothers.

ii) Item 7.0 Policy on Land Acquisition - Objectives

RECOMMENDATION

THAT Council establish a Policy on Land Acquisition with the following objectives:

- a. Provide a source for the long term funding of major infrastructure by the acquisition and long term holding of land.
- b. Create residential housing blocks within population corridors identified in the Albany Local Planning Strategy.

THAT Council review the Policy on Disposal of Land when establishing a Policy of Land Acquisition.

Voting Requirement Simple Majority

Item 12.8.3 continued

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Finance Strategy Advisory Committee meeting of 27th February 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

i) Item 5.0 Rating of Not-For-profit Retirement Villages

That the City note the Minister's response to the Local Government Advisory Board Report into the rating of Land used for Charitable Purposes and write to the Minister and WALGA (Southern Zone) requesting financial consideration for Council's loss of revenue due to the rates exemption.

Item 6.0 City Investment Update

THAT:

- a. Council adopt the attached Policy on Investment of Surplus Funds.**
- b. Current "Grange" investments be held as per the recommendation by the independent advisor, and liquidated, where necessary, when indicated by the independent advisor.**
- c. Council initiate a meeting with other affected Councils and investigate action with regard to Lehman Brothers.**

ii) Item 7.0 Policy on Land Acquisition – Objectives

THAT Council establish a Policy on Land Acquisition with the following objectives:

- a. Provide a source for the long term funding of major infrastructure by the acquisition and long term holding of land.**
- b. Create residential housing blocks within population corridors identified in the Albany Local Planning Strategy.**

THAT Council review the Policy on Disposal of Land when establishing a Policy of Land Acquisition.

MOTION CARRIED 11-0

Item 12.8.3 continued



Council Policy

Investment of Surplus Funds

© City of Albany, 2008

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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

Item 12.8.3 continued

Objective

1. The policy on Investment of Surplus Funds is intended to reflect the intention of Council to minimize the possibility of incurring capital loss on any investment whilst providing a reasonable rate of return.

The objectives of the Policy on Investment of Surplus funds are

- To provide maximum capital security of funds
- To provide the best available rate of interest from an approved source
- To ensure sufficient liquidity to meet Council's cash flow requirements

Scope

2. The policy applies to any investment of surplus funds other than bank deposits for operational purposes.

Definitions

3. Nil

Policy Statement

4. Investments shall be restricted to term deposits or commercial bills offered by one of the following banks or government institutions:

Commonwealth Bank of Australia
Bendigo Bank
BankWest
Australia and New Zealand bank
National Australia Bank
Westpac banking Corporation
WA Treasury Corporation

Speculative financial instruments are specifically prohibited, together with the use of the portfolio for speculation. Leveraging of the portfolio (borrowing to invest) is prohibited.

Investments shall be spread to ensure that no single institution holds more than 30% of the City's invested funds.

The term of individual investments shall be consistent with City cash flow requirements and shall not exceed 12 months.

The status and performance of the investment portfolio is to be reported monthly to Council.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
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Item 12.8.3 continued

Legislative and Strategic Context

5. Legislation covering investment of surplus funds includes:
- Local Government Act 1995 Section 6.14
 - The Trustees Act 1962 – Part III Investments as amended by the Trustees Amendment Act.
 - Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49.
 - Australian Accounting Standards

Delegation of Authority

6. Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995.

Prudent Person Standard

7. The investment will be managed with the care, diligence and skill that a prudent person would exercise.

Ethics and Conflicts of Interest

8. Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

Review Position and Date

9. Chief Executive Officer to review on or before 28/02/2011

Associated Documents

10. Nil

CEO Authorisation: _____

Date: ___/___/_____

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 CITY ASSETS - ASSET MANAGEMENT

Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

Nil

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

Item 13.4.1 was discussed behind closed doors. The record of decision is detailed at Item 19.1.

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Contract C08002 – Provision of Cleaning Service

File/Ward	: C08002 (All Wards)
Proposal/Issue	: Provision of Cleaning Service
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Contracts Administrator (W Male)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accept tender C08002 from OCS Services Pty Ltd for Provision of Cleaning Service for two years
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Due to the expiry of the current Cleaning Services Contract, tenders were called for Provision of Cleaning Service for two years. This tender is for the following Council buildings:
 - Albany Airport
 - Library
 - Town Hall & Intimate Theatre
 - Depot
 - Albany Regional Day Care Centre
 - Lotteries House
 - Administration Building
 - Albany Visitor Centre
 - Vancouver Arts Centre
 - Hanrahan and Baker Junction Waste Site Weighbridge Buildings

STATUTORY REQUIREMENTS

2. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

3. Regulation 19 requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. Each location maintains individual budgets for cleaning purposes with accounts being signed off by the relevant managers.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

Mission Statement:

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

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. A request for tenders was published in the West Australian on 6th January 2008 and the Albany Advertiser on 4th January and Albany Extra on 5th January 2008. A total of thirteen documents were issued with two submissions received at the close of tenders.
8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost	25
Technical Compliance & Experience	25
Safety Management	20
Reliability	30
	100

9. An evaluation team comprising the Manager City Services, Manager Daycare Centre, Manager Town Hall, Artistic Director Vancouver Arts Centre, Depot Services Coordinator and Manager City Services evaluated the submissions using the above criteria.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

- 10. Both companies claimed against the City of Albany’s Regional Price Preference Policy. The following table summarises the price from each submission received (after the Buy Local Policy has been applied) together with the overall evaluation score applicable to each submission.
- 11. Delron was eligible for a 10% adjustment as it has an office in Albany, as OCS currently has an office in Kendenup it gets a regional price preference of 5%.

Tenderer	Tendered Price	Total Evaluation Score
OCS Services Pty Ltd	\$496,940.63	558.35
Delron Cleaning Albany	\$459,317.08	480.2

- 12. On reviewing the submissions the evaluation team agreed that the Delron submission had not addressed the selection criteria appropriately whilst OCS provided a comprehensive submission.
- 13. Previous experience has demonstrated that for such a contract to operate effectively it is imperative to have quality systems in place. The presence of these systems demonstrates a commitment to reliability and quality controls to ensure problems do not arise. OCS clearly demonstrated that it had established significant systems that would address these issues.
- 14. The entire evaluation team assessed OSC Services Pty Ltd as being the most suitable because the company demonstrated that they have substantial resources and a commitment to providing a quality service to the City.

RECOMMENDATION

THAT Council accept the tender for C08002 from OSC Services Pty Ltd for the Provision of Cleaning Service for a total cost of \$496,940.63 over two years.

Voting Requirement Simple Majority

.....

Item 13.4.1 was discussed behind closed doors. The record of decision is detailed at Item 19.1.

WORKS & SERVICES REPORTS

13.5 CITY SERVICES – PROPERTY MANAGEMENT

Nil

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

EDDS, Mr Fenn returned to the Chamber at 9.01pm

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Streetscape Committee Meeting Minutes – 19 February 2008

File/Ward	:	MAN 161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	That the minutes of the Streetscape Committee Meeting held on 19 June 2008, be received.

RECOMMENDATION

THAT the Minutes of the Albany Streetscape Committee held 21 June 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR WALKER**

THAT the Minutes of the Albany Streetscape Committee held 21 June 2007 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

**13.8.2 Asset Management and City Services Strategy and Policy Committee Minutes –
26 February 2008**

- File/Ward** : MAN 236 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Executive Director Works & Services (L Hewer)
- Summary Recommendation** : That the minutes of the Asset Management and City Services Strategy and Policy Committee Meeting held on 26 February 2008, be received.

RECOMMENDATION

THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee held 26 February 2008 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR STANTON**

THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee held 26 February 2008 be received (copy of minutes are in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 11-0

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

GENERAL MANAGEMENT SERVICES REPORTS

14.4 CORPORATE GOVERNANCE

14.4.1 Transfer the Code of Conduct Committee role to the Corporate Strategy and Governance Strategy and Policy Committee

File/Ward	:	MAN118 (All Wards)
Proposal/Issue	:	Transfer the role of the Code of Conduct Review committee to the Corporate Strategy and Governance Strategy and Policy Committee.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Chief Executive Officer (A Hammond) Corporate Governance Coordinator (S Jamieson)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/02/08 Item 14.2.2
Summary Recommendation	:	(i) Disband the Code of Conduct Committee and transfer it's role to the Corporate Strategy and Governance Strategy and Policy Committee. (ii) Invite Councillor Williams to be a non-voting member on the Corporate Strategy and Governance Strategy and Policy Committee for the purpose of reviewing the Code of Conduct only.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. A revised Code of Conduct was presented to Council at the Ordinary Council Meeting for endorsement at the OCM 18/12/07.
2. At the Ordinary Council Meeting dated 19/02/078, the Council moved the following motion:

“THAT Council:

- i) *Establish a Working Committee to review the draft revised Code of Conduct, that consists of The Mayor, Chief Executive Officer and five councillors being:*
 - *Cr Williams;*
 - *Cr Price;*
 - *Cr Paver;*
 - *Cr Wolfe; and*
 - *Cr Matla.*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

- ii) *Prepare with legal advice the final draft document prior to adoption.”*

STATUTORY REQUIREMENTS

3. The Local Government Act 1995, section 5.103 (1) states:

5.103. Codes of conduct

(1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

POLICY IMPLICATIONS

4. There are no policies relating to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan... *“At all times we will...*

- *Respect the Community’s aspirations and resources;*
- *Demonstrate integrity, leadership and teamwork; and*
- *Provide sound governance”.*

COMMENT/DISCUSSION

7. At the Ordinary Council meeting on the 19/02/08, Council carried the motions to establish a Corporate Strategy and Governance Strategy and Policy Committee and a separate Code of Conduct Review Committee.
8. At the first meeting of the Corporate Strategy and Governance Strategy and Policy Committee held on the 26/02/07 the members discussed the resource implications of having a standalone Committee to review the Code of Conduct when all other governance policy issues are to be dealt with by the Corporate Strategy and Governance Strategy and Policy Committee.
9. The newly established Corporate Strategy and Governance Strategy and Policy Committee consist of all the members of the Code of Conduct Review Committee, except Councillor Williams.
10. It was proposed that the Code of Conduct review would be undertaken by the Corporate Strategy and Governance Strategy and Policy Committee, and that Councillor Williams be invited as a non-voting member of this Committee for the purposes of the Code of Conduct review process only.
11. The final draft of the Code of Conduct should be prepared with legal advice prior to adoption.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued

RECOMMENDATION

THAT Council:

- i) Disband the Code of Conduct Committee and transfer it's role to the Corporate Strategy and Governance Strategy and Policy Committee;
- ii) Invite Councillor Williams to be a non-voting member on the Corporate Strategy and Governance Strategy and Policy Committee for the purpose of reviewing the Code of Conduct only.
- iii) Professional legal advice is to be engaged for the preparation of the Final Draft Code of Conduct.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT Council:

- i) Disband the Code of Conduct Committee and transfer it's role to the Corporate Strategy and Governance Strategy and Policy Committee;**
- ii) Invite Councillor Williams to be a non-voting member on the Corporate Strategy and Governance Strategy and Policy Committee for the purpose of reviewing the Code of Conduct only.**
- iii) Professional legal advice is to be engaged for the preparation of the Final Draft Code of Conduct.**

MOTION CARRIED 8-3

GENERAL MANAGEMENT SERVICES REPORTS**14.4.2 Annual Review of Council Delegations – Development Approvals**

File/Ward	MAN 122 (All Wards)
Proposal/Issue	: To review delegations for development approvals granted to the Chief Executive Officer.
Subject land	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer	: Corporate Governance Coordinator (S Jamieson)
Disclosure of Interest	: N/A
Previous Reference	: OCM 20/11/01 - Item 12.2.1 OCM 20/08/02 – Item 12.2.6 OCM 20/01/04 – Item 12.2.1 OCM 15/03/05 – Item 12.2.3 OCM 17/10/06 – Item 14.2.2
Summary Recommendation	: That Council agrees to renew the Chief Executive Officer's delegation for development approvals and delegations to specific staff.
Bulletin Attachments	: Development Guidelines – Town Planning Scheme No 1A & 3 Delegations – Schedule 1 - Town Planning Scheme 1A Delegations – Schedule 2 – Town Planning Scheme 3
Locality Plan	: N/A

BACKGROUND

1. Once each year the delegations provided to officers are to be reviewed by Council with the ability for the delegation to be revoked, amended or renewed. The current delegations were reviewed in October 2006.
2. 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.
3. The newly established Planning and Environment Strategy and Policy Committee will provide the forum to introduce new policies and set the strategic planning direction for Council.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued

STATUTORY REQUIREMENTS

4. Section 7.22 of the City of Albany Town Planning Scheme No. 1A and Section 6.10 of the City of Albany Town Planning Scheme No. 3 establish the mechanisms for Council to delegate decision-making. The wording in the two documents is slightly different however they both provide that Council can delegate at any time and the delegation must be reviewed annually.
5. Section 5.42 of the Local Government Act also allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function. This method is the most appropriate one for Council to use, as it allows the CEO to change a delegation within 24 hours if needed, as opposed to specifying via the agenda process which can take up to six weeks to present an item to Council.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. A review of the Town Planning delegations for development approvals has been conducted, and it is felt the delegations should continue, as they deliver a more efficient and effective service to the City's customers.
10. Since the previous delegations were endorsed by Council no textual changes have been made to either scheme; therefore, the same delegations as existing have been proposed.
11. The Chief Executive Officer proposes to delegate decision making to individual staff based upon their experience and capabilities. By delegating the various functions under the Local Government Act, the CEO can modify or withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards. Council retains the capacity to review the 'upper limit' of the delegated authority at any time.
12. Currently the CEO has 6 levels of sub-delegation to staff, with Level 1 extending to the Executive Director, down to level 6, for the Building Inspection Officer.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued

Modifications to Existing Development Guidelines – TPS 1A & 3

13. It is normal practice at the time of renewing delegations, that the development guidelines for Town Planning Scheme No. 1A and 3 are reviewed to ensure they are up to date and current. Whilst there are no modifications required as a result of Scheme Clause changes, staff recommended that clarification in relation to car parking calculations in the Central Area Zone be made.

14. To this effect it is recommended that the following Clause be added into Development Guidelines 1A:

“6.3 Calculation of car parking requirements for additions

In the Central Area Zone where additional floor space is to be added to an existing building, and the land use is not changing to that legally operating at the time of application, the number of car parking spaces required will be based on the existing car parking facilities on the site plus the number of bays required for the new proposed floor space in accordance with Clause 6.2 above. This clause does not apply to vacant land, either in its current form or as a result of demolishing an existing building”.

15. This new clause will make it clear to landowners looking at upgrading buildings as to Council’s approach on parking commitments. Many of the buildings in the Central Area were constructed when there was no requirement to accommodate parking on site (pre the invention of, or wide public use of, the motor vehicle) or when lesser parking standards applied. When a developer proposes to add additional floor space to an existing building, the above policy change will ensure that additional parking bays will be calculated only on that floor space, and not the floor space of the entire building.

16. The proposed policy will help encourage owners to redevelop their properties whilst ensuring that developers provide new parking for new floor space.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued

RECOMMENDATIONS

1. THAT Council:
 - i) pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters;
 - ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Chief Executive Officer those functions specified in Schedule 2 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters; and
 - iii) in accordance with the provisions of section 5.44 of the Local Government Act 1995, the Chief Executive Officer be authorised to sub-delegate those functions in part (i) and (ii) above.

2. THAT Council adopt for advertising the revised Development Guidelines for Town Planning Scheme No. 1A (Note: The modified guidelines propose to introduce clarification on parking standards for additions in the Central Area Zone).

Voting Requirement Absolute Majority

<p>MOVED COUNCILLOR MATLA SECONDED COUNCILLOR PAVER</p> <ol style="list-style-type: none">1. THAT Council:<ol style="list-style-type: none">i) pursuant to clause 7.22 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters;ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Chief Executive Officer those functions specified in Schedule 2 in the Elected Members Report/Information Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters; andiii) in accordance with the provisions of section 5.44 of the Local Government Act 1995, the Chief Executive Officer be authorised to sub-delegate those functions in part (i) and (ii) above. 1. THAT Council adopt for advertising the revised Development Guidelines for Town Planning Scheme No. 1A (Note: The modified guidelines propose to introduce clarification on parking standards for additions in the Central Area Zone). <p style="text-align: right;">MOTION CARRIED 11-0 ABSOLUTE MAJORITY</p>
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GENERAL MANAGEMENT SERVICES REPORTS

14.4.3 Annual Review of Council Delegations – Local Government Delegations

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	Annual Review of Council Delegations
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn) Corporate Governance Coordinator (S Jamieson)
Disclosure of Interest	:	Nil
Previous References	:	OCM 20/11/01 - Item 12.2.2 OCM 20/08/02 - Item 12.2.7 OCM 20/01/04 - Item 12.2.2 OCM19/04/05 - Item 12.2.4 OCM 18/04/06 - Item 12.2.3 OCM 18/12/07 – Item 14.4.1
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer’s various delegations.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. Under the provisions of the Local Government Act 1995, a local authority may delegate some of its powers and duties to the Chief Executive Officer or Committee’s of Council to help facilitate the many services it provides to the community.
2. At least once every financial year, the powers and duties delegated under the Local Government Act are required to be reviewed by the delegator.
3. At the OCM 18/12/07 delegations were renewed; however it was identified that some of the delegations need to be either refined or amended.

STATUTORY REQUIREMENTS:

4. Section 5.42 of the Local Government Act 1995 enables the delegation of some powers and duties to the Chief Executive Officer:
 - “1) *A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued

- 2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”*
5. Section 5.16 and 5.17 of the Local Government Act enables the delegation of some powers and duties to a committee:
 - “1) *Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than the power to delegate;*
 - 2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”*
6. Under the provisions of section 5.46 (2) of the Local Government Act, delegations must be reviewed by the delegator at least once every financial year.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

The City of Albany will always be renowned for... our customer focus and our high-performance system of governance.

Priority Projects:

Nil”

COMMENT/DISCUSSION

9. To comply with section 5.46(2) of the Local Government Act, the City of Albany has completed an internal review of its current delegations. In order to continue to provide a high level of service to the Community, it was established that a majority of the City’s delegations should continue.
10. As a result of an additional internal review, the City has amended the delegations register, to clearly indicate how delegations relate back to the Local Government Act in an effort to improve compliance as an organisation.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued.

11. At the December 2007 meeting of Council, a resolution was passed requiring Staff to report back to Council on the delegation, pursuant to the *Local Government (Miscellaneous Provisions) Act 1960*, authorising staff to grant approval for a building which encroaches over a public place or street.
12. Section 400 of the above Act provides that no person shall erect a building which encroaches on, over or under a street or other public place except with the permission of the Local Government and the Minister. The Act then goes on to exempt certain types of encroachments from requiring Ministerial approval (local authority approval is still required). Those exempt activities include:
 - brickwork, eaves, window sills, cornicing, etc which do not encroach by more than 230mm;
 - an awning or verandah which is at least 2.75m above the footpath and is supported by posts positioned on the outer edge of the footpath; and
 - a cantilever balcony which is 2.75m above the footpath and does not protrude more than 750mm or a greater distance prescribed in a local authority local law.
13. Numerous commercial buildings are built up to the front property boundary and have minor protrusions over the public street. Section 400 requires an approval to be issued by the Local Authority for those minor protrusions and a delegation has been extended to staff in the past to expedite the approval's process. Where a building physically encroaches upon the footpath (eg alfresco area for Albany Hotel and Nonnas Restaurant) the application has been referred to Council for determination and then Ministerial approvals sought. That practice would continue.

RECOMMENDATION

THAT Council:

- i) In accordance with the provisions of Section 5.42 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:

- a) Disposal of Council Land.

The power to:

- (i) Engage an auctioneer, real estate agent and settlement agent to represent the City, and to negotiate the sale of property.
- (ii) Sell a property, which is valued at less than \$5000 dollars and is not capable of being independently developed.

Condition:

- (i) When properties fail to sell at public auction or public tender the sale price is no less than the value determined by a licensed professional valuer.

Reference: Local Government Act 1995, section 3.58 (1)(2)(a)(b)
Report Requirement: FILE (MAN122, FIN066)

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued

b) Road Widening/s.

The power to: obtain road widening/s for Council’s road infrastructure improvement.

Conditions:

- (i) All alternative routes with regard to road construction or re-construction shall be investigated as part of the design process;
- (ii) Road widening location to be based on sound engineering principles taking into account existing and future road systems;
- (iii) Should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50 000 dollars, without referral to Council;
- (iv) Agreement has been obtained from the affected land owners for the land to be resumed; and
- (v) No payment of compensation is to be paid until the road widening has been registered with the Titles Office.

Reference: Local Government Act 1995, section 5.42.
Report Requirement: FILE (MAN122)

.....

c) Bush Fire Agreements.

The power to: Execute, Grant and Service Agreements arranged with the Fire and Emergency Services Authority of WA.

Reference: Local Government Act 1995, section 5.42
Report Requirement: FILE (MAN122)

.....

d) Payment to Employees.

The power to: Implement the provisions of the Policy – “Payments to Employees in Addition to Contract or Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provision of this policy.

Conditions:

- (i) Where in the opinion of the Council, an employee has provided outstanding service during their period of employment, the Council may purchase a gift to the value of \$500 dollars for presentation to the employee upon cessation of employment.
- (ii) The manner of assessment of such a gift is to include the following factors:
 - The conscientiousness of the employee over the employment period;
 - The value of the employee’s services having regard to the position(s) held and regard given by the organisation to the employee’s contribution.

Reference: Local Government Act 1995, section 5.50.
Report Requirement: FILE (MAN122)

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued

e) Geographic Names Committee.

The Authority to forward recommendations of street names to the WA Geographic Names Committee.

Condition:

In accordance with the Geographic Names Committee, Western Australia, Principles, Guidelines and Procedures.

References: Local Government Act 1995, section 5.42,
Land Administration Act 1997,
Part 2 – General Administration Division 3 – General.
Report Requirement: FILE (MAN122)

.....

f) Landfill Subsidy Scheme.

Gives the Chief Executive Officer the power to administer the Landfill Subsidy Scheme, in accordance with the provisions of Delegated Authority as contained in the City of Albany's Landfill Subsidy Scheme Policy.

Condition:

As per the parameters set out in the Council's "Landfill Subsidy Scheme Policy".

References: Local Government Act 1995, section 6.10
Report Requirement: FILE (MAN122)

.....

g) Building Licences.

The power to:

- (1) Approve and refuse the issue of building licenses;
- (2) The power to serve a stop order upon a builder;
- (3) To grant approval for a building which encroaches over a public place or street no more than 0.4 of a metre; and
- (4) To require unfinished buildings to be completed or removed.

Condition:

Nil

Reference: Local Government (Miscellaneous Provisions) Act
Report Requirement: BULLETIN

Voting requirement Absolute Majority

.....

Item 14.4.3 continued

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WISEMAN**

THAT Council:

i) In accordance with the provisions of Section 5.42 of the Local Government Act 1995, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:

a) Disposal of Council Land.

The power to:

- (i) Engage an auctioneer, real estate agent and settlement agent to represent the City, and to negotiate the sale of property.**
- (ii) Sell a property, which is valued at less than \$5000 dollars and is not capable of being independently developed.**

Condition:

- (i) When properties fail to sell at public auction or public tender the sale price is no less than the value determined by a licensed professional valuer.**

**Reference: Local Government Act 1995, section 3.58 (1)(2)(a)(b)
Report Requirement: FILE (MAN122, FIN066)**

.....

b) Road Widening/s.

The power to: obtain road widening/s for Council's road infrastructure improvement.

Conditions:

- (i) All alternative routes with regard to road construction or re-construction shall be investigated as part of the design process;**
- (ii) Road widening location to be based on sound engineering principles taking into account existing and future road systems;**
- (iii) Should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50 000 dollars, without referral to Council;**
- (iv) Agreement has been obtained from the affected land owners for the land to be resumed; and**
- (v) No payment of compensation is to be paid until the road widening has been registered with the Titles Office.**

**Reference: Local Government Act 1995, section 5.42.
Report Requirement: FILE (MAN122)**

.....

Item 14.4.3 continued

c) Bush Fire Agreements.

The power to: Execute, Grant and Service Agreements arranged with the Fire and Emergency Services Authority of WA.

**Reference: Local Government Act 1995, section 5.42
Report Requirement: FILE (MAN122)**

.....

d) Payment to Employees.

The power to: Implement the provisions of the Policy – “Payments to Employees in Addition to Contract or Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provision of this policy.

Conditions:

- (i) Where in the opinion of the Council, an employee has provided outstanding service during their period of employment, the Council may purchase a gift to the value of \$500 dollars for presentation to the employee upon cessation of employment.**

- (ii) The manner of assessment of such a gift is to include the following factors:**
 - The conscientiousness of the employee over the employment period;**
 - The value of the employee’s services having regard to the position(s)held and regard given by the organisation to the employee’s contribution.**

**Reference: Local Government Act 1995, section 5.50.
Report Requirement: FILE (MAN122)**

.....

e) Geographic Names Committee.

The Authority to forward recommendations of street names to the WA Geographic Names Committee.

Condition:

In accordance with the Geographic Names Committee, Western Australia, Principles, Guidelines and Procedures.

**References: Local Government Act 1995, section 5.42,
Land Administration Act 1997,
Part 2 – General Administration Division 3 – General.
Report Requirement: FILE (MAN122)**

.....

Item 14.4.3 continued

f) **Landfill Subsidy Scheme.**

Gives the Chief Executive Officer the power to administer the Landfill Subsidy Scheme, in accordance with the provisions of Delegated Authority as contained in the City of Albany’s Landfill Subsidy Scheme Policy.

Condition:

As per the parameters set out in the Council’s “Landfill Subsidy Scheme Policy”.

References: Local Government Act 1995, section 6.10
Report Requirement: FILE (MAN122)

.....

g) **Building Licences.**

The power to:

- (1) Approve and refuse the issue of building licenses;
- (2) The power to serve a stop order upon a builder;
- (3) To grant approval for a building which encroaches over a public place or street no greater than 0.4 metres; and
- (4) To require unfinished buildings to be completed or removed.

Condition:

Nil

Reference: Local Government (Miscellaneous Provisions) Act
Report Requirement: BULLETIN

.....

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.4.4 Annual Compliance Audit Return - 2007

File/Ward	:	GOV039 (All Wards)
Proposal/Issue	:	Annual Compliance Audit Return (CAR) for period 1 January 2007 to 31 December 2007.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Corporate Governance Coordinator (S Jamieson)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Adopt 2007 Compliance Audit Return and endorse certification.
Bulletin Attachment	:	Copy of the 2007 Compliance Audit Return
Locality Plan	:	N/A

BACKGROUND

1. Each year, local government authorities are required to undertake an audit of compliance for the preceding calendar year. A copy of the 2007 Compliance Audit Return is included in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

2. Section 7.13 (i) of the Local Government Act 1995 and Regulations 13 of the Local Government (Audit) Regulations 1996 establish the requirements for Local Governments to undertake an annual compliance audit and submit a copy of that audit to the Department of Local Government and Regional Development (DLGRD).

POLICY IMPLICATIONS

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

Item 14.4.4 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

Nil

Mission Statement:

At all times we will

- *actively keep abreast of best practice;*

The City of Albany is committed to

- *providing sound governance; and*

The City of Albany will always be renowned for

- *our high performance system of governance.*

Priority Projects:

Nil”

COMMENT/DISCUSSION

6. The Compliance Audit Return forms an important part of the City’s compliance monitoring program.
7. A copy of the 2007 Compliance Audit Return is detailed at Bulletin item 1.4.6

RECOMMENDATION

THAT the:

- i) Compliance Audit Return for the City of Albany for the period 1 January 2007 to 31 December 2007, be adopted; and
- ii) The Certificate contained within the Compliance Audit Return be endorsed appropriately by the Mayor and the Chief Executive Officer and submitted to the Department of Local Government and Regional Development.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.4 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT the:

- i) Compliance Audit Return for the City of Albany for the period 1 January 2007 to 31 December 2007, be adopted; and**
- ii) The Certificate contained within the Compliance Audit Return be endorsed appropriately by the Mayor and the Chief Executive Officer and submitted to the Department of Local Government and Regional Development.**

MOTION CARRIED 11-0

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

**14.5.1 Corporate Strategy and Governance Strategy and Policy Committee Meeting Minutes
– 26th Feb 08**

- File/Ward** : MAN 233 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
Corporate Governance Coordinator
(S Jamieson)
- Summary Recommendation** : That the minutes of the Corporate Strategy and
Governance Strategy and Policy Committee
Meeting held on the 26th Feb 08 be received.

RECOMMENDATION

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy
Committee Meeting held on the 26th Feb 08 be received (copy of minutes are in the Elected
Members Report/Information Bulletin).

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR PRICE**

**THAT the minutes of the Corporate Strategy and Governance Strategy and Policy
Committee Meeting held on the 26th Feb 08 be received (copy of minutes are in the Elected
Members Report/Information Bulletin).**

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WISEMAN**

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

MOTION CARRIED 11-0

Due to Councillor Bostock's absence Item 16.1 lapsed.

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Albany Waterfront Memorandum of Agreement between the City of Albany and the State of Western Australia

File/Ward	:	MAN 075/ MAN168 (Frederickstown Ward)
Proposal/Issue	:	Review status of Albany Waterfront Memorandum of Agreement [September 2005 and September 2007 (revised)]
Subject Land/Locality	:	Albany Waterfront Project
Proponent	:	LandCorp
Owner	:	Crown
Reporting Officer(s)	:	Manager Economic Development (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	SCM 30/08/2005 OCM 21/11/2006
Summary Recommendation	:	Council acknowledge the background and process in formulating the Albany Waterfront Memorandum of Agreement (revised September 2007) and observe its status as a guide to the planning and delivery of the project and to Councils financial commitments to the project.
Bulletin Attachment	:	1. Albany Waterfront Memorandum of Agreement (September 2005). 2. Albany Waterfront Memorandum of Agreement (Revised September 2007).
Locality Plan	:	N/A

BACKGROUND

1. Councillor Bostock has advised that she wishes to submit the following motion to the March 2008 meeting of Council for debate:

Item 16.1 continued

THAT council examine Memorandum of Agreement September 2007 with particular respect to the financial implications of section 9.2 "The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project.

Reason: Section 9.2 has the potential to expose the City to an unquantifiable financial liability.

STATUTORY REQUIREMENTS

2. There are no Statutory Requirements relating to this item.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Excellent community infrastructure and services;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities to the community and attractive to investment.*

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

27. *Albany Waterfront:- Establish working boat harbour and complementary commercial and community based facilities on Princess Royal Harbour foreshore.”*

Item 16.1 continued

COMMENT/DISCUSSION

6. At SCM 30/08/2005 Council considered the recommendations of the Albany Waterfront Development Committee and resolved as follows:
 - a. Any previous decisions of the Council that are substantially different to the motions set out below in paragraphs (b), (c), (d) and (e) be revoked under regulation 10 of the Local Government (Administration) Regulations 1996;
 - b. Council enters into an agreement with the State of Western Australia known as the Albany Waterfront Memorandum of Agreement based upon the following key principles and commitments;

PROJECT VISION

To create a sustainable, attractive and exciting world-class waterfront precinct for the Albany community, the Great Southern Region, and visitors to the region.

The Albany Waterfront will provide a protected boat harbour serving the recreational, fishing and tourism industries and a land-based development adjacent to the town jetty providing a range of tourist accommodation, maritime servicing, entertainment, recreational and community based facilities.

COMMITMENTS TO THE COMMUNITY

The State of Western Australia and the City of Albany are committed to the following underlying principles regarding the development and ongoing operation of the Albany Waterfront:

- *Acknowledgement and respect of 24 hour a day, 7 day a week heavy haulage access to the Port of Albany.*
- *Prohibition of residential activity.*
- *Unfettered community access to the foreshore.*
- *Maintenance of the iconic Princess Royal Harbour vista as seen from the York Street Commercial Precinct.*

SCOPE OF AGREEMENT

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *Albany Waterfront - The remediation and development of 5.5 hectares of waterfront land into subdivided lots and civic space to accommodate and service the Albany Entertainment Centre, tourism accommodation, retail, commercial, maritime, parking and public facilities.*
- *Boat Harbour - The development of a marina immediately to the East of the town jetty that will accommodate and service approximately 70-80 vessels.*

Item 16.1 continued

- *Pedestrian Bridge - The construction of a pedestrian bridge linking the proposed Albany Entertainment Centre and adjacent facilities in the Albany Waterfront Project to Stirling Terrace and the Albany Railway Station Precinct.*

The Albany Entertainment Centre

- *The construction of a 650 to 700 seat entertainment facility, architecturally compatible with, and complementary to, the future development of contiguously located hotel and convention facilities.*

Anzac Peace Park

- *The remediation and development of approximately 1.4 Hectares of waterfront land to the west of York Street and portions of the adjoining reserve to the east of York Street for public parkland purposes.*

Associated Land Transactions

- *The transfer in freehold to the City of Albany a parcel of land, the size to be agreed upon but generally in accordance with diagram 2, excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage.*
- *The relinquishment of the Management Order over Lot 1512 Emu Point by the City of Albany.*

ROLES and RESPONSIBILITIES

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *LandCorp will be principally responsible for and project manage the urban design, statutory approvals process, construction of infrastructure, and subdivision and release of land.*
- *The City of Albany will be responsible for the care and management of all road reserves, the pedestrian bridge, civic spaces and all fixtures and improvements coming into its control as a result of the subdivision process.*
- *The Department of Planning and Infrastructure will be responsible for the management of the Marina and the care and management of maritime infrastructure and any civic spaces or leasehold land coming into its control as a result of the subdivision process.*

The Albany Entertainment Centre

- *The City of Albany will be principally responsible for and project manage the design, statutory approval processes, construction, commissioning and ongoing care, control and management of the facility.*

Anzac Peace Park

- *The City of Albany will be principally responsible for and project manage the design, statutory approvals process, development, commissioning and ongoing care, control and management of the facility.*

Item 16.1 continued

- *LandCorp will collaborate with the City of Albany in undertaking a coordinated environmental assessment of the Anzac Peace Park site and some sections of the Albany Waterfront site.*

Associated Land Transactions

- *LandCorp will transfer land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage to the City of Albany upon the creation of the new lot. LandCorp may consider a development lease to the City of Albany to allow construction of the Albany Entertainment Facility to commence prior to the creation of the new lot.*
- *The City of Albany will advise the Department of Land Administration that it has relinquished the Management Order over Lot 1512 Emu Point upon the execution of this agreement.*

FINANCING

- i) *The State of Western Australia will contribute \$27.8 million to the Albany Waterfront Project and \$14.9 million to the Albany Entertainment Centre Project plus the land necessary to accommodate that facility.*
 - ii) *The City of Albany will contribute \$1 million to the Albany Waterfront project and \$1.2 million plus any Federal grant monies obtained to the Albany Entertainment Centre Project.*
 - iii) *The City of Albany is responsible for financing and obtaining further funding for the design and development of Anzac Peace Park.*
 - iv) *The City of Albany acknowledges that the proceeds of the development of Lots 1512 and 1523 Emu Point are to be applied by the State Government to the Albany Waterfront Project.”*
 - a) Urban design layout and development guidelines to be determined by way of Structure Plans and Precinct Plans adopted pursuant to the Town Planning Scheme;
 - b) Architectural and building design to be determined by way of Central Area Design Guidelines (currently under preparation) adopted as a Local Planning Policy; and
 - c) Residential activity to be prohibited by way of:
 - Town Planning Scheme regulation
 - Specific covenants in Lease Documents
 - Restrictive covenants on Freehold Titles.
7. The Memorandum of Agreement (MOA) is not a legal document rather it lays out previous decisions, commitments and responsibilities of the major stakeholder organisations who have a role in bringing the project to fruition. The MOA formalises a partnership between the State of Western Australia and the City of Albany and guides the planning and delivery of the project.

Item 16.1 continued

8. A revised version of the original Memorandum of Agreement (dated 6 September 2005) was signed by Her Worship the Mayor Alison Goode (former Mayor) on 8 October 2007 after Council had resolved the following at OCM 21/11/06:
- a. Disband the Albany Entertainment Centre Steering Committee;
 - b. Enter into a Memorandum of Agreement with the Department of Housing and Works and the Great Southern Development Commission that recognises:
 - i) the Minister for Works as the Principal to the Project Architect and the Department of Housing and Works as the Principal's representative
 - ii) the Great Southern Development Commission as the administrator of the project capital works budget.
 - iii) a requirement for Council endorsement of key stages of the project including the appointment of the architect; selection of the design and statutory approvals (as necessary);
 - c. Endorse the establishment of a local Project Planning Group consisting of Council Officers to liaise with the Project Architect (and sub-consultants) to bring recommendations to Council on interior fit-out, landscaping and public art;
 - d. Endorse the establishment of a Steering Committee consisting of representatives from the Department of Housing and Works (DHW), the Great Southern Development Commission (GSDC) and the City of Albany (Chief Executive Officer) to provide strategic direction and leadership in bringing the project to fruition.
 - e. Endorse the establishment of a Design Review Committee lead by DHW and consisting of:
 - Government Architect – Chairman (Prof. Geoffrey London);
 - Director of Urban Design firm Urbanizma (Prof. Patric deVilliers);
 - Manager Economic Development - City of Albany (Mr Jon Berry) (the Mayor and CEO will also attend meetings as observers);
 - Project Manager Department of Housing and Works (Mr Ian Johnston); and
 - CEO Great Southern Development Commission (Mr Bruce Manning).

Item 16.1 continued

9. The revised Memorandum of Agreement captured the contents of Council’s resolution and serves to reconfirm the strategic alliance that exists between the key stakeholders and again outlines the roles and responsibilities of each organisation. It introduces the Department of Housing & Works as project manager for the Albany Entertainment Centre and provides updated capital works financing data.

10. The revised MOA states the W.A. Government will contribute \$46.3m and Council’s contribution will be \$1.2m plus any Federal grant monies obtained (in the order of \$1.5m). If Federal grant monies are not forthcoming the City has been advised that State Cabinet has previously agreed to fund any deficit.

11. Should the project capital cost exceed \$49m (and the State Government resolves not to contribute any additional funds), then the project may be deemed unviable and Council and the State Government would need to review the current building design and function. Notwithstanding this, the project management regime put in place through the revised MOA transfers all contractual risks to the Minister for Works – not the Council.

COUNCILLOR BOSTOCK’S NOTICE OF MOTION

THAT council examine Memorandum of Agreement September 2007 with particular respect to the financial implications of section 9.2 "The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project.

Voting Requirement Simple Majority

.....

OFFICER’S RECOMMENDATION

THAT Council acknowledge:

- a. The background and process in formulating the Albany Waterfront Memorandum of Agreement (revised September 2007) and observe its status as a guide to the planning and delivery of the project.

- b. The City of Albany’s funding is limited to \$1.2 million capital contribution to the Albany Entertainment Centre and \$1 million for the purchase of the land.

Voting Requirement Simple Majority

.....

Item 16.1 continued

AMENDED NOTICE OF MOTION BY COUNCILLOR BOSTOCK

THAT Council:

- (i) Examines Memorandum of Agreement September 2007 with particular respect to the financial implications of section 9.2 “The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project”.
- (ii) Council requires written confirmation from the WA State Government that:
 - a. The City of Albany will pay only the sum specified as its contribution to the Albany Entertainment Centre (AEC) project in the MOA 2007 9.3 and 9.4, being:
 - (1) *“9.3 The City of Albany will contribute \$1.0 million to the Albany Waterfront project in the 2007-2008 financial years as payment for the land necessary to accommodate the Albany Entertainment Centre Project; and*
 - (2) *9.4 The City of Albany will contribute \$1.2 million plus any Federal grant monies obtained in the order of \$1.5 million to the Albany Entertainment Centre Project.”*
 - b. All other expenditure to complete the project will be the responsibility of the WA State Government.

Reason:

This amended Notice of Motion aims to provide a greater security and tighter protection to Council’s financial risk to this project. In the event that this motion is not supported I would highly recommend that the Officer’s Recommendation is amended to provide clarity and ensure the City of Albany has not exposed itself to an unaffordable overspend, by recommending to amend the MOA September 2007 to include additional financial controls.

Amended Recommendation by Councillor Bostock

THAT Council acknowledge:

- a. The background and process in formulating the Albany Waterfront Memorandum of Agreement (revised September 2007) and observe its status as a guide to planning and delivery of the project on the provision that Section 9.2 of the Albany Waterfront Memorandum (September 2007) is amended to read:

“9.2 The State of Western Australia will be responsible for financing the Albany Entertainment Centre to completion”.
- b. Reaffirm The City of Albany’s funding is limited to \$1.2 million capital contribution to the Albany Entertainment Centre and \$1 million for the purchase of the land.

Note: Item 16.1 lapsed.

16.2 Public Environmental Review - Albany Port Expansion Proposal

File/Ward	:	(Frederickstown Ward)
Proposal/Issue	:	Sea Dumping of Dredged Material to Create Iron Ore Berth
Subject Land/Locality	:	King George Sound
Proponent	:	Albany Port Authority
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Lodge Objection to Spoil Disposal Site
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. Councillor Paver has requested that an agenda item be submitted to the March meeting of Council to provide an opportunity for Council to comment on the “Albany Ore Project Public Environmental Review - Albany Port Expansion Proposal”. The Public Environmental Review (PER) document was released for public comment on the 24th September 2007 and the public submission period closed on the 19th November 2007.
2. The PER examines a range of environmental issues associated with the creation of an additional berth at the Albany Port for the iron ore project and recommends a range of management solutions to address those issues. The PER, at Table 5.3, indicates that the total volume of spoil to be disposed of, following dredging, would range from 7.85 million cubic metres (for a vessel with a draft of 15.0m and 80% channel access) to 13.54 million cubic metre (for a vessel with a draft of 16.0m and 95% channel access).
3. The off-shore disposal area would cover approximately 250ha of the ocean floor with spoil ranging in height from 3.5m to 6.5m. The PER identifies a preferred disposal site in the channel generally located between Bald Head and Breaksea Island, where the depth is approximately 40.0m. It also examined an alternate disposal site south east of Bald Head where water depth was similar.

Item 16.2 continued

4. Attached is an extract from the PER explaining the rationale for the selection of the preferred disposal site and a plan showing the areas under consideration.

STATUTORY REQUIREMENTS

5. The disposal area is located within state waters and is subject to environmental evaluation under the Western Australian *Environmental Protection Act 1986*. The EPA has set the level of State assessment at a Public Environmental Review level. The land reclamation and harbour dredging also require approvals under the *Waterways Conservation Act 1976*.
6. The dumping of spoil within State Waters also requires approval under Federal environmental legislation and the *Environmental Protection and Biodiversity Conservation Act 1999* and the *Environmental Protection (Sea Dumping) Act 1981* are relevant.

POLICY IMPLICATIONS

7. In its assessment of projects, the EPA takes into account a number of principles with its decision-making:
 - The precautionary principle;
 - The principles of Intergenerational Equity;
 - The Principle of the Conservation of Biological Diversity and Ecological Integrity;
 - Principles in relation to Improved Valuation, Pricing and Incentive Mechanisms; and
 - The principle of Waste Minimisation.

FINANCIAL IMPLICATIONS

8. There are no Financial Implications for the City of Albany from the construction of the proposed work. Should spoil move over time, there may be broad community costs following the alteration of shore lines and the transport of silt within the marine environment.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

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

Priority Projects:

Nil.”

Item 16.2 continued

COMMENT/DISCUSSION

- 10. The concern raised by the community is whether the information contained within the PER is accurate and can be relied upon. If the science is flawed and the assumptions are proven wrong, there needs to be an understanding of the impact that over 7,000,000m³ of silt and sand will have on King George Sound if it is transported by wave and tidal actions.
- 11. Of the marine structures already placed within King George Sound (Emu Point groyne and Whaleworld Marina), natural processes have not correlated with the science for those projects. The consequence has been consequential erosion and siltation of the local beaches adjacent to those structures.
- 12. The PER has documented those pristine marine ecosystems that exists in King George Sound and it would be catastrophic if those ecosystems were to be buried by spoil dumped by the State Government to provide for an expansion of the port; the City's dive wreck and other infrastructure may also be compromised if the spoil was to move. To exacerbate the problem, once dumped, it would be difficult to retrieve that spoil.

COUNCILLOR PAVER'S RECOMMENDATION

THAT Council advise the Environmental Protection Authority (WA), the Federal Department of Environment and Water Resources and the Department of Water (WA) that the City of Albany, accepting the precautionary principles applying to environmental assessment, is opposed to spoil being dumped in King George Sound as part of the Albany Port Expansion Proposal (EPA Assessment 1594) and recommends that any sea dumping of spoil in Albany should occur beyond State waters and in a location where there is no possibility of that spoil being transported into King George Sound by tidal movement or wave action.

Voting Requirement Simple Majority

.....

AMENDED NOTICE OF MOTION BY COUNCILLOR PAVER

THAT Council advise the Environmental Protection Authority (WA), the Federal Department of Environment and Water Resources and the Department of Water (WA) that the City of Albany, accepting the precautionary principles applying to environmental assessment, is opposed to spoil being dumped in King George Sound as part of the Albany Port Expansion Proposal (EPA Assessment 1594) without:

- (1) The proponents examining the environmental consequence of the dumping of spoil in King George Sound on previous occasions;
- (2) The proponents assessing other potential dump sites on land and outside King George Sound;
- (3) The proponents methodology and conclusions receiving independent endorsement from the CSIRO; and
- (4) The State and/or Federal Government agreeing to compensate individuals and businesses for economic loss incurred as a consequence of sand drift from any dump site in King George Sound that could and should have been foreseen by Environmental Protection Agencies.

Item 16.2 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR STANTON**

THAT Council advise the Environmental Protection Authority (WA), the Federal Department of Environment and Water Resources and the Department of Water (WA) that the City of Albany, accepting the precautionary principles applying to environmental assessment, is opposed to spoil being dumped in King George Sound as part of the Albany Port Expansion Proposal (EPA Assessment 1594) without:

- (1) The proponents examining the environmental consequence of the dumping of spoil in King George Sound on previous occasions;**
- (2) The proponents assessing other potential dump sites on land and outside King George Sound;**
- (3) The proponents methodology and conclusions receiving independent endorsement from the CSIRO; and**
- (4) The State and/or Federal Government agreeing to compensate individuals and businesses for economic loss incurred as a consequence of sand drift from any dump site in King George Sound that could and should have been foreseen by Environmental Protection Agencies.**

MOTION CARRIED 8-3

17.0 MAYORS REPORT – 18 MAR 08

Fellow Councillors:

One of my primary priorities as the Mayor of the City of Albany is to achieve good governance. "Continued success is the result of continued improvement".

With the establishment of four new governance committees over the last month, elected members now have an opportunity to set the agenda for the direction Council takes in strategic planning and policy setting for the key areas of Council business, such as; Planning and Environmental; Community and Economic Development; Asset Management & City Services; and Governance and Corporate Strategy.

It is our aim that through these committees "best practice" governance processes will be achieved, which will raise the bar on the way Council does business and achieve greater openness and accountability. I encourage Councillors to embrace this opportunity and to work together to establish trust and respect for themselves, for each other and for the process that is local government.

On 22nd February, the City of Albany held a one day strategic planning workshop to establish a draft strategic plan for the four years ahead. Prior to this workshop, members of the community were randomly invited to contribute their ideas and vision for Albany, from which Council took up the ideas and applied its own thinking to establish a draft plan ready for wider community input. The document will be available for public comment in late April.

Item 17.0 continued

On the 4th and 5th March, the City of Albany hosted the Premier and State Ministers for the first Regional Cabinet Meeting of the year. Andrew Hammond and myself had the opportunity to provide the Ministers with a briefing on Albany's major projects, our tourism and industry development, and infrastructure requirements to meet the anticipated population growth, including; health services, roads, public transport, education, renewable energy, sporting facilities and accommodation.

Also on the 4th March I was very honoured to take part in the official opening of the Albany Footbridge on 4th March. After so many years of planning, it was an historic day for Albany to see the bridge finally completed and open for public use. It marks the completion of the first major milestone of the Waterfront Development project.

Several significant events took place over the past month including;-

- A Civic Reception for the RAAF No 2 Flying Training School (2FTS).
- The AFL/NAB Cup football game, which brought the focus of the nation to Albany.
- A Group Citizenship Ceremony, at which I welcomed 12 new Australian Citizens to our City.
- The annual 46th Centennial Art Prize (which the Weekender now has the naming rights to) and the prestigious \$25,000 'winner takes all' City of Albany Art Prize, sponsored by the Jack Family Charitable Trust. Both events have certainly raised the profile of art in Albany and indeed interest from artists across the State, and around the nation.
- and finally, 'Relay for Life' which again received enthusiastic support across the broader community to raise valuable funds for the fight against cancer.

Also over the month, I had meetings with the Albany Entertainment Centre Internal Fit-Out Committee, at which we were briefed by the architects on the colours, fabrics, finishes and furniture that will be used to complete the Albany Entertainment Centre. I can tell you that it will be spectacular and it is with much enthusiasm that I look forward to the completion of that project so that it can be enjoyed by the entire community.

I received an update from the owners of the site of the former Esplanade Hotel (CS Partners) and their consultants (The Hospitality Partners), regarding market development for their new hotel. I also participated in a workshop with the Landscape and Interpretation Designers of the Anzac Peace Park, due to commence 26th April 2008.

The progression of these and other projects within the City give me confidence of the exciting times ahead that we, as elected members of this Council, will be part of during our term of office.

DRAFT MOTION

THAT the Mayor's Report dated 18th March 2008 be received.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR PRICE**

THAT the Mayor's Report dated 18th March 2008 be received.

MOTION CARRIED 11-0

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

18.1 Additional Financial Assistance for the Albany Classic Motor Event

File/Ward	:	FIN061 (Frederickstown)
Proposal/Issue	:	Additional support requested for the Albany Classic Motor Event
Subject Land/Locality	:	N/A
Proponent	:	Albany Classic Motor Event Organising Committee
Owner	:	N/A
Reporting Officer(s)	:	Manager Economic Development (J.Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/11/06 OCM 17/07/07
Summary Recommendation	:	THAT additional funds of \$10,000 (ex gst) be allocated in the 2007/08 budget to enable the delivery of the Albany Classic Motor Event in June 2008
Bulletin Attachment	:	Correspondence from VSCCWA (Inc); Albany Classic Motor Event Organising Committee; Tanglehead Brewery
Locality Plan	:	N/A

BACKGROUND

1. The Albany Classic Motor Event is held over the June Foundation Day Long Weekend. The event has previously been designated 'Icon' status by Council for the years 2007, 2008, 2009. Icon status is granted to major events held each year, which attract a significant number of visitors to the City.
2. The Albany Car Classic is run by a local committee consisting of volunteers, a paid co-ordinator and is assisted by the Vintage Sports Car Club (VSCCWA Inc). In previous years considerable voluntary assistance was provided by the City of Albany Community Development Officer, however this was withdrawn in 2006 as this arrangement was an anomaly in City operations, with similar assistance unavailable to other community events.
3. After this arrangement ceased, the Committee approached the City requesting Council continue to auspice the event, and to categorise the Car Classic as a 'City of Albany event' (although the Committee would continue to support its organisation). They further requested that the City continue to manage the accounts and increase its annual contribution from \$8,000 to \$32,000.

Item 18.1 continued

4. At its 21 November 2006 meeting Council resolved to increase its contribution from \$8,000 to \$21,000 subject to:
 - The event remaining a community event organised by the Albany Classic Motor Event Committee
 - The City's role being limited to a major sponsorship, auspicings the event and maintaining the accounts, with the voluntary role previously undertaken by the Community Development Officer becoming the responsibility of the Event Coordinator.
 - The Committee becoming incorporated and fully managing the event.
 - The Vintage Sports Car Club (VSCC) continuing to fund the co-ordinator's remuneration
5. The 2007 event also achieved an additional \$10,000 from Eventscorp, which provided the local Organising Committee with sufficient funds for financial breakeven.
6. On 20 September 2007, the City participated in an event review and visioning session with local Committee members, ACCI CEO Graham Harvey and Mr Peter Watson MLA. The workshop examined ways of improving the viability of the event to ensure its continuance into the future. It was agreed that rationalisation of some of the existing activities could reduce costs and better management of entry arrangements and charges would assist boost revenues.
7. Increased grant opportunities from Eventscorp and new sponsors such as GSDC and Lotterywest were also considered at the workshop. The City and the local Committee President have since met both Lotterywest and Eventscorp senior staff and received a favourable response regarding future sponsorship opportunities. Notwithstanding this, both programs are currently unable to assist the 2008 event due to the short lead time (Lotterywest) and closure of Eventscorp programs. (The Organising Committee missed the deadline for the 2008 Regional Events Scheme of Eventscorp as they did not apply by the closing date in late 2007 due to uncertainty if the event would even continue.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

Item 18.1 continued

FINANCIAL IMPLICATIONS

10. Council's 2007/08 Operating Budget includes a contribution to the Albany Classic of \$21,000 from the Events budget. If Council supports the officer recommendation of an additional \$10,000 then the total funding commitment is \$31,000 plus or minus any operating surplus/deficit. (The Classic has never operated at a deficit and normally breaks even).

STRATEGIC IMPLICATIONS

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

“Community Vision:

A thriving City, Albany's community will enjoy... excellent community infrastructure and services.

Mission Statement

The City of Albany is committed to... Making a difference for Albany by Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects

Nil”

COMMENT/DISCUSSION

12. On 21 February 2008 City staff met with members of the Perth based Vintage Sports Car Club of WA Inc to discuss an arrangement which would enable the event's continuance in 2008. The VSCCWA has since proposed that the City of Albany undertakes the following in 2008:
 - Account for income and expenditure transactions within its operating budget
 - Take responsibility for any short fall or surplus generated; (the VSCCWA Inc will have no claim on any surplus)
13. The Local Organising Committee is confident it will meet other revenue projections which include gate takings (entry and management arrangements have been reviewed) and a renewed sponsorship drive.
14. The local Committee President wrote to the City of Albany on 7 March 2008 (copy in elected members' bulletin) seeking an additional \$10,000 to enable the event to proceed in 2008. This funding would mainly be applied to City-provided services that are normally charged to the Committee. The VSCCWA has also advised it will contribute an additional \$6,000 to address the funding shortfall.

Item 18.1 continued

RECOMMENDATION

THAT Council:

- i) increases its contribution to the 2008 Albany Classic Motor Event by \$10,000 (ex gst) plus/minus any deficit/surplus;
- ii) support City staff working with the Committee to ensure budgetary control for the 2008 event and assist strengthening capacity building;
- iii) advise the Albany Classic Motor Event Committee that future funding will be dependant upon the Committee achieving legal status as an Incorporated Association, and;
- iv) support the City auspicing income and expenditure for the event on behalf of the Organising Committee

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON**

THAT Council:

- i) increases its contribution to the 2008 Albany Classic Motor Event by \$10,000 (ex gst) plus/minus any deficit/surplus;**
- ii) support City staff working with the Committee to ensure budgetary control for the 2008 event and assist strengthening capacity building;**
- iii) advise the Albany Classic Motor Event Committee that future funding will be dependant upon the Committee achieving legal status as an Incorporated Association, and;**
- iv) support the City auspicing income and expenditure for the event on behalf of the Organising Committee**

**MOTION CARRIED 9-2
ABSOLUTE MAJORITY**

Item 18.1 continued

	THE ALBANY WEEKENDER 2008 CLASSIC MOTOR EVENT	
<i>Supporting our Sponsors</i> Recipient "Australia Day Active Citizenship Award 2006" <i>Semi Finalist Regional Achievement Community Award – Event & Tourism Award 2006 & 2007</i> "Albany – The Birth of Round the Houses Motor Sports in Australia 1936"		
VSCC WA Inc & Our Sponsors		
Albany Weekender, City of Albany, Healthway, Harcourt Albany, Shannons Limited, Albany GateWAY, Motel Le Grande, Hudson Henning & Goodman Legal Group, Cleanaway, Gold MX, Albany Club, Gilbert Wines, Albany City Motors,		
Sponsored by Healthway to promote A smoke free WA"		



Mr Andrew Hammond
Chief Executive Officer
City of Albany
North Road
ALBANY WA 6330

Dear Andrew,

The Committee has recently met and it was unanimously decided that without additional support from the City and VSCC as outlined in the attached commitment sheet, we will not be able to conduct the event in 2008.

The Committee has continually revised the event budget with assistance from the City and VSCC, we cannot reduce it further, this is what the 2008 event costs. Whilst the City and VSCC have already financially supported the event, this year unfortunately we have not achieved funding from Eventscorp and the GSDC and this represents a loss of some \$30,000 for the event. Ironically we have received a positive response to our application for funding of next year's event. We have held discussions with other agencies such as Lotterywest to find additional funding sources for future events but that does not change the situation we now face for this year.

We continue to speak to our suppliers about reducing costs for this year and have also written to 40 Chamber local businesses seeking minor sponsorship of \$250. We are also meeting with the Chamber of Commerce next week regarding how they can assist us. The facts are the costs for 2008 are finalised and the sponsorship drive continues, which we are confident will continue to grow should the event proceed.

The Committee appreciates the recent agreement between the City and VSCC regarding administration of this years accounts, however this 'exchange of letters' needs to be concluded asap so that we can meet our existing commitments. The Committee still has a lot of tasks to complete before the event takes place and feel that we can only proceed if the requested support is received.

Whilst the Committee remains optimistic and enthusiastic of providing a successful event that will generate a positive financial return, we have now reached a stalemate and unless the Committee can secure, in writing, the requested commitments by the end of next week (Friday 14 March 2008) we feel we as volunteers have no alternative but to cease to organise the Albany Weekender 2008 Classic Motor Event and will commence advising our sponsors/suppliers/press/clubs etc,

Organising Committee: Chairman Phil Shephard A/H 08 0842-5528 Email: phshephard64@westnet.com.au
Event Manager, Rosanne Andrews-Baxter – Chester Pty Limited, 651 Lower King Road, Albany WA, Tel 08 9844-1912
Email: Rosanne@Chester.com.au Ken Esde, Ken Stone, Ph 0841-6030 Kevin Organ Mobile 0408 410 015, Glen Badger

Item 18.1 continued

	THE ALBANY WEEKENDER 2008 CLASSIC MOTOR EVENT	 Smokefree WA
<i>Supporting our Sponsors</i> <i>Recipient "Australia Day Active Citizenship Award 2006"</i> <i>Semi Finalist Regional Achievement Community Award – Event & Tourism Award 2006 & 2007</i> <i>"Albany - The Birth of Round the Houses Motor Sports in Australia 1936"</i>		
VSCC WA Inc & Our Sponsors		
Albany Weekender, City of Albany, Healthway, Harcourt Albany, Shannons Limited, Albany GateWay, Motel Le Grande, Hudson Henning & Goodman Legal Group, Cleanaway, Gold MX, Albany Club, Gilbert Wines, Albany City Motors,		
Sponsored by Healthway to promote A smoke free WA		



Given the situation, we would appreciate prompt consideration of our proposal, so we can determine our next move.

Yours sincerely,



Phil Shephard
Chairman, Organising Committee
7/3/8

Item 18.1 continued

ALBANY 2008 CLASSIC MOTOR EVENT ADDITIONAL FUNDING COMMITMENTS

City of Albany			
Venue Hire Alison Hartman	\$	25.00	
Hang Horizontal Banner	\$	360.00	
Leisure Centre - Tier Seating	\$	452.73	
Track set up personnel/trucks/crane hire/road closure advert	\$	5,500.00	estimate
Barrier Funding	\$	3,000.00	
		<u>\$ 9,337.73</u>	
VSCC WA (Inc)			
Pay CoA Hill Comb & RTH Permits	\$	192.50	
Agree purchase of 200 Graeme Cocks books	\$	1,000.00	
Pay to include VSCC Logo on TShirt for Volunteers	\$	500.00	
Increase Albany RTH entry by \$50	\$	6,500.00	
		<u>\$ 8,192.50</u>	
Albany Organising Committee			
Delete lanyards/plastic tags for spectators - use bracelet	\$	840.00	
\$ savings from Poster Freight deducted	\$	400.00	
\$ from new Post Banner	\$	1,140.00	
New banner cost	\$	650.00	
Delete entry fee for GM & KO	\$	600.00	
Delete book launch function	\$	200.00	
		<u>\$ 3,630.00</u>	
City of Albany	Total Contribution	\$ 9,337.73	
VSCC	Total Contribution	\$ 8,192.50	
Organising Committee	Total Contribution	\$ 3,630.00	
		<u>\$ 21,160.23</u>	

Sponsorship Pending
 Bendigo Bank (20/3 Board Meeting for decision)
 Walton Pietropolo
 40 direct requests to Chamber businesses for \$250 went
 We still expect to increase our gate takings/sales
 We still expect to have higher poster sale return

IF WE GOT A SIGN OFF RE THE ABOVE THEN WE CAN GET ON MEETING TIME LINES & PROMOTING THE EVENT AND ACHIEVE ALL OF OUR EXPECTATIONS

Item 18.1 continued



Jon Berry

Manager, Economic Development

City of Albany

12 March 2008

Re: Albany Classic Motor Event

Jon,

I am writing as and as a sponsor of the Albany Classic Motor Event to express my support for the event and to share my concern that the event may not be held this year due to financial constraints.

Following discussions with Roseanne Andrews-Baxter today, I am aware that the organising committee are going to approach the city of Albany next week for financial and other assistance to ensure this iconic event continues. I am unable to attend the council meeting next week due to work commitments, so please forward my opinion on to council.

As a local tourist-oriented business and as the most recent winner of the Albany CCI/City of Albany Tourism Award, the Albany Classic is a significant drawcard for Albany in the middle of winter. It brings over 10,000 people to the Albany CBD on a Sunday for a unique event, unlike anything else in Australia.

From a Tanglehead point of view, the day of the "Classic" is our biggest Sunday of turnover for the year, last year in excess of \$20,000 on the Sunday alone, and close to \$60,000 for the long weekend. It exposes our business along with other Albany tourist and retail businesses to visitors that may not otherwise travel to Albany, and then, the experiences of the motor event and the welcome the city gives them are taken away and shared with others in the intervening year. My understanding is that the patronage has been growing steadily each year and the number of entrants in the races has had to be capped for the last few years. Surely this is evidence for the significance of this event and the economic spinoffs for Albany.

I would like to confirm Tanglehead's sponsorship support for this event and my personal concern that it may not go ahead this year. If it doesn't, Tanglehead may not be keen to support it after a hiatus in a reduced form. We need council support to keep the momentum of this iconic event.

Regards

Allan Kelly

Managing Director/Head Brewer

Tanglehead Brewing Company

19.0 CLOSED DOORS

**MOVED MAYOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT the Council meet behind closed doors to consider CONFIDENTIAL item 13.4.1 (Contract C08002 – Provision of Cleaning Service) in accordance with Section 5.23 (2) (c) of the Local Government Act 1995.

MOTION CARRIED 11-0

Members of the public and media vacated the Council Chambers at 10.02pm.

Item 13.4.1 (Contract C08002 – Provision of Cleaning Service) in accordance with Section 5.23 (2) (c) of the Local Government Act 1995; therefore a record of the discussion is not detailed in the minutes.

Record of decisions made behind closed doors.

19.1 Item 13.4.1 - Contract C08002 – Provision of Cleaning Service

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WILLIAMS**

THAT this item is dealt with at a Special Meeting of Council in seven days time.

MOTION LOST 1-10

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR WOLFE**

THAT Council accept the tender for C08002 from OSC Services Pty Ltd for the Provision of Cleaning Service for a total cost of \$496,940.63 over two years.

MOTION CARRIED 8-3

Record of Vote:

For: Mayor Evans, Councillors Kidman, Matla, Williams, Wolfe, Walker, Morris, and Price.
Against: Councillors Wiseman, Paver and Stanton.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council open the meeting to the public.

MOTION CARRIED 11-0

The meeting was re-opened to the public and media at 10.31pm.
No members of the public or media returned to the Chamber.

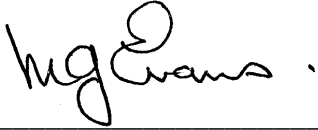
20.0 NEXT ORDINARY MEETING DATE

Tuesday 15th April 2008, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 10.32pm.

Confirmed as a true and correct record of proceedings.

A handwritten signature in black ink, appearing to read 'MJ Evans', written over a horizontal line.

MJ Evans, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURE

Name	Item Number	Nature of Interest
Councillor Williams	11.4.2	<u>Proximity.</u> Councillor lives in the vicinity of the proposed site, namely no. 13 Kitcher parade. Cr abstained from the debate, discussion and voting on this item.
Councillor Wiseman	11.4.1	<u>Proximity.</u> Councillor owns property near subject site. Cr abstained from the debate, discussion and voting on this item.
Councillor Wiseman	11.4.2	<u>Proximity.</u> Councillor owns property adjoining the subject site. Cr abstained from the debate, discussion and voting on this item.

APPENDIX B

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTEREST DISCLOSED BY OFFICERS

EDDS – Mr Robert Fenn	11.4.2	<u>Proximity.</u> Officer resided in Granada Crescent on a Lot created at the same time reserve created. Officer left the chamber for the debate, discussion and voting on this item.
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[Agenda Item 12.1 refers]
[Council – 29th February 2008]

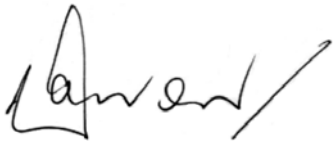
SUMMARY OF ACCOUNTS

Municipal Fund

Cheques	Totalling	\$67,122.06
Electronic Fund transfer	Totalling	\$3,160,887.29
Credit Cards	Totalling	\$15,048.00
Payroll	Totalling	\$687,485.00
	Total	<u>\$3,930,542.35</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,930,542.35, which was submitted to each member of the Council, dated 29th February 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.



CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,930,542.35, dated 29th February 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.



MAYOR
(M Evans, JP)