

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 18th September 2007
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Peter Madigan
Acting Chief Executive Officer

Date: 26 Sep 2007

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.00pm and extended a welcome to all present.

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

Mayor	- A Goode, JP
Councillors	- DW Wellington
	- MJ Evans, JP
	- P Lionetti
	- SM Bojcun
	- DJ Wolfe
	- RH Emery
	- J Waterman
	- S Marshall
	- J Walker
	- D Wiseman
	- R Paver
	- J Jamieson
	- I West
Executive Director Corporate & Community Services	- WP Madigan
Executive Director Development Services	- R Fenn
Community Services Manager of City Services	- I Neil
Minute Secretaries	- S Jamieson
	- J Byrne
Approximately 29 members of the public	
2 media representatives	

Apologies / Leave of Absence:

Councillor JD Williams

3.0 OPENING PRAYER

Mayor Goode asked all present to be upstanding and read aloud 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 Her 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.

***Ms Lorinda Hills, Napier**

Ms Hills addressed Council in regards to Item 18.1, Upgrading of Transmission Lines to Albany and Wellstead. Ms Hills pointed out that there are other options than that proposed by Western Power and requested Council to support residents entering into dialogue with Western Power to discuss alternate options.

***Mr Noel Grundy, Redmond**

Mr Grundy addressed Council in regards to Item 18.1. He acknowledge this was a state government issue; however requested council to stand with the community when raising their concerns. Mr Grundy stressed that the feeling of the community is that Western Power should comply with the same planning legislation as any other business application, in particular compliance to: zoning regulations, environment, waste disposal, audible and visual impacts.

***Mr Don Phillips, Frenchman Bay Rd, Robinson**

Mr Phillips addressed Council in regards to the approved non-conforming use of Land in Little Grove. Phillips expressed concern over:

The building and operation of a Distillery on Frenchman's Bay Road.

- The development fronts onto a 80km road
- The hours of operation are not limited
- Building foot print is not same as represented on previous agenda item
- Concern that a flammable substance is being produced in a residential area, and queried if appropriate precautions have been taken into account, such as anti-flash switching, lighting and wiring.

Future application for the development of the Frenchman's Bay Caravan Park. Mr Phillips stated that he hopes that the application for the development of Frenchman's Bay Caravan Park is not presented as a late item, and cannot understand why we have a Town Planning Scheme, when we don't apply to it.

Item 5.0 continued

***Mrs Dot Price, Stirling Terrace, Albany**

Mrs Price addressed Council in regards to two points. The first points was in regards to the Residential Design Code Policy. Mrs Price petitioned council to allow more time to deliberate over the policy; which would inturn facilitate better community feedback.

Mrs Price's second point was to express her concern that the Finance Strategy Advisory Committee meeting minutes dated 13th August 07, that were marked Confidential, were contained in the Bulletin, a public document. Mrs Price accepted that the City's investment strategy was sound, and that the predicament that faces the investment market is of a global nature.

The City of Albany, Finance Officer, Mr Goodman addressed the Gallery/Council and explain that the item was only Confidential, as at the time the City was considering seeking a legal opinion.

***Ms Kim Stanton, Little Grove**

Ms Stanton addressed Council; in support of Mr Phillips, previous address on Item 11.1.1. Ms Stanton supported Councillor Walker's stance that the items should be laid on the table to be given more time for review and community consultation.

Ms Stanton also requested that the City contact the developers of the Esplanade Hotel, to stabilise the development site with grass (turf) to improve the aesthetics.

EDDS responded to Ms Stanton and explained that the delay in the development, detailed in a previous media statement, and that further stabilisation will be enforced if warranted.

***Ms Dewani Dean, Warrenup**

Ms Dean addressed Council as the proponent in support of Item 11.1.2 to reiterate that the stock piling of soil and mulch is mainly for private use to address poor soil quality.

*** Mr John Schober, Napier**

Mr Schober addressed Council in regards to Item 18.1 to reiterate the environmental impact that the building of Power Lines will have and to express his opinion that the planned infrastructure could be of a smaller scale.

*** Ms Judith Stanich, Warrenup**

Ms Stanich addressed Council in regards to Item 11.1.2 to express her concerns that the stockpile of garden waste detracts from the visual appeal of the suburb. The block in question is untidy, emits unpleasant odours and has been in this state for a long time.

*** Mrs Trish Cleave, Stirling Terrace, Albany**

Mrs Cleave addressed Council and queried if Formal training is provided to Councillors in regards to disclosure of financial interest and if a document has been produced.

EDCCS responded to Mrs Cleave and informed her that a document has not been produced.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Special Council meeting held on 14th August 2007;
- Ordinary Council meeting held on 21st August 2007;

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

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT the following minutes:

- **Special Council meeting held on 14th August 2007; and**
- **Ordinary Council meeting held on 21st August 2007;**

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

CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Name	Item	Nature of Interest
Cr R Paver	19.2	Impartiality - Impartiality of Interest.
Cr MJ Evans, JP	19.1	Impartiality - Chairman of Albany (WA) Community Services Limited.
Cr J Walker	11.1.3	Impartiality - Councillor leases property to another company to grow trees.
	18.1	Impartiality - Power lines could go through property owned by Councillor.
Cr RH Emery	11.1.3	Impartiality - Councillor derives infrequent work from the timber industry.
Cr S Marshall	11.1.3	Financial - Councillor derives income from employment with TOLL, Albany Service Handling, and APEC loading wood chips at Albany Port onto ships for export.
	11.3.2	Impartiality - Councillor is a resident of Little Grove and owns property at 16 King George St that borders the proposed structure plan.
	13.8.1	Financial - Councillor is an employee of TOLL, Albany Bulk Handling and APEC; therefore, derives an income as an employee from handling wood and wood chips for export from the Albany Port.
Cr SM Bojcun	18.1	Financial – Councillor has financial interests in Grange Resources.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 19.1 – Finance Strategy Advisory Committee meeting minutes – 13th August 2007, in accordance with Section 5.23(2)(d) of the Local Government Act 1995 – A Legal Matter.

Item 19.2 – Internal Review Committee meeting minutes – 11th September 2007, in accordance with Section 5.23(2)(a) of the Local Government Act 1995 – A Matter effecting an employee.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

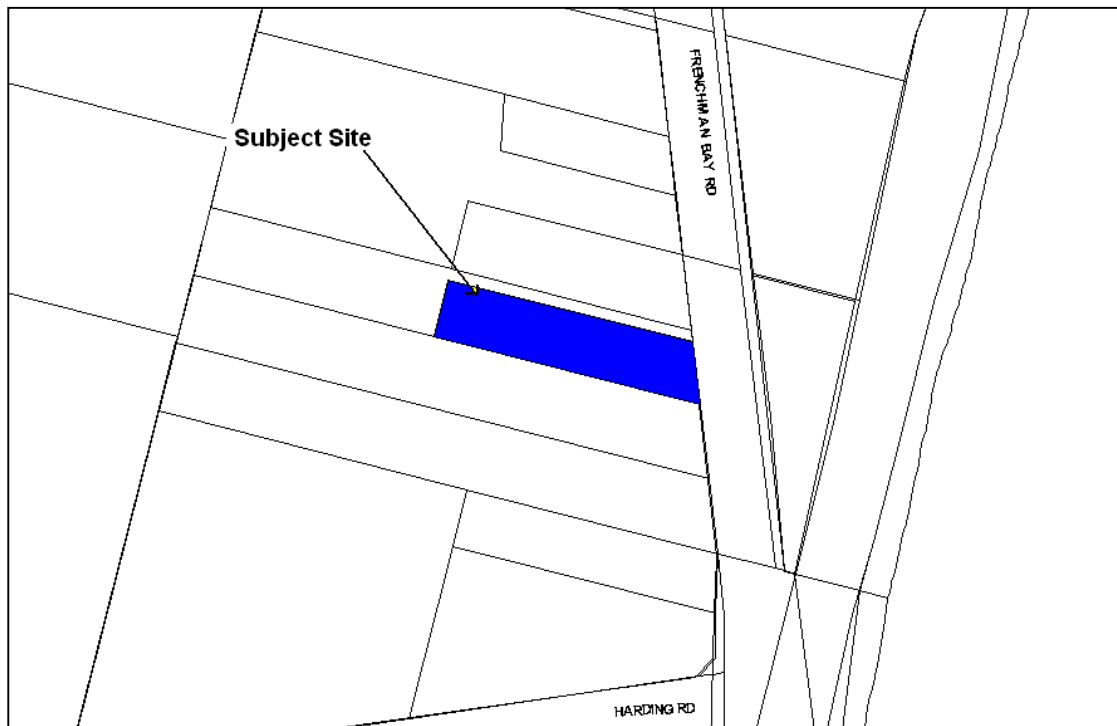
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application – Outbuilding - 202 Frenchman Bay Rd, Robinson

File/Ward	:	A39946 (Vancouver Ward)
Proposal/Issue	:	Proposal to construct an outbuilding that does not comply with the City's Outbuilding Policy
Subject Land/Locality	:	Lot 43 (202) Frenchman Bay Road, Robinson
Proponent	:	T Kata
Owner	:	T Kata
Reporting Officer(s)	:	Senior Planning Officer (I Humphrey) / Planning Cadet (T Gunn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Issue Notice of Planning Scheme Refusal
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for an outbuilding at 202 Frenchman Bay Road, Robinson that does not comply with the City of Albany's Outbuildings Policy. A site plan is attached at the rear of this report.
2. The subject land is zoned "Residential Development" within Town Planning Scheme No. 3 and is 2000m² in area.
3. There is an existing 107m² outbuilding and a 24m² garage on the property with the proposal to construct a further 128m² outbuilding, bringing the total floor area of outbuildings on the property up to 259m². This does not comply with the 100m² floor space allowable, in the Residential Development zone, under Council's policy. The proposed shed has an eave height of 3.4m, which exceeds the 3m maximum wall height, however due to its design the roof height is only 3.5m which is under the 4.2m maximum height allowance outlined in the Outbuildings Policy.

STATUTORY REQUIREMENTS

4. The land is zoned "Residential Development" under Town Planning Scheme No. 3 (TPS3), and therefore any proposed outbuildings must comply with the relevant provisions of the policy. An application for Planning Scheme Consent and substantial justification is required where the provisions of the policy cannot be met. Clauses 6.9.4 (a) & (b) of TPS3 state:
 - "(a) A Town Planning Scheme Policy shall not bind the Council in respect of an application for Planning Consent, however, it may require the Council to advertise its intention to relax the provisions of the Policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*
 - (b) Council shall take into account the provisions of the policy and objectives, which the policy was designed to achieve and any submissions lodged, before making it's decision."*

POLICY IMPLICATIONS

5. The aim of the Policy is:

"To achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, or the City as a whole."
6. This policy objective is achieved by enforcing the (height, area and other) requirements of the Outbuildings Policy.
7. Council has recently consented to advertise a revised Outbuildings Policy, to review outbuildings sizes on larger residential lots. The draft policy for lots in excess of 1000m² recommends a maximum of 120m² with a wall height maximum of 3m and a maximum ridge height of 4.2m.

FINANCIAL IMPLICATIONS

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

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects:

Nil’.

COMMENT/DISCUSSION

10. The proponent has explained that the main reasons he needs a further 128m² of outbuilding floor space is to cover and store machinery already located on the property. Attached to the rear of this report is a copy of the correspondence received from the proponent stating his reasoning for the proposed outbuilding.
11. The applicant has stated in his covering letter that he has informally consulted with his adjoining neighbours and no objections were raised. However, as no setback relaxations have been applied for, no public consultation is required and the application needs to be considered on its merit.
12. The outbuilding will have minimal impact on the streetscape due to the location of the proposed outbuilding being behind the existing house and within a low-lying area of the property, and cannot be seen from Frenchman’s Bay Road.
13. The existing policy is under review, and it is unlikely it will change sufficiently to allow a further 128m² of outbuildings within a Residential Development zone. Supporting this application would encourage larger outbuildings on surrounding properties and, given the size of the relaxation requested (159m²), would undermine the current policy’s effectiveness. If the policy is amended it would still be in excess of the policy by 139m². For these reasons, Staff feel the proposal should not be supported.

RECOMMENDATION

THAT Council resolves to issue of a Notice of Planning Scheme Refusal for the outbuilding at 202 Frenchman Bay Road, Robinson as it does not comply with the floor space restrictions contained within the City of Albany’s Outbuildings Policy.

Voting Requirement Simple Majority

.....

Item 11.1.1 continued

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR PAVER**

THAT Council resolves to issue of a Notice of Planning Scheme Refusal for the outbuilding at 202 Frenchman Bay Road, Robinson as it does not comply with the floor space restrictions contained within the City of Albany's Outbuildings Policy.

CARRIED 14-0

City of Albany
Planning Services

I wish to do a extension to my existing shed. However my existing outbuilding area is 131m² and I need to add on an additional 128m² of cover to store my cars, boat and trailers. As you can see from the photoes attached with this application my existing shed is completely filled with tractors and cars which I intend to restor.

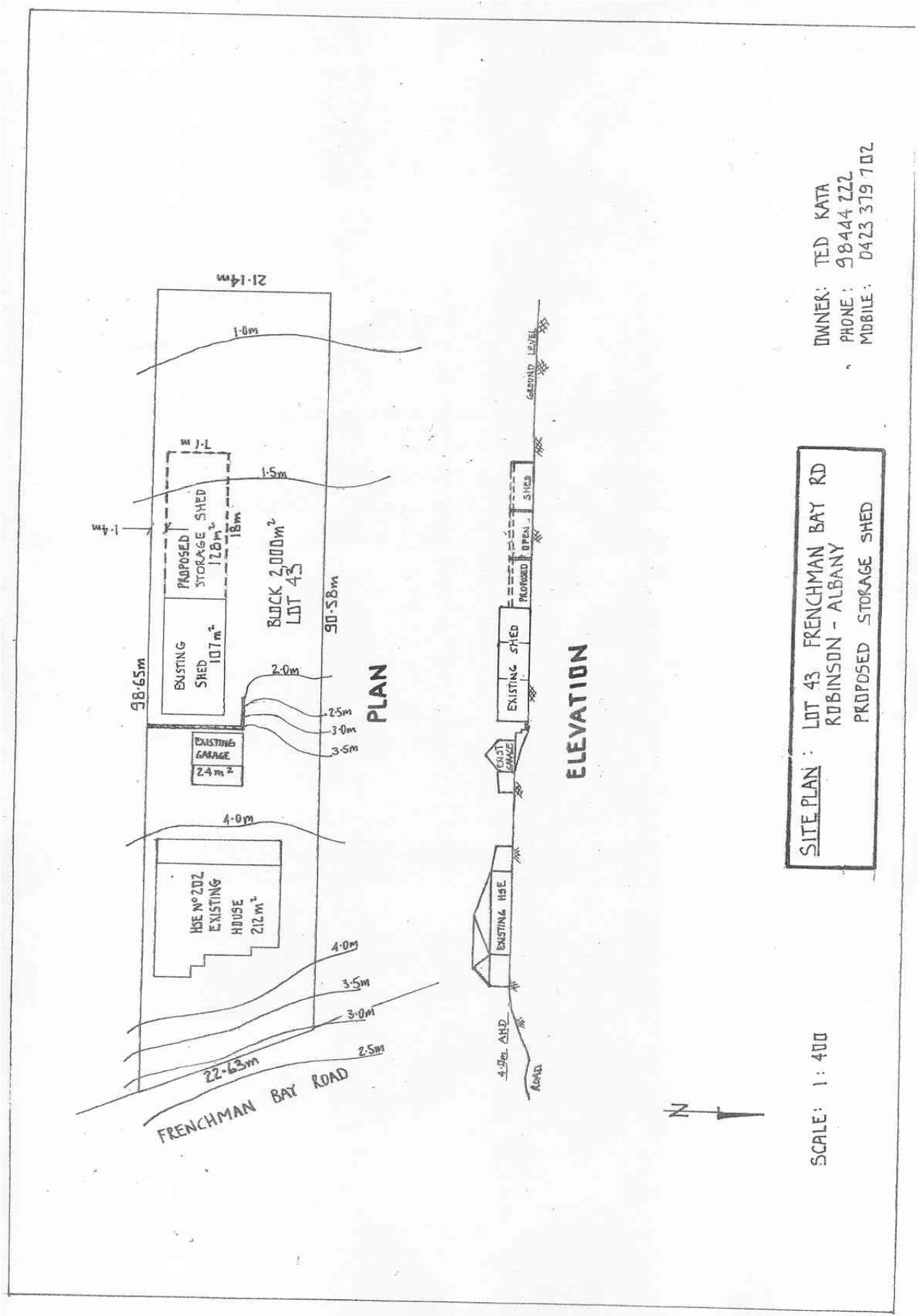
I feel my application for a 128m² storage shed should be approved on the following growns.

- (1) The block (2000m²) is much large than the average residential block.
- (2) The extension cannot be seen from the front of the block and it has no visual impact on the area as far as the general public is concerned.
- (3) My neighbours have no objection to the proposed shed.

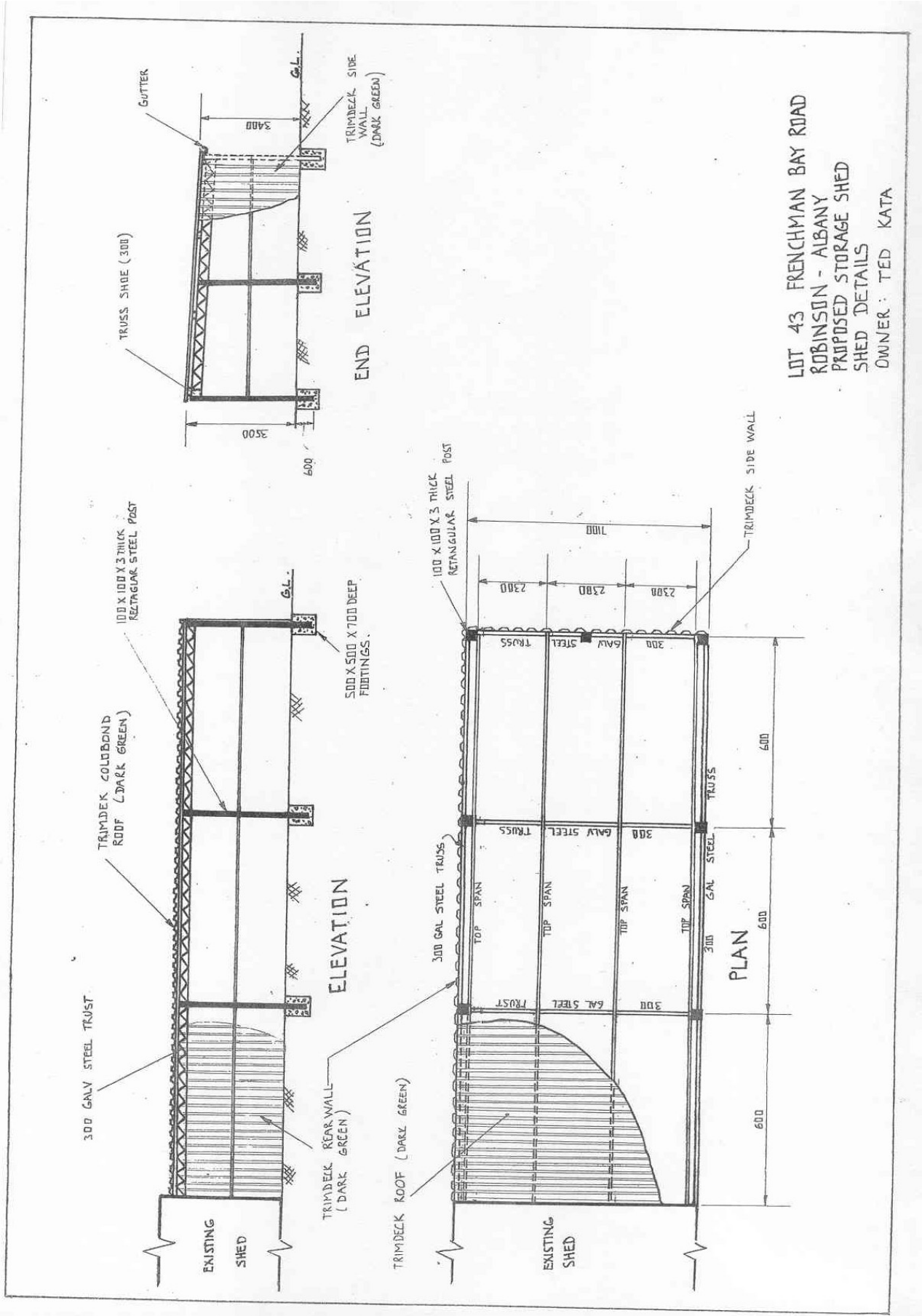
I have enclosed with this letter copies of Planning Scheme Conccent Form, Site Plan and a Plan of the proposed open shed.

Yours sincerely
Ted Kata
Ph 98444222
2 July 2007

Item 11.1.1 continued



Item 11.1.1 continued



LOT 43 FRENCHMAN BAY ROAD
 ROBINSON - ALBANY
 PROPOSED STORAGE SHED
 SHED DETAILS
 OWNER: TED KATA

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application - Home Business - Garden Maintenance Supplies - 2 Deloraine Drive, Warrenup

File/Ward : A168199 (Kalgan Ward)

Proposal/Issue : Home Business Garden Maintenance Supplies

Subject Land/Locality : 2 Deloraine Drive, Warrenup

Proponent : P & D Dean

Owner : P & D Dean

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

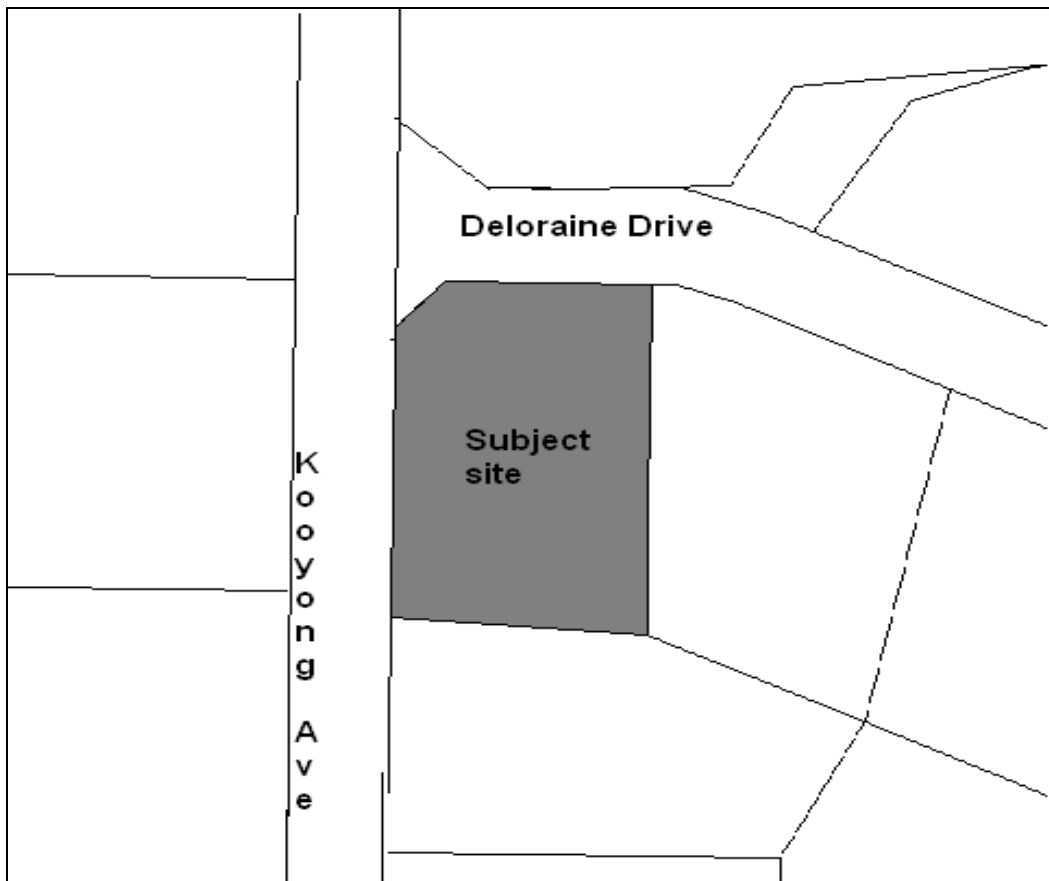
Disclosure of Interest : Nil

Previous Reference : N/A

Summary Recommendation : Refuse application and authorise enforcement action

Bulletin Attachment : Site plan, accompanying letter, copies of the letters of comment

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. This application has been received to regularise an unauthorised use that was first brought to staffs' attention in June 2004. Several letters have been exchanged with the proponent since this date regarding the works and land use on the site and as a conclusion, this application has been received.
2. The applicant has stated within a letter attached to this application the following points:
 - *The majority of the materials stockpiled are to be used for personal use within the lot boundaries.*
 - *Taking a long time to undertake site improvement works due to family commitments.*
 - *Only materials to be used for the business are the soil and mulch.*
 - *The soil is made on-site from composted lawn clippings, pig mulch and sand.*
 - *The soil and mulch are supplied to the customers as part of the gardening work requested, with no customers coming to the property to pick up soil or mulch.*
 - *Propose to build a 2m high brushwood screen on 2 sides (Kooyong Ave and South side), there is already a garden on the North side and sheds to the East side.*
 - *Planning to plant a strip of screening bushes along the fence line of Kooyong Ave.*
 - *Would be willing to consider other suggestions as to how to make the property more appealing.*

STATUTORY REQUIREMENTS

3. The site is located within Special Residential area 12, which under Schedule IV of Town Planning Scheme 3 (TPS 3) has the following objectives:
 - *Create a spacious residential living environment that provides for small scale uses where considered appropriate;*
 - *Provides for a range of lot sizes so as to maximise purchaser choice; and*
 - *Retention of existing vegetation along with replanting within open areas, road reserves and within allotments for site beautification, screening and for general environmental benefit.*
4. The land use section under this schedule states that the following uses are subject to the approval of Council:
 - *Home Occupation.*
 - *Public Utility.*
 - *Cottage Industry.*
 - *Other activities considered appropriate by Council which are consistent with the objective of the zone.*
5. It should also be noted that the following is applicable to this Special Residential Area:
 - *Intensive agricultural pursuits and horticultural operations are not permitted.*
 - *The building setbacks are set at a minimum of 20 metres for the lot boundaries abutting Kooyong Avenue, 10 metres for lot boundaries abutting other public roads, and 5 metres from all other lot boundaries.*
 - *Dwellings and outbuildings shall be designed and constructed of materials which allows them to blend into the landscape of the site.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

6. A Home Business under TPS 3 is defined as:
“a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -
- a) *does not employ more than 2 people not members of the occupier's household;*
 - b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
 - c) *does not occupy an area greater than 50 square metres;*
 - d) *does not involve the retail sale, display or hire of goods of any nature;*
 - e) *in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy or parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;*
 - f) *does not involve the use of an essential service of greater capacity than normally required in the zone; and*
 - g) *notwithstanding clauses (c) and (e) above, approval may be granted in the Rural zone for an area of up to 200m² and for up to 3 trucks with a tare weight in excess of 3.5 tonnes, providing it does not adversely affect the rural and landscape amenity of the surrounding area.”*
7. A Home Occupation is defined under TPS 3 as:
“a business carried on with the permission of the responsible authority within a dwelling or the curtilage of a dwelling which:
- (i) involves the application of trade, professional, or artistic skill;*
 - (ii) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;*
 - (iii) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;*
 - (iv) when located in an area zoned other than “Rural” does not occupy an area greater than 20 square metres;*
 - (v) does not give rise to any pedestrian or vehicular traffic substantially beyond that which is normal to the street in which the business is located;*
 - (vi) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;*
 - (vii) is restricted in its advertising on site to a sign not exceeding 0.2 square metres in area and the sign does not involve illumination;*
 - (viii) in situation where the occupation is that of a bus driver, carrier, or other transport operator, complies with clause 5.12 of the Scheme text;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- (ix) *in the case of occupation as a builder, electrician, plumber, carpenter, painter or occupation of a similar nature:*
- (1) *complies with clause 5.12 of the Scheme text;*
 - (2) *the storage of any material or product or waste products is wholly contained within a domestic outbuilding;*
 - (3) *any commercial vehicles kept on the site for a period longer than four hours are stationed behind the building lines associated with the property;*
 - (4) *any communications installation associated with the activity is the subject of a separate application to Council for approval;”*

8. It should also be noted that a Cottage Industry is defined as:
“A trade or light industry producing arts and craft goods...”

Clause 5.1b (Matters to be considered by Council) of TPS 3 states that in considering a planning application, Council is to have due regard to various factors including (but not limited to);

- The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;
- The compatibility of a use or development with its setting;
- The preservation of the amenity of the locality;
- The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- Potential impacts of noise, dust light, risk and other pollutants on surrounding land uses; and
- Any relevant submission received on the application.

POLICY IMPLICATIONS

9. There are no specific Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Restoration, and protection, of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance.*

Priority Projects:

Nil

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

COMMENT/DISCUSSION

12. This application has been advertised in accordance with the requirements of TPS 3, and a total of 12 individual letters of objection have been received, along with a petition containing 41 signatures against the development (copies included in the Elected Members Report / Information Bulletin). A précis of their comments is as follows:
 1. Area is not suitable for such a commercial enterprise, particularly one of a noxious nature.
 2. Other landowners have been refused more acceptable Home Businesses in the vicinity.
 3. Presents an ugly aspect to an otherwise pleasant suburb.
 4. Residents and owners wish to enjoy the proximity of the city and the peace and pleasure of a country location.
 5. Odour emanating from the mulch which affects the immediate neighbours would increase if more mulch is permitted.
 6. Resultant stench will automatically lower values of the surrounding homes.
 7. Traffic will inevitably increase, which will increase dangers to school children and pedestrians.
 8. Who will police his adherence to the terms of the application once approved?
 9. No time frame has been proposed for the improvements, offering no reassurance of improved standards.
 10. There are existing businesses located nearby, operating in legal locations thus the proposed business will not provide an essential service.
 11. Will set an unwanted precedent for the area.
 12. High noise levels and operation exists 7 days a week.
 13. Contrary to the requirements of Special Residential Area 12 under the Town Planning Scheme.
 14. Council should take action to stop the business operating from the property and all garden maintenance supplies be removed from the site.
13. The application when assessed against the objectives and development control principles for the zone would be in conflict, as the proposal would not be seen as an appropriate small-scale use. The scheme provisions for the zone state that a Home Occupation can be considered (but not necessarily permitted), however this proposal, as it currently stands would not conform to this due to the amount of space required (over 20sqm) and the affect on the amenity of the neighbourhood (especially in terms of noise and smell).
14. The main issue appears to be the storage of materials on the site (especially the mulch). However, if these were removed and the storage of plant and materials (that do not affect the amenity of the neighbouring properties) occurred inside a domestic outbuilding, the proposal would comply with the fundamental standard established for a Home Occupation and could be considered.
15. After assessing the application, as submitted, staff consider that Council cannot support the application due to the scale of the proposal, the incompatibility of the use and development within its surrounding, the affect on the amenities of the locality, and the comments received due to advertising, as set out under Section 5.1B of Town Planning Scheme 3.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

1. THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for the Home Business (Garden Maintenance Supplies) at Lot 125 (2) Deloraine Drive, Warrenup for the following reasons:
 - a) The proposed use is contrary to the objectives and special provisions of Schedule IV, Special Residential Area 12, of Town Planning Scheme 3.
 - b) The proposed use fails to satisfy Section 5.1b (Matters to be considered by Council) of Town Planning Scheme 3, in that:
 - It is incompatible with it's setting;
 - Its detrimental affect on the amenity of the locality;
 - The detrimental relationship of the proposal to development on adjoining land or on other land in the locality;
 - The impacts of noise, dust, smell and other pollutants on surrounding land uses; and
 - The number of relevant submissions received on the application.

AND

2. THAT Council resolves to authorise enforcement action under Section 6.5 of Town Planning Scheme 3, to ensure the existing materials relating to the existing landscaping business is removed from Lot 122 (2) Deloraine Drive, Warrenup, and the site is used solely for residential purposes.

Voting Requirement Simple Majority

.....

Item 11.1.2 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

1. THAT Council resolves to issue a Notice of Planning Scheme Consent Refusal for the Home Business (Garden Maintenance Supplies) at Lot 125 (2) Deloraine Drive, Warrenup for the following reasons:

- a) The proposed use is contrary to the objectives and special provisions of Schedule IV, Special Residential Area 12, of Town Planning Scheme 3.**
- b) The proposed use fails to satisfy Section 5.1b (Matters to be considered by Council) of Town Planning Scheme 3, in that:**
 - It is incompatible with it's setting;**
 - Its detrimental affect on the amenity of the locality;**
 - The detrimental relationship of the proposal to development on adjoining land or on other land in the locality;**
 - The impacts of noise, dust, smell and other pollutants on surrounding land uses; and**
 - The number of relevant submissions received on the application.**

AND

2. THAT Council resolves to authorise enforcement action under Section 6.5 of Town Planning Scheme 3, to ensure the existing materials relating to the existing landscaping business is removed from Lot 122 (2) Deloraine Drive, Warrenup, and the site is used solely for residential purposes.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Councillor Walker declared impartiality in Item 11.1.3 as he leases a property to another company to grow trees.

Councillor Emery declared impartiality in Item 11.1.3 as he carried out infrequent work from the timber industry.

Councillor Marshall declared a financial interest in Item 11.1.3 as he derives employment from the Wood Manufacturing industry.

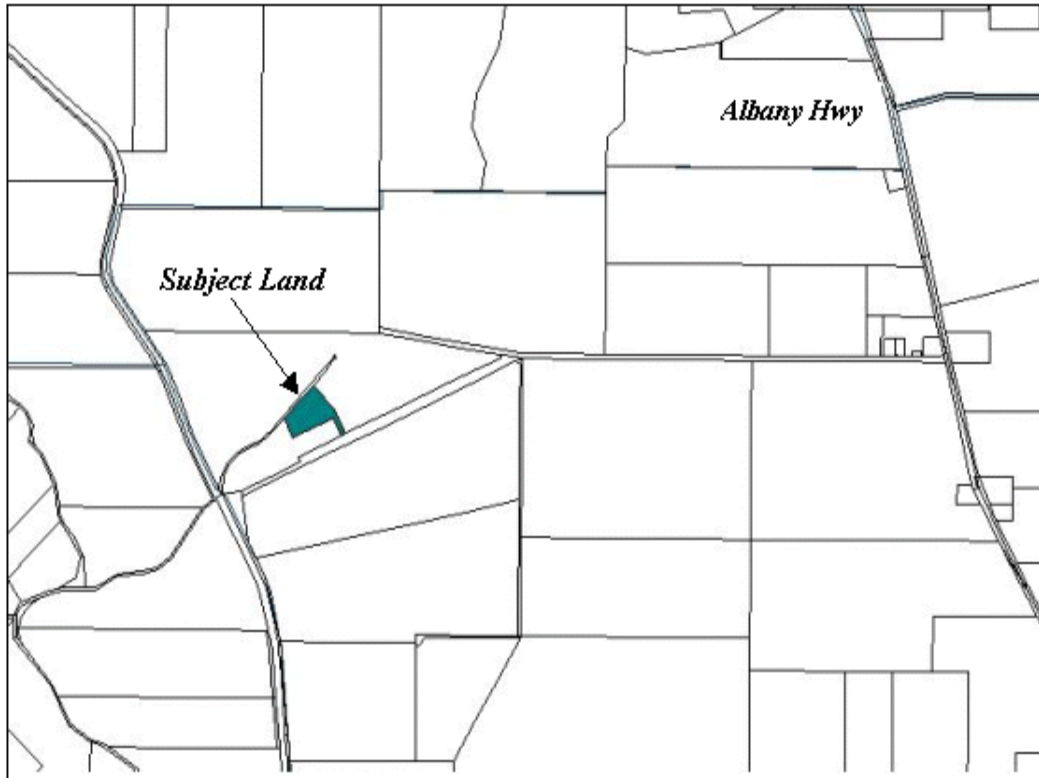
Councillors Walker, Emery and Marshall left the Chambers at 7.38pm.

11.1.3 Development Application - Wood Product Manufacturing - Extensions to Wood Chip Mill - Lot 100 Down Road, Drome

File/Ward	:	A171241 (West Ward)
Proposal/Issue	:	Proposal to construct new storage and unloading facilities at existing wood chip mill
Subject Land/Locality	:	Lot 100 Down Road, Drome
Proponent	:	Harley Survey Group
Owner	:	Albany Plantation Export Company Pty Ltd
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Grant Planning Scheme Consent
Bulletin Attachment	:	Planning Scheme Consent Application Letters from environmental agencies
Locality Plan	:	

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



BACKGROUND

1. An application has been received from Harley Survey Group seeking Planning Scheme Consent for extensions to the existing wood chip mill situated on Lot 100 Down Road, Drome. A copy of the proposal is included within the Elected Members Report / Information Bulletin.
2. The proposed development involves the following infrastructure on the site:
 - Upgrading of a gravel section of access way to a bitumen standard.
 - Upgrading and expanding an existing concrete apron under the wood chip stockpile to allow for a more efficient reclamation of stored chips.
 - Two “truck dumpers” that will lift whole trucks and tilt the contents into screening bins.
 - Additional length of conveyor belts from screening bins to the rail loading bin.
 - An additional concrete interceptor pit installed as part of the drainage management of the site.
 - One additional rail loading bin.
3. The estimated development cost of \$2.6 million exceeds staff’s delegation powers and therefore the application is presented to Council for deliberation.

STATUTORY REQUIREMENTS

4. The land is zoned “Special Use” (Code No. 17) within Town Planning Scheme No. 3. The use “Wood Product Manufacturing” is a discretionary use within the Scheme.
5. The existing wood chip mill, which was until recently zoned “Rural”, was approved as a “Rural Industry” in August 2000.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

6. The application represents minor extensions to improve efficiency at the wood chip mill site.
7. The proposal was referred to the Department of Environment and Conservation and the Department of Water for comment. Their comments are included in the Elected Members Report / Information Bulletin.

POLICY IMPLICATIONS

8. Council adopted the policy entitled the *“Down Road Timber Processing Precinct - Noise and Hazard Management”*. This policy mapped the hypothetical noise emissions that would be emitted by the timber processing industries, identifying the extent of the 35dB(A) noise level (maximum recommended noise level) on surrounding properties.
9. The policy resulted in Landcorp negotiating with surrounding landowners on compensation for those landowners containing a portion of the noise buffer within their landholdings.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. 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;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. The new unloading and storage facilities will ensure the existing mill can accommodate increased harvest volumes into the future. It is anticipated that Great Southern Limited will increase its processing volumes from 400,000 tonnes per annum today to in excess of 1.5 million tonnes by 2016. The upgrade in infrastructure provides a long term commitment to utilise rail infrastructure to transport the wood chips to the Albany Port.
13. Both the Department of Water (DOW) and the Department of Environment and Conservation (DEC) have no objections to the proposal, subject to conditions.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

14. DEC have recommended additional noise modelling be undertaken prior to an approval being issued for the extensions, to ensure the additional machinery proposed on the site will readily comply with assigned noise levels. The proponent has engaged Herring Storer Acoustics to address DEC's concerns, with the report expected to be prepared in mid September. In this respect, staff recommend that delegated authority to issue planning scheme consent for the extensions be subject to the proponent providing detailed noise modelling to the satisfaction of DEC.
15. DOW has requested a condition be placed on the planning scheme consent requiring the submittal of an updated stormwater drainage management plan. DOW has expressed concern in regards to stormwater leaving the site, and it is anticipated that the new hardstand areas will only exacerbate the problem.
16. The main issue that needs to be clarified, prior the final assessment of the application, is the noise levels generated on-site, given additional conveyor systems are proposed and truck tipping facilities are to be introduced. Once these issues are addressed to the satisfaction of DEC, it is recommended that staff be delegated authority to approve the development.

RECOMMENDATION

THAT, Council resolves to delegate authority to the Manager of Planning and Ranger Services authority to issue a Notice of Planning Scheme Consent subject to the noise modelling for the development being undertaken to the satisfaction of the Department of Environment and Conservation for a "Wood Product Manufacturing - Extensions to Woodchip Mill" at Lot 100 Down Road, Drome subject to, but not limited to, the following conditions:

- a) A detailed stormwater management plan being submitted to the satisfaction of Council and the Department of Water prior to any site works being undertaken.
- b) The upgrading of the stormwater drainage system is to be undertaken on-site in accordance with the approved stormwater management plan and the system is to be maintained in a state which retains stormwater on-site at all times.
- c) The machinery used and activities conducted on-site shall at all times comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Management Plan for the Down Road Timber Processing Precinct Environmental Management Plan.

Voting Requirement Simple Majority

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Item 11.1.3 continued

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR JAMIESON**

THAT, Council resolves to delegate authority to the Manager of Planning and Ranger Services authority to issue a Notice of Planning Scheme Consent subject to the noise modelling for the development being undertaken to the satisfaction of the Department of Environment and Conservation for a “Wood Product Manufacturing - Extensions to Woodchip Mill’ at Lot 100 Down Road, Drome subject to, but not limited to, the following conditions:

- a) A detailed stormwater management plan being submitted to the satisfaction of Council and the Department of Water prior to any site works being undertaken.**
- b) The upgrading of the stormwater drainage system is to be undertaken on-site in accordance with the approved stormwater management plan and the system is to be maintained in a state which retains stormwater on-site at all times.**
- c) The machinery used and activities conducted on-site shall at all times comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Management Plan for the Down Road Timber Processing Precinct Environmental Management Plan.**

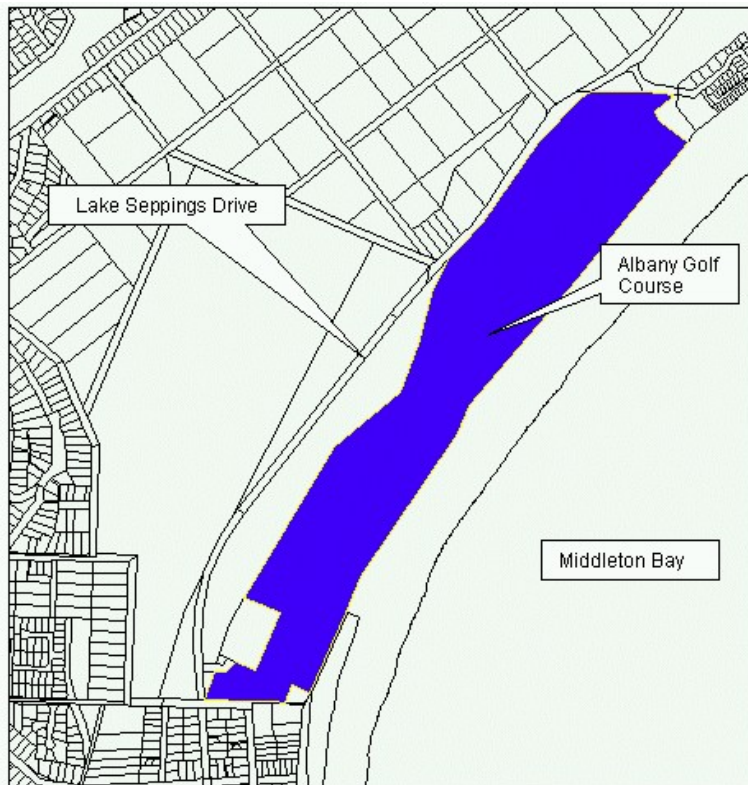
CARRIED 11-0

Councillors Walker, Emery and Marshall returned to the Chambers at 7.39pm.

DEVELOPMENT SERVICES REPORTS

11.1.4 Heritage Listing - Albany Golf Course

File/Ward	:	A186694, A145757, A136770, GOV032 (Breaksea Ward)
Proposal/Issue	:	Heritage Registration of Albany Golf Course
Subject Land/Locality	:	Reserves 412767 and 27629
Proponent	:	Heritage Council of WA
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/08/07 - Item 11.1.5 OCM 15/05/07 - Item 11.1.1
Summary Recommendation	:	Seek Exclusion Area from Registered Site
Bulletin Attachment	:	Documentation for Golf Course Registration
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. The Heritage Council of WA (HCWA) has advised the City of its intentions to place the Albany Golf Course on the State Register of Heritage Places. A copy of the documentation to justify that registration is included in the Elected Members Report / Information Bulletin. City staff lodged an objection to the registration, highlighting that land at the southern extremity of the reserve is capable of being developed and that development potential should not be fettered by the HCWA's actions to register the golf course.
2. As previously reported to Council, the Minister for Heritage has agreed to the interim registration, but she has requested that the HCWA liaise with the City of Albany on the proposed curtilage of the registered site, before progressing the declaration of the interim listing.
3. At its meetings in May and August 2007, Council has resolved to "*lay this item on the table for a period of one month to provide adequate time for Council to gain detailed information on the operational impacts of entering the golf course on the State Register of Heritage Places*".
4. Officers from the HCWA met with elected members and Golf Club representatives recently to discuss the heritage investigation and reporting process undertaken to date, to define the process of registration and to identify the potential impacts on the operation of the golf course into the future, should the registration proceed.

STATUTORY REQUIREMENTS

5. The *Heritage of WA Act 1990* requires any development within the curtilage of a heritage (State) registered site to be referred to the HCWA before the City considers the application. Any comment or condition supplied by the HCWA is required to be incorporated into Council's deliberations on the application.

POLICY IMPLICATIONS

6. Council engaged Patric de Villiers to review building heights throughout the City and he has recommended a three (3) storey maximum height limit for any proposed development that may occur at the southern end of the golf course, if the area is excised from the current reserve and the heritage site.

FINANCIAL IMPLICATIONS

7. The subject land is a Crown reserve and any financial benefits from the sale and development of the land will transfer to State Treasury.

STRATEGIC IMPLICATIONS

8. The southern extremity of the golf course adjoins residential and tourist related developments in Middleton Beach. Tourism WA is promoting the excision of a site from the golf course for a future tourism development.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

COMMENT/DISCUSSION

9. The request to register the Albany Golf Course on the State Register of Heritage Places was initiated by a representative of the Albany Golf Club several years ago. The HCWA proceeded to have the request investigated and documentation was provided on the significance of the site in May 2006. The HCWA then resolved, based upon that heritage significance, to recommend to the Minister for Heritage that the place be elevated from the State's heritage list to the State Register of Heritage Places.
10. It was previously reported to Council that the HCWA is proposing to exclude the reserve upon which the former clubhouse was located (Reserve 41267), plus the intervening land that backs onto Wollaston Road, from the proposed listing. The boundary recommended for that exclusion failed to recognise the actual layout of the course, and City staff brought forward an alternate boundary for consideration (see plan at the end of this report).
11. Council is not being asked to determine the merits of the proposed listing. The HCWA has already determined, based upon independent professional advice, that the golf course is worthy of State registration. The *Heritage Act 1990* sets out a process to challenge both the report prepared to define the level of significance and the merits of the proposed registration; simply objecting on the basis that the landowner has changed his/her mind about the registration process is unlikely to illicit a change in the status of the property.
12. Council is requested to define the land that it considers should be excluded from the registered area prior to the registration process commencing. Failure to undertake that task could result in the Minister proceeding with the interim registration based upon the current boundary.

RECOMMENDATION

THAT Council recommend to the Heritage Council of WA that the curtilage of the Albany Golf Course site (04177) to be included on the Interim List of the State Register of Heritage Places be modified to exclude the area identified on the plan prepared by the City of Albany.

Voting Requirement Simple Majority

.....

Item 11.1.4 continued

ALTERNATE MOTION

**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR EMERY**

THAT subject to the EDDS receiving a letter from the Heritage council of WA confirming they do not intend listing the area affected by the original nine (9) holes, the EDDS notify the Heritage Council of WA that the curtilage of the Albany Golf Course site (04177) to be included on the interim list of the state register of heritage places be modified to exclude the identified on the plan prepared by the City of Albany.

CARRIED 11-3

Reason: The City of Albany received a verbal undertaking that a letter would be sent from the Heritage Council Confirming that there would be no future heritage claim in regards to the original 9 holes of the golf course. That letter has not been received.

DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

11.2.1 Local Law - Amendment to Signs Local Law 2006

File/Ward	:	MAN048 (All Wards)
Proposal/Issue	:	Consider an amendment to the City of Albany Signs Local Law 2006
Subject Land/Locality	:	City of Albany
Proponent	:	Joint Standing Committee on Delegated Legislation
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21.03.06 - Item 11.3.1 OCM 19.04.06 - Item 11.2.1 OCM 19.09.06 - Item 12.2.1
Summary Recommendation:	:	That Council agrees to make the City of Albany Signs (Amendment) Local Law 2007
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At its 19th September 2006 meeting, Council adopted the City of Albany Signs Local Law 2006. This local law was subsequently gazetted on 23rd February 2007 and took effect from 12th March 2007.
2. On the 17th May 2007 correspondence was received from the Joint Standing Committee on Delegated Legislation (JSCDL) advising that while Clause 15 of the local law provides for an appeal from decisions to renew or vary a licence and to vary an existing condition of a licence, there is no provision in the local law permitting those decisions.
3. The JSCDL further advised that it requires the City to either delete the reference to renewal and variation in Clause 15 or amend the local law to provide for such decisions to be made.
4. As it was never the intention to require sign licence holders to renew their licence on an annual basis, it is recommended that the local law be amended by deleting:
 - 1) the words “renew, vary or...” immediately before the word “cancel” in clause 15(b); and
 - 2) the words “or amend” immediately after the word “impose” in Clause 15(c).

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

5. A draft Signs (Amendment) Local Law follows this report.

STATUTORY REQUIREMENTS

6. Section 3.12 of the Local Government Act states:-

"3.12 Procedure for Making Local Laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) The local government is to -*
 - a) give Statewide public notice stating that -*
 - i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute Majority Required.*

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) After the local law has been published in the Gazette the local government is to give local public notice -*
 - a) stating the title of the local law;*
 - b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made."*

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

POLICY IMPLICATIONS

7. The proposed amendment local law will not have an effect on the policy titled “*Local Planning Policy - Signs, Hoardings and Billposting*” which was adopted by Council at its Ordinary Meeting held on 18th July 2006.

FINANCIAL IMPLICATIONS

8. There will be statutory advertising costs that will be funded from the 2007/2008 budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

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

Mission Statement

The City of Albany is committed to ...

- *Providing Sound Governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

10. The procedure for amending local laws requires Council to advertise Statewide, advising of its intention to make amendment Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making an Amendment Local Law.
11. In addition, the procedure for making Amendment local Laws requires the person presiding at a Council meeting to give notice to the meeting of the purpose and effect of the proposed amendment local law.

“Purpose

The purpose of the amendment to the Signs Local Law is to ensure compliance with the recommendations of the Joint Standing Committee on Delegated Legislation.

Effect

The effect of the amendment to the Signs local Law will be to implement the recommendations of the Joint standing Committee on Delegated Legislation.”

Item 11.2.1 continued

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 (as amended), advertises its intention to make the City of Albany Signs (Amendment) Local Law 2007 as tabled.

Voting Requirement Simple Majority

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ALTERNATE MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOJCUN**

THAT Council lay this matter on the table for a period of one month, during which time Staff be required to prepare an amendment to the Signs Local Law 2006 which provides:

- (i) the capacity for Council to renew, vary or cancel a licence issued to a person under the local law; and**
- (ii) the capacity to impose or amend a condition to which a licence is subject.**

CARRIED 13-1

Reason:

There may be instances where Council approves a sign licence and the resultant sign offends community values or it becomes inappropriate over time. That sign would remain in place in perpetuity unless the Local Law provides the capacity for Council to redress its original decision. Clause 15 deals with matters where an appeal can be lodged and this clause does not need to be amended if the Local Law was to offer the opportunity for Council to review an initial decision in regards to the approval conditions attached to a sign licence.

Item 11.2.1 continued

Local Government Act 1995

CITY OF ALBANY

SIGNS (AMENDMENT) LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City Of Albany resolved on _____ to make the following amendment to the *City of Albany Signs Local Law 2006* published in the *Government Gazette* on 23 February 2007.

Title

1. This local law may be cited as the *City of Albany Signs (Amendment) Local Law 2007*.

Operation

2. This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

Principal Local Law

3. In this local law, the *City of Albany Signs Local Law 2006* made under the *Local Government Act 1995* and published in the *Government Gazette* on 23 February 2007 is referred to as the principal local law.

Principal Local Law Amendment

4. The principal local law is amended as described below:-

- **Clause 15(b)**

Delete the words "renew, vary or " immediately before the word "cancel" in Clause 15(b).

- **Clause 15 (c)**

Delete the words "or amend" immediately after the word "impose" in Clause 15 (c).

Dated this day of 2007

The Common Seal of the City Of Albany was affixed by authority of a resolution of the Council in the presence of:

ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER

ALISON GOODE, JP
MAYOR

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

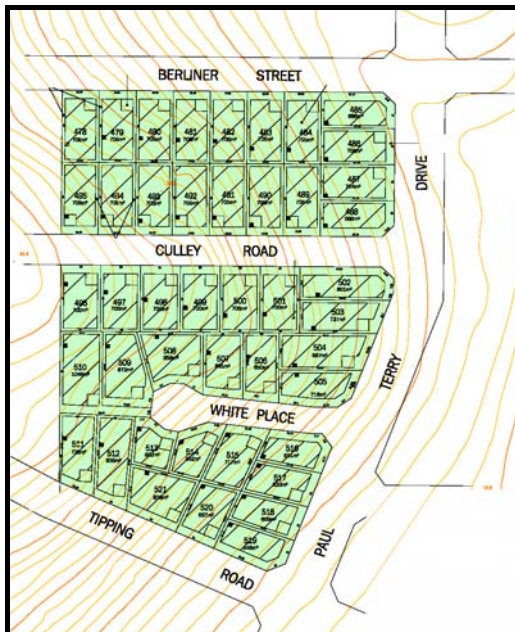
11.3.1 Draft Scheme Policy - City of Albany (Elizabeth Heights - Bayonet Head)

File/Ward	:	STR033 (All Wards)
Proposal/Issue	:	Draft Policy dealing with earthworks and retaining walls on sloping land
Subject Land/Locality	:	Entire City
Proponent	:	Harley Survey Group
Owner	:	N/A
Reporting Officer(s)	:	Strategic Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt Draft Policy for advertising
Bulletin Attachment	:	Draft Policy
Locality Plan	:	

BACKGROUND

1. The Department for Planning and Infrastructure in liaison with the City of Albany supported the subdivision (#124643) of the land comprising “Elizabeth Heights”, Bayonet Head subject to a condition being:

“Proposed Lots 478-484, 489-501, 506-515 and 518-519 being suitably retained with retaining walls”.



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

2. The purpose of the condition is to control the extent of land retention at the subdivision stage.
3. The developer conveyed to staff that, because of the steep nature of the lots (the land falls 10m over a distance of 50m), the cut, fill and retaining required would be substantial, making the cost of the lots unaffordable.
4. It was agreed that, rather than “suitably retaining” the lots at the subdivision stage, a policy could be adopted to encourage development sensitive to the natural topography. It was also agreed that once the draft policy is adopted, Council will clear the condition of subdivision, subject to a notification in the form of a memorial being placed on the Certificates of Title (affected lots) advising of the existence of the policy.

STATUTORY REQUIREMENTS

5. Schemes 1A and 3 state at Clauses 7.21 and 6.9 respectively that;

“6.9 POWER TO MAKE POLICIES

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

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

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

7.21 POWER TO MAKE POLICIES

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

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

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

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. Purpose
The purpose of this report is to consider the adoption of the policy (included in the Elected Members Report / Information Bulletin), which applies to development of specified land with a slope greater than 1:10. The policy seeks to guide landowners, architects and staff at the City in preparing and assessing development proposals where a landowner opts to have the policy applied.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

10. On vacant land with a substantial slope, the subdivider is required to undertake earthwork to flatten the lot or to sell the landing in its current state. Where retaining is not done at the subdivisional stages, a multiplicity of retaining wall type can be used (e.g. Woodrise Estate) and there are “winners and losers” once the first builders move on-site to create a flat building pad. Council’s subdivision guidelines seek to overcome that problem by placing the onus upon the subdivider to do the initial earthworks. Where the provision of large retaining walls becomes impractical, an additional level of control is required (policy) to force landowners and builders into an alternative form of housing design and to reduce the opportunity for cutting and filling to respond to those sites. This alternative form of control has been demonstrated on lots fronting Angove Street, within the Woodrise Estate, where the development has responded to the site, rather than the site modified to suit the development.

Issues

11. The topography of Albany is an important part of its character. Albany has numerous areas containing steep sloping land (greater than 10%). There is the desire (of developers) to create a level site on which to build a house. In order to create a level site on steep sloping land, extensive cut, fill and retaining is required. Extensive cut, fill and retaining has the potential to impact on the amenity of an area, add considerably to the cost of developments and impact upon neighbouring land owners.

Objectives

12. The objectives of the policy (proposed for adoption) are to:
 - a) Encourage a philosophy that discourages the recontouring of land as being the preferred method of undertaking the development of sloping sites;
 - b) Restrict excessive cutting and filling of steeply sloping land and encourage house design sympathetic (split level) to the natural topography;
 - c) Reduce neighbour conflict by encouraging a reduction in the level of cutting and filling on development sites and the size of the retaining walls that need to be constructed along the common property boundary(s);
 - d) Promote development that is sensitive to the natural topography and character of Albany; and
 - e) Promote housing designs, which complement the slope of the land to reduce the building’s bulk and visual impact.

Guidelines

13. The policy will establish development requirements for the subdivision of land, retaining on property boundaries, retaining within the confines of the lot, screening, liaison with neighbours and building height.

Schedule and Figures

14. A schedule is to be attached to list the sites that the policy will be applied to and a set of illustrations has been included to provide examples.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

RECOMMENDATION

THAT Council, pursuant to Clauses 7.21 and 6.9 of the City of Albany Town Planning Schemes 1A and 3 respectively, resolves to adopt the draft policy entitled “Local Planning Policy - Sloping Land” for the purpose of advertising the policy.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

THAT Council, pursuant to Clauses 7.21 and 6.9 of the City of Albany Town Planning Schemes 1A and 3 respectively, resolves to adopt the draft policy entitled “Local Planning Policy - Sloping Land” for the purpose of advertising the policy.

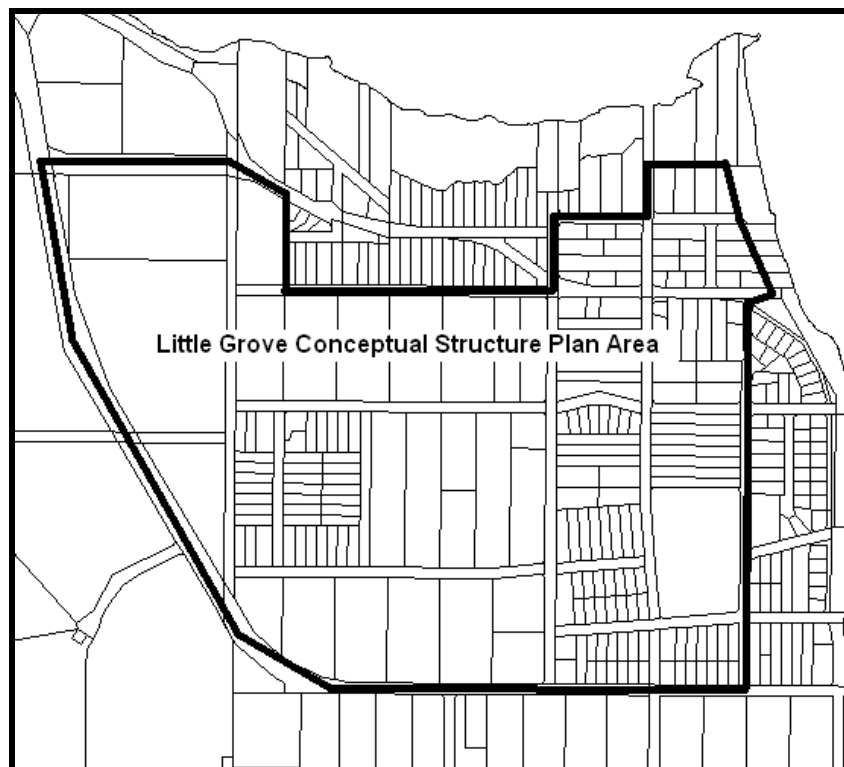
CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Cr Marshall declared Impartiality in regards to Item 11.3.2, as he is a resident of Little Grove and left the chambers at 8.01pm.

11.3.2 Final Adoption - Little Grove Conceptual Structure Plan

File/Ward	:	STR130 (Vancouver Ward)
Proposal/Issue	:	Identify Subdivisional Opportunities for Lots Zoned Residential Development in Little Grove
Subject Land/Locality	:	Little Grove - "Residential Development" Area
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Strategic Planner (A Nicoll) and Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/08/07 - Item 11.3.2 OCM 20/03/07 - Item 11.3.2
Summary Recommendation	:	Adopt Policy as Final
Bulletin Attachment	:	Schedule of Submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. In March 2007, Council resolved to adopt for the purposes of advertising the draft document entitled “Little Grove Conceptual Structure Plan” (LGCSP). The LGCSP was developed as a response to the Water Corporation’s Little Grove Infill Sewerage Programme and the desire of some of the landowners in the area to subdivide; the current zoning precludes further subdivision of lots until a Structure Plan has been prepared to coordinate development on the lots zoned “Residential Development”.
2. The plan was referred to relevant government departments and advertised to the public for a period of 28 days. A public meeting was also held at the South Coast Progress Association meeting room. At the meeting, residents were presented with an overview of the plan, its objectives and provided with the opportunity to discuss any concerns.
3. At the August meeting of Council it was resolved;

“THAT Council lay on the table for one month the matter relating to the final adoption of the Little Grove Conceptual Structure Plan.”

A briefing of Councillors was held on the 4th September 2007, to explain the Public Open Space arrangements proposed in the LGCSP and the rationale behind the R Coding.

STATUTORY REQUIREMENTS

4. West Australian Planning Commission “*Guidelines for the preparation of Local Plans for Urban Release Areas*” sets out the procedure for the adoption of a Structure Plan. Clause 4.1 of these guidelines set out the “Procedural Requirements” and states:

“Prior to forwarding the Local Structure Plan to DPI, the local authority should ensure adequate community consultation. It should be satisfied that the local community has been made aware of the LSP and given the opportunity to make submissions to ensure that any community concerns are addressed at the earliest possible stage of the land development process. This will normally require the LSP to be advertised, as appropriate, for a minimum period of 28 days and any affected landowners (other than the proponent) to be notified and invited to make a submission. After considering any submissions the local authority should forward the LSP to DPI together with its comments on the submissions.”

5. Scheme 3 states at Clause 5.2 that;

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The in-house preparation of the LGCSP has been completed within the current budget.

STRATEGIC IMPLICATIONS

8. The LGCSP is consistent with the City’s strategic planning framework, the Albany Local Planning Strategy, that classifies the study area as “Future Residential”.

COMMENT/DISCUSSION

Comments on Submissions

9. In the agenda for the August meeting, staff outlined the background to the LGCSP and provided an overview of the issues that were generated through the submissions. No attempt has been made to reproduce those comments in this report. Concerns was raised at the meeting on the proposed Public Open Space (POS) arrangements and the suitability of the lot sizes being promoted within the expanded Little Grove urban area. It is those issues that will be addressed in greater detail in the following report; these comments should be read in addition to the earlier report.

Public Open Space

10. Despite comments from the landowners in the LGCSP area, there is very limited POS provided in the Little Grove area. There is only one land parcel (adjacent to the Little Grove Primary School) that can be used for limited active recreation purposes that is also within the walking distance of the community it is required to service. There are passive recreational opportunities on the Princess Royal Harbour foreshore, where foreshore vegetation has been removed and environmental requirements are met. Also, an active recreational area exists adjacent to the South Coast Volunteer Bush Fire Brigade station building, but that area is remote to the population of Little Grove.
11. Upon the subdivision of a land parcel zoned “Residential” or “Residential Development”, where more than three (3) allotments are to be created, the landowner is required to cede to the Crown, free of compensation, one tenth of the land being subdivided (10%) as POS purposes. The WAPC can also allow, pursuant to Section 153 of the *Planning and Development Act 2005* for a cash payment to be made in lieu of the subdivider providing the land.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

12. In the consultation draft of the LGCSP, large tracts of land (in excess of the 10% normally provided) were identified as being unsuitable for development due to the vegetation that existed on the land. The expectation from environmental agencies and the public was that those areas of vegetation (irrespective of the percentage relative to the parent title) would be removed from private ownership and set aside as Public Open Space areas. The landowners equally were opposed to the ridgelines and vegetated portions of the lot (those parts that potentially had the highest financial return if they were capable of being subdivided) being lost to the Crown.
13. WAPC Policy DC2.3 requires a mixture of POS areas to be provided within a neighbourhood, ranging from small “pocket parks” through to active areas for sporting fields, as well as natural areas for drainage and vegetation protection. If left to the subdivision process, the Crown (i.e. Council and the Little Grove community) will end up with multiple small POS areas that will not serve the needs of current and future residents.
14. In the report to the August meeting, it was noted that the POS areas allocated in the consultation version of the LGCSP are recommended for deletion and it is recommended they be replaced with principles to be used as a guide for the allocation and provision of POS (refer to Clause 3.2.4 of the concept plan). The principles have been taken from West Australian Planning Commission policy and the *Planning and Development Act 2005*. By adopting a strategic approach to the allocation of POS during the subdivision of future lots in the LGCSP area, all landowners will be treated in an equitable manner; where the strategy does not require a landowner to provide POS on their land, they will make a payment in lieu and those funds will be used to compensate those landowners who provide land in excess of the 10% obligation.
15. Landowner objections to the total areas of POS available at Little Grove, or proposed to be provided through the LGCSP will not diminish their obligation to either provide 10% of their land to the Crown upon the subdivision of that land, or the taking of a cash payment in lieu of providing that land (the value of the contribution based upon the fully serviced value of the land as set out in Section 155 of the Act).
16. Lot and Housing Density
The draft LGCSP supported a split coding of R5 / R20, meaning that development at R20 (500m² average lot size), would only occur where the proposed lots can be connected to deep sewer and landowners would be restricted to the R5 (2000m² average lot size) standard where it is not possible or economically viable to connect to deep sewer. The Department for Planning and Infrastructure (DPI) has advised that all new subdivisions and developments in the LGCSP area should be connected to deep sewer, especially considering the area is located within the Water Corporation’s Water Sewerage Operating License Area.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

17. The existing lot sizes in Little Grove range from 700m² to 2.0ha. The 700m² lots equate to an R15 coded lot size and the overall density achieved under the R15 classification is not visually dissimilar to the residential density achieved under R20. The 700m² lots were created without a requirement for the development thereon to be connected to a reticulated sewerage main; the larger lots (from 900m² to 2.0ha) will be able to be subdivided into smaller lots or developed for group housing once they are connected to reticulated sewer and that fragmentation (whether it is for 300m² or 2,000m² lots) will immediately and permanently change the character of the suburb. The sewer system has been extended to the area and it is irrational to assume that current and future landowners will not seek to realise the maximum potential from their land by subdividing down to the minimum lot size permissible. The extension of sewer mains, the construction of roads, the provision of POS, etc are costs that each landowner must bear, irrespective of the final yield, and the greatest financial return is achieved by maximising development.
18. Based on the recommendation of the DPI, the existing lot sizes and the expected pressure for development opportunities, the final structure plan (proposed) applies a density of R20 (average 500m²) within cells 1 and 2. Cell 3 is to be maintained with larger landholdings due to the prevailing lot sizes and the difficulty of extending sewer into the locality.
19. The capacity to create a range of lot sizes and a variety in housing choice / affordability is still maintained within the LGCSP. The plan restricts clearing of “good” to “pristine” vegetation and the opportunity to place new development on the ridgelines (“non-development” areas). The maintenance of large tracks of land in the LGCSP with building exclusion areas marked thereon helps to protect the character and amenity of the area; denser development is confined to valleys and other areas.

CONCLUSION

20. The Little Grove Conceptual Structure Plan (LGCSP) provides an overall guiding set of principles for the assessment of subdivision, development and land use applications. In addition to the guiding principles, there are sets of performance standards that may be utilised, subject to the developer providing suitable justification, to assess development and subdivision proposals.
21. The LGCSP fulfils the requirements of the City of Albany’s Town Planning Scheme No. 3 and the DPI guidelines for Structure Planning to provide a framework to facilitate development. The LGCSP balances the protection of the natural landform and remnant vegetation with the social need to provide for a variety of residential housing types within a community framework, focusing on legibility, orientation, workability and housing affordability.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

RECOMMENDATION

THAT Council resolves that;

- i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, adopted or rejected as detailed; and
- ii) Council, pursuant to Clause 4.1 of the Department of Planning and Infrastructure's "Guidelines for the preparation of Local Plans for Urban Release Areas" resolves to adopt the modified final draft of the "Little Grove Conceptual Structure Plan" and refer the document and submissions to the WA Planning Commission for its support.

Voting Requirement Simple Majority

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ALTERNATE MOTION

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR BOJCUN**

THAT Council resolves that;

- i) Subject to the changes identified in part ii), the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, adopted or rejected as detailed;**
- ii) The comments and recommendations on submissions 2(a), 2(b), 2(d), 3(a), 7(a), 7(b), 7(c), 8(a), 10(c), 12(c), 13(a), 16, 17(c), 18(c), 19(a), 20, 21(a), 22(a), 22(d), 23(d) and 24 be adjusted to acknowledge relevant changes in the body and text of the Little Grove Conceptual Structure Plan which;**
 - (a) preclude any further subdivision of lots in Cell 3;**
 - (b) support the subdivision and development of lots in Cell 1 to a Residential R20 standard;**
 - (c) introduce an R5/R10/R20 density coding over lots in cell 2 and incorporate subdivision and development control provisions that;**
 - a. require new development, that is not connected to reticulated sewer mains, to be undertaken in accordance with the R5 provisions of the R Codes and generally no further subdivision of the existing lots would be supported;**
 - b. allow for the subdivision of land to the minimum standards prescribed under the R10 Coding (i.e 875m²) where the subdivisional lots are capable of being connected to reticulated sewer. (acknowledging that the proposed lots may be visually exposed to the surrounding locality or the subdivision may result in the removal of on-site vegetation);**

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- c. requires, where land contains a “non development area” as shown on the LGCSP, that portion of the land may be retained in private ownership provided either;**
- i. the non development area is retained in a single title following any subdivision process and no additional development of structures will occur on that single title; or**
 - ii. it is designated as common property where the non development area forms part of a strata development undertaken in accordance with part (d) below ; and**
- d. support a clustered development which is undertaken to a density consistent with the R20 provisions of the R Codes, provided the development area is located in a visually enclosed portion of the LGCSP area, the development is connected to reticulated sewer mains and the development does not encroach upon a designated “non development area”.**
- iii) Council, pursuant to Clause 4.1 of the Department of Planning and Infrastructure’s “Guidelines for the preparation of Local Plans for Urban Release Areas” resolves to adopt the modified final draft of the “Little Grove Conceptual Structure Plan” and refer the document and submissions to the WA Planning Commission for its support.**
- CARRIED 7-6**

Record of Vote:

For: Councillors: Evans, Bojcun, Wolfe, Emery, Walker, Paver, and West

Against: Mayor Goode and Councillors: Wiseman, Lionetti, Jamieson, Wellington, and Waterman.

Reason:

The visual amenity of Little Grove is seen as an important issue for the residents of the locality, as demonstrated in the submissions received, and that amenity will be irreversibly altered if Cell 2 was allowed to be subdivided to the minimum standards prescribed under the R20 provisions of the Residential Design Codes, or strata titled group housing was undertaken on visually exposed lots.

Cr Marshall returned to the Chambers at 8.20pm once the motion was carried.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 was withdrawn from the agenda.

11.3.3 Initiate Scheme Amendment for Advertising - Lots 1500 and 1499 Hardie Road, Spencer Park

File/Ward	:	AMD 162 (Breaksea Ward)
Proposal/Issue	:	Proposed re-zoning of Lots 1500 and 1499 Hardie Road, Spencer Park from “Clubs and Institutions” to “Residential” zone
Subject Land/Locality	:	Lots 1500 and 1499 Hardie Road, Spencer Park
Proponent	:	TBG Town Planning & Urban Design
Owner	:	Danvero Pty Ltd
Reporting Officer(s)	:	Manager Planning and Ranger Services (G Bride) and Gray & Lewis Landuse Planners
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/03/07 - Item 11.3.4
Summary Recommendation	:	That Council initiate the amendment for the purpose of commencing advertising
Bulletin Attachment	:	Amendment Document and Traffic Report (includes concept plan).
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. Lot 1500 has been developed with a single storey care facility (Clarence Estate), which caters for 86 residents (70 high care and 16 low care). Lot 1499 accommodated a nursing home (Spencer Lodge), which has been demolished leaving the land vacant.
2. A Scheme Amendment Request (SAR) to change the zoning of Lots 1500 and 1499 Hardie Road, Spencer Park from “Clubs and Institutions” to “Residential” zone was considered by Council on the 20 March 2007.
3. Council advised the applicant that it was prepared to entertain the submission of a formal amendment subject to the following matters being addressed;
 - (i) A conceptual structure plan and traffic management plan being provided.
 - (ii) Justification that the amount of dwellings proposed as part of the concept plan complies with the R60 requirements.
 - (iii) Incorporation of design criteria in accordance with the Residential Design Codes.
 - (iv) Incorporation of car parking criteria.
4. The matters have generally been addressed by the applicant however some refinements of the amendment document are suggested in this report.
5. It is recommended that Council adopt the amendment for the purpose of initiating advertising, subject to modifications.

STATUTORY REQUIREMENTS

6. If Council initiates the Amendment, it will be referred to the Environmental Protection Authority for consideration, prior to commencement of formal advertising.
7. 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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The City of Albany’s Draft Local Planning Strategy applies to this item.

COMMENT/DISCUSSION

11. Proposal
The application is to;
 - Re-zone Lots 1500 and 1499 Hardie Road, Spencer Park from “Clubs and Institutions” to “Residential” zone; and
 - List the lots in Appendix II – Schedule of Special Sites to allow for Nursing Home, Aged Person Village (R60) and a medical centre.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

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

12. 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 conceptual structure plan and traffic management plan being provided.	Information lodged.	Matter has been addressed however Council should note that; (i) The concept plan has not been included in the amendment document. (ii) The applicant is not bound by the concept plan however it shows their general intention for future development on the lots.
Justification that the amount of dwellings proposed as part of the concept plan complies with the R60 requirements.	The concept plan shows 48 units (apartments) and 11 serviced suites. Based on the total area Lot 1499 can accommodate 89 multiple dwellings (using the 1/3 rd density bonus available under the R Codes for aged persons). It is considered that the proposal will comply with the R60 density.	Agreed – matter has been addressed and Council should note: (i) Based purely on site area Lot 1499 can accommodate up to 59 multiple dwellings (without seeking a density bonus under the R Codes applicable for aged person units.) (ii) A maximum of R60 has been set in Appendix II of the Scheme.
Incorporation of design criteria in accordance with the Residential Design Codes.	The proposal has to meet the requirements of both the Residential Design Codes and the City of Albany Town Planning Scheme No 1A. Any variations to the requirements will be resolved at development application stage.	Agreed – matter has been addressed and Council should note: (i) The Codes already include controls over setbacks, plot ratio, open space, building height etc therefore they do not need to be duplicated or explained in Appendix II. (ii) Council can have regard for social issues, impact on amenity, the relationship of the proposal to development on adjoining land (height, bulk, scale etc), traffic, noise etc in accordance with Clause 7.8A of the Scheme.
Incorporation of car parking criteria.	The proposal will be required to meet car parking in the Codes and Scheme. Any variations would be dealt with at development application stage.	Agreed.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Concept Plan

13. The applicant has submitted a concept plan for 48 units (apartments), 11 serviced suites, a health centre, a clubhouse, a village green, undercroft car parking and a public car park.
14. The concept plan does not form part of the amendment document and is included as an appendix to the traffic report. It should be noted that the applicant is not bound by the concept plan, and more detailed plans will be lodged at development application stage.

Traffic

15. A traffic report based on the concept plan has been submitted and concludes as follows;
 - Overall the development could generate an additional 625 vehicle movement per day.
 - It is expected that the proposed development would have minimal impact to the operation of Hardie Road.
 - Access is proposed to Discovery Drive and as a residential street this could be considered as a potential issue. It is unlikely that residents from the development will use Discovery Drive due to longer distances involved. It is unlikely that residents of the development will travel during the traditional peak road network periods therefore impact to local residents is likely to be unnoticeable.
16. It should be noted that the traffic forecast is based on stand alone development and does not take into account potential cross visitation that could occur between the development and existing adjacent landuses. Council may require further examination of this at development stage.
17. Traffic generation will ultimately depend on the final detailed design at development application stage. Council may require a new or supplementary traffic report as part of a development application.

Density

18. As part of the SAR Council has already considered the issue of density and agreed to consider R60 for the site. In regards to density Council should note that;
 - Any future development will be assessed in accordance with the requirements for R60 (minimum of 166m² per multiple dwelling).
 - Once the land is re-zoned to R60 the applicant can apply for a density bonus permissible under Clause 4.1.2 of the Residential Design Codes for aged persons dwellings. This would potentially allow for 111m² per dwelling unit. The wording of the schedule indicates that the density bonus should not be applied.

Amendment Provisions & Recommended Modifications

19. The Amendment proposes to list Lots 1500 and 1499 Hardie Road, Spencer Park in Appendix II - Schedule of Special Sites.
20. The applicant does not propose to list any conditions in Schedule II as part of the amendment. A copy of the Schedule as proposed by the applicant is included in the Elected Members Bulletin / Information Report.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

21. Inclusion of the following conditions in Appendix II is recommended as summarised in the table below;

Recommended Condition – Schedule II	Reason for Modification
Carparking to be in accordance with the Residential Design Codes and the Use Development Table.	This condition is not strictly necessary however emphasizes the need for compliance with the Codes and Scheme. Cross referencing with the carparking requirements of the Scheme is recommended.
Development shall be assessed in accordance with the relevant provisions of the Residential Design Codes and City of Albany Town Planning Scheme No 1A, including and not limited to matters listed under Clause 7.8.	Cross referencing with the Codes and Scheme is recommended.
The design of any new development is to have regard to the adjoining residential zone and streetscape compatibility.	This condition is recommended having regard that low density residential exists to the north of Lot 1499 and the Scheme does not specifically mention streetscape.
Council may require lodgement of a traffic report specific to the final design at development application stage.	The development application may involve significant changes to the concept plan as; 1. Ownership or intentions for the site may change. 2. Once re-zoned any application would be assessed on its merits in accordance with an R60 code; 3. The applicant can apply for a density bonus for aged person dwellings under the Codes. This condition simply gives Council flexibility to require a new traffic report if deemed necessary, and emphasises to the developer and surrounding landowners that traffic is an important consideration.

Conclusion

22. The lots have historically been used for aged care and are located in close proximity to existing services. The additional uses proposed are considered to be compatible with surrounding landuses and the main issues for Council to consider are:
- (i) The appropriate density and;
 - (ii) Suitable conditions to be included in Appendix II to guide future development.
23. It is recommended that the amendment be supported subject to modifications as outlined in this report.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

RECOMMENDATION

THAT Council

1. Resolves pursuant to Section 75 of the Planning and Development Act 2005 to initiate Amendment 162 to the City of Albany Town Planning Scheme No. 1A (with modifications) for the purposes of:
 - (i) Re-zoning Lots 1500 and 1499 Hardie Road, Spencer Park from “Clubs and Institutions” to “Residential” zone and include the notation of S40, as depicted on the Scheme Amendment map; and
 - (ii) Including Lots 1500 and 1499 Hardie Road, Spencer Park in Appendix II - Schedule of Special Sites with appropriate conditions as follows;

	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S40	40	Lots 1499 and 1500 Hardie Road, Spencer Park	Residential R20	Nursing Home, Aged Persons Village (R60) and Medical Centre.	<p>Carparking to be in accordance with the Residential Design Codes and the Use Development Table.</p> <p>Development shall be assessed in accordance with the relevant provisions of the Residential Design Codes and City of Albany Town Planning Scheme No 1A, including and not limited to matters listed under Clause 7.8 of the Scheme.</p> <p>The design of any new development is to have regard to the adjoining residential zone and streetscape compatibility.</p> <p>Council may require lodgement of a traffic report specific to the final design at development application stage.</p>

2. Advise the applicant that modified amendment documents are required to be submitted prior to the Amendment being referred to the Environmental Protection Authority.

Voting Requirement Simple Majority

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Item 11.3.3 was withdrawn from the agenda.

DEVELOPMENT SERVICES REPORTS

11.3.4 Final Approval - Lot 734 Barker Road, Centennial Park

File/Ward	:	AMD 160 (Frederickstown Ward)
Proposal/Issue	:	Proposed re-zoning of Lot 734 from the “Clubs and Institutions” zone and the “Parks and Recreation” reserve to the “Tourist Residential R40” zone
Subject Land/Locality	:	Lot 734 Barker Road, Centennial Park
Proponent	:	Koltasz Smith
Owner	:	Portstyle Enterprises Pty Ltd
Reporting Officer(s)	:	Manager Planning and Ranger Services (G Bride) and Gray & Lewis Landuse Planners
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/04/06 - Item
Summary Recommendation	:	That Council adopt the amendment for final approval subject to modifications
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. An application to amend the zoning of Lot 734 Barker Road (“the lot”) from “Clubs and Institution” zone and the “Parks and Recreation” Reservation to the “Tourist Residential” zone was submitted on 11 December 2006.
2. The subject land is 2.7173 hectares in area and currently accommodates the Albany Indoor Sports Centre. The Albany Leisure and Aquatic Centre and recreational open space are located to the north of the lot. The land to the south and east is zoned “Industry” and is occupied by a range of industrial activities such as panel beaters, fabrication uses, transport depot and the like. A caravan park is located to the west.
3. A Scheme Amendment Request (SAR87) to rezone the site to “Tourist Residential” was supported by Council (18/4/2006) subject to a number of issues being addressed.
4. Council initiated the Amendment in January 2007 and was satisfied that the issues originally raised as part of the SAR had been addressed. Accordingly these matters have not been re-assessed, with the exception of noise. Noise was re-examined as a result of advice from the EPA.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

STATUTORY REQUIREMENTS

5. If Council grants final approval of the Amendment, it will be referred to the Western Australian Planning Commission and Honourable Minister for Planning and Infrastructure for approval.

POLICY IMPLICATIONS

6. The City of Albany's Draft Local Planning Strategy and Local Planning Policy - Barker Road Industrial Area apply to this Item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The subject land is identified in Council's draft Albany Local Planning Strategy (ALPS) as being suitable for consideration of either "Residential" and/or "Central Area" land uses over the next 20 years.

COMMENT/DISCUSSION

9. Proposal
The application is to;
 - Rezone Lot 734 Barker Road, Centennial Park from "Clubs and Institutions" and "Parks and Recreation" to "Tourist Residential R40"; and
 - List Lot 734 Barker Road, Centennial Park in Appendix II - Schedule of Special Sites in order to control future development.
10. The supporting documentation examined land capability, supporting infrastructure, surrounding land uses, flood levels and acoustic levels. These issues were assessed by City staff prior to recommending initiation of the amendment and the modified documents were supported by Council.
11. Extracts from this amendment were provided to all adjoining landowners for comment and inspection on the 9 August. No submissions were received.
12. EPA Advice
The application was referred to the Environmental Protection Authority (EPA) who requested additional information from the City relating to noise issues.

The matter was resolved and the proposal did not require formal assessment. Notwithstanding the above, the EPA advised that;

- *The potential tenants of the proposed lots would be located within the EPA's recommended buffer zone. The light industries that are in the vicinity of the proposal include a spray painting workshop, panel beaters, and numerous fabrication workshops. These are common sources of complaints and are capable of omitting noise that may exceed the Environmental Protection (Noise) Regulations 1997.*
- *It is recommended that a noise survey be carried out and noise mitigation measures be employed to treat noise exposure.*
- *Notification should be placed on title to advise potential purchasers of potential noise issues.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

13. The applicant has included a detailed noise assessment in the amendment document. The report recommends construction of a wall along the southern and eastern boundary for noise attenuation.
 14. The surrounding Industrial area is undergoing a transition and in the longer term potential noise conflict is likely to be reduced. Strategically, it is envisaged that more compatible land uses such as offices, medical consulting rooms, commercial and residential will move into the area and industrial uses will eventually relocate.
- Amendment Provisions & Recommended Modifications
15. The Amendment proposes to list Lot 734 Barker Road in Appendix II - Schedule of Special Sites.
 16. The schedule includes controls for land use and development. It requires the developer to prepare detailed development guidelines addressing matters such as building construction, house design, and the method of implementation.
 17. A copy of the Schedule as proposed by the applicant follows this report. Refinement of the schedule and modifications are recommended as summarised in the table below;

Recommended Modification	Reason for Modification
<p>The permissible uses should be listed in the 'conditions' columns of Appendix II – Schedule and read;</p> <p>1. Notwithstanding Table 1 and Clause 3.8 of the City of Albany Town Planning 1A, the permissibility of uses is as follows;</p> <ul style="list-style-type: none"> • Chalets AA • Club Premises AA • Grouped Dwelling AA • Holiday Accommodation AA • Hotel SA • Multiple Dwelling SA • Private Recreation IP • Residential Building AA • Single House AA” <p>2. All other landuses not listed in Point 1 above are deemed to be 'x' uses and are not permitted.</p> <p>3. The symbols used in point 1 and point 2 have the same meaning as those set out in clause 3.4 of the Scheme.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>Under Clause 3.8 additional landuses to those normally permitted for the relevant “Tourist Residential” zone can be included.</p> <p>The landuses proposed for Lot 734 are not ‘additional’ landuses and can already be considered under the existing zoning table in the “Tourist Residential” zone.</p> <p>The essence of the amendment is unchanged however modifications are recommended to;</p> <p>(a) clarify the landuses permissible with cross referencing to relevant clauses in the Scheme.</p> <p>(b) Remove any ambiguity between the permissibility of landuses listed in Schedule II compared to those permissible under the zoning table for ‘Tourist Residential’.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

<p>Council may require construction of an acoustic wall along the southern and eastern boundary as a condition of development or subdivision.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>The Schedule currently refers to development however it is noted that the owner can lodge an application with the WA Planning Commission to subdivide Lot 734.</p> <p>It may be preferable that the wall be constructed at subdivision stage, so this modification provides Council with greater discretion.</p>
<p>Council may require lodgement of a new acoustic report as part of a development or subdivision application that is specific to the proposed design.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>Whilst the applicant has provided an acoustic assessment it has limitations as follows;</p> <ul style="list-style-type: none"> (i) It is based on current landuses which have the potential to change by the time development of Lot 734 proceeds. (ii) A number of lots to the south are vacant therefore the future situation will change; (iii) The report recommends a noise attenuation wall to reduce noise impact from surrounding industries. The report however notes that <i>“the assumed benefit of the walls will be negated if multiple storey construction is built”</i> and <i>“should this be the case, a detailed assessment should be undertaken once building plans are available”</i>. (iv) Implementation of some acoustic measures such as use of fixed windows (eg for 2 storey development) will influence the elevations and need to be considered at the early design stage rather than as conditions of development. <p>This modification gives Council greater flexibility and control over noise mitigation measures.</p>
<p>Council may require lodgement of detailed design guidelines as part of a development or subdivision application and advice from the developer as to how the design guidelines will be implemented.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>Design guidelines may be used to ensure buildings are constructed using noise attenuation measures, however there are limited means for implementation including;</p> <ol style="list-style-type: none"> 1. Implementation by the developer (house and land packages) and / or private covenants on title. 2. Adoption of guidelines as a Local Planning Policy by Council. <p>It is considered important that this be agreed to ‘up front’ as part of development / subdivision, and the current amendment provision only requires design guidelines as a condition of development.</p>
<p>Council may require a notification or memorial on the Certificate of Title advising prospective purchasers of potential noise sources, and requirements to comply with a design specific noise attenuation report and / or design guidelines. This may be required as a condition of development or subdivision.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>Whilst a condition can be placed on subdivision or development requiring <i>‘prospective purchasers to be advised of surrounding light industry and aquatic centre’</i> it would only capture the first new owners.</p> <p>A notification or memorial on title is recommended by the EPA and is the only mechanism that will ensure all future purchasers are advised of potential noise from surrounding landuses. In the longer term Council can agree to lift the notification / memorial if existing industrial uses relocate.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

<p>Council may impose conditions on any development relating to noise mitigation including and not limited to measures such as glazing, door treatments, walling, ceiling construction and the use of fixed openings.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>This is applicable regardless of whether the existing acoustic report is deemed sufficient or whether a new report is required for the development/subdivision.</p>
<p>Council may require a 10 metre buffer to the Barker Road Industrial Area as a condition of development or subdivision.</p> <p><i>Include as condition in Appendix II.</i></p>	<p>The amendment document includes a subdivision and development concept plan. It incorporates a 10 metre wide buffer to the Barker Road Industrial Area (south boundary) however is not referred to in the proposed Schedule. The modified provisions give Council discretion to require buffers as a condition of development or subdivision - it is not clear whether the 'buffer' was taken into account in the acoustic assessment.</p>
<p>Council may impose conditions on any development or subdivision as it sees fit. Specific conditions may be considered addressing the following matters;</p> <ul style="list-style-type: none"> • Design interface of Yakamia Creek and the regional open space; • Access and parking arrangements; • Landscaping. <p><i>Include as condition in Appendix II.</i></p>	<p>This requirement is already listed in the amendment and has been re-worded.</p>

Note: Conditions have been worded 'may' instead of 'shall' to provide Council with discretion as to the extent of information required 'up front' as part of a specific development or subdivision application. This provides flexibility and allows opportunity for these matters to be addressed at the more detailed subdivision / development stage.

Conclusion

18. The amendment is supported subject to modifications as outlined in this report. Council should be aware of the following matters if final approval is granted;
- (1) The acceptable noise levels for surrounding industrial developments will be lower once 'noise sensitive' development occurs on Lot 734. Notwithstanding any notification to potential owners, that noise issues may occur, the surrounding industrial land uses have an obligation to comply with the Environmental Protection (Noise) Regulations 1997 and any complaints would be processed by the City's Health Department.
 - (2) The acoustic report notes that "*For noise modelling to be a realistic worst case, this would require the cooperation of Council to ensure that future uses on vacant industrial land or new uses on existing land were restricted (eg the adjoining lots on the southern boundary to be showroom type uses rather than light industrial).*"
 - (3) The lots along the southern boundary are subject to the requirements of the Local Planning Policy – Barker Road Industrial Area which allows for industrial uses such as panel beating, spray painting, small good manufacturing, dry cleaners, joinery and wood working. The uses are not restricted to 'showrooms' as discussed in the acoustic report.
 - (4) If Council supports the amendment it needs to recognise that land uses within the Precinct B of the Barker Road Industrial Area may need to be restricted depending on the extent of noise attenuation measures and buffers provided by the developer at development stage. It is recommended that Council review the Local Planning Policy concurrent with any development proposal for Lot 734.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- (5) It should be recognised that the strategic intent for the area is to re-zone the industrial land to accommodate a mixture of landuses such as commercial, office, medical and residential. In the longer term potential noise conflict is likely to reduce.

RECOMMENDATION

THAT Council adopt Amendment 160 to the City of Albany Local Planning Scheme No. 2 for final approval with modifications pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of:

- (i) Re-zoning Lot 734 Barker Road, Centennial Park from “Clubs and Institutions” and “Parks and Recreation” to “Tourist Residential R40” as depicted on the Scheme Amendment map; and
 (ii) Including Lot 734 Barker Road, Centennial Park in Appendix II - Schedule of Special Sites with appropriate conditions as follows;

	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S40	40	Lot 734 Barker Road, Centennial Park	Tourist Residential R40		<p>1. Notwithstanding Table 1 and Clause 3.8 of the City of Albany Town Planning 1A, the permissibility of uses is as follows;</p> <ul style="list-style-type: none"> • Chalets AA • Club Premises AA • Grouped Dwelling AA • Holiday Accommodation AA • Hotel SA • Multiple Dwelling SA • Private Recreation IP • Residential Building AA • Single House AA” <p>2. All other landuses not listed in Point 1 above are deemed to be ‘x’ uses and are not permitted.</p> <p>3. The symbols used in point 1 and point 2 have the same meaning as those set out in clause 3.4 of the Scheme.</p> <p>Noise Attenuation</p> <p>4. Council may require construction of an acoustic wall along the southern and eastern boundary as a condition of development or subdivision.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

					<p>Yakamia Creek</p> <p>5. As a condition of development approval the developer shall provide drainage and landscaping details which:</p> <ul style="list-style-type: none"> • Detail the need for any treatment or upgrade of the open drain as a result of the development; • Detail the proposed interface between the creek and the private land; and <p>Detail the manner and responsibility for any works to be undertaken by the developer, the City of Albany or any other parties.</p> <p>Development and Subdivision Guidelines</p> <p>6. Council may require lodgement of a new acoustic report as part of a development or subdivision application that is specific to the proposed design.</p> <p>7. Council may require lodgement of detailed design guidelines as part of a development or subdivision application and advice from the developer as to how the design guidelines will be implemented.</p> <p>8. Council may require a notification on the Certificate of Title advising prospective purchasers of potential noise sources, and requirements to comply with a design specific noise attenuation report and / or design guidelines. This may be required as a condition of development or subdivision.</p> <p>9. Council may impose conditions on any development relating to noise mitigation including and not limited to measures such as glazing, door treatments, walling, ceiling construction and the use of fixed openings.</p>
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Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council adopt Amendment 160 to the City of Albany Local Planning Scheme No. 2 for final approval with modifications pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of:

- (i) **Re-zoning Lot 734 Barker Road, Centennial Park from “Clubs and Institutions” and “Parks and Recreation” to “Tourist Residential R40” as depicted on the Scheme Amendment map; and**
- (ii) **Including Lot 734 Barker Road, Centennial Park in Appendix II - Schedule of Special Sites with appropriate conditions as follows;**

	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S40	40	Lot 734 Barker Road, Centennial Park	Tourist Residential R40		<p>1. Notwithstanding Table 1 and Clause 3.8 of the City of Albany Town Planning 1A, the permissibility of uses is as follows;</p> <ul style="list-style-type: none"> • Chalets AA • Club Premises AA • Grouped Dwelling AA • Holiday Accommodation AA • Hotel SA • Multiple Dwelling SA • Private Recreation IP • Residential Building AA • Single House AA” <p>2. All other landuses not listed in Point 1 above are deemed to be ‘x’ uses and are not permitted.</p> <p>3. The symbols used in point 1 and point 2 have the same meaning as those set out in clause 3.4 of the Scheme.</p> <p>Noise Attenuation</p> <p>4. Council may require construction of an acoustic wall along the southern and eastern boundary as a condition of development or subdivision.</p>

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

					<p>Yakamia Creek</p> <p>5. As a condition of development approval the developer shall provide drainage and landscaping details which:</p> <ul style="list-style-type: none">• Detail the need for any treatment or upgrade of the open drain as a result of the development;• Detail the proposed interface between the creek and the private land; and <p>Detail the manner and responsibility for any works to be undertaken by the developer, the City of Albany or any other parties.</p> <p>Development and Subdivision Guidelines</p> <p>6. Council may require lodgement of a new acoustic report as part of a development or subdivision application that is specific to the proposed design.</p> <p>7. Council may require lodgement of detailed design guidelines as part of a development or subdivision application and advice from the developer as to how the design guidelines will be implemented.</p> <p>8. Council may require a notification on the Certificate of Title advising prospective purchasers of potential noise sources, and requirements to comply with a design specific noise attenuation report and / or design guidelines. This may be required as a condition of development or subdivision.</p> <p>9. Council may impose conditions on any development relating to noise mitigation including and not limited to measures such as glazing, door treatments, walling, ceiling construction and the use of fixed openings.</p>
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CARRIED 14-0

ORDINARY COUNCIL MINUTES – 18/09/07
 ** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.3.4

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

DISTRICT PLANNING SCHEME NO. 1A

AMENDMENT NO. 160

The City of Albany under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Rezoning Lot 734 Barker Road, Centennial Park from "Clubs and Institutions" and "Parks and Recreation" to "Tourist Residential R40".
2. Inserting Lot 734 Barker Road, Centennial Park into Appendix II – Schedule of Special Sites as follows:

	CODE NO.	PARTICULARS OF LAND	BASE ZONE	ADDITIONAL USE	CONDITIONS
S40	40	Lot 734 Barker Road, Centennial Park	Tourist Residential R40		<p>Schedule of Conditions</p> <p>Noise Attenuation</p> <p>i) As a condition of development approval the developer shall construct noise attenuation walls, of a material having a minimum surface mass of 15kg/m² such as brick, limestone and concrete or similar, to a height of:</p> <ul style="list-style-type: none"> ▪ 3m high wall along the southern boundary; and ▪ 2.4m high wall along the eastern boundary, fronting Barker Road. <p>Construction to be undertaken in consultation with the City of Albany.</p> <p>Yakamia Creek</p> <p>ii) As a condition of development approval the developer shall provide drainage and landscaping details which:</p> <ul style="list-style-type: none"> ▪ Detail the need for any treatment or upgrade for the open drain as a result of the development; ▪ Detail the proposed interface between the creek and the private land; and ▪ Detail the manner and responsibility for any works to be undertaken by the developer, the City of Albany or other parties.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

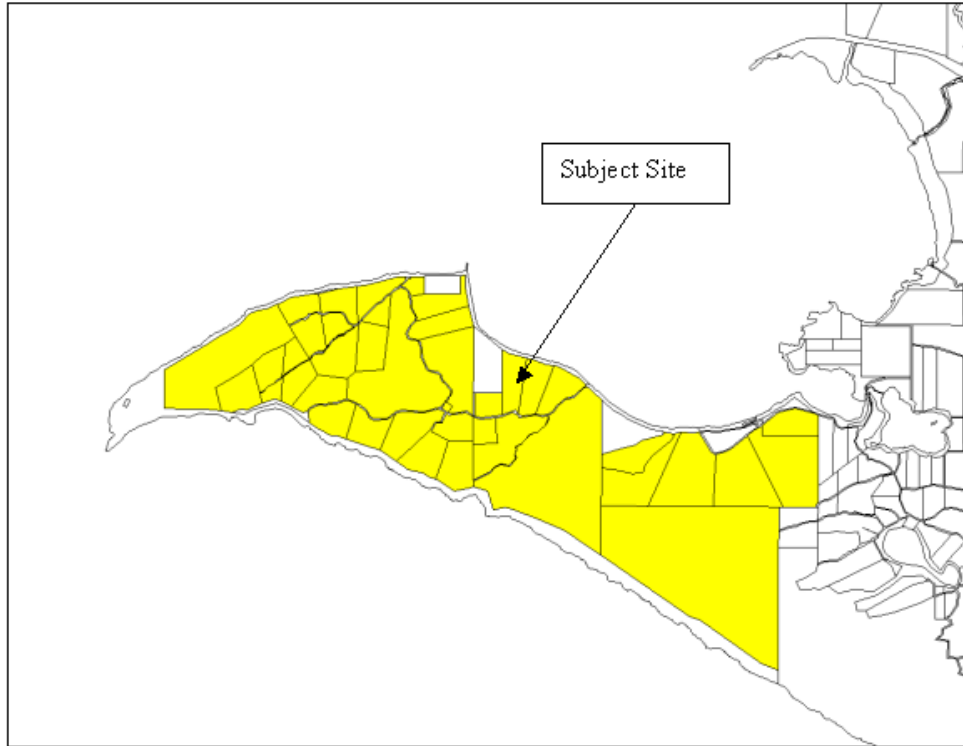
					<p>Development Guidelines</p> <p>iii) As a condition of development approval the developer shall prepare detailed Development Guidelines which address matters including:</p> <ul style="list-style-type: none">▪ Building construction, including glazing, door treatments, walling, ceilings, construction and use of fixed openings;▪ House design, including the siting of outdoor entertaining areas as well as less noise sensitive internal rooms;▪ Design interface of Yakamia Creek and the regional open space;▪ Access and parking requirements;▪ Landscaping; and▪ Information to purchasers on "quiet house" design principles for residential dwellings, and the method of Design Guideline Implementation.
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DEVELOPMENT SERVICES REPORTS

11.3.5 Final Approval for Scheme Amendment - Conservation Zone - Nullaki Peninsula

File/Ward	:	AMD259 (West Ward)
Proposal/Issue	:	Request for final approval of AMD 259 to modify the Subdivision Guide Plan and introduce new scheme provisions for Conservation Zone Area No. 1
Subject Land/Locality	:	Conservation Zone (Area No. 1) - Nullaki Peninsula
Proponent	:	Ayton, Taylor & Burrell
Owner	:	G J Robertson & S Dzwonnik (main landowners) and various landowners
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride) and Thompson McRobert Edgeloe - Planning Consultants
Disclosure of Interest	:	<ul style="list-style-type: none">• The consultants have previously been engaged by one of the proponents, Mr. Graeme Robertson, to undertake engineering consultancy services at various locations within the City of Albany.• The consultants are not currently contracted by Mr Robertson for any engineering or planning services relating to the subject land.
Previous Reference	:	OCM 21/12/04 - Item 11.3.2 OCM 19/07/05 - Item 11.3.6 OCM 19/12/06 - Item 11.3.4
Summary Recommendation	:	Grant Final Approval
Bulletin Attachment	:	Textual changes and revised subdivision guide plan
Locality Plan	:	

Item 11.3.5 continued



BACKGROUND

1. At the ordinary council meeting on the 19th December 2006 Council resolved;
“THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany’s Town Planning Scheme No. 3 by amending the Subdivision Guide Plan and various provisions associated with Development Exclusion Areas, Development Approval and road alignments within Conservation Zone Area No.1.”
2. The amending documents were referred to the Environmental Protection Authority (EPA) who concluded that a formal environmental assessment was not required. The EPA provided further advice on environmental issues, which are discussed in the Comment/Discussion section of this report.
3. The application was advertised in accordance with Section 39 of the Planning and Development Act. No submissions were received regarding this proposal.

STATUTORY REQUIREMENTS

4. Council’s resolution under Section 75 of the Planning and Development Act 2005 is required to amend the Scheme.
5. 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.
6. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

7. 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

8. The Local Rural Strategy (1996) and the Statement of Planning Policy (SPP) No. 2.6 (State Coastal Planning Policy) introduce a number of requirements for this area. The most applicable being:
 - *To provide for the protection of the landscape, flora and fauna;*
 - *To protect, conserve and enhance coastal values; and*
 - *To protect development from coastal processes.*
9. The amendments to the Conservation Zone being considered as part of this application are in keeping with these statements of planning policy.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The draft Albany Local Planning Strategy (ALPS) identifies this area as an environmental protection area, the key element being to protect biodiversity, natural character and resources and to reduce the environmental impacts from land use and development.
12. The amendments to the Conservation Zone being considered as part of this application are in keeping with the key elements of the ALPS document.

COMMENT/DISCUSSION

13. Proposal
The scheme amendment makes modifications to a number of provisions guiding development within the Nullaki Conservation Zone (Area No.1). The need for these modifications has come about following ongoing difficulties and inconsistencies in interpreting and applying some of the existing scheme controls. The modifications are also the result of the clarification and direction provided through the determination of an appeal before the Town Planning Appeal Tribunal (171 of 2002).
14. In summary, the modifications include:
 - Making the condition that Planning Consent and additional assessment criteria (visual analysis and aboriginal survey) are required for the siting of Development Areas;
 - Associating setback requirements with the State Planning Policy 2.6;
 - Introducing a provision to clarify that relocated dwellings, holiday accommodation and tourist accommodation are uses that are not permitted;
 - Updating the subdivision guide plan;
 - Introducing stronger controls for fire management; and
 - Other minor incidental changes.

Included within the Elected Members Report / Information Bulletin is a copy of the textual changes to the provisions and the modification to the subdivision guide plan.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

EPA Advice

15. The Amendment was referred to the EPA and a copy of that letter is attached. Although the EPA has advised that a formal environmental assessment was not required, the letter contains advice regarding several areas of concern for the EPA. These issues can be summarised as:

- Clearing of Native Vegetation
- Environmental issues not assessed
- Coastal Development setback

Clearing of Native Vegetation

16. The EPA has noted that there has been significant clearing of vegetation at the site in past and more recent times. The EPA advises that they are strongly opposed to any clearing of native vegetation that does not have prior approval from the relevant authorities. It is noted however by the EPA that the City of Albany has responded positively to this by the rewording of special provision 4.1 which now clearly prescribes the extent of clearing on each lot. This provision states:

4.1 The development Area refers to the area within which all development on each lot (including sheds, water storage and Building Protection Zones/Low Fuel Areas) must be confined and is not to exceed 1.0ha on lots where caretaker's accommodation is not provided and 1.5ha where caretaker's accommodation is approved subject to provision 3.1.

Environmental issues not assessed

17. At section 3 of the EPA letter, several environmental issues are noted as 'not being assessed'. In this instance, where the EPA is advising that the 'Scheme Amendment' has been assessed, it is also acknowledging that Council may decide, when it receives a development application pertaining to the scheme area, that the development proposal may be environmentally questionable and require scrutiny by the EPA. It is that application and not the zoning that would need to go through the assessment process of the EP Act.
18. Section 4.4 of the Special provisions requires that assessment and study documentation relating to flora, fauna and potential Aboriginal sites shall be submitted with any future development application. Council may at this time refer an application to the EPA with these accompanying reports for assessment of environmental suitability.

Coastal Development setback

19. The State Planning Policy 2.6 - State Coastal Planning Policy sets out minimum setback requirements for subdivision and development adjoining coastal reserves. SPP 2.6 requires that a minimum setback required under the circumstances detailed in this amendment would be 98m.
20. The proposed reserve widths contained within this amendment proposal range from a minimum of 100m with an average of 120m. Setbacks from lot boundaries for development areas are a further minimum 20m providing that no development shall occur any closer than 120m to the coastline.
21. The comment contained within the letter from the EPA is therefore the 'opinion' of the EPA that these setbacks are inadequate and not a statement of fact or of statutory non compliance.

DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued

- 22. As the setbacks meet the appropriate State Planning Policy (SPP 2.6), it is considered that the setbacks as detailed in this amendment are suitable in this instance and can be supported by the City of Albany.

Conclusion

- 23. The revised provisions better meet the administrative and development control requirements of the Council and the landowners. This is achieved by clearly spelling out what is required for development, requiring site specific assessment of flora, fauna and aboriginal heritage issues and therefore reducing uncertainty, providing greater uniformity in decision making and providing a more transparent approval process based on up to date information and environmental policy.

RECOMMENDATION

THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany’s Town Planning Scheme No. 3 by amending the Subdivision Guide Plan and various provisions associated with Development Exclusion Areas, development approval and road alignments within Conservation Zone Area No.1.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

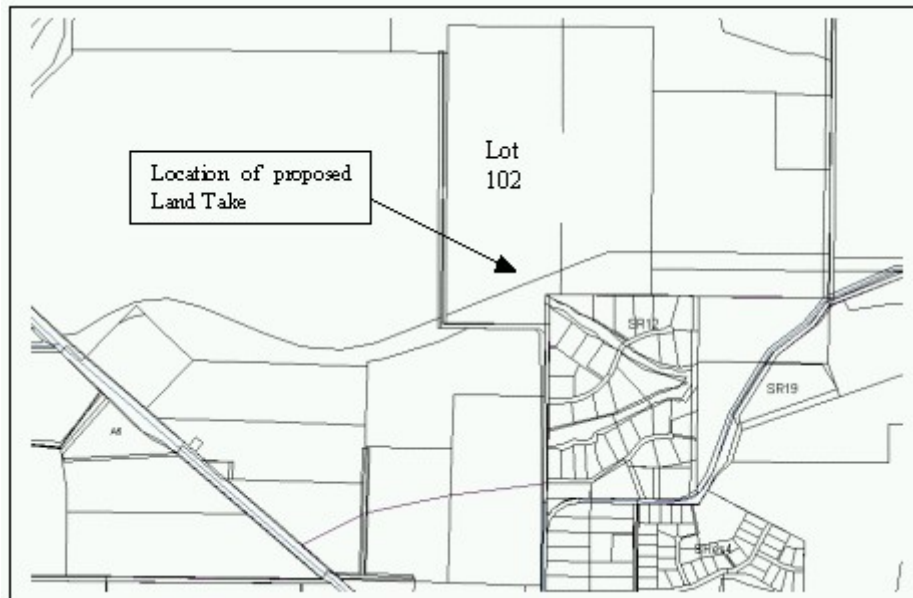
THAT Council, in pursuance of Section 75 of the Planning and Development Act 2005 resolves to amend the City of Albany’s Town Planning Scheme No. 3 by amending the Subdivision Guide Plan and various provisions associated with Development Exclusion Areas, development approval and road alignments within Conservation Zone Area No.1.

CARRIED 14-0

11.4 RESERVES PLANNING

11.4.1 Land Acquisition - Menang Drive - Albany Ring Road Requirements

File/Ward	:	REL082, GOV043 (Kalgan Ward)
Proposal/Issue	:	Land Acquisition by Main Roads WA
Subject Land/Locality	:	Lot 102 Menang Drive, Willyung
Proponent	:	Main Roads WA
Owner	:	A & M Bertola
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support Request to Take Land
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. Main Roads WA has advised that additional land is required to accommodate drainage systems associated with the construction of Menang Drive. In order for the acquisition to proceed, 1699m² of land is required to be taken from the title of Lot 102 Menang Drive (land owned by A & M Bertola).
2. Prior to the land being taken, Main Roads require from the City of Albany advice on whether it is in agreement with the proposed land acquisition.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *Excellent community infrastructure and services;*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance;*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. Main Roads WA is responsible for all the administrative actions and compensation resulting from the required land take. The 1669m² section of land involved is shown on the plan attached to the end of this report and it does not compromise the land uses carried out on the parent lot. Lot 102 has an area of 58.5ha.
8. Staff cannot find any valid reason to oppose the proposed action.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

RECOMMENDATION

THAT Council concurs with the actions proposed by Main Roads WA to take the land identified on Main Roads Drawing 0701-031, and also to its dedication as a road under Section 56 of the Land Administration Act.

Voting Requirement Simple Majority

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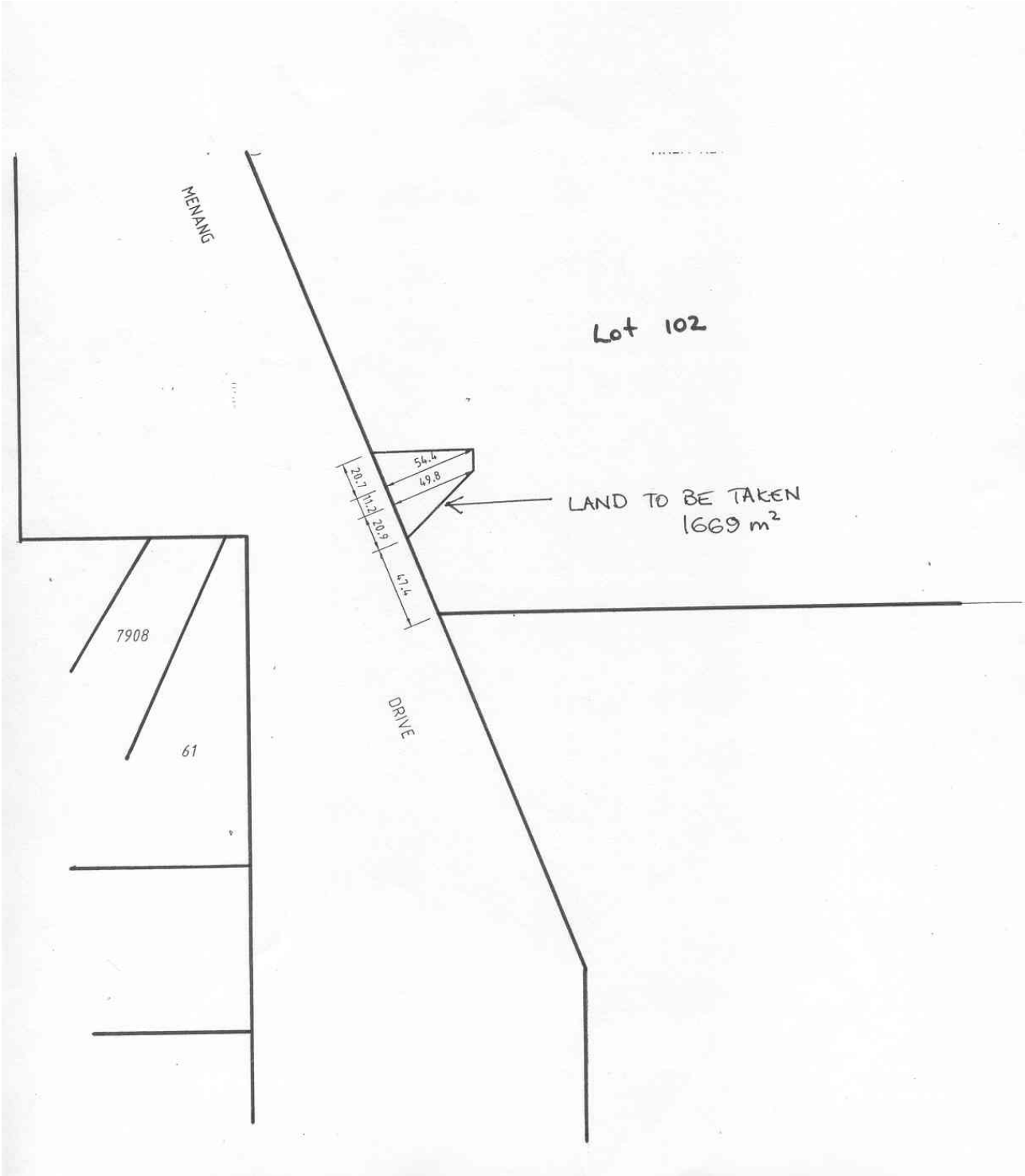
**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR PAVER**

THAT Council concurs with the actions proposed by Main Roads WA to take the land identified on Main Roads Drawing 0701-031, and also to its dedication as a road under Section 56 of the Land Administration Act.

CARRIED 14-0

ORDINARY COUNCIL MINUTES – 18/09/07
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued



11.4.2 Excision of Council Vested Reserve - Power Regulator Site - Reserve 23464 South Coast Highway, Manypeaks

File/Ward : A174788 (Kalgan Ward)

Proposal/Issue : Proposal to excise a portion of Reserve 23464 for the purposes of power generation

Subject Land/Locality : Reserve 23464 South Coast Highway, Manypeaks

Proponent : Western Power

Owner : Crown Reserve (Vested in Council)

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

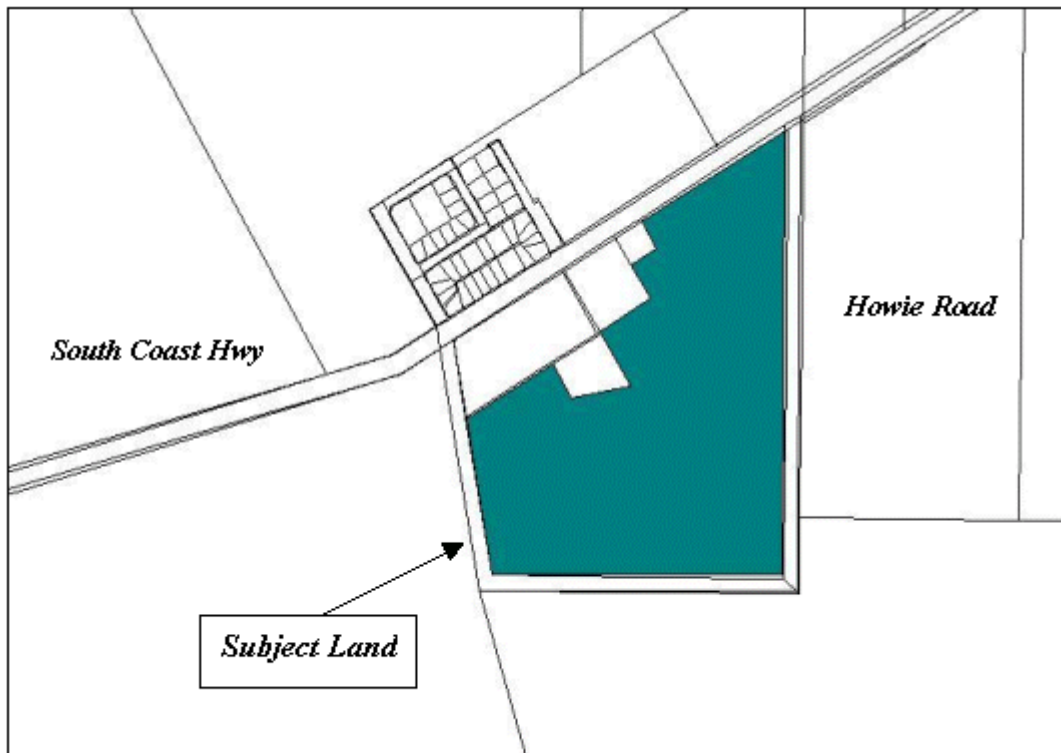
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : Support excision request

Bulletin Attachment : Site Plans

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. A request has been received from Western Power to excise a 625m² portion of Reserve 23464 South Coast Highway, Manypeaks for the purposes of power generation (electrical substation).
2. Reserve 23464 is currently vested in Council and designated for the purpose of Recreation. The reserve is 36.8 hectares in size.
3. Western Power has advised that a new power regulator is needed to improve the power supply for the Bremer Bay area. The regulator increases distribution voltage levels from 22kV to 33kV, providing an extra 300kV of new power load at Bremer Bay. A site plan and photograph of a typical power regulator is included in the Elected Members Bulletin / Information Report.
4. There is an existing step-up transformer at Green Range, however the new regulator at Manypeaks will increase the length of the line operating at 33kV.
5. From Western Power's perspective, it is important that the power regulator is located as close as possible to the existing 22kV line, as underground cabling from the line to a regulator costs in the order of \$400,000 per kilometre.

STATUTORY REQUIREMENTS

6. Reserve 23464 is currently vested in Council for the purposes of "Recreation".
7. As the proposal by Western Power is not in accordance with the purpose of the Reserve, a separate reserve needs to be excised and vested in Western Power for power generation purposes.
8. Before the Department of Planning & Infrastructure will entertain Western Power's request, support from Council via a formal resolution is required.

POLICY IMPLICATIONS

9. There are no policy implications directly related to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Community Vision:

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

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to...

- *Delivering excellent community services; and*

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

Priority Projects:

Nil.

COMMENT/DISCUSSION

12. The proposed excision area is located in the south-eastern corner of the Reserve. The site fronts an un-constructed portion of Howie Road and is predominantly covered with remnant vegetation.
13. Staff believe the location of the excision area should be moved approximately 80 metres to the north to avoid the stand of remnant vegetation in the Reserve. This would also negate the need to extend Howie Road to the south.
14. Whilst this would add approximately \$32,000 in additional cabling costs to Western Power's project, the site recommended by staff would not involve land clearing and would not require road works to be constructed to suit occasional inspections by Western Power staff.
15. It is recommended that support for the proposal be subject to Western Power surveying the excision area in the location recommended by staff and providing the detailed plan to Council for referral to the Department of Planning & Infrastructure.

RECOMMENDATION

THAT Council;

1. Supports the excision of an area of 625m² from Reserve 23464 for the purposes of power generation, subject to Western Power supplying surveyed plans to Council which define an excised area immediately north of the vegetated portion of Reserve 23464, fronting Howie Road.
2. On receipt of the amended plans, Council advise the Department of Planning & Infrastructure of it's support and requests the excision proposal proceed.

Voting Requirement Simple Majority

.....

AMMENDED

1. THAT Council supports the excision of an area of 625m² from Reserve 23464 for the purposes of power generation, subject to:
 - i) Western Power supplying surveyed plans to Council, which define an excised area immediately north of the vegetated portion of Reserve 23464, fronting Howie Road.
 - ii) Western Power relocating the existing crossover to Reserve 23464 to provide access to the satisfaction of the Manypeaks Community and Recreation Association.
 - iii) An amendment to the existing lease with the Manypeaks Community and Recreation Association being undertaken to excise the 625m² area from the lease area.

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

2. On receipt of the amended plans, Council advise the Department of Planning & Infrastructure of it's support and requests the excision proposal proceed.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOJCUN**

THAT Council:

1. **supports the excision of an area of 625m² from Reserve 23464 for the purposes of power generation, subject to:**
 - i) **Western Power supplying surveyed plans to Council, which define an excised area immediately north of the vegetated portion of Reserve 23464, fronting Howie Road.**
 - ii) **Western Power relocating the existing crossover to Reserve 23464 to provide access to the satisfaction of the Manypeaks Community and Recreation Association.**
 - iii) **An amendment to the existing lease with the Manypeaks Community and Recreation Association being undertaken to excise the 625m² area from the lease area.**

2. **On receipt of the amended plans, Council advise the Department of Planning & Infrastructure of it's support and requests the excision proposal proceed.**

CARRIED 14-0

Reason:

Staff have liaised with the Manypeaks Community and Recreation Association which currently has a lease over Reserve 23464 until October 2014. The Association has no objection to a 625m² portion of the reserve being used by Western Power for a Power Regulator site, subject to the relocation of the existing crossover being undertaken in consultation with the Association.

A copy of the Association's response to the proposal is attached.

Item 11.4.2 continued

Page 1 of 1

Graeme Bride

From: Ray and Fiona Mountford [yandillagrazing@activ8.net.au]
Sent: Thursday, 13 September 2007 8:50 AM
To: Graeme Bride
Subject: Manypeaks power regulator site

Manager Planning & Ranger Services

The Manypeaks Community & Recreation Association has no objection to Western Power locating a power regulator site on 625 m2 of Reserve 23464 that we currently lease from the City of Albany. However we do request that Western Power will relocate the entrance to this reserve at their cost if the regulator site blocks the existing gateway, after consultation with our Association.

Yours truly, Ray Mountford
President, Manypeaks Community & Rec Ass

13/09/2007

DEVELOPMENT SERVICES REPORTS

11.4.3 Reserve Planning - Draft Cosy Corner Management Plan

File/Ward	:	PRO255 & PRO104 (West Ward)
Proposal/Issue	:	Endorsement of release of the Draft Cosy Corner Management Plan for public comment
Subject Land/Locality	:	Cosy Corner
Proponent	:	City of Albany
Owner	:	Crown Reserve (Vested in Council)
Reporting Officer(s)	:	Reserves Officer (A Bishop)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council endorse the release of the Draft Cosy Corner Management Plan for public comment
Bulletin Attachment	:	Cosy Corner Management Plan
Locality Plan	:	Nil

BACKGROUND

1. The draft Cosy Corner Management Plan consists of three (3) reserves covering approximately 178 hectares.
2. The Cosy Corner reserves were identified as a high priority for planning attention through the City of Albany Reserves and Planning Framework.
3. The draft Cosy Corner Management Plan investigates economic, environmental and social issues and opportunities. A copy is included in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The Cosy Corner Management Plan, when finalised, will be fully costed and integrated into the City of Albany Reserves Master Plan for implementation prioritisation.

DEVELOPMENT SERVICES REPORTS

Item 11.4.3 continued

STRATEGIC IMPLICATIONS

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

“Community Vision”

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

- *Restoration, and protection, of areas of high biodiversity within land, river and sea ecosystems.*

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

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

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance;*
- *Promoting our Community vision for the future;*
- *Sustainably managing Albany’s municipal assets; and*
- *Delivering excellent community assets*

COMMENT/DISCUSSION

8. The draft Cosy Corner Management Plan is a contemporary management plan for some of the most important corridors of natural bush land reserves in the City of Albany. Those reserves had had little attention over the past decade and their value as tourism icons and recreational opportunities has decreased accordingly.
9. The Plan presents new opportunities for the reserve to be upgraded in relation to the camping culture of the area.
10. The plan has been developed in consultation with important stakeholders including the Torbay Hill Residents and Ratepayers Association and the Albany Aboriginal Corporation. Other comment was sought from people with an environmental interest early in the project. Community members have shown their interest and identified issues along with their priorities through letters to the City of Albany.
11. The Plan seeks to retain Cosy Corner West as a day picnic area and to explore options to lease an area at Cosy Corner East for bush camping. If the area cannot be leased, the management plan proposes that camping on the reserve be phased out over a three year period.
12. It is expected public interest in the plan will be high and that a public comment period is necessary to ensure the wider community has an opportunity to provide comment. It is suggested this comment period be eight (8) weeks.

DEVELOPMENT SERVICES REPORTS

Item 11.4.3 continued

RECOMMENDATION

THAT Council endorse the release of the draft Cosy Corner Management Plan for an eight (8) week public comment period.

Voting Required Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

THAT Council endorse the release of the draft Cosy Corner Management Plan for an eight (8) week public comment period.

CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Bushcarers Advisory Committee Minutes - 25 May 2007

File/Ward	:	MAN121 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer	:	Reserves Officer (A Bishop) and Executive Director Development Services (R Fenn)
Summary Recommendation	:	That the minutes of the Bushcarers Advisory Committee meeting held on the 25 May 2007 be received
Bulletin Attachment	:	Minutes of the Bushcares Advisory Committee meeting held on 25 May 2007

Comment: The recommendation of the Committee at item 5.1 would require all developers to undertake flora studies or for City staff to make judgement calls on when reports would be needed. Access to qualified botanists in Albany would also be problematic. The recommendation from staff is that the minutes be noted.

RECOMMENDATION

That the minutes of the Bushcarers Advisory Committee meeting held on the 25 May 2007 be received (Copies of the minutes in the Elected Members' Report / Information Bulletin), and the following recommendations be noted:

- i) Item 5.1 - Gorse Infestation
Developers should be required to undertake flora surveys, which include information about both native species and environmental weeds on the site. This information should then be used to prepare a management plan for the eradication and control of all the environmental weeds found.
- ii) Item 5.2 – Wind Farm Coastal Reserve
The Reserves Supervisor and Reserves Officer are to look at the area and at the situation and give a statement of what's appropriate for the removal of Victorian Tea Tree to the Bushcare Advisory Committee's next meeting.
- iii) Item 5.4 – Sale of known weed species
That the City of Albany endorse the use of the book "Southern Plants" for all revegetation work carried out before during and after development, and that the City of Albany also endorse the list of species not to be planted or used in developments.

Voting Requirement Simple Majority

.....

Item 11.5.1 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR MARSHALL**

That the minutes of the Bushcarers Advisory Committee meeting held on the 25 May 2007 be received (Copies of the minutes in the Elected Members' Report / Information Bulletin), and the following recommendations be noted:

- i) Item 5.1 - Gorse Infestation**
Developers should be required to undertake flora surveys, which include information about both native species and environmental weeds on the site. This information should then be used to prepare a management plan for the eradication and control of all the environmental weeds found.
- ii) Item 5.2 – Wind Farm Coastal Reserve**
The Reserves Supervisor and Reserves Officer are to look at the area and at the situation and give a statement of what's appropriate for the removal of Victorian Tea Tree to the Bushcare Advisory Committee's next meeting.
- iii) Item 5.4 – Sale of known weed species**
That the City of Albany endorse the use of the book "Southern Plants" for all revegetation work carried out before during and after development, and that the City of Albany also endorse the list of species not to be planted or used in developments.

CARRIED 12-2

11.5.2 Bushcarers Advisory Committee Minutes - 10 August 2007

File/Ward	:	MAN121/All Wards
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer	:	Reserves Officer (A Bishop)
Summary Recommendation	:	That the minutes of the Bushcarers Advisory Committee meetings held on 10 August 2007 be received
Bulletin Attachment	:	Minutes of the Bushcarers Advisory Committee meeting held on 10 August 2007

RECOMMENDATION

That the minutes of the Bushcarers Advisory Committee meetings held on 10 August 2007 be received (Copies of the minutes in the Elected Members' Report/Information Bulletin), and the following recommendations be adopted:

- i) Item 5.3 - Terms of Reference
That the reviewed Terms of Reference for the Bushcarers Advisory Committee be acknowledged and accepted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR EVANS**

That the minutes of the Bushcarers Advisory Committee meetings held on 10 August 2007 be received (Copies of the minutes in the Elected Members' Report/Information Bulletin), and the following recommendations be adopted:

- i) Item 5.3 - Terms of Reference
That the reviewed Terms of Reference for the Bushcarers Advisory Committee be acknowledged and accepted.**

CARRIED 14-0

11.5.3 Mt Martin Committee Minutes - 23 August 2007

File/Ward	:	MAN072/All Wards
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Reserves Officer (A Bishop)
Summary Recommendation	:	That the minutes of the Mt Martin Committee meeting held on 23 August 2007 be received
Bulletin Attachment	:	Minutes of the Mt Martin Committee meeting held on 23 August 2007

RECOMMENDATION

That the minutes of the Mt Martin Committee meeting held on 23 August 2007 be received (Copies of the minutes in the Elected Members' Report/Information Bulletin), and the following recommendations be adopted:

- i) Item 3.2 - That the decision to redistribute the Mt Martin Committee's community raised funds be acknowledged and accepted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR JAMIESON**

That the minutes of the Mt Martin Committee meeting held on 23 August 2007 be received (Copies of the minutes in the Elected Members' Report/Information Bulletin), and the following recommendations be adopted:

- i) Item 3.2 - That the decision to redistribute the Mt Martin Committee's community raised funds be acknowledged and accepted.**

CARRIED 14-0

Corporate & Community Services

REPORTS

- R E P O R T S -**12.1 FINANCE****12.1.1 List of Accounts for Payment**

File/Ward	:	FIN040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Finance Officer (C Tapscott)
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

COMMENTS / DISCUSSION

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

Municipal Fund			
Cheques	Totalling		\$443,460.96
Electronic Fund transfer	Totalling		\$3,193,295.94
Credit Cards	Totalling		\$0.00
Payroll	totalling		\$673,180.00
Total			<u>\$4,309,936.90</u>

- As at 4th September 2007, the total outstanding creditors, stands at \$405,061.61

ORDINARY COUNCIL MEETING MINUTES – 18/09/07
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

3. Cancelled Cheques – 23380, 23414, 23417 & 23449

RECOMMENDATION

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

Municipal Fund Totalling \$4,309,936.90

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

**THAT the following City of Albany accounts be passed for payment:-
Municipal Fund Totalling \$4,309,936.90**

CARRIED 14-0

12.1.2 Financial Activity Statement – Month Ending (31 August 07)

File/Ward	:	FIN040 (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	:	Note Financial Activity Statement
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

COMMENT/DISCUSSION

1. The Financial Activity Statement was introduced by the Department of Local Government from 1st July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditure. It was also intended to link operating results with balance sheet items and reconcile with the end of month cash balances.

STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the regulations. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis, and that the report be noted by Council.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. There are no financial implications. The Financial Activity Statement is a report only.

STRATEGIC IMPLICATIONS

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

Item 12.1.2 continued

COMMENT/DISCUSSION

6. The Financial Activity Report and report on major variances follow.

RECOMMENDATION

THAT Council note the attached Financial Activity Statement for the month ending 31st August 2007.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE**

**THAT Council note the attached Financial Activity Statement for the
month ending 31st August 2007.**

CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT – AUG 07

	Actual Year to Date 31-Aug-07	Current Budget Year to Date 31-Aug-07	Budget Variance
OPERATING INCOME			
Rates	17,928,534	17,723,221	205,313
Grants & Subsidies	725,839	725,940	(101)
Fees & Charges	3,282,638	3,431,916	(149,278)
Interest Earned	57,119	154,840	(97,721)
Other Revenue / Income	98,581		98,581
Net Controlled Trust Revenue	121,000		121,000
	22,213,710	22,035,917	177,793
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(2,158,460)	(2,126,752)	(31,708)
Utilities	(114,434)	(139,760)	25,326
Interest Expenses	45,734	(276,371)	322,105
Contracts, materials & other	(1,594,015)	(2,270,688)	676,673
	(3,821,176)	(4,813,571)	992,395
CAPITAL INCOME			
Grants & Subsidies	642,786	430,000	212,786
Contributions, Reimb & Donations, Other			
Proceeds from sale of assets	199,423	200,000	(577)
Other Income	(1,324)	2,560	(3,884)
	840,884	632,560	208,324
CAPITAL EXPENDITURE			
Asset Masterplans	(602,734)	(671,498)	68,764
ALAC Redevelopment	(2,329,473)	(2,320,000)	(9,473)
Plant Replacement	(486,839)	(490,000)	3,161
Developers Subdivisions			
Other Capital	(96,974)	(121,421)	24,447
	(3,516,019)	(3,602,919)	86,900
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(11,563)	(11,761)	198
Loan Principal Reimbursements	2,750		2,750
Proceeds from new loans			
	(8,813)	(11,761)	2,948
OTHER BALANCE SHEET ITEMS			
Change in stock position	42,042		
Change in Debtors	(19,651,426)		
Change in Creditors	(622,919)		
	(20,232,303)		
NET CASH FLOW	(4,523,717)		
Opening Cash balance	17,673,710		
NET CASH AT BALANCE DATE	13,149,993		

Cash Summary

Municipal Account	5,588,320
Reserve Account	4,853,888
Trust Account	2,707,785
Total Bank / Investments	13,149,993

Item 12.1.2 continued

EXPLANATION OF VARIANCES ON FINANCIAL ACTIVITY STATEMENT – AUGUST 2007**Interest Earned**

Interest through Grange not recognised pending CDO report (98,000)

Utilities

North Road Power – Account not yet received 0

Interest Expense

Accrual reversals 0607 – Timing only as not monthly re-accruals

Contracts / Materials

Waste Minimisation Contract – no August Invoice (237,084)

City Assets Projects – Timing (50,991)

Development Management Projects – Timing (55,986)

Pre-Construction Design Projects – Timing (42,016)

Capital Grants

Capital Funding – Roads To Recovery – early claim (208,800)

12.2 ADMINISTRATION

12.2.1 Information Technology Strategy

File/Ward	: MAN070 (All Wards)
Proposal/Issue	: N/A
Subject Land/Locality	: N/A
Proponent	: Executive Director Corporate & Community Services (WP Madigan)
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT the City of Albany Information Technology Strategy be adopted
Bulletin Attachment	: Information Technology Strategy
Locality Plan	: N/A

BACKGROUND

1. Information Technology encompasses all forms of technology that facilitates the transmission and storage of data in a digital format. In addition to physical devices such as computers, ancillary equipment, software and firmware, information technology includes procedures, services (including support services) and related resources that allow technology to permeate business processes.
2. The City of Albany is heavily reliant on its information technology system which incorporates some 200 workstations and laptops, 16 servers and extensive wireless network which links centres such as the Library, Town Hall, Airport, Day Care, Leisure Centre, Visitors Centre and the Vancouver Arts Centre to its main network (diagram of network is included in the Bulletin).
3. Given the importance of the IT System to the City operations, an 'Information Technology Strategy' has been developed to provide guidance for the next three to five years with regard to the development and application of Information Technology at the City of Albany, and is attached.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

4. The Strategy incorporates the following key elements:

- **IT Vision Alliance**

IT Vision provides the City of Albany with a suite of corporate software products that assist in facilitating the many services that the City provides.

- **Web Based Services**

The City currently provides limited web based services both internally and externally, which confines the City's distribution methods and provides customers with limited flexibility.

- **Infrastructure**

The City aims for the provision of first class IT infrastructure to all staff. However, the continually changing IT landscape has resulted in some purchases becoming redundant or no longer meeting customer expectations.

- **Specialist System**

In addition to the City's corporate application software a number of other specialist systems are required to assist in facilitating the many services that the City provides.

STATUTORY REQUIREMENTS

5. There are no statutory requirements in relation to this item, other than adherence to Councils' Purchasing Policy and the Tender Regulations, and then City's budgeting process.

POLICY IMPLICATIONS

6. The policy implications in relation to this item are set out in the strategy, and address the four key elements.

FINANCIAL IMPLICATIONS

7. There are no direct financial implications in relation to this item. Including salaries and overheads, Councils' 2007/08 Information Technology operating budget is \$480,000, with a net capital works budget of \$205,000.

STRATEGIC IMPLICATIONS

8. This strategic context for the City of Albany is set out in the City of Albany 3D Corporate Plan, which states...

Community Vision:

Historic Albany - A vibrant, learning and culturally diverse City, nestled around a spectacular natural harbour in a region of unique beauty, enhanced by a spirit of generosity, enterprise and opportunity.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued

Mission Statement:

What do we do?

The City of Albany is committed to...

- *Delivering excellent community services*

What we are renowned for?

The City of Albany will always be renowned for...

- *Our customer focus*

How do we do this?

At all times we will...

- *Actively keep abreast of best practice;*
- *Seek innovative approaches*

Priority Projects:

Nil"

COMMENT/DISCUSSION

9. This document addresses organisation wide informational needs and requirements for information architecture, with reference to strategic direction, which will:

- Improve manageability
- Increase utilisation of resources
- Determine the best system configurations to support the City's applications
- To develop a long-range, strategic IT plan to support the City to consolidate computing resources
- To understand the economic and performance benefits of migrating from the current environment to next-generation architecture
- To decrease support and overhead costs in the City's PC environment
- To integrate internal applications with systems from external suppliers
- To design mobility solutions to provide real-time access to data and improve employee efficiency
- To integrate radio-frequency identification technology into the current infrastructure

10. The following Performance Measurement Criteria have been established and are included in the Strategy.

IT Vision Alliance

- Total number of modules implemented
- Application speed
- Application downtime

Web Based Services

- Total number of services available on the internet/intranet
- Satisfaction surveys (both internal and external)

Item 12.2.1 continued

Infrastructure

- Annual cost of ownership
- Annual turnover percentage
- IT Team response timeframes
- Infrastructure downtime

Specialist Systems

- Annual cost to purchase specialist systems
- Annual cost to maintain specialist systems
- Integration with current and existing systems
- Staff satisfaction surveys

RECOMMENDATION

THAT the City of Albany’s Information Technology Strategy be adopted.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR MARSHALL
SECONDED COUNCILLOR WELLINGTON**

THAT the City of Albany’s Information Technology Strategy be adopted.

CARRIED 14-0

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

12.6 RECREATION SERVICES

Nil

12.7 VISITORS CENTRE

Nil

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Arts Advisory Committee meeting minutes – 8th August 2007

- File/Ward** : MAN116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on the 8th August 2007 be accepted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee meeting held on the 8th August 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT the minutes of Albany Arts Advisory Committee meeting held on the 8th August 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Aboriginal Accord Advisory Committee meeting minutes – 15th August 2007

- File/Ward** : MAN134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Aboriginal Accord Advisory Committee meeting held on 15th August 2007 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Aboriginal Accord Advisory Committee meeting held on 15th August 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EMERY**

THAT the minutes of the Albany Aboriginal Accord Advisory Committee meeting held on 15th August 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 14-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.8.3 Albany Senior Advisory Committee meeting minutes – 16th August 2007

- File/Ward** : MAN131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Community Development Officer - Senior (S Richardson-Newton)
- Summary Recommendation** : That the Minutes of Albany Senior Advisory Committee held on 16th August 2007 be adopted.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 16th August 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Senior Advisory Committee meeting of 16th August 2007 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

CARRIED 14-0

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

13.4 CITY SERVICES – CONTRACT MANAGEMENT

13.4.1 Contract C07005 – Provision of Hygiene Services

File/Ward	:	C07005 (All Wards)
Proposal/Issue	:	Provision of Hygiene Services for City Facilities and Public Conveniences
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts tender C07005 from G & M Detergents for Provision of Hygiene Services Biennial 2007/09
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council's current Hygiene Service contract expires September 2007. To ensure adequate industry representation was provided, and to ensure industry standards and costs are comparable, it was decided to re-tender the service. Works are to be carried out on a regular scheduled basis.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. The City of Albany's Regional Price Preference Policy applies to this Item.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

FINANCIAL IMPLICATIONS

6. The service is carried out at individual locations occupied by City of Albany staff, i.e. Library, Day Care, North Road Administration etc as well as public conveniences managed by the City of Albany. Each staff location maintains individual budgets for cleaning purposes with accounts being signed off by the relevant managers and Public Conveniences are budgeted for and managed by the Manager City Services.

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

Mission Statement:

The City of Albany is committed to sustainable managing Albany’s municipal assets: and at all times we will respect the Community’s aspirations and resources.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 25th July 2007, the Albany Advertiser on 26th and the Albany Extra on 27th July 2007.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	Weight
Cost	50
Technical Compliance & Experience	20
Reliability	20
Safety Management	10
Total	100

10. A total of eight documents were issued with four submissions received at the close of tenders. Two tenders claimed against the Regional Price Preference Policy, those were Cannon Hygiene Australia Pty Ltd and G & M Detergents and Hygiene Services Albany.

WORKS & SERVICES REPORTS

Item 13.4.1 continued

11. The following table summarizes the evaluated scores from submissions received from prospective tender applicants using the above weightings.

Tenderer	Total Lump Sum Price	Score
Pink Healthcare Services	\$62,938.08	240
ISS Facility Services	\$27,001.44	732.5
G & M Detergents & Hygiene Services Albany	\$33,425.10	816.5
Cannon Hygiene Australia Pty Ltd	\$27,233.26	765

12. Although other tenderers offered a lesser lump sum price, they did not effectively demonstrate that a quality, safe service could be delivered. One tenderer was proposing to sub-contract all the services, and the evaluation panel expressed concern regarding access to company direction. The other did not specify how the services were to be delivered.
13. G & M Detergents are the City’s current contractors. They have provided an excellent service over the duration of the past contract, and have presented a good submission as part of this tendering process, addressing all area of the evaluation. Their tendered costs are shown to be reasonable and there does not appear to be any reason not to continue with this company.

RECOMMENDATION

THAT Council accept the tender from G & M Detergents for Contract C07005 - Provision of Hygiene Services at a total Biennial cost of \$33,425.10 for the 2007/09 period.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT Council accept the tender from G & M Detergents for Contract C07005 - Provision of Hygiene Services at a total Biennial cost of \$33,425.10 for the 2007/09 period.

CARRIED 13-1

WORKS & SERVICES REPORTS

13.4.2 Contract C07006 – Provision of Window Cleaning Services

File/Ward	:	C07006 (All Wards)
Proposal/Issue	:	Provision of Window Cleaning Services Biennial for all Council buildings
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Contracts Administrator (W Male)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts tender C07006 from Albany City Cleaners for Window Cleaning Services Biennial 2007/09
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council's current window cleaning contract expired in September 2007. In order for Council to maintain the current level of service and to ensure adequate industry interest and representation was provided, it was decided to re-tender the service. Works are to be carried out on a regular scheduled basis.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. The City of Albany's Regional Price Preference Policy applies to this Item.

WORKS & SERVICES REPORTS

Item 13.4.2 continued

FINANCIAL IMPLICATIONS

6. Cleaning is carried out at individual locations occupied by City of Albany staff, i.e. Library, Day Care, North Road Administration etc. Each location maintains individual budgets for cleaning purposes with accounts being signed off by the relevant managers.

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

Mission Statement:

The City of Albany is committed to sustainable managing Albany’s municipal assets: and at all times we will respect the Community’s aspirations and resources.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. A request for tenders was published in the West Australian on 25th July 2007, the Albany Advertiser on 26th July and Albany Extra on 27th July 2007.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	Weight
Cost	45
Technical Compliance & Experience	15
Safety Management	20
Reliability	20
Total	100

10. A total of two documents were issued with two submissions received at the close of tenders. Both submissions claimed against the Regional Price Preference Policy.
11. The following table summarizes the evaluated scores from submissions received from prospective tender applicants using the above weightings.

Tenderer	Lump Sum Total	Score
Albany City Cleaners	\$48,786.60	544.05
Peechy Clean Commercial Cleaners	\$44,931.69	535.95

WORKS & SERVICES REPORTS

Item 13.4.2 continued

12. The Evaluation Team considered all aspects of the two submissions including checking references and asking the tenderers for further information. After reviewing the feedback, the evaluation team decided to recommend Albany City Cleaners. Albany City Cleaners are the current providers of this service to Council; the company has shown itself to be reliable and competent.

RECOMMENDATION

THAT Council accept the tender from Albany City Cleaners for Contract C07006 for provision of Window Cleaning Services Biennial 2007/09 for a total cost of \$48,786.60.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR BOJCUN**

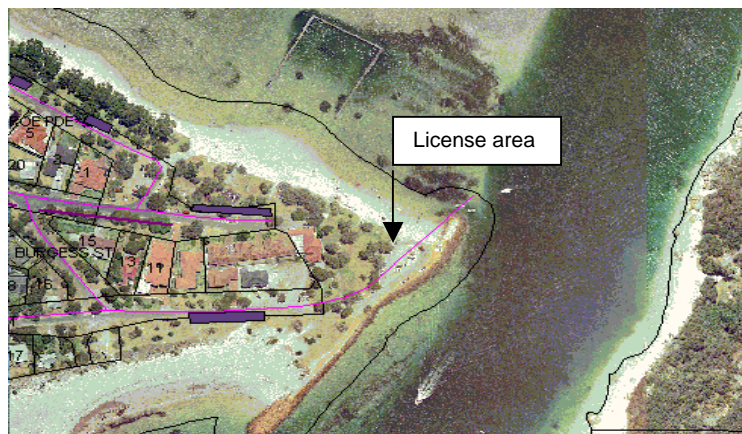
THAT Council accept the tender from Albany City Cleaners for Contract C07006 for provision of Window Cleaning Services Biennial 2007/09 for a total cost of \$48,786.60.

CARRIED 12-2

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 New License for Emu Point

File/Ward	:	PRO050 (Breaksea Ward)
Proposal/Issue	:	New License
Subject Land/Locality	:	Reserve 22698 – Emu Point
Proponent	:	Ronald William Black, Kathleen Lorraine Black & Kevin Alan Black
Owner	:	Crown Land
Reporting Officer(s)	:	Property Officer (H Tasker)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To agree to a license to allow for short-term boat hire at Emu Point, subject to conditions outlined below.
Bulletin Attachment	:	Nil
Locality Plan	:	



BACKGROUND

1. Since 1st August 1995, Messrs RW, KL & KA Black have held a license to operate a business on an area of the Emu Point foreshore for the purpose of Boat Hire, during holiday periods and the summer months.
2. The business hires dinghies, canoes, pedal boats, surf cats, windsurfers and a children's merry-go-round available to visitors and tourists for short term, half hourly/hourly rate.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

3. The license does not give exclusive use of the area to the licensee but allows for public use of the area, however it provides the licensee with security of tenure at the site to enable the operation of the business.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 deals with the disposal of property, including leased property.
5. This Section requires there to be public notice of the proposal for a period of 2 weeks inviting submissions from the public. Any submissions are to be considered by Council and its decision with regard to those submissions, to be recorded in the minutes.

POLICY IMPLICATIONS

6. There are no Policy implications relating to this Item.

FINANCIAL IMPLICATIONS

7. There will be no costs to Council. All costs associated with the development of this license will be borne by the Licensee.

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 will at all times respect the Community's aspirations and resources.

Priority Projects:

Nil."

COMMENT/DISCUSSION

9. The current license is due to expire on 31st September 2007, and the Messrs Black are keen to ensure the business is allowed to continue at the current location.
10. The business, located on Crown Land Reserve 22698, will require Ministerial Approval.
11. The business, being located on the Emu Point foreshore, provides a service to tourists and visitors to the area looking for a more versatile and active beach visit. The business provides recreational facilities for both children and adults in a locality considered to be sheltered and relatively safe.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

12. It is proposed that the license be for a period of 6 years, commencing on 1st October 2007, with an option of a further 6 years if mutually agreed to by the City.
13. The previous license fee was set by an independent valuation carried out at the commencement of the license and any further option, with CPI increases annually for the term of the license. It is proposed that this method of rental calculation remain.
14. The Licensee will be required to provide all necessary insurances, including Public Liability.

RECOMMENDATION

THAT Council agree to license a portion of the Emu Point foreshore, to Ronald William Black, Kathleen Lorraine Black and Kevin Alan Black, for the purpose of short-term boat hire, subject to the following conditions:

- The approval of the Minister for Planning & Infrastructure;
- No submissions being received as a result of the advertising period as determined by Section 3.58 of the Local Government Act 1995;
- Rental to be set by an independent valuer prior to the commencement of the lease, with CPI increases appropriate for October annually; and
- The Licensee being responsible for all costs incurred as a result of this request, including advertising, solicitor's fees and any other fees and charges incurred.

Voting Requirement Simple Majority

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Item 13.5.1 continued

**MOVED COUNCILLOR WISEMAN
SECONDED COUNCILLOR MARSHALL**

THAT Council agree to license a portion of the Emu Point foreshore, to Ronald William Black, Kathleen Lorraine Black and Kevin Alan Black, for the purpose of short-term boat hire, subject to the following conditions:

- **The approval of the Minister for Planning & Infrastructure;**
- **No submissions being received as a result of the advertising period as determined by Section 3.58 of the Local Government Act 1995;**
- **Rental to be set by an independent valuer prior to the commencement of the lease, with CPI increases appropriate for October annually; and**

The Licensee being responsible for all costs incurred as a result of this request, including advertising, solicitor's fees and any other fees and charges incurred.

CARRIED 14-0

WORKS & SERVICES REPORTS

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS**13.8 WORKS & SERVICES COMMITTEES**

Councillor Marshall declared a financial interest to Item 13.8.1 as he derives an income from the Timber industry. Councillor Marshall left the chamber at 8.35pm.

13.8.1 Nomination to Join The National Timber Councils Taskforce

File/Ward	:	GOV089 (All Wards)
Proposal/Issue	:	Nomination to join the National Timber Councils Taskforce
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Executive Director of Works & Services (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accept the invitation to join the National Timber Councils Taskforce
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The Council along with the Shire of Plantagenet, Denmark and Cranbrook in association with the Main Roads and Great Southern Development Commission and DPI, as well as the major Timber producers formed a committee as a result of increased timber plantations in the district.
2. The Timber Industry Road Evaluation Strategy (TIRES) committee's objective is to discuss local road issues and to lobby State and Federal Governments for additional funding of these roads.
3. TIRES have been successful in securing \$900K per year for improvement of roads affected by the timber industry carting campaign.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.8.1 continued

FINANCIAL IMPLICATIONS

6. The costs associated with attendance at the National Timber Councils Taskforce meetings would be sourced from the Works & Services roads budget.

STRATEGIC IMPLICATIONS

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

“Community Vision:

A Learning City: Albany will be Western Australia’s premier Learning City, through strong links with knowledge-based organizations.

Mission Statement:

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

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. Timber Towns Victoria has a similar organisation to TIRES and has been lobbying for additional funds for their roads in Timber Town areas.
9. At the last National Roads Congress an inaugural meeting was held to bring together all Councils from all states that have a timber industry as a major contributor to road network transport traffic.
10. At this meeting it was agreed to form a new association - National Timber Councils Taskforce. The City of Albany has been invited along with other Councils from WA to join the association.
11. The main objective for the Taskforce is to lobby Federal Government for additional funds for road infrastructure affected by the Timber Industry transporters.
12. It is intended that the Taskforce meet twice a year - one at the National Roads congress and another time at the end of spring.
13. Any cost associated with this can be allocated from existing roads budgets in light of the benefits provided.

WORKS & SERVICES REPORTS

Item 13.8.1 continued

RECOMMENDATION

THAT Council;

- i) accept the invitation to join the National Timber Councils Taskforce;
- ii) nominate a Councillor to attend the meeting on an as required basis; and
- iii) allocate the necessary funds from the Works & Services roads budget.

Voting Requirement Absolute Majority

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Councillor Walker nominated himself to be on the taskforce and made the following statement:

“Point of Explanation - Item 13.8.1 National Timber Councils Task Force

Some people have indicated and believe that I have a financial interest in this item.

While it is true I lease land to a timber company, however the main objective of the taskforce is to lobby the federal government for additional funds for road infrastructure affected by the timber industry transporters.

I have no financial involvement, and can neither benefit financially nor be financially disadvantaged by the City nominating to join the National Timber Councils Taskforce.

I therefore have no financial interest in this item.

Nor do I have an impartiality interest, as the main benefactor from such lobbying for funds, would be the City of Albany.

I request that this explanation be included in the minutes.” Councillor John Walker

WORKS & SERVICES REPORTS

Item 13.8.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council;

- i) accept the invitation to join the National Timber Councils Taskforce;**
- ii) nominate Councillor John Walker to attend the meeting on an as required basis; and**
- iii) allocate the necessary funds from the Works & Services roads budget.**

CARRIED 12-1

Councillor Marshall returned to the Chamber at 8.46pm.

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 CORPORATE GOVERNANCE

Nil

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

Nil

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

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

CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

MAYOR'S REPORT

FOR ORDINARY COUNCIL MEETING – 18th SEPTEMBER 2007

I am delighted to report this month that Albany has once again been chosen as a finalist in the GWN Top Tourism Town Awards. Judges will visit Albany next week to assess our City on its merits as a "quality visitor experience" against other nominated Towns. I congratulate our Tourism team for the success they have achieved with marketing and developing various tourism initiatives to raise the profile of our City as a popular tourist destination.

Thank you to Cr John Jamieson who officiated at two significant events this month whilst I was in Perth for the birth of my new grandson.

On Friday 24th August the City of Albany was very proud to host a forum attended by The Hon Ljiljana Ravlich MLC, Minister for Local Government, and representatives of the Great Southern Shires, to discuss regional issues. The forum was Chaired by Cr Jamieson. The key issues raised for the Great Southern region were; skills shortages; roads and road funding; electricity to regional centres to support industry development; water shortages, water conservation and water levies; Wilson Inlet – Denmark; in-fill sewage; and lack of available housing lots. The Minister was well briefed on all topics and took on board that many of the issues faced by regional centres are unique and different to the same issues faced by metropolitan Councils. For example, the same capital infrastructure required for metropolitan housing developments, may not be required in small

Item 17.0 continued

regional centres. It may, therefore, be necessary to allow Local Government Authorities more flexibility to approve housing lots without the high quality City infrastructure, but still with sufficient infrastructure to meet regional needs.

Representatives thanked the Minister for her understanding and concern of our regional issues and agreed that to have the continuity of Minister Ravlich remaining as the Minister for Local Government until the end of this government's term, would enable consistency for Local Government Authorities.

On 22nd August, Cr Jamieson also attended a special presentation for the Make-a-wish foundation to local boy Taran Hatfield. The event captured the hearts and support of the entire community with many local businesses donating gifts, services, fuel and support to Taran and his family, in addition to the Make-a-wish presentation. This event demonstrated the incredible community spirit and generosity that exists in Albany, which is truly overwhelming and something we should all be very proud of. I understand that there are plans underway to establish a local presence for the Make-a-Wish foundation in Albany. Several local business people and Rotary Club members have expressed a keen interest to progress such a cause, which I congratulate them for. With the overwhelming support that was received for Taran's wish granting, I'm sure it will be an initiative the whole community will embrace, to make the dreams of local terminally ill children come true.

Also this month I attended the Battle for Australia RSL Memorial Service, several musical and theatrical performances, and a few meetings, but generally it was a quiet month with no Civic Receptions. Thank you.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LIONETTI**

THAT the Mayor's report be received.

CARRIED 14-0

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

Councillors Waker declared an interest as power lines could go through his property and left the Chamber at 8.50pm.

Councillor Bojcun sought leave of Council to participate in the meeting according to the Local Government Act 1995 – Sect 5.68:

Councils and committees may allow members disclosing interests to participate etc. in meetings

(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —

(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and

(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —

(i) the disclosing member also discloses the extent of the interest; and

(ii) those members decide that the interest —

(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or

(II) is common to a significant number of electors or ratepayers.

(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.

(3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

Councillor Bojcun declared that she is a minor shareholder in Grange Resources; as a result of compensation by Western Power for acquiring an easement from her property for the laying of a pipeline across her property.

Cr Bojcun left the Chamber at 8.53pm.

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WISEMAN**

**THAT Councillor Bojcun be permitted to participate in the meeting in regards to
Item 18.1 – Upgrading of Power Transmission Lines to Albany and Wellstead.**

CARRIED 7-5

Record of Vote:

For: Councillors: Wellington, Lionetti, Wolfe, Emery, Waterman, Wiseman, and West.

Against: Councillors: Mayor Goode, Councillors: Jamieson, Evans, Paver, and Marshall.

Item 18.0 continued

Cr Bojgun returned to the Chamber at 8.55pm.

18.1 Upgrading of Power Transmission Lines to Albany and Wellstead – 13th August 2007

File/Ward	:	(Kalgan, West and Hassell Wards)
Proposal/Issue	:	Community Impacts From Alignment of Proposed Power Transmission Lines to Albany
Subject Land/Locality	:	Various
Proponent	:	Western Power
Owner	:	Various
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Council Advocate for Additional Power Capacity for Albany and the Great Southern Region
Bulletin Attachment	:	Nil
Locality Plan	:	

BACKGROUND

1. Councillor Bocjun has requested the preparation of an urgent agenda item to allow debate by Councillors on the role of Council in the current rounds of community consultation on the transmission of power to Albany and to the Southdown mine site at Wellstead.
2. The demand for power in Albany and the Great Southern has risen dramatically over the past decade. Councillors were recently briefed by a representative of Western Power on the extent of that increase. Where the Sandpatch Wind Farm originally supplied the equivalent of 70% of the City's power needs, that facility only now supplies approximately 45%. The Federal Street sub-station also was responsible for distributing power to Walpole in the west, to Cranbrook in the north and to Bremer Bay in the east, once the power was reticulated into the region.

Item 18.1 continued

3. Western Power has completed conceptual planning for distributing power to Albany into the future and representatives of that authority have undertaken a series of meeting and open forums with community groups to explore corridor options for new transmission lines.
4. The City has been contacted by community representatives in the Redmond and Napier area, raising concerns over the preliminary routes identified for the transmission lines.

STATUTORY REQUIREMENTS

5. Western Power is required under independent legislation to secure access rights for its transmission line, where it traverses private property, and the authority is subjected to the same environmental processes as private developers.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“Community Vision:

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

- *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 18.1 continued

COMMENT/DISCUSSION

9. The work currently being undertaken by Western Power can be viewed in terms of a number of specific objectives, refer to the attached plans for a visual representation of the officer's comments.

Objective 1:- ensure adequate power can be supplied for Albany's future growth

10. Officers working for Western Power have identified the need to provide additional power into Albany, to meet the City's energy needs for the future. That power is currently supplied by two high voltage lines from the Muja Power Station, near Collie, and reticulated to Albany via the Kojonup Sub-station. The two lines from Kojonup to Albany have limited capacity to support an additional power load.

11. A third line into Albany is required, and Western Power has identified a potential route for that line which runs parallel to the existing Kojonup to Albany infrastructure. Discussions have commenced with communities along the potential route and local opposition is being expressed to Western Power. Opposition is focussed on the impact of that line on existing land uses and the visual amenity of the locality.

Objective 2:- Reinforce the local power transmission network at the local level

12. Several years ago an electrical sub-station was built at Mt Barker to reinforce power supplies into Mt Barker and to Frankland. Prior to that action, the distribution of the power arriving at the southern end of the transmission network was carried out at the Federal Street sub-station (i.e. power was transmitted to Albany and then distributed to outlying areas along smaller distribution mains). Power supply into the region is not secure as any failure of that sub-station would remove the power delivery to businesses and houses.

13. As part of the infrastructure package for the Down Road Timber Processing Precinct, a new sub-station is to be built near Down Road, in close proximity to the high voltage line, and power for that industrial area will be fed off that sub-station rather than from Federal Street. An additional sub-station is then required in the Albany urban area to reinforce the power grid and provide an alternate source of power should a catastrophic event occur at Federal Street.

Objective 3:- Supply power to the proposed magnetite mine at Wellstead

14. Grange Resources is currently working on the finalisation of the environmental management plan to support the mining of the Southdown mineral deposit, as well as gaining the finances needed to build the required infrastructure at the mine site. It is feasible that the mine could be operational between the middle of 2009 and early 2010, provided power can be supplied to the mine site.

Item 18.1 continued

15. Construction of a third power line from Kojonup to Albany cannot be achieved before 2012. Preliminary planning has also been undertaken to construct a power line directly from Kojonup to Wellstead, via Borden, and that project would not be able to be constructed prior to 2014, based upon the personal comments of Western Power staff. Councillors have also been advised that it is feasible to supply “off peak” power to the mine site in 2009 from the Down Road sub-station provided a power line can be built between Albany and Wellstead.
16. Western Power has identified three potential routes for a line between Albany and Wellstead and they are currently meeting with landowners and community groups to determine the practicality of those options.

Power Supply Solutions

17. There has been not clear indication provided by environmental agencies on the success of any of the above route options being endorsed and Western Power staff are currently working on providing up to three separate transmission line routes.
18. The provision of power to Albany and to the Wellstead mine can be achieved in the following manner:
 - a) construction of a third line from Kojonup to Albany to service Albany and the greater region and a transmission line from Kojonup to Wellstead to independently service the mine (i.e. no line between Albany and Wellstead). This option would delay the construction of the Wellstead mine by a minimum of three (3) years; or
 - b) construction of the Albany to Wellstead line to provide short term power to the mine site and then construct the Kojonup to Albany third line to reinforce supplies to both Albany and Wellstead. (i.e. no line between Kojonup and Wellstead, via Borden); or
 - c) construction of the Albany to Wellstead line to provide short term power to the mine site and then construct the Kojonup to Wellstead line to reinforce supplies to both Albany and Wellstead. (i.e. no third line required between Kojonup and Albany).

Item 18.1 continued

19. Regional power generation has also been mentioned as a potential option, to avoid the construction of new power transmission lines. Whilst City staff are not power supply and transmission experts, the verbal advice received from Verve Energy and Western Power is that the impacts of local power generation can be problematic. From the advice received:
- A base load power station (i.e. coal, gas or biomass fired with a constant energy production output) can potentially be fed into the existing power grid, through one of the sub-stations, and power can be fed through the distribution lines to local consumers or via the reticulation main to other consumers on the South West Grid. The construction and firing of a local base load power station could be several years away and it could help to reduce the requirement for larger transmission lines into the region, if guarantees were provided that such a facility would be built; and
 - intermittent power sources (eg wind, solar, etc) are unlikely to diminish the need for an upgrade of the transmission lines into the region. These power sources distribute power only when their primary source of energy generation is available and the base load supplies will still need to be capable of being supplied into the region at all times (i.e. the transmission lines will still need to be capable of supporting the maximum load requirements).

Council's Role

20. The generation, transmission and distribution of power throughout the Great Southern is the responsibility of Verve Energy (plus other private generating companies) and Western Power. Council does not have a role in designing, securing or developing power generation and distribution infrastructure and it is the responsibility of Western Power to undertake the appropriate consultation and approval processes to construct their infrastructure; Western Power and private power generators are ultimately required to gain approvals from the Office of Energy for any works they undertake.
21. Council can assume the role of an advocate on behalf of the community where the community is being disadvantaged by any planned action. Herein lies a dilemma for Councillors. All residents in Albany require access to a constant supply of power and the construction of infrastructure (transmission and distribution lines, sub-stations and power generation) is essential to achieving that primary objective. When sectors of the community are opposed to a route selection option, does Council wish to become advocates on behalf of that community sector? If Council's lobbying is successful and an alternate route offered and that disadvantages another community sector, does Council then advocate again on behalf of that group?
22. It is the view of City staff that Council should remain strategically focussed (i.e. lobbying for stable power supplies) and advise local communities that all concerns should be directed to the relevant agency and regulator to resolve route selection issues and local community opposition.

Item 18.1 continued

RECOMMENDATION

THAT Council resolve to advise the Redmond and the Napier communities that their concerns regarding the route selection for the high voltage Western Power transmission lines from Kojonup to Albany and from Albany to Wellstead should be directed to Western Power or the Office of Energy;

AND

THAT Council advise Western Power and Verve Energy that the City of Albany requires access to a stable supply of power into the future and the authority's planning for transmission lines and power generation respectively should be undertaken with maximum community input and minimal disruption to residents affected by power supply and distribution infrastructure.

Voting Requirement Simple Majority

.....

ADDENDUM TO OFFICER'S REPORT

Napier Public Meeting:

23. At a public meeting held in the Napier Hall on the evening of the 17th September, 2007 community concern was voiced over several aspects of the consultation process undertaken by Western Power on the selection of the corridors for the various transmission lines. Those concerns centred around:
- Inconsistent information being supplied to the communities affected by the respective corridors.
 - Perceptions that the respective communities were being targeted against each other.
 - The poor process methodology for initially selecting corridor alignments and the consultation processes that then followed with the communities affected by those decisions.
 - The compensation methodology to be applied unfairly deals with broad-acre farmers or small landowners.
24. Community representatives from Narrikup, Redmond, Green Range and Napier passed a motion at the meeting that rejected Western Power's proposal for a 220KV power line through the Napier district due to the lack of consultation undertaken and the lack of input from communities into the original route selection process. It was highlighted that many Napier residents were simply not aware of the potential that the transmission line (with 55.0m high steel towers) would be directed through their district.

Item 18.1 continued

25. There was general acknowledgement that additional power needed to be transmitted into Albany to meet current and future demands. The uncertainty over the preferred transmission route preference (three options on the table) was affecting property values and the designation of a 50.0 metre wide easement on any affected title has severe consequences for any affected landowners. Initial discussions indicate that tree companies will be compensated for any commercial losses that they would incur from the loss of production on the transmission corridor, whereas broad-acre farmers would only be given a nominal compensation for the footprint of the towers.

AMENDED OFFICER RECOMMENDATION

1. THAT Council resolve to advise the Redmond and the Napier communities that their concerns regarding the route selection for the high voltage Western Power transmission lines from Kojonup to Albany and from Albany to Wellstead should be directed to Western Power or the Office of Energy;
2. THAT Council advocate on behalf of residents in the Great Southern for more transparent information flows from Western Power to affected communities on the route selection criteria for future high voltage power lines to be constructed between Kojonup and Albany and that Western Power be encouraged to undertake additional consultation with those communities affected by any transmission corridor options.

AND

3. THAT Council advise Western Power and Verve Energy that the City of Albany requires access to a stable supply of power into the future, that the planning for transmission lines and power generation respectively should be undertaken with maximum community input, that any transmission route or generation site that is selected must minimise disruption to adjoining residents and businesses and that fair and equitable compensation should be paid to any landowner where their property is affected.

Voting Requirement Simple Majority

.....

Councillor Lionetti left the Chamber at 9pm and returned at 9.05pm.

Item 18.1 continued

**MOVED BY COUNCILLOR BOJCUN
SECONDED BY COUNCILLOR EMERY**

- 1. THAT Council resolve to advise the Redmond and the Napier communities that their concerns regarding the route selection for the high voltage Western Power transmission lines from Kojonup to Albany and from Albany to Wellstead should be directed to Western Power or the Office of Energy;**
- 2. THAT Council advocate on behalf of residents in the Great Southern for more transparent information flows from Western Power to affected communities on the route selection criteria for future high voltage power lines to be constructed between Kojonup and Albany and that Western Power be encouraged to undertake additional consultation with those communities affected by any transmission corridor options.**

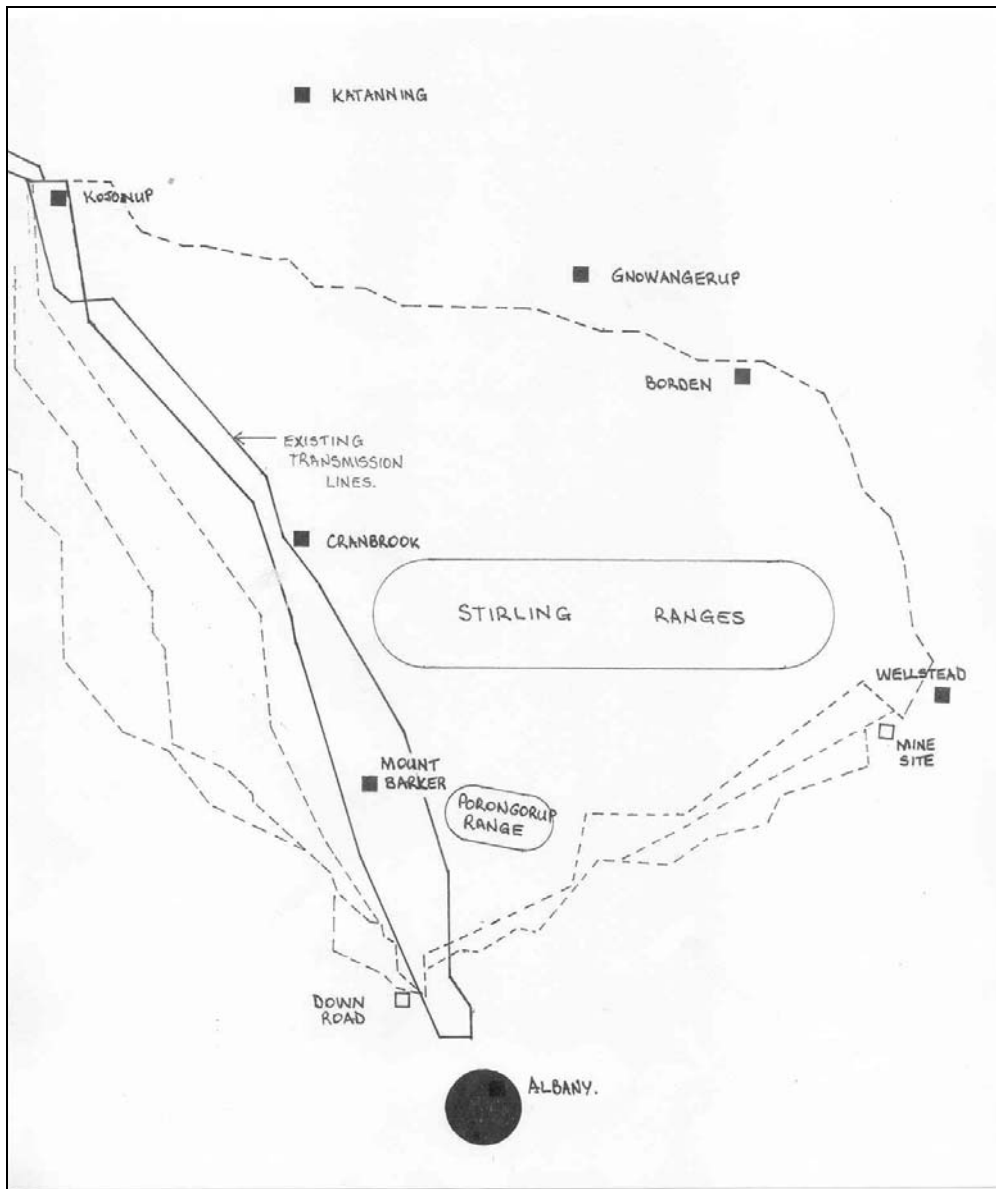
AND

- 3. THAT Council advise Western Power and Verve Energy that the City of Albany requires access to a stable supply of power into the future, that the planning for transmission lines and power generation respectively should be undertaken with maximum community input, that any transmission route or generation site that is selected must minimise disruption to adjoining residents and businesses and that fair and equitable compensation should be paid to any landowner where their property is affected.**

CARRIED 13-0

Councillor Walker returned to the Chamber at 9.10pm.

Item 18.1 continued



19.0 CLOSED DOORS

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT the Council meet behind closed doors to consider 19.1 – Finance Strategy Advisory Committee meeting minutes – 13th August 2007, in accordance with Section 5.23(2)(d) of the Local Government Act 1995 – A Legal Matter, and 19.2 – Internal Review Committee meeting minutes – 11th September 2007, in accordance with Section 5.23(2)(a) of the Local Government Act 1995 – A Matter effecting an employee.

CARRIED 14-0

Members of the public and media vacated the Council Chambers at 9.20pm.

Councillors asked EDCCS how the CONFIDENTIAL Item 19.1 was distributed in the bulletin. EDCCS requested the minute's secretary to respond.

Minutes secretary responded that it was removed from the Agenda and made a CONFIDENTIAL item, in accordance with Section 5.23(2)(d) of the Local Government Act 1995 – A Legal Matter could be pending. However, it was not identified as being documented in the Bulletin.

19.1 Finance Strategy Advisory Committee meeting minutes – 13th August 07

Item 19.1 is a CONFIDENTIAL matter in accordance with Section 5.23(2)(d) of the Local Government Act 1995 – A Legal Matter. The report and recommendations were issued under separate, confidential cover.

The decision of Council is recorded only.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR LIONETTI**

RECOMMENDATIONS:

- 1. That no immediate change be made to the City's investment policy, but that a review be carried out in six months.**
- 2. That pending the policy review, future investments of surplus City funds be restricted to bank fixed term deposits by Council Officers.**
- 3. That the existing reserve fund investments be sold by Grange Securities when mutually agreed.**
- 4. That the City obtain legal advice on the viability of taking legal action against Grange Securities.**

CARRIED 14-0

Finance Officer, Mr Goodman left meeting at 9.26pm, prior to the discussion of Item 19.2.

Councillor Paver left the meeting at 9.41pm before the consideration of item 19.2.

19.2 Internal Review Committee meeting minutes – 11th September 07

Item 19.2 is a CONFIDENTIAL matter in accordance with Section 5.23(2)(a) of the Local Government Act 1995 – A matter effecting an employee. The report and recommendations were issued under separate, confidential cover.

The decision of Council is recorded only.

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WALKER**

THAT item 19.2 is laid on the table till further information is received.

CARRIED 13-0

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WATERMAN**

THAT council open the meeting to the public.

CARRIED 13-0

The meeting was re-opened to the public and media to return to the council chambers at 9.42pm.

Councillor Paver returned to the meeting at 9.42pm.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 16th October 2007, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9:44pm

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cr R Paver	19.2	Impartiality - Impartiality of Interest.
Cr MJ Evans, JP	19.1	Impartiality – Councillor is Chairman of Albany (WA) Community Services Limited.
Cr J Walker	11.1.3	Impartiality - Councillor leases property to another company to grow trees.
	18.1	Impartiality - Power lines could go through property owned by Councillor.
Cr RH Emery	11.1.3	Impartiality - Councillor derives infrequent work from the timber industry.
Cr S Marshall	11.1.3	Financial - Councillor derives income from employment with TOLL, Albany Service Handling, and APEC loading wood chips at Albany Port onto ships for export.
	11.3.2	Impartiality - Councillor is a resident of Little Grove and owns property at 16 King George St that borders the proposed structure plan.
	13.8.1	Financial - Councillor is an employee of TOLL, Albany Bulk Handling and APEC; therefore, derives an income as an employee from handling wood and wood chips for export from the Albany Port.
Cr SM Bojcun	18.1	Financial – Councillor has financial interests in Grange Resources.

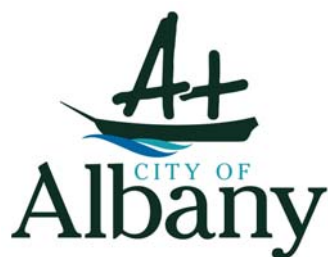
APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil

INTERESTS DISCLOSED BY OFFICERS

Nil



[Agenda Item 12.1.1 refers]
[COUNCIL – 18th September 2007]

SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	Totalling		\$443,460.96
Electronic Fund transfer	Totalling		\$3,193,295.94
Credit Cards	Totalling		\$0.00
Payroll	totalling		\$673,180.00
Total			<u>\$4,309,936.90</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$4,309,936.90** which was submitted to each member of the Council on 18th September 2007 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.

ACTING CHIEF EXECUTIVE OFFICER
(WP Madigan)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$4,309,936.90** which was submitted to the Council on 18th September 2007 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)